



**NEEDHAM**  
**ZONING BOARD OF APPEALS**  
**MINUTES**  
**THURSDAY, September 15, 2022– 7:30 PM**  
**Zoom Meeting ID Number: 869-6475-7241**

Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held remotely on Zoom on Thursday, September 15, 2022 at 7:30pm. Jon D. Schneider, Chair, presided and the following members were present: Jonathan D. Tamkin, Howard S. Goldman, and Nik Ligris. Mr. Schneider opened the meeting at 7:30 p.m.

**Minutes** - Mr. Tamkin motioned to approve the minutes of August 10, 2022. Mr. Goldman seconded the motion. The Board unanimously approved the minutes.

<b>Case #1</b>	<b>150 Gould Street</b>	<b>Approved</b>
<b>Case #2</b>	<b>377 Chestnut Street</b>	<b>Approved</b>
<b>Informal Matter</b>	<b>1111 Highland Avenue</b>	<b>Approved*</b>

The Board granted a Special Permit on October 16, 1997 to Norfolk Lodge A.F. & A.M. allowing the selling of Christmas trees and related items during the holiday season based upon the submittal of a yearly letter of request with a letter from the Christ Episcopal Church allowing the selling on their premises. The requested sale period is from November 19 - December 24, 2021, Monday through Friday, 3:00 p.m.- 9:00 p.m.; Saturday 9:00 a.m. to 6:00 p.m., and Sunday Noon to 6:00 p.m.

Mr. Tamkin moved to grant the Norfolk Lodge A.F. & A.M. permission to sell Christmas trees and related items at 1111 Highland Avenue as allowed by the 1997 Special Permit limited to the hours and period specified in the submitted letters. Mr. Goldman seconded the motion. The motion was unanimously approved.

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/> or at <https://www.youtube.com/user/TownofNeedhamMA/playlists>

The meeting adjourned at 8:35 p.m.



# ZBA Application For Hearing

2022-09-27 AM 9:35

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

## Applicant Information

Applicant Name	Arthur & Valentina Elzon			Date:	09/23/2022
Applicant Address	62 Dawson Dr, Needham, MA 02492				
Phone	617-869-7777	email	Arthur@sagagc.com		
Applicant is <input checked="" type="checkbox"/> Owner; <input type="checkbox"/> Tenant; <input type="checkbox"/> Purchaser; <input type="checkbox"/> Other _____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name					
Address					
Phone		email			
Representative is <input type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input type="checkbox"/> Architect; <input type="checkbox"/> Other _____					
Contact <input checked="" type="checkbox"/> Me <input type="checkbox"/> Representative in connection with this application.					

## Subject Property Information

Property Address	164 Broad Meadow Rd, Needham, MA 02492		
Map/Parcel Number	1990130002600000	Zone of Property	SRB
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is property <input checked="" type="checkbox"/> Residential or <input type="checkbox"/> Commercial			
If residential renovation, will renovation constitute "new construction"? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Do the spaces meet design requirements? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Application Type (select one): <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Variance <input type="checkbox"/> Comprehensive Permit <input type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision			



# ZBA Application For Hearing

## Existing Conditions:

Existing structure to be demolished; new construction home to be erected

## Statement of Relief Sought:

Request to build a third car garage

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

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

	Existing Conditions	Proposed Conditions
<b>Use</b>		
<b># Dwelling Units</b>		
<b>Lot Area (square feet)</b>		
<b>Front Setback (feet)</b>		
<b>Rear Setback (feet)</b>		
<b>Left Setback (feet)</b>		
<b>Right Setback (feet)</b>		
<b>Frontage (feet)</b>		
<b>Lot Coverage (%)</b>		
<b>FAR (Floor area divided by the lot area)</b>		

*Numbers must match those on the certified plot plan and supporting materials*

2/22/21 AM 9:35



# ZBA Application For Hearing

<b>Date Structure Constructed including additions:</b>	<b>Date Lot was created:</b>
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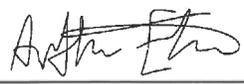
<b>Submission Materials</b>	<b>Provided</b>
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	Yes
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	Yes
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	Yes
Elevations of Proposed Conditions <i>(when necessary)</i>	Yes
Floor Plans of Proposed Conditions <i>(when necessary)</i>	Yes

Feel free to attach any additional information relative to the application. Additional information may be requested by the Board at any time during the application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 09/21/2022  
*date of consult*

Date: 09/23/2022 Applicant Signature 

*An application must be submitted to the Town Clerk's Office at [townclerk@needhamma.gov](mailto:townclerk@needhamma.gov) and the ZBA Office at [dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)*

2022 09/23 AM 9:35

# TOWN OF NEEDHAM, MASSACHUSETTS

## BUILDING INSPECTION DEPARTMENT

Assessor's Map & Parcel No. 199/013.0-0026-0000.0

Building Permit No. \_\_\_\_\_ Zoning District SR-B  
 Lot Area 32,679 S.F. Address No.164 BROAD MEADOW ROAD  
 Owner ARTHUR AND VALENTINA ELZON Builder SAGA PARTNERS MA, LLC

**DEMO / (PROPOSED PLAN) / FOUNDATION AS-BUILT / FINAL AS-BUILT**  
 Circle One that Applies

40' Scale

SILT FENCE & HAYBALE LINE

<b>EXISTING LOT COVERAGE, %</b>	<b>PROPOSED LOT COVERAGE, %</b>
3.8	12.9

EXISTING GRADE PLANE=278.1'  
 PROPOSED GRADE PLANE=278.65'  
 T.O.F. TO GRADE=280.0'-278.1'=1.9'  
 ALLOWABLE BUILDING HEIGHT FROM TOP OF FOUNDATION=35'-4.3'=33.1'

SILT FENCE & HAYBALE LINE

ROOF PEAK ELEV.=312.22'

\* NOTE: ROOF PEAK TO BE VERIFIED WITH DESIGNERS PRIOR TO ROOF FRAMING COMMENCEMENT

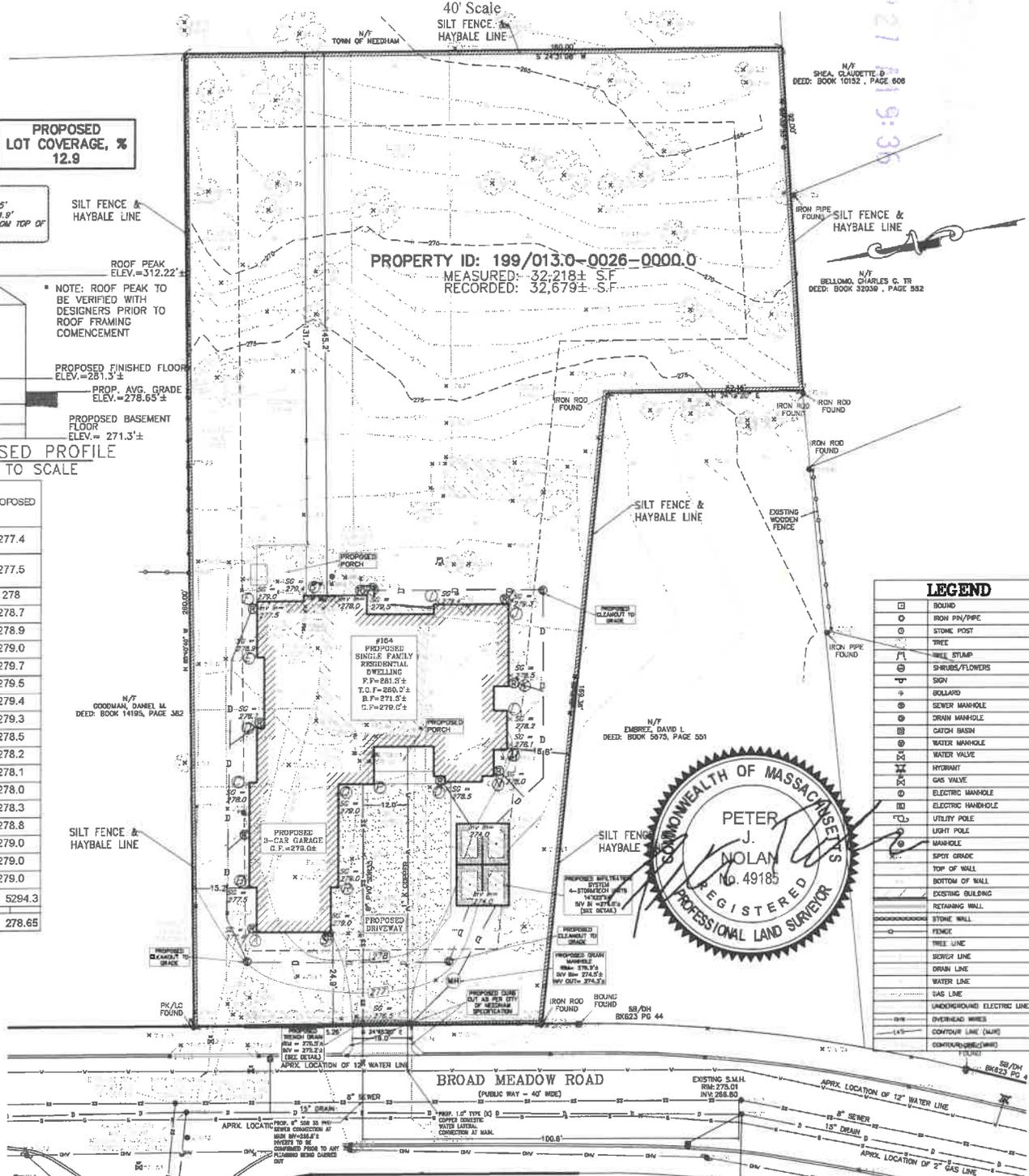
PROPOSED FINISHED FLOOR ELEV.=281.3'

PROP. AVG. GRADE ELEV.=278.65'

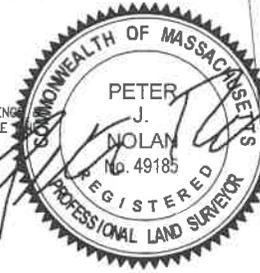
PROPOSED BASEMENT FLOOR ELEV.=271.3'

**PROPOSED PROFILE**  
NOT TO SCALE

SPOT LOCATION	EXISTING	PROPOSED
A	276.4	277.4
B	276.4	277.5
C	278	278
D	278.7	278.7
E	279.1	278.9
F	279.4	279.0
G	280.0	279.7
H	279.5	279.5
I	279.4	279.4
J	279.1	279.3
K	278.6	278.5
L	278.1	278.2
M	277.7	278.1
N	277.6	278.0
O	277.6	278.3
P	278.0	278.8
Q	277.8	279.0
R	277.2	279.0
S	275.8	279.0
TOTAL	5284.4	5294.3
AVERAGE	278.1	278.65



LEGEND	
□	BOUND
○	IRON PIP/PIPE
○	STONE POST
○	TREE
○	TREE STUMP
○	SHRUBS/FLOWERS
○	SIGN
○	BOLLARD
○	SEWER MANHOLE
○	DRAIN MANHOLE
○	CATCH BASIN
○	WATER MANHOLE
○	WATER VALVE
○	HYDRANT
○	GAS VALVE
○	ELECTRIC MANHOLE
○	ELECTRIC MANHOLE
○	UTILITY POLE
○	LIGHT POLE
○	MANHOLE
○	SPRY GRADE
○	TOP OF WALL
○	BOTTOM OF WALL
○	EXISTING BUILDING
○	RETAINING WALL
○	FENCE
○	TREE LINE
○	SEWER LINE
○	DRAIN LINE
○	WATER LINE
○	GAS LINE
○	UNDERGROUND ELECTRIC LINE
○	OVERHEAD WIRE
○	CONTOUR LINE (10%)
○	CONTOUR LINE (20%)
○	CONTOUR LINE (30%)
○	CONTOUR LINE (40%)
○	CONTOUR LINE (50%)
○	CONTOUR LINE (60%)
○	CONTOUR LINE (70%)
○	CONTOUR LINE (80%)
○	CONTOUR LINE (90%)
○	CONTOUR LINE (100%)



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gaslines, etc., driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances, (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures\*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in areas with no public sewer.  
 (\*Accessory structures may require a separate building permit — See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.  
 The above is subscribed to and executed by me this 26 day of SEPTEMBER 20 22  
 Name PETER J. NOLAN Registered Land Surveyor No. 48649  
 Address BO JEWETT ST. (SUITE 2) City NEWTON State MA Zip 02458 Tel. No. (617) 782-1533  
 Approved \_\_\_\_\_ Director of Public Works Date \_\_\_\_\_  
 Approved \_\_\_\_\_ Building Inspector Date \_\_\_\_\_

# TOWN OF NEEDHAM, MASSACHUSETTS

## BUILDING INSPECTION DEPARTMENT

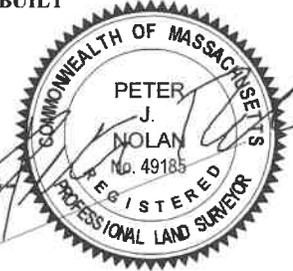
Assessor's Map & Parcel No. 199/013.0-0026-0000.0

Building Permit No. \_\_\_\_\_ Zoning District SR-B

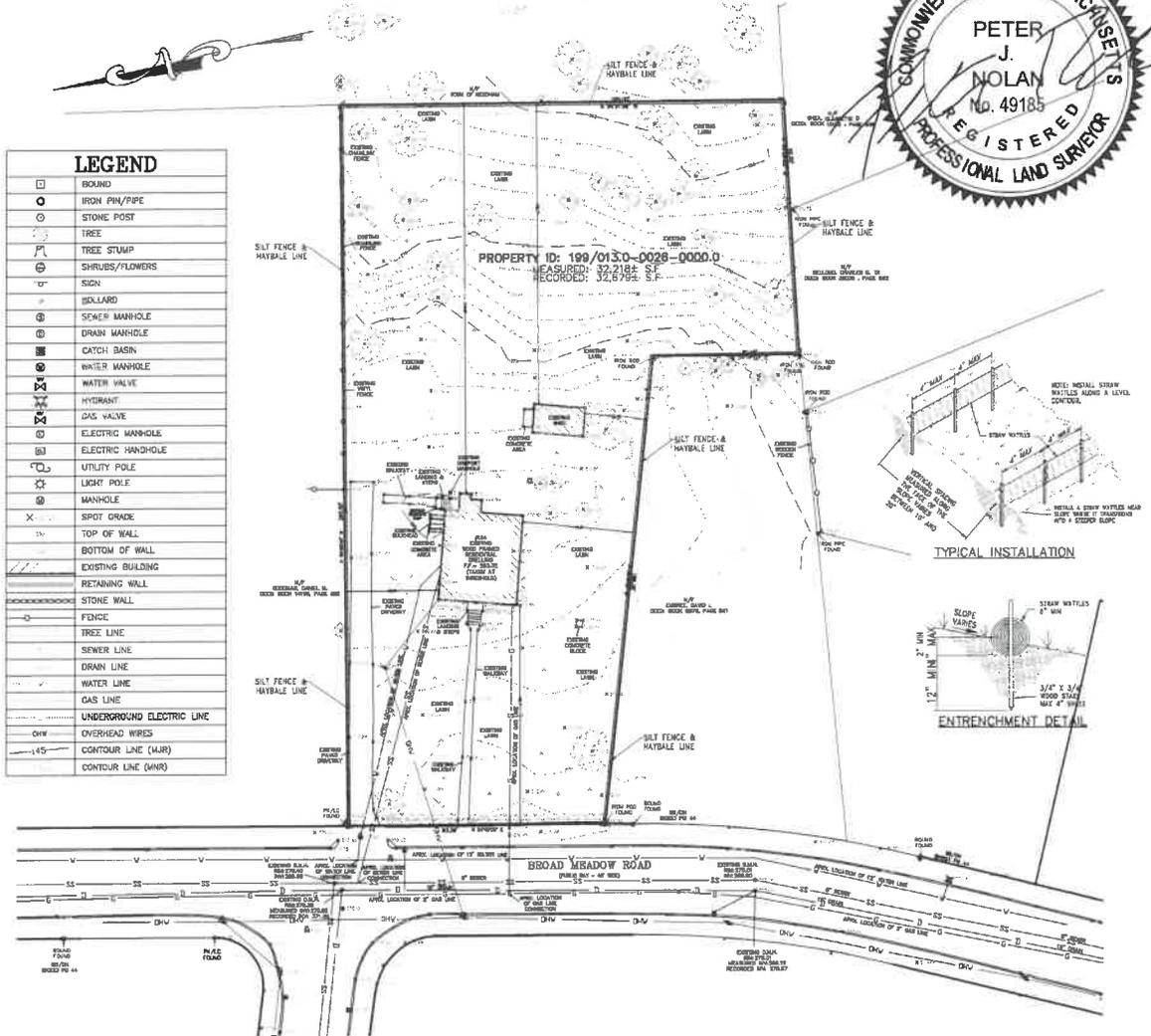
Lot Area 32,679 S.F. Address No.164 BROAD MEADOW ROAD

Owner ARTHUR AND VALENTINA ELZON Builder SAGA PARTNERS MA, LLC

**DEMO / PROPOSED PLAN / FOUNDATION AS-BUILT / FINAL AS-BUILT**  
 Circle One that Applies  
 40' Scale



LEGEND	
[Symbol]	BOUND
[Symbol]	IRON PIN/PIPE
[Symbol]	STONE POST
[Symbol]	TREE
[Symbol]	TREE STUMP
[Symbol]	SHRUBS/FLOWERS
[Symbol]	SIGN
[Symbol]	BILLBOARD
[Symbol]	SEWER MANHOLE
[Symbol]	DRAIN MANHOLE
[Symbol]	CATCH BASIN
[Symbol]	WATER MANHOLE
[Symbol]	WATER VALVE
[Symbol]	HYDRANT
[Symbol]	GAS VALVE
[Symbol]	ELECTRIC MANHOLE
[Symbol]	ELECTRIC HANDHOLE
[Symbol]	UTILITY POLE
[Symbol]	LIGHT POLE
[Symbol]	MANHOLE
[Symbol]	SPOT GRADE
[Symbol]	TOP OF WALL
[Symbol]	BOTTOM OF WALL
[Symbol]	EXISTING BUILDING
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[Symbol]	STONE WALL
[Symbol]	FENCE
[Symbol]	TREE LINE
[Symbol]	SEWER LINE
[Symbol]	DRAIN LINE
[Symbol]	WATER LINE
[Symbol]	GAS LINE
[Symbol]	UNDERGROUND ELECTRIC LINE
[Symbol]	OVERHEAD WIRES
[Symbol]	CONTOUR LINE (MNR)
[Symbol]	CONTOUR LINE (MNR)



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gaslines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances, (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures\*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in areas with no public sewer.  
 (\*Accessory structures may require a separate building permit — See Building Code)

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The above is subscribed to and executed by me this 31 day of MARCH 2022.

Name PETER J. NOLAN Registered Land Surveyor No. 48649  
 Address 80 JEWETT ST. (SUITE 2) City NEWTON State MA Zip 02458 Tel. No. (617) 782-1533

Approved \_\_\_\_\_ Director of Public Works Date \_\_\_\_\_  
 Approved \_\_\_\_\_ Building Inspector Date \_\_\_\_\_





**New Residence**  
**164 Broad Meadow Road**  
 Needham, MA

OWNER

architects  
**mckay**

38 Bryant Street  
 Dedham, MA 02026  
 P: 781.326.5400  
 www.mckayarchitects.net



DATE: 09/22/13  
 DRAWN BY: MJA  
 SCALE: AS NOTED

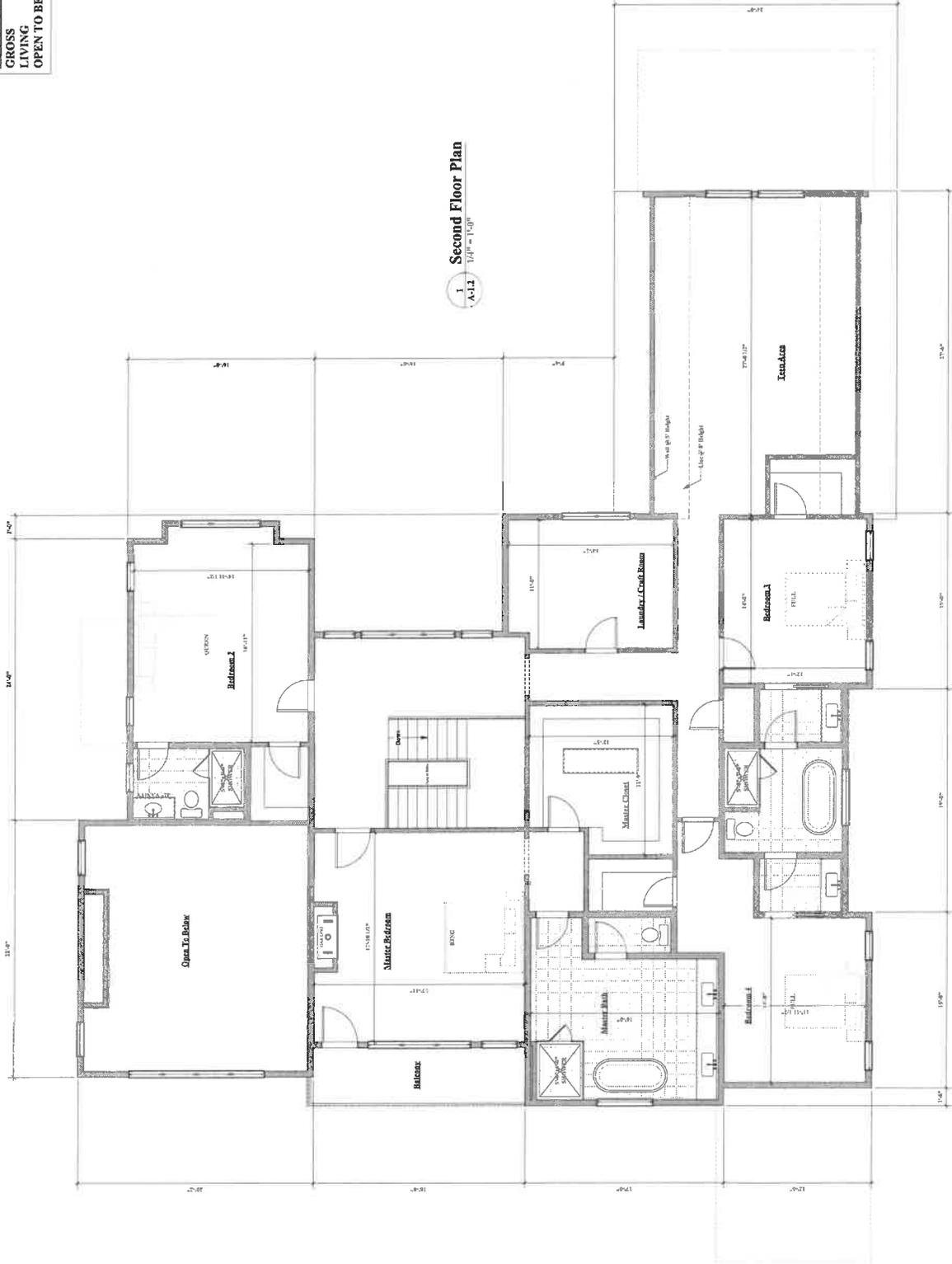
**Second Floor Plan**

DATE: 09/22/13  
 DRAWN BY: MJA  
 SCALE: AS NOTED

**SQUARE FOOTAGE:**  
 GROSS 3426 SF  
 LIVING 3000 SF  
 OPEN TO BELOW 426 SF

**Broad Meadow Road**

**Second Floor Plan**  
 1/4" = 1'-0"



New  
Residence  
164  
Broad  
Meadow Road  
Needham, MA

OWNER

architects  
**mckay**

35 Bryant Street  
Dedham, MA 02016  
P: 781.376.5400  
www.mckayarchitects.net



DATE: 11/11/11  
PROJECT: 164 Broad Meadow Road

**DISCLAIMER**  
These drawings and specifications are the property of the architect and are to be used only for the project and site for which they were prepared. No part of these drawings and specifications shall be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect. The architect shall not be responsible for any errors or omissions in these drawings and specifications, or for any consequences arising therefrom, whether or not such errors or omissions are caused by negligence or otherwise. The architect shall not be responsible for any construction methods or materials used in the construction of the project, or for any consequences arising therefrom, whether or not such methods or materials are specified in these drawings and specifications.

Front Elevation

DATE	11/11/11
PROJECT	164 Broad Meadow Road
CLIENT	MCM
SCALE	1/8" = 1'-0"
NO. 111	A-2.1



1  
A-2.1 1/8" = 1'-0"  
Front Elevation

New  
Residence  
164  
Broad  
Meadow Road  
Needham, MA

OWNER

architects  
**mckay**

35 Bryant Street  
Dedham, MA 02026  
P: 781.376.5400  
www.mckayarchitects.net



DATE: 01.11.11  
SCALE:  
PROJECT: Broad Meadow  
DRAWN BY: [Name]

**DISCLAIMER**  
These drawings and specifications are the property of the architect and shall remain the property of the architect. No part of these drawings or specifications may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.  
Contractor to verify all dimensions and materials in the field prior to use of drawings. The architect is not responsible for any errors or omissions or for any consequences of any discrepancies.

