

NEEDHAM PLANNING BOARD

Tuesday July 7, 2020

7:15 p.m.

Virtual Meeting using Zoom

Meeting ID: **826-5899-3198**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **826-5899-3198**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **826-5899-3198**

1. Public Hearing:

7:15 p.m. Amendment to Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 180 Country Way, Needham, Massachusetts, Petitioner, (Property located at 225 Highland Avenue, Needham, Massachusetts).

7:30 p.m. Major Project Site Plan Review No. 2020-02: Corben Properties LLC, 22 Comeau Street, Wellesley MA 02481, Petitioner, (Property located at 330 Reservoir Street, Needham, Massachusetts).

2. Vote to Refer and Schedule Public Hearing: 100 West Street. Redevelop and zoning change of the property to enable an 83 unit Assisted Living and Alzheimer's/Memory Care facility and 71 Independent Living Apartments.

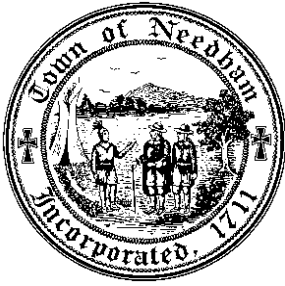
3. Board of Appeals – July 18, 2020

4. Minutes.

5. Correspondence.

6. Report from Planning Director and Board members.

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



LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Laws, Section 7.4, 3.2.5.2(c), 5.1.1.5 and 5.1.2; and Special Permit No. 2008-08, Section 4.2, the Needham Planning Board will hold a public hearing on Tuesday, July 7, 2020 at 7:15 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of V.S.A., LLC, 180 Country Way, Needham, Massachusetts, for a Special Permit Amendment under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 225 Highland Avenue, Needham, MA, located in the Highland-Commercial-128 District. The property is shown on Assessors Plan No. 74 as Parcels 36 and 37 containing a total of 15,798 square feet. The requested Major Project Site Plan Special Permit Amendment, would, if granted, permit the Petitioner to build out 1,109 square feet of the first floor space in an existing commercial building for daycare / preschool purposes by Learning Tree Preschool. The space was previously occupied by Huntington Learning Center. The proposed Learning Tree program would offer two programs: one for toddlers (15 months – 3 years) and the other for preschool age children (3-6 years). The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five teachers / educators on site at all times. The expected maximum enrollment is 23, divided between 13 toddlers and 10 preschool age children.

In accordance with the Zoning By-Law, Section 7.4 and Special Permit No. 2008-08, Section 4.2, a Site Plan Special Permit amendment is required, for the Board retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision. In accordance with the Zoning By-Law, Section 3.2.5.2(c), a Special Permit is required, if applicable, for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1. In accordance with the Zoning By-Law, Section 5.1.1.5, a Special Permit is required to further waive strict adherence with the off-street parking requirements of Section 5.1.2.

To view and participate in this virtual hearing on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 826-5899-3198

To view and participate in this virtual hearing on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: 826-5899-3198

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association’s (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Times, June 18, 2020 and June 25, 2020.

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2020 MAY 15 AM 10:18

George Giunta, Jr.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 449-8475

May 4, 2020

Lee Newman
Planning Director
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Re: Major Project Site Plan
Amendment – Learning Tree Preschool
V.S.A., LLC
225 Highland Avenue, Needham, MA

Dear Lee,

Please be advised that this office represents V.S.A., LLC (hereinafter, and in the materials submitted herewith, “VSA”) relative to the proposed renovation and redevelopment of approximately 1,109 square feet of existing first floor commercial space within the building known and numbered 225 Highland Avenue (the “Premises”). In connection therewith, submitted herewith pursuant to M.G.L. Chapter 40A and the Town of Needham Zoning By-Law (the “By-Law”), please find the following materials. Same are submitted both electronically and in paper format, pursuant to the procedures adopted by the Planning Board for filing during the Covid-19 state of emergency.

1. Completed Application for further Site Plan Review with Addendum A;
2. One full size copy of plans titled “Proposed The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, MA”, consisting of three sheets, as follows: Sheet A1.0, titled “First Floor Plan, Interior Elevations, Finish Schedule”, dated Feb 11, 2020; Sheet A1.1, titled “Reflected Ceiling Plan”, dated Feb 11, 2020; and Sheet A 2.0 titled “Existing Exterior Elevations”, dated Feb 11, 2020;
3. One full size copy of plan titled “Existing Conditions Site Plan, 225 Highland Avenue, Needham, Mass”, prepared by Field Resources, Inc., Land Surveyors, dated January 8, 2017, updated February 4, 2020, consisting of one sheet.
3. Authorization Letter of V.S.A., LLC, dated March 3, 2020; and
4. Check No. 1322 in the amount of \$1,000 for the requisite filing fee.

The Premises is located within an existing building in the Highland Commercial – 128 Zoning District, at the corner of Highland Avenue and Wexford Street. The property on which the building is located is identified as Parcels 36 and 37 on Town of Needham Assessor's Map No. 74 and contains approximately 15,798 square feet of land area. The Building was built pursuant to Major Project Site Plan Special Permit, dated November 12, 2008 as affected by Amendment dated August 11, 2009 (reducing the size of the basement space), and Amendment dated January 4, 2011(authorizing several de minimis changes to the site layout).

The Premises is one of three existing bays on the first floor of the Building and consists of approximately 1,109 square feet of floor space. It was last used for educational and tutoring purposes by Huntington Learning Center pursuant to Site Plan Special Permit Amendment dated June 12, 2012. The remainder of the first floor is currently occupied by UBreakiFix, a mobile phone and electronics repair shop and retail store, consisting of approximately 773 square feet of floor space, Snip-Its, a children's hair salon, consisting of approximately 1,134 square feet of floor space, and common areas, including two shared bathrooms. The entire second floor of the building is occupied by Gymboree Play & Music, pursuant to Site Plan Special Permit Amendment dated August 9, 2011.

VSA proposes to lease the Premises to Learning Tree Preschool, a fully licensed preschool and group daycare center established in 1997. Learning Tree currently operates two facilities serving children from 15 months through 6 years of age; one in Allston and the other in West Roxbury.

Learning Tree currently offer two programs: one for toddlers (15 months – 3 years) and the other for preschool age children (3-6 years). The toddler program includes a balance of child-initiated and teacher-directed activities featuring a variety of hands-on experiences and play. These activities keep the toddlers actively engaged and continuously learning more about themselves and the world around them and further helps to foster a desire for independence and an understanding of compassion.

The preschool program features child centered, play based exploration, aimed to inspire investigation and build basic skills in all areas of learning in preparation for kindergarten. In this program, the children are encouraged to express their ideas, opinions and thoughts through interactive dialogue with teachers and peers.

The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five teachers / educators on site at all times. The expected maximum enrollment is 23, divided between 13 toddlers and 10 preschool age children. There will be no separate administrative or support staff.

Analysis

I. Use

Pursuant to Section 3.2.5.1(a), uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Sec. 3 are permitted as of right.¹ Pursuant to Section 3.2.5.2(c) of the By-Law, the use of property in the Highland Commercial-128 for a private school, nursery, or kindergarten not otherwise classified under Section 3.2.5.1 requires a special permit. Furthermore, pursuant to Section 3.2.5.1(k), more than one use on a lot is permitted as of right.

Whereas the definition of childcare centers in c.40A and c.15D includes the proposed use of the Premises, it would appear that same is exempt and therefore allowed as of right pursuant to Section 3.2.5.1(a) of the By-Law. However, in the unlikely event the Board were to determine otherwise, namely, that the proposed use does *not* fall within such definition, a special permit pursuant to Section 3.2.5.2(c) would be required, and has been requested. And, if such permit is required, upon issuance, the use will comply with the By-Law.

II. Parking

Section 5.1.2 of the Bylaw (Required Parking) does not include a category for childcare, daycare or the like. As a result, VSA hereby requests that the Planning Board make a determination as to required parking, consistent with the Board's previous precedent for other daycare facilities.² That standard imposes a parking requirement of one space for every five students, plus employee parking (defined as the maximum number of staff on duty at any one time), if enrollment is both known and less than 45 children.

Applying such standard to the proposed use of the Premises, the required parking will be 10 spaces, calculated as follows:

23 expected children ÷ 5 = 4.6 spaces
5 maximum staff = 5 spaces
4.6 + 5 = 9.6 = 10 (rounded up) = 10 total spaces required

Pursuant to the Huntington Learning Center Site Plan Special Permit Amendment, the parking requirement for that use was determined to be a total of 8 parking spaces. As a result, the proposed use will result in a net parking demand increase of two spaces, for a total building parking demand of 39 spaces.³

¹ M.G.L. c.40A, Sec. 3 specifically exempts child care centers which are further defined in M.G.L. c.15D Sec.1A as "facilities operated on a regular basis whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under 7 years of age . . . for nonresidential custody and care during part or all of the day separate from their parents".

² The Board's previous precedent was based on the ITE Journal of July 1994 entitled "Parking and Trip Generation Characteristics for Day-Care Facilities".

³ Total building demand is calculated as follows: Basement: 1,294 square feet @ 1 per 850 square feet (warehouse) = 1.52 spaces; First Floor: 2,766 square feet @ 1 per 300 square feet (retail or consumer service) = 9.22 spaces and 1,109 square feet of Learning Tree @ 10 total spaces = 10 spaces (First Floor total 19.22); Second Floor: 3,875

There are currently 22 parking spaces on site, to the rear of the building. As a result, an additional parking waiver is required, over and above the existing waiver of 15 spaces, to account for the net increase in parking demand. In connection therewith, the new parking waiver required is 17 total spaces.

However, in addition to the 22 spaces available on site, another five spaces are available off-site. Furthermore, these 27 spaces have adequately served the building without significant incident or issue since Huntington Learning was approved in 2012. Whereas the parking demand for the proposed use is primarily drop-off and pick-up, and whereas the calculated demand is only a net increase of two spaces, VSA is both of the opinion and asserts that the existing parking is adequate to support the new use.⁴

III. Site Plan Analysis

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

VSA asserts that the use of the Premises for pre-school / daycare purposes will not constitute a “seriously detrimental use” within the terms of the By-Law. Moreover, the property and building of which the Premises is a part are already fully developed and only relatively minor interior renovations are proposed. Therefore, no material additional impact is anticipated to surface water drainage, sound and sight, views, light and air.

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

The building and property of which the Premises is a part are currently fully developed and bounded by existing established ways. Furthermore, whereas only interior modifications are proposed, existing traffic patterns are not expected to be affected in a material way, and, based on its observations and familiarity with the site, VSA is neither aware of nor anticipates any problems with vehicular and pedestrian movement within the site or on adjacent streets.

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

Whereas the proposed use of the Premises for preschool / daycare purposes will only result in a net parking demand increase of two spaces, and whereas the use is materially similar to the previous use, VSA does not anticipate any significant or material additional impacts to the parking and loading spaces. Given its location in a developed and somewhat dense commercial area, VSA considers the current arrangement of parking and loading spaces to be adequate for

square feet @ 1 space per the maximum capacity of patrons, plus 1 space per the largest working staff = 18 spaces, totaling 38.74, or 39 spaces, rounded up.

⁴ Moreover, the basement space, with an associated parking requirement of 1.52 spaces is currently used for tenant storage, and does not create any real parking demand, notwithstanding the calculation.

both the existing and proposed use of the Premises. In addition, due to the size of the lot and the existing building, it is impossible to comply with the provisions of the Zoning By-Law with regard to off-street parking, and, there are existing waivers for the property.

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

The site and building containing the Premises are already developed with infrastructure in place. Moreover, the nature of the proposed use is such that only minimal waste is expected to be generated, and there is an existing dumpster on site.

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

The site and the building containing the Premises are situated in a highly developed, commercial area. VSA is not aware of any significant community assets in the area immediately adjoining the Premises. Moreover, the site itself is fully developed at present and whereas VSA is not proposing any material expansion or fundamental changes to the existing building, it does not anticipate any significant or material impact from the proposed use. Therefore, the proposed redevelopment, renovation and reuse of the Premises is not anticipated to significantly affect the relationship of the Premises to any community assets or any adjacent landscape, buildings and structures.

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

The site and building containing the Premises are presently fully developed and fully connected to Town infrastructure. Moreover, only interior modifications within an existing space are being proposed. Therefore, VSA does not anticipate any significant or material change, or any adverse impacts to any Town resource.

Conclusion

Based on the foregoing, VSA asserts that the proposed renovation and re-use of the Premises for use as a Learning Tree Preschool, as set forth above and in the materials submitted herewith, is both proper and appropriate. The proposed use will provide a necessary and important service to the residents and workers in the Town, with minimal, if any, expected impact. Therefore, VSA requests that the relief required be granted.

Please schedule this matter for the next available meeting of the Board, whether via Zoom or other electronic format or otherwise. If you have any questions, comments or concerns relative to the foregoing, please do not hesitate to contact me so that I may be of assistance.

Your courtesy and attention are appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to be 'G. Giunta', written in a cursive style.

George Giunta, Jr

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

**TOWN OF NEEDHAM
MASSACHUSETTS**

2020 MAY 15 AM 10:18



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 225 Highland Avenue, Needham, MA
Name of Applicant V.S.A., LLC
Applicant's Address 180 Country Way, Needham, MA 02492
Phone Number 617-653-9442

Applicant is: Owner X Propsective Tenant _____
Agent/Attorney _____ Purchaser _____

Property Owner's Name Same as above
Property Owner's Address Same as above
Telephone Number Same as above

Characteristics of Property: Lot Area 15,978 Present Use Mixed
Map # 74 Parcel # 36 Zoning District HC-128
& 37

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

Renovation and conversion of approximately 1,109 square feet of existing first floor commercial space, in an existing commercial building, for day care / preschool purposes, by Learning Tree PreSchool, as further described in the materials submitted herewith. The space was previously occupied by Huntington Learning Center pursuant to Site Plan Special Permit Amendment dated June 12, 2012.

Signature of Applicant (or representative) 
Address if not applicant _____ George Giunta, Jr., Esq., duly authorized
Telephone # _____
Owner's permission if other than applicant See Authorization Letter Provided Herewith

SUMMARY OF PLANNING BOARD ACTION

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

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

ADDENDUM A
TO
APPLICATION FOR SITE PLAN REVIEW
OF
V.S.A., LLC
225 Highland Avenue
Needham, Massachusetts

Learning Tree Preschool

The following relief is or may be required, and is hereby requested:

1. Pursuant to Paragraph 3.2 of the original Decision, as amended, further Major Project Site Plan Review is required.
2. In addition, the following relief is, or may be required:
 - a. To the extent applicable and required, a Special Permit pursuant to Section 3.2.5.2 for a private school, nursery, or kindergarten not otherwise classified under Section 3.2.5.1;
 - b. A Special Permit pursuant to Section 5.1.1.5 further waving strict adherence with the off-street parking requirements of Section 5.1.2 of the Zoning By-law;
 - d. Waiver of strict compliance with the requirements of Section 7.4.4, as applicable; and
 - e. Any and all additional relief required or appropriate for the use and occupation of a portion of the existing building by Learning Tree Preschool.
3. The Applicant requests that any and all relief granted by the Board in connection with the within application shall run with the land and that the movement of interior walls and interior fixtures not require further review, provided the total useable square footage remains fixed.

V.S.A., LLC
180 Country Way
Needham, MA 02492

March 3, 2020

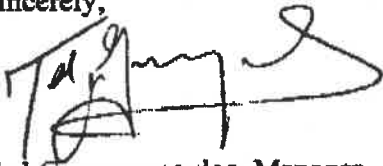
Lee Newman
Planning Director
Town of Needham
Planning Board
Town Hall
Needham, Massachusetts 02492

Re: Site Plan Amendment Application
225 Highland, Needham, MA

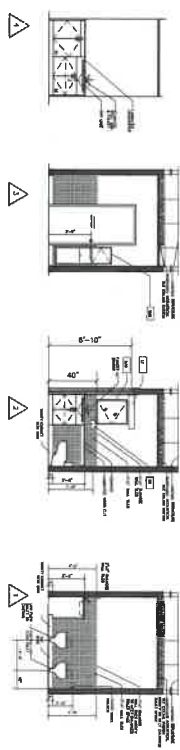
Dear Mrs. Newman,

Please accept this letter as confirmation that George Giunta, Jr., Esquire, is authorized to make application for Site Plan Amendment and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the renovation and redevelopment of the commercial space at 225 Highland Avenue for use by Learning Tree Preschool. In connection therewith, Attorney Giunta is hereby authorized, to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Site Plan Review.

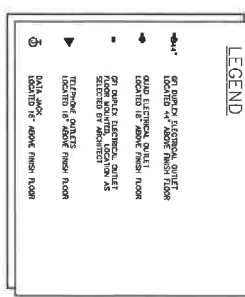
Sincerely,

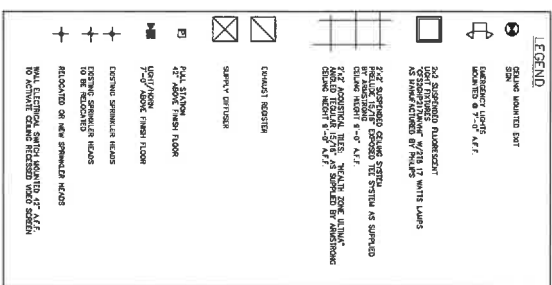
A handwritten signature in black ink, appearing to read 'Ted Giannacopoulos', written over a horizontal line.

Ted Giannacopoulos, Manager
V.S.A., LLC



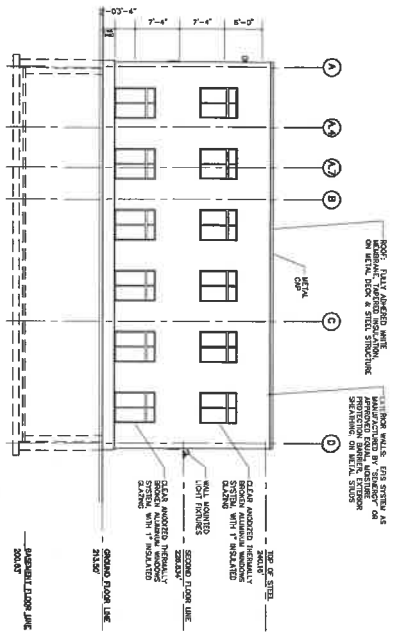
TOILET ACCESSORY SCHEDULE		REMARKS	
TYPE	DESCRIPTION	QUANTITY	UNIT
W1	STAINLESS STEEL FLAMMO WASHBASIN	1	NO
		1	NO
WC	CONCRETE REINFORCED 18" DIA. STAINLESS STEEL PIPES	1	NO
	TOILET DISCHARGE & WASTE WATER DRAINAGE	1	NO
LF	VANITY LIGHT FIXTURE	1	NO
		1	NO
SS	304SS DISCHARGE	1	NO
	DISCHARGE ADJACENT WALL-HUNG TOILET TRASH	1	NO
TT	DISCHARGE	1	NO
		1	NO

[illegible]

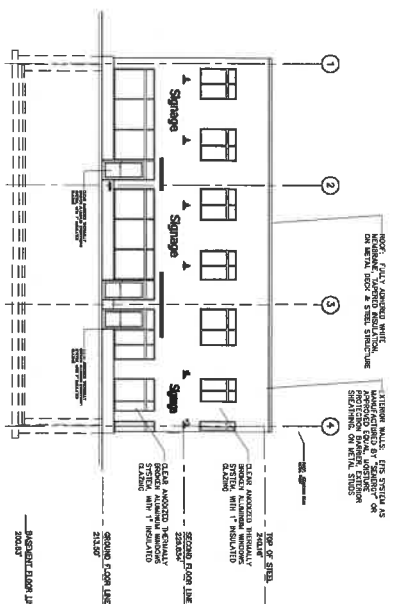


COMM BY	NTA
DATE	11/FEB/20
SCALE	AS NOTED
PLANTING NO.	00000

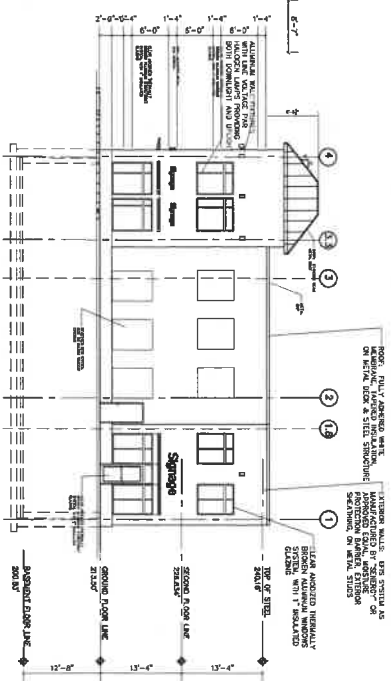
A1.1



EXISTING SIDE ELEVATION

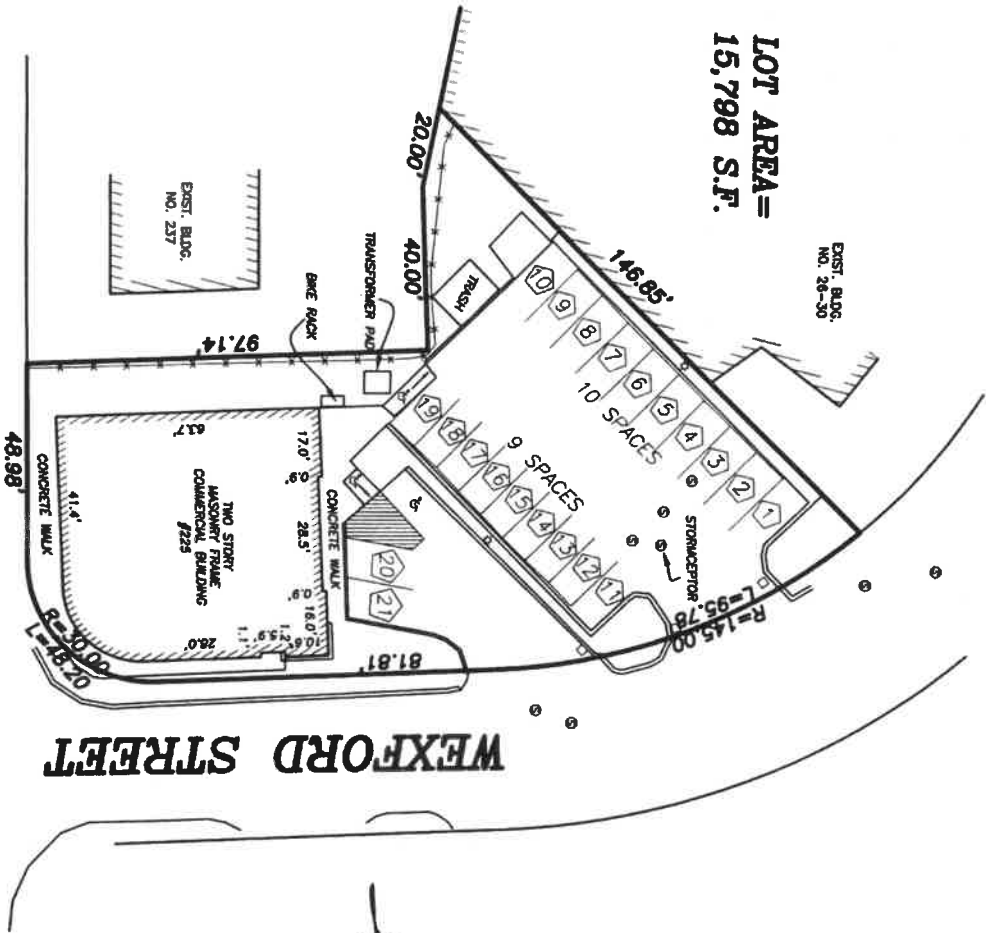


EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

HIGHLAND AVENUE



LEGEND

- ⊙ SEWER MANHOLE
- ⊛ LIGHT POLE
- X-X-X FENCE
- CATCH BASIN
- ♿ HANDICAP RAMP

EXISTING CONDITIONS
SITE PLAN
225 HIGHLAND AVENUE
NEEDHAM, MASS

Field Resources, Inc.
LAND SURVEYORS

JANUARY 8, 2017 SCALE 1"=40'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936

fieldresources@hotmail.com

UPDATED: FEBRUARY 4, 2020

From: [Dennis Condon](#)
To: [Alexandra Clee](#); [Anthony DelGaizo](#); [Thomas Ryder](#); [John Schlittler](#)
Cc: [Tara Gurge](#); [David Roche](#); [Richard P. Merson](#); [Lee Newman](#)
Subject: RE: comments on Planning Board hearings for July 7
Date: Monday, June 29, 2020 1:52:23 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
WE are okay with these changes.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, June 25, 2020 9:20 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.

From: [John Schlittler](#)
To: [Alexandra Clee](#); [Anthony DelGaizo](#); [Thomas Ryder](#); [Dennis Condon](#)
Cc: [Tara Gurge](#); [David Roche](#); [Richard P. Merson](#); [Lee Newman](#)
Subject: RE: comments on Planning Board hearings for July 7
Date: Monday, June 29, 2020 4:13:34 PM

I have no issue with 330 Reservoir St

Regarding 225 Highland I am concerned regarding parking.

1. This area is very congested without factoring in traffic from the lot associated with 225 Highland Ave.
2. Parking is at a premium in that area and there is no overflow or on street parking unless in adjacent business parking lot. This creates a separate issue for the police.
3. I do question if there is enough parking for Gymboree, Snip-its, the electronics store, and this pre-school.
4. This street is too dangerous to have parents walking kids to alternative parking location. The road is narrow and extremely congested during the day and leaves no room for on street parking or waiting.
5. If the lot is full there is only one way in or out which may cause a traffic issue backing up into the roadway. The parking area is at a bend in the road making sight an issue if vehicles are stacked waiting to get into the lot.

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, June 25, 2020 9:20 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.

From: [Anthony DelGaizo](#)
To: [Lee Newman](#)
Cc: [Tara Gurge](#); [David Roche](#); [Richard P. Merson](#); [Alexandra Clee](#); [Thomas Ryder](#); [Dennis Condon](#); [John Schlittler](#)
Subject: RE: comments on Planning Board hearings for July 7
Date: Tuesday, June 30, 2020 1:10:20 PM
Attachments: [Major Project Site Plan Amendment - Learning Tree 5.15.20 for Website.pdf](#)
[Corben Properties LLC. 330 Reservoir St - 6.4.2020 for Website.pdf](#)

Lee

The DPW has no comment or objection to these projects (attached).

Anthony L. Del Gaizo, PE
Town Engineer

Needham Department of Public Works
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Phone: 781-455-7550
Email: adelgaizo@needhamma.gov

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, June 25, 2020 9:20 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.

From: [David Roche](#)
To: [Alexandra Clee](#)
Subject: RE: comments on Planning Board hearings for July 7
Date: Tuesday, June 30, 2020 4:09:27 PM

Alex,

I have no issues with these proposals.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, June 25, 2020 9:20 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: FW: Comments on Planning Board hearings for July 7 - #225 Highland Ave. Learning Tree Daycare/Preschool
Date: Thursday, July 2, 2020 4:35:40 PM
Attachments: [Public-Health-Emergency-Order-re-Face-Coverings_6162020-UPDATE.pdf](#)
[Symptom Check Staff Form.docx](#)
[image002.png](#)
[image003.png](#)

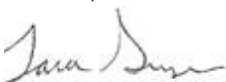
Alex –

Just getting back to you with the Public Health Division comments for #225 Highland Avenue, specifically for the proposal for daycare / preschool made by the Learning Tree Preschool. Here are our comments, below:

- Will there be food distributed and/or prepared at this facility? IF so, a proper food establishment permit will need to be applied for through the Public Health Division, along with a review of proposed kitchen/food prep area layout plans.
- Before this facility is allowed to open to the public, a set of COVID-19 protocols should be developed from guidance received by the MA Department of Early Education and Care's (EEC) licensed child care program, their designated licensing authority, along with following the latest guidance received by Gov. Baker. These protocols must be continuously updated as new guidance is released from the MA Dept. of Public Health. Per Needham Board of Health, the wearing of Face Coverings, along with proper Social Distancing of 6-feet, is required inside all buildings (SEE BOH ORDER FOR SPECIFICS ON THESE REQUIREMENTS.) Signage can be provided by the Public Health Division, if requested. We have attached our BOH Face Covering Emergency Order, which was recently extended until Sept. 1, 2020, along with a sample Attestation Form to use for staff to sign when they start their day at the facility.

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

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S.
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



please consider the environment before printing this email

STATEMENT OF CONFIDENTIALITY

This e-mail, including any attached files, may contain confidential and privileged information for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive information for the recipient), please contact the sender by reply e-mail and delete all copies of this message. Thank you.



[Follow Needham Public Health on Twitter!](#)

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Thursday, June 25, 2020 9:20 PM

To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>

Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>

Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.



Board of Health

Kathleen Ward Brown, ScD

Edward Cosgrove, PhD

Stephen Epstein, MD, MPP

Christina S. Mathews, MPH Robert Partridge, MD, MPH

Public Health Emergency Order Mandating Face Coverings

Whereas, on March 10, 2020, Massachusetts Governor Charles D. Baker, acting pursuant to the powers provided by Chapter 639 of the Acts of 195 and Section 2A of Chapter 17 of the General Laws, declared a state of emergency in the Commonwealth of Massachusetts due to the outbreak of the 2019 novel Coronavirus (COVID-19, or SARS-CoV2 virus); and

Whereas, on March 15, 2020 Governor Baker issued an emergency Order (the “March 15, 2020 Order”) to respond to the evolving COVID-19 public health emergency impacting the Commonwealth, including prohibitions on public gatherings of twenty-five or more people and prohibiting on-premises consumption of food or drinks at bars and restaurants from March 17, 2020 until April 6, 2020; and

Whereas, on March 23, 2020 Governor Baker issued an Order (the “March 23, 2020 Executive Order”) limiting gatherings of more than ten people in the Commonwealth of Massachusetts and orderings businesses, other than those that provide COVID-19 essential services as defined in the March 23, 2020 Executive Order as amended (“COVID-19 Essential Businesses”), to close their brick and mortar operations and operate only by remote means; and

Whereas, the Select Board of the Town of Needham issued a local Declaration of Emergency on March 20, 2020; and

Whereas, current scientific consensus is that the SARS-CoV2 virus can be transmitted both by asymptomatic and pre-symptomatic cases;¹ and

Whereas, some scientific evidence supports the use of face coverings to prevent transmission by large droplets;² and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

² National Academies of Sciences, Engineering, and Medicine 2020. Rapid Expert Consultation on the Effectiveness of Fabric Masks for the COVID-19 Pandemic (April 8, 2020). Washington, DC: The National Academies Press. <https://doi.org/10.17226/25776>.

This Emergency Order was first proposed on April 24, 2020, and was the subject of a Board of Health hearing on April 28, 2020. It was adopted by unanimous vote of the Needham Board of Health on April 28, 2020, and shall take effect on May 1, 2020 at 6:01 a.m. A revised version of the Order was considered and approved by the Board of Health on June 16, 2020.

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 104³ with the authority and responsibility to prevent the spread of infection; and

Whereas, the Board of Health of the Town of Needham is given authority to enact emergency orders by 310 C.M.R. 11.05;⁴ and

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 31⁵ with the authority and responsibility to make reasonable health regulations; and

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 122 to examine and destroy, remove, or prevent causes of sickness;⁶

Now therefore, the Board of Health of the Town of Needham does hereby order the following:

- 1) Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public and whenever they are within six feet of a co-worker or a customer. Please see personal protective equipment guidelines and recommendations at: <http://www.needhamma.gov/4860/Face-MaskCovering-Guidance>. Please note that a face shield is not a substitute for the required face covering.
- 2) Members of the public entering any business, work site, or government building must wear a face covering, such as a fabric mask, scarf, or bandana, over their nose and mouth.
- 3) Members of the public entering a restaurant for the purpose of picking up food for take-out must wear a face covering over their nose and mouth. Notwithstanding the previous section, those persons dining at a restaurant must employ a face covering when not seated at their table (that is, when entering and exiting the establishment, or whenever not seated).
- 4) Residents, visitors, and members of the general public entering or exiting a residential or commercial building complex of greater than two (2) units must wear a face covering over their nose and mouth while in common areas and

³ M.G.L. § 104 provides: "If a disease dangerous to the public health exists in a town, the selectmen and board of health shall use all possible care to prevent the spread of infection..."

⁴ 310 C.M.R. 11.05 states: "Whenever an emergency exists in which the interest of protecting public health ... requires that ordinary procedures be dispensed with, the board of health or its authorized agent, acting in accordance with the provisions of M.G.L. c. 111 §30, may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as the board of health deems necessary to meet the emergency."

⁵ M.G.L. § 31 provides: "Boards of health may make reasonable health regulations."

⁶ M.G.L. § 122 provides: "The board of health shall examine into all nuisances, sources of filth and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto..."

communal spaces and must exercise social distancing in these spaces in accordance with CDC guidelines available at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-di...> Residential and commercial building complexes shall post signage informing all residents, staff, and visitors that face coverings must be at all times in common areas of the building, and reminding all residents, staff, and visitors that a distance of six feet between individuals must be observed, except when those individuals are members of the same household or are engaged in caring for a child.

5) a. Retail establishments must limit the number of customers and staff inside the establishment at any given time so that social distancing of six feet may be maintained. All retail establishments must establish maximum occupancy loads in accordance with published state guidance including “Guidance for Grocery Stores” issued by the Massachusetts Commissioner of Public Health on April 7, 2020. See this order at: <https://www.mass.gov/doc/order-grocery-stores-40-percent/download>. Additionally, please review the state’s published “Safety Standards and Checklist for Retail Businesses” which is available at: <https://www.mass.gov/info-details/safety-standards-and-checklist-retail-businesses>. Maximum occupancy shall be posted at each entrance to the establishment and shall be readily visible to members of the public. Retail establishments are limited to eight (8) persons, including staff, per 1,000 square feet of accessible space or to 40% of the retail establishment’s maximum permitted occupancy, whichever is greater.

b. An employee of the retailer shall be designated to ensure the maximum number of individuals inside of the store is not exceeded. Customers queued outside of the store must maintain a minimum of six feet distance.

d. Reusable shopping bags are prohibited. Single-use bags are permitted and shall be provided at no extra cost to customers.

This Emergency Order shall not apply to anyone under the age of five, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance, and/or any other person exempted by Center for Disease Control & Prevention guidelines or Massachusetts Department of Public Health guidelines. Those who are unable to safely don a face covering due to access or functional needs should not wear one.

This Emergency Order shall not reduce or eliminate the requirement of maintaining safe distancing. The use of a face covering should be combined with social distancing

and frequent handwashing and refraining from touching one's face. The use of a face covering is NOT intended to replace those activities but rather to supplement them.

This Emergency Order does not require or recommend the wearing of a face covering in outdoor settings when a safe distance (minimum of six feet) between other persons is observed.

Nothing in this order is intended to encourage residents to act as an enforcement authority for the Town of Needham. Residents should not take it upon themselves to approach people in violation of this order. Residents are urged to focus solely on their personal and family compliance with this order.

This emergency order originally took effect on Friday May 1, 2020 at 6:01 a.m. and was renewed on Tuesday June 16, 2020 at 10:30 a.m. and shall remain in effect until 11:59 p.m. on September 1, 2020 or until notice is given, pursuant to the Board of Health's judgement, that the Public Health Emergency no longer exists, whichever occurs first.

To the extent necessary, this Order shall be enforced by the Director of Health & Human Services and others he chooses to empower as agents of the Board of Health.

ORDERED by unanimous vote of the Needham Board of Health on June 16, 2020,
by,



Kathleen Ward Brown, ScD



Edward Cosgrove,
PhD



Stephen Epstein, MD,
MPP



Christina S. Mathews, MPH



Robert Partridge, MD, MPH

Symptoms include:

If you are displaying any symptoms please leave and call your supervisor

[illegible]

**V.S.A. LLC & The Learning Tree Preschool, Inc.
Major Project Site Plan Special Permit
AMENDMENT OF DECISION
July 7, 2020**

**Application No. 2008-08
(Decision dated November 12, 2008,
Amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012)**

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

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of V.S.A., LLC, 180 Country Way, Needham, Massachusetts; and The Learning Tree Preschool, Inc., 17 Alston Street, Alston, MA 02134 (hereinafter referred to as the Petitioner) for property located at 225 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan No. 74 as Parcels 36 and 37 containing a total of 15,798 square feet.

This decision is in response to an application submitted to the Board on May 15, 2020, by the Petitioner for: (1) a Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Special Permit No. 2008-08, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012; (2) a Special Permit under Section 3.2.5.2(c) of the By-Law for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1; and (3) a Special Permit under Section 5.1.1.5 of the By-Law to further waive strict adherence with the requirements of Section 5.1.2 (Required Parking).

The requested Major Project Site Plan Special Permit Amendment, would, if granted, permit the Petitioner to build out 1,109 square feet of the first floor space in an existing commercial building for daycare/preschool purposes by The Learning Tree Preschool, Inc. The space was previously occupied by Huntington Learning Center. The proposed Learning Tree Preschool program would offer two programs: one for toddlers (15 months – 3 years) and the other for preschool age children (3-6 years). The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five teachers/educators on site at all times. The expected maximum enrollment is 23, divided between 13 toddlers and 10 preschool age children.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest, as required by law, the hearing was called to order by Chairperson, Jeanne S. McKnight, on Tuesday, July 7, 2020 at 7:15 p.m., via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Paul S. Alpert, Ted Owens, Martin Jacobs, and Adam Block were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Completed Application Form for Amendment to Major Project Site Plan Special Permit dated May 15, 2020, with Addendum A.
- Exhibit 2 - A letter to Lee Newman, Planning Director, from George Giunta Jr., dated May 4, 2020.
- Exhibit 3 - Letter directed to Lee Newman, Director, Planning and Community Development, from Ted Giannacopulos, Manager, V.S.A. LLC, dated March 3, 2020.
- Exhibit 4 - Plan entitled “Proposed The Learning Tree Preschool, 225 Highland Avenue, Needham, MA,” prepared by Nunes Trabucco Architects, 315A Chestnut Street, Needham, MA, consisting of 3 sheets: Sheet 1, Sheet A1.0, entitled “First Floor Plan, Interior Elevations, Finish Schedule,” dated February 11, 2020; Sheet 2, Sheet A1.1, entitled “Reflected Ceiling Plan,” dated February 11, 2020; Sheet 3, Sheet A2.0, entitled “Existing Exterior Elevations,” dated February 11, 2020.
- Exhibit 5 - Plan entitled “Existing Conditions Site Plan, 225 Highland Avenue, Needham, MA,” prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA, dated January 8, 2017, revised February 4, 2020.
- Exhibit 6 - Inter Departmental Communication (IDC) to the Needham Planning Board from the Department of Public Works, Anthony DelGaizo, Assistant Director, dated June 30, 2020; IDC to the Needham, Planning Board from the Needham Police Department, Chief John Schlittler, dated June 29, 2020; IDC to the Needham Planning Board from the Needham Fire Department, Chief Dennis Condon, dated June 29, 2020; and IDC to the Needham Planning Board from the Building Commissioner, David Roche, dated June 30, 2020.

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

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The Petitioner is seeking to modify Major Project Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012, (“the Decision”) as follows: to build out 1,109 square feet of the first floor space in an existing commercial building for daycare/preschool purposes by The Learning Tree Preschool. The proposal is to offer two programs: one for toddlers (15 months – 3 years) and the other for preschool age children (3-6 years). The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five teachers/educators on site at all times. The expected maximum enrollment is 23, divided between 13 toddlers and 10 preschool age children.
- 1.2 The Petitioner is requesting this modification because the Petitioner originally intended and the original permit specified that the first floor which totals 3,875 square feet be used entirely as retail space; however, finding retail tenants for the entire retail space has been extremely difficult. The Premises is one of three existing bays on the first floor of the Building and consists of approximately 1,109 square feet of floor space. It was last used for educational and tutoring purposes by Huntington Learning Center pursuant to Site Plan Special Permit Amendment dated June 12, 2012. The remainder of the first floor is currently occupied by UBreakiFix, a mobile phone and electronics repair shop and retail store, consisting of approximately 773 square feet of

floor space, Snip-Its, a children's hair salon, consisting of approximately 1,134 square feet of floor space, and common areas, including two shared bathrooms. The entire second floor of the building is occupied by Gymboree Play & Music, pursuant to Site Plan Special Permit Amendment dated August 9, 2011.

- 1.3 The Petitioner proposes to lease the 1,109 square foot first floor space to The Learning Tree Preschool, Inc., a fully licensed preschool and group daycare center established in 1997. The Learning Tree Preschool currently operates two facilities serving children from 15 months through 6 years of age; one in Allston and the other in West Roxbury. The Learning Tree Preschool currently offer two programs: one for toddlers (15 months – 3 years) and the other for preschool age children (3-6 years). The toddler program includes a balance of child-initiated and teacher-directed activities featuring a variety of hands-on experiences and play. These activities keep the toddlers actively engaged and continuously learning more about themselves and the world around them and further helps to foster a desire for independence and an understanding of compassion.
- 1.4 The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five teachers/educators on site at all times. The expected maximum enrollment is 23, divided between 13 toddlers and 10 preschool age children. There will be no separate administrative or support staff.
- 1.5 The proposed use was not specifically detailed in the Table of Required Parking, Section 5.1.2 of the By-Law. Accordingly, the Planning Board may recommend to the Building Inspector the number of spaces required based on the expected parking needs of occupants, users, guests and employees. Such recommendation has previously been based on the ITE Journal of July 1994 entitled "Parking and Trip Generation Characteristics for Day-Care Facilities". That standard imposes a parking requirement of one space for every five students, plus employee parking (defined as the maximum number of staff on duty at any one time), if enrollment is both known and less than 45 children. Applying such standard to the proposed use of the Premises, the required parking will be 10 spaces, calculated as follows:

23 Expected children ÷ 5 = 4.6 spaces
5 maximum staff = 5 spaces

Required Spaces: 4.6+ 5 = 9.6 = 10 (rounded up) = 10 total spaces required
- 1.6 Pursuant to the Huntington Learning Center Site Plan Special Permit Amendment, the parking requirement for that use was determined to be a total of 8 parking spaces. As a result, the proposed use will result in a net parking demand increase of two spaces, for a total building parking demand of 39 spaces calculated as follows: Basement: 1,294 square feet @ 1 per 850 square feet (warehouse) = 1.52 spaces; First Floor: 2,766 square feet @ 1 per 300 square feet (retail or consumer service) = 9.22 spaces and 1,109 square feet of Learning Tree Preschool @ 10 total spaces = 10 spaces (First Floor total 19.22); Second Floor: 3,875 square feet @ 1 space per the maximum capacity of patrons, plus 1 space per the largest working staff = 18 spaces, totaling 38.74, or 39 spaces, rounded up.
- 1.7 There are currently 22 parking spaces on site, to the rear of the building. As a result, an additional parking waiver is required, over and above the existing waiver of 15 spaces, to account for the net increase in parking demand. In connection therewith, the new parking waiver required is 17 total spaces.

However, in addition to the 22 spaces available on site, another five spaces are available off-site. Furthermore, the Petitioner has stated that these 27 spaces have adequately served the building without significant incident or issue since Huntington Learning was approved in 2012. Whereas the parking demand for the proposed use is primarily drop-off and pick-up, and whereas the calculated demand is only a net increase of two spaces, the Petitioner asserts that the existing parking is adequate to support the new use.

- 1.8 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The Petitioner proposes no change in building footprint, no change in site plans and no change in operation or allowed use of the second floor.
- 1.9 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets have been assured. There is presently limited off-street parking associated with the property, which consists of 22 spaces to the rear of the building and 5 leased off-site parking spaces. No changes are contemplated for the parking layout or the current curb cuts. Whereas only interior building modifications are proposed, existing traffic patterns are not expected to be affected in a material way, and, based on its observations and familiarity with the site. The site has been designed to accommodate safe vehicular and pedestrian movement within the site and on adjacent streets.
- 1.10 Adequate parking exists for the proposed uses. Although the Petitioner is seeking a waiver of an additional 2 parking spaces over what is currently approved (a total of 8 spaces are required for The Learning Tree Preschool facility on the first floor), the Board finds that given the drop off/pick up nature of the proposed use, the site will function without problem. The Board further notes that the basement space with an associated parking requirement of 1.52 spaces is currently used for tenant storage and does not create any additional parking demand.
- 1.11 Adequate methods for the disposal of refuse and wastes will be provided. The site and building containing the Premises are already developed with infrastructure in place. Moreover, the nature of the proposed use is such that only minimal waste is expected to be generated, and there is an existing dumpster on site.
- 1.12 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law will be met. The site and the building containing the Premises are situated in a highly developed, commercial area. The Petitioner is not aware of any significant community assets in the area immediately adjoining the Premises. Moreover, the site itself is fully developed at present and whereas the Petitioner is not proposing any material expansion or fundamental changes to the existing building, it does not anticipate any significant or material impact from the proposed use. Therefore, the proposed redevelopment, renovation and reuse of the Premises is not anticipated to significantly affect the relationship of the Premises to any community assets or any adjacent landscape, buildings and structures.
- 1.13 Mitigation of adverse impact on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets will be met as there will be no adverse impact on the Town's resources. The site and building containing the Premises are presently fully developed and fully connected to Town infrastructure. Moreover, only interior modifications within an existing space are being proposed. Therefore, the Petitioner does not anticipate any significant or material change, or any adverse impacts to any Town resource.

- 1.14 The Board finds that all of its findings and conclusions contained in Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, by the Board on November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012 are applicable to this Amendment, except as specifically set forth in this Amendment.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2008-08, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012; (2) the requested Special Permit under Section 3.2.5.2(c) of the By-Law for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to further waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

- 2.1 The Plan shall be modified to include the requirements and recommendations of the Planning Board as set forth below. The modified plans shall be submitted to the Planning Board for review, approval and endorsement. The Petitioner shall meet all requirements and recommendations, set forth below.
- a) The Plan shall be modified to show the current tenants.
 - b) The Petitioner shall provide an application for this project signed by The Learning Tree Preschool.

CONDITIONS AND LIMITATIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.15 hereof.
- 3.1 The conditions and limitations set forth in Major Project Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012, and as further amended by this Amendment are ratified and confirmed.
- 3.2 The Board approves The Learning Tree Preschool use on 1,109 square feet of the first floor of the building as conditioned herein.

- 3.3 The proposed Learning Tree Preschool shall contain the floor plan and dimensions and be located on that portion of the locus, as shown on the Plan, as modified by this Decision, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions or seating is allowed without further Board approval provided the use allocation as shown on the plan is maintained. Any changes revisions or modifications other than changes deemed “minor movement” to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.4 The maximum number of children participating in classes or functions at any given time shall not exceed twenty-three (23). The maximum number of staff persons present at any given time shall not exceed five (5). Notwithstanding the above, the Board hereby retains jurisdiction to reduce the maximum number of children participating in classes or functions at any given time, or to require additional off-street parking, as necessary in the event of parking problems on the site.
- 3.5 The Learning Tree Preschool may be open from 7:30 a.m. to 5:30 p.m. Monday through Friday
- 3.6 The operation of The Learning Tree Preschool located at 225 Highland Avenue, Needham, Massachusetts shall be as described in Sections 1.3 and 1.4 of this Decision and as further described under the support materials provided under Exhibits 1, 2, 4 and 5 of this Decision.
- 3.7 This Special Permit to operate The Learning Tree Preschool at 225 Highland Avenue, Needham, MA is issued to The Learning Tree Preschool, Inc., 17 Alston Street, Alston, MA 02134 and may not be transferred, set over, or assigned by The Learning Tree Preschool, Inc., 17 Alston Street, Alston, MA 02134 to any other person or entity other than an affiliated entity in which The Learning Tree Preschool has a controlling interest of greater than 50 percent, without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
- 3.8 The special permit and parking waivers granted herein are specifically premised upon the special characteristics of The Learning Tree Preschool located at 225 Highland Avenue, Needham, Massachusetts. In the event of any change in the use permitted hereunder which would result in a greater parking demand, further site plan review will be required, and the Planning Board shall be entitled to evaluate the parking demand of the building as a whole.
- 3.9 The proposed Learning Tree Preschool use shall contain the dimensions and shall be located in the building at 225 Highland Avenue, as shown on the Plan.
- 3.10 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
 - c. The Petitioner shall provide the Planning Board with seven copies of the modified plan as approved by the Board (two plans wetstamped).

