

NEEDHAM PLANNING BOARD

Tuesday October 6, 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:

7:20 p.m. Amendment to Major Project Site Plan Special Permit No. 98-4: Petco, 163 Highland Avenue, Needham, Massachusetts, Petitioner. (Property located at 163 Highland Avenue, Needham, Massachusetts). Regarding veterinarian services at Petco.

7:40 p.m. Amendment to Major Project Site Plan Special Permit No. 2012-07: Walter Bonola, 101 East River Drive, East Hartford CT, Petitioner. (Property located at 400 First Ave, Needham, Massachusetts). Regarding TripAdvisor Fuel Cell power.

2. Transfer of Permit: Amendment to Major Project Site Plan Special Permit No. 96-5: Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish, 620 Park Avenue, Suite 185, Rochester NY 14607, to Laser MD Medspa, 400 Franklin Street, Braintree, MA, 02184, Petitioner. (Property located at 922-958 Highland Avenue, Needham, Massachusetts).

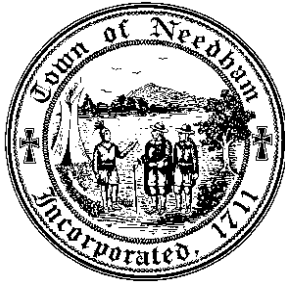
3. Minutes.

4. Revise outdoor seating policy to extend applicability date to December 1, 2020.

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, and the Needham Zoning By-Laws, Sections 7.4, 3.2.5.2(n), and Section 3.2 of Major Project Site Plan Special Permit No. 98-04, dated May 18, 1998, the Needham Planning Board will hold a public hearing on Tuesday, October 6, 2020 at 7:20 PM Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Petco, 163 Highland Avenue, Needham, Massachusetts, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 163 Highland Avenue, Needham, MA, shown on Assessor's Map No. 74 as Parcel 23 containing 182,584 square feet in the Highland Commercial 128 and Mixed Use 128 Zoning Districts. The requested Major Project Site Plan Special Permit Amendment would, if granted, permit the Petitioner to construct a portion of the space to be occupied by a veterinary service. No additional square footage for the Petco store is being proposed. The Veterinary Office hours of operation would be from 7:00 AM to 7:00 PM daily. No animals will be housed overnight or during non-business hours. Spaces shown as Kennels will be for temporary use while animals wait for pick-up. Only 1 Veterinarian will be on staff at a time.

In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review is required. In accordance with the Zoning By-Law, Section 3.2.5.2(n), a Special Permit for a veterinary office and/or treatment facility including convalescent stays but not the boarding of animals is required. In accordance with Major Project Site Plan Special Permit No. 98-04, Section 3.2, as amended, further site plan review is required.

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/planningapplication>. 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

TOWN OF NEEDHAM MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 163 Highland Avenue, Needham, MA 02494
Name of Applicant Petco (c/o Stephen Hartley, SBLM)
Applicant's Address 11430 North Kendall Drive, Miami, Florida 33176
Phone Number 305-412-9187

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

Property Owner's Name 163 Highland Owner LLC
Property Owner's Address 411 Theodore Fremd Ave. Suite 300, Rye, NY 10580
Telephone Number (914) 288-8100

Characteristics of Property: Lot Area 0000.0 Present Use Mercantile
 Map # 074.0 Parcel # 199/074.0-0023-0000.0 Zoning District M128

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
New Veterinary Office in an existing Petco Store. The veterinary office will be ancillary to the main use, Mercantile. The site previously offered limited veterinary services. This is a greatly expanded scope of those veterinary services. It should be noted, this project has been permitted and fully constructed. Staff has been hired and trained and the veterinary office is scheduled to open. Petco appreciates your expedited review.

Signature of Applicant (or representative)  Stephen Hartley
Address if not applicant _____
Telephone # _____
Owner's permission if other than applicant Douglas Austin

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 issued within 35 days of filing date.

SBLM Architects, PC

LIC#AA-0003434

*11430 North Kendall Drive, Suite 310
Miami, Florida 33176
t: 305 412 9187
f: 305 412 6731
shartley@sblm.com
www.sblm.com*

Planning Department
Public Services Administrative Building
Town of Needham
500 Dedham Ave.
Needham, MA 02492

September 4, 2020

Re: 163 Highland Ave., Needham, MA – Amending Original Permit

Dear Review Board:

Thank you for taking the time to review the Petco Needham, MA Design Review Board submittal for the Veterinary office.

SBLM

As requested, we have attached a floor plan (07_019009 - A2.1-FLR PLN RMDL), an enlarged floor plan of the area of work (24_019009 - A7.1-LRG SCL PLN A), a cover sheet with applicable codes, drawing index, and project information (01_019009 - A0.1), as well as a plan showing the previous conditions before the remodel (284 NEEDHAM MA Previous plan). We have also included the exterior elevation (15_019009 - A4.1-EXT ELV RMDL) showing the addition of a single swing door in the existing store front.

As previously discussed with the Planning Department, the Veterinary Office occupancy is ancillary to the main use (which remains Mercantile). It may be worth noting the store already offered veterinary clinic services, although the scope has now been broadened (see 284 NEEDHAM MA Previous plan). All plans have been approved by the building department; the remodel has been completed per those plans, and the store is scheduled to open with staff hired. There has been no additional square footage added to the existing Petco retail store footprint. All services fall under the existing Petco store.

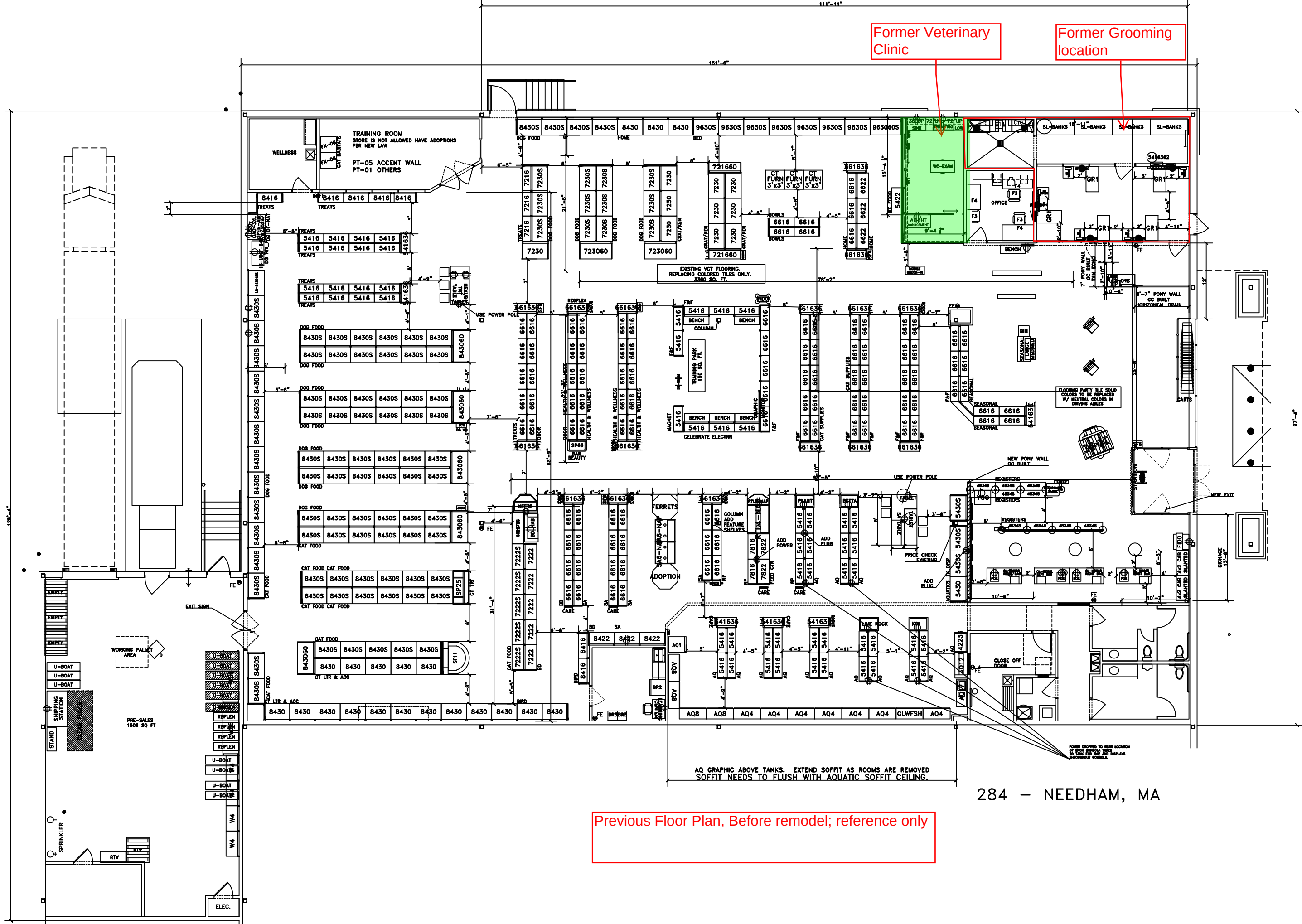
The Veterinary Office hours of operation are from 7:00 AM to 7:00 PM daily. No animals will be housed overnight or during non-business hours. Spaces shown as Kennels will be for temporary use while animals wait for pick-up. Only 1 Veterinarian will be on staff at a time.

Thank you for your time,

Best regards,
SBLM Architects PC



Stephen Hartley, LEED AP BD+C
Project Manager



Former Veterinary
Clinic

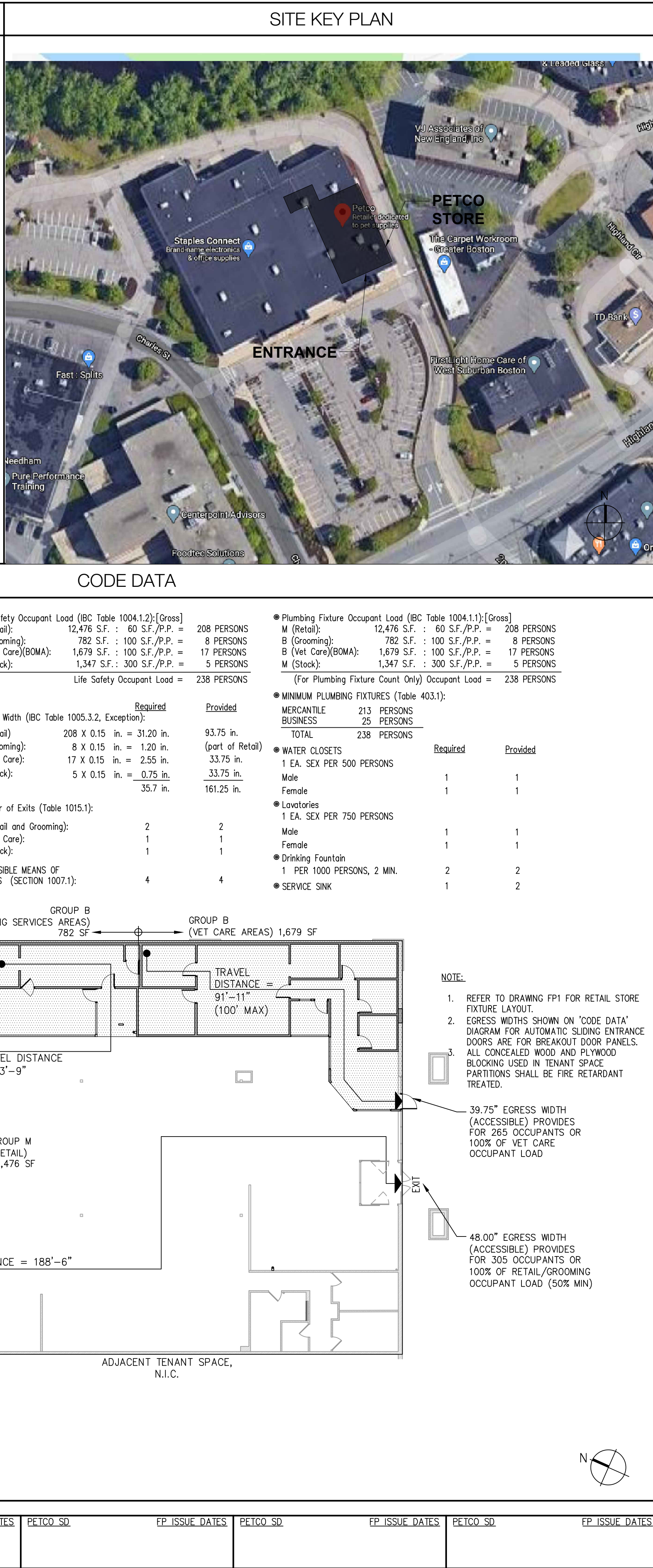
Former Grooming
location

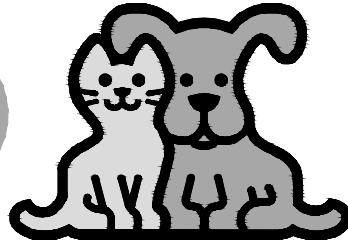
Previous Floor Plan, Before remodel; reference only

284 - NEEDHAM, MA

ARCH. DWG. ABBREVIATIONS AND SYMBOLS			
L	ANGLE	S.C.	SOLID CORE
℄	CENTERLINE	SCHED.	SCHEDULED
ABV	ABOVE	SHT.	SHEET
ACT.	ACOUSTICAL CEILING TILE	S.J.	SAWJOINT
ADJ.	ADJUSTABLE	SM.	SIMILAR
AHJ	AUTHORITY HAVING JURISDICTION	SPEC.	SPECIFICATION
AL	ALUMINUM	S.S.T.	STAINLESS STEEL
APPROX.	APPROXIMATE	STD.	STANDARD
ARCH.	ARCHITECTURAL	STR.	STEEL
BD.	BOARD	STOR.	STORAGE
BLDG.	BUILDING	STRUC.	STRUCTURAL
BLK.	BLOCK	SUSP.	SUSPENDED
BM	BEAM	TEL.	TELEPHONE
B.O.	BOTTOM OF	T&G	TONGUE AND GROOVE
CER.	CERAMIC	T.G.	TEMPERED GLASS
C.G.	CORNER GUARD	T.G.P.	TEMPERED PRIVACY GLASS
C.J.	CONTROL JOINT	T.G./SP.	TEMPERED SPANDREL GLASS
CLG.	CEILING	T.I.G.	TEMPERED INSULATING GLASS
CLR.	CLEAR	THK.	THICK
CMU	CONCRETE MASONRY UNIT	T.O.	TOP OF
C.O.	CASED OPENING	TS	TUBE STEEL
COL.	COLUMN	TYP.	TYPICAL
CONC.	CONCRETE	U.G.	UNDERGROUND
CONT.	CONTINUOUS	U.O.N.	UNLESS OTHERWISE NOTED
COORD.	COORDINATE	VCT	VINYL COMPOSITION TILE
C.T.	CERAMIC TILE	VERT.	VERTICAL
CTR.	CENTER	VEST.	VESTIBULE
D	DEPTH	W/	WITH
DBL	DOUBLE	WD	WOOD
DEPT.	DEPARTMENT	W/O	WITHOUT
D.F.	DRINKING FOUNTAIN	WP	WATERPROOF
DET.	DETAIL	WSCT.	WAINSCOT
DIA.	DIAMETER	(A)	COLUMN LINE IDENTIFICATION
DIM.	DIMENSION	(##)	
DISP.	DISPENSER	(A##)	DETAIL/DWG.
DN.	DOWN	(##)	
DWG.	DRAWING	(##)	
EA.	EACH	(##)	
E.I.F.S.	EXTERIOR INSUL. & FINISH SYSTEM	(##)	ELEVATION/DWG.
E.J.	EXPANSION JOINT	(##)	BLEDG. SECTION/DWG.
EL.	ELEVATION	(##)	
ELEC.	ELECTRICAL	(##)	
EMER.	EMERGENCY	(##)	
EQ.	EQUAL	(##)	
EQMT.	EQUIPMENT	(##)	INTERIOR ELEVATIONS
ETR	EXISTING TO REMAIN	(##)	
EXST.	EXISTING	(##)	
EXP.	EXPANSION	(##)	WALL SECTION/DWG.
EXT.	EXTERIOR	(##)	DETAIL/DWG.
F.D.	FLOOR DRAIN	(##)	
F.S.	FLOOR SINK	(##)	
F.E.	FIRE EXTINGUISHER	(##)	
F.E.C.	FIRE EXTINGUISHER CABINET	(##)	
F.F.	FINISH	(##)	
FIXT.	FIXTURE	(##)	
FL.	FLOOR	(##)	
FLUOR.	FLUORESCENT	(##)	
F.O.C.	FACE OF CONCRETE	(##)	
F.O.F.	FACE OF FINISH	(##)	
F.O.M.	FACE OF MASONRY	(##)	
F.O.S.	FACE OF STUDS	(##)	
FRMG.	FRAMING	(##)	
FRP.	FIBER GLASS REINFORCED POLYESTER	(##)	
F.R.T.	FIRE RETARDANT TREATED	(##)	
FT.	FOOT OR FEET	(##)	
FTG.	FOOTING	(##)	
FURR.	FURRING	(##)	
GA.	GAUGE	(##)	
GALV.	GALVANIZED	(##)	
GL.	GLASS	(##)	
GR.	GRADE	(##)	
GYP.	GYPSON	(##)	
GYP BD.	GYPSON WALLBOARD	(##)	
H.B.	HOSE BIBB	(##)	
H.C.	HOLLOW CORE	(##)	
H.D.	HEAVY DUTY	(##)	
HDWD	HARDWOOD	(##)	
H.M.	HOLLOW METAL	(##)	
HORIZ.	HORIZONTAL	(##)	
HGT.	HEIGHT	(##)	
HSS	HOLLOW STEEL SECTION	(##)	
ID.	INSIDE DIMENSION	(##)	
I.G.	INSULATING GLASS	(##)	
INSUL.	INSULATION	(##)	
INT.	INTERIOR	(##)	
JAN.	JANITOR	(##)	
JT.	JOINT	(##)	
JHA	JURISDICTION HAVING AUTHORITY	(##)	
L	LENGTH	(##)	
LAM.	LAMINATE	(##)	
LAV.	LAVATORY	(##)	
LT.	LIGHT	(##)	
MAX.	MAXIMUM	(##)	
MDF	MEDIUM DENSITY FIBERBOARD	(##)	
MECH.	MECHANICAL	(##)	
MET.	METAL	(##)	
MFR.	MANUFACTURER	(##)	
MIN.	MINIMUM	(##)	
MISC.	MISCELLANEOUS	(##)	
M.O.	MASONRY OPENING	(##)	
M.R.	MOISTURE RESISTANT	(##)	
MTD.	MOUNTED	(##)	
N.I.C.	NOT IN CONTRACT	(##)	
NO.	NUMBER	(##)	
NOM.	NOMINAL	(##)	
N.T.S.	NOT TO SCALE	(##)	
O.A.	OVERALL	(##)	
O.C.	ON CENTER	(##)	
O.D.	OUTSIDE DIMENSION	(##)	
O.H.	OVERHANG	(##)	
OPP.	OPPOSITE	(##)	
OTS	OPEN TO STRUCTURE	(##)	
PL	PLATE	(##)	
P. LAM.	PLASTIC LAMINATE	(##)	
PLUMB.	PLUMBING	(##)	
PLYWD.	PLYWOOD	(##)	
P.T.	PRESSURE TREATED	(##)	
PTD.	PAINTED	(##)	
Q.T.	QUARRY TILE	(##)	
R.	RISER	(##)	
RAD.	RADIUS	(##)	
R.D.	ROOF DRAIN	(##)	
REF.	REFERENCE	(##)	
REFR.	REFRIGERATOR	(##)	
REFNF	REINFORCED	(##)	
REQD	REQUIRED	(##)	
R.O.	ROUGH OPENING	(##)	
R.T.U.	ROOF TOP UNIT (HVAC)	(##)	
RWC	RAINWATER CONDUCTOR	(##)	