**Right Side  
Elevation**

JOB NO:  
DATE: 06/23/11  
PROJECT: Broad Meadow  
SCALE: A-2.2  
A NOTED



1  
A-2.2  
Right Side Elevation  
1/4" = 1'-0"

**New  
Residence**  
**164  
Broad  
Meadow Road  
Needham, MA**

OWNER

architects  
**mcKay**

35 Bryant Street  
Dedham, MA 02026  
P: 781.336.5400  
www.mckayarchitects.net

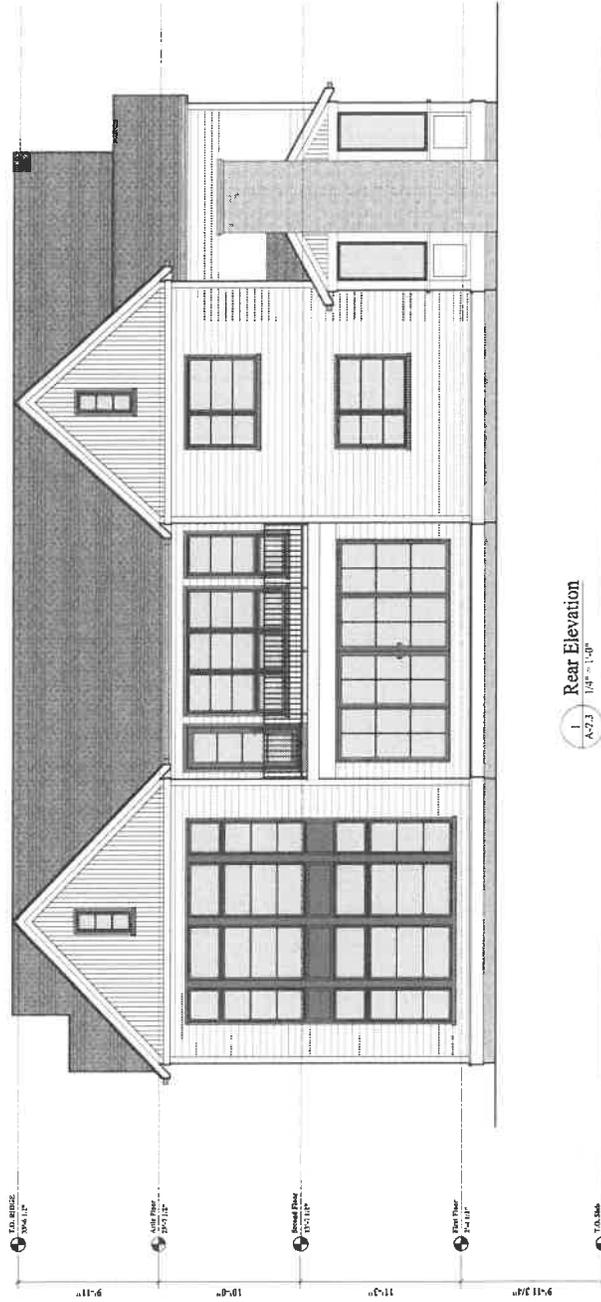


DATE: 08/21/13  
PROJECT: New Residence  
DRAWN BY: [Name]

**DISCLAIMER / NO WARRANTIES**  
These drawings and specifications are the property of the architect and are to be used only for the project and site specifically identified herein. No part of these drawings and specifications shall be used for any other project without the written consent of the architect. The architect is not responsible for any errors or omissions in these drawings and specifications, nor for any consequences arising therefrom. The architect is not a contractor and does not assume any liability for the construction of the project. The architect is not responsible for any delays or interruptions in the project, nor for any changes in the project. The architect is not responsible for any damages or injuries to persons or property, or for any loss of time or money, arising from the use of these drawings and specifications. The architect is not responsible for any acts or omissions of any subcontractors.

**Rear Elevation**

JOB NO:  
DATE: 08/21/13  
PROJECT: 164 Broad Meadow Road  
DRAWN BY: [Name]  
SCALE: AS NOTED



1 Rear Elevation  
A-2.3 1/4" = 1'-0"

**New  
Residence**  
164  
Broad  
Meadow Road  
Needham, MA

OWNER

architects  
**mckay**

35 Bryant Street  
Dedham, MA 02026  
p: 781.326.5400  
www.mckayarchitects.net

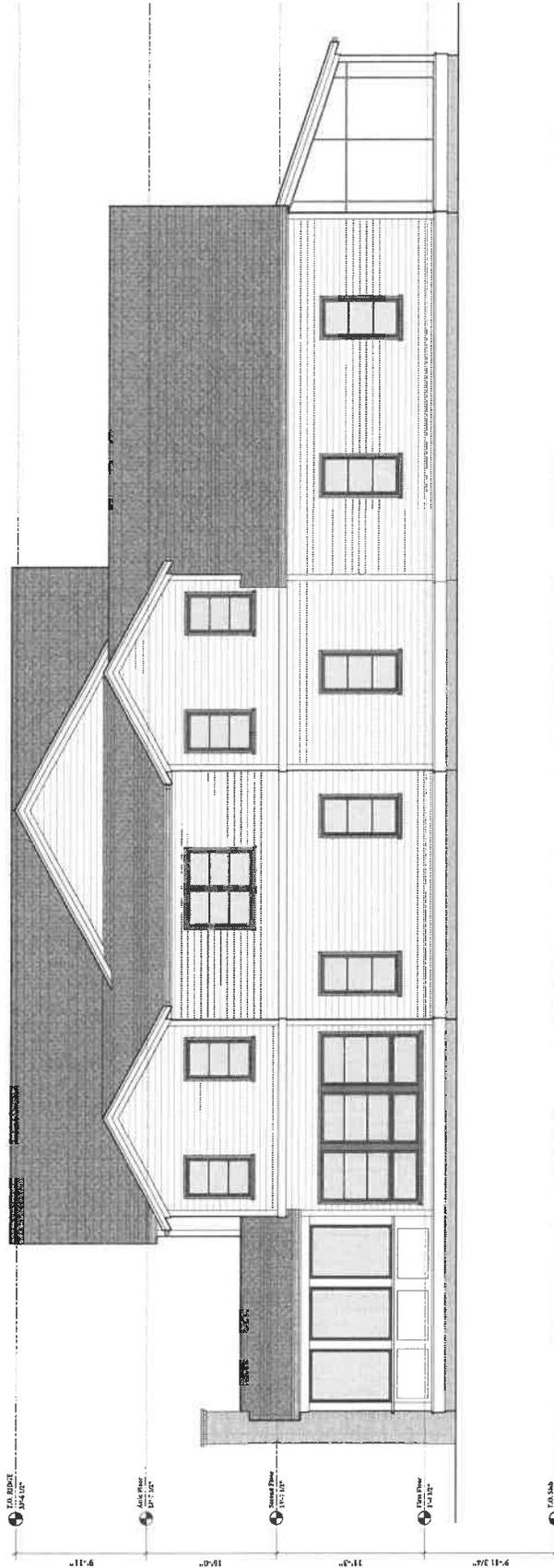


DATE: 11/11/11  
SCALE: 1/8" = 1'-0"

**DISCLAIMER**  
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**Left Side Elevation**

JOB NO.	DATE	PROJECT
		<b>A-2.4</b>
DRAWN BY	CHECKED BY	SCALE
		AS NOTED



**Left Side Elevation**  
1/8" = 1'-0"

## Daphne Collins

---

**From:** Tom Conroy  
**Sent:** Thursday, September 29, 2022 8:23 AM  
**To:** Daphne Collins  
**Subject:** RE: ZBA Administrative Review - 164 Broad Meadow Road - October 11, 2022

Ok with fire dept.

**From:** Daphne Collins <dcollins@needhamma.gov>  
**Sent:** Wednesday, September 28, 2022 1:31 PM  
**To:** Thomas Ryder <tryder@needhamma.gov>; David Roche <droche@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>  
**Subject:** ZBA Administrative Review - 164 Broad Meadow Road - October 11, 2022

Good Afternoon –

**164 Broad Meadow Road** – Arthur and Valentina Elzon, owners, are seeking a Special Permit to allow an extra garage on the lot. The project is associated with the demolition of a single-family home to be replaced with a new single-family home with a three car garage in the SRB district.

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

I appreciate your comments no later than **October 11, 2022** to allow time for the applicant to respond prior to the hearing.

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

Thank you,  
Daphne

### Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

Web <https://www.needhamma.gov/>

<https://needhamma.gov/1101/Board-of-Appeals>

[www.needhamma.gov/NeedhamYouTube](http://www.needhamma.gov/NeedhamYouTube)

Town of Needham

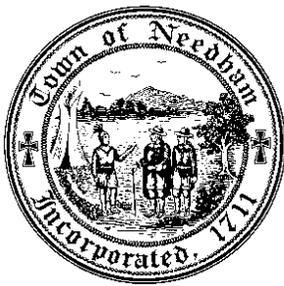
Planning and Community Development

500 Dedham Avenue

Needham, MA 02492

Regular Office Hours: Mon-Wed 8:00am – 5:00pm

Remote Hours: Thurs 8:00am-5:00pm



PLANNING & COMMUNITY DEVELOPMENT  
PLANNING DIVISION

October 5, 2022

Mr. Jon Schneider, Chairman and Members  
Zoning Board of Appeals  
Public Services Administration Building  
500 Dedham Avenue  
Needham, MA 02492

Dear Mr. Schneider and Members of the Zoning Board of Appeals:

At its meeting of October 3, 2022, the Planning Board reviewed the applications to be heard by the Board of Appeals on October 20, 2022, and made the following recommendations:

- 1. 164 Broad Meadow Road**– Arthur and Valentina Elzon, owners, applied to the Board of Appeals for a Special Permit under Sections 6.1.2, and any other applicable Sections of the By-Law to allow one additional garage space on the lot. This request is associated with the demolition and reconstruction of a new single-family house with an attached three car garage. The property is located at 164 Broad Meadow Road, Needham, MA in the Single Residence B (SR-B) District.

The Planning Board makes NO COMMENT.

- 2. 84 Fair Oaks Park**– Roger N. Squire III and Quinby Y. Squire, owners, applied to the Board of Appeals for a Special Permit under Sections 1.4.3, 3.15; 4.2.1, and any other applicable Sections of the By-Law to demolish an existing garage and construction of a new two-story detached garage with an ADU on the second floor. An open breezeway connecting the principal unit and ADU shall also be constructed. The property is located at 84 Fair Oaks Park, Needham, MA in the Single Residence B (SR-B) District.

The Planning Board comments that this ADU is not compliant with the By-Law because it is not contained within the primary residential structure and is in fact located in a second detached structure above the garage. The Board does not find that the breezeway connection between the primary residential dwelling unit and the detached garage/accessory dwelling unit to be sufficient to meet the By-Law requirement and underlying intent as relates the provision for accessory dwelling units to be placed in the primary residential structure. Accordingly, the Board recommends that the application be denied.

- 3. 150 Gould Street** –Gordon's Fine Wines of Needham, Inc, applicant, applied to the Board of Appeals seeking relief for the following: a) Special Permit Amendment under Sections 3.2.1 for a retail establishment serving the general public and containing 5,750 or more gross square feet of floor area; b) Special Permit pursuant to Section 3.2.1 for a lawful purpose or special use not enumerated elsewhere in the Zoning By-Law; c) Special Permit pursuant to Section 3.2.1 for more than one non-residential use on a lot; d) Special Permit pursuant to 5.1.1.5, 5.1.2, 5.1.3 for waivers of strict adherence with parking and parking plan and design requirements; and any other

Mr. Jon Schneider, Chairman  
Board of Appeals  
Page 2

applicable Sections of the By-Law. This application is in connection with the applicant's planned use of one-half of the building for its logistics and retail distribution and planning facility.

The Planning Board recommends that prior to acting on this permit the Board of Appeals confirm with the Select Board that any relevant liquor license rules and regulations have been met.

NEEDHAM PLANNING BOARD

*Lee Newman*

Lee Newman  
Director of Planning and Community Development

## Daphne Collins

---

**From:** John Schlittler  
**Sent:** Thursday, September 29, 2022 9:27 AM  
**To:** Daphne Collins  
**Subject:** RE: ZBA Administrative Review - 164 Broad Meadow Road - October 11, 2022

Police has no issue with this

**From:** Daphne Collins <dcollins@needhamma.gov>  
**Sent:** Wednesday, September 28, 2022 1:31 PM  
**To:** Thomas Ryder <tryder@needhamma.gov>; David Roche <droche@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>  
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<https://needhamma.gov/1101/Board-of-Appeals>

[www.needhamma.gov/NeedhamYouTube](http://www.needhamma.gov/NeedhamYouTube)

Town of Needham

Planning and Community Development

500 Dedham Avenue

Needham, MA 02492

Regular Office Hours: Mon-Wed 8:00am – 5:00pm

Remote Hours: Thurs 8:00am-5:00pm



Town of Needham  
Building Department  
500 Dedham Ave.  
Needham, MA 02492

Tel. 781-455-7550 x 308

October 11, 2022

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

Re: Application review for the October Hearing

Dear Board Members,

**164 Broad Meadow Road**

The applicant is seeking a Special Permit to construct an additional third garage space in an SRB District, this is part of a new construction proposed for the location. I have no objection to the Special Permit.

**84 Fair Oaks Park**

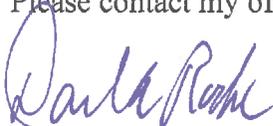
The applicant is seeking a Special Permit to construct an Accessory Dwelling Unit located above the attached garage. The plan is to remove an existing freestanding garage and construct a new attached two car garage with the apartment on the second floor. The garage will be attached with a breezeway/walkway connecting and providing egress for the apartment to the second floor of the existing structure. The second means of egress will be an interior stairway from the apartment to a rear door facing the back yard patio area. Reviewing the By-law language, it appears that this connection would meet the requirements of an attached structure and the Building Code. The By-law is silent on what exactly the connection must be between the two structures, therefore because the garage and connecting deck would require building permits, I believe it should be considered an addition to the existing home, and not an accessory structure.

**150 Gould Street**

The applicant Gordon's Fine Wines of Needham is seeking a Special Permit to occupy the vacant part of the building for a retail distribution and planning facility. The proposal includes a 624 Sq. Ft. retail sales space allowing clients to purchase samples of the products. The proposal does not include any tasting events or the use of any other spaces in the building for that purpose. The application has not addressed the hours of operation, and how shipping and receiving of the product will be managed. I would like to know the size of commercial vehicles used in the

operation, and how vehicles will maneuver through the parking lot to the loading dock area. This facility has had complaints in the past about late night deliveries and noise coming from the building. If the Board grants the Special Permit, please make the agreed hours of operation including the shipping and receiving part of the decision. Please also include the 624 sq. ft. of retail space as a maximum limit, so it can be enforced if required in the future. This should also include trash removal from the facility, which also has been a complaint in the past. Generally, I don't have any issues with the concept, but the parking lot should be clearly striped for vehicles, and loading areas, install required signage for accessible parking spaces.

Please contact my office with any questions.



David A Roche  
Building Commissioner  
Town of Needham

## Daphne Collins

---

**From:** Tara Gurge  
**Sent:** Tuesday, October 11, 2022 12:25 PM  
**To:** Daphne Collins  
**Subject:** RE: ZBA Administrative Review - 150 Gould Street - Due October 11, 2022

Daphne –

In reference to the ZBA Plan review for **#150 Gould Street – Gordon’s Fine Wines of Needham, Inc.**, the Public Health Division has the following comments. See below:

- The retail wine store owner must fill out and submit an online Public Health Division Food Permit Plan Review application for our review and approval, for the proposal for retail sale of alcohol on site, which includes a retail food establishment permit application, through the Towns ViewPoint Cloud online permitting system. Here is the direct link to the permit application and plan review - <https://needham.viewpointcloud.com/categories/1073/record-types/1006516> . The relevant documents must be uploaded online for review and approval. Pre-operation inspections must be conducted prior to issuance of a retail food establishment permit, which must be issued prior to operation.
- Ensure that this proposed retail establishment has sufficient parking lot spaces available to allow for accessible separate trash and recycling dumpsters located on site for proper trash and recycling containment, which must be put on a sufficient service schedule to prevent the risk of pests.

Please let us know if you have any questions on these requirements, or feel free to have the applicant contact me directly on these requirements.

Thanks,



**TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)**  
**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](mailto:tgurge@needhamma.gov)  
Web- [www.needhamma.gov/health](http://www.needhamma.gov/health)



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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 11, 2022

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

RE: Case Review-Special Permit  
164 Broad Meadow Road- Special Permit

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced Special Permit to allow the demolition of the existing structures and build a new residential home on the property.

The documents submitted for review are as follows:

- Application for Special Permit dated 9/23/22.
- Existing Condition Plan and Building Permit Plan prepared by Peter J Nolan dated March 31, 2022, and September 26, 2022.
- Architectural plans prepared by McKay Architects date September 22, 2022, consisting of 7-sheets.

Our comments and recommendations are as follows:

- In accordance with the Town of Needham Stormwater Bylaw, the proposed new structure requires a minimum combined volumetric capacity of 1 inch over the entire impervious area of the property to be recharged. The plans should be revised, prior to receiving a building permit, showing the calculations that the infiltration system is sized to contain a minimum of 1-inch of the total impervious area of the site for infiltration.

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

Truly yours,

Thomas A Ryder  
Town Engineer

tryder



# ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

## Applicant Information

Applicant Name	Roger N. Squire III and Quinby Y. Squire			Date:	09/23/22
Applicant Address	84 Fair Oaks Park, Needham, MA 02492				
Phone	781-405-7849	email	rosquire@squireventures.com		
Applicant is <input checked="" type="checkbox"/> Owner; <input type="checkbox"/> Tenant; <input type="checkbox"/> Purchaser; <input type="checkbox"/> Other _____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	John Peterson				
Address	15 Channel Center St Unit 104, Boston, MA 02210				
Phone	857-991-1021 ext. 1020	email	john@studiotroika.com		
Representative is <input type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input checked="" type="checkbox"/> Architect; <input type="checkbox"/> Other _____					
Contact <input type="checkbox"/> Me <input checked="" type="checkbox"/> Representative in connection with this application.					

## Subject Property Information

Property Address	84 Fair Oaks Park, Needham, MA 02492		
Map/Parcel Number	1990490008000000	Zone of Property	SR-B
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is property <input checked="" type="checkbox"/> Residential or <input type="checkbox"/> Commercial			
If residential renovation, will renovation constitute "new construction"? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Do the spaces meet design requirements? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Application Type (select one): <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Variance <input type="checkbox"/> Comprehensive Permit <input type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision			



# ZBA Application For Hearing

**Existing Conditions:**

Two story house with detached single story garage

**Statement of Relief Sought:**

Demolition of existing garage and construction of new two story detached garage with an ADU on the second floor. An open air breezeway connecting the Principal Unit and ADU shall also be constructed.

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

1.4, 3.15, 4.2.1

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

	Existing Conditions	Proposed Conditions
<b>Use</b>	SR-B	SR-B
<b># Dwelling Units</b>	1	2
<b>Lot Area (square feet)</b>	11,872	11,872
<b>Front Setback (feet)</b>	46	46
<b>Rear Setback (feet)</b>	6.5	11.2
<b>Left Setback (feet)</b>	13.8	21.1
<b>Right Setback (feet)</b>	13.4 (House)	29 (ADU)
<b>Frontage (feet)</b>	76.23	76.23
<b>Lot Coverage (%)</b>	19.9%	21.8%
<b>FAR (Floor area divided by the lot area)</b>	0.30	0.37

*Numbers must match those on the certified plot plan and supporting materials*



# ZBA Application For Hearing

<b>Date Structure Constructed including additions:</b> 1923, 2001, 2016	<b>Date Lot was created:</b> 1923
--	--------------------------------------

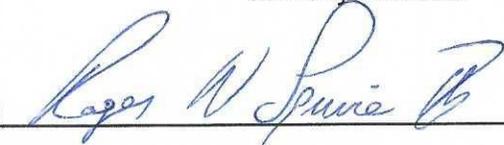
<b>Submission Materials</b>	<b>Provided</b>
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	Yes
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of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

Feel free to attach any additional information relative to the application. Additional information may be requested by the Board at any time during the application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 04/15/2022  
date of consult

Date: 9/20/22 Applicant Signature 

An application must be submitted to the Town Clerk's Office at [townclerk@needhamma.gov](mailto:townclerk@needhamma.gov) and the ZBA Office at [dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)



# ADU – ZBA Special Permit Application

Owner's Name	Roger N. Squire III and Quinby Y. Squire			
Address	84 Fair Oaks Park, Needham, MA 02492			
Phone	781-405-7849	E-mail	rosquire@squireventures.com	
ADU Resident's Name	Drew Squire			
Phone	same as above	E-mail	same as above	
ADU Resident's Relationship to Owner (Select one)	<input type="checkbox"/> spouse <input type="checkbox"/> parent <input type="checkbox"/> sibling <input checked="" type="checkbox"/> child <input type="checkbox"/> grandchild	Spouse of: <input type="checkbox"/> parent <input type="checkbox"/> sibling <input type="checkbox"/> child <input type="checkbox"/> grandchild	Child of: <input type="checkbox"/> parent <input type="checkbox"/> sibling <input type="checkbox"/> child <input type="checkbox"/> grandchild	<input type="checkbox"/> Caregiver. If caregiver, select type of caregiver: <input type="checkbox"/> Elderly <input type="checkbox"/> Chronically Ill <input type="checkbox"/> Disable Owner
Total Occupants in Principal Dwelling Unit and ADU	4	Total Occupants not related to Owner (not to exceed five)	0	Owner to occupy: <input checked="" type="checkbox"/> Principal Unit <input type="checkbox"/> ADU

## ADU Information

Map & Page ID	Map 049, Page 43	Zoning District	SR-B
Size of ADU (not to exceed 850 sq. feet)	727	Location of ADU: <input type="checkbox"/> basement, <input type="checkbox"/> attic, <input type="checkbox"/> 1 <sup>st</sup> floor, <input checked="" type="checkbox"/> 2 <sup>nd</sup> floor	
Does ADU have separate provisions for (ADU limited to one bedroom): Living <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Sleeping <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Cooking <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Eating <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Number and location of Means of Egress: 2, North and South sides			
Describe where the interior door access between ADU and Principal Dwelling Unit is? N/A, ADU is located in detached garage			
Total number of off-street parking for Principal Dwelling Unit and ADU: 2			

I attest that the information in this application is true and accurate to the best of my knowledge and understanding:

*Roger N. Squire III* 9/20/22

Owner's Signature/Date

(over for Additional Information on ADUs)

)



## ADU – ZBA Special Permit Application

### Additional Information Regarding the ADU Special Permit

- An ADU is an apartment in a single-family detached dwelling that is second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking, and eating.
- Only one ADU is allowed per lot.
- The owner of record shall be responsible for submitting an ADU application to the Building Commissioner.
- At least one of the units, the principal unit or the ADU, shall be owner-occupied.
- Occupancy of the unit not occupied by the owner is limited to a member of the owner's family or a caregiver and such caregiver's family.
- The owner may be temporarily absent for a period of up to nine-months or less if written notice is given to the Building Commissioner within 60 days of the commencement of the absence.
- The installation of the ADU requires the issuance of a building permit by the Building Commissioner.
- Occupancy of the ADU requires proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner.
- The initial occupancy permit shall remain in force for a three (3) year period from the date of issue if the ownership of premises is not changed. The Building Commissioner may issue permits for succeeding three-year periods provided the structure and use continues to conform to the By-Law.
- The Special Permit and occupancy permits are not be transferable upon a change in ownership or occupancy.

# SQUIRE RESIDENCE

84 FAIR OAKS PARK, NEEDHAM, MA 02492

ZBA APPLICATION

SEPTEMBER 23, 2022

DRAWING INDEX

EXISTING PHOTOS	2
PLOT PLANS	3
PROPOSED FLOOR PLANS	5
PROPOSED EXTERIOR ELEVATIONS	9
PROPOSED RENDERINGS	13

TROIKA

PRINCIPAL UNIT



EXISTING FRONT ENTRY PORTICO



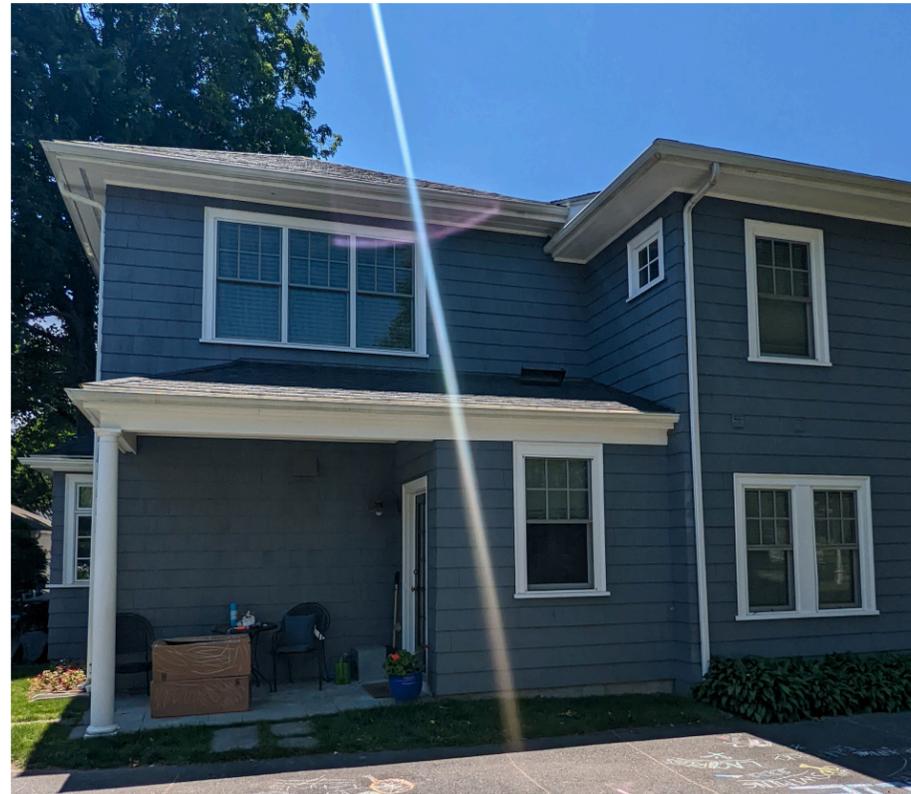
EXISTING RAILING STYLE



EXISTING SIDING, TRIM, AND WINDOW STYLE



EXISTING REAR FACADE AND PATIO



EXISTING MUDROOM ENTRY AND OFFICE ABOVE



EXISTING GARAGE TO BE DEMOLISHED

EXISTING

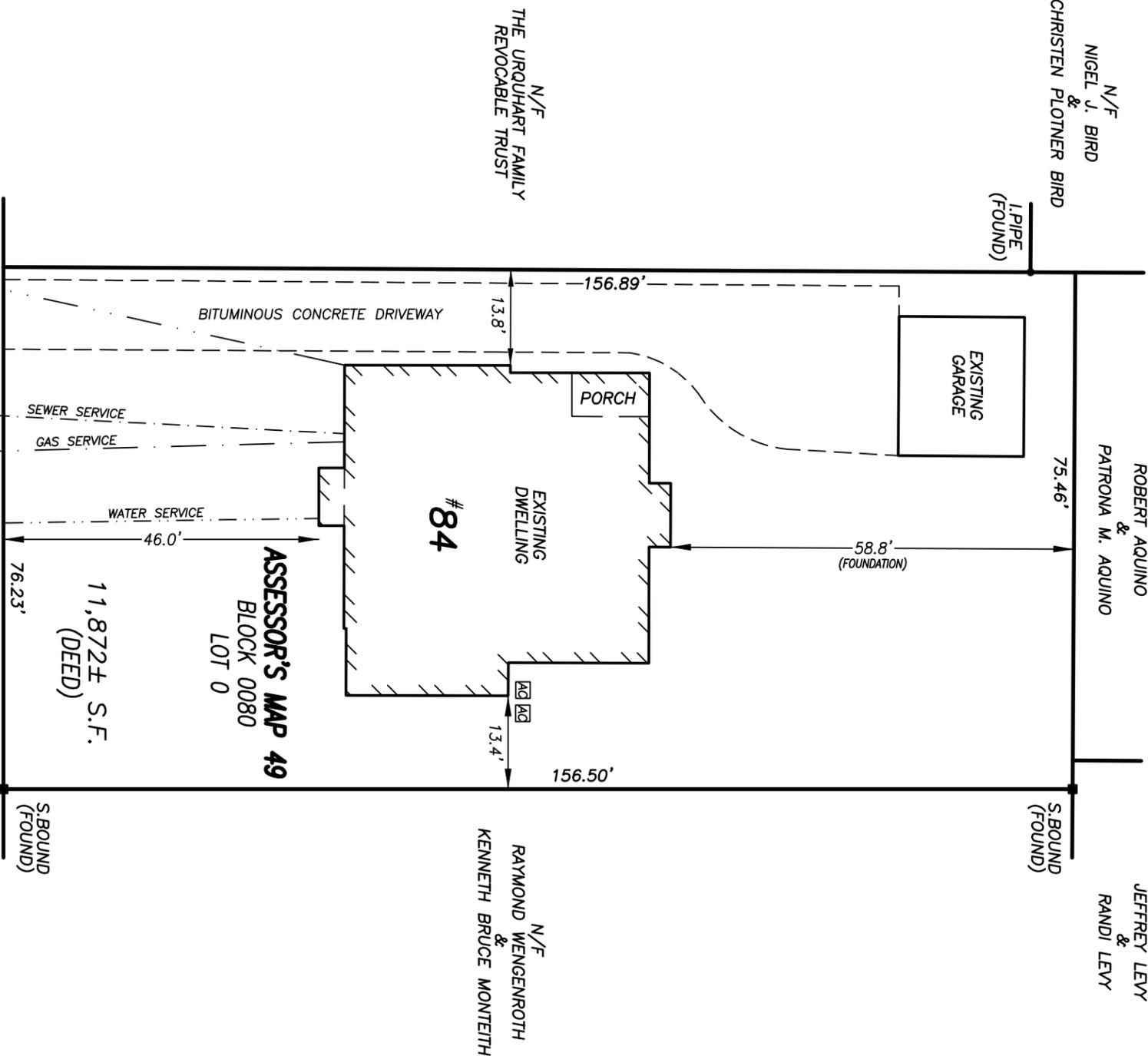
EXISTING CONDITIONS PLAN  
 84 FAIR OAKS PARK  
**NEEDHAM, MASSACHUSETTS**  
 1 INCH = 20 FEET AUGUST 26, 2022  
 SNELLING & HAMEL ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS & ENGINEERS  
 10 LEWIS STREET P.O. BOX 102  
 LINCOLN, MASSACHUSETTS 01773  
 (781) 259-0071



16020.DWG  
 AUGUST 26, 2022

OWNERS OF RECORD:  
 ROGER N. SQUIRE III  
 &  
 QUINBY Y. SQUIRE  
 BK.27425 PG.43

N/F NIGEL J. BIRD & CHRISTEN PLOTNER BIRD  
 N/F ROBERT AQUINO & PATRONA M. AQUINO  
 N/F JEFFREY LEVY & RANDI LEVY  
 S.BOUND (FOUND)  
 S.BOUND (FOUND)



SMH  
 UTILITY POLE  
 OVERHEAD WIRES  
 ELECTRIC SERVICE  
 BITUMINOUS CONCRETE DRIVEWAY  
 SEWER SERVICE  
 GAS SERVICE  
 WATER SERVICE  
 FAIR OAKS PARK  
 ASSESSOR'S MAP 49  
 BLOCK 0080  
 LOT 0  
 11,872± S.F.  
 (DEED)  
 S.BOUND (FOUND)

PLAN REFERENCES:  
 - LAND COURT PLAN 2886B  
 - LAND COURT PLAN 5502A

NOTES:  
 - ZONING DISTRICT: SINGLE RESIDENCE B  
 - EXISTING LOT COVERAGE = 2,359± SF OR 19.9%

- THE LOCATION OF THE SUBSURFACE UTILITIES IS APPROXIMATE AND BASED UPON FIELD OBSERVATION AND INFORMATION PROVIDED BY OTHERS

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF FEBRUARY 7, 2017, WITH THE USE OF A TOPCON TOTAL STATION.