- 3.11 The approximately 1,109 square feet of the building that is the subject of this Decision shall not be occupied until:
- a. There shall be filed with the Board and Building Inspector a Certificate of Compliance signed by a registered architect upon completion of the project certifying that the project was built according to the approved documents.
 - b. There be filed, with the Building Inspector, a statement by the Board approving the Certificate of Compliance, in accordance with said Decision.
 - c. There shall be filed with the Board an as-built floor plan.
- 3.12 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.13 The portion of the building that is authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Inspector.
- 3.14 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.15 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the Petitioner of such violation and give the Petitioner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.

- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse on July 7, 2022, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to July 7, 2022. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit Amendment shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

Witness our hands this 7th day of July, 2020.

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairperson

Paul S. Alpert

Ted Owens

Martin Jacobs

Adam Block

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2020

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Amendment to Decision of the project proposed by V.S.A., LLC, 180 Country Way, Needham, and Massachusetts, and The Learning Tree Preschool, Inc., 17 Alston Street, Alston, MA 02134, for property located at the 225 Highland Avenue, Needham, Massachusetts, has passed,

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

Date

Theodora K. Eaton, Town Clerk

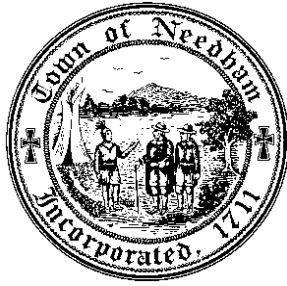
Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Inspector
Conservation Commission

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

George Giunta, Jr., Attorney



LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Laws, Section 7.4 and 3.2.1, the Needham Planning Board will hold a public hearing on Tuesday, July 7, 2020 at 7:30 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Corben Properties LLC, 22 Comeau Street, Wellesley MA 02481, for a Special Permit Amendment under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 330 Reservoir Street, Needham, MA, located in the Industrial Zoning District. The property is shown on Assessors Plan No. 74 as Parcel 19 containing a total of 1.3 acres. The requested Major Project Site Plan Special Permit Amendment, would, if granted, permit the Petitioner to allow the tenant, Star Fencing Academy LLC, to occupy 4,963 square feet of the commercial building. The tenant would operate a private school teaching fencing.

In accordance with the Zoning By-Law, Section 7.4, a Site Plan Special Permit is required. In accordance with the Zoning By-Law, Section 3.2.1, a Special Permit is required, if applicable, for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1. In accordance with the Zoning By-Law, Section 3.2.1, a Special Permit is required for more than one non-residential use on a lot.

To view and participate in this virtual hearing on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 826-5899-3198

To view and participate in this virtual hearing on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: 826-5899-3198

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association’s (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Times, June 18, 2020 and June 25, 2020.

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

**TOWN OF NEEDHAM
MASSACHUSETTS**

2020 JUN -4 AM 10:29



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one)

Major Project

Minor Project

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

Location of Property 330 RESERVOIR ST. NEEDHAM, MA. 02494
Name of Applicant CORBEN PROPERTIES LLC
Applicant's Address 22 CORBET ST WELLESLEY MA. 02481
Phone Number 781 718 2340

Applicant is: Owner YES

Tenant

Agent/Attorney

Purchaser

Property Owner's Name CORBEN PROPERTIES LLC By its Managing member
Property Owner's Address 22 CORBET ST WELLESLEY MA
Telephone Number 781 718 2340 02481 SCOTT CRIVELLO

Characteristics of Property: Lot Area 1.3 Acres Present Use FORMERLY RETAIL BUT VACANT
Map # 75 Parcel # 19 Zoning District INDUSTRIAL

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law: AS FURTHER DESCRIBED IN THE ACCOMPANYING APPLICATION MATERIALS SUBMITTED HEREIN
THIS PROJECT IS FURTHER DESCRIBED IN THE ACCOMPANYING APPLICATION MATERIALS SUBMITTED HEREIN.

Signature of Applicant (or representative)

CORBEN PROPERTIES LLC
By its Managing member

SCOTT CRIVELLO

Address if not applicant 22 CORBET ST WELLESLEY MA 02481

Telephone # 781 718 2340

Owner's permission if other than applicant NA

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____

Hearing Date _____ Parties of Interest Notified of Public Hearing _____

Decision Required by _____ Decision/Notices of Decision sent _____

Granted _____

Denied _____

Withdrawn _____

Fee Paid _____ Fee Waived _____

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

Corben Properties LLC
22 Comeau Street, Wellesley, Ma.02481
781 718 2340

June 03, 2020

BY MAIL:

Planning Board Members
Town of Needham Planning Board
500 Dedham Avenue
Needham, MA 02492
Attn: Ms. Lee Newman, Planning Director

Re: Star Fencing Academy LLC
Application for Major Project Site Plan Review
330 Reservoir Street, Needham, MA 02494

Dear Planning Board Members:

Pursuant to Chapter 40A of the Massachusetts General Laws, the Needham Zoning By-Law and the Needham Planning Board Rules, I hereby submit Applications for Site Plan Review and Special Permits on behalf of my tenant, Star Fencing Academy LLC of which this letter is a part.

The Applicant proposes to occupy Unit # 1, approximately 4963 sq ft located at 330 Reservoir Street, Needham, which is presently leased to Advanced Auto Parts, a retail store whose lease terminates on 10/31/20. The Applicant proposes to operate a private school teaching fencing. .

The Lease with Landlord states that the maximum number of students allowed at the facility at any given time will be Thirty (30). The Fencing School will be open for business between the hours of 3:00 pm and 9:00 pm on weekdays and from 10am-6pm Saturdays and Sundays with peak parking demand limited to the hours of 5:00- 7:00 pm on weekdays, and during the day on Saturday and Sunday.

Said Tenant use will be limited from 3pm-5pm weekdays to private classes (one coach per one student) with the maximum of 3 coaches teaching 3 students at any one time. Starting at 5pm weekdays the maximum number of students allowed at one time will be 30 with 3 coaches (one coach per 10 students). Said maximum number of students allowed at one time is 30 students on Saturdays and Sundays (one coach to 10 students)

Needham Planning Board

June 03, 2020

Page 2

The Application addresses the following relief, which is or may be, required:

1. Special Permit pursuant to Section 3.2.1 of the Zoning By-Law for a private school.
2. Special Permit under Section 3.2.1 of the Zoning By-Law for more than one non-residential use on a lot.
3. Special Permit for Site Plan Review of a Major Project, pursuant to Zoning By-Law Section 7.4 and Article 2 of the Planning Board Rules

No external changes are proposed other than signage.

With respect to parking, the parking requirement for a private school per the Needham Zoning By-law is the following:

“one half of the design or expected enrollment”

The Lease restricts the maximum number of students allowed at the facility at any given time to Thirty (30). Therefore the parking demand with conversion from retail use to this private school use is not increased therefore parking waivers are not triggered.

The Lease Parking Clause states:

Parking: Tenant will have the exclusive use of a total of Eight(8) onsite parking spaces “Tenant Exclusive Parking” will be limited to eight (8) exclusive parking spaces from 2:30 pm – 10.00pm on weekdays and on weekends as shown in yellow on the attached Parking Plan dated 05/30/20. The parking spaces as described herein and as shown on the attached “Parking Plan” are considered part of the Premises and subject to all terms of the Lease. Notwithstanding anything herein, Tenant, its employees, agents, customers and visitor parking is limited total maximum up to thirteen (13) total at any one time consisting of Tenant’s eight (8) exclusive onsite parking spaces plus (5) legal on street parking (allowed only after 5pm weekdays and on weekends.)

Needham Planning Board

June 03, 2020

Page 3

These Applications for Site Plan Review and Special Permits include the following information:

1. Application for Major Site Plan Review
2. Floor Plan
3. Certification of Tenant Occupancy with total Parking Demand
4. Site Plan
5. Scanned Copy of Check payable to Town of Needham in the amount of \$ 1000, representing the filing fee for Site Plan Review of a Major Project.

The Petitioner hereby requests, pursuant to Zoning By-Law Section 7.44 that the Planning Board waive the submission by Applicant of any of the required information not submitted herewith.

I would appreciate your scheduling this matter for hearing as soon as possible

Thank you for your cooperation.

Very truly yours,

Corben Properties LLC
by Manager


Scott C. Ravelson

05/28/2020

Certification of Tenant Occupancy

For Star Fencing Academy LLC.

330 Reservoir St. Needham, Ma.

Lee Newman

Planning Director

Town of Needham

I certify the following:

Advanced Auto Parts will vacate the premises Unit # 1 (4,963 sq ft) as of 10/31/2020 and we hope to lease said Unit # 1 (4963 sq ft) of the building at 330 Reservoir Street, Needham herein called the Premises to Star Fencing Academy LLC.

The tenants remaining other than Star Fencing Academy LLC. (herein referred to as SFA) ; will be Rangine Corp, Belmont Landscaping and Gary Fialkosky Sprinklers.

The total Building at 330 Reservoir st is 26,624 sq ft allocated as follows:, Unit # 1 , 4,963 sq ft is presently leased to Advanced Auto Parts whose lease terminates on 10/31/20, Unit # 2 which consists of 16,701 sq ft is leased to Rangine Corp., and Unit # 3 which consists of 4960 sq ft is split with 2,770 sq ft leased to Gary Fialkowski Sprinklers, and with 2190 sq ft leased to Belmont Landscaping. Additionally as per a Planning Board Decision Dated 01/20/15 8 parking spaces are assigned and Deeded from 330 Reservoir st to 322 Reservoir st for exclusive use by Waterstone Retail Development Inc. a tenant at 322 Reservoir.

"The Town of Needham issued an "Amendment to Decision" dated January 20, 2015 on Application No. 2003-2 amending the "Major site Plan Special Permit" (Original Decision November 10, 2003, as amended (the "Special Permit") permitting the occupancy by Waterstone under the Lease, provided that eight (8) parking spaces shall be available to Waterstone on Grantor's Land;..."

330 Reservoir St. Needham Ma.

Zoning Parking Requirements

26,624 sq feet total

Unit # 1

If Leased to Star Fencing Academy LLC.

The maximum number of parking spaces that can be utilized by the Tenant under the terms of the Lease will be Thirteen (13). The copy of the Lease conditions mandating Tenant, employee and visitor parking to on-site parking locations and legal on-street parking is attached herein.

Star Fencing Academy Use is considered a private school. The Lease with Landlord states that the maximum number of students allowed at any one time is 30 students along with a maximum of 3 instructors. Needham Zoning By law requires $\frac{1}{2}$ parking space for each student therefore 15 parking spaces will be required for this use.

The Lease Use Clause as well as the Parking Clause are shown below

4,963 sq ft

15 parking required for Unit # 1

Presently leased as Retail4963 sf/300 sf per parking space would =16.54

Unit # 2 Occupied by Rangine Corp Leased thru 09/30/21 *Lease limited to 25pkg

Office2803 sf/300 sf per parking space = 9.34

Warehouse/Storage.....9,749 sf/850 sf per parking space = 11.47

Manuufacturing/Industrial.....4,149 sf /400 sf per parking space = 10.37

16.701 sq ft

31.18 parking required for Unit # 2

Tenant Certification 05/28/20 page 3

Unit # 3 Occupied by Gary Fialkosky and Belmont Landscaping

Storage..... 3820 sf /850 sf per parking space = 4.49

Office.....1140 sf / 300 sf per parking space = 3.80

4,960 sq ft

8.29 required for Unit # 3

Parking Spaces Deeded to 322 Reservoir street

8 required for 322 Reservoir st

Unit # 1 = 15.00

Unit #2 = 31.18

Unit #3 = 8.29

Deeded = 8.00

62. 47 TOTAL PARKING SPACES REQUIRED as of 05/28/20

FOR ENTIRE 26,624 sq ft. if Leased to Star Fencing Academy Per Zoning By Law

ACTUAL PARKING AS PER Certified Plot Plan dated 11/07/14 102. 00

62.47

Surplus Parking 39.53

Total Building Parking Demand equals 62.47

see attached 330 Reservoir Certified Plot Plan/Parking Plans dated 11/07/14, Building Plans updated 05/28/20, Star Fencing Academy Lease Clauses

I have a signed Lease with Star Fencing Academy LLC. at the "Building" subject to Zoning Approval with these Clauses and Lease provisions, pertaining to use limitations, parking space allocation.

Lease Use Clause states:

Use Private Fencing School. The proposed maximum number of students allowed at the facility at any given time on weekdays (Monday-Friday) will be Thirty (30). The Fencing School will be open for business between the hours of 3:00 pm and 9:00 pm on weekdays and from 10am-6pm Saturdays and Sundays with peak parking demand limited to the hours of 5:00- 7:00 pm on weekdays, and during the day on Saturday and Sunday. Said Tenant use will be limited from 3pm-5pm weekdays to private classes (one coach per one student) with the maximum of 3 coaches teaching 3 students at any one time. Starting at 5pm weekdays the maximum number of students allowed at one time will be 30 with 3 coaches (one coach per 10 students). Said maximum number of students allowed at one time is 30 students on Saturdays and Sundays (one coach to 10 students)

Lease Parking Clause states:

Parking : Tenant will have the exclusive use of a total of Eight(8) onsite parking spaces "Tenant Exclusive Parking" will be limited to eight (8) exclusive parking spaces from 2:30 pm – 10.00pm on weekdays and on weekends as shown in yellow on the attached Parking Plan dated 05/30/20. The parking spaces as described herein and as shown on the attached "Parking Plan" are considered part of the Premises and subject to all terms of the Lease. Notwithstanding anything herein, Tenant, its employees, agents, customers and visitor parking is limited total maximum up to thirteen (13) total at any one time consisting of Tenant's eight (8) exclusive onsite parking spaces plus (5) legal on street parking (allowed only after 5pm weekdays and on weekends.)

Tenant is aware that Tenant, its agents, customers, visitors or employees must only park in it's eight (8) Exclusive Parking Spaces plus in a maximum of five (5) legal on street (allowed only after 5pm weekdays and weekends) and under no circumstances park (even temporarily) anywhere else on the property (such as but not limited to travel lanes or in on-site parking areas assigned to others). There is no subletting or assignment allowed of the "Tenant Parking except if connected to the subletting or assignment of the interior Premises and only if the same is approved in by Landlord in writing and subject to all terms of the Lease. There is no storage of anything in said parking spaces or anywhere on the property and no overnight parking of any vehicles.

Request is hereby made for the Board or Planning Director to review and approve in writing, the foregoing, and to notify the Needham Building Department so that a Building Permit and future Building permit, Occupancy permit and Sign permits if required, can be issued under this condition, with respect to the Star Fencing Academy LLC. occupancy.

If you have any additional questions do not hesitate to contact me at 781 718 2340.

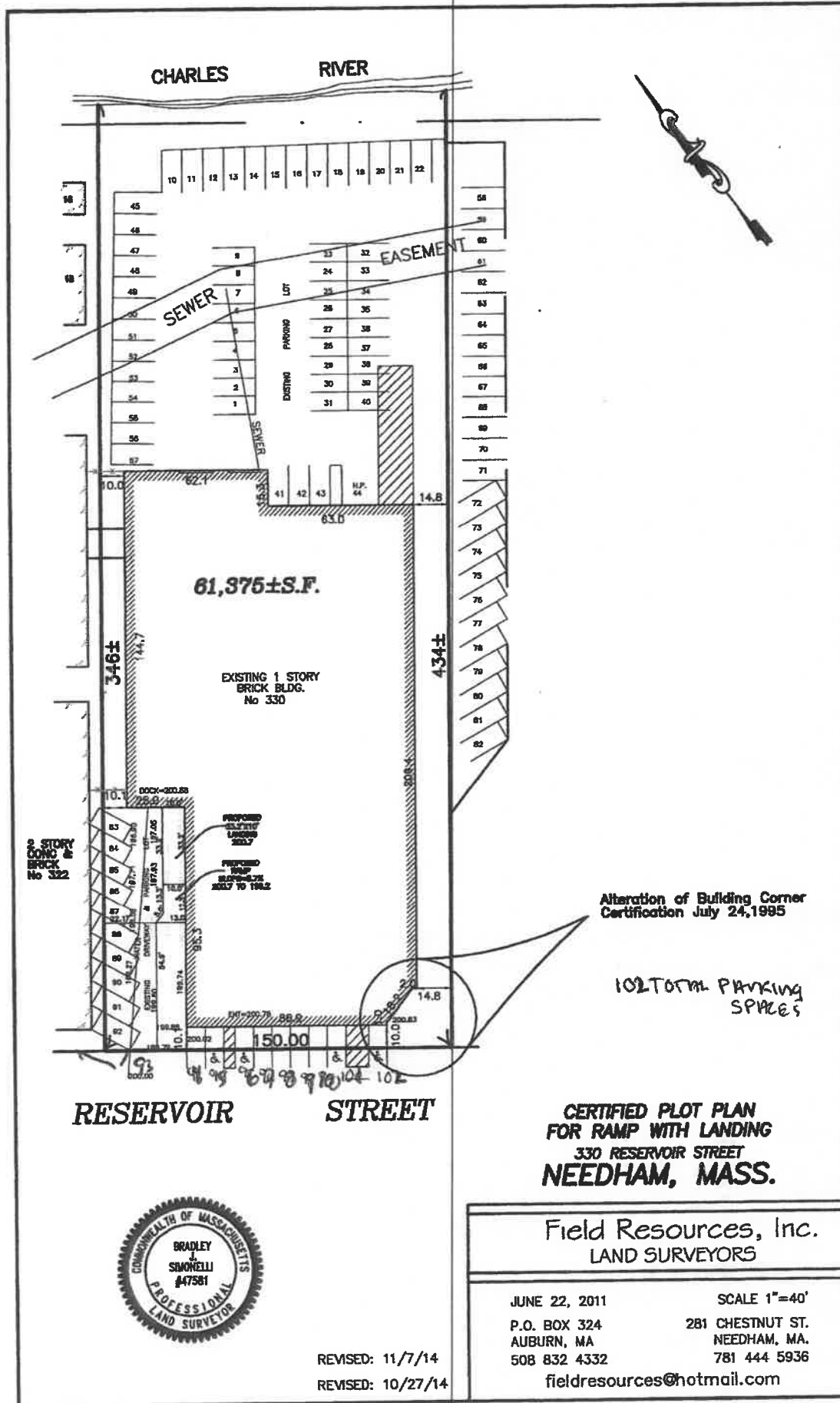
Sincerely,

Corben Properties LLC



By Scott C. Ravelson (LLC managing Member)

admission



RESERVOIR STREET

CERTIFIED PLOT PLAN
FOR RAMP WITH LANDING
330 RESERVOIR STREET
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

JUNE 22, 2011

SCALE 1"=40'

P.O. BOX 324
AUBURN, MA

281 CHESTNUT ST.
NEEDHAM, MA.

508 832 4332

781 444 5936

fieldresources@hotmail.com

REVISED: 11/7/14

REVISED: 10/27/14



SITE PLAN

From: [Dennis Condon](#)
To: [Alexandra Clee](#); [Anthony DelGaizo](#); [Thomas Ryder](#); [John Schlittler](#)
Cc: [Tara Gurge](#); [David Roche](#); [Richard P. Merson](#); [Lee Newman](#)
Subject: RE: comments on Planning Board hearings for July 7
Date: Monday, June 29, 2020 1:52:23 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
WE are okay with these changes.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, June 25, 2020 9:20 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.

From: [John Schlittler](#)
To: [Alexandra Clee](#); [Anthony DelGaizo](#); [Thomas Ryder](#); [Dennis Condon](#)
Cc: [Tara Gurge](#); [David Roche](#); [Richard P. Merson](#); [Lee Newman](#)
Subject: RE: comments on Planning Board hearings for July 7
Date: Monday, June 29, 2020 4:13:34 PM

I have no issue with 330 Reservoir St

Regarding 225 Highland I am concerned regarding parking.

1. This area is very congested without factoring in traffic from the lot associated with 225 Highland Ave.
2. Parking is at a premium in that area and there is no overflow or on street parking unless in adjacent business parking lot. This creates a separate issue for the police.
3. I do question if there is enough parking for Gymboree, Snip-its, the electronics store, and this pre-school.
4. This street is too dangerous to have parents walking kids to alternative parking location. The road is narrow and extremely congested during the day and leaves no room for on street parking or waiting.
5. If the lot is full there is only one way in or out which may cause a traffic issue backing up into the roadway. The parking area is at a bend in the road making sight an issue if vehicles are stacked waiting to get into the lot.

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, June 25, 2020 9:20 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.

From: [Anthony DelGaizo](#)
To: [Lee Newman](#)
Cc: [Tara Gurge](#); [David Roche](#); [Richard P. Merson](#); [Alexandra Clee](#); [Thomas Ryder](#); [Dennis Condon](#); [John Schlittler](#)
Subject: RE: comments on Planning Board hearings for July 7
Date: Tuesday, June 30, 2020 1:10:20 PM
Attachments: [Major Project Site Plan Amendment - Learning Tree 5.15.20 for Website.pdf](#)
[Corben Properties LLC. 330 Reservoir St - 6.4.2020 for Website.pdf](#)

Lee

The DPW has no comment or objection to these projects (attached).

Anthony L. Del Gaizo, PE
Town Engineer

Needham Department of Public Works
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Phone: 781-455-7550
Email: adelgaizo@needhamma.gov

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, June 25, 2020 9:20 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.

From: [David Roche](#)
To: [Alexandra Clee](#)
Subject: RE: comments on Planning Board hearings for July 7
Date: Tuesday, June 30, 2020 4:09:27 PM

Alex,

I have no issues with these proposals.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, June 25, 2020 9:20 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: FW: Comments on Planning Board hearings for July 7 for #330 Reservoir St.
Date: Thursday, July 2, 2020 3:54:16 PM
Attachments: [image002.png](#)
[image003.png](#)
[Sample COVID-19 Protocols for Indoor Env-Phase 3.docx](#)
[Public-Health-Emergency-Order-re-Face-Coverings_6162020-UPDATE.pdf](#)
[Symptom Check Staff Form.docx](#)

Alex –

Just getting back to you with the Public Health Division comments for #330 Reservoir St., the proposed private Fencing School. Here are our comments, below:

- Will there be a retail food store set up inside this facility, selling prepackaged snacks or drinks? If so, a proper retail food permit will need to be applied for through the Public Health Division, along with a review of proposed store layout plans.
- Before this facility is allowed to open to the public, a set COVID-19 protocols, similar to the sample Guidance Document attached, should be developed and continuously updated as new guidance is released from the MA Dept. of Public Health. (**PLEASE NOTE:** According to Gov. Baker, PHASE 3 IS SET TO START ON MONDAY, JULY 6th.) Face Covering and Social Distancing signage can be provided by the Public Health Division. We have attached our BOH Face Covering Emergency Order, which was recently extended until Sept. 1, 2020, along with a sample Attestation Form to use for staff to sign when they start their day at the facility.

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

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S.
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



 *please consider the environment before printing this email*

STATEMENT OF CONFIDENTIALITY

This e-mail, including any attached files, may contain confidential and privileged information for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive information for the recipient), please contact the sender by reply e-mail and delete all copies of this

message. Thank you.



[Follow Needham Public Health on Twitter!](#)

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Thursday, June 25, 2020 9:20 PM

To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>;
Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>

Cc: Tara Gurge <TGurge@needhamma.gov>; David Roche <droche@needhamma.gov>; Richard P.
Merson <RMerson@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>

Subject: comments on Planning Board hearings for July 7

Dear all,

The Planning Board will be meeting on July 7 to hear the proposals for the following 2 projects:

1. 330 Reservoir Street – proposal for Star Fencing Academy LLC
2. 225 Highland Avenue – proposal for daycare / preschool by Learning Tree Preschool

The application materials for each are attached. Please submit your comments by Thursday July 2.

Thank you, alex.



Board of Health

Kathleen Ward Brown, ScD

Edward Cosgrove, PhD

Stephen Epstein, MD, MPP

Christina S. Mathews, MPH Robert Partridge, MD, MPH

Public Health Emergency Order Mandating Face Coverings

Whereas, on March 10, 2020, Massachusetts Governor Charles D. Baker, acting pursuant to the powers provided by Chapter 639 of the Acts of 195 and Section 2A of Chapter 17 of the General Laws, declared a state of emergency in the Commonwealth of Massachusetts due to the outbreak of the 2019 novel Coronavirus (COVID-19, or SARS-CoV2 virus); and

Whereas, on March 15, 2020 Governor Baker issued an emergency Order (the “March 15, 2020 Order”) to respond to the evolving COVID-19 public health emergency impacting the Commonwealth, including prohibitions on public gatherings of twenty-five or more people and prohibiting on-premises consumption of food or drinks at bars and restaurants from March 17, 2020 until April 6, 2020; and

Whereas, on March 23, 2020 Governor Baker issued an Order (the “March 23, 2020 Executive Order”) limiting gatherings of more than ten people in the Commonwealth of Massachusetts and orderings businesses, other than those that provide COVID-19 essential services as defined in the March 23, 2020 Executive Order as amended (“COVID-19 Essential Businesses”), to close their brick and mortar operations and operate only by remote means; and

Whereas, the Select Board of the Town of Needham issued a local Declaration of Emergency on March 20, 2020; and

Whereas, current scientific consensus is that the SARS-CoV2 virus can be transmitted both by asymptomatic and pre-symptomatic cases;¹ and

Whereas, some scientific evidence supports the use of face coverings to prevent transmission by large droplets;² and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

² National Academies of Sciences, Engineering, and Medicine 2020. Rapid Expert Consultation on the Effectiveness of Fabric Masks for the COVID-19 Pandemic (April 8, 2020). Washington, DC: The National Academies Press. <https://doi.org/10.17226/25776>.

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 104³ with the authority and responsibility to prevent the spread of infection; and

Whereas, the Board of Health of the Town of Needham is given authority to enact emergency orders by 310 C.M.R. 11.05;⁴ and

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 31⁵ with the authority and responsibility to make reasonable health regulations; and

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 122 to examine and destroy, remove, or prevent causes of sickness;⁶

Now therefore, the Board of Health of the Town of Needham does hereby order the following:

- 1) Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public and whenever they are within six feet of a co-worker or a customer. Please see personal protective equipment guidelines and recommendations at: <http://www.needhamma.gov/4860/Face-MaskCovering-Guidance>. Please note that a face shield is not a substitute for the required face covering.
- 2) Members of the public entering any business, work site, or government building must wear a face covering, such as a fabric mask, scarf, or bandana, over their nose and mouth.
- 3) Members of the public entering a restaurant for the purpose of picking up food for take-out must wear a face covering over their nose and mouth. Notwithstanding the previous section, those persons dining at a restaurant must employ a face covering when not seated at their table (that is, when entering and exiting the establishment, or whenever not seated).
- 4) Residents, visitors, and members of the general public entering or exiting a residential or commercial building complex of greater than two (2) units must wear a face covering over their nose and mouth while in common areas and

³ M.G.L. § 104 provides: “If a disease dangerous to the public health exists in a town, the selectmen and board of health shall use all possible care to prevent the spread of infection...”

⁴ 310 C.M.R. 11.05 states: “Whenever an emergency exists in which the interest of protecting public health ... requires that ordinary procedures be dispensed with, the board of health or its authorized agent, acting in accordance with the provisions of M.G.L. c. 111 §30, may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as the board of health deems necessary to meet the emergency.”

⁵ M.G.L. § 31 provides: “Boards of health may make reasonable health regulations.”

⁶ M.G.L. § 122 provides: ““The board of health shall examine into all nuisances, sources of filth and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto...”

communal spaces and must exercise social distancing in these spaces in accordance with CDC guidelines available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-di...> Residential and commercial building complexes shall post signage informing all residents, staff, and visitors that face coverings must be at all times in common areas of the building, and reminding all residents, staff, and visitors that a distance of six feet between individuals must be observed, except when those individuals are members of the same household or are engaged in caring for a child.

5) a. Retail establishments must limit the number of customers and staff inside the establishment at any given time so that social distancing of six feet may be maintained. All retail establishments must establish maximum occupancy loads in accordance with published state guidance including “Guidance for Grocery Stores” issued by the Massachusetts Commissioner of Public Health on April 7, 2020. See this order at: <https://www.mass.gov/doc/order-grocery-stores-40-percent/download>. Additionally, please review the state’s published “Safety Standards and Checklist for Retail Businesses” which is available at: <https://www.mass.gov/info-details/safety-standards-and-checklist-retail-businesses>. Maximum occupancy shall be posted at each entrance to the establishment and shall be readily visible to members of the public. Retail establishments are limited to eight (8) persons, including staff, per 1,000 square feet of accessible space or to 40% of the retail establishment’s maximum permitted occupancy, whichever is greater.

b. An employee of the retailer shall be designated to ensure the maximum number of individuals inside of the store is not exceeded. Customers queued outside of the store must maintain a minimum of six feet distance.

d. Reusable shopping bags are prohibited. Single-use bags are permitted and shall be provided at no extra cost to customers.

This Emergency Order shall not apply to anyone under the age of five, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance, and/or any other person exempted by Center for Disease Control & Prevention guidelines or Massachusetts Department of Public Health guidelines. Those who are unable to safely don a face covering due to access or functional needs should not wear one.

This Emergency Order shall not reduce or eliminate the requirement of maintaining safe distancing. The use of a face covering should be combined with social distancing

and frequent handwashing and refraining from touching one's face. The use of a face covering is NOT intended to replace those activities but rather to supplement them.

This Emergency Order does not require or recommend the wearing of a face covering in outdoor settings when a safe distance (minimum of six feet) between other persons is observed.

Nothing in this order is intended to encourage residents to act as an enforcement authority for the Town of Needham. Residents should not take it upon themselves to approach people in violation of this order. Residents are urged to focus solely on their personal and family compliance with this order.

This emergency order originally took effect on Friday May 1, 2020 at 6:01 a.m. and was renewed on Tuesday June 16, 2020 at 10:30 a.m. and shall remain in effect until 11:59 p.m. on September 1, 2020 or until notice is given, pursuant to the Board of Health's judgement, that the Public Health Emergency no longer exists, whichever occurs first.

To the extent necessary, this Order shall be enforced by the Director of Health & Human Services and others he chooses to empower as agents of the Board of Health.

ORDERED by unanimous vote of the Needham Board of Health on June 16, 2020,
by,



Kathleen Ward Brown, ScD



Edward Cosgrove,
PhD



Stephen Epstein, MD,
MPP



Christina S. Mathews, MPH



Robert Partridge, MD, MPH

Symptoms include:

If you are displaying any symptoms please leave and call your supervisor

[illegible]

Sample COVID-19 Protocols for Indoor Gym Class Environments* – Phase 3 (TO BE ADJUSTED WHEN ADDITIONAL MA GUIDELINES ARE RELEASED.)

Worksite Specific Plan

- ☐ Establish a written, worksite-specific COVID-19 prevention plan at every facility, perform a comprehensive risk assessment of all work areas, and designate a person at each facility to implement the plan.
- ☐ Identify contact information for the local health department where the facility is located for communicating information about COVID-19 outbreaks among employees.
- ☐ Train and communicate with employees and employee representatives on the plan.
- ☐ Regularly evaluate the workplace for compliance with the plan and document and correct deficiencies identified.
- ☐ Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- ☐ Identify close contacts (within six feet for 15 minutes or more) of an infected employee and take steps to isolate COVID-19 positive employee(s) and close contacts.
- ☐ Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.

Topics for Employee Training

- ☐ Information on COVID-19, how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- ☐ Self-screening at home, including temperature and/or symptom checks using CDC guidelines.
- ☐ The importance of not coming to work if employees have symptoms of COVID-19 as described by the CDC such as a frequent cough, fever, difficulty breathing, chills, muscle pain, sore throat, recent loss of taste or smell, or if they or someone they live with have been diagnosed with COVID-19.
- ☐ To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on CDC's webpage. <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>
- ☐ The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol (preferred) or 70% isopropanol (if the product is inaccessible to unsupervised children) when employees cannot get to a sink or handwashing station, per CDC guidelines).
- ☐ The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- ☐ Proper use of face coverings, including **(SEE ATTACHED BOARD OF HEALTH EMER. ORDER):**
 - o Face coverings do not protect the wearer and are not personal protective equipment (PPE).
 - o Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
 - o Face coverings must cover the nose and mouth.
 - o Employees should wash or sanitize hands before and after using or adjusting face coverings.
 - o Avoid touching eyes, nose, and mouth.
 - o Face coverings should be washed or discarded after each shift.
- ☐ Ensure temporary or contract workers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.

o Additional Staff Responsibilities

- Policies and procedures to assign specific staff to monitoring social distancing and wearing face coverings.
- If staff find a patron is not following the social distancing or mask wearing requirements, staff will kindly give them a warning explaining our policies of wearing a mask and social distancing.
- If staff has given a warning, they will ask management to help address the situation. If the patron still does not comply, they will be asked to leave the facility, and the local authorities may be called to assist if necessary.

Individual Control Measures and Screening

- ☐ Provide temperature and/or symptom screenings for all employees at the beginning of their shift and any vendors, contractors, or other workers entering the facility. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible. Both screeners and employees should wear face coverings for the screening. **(SEE ATTACHED ATTESTATION FORM THAT CAN BE USED.)**
- ☐ If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows CDC guidelines, as described in the Topics for Employee Training section above
- ☐ Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
- ☐ Employers should provide and ensure workers use all required protective equipment, including eye protection and gloves where necessary.
- ☐ Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items.
- ☐ Employees should wash hands on arrival at work, after working with each fitness facility member, after touching their face covering, after using the restroom, and when leaving work.
- ☐ Face coverings are strongly recommended when employees are in the vicinity of others. Workers should have face coverings available and wear them in the fitness facility, offices, or in company-owned vehicles when traveling with others. Face coverings are particularly important if physical distancing cannot be maintained on the job (for example, personal trainers and staff assisting members with exercises). Face coverings must not be shared. Employers are generally encouraged to provide face coverings but must provide them when required by employer rules or these guidelines.
- ☐ If possible, implement a reservation system for the facility. Utilize the reservation system to contact patrons with reservations 24 hours before their scheduled arrival to confirm their reservation and ask if they or someone in their household is exhibiting any COVID-19 symptoms.
- ☐ Patrons should be temperature and/or symptom screened upon arrival and asked to use hand sanitizer and to wear face coverings to the extent possible while in the facility, particularly when physical distancing is difficult.
- ☐ Remind patrons in advance to bring a face covering and make them available to anyone who arrives without one. It is highly recommended that patrons wear face coverings when entering and leaving the facility and should consider wearing them during workouts. Considerations should be made for members who are unable or unwilling to wear a face covering and ensure that they are able to maintain physical distance.
- ☐ Fitness facilities must take reasonable measures, including posting signage at all entrances and in strategic and highly visible locations, to remind employees and the public that they should practice physical distancing and that the use of face coverings is highly recommended. **(BOH CAN PROVIDE NEEDED SIGNAGE.)**

Cleaning and Disinfecting Protocols

- ☐ Evaluate the existing cleaning and disinfecting protocols for the fitness facility, including reception areas, locker rooms, restrooms, changing areas, and showers (where applicable) and update the cleaning protocols where necessary. Fitness facilities should be prepared to:
 - o Develop a detailed schedule and adjust or modify operating hours to provide adequate time in between classes for regular, thorough cleaning and disinfecting of all high touch surfaces, including fencing instruction areas, throughout the day.
 - o Perform thorough cleaning throughout the day in high traffic areas, such as reception and lobby areas, changing rooms, locker rooms, and break rooms and areas of ingress and egress including stairways, stairwells, escalators, handrails, and elevator controls.
 - o Frequently disinfect commonly used surfaces, including personal exercise machines and equipment, countertops, vending machines, doorknobs, and all water bottle filling areas and all hand washing facilities.
 - o Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the employees' job duties. **(Please ensure a cleaning/disinfecting log is kept for staff to sign, which states which high touch surfaces are routinely cleaned and disinfected, with an EPA certified disinfectant, throughout the day.)** These logs must be kept on site and must be accessible for inspector staff to check, during all hours of operation.
 - o Make sure all workers have been trained to use and have an adequate supply of all-purpose cleaners and disinfectants, when needed. Follow the complete CDC guidelines for cleaning and disinfection. Follow OSHA requirements and manufacturer instructions for safe use and required personal protective equipment for cleaning products.
 - o Workers should have enough ventilation (air flow) in areas where they are disinfecting. If cleaning in a bathroom or other small space, make sure the door and windows are propped open.
 - o Clean HVAC intakes and returns daily.
 - o Workers should be supplied with first aid supplies, including bandages or other items to cover any cuts, scratches, or open wounds on skin and have sufficient supply to change the bandages often.
 - o Patrons should be reminded to maintain six feet of distance from janitorial or custodial staff. Implement a process to regularly check in with workers to ensure visitors are following this protocol. Ensure workers are able to share such information without fear of reprisal or retaliation.
 - o Procure options for third-party cleaning companies to assist with the increased cleaning demand, as needed.
- ☐ Equip entrances and exits, exercise machines, fitness rooms, changing rooms and locker rooms, and other areas with proper sanitation products, including hand sanitizer and sanitizing wipes, and provide personal hand sanitizers to staff who regularly engage with patrons (e.g., reception staff).
- ☐ Require patrons to disinfect individual exercise equipment, mats, and machines before and after use with provided disinfecting wipes. Ensure that lined, non-touch trash receptacles are available throughout the fitness facility to dispose of used wipes.
- ☐ If members are unable or unwilling to wipe/disinfect equipment after exercise, provide "ready to clean" tags for members to place on equipment after use, to ensure equipment is disinfected by staff before the next use.
- ☐ Consider implementing a check-out system for patrons to utilize any small equipment and accessories (i.e. exercise bands, ropes, mats, foam rollers, etc.). Develop a process to clean and disinfect these items upon return.
- ☐ Follow CDC guidelines to ensure that all water systems are safe to use after a prolonged facility shutdown to minimize the risk of Legionnaires' disease and other diseases associated with water.
- ☐ Wherever possible, install touchless, automatic water dispensers for use with personal, reusable water bottles or single-use, disposable paper cups. Display signage reminding staff and patrons that the bottle or cup should not touch the water dispenser. If a touchless water dispenser is not feasible, remind staff and patrons to wash their hands or use proper hand sanitizer before and after touching the water release button on drinking fountains.

- ☐ Encourage patrons to bring their own towels and mats and consider disbanding the provision of any facility-provided towels or personal hygiene products.
- ☐ For any towels, cloth wipes, or other laundered items that are used at the facility, follow CDC guidelines for those items. Provide a closed container where patrons can place used towels or other items. Ensure those items cannot be used again until properly laundered either by a commercial laundering service or a laundering process which includes immersion in water of at least 160 degrees Fahrenheit for at least 25 minutes. Store all clean linens in a clean, covered place. Ensure workers who handle dirty linens or laundry wear gloves.
- ☐ Amenities, including magazines, books, self-serve water stations (unless touchless), and other items for patrons, must be removed from reception areas and elsewhere in the fitness facility. Non-essential vanity items should also be removed from locker rooms to help reduce touch points and guest interactions.
- ☐ Staff and patrons should avoid shaking hands, bumping fists or elbows, and other physical contact. Staff should also avoid sharing tools, phones, electronics, and office supplies as much as possible and, where feasible, ensure staff have dedicated workstations for their personal use. Never share PPE.
- ☐ When choosing cleaning chemicals, employers should use products approved for use against COVID-19 on the Environmental Protection Agency (EPA)-approved list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide employees training on manufacturer's directions and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves and other protective equipment as required by the product. Follow the asthma-safer cleaning methods recommended by the MA Department of Public Health.
- ☐ Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in offices and other spaces.
- ☐ Place signage throughout the fitness facility emphasizing basic infection prevention measures, including the importance of wearing face coverings and frequent hand washing. **(SIGNAGE CAN BE PROVIDED BY NEEDHAM PUBLIC HEALTH DIVISION IF NEEDED.)**

Physical Distancing Guidelines

- Class size should be limited to 9 individuals, including 1 instructor, **so max. group size 10 (per current guidance.) Be sure to check most up to date MA Re-Opening Guidance for latest updates.**
- All classes should be held **outside** whenever possible, if weather permits. (PLEASE NOTE: Six-foot social distancing between staff and class participants must be adhered to outside as well.)
- Implement measures to ensure physical distancing of at least six feet between and among workers and patrons. This can include use of physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate to where workers and/or patrons should stand during check-in at reception areas or when waiting to use equipment
- Space equipment at least six feet apart, with greater distancing for treadmills and other high-exertion aerobic fitness equipment. Equipment can be arranged in an "X" pattern to provide greater distancing. Physical barriers can also be helpful to create distancing or segregate exercise areas.
- Equip the front desk area with Plexiglas or other impermeable barriers, if feasible, to minimize the interaction between reception staff and patrons. Implement virtual, touchless check-in tools, if possible, so that patrons do not have to utilize the reception space.
- Consider suspending non-core activities, including retail operations, spa services, childcare, family programming, and food service. If fitness facilities operate such amenities, they should review the related guidance for these services with the Needham Public Health Division, since plan reviews and permits may be necessary.

- Consider implementing special hours designated for high risk or medically vulnerable populations, including seniors with admittance by reservation only, if applicable.
- Evaluate maximum occupancy rules based on the size of the facility (limit to 40% occupancy or less -depending on what current guidance requires) to develop a capacity plan that supports physical distancing and limits the number of patrons allowed in the facility at a given time to a number permitting such distancing. Other considerations to support physical distancing in the facility for patrons could include:
 - o Implementing an online reservation-based system, as suggested in the Individual Control Measures and Screening section of this document, to avoid patrons queuing in the facility or outside and help maintain occupancy levels.
 - o Limiting the number of patrons in the facility at one time. Only those patrons that are actually exercising/taking class should be inside the facility. Patrons should not wait in the reception area, but should wait in their cars, until their scheduled class/training time.
 - o Using one-way foot traffic patterns throughout the fitness facility with visual cues and signs.
 - o Removing communal furniture and/or cordoning off member lounge areas.
 - o Staggering available lockers in locker rooms to maintain physical distancing.
 - o Spacing all equipment and machines at least six feet apart or taking some out of service to achieve physical distancing.
 - o Adjusting personal training so that the exercise instructor maintains a minimum of six feet of physical distance. Personal trainers must use face coverings and avoid any close contact. Patrons should be strongly encouraged to wear a face covering while receiving instruction.
 - o Modifying group training classes to limit the class size to ensure a minimum of six feet of physical distance between patrons and/or move the classes outdoors or to larger spaces like full-sized basketball courts, if possible. Group exercise classes should only be offered if distancing requirements can be maintained and there is no person-to-person physical contact.
- High contact programs that require close contact less than six feet in distance should be suspended. This would include activities such as group sporting events, organized intermural activities, pick-up basketball, or organized races.
- Adjust in-person meetings for staff, if they are necessary, to ensure physical distancing and use virtual options or smaller meetings at facilities to maintain physical distancing guidelines.
- Consider offering workers who request modified duties options that minimize their contact with patrons and other employees (e.g., managing administrative needs through telework).
- Stagger employee breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Close breakrooms, use barriers, or increase distance between tables/chairs to separate workers and discourage congregating during breaks. Where possible, create outdoor break areas with shade covers and seating that ensures physical distancing.

Additional Considerations for Communal Restrooms and Shower Facilities

- ☐ Fitness facilities should consider staffing and other capacity and resource needs to ensure that locker rooms and shower facilities can be cleaned and disinfected regularly throughout the day.
- ☐ Shared restroom facilities and locker rooms should be cleaned regularly throughout the day using EPA-registered disinfectants. High-touch surfaces such as faucets, toilets, doorknobs, and light switches must be frequently cleaned and disinfected. (Extra building monitor staff must be hired to monitor the restrooms and clean and disinfect on a frequent basis, depending on usage.)
- ☐ Create and post a cleaning schedule for the restroom facilities and locker rooms. Post the cleaning schedule on the front of the door so patrons know when they can/cannot use the restroom and/or locker room. Make sure to close the restroom during the cleaning and disinfecting process.
- ☐ Consider using a checklist or audit system to track how often cleaning is conducted.

- ☐ Only allow shower and locker room use if partitions are in place or signs have been posted to specify physical distancing requirements. If partitions or proper distancing are not possible, these facilities should remain closed.
- ☐ Ensure that sanitary facilities stay operational and are always continuously stocked at all times. Provide additional soap, paper towels, and hand sanitizer when needed. Install hands-free devices, if possible, including motion sensor sinks faucets, soap dispensers, sanitizer dispensers, and paper towel dispensers.
- ☐ Doors to multi-stall restrooms should be able to be opened and closed without touching the handles, using opening-devices, or powered door operators with the hand, whenever possible. If the door cannot be opened without touching the handle or door-operator with the hand, place a trash-receptacle by the door to ensure a paper towel can be readily disposed of when operating the door. The location and positioning of waste receptacles should not interfere with egress, evacuation, emergency equipment, or any reasonable accommodations provided under the Americans with Disabilities Act. Make sure trash cans are emptied regularly.
- ☐ Fitness facility patrons should be instructed that sinks could be an infection source and should avoid placing hairbrushes and other items directly on counter surfaces. Totes could also be used for personal items to limit their contact with other surfaces in the restroom or locker room.
- ☐ Provide information on how to wash hands properly, including hanging signs in restrooms.
- ☐ The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol (preferred) or 70% isopropanol (if the product is inaccessible to unsupervised children) when employees cannot get to a sink or handwashing station, per CDC guidelines).
- ☐ The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- ☐ Proper use of face coverings, including:
 - o Face coverings do not protect the wearer and are not personal protective equipment (PPE).
 - o Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
 - o Face coverings must cover the nose and mouth.
 - o Employees should wash or sanitize hands before and after using or adjusting face coverings.
 - o Avoid touching eyes, nose, and mouth.
 - o Face coverings should be washed or discarded after each shift.
- ☐ Ensure temporary or contract workers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.

What to do if a positive case is confirmed?

- Have the sick person place a cloth face covering over their nose and mouth (if individual doesn't have one on already), and limit contact by staying back at least 6 feet, if the persons condition allows for this.
- If a patron or staff member presents for medical care, a distance of at least 6 feet should be maintained between the provider and patron, if feasible for initial history taking for non-emergent conditions and when no care may be needed. The patron should be wearing a face covering if they are in the facility. If they are not wearing a face covering, they should be asked to put on a face covering if the condition permits.

- Staff/Patrons will immediately be asked to leave if they do have symptoms.
- If a staff/patron enters the facility and is found to have COVID-19, state guidance requires facility to shut down and wait 24 hours before cleaning and disinfecting the entire facility. (The facility will be shut down for 48 hrs.) **PLEASE NOTE:** IF a positive case is confirmed, please notify the Needham Public Health Division's public health nurse. (Main phone number is 781-455-7940; x504 OR email at publichealthnursing@needhamma.gov.)
- Staff should direct patron in self-care for non-emergent and minor first aid conditions when possible.

