

NEEDHAM PLANNING BOARD

Tuesday February 28, 2023

7:00 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **880 4672 5264**

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Public Hearings:

7:05 p.m. Amendment to Major Project Site Plan Special Permit No. 2014-11: French Press LLC d/b/a French Press Bakery and Cafe, Petitioner. (Property located at 74 Chapel Street, Needham, Massachusetts). Regarding request to permit 22 outdoor seats by French Press Bakery and Café, as well as a pergola to cover the seating.

7:30 p.m. Amendment to Major Project Site Plan Special Permit No. 2002-02: Sai Restaurant Inc., dba Masala Art, Petitioner. (Property located at 990 Great Plain Avenue, Needham, Massachusetts). Regarding request to permit 44 outdoor seats by Masala Art.

2. Appointment:

7:50 p.m. Linden/Chambers Redevelopment A/E Designer Phase 1 – introduction meeting.

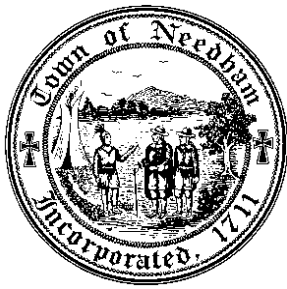
3. Committee appointee to Local Historical District Committee

4. Minutes.

5. Report from Planning Director and Board members.

6. Correspondence.

(Items for which a specific time has not been assigned may be taken out of order.)



PLANNING DIVISION
Planning & Community Development

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Laws, Sections 7.4, 5.1.1.6, 5.1.2 and 5.1.3, the Needham Planning Board will hold a public hearing on Tuesday, February 28, 2023 at 7:05 p.m. in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264 (further instructions for accessing are below), regarding the application of the French Press LLC d/b/a French press Bakery and Cafe, 74 Chapel Street, Needham, MA, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 74 Chapel Street, Needham, Massachusetts, shown on Assessor's Map No. 51, Parcel 2 containing 14,264 square feet in the Center Business District. The requested Major Project Site Plan Special Permit would, if granted, permit an amendment of Major Project Site Plan Special Permit No. 2014-11 dated December 15, 2014, amended January 20, 2015, November 28, 2017, June 26, 2018 and June 29, 2021. The requested amendment would permit the addition of 22 year-round outdoor seats by French Press, LLC, with a pergola to cover the new seating area, in addition to electric heating and new lighting. The seating would be located on the private portion of the sidewalk immediately abutting the front façade of the building.

In accordance with the Zoning By-Law, Section 5.1.1.6, a Special Permit is required to waive strict adherence with the requirements of Sections 5.1.2 (Required Parking) and 5.1.3 (Parking Plan and Design Requirement) of the Zoning By-Law. In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review Amendment is required.

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or +1 253 215 8782 Then enter ID: 880 4672 5264**

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Hometown Weekly, February 9, 2023 and February 16, 2023.

**TOWN OF NEEDHAM
MASSACHUSETTS**



500 Dedham Avenue
Needham, MA 02492
781-455-7550

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 74 Chapel Street, Needham, MA 02492
Name of Applicant French Press LLC dba French Press Bakery & Cafe
Applicant's Address 74 Chapel Street, Needham, MA 02492
Phone Number 508 656 0492

Applicant is: Owner _____ Tenant ✓
 Agent/Attorney _____ Purchaser _____

Property Owner's Name 1451 Highland Ave LLC
Property Owner's Address 800 Boylston St, Suite 1390, Boston, MA 02199
Telephone Number 617 262 4646

Characteristics of Property: Lot Area _____ Present Use _____
 Map # 51 Parcel # 2 Zoning District _____

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

Select Board and ABCC approved sidewalk outdoor seating for 10 seats in March 2019. This application seeks to expand the existing area to include 20 seats with 2 covered pergolas to cover the new area and for the outdoor patio to be used continuously through the year. Existing awning/signage will be removed and replaced with one sign on top of the pergola. Electric heating will be installed and lighting to create ambience. Banner in similar style of existing will be used for alcohol service purposes.

Signature of Applicant (or representative) _____

Address if not applicant _____

Telephone # 508 656 0492

Owner's permission if other than applicant Alejandro Miranda

Digitally signed by Alejandro Miranda
DN: cn=Alejandro Miranda, o=Boylston Properties, ou=Director of Project Development, cn=Alejandro Miranda
Reason: I am approving this document
Date: 2023.01.31 17:23:23 -0500

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

NOTE: Reports on Minor Projects must be issued within 35 days of filing date.



**TOWN of NEEDHAM
MASSACHUSETTS
APPLICATION FOR OUTDOOR SEATING
UNDER SECTION 6.9 OF THE ZONING BY-LAW**

LOCATION:

Property Address: 74 Chapel St
Name of Establishment: French Press Bakery & Cafe

APPLICANT:

Name (must be business owner, manager, or lessee): Raji (Jay) D Spencer
Address: 74 Chapel St
Needham, MA 02442
Telephone Number: 508 656 0448
Email Address: jay@frenchpressbakery.com

Do you own or rent property?

PROPERTY OWNER:

Complete this section if applicant is not the property owner

Name (must be owner): 1451 Highland Ave LLC
Address: 800 Boylston St, Suite 1390
Boston, MA 02119
Telephone Number: 617 262 4646
Email Address: oliver@boyprop.com

APPLICATION REQUEST:

Are you requesting to have outdoor dining on PRIVATE parking spaces? Yes ___ No ☒

If yes, how many private parking spaces?

Are you requesting to have outdoor dining on PUBLIC parking spaces (on-street or in a public parking lot)? Yes ☒ No ___

If yes, how many public parking spaces do you intend to use in each category? *Note: there is a maximum of 3 parking spaces allowed per applicant.*

3 # on-street public parking spots. Please note, required concrete barriers will take up 1 parking spot and should be added to the total number of spots you are applying to use.

___ # of off-street public parking spots (in a public parking lot)

Are any of the spaces you are requesting to use designated for handicap parking? NO

Are you requesting to have outdoor dining on a sidewalk? YES, ADDING TO PREVIOUSLY APPROVED ALTERATION OF LICENSED PREMISES. APPROVAL BY SELECT BOARD AND ABCI IN MARCH 2014, 10 SEATS PERMITTED.

*Form of Application for Outdoor Seating under Section 6.9 of the Zoning By-Law
Rev. 10/1*

SEATING: FACILITIES/EQUIPMENT:

Total number of seats approved under existing Special Permit 28
Total number of seats existing inside 6 (may be same as above or fewer)
Number of restrooms provided 2
Total number of seats proposed outside 22 Size of Grease Trap 50 lb
Number of chairs 22 Air Curtains (if opening is off kitchen) _____
Number of tables 6 Screens (if opening is off kitchen) _____
Outdoor Seating Area dimensions 18'6" x 6'8"
Type of Barrier or Enclosure to Define Seating Area
(mandatory if alcohol is proposed to be served):
Iron rails, plantings

DATES AND HOURS OF OPERATION

The standard outdoor dining season in the Town of Needham is April 1 - November 30. The Town will consider applications that extend beyond that timeframe on an individual basis.

Are you requesting to serve food & beverage outdoors earlier than April 1 or later than November 30? (Yes) no

If yes, what are your proposed opening and closing dates? Year round

What days of the week and hours do you plan to serve food & beverage outdoors?

Current operating hours
M/F 630a - 5p
WTH/F 630a - 7p
Sat 700a - 7p
Sun 800a - 3p

BRIEF DESCRIPTION OF:

Seating Arrangement, Type of Furniture, Type of Barrier or Enclosure to Define Seating Area (mandatory if alcohol is proposed to be served), Ingress/Egress from the Inside to the Outside, Location of Outdoor Exit Area in the case of an emergency, Written Description of Colors and Materials Used

Furniture - Metal Tables and chairs / Red Color

Barrier - Metal Post, Plankers / Black

Enclosure - Metal Louvered Pergola / Black

PLAN REQUIREMENTS

Submit a Plan of the Outside Seating Area, showing precise dimensions and locations of:

- (1) Seating arrangement, including the arrangement of the furniture
 - (2) Enclosure of dining area (this is required if service of alcohol is proposed)
 - (3) Location of ingress/egress from inside to outside
 - (4) Location of outside emergency exit(s)
 - (5) Separation distances to building, curbing, sidewalks, streets, trees, planters, rubbish containers, equipment, and any other obstacles in pedestrian walkway or access aisles
- Said Plan must be certified by a Registered Architect or Engineer with certifications that the restaurant with the outdoor seating complies with egress and access requirements, that the seating configuration complies with safety requirements, and that the restaurant has adequate restroom facilities for the number of seats. (If the total indoor and outdoor seating exceeds the number allowed for the existing restroom facilities, you may reduce the number of indoor seats being used, so that the total number of restaurant seats does not trigger additional restroom facilities.)
- (6) For parking spaces located on a parking lot (public or private), provide a site plan showing parking areas to be utilized for outdoor seating. Said plan can be an existing approved Site Plan, in which applicant delineates proposed seating location.

FURNITURE SPECIFICATIONS SHEET

A detailed specifications sheet illustrating the appearance, materials, colors, and size of selected outdoor seating furniture and equipment including chairs, benches, tables, umbrellas, fences, and other items. Photographs of furniture and equipment may be substituted for specification sheets as long as a sheet listing the dimensions of the furniture and equipment accompanies the photographs.

Are you proposing to have: (please check all that apply)?

- A tent or canopy? A permit from the Building Department may be required (link). *Lowered Pergola*
- Outdoor lighting? An electrical permit is required (link). *Yes, LED strip in pergola*
- Outdoor Heating? A permit from the Fire Department is required (link). *Yes, electric wall heaters*

PHOTOGRAPHS

Submit photographs of the proposed outdoor dining location (front and side views) if available. *Rendering attached with application*

ALCOHOL SERVICE

☐ NO
☒ YES

If you are seeking permission to serve alcohol outside (i.e., to extend your existing license to a patio or other outdoor seating areas), you must get approval from the Select Board by filing an Alteration of Licensed Premises, which is available on the Alcoholic Beverages Control Commission (ABCC) website at <https://www.mass.gov/how-to/amend-your-alcoholic-beverages-retail-license-alteration-of-premises-or-location-change-abcc>.

Please select one. Expansion area must be either:

1. ☒ Contiguous to the licensee's premise with a clear view of the area from inside the premises; or
2. The Licensee may commit to providing management personnel dedicated to the area.

FEES AND TERM

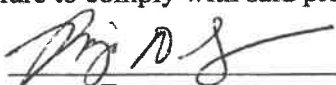
Outdoor seating licenses are issued for a term of one year, unless stated otherwise, and can be renewed annually. The annual application fee is \$25, which will be credited toward the annual licensing fee if the application is approved.

For outdoor dining approved on public property, there is an annual licensing fee for the sole use of public space for outdoor dining at the rate of \$250 per public parking space and \$100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the \$100 sidewalk licensing fee will be waived.

CERTIFICATION

I/we the undersigned certify that I am the owner of record of the named property or that the owner of record authorizes the proposed work and that the above information which I/we provided is correct.

I/we have read and fully understand the procedures as established by the Town of Needham and further understand that failure to comply with said procedures may result in revocation of this permit.