*John R. Hamel*

JOHN R. HAMEL  
 PROFESSIONAL  
 LAND SURVEYOR



AUGUST 26, 2022  
 DATE

PROPOSED

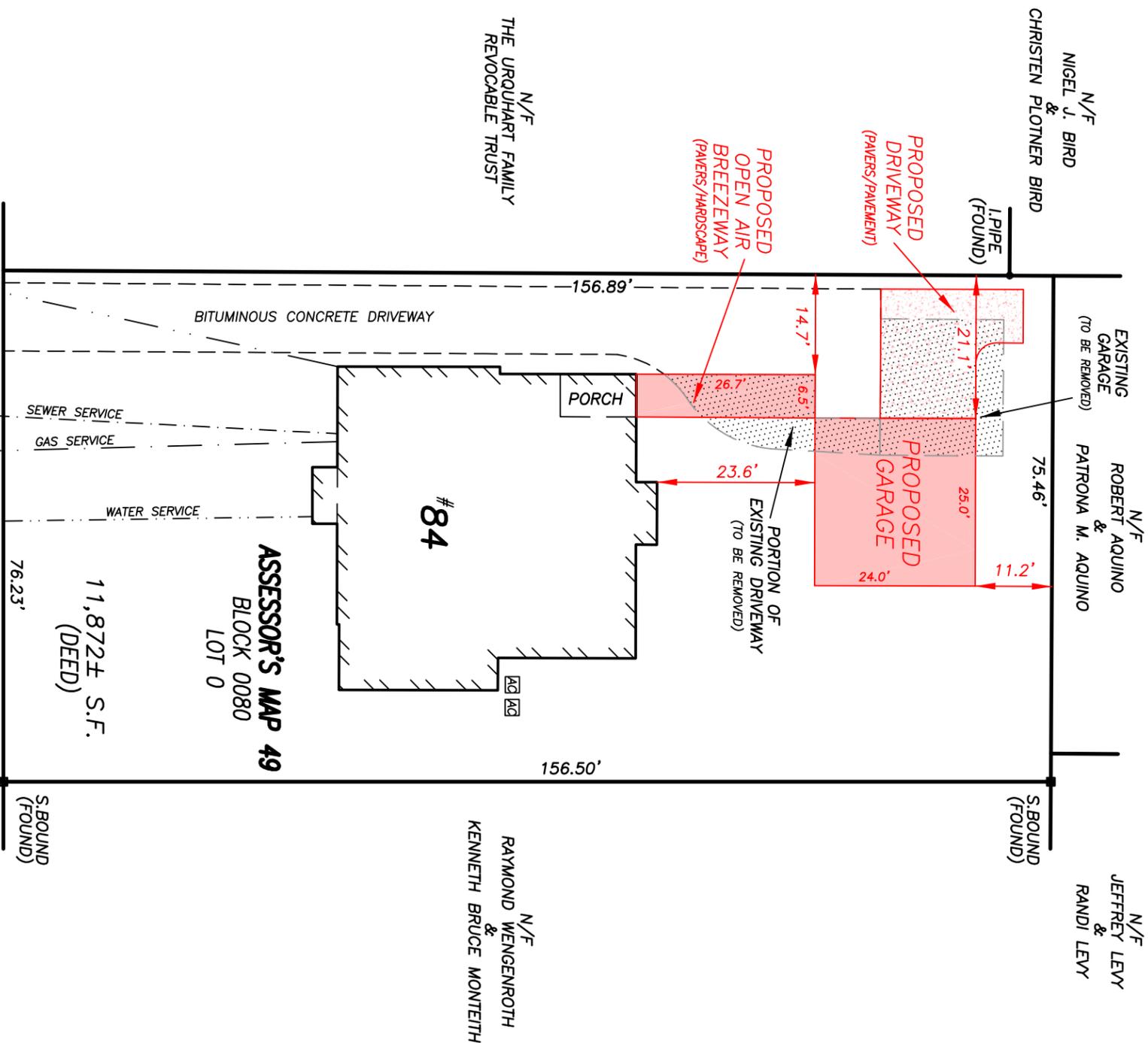
**BUILDING PERMIT PLAN**  
 84 FAIR OAKS PARK  
**NEEDHAM, MASSACHUSETTS**  
 1 INCH = 20 FEET AUGUST 26, 2022  
 SNELLING & HAMEL ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS & ENGINEERS  
 10 LEWIS STREET P.O. BOX 102  
 LINCOLN, MASSACHUSETTS 01773  
 (781) 259-0071



APPROXIMATE NORTH

16020.DWG  
 AUGUST 26, 2022

**OWNERS OF RECORD:**  
 ROGER N. SQUIRE III  
 &  
 QUINBY Y. SQUIRE  
 BK.27425 PG.43



**PLAN REFERENCES:**  
 - LAND COURT PLAN 2886B  
 - LAND COURT PLAN 5502A

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**NOTES:**

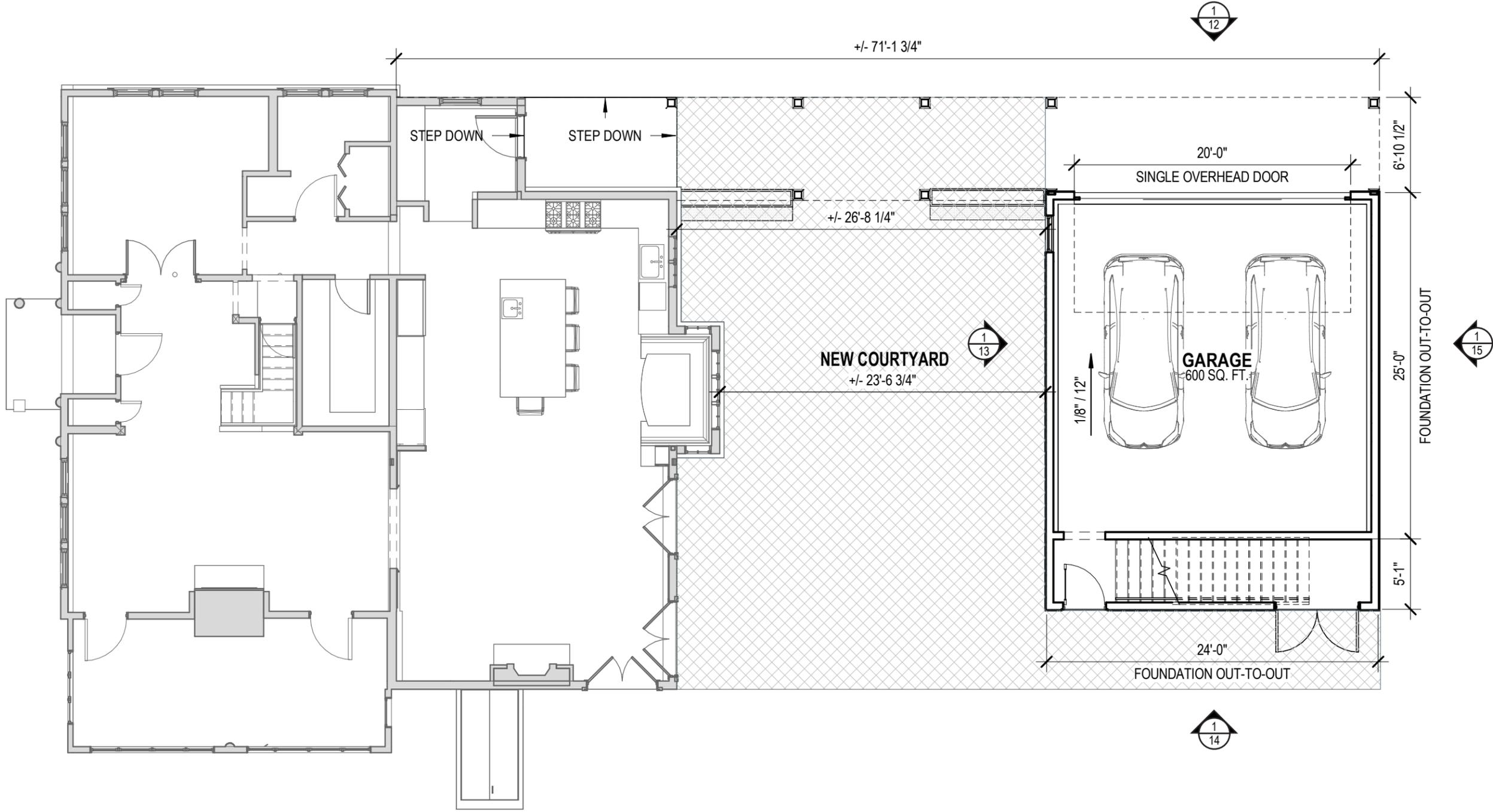
- ZONING DISTRICT: SINGLE RESIDENCE B
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- PROPOSED LOT COVERAGE = 2,585± SF OR 21.8%
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*John R. Hamel*  
 JOHN R. HAMEL  
 PROFESSIONAL  
 LAND SURVEYOR



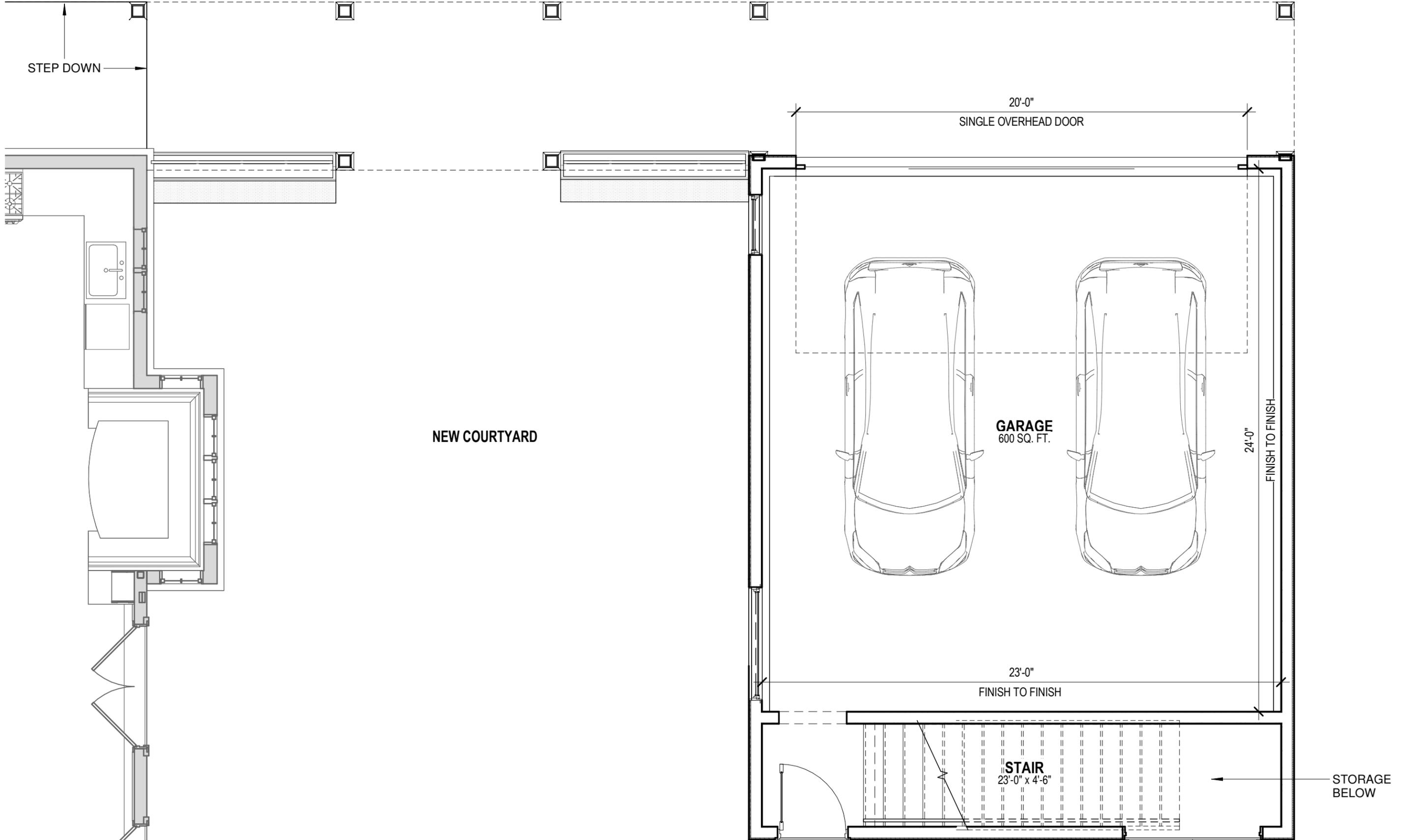
AUGUST 26, 2022  
 DATE

FIRST FLOOR - OVERALL PLAN



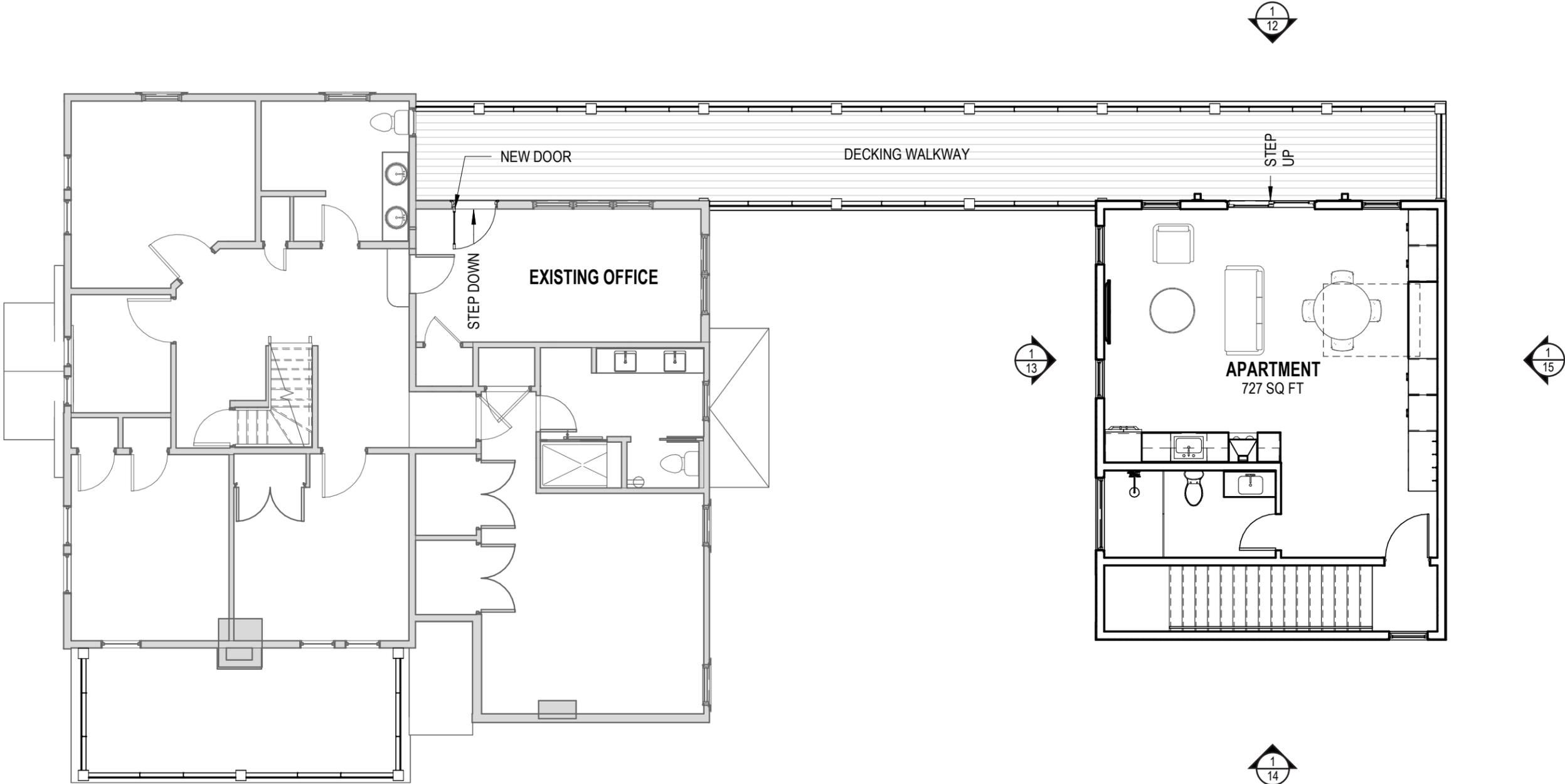
SCALE: 1/8" = 1'-0"

FIRST FLOOR - ENLARGED PLAN



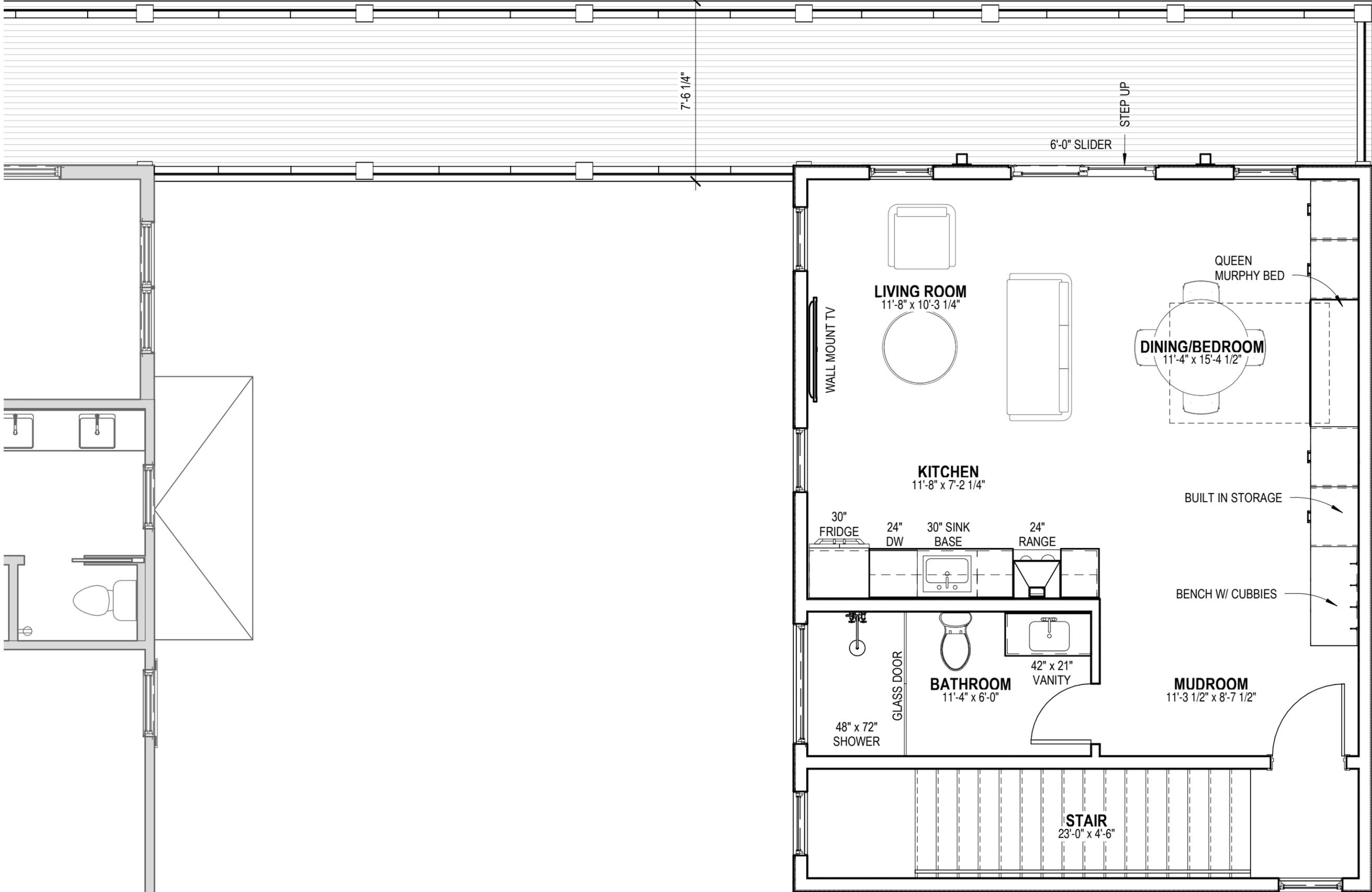
SCALE: 1/4" = 1'-0"

SECOND FLOOR - OVERALL PLAN



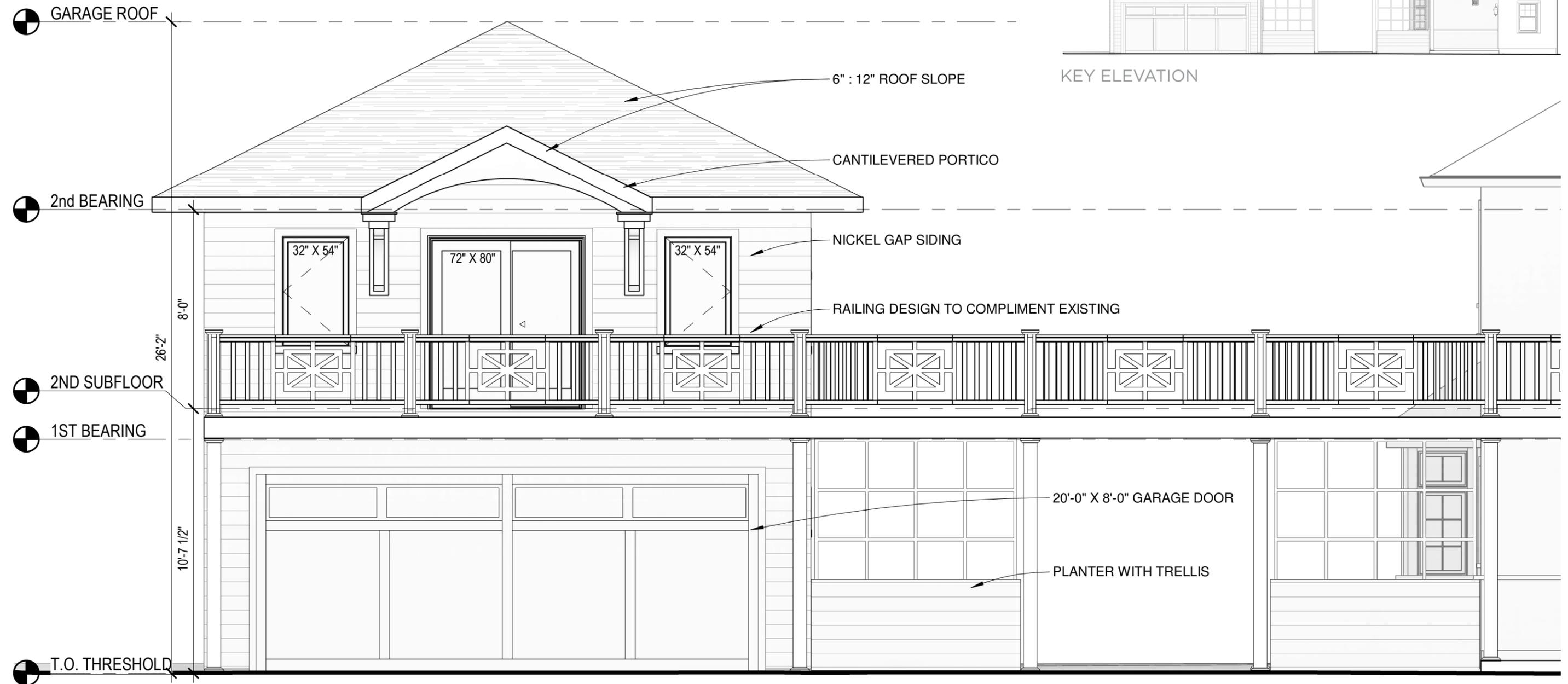
SCALE: 1/8" = 1'-0"