***Additional MA Reopening Guidance will be released in the coming weeks for Phase 3. Please be sure to amend these sample guidelines accordingly as additional MA guidance is released, RE: required COVID-19 protocols that your facility must follow in order to remain in compliance (see links to MA COVID-19 websites below).**

Additional Resources:

- <https://www.mass.gov/info-details/reopening-when-can-my-business-reopen>
- <https://www.mass.gov/info-details/covid-19-updates-and-information>
- <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

For additional information, please visit The Town of Needham Official Website where a designated COVID-19 page has been created. Here is the website – www.Needhamma.gov/coronavirus.

For additional guidance or follow-up questions, please contact: publichealthnursing@needhamma.gov

DECISION
Major Project Site Plan Special Permit
Application No. 2020-02
July 7, 2020

Corben Properties LLC 330 Reservoir Street & Star Fencing Academy LLC

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

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Corben Properties LLC, 22 Comeau Street, Wellesley MA 02481; and Star Fencing Academy LLC, (Add Address) (hereinafter referred to as the Petitioner), for property located at 330 Reservoir Street, Needham, MA, shown on Assessor's Map No. 74 as Parcel 19 containing 1.3 acres in the Industrial Zoning District.

This Decision is in response to an application submitted to the Board on June 4, 2020, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit under Section 3.2.1 for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1 in the Industrial Zoning District; and (3) a Special Permit under Section 3.2.1 for more than one non-residential use on a lot.

The requested Major Project Site Plan Review Special Permit, would, if granted, permit Star Fencing Academy LLC, to occupy 4,963 square feet of the commercial building. Star Fencing Academy LLC would operate a private school teaching fencing.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Jeanne S. McKnight, on Tuesday, July 7, 2020 at 7:30 p.m., via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Paul S. Alpert, Ted Owens, Martin Jacobs, and Adam Block were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Properly executed Application for Site Plan Review under Section 7.4 of the By-Law, and applications for Special Permits under Section 3.2.1 of the By-Law, said application submitted on June 4, 2020.
- Exhibit 2 - Letter from Scott T. Ravelson, Manager, Corben Properties, LLC, to Planning Board Members, dated June 3, 2020.
- Exhibit 3 - Certification of Tenant Occupancy, dated May 28, 2020.

- Exhibit 4 - Plan Sheet A100, prepared by Fine Associates, entitled “First Floor Reflected Ceiling Plan,” showing outlines of tenant spaces and associated square footage.
- Exhibit 5 - Plan entitled “Certified Plot Plan for Ramp with Landing, 330 Reservoir Street,” prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA, dated June 22, 2011, revised October 27, 2014 and November 7, 2014.
- Exhibit 6 - Interdepartmental Communication (IDC) to the Board from Anthony L. Del Gaizo, Town Engineer, Department of Public Works, dated June 30, 2020; IDC to the Board from Needham Police Department, Chief John Schlittler, dated June 29, 2020; IDC to the Needham Planning Board from the Needham Fire Department, Chief Dennis Condon, dated June 29, 2020; and IDC to the Board from the Building Commissioner, dated June 30, 2020.

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

FINDINGS AND CONCLUSIONS

- 1.1 The subject property is identified as Parcel 19 on Town of Needham Assessor’s Map No. 74. It is located in the Industrial Zoning District and contains a total of 1.3 acres of area.
- 1.2 The total space to be leased by Star Fencing Academy LLC contains a total of approximately 4,963 square feet on the first floor, which is presently leased to Advanced Auto Parts, a retail store whose lease terminates on 10/31/20. Star Fencing Academy LLC proposes to operate a private school teaching fencing. The tenants remaining other than Star Fencing Academy LLC, will be Rangine Corp, Belmont Landscaping and Gary Fialkosky Sprinklers.
- 1.3 Star Fencing Academy LLC will have a maximum number of students at any given time of 30, and a maximum number of coaches at any given time of 3.
- 1.4 Star Fencing Academy LLC proposes to be open for business between the hours of 3:00 pm and 9:00 pm on weekdays and from 10am and 6pm on Saturday and Sunday. Specifically, 3pm to 5pm weekdays will be limited to private classes (one coach per one student) with a maximum of three (3) coaches teaching three (3) students at any one time. Starting at 5pm weekdays and all-day Saturday and Sunday, the maximum number of students allowed at one time will be thirty (30) with three (3) coaches (one coach per ten students).
- 1.5 The parking requirement for a private school is one-half of the design or expected enrollment. Therefore, the total parking demand for the Star Fencing Academy LLC will be 15 spaces, calculated as follows: 30 maximum students for fencing instruction @ ½ design or maximum expected enrollment = 15 spaces.

The tenant mix and parking analysis is as follows:

Tenant No. 1 – Proposed Star Fencing Academy, LLC:

30 maximum students @ ½ design or expected enrollment = 15 spaces

Tenant No. 2 - Rangine Corp:

2,803 square feet office @ 1 space/300 square feet = 9.34 parking spaces

9,749 square feet warehouse @ 1 space/850 square feet = 11.47 parking spaces

4,149 square feet Manufacturing/Industrial @ 1 space/400 square feet = 10.37 parking spaces

Total 31.18 spaces

Tenant No. 3 – Gary Fialkosky and Belmont Landscaping:

1,140 square feet office @ 1 space/300 square feet = 3.8 parking spaces

3,820 square feet warehouse @ 1 space/850 square feet = 4.49 parking spaces

Total 8.29 spaces

Parking Spaces deeded to uses at 322 Reservoir Street (See Special Permit No. 2003-02 as amended)

Total deeded spaces: 8 spaces

Total Parking Requirement: 62.47 parking spaces = 63 parking spaces

The Premises contains a total of 102 parking spaces; therefore, there will be a surplus of 39 parking spaces if the proposed tenant occupies the space.

- 1.6 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The site is presently fully developed and nothing further is required in the areas of sound and sight buffers, preservation of views, light and air. No change to the footprint of the building is proposed.
- 1.7 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets have been assured. Adequate parking exists for the proposed uses. There is presently an off-street parking area that is striped for 102 off-street parking spaces, including four handicap parking spaces. The parking and traffic needs of the building are low, and the use proposed by the Petitioner is a "by-appointment only" operation (all clients are expected) that is not anticipated to significantly increase the parking demand at the site. The parking supply is more than sufficient to handle the new use. In addition, the busiest times for the proposed use are in the after working hours and on weekends, which do not correspond to the busiest hours for the balance of the property.
- 1.8 Adequate methods for disposal of refuse and waste will be provided. The property's waste system is connected to the municipal sanitary sewer system. The site is already fully developed with infrastructure in place and the proposed use will not generate any significant additional waste greater than prior operations. All waste and refuse will be disposed of in conformance with all applicable federal, state and local regulations. The project's wastewater system is presently connected to the municipal sewer system and will continue in that capacity.
- 1.9 Since no change to the footprint of the building is proposed, the relationship of structures and open spaces to the natural landscaping, existing buildings, and other community assets will remain unchanged, and in compliance with other requirements of the By-Law. No exterior improvements to the facade of the building are anticipated.
- 1.10 Mitigation of adverse impact on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets will be met as there will be no adverse impact on the Town's resources. The project is limited to the reuse of an existing leased space in the building.
- 1.11 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Industrial Zoning District provided the Board finds that the proposed development

will be in compliance with the goals and objectives of the Master Plan, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.

- 1.12 Under Section 3.2.1 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.13 Under Section 3.2.1 of the By-Law, a Special Permit may be granted to allow fencing academy in the Industrial Zoning District as a "Private School". On the basis of the above findings and criteria, the Board finds that the proposed use, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements and to not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; (2) the requested Special Permit under Section 3.2.1 for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1 in the Industrial Zoning District; and (3) the requested Special Permit under Section 3.2.1 for more than one non-residential use on a lot, subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

- 2.1 A revised application shall be submitted for this project which includes Star Fencing Academy LLC as a co-applicant.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.12 hereof.

The Board approves the use of the Premises as a fencing “private school”, by Star Fencing Academy LLC, as conditioned herein.

- 3.1 Star Fencing Academy LLC may be open between the hours of 3:00 pm and 9:00 pm on weekdays and from 10am and 6pm on Saturday and Sunday. Specifically, 3pm to 5pm weekdays shall be limited to private classes (one coach per one student) with a maximum of three (3) coaches teaching three (3) students at any one time. Starting at 5pm weekdays and all-day Saturday and Sunday, the maximum number of students allowed at one time will be thirty (30) with three (3) coaches (one coach per ten students).
- 3.2 The operation of Star Fencing Academy LLC shall be as described in Sections 1.3 and 1.4 of this Decision and as further described under the support materials provided under Exhibits 1, 2, 3, 4 and 5 of this Decision.
- 3.3 The maximum number of children participating in classes or functions at any given time shall not exceed thirty (30). The maximum number of staff persons present at any given time shall not exceed three (3) coaches.
- 3.4 The special permits granted herein are specifically premised upon the special characteristics of Star Fencing Academy LLC. In the event of any change in the use permitted hereunder which would result in a greater parking demand, further site plan review will be required, and the Planning Board shall be entitled to evaluate the parking demand of the building as a whole.
- 3.5 This Special Permit to operate a fencing academy at 330 Reservoir Street, Needham, MA is issued to the Star Fencing Academy LLC (Add Address) and may not be transferred, set over, or assigned by the Star Fencing Academy LLC (Add Address) to any other person or entity other than an affiliated entity in which The Star Fencing Academy LLC has a controlling interest of greater than 50 percent, without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
- 3.6 The proposed fencing academy use shall contain the dimensions and shall be located exactly as shown on the Plan, as modified by this Decision, and in accordance with applicable dimension requirements of the By-Law. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board. Notwithstanding the foregoing, changes in the size, shape or arrangement of rooms, the movement of interior walls and similar changes shall be permitted, provided the limitations at paragraph 3.4 shall be adhered to.
- 3.7 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
 - a. The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

- 3.8 The approximately 4,963 square feet shall not be occupied by Star Fencing Academy LLC until:
- a. There shall be filed with the Board and Building Inspector a Final Affidavit signed by a registered architect upon completion of the building renovation certifying that the project was built according to the approved documents. Not even sure if they are going to have a build-out requiring permits??
 - b. There shall be filed, with the Building Inspector, a statement by the Board approving the Final Affidavit, in accordance with said Decision.
- 3.9 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.10 The portion of the building that is authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Inspector.
- 3.11 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.12 Violation of any of the conditions of this Approval shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Approval, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Approval including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Approval if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision. There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law.

- 4.2 The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision to clarify the terms and conditions of this Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit amendment shall lapse on July 7, 2022 if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to July 7, 2022. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

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

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

Witness our hands this 7th day of July 2020.

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairperson

Paul S. Alpert

Ted Owens

Martin Jacobs

Adam Block

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2020

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Amendment to Decision of the project proposed Corben Properties LLC, 22 Comeau Street, Wellesley MA 02481 and the Star Fencing Academy LLC (Add Address), for property located at the 330 Reservoir Street, Needham, Massachusetts, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Inspector
Conservation Commission
Scott Ravelson, Corben Properties, LLC

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

ZONING/LAND USE ARTICLES

ARTICLE 1: AMEND ZONING BY-LAW – AVERY SQUARE OVERLAY DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law, as follows:

- (a) Amend the definition of “Independent Living Apartments” in Section 1.3, Definitions, by (i) adding the words “or Avery Square Overlay District” after the words “Elder Services Zoning District”; (ii) deleting the word “only” before the words “residential uses”; and (iii) adding to the end of the definition the sentence “; provided, however, that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities but need not be part of a Continuing Care Retirement Community.”, so that it reads as follows:

A building in the Elder Services Zoning District or Avery Square Overlay District containing three or more dwelling units, which building houses residential uses and support services accessory thereto, intended primarily as independent living units for individuals aged 55 years or older, and/or families with at least one family member aged 55 years or older, within a Continuing Care Retirement Community; provided, however that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community.

- (b) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

“ASOD -- Avery Square Overlay District”

- (c) Amend Section 3, Use Regulations, by adding a new Subsection 3.15, Avery Square Overlay District, to read as follows:

“3.15 Avery Square Overlay District

3.15.1 Purposes of District

The purposes of the Avery Square Overlay District (“ASOD”) are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer’s/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the Avery Square Overlay District shall, as set forth in this Section 3.15, be permitted to exceed the

density and dimensional requirements that normally apply in the underlying zoning district provided that such development complies with all other requirements of this Section 3.15.

3.15.2 Scope of Authority

In the Avery Square Overlay District, all requirements of the underlying district shall remain in effect except where this Section 3.15 provides an alternative to such requirements, in which case the requirements of this Section 3.15 shall prevail. If the provisions of the Avery Square Overlay District are silent on a requirement that applies in the underlying district, the requirements of the underlying district shall apply.

By filing an application for a Special Permit, site plan review or building permit under this Section 3.15, an applicant shall be deemed to accept and agree to the provisions and requirements of this Section 3.15. If an applicant elects to proceed pursuant to zoning provisions of the underlying district, the provisions and requirements of this bylaw applicable in the underlying district shall control and the provision of the Avery Square Overlay District shall not apply.

3.15.3 Use Regulations

3.15.3.1 Permitted Uses

The following uses are permitted in the Avery Square Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) Public, semi-public and institutional uses permitted as of right in the underlying district.
- (c) Business uses permitted as of right in the underlying district.
- (d) accessory uses permitted as of right in the underlying district.

3.15.3.2 Special Permit Uses

The following uses are allowed in the Avery Square Overlay District by Special Permit issued by the Planning Board:

- (a) All uses allowed by special permit in the Avery Square Business District as set forth in Section 3.2.2 of this Bylaw, except those uses permitted as a matter of right as set forth in Section 3.15.3.1, above.
- (b) Assisted Living and/or Alzheimer's/Memory Loss Facilities

(c) Independent Living Apartments.

(d) Mixed-use buildings containing, as primary uses, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

3.15.4 Dimensional Regulations

3.15.4.1 Building Height and Related Requirements

The maximum building height (including mechanical structures such as HVAC equipment) in the Avery Square Overlay District shall be 44 feet. This height limitation shall not apply to elevator shaft overruns, which shall not exceed a maximum height of 49 feet.

A building or structure which is located on property in the Avery Square Overlay District may include, but not exceed, four (4) stories, all of which may be occupied.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building on which such fourth story is located, shall be as follows: from the eastern facade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western facade of the building, zero (0) feet; from the southern facade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade is required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The total floor area of any fourth floor addition to the existing building may not exceed thirty-five percent (35%) of the total roof area of the existing building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, shall not be included in the calculation of maximum allowable floor area hereunder.

Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other height limitations nor any other limitations contained in Section 4.4.3.

3.15.4.2 Building Bulk and Other Requirements

The maximum floor area ratio in the Avery Square Overlay District shall be 1.1. Property contiguous with and in common ownership with property in the Avery Square Overlay District shall be included in the lot for purposes of calculating floor area ratio. The enclosed area of a building devoted to off-street parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any

other limitations on floor area ratio, lot coverage, or building bulk such as are contained in Sections 4.4.2, 4.4.7 and 4.4.9.

3.15.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in Section 4.4.6 shall apply in the Avery Square Overlay District.

(a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:

(1) For Independent Living Apartments, there shall be one space per Apartment.

(2) For Assisted Living units and Alzheimer's/Memory Loss units, the parking requirement shall be one space for every two beds, plus one space for each two employees on the largest shift.

(b) Notwithstanding anything to the contrary elsewhere in this Bylaw, including but not limited to Section 4.4.8.4, in the event that land located in the Single Residence B Zoning District

(1) is adjacent to the Avery Square Overlay District;

(2) is in common ownership with adjacent land located in the Avery Square Overlay District; and

(3) prior to approval of this Section 3.15, was improved as a parking area associated with a building located in the Avery Square Overlay District;

then, provided that said land extends into the Single residence B Zoning District not more than one hundred (100') feet from the boundary line between the Single Residence B Zoning District and the Avery Square Business District, said land may, as a matter of right, be used as a parking area accessory to uses permitted in the Avery Square Overlay District by right or by special permit.

3.15.6 Affordable Housing

Any mixed-use building with ten or more Independent Living Apartments shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

(a) If the Applicant provides at least one-half of the affordable Independent Living Apartments for households with incomes at or below 50% of area median income, the remaining affordable Independent Living Apartments may be rented to households with incomes up to 100% of area median income even if the latter units are not

eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.

- (b) For a development with ten or more Independent Living Apartments, twelve and one-half percent (12.5%) of the Independent Living Apartments shall be affordable units. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. There shall be no affordable housing requirement for nursing homes, convalescent homes, Assisted Living and Alzheimer's/Memory Loss Facilities, or residential care institutions or facilities.
 - (c) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the development's market-rate units. Services and other amenities that may be purchased by residents on a voluntary basis are not to be considered unit-specific real estate-related amenities and are excluded from such comparability requirements.
 - (d) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
 - (e) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction.
- (d) Amend Section 4.4.4 Front Setback, by adding the following paragraph after the fourth paragraph of that section:
- In the Avery Square Overlay District, the setback, if any, shall be kept open and landscaped with grass, plants, and other non-paving materials such as mulch, and shall be unpaved except for patios, walks, and driveways as defined in section 4.4.5. Walls (including walls serving in part as retaining walls) no higher than 36 inches above the grade of the patios, as well as fencing and privacy screening, along the front and side edges of the patios, shall be allowed in the Avery Square Overlay District.
- (e) Amend Section 4.4.6 Enclosed Parking, by adding the phrase "for each square foot" before the words "of parking space (excluding driveways and aisles)" on the fourth line of the first paragraph of that section so that it reads as follows:
- Whenever off-street parking is provided underground and/or within a building itself, the maximum area coverage of the building may be increased up to the

limits of the required setback as provided herein. The lot coverage of the building may be increased up to 2 ½ % points above the maximum allowed percentage, by one square foot for each square foot of parking space (excluding driveways and aisles) that is underground and/or within the building itself.

Parking which is under a building or partially underground shall, except for driveways, be separated from the street line by building space occupied by the principal use, not by parking.

In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade. Municipal parking facilities in the Center Business District shall be exempt from this provision.

- (f) Amend Section 7.6.1 Special Permit Granting Authority, by adding the number “3.15” after the number “3.14” on the second line of that Section so that it reads as follows:

The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 3.14, 3.15, 4.2.10, 4.2.11, 4.2.12, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this Bylaw. In all other cases the Board of Appeals shall act as the Special Permit Granting Authority. Procedures and decision criteria for the Planning Board shall be the same as specified in Section 7.5.2 and Section 7.5.3 (second and fourth paragraphs) for special permits acted on by the Board of Appeals, except where alternative or supplemental criteria are specified, such as at Sections 3.4 and 6.6.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

**ARTICLE 2: AMEND ZONING BY-LAW – MAP CHANGE TO AVERY SQUARE
OVERLAY DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- (a) Place in the Avery Square Overlay District all that land described as follows, and superimposing that District over the existing Avery Square Business District:

Beginning at the point of intersection of the westerly sideline of Highland Avenue and the northerly sideline of what was formerly known as Hildreth Place (said former Hildreth Place as shown on Needham Town Assessors Map 63); thence running northerly by the westerly sideline of Highland Avenue to the point of curvature of a curve having a radius of 20 feet and an arc length of 29.27 feet; said curve being a property rounding of the intersection of the westerly sideline of Highland Avenue and the southerly sideline of West Street; thence running northerly, northwesterly, and westerly by said curve to the point of tangency of said curve located on the southerly sideline of West Street; thence running westerly by the southerly sideline of West Street to the point of intersection of the southerly sideline of West Street and the easterly right of way line of MBTA property; thence running southerly by said easterly right of way line of MBTA property to the intersection of the easterly right of way line of MBTA property and the northerly sideline of what was formerly known as Hildreth Place; thence running easterly by the northern boundary of what was formerly known as Hildreth Place, to the point of beginning.

The land is also shown on Needham Town Assessors Map 63, Parcel 37, but excluding any land to the south of the northerly sideline of what was formerly known as Hildreth Place.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Explanation: This article describes the geographical boundaries of the new Avery Square Overlay District, which is bounded on the north by West Street; on the east by Highland Avenue; on the south by the northern and western boundaries of the property located at 1049 Highland Avenue and the northern boundary of the property located at 95 Dana Place; and on the west by the MBTA commuter railroad right-of-way.

This draft Agenda is for the PB Use Only

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

MONDAY, July 16, 2020 - 7:30PM

Zoom Meeting ID Number: 869-6475-7241

Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued March 12, 2020 and in effect until termination of the emergency, meeting of public bodies may be conducted virtually provided that adequate access is provided to the public.

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us, click "Join a Meeting" and enter the Meeting ID: 307290361
Or joint the meeting at link: <https://us02web.zoom.us/j/86964757241>

AGENDA

- | | |
|-------------------|---|
| Minutes | Review and approve Minutes from June 18, 2020 meeting. |
| Case #1 – 7:30PM | 123 Pickering Street – J. Derenzo Properties, LLC, applicant, has made application to the Board of Appeals for a Special Permit Amendment under Sections 1.4.7.4, 3.2, 7.5.2 and any other applicable Sections of the By-Law to modify a condition of the Special Permit to allow the installation of a six foot white vinyl fences along the boundary line, starting at the beginning of the house located at 117 Pickering Street and extending to the rear boundary line. The fence will be no closer to 10 feet from the house at 117 Pickering Street. The property is located at 123 Pickering Street , Needham, MA in the Single Residential B District. |
| Case #2 – 7:30 PM | 249 Garden Street – Public notice is hereby given that Catalyst Development, LLC, applicant, has made application to the Board of Appeals for a Special Permit under Sections 1.4.7.4, 3.2, 7.5.3 and any other applicable Sections of the By-Law to the demolition, extension, alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming two-family dwelling to a new two-family dwelling. The property is located at 249 Garden Street , Needham, MA in the Single Residential B District. |
| Case #3 – 8:00PM | 1545 Central Avenue – Public notice is hereby given that Needham Pool and Racket Club, Inc., applicant, has 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. Oakhurst Circle, Needham, MA in the Single Residential B District. |

Next Zoom Meeting: Thursday, August 20, 2020, 7:30pm

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

GEORGE GIUNTA, JR.

2020 JUN 22 PM 4:50

ATTORNEY AT LAW*

281 Chestnut Street

Needham, MASSACHUSETTS 02492

*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

June 22, 2020

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: J. Derenzo Properties, LLC
123 Pickering Street, Needham, MA

Dear Ms. Collins,

As you are aware, this office represents J. Derenzo Properties, LLC (hereinafter "Derenzo") with respect to the property known and numbered 123 Pickering Street, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith please find:

1. A Completed Application for Hearing;
2. A copy of signed agreement between J. Derenzo Properties, LLC and Patrice K. and Gerard M. Clifford, dated April 30, 2020; and
5. Check no. 712 in the amount of \$200 for the applicable special permit filing.

As indicated in the application, Derenzo is seeking an amendment to the Special Permit, dated June 5, 2020, (the "Decision"), authorizing the demolition and reconstruction of the lawful, pre-existing, non-conforming two-family dwelling at 123 Pickering Street. In particular, Derenzo is seeking to modify the first condition of the Decision, which currently requires Derenzo to "plant tall green plantings along the South property boundary for a distance of 30 feet from the sidewalk". The South property boundary is the boundary with Patrice K. and Gerard M. Clifford.

As indicated by the agreement provided herewith, Derenzo and the Cliffords have agreed that, instead of green plantings, Derenzo will furnish and install a 6' white vinyl fence along the said boundary line, starting at the beginning of the Clifford's house and extending to the rear boundary line.

As a result, Derenzo requests that the Decision be amended by striking the first condition as it currently reads, and replacing it with the following language, consistent with the Agreement:

Furnish and install a 6' white vinyl fence along the said boundary line, starting at the beginning of the Clifford's house and extending to the rear boundary line; such fence to be no closer than ten feet from the Clifford's house.

If possible, and to the extent applicable, given that such condition was by the agreement of the parties, Derenzo would ask that the amendment be handled as an informal or de minimis matter. However, if necessary, please schedule this request for the next available hearing of the Board, whether in person, via Zoom or other electronic format. In the meantime, if you have any questions, comments or concerns relative to the foregoing, please do not hesitate to contact me so that I may be of assistance.

Your courtesy and attention are appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.

CC Patrice K. Clifford
Jay Derenzo



TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2020 JUN 22 PM 4:50

APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: June 22, 2020

Name of Applicant or Appellant J. Derenzo Properties, LLC

Address: 43 Charles Street

Needham MA 02494

(Optional) E-mail address: jd@derenzo.net

Daytime telephone: 781-424-5617 (Jay Derenzo)

(Optional) Cell phone: _____

(Optional) additional contact information, (ie: ☐ contractor ☐ architect, ☐ builder or ☒ attorney):

George Giunta, Jr., Esq. – 281 Chestnut Street, Needham, MA 02492

781-449-4520; george.giuntajr@needhamlaw.net

Address/Location of Property 123 Pickering Street, Needham, MA 02492

Assessor Map/Parcel Number Map 53, Parcel 17

Zone for property: Single Family Residential B (SRB)

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is ☒ owner, ☐ tenant, ☐ prospective tenant, ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☒ yes ☐ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B

☒ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions:

Lawful, pre-existing, two family dwelling, which is non-conforming as to use.

Statement of relief sought:

Amendment to Special Permit dated June 5, 2020, issued to J. Derenzo Properties, LLC, authorizing the demolition and reconstruction of the lawful, pre-existing, non-conforming two-family dwelling at 123 Pickering Street, and all other relief as may be necessary and appropriate therefor. In particular, applicant seeks to modify the first condition set forth in the Decision as set forth in the letter submitted herewith.

Applicable Section (s) of Zoning By-Law 1.4.7.4, 3.2, 7.5.3 and any other applicable Section or By-Law

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: _____

Non-conforming two-family use in single family zoning district

Less than required lot frontage

Date structure(s) on lot constructed (including any additions): _____

On or before 1900

Date lot created:

On or before 1900

A certified plot plan, prepared by a registered surveyor, must be attached to each of the thirteen (13) copies of this application at time of filing. Application will be returned if a copy of the plot plan is not attached to each application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require thirteen (13) copies of plot plan (two reduced to 8 ½ by 11), plus additional submissions.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

J. Derenzo Properties, LLC
By its attorney,



Signed _____
George Giunta, Jr., Esq.

Title _____

AGREEMENT

This Agreement is made this 30th day of April, 2020 by and between Patrice K. & Gerard M. Clifford (hereinafter, jointly, "Clifford"), of 117 Pickering Street, Needham MA. 02492 and J. Derenzo Properties, LLC (hereinafter, "Derenzo"), a Massachusetts limited liability company with an address of 43 Charles Street, Needham, MA 02494.

WHEREAS Clifford is the owner of property known and numbered 117 Pickering Street (the "Clifford Parcel") and Derenzo is the owner of adjacent property known and numbered 123 Pickering Street (the "Derenzo Parcel");

WHEREAS Derenzo has requested zoning relief from the Town of Needham to reconstruct the two-family dwelling at the Derenzo Parcel;

WHEREAS Clifford has expressed concerns, but is willing to support said request for zoning relief, subject to the terms herein;

NOW THEREFORE, for good and valuable consideration including the statements and promises contained herein, the parties covenant and agree as follows:

1. Clifford will fully support Derenzo's pending request for zoning relief, without reservation, in writing or with testimony at a hearing of the Board of Appeals and shall specifically request that the Board grant the relief requested. In connection therewith, Clifford agrees not to object or oppose, in any manner, the zoning relief necessary to reconstruct the two-family, as proposed.

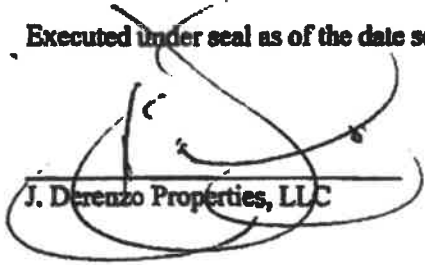
2. Provided the Board of Appeals shall grant the relief requested and no appeal shall be taken, Derenzo shall thereafter:

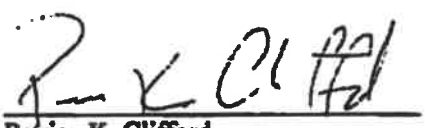
a. Remove the existing hedges on the Derenzo property, along the common boundary line between the Derenzo Parcel and the Clifford Parcel;

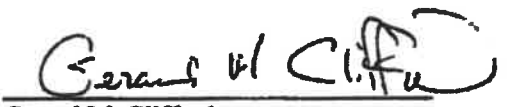
b. Furnish and install a 6' white vinyl fence along the aforesaid boundary line, starting at the beginning of the Clifford's house and extending to the rear boundary line. Derenzo agrees to install this fence no closer than ten feet from the Clifford's house, in conjunction with Needham zoning by-law 4.2.1, which they believe they currently meet; and

c. Contribute towards the cost of power washing of the Clifford's house and windows, by providing the monetary sum of [REDACTED] in the form of a check made out to Gerard M. Clifford on or before March 1, 2021.

Executed under seal as of the date set forth above.


J. Derenzo Properties, LLC


Patrice K. Clifford


Gerard M. Clifford

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2020 JUN 22 PM 4:09

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

June 22, 2020

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Catalyst Development, LLC
249 Garden Street, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Catalyst Development, LLC (hereinafter "Catalyst") with respect to the property known and numbered 249 Garden Street, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith please find:

1. A Completed Application for Hearing
2. One Full size copy of Architectural Plans titled "New Two Family Residence, 249 Garden Road, Needham, MA", prepared by McKay Architects, dated June 21, 2020, consisting of nine (9) sheets;
3. One Full size copy of Site Plan, titled "Proposed Planm 249 Garden Street, Needham, MA", prepared by Mikhail R. Deychman, dated June 16, 2020; and
5. Check no. 1299 in the amount of \$500 for the applicable special permit filing.

As indicated in the application, Catalyst is requesting permission to demolish the existing two-family dwelling at the Premises, which is also non-conforming as to front and side yard setbacks, and replace same with a new two-family dwelling, as shown on the plans submitted herewith.

The existing dwelling, which appears to have been built in or around 1900, has been used continuously for two family purposes since at least 1925 when zoning was first adopted in the Town of Needham. Therefore, the current use of the Premises for two-family purposes constitutes a lawful, pre-existing non-conforming use and the proposed demolition and reconstruction requires a special permit.

Please schedule this matter for the next available hearing of the Board, whether in person, via Zoom or other electronic format. In the meantime, if you have any questions, comments or concerns relative to the foregoing, please do not hesitate to contact me so that I may be of assistance.

Your courtesy and attention are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Giunta", with a stylized flourish at the end.

George Giunta, Jr.



TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
2020 JUN 22 PM 4:09
APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: June 22, 2020

Name of Applicant or Appellant Catalyst Development, LLC

Address: 945 Great Plain Ave. Suite 18
Needham MA 02492

(Optional) E-mail address: _____

Daytime telephone: 617-953-8747 (Gene Voloshin)

(Optional) Cell phone: _____

(Optional) additional contact information, (ie: ☐ contractor ☐ architect, ☐ builder or ☒ attorney):

George Giunta, Jr., Esq. – 281 Chestnut Street, Needham, MA 02492

781-449-4520; george.giuntajr@needhamlaw.net

Address/Location of Property 249 Garden Street, Needham, MA 02492

Assessor Map/Parcel Number Map 51, Parcel 34

Zone for property: Single Family Residential B (SRB)

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is ☐ owner, ☐ tenant, ☐ prospective tenant, ☐ licensee ☒ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☒ yes ☐ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B

☐ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions:

Lawful, pre-existing, two family dwelling, which is non-conforming both as to use, and front-yard and side-yard setbacks.

Statement of relief sought:

Special Permit pursuant to Section 1.4.7.4 of the Needham Zoning By-Law, and a finding pursuant to Section 6 of M.G.L. Chapter 40A, to permit the demolition, extension, alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming two family dwelling known and numbered 249 Garden Street, as shown on the plans submitted herewith, and all other relief as may be necessary and appropriate therefor.

Applicable Section (s) of Zoning By-Law 1.4.7.4, 3.2, 7.5.3 and any other applicable Section or By-Law

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: _____

Non-conforming two family use in single family zoning district

Less than required front-yard and side-yard setbacks

Date structure(s) on lot constructed (including any additions): _____

On or about 1900

Date lot created:

On or about 1914

A certified plot plan, prepared by a registered surveyor, must be attached to each of the thirteen (13) copies of this application at time of filing. Application will be returned if a copy of the plot plan is not attached to each application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require thirteen (13) copies of plot plan (two reduced to 8 ½ by 11), plus additional submissions.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

Catalyst Development, LLC

Signed _____

By George Giunta, Jr., Esq.

Title _____



**New Two Family Residence
249 Garden Road
Needham, MA**

June 21, 2020

PROJECT DIRECTORY

GENERAL NOTES

CODE

GOVERNMENT BUILDING CODE
THE MASSACHUSETTS BUILDING CODE, 9TH EDITION
CONSTRUCTION TYPE

OWNERS

**New Two
Family
Residence
249
Garden Road
Needham, MA**

ARCHITECT:
McKay Architects
35 Bryant Street
Dedham, MA 02026
781-326-5400

DOCUMENT LIST

GRAPHIC SYMBOLS

MATERIAL SYMBOLS

ABBREVIATIONS

[illegible]

REV #	DATE	ISSUANCE
-------	------	----------

OWNERSHIP: A USE OF DOCUMENTS

Three of the world's most significant libraries are the property and copyrights of Microsoft: Apple's and IBM's and shall not be used to build on the past, or shall be assigned to a David pair without the explicit written permission of Mickey.

Architect:
 Carol Radner to verify all information and observations in the field project be part of construction and to verify Mickey's Architect of any design project.

Title Sheet

JOB NO	097
DATE	06/07/06
DWG BY	JB
CMD BY	BLMT
SCALE	

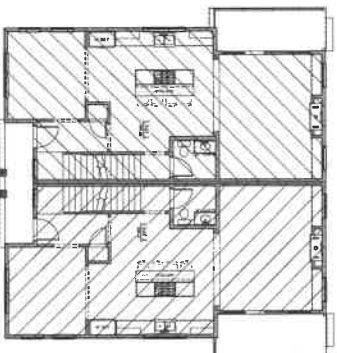
T-1.1

☒ BASEMENT UNIT 1 = 744 SF
☒ BASEMENT UNIT 2 = 744 SF
NOT INCLUDED IN PLAN



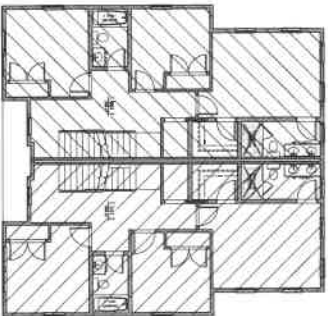
1
A-1.1
Basement Floor Plan
1/8" = 1'-0"

☒ FIRST FLOOR PAR UNIT 1 = 900 SF
☒ FIRST FLOOR PAR UNIT 2 = 900 SF
TOTAL FIRST FLOOR PAR = 1,800 SF



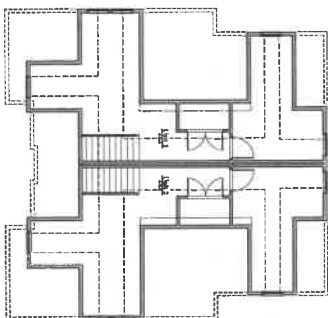
2
A-1.1
First Floor Plan
1/8" = 1'-0"

☒ SECOND FLOOR PAR UNIT 1 = 900 SF
☒ SECOND FLOOR PAR UNIT 2 = 900 SF
TOTAL SECOND FLOOR PAR = 1,800 SF



1
A-1.2
Second Floor Plan
1/8" = 1'-0"

☒ ATTIC FLOOR PAR UNIT 1 = 542 SF
☒ ATTIC FLOOR PAR UNIT 2 = 542 SF
TOTAL ATTIC FLOOR PAR = 1,084 SF



2
A-1.2
Attic Floor Plan
1/8" = 1'-0"

SUMMARY	
LOT AREA	2500 SF
SAN. MAN.	2500 SF - 50' x 50'
BASEMENT	NOT INCLUDED IN PLAN
FIRST FLOOR	1,800 SF
SECOND FLOOR	1,800 SF
ATTIC	1,084 SF
TOTAL PAR	3,600 SF

New Two
Family
Residence
249
Garden Road
Needham, MA

OWNER

architect
McKay
35 State Street
Boston, MA 02109
P: 617-552-1234
www.mckayarchitect.com



DATE: MAY 2010

DATE: MAY 2010

SPECIAL PERMIT

DWG BY: JH

CHECK BY: JH

SCALE

Zoning
Compliance

T-1.2

New Two
Family
Residence
249
Garden Road
Needham, MA

OWNER

architects
mckay

30 New Street
Boston, MA 02109
Tel: 617.552.1000
Fax: 617.552.1001



DATE: 10/10/2010

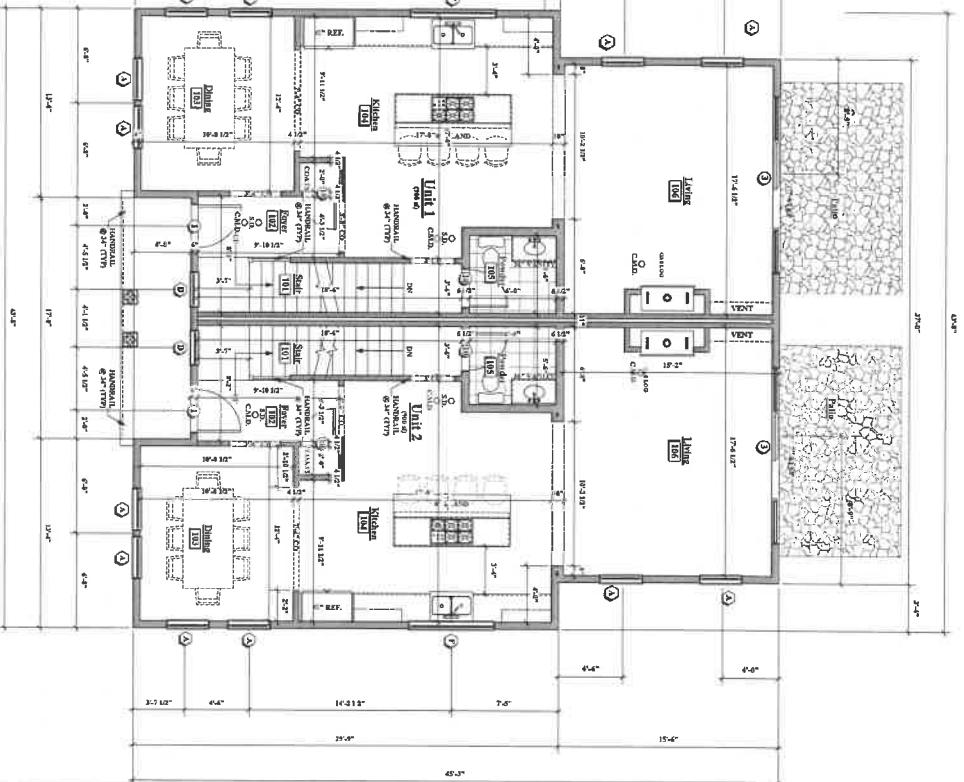
BY: J.B.

SCALE: 1/8" = 1'-0"

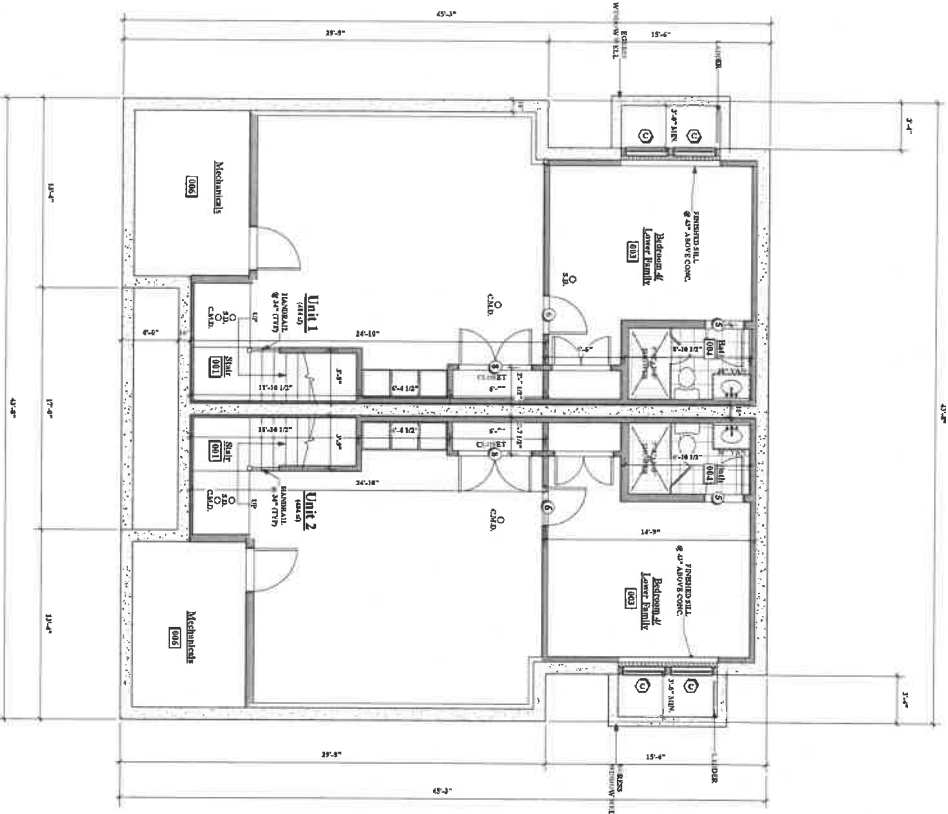
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF MCKAY ARCHITECTS. NO PART OF THESE DRAWINGS OR SPECIFICATIONS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MCKAY ARCHITECTS.

Basement and
First Floor Plan

A-1.1



2 First Floor Plan
1/8" = 1'-0"
800 SF FINISHED PER UNIT



1 Basement Floor Plan
1/8" = 1'-0"
704 SF FINISHED PER UNIT

New Two
Family
Residence
249
Garden Road
Needham, MA

OWNER

Joseph &
mckay
Architects
1000
1000
1000



DATE: 10/10/10

PROJECT: 249 Garden Road

DESIGNER: J&M

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

DISCLAIMER: THE ARCHITECT'S
DESIGN IS BASED ON THE INFORMATION
PROVIDED BY THE OWNER. THE ARCHITECT
DOES NOT WARRANT OR REPRESENT
THAT THE INFORMATION IS COMPLETE
OR ACCURATE. THE ARCHITECT IS NOT
RESPONSIBLE FOR ANY OMISSIONS
OR ERRORS IN THE INFORMATION
PROVIDED BY THE OWNER.

Second and
Attic Floor Plans

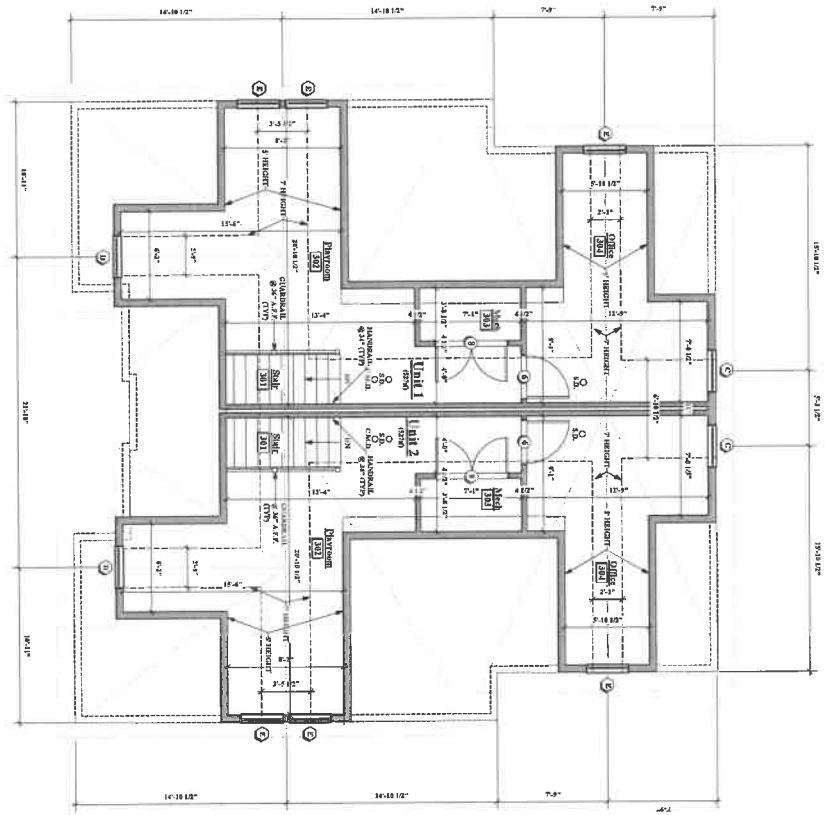
200 NO.

DATE: 10/10/10

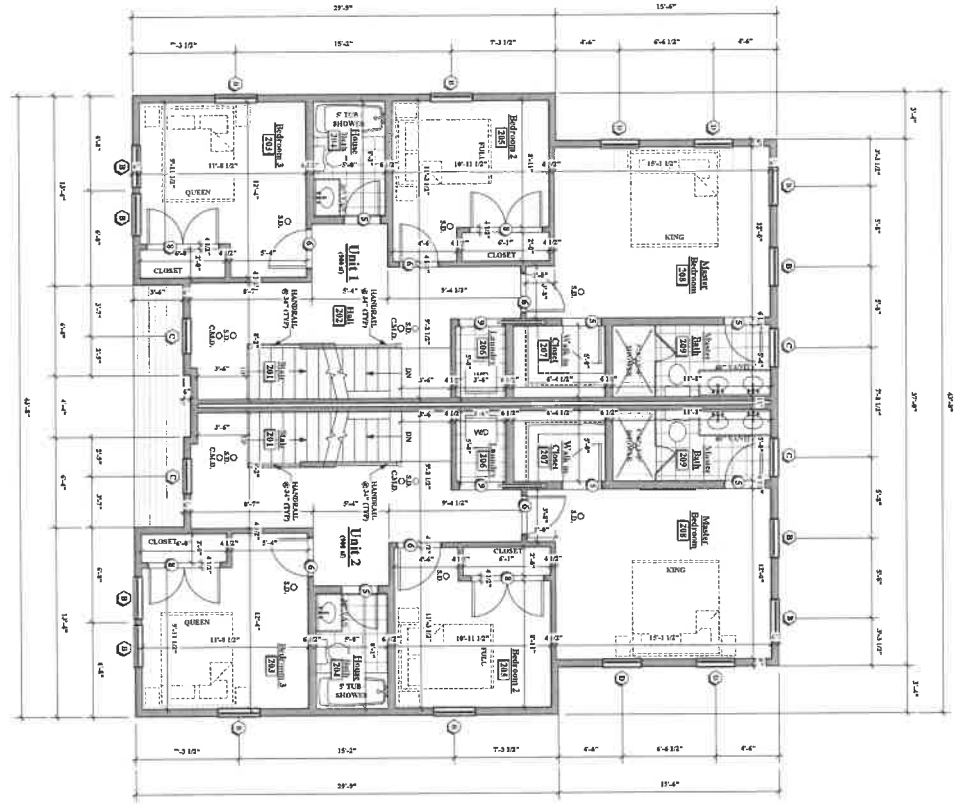
SPECIAL PERMIT: 20

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

A-1.2



2
Attic Floor Plan
1/4" = 1'-0"
542 SF FINISHED PER UNIT



1
Second Floor Plan
1/4" = 1'-0"
900 SF FINISHED PER UNIT

OWNER



KEY #	DATE	ISSUANCE
-------	------	----------

[illegible]

COWDERSHIP & LINK-UP POLARIZATE

These drawings and specifications are the property and copyright of Mickey Architects and shall not be used by anyone else in part, or shall be assigned to a third party without the express written permission of Mickey Architects.

