

NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
THURSDAY, July 20, 2023 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241 To join the meeting click this link: <u>https://us02web.zoom.us/j/86964757241</u>
--	---

Minutes Review and approve Minutes from June 15, 2023 meeting.

Case #1 – 7:30PM **165 Brookside Avenue** – Deborah H. and Paul F. Anastas, owners, applied to the Board of Appeals for a Special Permit under Sections 1.4.6, 1.4.7.2 and any other applicable sections of the By-Law to alter, enlarge and extend a pre-existing, non-conforming single-family to allow the addition of a new grand room and deck. **Applicant requesting a Withdrawal Without Prejudice.**

Case #2 – 7:30PM **673 Highland Avenue** –669 Highland Ave, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 3.2.1 for an eat-in or take-out restaurant or other eating establishment; 5.1.1.5, 5.1.2 to waive strict adherence with off-street parking requirements; 5.1.3 to waive strict adherence to parking plan and design requirements and any other applicable sections of the By-Law. This request is associated with the renovation and reconfiguration of the existing building for Just Salad, a fast-casual restaurant.

\

**NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY June 15, 2023– 7:30 PM**

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241 https://us02web.zoom.us/j/86964757241
---	---

Pursuant to notice published at least 48 hours prior to this date, a hybrid meeting of the Needham Board of Appeals was held at the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham and remotely on Zoom on Thursday, June 15, 2023 at 7:30 p.m. Jon D. Schneider, Chair, presided and the following members were present: Jonathan D. Tamkin, Vice-Chair; Howard S. Goldman, and Peter Friedenberg. Absent: Nik Ligris. Mr. Schneider opened the meeting at 7:30 p.m.

Minutes - Mr. Tamkin motioned to approve the minutes of May 18, 2023. Mr. Goldman seconded the motion. The motion was unanimously approved.

Case #1

72 School Street

Approved

ZBA Decision Process - Discussion

After discussing the matter with Town Counsel, Mr. Schneider suggested the following ZBA Decision Process:

- The Decision author sends the draft to staff only;
- Staff circulates the draft Decision to the Board;
- Members to review the Decision and submit any comments within 48 hours;
- Any member comments are to be sent directly to staff without sharing comments with members. The submitted comment is to be identify as mechanical or substantive.
- If the change is mechanical staff will revise the draft and indicate that the Decision is ready for signature;
- The Chair will come to the Zoning Office to proofread and sign; and will gather the remaining signatures.
- If the change is substantive, or identified by staff as substantive, the Decision will be held and scheduled for the next meeting to be discussed and finalized at an open public meeting. Staff will prepare a redlined draft identifying the changes and distribute the draft at the next hearing. Copies will be available for the public at the meeting. Copies will not be available prior to the meeting.

Mr. Schneider noted that Town Counsel was concerned that the distribution of a draft with a substantive change may be perceived to be deliberations.

Mr. Tamkin was supportive of the Decision process. However, he thought the 48-hour review time was aggressive when working full time. As a Decision author what day of the week he receives the Decision influences when he could get to it; and he required Facts in order to write a Decision. His timeline is for a

Decision to be filed before the next meeting. He thought that Board members writing Decisions was unusual.

Mr. Tamkin thought some applicants with representation familiar with the Board could be assigned to draft the Decision within a week of the close of the hearing.

Mr. Friedenbergs was flexible on the timeline of Decision production. However, he questioned whether having applicant attorneys draft Decisions would save time especially with the editing involved.

Mr. Goldman thought having applicant representatives draft Decisions would expedite the process.

Mr. Tamkin would like to test this option. However, he would not accept a Decision submitted prior to the public hearing. There was agreement that the Facts cannot be done ahead of time, and Conditions are unique to each case.

Mr. Friedenbergs was concerned that Conditions may be omitted or inaccurate when drafted outside of the Board's control. He thought that having the applicant's representative draft the Decision invites renegotiation.

It was agreed, that when an applicant's attorney is asked to draft a Decision, they will be responsible for drafting the Findings and Decision sections within a week of the close of hearing. Staff will add the Finding section. An assigned Board member will edit the Decision.

No non-lawyer applicants and only select attorneys familiar to the Board would be considered for this option.

Mr. Schneider asked how this new option will be introduced to the public. He wondered who would sign up to do it. Mr. Goldman thought applicant attorneys would be interested in this option for the time efficiency and the additional billable hours.

Mr. Tamkin found Memos of Support included with some applications to be helpful in drafting Decisions.

Mr. Friedenbergs was concerned that professional representatives (engineers, architects) might be challenged by the technical aspects of drafting a Decision. Mr. Tamkin felt the option would be limited to a select few who would be invited to participate.

Mr. Tamkin wanted to test the option for possible efficiency and would like the selection/invitation be based on the case, the applicant, the applicant's representative and made at the meeting.

Mr. Schneider deferred to the Board member author to determine who to offer the draft Decision option. He felt that out of 25 Decisions a year about 10% could be considered for this option.

2023 ZBA Schedule – Discussion

The ZBA Meetings will continue in person in the Charles River Room with Zoom livestream.

The meeting adjourned at 8:48 p.m.

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/> and <https://www.youtube.com/@TownofNeedhamMA/videos>

Daphne Collins

From: Debbie Anastas <dhanastas@yahoo.com>
Sent: Wednesday, July 12, 2023 4:38 PM
To: Daphne Collins
Subject: request of withdrawal of ZBA application without prejudice-165 Brookside Road Needham

Hello Daphne,

Please accept this email as my formal request to withdraw, without prejudice, the application of a special permit from the Zoning Board of Appeals, with regard to the pending addition to our home at 165 Brookside Road Needham.

Thank you for your attention to this matter.

Regards,

Debbie and Paul Anastas

updated page. 7/3/2023



ZBA Application For Hearing

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2023 JUL -5 AM 9:15

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	Deborah H. and Paul F. Anastas			Date:	7/3/2023
Applicant Address	165 Brookside Road Needham				
Phone	781-367-4686	email	dhanastas@yahoo.com		
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name					
Address					
Phone		email			
Representative is ☐ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____					
Contact ☐ Me ☐ Representative in connection with this application.					

Subject Property Information

Property Address	165 Brookside Rd. Needham		
Map/Parcel Number	111 / 27	Zone of Property	SRA
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (select one): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions: Single family residence, pre-existing, non-conforming with regard to side setback on the South side.

Statement of Relief Sought: seeking a special permit to enlarge an existing single family home, extending as non-conformity along a sideline, allowing a 14' 10" side setback where a 15' setback is required. This will extend the kitchen area into a sitting room.

Applicable Section(s) of the Zoning By-Law: 1.4.6

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

	Existing Conditions	Proposed Conditions
Use	single fam.	
# Dwelling Units	1	
Lot Area (square feet)	21,222	
Front Setback (feet)	21.3'	
Rear Setback (feet)	46.2'	
Left Setback (feet)	14' 10"	14' 10"
Right Setback (feet)	43.9'	
Frontage (feet)	115'	
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		

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

RECEIVED TOWN CLERK
NEEDHAM, MA 02452
2023 JUL 10 10:00 AM



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	Debbie Anastas			Date:
Applicant Address	165 Brookside Road Needham			
Phone	781-367-4686	email	dlhanastas@yahoo.com	
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____				
If not the owner, a letter from the owner certifying authorization to apply must be included				
Representative Name				
Address				
Phone		email		
Representative is ☐ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____				
Contact ☒ Me ☐ Representative in connection with this application.				

Subject Property Information

Property Address	165 Brookside Road		
Map/Parcel Number		Zone of Property	SRA
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☐ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (select one): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions: pre-existing, non conforming
with regard to side setback on the South side.

Statement of Relief Sought: seeking a special permit to
enlarge an existing single family home extending
a non-conformity along a sideline.

Applicable Section(s) of the Zoning By-Law: 1.4.6

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

	Existing Conditions	Proposed Conditions
Use	single fam.	
# Dwelling Units	1	
Lot Area (square feet)	21,222	
Front Setback (feet)	21.3'	
Rear Setback (feet)	46.2'	
Left Setback (feet)	14' 10"	14' 10"
Right Setback (feet)	43.9'	
Frontage (feet)	115'	
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		

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



ZBA Application For Hearing

Date Structure Constructed including additions:

1931, 2nd story added in 1987
by special permit

Date Lot was created:

approx 1931

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions	✓
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"	✓
If applicant is tenant, letter of authorization from owner	
Electronic submission of the complete application with attachments	✓
Elevations of Proposed Conditions	
Floor Plans of Proposed Conditions	✓

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

2/28/23
date of consult

Date: 6/22/2023 Applicant Signature

Deborah H. Anastas

*An application must be submitted to the Town Clerk's Office at
and the ZBA Office at*

To whom it may concern,

Debbie and Paul Anastas, our neighbors at 165 Brookside Road, have informed us of their plans to add on to the back of their home. We would like to offer our support for this project and have no objections to their request for a special permit allowing the addition to encroach into the sideline setback which abuts our property.

Thank you.

Regards,

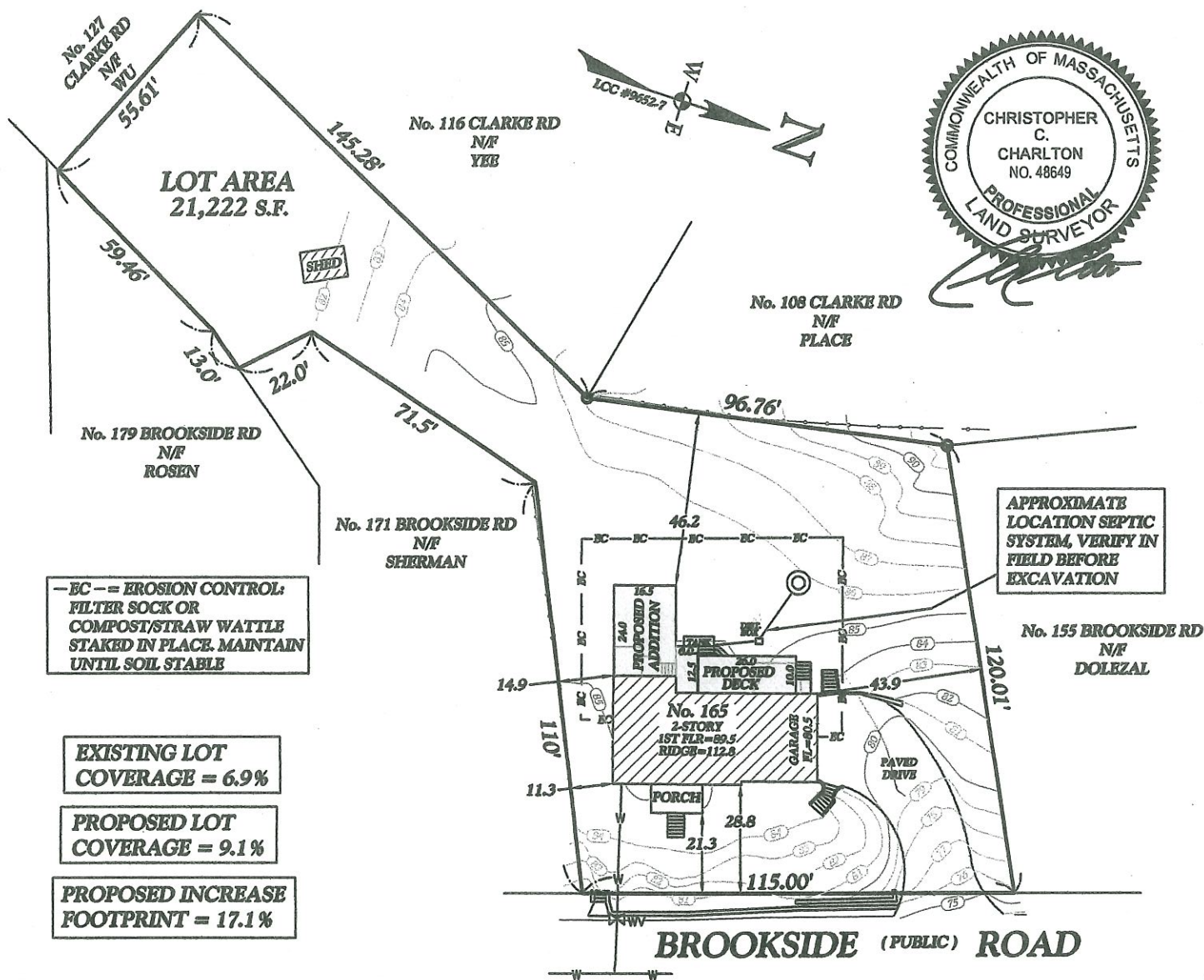
Inna and Seva Vagodny

A handwritten signature in cursive script, appearing to read "Inna and Seva Vagodny". The signature is written in dark ink and is positioned below the printed names.

Building Inspection Department

Builder:

40' Scale



(*Accessory structures may require a separate building permit — See Building Code)

Date _____

PERMIT
THIS FOLD
TO GO

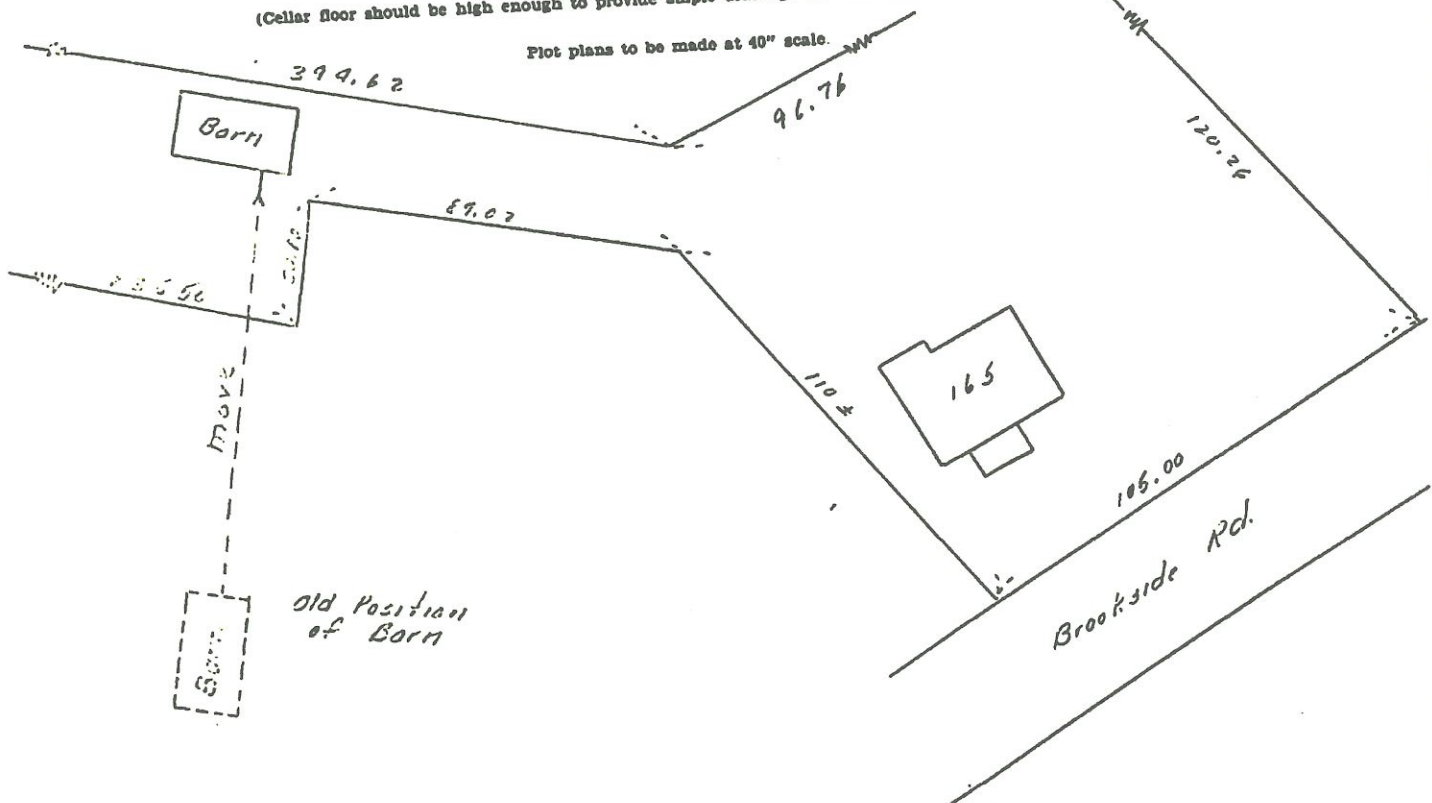
Building Inspection Department

Building Permit No. 85-36 No. 165 BROOKSIDE Road
Street
Avenue

Area _____ Setback of adjacent buildings _____
Owner BASCO DONATI Builder ARTHUR BERNARD
Sewer _____ Water _____ Drain _____

(Cellar floor should be high enough to provide ample drainage for sewer and storm-water drain.)

Plot plans to be made at 40" scale.



I hereby certify that the lot corners, dimensions and offsets to the proposed building are accurately shown on this plan and will conform with the completed construction.