SECOND FLOOR - ENLARGED PLAN

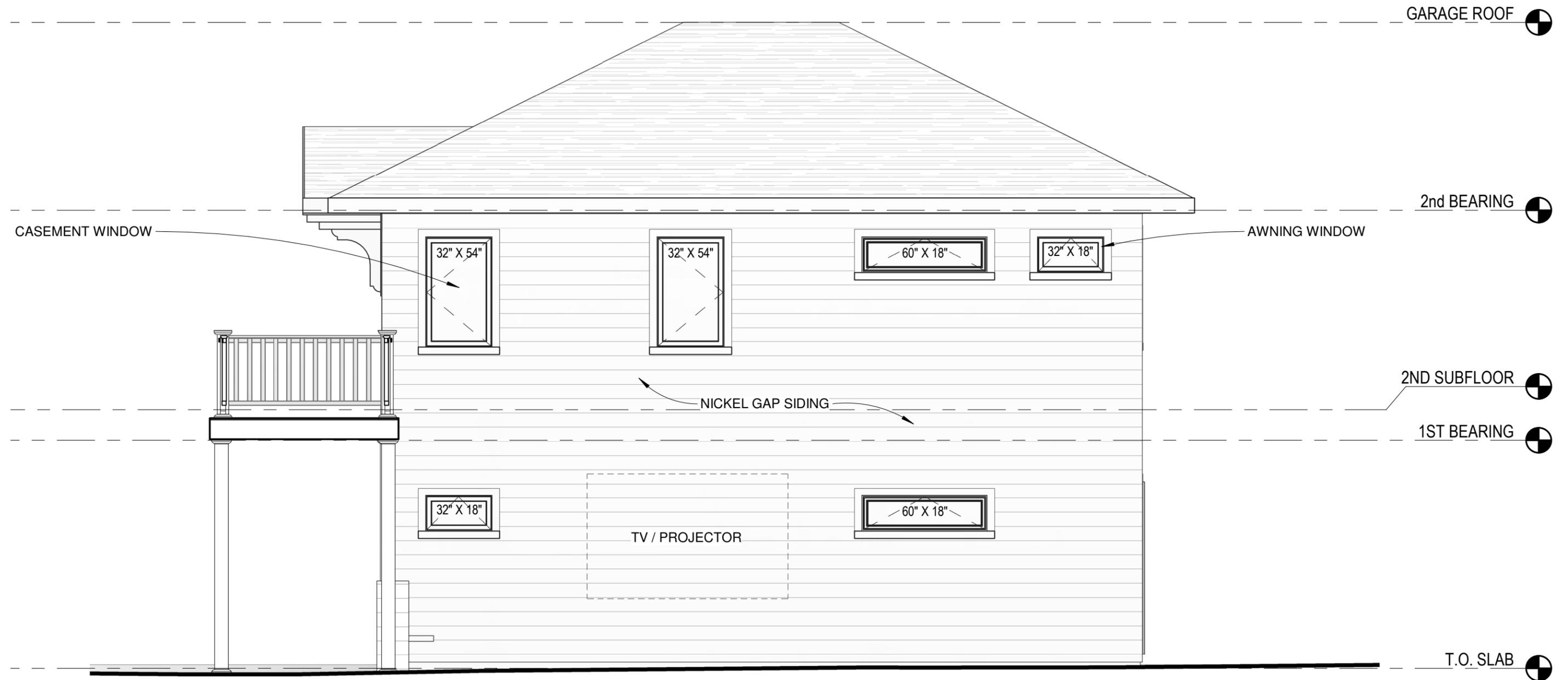


SCALE: 1/4" = 1'-0"

NORTH ELEVATION



WEST ELEVATION



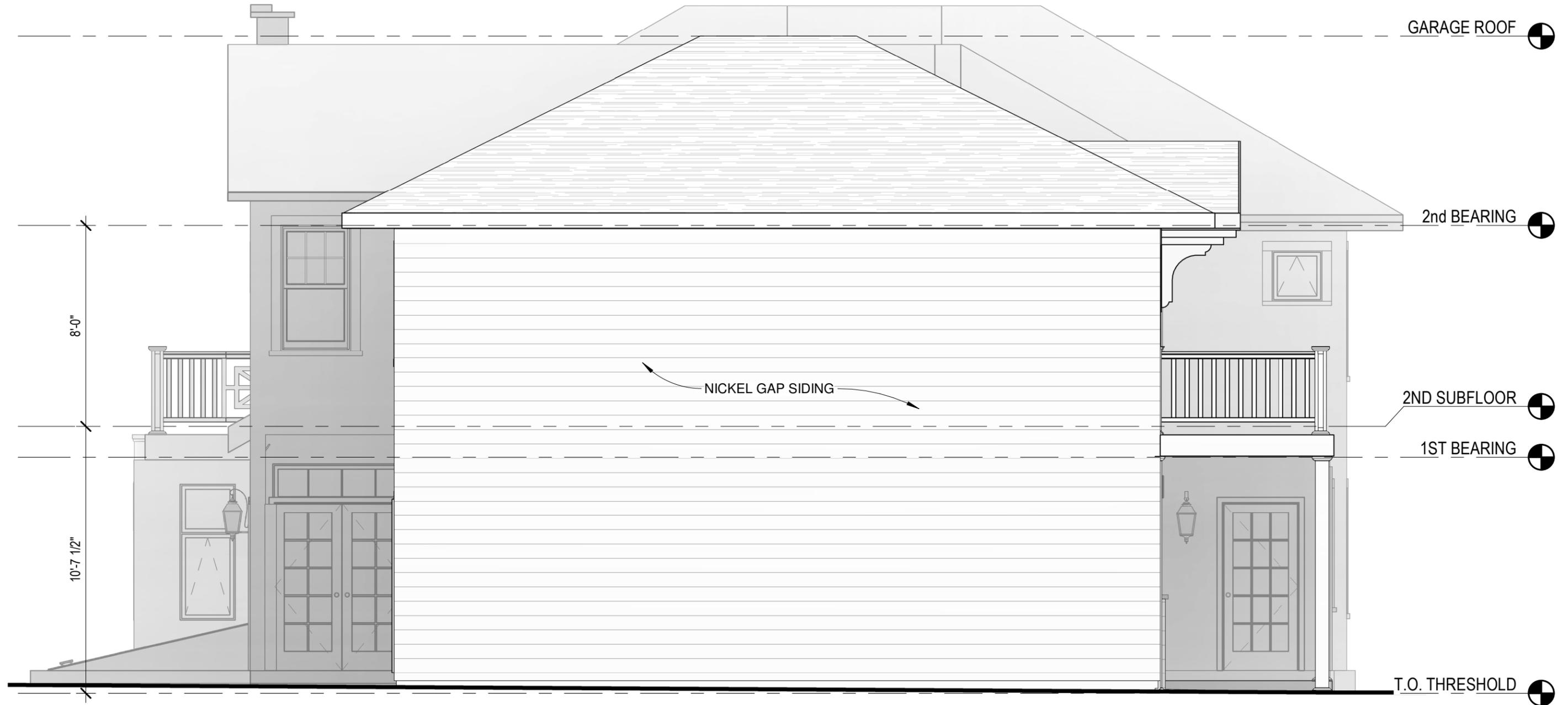
SCALE: 1/4" = 1'-0"

SOUTH ELEVATION



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

EAST ELEVATION



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

EXTERIOR VIEW 1



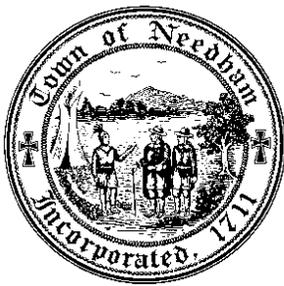
EXTERIOR VIEW 2



EXTERIOR VIEW 3



THANK YOU!



PLANNING & COMMUNITY DEVELOPMENT  
PLANNING DIVISION

October 5, 2022

Mr. Jon Schneider, Chairman and Members  
Zoning Board of Appeals  
Public Services Administration Building  
500 Dedham Avenue  
Needham, MA 02492

Dear Mr. Schneider and Members of the Zoning Board of Appeals:

At its meeting of October 3, 2022, the Planning Board reviewed the applications to be heard by the Board of Appeals on October 20, 2022, and made the following recommendations:

- 1. 164 Broad Meadow Road**– Arthur and Valentina Elzon, owners, applied to the Board of Appeals for a Special Permit under Sections 6.1.2, and any other applicable Sections of the By-Law to allow one additional garage space on the lot. This request is associated with the demolition and reconstruction of a new single-family house with an attached three car garage. The property is located at 164 Broad Meadow Road, Needham, MA in the Single Residence B (SR-B) District.

The Planning Board makes NO COMMENT.

- 2. 84 Fair Oaks Park**– Roger N. Squire III and Quinby Y. Squire, owners, applied to the Board of Appeals for a Special Permit under Sections 1.4.3, 3.15; 4.2.1, and any other applicable Sections of the By-Law to demolish an existing garage and construction of a new two-story detached garage with an ADU on the second floor. An open breezeway connecting the principal unit and ADU shall also be constructed. The property is located at 84 Fair Oaks Park, Needham, MA in the Single Residence B (SR-B) District.

The Planning Board comments that this ADU is not compliant with the By-Law because it is not contained within the primary residential structure and is in fact located in a second detached structure above the garage. The Board does not find that the breezeway connection between the primary residential dwelling unit and the detached garage/accessory dwelling unit to be sufficient to meet the By-Law requirement and underlying intent as relates the provision for accessory dwelling units to be placed in the primary residential structure. Accordingly, the Board recommends that the application be denied.

- 3. 150 Gould Street** –Gordon's Fine Wines of Needham, Inc, applicant, applied to the Board of Appeals seeking relief for the following: a) Special Permit Amendment under Sections 3.2.1 for a retail establishment serving the general public and containing 5,750 or more gross square feet of floor area; b) Special Permit pursuant to Section 3.2.1 for a lawful purpose or special use not enumerated elsewhere in the Zoning By-Law; c) Special Permit pursuant to Section 3.2.1 for more than one non-residential use on a lot; d) Special Permit pursuant to 5.1.1.5, 5.1.2, 5.1.3 for waivers of strict adherence with parking and parking plan and design requirements; and any other

Mr. Jon Schneider, Chairman  
Board of Appeals  
Page 2

applicable Sections of the By-Law. This application is in connection with the applicant's planned use of one-half of the building for its logistics and retail distribution and planning facility.

The Planning Board recommends that prior to acting on this permit the Board of Appeals confirm with the Select Board that any relevant liquor license rules and regulations have been met.

NEEDHAM PLANNING BOARD

*Lee Newman*

Lee Newman  
Director of Planning and Community Development



Town of Needham  
Building Department  
500 Dedham Ave.  
Needham, MA 02492

Tel. 781-455-7550 x 308

October 11, 2022

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

Re: Application review for the October Hearing

Dear Board Members,

**164 Broad Meadow Road**

The applicant is seeking a Special Permit to construct an additional third garage space in an SRB District, this is part of a new construction proposed for the location. I have no objection to the Special Permit.

**84 Fair Oaks Park**

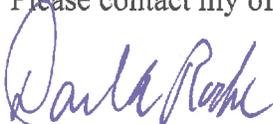
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**150 Gould Street**

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Please contact my office with any questions.



David A Roche  
Building Commissioner  
Town of Needham

## Daphne Collins

---

**From:** Tara Gurge  
**Sent:** Tuesday, October 11, 2022 12:31 PM  
**To:** Daphne Collins  
**Subject:** RE: ZBA Administrative Review - 84 Fair Oaks Park - Due October 11, 2022

Daphne –

The Public Health Division conducted our Zoning Board review for the property located at **#84 Fair Oaks Park**. See below:

- Prior to demolition, the owner must apply for this Demolition review online, via our online permit application system. See direct link to this permit review application - <https://needham.viewpointcloud.com/categories/1073/record-types/1006508>. This form will need to be completed along with the submittal of the required supplemental report documents for our review and approval (as noted on the form.) **PLEASE NOTE:** Pest control reports, along with the asbestos sampling reports, etc., must be uploaded to our online system for review, prior to the issuance of a Demolition permit by the Building Department.
- On-going pest control must be conducted during demolition of all structures AND on-going pest control must be conducted throughout construction.

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

Thanks,



**TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)**  
**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](mailto:tgurge@needhamma.gov)  
Web- [www.needhamma.gov/health](http://www.needhamma.gov/health)



Prevent. Promote. Protect.  please consider the environment before printing this email

#### STATEMENT OF CONFIDENTIALITY

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## Daphne Collins

---

**From:** John Schlittler  
**Sent:** Tuesday, October 11, 2022 11:04 AM  
**To:** Daphne Collins  
**Subject:** RE: ZBA Administrative Review - 84 Fair Oaks Park - Due October 11, 2022

Police has no issues with this.

**From:** Daphne Collins <dcollins@needhamma.gov>  
**Sent:** Tuesday, October 11, 2022 10:22 AM  
**To:** David Roche <droche@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>  
**Subject:** FW: ZBA Administrative Review - 84 Fair Oaks Park - Due October 11, 2022

Hi Folks-  
ZBA Reviews due today.  
Thanks,  
Daphne

### Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

Web <https://www.needhamma.gov/>

<https://needhamma.gov/1101/Board-of-Appeals>

[www.needhamma.gov/NeedhamYouTube](http://www.needhamma.gov/NeedhamYouTube)

Town of Needham  
Planning and Community Development  
500 Dedham Avenue  
Needham, MA 02492

Regular Office Hours: Mon-Wed 8:00am – 5:00pm

Remote Hours: Thurs 8:00am-5:00pm

**From:** Daphne Collins  
**Sent:** Wednesday, September 28, 2022 1:26 PM  
**To:** David Roche <[droche@needhamma.gov](mailto:droche@needhamma.gov)>; Thomas Ryder <[tryder@needhamma.gov](mailto:tryder@needhamma.gov)>; Tara Gurge <[TGurge@needhamma.gov](mailto:TGurge@needhamma.gov)>; Tom Conroy <[TConroy@needhamma.gov](mailto:TConroy@needhamma.gov)>; John Schlittler <[JSchlittler@needhamma.gov](mailto:JSchlittler@needhamma.gov)>  
**Subject:** ZBA Administrative Review - 84 Fair Oaks Park - Due October 11, 2022

Good Afternoon –

**84 Fair Oaks Park** – Roger N. Squire III and Quinby Y. Squire, owners, are seeking a Special Permit to allow the construction of an Accessory Dwelling Unit.

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

I appreciate your comments no later than **October 11, 2022** to allow time for the applicant to respond prior to the hearing.



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

October 11, 2022

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

RE: Gordon's Fine Wines of Needham Inc.  
150 Gould Street- Special Permit

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced Special Permit to allow relief with Gordon's planned use of one -half of the building for planned logistics and retail distribution.

The documents submitted for review are as follows:

- Application for Special Permit dated 9/22/22;
- Letter to ZBA from George Giunta Jr., Esq. dated 9/22/22;
- Letter to ZBA from RENCO Investment Associates dated 9/22/22
- Letter to ZBA from Baker's Best, Michael Baker dated June 22, 2022
- Architectural Plan Set Prepared by Conise Design dated 05/02/22
- No. 150 Gould Street Interior Layout Plan prepared by The Jillson Company dated July 5<sup>th</sup> 2019

Our comments and recommendations are as follows:

- We have no comment or object to the change in use of Special Permit

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

Truly yours,

Thomas A Ryder  
Town Engineer

tryder

GEORGE GIUNTA, JR.  
ATTORNEY AT LAW\*  
281 CHESTNUT STREET  
NEEDHAM, MASSACHUSETTS 02492  
\*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

September 22, 2022

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Gordon's Fine Wines of Needham, Inc.  
150 Gould Street  
Logistics and Retail Distribution and Planning Facility

Dear Ms. Collins,

Please be advised this office represents Gordon's Fine Wines of Needham, Inc. (hereinafter "Gordon's") with respect to the property known and numbered 150 Gould Street, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of authorization letter from Renco Investment Associates Limited Partnership, current owner of the Premises;
3. Seven copies of authorization letter from Bakers' Best, Inc.;
4. Seven copies of plans, consisting of floor plans and site plan;
5. Check in the amount of \$500 for the applicable filing fee.

The Premises is situated in an Industrial-1 (Ind-1) Zoning District and is occupied by an existing commercial structure. From 2006 through 2019, Bakers' Best, Inc. (hereinafter, "Bakers") used and occupied approximately one-half of the existing building and a portion of the exterior area at the Premises for commercial catering and commissary purposes. Then, by Decision dated July 11, 2019, filed with the Town Clerk on August 19, 2019 (the "2019 Decision"), the Board of Appeals authorized the expansion of such use into the entire building.

However, Bakers' business was dramatically and substantially reduced due to the Covid-19 pandemic, and the additional space approved pursuant to the 2019 Decision was no longer required. As a result, some time ago, Bakers' entered into an agreement with Gordon's pursuant to which Gordon's would use and occupy the half of the building that was the subject of the 2019 Decision and Bakers' would remain in the half of the building it had occupied since 2006. Initially, the parties contemplated that Gordon's would sub-lease from Bakers'. However, over the intervening months, things changed and evolved, and now Gordon's is in the process of acquiring not only the entire property, but also the Bakers' business.

The Board has already approved transfer of the Bakers' special permits to Gordon's and no zoning relief is required or necessitated by the transfer of the property. However, additional zoning relief is required in connection with Gordon's planned use of one-half of the building for its planned logistics and retail distribution and planning facility. That is the purpose of the application submitted herewith.

The logistics and retail distribution and planning facility will have two main functions. First, remote orders will be packaged and delivered. In connection therewith, two large warehouse areas (shown as storage A and storage B on the plans submitted herewith) for storage of product are proposed. Second, consultation and planning services will be provided with respect to beverage selection for events and activities. In connection therewith, a few offices are proposed, as well as a small retail area. The retail area will allow clients to purchase samples of the suggested or recommended beverages. While technically open to the general public, the small retail area will not function as a regular store; it is only intended to support the consultation and planning activities.

Kindly schedule this matter for the next hearing of the Board of Appeals. I will submit additional information prior to the hearing. In the meantime, if you have any comments, questions or concerns, or if you require any further information, please contact me so that I may be of assistance.

Sincerely,

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

George Giunta, Jr.



# ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

## Applicant Information

Applicant Name	Gordon's Fine Wines of Needham, Inc.			Date:	9/22/22
Applicant Address	894 Main Street, Waltham, MA 02453				
Phone	617-642-1728	email	dgordon@gordonswine.com		
Applicant is <input type="checkbox"/> Owner; <input type="checkbox"/> Tenant; <input checked="" type="checkbox"/> Purchaser; <input type="checkbox"/> Other					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	George Giunta, Jr., Esq.				
Address	281 Chestnut Street, Needham, MA 02492				
Phone	617-840-3570	email	george.giuntajr@needhamlaw.net		
Representative is <input checked="" type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input type="checkbox"/> Architect; <input type="checkbox"/> Other _____					
Contact <input checked="" type="checkbox"/> Me and <input checked="" type="checkbox"/> Representative in connection with this application.					

## Subject Property Information

Property Address	150 Gould Street, Needham, MA 02494		
Map/Parcel Number	Map 79 / Parcel 10	Zone of Property	Industrial-1 (Ind-1)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is property <input type="checkbox"/> Residential or <input checked="" type="checkbox"/> Commercial			
If residential renovation, will renovation constitute "new construction"? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A			
If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Do the spaces meet design requirements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Application Type ( <i>select one</i> ): <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Variance <input type="checkbox"/> Comprehensive Permit <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision			



# ZBA Application For Hearing

**Existing Conditions:**

Lawful, pre-existing, commercial building, which is non-conforming as to side-yard setbacks, used for commercial catering and commissary purposes pursuant to special permits and associated zoning relief previously issued by the Board of Appeals.

**Statement of Relief Sought:**

- a. Special Permit pursuant to Section 3.2.1 for a retail establishment serving the general public and containing 5750 or more gross square feet of floor area;
- b. Special Permit pursuant to Section 3.2.1 for a lawful purpose or special use not enumerated elsewhere in the Zoning By-Law;
- c. Special Permit pursuant to Section 3.2.1 for more than one non-residential use on a lot;
- d. Special Permit pursuant to Section 5.1.1.5, waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements); and
- e. any and all other relief as may be necessary for the use of approximately one-half of the Premises for an alcohol related Logistics and Retail Distribution and Planning Facility.

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

3.2.1, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Section or By-Law

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

	Existing Conditions	Proposed Conditions
<b>Use</b>		
<b># Dwelling Units</b>		
<b>Lot Area (square feet)</b>		
<b>Front Setback (feet)</b>		



# ZBA Application For Hearing

<b>Rear Setback (feet)</b>		
<b>Left Setback (feet)</b>		
<b>Right Setback (feet)</b>		
<b>Frontage (feet)</b>		
<b>Lot Coverage (%)</b>		
<b>FAR (Floor area divided by the lot area)</b>		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		
<b>Date Structure Constructed including additions:</b>	<b>Date Lot was created:</b>	

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

Feel free to attach any additional information relative to the application. Additional information may be requested by the Board at any time during the application or hearing process.





## ZBA Application For Hearing

I hereby request a hearing before the Needham Zoning Board of Appeals. I have reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector.

Date: September 19, 2022 Applicant Signature

A handwritten signature in black ink, appearing to read "G. Giunta, Jr.", written over a horizontal line.

Gordon's Fine Wines of Needham, Inc.

By its attorney, George Giunta, Jr., Esq.

*An application must be submitted to the Town Clerk's Office at [townclerk@needhamma.gov](mailto:townclerk@needhamma.gov) and the ZBA Office at [dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)*

**EXHIBIT A**

**ZONING RELIEF APPLICATION AUTHORIZATION LETTER**

September 21, 2022

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Gordon's Fine Wines of Needham, Inc.  
Logistics / Retail Distribution and Planning Facility  
150 Gould Street  
Application for Zoning Relief

Dear Mrs. Collins:

Please accept this letter as confirmation that Renco Investment Associates Limited Partnership, current owner of the property known and numbered 150 Gould Street, Needham, MA, has authorized Gordon's Fine Wines of Needham, Inc., prospective purchaser, through their attorney George Giunta, Jr., Esquire, to make application to the Zoning Board of Appeals for the following special permits and other zoning relief:

- a. Special Permit pursuant to Section 3.2.1 for a retail establishment serving the general public and containing 5750 or more gross square feet of floor area;
- b. Special Permit pursuant to Section 3.2.1 for a lawful purpose or special use not enumerated elsewhere in the Zoning By-Law;
- c. Special Permit pursuant to Section 3.2.1 for more than one non-residential use on a lot;
- d. Special Permit pursuant to Section 5.1.1.5, waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements); and
- e. any and all other relief as may be necessary for the use of approximately one-half of the Premises for an alcohol related Logistics and Retail Distribution and Planning Facility.

Sincerely,

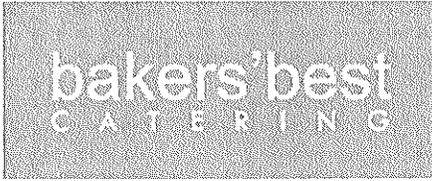
**RENCO INVESTMENT ASSOCIATES  
LIMITED PARTNERSHIP, a Massachusetts  
limited partnership**

**By: RENCO MANAGEMENT, INC., its General  
Partner**

By: 

Name: WALTER INGOFF

Title: PRESIDENT



www.bakersbestcatering.com

150 Gould Street, Needham, MA 02494

617.332.4588 main

June 22, 2022

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Gordon's Fine Wines of Needham, Inc.  
Logistics / Retail Distribution and Planning Facility  
150 Gould Street  
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that Bakers' Best, Inc., tenant of the property known and numbered 150 Gould Street, Needham, MA, has authorized Gordon's Fine Wines of Needham, Inc., prospective purchaser, through their attorney George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with both (a) the transfer of all current special permits and zoning relief issued relative to Bakers' Best, and (b) the renovation and reuse of a portion of the said property as a Logistics / Retail Distribution and Planning Facility. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Baker", written in a cursive style.

