

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

**THURSDAY, June 16, 2022 - 7:30PM
Zoom Meeting ID Number: 869-6475-7241**

**To view and participate in this virtual meeting on your computer, at the above date and time, go to [www.zoom.us](https://us02web.zoom.us/j/86964757241), click “Join a Meeting” and enter the Meeting ID: 869-6475-7241
Or join the meeting at link: <https://us02web.zoom.us/j/86964757241>**

AGENDA

- | | |
|-------------------|---|
| Minutes | Review and approve Minutes from May 19, 2022 meeting. |
| Case #1 – 7:30PM | 68 Wilshire Park - Public notice is hereby given that Adam Pase, applicant, has made application to the Board of Appeals to amend the Special Permit dated June 17, 2021 by substituting new plans for the Revised Building Plans approved in the Special Permit. The property is located at 68 Wilshire Park, Needham, MA in the Single Residence B (SRB) District. |
| Case #2 – 7:30 PM | 35 Highland Circle – Public notice is hereby given that Zdorovie ADH Needham has made application to the Board of Appeals for a Special Permit under Sections 3.2.5.2 (b), 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to the allow the use of an adult day care facility and to waive strict adherence to parking and parking design requirements associated with the conversion of the ground level garage of a three floor office building to house an adult day health program with capacity of 80 clients and 13 staff members. The property is located at 35 Highland Circle, Needham, MA in the Mixed-Use 128 (MU-128) District. |
| Case #3- 7:45PM | 670 Highland Avenue, 284 Webster Street and 28 Greendale Avenue – Temple Beth Shalom and Davenport Holding Properties, Inc., applicants, applied to the Board of Appeals for an Special Permit Amendment under Sections 1.4.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to provide relief for the following: a) an extension of the 2015 Special Permit to expand the parking lot due to the acquisition of the properties at 284 Webster Street and 28 Greendale Avenue; b) a waiver of strict adherence to the parking space and parking design requirements; and c) the continuance of pre-existing nonconforming buildings and structures, and uses thereon. This request is associated with the demolition of the existing house and garage at 284 Webster Street and the construction of a parking lot connected to the existing Temple driveway and main parking lot; and the renovations of the house and garage at 28 Greendale Avenue for use as additional classroom space. The property is located at 670 |

Next ZBA Meeting – Thursday, July 14, 2022

Highland Avenue, 284 Webster Street, and 28 Greendale Avenue, Needham, MA in the Single Residence B (SRB) District. (Continued from May 19, 2022)

NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY, May 19, 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, May 19, 2022 at 7:30pm. Jon D. Schneider, Chair, presided and the following members were present: Jonathan D. Tamkin, Howard S. Goldman, Peter Friedenberg and Nik Ligris. Mr. Schneider opened the meeting at 7:30 p.m.

Minutes - Mr. Tamkin motioned to approve the minutes of April 28, 2022. Mr. Goldman seconded the motion. The Board unanimously approved the minutes.

Case #1	68 Garden Street	Approved
Case #2	1330 Highland Avenue (Emery Grover Building)	Approved
Case #3	670 Highland Avenue (Temple Beth Shalom)	Continued

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 9:41 p.m.



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	Adam Pase	Date:	5/23/22
Applicant Address	68 Wilshire Park, Needham		
Phone	(202) 420-8076	email	adam.pase@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.		
Address	281 Chestnut Street, Needham, MA 02492		
Phone	(781) 449-4520	email	george.giuntajr@needhamlaw.net
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____			
Contact ☒ Me ☐ Representative in connection with this application.			

Subject Property Information

Property Address	68 Wilshire Park, Needham		
Map/Parcel Number	Map No. 31 Parcel 47	Zone of Property	SR-B
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:

Existing single family residence currently permitted under permit No. BR-22-10289 for interior and exterior renovations. Existing Second Flr ceilings are under 8ft. High.

Statement of Relief Sought:

Owner/Resident seeking relief for the following;

1. Add (2) additional dormers at existing front facade 2nd flr. windows
2. Raise existing ridge line 1'-6" to accommodate raising 2nd flr. ceiling height 1'-0"

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

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

	Existing Conditions	Proposed Conditions
Use	Residence	Residence
# Dwelling Units	1	1
Lot Area (square feet)	7,622sf	7,622sf
Front Setback (feet)	20'	20'
Rear Setback (feet)	56.9'	56.9'
Left Setback (feet)	5.6'	5.6'
Right Setback (feet)	10.8	10.8'
Frontage (feet)	67'	67'
Lot Coverage (%)	20.8	20.8
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 May 17, 2022
date of consult

Date: 05/23/2022 Applicant Signature Adam Pase

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

*Construction Documents for
the Renovation and Addition to the:*

PASE RESIDENCE
68 Wilshire Park
Needham, Massachusetts

1 October 2021
Revised: 8 February 2022



ARCHITECT

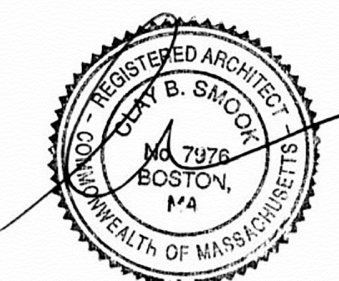
SMOOK Architecture & Urban Design, Inc.
8 Lyman Street, Suite 206
Westborough, Massachusetts 01581
P: 617 423 3040

www.smookarchitecture.com

Patrice Fotino
E: fotino@smookarchitecture.com

Clay Benjamin Smook
E: clay@smookarchitecture.com

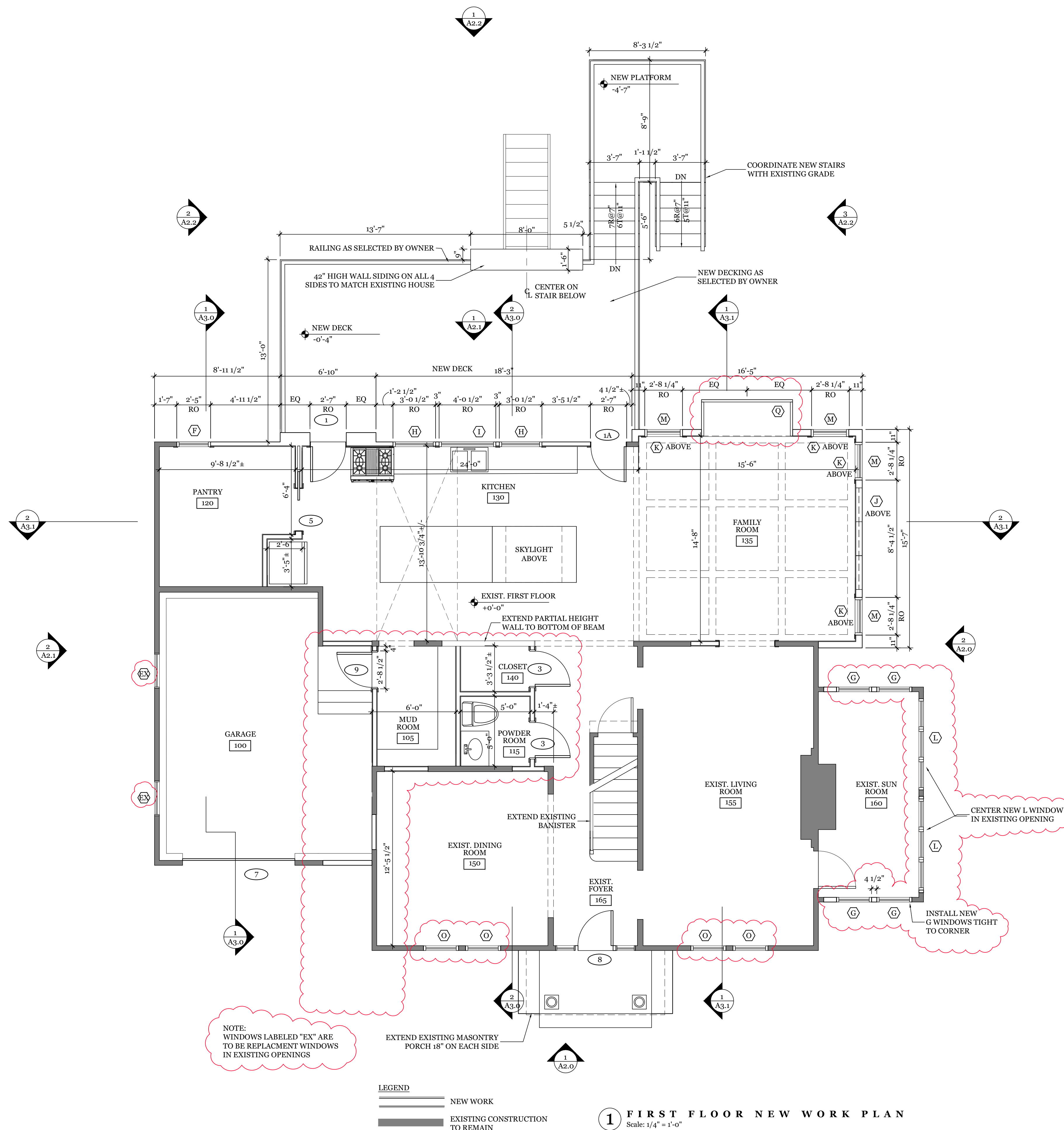
Additions and Renovations to:
68 Wilshire Park
Needham, Massachusetts

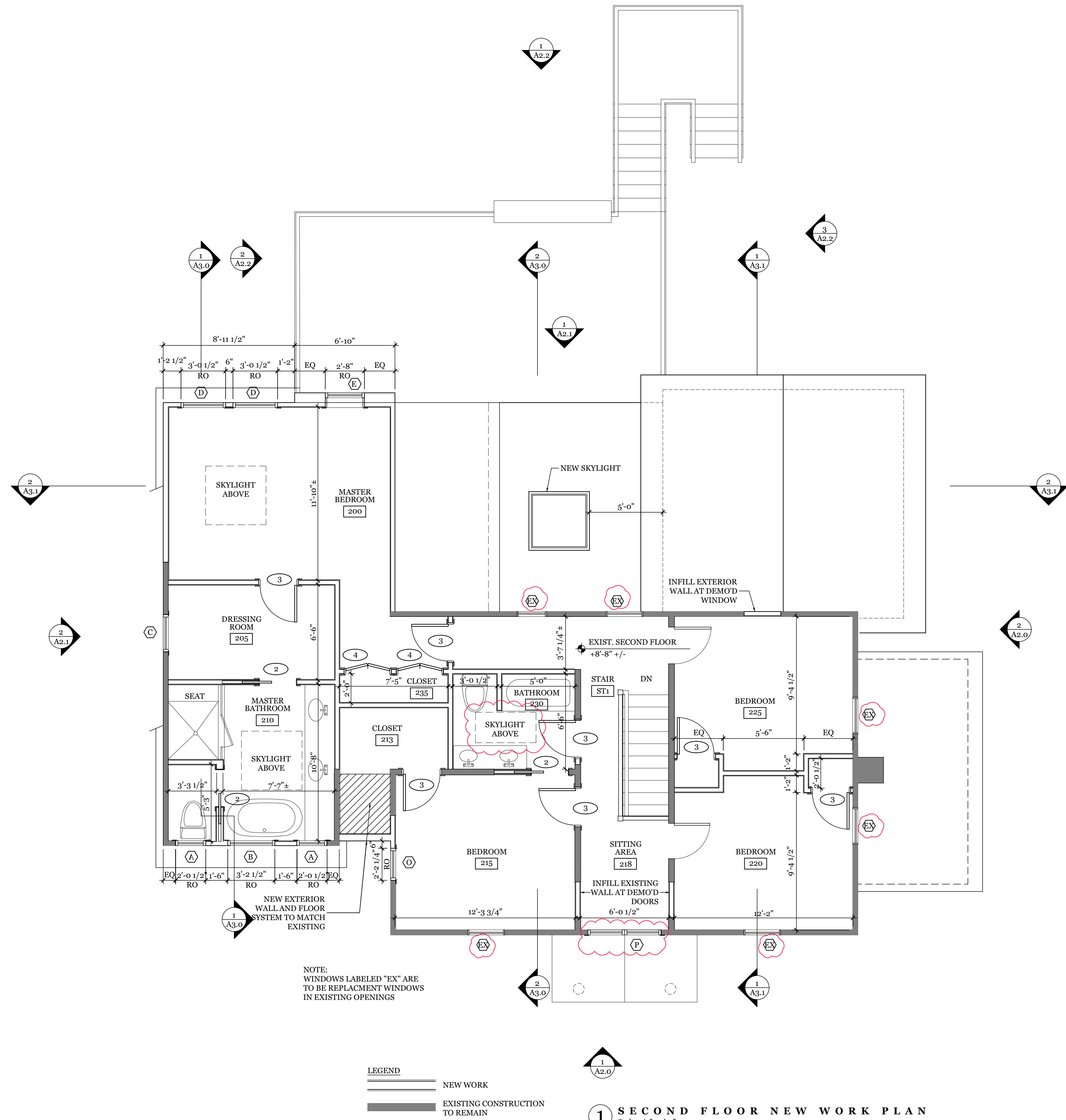


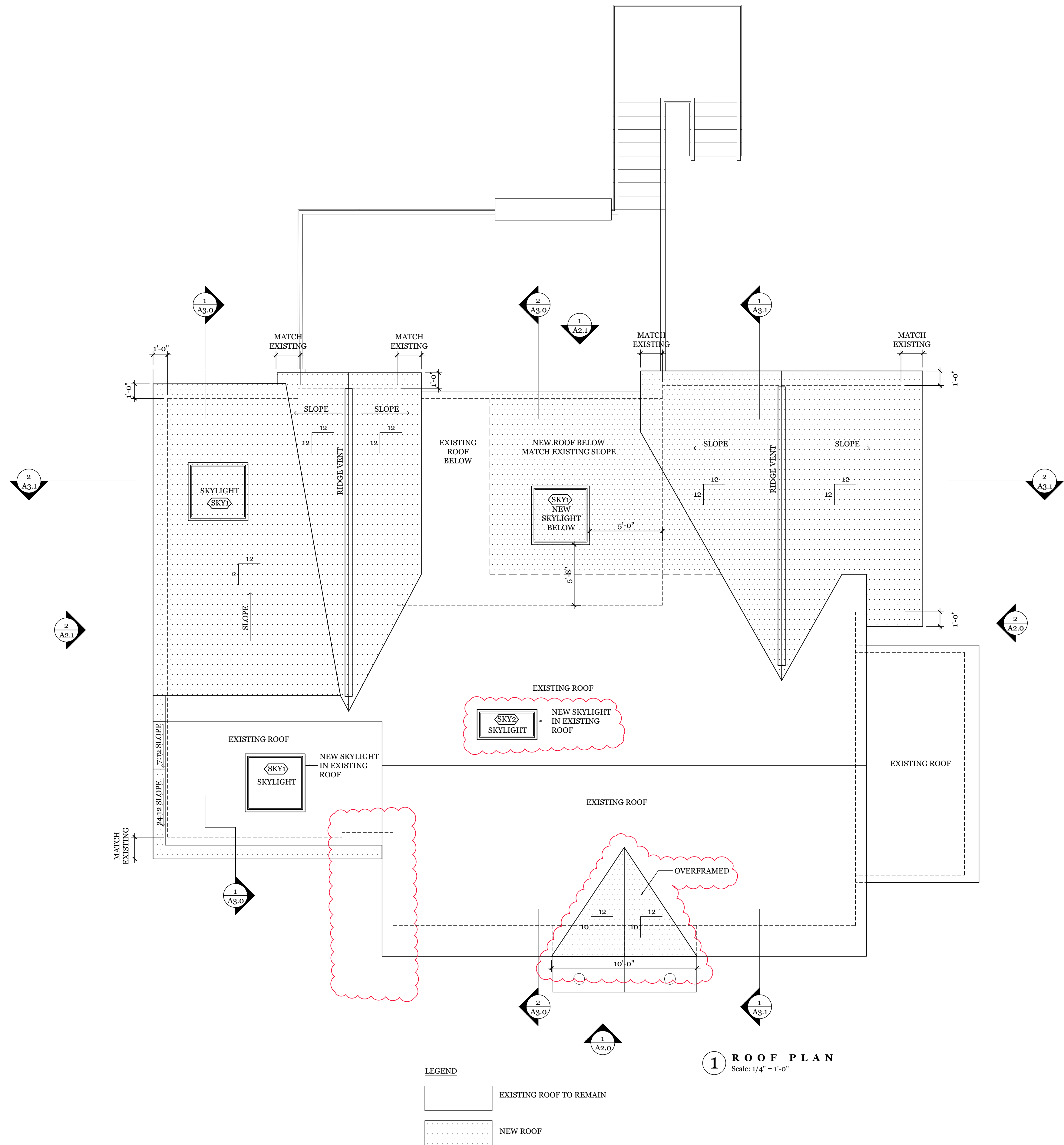
Revised: 8 February 2022
Issued: 1 October 2021

