

**THE LAW OFFICE OF
RICHARD S. MANN**
ATTORNEY

845 WASHINGTON STREET
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RICHARD S. MANN, ESQ.
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VIA EMAIL

February 17, 2022
Town of Needham
Planning Board
c/o Planning Department
50 Dedham Avenue
Needham, MA 02492
Attn: Lee Newman, Director

Re: Application for Amendment to Major Project Site Plan Special Permit No. 2005-07 for Property at 100-120 Highland Avenue, Needham, MA (the "Center")

Dear Board Members:

On behalf of the Applicant, Needham Gateway, LLC, enclosed are the following:

1. Application for Amendment to Major Project Site Plan with Rider A attached; and
 2. Site Plan showing proposed location of the enclosure for additional dumpsters.
- A check for the filing fee will be delivered under separate cover.

Please instruct the newspaper to send the invoice for the legal notice to:

Michael Moskowitz
66 Cranberry Lane
Needham, MA 02492
Tel No. (781)-910-7933

Thank you for your cooperation in this matter.

Very truly yours,



Richard S. Mann, Esq.
Attorney for Needham
Gateway, LLC
cc: Michael Moskowitz

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

FURTHER
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 100 and 120 HIGHLAND AVENUE, NEEDHAM, MA
Name of Applicant NEEDHAM GATEWAY, LLC
Applicant's Address 66 Cranberry Lane, Needham, MA 02492
Phone Number 781-910-7933

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

Property Owner's Name BMI REALTY TRUST
Property Owner's Address 26 Pine Tree Drive, Buzzards Bay, MA 02532
Telephone Number 617-462-9119

Characteristics of Property: Lot Area 82,581+/- Present Use Retail and Services
Map # 73 Parcel # 18 Zoning District Highland Commercial-128 and New England Business Center

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

Installation of enclosure and additional dumpsters in parking lot for cardboard products.
SEE ATTACHED RIDER A.

NEEDHAM GATEWAY, LLC

Signature of Applicant (or representative) BY: Michael Moskowitz
Address if not applicant _____
Telephone # 781-910-7933
Owner's permission if other than applicant Elizabeth Berejik

Trustee of BMI Realty Trust

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.

RIDER A

TO APPLICATION FOR AMENDMENT TO SPECIAL PERMIT NO. 2005-07

Reference is made to the Major Project Site Plan Special Permit No. 2005-07 issued to Needham Gateway, LLC (the "Applicant") on January 24, 2006 as amended August 15, 2006, December 19, 2006, April 1, 2008, November 15, 2011, March 6, 2012, July 10, 2012, August 13, 2012 and July 20, 2021 (collectively, the "Special Permit") with respect to a parcel of land containing approximately 82,581 square feet (the "Land") known as and numbered 100 and 120 Highland Avenue, Needham, MA. Capitalized terms used but not defined herein shall have the meanings ascribed thereto in the Special Permit.

Pursuant to the Special Permit, Applicant has completed construction of two buildings on the Land, one located at 100 Highland Avenue containing 10,628 square feet of floor area and the other located at 120 Highland Avenue containing 12,820 square feet of floor area (both buildings, together with all other improvements on the Land are herein collectively referred to as the "Shopping Center"). Pursuant to Section 7.4 of the Zoning By-Law and Section 4.2 of Special Permit a modification to the exterior of site requires approval of the Planning Board.

The Special Permit approved the installation of a single six-foot high outdoor dumpster enclosure near the center of the parking lot serving the Shopping Center as shown on the approved Site Plan. Over time it has become apparent that the volume of trash (both non-organics and organics) has overwhelmed the single dumpster requiring an inordinate number of visits by the trash disposal contractor. As a result, the Applicant desires to install an enclosure for the measuring approximately 9' x 21' with a height of 6' (the "Enclosure") to contain up to three additional dumpsters (the "Additional Dumpsters") for cardboard products only (i.e. no organics), located along the rear of the Shopping Center parking lot in the approximate location shown on the Site Plan submitted with this application. The addition of the Additional Dumpsters will result in fewer required visits by the trash contractor and will facilitate the maintenance of a clean, vermin free and environmentally responsible shopping center operation.

