RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2019 DEC 16 PM 12: 19

December 16, 2019

Theodora K. Eaton, MMC
Town Clerk
Justice of the Peace
Notary Public
Burial Agent
Primary Records Access Officer
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Dear Ms. Eaton,

Please find attached the complaint to petition for review of the Decision of the Needham Board of Appeals (the "Board") granting a comprehensive permit to Petruzziello, Properties, LLC ("Developer") under MGL 40B to allow the development of 16 rental units consisting of eight one-bedroom units and eight-two bedroom units with 28 parking spaces.filed in the The Norfolk Superior Court, by the deadline on Monday December 16, 2019. In accordance with 40A, Section 17, please provide me with the addresses for each member of the Town of Needham Zoning Board named in the complaint by the end of the business day (5:00 PM) on Monday, December 16, 2019.

Respectfully,

Sandra A. Walters

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)	DOCKET NUMBER 1982CV01579	Trial Court of Massachusetts The Superior Court
CASE NAME: Walters, Sandra vs. John D. Schneider, Chairman of the Town of Needham Zoning Board et al		Walter F. Timilty, Clerk of Courts
TO: Sandra Walters 27 Walnut Street Needham, MA 02492		COURT NAME & ADDRESS Norfolk County Superior Court 650 High Street Dedham, MA 02026

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2019 DEC 19 PM 12:19

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION	DEADLINE		
	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		03/16/2020	
Response to the complaint filed (also see MRCP 12)		04/14/2020	
All motions under MRCP 12, 19, and 20	04/14/2020	05/14/2020	06/15/2020
All motions under MRCP 15	04/14/2020	05/14/2020	06/15/2020
All discovery requests **and depositions** served and non-expert depositions completed	10/13/2020		
All motions under MRCP 56	11/10/2020	12/10/2020	
Final pre-trial conference held and/or firm trial date set			04/09/2021
Case shall be resolved and judgment shall issue by			12/15/2021

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED	ASSISTANT CLERK	PHONE
12/16/2019		

CIVIL ACTION COVER SHEET	DOCKET NUMBER 19 1579	Trial Court of Massachusetts The Superior Court

COUNTY

PLAINTIFF(S): Sandra Walters

ADDRESS: 27 Walnut St. Needham MA 02492

781-492-1585

DEFENDANT(S): John D. Schneider et al

ATTORNEY:

ADDRESS:

ADDRESS:

BBO:

TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)

CODE NO.	TYPE OF ACTION (specify)	TRACK	HAS A JURY CLAIM BEEN MADE?
C02	Zoning	F	☐ YES ☐ NO

*If "Other" please describe:

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Is there a claim under G.L. c. 93A? ☐ YES ☐ NO

Is this a class action under Mass. R. Civ. P. 23? ☐ YES ☐ NO

STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS
(attach additional sheets as necessary)

A. Documented medical expenses to date:
1. Total hospital expenses ..... $
2. Total doctor expenses ..... $
3. Total chiropractic expenses ..... $
4. Total physical therapy expenses ..... $
5. Total other expenses (describe below) ..... $

Subtotal (A): $

B. Documented lost wages and compensation to date ..... $
C. Documented property damages to date ..... $
D. Reasonably anticipated future medical and hospital expenses ..... $
E. Reasonably anticipated lost wages ..... $
F. Other documented items of damages (describe below) ..... $

G. Briefly describe plaintiff's injury, including the nature and extent of injury:

TOTAL (A-F): $

CONTRACT CLAIMS
(attach additional sheets as necessary)

☐ This action includes a claim involving collection of a debt incurred pursuant to a revolving credit agreement. Mass. R. Civ. P. 8.1(a).
Provide a detailed description of claim(s):

TOTAL: $

Signature of Attorney/ Unrepresented Plaintiff: X

Date: 12/16/19

RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.

CERTIFICATION PURSUANT TO SJC RULE 1:18

I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.

Signature of Attorney of Record: X

Date:

Norfolk Superior Court

19 1579

RECEIVED & FILED
2019 DEC 16 AM 10: 35
CLERK OF THE COURTS
NORFOLK COUNTY

Plaintiff
Sandra Walters, homeowner and resident since February 15, 2002
27 Walnut Street, Needham, MA

Defendants
John D. Schneider, Chairman
Jonathan D. Tamkin, Member
Howard S. Goldman, Member
Georgio Petruzziello, Petruzziello, LLC

COMPLAINT

This is an appeal pursuant to G.L. C. 40A, § 17 to petition for review a decision of the Needham Zoning Board of Appeals (the "Board") filed in the Town Clerk's Office on November 26, 2019 granting a comprehensive permit to (Petruzziello, ~~Petruziello~~ Properties, LLC "Developer") under MGL Chapter 40B to allow the development of 16 rental units consisting of eight one-bedroom units and eight two-bedroom units with 28 parking spaces.

A true copy of the Board's permit is attached as Exhibit A (the "Decision").

A true copy the homeowner and resident of 27 Walnut Street, Needham MA Quitclaim Deed is attached as Exhibit B (the "Easement")

A truce copy of the Notice of Decision is attached as Exhibit C

THE PARTY

Plaintiff Sandra Walters who owns and resides at 27 Walnut Street, Needham MA is aggrieved by the Board's decision.

Georgio Petruzziello, Developer
Petruzziello, LLC

John D. Schneider, Chairman
Jonathan D. Tamkin, Member
Howard S. Goldman, Member

THE SITE

The Decision concerns 35,286 square feet with a 14,500 square foot building formerly used as a congregate housing. The site is located in the Single Residence B District with a 99 feet of frontage on Great Plain Avenue and rear access to Walnut Street over a 20-foot wide easement.

Board in its decision did not consider that the approved plan creates an urdening of the ROW that has not been explored legally. The proposed 1180 ain Avenue project would be getting additional benefits without compensation or

agreement by the property owner and resident of 27 Walnut Street, needham MA (the abutter). This is a higher volume of traffic than could ever have been considered under the original ROW agreement given the original ROW agreement was made with consideration for the existing Zoning Rules which have been discarded in the process of allowing this building to move forward.

The ROW was written under one set of circumstances and not built for the proposed project and the level of traffic accessing the ROW causing an overburdening of the ROW. The alteration could not have been considered at the time of the original ROW agreement. The project as approved by the board is negative to the property owner and resident of 27 Walnut Street, Needham MA (direct abutter) by overburdening the 20 feet right of way that runs the entire length of the property and changing the design of the Walnut Street neighborhood.

The Walnut Street homeowners all submitted public comments to the Select Board and Zoning Board of Appeals with the following conditions. Any and all approvals/acceptances of the project were conditioned upon the fact that absolutely no traffic enter or exit onto Walnut Street via the 20ft right of way. Walnut Street is a quiet street of approximately 25 homes with 20 plus school age children. The property at 27 Walnut Street runs the length of the 20 foot right of way. There will be an additional 28 cars plus guests traffic utilizing the 20 foot right of way on a daily basis. This usage will be an overburdening of the right of way. Every homeowner on Walnut Street signed on to a letter voicing their disapproval of traffic on Walnut Street. This letter was submitted to the Zoning Board prior to the open meeting on this project. The Linden Street residents submitted a similar letter. Every adjacent neighborhood voiced opposition to the new traffic that this project would create.

The original plan for the traffic to utilize Great Plain Avenue would not have been a big variation as Great Plain Ave is built to bare the burden of a much higher volume of cars. The builder sought a variance in zoning in order to construct an apartment building with 8 one bedroom apartments, 8 two bedroom apartments and 28 parking spaces under a friendly 40B designation. The Town of needham has exceeded the 40 B limit. The plan initially presented on May 7, 2019 also allowed for a signaling system to provide for one way traffic; all traffic would come in from Great Plain Avenue and go out to Great Plain Avenue. There would be a gate on the Walnut Street side of the property which would be accessible by emergency personnel only for emergency vehicles to enter and exit the property. The architects direct comments indicate that there would be no Walnut Street access for this project. This alternative would better serve the design scheme.

The builder's representatives addressed the Needham Select Board, Planning Board and Zoning Board Association where they reviewed the above plan. The developer's architect stated he was willing to limit his leases to one parking spot per apartment, rather than one spot per bedroom. This would cap resident cars at 16. This act would both reduce traffic but also have more parking spaces left over for guests who might otherwise end up parking in one of the neighborhoods. It would also serve as a deterrent for families and roommate situations, which the developer has already stated is not his desired population.