Signature of Applicant(s):  Date: 11 Nov 22
Date: _____

THIS SECTION BELOW IS FOR OFFICIAL USE ONLY

Major Project Site Plan Review Special Permit (Planning Board) yes _____ no _____

Zoning Board of Appeals Special Permit yes _____ no _____

Select Board Licensing Approval _____

Certificate of Insurance covering outdoor area: _____

Departmental Approval (Health _____ Building _____ Fire _____ Police _____ Public Works _____)

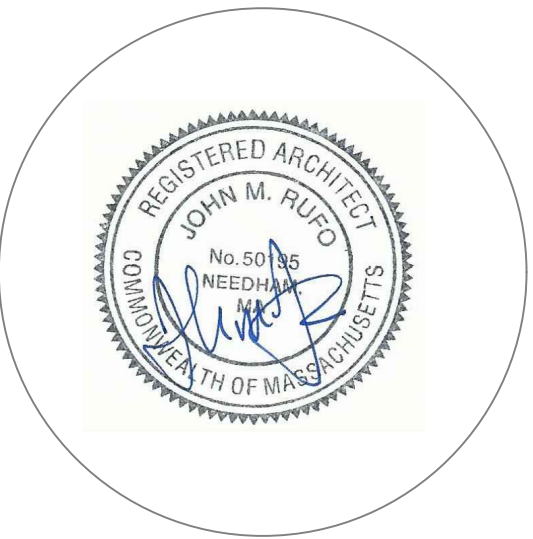
License Agreement (if seating is on sidewalk or other public property): _____

Alteration of Licensed Premises (for alcohol service in outdoor area): _____

Comments: _____

Schematic
Design

Project Expansion
FRENCH PRESS
Permit Package
78 Chapel Street
Needham, MA 02492

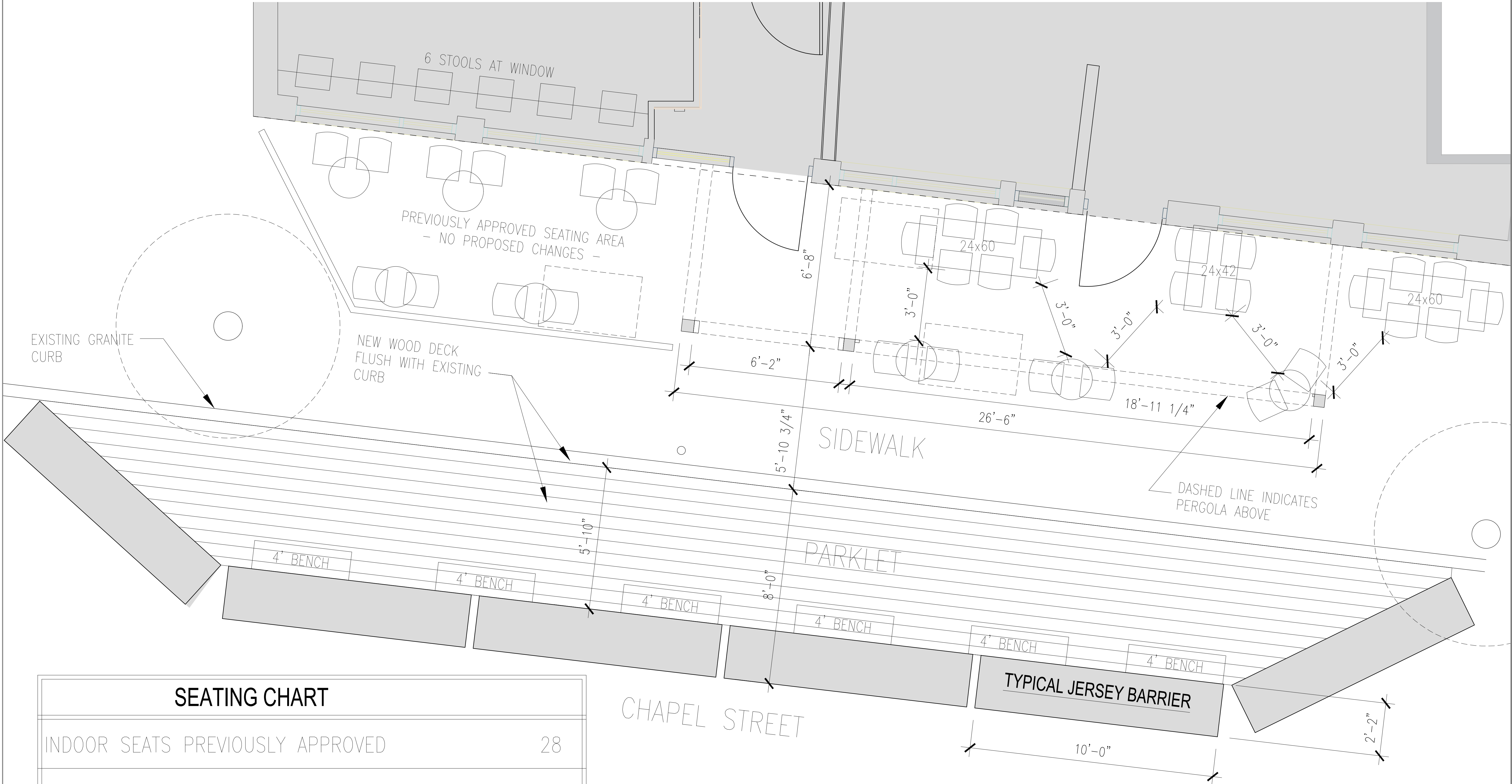


Project No: 21029
Drawn By: JR
Checked By: JR
Issue Date: 19 Jan 2023

Revisions		
No	Date	Description

Drawing Title:
SEATING PLAN

Drawing Number
A-2.01



SEATING CHART

INDOOR SEATS PREVIOUSLY APPROVED	28
OUTDOOR PREVIOUSLY APPROVED	10
OUTDOOR NEW PROPOSED ON PRIVATE PROPERTY	22
PARKLET NEW PROPOSED - WILL BE REQUESTED SEPARATELY THROUGH THE SELECT BOARD	18
TOTAL PROPOSED SEATS	78

1 OUTDOOR SEATING PLAN
SCALE: 1/2"=1'-0"

TOWN OF NEEDHAM, MASSACHUSETTS

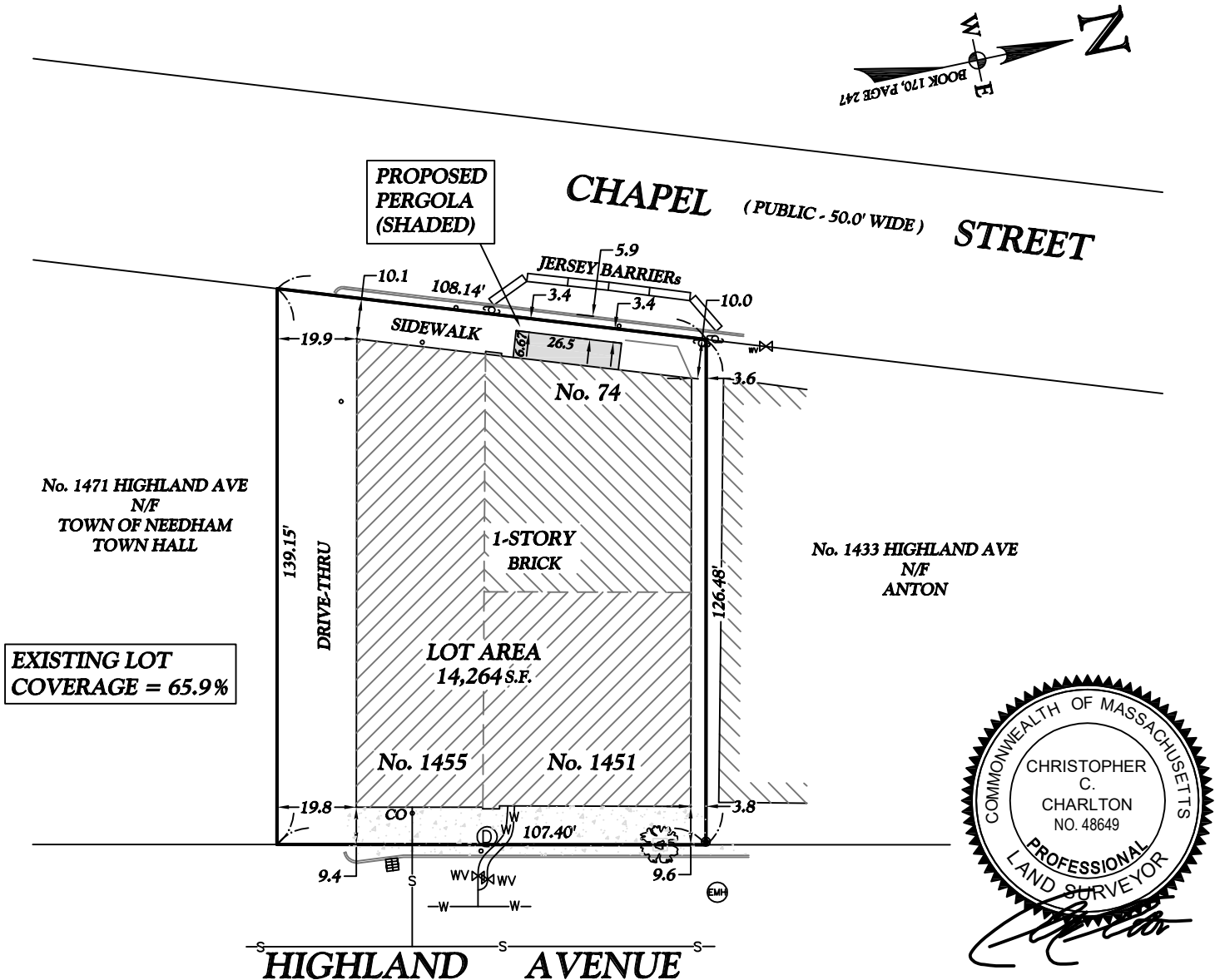
Building Inspection Department

Building Permit Number: _____
Lot Area: 14,264 S.F.
Owner: 1451 HIGHLAND AVE., LLC

Assessor's Map & Parcel Number: MAP NO. 51, PARCEL 2
Zoning District: SRB
Address: No. 74 CHAPEL STREET
Builder: _____