First Floor New Work Plan

A1.1







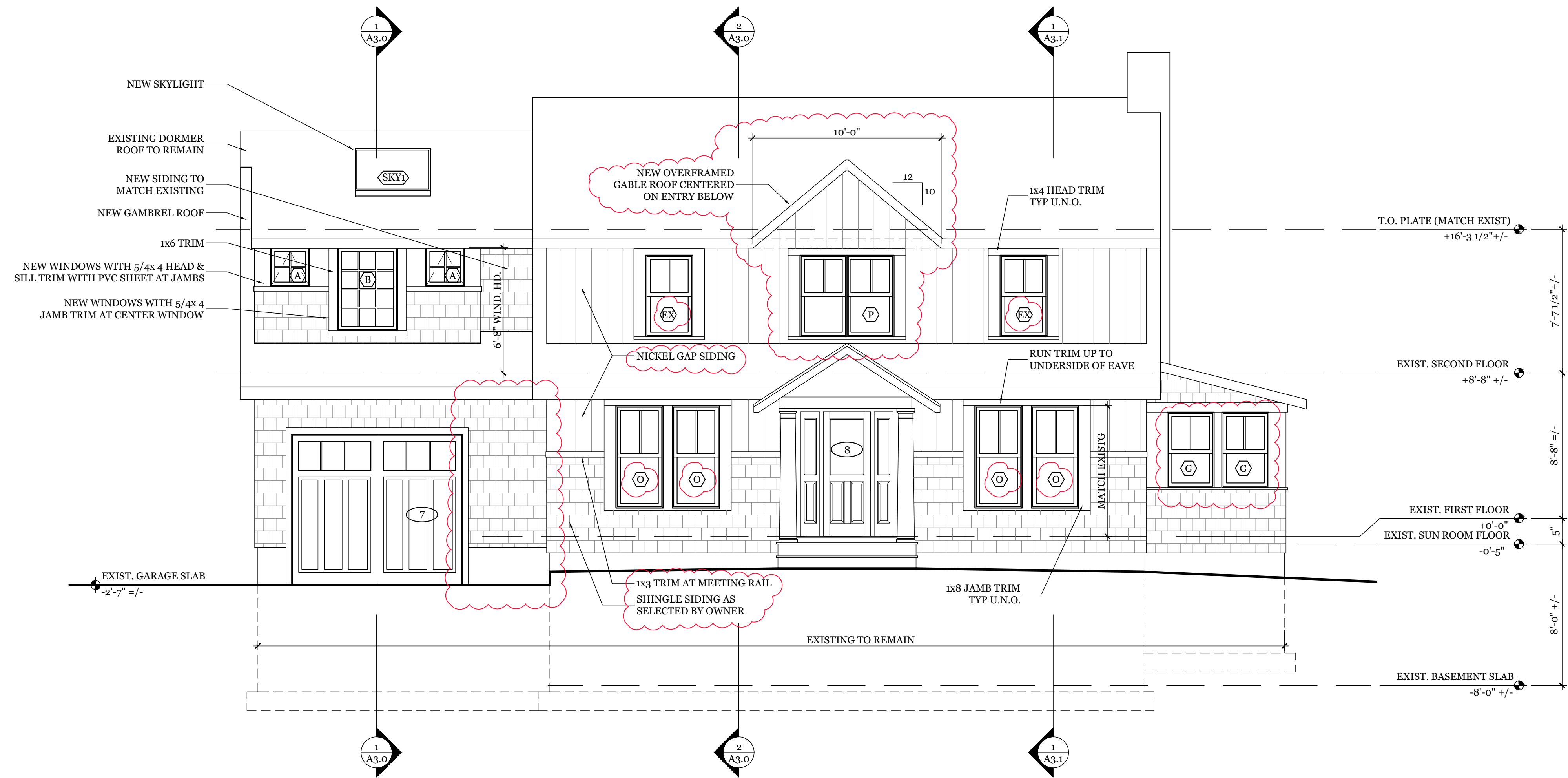
Additions and Renovations to:
68 Wilshire Park
Needham, Massachusetts



Revised: 8 February 2022
Issued: 1 October 2021

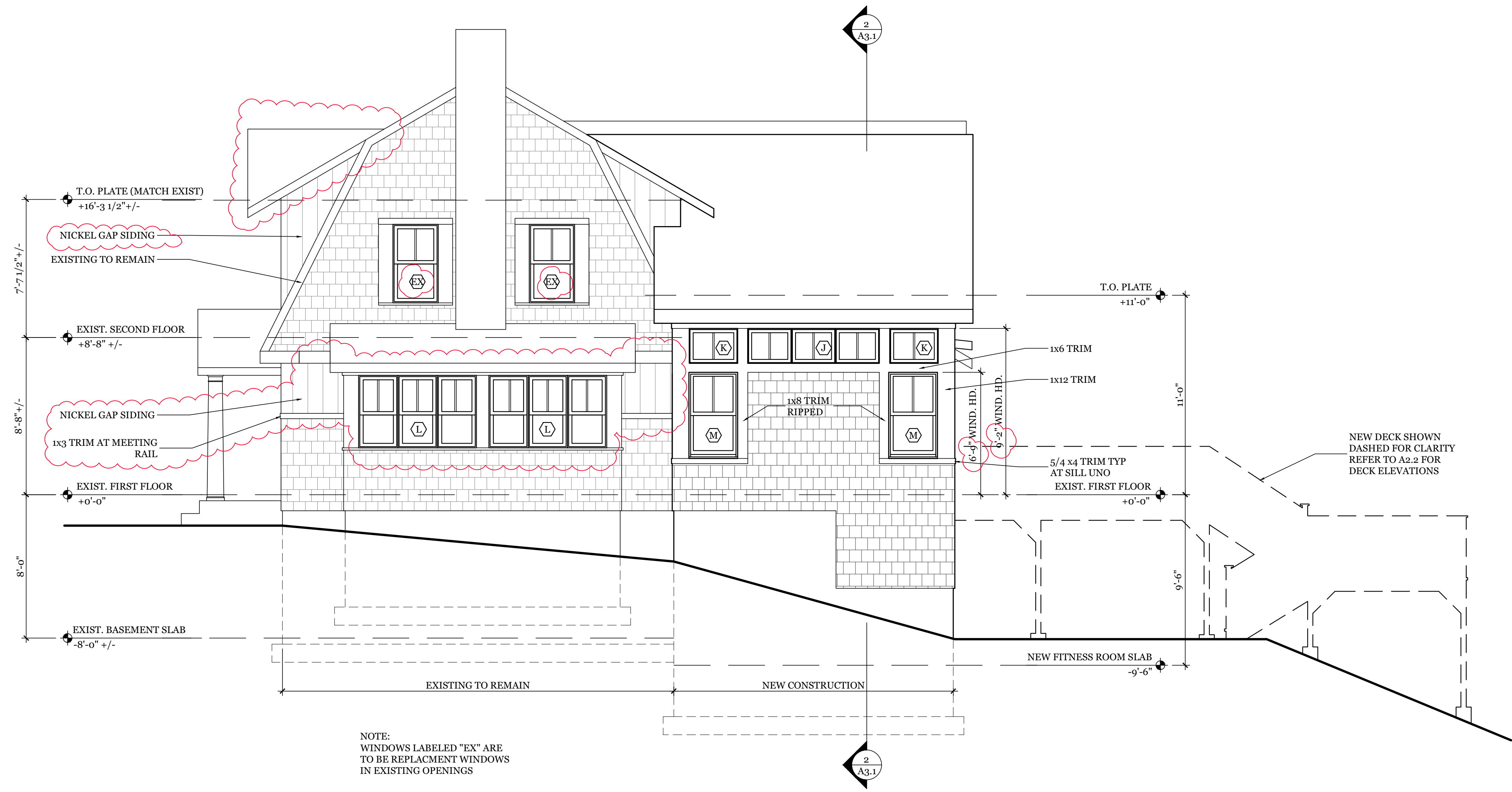
Roof
Plan

A1.3



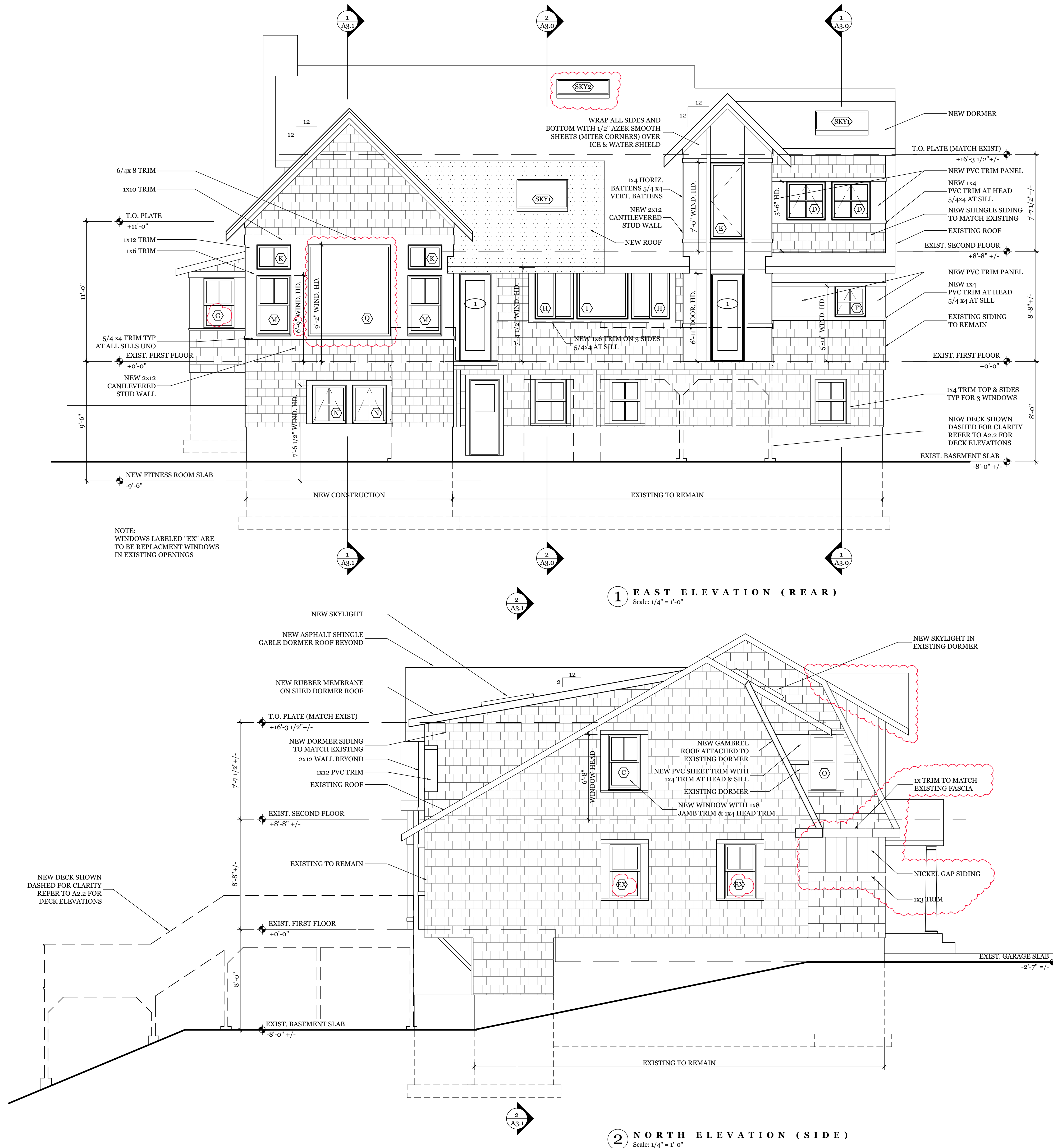
NOTE:
WINDOWS LABELED "EX" ARE
TO BE REPLACMENT WINDOWS
IN EXISTING OPENINGS

1 WEST ELEVATION (FRONT)
Scale: 1/4" = 1'-0"



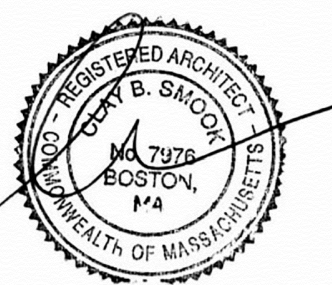
NOTE:
WINDOWS LABELED "EX" ARE
TO BE REPLACMENT WINDOWS
IN EXISTING OPENINGS

2 SOUTH ELEVATION (SIDE)
Scale: 1/4" = 1'-0"



Additions and Renovations to:

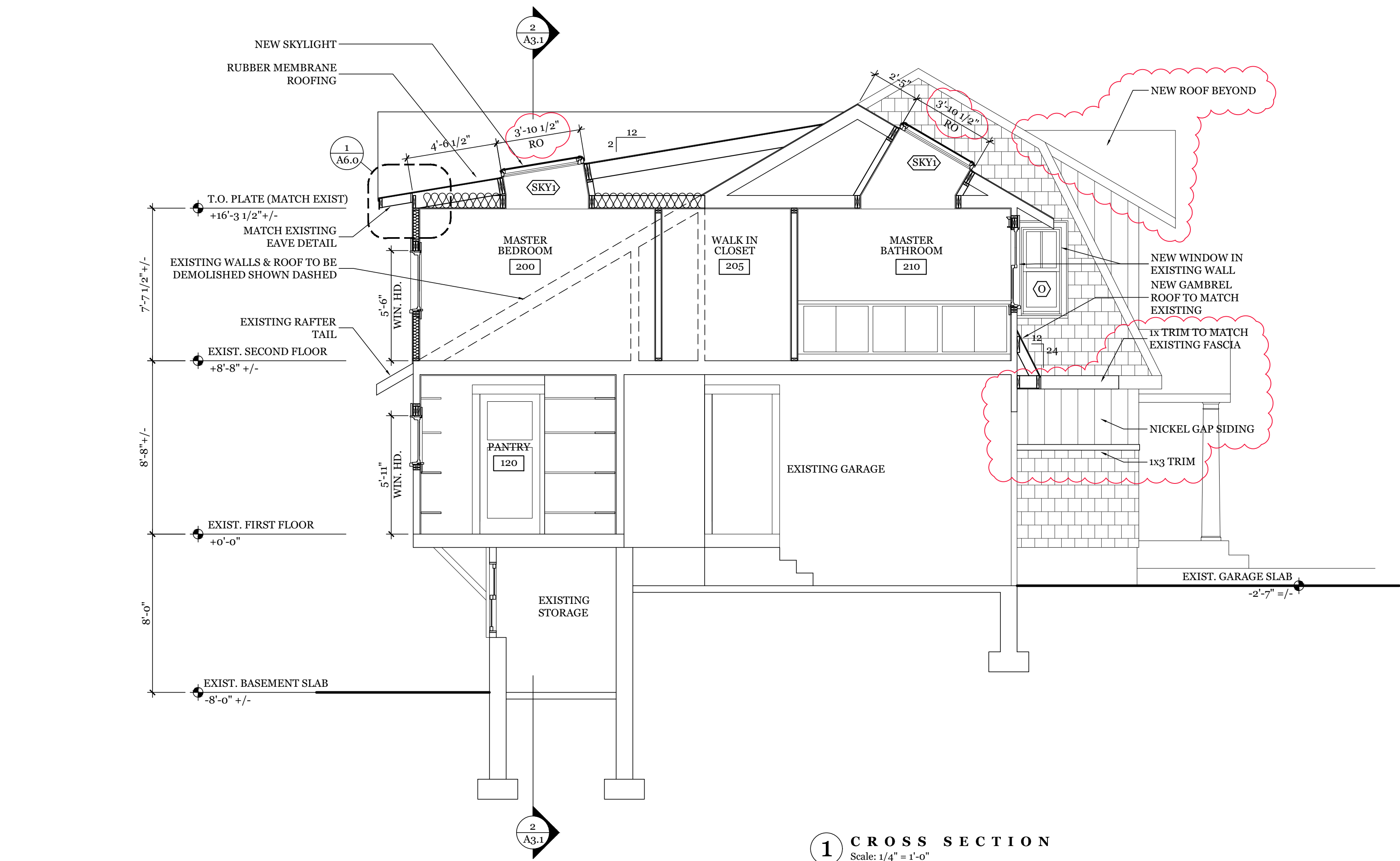
68 Wilshire Park
Needham, Massachusetts



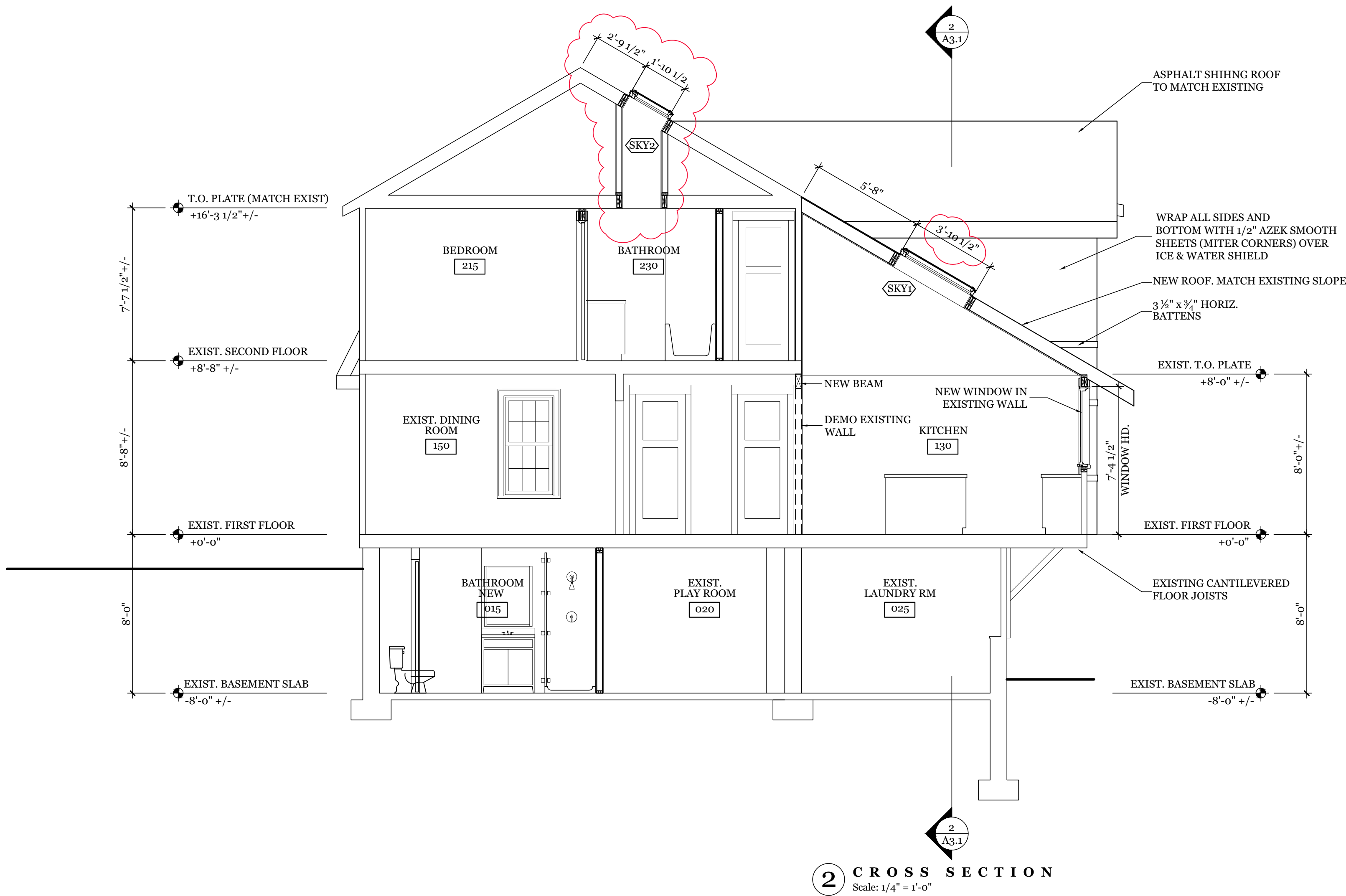
Revised: 8 February 2022
Issued: 1 October 2021

