

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

WEDNESDAY, August 10, 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 June 16, 2022 meeting.

Case #1 – 7:30PM **180 Laurel Drive** – Peter and Suzanne Billante, owners, applied to the Board of Appeals for a Special Permit under Sections 1.4.6, 6.1.3, and any other applicable Sections of the By-Law to allow the construction of an attached two-car garage and to alter and maintain a pre-existing legal non-conforming garage. The property is located at 180 Laurel Drive, Needham, MA in the Single Residence B(SR-B) District.

Case #2 – 7:30 PM **150 Gould Street** – Gordon’s Fine Wines of Needham, Inc, applicant, 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 transfer the Special Permit dated July 11, 2019 from Bakers’ Best, Inc. to the applicant. The property is located at 150 Gould Street, Needham, MA in the Industrial-1(IND-1) District.

Case #3 – 7:45PM **54 Pheasant Landing Road** – Jonathan Trahan, owner, applied to the Board of Appeals for a Special Permit under Sections 6.1.2, and any other applicable Sections of the By-Law to allow the construction of a detached single-car garage. The property is located at 54 Pheasant Landing Road, Needham, MA in the Single Residence A (SR-A) District.

Next ZBA Meeting – September 15, 2022

NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY, June 16, 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, June 16, 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 May 19, 2022. Mr. Goldman seconded the motion. The Board unanimously approved the minutes.

Case #1	68 Wilshire Park	Approved
Case #2	35 Highland Circle	Approved
Case #3	670 Highland Avenue <i>(Temple Beth Shalom)</i>	Approved

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 9:10 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	PETER & SUZANNE BILLANTE			Date:	01 JULY 2022
Applicant Address	180 LAUREL DRIVE NEEDHAM MA 02492			peter.billante@gmail.com	
Phone	617-339-4607	email	suzanne.billante@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	SCOTT MELCHING (ARCHITECT)				
Address	116 ARCH STREET - NEEDHAM MA 02492				
Phone	718.578.3354	email	scott@scottmelchingarchitect.com		
Representative is ☐ Attorney; ☐ Contractor; ☒ Architect; ☐ Other _____					
Contact ☒ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	180 LAUREL DRIVE - NEEDHAM MA 02492		
Map/Parcel Number	MAP # 203 / PARCEL 83	Zone of Property	SRB
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (select one): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

SINGLE FAMILY HOME WITH A SEPARATE DRIVEWAY (2 EXTERIOR UNCOVERED PARKING SPACES) AND A DETACHED GARAGE. THE EXISTING GARAGE IS BUILT INTO THE STEEP GRADE FACING WARREN STREET AND IS CONNECT TO A RETAINING WALL. THE ONLY VISIBLE FACADE IS THE ENTRY FACADE. THE GARAGE IS LOCATED +/- 10'-0" BELOW THE GROUND FLOOR OF THE EXISTING HOME & ACCESSIBLE ONLY FROM WARREN STREET. DRIVEWAY IS ACCESSED FROM LAUREL DRIVE.

Statement of Relief Sought:

SPECIAL PERMIT APPLICATION TO MAINTAIN EXISTING DETACHED GARAGE AS A THIRD CAR BAY. THE PROPOSED ADDITION INCLUDES AN ATTACHED 2-CAR GARAGE LOCATED ROUGHLY IN THE SAME LOCATION AS THE CURRENT EXTERIOR PARKING SPACES AND WILL BE ACCESSED VIA THE EXISTING DRIVEWAY CURB CUT. NO CHANGES TO EITHER CURB CUT ARE PROPOSED. EXISTING GARAGE HAS BEEN WELL MAINTAINED, ROOF STRUCTURE AND ARCHITECTURAL ASPHALT SHINGLES HAVE BEEN REPLACED IN THE LAST 5 YEARS.

Applicable Section(s) of the Zoning By-Law: **6.1.2 - 3RD CAR BAY**

1.4.6 ALTERATION

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

	Existing Conditions	Proposed Conditions
Use SINGLE FAMILY		
# Dwelling Units	1	1
Lot Area (square feet)	13,002 SF	13,002 SF
Front Setback (feet) LAUREL DRIVE	29.2'	29.2'
Rear Setback (feet)	34.5'	21.9'
Left Setback (feet)	42.5'	14.3'
Right Setback (feet) WARREN STREET	28.5'	28.3'
Frontage (feet)	215.62'	215.62'
Lot Coverage (%)	12.7%	22.1%
FAR (Floor area divided by the lot area)	.170	.2934
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:

BUILT 1928 - ADDITION 2002 - INT RENO 2006/08

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>	N/A
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 01 JULY 2022
date of consult

Date: 01 JULY 2022 Applicant Signature 
SUZANNE BILLANTE

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

Approved _____ Building Inspector Date _____

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. MAP NO. 203, PARCEL 83

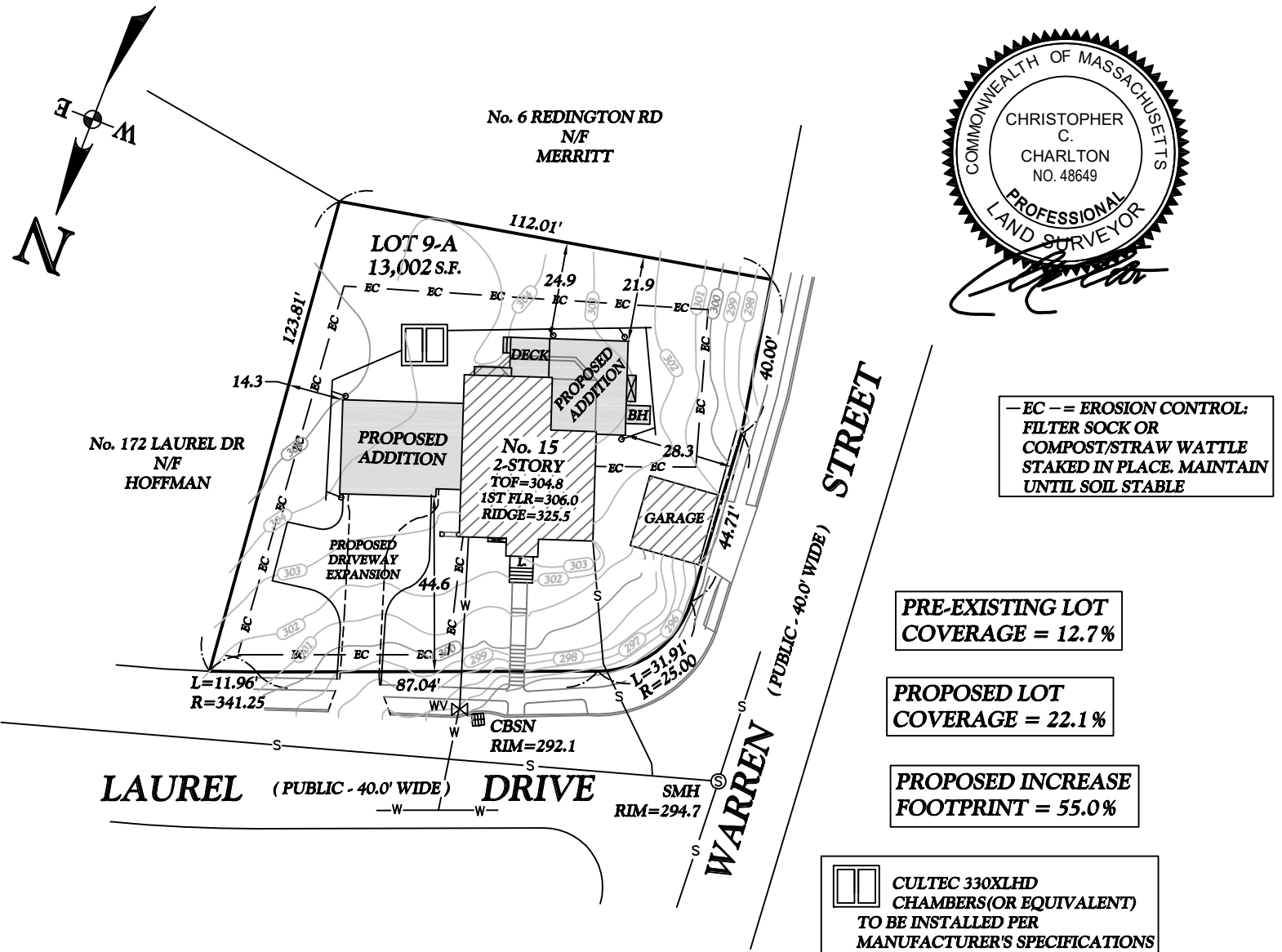
Building Permit No. _____ Zoning District SR-B

Lot Area 13,002 S.F. Address No. 180 LAUREL DRIVE

Owner PETER A. & SUZANNE S. BILLANTE Builder _____

PROPOSED ADDITIONS 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 30th day of JUNE 20 22.
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 _____

ZONING BOARD OF APPEALS

SPECIAL PERMIT APPLICATION

180 LAUREL DRIVE

NEEDHAM MA

01 JULY 2022

Prepared for:
Suzanne & Peter Billante
180 Laurel Drive
Needham MA 02492

Architect:
Scott Melching AIA, LEED GRP
116 Arch Street
Needham MA 02492
www.scottmelchingarchitect.com



EXISTING GARAGE
TO REMAIN

EXISTING GARAGE +/- 10'
LOWER THAN FIRST FLOOR
OF EXISTING HOME



VIEW FROM LAUREL DRIVE

VIEW FROM SIDE YARD

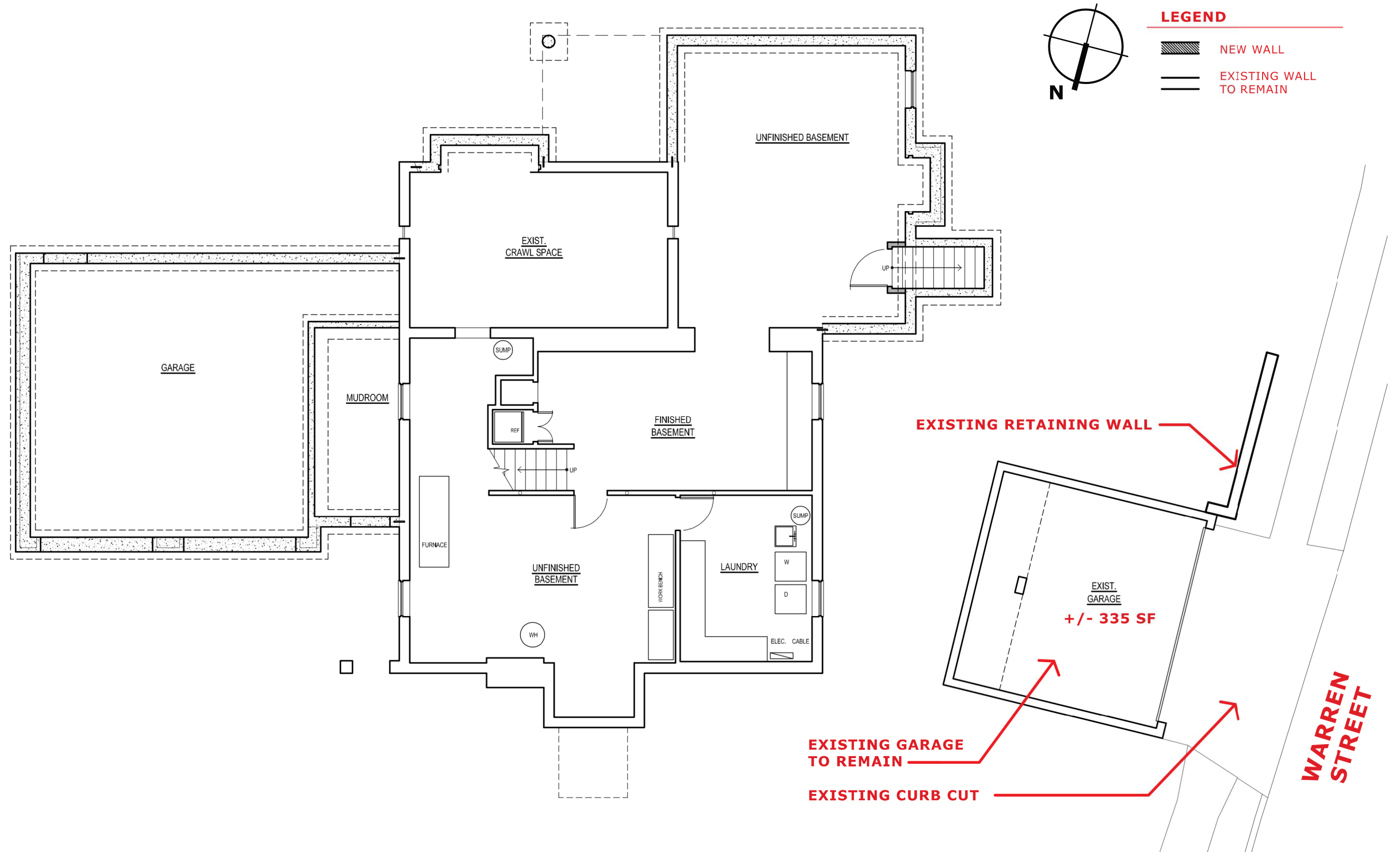


VIEW FROM CORNER OF LAUREL DRIVE & WARREN



EXISTING
RETAINING
WALL

VIEW FROM WARREN STREET



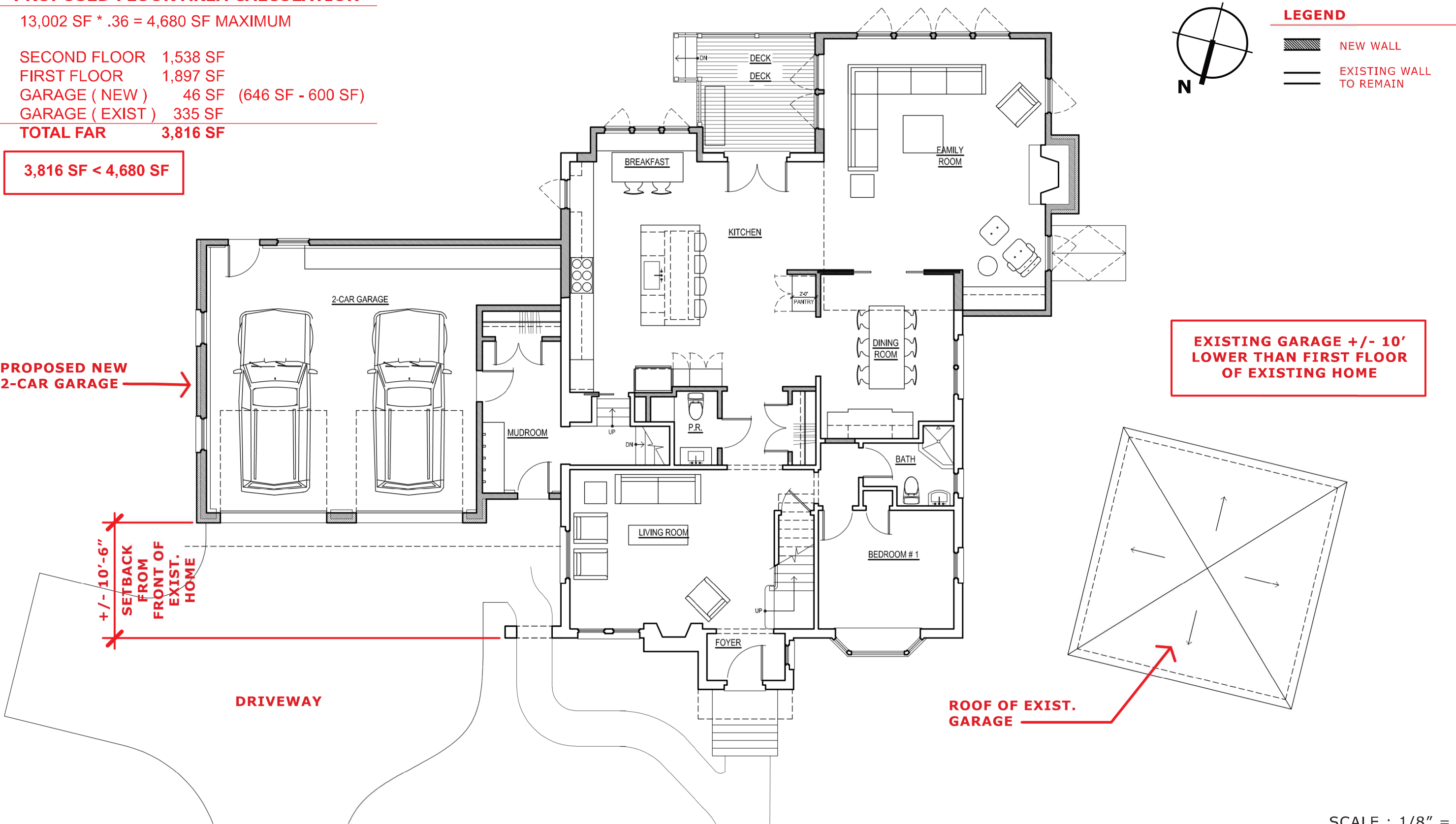
SCALE : 1/8" = 1'-0"
 WHEN PRINTED ON 11X17" PAPER
 01 JULY 2022