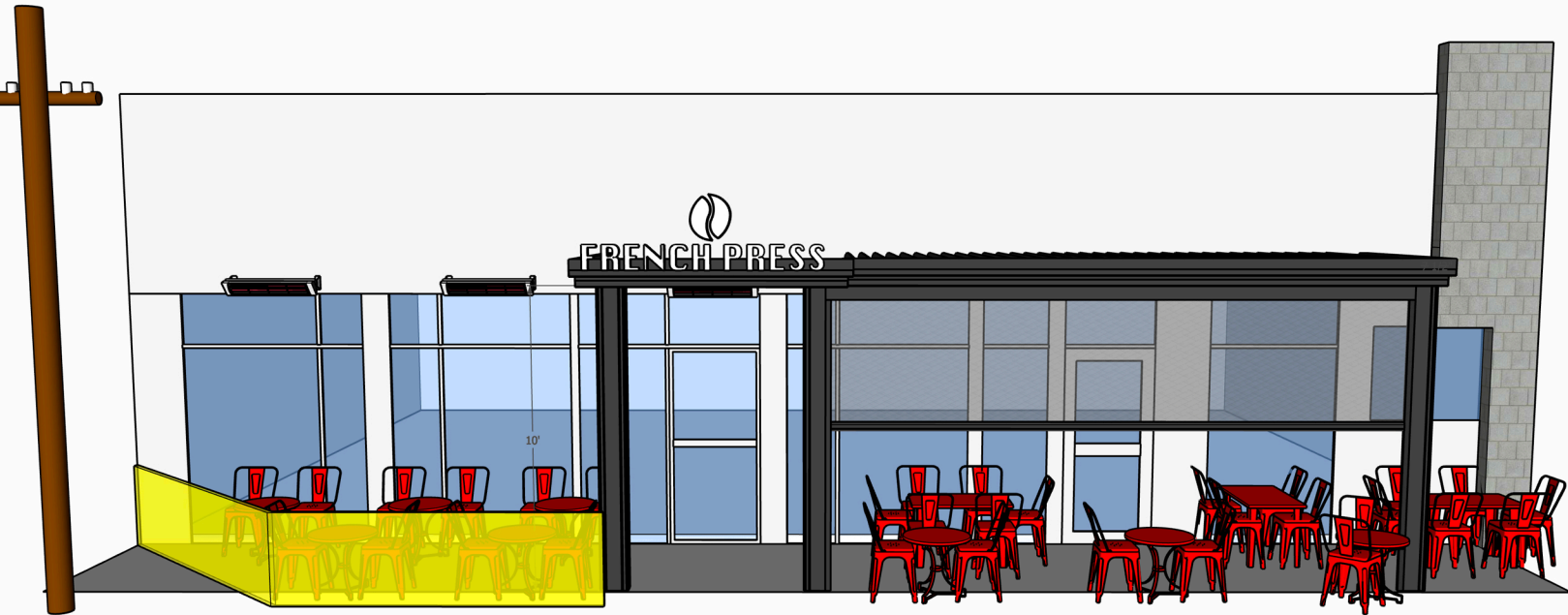
PROPOSED PERGOLA PLOT PLAN

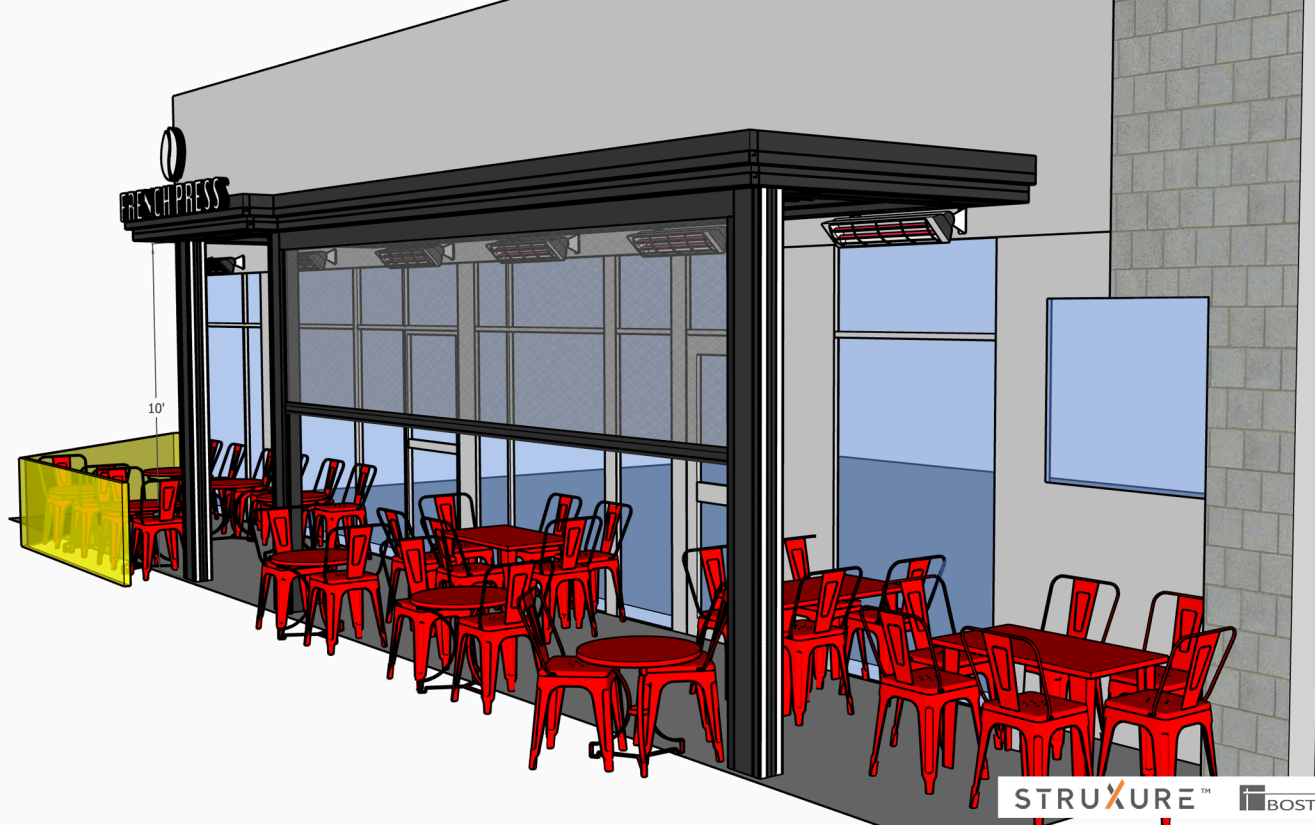
40' Scale

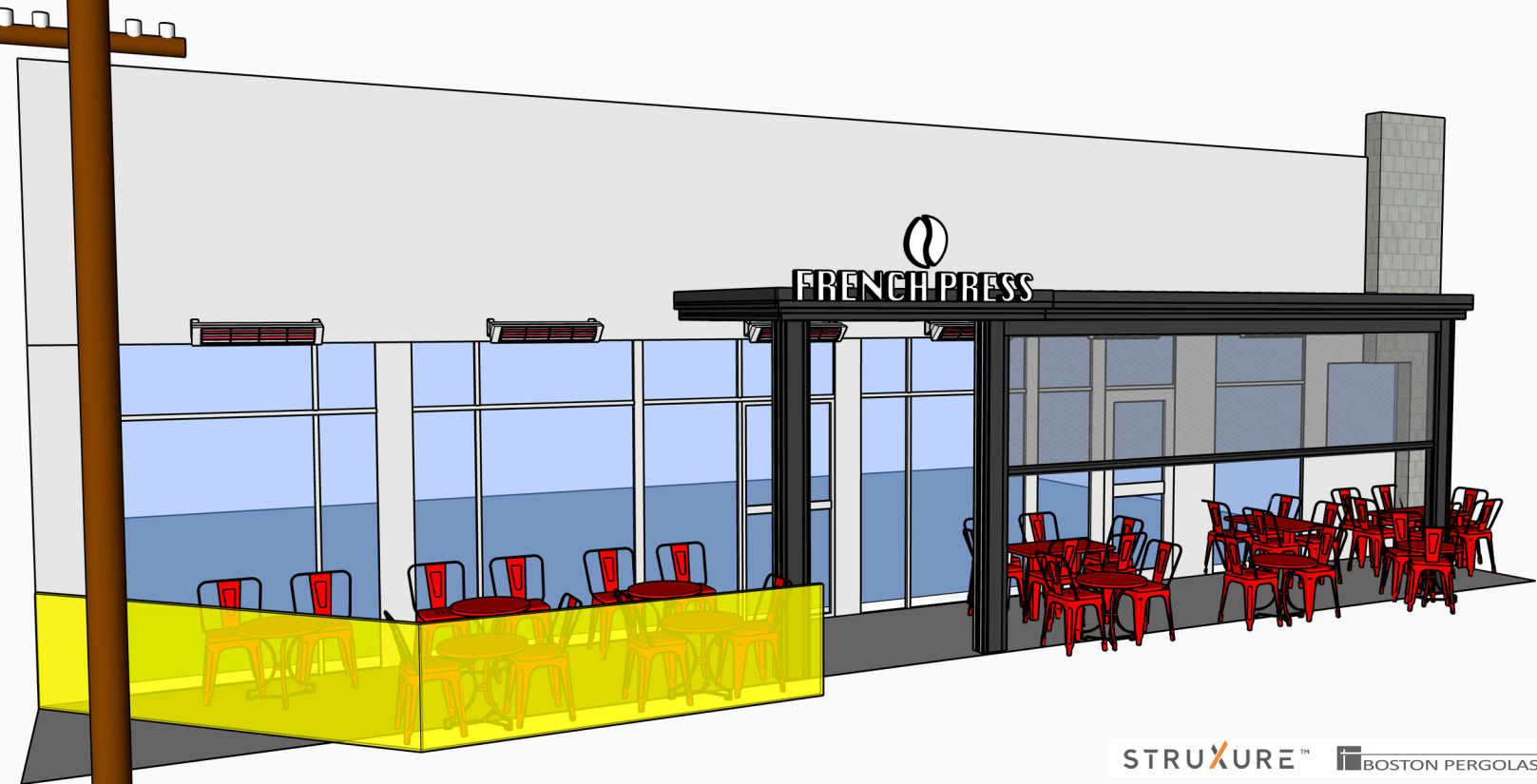


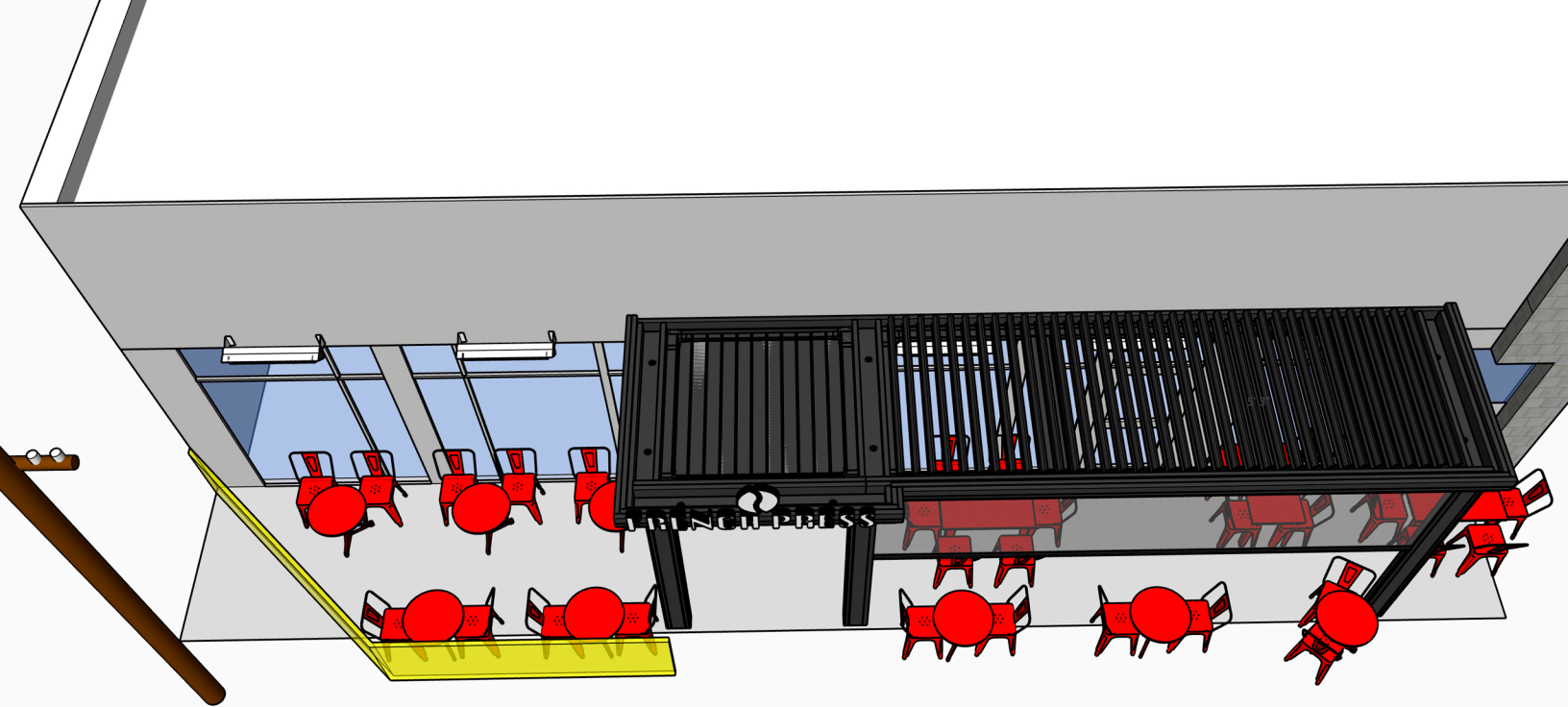
Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gaslines, etc.; driveways, septic systems, wells, Flood Plain 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)

