

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

**THURSDAY, April 28, 2022 - 7:30PM
Zoom Meeting ID Number: 821-3177-8205**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us, click “Join a Meeting” and enter the Meeting ID: 821-3177-8205 or join the meeting at <https://us02web.zoom.us/j/82131778205?>

AGENDA

- | | |
|------------------|--|
| Minutes | Review and approve Minutes from March 17, 2022 meeting. |
| Case #1 – 7:30PM | 1183 Highland Avenue- Harvey Family Dental PLLC, applicant, has applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the Zoning By-Law to waive strict adherence to parking and parking design requirements associated with the use of a dental practice. The subject property is located at 1183 Highland Avenue, Needham MA in the Business (B) District.
<i>Item continued from March 17, 2022</i> |
| Case #2 – 7:45PM | 329 Chestnut Street –Shweta Srivastava and Akshay Saxena, applicants, applied to the Board of Appeals for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to establish Code Wiz Needham, a private school that runs coding and robotics classes for 15 students ages 7 years old to 17 years old with five staff persons, and to waive strict adherence to parking and parking design requirements. The property is located at 329 Central Avenue (the Code Wiz Needham unit has a postal address of 333 Chestnut Street), Needham, MA in the Chestnut Street Business (SRB) District. |
| Case #3- 8:00PM | 1346 South Street – Scalliwags, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Section of the By-Law to waive strict adherence to parking and parking design requirements. This Special Permit is associated with the planned increase in enrollment over current levels at Scalliwags, a childcare facility. The property is located at 1346 South Street, Needham, MA in the Rural Residence-Conservation (RRC) District, and the Neighborhood Business (NBD) District. |
| Case #4 –8:15PM | 132-134 Hillside Avenue – East Rock Development, LLC, applicant, applied to the Board of Appeals for a Variance under Sections 3.2.1, 7.5.3 and any other applicable Sections of the By-Law to allow the Plan Substitution and/or further relief pursuant to a <i>ZBA Variance, Lot at the</i> |

Next Meeting: Thursday, May 19, 2022 at 7:30pm

rear of 136 Hillside Avenue, December 19, 1972 authorizing use of the Premises for two-family purposes; and any and all other relief necessary to permit the demolition of the existing two-family dwelling and to replace it with a new two-family dwelling. The property is located at 132-134 Hillside Avenue, Needham, MA in the Single Residence B (SRB) District.

Report – 8:30PM

1545 Central Avenue - Review of the construction and operations of the paddle court facility at the **Needham Pool and Racquet Club** per the *ZBA Special Permit, 1545 Central Avenue, July 16, 2020*. The property is located at 1545 Central Avenue, Needham, MA in the Single Residence A (SRA) District.

Next Meeting: **Thursday, May 19, 2022 at 7:30pm**

**NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY, MARCH 17, 2022– 7:30 PM
Zoom Meeting ID Number: 869-6475-7241**

Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held remotely on Zoom on Thursday, March 17, 2022 at 7:30pm. Jon D. Schneider, Chair, presided and the following members were present: Howard S. Goldman, Peter Friedenberg and Nik Ligris. Mr. Schneider opened the meeting at 7:30 p.m.

Minutes - Mr. Goldman motioned to approve the minutes of February 17, 2022. Mr. Ligris seconded the motion. The Board unanimously approved the minutes.

Case #1	26 Ardmore Road	Denied
Case #2	32 Mark Lee Road	Denied
Case #3	1154 Great Plain Avenue	Approved
Case #4	1183 Highland Avenue	Continued

Informal Matter **Discussion to meet in person or Zoom for April – June, 2022**
Governor Baker signed into law a new session law extending the remote meeting provisions for Boards and Commissions to continue to meet remotely from April 2022 until July 15, 2022. The Board agreed to continue to meet remotely until the June 16, 2022 meeting. Mr. Schneider would like to consider reintroducing the amendment of the Board Rules to allow remote attendance (Section 6 – Quorum, amended December 19, 2019) to the Select Board for approval.

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

The meeting adjourned at 9:36 p.m.

MEMORANDUM

TO: Dr. Jennifer L. Harvey, D.M.D.
Harvey Family Dental PLLC
29 Sunshine Dr.
Marlborough, MA 01752

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: April 8, 2022

RE: 9330

SUBJECT: Parking Demand Assessment
Proposed Dental Office – 1183 Highland Avenue
Needham, Massachusetts

Vanasse & Associates, Inc. (VAI) has completed a parking demand assessment in support of the proposed dental office to be located at 1183 Highland Avenue in Needham, Massachusetts (hereafter referred to as the “Project”). Specifically, this assessment: i) evaluates the parking requirements for the proposed dental office pursuant to the Zoning By-Law of the Town of Needham; and ii) reviews the availability of on-street parking located within a reasonable walking distance of the Project site.

Based on this assessment, we have concluded the following with respect to the Project and parking availability in the vicinity of the Project site:

- The Zoning By-Law of the Town of Needham requires that 13 parking spaces be provided to support the proposed dental office, and that an additional 50 spaces be provided to support the uses that are located in the balance of the building that contains the Project, or a total of 63 parking spaces. Off-street parking is provided for 30 vehicles within the Project site, leaving a theoretical parking “deficit” of 33 parking spaces to be satisfied through the use of available on-street parking located within a reasonable walking distance of the Project site;
- Within a reasonable walking distance of the Project site there are 124 on-street parking spaces; and
- Between 8:00 AM and 5:00 PM (the operational day of the Project), there are over 62 available on-street parking spaces within a reasonable walking distance of the Project site, which exceeds the number of parking spaces required under the Zoning By-Law to satisfy the theoretical parking “deficit” (33 parking spaces) to support the parking requirements for the uses that will be located within the Project site, including the proposed dental office.

Based on these findings, ***it has been concluded that there is more than sufficient available parking within a reasonable walking distance of the Project site (including parking within the Project site) to accommodate the proposed addition of a dental office to the subject property.***

The following details our assessment of the parking requirements for the Project and parking availability in the vicinity of the Project site.



PROJECT DESCRIPTION

The Project will entail the renovation of an approximately 2,500 square foot (sf) vacant tenancy located at 1183 Highland Avenue in Needham, Massachusetts, to accommodate a dental practice (office). The Project site is improved by a commercial building with multiple tenants that, in addition to the vacant tenancy that will be occupied by the dental office, include: Hungry Coyote (Mexican taqueria and bar containing 57 seats and offering take-out services); a Subway Sandwich Shop (12 seats and offering take-out services); and a Verizon store (2,000± sf). Off-street parking within the Project site for 30 vehicles, including two (2) handicapped accessible parking spaces.

PARKING REQUIREMENTS

Parking requirements for the dental office are defined in Section 5.1.2, *Required Parking*, of the Zoning By-Law of the Town of Needham. The By-Law requires that one (1) parking space be provided for every 200 sf of floor area for dental service structures. Applying this ratio to the tenancy that will be occupied by the dental office results in an allocation of 13 required parking spaces calculated as follows:

$$2,500 \text{ sf dental office} \times 1 \text{ space}/200 \text{ sf} \approx 13 \text{ spaces}$$

The parking requirements for the existing uses that occupy the balance of the subject building were also calculated using the parking requirements defined in the By-Law for similar land uses (restaurant and retail) and were determined as follows:

Tenant	Size	Zoning Requirement	Parking Required
<i>Hungry Coyote</i>	57 seats	1 space per 3 seats plus 10 spaces for take-out	29
<i>Subway</i>	12 seats	1 space per 3 seats plus 10 spaces for take-out	14
<i>Verizon</i>	2,000 sf	1 space per 300 sf	7
TOTAL:			50

Given that 30 off-street parking spaces are provided within the Project site, there is a theoretical parking “deficit” of 20 parking spaces (50 parking spaces for the existing uses – 30 parking spaces within the Project site = 20 parking space “deficit”) for the existing uses that is satisfied by the use of public parking along Highland Avenue and the proximate portion of Oakland Avenue. Applying a similar approach, it is therefore assumed that the increased parking required to meet the parking requirements for the dental office (13 parking spaces) will also be satisfied by existing on-street parking available within a reasonable walking distance to the Project site.



PARKING DEMAND OBSERVATIONS

In order to determine the availability of on-street parking in the vicinity of the Project site, parking demand observations were performed along Highland Avenue and a portion of Oakland Avenue on Wednesday, March 30th, 2022, between 8:00 AM and 5:00 PM (the hours of operation of the Project). The limits of the study area for the parking demand observations were determined based on the distance that a pedestrian would reasonably be expected to walk to reach the Project given the destination nature of the proposed use (i.e., patients will have a scheduled appointment).

The study area for the parking demand observations was split in to four (4) zones defined as follows: **Zone 1** - on-site parking lot; **Zone 2** - Highland Avenue from Rosemary Street to Oakland Avenue; **Zone 3** - Oakland Avenue from Highland Avenue to Kingsbury Street; and **Zone 4** - Highland Avenue from Oakland Avenue to May Street. The parking demand observation study area and the four (4) zones are depicted on Figure 1 along with the location of the proposed dental office for context.

The number of on-street parking spaces located within each zone was obtained from Google Earth® Street View for Zones 1, 2 and 4. The number of on-street parking spaces located within Zone 3 was determined by assuming that a parked vehicle would occupy 22 linear feet of curbside space (the length on an on-street parking space) where parking is allowable and would not interfere with access, turning maneuvers or two-way travel. Based on this approach and as depicted on Figure 1, Zone 1 was found to accommodate 30 parking spaces; Zone 2 accommodates 32 parking spaces; Zone 3 accommodates 20 parking spaces; and Zone 4 accommodates 42 parking spaces; or a total of 124 parking spaces within the parking study area, 30 of which are located within the Project site (Zone 1).

Table 1 summarizes the number of vehicles parked within the parking study area as observed on Wednesday, March 30th, 2022, between 8:00 AM and 5:00 PM, the operating hours of the proposed dental office, along with the number of available (unoccupied) parking spaces and the parking occupancy (in percent).



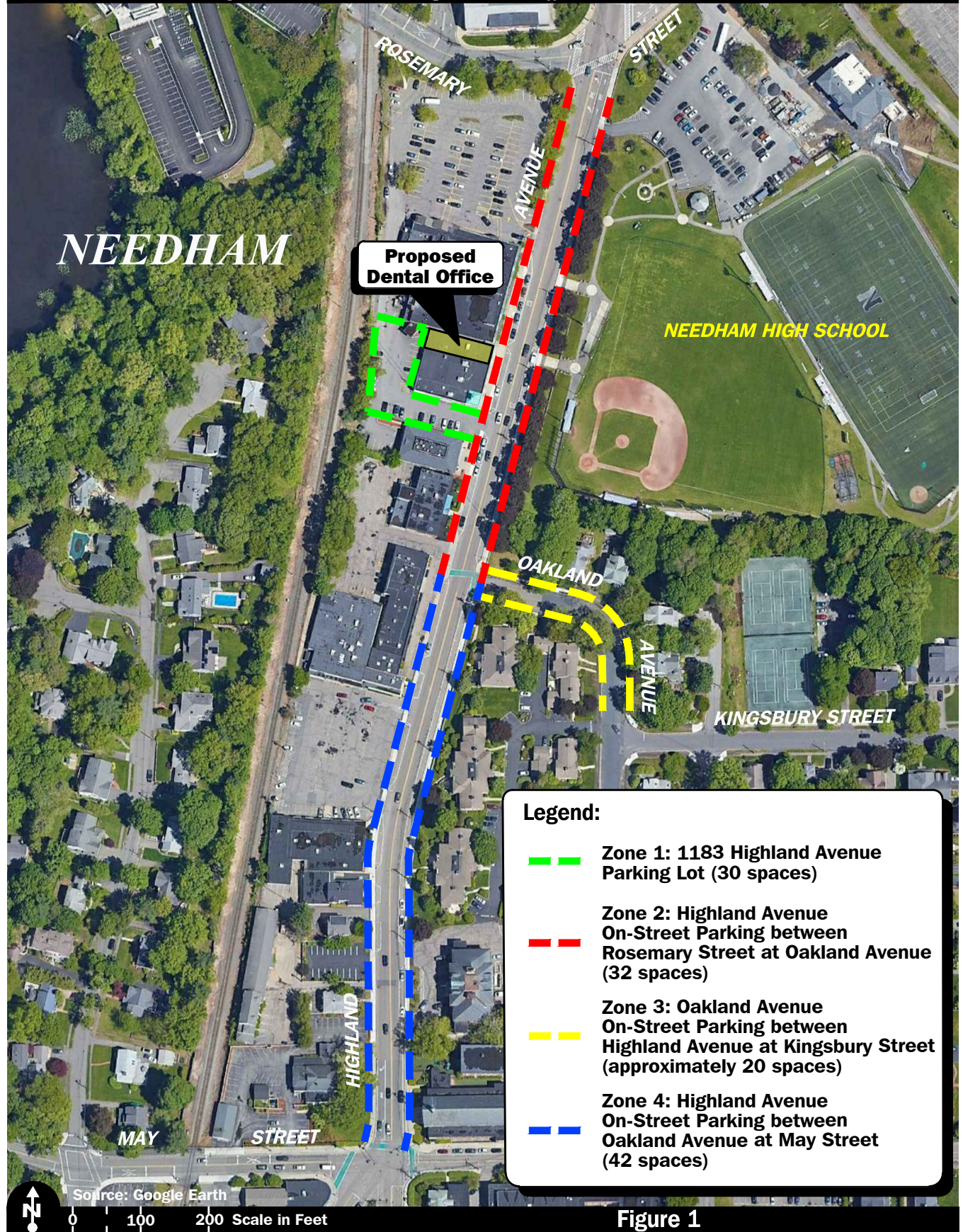


Table 1
PARKING DEMAND OBSERVATIONS
MARCH 30, 2022

Time	Number of Vehicles Parked	Number of Available Parking Spaces	Parking Occupancy (%) ^a
8:00 AM	33	91	26.6%
8:30	38	86	30.6%
9:00	38	86	30.6%
9:30	52	72	41.9%
10:00	58	66	46.8%
10:30	54	70	43.5%
11:00	56	68	45.2%
11:30	62	62	50.0%
12:00 PM	57	67	46.0%
12:30	59	65	47.6%
1:00	56	68	45.2%
1:30	62	62	50.0%
2:00	61	63	49.2%
2:30	57	67	46.0%
3:00	51	73	41.1%
3:30	46	78	37.1%
4:00	58	66	46.8%
4:30	46	78	37.1%
5:00	42	82	33.9%

^aBased on a total of 124 parking spaces.

As can be seen in Table 1, the overall peak parking demand within the parking study area was found to occur at 11:30 AM and 1:30 PM, with a total of 62 vehicles parked within the parking study area, representing an overall parking occupancy of 50 percent. As such, *during the observed peak parking demand periods, 62 parking spaces, or 50 percent of the total number of parking spaces within the study area, are available, which far exceeds the theoretical parking “deficit” of 33 parking spaces (20 parking space “deficit” for the existing uses + 13 parking spaces required for the proposed dental office = 33 parking spaces) required under the Zoning By-Law to accommodate the parking requirements for the uses that will be located within the Project site, including the proposed dental office.*

SUMMARY

VAI has completed a parking demand assessment in support of the proposed dental office to be located at 1183 Highland Avenue in Needham, Massachusetts. Specifically, this assessment has: i) evaluated the parking requirements for the proposed dental office pursuant to the Zoning By-Law of the Town of Needham; and ii) reviewed the availability of on-street parking located within a reasonable walking distance of the Project site.

Based on this assessment, we have concluded the following with respect to the Project and parking availability in the vicinity of the Project site:

- The Zoning By-Law of the Town of Needham requires that 13 parking spaces be provided to support the proposed dental office, and that an additional 50 spaces be provided to support the uses that are located in the balance of the building that contains the Project, or a total of 63 parking



spaces. Off-street parking is provided for 30 vehicles within the Project site, leaving a theoretical parking “deficit” of 33 parking spaces to be satisfied through the use of available on-street parking located within a reasonable walking distance of the Project site;

- Within a reasonable walking distance of the Project site there are 124 on-street parking spaces; and
- Between 8:00 AM and 5:00 PM (the operational day of the Project), there are over 62 available on-street parking spaces within a reasonable walking distance of the Project site, which exceeds the number of parking spaces required under the Zoning By-Law to satisfy the theoretical parking “deficit” (33 parking spaces) to support the parking requirements for the uses that will be located within the Project site, including the proposed dental office.

Based on these findings, ***it has been concluded that there is more than sufficient available parking within a reasonable walking distance of the Project site (including parking within the Project site) to accommodate the proposed addition of a dental office to the subject property.***

cc: G. Richard, Esquire (via email)

Attachments: Parking Demand Observations



ATTACHMENTS

PARKING DEMAND OBSERVATIONS
ZONING BY-LAW PARKING REQUIREMENTS

PARKING DEMAND OBSERVATIONS



Transportation Data Corporation

P.O. Box 486 Norwood, MA 02062

tel (781) 587-0086 cell (781) 439-4999

Site & On-Street Parking Study

Mixed-Use Retail Property

1183-1189 Highland Avenue, Needham, MA 02492

3/30/2022

8:00 AM-5:00 PM

Client: VAI #9330/A. Arseneault

TDC #05541

Zone Description:

1: Parking lot for 1183 Highland Avenue

2: Highland Ave on-street between Rosemary St and Oakland Ave

3: Oakland Ave on-street between Highland Ave and Kingsbury St

4: Highland Ave on-street between Oakland Ave and May St

			Zones:		
Time:	1	2	3	4	Other
8:00 AM	9	15	1	8	
8:30 AM	12	16	1	9	
9:00 AM	11	14	1	12	
9:30 AM	20	18	1	13	
10:00 AM	26	18	2	12	
10:30 AM	19	18	3	14	
11:00 AM	21	19	3	13	
11:30 AM	23	21	4	14	
12:00 PM	18	21	4	14	
12:30 PM	25	17	4	13	
1:00 PM	22	19	3	12	
1:30 PM	27	19	3	13	
2:00 PM	23	18	5	15	
2:30 PM	21	18	4	14	
3:00 PM	20	17	3	11	
3:30 PM	17	17	3	9	
4:00 PM	19	22	4	13	
4:30 PM	14	17	4	11	
5:00 PM	13	17	3	9	

Notes:

ZONING BYLAW PARKING REQUIREMENTS

Zoning By-Law Parking Requirements

-Dental Office: 1 space per 200 sf

$2,500 \text{ sf} \times 1 \text{ space}/200 \text{ sf} = 12.5 \text{ spaces (13 spaces)}$

-Hungry Coyote: 1 space per 3 seats plus 10 for takeout

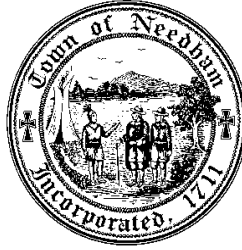
$57 \text{ seats} \times 1 \text{ space}/3 \text{ seats} + 10 \text{ spaces} = 29 \text{ spaces}$

-Subway: 1 spacer per 3 seats plus 10 for takeout

$12 \text{ seats} \times 1 \text{ space}/3 \text{ seats} + 10 \text{ spaces} = 14 \text{ spaces}$

Verizon: 1 space per 300 sf

$2,000 \text{ sf} \times 1 \text{ space}/300 \text{ sf} = 6.67 \text{ spaces (7 spaces)}$



TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

Special Permit

***Harvey Family Dental, PLLC, applicant
Philnorston Realty LLC, owner
1183 Highland Avenue
Map 266, Parcel 57***

March 17, 2022

Harvey Family Dental PLLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the Zoning By-Law to waive strict adherence to parking and parking design requirements associated with the use of a dental practice. The subject property is located at **1183 Highland Avenue, Needham MA** in the Business District. A public hearing was held remotely on Zoom on Thursday, March 17, 2022 at 8:15 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped February 18, 2022.
- Cover Letter prepared by Gregory R. Richard, dated February 18, 2022.
- Letter/Memorandum prepared by Gregory R. Richard, dated February 24, 2022.
- Site Plan prepared by Field Resources Inc., stamped by Bradley J. Simonelli, professional land surveyor, dated February 16, 2022.
- Floor Plan prepared by Patterson Dental, dated February 2, 2022.
- Letters from Gary B. Smith, owner/manager, dated February 17, 2022.
- Letter from Lee Newman, Director of Planning and Community Development, dated March 15, 2022.
- Email from Dave Roche, Building Commissioner, dated March 10, 2022.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated March 17, 2022.
- Email from Tara Gurge, Assistant Public Health Director, March 8, 2022.
- Email from Chief Dennis Condon, Fire Department, dated February 25, 2022.
- Email from Chief John Schlittler, Police Department, dated March 8, 2022.

March 17, 2022

The Board included Jon D. Schneider, Howard S. Goldman, Member; and Peter Friedenber, Associate Member. Also participating was Nik Ligris, Associate Member. Mr. Schneider opened the hearing at 9:08 p.m. by reading the public notice.

Greg Richard, attorney representing the applicant, said that the applicant was proposing to use the space for a dental practice. Under the By-Law this use in the Business District is allowed by-right. The former location of Lotus Mind and Body Spa, 2,500 sq. ft. located at 1183 Highland Avenue, will be renovated to accommodate seven dental operatories. There will be no exterior modifications.

Based on the Zoning By-Law, the proposed dental practice will require one off-street parking of one space per 200 sq. ft. of floor area. The 2,500 sq. ft. unit will require 13 parking spaces.

There are three other commercial units who share a common parking lot. Hungry Coyote requires 29 off-street parking spaces; Subway requires 14 spaces; and Verizon requires 7 spaces. With the applicant the complex has a total parking requirement of 63 parking spaces. The current parking lot, behind the complex, has a total of 30 parking spaces including two handicapped parking spaces. There is a deficit of 33 parking spaces.

In addition to a parking number waiver, the applicant seeks a waiver for the parking design as the lot does not meet setback, maneuvering or lighting requirements.

The expected hours of operation for the dental practice are 8:00 a.m. to 5:00 p.m. with staff arriving and leaving thirty minutes before and after the hours of operation. Patients will be by appointment only. The practice will operate three dental units when it opens hoping to expand to seven units in two to three years. The practice will max out at 22 people including staff and patients.

Mr. Richard noted that the busiest time for both Hungry Coyote and Subway is lunch time between 11:00 a.m. to 1:00 p.m. and that their businesses attract a lot of foot traffic. Lunch time will be the dental practice's least intensive time, when they will be closed for 30 minute for lunch.

Mr. Richard said that there are approximately 70 on-street parking within a quarter mile of the proposed dental practice, and that the Lotus Mind and Body Spa was granted a special permit for a maximum capacity of twenty-six people, four more than the maximum people that are expected for the dental practice.

Comments received:

- Planning Board had no comment.
- Building Department was not in favor of granting a waiver as the off-street parking provides for less than half the required spaces. More compelling evidence of surplus parking is required.
- Engineering Department concurs with the Building Department and that the applicant should be required to submit a parking study.

- Health Department had no comment.
- Fire Department had no comment.
- Police Department had no concerns.

Mr. Schneider said that the Board can waive the parking design requirements since there is no new construction but requires documentation that the number of parking spaces works for the complex. The applicant can use on street parking in a count, but he thought a quarter of a mile was too far to expect a patient to walk. A parking survey is needed to determine if there is sufficient parking to meet the demand. Mr. Friedenbergr concurred.

Mr. Ligris asked if there was a number of parking spaces dedicated for the tenants by the landlord. Mr. Richard responded that the landlord does not dedicate parking spaces. The spaces in the lot are used in common.

Mr. Richard asked for a continuance to allow time for a parking analysis to be conducted. Mr. Friedenbergr asked staff to provide the name of the traffic consultant who has conducted prior parking/demand studies in this area.

Mr. Goldman moved to continue the public hearing to April 28, 2022. Mr. Friedenbergr seconded the motion. The motion was unanimously approved.

The meeting adjourned at 9:35 p.m.