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NEEDHAM, MA #0284 TENANT IMPROVEMENTS IN A EXISTING PETCO STORE 163 HIGHLAND AVENUE, NEEDHAM, MA 02494													
DRAWING INDEX 													
SHEET NO.	DRAWING TITLE	25% 06/17/19	75% 06/25/19	98% 07/02/19	100% 07/10/19	ADDENDUM #1 08/06/19	PERMIT SET 09/06/19	BULLETIN #1 01/10/20	BULLETIN #2 04/06/20				
A0.1	Code Data, Project Data	◇	◇						◇				
A0.2	NOT USED												
FP	Store Fixture Plan	◇	◇	◇	◇	◇	◇						
A0.3	Petco Vendor/Contractor Responsibilities	◇	◇	◇	◇		◇						
A0.4	Petco Vendor/Contractor Responsibilities	◇	◇	◇	◇	◇	◇						
A1.1	Demolition Plan		◇	◇	◇	◇	◇						
A1.2	Inter. Wall Construction Verification Plan		◇	◇	◇		◇						
A2.1	Floor Plan	◇	◇	◇	◇	◇	◇						
A2.2	Finish Plan		◇	◇	◇	◇	◇						
A2.3	Millwork and Blocking Plan		◇	◇	◇	◇	◇						
A2.4	Reflected Ceiling Plan	◇	◇	◇	◇	◇	◇						
A2.5	Roof Plan		◇	◇	◇	◇	◇						
A3.1	Door Schedule and Door Types		◇	◇	◇	◇	◇						
A3.2	Door Details		◇	◇	◇		◇						
A3.3	Finish Schedule		◇	◇	◇	◇	◇						
A4.1	Exterior Elevations	◇	◇	◇	◇	◇	◇						
A5.1	NOT USED												
A5.2	NOT USED												
A5.3	Wall Sections		◇	◇	◇	◇	◇						
A5.4	Partition Types		◇	◇	◇	◇	◇						
A5.5	Partition Types		◇	◇	◇	◇	◇						
A5.6	Partition Framing Details		◇	◇	◇	◇	◇						
A6.1	Exterior Details		◇	◇	◇	◇	◇						
A7.1A	Large Scale Floor Plans		◇	◇	◇	◇	◇	◇	◇				
A7.1B	Large Scale Floor Plans		◇	◇	◇	◇	◇						
A8.1	Interior Details		◇	◇	◇	◇	◇						
A8.2	Interior Details		◇	◇	◇	◇	◇						
A8.3	NOT USED												
A8.4	Interior Details		◇	◇	◇	◇	◇						
A8.5A	Interior Details		◇	◇	◇	◇	◇						
A8.5B	Interior Details		◇	◇	◇	◇	◇						
A8.6	Interior Details		◇	◇	◇		◇						
A8.7	Interior Details		◇	◇	◇	◇	◇						
A9.1	Interior Elevations		◇	◇	◇	◇	◇						
A9.2	Interior Elevations		◇	◇	◇	◇	◇						
A9.3	Interior Elevations	◇	◇	◇	◇	◇	◇						
A9.4	Paint Stencil Elevations		◇	◇	◇		◇						
A9.5	NOT USED												
A9.6	NOT USED												
A9.7	Vet Care Interior Elevations		◇	◇	◇	◇	◇						
A9.8	Vet Care Interior Elevations		◇	◇	◇	◇	◇	◇	◇				
S0.0	General Notes		◇	◇	◇		◇						
S1.1	Roof Framing Plan		◇	◇	◇	◇	◇						
S2.1	Equipment Support Plan & Details		◇	◇	◇	◇	◇	◇					
S2.2	Typical Details		◇	◇	◇	◇	◇						
PME1.1	Plumbing, Mechanical, Electrical Gen. Info		◇	◇	◇		◇						
P1.1	Plumbing General Info & Schedules		◇	◇	◇	◇	◇						

SBLM <i>Owner</i> Petco Animal Supplies Stores, Inc. 654 Richland Hills Drive San Antonio, Texas 78245 C: 858.692.5763 F: 858.638.2363 Contact: Sergio Henriquez, Construction Manager www.petco.com	
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Architect
SBLM
33 Walt Whitman Road, Suite 300A
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T: 631.683.5588 F: 631.683.5591
Contact: Christopher Quizhpe, Job Captain
www.sblm.com

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14817 West 99th Street
Lenexa, KS 66215
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www.acertusgroup.com



Structural Engineer
BSE Structural Engineers, LLC
11320 West 79th Street
Lenexa, KS 66214
O: 913.492.7400 D: 913.888.8750
www.bsestructural.com

<i>Distribution:</i>	<i>Date:</i>
25% SUBMISSION	05-17-19
75% SUBMISSION	06-25-19
98% SUBMISSION	07-02-19
100% SUBMISSION	07-10-19
 PERMIT SET	09-06-19
 BULLETIN #1	01-10-20
 BULLETIN #2	04-06-20

Seal & Signature

Project
Needham, MA - Remodel

163 Highland Avenue
Needham, MA, 02494

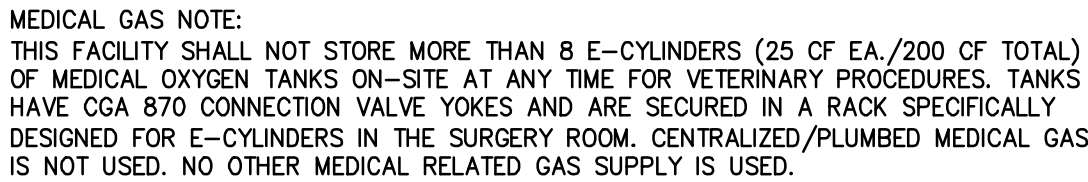
Petco Store No. 0284	Project No. 019009
Drawn By: CQ	Checked By: JJ

Drawing Title

CODE DATA PROJECT DATA

Drawing Number

A0.1

[illegible]

GENERAL NOTES:

A. INTERIOR PARTITION DIMENSIONS ARE TO FACE AND FINISH, TYPICAL. SOME SPECIAL PARTITIONS ARE DIMENSIONED TO CENTER.

B. VERIFY MEASUREMENTS WITH CORRESPONDING CONSTRUCTED OR EXISTING CONDITIONS PRIOR TO PROCEEDING WITH THE WORK, AND NOTIFY THE ARCHITECT IMMEDIATELY OF SIGNIFICANT DISCREPANCIES USING THE "CONTRACTOR REQUEST FOR INFORMATION" FORM (01200) AND SUPPLEMENTARY CONTRACTOR DETAILS AS REQUIRED.

C. FINISH ELEVATIONS REFERENCED ON ARCHITECTURAL DRAWINGS ARE DATUM ELEVATIONS ABOVE THE FINISH FLOOR ELEVATION. THE CONTRACTOR MUST COORDINATE DATUM-BASED ARCHITECTURAL ELEVATIONS SHOWN WITH SITE-SPECIFIC ELEVATIONS SHOWN ON CIVIL DRAWINGS (IF APPLICABLE).

D. PROVIDE RODENT BARRIER HARDWARE CLOTH (05500) 48" HG. NOM. ON FRAMING BEHIND SHEATHING, FOR ALL NEW PERIMETER PARTITIONS THAT ARE ADJACENT TO/ABUTTING SHELL EXTERIOR WALLS OR COMMON WITH SHELL TENANT SEPARATION ASSEMBLIES.

E. WHERE NEW WALL TILE IS TO BE INSTALLED ON AN EXISTING NON-RATED WALL IN WET AREAS DESIGNATED TO REMAIN, REMOVE EXISTING GP. BD. SHEATHING AND INSTALL NEW SHEATHING AS NOTED ON FINISHED SCHEDULE.

F. REFER TO SECTION 09260 TABLE "NONSTRUCTURAL LIMITING HEIGHTS" FOR PARTITION STANDARDS BASED ON DEFLECTION LIMIT L/240, UNIFORM 5 PSF LATERAL LOAD. 25 GA METAL WALL FRAMING IS MIN. GAUGE PROVIDED. HEAVIER GAUGE FRAMING AND DIAG. "KICKERS" MAY BE REQUIRED ON FIELD CONDITIONS FOR FIELD CONDITIONS AND FRAMING HEIGHTS.

G. EXPOSED SURFACE MOUNTED ELECTRICAL CONDUITS, PLUMBING, UTILITIES, ETC. ON WALLS SHALL NOT BE PERMITTED IN CUSTOMER AREAS WITHOUT WRITTEN APPROVAL FROM PETCO CM.

H. ALL PLATFORM AND ROOF LADDERS SHALL COMPLY WITH OSHA REQUIREMENTS INCLUDING BUT NOT LIMITED TO SAFETY GAGES

I. WITHIN 14 DAYS OF FIRST DAY OPEN (FDO), THE CONTRACTOR SHALL OBTAIN AN INSPECTION AND A CERTIFICATION FROM A NATIONALLY RECOGNIZED ADA INSPECTION COMPANY AND SUBMIT THE CERTIFICATION TO THE PETCO CONSTRUCTION MANAGER AND THE ARCHITECT OF RECORD. THE CERTIFICATION SHALL STATE THE JOB SITE HAS BEEN INSPECTED INCLUDING ALL DESIGNATED PETCO TENANT SPACE AREAS, DESIGNATED PARKING AREAS, ACCESSIBLE ROUTES FROM THE PARKING AREAS TO PETCO'S ENTRY, ALL INTERIOR SPACES OF THE TENANT SPACE INCLUDING ALL EXTERIOR MEANS OF EGRESS. THE CERTIFICATION SHALL ALSO STATE IF ALL AREAS MEET THE CURRENT ADA STANDARDS HAVING JURISDICTION AND LOCAL AMENDMENTS OR PROVIDE A COMPREHENSIVE LIST OF ALL NON-CONFORMING ELEMENTS SUPPORTED WITH PHOTOS. DOCUMENTED BY PHOTOGRAPHS AND ANY ADDITIONAL MEANS AS REQUESTED BY THE INSPECTION COMPANY IN ORDER FOR A FINAL CERTIFICATION TO BE APPROVED AND ISSUED (01700)

Distribution:	Date:
25% SUBMISSION	05-17-19
75% SUBMISSION	06-25-19
98% SUBMISSION	07-02-19
100% SUBMISSION	07-10-19
PERMIT SET	09-06-19

163 Highland Avenue	
Needham, MA, 02494	
<i>Petco Store No. 0284</i>	<i>Project No. 019008</i>
<i>Drawn By: CQ</i>	<i>Checked By: JI</i>
<i>Drawing Title</i>	

A2.1

[illegible]

01 FRONT ELEVATION

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 163 Highland Avenue Petco Special Permit Amendment
Date: Wednesday, September 30, 2020 1:24:51 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
Fire has no concerns with this change of use.

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: Wednesday, September 30, 2020 9:27 AM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; David Roche <droche@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: Re: Request for comment - 163 Highland Avenue Petco Special Permit Amendment

Dear all,

If you did not yet comment and wish to, please let me know by the end of the day, ideally, so I can add the comments to the Planning Board packets.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov

From: Alexandra Clee
Sent: Thursday, September 10, 2020 11:34 AM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; David Roche; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>
Cc: Lee Newman; Elisa Litchman; Carys Lustig <clustig@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
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From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Timothy McDonald](#)
Subject: RE: Request for comment - 163 Highland Avenue Petco Special Permit Amendment
Date: Wednesday, September 30, 2020 12:10:52 PM
Attachments: [image002.png](#)
[image003.png](#)

Alex –

Here are the Public Health Division comments for the Planning Board's hearing on an Amendment to the 98-04 Special permit issued for 161-163 Highland. See comments/clarifications needed below:

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Please have applicant confirm those items noted above and let us know if you have any follow-up questions on those items.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S.
ASSISTANT PUBLIC HEALTH DIRECTOR
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Subject: Request for comment - 163 Highland Avenue Petco Special Permit Amendment

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From: [Alexandra Clee](#)
To: [Tara Gurge](#)
Cc: [Timothy McDonald](#); [Lee Newman](#)
Subject: FW: Request for comment - 163 Highland Avenue Petco Special Permit Amendment
Date: Wednesday, September 30, 2020 8:57:50 PM
Attachments: [image003.png](#)
[image004.png](#)

Replies are in blue below.

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Assistant Town Planner
Needham, MA
www.needhamma.gov

From: Hartley, Stephen <shartley@sblm.com>
Sent: Wednesday, September 30, 2020 1:53 PM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Isom, Jeffrey <jisom@sblm.com>; Sharon Siekierski <Sharon.Siekierski@PETCO.com>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Request for comment - 163 Highland Avenue Petco Special Permit Amendment

Stephen Hartley , LEED AP BD+C



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To: [Alexandra Clee](#)
Cc: [Timothy McDonald](#); [Lee Newman](#)
Subject: RE: Request for comment - 163 Highland Avenue Petco Special Permit Amendment
Date: Thursday, October 1, 2020 1:05:20 PM
Attachments: [image002.png](#)
[image003.png](#)

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To: Tara Gurge <TGurge@needhamma.gov>
Cc: Timothy McDonald <tmcdonald@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
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Stephen Hartley , LEED AP BD+C



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From: [Hartley, Stephen](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#); [Sharon Siekierski](#)
Subject: RE: Request for comment - 163 Highland Avenue Petco Special Permit Amendment
Date: Friday, October 2, 2020 2:46:32 PM
Attachments: [image002.png](#)
[image003.png](#)

Good afternoon Alexandra,

Thank you for forwarding the information.

We do not use the term convalescence stays as it can be misconstrued. If this is a term we introduced into the conversation I apologize. Pets will only be held on site before and after treatment (while they wait for their owners to pick them up). It is similar to the process for grooming. Pets will not be held on site outside of business hours.

Thank you,

Stephen

Stephen Hartley , LEED AP BD+C



11430 North Kendall Drive, Suite 310, Miami, FL 33176

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Sent: Friday, October 2, 2020 1:47 PM
To: Hartley, Stephen <shartley@sblm.com>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: Request for comment - 163 Highland Avenue Petco Special Permit Amendment

Stephen, FYI.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: Tara Gurge <TGurge@needhamma.gov>

Sent: Thursday, October 1, 2020 1:05 PM

To: Alexandra Clee <aclee@needhamma.gov>

Cc: Timothy McDonald <tmcdonald@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>

Subject: RE: Request for comment - 163 Highland Avenue Petco Special Permit Amendment

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

October 6, 2020

Needham Planning Board
Needham Public Service Administration Building
Needham, MA 02492

RE: Amendment to Major Project Special Permit No. 98-4
163 Highland Avenue- Petco Tennant Improvements

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request for an Amendment to a Special Permit. The submitted documents request to construct a Veterinary office and to make some internal modifications to the floor plan as well as an accessible new entry way to the office.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application Form for Site Plan Review completed by the applicant.
2. One letter to Planning Department from SBLM Architects, PC, dated September 4, 2020, with the following attachments:
 - a. Plan sheet Showing Previous Floor Plan before remodeling;
 - b. Cover sheet Plan entitled, "Petco Tenant Improvements in Existing Petco Store" dated 4/6/20 by SBLM with sheets, A7.1A, A2.1, and A4.1

Our comments and recommendations are as follows:

- We have no comment or objection to the proposed amendment

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

Truly yours,

Thomas Ryder
Assistant Town Engineer

Petco
Major Project Site Plan Special Permit
AMENDMENT OF DECISION
October 6, 2020

Application No. 98-04
(Original Decision dated May 18, 1998)

(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 Petco, 163 Highland Avenue, Needham, Massachusetts (hereinafter referred to as the Petitioner) for property located at 163 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan No. 74 as Parcel 23 containing a total of 182,584 square feet in the Highland Commercial-128 and Mixed Use-128 Zoning Districts.

This decision is in response to an application submitted to the Board on September 25, 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 3.2 of Major Project Special Permit No. 98-04, dated May 18, 1998; (2) a Special Permit under Section 3.2.5.2(n) of the By-Law for a veterinary office and/or treatment facility including convalescent stays but not the boarding of animals in the Highland Commercial-128 Zoning District; and (3) a Special Permit under Section 3.2.6.2(h) of the By-Law for a veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals in the Mixed Use-128 Zoning District. The requested Major Project Site Plan Special Permit Amendment, would, if granted, permit the Petitioner to construct a portion of the space to be occupied by a veterinary service. No additional square footage for the Petco store is being proposed. The Veterinary Office hours of operation would be from 7:00 AM to 7:00 PM daily. No animals will be housed overnight or during non-business hours. Spaces shown as Kennels will be for temporary use while animals wait for pick-up. Only 1 Veterinarian will be on staff at a time.

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, October 6, 2020 at 7:20 p.m., via remote meeting using Zoom ID [826-5899-3198](https://us02zoom.us/j/82658993198). Board members, Jeanne S. McKnight, Paul S. Alpert, Ted Owens, Martin Jacobs, and Adam Block were present throughout the October 6, 2020 public hearing. 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 September 25, 2020.
- Exhibit 2 - A letter from Stephen Hartley, SBLM Architects, dated September 4, 2020.
- Exhibit 3 - Floor Plan with note "Previous Floor Plan, Before Remodel; reference only" undated.

- Exhibit 4 - Plan entitled “Petco, Tenant Improvements in Existing Petco Store,” prepared by SBLM Architects, 33 Walt Whitman Road, Suite 300A, Huntington Station, NY, consisting of 4 sheets: Sheet 1, Sheet A0.1, entitled “Code Data, Project data,” dated May 17, 2019, revised June 25, 2019, July 2, 2019, July 10, 2019, September 6, 2019, January 10, 2020 and April 6, 2020; Sheet 2, Sheet A7.1A, entitled “Large Scale Floor Plans,” dated May 17, 2019, revised June 25, 2019, July 2, 2019, July 10, 2019, September 6, 2019, and April 6, 2020; Sheet 3, Sheet A2.1, entitled “Floor Plan,” dated May 17, 2019, revised June 25, 2019, July 2, 2019, July 10, 2019 and September 6, 2019; Sheet 4, Sheet A4.1, entitled “Exterior Elevations,” dated May 17, 2019, revised June 25, 2019, July 2, 2019, July 10, 2019 and September 6, 2019.
- Exhibit 5 - Inter Departmental Communication (IDC) to the Needham Planning Board from the Department of Public Works, Engineering Division, Thomas Ryder, Assistant Town Engineer, dated October xx, 2020; IDC to the Needham, Planning Board from the Needham Police Department, Chief John Schlittler, dated October xx, 2020; IDC to the Needham Planning Board from the Needham Fire Department, Chief Dennis Condon, dated September 30, 2020; and IDC to the Needham Planning Board from the Health and Human Services Department, Public Health Division, Tara Gurge, Assistant Public Health Director, dated September 30, 2020.

Exhibits 1, 2, 3 and 4 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. 98-04, issued to Richard S. Epstein and Kenneth P. Epstein, Trustees of the Highland Nominee Trust, 161 Highland Avenue, Needham, Massachusetts, dated May 18, 1998, as well as Determination of approval for a change to Staples by memo dated June 25, 2019: to construct a portion of the space to be occupied by a veterinary service. No additional square footage for the Petco store is being proposed. The Veterinary Office hours of operation would be from 7:00 AM to 7:00 PM daily. No animals will be housed overnight or during non-business hours. Spaces shown as Kennels will be for temporary use while animals wait for pick-up. Only 1 Veterinarian will be on staff at a time.
- 1.2 The Petitioner is requesting this modification because the original permit specified that the first floor which totals 40,503 square feet be used entirely as retail space; however, the Petco store now wishes to add a veterinary use, which is a specially permitted special permit use in the Highland Commercial-128 and Mixed Use-128 Zoning Districts.
- 1.3 The Petitioner proposes to reallocate a certain amount of first floor space to the veterinary use within the existing approved retail space of Petco.
- 1.4 The veterinary component of the facility is expected to operate from 7:00 AM to 7:00 PM, seven days per week. On a typical day there is 1 receptionist, 1-2 vet techs and 1 veterinarian. On a busy day the vet tech count may increase to three (3). The maximum number of staff in the veterinary component of Petco at any one time will be five (5).
- 1.5 The proposed use can be identified in the Table of Required Parking, Section 5.1.2 of the By-Law, as “Medical, dental and related health services structure or clinics”. Said use category requires one space for every 200 square feet. Accordingly, the required parking for the veterinary use of 1,679 square feet is 8.4 parking spaces, or 9 spaces. The previous requirement for the

entire retail and warehouse uses permitted was 135 spaces for the 40,503 square foot retail component (1 space per 300 square feet of retail) and 5 spaces for the 3,500 square feet of mezzanine space (1 space per 800 square feet of warehouse) for a total of 140 parking spaces. With 1,679 square feet now being allotted to veterinary use, the new total building parking requirement is as follows:

38,824 square feet of retail (1 space per 300 square feet) = 129.4 = 130
3,500 square feet of mezzanine space (1 space per 800 square feet) = 5
1,679 square feet of veterinary (1 space per 200 square feet) = 8.4 = 9
Total required = 144 parking spaces

The original permit approved 168 parking spaces. Therefore, no waiver is required or requested for the new veterinary use.