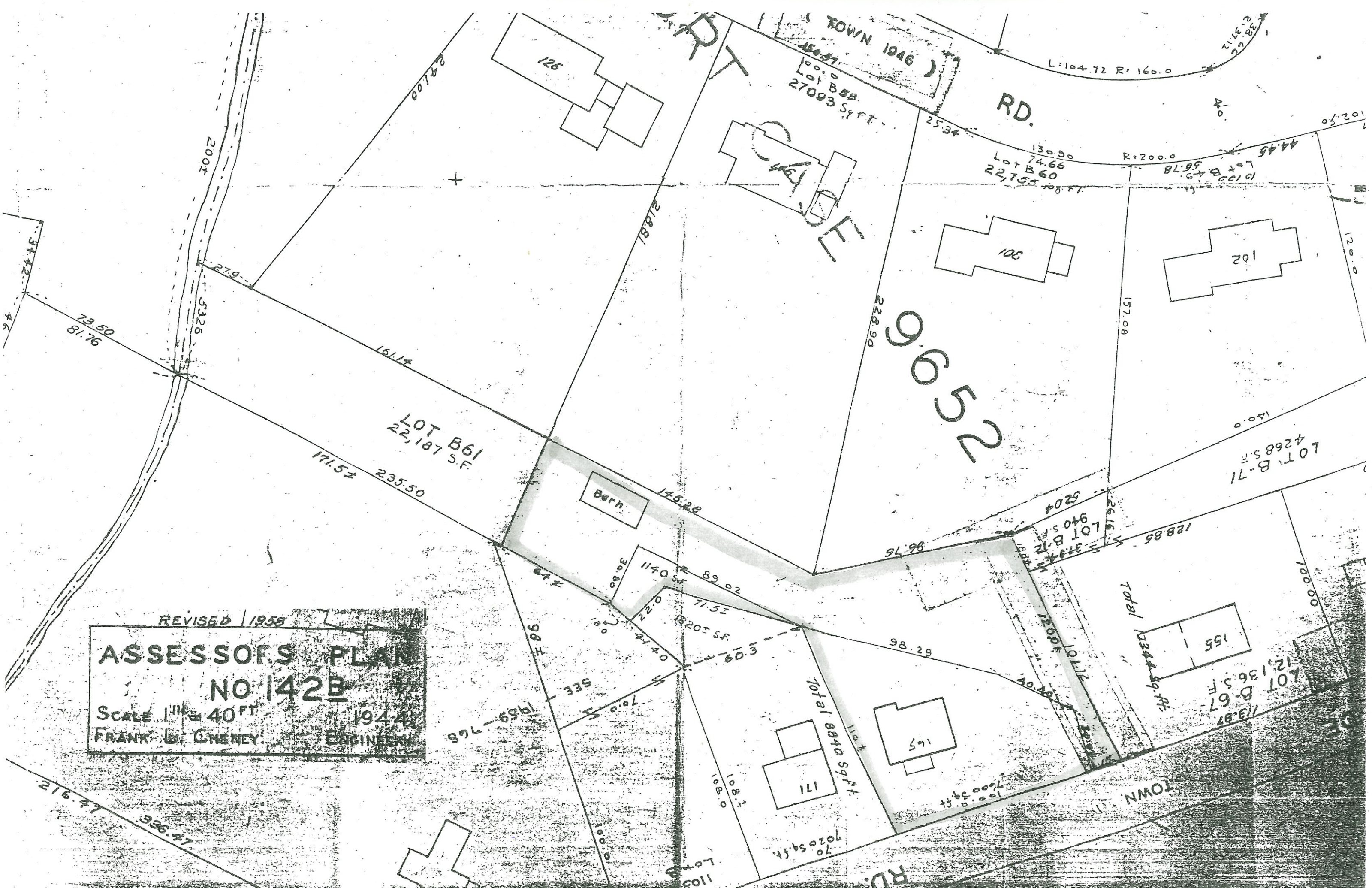
Date 8/1/50

Signed: _____

Civil Engineer
Approved in accordance with Art. 37 of 1940

Town Engineer

Supt. of Public Works



REVISED 1958
ASSESSOR'S PLAN
NO 142B
Scale 1" = 40 FT
FRANK W. CHENEY ENGINEER

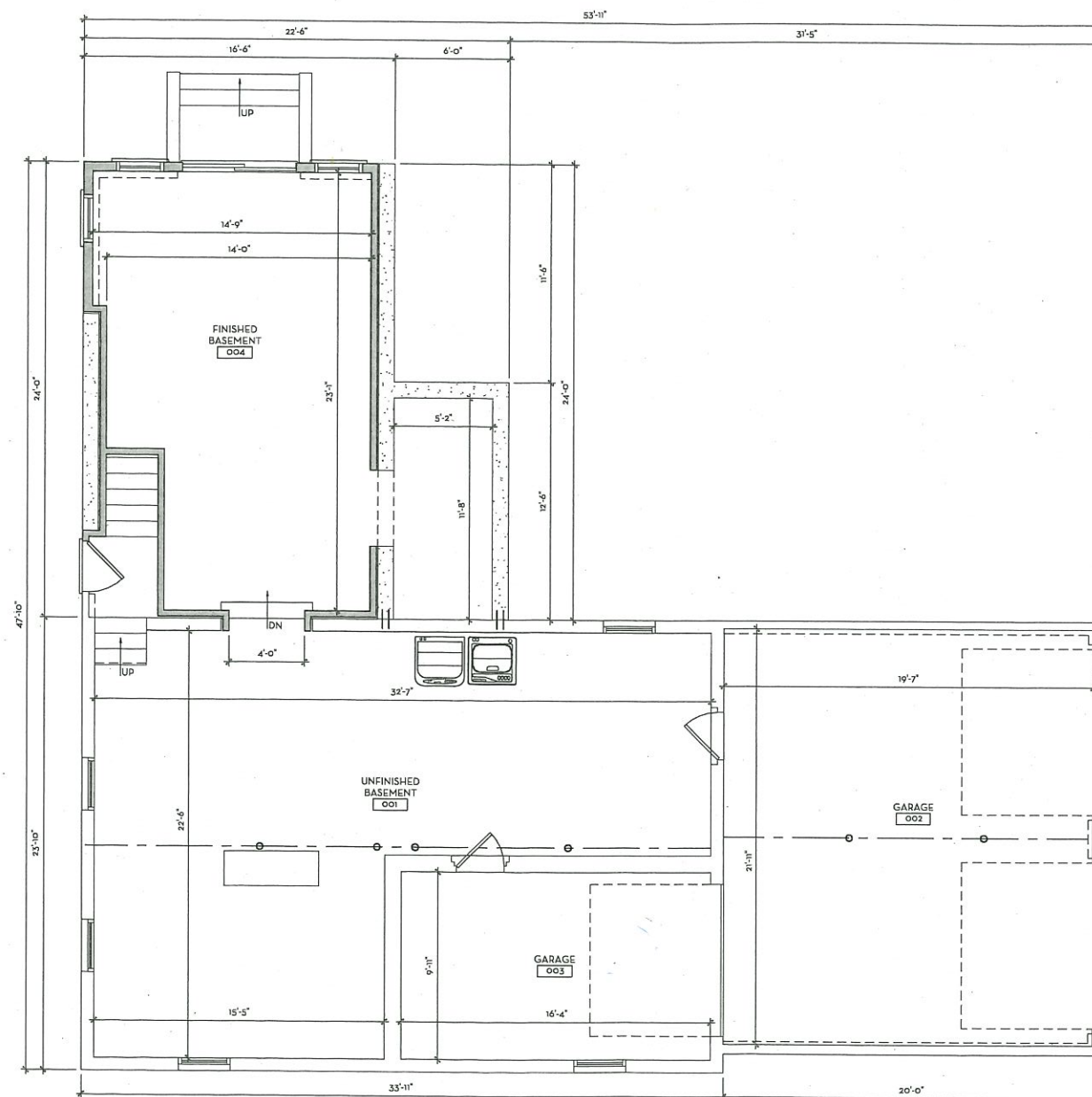
PROJECT:

ANASTAS RESIDENCE
DEBBIE & PAUL ANASTAS
165 BROOKSIDE ROAD
NEEDHAM, MA 02492

PROJECT NUMBER:	23008
-----------------	-------



BLACKBIRD
ARCHITECTURE
Residential | Commercial | Structural
p. 774-284-0646
blackbirdarch.com



BASEMENT FLOOR PLAN
SCALE: 1/4" = 1'-0"

STAMP:

ISSUE:	DATE:
--------	-------

FLOOR PLANS	03.04.20
-------------	----------

NOT FOR PERMIT	
----------------	--

--	--

--	--

--	--

GRAVITY SCALE	1/4 =

DRAWN BY: JPC	CHECKED BY:
---------------	-------------

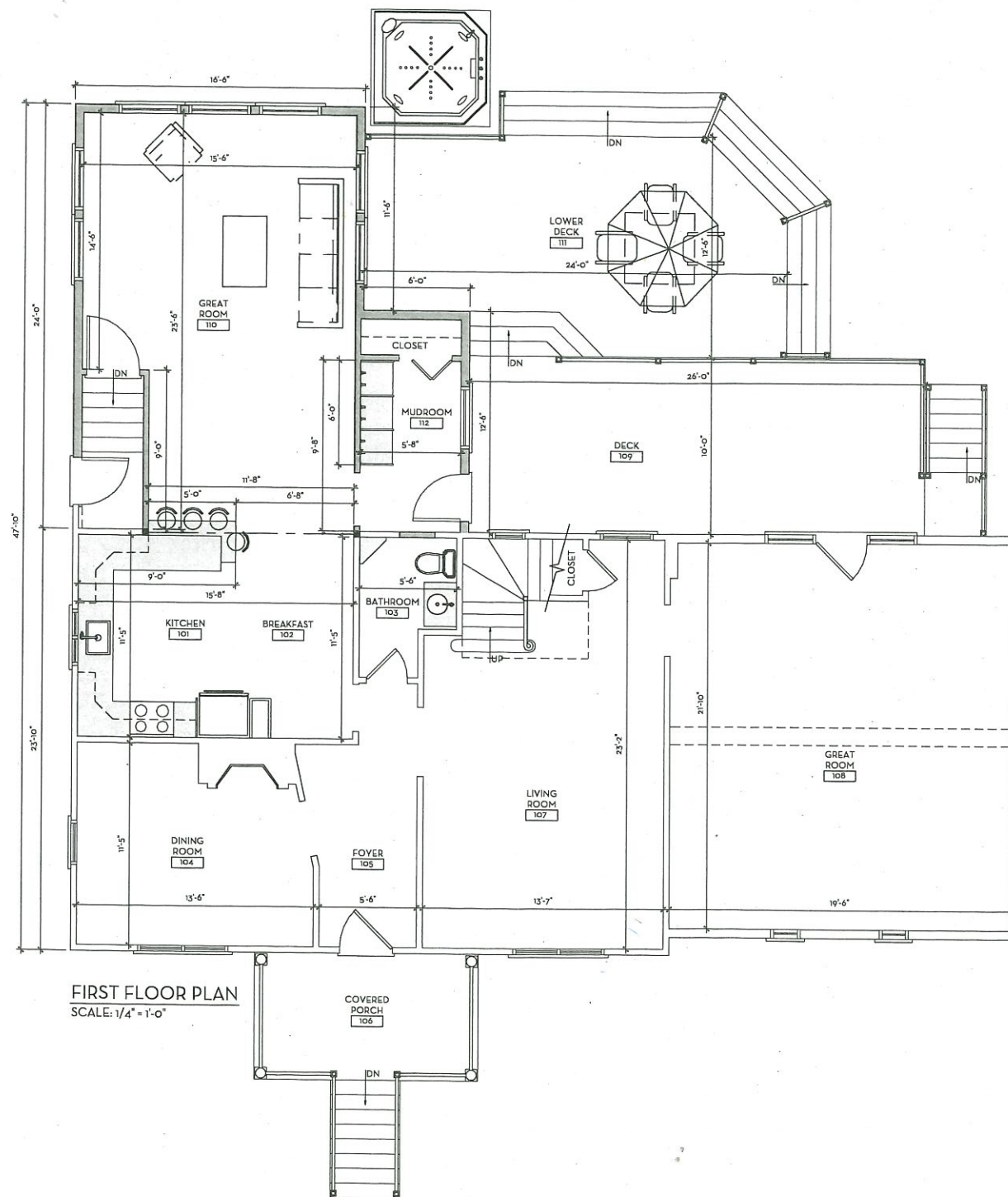
DRAWING TITLE:

FLOOR PLANS

DRAWING NUMBER

A. B. C.

AIO



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

PROJECT:
ANASTAS RESIDENCE
DEBBIE & PAUL ANASTAS
165 BROOKSIDE ROAD
NEEDHAM, MA 02492

PROJECT NUMBER: 23008

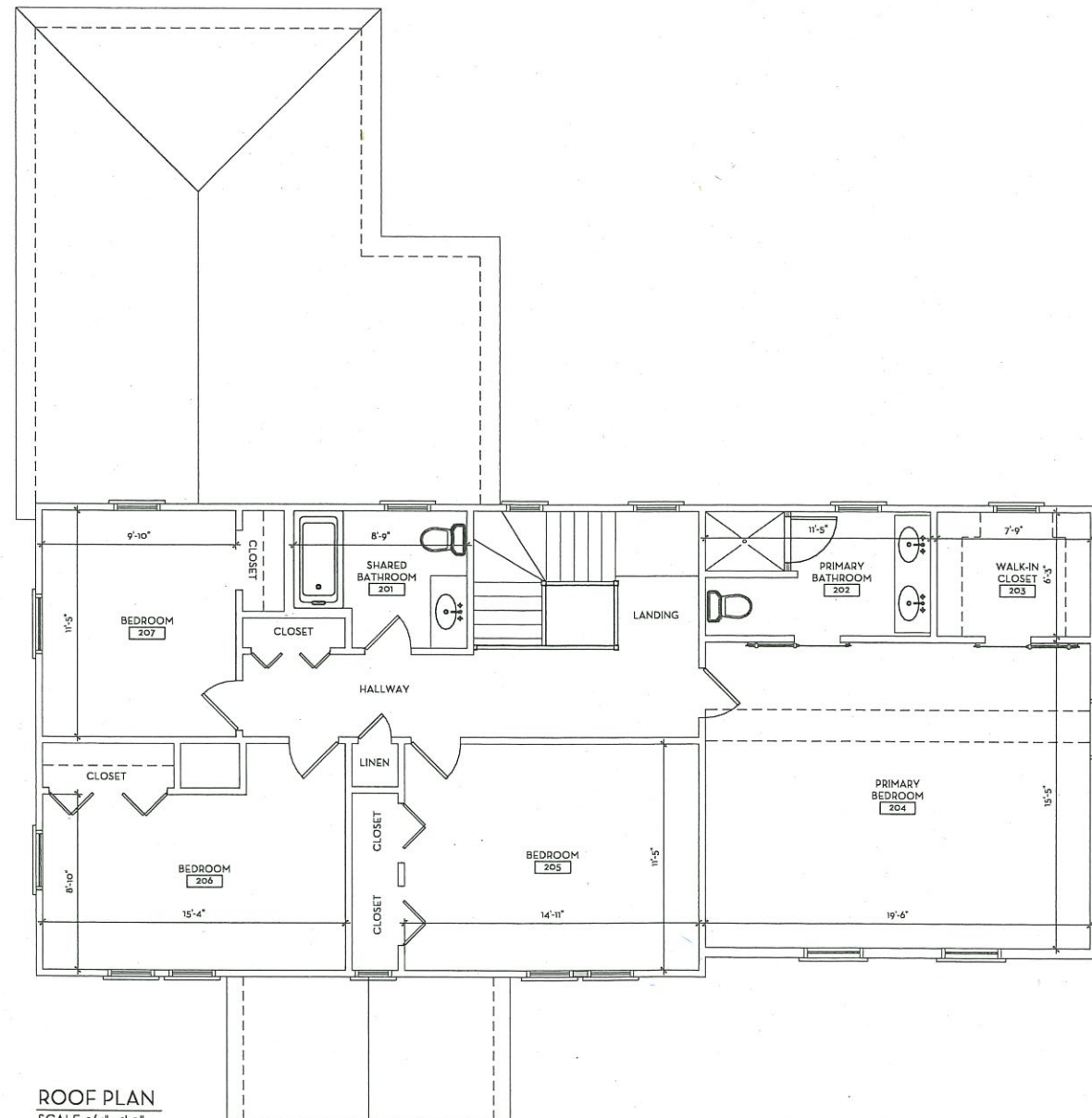


**BLACKBIRD
ARCHITECTURE**
Residential | Commercial | Structural
p.774-284-0646
blackbirdarch.com

STAMP:

ISSUE:	DATE:
FLOOR PLANS	03.04.2023
NOT FOR PERMIT	
DRAWING SCALE:	1/4" = 1'-0"
DRAWN BY: JPC	CHECKED BY:
DRAWING TITLE:	
FLOOR PLANS	

DRAWING NUMBER:
A1.1



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

SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

PROJECT:
ANASTAS RESIDENCE
DEBBIE & PAUL ANASTAS
145 BROOKSIDE ROAD
NEEDHAM, MA 02492

PROJECT NUMBER: 23008



STAMP:

ISSUE:	DATE:
FLOOR PLANS	03.04.2023
NOT FOR PERMIT	

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

DRAWN BY: JPC CHECKED BY:

DRAWING TITLE:
FLOOR PLANS

DRAWING NUMBER:

A1.2



Needham Public Health Division

178 Rosemary St., Needham, MA 02494
www.needhamma.gov/health

781-455-7940 ext. 504
781-455-7922 (fax)



Memo

To: David Roche, Building Department

From: Sai Palani, Public Health Division

Date: 6/20/23

Re: #165 Brookside Rd. – Addition to a Home on a Septic

The Public Health Division received an application for the proposed addition to a home on a septic system for the above-mentioned property. This proposed addition/renovation includes: Adding a deck and a grand room to rear of the house. Since parts of the proposed addition will be placed over or close to parts of the existing septic components, the exiting septic system will be upgraded to accommodate this. No additional bedrooms are part of this proposed addition. The proposed new grand room will be an open space that extends from the current living/kitchen area. Proposed septic plans have also been received and upon informal review, these plans are approvable by our office after a formal application is submitted.

