



PLANNING DIVISION Planning & Community Development

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT DECISION Application No. 2022-01

Needham Farmers Market, Inc. Town of Needham April 5, 2022

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at Greene's Field, a Needham Park Facility, at Great Plain Avenue and Pickering Street, Needham, Massachusetts. Said property is shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278 square feet in the Single Residence B zoning district.

This Decision is in response to an application submitted to the Board on January 25, 2022 by the Petitioner for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (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 Sections 5.1.2 and 5.1.3 of the By-Law (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit would permit the operation of a farmers market on the southern portion of Greene's Field on Sundays. Needham Farmers Market, Inc. (NFM) has been successfully operating on the Town Common and Garrity's Way since 2017; however, NFM must relocate due to a planned renovation of the Town Common in 2022, with Garrity's Way planned to be used for staging materials. The farmers market proposes to operate at Greene's Field on Sundays beginning on June 12, 2022 through November 20, 2022, inclusive, from 11:00 a.m. to 3:00 p.m. with setup time for the vendors three hours before business hours and breakdown time two hours after the close of business. The farmers market proposes to have a maximum of 18 vendors, who will use booths, canopies, or other temporary structures on site. In addition to the vendors, the Market will have tables, booths, or canopies for Needham nonprofit organizations; up to a maximum of six artists, musicians, and NFM's Market Manager.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert on Tuesday, March 1, 2022, at 7:15 p.m. by Zoom Web ID Number 880 4672 5264. The hearing was further continued to Tuesday, March 15, 2022, at 8:00 p.m. Board members Paul S. Alpert, Jeanne S. McKnight, Martin Jacobs, Adam Block and Natasha Espada were present throughout the March 1, 2022 and March 15,

2022 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1- Application for a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and for Special Permits under Sections 3.2.1 and 5.1.1.5 of the By-Law, dated January 25, 2022.
- Exhibit 2- Two letters from Jeffrey Friedman, President, Needham Farmers Market, Inc., to the Needham Planning Board dated January 21, 2022.
- Exhibit 3- Site Plan entitled "Greene's Field Site Plan", prepared by Needham Department of Public Works, Engineering Division, dated May 22, 2013, revised June 4, 2013.
- Exhibit 4- License Agreement between the Needham Farmers Market, Inc., and the Town of Needham, dated January 18, 2022.
- Exhibit 5- Exhibit A", which consists of a portion of a plan highlighted to depict the specific location to be utilized by the NFM at Greene's Field.
- Exhibit 6 Plan entitled "Proposed Placement of Tents/Spaces on Greene's Field", prepared for NFM, dated March 7, 2022.
- Exhibit 7- Email from Jeffrey Friedman, President, Needham Farmers Market, Inc, to Lee Newman, Director of Planning and Community Development and Alex Clee, Assistant Town Planner, dated March 14, 2022.
- Exhibit 8- Two emails from Georgina Arrieta-Ruetenik to the Needham Planning Board, dated February 8, 2022 and March 1, 2022.
- Exhibit 9- Email from Rochelle Goldin to the Needham Planning Board, dated February 28, 2022.
- Exhibit 10- Email from George and Si Si Nyunt Goneconto to the Needham Planning Board, dated February 28, 2022.
- Exhibit 11- Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated February 23, 2022; IDC to the Board from Stacey Mulroy, Director, Needham Park and Recreation Department, dated February 8, 2022; IDC to the Board from Tom Ryder dated February 24, 2022; IDC to the Board from Chief Dennis Condon, Fire Department, dated January 31, 2022; IDC to the Board from Chief John Schlittler, dated February 8, 2022.

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

FINDINGS AND CONCLUSIONS

1.1 The subject property is located in the Single Residence B zoning district at Greene's Field (Intersection of Great Plain Avenue and Pickering Street), Needham, Massachusetts. The property is owned by the Town of Needham and is shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278 square feet.

