

**NEEDHAM**  
**ZONING BOARD OF APPEALS**  
**AGENDA**  
**THURSDAY, October 17, 2024 - 7:30PM**

|                                                                                                                                    |                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Charles River Room</b><br><b>Public Service Administration Building</b><br><b>500 Dedham Avenue</b><br><b>Needham, MA 02492</b> | <b>Also livestreamed on Zoom</b><br><b>Meeting ID: 869-6475-7241</b><br><b>To join the meeting click this link:</b><br><a href="https://us02web.zoom.us/j/82093528479">https://us02web.zoom.us/j/82093528479</a> |
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**Minutes**                      Review and approve Minutes from September 19, 2024 meeting.

**7:30 PM**                      **37 Moseley Avenue -** *(Continued from September 19, 2024)* Saybrook Construction, LLC, applied for a Variance pursuant to Sections 7.5.3, and MGL40A, Section 10, from the following provisions of Section 4.2.3 and any other applicable sections of the By-Law to permit the demolition of a deteriorated single family residential dwelling with detached garage and shed and to allow the construction of a new single-family residential dwelling with a side setback of 13.8 feet where 25 feet are required and a front yard setback of 20 feet where 30 feet are required. The lot contains 35,726 square feet, less than the required 43,560 square feet. The property is located at 37 Moseley Avenue, Needham, MA in the Single Residence A (SRA) Zoning District.

**7:30 PM**                      **1132 Highland Avenue** – Total Eclipse Dance Studio, LLC. applied for a Special Permit to allow a private school use under Section 3.2.1 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of a private dance school in the Christ Episcopal Church. The property is located in the Single Residence B (SRB) zoning district.

**7:45PM**                      **858 Great Plain Avenue** – Arrais Ballet, LLC applied for a Special Permit to allow a private school use under Section 3.2.1 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of a private dance school in the First Baptist Church. The property is located in the Single Residence B (SRB) zoning district.

**8:00PM**                      **378 Manning Street** – *(Request for a Continuance)* Driftwood Landing, LLC applied for a Special Permit under Sections 1.4.7.4, and any other

**Next ZBA Meeting – November 20, 2024**

applicable Sections of the By-Law to permit the demolition, extension, alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming two-family dwelling and its replacement with a new two-family residence. The property is located in the Single Residential B District.

**Informal Matter**

**1101 Highland Avenue** – Norfolk Lodge A.F. & A.M. request a continuation of the ZBA Special Permit granted on October 16, 1997 to allow the sale and storage of Christmas trees and related items in the parking lot located at 1101 Highland Avenue.

**NEEDHAM  
ZONING BOARD OF APPEALS  
MINUTES  
THURSDAY, September 19, 2024 - 7:30PM**

|                                                                                                                  |                                                                |
|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>Charles River Room<br/>Public Services Administration Bldg.<br/>500 Highland Avenue<br/>Needham, MA 02492</b> | <b>Also livestreamed on Zoom<br/>Meeting ID: 869-6475-7241</b> |
|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|

Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492 on Thursday, September 19, 2024 at 7:30 p.m.

**BOARD MEMBERS PRESENT:** Jonathan D. Tamkin, Chair; Howard Goldman, Vice-Chair, Nikolaos Ligris, Member,

**BOARD MEMBER(S) ABSENT:** Valentina Elzon and Peter Friedenber

**STAFF PRESENT:** Daphne M. Collins, Zoning Specialist

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Mr. Tamkin, Chair presided and opened the meeting at 7:30 p.m.

**1. MINUTES OF AUGUST 15, 2024**

Mr. Goldman moved to approve the minutes of August 15, 2024. Mr. Elzon seconded the motion. The motion was unanimously approved.

**2. 37 MOSELEY AVENUE**

**VARIANCE**

**PUBLIC HEARING CONTINUED TO OCTOBER 17, 2024**

The public hearing was conducted, the Applicant presented its application and members of the public provided comments, The Applicant requested that the hearing be continued until October and so that the Applicant could meet with the neighbors.