The architect had repeatedly stated that usage of the current right of way would only be used for emergency access vehicles. The developer said many times that he **"guaranteed"** that Walnut Street homeowners would not have any traffic concerns once the building was open. It was (conditionally) endorsed by the Walnut Street neighborhood (with these promises in mind).

THE DECISION

On November 26, 2019 a Decision was filed with the Needham Town Clerk to grant Petruzziello, LLC, applicant a Comprehensive Permit under MGL Chapter 40B as detailed in the decision that was recorded with the Town Clerk and dated November 26, 2019 and is attached as Exhibit A.

The Plaintiff requests that this Court:

Annul the decision by the Zoning Board of Appeals

Plaintiff
PRO SE
Sandra A. Walters
27 Walnut Street,
Needham, MA 02492
781-492-1585
swalters213@gmail.com

Dated: December 16, 2019

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

COMPREHENSIVE PERMIT

Petruzziello Properties, LLC, applicant
1180 Great Plain Avenue
Map 139, Parcel 01

September 19, 2019

Petruzziello Properties, LLC, applicant, has made application to the Board of Appeals for a Comprehensive Permit under MGL Chapter 40B, Sections 20 through 23 and 760 CMR 56.00 to allow the development of 16 rental units consisting of eight one-bedroom units and eight two-bedroom units with 28 parking spaces. The project involves the conversion of the existing vacant one-story 14,500sf building into a two-story building to contain 24,653sf. Four units (25%) will meet the definition of low- and moderate-income housing. The property is located at **1180 Great Plain Avenue, Needham, MA** in the Single Residence B District. A public hearing was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, September 19, 2019 at 8:00 p.m.

Documents of Record:

Documents submitted before or at the September 19, 2019 hearing:

- Application for Hearing, dated July 29, 2019; ZBA stamped July 31, 2019.
- Comprehensive Permit Application, dated July 2019, Clerk stamped July 22, 2019.
  Section 1 – Project Summary
  Section 2 – Applicant Status
  Section 3 – Site Approval Letter, Laura F. Shufelt, Assistant Director, Community Assistance, Massachusetts Housing Partnership, July 16, 2019.
  Section 4 – Development Team
  Section 5 – Purchase and Sale Agreement, Congregational Church of Needham and Petruzziello Properties, LLC, dated October 22, 2018.
  Agreement between Petruzzielo Properties LLC and Supreme Development, Inc., dated March 14, 2019.
  Sections 6 – Plans: Project Narrative, Google Map of site area, Needham GIS Map of site and area and lot; Google Aerial Map of site and area; view from Walnut

Street. Photo of Existing Building; Rendering of Proposed Development McKay; Site Plan, L-1.1; Proposed First Floor Plan A-1.2, Proposed Second Floor Plan A-1.3, Elevations A-2.1, A-2.2, A-3.2, Typical Unit Plans, prepared by McKay Architects, stamped by Michael L. McKay, Registered Architect, dated March 4, 2019. Project Information – Gross Floor Area, McKay Architects, March 8, 2019.

Section 7 – Needham Subsidized Housing Inventory.

Section 8 – Existing Site Conditions: Existing Conditions, Plan 1 of 5; Site Plan, 2 of 5; Grading and Utility Plan, 3 of 5; Landscape Plan, 4 of 5; Site Lighting Photometric Plan, 5 of 5; prepared by GCC Associates, stamped by Michael Carter, Registered Professional Engineer, dated August 20, 2019. Plot Plan, 1of 1; prepared by GCC Associates, stamped by Michael Carter, Registered Professional Engineer, dated July 29, 2019.

Section 9 - List of Exceptions to the Zoning By-Laws: Zoning Requirements and Waivers.

Section 10 - Traffic Impact and Access Study Proposed Residential 1180 Great Plain Avenue, prepared by Bayside Engineering, May 10, 2019.

- Letter to Kate Lacy, Senior Project Manager, Massachusetts Housing Partnership from Kate Fitzpatrick, Town Manager, May 29, 2019.
- Email from Karen Sunnaborg, Community Housing Specialist, August 15, 2019.
- Email from Don Lankiewicz, Chair, Needham Historical Commission, August 25, 2019.
- Letter from the Planning Board, prepared by Lee Newman, Director, Planning & Community Development, September 4, 2019.
- Letter from Thomas Ryder, Assistant Town Engineer, September 9, 2019.
- Letter from Chief John Schlittler, Needham Police, September 13, 2019.
- Email from Sean Harrington, Acting Superintendent of Water, Sewer and Drains Division.
- Letter from Dave Roche, Building Commissioner, September 10, 2019.
- Email from Chief Dennis Condon, Needham Fire Department, September 9, 2019.
- Email from Tara Gurge, Assistant Public Health Director, September 6, 2019.
- Email from Catherine Parnell, 1189 Great Plain Avenue, September 10, 2019.

Documents submitted before or at the September 19, 2019 hearing:

- Email from Lynn Klatt, 16 Walnut Street, September 17, 2019.
- Email from Doug Fox, 43 Market Tree, September 17, 2019.
- Email from Joe Leghorn, 5 Walnut Street, September 17, 2019.
- Letter from Jason Hecht, 59 Walnut Street, September 17, 2019.
- Letter from Sandra A. Walters, 27 Walnut Street, September 18, 2019.
- Email from Dennis Kramer, 52 Walnut Street, September 18, 2019.
- Letter Signed by Multiple Neighbors, September 15, 2019.
- Letter from Paul and Gabrielle Good, 30 Walnut Street, September 18, 2019.
- Letter from Joseph Leghorn and Dorothy DeSimone, 40 Linden Street, September 17, 2019.
- Memorandum *1180 Great Plain Avenue, Needham, MA – Parking Demand*, Peter A. Zahka, II, Esq., May 23, 2019.

Documents submitted before or at the October 17, 2019 hearing:

- Letter from the Select Board, prepared by Kate Fitzpatrick, Town Manager, October 2, 2019.
- Revised Existing Conditions Plan, Plan 1 of 6; Site Plan, 2 of 6; Grading and Utility Plan, 3 of 6; Landscape Plan, 4 of 6; Site Lighting Photometric Plan, 5 of 6; Sewer Profile prepared by GCC Associates, stamped by Michael Carter, Registered Professional Engineer, dated October 17, 2019.
- E-mail from Anthony DelGaizo, Town Engineer, October 7, 2019.
- Letter from Tom Ryder, Town Engineer, October 17, 2019.
- Email from Chief Dennis Condon, Needham Fire Department, October 7, 2019.
- Email from David Roche, Building Commissioner, October 16, 2019.
- Letter from Megan & Shane Laporte, 19 Walnut Street, October 17, 2019.

Documents submitted before or at the November 21, 2019 hearing:
- Email from Catherine Parnell, 1189 Great Plain Avenue, November 11, 2019.
- Letter from Sandra A. Walters, 27 Walnut Street, received electronically on November 12, 2019.
- Memorandum from Paul A. Zahka, received November 13, 2019.
- Email from Robert Engler, November 1, 2019.
- Email from Peter Zahka, November 1, 2019.
- Email from Peter Zahka, November 18, 2019
- Draft Findings and Decision November 19, 2019, Decision Section, Paragraph 27, November 21, 2019.

September 19, 2019

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; and Howard S. Goldman, Member. Also participating was Kathy Lind Berardi, Associate Member.

Mr. Schneider opened the meeting at 8:00 p.m. by reading the public notice.

Peter A. Zahka, II, Esquire, attorney for the applicant, introduced the development team which included: Giorgio Petruzziello, Principal; Bob Engler, 40B consultant; Michael McKay, architect; Michael Carter, President, CGC Engineering; and Kenneth Cram, Director Traffic Engineering, Bayside Engineering. Mr. Zahka described the project as a *friendly 40B* project. Prior to this hearing, the applicant held meetings with neighborhood groups and individuals, the Planning Board and the Town Select Board. The applicant sent 100 flyers regarding the Planning Board and ZBA meeting to the neighbors.