East
& North
Elevations

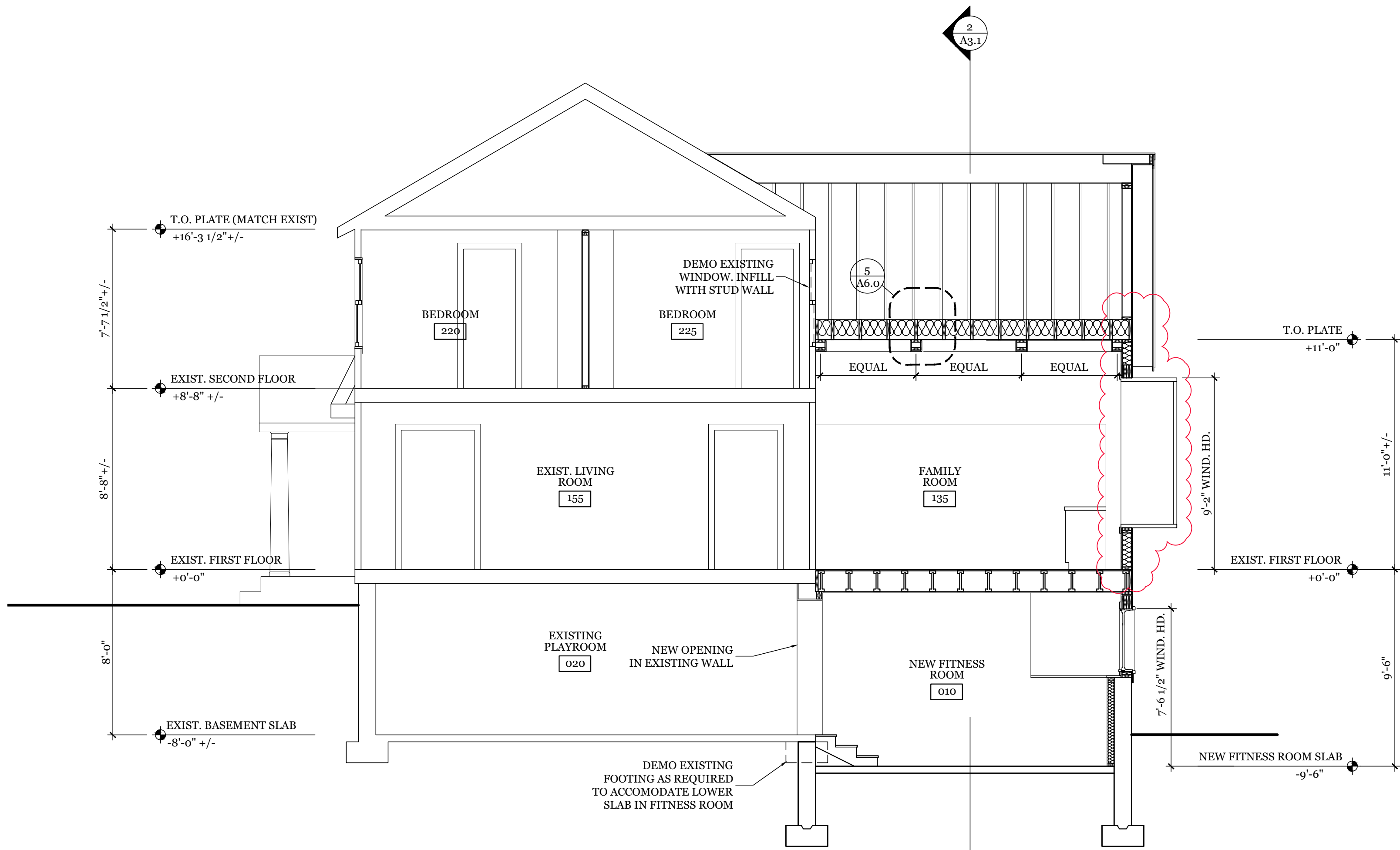
A2.1



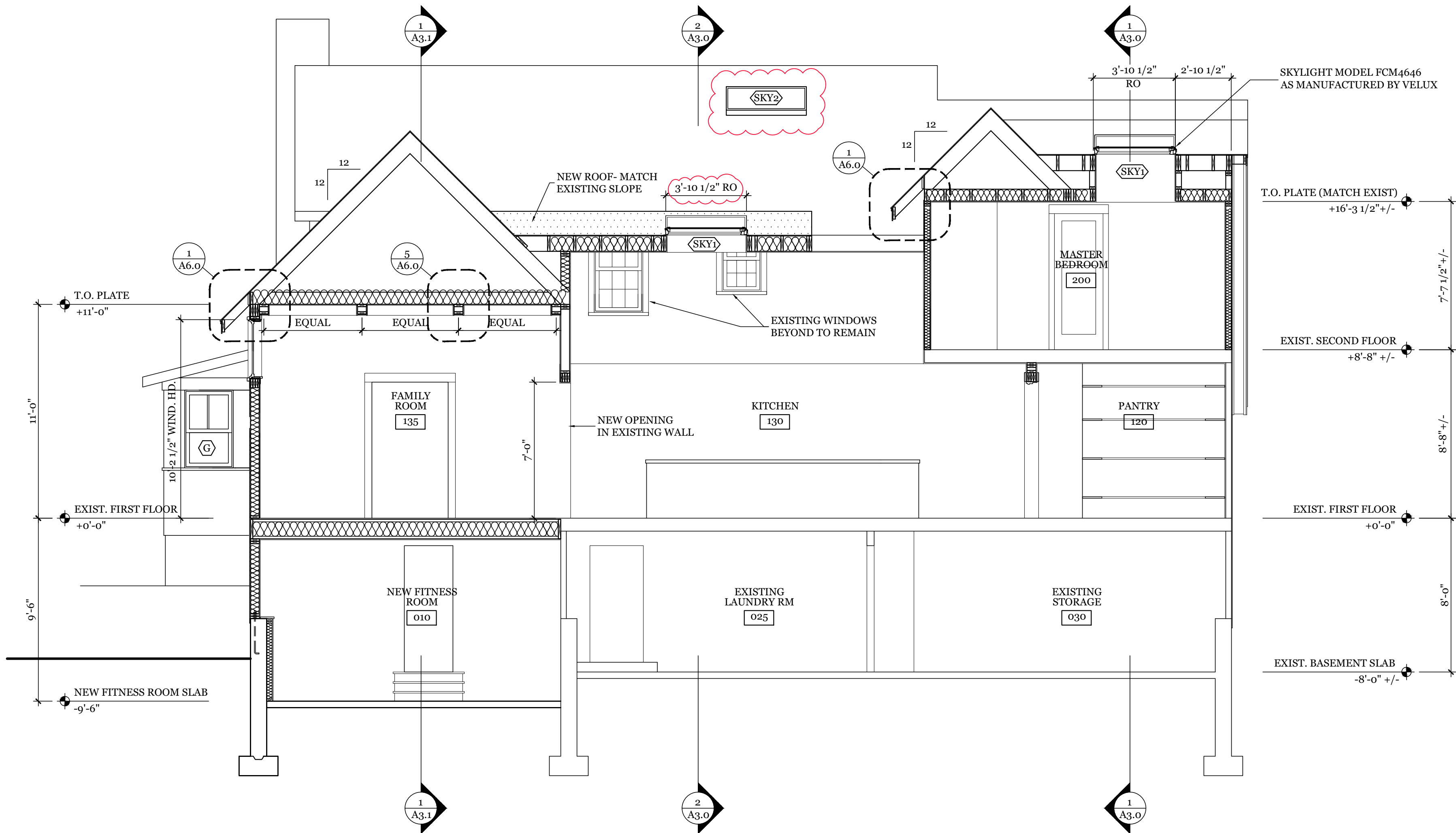
1 CROSS SECTION
Scale: 1/4" = 1'-0"



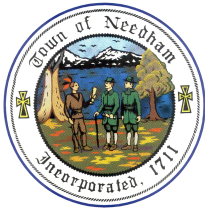
2 CROSS SECTION
Scale: 1/4" = 1'-0"



1 CROSS SECTION
Scale: 1/4" = 1'-0"



2 LONGITUDINAL SECTION
Scale: 1/4" = 1'-0"



TOWN OF NEEDHAM

PERMIT TO BUILD

Permit #:
BR-22-10289

Issued: March 29, 2022

Expires: September 25, 2022

This permit is granted to:

Robert DiPierro
36 Sturgis Street #3
Winthrop, MA 02152

Phone: 6172834867

Property Location: **68 WILSHIRE PARK**

Type of Structure:

Description of permitted work:

Add rear 16x17 2 story addition, Renovate kitchen and baths, all new windows, siding and trim. New primary bedroom dormer and bathroom. New bathroom in basement.

This permit is subject to all existing Building and Zoning Laws of Needham now in force, or that may hereafter be enacted, and in conformance with the details of application.

David Roche, Building Commissioner

Date: March 29, 2022

This card shall be left on the premises for the inspectors to sign throughout completion of the project. No work shall be covered until the required inspections are complete. If inspections are missed the Inspector having jurisdiction may require areas to be exposed or what they deem necessary for code compliance. No Rough inspections will be conducted until the building is watertight with an approved material by the Building Inspector.

Please Note: All inspections listed below are not applicable to all projects. Please refer to the guided process on the Building Department's website for applicable inspections.

ROUGH INSPECTIONS	
EXCAVATION	FOUNDATION/FOOTING
GAS	ELECTRICAL
FIRE DEPT	PLUMBING
FRAMING/FIRE STOPPING	INSULATION

FINAL INSPECTIONS	
GAS	ELECTRICAL
FIRE DEPT	PLUMBING
BUILDING	

TOWN OF NEEDHAM, MASSACHUSETTS

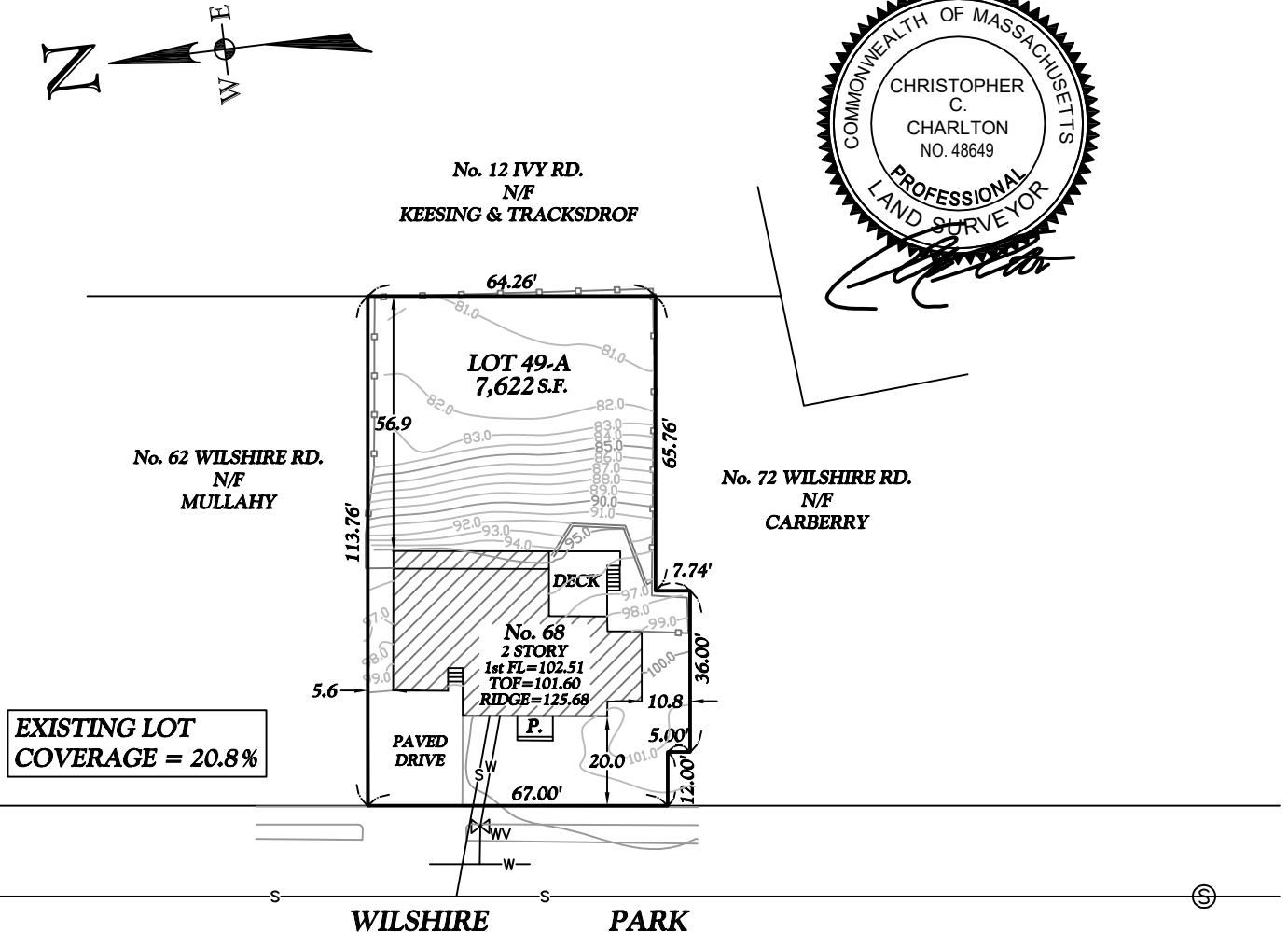
Building Inspection Department

Assessor's Map & Parcel No. MAP NO. 31, PARCEL 47

Building Permit No. _____ Zoning District SR-B
Lot Area 7,622 S.F. Address No. 68 WILSHIRE PARK
Owner PASE & ROSEN Builder BALLAST CONSTR.

EXISTING CONDITIONS PLOT 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 12th day of APRIL 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 _____ Director of Public Works Date _____
Approved _____ Building Inspector Date _____

David Gorski - DiPierro & Brown

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 18, 2022 3:35 PM
To: David Gorski - DiPierro & Brown; Adam Pase
Cc: David Roche
Subject: RE: 68 Wilshire Park - Request for review of Ridge Hgt. Change
Attachments: 2022 ZBA Meeting Schedule.pdf; Application - ZBA - Process.pdf; Application -ZBA.pdf; ZBA - Application Fees.pdf

Good Afternoon David and Adam-

The Building Department requires ZBA approval for changes in plans approved in a Board Decision. The ZBA approval can be handled either by a *Plan Substitution* for minor changes or an *Amendment* to a Decision for major changes at a ZBA meeting.

The Building Commissioner has deemed the changes you're proposing as major and an Amendment would be required.

The next ZBA Meeting is scheduled for June 16, 2022. The application deadline is May 23. See attached Application, Process, Fees and Meeting Schedule.

FYI - If the Building Commissioner had deemed the proposed changes as minor, the soonest a Plan Substitution option could be heard is June 16th, the same timeline as an Amendment.

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

Daphne

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

Planning and Community Development Dept.

500 Dedham Avenue

Needham, MA 02492

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

From: David Gorski - DiPierro & Brown <d.gorski@dbbostongc.com>
Sent: Tuesday, May 17, 2022 4:48 PM
To: Daphne Collins <dcollins@needhamma.gov>
Cc: David Gorski - DiPierro & Brown <d.gorski@dbbostongc.com>
Subject: FW: 68 Wilshire Park - Request for review of Ridge Hgt. Change

Daphne,

Thank you for taking my call. See following my earlier email.

I look forward to speaking with you on this.

Have a nice evening.
Dave

From: David Gorski - DiPierro & Brown

Sent: Tuesday, May 17, 2022 4:33 PM

To: d.collins@needhamma.gov

Cc: David Gorski - DiPierro & Brown <d.gorski@dbbostongc.com>; Robert Ellis - DiPierro & Brown <r.ellis@dbbostongc.com>

Subject: 68 Wilshire Park - Request for review of Ridge Hgt. Change

Hi Daphne,

My name is David Gorski and I'm the contractor working on the Pase Residence renovations at 68 Wilshire Park, Needham.

Our client had previously been granted a Special Permit for the renovations based on the attached drawings. The client has recently ask for two changes;

- 1.) Adding (2) additional dormers (see attached sketch)
- 2.) Raise 2nd flr ceiling hgt 1'-0", thus raising the ridge 1'-4" (See Plot Plan for existing ridge height)

I've spoken to both Erik Tardif and David Roche of the Bldg Dept. and discussed the Special Permit and 1984 Variance that is in place and what would be possible under the current approved permits without having to resubmit for another review. Work has already commenced with demolition and framing per the original plans. David Roche asked that I reach out to you for a clearer interpretation of what would be possible given respect to timing.

The clients request centers around improving the existing low ceiling height at the 2nd flr and bringing in more natural light. The goal of the dormers is to open up the window sizes. These would remain in the same plain of the existing façade. Raising the ridge line 1'-4" would allow the ceiling height to increase to approx. 8'-6" and allow for new structural member framing of the current undersized roof rafters.

In reviewing the language of the special permit, particularly the "Findings" section our thought is that since the dormers and raising of the ridge remain in the allowable footprint of the existing structure and that the height change is diminutive in nature that the requested changes of our client may be permissible under the current permit.

With respect to the proposed dormer sketch drawings attached, please disregard the size of the front porch. The existing conforming porch will remain. Revised architectural drawings can be produced to reflect the request change and submitted for record, if this work is possible.

I thank you for your time and consideration and look forward to hearing from you soon.