April 28, 2022

Findings:

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

Decision:

On the basis of the evidence presented at the hearing, following due and open deliberation, upon motion duly made and seconded, the Board

SIGNATORY PAGE - 1183 HIGHLAND AVENUE

Jon D. Schneider, Chair

DRAFT

SIGNATORY PAGE – 1183 HIGHLAND AVENUE

Howard S. Goldman, Member

DRAFT

SIGNATORY PAGE – 1183 HIGHLAND AVENUE

Peter Friedenberg, Associate Member

DRAFT



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	SHWETA SRIVASTAVA AKSHAY SAXENA		Date:	2/17/2022
Applicant Address	11 CYPRESS ST, NEEDHAM, 02492			
Phone	508 414 8801	email	shweta.sriv@gmail.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	329 CHESTNUT ST, NEEDHAM - 02492		
Map/Parcel Number	1990460005300000	Zone of Property	CSB
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:

SEE ATTACHED

Statement of Relief Sought:

SEE ATTACHED

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

3.2.2, 5.1.2, 5.1.3

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:

11 / 7 / 1973

Date Lot was created:

11 / 7 / 1973

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

I certify that I have consulted with the Building Inspector 2/8/2022
date of consult

Date: 2/17/2022 Applicant Signature

An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov

February 17, 2022

Parking Plan By CodeWiz Needham

Documents Attached:

1. Attached with this application is a plot plan. However, since the plot plan does not show parking spaces, we have also attached the satellite view provided by the Town.
2. There is a second copy of this satellite view where the plot outline and parking spaces are marked in green
3. Also attached is the Parking Plan in Pictures. For ease of the Board I have taken my own pictures and tried my best to show the parking lot and the available parking.
4. Letter of Approval from the owner
5. Current and Proposed floor plan. The structures to be removed are marked in yellow. None of these are load bearing walls. By the time we have the hearing we will have detailed 3D designs ready for the Board to see.
6. Signed Lease

Existing Conditions:

There are three units in the building running three separate businesses. The building has 20 parking spaces that are to be used by all the three parties. They are:

1. Bejian Orthodontist owned by Dr. Alex Bejian who is also the landlord. His space is approximately 1500 sq ft on the 1st floor. He has three full time employees including himself. He can see a maximum of two patients at any given time. The maximum number of parking spaces used by him is 5. They operate on Tuesday, Thursdays and Fridays from 8:15 am to 6 pm.
2. Strength in Numbers owned by Steve Dalton. His space is approximately 750 sq ft on the 2nd floor. He runs ACT/SAT private tutoring service for middle and high school students. He takes most of his classes online. He is the only full time employee. He operates Monday, Tuesday, Thursday from 1 to 7pm. At any given time there are a maximum of 3 cars parked for this business.
3. The third unit is the one that Navyaan LLC d/b/a Code Wiz Needham has signed a lease for. Previously a financial consultant practiced here. Code Wiz Needham will be running coding and robotics classes. This is on a lower level like a walkout basement. It is 1500 sq ft. It has two entrances, one from Chestnut St and the other from the back parking lot. The back entrance will be closed all the time except for trash disposal and emergency situations. We plan to operate all 5 days in the week from 3pm to 7pm during school days. On vacation weekdays we will operate from 9am to 4pm.

Statement Of Relief Sought:

We are applying for Special Permit to establish a private school that runs Coding and Robotics classes for 15 students from ages 7 to 17 years with 5 staff persons and to waive strict adherence to parking and parking design requirements under section 5.1.3.

School Hours of Operation:

On school days we will operate from 3pm to 7 pm. There will be a maximum of four 50 minute classes with a 10 minute gap between each class for disinfecting the classrooms. This time will also be used for pickup and drop offs.

On vacation days we will run two, three hour classes. In the morning we will operate from 9am to 12pm. In the afternoon we will operate from 1pm to 4pm. The one hour gap will be used for disinfecting, having lunch brought from home and for pickups and drop offs for students who have only enrolled in one class for the day.

Location and parking availability:

The location of Code Wiz Needham is 329 Chestnut St, Needham - 02492. This building has two more businesses. One is the landlord's Orthodontist practice called Bejian Ortho and the other is Strength By Numbers private tuition for science and math. This building has twenty parking spaces out of which a maximum of 8 spots are occupied at the busiest times from 4pm to 7pm for both businesses. This leaves 12 parking spots for us to use, even though we only need a maximum of 8 spaces as explained below.

Needham regulation on parking:

Enrollment with 45 or fewer children requires one parking space for every five students, plus employee parking.

Therefore for 15 students, three parking spaces for students dropoff/pickup and five for employees are needed. In total, the program needs eight parking spaces.

Transportation and Parking plan:

All drop offs and pick ups will be done by parents. We will not be providing any transportation. There are two entrances to the classes, a front one on Chestnut st, and another one from the back parking lot. The back door will be locked at all times and only be used for trash disposal or emergency use. For pickup and drop offs parents will use the sidewalk from the side parking lot or the Chestnut St sidewalk that leads into the building.

The 10 minute time difference between classes will help greatly. For example, for a 4pm class that'll end at 4:50pm, parents will arrive by 4:45pm and leave by 4:50pm. Thereafter, the parents of the 5 pm classes will arrive at 4:55 pm for drop off.

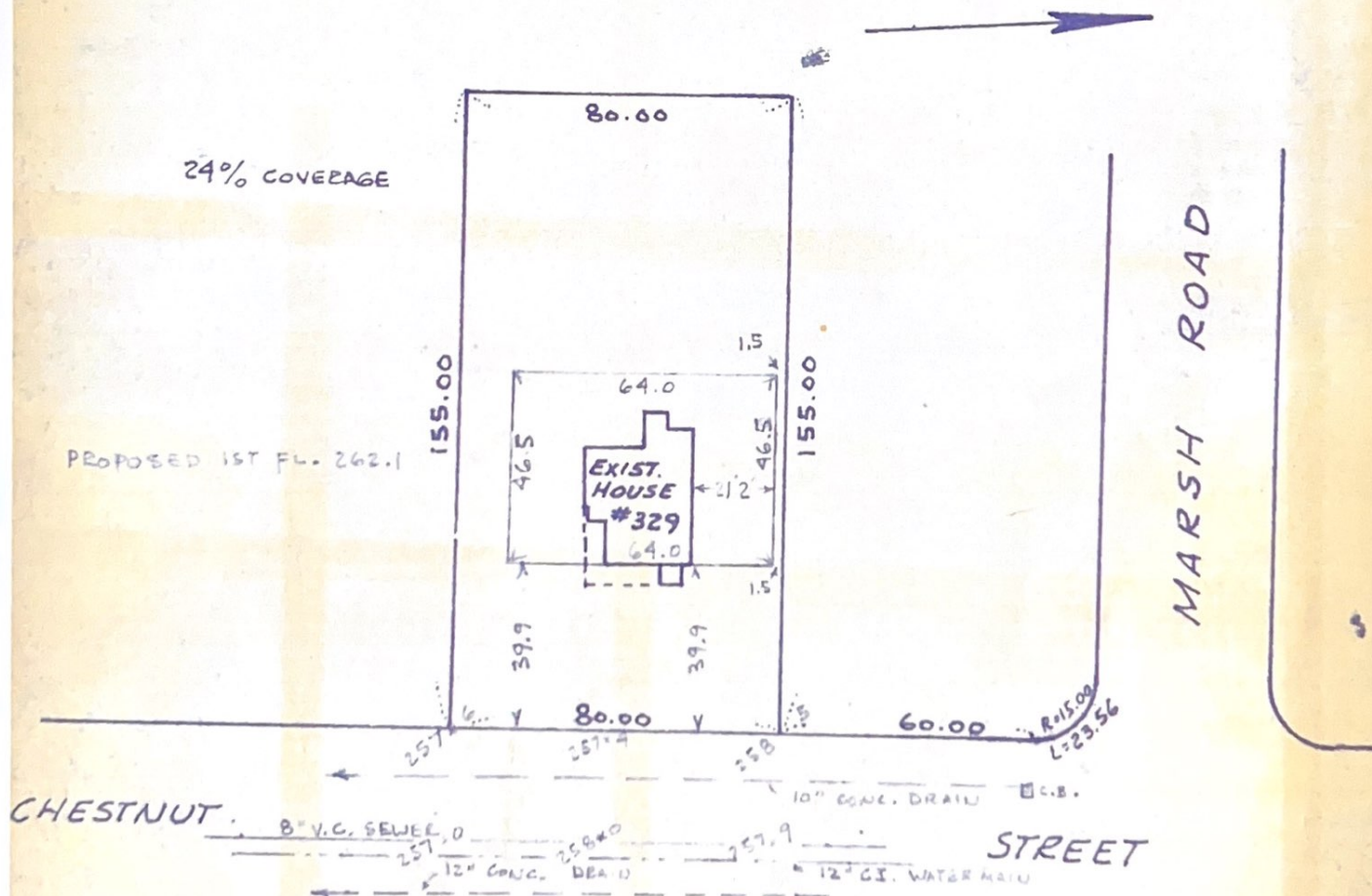
English Copy
TOWN OF NEEDHAM, MASS.
Building Inspection Department

Sewer ☒
Water ☒
Drain ☒

Building Permit No. 2925 At No. 329 CHESTNUT ST.
Lot Area 12400 SQ. FT. Zone Setback 10'
Owner SAMUEL J. MIXTER Builder MAURICE A. DUNLAVY

PLOT PLAN
40' Scale

To be drawn according to specifications set forth in Section VII-B, Zoning By-Laws of the Town of Needham.



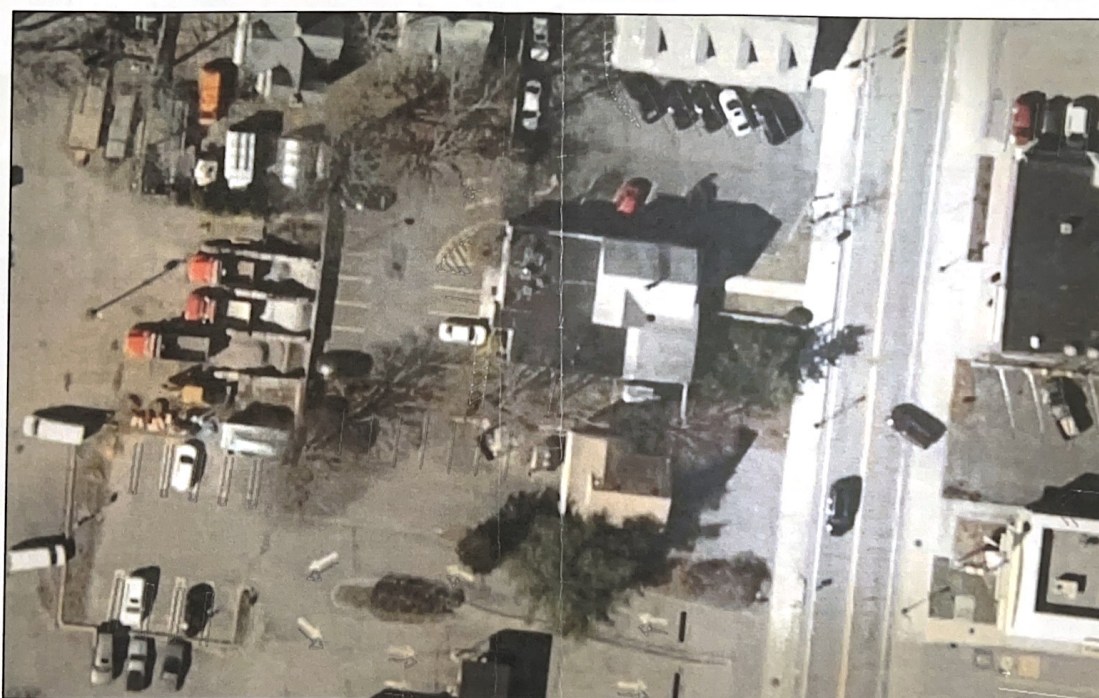
I hereby certify that the existing and approved street grades, existing sewers, drains, gas lines, water mains and other Public Utilities are accurately shown on this plan and that the dimensions, side line offsets and setback distances (allowing for overhangs), elevation of the top of the foundation and garage floor, and elevations at lot corners on street line for grading along lot line bordering the street are correct as indicated on this plan.

The above is subscribed to and executed by me this 7 day of Nov. 1973.
Cheney Engineering Co. Inc.
317 Chestnut Street
Needham, Mass. 02192

Approved Sidney R. Vaughan Civil Engineer or Surveyor
Approved W. A. MacKenzie Supt. of Public Works Date 11/9/73
Approved John J. Foye Building Inspector Date 11/19/73

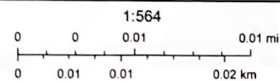
Occupancy permit will not be issued until the conditions as to lines and grades and drainage facilities have been fully complied with.

Town of Needham



2/10/2022, 1:09:35 PM

- | | | | | |
|-------------------|---------------|----------------|----------------|---------------|
| — Town Boundaries | — Crosswalk | Sports | ▨ Playground | ■ Golf Course |
| Painted Lines | — Sport Lines | ■ Sports Field | ■ Sports Court | ▨ Bleacher |
| — Parking Feature | | ■ Infield | ■ Golf Bunker | ■ Waterbodies |



Town of Needham

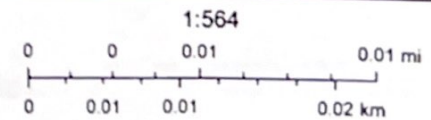
Town of Needham

PLOT OUTLINED IN GREEN



2/10/2022, 1:09:35 PM

- | | | | | |
|-------------------|---------------|----------------|----------------|---------------|
| — Town Boundaries | — Crosswalk | Sports | ▨ Playground | ■ Golf Course |
| Painted Lines | — Sport Lines | ■ Sports Field | ■ Sports Court | ▨ Bleacher |
| — Parking Feature | | ■ Infield | ■ Golf Bunker | ■ Waterbodies |



Town of Needham

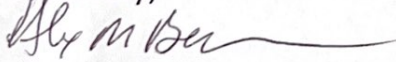
Town of Needham
Highland Ave
Needham, Ma. 02492

Feb 9, 2022

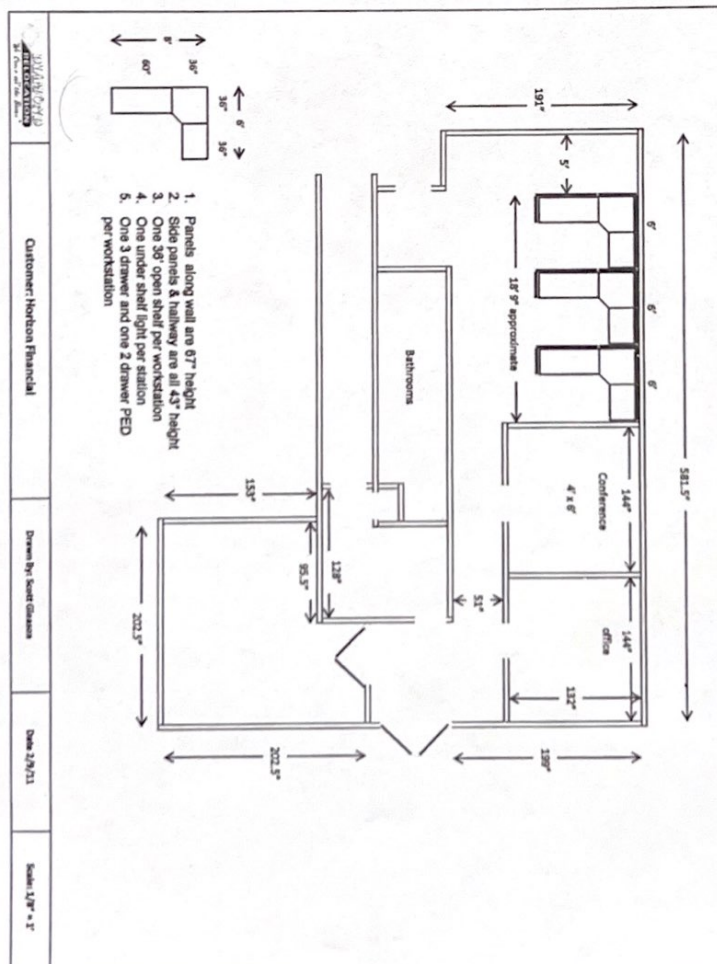
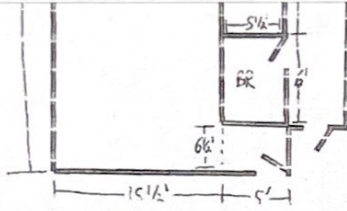
To whom it may concern,

I am the owner at 333 Chestnut St and business of Code Wiz approached us on a rental space that has recently become available in the building. Code Wiz is a school that teaches young kids and adolescence the skills of coding. I think Needham is very fortunate to bring a business of this nature into town. Our building is very fortunate to have adequate space for Code Wiz and ample parking to accommodate her students. I welcome her into the community and will do what I can to assure her business will succeed and grow.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alex M. Bejian", with a long, sweeping horizontal line extending to the right.

Alex M. Bejian



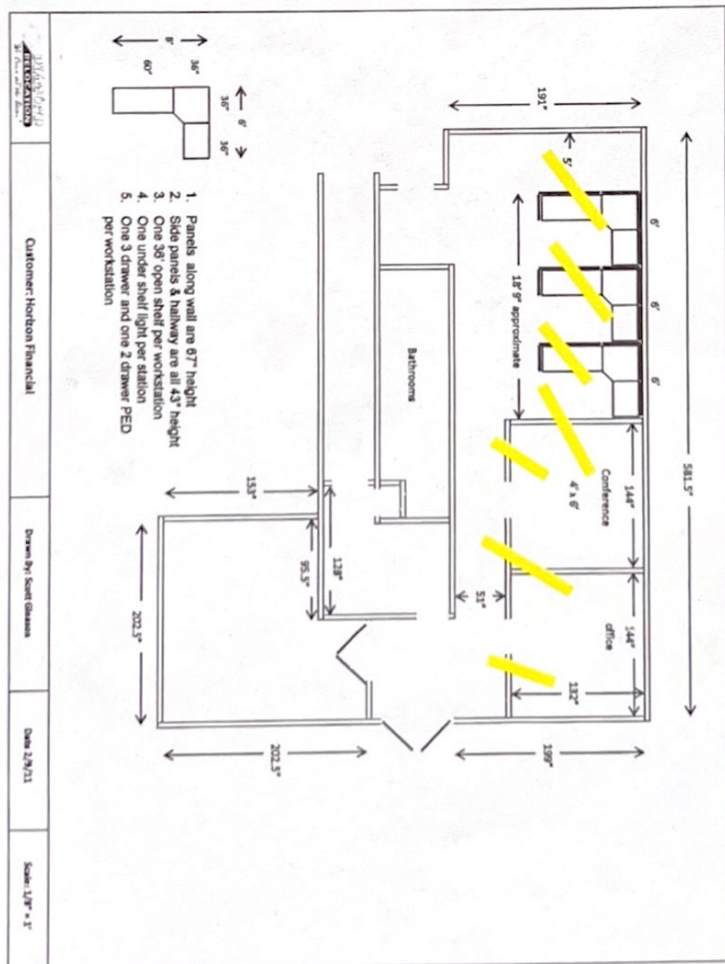
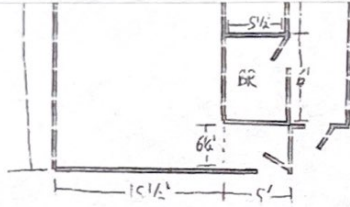
CURRENT FLOOR PLAN

10:36

LTE

Done

333 Office.pdf



PROPOSED-REMOVE
STRUCTURES MARKED
WITH YELLOW

329 Chestnut St- Parking Plan in Pictures

Building Front with total 20 parking spaces



Pathway Closeup



For drop off and pickup, Parents will walk from the parking lot on the pathway and go down the stairs

Side Parking Part 1



4 parking spaces shown here including and until the maroon car

Side Parking Part 2



Three parking spaces shown here excluding the maroon car. That makes it total of 7 parking spaces on the side.

Back Parking Entry and Exit



Back Building



Back Parking Building Side



Back parking on the side of the building has 5 parking spaces.

Back Parking Opposite of Building



There are a total of 8 parking spaces on this side excluding the one on the right of the black car (my car) for trash access. 3 cars can be seen in this picture

Back Parking Opposite of Building – zoomed in

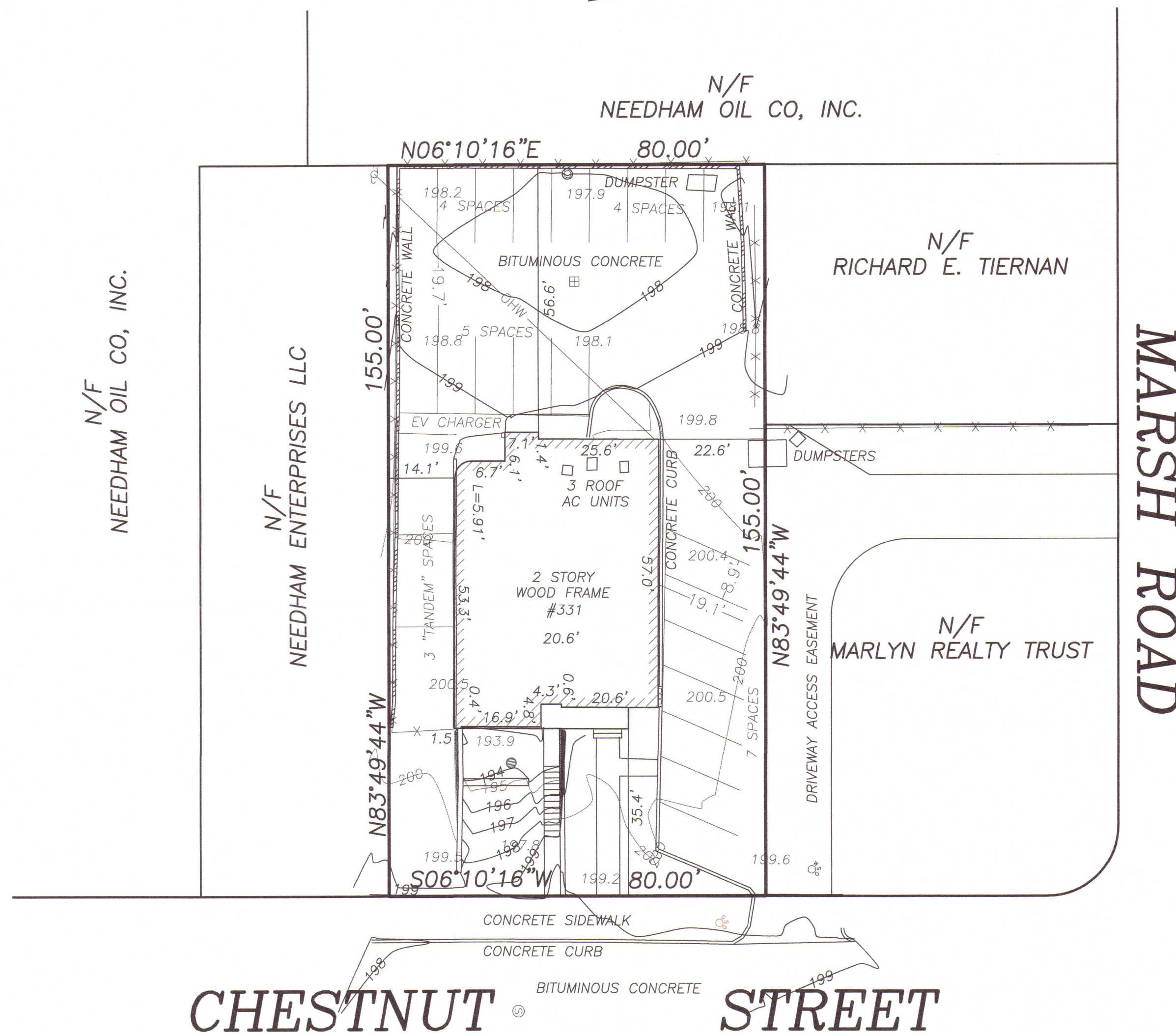
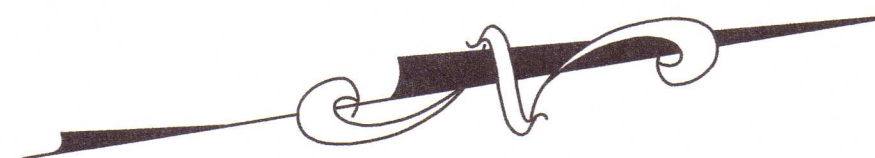


Between the black and blue car there are 3 parking spaces

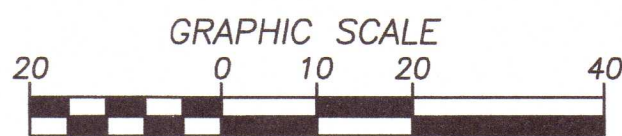
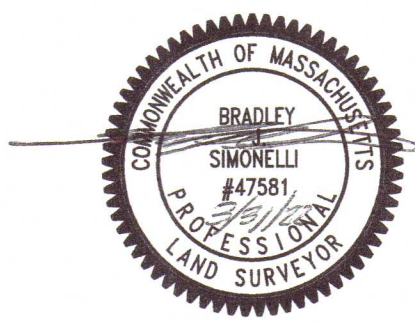
Back Parking Opposite of Building – edge view



2 parking spaces shown here on either sides of the grey car. $3 + 3 + 2 = 8$ parking spaces on the back opposite of the building



CHESTNUT STREET



TOWN OF NEEDHAM
MAP 46 PARCEL 53

NORFOLK COUNTY
REGISTRY OF DEEDS
BOOK 10681 PAGE 36

OWNER/APPLICANT:
ALEX M. BEJIAN

JOB NO. 019-22

REVISED

ZONING BOARD OF APPEALS
CHANGE OF USE PLAN
329 & 331 CHESTNUT STREET
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

MARCH 11, 2022 SCALE 1"=20'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com

Daphne Collins

From: George Giunta Jr <george.giuntajr@needhamlaw.net>
Sent: Monday, April 4, 2022 4:27 PM
To: Daphne Collins
Cc: shweta srivastava
Subject: Re: Plot Plan for 329 Chestnut St

Hi Daphne,

In connection with Shweta's application, in case it is not clear, she needs the following zoning relief:

1. Special permit pursuant to Section 3.2.2 for a Private School;
2. Special Permit pursuant to Section 3.2.2 for More than one non-residential building or use on a lot where such buildings or uses are not detrimental to each other and are in compliance with all other requirements of this By-Law;
3. 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): and
4. All other relief necessary for the operation of a small private school at the premises.