- 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 Petitioner proposes no change in building footprint, no change in site plans. The animals will not be boarded overnight or outside of business hours.
- 1.7 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets have been assured. There are presently 168 off-street parking spaces. No changes are contemplated for the parking layout or the current curb cuts. There is one door proposed to be added to the front elevation, but the pedestrian movement that will be altered by that addition is negligible. The proposed hours of the veterinary use begin slightly before the retail store opens according to the Petco website, at 7:00 a.m.; however, as the original permit did not specify hours of operation for the retail stores, the General By-Laws of the Town prevail, allowing the store to be open anywhere from 6:00 a.m. to midnight. Given the allowable retail hours, the proposed hours of the veterinary use are reasonable. The site has been designed to accommodate safe vehicular and pedestrian movement within the site and on adjacent streets.
- 1.8 Adequate parking exists for the proposed uses. The Petitioner is not seeking a waiver as there are more than the required number of parking spaces available on-site.
- 1.9 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. There is an existing dumpster on site. Additionally, areas have been specifically designated for dog walking and a prefabricated pet clean-up station has been installed. Please refer to Plan Sheet A2.1, Note 8. Finally, the Petitioner has arranged for hazardous waste disposal is to be handled by a 3rd party vendor per Board of Health requirements.
- 1.10 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. 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, other than a new door on the front façade, 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.
- 1.11 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.

- 1.12 The Board finds that all of its findings and conclusions contained in Site Plan Special Permit No. 98-04, dated May 18, 1998, issued to Richard S. Epstein and Kenneth P. Epstein, Trustees of the Highland Nominee Trust, 161 Highland Avenue, Needham, Massachusetts, as well as its Determination of approval for a change to Staples by memo dated June 25, 2019, 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 By-law and Section 3.2 of Major Project Special Permit No. 98-04, dated May 18, 1998; (2) the requested Special Permit under Section 3.2.5.2(n) of the By-Law for a veterinary office and/or treatment facility including convalescent stays but not the boarding of animals in the Highland Commercial-128 Zoning District; and (3) the requested Special Permit under Section 3.2.6.2(h) of the By-Law for a veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals in the Mixed Use-128 Zoning District, 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 total square footage of the veterinary use.

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. 98-04, dated May 18, 1998, issued to Richard S. Epstein and Kenneth P. Epstein, Trustees of the Highland Nominee Trust, 161 Highland Avenue, Needham, Massachusetts, and a Determination of approval for a change to Staples by memo dated June 25, 2019, as further amended by this Amendment, are ratified and confirmed.

- 3.2 The Board approves the veterinary use of 1,679 square feet of the first floor of the building as conditioned herein.
- 3.3 The proposed veterinary use shall contain the floor plan and dimensions and shall be located on that portion of the locus, as shown on the Plan, as modified by this Decision, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, or interior partitions is allowed without further Board approval provided the use allocation and number of exam rooms 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 veterinarians on site at any given time shall not exceed one (1). The maximum number of staff persons specifically for the veterinary use present at any given time shall not exceed 5 (one veterinarian, three vet-techs and one receptionist).
- 3.5 The veterinary use may be open from 7:00 a.m. to 7:00 p.m. Monday through Sunday (daily).
- 3.6 The operation of veterinary use located at 163 Highland Avenue, Needham, Massachusetts shall be as described in Sections 1.1 and 1.3 of this Decision and as further described under the support materials provided under Exhibits 1, 2 and 3 of this Decision.
- 3.7 This Special Permit to operate the veterinary use at 163 Highland Avenue, Needham, MA is issued to Petco, 163 Highland Avenue, Needham, Massachusetts and may not be transferred, set over, or assigned by Petco, 163 Highland Avenue, Needham, Massachusetts to any other person or entity other than an affiliated entity in which Petco 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. For purposes of this section 3.7, a transfer or assignment of shares of stock of Petco such that the current stockholders of Petco as of the date of this decision no longer own or control more than fifty (50%) percent of the equity interests or no longer own or control more than fifty (50%) percent of the voting power of Petco shall be considered a prohibited transfer or assignment.
- 3.8 The special permit and parking waivers granted herein are specifically premised upon the special characteristics of veterinary use of Petco located at 163 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 veterinary use shall contain the dimensions and shall be located in the building at 163 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 1,679 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 Commissioner, 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 October 6, 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 October 6, 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 6th day of October 2020.

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairperson

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Petco, 163 Highland Avenue, Needham, Massachusetts, for property located at the 163 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

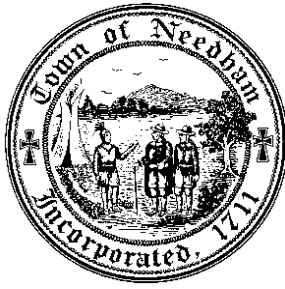
Theodora K. Eaton, Town Clerk

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



LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S. 11, and the Needham Zoning By-Laws, Sections 7.4, and Section 4.2 of Major Site Plan Special Permit No. 2012-07 dated October 16, 2012, amended and restated April 2, 2013, and amended on September 17, 2013, January 6, 2015, April 28, 2015, November 10, 2015 and April 25, 2016, the Needham Planning Board will hold a public hearing on Tuesday, October 6, 2020 at 7:40 PM Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Walter Bonola, 101 East River Drive, East Hartford CT, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 400 First Avenue, Needham, MA, shown on Assessor's Map No. 300 as Parcel 28 containing 13.68 acres in the New England Business Center Zoning District. The requested Major Project Site Plan Special Permit Amendment would, if granted, permit the Petitioner to install a fuel cell on site. The purpose of this project is to reduce electrical and heating costs while also reducing emissions of greenhouse gases and other air pollutants. The fuel cell would be mounted on a structural steel platform spanning the loading dock area across B street from the Coca-Cola bottling facility. The platform will be screened using aluminum louvers specifically designed for mechanical screening.

In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review is required. In accordance with Major Project Site Plan Special Permit No. 2012-07, Section 4.2, as amended, further site plan review is required.

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/planningapplication>. 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: September 17, 2020 and September 24, 2020.

Original

TOWN OF NEEDHAM
MASSACHUSETTS

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



PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 400 First Avenue, Needham, MA
Name of Applicant Walter Bonola
Applicant's Address 101 East River Drive, East Hartford, CT
Phone Number 860.250.3776

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

Property Owner's Name: Needham Travel Property LLC
Property Owner's Address 1370 Avenue of the Americas, 21st Floor, New York, NY
Telephone Number 212-581-4540

Characteristics of Property: Lot Area 73835 SF Present Use Office
Map # 300 Parcel # 0028 Zoning District New England Business center

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

Installation of fuel cell power plant
on structural steel platform over
loading dock area

Signature of Applicant (or representative) Walter Bonola
Address if not applicant _____
Telephone # 860-250-3776
Owner's permission if other than applicant David Ledy

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 issued within 35 days of filing date.



Doosan Fuel Cell America, Inc.
101 East River Dr
East Hartford, CT 06108
T - 860 727 2200

September 3, 2020

BY FEDEX AND ELECTRONIC MAIL

Needham Planning Board Members
500 Dedham Ave
Needham, MA 02492
Attn: Lee Newman, Planning Director

Re: Normandy Real Estate Partners
Major Project Special Permit No. 2012-07
Application for Further Site Plan Review

400 First Ave, Needham, MA (Map 300, Parcel 28)

Dear Planning Board Members,

The purpose of this letter is to provide the Planning Board with additional information in connection with the above-described Project. This application for further site plan review of Major Site Plan Special Permit No. 2012-07 dated October 16, 2012, amended and restated April 2, 2013, and amended on September 17, 2013, January 6, 2015, April 28, 2015 and November 10, 2015. I have structured this letter to conform to the review criteria for Site Plan Review, as set forth in Section 7.5.6 of the Zoning By-Law. As fuel cell technology may be new to some members of the board, I have also included a brief description of Doosan's Model 400 fuel cell system and the purpose of this project.

Fuel Cell System and Project Goals

Doosan's PureCell® Model 400 is a stationary phosphoric acid fuel cell (PAFC) power plant intended for distributed generation (DG) and combined heat and power (CHP) applications. It is capable of producing ultra-clean, reliable electric power (460 kW in the first year and greater than 400 kW continuously for 10 years), and over 1.78 MMBtu/h of useful thermal energy. This heat can be used for space heating, hot water applications, and for driving an absorption chiller to provide cooling. With an optional grid-independent switchboard and controls, the Model 400 can also provide backup power when the electric utility service fails. As long as natural gas is available, electric power and heat can be generated.

Natural gas is first converted to hydrogen in the fuel processing system (FPS) through a process known as catalytic steam reformation. Hydrogen and air are then supplied to four phosphoric acid fuel cell stacks, in which hydrogen and oxygen combine electrochemically to produce direct current (DC) electricity, heat, and water. Finally, alternating current (AC) electricity is produced through



Doosan Fuel Cell America, Inc.
101 East River Dr
East Hartford, CT 06108
T - 860 727 2200

an on-board DC to AC inverter. Heat generated in the fuel cell process generates steam, which is returned to the FPS for use in the steam reformation process.

The purpose of this project is to reduce electrical and heating costs while also reducing emissions of greenhouse gases and other air pollutants. The fuel cell will provide 460 kw of clean renewable electric power and 1.8 million BTU/hour of available thermal energy to the building infrastructure reducing Trip Advisor's reliance on Electric Grid power and significantly reducing consumption of Natural gas for heating the facility. The system will also allow TripAdvisor to qualify for various state and utility green energy incentives.

Site Plan Review Criteria

The following are the criteria for the Planning Board to consider during the site plan review process pursuant to Section 7.4.6 of the Zoning By-Law, and the description of how this Project meets those criteria.

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;

Adjoining premises will be protected against any seriously detrimental uses of the proposed project by minimizing new impervious soil, screening with louvers, and acoustical levels that meet all state of Massachusetts airborne noise requirements.

The fuel cell will be mounted on a structural steel platform spanning the loading dock area across B street from the Coca-Cola bottling facility. The platform will be screened using aluminum louvers specifically designed for mechanical screening. The louvers and the platform steel will be painted to match adjacent building envelope materials. The cooling module and purge gas manifold will be placed on the ground adjacent to the generator fuel tank and will be screened using the existing cedar fencing and an additional twenty feet of new fencing. Any landscaping plants removed for construction will be replaced once construction is complete.

An acoustical study is included as part of this application. The acoustical study shows the project will be in compliance with all State of Massachusetts airborne noise requirements at all nearby properties.

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;



Doosan Fuel Cell America, Inc.
101 East River Dr
East Hartford, CT 06108
T - 860 727 2200

The proposed fuel cell will be mounted on a structural steel platform spanning the loading dock area some twenty feet in the air. The cooling module and purge gas manifold will be placed on the ground adjacent to the generator fuel tank and will be screened using the existing cedar fencing and an additional twenty feet of new fencing. The structural supports for the steel platform will be constructed in a manner to allow adequate pedestrian and vehicular traffic on the existing sidewalks adjacent to the loading dock and will be protected by 12" concrete filled steel bollards. The proposed project will have no impact to vehicular or pedestrian movement within the site or on the adjacent streets.

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

The proposed project will have no impact on the arrangement of parking and loading spaces on the premises. During operation it is expected that a Doosan service vehicle will visit the project location approximately once per month, having no impact on the adequacy of parking and loading for the existing facility.

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

Any waste generated during normal servicing of the fuel cell system will be disposed of by Doosan's technicians in accordance with all state and federal laws. A minimal amount of material is expected to be generated through normal replacement of internal components. This waste generation will not have an adverse impact on the facilities ability to dispose of refuse and waste. The fuel cell system does not produce any hazardous waste.

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

The fuel cell will be mounted on a structural steel platform spanning the loading dock area across B street from the Coca-Cola bottling facility. The platform will be screened using aluminum louvers specifically designed for mechanical screening. The louvers and the platform steel will be painted to match adjacent building envelope materials. The cooling module and purge gas manifold will be placed on the ground adjacent to the generator fuel tank and will be screened using the existing cedar fencing and an additional twenty feet of new fencing. Any landscaping plants removed for construction will be replaced once construction is complete.

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



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protection, and streets; and may require when acting as the Special Permit Granting Authority or recommend in the case of minor projects, when the Board of Appeals is Town of Needham MA Zoning By-Law, printed April 2018 215 acting as the Special Permit Granting Authority, such appropriate conditions, limitations, and safeguards necessary to assure the project meets the criteria of a through f.

The proposed project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets.

The proposed project will connect to the towns water system and use approximately 3,000 gallons per year of water at a maximum flow of 2 gallons per minute, a minor impact to the Town's water system. The Fuel Cells are certified by CSA international to meet strict ANSI/CSA FC-1 2014 safety standards to protect against risks from electrical, mechanical, chemical, and combustion safety hazards. This project has been designed in accordance with NFPA 853 for the safe installation of stationary fuel cell systems. An emergency response plan will be shared with the fire marshal as part of the building permit application process. The proposed project will have no appreciable generation of motor vehicle traffic, with approximately one service vehicle visiting per month.

The fuel cell system will provide 460 kW of clean renewable electric power and 1.8 million BTU/hour of available thermal energy to the building infrastructure reducing Trip Advisor's reliance on electric grid power and significantly reducing consumption of natural gas for heating the facility all without combustion of any kind. With heat and electricity utilized the installation will achieve a total efficiency of 78% and utilizing state of Massachusetts and power company incentives will result in a significant long term cost savings to Trip Advisor and a reduction in their carbon footprint.

The addition of this system will have a positive impact on the Town, both from improving the financial performance of a key employer in town and providing a reduction in carbon footprint.

If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,
Doosan Fuel Cell America, Inc.

Walter Bonola
Installation Project Manager
Walter.bonola@doosan.com
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Trip Advisor Planning Board Attachments

- 1 – Signed application
- 2 – DRB presentation documents M-700.00a2 and M-703.00a2
- 3 – Full set of “For Permit” Construction drawings
- 4 – Acoustical test report dated August 25, 2020
- 5 – Copy of Planning Board Fee check (PDF)

Prepared For: Doosan Fuel Cell America Inc.

Point of Contact: Walter Bonola

**Prepared by: Acoustical Technologies Inc.
 50 Myrock Avenue
 Waterford, CT 06385-3008**

**Subject: Trip Advisor LLC
 460 KW Fuel Cell
 Airborne Noise Assessment
 At 400 1st Avenue, Needham, MA**

Author: Carl Cascio

Date: August 25, 2020

Revision: 1

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Country of Origin is the United States of America

Summary

This document makes a positive acoustic assessment that should assist in meeting any acoustic noise concerns during the operation of a Doosan 460 KW fuel cell at the Trip Advisor LLC site at 400 1st Avenue in Needham, MA. An acoustic assessment plan was developed and executed to acquire airborne acoustic information useful in explaining and mitigating the potential airborne noise issues associated with Trip Advisor LLC's operation of the Doosan 460 KW fuel cell. It is important to show that the airborne noise generated by the fuel cell will not significantly impact the facility's neighbors.

The airborne noise levels expected to be generated by the Doosan fuel cell operating at the Needham site were simulated by exciting a set of six co-located speakers at the fuel cell Cooling and Power Module positions. The six speakers produced an overall airborne noise level that was 16 to 20 dB higher than the levels measured for a similar Doosan Power Module installed at New Britain High School in New Britain, CT and the quiet retrofitted blower Cooling Module installed in Brooklyn, NY. One-third octave band analysis showed the speakers to be near the New Britain fuel cell airborne noise levels at frequencies up to 250 Hertz where the airborne noise levels were low and to exceed the fuel cell signature by 16 dB at higher frequencies where the fuel cell signature was higher in noise level. Airborne noise levels with the speakers operating were measured at distances from 5 to 134 meters from the proposed Cooling and Power Module locations at the Trip Advisor LLC site. The speakers produced A-weighted overall sound pressure levels of approximately 86 dBA at 5 meters and 82 dBA at 10 meters (ref. 20 microPascals) from the proposed fuel cell Power Module location. The airborne noise levels from the speakers at nearby property lines were measured at levels from 50 to 59 dBA. Residential measurement locations to the west were very quiet with levels estimated to be below 46 dBA with the fuel cell on. Analysis of the speaker data indicated propagation losses from 10 to 32 dB from the fuel cell location to the nearby Industrial property lines. The source level at 10 meters from the operation of a Doosan Power Module at New Britain High School was then used as a basis for making the Needham Power Module airborne noise estimates. The source level at 5 feet from the operation of a Doosan quiet Cooling Module in Brooklyn NY was used as a basis for making the Needham Cooling Module airborne noise estimates. These two components were then combined to produce estimates of the new Trip Advisor fuel cell's overall noise level.

Operation of the Doosan fuel cell should produce noise levels that are well below the Massachusetts Noise Code limit of 10 dBA above the background at all of the nearby Industrial and Residential property lines. All the expected maximum values (worse case between speaker locations) are shown in Table 4 below. On B Street the maximum airborne noise values are expected to be below 56 dBA at the closest location, below the 60 dBA allowed with the minimum 50 dBA measured background noise. Operation of the Doosan fuel cell will have no acoustic impact at all of the industrial and residential properties adjacent to the Trip Advisor site. No acoustic issues are expected during 24-hour operation of the fuel cell.

The Massachusetts's Noise Code (Reference 1) also calls for review of acoustic issues associated with prominent discrete tones. Operation of the fuel cell is expected to meet the discrete tone (no peak greater than 3 dB) requirement for the fuel cell's octave band noise signature.

Introduction

Acoustical Technologies Inc. was tasked as part of a Doosan site permitting process with an assessment of potential acoustic issues associated with fuel cell airborne noise reaching the properties adjacent to the Trip Advisor LLC site at 400 1st Avenue in Needham, MA.

Responding to a request from Walter Bonola, a site visit was made on August 18, 2020. During the visit, a survey of the airborne noise levels produced by a set of speakers simulating the airborne noise produced by a Doosan Fuel Cell was made in order to identify potential airborne noise issues. Airborne noise measurements were taken to quantify the propagation of the simulated fuel cell airborne noise to the adjacent properties. Background airborne noise levels were also made with the speakers off. This document provides an acoustic assessment to assist in meeting acoustic noise concerns during the permitting process for the siting of a 460 KW Doosan fuel cell at 400 1st Avenue in Needham, MA.

Development of the Acoustic Assessment Plan

The purpose of this effort is to acquire acoustic information useful in explaining the potential airborne noise issues associated with the 24-hour operation of a Doosan 460 KW fuel cell at the Trip Advisor facility. The site at 400 1st Avenue in Needham, MA is located in an Industrial Zone near Interstate I95 and is surrounded by a Residential Zone to the west, Commercial and Residential Zones (SRB) to the north, a Flood Zone to the south and the town of Newton to the east. (The Needham zoning map is given below.) It is important to determine whether the airborne noise generated by the Doosan fuel cell will impact these neighbors.