Mr. Engler noted that, because the Town has reached the required 10% for affordable housing, any 40B proposal before the ZBA has no appeal option. The applicant has sought the neighborhood's support through community outreach and has scaled down its proposal from the original concept of twenty 1-bedroom units to sixteen: eight one-bedrooms and eight two-bedrooms. Massachusetts Housing Partnership (MHP), the funder, does not support 1-bedroom only complexes. Because of the small number of units, MHP allowed the elimination of the three-bedroom requirement for the final one- and two-bedroom mix and issued a Project Eligibility Letter.

The proposed project is located on a 35,286 square foot lot adjacent to the Congregational Church. It has 99 feet of frontage on Great Plain Avenue and no frontage on Walnut Street. It does have right-a-of-way drive with access on Walnut Street. The lot has a 14,500 square feet single-story building built in 1971 as a residential home for seniors. The property was purchased by the church in 2014 for administrative offices and storage. In 2015, 7,000 square feet was leased for a daycare and pre-school program with 74 students and 18 staff members. The building is currently vacant. The property is owned by the Congregational Church and the applicant has entered into a Purchase and Sale agreement with the Church.

Mr. Carter described the property. Access to the property is from Great Plain Avenue with a driveway through the property which is at its narrowest 13' 2" wide. Currently there are eleven parking spaces and one handicapped space. The east side has a lawn area with eight 8" to 36" caliper trees which provide a shaded canopy.

The proposal will maintain the horseshoe driveway in the front of the building and use it as the entrance. Cars will wait in the horseshoe driveway until the driveway along the west side of the building is clear. Cars will exit directly to Great Plain Avenue. There will be angle parking on the west side of the building and parking in the back of the property.

The Walnut Street right-of-way will be resurfaced with geogrid grass pavers which will allow emergency vehicles to have access to the property. There will be a closed gate at end of the right-of-way to prevent access to Walnut Street for the residents. Access to the right-of-way will be limited to emergency responders who will have controlled access for the gate.

The driveway on the west side of the building will have a signal control system with mirrors to allow resident traffic to use the driveway to enter and exit. Because the drive is 13' wide, only one car can use the driveway at a time. The horseshoe driveway in front will allow up to four cars to queue up to Great Plain Avenue.

The Zoning By-Law requires 24 parking spaces: the proposal will be providing 27 parking spaces. Mr. Schneider noted that there was a discrepancy as to the number of parking spaces with some documents using 28. Mr. Carter confirmed that there are 27 parking spaces. The property will have no access from the back parking lot to the church parking lot.

The applicant will replace the sewer line. As described in the Landscape Plan, the property will be landscaped with plantings and trees. Only one tree, located in the back next to the church property, is proposed for removal. The east side grass area is approximately 13.5' wide.

There is a Lighting Plan. Light spill-over was a concern in the comments received from neighbors; the applicant will adjust the lighting to eliminate the spill over.

Mr. Zahka said that the closing of the access to Walnut Street was in response to a request from the neighbors. Mr. Engler said that the applicant has no preference among the access options and will make the selected option work.

Mr. Zahka provided a copy of the *Memorandum on Parking Demand* submitted to the Select Board dated May 23, 2019. The Town's By-Law requires 1.5 spaces per unit for apartments

yielding a requirement of 24 parking spaces. Other sources indicated a maximum need of 21 spaces on the weekend and 14-18 spaces on weekdays. The applicant will adopt strategies to insure the number of parking spaces provided is adequate such as bicycle amenities, unbundling the cost of parking from the rent, limiting the number of resident vehicles and encouraging the use of public transportation. There will be 16 spaces for tenants and the remaining spaces will be for guest parking.

Mr. Tamkin questioned whether a loop around the building was considered for traffic flow. Mr. Petruzziello responded that they had looked at that option but dismissed it because of the desire to keep all the green space and the mature trees.

Michael McKay, project architect, reviewed the architectural plans. They intend to keep the existing one-story building, remove the roof and add a second floor. The brick building will be covered with cement board clapboards on the first floor and shingles on the second floor. The front door will be moved and centered. The project will be residential in scale having a proposed height of 28 feet. The two windows on the top gables are decorative only. A series of gables are proposed along the length of the second story to break up the mass of the building. The back greenhouse will be removed to make space for the rear parking. The handicapped parking and entrance will be located in the rear. A handicapped lift will be provided. All the units will be Type One accessible units as required by the Building Code and Architectural Access Review Board.

The lobby will have a mailroom and an elevator. There is also a back lobby with an access to the basement where there will be internal trash, bike storage and general storage. The two-bedroom units have two bathrooms. The one-bedrooms have one- and half-bathrooms with open studies which cannot be used as a bedroom. The upstairs units are smaller than the first-floor units.

Mr. McKay noted that there will be a gate placed in the back that will be remotely controlled by the Fire Department. Access to the building will be discussed at a meeting scheduled on Friday, October 4th with the Fire, Police, Building and Engineering Departments. Grass cement pavers are planned for the easement to Walnut Street.

Kenneth Cram, Traffic Engineer from Bayside Engineering, reported that a complete traffic study was conducted in May 2019, a high traffic month. They studied three intersections on Great Plain Avenue and on Walnut Street as well as the access to Walnut Street and Great Plain Avenue. The study revealed two-way traffic of approximately 12,500 cars per day on Great Plain Avenue and less than 400 cars per day on Walnut Street. There were 18 reported crashes in the study area. None of the intersections had a critical rate of accidents and there were no fatalities.

According to their calculations, the 16 units will generate approximately 80 daily trips in and out of the property – 40 cars arriving and 40 cars departing. During the morning peak traffic hour, the projections indicate 6 cars exiting and 2 cars entering the property. During the evening peak traffic hour, the projection is for 8 cars entering, 4 cars exiting. This translates to approximately 8 additional cars into the existing 1200 car morning traffic volume. The traffic generation impact was insignificant whether the access was from Great Plain only, Walnut only or both ways. In addition, the intersection delays appeared not to be impacted by

car trips from the site because the number is so low. The worst rated intersection, Marked Tree Road, will be impacted by only an additional one to two cars- which is not noticeable.

The applicant is proposing a light signal which allows access in one direction at a time based on a video camera detection system. The horseshoe driveway will be for entering traffic. The lighting system will be discreet and designed to fit into the architecture of the building. The projected eight cars exiting at morning peak traffic are expected to be staggered over the 60 minutes, generating approximately one car exiting every 5 minutes. The study did not consider the proximity of the project to public transportation and the attraction of the project to tenants who don't own cars.

Mr. Schneider asked about access to Great Plain Avenue when the traffic in the morning is at a standstill. Mr. Cram said that the signal will take into consideration those delays.

Mr. Goldman inquired about snow removal. Mr. Petruzziello responded that when there is a storm of 12" or more the snow accumulation will be removed off-site. For small storms occurrences, the snow will be stored on site.

Mr. Zanka highlighted the zoning waivers sought including waivers from single-family use; side set back; FAR; lot coverage; and parking design.

Written comments received:

- The Planning Board favored the plan as proposed.
- The Select Board supported the project but had concerns about the proposed property vehicular access. Matt Borrelli, Select Board Member, spoke on behalf of the Select Board, stating that there was a unanimous vote in support of the project conditioned on the a solution to the traffic access.
- The Building Commissioner had concerns about the 13' wide driveway and no curb protection for the building or pedestrian access through the property. A technical review meeting has been scheduled on October 4th to review the issues identified.
- The Water and Sewer Department had concerns regarding sewer relocations; fire hydrant installation; sewer back-flow devices; and water meter specs. A technical review meeting has been scheduled on October 4th to review the issues identified.
- The Engineering Department was concerned about the morning queues; angled side parking, blind corners and drive obstructions; no vehicular turn around area to exit the site and the pavers. A technical review is scheduled on October 4th to review the issues identified.
- The Historical Commission did not find any historic significance of the property.
- The Health Department requires a Demolition Permit and had concerns about trash and recycling regarding location, frequency of pick-up and residential education.
- The Fire Department had concerns about the emergency access and the gate system. A technical review meeting is scheduled on October 4th to review the issues identified.
- The Police Department thought the number of parking spaces was inadequate, vehicular circulation was too tight, the width of the drive was too narrow for emergency vehicles, and the proposed access system was problematic for emergency access. A technical review meeting is scheduled on October 4th to review the issues identified.
- The Design Review Board was supportive of the overall design, recommended drought tolerant plantings, raised concerns about the impact of closing Walnut Street and

identified light spillage onto 27 Walnut Street which needs to be adjusted and shielded.