Thank you.
Dave



David Gorski

Senior Project Manager

Mobile: 978-815-3425

Office: 781-281-0232

d.gorski@dbbostongc.com

<https://www.dbbostongc.com>



FRONT ELEVATION

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

Additions & Alterations

68 Wilshire Park, Needham
23 May 2022



Additions & Alterations

68 Wilshire Park, Needham

SMOOK ARCHITECTURE



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

Tel. 781-455-7550 x 308

June 6, 2022

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

Re: Application review for the June Hearing

Dear Board Members,

68 Wilshire Park

The applicant Adam Pace is seeking to amend and substitute plans that were approved in a Special Permit issued in June 2021. The applicant's contractor contacted my office and submitted proposed plan changes to the approved plans. In looking at the scope of work the entire main roof and ceilings are going to be demolished, and the remaining second floor exterior walls will be gutted, re-framed and raised approximately one foot. The plan is to add two additional dormers to the front of the home making it a total of three dormers on the front of the home. The roof will be reconstructed the gable ends will be altered and the overall height of the home will be increased by eighteen inches.

After reviewing the plan and reading the decision that refers to an approved plan, the Building Department felt this change required further review and approval from the Board. I am not opposed to the change but it's unfortunate that this was not discussed at the 2021 hearing and is now delaying the project's completion.

35 Highland Circle

The applicant Zdovie ADH Needham is seeking a Special Permit under section **3.2.6.2 (b)** to operate an Adult Day Care Facility in the Mixed Use-128 District. The business will be in an existing three-story office building located at 35 Highland Ave. The building has a parking garage under this will be converted into the new tenant space for the Adult Day Care, they will also be taking a portion of the second floor for additional office and storage space.

I have looked at the parking calculations provided, and I believe there are some discrepancies. Based on the By-Law section **5.1.2 Required Parking** “floor area” shall mean the sum, in square feet, of all horizontal areas of all floors of a building or several buildings measured from the exterior face of exterior walls, or for office buildings from the center line of the glass exterior windows or party wall separating two buildings.

Using the floor plan provided by the applicant the basement level is approximately 7,100 square feet, I am assuming that the building is the same dimension on all three floors above the parking garage for a total of 28,400 square feet.

Using this number, the third and fourth floor are used for office one space per 300 square feet. $14,200 / 300 = 47.33$ rounded up 48 spaces. The second floor according to the applicant will be used for additional office space and storage. Using 50% of the floor for storage one space per 850 square feet $3,550 / 850 = 4.18$ rounded up 5 spaces, 50 % office one space per 300 square feet $3,550 / 300 = 11.83$ rounded up 12 spaces.

The basement parking garage being converted using the ITE Parking Generation Manual 2nd Edition for an adult Day Care Facility with 80 clients and 13 staff are as follows. For enrollments greater than 45, require 8 parking spaces plus one space for every 40 clients plus, employee parking. Using this calculation $(8 + 1 \text{ per } 40 = 2 + 13 \text{ staff total would be } 23)$ required for the Adult Day Care use.

Using these calculations, the required parking would be as follows:

1 st floor / Basement / converted parking garage.	23
2 nd floor 50% storage	5
2 nd floor 50% office	12
3 rd floor office	24
4 th floor office	24
Total required parking.	88
Provided.	65
Waiver required.	23

These calculations are based on the 2nd floor being partially used for storage if that use changes to office, it will increase the parking requirement. I am requesting that if the Board approves the Special permits and waiver’s I would like two conditions as part of the decision. One, there will be no parking of Day Care vans parked on Highland Circle, second if the use of the 2nd floor changes, they will be required to seek additional parking waivers from the Board.

Any questions please contact my office.

David A Roche
Building Commissioner
Town of Needham

From: [Deb Anderson](#)
To: [Daphne Collins](#); [Clayton Hutchinson](#); [Tara Gurge](#); [Thomas Ryder](#)
Subject: Re: 68 Wilshire Park - ZBA Review
Date: Tuesday, June 7, 2022 2:00:50 PM

It doesn't sound like the proposed work would require review by Conservation.

Debbie Anderson
Director of Conservation
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 x 248

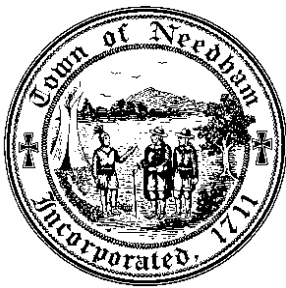
From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, June 7, 2022 1:54:55 PM
To: Clayton Hutchinson <chutchinson@needhamma.gov>; Deb Anderson <andersond@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>
Subject: FW: 68 Wilshire Park - ZBA Review

Friendly reminder. Please submit your comments by end of day.
Thanks,
Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
dcollins@needhamma.gov
www.needhamma.gov

Staff Hours are Monday – Wednesday 8:00 am – 5:00pm

From: Daphne Collins
Sent: Thursday, May 26, 2022 3:41 PM
To: Deb Anderson <andersond@needhamma.gov>; Clayton Hutchinson (chutchinson@needhamma.gov) <chutchinson@needhamma.gov>
Subject: 68 Wilshire Park - ZBA Review



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

June 8, 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 June 7, 2022, the Planning Board reviewed the applications to be heard by the Board of Appeals on June 16, 2022, and made the following recommendations:

1. **68 Wilshire Park** - Public notice is hereby given that Adam Pase, applicant, has made application to the Board of Appeals to amend the Special Permit dated June 17, 2021 by substituting new plans for the Revised Building Plans approved in the Special Permit. The property is located at 68 Wilshire Park, Needham, MA in the Single Residence B (SRB) District.

The Planning Board makes NO COMMENT.

2. **35 Highland Circle** – Public notice is hereby given that Zdorovie ADH Needham has made application to the Board of Appeals for a Special Permit under Sections 3.2.5.2 (b), 5.1.2, 5.13 and any other applicable Sections of the By-Law to the allow the use of an adult day care facility and to waive strict adherence to parking and parking design requirements associated with the conversion of the ground level garage of a three floor office building to house an adult day health program with capacity of 80 clients and 13 staff members. The property is located at 35 Highland Circle, Needham, MA in the Mixed-Use 128 (MU-128) District.

The Planning Board makes NO COMMENT.

3. **670 Highland Avenue, 284 Webster Street and 28 Greendale Avenue** – Temple Beth Shalom and Davenport Holding Properties, Inc., applicants, applied to the Board of Appeals for an Special Permit Amendment under Sections 1.4.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to provide relief for the following: a) an extension of the 2015 Special Permit to expand the parking lot due to the acquisition of the properties at 284 Webster Street and 28 Greendale Avenue; b) a waiver of strict adherence to the parking space and parking design requirements; and c) the continuance of pre-existing nonconforming buildings and structures, and uses thereon. This request is associated with the demolition of the existing house and garage at 284 Webster Street and the construction of a parking lot connected to the existing Temple driveway and main parking lot; and the renovations of the house and garage at 28 Greendale Avenue for use as additional classroom space. The property is located at 670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue, Needham, MA in the Single Residence B (SRB) District.

The Planning Board previously commented on this case in its letter dated May 18, 2022. The comments were as follows:

The Planning Board noted the importance of retaining three components of the site circulation plan presently in place at the property namely, the current driveway entrance at Webster Street, the current driveway exit onto Davenport Road, and the separation currently afforded between the main Temple internal driveway and the parking lot currently located at the intersection of Highland Avenue and Webster Street. It was unclear to the Board in its review of the site plan whether the proposed parking lot at the 284 Webster Street location was to be separated from the main internal drive and whether the exit onto Davenport Road was to be retained. The Board stressed the importance of retaining these design principles in the proposed upgrade.

The Planning Board further expressed concern regarding the use of the house and garage at 28 Greendale Avenue for use as classroom space. The Board understands that operationally students attending classrooms at this location would also be participating in events at the main Temple building and would be utilizing the playground space both facilities located on the other side of the main internal driveway and parking lot at Davenport Road. The Board noted the need to provide a safe pedestrian link between the class room space at 28 Greendale Avenue and the other above-noted ancillary facilities. The Board also suggested that perhaps the administrative function of the Temple could be located at 28 Greendale and the classroom space moved to the main Temple building so that the children centered activities could be consolidated at a single location.

Finally, the Board noted that a landscape plan had not been submitted with the application and expressed the opinion that landscaping compliant with Section 5.1.3, Parking Plan and Design Requirements, Section (k), Landscaped Areas and Section (l) Trees should be provided.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

From: [Dennis Condon](#)
To: [Daphne Collins](#)
Subject: RE: 68 Wilshire Park - ZBA Review
Date: Friday, May 27, 2022 10:54:37 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Daphne,
The Fire dept. has no objections.

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: Thursday, May 26, 2022 3:38 PM
To: David Roche <droche@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Subject: 68 Wilshire Park - ZBA Review

Good Afternoon –

68 Wilshire Park - Adam Pace is seeking a Plan Substitution for plans approved in a Special Permit issued in June 2021 associated with the addition of two dormers and the raising of the height/roof on the second floor.

I appreciate your comments no later than **June 7, 2022** to allow time for the applicant to respond prior to the hearing.

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

Thank you,
Daphne

Daphne M. Collins

Zoning Specialist

Phone [781-455-7550](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

Memo

2022 MAY 24 AM 9:27

Please see attached amended application to include updated zoning bylaws as well as a special permit description as well as a program narrative for 35 Highland Circle in Needham.
Thank you

Special Permit Application Description

35 Highland Circle is a 3-floor office building with 65 outside parking spaces and a ground level garage. Not including this ground level garage, there are 21.6 parking spaces per floor at 35 Highland Circle.

We are looking to convert the ground level to an adult day health center with a capacity of 80 clients and 13 staff members. The adult day health center will be using one of the above floors as administrative office and storage space and will not have additional staff or clients on that floor, therefore will not require parking spaces.

According to the capacity requested the parking calculation, 8 spaces plus 1 space per 40 clients and 1 per employee, requires 23 parking spaces ($8 + (80/40) + 13$). Existing parking is 21.6 parking spaces (since we are taking one floor of office space as storage and the ground level will be the ADH center). As a result, we will need a parking waiver of 1.4 stalls (23 required minus 21.6 existing), rounded up to 2 stalls parking waiver.

Zdorovie Operations Narrative

Zdorovie ADH Needham operates an adult day care center at 185 2nd Ave. There is currently a capacity of 132 clients and 22 staff with 16 parking spaces. The facility serves a local population of elders who desire to continue to live in a residential setting, often with extended family, and need support during the day. Many of these clients are Jewish immigrants of eastern European descent, and the program offers health and educational services in their languages, food as well cultural enrichment experiences which are familiar and comforting. The facility provides an important service for families in the Needham and surrounding areas who wish to keep their elders living at home but need coverage during the day.

Now Zdorovie is looking to move its adult day care center to 35 Highland Circle. The proposed capacity at 35 Highland Circle is 80 clients and 13 staff which would require 23 parking spaces based on Needham parking calculations (10 spaces for clients and 13 for employees). Currently there are 21.6 existing spaces on site for the ADH center which will take the ground level and one level of office space above. This requires a parking waiver of 2 stall although for our operations we would only actually need 5 for vans and 5 for staff. Historically one third of staff do not drive themselves to work. Some of these staffers live in the immediate local area and walk to work. Others carpool. In some instances, members of the same family work together at the facility.

Hours of operation are 8:00 am – 4:00 pm, Monday through Sunday. The facility currently offers home pick-up and drop-off of its clients in five dedicated vans, and all clients take advantage of this service. The vans operate on staggered schedules over a period of an hour and a half window in the morning and afternoon to minimize traffic in the parking lot.

Zdorovie staff arrive around 7:30am and leave when the facility closes at 4:00 pm. (Staff work one shift per day.) Staff have a dedicated break room which is utilized as needed throughout the business day and they typically do not leave the site during their break. Weekend and weekdays generally have the same daily capacity.

During the arrival and departure process, most of Zdorovie staff is involved in assisting in ambulation to and from the vans, assisting in loading in and out of the vans, assisting clients with their belongings, and making sure clients are safe. Nurses, program aids and supervisors all work together in the mornings and afternoons to ensure smooth and safe operations.

Sample Class Schedule

8:00 am – 9:00 am	Client arrival time
9:15 am	Therapeutic morning exercise
9:30 am	Breakfast time

10:00 am – 11:00 am	English Class
11:30 am – 12:15 pm	Computer class
12:30 pm – 1:00 pm	Memory enhancement games and quizzes
1:30 pm	Lunch time
2:00 – 3:00 pm	Departure time

During breaks in the schedule, clients may choose to rest, meet with nurses or other staff, go for walks, or participate in additional activities under the supervision of staff members.

Therapeutic Activity plan is developed monthly past topics have included the following:

- Health education and nursing procedure
- English language teaching
- Computer/technology proficiency teaching
- Education on signs of elder abuse
- Education of fraud and scams
- Education of assistive devices usage
- Education of proper body mechanics
- Education, supervision and assistance of physical exercise
- Cognitive stimulation games
- Historical and cultural educational field trips
- Lectures

Van Drop off and Pick up Schedule

Vehicle Schedule per each of 3 centers:

- Arrival
 - 8:00AM Van 1
 - 8:15AM Van 2
 - 8:30AM Van 3
 - 8:45AM Van 4
 - 9:00AM Van 5
 - 9:30AM Any additional route as needed
- Departure
 - 2:00PM Van 1
 - 2:15PM Van 2
 - 2:30PM Van 3
 - 2:45PM Van 4
 - 3:00PM Van 5
 - 3:30PM Any additional route as needed



ZBA Application For Hearing

2022 MAY 24 AM 9:27

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	Zdorovie ADH Needham	Date:	5/23/22
Applicant Address	185 2nd Ave Needham MA 02494		
Phone	857-488-2399	email	baudymazaev2010@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	Robert Orsi, Esq.		
Address	160 GOULD STREET, SUITE 320		
Phone	781-239-8900	email	rorsi@oarlawyers.com
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____			
Contact ☐ Me ☒ Representative in connection with this application.			

Subject Property Information

Property Address	35 Highland Circle		
Map/Parcel Number	1990740001400000	Zone of Property	MU-128
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:

3 floors of office space with a ground level garage. Outside of the building there are 65 parking spaces for the property.

Statement of Relief Sought:

Special permit use for an adult day health center. Transfer existing Adult day health center from 185 2nd Ave in Needham to 35 Highland Circle. Also we are looking for a parking waiver of 2 stalls, and a waiver of a parking plan and design requirements

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

Section 3.2.5.2 (b), 2) waiver of parking numbers Section 5.1.2 and 3) waiver of parking plan and design Section 5.1.3 to waive parking plan and design requirements; and any other applicable section of the 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:
1980

Date Lot was created:
1980

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

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



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

I certify that I have consulted with the Building Inspector 5/20/2022
date of consult

Date: 5/23/2022 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

Riti Realty Trust II
21 Highland Circle
Needham, MA 02494
ritirealty@gmail.com

May 23, 2022

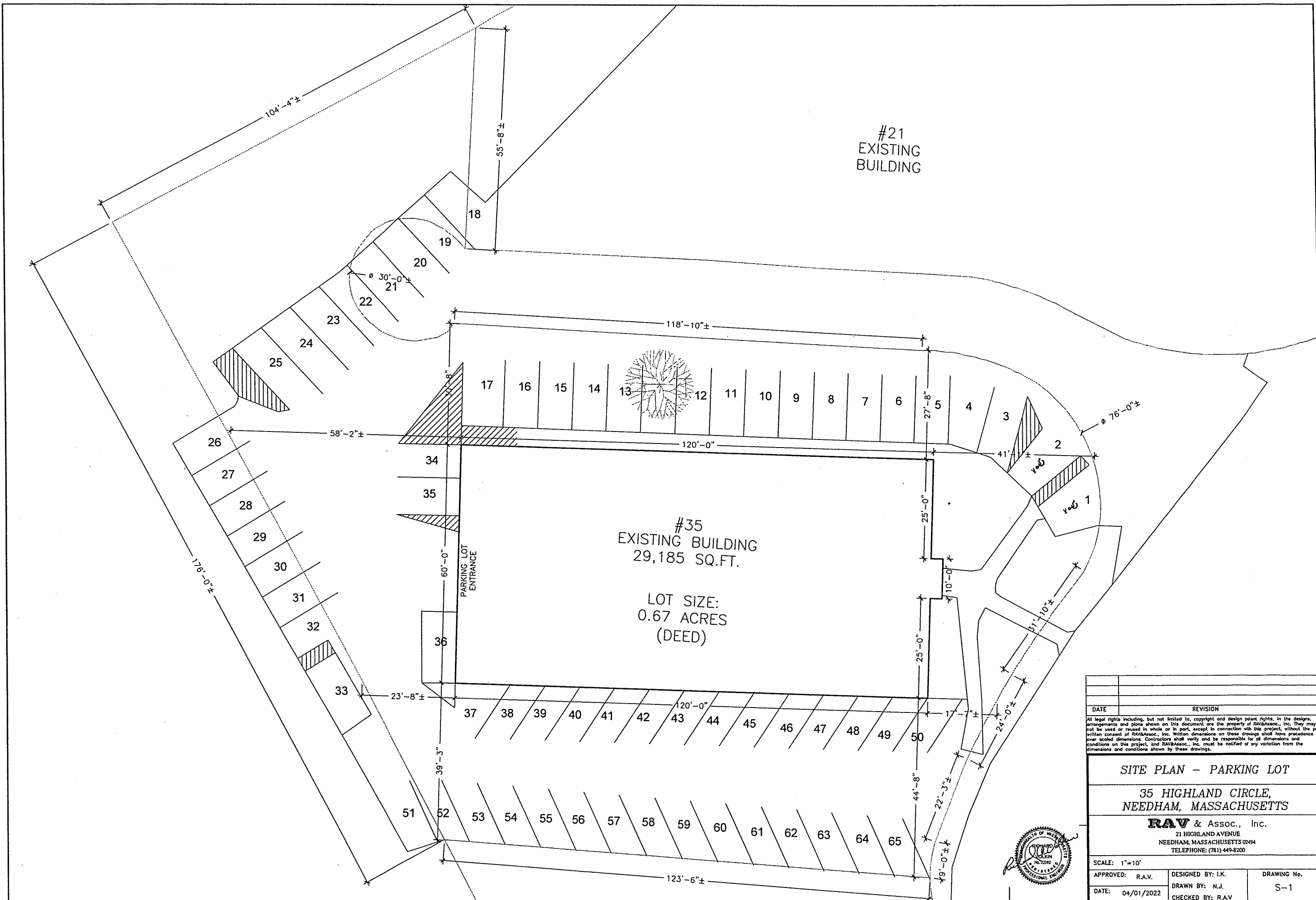
To Whom It May Concern:

I, Maria Serpentino Iriti, Trustee of Riti Realty Trust II, the owner of 35 Highland Circle, Needham, MA, authorize Baudy Mazaev to apply for a special permit on behalf of the property.