Regards,
George

George Giunta Jr, Esq.
281 Chestnut Street
Needham, MA 02492
Tel: 781.449.4520
Cell: 617.840.3570
Fax: 781.465.6059
george.giuntajr@needhamlaw.net

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

On Apr 1, 2022, at 12:56 PM, shweta srivastava <shweta.sriv@gmail.com> wrote:

Hi Daphne,

I wanted to let you know that I dropped off seven copies of the plot plan for 329 Chestnut St at the building department this morning.

Thanks,

RECEIVED
TOWN CLERK
NEEDHAM

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
APRIL 7, 1981

'81 APR 24 P12:39

CENTRAL CO-OP BANK

Upon the application of Central Co-op Bank, 399 Highland Avenue, Somerville, Mass., owner, to the Board of Appeals under Section 5.2.3.a.4.iv of the Zoning By-law for a variance to lower an existing sign to five feet above ground on premises located at 329 Chestnut Street, a public hearing was held at the Town Hall, Needham, Mass., on Tuesday, April 7, 1981, in the evening pursuant to notice thereof published in a local newspaper and mailed to all persons interested.

No one appeared on behalf of the applicant. Two snapshots which were included with the application were reviewed by the Board. The Building Inspector, Mr. John Rosenfeld, was present and stated that the sign that is in place on the locus does conform to the present zoning by-law. Mr. Rosenfeld stated that the 1981 Town Meeting will consider a warrant article concerning a new sign by-law.

No one in favor or in opposition to the application was present. Mr. Downe read into the record a letter from the Planning Board dated March 25, 1981 which stated: "A warrant article will be presented to the Annual Town Meeting to establish a new Sign By-law as a General By-law of the Town. Until such time as action has been taken by Town Meeting regarding this proposal, it is the Planning Board's recommendation that variances regarding signs be denied."

The hearing concluded at 7:45 p.m.

Although no one appeared on behalf of the applicant at the scheduled hearing on the application of Central Co-operative Bank for a variance from the provisions of Section 5.2.3.a.4.iv of the Zoning By-law to permit an existing sign to within five feet above the ground on premises located at 329 Chestnut Street, the Board has nevertheless considered the evidence obtained from a view of the premises. On the basis of this evidence, after due deliberation, the Board cannot, and does not, specifically find that owing to circumstances relating to soil conditions, shape or topography of such land and especially affecting such land but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Zoning By-law would involve substantial hardship to the applicant. Therefore by unanimous vote the application for a variance is denied.

TOWN OF NEEDHAM
BOARD OF APPEALS
NOTICE OF HEARING
Public notice is hereby given that Central Co-op Bank, 399 Highland Avenue, Somerville, MA, owner, has made application to the Board of Appeals for a variance from Section 5.2.3.a.4.iv of the Zoning By-law to lower an existing sign to five feet above ground on premises located at 329 Chestnut Street.
Upon said application, a public hearing will be held at the Town Hall, Needham, Mass. on Tuesday, April 7, 1981, in the evening at 7:30 p.m. at which time and place all persons interested may appear and be heard.
(DT)Mar24,31

Charles E. Downe
Charles E. Downe, Chairman

Hertz N. Henkoff
Hertz N. Henkoff, Member

Warren J. MacDonald
Warren J. MacDonald, Member

Daphne Collins

From: Thomas Ryder
Sent: Wednesday, April 20, 2022 4:57 PM
To: Daphne Collins
Subject: RE: ZBA Review - 329 Chestnut Street

No comment or objection

Thomas A Ryder, PE
Town Engineer

Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492
Telephone: 781-455-7538
Fax: 781-449-9023
E-mail: Tryder@needhamma.gov
Website: www.needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, April 20, 2022 4:13 PM
To: Thomas Ryder <tryder@needhamma.gov>
Subject: FW: ZBA Review - 329 Chestnut Street

Are you going to submit comments?

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

Zoning Board of Appeals Office

Town of Needham

Planning and Community Development Dept.

500 Dedham Avenue

Needham, MA 02492

Regular Office Hours: Mon-Wed 8:30am – 5:00pm

From: Daphne Collins
Sent: Wednesday, April 6, 2022 3:35 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Jon D. Schneider (jondschneider@gmail.com) <jondschneider@gmail.com>; Tara Gurge <TGurge@needhamma.gov>
Subject: ZBA Review - 329 Chestnut Street

Good Afternoon –

329 Chestnut Street –Shweta Srivastava and Akshay Saxena are seeking a Special Permit for the private school use and parking and parking design waivers associated with a CodWiz Needham, a private school that runs coding

Daphne Collins

From: Dennis Condon
Sent: Wednesday, April 6, 2022 4:04 PM
To: Daphne Collins
Subject: RE: ZBA Review - 329 Chestnut Street

Hi Daphne,
The Fire Dept. is okay with this plan.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, April 6, 2022 3:35 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Jon D. Schneider (jondschneider@gmail.com) <jondschneider@gmail.com>; Tara Gurge <TGurge@needhamma.gov>
Subject: ZBA Review - 329 Chestnut Street

Good Afternoon –

329 Chestnut Street –Shweta Srivastava and Akshay Saxena are seeking a Special Permit for the private school use and parking and parking design waivers associated with a CodWiz Needham, a private school that runs coding and robotics classes for 15 children from ages 7 to 17 years with five staff persons. The property is located in the Chestnut Street (CSB) District.

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

Daphne Collins

From: Tara Gurge
Sent: Wednesday, April 13, 2022 12:13 PM
To: Daphne Collins
Subject: RE: ZBA Review - 329 Chestnut Street- Public Health comments

Daphne –

The Public Health Division conducted our Zoning Board review for the property located at **#329 Chestnut Street**, and have no comments to share at this time.

Please let me know if you need any additional information from us on that.

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



 please consider the environment before printing this email

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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!](#)

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, April 6, 2022 3:35 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Jon D. Schneider (jondschneider@gmail.com) <jondschneider@gmail.com>; Tara Gurge <TGurge@needhamma.gov>
Subject: ZBA Review - 329 Chestnut Street



July 2, 2021

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 June 29, 2021, the Planning Board reviewed the applications to be heard by the Board of Appeals on July 15, 2021, and made the following recommendations:

1. **78 Jayne Road** – Noreen Capraro, applicant, has made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 7.5.2 and any other applicable Sections of the By-Law to allow the change, extension, alteration, and enlargement to a lawful, pre-existing, non-conforming building associated with the enlargement with an attached single car garage and a second story addition to an existing single-family residence. The property is located at 78 Jayne Road, Needham, MA in the Single Residence B (SRB) District.

The Planning Board did not have a chance to review this case and therefore has no comments.

2. **920 South Street** – Joseph Audette, MA, MD and Allison Bailey, MD, applicants, have made application to the Board of Appeals for a Special Permit under Sections 3.2.1, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Sections of the By-Law to allow the waiving of strict adherence with the off-street parking requirements, parking plan and design associated with the renovation and repurpose of an existing three-story building for use as a professional educational center by the Source Point Foundation. The property is located at 920 South Street, Needham, MA in the Rural Residence Conservation (RRC) District.

The Planning Board asks that the educational use be confirmed to be within the meaning of the Dover Amendment. The Board also notes that the residential use on the top floor may be in violation of the provision of the zoning by-law which specifically prohibits “more than one non-residential use on a lot” in the RRC district but is mindful that not allowing the living unit could be considered an unreasonable restriction under the Dover Amendment.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development



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

Tel. 781-455-7550 x 308

April 15, 2022

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

Re: Application review for the April Hearing

Dear Board Members,

I have reviewed the applications for the April 2022 hearing and have the following comments.

132-134 Hillside Ave.

The applicant is seeking a Special Permit to demolish and rebuild a Two-Family structure in a District where Two-Family structure are not permitted. The property has a prior use variance dated December 19, 1972, for the construction of a Two-Family structure located on an existing non-conforming lot. The applicant is planning on using the dimensional requirements set forth in sections **1.4.7** and section **4** of the Zoning By-law. These dimensions would limit the size of the structure to a footprint no greater than 2,500 square feet and lot coverage no greater than 18%. I have no issues with the reconstruction.

1346 South Street (Scalliwags)

The applicant operates a Child-Care Facility "Scalliwags" located at 1346 South Street in the Neighborhood Business District, this is a permitted use and met the parking requirements based on the ITE Journal of July 1994 entitled "Parking and Trip Generation Characteristics for Day-Care Facilities" for required parking. The building permit was issued for this facility based on twenty-five students and six staff members, using the parking standard this required 11 parking spaces which were provided and approved.

The applicant would now like to seek waivers from required parking and parking design requirements to increase enrollment from Twenty-five children to thirty-two and increase staff from six to eight members. This increase will now raise the required parking from eleven to fifteen parking spaces. The applicant will be showing the Board how they will accomplish this on the site with tandem parking. I do not oppose the increase but I would like a condition that all

persons accessing the building be picked-up and dropped-off on the site and not on the street right of way.

329 Chestnut Street (Code Wiz Needham)

The applicant is seeking a Special Permit to operate a Private School (Code Wiz Needham) in the Chestnut Street Business District section **3.2.2**. In addition, the applicant will be requesting Special Permits waiving strict adherence to the requirements of section **5.1.2 (required parking)** and section **5.1.3 (parking plan and design requirements)**

The applicant has provided square footage for the tenant spaces and based on 1500 Sq. Ft. for the first-floor Dental office eight (8) parking spaces would be required. The second-floor tenant occupying 750 Sq. Ft. of office space would require three (3) parking spaces. The basement level is also 1500 Sq. Ft. but using the standard for After School programs for enrollments fewer than 45 one space for every five students, plus employee parking, the following is required. Fifteen students will require three (3) parking spaces, and five (5) parking spaces for the employees. The total parking spaces required for the building will be Nineteen (19) The building has twenty Parking Spaces.

The plan provided does not show a handicap (van) space which should be marked on site with a required sign this is Massachusetts AAB requirement.

All students being picked-up and dropped-off shall be done in the parking lot and not in the street right of way.

Any questions please contact my office.

David A Roche
Building Commissioner
Town of Needham

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

TELEPHONE (781) 449-4520

FAX (781) 465-6059

April 4, 2022

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Scalliwags, LLC
1346 South Street, Needham, MA
Special Permit Request

Dear Ms. Collins,

Please be advised this office represents Scalliwags, LLC (hereinafter “Scalliwags”) and its owner / Manager, Lorraine Cronin, with respect to the property known and numbered 1346 South Street, Needham, MA (hereinafter the “Premises”). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of plan entitled “1346 South St., Needham, MA”, prepared by Duckham Architecture & Interiors, consisting of four sheets;
3. Seven copies of certified plot plan dated December 22, 2021; and
4. Check in the amount of \$500 for the applicable filing fee.

For the past several months, Scalliwags has operated a child care facility at the Premises, as a matter of right. The use is both an exempt use under M.G.L. c.40A, and a use permitted by right under the Needham Zoning By-Law, and there are enough parking spaces on site to support current levels of enrollment. However, Scalliwags would like to increase their enrollment. And while the use will still qualify as both an exempt use and one allowed by right pursuant to the By-Law, the increase in enrollment will trigger the need for a parking waiver, which is the reason for this application. Moreover, the parking area, which pre-dates the adoption of the off-street parking rules, does not meet current design requirements, and therefore a design waiver will also be 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.

Please also note that while the property is owned under a different entity (1346 South Street, LLC), and Scalliwags is technically a tenant, Lorraine Cronin is the owner and manager of both entities, and therefore as a technical matter, owner and tenant are the same.

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	Scalliwags, LLC, Lorraine Cornin, Manager	Date:	4/4/22
Applicant Address	445 Washington Street, Wellesley, MA 02482		
Phone	617-372-2449	email	lorrilamb@gmail.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 ☒ Representative in connection with this application.			

Subject Property Information

Property Address	1346 South Street, Needham, MA 02492		
Map/Parcel Number	Map 209/ Parcel 5	Zone of Property	NBD & RRC
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 with accessory garage and off-street parking, currently used for child care purposes.

Statement of Relief Sought:

1. 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); and
2. All other relief necessary for the operation of a child care facility at the property known and numbered 1346 South Street.

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 (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)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



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 <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 on April 4, 2022

Date: April 4, 2022 Applicant Signature

Scalliwags, LLC, but its attorney,
George Giunta, Jr., Esq.

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*



PERMIT SET

November 17, 2023

Issues	Number	Date	Description
--------	--------	------	-------------

Revisions	Number	Date	Description
1	12.27.2021		Final plan revision

Checked by:	
Drawn by:	

1346 South St.
Needham, MA

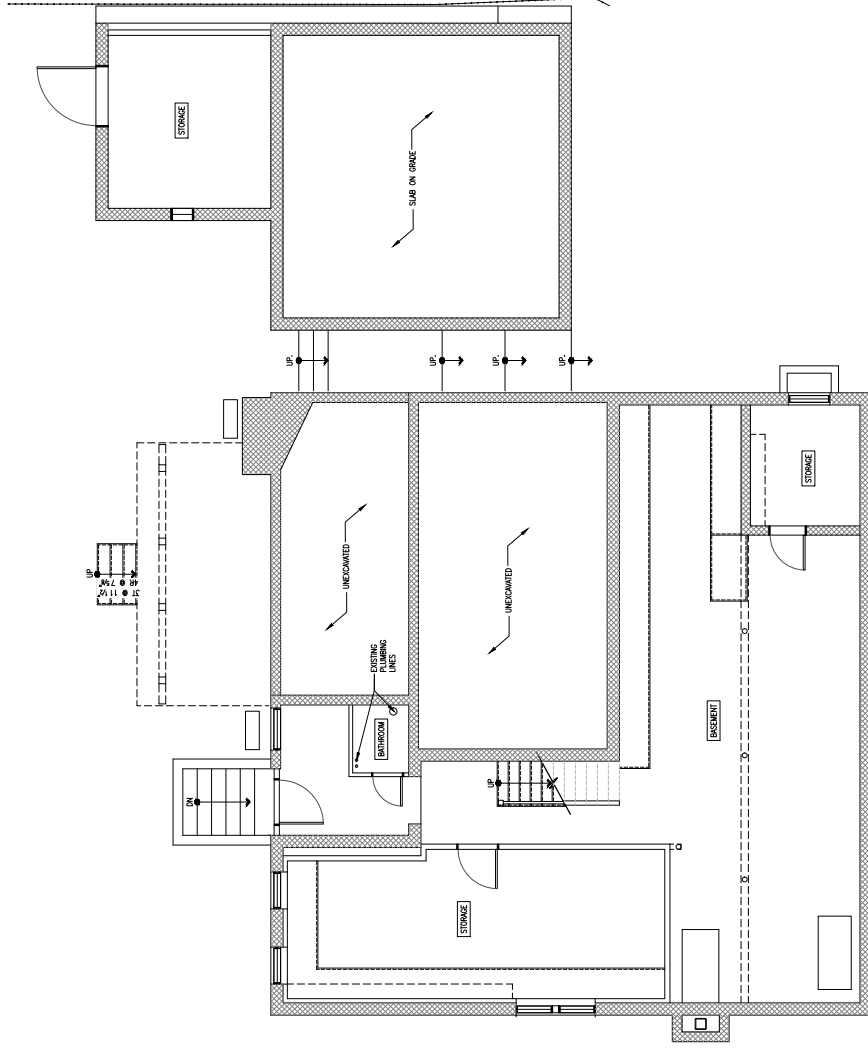
EXISTING BASEMENT PLAN

Drawing Scale:
1/8" = 1'-0"

Project Number:
2023-0100

Date Issued:
11/01/2023

EX101



1 EXISTING BASEMENT PLAN
SCALE: 1/8"=1'-0"



PERMIT SET

November 17, 2023

Issues	Number	Date	Description
--------	--------	------	-------------

Revisions	Number	Date	Description
1	12.27.2021		Final plan revision

Checked by:	
Drawn by:	

1346 South St.
Needham, MA

EXISTING FIRST FLOOR PLAN

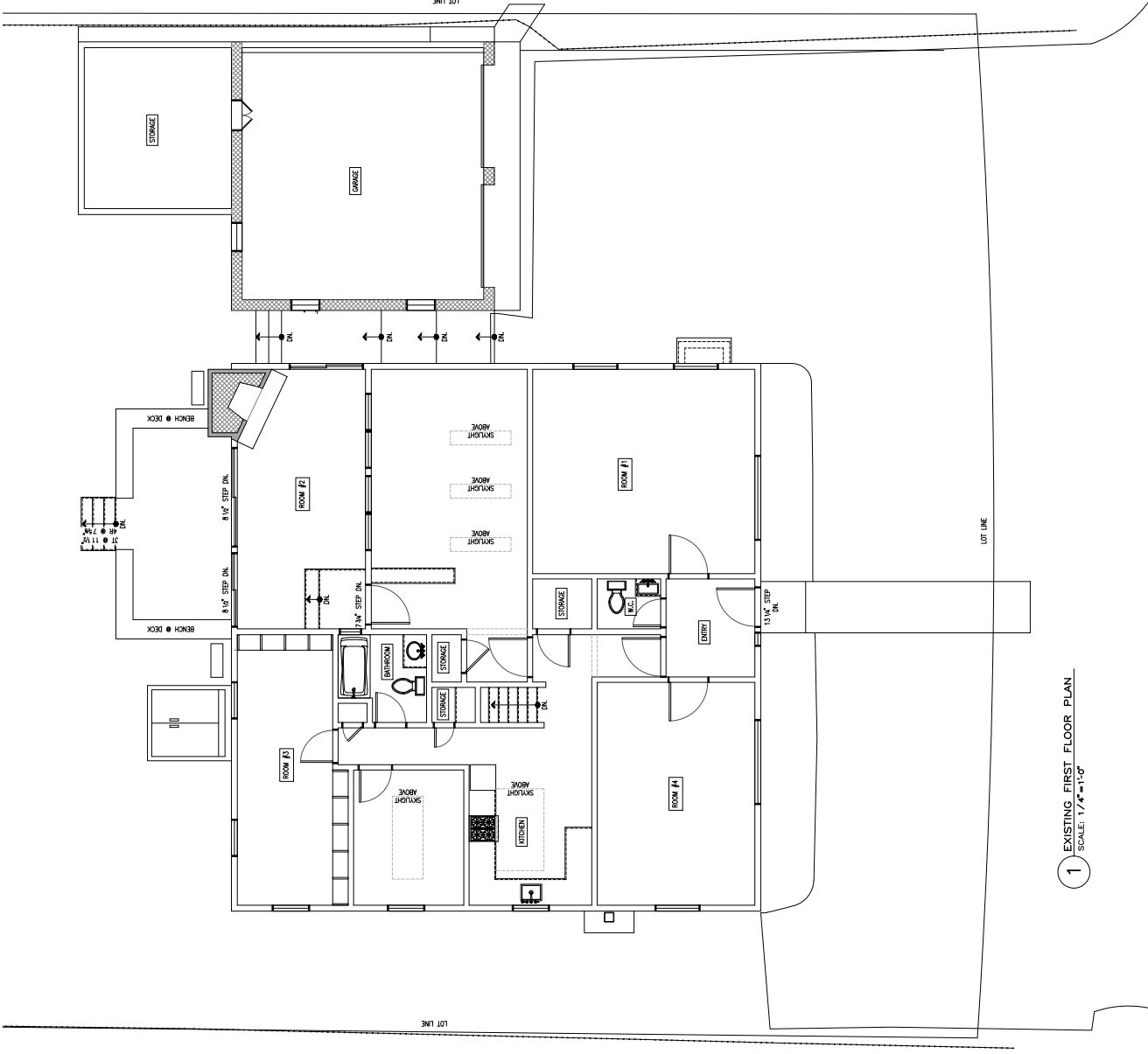
Drawing Scale:
1/8" = 1'-0"

Project Number:
2023.0100

Date Issued:
11/01/2023

EX102

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1 EXISTING FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



PERMIT SET

November 17, 2023

Issues	Number	Date	Description
--------	--------	------	-------------

Revisions	Number	Date	Description
-----------	--------	------	-------------

1	12.12.2021	Final plan revision
2	08.07.2022	Revised sections

Checked by:	
Drawn by:	

1346 South St.
Needham, MA

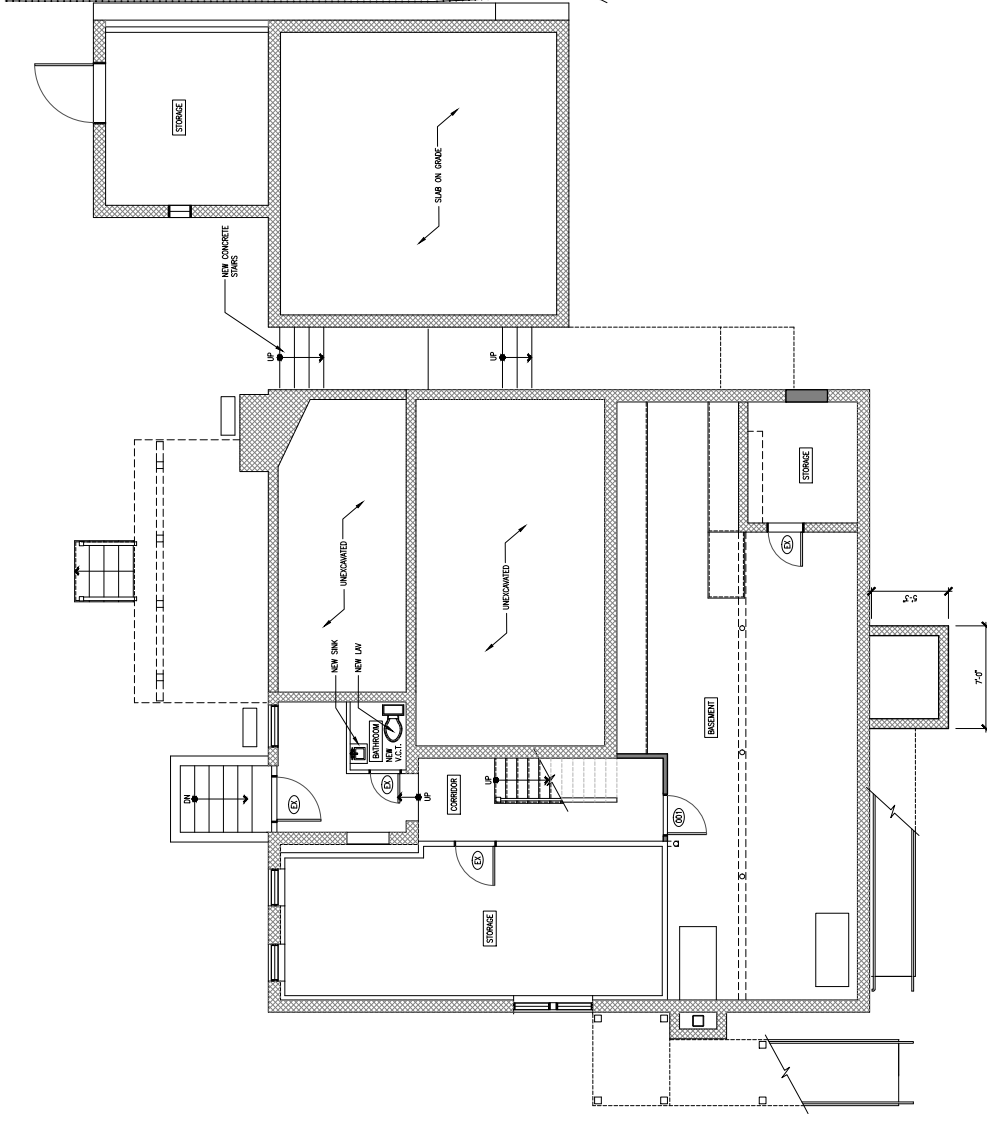
PROPOSED
BASEMENT PLAN

Drawing Scale:
1/8" = 1'-0"