- Catherine Parnell, 1189 Great Plain Avenue, was concerned about the additional traffic on Great Plain Avenue and thought that access from Walnut Street should be allowed.
- Lynn Klatt, 16 Walnut Street, was concerned about traffic impact on Walnut Street and opposes access to Walnut Street.
- Doug Fox, 43 Marked Tree Road, was concerned about traffic impact on Walnut Street and opposes access from Walnut Street.
- Joe Leghorn, 5 Walnut Street, was concerned about traffic impact on Walnut Street. He was opposed to project residents using Walnut Street.
- Abishek Wadhwa, 5 Walnut Street, concurs with Mr. Leghorn.
- Jason Hecht, 59 Walnut Street, does not want more traffic on Walnut Street. He wants children to be able to play on the street.
- Sandra A. Walters, 27 Walnut Street, opposed access from Walnut Street.
- Dennis Kramer, 52 Walnut Street, concurs with Mr. Leghorn.
- Letter Signed by Multiple Neighbors, September 15, 2019, opposed the usage of Walnut Street to access the project.
- Paul and Gabrielle Good, 30 Walnut Street, want no access onto to Walnut Street.

Mr. Borrelli, 1175 Great Plain Avenue, had concerns about the additional traffic generated on on Great Plain Avenue and the density of the proposal.

Mr. Goldman asked about the market demographics of the project. Mr. Petruzziello said that, based on their existing portfolio of 245 one-bedroom and 5 two-bedroom units in town centers near public transportation in Dedham and Westwood, over 50% are rented to a middle age and older population. He expects that the proposed complex will attract a similar demographic. Only one of his existing units is occupied by a household with a child.

Mr. Tamkin inquired about amenities. The units will each have their own washer and dryer. Some of the units will have decks and access to green space. Amenities such as shops, gyms, pharmacy, coffee shops, and restaurants are in walking distance. Mr. McKay explained that, by not offering amenities, the applicant is able to keep the rents more affordable than what other complexes do. Pets are not allowed.

Mr. Schneider opened the meeting to comments from the public.

Catherine Parnell, 1189 Great Plain Avenue, thought the proposed design was nice. She wanted to know if some of the comments made by the Engineering Department could be adopted. Mr. Schneider reminded her that the public hearing will the continued and items raised in Town's comments will be discussed and addressed at a technical working meeting on October 4th and solutions will be brought to the ZBA at the next public hearing.

Susan Tanner, 1186 Great Plain Avenue, remembered when the facility was owned and managed by Daystar, Inc. as a 20 elder resident facility. All the access in and out of the property for delivery, transportation, landscapers, snow removal services and employees was from Walnut Street. She did not think it was reasonable to close off the Walnut Street access. The property has only used access from Great Plain Avenue when the property was leased as a daycare program in 2014. She supported one-way traffic flow through the property either from Great Plain Avenue or from Walnut Street. Ms. Parnell concurred.

Christopher Larsson, 58 Walnut Street, said that the impact of the complex's 80 daily vehicles would be a greater on Walnut Street than on Great Plain Avenue.

Paul Good, 30 Walnut Street, has been a resident neighbor for the past 34 years. He stated that only 2 of the 20 Daystar residents owned a car. The traffic generated by Daystar was limited to occasional deliveries and trash pick-up and had little or no impact on Walnut Street. He believed the traffic from the proposed project would generate much more traffic and have more impact on Walnut Street than Daystar. He wanted to maintain the quiet street atmosphere of Walnut Street. The traffic generated by the project should be directed on Great Plain Avenue which is already a busy street.

Mr. Tamkin and Mr. Schneider asked him about creating a loop option and eliminating the green space. Mr. Good supported such an option. He suggested an attractive fence or a land easement/acquisition from the church could make the loop work.

Jennifer Connors, 133 Prince Street, is the volunteer treasurer of The Congregational Church of Needham. The church supports the project. The church does not have any extra land because of parking requirements. The church opposes the removal of the green space and trees. She was concerned about the negative impact on future residents of cars driving by their units and the loss of green space. She expressed her appreciation to the applicant for listening and responding to the neighborhood. The church selected the applicant over others interested in buying or leasing the property because of the applicant's positive reputation as a developer and property owner/manager.

Sandra Walters, 27 Walnut Street, currently abuts the Walnut Street access drive. She attested to the quiet nature of Walnut Street and that her children, now grown, played on the street. She supports the Walnut Street access drive being closed with a gate. She did not want cars driving by her home.

Megan Laporte, 19 Walnut Street, supported the idea that the property be closed to Walnut Street. The church generates traffic that impacts the street. The traffic from the 16 units to the neighborhood of 26 homes was an additional burden.

Matt Gaines, 1207 Great Plain Avenue, supported access from Walnut Street to Great Plain Avenue as it worked under Daystar. He thought it was a good compromise in sharing the traffic burden.

Mr. Tamkin asked if there was support of the project. There was general support of the project despite the traffic access concern.

Stacey Fallon, 34 Walnut Street, reported that Daystar generated so little traffic that she was unaware of its use. When the property was leased as a daycare, the neighborhood was negatively impacted by the traffic generation, the on-street parking and honking school buses that were stuck on the narrow street. She reported that the telephone pole located at the end of the Walnut Street driveway makes turning right on Walnut Street difficult. She supported the installation of a gate to prevent the usage of Walnut Street by the project.

Mike McKay, 31 Gage Street, said that the period when the daycare operated out of the property was a tough time for the neighborhood. As a neighbor he thought housing use was a good fit. He lives in the neighborhood because of its walkability and access to amenities which outweighs the traffic inconveniences. He would be affected as a neighbor on Great Plain by the additional traffic. However, the traffic study results reassured him that the traffic generation is insignificant.

Mr. Borrelli, 1175 Great Plain Avenue, had issues with the density and with the signalization access plan.

Ms. Berardi thought that the proposed access with the internal traffic signal into the property was odd. She asked if the applicant had personal experience with this type of traffic signal. She thought that the signal might frustrate tenants who would then seek alternate parking on Walnut Street. Mr. Petruzziello had no experience with the signal system but offered it in working with the neighborhood. Mr. Zanka said the system was only considered because the traffic numbers in and out of the site are so small. Once installed, the system will continue to be refined.

Mr. Goldman inquired about the gate. The gate will be a single arm gate that lifts. Pedestrians can walk around and under it.

Mr. Petruzziello expects that 50% or more of the tenants will be older who will avail themselves of public transportation, and generally won't leave at the same time.

Mr. Tamkin did not think the interior traffic flow made sense. He'd like to see the interior traffic flow improved. He wondered if decreasing the density of the project could provide space for improved traffic flow.

Mr. Zahka stated that the economics do not allow the development to go forward with less than 16 units.

Ms. Berardi wanted more information on the density and its impact on the internal flow and access to the project.

The meeting was continued to October 17, 2019 at 8:00pm, Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham.

Mr. Schneider requested that any conclusions of the technical review meeting of October 4, 2019 be addressed at the beginning of the next hearing. He requested that all the access options should be reviewed with their pros and cons and that the Board be provided with the rationale of the selected option.

The meeting adjourned at 10:15 p.m.

October 17, 2019

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; and Howard S. Goldman, Member. Also participating was Kathy Lind Berardi, Associate Member.

Mr. Schneider opened the hearing at 8:00 p.m. by reading the public notice.

Mr. Schneider reported on the comments received since the last public hearing:

- The Select Board voted to recommend that there should be one-way traffic flow through the property.

- The Engineering Department evaluated the access options and thought the best option is entering one-way from Great Plain Avenue and exiting through Walnut Street.

- The Fire and Building Department concurred with the Engineering's assessment of the preferred option.

- The Engineering Department requested the following revisions: the driveway to Walnut Street should be widened to a 16-feet paved way; parking spot #25 should be eliminated and the curbing revised ; the Great Plain Avenue entrance should be widened; there should be an additional parking spot in the front; handicapped spot #8 should be located closer to the building with a reconfigured curb; compact spots #13 and #14 should be increased to 9' width; the water service should be increased to 4" service; the storm drain should have more than a 3' cover; RCP and CLDI pipe should be provided; the plans should show existing onsite drainage structures that need modifications; and there should be light shields to prevent spillage or seek neighbor permission for spillage.