PROPOSED FLOOR AREA CALCULATION

13,002 SF * .36 = 4,680 SF MAXIMUM

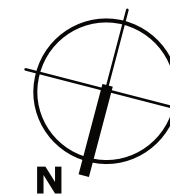
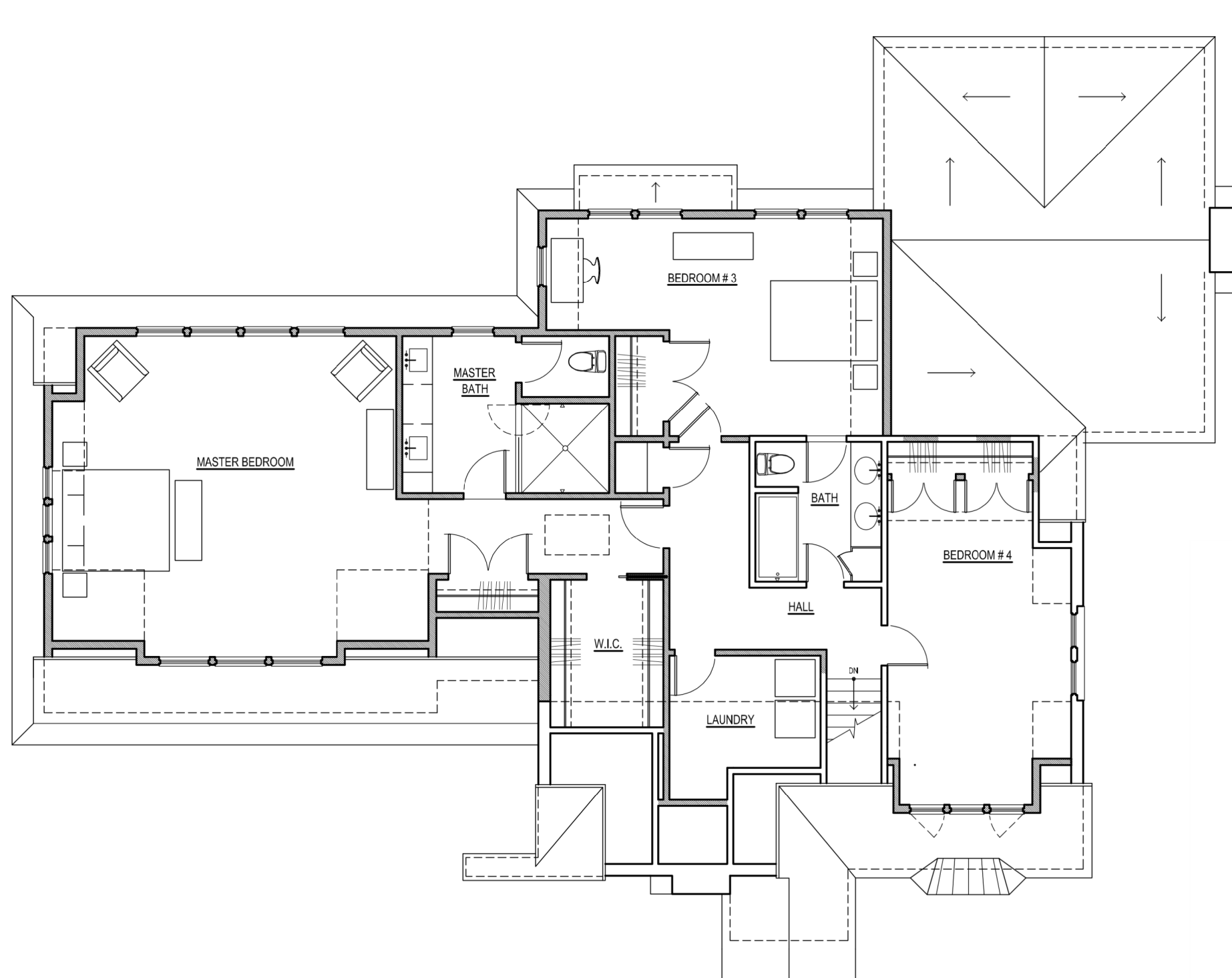
SECOND FLOOR 1,538 SF
FIRST FLOOR 1,897 SF
GARAGE (NEW) 46 SF (646 SF - 600 SF)
GARAGE (EXIST) 335 SF
TOTAL FAR 3,816 SF

3,816 SF < 4,680 SF



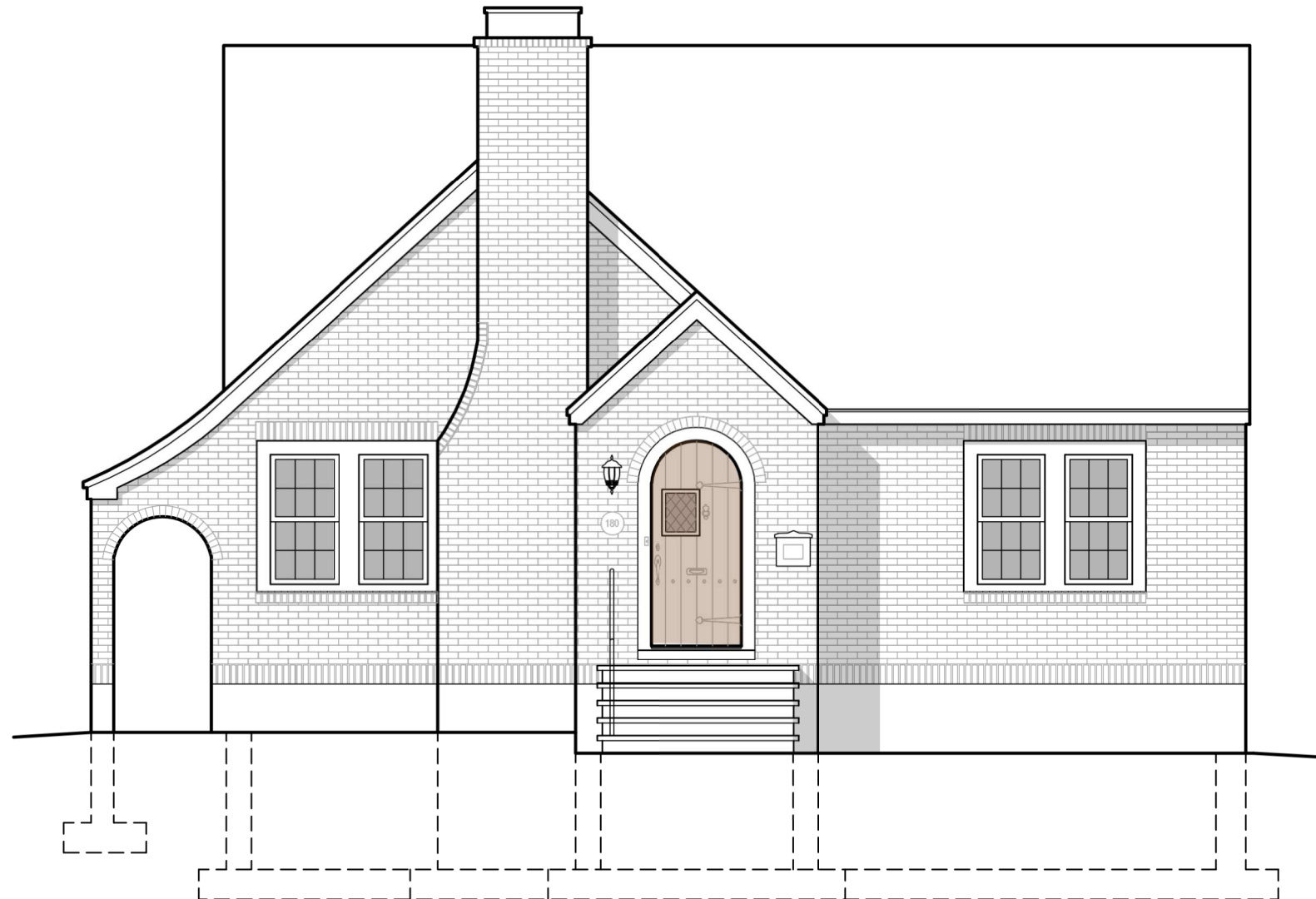
4 | FIRST FLOOR PLAN - PROPOSED

SCALE : 1/8" = 1'-0"
WHEN PRINTED ON 11X17" PAPER
01 JULY 2022



LEGEND

- NEW WALL
- EXISTING WALL TO REMAIN

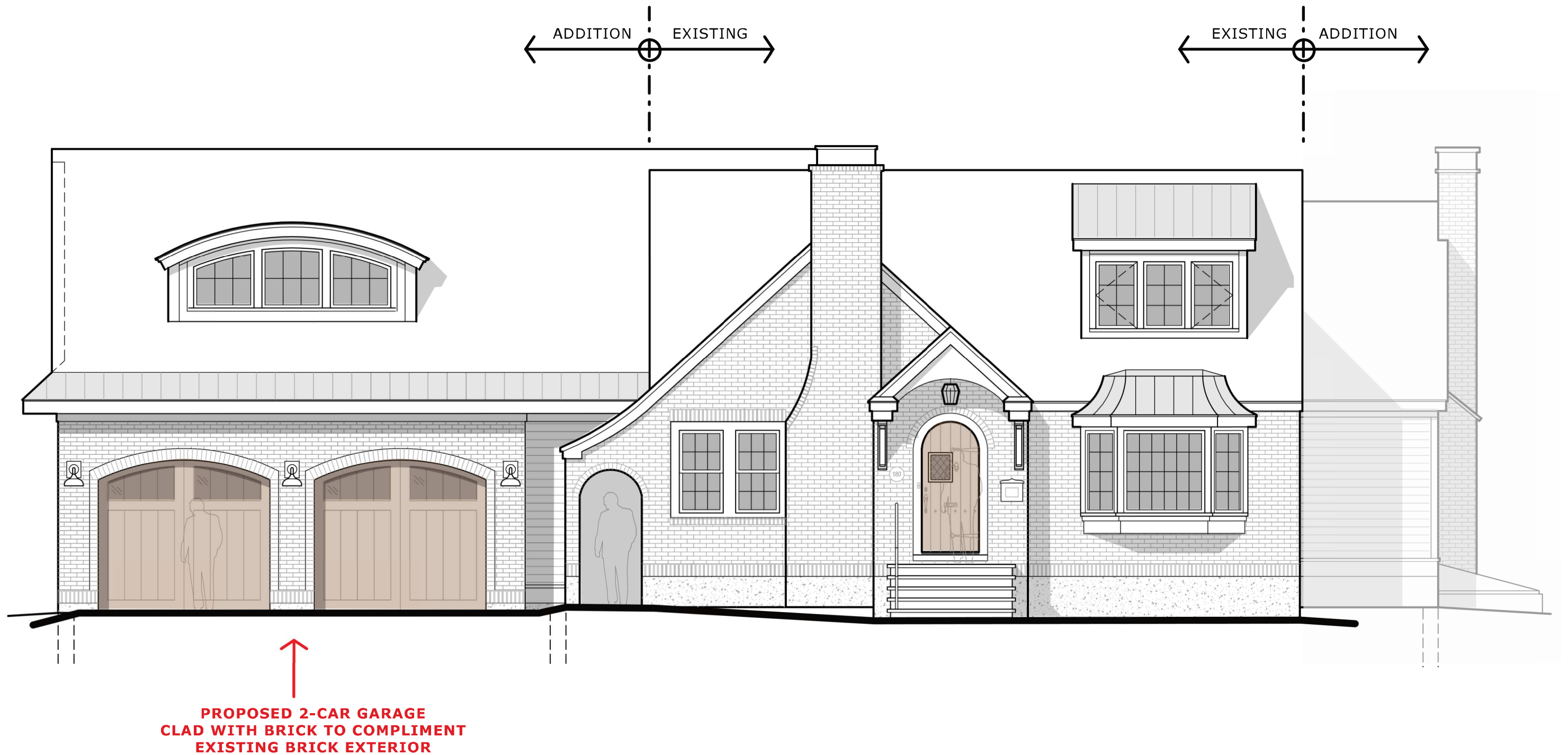


6 | FRONT ELEVATION - EXISTING

180 LAUREL DRIVE | ZBA APPLICATION

SCALE : 3/16" = 1'-0"
01 JULY 2022

SCOTT MELCHING ARCHITECT
AIA . LEED BD+C . GRP



7 | FRONT ELEVATION - PROPOSED

180 LAUREL DRIVE | ZBA APPLICATION

SCALE : 3/16" = 1'-0"
01 JULY 2022

SCOTT MELCHING ARCHITECT
AIA . LEED BD+C . GRP



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

Tel. 781-455-7550 x 308

July 25, 2022

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

Re: Application review for the August Hearing

Dear Board Members,

180 Laurel Drive

I have reviewed the application for 180 Laurel Drive, and I do not have any issues with a Special Permit for the third garage space, the proposed additions meet all the dimensional requirements in the Zoning By-Law.

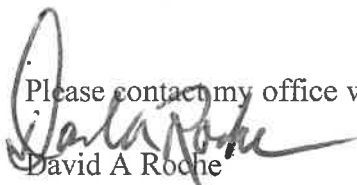
150 Gould Street

I have reviewed the application for 150 Gould Street and based on the information provided they are requesting an amendment to transfer the Special Permit that was issued to Baker's Best to the new owner of the business and building Gordan's Fine Wines of Needham. The terms and conditions that were approved under the Special Permit will still be in effect, the new owner (Gordan's) will not conduct any business from this location. I have no issues with the transfer of the Special Permit only.

54 Pheasant Landing Road

I have reviewed the application for 54 Pheasant Landing Road, the applicant is seeking a Special Permit to add a fourth garage space in a freestanding one car garage. I do not have any issues with this Special Permit.

Please contact my office with any questions.


David A Roche
Building Commissioner
Town of Needham

Daphne Collins

From: Tom Conroy
Sent: Tuesday, August 2, 2022 3:07 PM
To: Daphne Collins
Subject: RE: 180 Laurel Drive - ZBA Administrative Review

Fire dept has no issues.

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, August 2, 2022 2:11 PM
To: Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: FW: 180 Laurel Drive - ZBA Administrative Review

Hi Guys-
Reminder – ZBA Comments due today.
Thank you,
Daphne

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, July 20, 2022 4:05 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: 180 Laurel Drive - ZBA Administrative Review

180 Laurel Drive – Peter and Suzanne Billante, owners, are seeking a Special Permit to add a third garage. Currently there is a legal non-conforming garage which will remain. The owners are proposing to add an attached two-car garage. The property is located in the SR-B district.

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

I appreciate your comments no later than **August 2, 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

Town of Needham
Planning and Community Development

Daphne Collins

From: Tara Gurge
Sent: Tuesday, July 26, 2022 6:12 PM
To: Daphne Collins
Subject: RE: 180 Laurel Drive - ZBA Administrative Review

Daphne –

The Public Health Division conducted our Zoning Board review for the property located at #180 Laurel Drive and has no comments to share at this time.

Thanks,



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



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

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, July 20, 2022 4:05 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: 180 Laurel Drive - ZBA Administrative Review

180 Laurel Drive – Peter and Suzanne Billante, owners, are seeking a Special Permit to add a third garage. Currently there is a legal non-conforming garage which will remain. The owners are proposing to add an attached two-car garage. The property is located in the SR-B district.

Daphne Collins

From: John Schlittler
Sent: Wednesday, July 20, 2022 4:26 PM
To: Daphne Collins
Subject: RE: 180 Laurel Drive - ZBA Administrative Review

Police has no issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, July 20, 2022 4:05 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: 180 Laurel Drive - ZBA Administrative Review

180 Laurel Drive – Peter and Suzanne Billante, owners, are seeking a Special Permit to add a third garage. Currently there is a legal non-conforming garage which will remain. The owners are proposing to add an attached two-car garage. The property is located in the SR-B district.

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

I appreciate your comments no later than **August 2, 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

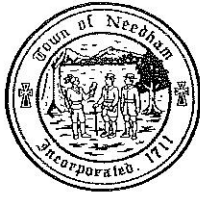
Web <https://www.needhamma.gov/>

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

www.needhamma.gov/NeedhamYouTube

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

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



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

August 2, 2022

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

RE: Case Review-Special Permit
180 Laurel Drive- Special Permit

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced Special Permit to allow the addition of a third garage, extend the driveway, and build an addition to the property.

The documents submitted for review are as follows:

- Application for Special Permit dated 7/1/22;
- Existing Condition Plan and Building Permit Plan prepared by Christopher Charlton dated April, 15 2022 and June/30/22.
- Architectural plans prepared by Scott Melching Architect date July, 1 2022 consisting of 7-sheets.

Our comments and recommendations are as follows:

- In accordance with the Town of Needham Stormwater Bylaw, the proposed new structure requires a minimum combined volumetric capacity of 1 inch over the entire impervious area of the property to be recharged. The plans should be revised, prior to receiving a building permit, showing the calculations that the infiltration system is sized to contain a minimum of 1-inch of the total impervious area of the site for infiltration.