Bakers' Best, Inc.  
By Michael Baker

RENOVATIONS TO:

# GORDONS LIQUORS

150 GOULD STREET

NEEDHAM MA

 **CONCISE DESIGN GROUP**  
7 KENT STREET, BROOKLINE, MA 02445  
TELEPHONE: 617-285-0872

DRAWINGS

ARCHITECTURAL

- A00 COVER SHEET
- A01 CODED ABBREVIATION
- A11 DEMO + EXISTING PLAN
- A12 PROPOSED PLAN



PERMIT SET  
05.02.2022

A0.0

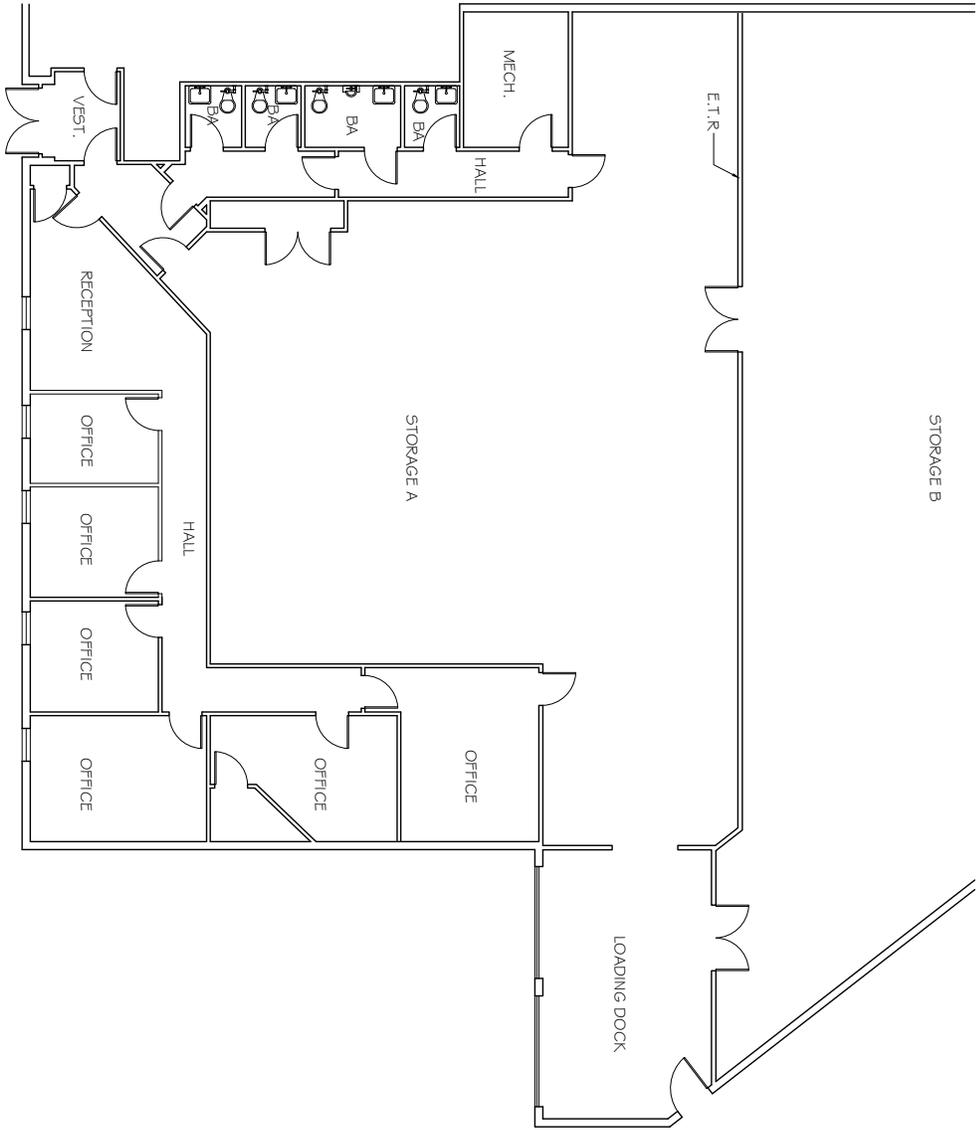
COVER

150 GOULD STREET  
NEEDHAM, MA

SCALE: 3/16"=1'-0"
DATE: 01.30.13
REVISIONS

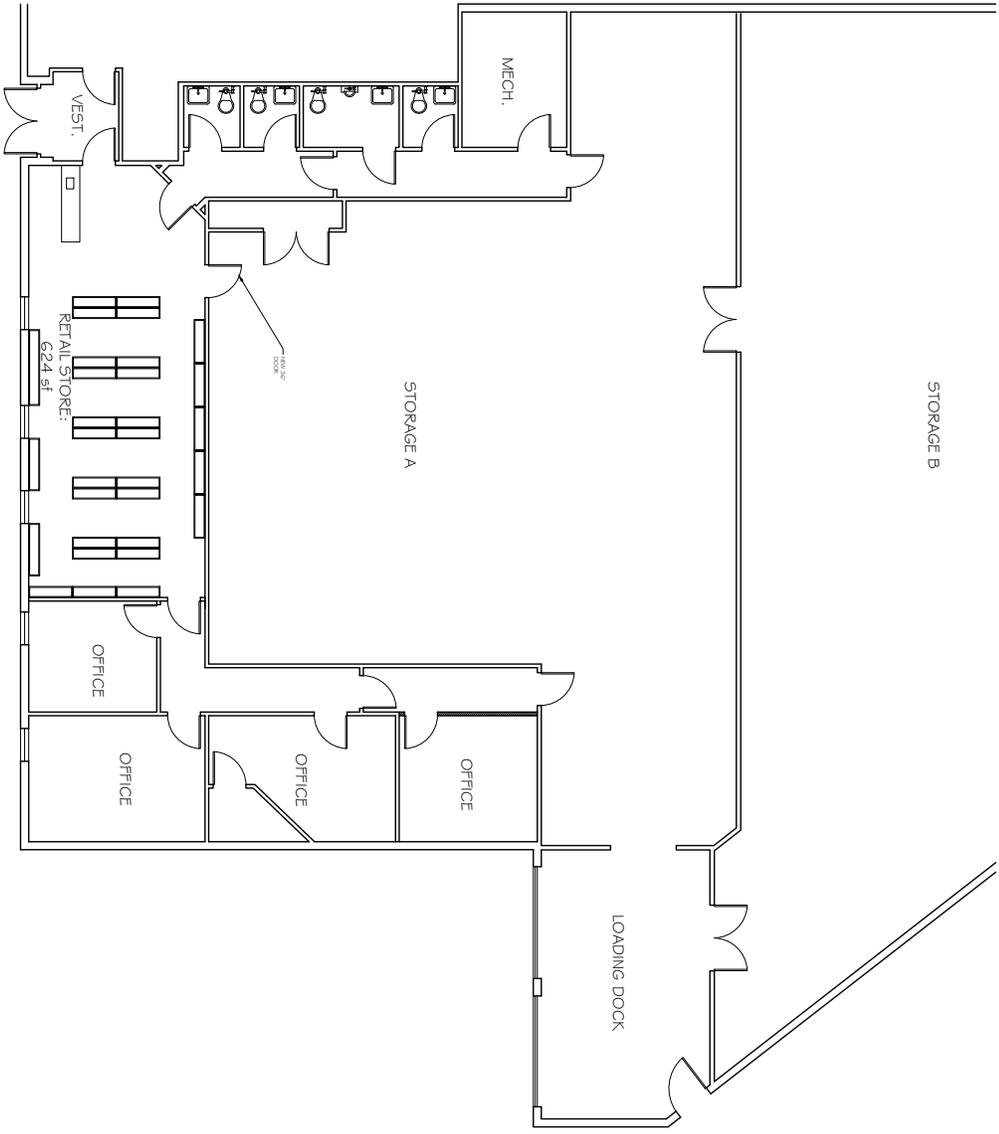
 **CONCISE DESIGN**  
7 KENT STREET  
BROOKLINE, MA 02445  
TELEPHONE: 617-285-0872





1 EXISTING PLAN  
 Scale: 3/16" = 1'-0"





**1** PROPOSED PLAN  
 Scale: 3/16" = 1'-0"



SCALE: 3/16"=1'-0"
DATE: 01.30.13
REVISED

**NOTES**

1. THE PLAN SHALL BE USED TO EXISTING CONDITIONS.
2. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
3. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ROAD.
4. THE PLAN REFERS TO THE TOWN OF NEEDHAM HEIGHTS, MASS. LOT 10.
5. ZONING CLASSIFICATION: INDUSTRIAL.
6. ALL ELEVATIONS SHOWN HEREON REFER TO N.A.S.D. OF 1988.
7. SURVEY WORK PROVIDED BY THE TOWN ENGINEER IS SHOWN IN RED.
8. FOR ADDITIONAL INFORMATION REGARDING THE DRAINAGE FACILITY DESIGN, PLEASE REFER TO THE PLAN PREPARED BY M.H. CAMERON & ASSOCIATES, INC.
9. ANY LEGS OR ENCROACHMENTS ON ADJACENT PROPERTIES ARE SHOWN ON INFORMATION PROVIDED BY THE TOWN AND FIELD NOTES, AND SHALL BE CONSIDERED APPROXIMATE. THEREFORE, THE TOTAL AREA OF THE UNDERGROUND UTILITIES IS UNKNOWN.

**LOT AREA**  
40,344.57

**LOT COVERAGE**  
EXISTING = 51.1%

**LEGEND**

- EXISTING 1" CONTOUR
- EXISTING SPOT SHOT
- EXISTING LIGHT POST
- EXISTING UNDERGROUND ELECTRIC
- EXISTING UNDERGROUND CATCHBASIN
- EXISTING DRAINAGE CATCHBASIN
- EXISTING DRAINAGE MANHOLE
- EXISTING 6" DRAINAGE PIPE
- EXISTING 12" DRAINAGE PIPE (SEE NOTE #8)
- EXISTING 8.5' HIGH WOOD FENCE
- EXISTING 2.5' HIGH WOOD CURB/RAIL
- EXISTING EDGE OF PAVEMENT
- PROPOSED 12" DRAINAGE PIPE
- PROPOSED 6" DRAINAGE PIPE
- PROPOSED DRAINAGE MANHOLE
- PROPOSED DRAINAGE CATCHBASIN
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED UNDERGROUND CATCHBASIN
- PROPOSED DRAINAGE CATCHBASIN
- PROPOSED DRAINAGE MANHOLE
- PROPOSED 6" DRAINAGE PIPE
- PROPOSED 12" DRAINAGE PIPE
- PROPOSED 8.5' HIGH WOOD FENCE
- PROPOSED 2.5' HIGH WOOD CURB/RAIL
- PROPOSED EDGE OF PAVEMENT

**"No. 150 GOULD STREET"**  
**INTERIOR LAYOUT PLAN**

LAND IN  
**NEEDHAM, MASS.**

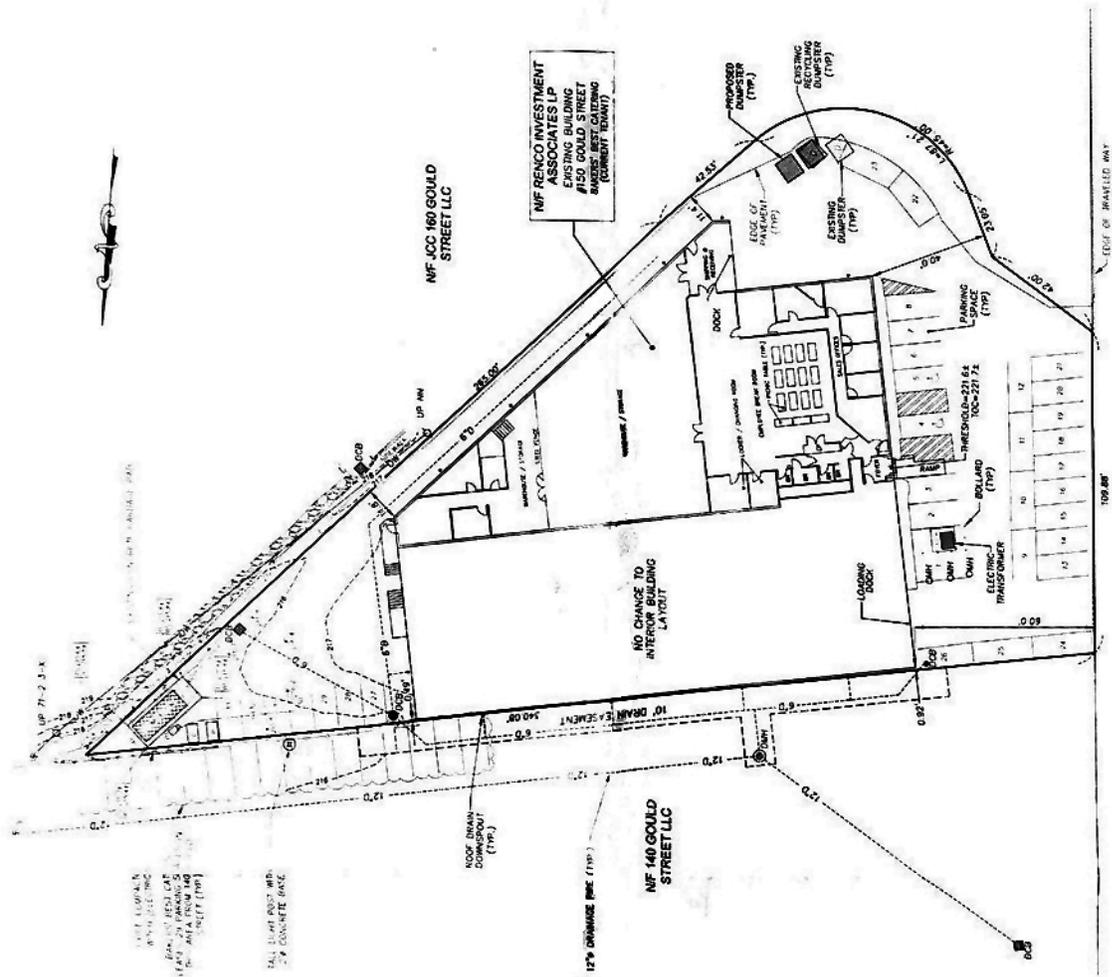
PREPARED FOR: RENCO INVESTMENT ASSOCIATES LP  
c/o RENCO MANAGEMENT INC.  
5 TURNER STREET  
WALTHAM, MA 02454-0867

DATE: 08 JULY 2019

SCALE: 1" = 20'

PREPARED BY: THE HILLSON COMPANY, INC.  
P.O. BOX 2135  
NEEDHAM, MA 02463  
TEL: 617-552-1100  
WWW.HILLSONCOMPANY.COM

**JOB #1140**



**GOULD STREET**



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

October 11, 2022

MEMORANDUM IN SUPPORT OF  
APPLICATION FOR SPECIAL PERMITS  
Gordon's Fine Wines of Needham, Inc.  
150 Gould Street, Needham, MA

The applicant, Gordon's Fine Wines of Needham, Inc. (hereinafter, interchangeably, the "Applicant" and "Gordon's"), seeks a Special Permit pursuant to Section 3.2.1 for a retail establishment serving the general public and containing 5,750 or more gross square feet of floor area, a Special Permit pursuant to Section 3.2.1 for a lawful purpose or special use not enumerated elsewhere in the Zoning By-Law, a Special Permit pursuant to Section 3.2.1 for more than one non-residential use on a lot, a Special Permit pursuant to Section 5.1.1.5, waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements), and any and all other relief as may be necessary for the use of approximately one-half of the property known and numbered 150 Gould Street (hereinafter the "Premises") for an alcohol related Logistics and Retail Distribution and Planning Facility.

BACKGROUND

The Premises is situated in the Industrial-1 Zoning District. It is identified as Parcel 10 on Town of Needham Assessor's Map No. 79 and is occupied by an existing building and associated off-street parking. The building is one story in height and consists of approximately 20,450 square feet of area in total, divided into two tenant spaces of approximately equal size, with a small common entry vestibule area.

By Decision dated March 23, 2006, filed with the Town Clerk on April 14, 2006, as modified and amended<sup>1</sup> (the "Bakers' Best Decision"), the Board of Appeals authorized Bakers' Best, Inc. (hereinafter "Bakers") to use and occupy one-half of the Premises, consisting of approximately 10,000 square feet of space, for commercial catering and commissary purposes, as a use not enumerated elsewhere in the Zoning By-Law; and waived strict adherence with the off-street parking requirements. At that time, the building was divided into two tenant spaces of

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<sup>1</sup> See Amendment dated August 17, 2006 relative to substitution of plans concerning interior layout; Amendment dated October 19, 2006, relative to placement of new electrical transformer and change to parking layout; Amendment dated December 21, 2006, relative to installation of landing and steps; and Amendment dated February 26, 2007, relative to change in location of electrical transformer.

approximately 10,000 square feet each. The remaining half of the building was used by United Refrigeration for a combination retail and wholesale operation for the sale and distribution of refrigeration, air conditioning and heating parts and equipment and related items.<sup>2</sup>

From 2006 through 2019, Bakers operation was successful and grew appreciably. And in 2019, when United Refrigeration vacated its portion of the building, Bakers sought and received zoning relief to expand into that space, taking over the entire building.<sup>3</sup> Unfortunately, not long thereafter, the Covid-19 pandemic occurred, causing Bakers' business to decline considerably. As a result, the former United Refrigeration space was no longer necessary and Bakers was forced to add an accessory take-out business, first on a temporary basis pursuant to permission from the Select Board, and then on a longer-term basis pursuant to zoning relief from the Board of Appeals.<sup>4</sup>

Sometime thereafter, Gordon's approached Bakers concerning use of the former United Refrigeration space for an alcohol related Logistics and Retail Distribution and Planning Facility. With the space no longer of use to Bakers, the two parties were able to come to an understanding pursuant to which Gordon's would sublease the space from Bakers'. As a result, Gordon's made application to the Select Board for the necessary liquor license. That license was approved by the Board in May, 2021 and was subsequently approved by the ABCC and issued. However, thereafter, the arrangement relative to the Premises evolved, and Gordon's entered into separate agreements for the purchase of the Premises, on the one hand, and for the Bakers business on the other.<sup>5</sup>

The purchase of the Premises was recently consummated, and by deed filed with the Norfolk County Registry District of the Land Court as Document No. 1510948 on September 30, 2022, the Premises is now owned by G4 150 Gould Street, LLC, a Massachusetts limited liability company owned and controlled by the Gordon family, being the same real party in interest that

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<sup>2</sup> See Decision dated March 4, 2003, filed with the Town Clerk on March 25, 2003 issued to United Refrigeration, Inc. relative to use (the "United Decision"), and Decision dated July 22, 2003, filed with the Town Clerk on August 19, 2003, issued to Renco Investment Associates, LLP (owner of the Premises), relative to parking waivers (the "Renco Decision").

<sup>3</sup> See Decision dated July 11, 2019, filed with the Town Clerk on August 19, 2019.

<sup>4</sup> See Decision dated September 17, 2020, filed with the Town Clerk on October 13, 2020.

<sup>5</sup> While no zoning relief was required relative to conveyance of the Premises, pursuant to the 2019 Bakers Decision, transfer of the Bakers special permits required approval of the Board, which was recently granted pursuant to Decision dated August 10, 2022, filed with the Town Clerk on August 31, 2022.

owns and controls Gordon's Fine Wines of Needham, Inc. The purchase of the Bakers business remains pending but is expected to be completed in the next 30-60 days.

## PROPOSED USE

Gordon's business began in 1934 when Milton Gordon opened his first package store in Waltham on Main Street. A second store in Waltham, on Moody Street, and one in Watertown were added in the 1940s and 1950s. In the 1970s, the business further expanded and began selling at wholesale. In the 1980s, the business made a commitment to "fine wine", publishing one of the first fine wine newsletters, "The Daily Flash". In 2000, the flagship store on Main Street moved across the street. Since then, the business has added a Newton location, and for a time, operated a location at Downtown Crossing in Boston.

From the fine wine newsletter mentioned above to the culinary center in the flagship Waltham location, to their constantly evolving selection, Gordon's has always been a forward-looking business. The proposed Logistics and Retail Distribution and Planning Facility is their newest venture. This facility will consist of three general, physical areas: offices, warehouse and retail / consultation space, as shown on the plans submitted with the Application. These areas will support two general activities: remote order and delivery on the one hand, and fine wine and event beverage consultation on the other.

The remote order and delivery operation is relatively straight-forward. Orders will be received remotely, whether via website ordering, facsimile or otherwise. They will then be shipped from the warehouse area direct to customer locations via four delivery vans. The vans will depart at approximately 9:30-10:00 AM, Monday through Saturday, to make deliveries and will be expected to return by approximately 3:00 PM each day. In general, deliveries will be scheduled to avoid multiple trips, and each van will be expected to be out for the duration of the day.

Unlike the order and delivery part of the business, which will be handled remotely, the fine wine and event beverage part of the business will be built on interpersonal interactions. Gordon's staff will educate and provide guidance and suggestions relative to wine and beverage selection for events, meals and more, to both individuals and businesses. Some of these consultations may take place remotely, over the phone, via video conference or otherwise, but

some will take place in person at the Premises. All in person consultations will be by appointment only, starting around 3 PM, with the majority expected to occur between 4 and 6 PM, Monday through Saturday. As a part of the consultation business, a small tasting and retail area, consisting of approximately 624 square feet of space is proposed, where clients will be able to sample selections and buy small quantities to evaluate at home or elsewhere. This space is not intended to be and will not be operated as a regular retail alcohol business. Rather, it will only provide retail sales as an accessory to the consultation side of the business.

While the actual retail area will consist of only 624 square feet, the size of the entire space is larger than 5,750 square feet and some consultation selections may be pulled from the warehouse area. Moreover, the remote order and distribution portion of the business is, effectively, a retail business. Therefore, a special permit for retail sales in a space greater than 5,750 square feet is required. Furthermore, while the uses are all retail in nature, they are not necessarily consistent with traditional, brick and mortar retailing. Therefore, to the extent required, a special permit for a use not otherwise enumerated in the By-Law has been requested. Finally, because the Logistics and Retail Distribution and Planning Facility will only occupy approximately one-half of the building, and the other half will continue to be occupied and used by Bakers, a special permit for more than one non-residential use is required.

## PARKING

There are currently a total of 33 parking spaces at the Premises, divided between a front parking area containing 26 parking spaces, and a rear parking area containing 7 spaces. In addition, Bakers previously arranged for the lease of 29 parking spaces at the adjacent property known and numbered 140 Gould Street, and such arrangement currently remain in place. As a result, the total number of parking spaces available on site is 33 with an additional 29 spaces available to Bakers, off-site.

Pursuant to the calculation required by the By-Law, the new alcohol related Logistics and Retail Distribution and Planning Facility requires a total of 19 parking spaces as follows:

7,500 square feet warehouse @ 1 space / 850 square feet = 8.82 = 9 spaces rounded up

2,950 retail, storage, and offices @ 1 space / 300 square feet = 9.83 spaces = 10 spaces, rounded up.

Total: 9 + 10 = 19 total spaces

However, actual demand is expected to be less. The maximum number of employees on site at any given time will not exceed 6. As a result, between the hours of 9 AM and 3 PM, the maximum number of employees on site at any one time will be 10, being 6 staff plus 4 van drivers. However, such maximum will only be for very short periods of time, as once the vans leave, there will be no more than 6 staff on site. Then, after 3 PM, when the consultation appointments will be scheduled, the number of employees will remain the same, and the average number of customers is expected to be between 4 and 6. As a result, after 3 PM, the maximum number of staff and customers on site is expected to range between 10 and 12, but often less.

Bakers parking demand can be calculated a number of different ways, and, in 2019, it was calculated to range from 42 to 46 to 71 spaces, depending on methodology.<sup>6</sup> Following this multi-modal approach, and taking into account the reduction in staff at Bakers due to the impact of the Covid-19 pandemic<sup>7</sup>, its current parking demand ranges from 28 to 33 to 38 spaces as follows:

**Method 1:**

Office - 1,420 square feet @ 1/300 = 4.73 = 5, rounded up;  
Storage / Warehouse – 3,262 square feet @ 1/850 = 3.84 = 4, rounded up;  
Assembly – 5,318 square feet @ 1/400 = 13.29 = 14, rounded up;  
One Take-out Station @ 10 spaces;  
Total: 5 + 4 + 14 + 10 = 33 total spaces required

**Method 2:**

Office - 1,420 square feet @ 1/300 = 4.73 = 5, rounded up;  
Storage / Warehouse – 3,262 square feet @ 1/850 = 3.84 = 4, rounded up;  
Assembly - 1 space per every 2 employees based on average number of employees:  $18 \div 2 = 9$ ;  
1 Take-out Station @ 10 spaces;  
Total: 5 + 4 + 9 + 10 = 28 total spaces required

**Method 3:**

Office - 1,420 square feet @ 1/300 = 4.73 = 5, rounded up;  
Storage / Warehouse – 3,262 square feet @ 1/850 = 3.84 = 4, rounded up;  
Assembly - 1 space per every 2 employees on largest maximum shift on busiest day of the week:  $37 \div 2 = 18.5 = 19$ , rounded up;  
1 Take-out Station @ 10 spaces;  
Total: 5 + 4 + 19 + 10 = 38 total spaces required

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<sup>6</sup> In the Renco Decision in 2003, the Board previously found that the parking demand for the Premises, was 69 parking spaces, based on both the prior, historical use of the Premises as well as the possible anticipated future use for office purposes, and granted parking waivers for such demand.

<sup>7</sup> When Bakers first began its operation, the average number of employees on site at any given time was 22. But as of 2019, with the growth of the business, that number had increased to 35. Due to the impact of the pandemic, it is currently around 18, with a maximum number of employees at any one time of around 37.

Adding the parking demand for Gordon's and Bakers together results in a total overall parking demand ranging between 47 at the lowest end and 57 at the highest, depending on methodology. While this is a substantial reduction in overall parking demand at the Premises at even the high end (down 14 from the 71 spaces required in 2019 when Bakers was at peak operation), it still exceeds the number of spaces on site. Therefore, a parking waiver is required and has been requested.

## LAW

Massachusetts General Laws, Chapter 40A, Section 9 states as follows: "Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use."

Pursuant to Section 3.2 of the By-Law, the request for special permits for (a) a retail establishment serving the general public and containing 5750 or more gross square feet of floor area; (b) a lawful purpose or special use not enumerated elsewhere in the Zoning By-Law; and (c) more than one non-residential use on a lot; are all to be evaluated pursuant to the standards of Section 7.5.2 of the By-law. That Section requires that the use related aspects:

- (a) comply with such criteria or standards as may be set forth in the section of the By-Law which refers to the granting of the requested special permit;
- (b) are consistent with: 1) the general purposes of the By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Law, such as, but not limited to, those at the beginning of the various sections; and
- (c) are designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area

Section 5.1.1.5 authorizes and empowers the Board to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 where a particular use, structure or lot, owing to special circumstances, does not warrant the application of the parking requirements of Section 5.1.2 or the design requirements contained in Section 5.1.3. In addition, pursuant to Section 5.1.1.5 the Board is directed to consider whether the issuance of the special permit would be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and is further consistent with the intent of the Zoning By-Law.

## ARGUMENT / ANALYSIS

### I. USE

The proposed use of approximately one-half of the Premises for an alcohol related Logistics and Retail Distribution and Planning Facility is consistent with both the general and specific purposes of the By-Law. Gordon's delivery service will make it easier and more convenient for residents of the Town to purchase beer, wine and liquor. It will also serve those that are not able to make a trip to a store. Furthermore, the consultation and planning service will serve individuals, businesses and entities in planning, arranging and executing top notch alcoholic beverage service in connection with weddings, parties, corporate events, dinners, celebrations and more. These valuable services will promote the welfare and interests of both the businesses and residents of the Town of Needham.

The Premises is located in a highly developed area, in the Industrial-1 zoning district where wholesale distribution and other, far more intense uses are allowed by right. While the proposed use serves retail customers, in execution it functions much more like a commercial or industrial activity than a retail activity. Therefore, it is compatible with the spirit and intent of the Zoning District as well as the characteristics of the surrounding area. Finally, because Gordon's is acquiring Bakers and because there is substantial overlap in the customer base and methods of operation, the two uses are expected to work very well together. Therefore, Gordon's asserts that its Logistics and Retail Distribution and Planning Facility complies with the applicable provisions of both Chapter 40A and the By-Law and should be allowed.

### II. PARKING

There are 33 parking spaces on site and the calculated high parking demand applicable to the Gordon's and Bakers uses combined is 57 spaces. As a result, a parking waiver of 24 spaces is required. However, in practice, the actual parking demand is anticipated to be less, for several reasons. First, the number of staff and customers on site at Gordon's at any given time is not expected to exceed 12 people (as opposed to the high of 19 pursuant to the calculation). Second, the parking calculation for Bakers includes 10 spaces for a take-out station. This is an arbitrary number imposed by the By-Law, and vastly overstates the number of spaces required for Bakers limited take-out operation, based on both actual and projected business. Third, a substantial

number of Bakers employees utilize public transportation, and Bakers has consistently maintained an active effort to promote carpools in addition to public transportation. In fact, based on their own internal monitoring and record keeping, at its absolute busiest peak in 2019, Bakers determined that it would require no more than 60 parking spaces to account for employee vehicles, 11 less than the peak demand calculated. Fourth, while Gordon's does not plan to make any significant changes to the overall Bakers business model, it does intend to enact a work from home policy for sales personnel to reduce the number of staff on site at any given time. Fifth, and last, the current special permit for Bakers requires that 29 parking spaces be maintained off-site. Gordon's has already acknowledged and agreed to such requirement going forward. As a result, there will be a total of 62 parking spaces available to serve the Gordon's and Bakers businesses; 5 more than the calculated high demand. Finally, it is worth noting that since 2006 when Bakers first opened, despite the high calculated parking demand, there have been no issues or problems related to parking. Given the nature of the two uses, none is anticipated moving forward.