- A letter was received from Megan and Shane Laporte who support the project as long as there is no access to Walnut Street.

Mr. Goldman asked about the easement to Walnut Street. Mr. Zanka read the easement which reserves to the applicant broad rights including driveway access for all vehicles; access for utilities and services lines: and the right to maintain the drive by adding and maintaining paving, curbing and plantings. The document does not allow parking along the easement. Mr. Zanka submitted a copy of the easement to the Board which the members reviewed. Mr. Schneider stated that he was satisfied that the applicant has the right to use the easement as proposed.

Michael Carter, Engineer CGC Associates, presented an overview of the revised plans:

- the east side parking has been modified for compact cars and one spot was eliminated;
- an additional parking space was added to the front drive;
- the back parking is for conventional size cars;
- the back gate was eliminated;
- the back drive has been widen to 16';
- the existing west side chain link fence will be removed;
- the east side bump out in the parking lot was eliminated;
- a new stormwater infiltration system has been included;
- the drain line from Walnut Street to the site will be replaced;
- the sewer line that runs along the abutter's property will be capped and a new sewer line will tie into the existing town sewer;

- the existing catch basin located in the front will be replaced;
- the previous access light signal system has been eliminated and replaced with a one-way access from Great Plain Avenue to Walnut Street;
- the front north-west bump out curve has been eliminated and straighten;
- a basement plan was provided identifying the sprinkler and electrical systems, bike and tenant storage. The basement includes a new access staircase to the area;
- the mechanical systems will be located on the roof concealed by the roofline.

Mr. McKay reported that he spoke with Paul Good at a neighborhood meeting who requested the following conditions which have been agreed to by the applicant:

- the placement of a *Tenants Only No Through Traffic* sign;
- all daily deliveries, drop-off and pick-ups to be made at the front;
- the front driveway will be maintained;
- trash pick-up after 7:00 a.m., the dumpster to be placed against the building;
- one resident parking sticker per tenant, the remaining spaces for visitors;
- no snow will be pushed onto Walnut Street;
- the placement of *Children Go Slow* at the exit onto Walnut Street;
- the placement of *Deliveries and Pick-up at the Front Door Only* sign.

The meeting was open to the public:

Ms. Walters, 27 Walnut Street, said she was not part of the conversation held between Mr. Good and Mr. McKay and she cannot say she is in support of the conditions that he mentioned. She was in support of the applicant capping the sewer line that runs under her property. She had concerns about the property tax burden on 27 Walnut Street of the land in the right-of-way. She spoke with the Town Counsel and Town Clerk about this.

Tammy Macherides, 1194 Great Plain Avenue, supports one-way access into the property.

Mr. Good, 30 Walnut Street, apologized for the unintentional oversight that Ms. Walters was not informed about the neighborhood meeting. He restated the list of suggestions that was presented by Mr. McKay, with the addition of a coded gate and speed bump.

Ms. Laporte, 19 Walnut Street, was disappointed that the former access plan was not selected. She preferred that three homes be developed on the property. She thought the 16-unit density and the traffic generated were too much.

Ms. Tanner, 1186 Great Plain Avenue, liked the design. She supported one-way traffic through the property. She thought this option was a good compromise for both the Great Plain Avenue and Walnut Street neighbors. She supported the conditions offered by the community.

Noah Pearlstein, 44 Richard Road, is the broker for the Church. He said there were six offers to purchase the property and none were for the development of three townhouses. When parishioners were surveyed, the Church's top priority for the site was the creation of affordable housing for seniors to remain in the community. The applicant's proposal will be providing rentals at one-third of Needham's market rental rate. As a former firefighter and fire inspector, he thought it would be negligent to select an access option that discounts the

unanimous recommendation by Fire, Police, Building and Engineering Departments.

Alvin Pei, 20 Walnut Street, is the newest homeowner on the Walnut Street. He wants to teach his kids to ride a bike on the street. He supported the elimination of open space and mature trees and the use of the loop around the property. He thought the proposed project would negatively affect property values in a quiet family neighborhood.

Select Board Member Moe Handle, 3 Rosemary Street, reported that the Select Board was in favor of the proposal. They had concerns about the access option as initially presented. Once the Engineering Department recommended a one-way access onto the property, the Select Board voted unanimously on October 1, 2019 to recommend a one-way traffic access option.

Mr. Petruzziello offered to be available to neighbors to resolve any issues that may arise.

Ms. Berardi asked how the single-car per tenant would be enforced. Mr. Petruzziello said the single car limit will be built into the lease. He thought that a one-car per unit was reasonable for the project because of the proximity to public transportation, pedestrian access to amenities, the size of the units and the age of the tenant population.

As a direct abutter to the driveways of the project and the Church, Ms. Walters was concerned about the traffic generated on both sides of her property. Mr. Petruzziello offered to place a fence or bushes along the easement. Ms. Walters and Mr. Petruzziello agreed to discuss a solution.

The public hearing portion of the meeting was closed. The Board deliberated.

Ms. Berardi supported the use but was sympathetic to the concerns raised by the neighbors about adding to the traffic on Walnut Street. She thought the one-way traffic access option made the most sense, however, especially with the comments received from the Police and Fire. She believed the internal traffic signal access system would have driven tenants to park on the street to circumvent it. She thought that the residential use resulted in the least traffic impact to the neighborhood. She appreciated the applicant working with and making concessions to the neighbors. She found the traffic study comprehensive and the added traffic during peak hours reasonable. She found the overwhelming support of the neighborhood relating to the aesthetic design of the building convincing.

Mr. Goldman thought the development was a good project. He appreciated the applicant working with the neighborhood. He deferred to the unanimous recommendation for the one-way access option by the Engineering, Fire and Police Departments. He thought the suggestions made by Mr. Good to limit traffic flow onto Walnut Street were beneficial. He supported the lease restriction to one car per tenant.

Mr. Tamkin thought the project was a worthwhile and a needed housing option for the Town's aging population. He found the applicant accommodating in working with the neighbors to find solutions. He supported the one-way access option, as the light signalization option made no sense to him. He appreciated that the traffic burden of the one-way access was shared by all neighbors but was needed to address Fire and Police emergency response needs. He liked the lease agreement restriction of one car per unit.

Mr. Schneider thought the project was good for the Town and that the proposed use was reasonable for the site. He found the architectural detail and design attractive. He was persuaded by the Police, Fire, Building and Engineering's unanimous recommendation for the one-way access from Great Plain Avenue to Walnut Street. He has found that traffic studies are generally accurate and that the projection of 6-8 cars per hour exiting and entering the site during peak hours would have a minimal impact. He noted that Walnut Street was a public street and as such it should be open to the public and to all abutters including the applicant. .

Mr. Tamkin moved to approve a Comprehensive Permit under MGL Chapter 40B to allow the development of 16 rental units consisting of eight one-bedroom units and eight two-bedroom units with 27 parking spaces, associated with the conversion of the existing vacant one-story 14,500sf building into a two-story building to contain 24,653sf with four units (25%) that will meet the definition of low and moderate income housing, all as presented in the revised plans dated October 17, 2019, subject to any further modification and revision from the Town Engineer and any other appropriate Town Departments, subject to all the conditions discussed to mitigate impacts to Walnut Street with a draft Comprehensive Permit to be presented and discussed at the November 21, 2019 Board Meeting. Mr. Goldman seconded the motion. The motion was unanimously approved.

The draft Comprehensive Permit will be made available to the applicant and posted on the Board's website.

The meeting adjourned at 9:30 p.m.

November 21, 2019

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; and Howard S. Goldman, Member. Also participating was Kathy Lind Berardi, Associate Member and Peter Friedenberg, Associate Member.

Mr. Schneider opened the meeting at 7:30 p.m. by reading the public notice.

Mr. Zahka reported that the Susan Berstein, attorney representing Sandra Walters, 27 Walnut Street, had contacted the applicant about the screening along the easement. The applicant had agreed to Ms. Walters requests. Ms. Walters, however, is still considering the details but hasn't decided.

All parties were satisfied with the *Draft Findings and Decisions* of November 19, 2019 including the presented revised paragraph 27 of the Decision section.

The meeting adjourned at 7:37 p.m.

Findings:

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

1. The site contains 35,286 square feet improved with a 14,500 square foot +/- one story building formerly used as congregate housing. The site is located in the Single Residence B District with 99 feet of frontage on Great Plain Avenue and rear access to Walnut Street over a 20-foot-wide easement.