The acoustic impact is assessed in the following way. The 460-kW fuel cell is yet to be installed so there is no way to measure fuel cell operating airborne noise levels at the new site. The fuel cell airborne noise has been measured at other sites and both overall and octave band airborne noise data for Doosan 400-KW and 460-KW fuel cells are available (References 2, 3 and 4). The only difference between the 400 and 460-KW fuel cells is the electrical output of the cell stacks. The rest of the machine including fans and fan noise remain the same between the 400 and 460 KW models. Using this data, a set of six speakers have been programmed through a set of octave and one-third octave band filters to generate a noise spectrum similar to that of the new fuel cell. (It is assumed that the Cooling and Power Module noise in the measured units are similar to the new unit.) This spectrum will then be played through an audio amplifier to create the electrical voltage necessary to drive the six speakers. In order to overcome the potentially high background noise at the site the speaker output will be increased to a level more than 15 dB higher than the overall noise level measured on an existing fuel cell at a distance of 10 meters. With the six speakers on, this approach then follows the traditional “What is the airborne noise level at the neighbor’s property line?”. The six speakers were run and airborne measurements made near the proposed fuel cell location and at several of the nearest neighbor’s property lines. This measured site data can also be used to estimate noise levels at other neighbor’s property lines. The Town of Needham Noise Ordinance and the State of Massachusetts’s Noise Code will be consulted to assess the impact of the measured and estimated acoustic levels. Because of the closeness of the Trip Advisor fuel cell site to the nearest property line noise mitigation may be recommended if the airborne noise estimated for the fuel cell comes near or exceeds the airborne noise requirements at the neighbors’ property lines.

Acoustic Measurement Program

The acoustic data necessary to assess the impact of the 460 KW Doosan Fuel Cell are described below: Airborne sound pressure measurements were conducted at the Trip Advisor LLC site on and near 400 1st Avenue on August 18, 2020 during the daylight and evening hours. This testing established both background airborne noise levels and simulated airborne noise levels with the speakers operating. The overall A-weighted airborne noise measurements were made with an ExTech model 407780A Digital Sound Level Meter (s/n 140401544) that had been calibrated prior to, during and just after the test with a Quest model QC-10 Calibrator (s/n Q19080194). Measurements were taken with A-weighting (frequency filtering that corresponds to human hearing) with the sound level meter in a Slow response mode. For reference noise level changes of 1 dB are equal to airborne sound pressure changes of 12.2 per cent. All measurements were made with the microphones at a height above ground between five and six feet.

At the Trip Advisor LLC site “speaker on” and background airborne noise measurements were taken at the following twelve nearby properties in the Industrial and Residential Zones:

Location	Business	Distance	Zone
A - 400 1st Avenue	Trip Advisor	5 & 10 meters	Industrial
B - 400 1st Avenue	Trip Advisor	5 & 10 meters	Industrial
P1 – 80 B Street	Residence Inn South	62 / 70 meters	Industrial
P2 – 80 B Street	Residence Inn North	69 / 84 meters	Industrial
P3 – 9 B Street	Coca-Cola West	60 / 50 meters	Industrial
P4 – 9 B Street	Coca-Cola Mid	33 / 22 meters	Industrial
P5 – 9 B Street	Coca-Cola East	66 / 71 meters	Industrial
P6 – 300 1 st Avenue	Mitt Comm	106 / 119 meters	Industrial
P7 – 235 A Street	Garage North	119 / 134 meters	Industrial
P8 – 235 A Street	Garage South	86 / 100 meters	Industrial
P9 – 81 Highland Terrace	Residence	740 / 755 meters	Residential SRB
P10 – 275 2 nd Avenue	Condominiums	440 / 454 meters	Residential SRB
P11 – 220 Hunting Road	Residence	262 / 252 meters	Residential
P12 – 228 Hunting Road	Residence	260 / 250 meters	Residential

The nearest residential area is more than 250 meters to the west across Interstate I95 behind a highway noise barrier and is sufficiently distant that the simulated fuel cell noise could not be heard. Background measurements were taken in the two closest residential zone areas (P9-P12).

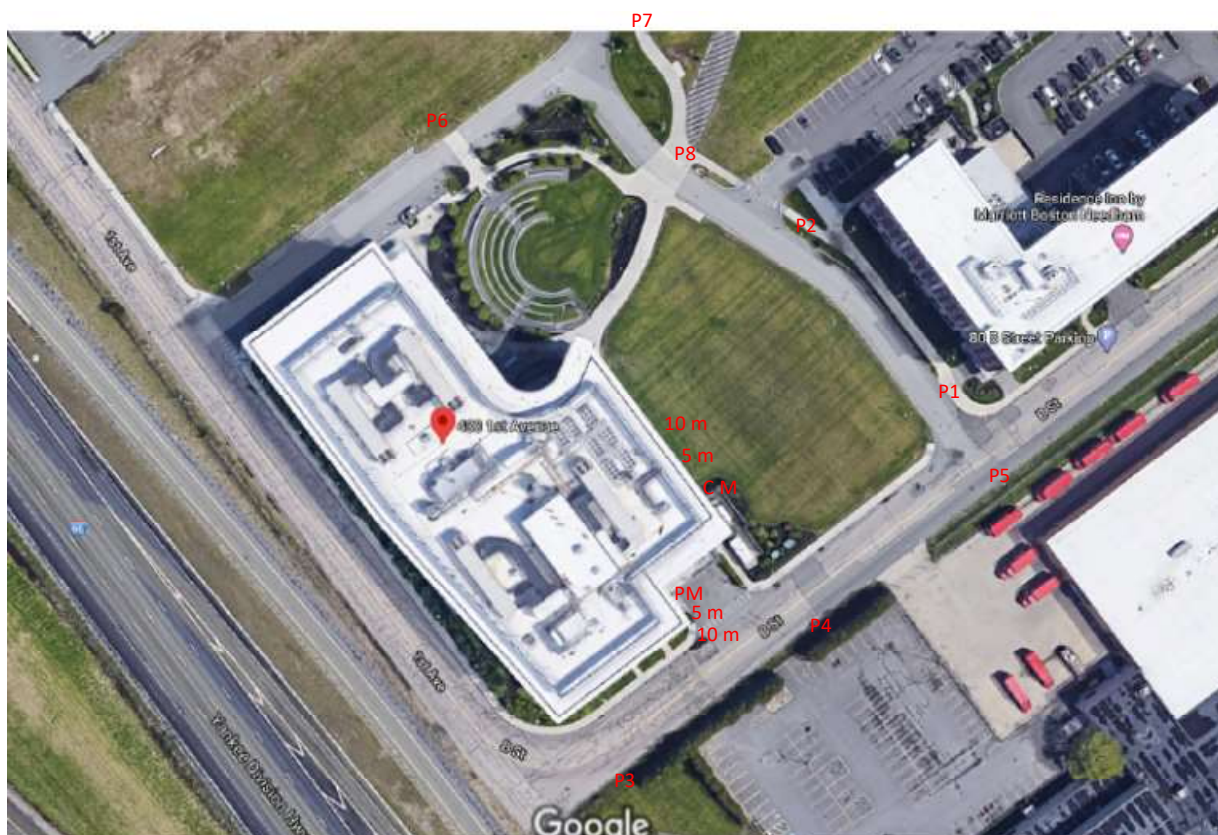
See the Google satellite map in Figure 1 for the approximate microphone measurement locations. Measurements near the proposed operating Cooling and Power Module sites at speaker positions A and B, respectively, were taken with the ExTech sound level meter. Figures 2, 3 and 4 provide photographs of the site locations for the Cooling and Power Modules as well as two sound level meter positions. At all the locations, a one-minute record of the acoustic noise was taken for the speakers in the “on” condition at the start and at the end of the property line airborne noise measurements. There is a very slight decrease of about 0.5 dB in sound output from the speakers as they warm up at the Cooling Module location. There was no change in level for the Power Module. Five minutes of background airborne noise data were also recorded at all the positions.

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Figure 1. Trip Advisor LLC Site Map in Needham, MA from Google Maps

400 1st Ave

Travel Advisor Sensor Locations



Airborne noise measurements taken outside are corrupted by rain and wind so a day was selected when the winds were expected to be 10 miles per hour or less. Table 1 provides the weather data at Boston Airport (closest data to Needham) for the acoustic measurements on August 18, 2020. Measurements were taken over the period from 10:30 am until 11:30 am for the Cooling Module location and from 2:15 pm to 3:15 pm for the Power Module. Background data were taken from 11:30 am until 1 pm, from 4:45 pm to 5:45 pm and then again from 8 pm to 10 pm. The table below shows the temperature and wind speeds in hourly intervals. Wind conditions were good for most of the day with a few wind gusts of up to 22 mph from 2 pm to 3 pm. Acoustic measurements were suspended during the wind gusts and these short periods did not affect the operating and background airborne noise measurements. There was no rain during the testing on August 18. The motor vehicle traffic from Interstate I95 generated most of the background noise at the locations closest to the highway. The other locations (shielded by buildings) were reasonably quiet. At night the cicada at most locations and water sprinklers near the parking garage added additional background noise. Motor traffic along the nearby roads was light but many of the measurements near B Street had to be delayed until no traffic was present. Background noise levels at all of the measurement positions were acceptable with levels from 48 to 59 dBA. The locations closest to Interstate I95 had the highest levels with these locations seeing 4 to 5 dB noise reductions at night when less motor traffic was present on Interstate I95.

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Figure 2. Doosan Cooling Module Location at the Trip Advisor LLC Site in Needham



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Figure 3. Doosan Power Module Location at the Trip Advisor LLC Site in Needham



Figure 4. Trip Advisor LLC Building with Sound Level Meter at Location P8



Table 1. Approximate Needham Weather Data on August 18, 2020

<https://www.wunderground.com/history/daily/us/ma/boston/KBOS/date/2020-8-18>

Time (EST)	Temp. (°F)	Humidity (%)	Barometer (in HG)	Wind Speed (mph)	Wind Gust (mph)	Wind Direction	Condition
7:54 AM	67 F	87 %	29.78 in	10 mph	0 mph	SW	Partly Cloudy
8:54 AM	71 F	78 %	29.78 in	9 mph	0 mph	W	Fair
9:54 AM	76 F	67 %	29.79 in	8 mph	0 mph	W	Fair
10:54 AM	78 F	56 %	29.77 in	13 mph	0 mph	W	Fair
11:54 AM	80 F	52 %	29.77 in	9 mph	0 mph	WSW	Fair
12:54 PM	83 F	38 %	29.76 in	9 mph	0 mph	WSW	Fair
1:54 PM	82 F	35 %	29.76 in	14 mph	21 mph	W	Partly Cloudy
2:54 PM	84 F	31 %	29.75 in	14 mph	22 mph	W	Mostly Cloudy
3:54 PM	83 F	34 %	29.74 in	13 mph	0 mph	W	Partly Cloudy
4:54 PM	84 F	33 %	29.74 in	14 mph	0 mph	W	Partly Cloudy
5:54 PM	83 F	28 %	29.75 in	17 mph	0 mph	W	Fair
6:54 PM	81 F	30 %	29.77 in	13 mph	0 mph	W	Fair
7:54 PM	79 F	36 %	29.79 in	10 mph	0 mph	W	Partly Cloudy
8:54 PM	77 F	42 %	29.82 in	10 mph	0 mph	NW	Mostly Cloudy
9:54 PM	74 F	48 %	29.84 in	7 mph	0 mph	WNW	Fair
10:54 PM	73 F	51 %	29.85 in	6 mph	0 mph	WNW	Fair
11:54 PM	72 F	53 %	29.84 in	7 mph	0 mph	W	Fair

Data Analysis

This section analyzes the airborne noise levels measured at the Needham Trip Advisor LLC site and then estimates the source level and transmission loss to nearby property lines expected during actual fuel cell operation. These estimated levels will be compared to the noise requirements in the Massachusetts noise code. Both background noise levels at the Needham Trip Advisor LLC site and the measured speaker operating noise levels are reported in Table 2. The background data are used to correct the measured operating airborne noise levels providing estimates of only the speaker noise contribution at each location. Table 3 reports estimated fuel cell equipment operating noise levels individually for both the Cooling Module and the Power Module. Comparing these Trip Advisor LLC fuel cell estimated levels with the state noise code will identify which nearby locations do or do not meet the airborne noise requirements.

The complete set of overall A-weighted airborne noise levels that were measured in Needham are provided in Table 2 for the conditions with the speakers on and off. Figure 5 is a map showing the Needham zoning districts in the Trip Advisor area. The range from the speakers to the microphone locations that are shown in Table 2 were calculated using Google Maps. The estimates of the range in meters to each location are given in Table 2 and also in Table 3. Each value is the range to the center of Cooling and Power Module locations, respectively. The closest measurement location is P4 on B Street, which is about 33 meters to the Cooling Module and 22 meters to the Power Module. The Residence Inn and other Coca Cola property lines are 50 to 84 meters away. Other neighboring industrial properties are more than 100 meters away.

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P12, the closest residential home is 250 meters away due west at 228 Hunting Street. Airborne noise at this and other residential locations could not be heard when the speakers were operating. The residential noise background noise levels were in the 48 to 53 dBA range.

Table 2. Measured Overall Sound Pressure Levels in dBA ref 20 microPascals

Location	Range in Meters	Speakers Cooling Module	Background L90	Bkgd Corrected	Speakers Power Module	Background L90	Bkgd Corrected
Speaker East	5	74.7	53.2	74.7	85.7	55.8	85.7
Speaker East	10	69.2	53.8	69.1	82.0	55.0	82
Speaker South	5	88.8	51.5	88.8	83.8	55.9	83.8
Speaker South	10	-	-	-	79.3	56.7	79.3
P1-Res Inn S	62/70	60.4	55.0	58.9	58.7	52.2	56.3
P2-Res Inn N	69/84	59.7	54.2	58.3	56.0	51.6	41
P3-CocaCola E	60/50	60.7	59.1	55.6	64.7	54.0	64.2
P4-CocaCola M	33/22	60.4	55.0	58.9	71.7	51.4	71.6
P5-CocaCola W	66/71	59.0	54.1	57.3	64.0	50.7	63.6
P6-MittCom	106/119	56.0	55.0	49.2	54.3	50.0	-
P7-Garage N	119/134	56.2	55.3	49	57.2	50.3	52.7
P8-Garage S	86/100	56.8	56.1	< 45	55.5	50.8	-
P9-81 Highland	740/755		48.1	4:53 pm		-	
P10-275 2 nd Av	440/454		-			48.4	8:10 pm
P11-220Hunting	262/252		53.0	5:40 pm		52.9	10:05 pm
P12-228Hunting	260/250		51.9	5:36 pm		-	

A comparison of the airborne noise produced at 10 meters by the Doosan fuel cell at the New Britain High School site (Reference 2) with the airborne noise produced by the speakers at the Montville Water Authority site (Reference 3) is shown in Figure 6. The speakers slightly exceed the fuel cell airborne noise for frequencies below 250 Hertz and greatly exceed the fuel cell airborne noise at the middle frequencies where the fuel cell airborne noise levels are the highest. The speaker levels are lower above 2.5 KHertz. The noise levels are about 6.3 and 7.1 dB higher for the speakers at Site A and Site B locations, respectively, as compared to what is expected from the Doosan 400 KW fuel cell that was measured at New Britain High School in New Britain, CT. The 6 to 7 dB differences in level were then subtracted from the Montville measured speaker levels to estimate the Montville fuel cell's acoustic signature at each location.

The 10-meter New Britain fuel cell airborne noise levels for the Power Module were used with the Needham transmission loss data to estimate the expected Trip Advisor site Power Module airborne noise for nearby neighbors at the Needham property lines. The Cooling Module noise level was taken from the quiet retrofitted blower unit data in Reference 4. Adding the Needham transmission loss data to the Sound Sense measurements provided the Cooling Module estimates.

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Figure 5. Needham Zoning Map Showing Speaker Location at Positions A & B

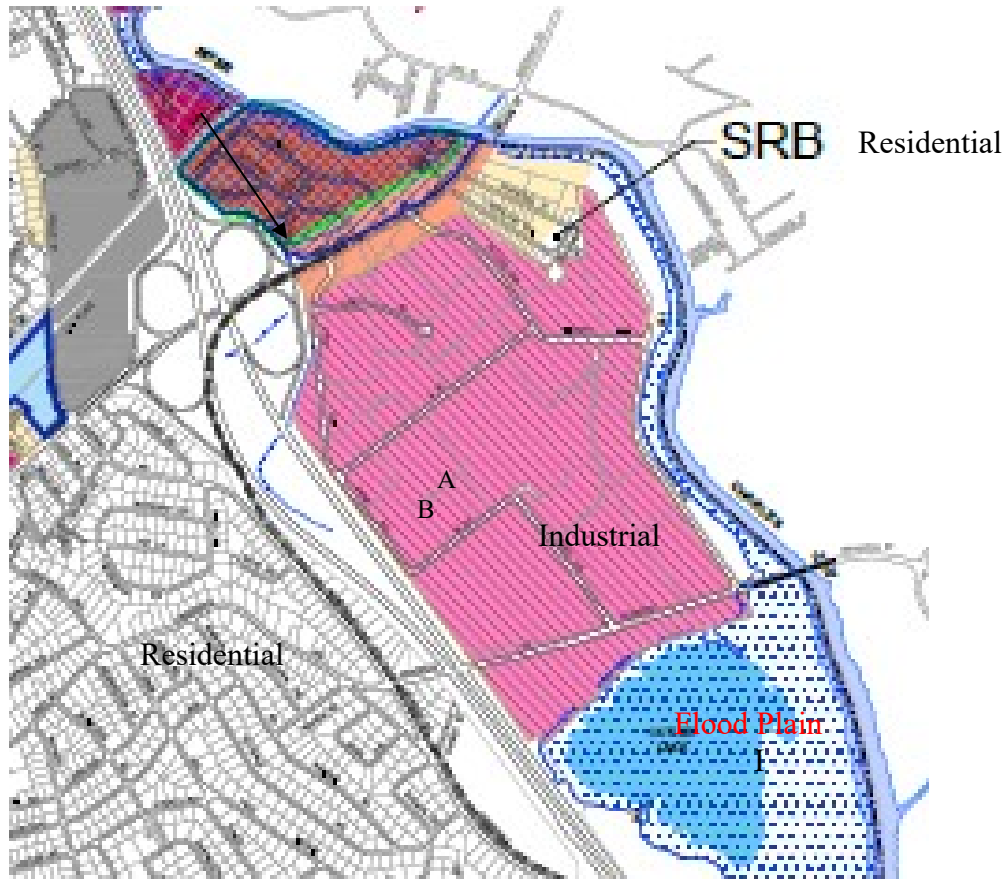
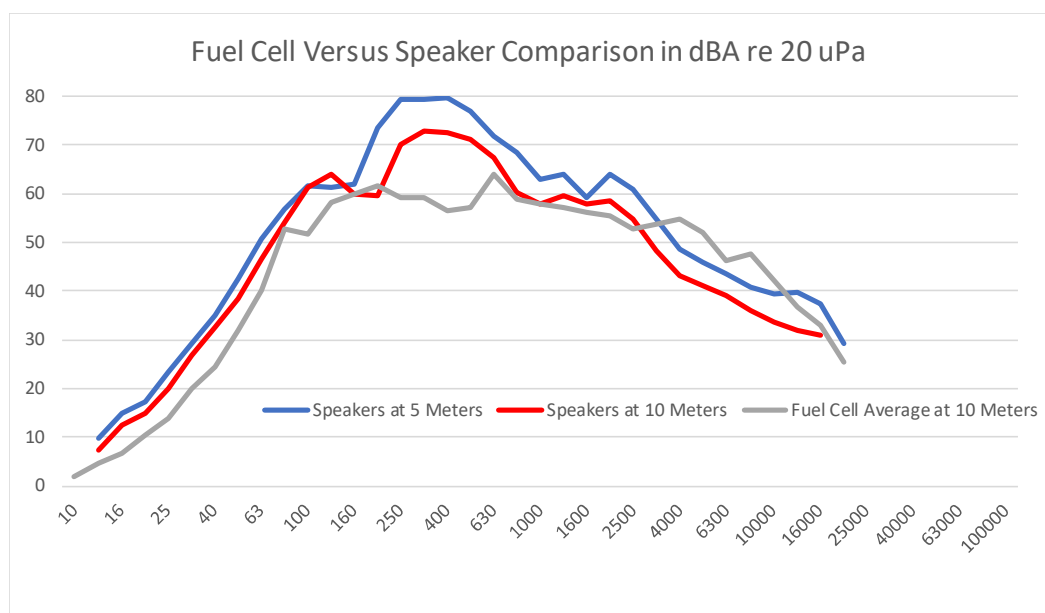


Figure 6. The Six Speakers Generate Airborne Noise Above That of a Single Fuel Cell



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The estimated airborne noise levels to be produced by the Doosan Trip Advisor fuel cell modules are shown in Table 3. For each of the eight locations the Needham measurements are corrected to account for the higher speaker levels. The fuel cell noise correction at the Site A Cooling Module location is estimated to be 20 dB because the speaker levels are that much higher than the retrofitted blower noise levels. The speakers at the Site B Power Module were estimated to be 16 dB higher than the New Britain High School Power Module measurements. The two modules' contributions are combined in Table 4 to create a total overall fuel cell estimate.