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

Truly yours,

Thomas A Ryder
Town Engineer

tryder

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

TELEPHONE (781) 449-4520

FAX (781) 465-6059

July 18, 2022

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Gordon's Fine Wines of Needham, Inc.
150 Gould Street
Transfer of Bakers' Best, Inc. special permit

Dear Ms. Collins,

Please be advised this office represents Gordon's Fine Wines of Needham, Inc. (hereinafter "Gordon's") with respect to the property known and numbered 150 Gould Street, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of authorization letter from Bakers' Best, Inc., current special permit holder;
3. Seven copies of authorization letter from Renco Investment Associates Limited Partnership, owner of the Premises;
4. Check in the amount of \$200 for the applicable filing fee.

The Premises is situated in an Industrial-1 (Ind-1) Zoning District and is occupied by an existing commercial structure. From 2006 through 2019, Bakers' Best, Inc. (hereinafter, "Bakers") used and occupied approximately one-half of the existing building and a portion of the exterior area at the Premises for commercial catering and commissary purposes. Then, by Decision dated July 11, 2019, filed with the Town Clerk on August 19, 2019, the Board of Appeals authorized the expansion of such use into the entire building. As a result, Bakers now uses and occupies the entire building.

Gordon's is seeking permission for the transfer of the aforementioned July 11, 2019 special permit, from Bakers to Gordon's as part of a larger transaction. At present, no change or alteration to the business, or to any of the terms and conditions of the special permit is currently contemplated or proposed. This application is strictly for the transfer of the special permit, including the terms and conditions contained therein.

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

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Gordon's Fine Wines of Needham, Inc.			Date:	7/18/22
Applicant Address	894 Main Street, Waltham, MA 02453				
Phone	617-642-1728	email	dgordon@gordonswine.com		
Applicant is ☐ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other ☒ Prospective Purchaser					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	George Giunta, Jr., Esq.				
Address	281 Chestnut Street, Needham, MA 02492				
Phone	617-840-3570	email	george.giuntajr@needhamlaw.net		
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____					
Contact ☐ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	150 Gould Street, Needham, MA 02494		
Map/Parcel Number	Map 79 / Parcel 10	Zone of Property	Industrial-1 (Ind-1)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? Yes ☐ No ☒ N/A			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☒ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Commercial catering and commissary operation with accessory take-out in a lawful, pre-existing, commercial building, which is non-conforming as to side-yard setbacks; such use authorized pursuant to special permits issued by the Board of Appeals to Bakers' Best, Inc. in 2006, as amended, in 2019 and in 2020.

Statement of Relief Sought:

Transfer of Special Permit dated July 11, 2019, filed with the Town Clerk on August 19, 2019, issued to Baker's Best, Inc.

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

3.2.1, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Section or By-Law

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

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		
Date Structure Constructed including additions:	Date Lot was created:	



ZBA Application For Hearing

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.



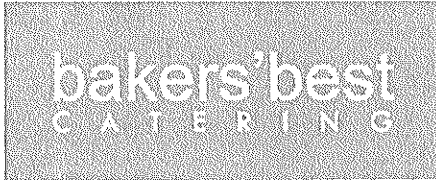
I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

Date: July 18, 2022 Applicant Signature

Gordon's Fine Wines of Needham, Inc.

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

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



www.bakersbestcatering.com

150 gould street, needham, ma 02494

617 332 4588 main

June 22 , 2022

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Gordon's Fine Wines of Needham, Inc.
Logistics / Retail Distribution and Planning Facility
150 Gould Street
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that Bakers' Best, Inc., tenant of the property known and numbered 150 Gould Street, Needham, MA, has authorized Gordon's Fine Wines of Needham, Inc., prospective purchaser, through their attorney George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with both (a) the transfer of all current special permits and zoning relief issued relative to Bakers' Best, and (b) the renovation and reuse of a portion of the said property as a Logistics / Retail Distribution and Planning Facility. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Baker", written over a horizontal line.

Bakers' Best, Inc.
By Michael Baker

July 14, 2022

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Gordon's Fine Wines of Needham, Inc.
Logistics / Retail Distribution and Planning Facility
150 Gould Street
Application for Zoning Relief

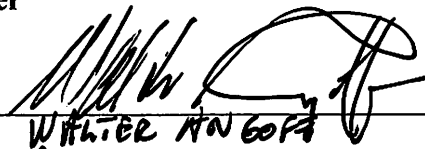
Dear Mrs. Collins,

Please accept this letter as confirmation that Renco Investment Associates Limited Partnership, owner of the property known and numbered 150 Gould Street, Needham, MA, has authorized Gordon's Fine Wines of Needham, Inc., prospective purchaser, through their attorney George Giunta, Jr., Esquire, to make application to the Town of Needham Board of Appeals (the "ZBA") requesting the approval of the transfer or assignment of that certain Special Permit Amendment dated July 11, 2019 issued by the ZBA to Bakers' Best, Inc. to Gordon's Fine Wines of Needham, Inc.

Sincerely,

**RENCO INVESTMENT ASSOCIATES
LIMITED PARTNERSHIP, a Massachusetts
limited partnership**

**By: RENCO MANAGEMENT, INC., its General
Partner**

By: 
Name: WALTER ANGOFF
Title: PRESIDENT



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

Tel. 781-455-7550 x 308

July 25, 2022

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

Re: Application review for the August Hearing

Dear Board Members,

180 Laurel Drive

I have reviewed the application for 180 Laurel Drive, and I do not have any issues with a Special Permit for the third garage space, the proposed additions meet all the dimensional requirements in the Zoning By-Law.

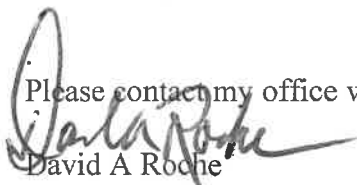
150 Gould Street

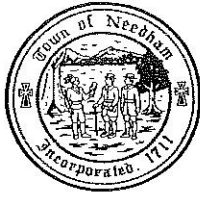
I have reviewed the application for 150 Gould Street and based on the information provided they are requesting an amendment to transfer the Special Permit that was issued to Baker's Best to the new owner of the business and building Gordan's Fine Wines of Needham. The terms and conditions that were approved under the Special Permit will still be in effect, the new owner (Gordan's) will not conduct any business from this location. I have no issues with the transfer of the Special Permit only.

54 Pheasant Landing Road

I have reviewed the application for 54 Pheasant Landing Road, the applicant is seeking a Special Permit to add a fourth garage space in a freestanding one car garage. I do not have any issues with this Special Permit.

Please contact my office with any questions.


David A Roche
Building Commissioner
Town of Needham



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

August 2, 2022

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

RE: Case Review-Special Permit
150 Gould Street- Special Permit

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced Special Permit to allow the transfer of the previous Special Permit for the site to allow Baker's Best occupation of the full building for commercial operation.

The documents submitted for review are as follows:

- Application for Special Permit dated 7/18/22;
- Letter to ZBA from George Giunta Jr., Esq. dated 7/18/22;
- Letter to ZBA from Baker's Best, Michael Baker dated June 22, 2022;

Our comments and recommendations are as follows:

- We have no comment or object to the transfer of Special Permit

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

Truly yours,

Thomas A Ryder
Town Engineer

tryder

Daphne Collins

From: Tom Conroy
Sent: Tuesday, August 2, 2022 3:07 PM
To: Daphne Collins
Subject: RE: 150 Gould Street - ZBA Administrative Review

No issues with the Fire dept.

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, August 2, 2022 2:08 PM
To: Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: FW: 150 Gould Street - ZBA Administrative Review

Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

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

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

www.needhamma.gov/NeedhamYouTube

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

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

Remote Hours: Thurs 8:00am-5:00pm

Hi Folks,

Reminder. ZBA Comments are due today.

Thank you,

Daphne

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, July 20, 2022 4:00 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Cc: Amy Haelsen <ahaelsen@needhamma.gov>
Subject: 150 Gould Street - ZBA Administrative Review

Good Afternoon –

150 Gould Street – Gordon's Fine Wine of Needham, Inc. is seeking to transfer a Special Permit dated July 11, 2019 with all its terms and conditions from Bakers' Best, Inc. to Gordon's. The property is located in the Industrial-1 district.

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

Daphne Collins

From: Tara Gurge
Sent: Tuesday, July 26, 2022 5:58 PM
To: Daphne Collins
Subject: RE: 150 Gould Street - ZBA Administrative Review

Daphne –

In reference to the ZBA Plan review for #150 Gould St., the Public Health Division has the following comments. See below:

- We see that there may be a change of owner, and if this is true, the new owner, if planning to open a retail Wine store, the new applicant must fill out and submit an online Public Health Division Food Permit Plan Review application for our review and approval, for the proposal for retail sale of alcohol on site, which includes a retail food establishment 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. Pre-operation inspections must be conducted prior to issuance of a retail food establishment permit, which must be issued prior to operation.
- Ensure that this proposed retail 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.

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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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
MARCH 23, 2006**

RECEIVED TOWN CLERK
NEEDHAM, MA 02452
2006 APR 14 AM 9:19

BAKERS' BEST, INC.

Upon the application of Bakers' Best, Inc., 27 Lincoln Street, Newton, MA, prospective tenant to the Board of Appeals for a Special Permit under Section 3.2.1, 5.1.2, 5.1.3, and 7.5.2 of the Zoning By-law to allow commercial catering and commissary operation in Industrial District at 150 Gould Street, a public hearing was held at the John Eliot School, 135 Wellesley Avenue Needham, MA on Thursday, March 23, 2006 in the evening pursuant to notice thereof published in a local newspaper and mailed to all parties in interest.

Filed with the application was a letter from Attorney George Giunta, Jr., 281 Chestnut Street, Needham, MA, dated February 28, 2006, plus a floor plan, entitled "Bakers' Best Commissary, which is undated. Mr. Giunta, Jr. presented the Board with a "Memorandum in Support of Application for Special Permit, 150 Gould Street, Needham, MA", dated March 23, 2006. Mr. Giunta, Jr. stated that Bakers' Best is seeking to rent 10,000 square feet of space at 150 Gould Street, where the previous tenant was "Exhibit Source", who was utilizing the property primarily for storage. The other half of the building is leased to United Refrigeration, Inc. following permits issued by the Board of Appeals on March 4, 2003 and July 22, 2003.

Mr. Giunta, Jr. described Bakers' Best as a commercial catering and commissary operation. They currently operate a restaurant/cafe with accessory catering in Newton Highlands, with twenty-two years of experience. Bakers' Best intends to maintain the retail location in Newton, and to move the catering operation to Needham. Bakers' Best plans to use the space at 150 Gould Street (the "Premises") as follows: 1,420 for office space and bathrooms; 3,262 square feet for storage (including cold and dry), and 5,318 square feet for production/assembly area as shown on an interior layout plan filed submitted to the Board, entitled "Bakers' Best Commissary, 150 Gould Street, Needham, MA" and dated March 23, 2006.

Mr. Giunta, Jr. introduced Tim Ferraro, representing Bakers' Best, and Brian Rehrig of Renco Management. No customers will be met at the proposed facility. Orders will be received by phone or fax. The food will be processed/assembled for offsite delivery. Mr. Giunta, Jr. characterized the use as a manufacturing type facility, with an edible product that is wrapped and delivered to the end user, who is the consumer. He stated that the proposal would fall under 3.2.1, because the use is not enumerated elsewhere.

Mr. Giunta, Jr. stated that the cooking equipment and venting will comply with the rules and regulations of the Board of Health. He stated there will be no offensive odors, and that waste and trash will be picked up in a timely manner. Hours of operation are generally expected between 3:00 a.m. and 11:00 p.m., The facility is anticipated to be "active" primarily between 8:00 a.m. and 5:00 p.m, with "core" hours between 10:00 a.m. and 2:00 p.m. Very few staff are anticipated outside of the "active" hours, though it

is expected that security will be provided 24 hours per day.

The Premises is located in the Industrial District, but abuts a residential district. Mr. Giunta, Jr. stated that subject building is set back from the street. Beyond the street, there is a vegetative buffer, then a driveway in front of the residences.

There exists a total of 37 parking spaces on the site. Mr. Giunta, Jr. stated that the other tenant in the building, United Refrigeration, utilizes 15 spaces, which would leave 22 spaces available for Bakers' Best. Mr. Giunta, Jr. calculated that Bakers' Best would require 28 parking spaces for the combination of the office, storage and production/assembly area. Forty-five employees are expected on site during peak hours. Mr. Giunta, Jr. stated that up to 27 of the employees working during the peak hours will use public transportation, or will be shuttled to the Premises by Baker's Best. This would reduce the parking need at the site to 18 spaces. Mr. Rehrig stated that he would be willing to designate 21 parking spaces for Bakers' Best. The Building Inspector has recommended 28 spaces. The Applicant will thus require a Special Permit to waive the strict parking requirements under the Bylaw so as to allow for only 21 spaces for Applicant's proposed use.

Bakers' Best would utilize the front left bay for incoming product deliveries, with outgoing deliveries at the back. Currently Bakers' Best utilizes eight drivers for transportation and delivery. They expect to increase this number to twelve. The Board indicated that the drivers performing the deliveries must also be able to park, and sought a limit of 18 parking spaces for employees, reserving the remaining 3 for delivery use. The Board also specified that, due to the proximity to the residential area, that incoming deliveries should be prohibited between 9:00 p.m. and 7:00 a.m.

There exist parking waivers associated with the Premises, following the Board's previous decisions.

Jack Boyajian, 11 Lynn Road, abutter, inquired about the Premises being utilized for retail. The Planning Board letter, dated March 23, 2006, stated "No Comment". No one further appeared in favor or opposition to the application. The hearing closed, and the Board proceeded to deliberate.

DECISION:

On the basis of the evidence presented at the hearing upon the application of Bakers' Best, Inc., 27 Lincoln Street, Newton, MA, prospective tenant (the "Applicant") to the Board of Appeals for a Special Permit under Section 3.2.1, 5.1.2 and 5.1.3 and 7.5.2 of the Zoning By-law to allow a commercial catering and commissary operation in Industrial District at 150 Gould Street, the Board makes the following findings:

1. The Premises is located in the Industrial District. It is occupied by a one story building, consisting of 20,450 square feet of area and associated off street parking.
2. The proposed business will occupy the space formerly occupied by a previous tenant "Exhibit Source", who was utilizing the property primarily for storage. The other half of the building is leased to United Refrigeration, Inc. following a Special Permit issued to United Refrigeration, Inc. by the Board of Appeals on March 4, 2003 (the "United Decision") and a second Special Permit issued to the property owner, Renco

Investments Associates, LLP dated July 22, 2003 (the "Renco Decision").

3. The proposed business is for the process, assembly and delivery of edible food products for a catering business and an off site restaurant. The Applicant characterizes the use as a manufacturing type use for an edible product. Under the Zoning By-law there is no specific use for the business to be operated by the Applicant. Accordingly, the proposal would fall under 3.2.1, for a lawful purpose or special use not enumerated elsewhere.

4. The Applicant has stated that the average number of employees working at the business per hour would be approximately 22, but that there could be at times as many as 45 employees on-site during hours of peak production, between 10:00 a.m. and 2:00 p.m..

5. The Applicant has operated a retail and smaller catering business in Newton Highlands for many years and is experienced in the business.

6. The alteration of the Premises' parking area was deemed to be necessary in the Renco Decision due to the parking area's configuration, grading, topography and because of the shape of the lot.

7. Pursuant to Section 5.1.2 of the By-law, a total of 69 parking spaces are required (20,450 square feet of floor area @ one parking space per 300 square feet).

8. The parking area contains only 37 parking spaces at the Premises, and does not comply with the applicable design requirements of Section 5.1.3 of the By-Law.

9. The Building Inspector has determined that 28 parking spaces would be required for the operation of Applicant's business at the Premises. Only 21 parking spaces will be provided by the property owner for Applicant's proposed use, as 15 spaces have already been allocated for use by the other tenant, United Refrigeration, Inc.

10. As addressed in the Renco Decision, the parking area was created approximately 30 years ago. At that time, there was no applicable off-street parking requirement in effect. Therefore, the parking area at the Premises was lawful when it was created. However, since that time, detailed requirements have been adopted relating to the design of parking areas (Section 5.1.3 of the By-Law) and the minimum number of spaces required for specified uses (Section 5.1.2 of the By-Law).

11. Further, because of the shape of the lot and the size, shape and location of the building, it is not currently possible to provide the full number of parking spaces required pursuant to Section 5.1.2 of the By-Law, and any meaningful attempt to comply with the design guidelines of Section 5.1.3 would significantly and substantially reduce the number of available parking spaces, and therefore is not feasible, both from a practical standpoint and pursuant to the By-Law.