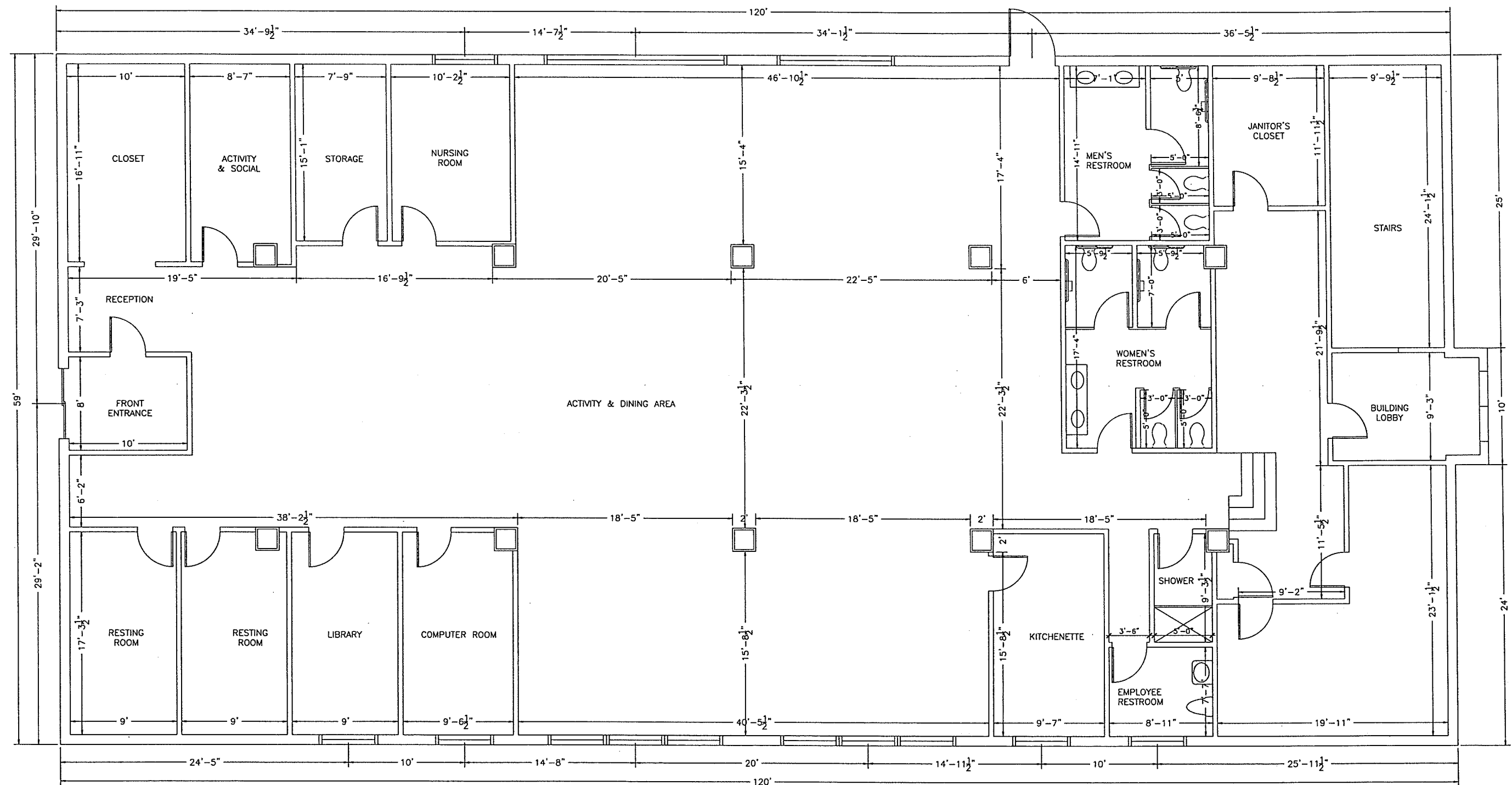
Sincerely,

A handwritten signature in blue ink that reads "Maria Iriti". The signature is written in a cursive, flowing style.

Maria Serpentino Iriti, Trustee
Riti Realty Trust II



REVISION	
DATE	REVISION
All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of RAV&Assoc., Inc. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of RAV&Assoc., Inc. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and RAV&Assoc., Inc. must be notified of any variation from the dimensions and conditions shown by these drawings.	
SITE PLAN - PARKING LOT	
35 HIGHLAND CIRCLE, NEEDHAM, MASSACHUSETTS	
RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02494 TELEPHONE: (781) 449-8200	
SCALE: 1"=10'	
APPROVED: R.A.V.	DESIGNED BY: I.K.
DATE: 04/01/2022	CHECKED BY: R.A.V.
DRAWING No. S-1	



GENERAL NOTES

- All work shall conform to Massachusetts Building Code and all Federal, State and Town of Needham laws, codes and regulations as each may apply.
- All existing conditions must be verified in field. If discrepancies are found, they have to be reported to the Engineer prior to start of work. Omissions or conflicts between the various elements of the working drawings and/or the specifications shall be brought to the attention of the Engineer prior to the start of such work.
- The contractor shall be responsible for coordinating the scheduling and work of all trades and shall check all dimensions. All discrepancies shall be called to the attention of the Engineer and shall be resolved prior to proceeding with the work.
- The Contractor shall supervise and direct the work and shall be solely responsible for the construction means, methods, techniques, sequences and procedures, including but not limited to bracing and shoring.
- The Contractor agrees that in accordance with generally accepted construction practices, the Contractor shall assume sole and complete responsibility for the job site conditions during the course of construction, including the safety of all persons and property, and that this requirement shall apply continuously and not be limited to normal working hours.
- All work shall be performed in a first class and workmanlike manner in conformity with the plans and specifications, and shall be in good usable condition at the completion of the Project.
- The Contractor shall field verify all existing conditions, utility locations and structure placement, prior to start of the work. The Contractor will observe all possible precautions to avoid damage to same. Any damage to existing structures and utilities, whether shown or not on the drawings, shall be repaired or replaced at the Contractor's expense.
- Prior to bidding the work the Contractor shall visit the site and thoroughly satisfy himself as to the actual conditions and quantities, if any. No claim against the Owner or Engineer will be allowed for any excess or deficiency therein, actual or relative.
- Contractor is responsible for all demolition and relocation works, if any.

PROPOSED FLOOR PLAN

DATE	REVISION
All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of RAV&Assoc., Inc. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of RAV&Assoc., Inc. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and RAV&Assoc., Inc. must be notified of any variation from the dimensions and conditions shown by these drawings.	
PROPOSED FLOOR PLAN	
35 HIGHLAND CIRCLE, NEEDHAM, MASSACHUSETTS	
RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02494 TELEPHONE: (781) 449-8200	
SCALE: 1/4"=1'-0"	
APPROVED: R.A.V.	DESIGNED BY: R.A.V.
DATE: 05/10/2022	DRAWN BY: N.J.
	CHECKED BY: R.A.V.
	DRAWING No. A-2



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

Tel. 781-455-7550 x 308

June 6, 2022

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

Re: Application review for the June Hearing

Dear Board Members,

68 Wilshire Park

The applicant Adam Pace is seeking to amend and substitute plans that were approved in a Special Permit issued in June 2021. The applicant's contractor contacted my office and submitted proposed plan changes to the approved plans. In looking at the scope of work the entire main roof and ceilings are going to be demolished, and the remaining second floor exterior walls will be gutted, re-framed and raised approximately one foot. The plan is to add two additional dormers to the front of the home making it a total of three dormers on the front of the home. The roof will be reconstructed the gable ends will be altered and the overall height of the home will be increased by eighteen inches.

After reviewing the plan and reading the decision that refers to an approved plan, the Building Department felt this change required further review and approval from the Board. I am not opposed to the change but it's unfortunate that this was not discussed at the 2021 hearing and is now delaying the project's completion.

35 Highland Circle

The applicant Zdovie ADH Needham is seeking a Special Permit under section **3.2.6.2 (b)** to operate an Adult Day Care Facility in the Mixed Use-128 District. The business will be in an existing three-story office building located at 35 Highland Ave. The building has a parking garage under this will be converted into the new tenant space for the Adult Day Care, they will also be taking a portion of the second floor for additional office and storage space.

I have looked at the parking calculations provided, and I believe there are some discrepancies. Based on the By-Law section **5.1.2 Required Parking** “floor area” shall mean the sum, in square feet, of all horizontal areas of all floors of a building or several buildings measured from the exterior face of exterior walls, or for office buildings from the center line of the glass exterior windows or party wall separating two buildings.

Using the floor plan provided by the applicant the basement level is approximately 7,100 square feet, I am assuming that the building is the same dimension on all three floors above the parking garage for a total of 28,400 square feet.

Using this number, the third and fourth floor are used for office one space per 300 square feet. $14,200 / 300 = 47.33$ rounded up 48 spaces. The second floor according to the applicant will be used for additional office space and storage. Using 50% of the floor for storage one space per 850 square feet $3,550 / 850 = 4.18$ rounded up 5 spaces, 50 % office one space per 300 square feet $3,550 / 300 = 11.83$ rounded up 12 spaces.

The basement parking garage being converted using the ITE Parking Generation Manual 2nd Edition for an adult Day Care Facility with 80 clients and 13 staff are as follows. For enrollments greater than 45, require 8 parking spaces plus one space for every 40 clients plus, employee parking. Using this calculation $(8 + 1 \text{ per } 40 = 2 + 13 \text{ staff total would be } 23)$ required for the Adult Day Care use.

Using these calculations, the required parking would be as follows:

1 st floor / Basement / converted parking garage.	23
2 nd floor 50% storage	5
2 nd floor 50% office	12
3 rd floor office	24
4 th floor office	24
Total required parking.	88
Provided.	65
Waiver required.	23

These calculations are based on the 2nd floor being partially used for storage if that use changes to office, it will increase the parking requirement. I am requesting that if the Board approves the Special permits and waiver’s I would like two conditions as part of the decision. One, there will be no parking of Day Care vans parked on Highland Circle, second if the use of the 2nd floor changes, they will be required to seek additional parking waivers from the Board.

Any questions please contact my office.

David A Roche
Building Commissioner
Town of Needham

Daphne Collins

From: John Schlittler
Sent: Tuesday, May 31, 2022 3:00 PM
To: Daphne Collins
Subject: RE: 35 Highland Circle - ZBA Review

Ok police have no issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, May 31, 2022 10:12 AM
To: John Schlittler <JSchlittler@needhamma.gov>
Subject: RE: 35 Highland Circle - ZBA Review

Hi John:

All clients will be arriving and leaving the adult day care facility Monday through Sunday in vans.

The facility provides home pick-up and drop-off of its clients in five dedicated vans, and all clients take advantage of this service. The vans operate on staggered schedules over a period of an hour and a half window.

There are no drop offs by family members.

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

Planning and Community Development Dept.

500 Dedham Avenue

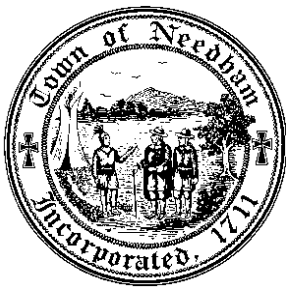
Needham, MA 02492

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

From: John Schlittler <JSchlittler@needhamma.gov>
Sent: Friday, May 27, 2022 1:43 PM
To: Daphne Collins <dcollins@needhamma.gov>
Cc: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>
Subject: Re: 35 Highland Circle - ZBA Review

Daphne,
I have a question on whether any of the clients drive themselves or do they arrive by van.

Sent from my iPhone



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

June 8, 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 June 7, 2022, the Planning Board reviewed the applications to be heard by the Board of Appeals on June 16, 2022, and made the following recommendations:

1. **68 Wilshire Park** - Public notice is hereby given that Adam Pase, applicant, has made application to the Board of Appeals to amend the Special Permit dated June 17, 2021 by substituting new plans for the Revised Building Plans approved in the Special Permit. The property is located at 68 Wilshire Park, Needham, MA in the Single Residence B (SRB) District.

The Planning Board makes NO COMMENT.

2. **35 Highland Circle** – Public notice is hereby given that Zdorovie ADH Needham has made application to the Board of Appeals for a Special Permit under Sections 3.2.5.2 (b), 5.1.2, 5.13 and any other applicable Sections of the By-Law to allow the use of an adult day care facility and to waive strict adherence to parking and parking design requirements associated with the conversion of the ground level garage of a three floor office building to house an adult day health program with capacity of 80 clients and 13 staff members. The property is located at 35 Highland Circle, Needham, MA in the Mixed-Use 128 (MU-128) District.

The Planning Board makes NO COMMENT.

3. **670 Highland Avenue, 284 Webster Street and 28 Greendale Avenue** – Temple Beth Shalom and Davenport Holding Properties, Inc., applicants, applied to the Board of Appeals for a Special Permit Amendment under Sections 1.4.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to provide relief for the following: a) an extension of the 2015 Special Permit to expand the parking lot due to the acquisition of the properties at 284 Webster Street and 28 Greendale Avenue; b) a waiver of strict adherence to the parking space and parking design requirements; and c) the continuance of pre-existing nonconforming buildings and structures, and uses thereon. This request is associated with the demolition of the existing house and garage at 284 Webster Street and the construction of a parking lot connected to the existing Temple driveway and main parking lot; and the renovations of the house and garage at 28 Greendale Avenue for use as additional classroom space. The property is located at 670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue, Needham, MA in the Single Residence B (SRB) District.

The Planning Board previously commented on this case in its letter dated May 18, 2022. The comments were as follows:

The Planning Board noted the importance of retaining three components of the site circulation plan presently in place at the property namely, the current driveway entrance at Webster Street, the current driveway exit onto Davenport Road, and the separation currently afforded between the main Temple internal driveway and the parking lot currently located at the intersection of Highland Avenue and Webster Street. It was unclear to the Board in its review of the site plan whether the proposed parking lot at the 284 Webster Street location was to be separated from the main internal drive and whether the exit onto Davenport Road was to be retained. The Board stressed the importance of retaining these design principles in the proposed upgrade.

The Planning Board further expressed concern regarding the use of the house and garage at 28 Greendale Avenue for use as classroom space. The Board understands that operationally students attending classrooms at this location would also be participating in events at the main Temple building and would be utilizing the playground space both facilities located on the other side of the main internal driveway and parking lot at Davenport Road. The Board noted the need to provide a safe pedestrian link between the class room space at 28 Greendale Avenue and the other above-noted ancillary facilities. The Board also suggested that perhaps the administrative function of the Temple could be located at 28 Greendale and the classroom space moved to the main Temple building so that the children centered activities could be consolidated at a single location.

Finally, the Board noted that a landscape plan had not been submitted with the application and expressed the opinion that landscaping compliant with Section 5.1.3, Parking Plan and Design Requirements, Section (k), Landscaped Areas and Section (l) Trees should be provided.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

From: [Tara Gurge](#)
To: [Daphne Collins](#)
Subject: RE: Public Health Division comments for 35 Highland Circle - ZBA Review
Date: Tuesday, June 7, 2022 5:18:55 PM
Attachments: [image002.png](#)
[image003.png](#)

Daphne –

In reference to the ZBA Plan review for #35 Highland Circle, the Public Health Division has the following comments. See below:

- The applicant must fill out and submit an online Public Health Division Food Permit Plan Review packet for review and approval, for the proposal for planned food service on site, which includes a food permit application, through the Towns ViewPoint Cloud online permitting system. Here is the direct link to the permit application and plan review - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006516> . The relevant documents must be uploaded online for review and approval, along with a proposed food menu and proper staff food training certifications. Pre-operation inspections must be conducted prior to issuance of a food permit, which must be issued prior to operation.
- Ensure that this proposed establishment has sufficient parking lot spaces available to allow for accessible separate trash and recycling dumpsters located on site for proper trash and recycling containment, which must be put on a sufficient service schedule to prevent the risk of pests. A grease barrel may also need to be accommodated for if the establishment menu indicates that foods will be prepared on site.

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

Thanks,



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

From: [Daphne Collins](#)
To: [Daphne Collins](#)
Subject: Fw: 35 Highland Circle - ZBA Review
Date: Wednesday, June 8, 2022 11:30:38 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Daphne,
The Fire dept. does not object to this change.

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



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From: Daphne Collins <dcollins@needhamma.gov>
Sent: Thursday, May 26, 2022 3:17 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>
Subject: 35 Highland Circle - ZBA Review

Good Afternoon –

35 Highland Circle – Zdovie ADH Needham is seeking to convert the ground floor (currently the garage) into an Adult Day Care Facility at a 3-floor office building. The program will serve 80 clients and 13 staff members. They are seeking a Special Permit to allow the use, and waivers for parking number, parking plan and design.

.



I appreciate your comments no later than **June 7, 2022** to allow time for the applicant to respond prior to the hearing.

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

Thank you,
Daphne

Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

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

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

www.needhamma.gov/NeedhamYouTube

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

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

Email and by Hand
June 7, 2022

Daphne Collins, Zoning Specialist
Needham Zoning Board of Appeals
Town Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: Temple Beth Shalom and Davenport Holding Properties, Inc.
670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue

Dear Daphne:

Enclosed with this letter are 6 copies of the following documents, to be added to the Temple's filing package for the Zoning Board of Appeals' continued hearing on June 16, 2022:

1. Planting Plan, by Hammer & Walsh Design, Inc., dated June 7, 2022.
2. Existing Tree Location Exhibit, by Kelly Engineering Group, dated June 6, 2022.
3. Plans to Accompany ZBA Application for Temple Beth Shalom, by Kelly Engineering Group, Inc. Sheets 1 and 2 are dated June 22, 2022, and Sheet 3 is dated June 6, 2022.

Since the initial public hearing on May 19, 2022, the Temple has conducted several meetings with abutters and neighbors. As a result of those meeting, the following changes have been made to the Temple's proposal:

Landscaping: A plan showing the existing tree locations is being provided. Additionally, a revised landscaping plan was prepared, which made some species changes, increased the size of some plantings, and created a more layered look.