Project Number:
2023.04.00

Date Issued:
11/01/2023

A101



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

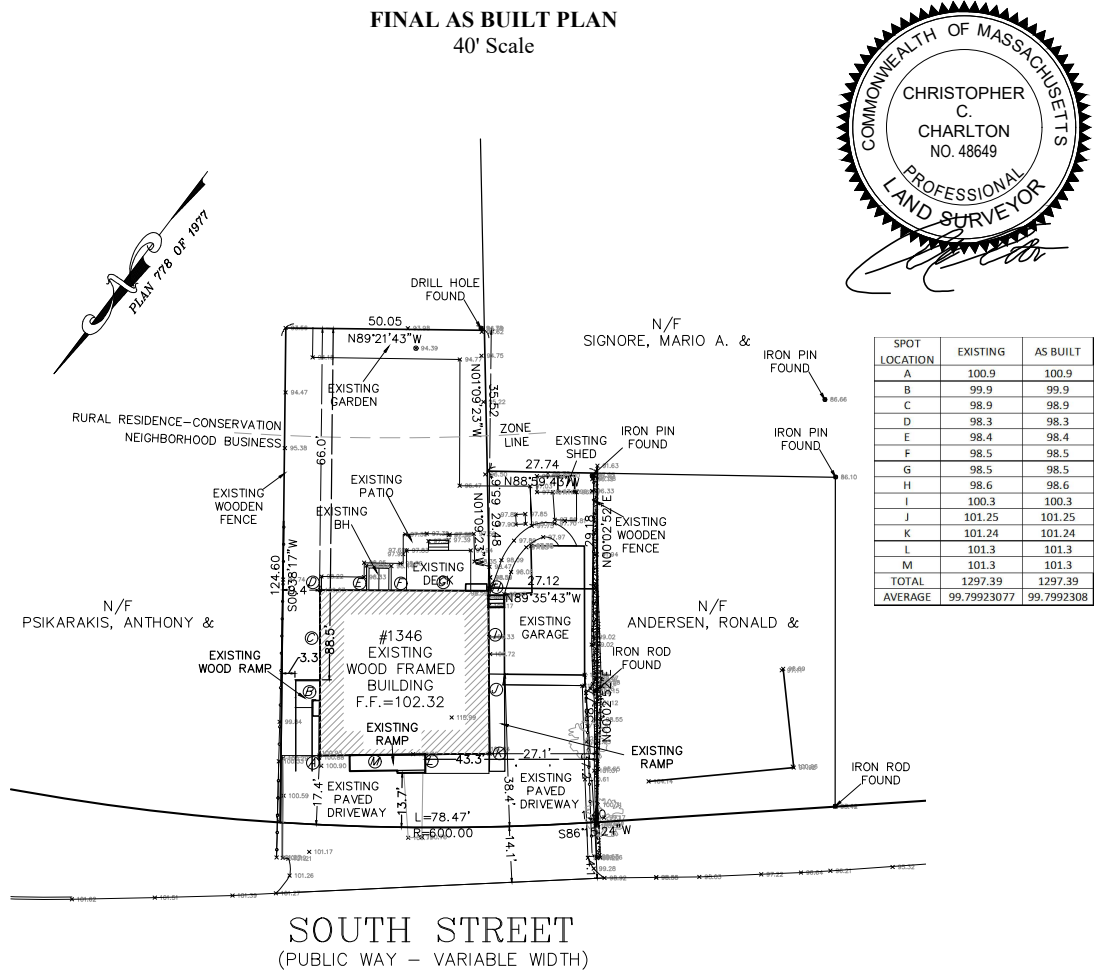
TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. 199/209.0-0005-0000.0

Building Permit No. _____ Zoning District NEIGHBOR. BUSINESS&RURAL RES.-CONS.
Lot Area 8,896± S.F Address No. 1346 SOUTH STREET
Owner BASS GROUP LIMITED Builder _____

FINAL AS BUILT PLAN 40' Scale



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

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this 22ND day of DECEMBER 20 21.

Name CHRISTOPHER C. CHARLTON Registered Land Surveyor No. 48649
Address 105 BEAVER STREET City FRANKLIN State MA Zip 02038 Tel. No. (508) 528-2528

Approved _____ Date _____
Approved _____ Building Inspector Date _____

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

April 15, 2022

MEMORANDUM IN SUPPORT OF
APPLICATION OF
SCALLIWAGS, LLC
1346 South Street, Needham, MA

The applicant, Scalliwags, LLC (hereinafter, the “Applicant” and “Scalliwags”), seeks 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 an increase in enrollment at the child care facility at the property known and numbered 1346 South Street (the “Premises”).

PRESENT USE / EXISTING CONDITIONS

The Premises is shown as parcel 5 on sheet 209 of the Assessor’s Map for the Town of Needham. A majority of the Premises is located within the Neighborhood Business District, but a small portion towards the rear is located within the Rural Residence Conservation District. It consists of approximately 8,896 square feet of land with 78.47 feet of frontage on South Street. The Premises is currently occupied by a one-story building, detached garage and associated off-street parking area. According to the records of the Assessor’s Department, the building was built in 1965. It was previously used for many years by Bradford L. Goldense and The Goldense Group for office purposes, pursuant to Decision of the Board of Appeals dated April 19, 2001. Since January, 2022, it has been used by Scalliwags for childcare purposes. Such use is permitted by right, both as an exempt use pursuant to M.G.L. Chapter 40A, Sec. 3, and pursuant to Section 3.2.1 of the Needham Zoning By-Law.

PROPOSED USE / ACTIVITY

Scalliwags is a special learning center that offers a unique childcare program for children aged 0 to 3 years. It was established by Lorraine Cronin, who has taken care of children since she was a teenager. She began her career as a professional nanny, twenty years ago, and has never

looked back. She opened the first Scalliwags location in Wellesley in 2018, and earlier this year opened in Needham at the Premises. She chose the name "Scalliwags," a term of endearment in Ireland, to describe children who are confident, fun, vivacious, and curious. She designed the space to have a home-away-from-home feel but with the advantages of a center-based program run by experienced professionals.

The Scalliwags program is modeled on care and kindness to others. It delivers a developmentally appropriate curriculum through stories, songs, and play to ensure that children learn, grow, and flourish in a safe, loving, inspiring environment. Scalliwags fosters independence and curiosity in children to help inspire the confidence they need to build positive and appropriate relationships, and to explore the world through imaginative and sensory play. Activities include music and movement, yoga, and nature.

Current enrollment is limited to 25 children with a maximum of 6 staff. However, in order to meet demand, Scalliwags would like to increase enrollment to a maximum of 32 children with a maximum of 8 staff. Because the increase in enrollment won't change the nature of the use, it will remain permitted by right. However, the increase in enrollment will increase the parking demand, which will require zoning relief, as discussed below.

PARKING

While there is no category in Section 5.1.2, Required Parking for childcare use, a standard of one space for every five students, plus employee parking (defined as the maximum number of staff on duty at any one time), has been consistently applied over the past several years to the various childcare locations in Town having fewer than 45 students. Applying such standard to Scalliwags, current enrollment requires 11 spaces, calculated as follows:

$$\begin{aligned} 25 \text{ children} \div 5 &= 5 \text{ spaces} \\ 6 \text{ maximum staff} &= 6 \text{ spaces} \\ 5 + 6 &= 11 \text{ total spaces required} \end{aligned}$$

Following the proposed increase in enrollment, the parking demand will increase to 15 total spaces, calculated as follows:

$$\begin{aligned} 32 \text{ children} \div 5 &= 6.4 \text{ spaces} = 7 \text{ spaces rounded up} \\ 8 \text{ maximum staff} &= 8 \text{ spaces} \\ 7 + 8 &= 15 \text{ total spaces required} \end{aligned}$$

There are a total of 11 spaces on site: five in front of the building, four tandem spaces in the driveway in front of the detached garage, and two in the garage. In addition, because of the way

South Street was laid out on the ground, there is room to fit an additional two tandem spaces in front of the garage, for a total of six tandem spaces (two across and three deep). Therefore, even if these two additional spaces were to be counted, there would only be 13 spaces on site; 3 less than will be required with the increase in enrollment. As a result, a parking waiver is required from the number of spaces.

Furthermore, the parking area, which appears to have been in existence since prior to the adoption of the off-street parking requirements in the early 1980s, does not comply with current design requirements. As a result, a waiver from the design requirements of Section 5.1.3 is required as well.

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 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.

DISCUSSION / ANALYSIS

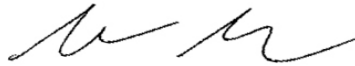
Scalliwags contends that the proposed increase in enrollment does not warrant the application of the parking requirements of Section 5.1.2, and the issuance of the requested parking waiver will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and will further be consistent with the intent of the Zoning By-Law. In particular, the calculated parking demand is not reflective of parking demand in practice. Because the children who attend the Scalliwags childcare operation are dropped off and picked up, the spaces for parents are only occupied on a temporary, short term basis. As a result, there is sufficient turnover to accommodate the increase.

Furthermore, the tandem and garage spaces are used for staff parking, and because there is room for eight cars, there is sufficient room to accommodate the increase in staff as well.

CONCLUSION

Based on the facts and discussion set forth above, Scalliwags asserts that the proposed increase in enrollment at its child care facility at the Premises will not affect the neighborhood, surrounding area or the Town in any adverse material or significant way. While Scalliwags has only been opened at the Premises since the beginning of the year, there has been no issue or incident relative to the parking and none is expected with the increased enrollment. Scalliwags asserts that, due to the drop-off and pick-up nature of the parking, and there are adequate spaces available on site. As a result, Scalliwags asserts that the issuance of the requested special permits is both proper and appropriate, and should be granted.

Respectfully submitted,
Charles River Ballet, LLC
by its attorney,



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



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

Tel. 781-455-7550 x 308

April 15, 2022

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

Re: Application review for the April Hearing

Dear Board Members,

I have reviewed the applications for the April 2022 hearing and have the following comments.

132-134 Hillside Ave.

The applicant is seeking a Special Permit to demolish and rebuild a Two-Family structure in a District where Two-Family structure are not permitted. The property has a prior use variance dated December 19, 1972, for the construction of a Two-Family structure located on an existing non-conforming lot. The applicant is planning on using the dimensional requirements set forth in sections **1.4.7** and section **4** of the Zoning By-law. These dimensions would limit the size of the structure to a footprint no greater than 2,500 square feet and lot coverage no greater than 18%. I have no issues with the reconstruction.

1346 South Street (Scalliwags)

The applicant operates a Child-Care Facility "Scalliwags" located at 1346 South Street in the Neighborhood Business District, this is a permitted use and met the parking requirements based on the ITE Journal of July 1994 entitled "Parking and Trip Generation Characteristics for Day-Care Facilities" for required parking. The building permit was issued for this facility based on twenty-five students and six staff members, using the parking standard this required 11 parking spaces which were provided and approved.

The applicant would now like to seek waivers from required parking and parking design requirements to increase enrollment from Twenty-five children to thirty-two and increase staff from six to eight members. This increase will now raise the required parking from eleven to fifteen parking spaces. The applicant will be showing the Board how they will accomplish this on the site with tandem parking. I do not oppose the increase but I would like a condition that all

persons accessing the building be picked-up and dropped-off on the site and not on the street right of way.

329 Chestnut Street (Code Wiz Needham)

The applicant is seeking a Special Permit to operate a Private School (Code Wiz Needham) in the Chestnut Street Business District section **3.2.2**. In addition, the applicant will be requesting Special Permits waiving strict adherence to the requirements of section **5.1.2 (required parking)** and section **5.1.3 (parking plan and design requirements)**

The applicant has provided square footage for the tenant spaces and based on 1500 Sq. Ft. for the first-floor Dental office eight (8) parking spaces would be required. The second-floor tenant occupying 750 Sq. Ft. of office space would require three (3) parking spaces. The basement level is also 1500 Sq. Ft. but using the standard for After School programs for enrollments fewer than 45 one space for every five students, plus employee parking, the following is required. Fifteen students will require three (3) parking spaces, and five (5) parking spaces for the employees. The total parking spaces required for the building will be Nineteen (19) The building has twenty Parking Spaces.

The plan provided does not show a handicap (van) space which should be marked on site with a required sign this is Massachusetts AAB requirement.

All students being picked-up and dropped-off shall be done in the parking lot and not in the street right of way.

Any questions please contact my office.

David A Roche
Building Commissioner
Town of Needham

Daphne Collins

From: Thomas Ryder
Sent: Wednesday, April 20, 2022 5:00 PM
To: Daphne Collins
Subject: RE: ZBA Review - 1346 South Street

No comment or objection

Thomas A Ryder, PE
Town Engineer

Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492
Telephone: 781-455-7538
Fax: 781-449-9023
E-mail: Tryder@needhamma.gov
Website: www.needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, April 20, 2022 4:14 PM
To: Thomas Ryder <tryder@needhamma.gov>
Subject: FW: ZBA Review - 1346 South Street

Will you be submitting comments?

Daphne M. Collins

Zoning Specialist

Phone [781-455-7550](tel:781-455-7550), x 261
Web <https://www.needhamma.gov/>
<https://needhamma.gov/1101/Board-of-Appeals>
www.needhamma.gov/NeedhamYouTube
Zoning Board of Appeals Office
Town of Needham
Planning and Community Development Dept.
500 Dedham Avenue
Needham, MA 02492

Regular Office Hours: Mon-Wed 8:30am – 5:00pm

From: Daphne Collins
Sent: Wednesday, April 6, 2022 4:54 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: FW: ZBA Review - 1346 South Street

This is the correct documents to be attached to the email pertaining to 1346 South Street.
Sorry about that. Too many cases this month.
Daphne

Daphne M. Collins
Zoning Specialist

Daphne Collins

From: Dennis Condon
Sent: Friday, April 8, 2022 8:50 AM
To: Daphne Collins
Subject: RE: ZBA Review - 1346 South Street

Hi Daphne,
The Fire Dept. has no concerns.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, April 6, 2022 4:54 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: FW: ZBA Review - 1346 South Street

This is the correct documents to be attached to the email pertaining to 1346 South Street.
Sorry about that. Too many cases this month.
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
Zoning Board of Appeals Office
Town of Needham

Daphne Collins

From: Tara Gurge
Sent: Friday, April 15, 2022 1:18 PM
To: Daphne Collins
Subject: FW: RE: Public Health Division comments for ZBA Review - 1346 South St.
Attachments: 1346 South St - Application AR.pdf

Daphne –

The Public Health Division conducted the Zoning Board review for the property located at **#1346 South Street**, and have the following comments, below.

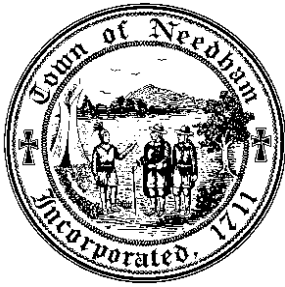
- Since this property is serviced by a private septic system, the existing system will need to be assessed by a professional septic system design engineer to determine if the existing septic system is in proper working order and can accommodate the proposed Daycare's increase in enrollment. According to the Massachusetts Dept. of Environmental Protection's Title Five Septic Code, specifically, 310 CMR, section 15.203, a Daycare's septic system design needs to meet a minimum requirement of 10 gallons per day/per person, in addition to the existing 3 bedroom home. (Here is the link to the Title Five Code for your reference - <https://www.mass.gov/doc/310-cmr-15000-title-5-of-the-state-environmental-code/download> .) We will need to receive a signed/dated letter (on letterhead) from the professional septic design engineer to verify that the increase in proposed enrollment will not exceed the existing septic systems current capacity limit. The letter must also state that the existing system is in proper working order. If found by the engineer that the existing septic system is compromised and/or cannot accommodate this proposed increase in capacity, the existing septic system would need to be upgraded, or if feasible, the property connected to the towns municipal sewer system.
- An Addition to a Home on a Septic System application will need to be filled out online at the following link, for our review and approval - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006546> (**PLEASE NOTE:** We were never notified of the conversion that happened a few months ago with the addition of this Daycare to this existing 3 bedroom residence on a septic system, so at a minimum this application will need to be completed and approved for the existing Daycare.)

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

Thanks,



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



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

April 19, 2022

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

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

At its meeting of April 19, 2022, the Planning Board reviewed the applications to be heard by the Board of Appeals on April 28, 2022, and made the following recommendations:

1. **1183 Highland Avenue** - Public notice is hereby given that Harvey Family Dental PLLC, applicant, has applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the Zoning By-Law to waive strict adherence to parking and parking design requirements associated with the use of a dental practice. The subject property is located at **1183 Highland Avenue, Needham MA** in the Single Residence B (SRB) District.

The Planning Board previously commented on this case in its letter dated March 15, 2022. The comments were as follows: The Planning Board makes NO COMMENT.

2. **329 Chestnut Street** – Shweta Srivastava and Akshay Saxena, applicants, applied to the Board of Appeals for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to establish Code Wiz Needham, a private school that runs coding and robotics classes for 15 students ages 7 years old to 17 years old with five staff persons, and to waive strict adherence to parking and parking design requirements. The property is located at **329 Chestnut Street** (the Code Wiz Needham unit has a postal address of 333 Chestnut Street), Needham, MA in the Chestnut Street Business (SRB) District.

The Planning Board notes that it does not appear to be handicapped accessible. The Board recommends that the ZBA check with the Building Commissioner that the proposal meets code with respect to both the building and parking accessibility requirements.

3. **1346 South Street** – Scalliwags, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Section of the By-Law to waive strict adherence to parking and parking design requirements. This Special Permit is associated with the planned increase in enrollment over current levels at Scalliwags, a childcare facility. The property is located at **1346 South Street**, Needham, MA in the Rural Residence-Conservation (RRC) District, and the Neighborhood Business (NBD) District.

The Planning Board makes NO COMMENT.

Mr. Jon Schneider, Chairman
Board of Appeals
Page 2

4. **132-134 Hillside Avenue** – East Rock Development, LLC, applicant, applied to the Board of Appeals for a Variance under Sections 3.2.1, 7.5.3 and any other applicable Sections of the By-Law to allow the Plan Substitution and/or further relief pursuant to a *ZBA Variance, Lot at the rear of 136 Hillside Avenue, December 19, 1972* authorizing use of the Premises for two-family purposes; and any and all other relief necessary to permit the demolition of the existing two-family dwelling and to replace it with a new two-family dwelling. The property is located at **132-134 Hillside Avenue**, Needham, MA in the Single Residence B (SRB) District.

The Planning Board makes NO COMMENT.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

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

TELEPHONE (781) 449-4520

FAX (781) 465-6059

April 4, 2022

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: East Rock Development, LLC
132-134 Hillside Avenue, Needham, MA
Special Permit Request

Dear Ms. Collins,

Please be advised this office represents East Rock Development, LLC (hereinafter "East Rock") and its owner / Manager, Robert Curatola, with respect to the property known and numbered 132-134 Hillside 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 plan entitled "Existing Conditions Site Plan";
3. Seven copies of plan entitled "Proposed Conditions Site Plan",
4. Seven copies of architectural plans; and
4. Check in the amount of \$500 for the applicable filing fee.

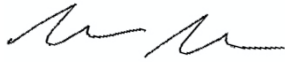
The Premises is situated in a Single Residence "B" Zoning District and is occupied by an existing two family residential structure. It is the subject of a prior use variance, dated December 19, 1972, issued to Frances B. Eaton, authorizing the use of same for two family purposes.

East Rock would like to demolish the existing structure and construct a new replacement two family dwelling, as shown on the plans submitted herewith. The proposed replacement structure will comply with all applicable density and dimensional requirements set forth in both Section 1.4.7 and Section 4 of the Zoning By-Law.

Please note that this application is substantially similar to previous applications for the properties at 70-72 Marshall Street, 114 Hillside Avenue and 460 Central Avenue. In those cases, the Board approved demolition of an existing two-family dwelling that had been authorized by a use variance, and replacement of same with a new two-family.

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	East Rock Development, LLC, Robert Curatola, Manager			Date:	4/4/22
Applicant Address	4 Oak Street, Suite 7, Needham, MA 02492				
Phone	617-759-1223	email	rockwoodcustombuilding@gmail.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 ☒ X Representative in connection with this application.					

Subject Property Information

Property Address	132-134 Hillside Avenue, Needham, MA		
Map/Parcel Number	Map 95 / Parcel 68	Zone of Property	SRB
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 (<i>select one</i>): Special Permit ☒ Variance ☐ Comprehensive Permit ☒ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Two family residential dwelling.

Statement of Relief Sought:

Plan substitution and/or further relief pursuant to Variance dated December 19, 1972, issued to Frances B. Eaton, authorizing use of the Premises for two-family purposes; and any and all other relief necessary and appropriate to permit the demolition of the existing two-family dwelling and replacement thereof with a new two-family structure.

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

3.2.1, 7.5.3 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 (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 <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 on April 4, 2022.