12. With respect to the proposed waiver for the number of parking spaces, the Board finds that the extent of the existing building coverage is such that the number of parking spaces cannot be met and parking design requirements cannot be met without the substantial and inappropriate reduction in the number of spaces. The Applicant's proposed use is a use that does not warrant the minimum number of spaces required pursuant to Section 5.1.2. The issuance of a Special Permit waiving the number of off-street parking spaces will not be detrimental to the Town, or of the general character, or visual appearance of the surrounding neighborhood and abutting uses and is consistent with the intent of the Zoning By-law and the prior parking waiver granted by the Board in the Renco Decision.

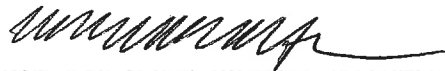
13. The issuance of the Special Permit allowing the proposed use at the Premises would be consistent with the intent of both the Renco Decision and the United Decision.

14. The issuance of a Special Permit for this use at the premises will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the intent of the Zoning By-law.

On the basis of the foregoing findings, following motion duly made and seconded, after due and open deliberations, the Board by unanimous vote grants the Applicant a Special Permit under Sections 3.2.1, 5.1.2 and 5.1.3 and 7.5.2 of the Zoning By-law to allow a commercial catering and commissary operation in the Industrial District at 150 Gould Street, waiving strict adherence to the off-street parking requirements of Section 5.1.2 and Section 5.1.3 of the By-Law in connection with the use of the premises' existing parking area, subject to the following conditions:

1. The interior space to be leased to the Applicant at the premises will be laid out substantially as set forth in the interior layout plan filed with the application dated March 23, 2006 and entitled "Bakers' Best Commissary, 163 Gould Street, Needham, MA."
2. The Applicant will use due diligence at all times to prevent the release of noxious odors and to keep the parking areas and surrounding neighborhood free of trash and litter.
3. All deliveries to the Premises shall be made via the delivery bay located on the left side in the front of the Premises. All outgoing deliveries of the Applicant's completed food products shall be picked up by Applicant's delivery drivers from the rear of the Premises. Due to the proximity to the residential area, incoming deliveries shall be prohibited between 9:00 p.m. and 7:00 a.m., seven days a week.
4. There shall be no retail sales, including in person consumer orders, at or on the Premises, all orders are to be taken by telephone, fax or internet.

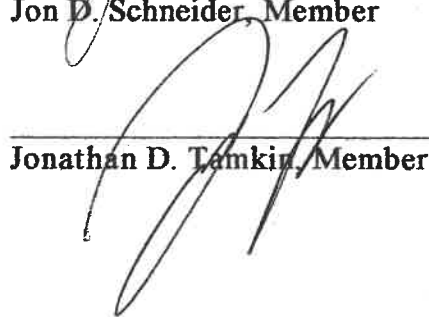
5. There shall be no on site consumption of food or beverages by consumers on the Premises.
6. No more than 21 parking spaces on the premises shall be used for the parking of vehicles used or operated Applicant's employees, contractors or invitees, including delivery drivers, and no shuttle vehicles, delivery vehicles, nor any other vehicle used or operated by an employee, independent contractor or invitee of Applicant shall park in spaces not specifically designated for use by Bakers' Best at the Premises and no such vehicle shall park on Gould Street nor any other surrounding side street or other private parking areas. If on-site parking is inadequate, employees must park elsewhere, and shall be shuttled to the site from other locations.
7. Parking on the Premises shall be maintained substantially in accordance with the plan entitled "Parking Lot Plan, Land in Needham, Mass.", prepared for: Renco Management, Inc., Scale: as noted, dated July 2, 2003, prepared by The Jillson Company, Inc. submitted by the Applicant, and which plan was incorporated as part of the Renco Decision.
8. This special permit is issued to the Applicant only, and may not be transferred, set over or assigned by the Applicant to any other person or entity (except an entity wherein more than 50% control is held by the Applicant), without the prior written approval of the Board of Appeals following such hearing and notice, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
9. Failure to comply with each and any of the foregoing conditions at any time may constitute cause for the revocation of the Special Permit by the Board, after hearing, with notice to the Applicant, and with such other notice as the Board, in its sole and exclusive discretion shall deem due and sufficient.



Michael A. Crowe, Chairman



Jon D. Schneider, Member



Jonathan D. Tamkin, Member

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

August 17, 2006

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2006 AUG 18 PM 3:42

**BAKERS' BEST
Amendment**

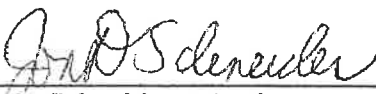
By a letter dated August 12, 2006, Bakers' Best, Inc., 150 Gould Street, Needham, MA, requested that the Board of Appeals allow an amendment to the Special Permit which was granted by the Board of Appeals on March 23, 2006, and filed with the Town Clerk on April 14, 2006, regarding the property at 150 Gould Street, to allow a modification to the plans previously approved by the Board.

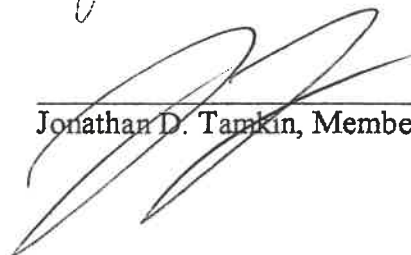
Submitted with the letter was "Bakers' Best, Inc." Schematic Design, prepared by Paul Lukez, Architecture, 1310 Broadway, Suite 104, Somerville, MA, 02114, dated July 26, 2006 with a copy of the floor plan "Bakers' Best Commissary". The amendment request is to accept the plan with more architectural details for layout of interior space.

The Board, acting within its authority, finds that, due to the minor nature of the request, it was not necessary to require a public notice and hearing.

The Board finds that the requested amendment falls within the scope of the March 23, 2006, and filed with the Town Clerk on April 14, 2006, and unanimously votes to allow the schematic design, as referenced above.


Michael A. Crowe, Chairman


Jon D. Schneider, Member


Jonathan D. Tamkin, Member



2007 JAN 17 PM 2:23

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
October 19, 2006**

**BAKERS' BEST
Amendment**

By a letter dated September 28, 2006, Attorney George Giunta, Jr., 281 Chestnut Street, Needham, MA, requested that the Board of Appeals allow an amendment to the Special Permit which was granted by the Board of Appeals on March 23, 2006, and filed with the Town Clerk on April 14, 2006, as amended on August 17, 2006 and filed with the Town Clerk on August 18, 2006, regarding the property at 150 Gould Street, to allow placement of a new electrical transformer along the northerly property line.

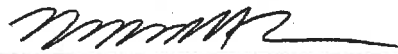
Submitted with the letter was "Bakers' Best, Inc." Schematic Design, prepared by Paul Lukez, Architecture, 1310 Broadway, Suite 104, Somerville, MA, 02114, dated September 19, 2006. The amendment request is to accept the placement of the transformer along the northerly property line, which will cause the shift of a parking space toward the existing building.

The Board reviewed the request at their hearing on October 19, 2006, and acting within its authority, finds that, due to the minor nature of the request, it was not necessary to require a public notice and hearing.

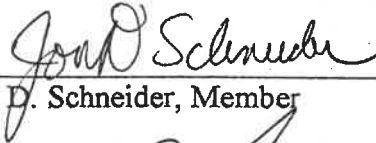
Mr. Giunta, Jr. stated that there would be no material impact on the parking with the siting of the transformer. Mr. Giunta, Jr. stated that to site the transformer at the rear of the property would not be a suitable location where it would be difficult to install and maintain. The requested location would utilize an 8 foot by 8 foot space, and would be approximately 2.5 feet tall. The distance from the street would be approximately 22 feet, and be sited approximately 5 feet from the lot line.

The Board finds that the requested amendment falls within the scope of the March 23, 2006, and filed with the Town Clerk on April 14, 2006, as amended on August 17, 2006, and filed with the Town Clerk on August 18, 2006 and unanimously votes to allow

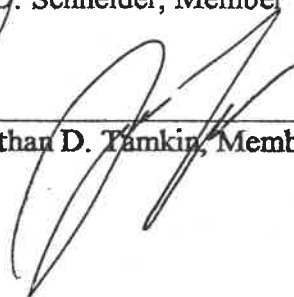
the schematic design, as updated in "Bakers' Best, Inc., Construction Documents 1.0, for 150 Gould Street, prepared by Paul Lukez Architecture, 1310 Broadway, Suite 104, Somerville, MA, dated October 24, 2006.



Michael A. Crowe, Chairman



Jon D. Schneider, Member



Jonathan D. Tamkin, Member



RECEIVED TOWN CLERK
JAN 17 2007
2007 JAN 17 PM 2:19

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
December 21, 2006

BAKERS' BEST
Amendment

Upon the application of Bakers' Best, 27 Lincoln Street, Newton, MA, prospective tenant, to the Board of Appeals for an amendment to the Special Permit granted on March 23, 2006, under Sections 1.4.6, 7.5.2 or other applicable section of the Zoning By-law, to allow covered landing and steps in Industrial 1 District at 150 Gould Street, a public hearing was held at the Needham Public Library, 1139 Highland Avenue, Needham, MA on Thursday, December 21, 2006, in the evening, pursuant to notice thereof published in a local newspaper and mailed to all parties in interest.

Submitted with the application was a letter from George Giunta, Jr., Esquire, 281 Chestnut Street, Needham, MA, dated November 28, 2006, with plans "Bakers' Best, Inc., Elevations", and "Bakers' Best, Inc. First Floor Plan" prepared by Paul Lukez Architecture, 1310 Broadway, Suite 104, Somerville, MA, dated October 24, 2006 (the "Plans").

The Planning Board letter from December 20, 2006 was read into the record. Appearing before the Board was attorney George Giunta, Jr. Mr. Giunta, Jr. stated that the landing at the rear of 150 Gould Street (the "Premises"), is actually a covered landing, and viewed as an expansion of the building, because the roof is viewed as a structure. The existing building is nonconforming, due to the encroachment of approximately 19 feet into the side yard setbacks. An extension is requested for the existing nonconforming building. The old loading dock will have windows removed, and placement of door, new roof, and new landing, as shown in the Plans.

No one appeared in favor of or opposition to the application. The hearing closed at 9:15 pm, and the Board proceeded to deliberate.

DECISION:

On the basis of the evidence presented at the hearing on the application of Bakers' Best, Inc. under Sections 1.4.6 and 7.5.2 of the Zoning By-Law for a Special Permit for the

alteration and enlargement of a lawful, pre-existing, non-conforming commercial building, and for plan substitution, the Board makes the following findings:

1. The proposed use of a portion of the Premises for a commercial catering operation was approved by the Board pursuant to Decision dated March 23, 2006, filed with the Town Clerk on April 14, 2006 (the "Original Decision").
2. The Board has allowed substitution of plans on two prior occasions. First, to allow a more detailed interior plan, as set forth in Decision dated August 17, 2006, filed with the Town Clerk on August 18, 2006 (the "First Modification"), and second, to allow the installation of an electrical transformer in the front parking area and the relocation of one parking space, as set forth in Decision dated October 19, 2006 (the "Second Modification").
3. The Premises is occupied by an existing building which was built in or around 1969 pursuant to Building Permit No. 791, issued December, 1968.
4. At the time the building was constructed, there was no applicable side yard setback requirement.
5. The current applicable side yard setback requirement for the Premises is 20 feet.
6. The existing building is situated no more than one foot from the northerly property line, and therefore is nonconforming with respect to the applicable side yard setback.
7. The proposed landing, steps and covering are all situated at least 20 feet from the northerly property line, and therefore conform with the applicable side yard setback.
8. The installation of the proposed landing, steps and covering at the rear of the existing building is not likely to have any material effect on the neighborhood and is not any more detrimental than the existing building.

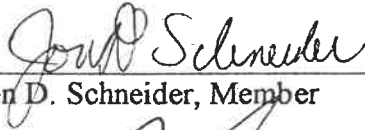
On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote grants the applicant a Special Permit pursuant to Sections 1.4.6 and 7.5.2 of the Zoning By-Law to allow the alteration and expansion of a non-conforming structure and further authorizes a substitution of plans, subject to the following conditions:

1. The interior space to be leased to the Applicant, and the exterior of the site, specifically including, but not limited to the proposed landing, steps and covering, shall be laid out and modified substantially as shown on Site Plan, First Floor Plan and Elevations, all dated October 24, 2006 prepared by Paul Lukez Architecture, 130 Broadway, Suite #104, Somerville, MA 02144.

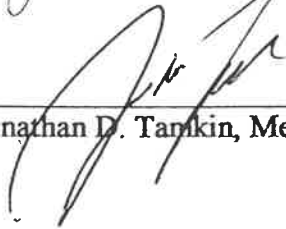
2. Except as otherwise affected by condition 1 above, each and every term and condition of the Original Decision, the First Modification and the Second Modification, shall remain in force and are hereby incorporated in this Decision.



Michael A. Crowe, Chairman



Jon D. Schneider, Member



Jonathan D. Tamkin, Member



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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
SPECIAL PERMIT AMENDMENT**

***Bakers' Best, Inc., applicant
150 Gould Street
Map 79, Parcel 10***

July 11, 2019

Bakers' Best Inc. made application to the Board of Appeals for a Special Permit Amendment under Sections 1.4.6, 3.2.1, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Sections of the By-Law to permit the expansion of the existing commercial catering and commissary into the entire building at the premises; and to waive strict adherence with the off-street parking and parking design requirements at 150 Gould Street, Needham, MA in the Industrial-1 District. A public hearing was held in the Select Board Chambers, Needham Town Hall, 1471 Highland Avenue, Needham, MA, on Thursday, July 11, 2019 at 7:45 p.m.

Documents of Record:

- Application for Hearing, dated June 17, 2019, Clerk stamped June 17, 2019.
- Letter George Giunta, Jr., dated June 17, 2019.
- Site Plan, prepared by Jillson and Company, stamp by Todd P. Chapin, professional land surveyor and Jason B. Lavoie, professional engineer, dated June 11, 2019.
- Memorandum of Support of Application for Special Permit, prepared by George Giunta, Jr., July 2, 2019.
- Letter from David Roche, Building Commissioner, July 1, 2019.
- Letter from Planning Board, prepared by Lee Newman, Director of Planning and Community Development, July 3, 2019.
- Letter from Thomas Ryder, Assistant Town Engineer, July 3, 2019.
- Email from Tara Gurge, Assistant Public Health Director, July 1, 2019.
- Email from Dennis Condon, Chief of Department, Fire Department, June 26, 2019.
- Email from Doug Morris, Vice-President, James Campbell Company LLC, July 10, 2019.
- 150 Gould Street, ZBA Special Permit, March 23, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, August 17, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, October 19, 2006.
- 150 Gould Street, ZBA Special Permit Amendment, December 21, 2006.

July 11, 2019

The Board included Jon D. Schneider, Chairman; Howard S. Goldman, Member; and Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 8:35 p.m. by reading the public notice.

George Giunta, Jr., representing the applicant, informed that the applicant proposes to expand into the space vacated by United Refrigeration and occupy the entire building. The applicant has occupied approximately half the space since 2006 using it for its commercial catering and commissary purposes. The additional space will be used for the administrative services of the business, employees' break room with lockers, and cold and dry storage. This space will provide an additional 10,000 square feet for their operations and to support the existing use. The plan is not to increase employees or expand the operations. The premises consist of a one-story building containing a total of 20,450 square feet.

Michael Baker, owner, reported that for the last seven years they have been subletting 1,500 square feet from United Refrigeration for administration space.

The applicant is a commercial food catering operation and makes deliveries to their corporate, school and college clients. All orders are made on-line, by fax or telephone; the orders are prepared and assembled on site and are delivered off-site. No customers are seen on site.

Mr. Giunta noted that the nature of the business is more similar to a manufacturing use (processing and assembling of raw materials into a finished product), but does not fit into any established category of the By-Law. Section 3.2.1 allows for a use which does not fit in any established category. Because the business is expanding into the whole building, the applicant is seeking an amendment to the Special Permit.

Over the years the applicant has grown and has added more employees. Its parking needs have increased as well. In the Special Permit issued March 23, 2006 the required parking was 69 spaces. There were only 37 spaces on site; and the Board granted a parking waiver of 32 spaces.

Currently there are only 33 spaces on site, two spaces in front were eliminated when a row of parking spaces were converted to parallel spaces and one in back when the compactor was installed.

According to Mr. Giunta, the parking requirement is calculated by square footage or by the number of employees which would result in required parking demand from 42 on the low end to 71 on the high end.

The applicant conducted a parking count and has determined that at the busiest hour on the busiest day of the week it needs no more than 60 parking spaces to accommodate employee vehicles, but on the average it needs less. The applicant keeps a record of its employees' method of transportation with a number of them using public transportation with shuttle services to the facility.

On site there are 33 spaces and 35 spaces off site. The applicant has a 5- and 10-year long-term lease with 140 Gould Street for 29 spaces. Six additional spaces have been secured on a

month to month lease. Mr. Baker reported that they lease 1,500 square feet from the building to secure the parking spaces for five years with a five-year option. This is the same duration as their lease for 150 Gould Street.

Mr. Goldman inquired about usage of 160 Gould Street. Mr. Baker said that two years ago they approached the management of the building about leasing spaces there. They were unable to accommodate them. He asserted that they have not use that facility for parking once they secured parking at 140 Gould Street.