Site plan: The existing Temple driveway has been widened from 20 feet to 22 feet, to provide better two-way circulation at the narrowest point (between the Temple building and the northwest corner of the condominium property at 14 Greendale Avenue).

Use of Davenport Road: the Temple plans to place movable metal barriers at the junction of the Temple parking lot and Davenport Road, to block traffic between the two, and to remove the barriers only during emergencies and high-traffic volume events, as soon as it is feasible to do so. It is expected that this will be no later than September 30, 2022.

Electronic versions of items 1-3 are being sent to you by Garrett Horsfall.

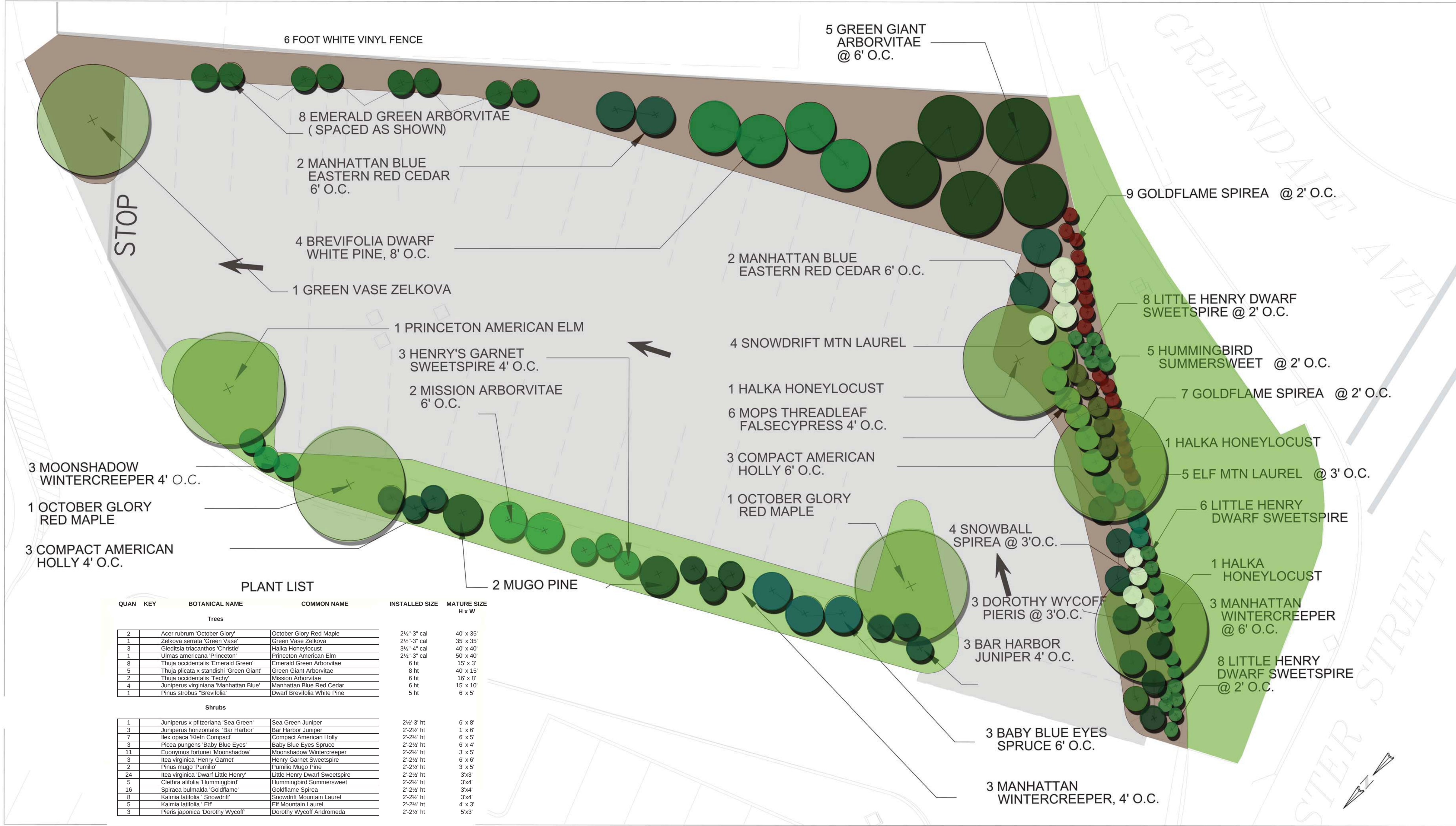
Please let me know if any additional documentation is needed prior to the June 16, 2022 meeting.

Very truly yours,

A handwritten signature in black ink, appearing to be 'RS' or 'RTS' with a stylized flourish.

Robert T. Smart, Jr.

cc: Temple Beth Shalom



PLANT LIST

QUAN	KEY	BOTANICAL NAME	COMMON NAME	INSTALLED SIZE	MATURE SIZE H x W
Trees					
2		Acer rubrum 'October Glory'	October Glory Red Maple	2 1/2" - 3" cal	40' x 35'
1		Zelkova serrata 'Green Vase'	Green Vase Zelkova	2 1/2" - 3" cal	35' x 35'
3		Gleditsia triacanthos 'Christie'	Halka Honeylocust	3 1/2" - 4" cal	40' x 40'
1		Ulmus americana 'Princeton'	Princeton American Elm	2 1/2" - 3" cal	50' x 40'
8		Thuja occidentalis 'Emerald Green'	Emerald Green Arborvitae	6' ht	15' x 3'
5		Thuja plicata x standishi 'Green Giant'	Green Giant Arborvitae	8' ht	40' x 15'
2		Thuja occidentalis 'Tiedey'	Mission Arborvitae	6' ht	18' x 8'
4		Juniperus virginiana 'Manhattan Blue'	Manhattan Blue Red Cedar	6' ht	15' x 10'
1		Pinus strobus 'Brevifolia'	Dwarf Brevifolia White Pine	5' ht	6' x 5'
Shrubs					
1		Juniperus x pfitzeriana 'Sea Green'	Sea Green Juniper	2 1/2" - 3" ht	6' x 8'
3		Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper	2-2 1/2" ht	1' x 6'
3		Ilex opaca 'Klein Compact'	Compact American Holly	2-2 1/2" ht	6' x 5'
3		Prunus pungens 'Baby Blue Eyes'	Baby Blue Eyes Spruce	2-2 1/2" ht	6' x 4'
11		Euonymus fortunei 'Moonshadow'	Moonshadow Wintercreeper	2-2 1/2" ht	3' x 5'
3		Itea virginica 'Henry Garnet'	Henry Garnet Sweetpire	2-2 1/2" ht	6' x 6'
2		Pinus mugo 'Pumilo'	Pumilo Mugo Pine	2-2 1/2" ht	3' x 5'
24		Itea virginica 'Dwarf Little Henry'	Little Henry Dwarf Sweetpire	2-2 1/2" ht	3' x 3'
5		Cedrela alifolia 'Hummingbird'	Hummingbird Summersweet	2-2 1/2" ht	3' x 4'
10		Spiraea bumalda 'Goldflame'	Goldflame Spirea	2-2 1/2" ht	3' x 4'
8		Kalmia latifolia 'Snowdrift'	Snowdrift Mountain Laurel	2-2 1/2" ht	4' x 3'
3		Pieris japonica 'Dorothy Wycoff'	Dorothy Wycoff Andromeda	2-2 1/2" ht	5' x 3'



SEA GREEN JUNIPER BABY BLUE EYES SPRUCE



ELF MOUNTAIN LAUREL DOROTHY WYCOFF PIERIS



HUMMINGBIRD SUMMERSWEET GOLD FLAME SPIREA



BAR HARBOR JUNIPER AMERICAN HOLLY



SNOWDRIFT MOUNTAIN LAUREL HENRY GARNET SWEETPIRE



LITTLE HENRY SWEETPIRE MOON SHADOW WINTER CREEPER



MISSION ARBORVITAE RED CEDAR



BREVIFOLIA WHITE PINE MUGO PINE



HALKA HONEYLOCUST



RED MAPLE



HALKA HONEYLOCUST



GREEN VASE ZELKOVA



EMERALD GREEN ARBORVITAE



GREEN GIANT ARBORVITAE

Hammer+Walsh
Design Inc.
Landscape Architecture
Master Planning
41 Fuller Brook Avenue
Needham, MA 02492-1226
(617) 439-0125
www.hammerwalsh.com

NOTES:

REVISIONS

No.	DATE	DESCRIPTION

STAMP



PROJECT:

TEMPLE BETH SHALOM

670 Highland Avenue
Needham, MA

TITLE:

PLANTING PLAN

DATE:
6-7-22

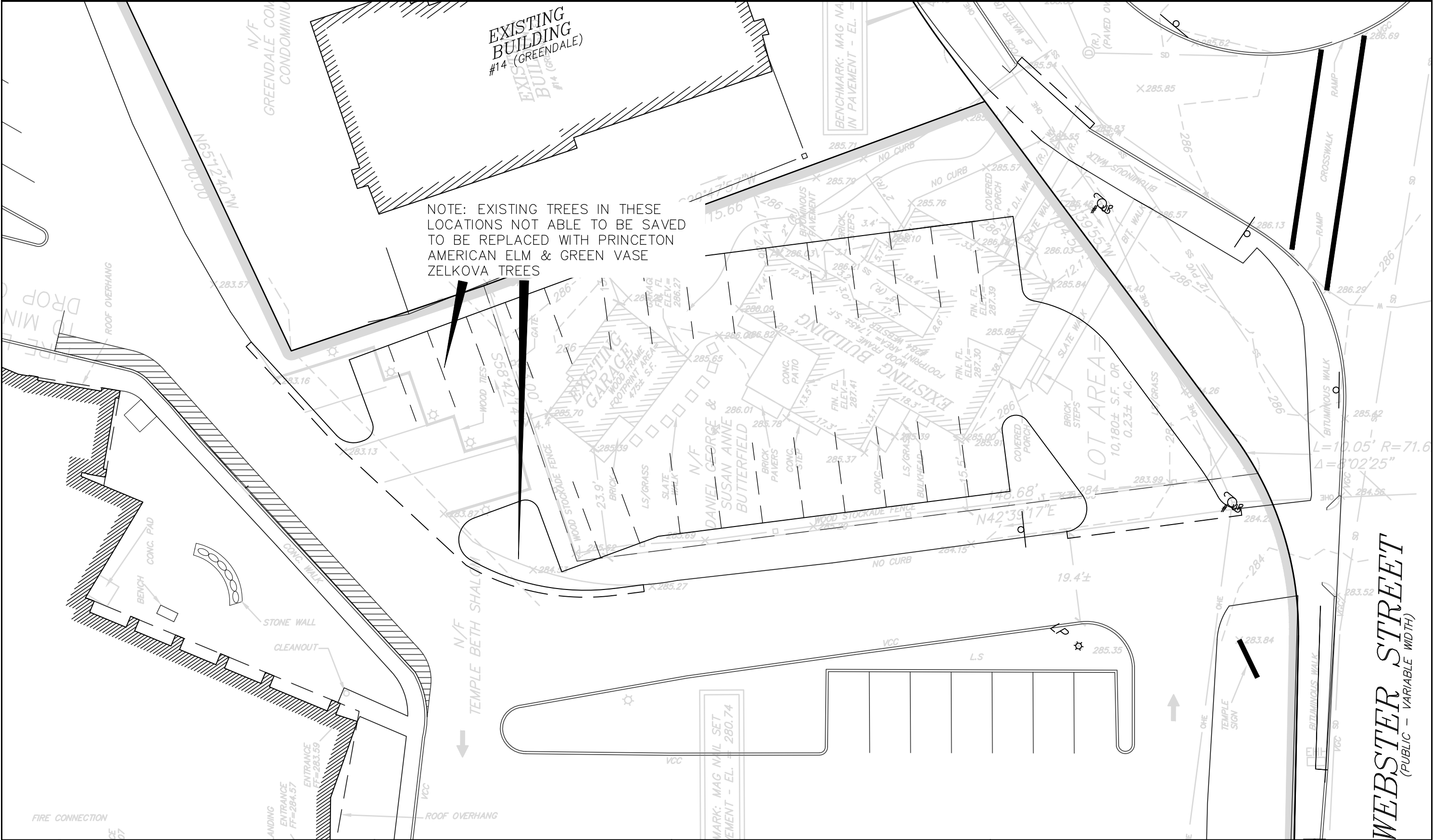
DRAWN BY:
DW

CHECKED BY:
NH

SCALE:
1"=10'-0"

DRAWING NO.:

L-1



PLANS TO ACCOMPANY ZBA APPLICATION

FOR

TEMPLE BETH SHALOM

670 HIGHLAND AVE., 284 WEBSTER ST., & 28 GREENDALE AVE. NEEDHAM, MA

APRIL 22, 2022

SHEET INDEX						
SHEET No.	DESCRIPTION	LATEST REVISED DATE	CONSTRUCTION	REVISIONS		
1	COVER SHEET	04/22/22				
2	EXISTING CONDITIONS PLAN	04/22/22				
3	OVERALL LAYOUT & ZONING PLAN	06/06/22				

OWNER/APPLICANT:

TEMPLE BETH SHALOM
670 HIGHLAND AVENUE
NEEDHAM, MA 02494

DAVENPORT HOLDING PROPERTIES, INC
670 HIGHLAND AVENUE
NEEDHAM, MA 02494

CIVIL ENGINEERS:

KELLY ENGINEERING GROUP, INC.
0 CAMPANELLI DRIVE
BRAINTREE, MA 02184

ARCHITECT:

BKA ARCHITECTS, INC.
142 CRESCENT STREET
BROCKTON, MA 02302

ATTORNEY:

ROBERT T. SMART, JR., ESQ.
399 CHESTNUT ST.
NEEDHAM, MA 02492

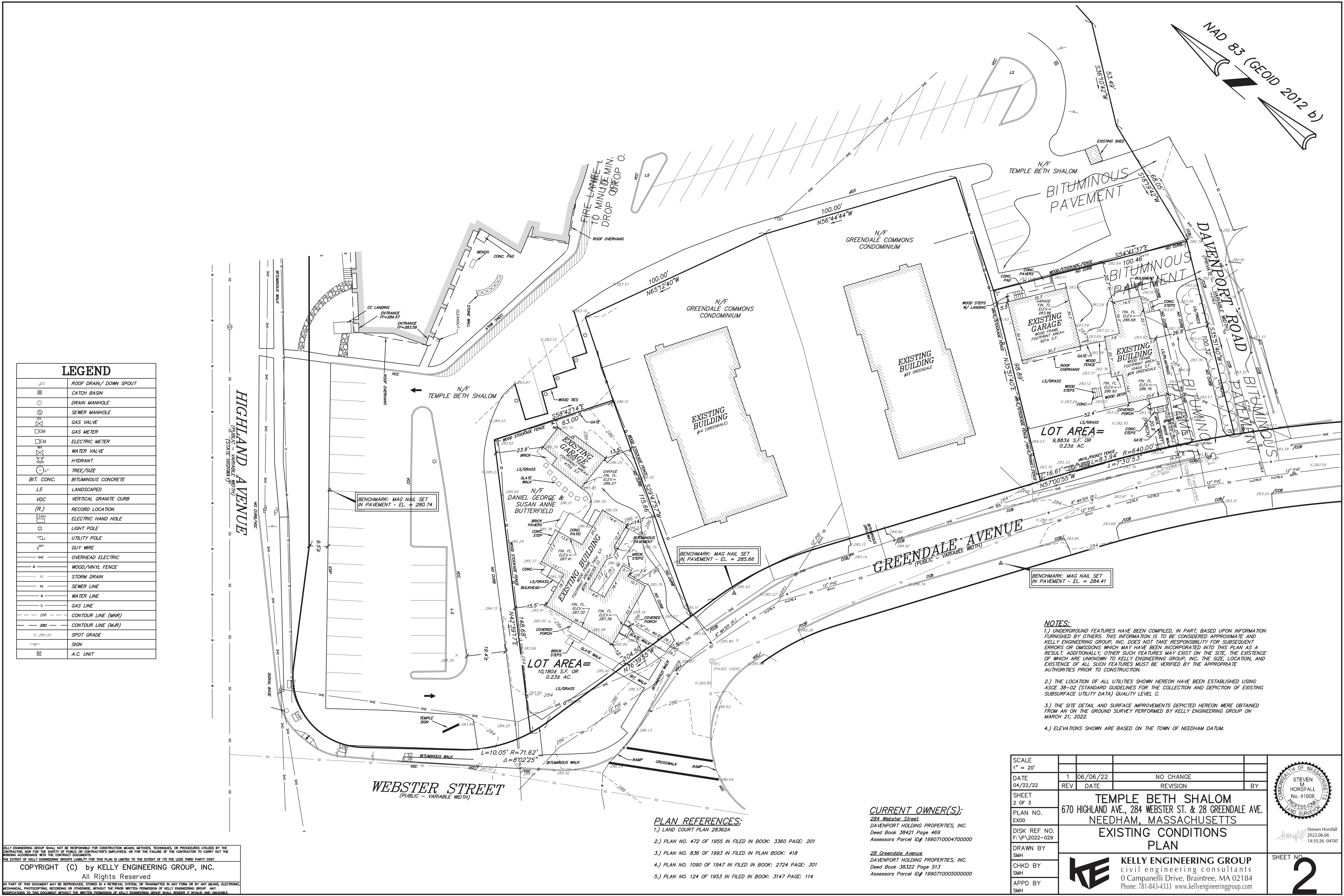


LOCATION MAP

Digitally signed by David Noel
Kelly P.E.
DN: cn=David Noel Kelly P.E.,
o=Kelly Engineering Group, Inc.,
ou,
email=dkelly@kellyengineeringg
roup.com, c=US
Date: 2022.06.06 14:00:08 -0400

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	SCALE NA	JOB # F:\P\2022-029	TEMPLE BETH SHALOM NEEDHAM, MA		SHEET NO. 1
	DATE 04/22/22	DRAWN BY C.L.		KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com	
	SHEET 1 OF 3	CHKD BY GSH			
	FILE # TS01	APPD BY DNK			



LEGEND	
	ROOF DRAIN/ DOWN SPOUT
	CATCH BASIN
	DRAIN MANHOLE
	SEWER MANHOLE
	GAS VALVE
	GAS METER
	ELECTRIC METER
	WATER VALVE
	HYDRANT
	TREE/ SIZE
	BITUMINOUS CONCRETE
	LANDSCAPED
	VERTICAL GRANITE CURB
	RECORD LOCATION
	ELECTRIC HAND HOLE
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	OVERHEAD ELECTRIC
	WOOD/VINYL FENCE
	STORM DRAIN
	SEWER LINE
	WATER LINE
	GAS LINE
	CONTOUR LINE (MNR)
	CONTOUR LINE (MUR)
	SPOT GRADE
	SIGN
	A.C. UNIT

- NOTES:**
- 1.) UNDERGROUND FEATURES HAVE BEEN COMPILED, IN PART, BASED UPON INFORMATION FURNISHED BY OTHERS. THIS INFORMATION IS TO BE CONSIDERED APPROXIMATE AND KELLY ENGINEERING GROUP, INC. DOES NOT TAKE RESPONSIBILITY FOR SUBSEQUENT ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THIS PLAN AS A RESULT. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO KELLY ENGINEERING GROUP, INC. THE SIZE, LOCATION, AND EXISTENCE OF ALL SUCH FEATURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION.
 - 2.) THE LOCATION OF ALL UTILITIES SHOWN HEREON HAVE BEEN ESTABLISHED USING ASCE 38-02 (STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA) QUALITY LEVEL C.
 - 3.) THE SITE DETAIL AND SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN ON THE GROUND SURVEY PERFORMED BY KELLY ENGINEERING GROUP ON MARCH 21, 2022.
 - 4.) ELEVATIONS SHOWN ARE BASED ON THE TOWN OF NEEDHAM DATUM.