- 1.2 The Needham Farmers Market, Inc. is a nonprofit corporation and civic organization based in Needham with the purpose of operating a farmers market in Needham and advancing community goals of healthy food and diet, especially for children, as well as providing a meeting place for Needham residents.
- 1.3 The Town of Needham has agreed to allow the Needham Farmers Market, Inc., to use the southern portion of Green's Field, a Needham Park Facility, at Pickering Street and Great Plain Avenue, for the operation of a farmers market from June 12, 2022 through November 20, 2022. This is pursuant to a License Agreement dated January 18, 2022, detailed under Exhibit 4 of this Decision. The application for Special Permit is for a one-year period as described under Section 4.6 of this Decision.
- 1.4 The Needham Farmers Market proposes to operate a farmers market on the southern portion of Green's Field adjacent to the Picker Street and Great Plain Avenue intersection for four hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m. Operation will begin on June 12, 2022 and will extend through November 20, 2022.
- 1.5 The Needham Farmers Market has proposed to have a maximum of 18 vendors on each market day, who will use booths, tables, canopies, or other temporary structures on the site. Each vendor will have approximately one person selling at its location. The Needham Farmers Market has stated that at least sixteen (16) vendors will sell food items. The Needham Farmers Market will have a staff of approximately two people on each market day. In addition to the vendors, a truck from which meat and/or eggs will be sold is proposed to be parked on either Great Plain Avenue as shown under Option A of the Plan (See Exhibit 6) or on property of the YMCA as shown under Option B of the Plan, with Option B being the preferred location. Finally, in addition to the vendors, the Market will have tables, booths, or canopies for Needham nonprofit organizations; up to a maximum of six artists, musicians, and NFM's Market Manager.
- 1.6 Set-up time is proposed to begin three hours before the start of the market and break down time is proposed to be for two hours after the market closes. The hours of operation shall be from 11:00 a.m. to 3:00 p.m.
- 1.7 The 18 vendors (maximum proposed to be present at any one time) will be located on the portion of Greene's Field shown on the plans detailed under Exhibits 5 and 6 of this Decision. The physical layout of the Market shall be entirely located within the licensed area.
- During setup and breakdown, vendors may use parking spaces on Great Plain Avenue and Pickering Street to unload and load if the spaces are available. During Market hours, the vendors will be parked in the Dedham Street Municipal Parking Lot.
- 1.9 The Needham Farmers Market acknowledges that all food vendors shall obtain food permits from the Needham Board of Health unless excluded by State or Local regulations. All applicable State and Local Health regulations shall be met.
- 1.10 The Needham Farmers Market and its vendors propose to have liability insurance in effect during the farmers market as well as motor vehicle insurance.
- 1.11 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (off-street parking design requirements).

- 1.12 Under the By-Law Section 5.1.2, in the event that the Building Commissioner is unable to determine if a particular use relates to any use within the table of "Required Parking" (Section 5.1.2), the Planning Board shall recommend to the Building Commissioner a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests or employees of the proposed business. Based on the Department of Public Works' recommendation, as recommended in Report 432 of the Planning Advisory Service for Off Street Parking Requirements for Farm Stands, the use requires 3 parking spots per every 1,000 square feet. The area of the property where the vendors will be stationed is calculated to be approximately 8,680 square feet. Therefore, the Board recommends a total parking requirement of 26 spaces (8,860/1,000 x 3 = 26). Accordingly, a waiver of 26 parking spaces is required.
- 1.13 During the operation of the Market, parking for motor vehicles will be at the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots. The vendors will park at the Dedham Avenue Lot. The Board finds that the parking lots in the vicinity, as noted above, will satisfy the parking demands for the Needham Farmers Market.
- 1.14 The Planning Board finds that no parking study is required for the farmers market use as proposed, due to its being held on Sundays, when parking in the Center of Town is least scarce and the Town Hall is closed.
- 1.15 The Needham Farmers Market proposes to have free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle, or guitar players. Amplification, if any, would be limited and noise will not extend beyond the site.
- 1.16 Vendors will be permitted to use the restrooms of Walgreens, the YMCA and Bagels Best.
- 1.17 Vendors will be required to remove all trash and waste per an agreement with Needham Farmers Market, Inc. Additionally, the Petitioner has stated that the farmers market staff will assist in picking up and removing all trash from the site.
- 1.18 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 Market will be located at the southern end of Greene's Field next to Great Plain Avenue and will be separate from other activity on Greene's Field. The Petitioner proposes no construction and no permanent site changes. The Needham Farmers Market proposes to have musical entertainment that will either be un-amplified or slightly amplified from individuals or a small group, e.g., flute, fiddle, guitar. Sound volume from musicians playing at Green's Field will be reasonable and not loud or disruptive to neighbors and nearby businesses.
- 1.19 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 has been assured. During the operation of the Market, parking for shopper vehicles will be at the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots, all within walking distance from the Market. The vendors will park at the Dedham Avenue Municipal Parking Lot. Any additional traffic due to the Market on surrounding streets will be marginally increased, with no traffic congestion on a Sunday afternoon. When NFM was previously located on the front lawn of First Parish (very close to Greene's Field) and on Garrity's Way and the Town Common, no traffic congestion resulted due to the operation of the Market. NFM has no accident-related history in 10 years of operation.