Mr. Friedenbergr inquired if there were any plans to increase the employees beyond the 60 at peak time. Mr. Giunta replied that there were no current plans to change the number of employees or expand the operations.

Mr. Goldman thought that, with the doubling of space, it is reasonable to expect a business to expand. Mr. Giunta answered that no expansion is planned in connection with the expansion into the vacant space, but an organic gradual increase could occur over time. Mr. Goldman was concerned about securing additional parking for any increase in employees as the area is near or fully occupied.

Mr. Baker reported that this is his 36th year in operation. They operated a retail operation for 27 years in Newton Highlands. Because that location is served by public transportation, a fair number of their employees were in the habit of using public transportation. Now, they are shuttled to 150 Gould Street

Rob Muller of Bakers' Best reported that employees are incentivized and encouraged to use public transportation and to carpool. The applicant has a van to shuttle daily employees from the Newton Highlands MBTA stop.

Mr. Goldman inquired if they would submit copies of the parking leases. Mr. Giunta suggested the maximum allowable employee vehicles be tied to the number of available parking spaces. Mr. Friedenbergr argued that keeping track of the number of employee cars would be unworkable.

Mr. Schnieder suggested placing a limit on where employees are authorized to park. If the condition is violated, the applicant must come back to the Board. Mr. Giunta agreed to the condition.

Mr. Schneider was satisfied that 62 spaces (33 on-site spaces and 29 secured off-site spaces) handles the peak employee demand of 60. He did not think the Board should impose controls on the future size of the business.

Mr. Friedenbergr felt there was more unknown in this case. He was uneasy about the doubling in space with no business expansion. Mr. Goldman thought the securing of the 29 spaces long-term and providing a copy of the written parking leases would reassure him.

Comments received:

- The Fire Department had no concerns.
- The Health Department requires, prior to the building permit issuance, that a Food Establishment Plan Review be submitted and reviewed by the Needham Public Health

Department; sufficient trash and a separate recycling dumpster be provided; sufficient grease containment and ongoing pest control.

- The Building Commissioner requested that the parking be reconfigured to make the site safer and more accessible as most spaces do not meet parking requirements. Complaints have been received from abutters regarding truck traffic and noise during late hours. He recommends that the dumpsters be located to the rear away from residential properties and that specific hours of operation be incorporated as to building operation, shipping and receiving and trash pick-up.
- The Engineering Department had no comment.
- The Planning Board made no comment.
- Douglas C. Morris, Vice-President, James Campbell Company LLC was concerned about the increased cooking odors and the increase of employees adversely impacting the parking capacity of the tenants of 160 Gould Street.

Mr. Schneider spoke with the Building Commissioner regarding his concerns.

- The Building Commissioner was concerned that most of the parking spaces were not in compliance with design requirements and that there was backing-out onto Gould Street. Mr. Schneider conducted a site visit and observed that all the employees parked facing forward onto Gould Street so there was no need to back out.
- The Building Commissioner was concerned about the pick-up of trash and recommended that all trash operations be relocated to the back of the site and that the hours for trash be limited.
- The Building Commissioner wanted to see deliveries limited from 7:00 a.m. to 9:00 p.m.

Mr. Giunta said that relocating the trash to the back would make it more difficult for the removal and would lead to the elimination of two parking spaces. The applicant was open to strict limits to the hours of pick-up.

Mr. Giunta reported that noise complaints were made in 2017 and 2018 about an occurrence at 3:00 a.m. and 5:30 a.m. There was no way to verify that the noise problem was caused by the applicant since no deliveries are allowed prior to 7:00 a.m. It may have been a rogue delivery incident unaware of the time limits. In response to the complaint, the applicant blocks the delivery dock between 3:00 p.m. until 7:00 a.m. to ensure no delivery/noise violations occur. In addition, the applicant canvassed the neighborhood providing contact information if there are any noise concerns. Since the adoption of these prevention measures, no complaints have been made.

Tim Ferrarra, Business Manager, said that the loading dock and the dumpsters are blocked with cars from 3:00 p.m. to 7:00 a.m. Monday through Sunday. Trash pick-up occurs after 7:00 a.m., typically mid-morning. Mr. Giunta suggested limiting trash pick-up from 7:00 a.m. to 7:00 p.m. Mr. Ferrarra suggested fencing for noise mitigation.

The meeting was open to public comments.

Patrick Heck and Chia Chan, 141 Noanett Road, reported that grease generated by the applicant blocked the sewer and led to sewage flooding their basement and that of their neighbors. Ms. Chan said that items in their basement were still in storage and they were hesitant to use the basement after the incident. Mr. Heck said that, when the sewer is cleaned

by the Town's DPW, their home is disrupted and they have to flush the toilets of sewage and deal with odors for hours.

Mr. Schneider reported that he spoke with the Building Commissioner and that the applicant has installed a grease catching system to prevent further blockage of the sewer and the Town is satisfied.

Mr. Heck noted that the system was installed Spring of 2019 and there is no track record on the system. He requested a maintenance plan to insure the system is in good working order. Mr. Heck wanted to know if the applicant was cited and fined. He complained that the homeowners were not properly reimbursed for the true cost of the clean-up efforts. He was concerned that the new system has the capacity to handle the additional grease load. He requested an Engineering analysis of the system to see if the installed system is adequate for the current and future loads.

Mr. Baker extended his apologies to Mr. Heck and informed him that they have installed an upgraded system that is maintained and cleaned routinely every 4 weeks to prevent the problem from reoccurring. He reported that the grease traps were replaced as soon as they were made aware by the Town of the problem.

Mr. Muller reported that they did research, in consultation with the Building Department and grease management consultants. The applicant selected J. Hoffman to install a two-chamber monolithic concrete 1,500-gallon tank with a gasket seal which allows for expansion and heavy traffic. The system has a ventilation system that exhausts out through the roof to comply with the Town Ordinance. The grease volume is monitored and the system is adjusted depending on the need. Regular records are maintained and made available to the Town when requested. The applicant has also hired Windriver Environmental to proactively service their sewer system. The applicant has been working with the Building, Water and Sewer, and Health Departments to address these concerns and be a good neighbor. Mr. Muller noted that the municipal team did not identify them as the sole cause of the backup, but recommended that they upgrade their system to the new standards.

Mr. Heck wanted to know if the new system's capacity takes into account future expansion and whether the calculations are available to the public. Details of the system were approved by the Building Department and are available. Mr. Heck inquired if the Sewer Department reviewed the application. Mr. Schneider responded that the Town Building and Town Engineering reviewed the applications and said nothing about an ongoing sewer problem.

Mr. Heck requested that a condition be included that, if there is any grease overflow, the applicant will be found in violation of their Special Permit. Mr. Schneider was agreeable to a condition requiring the applicant to maintain their grease management system and if they don't, they will be in violation of the Special Permit.

Mr. Goldman and Mr. Freidenberg were in support of the application with conditions regarding the proper maintenance of the grease traps; the continued securing of the 29 parking spaces off-site; and setting hours for trash pick-up.

The Board discussed the Building Commissioner's request to relocate the trash dumpsters to the back. This request was made to mitigate neighborhood complaints about noise. The

Board thought there were two options to handle noise complaints – limit the hours of pick-up or relocate the dumpsters. Mr. Giunta preferred limiting the hours and surrounding the dumpsters with the proposed eight-foot fence. He thought that the noise created from the trucks backing up the narrow drive from the back would reverberating against the wall creating even more noise than the status quo.

Mr. Giunta informed that there have been no complaints regarding parking issues.

The Board discussed the parking conditions and agreed to require the 29 long-term parking off-site along with the 33 parking spaces on-site for a total of 62 spaces. The six spaces reserved on a month to month lease will not be part of the mix as they cannot be secured long term. The applicant will be required to manage their parking plan to ensure that their employees are not parking where they are not allowed.

Mr. Goldman moved to grant an amendment to the Special Permit to allow the applicant to expand the existing commercial catering and commissary business to occupy the entire building at 150 Gould Street and to waive strict adherence to parking and parking design requirements with the following conditions:

- deliveries will be permitted from 7:00 a.m. to 9:00 p.m.;
- trash pick-up is allowed between the hours of 7:00 a.m. to 7:00 p.m.;
- the applicant shall develop and maintain a plan for its sewer/grease trap system;
- the applicant shall maintain written signed leases for 29 off street parking spaces providing an executed lease copy to the Board (key financial terms may be redacted);
- the applicant shall develop and maintain a program for carpooling, public transportation incentives and van shuttle to reduce the parking demand;
- the applicant shall be responsible for their employees not parking where they are not allowed.

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

The meeting adjourned at 9:45 p.m.

Findings:

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

1. The premises are a one-story commercial building containing 20,450 square feet located in the Industrial-1 District.
2. The applicant conducts a food catering and commissary business servicing businesses and consumers. Orders are taken by phone, fax or internet. The applicant delivers all orders. Customers do not visit the location. The applicant's business has been successful and grown. They currently have employees working around the clock, although the late-night shift is small.
3. The applicant business is not a permitted use for the Industrial District, but may be allowed by special permit.
4. The applicant has conducted business at the location for thirteen years under a Special

Permit dated March 23, 2006 filed with the Town Clerk on April 14, 2006, as amended by decisions dated August 17, 2006, October 19, 2006 and December 21, 2006. This Decision replaces and restates the prior Special Permit and decisions.

5. The applicant has occupied 10,000 square feet of the building since 2006. The remainder of the building was occupied by United Refrigeration which conducted a combination retail and wholesale business. United Refrigeration has vacated the building and the applicant seeks to expand into the entire building.
6. The applicant represents that it does not currently intends to expand it production area. The space formerly occupied by United Refrigeration will be used for offices, an employee break room with lockers and bathrooms and a substantial amount of additional cold and dry storage. The space may be reconfigured to provide a better flow of product, but no material increase in the number of employees is currently planned or anticipated.
7. The Building Commissioner has previously approached the applicant about complaints from residents near the property about noise from trash pickup. The applicant responded by instructing the trash company to pick up after 7:00 am and before 4:00 pm. Their current practice is to park cars in front of the trash receptacles so there is no pick up outside the authorized hours.
8. The Building Commissioner suggested that two trash dumpsters be moved from the front of the building to the rear. The applicant explained that the trash was originally all in the rear, but new regulations required the separation of recyclables, garbage and dry trash. This mandated three dumpster. They constructed a trash compacter for garbage in the rear of the building which takes up more room than a traditional dumpster. If they were to move all the dumpsters to the rear, it would take away parking and create difficulty for loading their delivery trucks. It also might require trucks to back down a narrow driveway alongside of the building creating additional noise. The applicant proposed to erect a fence around the dumpsters in the front and to restrict the hours of pickup.
9. The Building Commissioner expressed concern about deliveries to the loading dock in front of the building with respect to noise bothering adjacent residents and trucks backing in from Gould Street. The current Special Permit limits deliveries to 7:00 am until 9:00 pm. The applicant enforces this restriction by parking cars in front of the loading dock. The Building Commissioner acknowledges that there have been no recent complaints about noise and that there is no practical way to relocate the loading dock.
10. There has been an issue over the past several years with sewer back up in the area. The Town needed to clean out the sewer lines which caused overflow and odors in nearby residences. Reportedly, a number of residents made claims against the Town's insurance policy. One resident complained about continuing problems with odors and the inadequacy of the insurance payments.
11. It is not clear as to whether the applicant's operations were the cause of the sewer problems, but the applicant has responded by installing a much larger and modern

grease trap to catch waste before it reaches the sewer lines. The applicant has a regular program to clean out and maintain the grease trap.

12. Parking is a substantial issue at the location. There is a total of 33 spaces on the premises as shown on a plan dated June 11, 2019 filed with the application. At the time of 2006 Special Permit there were 37 spaces. They lost a space in the rear due to the construction of the garbage compacter. They eliminated and reconfigured some spaces in the front to improve traffic flow.
13. According to the applicant, the By-Law requirement would be between 42 and 71 parking spaces depending on how the By-Law is applied. The variation is due to the requirement that a "Manufacturing or industrial establishment" must have one space per 400 square feet of floor area or one per two employees on the largest shift, whichever is greater. At the time of the 2006 Special Permit the applicant had an average of 22 employees per hour with a maximum of 45. Currently, the average is 35 with a maximum of 85.
14. The Building Commissioner did not provide a calculation as to the required number of spaces. Regardless of the By-Law requirements, the Board would want to be satisfied that there is adequate parking in connection with the issuance of a special permit.
15. The applicant monitors employee parking to keep the demand less than 60 spaces. A number of employees carpool. The applicant runs a shuttle service from the Newton MBTA station used by a number of employees.
16. The applicant has a long-term lease on an adjacent property at 140 Gould Street for a small amount of office spaces and 29 parking spaces. The applicant also has a month to month lease of 6 parking spaces on the adjacent property. As a result, the applicant currently has 68 spaces (33 on the premises and 35 on the adjacent property).
17. There was no complaint expressed at the hearing about employees parking in unauthorized locations.
18. None of the parking spaces on the premises and probably none of the spaces on the adjacent property meet the design requirements of the By-Law. They lack setbacks from the property line. In some cases, they are undersized and the maneuvering aisles are inadequate. They do not have landscaping or meet other requirements. This is a common situation with older buildings and the Board on a regular basis waives design requirements, particularly where there is expansion of the building. Meeting the design requirements would cause the elimination of many, if not most, of the parking spaces.
19. The proposed use of the expansion spaces by the applicant is appropriate in an Industrial District and the issuance of a Special Permit is consistent with the criteria of Section 7.5.2. Special circumstances make it appropriate to waive the requirements of the number of spaces and to waive the design requirements with respect to the existing parking spaces.

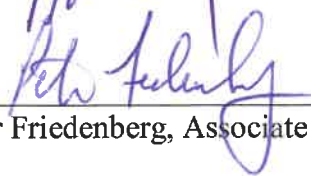
Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the Applicant (a) a Special Permit under Section 3.2.1 to operate a food preparation, catering and food commissary business in the entire building, and (b) a Special Permit under Section 5.1.1.5 waiving adherence to the minimum number of parking spaces and parking design requirements, subject to the following conditions:

1. Pickup of waste from dumpsters shall be limited to the hours of 7:00 am to 7:00 pm. Deliveries shall be limited to the hours of 7:00 am to 9:00 pm.
2. The applicant shall install an 8-foot wooden fence around the dumpsters at the front of the building as shown on the plan submitted with the application.
3. The applicant shall maintain the new grease trap with regular cleanouts so as to prevent any blockage of sewer lines.
4. The applicant shall have a written lease for a minimum of 29 parking spaces at 140 Gould Street and shall provide the Board with a copy of the fully executed lease and any future amendment (with economic terms redacted if desired by the applicant).
5. The applicant shall continue an employee shuttle service from the Newton MBTA to the premises.
6. The applicant shall manage the transportation of employees so that the demand for parking does not exceed the available spaces.
7. The applicant shall prevent employees from parking on the street or in any unauthorized location.
8. Failure to comply with the above terms may result in the modification or revocation of this Special Permit after a hearing with notice to the applicant and such other notice as the Board deems appropriate.
9. This Special Permit is personal to the applicant and may not be transferred or assigned without the prior approval of the Board upon such notice as the Board deems appropriate. A transfer of a controlling interest in Baker's Best Inc. shall be considered a transfer requiring approval.


Jon D. Schneider, Chairman


Howard S. Goldman, Member


Peter Friedenber, Associate Member



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	Jonathan Trahan			Date:	July 21, 2022
Applicant Address	54 Pheasant Landing Road				
Phone	617-327-7618	email	jtrahan18@comcast.net		
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	Bruce Ringwall of Goldsmith, Prest & Ringwall, Inc.				
Address	39 Main Street, Ste 301, Ayer, MA 01432				
Phone	978-772-1590	email	bringwall@gpr-inc.com		
Representative is ☐ Attorney; ☐ Contractor; ☐ Architect; ☒ Other _____ Engineer					
Contact ☐ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	54 Pheasant Landing Road		
Map/Parcel Number	221/199	Zone of Property	SRA with Aquifer Overlay
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☒ Yes ☐ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (select one): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

See attached

Statement of Relief Sought:

See attached

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

Section 6.1.2 and Section 7.2

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

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		

NARRATIVE
to accompany
SPECIAL PERMIT SECTION 6.1.2
54 Pheasant Landing Road
Needham, MA

GENERAL

The purpose of this filing is the request of a special permit pursuant to Section 6.1.2 to allow a fourth garage space at 54 Pheasant Landing Road. The subject property is located at 54 Pheasant landing Road and is approximately 3.22 acres of land located in the Single Residence A zoning district.

Existing Conditions:

The project area is designated as 199/221.0-0004 by the Town of Needham Assessor. The house was constructed in 1909 and the land was further subdivided in April of 1986. The current house has a three-car garage with 608 SF for three cars that works well for two and toys and yard equipment. The property has a circular driveway with a paved parking space near the northern border (left side yard). The eastern portion of the property has a large area of wetlands.

The applicant would like to construct a detached single car garage for storage of a family-owned antique truck. The proposed detached structure would be in the location of the paved parking space. This office has filed a Request for Determination Applicability (RDA) with the Needham Conservation Commission after consultation with Deb Anderson and Clay Hutchinson.