Mr. Goldman moved to continue the Public Hearing to October 17, 2024 at 7:30 p.m., Charles River Room, PSAB, 500 Highland Ave., Needham, MA 02492. Mr. Ligris seconded the motion. The motion was unanimously approved.

The meeting adjourned at 8:35 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. Copies of the Decisions are filed at the Board website linked here:

<https://needhamma.gov/Archive.aspx?AMID=141&Type=&ADID=>

or by contacting Daphne Collins, Zoning Specialist, [dcollins@needhamma.gov](mailto:dcollins@needhamma.gov) or 781-455-7550, ext. 261.

The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/> and <https://www.youtube.com/@TownofNeedhamMA/videos>

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

TELEPHONE (781) 449-4520

FAX (781) 465-6059

September 20, 2024

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Total Eclipse Dance Studio, LLC  
1132 Highland Avenue, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Total Eclipse Dance Studio, LLC (hereinafter the Applicant and "Total Eclipse") in connection with its operation of a dance school in the Christ Episcopal Church at the property known and numbered 1132 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 Memorandum in Support of Application of Total Eclipse Dance Studio, LLC; and
4. Check in the amount of \$500 for the applicable filing fee.

For several years, Total Eclipse has operated a dance school in a portion of the Premises, which is in the Single Residence B Zoning District (SRB). Recently, it came to the attention of Total Eclipse that zoning relief is required for their operation. As a result, they are now making application for the requisite special permits.

In particular, a special permit for the use is required pursuant to Section 3.2.1 and a special permit pursuant to Section 5.1.1.5 waiving strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3 is also required.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Giunta", with a stylized flourish at the end.

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                                                                                                                                                                | Total Eclipse Dance Studio, LLC         | Date: | 9/20/24                        |
| Applicant Address                                                                                                                                                             | 1132 Highland Avenue, Needham, MA 02492 |       |                                |
| Phone                                                                                                                                                                         | 781-405-6198                            | email | totaleclipsedance@gmail.com    |
| Applicant is <input type="checkbox"/> Owner; <input checked="" type="checkbox"/> Tenant; <input type="checkbox"/> Purchaser; <input type="checkbox"/> Other _____             |                                         |       |                                |
| If not the owner, a letter from the owner certifying authorization to apply must be included                                                                                  |                                         |       |                                |
| Representative Name                                                                                                                                                           | George Giunta Jr, Esq.                  |       |                                |
| Address                                                                                                                                                                       | 281 Chestnut Street, Needham, MA 02492  |       |                                |
| Phone                                                                                                                                                                         | 617-840-3570                            | email | george.giuntajr@needhamlaw.net |
| Representative is <input checked="" type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input type="checkbox"/> Architect; <input type="checkbox"/> Other _____ |                                         |       |                                |
| Contact <input type="checkbox"/> Me <input checked="" type="checkbox"/> Representative in connection with this application.                                                   |                                         |       |                                |

### Subject Property Information

|                                                                                                                                                                                                                                                                  |                                          |                  |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------|--------------------------|
| Property Address                                                                                                                                                                                                                                                 | 1132 Highland Avenue, Needham, MA 02492  |                  |                          |
| Map/Parcel Number                                                                                                                                                                                                                                                | Type text here<br>Map 226 / Parcel 44-01 | Zone of Property | Single Residence B (SRB) |
| Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                            |                                          |                  |                          |
| Is property <input checked="" type="checkbox"/> Residential or <input type="checkbox"/> Commercial (Occupied by Dover Amendment structure)                                                                                                                       |                                          |                  |                          |
| If residential renovation, will renovation constitute "new construction"?<br><input type="checkbox"/> Yes <input type="checkbox"/> No N/A                                                                                                                        |                                          |                  |                          |
| If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                           |                                          |                  |                          |
| Do the spaces meet design requirements? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                 |                                          |                  |                          |
| Application Type (select one): <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Variance <input type="checkbox"/> Comprehensive Permit <input type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision |                                          |                  |                          |



## ZBA Application For Hearing

### Existing Conditions:

Existing Christ Episcopal Church facility with multiple tenants and uses.