2. The building was constructed following a Decision of the Board dated September 13, 1966 finding that the construction and use were permissible as a residential home under Section III-A(1)c of the then Zoning By-Law. The By-Law has been amended, the use has been abandoned and the use would no longer be permissible.

3. The building was used as a home for senior Christian Scientist for a period but became vacant. The property was acquired in 2014 by the Congregational Church of Needham which abuts to the East. In 2015, approximately 7000 square feet of the property was leased for use as a day care center which caused significant traffic issues. The building has been vacant for several years.

4. The applicant proposes to add a second story and convert the building into sixteen rental apartments (eight one-bedroom and eight two-bedroom units). Four of the apartments would be rented to persons of limited income.

5. The applicant has filed under MGL Chapter 40B because the current zoning does not allow an apartment use.

6. According the September 2018 inventory by the Department of Housing and Community Development ("DHCD"), Needham has 1397 affordable housing units which is 12.5% of its housing stock. Since the affordable housing in Needham has exceeded 10%, the applicant may proceed under Chapter 40B, but has no right on appeal to overturn the decision of the Board.

7. The project was presented to the Needham Select Board at a public hearing on May 14, 2019. The Select Board voted at a meeting on May 28, 2019 to recommend the granting of a comprehensive permit for the project subject to several conditions. One unresolved issue was the traffic flow at the project. The Select Board further discussed the traffic flow and voted at a meeting on October 1, 2019 to recommend that traffic be one-way from Great Plain Avenue to Walnut Street or from Walnut Street to Great Plain as may be determined by the Board.

8. The applicant is affiliated with a developer that has substantial experience with the construction and operation of similar rental projects including apartment buildings in Dedham and Westwood.

9. The applicant has obtained a Project Eligibility Letter from the Massachusetts Housing Partnership ("MHP") dated July 16, 2019.

10. The applicant shall establish and form a single purpose Limited Dividend Organization as defined in 760 CMR Section 56.02. Such Limited Dividend Organization shall be wholly owned by applicant or applicant's principals. As used

further herein, applicant shall refer to applicant and/or such Limited Dividend Organization to be established and formed.

11. The applicant has control over the site as evidenced by a Purchase and Sale Agreement between the Congregational Church of Needham, as seller, and the applicant, as buyer, dated October 22, 2018.

12. The applicant will conform to the Lender's Limited Dividend Policy as defined in the Chapter 40B Regulatory and Affordable Housing Agreement for Limited Dividend Organizations ("Regulatory Agreement") to be entered between the applicant and MHP.

13. The applicant has agreed that 25% of the units will be Affordable Housing Units as defined in the Regulatory Agreement in perpetuity available only for low- and moderate-income renters.

14. The project is consistent with the Affordable Housing Plan adopted by Needham in 2007 and Chapter 40B Guidelines adopted by Needham in 2012.

15. The proposed project is consistent with local needs.

Traffic Flow

16. In response to concerns about traffic expressed by the neighbors on Walnut Street, the applicant's original proposal for traffic flow was to have two-way traffic entering and exiting from Great Plain Avenue and to close off the Walnut Street access (except for emergency vehicles). The driveway to Great Plain Avenue is only 13.2 feet wide and cannot be widened. This two-way proposal would have required a signal system with cars waiting for a green light before entering or exiting. Great Plain Avenue has traffic backed up to a standstill in front of the premises at various times and there were likely to be periods when it would be difficult for residents to exit onto Great Plain Avenue.

17. When this property was operated for congregate housing, substantially all traffic flowed in and out from Walnut Street.

18. After a review of several alternate patterns for traffic flow, the Engineering Department, Building Commissioner and Fire Department recommended one-way traffic flow entering from Great Plain Avenue and exiting to Walnut Street.

19. The applicant submitted a traffic study dated May 10, 2019 prepared by Bayside Engineering indicating that Great Plain Avenue has a traffic volume of approximately 12,450 vehicles per day on a weekday with approximately 1,006 vehicles during the morning peak hour and 1,221 vehicles during the evening peak hour. Walnut Street has a daily volume of approximately 185 vehicles on a weekday with 25 vehicles during the morning peak and 35 vehicles during the evening peak.

20. The traffic study predicts an average of 80 vehicles per day in and out from the property. The weekday morning peak is projected at 8 vehicles per hour with 6 exiting and 2 entering. The weekday evening peak is projected at 12 vehicles per hour with 8 entering and 4 exiting. The estimates have not been reduced from standard guidelines because of the project is within easy walking distance of Needham and is likely to be occupied by a number of retired or elderly tenants. Based on these projections, the traffic will not be a substantial burden on either Great Plain Avenue or Walnut Street.

Parking

21. The applicant's original proposal was for 27 parking spaces with 16 spaces to the rear, 9 spaces at an angle along the side of the building and 2 spaces on the circular driveway in front of the building. The By-Law requires one and one-half spaces for apartment buildings or 24 spaces, so the number of spaces is adequate. The Town Engineering Department objected to the configuration of the parking because they thought there was not adequate maneuvering space. The change to a one-way flow, limiting the spaces along the side to compact spaces, and some reconfiguration of the parking spaces satisfied the Engineering Department.

22. To reduce traffic, the applicant agreed that the tenants would be limited to one car to be parked on the premises and that the parking limitation would be included in the lease. This means that 16 spaces would be available to residents and there would be 11 guest spaces. Residents will be issued stickers so that the project manager can identify unauthorized parking.

23. To further reduce the traffic burden on Walnut Street neighbors, the applicant agreed that all deliveries would be made to the front of the building on Great Plain Avenue.

Safety

24. In response to the concerns of Walnut Street residents about traffic safety, the applicant agreed to install a speed bump at the exit to Walnut Street and to install a sign warning driver to drive slowly. The applicant agreed to install signs and attempt to prevent use of the property by non-residents as a cut through from Great Plain Avenue to Walnut Street. The applicant agreed that no snow from the project will be deposited on Walnut Street.

Engineering

25. In response to request from the Town Engineering Department, the applicant agreed to shut off and cap the current sewer line running through the property behind the building and to install a new sewer line running along the 20-foot easement from the building to the sewer connection in Walnut Street. The applicant will also install an infiltration system to catch rain runoff.

26. Applicant has requested waivers from the following provisions of the Zoning By-Law:

a. Multi-family Residential Use (Section 3.2.4) Multi-family residential use is not allowed in the Single Residence B District.

b. Side Setback (Section 4.2.3) Required 14 for 32 linear feet and 16 feet thereafter. The existing building is 12.9 feet on the east side and 13.2 feet on the west side. The new second floor will be no closer to the side setbacks that the existing building.

c. Maximum Floor Area Ratio (Section 4.2.3) Required 0.36. The proposed building will have a Floor Area Ratio of 0.70.

d. Maximum Lot Coverage (Section 4.2.3) Required 25%. The proposed building will have a lot coverage of 36%.

e. Parking Design Requirements (Section 5.1.3) The proposed parking will not conform to the requirements for maneuvering aisles, setbacks, landscaped areas, and trees.

f. Design Review (Sections 7.2.5 and 7.7) A waiver was requested from all requirements pertaining to review of the proposed project by the Design Review Board.

g. Site Plan Review (Section 7.4) A waiver was requested from all requirements pertaining to site plan review of the proposed project by the Planning Board.

27. The Applicant has requested waivers from the Sign By-Law, Article 5 of Town of Needham General By-Laws. A waiver was requested from all requirements pertaining to review and permitting of signage by the Design Review Board.

Decision:

On the basis of the foregoing findings, in open session, by unanimous vote, after motion duly made and seconded, the Board hereby grants the applicant a comprehensive permit pursuant to M.G.L. Chapter 40B, for the construction of a 16-unit rental apartment building on the 35,286 square foot parcel at 1180 Great Plain Avenue subject to the following conditions:

1. Construction shall be in accordance with the plans entitled "1180 Great Plain Avenue, Needham, Massachusetts" dated August 20, 2019 revised on October 10, 2019 and October 17, 2019, Sheets 1-6 prepared by GCG Associates, Inc. 2019 ("Plans").

2. The project shall contain sixteen rental units, eight of which will be one-bedroom units and eight of which will be two -bedroom units. The project shall have 27 parking spaces as shown on the Plans.