Date: April 4, 2022 Applicant Signature

East Rock Development, LLC

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

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

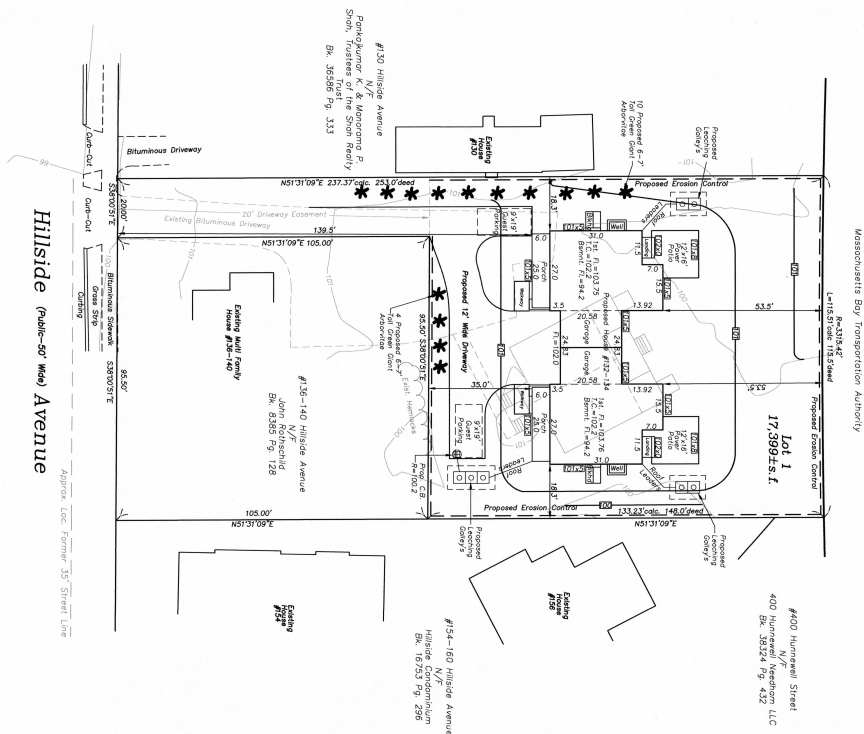


ZONING TABLE		
§ 12-134 Hillside Avenue, Newburgh, Massachusetts		
ZONE: S8B		
REGULATION	REQUIRED	EXISTING
LOT AREA	10,000 S.F.	2 Family
LOT FRONTAGE	80'	17,289 S.F.
MIN. SETBACK	20.0'	13.2'
REAR SETBACK	12.0'	12.0'
MIN. SIDE SETBACK	15.0'	4.5'
MIN. FRONT YIELD	15.0'	28.8'
MAX. LOT COVERAGE	1.4%	16.6% (2,294 S.F.)
MIN. LOT COVERAGE	1.4%	6,758 S.F. (52.5%)
FOOTPRINT	2,000 S.F.	1,545 S.F.
MIN. BUILDING STORIES	2 1/2	8,724 S.F. (52.5%)
	2 1/2	2 1/2

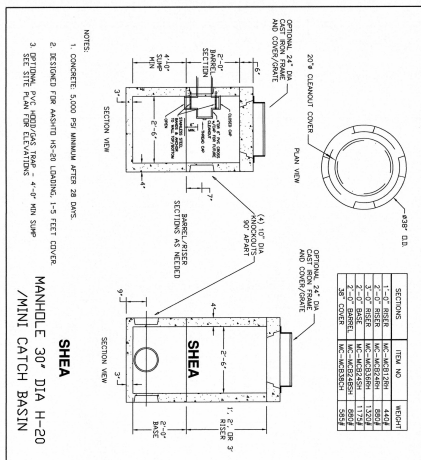
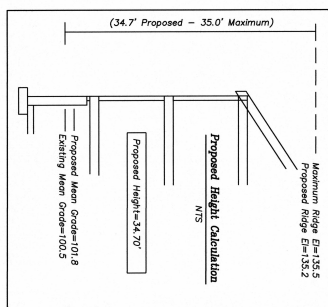
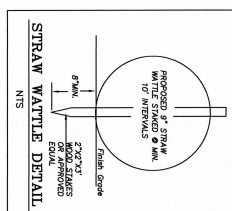
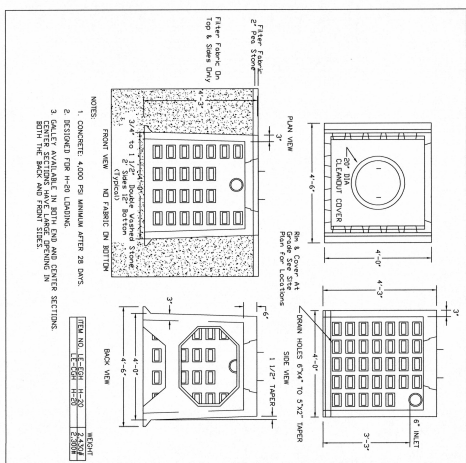
~Existing Conditions Site Plan~ #133-134 Hillside Avenue Needham, Massachusetts Scale: 1"=20' April 2, 2022 VERNE T. PORTER Jr., PLS Land Surveyors - Civil Engineers 354 Elliot Street, Newton, Ma. 02464	
	Design By: _____ Checked By: _____ Drawn By: _____



NOTES: 1. ALL UTILITIES SHOWN WERE COMPILED FROM ACTUAL FIELD LOCATIONS. CONSTRUCTION NOTES, BEST AVAILABLE RECORDS, AND AERIAL PHOTOGRAPHS WERE USED TO VERIFY PRIOR TO ANY EXCAVATION.



ZONING TABLE			
132-134 Hillside Avenue, Needham, Massachusetts			
REGULATION	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000 S.F.	21,000 S.F.	21,000 S.F.
LOT FRONTAGE	60'	200'	200'
FRONT SETBACK	20.0'	132.0'	132.0'
SIDE SETBACK	17.7'	13.5'	13.5'
REAR SETBACK	17.7'	13.5'	13.5'
BUILDING HEIGHT	35.0'	28.8'	34.7'
FAR	30.0%	15.0%	15.0%
LOT COVERAGE	1.0%	1.0%	1.0%
LOT COVERAGE	4.3%	6.0%	6.0%
BUILDING STORIES	2 1/2	2 1/2	2 1/2



~Proposed Conditions Site Plan~

#132-134 Hillside Avenue

Needham, Massachusetts

Scale: 1"=20'

April 2, 2022

VERNE T. PORTER JR., PLS

Land Surveyors - Civil Engineers

354 Elliot Street, Newton, Ma. 02464

Design By: _____

Checked By: _____

Drawn By: _____

132 - 134 HILLSIDE AVENUE TWO FAMILY

132-134 HILLSIDE AVENUE

NEEDHAM, MASS

LIST OF DRAWINGS :

- A-1 FIRST FLOOR PLANS
- A-2 SECOND FLOOR PLANS
- A-3 BASEMENT PLANS
- A-4 ATTIC FLOOR PLANS
- A-5 FRONT ELEVATION
- A-6 LEFT & RIGHT ELEVATIONS
- A-7 REAR ELEVATION
- A-8 CROSS SECTION THROUGH GARAGE & BED ROOM #4

F.A.R. CALCULATIONS

UNIT #1
1ST FLOOR LIVING AREA = 958.0 SF
2ND FLOOR LIVING AREA = 1,141.5 SF
UNIT #1 TOTAL = 2,105.5 SF
UNIT #2
1ST FLOOR LIVING AREA = 958.0 SF
2ND FLOOR LIVING AREA = 1,141.5 SF
UNIT #2 TOTAL = 2,105.5 SF
COMBINED SQUARE FOOTAGE = 4,211 SF

F.A.R. : 24



PROJECT ADDRESS:
132-134 HILLSIDE AVE

132-134 HILLSIDE AVE TWO FAMILY

OWNER / DEVELOPER:

EAST ROCK DEVELOPMENT LLC
4 OAK STREET, SUITE #1
NEEDHAM, MA 02452 - 617-153-1223

SCALE

DATE 4-1-22

DRAWING NO.

A-0

REVIEWED

TITLE SHEET

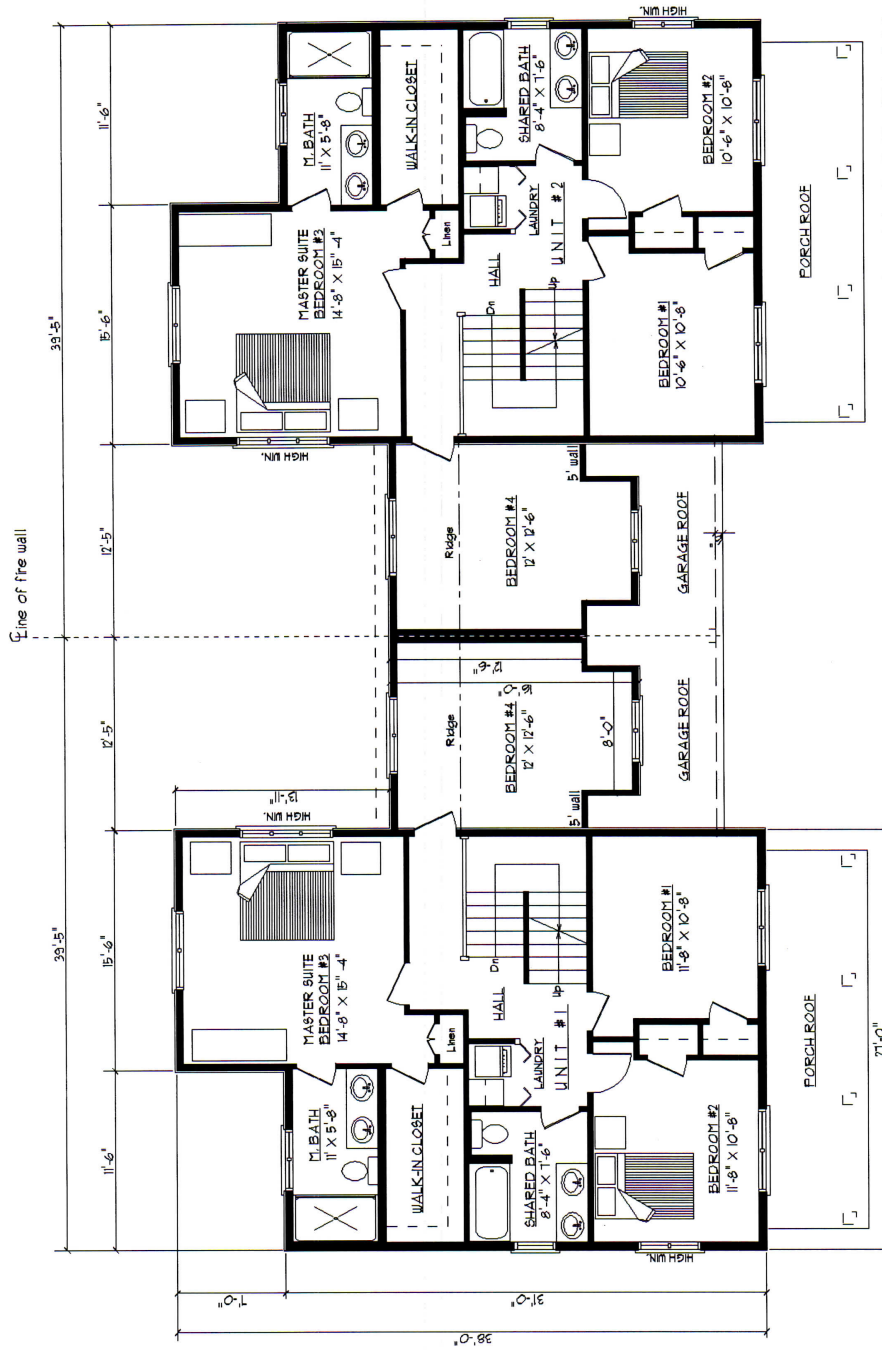
C.D. CALHOUN

ARCHITECT ASSOCIATES INCORPORATED

516 ACHEM DRIVE BAGANORE BEACH, MASS. 02532 508-833-3706



PROJECT ADDRESS: 132-134 HILLSIDE AVE	OWNER / DEVELOPER: EAST COAST DEVELOPMENT LLC 4 OAK STREET, SUITE #1 NEEDHAM, MA 02462 - 617-939-1223
132-134 HILLSIDE AVE TWO FAMILY	FIRST FLOOR PLANS
DATE: 4-14-22	DRAWING NO.: A-1
SCALE: 1" = 4'-0"	TITLE
C.D. CALHOUN ASSOCIATES, INC. INCORPORATED	
91 GACHTER DRIVE, NEEDHAM BEACH, MA 02462 / TEL: 930-3700 / CDR: HENRY	



UNIT #2 SECOND FLOOR PLAN

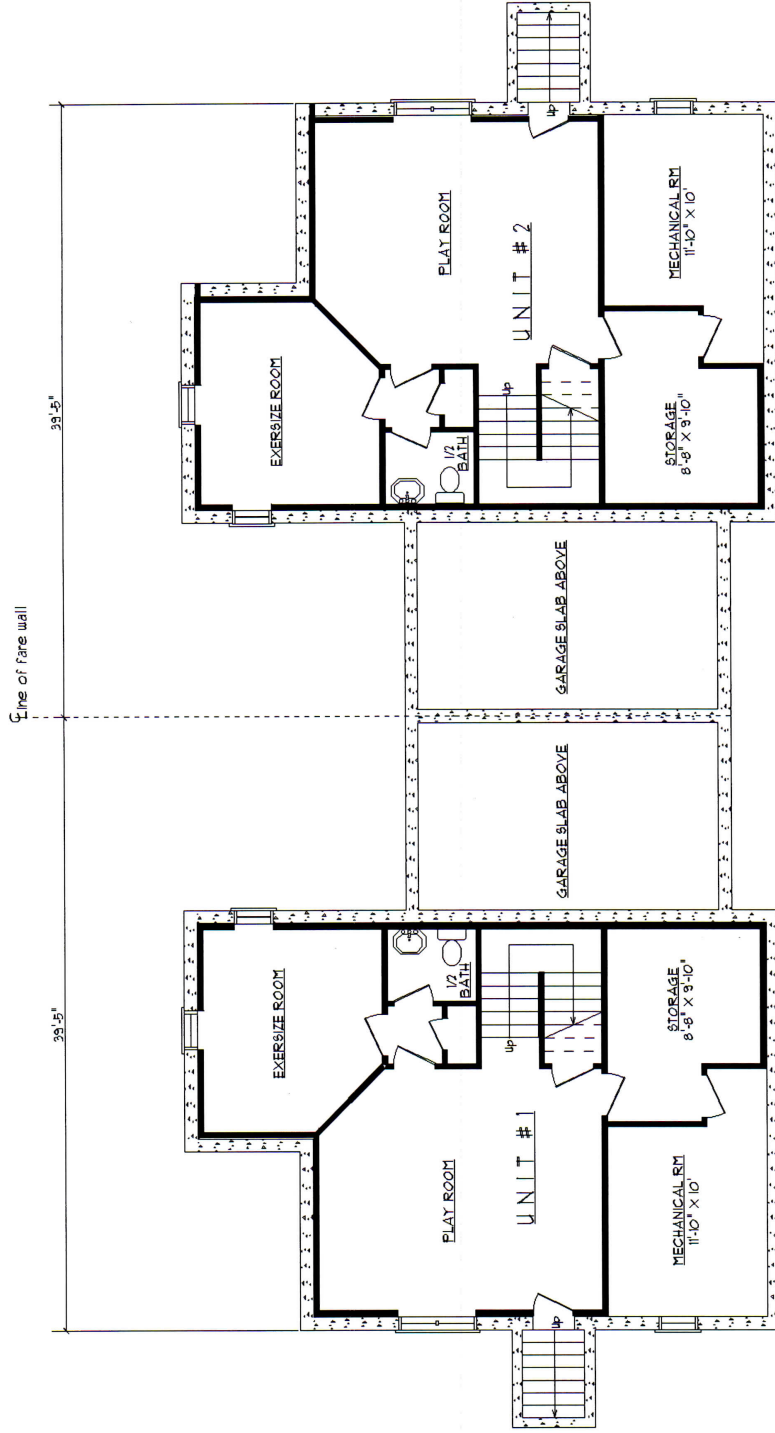
TOTAL LIVING AREA = 1331 SF

UNIT #1 SECOND FLOOR PLAN

TOTAL LIVING AREA = 1331 SF



PROJECT ADDRESS:		132-134 HILLSIDE AVE	
OWNER / DEVELOPER:		EAST ROCK DEVELOPMENT LLC	
4 OAK STREET, SUITE #1		NEEDHAM, MA 02432 - 617-159-1023	
PROJECT NO.		132-134 HILLSIDE AVE TWO FAMILY	
DATE		4-4-22	
DRAWING NO.		A-2	
TITLE		SECOND FLOOR PLANS	
DESIGNED BY		C.D. CALKOUN	
REGISTERED ARCHITECT		MASSACHUSETTS	
NO. 4909		BOSTON	
MASS.		COMMONWEALTH OF MASSACHUSETTS	

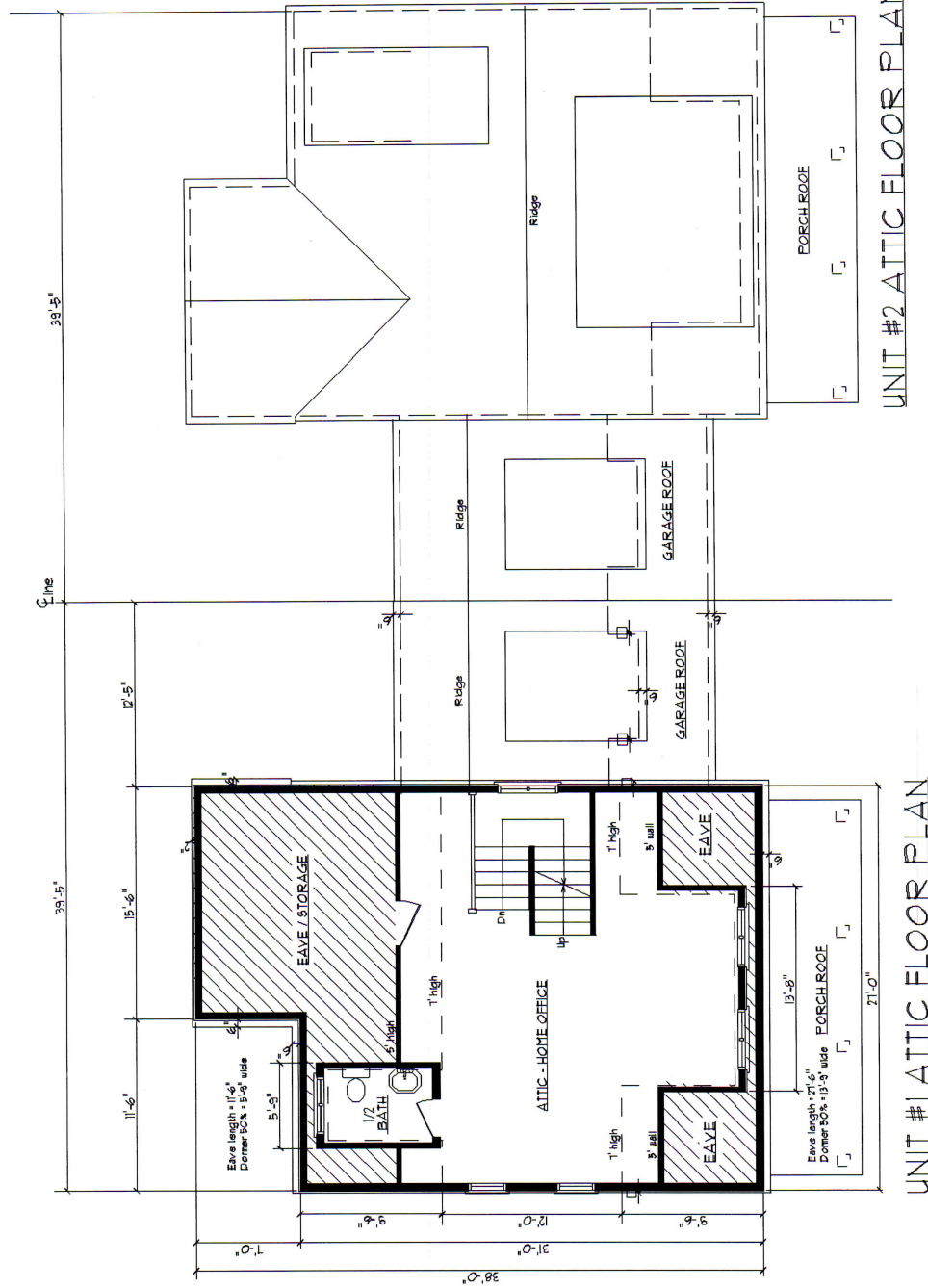


UNIT #1 BASEMENT FLOOR PLAN

UNIT #2 BASEMENT FLOOR PLAN



PROJECT ADDRESS: 132-134 HILLSIDE AVE		132-134 HILLSIDE AVE TWO FAMILY	
OWNER / DEVELOPER: EAST ROCK DEVELOPMENT LLC 4 OAK STREET, SUITE #1 NEEDHAM, MA 02432 - 617-159-1223	DATE: 4-4-22	DRAWING NO.: A-3	REVISION: 1
TITLE: BASEMENT FLOOR PLANS		C.D. CALHOUN ASSOCIATES INCORPORATED 10 BACHPIER DRIVE BAYVARE BEACH, FL 32861 / 813-833-3706 / cdc@bch.com	



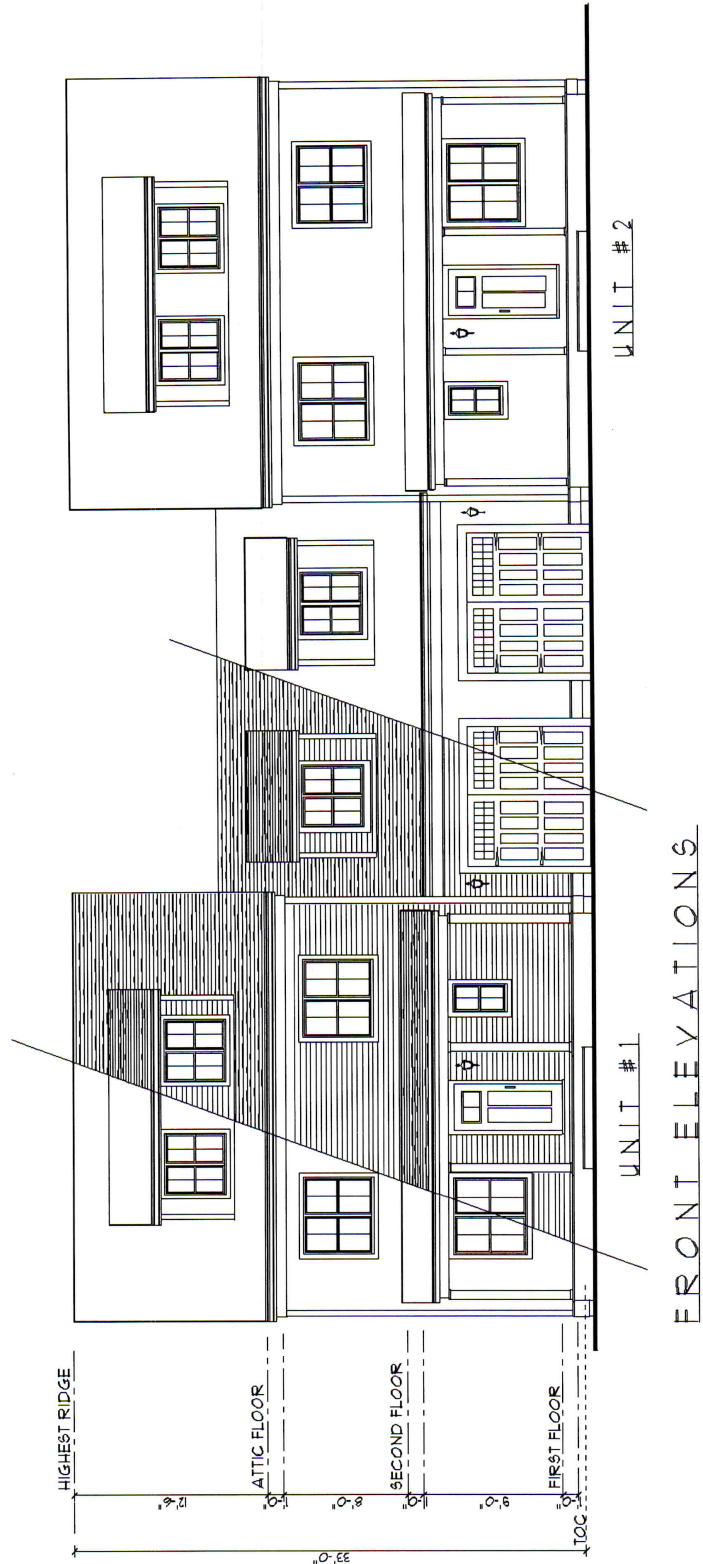
PROJECT ADDRESS:
132-134 HILLSIDE AVE

OWNER / DEVELOPER:
EAST ROCK DEVELOPMENT LLC
4 OAK STREET, SUITE #1
NEEDHAM, MA 02492 - 617-159-0223

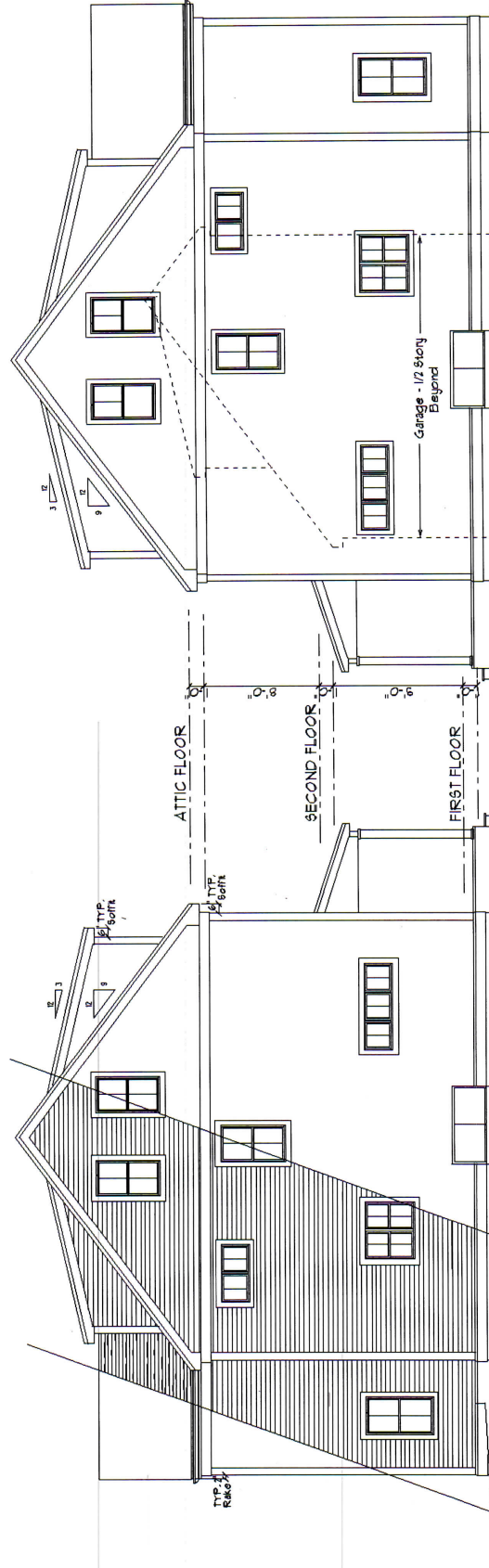
132-134 HILLSIDE AVE TWO FAMILY

SCALE	DATE	DRAWING NO.
0' 1" 2" 3" 4" 5'	4-4-22	A-4
	REVISED	

C.D. CALHOUN
ASSOCIATES INCORPORATED
818 ACHEN DR SAGAMORE BEACH, MA. 02661 / 808-833-3706 / cdc@cal.com



PROJECT ADDRESS:		132-134 HILLSIDE AVE	
OWNER / DEVELOPER:		EAST ROCK DEVELOPMENT LLC	
		4 OAK STREET, SUITE #1	
		NEEDHAM, MA 02452 - 617-153-1223	
PROJECT ADDRESS:		132-134 HILLSIDE AVE TWO FAMILY	
SCALE	DATE	DATE	DRAWING NO.
1" = 4' 0"	4-4-22	4-4-22	A-5
TITLE		FRONT ELEVATIONS	
		C.D. CALHOUN	
		ASSOCIATES INCORPORATED	
		81 BACCHET DR SAGAMORE BEACH, MA 02667 / 808-833-3006 / cdc@cdcalhoun.com	