Contractor to verify all dimensions and dimensions in the field prior to start of construction and file to verify Mickey Architects of any discrepancies.

1

JOID NO	007
DATE	04/17/06
DWG BY	JB
CAD BY	MLM
SCALE	

A-2.1

CONCLUSIONS

Dr. Robert Edward
Dougherty
M.D., CCDEP
pdx 781.888.5400
www.dr.doughertybio.com



KEY#	DATE	ISSUANCE
------	------	----------

CONSIDERABLE A LACK OF DOCUMENTS

There is a primary lack of specifications for the equipment and supply lists of the Agency. An architect would not be used to make or to pay for, or that be adopted as a third party without the receipt of written permission of the Agency. At clients.

Contractors to verify all information used and documents to be filed prior to start of construction and to be notified by the architect of any discrepancies.

Right Elevation

JOB NO	007
DATE	04/17/00
DWG BY	JB
CAD BY	MM
SCALE	

A-2.2

New Two
Family
Residence
249
Garden Road
Needham, MA

OWNER:

mpirellas
mckay

1000 Main Street
Boston, MA 02128
617.552.1234
www.mckaympirellas.com



REAR ELEVATION

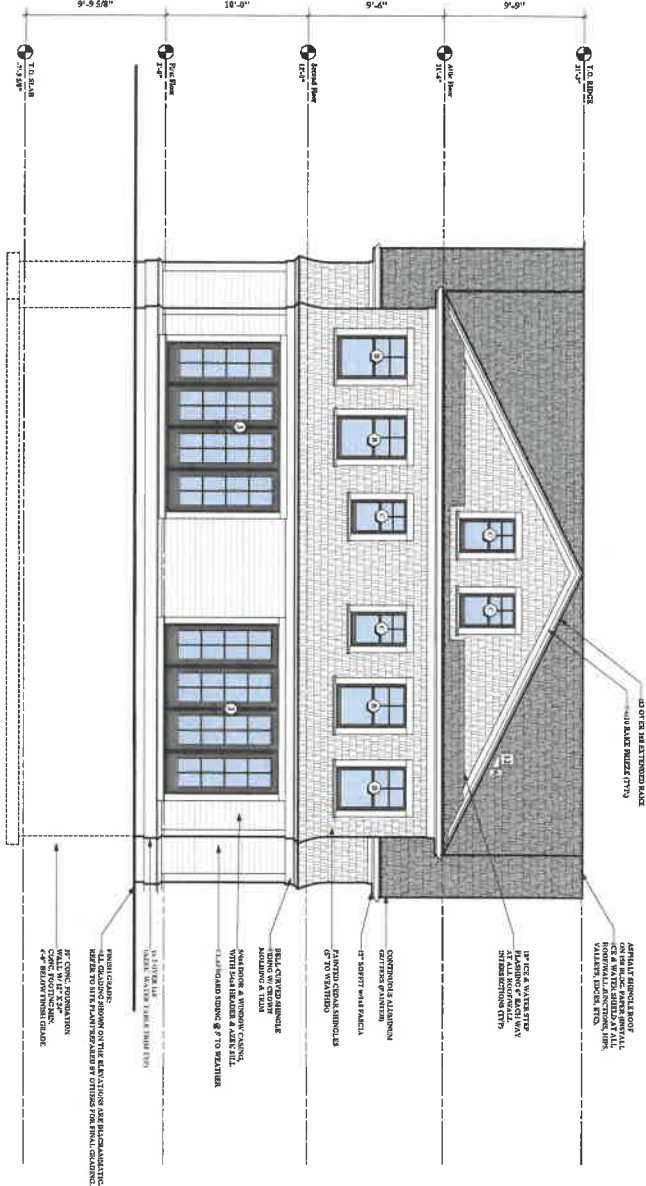
CONSTRUCTION & MATERIALS

1. All exterior walls to be finished with white horizontal siding.
2. All exterior windows to be finished with white frames and dark shutters.
3. All exterior doors to be finished with white frames and dark shutters.
4. All exterior trim to be finished with white paint.
5. All exterior roof to be finished with asphalt shingles.
6. All exterior foundation to be finished with concrete block.

Rear Elevation

DATE	NOV 12
BY	MP
DATE	NOV 12
BY	MP
DATE	NOV 12
BY	MP

A-2.3



1
Rear Elevation
A-2.3

New Two
Family
Residence
249
Garden Road
Needham, MA

OWNER

graphix
mckay

73 South Street
Boston, MA 02111
Tel: 617.552.6666
www.graphixmckay.com



NOT TO SCALE

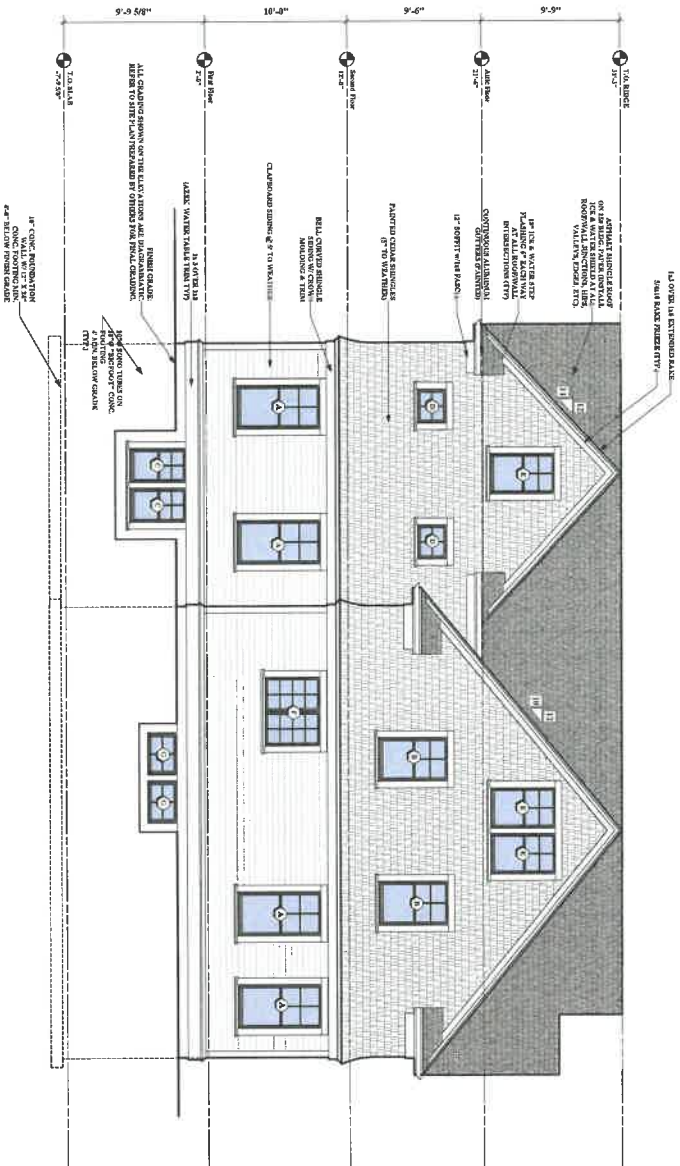
STANDARD & SPECIFICATIONS

1. All work shall be in accordance with the latest edition of the Massachusetts Building Code, unless otherwise specified.

Left Elevation

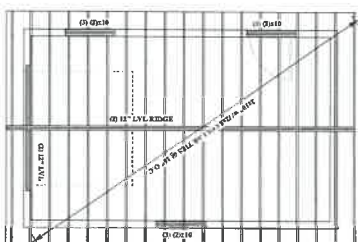
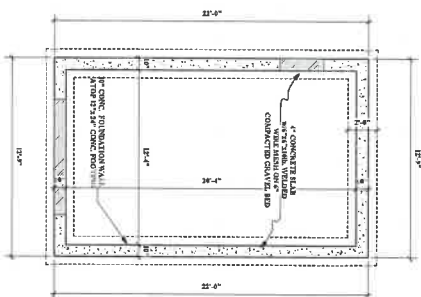
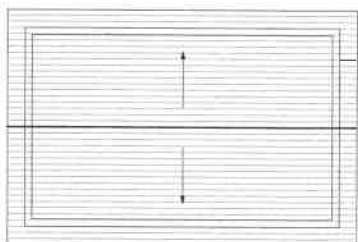
DATE	REV
04/10/20	1
DESIGNED BY	20
CHECKED BY	MLA
SCALE	

A-2.4



1
A-2.4
Left Elevation
1/4" = 1'-0"

OWNERS



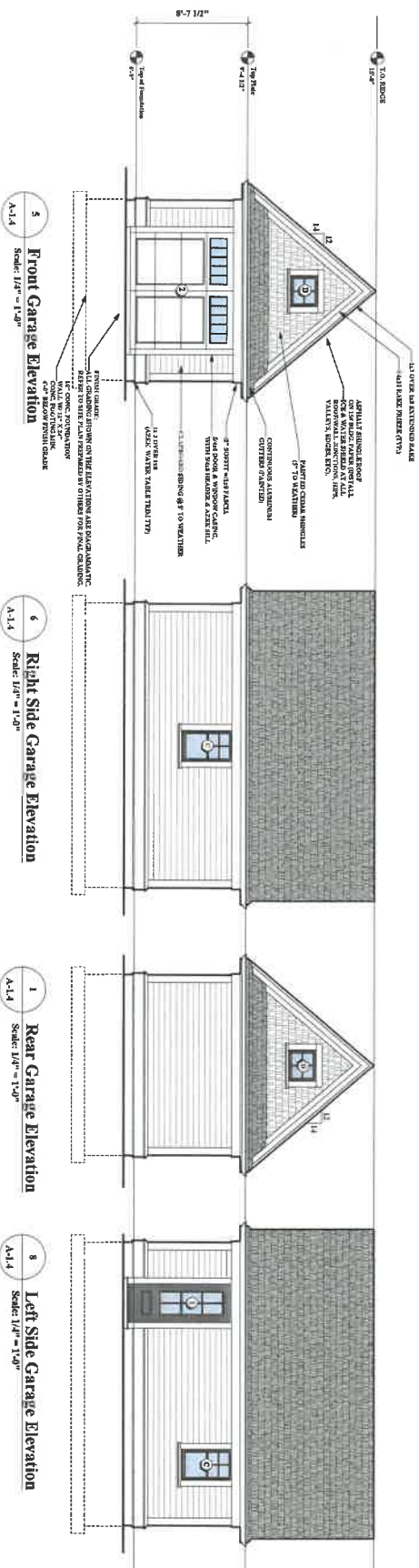
2
A-1.4
Garage Roof Plan
Scale 1/4" = 1'-0"

3
A-1.1
Garage Foundation Plan
Scale: 1/4" = 1'-0"

4
A-1.4

Garage Roof Framing

Scale: 1/4" = 1'-0"



5
A-1.4

Front Garage Elevation

Scale: 1/4" = 1'-0"

6
A-1.4
Right Side Garage Elevation
Scale: 1/4" = 1'-0"

1 Rear Garage Elevation
Scale: 1/4" = 1'-0"

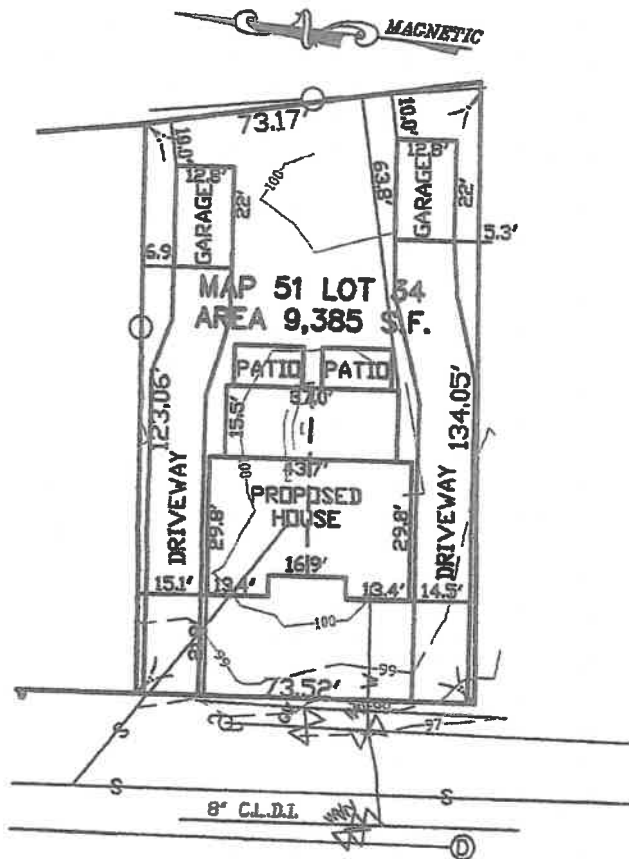
8
A-1.4
Left Side Garage Elevation
Scale: 1/4" = 1'-0"

Garage Plans & Elevations

A-1.4

JOB NO	002
DATE	6/6/72
DWG BY	JB
CDD BY	ML31
SCALE	

A-1.4



GARDEN STREET

SCALE: 1"=40'

PROPOSED PLAN
249 GARDEN STREET
NEEDHAM, MA.

PREPARED BY
MIKHAIL R. DEYCHMAN

TEL.: 857-498-0951

DATE: JUNE 16, 2020

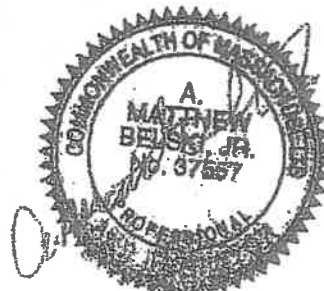
ZONE SRB	ZONING REQUIREMENTS	PROPOSED DIMENSIONS
LOT AREA	10,000 S.F.	9,385 S.F.
FRONTAGE	80 FT.	73.52 FT.
SETBACK FRONT	20 FT.	21.8 FT.
SETBACK SIDEYARD	12.5 FT.	15.1/14.5 FT.
SETBACK REARYARD	20.0 FT.	63.8 FT.

REFERENCES:

NORFOLK COUNTY REGISTRY OF DEEDS

1. BOOK 29556 PAGE 98
2. BOOK 4347 PAGE 42

PROPOSED HOUSE FOOTPRINT 1,800 S.F.
PROPOSED GARAGES 563 S.F.
PROPOSED DRIVEWAYS 2,325± S.F.
PROPOSED LOT COVERAGE: 19.2%
PROPOSED OPEN SPACE: 50.0%
PROPOSED HEIGHT OF HOUSE 34.6'



6/18/20

A. MATTHEW BELSKI JR. P.L.S. No. 37557

**MICHAEL A. CROWE
ATTORNEY AT LAW
200 HIGHLAND AVENUE
SUITE 306
NEEDHAM, MA 02494
781-444-5855
MICHAELACROWEESQ@GMAIL.COM**

June 22, 2020

Via email: TownClerk@needhamma.gov
Dcollins@needhamma.gov

RE: Property: 1545 Central Avenue, Needham, MA 02492
Application for Amendment of a Special Permit.

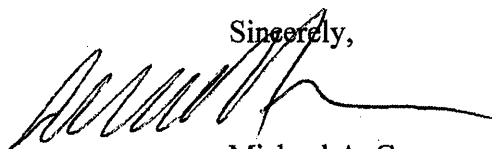
Dear Sir/Madam:

Attached please find the following:

Needham Zoning Board of Appeals Application for Hearing
1962 Special Permit Applicant is requesting to Amend.
Site Plans-Proposed and Existing Conditions.
Ariel Photo'
Construction Plans and Renderings.
Stormwater Master Plan
Stormwater Pollution Prevention Plan
Drainage Analysis
Lighting Plan
Copy of Check for Application fee in the amount of \$200.00 that is being mailed to the ZBA today.

Please schedule this matter for hearing at the July 16, 2020 meeting. Thank you for your assistance and cooperation in this regard, and please call me if you require anything else or if you have any questions.

Sincerely,



Michael A. Crowe



**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: 6/22/2020

Name of Applicant or Appellant: Needham Pool & Racquet Club, Inc.

Address: 1545 Central Avenue, Needham, MA 02492

E-mail address: _____

Daytime telephone: _____

Cell phone: _____

Additional contact information, (ie: contractor ☐, architect ☐, builder ☐, attorney ☒)

Michael A. Crowe, 200 Highland Avenue, Suite 306, Needham, MA
781-444-5855, cell 781-248-8645, michaelacroweesq@gmail.com

Address/Location of Property 1545 Central Avenue

Assessor map/parcel number Map 226 Lot 21 & 22

Zone of property: SRA

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☒ Yes ☐ no

Applicant is: ☒ owner ☐ tenant ☐ prospective tenant ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☐ residential or ☒ commercial

If residential renovation, will renovation constitute "new construction"? ☐ yes ☐ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☐ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B

☒ Amendment

☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions: Nine + acres of land with swimming pools, clubhouse, tennis courts and accessory facilities, all pursuant to a Special Permit issued in 1962.

Statement of relief sought: Seeking to amend the Special Permit to allow construction of 3 Paddle Tennis Courts, warming hut, viewing stands, fencing and lighting, and operation of the same from October to May.

Applicable Section(s) of Zoning By-Law: 7.5.2, 3.2.1, 4.1.6.3, and 5.1, or any applicable sections of the By-laws.

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: _____

Date structure(s) on lot constructed (including any additions): _____

Date lot created: _____

A certified plot plan, prepared by a registered surveyor, must be attached to this application at time of filing. An application will be returned if a copy of the plot plan is not attached to the application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require a copy of plot plan.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

Signed

Title

Attorney For Needham Park & Racquet Club, Inc.

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

TOWN OF NEEDHAM
MASSACHUSETTS

BOARD OF APPEALS

DECEMBER 11, 1962

E. h. # 34
KES 3/14/63

Marian S. Peterson
Town Clerk

NEEDHAM POOL AND RACQUET CLUB, INC.

Upon the application of the Needham Pool and Racquet Club, Inc., Needham P.O. Box 163 or 120 Whitman Road, Needham, Massachusetts, (prospective purchaser) to the Board of Appeals for a special permit under Section 22 of the Zoning By-Law, or any other applicable provision of the building or zoning by-laws necessary to use a certain parcel of land containing approximately nine acres, presently owned by WHDH, Inc., and situated on the northerly side of Central Avenue, in Needham, Massachusetts, for a private club, consisting of swimming pool approximately 42' x 100', diving pool approximately 30' x 30', wading pool approximately 20' x 40', building containing locker rooms, pool manager's office, filter room and canteen, tennis courts, and related and similar recreational facilities; a public hearing was held at the Newman Junior High School, Needham, Massachusetts, on Tuesday, December 11, 1962, in the evening, pursuant to notice thereof mailed to all persons interested and published in a local newspaper.

David Abbott, of 120 Whitman Road, Needham, President of said Needham Pool and Racquet Club, Inc., was present at the hearing and stated that he would represent the petitioner club. He stated that the Needham Pool and Racquet Club, Inc., is a duly organized Massachusetts corporation and submitted all pertinent papers to the Board for examination. He also presented a copy of minutes of meeting of the Directors of the corporation held Monday, November 6, 1962, authorizing him as President of the corporation, to make application for a hearing before the Board. He stated that he had been before the Board at an earlier date and that basis for requesting said special permit remained unchanged, that the corporation holds an option to lease approximately 9 acres of land fronting on Central Avenue immediately to the right of the access road to WHDH, Inc., facilities; said option and copy of corporation by-laws having been submitted to the Board.

He proceeded to state that this club had been conceived two years ago, that such private clubs are commonplace throughout New England, that they would provide a 42' x 100' swimming pool, a 30' x 30' diving pool, and a 20' x 40' wading pool, all of which would be enclosed by a Walpole type of fencing. There would also be a building to house all facilities such as manager's office, locker rooms, filter room and canteen. There would also be tennis courts and parking facilities for at least 1/2 of membership of club. He said that information gained from surveys of such clubs indicates that 1/5th to 1/3rd of entire membership will visit pool on an average day, 1/2 may use pool on a holiday. He stated that they had held meetings with Board of Health, had discussed the proposed activity with police and fire departments and public utilities, etc. He further stated that at least 20 of the member families reside in the Charles River area, that he has recently moved to this part of the town and still feels the same about the location of club as he did before, that it is believed that when completed this will be a \$100,000. project and that it will enhance the neighborhood. He called attention to the many non-residential activities now established in the general area, citing the existence of 3 radio towers, the Nike site, town recreational playground, model airplane area, hockey rink for town team, proximity of old town dump and a riding stable nearby. He referred to statements made by Chief of Police Henderson and Sgt. Louis Roman at recent court hearing to the effect that such an

activity would not establish a traffic hazard. He then presented pictures showing this to be an isolated area, and a map of town on which red markings indicated that membership would come from all areas of the Town.

In closing Mr. Abbott stated that this was to be a family type of club under supervision and with life guards present at all times, closing at 9:00 p. m. with provision for inspection after hours; that entire area would be enclosed and locked; that there would be no food prepared on premises and that a definite area would be set aside where food could be consumed. In response to questions from Board he stated that the nearest boundary line from pool to a dwelling house would be about 500'.

Chairman Herbert L. Moore explained to those present the purpose of coming before the Board, stating that this is not a request for a variance; that we are dealing with an allowed usage under the Zoning By-Laws, namely private clubs provided they are not detrimental to the neighborhood.

Attorney Alfred L. Podolski, 4 Pearl Street, Dedham, Massachusetts, was present and stated that he represented a group of approximately 200 persons who were opposed to the granting of the special permit. He read the petition and presented same to the Board. The prime reasons set forth were depreciation of property values, esthetic values and traffic. Attorney Podolski also made reference to the fact that W. H. D. H. property is already subject to a variance and read excerpts from a decision rendered by Zoning Board of Appeals in 1947.

Attorney Podolski stated that he had not appeared at the first hearing, but had represented a group of abutters who had appealed from the decision of the Board and that said appeal had resulted in nullification by the court, stating that the Board had been in error.

Chairman Moore requested Attorney Podolski to read aloud the entire decree handed down by court. This revealed that the court had not made a ruling on the merits of the case but purely on the legal status of the Needham Pool and Racquet Club at that time.

Attorney Podolski then requested and received permission to examine all corporation papers presented to the Board by the petitioners.

The following persons then spoke in opposition to the granting of the special permit:

Edgar L. Mumford	1544 Central Avenue	Needham
Theodore Trudeau	1595 Central Avenue	"
Benjamin Gordon	60 Pine Street	
Mrs. Richard Burnham	41 " "	
Mrs. Roland Studley	248 Charles River Street	
H. Kent Crabtree	1600 Central Avenue	
Ragnar Hansen	1430 Central Avenue	
Herbert S. Williams	37 Pine Street	
Harold W. Jones	338 Charles River Street	
Dawson Brown	443 Central Avenue	
George Caulton	38 Crescent Road	Needham Heights

The observations voiced by the opponents were all similar in that they felt that the existence of a private club in this area would add to the municipal recreational uses which they had to accept, that there would be added traffic to what they termed to be an already hazardous situation on Central Avenue, that they had purchased their homes in that section of the town because of its countryside atmosphere and that the proposed use would depreciate property values in the area.

-continued-

Needham Pool and Racquet Club, Inc.

December 11, 1962

Page 3

Mr. Richard Burnham, 41 Pine Street, stated that he felt it his duty to express his opinion as a realtor of 25 years experience, 17 of which had been in Needham, as to how properties would be affected in value. He stated that he was convinced that there would be fewer buyers interested in the area, that price of properties would be reduced, and that the length of time it would take a property owner to dispose of home would all be costly to seller.

Harold W. Jones, 338 Charles River Street, requested information as to how pool was to be drained due to swampy land around radio towers.

In reply to this Mr. Abbott stated that anyone familiar with operation of a pool knows that water is not drained. Pool water is circulated, filtered and heated....that it might have to be drained once a year, and furthermore the location of proposed pool is on high land.

In closing Mr. Abbott commented that a great deal of reference had been made earlier in hearing to a petition with 200 signatures, and he wished to submit membership list of 202 people, which included 20 families residing in the area, and asked that the Board also take that list into consideration.

In rebuttal, Attorney Podolski brought up the subject of adequate drainage facilities and was informed by the Board that petitioners would have to comply with all health and sanitary requirements of the Town of Needham.

He also requested that the Board of Appeals request the Board of Selectmen to have a traffic count in this area.

There was no recommendation from the Town Planning Board presented at the hearing.

Hearing closed at 9:10 p.m.

Proceeding to consideration, the Board has examined all documents submitted and finds the Needham Pool and Racquet Club, Inc., to be a Massachusetts corporation de facto, holding necessary options to qualify as a petitioner for the special permit requested and that by vote of the corporation David Abbott, President, was authorized to sign application for permit and to represent the corporation at this hearing.

By the preamble to petition submitted by objectors and by the attorney representing same, the point has been raised that granting this special permit would not be consistent with the terms of the variance granted W.H.D.H. Inc., for radio transmission November 19, 1947. The Board finds this point not well taken since the variance referred to specifies uses permitted by variance and states: "and that the Building Inspector be and he hereby is authorized to issue such permits as may be necessary for the use of this land for the purpose specified, but for no other purpose not consistent with the provisions of the Zoning By-Law."

The proposed use as a private club not conducted as a business is consistent with the provisions of the Zoning By-Law since it is specifically permitted by subsection 4 of Section 3.

The proposed use is authorized by the Zoning By-Law unless the Board of Appeals shall find such particular use to be detrimental or injurious to the neighborhood. The Board cannot find that recreational facilities either public or private are, within the meaning of the Zoning By-Law inherently detrimental or injurious to a neighborhood, and is 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, Memorial Park, Cricket Field, etc. Practically, all in areas more congested than the area in question here. The Board does not doubt but that in each of these areas there are those who find in the resulting noise and traffic something they would rather not have, but who accept same as an integral part of community living.

-continued-

There is no visible evidence that property has deteriorated in any of these areas.

The Board does not feel that in an area as isolated as the proposed site of the Needham Pool and Racquet Club, Inc., there could be any excessive volume of noise, in this case voices, mainly children, which would prove detrimental to the area. This would of necessity be a day-time activity, confined to the warm months of the year and such voices as could be heard would be muffled by a belt of trees and at a distance of from 500 to 1,000 feet to nearest dwellings.

The Board realizes that any added activity in these times usually means added automobile traffic, even though it be the construction of dwelling houses. It does not feel that the additional traffic accessory to this activity, spread out over eight or ten hours a day would be noticeable on a major artery such as Central Avenue.

It is the unanimous opinion of the Board that the proposed use, as permitted by the Zoning By-Law, will not be ^{detrimental or} injurious to the neighborhood, if made subject to proper restrictions and conditions.

By unanimous vote the Board authorizes the Building Inspector to issue the requested special permit subject to following restrictions and conditions:-

1. The permit shall be issued to the Needham Pool and Racquet Club, Inc., Needham, Massachusetts, as a non-profit organization, and shall not be transferable, and club activities are to be restricted to those enumerated in the application for special permit, namely: swimming, diving, and wading pools, tennis courts, and related and similar activities.
2. The nearest point of the pools shall be not less than 600' from the nearer street line of Central Avenue.
3. The pools shall be totally enclosed by a fence not less than 6' in height, and all entrances shall be provided with suitable gates which shall be securely locked whenever pools are not in use.
4. It shall be the responsibility of the Needham Pool and Racquet Club, Inc., to provide and maintain sanitary and drainage facilities as properly required by all Town authorities having jurisdiction.
5. There shall be no preparation of food for sale on the premises.
6. The pools shall be closed not later than 9:00 p.m. at which time the premises shall be vacated except for supervisory personnel.
7. Arrangements shall be made for periodic inspection after closing hours at night for the purpose of preventing trespassing.

-continued-

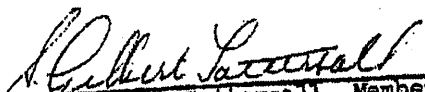
Needham Pool and Racquet Club, Inc.
September 11, 1962

5

8. Suitable signs shall be erected at points of entrance to properly designate the area as one for use of members only, and to prohibit all trespassing when pool is closed. Off street parking shall be provided for all cars.
9. It shall be the duty of the governing board of Needham Pool and Racquet Club, Inc. to maintain order and minimize noise, and in all ways to take such action as will promote a good neighbor attitude in the area.


Herbert L. Moore, Chairman


Enos G. Nickerson, Member

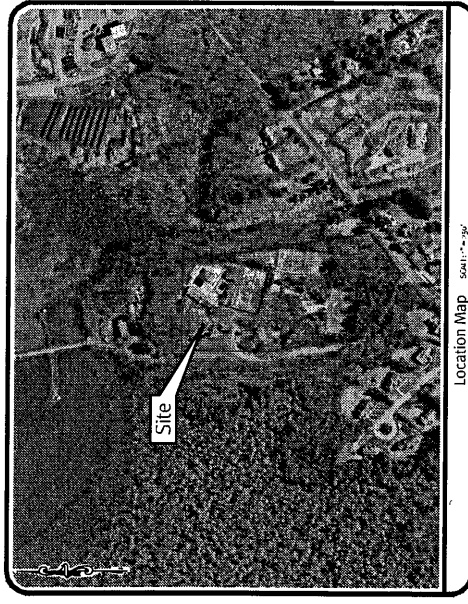

S. Gilbert Tattersall, Member

Special Permit -Proposed Paddleball Courts

Needham Pool & Racquet Club

1545 Central Ave
Needham, MA

Assessor's Map 226 Lot 21 & 22



Location Map Scale: 1" = 50'

Sheet Index

1. Cover Sheet
2. Overall Existing Conditions Plan
3. Overall Site Layout Plan
4. Site Layout Plan
5. Site Details

SESC / O&M
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.

Diprete Engineering

100 Washington Street, Suite 200, Needham Heights, MA 02459
(617) 426-0000 Fax: (617) 426-0001 www.diprete-engineering.com

Boston • Providence • Newport



Project No.	1545-01
Client	Needham Pool & Racquet Club
Location	1545 Central Ave, Needham, MA
Scale	As Shown
Date	10/10/2013
Drawn By	Raymond D. Kane
Checked By	Raymond D. Kane
Approved By	Raymond D. Kane

Cover Sheet
Needham Pool & Racquet Club
Tony DiStasio on Behalf of Needham Paddle Tennis LLC
3 Needham Street, Needham Heights, MA 02459
Tel: (617) 426-0000
Fax: (617) 426-0001
www.diprete-engineering.com

1 of 5

[illegible]

Site Layout Plan
Needham Pool & Racquet Club
Access to Map and Lot 22
Needham, Massachusetts
Prepared for
Tony DiBlasio on Behalf of Needham Paddle Tennis LLC
13 Westland Street, 2nd Floor, Needham, Massachusetts 02462
1-800-451-1939

4

W&O / O&M

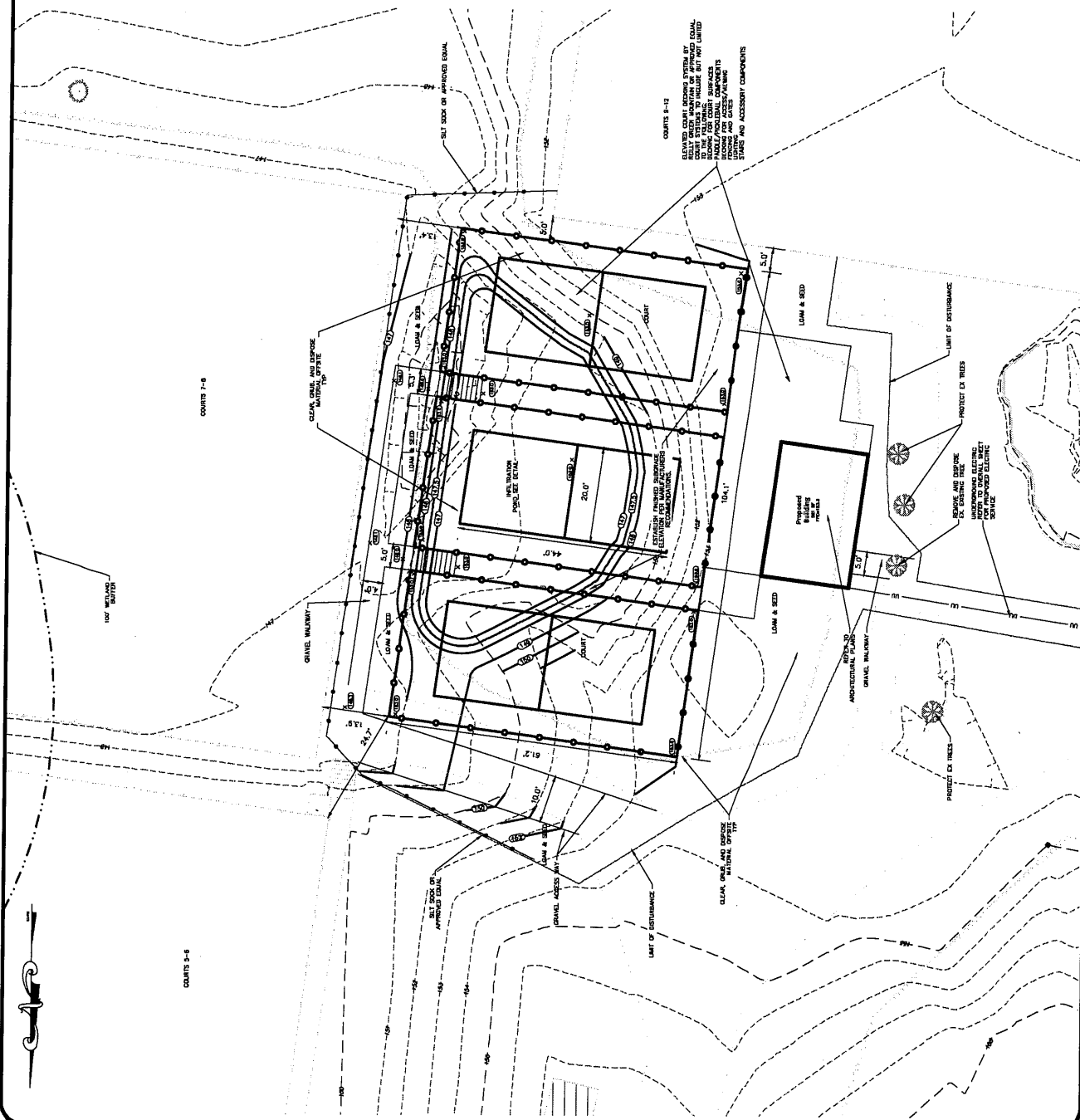
SESC / O&M
The Soil Erosion and Sediment Control Plan (SESC) and Operations and Maintenance Plan (O&M) are required documents with this plan set and must be maintained by the contractor and owner onsite.



Locus Map

NOTES:

1. REFER TO SHEET 5 OF 5 FOR NOTES.
2. ALL DISTURBED AREAS SHALL BE LOAMED AND SEEDED UNLESS OTHERWISE SPECIFIED ON THE PLANS.



NEW PLATFORM TENNIS WARMING HUT & ALUMINUM COURTS FOR THE:

NEEDHAM POOL & RACQUET CLUB

1545 CENTRAL AVENUE, NEEDHAM, MA 02492

ARCHITECTURAL DRAWING INDEX

ALL WORK TO BE IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE OF 2015

RTIC LLC
Rally Green Building Platform Tenis
300 Boston Post Road
Orange, Connecticut
203.756.5898

CONSULTANTS:

AG
GROVER GEDNEY
ARCHITECTS PC
4154 PLAZA
FIVE FIVE ZERO
NEWTON, MA 02459
TEL: 617-552-1500
FAX: 617-552-1501

FOR COORDINATION
8.15.2019

DATE	REVISION
8.15.2019	ISSUED
8.15.2019	FOR COORDINATION

PADDLE HUT & COURT
DRAWINGS FOR THE
NEEDHAM
POOL & RACQUET
CLUB
1545 CENTRAL AVE
NEEDHAM, MA 02492

DRAWING TITLE

TITLE SHEET
PROJECT INFO
SITE LAYOUT

CONTRACT NO.	30008-1
DATE	AS NOTED
REV	DEC 2019
BY	DJD
CHKD	CCAS
DATE	11-10-2019

NO. LOADS	REQUIRED	USE	NO. CHANGES	0
DRWG. NO.	DRWG. TITLE	DRWG. NO.	DRWG. TITLE	DRWG. NO.
1-100	TITLE SHEET	1-100	TITLE SHEET	1-100
2-100	GENERAL NOTES	2-100	GENERAL NOTES	2-100
3-100	AREA STANDARDS	3-100	AREA STANDARDS	3-100
4-100	DECK CONSTRUCTION DETAILS	4-100	DECK CONSTRUCTION DETAILS	4-100
5-100	MARKING NET FLOOR / ROOF PLAN	5-100	MARKING NET FLOOR / ROOF PLAN	5-100
6-100	MARKING NET ELEVATIONS	6-100	MARKING NET ELEVATIONS	6-100
7-100	MARKING NET BUILDING SECTIONS	7-100	MARKING NET BUILDING SECTIONS	7-100
8-100	MARKING NET ELEVATION DETAILS	8-100	MARKING NET ELEVATION DETAILS	8-100
9-100	MARKING NET STRUCTURE & ELEVATION PLAN	9-100	MARKING NET STRUCTURE & ELEVATION PLAN	9-100
10-100	COURT STRUCTURE	10-100	COURT STRUCTURE	10-100
11-100	COURT ELEVATION DETAILS	11-100	COURT ELEVATION DETAILS	11-100
12-100	COURT CONSTRUCTION DETAILS	12-100	COURT CONSTRUCTION DETAILS	12-100

PROJECT INFORMATION

GENERAL NOTES:

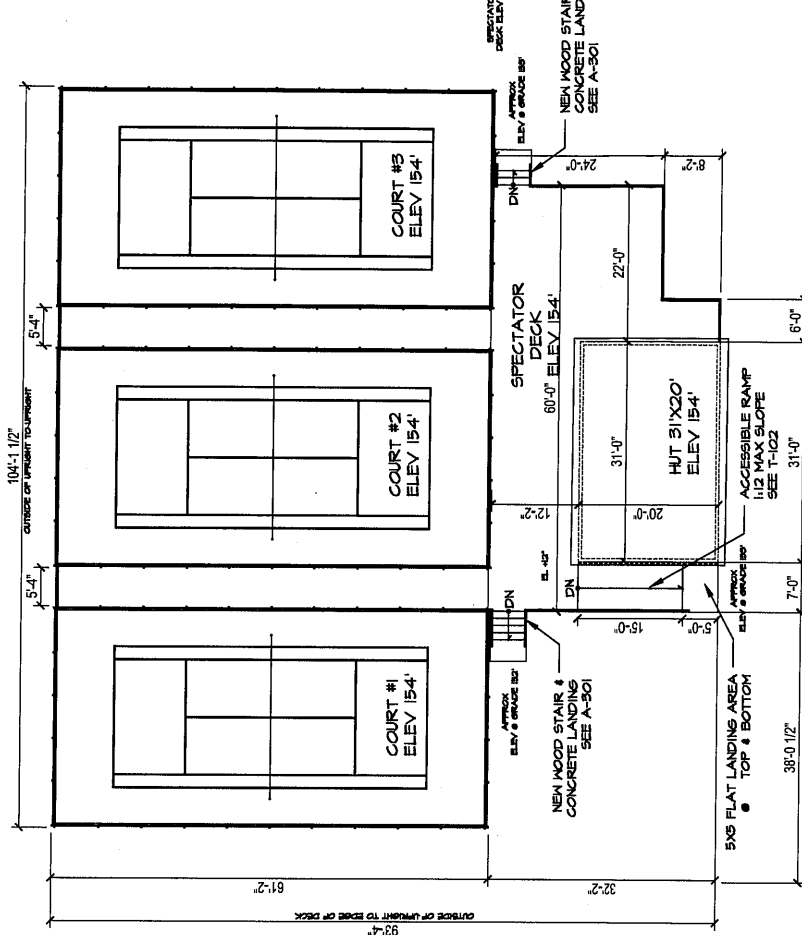
1. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD PRIOR TO START OF CONSTRUCTION.
2. THE CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES - CONSISTING OF A SILT FENCE OR HAY BALES AS REQUIRED TO PREVENT SOIL EROSION IN ACCORDANCE WITH PLANS.
3. DISTURBED AREAS TO BE PLANTED OR RE-SEEDING AND STABILIZED IMMEDIATELY.
4. THE CONTRACTOR SHALL OBTAIN ALL PERMITS REQUIRED PRIOR TO START OF CONSTRUCTION.
5. ALL ELECTRICAL AND FIRE PROTECTION WORK IS REQUIRED TO MEET 2008 NATIONAL ELECTRICAL CODE WITH 2015 IBC / AND NFPA 70-2015

USE & OCCUPANCY (MARKING HUT)	AREA (SQ. FT.)	DECK LOAD	MARKING HUT
USE 1: MARKING HUT	100 SF	40 PSF	100 PSF
USE 2: MARKING HUT	100 SF	40 PSF	100 PSF
USE 3: MARKING HUT	100 SF	40 PSF	100 PSF
USE 4: MARKING HUT	100 SF	40 PSF	100 PSF
USE 5: MARKING HUT	100 SF	40 PSF	100 PSF
USE 6: MARKING HUT	100 SF	40 PSF	100 PSF
USE 7: MARKING HUT	100 SF	40 PSF	100 PSF
USE 8: MARKING HUT	100 SF	40 PSF	100 PSF
USE 9: MARKING HUT	100 SF	40 PSF	100 PSF
USE 10: MARKING HUT	100 SF	40 PSF	100 PSF
USE 11: MARKING HUT	100 SF	40 PSF	100 PSF
USE 12: MARKING HUT	100 SF	40 PSF	100 PSF
USE 13: MARKING HUT	100 SF	40 PSF	100 PSF
USE 14: MARKING HUT	100 SF	40 PSF	100 PSF
USE 15: MARKING HUT	100 SF	40 PSF	100 PSF
USE 16: MARKING HUT	100 SF	40 PSF	100 PSF
USE 17: MARKING HUT	100 SF	40 PSF	100 PSF
USE 18: MARKING HUT	100 SF	40 PSF	100 PSF
USE 19: MARKING HUT	100 SF	40 PSF	100 PSF
USE 20: MARKING HUT	100 SF	40 PSF	100 PSF

ENERGY STATEMENT

TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGMENT, THE DESIGN AND CONSTRUCTION OF THIS PROJECT WILL COMPLY WITH THE 2008 INTERNATIONAL ENERGY CONSERVATION CODE.

DESIGN LOADS	FLOOR LOAD - COURTS
GROUND FLOOR - SPORT VIEWING	UNLIMITED OCC.
LIVE LOAD	100 PSF
DEAD LOAD	40 PSF
TOTAL LOAD	140 PSF
ROOF - FRAMED	UNLIMITED OCC.
LIVE - SNOW/ICE	30 PSF
DEAD LOAD	10 PSF
TOTAL LOAD	40 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF
MINIMUM / MAXIMUM	40 PSF / 10 PSF



1 COURT/HUT LAYOUT
SCALE: 1/8" = 1'-0"

NOTED TO SITE PLAN BY OTHERS

NO USE, REPRODUCTION OR DISSEMINATION MAY BE MADE OF THIS DRAWING AND THE CONTENTS SET FORTH THEREON WITHOUT THE PRIOR WRITTEN CONSENT OF RALLY GREEN BUILDING PLATFORM TENIS

QSA NUMBER	3906-1
DATE	AS NOTED
DATE	DEC 2019
WORK	DJD
PROJECT	CCAS
SHEET NUMBER	T-102
OWNER	
DATE	

NO USE. REPRODUCTION OF DISSEMINATION MAY BE MADE OF THIS DRAWING AND THE CONCEPTS SET FORTH HEREON WITHOUT THE PRIOR WRITTEN CONSENT OF RELIANCE CORPORATION. THIS DOCUMENT IS CONFIDENTIAL.

RPTG LLC
Rally Green Mountain Platform Trails
300 Boston Post Road
Orange, Connecticut
203.795.5996

CONSULTANTS:
CROZIER GEANEY
ARCHITECTS, PC
41 ELM PLACE
NORWICH, CT 06250
PH: 860-947-9000
FAX: 860-947-6071

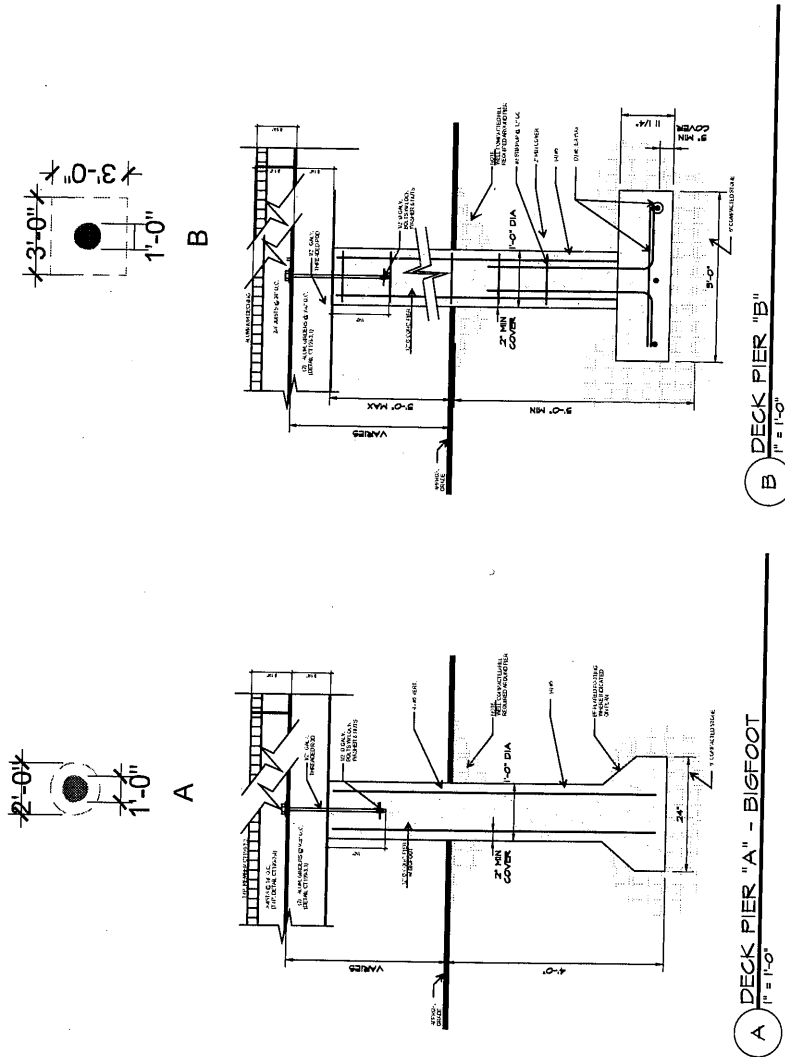
FOR COORDINATION
8.15.2023

NO.	REVISION	DATE
1	ISSUED	8/15/2023
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

PADDLE HUT & COURT
DANES HARTHE
NEEDHAM,
POOL & RACQUET
CLUB
1545 CENTRAL AVE
NEEDHAM, MA 02442

DRAWING TITLE
SPEC DECK
DETAILS

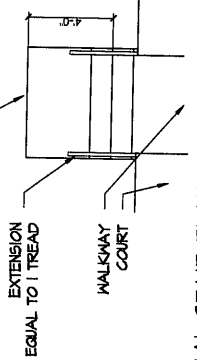
PROJECT	3008-1
DATE	AS NOTED
DATE	DEC 2018
DATE	DUD
DATE	CCAS
DATE	SD-101



A DECK PIER "A" - BIGFOOT
1" = 1'-0"

B DECK PIER "B"
1" = 1'-0"

TYP SET WOOD STAIRS
-7" MAX RISER / 11" MIN TREAD
-HANDRAIL ON BOTH SIDES
-PROVIDE 4'-0" LANDING AT BOTTOM



1 TYPICAL STAIR PLAN
3/8" = 1'-0"

THIS DRAWING IS THE PROPERTY OF RPTG LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RPTG LLC.