3. Traffic flow shall be one-way. Cars shall enter from Great Plain Avenue and exit by Walnut Street.

4. Construction shall be subject to final approval by the Town Engineer of drainage, engineering plans and lighting.

5. All utilities on the site shall be underground.

6. Lighting shall be constructed and shielded so there is no glare in adjacent residential neighborhoods.

7. All construction shall be subject to building codes and to building permits issued by the Building Commissioner and will be subject to the usual fees (including, without limitation, the affordable units).

8. All water, sewer, drain connection and street occupancy permits shall be issued by the Public Works Department, subject to the usual fees and plan requirements.

9. The applicant shall obtain approval of its final plans from MHP and enter into a Regulatory Agreement in a form approved by MHP. Prior to the issuance of a building permit, executed copies of the Regulatory Agreement shall be filed with the Board. It is acknowledged that the Town may wish to serve as a Monitoring Agent for the project. Should the Town seek to serve in such capacity, the applicant shall cooperate with such request, provided that it is also acknowledged that the ultimate decision on such request is at the discretion of the applicant's subsidizing agency.

10. Twenty-five percent of the units (four) shall be designated as Affordable Housing Units as defined in the Regulatory Agreement in perpetuity available only for low- and moderate-income renters. The four units shall remain restricted to low- and moderate-income renters after expiration of the Regulatory Agreement. An instrument ensuring perpetual affordability shall be recorded in the Norfolk County Registry of Deeds and proof of such recording to be provided prior to the issuance of any building permit.

11. No building permit will be issued until the Building Commissioner receives a letter from the Chairman of the Board, or his designee on the Board, that the conditions in paragraph 9 and 10 have been fulfilled

12. The applicant shall make a good faith effort to obtain local preference in the marketing of the affordable units to the maximum extent allowable. Marketing plans, once approved by MHP, shall be submitted to the Board. In the event the Board requests changes in the local preference or marketing plans, the applicant will work with the Board and use its best efforts to obtain approval of requested changes. In the event the changes are not approved, the applicant may proceed in accordance with the plans approved by MHP.

13. Prior to the issuance of a building permit, the applicant shall file seven sets of plans for the project stamped by a registered engineer and approved by MHP as final plans, together with a narrative indicating any changes from plans previously submitted to the Board. In accordance with 760 CMR 56.05(11), and as delegated by the Board, if the Chairman of the Board determines within 20 days from the date of submittal that the filed final plans are not consistent with prior approved plans, he shall decide whether the changes are substantial. If not substantial, he may approve the plans. If the Chairman determines that the plans are substantially different, he shall notify the applicant accordingly and the Board shall hold a public hearing within 30 days of the

Chairman's determination to consider the changes and shall issue a decision within 40 days of the termination of the hearing.

14. Prior to the issuance of a building permit, the applicant shall submit, for the Town Engineer's review and approval, a construction mitigation plan that addresses noise, trucking routes, dust control, hours of operation and such other issues as he deems relevant to reduce and manage the disruption arising from construction. The Town Engineer shall consult with the Building Commissioner, Police Department and such other municipal parties as he deems appropriate and shall allow interested parties who request participation in writing an opportunity to comment on the plan before giving his approval. The approved construction mitigation plan shall be provided to every contractor and subcontractor working on the project.

15. Construction hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturdays. There will be no construction on Sundays or outside the approved hours unless necessary to deal with an emergency. There shall be no construction on municipal holidays unless approved by the Building Commissioner or necessary to deal with an emergency. No construction vehicles may stand with engines running before the designated hours of construction. There shall be no parking of construction vehicles on Great Plain Avenue or Walnut Street. All construction staging shall be on-site. Prior to beginning construction, the applicant shall provide to the Building Commissioner, Chief of Police and the Board the name and telephone number of the person in charge of construction and responsible for maintenance of the site.

16. During construction the applicant shall use vinyl fencing, covered dumpsters or other appropriate means to keep debris from leaving the site and will be responsible for cleaning up debris on adjacent properties in a timely manner.

17. The applicant shall take reasonable steps to control pests during and after construction. Prior to the commencement of construction, the applicant shall have a pest technician set bait for rodents and wait for ten days before performing any work. Thereafter, the applicant shall have a pest technician inspect and set bait for rodents no less than once each month (and more often if necessary) until an occupancy permit is issued. A written report of each inspection and pest control activities shall be submitted to the Department of Health within ten days after each inspection. In addition, the applicant shall have an inspection for wildlife by a pest control technician before the issuance of a building permit and shall cause any wildlife to be removed prior to the commencement of construction.

18. The landscaping shall be substantially in accordance with the landscape plan approved by the Board and shall be maintained by the owner in good condition. Any tree or plant material that dies or becomes diseased shall be replaced by the owner.

19. The owner of the project shall be responsible for snow plowing and removal so that all parking spaces remain available. Whenever snow fall exceeds 6 inches, snow shall be removed from the property. Snow shall not be deposited on Walnut Street or on any adjacent property.

20. The owner shall implement the following maintenance plan with such changes as may be approved by the Town Engineer:

    a) parking lot sweeping twice per year after the snowmelt and in the fall;
    b) catch basin cleaning and inspection twice per year in the spring and the fall;
    c) oil/gas separators in the drainage system to be inspected monthly and cleaned four times per year, once each season.

21. All deliveries and trash pickup shall occur only between the hours of 7:00 am and 7:00 pm. All deliveries will be made to the front door on Great Plain Avenue.

22. The applicant shall:

    a) install and maintain a speed bump along the exit right of way near Walnut Street,

    b) install a sign along the exit indicating that children may be playing and that cars should be driven slowly,

    c) install a sign prohibiting non-residents from cutting through from Great Plain Avenue to Walnut Street,

    d) limit all tenants to having no more than one car parked on the premises which limitation shall be included in the leases for the building and implemented by issuing resident stickers to identify cars authorized to be parked on premises, and

    e) if requested by the owner of 27 Walnut Street within one year of the filing of this decision with the Town Clerk, install a fence or plantings (as may be requested) along the east side of the 20-foot access easement to shield the house at 27 Walnut Street from traffic using the easement. In the event the applicant and the owner of 27 Walnut Street cannot agree on the fence or plantings, the determination of what constitutes appropriate shielding will be made by the Board upon request of either party with such notice as the Board deems appropriate.

23. After the issuance of a building permit, if any changes are proposed to the approved plans, the Building Commissioner shall be charged with making the initial determination as to whether the changes are substantial or insubstantial. If the Building Commissioner is unable to make that determination, the Board's Chairman shall be charged with making the determination as to whether the changes are substantial or insubstantial. The Building Commissioner or the Board's Chairman may approve changes he determines are insubstantial. Any substantial changes can only be approved by the entire Board after a duly noticed public hearing, as the Board in its sole discretion shall deem appropriate.

24. Prior to the issuance of an occupancy permit, the applicant shall establish compliance with the public education requirements regarding storm water stipulated under the NPDES Storm water Phase II Program.

25. Prior to the issuance of an occupancy permit, the applicant shall file three wet-stamped copies of the following with the Building Commissioner:

    a) An as-built plan supplied by the engineer of record certifying that the project was built substantially according to the approved documents submitted to the Board and Department of Public Works. The as-built plan shall show all structures, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines for all on-site and off-site construction. In addition, the as-built plan shall show the final location, size, depth and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned. In addition to the engineer of record, the as-built plan shall be certified by a Massachusetts Registered Land Surveyor.

    b) A statement by the registered professional engineer of record certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham, Department of Public Works and in accordance with the approved plans for the project.

    c) An as-built landscaping plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations for the project. The plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed substantially according to the approved documents.

26. No building may be occupied, or parking lot used prior to the issuance of an occupancy permit by the Building Commissioner. The Building Commissioner, in his discretion, may issue one or more certificates for temporary or partial occupancy of a building or use of parking lots prior to the completion of the entire project if he determines that such occupancy or use will be safe and that he has adequate insurance that the project will be completed. In connection with any temporary or partial permit, the Building Commissioner may require that a bond be filed with the Board in an amount not less than 135% of the value of the unfinished work on the project.

27. The Board grants the waivers of the Zoning By-Law listed in paragraph 26 of the Findings above. The Board does not grant the waiver of the General By-law described in paragraph 27 of the Findings above and all signs shall be subject to approval of the Design Review Board.

