

NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
Thursday, October 30, 2025 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID:820-9352-8479 To join the meeting click this link: https://us02web.zoom.us/j/82093528479
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Minutes Review and approve Minutes from September 18, 2025 meeting.

7:30 PM **6 Brook Road** – Advanced Softball Training, LLC, Applicant, applied for a Special Permit Amendment to allow the expansion of the operation of softball training facility with indoor batting cages under Section 3.2.6.2 indoor athletic and exercise facilities; and to modify the waiver of strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law.

7:30 PM* **1545 Central Avenue** –Needham Pool and Racket Club, applicant, applied for an Amendment to the Special Permit issued July 16, 2020 to change the daily closing from 10:00pm to 11:00pm; change the time of the warming hut light to be turned off from 10:30pm to 11:30pm; and to change the opening date of the club from October 1 to September 15 per Section 3.2.1 and any other applicable sections of the Zoning By-Law.

7:30 PM* **0 Colgate Road** – Estate of Patricia M. Connolly c/o Mark Connolly, Appellant, has filed an Appeal of a Building Inspector Decision (ABID) dated September 4, 2025 who denied *the request for determination of adequate/compliant frontage for the lot known as 0 Colgate Road*. The Appellant asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in Single-Residence B per Section 4.2.1 of the By-Law.

Informal Matter **1101 Highland Avenue** – Norfolk Lodge A.F. & A.M. request a continuation of the ZBA Special Permit granted on October 16, 1997 to allow the sale and storage of Christmas trees and related items in the parking lot located at 1101 Highland Avenue.

**Prior cases may delay the precise start time.*

Next ZBA Meeting – November 20, 2025

**NEEDHAM
ZONING BOARD OF APPEALS
MINUTES**

Thursday, September 18, 2025 - 7:30 PM

Charles River Room Public Services Administration Bldg. 500 Highland Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 820-9352-8479
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Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492 on September 18, 2025 at 7:30 p.m.

BOARD MEMBERS PRESENT: Jonathan Tamkin, Chair; Howard Goldman, Vice-Chair; Valentina Elzon, Associate Member.

BOARD MEMBERS ABSENT: Nikolaos Ligris, Member; Peter Friedenberg, Associate Member.

STAFF PRESENT: Kathryn Copley, Administrative Specialist

ATTENDANCE: See attached Sign-In Form

Mr. Tamkin, Chair, presided and opened the meeting at 730 p.m.

1. MINUTES OF AUGUST 21, 2025

Mr. Goldman moved to approve the Minutes of August 21, 2025. Ms. Elzon seconded the motion. The motion was unanimously approved.

**2. 43 FREMONT STREET
SPECIAL PERMIT**

APPROVED

Ms. Elzon moved to grant 1) a Special Permit to allow the operation of an automobile repair use under Sections 1.4.6; and 2) a Special Permit to waive the parking plan and design requirements under Sections 5.1.1.5 and 5.1.3. Mr. Goldman seconded the motion. The motion was unanimously approved. A written decision will be prepared.

The meeting adjourned at 8:15 p.m.

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. Copies of the Decisions are filed at the Board website linked here:

<https://needhamma.gov/Archive.aspx?AMID=141&Type=&ADID=>

or by contacting Daphne Collins, Zoning Specialist, dcollins@needhamma.gov or 781-455-7550, ext. 72261.

The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/> and <https://www.youtube.com/@TownofNeedhamMA/videos>

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
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*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

September 30, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Advanced Softball Training LLC
6 Brook Road, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Advanced Softball Training LLC (hereinafter the Applicant and “Advanced Softball”) in connection with the proposed expansion of its softball training facility with indoor batting cages in the Mixed Use-128 Zoning District at the property known and numbered 6 Brook Road, 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 and floor plans;
3. Seven copies of Memorandum in Support of Application of Advanced Softball Training LLC;
4. Seven copies of authorization letter; and
6. Check in the amount of \$200 for the applicable filing fee.

The Premises, which is located at the corner of Wexford Street and Brook Road, is occupied by an existing commercial building and associated parking. Pursuant to Decision of the Board dated May 15, 2025 (the “Decision”) approximately 60% of the building is currently used and occupied by Advanced Softball for indoor athletic or exercise facility purposes, in the form of a softball training operation, approximately 32% is used and occupied by Chilly Bears in connection with its apparel decorating, screen printing and embroidery business, and the balance of the building is occupied by a common hallway and bathroom facilities.

At the time of the Decision, it was contemplated that Advanced Softball might eventually expand to occupy the entire building, possibly in one to two years time. However, the situation has changed, and Chilly Bears is now about to cease operations at the Premises. As a result, Advanced Softball would like to expand its use to occupy the entire building, a bit earlier than previously anticipated.

After consultation with the Building Commissioner, the proposed softball training facility continue to fall into the indoor athletic or exercise facility use category. However, after further discussion and review, the applicable parking standard is now changed. Previously, the parking standard applicable to standard indoor athletic or exercise facilities was applied. But now, due to substantially similarities in clientele and drop-off / pick-up, the day care standard is more relevant and applicable. As a result, a waiver from the number of required parking spaces may no longer be required. However, because the off-street parking spaces in existence at the site do not comply with design requirements, a waiver from same remains necessary.

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	Advanced Softball Training LLC			Date:	9/30/25
Applicant Address	C/O Emily Sargent 88 Harnden Avenue, Watertown, MA 02472				
Phone	774-261-0559	email	emilysargent19@gmail.com		
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other_____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	George Giunta, Jr., Esq.				
Address	P.O. Box 70, South Weymouth, MA 02190				
Phone	781-449-4520	email	george.giuntajr@needhamlaw.net		
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____					
Contact ☒ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	6 Brook Road		
Map/Parcel Number	Map 74 / Parcel 30	Zone of Property	Mixed Use-128 Zoning District
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☒ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Existing commercial building used and operated, in part, by "Chilly Bears" for apparel decorating, screen printing, embroidery and similar activities open to the general public, and, in part, by Advanced softball Training, LLC for an indoor exercise or athletic facility in the form of a softball training facility with indoor batting cages.

Statement of Relief Sought:

1. Amendment to Special Permit dated May 15, 2025, issued to Advanced Softball Training, LLC, to permit expansion of indoor exercise or athletic facility to the entire Premises and including modification to waiver of off-street parking requirements.
2. Any and all other relief as may be necessary for the use of the entirety of the Premises as a softball training facility with indoor batting cages.

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

3.2.6.2, 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 <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <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.

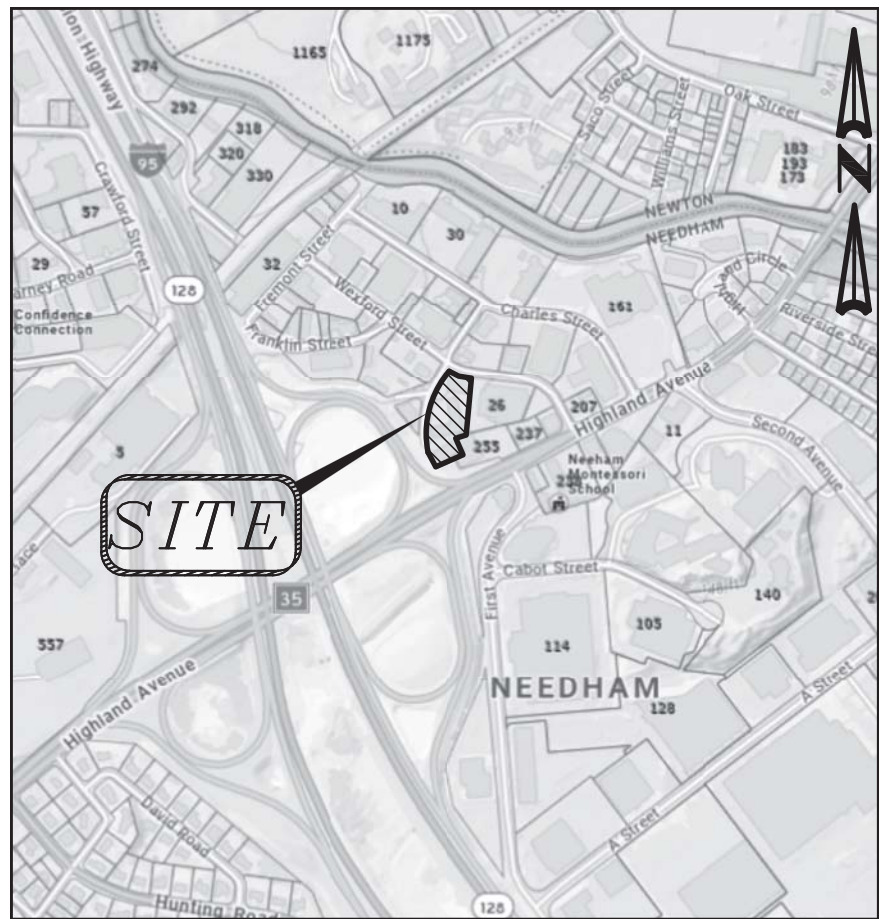
I certify that I have consulted with the Building Inspector prior to filing this application.

date of consult

Advanced Softball Training LLC

Date: September 30, 2025 Applicant Signature George Giunta Jr
by its attorney
George Giunta, Jr., Esq.

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*



LOCUS MAP
(NOT TO SCALE)

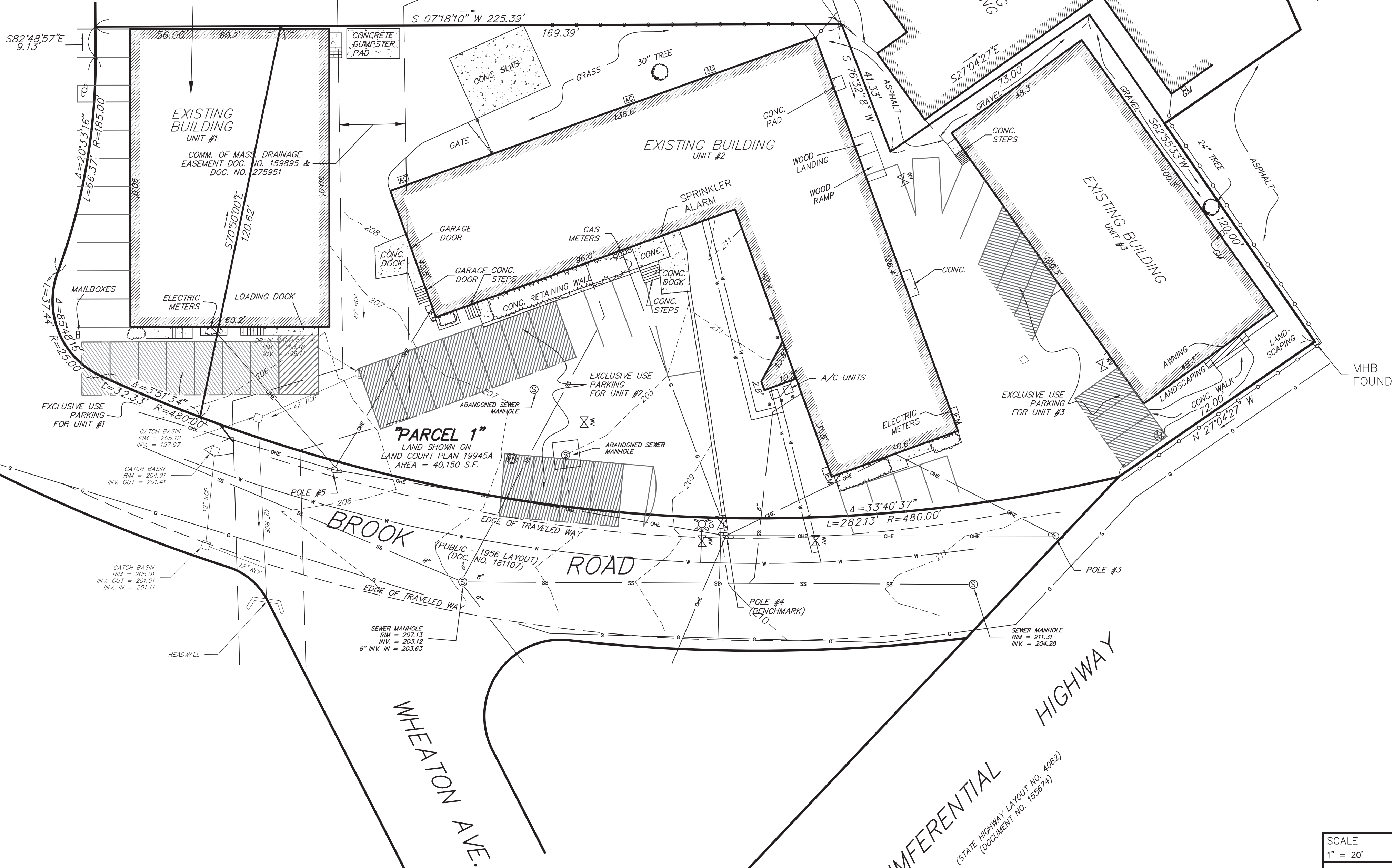
WEXFORD STREET
(Public - 1896 LAYOUT)
(DEED BOOK: 3481 PAGE: 208)

ARLINGTON ROAD

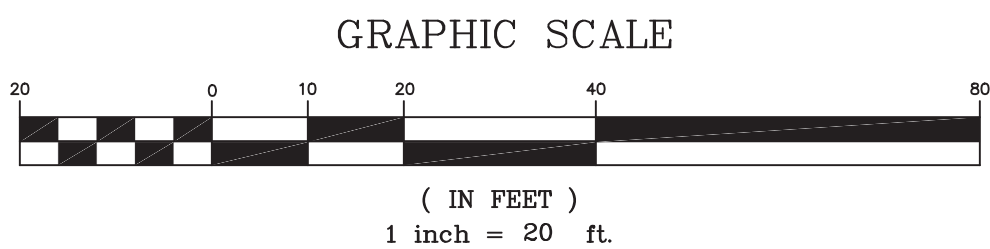
ASSESSOR'S MAP 74
LOT 31

"PARCEL 2"
LOT 118 SHOWN ON PLAN
OF "FREMONT PARK"
PLAN BOOK: 18,
PLAN NO. 822
AREA = 5,513 S.F.

ASSESSOR'S MAP 74
LOT 39



LEGEND	
	HANDICAP RAMP
	CATCH BASIN
	DRAIN MANHOLE
	SEWER MANHOLE
	SEWER LINE
	GAS VALVE
	GAS LINE
	GAS METER
	HYDRANT
	WATER VALVE
	WATER LINE
	MONITORING WELL
	UTILITY POLE
	OVERHEAD ELECTRIC LINE
	ELECTRIC METER
	AIR CONDITIONER UNIT
	BOLLARD
	BOUND
	MANHOLE
	CHAIN LINK FENCE
	CONTOUR LINE (MNR)
	CONTOUR LINE (MJP)
	PROPERTY LINE
	TREE



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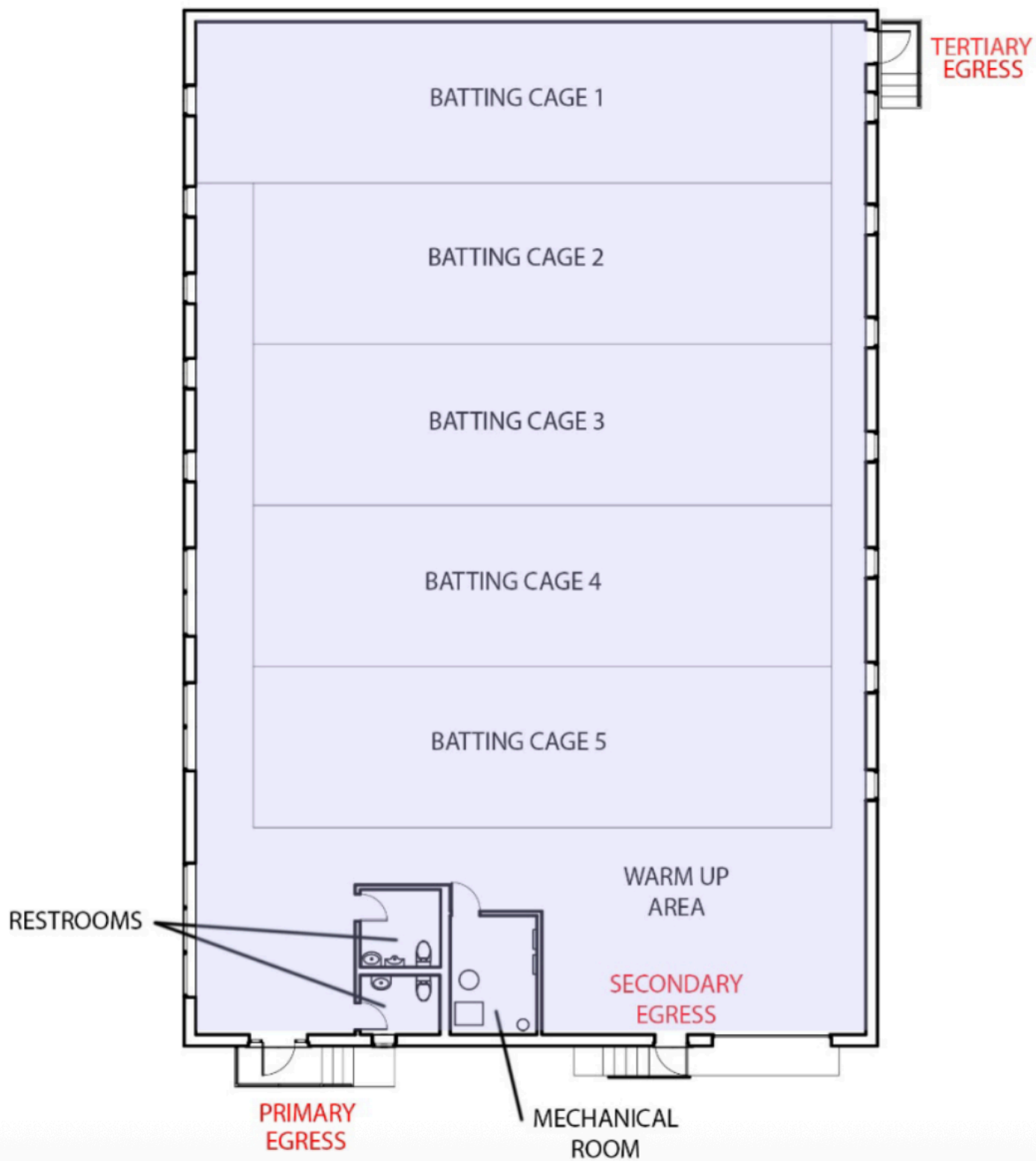
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SCALE 1" = 20'				
DATE 01/21/25	REV	DATE	REVISION	BY
SHEET 1 OF 3				
FILE # EX00				
JOB # 2024-119				
DRAWN BY JPM				
CHKD BY SMH				
APPD BY SMH				
SPS SOLUTIONS 36-56 BROOK ROAD NEEDHAM, MASSACHUSETTS EXISTING CONDITIONS PLAN				
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com				

STEVEN M. HORSFALL
No. 41608
PROFESSIONAL LAND SURVEYOR

Steven M. Horsfall
Digitally signed by Steven M. Horsfall
Date: 2025.03.07 12:41:12 -05'00'

SHEET NO.
1



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

September 30, 2025

MEMORANDUM IN SUPPORT OF
APPLICATION FOR AMENDMENT
TO
SPECIAL PERMITS
Advanced Softball Training LLC
6 Brook Road, Needham, MA

The applicant, Advanced Softball Training LLC (hereinafter, interchangeably, the “Applicant” and “Advanced Softball”), seeks amendment to previously issued Special permit pursuant to Section 3.2.6.2 for an indoor athletic or exercise facility, a Special Permit pursuant to Section 5.1.1.5 waiving the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements), all as set forth in Decision of the Board dated May 15, 2025 (the “Decision”); and any and all other relief as may be necessary for the use of the entirety of the Premises for a softball training facility with indoor batting cages, as described herein.

I. EXISTING CONDITIONS / BACKGROUND

The Premises is located in the Mixed Use-128 Zoning District at the corner of Wexford Street and Brook Road and is identified on Assessor’s Map 74 as Parcel 30. It consists of a one-story commercial building containing approximately 5,577 square feet of space, as well as 17 existing parking spaces adjacent to and used in connection therewith; seven on the Brook Road side of the building and ten on the Wexford Street side. The building appears to have been built and developed and the parking laid out in 1966 pursuant to building permit no. 6705. Based on available records, it appears that the building and the existing parking surrounding the building have existed without material change since that time.

The building was used and occupied for many years by Anderson Machine Company, Inc. for warehouse and manufacturing purposes, and then, for over twenty years, by Chilly Bears, a company specializing in the production and manufacture of decorated apparel, including screen printing and embroidery. At present, approximately 60% of the building is used and occupied by Advanced Softball for its softball training operation (as authorized by the Decision), 32% is used and occupied by Chilly Bears for its apparel business, and the remainder occupied by common hallways and facilities.

The building is one of three (3) buildings within the Brook Road Condominium, a commercial condominium established pursuant to Master Deed, dated November 14, 2006, recorded with Norfolk County Registry of Deeds in Book 24268, Page 112.¹ Each building in the condominium is a separate, stand-alone structure, with its own independent access and parking.

II. PROPOSED CHANGE

A. Use

At the time of the Decision, it was contemplated that Advanced Softball might eventually expand to occupy the entire building. However, such expansion was not anticipated to occur for at least one to two years. But now, the situation has unexpectedly changed, with Chilly Bears about to cease operations at the Premises. As a result, Advanced Softball would now like to expand its use to occupy the entire building.

As part of the expansion, Advanced Softball proposes to remove nearly all the interior partition walls to create one large open space, and add two batting cages.² As before, all batting cages will feature turfed flooring and will be separated by netting that can easily be moved to open up the entire space. In connection with the proposed expansion, a small increase in both the number of clients and staff is anticipated. In particular, the maximum number of clients is will increase from the previous approved maximum of 18 to 20, and the maximum number of staff will increase from 3 to 4. As a result, total maximum number of people expected at any given time will increase from 21 to 24. Otherwise, the operation will remain substantially and materially the same as originally approved.

The business will continue to provide both one on one instruction as well as group training and lessons, including strength and conditioning. With the expansion and slight increase in the number of clients, groups will now be limited to no more than 20 participants with a maximum of 4 instructors (as opposed to 18 participants with 3 instructors previously). As before, these services will account for approximately 90% of all business. The remaining 10% will remain as open bookings / rentals of the batting cages.

¹ The other two buildings are the “L” shaped building at 50 Brook Road and the rectangular building at 56 Brook Road, both of which are further along Brook Road from Wexford Street.

² Only the walls surrounding the existing bathrooms and mechanical room will remain.

The target clientele will remain youth athletes, ranging in age from 10 to 18 years old, with the majority being between 12 and 15. And as before, most clients will be dropped off by parents and are picked up after sessions. Older clients may drive themselves, but based on experience, no more than about 20% of all attendees are old enough to drive and even then, not all of them will drive themselves. Hours of operation will remain 6 AM -10 AM and 3 PM – 9 PM on weekdays, and 8 AM – 9 PM on weekends.

B. Parking

Section 5.1.3 of the By-Law, “Required Parking”, sets forth various categories of uses and the parking demands associated therewith. There is no set category for a softball coaching facility with indoor batting cages. However, previously, the Building Commissioner determined that the Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment category was most appropriate. That category requires one parking space “for each 150 square feet or fraction thereof of gross floor area and one space of each three employees to be employed or anticipated or to be employed on the largest shift”.

Applying such standard, the parking demand associated with the proposed use was previously calculated to be 24 spaces, as follows:

$3,346 \text{ square feet of space} \div 150 = 22.31 \text{ spaces} + 1 \text{ space for three employees} = 23.31$, or 24 spaces (rounded up).

In addition, the continued use of the remainder of the building by Chilly Bears was calculated to require 6 spaces, calculated as follows:

$1,785 \text{ square feet of space} \div 300 = 5.95 = 6 \text{ spaces (rounded up)}$

As a result, the total calculated parking demand for the building was previously calculated to be 31 spaces.

However, in recent consultation with the Building Commissioner to review the within application for expansion, he expressed agreement that the day care center category would be appropriate, given the substantially similar clientele and drop-off and pick-up patterns. That standard, which is set forth in the ITE technical manual, would require 63% of the total of spaces calculated based on 3.6 spaces per 1,000 square feet of gross floor area. Applying such standard to the Premises results in a parking demand of 13 total spaces, calculated as follows:

- a. $5,577 \text{ SF} \div 1,000 = 5.557 = 5.58$ rounded up
- b. $5.58 \times 3.6 = 20.08$ space required
- c. $63\% \text{ of } 20.08 = 12.65 = 13$ total spaces required (rounded up)

As mentioned above, there are currently 17 parking spaces adjacent to the building; seven on the Brook Road side and ten on the Wexford Street side. In addition, there are approximately 8 other non-exclusive parking spaces within the three building condominium that are available for general use. As a result, if the day care parking standard is utilized, there is a sufficient number of parking spaces at the Premises and a waiver from the number of spaces is not required.³

However, the existing parking spaces still do not comply with many of the design guidelines set forth at Section 5.1.3. As indicated above, it appears these spaces were created in or about 1966 when the building was constructed, well prior to the adoption of parking requirements in the 1980s. While not an exhaustive list, the spaces clearly do not comply with the requirements of subsection (a) relative to illumination, subsection (c) relative to handicapped parking, subsection (d) relative to driveway openings, subsection (h) relative to parking space layout, subsection (j) relative to parking setbacks, subsection (k) relative to landscaping, and subsection (l) relative to trees. In addition, the spaces may also fail to comply with the requirements of subsection (f) parking space size. As a result, while the Applicant is not proposing any change or alteration to the existing parking, a waiver from the applicable design guidelines is still required.

III. 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.”

³ However, if the indoor athletic or exercise facility or personal fitness service establishment parking category were applied, the parking demand would be 40 total spaces, calculated as follows: $(5,577 \text{ square feet} \div 150 = 37.18 \text{ spaces}) + (4 \text{ employees} @ 1 \text{ space} / 2 \text{ employees} = 2 \text{ spaces}) = 39.18 \text{ spaces} = 40 \text{ spaces}$, rounded up, and a further waiver from the number of required spaces would be necessary.

Pursuant to Section 3.2.6.2 of the By-Law, the request for an amendment to the previously issued special permit for an indoor athletic or exercise facility 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.

IV ARGUMENT / ANALYSIS

A. Use

The proposed use of the entire Premises for a softball training facility with indoor batting cages remains consistent with both the general and specific purposes of the By-Law. Provision of athletic instruction as proposed will promote the welfare and interests of the residents of the Town of Needham by enhancing and facilitating the physical development and well-being of residents within the Town. And the expansion of the use to encompass the entire building is not anticipated to have any material affect on the impact of such use.

The Premises is in a highly developed, mixed commercial and industrial area, within an existing commercial zoning district that contemplates a mixture of uses, specifically including uses such as the one proposed. Therefore, the proposed use will remain compatible with the spirit

and intent of the Zoning District as well as the characteristics of the surrounding area and the Applicant asserts that the proposed use complies with the applicable provisions of both Chapter 40A and the By-Law.

B. Parking

Advanced Softball previously anticipated a maximum of 18 clients with a maximum of 3 staff, for a total maximum occupancy of 21. Based on information provided by the owner / operator of Chilly Bears, the maximum number of staff on site at any given time was expected to be 3 people. As a result, the maximum number of people expected to be on site at any given time was 24. This was substantially less than the 31 spaces previously calculated as required. It is also the same maximum occupancy currently anticipated in connection with the proposed expansion of the softball training facility.

Furthermore, after further consideration and discussion, the Building Commissioner, it now appears that, given the characteristics of the use, the day care center parking standard is more appropriate for this particular use. Applying that standard, the total number of spaces required is 13, which is 4 less than the total number of spaces at the Premises. As a result, the Applicant asserts that there is sufficient parking available on site to accommodate the proposed expansion into the entirety of the building.

In addition, the existing 17 parking spaces, which have been in existence for over 40 years, do not comply with current design standards. Whereas no changes are proposed to the parking, Advanced Softball asserts that a 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 arrangement, location and layout of the existing building and parking, nearly all, if not all the existing parking would need to be removed.

V. CONCLUSION

The Board recently approved the use of approximately 60% of the building at the Premises as a softball training facility with indoor batting cages. The expansion of such use into the remainder of the building will not result in any material change to either the operation of such use or its impacts on the area. Only a small increase in number of clients and staff is anticipated, and the expansion will not affect operational activities in any meaningful way.

The expansion of the proposed use into the entire building, is permissible by special permit for an indoor athletic or exercise facility. Moreover, based on a reevaluation of parking, there is sufficient parking available on site to support the proposed expansion. However, the spaces will remain noncompliant with respect to design requirements, and therefore a parking waiver will still be required. Based on all the foregoing, Advanced Softball asserts that the requested zoning relief for the proposed expansion is both proper and appropriate and should be granted.

Respectfully submitted,
Advanced Softball LLC
by its attorney,



George Giunta, Jr., Esquire
P.O. Box 70
South Weymouth, MA 02190
781-449-4520

L & T, LLC
52 Brook Road
Needham, MA 02494

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 6 Brook Road, Needham, MA
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that L & T, LLC, owner of the commercial property known and numbered 6 Brook Road, Needham, MA (the "Premises"), has authorized Emily Sargent, acting on her own or through her 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 said Premises for an indoor athletic or exercise facility. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive any and all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

L & T, LLC

A handwritten signature in black ink, appearing to be 'E. Pidcock', written over the printed name of Edward P. Pidcock.

By Edward P. Pidcock
Manager



**Town of Needham
Building Department
500 Dedham Avenue
Needham, MA 02492
Tel: 781-455-7550**

October 8, 2025

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 6 Brook Rd.

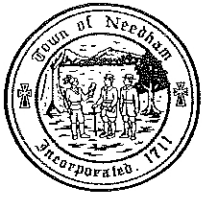
Dear Board Members,

This office has reviewed this proposal to expand the recently approved operation of Ace of Diamonds baseball and softball training facility by approximately 40%, resulting in the use of the entire building for this single entity, by amending its existing Special Permit.

This office has no additional concern for this proposal.

Sincerely,

Joe Prondak
Building Commissioner



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

October 21st, 2025

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Special Permit Amendment
6 Brook Road - Special Permit Amendment

Dear Members of the Board,

The Department of Public Works has completed its review of the above-mentioned Special Permit Amendment for the special permit from its current use to a softball training facility.

The documents submitted for review are as follows:

- Application for Special Permit dated 9/30/25.
- Cover Letter by George Giunta 9/30/25
- Site Plan of existing conditions by SPS Solutions dated 1/21/25
- Interior floor Plan
- Memorandum of Support Dated 9/30/25

Our comments and recommendations are as follows:

- We have no comment or objection to the proposed amendment.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer

Daphne Collins

From: Tom Conroy
Sent: Friday, October 17, 2025 8:56 AM
To: Daphne Collins
Subject: RE: 6 Brook Road - ZBA Administrative Review - Due Oct 21, 2025

No issues with fire.
Thanks,



Thomas M. Conroy

Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, October 7, 2025 11:21 AM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 6 Brook Road - ZBA Administrative Review - Due Oct 21, 2025

Good Afternoon –

6 Brook Road – Advanced Softball Training LLC applied for a Special Permit Amendment to permit the expansion of indoor exercise or athletic facility to the entire premises and to modify the waiver of off-street parking requirements pursuant to Section 3.2.6.2, 5.1.1.5, 5.1.2, 5.1.3 of the By-Law. The property is located in the Mix-Use 128 (MU-128) zoning district.

Attached please find the application with its associated back-up documents for your information and review. I also included the current Special Permit the Applicant is seeking to amend.

I appreciate your comments no later than **October 21, 2025** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Thank you,

Daphne

Daphne Collins

From: Tara Gurge
Sent: Tuesday, October 21, 2025 11:23 AM
To: Daphne Collins
Subject: RE: 6 Brook Road - ZBA Administrative Review - Due Oct 21, 2025/Public Health comments

Daphne –

The Public Health Division conducted the Zoning Board review for the expansion proposal for the property located **at #6 Brook Road**. The Public Health Division has no comments to share at this time.

Thank you,



Tara Gurge, MS, RS ([she/her](#))
Assistant Director of Environmental &
Community Health
Needham Public Health Division
Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494
Office: (781) 455-7940 ext 74211
Fax: (781) 455-7922
Mobile: (781) 883-0127
www.needhamma.gov



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**Needham Public
Health Division**
Prevent. Promote. Protect.