### Statement of Relief Sought:

1. Special permit pursuant to Section 3.2.1 for a private school, namely, a dance school;
2. Special permit pursuant to Section 5.1.1.5 waiving strict adherence to the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements)
3. All other relief as may be necessary for the operation of a private dance school in the Christ Episcopal Church at 1132 Great Plain Avenue.

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

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

|                                                                              | Existing Conditions | Proposed Conditions |
|------------------------------------------------------------------------------|---------------------|---------------------|
| Use                                                                          |                     |                     |
| # Dwelling Units                                                             |                     |                     |
| Lot Area (square feet)                                                       |                     |                     |
| Front Setback (feet)                                                         |                     |                     |
| Rear Setback (feet)                                                          |                     |                     |
| Left Setback (feet)                                                          |                     |                     |
| Right Setback (feet)                                                         |                     |                     |
| Frontage (feet)                                                              |                     |                     |
| 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:

Date Lot was created:

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

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.

the Applicant has previously  
I certify that ~~I have~~ consulted with the Building Inspector \_\_\_\_\_  
date of consult

Total Eclipse Dance Studio, LLC

Date: September 20, 2024

Applicant Signature

*George Giunta Jr*  
by its attorney, George Giunta, Jr, Esq.

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

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

September 20, 2024

MEMORANDUM IN SUPPORT OF  
APPLICATION OF  
TOTAL ECLIPSE DANCE STUDIO, LLC  
1132 Highland Avenue, Needham, MA

The applicant, Total Eclipse Dance Studio, LLC (hereinafter, interchangeably, the “Applicant” and “Total Eclipse”), seeks a Special Permit pursuant to Section 3.2.1 of the Needham Zoning By-Law for a private school, 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 all other relief as may be necessary and appropriate in connection with the continued operation of a dance school in the Christ Episcopal Church at the property known and numbered 1132 Highland Avenue (the “Premises”).

PRESENT USE / EXISTING CONDITIONS

The Premises is shown as parcel 44-01 on sheet 226 of the Assessor’s Map for the Town of Needham and is located within the Single Residence B Zoning District. It consists of approximately 48,616 square feet of land with over 313 feet of frontage on Highland Avenue and 209 feet of frontage on Rosemary Street. The Premises is currently occupied by a primarily one-story church building, and a small associated off-street parking area. According to the records of the Assessor’s Department, the building was built in 1937. The building, which is used for worship services and other church related activities by the Christ Episcopal Church (the “Church”), is also used for other, additional activities, and has been the subject of at least one prior Board of Appeals Decision.<sup>1</sup>

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<sup>1</sup> In particular, Decision dated January 20, 2022, issued to Needham ACE for use of a portion of the Premises for an afterschool enrichment program for children in kindergarten through 5<sup>th</sup> grade. A copy of such decision is provided herewith.

### PROPOSED USE / ACTIVITY

Total Eclipse, founded by former students of Radio City Music Hall, offers dance classes for toddlers through adults of all levels. Recreational and performance arts classes are taught across various styles, including ballet, jazz, tap, hip-hop, pointe, lyrical, modern, contemporary, and acro. Private lessons are available and dancers in the 11-18 age group have the opportunity to join Company 1 (advanced) or Company 2 (intermediate). Students are invited to join the Company when they have demonstrated proficient technique, musicality, range, and knowledge of dance.

Total Eclipse has operated its program of dance instruction at the Premises since 2018, without realization or understanding that a special permit was required. This appears to have arisen, at least in part, out of the exemption afforded to churches and other places of worship under the Dover Amendment. Both the Church and Total Eclipse seem to have been under the misunderstanding that all activities occurring inside a church building benefit from the protection afforded by the Dover Amendment. However, such is not the case, as it is only religious activities that are protected. This was discovered when Total Eclipse recently approached the Building Department relative to a small, contemplated expansion inside the Church. At that time, Total Eclipse learned not only that there was no record of their use, but that zoning relief was required. As a result, Total Eclipse now understands that a special permit pursuant to Section 3.2.1 of the Needham Zoning By-Law is required for their private dance school.