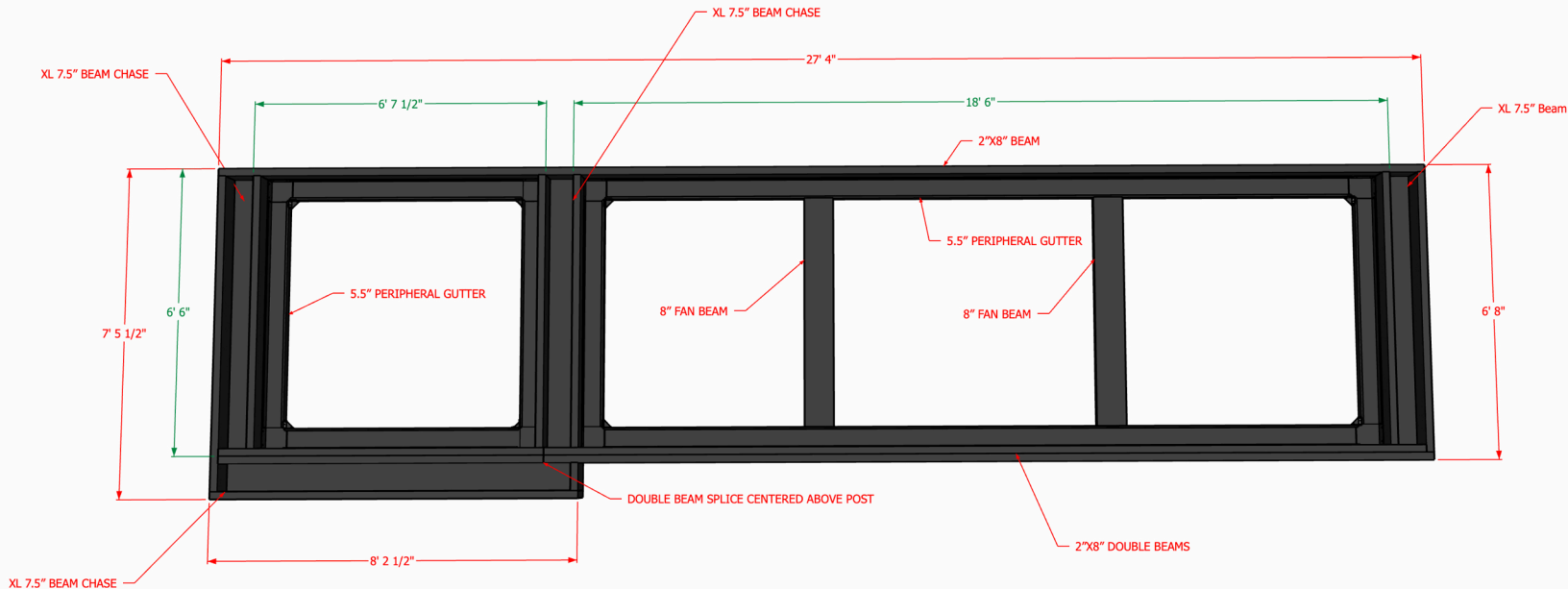
I hereby certify that the information provided on this plan is accurately shown and correct as indicated.
The above is subscribed to and executed by me this 23 rd day of NOVEMBER 20 22.
Name CHRISTOPHER C. CHARLTON Registered Land Surveyor No. 48649
Address 105 BEAVER STREET City FRANKLIN State MA Zip 02038 Tel. No. (508) 528-2528
Approved _____ Director of Public Works Date _____
Approved _____ Building Inspector Date _____