Please be advised that the Massachusetts Secretary of State Office has determined that this email may be considered a public record.

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, October 7, 2025 11:21 AM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 6 Brook Road - ZBA Administrative Review - Due Oct 21, 2025

Good Afternoon –

**MICHAEL A. CROWE
ATTORNEY AT LAW
200 HIGHLAND AVENUE
SUITE 302
NEEDHAM, MA 02494
781-444-5855**

MICHAELACROWEESQ@GMAIL.COM

October 3, 2025

Via email to: townclerk@needhamma.gov and dcollins@needhamma.gov

And Hand Delivery to:

Town Clerk's Office
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

RE: Application for Amendment to Special Permit
Property: 1545 Central Avenue, Needham, MA
Applicant: Needham Pool & Racquet Club, Inc.

Dear Sir/Madam:

Enclosed please find seven copies the following:

Needham ZBA Application for Hearing.
2020 Special Permit that Applicant is requesting to Amend.
Overall Sit Layout Plan Prepared by DiPrete Engineering.
Illumination Plan.
Night Photo, Night Photo 2 and Day Photo.
Memorandum in Support of the Application.
My check in the amount of \$200.00 for the application fee.

Please have the matter scheduled for the October 30th meeting. Thank you for you assistance and cooperation in this regard.

Sincerely



Michael A. Crowe

MICHAEL A. CROWE
ATTORNEY AT LAW
PH: 781-444-5855
200 HIGHLAND AVE. SUITE 306
NEEDHAM, MA 02494

5-7515/110

8578

DATE

10/3/25

PAY TO THE
ORDER OF

Town of Needham

\$200.00

Two Hundred

100

DOLLARS



Security Features
Included
Details on Back

Santander
Santander Bank, N.A.

MEMO

ZBA - fee

MP

⑆011075150⑆ 68400020209⑈ 8578



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	Needham Pool & Racquet Club, Inc.	10/3/25
Applicant Address	1545 Central Avenue, Needham, MA 02492	
Phone		email
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____		
If not the owner, a letter from the owner certifying authorization to apply must be included		
Representative Name	Michael A. Crowe	
Address	200 Highland Avenue, Needham, MA 02494, Suite 302	
Phone	781-444-5855	email michaelacroweesq@gmail.com
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____		
Contact ☒ Me ☐ Representative in connection with this application.		

Subject Property Information

Property Address	1545 Central Avenue		
Map/Parcel Number	Map 226 Lots 21&22	Zone of Property	SRA
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☒ Yes ☐ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☒ Yes ☐ No			
Do the spaces meet design requirements? ☒ Yes ☐ No			
Application Type (select one): ☐ Special Permit ☐ Variance ☐ Comprehensive Permit ☒ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Nine + Acres of land with Swimming pools, clubhouse, tennis courts and accessory facilities all pursuant to a Special Permit issued in 1962 and three Paddle Tennis Courts, warming Hut, fencing and lighting as approved by an Amendment to the 1962 Special Permit dated July 16, 2020.

Statement of Relief Sought:

1. Change the daily closing time from 10:00 PM to 11:00 PM, in Decision #3 and #4, page 18 of Amendment;
2. Change the time the warming hut lights must be turned off from 10:30 PM to 11:30 PM, in decision #4, on page 18, of the amendment;
3. Change the opening date of the club from October 1, to September 15, in decision #3, on page 18 of the amendment;

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

3.2.1 and 7.5.2 or any applicable sections of the By-laws.

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:
2021

Date Lot was created:
1963

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

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 have consulted with the Building Inspector October 2, 2025.
date of consult

Date: 10/3/25 Applicant Signature [Signature]

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

RECEIVED TOWN CLERK
NEEDHAM, MA 02452

2020 SEP 23 PM 3:12

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

SPECIAL PERMIT AMENDMENT

*Needham Pool and Racquet Club, Inc., applicant
1545 Central Avenue*

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts 2020)

July 16, 2020

Needham Pool and Racket Club, Inc., applicant, made application to the Board of Appeals for a Special Permit Amendment under Sections 3.2.1, 4.1.6.3, 5.1, 7.5.3 and any other applicable Sections of the By-Law to allow the construction of three paddle tennis courts, warming hut, viewing stand, fencing and lighting, and operation of the same from October to May. The property is located at 1545 Central Avenue, Needham, MA in the Single Residential A District. A public hearing was held remotely on Zoom Meeting ID Number 869-6475-7241, on Thursday, July 16, 2020 at 8:00p.m.

Documents of Record:

- Application for Hearing, Clerk stamped June 22, 2020.
- Cover Letter from Michael A. Crowe, Attorney, June 22, 2020.
- 1545 Central Avenue – ZBA Special Permit, December 11, 1962.
- *Special Permit – Proposed Paddleball Courts*, Needham Pool and Racquet Club. Prepared by DiPrete Engineering – Proposed and Existing Conditions, Construction Plans and Elevations, Aerial Photo, Lighting Plan, Storm Water Master Plan, Storm Water Pollution Prevention Plan, and Drainage Analysis.
- Letter from Lee Newman, Director of Planning and Community Development, July 8, 2020.
- Letter from David A. Roche, Building Commissioner, July 8, 2020.
- Email from Dennis Condon, Chief of Department, Needham Fire Department, June 30, 2020.
- Email from Anthony DelGaizo, Town Engineer, July 10, 2020.
- Email from Tara Gurge, Assistant Public Health Director, July 6, 2020.
- Email from Chief John Schlittler, Police Department, June 30, 2020.
- Letter from Debbie Anderson, Director of Conservation, July 7, 2020.
- Email from John McCarthy, July 14, 2020.
- Email from Jenny Qu, July 15, 2020.
- Drone Photo of Paddle Court, July 15, 2020.

property address: 1545 Central Ave., Needham
cert. of title # 72928, Book 365, Page 128

- Research links
<https://www.theridgefieldpress.com/news/article/Rowdy-paddle-courts-will-move-14301831.php>
<https://www.birminghammail.co.uk/news/midlands-news/sports-clubs-tennis-court-plan-17032044>
<https://www.athleticbusiness.com/industry-press-room/athletic-club-quiets-paddle-ball-court-noise-with-acoustifence.html>
<https://www.athleticbusiness.com/industry-press-room/athletic-club-quiets-paddle-ball-court-noise-with-acoustifence.html>

Documents submitted before or at the August 20, 2020 hearing:

- Email and attachments from Dennis Pennington, August 9, 2020.
- Email from John McCarthy, August 10, 2020.
- Emails from Catherine McCarthy, July 17, 2020 and August 6, 2020.
- Petition from Catherine McCarthy, August 10, 2020.
- Email from Tara Gurge, Assistant Public Health Director, August 6, 2020.
- Email from Livia Rizzo, August 20, 2020.
- Letter from Michael Crowe, August 10, 2020.
- Updated Lighting Plan,
- Sample Noise Impact Assessment.

July 16, 2020

The Board held this meeting virtually as allowed under "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20."

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Peter Friedenberg, Associate Member. Also participating was Kathy Lind Berardi, Associate Member. Mr. Schneider opened the hearing at 8:10 p.m. by reading the public notice.

Michael Crowe, attorney for the applicant, reported that Needham Pool and Racquet Club, Inc. ("NPRC") has been in operation since 1962 under a Special Permit issued December 11, 1962 (the "1962 Special Permit"). The applicant is proposing to add three paddle courts, a warming hut and viewing stands with associated lighting. Paddle tennis is similar to tennis, but played in the winter mainly during the evening. The proposed operation would be from 8:00 a.m. to 11:00 p.m., seven days a week, October through May.

The property has 80 parking spaces including handicapped spaces. The proposed paddle tennis program has a maximum parking need of 36 spaces, based on the assumption that not more than 36 people would be using the paddle tennis facilities at any one time. Mr. Crowe noted that there is no need for a parking study since there is sufficient parking and the paddle tennis use will occur when the NPRC is closed. Mr. Crowe stated that the Building Inspector requested that the parking lot be restriped and signage for the handicapped spaces be installed.

He noted that there will be zero light spillage beyond the property as required by Town regulations.

The property has wetlands. The proposed project will be outside the wetlands area. The Conservation Director has requested that a plan delineating the wetlands resource area be

provided to identify its boundaries.

The proposal will not add to the septic system. A bathroom will be provided in the warming hut with a composting toilet.

Barry Nectow, who is leading the effort for the new facility, said that he is a paddle player and plays with a small club in Brookline at Pine Manor College. He noted that the game is played at night outdoors during the winter months. He stated that the game is similar to tennis and, like squash, the fence around the courts is in play. The Boston area has an active league. The matches are generally played between 6:00 p.m. and 10:00 p.m. The proposed paddle courts and warming hut are sited to be out of the way of neighbors and to fit in the NPRC campus. The paddle program will be active from Labor Day to Memorial Day.

The paddle program will be operated by a separate entity from the NPRC that will lease the ground and pay rent to the NPRC. The program is projected for a maximum of 150 individuals and they hope to be fully subscribed in three years.

Mr. Tamkin inquired about the appearance of the courts. The applicant provided a drone photo of existing paddle tennis courts. Mr. Nectow noted that Wellesley Country Club, across from Babson College, has paddle courts and screens like those being proposed here.

Brandon Carr, engineer with DiPrete Engineering, reported that they had completed the wetlands resource delineation and will be following up with the Conservation Director. The work will be 150 feet outside the wetlands, so no Conservation Commission approval will be required. The proposed courts will be located in the center of the property in a wooded area which will be cleared off and graded to capture stormwater. The courts are raised decks with open boards to allow rainwater to drain off the courts to a stone base which allows for ground infiltration.

The proposed toilets will not be tying into the septic system. Self-contained composting toilets will be provided in the warming hut. A model from the MASS DEP's list of approved manufacturers will be selected. The project will be located away from the existing septic system components.

The site work for the project will be minimal because the raised deck system is built on piers. Some of the area pathways will need to be rerouted.

The lighting plan indicates that the lighting will not spill beyond the courts. The courts are 400 to 500 feet from the closest residential neighbors.

Chris Casiraghi, Reilly Green Mountain Platform Tennis Courts, indicated that the raised deck material for the courts is aluminum and will be heated to melt any snow or ice that cannot be cleared off the courts by hand. The raised deck allows for easy snow removal. The courts will be one foot off grade and will taper downhill. The courts are enclosed with a skirting material which maintains the heat and acts as a sound barrier. The warming hut will be an enclosed structure. The deck surface is an aggregate of epoxy paint and aluminum oxide which provides a non-slip surface and absorbs sound. The players and balls can bounce off the screens surrounding the courts, which have flexibility and sound absorbency.

There will be six LED lights which are 20 feet tall. There is little light spill with the light directed on the courts. The zero-foot candle limit occurs well within the boundary of the property.

Kevin Kileen, current president of the NPRC, reported that the Board of the NPRC voted unanimously in support of the project and the creation of a separate LLC to lease the land from NPRC, Inc. and then build and operate the paddle facility.

Mr. Tamkin inquired if any tennis courts would be eliminated. Mr. Crowe responded that no tennis courts would be eliminated. The proposed site of the paddle facility is presently undeveloped.

Tony DiBiasio, paddle manager of the Dedham Country Club, reported that they have four paddle courts. He said it was a growing sport. There have been no complaints about noise or lighting from the paddle courts in Dedham. It's generally an affluent adult sport. They offered clinics for children. Most paddle courts are located at country clubs.

Mr. Schneider inquired if alcohol was going to be allowed at the facility. Mr. Crowe responded that the same alcohol policy as for the NPRC will apply. Mr. Kileen said that the NPRC alcohol policy allows alcohol during the weekends – Friday, Saturday and Sunday. They obtained their liquor license four or five years ago. Alcohol is allowed in the tent area between the Club and the pool area. Mr. Nectow added that alcohol will be allowed for the paddle operation on a carry-in/carry-out system without the need of a liquor license.

Mr. Schneider asked if the new entity will be a non-profit. Mr. Crowe responded that it would be a separate not-for profit entity; and four of the five board members are members of the NPRC.

Mr. Schneider asked about the noise and lighting. Mr. Casiraghi responded that the light spillage is less than the lights for baseball and football fields. The three paddle courts are compact and use less area space than one tennis court. The courts will be located in the woods which provides screening.

Mr. Casiraghi said that sound has never been an issue with paddle courts. You cannot hear the ball or the players running on the courts or bouncing into the screens. He has built 6,000 courts in 26 states and sound has never been an issue. Lighting, however, has been a concern. He noted that paddle tennis is played in the winter when most people are indoors with the doors and windows closed.

The following comments were received:

- The Planning Board had no comment.
- The Fire Department had no issue.
- The Police had no issue.
- The Engineering Department identified that the applicant has not signed the Stormwater Forms for delegating responsibility for the project, construction and maintenance.
- The Health Department requested that an *Addition to a Septic System* form be submitted to the Health Department and that this proposal not add to the existing load of the existing septic system; Covid19 distancing protocols be in place for the courts,

- warming hut and viewing stands; and that lighting not spill or cause a public health nuisance. If complaints are received, lighting may need to be adjusted.
- The Building Commissioner requested if issued, any permit contain conditions for the parking spaces to be restriped, that the handicapped spaces have the required signage and that a chain obstructing access for the handicapped from the parking lot to the building be removed.
- The Conservation Commission requested a delineation of the wetlands on the property be provided.
- John McCarthy opposed the proposal because it has commercial implications, the year-round use, the hours of operation until 11:00 p.m., the light and noise generation, the compost toilets, and the negative impact on his property value.
- Jenny Qu opposed the proposal because of the noise, increase in traffic, use of alcohol and the light pollution.

Mr. Tamkin did not see any document which identified Needham Platform Tennis Club, LLC, the proposed paddle entity, as a non-profit entity. Mr. Crowe responded that Paragraph 4 on the Certificate of Organization of that entity filed with the Secretary of the Commonwealth identifies it as a "private club not conducted as a business". Mr. Tamkin responded that notwithstanding that, there is nothing that identifies the entity as a non-profit entity. Mr. Crowe argued that "a private club not conducted as a business" is the type of entity required under section 3.2.1 of the Zoning By-Law. Mr. Tamkin wanted clarification on the non-profit status of the NPRC as well.

The meeting was opened to public comment.

John and Cathy McCarthy, 1509 Central Avenue, are neighbors of the NPRC. They are concerned with the expansion and the compost toilets, specifically the possibility of odors and who will be responsible for toilet maintenance. They wanted to see the toilets upgraded and tied into the septic system with available running water. He was concerned if the toilets were not properly maintained, participants would use the woods to relieve themselves, visible from his home. He was also concerned about the hours of operation until 11:00 p.m. and the car noises and headlights from players lingering and socializing with alcohol until midnight. During the summer, he can hear all the noise and see lights from the activities at the NPRC. Mr. Schneider responded that the closing time would be a condition in the Special Permit. Mr. McCarthy preferred a 9:00 p.m. closing time especially since it will be open 7 days a week from 8:00 a.m.

Mr. McCarthy suggested that the paddle courts be located at the basketball courts, which would have less impact on trees and be further from abutting residential neighbors. From his observation, paddle tennis was an aggressive and loud sport. He felt that the paddle courts would transform the seasonal NPRC into a year-round for-profit sports complex. He believed he would be hearing the paddle noise whether his windows and doors were closed in the winter. He was concerned with the negative impact the courts would have on his property.

Seth Schulman, 18 Starr Ridge Road, was concerned with noise from the paddle tennis courts. In the summer with the air conditioning on, he can hear the noise from the tennis courts. He believed paddle tennis was louder than tennis. Based on his web searches, paddle courts are loud. In the winter, there is no tree foliage to add noise mitigation. He'd like to see more evergreens be planted for screening and noise proofing. He also suggested 12 - 15 feet high

fencing be installed on the Starr Ridge Road side for aesthetic purposes, and to provide a buffer to the noise and light. He, too, was concerned about property values.

Eric Sokol, 324 Country Way, attends the Brookline paddle courts. He is a tennis player and paddle tennis player. He enjoys playing paddle tennis in the winter. He was supportive of paddle courts and believed them to be an additional asset to the Town.

Laura DeMaio, 237 Marked Tree Road, is the treasurer and member of the NPRC. She supported the project.

Denis Pennington, representing his parents who reside at 1574 Central Avenue, opposes the paddle courts. He was concerned about the impact of the noise, light and traffic until 11:00 p.m. on his parents' sleep. He was also concerned about the effect on their property values.

Mr. Casiraghi reported that paddle tennis is a popular growing sport established in the 1970s. He assured that from a warming hut you cannot hear the noise from the courts. He could hear an occasional exuberant outburst. Noise is not an issue.

Mr. Pennington was concerned about the noise from the spectators' stands at tournaments. Mr. DiBiasio responded that there are no spectator stands proposed. There is a small deck right outside the warming hut where people can stand while they are waiting to play. He noted that the decibel level at 210 feet is 60 decibels, which is mild to moderate noise. The neighbors are located 400 to 500 feet away. Mr. DiBiasio said that pool noise is 10 times louder than a paddle facility.

Mr. Tamkin wanted clarification on the viewing stands as presented in the plans and whether the applicant would like to remove them. Mr. Crowe clarified that there are no viewing stands included in the project; the plans call for a viewing platform.

Enrique Bellido, 66 Grant Street, is a former member of the NPRC. He is a paddle player at Brookline paddle courts. He is an architect and reviewed the plans. He was in support of the project.

Andrea Shuman, 36 Starr Ridge Road, supported the comments made by Mr. Schulman. She was concerned about the noise and light from the project. She thought the daily 11:00 p.m. closing time was too late. She supported the installation of a fence and evergreens for screening.

Mark Sagamore, 36 Starr Ridge Road, did not support the project and was concerned about the daily noise and lights until 11:00 p.m. He'd like to see an earlier closing time. He was also concerned about the use of alcohol and its impact on the noise level.

Jenny Qu, 48 Starr Ridge Road, was concerned about the lights and traffic from the project. During the summer the woods and the foliage provide a buffer between the NPRC and the abutters. She thought 11:00 p.m. was too late. She requested that the NPRC add soundproofing through evergreen plantings and for an earlier closing hour.

Fred Sewall, 1554 Central Avenue, reported that the NRPC has been a good neighbor. He questioned the need for another entity for the paddle club; the financial relationship between

the NPRC and the new entity; and asked who would enforce conditions in the permit. Mr. Schneider responded that the Building Commissioner will be responsible for enforcing the conditions of the Special Permit and that neighbors can call the police if there is problem late at night. Mr. Sewall thought the project was a commercial enterprise marketed to the paddle league players of the region and did not benefit Needham residents. He thought the game was noisy with popping sounds like gunshots. He'd like some fencing or walls to buffer the sound.

Mr. Schneider announced that the hearing would be continued. He requested that the applicant be prepared at the next hearing to address the following items:

- alternative locations on the property which would put the courts further away from the residential neighbors;
 - a noise study which would provide quantifiable data on the noise generated;
 - fencing and tree planting options;
 - fewer hours of operation because of the traffic and imposition on the neighbors; and
 - an earlier closing time with the possibility for a later closing time after a trial period.
- He thinks that 11:00 p.m. is a late closing time.

Mr. Tamkin would like to watch and listen to a paddle game. Mr. Schneider suggested watching a paddle game at the Wellesley Country Club or the Dedham Country Club.

Mr. Tamkin requested that the applicant look at its hours of operation; address fencing and noise issues; and meet and work with the abutting neighbors to develop agreed-upon modifications. Mr. Tamkin requested clarification on why the tenant is not a non-profit when the NPRC is. He also had concerns about the use of alcohol at such a late hour.

Mr. Friedenberg thought 11:00 p.m. was too late and that it was an adult activity and not a family one at that hour. He was concerned about the use of alcohol. He had issues with the time the area would be vacated. He thought a noise study was needed. He thought the paddle courts were qualitatively different than the activities allowed under the 1962 Special Permit.

Ms. Berardi identified that she was a member of the NPRC. She wanted the applicant to address the concerns raised by the neighbors regarding noise and hours of operation. She questioned whether alternative locations had been explored.

The Board agreed to continue the hearing to the next Board meeting on August 20, 2020 at 8:00 p.m.

The meeting adjourned at 10:05 p.m.

August 20, 2020

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Peter Friedenberg, Associate Member. Also participating was Howard S. Goldman, Member. Mr. Schneider opened the hearing at 8:00 p.m. by reading the public notice. The meeting was held virtually on Zoom.

Mr. Schneider requested clarification on the paddle tennis program period of operation. Mr. Crowe responded that the program is being proposed from October to April when the NPRC

is closed.

Mr. Schneider reported that a number of Board members went to the Wellesley Country Club paddle courts to observe paddle tennis, the courts' design and materials, and the lighting and sound generated. The Board also researched the internet for information on paddle tennis. The relevant sites were shared with the applicant.

Mr. Schneider reminded the applicant that the Board had requested they explore and report back on four issues:

- a better location;
- an acoustical sound report;
- fencing and trees options; and
- shorter operational hours.

Mr. Crowe reported that a neighborhood meeting was held to provide information on paddle tennis and to clarify any confusion between pickleball (which is much noisier) and paddle tennis. He also informed that the paddle tennis entity will be re-filed as a non-profit entity with no commercial or profit ability.

Mr. Nectow said that the proposed site is the best site because it is surrounded by wooded vegetation and is far from abutting neighbors. Several other locations on site were explored but were not an option because of the location of the septic system, which has some large components. They do not want to disturb the existing septic system.

Acoustical sound barriers, fencing and trees were also explored. The best option is to place fencing along the driveway on the Starr Ridge Drive side. This option was presented to the neighbors. NPRC does not own enough land on the far side of that driveway to provide the fencing on their property, so any fencing would need to be installed on each neighbor's property.

Mr. Crowe stated that the applicant is open to reducing the hours of operation to 10:00 p.m.

Mr. Schneider asked why the courts couldn't be moved 30 to 40 feet closer to tennis courts #1 and #2. Mr. Nectow responded that this area is where the leaching field for the septic system is located, which cannot be disturbed.

Mr. Schneider inquired if the hut could be moved to the opposite side of the paddle courts so it would be further away from the neighbors. Mr. Nectow responded that the property slopes down at that location, but a relocation of the hut could be explored.

Mr. Schneider asked if they had investigated acoustical fencing for the court walls to buffer the sound. Mr. Nectow replied that they do not think it is necessary.

Mr. Nectow noted that the proposed program was compatible with the NPRC. It will be in operation from mid-October to April, when the NPRC is closed. It provides a healthy outdoor activity during the winter months. The addition of paddle courts is a positive addition to the NPRC and to Needham. The sport attracts families and professionals. The membership will be open to Needham and non-Needham residents. Paddle tennis is played seven days a week with the weekend being the busiest days. It's a league sport. The players will participate in

away games and host games as well.

Mr. Nectow discussed the difference between pickleball and paddle tennis. Paddle tennis is relatively quiet. He believes that there are no noise issues with neighbors at existing paddle courts.

Mr. Nectow shared a site map illustrating the vegetative areas of the property which surround the proposed courts. There will be little disturbance to the vegetation by the proposed project. Tree removal is limited to the court area. He also shared a drone photo of the lighting at similar courts which demonstrated that the lighting is directed onto the courts with little spill outside the courts and with none outside the boundary of the property. The closest neighbor is 375 feet from the courts across the street on Central Avenue. The majority of the abutting neighbors are 400 feet or further from the courts.

Mr. Nectow stated that the self-contained composting toilets are common at golf courses, beaches and recreation areas. A specific model will be selected from Mass DEP list of approved models to be approved by the Town Health and Building Departments. A maintenance plan will be provided. Mr. Schneider questioned why the existing NPRC bathroom facilities were not being used. Mr. Nectow said that the NPRC bathroom and facilities are closed during the paddle season.

The only shared NPRC facility is the parking. No parking will be allowed along the driveway. The maximum people number of people playing at the courts at one time would be twelve (four people per court) generating a maximum of twelve cars. With three games per night, the maximum of 36 cars will have staggered arrival and departure times. The impact on traffic is far less than what is generated by the NPRC. There is plenty of parking available at the property.

He reported that alcohol will be allowed on a carry-in/carry-out basis. No drinking will be allowed on the courts.

Mr. Schneider inquired about trees and fencing. Mr. Crowe responded that there is no need for fencing as the noise level is not detrimental.

Mr. Casiraghi presented that the hut, at its proposed location, acts as a barrier for light and noise and does not recommend relocating it to the other side. He noted that the height and peak of the hut is at the same height as the lights, providing a buffer for the lights.

Mr. Casiraghi reported that he has constructed 6,000 courts in the US. Only one has acoustic walls. Acoustic walls compromise the engineering of the fencing design which is supposed to be flexible. The solid wall would be a hazard to the players and would be expensive.

No sound study was conducted. Mr. Casiraghi found a sound study for a four-court paddle tennis facility that was conducted at 6:00 p.m. – 7:00 p.m. and 9:00 p.m. to 10:00 p.m. The decibel levels at 6:00 p.m. – 7:00 p.m. were recorded at 40 decibels; at 9:00 p.m. to 10:00 p.m. the levels were 37 decibels. He noted that a dishwasher was 55 decibels at 50 feet of distance. Neighbors to the courts are seven times the distance.

Joe Penny, engineer with Deprete Engineering, reported that he attended the site visit by

members of the Board at Wellesley Country Club's paddle courts. There were no buffering trees and there was no discernable sound at 375 feet from the courts. The courts at NPRC will have heavy vegetative surroundings, unlike those at Wellesley Country Club.

Mr. Kileen reported that the NPRC has been a good neighbor for the past 50 years. They serve alcohol on Friday, Saturday and Sunday without incident. It is a fair and affordable club. They are a fiscally sound institution.

Mr. Tamkin reported that he had attended the site visit. He listened to the difference of pickleball and paddle tennis and found paddle to be quieter. He viewed and listened to paddle playing at 300 feet and 200 feet. He was convinced that sound from paddle is minimum. He thought paddle tennis is so similar to tennis, that it is consistent with the existing Special Permit. He had a concern about the corporate status of the new entity but was satisfied with making the entity a non-profit as presented by Mr. Crowe. He thought limiting the operation to 10:00 p.m. was appropriate and that a trial period, similar to the one issued at DeFazio Field, should be a condition. He preferred an early end time. He preferred that there be a bartender dispensing alcohol and that its consumption be limited to three days a week. He thought the October 1- April 30 season was reasonable and that playing in the summer be restricted. He wanted the parking restriction to be clarified.

Steve Shauer, 20 Pheasant Road, was a member of the NPRC and supported the paddle tennis proposal.

Mr. McCarthy was pleased about the clarification of the status of the paddle court entity as a non-profit. He was concerned about the composting toilets. He was glad the hours had been changed to 10:00 p.m. He preferred a closing time at 9:00 p.m. He was concerned about the drinking from 10:00 p.m. to 11:00 p.m. He had no issues with the noise and lights if the use ends at 9:00 p.m. He thought the ideal location was on the front lawn in front of the basketball courts and that the facility should be tied into the septic system. Because of Covid19, he'd like the bathrooms to have running water.

Scott Packard, 847 Webster Street, supported the paddle tennis courts proposal. He plays paddle tennis in Brookline. He had no issues with noise.

Robert Rizzo, 8 Starr Ridge Road, reported that there was a noise issue with a paddle court in Connecticut that was located 40 feet from residents. It was relocated to 900 to 1000 feet away. He was not supportive of the paddle courts. The trees would be bare in the winter. He did not notice the NPRC in the summer because of the vegetation. He was glad that there would be no parking along the driveway. He questioned who would police the courts when the games got spirited. He wanted the bathroom to have running water especially with Covid19.

Janet Petronia, 21 Woodbury Drive, said she was a member of the NPRC and a paddle tennis player. She was supportive of the proposed project.

Fred Sewall, 1554 Central Avenue, said that he lived 350 feet from the proposed courts. As an abutter, he felt the courts would negatively impact him. He thought the proposal would add to the noise and traffic. He did not support the paddle courts being open to members outside of Needham.

Mike Elcock, 838 Webster Street, supported the paddle courts. He belongs to the Brookline paddle courts which had no complaints about noise from the neighbors. He wanted the courts to be open until 11:00 p.m.

Dennis Pennington sent links to a Globe article about paddle tennis as a party sport; and articles about stress and the deleterious effect on adults and children. He likened paddle tennis to MMA cage fights because people and balls bounce off the fences and create noise. He believed the sponsored tournaments will bring spectators and yelling.

Kate Carroll, 25 Ardmore Road, was supportive of the project. She is a paddle tennis player. She described the players as responsible, active athletes, and not a tailgating crowd. She was familiar with composting toilets and they were fine.

Greg Strakosh, 41 High Rock, supports paddle as a great family, outdoor recreational amenity for Needham.

Marc Sagamore did not support the courts in his neighborhood. He noted that all the supporters are not abutters. He thought the courts should be placed on DeFazio Field where there was plenty of parking and lighting. He thought no running water in the proposed bathroom was inadequate. He was concerned about the noise from three sessions of games during tournaments.

Gordon Myer, 70 Whittier Road, supported the proposal. He said that paddle provided an outdoor, fresh air activity during the winter.

Mr. Crowe said that compost toilets are a sophisticated alternative to traditional water toilets and can be found at Walden Pond, the Audubon in Wellfleet and at various beaches and recreational areas. The final model selection will be approved by the Building and Health Departments. The location of the courts is the best location. It is outside the wetlands and septic system areas. Any project must be 40 feet away from the leaching field of the septic system. He described the paddle courts to be a natural extension of the NPRC's activities with no commercial or profit motive. Noise will not be an issue with paddle tennis. There will be no parking on the driveway, and there will be no spillage of light outside the property. In response to the Building Commissioner's concern, the temporary gate was removed. NPRC will continue to be a good neighbor as required by Condition #9 of the Special Permit.

The Public Hearing was closed and the Board began deliberations.

Mr. Friedenbergl found the site visit to the Wellesley Country Club helpful. He asked what were the NPRC hours of operation during the summer. Mr. Crowe answered that they are open until 9:00 p.m. There have been no complaints about the closing time.

Mr. Friedenbergl asked who would hold the permit and how would the conditions be imposed on the operator. Mr. Crowe responded that the NPRC was the applicant and holder of the existing special permit and would be the responsible party. Mr. Friedenbergl inquired about the status of the Conservation Commission request. Mr. Crowe reported that the delineation of the resource area was provided by their engineer to the Conservation Commission who were satisfied that the work was outside their jurisdiction.

Mr. Friedenberberg was concerned about the halo effect from the court lights that can be seen from a distance and questioned what was being done to shield that. Mr. Crowe responded that the lighting is designed to have zero spillage beyond the site. Based on the photometric study the spillage ends within the boundaries of the lot at the easement driveway. Mr. Friedenberberg said he could see the lights from the Babson College entrance. Mr. Crowe said that that the lights at Wellesley Country Club are higher than the ones proposed.

Mr. Friedenberberg had concerns with the hours. He preferred 9:00 p.m. lights off with players off of the premises by 9:30 p.m. similar to the DeFazio Field schedule.

Mr. Friedenberberg would like to explore limiting alcohol consumption to beer and wine and that it be consumed only in the hut to avoid tailgating.

Mr. Friedenberberg suggested a one-year renewable permit to allow the applicant to operate and prove it's not a detriment to the neighborhood.

Mr. Goldman supported a conditional permit as suggested by Mr. Friedenberberg. He'd like to see more effort for sound mitigation. He thought the review authorization process and maintenance plan for the compost toilets could be made a condition of the permit.

Mr. Tamkin thought a conditional one-year approval didn't make sense with the capital expense associated with the project. He did support a review of the conditions after a period of time. He suggested lights off at 10:00 p.m. Participants to leave the premises by 10:30 p.m. He agreed with limiting the alcohol consumption to the hut.

Mr. Tamkin asked why the new entity couldn't use the existing bathrooms at the NPRC. Mr. Kileen responded that the bathrooms are not available because of liability issues associated with the bathrooms being next to the pool, and the pipes are above ground and are drained in the winter.

Mr. Tamkin wanted clarification on how the NPRC was going to manage the new non-profit entity. Mr. Crowe said that the NPRC, as the Special Permit holder, will give permission and oversight to the paddle tennis entity. NPRC is the responsible party. Mr. Crowe was supportive of a permit where there is a review of the hours and alcohol use after a period of time.

Mr. Schneider reflected that whenever an owner develops its property, the neighbors are impacted. Nevertheless, a property owner has a right to use their property as long as it is reasonable.