- 1.20 Adequacy of the arrangement of parking and loading spaces in relation to the proposed used of the premises has been assured. NFM will occur on Sunday afternoons from 11:00 a.m. to 3:00 p.m. Three nearby municipal parking lots are more than adequate for the parking needs of vendors and shoppers at the Market. The Dedham Avenue Parking lot has 87 parking spaces, the Chestnut Street/Lincoln Street Parking Lot has 231 parking spaces, and the Chapel Street Parking Lot has 127 parking spaces.
- 1.21 Adequate methods for disposal of refuse and waste will be provided. Vendors will be required to remove all trash and waste per an agreement with Needham Farmers Market, Inc. Needham Farmers Market staff will additionally assist in picking up and removing all trash from the site. Vendors may use the bathrooms at the YMCA, Walgreen's, and Bagel's Best. The wastewater system for these facilities is connected to the municipal sewer system.
- 1.22 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 has been assured. The relationship of structures and open spaces to the natural landscaping, existing buildings and other community assets will remain unchanged. Any canopies, tables and equipment brought to the Market by NFM and its vendors will be removed by them after the Market closes. NFM will not permit the Market area to be overloaded, damaged, stripped, or defaced, or suffer any waste. NFM will not make any holes in Greene's Field.
- 1.23 The proposed project will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The proposed use will not have an adverse impact on the Town's infrastructure. The existence of the Needham Farmers Market is an asset for Needham and will be a source of community in Needham.
- 1.24 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Single Residence B zoning district, provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.25 Under Section 3.2.1 of the By-Law, a Special Permit may be granted to allow a farmers market in the Single Residence B zoning district. On the basis of the above findings and criteria, the Board finds that the proposed use, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.26 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 and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure, or lot does not warrant the application of certain design and parking spaces requirements, but that a waiver of certain design and parking spaces requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances justifying the reduction in the number of required parking spaces and design requirements of the By-Law, as conditioned and limited herein,

which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (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 Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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 Commissioner 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 Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner 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 Commissioner to the Board prior to the issuance of a Building Permit.

2.0 No Plan modifications are required.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.17 hereof.
- 3.1 The Board approves the use by Needham Farmers Market of a farmers market on the southerly portion of Greene's Field, as shown on the Plan, from Sunday, June 12, 2022 through November 20, 2022.
- 3.2 The hours of operation shall be limited to four hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m. from Sunday, June 12, 2022 through November 20, 2022.
- 3.3 The operation of the farmers market at Greene's Field shall be as described in Sections 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.13, 1.15, 1.16 and 1.17 of this Decision and as further described under the support materials provided under Exhibits 2, 3, 4, 5, 6, and 7 of this Decision.
- 3.4 The maximum number of vendors at any given time shall not exceed eighteen (18). In addition to the vendors, up to three tables, booths or canopies may be available for Needham nonprofit organizations; up to a maximum of six artists, musicians, and the NFM's Market Manager.
- 3.5 At least seventy-five percent (75%) of all vendors shall sell fresh produce and other food products from booths, tables, or other temporary structures. If a truck from which meat

and/or eggs are sold is utilized it shall be parked on either Great Plain Avenue as shown under Option A of the Plan (See Exhibit 6) or on property of the YMCA as shown under Option B of the Plan, with Option B being the preferred location. Truck engines shall be turned off during the market's business hours and no truck shall be moved during the market's business hours.