- PLAN REFERENCES:**
- 1.) LAND COURT PLAN 28362A
 - 2.) PLAN NO. 472 OF 1955 IN FILED IN BOOK: 3360 PAGE: 201
 - 3.) PLAN NO. 836 OF 1993 IN FILED IN PLAN BOOK: 418
 - 4.) PLAN NO. 1090 OF 1947 IN FILED IN BOOK: 2724 PAGE: 301
 - 5.) PLAN NO. 124 OF 1953 IN FILED IN BOOK: 3147 PAGE: 114

CURRENT OWNER(S):
284 Webster Street
DAVENPORT HOLDING PROPERTIES, INC.
Deed Book 38421 Page 469
Assessors Parcel ID# 19907100047000000

28 Greendale Avenue
DAVENPORT HOLDING PROPERTIES, INC.
Deed Book 38322 Page 513
Assessors Parcel ID# 19907100050000000

SCALE 1" = 20'				
DATE 04/22/22	REV 1	DATE 06/06/22	NO CHANGE	BY
SHEET 2 OF 3				
PLAN NO. EX00				
DISK REF NO. F:\P\2022-029				
DRAWN BY SMH				
CHKD BY SMH				
APPD BY SMH				

TEMPLE BETH SHALOM 670 HIGHLAND AVE., 284 WEBSTER ST. & 28 GREENDALE AVE. NEEDHAM, MASSACHUSETTS EXISTING CONDITIONS PLAN
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com

Steven Horsfall
2022.06.06
1435.26 -0400'

SHEET NO.

2

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*ZONING LEGEND				
ZONING DISTRICT: SINGLE RESIDENCE B				
	REQUIRED	EXISTING	PROVIDED	COMPLIANCE
MIN. AREA	10,000 S.F.	133,825 S.F.	133,825 S.F.	YES
MIN. FRONTAGE	80'	471± (HIGHLAND AVE.) 216± (WEBSTER ST.) 101± (GREENDALE AVE.)	471± (HIGHLAND AVE.) 216± (WEBSTER ST.) 101± (GREENDALE AVE.)	YES
MIN. YARD –FRONT	25' (20' BY S.P.)	19.5'±(NOTE 1) 12.1'±(284 WEBSTER) 20.8'±(28 GREENDALE)	19.5'± (NOTE 1) NA (284 WEBSTER) 20.8'±(28 GREENDALE)	EXISTING NON-CONFORMING NA (NOTE 2) EXISTING NON-CONFORMING
–SIDE	25' (20' BY S.P.)	28.4'± (NOTE 3) 14.7'± (284 WEBSTER) 5.5'± (28 GREENDALE)	28.4'±(NOTE 3) NA (284 WEBSTER) 5.5'± (28 GREENDALE)	YES NON CONFORMING EXISTING NON-CONFORMING
–REAR	25' (10' BY S.P.)	NA (NOTE 4)	NA (NOTE 4)	YES (NOTE 4)
MAX. STORIES	2.5	2	2	YES
MAX. HEIGHT	35'	**41.5	41.5'	EXISTING NON CONFORMING
MAX. BLD. COVERAGE	15%	**22.1%± (NOTE 5)	20.4%± (NOTE 5)	EXISTING NON CONFORMING
FAR COVERAGE	0.3	**0.44± (NOTE 6)	0.41± (NOTE 6)	EXISTING NON CONFORMING
PARKING TOTAL	121 (NOTE 8)	**88	110	SPECIAL PERMIT

ZONING BYLAW 5.1.3 PARKING PLAN AND DESIGN REQUIREMENTS				
	REQUIRED	EXISTING	PROVIDED	COMPLIANCE
A) PARKING ILLUMINATION	1 FOOT CANDLE	<1 FOOT CANDLE	***<1 FOOT CANDLE	***EXISTING NON-CONFORMING
B) LOADING REQUIREMENTS	1	NONE	NONE	EXISTING NON CONFORMING
C) HANDICAPPED PARKING	5	4	5	YES
D) DRIVEWAY OPENINGS	N/A	5	4	YES
E) COMPACT CARS	NO MORE THAN 50% (8'X16')	EXISTING CONDITION	***EXISTING CONDITION	EXISTING NON CONFORMING
F) PARKING SPACE SIZE	9'x 18.5' BUMPER OVERHANG	VARIES	***VARIES (NOTE)	EXISTING NON CONFORMING
G) BUMPER OVERHANG	1' OVERHANG	NA	NA	NA
H) PARKING SPACE LAYOUT	NA	NA	NA	YES
I) AISLE WIDTH	24' (90 DEG. STALL)	<24'	***<24'	EXISTING NON CONFORMING
MIN. DRVWY. WIDTH	18' (60 DEGREE)	18.4' (ONE WAY)	18.4' (ONE WAY)	YES
	20'	19.8'±	19.8'±	***EXISTING NON CONFORMING
J) PARKING SETBACK				
–FRONT	10'	9.5'± (670 HIGHLAND)	9.5'± (670 HIGHLAND) 10' (284 WEBSTER)	EXISTING NON-CONFORMING YES
–SIDE	4'	4.1'± (670 HIGHLAND)	4.1'± (670 HIGHLAND) 5'± (284 WEBSTER)	YES YES
–REAR	4'	NA (NOTE 4)	NA (NOTE 4)	NA (NOTE 4)
–BUILDING	5'	5.1'±	5.1'±	YES
K) LANDSCAPED AREAS	10%	>10% (NOTE 7)	>10% (NOTE 7)	YES
INTERIOR LANDSCAPING	2.5%	>2.5% (NOTE 7)	>2.5% (NOTE 7)	YES
L) TREES	1 PER 10 SPACES	>1 PER 10 SPACES	>1 PER 10 SPACES	YES
M) LOCATION	WITHIN LOT	WITHIN LOT	WITHIN LOT	YES
N) BICYCLE RACKS	1 PER 20 SPACES	NONE	6	YES

- NOTES
- *FOR PURPOSES OF THIS ZONING ANALYSIS ALL 3 LOTS ARE ANALYZED AS COMBINED LOTS.
**RELIEF PREVIOUSLY GRANTED
***NEW PARKING WILL COMPLY
- 1) EXISTING BUILDING #670 HIGHLAND COMPLIED WITH SETBACKS IN APPROVED AS-BUILT IN 1964. PARKING WITHIN FRONT SETBACK IS EXISTING.
- 2) EXISTING BUILDING FRONT SETBACK IS 12.1'. EXISTING BUILDING WILL BE REMOVED.
- 3) RETAINING WALL IS CONSIDERED A STRUCTURE PER NEEDHAM ZONING BY-LAW
- 4) SINCE PARCEL IS A CORNER LOT ALL LOT LINES BESIDES FRONT LOT LINES ARE ASSUMED SIDE LOT LINES.
- 5) PREVIOUS RELIEF GRANTED ALLOWED 22.4% EXISTING BLD COVERAGE ROOF OVERHANG AND RETAINING WALL AREA INCLUDED: 25,337± S.F. + 2,221 S.F. + 1,961 S.F. = 29,519 S.F. / 133,825± = 22.1% PROPOSED BLD COVERAGE: 25,337± S.F. + 1,961 S.F. = 27,298 S.F. / 133,825± = 20.4%
- 6) PREVIOUS RELIEF GRANTED ALLOWED 0.45 EXISTING FAR: TOTAL FAR = 51,027 (670 HIGHLAND) + 3,490 S.F. (284 WEBSTER)+ 3,920 S.F. (28 GREENDALE) = 58,437 / 133,825± = 43.7%± PROPOSED FAR = 51,027 S.F. + 3,920 S.F. = 54,947 S.F. / 133,825 S.F. = 41.1%
- 7) EXISTING PARKING AREA = 39,150± S.F. REQUIRED LANDSCAPING = 39,150± S.F. * 10% = 3,915± S.F. PROVIDED LANDSCAPING AREA = 12,367
- PROVIDED PARKING AREA = 61,695 S.F. REQUIRED LANDSCAPING = 61,695 S.F. * 10% = 6,170 S.F. PROVIDED LANDSCAPING AREA = 13,144 S.F.
- EXISTING REQUIRED INTERIOR LANDSCAPING = 39,150± S.F. * .025 = 979± S.F. EXISTING INTERIOR LANDSCAPING = 2,439± S.F.
- PROVIDED REQUIRED INTERIOR LANDSCAPING = 61,695 S.F. *.025 = 1,542 S.F. PROVIDED INTERIOR LANDSCAPING = 3,998 S.F.

B) PARKING BREAKDOWN	EXISTING	PROPOSED
MON-FRI 7:45 AM TO 8:00 PM		
PUBLIC ASSEMBLY @ 1 SPACE / 3 SEATS		
SCHOOL AND DAYCARE @ 5 SPACE / EXPECTED ENROLLMENT		
EXISTING = 190 STUDENTS	95	95
PROPOSED = 190 STUDENTS		
ADMINISTRATIVE/OFFICE @ 1 SPACE / 300 S.F		
EXISTING = 7,600 S.F.	26	26
PROPOSED = 7,600 S.F.		
	TOTAL	121

FRI SERVICES 6:00 PM TO 9:00 PM		
PUBLIC ASSEMBLY @ 1 SPACE / 3 SEATS		
SAT BAR AND BAT MITZVAHS 9:30 AM TO 12:30 PM		
PUBLIC ASSEMBLY @ 1 SPACE / 3 SEATS		
EXISTING AND PROPOSED = 330 SEATS	TOTAL	110
SUN SCHOOL 8:45 A.M. TO 4:30 P.M. (4 SESSIONS)		
SCHOOL @ 5 SPACE / EXPECTED ENROLLMENT		
EXISTING AND PROPOSED = 80 STUDENTS (ONE SESSION)	TOTAL	40

HIGH HOLY DAYS, 1-2 OTHER EVENTS PER YEAR		
PUBLIC ASSEMBLY @ 1 SPACE / 3 SEATS		
EXISTING AND PROPOSED = 800 SEATS	TOTAL	267

*REQUIRED PARKING SHOWN IN ZONING LEGEND IS BASED ON PRIMARY USE (MON – FRI 7:45 AM TO 6:00 PM)

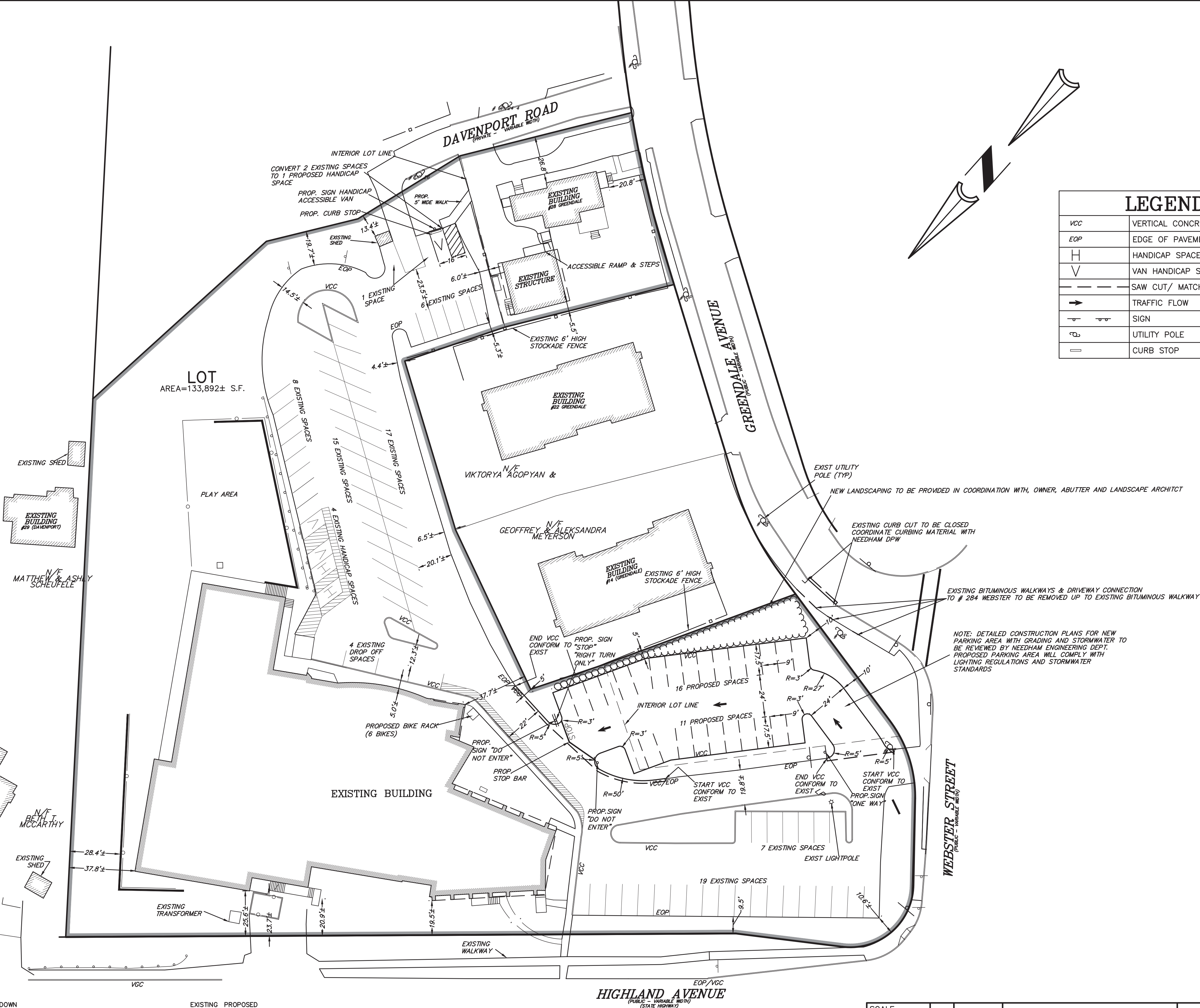
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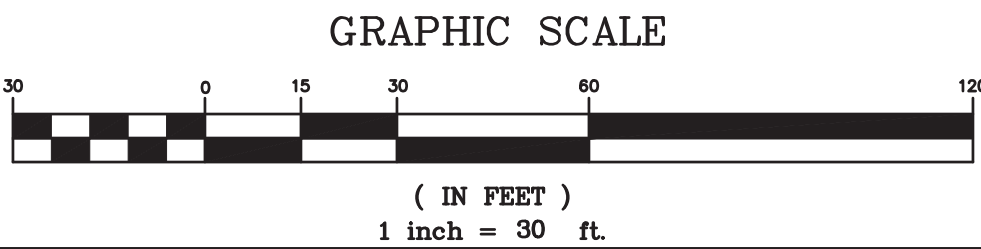
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LEGEND	
VCC	VERTICAL CONCRETE CURB
EOP	EDGE OF PAVEMENT
H	HANDICAP SPACE
V	VAN HANDICAP SPACE
---	SAW CUT/ MATCH PAVEMENT LINE
→	TRAFFIC FLOW
—○—	SIGN
—○—	UTILITY POLE
—	CURB STOP



SCALE	1" = 30'
DATE	04/22/22
REV	1
DATE	06/06/22
SHEET	3 OF 3
FILE #	LA01
JOB #	2022-029
DRAWN BY	GSH
CHKD BY	GSH
APPD BY	DNK
TEMPLE BETH SHALOM 670 HIGHLAND AVE., 284 WEBSTER ST. & 28 GREENDALE AVE. NEEDHAM, MASSACHUSETTS LAYOUT AND ZONING PLAN	
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com	

DAVID NOEL KELLY CIVIL NO. 37842 REGISTERED PROFESSIONAL ENGINEER

SHEET NO. 3

May 18, 2022

Zoning Board of Appeals
Town of Needham
c/o Daphne Collins

Dear Members of the Board:

We write regarding Temple Beth Shalom's expansion project at 670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue. The current project is before the ZBA as an application to amend a 2015 special permit. In 2015, the Temple worked with neighbors well in advance of the project to negotiate an agreement that was incorporated into the special permit. Here, the process has been less transparent and there has not been sufficient time for community concerns to be adequately addressed. The Temple held its first community meeting with neighbors 10 days before the ZBA hearing. There simply has not been enough time to learn about the project and the Temple's intentions with respect to important issues like traffic flow, pedestrian safety, setbacks, and landscape plans for the two sites. Should the Board be inclined to grant relief now, then for the reasons set forth below, we oppose the project as proposed and request that the Board incorporate the following into whatever relief, if any, it may grant with respect to the Temple's application:

1. A requirement that the Temple stop using any entrance/exits onto Davenport Road and Greendale Avenue for daily and/or regular use and limit usage of such entrances/exits to High Holidays and well-attended funerals (to be fewer than 10 events per year).
2. A requirement that the Temple agree with interested neighbors on its final landscaping plan for 284 Webster Street, such plan to include reasonable setbacks and screening to maintain buffers between the proposed parking lot and existing residential uses.¹
3. A requirement for TBS to maintain the landscape that is ultimately ordered in good condition and to replace any diseased or dying plant or tree material with substantially similar, healthy material immediately.
4. A requirement that there be no signage, dumpsters, vehicular pick-up/drop-off, or parking at the proposed classrooms at 28 Greendale Avenue.²
5. A requirement that no trees be removed at the southern end of 670 Highland Ave. or 28 Greendale Avenue in order to maintain existing setbacks and screening between institutional and residential uses.³

¹ We are in conversations with the Temple about the landscape plan, but neighbors only received the landscape plan two days ago. There has not been sufficient time for neighbors to review the landscape plan, particularly since we are not landscape architects.