Mr. Schneider said that he was familiar with composting toilets and found them to be like traditional toilets. In any event, any compost toilet selected would have to be approved by the Building and Health Departments.

Mr. Schneider was supportive of granting a special permit with the following conditions that:

- there be no light spillage beyond a set number of feet from the courts;
- a 10:00 p.m. closing with lights out and the premises to be cleared by 10:30 p.m. The applicant will be able to come back to the Board after a set period of operation for a possible modification of the hours;

- any time the Building Commissioner receives a complaint from the public, the Board may reconvene a hearing to review the hours, alcohol use, noise and lighting and may require that the applicant make mitigation to the Board's satisfaction;
- NPRC shall provide to the Building Commissioner, the Board and the neighbors the name and contact information for a person who will handle any problems at the paddle facility;
- there shall be no viewing stands;
- all parking shall be in the NPRC parking lot; and
- there shall be a maintenance plan for the composting toilets submitted to the Health and Building Departments.

Mr. Schneider noted that NPRC has been a good neighbor and deserved an opportunity to try this new venture. Mr. Goldman agreed.

Mr. Tamkin suggested that NPRC come back to the Board at a fixed time after completing a full season of operations to review the conditions and consider whether to modify the hours of operation, alcohol consumption, and light and sound barriers. He would like consumption of alcohol be limited to the hut. Mr. Tamkin thought that paddle tennis was allowable by the 1962 Special Permit because it was so similar to tennis.

Mr. Casiraghi estimated that the courts could be completed by January 2021 at the earliest.

Mr. Schneider suggested that the Board convene in the event there is a complaint within the first two years of operations. Mr. Crowe suggested a meeting be convened upon a complaint 60 days after the club has been in operation for two months.

Mr. Friedenberg suggested that the operator of the paddle courts be controlled by the NPRC and that the Special Permit not be transferable. Mr. Crowe noted that the board of directors of the paddle club is a five-member board with three members from the NPRC. Mr. Schneider suggested that the operator be specified, and it can't be changed or transferred without the approval of the Board.

Mr. Crowe said that he will provide the existence of the non-profit entity prior to the issuance of an amendment to the Special Permit.

Mr. Tamkin moved to grant the NPRC an amendment to its Special Permit to allow the construction of three paddle tennis courts, warming hut, fencing and lighting as specified in the plans submitted conditioned on the following:

- the operation of the paddle club will be managed and operated by a Chapter 180 non-profit Massachusetts entity and the majority of the board shall be members of the NPRC;
- the operation of the paddle club shall be from October 1 to April 30, and it may not operate during the operational summer season of the NPRC;
- there shall be no light spillage from the paddle courts beyond the property boundary;
- the hours of operations shall be seven days a week, 8:00 a.m. to 10:00 p.m. with lights out by 10:00 p.m. The premises shall be cleared by 10:30 p.m.;
- the name of a contact person including phone, email, and address shall be provided to the abutters, the Building Commissioner and the Board;
- all parking shall be limited to the parking lot of the NPRC; there shall be no parking

- on the driveway;
- the composting toilet(s) shall be subject to all applicable laws, rules and regulations, including the requirements of MassDEP as well as the regulations of the Health and Building Departments;
- the applicant shall return for a hearing before the Board 60 days after the paddle club has completed three months of operation; the Board may adjust the hours, alcohol consumption, and require sound and light mitigation as necessary;
- all alcohol shall be consumed entirely within the warming hut;
- there shall be no viewing stands;
- there shall be no pickleball; and
- the parking lot shall be restriped, and the handicapped parking shall have the signage added as required by the Building Commissioner in his comments on the application; and
- the Board reserves the right to clarify as they write the decision.

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

The meeting adjourned at 10:33 p.m.

Findings:

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

1. The property is owned by the applicant, Needham Pool and Racquet Club, Inc. ("NPRC"), and is situated in the Single Residence A zoning district.
2. Pursuant to the 1962 Special Permit, the NPRC has operated a seasonal recreational facility, including a pool, tennis courts, basketball court and clubhouse, for many years on the property. Based on the testimony from abutters at the hearings on this application, that operation has not created any significant issues in terms of noise, traffic, light spillage or otherwise.
3. A number of members of the NPRC also play paddle tennis during the fall, winter and spring at various clubs in the area and now wish to construct a facility on the NPRC property for paddle tennis. This facility, as shown on the plans identified above in this Decision, would include three paddle tennis courts, a warming hut, viewing platform, fencing around the courts and pole lights to illuminate the courts. During the course of the hearings, the applicant clarified that they do not intend to construct any viewing stands as part of this project.
4. The applicant proposes to operate the paddle tennis facility from 8:00 AM to 11:00 PM, seven days a week, from October to May. During this time, the other NPRC facilities are closed. In response to issues raised by the abutters concerning noise and people potentially congregating after 11:00 on-site, and questions from the Board, the applicant agreed to reduce its requested hours of operation to 8:00AM to 10:00PM, with all lights out by 10:00 PM and all persons off of the NPRC property by 10:30 PM.
5. Paddle tennis is a popular outdoor sport in the Boston area, and there are a number of

- facilities and leagues. The applicant would like to enroll as many as 150 members to the paddle tennis facility and include league play against teams from other towns or clubs.
6. The applicant intends to lease the portion of the NPRC property in which the paddle tennis facility will be constructed and operated to a separate but related entity which will qualify as both a non-profit entity under applicable law and a "private club not conducted as a business" for purposes of Section 3.2.1 of the Zoning By-Law. That Section permits use in a Single Residence A zoning district by such a private club upon issuance of a Special Permit by this Board.
 7. It is not clear that the proposed lessee of this property, Needham Platform Tennis Club, Inc., a Massachusetts limited liability company, is a non-profit entity. At the request of the Board, the applicant has agreed to re-organize that entity (or to create a new entity in its place) as a non-profit entity in accordance with applicable state law (which may include changing the form of that entity to a non-profit corporation organized under M.G.L. c. 180).
 8. The proposed location of the paddle tennis facility is a slight depression in the interior of the NPRC property which is currently undeveloped. It is separated from the residential abutters by the existing driveway from Central Avenue and the woods on the NPRC property between that driveway and the proposed location. The nearest residential abutter to the proposed location is 375 feet away (across Central Avenue), and the next closest group of residential abutters (along Starr Ridge Road) are 400 feet or more away from the proposed location. Construction of the paddle tennis facility will not require the removal of trees other than those in the immediate location of the proposed facility.
 9. In response to questions from abutters and the Board concerning possible alternative location on the NPRC property for the paddle tennis facility, the applicant demonstrated that the existence of the NPRC septic system and its leaching field precluded locating the paddle tennis facility at any of the other suggested locations.
 10. With three paddle courts, each of which holds a maximum of 4 players, the applicant estimates that the highest number of people that would be at the paddle tennis facility at any one time would be approximately 36 people. The existing NPRC parking lot, which would be empty and available for use by these people, contains approximately 80 parking spaces, so there will be sufficient parking for this facility available on site.
 11. In response to complaints voiced by abutters at the hearing, the applicant agreed to prohibit parking along the driveway to the NPRC facilities.
 12. A number of residents of Starr Ridge Road raised the issue of the applicant installing additional fencing or trees between the paddle tennis facility and their property to provide additional light and noise buffering. The applicant believes that there is not sufficient land on the side of the driveway nearest these residences to install a fence or trees, and that any such buffering would need to be installed on the abutters' properties.

13. The Building Commissioner has requested that (1) the existing NPRC parking lot be restriped, (2) signage identifying the handicapped parking spaces be installed, and (3) a chain which restricts access by disabled persons be removed. The applicant has removed the chain and has agreed to comply with the Building Commissioner's other two requests.
14. Based on the photometric plan provided by the applicant and the testimony at the hearing, the proposed paddle tennis facility is not anticipated to cast any light beyond the boundaries of the NPRC property.
15. Based on the materials submitted to the Board concerning the noise generated by paddle tennis (in particular as opposed to the far noisier pickleball, which is played on a similar court), the testimony received by the Board, and the view taken by members of the Board of other operating paddle tennis facilities, the noise generated by the paddles and ball is not substantially different from that generated by a tennis game. At the view taken at the Wellesley Country Club, when standing approximately 375 feet away from the paddle tennis court, the Board members could barely hear the game being played. The Board acknowledges that the presence of spectators and the possibility of spirited play may create more noise.
16. The applicant desires to permit players and spectators to bring alcohol to the paddle tennis facility for consumption on-premises. Although the NPRC has similarly permitted alcohol on-premises on weekend nights without incident, the Board is cognizant that at the paddle tennis facility this could lead to problems of noise, litter and, possibly, unruly behavior. Based on the information provided to the Board concerning the general demographic of paddle tennis players, the Board is willing to permit alcohol to be brought to the paddle tennis facility for consumption on-premises provided that all alcohol is consumed within the warming hut. The Board will review this at the follow-up hearing to be required as a condition to issuance of the amendment to the Special Permit.
17. The applicant is considering the installation of one or more composting toilets within a bathroom inside the warming hut for use by players and spectators. The applicant has investigated the possibility of tying this toilet into the existing septic system serving the other toilet facilities at the NPRC, but has determined that it is not feasible to do so.
18. Although there are bathroom facilities in the NPRC clubhouse, these facilities would not be available for use by the paddle tennis players and spectators since they will need to be shut down after the summer season for a number of reasons, including possible freezing of exposed above-ground water pipes and liability concerns about permitting people to use these facilities when the rest of the NPRC facilities are closed and unmanned.
19. Any toilet proposed to be installed at the paddle tennis facility would have to comply with all applicable laws, codes, rules and regulations.
20. The applicant reported that there are wetlands on the NPRC property, but that the proposed project is outside of the wetlands areas and outside of the Conservation

Commission jurisdiction, based on the wetlands delineation provided to the Conservation Commission by the applicant and approved by the Conservation Commission.

21. In light of the fact that the paddle tennis facility will not be permitted to operate at the same time as the other NPRC facilities, the existing parking lot on the NPRC property, which contains approximately 80 spaces, is more than sufficient to accommodate the parking needs of the paddle tennis facility without any increase in the size of, or redesign of, that parking lot.
22. The proposed additional use of the NPRC property as a paddle tennis facility, and the proposed paddle tennis facility as shown on the plans referenced above, are consistent with the provisions of the 1962 Special Permit and the general purposes of the Zoning By-Law. In particular, the proposed facility has been designed to be compatible with the existing features of the site and otherwise to be compatible with the surrounding area.
23. The proposed additional use of the NPRC property as a paddle tennis facility, and the proposed paddle tennis facility as shown on the plans referenced above, will not create a demonstrable adverse impact on the surrounding area resulting from excessive noise or illumination.
24. Although the Board believes that the requested amendment to the Special Permit can be issued consistent with the provisions of the Zoning By-Law, in light of the fact that the paddle tennis facility would operate during the portion of the year that the NPRC's existing facilities have always been closed, and the concerns voiced by nearby residents, the Board believes it is appropriate to require the applicant to return to the Board after the paddle tennis facility has been open for several months so that the operation can be evaluated in terms of its effects on the neighborhood, especially in terms of noise, light spillage, parking, and issues relating to alcohol consumption.

Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, amends the 1962 Special Permit to permit the construction and operation of three paddle tennis courts, together with an associated warming hut, viewing platform, fencing and lighting, all as shown on the plans identified above in the "Documents of Record" (collectively, the "Paddle Facility"), subject to the following conditions:

1. The Paddle Facility shall be constructed and shall be operated at all times by a private club which is organized as a non-profit entity (e.g., a non-profit corporation organized pursuant to M.G.L. c. 180) and which is controlled by members of the NPRC (such as by means of a majority of the members of the Board of that entity being members of the NPRC). The NPRC will enter into a lease with this entity to provide for such construction and operation. Prior to and as a condition to the issuance of any building permit for the Paddle Facility, the applicant shall provide to the Board an executed copy of this lease as well as evidence that the lessee named in the lease is both a non-profit entity and is controlled by members of the NPRC. The Board reserves the right

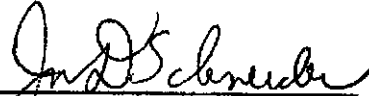
- to request similar documentation from time to time in the future to ensure continued compliance with this condition;
2. No viewing stands shall be constructed as part of the Paddle Facility, but the viewing platform shown on the plans referenced above shall be permitted;
3. The Paddle Facility shall be permitted to operate between the hours of 8:00 AM and 10:00 PM from October 1 to April 30; provided that at no time shall the Paddle Facility be operated while the NPRC facilities are open and available to its members;
4. All outside lighting at the Paddle Facility shall be turned off not later than 10:00 PM (lighting within the warming hut may remain on until 10:30). Everyone must leave the NPRC grounds by 10:30 PM;
5. Alcoholic beverages may be brought to the Paddle Facility by individuals for consumption within the warming hut during operating hours of the Paddle Facility, but in no event shall alcoholic beverages be consumed outside of the warming hut (including on the viewing platform or elsewhere on the NPRC property) at any time. Any remaining alcoholic beverages not consumed shall be removed from the Paddle Facility by the end of operating hours each day and shall not be stored at the Paddle Facility;
6. All vehicles shall be parked in the NPRC parking lot. No vehicles may be parked on or alongside the driveway to the NPRC facilities;
7. No light from any light fixture (indoor or outdoor) constructed as part of the Paddle Facility may spill over beyond the boundaries of the NPRC property;
8. No pickleball shall be permitted to be played; the Paddle Facility shall be limited to use for paddle tennis;
9. Any toilet to be installed as part of the Paddleball Facility shall be installed, operated and maintained in accordance with all applicable laws, codes, rules and regulations, including, but not limited to, those of the Massachusetts Department of Environmental Protection and the Town of Needham, and otherwise in accordance with good industry practice to avoid the emission of odors or seepage of materials. A written maintenance plan for such toilets shall be filed with the Needham Board of Health;
10. The parking lot at the NPRC shall be restriped and signage identifying the handicapped parking spaces shall be installed, all as required by the Building Commissioner;
11. The applicant shall provide to the Building Commissioner, this Board, and any neighbor who requests, from time to time, the name and contact information for a representative of the operator of the Paddle Facility to whom questions and complaints concerning the Paddle Facility should be directed;
12. The applicant shall notify the Board upon the conclusion of the first three (3) months of operation of the Paddle Facility. The Board shall schedule and hold a hearing approximately 60 days after the receipt of the notice to enable the Board to evaluate compliance with the conditions of this Decision and to take such further action as may be appropriate at that time, including, but not limited to, adjusting the hours of operation, restricting the consumption of alcohol on-site, and requiring sound and/or light mitigation measures, all as the Board, in its discretion, deems necessary. All required Board public hearing notice protocols shall be followed; and

13. This Special Permit Amendment shall not be transferrable by the NPRC without the prior approval of this Board.

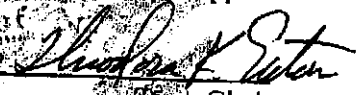
This is to certify that no appeal has been filed within the 20 day statutory appeal period.

Date 10/20/2020 Theresa K. Eaton
Town Clerk

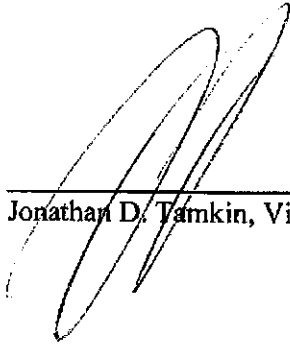
SIGNATORY PAGE -1545 CENTRAL AVENUE


Jon D. Schneider, Chair

This is to certify that no appeal has been
filed within the 20 day statutory appeal
period.

Date 10/20/20 
Town Clerk

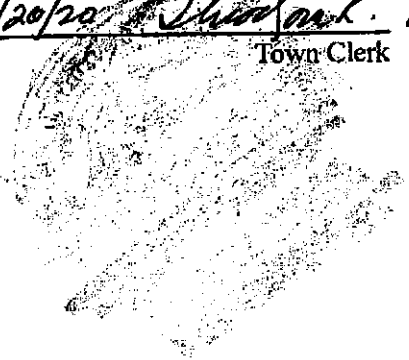
SIGNATORY PAGE – 1545 CENTRAL AVENUE



Jonathan D. Tamkin, Vice-Chair

This is to certify that no appeal has been
filed within the 20 day statutory appeal
period.

Date 10/20/20 
Town Clerk



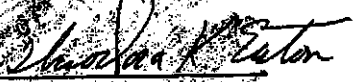
SIGNATORY PAGE - 1545 CENTRAL AVENUE



Peter Friedenber, Associate Member

This is to certify that no appeal has been
filed within the 20 day statutory appeal
period.

Date

10/20/2020 

Town Clerk



General Notes

1. THE UNITS ARE BEING BUILT IN THE TOWN OF NEEDHAM, NEEDHAM COUNTY, MASSACHUSETTS.
2. THE UNITS ARE BEING BUILT ON A 100' X 100' LOT. THE LOT IS LOCATED IN THE TOWN OF NEEDHAM, NEEDHAM COUNTY, MASSACHUSETTS.
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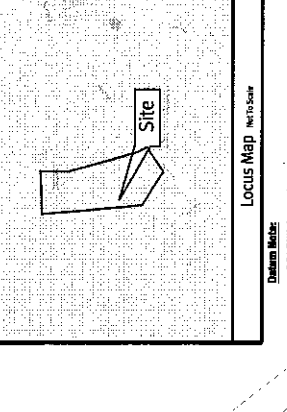
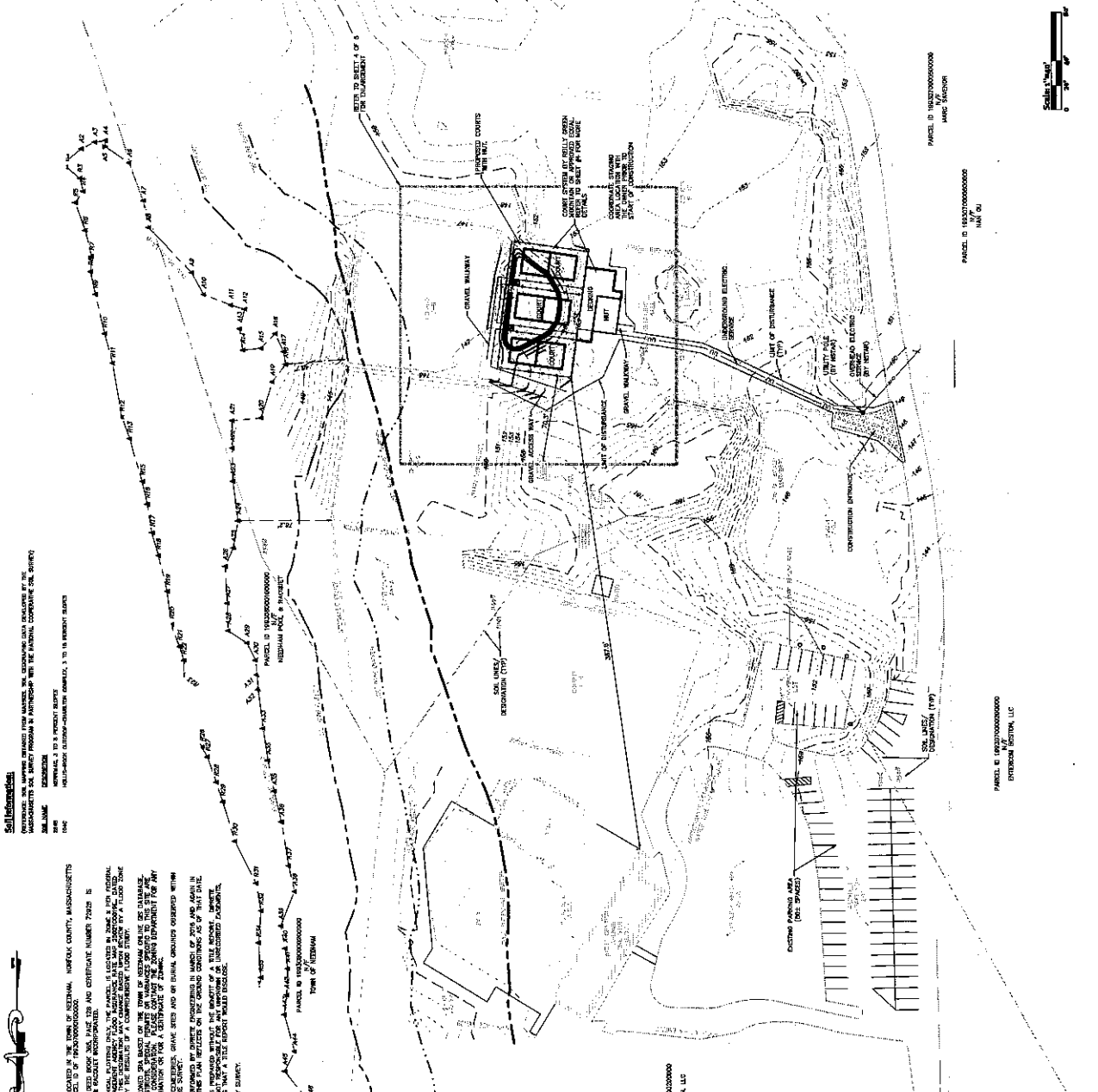
Soil Information

THE SOILS WERE SAMPLED FROM THE SURFACE TO A DEPTH OF 10 FEET. THE RESULTS OF THE SOIL TESTS ARE AS FOLLOWS:

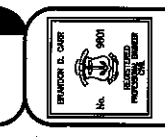
SOIL TYPE	PERCENTAGE
CLAY	10%
SAND	90%

Site Information

THE SITE IS LOCATED IN THE TOWN OF NEEDHAM, NEEDHAM COUNTY, MASSACHUSETTS. THE SITE IS A 100' X 100' LOT. THE LOT IS LOCATED IN THE TOWN OF NEEDHAM, NEEDHAM COUNTY, MASSACHUSETTS.



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Brandon D. O'Neil
Professional Engineer
State of Massachusetts
License No. 10001

Needham Pool & Racquet Club
Overall Site Layout Plan
The Soil Erosion and Sediment Control Plan (SESC) and Operations and Maintenance Plan (O&M) are required documents with this plan set and must be maintained by the contractor and owner onsite.

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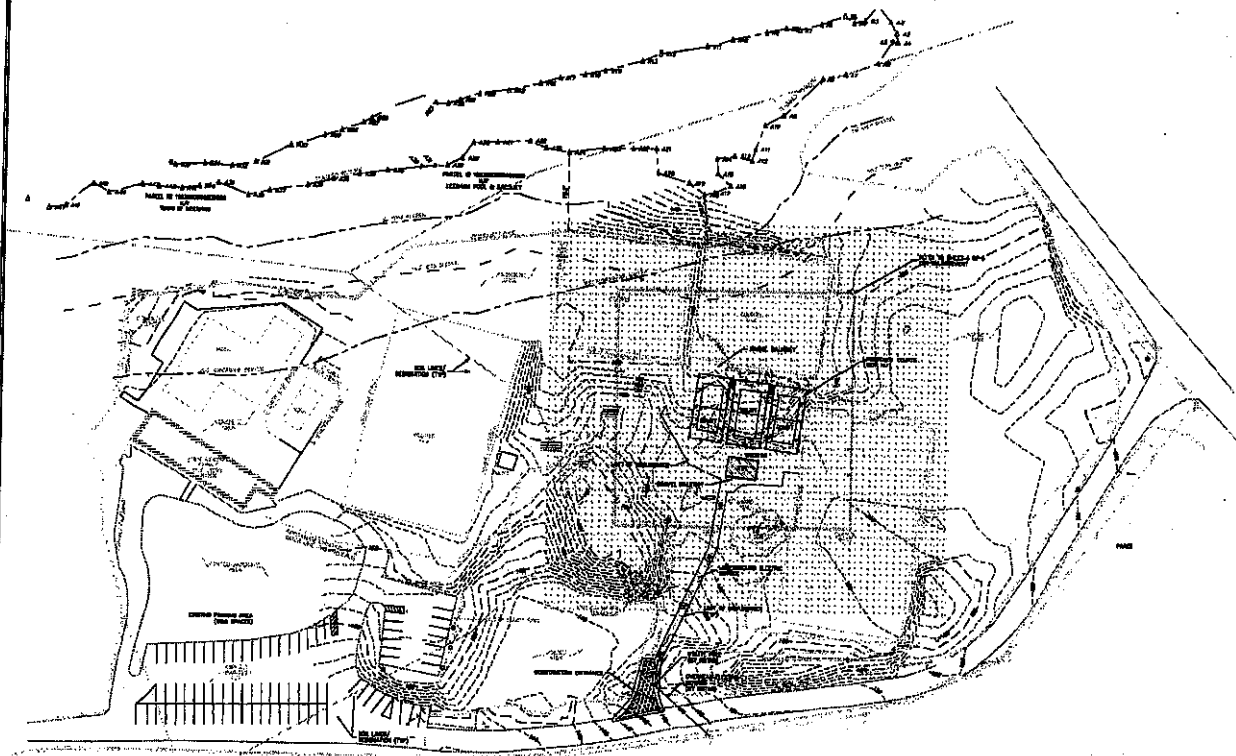
Needham Pool & Racquet Club
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Project
Details
line 2
line 3
line 4

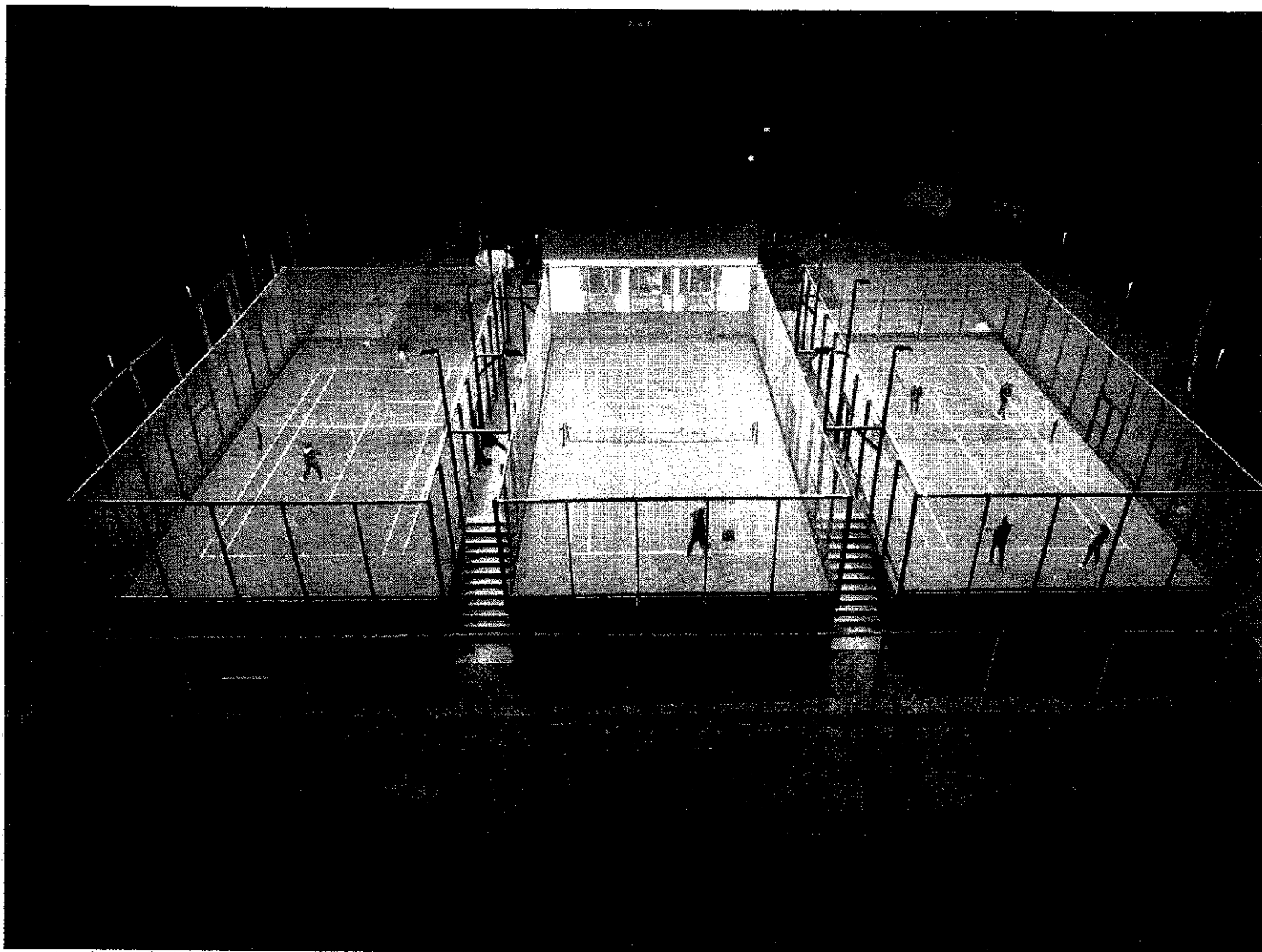
Needham Pool & Racquet Club

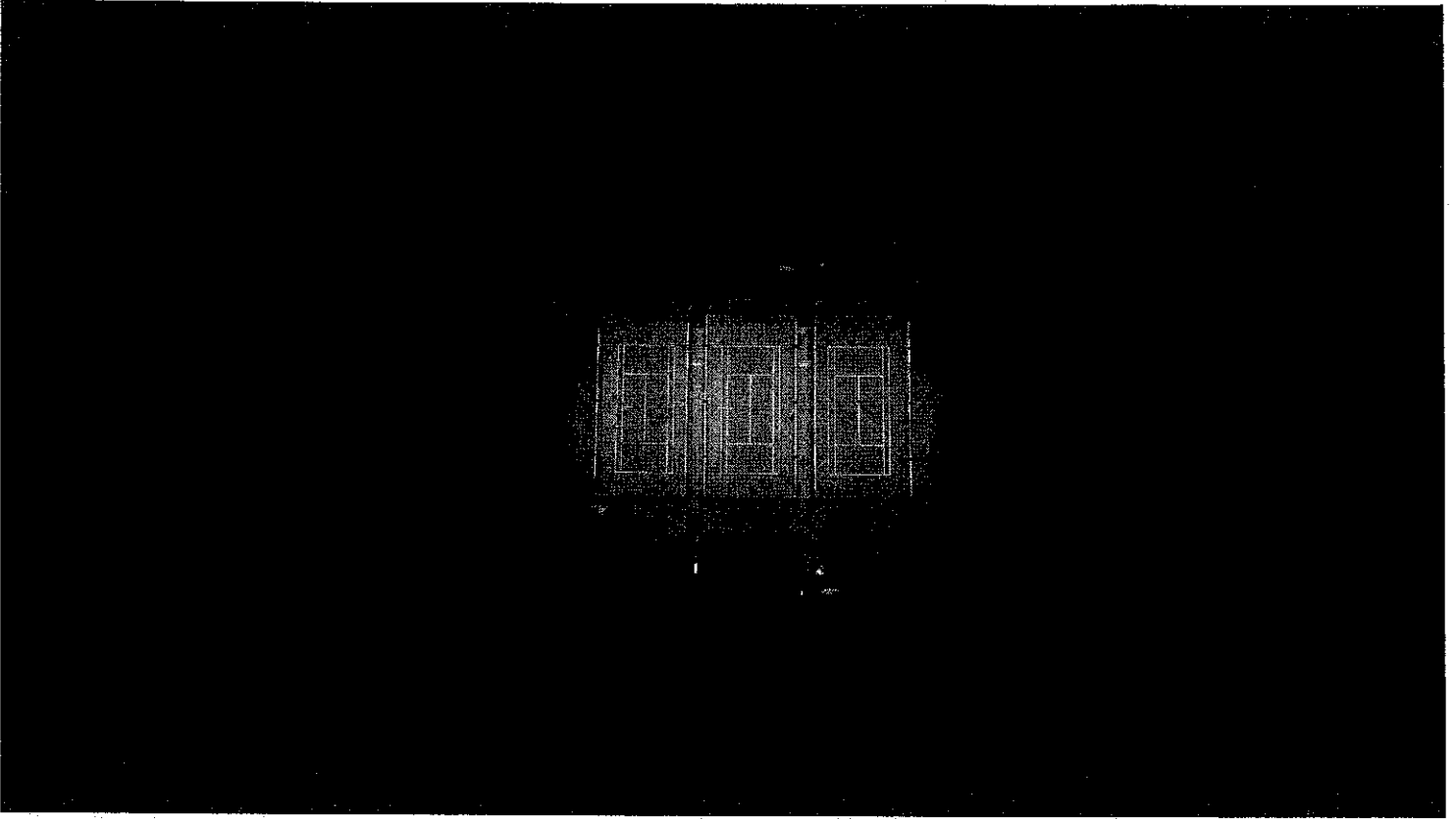
Date:6/17/2020

Page 3 of 4



View of point by point







To: Town of Needham Zoning Board of Appeals

October 3, 2025

MEMORANDUM IN SUPPORT OF APPLICATION FOR THE ISSUANCE OF AN
AMENDMENT TO SPECIAL PERMIT
DATED JULY 16, 2020

1545 CENTRAL AVENUE, NEEDHAM,

The applicant, Needham Pool & Racquet Club, Inc., (NPRC) a not for profit Massachusetts corporation, owner of the real property at 1545 Central Avenue, Needham, MA (hereinafter the "Property"), seeks to amend a Special Permit dated July 16, 2020 (attached hereto) under Sections 3.2.1 and 7.5.2 or any other applicable Sections of the By-law to permit as follows:

1. Change the daily closing time from 10:00 PM to 11:00 PM, in Decision #3 and #4, on page 18, of the amendment;
2. Change the time the Platform lights must be turned off from 10:00 PM to 11:00 PM, warming hut lights must be turned off from 10:30 PM to 11:30 PM, in decision #4, on page 18, of the amendment;
3. Change the opening date of the club from October 1, to September 15, in decision #3, on page 18, of the amendment;

PRESENT USE/HISTORY

The Property consists of nine plus acres of land on the northerly side of Central Avenue and is within the SRA Zoning District. The Needham Pool & Racquet Club (NPRC) is a private club with approximately 325 family memberships. Originally, pursuant to a 1962 Special Permit, there was a clubhouse, swimming pools, 12 outdoor Tennis Courts and related similar activities. That use of the Club is currently open from May to September. The July 16, 2020 Special Permit allowed the addition of three approximately 20' by 44' Platform Paddle Tennis Courts with appropriate fencing, lighting and a warming hut. NPRC partnered with the Needham Platform Tennis Club, Inc. (NPTC), a not for profit Massachusetts Company to design, build and run the program under the supervision of the NPRC. The NPTC is managed by Barry Nectow, current member of the NPRC and past member of the its Board of Directors and past President. NPTC opened for play in October, 2021. NPTC has 150 members and a waiting list exceeding 125 persons to join.