APRIL 1967

RPTC, LLC
Rally, Green Mountain Platform Tennis
300 Boston Post Road
Orange, Connecticut
203.795.5596

CONSULTANTS:
CROFTER SEENEY
ARCHITECTS, P.C.
41 ELM PLACE
NORWICH, CT 06050
PHONE: 860-542-6000
FAX: 860-542-6071

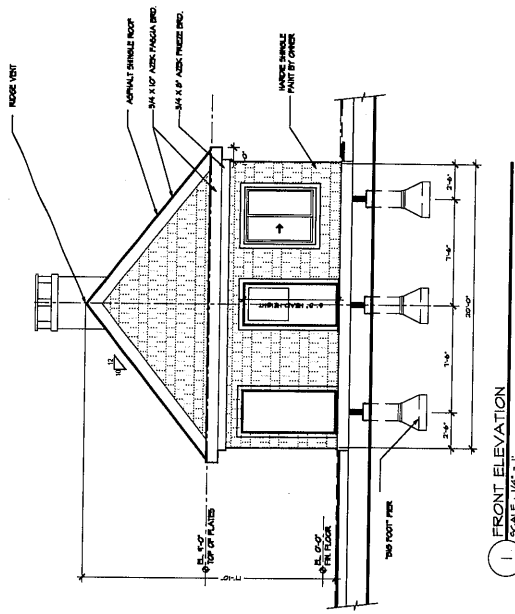
FOR COORDINATION:
8/15/2020

DATE	REVISION	REVISION
12/2/20	1	AS NOTED
12/2/20	2	AS NOTED
12/2/20	3	AS NOTED
12/2/20	4	AS NOTED
12/2/20	5	AS NOTED
12/2/20	6	AS NOTED
12/2/20	7	AS NOTED
12/2/20	8	AS NOTED
12/2/20	9	AS NOTED
12/2/20	10	AS NOTED
12/2/20	11	AS NOTED
12/2/20	12	AS NOTED
12/2/20	13	AS NOTED
12/2/20	14	AS NOTED
12/2/20	15	AS NOTED
12/2/20	16	AS NOTED
12/2/20	17	AS NOTED
12/2/20	18	AS NOTED
12/2/20	19	AS NOTED
12/2/20	20	AS NOTED
12/2/20	21	AS NOTED
12/2/20	22	AS NOTED
12/2/20	23	AS NOTED
12/2/20	24	AS NOTED
12/2/20	25	AS NOTED
12/2/20	26	AS NOTED
12/2/20	27	AS NOTED
12/2/20	28	AS NOTED
12/2/20	29	AS NOTED
12/2/20	30	AS NOTED
12/2/20	31	AS NOTED
12/2/20	32	AS NOTED
12/2/20	33	AS NOTED
12/2/20	34	AS NOTED
12/2/20	35	AS NOTED
12/2/20	36	AS NOTED
12/2/20	37	AS NOTED
12/2/20	38	AS NOTED
12/2/20	39	AS NOTED
12/2/20	40	AS NOTED
12/2/20	41	AS NOTED
12/2/20	42	AS NOTED
12/2/20	43	AS NOTED
12/2/20	44	AS NOTED
12/2/20	45	AS NOTED
12/2/20	46	AS NOTED
12/2/20	47	AS NOTED
12/2/20	48	AS NOTED
12/2/20	49	AS NOTED
12/2/20	50	AS NOTED
12/2/20	51	AS NOTED
12/2/20	52	AS NOTED
12/2/20	53	AS NOTED
12/2/20	54	AS NOTED
12/2/20	55	AS NOTED
12/2/20	56	AS NOTED
12/2/20	57	AS NOTED
12/2/20	58	AS NOTED
12/2/20	59	AS NOTED
12/2/20	60	AS NOTED
12/2/20	61	AS NOTED
12/2/20	62	AS NOTED
12/2/20	63	AS NOTED
12/2/20	64	AS NOTED
12/2/20	65	AS NOTED
12/2/20	66	AS NOTED
12/2/20	67	AS NOTED
12/2/20	68	AS NOTED
12/2/20	69	AS NOTED
12/2/20	70	AS NOTED
12/2/20	71	AS NOTED
12/2/20	72	AS NOTED
12/2/20	73	AS NOTED
12/2/20	74	AS NOTED
12/2/20	75	AS NOTED
12/2/20	76	AS NOTED
12/2/20	77	AS NOTED
12/2/20	78	AS NOTED
12/2/20	79	AS NOTED
12/2/20	80	AS NOTED
12/2/20	81	AS NOTED
12/2/20	82	AS NOTED
12/2/20	83	AS NOTED
12/2/20	84	AS NOTED
12/2/20	85	AS NOTED
12/2/20	86	AS NOTED
12/2/20	87	AS NOTED
12/2/20	88	AS NOTED
12/2/20	89	AS NOTED
12/2/20	90	AS NOTED
12/2/20	91	AS NOTED
12/2/20	92	AS NOTED
12/2/20	93	AS NOTED
12/2/20	94	AS NOTED
12/2/20	95	AS NOTED
12/2/20	96	AS NOTED
12/2/20	97	AS NOTED
12/2/20	98	AS NOTED
12/2/20	99	AS NOTED
12/2/20	100	AS NOTED

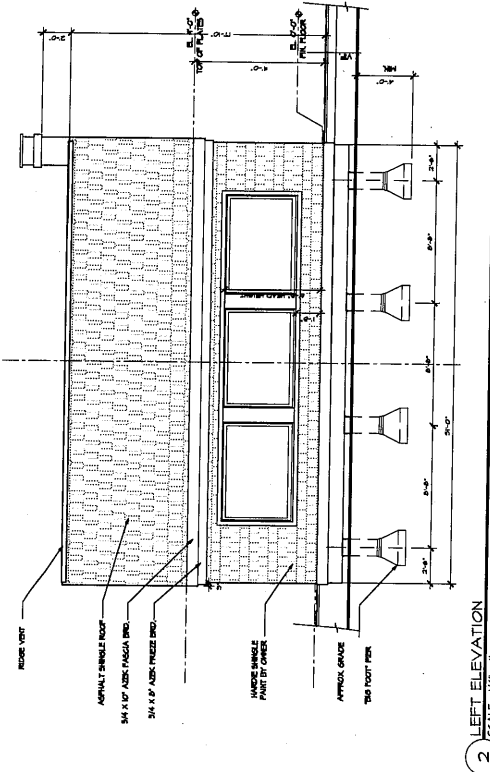
PACIFIC HAT & COURT
DRAWING FOR THE
NEEDHAM
POOL & RACQUET
CLUB
1545 CENTRAL AVE
NEEDHAM, MA 02462

OWNER TITLE
WARMING HUT:
ELEVATIONS

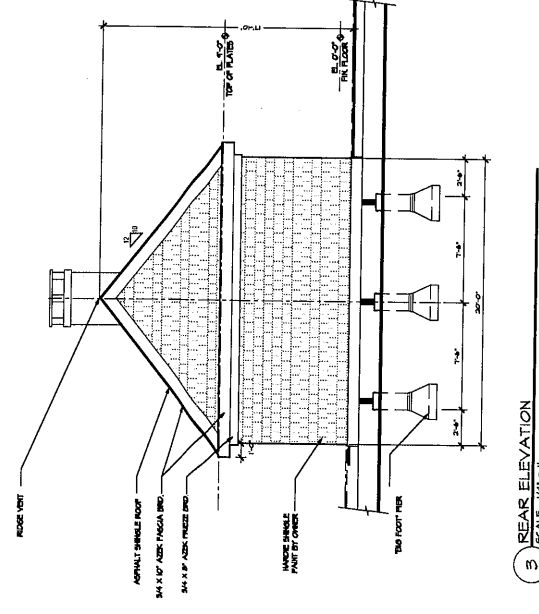
PROJECT #	3505-1
DATE	AS NOTED
BY	DEC 2019
CHECKED	DJD
DATE	COAS
SCALE	A-200
TITLE	
DATE	



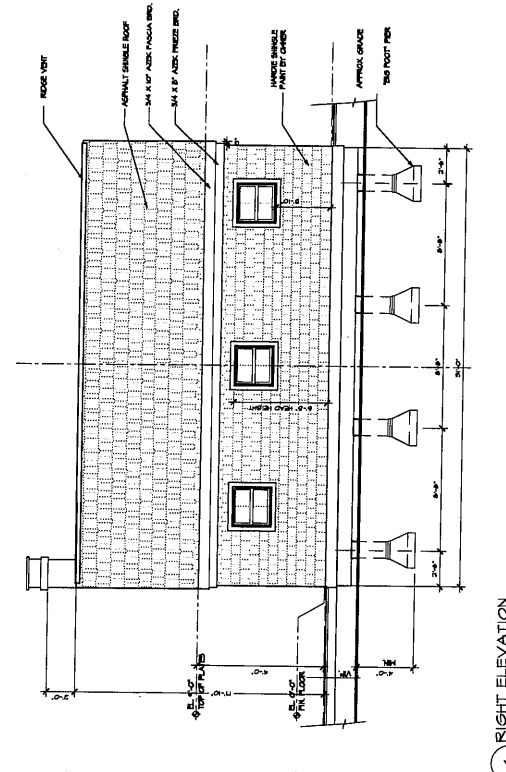
1 FRONT ELEVATION
SCALE: 1/4" = 1'



2 LEFT ELEVATION
SCALE: 1/4" = 1'



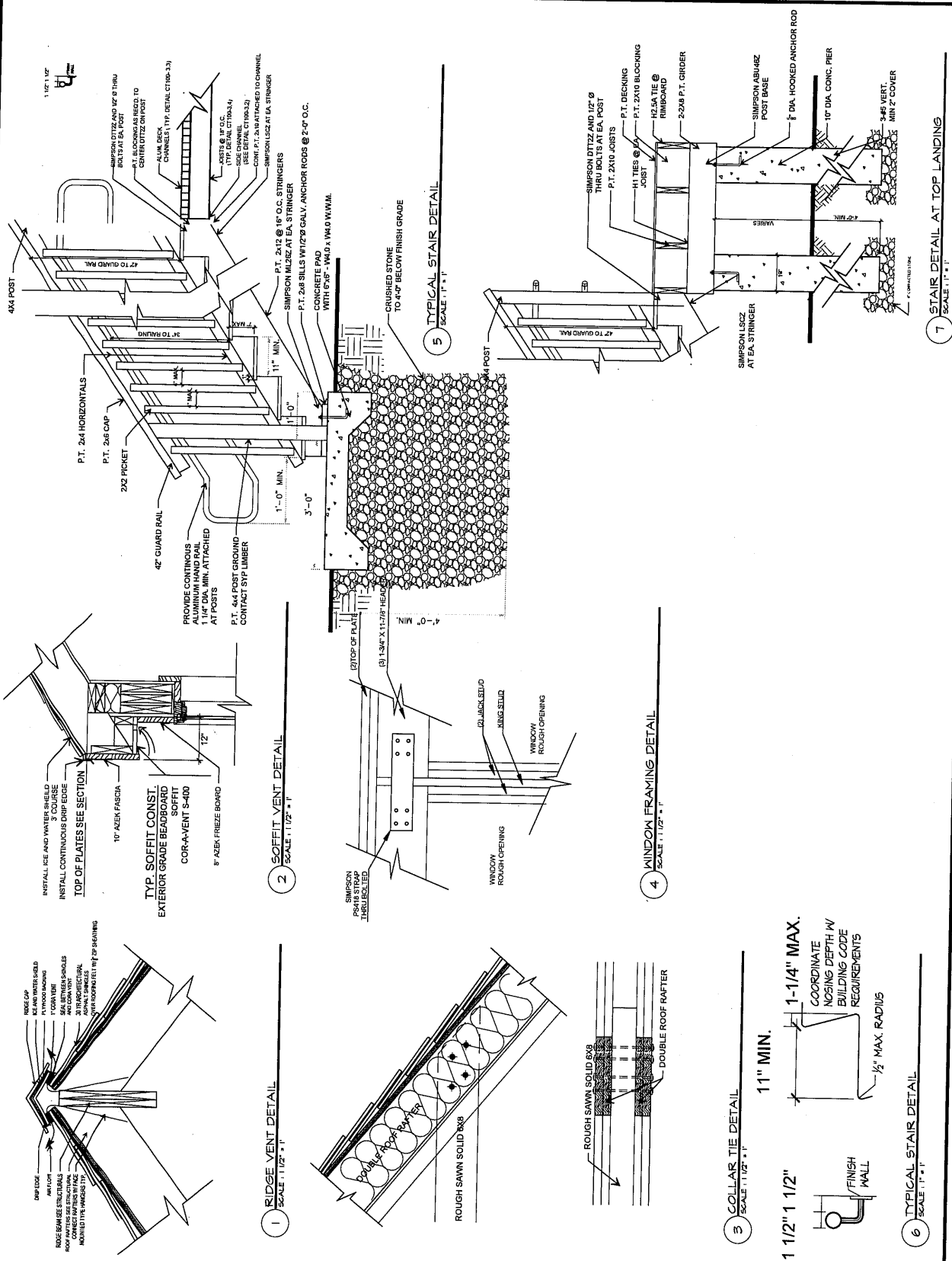
3 REAR ELEVATION
SCALE: 1/4" = 1'



4 RIGHT ELEVATION
SCALE: 1/4" = 1'

NO USE, REPRODUCTION OR DISSEMINATION MAY BE MADE OF THE DRAWINGS AND THE CONCEPTS SET FORTH HEREIN WITHOUT THE PRIOR WRITTEN CONSENT OF RALLY GREEN MOUNTAIN PLATFORM TENNIS

OUTLINE	
JUNE	
DATE	
SHEET NUMBER	A-301
CONGRAD	CCAS
COUNTRY	DJD
DATE	DEC 2019
SCALE	AS NOTED
DISPATCH #	3906-1



3'-0"

8'-0"

6 PANEL
SOLID WOOD
INTERIOR
ADA COMPLIANT

QTY : 1

(C)

3'-0"

8'-0"

OUTSWING
INSULATED
FLAT PANEL
EXTERIOR OUTSWING
ADA COMPLIANT

QTY : 1

(B)

3'-0"

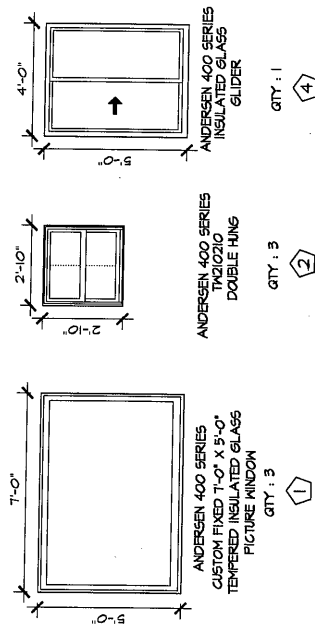
8'-0"

REEB
INSULATED
EXTERIOR OUTSWING
ADA COMPLIANT
1 LITE

QTY : 1

(A)

SCALE : 1/2" = 1'



SCALE : 1/2" = 1'

FINISH SCHEDULE - INTERIOR		PAINTING BY OWNER	
AREA	PAINT	TRIM	NOTES
GATHERING	50% GRB PRIMED	1X4 PRIMED	THRESHOLD ADA COMPLIANT TOP COATS BY OWNER
STORAGE	50% PK GRB PRIMED	1X4 PRIMED	THRESHOLD ADA COMPLIANT TOP COATS BY OWNER
PKR = MOISTURE RESISTANT			ALL INTERIOR TRIM 1X4

ALL INTERIOR TRIM 1X4

FINISH SCHEDULE - EXTERIOR		SIDING	TRIM	ROOF	NOTES
AREA NORTH	CEATHING				
	WALL 1/2" ZIP 5Y5.	ALL PAINT BY OWNER	5/4 AZEK	ASPHALT SHINGLE	1/2" PT. PLYWOOD UNDERSIDE OF FLOOR JOISTS
SOUTH	WALL 1/2" ZIP 5Y5.	HARDBOARD			
	WALL 1/2" ZIP 5Y5.	ALL PAINT BY OWNER	5/4 AZEK	ASPHALT SHINGLE	1/2" PT. PLYWOOD UNDERSIDE OF FLOOR JOISTS
EAST	WALL 1/2" ZIP 5Y5.	HARDBOARD			
	WALL 1/2" ZIP 5Y5.	ALL PAINT BY OWNER	5/4 AZEK	ASPHALT SHINGLE	1/2" PT. PLYWOOD UNDERSIDE OF FLOOR JOISTS
WEST	WALL 1/2" ZIP 5Y5.	HARDBOARD			
	WALL 1/2" ZIP 5Y5.	ALL PAINT BY OWNER	5/4 AZEK	ASPHALT SHINGLE	1/2" PT. PLYWOOD UNDERSIDE OF FLOOR JOISTS

SCALE: 1/2" = 1'

SCALE: 1/2" = 1'

TO USE: REPEAT WITH ONE OR TWO GRAMS WITH MANY SUGARING OF THIS THINNESS AND THE CONCENTRATIONS ARE RELATIVELY HIGH.

CCP PROJECT #	3906-1
NAME	AS NOTED
DATE	DEC 2019
DESIGN	DJD
ENG CODE	CCAS
SHEET NUMBER	5-100

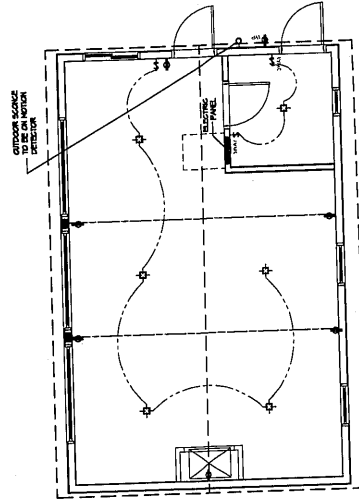
LEGEND

INTERIOR WALL TO BE 2"x 4"
WOOD STUDS @ 16" O.C.
W/ 1/2" DRYWALL
ON BOTH SIDES

EXT. WALL TO BE 2"x 6"
W/ R-20 BATT INSUL.
AND 6 MIL. POLY.
VAPOR BARRIER

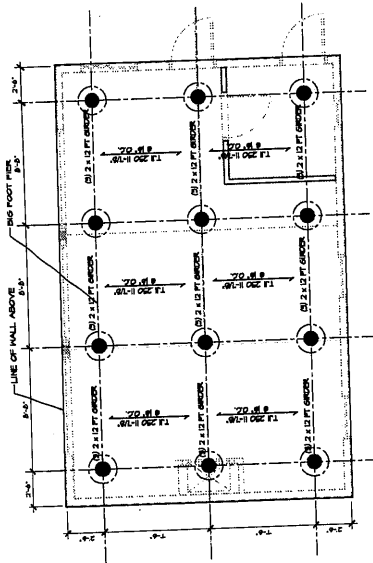
ELEVATION

												
DETAIL	DOWNWARD MOTION SENSOR	GROUND FAULT INTERRUPT OUTLET	WATER PROOF OUTLET	SURFACE MOUNTED FIXTURE	RECESSED DOWNLIGHT	SMOKE DETECTOR	BASEBOARD HEATING	SWITCH	EXHAUST FAN	ELECTRIC PANEL	EMERGENCY FIXTURE	DOOR SENSOR

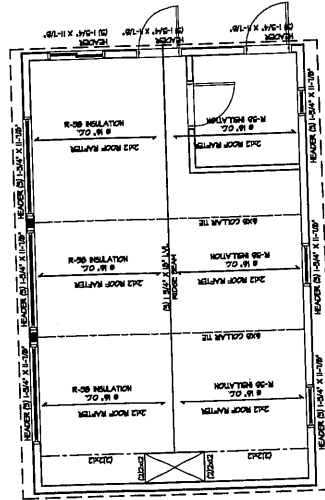


3 FIRST FLOOR ELECTRIC PLAN
SCALE: 1/4" = 1' (24X36 PAPER)

DATE: 10/10/2007 10:10:10 AM
 FROM: 10/10/2007 10:10:10 AM
 TO: 10/10/2007 10:10:10 AM
 SUBJECT: 10/10/2007 10:10:10 AM



FOUNDATION PLAN
SCALE: 1/4" = 1' (24X36 PAPER)



2 ATTIC / ROOF FRAMING PLAN
SCALE: 1/4" = 1' (24X36 PAPER)

CONSULTANTS:

**CROZIER GEDNEY
ARCHITECTS, PC**
41 ELM PLACE
RYE, NY 10580
PH. 914-467-6060
FAX 914-467-6071

FOR COORDINATION
6.15.2020

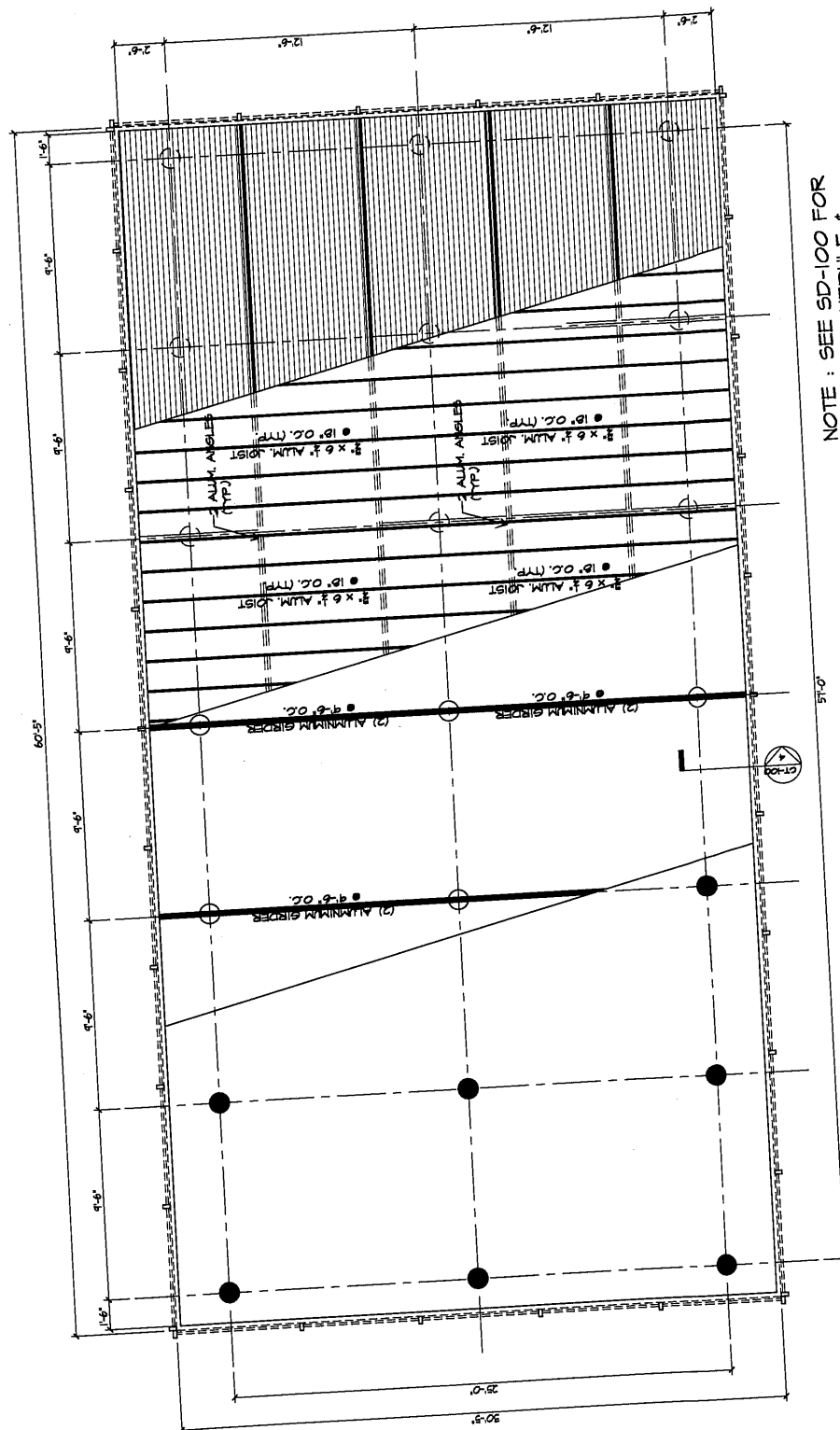
[illegible]

PADDLE HUT & COURT
DRAWINGS FOR THE:
NEEDHAM
POOL & RACQUET
CLUB
1545 CENTRAL AVE
NEEDHAM, MA 02492

DRAWING TITLE

COURT PLAN

CT-100	DATE	4-87
SHEET NUMBER	DATE	
CCAS	DATE	
DJD	DATE	
AS NOTED	DATE	
3906-1	DATE	



NOTE: SEE SD-100 FOR
PIER SCHEDULE &
FOOTING DETAILS

COURT PIER LAYOUT

3000 - 3100

RTIC LLC
 300 Boston Post Road
 Orange, Connecticut
 203.795.5696

CONSULTANTS:
 GROZIER GEORGEY
 ARCHITECTS, PC
 41 BLM PLACE
 NEEDHAM, MA 02462
 TEL: 617-467-6000
 FAX: 617-467-6071



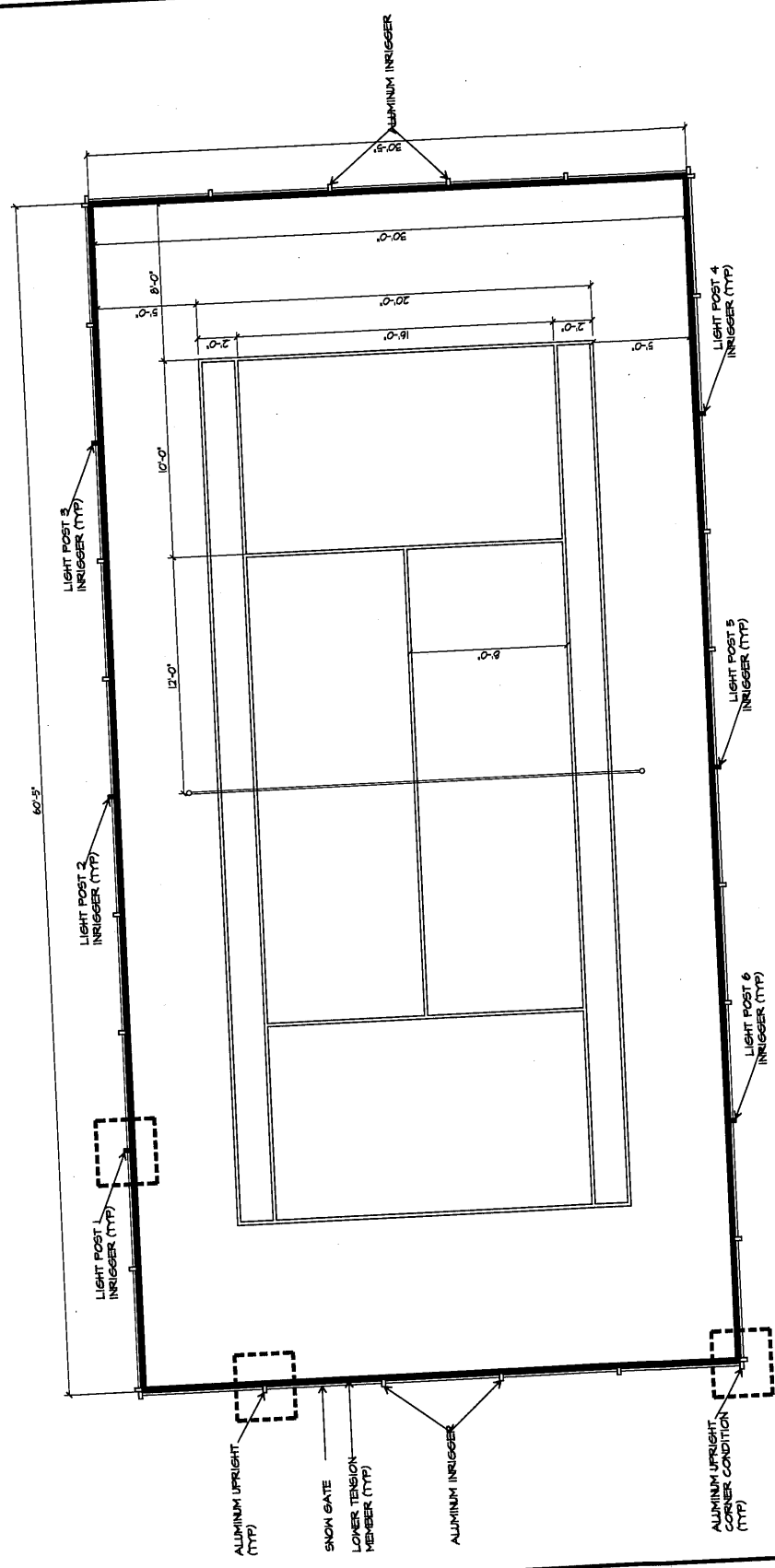
FOR COORDINATION
 5.15.2020

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	5.15.2020
2	FOR COORDINATION	5.15.2020
3	FOR COORDINATION	5.15.2020
4	FOR COORDINATION	5.15.2020
5	FOR COORDINATION	5.15.2020
6	FOR COORDINATION	5.15.2020
7	FOR COORDINATION	5.15.2020
8	FOR COORDINATION	5.15.2020
9	FOR COORDINATION	5.15.2020
10	FOR COORDINATION	5.15.2020

PAUL H. & COURT
 DRAUGHTSMAN
 NEEDHAM
 POOL & RACQUET
 CLUB
 1545 CENTRAL AVE
 NEEDHAM, MA 02462

DRAWING TITLE
 COURT MARKINGS

PROJECT	3906-1
DATE	AS NOTED
DATE	DEC 2019
DATE	DJD
DATE	CCAS
DATE	CT-101
DATE	
DATE	



1 COURT MARKINGS
 3/8" = 1'-0"

NOTES: PROPOSED FOR CONSTRUCTION. SEE ALL DIMENSIONS AND NOTES FOR THIS DRAWING. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. SEE ALL DIMENSIONS AND NOTES FOR THIS DRAWING. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. SEE ALL DIMENSIONS AND NOTES FOR THIS DRAWING. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

DECLARATION OF INTEREST: The authors have nothing to disclose.

NO USE, REPRODUCTION OR DISSEMINATION MAY BE MADE OF THIS DRAWING AND THE CONCEPTS SET FORTH HEREIN WITHOUT THE PRIOR WRITTEN CONSENT OF KILLY GREEN MOUNTAIN PULP AND PAPER CO.

Project

Details

line 2

line 3

line 4

Needham Pool & Racquet Club

Date:6/17/2020

Page 1 of 4

Luminaire Schedule

Symbol	Qty	Label	Description	Arrangement	Lumens/Lamp	LLF	Arr. Watts
— □	18	50K-D-T3	300W Shoebox	SINGLE	44487	1.000	301.2

Luminaire Location Summary

SeqNo	Label	X	Y	Z	Orient	Tilt
1	50K-D-T3	658.931	394.049	20	352.485	15
2	50K-D-T3	656.905	377.839	20	352.485	15
3	50K-D-T3	654.345	359.816	20	352.485	15
4	50K-D-T3	689.799	390.058	20	171.765	15
5	50K-D-T3	687.56	373.528	20	171.765	15
6	50K-D-T3	685	355.825	20	171.765	15
7	50K-D-T3	694.764	389.464	20	352.485	15
8	50K-D-T3	692.738	373.254	20	352.485	15
9	50K-D-T3	690.178	355.231	20	352.485	15
10	50K-D-T3	726.592	385.367	20	171.765	15
11	50K-D-T3	724.353	368.837	20	171.765	15
12	50K-D-T3	721.793	351.134	20	171.765	15
13	50K-D-T3	731.77	384.559	20	352.485	15
14	50K-D-T3	729.744	368.349	20	352.485	15
15	50K-D-T3	727.184	350.326	20	352.485	15
16	50K-D-T3	761.892	380.781	20	171.765	15
17	50K-D-T3	759.653	364.251	20	171.765	15
18	50K-D-T3	757.093	346.548	20	171.765	15

Project

Details

line 2

line 3

line 4

Needham Pool & Racquet Club

Date:6/17/2020

Page 2 of 4

Numeric Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	Illuminance	Fc	5.35	90.1	0.0	N.A.	N.A.

Statistical Area Summary					
Label	Avg	Max	Min	Avg/Min	Max/Min

LPD Area Summary			
Label	Area	Total Watts	LPD

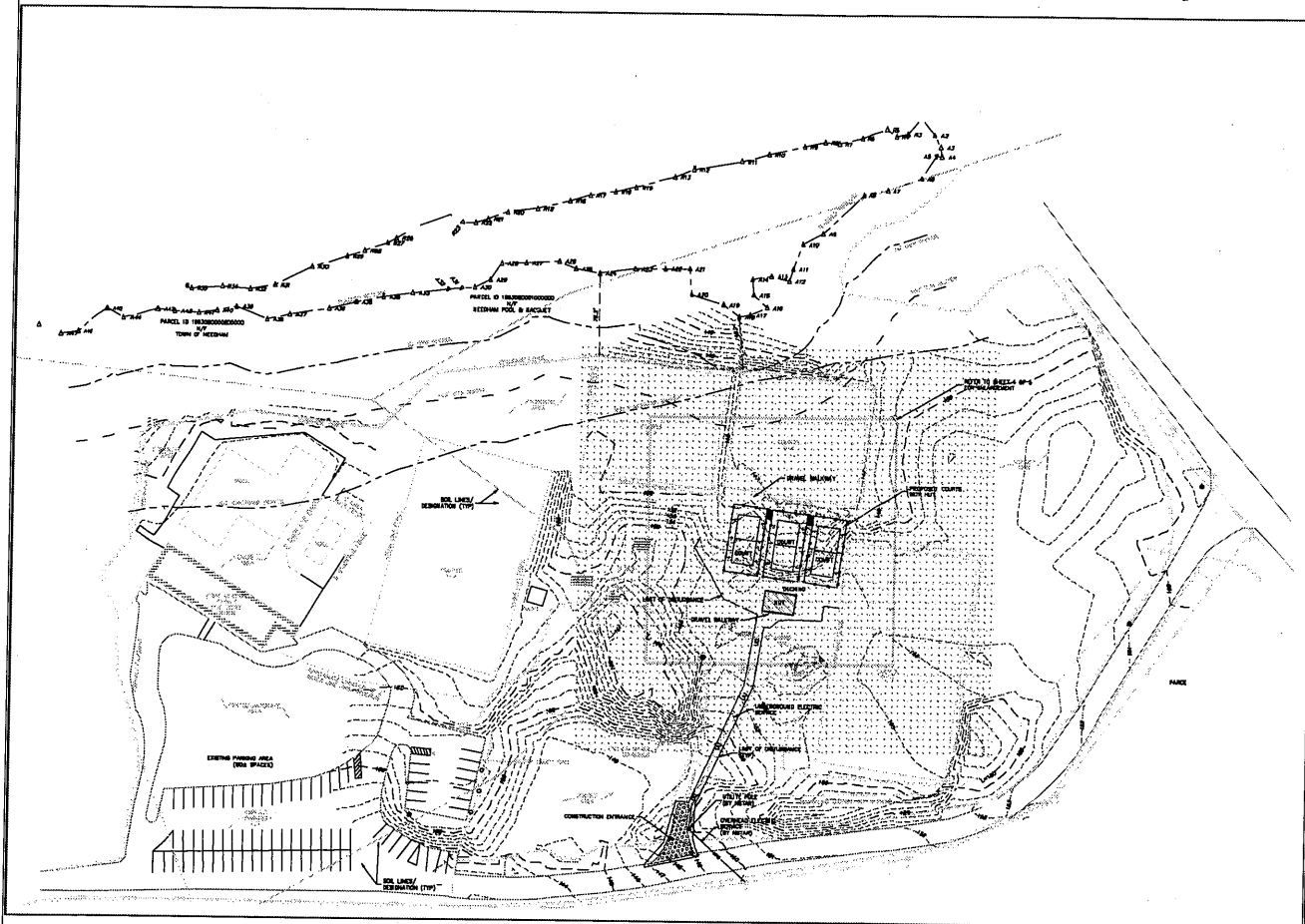
Luminaire Tag Summary	
Tag	Qty
300W Shoebox	18

Project
Details
line 2
line 3
line 4

Needham Pool & Racquet Club

Date:6/17/2020

Page 3 of 4



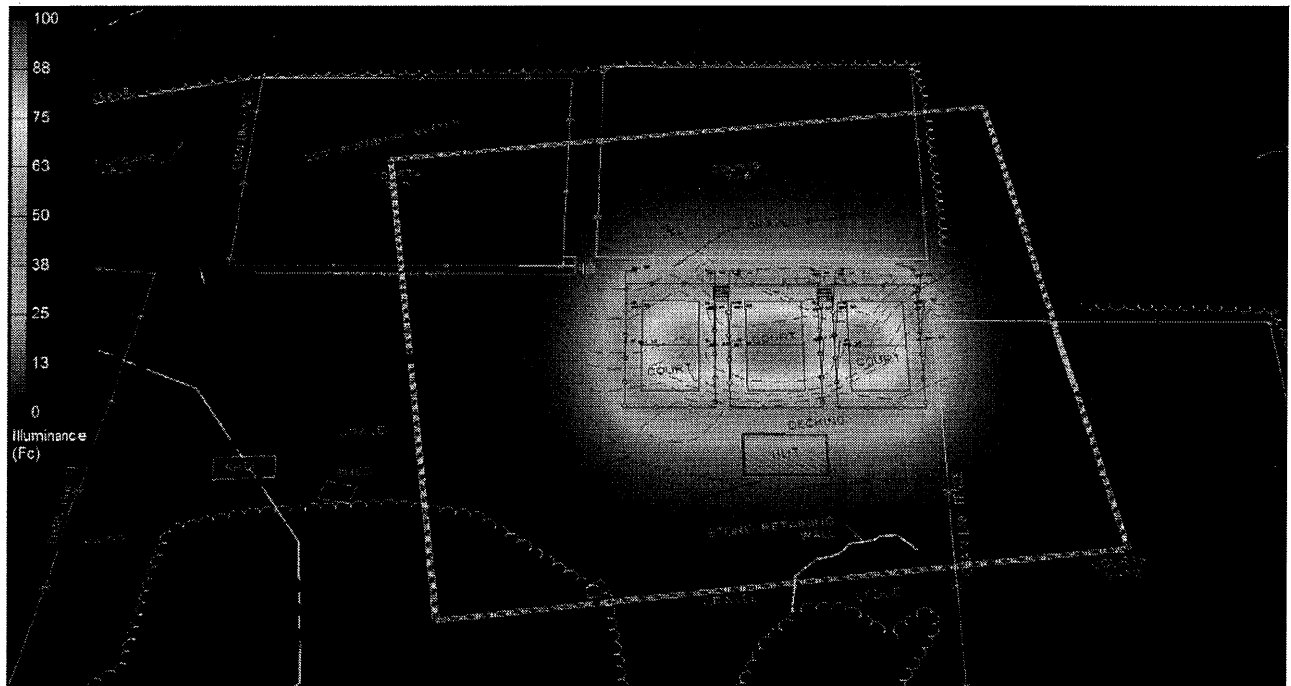
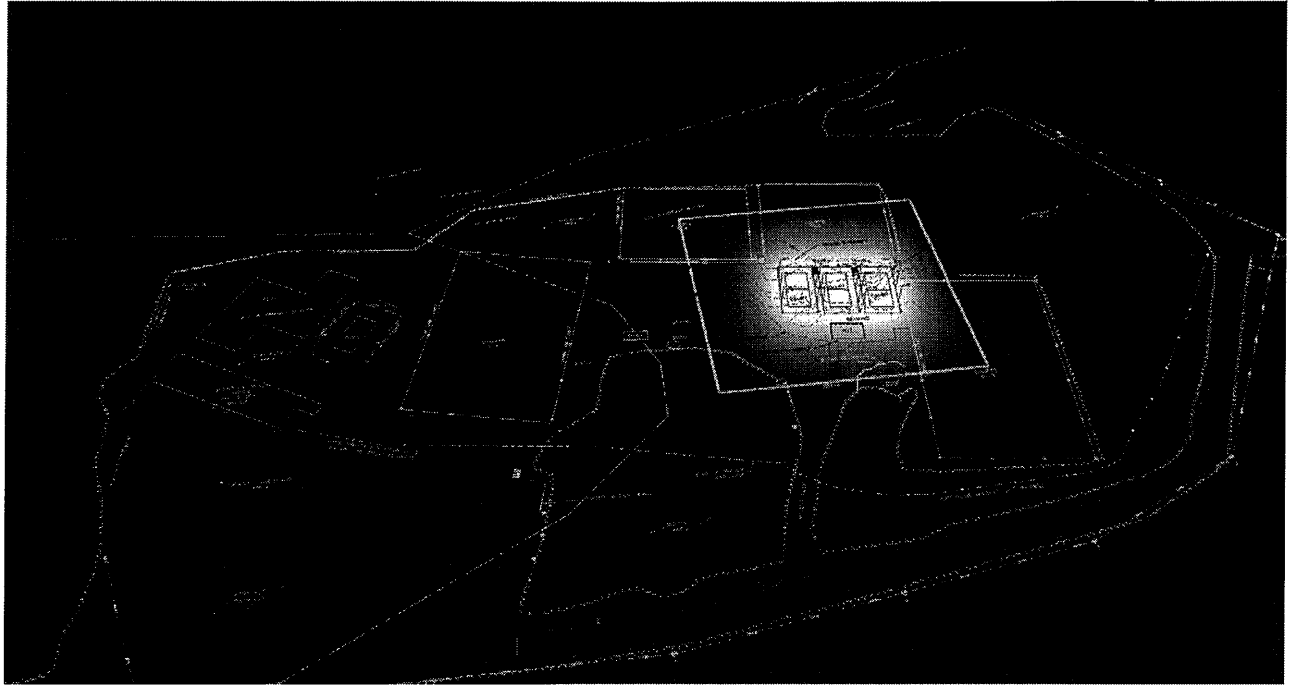
View of point by point

Project
Details
line 2
line 3
line 4

Needham Pool & Racquet Club

Date: 6/17/2020

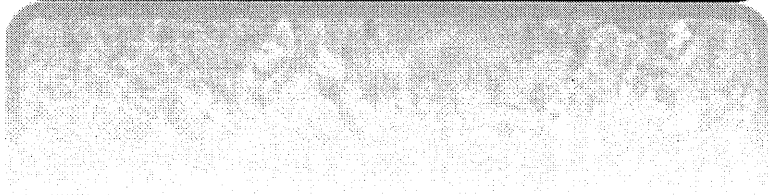
Page 4 of 4





DiPrete Engineering

Stormwater System Operation & Maintenance Plan



Special Permit – Proposed Paddleball Courts

Located in Needham, MA

Applicant: Tony Dibiasio on Behalf of Needham
Pool and Racquet Club

06-22-2020



Brandon D. Carr



Table of Contents

Operation & Maintenance Plan Overview.....	1
Stormwater System Owner / Party Responsible for O&M.....	2
Public Safety.....	3
Stormwater System Plan.....	4
Inspections & Maintenance.....	5
Estimated Inspections & Maintenance Budget.....	7
Appendix A – Inspection Schedule & Maintenance Checklists.....	8
Appendix B –Sample Stormwater Facility Maintenance Agreement.....	9

Operation & Maintenance Plan Overview

An essential component of a successful Stormwater System (SS) is the ongoing Operation and Maintenance (O&M) of the various components of the stormwater drainage, control, and conveyance systems. These components include swales, pipes, catch basins, and treatment/ control devices are commonly referred to as Best Management Practices (BMPs). Failure to provide effective maintenance can reduce the hydraulic capacity and the pollutant removal efficiency of stormwater practices.

Many people expect that stormwater facilities will continue to function correctly forever. However, it is inevitable that deterioration of the stormwater system will occur once it becomes operational. The question is not whether stormwater system maintenance is necessary but how often.

This plan has been developed to proactively address operations and maintenance to minimize potential problems and maximize potential stormwater runoff treatment and management. Ongoing inspections and maintenance will extend the service life of the Best Management Practices.

This plan addresses:

1. Stormwater management system(s) owners;
2. The party or parties responsible for operation and maintenance, including how future property owners will be notified of the presence of the stormwater management system and the requirement for proper operation and maintenance;
3. A description and delineation of public safety features;
4. The routine (scheduled) and non-routine (corrective) maintenance tasks for each BMP to be undertaken after construction is complete and a schedule for implementing those tasks;
5. A plan that is drawn to scale and shows the location of all stormwater BMPs in each treatment train along with the discharge point;
6. An estimated operation and maintenance budget; and
7. Funding source for operation and maintenance activities and equipment.

A major contributor to unmaintained stormwater facilities is a lack of clear ownership and responsibility definition. In order for an inspection and maintenance program to be effective, the roles for each responsibility must be clearly defined prior to construction of a system. This can be accomplished with a maintenance agreement between the site owners and the responsible authority.

This report is suitable for recording as an attachment to a maintenance agreement between the site owner and the responsible authority. A copy of a sample agreement is attached to this report as Appendix B.

Stormwater System Owner / Party Responsible for O&M

Stormwater BMPs are maintained during construction by the site contractor as identified in the Stormwater Pollution Prevention Plan (SWPPP) for the site. A copy of the SWPPP is required to be kept on site during construction. The SWPPP requires maintenance and inspection of the BMPs during the construction phase of project and requires a log be kept of these activities. Once construction is complete and the contractor's warranty period is elapsed, the contractor must obtain the signature of the stormwater system's owner releasing the contractor from his maintenance and inspection responsibilities. A copy of this release of contractor's responsibility must be attached to this document.

The property owner will also be the owner of the stormwater system. Upon completion of construction, the owner of the property along with mailing and emergency contact information must be added below.

Owner: _____

Mailing Address: _____

Emergency Contact Name: _____

Phone: _____

Transfer of Ownership

In the event that the owner of the property changes, the current owner (grantor) must provide a copy of this document to the new owner (grantee). The new owner must notify the Massachusetts Department of Environmental Protection (MassDEP) of the change of ownership and provide a signed updated Operations and Maintenance Plan to MassDEP.

The Stormwater System Owner is the Party Responsible for the ongoing O&M of the system.

The two key components to adequately maintain the stormwater infrastructure are:

1. Performance of periodic and scheduled inspections
2. Performance of scheduled maintenance

The actual operation and maintenance of the system may be performed by a third party designated by the owner. If the owner contracts with a third party for O&M the name, address, and emergency contact information must be added below, and updated if the third party designee changes.