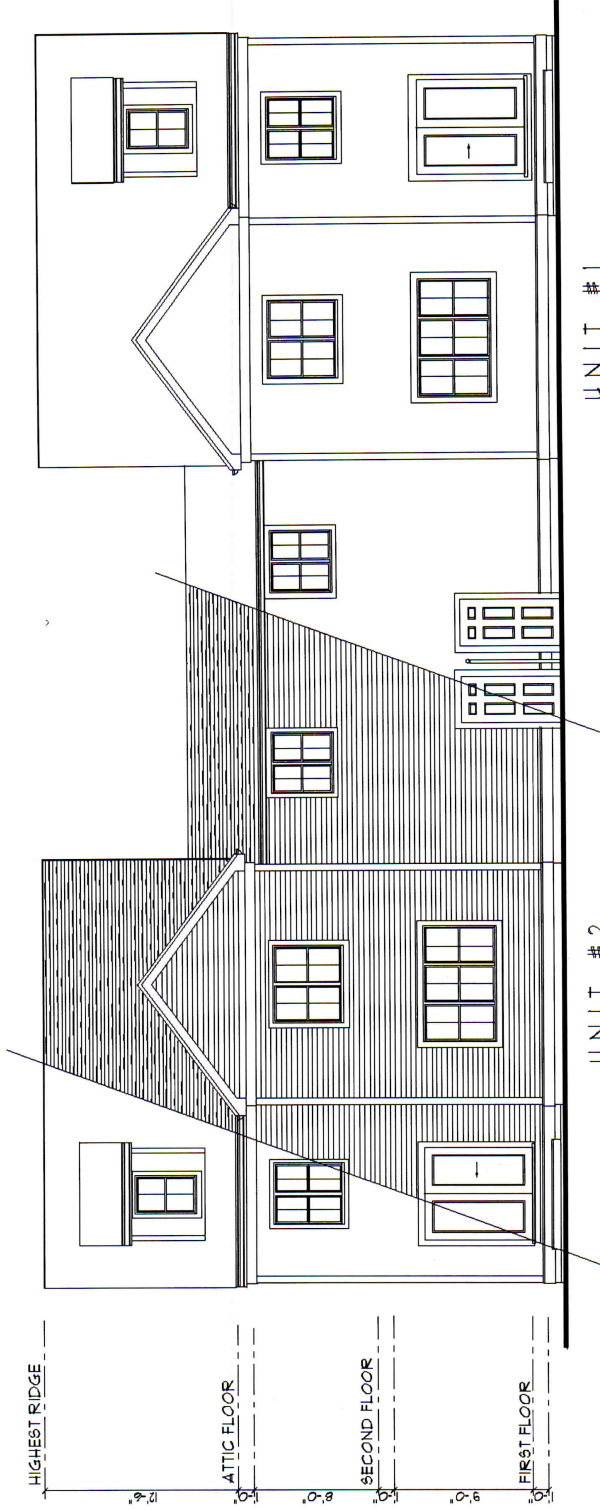
UNIT #2

RIGHT ELEVATION

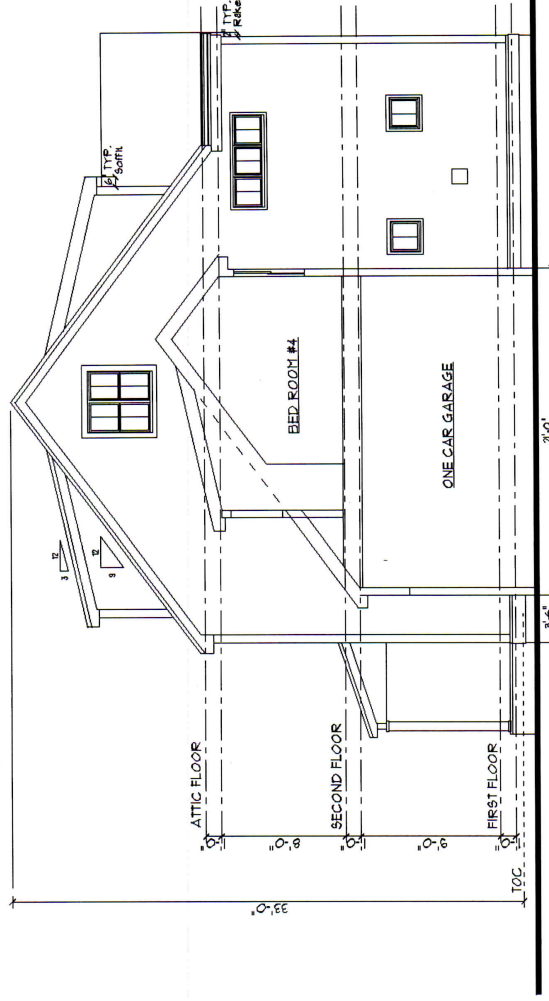
UNIT #1

LEFT ELEVATION

PROJECT ADDRESS:		132-134 HILLSIDE AVE	
OWNER / DEVELOPER:		EAST ROCK DEVELOPMENT LLC 4 OAK STREET, SUITE #1 NEEDHAM, MA 02432 - 617-159-1223	
SCALE	DATE	DRAWING NO.	TITLE
1" = 4'-0"	4-4-22	A-6	LEFT & RIGHT ELEVATIONS
REGISTERED ARCHITECT -		C.D. CLOUGH	
No. 4809		BOSTON, MASS.	
COMMONWEALTH OF MASSACHUSETTS		ASSOCIATES INCORPORATED	
P. SACHET DE SAGAPORE BEACH, MA 02867 / 808-833-3706 / cdc@cdcl.com			



PROJECT ADDRESS: 132-134 HILLSIDE AVE		132-134 HILLSIDE AVE TWO FAMILY	
SCALE 1" = 4'-0"	DATE 4-4-22	DRAWING NO. A-1	
OWNER / DEVELOPER: EAST ROCK DEVELOPMENT LLC 4 OAK STREET, SUITE #1 NEEDHAM, MA 02452 - 617-759-1023		REAR ELEVATIONS	
C.D. CALHOUN ASSOCIATES INCORPORATED 81 SACONY DRIVE, BOSTON, MA 02118			



CROSS SECTION THROUGH GARAGE / BR #4



PROJECT ADDRESS:		132-134 HILLSIDE AVE TWO FAMILY	
132-134 HILLSIDE AVE		DATE	4-4-22
OWNER / DEVELOPER:		DRAWING NO.	A-8
EAST ROCK DEVELOPMENT LLC		TITLE	CROSS SECTION THROUGH GARAGE / BR #4
4 OAK STREET, SUITE #1		C.D. CALHOUN	
NEEDHAM, MA 02432 - 617-759-1023		ASSOCIATES INCORPORATED	
		91 BACHUR DR. BOSTON BEACH, MA 02861 / 603-833-8704 / cdc@nbc.com	

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
DECEMBER 19, 1972

RECEIVED
TOWN CLERK
NEEDHAM

FRANCES B. EATON

1973 JAN 18 PM 1 09

Upon the application of Frances B. Eaton, 820 Webster Street, Needham, Mass., owner, to the Board of Appeals for a variance under Sections III-A, VII-D, and/or any other applicable sections of the Zoning By-Laws, to relieve a present hardship and thereby permit the construction of a two-family dwelling on a lot at the rear of 136 Hillside Avenue in an area which, although currently zoned for single residences, is occupied by two-family dwellings, and which area is further abutted by Business zone, General Residence zone and railroad right-of-way, a public hearing was held in the Town Hall, Needham, Massachusetts, on Tuesday, December 19, 1972, in the evening, pursuant to notice thereof published in a local newspaper and mailed to all persons interested.

Mrs. Eaton explained that the subject premises has been taxed as a separate lot for a long time and she presented the Board with a deed dated December 31, 1941. She stated that the proposed two-family dwelling would insure a more realistic and fair return on her long-term investment in this area already spotted with two-family houses.

Byrl D. Leonard, 130 Hillside Avenue, stated that if Mrs. Eaton put a two-family house at the rear of 136 Hillside Avenue, there would be three or four cars there creating a fire hazard since most of the time there are already four cars at the existing house on the front of the parcel.

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Public notice is hereby given that FRANCES B. EATON, 820 WEBSTER STREET, NEEDHAM, MASS., owner, has made application to the Board of Appeals for a variance under Sections III-A, VII-D, and/or any other applicable sections of the Zoning By-Laws, to relieve a present hardship and thereby permit the construction of a two-family dwelling on a lot at the rear of 136 Hillside Avenue in an area which, although currently zoned for single residences, is occupied by two-family dwellings and which area is further abutted by Business zone, General Residence zone and railroad right-of-way. Plans were presented with application.

Upon said application, a public hearing will be held at the TOWN HALL, NEEDHAM, MASSACHUSETTS, ON TUESDAY, DECEMBER 19, 1972, in the evening at 7:50 P.M., at which time and place all persons interested may appear and be heard.

Morton H. Aronson,
Chairman
William J. Mullen
Charles E. Downe
Stanley R. Tippet
Paul Dunn
Board of Appeals

Chairman Aronson read into the record a letter to the Board dated December 19, 1972, from The Planning Board:
"The Planning Board wishes to be recorded as opposed to the granting of a variance to create two lots as requested by the petitioner, Frances B. Eaton, on both Hillside Avenue and Maple Street. In both instances the petition would create so-called "backyard" lots, and we question the safety for Fire Department access to the rear of the lots in question."

The hearing adjourned at 8:45 P.M.

The Board has carefully considered the petitioner's application for a variance. The petitioner wishes to build a two family home in an area that is presently zoned for single residence but the subject lot is surrounded by two family homes and a business zone. The Board feels that a financial hardship would be incurred if we denied the variance, and we are of the opinion that the granting of the appropriate variance will not result in a detriment to the public good or substantially derogate from the intent and purpose of the zoning by-laws.

By unanimous vote the Board of Appeals grants the applicant a variance to construct a two family dwelling on a lot at the rear of 136 Hillside Avenue with the restriction that there will be no parking of vehicles at any time on the 105 foot drive that leads into the lot, as shown on Assessor's plan #76 filed with the application.

Charles E. Downe

Morton H. Aronson
Morton H. Aronson, Chairman

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

April 15, 2022

MEMORANDUM IN SUPPORT OF
APPLICATION OF
EAST ROCK DEVELOPMENT, LLC
132-134 Hillside Avenue, Needham, MA

The applicant, East Rock Development, LLC (hereinafter, interchangeably, the “Applicant” and “East Rock”), has made application for Plan substitution and/or further relief pursuant to Variance dated December 19, 1972, issued to Frances B. Eaton, authorizing use of the property at 132-134 Hillside Avenue (hereinafter the “Premises”) for two-family purposes, as well as any and all other relief necessary and appropriate to permit the demolition of the existing two family dwelling and replacement thereof with a new two family structure.

FACTS / HISTORICAL USE

The Premises is shown as parcel 68 on sheet 95 of the Assessor’s Map for the Town of Needham. It consists of approximately 17,399 square feet of land, with approximately 20 feet of total frontage on Hillside Avenue. The Premises is currently occupied by a two story, two-family residential dwelling, which is nonconforming as to use. The house, which appears to have been built in 1973, consists of approximately 2,478 square feet of interior finished living area on the first and second floor, with a total of 10 rooms, including 4 bedrooms and 2 full baths.¹

The use of the Premises for two-family purposes was authorized by variance, dated December 19, 1972, issued to Frances B. Eaton (hereinafter, the “Decision”).² Notice of the Decision was duly recorded with the Norfolk County Registry of Deeds on February 26, 1973, and can be found in Book 4914, Page 367.

East Rock is now proposing to demolish the existing structure and replace it with a new two and one-half story, two-family dwelling. The proposed replacement dwelling will conform in all material respects with applicable density and dimensional regulations. Moreover, while not technically applicable, the proposed new two-family also complies with the density and

¹ See Exhibit A, Assessor’s information, attached hereto.

dimensional requirements of Section 1.4.7, applicable to non-conforming two-family dwellings. In particular, the replacement house is setback 139.5' from Hillside Avenue v. 20' minimum required; 18.3' feet from the sides v. 14' feet required, and 53.5' feet from the rear lot line v. 20' required. It has a lot coverage of 2,434, or 13.98% pursuant to both Section 1.4.7 and Section 4.2.3, v. 18% and 25% required, respectively. The footprint is 2,494 square feet v. 2,500 maximum allowed pursuant to Section 1.4.7.4 and floor area ratio is .24 v maximum .36 allowed.

ANALYSIS / ARGUMENT

The use of the Premises for two-family purposes has been previously authorized by variance. And, while the variance runs with the land, the use authorized thereunder technically does not constitute a lawful, pre-existing, non-conforming use, as defined by the By-Law. As a result, the standard test of whether the proposed replacement structure is substantially more detrimental to the neighborhood than the existing structure does not apply. However, in three nearly identical prior applications, the Board has applied essentially that same standard to whether or not plan substitution was appropriate.³ In particular, in those cases, the Board found that the new construction would be “less detrimental to the neighborhood than the existing two family dwelling and use and the reconstruction is consistent with the use Variance that runs with the land, will not overburden the Variance and is in harmony with the general purposes and intent of the By-law”.

East Rock asserts both that the same test should be applied in this case and that the proposed replacement two-family meets such test. The new structure meets or exceeds all applicable dimensional and density regulations, including those applicable to lawful, pre-existing, non-conforming two-family dwellings. Moreover, if a single-family dwelling were to be constructed at the Premises, it could easily be materially larger than the house the Applicant is proposing. And, given that the Premises contains substantially more than the minimum lot size and is located, generally, in a part of Town that includes other two-family dwellings, East Rock asserts that the proposed replacement dwelling is appropriate in scale and mass for the neighborhood.

² See Exhibit B, Decision, attached hereto.

³ Namely, 460 Central Avenue (2021), 114 Hillside Avenue (2016), 70-72 Marshall Street (2008).

Therefore, based on all the above, East Rock asserts that further relief or plan substitution pursuant to the Decision, to allow for the reconstruction of the two-family dwelling at 132-134 Hillside Avenue is both appropriate and proper, and should be granted.

Respectfully submitted,
East Rock Development, LLC
by its attorney,



George Giunta, Jr., Esq.
281 Chestnut Street
Needham, Massachusetts 02492
781-449-4520
george.giuntajr@needhamlaw.net

EXHIBIT A

Assessor Information

PARID: 1990950006800000
JONES, WILLIAM D. JR. & RYAN,
DIANE M., TRS

MUNICIPALITY: NEEDHAM
132 HILLSIDE AVE

LUC: 104
PARCEL YEAR: 2022

Residential Card Summary

Card/Building:	1
Stories:	2
Condition:	4 - ABOVE AVERAGE
Grade:	B- - AVERAGE/GOOD
CDU:	P- - ABOVE AVERAGE
Exterior Wall:	WS - WOOD-SHN-SHK
Style:	2F - 2 FAMILY
Year Built:	1973
Effective Year:	1999
Square Feet of Living Area:	2478
Total Rooms:	10
Bedrooms:	4
Full Baths:	2
Half Baths:	0
Additional Fixtures:	1
Roofing Material:	AS - ASPHALT-SHNG
Heating:	C - HOT WATER - AC
Fuel Type:	O - OIL
Dwelling Value:	\$204,100

Sections

Card #	Addition #	Lower	First	Second	Third	Area	RCNLD
1	0					1,120	0
1	1	B	FM			99	6400
1	2	B	FM			99	6400
1	3		E			42	3200
1	4		E			30	2600
1	5		E			30	2600
1	6		W			162	2300
1	7			FUH		40	2100

EXHIBIT B
Decision

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
DECEMBER 19, 1972

RECEIVED
TOWN CLERK
NEEDHAM

FRANCES B. EATON

1973 JAN 18 PM 1 09

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Eyrl D. Leonard, 130 Hillside Avenue, stated that if Mrs. Eaton put a two-family house at the rear of 136 Hillside Avenue, there would be three or four cars there creating a fire hazard since most of the time there are already four cars at the existing house on the front of the parcel.

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Public notice is hereby given that FRANCES B. EATON, 620 WEBSTER STREET, NEEDHAM, MASS., owner, has made application to the Board of Appeals for a variance under Sections III-A, VII-D, and/or any other applicable sections of the Zoning By-Laws, to relieve a present hardship and thereby permit the construction of a two-family dwelling on a lot at the rear of 136 Hillside Avenue in an area which, although currently zoned for single residences, is occupied by two-family dwellings and which area is further abutted by Business zone, General Residence zone and railroad right-of-way. Plans were presented with application.

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Morton H. Aronson,
Chairman
William J. Mullen
Charles E. Downe
Stanley R. Tippet
Paul Dunn
Board of Appeals

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By unanimous vote the Board of Appeals grants the applicant a variance to construct a two family dwelling on a lot at the rear of 136 Hillside Avenue with the restriction that there will be no parking of vehicles at any time on the 105 foot drive that leads into the lot, as shown on Assessor's plan #78 filed with the application.

Charles E. Downe
Charles E. Downe, Member

Morton H. Aronson
Morton H. Aronson, Chairman
William J. Mullen
William J. Mullen, Member



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

Tel. 781-455-7550 x 308

April 15, 2022

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

Re: Application review for the April Hearing

Dear Board Members,

I have reviewed the applications for the April 2022 hearing and have the following comments.

132-134 Hillside Ave.

The applicant is seeking a Special Permit to demolish and rebuild a Two-Family structure in a District where Two-Family structure are not permitted. The property has a prior use variance dated December 19, 1972, for the construction of a Two-Family structure located on an existing non-conforming lot. The applicant is planning on using the dimensional requirements set forth in sections **1.4.7** and section **4** of the Zoning By-law. These dimensions would limit the size of the structure to a footprint no greater than 2,500 square feet and lot coverage no greater than 18%. I have no issues with the reconstruction.

1346 South Street (Scalliwags)

The applicant operates a Child-Care Facility “Scalliwags” located at 1346 South Street in the Neighborhood Business District, this is a permitted use and met the parking requirements based on the ITE Journal of July 1994 entitled “Parking and Trip Generation Characteristics for Day-Care Facilities” for required parking. The building permit was issued for this facility based on twenty-five students and six staff members, using the parking standard this required 11 parking spaces which were provided and approved.

The applicant would now like to seek waivers from required parking and parking design requirements to increase enrollment from Twenty-five children to thirty-two and increase staff from six to eight members. This increase will now raise the required parking from eleven to fifteen parking spaces. The applicant will be showing the Board how they will accomplish this on the site with tandem parking. I do not oppose the increase but I would like a condition that all

persons accessing the building be picked-up and dropped-off on the site and not on the street right of way.

329 Chestnut Street (Code Wiz Needham)

The applicant is seeking a Special Permit to operate a Private School (Code Wiz Needham) in the Chestnut Street Business District section **3.2.2**. In addition, the applicant will be requesting Special Permits waiving strict adherence to the requirements of section **5.1.2 (required parking)** and section **5.1.3 (parking plan and design requirements)**

The applicant has provided square footage for the tenant spaces and based on 1500 Sq. Ft. for the first-floor Dental office eight (8) parking spaces would be required. The second-floor tenant occupying 750 Sq. Ft. of office space would require three (3) parking spaces. The basement level is also 1500 Sq. Ft. but using the standard for After School programs for enrollments fewer than 45 one space for every five students, plus employee parking, the following is required. Fifteen students will require three (3) parking spaces, and five (5) parking spaces for the employees. The total parking spaces required for the building will be Nineteen (19) The building has twenty Parking Spaces.

The plan provided does not show a handicap (van) space which should be marked on site with a required sign this is Massachusetts AAB requirement.

All students being picked-up and dropped-off shall be done in the parking lot and not in the street right of way.

Any questions please contact my office.

David A Roche
Building Commissioner
Town of Needham

Daphne Collins

From: Thomas Ryder
Sent: Wednesday, April 20, 2022 5:10 PM
To: Daphne Collins
Subject: RE: ZBA Review - 132-134 Hillside Avenue

We have some minor comments on this that can be addressed during the building permit.

Show erosion control;
Provide calculations that show that at least 1-inch of the total impervious area onsite will be infiltrated statically;
One of the 101 elevation contours looks like it was mislabeled and should be "100".

Thomas A Ryder, PE
Town Engineer

Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492
Telephone: 781-455-7538
Fax: 781-449-9023
E-mail: Tryder@needhamma.gov
Website: www.needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, April 20, 2022 4:14 PM
To: Thomas Ryder <tryder@needhamma.gov>
Subject: FW: ZBA Review - 132-134 Hillside Avenue

Comments?

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
Zoning Board of Appeals Office
Town of Needham
Planning and Community Development Dept.
500 Dedham Avenue
Needham, MA 02492

Regular Office Hours: Mon-Wed 8:30am – 5:00pm

From: Daphne Collins
Sent: Wednesday, April 6, 2022 5:00 PM
To: David Roche <[droche@needhamma.gov](mailto:d Roche@needhamma.gov)>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: ZBA Review - 132-134 Hillside Avenue

Good Afternoon –

Daphne Collins

From: Dennis Condon
Sent: Friday, April 8, 2022 8:47 AM
To: Daphne Collins
Subject: RE: ZBA Review - 132-134 Hillside Avenue

Hi Daphne,
The Fire Dept. has no concerns.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, April 6, 2022 5:00 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: ZBA Review - 132-134 Hillside Avenue

Good Afternoon –

132-134 Hillside Avenue – East Rock Development, LLC is seeking a Variance to allow the demolition of a two-family and reconstruct a new two-family. The 2-family use was granted under a Variance in 1982. The property is located in the Single Residence B (SRB) District.

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

I appreciate your comments no later than **April 15, 2022** to allow time for the applicant to respond prior to the hearing.