The program consists of multiple classes on weekday afternoons and Saturdays in a portion of the church building consisting of approximately 5,609 square feet of floor area on the lower level.<sup>2</sup> While the exact schedule varies by day, in general, during the school year (generally September through May / June, based on the Needham public schools calendar), classes are offered between 3 PM and 9:30 PM weekdays and 9 AM and 4:45 PM Saturdays. No classes are held on Sundays. Summer classes vary, but generally are held one evening per week, with a maximum of 20 students and one teacher, or two week-long morning sessions for preschoolers, with a maximum of 10 children and two staff.

At any given time, there are a maximum of three classes provided, with a total maximum of 40 students distributed throughout those classes. In addition, at any given time there are a

maximum of four staff on site.<sup>3</sup> While a limited number of classes are open to adults, the vast majority of students are children. In connection therewith, nearly all students are dropped off and picked up, with only a small handful using parking during their classes.

### PARKING

Section 5.1.1.1 of the Zoning By-Law provides that any change of a structure or use from a use or uses as described in the categories of Section 5.1.2 to another such category that requires additional off-street parking requires compliance with Sections 5.1.2 and 5.1.3 for the entire use of structure. In addition, Section 5.1.1.3 of the By-Law provides that any change or conversion of a use in a mixed-use structure, to a use which requires additional off-street parking requires compliance with Sections 5.1.2 and 5.1.3 for the entire structure.

Section 5.1.2 of the By-Law, Required Parking, sets forth various categories of uses and their associated parking demand. The closest category in the that section is “Colleges, vocational and high schools excluding boarding and office facilities which shall be computed separately in accordance with this section”. However, based on the plain language of the By-Law, and the fact that nearly all students are dropped off and picked up, that category does not seem directly applicable.

An alternative and more appropriate standard would be that for after school programs, as applied to Code Whiz, Needham ACE and other private school / after school operations. That standard, for enrollments fewer than 45, is one space for every five students, plus one space for each employee. Applying that standard, Total Eclipse requires a total of 12 spaces, calculated as follows:

Maximum enrollment of  $40 \div 5 = 8$  spaces  
Maximum 4 staff at any given time = 4 spaces  
 $8 + 4 = 12$  spaces required

Because the Church is a mixed use building, the parking associated with Total Eclipse would be in addition to the base parking required by the Church for worship services, administration and associated programming, as well as the parking demand associated with the Needham ACE

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<sup>2</sup> The space consists of the Fellowship Hall and renovated kitchen space, which provide room for 3 Dance Studios, as well as the stage area in the Fellowship Hall, used for storage, 2 restrooms and adjacent hallways. See Exhibit A attached hereto for rough floor plan of the space.

<sup>3</sup> Three dance instructors and one administrative / desk staff.

afterschool program that also operates at the Premises.<sup>4</sup> Considering just Total Eclipse and Needham ACE, the parking demand associated with the building is 19, just under the total available parking (as discussed below). However, when the parking demand associated with worship service and Sunday School is added, total parking demand is likely to increase substantially, in excess of available parking.<sup>5</sup>

There is a parking lot across Highland Avenue with a total of 85 parking spaces owned by the Church. However, 65 of those spaces are leased to the Town, leaving just 20 spaces available for use by Total Eclipse, Needham ACE and the Church. In addition, there is a small parking area to the north side of the church building, containing four parking spaces, and a driveway to the south side, off Rosemary Street, with no marked spaces, but room for approximately 2 vehicles. Both small areas adjacent to the Church building are for use solely by the Church and its staff, leaving only the 20 spaces on the other side of Highland Avenue available to serve the public. As a result, it appears that the total parking demand for the building exceeds the available parking, necessitating a parking waiver. Finally, because all three parking areas are long pre-existing, from before the adoption of off-street parking design requirements in the middle 1980s, they do not comply with all the requirements of Section 5.1.3 of the By-Law, and a design waiver is also required.

Notwithstanding the foregoing, the Applicant is of the opinion that there is adequate off-street parking to support its continued use of the Premises. When the Total Eclipse parking demand is added to the Needham ACE demand, the total is within the number of available spaces in the parking lot. Moreover, while the addition of worship service parking demand exceeds the available parking, services are currently offered only on Sundays, when both Total Eclipse and Needham ACE are closed. Finally, there is on-street, two-hour parking available in proximity to the Premises, along one side of Rosemary Street, as well as additional on-street parking further down Highland Avenue on both sides in front of Sudbury Farms.