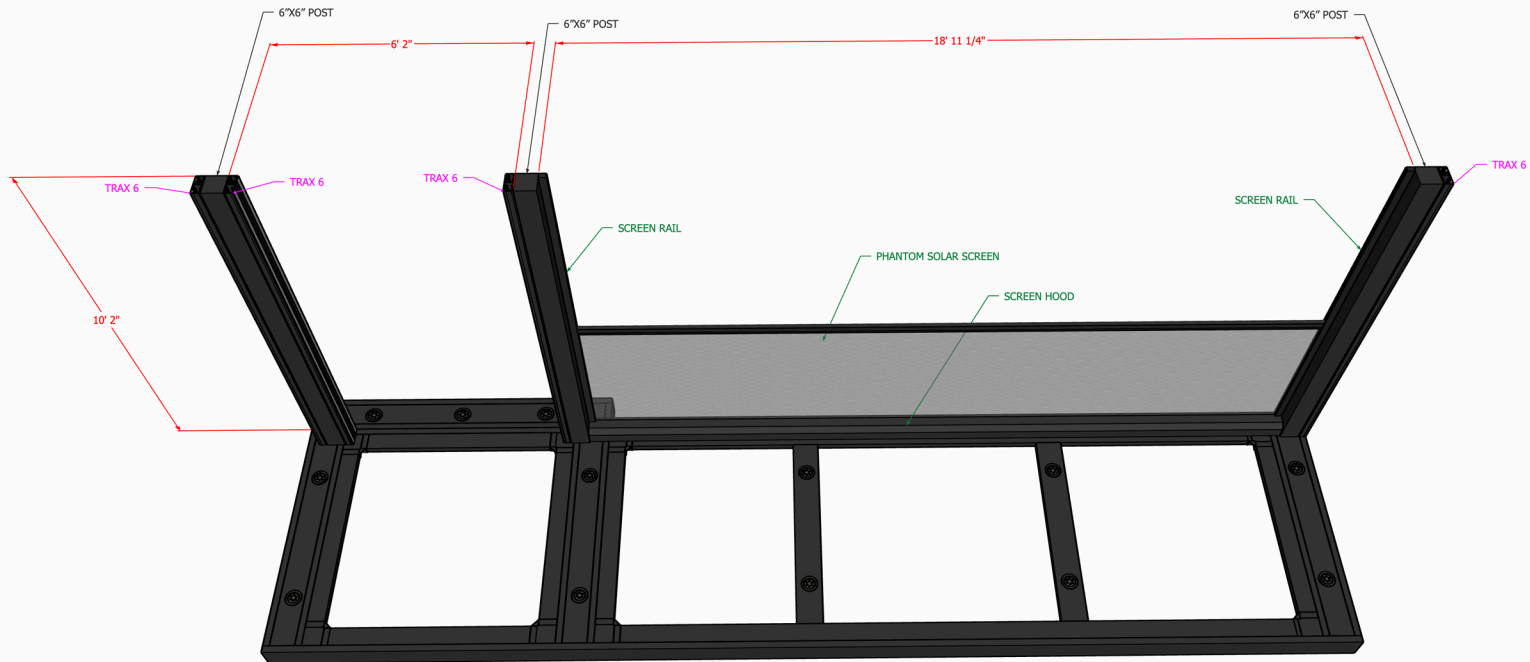


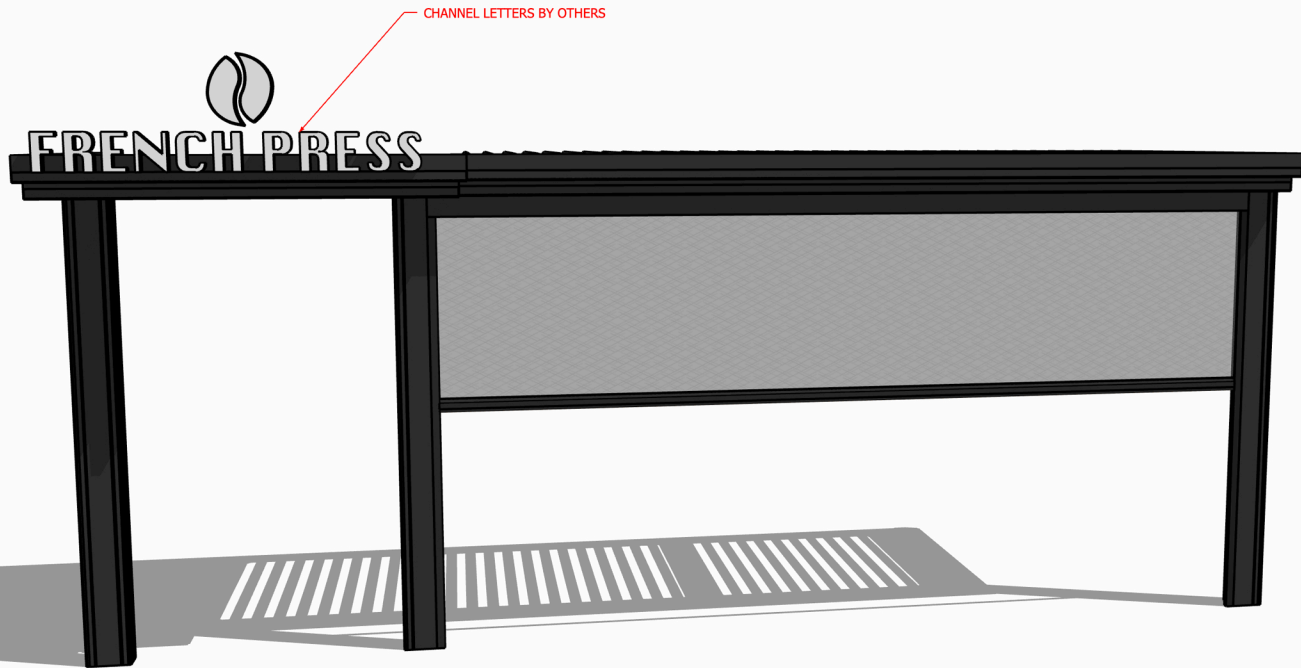




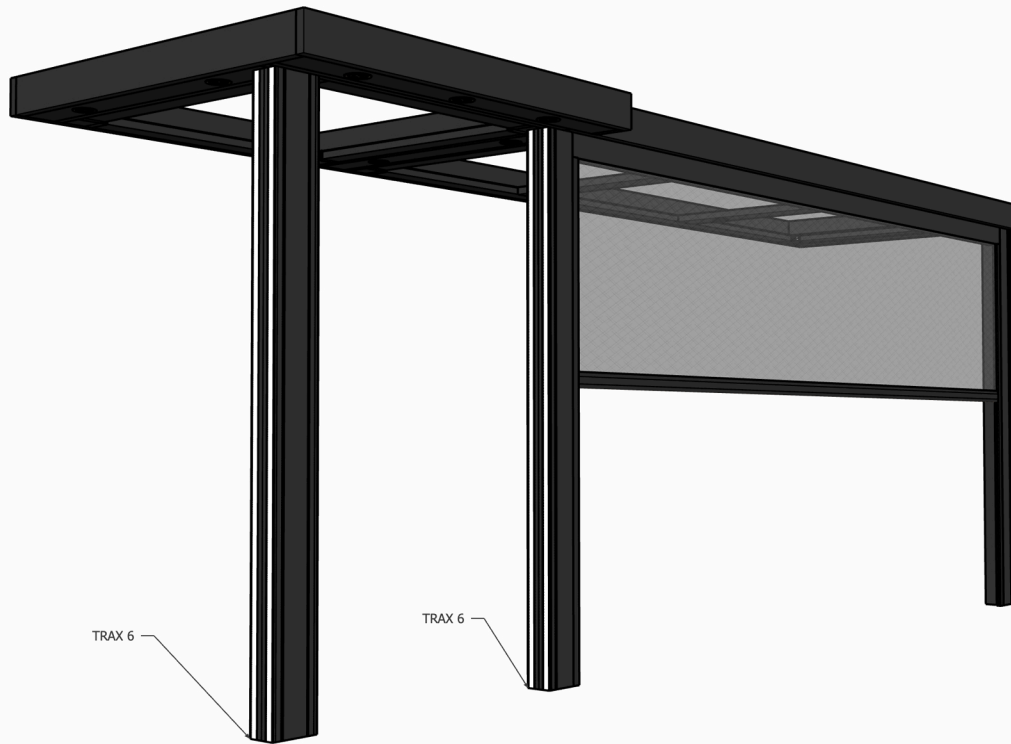


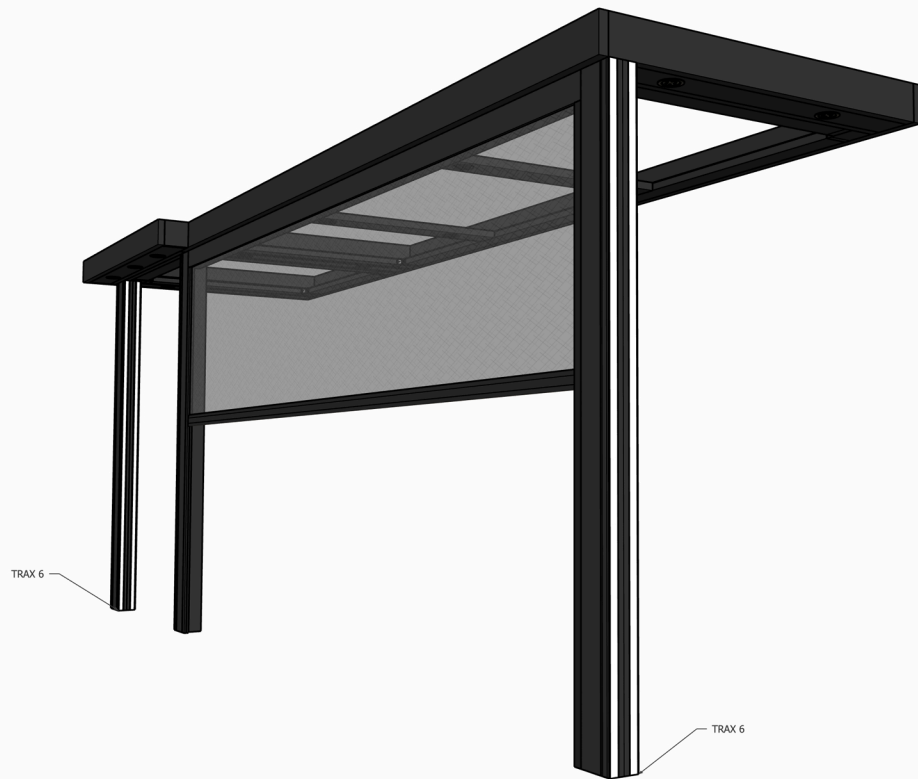


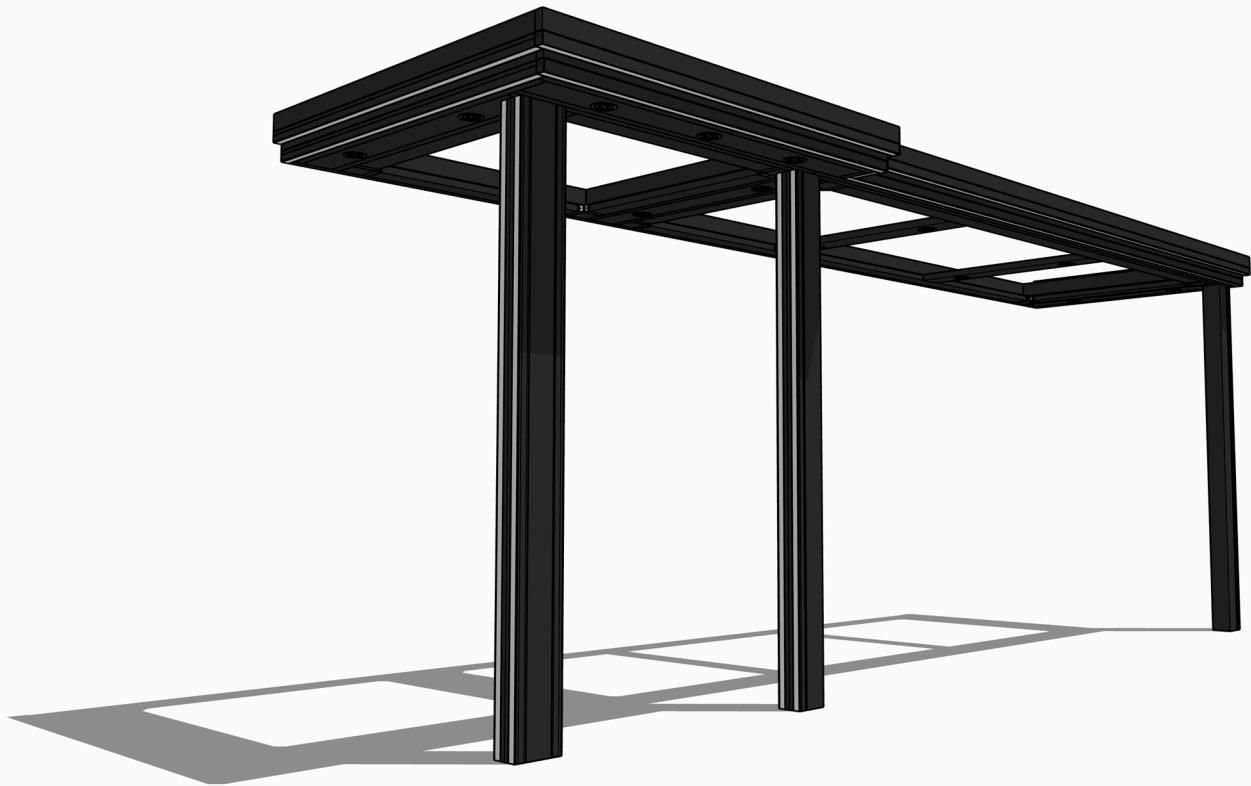




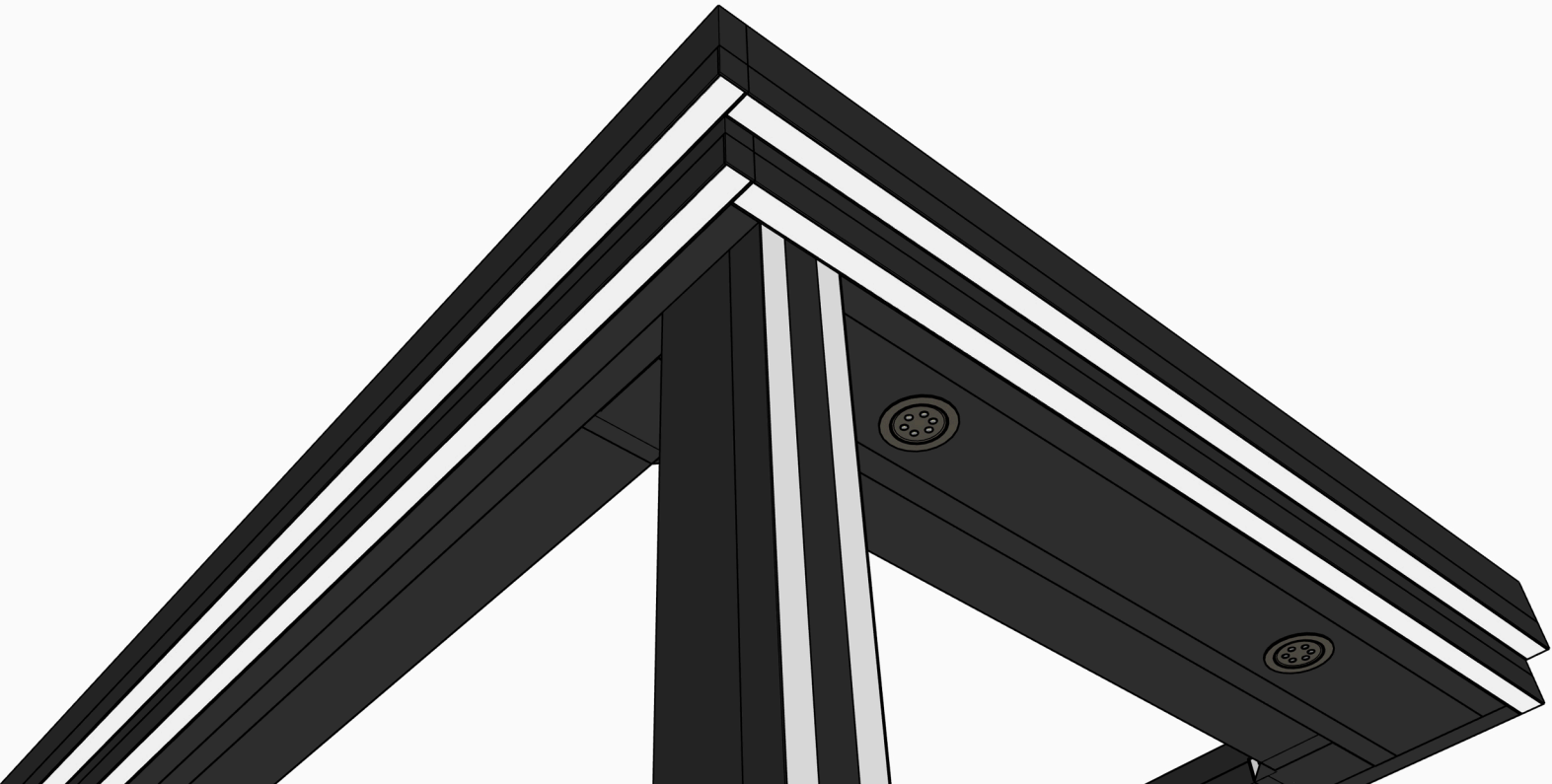
CHANNEL LETTERS BY OTHERS

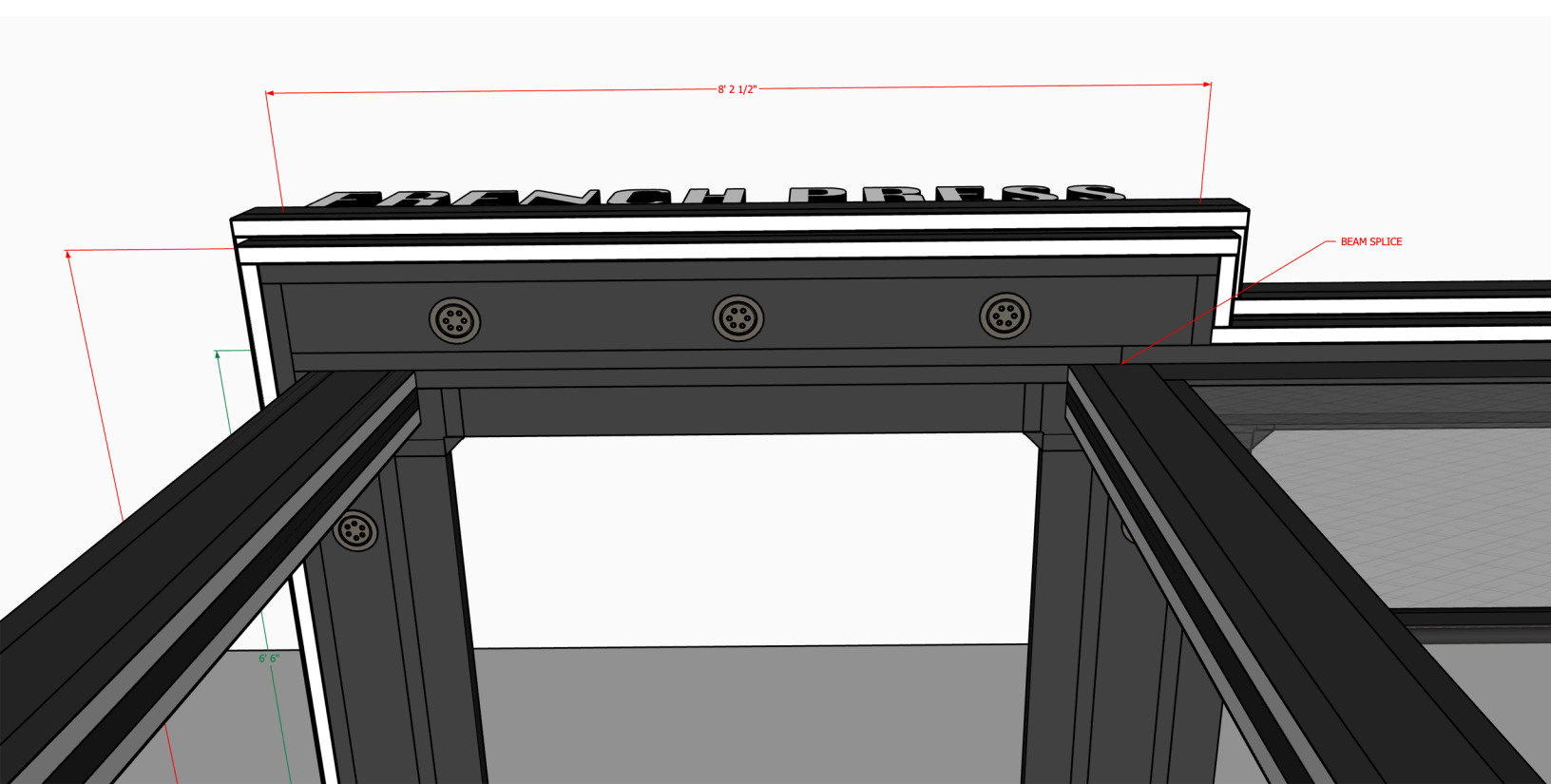












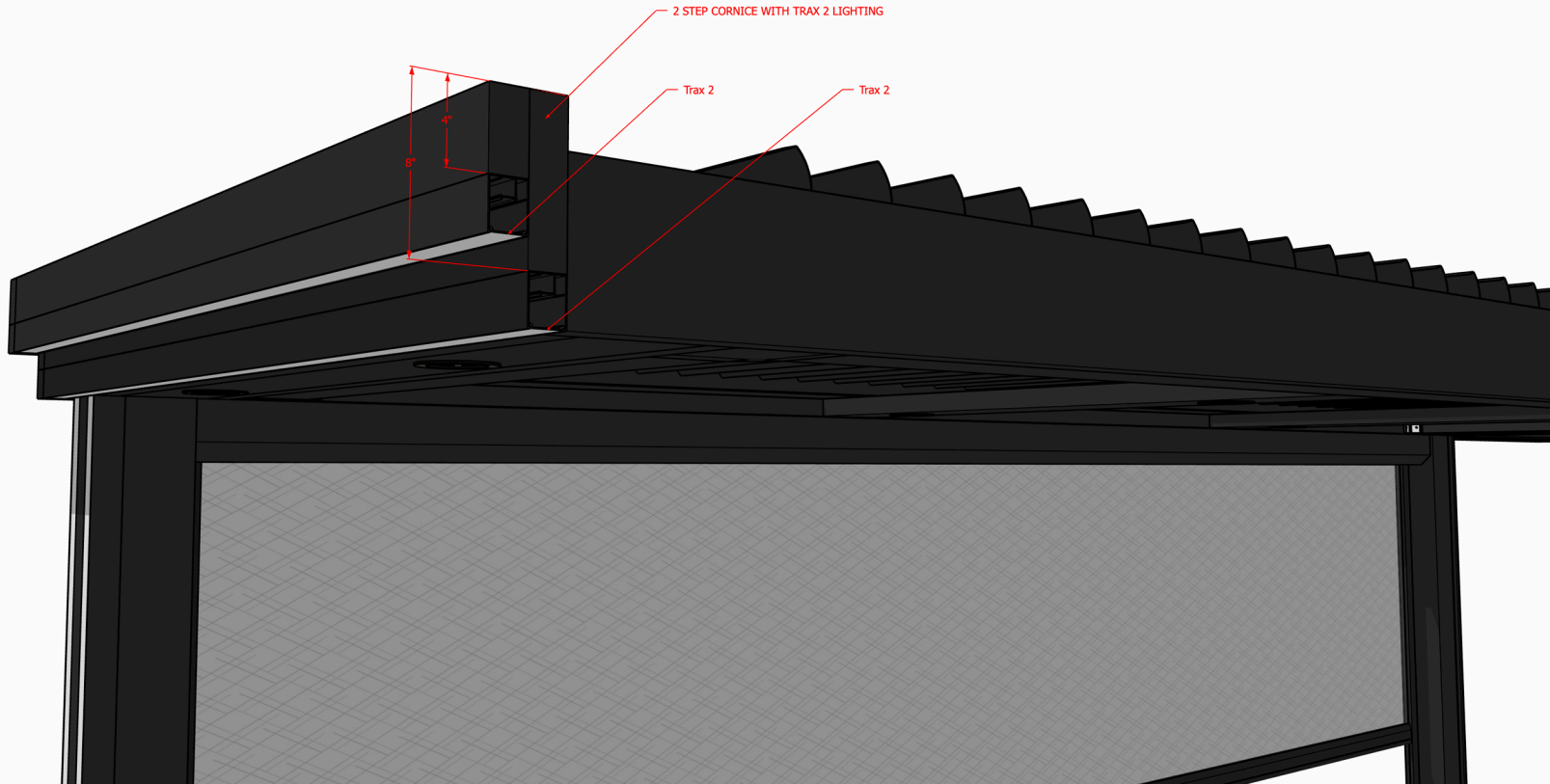




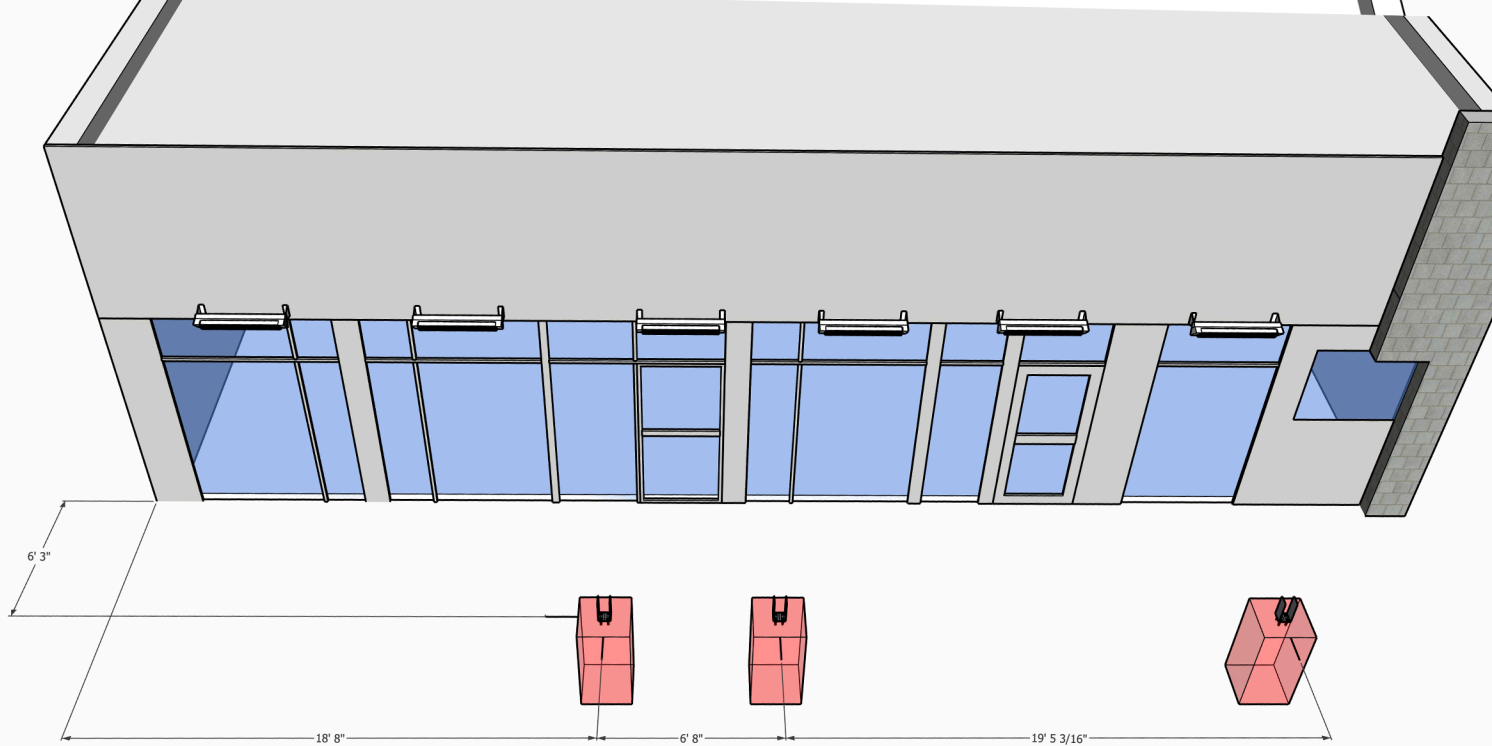


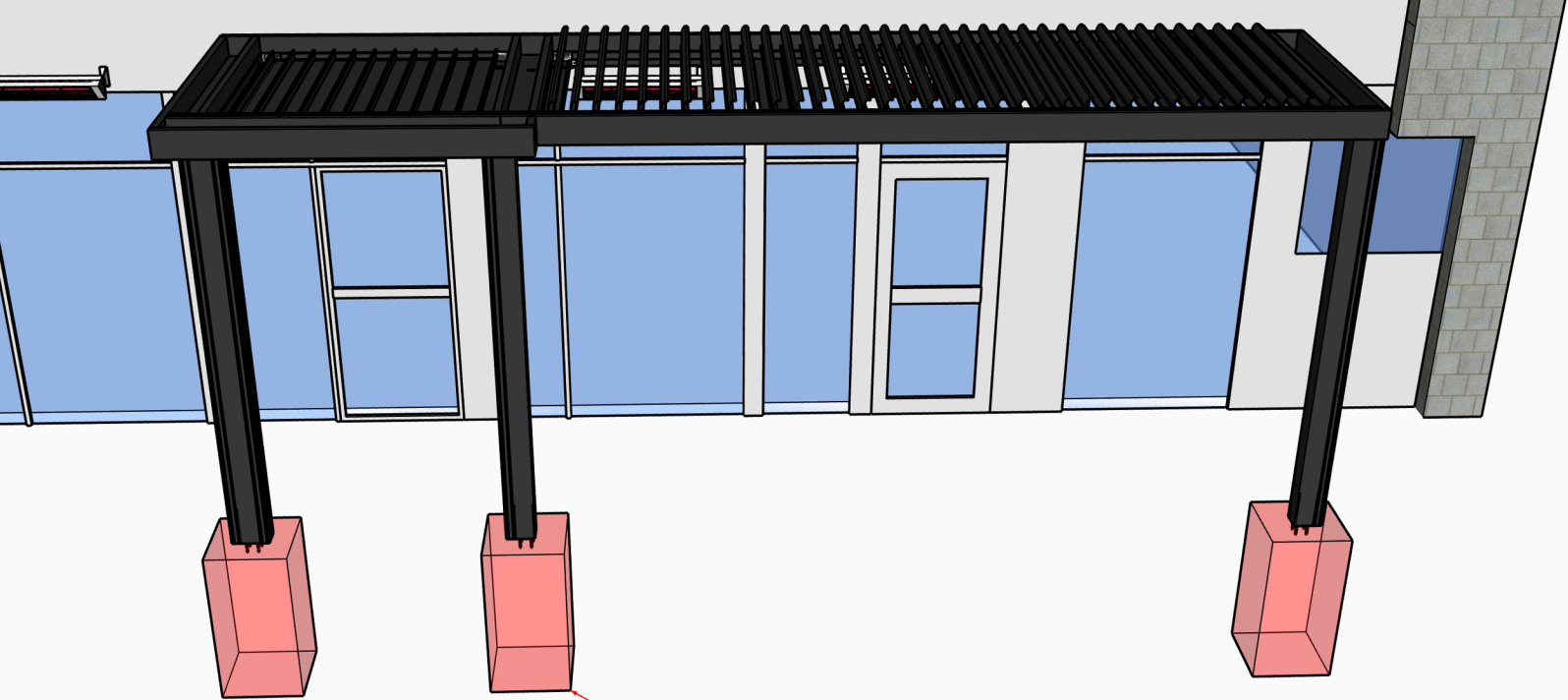










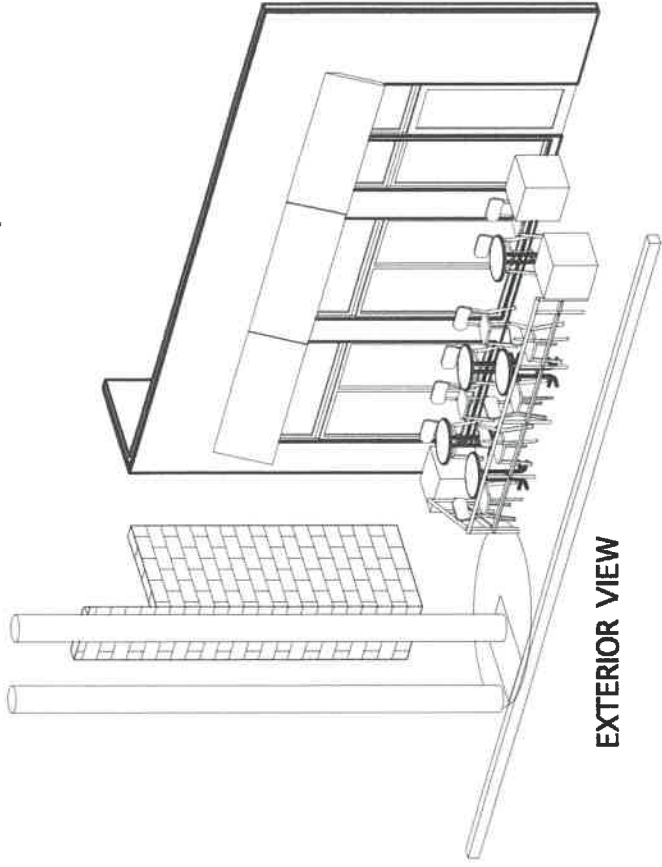


POSTS ANCHORED TO CONCRETE FOOTING UTILIZING FUNCTIONAL POST BASE
FOOTING SIZE 2'X2'X4' *TO BE VERIFIED BY ENGINEER

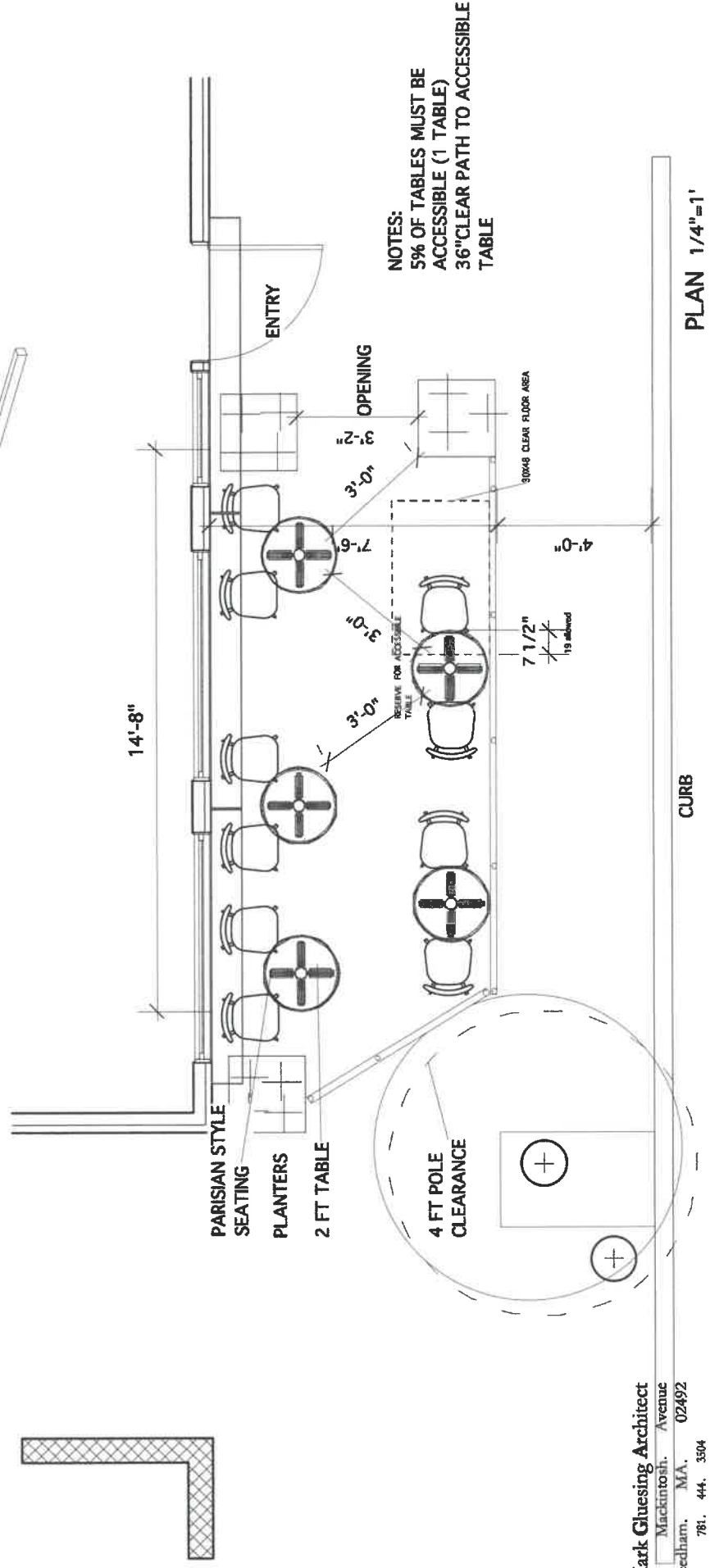
FRENCH PRESS
Bakery & Cafe
74 Chapel Street Needham MA

OUTDOOR SEATING OPTION B

Outdoor Previously Approved
by Select Board
Seats = 10



EXTERIOR VIEW



Mark Gluesing Architect
48 Mackintosh Avenue
Needham, MA 02492
781. 444. 3504

8.15.18

Schematic
Design

Project Expansion
FRENCH PRESS
Permit Package
78 Chapel Street
Needham, MA 02492

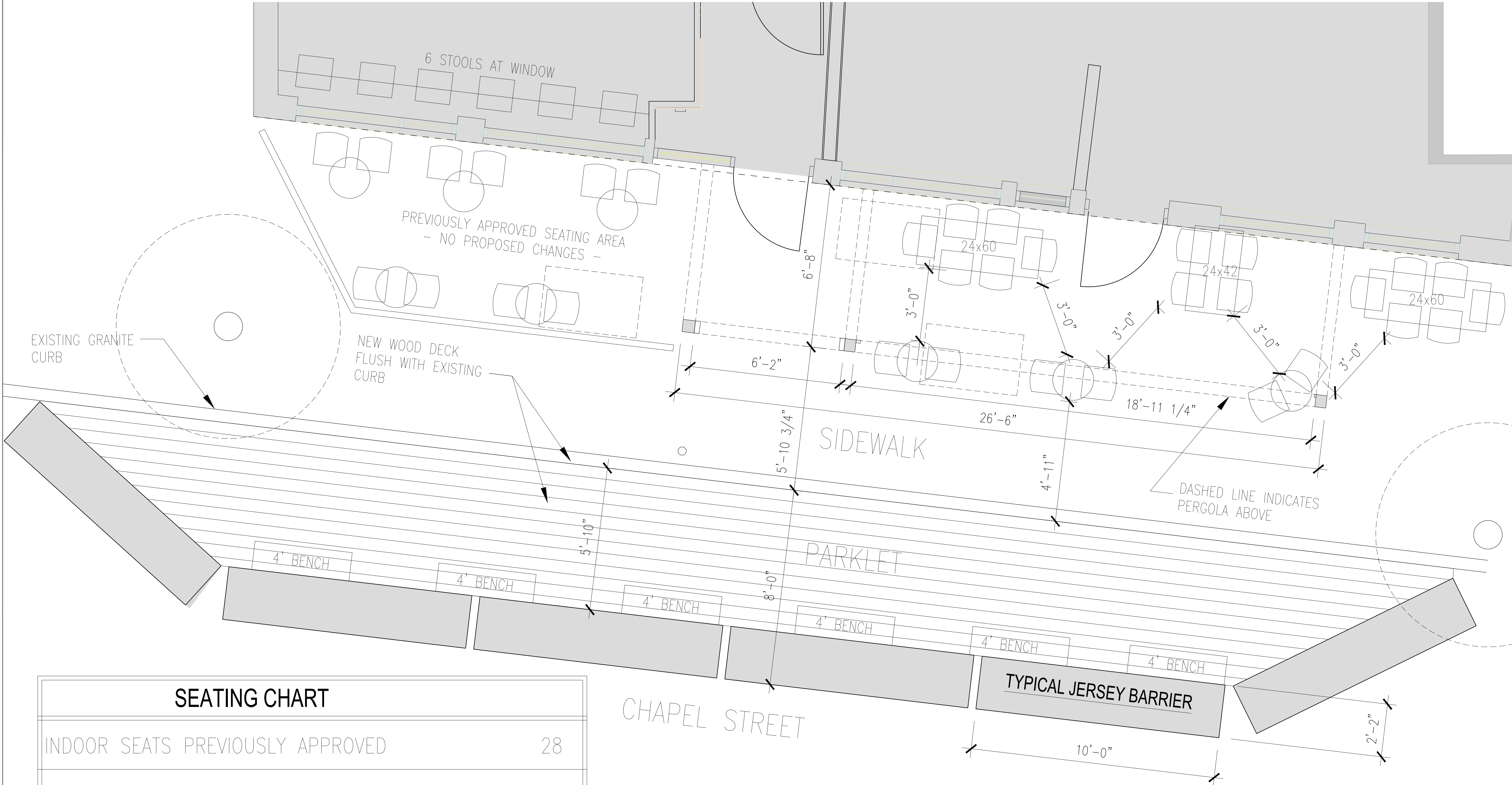


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PARKLET NEW PROPOSED - WILL BE REQUESTED SEPARATELY THROUGH THE SELECT BOARD	18
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1 OUTDOOR SEATING PLAN
SCALE: 1/2"=1'-0"

From: [John Schlittler](#)
To: [Alexandra Clee](#)
Cc: [David Roche](#); [Thomas Ryder](#); [Tom Conroy](#); [Tara Gurge](#); [Timothy McDonald](#); [Justin Savignano](#); [Carys Lustig](#); [Lee Newman](#); [Elisa Litchman](#); [Myles Tucker](#); [Amy Haelsen](#)
Subject: Re: Request for comment - French Press Outdoor seating
Date: Wednesday, February 8, 2023 12:59:08 PM
Attachments: [full APPLICATION for website French Press outdoor seating.pdf](#)