Daphne Collins

From: Tara Gurge
Sent: Wednesday, April 13, 2022 12:50 PM
To: Daphne Collins
Subject: RE: Public Health comments for ZBA Review - 132-134 Hillside Avenue

Daphne –

Here are the Public Health Division's comments for the ZBA Review for the property located at **#132-134 Hillside Avenue**. See below:

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

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

Thanks,



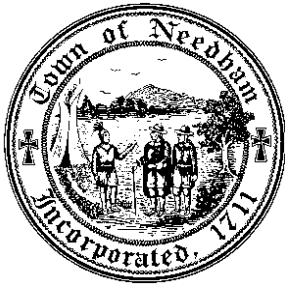
TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



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PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

April 19, 2022

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

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

At its meeting of April 19, 2022, the Planning Board reviewed the applications to be heard by the Board of Appeals on April 28, 2022, and made the following recommendations:

1. **1183 Highland Avenue** - Public notice is hereby given that Harvey Family Dental PLLC, applicant, has applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the Zoning By-Law to waive strict adherence to parking and parking design requirements associated with the use of a dental practice. The subject property is located at **1183 Highland Avenue, Needham MA** in the Single Residence B (SRB) District.

The Planning Board previously commented on this case in its letter dated March 15, 2022. The comments were as follows: The Planning Board makes NO COMMENT.

2. **329 Chestnut Street** – Shweta Srivastava and Akshay Saxena, applicants, applied to the Board of Appeals for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to establish Code Wiz Needham, a private school that runs coding and robotics classes for 15 students ages 7 years old to 17 years old with five staff persons, and to waive strict adherence to parking and parking design requirements. The property is located at **329 Chestnut Street** (the Code Wiz Needham unit has a postal address of 333 Chestnut Street), Needham, MA in the Chestnut Street Business (SRB) District.

The Planning Board notes that it does not appear to be handicapped accessible. The Board recommends that the ZBA check with the Building Commissioner that the proposal meets code with respect to both the building and parking accessibility requirements.

3. **1346 South Street** – Scalliwags, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Section of the By-Law to waive strict adherence to parking and parking design requirements. This Special Permit is associated with the planned increase in enrollment over current levels at Scalliwags, a childcare facility. The property is located at **1346 South Street**, Needham, MA in the Rural Residence-Conservation (RRC) District, and the Neighborhood Business (NBD) District.

The Planning Board makes NO COMMENT.

Mr. Jon Schneider, Chairman
Board of Appeals
Page 2

4. **132-134 Hillside Avenue** – East Rock Development, LLC, applicant, applied to the Board of Appeals for a Variance under Sections 3.2.1, 7.5.3 and any other applicable Sections of the By-Law to allow the Plan Substitution and/or further relief pursuant to a *ZBA Variance, Lot at the rear of 136 Hillside Avenue, December 19, 1972* authorizing use of the Premises for two-family purposes; and any and all other relief necessary to permit the demolition of the existing two-family dwelling and to replace it with a new two-family dwelling. The property is located at **132-134 Hillside Avenue**, Needham, MA in the Single Residence B (SRB) District.

The Planning Board makes NO COMMENT.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development



DATE: April 14, 2022

TO: The Needham Zoning Board of Appeals

FROM: Needham Platform Tennis Club

SUBJECT: Needham Platform Tennis Club Report to the Needham Zoning Board of Appeals

Thank you very much for giving the Needham Platform Tennis Club ("NPTC") an opportunity to report on our first year of operations.

The report will cover the following topics:

1. Facility
2. Operations
3. Outstanding conditions
4. The future

1 – The facility

NPTC constructed 3 platform tennis courts and a 600 square foot clubhouse. Construction started in February 2021 and was substitutionally completed in September 2021 (Please see photos below.)

2 – Operations

The club has 160 members made up of individuals and families. The club is open for play 7 days a week, 8:00 AM – 10:00 PM. The lights are used from dusk, to 10:00 PM. There are safety and walkway lights that turn off at 10:30 PM and parking lot lights that turn on at dusk and off at dawn.

3 – Outstanding Conditions

All conditions from the order of conditions have been met. We have been working with the Building Inspector and the Board of Health to upgrade the bathroom facility.

4 – The Future

NPTC has 160 members and a waiting list for membership of over 100. We have begun to investigate adding a 4th court to allow us to increase membership to approximately 200. We are working with our landlord, Needham Pool & Racquet, and plan on seeking approval from the Zoning Board of Appeals by the end of the summer.

We are also working on upgrading the bathroom to a traditional bathroom with running water and septic. This will require detailed engineering and design and we hope to have the design completed by October 1st.

We would also ask the Zoning Board of Appeals to extend closing time from 10:00 PM to 11:00 PM. This will allow the club to offer members extended playing time and take pressure off teams to fit matches in by 10:00 PM on league nights.







RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2020 SEP 28 PM 3:12

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

SPECIAL PERMIT AMENDMENT

***Needham Pool and Racquet Club, Inc., applicant
1545 Central Avenue***

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts 2020)

July 16, 2020

Needham Pool and Racket Club, Inc., applicant, made application to the Board of Appeals for a Special Permit Amendment under Sections 3.2.1, 4.1.6.3, 5.1, 7.5.3 and any other applicable Sections of the By-Law to allow the construction of three paddle tennis courts, warming hut, viewing stand, fencing and lighting, and operation of the same from October to May. The property is located at **1545 Central Avenue**, Needham, MA in the Single Residential A District. A public hearing was held remotely on Zoom Meeting ID Number 869-6475-7241, on **Thursday, July 16, 2020 at 8:00p.m.**

Documents of Record:

- Application for Hearing, Clerk stamped June 22, 2020.
- Cover Letter from Michael A. Crowe, Attorney, June 22, 2020.
- 1545 Central Avenue – ZBA Special Permit, December 11, 1962.
- *Special Permit – Proposed Paddleball Courts*, Needham Pool and Racquet Club. Prepared by DiPrete Engineering – Proposed and Existing Conditions, Construction Plans and Elevations, Aerial Photo, Lighting Plan, Storm Water Master Plan, Storm Water Pollution Prevention Plan, and Drainage Analysis.
- Letter from Lee Newman, Director of Planning and Community Development, July 8, 2020.
- Letter from David A. Roche, Building Commissioner, July 8, 2020.
- Email from Dennis Condon, Chief of Department, Needham Fire Department, June 30, 2020.
- Email from Anthony DelGaizo, Town Engineer, July 10, 2020.
- Email from Tara Gurge, Assistant Public Health Director, July 6, 2020.
- Email from Chief John Schlittler, Police Department, June 30, 2020.
- Letter from Debbie Anderson, Director of Conservation, July 7, 2020.
- Email from John McCarthy, July 14, 2020.
- Email from Jenny Qu, July 15, 2020.
- Drone Photo of Paddle Court, July 15, 2020.

- Research links
<https://www.theridgefieldpress.com/news/article/Rowdy-paddle-courts-will-move-14301831.php>
<https://www.birminghammail.co.uk/news/midlands-news/sports-clubs-tennis-court-plan-17032044>
<https://www.athleticbusiness.com/industry-press-room/athletic-club-quiets-paddle-ball-court-noise-with-acoustifence.html>
<https://www.athleticbusiness.com/industry-press-room/athletic-club-quiets-paddle-ball-court-noise-with-acoustifence.html>

Documents submitted before or at the August 20, 2020 hearing:

- Email and attachments from Dennis Pennington, August 9, 2020.
- Email from John McCarthy, August 10, 2020.
- Emails from Catherine McCarthy, July 17, 2020 and August 6, 2020.
- Petition from Catherine McCarthy, August 10, 2020.
- Email from Tara Gurge, Assistant Public Health Director, August 6, 2020.
- Email from Livia Rizzo, August 20, 2020.
- Letter from Michael Crowe, August 10, 2020.
- Updated Lighting Plan,
- Sample Noise Impact Assessment.

July 16, 2020

The Board held this meeting virtually as allowed under “Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20.”

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Peter Friedenberg, Associate Member. Also participating was Kathy Lind Berardi, Associate Member. Mr. Schneider opened the hearing at 8:10 p.m. by reading the public notice.

Michael Crowe, attorney for the applicant, reported that Needham Pool and Racquet Club, Inc. (“NPRC”) has been in operation since 1962 under a Special Permit issued December 11, 1962 (the “1962 Special Permit”). The applicant is proposing to add three paddle courts, a warming hut and viewing stands with associated lighting. Paddle tennis is similar to tennis, but played in the winter mainly during the evening. The proposed operation would be from 8:00 a.m. to 11:00 p.m., seven days a week, October through May.

The property has 80 parking spaces including handicapped spaces. The proposed paddle tennis program has a maximum parking need of 36 spaces, based on the assumption that not more than 36 people would be using the paddle tennis facilities at any one time. Mr. Crowe noted that there is no need for a parking study since there is sufficient parking and the paddle tennis use will occur when the NPRC is closed. Mr. Crowe stated that the Building Inspector requested that the parking lot be restriped and signage for the handicapped spaces be installed.

He noted that there will be zero light spillage beyond the property as required by Town regulations.

The property has wetlands. The proposed project will be outside the wetlands area. The Conservation Director has requested that a plan delineating the wetlands resource area be

provided to identify its boundaries.

The proposal will not add to the septic system. A bathroom will be provided in the warming hut with a composting toilet.

Barry Nectow, who is leading the effort for the new facility, said that he is a paddle player and plays with a small club in Brookline at Pine Manor College. He noted that the game is played at night outdoors during the winter months. He stated that the game is similar to tennis and, like squash, the fence around the courts is in play. The Boston area has an active league. The matches are generally played between 6:00 p.m. and 10:00 p.m. The proposed paddle courts and warming hut are sited to be out of the way of neighbors and to fit in the NPRC campus. The paddle program will be active from Labor Day to Memorial Day.

The paddle program will be operated by a separate entity from the NPRC that will lease the ground and pay rent to the NPRC. The program is projected for a maximum of 150 individuals and they hope to be fully subscribed in three years.

Mr. Tamkin inquired about the appearance of the courts. The applicant provided a drone photo of existing paddle tennis courts. Mr. Nectow noted that Wellesley Country Club, across from Babson College, has paddle courts and screens like those being proposed here.

Brandon Carr, engineer with DiPrete Engineering, reported that they had completed the wetlands resource delineation and will be following up with the Conservation Director. The work will be 150 feet outside the wetlands, so no Conservation Commission approval will be required. The proposed courts will be located in the center of the property in a wooded area which will be cleared off and graded to capture stormwater. The courts are raised decks with open boards to allow rainwater to drain off the courts to a stone base which allows for ground infiltration.

The proposed toilets will not be tying into the septic system. Self-contained composting toilets will be provided in the warming hut. A model from the MASS DEP's list of approved manufacturers will be selected. The project will be located away from the existing septic system components.

The site work for the project will be minimal because the raised deck system is built on piers. Some of the area pathways will need to be rerouted.

The lighting plan indicates that the lighting will not spill beyond the courts. The courts are 400 to 500 feet from the closest residential neighbors.

Chris Casiraghi, Reilly Green Mountain Platform Tennis Courts, indicated that the raised deck material for the courts is aluminum and will be heated to melt any snow or ice that cannot be cleared off the courts by hand. The raised deck allows for easy snow removal. The courts will be one foot off grade and will taper downhill. The courts are enclosed with a skirting material which maintains the heat and acts as a sound barrier. The warming hut will be an enclosed structure. The deck surface is an aggregate of epoxy paint and aluminum oxide which provides a non-slip surface and absorbs sound. The players and balls can bounce off the screens surrounding the courts, which have flexibility and sound absorbency.

There will be six LED lights which are 20 feet tall. There is little light spill with the light directed on the courts. The zero-foot candle limit occurs well within the boundary of the property.

Kevin Kileen, current president of the NPRC, reported that the Board of the NPRC voted unanimously in support of the project and the creation of a separate LLC to lease the land from NPRC, Inc. and then build and operate the paddle facility.

Mr. Tamkin inquired if any tennis courts would be eliminated. Mr. Crowe responded that no tennis courts would be eliminated. The proposed site of the paddle facility is presently undeveloped.

Tony DiBiasio, paddle manager of the Dedham Country Club, reported that they have four paddle courts. He said it was a growing sport. There have been no complaints about noise or lighting from the paddle courts in Dedham. It's generally an affluent adult sport. They offered clinics for children. Most paddle courts are located at country clubs.

Mr. Schneider inquired if alcohol was going to be allowed at the facility. Mr. Crowe responded that the same alcohol policy as for the NPRC will apply. Mr. Kileen said that the NPRC alcohol policy allows alcohol during the weekends – Friday, Saturday and Sunday. They obtained their liquor license four or five years ago. Alcohol is allowed in the tent area between the Club and the pool area. Mr. Nectow added that alcohol will be allowed for the paddle operation on a carry-in/carry-out system without the need of a liquor license.

Mr. Schneider asked if the new entity will be a non-profit. Mr. Crowe responded that it would be a separate not-for profit entity; and four of the five board members are members of the NPRC.

Mr. Schneider asked about the noise and lighting. Mr. Casiraghi responded that the light spillage is less than the lights for baseball and football fields. The three paddle courts are compact and use less area space than one tennis court. The courts will be located in the woods which provides screening.

Mr. Casiraghi said that sound has never been an issue with paddle courts. You cannot hear the ball or the players running on the courts or bouncing into the screens. He has built 6,000 courts in 26 states and sound has never been an issue. Lighting, however, has been a concern. He noted that paddle tennis is played in the winter when most people are indoors with the doors and windows closed.

The following comments were received:

- The Planning Board had no comment.
- The Fire Department had no issue.
- The Police had no issue.
- The Engineering Department identified that the applicant has not signed the Stormwater Forms for delegating responsibility for the project, construction and maintenance.
- The Health Department requested that an *Addition to a Septic System* form be submitted to the Health Department and that this proposal not add to the existing load of the existing septic system; Covid19 distancing protocols be in place for the courts,

warming hut and viewing stands; and that lighting not spill or cause a public health nuisance. If complaints are received, lighting may need to be adjusted.

- The Building Commissioner requested if issued, any permit contain conditions for the parking spaces to be restriped, that the handicapped spaces have the required signage and that a chain obstructing access for the handicapped from the parking lot to the building be removed.
- The Conservation Commission requested a delineation of the wetlands on the property be provided.
- John McCarthy opposed the proposal because it has commercial implications, the year-round use, the hours of operation until 11:00 p.m., the light and noise generation, the compost toilets, and the negative impact on his property value.
- Jenny Qu opposed the proposal because of the noise, increase in traffic, use of alcohol and the light pollution.

Mr. Tamkin did not see any document which identified Needham Platform Tennis Club, LLC, the proposed paddle entity, as a non-profit entity. Mr. Crowe responded that Paragraph 4 on the Certificate of Organization of that entity filed with the Secretary of the Commonwealth identifies it as a “private club not conducted as a business”. Mr. Tamkin responded that notwithstanding that, there is nothing that identifies the entity as a non-profit entity. Mr. Crowe argued that “a private club not conducted as a business” is the type of entity required under section 3.2.1 of the Zoning By-Law. Mr. Tamkin wanted clarification on the non-profit status of the NPRC as well.

The meeting was opened to public comment.

John and Cathy McCarthy, 1509 Central Avenue, are neighbors of the NPRC. They are concerned with the expansion and the compost toilets, specifically the possibility of odors and who will be responsible for toilet maintenance. They wanted to see the toilets upgraded and tied into the septic system with available running water. He was concerned if the toilets were not properly maintained, participants would use the woods to relieve themselves, visible from his home. He was also concerned about the hours of operation until 11:00 p.m. and the car noises and headlights from players lingering and socializing with alcohol until midnight. During the summer, he can hear all the noise and see lights from the activities at the NPRC. Mr. Schneider responded that the closing time would be a condition in the Special Permit. Mr. McCarthy preferred a 9:00 p.m. closing time especially since it will be open 7 days a week from 8:00 a.m.

Mr. McCarthy suggested that the paddle courts be located at the basketball courts, which would have less impact on trees and be further from abutting residential neighbors. From his observation, paddle tennis was an aggressive and loud sport. He felt that the paddle courts would transform the seasonal NPRC into a year-round for-profit sports complex. He believed he would be hearing the paddle noise whether his windows and doors were closed in the winter. He was concerned with the negative impact the courts would have on his property.

Seth Schulman, 18 Starr Ridge Road, was concerned with noise from the paddle tennis courts. In the summer with the air conditioning on, he can hear the noise from the tennis courts. He believed paddle tennis was louder than tennis. Based on his web searches, paddle courts are loud. In the winter, there is no tree foliage to add noise mitigation. He'd like to see more evergreens be planted for screening and noise proofing. He also suggested 12 – 15 feet high

fencing be installed on the Starr Ridge Road side for aesthetic purposes, and to provide a buffer to the noise and light. He, too, was concerned about property values.

Eric Sokol, 324 Country Way, attends the Brookline paddle courts. He is a tennis player and paddle tennis player. He enjoys playing paddle tennis in the winter. He was supportive of paddle courts and believed them to be an additional asset to the Town.

Laura DeMaio, 237 Marked Tree Road, is the treasurer and member of the NPRC. She supported the project.

Denis Pennington, representing his parents who reside at 1574 Central Avenue, opposes the paddle courts. He was concerned about the impact of the noise, light and traffic until 11:00 p.m. on his parents' sleep. He was also concerned about the effect on their property values.

Mr. Casiraghi reported that paddle tennis is a popular growing sport established in the 1970s. He assured that from a warming hut you cannot hear the noise from the courts. He could hear an occasional exuberant outburst. Noise is not an issue.

Mr. Pennington was concerned about the noise from the spectators' stands at tournaments. Mr. DiBiasio responded that there are no spectator stands proposed. There is a small deck right outside the warming hut where people can stand while they are waiting to play. He noted that the decibel level at 210 feet is 60 decibels, which is mild to moderate noise. The neighbors are located 400 to 500 feet away. Mr. DiBiasio said that pool noise is 10 times louder than a paddle facility.

Mr. Tamkin wanted clarification on the viewing stands as presented in the plans and whether the applicant would like to remove them. Mr. Crowe clarified that there are no viewing stands included in the project; the plans call for a viewing platform.

Enrique Bellido, 66 Grant Street, is a former member of the NPRC. He is a paddle player at Brookline paddle courts. He is an architect and reviewed the plans. He was in support of the project.

Andrea Shuman, 36 Starr Ridge Road, supported the comments made by Mr. Schulman. She was concerned about the noise and light from the project. She thought the daily 11:00 p.m. closing time was too late. She supported the installation of a fence and evergreens for screening.

Mark Sagamore, 36 Starr Ridge Road, did not support the project and was concerned about the daily noise and lights until 11:00 p.m. He'd like to see an earlier closing time. He was also concerned about the use of alcohol and its impact on the noise level.

Jenny Qu, 48 Starr Ridge Road, was concerned about the lights and traffic from the project. During the summer the woods and the foliage provide a buffer between the NPRC and the abutters. She thought 11:00 p.m. was too late. She requested that the NPRC add soundproofing through evergreen plantings and for an earlier closing hour.

Fred Sewall, 1554 Central Avenue, reported that the NRPC has been a good neighbor. He questioned the need for another entity for the paddle club; the financial relationship between

the NPRC and the new entity; and asked who would enforce conditions in the permit. Mr. Schneider responded that the Building Commissioner will be responsible for enforcing the conditions of the Special Permit and that neighbors can call the police if there is problem late at night. Mr. Sewall thought the project was a commercial enterprise marketed to the paddle league players of the region and did not benefit Needham residents. He thought the game was noisy with popping sounds like gunshots. He'd like some fencing or walls to buffer the sound.

Mr. Schneider announced that the hearing would be continued. He requested that the applicant be prepared at the next hearing to address the following items:

- alternative locations on the property which would put the courts further away from the residential neighbors;
 - a noise study which would provide quantifiable data on the noise generated;
 - fencing and tree planting options;
 - fewer hours of operation because of the traffic and imposition on the neighbors; and
 - an earlier closing time with the possibility for a later closing time after a trial period.
- He thinks that 11:00 p.m. is a late closing time.

Mr. Tamkin would like to watch and listen to a paddle game. Mr. Schneider suggested watching a paddle game at the Wellesley Country Club or the Dedham Country Club.

Mr. Tamkin requested that the applicant look at its hours of operation; address fencing and noise issues; and meet and work with the abutting neighbors to develop agreed-upon modifications. Mr. Tamkin requested clarification on why the tenant is not a non-profit when the NPRC is. He also had concerns about the use of alcohol at such a late hour.

Mr. Friedenberg thought 11:00 p.m. was too late and that it was an adult activity and not a family one at that hour. He was concerned about the use of alcohol. He had issues with the time the area would be vacated. He thought a noise study was needed. He thought the paddle courts were qualitatively different than the activities allowed under the 1962 Special Permit.

Ms. Berardi identified that she was a member of the NPRC. She wanted the applicant to address the concerns raised by the neighbors regarding noise and hours of operation. She questioned whether alternative locations had been explored.

The Board agreed to continue the hearing to the next Board meeting on August 20, 2020 at 8:00 p.m.

The meeting adjourned at 10:05 p.m.

August 20, 2020

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Peter Friedenberg, Associate Member. Also participating was Howard S. Goldman, Member. Mr. Schneider opened the hearing at 8:00 p.m. by reading the public notice. The meeting was held virtually on Zoom.

Mr. Schneider requested clarification on the paddle tennis program period of operation. Mr. Crowe responded that the program is being proposed from October to April when the NPRC

is closed.

Mr. Schneider reported that a number of Board members went to the Wellesley Country Club paddle courts to observe paddle tennis, the courts' design and materials, and the lighting and sound generated. The Board also researched the internet for information on paddle tennis. The relevant sites were shared with the applicant.

Mr. Schneider reminded the applicant that the Board had requested they explore and report back on four issues:

- a better location;
- an acoustical sound report;
- fencing and trees options; and
- shorter operational hours.

Mr. Crowe reported that a neighborhood meeting was held to provide information on paddle tennis and to clarify any confusion between pickleball (which is much noisier) and paddle tennis. He also informed that the paddle tennis entity will be re-filed as a non-profit entity with no commercial or profit ability.

Mr. Nectow said that the proposed site is the best site because it is surrounded by wooded vegetation and is far from abutting neighbors. Several other locations on site were explored but were not an option because of the location of the septic system, which has some large components. They do not want to disturb the existing septic system.

Acoustical sound barriers, fencing and trees were also explored. The best option is to place fencing along the driveway on the Starr Ridge Drive side. This option was presented to the neighbors. NPRC does not own enough land on the far side of that driveway to provide the fencing on their property, so any fencing would need to be installed on each neighbor's property.

Mr. Crowe stated that the applicant is open to reducing the hours of operation to 10:00 p.m.

Mr. Schneider asked why the courts couldn't be moved 30 to 40 feet closer to tennis courts #1 and #2. Mr. Nectow responded that this area is where the leaching field for the septic system is located, which cannot be disturbed.

Mr. Schneider inquired if the hut could be moved to the opposite side of the paddle courts so it would be further away from the neighbors. Mr. Nectow responded that the property slopes down at that location, but a relocation of the hut could be explored.

Mr. Schneider asked if they had investigated acoustical fencing for the court walls to buffer the sound. Mr. Nectow replied that they do not think it is necessary.

Mr. Nectow noted that the proposed program was compatible with the NPRC. It will be in operation from mid-October to April, when the NPRC is closed. It provides a healthy outdoor activity during the winter months. The addition of paddle courts is a positive addition to the NPRC and to Needham. The sport attracts families and professionals. The membership will be open to Needham and non-Needham residents. Paddle tennis is played seven days a week with the weekend being the busiest days. It's a league sport. The players will participate in

away games and host games as well.

Mr. Nectow discussed the difference between pickleball and paddle tennis. Paddle tennis is relatively quiet. He believes that there are no noise issues with neighbors at existing paddle courts.

Mr. Nectow shared a site map illustrating the vegetative areas of the property which surround the proposed courts. There will be little disturbance to the vegetation by the proposed project. Tree removal is limited to the court area. He also shared a drone photo of the lighting at similar courts which demonstrated that the lighting is directed onto the courts with little spill outside the courts and with none outside the boundary of the property. The closest neighbor is 375 feet from the courts across the street on Central Avenue. The majority of the abutting neighbors are 400 feet or further from the courts.