The Public Health Division has no objections to release of the building permit for the addition at 165 Brookside Rd. subject to the following conditions:

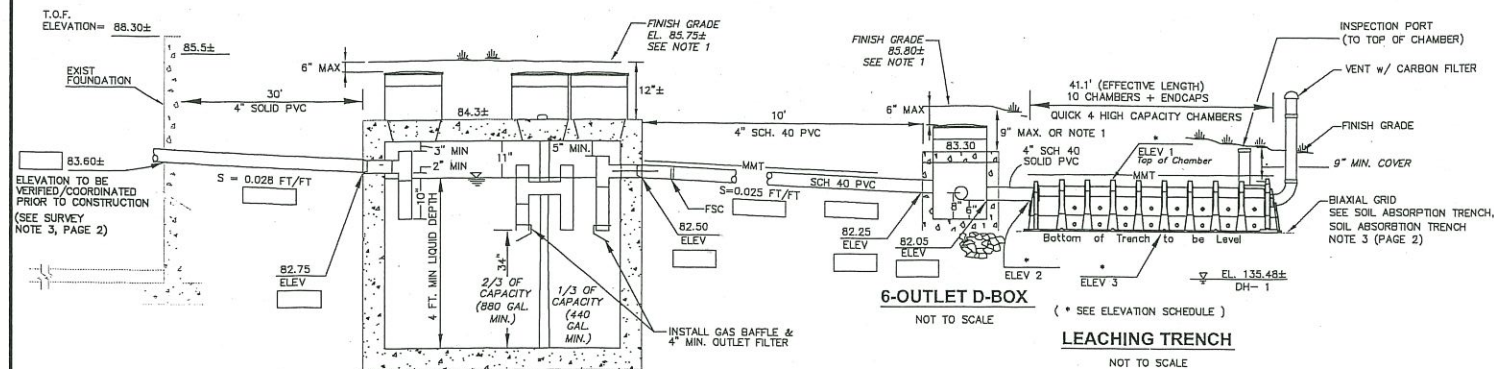
1. No other additional rooms that fall under the definitions of a bedroom under Title 5 will be built, and only what has been reviewed and approved by our office will be added.
2. A Septic System Construction Permit will be acquired, and the septic system will be upgraded prior to or concurrently with the construction of the additions.
3. Existing septic system components will be appropriately abandoned or removed. No heavy equipment should drive over the components of the existing or new septic system.
4. The additions will meet all set back distances for the upgrade septic system per Title 5 and as-built plans will be submitted to our office.

Please feel free to contact me if you have any additional questions on what was stated in this letter at (781) 455-7940; Ext. 220 or via email at spalani@needhamma.gov.

Sincerely,

Sainath Palani, MPH
Environmental Health Agent

cc: Tara Gurge, Environmental Health Agent
Debbie Anastas, Owners



NOTES:

- H-20 CAST IRON FRAME & COVER TO WITHIN 6" OF GRADE. 24" CLEAR OPENING SET ON SEWER BRICK IN MORTAR FOR SEPTIC TANK.

SYSTEM PROFILE

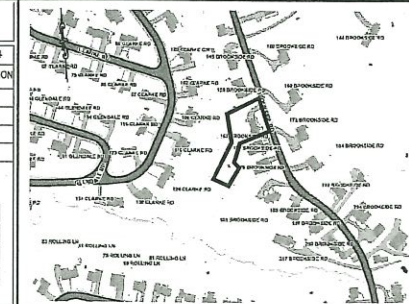
NOT TO SCALE

ELEVATION SCHEDULE				
TRENCH	ELEV 1 BREAKOUT	ELEV 2 CHAMBER INVERT(N)	ELEV 3 CHAMBER BASE	ELEV 4 EXCAVATION
P1	82.13	81.80	80.80	80.80
P2	82.13	81.80	80.80	80.80

AS-BUILT ELEVATIONS				
TRENCH	ELEV 1 BREAKOUT	ELEV 2 CHAMBER INVERT(N)	ELEV 3 CHAMBER BASE	ELEV 4 EXCAVATION
P1				
P2				

AS-BUILT INSPECTIONS:

SYSTEM STAKED: _____
SYSTEM INSPECTION: _____
SYSTEM AS-BUILT: _____
FINISH GRADES: _____



PLOT PLAN

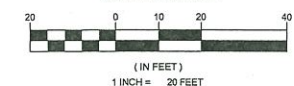
SCALE: 1"=150'



LOCUS MAP

SCALE: 1"=1,500'

GRAPHIC SCALE



DESIGN CRITERIA

- DESIGN PERC RATE: 1.2 MPI
GROUNDWATER OFFSET: 3 FT.
SOIL CLASSIFICATION: 1
DESIGN FLOW: 110 GPD
BEDROOMS AT 110 GPD = 440 GPD
NITROGEN LOADING LIMIT: 1,500 GAL. MIN.)
SEPTIC TANK REQUIREMENTS: (1,500 GAL. MIN.)
440 GPD X 2.0 = 880 GALLONS
PROVIDE 1,500 GAL. TANK (2-COMPARTMENT)
LEACHING AREA:
A. EFFLUENT LOADING RATE: 0.74 GPD/SF
B. AREA REQUIRED:
440 GPD/0.74 GPD/SF = 595 SF
(X1 NO. GARAGE GRINDER) 595 SF
C. AREA PROVIDED (INFILTRATOR SYSTEMS QUICK4 HC):
7.53 SF/FT X 41.1 FT X 2 TR = 622 SF
D. TOTAL SQ. FT. PROVIDED 622 SF
NITROGEN LOADING CALCULATIONS (310 CMR 214)
NITROGEN SENSITIVE AREA? ☒ YES ☐ NO
WELL ON PROPERTY? ☐ YES ☒ NO
INCREASE TO EXIST FLOW? ☐ YES ☒ NO
NEW CONSTRUCTION? ☐ YES ☒ NO
A. LOT AREA: 0.48 ACRES
B. DESIGN FLOW: 440 GPD

"CONVENTIONAL" AREA REQUIREMENTS PER TITLE 5

3. LEACHING AREA PROVIDED: 3 - 47 FT. TRENCHES
A. EFFLUENT LOADING RATE: 0.74 GPD/SF
B. SIDEWALL AREA PROVIDED:
(2) X 2.0 X 45 L X 2 TR = 360 SF
C. BOTTOM AREA PROVIDED:
3 W X 45 L X 2 TR = 270 SF
D. TOTAL SQ. FT. PROVIDED 630 SF

LOCAL UPGRADE APPROVAL

- 310CMR 15.02(1) - GENERAL CONSTRUCTION REQUIREMENTS
REQUIRED: 3' MAX DEPTH TO SYSTEM COMPONENTS.
ALLOWED: GREATER THAN 3' DEPTH TO SYSTEM COMPONENTS.
REQUESTED: 3.80' DEPTH TO SYSTEM COMPONENTS (CHAMBERS).

DEED RESTRICTION(S)

1. NO GARAGE GRINDER

TITLE 5 VARIANCES (310 CMR 15.000)

NOTE

- TOTAL SITE AREA: 0.48 ACRES (21,222 SF)
- TOTAL % OF BUILDING COVERAGE: 14 % (3,000 SF)
- TOTAL % OF WETLAND AREA: 0 % (0 SF)
- EXISTING DRAINAGE PATTERN IS FROM NORTH TO SOUTH. EXISTING LANDSCAPE AREA OVER PROPOSED SYSTEM WILL BE RESTORED WITH TURF. DRAINAGE PATTERN WILL MIMIC PRE-CONSTRUCTION CONDITIONS. EROSION CONTROLS TO REMAIN UNTIL SITE IS STABILIZED.
- CONTRACTOR SHALL COMPLETE AND SUBMIT THE TOWN OF NEEDHAM "SEPTIC ABANDONMENT FORM" TO THE NEEDHAM BOARD OF HEALTH.

LEGEND

- TEST PIT: PERCOLATION TEST:
SEPTIC TANK: PUMP CHAMBER:
EXISTING WELL:
WATER SERVICE:
EDGE OF PAVEMENT:
100 FT. BUFFER ZONE LIMIT:
LIMIT OF WETLAND:
EXISTING CONTOUR:
PROPOSED CONTOUR:
SPOT ELEVATION:
AS-BUILT ELEVATION:
SEWER LINE:
OVERHEAD WIRE:
PROPERTY LINES:
EROSION CONTROL:
CATCH BASIN:
FIRE HYDRANT:
WATER GATE VALVE:
UTILITY POLE:
CONCRETE BOUND:

ABBREVIATIONS

- TP: TOP OF PAVEMENT
TW: TOP OF WALL
DH: DEEP HOLE
FF: FIRST FLOOR
LL: LOWER LEVEL
BF: BOTTOM OF FOOTING
TOP: TOP OF FOUNDATION
NF: NOW OR FORMERLY
DC: DRESSER COUPLING
E.C.B.: EROSION CONTROL BARRIER
FM: FORCE MAIN
FSC: FERNCO SHEAR COUPLING
MMT: MAGNETIC MARKER TAPE
WV: WATER VALVE
OHV: OVERHEAD WIRE
IP: INSPECTION PORT
CO: CLEANOUT

ELEVATION DATUM

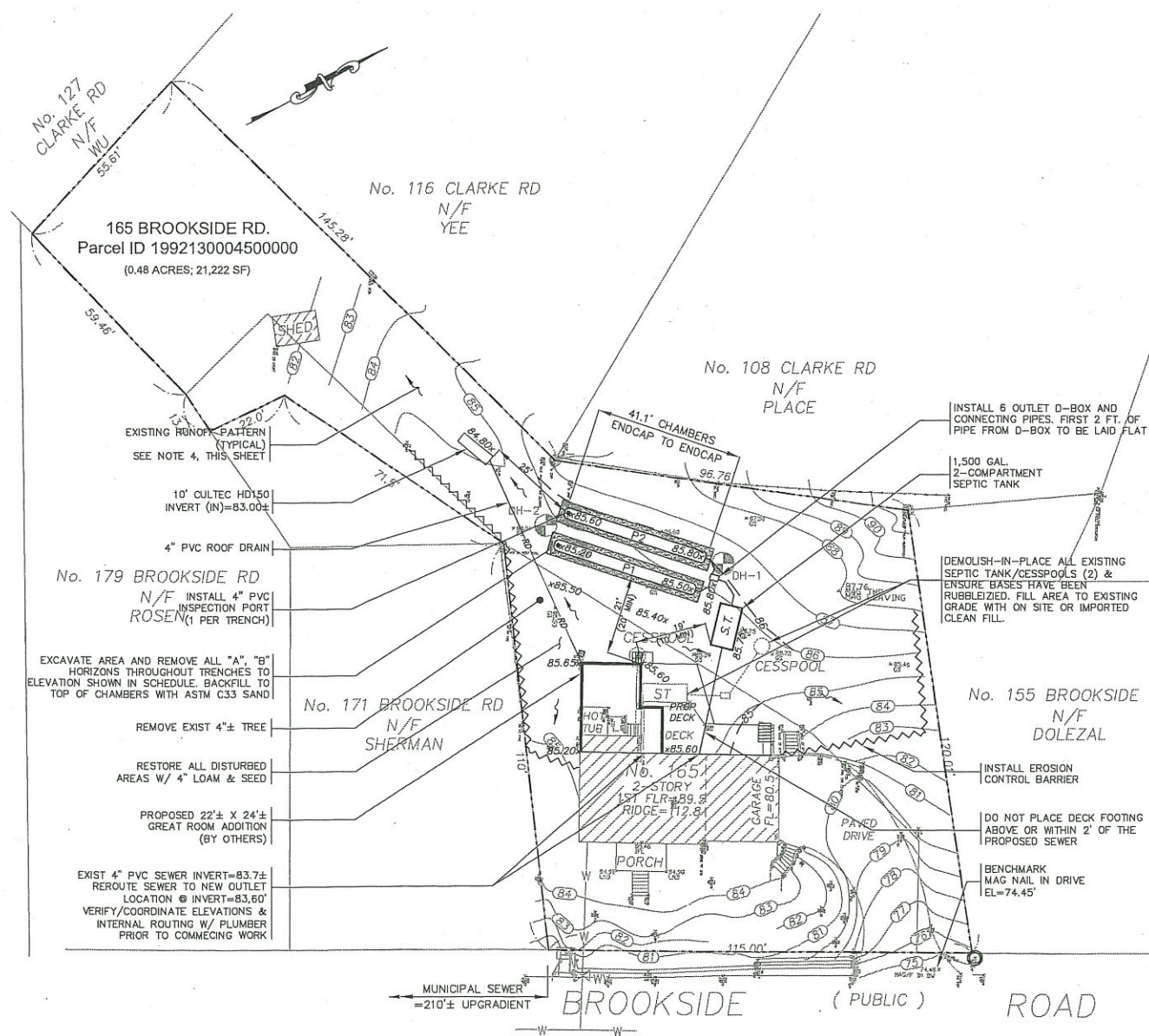
DATUM: ASSUMED
B.M.-PK NAIL IN DRIVE = 74.45'

NOTE: IF THERE ARE NO BENCH MARKS WITHIN 75 FEET OF THE DISPOSAL SYSTEM TO BE INSTALLED, CONTRACTOR SHALL SET AT LEAST ONE BENCH MARK WITHIN SUCH PROXIMITY PRIOR TO EXCAVATION.

ASSESSORS REFERENCE

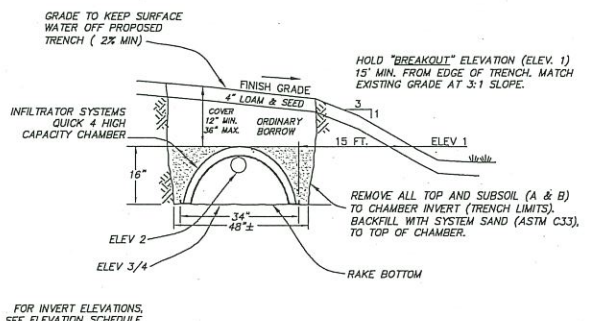
ASSESSORS PARCEL 1992130004500000

RECORD OWNER:
PAUL & DEBORAH ANASTAS



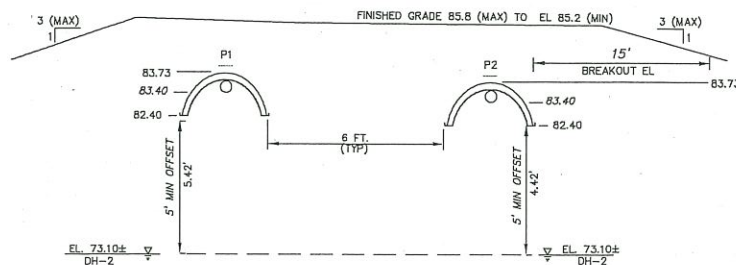
SEPTIC PLAN

SCALE: 1"=20'



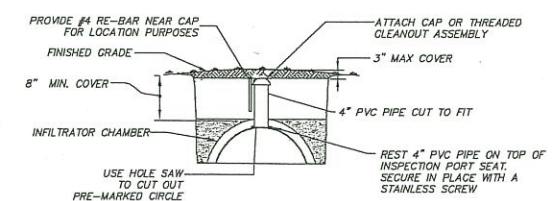
TRENCH CROSS SECTION

NOT TO SCALE



SYSTEM CROSS SECTION

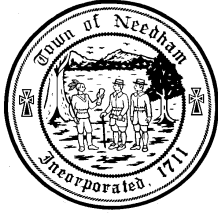
NOT TO SCALE



INSPECTION PORT DETAIL

NOT TO SCALE

NO	DATE	REVISIONS	DESIGN BY	CHECKED BY	engineer/dbo:
					L.A.L. Engineering Group
					DESIGN ~ PERMITTING PEER REVIEW LAYOUT
					730 Main St, Suite 1F
					Mills MA 02054
					P:(781) 248-1133 F:(508) 376-8440
sheet title:					
165 BROOKSIDE ROAD					
SEPTIC SYSTEM					
VOLUNTARY UPGRADE PLAN					
MAY, 2023					
applicant:					
Paul & Deborah Anastas					
165 Brookside Road					
Needham, Ma					
BY: JMK	DATE: MAY, 2023	JOB: XPL_0913100	SHEET: 1 OF 2		
CHK: CEC					



**Town of Needham
Building Department
500 Dedham Avenue
Needham, MA 02492
Tel: 781-455-7550**

July 11, 2023

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

Re: Application review for the July Hearing

165 Brookside Rd

Dear Board Members,

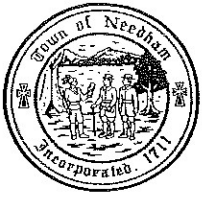
The applicant, Debbie Anastas is seeking Special Permit under section 1.4.6 (Non-conformance/ alteration) of the bylaw to allow a single-story addition to the rear of her home at 165 Brookside Rd., located in an SRA District. A portion of the addition would be 14.9' from the left side lot line when 15' are normally required, pursuant to Table 4.2.1 (Table of Dimensional Regulations).

The language of Section 1.4.6 refers to Section 1.4.7 in the case of a single or two-family dwelling. The last sentence of Section 1.4.7.2 (For purposes of this section, the extension of an exterior wall within a required setback area shall be deemed to create a new non-conformity and shall require the grant of a variance by the Board of Appeals) seems to indicate that the applicant would need to apply for and receive a variance to allow the reduction in setback sought here.

Given the minor nature of the setback deficiency of this proposal, I am currently working with the applicant to see if the plans can be adjusted in such a way that relief may not be needed. If successful, this application could be withdrawn.

Please contact my office with any questions.

Joe Prondak
Building Commissioner
Town of Needham



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

July 11, 2023

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

RE: Case Review-Special Permit
165 Brookside Road- Special Permit

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced Special Permit for the proposed 1 story addition to the existing single-family and deck area with relief to the nonconforming side setback. Project also include new septic system.

The documents submitted for review are as follows:

- Application for Special Permit dated 02/28/23;
- Architectural Set prepared by Blackbird Architects Inc. dated 3/4/23 consisting of 3-sheet.
- Existing Condition Plot Plan dated 8/1/50
- Proposed Plot Plan prepared by Christopher Charlton 3/14/23
- Town Assessor Map 142B
- Septic System Plan prepared by LAL Engineering May 2023

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 addition 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 addition for infiltration.
- New septic system plans must be stamped by a MA Lic. PE. Prior to issue of building permit.

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

Truly yours,

Thomas A Ryder
Town Engineer

Daphne Collins

From: Tom Conroy
Sent: Tuesday, July 11, 2023 10:08 AM
To: Daphne Collins
Subject: RE: 165 Brookside Road - ZBA Review - Due July 11, 2023

Thanks Daphne. Ok with Fire.