The measurements at the Trip Advisor LLC site were taken at various distances from the speakers and then background corrected. Close to the speakers on B Street the maximum airborne noise values to the south east are expected to be below 56 dBA at the closest location. This level is due to the Power Module located directly across the street from the measurement position. Besides the adjacent Coca Cola property, the other industrial properties are expected to be below 41 dBA from the Power Module. All the industrial properties are expected to be below 40 dBA from the Cooling Module due to its quiet design, the amount depending on how close the locations are to the Cooling Module. The residential properties to the north and west are all expected to have airborne noise levels due to the Trip Advisor fuel cell that are below 46 dBA.

Table 3. Trip Advisor LLC Overall Sound Pressure Levels in dBA ref. 20 microPascals

Location	Range in Meters	Speakers Cooling	Correction	Cooling Mod Estimated SPL in dBA	Speakers Power	Correction	Power Mod. Estimated SPL in dBA
P1-Res Inn S	62/70	58.9	-20	38.9	56.3	-16	40.3
P2-Res Inn N	69/84	58.3	-20	38.3	41	-16	25.0
P3-CocaCola E	60/50	55.6	-20	35.6	64.2	-16	48.2
P4-CocaCola M	33/22	58.9	-20	38.9	71.6	-16	55.6
P5-CocaCola W	66/71	57.3	-20	37.3	63.6	-16	47.6
P6-MittCom	106/119	49.2	-20	29.2	-	-16	<39
P7-Garage N	119/134	49	-20	29	52.7	-16	36.7
P8-Garage S	86/100	< 45	-20	<25	-	-16	<40

Table 4. Expected Airborne Noise Levels from Operating a Doosan Fuel Cell (ref. 20 µPA)

P1	P2	Residence		P10	P12	
42.7 dBA	38.5dBA	Inn		41 dBA	45 dBA	Residential
Coca	Cola	Coca	MittComm	Parking	Garage	
P3	P4	P5	P6	P7	P8	Industrial
48.4 dBA	55.7 dBA	48 dBA	39.4 dBA	37.4 dBA	40.1 dBA	

Allowable Noise Levels

The Massachusetts regulation for the control of noise provides in [M.G.L. Chapter 111, Section 142A-M](#) (Reference 1) the requirements for noise emission in Massachusetts. *The Exterior Noise Code* states: ***A noise source will be considered to be violating the Department's noise regulation (310 CMR 7.10) if the source:***

- 1. Increases the broadband sound level by more than 10dB(A) above ambient, or*
- 2. Produce a "puretone" condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.*

These criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during equipment operating hours. "Ambient" may also be established by other means with consent of the Department.

Reference 5 discusses the interpretation of this policy indicating that:

A new noise source that would be located in an area that is not likely to be developed for residential use in the future, or in a commercial or industrial area with no sensitive receptors may not be required to mitigate its noise impact in those areas, even if projected to cause noise levels at the facility's property line to exceed ambient background by more than 10dB(A).

The Town of Needham Charter states in Section 3.8 its Noise Regulations as follows:

Except in an emergency, construction activity conducted pursuant to a building permit, which causes noise that extends beyond the property line, shall be limited to the hours of 7AM to 8PM unless authorized by rules or regulations adopted by the Select Board. The penalty for violation of this regulation shall be a \$50 fine.

The Massachusetts state ordinance will be used to evaluate the noise generated by the Doosan Fuel Cell. Following sections discuss the broadband sound and the pure tone data using the results obtained from the New Britain, Montville and Brooklyn fuel cell measurements as well as the Needham Trip Advisor speaker measurements.

The north eastern part of the Needham zoning map is given in Figure 5. As stated above, the Needham Trip Advisor LLC site at 400 1st Street is located in an Industrial Zone. This site is adjacent to a Residential Zone to the west and Commercial and Residential Zones to the north. The closest residence is at the Residence Inn 60 meters to the east in the Industrial Zone. The closest home is 250 meters away at 228 Hunting Street in a Residential Zone. The acoustic estimates from positions P1 and P2 in Table 4 show that the fuel cell noise is expected to drop below a level of 43 dBA between distances of 62 and 84 meters. (The levels in Table 4 are generated by combining the background corrected Cooling Module and Power Module estimates found in Table 3.) The fuel cell noise will be well below the 10 dBA increase allowed over the background noise. (The measured L90 background noise varied from 51 to 55 dBA at the two Residence Inn measurement locations.) While the afternoon and evening measurements on one

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day are not fully representative of the likely variation in background noise, it is not expected that the background noise would ever drop below a level of 33 dBA thereby making the fuel cell noise 10 dBA higher than the background. Using the Needham speaker measurements, the airborne noise level expected at the other Industrial Zone property lines (at distances of 22 to 134 meters) should be below a level of 56 dBA. These levels are all below the maximum of 60 dBA allowed for background noise levels of 50 dBA, the minimum measured in the Industrial Zone. Other nearby residential properties at greater distances are also expected to be well below the Residential Zone background noise of 48 dBA measured in the Residential Zone. For example, at 250 meters the fuel cell noise is expected to be approximately 45 dBA at 228 Hunting Street, well below the background noise

Prominent Discrete Tones

The Massachusetts regulation for the control of noise states in [M.G.L. Chapter 111, Section 142A-M](#) that a puretone octave band level cannot exceed the two adjacent band levels by more than 3 decibels.

To address the discrete tone issue, we use measured data from the testing of a similar Doosan fuel cell in Montville CT (Reference 3). The data is an average that was measured at 5 meters from the fuel cell at three positions surrounding the fuel cell and is shown in Table 5 below. The noise levels at 10 meters from the Cooling Module, the dominant noise source, were about 5 dB lower (but data at only two locations was available). These airborne noise levels using the standard Cooling Module and not the quiet Brooklyn one, are 7 dB higher but still low enough to meet the Massachusetts noise code of less than a 10 dBA increase over the background noise.

Table 5. Measured Airborne Noise Levels from the Montville Doosan Fuel Cell (ref. 20 μ PA)

Octave	Band	Center	Frequency	in	Hertz		At	5	Meters
31.5	63	125	250	500	1000	2000	4000	8000	16000
Octave	Band	Level	In	dBA					
26.1	53.1	62.5	65	65.4	62.8	59.8	58.4	50.6	38.3
	Highest	Difference	in	dB					
			2.5	2.6	3.0	3.0			

In reviewing Table 5, it is clear that the airborne noise levels drop significantly below 125 Hertz and above 4000 Hertz. The peaks in the 125 to 4000 Hertz bands where the noise levels are highest show only minor differences that do not exceed the 3 dB limit in the Massachusetts noise code. There should be no concern about puretone issues. The sound generated by the fuel cell is more typical of random noise as produced by the cooling module with some lower level tones from the fans in the Power Module.

The fuel cell noise decreases in propagating to the nearby properties as the range increases. The highest property line background corrected speaker level was measured at 56 dBA at Position 4, the property line right adjacent to the Power Module. Because of the increasing reduction in

Acoustical Technologies Inc.

noise level with distance to the other industrial property lines the expected fuel cell noise levels will fall below 43 dBA for the other industrial properties. The residential properties to the west should all be lower than a level of 46 dBA. The residential properties to the north are at least twice as far away and will have even lower noise levels. All the expected maximum values (worse case between speaker locations) are shown in Table 4 above. All of the property line estimates will meet the requirement on not exceeding the background by more than 10 dBA. Operation of the Doosan fuel cell should have no acoustic impact at all of the industrial and residential properties adjacent to the Trip Advisor site. No acoustic issues are expected during 24-hour operation of the fuel cell.

Conclusions

The purpose of this effort is to evaluate the acoustical environment at the proposed Trip Advisor LLC fuel cell site in Needham, MA. This has been accomplished and the results show that the operation of a Doosan 460 KW fuel cell will meet all of the State of Massachusetts airborne noise requirements at all the nearby properties in the Industrial Zone. All residences to the west are also expected to meet all the noise requirements because they are at least 250 meters away from the new fuel cell. Residential properties to the north are even further away (440 meters or more) and will not be affected by the fuel cell 's airborne noise. The adjacent Residence Inn property to the east can be as close as 62 meters from the new fuel cell. Airborne noise from the fuel cell will reach levels of 42 dBA at the Residence Inn property line. This is well below the background noise levels of 51 to 55 dBA measured at the Residence Inn property line.

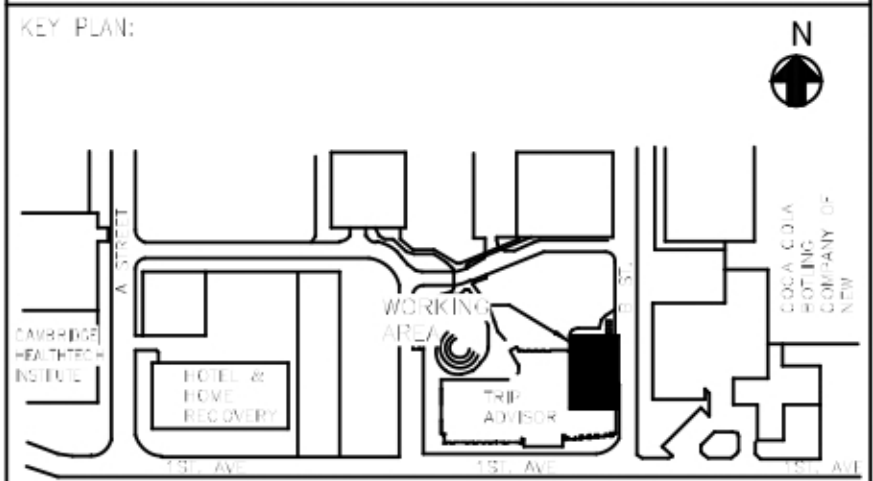
References

- 1) 1) Massachusetts Noise Laws, Exterior Noise Codes,
https://www.newenglandsoundproofing.com/town_noise_code
- 2) New Britain High School Fuel Cell Acoustic Assessment, Acoustical Technologies Inc.,
August 8, 2018
- 3) Montville Fuel Cell Test Report, Acoustical Technologies Inc., July 13, 2020
- 4) Acoustic Findings - 55 Meserole Street - Brooklyn NY – Verizon - Fluid Coolers Blower
Retrofit., Sound Sense, May 17, 2017
- 5) Noise Pollution Policy Interpretation - Mass.gov,
[www.mass.gov > files > documents > 2018/01/31 > noise-interpretation](http://www.mass.gov/files/documents/2018/01/31/noise-interpretation)
- 6) Town of Needham, General By-Laws, Charter, pg 34
[www.needhamma.gov > Town-Bylaws-Charter-PDF](http://www.needhamma.gov/Town-Bylaws-Charter-PDF)



OWNER
DOOSAN FUEL CELL

PROJECT NAME
TRIP ADVISOR
FUEL CELL INSTALLATION
400 1ST AVE, NEEDHAM, MA 02494



REV.	DATE	DESCRIPTION
1	08-01-2020	CONSTRUCTION DOCUMENTS
2		
3		
4		
5		
6		
7		
8		
9		
10		



SYNOPSIS
RST Technical Services, LLC
101 FELLOWSHIP ROAD
UNIT 43
UWCHLAND, PA 19480

COORDINATION DRAWING

DATE	BY	CHKD	APPD
08-01-2020	J. J. J.	J. J. J.	J. J. J.
08-01-2020	J. J. J.	J. J. J.	J. J. J.
08-01-2020	J. J. J.	J. J. J.	J. J. J.
08-01-2020	J. J. J.	J. J. J.	J. J. J.
08-01-2020	J. J. J.	J. J. J.	J. J. J.
08-01-2020	J. J. J.	J. J. J.	J. J. J.
08-01-2020	J. J. J.	J. J. J.	J. J. J.
08-01-2020	J. J. J.	J. J. J.	J. J. J.
08-01-2020	J. J. J.	J. J. J.	J. J. J.

COORDINATION DRAWING
N.T.S.

Scale: 1/8" = 1'-0"
24"x36"

M-703.00

From: [Dennis Condon](#)
To: [Alexandra Clee](#); [Anthony DelGaizo](#); [David Roche](#); [John Schlittler](#); [Timothy McDonald](#); [Richard P. Merson](#)
Cc: [Lee Newman](#); [Elisa Litchman](#); [Carys Lustig](#); [Tara Gurge](#)
Subject: RE: Request for comment - 400 First Ave, Trip Advisor, Fuel Cell, Special Permit Amendment
Date: Tuesday, September 15, 2020 9:09:23 AM
Attachments: [image001.png](#)
[image002.png](#)
[image005.jpg](#)

Hi Alex,

We are okay with this project proceeding with the process, but will request additional information regarding fire department emergency response procedures, fire systems to be provided, exposure to immediate surroundings & evacuation plan of building occupants prior to final NFD approval.

In general, to support the issuance of a building/fire permits the following, but not limited to, will be required:

- 1) Fire sprinkler system below new elevated equipment platform.
- 2) Automatic fire detection system, early warning alarms protecting the fuel cells/process equipment.
- 3) Protection of all exposed gas piping/equipment from mechanical and unforeseen impacts.
- 4) Protection of elevated platform vertical support columns from unforeseen vehicle/equipment impacts.
- 5) Adequate clearances to be maintained with unobstructed access to fire pumper sprinkler wall connection
- 6) Safety signs as directed by NFD.
- 7) Twice per year fire system testing & maintenance reports.

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, September 10, 2020 2:47 PM

To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; David Roche <droche@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>

Subject: Request for comment - 400 First Ave, Trip Advisor, Fuel Cell, Special Permit Amendment

Dear all,

The Planning Board will be holding a hearing on an Amendment to the 2012-07 Special permit issued for 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street. The requested proposal is specific to 400 First Ave and consists of a request to add fuel cell power plant on a steel platform over loading dock area. More information is included in the attached documents.

The hearing is scheduled for October 6, 2020. If you wish to comment, please submit your comment by Wednesday September 30, so that the Petitioner has time to address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov

**** Please note: I will not be in the office on Mondays. I will reply to you on Tuesdays, Wednesdays, Thursdays and Fridays.**

From: [David Roche](#)
To: [Dennis Condon](#); [Alexandra Clee](#); [Anthony DelGaizo](#); [John Schlittler](#); [Timothy McDonald](#); [Richard P. Merson](#)
Cc: [Lee Newman](#); [Elisa Litchman](#); [Carys Lustig](#); [Tara Gurge](#)
Subject: RE: Request for comment - 400 First Ave, Trip Advisor, Fuel Cell, Special Permit Amendment
Date: Wednesday, September 16, 2020 9:20:30 AM
Attachments: [image001.png](#)
[image002.png](#)

Alex,

My comments are basically the same as the fire Chiefs at this point, we will be receiving stamped detailed plans during the permit submittal that we can also approve or ask for additional information before the issuance of the Building Permit.

Dave Roche

From: Dennis Condon <DCondon@needhamma.gov>
Sent: Tuesday, September 15, 2020 9:09 AM
To: Alexandra Clee <aclee@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; David Roche <droche@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: RE: Request for comment - 400 First Ave, Trip Advisor, Fuel Cell, Special Permit Amendment

Hi Alex,

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In general, to support the issuance of a building/fire permits the following, but not limited to, will be required:

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- 7) Twice per year fire system testing & maintenance reports.

Thanks,

Dennis

Dennis Condon
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<RMerson@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>;
Carys Lustig <clustig@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>

Subject: Request for comment - 400 First Ave, Trip Advisor, Fuel Cell, Special Permit Amendment

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Needhamma.gov

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From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Timothy McDonald](#)
Subject: RE: Request for comment - 400 First Ave, Trip Advisor, Fuel Cell, Special Permit Amendment
Date: Wednesday, September 30, 2020 11:33:50 AM
Attachments: [image002.png](#)
[image003.png](#)

Alex –

Here are the Public Health Division comments for the Planning Board's hearing on the Amendment to the 2012-07 Special permit issued for 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street. See comments below:

- Please have applicant ensure that the proposed fuel cell power plant along with back-up generator noise produced would be minimal and not cause a public health nuisance concern to neighboring properties. (Noise ordinance – Noise produced shall not be more than 10 decibels above background noise.)
- Proper safety barriers are installed on the ground surrounding the generator fuel tank.

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

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



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

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Thursday, September 10, 2020 2:47 PM

To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; David Roche <droche@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>

Subject: Request for comment - 400 First Ave, Trip Advisor, Fuel Cell, Special Permit Amendment

Dear all,

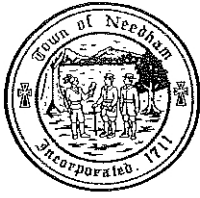
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The hearing is scheduled for October 6, 2020. If you wish to comment, please submit your comment by Wednesday September 30, so that the Petitioner has time to address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov

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

October 6, 2020

Needham Planning Board
Needham Public Service Administration Building
Needham, MA 02492

RE: Amendment to Major Project Special Permit No. 2012-07
400 First Avenue- Normandy Real Estate

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request for an Amendment to a Special Permit. The submitted documents request to construct a stationary Fuel Cell Power Plant intended to distribute heat and power for the site and reduce reliance on electrical grid power.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application Form for Site Plan Review completed by the applicant.
2. One letter to Planning Board Members, dated September 3, 2020, with the following attachments:
 - a. DRB Presentation documents M-700.00a2 and M-703.00a2;
 - b. Full set of "For Permit" Construction Drawings;
 - c. Acoustical test report dated August 25, 2020

Our comments and recommendations are as follows:

- We have no comment or objection to the proposed amendment

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

Truly yours,

Thomas Ryder
Assistant Town Engineer

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 922 Highland Ave. Needham, Ma 02494
Name of Applicant Laser MD Medspa
Applicant's Address 400 Franklin St. Braintree, Ma 02184
Phone Number 781-355-7181

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

Property Owner's Name: Highland Montrose, LLC C/O The Micozzi Companies
Property Owner's Address: 159 Cambridge St. Allston, Ma 02134
Telephone Number: _____

Characteristics of Property: Lot Area _____ Present Use Medspa
 Map # _____ Parcel # _____ Zoning District _____

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

Transfer of Major Project Site Plan Special Permit:

From: Ultimate Beauty Laser Spa, Inc.
To: Laser MD Medspa

Signature of Applicant (or representative) David Silberstein David Silberstein, Vice President
Address if not applicant _____
Telephone # 978-502-7910
Owner's permission if other than applicant _____

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.