Police are fine as long as all seating areas have adequate protection from barriers. It looks like one table to far right 24/60 is outside the barrier coverage. Not sure if there to show size inside barriers. Is there enough of sidewalk left for ADA compliance? Thanks

Sent from my iPhone

On Feb 6, 2023, at 3:27 PM, Alexandra Clee <aclee@needhamma.gov> wrote:

Dear all,

We have received application materials for the proposal for French Press to install outdoor seating.

More information can be found in the application, which is attached.

The Planning Board has scheduled this matter for February 28, 2023. Please send your comments by Wednesday February 22, 2023 at the latest.

The documents attached for your review are as follows:

1. Application for an Amendment to the Major Project Special Permit No. 2014-11.

1. Application for Outdoor Seating Under Section 6.9.

1. Plan entitled "Project Expansion, French Press," prepared by Form + Place, PO Box 610016, Newton Highlands, MA 02461, dated January 19, 2023.

1. Plot Plan prepared by Christopher C. Charlton, Land Surveyor, dated November 23, 2022.

1. Renderings consisting of 22 sheets, undated.

1. Previously approved outdoor seating prepared by Mark Gluesing Architect,
dated August 15, 2018.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov<<http://www.needhamma.gov/>>

From: [Tom Conroy](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - French Press Outdoor seating
Date: Thursday, February 9, 2023 8:55:51 AM
Attachments: [image001.png](#)

Fire agrees with the Police Dept. If you need anything else please let me know.
Thank you



Thomas M. Conroy

Fire Chief - Needham Fire Department

tconroy@needhamma.gov

Ph (781) 455-7580

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, February 8, 2023 1:30 PM