NPTC leases land on the property of the Needham Pool and Racquet Club (“NPRC”). NPTC’s leasehold property includes three platform tennis courts and a 600 SF warming hut.

During the process of amending the special permit, several abutters expressed concerns about the existence of the platform tennis club causing excessive noise and the light spillage causing excessive illumination. Therefore, the Board Restricted the Paddle Facilities to be open seven days a week from 8:00 AM to 10 PM, from October 1 until April 30th of each year with the Paddle lights to be off by 10:00 PM, warming Hut by 10:30 PM and everyone to vacate the grounds by 10:30 PM.

Paddle tennis games are typically “doubles” with 4 players on the courts at any given time. League play is typically Monday- Wednesday evenings late October thru mid-March starting at 6PM. During these matches the maximum numbers of participants at the site would be 36 team members.

PROPOSED CHANGES

1 – Later Closing Time and Light turn off times

Over half of our members participate in league play, which is a cornerstone of our club’s culture and of platform tennis in Metrowest Boston. Our members compete in two leagues: matches are held on Monday and Tuesday evenings, and Thursday and Friday mornings.

Evening matches typically begin at 6:00 PM and are played in three waves:

- Three matches at 6:00 PM
- Three matches at 7:30 PM
- Two matches at 9:00 PM

Each match is scheduled for approximately 90 minutes, but they often run longer. As a result, it’s challenging to finish all matches by the current 10:00 PM closing time. Extending play until 11:00 PM would allow matches to conclude without interruption.

Evening hours are the most in-demand time slots. Extending closing time by one hour would provide members with greater flexibility and access to evening play.

Since opening in 2021, NPTC has not been contacted by the neighbors about noise or light issues since the first month of operation.

2 – Season Extension

During our initial negotiations with NPRC and later with the zoning board, concerns were raised about overlapping seasons between NPTC and NPRC. The primary issues cited were traffic, parking, and potential interference between platform tennis and tennis activities.

Now, with over four years of experience, we've found these concerns to be unfounded:

- The 80 available parking spaces have consistently met demand.
- Traffic has not been an issue, thanks to staggered arrival and departure times.
- Platform tennis and tennis coexist smoothly, with players on both sides showing mutual respect.

Beginning the season in September would allow league participants time to practice and prepare for the official start in early October. For instance, our first league match is scheduled for October 2, 2025, leaving many players with only one day to practice under the current schedule.

LAW

The Applicant's request is to be evaluated pursuant to the standards of Section 7.5.2 of the By-law.

Pursuant to Section 7.5.2 of the By-law Prior to granting a special permit, the Board of Appeals shall make a finding and determination that the changes as proposed by the applicant:

- (a) complies with such criteria or standards as may be set forth in the section of this By-Law which refers to the granting of the requested special permit;
- (b) is consistent with: 1) the general purposes of this 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 this By-Law, such as, but not limited to, those at the beginning of the various sections; and
- (c) is 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.

If applicable, the Board shall make a finding and determination that the following objectives will be met:

- (d) the circulation patterns for motor vehicles and pedestrians which would result from the use or structure which is the subject of the special permit will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents at the site or in the surrounding area: and
- (e) the proposed use structure or activity will not constitute a demonstrable adverse impact on the surrounding area resulting from:

- 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area,
- 2) emission or discharge of noxious or hazardous materials or substances, or
- 3) pollution of water ways or ground water.

The requested amendments extending the dates of operation and hours of use and illumination at the Property are minimal and do not represent a substantial change from those uses allowed in the July 16 , 2020 special permit. This use at the site has always been designed to ensure that there will be no adverse impact on the surrounding area from excessive noise or level of illumination.

REQUESTED AMENDMENTS TO SPECAIL PERMIT

The applicant requests that the Board approves the Amendments to the 2020 Special Permit conditions and restrictions as follows:

1. Change the daily closing time from 10:00 PM to 11:00 PM, in Decision #3 and #4, on page 18, of the amendment;
2. Change the time the Platform lights must be turned off from 10:00 PM to 11:00 PM, warming hut lights must be turned off from 10:30 PM to 11:30 PM, in decision #4, on page 18, of the amendment;
3. Change the opening date of the club from October 1, to September 15, in decision #3, on page 18, of the amendment;

All other conditions to remain as set forth in said decision.

CONCLUSION

The proposed changes are consistent with the intent of the original Special Permit and is in harmony with the uses already allowed. The use has been designed to fit within the natural habitat of the site buffered by trees and distance from residences with appropriate measures taken to control illumination, noise and without creating additional undue traffic in the area. The new hours and dates of operation will not be detrimental or injurious to the neighborhood. There have been no complaints since the first month of operation and those were operational and quickly remedied.

As the 1962 Zoning Board stated that they are: "of the opinion that the Town is fortunate in having spotted throughout its entire area such facilities as the playgrounds, Golf Club, Rosemary Beach, Tennis Club, Memoria Park, Cricket Field, etc. practically, all in areas more congested than the area in question here." Allowing this use would just be a natural extension of what that Board described as "an integral part of community living"

Respectfully Submitted
Needham Pool & Racquet Club, Inc.
by its attorney,



Michael A. Crowe, Esquire
200 Highland Avenue
Suite 302
Needham, MA 02494
michaelacroweesq@gmail.com
781-444-5855



**Town of Needham
Building Department
500 Dedham Avenue
Needham, MA 02492
Tel: 781-455-7550**

October 8, 2025

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 1545 Central Ave.

Dear Board Members,

I have reviewed the proposal which seeks to adjust closing time, lighting time limitations and the opening date of the Needham Pool and Raquet Club.

This office has no objection or concern for these changes and we have no complaints on file related to the club's operation.

Sincerely,

Joe Prondak
Building Commissioner

Daphne Collins

From: Deb Anderson
Sent: Tuesday, October 14, 2025 1:26 PM
To: Daphne Collins; Timothy Puopolo
Subject: RE: 1545 Central Avenue - ZBA Administrative Review - Due October 21, 2025

Daphne,

As it appears the proposed revisions to this permit have no effect on Conservation jurisdiction, we have no comment.

Deb



Debbie Anderson, PWS
Director of Conservation
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 x 72248
AndersonD@Needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, October 8, 2025 4:00 PM
To: Deb Anderson <andersond@needhamma.gov>; Timothy Puopolo <tpuopolo@needhamma.gov>
Subject: FW: 1545 Central Avenue - ZBA Administrative Review - Due October 21, 2025

Deb and Tim-

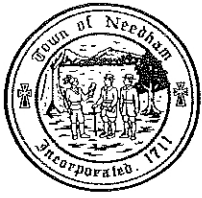
There is resource area identified at this property – 1545 Central Avenue.

I am forwarding this ZBA Special Permit Amendment Application for your information and review. Comments are due **October 21, 2025**.

Daphne

From: Daphne Collins
Sent: Tuesday, October 7, 2025 11:29 AM
To: Donald Anastasi <Danastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 1545 Central Avenue - ZBA Administrative Review - Due October 21, 2025

Good Morning–



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

October 21st, 2025

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Special Permit Amendment
1545 Central Ave - Special Permit Amendment

Dear Members of the Board,

The Department of Public Works has completed its review of the above-mentioned Special Permit Amendment for the special permit at the Needham Pool & Raquet Club.

The documents submitted for review are as follows:

- Application for Special Permit dated 10/3/25.
- Cover Letter by Michael Crowe dated 10/3/25
- Special Permit Amendment dated July 16, 2020

Our comments and recommendations are as follows:

- We have no comment or objection to the proposed amendment.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer

Daphne Collins

From: Tom Conroy
Sent: Tuesday, October 7, 2025 3:01 PM
To: Daphne Collins
Subject: RE: 1545 Central Avenue - ZBA Administrative Review - Due October 21, 2025

Hi Daphne,
No issues with the Fire dept.
Thanks,
Tom



From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, October 7, 2025 11:29 AM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 1545 Central Avenue - ZBA Administrative Review - Due October 21, 2025

Good Morning—

1545 Central Avenue –Needham Pool & Racket Club, Inc. applied for a Special Permit Amendment to permit the change the closing time from 10pm to 11pm; change the warming hut lights to be turned off from 10:30pm to 11:30pm; and to change the opening day of the club from October 1 to September 15 per the Special Permit to the entire premises and to modify the waiver of off-street parking requirements pursuant to Section 3.2.6.2, 5.1.1.5, 5.1.2, 5.1.3 of the By-Law. The property is located in the Single Residence A (SRA) zoning district.

Attached please find the application with its associated back-up documents for your information and review. I also included the current Special Permit the Applicant is seeking to amend.

I appreciate your comments no later than **October 21, 2025** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Thank you,

Daphne

Daphne Collins

From: Tara Gurge
Sent: Tuesday, October 21, 2025 4:57 PM
To: Daphne Collins
Subject: RE: 1545 Central Avenue - ZBA Administrative Review - Due October 21, 2025/Public Health comments

Daphne -

Here are the Public Health Division's comments for the Zoning Board's proposed Special Permit Amendment received for the property located at **#1545 Central Ave.**, below.

- We have reviewed our files, and we need to receive a copy of the Warming Hut's compost toilet maintenance plan for our record. Can the owner please provide us with a copy of that routine maintenance plan for this in-use composting toilet? How often does this compost toilet get serviced? Please provide us with your most recent service records for our file. Was a hand sink ever installed in this Warming Hut?
- Is the owner still looking to upgrade the existing on site septic system in order to accommodate this Warming Hut and the proposed additional increase in hours of operation from 10 PM to 11 PM, and increase in seasonal operation from Oct. 1 to Sept. 15th? Please advise.

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

Thank you,



Tara Gurge, MS, RS ([she/her](#))
Assistant Director of Environmental &
Community Health
Needham Public Health Division
Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494
Office: (781) 455-7940 ext 74211
Fax: (781) 455-7922
Mobile: (781) 883-0127
www.needhamma.gov



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**Needham Public
Health Division**
Prevent. Promote. Protect.

Please be advised that the Massachusetts Secretary of State Office has determined that this email may be considered a public record.

Daphne Collins

From: Tara Gurge
Sent: Tuesday, October 28, 2025 5:54 PM
To: Daphne Collins
Cc: Sainath Palani; Timothy McDonald; Joseph Prondak
Subject: RE: ZBA Meeting - October 30, 2025, 7:30pm, Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA/Public Health comments

Daphne –

The Public Health Division conducted some additional follow-up research regarding this proposal at #1545 Central Avenue. Here are the revised comments from the Public Health Division noted below.

- Sainath Palani, Env. Health Agent at the Needham Public Health Division, conducted a site visit with Barry Nectow, the Needham Platform Tennis Club president, on Friday, October 24, 2025 at 8:30 AM. Sai was able to observe that the initially installed compost toilet, installed back when the paddle club was first opened in October 2021, was removed from the Warming Hut and currently not in use. The portable handwash sink that went along with it was also removed and both were stored in a shed. Barry said the compost toilet was removed within 6 months, around April 2022, due to feedback received from members. In February 2022, one of the Town Plumbing inspectors also rejected the plumbing permit for the compost toilet. The Needham Platform Tennis Club had not provided the Public Health Division with any updates on the removal of the compost toilet during this time, and it was recently discovered that the compost toilet was removed during the site visit in October 2025. In lieu of the compost toilet, a temporary porta-potty with a hand wash station was installed to accommodate the new paddle club courts which is serviced weekly by The Throne Depot, a permitted septic waste hauler.
- Tara Gurge, Assistant Public Health Director, and Sai met with the Needham Building Commissioner, Joseph Prondak on October 22, 2025, to discuss this proposal, where it was mentioned that the compost toilet was not approved per the previous plumbing inspector (permit # P-22-10051.) It was also confirmed that the Building Dept. permit was still open for the Warming Hut (permit # BC-20-10069) and that porta-potties are meant for temporary uses only.

The Public Health Division, with assistance and guidance from the Building Department, is currently looking into making a decision on whether this paddle club porta-potty w/ handwash station can be allowed for extended periods of time in this location given its' seasonal use and the lack of proper municipal/private sewer or plumbing infrastructure at this location to service these paddle club courts. We will forward along any updated info. as we receive it prior to the hearing on Thursday.

Feel free to reach out with any follow-up questions.

Thank you,



Tara Gurge, MS, RS ([she/her](#))
Assistant Director of Environmental &
Community Health
Needham Public Health Division
Rosemary Recreation Complex
178 Rosemary Street

Memorandum

To: Town of Needham Zoning Board of Appeals
From: Jeffery D. Ugino, Esq.
Date: October 7, 2025
Re: 0 Colgate Road

Per the Board's request, the following are material changes contained in the recently-filed appeal of the Building Commissioner's September 4, 2025 denial of a Building Permit for 0 Colgate Road, as compared to the Applicant's December 2024 appeal:

1. **New Existing Conditions Plan.** The appeal includes a new Existing Conditions Plan which includes further research on the layout of the private way, including a 1947 plan in which the Town approved a partial layout of "Washington Avenue". Washington Avenue later became Old Cart Road, and then Colgate Road. The updated Existing Conditions Plan appears as Exhibit A to the appeal. The 1947 Plan appears as Exhibit D.
2. **References to 1947 Plan on 1954 ANR Plan and 1974 Definitive Subdivision Plan.** The appeal demonstrates that both the 1954 ANR Plan and 1974 Definitive Subdivision Plan (both previously submitted to the Board), denote the "MID CURVE INTERSECTION OF WASHINGTON AVE & FREDERICK PARK". Frederick Park intersected Washington Avenue (now Colgate Road) on the 1947 Plan. The significance of these notes was not previously understood until discovery of the 1947 Plan.
3. **Addresses Abutter Arguments Concerning 30-Year Limit on Land Restrictions.** The appeal addresses arguments raised by the 66 Colgate Road owners that the restrictions contained in the Covenant executed by the Town and developer, made in conjunction with the 1974 Subdivision Plan approval in exchange for certain roadway waivers granted, expired after 30 years by operation of G.L. c.184, §23. The Covenant provides that Lot A2/Colgate Road shall remain "*free of any other improvements which would be inconsistent with said lot serving as an access to Greendale Avenue primarily for the benefit of the portion of lot A1 abutting lot A2 and any other properties abutting lot A2 as their respective interest may appear in providing for the public convenience and necessity when the need arises*". The appeal now includes supporting case law which makes clear that the 30-year expiration of restrictions on land does not apply to restrictions which arise in conjunction with municipal subdivision approval. Such restrictions continue indefinitely.

4. **Addresses Abutter Arguments Concerning Prescriptive Easement/Adverse Possession.** Lastly, the appeal addresses arguments of the 66 Colgate Road owners that they and/or their predecessors extinguished any rights the applicant has in the private way by means of adverse possession or prescriptive easement. To establish such rights, the party claiming prescription or adverse possession must establish a use which is “irreconcilable with its use as a way.” Brennan v. DeCosta, 24 Mass.App.Ct. 968 (1987). Here, the actual use is fully consistent with that of a way.



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	Estate of Patricia M. Connolly c/o Mark Connolly	Date:	10/2/25
Applicant Address	346 Congress Street, Apt. 309 Boston , MA 02210		
Phone	617-921-1950	email	splitrockcd@gmail.com
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other_____			
If not the owner, a letter from the owner certifying authorization to apply must be included			
Representative Name	☒ Attorney ☐ Contractor ☐ Architect ☐ Other_____ Geleman and Cabral LLC		
Address	30 Walpole Street, Norwood, MA 02062		
Phone	781-769-6900	email	gino@gelermancabral.com
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____			
Contact ☐ Me ☒ Representative in connection with this application.			

Subject Property Information

Property Address	0 Colgate Road		
Map/Parcel Number	1990570002200000	Zone of Property	Single Family Residence B
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☒ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (select one): ☐ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☒ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Please see addendum attached.

Statement of Relief Sought:

Please see addendum attached.

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

Table of Regulation 4.2.3

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

	Existing Conditions	Proposed Conditions
Use	Vacant	Single Family Residential
# Dwelling Units	N/A	1
Lot Area (square feet)	10,063 sq.ft.	10,063 sq.ft.
Front Setback (feet)	N/A	TBD
Rear Setback (feet)	N/A	TBD
Left Setback (feet)	N/A	TBD
Right Setback (feet)	N/A	TBD
Frontage (feet)	95 feet	95 feet
Lot Coverage (%)	N/A	TBD
FAR (Floor area divided by the lot area)	N/A	TBD
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:

Vacant Land

Date Lot was created:

prior to 1954

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <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 have consulted with the Building Inspector September 4, 2025
date of consult

Date: 10/2/2025 Applicant Signature /s/ Jeffery D. Ugino, Esq.

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

Addendum to Building Permit Application 0 Colgate Road

Existing Conditions:

0 Colgate Road is shown as Lot 14 (“Lot 14”) on Plan 1271 of 1954, recorded with the Norfolk County Registry of Deeds (the “Registry”) as an ANR Plan (“1954 Plan”). A current Existing Conditions Plan of Land showing Lot 14 is attached as **Exhibit A**. The 1954 Plan, showing Colgate Road as “Old Cart Road” is attached as **Exhibit B**. Prior to the 1954 Plan, in 1947, the Town of Needham approved a partial layout of “Washington Avenue”, the full length of which later became Old Cart Road and then Colgate Road.

Lot 14 is a vacant lot located in the Single Residence B District. It has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in Single Residence B per Section 4.2.1 of the Needham Zoning Bylaws. **See Exhibit A**. Lot 14 contains 10,063 square feet of area, and thus also satisfies the minimum lot size requirement of 10,000 square feet for the Residence B District. **See Exhibit A**. As a result, Lot 14 satisfies all zoning requirements for construction of a single-family detached dwelling.

Pertinent Bylaw Definitions:

By the herein request, the Applicant requests a formal determination relative to the buildability of Lot 14. Addressing Lot’s 14 frontage to meet the minimum requirements of the Zoning Bylaws, under the Bylaws, “frontage” and “street or way” are defined as follows:

Frontage - a continuous portion of a sideline of a way, public or private, between the sidelines of a lot in common ownership and in the case of a corner lot, between a sideline of such lot and the intersection of sidelines of ways or the midpoint of the curve connecting such sidelines. No lot shall be required to have frontage on more than one way. No lot shall be deemed to have frontage unless there exists safe and convenient vehicular access from said lot to a street or way.”

Street or Way – any public way or any private way shown on a plan approved under the provisions of the Subdivision Control Law or in existence when the provisions of said Subdivision Control Law became effective in the Town of Needham, having in the opinion of the Planning Board suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

The Applicant encloses herewith as **Exhibit C** a title examination of Lot 14, the surrounding ways, and 66 Colgate Road.

Establishment of Washington Avenue/Old Cart Road/Colgate Road

Prior to the endorsement of the 1954 Plan, in 1947, the Town of Needham approved a partial layout of “Washington Avenue”, which later became Old Cart Road, and then Colgate Road. Plan 32 of 1947 (the “1947 Plan”) is attached hereto as **Exhibit D**.

As noted above, the 1954 Plan, endorsed by the Needham Planning Board as “Approval Not Required” under the Subdivision Control Law, shows a 10,000 sq.ft. ± lot fronting on a way known at that time as Old Cart Road. See **Exhibit B** and **Exhibit C, at p. 46**. Clearly noted on the 1954 Plan is the following notation “MID CURVE INTERSECTION OF WASHINGTON AVE & FREDERICK PARK”. Frederick Park intersected Washington Avenue on the 1947 Plan.

The 1954 Plan demonstrates that, as far back as 1954, Lot 14 was recognized as a separate buildable lot with adequate frontage along a way. Paper streets, such as Old Cart Road, are ways “shown on a recorded plan but never built on the ground.” Shapiro v. Burton, 23 Mass.App.Ct. 327, 328 (1987). Elimination of a paper street may only be accomplished by recordable releases from all property owners having rights in the way, Anderson v. Devries, 326 Mass. 127, 132 (1950), or by a court judgment. Here, Old Cart Road is a paper street shown on the 1954 Plan.

Today, the portion of Colgate Road that fronts Lot 14 is no longer a paper street, it having been improved no later than construction of a dwelling at 66 Colgate Road in approximately 1984. Today, the entire length of the way from Oak Hill Road past 0 Colgate Road and to 66 Colgate Road is paved. Even if the way (being Old Cart Road n/k/a as Lot A2) was never constructed, the Applicant has a continued right to use Old Cart Road (n/k/a Lot A2) as a way because Lot 14’s access has not been extinguished, on record or otherwise.

Based on the 1954 Plan alone, it is clear that the Applicant has proper frontage on a way within the meaning of the Bylaw, and therefore meets all the requirement for buildability.

1974 Subdivision Plan and Covenant:

The rights of Lot 14 in the way were reaffirmed in years subsequent to the 1954 Plan. Further research finds that, in connection with a certain recorded Covenant, described below, a subdivision plan of land entitled “Definitive Plan of the Subdivision of Land in the Town of Needham, situated off Oak Hill Road,” dated July 11, 1974, was submitted by Dawson Development Corporation, approved by the Planning Board, and subsequently recorded at the Registry as No. 144 in 1975 in Pl. Bk. 248 (the “1974 Subdivision Plan”). A copy of the 1974

Subdivision Plan is included in **Exhibit C, at p. 20**. The 1974 Subdivision Plan was submitted and approved in connection with the subdivision of Lot 15 into three separate lots, and shows Lot 14 and what was previously known as Old Cart Road as Colgate Road¹ and Lot A2. As evidence of the continued recognition of Colgate Road (f/k/a Old Cart Road and Washington Avenue) as a private way, the following notation appears clearly on the 1974 Subdivision Plan: “MID CURVE INTERSECTION OF WASHINGTON AVE & FREDERICK PARK”. Frederick Park intersected Washington Avenue on the 1947 Plan.

At the time the 1954 Plan was prepared, Lot A2 was owned by Robert C. Dawson and Beatrice J. Dawson (the “Dawsons”). On March 7, 1975, the Dawsons, still owners of Lot A2, Dawson Development Corporation, and the Town, gained Town approval of its 1975 Subdivision Plan, in part, by executing a certain Covenant, recorded in Book 5116, Page 174 on March 27, 1975 at the Registry (the “Covenant”). The Covenant, along with the signed 1974 Subdivision Plan, together, serve as the Planning Board’s approval of the subdivision application. A copy of the Covenant is attached as **Exhibit C, at p. 14**. In pertinent part, the Covenant states as follows:

II. This Covenant shall run with the land and shall be binding upon the executor, administrators, heirs, assigns to the respective owners and developer, and their successors in title to the premises shown on said plan.

III (B). Lot A2, 18,427 square feet, bounded and described as shown on the aforementioned Definitive Plan, shall not constitute a separate building lot and *shall remain free of any other improvements which would be inconsistent with said lot serving as an access to Greendale Avenue primarily for the benefit of the portion of lot A1 abutting lot A2 and any other properties abutting lot A2 as their respective interest may appear in providing for the public convenience and necessity when the need arises*. In consideration of the developer agreeing to the condition stated herein, the Planning Board will waive the requirements for the construction of a permanent turnaround as described in Section 3.3.5 of the “Subdivision Regulations and Procedural Rules of the Planning Board” and will allow the developer to construct a temporary back-up strip as outlined in condition III,C. of this covenant

(Emphasis supplied.)

¹ By Order of Taking for Town Way dated June 8, 1976 (“Order of Taking”) a portion of Oak Hill Road was accepted as a town way. See **Exhibit C, at p. 29**.

Pursuant to the Covenant, which is binding upon the Dawsons, their successors, and the Town, there is a clear understanding that Lot A2 would remain a way for the benefit of any properties abutting lot A2, a condition required to waive Planning Board rules regarding subdivision road construction, i.e., the requirement for a permanent turnaround. The Applicant, as the owner of Lot 14 – which abuts Lot A2 – is an express intended beneficiary of the Covenant.² The Applicant, or her predecessors, did not release or otherwise waive the benefits expressly promised by the Covenant, and there are no releases of record of the Covenant by any other party.

To the extent that the owners of 66 Colgate Road claim that they and/or their predecessors extinguished that portion of the private way by adverse possession or prescriptive easement, such use must be “irreconcilable with its use as a way.” Brennan v. DeCosta, 24 Mass.App.Ct. 968 (1987). Here, the actual use is fully consistent with that of a way. If the same owners raise the issue of the expiration of restrictions on land after the passage of 30 years as contained in G.L. c.184, §23, i.e., the 1975 Covenant, it is well settled that the 30-year limit does not apply here. This is because the restrictions on the Covenant were not “created by deed, other instrument, or a will”, but rather by a “land use restriction[] imposed as a condition to the discretionary grants of regulatory approval under the police power.”. See Samuelson v. Planning Bd. of Orleans, 86 Mass.App.Ct. 901, 902 (2014). In any event, the way existed before the 1975 Covenant and therefore the interpretation of the Covenant is not dispositive as to the creation of the way.

1975 Grant of Easement and Public Taking:

By Grant of Easement dated January 23, 1975 and recorded at the Registry on September 22, 1975 in Book 5163, Page 530, Robert C. Dawson, as owner of Lot A2, granted a 30 foot temporary backup easement extending from Colgate Road to the Inhabitants of the Town of Needham. See **Exhibit C, at p. 27**. This temporary grant of easement was permitted by the Town because, pursuant to the Covenant, the abutters of Lot A2 were given access over Lot A2. Colgate Road was soon thereafter taken as public way by the Town. Pursuant to the Order of Taking in 1976 – because this easement onto Lot A2 was included in the Acceptance Plan referenced therein, see **Exhibit C, at p. 33** – the easement was including in the taking and thereby made permanent. See **Exhibit C, at p. 29**. This public easement extending from Colgate Road onto Lot A2 directly abuts Lot 14 by a width of 30 feet. See **Exhibit C, at p. 33**.

Further Title History:

² Pursuant to § 302 of the Restatement (Second) of Contracts (1981): “(1) Unless otherwise agreed between promisor and promisee, a beneficiary of a promise is an intended beneficiary if recognition of a right to performance in the beneficiary is appropriate to effectuate the intention of the parties and either (a) the performance of the promise will satisfy an obligation of the promisee to pay money to the beneficiary; or (b) the circumstances indicate that the promisee intends to give the beneficiary the benefit of the promised performance. (2) An incidental beneficiary is a beneficiary who is not an intended beneficiary.”

By deed dated December 5, 1984, Lot A2 was granted to Jerome Derenzo. See **Exhibit C, at p. 35**. Thereafter, Lot A2 was granted to Ellen Lynn Hurvitz by deed dated November 6, 1984. See **Exhibit C, at p. 38**. By deed dated February 4, 1988, Lot A2 was granted to Ellen Lynn Hurvitz and Barry David Stasnick. See **Exhibit C, at p. 41**. None of the aforementioned deeds contain reference to the Covenant.

Notably, a driveway from the Applicant's property (Lot 14) to Lot A2 could likely be constructed so that the only portion of Lot A2 used by the occupants of Lot 14 would be the 30-foot public easement portion leading directly to Colgate Road, a public way.

Given the above title and subdivision approval history, Lot 14 clearly has rights along a private way, over a public way/easement, and along Colgate Road, which meet the Zoning Bylaw's definition of "frontage." Such rights first arose prior to the existence of Colgate Road through the layout of Washington Avenue via the 1947 Plan and Old Cart Way via the 1954 Plan, and were later reaffirmed by way of the 1974 Subdivision Plan, recorded in 1975, which continues to show Lot 14 fronting on a way. Lot 14's rights on a way are also further confirmed under the Covenant.

Without this access, Lot 14 would be unfairly landlocked in contravention of Massachusetts law involving subdivision ways, paper streets, Planning Board Covenants, and use of public easements; and further in contravention of public safety which undergirds the reason for the conditions placed on the Town's subdivision approvals. Any alternative finding would leave Lot 14 as landlocked and unbuildable. While it appears from the recorded documents that the initial intent was to extend Colgate Road all the way to Greendale Avenue, the Applicant here is willing to only seek access to Colgate Road from Lot A2 by way of the existing public easement, which is already paved and abutting Lot 14, and not Greendale Avenue.

Applicant's Ownership in a Portion of Lot A2 Pursuant to Derelict Fee Statute:

Though the Applicant does not require ownership in the pertinent way to establish frontage within the meaning of the Zoning Bylaw, to the extent that ownership of Lot A2 arises as an issue in the ZBA's consideration of the application, the Applicant owns to the centerline of the way per Massachusetts General Laws Chapter 183, Section 58 (the "Derelict Fee Statute"). "The statute establishes an authoritative rule of construction that 'every deed of real estate abutting a way includes the fee interest of the grantor in the way.'" Conway v Caragliano, 102 Mass.App.Ct. 773 (2023).

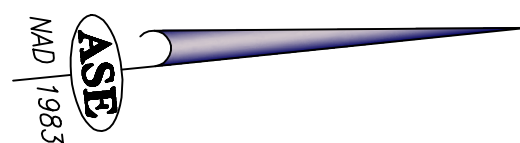
Moreover, in Carmel v. Baillargeon, 21 Mass. App. Ct. 426 (1986), the court recognized that abutters of a private way are entitled to use it for all purposes for which a public way may be used, reinforcing the rights of abutting landowners to utilize the private way. Here, Lot 14 was conveyed by deed from William H. Carter to Jennie Little in 1954. See **Exhibit C, at p. 48**. The deed references the 1954 Plan. In fact, it was William H. Carter who was responsible for the creation of the 1954 Plan which was approved by the Planning Board, which shows Lot 14

abutting Old Cart Road. The deed also describes the frontage of Lot 14 as 95 feet of land still owned by Carter. Notably, in the deed conveying Lot 14, Carter makes no explicit reservation of rights in the way nor does he prohibit or exclude rights in the way. Thus, in accordance with G.L. c.183, §58 and decades of supporting case law, Lot 14 not only fronts along the way, but also was conveyed with ownership rights in a portion of the way.

Conclusion:

Based on the foregoing, the Applicant requests that the Building Commissioner confirm the buildability of Lot 14 as a single-family detached dwelling, as it satisfies the Town requirements for both frontage along a way and lot area.