Name: _____

Mailing Address: _____

Emergency Contact Name: _____

Phone: _____

Public Safety

Public safety features included in this design are:

- Accessibility to Stormwater BMPs
- Winter & Non-Winter Maintenance

Winter Maintenance

The following tasks must be performed to protect public safety during the winter season:

- Inspect the stormwater BMP in the event that snow stockpiles are placed adjacent to the open system to ensure it is free of clogging and debris;

Non-Winter Maintenance

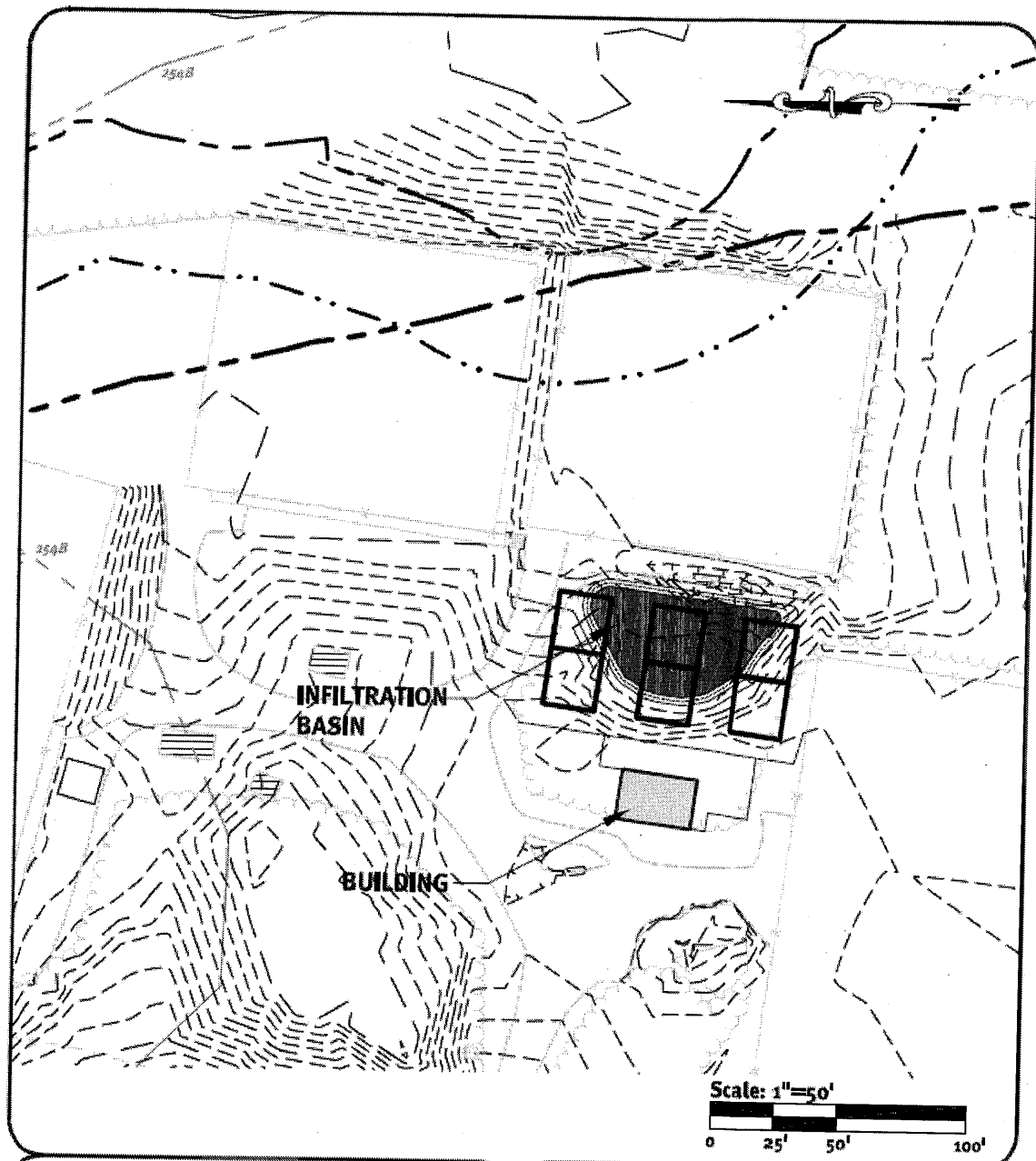
The following tasks must be performed to protect public safety during the non-winter seasons:

- The storm water management BMP must be inspected and maintained in accordance with the enclosed Operations & Maintenance Plan.

Care must be taken in the operation and maintenance of these features.

Stormwater System Plan

A plan identifying each component of the stormwater system is included on the following page.



SHEET
1
OF 1

O&M Plan Needham Pool and Racquet Club

Needham, Massachusetts

Date:
06-18-2020

D/E Job No: 2377-001 Copyright 2020 by DiPrete Engineering Associates, Inc.



DiPrete Engineering

990 Washington St, Suite 101A Dedham, MA 02026
tel 781-326-0021 fax 603-464-6006 www.diprete-eeg.com

Boston • Providence • Newport

Inspections & Maintenance

Inspections must be performed on a regular basis and scheduled based on the BMP type and configuration. It is not mandatory that all inspectors be trained engineers, but they must have some knowledge or experience with stormwater systems and in general, trained stormwater engineers should direct the inspectors. Follow-up inspections by registered professional engineers must be performed where a routine inspection has revealed a question of structural or hydraulic integrity affecting public safety.

Not all inspections can be conducted by direct human observation. The inspection program must be tailored to address the operational characteristics of the system.

The inspection process must document observations made in the field and must cover structural conditions, hydraulic operational conditions, evidence of vandalism, condition of vegetation, occurrence of obstructions, unsafe conditions, and build-up of trash, sediments and pollutants.

Maintenance of the stormwater management system is essential and can be divided into two types, scheduled and corrective.

Scheduled maintenance tasks are those that are typically accomplished on a regular basis and can generally be scheduled without referencing inspection reports. These items consist of such things as vegetation maintenance (such as mowing) and trash and debris removal. These tasks are required at well-defined time intervals and are a requirement for all stormwater structural facilities.

Corrective maintenance tasks consist of items such as sediment removal, stream bank stabilization, and outlet structure repairs that are done on an as-needed basis. These tasks are typically scheduled based on inspection results or in response to complaints.

Since specialized equipment may be required, some maintenance tasks can be effectively handled on a contract basis with an outside entity specializing in that field. In addition, some maintenance may also require a formal design and bid process to accomplish the work.

Appendix A provides an "Inspection Schedule & Maintenance Checklist" for the stormwater system components on this site. Completed checklists must be maintained as an ongoing record of inspections for each component of the stormwater system.

In addition to the maintenance of the stormwater system, maintenance of other site improvements can significantly enhance the ability for the BMPs to function as designed. Several of these have been listed below, along with the recommended maintenance.

Lawn, Garden and Landscape Management

- Lawns should be cut no shorter than 1-1/2" in the spring and fall to stimulate root growth, and no shorter than 2 to 3 inches throughout the summer.
- Fertilize no more than twice per year, once in May-June and once in September-October.
- Avoid spreading fertilizer on non-lawn surfaces.
- Weeds should be dug or pulled out. Large areas of weeds can be removed by covering with large plastic sheet(s) for a few days.
- Chemical pesticides should be used as a last resort. A healthy lawn is naturally disease resistant.
 - Visible insects can be removed by hand, by spraying with water, or even vacuum cleaning.
 - Store bought traps, specific for a species, can be used.
 - Slugs and other soft bodied insects can be eliminated using diatomaceous earth.
 - Plants infected with bacteria and fungi should be removed and disposed of.
 - Beneficial organisms should be maintained on the property and should be encouraged/ attracted to the property. Homeowners and property facility maintenance personnel should become familiar with beneficial organisms.
- Irrigation should be minimal if required at all. Most lawns do not require watering and will become dormant during dry periods.
 - Established lawns require no more than one inch of water per week.
 - Lawn areas should be watered before 9am to avoid evaporation.

Snow Removal:

- Snow must not be dumped in any water body including rivers, reservoirs, ponds, lakes, wetlands, bays, or the ocean.
- Avoid disposing of snow on top of storm drain catch basins or stormwater drainage swales or ditches.
- Snow must be stored in upland areas, not in or adjacent to water bodies or wetlands. Snow must be stored in a location that will allow snow melt and enter the onsite drainage system so it can be treated by onsite BMPs.

Solid Waste Containment

- Trash and recycling receptacles must be located onsite for all commercial areas.

Reference: Additional information relating to operation and maintenance of specific BMPs can be found in the *Massachusetts Stormwater Handbook*, particularly Volume 2, Chapter 2.
(<https://www.mass.gov/files/documents/2016/08/qi/v2c2.pdf>)

Estimated Inspections & Maintenance Budget

It is important to be able to budget for the O&M costs associated with the stormwater system. To assist the owner in budgeting, below is an estimate of the costs that may be incurred in maintaining the system. The costs have been estimated on a Yearly basis.

Infiltration Structure:

For a 25-year finance period, Infiltration Structures cost approximately \$1,277.77 per acre of tributary area per year. The site contains approximately .65 acres of area flowing to infiltration structures. This equates to an approximate cost of \$830 per year to maintain the infiltration structures.

These costs are the responsibility of the stormwater system owner. Funding for the costs will be provided by the owner.

Reference; Maintenance costs are based on information provided by Horsely Witten during the January 19, 2011 Stormwater Manual Training.

(<http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/stwater/t4guide/slides/sess210.ppt>)

Appendix A – Inspection Schedule & Maintenance Checklists

Infiltration Basin Operation, Maintenance, and Management Inspection Checklist

Project:

Date:

Location:

Time:

Site Status:

Inspector:

Notes:

- Beyond inspection frequency noted in parenthesis, i.e. (semi-annually), inspections shall be completed:
 - after storms equal to or greater than the 1-year 24-hour Type III storm event (2.7" of rain fall)
 - after every storm during the first 3 months of operating (noting how long water remains standing in the basin after a storm)
 - standing water within the basin 48 to 72 hours after a storm indicates that the infiltration capacity may have been overestimated)
 - twice a year thereafter and when there are discharges through the high outlet.
- All Checklist Maintenance items are MANDATORY.
- During inspections, if maintenance items are found not to be applicable, note as N/A in comments
- All removed sediments shall be disposed at an approved and permitted location.
- All hazardous debris removed shall be disposed of in accordance with state and federal regulations by a properly licensed contractor
- Sediment shall be removed from infiltration basin when the sediment volume exceeds 10% of the total basin volume. Sediment shall be disposed of in an acceptable manner at an approved and permitted location.
- Mow the buffer area, side slopes, rake if stone bottom; remove trash grass clipping and accumulated organic matter semi-annually.

MAINTENANCE ITEM	SATISFACTORY (YES/NO)	COMMENTS
1. Infiltration Basin		
Vegetation and ground cover adequate. Area free of accumulated organic matter.		
Embankment erosion or tree growth.		
Signs of differential settlement.		
The health of the vegetation.		
Animal burrows.		
Unauthorized planting.		

COMMENTS:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Appendix B –Sample Stormwater Facility Maintenance Agreement

****A site specific Stormwater Facility Maintenance Agreement between the Owner and Authority Having Jurisdiction must be developed prior to construction****

Sample Stormwater Facility Maintenance Agreement

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by and between (Insert Full Name of Owner)

_____, hereinafter called the "Landowner", and the [Local Jurisdiction], hereinafter called the "[Town/City]".
WITNESSETH, that WHEREAS, the Landowner is the owner of certain real property described as (Tax Map/Parcel Identification Number) _____ as recorded by deed in the land records of [Local Jurisdiction] Deed Book _____ Page _____, hereinafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and
WHEREAS, the Site Plan/Subdivision Plan known as _____, (Name of Plan/Development) hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the [Town/City], provides for detention of stormwater within the confines of the property; and

WHEREAS, the [Town/City] and the Landowner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of [Local Jurisdiction] require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the [Town/City] requires that on-site stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Landowner, its successors and assigns, including any homeowners association, shall adequately maintain the stormwater management facilities in accordance with the required Operation and Maintenance Plan. This includes all pipes, channels or other conveyances built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Stormwater Best Management Practices Operation, Maintenance and Management Checklists are to be used to establish what good working condition is acceptable to the [Town/City].

-
3. The Landowner, its successors and assigns, shall inspect the stormwater management facility and submit an inspection report annually. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, basin areas, access roads, etc. Deficiencies shall be noted in the inspection report.
4. The Landowner, its successors and assigns, hereby grant permission to the [Town/City], its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities whenever the [Town/City] deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The [Town/City] shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.
5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the [Town/City], the [Town/City] may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. This provision shall not be construed to allow the [Town/City] to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the [Town/City] is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the [Town/City].
6. The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.
7. In the event the [Town/City] pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the [Town/City] upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the [Town/City] hereunder.
8. This Agreement imposes no liability of any kind whatsoever on the [Town/City] and the Landowner agrees to hold the [Town/City] harmless from any liability in the event the stormwater management facilities fail to operate properly.
9. This Agreement shall be recorded among the land records of [Local Jurisdiction] and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association.

WITNESS the following signatures and seals:

Company/Corporation/Partnership Name (Seal)

By: _____

(Type Name and Title)

The foregoing Agreement was acknowledged before me this ____ day of
_____, 20____, by

NOTARY PUBLIC
My Commission Expires: _____

By: _____

(Type Name and Title)

The foregoing Agreement was acknowledged before me this ____ day of
_____, 20____, by

NOTARY PUBLIC
My Commission Expires: _____

Approved as to Form:

[Town/City] Attorney Date



DiPrete Engineering

June 18, 2020

Mr. Tony DiBiasio
On Behalf of Needham Paddle Tennis LLC.
3 Westwind Street
Plymouth, MA 02360

**RE: Drainage Analysis
Needham Pool and Racquet Club
Needham, Massachusetts
Project #: 2377-001**

Dear Mr. DiBiasio;

DiPrete Engineering has prepared the proposed site plans and drainage analysis for the property located at 1545 Central Avenue – Assessors Map 226, Lot 21 & 22.

The existing site area where the new courts are proposed is a wooded area located between the existing tennis court number 9-10 and 7-8. The area mostly consists of deciduous trees and some understory plant material commonly found in wooded areas. The topography slopes generally from west to east within the area of the proposed development. In the proposed location for the courts, the topography slopes down from elevation 153 to 148 that is roughly at a 33% gradient then flattens off to a more moderately sloped area. Where the topography flattens off, there is a small depression with bottom elevation 145 at the western side of the wooded area that collects runoff from the watershed area for this portion of the property. The soil classification for the new development area consists of Hydraulic Soil Group: A – 254B Merrimac fine sandy loam, based on Natural Resource Conservation Service (NRCS) Web Soil Survey.

The project scope proposes the installation of three raised paddle tennis/pickleball courts utilizing a prefabricated decking system with fencing, lighting, and access deck to the courts. The courts system would be placed essentially at existing grade along the western edge of the existing 33% gradient slope area. The court surface would be a level elevation across the entire playing limits. Due to the existing topography, the eastern side of the courts would be elevated approximately five feet above existing grade to maintain a level playing surface elevation for all three courts. The surface of the courts is similar to a raised deck, allowing rainfall to fall to the ground surface below. Two sets of stairs between the courts would lead to an accessible gravel walkway. There will be the installation of a small one-story heated building approximately 550 square feet adjacent to the three courts. The building will be used to watch the games and warm up during the winter months playing schedule.

Drainage Analysis

Erosion and sediment control will be employed for the proposed development and must be installed prior to the start of construction. Reference the Site Plans for the location and detailing of the erosion and sediment control BMP's and for notation regarding soil erosions and sediment control measures. Additionally, refer to the SWPPP documentation for procedures related to erosion and sediment control.

The stormwater management system for the proposed site has been designed in accordance with the "Massachusetts Stormwater Handbook". The design implements an Infiltration Pond that will capture and infiltrate the proposed stormwater runoff from the site for a 2, 10, and 100-year storm event using the Standard Infiltration Method. The infiltration basin is designed to mimic the annual recharge from the pre-development conditions to the post development conditions. The existing runoff from the watershed area is captured in a depressed area just west of existing courts 7 & 8. The proposed infiltration basin is located in the same area as the existing stormwater collection area which will be partially below the proposed court surfaces. The infiltration basin is designed to infiltrate a 100-Year storm event with no discharge. The basin consists of a 6" deep crushed stone bottom, 3:1 sloped embankment with a one (1') foot depth. Due to the nature of the runoff from the proposed site improvements, water quality treatment would not be necessary.

If you have any further questions on this matter, please feel free to contact me at your earliest convenience.

Sincerely,
DiPrete Engineering Associates, Inc.

Brandon Carr, PE, LEED AP
Senior Project Manager

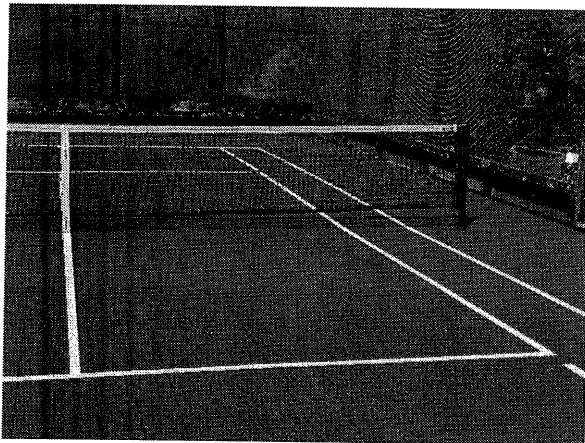
Enclosure: Special Use Permit Submission Plans



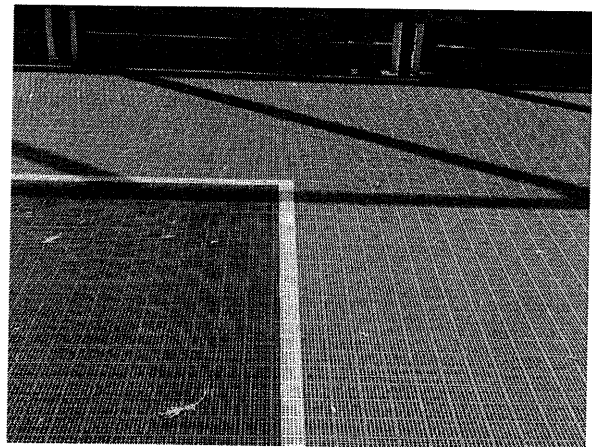
Existing stormwater runoff collection area.



Existing area for court location



Proposed Paddleball Court Surface



Proposed Pickleball Court Surface

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

Needham Pool & Racquet Club
1545 Central Avenue
Needham, MA, 02492

SWPPP Prepared For:

Needham Paddle Tennis LLC.
Tony DiBiasio
3 Westwind Street
Plymouth, MA, 02360
(781)-686-8855
tonydibiasio@yahoo.com

SWPPP Prepared By:

DiPrete Engineering
Brandon Carr, P.E., LEED AP
Two Stafford Court
Cranston, RI 02920
(401) 943-1000
brandon@diprete-eng.com

SWPPP Preparation Date:

06/17/2020

Estimated Project Dates:

Project Start Date: Summer 2020

Project Completion Date: TBD



A handwritten signature in black ink, appearing to read "Brandon Carr".

Contents

SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES	1
1.1 Operator(s) / Subcontractor(s)	1
1.2 Stormwater Team	2
SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING	3
2.1 Project/Site Information	3
2.2 Discharge Information	4
2.3 Nature of the Construction Activity	5
2.4 Sequence and Estimated Dates of Construction Activities	7
2.5 Allowable Non-Stormwater Discharges	8
2.6 Site Maps	10
SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS	11
3.1 Endangered Species Protection	11
3.2 Historic Preservation	14
3.3 Safe Drinking Water Act Underground Injection Control Requirements	15
SECTION 4: EROSION AND SEDIMENT CONTROLS	17
4.1 Natural Buffers or Equivalent Sediment Controls	17
4.2 Perimeter Controls	20
4.3 Sediment Track-Out	20
4.4 Stockpiled Sediment or Soil	21
4.5 Minimize Dust	22
4.6 Minimize the Disturbance of Steep Slopes	22
4.7 Topsoil	23
4.8 Soil Compaction	23
4.9 Storm Drain Inlets	24
4.10 Constructed Stormwater Conveyance Channels	24
4.11 Sediment Basins	25
4.12 Chemical Treatment	25
4.13 Dewatering Practices	26
4.14 Other Stormwater Controls	27
4.15 Site Stabilization	27
SECTION 5: POLLUTION PREVENTION STANDARDS	29
5.1 Potential Sources of Pollution	29
5.2 Spill Prevention and Response	31
5.3 Fueling and Maintenance of Equipment or Vehicles	32
5.4 Washing of Equipment and Vehicles	33
5.5 Storage, Handling, and Disposal of Construction Products, Materials, and Wastes	34
5.6 Washing of Applicators and Containers used for Paint, Concrete or Other Materials	37
5.7 Fertilizers	38
5.8 Other Pollution Prevention Practices	39
SECTION 6: INSPECTION AND CORRECTIVE ACTION	40
6.1 Inspection Personnel and Procedures	40
6.2 Corrective Action	42
6.3 Delegation of Authority	42
SECTION 7: TRAINING	43

SECTION 8: CERTIFICATION AND NOTIFICATION44
SWPPP APPENDICES.....45

SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Instructions (see definition of "operator" at CGP Part 1.1.1):

- Identify the operator(s) who will be engaged in construction activities at the site. Indicate respective responsibilities, where appropriate. Also include the 24-hour emergency contact.
- List subcontractors expected to work on-site. Notify subcontractors of stormwater requirements applicable to their work.
- Consider using Subcontractor Agreements such as the type included as a sample in Appendix G of the Template.

Operator(s):

TO BE DETERMINED PRIOR TO THE START OF CONSTRUCTION

Insert Company or Organization Name

Insert Name

Insert Address

Insert City, State, Zip Code

Insert Telephone Number

Insert Fax/Email

Insert area of control (if more than one operator at site)

[Repeat as necessary.]

Subcontractor(s):

Insert Company or Organization Name

Insert Name

Insert Address

Insert City, State, Zip Code

Insert Telephone Number

Insert Fax/Email

Insert area of control (if more than one operator at site)

[Repeat as necessary.]

Emergency 24-Hour Contact:

TO BE DETERMINED PRIOR TO THE START OF CONSTRUCTION

Insert Company or Organization Name

Insert Name

Insert Telephone Number

1.2 Stormwater Team

Instructions (see CGP Part 7.2.2):

- Identify the individuals (by name or position) that are part of the project's stormwater team, their individual responsibilities, and which members are responsible for inspections. At a minimum the stormwater team is comprised of individuals who are responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the permit requirements (i.e., installing and maintaining stormwater controls, conducting site inspections, and taking corrective actions where required).
- Each member of the stormwater team must have ready access to either an electronic or paper copy of applicable portions of the 2017 CGP and the SWPPP.

Stormwater Team		
Name and/or position, and contact	Responsibilities	I Have Read the CGP and Understand the Applicable Requirements
Brandon Carr, P.E., LEED AP Project Manager DiPrete Engineering (401)-943-1000 bcarr@diprete-eng.com	Oversight of Development & Modifications to SWPPP	☒ Yes Date: 5/28/2020
TO BE DETERMINED Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Installation and Maintenance of Stormwater Controls in Compliance with Permit Requirements and Take Corrective Action as Needed	☐ Yes Date: Click here to enter a date.
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Conduct Periodic Inspections	☐ Yes Date: Click here to enter a date.

[Insert or delete rows as necessary.]

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Instructions (see "Project/Site Information" section of Appendix J – NOI form):

- In this section, you are asked to compile basic site information that will be helpful when you file your NOI.

Project Name and Address

Project/Site Name: Needham Pool & Racquet Club

Project Street/Location: Central Avenue

City: Needham

State: MA

ZIP Code: 02492

County or Similar Subdivision: Norfolk County, MA

Business days and hours for the project: TBD

Project Latitude/Longitude

Latitude: 42.273969° N
(decimal degrees)

Longitude: - 71.265797 ° W
(decimal degrees)

Latitude/longitude data source:

☒ Map ☐ GPS ☐ Other (please specify): _____

Horizontal Reference Datum:

☐ NAD 27 ☒ NAD 83 ☐ WGS 84

Additional Project Information

Are you requesting permit coverage as a "federal operator" as defined in Appendix A of the 2017 CGP? ☐ Yes ☒ No

Is the project/site located on Indian country lands, or located on a property of religious or cultural significance to an Indian tribe? ☐ Yes ☒ No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property: N/A

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., *natural disaster, extreme flooding conditions*), information substantiating its occurrence (e.g., *state disaster declaration*), and a description of the construction necessary to reestablish effective public services: N/A

2.2 Discharge Information

Instructions (see "Discharge Information" section of Appendix J – NOI form):

- In this section, include information relating to your site's discharge. This information corresponds to the "Discharge Information" section of the NOI form.
- List all of the stormwater points of discharge from your site. Identify each point of discharge with a unique 3-digit ID (e.g., 001, 002).
- For each unique point of discharge you list, specify the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You may have multiple points of discharge that discharge to the same receiving water.
- Next, specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants causing the impairment. Identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to and the pollutants for which there is a TMDL. For more information on impaired waters and TMDLs, including a list of TMDL contacts and links by state, visit <https://www.epa.gov/tmdl>.
- Finally, indicate whether any water of the U.S. that you discharge to is designated as a Tier 2, Tier 2.5, or Tier 3 water and if so, what the designation is (2, 2.5, or 3). A list of Tier 2, 2.5, and 3 waters is provided in Appendix F.

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ Yes ☒ No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☐ Yes ☒ No

For each point of discharge, provide a point of discharge ID (a unique 3-digit ID, e.g., 001, 002), the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to, and the following receiving water information, if applicable:									
Point of Discharge ID	Name of receiving water:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Pollutant(s) for which there is a TMDL:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If yes, specify which Tier (2, 2.5, or 3)?	
[001]		☐ Yes ☐ No		☐ Yes ☐ No			☐ Yes ☐ No	[INSERT "Tier 2", "Tier 2.5", or "Tier 3"]	
[002]		☐ Yes ☐ No		☐ Yes ☐ No			☐ Yes ☐ No	[INSERT "Tier 2", "Tier 2.5", or "Tier 3"]	
[003]		☐ Yes ☐ No		☐ Yes ☐ No			☐ Yes ☐ No	[INSERT "Tier 2", "Tier 2.5", or "Tier 3"]	
[004]		☐ Yes ☐ No		☐ Yes ☐ No			☐ Yes ☐ No	[INSERT "Tier 2", "Tier 2.5", or "Tier 3"]	
[005]		☐ Yes ☐ No		☐ Yes ☐ No			☐ Yes ☐ No	[INSERT "Tier 2", "Tier 2.5", or "Tier 3"]	
[006]		☐ Yes ☐ No		☐ Yes ☐ No			☐ Yes ☐ No	[INSERT "Tier 2", "Tier 2.5", or "Tier 3"]	

[Include additional rows or delete as necessary.]

2.3 Nature of the Construction Activities

Instructions (see CGP Parts 1.2.1.c and 7.2.3):

- Provide a general description of the nature of the construction activities at your site.
- Describe the size of the property (in acres or in miles if a linear construction site), the total area expected to be disturbed by the construction activities (to the nearest quarter acre or quarter mile if a linear construction site), and the maximum area expected to be disturbed at any one time.
- Indicate the type of construction site, whether there will be certain demolition activities, and whether the predevelopment land use was for agriculture.
- Provide a list and description of all pollutant-generating activities (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations) and indicate for each activity the type of pollutant that will be generated (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) and could be discharged in stormwater from your site.
- Describe the construction support activities covered by this permit (see Part 1.2.1.c of the permit).

General Description of Project

Provide a general description of the nature of your construction activities, including the age dates of past renovations for structures that are undergoing demolition:

This project is situated on 9 acres located on the Town of Needham, Parcel ID 1993070000100000. The Needham Pool and Racquet Club is a private swim and tennis club with approximately 300 family memberships.

The site has been previously disturbed by construction of club facilities as early as 1963. Currently there is a one-story building, 2 pools, 2 asphalt parking lots, 12 tennis courts, gravel access drives, and the asphalt paved main entrance driveway from Central Avenue. A Bordering Vegetated Wetland (BVW) resource area is located east of the project site and the 100-foot buffer extends into part of the site. The property allows contains a portion of the 200 Riverfront Zone from an unnamed stream. Neither of these jurisdictional resource areas encroach the Limit of disturbance for the proposed work.

The project scope includes the construction of 7,404 square foot deck for 3 "paddleball/pickleball" courts, a 550 square foot hut to support activities, and a stormwater infiltration pond to collect additional stormwater from development. The proposed work on this site will not alter the freshwater or saltwater wetlands ability to:

- Protect a public or private water supply
- Protect ground water supply
- Mitigate flood control
- Prevent storm drainage
- Prevent pollution
- Protect fisheries
- Protect wildlife habitat

Size of Construction Site0

Size of Property	9.00 acres
Total Area Expected to be Disturbed by Construction Activities	0.38 ± acres
Maximum Area Expected to be Disturbed at Any One Time	0.38 ± acres

[Repeat as necessary for individual project phases.]

Type of Construction Site (check all that apply):

- ☐ Single-Family Residential
 ☐ Multi-Family Residential
 ☒ Commercial
 ☐ Industrial
☐ Institutional
☐ Highway or Road
☐ Utility
☐ Other _____

Will there be demolition of any structure built or renovated before January 1, 1980? ☐ Yes ☒ No

If yes, do any of the structures being demolished have at least 10,000 square feet of floor space? ☐ Yes ☒ No ☐ N/A

Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")? ☐ Yes ☒ No

Pollutant-Generating Activities

List and describe all pollutant-generating activities and indicate for each activity the type of pollutant that will be generated. Take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed during construction.

Pollutant-Generating Activity (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations)	Pollutants or Pollutant Constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels)
Concrete Washout	Concrete wastewater
Waste Disposal	Sediments, etc. (varies)
Solid Waste Storage and Disposal	Sediments, etc. (varies)
Construction Vehicles Leaving Site	Sediments, etc. (varies)
Building Construction	Paints, solvents, chemicals, concrete etc.
Vehicle Maintenance	Fuel, oil
Material Storage	Paints, solvents, fertilizer, pesticides, fuel, oil, etc.
Earth Moving and Landscaping	Sediments, etc. (varies)

Construction Support Activities (only provide if applicable)

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas):

- Material staging areas are proposed to be used during construction.
- Construction material storage areas
- Earthwork material processing and storage areas
- Excavated material disposal and borrow areas
- Land clearing mobilization and storage areas

Contact information for construction support activity:

Tony DiBiaso

3 Westwind Street

Plymouth, MA, 02360

(781)-686-8855

tonydibiasio@yahoo.com

2.4 Sequence and Estimated Dates of Construction Activities

Instructions (see CGP Part 7.2.5):

- Describe the intended construction sequence and duration of major activities.
- For each portion or phase of the construction site, include the following:
 - ✓ Commencement and duration of construction activities, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
 - ✓ Temporary or permanent cessation of construction activities;
 - ✓ Temporary or final stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject to in Part 2.2.14; and
 - ✓ Removal of temporary stormwater controls and construction equipment or vehicles, and cessation of any pollutant-generating activities.
- The construction sequence must reflect the following requirements:
 - ✓ Part 2.1.3 (installation of stormwater controls); and
 - ✓ Parts 2.2.14 (stabilization deadlines).

Phase I

Site Clearing and Minor Earthwork within Limit of Disturbance	
Estimated Start Date of Construction Activities for this Phase	Summer 2020
Estimated End Date of Construction Activities for this Phase	Fall 200

Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	TBD [Add additional dates as necessary]
Estimated Date(s) when Stormwater Controls will be Removed	TBD [Add additional dates as necessary]

Phase II

Major Earthwork and Site Stabilization within Limit of Disturbance	
Estimated Start Date of Construction Activities for this Phase	Summer 2020
Estimated End Date of Construction Activities for this Phase	Fall 2020
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	TBD [Add additional dates as necessary]
Estimated Date(s) when Stormwater Controls will be Removed	TBD [Add additional dates as necessary]

[Repeat as needed.]

2.5 Authorized Non-Stormwater Discharges

Instructions (see CGP Parts 1.2.2 and 7.2.5):

- Identify all authorized sources of non-stormwater discharges. The authorized non-stormwater discharges identified in Part 1.2.2 of the 2017 CGP include:
 - ✓ Discharges from emergency fire-fighting activities;
 - ✓ Fire hydrant flushings;
 - ✓ Landscape irrigation;
 - ✓ Waters used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
 - ✓ Water used to control dust;
 - ✓ Potable water including uncontaminated water line flushings;
 - ✓ External building washdown, provided soaps, solvents and detergents are not used, and external surfaces do not contain hazardous substances (e.g., paint or caulk containing PCBs);
 - ✓ Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and detergents are not used. You are prohibited from directing pavement wash waters directly into any water of the U.S., storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;
 - ✓ Uncontaminated air conditioning or compressor condensate;
 - ✓ Uncontaminated, non-turbid discharges of ground water or spring water;
 - ✓ Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
 - ✓ Construction dewatering water discharged in accordance with Part 2.4.

List of Authorized Non-Stormwater Discharges Present at the Site

Type of Authorized Non-Stormwater Discharge	Likely to be Present at Your Site?
Discharges from emergency fire-fighting activities	☒ Yes ☐ No
Fire hydrant flushings	☒ Yes ☐ No
Landscape irrigation	☒ Yes ☐ No
Waters used to wash vehicles and equipment	☒ Yes ☐ No
Water used to control dust	☒ Yes ☐ No
Potable water including uncontaminated water line flushings	☒ Yes ☐ No
External building washdown (soaps/solvents are not used and external surfaces do not contain hazardous substances)	☒ Yes ☐ No
Pavement wash waters	☒ Yes ☐ No
Uncontaminated air conditioning or compressor condensate	☒ Yes ☐ No
Uncontaminated, non-turbid discharges of ground water or spring water	☒ Yes ☐ No
Foundation or footing drains	☒ Yes ☐ No
Construction dewatering water	☒ Yes ☐ No

(Note: You are required to identify the likely locations of these authorized non-stormwater discharges on your site map. See Section 2.6, below, of the SWPPP Template.)

2.6 Site Maps

Instructions (see CGP Part 7.2.4):

- Attach site maps in Appendix A of the Template. For most projects, a series of site maps is necessary and recommended. The first should show the undeveloped site and its current features. An additional map or maps should be created to show the developed site or, for more complicated sites, show the major phases of development.

These maps must include the following features:

- Boundaries of the property and of the locations where construction will occur, including:
 - ✓ Locations where earth-disturbing activities will occur, noting any phasing of construction activities and any demolition activities;
 - ✓ Approximate slopes before and after major grading activities. Note areas of steep slopes, as defined in CGP Appendix A;
 - ✓ Locations where sediment, soil, or other construction materials will be stockpiled;
 - ✓ Locations of any crossings of waters of the U.S.;
 - ✓ Designated points where vehicles will exit onto paved roads;
 - ✓ Locations of structures and other impervious surfaces upon completion of construction; and
 - ✓ Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1.c).
- Locations of all waters of the U.S., including wetlands, on your site and within one mile downstream of the site's discharge point. Indicate which waterbodies are listed as impaired, and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters.
- Areas of federally-listed critical habitat for endangered or threatened species within the site and/or at discharge locations.
- Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures)
- Drainage pattern(s) of stormwater and authorized non-stormwater before and after major grading activities.
- Stormwater and authorized non-stormwater discharge locations, including:
 - ✓ Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets; and
 - ✓ Locations where stormwater or allowable non-stormwater will be discharged to waters of the U.S. (including wetlands).
- Locations of all potential pollutant-generating activities.
- Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with the permit.
- Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Instructions (see CGP Parts 1.1.5, 7.2.9.a, Appendix D, and the "Endangered Species Protection" section of the Appendix J – NOI form):

Using the instructions in Appendix D of the permit, determine under which criterion listed below (A-F) you are eligible for coverage under this permit with respect to the protection of endangered species. To make this determination, you must use information from **BOTH** the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). Both the NMFS and USFWS maintain lists of Endangered Species Act-listed (ESA-listed) species and designated critical habitat. Operators must consult both when determining their eligibility.

- Check only 1 box, include the required information and provide a sound basis for supporting the criterion selected. Select the most conservative criterion that applies
- Include documentation supporting your determination of eligibility.
- A step-by-step guide and flow-chart on ESA provisions for EPA's CGP is available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#species>

Eligibility Criterion

Under which criterion listed in Appendix D are you eligible for coverage under this permit?

- ☒ **Criterion A:** No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of this permit, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion A should identify the USFWS and NMFS information sources used. Attaching aerial image(s) of the site to your NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers. Check the applicable source(s) of information you relied upon:

- ☐ Specific communication with staff of the USFWS and/or NMFS. INSERT DATE OF COMMUNICATION AND WHO YOU SPOKE WITH
- ☒ Species list from USFWS and/or NMFS. See the CGP ESA webpage, Step 2 for available websites.
<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>

- ☐ **Criterion B:** Eligibility requirements met by another operator under the 2017 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2017 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2017CGP operator's notification of authorization under this permit. If your certification is based on

another 2017 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in criterion C in your NOI form.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion B should identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.

- ✓ Provide the 9-digit NPDES ID number from the other operator's NOI under the 2017 CGP: _____
- ✓ Authorization date of the other 2017 CGP operator: INSERT AUTHORIZATION DATE OF OTHER OPERATOR
- ✓ Eligibility criterion of the other 2017 CGP operator: ☐A ☐C ☐D ☐E ☐F
- ✓ Provide a brief summary of the basis the other operator used for selecting criterion A, C, D, E, or F: INSERT TEXT HERE

-
- ☐ **Criterion C:** Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion C should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.

- ✓ Resources used to make determination: INSERT RESOURCES YOU USED TO DETERMINE THAT DISCHARGES ARE NOT LIKELY TO ADVERSELY AFFECT ESA-LISTED SPECIES OR DESIGNATED CRITICAL HABITAT
- ✓ ESA-listed Species/Critical Habitat in action area: INSERT LIST OF ESA-LISTED SPECIES OR DESIGNATED CRITICAL HABITAT LOCATED IN YOUR ACTION AREA
- ✓ Distance between site and ESA-listed Species/Critical Habitat: INSERT DISTANCE BETWEEN YOUR SITE AND THE ESA-LISTED SPECIES OR CRITICAL HABITAT (in miles)
- ✓ How adverse effects will be avoided: DESCRIBE SPECIFICALLY HOW ADVERSE EFFECTS TO ESA-LISTED SPECIES WILL BE AVOIDED FROM THE DISCHARGES AND DISCHARGE-RELATED ACTIVITIES

-
- ☐ **Criterion D:** Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence from USFWS and/or NMFS that your site's discharges and

discharge-related activities are not likely to adversely affect listed species and/or critical habitat. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion D should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.

- ✓ Agency coordinated with: ☐ USFWS ☐ NMFS
- ✓ Field/regional office(s) providing coordination: INSERT FIELD/REGIONAL OFFICE(S) PROVIDING COORDINATION
- ✓ Date coordination concluded: INSERT DATE COORDINATION CONCLUDED
- ✓ Attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service concluding coordination activities.

-
- ☐ **Criterion E: ESA Section 7 consultation has successfully concluded.** Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, Indicate the result of the consultation:

- ☐ Biological opinion from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or
- ☐ Written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion E should identify the federal action agency(ies) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the consultation was completed.

- ✓ Federal agency(ies) involved: INSERT FEDERAL AGENCY(IES) INVOLVED
- ✓ Field/regional office(s) providing consultation: INSERT FIELD/REGIONAL OFFICE(S) PROVIDING CONSULTATION
- ✓ Tracking numbers associated with consultation: INSERT CONSULTATION TRACKING NUMBER(S)
- ✓ Date consultation completed: INSERT DATE CONSULTATION COMPLETED
- ✓ Attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service concluding consultation.

-
- ☐ **Criterion F: Issuance of section 10 permit.** Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion F should identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field office/regional office(s) providing permit(s), any tracking numbers of identifiers

associated with that consultation (e.g., IPaC number, PCTS number), and the date the permit was granted.

- ✓ Agency providing section 10 permit: ☐ USFWS ☐ NMFS
- ✓ Field/regional office(s) providing permit: INSERT FIELD/REGIONAL OFFICE(S) PROVIDING PERMIT
- ✓ Tracking numbers associated with consultation: INSERT CONSULTATION TRACKING NUMBER(S)
- ✓ Date permit granted: INSERT DATE PERMIT GRANTED
- ✓ Attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service.

3.2 Historic Preservation

Instructions (see CGP Part 1.1.6, 7.2.9.b, Appendix E, and the "Historic Preservation" section of the Appendix J – NOI form):

Follow the screening process in Appendix E of the permit for determining whether your installation of subsurface earth-disturbing stormwater controls will have an effect on historic properties.

- Include documentation supporting your determination of eligibility.
- To contact your applicable state or tribal historic preservation office, information is available at www.achp.gov/programs/html.

Appendix E, Step 1

Do you plan on installing any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- ☐ Dike
- ☐ Berm
- ☐ Catch Basin
- ☐ Pond
- ☐ Stormwater Conveyance Channel (e.g., ditch, trench, perimeter drain, swale, etc.)
- ☐ Culvert
- ☒ Other type of ground-disturbing stormwater control: Infiltration Basin

(Note: If you will not be installing any ground-disturbing stormwater controls, no further documentation is required for Section 3.2 of the Template.)

Appendix E, Step 2

If you answered yes in Step 1, have prior surveys or evaluations conducted on the site already determined that historic properties do not exist, or that prior disturbances at the site have precluded the existence of historic properties? ☒ YES ☐ NO

- If yes, no further documentation is required for Section 3.2 of the Template.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? ☒ YES ☐ NO

If yes, provide documentation of the basis for your determination. The project is being constructed on a previously disturbed area.

If no, proceed to Appendix E, Step 4.

Appendix E, Step 4

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other tribal representative (whichever applies) respond to you within 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? ☐ YES ☐ NO

If no, no further documentation is required for Section 3.2 of the Template.

If yes, describe the nature of their response:

- ☐ Written indication that no historic properties will be affected by the installation of stormwater controls. INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE
- ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions. INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE
- ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls. INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE
- ☐ Other: INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE

3.3 Safe Drinking Water Act Underground Injection Control Requirements

Instructions (see CGP Part 7.2.9.c):

- If you will use any of the identified controls in this section, include documentation of contact between you and the applicable state agency or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144-147. \
- For state UIC program contacts, refer to the following EPA website:
<https://www.epa.gov/uic>.

Do you plan to install any of the following controls? Check all that apply below. n/a

- ☐ Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- ☐ Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- ☐ Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

IF YES, INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE STATE AGENCY OR EPA REGIONAL OFFICE

SECTION 4: EROSION AND SEDIMENT CONTROLS

General Instructions (See CGP Parts 2.2 and 7.2.6):

- Describe the erosion and sediment controls that will be installed and maintained at your site.
- Describe any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon).
- Describe any routine stormwater control maintenance specifications.
- Describe the projected schedule for stormwater control installation/implementation.

4.1 Natural Buffers or Equivalent Sediment Controls

Instructions (see CGP Parts 2.2.1 and 7.2.6.b.i, and Appendix G):

This section only applies to you if a water of the U.S. is located within 50 feet of your site's earth disturbances. If this is the case, consult CGP Part 2.2.1 and Appendix G for information on how to comply with the buffer requirements.

- Describe the compliance alternative (CGP Part 2.2.1.a.i, ii, or iii) that was chosen to meet the buffer requirements, and include any required documentation supporting the alternative selected. The compliance alternative selected must be maintained throughout the duration of permit coverage. However, if you select a different compliance alternative during your period of permit coverage, you must modify your SWPPP to reflect this change.
- If you qualify for one of the exceptions in CGP Part 2.2.1.b, include documentation related to your qualification for such exceptions.

Buffer Compliance Alternatives

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☐ YES ☒ NO

(Note: If no, no further documentation is required for Part 4.1 in the SWPPP Template. Continue on to Part 4.2.)

Check the compliance alternative that you have chosen:

- ☐ (i) I will provide and maintain a 50-foot undisturbed natural buffer.

(Note (1): You must show the 50-foot boundary line of the natural buffer on your site map.)

(Note (2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls. Also, show on the site map any velocity dissipation devices used to prevent erosion within the natural buffer area.)

- ☐ (ii) I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

(Note (1): You must show the boundary line of the natural buffer on your site map.)

(Note (2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and

sediment controls. Also, show on the site map any velocity dissipation devices used to prevent erosion within the natural buffer area.)

- INSERT WIDTH OF NATURAL BUFFER TO BE RETAINED
- INSERT EITHER ONE OF THE FOLLOWING:
 - (1) THE ESTIMATED SEDIMENT REMOVAL FROM A 50-FOOT BUFFER USING APPLICABLE TABLES IN APP. G, ATTACHMENT 1. INCLUDE INFORMATION ABOUT THE BUFFER VEGETATION AND SOIL TYPE THAT PREDOMINATE AT YOUR SITE
 - OR
 - (2) IF YOU CONDUCTED A SITE-SPECIFIC CALCULATION FOR THE ESTIMATED SEDIMENT REMOVAL OF A 50-FOOT BUFFER, PROVIDE THE SPECIFIC REMOVAL EFFICIENCY, AND INFORMATION YOU RELIED UPON TO MAKE YOUR SITE-SPECIFIC CALCULATION.
- INSERT DESCRIPTION OF ADDITIONAL EROSION AND SEDIMENT CONTROLS TO BE USED IN COMBINATION WITH NATURAL BUFFER AREA
- INSERT THE FOLLOWING INFORMATION:
 - (1) SPECIFY THE MODEL OR OTHER TOOL USED TO ESTIMATE SEDIMENT LOAD REDUCTIONS FROM THE COMBINATION OF THE BUFFER AREA AND ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE, AND
 - (2) INCLUDE THE RESULTS OF CALCULATIONS SHOWING THAT THE COMBINATION OF YOUR BUFFER AREA AND THE ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE WILL MEET OR EXCEED THE SEDIMENT REMOVAL EFFICIENCY OF A 50-FOOT BUFFER

☐ (iii) It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

- INSERT RATIONALE FOR CONCLUDING THAT IT IS INFEASIBLE TO PROVIDE AND MAINTAIN A NATURAL BUFFER OF ANY SIZE
- INSERT EITHER ONE OF THE FOLLOWING:
 - (1) THE ESTIMATED SEDIMENT REMOVAL FROM A 50-FOOT BUFFER USING APPLICABLE TABLES IN APP. G, ATTACHMENT 1. INCLUDE INFORMATION ABOUT THE BUFFER VEGETATION AND SOIL TYPE THAT PREDOMINATE AT YOUR SITE
 - OR
 - (2) IF YOU CONDUCTED A SITE-SPECIFIC CALCULATION FOR THE ESTIMATED SEDIMENT REMOVAL OF A 50-FOOT BUFFER, PROVIDE THE SPECIFIC REMOVAL EFFICIENCY, AND INFORMATION YOU RELIED UPON TO MAKE YOUR SITE-SPECIFIC CALCULATION.
- INSERT DESCRIPTION OF ADDITIONAL EROSION AND SEDIMENT CONTROLS TO BE USED IN COMBINATION WITH NATURAL BUFFER AREA
- INSERT THE FOLLOWING INFORMATION:
 - (1) SPECIFY THE MODEL OR OTHER TOOL USED TO ESTIMATE SEDIMENT LOAD REDUCTIONS FROM THE EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE, AND
 - (2) INCLUDE THE RESULTS OF CALCULATIONS SHOWING THAT THE ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE WILL MEET OR EXCEED THE SEDIMENT REMOVAL EFFICIENCY OF A 50-FOOT BUFFER

☐ I qualify for one of the exceptions in Part 2.2.1.b. (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

- ☐ There is no discharge of stormwater to the water of the U.S. that is located 50 feet from my construction disturbances.