- 3.6 All food vendors shall obtain food permits from the Needham Board of Health unless excluded by State or Local regulations. All applicable State and Local Health regulations shall be met. Any ice used at the site shall be disposed of at a location approved by the Board of Health and in compliance with Board of Health and Town regulations. Disposal of ice within the Town's drainage system shall not be permitted.
- 3.7 Sale of alcoholic beverages by Needham Farmers Market vendors shall be prohibited. The drinking of alcoholic beverages on Greene's Field where the farmers market is located shall be prohibited.
- 3.8 Set-up time shall begin no earlier than 8:00 a.m., three hours before the start of the market and break down time shall last no longer than two hours after the market closes at 3:00 p.m. During setup and breakdown, vendors may use parking spaces on Great Plain Avenue and Pickering Street to unload and load if the spaces are available. The spaces shall not be reserved for this purpose, but rather utilized if vacant.
- 3.9 Due diligence must be exercised at all times to avoid excessive off-site parking traffic, tie-ups and unnecessary noise and congestion.
- 3.10 Needham Farmers Market vendors shall be directed to park in the Dedham Avenue Municipal parking Lot and patrons shall be directed to park in the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots.
- 3.11 Free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle, or guitar players, may be utilized. Any required permits from the Board of Selectmen shall be obtained. Amplification, if any, shall be limited and no noise shall extend beyond Greene's Field. In the event of any complaint or issue regarding the noise, volume or amplification, the Planning Board shall retain jurisdiction to reevaluate the authorization for musical entertainment provided by this Decision.
- 3.12 Vendors shall be permitted to use the restrooms of the YMCA, Walgreen's, and Bagel's Best. If vendors at any time are no longer allowed or able to use these restrooms, the Petitioner shall find other suitable arrangements and notify the Planning Board.
- 3.13 All trash and waste shall be confined to the site and shall be removed from the site promptly during the breakdown timeframe. No trash or waste shall be left on the site at the end of the breakdown at 5:00 p.m. The Petitioner shall also examine the vicinity adjacent to the market area and shall be responsible for the cleanup of any market trash or waste inadvertently left by patrons in that location. During the operation of the farmers market, trash receptacles shall be provided for the use of patrons.
- 3.14 This Special Permit to operate a farmers market at Greene's Field is issued to Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and may not be transferred, set over, or assigned by Needham Farmers Market, Inc. to any other person or entity without the prior written approval of the Board following such notice and hearing, if any as the Board, in its sole and exclusive discretion, shall deem due and sufficient.

- 3.15 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.
- 3.16 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.
- Violation of any of the conditions of this Decision shall be grounds for revocation of any 3.17 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 owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this 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 improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan.
- 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 special permit is for one season only running from June 12, 2022 through November 20, 2022.
- 4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds. This Decision shall not take effect until (1) a copy of this Decision bearing the certification of the Town

Clerk that twenty (20) days have elapsed after this 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 and (2) this Decision is recorded with Norfolk District Registry of Deeds, and (3) the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

Witness our hands this 28th day of Marc		
NEEDHAM PLANNING BOARD		
Paul S. Alpert, Chairman		
adam Black	_	
Adam Block		
Natasha Espada Martin Jacobs Martin Jacobs Jeanne S. McKnight		
COMMONY	VEALTH OF MASSACHU	SETTS
Norfolk, ss		April 7, 2022
On this	proved to me through satism., to be the nd acknowledged the foregon Notary Public name	person whose name is signed on
TO WHOM IT MAY CONCERN: This the Project proposed by Needham Farn and the Town of Needham, 1471 High Greene's Field, shown on Assessor's M	ners Market, Inc., 28 Perrau land Avenue, Needham, M	ult Road, Apt. #1, Needham, MA, (A, for Property at the location of
and there have been no appeals file there has been an appeal filed.	d in the Office of the Town	Clerk or
Date	Th	neodora K. Eaton, Town Clerk
Copy sent to:		
Petitioner-Certified Mail # Town Clerk Building Commissioner Conservation Commission Parties in Interest	Board of Selectmen Engineering Fire Department Police Department Jeffrey Friedman, NFM	Board of Health Director, PWD Design Review Board