From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, July 11, 2023 9:30 AM
To: Joseph Prondak <jprondak@needhamma.gov>; David Roche <droche@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jonathan Steeves <jsteeves@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: FW: 165 Brookside Road - ZBA Review - Due July 11, 2023

Good Morning –
Friendly reminder. ZBA Reviews due today July 11th.
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

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 <dcollins@needhamma.gov>
Sent: Monday, June 26, 2023 6:32 PM
To: Joseph Prondak <jprondak@needhamma.gov>; David Roche <droche@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jonathan Steeves <jsteeves@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: 165 Brookside Road - ZBA Review - Due July 11, 2023

Good Afternoon All-

Daphne Collins

From: Tara Gurge
Sent: Tuesday, July 11, 2023 10:53 AM
To: Daphne Collins
Subject: RE: 165 Brookside Road - ZBA Review - Due July 11, 2023
Attachments: 165 Brookside Rd. SepticApprovalLetter-7-10-23_.pdf

Daphne –

In reference to the ZBA Administrative Plan review for **#165 Brookside Road.**, the Public Health Division has the following comments:

- We have no objection to the setbacks for the newly proposed additions to the neighboring property lines. In case you are interested, in reference to the proposed addition to the home on a septic system, Public Health also reviewed their proposal and I've attached a letter that Public Health recently sent re: the proposal for the property located at #165 Brookside Rd.

Please let me know if you have any questions or need any additional information.

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
Web- www.needhamma.gov/health



Prevent. Promote. Protect.



please consider the environment before printing this email

STATEMENT OF CONFIDENTIALITY

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



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

Daphne Collins

From: John Schlittler
Sent: Tuesday, July 11, 2023 12:09 PM
To: Daphne Collins
Subject: RE: 165 Brookside Road - ZBA Review - Due July 11, 2023

I think I responded no issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, July 11, 2023 9:30 AM
To: Joseph Prondak <jprondak@needhamma.gov>; David Roche <droche@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jonathan Steeves <jsteeves@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: FW: 165 Brookside Road - ZBA Review - Due July 11, 2023

Good Morning –
Friendly reminder. ZBA Reviews due today July 11th.
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

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 <dcollins@needhamma.gov>
Sent: Monday, June 26, 2023 6:32 PM
To: Joseph Prondak <jprondak@needhamma.gov>; David Roche <droche@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jonathan Steeves <jsteeves@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: 165 Brookside Road - ZBA Review - Due July 11, 2023

Good Afternoon All-

Debbie Anastas, owner, is seeking a Special Permit to alter and enlarge her pre-existing non-conforming single home to add a great room and deck. The current home has a side set back of 14'9" where the current By-Law requires a 15' side setback in the SRA District.

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
JUNE 2, 1987

RECEIVED
TOWN CLERK
NEEDHAM

'87 JUL 10 P2 53

PAUL F. & DEBORAH H. ANASTAS

Upon the application of Paul F. and Deborah H. Anastas, 165 Brookside Road, Needham, Massachusetts, owner, to the Board of Appeals for a special permit under Section 1.4.6 of the Zoning By-law to allow a second story to an existing house at 165 Brookside Road, a public hearing was held at the Town Hall, Needham, Massachusetts on Tuesday, June 2, 1987 in the evening pursuant to notice thereof published in a local newspaper and mailed to all persons interested.

Chairman Henkoff requested associate member Andrew Frieze to serve for this hearing.

Mr. Anastas appeared and stated that he is requesting a special permit under Section 1.4.6 for a second story addition over the entire main house. Mr. Anastas stated that the existing dwelling built in 1932 is approximately 10 feet from the side line and that the by-law requires a 15 feet setback for property in Zone A, therefore, the building is non-conforming. Mr. Anastas stated that he will not be increasing the footprint of the dwelling on the side of the 10-foot setback.

Appearing in favor of the special permit was Robert Stover, 145 Brookside Road; no one appeared in opposition. A letter from the Planning Board dated June 1, 1987 stated that it makes no comment on this application. The hearing closed at 9:00 p.m.

Decision

On the basis of the evidence presented at the hearing on the application of Paul F. and Deborah H. Anastas (the "applicants") for a special permit under Section 1.4.6 of the Zoning By-law to allow the enlargement of a dimensional non-conformity involving the existing structure at 165 Brookside Road by the addition of a second story thereon, the Board makes the following findings:

**BOARD OF APPEALS
NOTICE OF HEARING**

Public notice is hereby given that Paul F. and Deborah H. Anastas, 165 Brookside Road, Needham, MA, owner, has made the following applications for property located at 165 Brookside Road: 1) a special permit under Section 4.6.5 of the Zoning By-law to allow an addition which will encroach less than 25% into the minimum front setback area; and 2) a special permit under Section 1.4.6 of the Zoning By-law to allow a second story to an existing house.

Upon said applications, a public hearing will be held at the Town Hall, Needham, MA on Tuesday, June 2, 1987 in the evening at 8:15 p.m. at which time and place all persons interested may appear and be heard.
Needham Times

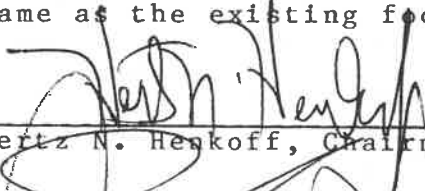
5/14, 5/21/87

1. The present structure, located on a lot created prior to January 9, 1986, is located 10.2 feet from the southerly side line which, while appropriate when built, does not conform to the minimum side line setback requirements of Section 4.2.1 of the Zoning By-law.

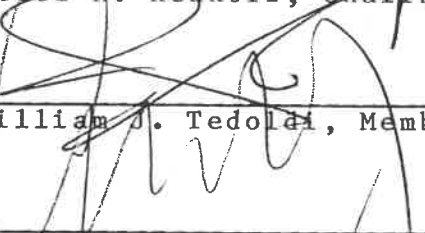
2. The applicants propose to expand that portion of the existing house which is located 10.2 feet from the side line by adding a second floor. The applicants do not propose to increase the footprint of the existing structure on that encroaching southerly side. The proposed expansion of that portion of the house which does not conform to the minimum side line setback requirement would be upward. The applicants do not propose to create any new or additional encroachment into the minimum side line setback requirement.

3. The alteration of the existing dwelling house as proposed by the applicants is not substantially more detrimental to the neighborhood than the existing non-conformity and does not increase the non-conforming nature of the dwelling.

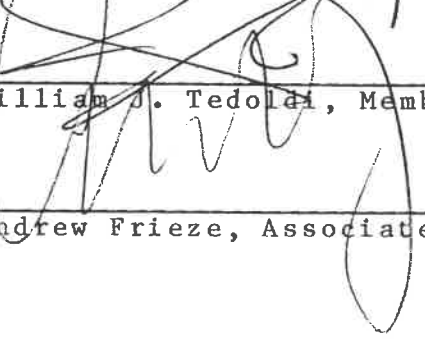
On the basis of the foregoing findings, the Board, by unanimous vote after motion duly made and seconded, grants the applicants a special permit under Section 1.4.6 of the Zoning By-law to alter the existing non-conforming dwelling house at 165 Brookside Road by adding a second floor substantially as shown on the plan submitted with the application prepared by Carmello Frazetti, dated March 16, 1987 on the condition that the footprint of the house, on the southerly side line, after completion of the proposed alteration, will be the same as the existing footprint.



Hertz N. Henkoff, Chairman



William J. Tedoldi, Member



Andrew Frieze, Associate Member

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

TELEPHONE (781) 449-4520

FAX (781) 465-6059

June 26, 2023

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: 669 Highland Avenue, LLC
673 Highland Avenue
Fast Casual Restaurant

Dear Ms. Collins,

Please be advised this office represents 669 Highland Avenue, LLC (hereinafter “669 Highland” and the “Applicant”) with respect to the property known and numbered 673 Highland Avenue, 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 Mercedes Realty Trust, current owner of the Premises;
3. Seven copies of the following plans:
 - a. Plans titled “Just Salad, Store #TBD, Needham, Boston, MA”, consisting of five sheets as follows: (i) Site Plan, dated 5/23/23, (ii) Trash Details, dated 5/23/23, (iii) Proposed Signage, d. 5/15/23, (iv) Proposed Signage Elevations, d. 4/21/23, and (v) Proposed Floor Plan, d. 5/16/23;
 - b. Existing Conditions Plot Plan, d. June 9, 2023;
 - c. Proposed Renovation(s) Plot Plan, d. June 21, 2023; and
5. Check in the amount of \$500 for the applicable filing fee.

The Premises is situated in an Industrial (Ind) Zoning District and is occupied by an existing commercial structure and associated parking area. From approximately 1967 until a couple of years ago, the Premises was used and occupied for a few different food services uses, including

International House of Pancakes, Bickford's, and 3 Squares. Since the closure of 3 Squares a couple of years ago, the building has remained equipped and ready for food services use, while the parking lot has been used on a temporary basis by Temple Beth Shalom, across the street.

669 Highland Avenue, LLC now desires to renovate and reconfigure the existing building for further food service use as Just Salad location. Just Salad is a fast-casual restaurant concept, founded in 2006, with a mission to make everyday health and sustainability possible. Their menu features over 15 chef-designed salads, wraps, warm bowls, avocado toast, soups and smoothies, made with prepped-daily produce, homemade dressings and fresh, flavorful ingredients. Just Salad is home to the world's largest restaurant reusable program and the first U.S. restaurant chain to carbon label its menu. As of 2022, there were over 50 Just Salad locations across New York, New Jersey, Florida, Illinois, Pennsylvania, North Carolina and Dubai.

While no significant changes are proposed for the site, the use nevertheless requires a special permit pursuant to Section 3.2.1. Moreover, the parking lot, which has been in existence since the late 1960s, does not meet current design requirements and because of the take-out station requirement in the parking table at Section 5.2.1, a waiver from the number of parking spaces is also required.

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	669 Highland Avenue, LCC			Date:	6/26/23
Applicant Address	663 Lexington Avenue, 2nd Floor, New York, New York 10022				
Phone	(314) 277-3575 (Jennifer Richter)	email	jrichter@justsalad.com		
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ 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 ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____					
Contact ☒ Me and ☒ Representative in connection with this application.					

Subject Property Information

Property Address	673 Highland Avenue, Needham, MA 02494		
Map/Parcel Number	Map 77 / Parcel 10	Zone of Property	Industrial (Ind)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? Yes ☐ No ☒ N/A			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Commercial building, previously used for food service use, and associated parking area which is pre-existing, non-conforming as to design requirements.

Statement of Relief Sought:

- a. Special Permit pursuant to Section 3.2.1 for an eat-in or take-out restaurant or other eating establishment;
- b. 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
- c. Any and all other relief as may be necessary for the use of the Premises for a fast casual restaurant with dine-in, take-out and outdoor seating.

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



ZBA Application For Hearing

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

Date Structure Constructed including additions:

Date Lot was created:

Submission Materials	Provided
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.



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: June 26, 2023 Applicant Signature

669 Highland Avenue, LCC

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

Mercedes Realty Trust
68 Harvard Street
Brookline, MA 02445

June 21, 2023

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

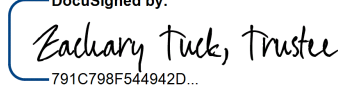
Attn: Daphne M. Collins, Administrative Specialist

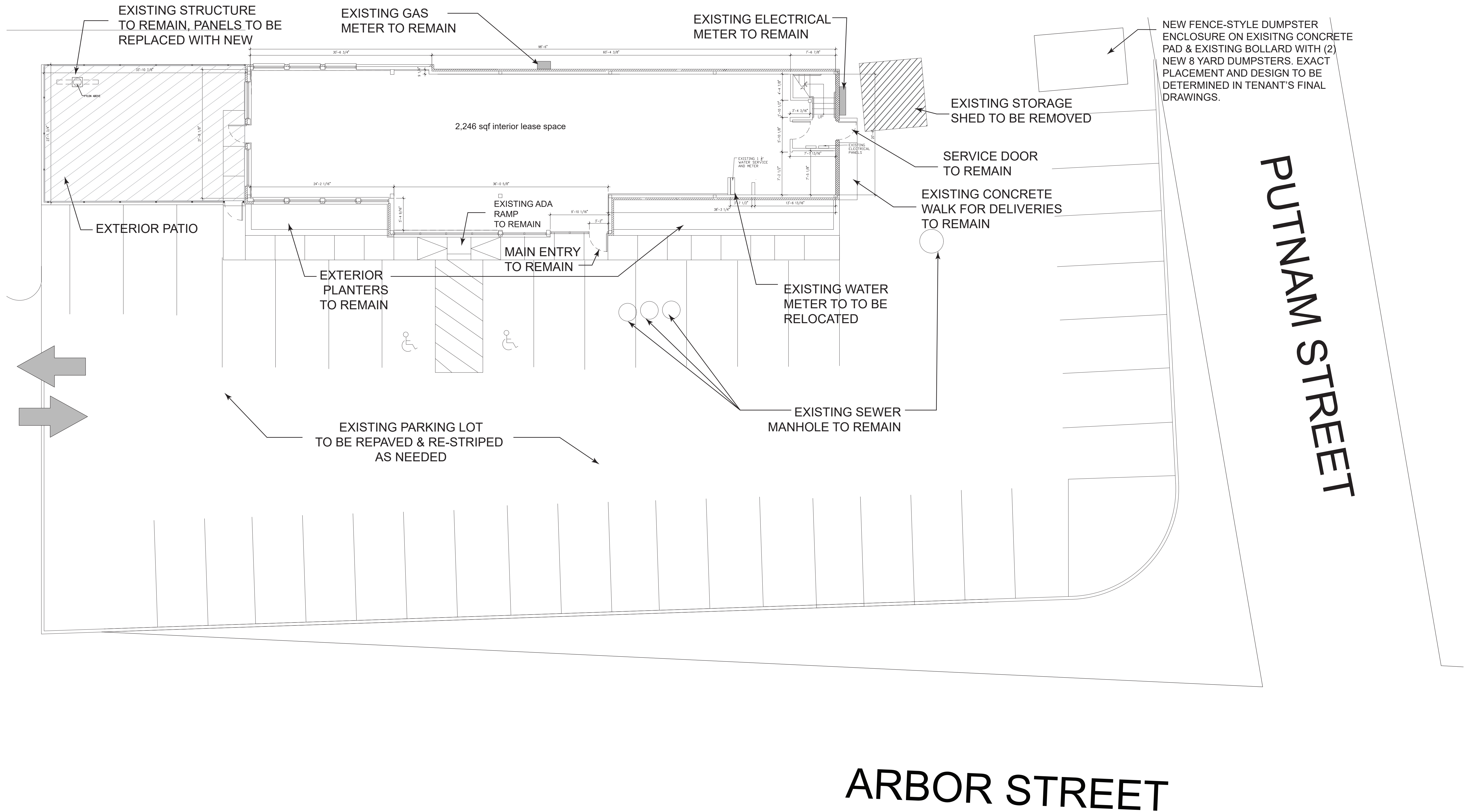
Re: 669 Highland Avenue, LLC d/b/a Just Salad
673 Highland Avenue
Application for Zoning Relief

Dear Mrs. Collins,

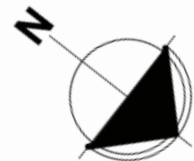
Please accept this letter as confirmation that Mercedes Realty Trust, owner of the property known and numbered 673 Highland Avenue, Needham, MA (the "Premises"), has authorized 669 Highland Avenue, LLC and Just Salad, LLC, tenant, through their attorney George Giunta, Jr., Esquire, to make application 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 the use of the Premises for a Just Salad food service location, including, without limitation, eat-in and take-out service. 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,

DocuSigned by:

791C798F544942D...
Zachary Tuck, Trustee
Mercedes Realty Trust



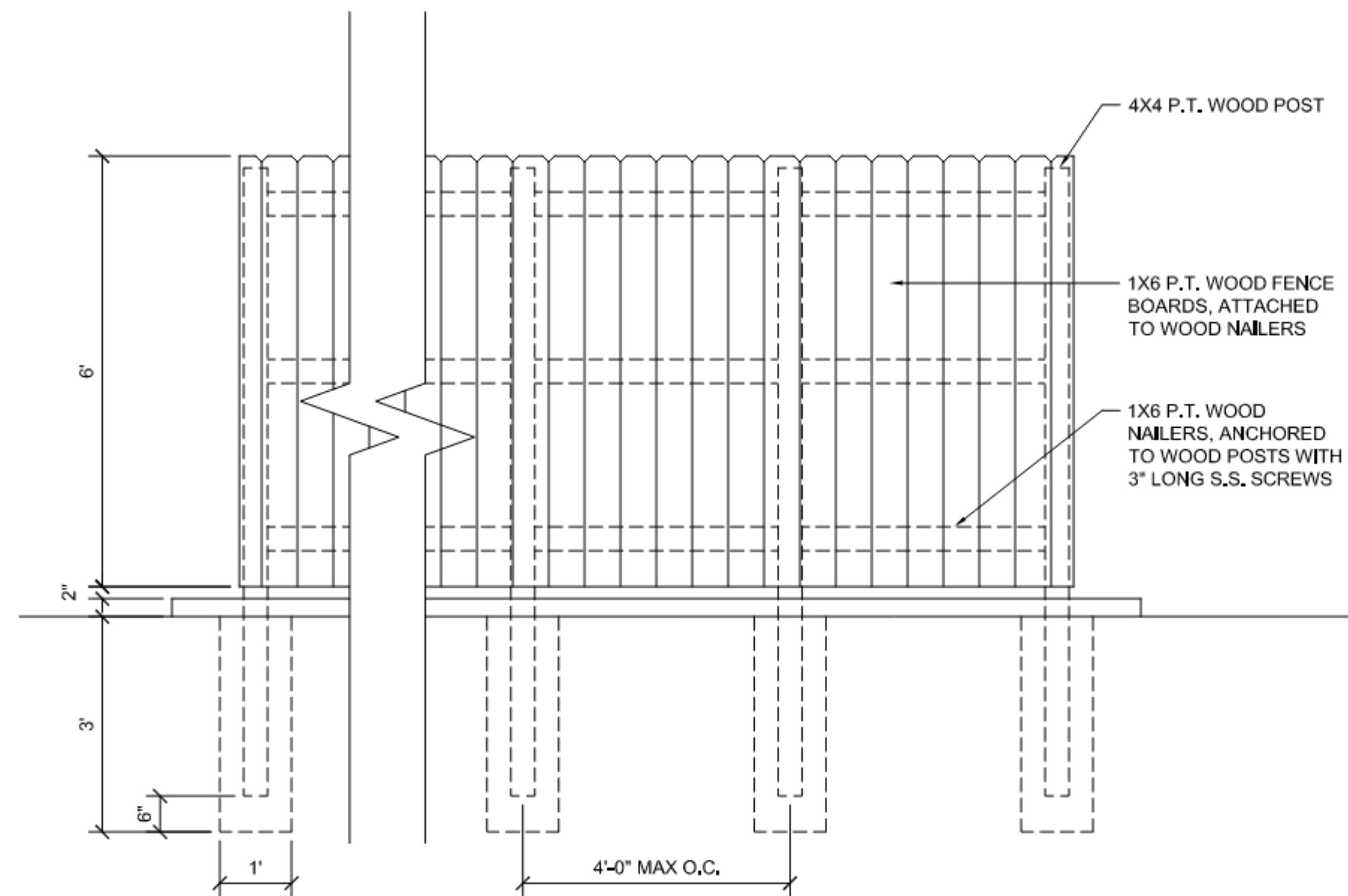
Sitw Plan



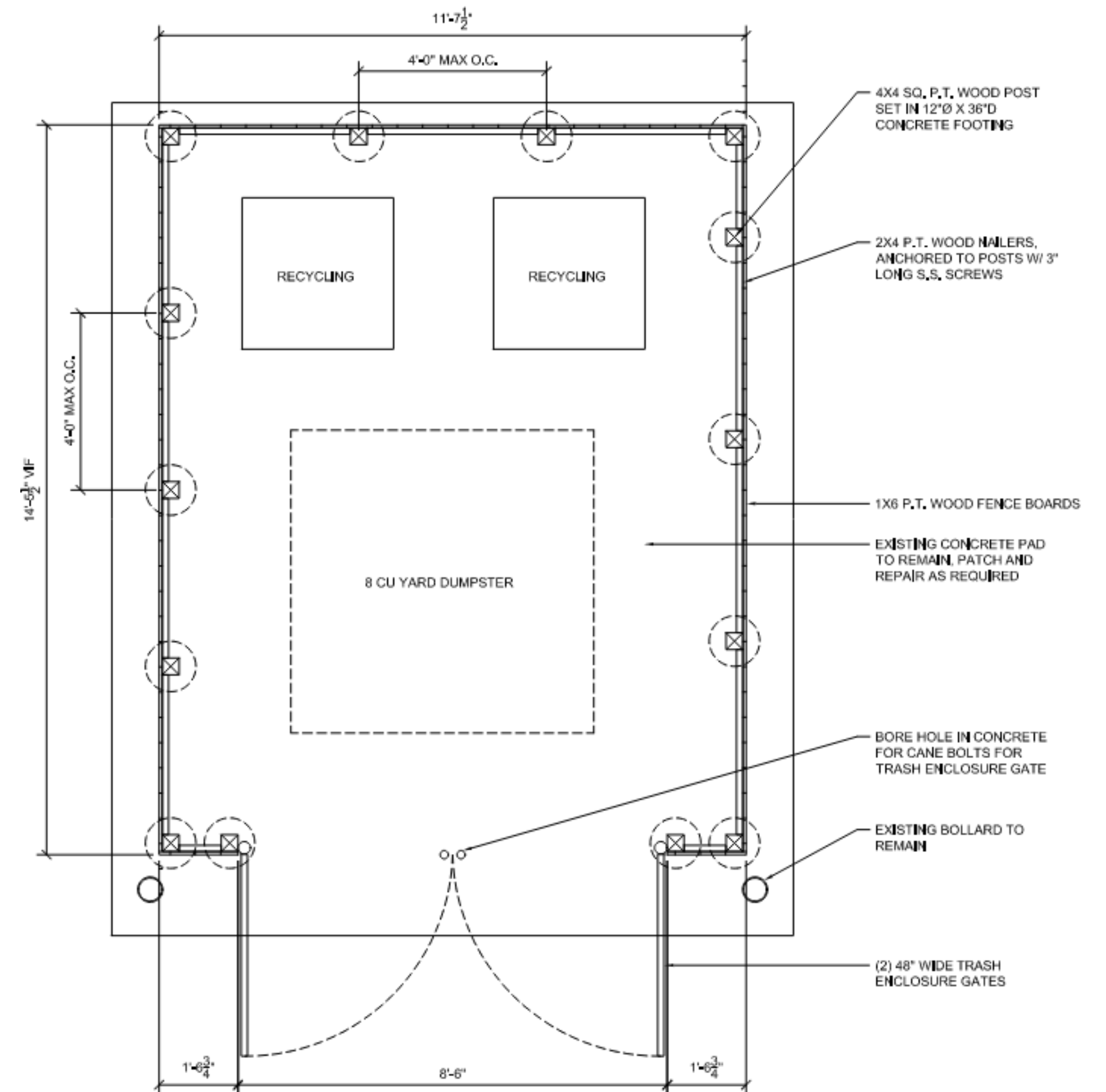
just salad



STORE #TBD, NEEDHAM, BOSTON, MA
 669 Highland Ave,
 Boston Massachusetts
PROPOSED SITE PLAN
 05/23/23



2 TRASH ENCLOSURE - ELEVATION
SCALE: NTS



1 TRASH ENCLOSURE - PLAN
SCALE: NTS



EXISTING FACADE



EXISTING PYLON



PROPOSED FACADE

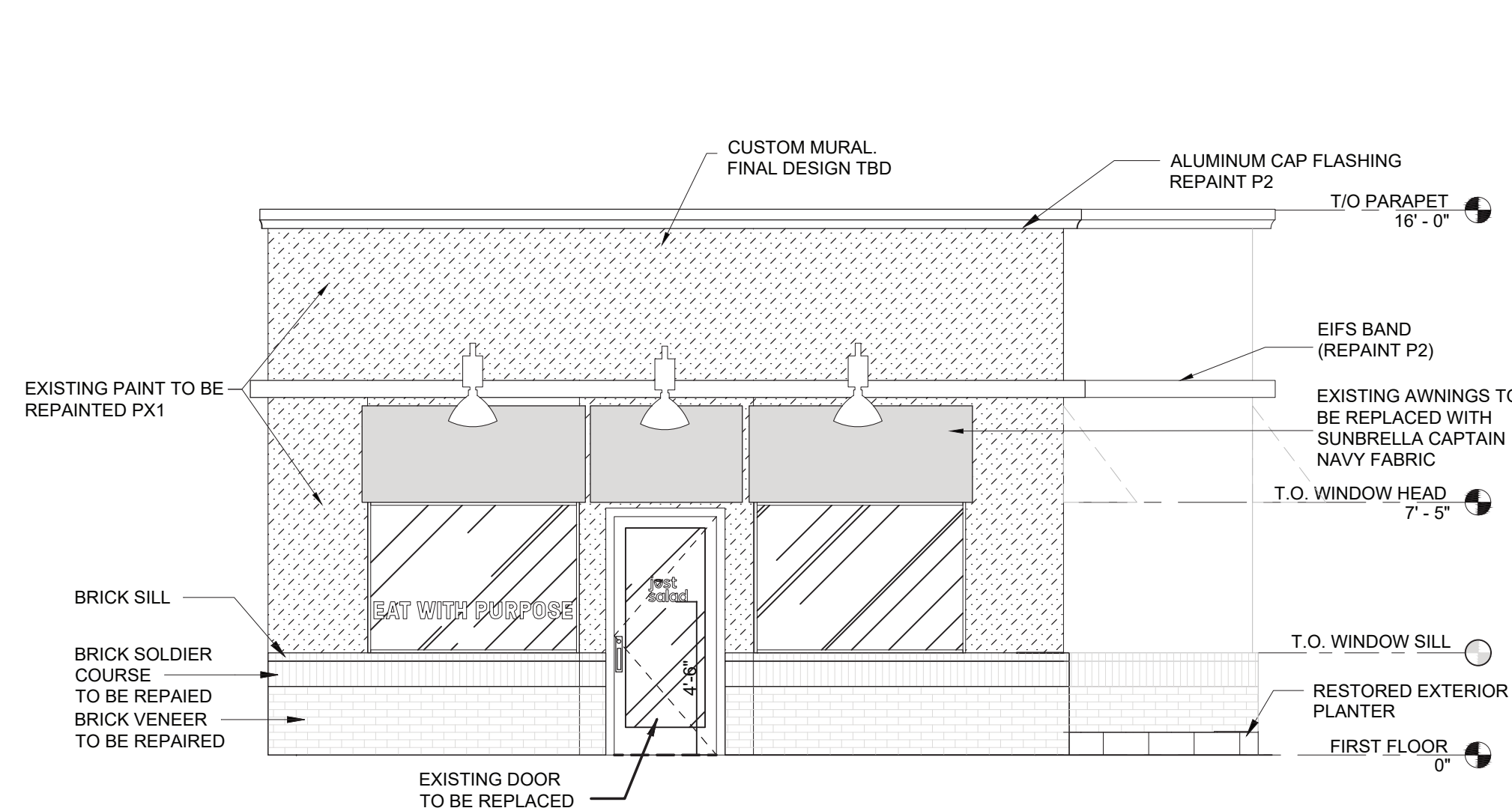


PROPOSED PYLON

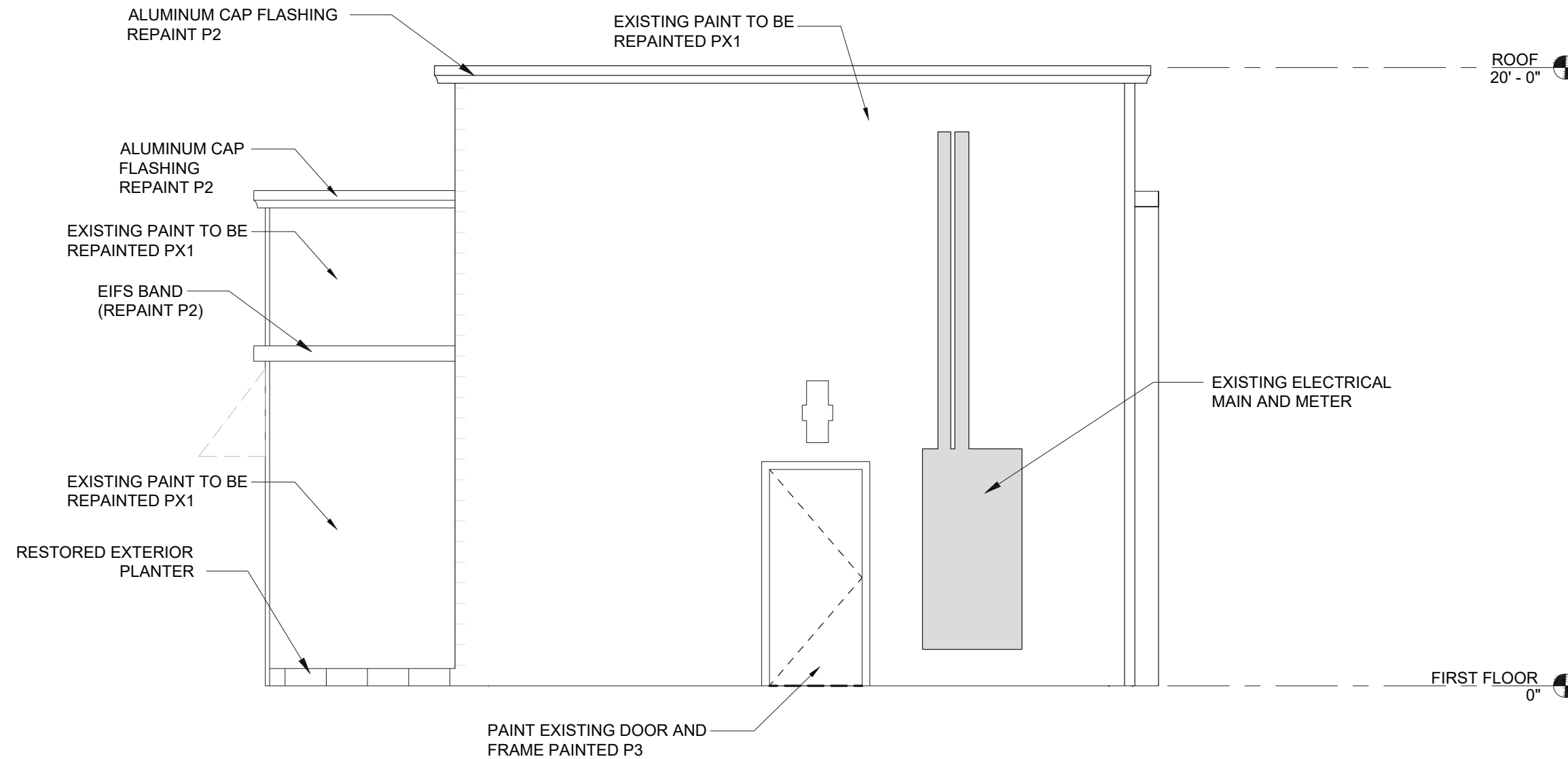
- 1 INTERNALLY ILLUMINATED TRIMLESS LETTER SIGN WITH WHITE FACES AND WHITE RETURNS ON BLUE BACKER PANEL. 24" h MAX LETTER "J". BLUE BACKER PANEL TO MATCH PMS 2767.
- 2 INTERNALLY ILLUMINATED JS LOGO TO FIT ON PYLON SIGN. PYLON TO BE REPAIRED RESTORED AND REPAINTED TO MATCH PMS 2767. GC TO REPAIR INTERNAL ELECTRIC COMPONENTS.
- 3 AWNING FABRIC ON EXISTING FRAMES TO BE REPLACED WITH SUMBRELLA CAPTAIN NAVY.

just salad

STORE #TBD, NEEDHAM, BOSTON, MA
 669 Highland Ave,
 Boston Massachusetts
PROPOSED SIGNAGE
 05/15/23

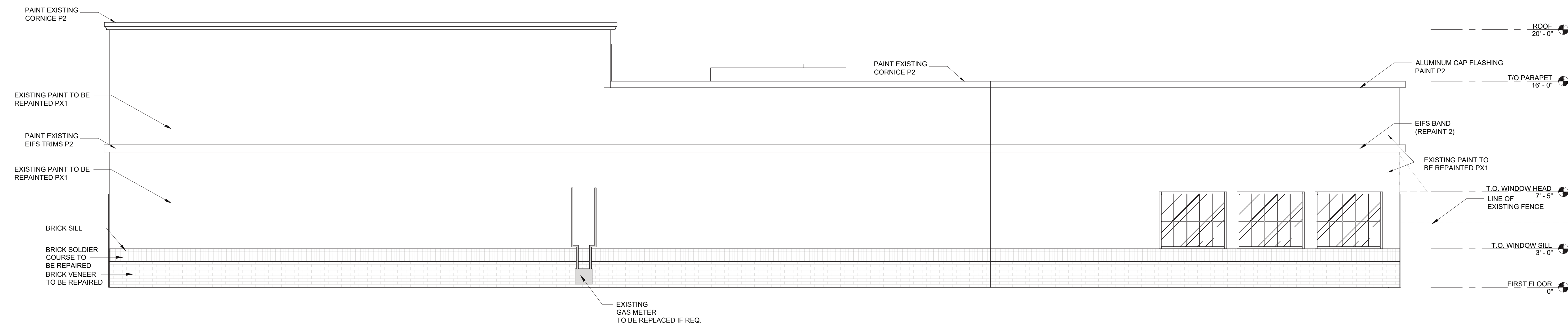


3 | WEST ELEVATION
NOT TO SCALE

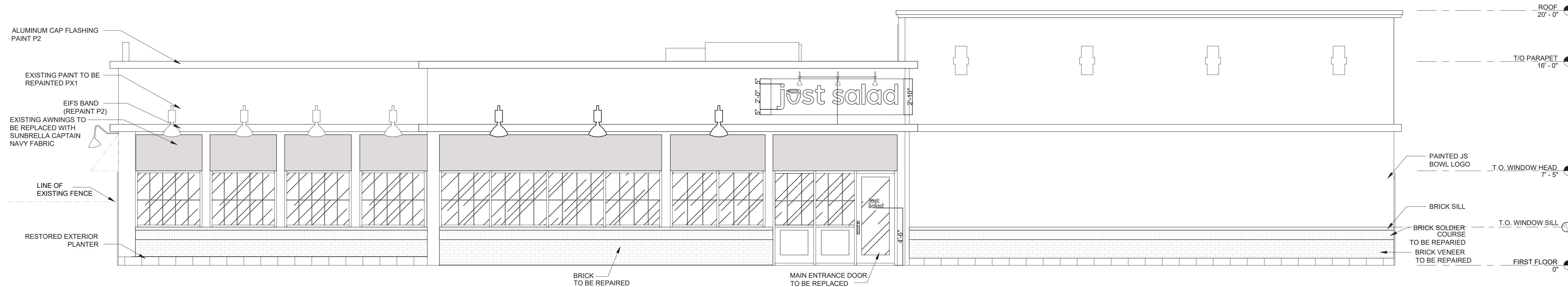


4 | EAST ELEVATION
NOT TO SCALE

PAINT FINISH LEYEND			
CALLOUT	COLOR	BRAND	SPEC
PX1		BENJAMIN MOORE	2121-40 SILVER HALF DOLLAR
P2		BENJAMIN MOORE	869 OXFORD WHITE
P3		BENJAMIN MOORE	1474 CAPE MAY COBBLESTONE



2 | NORTH ELEVATION
NOT TO SCALE



1 | SOUTH ELEVATION
NOT TO SCALE

STORE #TBD, NEEDHAM, BOSTON, MA
 669 Highland Ave,
 Boston Massachusetts
PROPOSED SIGNAGE ELEVATIONS
 04/21/23



TOWN OF NEEDHAM, MASSACHUSETTS

BUILDING INSPECTION DEPARTMENT

Assessor's Map & Parcel Number: 77-10

Building Permit No.:

Zoning District: INDUSTRIAL

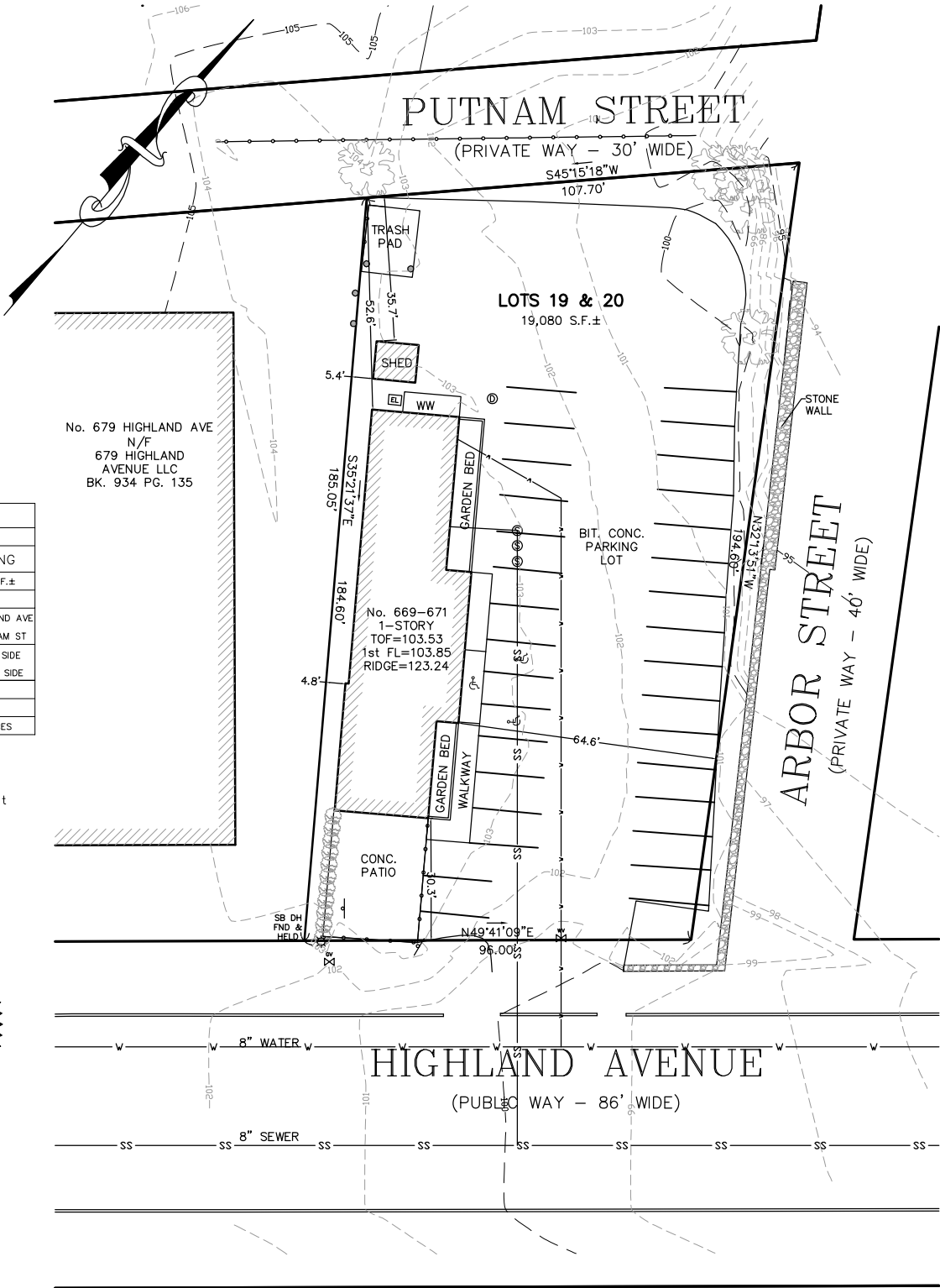
Lot Area: 19,080± S.F.

Address: NO. 669-671 HIGHLAND AVENUE

Owner: RITTENBERG, JORDAN & TUCK RICHARD TRS

Builder:

EXISTING CONDITIONS PLOT PLAN
SCALE: 1"= 40'



EXISTING LOT
COVERAGE = 8.0%

No. 679 HIGHLAND AVE
N/F
679 HIGHLAND
AVENUE LLC
BK. 934 PG. 135

ZONING LEGEND		
	REQUIRED	EXISTING
LOT AREA	10,000 S.F.	19,080 S.F.±
LOT FRONTAGE	80'	96'
FRONT SETBACK	10'	30.3' HIGHLAND AVE 52.6' PUTNAM ST
SIDE SETBACK	N/A	4.8' WEST SIDE 64.6' EAST SIDE
MAX. HEIGHT (FEET)	40'	19.71'
MAX. HEIGHT (STORIES)	3	1
PARKING	45 SPACES*	40 SPACES

* Calculated as follows:
74 Total Seats (46 Interior and 28 Exterior)
@ 1/3 = 24.67, rounded up = 25 spaces
2 Take-Out Stations @ 10 spaces / take-out
station = 20 spaces
25 + 20 = 45 total spaces required



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, gas lines, 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: 9TH day of: JUNE 2023

Name: CHRISTOPHER C. CHARLTON Registered Land Surveyer #: 48649

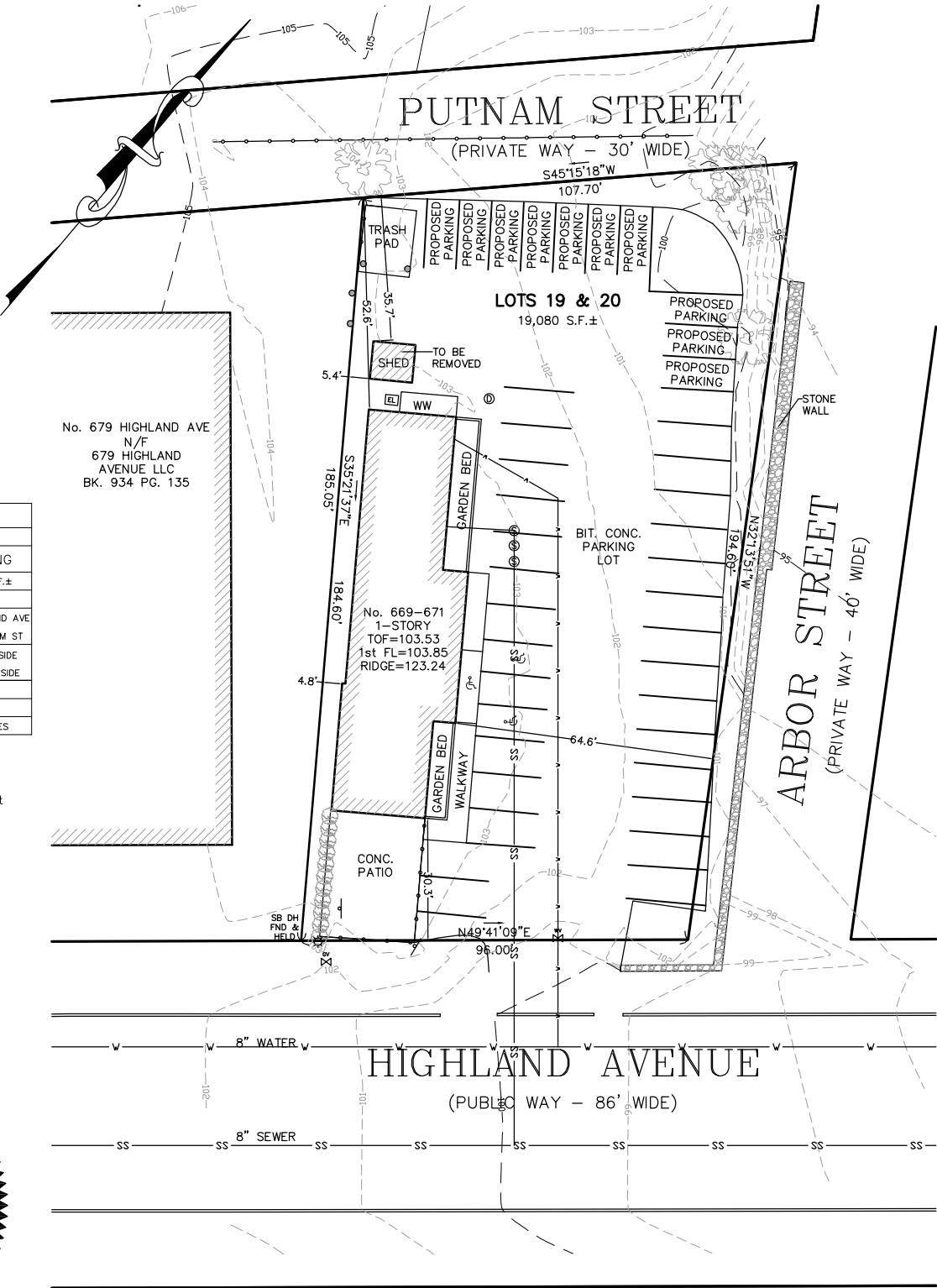
Address: 105 BEAVER STREET City: FRANKLIN State: MA Zip: 02038 Tel. No: (508) 528-2528

Approved: _____ Director of Public Works: _____ Date _____
Building Inspector: _____ Date _____

TOWN OF NEEDHAM, MASSACHUSETTS
BUILDING INSPECTION DEPARTMENT

Assessor's Map & Parcel Number: 77-10
Building Permit No.:
Lot Area: 19,080± S.F.
Owner: RITTENBERG, JORDAN & TUCK RICHARD TRS
Zoning District: INDUSTRIAL
Address: NO. 669-671 HIGHLAND AVENUE
Builder:

PROPOSED RENOVATION(S) PLOT PLAN
SCALE: 1"= 40'



EXISTING LOT
COVERAGE = 8.0%

ZONING LEGEND table with 3 columns: Requirement, Required, Existing. Rows include Lot Area, Lot Frontage, Front Setback, Side Setback, Max. Height (Feet), Max. Height (Stories), and Parking.

* Calculated as follows:
74 Total Seats (46 Interior and 28 Exterior)
@ 1/3 = 24.67, rounded up = 25 spaces
2 Take-Out Stations @ 10 spaces / take-out station = 20 spaces
25 + 20 = 45 total spaces required



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, gas lines, 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: 21ST day of: JUNE 2023
Name: CHRISTOPHER C. CHARLTON Registered Land Surveyer #: 48649
Address: 105 BEAVER STREET City: FRANKLIN State: MA Zip: 02038 Tel. No: (508) 528-2528
Approved: Director of Public Works: Date
Approved: Building Inspector: Date

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

June 30, 2023

MEMORANDUM IN SUPPORT OF
APPLICATION FOR SPECIAL PERMITS
669 Highland Avenue, LLC
673 Highland Avenue, Needham, MA

The applicant, 669 Highland Avenue, LLC (hereinafter, interchangeably, the “Applicant” and “Just Salad”), seeks a Special Permit pursuant to Section 3.2.1 for an eat-in or take-out restaurant or other eating establishment, 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 the property known and numbered 673 Highland Avenue (the “Premises”) for a fast casual restaurant with dine-in, take-out and outdoor seating under the “Just Salad” brand.

BACKGROUND

The Premises is situated in the Industrial Zoning District. It is identified as Parcel 10 on Town of Needham Assessor’s Map No. 77 and is situated on the corners of Highland Avenue, Arbor Street, and Putnam Street, with approximately 96 feet of frontage on Highland Avenue, 194.6 feet of frontage on Arbor Street and 107.70 feet of frontage on Putnam Street. The Premises consists of approximately 19,080 square feet of land and is occupied by an existing principal building, a small shed, an outdoor seating patio, and associated off-street parking, which is accessed solely from Highland Avenue. The building is one story in height and consists of approximately 2,393 square feet of space on the first floor with a mezzanine area of approximately 920 square feet.

From approximately 1967 until somewhat recently, the Premises was used and occupied for multiple food service uses, including the International House of Pancakes, Bickford’s, and 3 Squares.¹ Since the closure of 3 Squares in the fall of 2020, the building has remained equipped and ready for food services use, while the parking lot has been used on a temporary basis by Temple Beth Shalom, located across the street.

¹ The building was completely reconstructed twice following significant fires, but the food use remained consistent throughout.

PROPOSED USE

The Applicant is proposing to continue the long-standing use of the Premises for food service purposes by redeveloping same as a “Just Salad” location. Just Salad is a fast-casual restaurant concept, founded in 2006, with a mission to make everyday health and sustainability possible. Their menu features over 15 chef-designed salads, wraps, warm bowls, avocado toast, soups and smoothies, made with prepped-daily produce, homemade dressings and fresh, flavorful ingredients. Just Salad is home to the world’s largest restaurant reusable program and the first U.S. restaurant chain to carbon label its menu. As of 2022, there were over 50 Just Salad locations across New York, New Jersey, Florida, Illinois, Pennsylvania, North Carolina and Dubai.

The proposed restaurant will consist of 46 interior seats and 28 exterior seats, for a total of 74 seats.² There will be two cash registers, and therefore, pursuant to the Zoning By-Law, two take-out stations. The awnings, signage and aesthetic elements of the building will be changed to reflect the Just Salad colors and logo, but otherwise, the exterior of the building will not be materially altered. Similarly, the site layout will not be materially changed, with the exterior seating patio and parking area remaining substantially the same. The only notable exceptions are that the existing shed will be demolished and removed, a new wood dumpster enclosure will be installed around the existing dumpster area and one replacement parking space will be created.³

Anticipated hours of operation will be 10:30 to 9 PM, seven days per week, although actual days and hours may fluctuate, based on demand and relevant conditions. If a limitation is to be imposed on hours of operation, Just Salad requests that it be within the hours of 10 AM and 10 PM, to provide adequate flexibility and time for opening and closing activities.

PARKING

There were previously a total of 40 parking spaces at the Premises, including two handicap spaces. The spaces were arranged along the easterly and northerly boundary of the property as well as immediately in front of the existing building. However, over the past several

² By way of comparison, 3 Squares, the most recent restaurant tenant, included 90 interior seats and 26 exterior seats for a total of 116 seats.

years, the striping of the spaces at the northerly (back) end of the Premises, and some of the spaces along the northerly end of the easterly boundary have faded to the point of no longer being visible. In addition, one of the compact spaces at the southerly (front) end of the Premises was impacted by the reconstruction of Highland Avenue and is no longer viable. As a result, the spaces will be restriped, consistent with the prior layout, and one full size space will be added to the northerly end of the spaces in front of the building, to preserve the total of 40 spaces on site.

Pursuant to the calculation required by the By-Law, the proposed Just Salad location will require a total of 45 parking spaces as follows:

74 Total Seats (46 interior and 28 exterior) @ 1 space / 3 seats = 24.67 spaces = 25 spaces

2 Take-Out Stations @ 10 spaces / take-out station = 20 spaces

Total: 25 + 20 = 45 total spaces

As a result, a waiver of five spaces is necessary and has been requested. However, notwithstanding the calculation pursuant to the By-Law, actual demand is expected to be less. This is based on the numerous other Just Salad locations, a parking analysis, and the Applicant's position that the By-Law substantially overstates the applicable parking demand for the take-out aspect of the proposed use.

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 3.2.1 of the By-Law, the request for a special permit for or an eat-in or take-out restaurant or other eating establishment is 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

³ There was a dumpster enclosure in the same location previously, but was removed at some point.

(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 the Premises as a Just Salad fast casual restaurant is consistent with both the general and specific purposes of the By-Law. Just Salad provides a somewhat unique and healthy food option to residents of the Town and will likely bring customers from surrounding areas. This will promote the welfare and interests of both the businesses and residents of the Town of Needham.

The Premises is in a highly developed area, within an Industrial zoning district where a number of other, far more intense uses are allowed by right. It is bordered to the west by a retail location, an office building, and a bank, and to the east by an office building that also contains a yoga studio. It is compatible with the spirit and intent of the Zoning District as well as the characteristics of the surrounding area. Finally, because the Premises was used from the late 1960s until the fall of 2020 for food service purposes, the continuation of such use is consistent with the history of the property. Therefore, the Applicant asserts that the proposed Just Salad restaurant complies with the applicable provisions of both Chapter 40A and the By-Law and should be allowed.

II. PARKING

There are 40 parking spaces on site and the calculated parking demand applicable to the restaurant pursuant to the By-Law is 45 spaces. As a result, a parking waiver of 5 spaces is required. However, in practice, the actual parking demand is anticipated to be less, based, in part,

on parking demand at other Just Salad locations, in part, on the Memorandum of Jeffrey S. Dirk, PE of Vanasse & Associates, Inc., provided herewith indicating a practical demand of 25 spaces, and, in part, because the By-Law requirement applicable to take-out stations results in an overstated parking demand. As indicated above, Just Salad will include two cash registers. Although the By-Law is silent on exactly what constitutes a “take-out station”, it has long been interpreted to mean any cash register that may be used for a take-out transaction. As a result, Just Salad is considered to have two take-out stations, even though the second register is unlikely to generate additional parking demand on its own. Furthermore, the By-Law requires 10 spaces for each take-out station, which is an arbitrary number established when the parking demand table was first created years ago. Just Salad asserts that this number significantly overstates the parking demand applicable to take-out that is accessory to an eat-in restaurant, even a fast casual restaurant like Just Salad.

Therefore, Just Salad asserts that, owing to the special circumstances applicable to its proposed use, the application of the parking requirements of Section 5.1.2 are not warranted and a waiver of 5 spaces 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.

The parking area on site is fully developed and laid out. However, one compact space was recently eliminated in connection with the work done by the Commonwealth as part of its improvements to Highland Avenue. As a result, a replacement full-size space will be created at the northerly end of the existing parking spaces directly in front of the building to maintain the overall number of spaces. Other than the addition of this one replacement space, the layout, function and design of the parking area will remain unchanged.⁴ Pursuant to Section 5.1.1.7, any alteration of a parking area containing 5 or more spaces triggers the need to comply with the design requirements of Section 5.1.3. In addition, in as much as the previous food service use has been discontinued for more than two years, the provisions of Section 5.1 can be interpreted to require full compliance with the design guidelines.