To: John Schlittler <JSchlittler@needhamma.gov>
Cc: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>
Subject: RE: Request for comment - French Press Outdoor seating

Received, thanks. Dave, Tom R., if you want to reply to the ADA question in your comment, that would be great.

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

From: John Schlittler <JSchlittler@needhamma.gov>
Sent: Wednesday, February 8, 2023 12:59 PM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Elisa Litchman

<elitchman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>

Subject: Re: Request for comment - French Press Outdoor seating

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Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov<<http://www.needhamma.gov>/>

From: [Jay Spencer](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: Re: FW: Request for comment - French Press Outdoor seating
Date: Monday, February 13, 2023 3:02:49 AM
Attachments: [230119_French_Press_Outdoor_Seating_A-2.01.pdf](#)

Hi Alex,

Attached is the updated drawing.

In regards to comment from Police and Fire;
All tables will be enclosed by a barrier per ABCC guidance due to alcohol service.
Additionally, there exists appropriate clearance for ADA compliance. The latest plan has been revised to show the dimensions.

Kind Regards,

Jay

On Fri, Feb 10, 2023 at 10:07 AM Alexandra Clee <aclee@needhamma.gov> wrote:

Hi Jay,

See Dave's comment below. I agree with Dave – that with all the dimensions shown, we neglected to have you add the dimension of the seats to the curb. The point is to show that you meet ADA compliance. Per Dave's email below, by scaling it, it appears you do; but we want to see that dimension on the seating plan.