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<sup>4</sup> That parking demand established pursuant to the Board's Decision, referenced in footnote 1 above, was 7 parking spaces.

<sup>5</sup> The parking standard for places of public assembly with seating facilities is 1 space per 3 seats of capacity. Thus, assuming Church attendance of 60 parishioners, the associated parking demand would be 20 spaces.

## 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.”

Section 3.2.1 of the Town of Needham Zoning By-Laws (Schedule of Use Regulations) requires the issuance of a Special Permit for the operation of “other private school, nursery, or kindergarten” in the Single Residence B Zoning District.

Section 7.5.2.1 of the By-Laws (Finding and Determination), as applicable to the application of Total Eclipse, requires that prior to granting a special permit, the Board of Appeals must make a finding and determination that the proposed use of the Premises for a dance studio:

- (a) complies with the criteria or standards of section 3.2. of the By-Law which refers to the granting of the requested special permit;
- (b) is consistent with 1) the general purposes of the By-Law as set forth in paragraph 1.1,<sup>6</sup> and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Laws; and
- (c) 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.

Section 5.1.1.5 authorizes and allows 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.

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<sup>6</sup> Section 1.1 states that it is “The purpose of [the] By-Law [to] promote the health, safety, convenience, morals or welfare of the inhabitants of Needham; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land and buildings; to encourage the most appropriate use of land throughout the Town and to preserve and increase amenities under the provisions of General Laws, Chapter 40A. The use, construction, alteration, height, area and location of buildings and structures and the use of premises in the town of Needham are regulated as [provided by the By-Laws]”

## DISCUSSION / ANALYSIS

The applicant contends that the proposed use of a portion of the Premises for dance instruction complies with the requirements of Section 3.2.1 of the By-Laws and is further in harmony with the general purpose and intent of the Zoning By-Law. The proposed use is compatible with current uses in the area, the other uses within the building, and further does not interfere with the character of the neighborhood.

Section 3.2.1 requires a Special Permit for “Other private school, nursery, or kindergarten” in the Single Residence B Zoning District. However, no additional requirement is imposed. Therefore, the proposed use will comply with the criteria and standards of Section 3.2.1 upon the issuance of the requisite Special Permit. Furthermore, the proposed use of the subject premises is consistent with the requirements of Section 1.1, as the continued provision of dance instruction will promote the convenience and welfare of the inhabitants of the Town of Needham, especially the children of the Town, without creating any hazard or unwanted condition.

The proposed use of a portion of the Premises for dance instruction does not warrant the application of the parking requirements of Section 5.1.2, and the issuance of the requested parking 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 further be consistent with the intent of the Zoning By-Law. As mentioned above, the various activities at the Premises do not all occur simultaneously. As a result, actual parking demand is substantially less than the sum of all the uses computed together. Considering the two main uses in operation at the Premises on weekday afternoons, the calculated parking demand will be 19 spaces.<sup>7</sup> This is one less than the total number of spaces available in the parking lot across Highland Avenue.<sup>8</sup>

In addition, the calculated parking demand is not reflective of parking demand in practice. Both Total Eclipse and Needham ACE primarily serve children who are dropped off and picked up. As a result, the vast majority of the available spaces are only temporarily occupied, and only for a very short period. Therefore, practical demand will be substantially less than calculated on paper.

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<sup>7</sup> 12 spaces for Total Eclipse + 7 spaces for Needham ACE = 19 total spaces required.

<sup>8</sup> Both Needham ACE and Total Eclipse are allowed and required to use this lot pursuant the terms of their respective leases.

Since Total Eclipse first began to provide dance instruction at the Premises in 2018, it has not experienced or been aware of any significant incident or issue with parking related to its activities. To minimize any issues, Total Eclipse engages in regular communication with parents, students and staff and keeps a mindful watch relative to parking.<sup>9</sup> These efforts will continue going forward.