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 922 Highland Ave. Needham, Ma 02494
Name of Applicant Laser MD Medspa
Applicant's Address 400 Franklin St. Braintree, Ma 02184
Phone Number 781-355-7181

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

Property Owner's Name: Highland Montrose, LLC C/O The Micozzi Companies
Property Owner's Address: 159 Cambridge St. Allston, Ma 02134
Telephone Number: _____

Characteristics of Property: Lot Area _____ Present Use Medspa
 Map # _____ Parcel # _____ Zoning District _____

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

Transfer of Major Project Site Plan Special Permit:

From: Ultimate Beauty Laser Spa, Inc.
To: Laser MD Medspa

Signature of Applicant (or representative)  Donna Simonds

Address if not applicant _____

Telephone # 978-502-7910

Owner's permission if other than applicant 
Nina Micozzi, Manager of Highland Montrose LLC, owner

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.



September 30, 2020

Re: Application for Transfer of Special Permit

Laser MD Medspa has entered into an agreement to purchase the assets of the business formerly operated as Ultimate Beauty Laser Spa, Inc. located at 922 Highland Ave. in Needham. It is our intention to continue operating at 922 Highland Ave. as a full service medical spa, but under the name of Laser MD Medspa.

In addition to the Laser Hair removal services under the original permit Laser MD Medspa will also be offering Body Contouring, Injectables and Skin Rejuvenation treatments to our clientele.

Other than the additional treatments noted above nothing about the way Laser MD Medspa will operate the business will differ from Ultimate Beauty Laser Spa, Inc. This includes the floor plan, hours of operation, # of employees, parking and any other conditions specified in the permit.

Therefore, we request transfer of the Special Permit to Laser MD Medspa at you're the next Planning Board Meeting on October 6, 2020.

Yours Truly,

A handwritten signature in black ink, appearing to read "Donna Simonds".

Donna Simonds
President
Laser MD Medspa
400 Franklin St.
Braintree, Ma 02184



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2014 MAY 21 PM 4:02

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

AMENDMENT
Major Project Site Plan Special Permit
May 20, 2014

Ultimate Beauty Laser Spa, Inc.
922-958 Highland Avenue, Needham, MA 02492

Application No. 1996-5

(Original Decision dated June 11, 1996,
amended July 1, 1997, March 20, 2012, January 22, 2013 and March 19, 2013)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish, 620 Park Avenue, Suite 185, Rochester NY 14607 (hereinafter referred to as the Petitioner), for property located at 922-958 Highland Avenue, Needham, MA 02492. Said property is shown on Assessor's Map No. 63 as Parcel 38 containing 79,368 square feet and is located in the Avery Square Business Zoning District.

This Decision is in response to an application submitted to the Board on April 24, 2014, by the Petitioner to amend Major Project Site Plan Special Permit No. 1996-05, dated June 11, 1996, amended July 1, 1997, March 20, 2012, January 22, 2013 and March 19, 2013, as modified by the other uses permitted on the property through Major Project Site Plan Special Permit No. 1996-10, dated December 3, 1996 (Einstein Bros. Bagels, Inc.), Major Project Site Plan Special Permit No. 1997-7, dated July 1, 1997, amended on October 6, 1998 and June 26, 2012 (Trader Joe's East, Inc.), Major Project Site Plan Special Permit No. 2000-3 dated May 30, 2000 (Boston Learning Systems, LLC), Major Project Site Plan Special Permit No. 2000-9 dated November 28, 2000 (Finagle-A-Bagel), Major Project Site Plan Special Permit No. 2006-01, dated April 4, 2006 (CVS), Major Project Site Plan Special Permit No. 2013-01, dated January 22, 2013 (Urgent Care Centers of Needham) and Amendment to Decision No. 2007-08, dated July 17, 2007 and amended on September 8, 2008 and October 7, 2008 (Highland Montrose, LLC and Aronson Insurance). The Petitioner is requesting the following: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Site Plan Special Permit 96-5, dated June 11, 1996; (2) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on the lot and for a change from the base special permit currently in place at the subject location to allow for a use other than retail on the first floor of the subject building; (3) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2; and (4) a Special Permit under Section 4.4.9 of the By-Law for relief from the requirement of providing an individual entrance from the exterior of the building directly into the Petitioner's facility.

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to operate a laser hair removal establishment of approximately 1,470 square feet.

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 Acting Chairperson, Martin Jacobs, on Tuesday, May 20, 2014 at 7:00 p.m., in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Martin Jacobs, Sam Bass Warner, Jeanne S. McKnight, and Elizabeth J. Grimes were present at the May 20, 2014 public hearing. 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, applications for Special Permits under Section 3.2.2 of the By-Law, Section 4.4.9 of the By-Law, and Section 5.1.1.5 of the By-Law. Said application submitted on April 24, 2014.
- Exhibit 2 - Letters from Attorney Robert T. Smart, Jr. to the Planning Board Members, dated April 18, 2014, April 23, 2014, May 1, 2014, May 16, 2014, May 16, 2014 and May 20, 2014.
- Exhibit 3 - Plan entitled "As-Built Plan of Land, Existing Lift Enclosure, 922-958 Highland Avenue, Needham, Mass., prepared for Highland Montrose, LLC" by Otte & Dwyer, Inc., 196 Central Avenue, Saugus, Mass, dated March 7, 2007, revised March 22, 2007, August 12, 2007, April 28, 2008, June 5, 2008, and June 20, 2008.
- Exhibit 4 - Parking Assessment for Urgent Care Centers of New England site at 922-958 Highland Avenue, prepared by Joseph T. Wanat, Vanasse Hangen Brustlin, Inc., 101 Walnut Street, PO Box 9151, Watertown, MA 02471, dated December 6, 2012.
- Exhibit 5 - Parking Counts by Robert Smart, dated November 15, 2012.
- Exhibit 6 - Plan entitled "Laser Hair Spa, 922-958 Highland Avenue, Needham, Massachusetts, 02494" prepared by Mark Gluesing Architect, 48 Mackintosh Avenue, Needham, MA, dated April 17, 2014.
- Exhibit 7 - Plan entitled "Laser Hair Spa, 922-958 Highland Avenue, Needham, Massachusetts, 02494" prepared by Mark Gluesing Architect, 48 Mackintosh Avenue, Needham, MA, dated April 17, 2014, revised May 14, 2014.
- Exhibit 8 - Parking Counts by Robert Smart, dated May 15, 2014.
- Exhibit 9 - Parking Counts by Robert Smart, dated May 17, 2014.
- Exhibit 10- Dimensional and Density Regulations Chart, dated May 19, 2014.
- Exhibit 11 - Interdepartmental Communication (IDC) to the Board from Anthony L. Del Gaizo, Assistant Director, Department of Public Works, by memo dated May 15, 2014; IDC to the Board from Janice Berns, Director, Health Department, dated May 1, 2014; IDC to the Board from Lt. John Kraemer, Needham Police Department, dated May 13, 2014; and IDC to the Board from Chief Paul Buckley, Needham Fire Department, dated April 28, 2014.

Exhibits 1, 2, 3, 7, 8, and 9 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

- 1.1 The subject property is shown on Assessor's Map No. 63 as Parcel 38 containing 79,368 square feet and is found in the Avery Square Business Zoning District. The property is

currently developed by a 1 ½ story commercial building containing approximately 20,104 square feet, and a parking area.

- 1.2 The Board issued a number of Site Plan Special Permits for the redevelopment of the property and building of which the subject space is a part, including Major Project Site Plan Special Permit No. 1996-5 issued to Highland Mark Associates Limited Partnership, 89 Providence Highway, Westwood, MA, dated June 11, 1996, as amended July 1, 1997, Major Project Site Plan Special Permit No. 1996-10, issued to Einstein Bros. Bagels, Inc., 100 Cummings Place, Woburn Massachusetts and Highland Mark Associates Limited Partnership, 89 Providence Highway, Westwood, MA, dated December 3, 1996, Major Project Site Plan Special Permit No. 1997-7, issued to Trader Joe's East, Inc., 938 Highland Avenue, Needham, MA, dated July 1, 1997, as amended on October 6, 1998 and June 26, 2012, Major Project Site Plan Special Permit No. 2000-3, issued to Boston Learning Systems, LLC, 59 Interstate Drive, Springfield, MA, dated May 30, 2000, Major Project Site Plan Special Permit No. 2000-9, issued to Finagle-A-Bagel, 27 Drydock Avenue, Boston Massachusetts and Mellen Highland, LLC, 89 Providence Highway, Westwood, MA, dated November 28, 2000, Major Project Site Plan Special Permit No. 2006-01, issued to CVS, 1 CVS Drive, Woonsocket, Rhode Island dated April 4, 2006, Major Project Site Plan Special Permit No. 2007-08, issued to Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, and Aronson Insurance, 345 Boylston Street, Newton, MA 02459, dated July 17, 2007, as amended September 8, 2008 and October 8, 2008, Major Project Site Plan Special Permit Amendment to Permit No. 1996-05, dated March 20, 2012, issued to Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, Major Project Site Plan Special Permit Amendment to Permit No. 1996-05, dated March 20, 2012, revised January 22, 2013, issued to Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, Major Project Site Plan Special Permit Amendment to Permit No. 1996-05, dated March 19, 2013, issued to Vinodivino (Raphael Keller-Go), 899 Walnut Street, Newton, Massachusetts 02494, Major Project Site Plan Special Permit No. 2013-01 dated January 22, 2013, issued to Urgent Care Centers of New England, Inc., 2 Adams Place, Suite 305, Quincy, MA 02169.
- 1.3 The property and structure at 922-958 Highland Avenue currently hosts a mix of uses. The first floor is predominantly retail and the second floor consists of office space.
- 1.4 The Petitioner proposes to operate a laser hair removal establishment of approximately 1,470 square feet at the locus. The Ultimate Beauty facility will use only FDA approved Candela and Cynosure lasers for both men and women clients. The facility is to operate on a by-appointment-only basis.
- 1.5 The proposed Ultimate Beauty facility plans to use only Licensed Laser Hair Removal Technicians and Licensed Professional Estheticians. The Ultimate Beauty facility plans to employ a licensed Massachusetts physician to oversee the daily practices of the Laser Hair Removal Technicians.
- 1.6 The Board has categorized the operation of a laser hair removal establishment as a professional service/medical related use under the terms of the By-Law.
- 1.7 The Ultimate Beauty facility will not have more than 4 employees and 2 patients receiving treatment on site at any given time.
- 1.8 The proposed hours of operation are 9:00 a.m. to 7:00 p.m. Monday through Friday and from 9:00 a.m. to 2:00 p.m. on Saturday.
- 1.9 No changes are proposed to the parking area.

- 1.10 The total number of parking spaces on-site is 113 and, since the property is located in the Avery Square Zoning District, the on-street parking spaces adjacent to the property are entitled to be counted so that the existing parking supply is 123. At the present time, the number of parking spaces required by the By-Law is 124; a parking waiver from strict adherence to the provision of Section 5.1.2 of the By-Law was granted for one space when Urgent Care Center went into the building in 2013. With the new proposed Ultimate Beauty facility, the total parking requirement for the building is computed as follows:

a) First Floor Retail	23,314 sq. ft. at one space per 300 sq. ft. = 77.71 spaces
b) First Floor Medical	4,306 sq. ft. at one space per 200 sq. ft. = 21.53
c) Second Floor Offices	3,968 sq. ft. at one space per 300 sq. ft. = 13.23 spaces
d) Basement Storage	11,215 sq. ft. at one space per 850 sq. ft. = 13.19 spaces
Total spaces required	125.66 = 126 parking spaces.

Since the parking requirement per the By-Law is 126 parking spaces and the total parking supply is 123 parking spaces and a waiver of one space was previously granted, a parking waiver of two spaces is required pursuant to Section 5.1.2 of the By-Law.

- 1.11 The Parking count provided by Attorney Bob Smart shows that many on-street parking spaces are currently available during the day, even at times when the Parking Assessment prepared by Vanasse Hangen Brustlin, Inc. dated December 6, 2012 (prepared for a previous tenant) reports a full parking lot.
- 1.12 The Petitioner is not proposing any changes to the façade of the building and proposes to access the space through the hallway door leading from Highland Avenue to the space occupied by Vinodivino. The site is fully developed. The completed improvements protect adjoining premises against seriously detrimental uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. The site includes a surface water drainage system connecting to the municipal system that accommodates surface water runoff.
- 1.13 The proposed use will insure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. The existing design for vehicular and pedestrian movement within the property stresses the safety and convenience of both types of movement and no modifications to the parking area are proposed. Access is provided by way of the existing driveways. No inconvenience or safety hazard either on site or on adjacent streets will be created. The parking area is ADA compliant.
- 1.14 An adequate arrangement of parking and loading spaces in relation to the already approved uses of the premises for general retail/office/medical/storage-warehouse use, has been provided and noted in Major Project Site Plan Special Permit Nos. 1996-05, 1996-10, 1997-07, 2000-03, 2000-09, 2006-01, 2007-08 and 2013-01. No changes to the parking area are proposed.
- 1.15 Adequate methods for disposal of refuse and waste will be provided. The site is already fully developed with adequate infrastructure in place. All waste and refuse will be disposed of in conformance with all applicable regulations. The entire site is connected to the municipal sanitary sewerage system.

- 1.16 The site is presently fully developed and the footprint of the building will not change. No façade changes are contemplated.
- 1.17 The proposed project will not have any adverse impact upon the Town's resources, including water supply and distribution system, sewer collection and treatment, fire protection, and streets. The municipal system has adequate capacity to service the project.
- 1.18 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the Avery Square Business District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and criteria, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.
- 1.19 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow more than one non-residential use on the lot and for a change from the base special permit currently in place at the subject location to allow for a use other than retail on the first floor of the subject building in the Avery Square Business Zoning District provided the Board finds that the use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.20 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements and that the project demonstrates that it is providing the maximum number of off-street parking spaces practicable. On the basis of the above findings and conclusions, the Board finds that there are special circumstances, namely the by-appointment-only nature of the facility, for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhoods inherent use.
- 1.21 Under Section 4.4.9 of the By-Law, a Special Permit to waive the requirement of providing an individual entrance from the exterior of the building directly into the Petitioner's facility may be granted, provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements and that the project demonstrates that such requirement would restrict redevelopment of the space. On the basis of the above findings and conclusions, the Board finds that there are special circumstances, namely the facility has a door that is accessed through a hallway having direct access to Highland Avenue, for a waiver of the requirement of providing an individual entrance from the exterior of the building directly into the Petitioner's facility, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhoods inherent use.

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Site Plan Special Permit 96-5, dated June 11, 1996; (2) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on the lot and for a change from the base

special permit currently in place at the subject location to allow for a use other than retail on the first floor of the subject building; (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2; and (4) the requested Special Permit under Section 4.4.9 of the By-Law for relief from the requirement of providing an individual entrance from the exterior of the building directly into the Petitioner's facility; subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
 - a) No modifications required.

CONDITIONS

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 3.25 hereof.

- 3.1 Major Project Site Plan Special Permit No. 1996-5 issued to Highland Mark Associates Limited Partnership, 89 Providence Highway, Westwood, MA dated June 11, 1996, as amended July 1, 1997, Major Project Site Plan Special Permit No. 1996-10, issued to Einstein Bros. Bagels, Inc., 100 Cummings Place, Woburn Massachusetts and Highland Mark Associates Limited Partnership, 89 Providence Highway, Westwood, MA, dated December 3, 1996, Major Project Site Plan Special Permit No. 1997-7, issued to Trader Joe's East, Inc., 938 Highland Avenue, Needham, MA dated July 1, 1997, as amended on October 6, 1998 and June 26, 2012, Major Project Site Plan Special Permit No. 2000-3, issued to Boston Learning Systems, LLC, 59 Interstate Drive, Springfield, MA, dated May 30, 2000, Major Project Site Plan Special Permit No. 2000-9, issued to Finagle-A-Bagel, 27 Drydock Avenue, Boston Massachusetts and Mellen Highland, LLC, 89 Providence Highway, Westwood, MA, dated November 28, 2000, Major Project Site Plan Special Permit No. 2006-01, issued to CVS, 1 CVS Drive, Woonsocket, Rhode Island, dated April 4, 2006, Major Project Site Plan Special Permit No. 2007-08, issued to Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, and Aronson Insurance, 345 Boylston Street, Newton, MA 02459, dated July 17, 2007, as amended September 8, 2008 and October 8, 2008, Major Project Site Plan Special Permit Amendment to Permit No. 1996-05, dated March 20, 2012, issued to Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, Major Project Site Plan Special Permit Amendment to Permit No. 1996-05, dated

March 20, 2012, revised January 22, 2013, issued to Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, Major Project Site Plan Special Permit Amendment to Permit No. 1996-05, dated March 19, 2013, issued to Vinodivino (Raphael Keller-Go), 899 Walnut Street, Newton, Massachusetts 02494, Major Project Site Plan Special Permit No. 2013-01 dated January 22, 2013, issued to Urgent Care Centers of New England, Inc., 2 Adams Place, Suite 305, Quincy, MA 02169, are hereby incorporated by reference to the extent such decisions apply to the operations of the Petitioner, and all plans, conditions, and limitations therein approved remain in full force and effect except as further modified by this decision.

- 3.2 The use of the premises shall be limited to Ultimate Beauty Laser Spa, Inc. where laser hair removal is provided on an appointment basis.
- 3.3 The Ultimate Beauty Laser Spa, Inc. shall employ a licensed Massachusetts physician to oversee the daily practices of the Laser Hair Removal Technicians.
- 3.4 The Ultimate Beauty Laser Spa, Inc. shall be limited to no more than three (3) treatment rooms as shown on the Plan.
- 3.5 The reception area as shown on the Plan shall include all non-office or staff chairs excepting those located in the exam rooms and break room. The patients shall not be permitted to wait in staff areas (break room).
- 3.6 Staffing at the Ultimate Beauty Laser Spa, Inc. shall be limited to Licensed Hair Removal Technicians and Licensed Professional Estheticians, except that a receptionist or office manager shall not be required to be so licensed. A licensed Massachusetts physician shall oversee the daily practices of the Laser Hair Removal Technicians.
- 3.7 The Ultimate Beauty Laser Spa, Inc. shall not have more than 4 employees present on-site at any one time. No more than five (5) patients shall be permitted within the facility at any one time with no more than two (2) patients receiving treatment at any one time.
- 3.8 The Ultimate Beauty Laser Spa, Inc. may be open and operated six (6) days a week as follows: 9:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturday.
- 3.9 No storage of liquor products shall be permitted within the premises to be leased to Ultimate Beauty Laser Spa, Inc., as shown on the Plan. The Board notes that the subject premises had previously been leased to Vinodivino for the storage of liquor products. With the approval of this Decision, storage of liquor product on the affected premises is hereby rescinded.
- 3.10 Signage shall be provided on the Highland Avenue frontage of the storefront identifying both Vinodivino and Ultimate Beauty Laser Spa as having access to their subject businesses from the doorway fronting on Highland Avenue.
- 3.11 The building, parking areas, driveways, landscape areas and other site features shall be located and constructed in accordance with the Plan. Any changes, revisions or modifications to the Plan shall require the approval of the Board.
- 3.12 The proposed floor plans and use therein shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan and in accordance with applicable dimension requirements of the By-Law. Any changes, revisions or modifications to the Plan shall require approval by the Board. Notwithstanding the above, the Petitioner may revise

the floor plan to replace the men's and women's bathrooms inside the leased premises with expanded office and waiting room area, if allowed to do so by the Building Inspector, without further application to or relief from the Planning Board.