Therefore, Gordon's asserts that, owing to the special circumstances applicable to its proposed use and to the Bakers operation, the application of the parking requirements of Section 5.1.2 are not warranted and a waiver is appropriate. Furthermore, issuance of such waiver will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and will be consistent with the intent of the Zoning By-Law.

Finally, because the parking area on site is fully developed and laid out, and no changes are proposed, a parking waiver from the applicable design requirements contained in Section 5.1.3 is also appropriate. If the parking area were forced to comply with current design requirements, a substantial portion of the spaces would be eliminated.

## CONCLUSION

Bakers has been using one-half of the existing building for commercial catering and commissary purposes for approximately 16 years without significant issue. While they had intended to use and occupy the entire building, due to the Covid-19 pandemic, that was no longer feasible. As a result, they entered into an arrangement whereby Gordon's would take over the other half of the building for a similar use; but delivering alcohol instead of prepared food. Because of the nature of the two uses, they are extremely compatible, and Gordon's recognized

the potential synergy. As a result, they will be acquiring Bakers in the very near future, having already acquired the Premises. Thereafter, the same family / real party in interest will control the operation of both halves of the building as well as the overall property. This will make it easier and far more likely that both businesses will be run smoothly, in a way that works with the limitations of the property.

Furthermore, both Bakers existing use and Gordon's proposed use are compatible with the underlying purpose of the Industrial-1 zoning district and are consistent with the characteristics of the surrounding area. Therefore, Gordon's asserts that its proposed use is permissible and should be allowed. Moreover, while a new parking waiver is required pursuant to the Zoning By-Law, the actual parking demand associated with the two uses is expected to be less than both the calculated demand and the previous demand, and is adequately addressed with both on-site and off-site parking. Moreover, both entities have been in business for many years; Bakers for over 35 years, including 16 years at the Premises, and Gordon's for approximately 88 years. Therefore, both have demonstrated the experience and ability to regulate any parking issues that might arise in the future. Therefore, Gordon's asserts that the relief it has requested is both proper and appropriate, and should be granted.

Respectfully submitted,  
Gordon's Fine Wines of Needham, Inc.  
by its attorney,



---

George Giunta, Jr., Esquire  
281 Chestnut Street  
Needham, Massachusetts 02492  
781-449-4520  
617-840-3570

## Daphne Collins

---

**From:** Tom Conroy  
**Sent:** Thursday, September 29, 2022 8:41 AM  
**To:** Daphne Collins  
**Subject:** RE: ZBA Administrative Review - 150 Gould Street - Due October 11, 2022

Hi Daphne,

Ok from fire dept,

Tom

**From:** Daphne Collins <dcollins@needhamma.gov>  
**Sent:** Wednesday, September 28, 2022 1:41 PM  
**To:** David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>  
**Cc:** Amy Haelsen <ahaelsen@needhamma.gov>  
**Subject:** ZBA Administrative Review - 150 Gould Street - Due October 11, 2022

Good Afternoon –

**150 Gould Street –Gordon’s Fine Wines of Needham, Inc**, purchaser, is seeking a Special Permit to locate in the vacant half of 150 Gould Street for it’s planned logistics and retail distribution and planning facility. There will be two large warehouse area for storage of product. Consultation and planning services will be provided for beverage selection for events and activities. A few offices are proposed and a small retail area. The retail area will allow clients to purchase samples. It will not function as a regular store but as support to consultation and planning activities.

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

I appreciate your comments no later than **October 11, 2022** to allow time for the applicant to respond prior to the hearing.

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

Thank you,  
Daphne

### Daphne M. Collins

Zoning Specialist

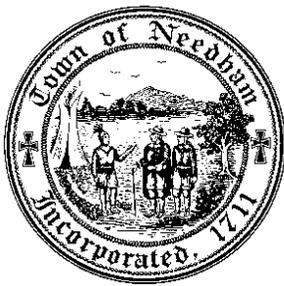
Phone 781-455-7550, x 261

Web <https://www.needhamma.gov/>

<https://needhamma.gov/1101/Board-of-Appeals>

[www.needhamma.gov/NeedhamYouTube](http://www.needhamma.gov/NeedhamYouTube)

Town of Needham  
Planning and Community Development  
500 Dedham Avenue  
Needham, MA 02492



PLANNING & COMMUNITY DEVELOPMENT  
PLANNING DIVISION

October 5, 2022

Mr. Jon Schneider, Chairman and Members  
Zoning Board of Appeals  
Public Services Administration Building  
500 Dedham Avenue  
Needham, MA 02492

Dear Mr. Schneider and Members of the Zoning Board of Appeals:

At its meeting of October 3, 2022, the Planning Board reviewed the applications to be heard by the Board of Appeals on October 20, 2022, and made the following recommendations:

- 1. 164 Broad Meadow Road**– Arthur and Valentina Elzon, owners, applied to the Board of Appeals for a Special Permit under Sections 6.1.2, and any other applicable Sections of the By-Law to allow one additional garage space on the lot. This request is associated with the demolition and reconstruction of a new single-family house with an attached three car garage. The property is located at 164 Broad Meadow Road, Needham, MA in the Single Residence B (SR-B) District.

The Planning Board makes NO COMMENT.

- 2. 84 Fair Oaks Park**– Roger N. Squire III and Quinby Y. Squire, owners, applied to the Board of Appeals for a Special Permit under Sections 1.4.3, 3.15; 4.2.1, and any other applicable Sections of the By-Law to demolish an existing garage and construction of a new two-story detached garage with an ADU on the second floor. An open breezeway connecting the principal unit and ADU shall also be constructed. The property is located at 84 Fair Oaks Park, Needham, MA in the Single Residence B (SR-B) District.

The Planning Board comments that this ADU is not compliant with the By-Law because it is not contained within the primary residential structure and is in fact located in a second detached structure above the garage. The Board does not find that the breezeway connection between the primary residential dwelling unit and the detached garage/accessory dwelling unit to be sufficient to meet the By-Law requirement and underlying intent as relates the provision for accessory dwelling units to be placed in the primary residential structure. Accordingly, the Board recommends that the application be denied.

- 3. 150 Gould Street** –Gordon's Fine Wines of Needham, Inc, applicant, applied to the Board of Appeals seeking relief for the following: a) Special Permit Amendment under Sections 3.2.1 for a retail establishment serving the general public and containing 5,750 or more gross square feet of floor area; b) Special Permit pursuant to Section 3.2.1 for a lawful purpose or special use not enumerated elsewhere in the Zoning By-Law; c) Special Permit pursuant to Section 3.2.1 for more than one non-residential use on a lot; d) Special Permit pursuant to 5.1.1.5, 5.1.2, 5.1.3 for waivers of strict adherence with parking and parking plan and design requirements; and any other

Mr. Jon Schneider, Chairman  
Board of Appeals  
Page 2

applicable Sections of the By-Law. This application is in connection with the applicant's planned use of one-half of the building for its logistics and retail distribution and planning facility.

The Planning Board recommends that prior to acting on this permit the Board of Appeals confirm with the Select Board that any relevant liquor license rules and regulations have been met.

NEEDHAM PLANNING BOARD

*Lee Newman*

Lee Newman  
Director of Planning and Community Development

## Daphne Collins

---

**From:** John Schlittler  
**Sent:** Thursday, September 29, 2022 9:32 AM  
**To:** Daphne Collins  
**Subject:** RE: ZBA Administrative Review - 150 Gould Street - Due October 11, 2022

The only concern the police would have would be regarding operations and impact on the neighbors. We have had issues in the past with noise early in the morning and later in the evening. I would be interested in understanding hours of operations.

Thanks,  
Chief Schlittler

**From:** Daphne Collins <dcollins@needhamma.gov>  
**Sent:** Wednesday, September 28, 2022 1:41 PM  
**To:** David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>  
**Cc:** Amy Haelsen <ahaelsen@needhamma.gov>  
**Subject:** ZBA Administrative Review - 150 Gould Street - Due October 11, 2022

Good Afternoon –

**150 Gould Street –Gordon’s Fine Wines of Needham, Inc**, purchaser, is seeking a Special Permit to locate in the vacant half of 150 Gould Street for it’s planned logistics and retail distribution and planning facility. There will be two large warehouse area for storage of product. Consultation and planning services will be provided for beverage selection for events and activities. A few offices are proposed and a small retail area. The retail area will allow clients to purchase samples. It will not function as a regular store but as support to consultation and planning activities.

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

I appreciate your comments no later than **October 11, 2022** to allow time for the applicant to respond prior to the hearing.

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

Thank you,  
Daphne

### Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

Web <https://www.needhamma.gov/>

<https://needhamma.gov/1101/Board-of-Appeals>

[www.needhamma.gov/NeedhamYouTube](http://www.needhamma.gov/NeedhamYouTube)

Town of Needham  
Planning and Community Development  
500 Dedham Avenue  
Needham, MA 02492



Town of Needham  
Building Department  
500 Dedham Ave.  
Needham, MA 02492

Tel. 781-455-7550 x 308

October 11, 2022

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

Re: Application review for the October Hearing

Dear Board Members,

**164 Broad Meadow Road**

The applicant is seeking a Special Permit to construct an additional third garage space in an SRB District, this is part of a new construction proposed for the location. I have no objection to the Special Permit.

**84 Fair Oaks Park**

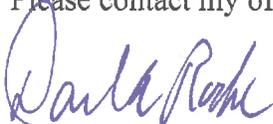
The applicant is seeking a Special Permit to construct an Accessory Dwelling Unit located above the attached garage. The plan is to remove an existing freestanding garage and construct a new attached two car garage with the apartment on the second floor. The garage will be attached with a breezeway/walkway connecting and providing egress for the apartment to the second floor of the existing structure. The second means of egress will be an interior stairway from the apartment to a rear door facing the back yard patio area. Reviewing the By-law language, it appears that this connection would meet the requirements of an attached structure and the Building Code. The By-law is silent on what exactly the connection must be between the two structures, therefore because the garage and connecting deck would require building permits, I believe it should be considered an addition to the existing home, and not an accessory structure.

**150 Gould Street**

The applicant Gordon's Fine Wines of Needham is seeking a Special Permit to occupy the vacant part of the building for a retail distribution and planning facility. The proposal includes a 624 Sq. Ft. retail sales space allowing clients to purchase samples of the products. The proposal does not include any tasting events or the use of any other spaces in the building for that purpose. The application has not addressed the hours of operation, and how shipping and receiving of the product will be managed. I would like to know the size of commercial vehicles used in the

operation, and how vehicles will maneuver through the parking lot to the loading dock area. This facility has had complaints in the past about late night deliveries and noise coming from the building. If the Board grants the Special Permit, please make the agreed hours of operation including the shipping and receiving part of the decision. Please also include the 624 sq. ft. of retail space as a maximum limit, so it can be enforced if required in the future. This should also include trash removal from the facility, which also has been a complaint in the past. Generally, I don't have any issues with the concept, but the parking lot should be clearly striped for vehicles, and loading areas, install required signage for accessible parking spaces.

Please contact my office with any questions.



David A Roche  
Building Commissioner  
Town of Needham

## Daphne Collins

---

**From:** Tara Gurge  
**Sent:** Tuesday, October 11, 2022 12:25 PM  
**To:** Daphne Collins  
**Subject:** RE: ZBA Administrative Review - 150 Gould Street - Due October 11, 2022

Daphne –

In reference to the ZBA Plan review for **#150 Gould Street – Gordon’s Fine Wines of Needham, Inc.**, the Public Health Division has the following comments. See below:

- The retail wine store owner must fill out and submit an online Public Health Division Food Permit Plan Review application for our review and approval, for the proposal for retail sale of alcohol on site, which includes a retail food establishment permit application, through the Towns ViewPoint Cloud online permitting system. Here is the direct link to the permit application and plan review - <https://needham.viewpointcloud.com/categories/1073/record-types/1006516> . The relevant documents must be uploaded online for review and approval. Pre-operation inspections must be conducted prior to issuance of a retail food establishment permit, which must be issued prior to operation.
- Ensure that this proposed retail establishment has sufficient parking lot spaces available to allow for accessible separate trash and recycling dumpsters located on site for proper trash and recycling containment, which must be put on a sufficient service schedule to prevent the risk of pests.

Please let us know if you have any questions on these requirements, or feel free to have the applicant contact me directly on these requirements.

Thanks,



**TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)**  
**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](mailto:tgurge@needhamma.gov)  
Web- [www.needhamma.gov/health](http://www.needhamma.gov/health)



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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 11, 2022

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

RE: Gordon's Fine Wines of Needham Inc.  
150 Gould Street- Special Permit

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced Special Permit to allow relief with Gordon's planned use of one -half of the building for planned logistics and retail distribution.

The documents submitted for review are as follows:

- Application for Special Permit dated 9/22/22;
- Letter to ZBA from George Giunta Jr., Esq. dated 9/22/22;
- Letter to ZBA from RENCO Investment Associates dated 9/22/22
- Letter to ZBA from Baker's Best, Michael Baker dated June 22, 2022
- Architectural Plan Set Prepared by Conise Design dated 05/02/22
- No. 150 Gould Street Interior Layout Plan prepared by The Jillson Company dated July 5<sup>th</sup> 2019

Our comments and recommendations are as follows:

- We have no comment or object to the change in use of Special Permit

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

Truly yours,

Thomas A Ryder  
Town Engineer

tryder

TOWN OF NEEDHAM  
MASSACHUSETTS  
BOARD OF APPEALS  
MARCH 23, 2006

RECEIVED TOWN CLERK  
NEEDHAM, MA 02452  
2006 APR 14 AM 9:19

BAKERS' BEST, INC.

Upon the application of Bakers' Best, Inc., 27 Lincoln Street, Newton, MA, prospective tenant to the Board of Appeals for a Special Permit under Section 3.2.1, 5.1.2, 5.1.3, and 7.5.2 of the Zoning By-law to allow commercial catering and commissary operation in Industrial District at 150 Gould Street, a public hearing was held at the John Eliot School, 135 Wellesley Avenue Needham, MA on Thursday, March 23, 2006 in the evening pursuant to notice thereof published in a local newspaper and mailed to all parties in interest.

Filed with the application was a letter from Attorney George Giunta, Jr., 281 Chestnut Street, Needham, MA, dated February 28, 2006, plus a floor plan, entitled "Bakers' Best Commissary, which is undated. Mr. Giunta, Jr. presented the Board with a "Memorandum in Support of Application for Special Permit, 150 Gould Street, Needham, MA", dated March 23, 2006. Mr. Giunta, Jr. stated that Bakers' Best is seeking to rent 10,000 square feet of space at 150 Gould Street, where the previous tenant was "Exhibit Source", who was utilizing the property primarily for storage. The other half of the building is leased to United Refrigeration, Inc. following permits issued by the Board of Appeals on March 4, 2003 and July 22, 2003.

Mr. Giunta, Jr. described Bakers' Best as a commercial catering and commissary operation. They currently operate a restaurant/cafe with accessory catering in Newton Highlands, with twenty-two years of experience. Bakers' Best intends to maintain the retail location in Newton, and to move the catering operation to Needham. Bakers' Best plans to use the space at 150 Gould Street (the "Premises") as follows: 1,420 for office space and bathrooms; 3,262 square feet for storage (including cold and dry), and 5,318 square feet for production/assembly area as shown on an interior layout plan filed submitted to the Board, entitled "Bakers' Best Commissary, 150 Gould Street, Needham, MA" and dated March 23, 2006.

Mr. Giunta, Jr. introduced Tim Ferraro, representing Bakers' Best, and Brian Rehrig of Renco Management. No customers will be met at the proposed facility. Orders will be received by phone or fax. The food will be processed/assembled for offsite delivery. Mr. Giunta, Jr. characterized the use as a manufacturing type facility, with an edible product that is wrapped and delivered to the end user, who is the consumer. He stated that the proposal would fall under 3.2.1, because the use is not enumerated elsewhere.

Mr. Giunta, Jr. stated that the cooking equipment and venting will comply with the rules and regulations of the Board of Health. He stated there will be no offensive odors, and that waste and trash will be picked up in a timely manner. Hours of operation are generally expected between 3:00 a.m. and 11:00 p.m., The facility is anticipated to be "active" primarily between 8:00 a.m. and 5:00 p.m, with "core" hours between 10:00 a.m. and 2:00 p.m. Very few staff are anticipated outside of the "active" hours, though it

is expected that security will be provided 24 hours per day.

The Premises is located in the Industrial District, but abuts a residential district. Mr. Giunta, Jr. stated that subject building is set back from the street. Beyond the street, there is a vegetative buffer, then a driveway in front of the residences.

There exists a total of 37 parking spaces on the site. Mr. Giunta, Jr. stated that the other tenant in the building, United Refrigeration, utilizes 15 spaces, which would leave 22 spaces available for Bakers' Best. Mr. Giunta, Jr. calculated that Bakers' Best would require 28 parking spaces for the combination of the office, storage and production/assembly area. Forty-five employees are expected on site during peak hours. Mr. Giunta, Jr. stated that up to 27 of the employees working during the peak hours will use public transportation, or will be shuttled to the Premises by Baker's Best. This would reduce the parking need at the site to 18 spaces. Mr. Rehrig stated that he would be willing to designate 21 parking spaces for Bakers' Best. The Building Inspector has recommended 28 spaces. The Applicant will thus require a Special Permit to waive the strict parking requirements under the Bylaw so as to allow for only 21 spaces for Applicant's proposed use.

Bakers' Best would utilize the front left bay for incoming product deliveries, with outgoing deliveries at the back. Currently Bakers' Best utilizes eight drivers for transportation and delivery. They expect to increase this number to twelve. The Board indicated that the drivers performing the deliveries must also be able to park, and sought a limit of 18 parking spaces for employees, reserving the remaining 3 for delivery use. The Board also specified that, due to the proximity to the residential area, that incoming deliveries should be prohibited between 9:00 p.m. and 7:00 a.m.

There exist parking waivers associated with the Premises, following the Board's previous decisions.

Jack Boyajian, 11 Lynn Road, abutter, inquired about the Premises being utilized for retail. The Planning Board letter, dated March 23, 2006, stated "No Comment". No one further appeared in favor or opposition to the application. The hearing closed, and the Board proceeded to deliberate.

### **DECISION:**

On the basis of the evidence presented at the hearing upon the application of Bakers' Best, Inc., 27 Lincoln Street, Newton, MA, prospective tenant (the "Applicant") to the Board of Appeals for a Special Permit under Section 3.2.1, 5.1.2 and 5.1.3 and 7.5.2 of the Zoning By-law to allow a commercial catering and commissary operation in Industrial District at 150 Gould Street, the Board makes the following findings:

1. The Premises is located in the Industrial District. It is occupied by a one story building, consisting of 20,450 square feet of area and associated off street parking.
2. The proposed business will occupy the space formerly occupied by a previous tenant "Exhibit Source", who was utilizing the property primarily for storage. The other half of the building is leased to United Refrigeration, Inc. following a Special Permit issued to United Refrigeration, Inc. by the Board of Appeals on March 4, 2003 (the "United Decision") and a second Special Permit issued to the property owner, Renco

Investments Associates, LLP dated July 22, 2003 (the "Renco Decision").

3. The proposed business is for the process, assembly and delivery of edible food products for a catering business and an off site restaurant. The Applicant characterizes the use as a manufacturing type use for an edible product. Under the Zoning By-law there is no specific use for the business to be operated by the Applicant. Accordingly, the proposal would fall under 3.2.1, for a lawful purpose or special use not enumerated elsewhere.

4. The Applicant has stated that the average number of employees working at the business per hour would be approximately 22, but that there could be at times as many as 45 employees on-site during hours of peak production, between 10:00 a.m. and 2:00 p.m..

5. The Applicant has operated a retail and smaller catering business in Newton Highlands for many years and is experienced in the business.

6. The alteration of the Premises' parking area was deemed to be necessary in the Renco Decision due to the parking area's configuration, grading, topography and because of the shape of the lot.

7. Pursuant to Section 5.1.2 of the By-law, a total of 69 parking spaces are required (20,450 square feet of floor area @ one parking space per 300 square feet).

8. The parking area contains only 37 parking spaces at the Premises, and does not comply with the applicable design requirements of Section 5.1.3 of the By-Law.

9. The Building Inspector has determined that 28 parking spaces would be required for the operation of Applicant's business at the Premises. Only 21 parking spaces will be provided by the property owner for Applicant's proposed use, as 15 spaces have already been allocated for use by the other tenant, United Refrigeration, Inc.

10. As addressed in the Renco Decision, the parking area was created approximately 30 years ago. At that time, there was no applicable off-street parking requirement in effect. Therefore, the parking area at the Premises was lawful when it was created. However, since that time, detailed requirements have been adopted relating to the design of parking areas (Section 5.1.3 of the By-Law) and the minimum number of spaces required for specified uses (Section 5.1.2 of the By-Law).

11. Further, because of the shape of the lot and the size, shape and location of the building, it is not currently possible to provide the full number of parking spaces required pursuant to Section 5.1.2 of the By-Law, and any meaningful attempt to comply with the design guidelines of Section 5.1.3 would significantly and substantially reduce the number of available parking spaces, and therefore is not feasible, both from a practical standpoint and pursuant to the By-Law.

12. With respect to the proposed waiver for the number of parking spaces, the Board finds that the extent of the existing building coverage is such that the number of parking spaces cannot be met and parking design requirements cannot be met without the substantial and inappropriate reduction in the number of spaces. The Applicant's proposed use is a use that does not warrant the minimum number of spaces required pursuant to Section 5.1.2. The issuance of a Special Permit waiving the number of off-street parking spaces will not be detrimental to the Town, or of the general character, or visual appearance of the surrounding neighborhood and abutting uses and is consistent with the intent of the Zoning By-law and the prior parking waiver granted by the Board in the Renco Decision.

13. The issuance of the Special Permit allowing the proposed use at the Premises would be consistent with the intent of both the Renco Decision and the United Decision.

14. The issuance of a Special Permit for this use at the premises will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the intent of the Zoning By-law.

On the basis of the foregoing findings, following motion duly made and seconded, after due and open deliberations, the Board by unanimous vote grants the Applicant a Special Permit under Sections 3.2.1, 5.1.2 and 5.1.3 and 7.5.2 of the Zoning By-law to allow a commercial catering and commissary operation in the Industrial District at 150 Gould Street, waiving strict adherence to the off-street parking requirements of Section 5.1.2 and Section 5.1.3 of the By-Law in connection with the use of the premises' existing parking area, subject to the following conditions:

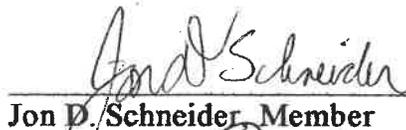
1. The interior space to be leased to the Applicant at the premises will be laid out substantially as set forth in the interior layout plan filed with the application dated March 23, 2006 and entitled "Bakers' Best Commissary, 163 Gould Street, Needham, MA."
2. The Applicant will use due diligence at all times to prevent the release of noxious odors and to keep the parking areas and surrounding neighborhood free of trash and litter.
3. All deliveries to the Premises shall be made via the delivery bay located on the left side in the front of the Premises. All outgoing deliveries of the Applicant's completed food products shall be picked up by Applicant's delivery drivers from the rear of the Premises. Due to the proximity to the residential area, incoming deliveries shall be prohibited between 9:00 p.m. and 7:00 a.m., seven days a week.
4. There shall be no retail sales, including in person consumer orders, at or on the Premises, all orders are to be taken by telephone, fax or internet.

5. There shall be no on site consumption of food or beverages by consumers on the Premises.
6. No more than 21 parking spaces on the premises shall be used for the parking of vehicles used or operated Applicant's employees, contractors or invitees, including delivery drivers, and no shuttle vehicles, delivery vehicles, nor any other vehicle used or operated by an employee, independent contractor or invitee of Applicant shall park in spaces not specifically designated for use by Bakers' Best at the Premises and no such vehicle shall park on Gould Street nor any other surrounding side street or other private parking areas. If on-site parking is inadequate, employees must park elsewhere, and shall be shuttled to the site from other locations.
7. Parking on the Premises shall be maintained substantially in accordance with the plan entitled "Parking Lot Plan, Land in Needham, Mass.", prepared for: Renco Management, Inc., Scale: as noted, dated July 2, 2003, prepared by The Jillson Company, Inc. submitted by the Applicant, and which plan was incorporated as part of the Renco Decision.
8. This special permit is issued to the Applicant only, and may not be transferred, set over or assigned by the Applicant to any other person or entity (except an entity wherein more than 50% control is held by the Applicant), without the prior written approval of the Board of Appeals following such hearing and notice, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
9. Failure to comply with each and any of the foregoing conditions at any time may constitute cause for the revocation of the Special Permit by the Board, after hearing, with notice to the Applicant, and with such other notice as the Board, in its sole and exclusive discretion shall deem due and sufficient.



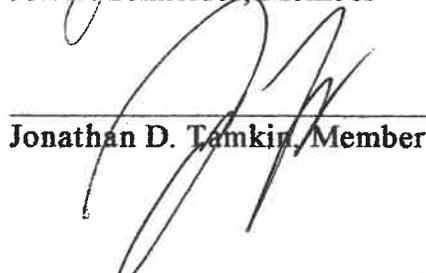
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Michael A. Crowe, Chairman



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Jon D. Schneider, Member



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Jonathan D. Tamkin, Member

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**TOWN OF NEEDHAM  
MASSACHUSETTS  
BOARD OF APPEALS**  
August 17, 2006

**BAKERS' BEST**  
**Amendment**

By a letter dated August 12, 2006, Bakers' Best, Inc., 150 Gould Street, Needham, MA, requested that the Board of Appeals allow an amendment to the Special Permit which was granted by the Board of Appeals on March 23, 2006, and filed with the Town Clerk on April 14, 2006, regarding the property at 150 Gould Street, to allow a modification to the plans previously approved by the Board.

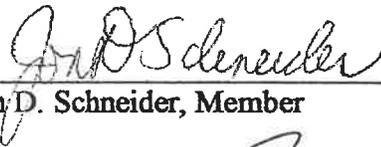
Submitted with the letter was "Bakers' Best, Inc." Schematic Design, prepared by Paul Lukez, Architecture, 1310 Broadway, Suite 104, Somerville, MA, 02114, dated July 26, 2006 with a copy of the floor plan "Bakers' Best Commissary". The amendment request is to accept the plan with more architectural details for layout of interior space.

The Board, acting within its authority, finds that, due to the minor nature of the request, it was not necessary to require a public notice and hearing.

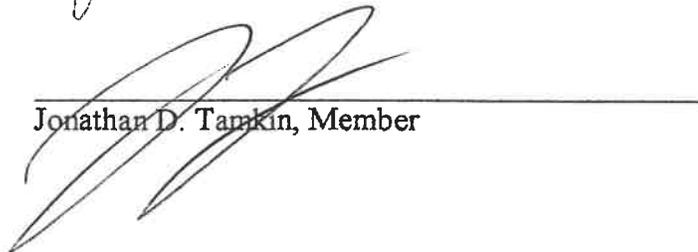
The Board finds that the requested amendment falls within the scope of the March 23, 2006, and filed with the Town Clerk on April 14, 2006, and unanimously votes to allow the schematic design, as referenced above.