(Note: If this exception applies, no further documentation is required for Section 4.1 of the Template.)

- ☐ No natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for this project.

(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)

(Note (2): Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you must still comply with the one of the CGP Part 2.2.1.a compliance alternatives.)

- ☐ For a "linear construction sites" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible to meet any of the CGP Part 2.2.1.a compliance alternatives. INCLUDE DOCUMENTATION HERE OF THE FOLLOWING: (1) WHY IT IS INFEASIBLE FOR YOU TO MEET ONE OF THE BUFFER COMPLIANCE ALTERNATIVES, AND (2) BUFFER WIDTH RETAINED AND/OR SUPPLEMENTAL EROSION AND SEDIMENT CONTROLS TO TREAT DISCHARGES TO THE SURFACE WATER

- ☐ The project qualifies as "small residential lot" construction (defined in Appendix A) (see Appendix G, Part G.3.2).

- ☐ For Alternative 1:

- INSERT WIDTH OF NATURAL BUFFER TO BE RETAINED
- INSERT APPLICABLE REQUIREMENTS BASED ON TABLE G-1
- INSERT DESCRIPTION OF HOW YOU WILL COMPLY WITH THESE REQUIREMENTS

- ☐ For Alternative 2:

- INSERT (1) THE ASSIGNED RISK LEVEL BASED ON APP. G APPLICABLE TABLE G-2 THROUGH G-6 AND (2) THE PREDOMINANT SOIL TYPE AND AVERAGE SLOPE AT YOUR SITE
- INSERT APPLICABLE REQUIREMENTS BASED ON APP. G, TABLE G-7
- INSERT DESCRIPTION OF HOW YOU WILL COMPLY WITH THESE REQUIREMENTS

- ☐ Buffer disturbances are authorized under a CWA Section 404 permit. INSERT DESCRIPTION OF ANY EARTH DISTURBANCES THAT WILL OCCUR WITHIN THE BUFFER AREA

(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)

(Note (2): This exception only applies to the limits of disturbance authorized under the Section 404 permit, and does not apply to any upland portion of the construction project.)

- ☐ Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail). INSERT DESCRIPTION OF ANY EARTH DISTURBANCES THAT WILL OCCUR WITHIN THE BUFFER AREA

(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)

4.2 Perimeter Controls

Instructions (see CGP Parts 2.2.3 and 7.2.6.b.ii):

- Describe sediment controls that will be used (e.g., silt fences, filter berms, temporary diversion dikes, or fiber rolls) to meet the Part 2.2.3 requirement to "install sediment controls along any perimeter areas of the site that will receive pollutant discharges."
- For linear projects, where you have determined that the use of perimeter controls in portions of the site is infeasible, document other practices that you will implement.

General

- Silt fence is proposed at the downgradient areas along the limit of work that will receive stormwater runoff from disturbed areas. The proposed earth disturbances will be limited to vehicle storage area construction, excavation for stormwater BMP's, site grading and installation of utilities and drainage structures.

Specific Perimeter Controls

Silt Fence	
Description:	Silt fence as specified in plan set per Appendix A.
Installation	Before earth disturbance, Summer 2020
Maintenance Requirements	Built up sediment upgradient of silt fence shall be removed before it has accumulated to one-half of the above-ground height of any perimeter control.
Design Specifications	See plan set prepared by DiPrete Engineering

[Repeat as needed for individual perimeter controls.]

4.3 Sediment Track-Out

Instructions (see CGP Parts 2.2.4 and 7.2.6.b.iii):

- Describe stormwater controls that will be used to minimize sediment track-out.
- Describe location(s) of vehicle exit(s), procedures to remove accumulated sediment off-site (e.g., vehicle tracking), and stabilization practices (e.g., stone pads or wash racks or both) to minimize off-site vehicle tracking of sediment. Also include the design, installation, and maintenance specifications for each control.

General

- Sediment Track out will comply with CGP PART 2.2.4 per the below:

Specific Track-Out Controls

Construction Entrance Access	
Description:	Crushed Stone Construction Access as specified in plan set per Appendix A.
Installation	At start of construction, Summer 2020
Maintenance Requirements	Top dressing with additional stone or additional length as conditions demand; Where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas outside of the site, remove the deposited

	sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the US is prohibited.
Design Specifications	See plan set prepared by DiPrete Engineering.

Construction Entrance Sweeping	
Description: Sweeping as Necessary	
Installation	At start of construction, Summer 2020
Maintenance Requirements	Where sediment has been tracked-out from the site onto the surface of off-site streets, other paved areas, and sidewalks, you must remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day. You must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control, storm drain inlet, or surface water.)
Design Specifications	See plan set prepared by DiPrete Engineering.

4.4 Stockpiled Sediment or Soil

Instructions (see CGP Parts 2.2.5 and 7.2.6):	
- Describe stormwater controls and other measures you will take to minimize the discharge of sediment or soil particles from stockpiled sediment or soil. Include a description of structural practices (e.g., diversions, berms, ditches, storage basins), including design, installation, and maintenance specifications, used to divert flows from stockpiled sediment or soil, retain or detain flows, or otherwise limit exposure and the discharge of pollutants from stockpiled sediment or soil. - For piles that will be unused for 14 or more days, describe what cover or other appropriate temporary stabilization will be used. - Also, describe any controls or procedures used to minimize exposure resulting from adding to or removing materials from the pile.	

General

- Stockpiles shall be sited outside the active area of work in an upland area (see "Construction Support Activities" in Section 2.3) and surrounded by sediment controls.

Specific Stockpile Controls

Silt Fence	
Description: Silt fence as specified in plan set per Appendix A	
Installation	Prior to/ at stockpile creation, Summer 2020
Maintenance Requirements	Built up sediment upgradient of silt fence shall be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

	Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the US is prohibited.
Design Specifications	See plan set prepared by DiPrete Engineering

[Repeat as needed for individual stockpile controls.]

4.5 Minimize Dust

Instructions (see CGP Parts 2.2.6 and 7.2.6):

Describe controls and procedures you will use at your site to minimize the generation of dust.

General

- Watering truck will be available to apply water and calcium chloride as needed.

Specific Dust Controls

Water Truck	
Description: Water truck as needed	
Installation	During construction until vegetative cover has been established, Summer 2020
Maintenance Requirements	N/A
Design Specifications	A water truck shall be available as needed for application of water and/or calcium chloride to control dust during dry periods.

[Repeat as needed for individual dust controls.]

4.6 Minimize Steep Slope Disturbances

Instructions (see CGP Parts 2.2.7 and 7.2.6):

- Describe how you will minimize the disturbance to steep slopes (as defined by CGP Appendix A).
- Describe controls (e.g., erosion control blankets, tackifiers), including design, installation and maintenance specifications, that will be implemented to minimize sediment discharges from slope disturbances.

General

- See Appendix A, Plan Set prepared by DiPrete Engineering for details on all proposed control

Specific Steep Slope Controls

Slope Stabilization	
Description: Erosion control blankets, hydroseed bonded fiber matrix, erosion control mulch, flexible growth medium, or approved equal	
Installation	As specified on site plans
Maintenance Requirements	See site plans for details, installation, and maintenance requirements.
Design Specifications	See plan set prepared by DiPrete Engineering

[Repeat as needed for individual steep slope controls.]

4.7 Topsoil

Instructions (see CGP Parts 2.2.8 and 7.2.6):

- Describe how topsoil will be preserved and identify these areas and associated control measures on your site map(s).
- If it is infeasible for you to preserve topsoil on your site, provide an explanation for why this is the case.

General

- Topsoil shall be stripped from areas to be graded and stockpiled for later use. Stockpile location shall be subject to approval by the Project Engineer. Silt fence or approved equal shall surround all topsoil stockpiles.

Specific Topsoil Controls

Silt Fence	
Description: Silt fence as specified in plan set per Appendix A	
Installation	Prior to/ at stockpile creation, Summer 2020
Maintenance Requirements	Built up sediment upgradient of silt fence shall be removed before it has accumulated to one-half of the above-ground height of any perimeter control. Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the US is prohibited.
Design Specifications	See plan set prepared by DiPrete Engineering

[Repeat as needed for individual topsoil controls.]

4.8 Soil Compaction

Instructions (see CGP Parts 2.2.9 and 7.2.6):

- In areas where final vegetative stabilization will occur or where infiltration practices will be installed, describe the controls, including design, installation, and maintenance specifications that will be used to restrict vehicle or equipment access or condition the soil for seeding or planting.

General

- Final vegetative stabilization will occur post general construction. Silt fence shall remain until stabilization has occurred.

Specific Soil Compaction Controls

Silt Fence	
Description: Silt fence as specified in plan set per Appendix A	
Installation	Prior to/ at stockpile creation, Summer 2020

Maintenance Requirements	Built up sediment upgradient of silt fence shall be removed before it has accumulated to one-half of the above-ground height of any perimeter control. Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the US is prohibited.
Design Specifications	See plan set prepared by DiPrete Engineering

[Repeat as needed for individual topsoil controls.]

4.9 Storm Drain Inlets

Instructions (see CGP Parts 2.2.10 and 7.2.6):

- Describe controls (e.g., inserts, rock-filled bags, or block and gravel) including design, installation, and maintenance specifications that will be implemented to protect all inlets that carry stormwater flow from your site to a water of the U.S., provided you have the authority to access the storm drain inlet.

General

- Erosion controls shall be located down gradient of the limits of work. N/A

Specific Storm Drain Inlet Controls

Inlet Protection	
Description:	Inlet Protection as specified in plan set per Appendix A. N/A
Installation	Before earth disturbance, INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	After storm event, remove sediment from containment area if more than 1/3 full of sediment. Clean, or remove and replace the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.
Design Specifications	See plan set prepared by DiPrete Engineering

[Repeat as needed for individual storm drain inlet controls.]

4.10 Stormwater Conveyance Channels

Instructions (see CGP Parts 2.2.11 and 7.2.6):

If you will be installing a stormwater conveyance channel, describe control practices (e.g., velocity dissipation devices), including design specifications and details (volume, dimensions, outlet structure), that will be implemented at the construction site.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.2.11 N/A

Specific Conveyance Channel Controls

Grassed Swale	
Description: Grassed Swale as specified in plan set per Appendix A.	
Installation	Prior to major earthworks, Summer 2020
Maintenance Requirements	After storm event, remove sediment from swale area if more than 1/3 full of sediment.
Design Specifications	See plan set prepared by DiPrete Engineering

[Repeat as needed for individual stormwater conveyance channel controls.]

4.11 Sediment Basins

Instructions (see CGP Parts 2.2.12 and 7.2.6.b.iv):

If you will install a sediment basin, include design specifications and other details (volume, dimensions, outlet structure) that will be implemented in conformance with CGP Part 2.2.12.

- Sediment basins must be situated outside waters of the U.S. and any natural buffers established under CGP Part 2.2.1; and designed to avoid collecting water from wetlands.
- At a minimum, sediment basins provide storage for either (1) the calculated volume of runoff from the 2-year, 24-hour storm (see CGP App. H), or (2) 3,600 cubic feet per acre drained
- Sediment basins must also utilize outlet structures that withdraw water from the surface, unless infeasible

General

- Sediment Basins shall collect and control stormwater and sediments from construction activities within the limit of work. Sediment Basins shall contain a stormwater release structure to drain completely dry.

Specific Sediment Basin Controls

Sediment Basin	
Description: Sediment Basin as specified in plan set per Appendix A	
Installation	Clear, grub, and strip dam location. Excavate area for the outlet apron.
Maintenance Requirements	Check embankment for settlement, seepage or slumping along the toe or around pipe. Check embankment, emergency spillway, and outlet for erosion damage. Clean or replace gravel when sediment pool does not drain properly.
Design Specifications	Sediment Basins shall remain in operation and be properly maintained until the site area is permanently stabilized by vegetation and/ or when permanent structures are in place.

[Repeat as needed for individual sediment basin controls.]

4.12 Chemical Treatment

Instructions (see CGP Parts 2.2.13 and 7.2.6.v):

If you are using treatment chemicals at your site, provide details for each of the items below. This information is required as part of the SWPPP requirements in CGP Part 7.2.6.v.

Soil Types

List all the soil types (including soil types expected to be found in fill material) that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems: N/A

Treatment Chemicals

List all treatment chemicals that will be used at the site and explain why these chemicals are suited to the soil characteristics: N/A

Describe the dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage: N/A

Provide information from any applicable Safety Data Sheets (SDS): N/A

Describe how each of the chemicals will stored: N/A

Include references to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems: N/A

Special Controls for Cationic Treatment Chemicals (if applicable)

If the applicable EPA Regional Office authorized you to use cationic treatment chemicals, include the official EPA authorization letter or other communication, and identify the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance of water quality standards: N/A

Schematic Drawings of Stormwater Controls/Chemical Treatment Systems

Provide schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of treatment chemicals: N/A

Training

Describe the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to the use of treatment chemicals: N/A

4.13 Dewatering Practices

Instructions (see CGP Parts 2.4 and 7.2.6):

If you will be discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, include design specifications and details of all dewatering practices that are installed and maintained to comply with CGP Part 2.4.

General

- The dewatering of non-contaminated non-stormwater (i.e. groundwater) or accumulated precipitation discharge of sediment-laden water into storm drains, streams, lakes or wetlands prior to sediment removal is prohibited. Sediment Traps and Sediment Basins shall be installed and maintained to comply with CGP Part 2.1.3.4.

Specific Dewatering Practices

Dewatering Practice	
Description: Dewatering of non-contaminated stormwater	
Installation	Start of construction or upon commencement of dewatering operations.
Maintenance Requirements	With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

Design Specifications	See plan set prepared by DiPrete Engineering
------------------------------	--

[Repeat as needed for individual dewatering practices.]

4.14 Other Stormwater Controls

Instructions:

- Describe any other stormwater controls that do not fit into the above categories.

General

- N/A

Specific Stormwater Control Practices

N/A	
Description: N/A	
Installation	N/A
Maintenance Requirements	N/A
Design Specifications	N/A

[Repeat as needed.]

4.15 Site Stabilization

Instructions (see CGP Parts 2.2.14 and 7.2.6.vi):

The CGP requires you to immediately initiate stabilization when work in an area of your site has permanently or temporarily stopped, and to complete certain stabilization activities within prescribed deadlines. Construction projects disturbing more than 5 acres at any one time have a different deadline than projects disturbing 5 acres or less at any one time. See CGP Part 2.2.14.a. The CGP also requires that stabilization measures meet certain minimum criteria. See CGP Part 2.2.14.b. For your SWPPP, you must include the following:

- Describe the specific vegetative and/or non-vegetative practices that will be used to stabilize exposed soils where construction activities have temporarily or permanently ceased. Avoid using impervious surfaces for stabilization whenever possible.
- The stabilization deadline(s) that will be met in accordance with Part 2.2.14.a
- Once you begin construction, consider using the Grading/Stabilization Activities log in Appendix H of the Template to document your compliance with the stabilization requirements in CGP Part 2.2.14.

Total Amount of Land Disturbance Occurring at Any One Time

- ☒ Five Acres or less
- ☐ More than Five Acres

Use this template box if you are not located in an arid, semi-arid, or drought-stricken area

Vegetative Cover	
☒ Vegetative ☐ Non-Vegetative ☐ Temporary ☐ Permanent	
Description: Vegetative Cover	
Installation	Seed or mulch exposed areas as needed from commencement to end of construction as activities cease in the applicable areas.
Completion	Before site demobilization.
Maintenance Requirements	• Contractor shall be responsible for re-seeding any un-stabilized areas after activities have ceased in the area until the end of earth-disturbing activities for the site. • When earth-disturbing activities have temporarily or permanently ceased, all exposed earth shall immediately be either 1) Mulched 2) Seeded with grass or planted • The above shall be commenced as soon as practicable but no later than the end of the next work day following the day when earth-disturbing activities have temporarily ceased. • The above shall be completed no later than 14 calendar days after the initiation of site stabilization measures. • All areas not covered by permanent structures must achieve uniform, perennial vegetation of at least 70 percent cover.
Design Specifications	See plan set prepared by DiPrete Engineering

SECTION 5: POLLUTION PREVENTION STANDARDS

5.1 Potential Sources of Pollution

Instructions (see CGP Part 7.2.3.g):

- Identify and describe all pollutant-generating activities at your site (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal).
- For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents associated with that activity (e.g., sediment, fertilizers, and/or pesticides, paints, solvents, fuels), which could be exposed to rainfall or snowmelt, and could be discharged from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction.

Construction Site Pollutants

Pollutant-Generating Activity	Pollutants or Pollutant Constituents (that could be discharged if exposed to stormwater)	Location on Site (or reference SWPPP site map where this is shown)
Construction entrance	Sediment	At construction entrance
Clearing, grading, excavating, and unstabilized areas	Sediment; Trash/Debris	Areas within the limit of work
Installation of stormwater drainage systems	Products from construction vehicles	At and around detention pond
Concrete washout and waste	Heavy metals; pH; Trash/Debris	Designated washout areas
Demolition and debris disposal	Sediment; Nutrients	Areas within the limit of work
Dewatering operations	Sediment; Nutrients	Where needed
Material delivery and storage	Sediment; Nutrients; Heavy metals; pH; Pesticides/Herbicides; Oil/Grease; Trash/Debris; Toxic chemicals	Designated staging areas
Material use during building process	Nutrients; heavy metals; pH; pesticides/herbicides; oil/grease; trash/debris; toxic chemicals	Areas within the limit of work
Contaminated spills	Nutrients; heavy metals; pH; pesticides/herbicides; oil/grease; toxic chemicals	Areas within the limit of work
Vehicle/equipment fueling, storage and maintenance	Oil/Grease; toxic chemicals	Areas within the limit of work

Pollutant-Generating Activity	Pollutants or Pollutant Constituents (that could be discharged if exposed to stormwater)	Location on Site (or reference SWPPP site map where this is shown)
Solid waste/ trash/ debris	Trash/debris; toxic chemicals	Designated staging areas

[Include additional rows as necessary.]

5.2 Spill Prevention and Response

Instructions (see CGP Parts 2.3.6 and 7.2.6.vii):

- Describe procedures you will use to prevent and respond to leaks, spills, and other releases. You must implement the following at a minimum:
 - ✓ Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or title of the employee(s) responsible for detection and response of spills or leaks; and
 - ✓ Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.
- Some projects/site may be required to develop a Spill Prevention Control and Countermeasure (SPCC) plan under a separate regulatory program (40 CFR 112). If you are required to develop an SPCC plan, or you already have one, you should include references to the relevant requirements from your plan.

Spills and leaks shall be avoided through frequent inspection of equipment and material storage areas.

Heavy equipment and other vehicles shall be routinely inspected for leaks and repaired as necessary. Material storage areas shall be routinely inspected for leaky containers, open containers, or improper storage techniques that may lead to spills or leaks. Appropriate cleanup procedures and supplies shall be available on-site and should be clearly marked so that all personnel can locate and access these supplies quickly.

Spills shall be cleaned up immediately and following proper response procedures and in accordance with any applicable regulatory requirements. At no time shall spills be cleaned and flushed down storm drains or into any environmentally sensitive area (i.e. stream, pond, wetland).

Equipment/vehicle fueling and repair/maintenance operations or hazardous material storage shall not take place within regulated wetlands or buffer zone areas. Designated areas shall be approved by the site owner.

Spill response for liquid waste must be used when responding to hydrocarbon spills on site and should not be performed without the appropriate PPE equipment. See Appendix Q for additional guidelines on the spill response method.

The construction site supervisor will create and adopt a spill control plan that includes measures to stop the source of the spill, contain the spill, clean up the spill, dispose of materials contaminated by the spill, and identify and train personnel responsible for spill prevention and control. The following measures will be appropriate for a spill prevention and response plan.

- 1) Store and handle materials to prevent spills.
 - a) Tightly seal containers.
 - b) Make sure all containers are clearly labeled
 - c) Stack containers neatly and securely.

- 2) Reduce storm water contact if there is a spill.
 - a) Have cleanup procedures clearly posted.
 - b) Have cleanup materials readily available.
 - c) Contain any liquid.
 - d) Stop the source of the spill.
 - e) Cover spill with absorbent materials such as kitty litter or sawdust.
- 3) At no time shall spills be cleaned and/or flushed down storm drains or to any environmentally sensitive area (stream, pond, wetlands, etc).
- 4) Dispose of contaminated materials according to manufacturer's instructions or according to state or local requirements.
- 5) Equipment/vehicle fueling and repair/maintenance operations or hazardous material storage.
- 6) Identify personnel responsible for responding to a spill of toxic or hazardous materials.
 - a) Provide personnel spill response training.
 - b) Post names of spill response personnel.
 - c) Keep the spill area well ventilated.
 - d) If necessary, use a private firm that specializes in spill cleanup.
- 7) Spills that exceed Reportable Quantity (RQ) levels or reportable materials must be reported and documented.
 - a) Notify the Walpole Fire Department and the Emergency Response Section at the Massachusetts Department of Environmental Protection (1-888-304-1133) as soon as there is knowledge of the spill.
 - b) Notify the permitting authority in writing within 5 days.
 - c) The SWPPP must be modified within 14-days to provide a description of the release, the circumstances leading to the release and the date of the release.

5.3 Fueling and Maintenance of Equipment or Vehicles

Instructions (see CGP Parts 2.3.1 and 7.2.6):

- Describe equipment/vehicle fueling and maintenance practices that will be implemented to eliminate the discharge of spilled or leaked chemicals (e.g., providing secondary containment (examples: *spill berms, decks, spill containment pallets*) and cover where appropriate, and/or having spill kits readily available.)

General

- Oil, gasoline, lubricants, and asphaltic substances such as paving materials are considered petroleum products. Petroleum products will most likely be used in areas where road construction of some type is occurring and at vehicle storage areas or areas of onsite fueling or equipment maintenance. The following practices should be utilized to reduce the pollution risks from using petroleum products.
- Vehicle maintenance and washing shall occur off-site, or in designated areas depicted on the Approved Plans or approved of by the site owner. Maintenance or washing areas shall not be within regulated wetlands or buffer zone areas, or within 50-feet of the storm drain system. Maintenance areas shall be clearly designated, and berms, sandbags, or other barriers shall be used around the perimeter of the maintenance area to prevent stormwater contamination.
- Construction vehicles shall be inspected frequently for leaks. Repairs shall take place immediately. Disposal of all used oil, antifreeze, solvents and other automotive-related chemicals shall be according to applicable regulations; at no time shall any material be washed down the storm drain or into any environmentally sensitive area.

Specific Pollution Prevention Practices

Pollution Prevention	
Description: Chemical/ Discharge Spill Clean Up	
Installation	Have equipment to contain and clean up petroleum spills in fuel storage areas or on-board maintenance and fueling vehicles. Where possible, store petroleum products and fuel vehicles in covered areas and construct dikes to contain any spills.
Maintenance Requirements	Preventive maintenance for onsite equipment should be done to prevent leakage. This may include checking for and fixing gas or oil leaks in construction vehicles on a regular basis. Proper application of asphaltic substances (see manufacturers' instructions) will also reduce the risk of a spill. Contain and clean up petroleum spills immediately.
Design Specifications	See Appendix Q for guidelines on the spill response method.

[Repeat as needed.]

5.4 Washing of Equipment and Vehicles

Instructions (see CGP Parts 2.3.2 and 7.2.6):

- Describe equipment/vehicle washing practices that will be used to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters (e.g., locating activities away from waters of the U.S. and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls).
- Describe how you will prevent the discharge of soaps, detergents, or solvents by providing either (1) cover (examples: plastic sheeting or temporary roofs) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

General

- Phosphorous- and nitrogen-containing detergents are used in wash water for cleaning vehicles. Excesses of these nutrients can be a major source of water pollution. Use detergents only as recommended and limit their use on the site. Do not dump wash water containing detergents into the storm drain system; direct it to a sanitary sewer or contain it so that it can be treated at a wastewater treatment plant.

Vehicle washing shall occur off-site. If vehicle washing needs to occur onsite it shall be in designated areas depicted on the Approved Plans or approved of by the site owner. Washing areas shall not be within regulated wetlands or buffer zone areas, or within 50-feet of the storm drain system. Washing areas shall be clearly designated, and berms, sandbags, or other barriers shall be used around the perimeter of the maintenance area to prevent stormwater contamination.

Specific Pollution Prevention Practices

- N/A

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

Instructions (see CGP Parts 2.3.3 and 7.2.6):

- For any of the types of building products, materials, and wastes below in Sections 5.5.1-5.5.6 below that you expect to use or store at your site, provide the information on how you will comply with the corresponding CGP provision and the specific practices that you will be employ.

5.5.1 Building Products

(Note: Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.)

General

- An inventory will be kept of all reportable materials and all materials with a reportable quantity on site. There will be neat and orderly storage of hazardous materials. Regular garbage, rubbish, construction waste, and sanitary waste disposal will be employed. There will be prompt cleanup of any spills, either liquid or dry materials. The following practices will be used to avoid problems associated with the disposal of hazardous materials.

Specific Pollution Prevention Practices

Building Product Materials and Waste	
Description: Pollution Prevention Practices	
Installation	During Construction Period
Maintenance Requirements	Check with local waste management authorities to determine what the requirements are for disposing of hazardous materials. Use the entire product before disposing of the container. Do not remove the original product label from the container, since it contains important information. If surplus products must be disposed, do not mix products together unless specifically recommended by the manufacturer. The correct method of disposal of hazardous materials varies with the product use. Follow the manufacturer's recommended method, which is often found on the label.

Design Specifications	N/A
------------------------------	-----

Waste Disposal	
Description: Pollution Prevention Practices	
Installation	During Construction Period
Maintenance Requirements	A waste collection area shall be designated on the site that does not receive a substantial amount of runoff from upland areas and does not drain directly to a waterbody or storm drain. All waste containers shall be covered to avoid contact with wind and precipitation. Waste collection shall be scheduled frequently enough to prevent containers from overfilling. All construction site wastes shall be collected, removed, and disposed of in accordance with applicable regulatory requirements and only at authorized disposal sites. Equipment and containers shall be checked for leaks, corrosion, support or foundation failure, or other signs of deterioration. Those that are found to be defective shall be immediately repaired or replaced.
Design Specifications	N/A

[Repeat as needed.]

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

General

- Pesticides may include but are not limited to insecticides, rodenticides, and herbicides. The following practices should be utilized to reduce the risks of using pesticides.

Specific Pollution Prevention Practices

Landscape based	
Description: Pollution Prevention Practices	
Installation	During Construction Period
Maintenance Requirements	Handle the materials as infrequently as possible. Observe all applicable Federal, State, and local regulations when using, handling, or disposing of these materials. Cover storage areas to prevent chemicals from coming into contact with rainwater.
Design Specifications	N./A

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General

- Oil, gasoline, lubricants, and asphaltic substances such as paving materials are considered petroleum products. Petroleum products will most likely be used in areas where road construction of some type is occurring and at vehicle storage areas or areas of onsite fueling or equipment maintenance. The following practices should be utilized to reduce the pollution risks from using petroleum products.

Specific Pollution Prevention Practices

Fuel, Oils & Chemicals	
Description: Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Spill Cleanup	
Installation	During Construction Period
Maintenance Requirements	Preventive maintenance for onsite equipment should be done to prevent leakage. This may include checking for and fixing gas or oil leaks in construction vehicles on a regular basis. Have equipment to contain and clean up petroleum spills in fuel storage areas or on-board maintenance and fueling vehicles. Where possible, store petroleum products and fuel vehicles in covered areas and construct dikes to contain any spills. Contain and clean up petroleum spills immediately. Cover storage areas to prevent chemicals from coming into contact with rainwater.
Design Specifications	See Appendix Q for guidelines on the spill response method.

5.5.4 Hazardous or Toxic Waste

(Note: Examples include paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids.)

General

- Hazardous Products may include but are not limited to paints, acids for cleaning masonry surfaces, cleaning solvents, and concrete curing compounds and additives. The following practices will help to avoid pollution of storm water by these products.

Specific Pollution Prevention Practices

Hazardous & Toxic Waste prevention	
Description: Hazardous Product Waste Prevention and containment	
Installation	During Construction Period
Maintenance Requirements	Keep materials in a dry covered area. Have equipment to contain and clean up spills of hazardous materials in the areas where these materials are stored or used. Contain and clean up spills immediately after they occur.
Design Specifications	N/A

[Repeat as needed.]

5.5.5 Construction and Domestic Waste

(Note: Examples include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials.)

General

- This disposal of building materials and other construction site wastes will be managed carefully. Construction Wastes that may be encountered on site include the following:
 - 1) Trees and shrubs removed during clearing and grubbing.
 - 2) Packaging materials (including wood, paper, plastic, etc).
 - 3) Scrap or surplus building materials (scrap metals, rubber, plastic and glass pieces, masonry products, and other solid waste materials).
 - 4) Paint and paint thinners

Specific Pollution Prevention Practices

Construction and Domestic Waste prevention	
Description: Pollution Prevention Practices	
Installation	During Construction Period
Maintenance Requirements	A waste collection area shall be designated on the site that does not receive a substantial amount of runoff from upland areas and does not drain directly to a waterbody or storm drain. All waste containers shall be covered to avoid contact with wind and precipitation. Waste collection shall be scheduled frequently enough to prevent containers from overfilling. All construction site wastes shall be collected, removed, and disposed of in accordance with applicable regulatory requirements and only at authorized disposal sites. Equipment and containers shall be checked for leaks, corrosion, support or foundation failure, or other signs of deterioration. Those that are found to be defective shall be immediately repaired or replaced.
Design Specifications	N/A

5.5.6 Sanitary Waste

General

- There will be sanitary waste from workers during construction activities that will be confined to temporary facilities. Domestic waste haulers licensed by the State of Massachusetts will be contracted to regularly remove the sanitary waste and to maintain the facilities in good working order. Portable toilets are to be positioned so that they are secure and will not be tipped or knocked over.

Specific Pollution Prevention Practices

N/A	
Description: N/A	
Installation	N/A
Maintenance Requirements	N/A
Design Specifications	N/A

5.6 Washing of Applicators and Containers used for Paint, Concrete or Other Materials

Instructions (see CGP Parts 2.3.4 and 7.2.6):

- Describe how you will comply with the CGP Part 2.3.4 requirement for washing applications and containers.

General

- Concrete washout area shall be provided as needed in an upland location within the limits of work.

Specific Pollution Prevention Practices

Concrete Washout Area	
Description: See Plan Set per Appendix A	
Installation	Washout Area shall be installed as needed when concrete is used onsite. Choose an upland location within the limits of work, surround the area with filter socks, and sign the area as "Concrete Washout". Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances.
Maintenance Requirements	Dispose of material at an approved offsite location when height of the concrete material reaches half the height of the filter socks. All tools used for concrete placement shall be washed into the washout area.
Design Specifications	See Plan Set prepared by DiPrete Engineering

5.7 Fertilizers

Instructions (CGP Parts 2.3.5 and 7.2.6.ix):

Describe how you will comply with the CGP Part 2.3.5 requirement for the application of fertilizers.

General

- Fertilizers and detergents contain nutrients such as phosphorous and nitrogen which can contribute to water pollution. The following practices should be utilized to reduce the risks of using fertilizers/detergent products.

Specific Pollution Prevention Practices

Fertilizer	
Description:	
Installation	During Construction Period
Maintenance Requirements	Limit the application of fertilizers to the minimum area and the minimum recommend amounts. Reduce the exposure of nutrients to storm water runoff by working the fertilizer deep into the soil (depth of 4 to 6 inches) instead of letting it remain on the surface. Apply fertilizer more frequently, but at lower application rates. Hydro-seeding where lime and fertilizers are applied to the ground surface in one application should be limited where possible. Limit the use of detergents onsite; wash water containing detergents should not be discharged into the storm water system. Apply fertilizer and use detergents only in the recommended manner and only in recommended amounts.
Design Specifications	N/A

[Repeat as needed for individual fertilizer practices.]

5.8 Other Pollution Prevention Practices

Instructions:

Describe any additional pollution prevention practices that do not fit into the above categories.

General

- N/A

SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Instructions (see CGP Parts 3.2, 4, 5, and 7.2.7):

Describe the procedures you will follow for conducting inspections in accordance with CGP Parts 3.2, 4, 5, and 7.2.7.

Personnel Responsible for Inspections

TO BE DETERMINED

INSERT NAMES OF PERSONNEL OR TYPES OF PERSONNEL WHO WILL BE CONDUCTING SITE INSPECTIONS HERE

Note: All personnel conducting inspections must be considered a "qualified person." CGP Part 4.1 clarifies that a "qualified person" is a person knowledgeable in the principles and practices of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

Inspection Schedule

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

(Note: you may be subject to different inspection frequencies in different areas of the site. Check all that apply)

Standard Frequency:

- ☐ Every 7 days
- ☒ Every 14 days and within 24 hours of a 0.25" rain or the occurrence of runoff from snowmelt sufficient to cause a discharge

Increased Frequency (if applicable):

For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3

- ☐ Every 7 days and within 24 hours of a 0.25" rain

Reduced Frequency (if applicable)

For stabilized areas

- ☒ Twice during first month, no more than 14 calendar days apart; then once per month after first month;
 - SPECIFY LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED
 - INSERT DATE THAT THEY WERE COMPLETED

(Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.4.1), you will need to modify your SWPPP to include this information.)

For stabilized areas on "linear construction sites"

- ☐ Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of a 0.25" rain
 - SPECIFY LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED
 - INSERT DATE THAT THEY WERE COMPLETED

(Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.4.1), you will need to modify your SWPPP to include this information.)

For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought

- ☐ Once per month and within 24 hours of a 0.25" rain

Insert beginning and ending dates of the seasonally-defined dry period for your area or the valid period of drought:

- Beginning date of seasonally dry period: INSERT APPROXIMATE DATE
- Ending date of seasonally dry period: INSERT APPROXIMATE DATE

For frozen conditions where earth-disturbing activities are being conducted

- ☐ Once per month

Insert beginning and ending dates of frozen conditions on your site:

- Beginning date of frozen conditions: INSERT APPROXIMATE DATE
- Ending date of frozen conditions: INSERT APPROXIMATE DATE

Rain Gauge Location (if applicable)

See www.wunderground.com for the nearest station location.

Weather Station ID: KMADOVER7

Station Name: Willow Street

Latitude / Longitude: 42.256° N, 71.264° W

Elevation: 161

City: Dover

State: MA

SPECIFY LOCATION(S) OF RAIN GAUGE TO BE USED FOR DETERMINING WHETHER A RAIN EVENT OF 0.25 INCHES OR GREATER HAS OCCURRED (only applies to inspections conducted for Part 4.2.2, 4.3, or 4.4.2)

Inspection Report Forms

See Appendix D

(Note: EPA has developed a sample inspection form that CGP operators can use. The form is available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>)

6.2 Corrective Action

Instructions (CGP Parts 5 and 7.2.7):

- Describe the procedures for taking corrective action in compliance with CGP Part 5.

Personnel Responsible for Corrective Actions

TO BE DETERMINED

INSERT NAMES OF PERSONNEL OR TYPES OF PERSONNEL RESPONSIBLE FOR CORRECTIVE ACTIONS

Corrective Action Forms

See Appendix E

(Note: EPA has developed a sample corrective action form that CGP operators can use. The form is available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>)

6.3 Delegation of Authority

Instructions:

- Identify the individual(s) or positions within the company who have been delegated authority to sign inspection reports.
- Attach a copy of the signed delegation of authority (see example in Appendix J of the Template.)
- For more on this topic, see Appendix I, Subsection 11 of EPA's CGP.

Duly Authorized Representative(s) or Position(s):

To Be Determined

Insert Company or Organization Name

Insert Name

Insert Position

Insert Address

Insert City, State, Zip Code

Insert Telephone Number

Insert Fax/Email

SECTION 7: TRAINING

Instructions (see CGP Part 6 and 7.2.8):

- Complete the table below to provide documentation that the personnel required to be trained in CGP Part 6 completed the appropriate training
- If personnel will be taking course training (which is not required as part of the CGP), consider using Appendix I of this SWPPP template to track completion of this training
- The following personnel, at a minimum, must receive training, and therefore should be listed out individually in the table below:
 - ✓ Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention measures);
 - ✓ Personnel responsible for the application and storage of treatment chemicals (if applicable);
 - ✓ Personnel who are responsible for conducting inspections as required in Part 4.1; and
 - ✓ Personnel who are responsible for taking corrective actions as required in Part 5.
- CGP Part 6 requires that the required personnel must be trained to understand the following if related to the scope of their job duties:
 - ✓ The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;
 - ✓ The location of all stormwater controls on the site required by this permit, and how they are to be maintained;
 - ✓ The proper procedures to follow with respect to the permit's pollution prevention requirements; and
 - ✓ When and how to conduct inspections, record applicable findings, and take corrective actions.

Table 7-1: Documentation for Completion of Training

Name	Describe Training	Date Training Completed
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE

SECTION 8: CERTIFICATION AND NOTIFICATION

Instructions (CGP Appendix I, Part I.11.b):

- The following certification statement must be signed and dated by a person who meets the requirements of Appendix I, Part I.11.b.
- This certification must be re-signed in the event of a SWPPP Modification.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Brandon Carr, P.E., LEED AP Title: Project Manager

Signature: _____ Date: 05/28/2020

[Repeat as needed for multiple construction operators at the site.]

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

Appendix B – Copy of 2017 CGP

(Note: The 2017 CGP is available at <https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents>)

Appendix C – NOI and EPA Authorization Email

Appendix D – Inspection Form

(Note: EPA has developed a sample inspection form that CGP operators can use. The form is available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>)

Appendix E – Corrective Action Form

(Note: EPA has developed a sample corrective action form that CGP operators can use. The form is available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>)

Appendix F – SWPPP Amendment Log

Appendix G – Subcontractor Certifications/Agreements

Appendix H – Grading and Stabilization Activities Log

Appendix I – Training Log

Appendix J – Delegation of Authority

Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix A – Site Maps

See site plans entitled "xxxxxxxxxxxxxxxx" prepared by DiPrete Engineering (latest edition)

Appendix B – Copy of 2017 CGP

INSERT COPY OF 2017 CGP

(Note: The 2017 CGP is available at <https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents>)

Appendix C – Copy of NOI and EPA Authorization email

INSERT COPY OF NOI AND EPA'S AUTHORIZATION EMAIL PROVIDING COVERAGE UNDER THE CGP

Appendix D – Copy of Inspection Form

INSERT COPY OF ANY INSPECTION FORMS YOU WILL USE TO PREPARE INSPECTION REPORTS

(Note: EPA has developed a sample inspection form that CGP operators can use. The form is available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>)

Appendix E – Copy of Corrective Action Form

INSERT COPY OF CORRECTIVE ACTION FORMS YOU WILL USE

(Note: EPA has developed a sample corrective action form that CGP operators can use. The form is available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>)

Appendix F – Sample SWPPP Amendment Log

Instructions (see CGP Part 7.4):

- Create a log here of changes and updates to the SWPPP. You may use the table below to track these modifications.
- SWPPP modifications are required pursuant to CGP Part 7.4.1 in the following circumstances:
 - ✓ Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP;
 - ✓ To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
 - ✓ If inspections or investigations determine that SWPPP modifications are necessary for compliance with this permit;
 - ✓ Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet requirements of the permit; and
- To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater control measures implemented at the site.
- If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	

Appendix G – Sample Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

Signature: _____

Title: _____

Date: _____

Appendix H – Sample Grading and Stabilization Activities Log

Date Grading Activity Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased (Indicate Temporary or Permanent)	Date When Stabilization Measures Initiated
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE

Appendix I – Sample SWPPP Training Log

Stormwater Pollution Prevention Training Log

Project Name: _____

Project Location: _____

Instructor's Name(s): _____

Instructor's Title(s): _____

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

☐ **Sediment and Erosion Controls**

☐ **Emergency Procedures**

☐ **Stabilization Controls**

☐ **Inspections/Corrective Actions**

☐ **Pollution Prevention Measures**

Specific Training Objective: _____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		

Appendix J – Sample Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

(name of person or position)
(company)
(address)
(city, state, zip)
(phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix I of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix I.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

INSERT DOCUMENTATION CONSISTENT WITH SWPPP TEMPLATE SECTION 3.1 AND CGP APPENDIX D

Appendix L – Historic Properties Documentation

INSERT DOCUMENTATION CONSISTENT WITH SWPPP TEMPLATE SECTION 3.2 AND CGP APPENDIX E

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each work day. An example table follows.

Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
8			8			8		
9			9			9		
10			10			10		
11			11			11		
12			12			12		
13			13			13		
14			14			14		
15			15			15		
16			16			16		
17			17			17		
18			18			18		
19			19			19		
20			20			20		
21			21			21		
22			22			22		
23			23			23		
24			24			24		
25			25			25		
26			26			26		
27			27			27		
28			28			28		
29			29			29		
30			30			30		
31			31			31		

Stormwater Pollution Prevention Plan (SWPPP)
2377-001 Needham Pool & Racquet Club

Example Rainfall Gauge Recording

April 2017			May 2017			June 2017		
Day	7:00 am	4:400 pm	Day	7:00 am	4:00 pm	Day	7:00 am	4:00 pm
1	--	--	1	0.2	0	1	0	0.4
2	--	--	2	0	0	2	0	0
3	0	0	3	0.1	0.3	3	--	--
4	0	0.3	4	0	0	4	--	--
5	0	0	5	0	0	5	0	0

In this example (for only partial months), 0.25-inch rainfall inspections would have been conducted on April 4 and June 1.

NEEDHAM PLANNING BOARD MINUTES

April 15, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Wednesday, April 15, 2020, at 7:00 p.m. with Messrs. Alpert and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video. He reviewed the rules of conduct for zoom meetings.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to automatically continue the meeting to 5/5/20 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting.

Public Hearing:

7:05 p.m. – Article 1: Map Change to General Residence B Zoning District

Mr. Jacobs noted this is a map change for the Town Meeting Warrant. There is a legal notice in the packet.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to waive the reading of the public hearing notice.

George Giunta Jr., representative for the applicant, noted he is there to present a Citizen's Petition for a zoning map change. The section is 23 parcels on the edge of the Single Residence A (SRA) District generally between Hunting Road and Route 128. He reviewed the SRA requirements – 1 acre, 150 foot frontage, 30 foot minimum front setback, 15 foot rear setback and 15 foot side setback for existing and 25 foot setback for new construction. None of the 23 parcels meet the requirements. Only 4 parcels meet the frontage requirement. He is not clear on the current planning objective to keep them in the SRA District. All parcels are fully developed and non-conforming. It is Single Residence B (SRB) District across the street. The Citizen's Petition is to rezone and 18 of the 23 parcels have signed on and support. Others are also in support. He noted this has been discussed for several years. It can proceed as of right if put in the SRB District. He would like the Planning Board's support.

Mr. Alpert stated he had no comments or questions. Ms. McKnight stated she took a walk around the neighborhood. It appears the area in question does not look any different from the SRB Zone across the street. She sees no reason not to support it. Mr. Eisenhut commented he supports it. He stated the town needs to be treated as a whole. This is a particularly concentrated area. He asked if there are other areas in town where it is this concentrated. He also asked if anyone had been denied a Special Permit in this area. Mr. Giunta Jr. stated the issue is not obtaining a Special Permit but a matter of process. The lots really are a mirror image of across the street. He noted it is an extra burden to have to go through the process. He stated Needham originally had 3 zones and his thought is the lots were laid out when Needham had a third zone.

Ms. Newman noted the circumstances existed in other areas. One area that stands out is the Clarke Road and Rolling Lane area. The lots are laid out in a 20,000 square foot profile and now in the SRA District. She feels it is appropriate for a modification in this area. Mr. Eisenhut stated it is a unique parcel. He is not enthusiastic about it but will support it. Ms. McKnight stated the Zoning Board of Appeals (ZBA) is very conservative in how it interprets and grant permits. Mr. Jacobs noted 18 of 23 are in support and asked if the other 5 are in opposition or unwilling to sign. Mr. Giunta Jr. stated he has not heard of any in opposition. Some could not be reached and some

Formatted: Top: 0.88", Bottom: 0.69"

would not sign but are in support. Bruno DeFazio, of 176 Hunting Road, stated he went around and got signatures. All but one supported it and only one did not want to sign because she could not be bothered.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:

VOTED: to close the hearing and take it under consideration for a recommendation to Town Meeting.

Article 2: Amend Zoning By-Law – Pediatric Medical Facility in New England Business Center District.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to waive the reading of the public meeting notice.

Robert Smart, representative for the applicant, stated if ~~the amendment were~~ adopted by Town Meeting the hospital would require a Special Permit. The hospital is seeking to construct a pediatric medical facility at 380 First Avenue in the New England Business Center District and parking facilities as required. He believes Children's Hospital will bring a significant benefit to the Town such as world class pediatric care, physician training, innovative research, collaboration with the schools and support for Town health initiatives. The hospital would make payments in lieu of taxes. He feels there will be a positive fiscal impact. The applicants have met with the Planning Board, Select Board, Town Manager, Finance Committee, Town Engineer, Police Chief, Building Commissioner, School Superintendent and School Committee. He has a letter of support signed by 87 town residents. Mr. Jacobs noted he has received that letter and it will be part of the record.

Mr. Smart noted there are 3 components – it will add medical facility pediatrics, owned/operated and managed by the pediatric hospital and amend the required parking table to one space per 290 square feet. Tim Sullivan, of Gouldston and Storrs, described the area. This is in the New England Business Center (NEBC) District and is bordered by Route 128, Highland Avenue, Charles River and ~~the City of~~ Newton and Cutler Park and Kendrick Street. The proposal is for a special permit use in this area. A new defined term is being added and a new special permit use in the NEBC that is creating a defining standard for which parking has to be provided. He described conversations they have had and how the new defined terms came about as a qualifier for the proposed use. He noted the proposal is not for a hospital but an outpatient, ambulatory center. A frame of reference would be the Children's Hospital ~~ambulatory facility~~ in Waltham. He stated the definition needs to be added to the By-Law first.

Mr. Sullivan stated the second component would be to add a new special permit use in the NEBC. He noted there will be day procedures, labs, radiology and doctors offices. The components need to be captured. There is no existing definition that is comprehensive. The third part is to create a parking standard. He feels one space for 290 square feet of floor area is an appropriate standard. He described the area and location of the proposed facility and the site plan of the area. The proposal is for a pediatric medical facility at 380 First Avenue. He showed the approved but undeveloped projects. He noted there is no plan to build either of the approved offices ~~buildings~~ at this time. This project will build the 925 space parking garage.

Sean Manning, of VHB in Boston, stated he tried to define an appropriate standard for parking for pediatric medical. He used Brookline, Peabody and the old Waltham Hospital and he explained the parking at each of those facilities. Needham will be primarily ambulatory as are these comparables based on size and facilities. He reviewed the estimated parking requirement summary. He noted he did an operational assessment and anticipated trip generation comparison. He stated he counted every drive and entry into and out of Founders Park and the a.m. peak ~~would be~~ higher by about 1%. The evening ~~is would be~~ slightly higher by about 6%.