### CONCLUSION

Based on the facts and discussion set forth above, Total Eclipse asserts that its continued use of a portion of the Christ Episcopal Church will not affect the neighborhood, surrounding area or the Town in any adverse material or significant way. Since its opening in 2018, Total Eclipse has been a good and considerate neighbor and has operated without significant issue or incident. The operational details are not proposed or anticipated to change in any material way, and will allow for the continuation of quality dance instruction.

Moreover, while parking waivers are necessary due to the calculation required by the By-Law and the nature of the parking areas, the actual parking demand at the Premises during weekday afternoons is less than the total number of available spaces. And neither Total Eclipse nor Needham ACE operate on Sundays when worship services occur. Moreover, there is additional on and off-street parking available in the vicinity of the Premises. Therefore, in practice, the available parking is adequate to support the uses at the Premises.

The use of a portion of the Premises for dance instruction is in harmony with the general purpose and intent of the By-Law, and there are special circumstances that warrant the granting of a parking waiver. Therefore, Total Eclipse asserts that the issuance of the requested special permits is both proper and appropriate and should be granted.

Respectfully submitted,  
Total Eclipse Dance Studio, LLC  
by its attorney,



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George Giunta, Jr., Esq.  
281 Chestnut Street  
Needham, Massachusetts 02492  
781-449-4520

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<sup>9</sup> See, for example, the letter provided to parents and students, attached hereto as Exhibit B.



**EXHIBIT A**  
**Rough Floor Plan**  
 (Total Eclipse space outlined in orange)

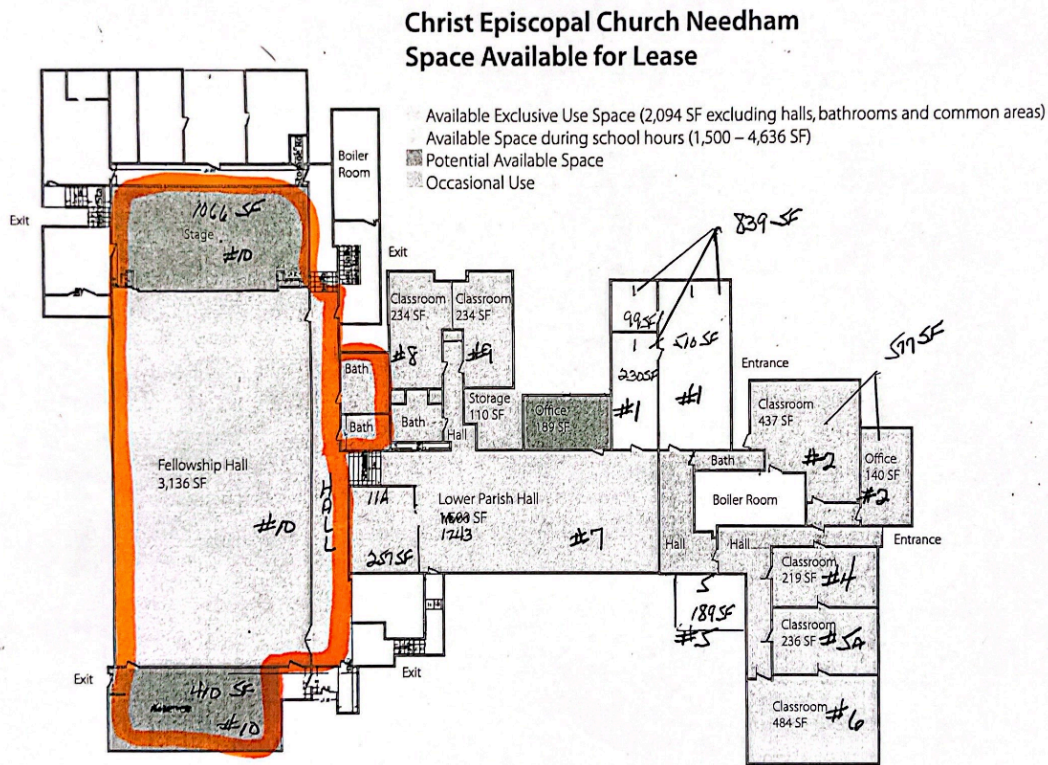


EXHIBIT B  
Sample Letter to Parents and Students

Dear Students & Parents,

Our staff and instructors are excited ... and ready! ... to start Season 7 with all of you. A few protocols to refresh your memory:

**OUR LOCATION & ENTRANCE:**

We are located in the lower level of the Christ Episcopal Church in Needham. Our studio entrance is on ROSEMARY STREET, directly across from 80 Rosemary St.