Michael A. Crowe, Chairman



Jon D. Schneider, Member



Jonathan D. Tamkin, Member



PROJECT  
FILED

2007 JAN 17 PM 2:23

**TOWN OF NEEDHAM  
MASSACHUSETTS  
BOARD OF APPEALS**  
October 19, 2006

**BAKERS' BEST**  
**Amendment**

By a letter dated September 28, 2006, Attorney George Giunta, Jr., 281 Chestnut Street, Needham, MA, requested that the Board of Appeals allow an amendment to the Special Permit which was granted by the Board of Appeals on March 23, 2006, and filed with the Town Clerk on April 14, 2006, as amended on August 17, 2006 and filed with the Town Clerk on August 18, 2006, regarding the property at 150 Gould Street, to allow placement of a new electrical transformer along the northerly property line.

Submitted with the letter was "Bakers' Best, Inc." Schematic Design, prepared by Paul Lukez, Architecture, 1310 Broadway, Suite 104, Somerville, MA, 02114, dated September 19, 2006. The amendment request is to accept the placement of the transformer along the northerly property line, which will cause the shift of a parking space toward the existing building.

The Board reviewed the request at their hearing on October 19, 2006, and acting within its authority, finds that, due to the minor nature of the request, it was not necessary to require a public notice and hearing.

Mr. Giunta, Jr. stated that there would be no material impact on the parking with the siting of the transformer. Mr. Giunta, Jr. stated that to site the transformer at the rear of the property would not be a suitable location where it would be difficult to install and maintain. The requested location would utilize an 8 foot by 8 foot space, and would be approximately 2.5 feet tall. The distance from the street would be approximately 22 feet, and be sited approximately 5 feet from the lot line.

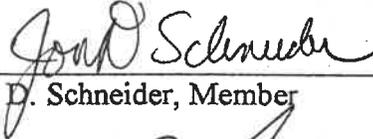
The Board finds that the requested amendment falls within the scope of the March 23, 2006, and filed with the Town Clerk on April 14, 2006, as amended on August 17, 2006, and filed with the Town Clerk on August 18, 2006 and unanimously votes to allow

the schematic design, as updated in "Bakers' Best, Inc., Construction Documents 1.0, for 150 Gould Street, prepared by Paul Lukez Architecture, 1310 Broadway, Suite 104, Somerville, MA, dated October 24, 2006.



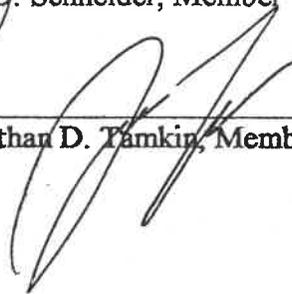
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Michael A. Crowe, Chairman



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Jon D. Schneider, Member



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Jonathan D. Tamkin, Member



TOWN OF NEEDHAM  
2007 JAN 17 PM 2:19

TOWN OF NEEDHAM  
MASSACHUSETTS  
BOARD OF APPEALS  
December 21, 2006

BAKERS' BEST  
Amendment

Upon the application of Bakers' Best, 27 Lincoln Street, Newton, MA, prospective tenant, to the Board of Appeals for an amendment to the Special Permit granted on March 23, 2006, under Sections 1.4.6, 7.5.2 or other applicable section of the Zoning By-law, to allow covered landing and steps in Industrial 1 District at 150 Gould Street, a public hearing was held at the Needham Public Library, 1139 Highland Avenue, Needham, MA on Thursday, December 21, 2006, in the evening, pursuant to notice thereof published in a local newspaper and mailed to all parties in interest.

Submitted with the application was a letter from George Giunta, Jr., Esquire, 281 Chestnut Street, Needham, MA, dated November 28, 2006, with plans "Bakers' Best, Inc., Elevations", and "Bakers' Best, Inc. First Floor Plan" prepared by Paul Lukez Architecture, 1310 Broadway, Suite 104, Somerville, MA, dated October 24, 2006 (the "Plans").

The Planning Board letter from December 20, 2006 was read into the record. Appearing before the Board was attorney George Giunta, Jr. Mr. Giunta, Jr. stated that the landing at the rear of 150 Gould Street (the "Premises"), is actually a covered landing, and viewed as an expansion of the building, because the roof is viewed as a structure. The existing building is nonconforming, due to the encroachment of approximately 19 feet into the side yard setbacks. An extension is requested for the existing nonconforming building. The old loading dock will have windows removed, and placement of door, new roof, and new landing, as shown in the Plans.

No one appeared in favor of or opposition to the application. The hearing closed at 9:15 pm, and the Board proceeded to deliberate.

DECISION:

On the basis of the evidence presented at the hearing on the application of Bakers' Best, Inc. under Sections 1.4.6 and 7.5.2 of the Zoning By-Law for a Special Permit for the

alteration and enlargement of a lawful, pre-existing, non-conforming commercial building, and for plan substitution, the Board makes the following findings:

1. The proposed use of a portion of the Premises for a commercial catering operation was approved by the Board pursuant to Decision dated March 23, 2006, filed with the Town Clerk on April 14, 2006 (the "Original Decision").
2. The Board has allowed substitution of plans on two prior occasions. First, to allow a more detailed interior plan, as set forth in Decision dated August 17, 2006, filed with the Town Clerk on August 18, 2006 (the "First Modification"), and second, to allow the installation of an electrical transformer in the front parking area and the relocation of one parking space, as set forth in Decision dated October 19, 2006 (the "Second Modification").
3. The Premises is occupied by an existing building which was built in or around 1969 pursuant to Building Permit No. 791, issued December, 1968.
4. At the time the building was constructed, there was no applicable side yard setback requirement.
5. The current applicable side yard setback requirement for the Premises is 20 feet.
6. The existing building is situated no more than one foot from the northerly property line, and therefore is nonconforming with respect to the applicable side yard setback.
7. The proposed landing, steps and covering are all situated at least 20 feet from the northerly property line, and therefore conform with the applicable side yard setback.
8. The installation of the proposed landing, steps and covering at the rear of the existing building is not likely to have any material effect on the neighborhood and is not any more detrimental than the existing building.

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote grants the applicant a Special Permit pursuant to Sections 1.4.6 and 7.5.2 of the Zoning By-Law to allow the alteration and expansion of a non-conforming structure and further authorizes a substitution of plans, subject to the following conditions:

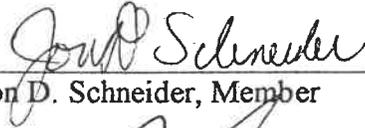
1. The interior space to be leased to the Applicant, and the exterior of the site, specifically including, but not limited to the proposed landing, steps and covering, shall be laid out and modified substantially as shown on Site Plan, First Floor Plan and Elevations, all dated October 24, 2006 prepared by Paul Lukez Architecture, 130 Broadway, Suite #104, Somerville, MA 02144.

2. Except as otherwise affected by condition 1 above, each and every term and condition of the Original Decision, the First Modification and the Second Modification, shall remain in force and are hereby incorporated in this Decision.



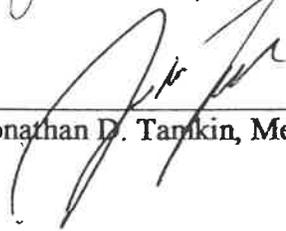
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Michael A. Crowe, Chairman



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Jon D. Schneider, Member



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Jonathan D. Tamkin, Member



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**TOWN OF NEEDHAM  
MASSACHUSETTS  
BOARD OF APPEALS**

**SPECIAL PERMIT AMENDMENT**

***Bakers' Best, Inc., applicant  
150 Gould Street  
Map 79, Parcel 10***

**July 11, 2019**

Bakers' Best Inc. made application to the Board of Appeals for a Special Permit Amendment under Sections 1.4.6, 3.2.1, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Sections of the By-Law to permit the expansion of the existing commercial catering and commissary into the entire building at the premises; and to waive strict adherence with the off-street parking and parking design requirements at 150 Gould Street, Needham, MA in the Industrial-1 District. A public hearing was held in the Select Board Chambers, Needham Town Hall, 1471 Highland Avenue, Needham, MA, on Thursday, July 11, 2019 at 7:45 p.m.

***Documents of Record:***

- Application for Hearing, dated June 17, 2019, Clerk stamped June 17, 2019.
- Letter George Giunta, Jr., dated June 17, 2019.
- Site Plan, prepared by Jillson and Company, stamp by Todd P. Chapin, professional land surveyor and Jason B. Lavoie, professional engineer, dated June 11, 2019.
- Memorandum of Support of Application for Special Permit, prepared by George Giunta, Jr., July 2, 2019.
- Letter from David Roche, Building Commissioner, July 1, 2019.
- Letter from Planning Board, prepared by Lee Newman, Director of Planning and Community Development, July 3, 2019.
- Letter from Thomas Ryder, Assistant Town Engineer, July 3, 2019.
- Email from Tara Gurge, Assistant Public Health Director, July 1, 2019.
- Email from Dennis Condon, Chief of Department, Fire Department, June 26, 2019.
- Email from Doug Morris, Vice-President, James Campbell Company LLC, July 10, 2019.
- 150 Gould Street, ZBA Special Permit, March 23, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, August 17, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, October 19, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, December 21, 2006.

*July 11, 2019*

The Board included Jon D. Schneider, Chairman; Howard S. Goldman, Member; and Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 8:35 p.m. by reading the public notice.

George Giunta, Jr., representing the applicant, informed that the applicant proposes to expand into the space vacated by United Refrigeration and occupy the entire building. The applicant has occupied approximately half the space since 2006 using it for its commercial catering and commissary purposes. The additional space will be used for the administrative services of the business, employees' break room with lockers, and cold and dry storage. This space will provide an additional 10,000 square feet for their operations and to support the existing use. The plan is not to increase employees or expand the operations. The premises consist of a one-story building containing a total of 20,450 square feet.

Michael Baker, owner, reported that for the last seven years they have been subletting 1,500 square feet from United Refrigeration for administration space.

The applicant is a commercial food catering operation and makes deliveries to their corporate, school and college clients. All orders are made on-line, by fax or telephone; the orders are prepared and assembled on site and are delivered off-site. No customers are seen on site.

Mr. Giunta noted that the nature of the business is more similar to a manufacturing use (processing and assembling of raw materials into a finished product), but does not fit into any established category of the By-Law. Section 3.2.1 allows for a use which does not fit in any established category. Because the business is expanding into the whole building, the applicant is seeking an amendment to the Special Permit.

Over the years the applicant has grown and has added more employees. Its parking needs have increased as well. In the Special Permit issued March 23, 2006 the required parking was 69 spaces. There were only 37 spaces on site; and the Board granted a parking waiver of 32 spaces.

Currently there are only 33 spaces on site, two spaces in front were eliminated when a row of parking spaces were converted to parallel spaces and one in back when the compactor was installed.

According to Mr. Giunta, the parking requirement is calculated by square footage or by the number of employees which would result in required parking demand from 42 on the low end to 71 on the high end.

The applicant conducted a parking count and has determined that at the busiest hour on the busiest day of the week it needs no more than 60 parking spaces to accommodate employee vehicles, but on the average it needs less. The applicant keeps a record of its employees' method of transportation with a number of them using public transportation with shuttle services to the facility.

On site there are 33 spaces and 35 spaces off site. The applicant has a 5- and 10-year long-term lease with 140 Gould Street for 29 spaces. Six additional spaces have been secured on a

month to month lease. Mr. Baker reported that they lease 1,500 square feet from the building to secure the parking spaces for five years with a five-year option. This is the same duration as their lease for 150 Gould Street.

Mr. Goldman inquired about usage of 160 Gould Street. Mr. Baker said that two years ago they approached the management of the building about leasing spaces there. They were unable to accommodate them. He asserted that they have not use that facility for parking once they secured parking at 140 Gould Street.

Mr. Friedenbergr inquired if there were any plans to increase the employees beyond the 60 at peak time. Mr. Giunta replied that there were no current plans to change the number of employees or expand the operations.

Mr. Goldman thought that, with the doubling of space, it is reasonable to expect a business to expand. Mr. Giunta answered that no expansion is planned in connection with the expansion into the vacant space, but an organic gradual increase could occur over time. Mr. Goldman was concerned about securing additional parking for any increase in employees as the area is near or fully occupied.

Mr. Baker reported that this is his 36<sup>th</sup> year in operation. They operated a retail operation for 27 years in Newton Highlands. Because that location is served by public transportation, a fair number of their employees were in the habit of using public transportation. Now, they are shuttled to 150 Gould Street

Rob Muller of Bakers' Best reported that employees are incentivized and encouraged to use public transportation and to carpool. The applicant has a van to shuttle daily employees from the Newton Highlands MBTA stop.

Mr. Goldman inquired if they would submit copies of the parking leases. Mr. Giunta suggested the maximum allowable employee vehicles be tied to the number of available parking spaces. Mr. Friedenbergr argued that keeping track of the number of employee cars would be unworkable.

Mr. Schnieder suggested placing a limit on where employees are authorized to park. If the condition is violated, the applicant must come back to the Board. Mr. Giunta agreed to the condition.

Mr. Schneider was satisfied that 62 spaces (33 on-site spaces and 29 secured off-site spaces) handles the peak employee demand of 60. He did not think the Board should impose controls on the future size of the business.

Mr. Friedenbergr felt there was more unknown in this case. He was uneasy about the doubling in space with no business expansion. Mr. Goldman thought the securing of the 29 spaces long-term and providing a copy of the written parking leases would reassure him.

Comments received:

- The Fire Department had no concerns.
- The Health Department requires, prior to the building permit issuance, that a Food Establishment Plan Review be submitted and reviewed by the Needham Public Health

Department; sufficient trash and a separate recycling dumpster be provided; sufficient grease containment and ongoing pest control.

- The Building Commissioner requested that the parking be reconfigured to make the site safer and more accessible as most spaces do not meet parking requirements. Complaints have been received from abutters regarding truck traffic and noise during late hours. He recommends that the dumpsters be located to the rear away from residential properties and that specific hours of operation be incorporated as to building operation, shipping and receiving and trash pick-up.
- The Engineering Department had no comment.
- The Planning Board made no comment.
- Douglas C. Morris, Vice-President, James Campbell Company LLC was concerned about the increased cooking odors and the increase of employees adversely impacting the parking capacity of the tenants of 160 Gould Street.

Mr. Schneider spoke with the Building Commissioner regarding his concerns.

- The Building Commissioner was concerned that most of the parking spaces were not in compliance with design requirements and that there was backing-out onto Gould Street. Mr. Schneider conducted a site visit and observed that all the employees parked facing forward onto Gould Street so there was no need to back out.
- The Building Commissioner was concerned about the pick-up of trash and recommended that all trash operations be relocated to the back of the site and that the hours for trash be limited.
- The Building Commissioner wanted to see deliveries limited from 7:00 a.m. to 9:00 p.m.

Mr. Giunta said that relocating the trash to the back would make it more difficult for the removal and would lead to the elimination of two parking spaces. The applicant was open to strict limits to the hours of pick-up.

Mr. Giunta reported that noise complaints were made in 2017 and 2018 about an occurrence at 3:00 a.m. and 5:30 a.m. There was no way to verify that the noise problem was caused by the applicant since no deliveries are allowed prior to 7:00 a.m. It may have been a rogue delivery incident unaware of the time limits. In response to the complaint, the applicant blocks the delivery dock between 3:00 p.m. until 7:00 a.m. to ensure no delivery/noise violations occur. In addition, the applicant canvassed the neighborhood providing contact information if there are any noise concerns. Since the adoption of these prevention measures, no complaints have been made.

Tim Ferrara, Business Manager, said that the loading dock and the dumpsters are blocked with cars from 3:00 p.m. to 7:00 a.m. Monday through Sunday. Trash pick-up occurs after 7:00 a.m., typically mid-morning. Mr. Giunta suggested limiting trash pick-up from 7:00 a.m. to 7:00 p.m. Mr. Ferrara suggested fencing for noise mitigation.

The meeting was open to public comments.

Patrick Heck and Chia Chan, 141 Noanett Road, reported that grease generated by the applicant blocked the sewer and led to sewage flooding their basement and that of their neighbors. Ms. Chan said that items in their basement were still in storage and they were hesitant to use the basement after the incident. Mr. Heck said that, when the sewer is cleaned

by the Town's DPW, their home is disrupted and they have to flush the toilets of sewage and deal with odors for hours.

Mr. Schneider reported that he spoke with the Building Commissioner and that the applicant has installed a grease catching system to prevent further blockage of the sewer and the Town is satisfied.

Mr. Heck noted that the system was installed Spring of 2019 and there is no track record on the system. He requested a maintenance plan to insure the system is in good working order. Mr. Heck wanted to know if the applicant was cited and fined. He complained that the homeowners were not properly reimbursed for the true cost of the clean-up efforts. He was concerned that the new system has the capacity to handle the additional grease load. He requested an Engineering analysis of the system to see if the installed system is adequate for the current and future loads.

Mr. Baker extended his apologies to Mr. Heck and informed him that they have installed an upgraded system that is maintained and cleaned routinely every 4 weeks to prevent the problem from reoccurring. He reported that the grease traps were replaced as soon as they were made aware by the Town of the problem.

Mr. Muller reported that they did research, in consultation with the Building Department and grease management consultants. The applicant selected J. Hoffman to install a two-chamber monolithic concrete 1,500-gallon tank with a gasket seal which allows for expansion and heavy traffic. The system has a ventilation system that exhausts out through the roof to comply with the Town Ordinance. The grease volume is monitored and the system is adjusted depending on the need. Regular records are maintained and made available to the Town when requested. The applicant has also hired Windriver Environmental to proactively service their sewer system. The applicant has been working with the Building, Water and Sewer, and Health Departments to address these concerns and be a good neighbor. Mr. Muller noted that the municipal team did not identify them as the sole cause of the backup, but recommended that they upgrade their system to the new standards.

Mr. Heck wanted to know if the new system's capacity takes into account future expansion and whether the calculations are available to the public. Details of the system were approved by the Building Department and are available. Mr. Heck inquired if the Sewer Department reviewed the application. Mr. Schneider responded that the Town Building and Town Engineering reviewed the applications and said nothing about an ongoing sewer problem.

Mr. Heck requested that a condition be included that, if there is any grease overflow, the applicant will be found in violation of their Special Permit. Mr. Schneider was agreeable to a condition requiring the applicant to maintain their grease management system and if they don't, they will be in violation of the Special Permit.

Mr. Goldman and Mr. Freidenberg were in support of the application with conditions regarding the proper maintenance of the grease traps; the continued securing of the 29 parking spaces off-site; and setting hours for trash pick-up.

The Board discussed the Building Commissioner's request to relocate the trash dumpsters to the back. This request was made to mitigate neighborhood complaints about noise. The

Board thought there were two options to handle noise complaints – limit the hours of pick-up or relocate the dumpsters. Mr. Giunta preferred limiting the hours and surrounding the dumpsters with the proposed eight-foot fence. He thought that the noise created from the trucks backing up the narrow drive from the back would reverberating against the wall creating even more noise than the status quo.

Mr. Giunta informed that there have been no complaints regarding parking issues.

The Board discussed the parking conditions and agreed to require the 29 long-term parking off-site along with the 33 parking spaces on-site for a total of 62 spaces. The six spaces reserved on a month to month lease will not be part of the mix as they cannot be secured long term. The applicant will be required to manage their parking plan to ensure that their employees are not parking where they are not allowed.

Mr. Goldman moved to grant an amendment to the Special Permit to allow the applicant to expand the existing commercial catering and commissary business to occupy the entire building at 150 Gould Street and to waive strict adherence to parking and parking design requirements with the following conditions:

- deliveries will be permitted from 7:00 a.m. to 9:00 p.m.;
- trash pick-up is allowed between the hours of 7:00 a.m. to 7:00 p.m.;
- the applicant shall develop and maintain a plan for its sewer/grease trap system;
- the applicant shall maintain written signed leases for 29 off street parking spaces providing an executed lease copy to the Board (key financial terms may be redacted);
- the applicant shall develop and maintain a program for carpooling, public transportation incentives and van shuttle to reduce the parking demand;
- the applicant shall be responsible for their employees not parking where they are not allowed.

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

The meeting adjourned at 9:45 p.m.

### **Findings:**

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

1. The premises are a one-story commercial building containing 20,450 square feet located in the Industrial-1 District.
2. The applicant conducts a food catering and commissary business servicing businesses and consumers. Orders are taken by phone, fax or internet. The applicant delivers all orders. Customers do not visit the location. The applicant's business has been successful and grown. They currently have employees working around the clock, although the late-night shift is small.
3. The applicant business is not a permitted use for the Industrial District, but may be allowed by special permit.
4. The applicant has conducted business at the location for thirteen years under a Special

Permit dated March 23, 2006 filed with the Town Clerk on April 14, 2006, as amended by decisions dated August 17, 2006, October 19, 2006 and December 21, 2006. This Decision replaces and restates the prior Special Permit and decisions.

5. The applicant has occupied 10,000 square feet of the building since 2006. The remainder of the building was occupied by United Refrigeration which conducted a combination retail and wholesale business. United Refrigeration has vacated the building and the applicant seeks to expand into the entire building.
6. The applicant represents that it does not currently intends to expand its production area. The space formerly occupied by United Refrigeration will be used for offices, an employee break room with lockers and bathrooms and a substantial amount of additional cold and dry storage. The space may be reconfigured to provide a better flow of product, but no material increase in the number of employees is currently planned or anticipated.
7. The Building Commissioner has previously approached the applicant about complaints from residents near the property about noise from trash pickup. The applicant responded by instructing the trash company to pick up after 7:00 am and before 4:00 pm. Their current practice is to park cars in front of the trash receptacles so there is no pick up outside the authorized hours.
8. The Building Commissioner suggested that two trash dumpsters be moved from the front of the building to the rear. The applicant explained that the trash was originally all in the rear, but new regulations required the separation of recyclables, garbage and dry trash. This mandated three dumpsters. They constructed a trash compactor for garbage in the rear of the building which takes up more room than a traditional dumpster. If they were to move all the dumpsters to the rear, it would take away parking and create difficulty for loading their delivery trucks. It also might require trucks to back down a narrow driveway alongside of the building creating additional noise. The applicant proposed to erect a fence around the dumpsters in the front and to restrict the hours of pickup.
9. The Building Commissioner expressed concern about deliveries to the loading dock in front of the building with respect to noise bothering adjacent residents and trucks backing in from Gould Street. The current Special Permit limits deliveries to 7:00 am until 9:00 pm. The applicant enforces this restriction by parking cars in front of the loading dock. The Building Commissioner acknowledges that there have been no recent complaints about noise and that there is no practical way to relocate the loading dock.
10. There has been an issue over the past several years with sewer back up in the area. The Town needed to clean out the sewer lines which caused overflow and odors in nearby residences. Reportedly, a number of residents made claims against the Town's insurance policy. One resident complained about continuing problems with odors and the inadequacy of the insurance payments.
11. It is not clear as to whether the applicant's operations were the cause of the sewer problems, but the applicant has responded by installing a much larger and modern

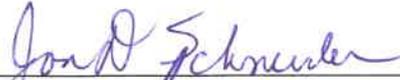
grease trap to catch waste before it reaches the sewer lines. The applicant has a regular program to clean out and maintain the grease trap.

12. Parking is a substantial issue at the location. There is a total of 33 spaces on the premises as shown on a plan dated June 11, 2019 filed with the application. At the time of 2006 Special Permit there were 37 spaces. They lost a space in the rear due to the construction of the garbage compacter. They eliminated and reconfigured some spaces in the front to improve traffic flow.
13. According to the applicant, the By-Law requirement would be between 42 and 71 parking spaces depending on how the By-Law is applied. The variation is due to the requirement that a “Manufacturing or industrial establishment” must have one space per 400 square feet of floor area or one per two employees on the largest shift, whichever is greater. At the time of the 2006 Special Permit the applicant had an average of 22 employees per hour with a maximum of 45. Currently, the average is 35 with a maximum of 85.
14. The Building Commissioner did not provide a calculation as to the required number of spaces. Regardless of the By-Law requirements, the Board would want to be satisfied that there is adequate parking in connection with the issuance of a special permit.
15. The applicant monitors employee parking to keep the demand less than 60 spaces. A number of employees carpool. The applicant runs a shuttle service from the Newton MBTA station used by a number of employees.
16. The applicant has a long-term lease on an adjacent property at 140 Gould Street for a small amount of office spaces and 29 parking spaces. The applicant also has a month to month lease of 6 parking spaces on the adjacent property. As a result, the applicant currently has 68 spaces (33 on the premises and 35 on the adjacent property).
17. There was no complaint expressed at the hearing about employees parking in unauthorized locations.
18. None of the parking spaces on the premises and probably none of the spaces on the adjacent property meet the design requirements of the By-Law. They lack setbacks from the property line. In some cases, they are undersized and the maneuvering aisles are inadequate. They do not have landscaping or meet other requirements. This is a common situation with older buildings and the Board on a regular basis waives design requirements, particularly where there is expansion of the building. Meeting the design requirements would cause the elimination of many, if not most, of the parking spaces.
19. The proposed use of the expansion spaces by the applicant is appropriate in an Industrial District and the issuance of a Special Permit is consistent with the criteria of Section 7.5.2. Special circumstances make it appropriate to waive the requirements of the number of spaces and to waive the design requirements with respect to the existing parking spaces.

**Decision:**

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the Applicant (a) a Special Permit under Section 3.2.1 to operate a food preparation, catering and food commissary business in the entire building, and (b) a Special Permit under Section 5.1.1.5 waiving adherence to the minimum number of parking spaces and parking design requirements, subject to the following conditions:

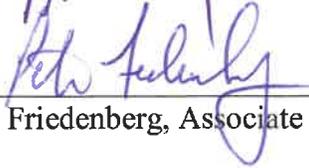
1. Pickup of waste from dumpsters shall be limited to the hours of 7:00 am to 7:00 pm. Deliveries shall be limited to the hours of 7:00 am to 9:00 pm.
2. The applicant shall install an 8-foot wooden fence around the dumpsters at the front of the building as shown on the plan submitted with the application.
3. The applicant shall maintain the new grease trap with regular cleanouts so as to prevent any blockage of sewer lines.
4. The applicant shall have a written lease for a minimum of 29 parking spaces at 140 Gould Street and shall provide the Board with a copy of the fully executed lease and any future amendment (with economic terms redacted if desired by the applicant).
5. The applicant shall continue an employee shuttle service from the Newton MBTA to the premises.
6. The applicant shall manage the transportation of employees so that the demand for parking does not exceed the available spaces.
7. The applicant shall prevent employees from parking on the street or in any unauthorized location.
8. Failure to comply with the above terms may result in the modification or revocation of this Special Permit after a hearing with notice to the applicant and such other notice as the Board deems appropriate.
9. This Special Permit is personal to the applicant and may not be transferred or assigned without the prior approval of the Board upon such notice as the Board deems appropriate. A transfer of a controlling interest in Baker's Best Inc. shall be considered a transfer requiring approval.