Mr. Sullivan noted the prospective economic and community benefits. The applicant will pay 100% of the assessed real estate tax. They will enter into a PILOT agreement to make a payment in lieu of taxes. This will be an innovation hub for Boston Children's Hospital. He feels the food and lodging ~~business~~ will be increased due to the project. He noted there are 250 Needham residents currently employed by Children's Hospital. Children's is a

long term citizen of the area and will be around for a long while. He noted an economic impact analysis has been done. Construction will begin around 2022 and will have a \$130 million economic impact. There will be about 680 jobs and \$1.2 million in state and tax revenue. There will be \$52 million increased activity in Needham. They are proposing a comprehensive defined pediatric facility. He feels it is in line with the town's goals and he would like the Board to favorably recommend the article.

Jeff Maxtutis, of BETA, reviewed the timeline of documents for parking and trip generation. Mr. Jacobs noted all those reports have been provided to the Planning Board and are all included in the record. Mr. Maxtutis noted the reference documents he used. Justin Curewitz, of BETA, reviewed the peer review comments regarding the parking demand and trip generation with a summary of the 2 reviews. He noted the outstanding parking demand comments and stated he wants to see the backup data on that and comments on building space types. He wants further information on how the parking metrics were determined. He noted the hotel room numbers changed from 129 to 180 and there is a 55 space parking increase that needs to be included. He came up with an average of 3.55 spaces per 1,000 square feet. 1,605 spaces would be needed.

Mr. Curewitz reviewed his recommendations and trip generation summary. Mr. Jacobs asked Mr. Curewitz to define the a.m. and p.m. peak hours. Mr. Curewitz noted there is a one hour peak between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. Counts are taken in 15 minute intervals for one hour. Mr. Alpert thanked Children's Hospital and the representatives. They have met with the Planning Board numerous times where concerns were raised and the hospital was very cooperative meeting the concerns and working with the Planning Board on wording changes. He is more than satisfied with the final result. He just wants to clarify there are 3 parcels but only one parcel is being developed at this time. He asked if the hospital was planning to purchase all 3 parcels at this time and was told that was correct.

Mr. Alpert stated the parking and trip generation studies were recently received. The Board will need time to review the reports prior to the recommendation to Town Meeting. Mr. Eisenhut stated it was an excellent presentation and he likes the use. He feels the trip generation will probably come up at Town Meeting in a broad sense. He also feels people will talk about Hunting Road and Kendrick Street. Access could be through Kendrick Street. He noted PTC is a large building on ~~the lake~~ Kendrick Pond that is vacant. This will come up. He is not sure how that traffic generation was incorporated in. Mr. Curewitz feels there will be levels of detail like that that will be further studied. Mr. Eisenhut stated he is trying to anticipate what questions Town Meeting will have.

Ms. McKnight noted BETA is recommending a more recent traffic count. PTC was vacant at the time the counts were done. Mr. Manning stated he accounted for the vacancy and unused spaces. Ms. McKnight asked if there was a way to factor in counts as if that building was occupied for office use. She added that she understands updated traffic counts cannot be done at this time. Mr. Manning stated PTC is not inside the 128 District and would not be part of this count. He stated it would be helpful to have more data. Ms. McKnight stated she agrees with Mr. Alpert. She needs more time to review the revised documents received in the past few days.

Ms. McKnight asked if the hearing should be continued in case there are further questions once reviewed. Mr. Jacobs understands there are still a few open concerns. He believes VHB intends to make clarifications and he feels the hearing will be continued. Ms. Newman noted it will be continued to 5/5/20 to get responses from VHB. Mr. Jacobs wants to make clear the reports by VHB and BETA are helpful but are not exact computations. They are best estimates. There will be further studies and details if approved. There were no public comments.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to continue the hearing to the 5/5/20 meeting at 7:30 p.m.

Mr. Jacobs noted the continued hearing will be the same meeting ID number. Ms. McKnight asked if members of the public had questions prior to the meeting what would be the best way to submit them. Ms. Newman noted comments should be emailed to the Planning Department.

Formatted: Highlight

Formatted: Highlight

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:

VOTED: to accept the minutes of 2/4/20.

Correspondence

There was no correspondence.

Report from Planning Director and Board members.

Ms. Newman noted she wants to share she has been forwarding memos from KP Law that are helpful. The Planning Department is moving to accept electronic permits. The Farmer's Market will be the first. This will allow projects to go forward.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to adjourn the meeting at 8:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

May 5, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Tuesday, May 5, 2020, at 7:15 p.m. with Messrs. Alpert, Owens and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs took a roll call attendance. He noted the Needham Farmer's Market De Minimus Change has been postponed to the 5/19/20 meeting. The Article 1 map change scheduled for a 7:30 p.m. public hearing has been dealt with and is off the agenda.

He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video. He reviewed the rules of conduct for zoom meetings. This meeting will allow public comment. He noted if any votes are taken at the meeting the vote will be conducted by roll call.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 5/19/20 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting.

Request to Withdraw Application on ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Mr. Jacobs noted a letter from Attorney Robert Smart, dated 4/28/20, to the Planning Board requesting withdrawal of the application without prejudice.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to allow withdrawal without prejudice of the application for ANR for 766 Chestnut Street.

Request to Extend Action Deadline: 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA).

Mr. Jacobs noted a letter from Attorney George Giunta Jr., dated 4/28/20, to Ms. Newman requesting the hearing be continued to 6/30/20 or the next earliest meeting of the Planning Board and to extend the action deadline to 7/30/20.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the request to extend the action deadline on 390 Grove Street to 7/30/20.

Minutes

Ms. McKnight noted she has reviewed and drafted changes for the 2/18/20 minutes. She will create a PDF of the mark up and email it to the Planning Director and Board members. She will do the same with the 3/6/20 draft when she is able to review them. Mr. Jacobs stated the other members should do the same if they have comments.

Correspondence

There is no correspondence.

Public Hearing: Article 2: Amend Zoning By-Law – Pediatric Medical Facility in New England Business

Center Business District. Please note: This hearing has been continued from the April 15, 2020 meeting.

Mr. Jacobs noted this is a continuation of a request for a Citizen's Petition. Ms. Newman gave an update. There were 2 unresolved issues – a parking generation report and a trip generation report. BETA, a peer reviewer, was hired to look at the parking and trip generation numbers. Children's Hospital needed to look at the outstanding questions. The hospital has answered the questions and provided documents. The peer reviewers have looked at the numbers also. Sean Manning, of VHB in Boston, stated he will not present anything tonight. The information is identical to what was presented in April. He had some back and forth with BETA and has a follow up memo from BETA. He feels they have closed out the issues.

Timothy Sullivan, of Gouldston and Storrs, gave a copy of the information from the last meeting. He stated he was only at the meeting to answer any questions. Attorney Robert Smart, representative for the applicant, commented they are asking for a favorable recommendation. Jeff Maxtutis, of BETA, gave a document review summary. He feels they have addressed the comments at this time and all information appears reasonable.

Justin Curewitz, of BETA, covered the peer review comments. He noted there were 7 original comments for parking demand and all have been addressed. There were 7 original comments for trip generation and all those have been addressed. He gave a quick summary from the previous meeting of the parking demand summary which is 3.52 average per 1,000 square feet. There would be 1,592 spaces required. He noted for the trip generation summary there would be 282 additional peak trips in the a.m. and 361 additional peak trips in the p.m. This is acceptable based on their review.

Ms. McKnight stated the last version was confusing. In BETA's 4/30/20 memo summarizing all, the applicant responded to the concern that the traffic counts were taken when the PTC building may not have been occupied. She would recommend monitoring over time. She wants to be clear there may be some updating at the time of the Special Permit request. She wants a condition that there could be traffic and parking counts in the future. Mr. Sullivan stated there is often a monitoring requirement. He will work with the Board on that. He agrees that the conclusions in the reports are useful for reference but none dictate what should be done here.

Mr. Owens stated he has no comments. He agrees with Ms. McKnight. This is a piece of data but not definitive. Mr. Eisenhut echoed what Ms. McKnight said regarding future monitoring but the Special Permit request would be the time to discuss that. He is more concerned with traffic generation than parking. Mr. Alpert stated he is on board with Ms. McKnight's comments. He is focused on parking and is satisfied the parking requirement is a reasonable number at 1 space per 290 square feet. He commented VHB and BETA both did outstanding jobs presenting to the Planning Board.

Mr. Jacobs stated he had no comments. He feels the same way as the others. Lisa Hogerty, Senior Vice-President of Children's Hospital, thanked the Board for their input and the BETA team for being as precise as they needed to be. Mr. Smart stated it is a good Article as redrafted. Mr. Jacobs noted there are no public comments. He stated there was a request from either the Select Board or the Town Manager to delay a vote or recommendation until the PILOT agreement was resolved. Ms. Newman stated it was recommended to her the Planning Board take no action until the Town has finalized the agreement.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to close the hearing.

Report from Planning Director and Board members.

Ms. Newman gave an update on upcoming projects. The Planning Department is continuing with the permitting process electronically. She has received 2 subdivision filings. A 6 lot subdivision off Chestnut Street involves one parcel that is part of the ANR that was just withdrawn. Also, there is a Planned Residential Development proposal at the end of that. She is distributing information to the different departments to get feedback. The Beth Israel Deaconess Hospital-Hospital has a de minimus change to their Special Permit to extend the life of a trailer behind

their facility during the period of the pandemic. The project redevelopment of the Carter building to provide for assisted and individual living is moving forward. She anticipates proposed zoning changes and fiscal impact and traffic studies. It is on the agenda for 5/19/20. Ms. McKnight asked if the use is not similar to the previous use. Ms. Newman stated the use is similar but the change is not around use. The building is non-conforming as to height. The applicant wants to put a 4th story on a small portion in the back.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 8:02 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

May 20, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Wednesday, May 20, 2020, at 7:15 p.m. with Messrs. Alpert, Owens and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs took a roll call attendance of people expected to be on the agenda. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video. He reviewed the rules of conduct for zoom meetings. This meeting will allow public comment. He noted if any votes are taken at the meeting the vote will be conducted by roll call.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 6/2/20 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting.

DeMinimus Change: Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, MA).

Mr. Jacobs noted the following correspondence for the record: an application dated 4/16/20; the first schematic drawing layout; a letter from the applicant, dated 4/23/20, that describes the project; a notice from the Commonwealth of Massachusetts with guidance on COVID 19 criteria; a second letter from the applicant, dated 5/12/20, with some modifications; a new drawing with a reconfigured layout, dated 5/13/20, with a list of vendors; a copy of the license agreement, dated 1/31/18, with the Town of Needham; a copy of the order of the Commissioner of Public Health; a copy of an earlier decision dated 4/25/17; a copy of an amendment to the base decision; a memo from the Police, dated 4/28/20; a memo from Engineering, dated 5/4/20, noting no comments or objections; a letter from the Board of Health, dated 5/4/20, with concerns and a follow up letter from the Board of Health noting they were fine with the changes made.

Jeffrey Friedman, President of the Needham Farmers Market, noted this is for a one-year permit only. Farmer's Markets have been declared essential services by Governor Baker. They will work with the Health Department for health and safety. The Town Manager has signed off on the application. He has removed 2 new vendors and there will be no new artists. The Market will expand to a small part of the common and set up will start 1 hour earlier at 9:00 a.m. There will be temporary parking on Garrity Way. Tom Gehman, Board member and Operations Manager, described the layout of the Market. The layout has been expanded for social distancing. The walkway is part of the plan. Ten locations will be spaced on Garrity Way. The total vendor capacity is lower than previous. Spaces will be made with directionals for spacing and flow with the additional set up time. Staff members will be in the Market space to maintain order and spacing.

Mr. Friedman asked the Board to grant the Special Permit. The Market is scheduled to open on 6/14/20. He noted the Market has the support of the Health Department and the Town Manager. Mr. Jacobs asked if Mr. Friedman had seen a copy of the draft and was informed he had. Mr. Eisenhut stated he appreciated the presentation and the schematics. Mr. Alpert noted it appeared the work was done in cooperation with the Board of Health and there are no artists planned now. The Governor is phasing in a new normal. He asked if there are any plans, if the orders are modified, to allow artists or another vendor. Mr. Friedman stated it is difficult to speculate. They have not talked about any changes but it would have to be consistent with what the Health Department wants.

Ms. McKnight noted there was an ambiguity with regard to artists in the proposed decision and the schematic. If the intent is the Market does not need to come back to the Planning Board the decision implies that but the schematic says artists are prohibited. What is the intention if the Governor allows artists? Mr. Friedman noted it could be done either way. He is not sure what the objection the Planning Board would have if the Governor and

Board of Health allowed it but what the Planning Board wants is important. Ms. McKnight feels the sketch plan should be more clear. A note should be added that says “Until such time as artists are clearly allowed under the Governors orders, state agencies and the Needham Board of Health. The decision does say artists are allowed if allowed by the Governor. She would like the plan modification section modified to reflect that. She noted that on page 3 and page 4 the wording “vendors, artists and musicians” is there. Musicians are not allowed so it should just say “vendors and artists.” There were no public comments.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the application as a de minimus change.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the application as presented with the modification made after discussion with the Board of Health and the modification made after issues discussed this evening.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:

VOTED: to approve the draft decision with the amendment as presented by Ms. McKnight subject to the change to the schematic as discussed tonight.

De Minimus Change: Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA 02492).

Mr. Jacobs noted the following correspondence for the record: an application dated 5/4/20; a letter from Attorney Elizabeth Gerlach, Senior Counsel for the hospital, dated 5/4/20; the As-Built plan for Beth Israel Deaconess Hospital, prepared by Feldman Land Surveyors, approved 9/6/06 and last reviewed 6/11/14; a plot plan dated 12/21/18; a memo from Fire Chief Dennis Condon, dated 5/5/20, with no issues; a memo from Assistant Town Engineer Thomas Ryder, dated 5/2020; a memo from Police Lt. Kraemer; a 2/15/20 sound study; a memo from Tara Gurge, dated 5/15/20, with comments and a letter from Nancy Hoffmann, Chief Financial Officer, dated 5/19/20, to the Needham Board of Health.

John Fogerty, President of Beth Israel Deaconess Hospital-Needham, noted this is a 2 part ask. There is a temporary vestibule for a pharmacy for the cancer center. The first request will allow the installation of a temporary refrigeration unit, or alternate unit if needed, adjacent to the temporary vestibule to be used for COVID 19 if needed. The second request is to extend the deadline for removal of the temporary improvements. The refrigerated unit is there already. It was put in under an emergency basis as an expansion during the height of the crisis. We are on the downside of the pandemic but there are still spikes. He would like the deadline for removal to be extended to 11/15 or 60 days after the end of the Governor’s State of Emergency, whichever is later.

Mr. Fogerty gave the background and rationale. He noted in the past 2 months 60 to 80% of patients were positive for COVID 19. It stressed the facilities and he felt they could not wait to obtain the refrigerated unit due to the crisis. There was competition with other hospitals around the state and they needed to get it when it was available. The temporary unit is to be removed within one year unless there is good cause. The temporary pharmacy has been removed and the temporary vestibule remains. The temporary refrigeration unit is on site. He noted the rationale for the location was access to electrical connections in the vestibule and it is shielded from view. He gave the dimensions and noted it is locked at all times. There is temperature monitoring. The refrigeration unit has not been used. He hopes to use it rarely if at all. Due to the inability to predict the rise and fall of the virus he would like flexibility to remove and reinstall an alternate unit if needed in the future.

Mr. Eisenhut stated he is unclear on the noise. He asked about the technical specifications of the refrigeration unit. Mr. Fogerty stated the unit meets all manufacturer specifications. There have been no complaints and the unit has been there for weeks. Ms. McKnight noted 2 proposed conditions. A sound study change was made due to communication between the Board of Health and Ms. Hoffmann. She asked if the Planning Director was

satisfied. Ms. Newman stated she was satisfied and the Board of Health was satisfied to delete the condition. Ms. McKnight noted the wording in Section 1.7, 2nd paragraph, regarding the canopy, was not correct. The pre-existing canopy is correct but then it says existing canopy. It should say “pre-existing canopy formerly located..” and should be “were approximately” rather than “are approximately.” The hospital had requested the existing entrance structure be made permanent. She clarified that currently the entrance structure is still temporary and would be replaced later but not now. Mr. Fogerty stated that was correct. The thought was **to use for DTs and** such but the pandemic has pushed that aside. If in the future the hospital decided to make it permanent they will come back.

Mr. Alpert stated he had 2 concerns but both have been addressed to his satisfaction. His concerns had been noise and removal of language regarding the unit being properly vented. Mr. Jacobs asked if the hospital has reviewed the draft and is satisfied with it. Ms. Hoffmann stated they are satisfied. Adam Block, candidate for Planning Board, noted Mr. Fogerty referenced an alternate temporary unit. Is that a refrigeration unit or a potential unit that is not refrigeration? It is not reference as to what is proposed. Mr. Fogerty stated it could be another temporary refrigeration unit or a different type of unit needed to respond to the pandemic needs. It could be for personal protective equipment or a piece of diagnostic equipment. It would be temporary and solely focused for the crisis.

Ms. McKnight noted she had a similar concern. She is satisfied all access will be through the hospital entrance. Mr. Eisenhut expressed concern about the noise. He asked if the noise would interfere with the neighbors. He would be more comfortable if the Planning Board reserves the right to conduct a formal noise study if necessary. Nancy Hoffmann, Chief Financial Officer for the hospital, stated there is an intention that if the noise becomes an issue it will be addressed. It makes more sense to address the issue rather than do a study. Ms. McKnight noted condition 3.4 at the end speaks to noise. In 4.2 there is a limitation. The Board retains jurisdiction to modify or amend the decision. It is general language but would apply if there is more than minimal noise.

Mr. Jacobs noted there were no public comments.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the application as a minor modification.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the requested relief and accept and approve the amended decision which was presented to the Planning Board this afternoon as the decision approved for the requested relief with the minor modifications Ms. McKnight made.

Presentation: proposed new use at 100 West Street. Redevelop and zoning change of the property to enable an 82 unit Assisted Living and Alzheimer’s/Memory Care facility and 71 Independent Living Apartments.

Mr. Jacobs noted there will be a presentation by the owners of 100 West Street. There will be a new use and zoning changes the owners want the Planning Board to adopt for Town Meeting. Roy Cramer, representative for the applicant, noted this is a redevelopment at the corner of West Street and Highland Avenue that was occupied by 60 units of assisted living, 142 bed nursing and medical office that was approved in 1993. It is on 4.3 acres of land in the Avery Square Business District. There is a small part in the Single Residence B (SRB) District. None of the building is in the SRB District. The property is currently vacant. The applicant is proposing 83 assisted living units and 71 independent living apartments

Mr. Cramer noted the existing 3-story building will remain and the footprint will remain the same. A partial 4th story will be added to create 10 proposed independent living apartments on that floor. Visibility of the 4th floor is minimized. The proposal will need a zoning change. If successful, the applicant will come back with further site plan review and some special permit requests. Ted Doyle, of LCB Senior Living, noted they are based in Norwood and have a 25 year history. He gave the companies background. They have 28 properties of higher end senior housing. There is a pool, media room, library, roof deck, gym, covered park and a bocce court. There are 3 meals a day and assistance with daily living. This is a for profit and taxes will be paid. He feels this will be a

low impact on municipal services and a high impact on economics. They have always been a good neighbor for the local seniors. Usually the resident is within 3 to 5 miles of where their children live. The companies number one mission is to relieve isolation and have interactive opportunities.

Lee Bloom, of LCB Senior Living, stated the existing exterior of the building will be kept and the interior will be demolished. The proposed modifications to the exterior will be 10 units to the roof. Some of the ground floor windows will be opened up and a streetscape will be created on Highland Avenue. The 4th floor will be 33% of the roof. Gardens and terraces will be added to the roof. Anthony Vivirito, project architect with The Architectural Team, stated they have been working with LCB for about 9 years and have completed 14 projects together. This will be their first renovation together. He gave the history of the Carter Mill family. He noted this will be 73 independent living units with 92 beds, 53 assisted living apartments with 65 beds and 28 memory care units with 31 beds. The entry will be in the back of the building. There will be a total of 154 units. The building is a landmark due to its significant history.

Mr. Vivirito showed the existing and renderings of the proposed. He stated there is a lot of rooftop equipment today that goes across the entire footprint of the roof. He noted there will be internal courtyards in the penthouse, colors will be introduced and vegetative planters for residents. There will be outdoor patios. The project is keeping a lot of classical elements made in the 90s. The existing rooftop equipment is 41.9 feet. It is 44 feet to the top of the penthouse and the elevator runs 49 feet. He showed the floor plans and described the project. There will be a dedicated entry for the individual living units with dedicated patios. It is roughly 189,000 square feet and the penthouse is roughly 16,000 square feet. The mechanical systems will be screened on the roof. There will be a VRF system of heating and cooling with a series of condensers. He stated he is looking forward to working with the town on this project and to getting feedback.

David Kelly, of Kelly Engineering Group, described the outside of the buildings existing conditions and the proposed conditions. There is a zone line through the site on the south side. There is a 63,700 square foot footprint. There are currently 110 outside parking spaces and 83 inside spaces. There are 2 driveways into the site with one on West Street and one on Highland Avenue. There is parking on the left and right from West Street and a drop off. The access to the garage will be closed. There will be parking on the left and right, the drive continues through the building into the south parking lot. The existing landscape buffers along the railroad will remain. There are 28 parking spaces along Highland Avenue.

Mr. Kelly reviewed the proposed conditions. There will be 176 parking spaces that include the 28 spaces on Highland Avenue. There will be 114 outside spaces and 34 inside spaces, then the 28 on Highland Avenue. The south lot remains unchanged but will have substantial landscaping. All landscaping on site will remain but be enhanced. There will be an enhanced drop off area and a service area where the old entrance to the garage is. On the left from the entrance will be the memory care with an outdoor dining area that will be fenced. Further along will be another dining area, a bocce court and other amenities along with fire and water amenities. From a grading standpoint West Street is higher by only a couple of feet so it is a fairly flat site. He sees no issues with providing utilities to this site. The storm water management will be upgraded.

Erin Fredette, traffic engineer for McMahon Associates, spoke of traffic impacts. She studied Highland Avenue and West Street as well as site driveways in accordance with Mass DOT guidelines with peak hours with existing and projected. This land use is a relatively low traffic generator. There will be less impact than previous. There is no substantial change to traffic operations around the site. She used the industry standards. She anticipates 80 spaces weekday peak demand at 54%. There will be one space per unit for independent living and ½ space per unit in the elder services zone. They are showing more than that. She noted there are a lot of services nearby, including public transportation, which would limit the in and out vehicle trips to the site.

Mr. Cramer noted this is a proposed warrant article. They would like to create an overlay district and a map change. Mark Fougere, of Fougere Planning and Development, Inc., gave the fiscal impact report. He met with the Police and Fire to look at the project. There will be \$550,000 gross revenue with real estate taxes, personal property taxes, excise tax and Community Preservation Act (CPA) revenue. The estimated municipal costs are \$162,000, an increased value of \$28,000,000 and the property tax will be \$175,411 to \$470,572. There will be

approximately 87 new jobs and the construction will last approximately 18 months. This will be a significant economic boost.

Evans Huber, of Frieze Cramer Rosen & Huber, LLP, Living, drafted the proposed zoning article for the A Square Overlay District (ASOD). The change in height will allow a maximum of 44 feet to the top of the 4th story with all mechanical except the elevator over runs to 49 feet. The top of the penthouse will be 42 feet and is currently 35 feet. He drafted the article at 44 feet and the number of stories goes to 4. Currently it is 2 ½ stories with only 2 occupied. The 4th story is restricted with setbacks and maximum area. FAR has been increased from a current maximum of .7 to 1.1 in the overlay district. There is one space per bed in the assisted living and memory care units and 1 space per unit in the independent living. The proposal is for uses allowed by right in the overlay. The proposed use is similar to what has been in this site. Ten percent of the independent living apartments will be affordable in the ASOD By-Law. He asked if the boundaries of the ASOD should be limited to the property or the Avery Square Business District for the map change warrant article. He wrote it to the boundaries of the ASOD with some restrictions.

Mr. Eisenhut stated affordable housing is an issue for him and he is glad to see it. The affordable units need to be referenced somewhere. He asked if they would be taking advantage of environmental certificates. He would like some discussion regarding environmental sensitivity or LEEDS certified. Mr. Huber stated they do include a section on affordable housing to mimic other sections in town. Mr. Bloom stated it is premature stages in the schematic design. They do a design that makes them certifiable but do not get certified. The goal is to achieve it. Mr. Eisenhut stated he has seen language that says LEEDS certified or equivalency.

Mr. Owens commented this is a good use, good location and an interesting project. Mr. Alpert clarified this is just the portion of the district for this property for the overlay and not the entire Avery Square District. Mr. Cramer noted it is just the portion of the property in the Avery Square District. It was kept as narrow as possible. Mr. Alpert stated he is in favor of the project. It is a great use of the site. He thought it would be a Citizen's Petition. Mr. Cramer stated the intent was always to have the Planning Board bring it to Town Meeting.

Mr. Alpert noted the Board has been using 12½% for affordable housing for the 5 years he has been on the Board and he is concerned about the use and consideration of spaces on Highland Avenue as available for this building. He thinks that some of the spaces are special permit spaces for employees in businesses in the area. He does not know if it is fair to include those spaces in the available parking numbers. Mr. Evens stated the 148 spaces on site will be sufficient to meet the requirements of the warrant article as drafted. Mr. Cramer noted in Section 5.1.1.7 in the By-Law you are allowed to count spaces adjacent to you but the spaces are not needed.

Ms. McKnight stated she is pleased to see housing options limited to persons over 55. She questioned the fiscal impact. There is no impact on schools but what about seniors who sell houses to people with children. Also, this has been proposed as an as of right use. Issues should be addressed via special permits. She would like to see this as a special permit use and not as of right. The traffic impact study does not include Hillside and West Street. There would be an impact as it is right there. That intersection needs to be studied and needs improvements as it is dangerous. Mr. Cramer noted the traffic impact for the proposed uses is substantially less than previous uses with parking and traffic decreasing. Contributions to the traffic fund are to mitigate increased issues.

Ms. McKnight reiterated it is a dangerous intersection and needs to be included. She noted it seems the project is including continuing care apartment units. She asked if the independent units are paying for food service for themselves. Mr. Doyle stated that is correct. There is an excellent food program but the units will have kitchens if they want to cook their own. Ms. McKnight noted the landscaping along Highland Avenue. Some large trees are proposed to be eliminated and decorative evergreens put in. She is not sure about patios on Highland Avenue. It does not strike her as appealing. Mr. Bloom stated there was a large hedge row he thinks was taken down. It is up to the individual to use the patio or not. He feels it activates the streetscape. The patios will be small with one table and 2 chairs. There are only patios on grade level.

Ms. McKnight noted the train horn noise is very loud. She asked if there was any noise reduction planned for the building. The applicant should think about that. She noted the wording says all buildings and uses currently allowed by right so they would be able to build the 4th story. She feels the focus should be more on the use of the

special permit for this development. Mr. Evans stated some limitations built into this By-Law would limit the building of the 4th story.

Mr. Jacobs asked if there would be time to discuss this at the 6/2/20 meeting and suggested the hearing be adjourned to pick up at the 6/2 meeting. He likes the project but needs to go over the proposed By-Law. Mr. Cramer stated it would be helpful if any questions or comments were sent before the meeting. That would give them a chance to prepare.

Discussion of Annual Town Meeting zoning articles.

Ms. Newman noted there are Articles that are Citizen's Petitions. The change for the area near Hunting Road from Single Residence A to Single Residence B is being withdrawn. There is no recommendation from the Planning Board required. Children's Hospital is the other article. The Selectmen have not signed the Pilot Agreement. The Planning Board would vote 6/2. She would like a volunteer from the Planning Board to speak at Town Meeting about the article. Ms. McKnight volunteered to present. Adam Block stated he would help. Mr. Jacobs noted Ms. McKnight and Mr. Block should talk outside the meeting and decide what they would like to do. Ms. Newman noted Children's is making the presentation. The Planning Board only needs to make a recommendation as to the Planning Board's position and why that is their position. Moe Handel, of the Select Board, noted the Select Board took this up today and adopted it in principle. They support the article. Mr. Jacobs noted the Planning Board will vote once the Pilot Agreement is signed.

Dining opportunities to support local restaurants: Review of regulatory hurdles and opportunities for expanded outdoor dining to restart the economy.

Mr. Jacobs stated there has been a lot of discussion with Select Board members Mr. Handel and Ms. Cooley, himself, Ms. Newman, the Chiefs of the Police and Fire Departments, Tim McDonald and Sandy Cincotta about this issue. Currently the restaurants are suffering badly. The Governor has started to open up. The idea is to lend a hand in Needham to the restaurants and other retailers. The thought is to open up the public areas like the common, the heights common and the area near Needham Bank, so restaurants could take food out and people could sit like in a food court. They got real push back such as closing off streets would be problematic. Ms. Cincotta is checking to see if the restaurants are even interested. The idea is to act quickly. One idea is to adopt a policy of non-enforcement of any special permit condition or restrictions in existence that prevents outdoor seating, eating and drinking so long as it is on town owned land with permission and the state and local health and safety requirements have been met. He feels it needs to be an adoption of a policy.

Ms. Cooley noted the Select Board discussed this today. They are hopeful the Planning Board would take action as they want to start this weekend. Ms. Cincotta reached out to the restaurants. Other businesses are also interested. The thought is to start with the restaurants and see what happens. This will support all businesses. It is a great option for people for outdoors. This is not bring your own bottle or buy liquor at the store and go sit down. No one can walk around with open containers. Alcohol can be bought at the restaurant and they can go sit on the common and enjoy. Mr. Jacobs stated they talked about how to keep everything clean, how to clean after each use, should there be a tent somewhere, will there need to be a police presence crossing streets particularly in the downtown. She asked if the Planning Board was willing to adopt some sort of policy quickly tonight.

Mr. Handel stated this is a work in progress. We will see problems that weren't anticipated and will address them. Advantages will be there that were not seen before. This is time sensitive and time limited. It needs to be done quickly. He hopes the Planning Board will support it. Ms. Newman stated the seating is being done on public spaces. The Select Board controls those areas and they should be put in charge of implementation in those areas. For the restaurants where the use might be in existing parking spaces or in front note the Board of Health may allow seating to be allowed in more spread out areas. This gives the Planning Board the option to waive their restrictions.

Mr. Jacobs noted the time frame would be this weekend through Labor Day. Mr. Eisenhut stated there should be a time reference and it should be tied to the declaration of the Governors emergency. Mr. Jacobs stated that is arguable. There may still be quite a reluctance on the public's part to go out and return. Mr. Block stated he

tends to agree with Mr. Jacobs that it should not be limited to an act by the Governor or the Legislature. It may be prudent to continue even after the Governor opens up. It will be a beneficial action. He asked how to balance the competing interests of the Farmers Market and the restaurants. Mr. Handel noted the Farmer's Market has no issue and would appreciate the seating there. It is a win win for all interests.

Mr. Alpert feels the Planning Board has the authority to waive their own regulations and rules. Parts of special permits can be waived for a period of time. Mr. Jacobs suggested adopting a 90 day policy of non-enforcement. Mr. Owens stated it is an unprecedented situation. He will support whatever the Planning Board can do to help the Select Board, restaurants and small businesses. He would not be overly concerned with details. He endorses this 100%. Ms. McKnight stated she endorsed the approach. A policy of non-enforcement can be done immediately. It should allow take-out. She would not enforce a condition that would not allow take-out. Ms. Newman stated the issue is if seating is put in parking areas and spaces which are part of the permit. Ms. McKnight asked if seats could be put on sidewalks and if going further and they want to use parking areas they would need to talk about that later. Mr. Handel stated this needs to be dealt with now. At some point some will want to use parking areas. Let's anticipate and move with it. If it does not work it can be revisited. Ms. Cooley noted they can only do what is allowed by the state. All available tools should be looked at and considered. Ms. McKnight stated there is a distinction between public parking lots owned by the town. She would like to wait to the 6/2 meeting to make a decision.

Mr. Handel stated the Board is being asked to go beyond their comfort zone and look at this as an emergency. It needs to be done quickly and is an immediate emergency. It is not a permanent situation. Mr. Jacobs stated the Board is being asked to get out of the way for 90 days and not enforce anything that would prevent this going forward. Anything done will comply with state and health requirements. Mr. Eisenhut noted the justification is the emergency. Ms. McKnight has no problem with the time period. She asked if they could direct the Building Inspector to not enforce our Special Permit and not enforce any take-out conditions in decisions during this emergency. Mr. Handel noted they should not enforce outdoor eating restriction with respect to take out food for any restaurants and outdoor business activity for any retail subject to public safety and public health.

Ms. McKnight stated many permits do not allow any outdoor tables. Does that imply that outdoor eating is not allowed? Mr. Jacobs noted the Board should adopt a policy of non-enforcement for any of the Board's conditions such as take-out, outdoor eating and such. Mr. Handel noted a parking requirement needs to be added in. Tables could be provided in a parking space or more. He noted the Department of Health Director and the Assistant Town Manager will be coordinating with the Police and Fire for health and safety issues.

After discussion, Ms. Newman suggested "in order to promote social distancing during the reopening of the economy enforcement of take out, outdoor seating and parking requirements embedded in Planning Board Special Permits are hereby suspended." The order may suspend the above items for a period of 90 days to allow restaurants to provide outdoor seating for eating. She suggested the Board could say waivers conditioned upon approval by the Health Department, Fire Department and Police Department. Ms. Cooley suggested not using the 90 days but use the day after Labor Day. Mr. Jacobs noted if the condition is changed within this period prior to Labor Day this policy will be revisited. Mr. Eisenhut stated the Planning Board is not directing or enforcing conditions in their decisions.

Ms. McKnight commented she does not know how retail stores are being helped. Mr. Handel stated retail in downtown could sell wares outside their stores. They want to give the retail stores flexibility like Harvey's Hardware and the Garden Center who have altered their ways. The businesses need to be saved.

Upon a motion made by Mr. Owens, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present by a vote of four to one (Ms. McKnight voted in the negative):

VOTED: to support this concept and direct the Chair and the Planning Director to craft exact wording and see if we have 3 votes to approve the concept.

Mr. Alpert stated he is fully in favor. Ms. McKnight would like to assist with crafting the language.

Mr. Owens left the meeting at 10:40 p.m.

Highway Commercial 1 Zoning Initiative: Next Steps.

Ms. Newman stated one concern is the traffic study in the fall with all new counts. Traffic is not going to approach normality in the Fall. The question is how to move forward. There will not be a new study. They could use the data collected by BETA 5 years ago, update it with new traffic counts done by the state and reframe the traffic study. Delaying work on this to the Fall will jeopardize the ability to get this done in the Spring. The Select Board will move the funds to the annual Town Meeting and if successful, work could be started in July. Mr. Jacobs stated his concern is if the Finance Committee would approve of that. Ms. Cooley stated the Finance Committee members all agree it would not be useful. They would like to sit down and think how to go forward. Using the existing data is the best way to go.

Discussion of Summer Schedule

Ms. Newman stated, in the past, there was one meeting in July and one in August. She would like to propose 2 times per month via zoom. All members agreed. Ms. Clee will send out dates via email to all members.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:

VOTED: to accept the minutes of 2/18/20.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:

VOTED: to accept the minutes of 3/6/20 asking the staff to look at Select Board and make sure it is consistent throughout.

Correspondence

There is no correspondence.

Reports from Planning Director and Board members.

Ms. Newman discussed the mechanics of getting documents signed. She could give signature sheets, the members could make a PDF of it and email it back to her. Then mail 2 originals to her home. She needs the originals for the registry. This was agreed. Ms. Clee noted deminimus change decisions do not need to be notarized. The 6/16/20 meetings will need a notary. Ms. Newman will send instructions.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to adjourn the meeting at 11:12 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

June 2, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Tuesday, June 2, 2020, at 7:15 p.m. with Messrs. Alpert, Owens and Block and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs took a roll call attendance of people expected to be on the agenda. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video. He reviewed the rules of conduct for zoom meetings. This meeting will allow public comment. He noted if any votes are taken at the meeting the vote will be conducted by roll call.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 6/16/20 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting.

Discussion of Annual Town Meeting zoning articles.

Mr. Jacobs noted the Board is not sponsoring any articles as this Town Meeting. There is a single zoning article. That is the Citizen's Petition by Children's Hospital. Ms. Newman stated the Board needs to make a recommendation on the Article and vote on it. She noted Mr. Block should not participate because he was not on the Board at the hearing.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of four of the five members present (Mr. Block did not vote):

VOTED: to recommend adoption of Article 19 to amend the Zoning By-Law to provide for pediatric medical facilities in the New England Business Center District.

Discussion of proposed new use at 100 West Street. Redevelopment and zoning change of the property to enable an 83 unit Assisted Living and Alzheimer's/Memory Care facility and 71 Independent Living Apartments.

Mr. Jacobs noted there are minor changes to the request. The Board heard an extensive presentation at the last meeting. This is only an update tonight. Evans Huber, of Frieze Cramer Rosen & Huber, LLP, noting the project is changing from 71 to 72 independent living apartments to make it 12½% affordable rather than 10% affordable. The additional unit will be on the 3rd floor in a space that was designated for another purpose. There are no changes to the roof or FAR calculation. This will require one additional parking space and the parking layout has been modified to include that space. He provided a revised warrant article.

Mr. Huber noted the other changes in response to the comments made. In 3.15.3.1, the language has been modified to make clear that the only mixed uses being proposed as of right are the uses in this building. In 3.15.4.1, the setback language has been modified to make clear where the setback is required on the north side of the building. In 3.15.4.2, has been clarified to make clear the calculation of the FAR is the entire square footage of the entire property and not just the portion in the Avery Square District. In 3.15.5, there is a change to the off-street parking language. He took out the language regarding assisted living or residential care. If in the future the number changes it would not change in the Avery Square Overlay District (ASOD). In 3.13.5(b), there are changes to the language to clarify the intent.

Mr. Huber noted one concern raised was traffic at Hillside Avenue and West Street. He submitted an email to Ms. Newman with data pulled out of the traffic study. While not specifically studied, if the impact data study is looked at it shows actual numbers of current trips compared to anticipated trips of this project. This would add about 1% traffic volume to West Street headed in both directions. He thinks the impact on Hillside Avenue and

West Street would be minimal. The applicants have proposed this be allowed as of right. The purpose of the warrant article is to facilitate the LCB Senior Living Project for these uses. It does not make sense to propose and then not have the uses allowed. There will be site plan review and the Board could set conditions and will still have control. Mr. Block noted the previous use with 202 units ceased in 2017. Last year the property was vacant when the traffic counts were taken. There are 47 fewer units. Are there traffic counts conducted in 2017 or thereabouts? Erin Fredette, of McMahon Associates, stated she does not have counts from then. She looked at 2019 and added trips on top of it. Mr. Block asked if the town had any traffic counts from 2017 or when Avery Square was active. Ms. Newman will check.

Roy Cramer, of Frieze Cramer Rosen & Huber, LLP, stated for the 25 year period when the building was operational it was assisted living and nursing home. The proposal is for assisted living and independent apartments. There will be no nursing home. Substantially less traffic will be generated. Mr. Alpert stated he was grateful that his comments were taken seriously and changes made. He is pleased with how it now reads except having the use by right and not special permit. He came in with an open mind, gave it a lot of thought and research. He has decided he prefers the uses continue under the current charge of the Avery Square District. He explained his reasoning citing the case of Prudential vs. the Zoning Board of Appeals for Westwood. He laid out special permit vs. site plan review. There is much more authority under the special permit use. He looked at what the Board has done in the past with North Hill, Avery Crossing/Avery Manor, Wingate and the Elder Services Districts. All of these were uses of the general districts they were in and were not changed. All had a special permit element and some had an as of right element. He feels the current uses should be kept for this project and this project should not be given special consideration.

Mr. Alpert stated he is in favor of this By-Law change if the provision of as of right was removed and kept the way it is now. Mr. Huber noted the case Mr. Alpert eluded to held that if the use is allowed as of right in the district it cannot be turned down all together by the permit granting authority. The project needs the 4th floor or the project would be allowed by right. The Planning Board would still have the authority through site plan review. Mr. Alpert stated the Prudential case is an important element. If the Planning Board imposes restrictions that are appealed on special permit process an appeal court has to give deference to the Board. There is a very important distinction in that case. All applicants and petitioners should be treated equally.

Mr. Huber noted each similar use in town cannot be compared. Each needs to be looked at on its own merit. This use has been in this location. He feels the Board wants to see this use in this location. The Board will impose conditions. Mr. Alpert commented there are many uses in Town where the same use is allowed by special permit and they have not been made as of right because the use has been there. Basically an apartment building which is allowed by special permit in a business district and this is a business district. He is in favor of the project and in favor of the 4th floor. He feels it is a great addition to Town but he wants to keep the special permit and as of right uses as they are now.

Ms. McKnight agreed with all Mr. Alpert's comments. She would also rather see a special permit rather than by right. She has reviewed the written materials shown and the landscaping along Highland Avenue. She is satisfied now. She saw there will still be trees and bushes in front along with patios. David Kelly, of Kelly Engineering Group, noted they have taken down the overgrown trees that were there and are putting in new. Ms. McKnight stated she is concerned with the intersection at West Street and Hillside Avenue. Sketches have been provided of other intersections. She would like to see a revised site study that shows the information in the memo in sketch form for that particular intersection. Ms. Fredette stated she can do it graphically but would not have any information going to or from the intersection. Other intersections have information on how many cars are turning and going through but she would not have that information for this intersection.

Ms. McKnight asked what is missing from the data that would not allow that information. Ms. Fredette noted they count individual vehicles such as how many turn left and such. They did not do that because of the negligible amount. Since they did not do counts they do not know how many cars turn left out of Hillside Avenue. Lee Bloom, of LCB Senior Living, noted the intersection is of interest to LCB also. Ms. Fredette stated she has reached out to the Town Engineer to see if he had any previous information. He did not have anything to pass along but thought there was a study being conducted elsewhere. Ms. McKnight informed her she had copies

of those reports and would discuss them with Ms. Fredette. Mr. Bloom feels traffic improvements may be difficult at that intersection but is willing to look at it and make improvements.

Ms. McKnight had some drafting questions regarding the article. It was clarified the definitions for assisted living units and Alzheimer/memory care units were defined in the By-Law. Ms. Newman stated the definitions should be looked at. There may need to be some adjustments to those definitions to capture this district. Mr. Huber noted that is why at the beginning of the article he amended the definition of Independent Living apartments because it only applies to the Elder Services District. Mr. Jacobs noted he is concerned about the intersection of West Street and Hillside Avenue and not so much an increase in traffic. Foot traffic will increase substantially. A selling point will be it is close to the Heights. There will be a lot of traffic back and forth to the Center at the Heights. This is a concern to him but he does not think that needs to be dealt with now. Mr. Cramer agreed this would come up in the permitting stage. They will look at the pedestrian issue. Ted Doyle, of LCB Senior Living, stated that is an issue they are concerned with as well.

Mr. Cramer stated he would like to secure approval by the Planning Board and have them sponsor it. He would like to get some type of resolution. The Board may want to take a vote on the Special Permit vs. the as of right issue. Ms. Newman noted, timing wise, Town Meeting is in October. She thought the Board would have a public meeting before the summer but now all the meetings are remote with the pandemic. If the Board takes it up at the next meeting that is fine. There could be a hearing in the summer or at the beginning of September. Mr. Cramer would prefer early summer rather than the Fall. Mr. Jacobs noted the vote will be taken at the 6/16 meeting. No time has been determined yet.

Board of Appeals – June 18, 2020.

18 Highland Circle – Spiga, LLC

Ms. Newman noted this is a repeat of a project that was in front of the Board but was never implemented. It is for 32 outdoor seats with a tent. It was previously approved but not implemented within the Board's 2 year timeline. This will be in front of the Planning Board for a waiver in setback. Mr. Alpert stated this is the first time he has seen a tent. This gives a whole new look and he would like to discuss it. He does not want to see tent structures around town. Ms. McKnight is concerned with the safety of a tent but that would be a matter for the Building Inspector. This is a unique location set back from the road. She is inclined to say no comment.

Mr. Block asked if there is anything in the geography that has changed from the last time it was approved where no action was taken to now. Ms. Newman noted nothing has changed. This is a less permanent structure than before. The applicant is looking to put portable heaters out there for use for a longer period of time. Mr. Block asked if the area has been developed or changed since previously approved. Ms. Newman stated there has been very little change. Ms. McKnight made a motion to request the Zoning Board of Appeals (ZBA) to consider, in review of the outdoor dining tent, the effect it may have to inhibit multi-family development in this district that is a goal of this Board. Mr. Jacobs noted there was no second to the motion. He suggested the Board express sentiments to the ZBA that erection of a permanent tent is novel to us and ask they be sensitive to laying out specific and relative details that may make a tent appropriate in that space. Mr. Block and Mr. Alpert agreed.

Mr. Owens stated the issue is that not enough is known about the tent concept to take a position on it. He has some concerns about how novel an ideal this tent is. Can the Board ask the ZBA to think carefully about the tent concept? Mr. Owens made a motion that the Board urge the ZBA to give careful consideration to the idea of the tent and the precedent it might set. Ms. McKnight suggested, in their decision, they should explain the unique circumstances this site presents. Mr. Owens was ok with the amendment.

Upon a motion made by Mr. Owens, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to urge the ZBA to give careful consideration to the idea of the tent and the precedent it might set and explain in their decision the unique circumstances this site presents.

52 Coulton Park – Mary and Jasper Bogogian

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: “No comment.”

Minutes.

Ms. McKnight noted in the minutes of 3/19 /20 she had 2 changes. In the 1st paragraph delete “held in the Charles River Public Services Building” and on the 2nd page, last paragraph, “proposed” appears twice. The first “proposed” needs to be deleted.

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the minutes of 3/19/20 with the 2 changes.

Correspondence.

There is no correspondence.

Report from Planning Director and Board members.

Ms. Newman noted Town Meeting is on Monday. She briefly ran through what to expect. It will be outside with chairs on the parking lot spaced for social distancing. All are required to wear masks. There will be 16 microphones set up throughout in case questions come up. Only the Select Board and the Finance Committee will be allowed up front. She suggests the Planning Board members should locate close to a microphone in case there are questions. The presentation will be put on You Tube. Ms. Newman and Mr. Jacobs will not be there. Town Meeting will be live streamed through cable and it can be connected through Zoom. She feels the Board should have a traditional meeting earlier in the day, then vote to recess the meeting and turn off the broadcasting capability of the meeting. They can reconnect on zoom in necessary.

Mr. Block asked if it was possible to be called to speak on the \$60,000 appropriation for the Highland Commercial 1 Study. Ms. Newman stated the Select Board are planning that so it may come up. Mr. Block asked about the Map Change Article. That will be withdrawn. Mr. Owens suggested scheduling a zoom call at 3:00 p.m. Monday. Town Meeting starts at 5:00 p.m. Ms. Newman will do an agenda, post the meeting and send invites. She noted the outdoor dining was voted at the last meeting. She has prepared an implementation plan. She would like the Board to take a vote for the policy that was reflected.

Mr. Block noted Section 2 of the guidelines (d) regarding alcohol is effectively being suspended. He would strike or modify that language. Ms. McKnight stated drinking in public places is a town By-Law and a police matter. She would simply take out wine or beer and take to table in park where the Select Board is allowing public drinking.

Upon a motion made by Mr. Owens, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to confirm the policy.

Ms. McKnight commented on the Report to Town Meeting by the Town Manager regarding the appropriation notice for the planning study for consulting assistance for Needham 2025. She asked if Ms. Newman has been involved in this. Mr. Jacobs stated he has been on the committee since the beginning. Ms. Newman will prepare a recommendation on the zoning article for the Town Clerk. She will send it out tomorrow and members should scan it back with their signatures.

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:

VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

DRAFT