28. The applicant's profit shall be limited to the terms and conditions in the Regulatory Agreement.

29. The land and building for the project shall remain owned by one entity.

30. This permit is issued to the applicant and may not be transferred (except to the Limited Dividend Organization referenced in Paragraph 10 of the Findings above) without the consent of the Board, such consent not to be unreasonably withheld. The transferee must demonstrate to the Board that it possesses the requisite experience and management team to manage a large mixed income project. Prior to substantial completion of the project, a transfer may be made only upon written approval of the subsidizing agency.

31. This Comprehensive Permit shall lapse if applicant does not proceed with construction within three years of the date this permit becomes final (meaning the date of this decision if no appeal is filed, or 30 days after the date any appeal is resolved if an appeal is filed) and continuously pursue construction thereafter with reasonable diligence to completion.

32. Failure to comply with any terms of this Comprehensive Permit shall be grounds for revocation of this Comprehensive Permit or any building permit issued under it. No order of revocation shall be issued by the Board without prior notice to the holder of the Comprehensive Permit and an opportunity to be heard at a public hearing. As an alternative, the Town may enforce compliance with this Comprehensive Permit by injunctive relief issued by a court of competent jurisdiction.

Jon D. Schneider, Chairman

Jonathan D. Tamkin, Member

Howard S. Goldman, Member

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Quitclaim Deed

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I, Sandra Walters Kurker, n/k/a Sandra A. Walters, of 27 Walnut Street, Needham, Norfolk County, Massachusetts, for consideration of less than One Hundred and No/100 ($100.00), grant to Sandra A. Walters, 27 Walnut Street, Needham, Norfolk County, Massachusetts, with Quitclaim Covenants:

A certain parcel of land with the buildings thereon shown as a lot with "10,000 SQ.FT." on a plan entitled "Plan of Land in Needham, Mass. scale: 1 in = 40 ft. Cheney Engineering Co., Inc. Feb 17, 1970, Needham, Mass." recorded on March 9, 1979 with Norfolk County Registry of Deeds as Plan No. 178 of 1970 in Book 4652, Page 1, more particularly bounded and described as follows:

EASTERLY:	by Walnut Street, 103.11 feet;
NORTHERLY:	by Walnut Place, 102.00 feet;
WESTERLY:	by land of Daystar Foundation, Inc., 100.29 feet; and
SOUTHERLY:	by Walnut Court, 94.85 feet.

Conveyed subject to rights and easements reserved to Daystar Foundation, Inc. as described in a Deed from Daystar Foundation, Inc. dated March 27, 1998 and recorded with Norfolk Deeds in Book 12393, Page 585, to wit:

"The Grantor (Daystar Foundation, Inc.) reserves the right to use the 20' right of way as shown on Plan 495 of 1970 and recorded in Norfolk Deeds Book 4669, Page 742 and entitled '20 FT WIDE RIGHT OF WAY' for the purposes of access including but not limited to, a driveway for all vehicles (including delivery trucks and for the purpose of installing and maintaining water and sewer or other utility lines servicing the property retained by the Grantor (1180 Great Plain Ave., Needham). The Grantor shall have the right , at its sole expense , to maintain the driveway and easement area including, but not limited to, the right to resurface the driveway, add or maintain curbing, or add or maintain plantings, Grantor shall not park any where in the 'Right of Way'.

The Grantor further reserves the right to use, access, repair and maintain any water, sewer or storm drain systems that benefit the Grantor's property and that currently transverse the property being conveyed. The Grantor shall have the right at its sole expense, to dig up and remove, replace, or repair said systems. The Grantor shall be responsible for reseeding any lawn area which the Grantor disturbs pursuant to its rights under this easement. Grantor shall be responsible

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to repair said system if it is in need of repairs or replacement. Further Grantor shall return the property to the same condition it was prior to said repair and maintenance.

N O T A N O F F I C I A L C O P Y C O P Y

For Grantor's title reference see deed recorded in Book 16241, Page 281.

Witness my hand and seal this 17th day of July, 2002.

Sandra Walters Kurker n/k/a Sandra A. Walters

Sandra Walters Kurker
N/K/A Sandra A. Walters

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss: July 17, 2002

Then personally appeared the above named Sandra Walters Kurker n/k/a Sandra A. Walters and acknowledged the foregoing instrument to be her free act and deed before me.

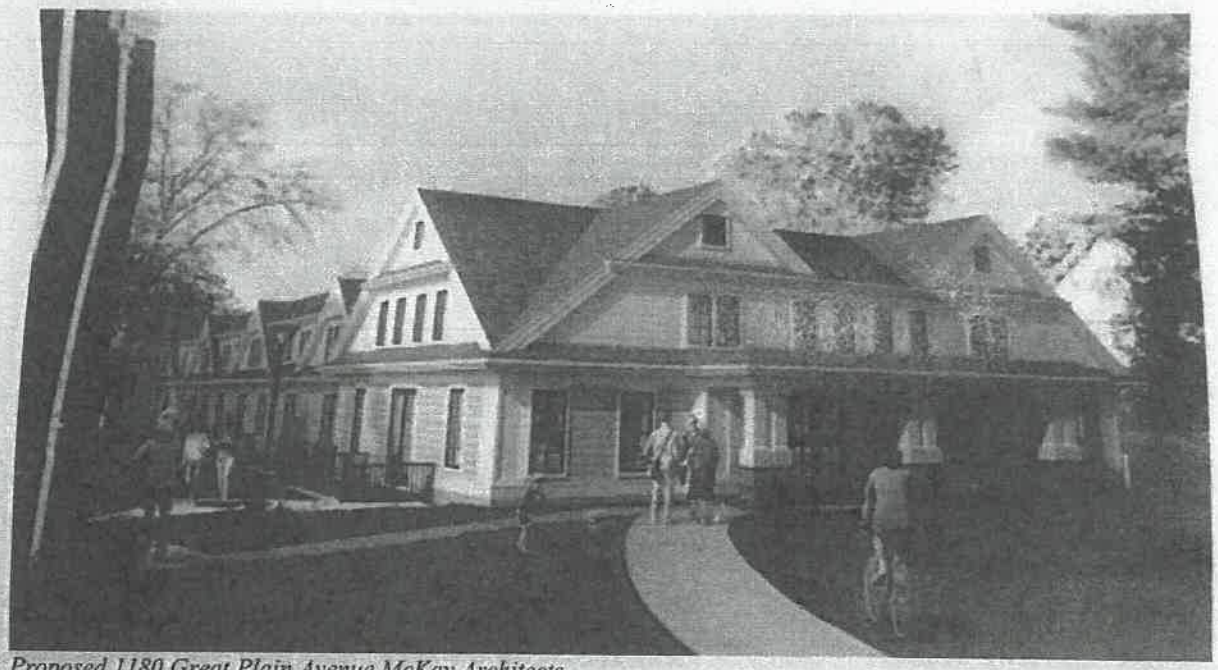
Susan W. Foner

Notary Public: Susan W. Foner
My Commission Expires: ~~6/20/08~~ 1/3/08

ZONING BOARD OF APPEALS

PUBLIC SERVICE ADMINISTRATION BUILDING
500 DEDHAM AVENUE
NEEDHAM, MA 02492

NOTICE OF DECISION



Proposed 1180 Great Plain Avenue McKay Architects

1180 Great Plain Avenue - On November 26, 2019 a Decision was filed with the Needham Town Clerk to grant Petruzziello, LLC, applicant, a Comprehensive Permit under MGL Chapter 40B to allow the development of 16 rental units consisting of eight one-bedroom units and eight two-bedroom units with 28 parking spaces. The project involves the conversion of the existing vacant one story 14,500 sf building into a two-story building to contain 24,653 sf. Four units (25%) will meet the definition of low- and moderate-income housing. The property is located at **1180 Great Plain Avenue, Needham, MA** in the Single Residence B District. Public hearings were held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, September 19, 2019 at 8:00 p.m., October 17, 2019 at 8:00 p.m. and November 26, 2019 at 7:30 p.m.

Any appeal from this Decision shall be filed in the Norfolk Superior Court within 20 days after November 26, 2019.

If you have questions, please contact Daphne M. Collins at the Board of Appeals Office:
781-455-7550 Ext. 261 or dcollins@needhamma.gov