Jon D. Schneider, Chairman



Howard S. Goldman, Member



Peter Friedenber, Associate Member



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**TOWN OF NEEDHAM  
MASSACHUSETTS  
BOARD OF APPEALS**

**SPECIAL PERMIT AMENDMENT**

***Bakers' Best, Inc., applicant  
150 Gould Street  
Map 79, Parcel 10***

***July 11, 2019***

Bakers' Best Inc. made application to the Board of Appeals for a Special Permit Amendment under Sections 1.4.6, 3.2.1, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Sections of the By-Law to permit the expansion of the existing commercial catering and commissary into the entire building at the premises; and to waive strict adherence with the off-street parking and parking design requirements at 150 Gould Street, Needham, MA in the Industrial-1 District. A public hearing was held in the Select Board Chambers, Needham Town Hall, 1471 Highland Avenue, Needham, MA, on Thursday, July 11, 2019 at 7:45 p.m.

***Documents of Record:***

- Application for Hearing, dated June 17, 2019, Clerk stamped June 17, 2019.
- Letter George Giunta, Jr., dated June 17, 2019.
- Site Plan, prepared by Jillson and Company, stamp by Todd P. Chapin, professional land surveyor and Jason B. Lavoie, professional engineer, dated June 11, 2019.
- Memorandum of Support of Application for Special Permit, prepared by George Giunta, Jr., July 2, 2019.
- Letter from David Roche, Building Commissioner, July 1, 2019.
- Letter from Planning Board, prepared by Lee Newman, Director of Planning and Community Development, July 3, 2019.
- Letter from Thomas Ryder, Assistant Town Engineer, July 3, 2019.
- Email from Tara Gurge, Assistant Public Health Director, July 1, 2019.
- Email from Dennis Condon, Chief of Department, Fire Department, June 26, 2019.
- Email from Doug Morris, Vice-President, James Campbell Company LLC, July 10, 2019.
- 150 Gould Street, ZBA Special Permit, March 23, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, August 17, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, October 19, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, December 21, 2006.

*July 11, 2019*

The Board included Jon D. Schneider, Chairman; Howard S. Goldman, Member; and Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 8:35 p.m. by reading the public notice.

George Giunta, Jr., representing the applicant, informed that the applicant proposes to expand into the space vacated by United Refrigeration and occupy the entire building. The applicant has occupied approximately half the space since 2006 using it for its commercial catering and commissary purposes. The additional space will be used for the administrative services of the business, employees' break room with lockers, and cold and dry storage. This space will provide an additional 10,000 square feet for their operations and to support the existing use. The plan is not to increase employees or expand the operations. The premises consist of a one-story building containing a total of 20,450 square feet.

Michael Baker, owner, reported that for the last seven years they have been subletting 1,500 square feet from United Refrigeration for administration space.

The applicant is a commercial food catering operation and makes deliveries to their corporate, school and college clients. All orders are made on-line, by fax or telephone; the orders are prepared and assembled on site and are delivered off-site. No customers are seen on site.

Mr. Giunta noted that the nature of the business is more similar to a manufacturing use (processing and assembling of raw materials into a finished product), but does not fit into any established category of the By-Law. Section 3.2.1 allows for a use which does not fit in any established category. Because the business is expanding into the whole building, the applicant is seeking an amendment to the Special Permit.

Over the years the applicant has grown and has added more employees. Its parking needs have increased as well. In the Special Permit issued March 23, 2006 the required parking was 69 spaces. There were only 37 spaces on site; and the Board granted a parking waiver of 32 spaces.

Currently there are only 33 spaces on site, two spaces in front were eliminated when a row of parking spaces were converted to parallel spaces and one in back when the compactor was installed.

According to Mr. Giunta, the parking requirement is calculated by square footage or by the number of employees which would result in required parking demand from 42 on the low end to 71 on the high end.

The applicant conducted a parking count and has determined that at the busiest hour on the busiest day of the week it needs no more than 60 parking spaces to accommodate employee vehicles, but on the average it needs less. The applicant keeps a record of its employees' method of transportation with a number of them using public transportation with shuttle services to the facility.

On site there are 33 spaces and 35 spaces off site. The applicant has a 5- and 10-year long-term lease with 140 Gould Street for 29 spaces. Six additional spaces have been secured on a

month to month lease. Mr. Baker reported that they lease 1,500 square feet from the building to secure the parking spaces for five years with a five-year option. This is the same duration as their lease for 150 Gould Street.

Mr. Goldman inquired about usage of 160 Gould Street. Mr. Baker said that two years ago they approached the management of the building about leasing spaces there. They were unable to accommodate them. He asserted that they have not use that facility for parking once they secured parking at 140 Gould Street.

Mr. Friedenbergr inquired if there were any plans to increase the employees beyond the 60 at peak time. Mr. Giunta replied that there were no current plans to change the number of employees or expand the operations.

Mr. Goldman thought that, with the doubling of space, it is reasonable to expect a business to expand. Mr. Giunta answered that no expansion is planned in connection with the expansion into the vacant space, but an organic gradual increase could occur over time. Mr. Goldman was concerned about securing additional parking for any increase in employees as the area is near or fully occupied.

Mr. Baker reported that this is his 36<sup>th</sup> year in operation. They operated a retail operation for 27 years in Newton Highlands. Because that location is served by public transportation, a fair number of their employees were in the habit of using public transportation. Now, they are shuttled to 150 Gould Street

Rob Muller of Bakers' Best reported that employees are incentivized and encouraged to use public transportation and to carpool. The applicant has a van to shuttle daily employees from the Newton Highlands MBTA stop.

Mr. Goldman inquired if they would submit copies of the parking leases. Mr. Giunta suggested the maximum allowable employee vehicles be tied to the number of available parking spaces. Mr. Friedenbergr argued that keeping track of the number of employee cars would be unworkable.

Mr. Schnieder suggested placing a limit on where employees are authorized to park. If the condition is violated, the applicant must come back to the Board. Mr. Giunta agreed to the condition.

Mr. Schneider was satisfied that 62 spaces (33 on-site spaces and 29 secured off-site spaces) handles the peak employee demand of 60. He did not think the Board should impose controls on the future size of the business.

Mr. Friedenbergr felt there was more unknown in this case. He was uneasy about the doubling in space with no business expansion. Mr. Goldman thought the securing of the 29 spaces long-term and providing a copy of the written parking leases would reassure him.

Comments received:

- The Fire Department had no concerns.
- The Health Department requires, prior to the building permit issuance, that a Food Establishment Plan Review be submitted and reviewed by the Needham Public Health

Department; sufficient trash and a separate recycling dumpster be provided; sufficient grease containment and ongoing pest control.

- The Building Commissioner requested that the parking be reconfigured to make the site safer and more accessible as most spaces do not meet parking requirements. Complaints have been received from abutters regarding truck traffic and noise during late hours. He recommends that the dumpsters be located to the rear away from residential properties and that specific hours of operation be incorporated as to building operation, shipping and receiving and trash pick-up.
- The Engineering Department had no comment.
- The Planning Board made no comment.
- Douglas C. Morris, Vice-President, James Campbell Company LLC was concerned about the increased cooking odors and the increase of employees adversely impacting the parking capacity of the tenants of 160 Gould Street.

Mr. Schneider spoke with the Building Commissioner regarding his concerns.

- The Building Commissioner was concerned that most of the parking spaces were not in compliance with design requirements and that there was backing-out onto Gould Street. Mr. Schneider conducted a site visit and observed that all the employees parked facing forward onto Gould Street so there was no need to back out.
- The Building Commissioner was concerned about the pick-up of trash and recommended that all trash operations be relocated to the back of the site and that the hours for trash be limited.
- The Building Commissioner wanted to see deliveries limited from 7:00 a.m. to 9:00 p.m.

Mr. Giunta said that relocating the trash to the back would make it more difficult for the removal and would lead to the elimination of two parking spaces. The applicant was open to strict limits to the hours of pick-up.

Mr. Giunta reported that noise complaints were made in 2017 and 2018 about an occurrence at 3:00 a.m. and 5:30 a.m. There was no way to verify that the noise problem was caused by the applicant since no deliveries are allowed prior to 7:00 a.m. It may have been a rogue delivery incident unaware of the time limits. In response to the complaint, the applicant blocks the delivery dock between 3:00 p.m. until 7:00 a.m. to ensure no delivery/noise violations occur. In addition, the applicant canvassed the neighborhood providing contact information if there are any noise concerns. Since the adoption of these prevention measures, no complaints have been made.

Tim Ferrara, Business Manager, said that the loading dock and the dumpsters are blocked with cars from 3:00 p.m. to 7:00 a.m. Monday through Sunday. Trash pick-up occurs after 7:00 a.m., typically mid-morning. Mr. Giunta suggested limiting trash pick-up from 7:00 a.m. to 7:00 p.m. Mr. Ferrara suggested fencing for noise mitigation.

The meeting was open to public comments.

Patrick Heck and Chia Chan, 141 Noanett Road, reported that grease generated by the applicant blocked the sewer and led to sewage flooding their basement and that of their neighbors. Ms. Chan said that items in their basement were still in storage and they were hesitant to use the basement after the incident. Mr. Heck said that, when the sewer is cleaned

by the Town's DPW, their home is disrupted and they have to flush the toilets of sewage and deal with odors for hours.

Mr. Schneider reported that he spoke with the Building Commissioner and that the applicant has installed a grease catching system to prevent further blockage of the sewer and the Town is satisfied.

Mr. Heck noted that the system was installed Spring of 2019 and there is no track record on the system. He requested a maintenance plan to insure the system is in good working order. Mr. Heck wanted to know if the applicant was cited and fined. He complained that the homeowners were not properly reimbursed for the true cost of the clean-up efforts. He was concerned that the new system has the capacity to handle the additional grease load. He requested an Engineering analysis of the system to see if the installed system is adequate for the current and future loads.

Mr. Baker extended his apologies to Mr. Heck and informed him that they have installed an upgraded system that is maintained and cleaned routinely every 4 weeks to prevent the problem from reoccurring. He reported that the grease traps were replaced as soon as they were made aware by the Town of the problem.

Mr. Muller reported that they did research, in consultation with the Building Department and grease management consultants. The applicant selected J. Hoffman to install a two-chamber monolithic concrete 1,500-gallon tank with a gasket seal which allows for expansion and heavy traffic. The system has a ventilation system that exhausts out through the roof to comply with the Town Ordinance. The grease volume is monitored and the system is adjusted depending on the need. Regular records are maintained and made available to the Town when requested. The applicant has also hired Windriver Environmental to proactively service their sewer system. The applicant has been working with the Building, Water and Sewer, and Health Departments to address these concerns and be a good neighbor. Mr. Muller noted that the municipal team did not identify them as the sole cause of the backup, but recommended that they upgrade their system to the new standards.

Mr. Heck wanted to know if the new system's capacity takes into account future expansion and whether the calculations are available to the public. Details of the system were approved by the Building Department and are available. Mr. Heck inquired if the Sewer Department reviewed the application. Mr. Schneider responded that the Town Building and Town Engineering reviewed the applications and said nothing about an ongoing sewer problem.

Mr. Heck requested that a condition be included that, if there is any grease overflow, the applicant will be found in violation of their Special Permit. Mr. Schneider was agreeable to a condition requiring the applicant to maintain their grease management system and if they don't, they will be in violation of the Special Permit.

Mr. Goldman and Mr. Freidenberg were in support of the application with conditions regarding the proper maintenance of the grease traps; the continued securing of the 29 parking spaces off-site; and setting hours for trash pick-up.

The Board discussed the Building Commissioner's request to relocate the trash dumpsters to the back. This request was made to mitigate neighborhood complaints about noise. The

Board thought there were two options to handle noise complaints – limit the hours of pick-up or relocate the dumpsters. Mr. Giunta preferred limiting the hours and surrounding the dumpsters with the proposed eight-foot fence. He thought that the noise created from the trucks backing up the narrow drive from the back would reverberating against the wall creating even more noise than the status quo.

Mr. Giunta informed that there have been no complaints regarding parking issues.

The Board discussed the parking conditions and agreed to require the 29 long-term parking off-site along with the 33 parking spaces on-site for a total of 62 spaces. The six spaces reserved on a month to month lease will not be part of the mix as they cannot be secured long term. The applicant will be required to manage their parking plan to ensure that their employees are not parking where they are not allowed.

Mr. Goldman moved to grant an amendment to the Special Permit to allow the applicant to expand the existing commercial catering and commissary business to occupy the entire building at 150 Gould Street and to waive strict adherence to parking and parking design requirements with the following conditions:

- deliveries will be permitted from 7:00 a.m. to 9:00 p.m.;
- trash pick-up is allowed between the hours of 7:00 a.m. to 7:00 p.m.;
- the applicant shall develop and maintain a plan for its sewer/grease trap system;
- the applicant shall maintain written signed leases for 29 off street parking spaces providing an executed lease copy to the Board (key financial terms may be redacted);
- the applicant shall develop and maintain a program for carpooling, public transportation incentives and van shuttle to reduce the parking demand;
- the applicant shall be responsible for their employees not parking where they are not allowed.

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

The meeting adjourned at 9:45 p.m.

### **Findings:**

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

1. The premises are a one-story commercial building containing 20,450 square feet located in the Industrial-1 District.
2. The applicant conducts a food catering and commissary business servicing businesses and consumers. Orders are taken by phone, fax or internet. The applicant delivers all orders. Customers do not visit the location. The applicant's business has been successful and grown. They currently have employees working around the clock, although the late-night shift is small.
3. The applicant business is not a permitted use for the Industrial District, but may be allowed by special permit.
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5. The applicant has occupied 10,000 square feet of the building since 2006. The remainder of the building was occupied by United Refrigeration which conducted a combination retail and wholesale business. United Refrigeration has vacated the building and the applicant seeks to expand into the entire building.
6. The applicant represents that it does not currently intends to expand its production area. The space formerly occupied by United Refrigeration will be used for offices, an employee break room with lockers and bathrooms and a substantial amount of additional cold and dry storage. The space may be reconfigured to provide a better flow of product, but no material increase in the number of employees is currently planned or anticipated.
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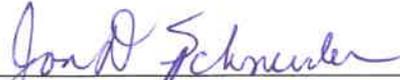
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14. The Building Commissioner did not provide a calculation as to the required number of spaces. Regardless of the By-Law requirements, the Board would want to be satisfied that there is adequate parking in connection with the issuance of a special permit.
15. The applicant monitors employee parking to keep the demand less than 60 spaces. A number of employees carpool. The applicant runs a shuttle service from the Newton MBTA station used by a number of employees.
16. The applicant has a long-term lease on an adjacent property at 140 Gould Street for a small amount of office spaces and 29 parking spaces. The applicant also has a month to month lease of 6 parking spaces on the adjacent property. As a result, the applicant currently has 68 spaces (33 on the premises and 35 on the adjacent property).
17. There was no complaint expressed at the hearing about employees parking in unauthorized locations.
18. None of the parking spaces on the premises and probably none of the spaces on the adjacent property meet the design requirements of the By-Law. They lack setbacks from the property line. In some cases, they are undersized and the maneuvering aisles are inadequate. They do not have landscaping or meet other requirements. This is a common situation with older buildings and the Board on a regular basis waives design requirements, particularly where there is expansion of the building. Meeting the design requirements would cause the elimination of many, if not most, of the parking spaces.
19. The proposed use of the expansion spaces by the applicant is appropriate in an Industrial District and the issuance of a Special Permit is consistent with the criteria of Section 7.5.2. Special circumstances make it appropriate to waive the requirements of the number of spaces and to waive the design requirements with respect to the existing parking spaces.

**Decision:**

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the Applicant (a) a Special Permit under Section 3.2.1 to operate a food preparation, catering and food commissary business in the entire building, and (b) a Special Permit under Section 5.1.1.5 waiving adherence to the minimum number of parking spaces and parking design requirements, subject to the following conditions:

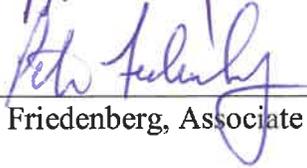
1. Pickup of waste from dumpsters shall be limited to the hours of 7:00 am to 7:00 pm. Deliveries shall be limited to the hours of 7:00 am to 9:00 pm.
2. The applicant shall install an 8-foot wooden fence around the dumpsters at the front of the building as shown on the plan submitted with the application.
3. The applicant shall maintain the new grease trap with regular cleanouts so as to prevent any blockage of sewer lines.
4. The applicant shall have a written lease for a minimum of 29 parking spaces at 140 Gould Street and shall provide the Board with a copy of the fully executed lease and any future amendment (with economic terms redacted if desired by the applicant).
5. The applicant shall continue an employee shuttle service from the Newton MBTA to the premises.
6. The applicant shall manage the transportation of employees so that the demand for parking does not exceed the available spaces.
7. The applicant shall prevent employees from parking on the street or in any unauthorized location.
8. Failure to comply with the above terms may result in the modification or revocation of this Special Permit after a hearing with notice to the applicant and such other notice as the Board deems appropriate.
9. This Special Permit is personal to the applicant and may not be transferred or assigned without the prior approval of the Board upon such notice as the Board deems appropriate. A transfer of a controlling interest in Baker's Best Inc. shall be considered a transfer requiring approval.



Jon D. Schneider, Chairman



Howard S. Goldman, Member



Peter Friedenber, Associate Member



2022 AUG 31 PM 3:00

TOWN OF NEEDHAM  
MASSACHUSETTS  
**BOARD OF APPEALS**

**SPECIAL PERMIT AMENDMENT**

*Gordon's Fine Wines of Needham, Inc., applicant*  
*150 Gould Street*  
*Map 79, Parcel 10*

*August 10, 2022*

Gordon's Fine Wines of Needham, Inc., applied to the Board of Appeals for a Special Permit Amendment under Sections 1.4.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to transfer the Special Permit Amendment dated July 11, 2019 from Bakers' Best, Inc. to the applicant. The property is located at 150 Gould Street, Needham, MA in the Industrial-1(IND-1) District. A public hearing was held remotely on Zoom, on Wednesday, August 10, 2022 at 7:30p.m.

***Documents of Record:***

- Application for Hearing, dated July 18, 2022, Clerk stamped July 17, 2022.
- Letter from George Guinta, Jr., dated July 18, 2022.
- Letter from Michael Baker, Bakers' Best, Inc. dated June 22, 2022.
- Letter from Walter Angoff, President, Renco Management, Inc. dated July 14, 2022.
- Letter from David Roche, Building Commissioner dated July 25, 2022.
- Letter from Thomas Ryder, Assistant Town Engineer, August 2, 2022.
- Email from Tara Gurge, Assistant Public Health Director, July 26, 2022.
- Email from Tom Conroy, Chief of Department, Fire Department, August 2, 2022.
- 150 Gould Street, ZBA Special Permit, March 23, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, August 17, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, October 19, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, December 21, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, July 11, 2019.
- 150 Gould Street, ZBA Special Permit Amendment, September 17, 2020

**August 10, 2022**

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Howard S. Goldman, Member. Also participating was Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 7:40 p.m. by reading the public notice.

George Giunta, Jr., representing the applicant, reported that the application is to transfer the Special Permit Amendment of July 19, 2019 (“2019 Special Permit”) from Bakers’ Best to Gordon Fine Wines of Needham, Inc. (“Gordon’s”). This is the first of two hearings planned before the Board. This first hearing is to allow Gordon’s to acquire ownership of Baker’s Best and operate it as it is currently operated.

Bakers Best has operated in the building since 2006. When it started, Bakers Best occupied one half of the building and the other half was occupied by United Refrigeration. The 2019 Special Permit authorized Baker’s Best to expand into the half of the building that had been vacated by United Refrigeration. Due to Covid, Bakers Best never expanded.

Gordon’s has been issued a liquor license by the Select Board. Gordon’s originally planned to sublease the vacant half of the building. As discussions continued, Gordons decided to acquire ownership of the building and Bakers Best.

Mr. Schneider asked why Bakers’ Best would not continue to hold the Special Permit if it was going to continue the catering business. Mr. Giunta said this transfer request is based on the timing of transactions and that the transfer is coming before the Board in the first phase with a proposal for Gordon’s to occupy half of the building in the second phase.

Mr. Schneider had no issue with the transfer. He did have concerns about Gordon’s running a retail liquor business at the location because of its traffic generation. However, that is a matter for a subsequent hearing. Mr. Giunta responded that Gordon’s is not planning a traditional liquor store at the location. Gordon’s is planning a distribution facility with an event planning component.

Mr. Goldman had concerns about parking with the acquisitions and redevelopment on the street. He wanted to know if the leased parking on the adjacent lots associated in the 2019 Special Permit are still in play. Mr. Giunta said the off-site leased spaces are being assigned over to Gordon’s. Mr. Giunta said there are no changes requested to the 2019 Special Permit. This amendment is limited to the transfer of the Special Permit to Gordon’s.

Mr. Goldman asked if the 29 parking spaces at 140 Gould Street and the 6 spaces on the adjacent lot are secured. Mr. Giunta said there are no changes to the Special Permit and the spaces are secure.

Mr. Friedenbergl asked what are the short-term and long-term plans for the space occupied by Bakers’ Best. Mr. Giunta responded that Bakers’ Best will continue to operate from their original location in the short-term. If approved by the Board in an upcoming application, Gordon’s will move into the vacant space formerly occupied by United Refrigeration and used as a warehouse and show room. Mr. Giunta asserted that Gordon’s use will be similar, but less intensive than United Refrigeration.

Mr. Goldman wanted to know what business is being considered under this application. Mr. Giunta said it is Bakers’ Best, a commercial catering business that has been in operation at the location since 2006.

Mr. Tamkin asked who the owner of the Special Permit will be – a prospective purchaser or a

tenant. Mr. Guinta answered that it will be the prospective purchaser of the business. Mr. Guinta noted that Gordon's will be creating a new entity, part of Gordon's company, to own and run Bakers' Best.

Mr. Tamkin asked when the intended closing of the business purchase was scheduled. Mr. Guinta said it will be after the second phase application before the Board.

David Gordon, applicant, added that Gordon's intends to purchase Bakers' Best regardless of the Board's decision on allowing Gordon's to operate a liquor business in the building. Bakers' Best and Gordon's have a long-standing business association and they plan to merge. Gordon's plans on buying the business and the property by the end of September.

Mr. Schneider asked who the owners of the entity are. Mr. Gordon identified his brother Kenny and himself as the owners.

Comments received:

- The Fire Department had no concerns.
- The Health Department requires, if Gordon's plans to open a retail wine store, a Public Health Division Food Permit Plan Review and that there be sufficient parking to allow separate trash and recycling dumpsters with adequate service schedule to prevent risk of pests.
- The Building Commissioner has no issues with the transfer of the 2019 Special Permit. He requested that Gordon's will not conduct any business from this location.
- The Engineering Department had no comment.

Ron Stoloof, 143 Gould Street, asked if there would be any change to truck traffic with the upcoming changes to Bakers' Best. Mr. Gordon responded that any changes will be addressed before the Board at the next hearing. Bakers' Best will not be expanding. The nature of Bakers' Best operation requires many of the staff to work in person. However, approximately 20 Bakers' Best employees may be able to work from home. Gordon's staff can work remotely, and they will be looking to see if a number of the Baker's Best employees can work remotely. Under the license granted to Gordon's, delivery trucks will be restricted to 10:00 a.m. to 2:00 p.m.

Mr. Goldman moved to authorize a transfer of the Special Permit Amendment of July 11, 2019 issued to Bakers' Best Inc. to Gordon's Fine Wines of Needham, Inc. with the following conditions:

- no sales or warehouse of liquor at the facility until further approval by the Board;
- the transfer of the 2019 Special Permit is conditioned upon the successful sale of Bakers' Best to Gordon's; and
- all terms and conditions of the Special Permit as previously amended shall remain in full force and effect.

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

The meeting adjourned at 8:02 p.m.

**Findings:**

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

1. The premises is a one-story commercial building containing approximately 20,450 square feet of space located in the Industrial-1 District. There is limited on-site parking.
2. Baker's Best has operated a food catering business on the premises since the issuance of a Special Permit dated March 23, 2006. ("2006 Special Permit"). The 2006 Special Permit has been amended a number of times. Baker's Best originally occupied half of the building and provided no on-site food service. The other half was occupied by United Refrigeration which sold parts for HVAC systems with limited retail business.
3. In 2019, the 2006 Special Permit was amended to allow Baker's Best to occupy the entire building. United Refrigeration had vacated the premises. The 2019 Special Permit superseded the 2006 Special Permit and required Baker's Best to acquire and keep the right to park 29 vehicles on an adjacent property. It also required that Baker's Best continue a shuttle system for employees from public transportation. Baker's Best never occupied the second half of the building as authorized by the 2019 Special Permit.
4. In 2020, the 2019 Special Permit was amended to allow limited retail sales from the premises.
5. The 2019 Special Permit, as amended, is personal to Baker's Best and cannot be transferred without approval of the Board. A change in control of Baker's Best is deemed a transfer that requires approval of the Board.
6. The applicant intends to acquire control of Baker's Best and to continue its catering business. The applicant is not sure as to the final form of the transaction or whether a new entity would be used to operate the business of Baker's Best. The applicant indicated that the entity would be controlled by David and Ken Gordon.
7. In 2018, this Board issued a Special Permit to the applicant to operate a fine wine business and wine warehouse at another location, but the applicant did not move forward with its plans because the Select Board declined at that time to issue a liquor license for reasons that had nothing to do with the character or ability of the applicant. Gordon Brothers has been in the liquor business since 1934 and operates a number of successful liquor operations. In 2021, the Select Board issued the Town's last available liquor licenses to the applicant. The applicant is suitable to operate the catering business of Baker's Best.

**Decision:**

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, approves a transfer of the 2019 Special Permit, as amended, to Gordon's Fine Wines of Needham, Inc. or another entity owned and controlled by David and Ken Gordon, subject to the following conditions:

- 1) no sales or warehousing of wine or liquor on the premises unless approved by the

Board at a subsequent hearing,

- 2) the transfer will be effective upon the acquisition of Bakers' Best by the applicant;
- 3) all terms and conditions of the 2019 Special Permit, as amended, shall remain in effect;
- 4) upon completion of the acquisition of Bakers' Best, the applicant shall inform the Board within 30 days in writing of the entity that holds the 2019 Special Permit, as amended, and the identity of the owners of the entity; and
- 5) once transferred, the 2019 Special Permit, as amended, shall be personal to the entity holding the permit and may not be transferred or assigned without the prior approval of the Board upon such notice as the Board deems appropriate. A transfer of a controlling interest in the entity holding the permit shall be considered a transfer requiring approval.

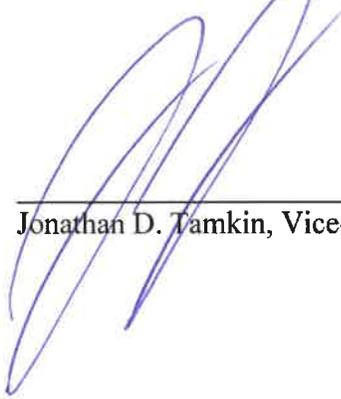
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Jon D. Schneider, Chair

**SIGNATORY PAGE – 150 GOULD STREET**

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Jonathan D. Tamkin, Vice-Chair

**SIGNATORY PAGE – 150 GOULD STREET**

Howard S. Goldman, Member

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