EXHIBIT A



LEGEND

- | | |
|---------------|------------------|
| ● IP | IRON PIN |
| EOP | EDGE OF PAVEMENT |
| x 194.8 | SPOT ELEVATION |
| ⦿ UP | UTILITY POLE |
| —OHW— | OVERHEAD WIRES |
| ⊗ SMH | SEWER MANHOLE |
| ⊙ DMH | DRAIN MANHOLE |
| ⊞ CB | CATCH BASIN |

NOTES

1. SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
2. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.
3. UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES, IF ANY, HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY AND RECORD LOCATIONS, THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL, TOLL FREE, DIG SAFE CALL CENTER AT 1-888-344-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION.
4. HORIZONTAL LOCATIONS SHOWN ON THIS PLAN REFERENCE THE NORTH AMERICAN DATUM OF 1983 (NAD 83). ELEVATIONS REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
5. LOCATIONS OF HOUSES WITHIN ONE HUNDRED FEET OF LOCUS PROPERTY HAVE BEEN TAKEN FROM THE TOWN OF NEEDHAM ONLINE WEBGIS INTERACTIVE MAP (<https://needham.maps.arcgis.com>) AND ARE SHOWN GRAPHICALLY.
6. WASHINGTON AVENUE AND FEDERICK PARK SHOWN ON THIS PLAN REFERENCE PLAN NUMBER 32 OF 1947. OLD CART ROAD REFERENCES PLAN 1271 OF 1954 (SEE PLAN REFERENCES).

REFERENCES

DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 5303, PAGE 675

PLAN REFERENCES: PLAN ENTITLED "PLAN OF LAND IN NEEDHAM - MASS", PREPARED BY GEORGE N. GIUNTA, P.L.S., DATED NOVEMBER 4, 1984, PLAN NUMBER 1498 OF 1984, PLAN BOOK 6561, PAGE 352

PLAN ENTITLED "TOWN OF NEEDHAM, MASS. DEPT. OF PUBLIC WORKS TEMPORARY EASEMENTS TO BE ACQUIRED AT COLGATE ROAD IN NEEDHAM, MASS.," PREPARED BY JOHN D. MARR, JR., TOWN ENGINEER, DATED JUNE 1975, PLAN NUMBER 650 OF 1975, PLAN BOOK 5163, 528

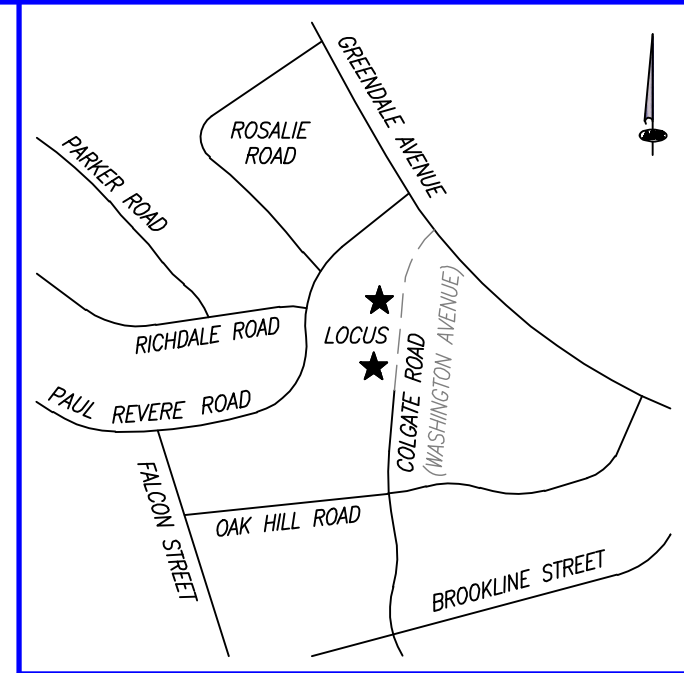
PLAN ENTITLED "DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM SITUATED OFF OAK HILL RD.", PREPARED BY CHENEY ENGINEERING CO., INC., DATED JULY 11, 1974, PLAN NUMBER 144 OF 1975, PLAN BOOK 248

PLAN ENTITLED "LAND IN NEEDHAM, MASS.", PREPARED BY FRANK L. CHENEY, CIVIL ENGINEER, REVISED MAY 7, 1952, PLAN NUMBER 1271 OF 1954, PLAN BOOK 190

PLAN ENTITLED "PLAN OF LAND IN NEEDHAM - MASS", PREPARED
BY ROLAND UHLIN, CIVIL ENGINEER, DATED MAY 6, 1948, PLAN
NUMBER 400 OF 1948, PLAN BOOK 2755, PAGE 140

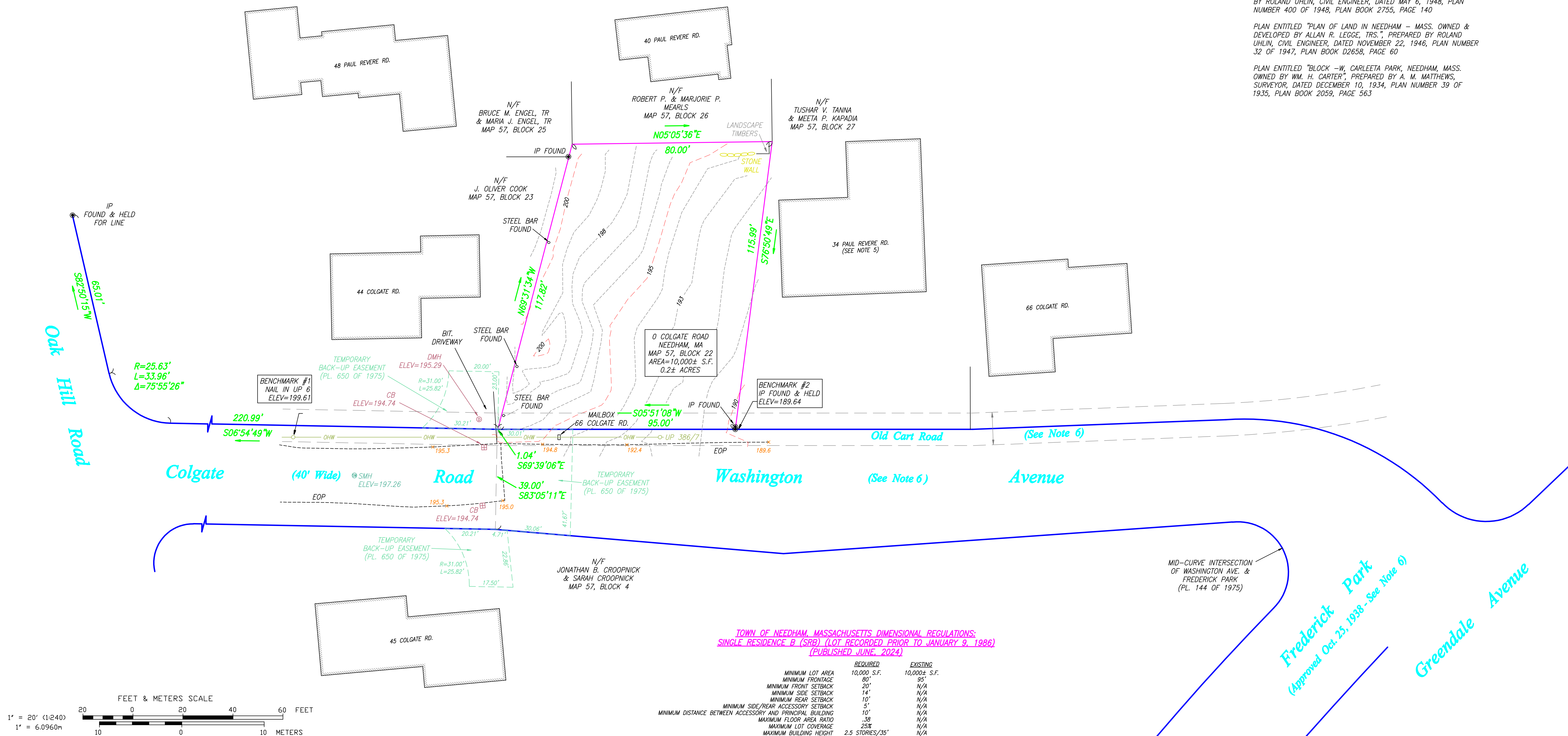
PLAN ENTITLED "PLAN OF LAND IN NEEDHAM - MASS. OWNED &
DEVELOPED BY ALLAN R. LEGGE, TRS.", PREPARED BY ROLAND
UHLIN, CIVIL ENGINEER, DATED NOVEMBER 22, 1946, PLAN NUMBER
32 OF 1947, PLAN BOOK D2658, PAGE 60

PLAN ENTITLED "BLOCK -W, CARLEETA PARK, NEEDHAM, MASS.
OWNED BY WM. H. CARTER", PREPARED BY A. M. MATTHEWS,
SURVEYOR, DATED DECEMBER 10, 1934, PLAN NUMBER 39 OF
1935, PLAN BOOK 2059, PAGE 563



LOCUS MAP

SCALE: 1" = 500'



ZONING DESIGNATION:

TOWN OF NEEDHAM ZONING DISTRICT
SINGLE RESIDENCE B (SRB)

ASSESSOR'S REFERENCE:

MAP 57. BLOCK 22

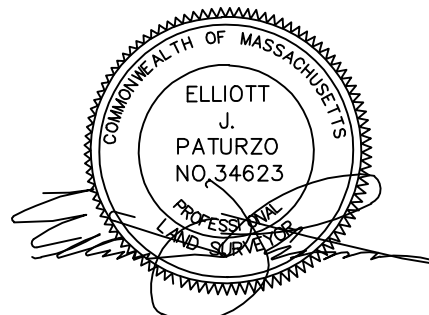
I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND ON MARCH 26, 2025, AND THE LATEST PLANS AND DEEDS OF RECORD.

I CERTIFY THAT THE SUBJECT DWELLING SHOWN LIES IN A FLOOD ZONE "X" SHOWN ON MAP NUMBER 25021C0037E, HAVING AN EFFECTIVE DATE OF JULY 17, 2012.

REVISIONS

DATE	DESCRIPTION

FIELD: DMD
CALCS: EJP/SMI
DRAWN BY: SMI
FIELD EDIT: N/A
CHECKED: EJP
APPROVED:
JOB #: 2511118



4/8/25

PROFESSIONAL LAND SURVEYOR DATE

A.S. Elliott & Associates

Professional Land Surveyors

P.O. BOX 85 ~ HOPEDALE, MA 01747

(508) 634-0256

www.aselliott.com

*Existing Conditions
Plan of Land*

0 COLGATE ROAD

NEEDHAM, MASSACHUSETTS

PREPARED FOR: BRIAN CONNOLLY

SCALE: 1"= 20' DATE: MARCH 26, 2025

EXHIBIT B

۷۲



EXHIBIT C

Quirk Associates LLC
4 Dorothy Lane
Dedham, MA 02026
781-326-1202 * Fax: 781-326-0916
Email Address: Quirkassociates@gmail.com

Date: June 25, 2024
To: Stephen T. Allen, Esquire
From: Tim Quirk
Re: 0 & 66 Colgate Road, Needham

Steve,

We have researched the above properties with a focus on any easement or right of way that may exist for the benefit of 0 Colgate Road.

66 Colgate Road:

We ran title on this property from June 14, 1960 to date.

Matters affecting this property:

1. Covenant, 5116-174 (Sheet 14)
2. Rights reserved in deed, 5116-181 (Sheet 22)
3. Rights reserved in deed, 5116-182 (Sheet 23)
4. Grant of Temporary Easement, 5163-530 (Sheet 27)
5. Taking for the layout of Colgate Road, 5231-159 (Sheet 29)
6. Notice of Intention to Prevent Easement, 6661-179 (Sheet 40)
7. Any existing rights over Cart Road shown on plans, 3798-635 & PB 190 #1271 (Sheets 7-8)

0 Colgate Road:

We have run title on this property from September 10, 1954 to date.

Matters affecting this property:

1. Any existing rights over Cart Road, PB 190 #1271 (Sheet 46)

Please review Covenant 5116-174. Section III (B) would appear to allow access to Greendale Road for abutters of Lot A2, which would include 0 Colgate.

Please review the enclosed and let me know if you have any questions or need additional research.

Regards,


Tim Quirk

66 Colgate Road

Property Information

Property Location:66 COLGATE RD

Class:R-RESIDENTIAL

Use Code (LUC):101-SINGLE FAMILY RESIDENCE

District:MA199 - NEEDHAM

Deeded Acres:.6700

Square Feet:29,185

Owner

Owner	Co-Owner	City	Address	State	Zip Code	Deed Book/Page
HURVITZ, ELLEN LYNN &	STRASNICK, BARRY DAVID	NEEDHAM	66 COLGATE RD	MA	02492	7876/204

Sales

Sale Date (D/M/Y)	Book/Page	Sale Price	Grantee:	Grantor:	Cert Doc #
10-12-1984	7876-204	\$279,000	HURVITZ, ELLEN LYNN &	DERENZO	

Owner History

1 of 23

Tax Year2024

Owner:HURVITZ, ELLEN LYNN &

Co-Owner:STRASNICK, BARRY DAVID

Sale Care Of

State:MA

City:NEEDHAM

Address:66 COLGATE RD

Zip Code:02492

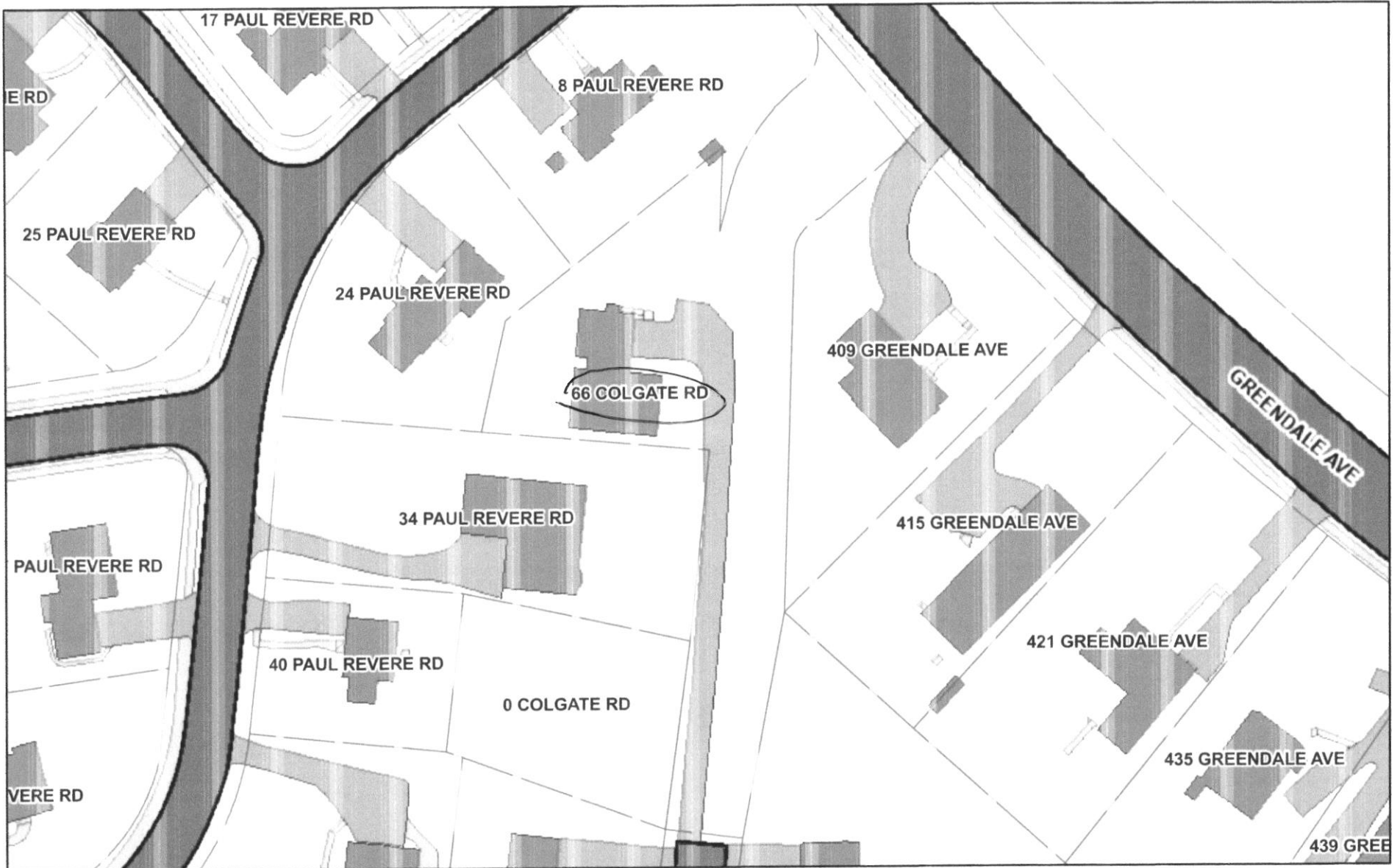
Deed Book/Page7876/204

Land

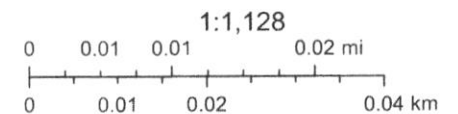
Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT P-PRIMARY		101-SINGLE FAMILY RESIDENCE	10,000	.23	N						55		551,800
2	A-ACREAGE	R-RESIDUAL	101-SINGLE FAMILY RESIDENCE	19,036	.44	N						18,675		18,675
Total:														0 570,475

Printed on Thursday, June 20, 2024, at 1:13:30 PM EST

Town of Needham



6/20/2024, 2:07:14 PM



Filed as No. 1498 1984
Book 6561 Page 352
Attest: [Signature]
Register

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

PLAN OF LAND
IN
NEEDHAM—MASS

NOV. 4, 1984 SCALE 1" = 50'

GEORGE N. GIUNTA R.L.S.
76 NEHOLDEN ST.
NEEDHAM, MASS.

Note: See Plan by Frank L. Cheney dated April 1952 in Plan Book 170 Plan 1271 and Plan by Roland Uhlir dated Nov. 22, 1946 Book 2658 Page 60

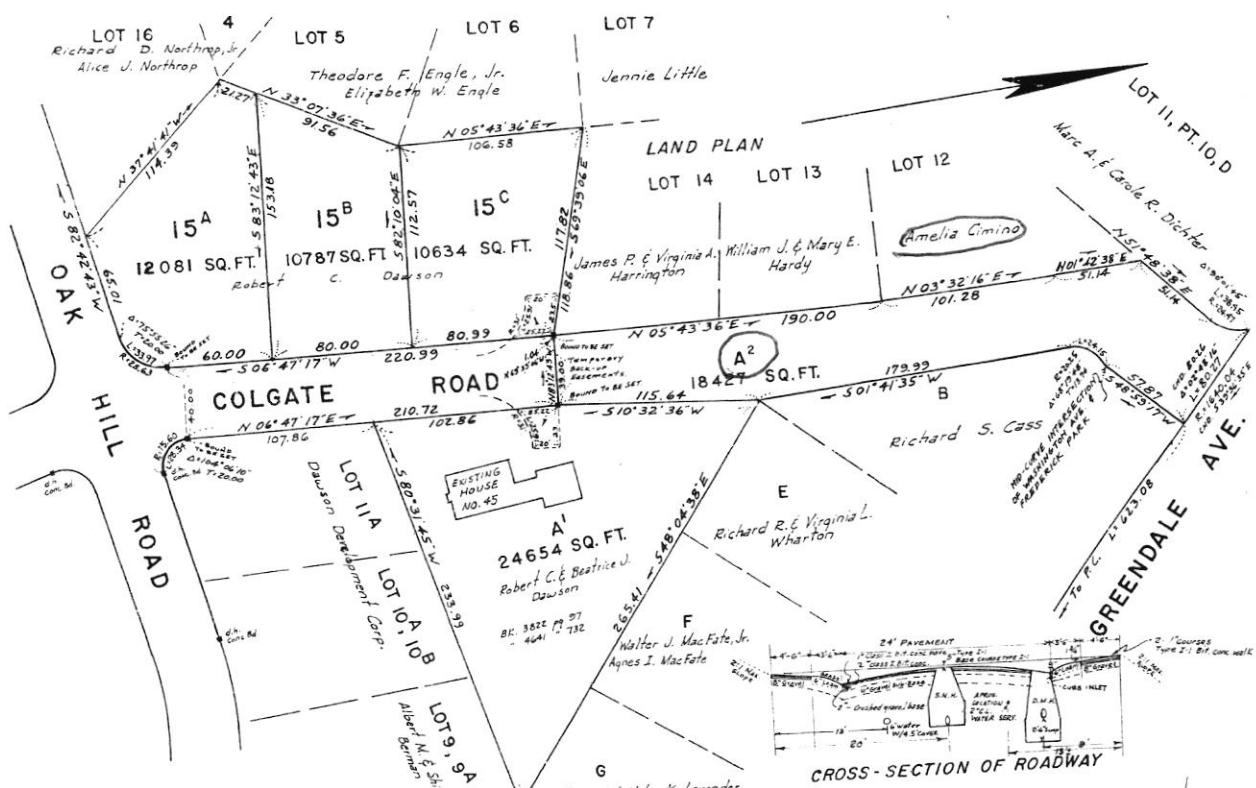


GREENDALE

AVE.

29,018 S.F.

PB 248
H 144

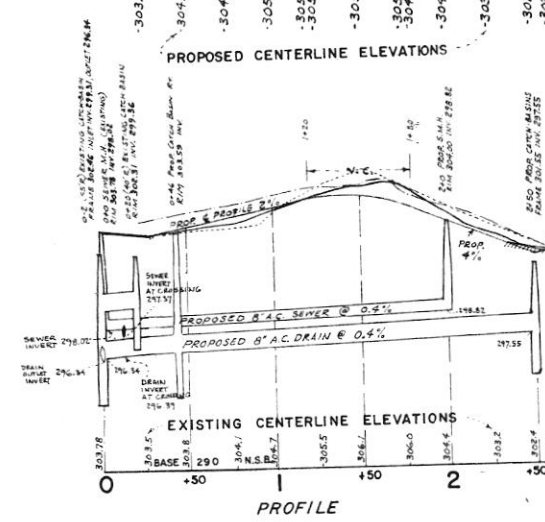
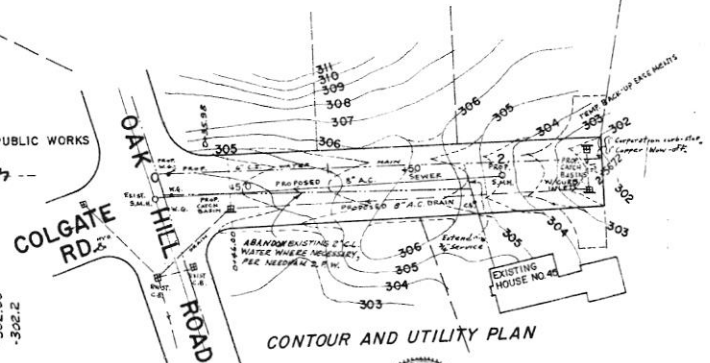


APPROVED IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41A OF THE GENERAL LAWS, AS AMENDED, 11/12/74 AND ENDORSED.

APPROVED 11/12/74 NEEDHAM PLANNING BOARD
 [Signature]
 [Signature]
 [Signature]

APPROVED JAN 30 1975 SUPT. OF PUBLIC WORKS
 [Signature]

APPROVED Jan 30 1975 TOWN ENGINEER
 [Signature]



Noted: [Signature]
 Received Mar 27 1975 with Cvnt.
 Dawson Development Corp. to
 Town of Needham
 Filed No. 148 1975 P. 248
 [Signature]

TOWN CLERK'S CERTIFICATE OF NO APPEAL
 I, TOWN CLERK of the Town of Needham, hereby certify that the notice of approval of this plan by the Needham 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.

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 PLANNING BOARD OF THE TOWN OF NEEDHAM. [Signature]

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM SITUATED OFF OAK HILL RD.	
DATE JULY 11, 1974	
OWNER	ROBERT C. AND BEATRICE J. DAWSON
DEVELOPER	DAWSON DEVELOPMENT CORPORATION
SURVEYOR	CHENEY ENGINEERING CO., INC. 317 CHESTNUT ST., NEEDHAM, MASS.
SHEET 1 OF 1 SHEETS	PRELIMINARY PLAN 3/26/74
HORIZONTAL SCALE 1" = 40'	DEFINITIVE PLAN
VERTICAL SCALE 1" = 4'	REVISIONS DATED

3798-635

NOT AN OFFICIAL COPY
Compiled Plan of Land in
NEEDHAM, MASS.
OFFICIAL COPY

Scale: 1 in. = 40 ft. Cheney Engineering Co.
Needham, Mass.

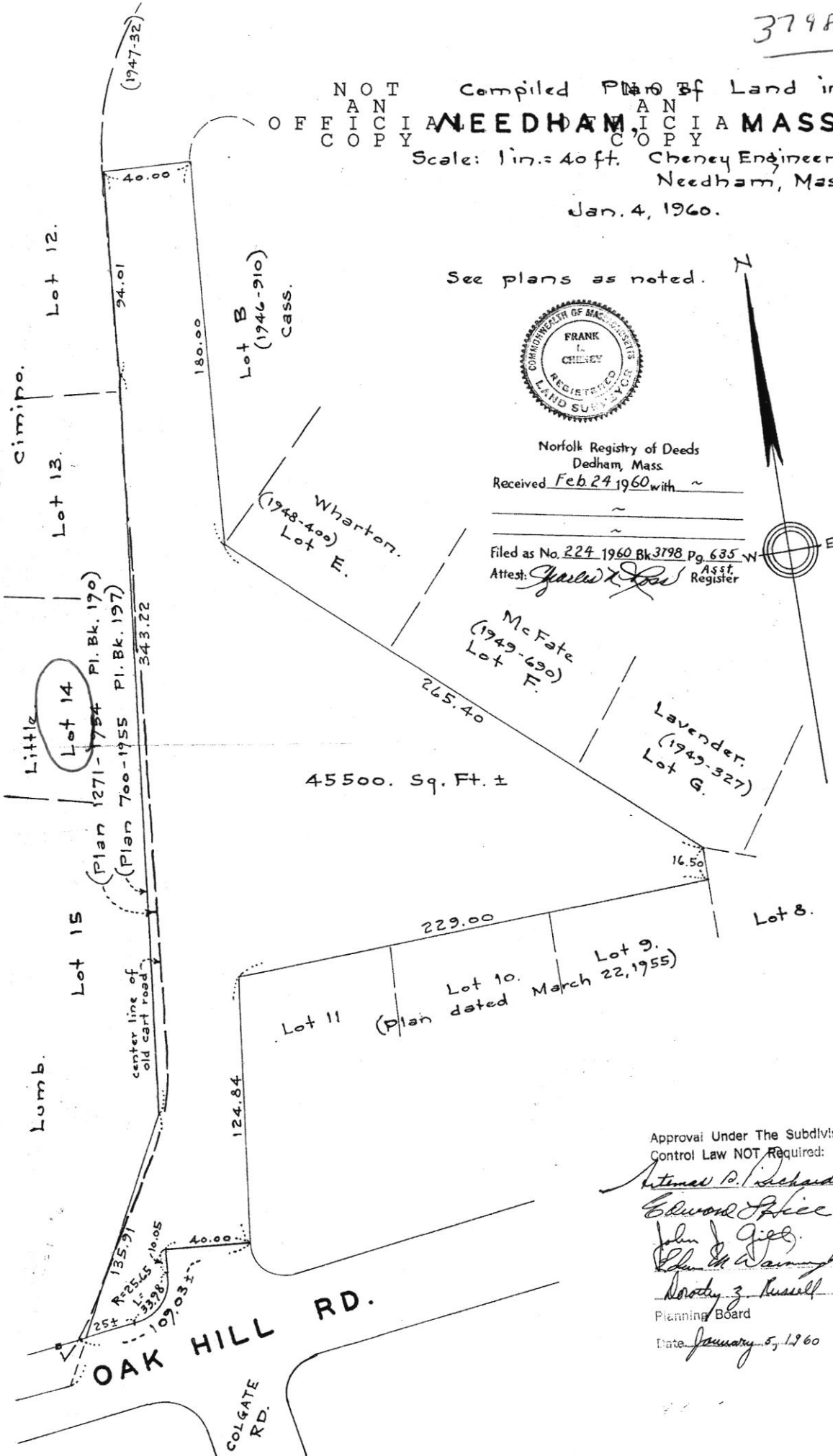
Jan. 4, 1960.

See plans as noted.