- 3.13 No signs shall be permitted on the inside of windows or transparent doors.
- 3.14 The entrance off of Highland Avenue shall be unlocked and available for walk-in patients during all operating hours.
- 3.15 All solid waste shall be removed from the site by a private contractor. Trash dumpster pick-up shall occur only between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturday.
- 3.16 The Petitioner shall share the same dumpsters and dumpster enclosure as other uses on the site already use. All biological waste shall stay in the Ultimate Beauty facility until it is picked up by the appropriate licensed entity. Such biological waste pickups shall only be during normal office hours.
- 3.17 All construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 3.18 The following interim safeguards shall be implemented during construction:
 - a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery or removal of construction material or debris shall only occur between the hours of 7:45 a.m. and 8:15 p.m. Monday through Saturday. Notwithstanding the above, interior construction work at night or on Sundays is permissible provided the Petitioner does not make, cause or permit to be made any noise which is audible at the perimeter of the site.
 - b. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Highland Avenue.
- 3.19 No building permit shall be issued in the 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 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.
- 3.20 The portion of the building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall not be occupied until:

- a. An as-built plan and Final Affidavit, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
- b. That there shall be filed, with the Building Inspector, a statement by the Board approving the as-built plan and Final Affidavit for the facility, in accordance with this Decision and the approved Plan.
- 3.21 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.
- 3.22 The portion of the building or structure authorized for construction by this permit 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.
- 3.23 The Petitioner, by accepting this Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.24 This Special Permit to operate Ultimate Beauty Laser Spa, Inc. at 922-958 Highland Avenue is issued to Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish, 620 Park Avenue, Suite 185, Rochester NY 14607, prospective lessee, only and may not be transferred, set over, or assigned by Ultimate Beauty Laser Spa, Inc. without the prior written consent of the Board following such notice and hearing, if any, as the Board in its sole discretion shall deem necessary and appropriate under all of the circumstances.
- 3.25 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. In the event that said violation pertains to Petitioner's obligations regarding deliveries contained in this Decision, the Board may modify this Decision by imposing additional or different conditions in accordance with the provisions of Section 4.2 of the Decision to correct said violation. 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

The authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the improvements, which are the subject of this petition. All construction to be conducted within the 1,470 square feet of leased space shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan.
- 4.2 There shall be no further development of this site without further site plan approvals 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 board, 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 Major Project Site Plan Special Permit shall lapse on May 20, 2016, 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 May 20, 2016. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

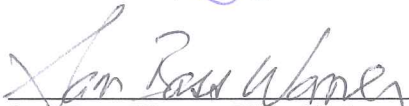
The provisions of this Special Permit shall be binding upon every owner or owners of the lots and the executors, administrator, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision,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

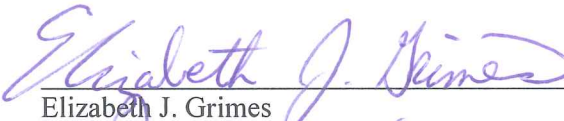
Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

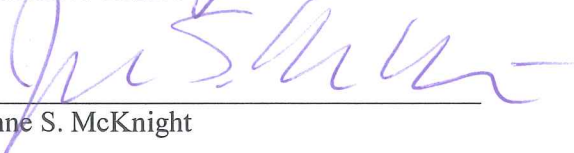
Witness our hands this 20th day of May, 2014.

NEEDHAM PLANNING BOARD


Martin Jacobs, Acting Chairman


Sam Bass Warner, Vice Chairman


Elizabeth J. Grimes

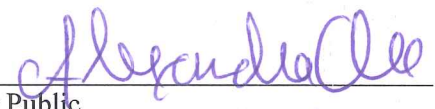

Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

May 20 2014

On this 20 day of May 2014, before me, the undersigned notary public, personally appeared Martin Jacobs, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was in the form of a state issued drivers license, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.


Notary Public
My Commission Expires: April 2, 2015

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish, 620 Park Avenue, Suite 185, Rochester NY 14607, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department
Robert T. Smart, Jr.
Parties in Interest

TOWN OF NEEDHAM
MASSACHUSETTS
PLANNING BOARD
October 6, 2020

922-958 Highland Avenue, Needham, MA 02492
Application No. 1996-5

Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish, 620 Park Avenue, Suite 185, Rochester NY 14607
TRANSFER OF SPECIAL PERMIT
To Laser MD Medspa Management, LLC, 400 Franklin Street, Braintree, MA

On October 6, 2020, the Planning Board held a meeting following a written request dated October 1, 2020, from Laser MD Medspa Management, LLC, David Silberstein, Vice President, (the "Petitioner"), 400 Franklin Street, Braintree, MA. David Silberstein, requested the transfer of Major Project Site Plan Special Permit No. 96-5, specifically the amendment of May 20, 2014 issued to Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish, 620 Park Avenue, Suite 185, Rochester NY 14607 and filed with the Town Clerk on May 21, 2014. Pursuant to the authority reserved to the Planning Board under Section 4.2 of the May 20, 2014 special permit amendment, the Planning Board waived public notice of the hearing.

David Silberstein stated that he intended to operate the same style of business as the former tenant with several added treatments/procedures, detailed as follows: Body Contouring, Injectables and Skin Rejuvenation. The type of operation, the number of employees, the hours of operation and the floor plan will remain unchanged from what was approved in Major Project Site Plan Special Permit No. 96-5 Amendment issued to Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish on May 20, 2014 and filed with the Town Clerk on May 21, 2014, with only the above noted exception of the added treatments. No changes are proposed on the site other than interior minor movement of floor furniture and partitions, and no façade changes are proposed.

Submitted for the Board's deliberations were the following exhibits.

- Exhibit 1 Properly executed Application requesting the Transfer of Major Project Site Plan Special Permit No. 96-5 Amendment issued to Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish to Laser MD Medspa Management, LLC, 400 Franklin Street, Braintree, MA, dated October 1, 2020.
- Exhibit 2 Memo from David Silberstein, Vice President, dated September 30, 2020.

Decision

On the basis of the evidence presented at the meeting, the Planning Board finds that the proposed transferee intends to operate the business as it had been operated by the prior permit holder. The Planning Board by unanimous vote, after motion duly made and seconded, consents to the transfer by Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish, to from Laser MD Medspa Management, LLC, David Silberstein, Vice President, 400 Franklin Street, Braintree, MA of Major Project Site Plan Special Permit

No. 96-5 Amendment dated May 20, 2014 and filed with the Town Clerk on May 21, 2014, to use the premises at 922-958 Highland Avenue, Needham, MA to operate a laser hair removal, body contouring, injectables and skin rejuvenation facility of approximately 1,470 square feet at the locus.

1. The Planning Board's Major Project Site Plan Special Permit Decision No. 96-5 Amendment dated May 20, 2014 and filed with the Town Clerk on May 21, 2014, is incorporated herein by reference and all conditions therein imposed remain in full force and effect except as otherwise authorized herein.
2. The Petitioner shall be permitted to add the following treatments/procedures: Body Contouring, Injectables and Skin Rejuvenation. All other treatments and procedures and all conditions are to remain unchanged from those of the underlying permit.
3. This special permit may not be transferred without the prior approval of the Planning Board, upon such notice and hearing as the Board in its discretion shall deem necessary or appropriate.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Major Site Plan Special Permit amendment shall not take effect until the Petitioner has delivered written evidence of recording to the Planning Board.

Witness our hands this 6th day of October 2020.

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairperson

Paul S. Alpert, Vice Chairperson

Martin Jacobs

Ted Owens

Adam Block

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2020

On this _____ day of October 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 proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

Copy sent to:

Petitioner - Certified Mail #	Board of Selectmen
Town Clerk	Engineering
Building Inspector	Fire Department
Director, PWD	Police Department
Board of Health	David Silberstein
Conservation Commission	Parties in Interest

NEEDHAM PLANNING BOARD
TEMPORARY OUTDOOR SEATING /OUTDOOR DISPLAY POLICY

Enacted May 20, 2020, revised August 11, 2020 and October 6, 2020

Section 1 - Purpose and Scope

The 2020 COVID-19 pandemic has caused not only a public health crisis; it has also triggered a worldwide economic crisis. Public health requirements for social distancing have placed new burdens and challenges on the business community to provide more physical space between customers and staff. In an effort to respond to the new social distancing requirements, the Select Board has adopted a temporary outdoor seating policy that will allow the Town to create outdoor dining spaces on public open spaces, sidewalks, parking lots and on-street parking spaces, to create outdoor dining space opportunities for the open air consumption of takeout food and beverages from local restaurants. Initial implementation is planned for the Town Common, Needham Heights Common, and Eaton Square. This policy will be in effect until ~~Thanksgiving Day~~December 1, 2020.

In an effort to further facilitate the re-opening of Needham businesses and recognizing the impacts of COVID-19, the Planning Board has approved this policy to allow additional temporary outdoor seating for restaurants and additional temporary outdoor display space for retail businesses with stand-alone entrances and exits. Restaurants may utilize available outdoor space for seating in addition to any existing approved interior restaurant seating and retail establishments may utilize outdoor space for display and sales in addition to interior store space. The enforcement of outdoor display requirements or prohibitions, take-out service requirements or prohibitions, outdoor seating limitations, and minimum parking standards as contained within any special permit applicable to the restaurant or retail establishment is hereby suspended to enable the above-described activities subject to the following guidelines. This policy will be in effect up to and including ~~Thanksgiving Day (November 26, 2020)~~December 1, 2020.

Section 2 – Guidelines

All temporary outdoor seating areas and display areas must adhere to the following:

- A. Must comply with provisions of Executive Orders issued by the Governor to State, County, and Town entities, and the Centers for Disease Control and Prevention (CDC) guidelines for social distancing.
- B. Must comply with all Massachusetts and Town of Needham Health Department requirements.
- C. Must comply with all applicable Fire Department regulations and must not impede Police or Fire access.

- D. Must comply with the Massachusetts Division of Alcoholic Beverages & Tobacco consumption on premises requirements.
- E. Must not negatively impact ingress/egress to the building or property; safe ingress and egress shall be provided to the property and building, including emergency access measures at all times.
- F. Must have received the written approval of the Town Manager's office and the Needham Health Department having demonstrated compliance with applicable health and safety regulations. Some parking, including handicapped parking if required, remains available for the restaurant and adjacent businesses (if applicable).
- G. If located within a parking area, a temporary physical barrier must be placed separating the outdoor seating area or display area from the remaining parking.
- H. All tables in temporary outdoor seating areas and display areas shall be located a safe distance from drive aisles, usable parking, and so as to maintain proper distancing from usable parking.
- I. All temporary outdoor seating areas on property owned or leased by a restaurant and temporary retail display and/or sale areas on property owned or leased by a retail establishment, and all such seating areas and display/sale areas on other private or public property licensed to the restaurant or retail establishment for such purposes, and adjacent open areas and/or parking lots, must be maintained clean of litter.
- J. If a restaurant is not the property owner or lessee of the areas intended to be used for the temporary additional outdoor seating area or if the retail establishment is not the owner or lessee of the areas intended to be used for the temporary retail display and/or sale area, then written permission from the property owner must be obtained prior to approval and installation.
- K. If the outdoor seating area or retail display area is to be located upon property of the Town of Needham (e.g. sidewalks, on-street parking spaces, public parking areas adjacent to the restaurant or retail establishment), the use of such area must have received the written approval of the Town Manager's office.

Section 3 – Amendments

This policy may be amended by a majority vote of the members of the Planning Board.

Section 4 – Effective Date

This policy was adopted at a regular meeting of the Planning Board on May 20, 2020 and became effective as of that date. It was revised to extend the effective date at the Planning Board meeting of August 11, 2020, and again October 6, 2020.

NEEDHAM PLANNING BOARD MINUTES

August 11, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, August 11, 2020, at 7:15 p.m. with Messrs. Jacobs, Alpert, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of people expected to be on the agenda. She 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 conference. She reviewed the rules of conduct for zoom meetings. This meeting will include 2 public hearings that will allow public comment. She noted if any votes are taken at the meeting the vote will be conducted by roll call.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 9/8/20 at 7:15 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

Request to Release Surety: Scenic Road Act Reginald C. Foster, 898 South Street, Needham, MA 02492, Petitioner (Property located at 898 South Street, Needham, MA and is shown on Assessor's Map 205 as Parcel 6).

Ms. Newman noted the work has been completed and she has the As-Built and drawings. The Tree Warden and Engineering Department have inspected and are fine with the work that has been done. She commented the landscaping is wonderful and a real asset to the town.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to release the surety for 898 South 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).

Ms. Newman stated the Planning Board asked the applicant to give additional information at the last meeting. She has not received the information yet so the hearing tonight will be continued to 9/8/20. The action deadline expires at the end of August. The applicant has asked, in writing, that the action deadline be extended to the end of October.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to extend the action deadline for the 390 Grove Street Definitive Subdivision to the end of October 2020.

Public Hearing:

7:30 p.m. – Article 1: Amend Zoning By-Law – Avery Square Overlay District
Article 2: Amend Zoning By-Law – Map Change to Avery Square Overlay District

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Ms. McKnight introduced the Articles and gave the history. She explained the proposed amendment. There will be a 155 unit senior housing community with 72 independent living units, 55 assisted living units and 28 memory care units. She summarized the key provisions of the Overlay District, the purpose of the Overlay District and the boundaries. This will encourage and allow redevelopment of the existing property. The Planning Board will be the Special Permit granting authority. She noted this amendment will allow 4 stories with some restrictions on the 4th floor, 35% of total roof area maximum, a minimum setback requirement on the 4th floor, additional FAR and off-street parking requirements. The affordable housing requirement will be 12.5%. The definition of front setback will be amended to allow ground level patios. She introduced Roy Cramer, representative for the applicant.

Mr. Cramer noted Ms. McKnight had covered all he was going to say. He noted the FAR will be 1.1. He introduced David Kelly of Kelly Engineering Group. Mr. Kelly went through the site and described the existing conditions. The parcel is 4.3 acres in the Single Residence B District and Avery Square Business District, with the railroad in the rear. The Single Residence B portion is approximately .75 acres. The footprint is 63,700 square feet. There are 193 surface and garage parking spaces and 28 spaces on Highland Avenue. There are 2 driveways – one from West Street and one from Highland Avenue. The address is West Street and the main entrance is from West Street. From West Street, the drive goes through with parking on the left and right with a drop off area on the left. The drive continues through the parking garage. There is a turn-around area with a gazebo, and arch into the building and continues through to more parking in the Single Residence B Zoning District with 64 spaces. Parking extends 99 feet into that zone.

Mr. Kelly noted there will be a full reworking of the site for the proposed landscaping. There will be 176 parking spaces at the end of the project. All existing landscaping and buffers will be enhanced, the overgrown landscaping will be removed and new landscaping installed. The parking lot will remain at the same slope. The drop off will remain but be enhanced and the amenity areas will be enhanced. The parking garage entry will become the service area and there will be a new garage exit. All emergency vehicles can access the site, make the turn around and exit. All will fully comply with storm water management.

Anthony Vivirito, Project Architect from the Architectural Team, described the existing building. He noted they have tried to preserve the architectural design, kept window openings, the elements on the first floor will have walk out patios and they are designing the 4th floor. The south edge of the Highland Avenue parking area will be replanted. There will be a memory care courtyard on the north side with fencing around it and some changes to the landscaping to make it more welcoming. He showed computer generated perspectives. The memory care unit is on the 1st floor, assisted and independent units on the 2nd, 3rd and 4th floors with the 4th floor amenities building. It is 44 feet to the top of the 4th floor with elements at 49 feet with elevator overruns. There is a total of 35% of the roof area used with the mechanics in specific areas rather than spread out.

Erin Fredette, Traffic Engineer from McMahon Associates, did a full traffic impact analysis. She feels this is a low traffic generator with minimal impact. The number of trips per day is significantly reduced over the previous land use. The current is 193 parking spaces and the new has 149 spaces proposed. The peak period demand is 80 spaces. This is close to transit and other services so she anticipates lesser demand on site. Mark Fougere, of Fougere Planning and Development, Inc., discussed the revenue streams. It is estimated, with a full build out, there will be \$554,000 in real estate taxes paid. The estimated cost impact to the town would be \$163,000. Construction will last 18 months with 87 full time equivalent jobs created and there would be goods purchased.

Mr. Owens and Mr. Jacobs had no comments or questions. Mr. Block wanted to clarify if the 4th floor common spaces would be available to all residents or is it restricted to certain groups. Lee Bloom, of LCB Senior Living, stated it is intended for the assisted living residents. It is a common terrace for the independent units. There will be no walking on the roof at all. Residents will need to take the elevator to the 3rd floor and then go up. Ms. McKnight asked if the amenities are for all residents. Ted Doyle, of LCB Senior Living, stated they try to draw people out of their apartments. There is a movie theater, libraries, country kitchen, spaces for arts and crafts and woodworking and a swimming pool. There are an abundance of social opportunities to combat isolation with a vibrant community. Mr. Alpert had no comments or questions. He noted it was a very thorough presentation.

Ms. McKnight noted the following correspondence for the record: a letter from Rob Giumetti, Village Club President, dated 8/10/20, in support. He noted he met with the development team and feels this is the best use with the least impact. He welcomes the project. Glen Momo, of 40 Morton Street, noted parking on the street is also part of the Village Clubs key parking. This will be an impact for them. Mr. Bloom noted the demand is 149 spaces. The project may not need the spaces and will not challenge others use of them. Mr. Momo asked if the parking will remain metered and was informed that is a decision for the Town. Mr. Bloom stated he is more than willing to meet with Mr. Momo to discuss any issues he has. Ms. Clee noted a letter, received today, from Michael Niden in support of the project.

Mr. Block noted the applicant presented to the Council of Economic Advisors (CEA). The CEA took a vote in support of this proposal and communicated that vote to the Select Board. The applicants have also reached out to the Needham Heights Neighborhood Association and will meet with them on 9/14/20.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:
VOTED: to close the hearing.

8:00 p.m. – 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Schueber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA). Please note this is a re-noticed hearing that began on February 4, 2020 and is continued from the July 21, 2020 Planning Board meeting and will be further continued to the September 8, 2020 meeting.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:
VOTED: to continue the hearing to 9/8/20 at 7:30 p.m.

8:00 p.m. – Heather Lane Definitive Subdivision: William John Piersiak, William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, Evelyn Soule Maloomian, and Koby Kemple, Manager of the 766 Chestnut LLC, Petitioners (Property located at 764, 766, 768-768A, and 768B Chestnut Street, Needham, Norfolk County, Massachusetts). Please note: this hearing is continued from the June 16, 2020 and July 21, 2020 Planning Board meetings.

Heather Lane Extension Definitive Subdivision and Residential Compound: William John Piersiak, Petitioner (Property located at 768A-768B Chestnut Street, Needham, Norfolk County, Massachusetts). Please note: this hearing is continued from the June 16, 2020 and July 21, 2020 Planning Board meetings.

Ms. McKnight noted this hearing is still open. Robert Smart, attorney for the applicant, noted there were 4 open items. For the lot width issue, a 10 foot wide landscaping strip from Lot 1 has been added on Chestnut Street so there is no longer frontage on Chestnut Street. For the Heather Lane Extension a note has been added regarding the barn on Lot 3 that will be converted to a single residence. Mr. Smart noted the applicant has worked with the Conservation Commission and gave the background. There are restrictions only on Lots 3, 4 and 5. A 7/28/20 letter from the Conservation Commission accepts a compromise. He would like draft language revised to say the restriction is only on Lot 4 which will be divided into Lots 3, 4 and 5. Ms. McKnight noted 2 letters from Debbie Anderson, Director of the Conservation Commission, accepting the conservation restriction on Lot 4.

Mr. Smart noted a letter from the DPW who want NPDES public outreach requirements. The applicant has complied with that. He commented he has heard 770 Chestnut Street has submitted an ANR Plan with 2 lots off of the Heather Lane road. Ms. Newman stated she is not aware of an ANR Plan filing. She will follow up with the Town Clerk tomorrow. Mr. Alpert noted the lighting plan for the Heather Lane Extension. Mr. Smart stated lighting is not shown. Mr. Alpert wants to clarify if there are any lights on the cul-de-sac. Mr. Smart noted the cul-de-sac is part of the Heather Lane subdivision. He is asking the Extension decision be changed to eliminate a requirement for a lighting plan for Heather Lane Extension. They are proposing that each homeowner provide their own lighting for their homes.

William Piersiak noted there are 3 street lights in the cul-de-sac and 4 other street light fixtures on Heather Lane. Mr. Alpert clarified there is no lighting along the Extension and was informed that is correct. Ms. Newman stated the Board customarily requires lighting with decorative lights on individual lots with individual owners providing electricity to the lights. It is not a traditional light. Mr. Block clarified it is a requirement on Heather Lane and has been a practice on Extensions not to have full street lights but decorative lighting along the way. Ms. Newman stated she assumes the homeowners of the lots have the responsibility for maintenance of the lights.