**STUDIO DROP-OFF/PICK-UP PROCEDURE:**

Dancers should be dropped off 10 minutes before the start of class and picked up 10 minutes after class. Children under the age of 10 should be escorted in/out by a caregiver. We will not send young children out of the building without assurance that a responsible caregiver is present.

**PARKING:**

Our parking guidelines prioritize your safety. We are located at a busy intersection, which seems to get busier all the time. Punctuality is important, but not at the expense of safety. Take the time to park as indicated below and cross the streets carefully!

Needham Public Library, 1139 Highland Avenue, directly across the street from the Church. The church owns multiple free spaces toward the Needham Heights side of the parking lot, which you are welcome to use. Please use the controlled crossing at the intersection of Rosemary/Highland when walking to the studio. Do not jaywalk across Highland and discourage your children from ever doing so themselves.

Memorial Field Parking Lot, corner of Rosemary/Highland. These spaces have good/free availability during the afternoon and weekend hours.

Rosemary Street parking is available but limited. PLEASE be considerate of our neighbors and NEVER park or idle at the end of their driveways, even for just a few seconds. This IS a pain point for them, and we are committed to honoring their privacy. Please assist us with our commitment, and in upholding TEDS' reputation as polite, respectful neighbors. Thank you!

**PROPER COVER-UPS:**

Dancers should wear proper cover-ups when coming to and from the studio. It is inappropriate, particularly for our older students, to appear in leotards/tights alone in public, on church grounds, etc. We will reinforce this guideline with our students directly when we see them in class.

We so look forward to meeting you all this week, Gemma, Alicia and Staff at TEDS!



September 11, 2024

Needham Board of Appeals  
Needham Town Hall  
1492 Highland Avenue  
Needham, MA 02492

Dear Members,

Please be advised that Total Eclipse Dance Studio has the permission of Christ Episcopal Church, 1132 Highland Avenue, Needham, Massachusetts, to apply for a ZBA Special Permit in association with the program and to use the parking lot owned by the Church for staff parking and customer pick-up/drop-off as indicated in the parking plan.

The parking lot is located on Highland Avenue, Needham, Massachusetts, directly opposite the church and situated between 1111 Highland Avenue and the Needham Public Library.

Sincerely,

Woody Hughes  
*Facilities Manager*



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

*Tel. 781-455-7550 x 308*

October 3, 2024

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

Re: 1132 Highland Ave.

Dear Board Members,

I have reviewed the application for this project and agree that Attorney Guinta has captured the applicable sections of the Zoning Bylaw that apply to this use. Those being Section 3.2.1, requiring a Special Permit for a private school in an SRB district and Section 5.1.1.5 which provides for a Special Permit waiving the parking requirements of Sections 5.1.2 and 5.1.3.

This office has no additional comments or concerns for this proposal. It is noted that this use has existed for several years and there are no complaints on file with this office relative to this use.

Sincerely,

Joe Prondak  
Building Commissioner

## Daphne Collins

---

**From:** Justin Savignano  
**Sent:** Tuesday, October 8, 2024 4:58 PM  
**To:** Daphne Collins  
**Cc:** Thomas Ryder  
**Subject:** RE: 1132 Highland Ave - ZBA Administrative Review - Due October 8, 2024

Good Afternoon,

I have no comment or objection to the proposal.