Norfolk Registry of Deeds
Dedham, Mass.
Received Feb. 24, 1960 with ~

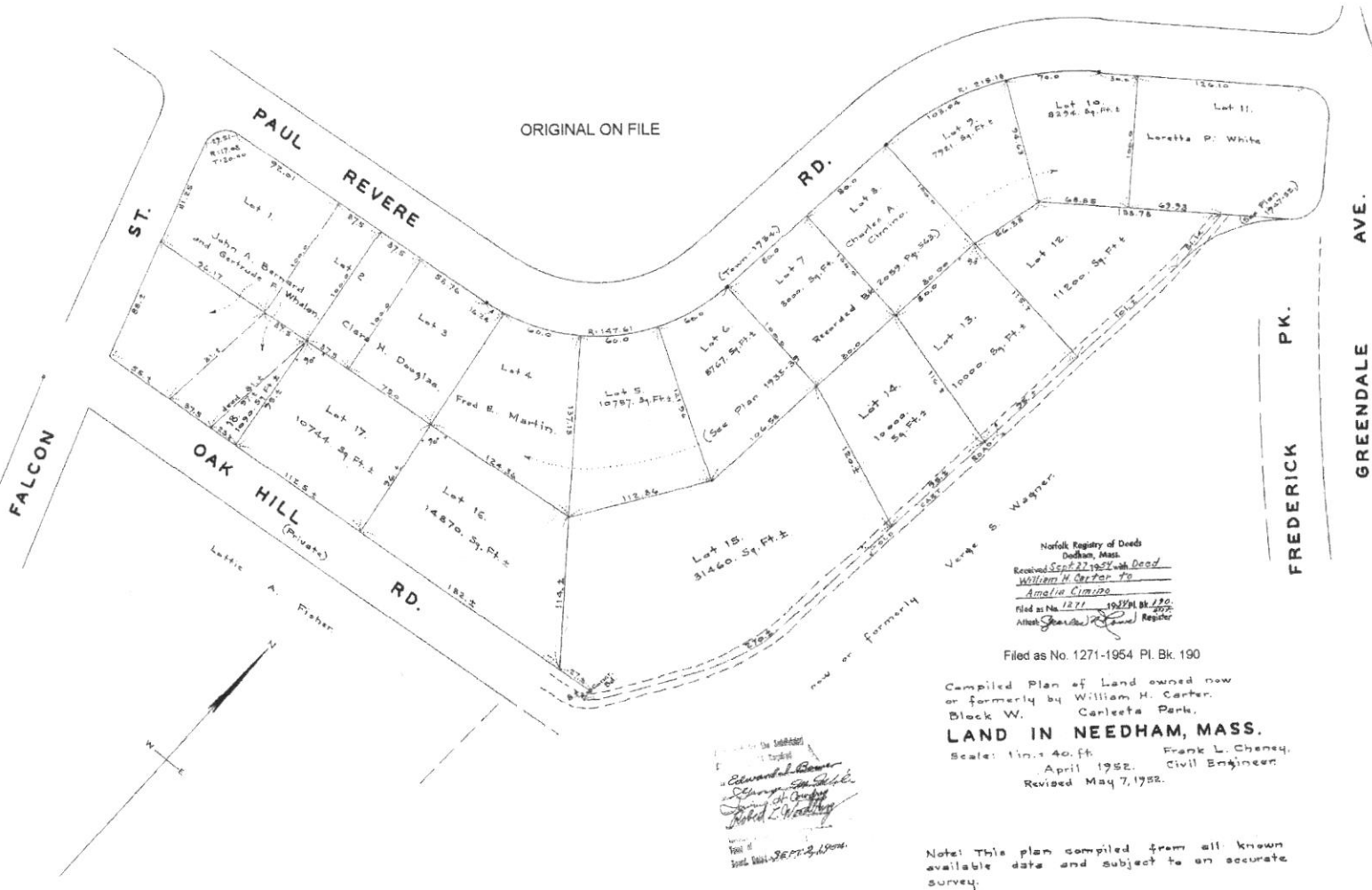
Filed as No. 224 1960 Bk 3798 Pg. 635
Attest: *Frank L. Cheney* Ass't. Register



Approval Under The Subdivision
Control Law NOT Required:

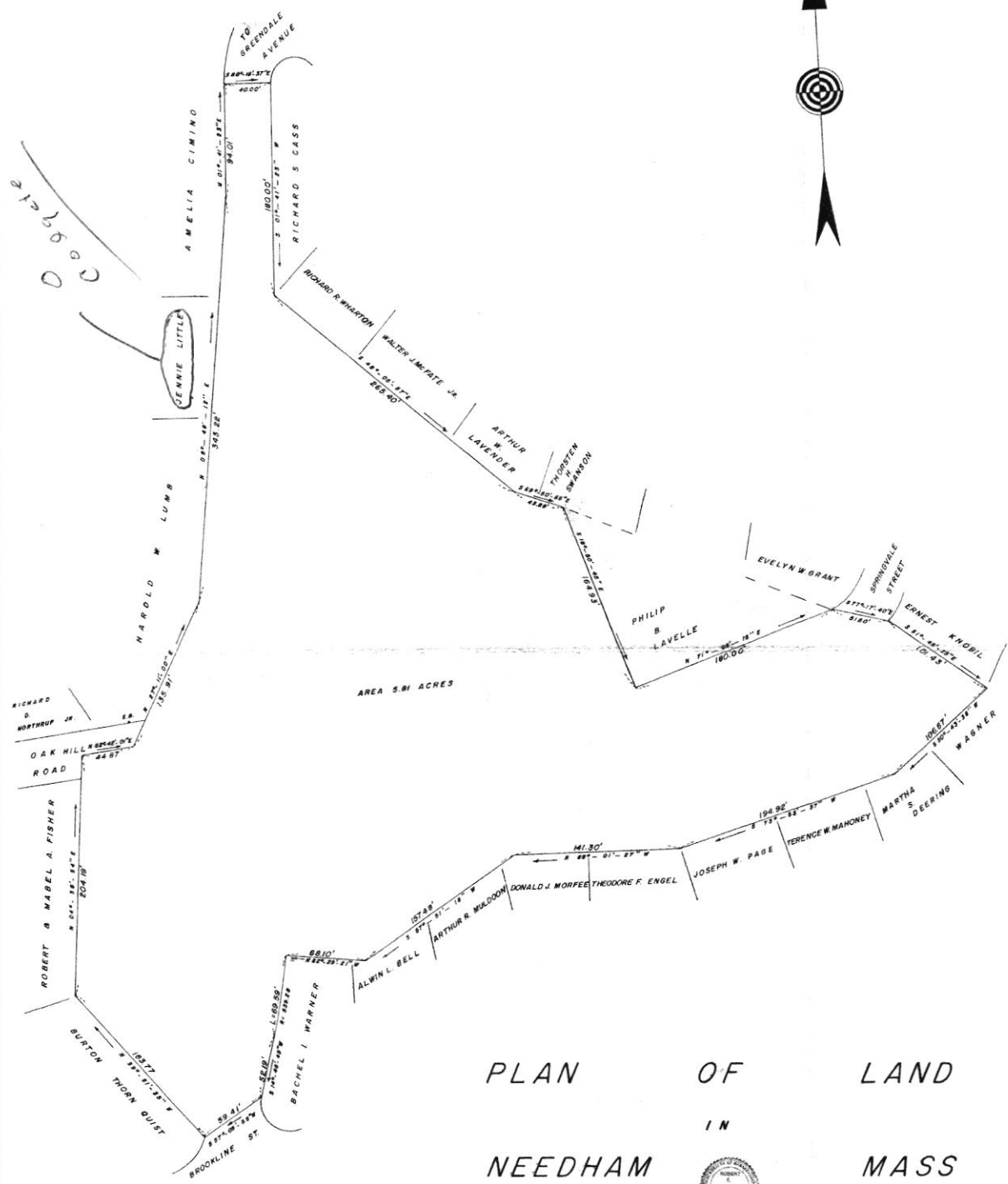
Antonia P. Richardson
Edward Price
John J. Giff
Edmund W. Wainwright
Norman J. Russell
Planning Board
Date: January 5, 1960

PB 190
1271



PB 197
#700

30,552



PLAN OF LAND
IN
NEEDHAM MASS



SCALE: 1" = 40'

FEBRUARY 28, 1955

SURVEY BY: MAC CARTHY ENGINEERING SERVICE INC.

NATICK, MASS.

APPROVAL UNDER THE SUB-DIVISION
CONTROL LAW NOT REQUIRED
NEEDHAM PLANNING BOARD

James M. Little
James M. Little
James M. Little

DATE: 1/10/55

Natick Registry of Deeds
Dorham, Mass.
Received June 3, 1955
Filed as Map 700 1955 Pl. Bk. 197
Attest: *James M. Little* Register

We, VERGE S. WAGNER and HELEN C. WAGNER, husband and wife, the holders of a mortgage by ROBERT C. DAWSON and BEATRICE J. DAWSON, husband and wife, to VERGE S. WAGNER and HELEN C. WAGNER, husband and wife, dated June 3, 1955

recorded with

Norfolk County

Registry of Deeds,

Book 3372

Page 596

for consideration paid, release to ~~Robert C. Dawson and Beatrice J. Dawson~~ and all claiming by through or under them,

all interest acquired under said mortgage in the following described portions of the mortgaged premises

The lot marked "45500. Sq. Ft. +" on a plan entitled "Compiled Plan of Land in Needham, Mass., Scale: 1 in. = 40 ft., Cheney Engineering Co., Needham, Mass., Jan. 4, 1960," recorded with Norfolk County Registry of Deeds as Plan No. 224 of 1960, Book 3798, Page 635.

Witness our hand and seal this tenth day of June 1960

x *Verge S. Wagner*
x *Helen C. Wagner*

The Commonwealth of Massachusetts

Norfolk,

ss.

June 13, 1960

Then personally appeared the above named Verge S. Wagner and Helen C. Wagner and acknowledged the foregoing instrument to be their free act and deed, before me

Ernest R. Neigh
Notary Public

My commission expires

19

ERNEST R. NEIGH
NOTARY PUBLIC

My Commission Expires March 22, 1962

Recorded June 14, 1960 at 3h.06m.P.M.

DAWSON DEVELOPMENT CORPORATION, a corporation duly organized under the laws of the Commonwealth of Massachusetts, and having an usual place

of business at Needham,

Norfolk County, Massachusetts,

~~has heretofore~~ for consideration paid, grant to ROBERT C. DAWSON and BEATRICE J. DAWSON, husband and wife, as tenants by the entirety, both

of Needham, said Norfolk County

with quitclaim covenants

the land with buildings thereon situated in said Needham, bounded and described as follows:

(Description and encumbrances, if any)

SOUTHERLY, EASTERLY, and SOUTHERLY again, by Oak Hill Road, 109.03 feet, more or less;

EASTERLY by Lot 11 on a plan hereinafter mentioned, 124.84 feet;

SOUTHERLY by Lots 11, 10, and 9 on said plan, 229.00 feet;

EASTERLY by Lot 8 on said plan, 16.50 feet;

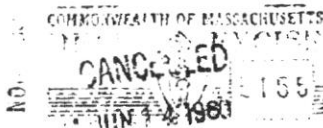
3822

98

NORTHEASTERLY by Lots E, F, and G on said plan, 265.40 feet;
 EASTERLY again, by Lot B on said plan, 180.00 feet;
 NORTHERLY by unmarked land on said plan, 40.00 feet; and
 WESTERLY by Lots 12, 13, 14, and 15 on said plan, by three lines measuring 94.01 feet, 343.22 feet, and 135.91 feet, respectively.

CONTAINING 45,500 square feet of land, more or less, according to said plan.

Said premises are shown as a lot marked "45500. Sq. Ft. ±" on a plan entitled "Compiled Plan of Land in Needham, Mass., Scale: 1 in. = 40 ft., Cheney Engineering Co., Needham, Mass., Jan. 4, 1960," recorded with Norfolk County Registry of Deeds, as Plan No. 224 of 1960, Book 3798, Page 635.
 For title see deed from Robert C. Dawson et ux, dated June 15, 1959, and recorded with Norfolk County Registry of Deeds, Book 3740, Page 461.



The undersigned _____ husband, wife of said grantor

releases to the grantee all rights of tenancy by the entirety, dower and homestead and other interests in the granted premises.

Executed as a sealed instrument this _____ tenth day of June 19 60

See NO. 45 recorded:
 Norfolk Deeds,
 book 3686, Page 154

LAWSON DEVELOPMENT CORPORATION

By: *Robert C. Dawson*
 President-Treasurer



The Commonwealth of Massachusetts

Norfolk, ss. June 13, 19 60

Then personally appeared the above named Robert C. Dawson, President-
 Treasurer,

and acknowledged the foregoing instrument to be the free act and deed, ~~224 of 1960~~ of
 Dawson Development Corporation, before me,

Ernest R. Keith
 Notary Public

My Commission expires 19 61

ERNEST R. KEITH
 NOTARY PUBLIC
 My Commission Expires March 18, 1961

Recorded June 14, 1960 at 3h.06m.P.M.

12

Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

pl 224 & 1960, 3798.635

A 2

	Robert C. Dawson		
	Bernice J. Dawson (Moynihan)		
	(6/13/60 - 10/10/84)		
1960	3822-97 (deed w)	(C)	
1968	4478-423 (Aq. +)	pl 3.22.85	(NL)
		App. 11-15-86	
		OAK HILL & Colgate	
1968	plan 4478-426, 9A, 10B		(NL)
1975	5116-174 (Covenant)	pl 248 & 144	(C)
1975	5116-180 (deed)	Dawson	(C)
"	- 181 (deed)	"	(C)
		A1	
"	- 182 (deed)	Needham Bldg	(C)
"	5163-530 (Grant)	Town	(C)
		A-2, 5163-528	
1976	5231-159 (TRG)	Colgate Rd.	(C)
		255 # 337	
1983	6241-496 (deed)	DeRenzo	(C)
		A 2	
1984	6559-486 (deed)	DeRenzo	(C)

COVENANT

UNDER PROVISIONS OF GENERAL LAWS, Chapter 41, Section 81-U:

WHEREAS, DAWSON DEVELOPMENT CORPORATION, A Massachusetts corporation duly organized and existing and having a usual place of business at 42 Falcon Street, Needham, Massachusetts, hereinafter referred to as the "Developer", has filed with the Planning Board of the Town of Needham, hereinafter referred to as the "Town", a certain subdivision plan of land in said Needham, the plan being entitled, "Definitive Plan of the Subdivision of Land in the Town of Needham, situated off Oak Hill Road," by Cheney Engineering Co., Inc. Needham, Mass., dated July 11, 1974, and

WHEREAS, said Robert C. Dawson, individually, is the owner of record of a certain portion of the premises shown on said plan, and Robert C. Dawson and Beatrice J. Dawson, husband and wife, as tenants by the entirety, are the owners of the premises shown on said plan, hereinafter referred to as the "owners".

NOW THEREFORE, said Robert C. Dawson and Beatrice J. Dawson, in their respective capacity as owners, for themselves and their successors and assigns likewise join the Developer and hereby covenant and agree with the said Town as follows:

I. The said Robert C. Dawson and Beatrice J. Dawson are the owners of record of the premises shown on said Definitive Plan.

II. This Covenant shall run with the land and shall be binding upon the executor, administrators, heirs, assigns to the respective owners and developer, and their successors in title to the premises shown on said plan.

III. In addition to the regular requirements relative to the grading and construction of streets and the installation of municipal services, said subdivision shall be subject to, and have the benefit of the following conditions:

A. All lots shall be graded so that there will be no standing water.

B. Lot A2, 18,427 square feet, bounded and described as shown on the aforementioned Definitive Plan, shall not constitute a separate building lot and shall remain free of any other improvements which would be inconsistent with said lot serving as an access to Greendale Avenue primarily for the

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309

benefit of that portion of lot A1 abutting lot A2 and any other properties abutting lot A2 as their respective interests may appear in providing for the public convenience and necessity when the need arises. In consideration of the developer agreeing to the condition stated herein, the Planning Board will waive the requirements for the construction of a permanent turnaround as described in Section 3.3.5 of the "Subdivision Regulations and Procedural Rules of the Planning Board" and will allow the developer to construct a temporary back-up strip as outlined in condition III.C. of this covenant.

C. The temporary back-up strip on Colgate Road as located on the Definitive Plan shall be constructed in accordance with the "Subdivision Regulations and Procedural Rules of the Planning Board" of the Town of Needham, as indicated in Appendix G, and shall also be constructed in accordance with the requirements of the Department of Public Works, Town of Needham.

IV. Except as hereinafter provided, until the following improvements and conditions have been completed or fulfilled in accordance with the specifications and requirements referred to or enumerated below, with respect to any lots in the subdivision which in the opinion of the Town are affected by such conditions and improvements, no such lot or lots shall be built upon or conveyed, except by a mortgage deed, nor shall building permits for such lot or lots be applied for or issued:

A. All streets, including walks, berms, curbing, street name signs, bounds, retaining walls, slopes and fences, and all utilities, including but not limited to storm drains, sanitary sewers, water mains and their appurtenances such as manholes, catch basins, curb inlets, gates, valves, hydrants, and headwalls, shall be constructed or installed at the expense of the Developer to the entire limits of the subdivision in strict compliance with the "Subdivision Regulations and Procedural Rules of the Planning Board of the Town of Needham, Massachusetts" as amended to October 21, 1969, including the "Standard Specifications for Highways" and the "Standard Cross-Section for Street Construction" referred to therein, as most recently revised, which Subdivision Regulations and Procedural Rules and Standard Specifications are specifically incorporated herein by reference, and to the satisfaction of

CRB
BAG

the Director of Public Works of the Town of Needham, including all maintenance and repairs necessary to maintain said streets and utilities in a condition satisfactory to the Town until all lots and all sureties, as provided in Section IV, above, have been released by the Town upon the completion of all terms and conditions of this covenant except as otherwise presented in said Definitive Plan.

B. Street construction work shall consist of:

Excavation and fill to the surface of the sub-grade fifteen (15) inches below the finished surface grade for the roadway and the necessary excavation and fill for sidewalks and berms within the total width of the street; application of ten (10) inch depth of gravel sub-base and a two (2) inch depth of crushed bank gravel base, the surface of which shall be treated with one (1) application of bitumen; application of bituminous concrete pavement Type I-1 to be constructed in two (2) courses to a total depth of three (3) inches after rolling, application of eight (8) inch depth of gravel sidewalks with bituminous concrete surface applied in two (2) one inch courses four and one-half (4½) feet wide as indicated in paragraph "K" below and including all driveway entrances; application of six (6) inch depth of loam and seeding for grass plots between the edge of the roadway and the walk or the sidelines of the street; granite or reinforced concrete curbing to be installed on all curves having a radius of sixty (60) feet or less, except for temporary turnarounds.

C. A contractor approved by the Superintendent of the Water Division shall be engaged by the Developer at their expense for the installation of the water mains in accordance with the requirements of and to the satisfaction of the Superintendent of said Water Division..

(1) A certified check covering the estimated cost of all materials to be furnished by the town, including all pipes, hydrants, gate valves, boxes, and fittings as required, shall be deposited with the Town of Needham.

(2) Upon the completion of such installation a

final estimate, including the cost of supervision, inspection, and labor furnished by the Town shall be given.

(3) This estimate shall also include the cost of all materials plus a 5% overhead charge on all materials furnished by the Town.

(4) The Developer shall pay the total cost less any amounts deposited before the water shall be turned into the new main.

D. Sanitary sewers shall be constructed by an approved contractor at the expense of the Developer as shown on approved plans and profiles, in accordance with the standard specifications of the Town of Needham; and to the satisfaction of the Superintendent of the Sewer Division.

(1) The Town shall have the right to extend said sewer, without cost to the Developer, beyond the limits of the sewer as shown on the development plans and profiles.

(2) The Developer shall pay to the Town a fee equal to seventy cents (70¢) per linear foot of sewer to be constructed, to pay for the cost of the engineering service, supervision, and inspection furnished by the Town.

E. Storm water drains shall be installed in accordance with the approved plan and profile to the satisfaction of the Public Works Department and all lots shall be graded in accordance with the proposed contours of land as shown on said definitive plan.

F. Granite or concrete bounds, at least four feet long, shall be set at all points in every street or other permanent marks acceptable to and approved by the Town Engineer shall be set within the subdivision. After installation of such bounds, the Developer shall submit, to the Town Engineer, a written certification by a registered land surveyor stating that the said bounds are located as shown on the subdivision plans recorded in the Norfolk Registry of Deeds or in the Land Court.

G. The Developer shall grant to the Town of Needham a perpetual right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains, sewer mains and all surface and subsurface storm water drains in, through or under the streets and easements as indicated on definitive plans. The above shall not be construed to relieve the Developer and their successors in title to a portion of the land or a street in the subdivision, of responsibility to complete all construction, as required by the Developer's Agreements with the Town of Needham and to thereafter maintain all streets and municipal services and utilities in satisfactory condition until they are accepted by the Town. Such grant shall be executed and delivered to the Planning Board within a reasonable time, but, in any event, prior to the transfer or conveyance of any lot or interest therein. Notwithstanding the aforesaid grants to the Town, the Developer agrees for himself that as long as he remains the Developer of said premises he will keep all catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains, and thereafter the owners of said premises will keep catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains.

H. The estimated costs of construction and

RG

installations are as follows:

(1) Streets	\$ 4,845.00
(2) Sewer	3,415.00
(3) Drain	4,597.00
(4) Water	1,050.00
SUB-TOTAL \$15,907.00	
15% price escalation	2,386.00
TOTAL \$18,293.00	

I. Street name signs will be erected at all entrances, the name to be in conformity as to size and quality with signs now generally in use in the Town of Needham.

(1) Co-incident with the start of any street within a subdivision, temporary street signs shall be installed at all points where permanent signs will be required. These signs may be painted using black block lettering not less than four inches high on a light ground.

(2) Complete visibility of these signs must be maintained at all times until they are replaced with the permanent signs specified in Section I.

J. Install bounds to define the street line at the direction of the Town Engineer and submit to said Town Engineer a certificate by a Registered Land Surveyor that said bounds have been so installed.

K. That the name of the proposed street shall be Colgate Road.

L. Prior to the commencement of construction on all major phases of the subdivision including installation of sewer, water drains, and street construction, the developer will notify the Director of Public Works.

V. That prior to the completion of all the work required herein, the Planning Board may, at its discretion, in accordance with the provisions of Subsection (1) of Section 81-U, Chapter 41, release any or all of said lots for purposes of sale or for the issuance of permits for building thereon, upon the furnishing to the Town by the Developer an agreement and a surety acceptable to the Town, to secure the completion of such part or all of the work specified above, as, at the discretion of the Planning Board should be completed for the proper use of said lots in accordance with the purposes of this Covenant, said surety to be in a penal sum or amount equal to the cost, as estimated by said Director of Public Works, of completing said works. Said release by the Planning Board shall be evidence by a certificate enumerating the lots released and signed by a majority of said Planning Board, in proper form for recording in the Registry of Deeds or registration in the Registry District of the Land Court.

VI. The enforcement of the terms herein shall be made as provided for by General Law, Chapter 41, Section 81-X and 81-Y, in the name of the Town, and upon any breach thereof the Town shall be entitled to an injunction restraining any further sale of any lots included in said plans until the said breach has been cured or security given therefore satisfaction to the then Planning Board of the said Town.

VII. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said Subdivision plan or of all lots not previously released by the Planning Board, nor a conveyance of any lot or lots, subject to this Covenant, by any of the parties named herein to any other person.

VFCB
BJS

EXECUTED AS A SEALED INSTRUMENT, this 7th day of MARCH 1975.

DAWSON DEVELOPMENT CORP.

BY:

Robert C. Dawson
Robert C. Dawson, Its' President
and Treasurer

Robert C. Dawson
Robert C. Dawson

Beatrice J. Dawson
Beatrice J. Dawson

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

March 7, 1975

Then personally appeared the above-named Robert C, Dawson and Beatrice J. Dawson and acknowledged the foregoing instrument to be their free act and deed, and the free act and deed of DAWSON DEVELOPMENT CORPORATION, before me,

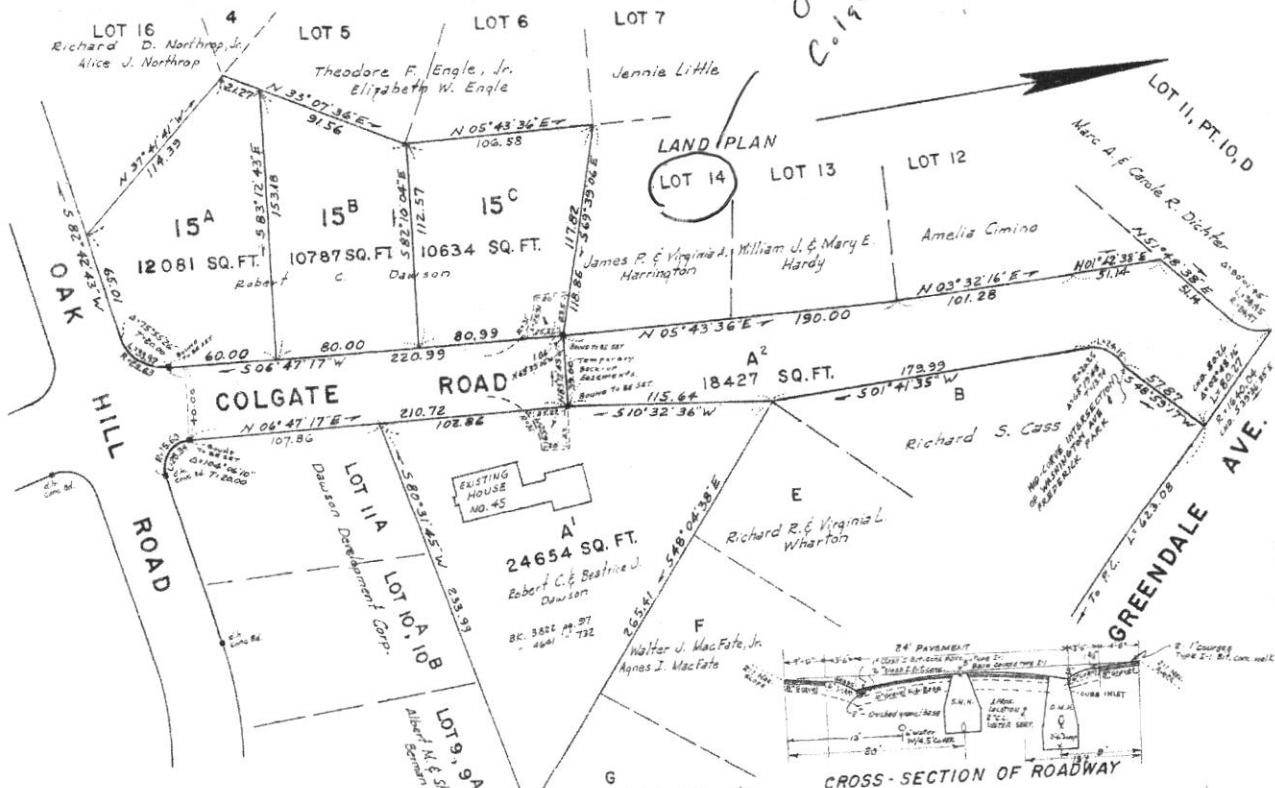
Richard H. Jensen
Notary Public My Comm Exp
Richard H. Jensen MAY 27, 1977

Approved as to form:

William A. Cross
Town Counsel

-6-

Recorded Mar. 27, 1975 at 2h. 47m. P. M.

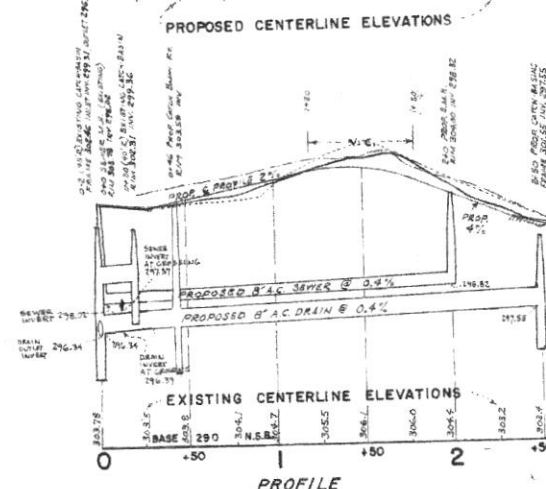
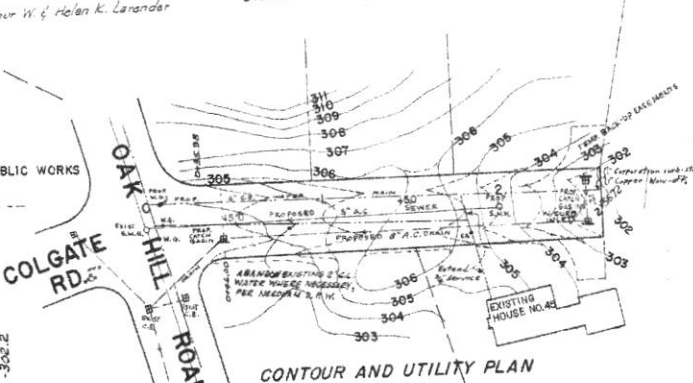


APPROVED IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41A OF THE GENERAL LAWS, AS AMENDED (11/11/75) BY THE TOWN ENGINEER.

APPROVED 3-11-75 NEEDHAM PLANNING BOARD
[Signature]
[Signature]
[Signature]

APPROVED JAN 30 1975 Supt. of Public Works
[Signature]

APPROVED 3-31-75 TOWN ENGINEER
[Signature]



Noted by Clerk of Board
 March 27, 1975 with Cmt.
 Dawson Development Corp. to
 Town of Needham
 Filed as 148 1975 H 248
 Attest *[Signature]* Register

TOWN CLERK'S CERTIFICATE OF NO APPEAL
 I, TOWN CLERK of the Town of Needham, hereby certify that the notice of approval of this plan by the Needham 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.

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 PLANNING BOARD OF THE TOWN OF NEEDHAM.
Sidney R. Vaughan

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM SITUATED OFF OAK HILL RD.	
DATE JULY 11, 1974	
OWNER	ROBERT C. AND BEATRICE J. DAWSON
DEVELOPER	DAWSON DEVELOPMENT CORPORATION
SURVEYOR	CHENEY ENGINEERING CO., INC. 317 CHESTNUT ST., NEEDHAM, MASS.
SHEET 1 OF 1 SHEETS	PRELIMINARY PLAN 3/26/74
HORIZONTAL SCALE 1" = 40'	DEFINITIVE PLAN
VERTICAL SCALE 1" = 4'	REVISIONS DATED

180

WE, ROBERT C. DAWSON and BEATRICE J. DAWSON, husband and wife as tenants by the entirety, both of Needham, Norfolk County, Massachusetts,

~~have purchased~~ for consideration paid, and in full consideration of less than One Hundred (\$100.00) dollars

grants to ROBERT C. DAWSON

of 42 Falcon St., Needham, Norfolk County, Mass. with quitclaim returns

the land in said Needham, together with the buildings thereon, bounded and described as follows:

[Description and encumbrances, if any]

SOUTHERLY EASTERLY and SOUTHERLY again by Oak Hill Road, 109.03 feet more or less;

EASTERLY by lot 11 on a plan hereinafter mentioned, 124.84 feet;

SOUTHERLY by Lots, 11, 10 and 9 on said plan, 229.00 feet;

EASTERLY by Lot 8 on said plan 16.50 feet;

NORTHEASTERLY by Lots E, F, and G on said plan, 265.40 feet;

EASTERLY again, by Lot B on said plan, 180.00 feet;

NORTHERLY by unmarked land on said plan, 40.00 feet; and

WESTERLY by Lots 12, 13, 14 and 15 on said plan, by three lines measuring 94.01 feet; 343.22 feet, and 135.91 feet, respectively.

CONTAINING 45, 500 square feet of land more or less, according to said plan.

Said premises are shown as a lot marked "45500. Sq. Ft. ±" on a plan entitled "Compiled Plan of Land in Needham, Mass., scale: 1 in. = 40 Ft., Cheney Engineering Co., Needham, Mass., January 4, 1960" recorded with Norfolk County Registry of Deeds as Plan No. 224 of 1960 in Book 3798, Page 635.

This conveyance is subject existing mortgage with the Needham Cooperative Bank in the original principal amount of \$28,000.00, dated June 18, 1968 and recorded with Norfolk County Registry of Deeds, book 4519, Page 659.

For our title see deed of Dawson Development Corporation dated June 10, 1960 and recorded with Norfolk County Registry of Deeds in Book 3822, Page 97.

Witness OUR hands and seals this 25th day of February 1975

Beatrice J. Dawson

The Commonwealth of Massachusetts

Norfolk ss.

February 25 1975

Then personally appeared the above named Beatrice J. Dawson

and acknowledged the foregoing instrument to be her free act and deed before me

My commission expires Jan. 22, 1976

Recorded Mar. 27, 1975 at 2h. 47m. P. M.

I, ROBERT C. DAWSON,

181

of Needham, Norfolk

County, Massachusetts

~~Amended~~, for consideration paid, and in full consideration of less than one hundred (\$100.00) dollars grants to Beatrice J. Dawson

of 45 Colgate Road, Needham, Norfolk County, Mass. with quitclaim covenants ~~description~~ A certain parcel of land, together with the buildings thereon, situated in said Needham, and shown as Lot A1 on a plan of land entitled "Definitive Plan of the ^(Description and encumbrances, if any) Subdivision of Land in the Town of Needham, situated off Oak Hill Road", by Cheney Engineering Co., Inc. Needham, Massachusetts, dated July 11, 1974, which plan is to be herewith recorded, which lot is bounded and described according to said plan as follows:

WESTERLY by Colgate Road and Lot A2 as shown on said plan, by two (2) lines measuring 102.86 feet and 115.64 feet, respectively;

NORTHEASTERLY by lot E, F, and G as shown on said plan, 265.41 feet; SOUTHEASTERLY by lot 9, 9A, Lot 10A, 10B and 11A as shown on said plan, 233.99 feet, or however otherwise lot A1 may be bounded measured, or described.

Said Lot A1 contains according to said plan 24.654 square feet of land.

Together with the right to use the streets and ways as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Needham; subject to the rights of others entitled thereto.

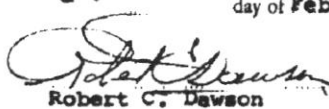
This conveyance is subject to easement as shown on said plan and to a taking by the Town of Needham for right to maintain drains in Oak Hill Road and Falcon Street, filed with Norfolk Deeds in Book 4496, Page 608.

Grantor reserves for himself, his heirs, or transferees from Colgate Road and Lot A2 as shown in said plan, a twenty (20) foot wide temporary construction easement to enter said lot A1 for the purpose of construction of said Colgate Road, the temporary turnaround therein, and any extension of Colgate Road over lot A2 as provided in Covenant granted the Town of Needham, to be herewith recorded. Grantor covenants for himself, his successors and assigns to restore said Lot A1 to its proper or existing condition upon completion of any work to be performed under this temporary easement.

This conveyance is subject to mortgage given to the Needham Cooperative Bank in the original principal amount of \$28,000.00, dated June 18, 1968, and recorded with Norfolk Deeds, Book 4519, Page 659, which mortgage the grantee agrees to assume and pay.

Being a portion of the premises conveyed to this grantor by deed of Robert C. Dawson and Beatrice J. Dawson, husband and wife, as tenants by the entirety, to be herewith recorded.

Witness my hand and seal this

25th day of Feb. 19 75


Robert C. Dawson

The Commonwealth of Massachusetts

Norfolk ss.

February 25, 19 75

Then personally appeared the above named Robert C. Dawson

and acknowledged the foregoing instrument to be his free act and deed, before me

Richard H. Jensen-

Notary Public - ~~RECEIVED~~

My Commission Expires May 27,

19 77

Recorded Mar. 27, 1975 at 2h. 47m. P.M.

MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 682

I, Robert C. Dawson,

of Needham, Norfolk

County, Massachusetts

~~being considered~~, for consideration paid, and in full consideration of Twenty-four Thousand (\$24,000.00) dollars grants to Needham Builders, Inc., a Massachusetts corporation duly organized and existing of P.O. Box #6, Needham, Norfolk County, Mass. with quitclaim covenants

the land in Needham, Norfolk County, Massachusetts bounded and described as follows:

(Description and encumbrances, if any)

PARCEL 1: Three (3) certain parcels of land shown as lots 15A, 15B and 15C on a plan of land entitled "Definitive Plan of the Subdivision of land in the Town of Needham, situated off Oak Hill Road", by Cheney Engineering Co., Inc., Needham, Massachusetts, dated July 11, 1974, which plan is to be herewith recorded and to which plan reference is made for a more particular description.