To ensure proper utilization of the Additional Dumpsters, Applicant has adopted a regulation applicable to all tenants of the Shopping Center prohibiting the use of the Additional Dumpsters for anything except the disposal of cardboard products. Additionally, the contract with the trash disposal contractor prohibits the use of the Additional Dumpsters for anything except the disposal of cardboard products.

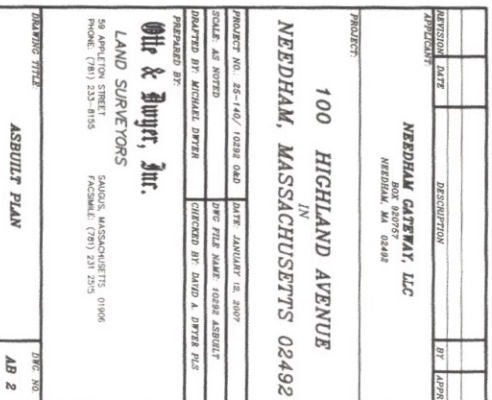
The Enclosure will be comprised of the same PVC materials as previously approved for the fence that abuts the property behind the Highland Terrace parcels.

The addition of the Enclosure will eliminate one of the existing parking spaces thereby reducing the total parking spaces for the Center from 97 to 96. As a result of this reduction the Applicant hereby requests that Special Permit be further amended by the issuance of a special permit pursuant to Section 5.1.1.5 of the Zoning By-Law modifying the existing parking waiver to allow only 96 parking spaces for the Center and confirming the existing waiver in the Special Permit as to the requirements of Section 5.1.3 of the Zoning By-Law as to said spaces.

The Applicant further requests approval by the Planning Board of the installation and maintenance of the Enclosure and the Additional Dumpsters as a modification to the Special Permit as required by Section 7.4 of the Zoning By-Law and Section 4.2 of Special Permit.

To the extent any other provisions of the Zoning By-Law require the granting of any other relief to allow the installation and maintenance of the Enclosure and the Additional Dumpsters, such additional relief is hereby requested by the Applicant.

The Applicant hereby requests that the relief requested in this application run with the Land.



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VIA EMAIL

February 28, 2022

Town of Needham

Planning Board

c/o Planning Department

50 Dedham Avenue

Needham, MA 02492

Attn: Lee Newman, Director

Re: Supplement to Application for Amendment to Major Project Site Plan Special Permit No. 2005-07 For Property at 100-120 Highland Avenue, Needham, MA (the "Center") to Allow for Additional Dumpsters

Dear Board Members:

Reference is made to the Application for Amendment to Major Project Site Plan Special Permit No. 2005-07 filed with the Planning Board by Needham Gateway, LLC ("Applicant") seeking, among other relief, the approval of an additional dumpster enclosure and dumpsters for the Center (the "Additional Dumpsters Application").

Attached please find the following items submitted as a supplement to the Additional Dumpsters Application:

1. Letter from BSC Group dated February 28, 2022 updating November 19, 2021 previous Parking Evaluation; and
2. GPS Area Photo showing properties abutting Needham Gateway Center.

Thank you for your cooperation in this matter.

Very truly yours,



Richard S. Mann, Esq.
On Behalf of Co-Applicants

cc: Michael Moskowitz

FEBRUARY 28, 2022

The Law Office of Richard S. Mann
Attn: Rick Mann
845 Washington Street
Newton, MA 02460
RE: 100 Highland Avenue, Needham, MA

Dear Mr. Mann,

The BSC Group understands that at the February 15, 2022 meeting of the Needham Planning Board, the proposed site plan was modified to reduce the total existing number of parking spaces by one, to allow the relocation of an existing dumpster enclosure. This reduction of one parking space reduces the total number of existing parking from 97 spaces to 96 spaces.

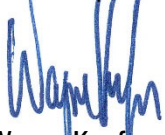
We have reviewed our Parking Evaluation memorandum for the project site dated November 19, 2021 to assess whether this reduction of parking impacts the conclusions of our memorandum.

The Parking Evaluation memorandum evaluates the existing and future parking demand using a three-step process. The steps included; conduct a parking study to determine the existing parking demand on the site, collect customer/pedestrian data for the uses to be replaced and estimate the parking demand for the new uses based on available industry data and anticipated operational information. This evaluation lead to a peak existing occupancy of 61 total spaces and an expected peak demand with the proposed change of uses of 96, which occurs between 1:00 pm and 2:00 pm on a weekday.