Mr. Nectow stated that the self-contained composting toilets are common at golf courses, beaches and recreation areas. A specific model will be selected from Mass DEP list of approved models to be approved by the Town Health and Building Departments. A maintenance plan will be provided. Mr. Schneider questioned why the existing NPRC bathroom facilities were not being used. Mr. Nectow said that the NPRC bathroom and facilities are closed during the paddle season.

The only shared NPRC facility is the parking. No parking will be allowed along the driveway. The maximum people number of people playing at the courts at one time would be twelve (four people per court) generating a maximum of twelve cars. With three games per night, the maximum of 36 cars will have staggered arrival and departure times. The impact on traffic is far less than what is generated by the NPRC. There is plenty of parking available at the property.

He reported that alcohol will be allowed on a carry-in/carry-out basis. No drinking will be allowed on the courts.

Mr. Schneider inquired about trees and fencing. Mr. Crowe responded that there is no need for fencing as the noise level is not detrimental.

Mr. Casiraghi presented that the hut, at its proposed location, acts as a barrier for light and noise and does not recommend relocating it to the other side. He noted that the height and peak of the hut is at the same height as the lights, providing a buffer for the lights.

Mr. Casiraghi reported that he has constructed 6,000 courts in the US. Only one has acoustic walls. Acoustic walls compromise the engineering of the fencing design which is supposed to be flexible. The solid wall would be a hazard to the players and would be expensive.

No sound study was conducted. Mr. Casiraghi found a sound study for a four-court paddle tennis facility that was conducted at 6:00 p.m. – 7:00 p.m. and 9:00 p.m. to 10:00 p.m. The decibel levels at 6:00 p.m. – 7:00 p.m. were recorded at 40 decibels; at 9:00 p.m. to 10:00 p.m. the levels were 37 decibels. He noted that a dishwasher was 55 decibels at 50 feet of distance. Neighbors to the courts are seven times the distance.

Joe Penny, engineer with Deprete Engineering, reported that he attended the site visit by

members of the Board at Wellesley Country Club's paddle courts. There were no buffering trees and there was no discernable sound at 375 feet from the courts. The courts at NPRC will have heavy vegetative surroundings, unlike those at Wellesley Country Club.

Mr. Kileen reported that the NPRC has been a good neighbor for the past 50 years. They serve alcohol on Friday, Saturday and Sunday without incident. It is a fair and affordable club. They are a fiscally sound institution.

Mr. Tamkin reported that he had attended the site visit. He listened to the difference of pickleball and paddle tennis and found paddle to be quieter. He viewed and listened to paddle playing at 300 feet and 200 feet. He was convinced that sound from paddle is minimum. He thought paddle tennis is so similar to tennis, that it is consistent with the existing Special Permit. He had a concern about the corporate status of the new entity but was satisfied with making the entity a non-profit as presented by Mr. Crowe. He thought limiting the operation to 10:00 p.m. was appropriate and that a trial period, similar to the one issued at DeFazio Field, should be a condition. He preferred an early end time. He preferred that there be a bartender dispensing alcohol and that its consumption be limited to three days a week. He thought the October 1- April 30 season was reasonable and that playing in the summer be restricted. He wanted the parking restriction to be clarified.

Steve Shauer, 20 Pheasant Road, was a member of the NPRC and supported the paddle tennis proposal.

Mr. McCarthy was pleased about the clarification of the status of the paddle court entity as a non-profit. He was concerned about the composting toilets. He was glad the hours had been changed to 10:00 p.m. He preferred a closing time at 9:00 p.m. He was concerned about the drinking from 10:00 p.m. to 11:00 p.m. He had no issues with the noise and lights if the use ends at 9:00 p.m. He thought the ideal location was on the front lawn in front of the basketball courts and that the facility should be tied into the septic system. Because of Covid19, he'd like the bathrooms to have running water.

Scott Packard, 847 Webster Street, supported the paddle tennis courts proposal. He plays paddle tennis in Brookline. He had no issues with noise.

Robert Rizzo, 8 Starr Ridge Road, reported that there was a noise issue with a paddle court in Connecticut that was located 40 feet from residents. It was relocated to 900 to 1000 feet away. He was not supportive of the paddle courts. The trees would be bare in the winter. He did not notice the NPRC in the summer because of the vegetation. He was glad that there would be no parking along the driveway. He questioned who would police the courts when the games got spirited. He wanted the bathroom to have running water especially with Covid19.

Janet Petronia, 21 Woodbury Drive, said she was a member of the NPRC and a paddle tennis player. She was supportive of the proposed project.

Fred Sewall, 1554 Central Avenue, said that he lived 350 feet from the proposed courts. As an abutter, he felt the courts would negatively impact him. He thought the proposal would add to the noise and traffic. He did not support the paddle courts being open to members outside of Needham.

Mike Elcock, 838 Webster Street, supported the paddle courts. He belongs to the Brookline paddle courts which had no complaints about noise from the neighbors. He wanted the courts to be open until 11:00 p.m.

Dennis Pennington sent links to a Globe article about paddle tennis as a party sport; and articles about stress and the deleterious effect on adults and children. He likened paddle tennis to MMA cage fights because people and balls bounce off the fences and create noise. He believed the sponsored tournaments will bring spectators and yelling.

Kate Carroll, 25 Ardmore Road, was supportive of the project. She is a paddle tennis player. She described the players as responsible, active athletes, and not a tailgating crowd. She was familiar with composting toilets and they were fine.

Greg Strakosh, 41 High Rock, supports paddle as a great family, outdoor recreational amenity for Needham.

Marc Sagamore did not support the courts in his neighborhood. He noted that all the supporters are not abutters. He thought the courts should be placed on DeFazio Field where there was plenty of parking and lighting. He thought no running water in the proposed bathroom was inadequate. He was concerned about the noise from three sessions of games during tournaments.

Gordon Myer, 70 Whittier Road, supported the proposal. He said that paddle provided an outdoor, fresh air activity during the winter.

Mr. Crowe said that compost toilets are a sophisticated alternative to traditional water toilets and can be found at Walden Pond, the Audubon in Wellfleet and at various beaches and recreational areas. The final model selection will be approved by the Building and Health Departments. The location of the courts is the best location. It is outside the wetlands and septic system areas. Any project must be 40 feet away from the leaching field of the septic system. He described the paddle courts to be a natural extension of the NPRC's activities with no commercial or profit motive. Noise will not be an issue with paddle tennis. There will be no parking on the driveway, and there will be no spillage of light outside the property. In response to the Building Commissioner's concern, the temporary gate was removed. NPRC will continue to be a good neighbor as required by Condition #9 of the Special Permit.

The Public Hearing was closed and the Board began deliberations.

Mr. Friedenbergl found the site visit to the Wellesley Country Club helpful. He asked what were the NPRC hours of operation during the summer. Mr. Crowe answered that they are open until 9:00 p.m. There have been no complaints about the closing time.

Mr. Friedenbergl asked who would hold the permit and how would the conditions be imposed on the operator. Mr. Crowe responded that the NPRC was the applicant and holder of the existing special permit and would be the responsible party. Mr. Friedenbergl inquired about the status of the Conservation Commission request. Mr. Crowe reported that the delineation of the resource area was provided by their engineer to the Conservation Commission who were satisfied that the work was outside their jurisdiction.

Mr. Friedenberberg was concerned about the halo effect from the court lights that can be seen from a distance and questioned what was being done to shield that. Mr. Crowe responded that the lighting is designed to have zero spillage beyond the site. Based on the photometric study the spillage ends within the boundaries of the lot at the easement driveway. Mr. Friedenberberg said he could see the lights from the Babson College entrance. Mr. Crowe said that that the lights at Wellesley Country Club are higher than the ones proposed.

Mr. Friedenberberg had concerns with the hours. He preferred 9:00 p.m. lights off with players off of the premises by 9:30 p.m. similar to the DeFazio Field schedule.

Mr. Friedenberberg would like to explore limiting alcohol consumption to beer and wine and that it be consumed only in the hut to avoid tailgating.

Mr. Friedenberberg suggested a one-year renewable permit to allow the applicant to operate and prove it's not a detriment to the neighborhood.

Mr. Goldman supported a conditional permit as suggested by Mr. Friedenberberg. He'd like to see more effort for sound mitigation. He thought the review authorization process and maintenance plan for the compost toilets could be made a condition of the permit.

Mr. Tamkin thought a conditional one-year approval didn't make sense with the capital expense associated with the project. He did support a review of the conditions after a period of time. He suggested lights off at 10:00 p.m. Participants to leave the premises by 10:30 p.m. He agreed with limiting the alcohol consumption to the hut.

Mr. Tamkin asked why the new entity couldn't use the existing bathrooms at the NPRC. Mr. Kileen responded that the bathrooms are not available because of liability issues associated with the bathrooms being next to the pool, and the pipes are above ground and are drained in the winter.

Mr. Tamkin wanted clarification on how the NPRC was going to manage the new non-profit entity. Mr. Crowe said that the NPRC, as the Special Permit holder, will give permission and oversight to the paddle tennis entity. NPRC is the responsible party. Mr. Crowe was supportive of a permit where there is a review of the hours and alcohol use after a period of time.

Mr. Schneider reflected that whenever an owner develops its property, the neighbors are impacted. Nevertheless, a property owner has a right to use their property as long as it is reasonable.

Mr. Schneider said that he was familiar with composting toilets and found them to be like traditional toilets. In any event, any compost toilet selected would have to be approved by the Building and Health Departments.

Mr. Schneider was supportive of granting a special permit with the following conditions that:

- there be no light spillage beyond a set number of feet from the courts;
- a 10:00 p.m. closing with lights out and the premises to be cleared by 10:30 p.m. The applicant will be able to come back to the Board after a set period of operation for a possible modification of the hours;

- any time the Building Commissioner receives a complaint from the public, the Board may reconvene a hearing to review the hours, alcohol use, noise and lighting and may require that the applicant make mitigation to the Board's satisfaction;
- NPRC shall provide to the Building Commissioner, the Board and the neighbors the name and contact information for a person who will handle any problems at the paddle facility;
- there shall be no viewing stands;
- all parking shall be in the NPRC parking lot; and
- there shall be a maintenance plan for the composting toilets submitted to the Health and Building Departments.

Mr. Schneider noted that NPRC has been a good neighbor and deserved an opportunity to try this new venture. Mr. Goldman agreed.

Mr. Tamkin suggested that NPRC come back to the Board at a fixed time after completing a full season of operations to review the conditions and consider whether to modify the hours of operation, alcohol consumption, and light and sound barriers. He would like consumption of alcohol be limited to the hut. Mr. Tamkin thought that paddle tennis was allowable by the 1962 Special Permit because it was so similar to tennis.

Mr. Casiraghi estimated that the courts could be completed by January 2021 at the earliest.

Mr. Schneider suggested that the Board convene in the event there is a complaint within the first two years of operations. Mr. Crowe suggested a meeting be convened upon a complaint 60 days after the club has been in operation for two months.

Mr. Friedenbergs suggested that the operator of the paddle courts be controlled by the NPRC and that the Special Permit not be transferable. Mr. Crowe noted that the board of directors of the paddle club is a five-member board with three members from the NPRC. Mr. Schneider suggested that the operator be specified, and it can't be changed or transferred without the approval of the Board.

Mr. Crowe said that he will provide the existence of the non-profit entity prior to the issuance of an amendment to the Special Permit.

Mr. Tamkin moved to grant the NPRC an amendment to its Special Permit to allow the construction of three paddle tennis courts, warming hut, fencing and lighting as specified in the plans submitted conditioned on the following:

- the operation of the paddle club will be managed and operated by a Chapter 180 non-profit Massachusetts entity and the majority of the board shall be members of the NPRC;
- the operation of the paddle club shall be from October 1 to April 30, and it may not operate during the operational summer season of the NPRC;
- there shall be no light spillage from the paddle courts beyond the property boundary;
- the hours of operations shall be seven days a week, 8:00 a.m. to 10:00 p.m. with lights out by 10:00 p.m. The premises shall be cleared by 10:30 p.m.;
- the name of a contact person including phone, email, and address shall be provided to the abutters, the Building Commissioner and the Board;
- all parking shall be limited to the parking lot of the NPRC; there shall be no parking

- on the driveway;
- the composting toilet(s) shall be subject to all applicable laws, rules and regulations, including the requirements of MassDEP as well as the regulations of the Health and Building Departments;
- the applicant shall return for a hearing before the Board 60 days after the paddle club has completed three months of operation; the Board may adjust the hours, alcohol consumption, and require sound and light mitigation as necessary;
- all alcohol shall be consumed entirely within the warming hut;
- there shall be no viewing stands;
- there shall be no pickleball; and
- the parking lot shall be restriped, and the handicapped parking shall have the signage added as required by the Building Commissioner in his comments on the application; and
- the Board reserves the right to clarify as they write the decision.

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

The meeting adjourned at 10:33 p.m.

Findings:

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

1. The property is owned by the applicant, Needham Pool and Racquet Club, Inc. ("NPRC"), and is situated in the Single Residence A zoning district.
2. Pursuant to the 1962 Special Permit, the NPRC has operated a seasonal recreational facility, including a pool, tennis courts, basketball court and clubhouse, for many years on the property. Based on the testimony from abutters at the hearings on this application, that operation has not created any significant issues in terms of noise, traffic, light spillage or otherwise.
3. A number of members of the NPRC also play paddle tennis during the fall, winter and spring at various clubs in the area and now wish to construct a facility on the NPRC property for paddle tennis. This facility, as shown on the plans identified above in this Decision, would include three paddle tennis courts, a warming hut, viewing platform, fencing around the courts and pole lights to illuminate the courts. During the course of the hearings, the applicant clarified that they do not intend to construct any viewing stands as part of this project.
4. The applicant proposes to operate the paddle tennis facility from 8:00 AM to 11:00 PM, seven days a week, from October to May. During this time, the other NPRC facilities are closed. In response to issues raised by the abutters concerning noise and people potentially congregating after 11:00 on-site, and questions from the Board, the applicant agreed to reduce its requested hours of operation to 8:00AM to 10:00PM, with all lights out by 10:00 PM and all persons off of the NPRC property by 10:30 PM.
5. Paddle tennis is a popular outdoor sport in the Boston area, and there are a number of

facilities and leagues. The applicant would like to enroll as many as 150 members to the paddle tennis facility and include league play against teams from other towns or clubs.

6. The applicant intends to lease the portion of the NPRC property in which the paddle tennis facility will be constructed and operated to a separate but related entity which will qualify as both a non-profit entity under applicable law and a “private club not conducted as a business” for purposes of Section 3.2.1 of the Zoning By-Law. That Section permits use in a Single Residence A zoning district by such a private club upon issuance of a Special Permit by this Board.
7. It is not clear that the proposed lessee of this property, Needham Platform Tennis Club, Inc., a Massachusetts limited liability company, is a non-profit entity. At the request of the Board, the applicant has agreed to re-organize that entity (or to create a new entity in its place) as a non-profit entity in accordance with applicable state law (which may include changing the form of that entity to a non-profit corporation organized under M.G.L. c. 180).
8. The proposed location of the paddle tennis facility is a slight depression in the interior of the NPRC property which is currently undeveloped. It is separated from the residential abutters by the existing driveway from Central Avenue and the woods on the NPRC property between that driveway and the proposed location. The nearest residential abutter to the proposed location is 375 feet away (across Central Avenue), and the next closest group of residential abutters (along Starr Ridge Road) are 400 feet or more away from the proposed location. Construction of the paddle tennis facility will not require the removal of trees other than those in the immediate location of the proposed facility.
9. In response to questions from abutters and the Board concerning possible alternative location on the NPRC property for the paddle tennis facility, the applicant demonstrated that the existence of the NPRC septic system and its leaching field precluded locating the paddle tennis facility at any of the other suggested locations.
10. With three paddle courts, each of which holds a maximum of 4 players, the applicant estimates that the highest number of people that would be at the paddle tennis facility at any one time would be approximately 36 people. The existing NPRC parking lot, which would be empty and available for use by these people, contains approximately 80 parking spaces, so there will be sufficient parking for this facility available on site.
11. In response to complaints voiced by abutters at the hearing, the applicant agreed to prohibit parking along the driveway to the NPRC facilities.
12. A number of residents of Starr Ridge Road raised the issue of the applicant installing additional fencing or trees between the paddle tennis facility and their property to provide additional light and noise buffering. The applicant believes that there is not sufficient land on the side of the driveway nearest these residences to install a fence or trees, and that any such buffering would need to be installed on the abutters’ properties.

13. The Building Commissioner has requested that (1) the existing NPRC parking lot be restriped, (2) signage identifying the handicapped parking spaces be installed, and (3) a chain which restricts access by disabled persons be removed. The applicant has removed the chain and has agreed to comply with the Building Commissioner's other two requests.
14. Based on the photometric plan provided by the applicant and the testimony at the hearing, the proposed paddle tennis facility is not anticipated to cast any light beyond the boundaries of the NPRC property.
15. Based on the materials submitted to the Board concerning the noise generated by paddle tennis (in particular as opposed to the far noisier pickleball, which is played on a similar court), the testimony received by the Board, and the view taken by members of the Board of other operating paddle tennis facilities, the noise generated by the paddles and ball is not substantially different from that generated by a tennis game. At the view taken at the Wellesley Country Club, when standing approximately 375 feet away from the paddle tennis court, the Board members could barely hear the game being played. The Board acknowledges that the presence of spectators and the possibility of spirited play may create more noise.
16. The applicant desires to permit players and spectators to bring alcohol to the paddle tennis facility for consumption on-premises. Although the NPRC has similarly permitted alcohol on-premises on weekend nights without incident, the Board is cognizant that at the paddle tennis facility this could lead to problems of noise, litter and, possibly, unruly behavior. Based on the information provided to the Board concerning the general demographic of paddle tennis players, the Board is willing to permit alcohol to be brought to the paddle tennis facility for consumption on-premises provided that all alcohol is consumed within the warming hut. The Board will review this at the follow-up hearing to be required as a condition to issuance of the amendment to the Special Permit.
17. The applicant is considering the installation of one or more composting toilets within a bathroom inside the warming hut for use by players and spectators. The applicant has investigated the possibility of tying this toilet into the existing septic system serving the other toilet facilities at the NPRC, but has determined that it is not feasible to do so.
18. Although there are bathroom facilities in the NPRC clubhouse, these facilities would not be available for use by the paddle tennis players and spectators since they will need to be shut down after the summer season for a number of reasons, including possible freezing of exposed above-ground water pipes and liability concerns about permitting people to use these facilities when the rest of the NPRC facilities are closed and unmanned.
19. Any toilet proposed to be installed at the paddle tennis facility would have to comply with all applicable laws, codes, rules and regulations.
20. The applicant reported that there are wetlands on the NPRC property, but that the proposed project is outside of the wetlands areas and outside of the Conservation

Commission jurisdiction, based on the wetlands delineation provided to the Conservation Commission by the applicant and approved by the Conservation Commission.

21. In light of the fact that the paddle tennis facility will not be permitted to operate at the same time as the other NPRC facilities, the existing parking lot on the NPRC property, which contains approximately 80 spaces, is more than sufficient to accommodate the parking needs of the paddle tennis facility without any increase in the size of, or redesign of, that parking lot.
22. The proposed additional use of the NPRC property as a paddle tennis facility, and the proposed paddle tennis facility as shown on the plans referenced above, are consistent with the provisions of the 1962 Special Permit and the general purposes of the Zoning By-Law. In particular, the proposed facility has been designed to be compatible with the existing features of the site and otherwise to be compatible with the surrounding area.
23. The proposed additional use of the NPRC property as a paddle tennis facility, and the proposed paddle tennis facility as shown on the plans referenced above, will not create a demonstrable adverse impact on the surrounding area resulting from excessive noise or illumination.
24. Although the Board believes that the requested amendment to the Special Permit can be issued consistent with the provisions of the Zoning By-Law, in light of the fact that the paddle tennis facility would operate during the portion of the year that the NPRC's existing facilities have always been closed, and the concerns voiced by nearby residents, the Board believes it is appropriate to require the applicant to return to the Board after the paddle tennis facility has been open for several months so that the operation can be evaluated in terms of its effects on the neighborhood, especially in terms of noise, light spillage, parking, and issues relating to alcohol consumption.

Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, amends the 1962 Special Permit to permit the construction and operation of three paddle tennis courts, together with an associated warming hut, viewing platform, fencing and lighting, all as shown on the plans identified above in the "Documents of Record" (collectively, the "Paddle Facility"), subject to the following conditions:

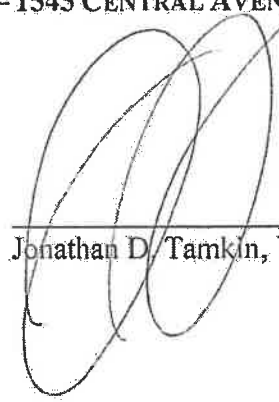
1. The Paddle Facility shall be constructed and shall be operated at all times by a private club which is organized as a non-profit entity (e.g., a non-profit corporation organized pursuant to M.G.L. c. 180) and which is controlled by members of the NPRC (such as by means of a majority of the members of the Board of that entity being members of the NPRC). The NPRC will enter into a lease with this entity to provide for such construction and operation. Prior to and as a condition to the issuance of any building permit for the Paddle Facility, the applicant shall provide to the Board an executed copy of this lease as well as evidence that the lessee named in the lease is both a non-profit entity and is controlled by members of the NPRC. The Board reserves the right

- to request similar documentation from time to time in the future to ensure continued compliance with this condition;
2. No viewing stands shall be constructed as part of the Paddle Facility, but the viewing platform shown on the plans referenced above shall be permitted;
 3. The Paddle Facility shall be permitted to operate between the hours of 8:00 AM and 10:00 PM from October 1 to April 30; provided that at no time shall the Paddle Facility be operated while the NPRC facilities are open and available to its members;
 4. All outside lighting at the Paddle Facility shall be turned off not later than 10:00 PM (lighting within the warming hut may remain on until 10:30). Everyone must leave the NPRC grounds by 10:30 PM;
 5. Alcoholic beverages may be brought to the Paddle Facility by individuals for consumption within the warming hut during operating hours of the Paddle Facility, but in no event shall alcoholic beverages be consumed outside of the warming hut (including on the viewing platform or elsewhere on the NPRC property) at any time. Any remaining alcoholic beverages not consumed shall be removed from the Paddle Facility by the end of operating hours each day and shall not be stored at the Paddle Facility;
 6. All vehicles shall be parked in the NPRC parking lot. No vehicles may be parked on or alongside the driveway to the NPRC facilities;
 7. No light from any light fixture (indoor or outdoor) constructed as part of the Paddle Facility may spill over beyond the boundaries of the NPRC property;
 8. No pickleball shall be permitted to be played; the Paddle Facility shall be limited to use for paddle tennis;
 9. Any toilet to be installed as part of the Paddleball Facility shall be installed, operated and maintained in accordance with all applicable laws, codes, rules and regulations, including, but not limited to, those of the Massachusetts Department of Environmental Protection and the Town of Needham, and otherwise in accordance with good industry practice to avoid the emission of odors or seepage of materials. A written maintenance plan for such toilets shall be filed with the Needham Board of Health;
 10. The parking lot at the NPRC shall be restriped and signage identifying the handicapped parking spaces shall be installed, all as required by the Building Commissioner;
 11. The applicant shall provide to the Building Commissioner, this Board, and any neighbor who requests, from time to time, the name and contact information for a representative of the operator of the Paddle Facility to whom questions and complaints concerning the Paddle Facility should be directed;
 12. The applicant shall notify the Board upon the conclusion of the first three (3) months of operation of the Paddle Facility. The Board shall schedule and hold a hearing approximately 60 days after the receipt of the notice to enable the Board to evaluate compliance with the conditions of this Decision and to take such further action as may be appropriate at that time, including, but not limited to, adjusting the hours of operation, restricting the consumption of alcohol on-site, and requiring sound and/or light mitigation measures, all as the Board, in its discretion, deems necessary. All required Board public hearing notice protocols shall be followed; and

13. This Special Permit Amendment shall not be transferrable by the NPRC without the prior approval of this Board.


Jon D. Schneider, Chair

SIGNATORY PAGE – 1545 CENTRAL AVENUE



Jonathan D. Tamkin, Vice-Chair

SIGNATORY PAGE – 1545 CENTRAL AVENUE

A handwritten signature in dark ink, appearing to read "Peter Friedenberg", written over a horizontal line.

Peter Friedenberg, Associate Member