Mr. Block asked if there were any comments from the DPW, Fire or Police regarding the lights. He also asked what the setback would be from the right-of-way to the house to provide illumination but not be a disruption to others. Mr. Piersiak noted the Heather Lane lights are more decorative. Most are opposite drive openings and all fall within the 40 foot right-of-way. Mr. Owens stated the Extension is a driveway. Individual homeowners would make the decision on the lighting at their homes. Ms. Newman stated it is laid out as a way, not a driveway. She asked what the Board was looking to accomplish. Mr. Alpert stated in #14, the Extension decision proposed street lighting in accordance with the plan. It will be a plan modification that the applicants provide the lighting. Simeone Brunner, representative for 770 Chestnut Street LLC, stated they have a single lot that is to be subdivided into 2 lots. Each lot is 2.5 acres with adequate frontage. He supports the road as proposed.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to close all 3 hearings – the subdivision for Heather Lane, the subdivision for Heather Lane Extension and the Special Permit for Heather Lane Extension.

Ms. McKnight noted there is a draft decision. There are comments from Robert Smart and some changes have been made. Ms. Newman noted the 1st issue is the Conservation Commission Restriction Easement. She left in Lots 5 and 6 but the Conservation Commission has agreed to only Lot 4. The Board should decide what they would like. Mr. Alpert stated he would like to see it extended to Lots 5 and 6 but feel public access does not make sense. He feels it is up to the Conservation Commission to decide and he would go along with what they want. He would not second guess the Conservation Commission so there should be a restriction on only Lot 4. All members agreed. Ms. Newman has called out that the restriction be in place and she would need a copy of the restriction. She will redraft the decision so it only applies to Lot 4.

Ms. Newman noted the landscape island on the plan for the cul-de-sac. Some details have been provided but she would like a more comprehensive plan with more detail. Mr. Smart stated he is fine with the request and dry wells for all existing lots but not the new ones. Regarding the DEP sewer extension permit issues for Lots 5, 6 and 7, “if applicable” should be added to 3 sections and then he is fine with that. Ms. McKnight stated she would like the 200 foot conservation restriction shown on the plan. Mr. Smart has no problem providing that on the subdivision plan. Mr. Jacobs stated if the lighting on the Extension is a change from prior projects he wants to understand why. That seems to be the only issue. He likes to keep policies the same unless there is a good reason for an exception. Ms. Newman will look at what was done with other residential compound subdivisions of comparable size before advising the Board on that.

Ms. Newman noted Heather Lane and Heather Lane Extension need to have the binder course down before any release could be done. Mr. Piersiak stated he plans to do the road from Chestnut Street through the Heather Lane Extension all at once. He asked what the cut off was. Is it the binder course down or do the dry wells and all need to be done? Ms. Newman stated there needs to be a condition linking the 2 and the Extension needs to be in compliance with Heather Lane. Mr. Alpert noted the Extension should not be reliant upon dry wells. The roadway conditions should be satisfied. Ms. McKnight suggested “sufficient to provide adequate access.” Mr. Piersiak stated he wants to start immediately. It will be 10 to 12 weeks for the road.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the definitive subdivision decision for the Heather Lane Subdivision as drafted with revisions discussed this evening.

Mr. Smart noted the Special Permit date in Exhibit 23 should be revised to say Sheet 1 was dated 3/3/20, revised 7/7/20 and revised 7/20/20. He will send a letter to Ms. Newman tomorrow morning with revisions discussed so she will have it. Ms. Newman stated this is not a plan so she had not added the 7/7/20 revision date but she will fix it. Mr. Alpert noted the subdivisions all say they expire after 4 years. The Special Permits expire after 2 years.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the definitive subdivision decision for the Heather Lane Extension as drafted with revisions discussed this evening.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to approve the Special Permit for the Heather Lane Extension Residential Compound subject to the conditions set forth in the decision as drafted with the technical correction suggested by Robert Smart.

Extension of Temporary Outdoor Seating/Outdoor Display Policy

Ms. McKnight noted this had been extended to 9/7/20. Ms. Newman feels it could be extended through Thanksgiving.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: extend the Outdoor Seating/Outdoor Display Policy through Thanksgiving Day.

Board of Appeals – August 20, 2020

Jay Patel and Nidhi Kumar, owners -- 8 Old Greendale Avenue.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: “No comment.”

Peter and Melissa Loeb, owners -- 182 Pine Grove Street.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: “No comment.”

Committee Appointments (Design Review Board).

Ms. McKnight noted Nelson Hammer and Deborah Robinson’s terms both expired on June 30, 2020. They would both like to continue. A concern was expressed to her about Ms. Robinson’s attendance by Chair Marc Gluesing. She spoke with Ms. Robinson. She told her that if she sees there is a quorum she does not go. She is on the Board for her expertise and Ms. McKnight does not want to recommend she not be reappointed as she is the only woman on the Board. Ms. McKnight informed the Board the League of Women Voters is undertaking a study of appointed and elected Boards.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to reappoint both Nelson Hammer and Deborah Robinson for new 3 year terms starting 7/1/2020.

Minutes

Ms. McKnight has submitted her mark ups.

Correspondence

There is no correspondence.

Report from Planning Director and Board members.

Ms. Newman noted she has received a traffic proposal from GPI for Highway Commercial 1. It has been reviewed by the working group and Town Manager Kate Fitzpatrick gave the go ahead to move forward with it. She took part in a meeting held by the Needham Affordable Housing Trust. They are looking at setting up a program to assist people for a 3 month period. The town has received a grant for this. The town will go the Town Meeting for \$150,000 for a similar program. The town ran a second round of funding for the Grant Repair program. The Select Board will continue the program with a \$50,000 appropriation. Ms. McKnight noted the Town has hired an Economic Development Director. Mr. Block noted she is the Executive Director of the Dedham Square Circle. He participated in the interview process. She is a Town Meeting member in Dedham and has accomplished a lot with very little. She seems very capable.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 10:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

August 26, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Wednesday, August 26, 2020, at 7:30 p.m. with Messrs. Jacobs, Alpert, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of people expected to be on the agenda. She 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 conference. She reviewed the rules of conduct for zoom meetings. This meeting will include no scheduled public hearings and will not allow public comment. She 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 Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 9/8/20 at 7:30 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

Planning Board Recommendation on Zoning Articles for October 2020 Special Town Meeting.

Article 1: Amend Zoning By-Law – Avery Square Overlay District

Article 2: Amend Zoning By-Law – Map Change to Avery Square Overlay District

Ms. McKnight noted the amended Articles have been circulated to the Board members. She reviewed the changes that were made. In Article 1, page 2, Section 3.15.3.1, correction of a typo to capitalize Accessory and on page 3, Section 3.15.3.2(d), Special Permit uses has been reworded. In Section 3.15.4.1, building height, the Overlay allows a 4th story with limitations. If the use changes, the 4th story would not be allowed to be used. Mr. Jacobs noted in Subsection (b), it should remain unoccupied "for such use." Evans Huber stated that is intended if the independent, assisted and memory care units are not in there. If LCB went out of business and office went in there the 4th floor could not be used. It does not have to be removed but it cannot be used. Mr. Jacobs has no objection to changing "such" to "any."

Mr. Huber recognizes the concern but changing "such" to "any" creates an ambiguity. It implies it can never be used again for any use. Mr. Alpert noted it can be used with a Special Permit. Mr. Block asked if the intent of the language is to allow the 4th floor use only for the Senior Living use. Mr. Huber stated only for the Senior Living use or in the future by Special Permit if a Special Permit is granted. Mr. Block clarified if LCB is no longer in business they may be able to use the 4th floor if a Special Permit is approved by the Planning Board. He asked if Town Counsel was ok with the language. Ms. Newman stated the language represents the final language for the Warrant. A motion was made to change the word "such" in Section 3.15.4.1(b) to "any."

Mr. Block wants clarity if this is Mr. Huber's understanding. Mr. Huber stated they are on the same page in terms of what the goal is. His only concern with the change is this creates an ambiguity. It says the 4th story would remain unoccupied for any use. He asked if that would be for perpetuity. Mr. Owens suggested instead of changing "such" to "any" add "different use" after "such." Mr. Jacobs amended his motion to say "for any use without a Special Permit."

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to change the language in Section 3.15.4.1(b) to say "for any use without a Special Permit."

Mr. Alpert explained the zoning amendment allows the 4th floor to be increased in height and to allow an increase in FAR to allow a 1.1 FAR. Ms. McKnight noted on page 4, delete the word "existing." In Section 3.15.4.2, remove "such as are" per the Acting Town Counsel. Ms. Newman noted on page 5, revisions were done to allow for a

reduction below 12.5%. Section 1.3 does not allow for affordable units but allows for a provision in number of affordable units, if allowed, for people with lower incomes at below 50% of the median income.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the changes to wording in Article 1 with the amendment to the wording approved earlier.

Ms. McKnight stated at the bottom of page 8 an explanation was added regarding the previous discussion regarding use of the 4th floor. Ms. Newman noted the additional change in the 2nd paragraph. Ms. McKnight suggested adding the word “proposed” after 55 and 28.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to add the word “proposed” after 55 and 28.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to adopt the 2 major changes to the text document.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to recommend to Town Meeting the adoption of Article 1 with the changes voted tonight and Article 2 unchanged from the prior drafts.

ANR Plan – 770 Chestnut Street LLC, Petitioner (Property located at 770 Chestnut Street, Needham, MA).

Ms. Newman stated she received an email from the proponent with the intent to withdraw the application without prejudice. There is no formal letter yet. A motion was made to accept the applicants request to withdraw without prejudice in the event the letter is received and if no letter is received the application will be denied. It was suggested the letter be received by a specific date. Ms. Newman suggested 9/2/20. Mr. Block asked the purpose of the application and the purpose of the withdrawal. Ms. Newman noted the applicant wants to subdivide his lot into 2 lots with access off Heather Lane. Heather Lane is not created yet. The applicant will resubmit after the road is constructed.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the applicants request to withdraw without prejudice in the event the letter is received by 9/2/20 and if no letter is received the application will be denied.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 8:38 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk

DRAFT

TOWN OF NEEDHAM

Office of the Town Clerk



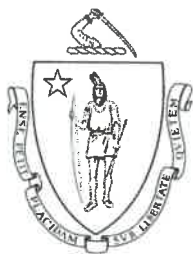
BY-LAWS

Approved By the Attorney General

Annual Town Meeting
June 8, 2020

(Rescheduled from May 4, 2020 due to the Covid-19 Pandemic)

September 18, 2020



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

September 18, 2020

Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Ave
Needham, MA 02492

**Re: Needham Annual Town Meeting of June 8, 2020 -- Case # 9806
Warrant Article # 19 (Zoning)**

Dear Ms. Eaton:

Article 19 - We approve Article 19 from the June 8, 2020 Needham Annual Town Meeting.¹

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Christopher Heep

¹ The Annual Town Meeting was originally scheduled to held on May 4, 2020. However, on March 27, 2020, the Board of Selectmen voted to postpone the Annual Town Meeting until June 8, 2020.

Received
2020

TOWN CLERK
September 18, 2020

NEEDHAM
1:21 P.M.

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2020 SEP 18 PM 1:21



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

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AT THE ANNUAL TOWN MEETING

HELD ON MONDAY, JUNE 8, 2020

UNDER ARTICLE 19

It was

VOTED: That the Town vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Hospital, Community" and before the existing definition of "Hotel or Motel":

Hospital, Pediatric: A Hospital in which not less than three-quarters of its patients are Pediatric Patients as defined in 105 CMR 130.700 and which provides a broad range of ambulatory and inpatient services to children and young adults under the age of twenty-six (26).

2. In Section 1.3 Definitions, by adding the following after the existing definition of "Medical Clinic", and before the existing definition of "Medical Laboratory":

Medical Facility, Pediatric shall mean a facility with one or more of the following uses each primarily (not less than three-quarters) for children and young adults under the age of twenty-six (26), where, in each case, the uses are owned, operated or managed directly by a Pediatric Hospital or through a corporate affiliate controlled by a Pediatric Hospital (excluding any affiliate which is a hospital whose primary purpose is the provision of health care services to adults): (i) doctor's offices, dentist's offices, orthodontic services, psychiatric, psychological and other mental health services, imaging and laboratory services, sale, rental and repair of medical devices and equipment or other health care or health care services on an ambulatory or outpatient basis; (ii) professional, business or administrative office; (iii) a medical clinic or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals; (iv) facility for the provision of testing, analytical, diagnostic, pharmaceutical or other health care support services, equipment or procedures; (v) Determination of Need Required Equipment or Determination of Need Required Services as each is defined in 105 CMR 100; (vi) cell generation, gene therapy, and infusion treatment; (vii) medical offices; (viii) diagnosis or medical, surgical, restorative or other treatment that is rendered within said facility on an ambulatory or outpatient

basis, including, without limitation, patient and retail pharmacy, physical, speech and occupational therapy, transitional care and rehabilitation respite, palliative care and behavioral medicine, specialty clinics, radiation oncology, alternative medicine treatment, mobile diagnostic services, meeting and conference facilities, stock rooms, laundries, staff and administrative office; (ix) accessory uses customarily conducted in coordination with any of the foregoing, including, without limitation, retail establishments, cafeteria, gift and coffee shops, indoor athletic exercise facility, and research laboratories.

3. In Section 3.2.4 Uses in the New England Business Center District, by adding a new subsection (j) to subsection 3.2.4.2 Uses Permitted by Special Permit, to read as follows:

(j) Medical Facility, Pediatric

4. In Section 5.1.2. Required Parking, by adding a new subsection (19), to read as follows:

(19) Medical Facility, Pediatric

One (1) parking space per 290 square feet of floor area

5. In Section 5.1.2. Required Parking, by renumbering existing subsection (19) "Mixed Uses" as subsection (20) and renumbering existing subsection (20) "Any use permitted by this Zoning By-Law" as a new subsection (21).

PASSED BY TWO THIRDS VOTE
ON A VOICE VOTE DECLARED BY THE MODERATOR

A true copy
ATTEST:


Theodora K. Eaton, MMC, Town Clerk

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

PLANNING BOARD

John R. Bethoney, Chair
Michael A. Podolski, Esq., Vice Chair
James E. O'Brien IV, Clerk
Jessica L. Porter
James F. McGrail, Esq.
Ralph I. Steeves, Associate



Dedham Town Hall
450 Washington Street
Dedham, MA 02026
Phone: 781-751-9240

Jeremy Rosenberger
Planning Director

PLANNING BOARD

NOTICE OF PUBLIC HEARING
95 EASTERN AVENUE, DEDHAM, MA

Notice is hereby given that the Town of Dedham Planning Board will hold a public hearing pursuant to M.G.L. 40A, Section 11, on Wednesday, October 14, 2020, at 8:00 p.m., on the application of SREG Management, LLC, 95 Sockanosset Cross Road #203, Cranston, RI, 02920, requesting a Special Permit for a Major Nonresidential Project, Special Permit for work within a Flood Plain Overlay District, Major Site Plan Review, Variances to exceed the allowable Floor Area Ratio (21.74 proposed, .35 max. allowed) and building height (75.5 ft. proposed, 40 ft. max. allowed) and associated waivers to construct a six (6) story, 120 room hotel and 435 off-street parking spaces. The subject property is located at 95 Eastern Avenue, Dedham MA, Assessors Map/Lot 123-16 and 123-22, and is located within a Highway Business (HB) Zoning District and Flood Plain Overlay District (FPOD). *Dedham Zoning By-Law Section 3.1, 4.1, 4.2, 5.1, 5.2, 8.1, 9.2, 9.3, 9.4, 9.5, Table 1, Table 2 and Table 3*

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this hearing will be conducted via remote participation. To attend and participate in this public hearing via computer/tablet/smartphone, visit www.zoom.com, click Join a Meeting, and enter Webinar ID: 930 2186 2082. To participate via telephone, dial 1-646-558-8656 and enter the following Meeting ID: 930 2186 2082. If you are unable to participate by those means, but would like to comment or have questions, or would like to request plans, please email jdoherty@dedham-ma.gov or call 781-751-9240. Applications and plans are available to review via Dropbox: <http://bit.ly/95EasternAvenue>



City of Newton

Legal Notice

Tuesday, October 6, 2020

Public hearings will be held on Tuesday, October 6, 2020, at 7:00 PM, before the **Land Use Committee** of the **Newton City Council** and the **Planning and Development Board*** for the purpose of hearing the following petitions at which time all parties interested in the items shall be heard. Notice will be published Tuesday, September 22, 2020 and Tuesday, September 29, 2020 in The Boston Globe and Wednesday, September 30, 2020 in the Newton Tab, with a copy posted on the city's website at www.newtonma.gov and in a conspicuous place at Newton City Hall.

Please Note: Due to the COVID-19 state of emergency, this meeting will be virtual and can be attended by desktop, laptop, tablet or phone by visiting the following link:

<https://us02web.zoom.us/j/85319323396> or by calling +1 646 558 8656 US (New York) and using the Meeting ID: 853 1932 3396 a final agenda will be posted on Friday, October 2, 2020

<http://www.newtonma.gov/gov/aldermen/committees/landuse/2020.asp>. If the State of Emergency is terminated or if the Governor's Order suspending certain provisions of open meeting law is rescinded, this meeting will be held on the Second Floor of City Hall, 1000 Commonwealth Avenue, Newton. Please call the Clerk's office at 617-796-1210 for more information.

#337-20

Petition to allow business and accessory apartment in detached structure at 16 Hyde St
RACHEL SEGALL AND JAMES HURLEY petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to raze the existing detached garage and create a new detached accessory structure for a home business and accessory apartment at 16 Hyde Street, Ward 6, Newton Highlands, on land known as Section 52 Block 18 Lot 15, containing approximately 7,719 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 6.7.3.B.1.k.iv, 6.7.1.E.1, 6.7.1.E.5 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#319-20*

Request to Rezone two parcels from BU-1 to MU-4 at 1149-1151 Walnut Street
NEWTON WALNUT LLC petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to rezone two parcels; 1149 Walnut Street (Section 52 Block 08 Lot 13) and 1151 Walnut Street (Section 52 Block 08 Lot 14) from BUSINESS USE 1 to MIXED USE 4.

#320-20*

Petition to allow 26-unit mixed use development at 1149-1151 Walnut Street
NEWTON WALNUT LLC petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to raze the existing buildings and construct a four-story mixed-use building up to 48' in height, containing 26 units and 23 parking stalls, to waive the minimum lot area per unit, to reduce the side setback requirement, to waive the requirement to use A-B+C formula to determine the parking requirement, to waive 24 parking stalls, to allow 1.25 parking stalls per unit, to allow parking in the side setback, to waive dimensional requirements for parking stalls, to allow restricted end stalls, to allow reduced aisle width, to waive perimeter landscaping requirements, to waive interior landscaping requirements and to waive lighting requirements at 1149-1151 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lots 13 and 14, containing 13,200 sq. ft. in a district to be zoned MIXED USE 4 (currently zoned BUSINESS USE 2). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.b, 4.2.5.A.4,

5.1.3.B, 5.1.13, 5.1.4, 5.1.4.A, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

#285-20

Petition to amend Council Orders #218-08 and #218-08(2) to allow education use and parking waiver at 141-145 California Street

MAZZI REALTY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #215-08 and #215-08(2) to allow a for-profit educational use and reconfiguration of the parking stalls, to waive the requirement to use the formula for A-B+C parking, to waive ~~18~~ 22 parking stalls, to waive minimum stall dimensions, to waive minimum accessible stall dimensions, to allow restricted end stalls, to waive minimum aisle widths, to waive a minimum driveway width, to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking areas ~~and to waive bicycle parking requirements~~ at 141-145 California Street, Ward 1, Newton, on land known as Section 11 Block 01 Lots 01A, containing approximately 65,568 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A, ~~5.1.11~~ of the City of Newton Rev Zoning Ord, 2017.