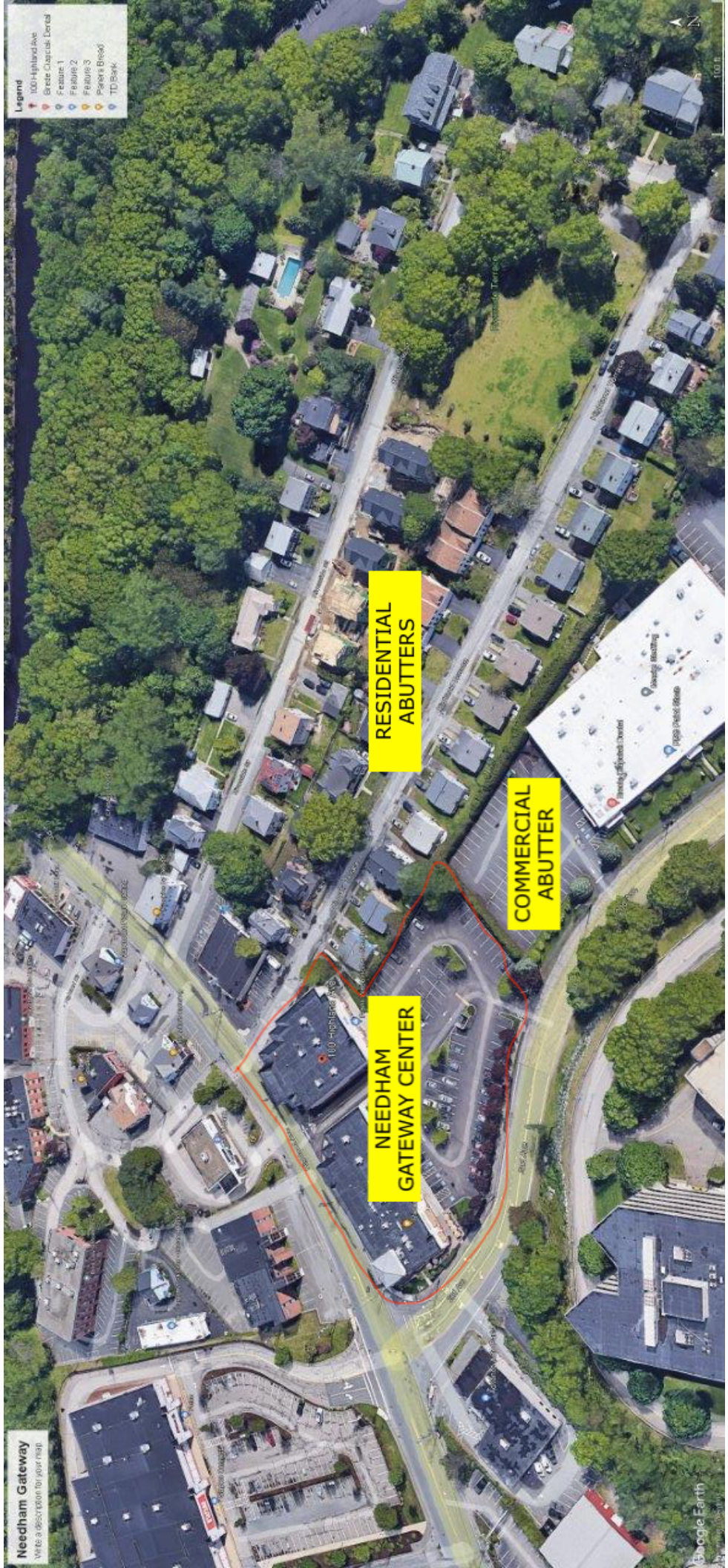
We conclude that the reduction of one existing parking space to a total available parking count of 96 will accommodate the expected peak demand of the proposed change of uses.

Sincerely,

BSC Group, Inc.



Wayne Keefner, PE, PTOE, LEED AP
Senior Project Engineer



Needham Gateway
We're a description for your map.

- Legend**
- 100 Highland Ave
 - Brate Classical Dental
 - Feature 1
 - Feature 2
 - Feature 3
 - Parent's Road
 - TD Bank

**RESIDENTIAL
ABUTTERS**

**COMMERCIAL
ABUTTER**

**NEEDHAM
GATEWAY CENTER**