⁴ Note that the layout, function and design of the parking lot was reviewed by the Board in the spring of 2014 when the 3 Squares restaurant was granted special permits for the creation of the outdoor seating patio. See Decision dated June 19, 2014, issued to Rockets Restaurant Group, LLC, filed with the Town Clerk on July 18, 2014.

However, the existing parking area, which was initially created in the late 1960s when the building was first constructed, well prior to the establishment of the parking design guidelines, does not fully comply with those design requirements. In particular, the existing parking does not comply with the following:

(a) Parking Lot Illumination – the By-Law requires that all illuminated portions of the parking area have an illumination level of an average of one foot candle.

(f) Parking Space Size – the By-Law requires that all full-size parking spaces shall measure at least 9 feet in width and 18.5 feet in length. While most of the parking spaces comply with these measurements, it appears that several spaces are slightly narrower.

(i) Width of Maneuvering Aisle – The By-Law requires a minimum width of maneuvering aisle of 24 feet, but the maneuvering aisle between the spaces in front of the building and along the easterly property line is approximately 21 feet.

(j) Parking Setbacks – The By-Law requires that parking spaces and maneuvering aisles be setback a minimum of 10 feet from a front lot line or street right-of-way line and 4 feet from rear and side lot lines. The existing parking is situated less than the required minimum distance along the southerly, easterly and northerly sides of the property.

(k) Landscaped Areas – the By-Law requires the setback areas mentioned directly above, as well as a portion of the interior of the parking area, to be landscaped. However, there is no setback along most of the property lines and no interior landscaping.

(l) Trees – the By-Law requires a minimum of 4 trees within and around the parking area. However, at best there may be one or two trees in the northeast corner of the property, between the parking and the right rear property corner.

(n) Bicycle Racks – the By-Law requires bicycle racks for a minimum of two bicycles. However, none exist.

Nevertheless, no significant or meaningful changes are proposed to the parking area, with the sole exception of the creation of the single replacement space, which space complies with applicable design requirements. Therefore, a parking waiver from the applicable design

requirements contained in Section 5.1.3 is appropriate. If the parking area were forced to comply with current design requirements, a substantial portion, potentially upwards of half the existing spaces, would be eliminated.

CONCLUSION

From approximately 1967 until the fall of 2020, the Premises was used continuously for food service purposes. Then, during the pandemic, the most recent restaurant use closed. Now, a new restaurant desires to utilize the building, without making any substantial or material changes to the exterior of the building, the site layout, or the parking. The proposed new restaurant will include less seats than the most recent food service use but will include a take-out component. Such use is allowable pursuant to a special permit and is consistent with both the underlying purpose of the Industrial zoning district and the characteristics of the surrounding area. As a result, as set forth above, the Applicant is of the opinion that the applicable requirements relative to use have been met. Moreover, while parking waivers are necessary, both for the number of spaces required pursuant to the By-Law and for the design of the existing parking area, as set forth above, actual parking demand is anticipated to be less than calculated pursuant to the By-Law and the parking area, which has been in existence for more than 50 years, is not being altered or changed in any material way. Therefore, there are good and sufficient reasons for the granting of the waivers. As a result, Just Salad asserts that the requested zoning relief is both proper and appropriate and should be granted.

Respectfully submitted,
669 Highland Avenue, LLC
by its attorney,



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

MEMORANDUM

TO: Just Salad LLC
c/o Ms. Jennifer Richter
Development Project Manager
663 Lexington Ave., 2nd Floor
New York, NY 10022

FROM: Mr. Jeffrey S. Dirk, P.E.*, PTOE, FITE
Managing Partner
Vanasse & Associates, Inc.
35 New England Business Center Drive
Suite 140
Andover, MA 01810-1066
(978) 269-6830
jdirk@rdva.com

**Professional Engineer in CT, MA, ME, NH, RI and VA*

DATE: June 30, 2023

RE: 9741

SUBJECT: Parking Demand Assessment
Just Salad Restaurant – 669 Highland Avenue
Needham, Massachusetts

Vanasse & Associates, Inc. (VAI) has prepared an assessment of the parking demands associated with the proposed Just Salad Restaurant to be located at 669 Highland Avenue in Needham, Massachusetts (hereafter referred to as the “Project”). This study evaluates the parking demands for the Project and compares the predicted parking demand to the available parking supply and the requirements of the Zoning By-Laws for the proposed use (“Restaurant”).

Based on this assessment, we have determined the following with respect to the parking requirements for the Project:

1. Using parking demand data published by the Institute of Transportation Engineers (ITE)¹ for a similar land use as that proposed, the peak parking demand for the project is expected to be 25 parking spaces on a weekday and on a Saturday; and
2. Using the parking requirements of the Zoning By-Laws, the Project requires 45 parking spaces based on the number of interior and exterior seats (74 seats total) and with consideration of take-out service.

Given that the Project site currently provides and will continue to provide 40 on-site (off-street) parking spaces and with consideration of the ITE parking demand data that has been derived from observations performed at similar restaurants, it has been concluded that sufficient parking will be available to support the parking demands of the Project with reserve capacity for parking demand fluctuations.

The following details our assessment of the parking requirements for the Project.

¹*Parking Generation*, 5th Edition; Institute of Transportation Engineers; Washington, D.C.; January 2019.



Table 2
PEAK PARKING DEMAND CALCULATIONS

Time Period	Peak Parking Demand (Parking Spaces)
	Just Salad Restaurant (2,246 sf)
<i>Weekday:</i>	
Average	22
85 th Percentile	25
<i>Saturday:</i>	
Average	20
85 th Percentile	NA

NA = not available.

As can be seen in Table 2, the calculated peak parking demand for the Project on a weekday ranges from an average of 22 parking spaces to an 85th percentile peak parking demand of 25 parking spaces. On a Saturday, the average peak parking demand was found to be 20 parking spaces. Given that an 85th percentile peak parking demand rate is not provided for a Saturday and that the average rate is less than that on a weekday, it is reasonable to assume that the 85th percentile peak parking demand on a Saturday would be equal to or lower than the 85th percentile peak parking demand on a weekday (25 parking spaces). **Note that the observed and calculated peak parking demands include employees.**

Given that there are currently and will continue to be 40 parking spaces available within the Project site, the available parking supply exceeds the calculated 85th percentile peak parking demand based on observed data from the ITE for a similar land use (25 parking spaces).

ZONING BY-LAW

Section 5.1.2, *Required Parking*, of the Needham Zoning By-Laws requires that one parking space per three (3) seats plus 10 parking spaces per take-out position be provided for a “Restaurant” use. The proposed restaurant will include 46 seats within the restaurant and 28 seats outside in the patio area, or a total of 74 seats when the outdoor seating is being used. There are two (2) order positions for dine-in or take-out. Applying the parking requirements of the Zoning By-Law to the parameters of the Project would result in 25 parking spaces based on 74 seats plus 20 parking spaces for take-out, or a total of 45 parking spaces, which higher than the calculated 85th percentile peak parking demand on a weekday obtained using the ITE data (25 parking spaces) which is based on observed parking demands at a similar restaurant type to that proposed.

Given that there are currently and will continue to be 40 parking spaces available within the Project site, the available parking supply is slightly below (5 parking spaces) the number of parking spaces that are required for the Project pursuant to the Zoning By-Laws.



SUMMARY

VAI has completed an assessment of the parking demands associated with the proposed Just Salad Restaurant to be located at 669 Highland Avenue in Needham, Massachusetts. This study has evaluated the parking demands for the Project and compared the predicted parking demand to the available parking supply and the requirements of the Zoning By-Laws for the proposed use ("Restaurant").

Given that the Project site currently provides and will continue to provide 40 on-site (off-street) parking spaces and with consideration of the ITE parking demand data that has been derived from observations performed at similar restaurants, it has been concluded that sufficient parking will be available to support the parking demands of the Project with reserve capacity for parking demand fluctuations.

cc: File

Attachments



Land Use: 930 Fast Casual Restaurant

Description

A fast casual restaurant is a sit-down restaurant with no (or very limited) wait staff or table service. Customers typically order off a menu board, pay for food before the food is prepared and seat themselves. The menu generally contains higher quality made to order food items with fewer frozen or processed ingredients than at a fast food restaurant. Most patrons eat their meal within the restaurant, but a significant proportion of the restaurant sales are carry-out orders. The restaurants typically serve lunch and dinner; some serve breakfast. A typical duration of stay for an eat-in customer is 40 minutes or less. Quality restaurant (Land Use 931), high-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window (Land Use 934) are related uses.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (three study sites) and a Saturday (one study site) in a general urban/suburban setting.

Hour Beginning	Percent of Peak Parking Demand	
	Weekday	Saturday
12:00–4:00 a.m.	—	—
5:00 a.m.	—	—
6:00 a.m.	2	—
7:00 a.m.	2	—
8:00 a.m.	5	3
9:00 a.m.	14	7
10:00 a.m.	17	7
11:00 a.m.	18	27
12:00 p.m.	100	70
1:00 p.m.	75	80
2:00 p.m.	45	100
3:00 p.m.	31	57
4:00 p.m.	23	43
5:00 p.m.	49	60
6:00 p.m.	77	87
7:00 p.m.	69	53
8:00 p.m.	28	43
9:00 p.m.	20	33
10:00 p.m.	11	20
11:00 p.m.	—	—

Additional Data

The average parking supply ratio for the one study site in a general urban/suburban setting with parking supply information is 11 spaces per 1,000 square feet GFA.

The sites were surveyed in the 2010s in California and Minnesota.

Source Numbers

543, 556, 557

Graph Look Up



ITEParkGen Web-based App

Graph Look Up

Fast Casual Restaurant

Add Users

Sign out

Query Filter

DATA SOURCE:

Parking Generation Manual, 5th Ed

SEARCH BY LAND USE CODE:

930

LAND USE GROUP:

(900-999) Services

LAND USE:

930 - Fast Casual Restaurant

LAND USE SUBCATEGORY:

All Sites

INDEPENDENT VARIABLE (X):

1000 Sq. Ft. GFA

TIME PERIOD:

Weekday (Monday - Friday)

SETTING/LOCATION:

General Urban/Suburban

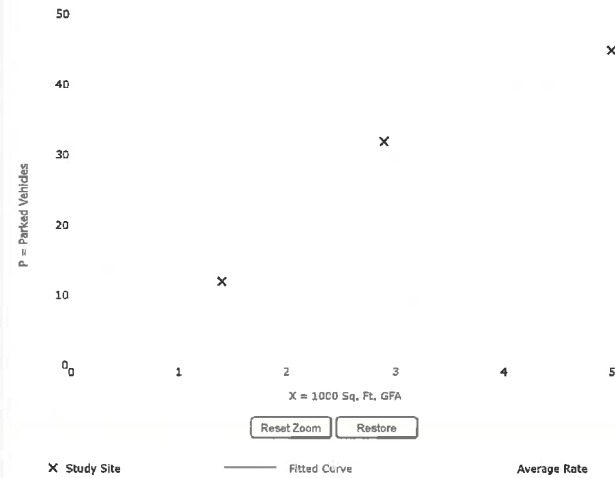
ENTER/VALUE TO CALCULATE PARKING DEMAND:

 Calculate

Data Plot and Equation

Caution - Small Sample Size

DATA STATISTICS



Land Use:
Fast Casual Restaurant (930) [Click for more details](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday (Monday - Friday)

Setting/Location:
General Urban/Suburban

Peak Period of Parking Demand:
12:00 - 1:00 p.m.

Number of Studies:
4

Avg. 1000 Sq. Ft. GFA:
3.1

Average Rate:
9.93

Range of Rates:
8.57 - 11.03

33rd / 85th Percentile:
8.86 / 11.03

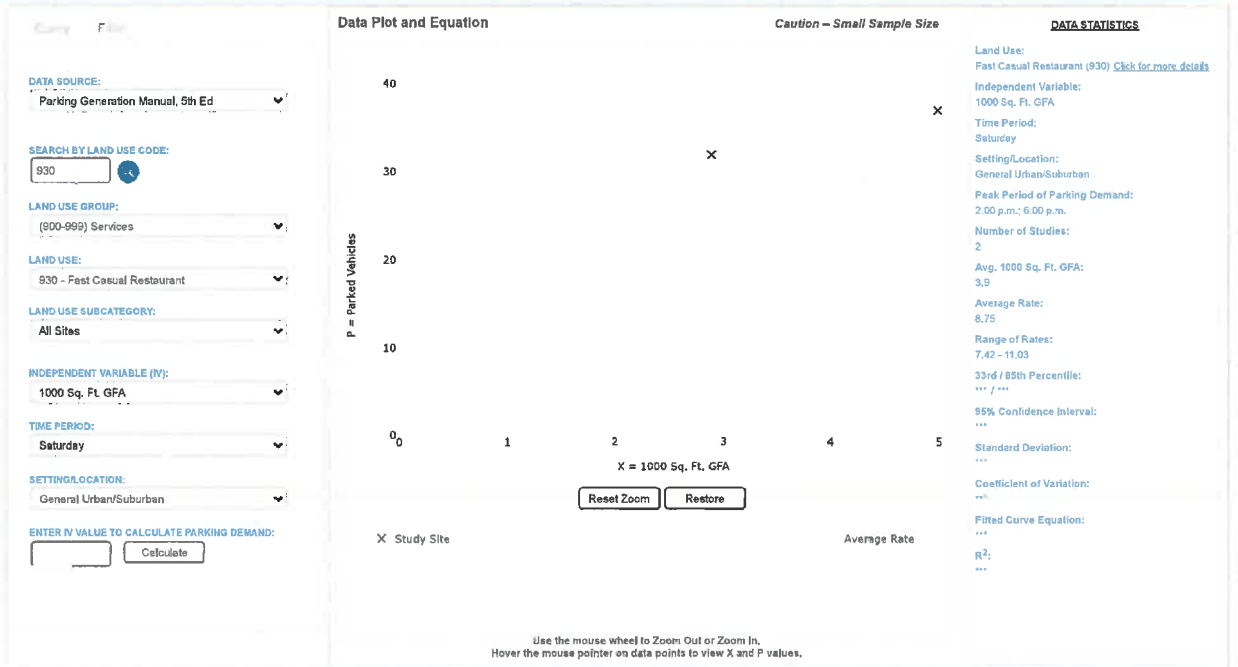
95% Confidence Interval:
...

Standard Deviation:
1.23

Coefficient of Variation:
12%

Fitted Curve Equation:
 $P = 8.92(X) + 3.08$

R^2 :
0.93

 Graph Look Up



**Town of Needham
Building Department
500 Dedham Avenue
Needham, MA 02492
Tel: 781-455-7550**

May 9, 2023

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

Re: Application review for the July 20 Hearing, 673 Highland Ave.

Dear Board Members,

The applicant, 669 Highland Avenue LLC, by their attorney, George Giunta Jr, is seeking a Special Permit pursuant to Section 3.2.1 of the Zoning Bylaw to re-establish the use of the site as a restaurant. The prior restaurant use was discontinued (likely) just over 2 years ago and can now be considered abandoned pursuant to Section 1.4.5(b). Additionally, relief is sought 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 is seeking parking waivers under sections 5.1.1.5; 5.1.2; 5.1.3; 7.5.2.

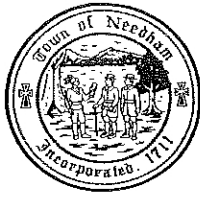
The applicant shows 40 proposed parking spaces on a certified plot/site plan dated 6-21-2023. However, the space shown which lies in between the 2 accessible spaces near the front entrance of the building must be eliminated as this is required as an accessible loading zone for vans transporting persons with access needs. Therefore, the number of parking spaces will be 39, not 40.

The parking study indicates that peak demands occur between the hours of noon and 1pm and 6pm and 7pm and that only 25 spaces would be adequate to satisfy those demands.

It appears that the parking study is reasonable. This office has no objection to this proposal.

Please contact my office with any questions.

Joe Prondak
Building Commissioner



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

July 11, 2023

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

RE: Case Review-Special Permit
673 Highland Ave- 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 continued use of the previous Special Permit with the property to operate as a Just Salad restaurant and allow relief to the parking requirements with relief on 5 spaces.

The documents submitted for review are as follows:

- Cover Letter Prepared by George Giunta Jr dated 6/26/23
- Application for Special Permit dated 6/26/23
- Just Salad Plan Set & Renderings consisting of 5 Sheets dated 4/21/23-5/23/23
- Existing Survey Plan Prepared by Christopher Charlton PLS. dated 6/9/23
- Proposed Site Plan Prepared by Christopher Charlton PLS. dated 6/21/23
- Memo in Support of Application by 669 Highland Ave LLC dated 6/30/23

Our comments and recommendations are as follows:

- We have no comment or objection to the Special Permit for the parking relief.
- We have a plan for a proposed infiltration system that should be coordinated with the downstream abutter before replacing asphalt pavement in the parking lot.