Said lots contain 12,081 square feet of land, 10,787 square feet of land and 10,634 square feet of land, respectively according to said plan.

PARCEL 2: The land shown as "Colgate Road" on the aforementioned plan and to which plan references is made for a more particular description, together with a Twenty (20) foot wide temporary construction easement over lot A1, shown on said plan, as set forth in deed from Robert C. Dawson to Beatrice J. Dawson, dated February 25, 1975, to be herewith recorded.

Said Grantor reserves for himself and for those claiming by, through and under him the following rights and easements:

1. The right to use said Colgate Road as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Needham, subject to the rights of others entitled thereto.

2. Any and all necessary rights and easements over and under the aforementioned Colgate Road for the purpose of extending said Colgate Road and the public utilities to be installed therein (sewer, water, drain, telephone, electricity, etc.) over and under lot A2 to Greendale Avenue, as shown on said plan. The Grantor or those claiming by, through or under him upon completion of any work in said Colgate Road under this reservation, shall restore said Colgate Road to good order and condition.

For Grantor's Title see deed of Robert C. Dawson and Beatrice J. Dawson to Robert C. Dawson, dated February 25, 1975 and recorded herewith.



Witness my hand and seal this 27th day of March, 1975.

Robert C. Dawson
Robert C. Dawson

The Commonwealth of Massachusetts

Norfolk ss.

March 27, 1975

Then personally appeared the above named Robert C. Dawson

and acknowledged the foregoing instrument to be his free act and deed, before me

Richard H. Jensen-

Richard H. Jensen
Notary Public

My Commission Expires May 27, 1977

Recorded Mar. 27, 1975 at 2h. 47m. P. M.

A/

I, BEATRICE J. DAWSON,

of Needham,

Norfolk County, Massachusetts

do hereby convey for consideration paid, ~~sum~~ and in full consideration of \$73,000, grant to Charles F. Yardley and Isabelle A. Yardley, husband and wife, as tenants by the entirety, of 45 Colgate Road, Needham, Norfolk County, ~~Massachusetts~~ Massachusetts, with quitclaim covenants a certain parcel of land, together with the buildings thereon, situated in said Needham, and shown as Lot A1 on a plan of land entitled "Definitive Plan of the Subdivision of Land in the Town of Needham, situated off Oak Hill Road", by Cheney Engineering Co., Inc., Needham, Massachusetts, dated July 11, 1974, which plan has been recorded with Norfolk Deeds on March 27, 1975 as Plan No. 144 of 1975, which lot is bounded and described as ~~subdivided~~ follows:-

WESTERLY: by Colgate Road and Lot A2 as shown on said plan, by two (2) lines measuring 102.86 feet and 115.64 feet, respectively;

NORTHEASTERLY: by lot E, F, and G as shown on said plan, 265.41 feet;

SOUTHEASTERLY: by lot 9, 9A, Lot 10A, 10B and 11A as shown on said plan, 233.99 feet, or however otherwise Lot A1 may be bounded, measured, or described.

Said Lot A1 contains according to said plan 24,654 square feet of land.

Together with the right to use the streets and ways as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Needham, subject to the rights of others entitled thereto.

This conveyance is subject to easement as shown on said plan and to a taking by the Town of Needham for right to maintain drains in Oak Hill Road and Falcon Street, filed with Norfolk Deeds in Book 4496, Page 608.

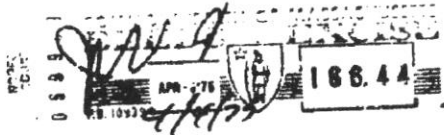
This conveyance is subject to a reservation to Robert C. Dawson, his heirs or transferees, from Colgate Road and Lot A2 as shown on said plan, a twenty (20) foot wide temporary construction easement to enter said Lot A1 for the purpose of construction of said Colgate Road, the temporary turn-around therein, and any extension of Colgate Road over Lot A2, as provided in covenant granted the Town of Needham, as provided in a deed of Robert C. Dawson to said Beatrice J. Dawson hereinafter referred to.

25

36 Being the same premises conveyed to this Grantor by deed of Robert C. Dawson, dated February 25, 1975, recorded with said Norfolk Deeds on March 27, 1975 as Document No. 7463.

Witness my hand and seal this 4th day of April, 1975.

Beatrice J. Dawson
Beatrice J. Dawson



The Commonwealth of Massachusetts

Norfolk, April 4, 1975

Then personally appeared the above named

Beatrice J. Dawson

and acknowledged the foregoing instrument to be her free act and deed.

before me,

John O. Rhoads
JOHN O. RHOADS Notary Public
State of the Mass.

My commission expires Jan 22, 1976

Recorded Apr. 4, 1975 at 10h. 47m. A. M.

GRANT OF TEMPORARY EASEMENT

530

I, ROBERT C. DAWSON, of Needham, County of Norfolk, Massachusetts, owner, for consideration paid, grant to the Inhabitants of the Town of Needham, a municipal corporation, located in Norfolk County, Massachusetts and their successors and assigns, a temporary backup easement in a certain parcel of land in Needham, Norfolk County, Massachusetts situated on Lot A² at Colgate Road, as shown on a plan entitled "Temporary Easements, to be acquired at Colgate Road in Needham, Mass.", John D. Marr, Jr., Town Engineer, dated June, 1975, to be recorded herewith and being bounded and described as follows:

Beginning at a point on the easterly sideline of Colgate Road, a private way, said point being the northerly limit of said Colgate Road, thence running along the northerly limit of said Colgate Road N-83°-12'-43"-W a distance of 39.00 feet, thence turning and running along the westerly lot-line of lot A²-N-05°-43'-36"-E a distance of 30.01 feet, thence turning and running S-83°-12'-43"-E a distance of 41.67 feet, thence turning and running along the easterly lot line of lot A² S-10°-32'-36"-W a distance of 30.06 feet to the point of beginning.

The grant of easement referred to above includes the right to maintain a guard rail acceptable to the Planning Board and the Department of Public Works. The terms of this easement shall not be deemed, nor shall it be construed, to establish a road, street or way to satisfy the minimum requirement of the Subdivision Control Law applicable to any abutting lot not otherwise qualified.

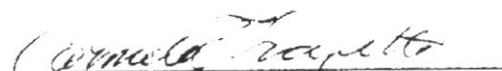
IN WITNESS WHEREOF, I, the said ROBERT C. DAWSON hereunto set my hand and seal this 23rd day of July, 1975.


Robert C. Dawson

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss

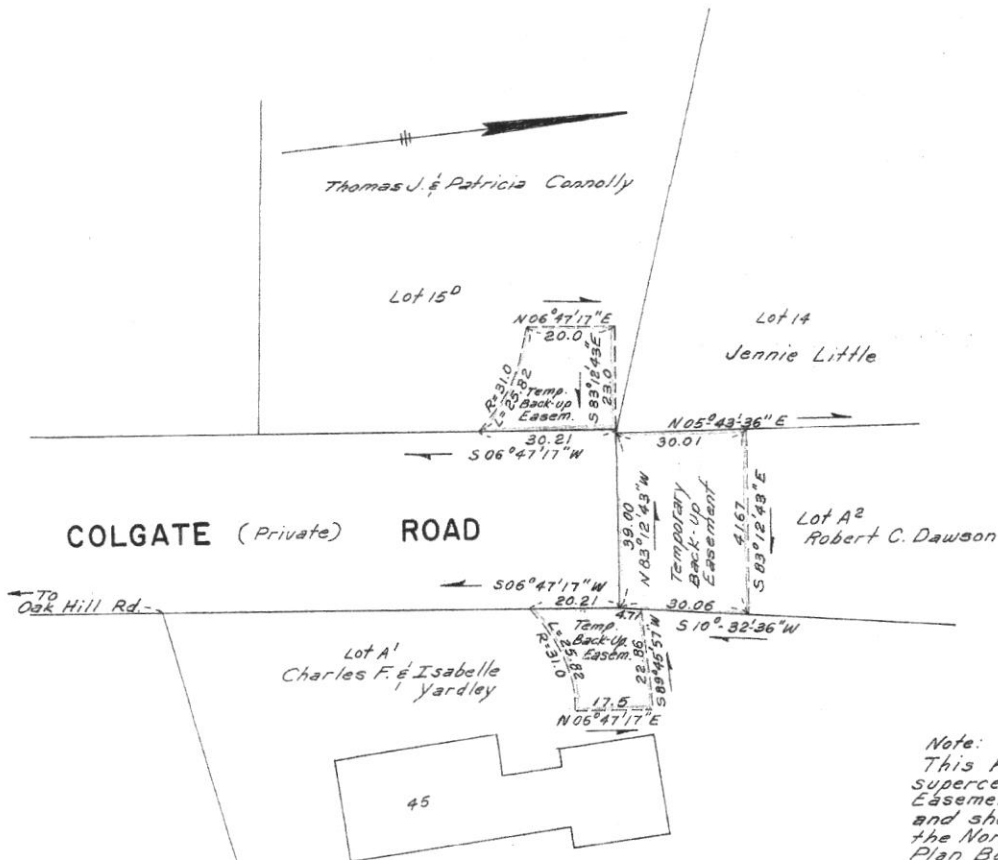
Then personally appeared the above-named ROBERT C. DAWSON and acknowledged the foregoing to be his free act and deed before me.


Carmelo Frazetti, Notary Public
My Commission expires March 26, 1976

APPROVED AS TO FORM:


Town Counsel

Recorded Sept. 22, 1975 at 1h. 50m. P. M.



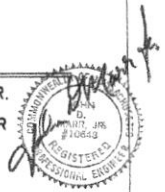
Note:
This Plan is to relocate and
supercede the Temporary Turnaround
Easement previously established
and shown on Plan recorded in
the Norfolk County Registry of Deeds
Plan Book #248 and filed as Plan
Number 144 of 1975, March 27, 1975.

TOWN OF NEEDHAM, MASS.
DEPT. OF PUBLIC WORKS

Temporary Easements to be Acquired at
COLGATE ROAD
in **NEEDHAM, MASS.**

SCALE: 1 in = 20 ft.
JUNE, 1975

JOHN D. MARR, JR.
TOWN ENGINEER



DIR. OF PUBLIC WORKS

a det a mac luen

PLANNING BOARD:

[Signatures of Planning Board members]

APPROVED *[Signature]* 9, 1975

Norfolk Registry of Deeds
NEEDHAM, MASS.
Received Sept. 27, 1975 with Grnt.
Charles F. Yardley & lto
Town of Needham
Filed as No. 650 1975 5163 528
Attest *[Signature]* Register

Order of Taking for Town Way
and Betterment Assessments
(to be filed at Registry)

Form 3



Town of Needham

IN BOARD OF SELECTMEN

WHEREAS, in the opinion of the Board of Selectmen of the Town of Needham the public necessity and convenience require that a town way be laid out, ~~and the same be~~ ~~as and in the location hereinafter described, which is substantially the present~~ location of a way known as COLGATE ROAD

from Oak Hill Road

to Northerly 211'

WHEREAS said Board, having first complied with all preliminary requirements described by law, held a hearing at 7:40 o'clock P.M. of the 23rd day of March 1976

WHEREAS said Board did on the 13th day of April, 1976 approve said layout, verified by our signatures, as shown on the plan and profile dated March 31, 1976, attached hereto and by reference made a part thereof. It is thereby

ORDERED that said COLGATE ROAD

from Oak Hill Road

to Northerly 211'

be and the same is hereby laid out, ~~and the same be~~ ~~as and in the location hereinafter described, which is substantially the present~~ location of a town way of the Town of Needham as shown on said plan and profile, and it is further

ORDERED that an easement in and over the following described parcel of land be and the same is hereby taken for all purposes of a town way.

Beginning at a point in the westerly sideline of Colgate Rd., said point being 10.05 feet northerly of a bound in the sideline of Colgate Rd., as accepted in 1973; thence running S-06°-47'-17"-W a distance of 210.95 feet to a bound; thence turning and running S-65°-39'-06"-E a distance of 1.04 feet; thence running S-83°-12'-43"-E a distance of 39.00 feet to a bound; thence turning and running S-06°-47'-17"-W a distance of 210.72 feet to a bound; thence turning and running N-83°-13'-40"-W a distance of 40.02 feet to the point of beginning.

For further reference see plan to be recorded herewith entitled "Acceptance Plan of Valley Road, 1968 Acceptance to End 345 feet; Colgate Road, Oak Hill Road Northerly 211 feet, in Needham, Mass." Scale 1 in. = 40 ft., John D. Marr, Jr., Town Engineer, dated March 31, 1976.

Also included in this taking or acceptance are easements as shown on the Acceptance Plan referred to above.

The following named persons and mortgagees are believed to be the owners of the fee thereof and said Board of Selectmen do hereby assess and award as the damages sustained by said owners of land, rights and interests caused by the laying out, grading and construction of said way, whether for land taken or for damages to the remaining lands:

LOT	NAMES	AMOUNTS
15 ^A	Richard W. & Dianne Y. Crook, Husband & Wife Needham Co-Operative Bank, Mortgagee	None None
12 ^A	Foster F. & Vivian W. Comstock, Husband & Wife Needham Co-Operative Bank, Mortgagee	None None
15B	Carmella A., Ann M. & Theresa C. DeLucia Shawmut Bank of Boston N.A.	None None
15D	Thomas J. & Patricia Connolly, Husband & Wife Needham Co-Operative Bank, Mortgagee	None None
A-1	Charles F. & Isabelle A. Yardley, Husband & Wife Mutual Bank for Savings, Mortgagee	None None
A ² (No Lot No. in dead)	Robert C. Dawson No Mortgagee Known	None

And the Board of Selectmen hereby adjudge that all abutting lots on said ~~lot~~ **161**
 from Oak Hill Road
 to Northerly 211'

as shown on said plan which is attached hereto and made a part hereof, will receive benefit or advantage other than the general advantage to the community from said improvement.

And it is hereby estimated that the several abutting lots shown on said plan will be assessed the following amounts:—

LOT NUMBER	OWNER	AMOUNT
15 ^A	Richard W. & Dianne Y. Crook, Husband & Wife	None
11 ^A	Poster F. & Vivian W. Comstock, Husband & Wife	None
15B	Carmella A., Ann M. & Theresa C. DeLuca	None
15D	Thomas J. & Patricia Connolly, Husband & Wife	None
A-1	Charles F. & Isabella A. Yardley, Husband & Wife	None
A ² (No Lot No. in Deed)	Robert C. Dawson	None

And it is further

ORDERED: That the trees located within the proposed berm upon the land taken for purposes of a town way are hereby taken and are not to be removed by abutting owners. But, other trees, structures and fences appurtenant thereto which may obstruct the construction of said way are not taken and the owners are allowed sixty (60) days from the adoption of this order to remove the same.

Selectmen of Needham

Charlotte Reynolds
Richard M. LaCruz
Francis C. Foxworth

June 8, 1976

The following is an extract from the records of the 1976 Annual
 Town Meeting held May 3, 1976 said meeting being finally dissolved 11:05 P.M.
 May 12, 1976

Under Article 18 it was

VOTED: That the Town accept the following streets or portions thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Board of Selectmen according to plans on file with the Town Clerk:

Colgate Road	- Oak Hill Road Northerly 211 feet
Gatewood Drive	- White Pine Road Northerly 885 feet
Springdale Road	- Gatewood Drive Easterly 160 feet
Valley Road	- 1968 Acceptance to End 345 feet
White Pine Road	- Country Way to Gatewood Drive 650 feet.

including the taking or acceptance of easements as shown on said plans.

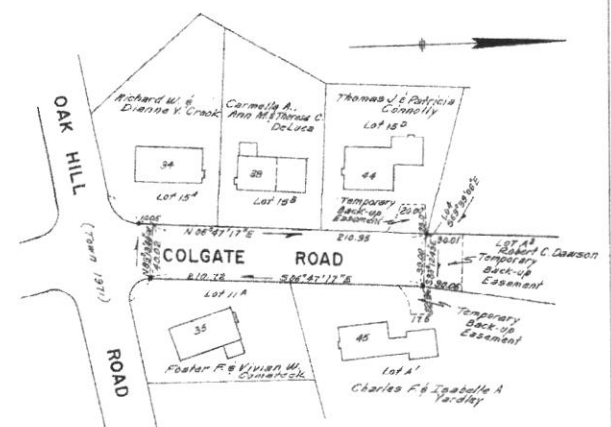
UNANIMOUS VOTE

A true copy. Attest:



Rose O. Mearns
 Town Clerk of Needham.

Recorded June 11, 1976 at 9h. 34m. A.M.



Scale: 1 in. = 40ft. John D. Marr, Jr.
March 31, 1976 Town Engineer

A horizontal scale bar labeled "Feet" with markings at 0, 25, 50, 75, 100, 150, and 200.

Monday 1. (11)
 Robert Brown
 Ellen H. Brown

Norfolk Registry of Deeds
Needham, Mass.
Received June 11 1976 with Taking by
Town of Needham
Filed as No. 357 to 76 of 255
Attest [Signature] Registrar

ROBERT C. DAWSON, of Center Tuftsbere, New Hampshire, formerly of

Needham, Norfolk

County, Massachusetts.

being married, for consideration paid, and in full consideration of Five Thousand (\$5,000.00)

grants to JEROME DEWENZO

of 14 Dartmouth Avenue, Needham, Norfolk County, Mass with quitclaim covenants

the land in said Needham, Norfolk County, Massachusetts being shown as Lot A² on a Plan of Land entitled DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, OWNER, Robert C and Beatrice J Dawson, Developer-Dawson Development Corporation, Surveyor, Cheney Engineering Co., Inc., 317 Chestnut Street, Needham, Mass said Plan being recorded with Norfolk Registry of Deeds as Plan No. 144 of 1975, Pl n Book 248.

Said Lot 2A is more particularly bounded and described according to said plan as follows:

NORTHEASTERLY	by Greendale Avenue, 80.27 feet;
SOUTHEASTERLY	by land of Richard S. Cass, indicated as Lot B on said plan, 57.87 feet;
EASTERLY	by land of said Richard S. Cass and Lot A' in three lines respectively measuring 24.15 feet, 179.99 feet and 15.64 feet;
SOUTHERLY	by Colgate Road, 40.4 feet;
WESTERLY	by lots 14, 13 and 12, in 3 lines respectively measuring 190.00 feet, 101.28 feet, 51.14 feet
NORTHWESTERLY	by land of Marc A. and Carol R. Dichter in two lines respectively measuring 51.14 feet and 38.45 feet.

Containing, according to said plan, 18427 square feet.

For title reference is made to deed of Verna S. Wagner and Helen C. Wagner to Robert C. Dawson and Beatrice J. Dawson dated June 3, 1955, Book 3372 Page 396, deed of Robert C. Dawson and Beatrice J. Dawson to Dawson Development Corporation dated June 15, 1959, recorded Norfolk Deeds, Book 3740, Page 401, Deed from Dawson Development Corporation to Robert C. Dawson and Beatrice J. Dawson, dated June 10, 1960, recorded Norfolk Deeds Book 3822, Page 97, and deed of Robert C. Dawson and Beatrice J. Dawson to Robert C. Dawson dated Book 5116, Page 180.

Witness my hand and seal this 10th day of August 1983.
 Robert C. Dawson
 Robert C. Dawson

STATE OF NEW HAMPSHIRE

ss.

August 10 1983

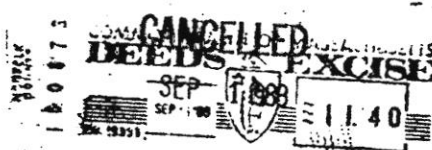
Then personally appeared the above named ROBERT C. DAWSON

and acknowledged the foregoing instrument to be

his free act and deed, before me

Notary Public - *Robert C. Dawson*

My commission expires 12/9/86



1983 SEP - 1 PM 2:39
 RECEIVED

I, Beatrice J. Moynihan, formerly Beatrice J. Dawson, now of Manchester, New Hampshire, formerly of Needham, Massachusetts

being unmarried, for consideration paid, and in full consideration of ONE (\$1.00) Dollar

grants to Jerome Derenzo of 14 Dartmouth Avenue, Needham, Norfolk County, Mass. and those claiming by, through or under said Jerome Derenzo as their interests may appear of record with QUITCLAIM COVENANTS

all my right, title and interest in the land in Needham, Norfolk County, Massachusetts being shown as Lot A2 on a Plan of Land entitled "DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN (Description and encumbrances, if any)"

THE TOWN OF NEEDHAM, OWNER, Robert C. and Beatrice J. Dawson, Developer-Dawson Development Corporation, Surveyor-Cheney Engineering Co., Inc., 317 Chestnut Street, Needham, Mass., said Plan being recorded with Norfolk Registry of Deeds as Plan No. 144 of 1975, Plan Book 248.

Said Lot A2 is more particularly bounded, and described according to said plan as follows:

NORTHEASTERLY by Greendale Avenue, 80.27 feet;
SOUTHEASTERLY by land of Richard S. Cass, indicated as Lot B on said plan, 57.87 feet;
EASTERLY by land of said Richard S. Cass and Lot A1 in three lines respectively measuring 24.15 feet, 179.99 feet and 115.64 feet;
SOUTHERLY by Colgate Road, 40.4 feet;
WESTERLY by Lots 14, 13 and 12 in three lines respectively measuring 190.00 feet, 101.28 feet and 51.14 feet; and
NORTHWESTERLY by land of Marc A. and Carol R. Dichter in two lines respectively measuring 51.14 feet and 38.45 feet.
Containing, according to said plan, 18,427 square feet.

For title reference is made to deed of Verge S. Wagner and Helen C. Wagner to Robert C. Dawson and Beatrice J. Dawson, dated June 3, 1955, Book 3372, Page 396, deed of Robert C. Dawson and Beatrice J. Dawson to Dawson Development Corporation dated June 15, 1959, recorded Norfolk Deeds Book 3740, Page 401, deed from Dawson Development Corporation to Robert C. Dawson and Beatrice J. Dawson, dated June 10, 1960, recorded Norfolk Deeds Book 3822, Page 97 and deed of Robert C. Dawson and Beatrice J. Dawson to Robert C. Dawson recorded said deeds Book 5116, Page 180.

Witness my hand and seal this 5th day of December 1984.

Beatrice J. Moynihan
Beatrice J. Moynihan

STATE OF NEW HAMPSHIRE

HILLSBOROUGH

Then personally appeared the above named Beatrice J. Moynihan

and acknowledged the foregoing instrument to be her free act and deed, before me

Elaine D. Bernier
Notary Public

My commission expires December 23, 1986



RECEIVED RECORDED
1984 DEC 10 PM 3:20

35

Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

A Z

Jerome DeRozzo

(8/10/83 - 12/10/87)

1983

6241-496 (dood w)

A Z

(C)

1984

6559-486 (dood w)

A Z

(C)

"

- 487 (dood)

Hovvitz

(C)

12 + A Z

QUITCLAIM DEED

I, JEROME DERENZO, of Needham, Norfolk County, Massachusetts for consideration paid and in full consideration of TWO HUNDRED SEVENTY NINE THOUSAND (\$279,000) DOLLARS

GRANT to ELLEN LYNN HURVITZ
of 66 Colgate Road, Needham, Norfolk County, Massachusetts
with
QUITCLAIM COVENANTS

TWO (2) certain parcels of land together with the buildings thereon situated in Needham, Norfolk County, Massachusetts and being bounded and described as follows:

FIRST PARCEL

Lot 12 as shown on a plan of land in said Needham entitled "Compiled Plan of Land in Needham, owned now or formerly by William H. Carter, Block W, Carleeta Park, Land in Needham, Frank L. Cheney, Civil Engineer, April 1952, Revised May 7, 1952" said plan being recorded in Norfolk Registry of Deeds as Plan No. 1271 of 1954, Plan Book 190.

Said Lot 12 is more particularly bounded and described according to said Plan as follows:

WESTERLY	by Lot 9, as shown on said Plan, fifty six and 38.100 (56, 38) feet;
NORTHEASTERLY	by Lots 10 and 11, as shown on said plan, one hundred thirty eight and 78/100 (138, 78) feet;
EASTERLY	by land marked "Now or formerly of Verge S. Wagner" fifty one and 14.100 (51.14) feet and ONE HUNDRED ONE (101) feet, as shown on said Plan;
SOUTHERLY	by Lot 13, as shown on said plan, one hundred fifteen (115) feet.

Containing, according to said plan, 11,271 square feet.

Meaning and intending to describe and convey all and the same premises conveyed to this Grantor by deed of Amelia Cimino dated August 23, 1983 and recorded with Norfolk Registry of Deeds in Book 6235 Page 460.

SECOND PARCEL

Lot A² on a Plan of Land entitled "DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, Owner, Robert C. Dawson and Beatrice J. Dawson, Developer, Dawson Development Corporation, Surveyor, Cheney Engineering Co., Inc. Needham, Mass." said Plan being recorded with the Norfolk Registry of Deeds as Plan No. 144 of 1975, Plan Book 248.

Said Lot A² is more particularly bounded and described according to said plan as follows:

NORTHEASTERLY	by Greendale Avenue, 80.27 feet;
SOUTHEASTERLY	by land of Richard S. Cass indicated as Lot B, 57.87 feet;
EASTERLY	by land of said Richard S. Cass and Lot A ¹ in three (3)

address of property - 66 Colgate Road, Needham, Mass

RECEIVED RECORDED
1984 DEC 10 PM 3:20

See RD # 1498 of 1984 Record Book 6561 Page 352

Declaration of Homestead Vol 6661 P177

488

lines respectively measuring 24.15, 179.99 and 115.64 feet;
 SOUTHERLY by Colgate Road, 40.4 feet;
 WESTERLY by Lots 14, 13 and 12 in three lines respectively measuring
 190 feet, 101.28 feet and 38.45 feet.
 NORTHWESTERLY by land of Marc A and Carol R. Dichter in two lines respectively
 measuring 51.14 and 38.45 feet and containing, according to said plan
 18427 square feet.
 Meaning and intending to describe and convey all and the same premises conveyed
 to this Grantor by deed of Robert C. Dawson dated August 10, 1983 recorded with
 Norfolk Deeds Book 6241, Page 496.

Said FIRST PARCEL and SECOND PARCEL are together shown on a Plan of Land
 entitled "Plan of Land in Needham, Mass. George N. Giunta, Surveyor," dated
 November 4, 1984 herewith recorded, *as shown on the plan*

Witness my hand and seal this sixth day of November, 1984

Jerome Derenzo
 Jerome Derenzo

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

November 6, 1984

Then personally appeared the aforesaid Jerome Derenzo and acknowledged
 the foregoing instrument to be his free act and deed, before me.

Peter D. Scull
 Hector D Scull - Notary Public

My Commission expires
 January 21, 1988



Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

16, pc 1498 + 1984

AZ, pc 141 + 1975 PB 218

Ellen L. Hurvitz

Barry D. Strassnick

(11/6/84 - date)

1984

6559-787 (deed in)

(C)

1985

6661-179 (NOTE)

(C)

1988

7876-204 (deed) STRASSNICK

(C)

→

6-21-21

39

Berlin, Clarey & Green

ATTORNEYS AT LAW

73 TREMONT STREET BOSTON, MASSACHUSETTS 02108

(617) 227-0720

OF COUNSEL
LINDA G. LEFFERTGERALD A. BERLIN
JACK GREEN, P.C.
RICHARD D. CLAREY
GEORGE C. DEPTULA
ALAN S. GEISHER, JR.
NEWTON H. LEEVE
ALVIN LEVIN
RENEE RASTORFER
KAREN D. HURVITZ

April 5, 1985

Mr. and Mrs. Charles F. Yardley
45 Colgate Road
Needham, MA 02192Re: NOTICE OF INTENTION TO PREVENT
ACQUISITION BY CUSTOM PURSUANT
TO MASS. GENERAL LAWS CHAPTER 187,
SECTION 3

Dear Mr. and Mrs. Yardley:

This letter shall constitute notice, pursuant to the provisions of Mass. General Laws Chapter 187, Section 3, of the intent of Ellen Hurvitz to prevent the acquisition by you of an easement in or on her property at 66 Colgate Road. Specifically, you are put on notice that your paved driveway encroaches upon the Hurvitz property for an area of approximately forty square feet.

Very truly yours,


 Karen D. Hurvitz, Attorney
 for Ellen Hurvitz
RETURN OF SERVICE

I hereby certify and return that on April 11, 1985, I served a copy of this Notice of Intention to Prevent Acquisition by Custom Pursuant to Mass. General Laws Chapter 187, Section 3 upon the above-named individuals in the following manner: by delivering in hand to Mr. Charles F. Yardley and by leaving at the last and usual place of abode of Mrs. Charles F. Yardley, (known to me as Isabel Yardley), 45 Colgate Road, Needham.
Fees \$26.00

April 12, 1985
 DATE

DATE OF SERVICE:

4/11/85

 DEPUTY SHERIFF

25 ru
9169

QUITCLAIM DEED

#66

I, Ellen Lynn Hurvitz, of Needham, Norfolk County, Massachusetts for nominal consideration paid

GRANT TO ELLEN LYNN HURVITZ and BARRY DAVID STRASNICK, husband and wife, as tenants by the entirety, all of my right, title and interest in

A certain parcel of land containing 29,018 square feet together with the building labeled #16 as shown on a plan of land in Needham, entitled "Plan of Land in Needham, Massachusetts, November 4, 1984," said plan being recorded in the Norfolk Registry of Deeds as Plan No. 1498 of 1984, which building and land are situated in Needham, Norfolk County, Massachusetts known and numbered as 66 Colgate Road and are more particularly bounded and described as follows:

SOUTHERLY: by Colgate Road, measuring Forty and 40/100 (40.4) feet (but shown on the Plan as measuring thirty-nine (39.00) feet); then

EASTERLY: by Lots A¹, E and B in a line measuring One Hundred Fifteen and 64/100 (115.64) feet for Lot A¹, a corner point of Lot E, and lines measuring respectively One Hundred Seventy Nine and 99/100 (179.99) feet, Twenty Four and 15/100 (24.15) feet and Fifty Seven and 87/100 (57.87); then

NORTHEASTERLY: by Greendale Avenue, Eighty and 27/100 (80.27) feet; then

NORTHWESTERLY: by Lot 11 in a line measuring Thirty-Eight and 45/100 (38.45) feet and Ninety-Five and 68/100 (95.68) feet; then

WESTERLY: by Lot 11 measuring Fifty-One and 14/100 (51.14) feet; then

NORTHWESTERLY: by Lot 11 measuring One Hundred Thirty-Eight and 78/100 (138.78) feet; then

WESTERLY: by Lot 9 measuring Fifty-Six and 38/100 (56.38) feet; then

SOUTHERLY: by Lot 13 measuring One Hundred Fifteen (115) feet; then

WESTERLY: by Lots 13 and 14 measuring One Hundred Ninety (190) feet.

RECORDED
FEB - 5 1985
11:00 32

Grantee's Property Address: 66 Colgate Road, Needham, MA.

Meaning and intending to describe and convey all and the same premises conveyed by deed of Amelia Cimino dated August 23, 1983 and recorded with Norfolk Registry of Deeds in Book 6235 Page 460, and all and the same premises conveyed by deed of Robert C. Dawson dated August 10, 1983 recorded with Norfolk Registry of Deeds in Book 6241, Page 496.

For my title see Deed of Jerome Derenzo to grantor, dated November 4, 1984 and recorded with Norfolk Registry of Deeds in Book 6559 at Page 487.

The property herewith conveyed is designed to and will be held as an estate of homestead in accordance with M.G.L. c. 188 as amended.

Witness my hand and seal this 4th day of February, 1988.