Relief Sought:

Pursuant to section 6.1.2 and based on the description of existing conditions above it is our opinion the property is very adaptable for the placement of the detached garage without creating additional impervious area while providing adequate separation of the buildings on the site and in the neighborhood. Given the distance setback from the road and the design of the structure the character of the premises will not be altered. We believe there will not be any material adverse effect on the value of the land and buildings in the neighborhood. Nor will the project produce noise, odors or glare observable at the lot lines in amounts detrimental to the normal use of adjacent property.

Please refer to the Existing Conditions Plan by Goldsmith, Prest & Ringwall, Inc. (GPR) and the Site Plan and architecture plans by Carpenter & MacNeille attached (3 sheets).



ZBA Application For Hearing

Date Structure Constructed including additions:
1909

Date Lot was created:
April 29, 1986

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

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



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

I certify that I have consulted with the Building Inspector 11/10/21 and 3/17/22
date of consult

Date: 7/21/22

Applicant Signature

R. D. B. Jones GPR, Inc.
AGENT FOR CLIENT

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

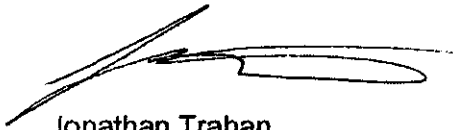
October 5, 2020

**Subject: 54 Pheasant Landing Road
Needham, MA 02492
Assessor Map 221 parcel 199**

To Whom It May Concern:

I hereby authorize Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA, 978.772.1590, to act as my agent in administrative and civil engineering matters pertaining to the Notice of Intent at the subject site. This authorization covers the execution of application forms, presentation of plans and designs, and communication with involved parties.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jonathan Trahan', with a long horizontal flourish extending to the right.

Jonathan Trahan
54 Pheasant Landing Road
Needham, MA 02492

Copy: Goldsmith, Prest & Ringwall, Inc.
Project #191050

From: [Bruce D. Ringwall](#)
To: etardif@needhamma.gov
Subject: 54 Pheasant Landing Road Concept review
Date: Thursday, March 17, 2022 2:59:00 PM
Attachments: [22 1-19 TRAHAN Garage - PROGRESS.pdf](#)

Good morning Erik,

My name is Bruce Ringwall and I spoke to you last fall (11/10) about the above referenced property. The property is zoned SRA and the issue is the existing dwelling has a three car garage (Section 6.1.2). My client, Jonathan Trahan, the owner is very interested in building a detached structure to house a family owner antique truck. We also talked about Section 4.2.9 for assessor structures. At the time you suggested the client prepare a concept and that you would review it and provide comments prior to filing with the ZBA for a Special Permit under Section 6.1.2 and Section 7.2. I've attached our site plan that the architect has placed the proposed detach garage as well as plans for the garage. Slightly more than concept, but what I was given. We talked something about an average rule of roughly 300 SF per car if I remember correctly. Jonathan has told me his current garage is 680 SF for three cars and works well for two and then the toys/yard equipment.

Please review the attached plans and give me a call or email with your thoughts if the offer still stands.

Thank you very much for your assistance,

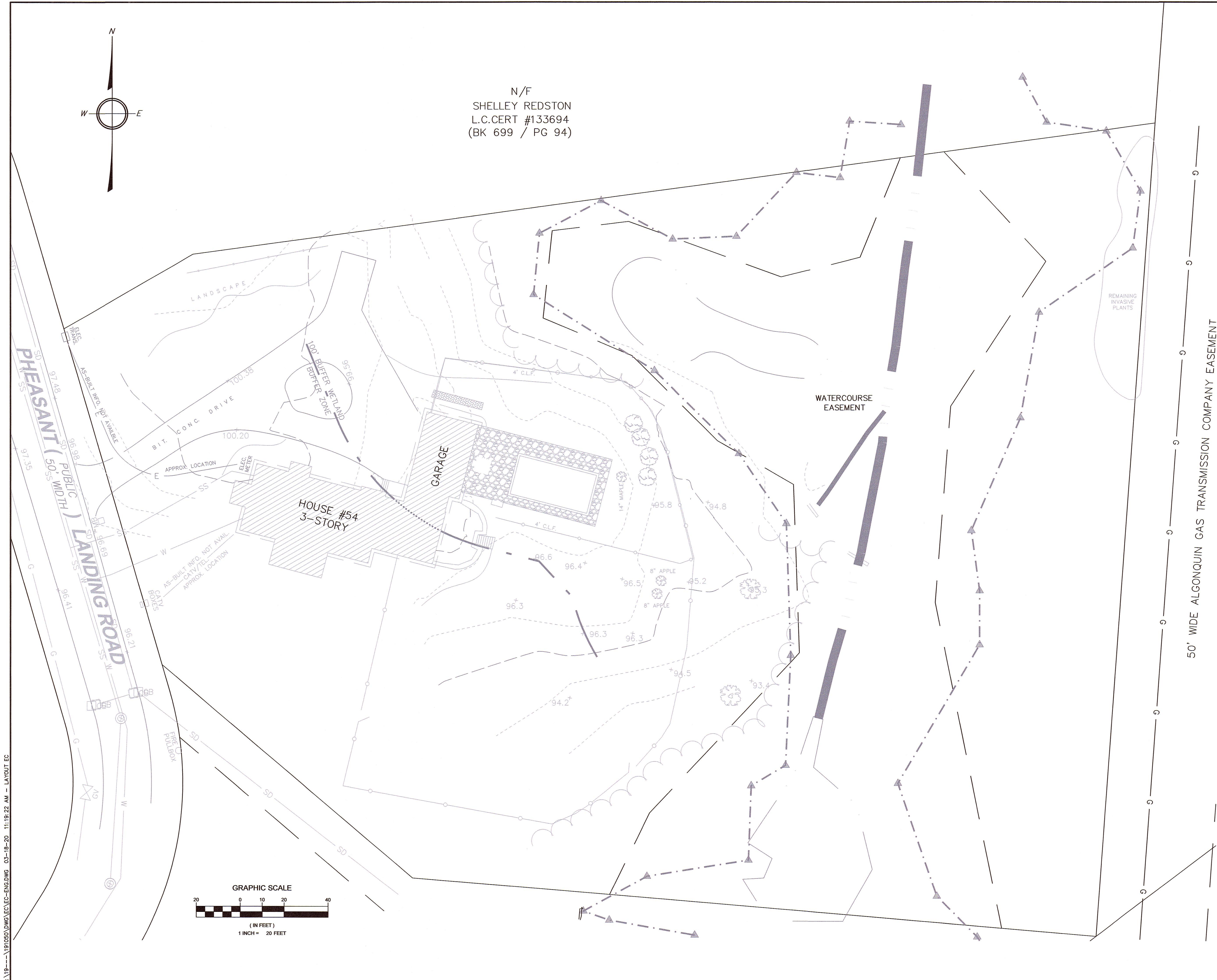
Bruce

Bruce D. Ringwall, President
Goldsmith, Prest & Ringwall, Inc.
39 Main Street, Suite 301
Ayer, MA 01432
P 978-772-1590 F 978-772-1591
<mailto:bringwall@gpr-inc.com>
www.gpr-inc.com



-
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Goldsmith, Prest & Ringwall, Inc.



LEGEND

EXISTING		PROPOSED
100.0	ELEVATION CONTOUR	100.0
100.0	SPOT GRADE	100.0
---	PROPERTY LINE	---
---	WETLAND DELINEATION	---
---	WETLAND BUFFER ZONE	---
---	SHORELINE	---
---	100-YEAR FLOODPLAIN LIMIT	---
---	TREE LINE / EDGE OF VEGETATION	---
---	EDGE OF PAVEMENT	---
---	CAPE COD BERM CURBING	---
---	GRANITE CURBING	---
---	GRAVEL/DIRT ROAD	---
---	STOCKADE FENCE	---
---	STONE WALL	---
---	WATER MAIN	---
---	WATER SERVICE	---
---	FIRE SERVICE	---
---	WATER VALVE	---
---	FIRE HYDRANT	---
---	FORCE MAIN	---
---	GRAVITY SEWER LINE	---
---	SEWER MANHOLE	---
---	GAS LINE	---
---	GAS SERVICE	---
---	GAS VALVE	---
---	BURIED POWER LINE	---
---	OVERHEAD POWER LINE	---
---	UTILITY POLE	---
---	GUY WIRE	---
---	ELECTRIC BOX	---
---	STORM DRAIN	---
---	UNDERDRAIN	---
---	ROOF DRAIN	---
---	FOUNDATION DRAIN	---
---	CATCH BASIN	---
---	DRAIN MANHOLE	---
---	SILT FENCE BARRIER	---
---	STRAW WATTLES	---
---	DEEP SOIL OBSERVATION HOLE	---
---	SITE LUMINAIRE	---
---	SIGN	---
---	SURFACE RUNOFF DIRECTION	---
---	STONE BOUND	---
---	DRILL HOLE	---
---	IRON ROD	---

ABBREVIATIONS

EL	ELEVATION	HDPE	HIGH DENSITY POLYETHYLENE
INV	INVERT	PVC	POLYVINYL CHLORIDE
SF	SQUARE FEET	RCP	REINFORCED CONCRETE PIPE
AC	ACRES	N/F	NOW OR FORMERLY
FEET	FEET	VP	VERTICAL POOL
R	RADIUS	WF	WETLAND FLAG
DIA	DIAMETER	TW	TOP OF WALL
BIT	BITUMINOUS	BW	BOTTOM OF WALL
CONC	CONCRETE	FS	FINISH GRADE
LENGTH	LENGTH	BSMT	BASEMENT
SLOPE	SLOPE	FF	FINISH FLOOR

EXISTING CONDITIONS NOTES:

- EXISTING CONDITION INFORMATION BASED ON AN ON-THE-GROUND TOPOGRAPHIC AND BOUNDARY SURVEY PERFORMED BY GOLDSMITH, PREST & RINGWALL, INC. DATED XXXXXX 20XX.
- EDGE OF WETLAND DELINEATED BY B+C ASSOCIATES, INC. DATED XXXXXX 20XX.

DRAWING ISSUED FOR:

☐ CONCEPT	☐ CONSTRUCTION
☒ PERMIT	☐ CONSTRUCTION RECORD

THIS DRAWING MAY NOT SHOW CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL PROPOSED IMPROVEMENTS, AND MAY NOT IDENTIFY ALL CONSTRUCTION WORK ITEMS/AREAS OF CONTRACTOR JURISDICTION.

PER 250 CMR 5.03(13), THE FOLLOWING ARE EXCLUDED FROM THE PROFESSIONAL ENGINEER'S RESPONSIBILITY: ALL BOUNDARY INFORMATION; LOCATION OF EXISTING STRUCTURES, TREES, UTILITIES, TOPOGRAPHY OR SIMILAR FEATURES; DESIGN OF RETAINING WALLS, PROPRIETARY EQUIPMENT. SEE EXISTING CONDITION NOTES.

NO.	DATE	BY	APP.	REVISION DESCRIPTION

GPR Engineering Solutions for Land & Structures

GOLDSMITH, PREST & RINGWALL, INC.
39 MAIN STREET, SUITE 301, AYER, MA 01432
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
VOICE: 978.772.1590 FAX: 978.772.1591
www.gpr-inc.com

RESIDENTIAL DEVELOPMENT

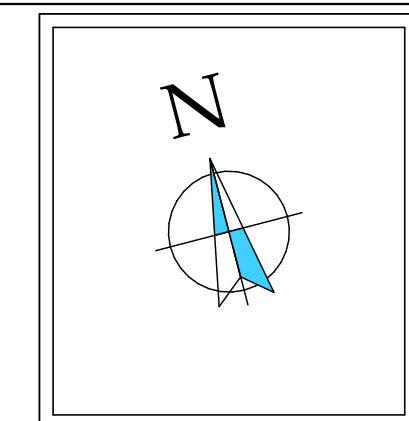
EXISTING CONDITIONS

54 PHEASANT LANDING ROAD
NEEDHAM, MA

PREPARED FOR:
JONATHAN & MIRANDA TRAHAN
54 PHEASANT LANDING ROAD
NEEDHAM, MA 02459

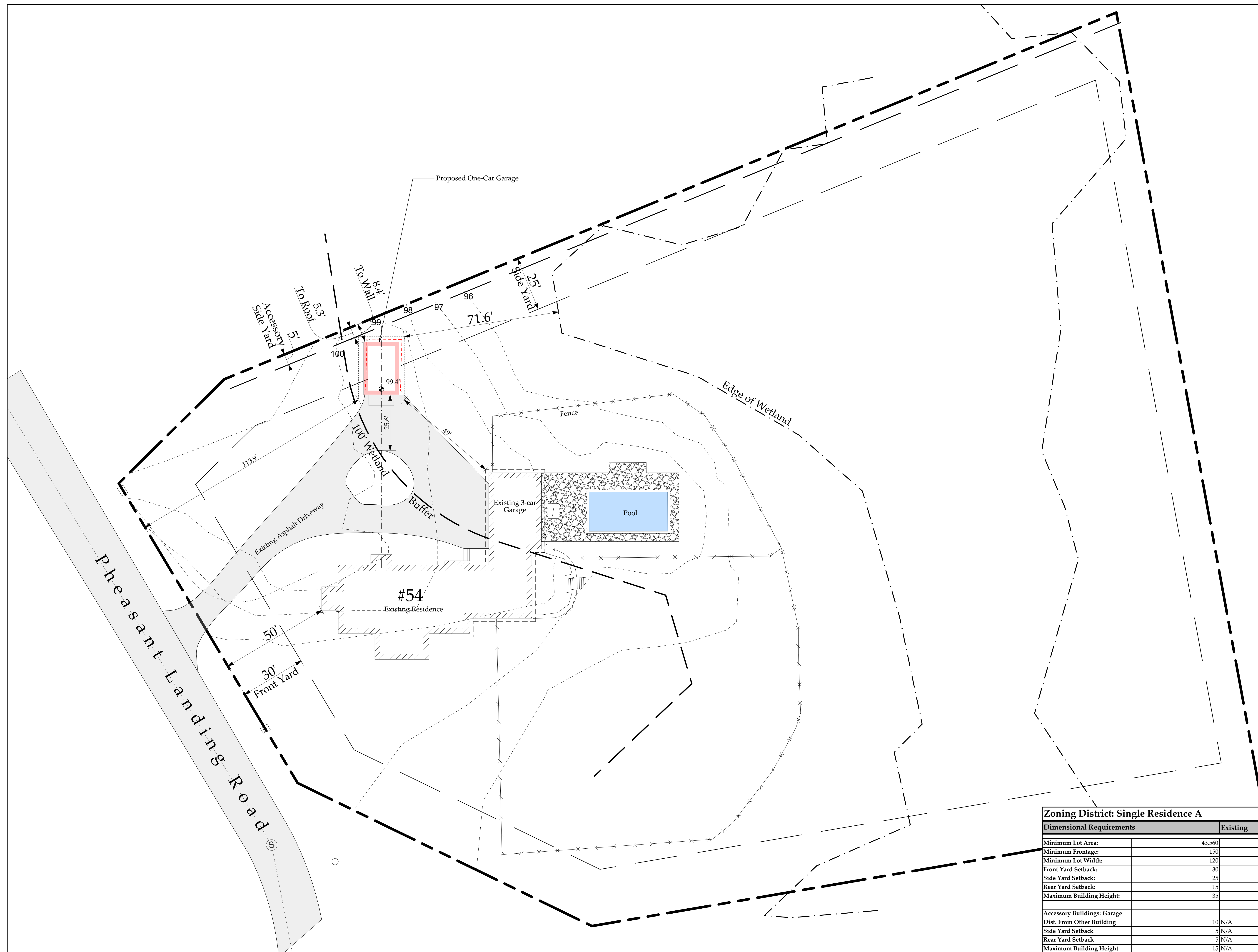
DES. BY: MCL	DATE: MARCH 2020	JOB 191050	1 OF 1
CHK. BY: BDR			

Job (Code):	21028
Drawn By:	
Checked By:	



New One-Car Garage Architectural Site Plan

SP1.00



Zoning District: Single Residence A				
Dimensional Requirements		Existing		Proposed Change
Minimum Lot Area:	43,560		140,200	No Change
Minimum Frontage:	150		160	No Change
Minimum Lot Width:	120		160	No Change
Front Yard Setback:	30		50	No Change
Side Yard Setback:	25		66	No Change
Rear Yard Setback:	15		297	No Change
Maximum Building Height:	35			No Change
Accessory Buildings: Garage				
Dist. From Other Building	10'	N/A		49'
Side Yard Setback	5'	N/A		5.3'
Rear Yard Setback	5'	N/A		348"
Maximum Building Height	15'	N/A		15'

