



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION
PLANNING

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT AMENDMENT TO DECISION

June 18, 2024

Yeat, Inc. d/b/a Sweet Basil
936-942 Great Plain Avenue
Application No. 2005-08

(Original Decision dated December 6, 2005, amended January 4, 2011)

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DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Yeat, Inc. d/b/a Sweet Basil, 942 Great Plain Avenue, Needham, MA 02492, (hereinafter referred to as the Petitioner) for property located at 936-942 Great Plain Avenue, Needham, MA. Said property is shown on Needham Town Assessors Plan, No. 47 as Parcel 4, containing 10,968 square feet in the Center Business District.

This decision is in response to an application submitted to the Board on May 28, 2024, by the Petitioner to amend the decision by the Board dated December 6, 2005, amended January 4, 2024. The Petitioner seeks: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law), (2) a Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2005-08, Section 4.2, and (3) a Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively).

The requested amendment would permit the addition of 11 year-round outdoor seats by Sweet Basil adjacent to the building. The seating would be located primarily on the private portion of the sidewalk immediately abutting the front façade of the building. The Petitioner further intends to request permission for 28 seats within a “parklet” within the right of way of Great Plain Avenue. Although this request itself is not within the Planning Board’s jurisdiction, the Petitioner is requesting a parking waiver for those seats as part of the subject application, so that if approved by the Select Board, the waiver already will be issued.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Natasha Espada on Tuesday, June 18, 2024 at 7:20 p.m. in the Select Board Chambers, Needham Town Hall, 1471 Highland Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Artie Crocker, Adam Block, Paul S. Alpert, and Justin McCullen were present throughout the June 18, 2024 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

EVIDENCE

Submitted for the Board’s review were the following exhibits:

Exhibit 1- Application for the Amendment to 2005-08 , dated May 28, 2024.

Exhibit 2 - Application under Section 6.9 of the Zoning By-Law, dated May 28, 2024, revised June 13, 2024.

- Exhibit 3 - Plans prepared by Whitlock Design Group, consisting of 3 sheets: Sheet 1, Sheet SK-1.0, entitled "Parking Space Patio," dated June 6, 2024; Sheet 2, Sheet SK-0.0, entitled "Photos," dated March 10, 2023; Sheet 3, Sheet SK-1.1, entitled "Furniture," dated March 10, 2023.
- Exhibit 4 - Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated June 12, 2024; IDC to the Board from Tom Ryder, Town Engineer, dated June 13, 2024; IDC to the Board from Chief Tom Conroy, Fire Department, dated May 29, 2024; IDC to the Board from Chief John Schlittler, dated June 11, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated May 20, 2024.

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

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2005-08, dated December 6, 2005, amended January 4, 2011, were ratified and confirmed except as follows:

- 1.1 The Petitioner is requesting that Major Project Site Plan Review Special Permit No. 2005-08, dated December 6, 2005, amended January 4, 2011 be amended to permit the addition of 11 year-round outdoor seats by Yeat, Inc. d/b/a Sweet Basil. The sidewalk seating would be located primarily on the private portion of the sidewalk immediately abutting the front façade of the building.
- 1.2 By Decision dated January 4, 2011, 52 seats were permitted to be utilized during both lunch and dinner service inside the restaurant.
- 1.3 The Petitioner intends to request permission for 28 seats within a "parklet" within the right of way of Great Plain Avenue. Although this request itself is not within the Planning Board's jurisdiction, the Petitioner is requesting a parking waiver for those seats as part of the subject application, so that if approved by the Select Board, the waiver already will be issued.
- 1.4 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (number of parking spaces) Required Parking. Under the By-Law, the parking requirement for a 52-seat restaurant with one take-out station is 28 (1 parking space per 3 seats = $17.33 = 18$, plus 10 parking spaces for one take-out station). The noted waiver was granted in the January 4, 2011 Decision. Section 6.9 of the Zoning By-Law permits up to 30% of the approved indoor seating to be utilized outdoors without authorization from the Special Permit Granting Authority and the provision of additional parking. 30% of 52 seats = 17.33 or 18 seats. As the Petitioner is requesting an end total of 39 outdoor seats, the Petitioner is requesting more than 30% of the approved indoor seats and is therefore requesting approval for such, as allowed by Section 6.9, as well as an additional parking waiver under Section 5.1.1.6. Eighteen (18) seasonal outdoor seats are permitted through Section 6.9 without additional parking being added or a waiver granted; therefore, the Petitioner is requesting a parking waiver with respect to the other 21 outdoor seats. Eleven (11) of the total seats are requested to be year-round, for a total parking waiver of 4 spaces year-round (1 parking space per 3 seats = $3.6666 = 4$). Twenty-eight (28) of the seats are proposed to be outdoor seasonally; however, 18 seats are granted under Section 6.9, so a waiver is requested for the remaining 10 outdoor seasonal seats for a total seasonal parking waiver of 4 spaces for the remaining 10 seats located in the parklet (1 parking space per 3 seats = $3.3333 = 4$). Accordingly two parking waivers have been requested as follows: (1) a waiver of an additional 4 parking spaces has been requested on a year-round basis to accommodate the 11 outdoor seats located adjacent to the building; and (2) a waiver of an additional 4 parking spaces has been requested seasonally, from April 1 through November to accommodate 10 of the outdoor seats located at the parklet for a new waiver of eight (8) parking spaces at the subject location (and a total parking waiver, including the previously approved indoor spaces, of (36). No parking is provided on-site.

- 1.5 Pursuant to Section 5.1.1.3 of the By-Law, no change or conversion of a use in a mixed-use structure to a use which requires additional parking shall be permitted unless off-street parking is provided in accordance with Section 5.1.3 for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. As there is no parking associated with the property, a waiver under the provisions of Section 5.1.1.6, Section 5.1.3 is not required.
- 1.6 The Petitioner appeared before the Design Review Board on June 10, 2024, and obtained approval for the project.
- 1.7 No changes to the interior of the restaurant are proposed by this application.
- 1.8 Per the comments of the Town Engineer, the Petitioner has agreed to remove the seating that extends beyond the private property during snow events, so as to maintain a 5-foot unobstructed sidewalk path to not impede snow removal efforts.
- 1.9 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Center Business District, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.10 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

DECISION

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the By-law; (2) the requested Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2005-08, Section 4.2., and (3) the requested Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

2.0 No Plan modifications are required.

CONDITIONS AND LIMITATIONS

The conditions and limitations contained in Major Project Site Plan Special Permit No. 2005-08, dated December 6, 2005, amended January 4, 2011, are ratified and confirmed except as modified herein.

- 3.1 A total of 11 outdoor dining seats as shown in the plans as detailed in Exhibit 3 of the Decision are hereby approved for use year-round. Two additional parking waivers are approved as follows: (1) a waiver of an additional 4 parking spaces on a year-round basis to accommodate the 11 outdoor seats located adjacent to the building; and (2) a waiver of an additional 4 parking spaces seasonally, from April 1 through November to accommodate 10 of the outdoor seats located at the parklet for a new waiver of eight (8) parking spaces at the subject location (and a total parking waiver at the site, including the previously approved indoor spaces, of 36).
- 3.2 Pursuant to the comments from the Engineering Division of the Department of Public Works, a 5-foot unobstructed sidewalk path shall be maintained during snow removal events. The Petitioner shall accomplish this by relocating the furniture that otherwise extends beyond the private property line during snow events that require snow removal operations.
- 3.3 The outdoor dining area shall be kept clear of trash and food scraps that might attract rodents.
- 3.4 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Select Board, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.5 No other changes were requested nor are permitted through this amendment.

This Site Plan Special Permit Amendment shall lapse on June 18, 2026, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to June 18, 2026. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question has not begun, except for good cause.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