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

Truly yours,

Thomas A Ryder
Town Engineer
tryder

Daphne Collins

From: Tara Gurge
Sent: Thursday, July 6, 2023 11:43 AM
To: Daphne Collins
Subject: RE: 673 Highland Avenue - ZBA Administrative Review - Due July 11, 2023

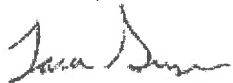
Daphne –

In reference to the ZBA Administrative Plan review for **#673 Highland Ave.**, the Public Health Division has the following comments. See below:

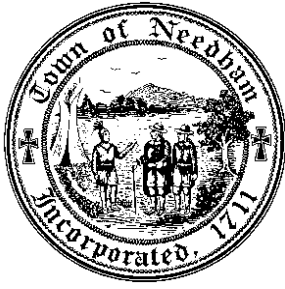
- The proposed food establishment owner must fill out and submit an online Public Health Division Food Permit Plan Review application for our review and approval, for the proposed new food establishment, which includes a food establishment permit application, and completion and upload of plan review documents, through the Towns ViewPoint Cloud online permitting system. Here is the direct link to the permit application and plan review - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006516> . A full-blown plan review will need to be conducted, and establishment will have to meet full compliance with the Food Code. The relevant documents must be uploaded online for review and approval. Once approved, pre-operation inspections must be conducted prior to issuance of a food establishment permit, which must be issued prior to operation.
- Please ensure that this proposed food 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 with a licensed Town of Needham waste hauler, to prevent the risk of pests. We would highly recommend adding a drain inside this dumpster enclosure area (if feasible) so the area can be sprayed down and cleaned, and that wastewater can be appropriately disposed of. (Also – Since the proposed trash enclosure area is pretty close to the property line, we would suggest moving it over at least 5 feet from the property line so it reduces the chance of trash going onto the neighboring property and causing a public health nuisance concern.)
- Please also ensure that this proposed dumpster enclosure area has sufficient space for a waste grease barrel for proper waste grease disposal. This must also be on a sufficient service schedule to prevent the risk of attracting pests.
- If the new food establishment owner wishes to offer catering at this food establishment, this must be noted on their online food permit application, since the Public Health Division will need to review and approve the new owner's equipment and catering protocols. Will the establishment also have a refrigerated or catering truck parked on site? (If so, there must be sufficient parking available on site to accommodate a catering food transport vehicle.)

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



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

July 11, 2023

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 July 11, 2023, the Planning Board reviewed the applications to be heard by the Board of Appeals on July 20, 2023, and made the following recommendations:

1. **165 Brookside Avenue** – Deborah H Anastas, applicant, applied to the Board of Appeals for a Special Permit under Sections 1.4.6, 1.4.7.2 and any other applicable sections of the By-Law to alter, enlarge and extend a pre-existing, non-conforming single-family to allow the addition of a new grand room and deck.

The Planning Board wishes to comment that there appears to also be lot area and frontage non-conformities, and notes that those nonconformities should also be disclosed in the application, so that any decision made on the subject application considers this additional information.

2. **673 Highland Avenue** – 669 Highland Ave, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 3.2.1 for an eat-in or take-out restaurant or other eating establishment; 5.1.1.5, 5.1.2 to waive strict adherence with off-street parking requirements; 5.1.3 to waive strict adherence to parking plan and design requirements and any other applicable sections of the By-Law. This request is associated with the renovation and reconfiguration of the existing building for Just Salad, a fast-casual restaurant.

The Planning Board makes NO COMMENT.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

Daphne Collins

From: John Schlittler
Sent: Tuesday, July 11, 2023 12:10 PM
To: Daphne Collins
Subject: RE: 673 Highland Avenue - ZBA Administrative Review

Police have no issues.

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, July 11, 2023 9:35 AM
To: Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jonathan Steeves <jsteeves@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: FW: 673 Highland Avenue - ZBA Administrative Review

Good Morning –
Friendly reminder. ZBA Reviews due today.
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

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: Monday, June 26, 2023 4:56 PM
To: Joseph Prondak <jprondak@needhamma.gov>; David Roche <droche@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jonathan Steeves <jsteeves@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: 673 Highland Avenue - ZBA Administrative Review

Good Afternoon All-

669 Highland Avenue, LLC is seeking a Special Permit to Sections 3.2.1 for an eat-in or take-out restaurant or other eating establishment; 5.1.1.5, 5.1.2 for waiving strict adherence with off-street parking requirements; and 5.1.3 for waiving strict adherence to parking plan and design requirements of the Town By-Law. This request is



RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2014 JUL 18 AM 10:11

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Rockets Restaurant Group, LLC
Record owner: Mercedes Realty Trust
669-673 Highland Avenue, Map 77, Parcel 10

June 19, 2014

Rockets Restaurant Group, LLC, operator of Three-Squares Restaurant, has made application to the Board of Appeals for a Special Permit under Section 1.4.6 and any other applicable Sections of the Zoning By-law to extend a lawful pre-existing non-conforming restaurant to allow outdoor seating and to waive strict adherence to parking requirements pursuant to Section 5.1.1.5 of the Zoning By-law. The subject property is located at 669 Highland Avenue, Needham, MA in the Industrial Zoning District. A public hearing was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, June 19, 2014 pursuant to notice thereof, published in a local newspaper and mailed to all parties of interest.

Documents of Record:

- Application Packet, received May 23, 2014, containing:
 1. Application dated May 23, 2014.
 2. Application Cover letter signed by Robert Smart, Jr., dated May 23, 2014.
 3. "Existing Conditions Plan" with proposed outdoor seating superimposed, dated December 8, 2008.
 4. Letter from Jordan L. Rittenberg, Trustee of Mercedes Realty Trust dated May 22, 2014.
 5. Letter from Robert T. Smart, Jr., dated May 23, 2014 with exhibits:
 - a) Building Permit application, dated April 17, 1967.
 - b) Plot Plan dated July 13, 1967.
 - c) 1966 Zoning By-laws and Subdivision Regulations.
 - d) 1968 Zoning By-laws and Subdivision Regulations.

- e) Alterations to 3 Squares dated May 14, 2013.
- f) Proposed First Floor and Second Floor Plans prepared by DLA Architecture, revised June 4, 2013.
- g) Existing Conditions Plan prepared by Precision Land Surveying, Inc. stamped by Michael A. Pustizzi, PLS, dated December 8, 2008.
- Documents received before the hearing:
 - 6. Proposed Parking Plan prepared by Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA stamped by Christopher C. Charlton PLS No. 48649, dated May 30, 2014.
- Documents submitted at the hearing:
 - 7. Lighting Information Sheet.
 - 8. Letter of support signed by 175 patrons.
- Documents submitted after the hearing:
 - 9. Letter from Robert Smart, Jr., with one attachment, dated June 20, 2014 confirming two handicap parking space requirement.

June 19, 2014

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; and Howard S. Goldman, Member. Also participating was Kathy Lind Berardi, Associate Member. Mr. Schneider opened the hearing at 8:13 p.m. by reading the public notice.

Mr. Robert Smart, attorney, introduced his client Aaron Krug, owner of Three-Squares Restaurant. Mr. Krug has been in business at the 669 Highland Avenue location for about a year. They are proposing a new patio for outdoor seating as shown on the "Proposed Patio Plan" prepared by Continental Land Survey, dated May 30, 2014. The lot is over 19,000 square feet containing 40 parking spaces and a 90-seat restaurant. The Applicant is proposing to build a 25-foot by 23.7-foot outdoor seating patio for 26 seats surrounded by an iron fence and plantings within a three foot buffer area. Three existing parking spaces need to be changed for the construction of the proposed patio. They plan to shorten two spaces to compact car parking spaces. They also plan to extend the grassy area by four feet towards the driveway to shield the parking spots. There are no other changes to the site. The patio will be lighted by hanging string lighting. The Applicant is requesting that the patio operation be allowed from the first of May until the end of October, 6:00 a.m. to midnight seven days a week. Currently, they are not planning to be open that long, but they would like to have the opportunity to be open longer if it makes sense. Mr. Krug has received an amendment to his liquor license from the Selectmen adding the patio pending Zoning Board approval.

Mr. Smart submitted a petition signed by about 175 patrons supporting the outdoor seating.

The restaurant was first constructed in 1967 in what was a Manufacturing District where restaurants were allowed by right. The IHOP restaurant burned down and was subsequently rebuilt. Then it became a Bickford's Restaurant which also burned down. Mr. Krug is now a tenant operating his own restaurant. The property has been a restaurant continuously since 1967. The restaurant use became non-conforming sometime between 1968 and 1970 when the area was changed to the Industrial zone where restaurants are allowed only by special permit.

The Applicant is applying for a special permit for an extension of a non-conforming use. It is not a substantial change, nor is it more detrimental to the surrounding area than the current use. Generally speaking, Needham residents are in favor of outdoor seating. It is a customary accessory use. Mr. Smart listed other restaurants that currently have outdoor seating. It is a patio; not a building. There is no roof and the proposed fence is not a structure.

Mr. Schneider reminded the Applicant that the definition of a structure includes a 100 square foot wall and he is concerned with the front setback. Mr. Smart clarified that there was a wall in the original plan submitted, but the new plan has no wall. There is just a railing with vegetation. Mr. Smart acknowledged that some of the grassy area in front is owned by the state and the proposed patio is very close to the front lot line.

Mr. Schneider asked for an explanation of the parking waiver. Section 6.9 says that certain outdoor seating does not increase the parking requirement. However, Section 5.1.1.7 says that whenever a parking lot bigger than five spaces is changed, it must comply with the parking lot design. Mr. Smart responded that the Section 6.9 - Outdoor Seating requirements apply only to the Business District. This restaurant is in the Industrial District.

The restaurant has a total of 90 seats with no take out station. Thirty parking spaces are required. There is 750 square feet of office space which requires 3 additional parking spaces. The current parking demand is 33 parking spaces. The 26 additional seats on the patio would add a requirement for 7 additional spaces. There are 40 spaces which meets the requirements as to the number of spaces. However, the parking does need a design waiver.

Mr. Schneider asked what the specific design requirements that were being waived. Mr. Smart said that the existing parking lot's maneuvering aisle is 21 feet, not the required 24 feet. The new compact spaces meet the required size. Mr. Schneider observed that they do meet the setback or landscaping requirements and it is unclear about the lighting.

Mr. Schneider asked if the two handicapped spaces is the number required. He does not want to waive the required handicap spaces. Mr. Smart was not sure, but said he will check and send a letter to the Board regarding the issue.

Mr. Krug briefly explained that the outdoor lighting will consist of three existing gooseneck lights and four strands of string lighting. The lighting will not spillover onto neighboring properties. The lighting will be dim as they are trying to create an intimate atmosphere.

Mr. Goldman asked about outdoor music. Mr. Krug explained that they currently have some music inside. They would like to have outdoor music on the patio particularly during the evening cocktail hour, but not amplified and not at night.

Mr. Goldman asked for clarification of what was granted by the Selectmen. Mr. Krug explained they currently have a license to serve beer, wine and malt. They applied to the Selectmen for a full liquor license and to expand alcohol service in the outdoor seating area. The full license was granted and the outdoor service was granted contingent upon Board approval.

Mr. Tamkin asked if there were any restrictions in the liquor license. Mr. Krug responded that serving hours were 6:00 am to midnight. Mr. Tamkin said he was concerned about lighting and music and allowing the patio to become more like a bar.

Mr. Schneider asked for public comment.

Paul Simon owns Simon and Sons, next door at 679 Highland Street. His main concern is that additional seating will lead to more restaurant customers parking in his lot. On Sunday mornings when he opens at noon, there are often cars in his parking lot. Sunday is a busy day and he needs the parking for his customers. He does not want to be in the towing business. Mr. Schneider asked if the cars were parked in his lot because it was convenient or because Mr. Krug's lot was full. Mr. Simon responded that it was because the lot was full. Mr. Krug said that when they notice customers coming from that direction, they ask them to move their cars to the office building next door where they have a verbal agreement with the owner for permission to park after 5 p.m. and on weekends. Mr. Simon requested that Mr. Krug put a sign next to his front door telling his customers not to park in the Simon and Son's parking lot.

Mr. Simon is also concerned that the proposed lighting not block his signs. He also asked about grading. Mr. Krug explained that the patio would have a slight grade towards the grassy area for run-off purposes. Mr. Krug offered to have valet parking on Saturdays and Sundays. The Board discussed when the valet would be appropriate. Weekends are busiest for both businesses. Mr. Tamkin expressed concern that having specific hours would be too limited should business pick-up. Mr. Krug said that he would prefer not to commit to valet parking, but he would have an employee direct parking to prevent parking at neighboring businesses. Mr. Krug said he would also have a note by the door regarding parking. If the demand picks up they will consider valet parking; potentially using the Temple's parking lot. Mr. Schneider suggested that it would be appropriate to have an employee direct parking whenever the lot reached 90% capacity.

Mr. Tamkin returned to his concern about music outdoors in the evening. Mr. Goldman thought that music would be a benefit. Mr. Krug agreed that there would be no amplified outdoor music at anytime and no outdoor music after 7:30 p.m.

Ms. Berardi confirmed that the seating is for meals and drinks; not just for drinks. Mr. Krug said yes: "drinks only" is not permitted.

Mr. Krug assured the Board that he is invested in the community and wants to do the right thing.

The Board also suggested that this special permit should not be transferred automatically upon the sale of the business.

The Board returned to the issue of drainage and whether they need an infiltration system. Mr. Krug explained that currently the water runs towards a catch basin in the back corner of the parking lot near Arbor Street. Mr. Simon confirmed that water is not currently an issue. There are sometimes puddles in the restaurant parking lot. He does not want any water coming onto his property. The Board decided that it would be the Applicant's responsibility to work with the landscapers to make sure no water leaves the property.

The Planning Board has no comment.

Mr. Goldman made a motion that the Applicant's petition for a Special Permit under Section 1.4.6 to extend a lawful pre-existing non-conforming restaurant use to allow outdoor seating and to waive strict adherence to parking design requirements pursuant to Section 5.1.1.5 of the Zoning By-law at 669 Highland Avenue, Needham, MA in the Industrial Zoning District be allowed subject to the following conditions:

- No amplified music is allowed and no music is allowed outside after 7:30 p.m.
- When the parking lot becomes 90% occupied, the applicant must have an employee present to direct parking.
- The Special Permit cannot be transferred without a public hearing and written approval from the Board.
- No lighting shall spillover onto neighboring properties.
- Outdoor seating is allowed seasonally from May 1 to October 31.
- The parking waiver does not include waiving handicapped spaces. The Applicant must send a letter to the Board stating they have complied with handicapped parking requirements.
- No water run-off is allowed onto neighboring properties.

Mr. Tamkin seconded the motion. The Board voted unanimously in favor.

The hearing closed at 9:04 p.m.

Findings:

1. The premises are located at 669-673 Highland Avenue, comprised of a 19,080 square foot lot, improved with a restaurant, and 39 current onsite parking spaces, in the Industrial Zoning District.
2. The premises are used today for a restaurant with 90 seats, which has been its use since 1967. It has remained a restaurant use through two fires that forced two complete reconstructions.
3. The restaurant use became non-conforming sometime between 1968 and 1970 when the zoning district for this area was changed from the Manufacturing District to the Industrial District.
4. Restaurant use was permitted as of right in this former Manufacturing District when the building was constructed in 1967. Restaurant use is permitted in the Industrial District by special permit.
5. The Applicant has proposed construction of a seasonal outdoor seating area, comprising 26 seats in an area 25 feet by 23.7 feet in the front of the existing building, along Highland Avenue, as set forth on that certain Proposed Patio Plan, prepared by Continental Land Survey, LLC dated May 30, 2014 ("**Plan**").

6. The proposed outdoor seating will be surrounded by a 44 inch iron fence and plantings within a three four foot grassy buffer area with no roof or any other structure, as set forth on the Plan.
7. The proposed outdoor lighting will consist of three existing gooseneck lights and four new strands of string lighting. Applicant states that this outdoor lighting will be dim to create an intimate atmosphere and will not spill over to neighboring properties.
8. Two existing parking spaces need to be reduced in size to compact spaces with construction of the proposed patio. They propose to add an additional compact space in front of the patio bringing the total to 40 parking spaces. The two required handicap parking spaces will remain in place and will not be altered.
9. Applicant has received an amendment to its current liquor license from the Selectman to have a full liquor license and to expand alcohol service to the proposed outdoor seating area.
10. Proposed hours of operation for the outdoor seating area are 6:00 am to 12:00 am, with seasonal use from May 1st until October 31st.
11. Non-amplified music for the outdoor patio area is proposed and all outdoor music will cease at 7:30 pm.
12. To allay excess parking concerns by the neighbors for this outdoor area, Applicant has agreed to have an employee available to direct parking when its parking lot becomes 90% or more occupied.
13. With the addition of a new compact space, there will be 40 spaces which meets the number required by the By-law for the existing restaurant seating, office space and the patio seating. The Board notes that there would be no additional seating required for the outdoor patio by virtue of Section 6.9 if this were located in a Business District. The Board also notes that the Applicant has represented that there is no "take out station" which would add a requirement for ten parking spaces.
14. The parking area is non-compliant with the design and landscaping parking requirements of Section 5.1.3 and will continue to be non-compliant following the addition of the patio and a compact space. The Applicant could not comply with the design requirements without elimination of a number of spaces and is making only minor changes to the existing parking. The addition of Section 6.9 to the By-law indicates that the Town wants to encourage outdoor seating without imposing a need for new parking. These constitute special circumstances for waiving the design requirements.
15. The Board finds that the proposed seasonal patio addition will not be more detrimental to the neighborhood or to the Town than the existing restaurant use, is consistent with the general purpose of the Zoning By-Law, and is 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.

Decision:

On the basis of the foregoing findings, following motion made and duly seconded, after due and open deliberations, the Board by unanimous vote does grant a Special Permit pursuant to Sections 1.4.6 and Section 5.1.1.5 of the Zoning By-Law for Applicant to add a 26 seat outdoor seasonal patio to extend its non-conforming use, with a waiver for parking design requirements, subject to the following restrictions:

- No amplified music shall be allowed and no music is allowed outside after 7:30 p.m.
- When the parking lot becomes 90% occupied, the Applicant must have an employee outside to direct parking on the Applicant's parking area or on other areas where permission for parking has been granted and to instruct customers not to park in areas of adjoining property owner Simons and Sons
- Applicant shall post a sign at its premises instructing its customers not to park in areas of adjoining property owner Simons and Sons.
- The Special Permit cannot be transferred without a public hearing and written approval from the Board.
- No lighting shall spillover onto neighboring properties.
- Outdoor seating is allowed seasonally from May 1st until October 31st.
- The parking waiver does not include waiving handicapped spaces.
- No water run-off shall be allowed onto neighboring properties.

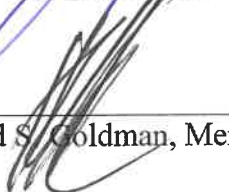
Failure to observe any of the conditions of this Special Permit may result in revocation of the Special Permit after a hearing held, upon such notice as the Board shall deem appropriate.



Jon D. Schneider, Chairman



Jonathan D. Tamkin, Member



Howard S. Goldman, Member