Thanks,

Justin

**Justin Savignano**  
Assistant Town Engineer

Department of Public Works  
**Town of Needham**  
500 Dedham Ave Needham, MA  
Tel: 781-455-7538 x362  
Cell: 781-801-5937  
Email: [jsavignano@needhamma.gov](mailto:jsavignano@needhamma.gov)  
Website: [www.needhamma.gov](http://www.needhamma.gov)

**From:** Daphne Collins <dcollins@needhamma.gov>  
**Sent:** Wednesday, September 25, 2024 4:00 PM  
**To:** Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>  
**Subject:** 1132 Highland Ave - ZBA Administrative Review - Due October 8, 2024

Good Afternoon-

**1132 Highland Avenue** – Total Eclipse Dance Studio LLC is seeking a Special Permit to allow the use for a private school and waivers of the parking number and parking plan and design for the operation of a dance school in the Christ Episcopal Church.

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

I appreciate your comments no later than **October 8, 2024** to allow time for the applicant to respond prior to the hearing.

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

## Daphne Collins

---

**From:** Tom Conroy  
**Sent:** Thursday, September 26, 2024 12:08 PM  
**To:** Daphne Collins  
**Subject:** RE: 1132 Highland Ave - ZBA Administrative Review - Due October 8, 2024

Hi Daphne,  
No issues with fire.



---

**From:** Daphne Collins <dcollins@needhamma.gov>  
**Sent:** Wednesday, September 25, 2024 4:00 PM  
**To:** Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>  
**Subject:** 1132 Highland Ave - ZBA Administrative Review - Due October 8, 2024

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**1132 Highland Avenue** – Total Eclipse Dance Studio LLC is seeking a Special Permit to allow the use for a private school and waivers of the parking number and parking plan and design for the operation of a dance school in the Christ Episcopal Church.

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

Daphne

### Daphne M. Collins

Zoning Specialist

**Phone** 781-455-7550, x 261

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

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

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

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

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

**Remote Hours:** Thurs 8:00am-3:00pm

## Daphne Collins

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**From:** Tara Gurge  
**Sent:** Tuesday, October 8, 2024 1:59 PM  
**To:** Daphne Collins  
**Subject:** RE: 1132 Highland Ave - ZBA Administrative Review - Due October 8, 2024- Public Health comments

Daphne –

The Public Health Division conducted the Zoning Board Special Permit review for the Total Eclipse Dance Studio LLC for use of the property located at **#1132 Highland Ave.** The Public Health Division has no comments to share at this time.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)  
ASSISTANT PUBLIC HEALTH DIRECTOR  
Needham Public Health Division  
Health and Human Services Department  
178 Rosemary Street  
Needham, MA 02494  
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922  
Mobile- (781) 883-0127  
Email - [tgurge@needhamma.gov](mailto:tgurge@needhamma.gov)  
Web- [www.needhamma.gov/health](http://www.needhamma.gov/health)



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**From:** Daphne Collins <[dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)>  
**Sent:** Wednesday, September 25, 2024 4:00 PM  
**To:** Donald Anastasi <[DAnastasi@needhamma.gov](mailto:DAnastasi@needhamma.gov)>; Jay Steeves <[steevesj@needhamma.gov](mailto:steevesj@needhamma.gov)>; John Schlittler <[JSchlittler@needhamma.gov](mailto:JSchlittler@needhamma.gov)>; Joseph Prondak <[jprondak@needhamma.gov](mailto:jprondak@needhamma.gov)>; Justin Savignano <[jsavignano@needhamma.gov](mailto:jsavignano@needhamma.gov)>; Ronnie Gavel <[rgavel@needhamma.gov](mailto:rgavel@needhamma.gov)>; Tara Gurge <[TGurge@needhamma.gov](mailto:TGurge@needhamma.gov)>; Thomas Ryder <[tryder@needhamma.gov](mailto:tryder@needhamma.gov)>; Tom Conroy <[TConroy@needhamma.gov](mailto:TConroy@needhamma.gov)>  
**Subject:** 1132 Highland Ave - ZBA Administrative Review - Due October 8, 2024

Good Afternoon-

## Daphne Collins

---

**From:** John Schlittler  
**Sent:** Thursday, September 26, 2024 12:20 PM  
**To:** Daphne Collins  
**Subject:** RE: 1132 Highland Ave - ZBA Administrative Review - Due October 8, 2024

Police has no issues

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**From:** Daphne Collins <dcollins@needhamma.gov>  
**Sent:** Wednesday, September 25, 2024 4:00 PM  
**To:** Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>  
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Daphne

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