² The Temple has agreed to this in conversations with neighbors and should not have any objection to this being incorporated into the Board's decision.

³ The Temple has agreed to this in conversations with neighbors and should not have any objection to this being incorporated into the Board's decision.

Noncompliance With Existing 2015 Special Permit

As part of its 2015 expansion, the Temple represented to the ZBA that:

- “The parking lot is existing and functions well.” (2015 Special Permit (“SP”) at 4.)
- “Vehicular access and flow will remain the same.” (SP at 5.)
- “They don’t expect any significant changes to the traffic flow.” (SP at 7.)

At the time these representations were made, the Temple did not use its driveway entrance/exit on Davenport Road, and it was gated off. Davenport Road is a private way providing access to six single-family homes and consisting of two short, paved surfaces, one exiting to Mills Road and one exiting to Greendale Avenue. The middle portion of the “road” is a wooded, nonvehicular footpath frequently used by neighborhood children, including at times the Temple’s daycare students for nature walks and exploration.⁴ The Temple has a very narrow driveway that exits onto the upper portion of Davenport Road and ultimately connects to Greendale Avenue. (Please see attached map.) Consistent with the Temple’s nonuse of the Davenport driveway at the time, the 2015 traffic study did not cover vehicular traffic flow into or out of that driveway.

Based on its representation that traffic flow would not change, as part of its 2015 expansion the Temple sought – and ultimately received – Dover Amendment waivers of non-conformities with almost every aspect of its project, including its parking area. After hearing the Temple’s representations with respect to parking, the ZBA included in its special permit the following findings and decisions:

- “No changes are proposed to be made to the parking area.” (SP at 12.)
- “The Project will not effect any change in the size or layout of any portion of the parking area...”. (SP at 17.)

Since 2015 and contrary to its representations to the Board and to neighbors, the Temple has substantially changed its traffic patterns, which has created a public safety issue on Davenport Road and Greendale Avenue. The Temple has opened its Davenport driveway for daily use for its daycare families and delivery drivers. These vehicles enter and exit through the Davenport driveway and onto Greendale Avenue. Due to the increase in usage, there have been numerous close calls between pedestrians, pets, and cars in this area, and it has substantially increased traffic volume and speeding on Greendale Avenue.

Neighbors have raised these public safety concerns with the Temple, and the Temple has indicated that the change in traffic flow was occasioned by COVID. The Temple has further indicated its “intent” to stop using the Davenport Road driveway once young children are able to be vaccinated.⁵ However, if the Temple’s new parking lot is approved, according to the Temple’s

⁴ The neighbors worked hard in 2015 when the Temple expanded to preserve as much of this wooded area as possible through construction. At the time, the Temple told neighbors it viewed the woods and path as valuable to its educational mission.

⁵ When asked directly at a community meeting whether the Temple would make a commitment to its neighbors to close the Davenport driveway for daily traffic flow after the youth vaccine

own plans, cars are able to enter and exit from the main entrance. Despite neighbors' safety concerns, the Temple has declined to contemplate any commitments that would limit, reduce, or condition their ability to use the Davenport driveway at will, in the Temple's sole discretion. Furthermore, by the Temple's own admission, its traffic engineer has not studied impacts of using the Davenport driveway on the surrounding neighborhoods or the safety of such use. The Temple has acknowledged that its membership has increased by 30% since 2015 and continues to increase; continued growth without limitations on the use of the Davenport driveway means traffic and safety impacts for the surrounding residential neighborhoods that has not been adequately studied or interrogated by the Board. Accordingly, closure of the Davenport driveway for daily and/or regular use should be incorporated into whatever relief the Board grants, consistent with the Board's findings in 2015.⁶

Proposed Use Is Expressly Prohibited

The Temple seeks to demolish a historical home at 284 Webster Street and turn it into a parking lot. This will add 22 parking spots at the Temple and eliminate two rental units of housing within walking distance of public transportation.⁷ The property is within a Single Residence B district. Accessory parking lots are not allowed in SRB districts. *See* Needham Zoning Bylaw § 3.2.1 (listing "Off-street parking for vehicles associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted" as a prohibited use in SRB districts.) If such a prohibition did not exist, commercial and institutional uses could purchase residential lots near their facilities and turn them into parking lots, creating traffic, public safety, aesthetic, and other concerns for nearby neighbors.

To quote from the ZBA's 2015 special permit: "Applicable case law requires the Board to strike a reasonable balance between meeting the applicant's educational and religious needs and the impact of the Project upon the neighborhood or the community at large." (SP at 15.) The Temple itself has said that its parking lot "functions well." (SP at 4.) It stands to reason, then, that maintaining 284 Webster Street as a residential lot would not "impede [the Temple's] ability to fulfill its mission to provide a high quality religious educational environment for its students and to provide religious and social services to its members." (SP at 15.) Maintaining the existing rental units at 284 Webster Street complies with use restrictions, limits adverse traffic and public safety impacts on the community, and serves the ever-important need for housing in Needham.

became available and use that driveway only for High Holidays and well-attended funerals, Temple officials declined to make such a commitment.

⁶ If the parking lot at 284 Webster Street is permitted, then the Temple will have ample space within its parking areas for COVID-related outdoor classrooms and exclusive vehicular access via its main driveway on Webster Street. COVID should not be a rationale for using the Davenport driveway if the parking area is expanded.

⁷ The project in its entirety will eliminate four units of rental housing within walking distance of public transportation.

Open Space and Screening Concerns

In the event the project is approved, the Board may impose “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” (SP at 15.) A parking lot at 284 Webster Street will be “detrimental to the...general character and visual appearance of the surrounding neighborhood and abutting uses” to the south and east, which are exclusively residential, and which have been severely impacted over the last ten years by the Temple’s 2015 expansion project and the widening of Highland Avenue. (SP at 17.) These past projects have resulted in more than 100 trees being cut down within an area roughly equivalent to a city block. With this project, the Temple proposes to take down a dozen more, including two mature, 50-foot trees. It is among the Select Board’s current goals to investigate a means to preserve trees, which is appropriate given the massive loss of mature trees in town due to development. Placing reasonable restrictions on projects like this one – for instance, by requiring the Temple to preserve the 50-foot native Eastern White Pine on 284 Webster Street – would be a good start.⁸

At the community meeting on May 9, 2022, several neighbors (perhaps every single person in the room) brought up the need for setbacks and screening plantings at 284 Webster Street. The first community meeting concerning the project was held on May 9, 2022 – *i.e.*, 10 days before the ZBA hearing. There simply has not been enough time for residents (many of whom have young children and work full time, not as landscape architects) to make heads or tails of the landscape plan. It seems to include some nice elements, but we need more time to evaluate it cooperatively with the Temple.

In conclusion, we are happy that the Temple is part of our neighborhood, and we are happy that their community is thriving. We want TBS to have the space it needs, but not at the expense of nearby residential neighborhoods. We are relying on the Board to place relatively minor, reasonable limits on the Temple’s expansion for the preservation and safety of our neighborhood in the Heights. In this instance, there is likely a way for everyone to win – we just need the time to get there.

Thank you for considering our comments.

Sincerely,

Ashly E. Scheufele
Russell J. Smith
52 Greendale Avenue

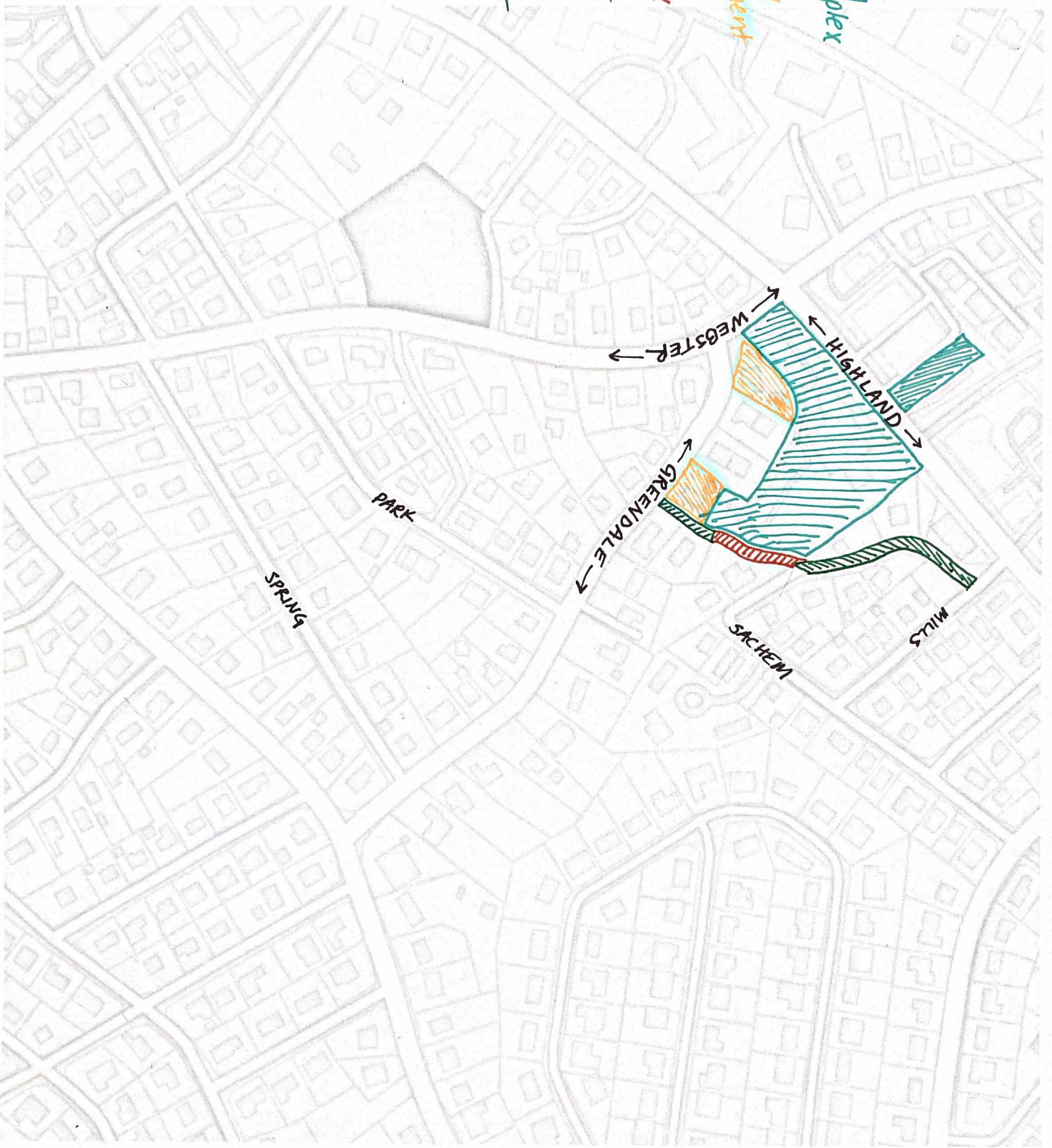
⁸ Evergreen Eastern White Pines provide nesting sites for several types of birds, windbreaks, stormwater capture, carbon sequestration, and other valuable environmental and aesthetic benefits.

Existing
TBS Complex

TBS
Proposed
Development
Sites

Unimproved
portion of
Davenport

Paved
portion of
Davenport



Daphne Collins

From: Matt Scheufele <matt.scheufele@gmail.com>
Sent: Wednesday, May 18, 2022 4:57 PM
To: Daphne Collins
Subject: ZBA Hearing: 284 Webster Street Project

Dear Ms. Collins,

I am writing with concern regarding the new development being proposed at 284 Webster Street. I live at 29 Davenport Road, directly abutting the rear of the Temple Beth Shalom property. When they expanded their main building in 2015, TBS promised neighbors that their parking lot functioned well and they had no plans to expand it. TBS is now replacing residential homes and large trees with additional asphalt.

Needham Heights has suffered from the tradeoff of trees for asphalt at an alarming rate over the past several years. The Highland Ave. expansion involved the removal of many large mature trees, the 128 add-a-lane project removed many hundreds of large mature trees from the immediate area, and many large mature trees were removed for the expansion of the fire station.

TBS' 2015 project involved the removal of approximately 100 trees from their property. Many of those were large beautiful mature trees that strongly contributed to the character of our neighborhood. In addition to the trees removed, the Temple destroyed the roots of several of the large mature trees that remained on the property. Those trees have since fallen or will soon be chopped down because they are dying.

This continues to be a major problem in Needham. Mature trees cannot be easily replaced with new trees. It takes decades for these trees to grow. Please protect the large mature trees that characterize Needham's beautiful neighborhoods.

It's very disappointing to see how greatly Needham undervalues these important natural community resources for the sake of development. If a town like Needham cares so little about protecting natural resources, it isn't surprising to see how those similar decisions have been made across the globe to the detriment of our environment.

Enjoy the 95 degree temps this weekend. Record high (again).

Matt

To: Zoning Board
Re: Temple Expansion
From: Steve and Kathy Sussman, 30 Davenport Road
Date: 5/18/2022

General observation: The Temple obviously has been planning this expansion for quite some time. They bought the properties they want to develop about 2 years ago, or so we were told. The neighbors were alerted just 2 weeks ago. There was one meeting for discussion on 5/9, a mere 10 days before their proposal is to be presented before the ZBA. This is just not adequate time to review the plans and put together a response.

In 2015 when the 22,000 square foot addition was built the neighbors were promised that this was their last expansion to the property. Parking was deemed adequate by ZBA at the time. Since then a playground area has been added and space not designated as play area is being used for daycare playground. And that brings us to this next plan. What does the future hold for the neighborhood? Will the condos that will be surrounded by the proposed parking lot and "classroom" house be bought and developed. What is the fate of the houses on Davenport, Greendale, and Webster roads. What is happening with Three Squares property which is currently a long term rental for the Temple. Will the "classroom" building at 28 Greendale eventually be torn down to build a structure more functional for classrooms, day care and office space?

Davenport Road Issue: I'm not quite sure or convinced how the Covid epidemic justifies using Davenport Road as an exit at this stage. The Temple does not even require masks inside. The TBS property, old and newly acquired borders Davenport Road which is a private way. It is a major safety concern on that small stretch of road and on Greendale where the exit spills out. In the future will the Temple decide it needs to widen the road or perhaps pave the continuation of Davenport which is currently a walking path through a wooded area in order to create a cut through to Mills Road?

Landscaping; We received the landscaping plans 2 days ago which again is not enough time to interpret. The large 2 80+ year old trees were dismissed without much thought. The clump of trees which slated to be removed are referred to as invasive trees/volunteers. They are mature tress.

How much does the town allow TBS to expand at the expense of the neighborhood. With expansion comes more pollution, (liter, noise, lights), more traffic and a commercial feel to a residential area. They are taking two multi-family homes with 6 units and turning them into a parking lot and classrooms. The Temple wants to work with the neighbors but it serves it's own community, which is not the neighborhood. Living next to the temple is best described as uncomfortable, what are they going to do next? How big a complex is needed? What limitations will the town impose on growth to prevent the Temple from dominating a family neighborhood even more than they already do.

Steven Sussman
Kathleen Sussman

From: [Alexandra Clee](#)
To: [Daphne Collins](#)
Cc: [Lee Newman](#); [Elisa Litchman](#)
Subject: FW: Online Form Submittal: Contact Planning Board
Date: Tuesday, June 7, 2022 12:16:24 PM

Hi Daphne, I believe this was meant for you/ZBA.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

-----Original Message-----

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, June 4, 2022 9:53 AM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>
Subject: Online Form Submittal: Contact Planning Board

The following form was submitted via your website: Contact Planning Board

Full Name:: ken lundberg

Email Address:: ken_lundberg@needham.k12.ma.us

Address:: 290 Webster St.

City/Town:: Needham

State:: MA

Zip Code:: 02494

Telephone Number:: 6178234946

Comments / Questions: here is copy of letter we sent to TBS:
Dear Jillian Erdos, Rabbi Jay Perlman, Ellen Dietrick, Eugene Stein,

We apologize we were not able to make any of the meetings concerning the demolition of the old Butterfield house and parking lot expansion across the street from us at TBS. However, we would like to go on record with our concern.

Obviously, the news is not good when you hear that instead of looking at another neighborhood home we will soon see a parking lot. It is always concerning when there is more asphalt creep. It just isn't pleasant, to say nothing of what it does for property values. From the sounds of things, we are concerned there is not enough effort on the temple's part to create natural buffers, some substantial landscaping in addition to some fencing, say, to soften the blow. It is very easy to order up a parking lot when you are not the ones living with it.

At the same time, we are just as alarmed to learn that the temple's timeline may have been cavalier to an aggressive and negligent degree in its handling of tenants who were living in the house to be used as classroom space and have had to find alternative housing nearby, one in the basement of a friend. We knew some of these neighbors, most if not all of whom were single women, some with children. Are these really the moral values you want the children at TBS to walk? Years later when these kids potentially enter into the governance at the temple, how will these expansions be remembered and characterized? Fair? Considerate?

You own these properties and you are within your rights, with the town's blessing, to do what you please, but we find it pretty sad. Legal doesn't necessarily mean ethical.

For years we have invited friends from the temple to swing into our driveway when parking was tight on the street and never once complained about traffic. We'll take a few parked cars over the looming stripmall feel any day.

We are interested to know what the landscaping plan will be and what you are going to do to honor your neighbors in the tradeoff of residential green for commercial gray. Thus far, it doesn't appear any effort is being made.

Sincerely,
Ken and Karin Lundberg
290 Webster Street

Additional Information:

Form submitted on: 6/4/2022 9:53:18 AM

Submitted from IP Address: 73.126.91.62

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