1 Architectural Site Plan

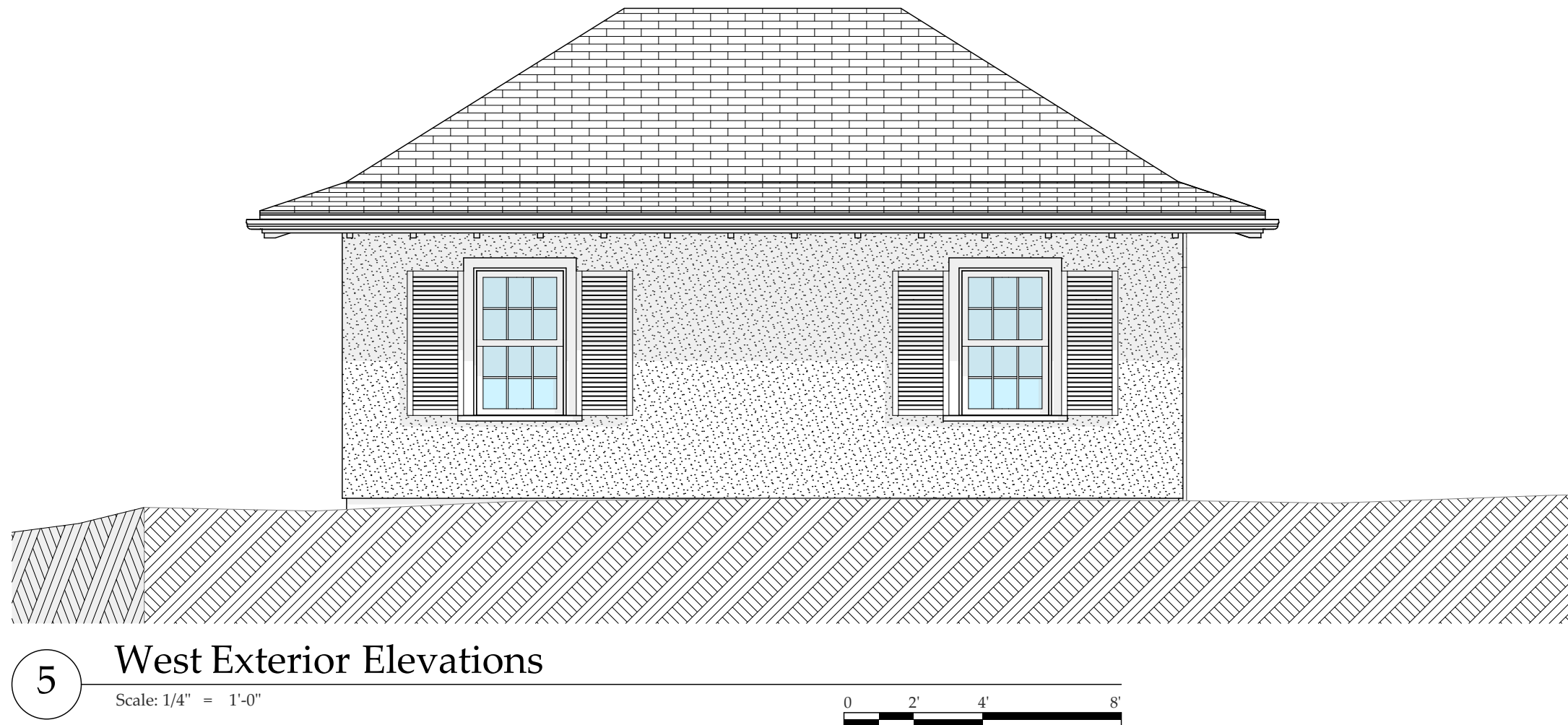
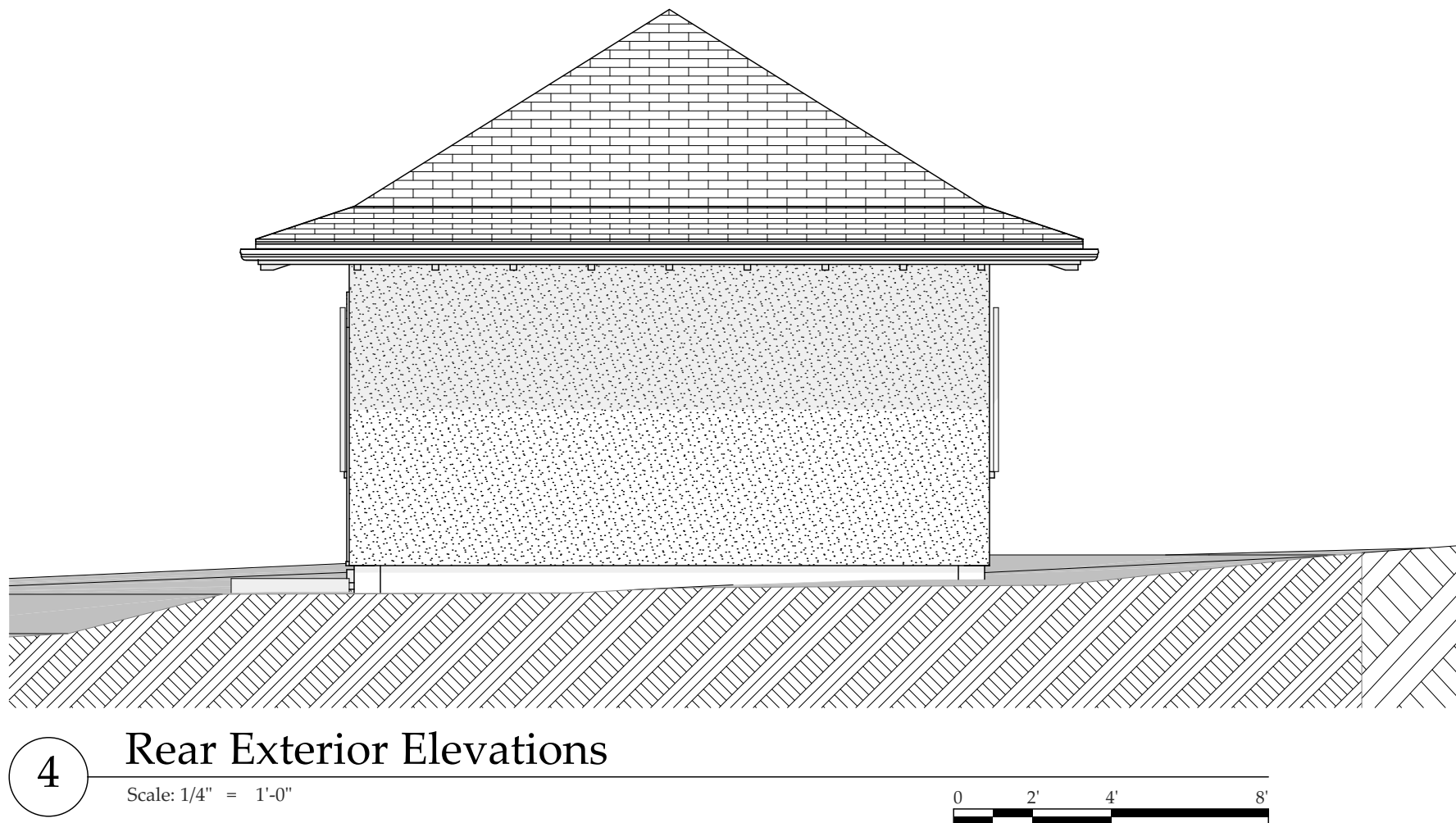
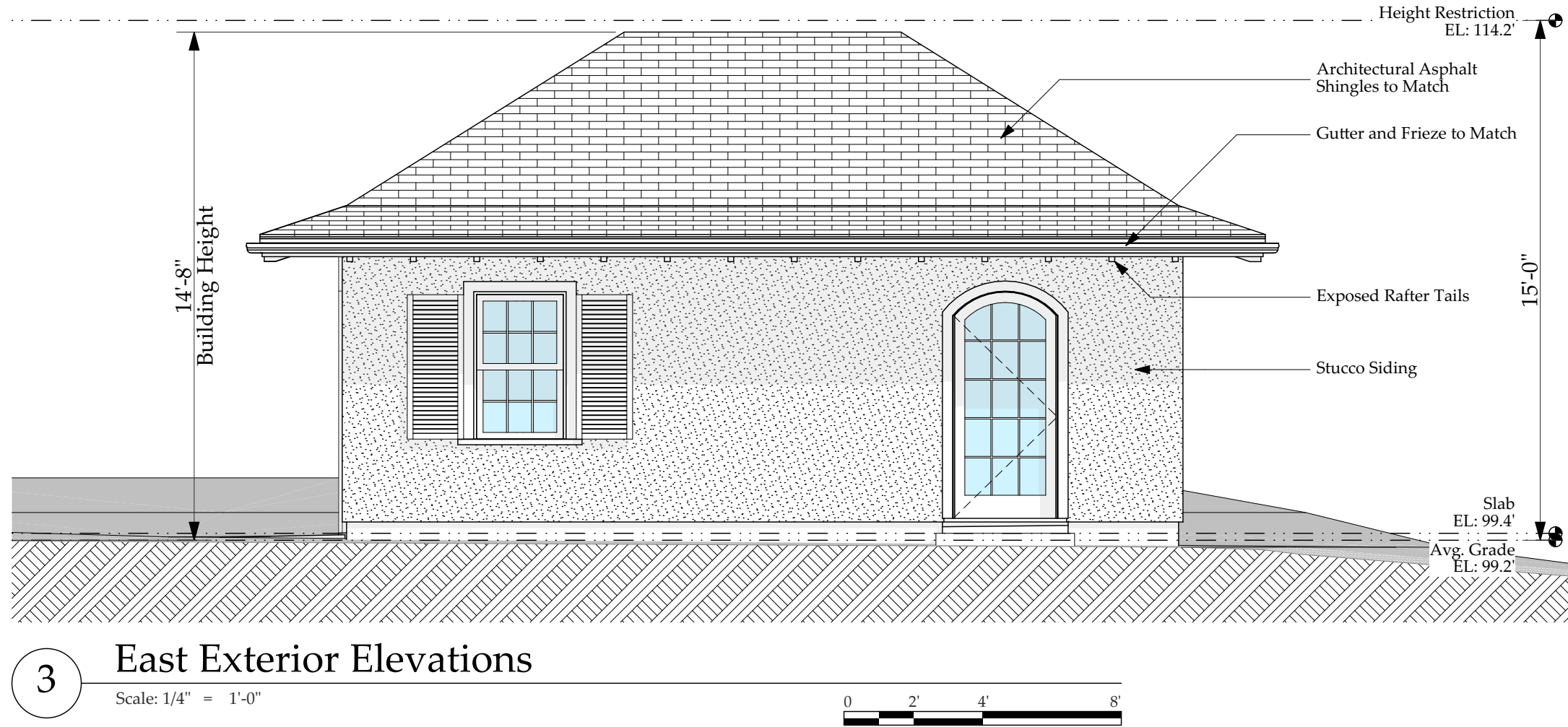
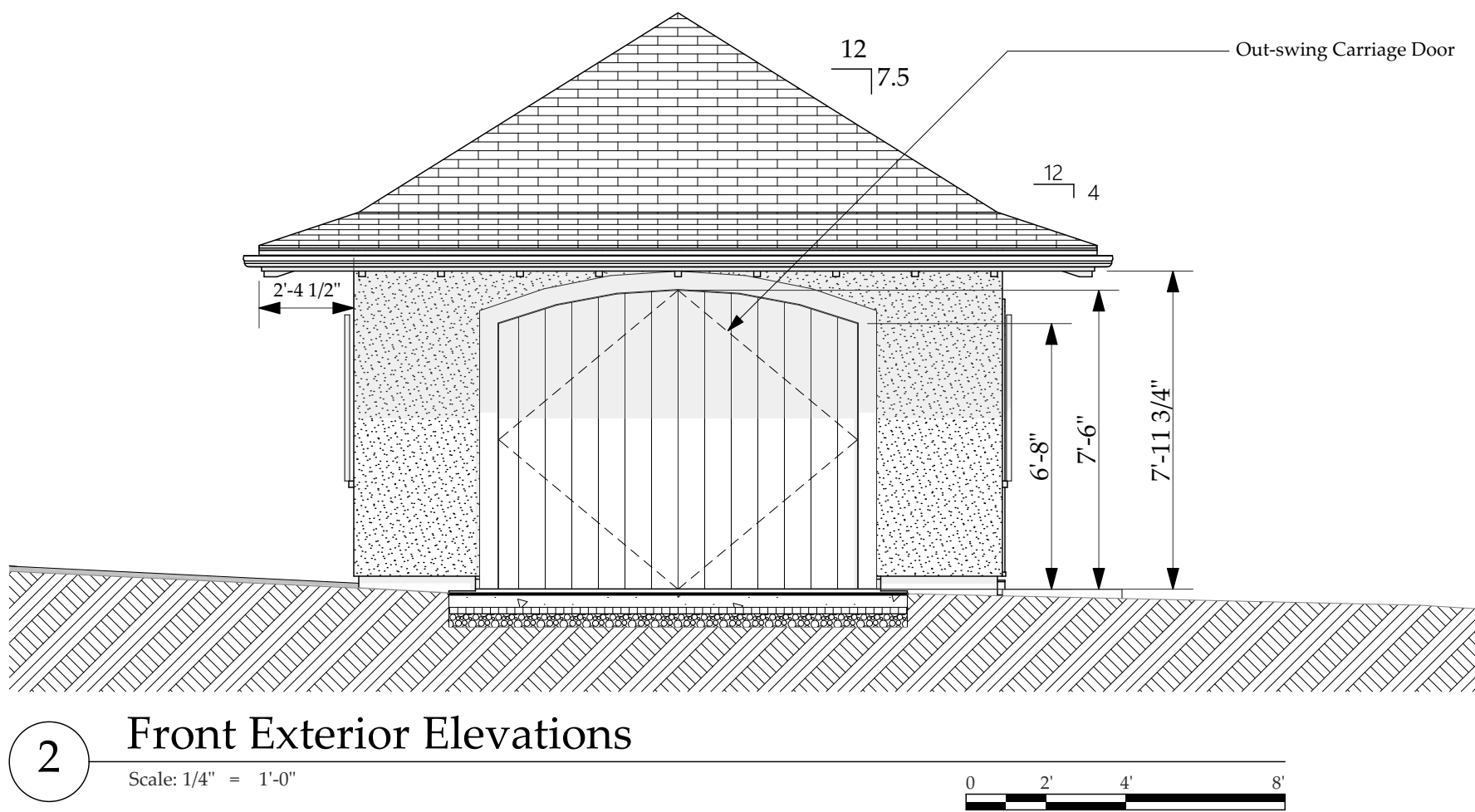
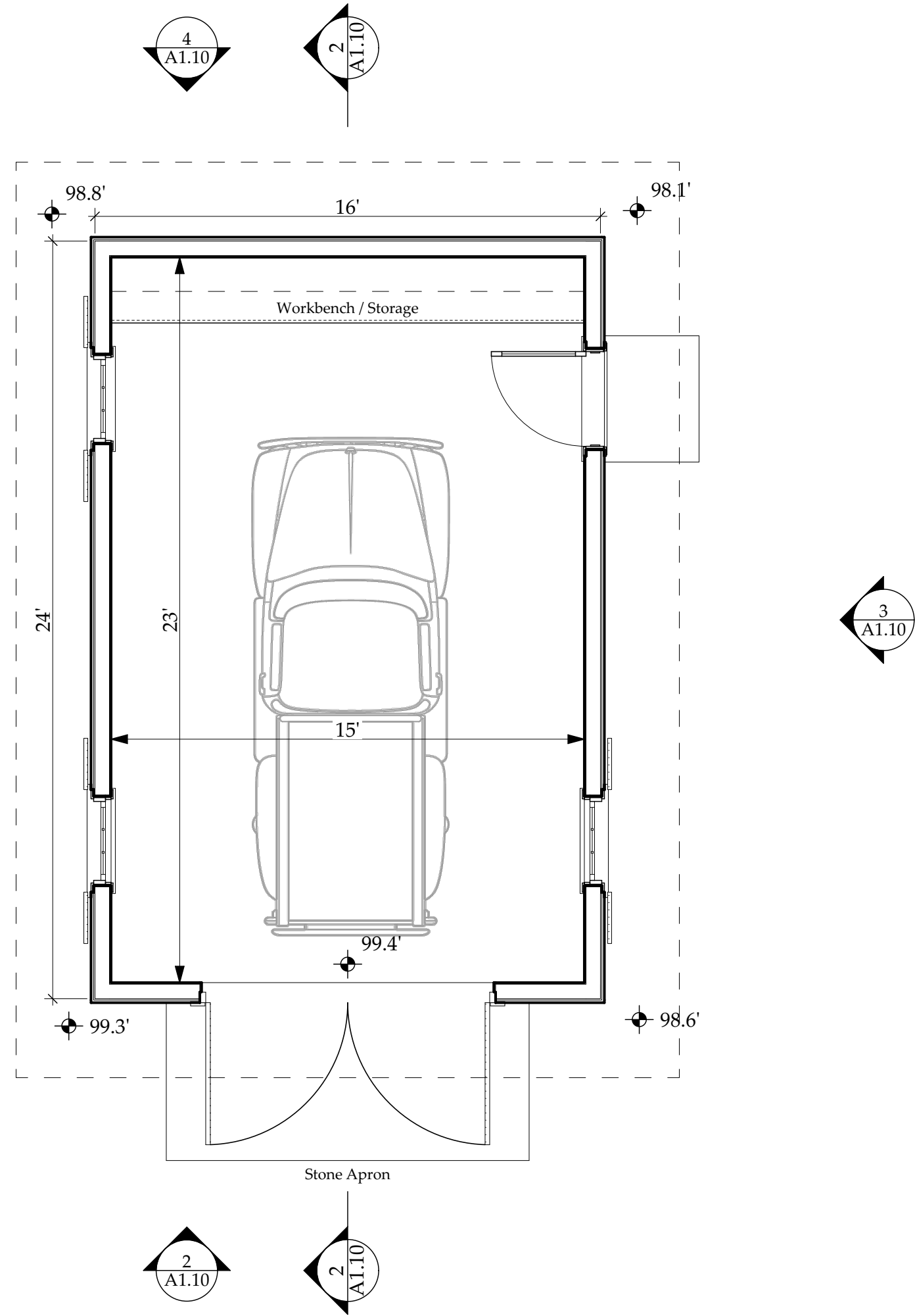
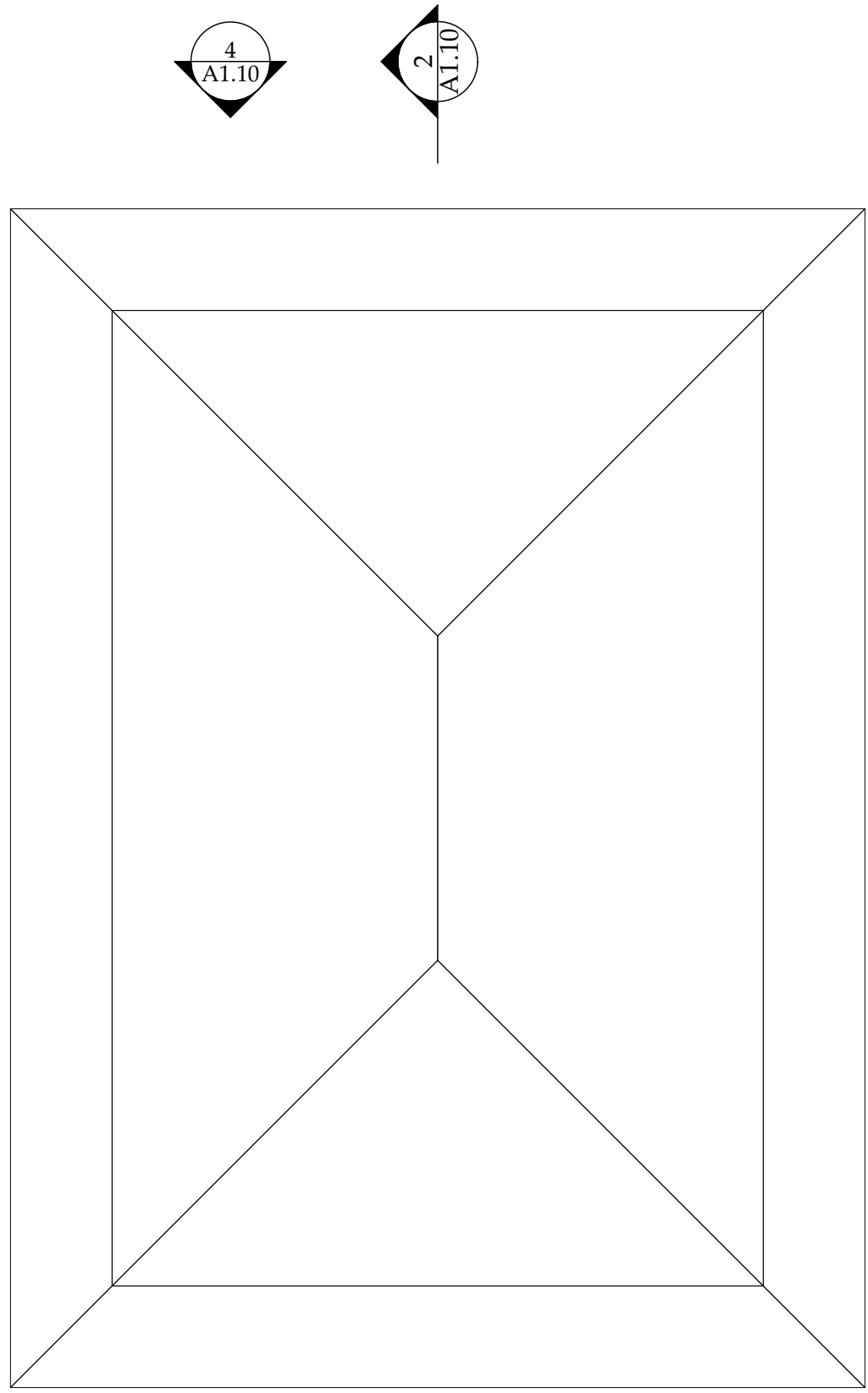
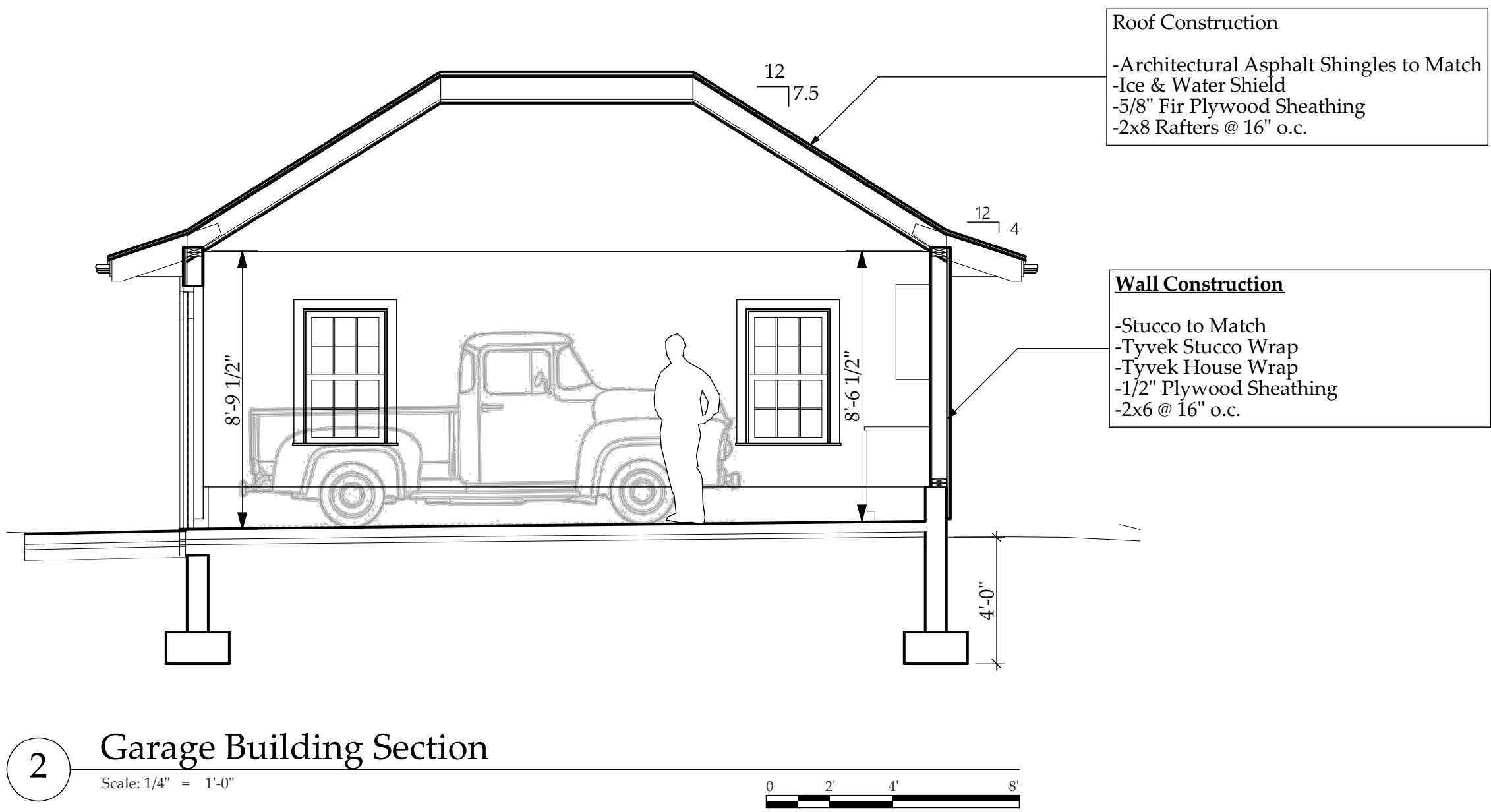
Scale: 1" = 20'