Ellen Lynn Hurvitz
Ellen Lynn Hurvitz

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

February 4, 1988

Karen D. Hurvitz
Karen D. Hurvitz, Notary Public

My Commission expires
September 22, 1989



0 Colgate Road

Page datalets/datalet.aspx?mode=agriculture not registered

PARID: 1990570002200000

CONNOLLY, PATRICIA M

MUNICIPALITY: NEEDHAM

0 COLGATE RD

LUC: 131

PARCEL YEAR: 2024

Property Information

Property Location: 0 COLGATE RD

Class: R-RESIDENTIAL

Use Code (LUC): 131-VACANT LAND - POTENTIALLY DEVELOPABLE

District: MA199 - NEEDHAM

Deeded Acres: .2300

Square Feet: 10,019

Owner

Owner	Co-Owner	City	Address	State	Zip Code	Deed Book/Page
CONNOLLY, PATRICIA M		NEEDHAM	44 COLGATE RD	MA	02492	5305/675

Sales

Sale Date (D/M/Y)	Book/Page	Sale Price	Grantee:	Grantor:	Cert Doc #
07-02-1977	5305-675	\$5,000	CONNOLLY, PATRICIA M	LITTLE	

Owner History

1 of 23

Tax Year: 2024

Owner: CONNOLLY, PATRICIA M

Co-Owner:

Sale Care Of:

State: MA

City: NEEDHAM

Address: 44 COLGATE RD

Zip Code: 02492

Deed Book/Page: 5305/675

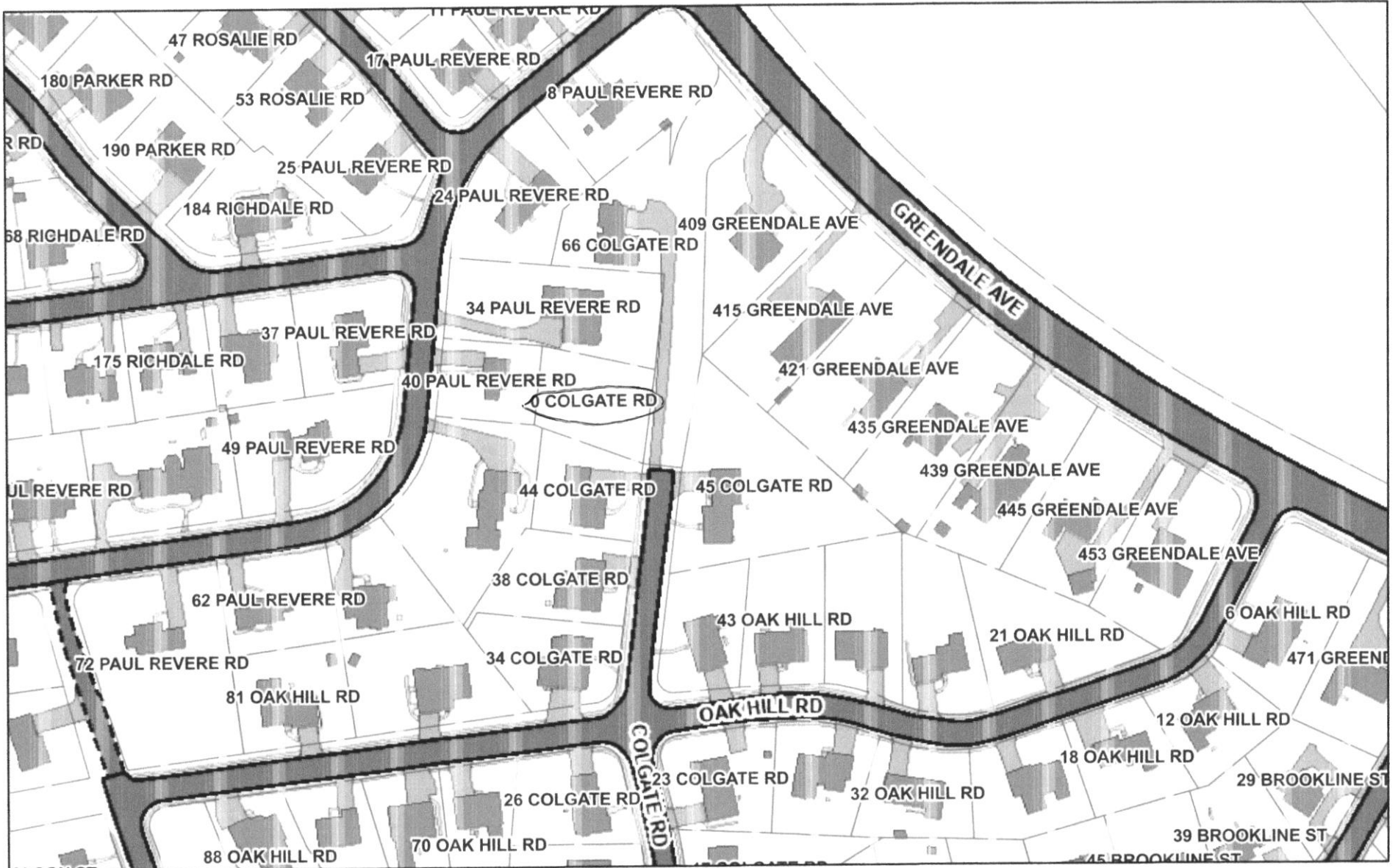
Land

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT P-PRIMARY		131-VACANT LAND - POTENTIALLY DEVELOPABLE	10,000	.23	N						55	551,800	
Total:													0 551,800	

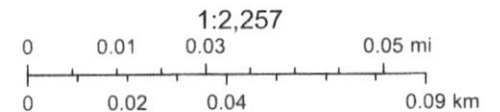
Printed on Thursday, June 20, 2024, at 1:11:47 PM EST

44

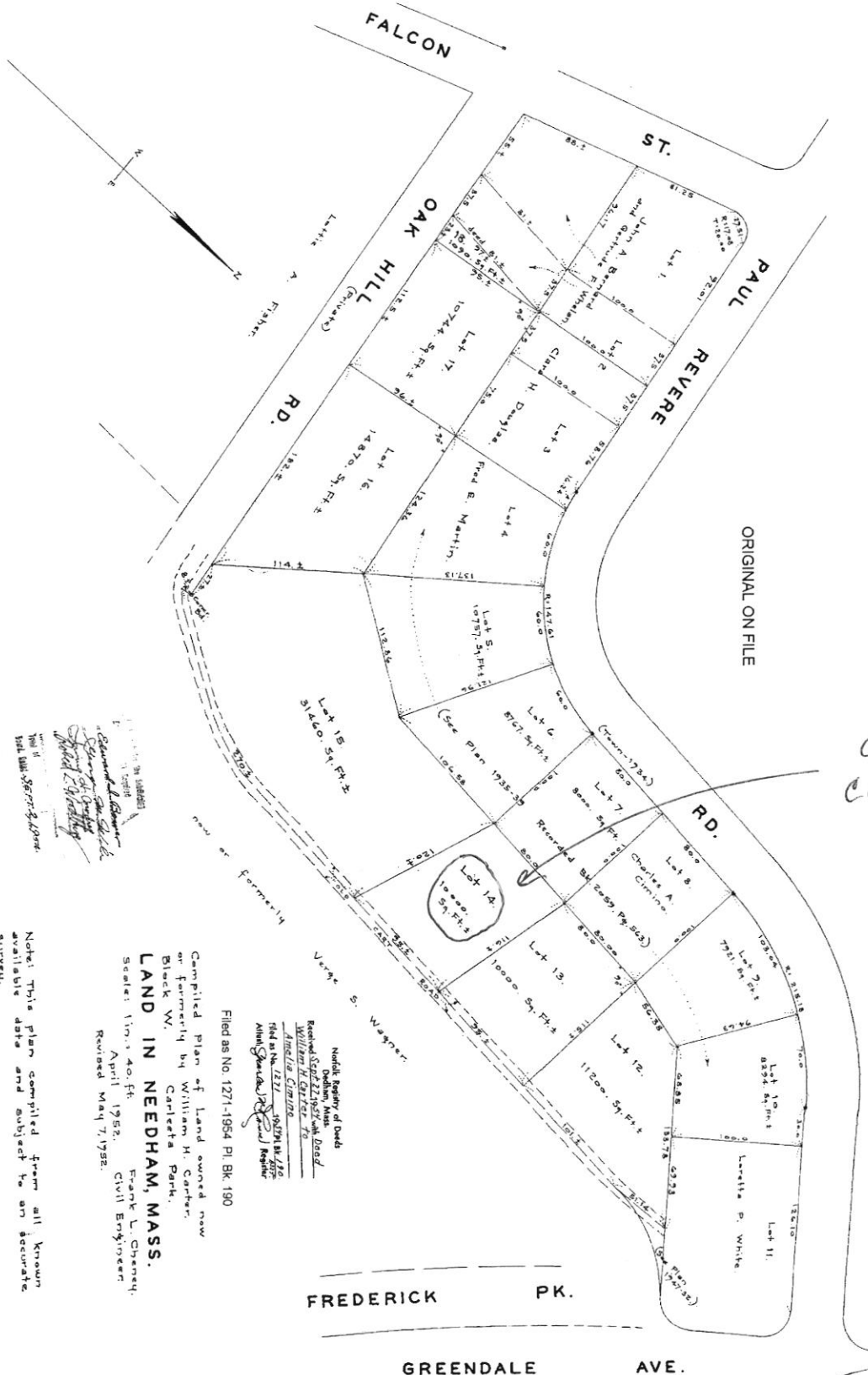
Town of Needham



6/20/2024, 2:08:15 PM



PB 190
#1271



3303

246

I, William H. Carter,

of Needham,

Norfolk County, Massachusetts

~~being~~ for consideration paid, grant to Jennie Little, being unmarried,

of Needham, Norfolk County, Massachusetts

with quitclaim covenants

the land in Needham, Norfolk County, Massachusetts, and being designated and shown as Lot 14 on a plan entitled "Compiled Plan of Land owned now or formerly by William H. Carter, Block W, Carleeta Park, Land in Needham, Mass., Frank L. Cheney, Civil Engineer, April 1952, Revised May 7, 1952", said plan to be recorded herewith.

The aforesaid Lot 14 is more particularly bounded and described, according to said plan, as follows:

WESTERLY by Lot 7, as shown on said plan, eighty (80) feet;
 NORTHERLY by Lot 13, as shown on said plan, one hundred sixteen (116) feet, more or less;
 EASTERLY by land marked on said plan "Now or formerly Verge S. Wagner", ninety-five (95) feet, more or less; and
 SOUTHERLY by Lot 15, as shown on said plan, one hundred twenty (120) feet, more or less; and

Containing 10,000 square feet of land, more or less, according to said plan.

For my title see deed from Vernon Dawson to William H. Carter dated January 10, 1922 and recorded with Norfolk County Registry of Deeds, Book 1506, Page 374.

This conveyance is made subject to all assessments, betterments and other municipal liens, if any.

U. S. Federal Revenue Stamps

In sum of \$ 5.50

affixed and cancelled on back of this instrument.

Massachusetts Deed Excise Stamps
 in sum of \$ 1.00
 affixed and cancelled on back of this instrument.

I, Hazel M. Carter,

~~husband~~ wife of said grantor

release to said grantee all rights of ~~tenancy by the entirety~~ dower and homestead and other interests therein

Executed as a sealed instrument this 10th day of September 1954

William H. Carter
Hazel M. Carter

Commonwealth of Massachusetts

Norfolk

ss.

September 12, 1954.

Then personally appeared the above named William H. Carter

and acknowledged the foregoing instrument

to be his free act and deed, before me



Herbert W. Firth
 Notary Public

My commission expires Jan. 31, 1958
 HERBERT W. FIRTH, Notary Public
 My commission expires Jan. 31, 1958

Recorded Sept. 27, 1954 at 2h.P.M.

48

Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

Jennie Little
Arthur Little

(9/10/51 - 2/7/77)

1951 3303 - 246 (deed in)

©

1977 5305-675 (deed)

Connery

©

Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

14

Patricia M. Connolly

(1/24/77 - date)

1977

5305-675 (deed in)

©

78-27

x

6-23-27

50

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 19

ARTHUR E. LITTLE

of 16 James Street, Malden, Middlesex

County, Massachusetts

for consideration of five thousand (\$5,000) Dollars
 paid, grant to PATRICIA M. CONNOLLY of Colgate Road, Town of Needham,
 County of Norfolk, Commonwealth of Massachusetts,

with QUITCLAIM COVENANTS

the land in Needham, Norfolk County, Massachusetts, and being designated
 and shown as Lot 14 on a plan entitled "Complied Plan of Land owned now
 or formerly by William H. Carter, Block W, Carleeta Park, Land in
 Needham, Mass., Frank L. Cheney, Civil Engineer, April 1952, Revised
 May 7, 1952", said plan being recorded in the Norfolk Registry of Deeds,
 Plan Book 190, Page 1271 of 1954

The aforesaid Lot 14 is more particularly bounded and described according
 to said plan, as follows:

WESTERLY by Lot 7, as shown on said plan, eighty (80) feet;
 NORTHERLY by Lot 13, as shown on said plan, one hundred sixteen (116)
 feet, more or less;
 EASTERLY by land marked on said plan "Now or formerly Verge S. Wagner",
 ninety-five (95) feet, more or less; and
 SOUTHERLY by Lot 15, as shown on said plan, one hundred twenty (120)
 feet, more or less; and

Containing 10,000 square feet of land, more or less, according to said
 plan.

For title see deed from William H. Carter to Jennie Little dated
 September 10, 1954 and recorded with Norfolk County Registry of Deeds,
 Book 3303, Page 246, and further the Estate of said Jennie Little,
 Norfolk Probate, Docket No. 191848.

This conveyance is made subject to the restrictions of record which are
 now in force and apply.

Witness my hand and seal this 24 day of January 1977.



Arthur E. Little

The Commonwealth of Massachusetts

Norfolk, ss

January 26 1977

Then personally appeared the above named Arthur E. Little

and acknowledged the foregoing instrument to be his free act and deed, before me

Richard M. Deliel
 Notary Public

My commission expires

April 8, 1977

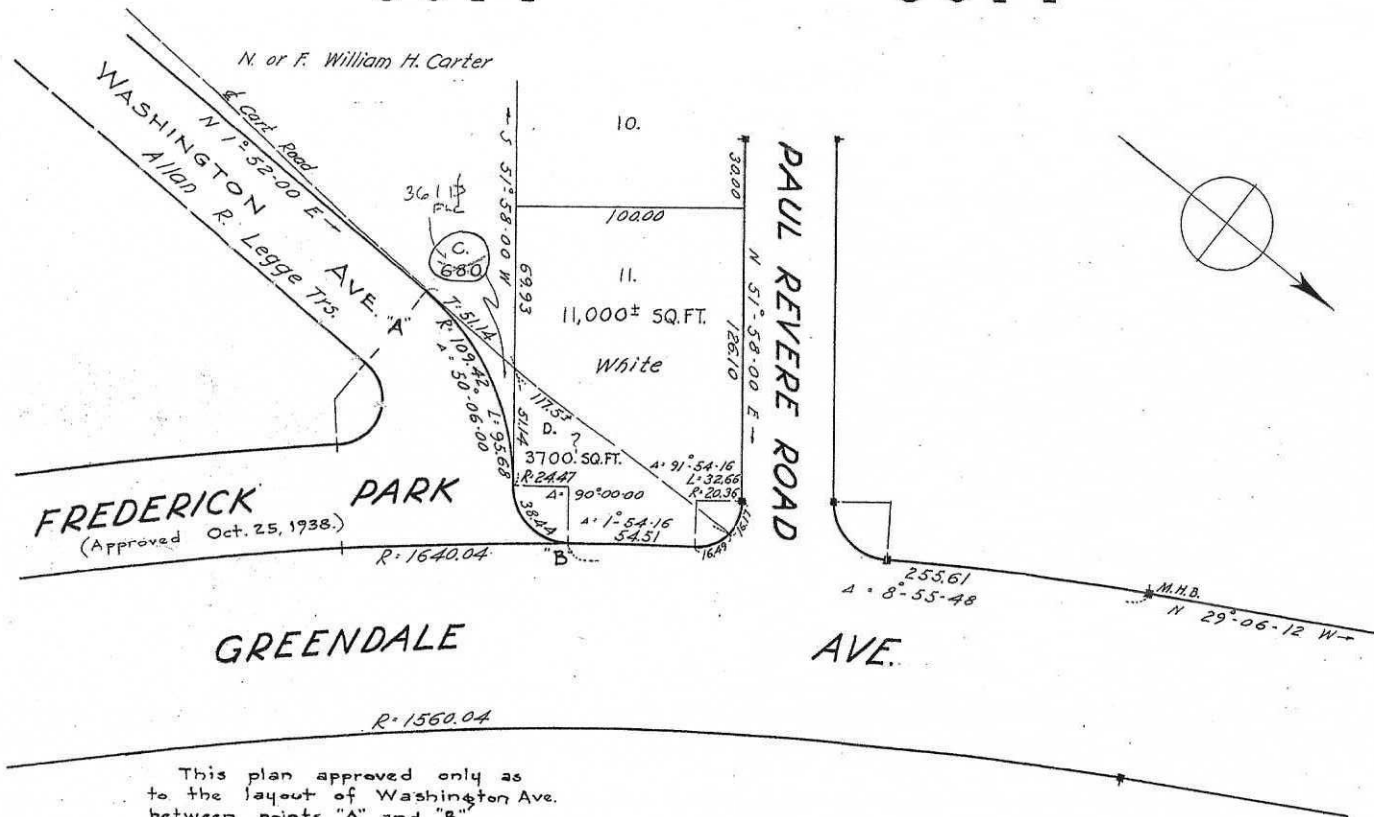
Recorded Feb. 7, 1977 at 2h. 22m. P. M.

Grantee's address: 44 Colgate Road, Needham, Mass. 02192

EXHIBIT D

NOT
OFFICIAL

NOT
OFFICIAL



This plan approved only as
to the layout of Washington Ave.
between points "A" and "B".

Approved by the
Supt. of Public Works

Lester C. Hollis

Approved: Dec. 3, 1946.

Frank L. Cheney

Norfolk Registry of Deeds Town Engineer
DEDHAM, MASS.

Received Jan. 13, 1947 with Par. Rel.
William J. Hildebrand et ux.
to Allan R. Legge, Trs. or est.
Filed as No. 32-1947 Bk. 2658 Pg. 60
Attest:

L. Thomas Shing
Register.

Approved by the
Planning Board

Walter R. Claibach

Herbert L. Moor

Paul W. McKeeney

Arthur W. Rohrer

PLAN OF LAND

IN

NEEDHAM - MASS.

OWNED & DEVELOPED BY

Allan R. Legge, Trs.

SCALE 1 in. = 40 ft. NOV. 22, 1946

ROLAND UHLIN - CIVIL ENG.
NATICK - MASS.

Daphne Collins

From: Joseph Prondak
Sent: Tuesday, October 14, 2025 12:56 PM
To: Daphne Collins
Subject: RE: 0 Colgate Road - Appeal of a Building Inspector's Decision - ZBA Review due October 21, 2025

My "denial email" speaks for itself. Not much more I can provide here.....

joe

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, October 8, 2025 5:42 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 0 Colgate Road - Appeal of a Building Inspector's Decision - ZBA Review due October 21, 2025

Good Evening—

0 Colgate Road—Patricia M. Connolly, Appellant, has filed an Appeal of a Building Inspector Decision (ABID) dated September 4, 2025 who denied *the request for determination of adequate/compliant frontage for the lot known as 0 Colgate Road*. The Appellant asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in the Single-Residence B per Section 4.2.1 of the By-Law.

Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **October 21, 2025** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Thank you,

Daphne



Daphne Collins
Zoning Specialist
Planning and Community
Development Department
Town of Needham
Public Service
Administration Building
500 Dedham Avenue
Needham, MA 02492
Office: (781) 455-7550 ext 72261
www.needhamma.gov

Daphne Collins

From: Joseph Prondak
Sent: Thursday, September 4, 2025 11:15 AM
To: jugino@gelermancabral.com
Cc: Daphne Collins; Lee Newman
Subject: RE: 0 Colgate Road

Hello Jeffrey,

In response to this request, I offer the following:

1. Your attachment is titled “ Addendum to Building Permit Application 0 Colgate Road”. No Building Permit application has been submitted to or received by this office through our electronic permitting portal fo 0 Colgate Rd.
2. The plot submitted herein, while dated 3/26/2025, indicates through note #6 that this plan references plan #32 of 1947. This conflicts with the 1984 Plan which shows lot A2 as private property.
3. Typical submittals along a private way clearly show the term “Private Way”. This plan has no such indication.
4. Despite the various covenants you have referenced, it is beyond the purview of this office to make a determination whether or not lot A2 qualifies as a private way as stated in the definition of frontage within the Town’s Zoning Bylaw.

Based on the above, I hereby deny your request for determination of adequate/ compliant frontage for the lot known as 0 Colgate Rd. If you are aggrieved by this decision, you may have the right to appeal to the Needham Zoning Board of Appeals per Section 7.5.1 of the Zoning Bylaw.

Sincerely,

Joe Prondak
Needham Building Commissioner
781-455-7550 x72308

From: jugino@gelermancabral.com <jugino@gelermancabral.com>
Sent: Tuesday, August 19, 2025 2:50 PM
To: Joseph Prondak <jprondak@needhamma.gov>
Subject: 0 Colgate Road

Dear Building Commissioner Prondak,

On May 1, 2025, the Needham Zoning Board of Appeals allowed our requested withdrawal (without prejudice) of our appeal to the ZBA of your December 2, 2024 denial of a building permit request made on behalf of our clients Patricia Connolly, Brian Connolly and Joe Morrell. We now bring a new request for a

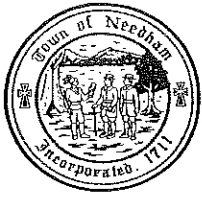
formal determination from you, as Building Commissioner, as to the buildability of 0 Colgate Road. An updated narrative on the evidence in support of the request, which includes new findings of our clients' engineer, is attached hereto. Documents relating to withdrawal from the ZBA are also attached.

Should you decline to determine that the lot is so buildable, I respectfully request a formal denial letter, including the necessary language for our client to validly appeal your decision to the Needham Zoning Board of Appeals ("you may appeal this denial to the Needham Zoning Board of Appeals per G.L. c. 40A, ss. 8 & 15"), as well as the specific reason or reasons for denial.

Please let me know if you have any questions, and thank you for your time and consideration.

Very truly yours,

Jeffery D. Ugino, Esq.
Gelman and Cabral, LLC
30 Walpole Street
Norwood, MA 02062
Phone: 781.769.6900
Mobile: 617.818.2418
jugino@gelermancabral.com
Additional offices in Boston and Winchester



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

October 21st, 2025

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Special Permit Amendment
0 Colgate Road - Special Permit Amendment

Dear Members of the Board,

The Department of Public Works has completed its review of the above-mentioned site plan review for a new proposed buildable lot.

The documents submitted for review are as follows:

- Application for Special Permit dated 10/02/25.
- Memorandum by Jeffery D Ugino Dated 10/7/25
- Addendum to building Permit Application
- Exhibit A Site Plan of existing conditions by AS Elliot Ass. dated 4/8/25
- Exhibit B Old Assessor Map
- Exhibit C Letter by Stephen T Allen 7/25/25, tax cards, old plot plans and deeds
- Exhibit D Emails with Building Department

Our comments and recommendations are as follows:

- We do not see evidence for frontage on the lot recognized as 0 Colgate Road.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer

Daphne Collins

From: Tom Conroy
Sent: Tuesday, October 21, 2025 2:44 PM
To: Daphne Collins
Subject: RE: 0 Colgate Road - Appeal of a Building Inspector's Decision - ZBA Review due October 21, 2025

No issues with Fire.
Thanks!



Thomas M. Conroy

Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, October 21, 2025 2:07 PM
To: Tom Conroy <TConroy@needhamma.gov>
Subject: FW: 0 Colgate Road - Appeal of a Building Inspector's Decision - ZBA Review due October 21, 2025

Hi Chief-
I do need a comment for 0 Colgate Road.

From: Daphne Collins
Sent: Tuesday, October 21, 2025 11:42 AM
To: John Schlittler <JSchlittler@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: FW: 0 Colgate Road - Appeal of a Building Inspector's Decision - ZBA Review due October 21, 2025

Hi Folks-
Friendly reminder ZBA comments due today.
Thank you,
Daphne

From: Daphne Collins
Sent: Wednesday, October 8, 2025 5:42 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 0 Colgate Road - Appeal of a Building Inspector's Decision - ZBA Review due October 21, 2025

Good Evening—

Daphne Collins

From: Tara Gurge
Sent: Tuesday, October 21, 2025 10:30 AM
To: Daphne Collins
Subject: RE: 0 Colgate Road - Appeal of a Building Inspector's Decision - ZBA Review due October 21, 2025/Public Health comments

Daphne –

The Public Health Division conducted the Zoning Board review for the proposal for the property located at **#0 Colgate Road**. The Public Health Division has no comments to share at this time.

Thank you,



Tara Gurge, MS, RS ([she/her](#))
Assistant Director of Environmental &
Community Health
Needham Public Health Division
Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494
Office: (781) 455-7940 ext 74211
Fax: (781) 455-7922
Mobile: (781) 883-0127
www.needhamma.gov



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**Needham Public
Health Division**
Prevent. Promote. Protect.

Please be advised that the Massachusetts Secretary of State Office has determined that this email may be considered a public record.

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, October 8, 2025 5:42 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 0 Colgate Road - Appeal of a Building Inspector's Decision - ZBA Review due October 21, 2025

Good Evening–

Norfolk Lodge A.F. & A.M.

1101 Highland Avenue
Needham, MA 02494

September 11, 2025

Needham Board of Appeals
500 Dedham Avenue
Needham, MA 02492

Dear Members:

On behalf of Norfolk Lodge A.F. & A. M. Annual Christmas tree sale, I am writing to you for the purpose of renewing the special permit your board granted under section 3.2.1. of the Zoning By-Laws, granted to us on October 16, 1997 for the storage and sale of Christmas trees and related items.

Condition #5 listed on your decision required that in order to renew the permit we must show evidence of the continued permission to use the parking lot owned by Christ Episcopal Church, which is situated between our sales lot and Highland Avenue. Enclosed is a letter from Christ Episcopal Church granting permission to use the lot in question.

This period will be seven days a week from November 22 through December 24, 2025. Hours are as follows: Monday through Friday 3:00 PM to 9:00 PM, Saturday 9:00 AM to 6:00 PM, and Sunday 12:00 PM to 6:00 PM.

We will obtain the necessary permit from the Needham Fire Department for the storage of the trees, wreaths, and trimmings.

If you have any questions I can be reached at 781 444-8964. Please forward a copy of the hearing results to 12 Morley Street, Needham, MA 02492.

Thank you in advance for your help and consideration.

Sincerely,



Brian R. Sewall
Christmas Tree Committee

September 11, 2025

Needham Board of Appeals
Needham Town Hall
500 Dedham Avenue
Needham, MA 02492

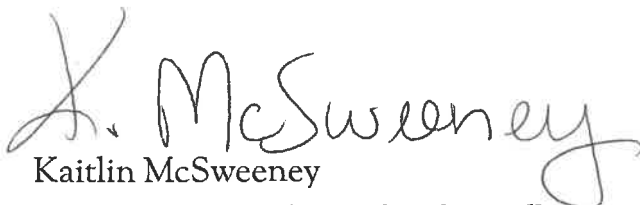
Dear Members,

Please be advised that the Norfolk Lodge A.F. & A.M. has the permission of Christ Episcopal Church, 1132 Highland Avenue, Needham, Massachusetts, to use the parking lot owned by the Church for customer parking when viewing and purchasing Christmas trees during the 2025 Christmas Tree & Wreath sale.

The time period of use will be seven days a week from November 22, 2025 through December 24, 2025. Hours are Monday through Friday 3:00-9:00 p.m., Saturday 9:00 a.m.-6:00 p.m., and Sunday 12:00 p.m.-6:00 p.m.

The parking lot is located on Highland Ave, Needham, Massachusetts, directly opposite the church, and situated between 1111 Highland Avenue and the Needham Public Library.

Sincerely,



Kaitlin McSweeney
Office Manager, Christ Church Needham

cc: Brian Sewall, Norfolk Lodge

RECEIVED
TOWN CLERK
NEEDHAM

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
OCTOBER 16, 1997

'97 OCT 30 A8:15

NORFOLK LODGE AF & AM
NEHOIDEN LODGE AF & AM

Upon the application of Norfolk Lodge AF & AM and Nehoiden Lodge AF & AM, 1101 Highland Avenue, Needham, Mass., tenant, to the Board of Appeals for a special permit under Section 3.2.1 of the Zoning By-law to allow the sale and storage of Christmas trees and related items from November 30 to December 23 in the parking lot at 1101 Highland Avenue, a public hearing was held at the Stephen Palmer Senior Center, 83 Pickering Street, Needham, Mass. on Thursday, October 16, 1997 in the evening pursuant to notice thereof published in a local newspaper and mailed to all persons in interest.

Appearing on behalf of the applicant was Ken Morrison, Norfolk Lodge, and Gary Parks, Nehoiden Lodge. They requested a special permit to continue the sale of Christmas trees, etc. from the end of November to December 23. The Order of DeMolay was granted a variance in 1978 to sell Christmas trees at this property and has done so each year. Mr. Morrison stated they had contacted the abutters and have their permission. Letters were submitted from the Rector and Clerk, Christ Episcopal Church; owner, 3 Masonic Way; Charles River Workshop for Retarded Citizens, 1111 Highland Ave.; and, Needham Masonic Corporation.

No one appeared in opposition. A letter from the Planning Board dated October 14, 1997 stated that it makes no comment on the application. The hearing closed at 9:50 p.m. and the Board proceeded to deliberate.

Decision

On the basis of the evidence presented at the hearing on the application of the Norfolk Lodge AF & AM and Nehoiden Lodge AF & AM (the "applicant") for a special permit under Section 3.2.1 of the Zoning By-law to allow the sale and storage of Christmas trees and related items from November 30 to December 23 in the parking lot at 1101 Highland Avenue, the Board makes the following findings:

1. The applicant is a non-profit corporation engaged in various charitable endeavors and has sold Christmas trees and other related products from the site in the past under the temporary use variance granted to the Needham DeMolay in 1978.

**TOWN OF NEEDHAM
BOARD OF APPEALS
NOTICE OF HEARING**

Public notice is hereby given that Norfolk Lodge AF & AM and Nehoiden Lodge AF & AM, 1101 Highland Avenue, Needham, Mass., tenant, has made application to the Board of Appeals for a special permit under Section 3.2.1 of the Zoning By-law to allow the sale and storage of Christmas trees and related items from November 30 to December 23 in the parking lot at 1101 Highland Avenue. Upon said application, a public hearing will be held at the Stephen Palmer Senior Center, 83 Pickering Street, Needham, Mass. on Thursday, October 16, 1997, in the evening at 8:45 p.m. at which place and time all persons interested may appear and be heard.

Needham Times
10/2, 10/9/97

2. The Christ Episcopal Church by letter dated September 23, 1997 has granted permission to the applicant to use its parking lot at the site for customer parking, viewing and purchasing of Christmas trees and related products, and supports the applicant's request for a special permit.

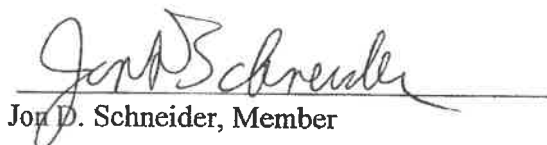
3. Adequate parking and loading space is available at the site as required by the By-law.
4. The issuance of the special permit will not be detrimental to the Town or to the general character of the surrounding neighborhood, and is consistent with the intent of the Zoning By-law.

On the basis of the foregoing findings, following motion duly made and seconded, after due and open deliberation, the Board by unanimous vote grants the applicant a special permit under Section 3.2.1 of the Zoning By-law to allow the sale and storage of Christmas trees and related items from November 30 to December 23 at 1101 Highland Avenue (located behind the Christ Episcopal Church parking lot), Needham, subject to the following conditions:

1. Christmas trees and related items may be stored, offered for sale and sold on the subject lot during the period commencing November 30, 1997 and ending at the close of business on December 23, 1997.
2. Hours of operation will be Monday through Friday 4:00 p.m. to 9:00 p.m., Saturday 9:00 a.m. to 9:00 p.m. and Sunday noon to 6:00 p.m.
3. Any illumination which may be installed must be temporary, must be erected and removed each year, and must be positioned at all times so as not to interfere with the normal use of any adjoining property.
4. Due diligence must be exercised at all times to avoid excessive off-site parking traffic, tie-ups and unnecessary noise and congestion.
5. This special permit is subject to renewal by the Board of Appeals on a year to year basis upon letter request to the Board with adequate proof of continued permission from the Christ Episcopal Church for the continued use of its parking lot and applicant's request for specific dates and times of operation at the site.



William J. Tedoldi, Chairman



Jon D. Schneider, Member



Michael A. Crowe, Member