Site Plan based upon "Existing Conditions" by GPR dated March 2020

0 10' 20' 40'

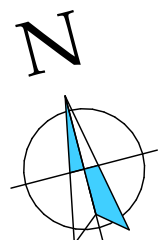
These drawings are the sole property of and for the use only by Carpenter & MacNeille Architects & Builders, Inc.

Last saved by: KCraig | Printed: Wednesday, March 30, 2022 11:20 AM



LEGEND

- New Wall
- - - Element Below
- - - Element Above



Notes

1. Drawings are not to be scaled.
2. All new walls finish face to align with existing walls.
3. Arrows indicate dimensions to finish face →; ticks indicate dimensions to face of stud —✕

These drawings are the sole property of and for the use only by Carpenter & MacNeille Architects & Builders, Inc.

191050

P:\191050\DWG\SURVEY DWG\FINAL\191050_BPP_1A.DWG

OFFSETS ARE NOT FOR THE REPRODUCTION OF PROPERTY LINES



PHEASANT LANDING ROAD

PROPOSED
16' X 24'
GARAGE8.4' (WALL)
5.3' (ROOF)N/F
SHELLEY REDSTON
L.C.CERT #133694
(BK 699 / PG 94)WETLAND EDGE
SEE NOTE

442.06'

68.00'

PAVED DRIVE

160.00'

#54

GARAGE

POOL

WATERCOURSE
EASEMENT

372.24'

LOT 13
AREA = 3.22± ACRESN/F
ROY & EDITH MABREY
L.C.CERT #134786
(BK 674 / PG 186)

222.28'

50' WIDE ALCONQUIN GAS TRANSMISSION COMPANY EASEMENT

N/F
TOWN OF NEEDHAM
L.C.CERT #124687
(BK 624 / PG 87)

THE STRUCTURE SHOWN IS NOT IN A FLOOD HAZARD AREA, BEING ZONE X (AREAS OF MINIMAL FLOODING) AS SHOWN ON THE F.E.M.A FLOOD INSURANCE RATE MAP FOR NEEDHAM, MASS., DATED JULY 17, 2012, COMMUNITY-PANEL NO. 250-21CO-018E. ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. ACCURATE DETERMINATION CANNOT BE MADE UNLESS A VERTICAL CONTROL SURVEY IS PERFORMED.

NOTE:

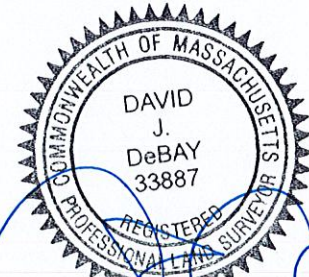
- 1) THE WETLAND AREA SHOWN HAS BEEN DELINEATED BY OTHERS.
- 2) SEE "TRAHAN RESIDENCE" ARCHITECTURAL PLAN, PREPARED BY CARPENTER & MacNEILLE, TO ACCOMPANY THIS APPLICATION.

REFERENCES:

ASSESSOR'S MAP 21, PARCEL 40
DEED RECORDED WITH LAND COURT- BOOK 1001 PAGE 168
LAND COURT PLAN #27858-C

THIS LAND MAY BE SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, COVENANTS, OR OTHER LIMITATIONS WHICH MAY BE DISCLOSED BY A TITLE EXAMINATION.

THE EXISTING FEATURES SHOWN HAVE BEEN LOCATED BY AN OF AN INSTRUMENT SURVEY PERFORMED BY THIS OFFICE ON JUNE 15, 2019.



DAVID J. DeBAY, P.L.S. # 33887

FLD: AMB CALC: DSB DWN: DSB

BUILDING PERMIT PLAN (GARAGE) TO ACCOMPANY A Z.B.A. SPECIAL PERMIT APPLICATION #54 PHEASANT LANDING ROAD NEEDHAM, MASS.

PREPARED FOR: JONATHAN & MIRANDA TRAHAN
DATE: MAY 25, 2022 SCALE: 1" = 80'

GPR

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for Land & Structures

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191050



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

Tel. 781-455-7550 x 308

July 25, 2022

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

Re: Application review for the August Hearing

Dear Board Members,

180 Laurel Drive

I have reviewed the application for 180 Laurel Drive, and I do not have any issues with a Special Permit for the third garage space, the proposed additions meet all the dimensional requirements in the Zoning By-Law.

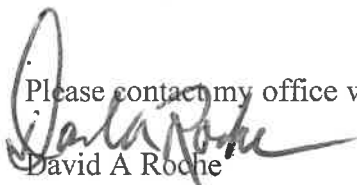
150 Gould Street

I have reviewed the application for 150 Gould Street and based on the information provided they are requesting an amendment to transfer the Special Permit that was issued to Baker's Best to the new owner of the business and building Gordan's Fine Wines of Needham. The terms and conditions that were approved under the Special Permit will still be in effect, the new owner (Gordan's) will not conduct any business from this location. I have no issues with the transfer of the Special Permit only.

54 Pheasant Landing Road

I have reviewed the application for 54 Pheasant Landing Road, the applicant is seeking a Special Permit to add a fourth garage space in a freestanding one car garage. I do not have any issues with this Special Permit.

Please contact my office with any questions.


David A Roche
Building Commissioner
Town of Needham



TOWN OF NEEDHAM
CONSERVATION DEPARTMENT
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

TEL: (781) 455-7550 x272
conservation@needhamma.gov

TO: Zoning Board of Appeals

FROM: Clay Hutchinson, Conservation Specialist

DATE: July 27, 2022

SUBJECT: Special Permit Request
Map 221, Lot 04
54 Pheasant Landing Road

At the request of Daphne Collins, the Conservation Department has conducted a preliminary review of the Special Permit Request (“subject property”) project site referenced above, as it relates to the jurisdiction of the Needham Conservation Commission (NCC). The NCC’s jurisdiction is established under the Massachusetts Wetlands Protection Act (“WPA”; MGL Ch. 131 S. 40) and the Town of Needham Wetlands Protection Bylaw (“Bylaw”; Needham General Bylaws Section 6).

Review of the application and plan set was conducted. There is a mapped Bordering Vegetated Wetland and Intermittent Stream channel within 100 feet of the proposed work as identified by a previous wetland filing. While the proposed work is within 100-feet of the Bordering Vegetated Wetland and subject to review and approval by the Conservation Commission, the Applicant submitted a Request for Determination of Applicability for the proposed work on July 25, 2022, to be heard at the August 11, 2022 Conservation Commission Public Meeting. Though the work has not yet been reviewed and approved by the Conservation Commission, it is the professional opinion of Conservation Staff that the proposed work is permissible under the WPA and Bylaw regulations and anticipate Conservation Commission approval at the August 11 meeting.

Should you have any questions, please do not hesitate to contact myself, Clay Hutchinson, in the Conservation Department.

Daphne Collins

From: Tom Conroy
Sent: Tuesday, August 2, 2022 3:06 PM
To: Daphne Collins
Subject: RE: 54 Pleasant Street - ZBA Administrative Review

No issues with Fire dept.

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, August 2, 2022 2:06 PM
To: Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Subject: FW: 54 Pleasant Street - ZBA Administrative Review

Reminder-
ZBA Comments are due today.
Thank you,
Daphne

Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

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

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

www.needhamma.gov/NeedhamYouTube

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

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

Remote Hours: Thurs 8:00am-5:00pm

From: Daphne Collins
Sent: Monday, July 25, 2022 10:52 AM
To: David Roche <droche@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Deb Anderson <andersond@needhamma.gov>; Clayton Hutchinson (<chutchinson@needhamma.gov>
<chutchinson@needhamma.gov>
Subject: 54 Pleasant Street - ZBA Administrative Review

Good Morning –

54 Pheasant Landing Road – Jonathan Trahan, owner, is seeking Special Permit to allow the construction of a 4th detached garage.

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

I appreciate your comments no later than **August 2, 2022** to allow time for the applicant to respond prior to the hearing.

Daphne Collins

From: John Schlittler
Sent: Tuesday, August 2, 2022 2:09 PM
To: Daphne Collins
Subject: Re: 54 Pleasant Street - ZBA Administrative Review
Attachments: 54 Pheasant Landing Rd - Application AR.pdf

Police has no issues

Sent from my iPhone

On Aug 2, 2022, at 2:05 PM, Daphne Collins <dcollins@needhamma.gov> wrote:

Reminder-
ZBA Comments are due today.
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>
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