Thanks, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

www.needhamma.gov

From: David Roche <droche@needhamma.gov>

Sent: Friday, February 10, 2023 9:52 AM

To: Alexandra Clee <aclee@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>
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Sent: Wednesday, February 8, 2023 1:30 PM
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Cc: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>
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From: John Schlittler <JSchlittler@needhamma.gov>

Sent: Wednesday, February 8, 2023 12:59 PM

To: Alexandra Clee <aclee@needhamma.gov>

Cc: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>;

Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>;

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From: [David Roche](#)
To: [Alexandra Clee](#); [John Schlittler](#)
Cc: [Thomas Ryder](#); [Tom Conroy](#); [Tara Gurge](#); [Timothy McDonald](#); [Justin Savignano](#); [Carys Lustig](#); [Lee Newman](#); [Elisa Litchman](#); [Myles Tucker](#); [Amy Haelsen](#)
Subject: RE: Request for comment - French Press Outdoor seating
Date: Monday, February 13, 2023 4:40:54 PM

Alex,

I am good with this plan.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
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To: David Roche <droche@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
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From: [Tom Conroy](#)
To: [David Roche](#); [Alexandra Clee](#); [John Schlittler](#)
Cc: [Thomas Ryder](#); [Tara Gurge](#); [Timothy McDonald](#); [Justin Savignano](#); [Carys Lustig](#); [Lee Newman](#); [Elisa Litchman](#); [Myles Tucker](#); [Amy Haelsen](#)
Subject: RE: Request for comment - French Press Outdoor seating
Date: Monday, February 13, 2023 4:54:50 PM

Fire is good

From: David Roche <droche@needhamma.gov>
Sent: Monday, February 13, 2023 4:41 PM
To: Alexandra Clee <aclee@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
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From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Timothy McDonald](#)
Subject: RE: Request for comment - French Press Outdoor seating
Date: Monday, February 13, 2023 12:03:23 PM
Attachments: [image002.png](#)
[image003.png](#)

Alex -

The Public Health Division reviewed the request for this increase in outdoor seating for French Press Bakery. Here are our comments noted below –

- French Press Bakery must continue to maintain the exterior area in a **clean and sanitary condition**, as not to attract the risk of pests. All outdoor seating areas must be kept clean and maintained, and areas under the tables must be swept of and all food and/or trash debris removed after each customer, and debris must not be allowed to accumulate that may pose a risk of attracting pests.
- The decking must be installed to that no gaps exist, along the deck surface or along the exposed sides of the deck, which would allow the inaccessible area under the deck to accumulate potential waste debris (i.e. food, trash, leaf litter, etc.), which may promote the risk of a potential rodent harborage area. (FYI - This has issue been documented in other surrounding towns, which have installed this similar type of outdoor decking, where debris were allowed to accumulate, and it promoted a rodent harborage area which contributed to increase in rodent activity.) This area must be kept free and clear of all debris, on an ongoing basis, so that these debris are not allowed to accumulate.
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- French Press must continue to have a routine **interior and exterior** certified pest control service schedule and be willing to increase the frequency of this pest control service schedule if any increase in pest issues arise.
- For any exterior trash containers that are present, they must be on a frequent routine service schedule and all trash debris removed and must not post a risk of attracting pests.

All additional items noted below, as stated in the approved policy, must also be followed.

Outdoor Dining Licenses Select Board policy, specific to Public Health:

7. All entrances and exit doors through the kitchen used by food service personnel and customers must be screened and provided with air curtains meeting National Sanitation Foundation standards. All windows or openings though the kitchen used for the transfer of food must also be screened and provided with air curtains. (If your entrance and exit or service opening to the outdoor seating area is through the kitchen, you must get Health

Department approval.)

8. All food must be prepared inside the facility's kitchen and kept inside until served. No food may be prepared outside.
9. A system for washing down the outside seating area must be provided.
10. Food service personnel may not serve patrons beyond the outdoor seating area as shown on the plan approved by the licensing authority.
11. Food service personnel must constantly police the outdoor seating area for wastepaper, garbage, and other trash. Covered trash receptacles should be provided and must be emptied as needed to prevent overflowing. They must also be emptied at the end of each evening's service.
12. If dumpsters are located near these proposed seating areas, need to ensure that areas around dumpsters are clean and sanitary, and no public health nuisance issues with odors or attraction of pests exist.
13. During the operating hours and thereafter, strict clean-up practices must be adhered to. Food service personnel must clear up after each patron and remove all trash and dirty dishes.
14. Outside food handlers must have easy access to handwash sinks and cleaning cloths. Facilities for preparation and disposal of sanitizing solutions must be accessible.
15. Outdoor seating areas shall be considered as part of the restaurant and shall comply with Board of Health regulations, including a prohibition of smoking in seasonal outdoor dining areas and only service animals being allowed in those same areas.
16. Pets not allowed in outdoor seating areas. Only service animals are permitted.

Once French Press is approved to expand their outdoor seating area, we ask that copies of their routine pest control reports be submitted to the Public Health Division on an on-going basis, so we can verify that pest activity is being monitored. We recommend that the owner bring the reinstatement of the outdoor dining, once approved, to their pest control's attention so they're aware and can also service the exterior of their food service establishment accordingly.

Please feel free to reach out with any follow-up questions 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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From: Alexandra Clee <aclee@needhamma.gov>

Sent: Monday, February 6, 2023 3:28 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

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From: [Jay Spencer](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: Re: Request for comment - French Press Outdoor seating
Date: Monday, February 13, 2023 5:03:11 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi Alex,

Ok...so we have maintained the outdoor area over the last two years to minimize areas where pests can harbor, as we are a 24 hour operation and we see the rats throughout the evening. Diligent care is taken to not create sources of food or nesting.

As long as I have held restaurants in Needham, 11 years to be exact we have had an indoor and outdoor pest management program. During our routine health inspections, copies of the most recent or all pest control reports are available and have been presented to the inspector. Moreover, we have outdoor baiting sections in key areas to mitigate problems. We also have assigned staff that monitor the patio to ensure food and debris is removed in a timely manner. It is important to note this request is an extension of the same service we have provided under the pandemic emergency declaration and will continue to maintain an appropriate environment that adheres to the highest food and safety standards as well as the level of our reputation. Finally, we are working with the Economic Development Director and DPW to develop the appropriate decking as we have asked for a grant to cover these expenses.

Kind regards,

Jay

On Mon, Feb 13, 2023 at 1:32 PM Alexandra Clee <aclee@needhamma.gov> wrote:

Fyi.

I also explained to her that you will be requesting the appraised for the decking separately but it was shown here to illustrate the desired end result.

Thanks.

Alexandra Clee

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From: Tara Gurge <TGurge@needhamma.gov>

Sent: Monday, February 13, 2023 12:03:19 PM

To: Alexandra Clee <aclee@needhamma.gov>

Cc: Timothy McDonald <tmcdonald@needhamma.gov>

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All additional items noted below, as stated in the approved policy, must also be

followed.

Outdoor Dining Licenses Select Board policy, specific to Public Health:

7. All entrances and exit doors through the kitchen used by food service personnel and customers must be screened and provided with air curtains meeting National Sanitation Foundation standards. All windows or openings through the kitchen used for the transfer of food must also be screened and provided with air curtains. (If your entrance and exit or service opening to the outdoor seating area is through the kitchen, you must get Health Department approval.)
8. All food must be prepared inside the facility's kitchen and kept inside until served. No food may be prepared outside.
9. A system for washing down the outside seating area must be provided.
10. Food service personnel may not serve patrons beyond the outdoor seating area as shown on the plan approved by the licensing authority.
11. Food service personnel must constantly police the outdoor seating area for wastepaper, garbage, and other trash. Covered trash receptacles should be provided and must be emptied as needed to prevent overflowing. They must also be emptied at the end of each evening's service.
12. If dumpsters are located near these proposed seating areas, need to ensure that areas around dumpsters are clean and sanitary, and no public health nuisance issues with odors or attraction of pests exist.
13. During the operating hours and thereafter, strict clean-up practices must be adhered to. Food service personnel must clear up after each patron and remove all trash and dirty dishes.
14. Outside food handlers must have easy access to handwash sinks and cleaning cloths. Facilities for preparation and disposal of sanitizing solutions must be accessible.
15. Outdoor seating areas shall be considered as part of the restaurant and shall comply with

Board of Health regulations, including a prohibition of smoking in seasonal outdoor dining areas and only service animals being allowed in those same areas.

16. Pets not allowed in outdoor seating areas. Only service animals are permitted.

Once French Press is approved to expand their outdoor seating area, we ask that copies of their routine pest control reports be submitted to the Public Health Division on an on-going basis, so we can verify that pest activity is being monitored. We recommend that the owner bring the reinstatement of the outdoor dining, once approved, to their pest control's attention so they're aware and can also service the exterior of their food service establishment accordingly.

Please feel free to reach out with any follow-up questions 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



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From: Alexandra Clee <aclee@needhamma.gov>

Sent: Monday, February 6, 2023 3:28 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>

Subject: Request for comment - French Press Outdoor seating

Dear all,

We have received application materials for the proposal for French Press to install outdoor seating.

More information can be found in the application, which is attached.

The Planning Board has scheduled this matter for February 28, 2023. Please send your comments by Wednesday February 22, 2023 at the latest.

The documents attached for your review are as follows:

1. Application for an Amendment to the Major Project Special Permit No. 2014-11.
2. Application for Outdoor Seating Under Section 6.9.
3. Plan entitled “Project Expansion, French Press,” prepared by Form + Place, PO Box 610016, Newton Highlands, MA 02461, dated January 19, 2023.
4. Plot Plan prepared by Christopher C. Charlton, Land Surveyor, dated November 23, 2022.
5. Renderings consisting of 22 sheets, undated.
6. Previously approved outdoor seating prepared by Mark Gluesing Architect, dated August 15, 2018.

Thank you, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov



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

February 22, 2023

Needham Planning Board
Needham Public Service Administration Building
Needham, MA 02492

RE: Amendment Major Project Site Plan Special Permit No. 2014-11
74 Chapel Street – French Press

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced amendment to the Major Project Site Plan Special Permit. The applicant proposes to expand the existing outdoor seating and include a pergola over the seating patio.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application for an Amendment to Major Project Special Permit No. 2014-11 with application for out door seating
2. Plan entitled "Project Expansion, French Press," prepared by Form + Place, PO Box 610016, Newton Highlands, MA 02461, dated January 19, 2023.
3. Plot Plan prepared by Christopher C. Charlton, Land Surveyor, dated November 23, 2022.
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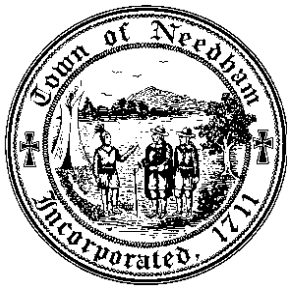
Our comments and recommendations are as follows:

Conditionally, the DPW requests that the applicant ensure that a 5-foot unobstructed sidewalk path is maintained during snow removal events. This could be accomplished by relocating their furniture during snow events that require snow removal operations.

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

Truly yours,

Thomas Ryder
Town Engineer



PLANNING DIVISION
Planning & Community Development

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Laws, Sections 7.4, 5.1.1.6, 5.1.2 and 5.1.3, the Needham Planning Board will hold a public hearing on Tuesday, February 28, 2023 at 7:30 p.m. in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264 (further instructions for accessing are below), regarding the application of the Sai Restaurant Inc., dba Masala Art, 990 Great Plain Avenue, Needham, MA, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 990 Great Plain Avenue, Needham, Massachusetts, shown on Assessor's Map No. 47, Parcel 64 containing 8,326 square feet in the Center Business District. The requested Major Project Site Plan Special Permit would, if granted, permit an amendment of Major Project Site Plan Special Permit No. 2022-02 dated June 25, 2002, amended April 1, 2003 and December 7, 2004. The requested amendment would permit 44 outdoor seats by Masala Art abutting the municipal parking lot and within the parking spaces of the private parking lot.

In accordance with the Zoning By-Law, Section 5.1.1.6, a Special Permit is required to waive strict adherence with the requirements of Sections 5.1.2 (Required Parking) and 5.1.3 (Parking Plan and Design Requirement) of the Zoning By-Law. In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review Amendment is required.

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 880 4672 5264

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: 880 4672 5264

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: 880 4672 5264

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Times, February 9, 2023 and February 16, 2023.

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

TOWN OF NEEDHAM

MASSACHUSETTS 2023 FEB -7 PM 12: 53



500 Dedham Avenue
Needham, MA 02492
781-455-7550

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 990 Great Plain Avenue
Name of Applicant SAI RESTAURANT, INC d/b/a Masala Art
Applicant's Address 990 Great Plain Avenue
Phone Number 617-230-2100

Applicant is: Owner _____ Tenant X
 Agent/Attorney _____ Purchaser _____

Property Owner's Name: GREAT REALTY TRUST
 (SORABH KAPOOR – TRUSTEE/MANAGER)
Property Owner's Address 992 GREAT PLAIN AVENUE
Telephone Number 617-803-6702

Characteristics of Property: Lot Area 8326 sq ft Present Use: RESTAURANT
 Map #47 Parcel # 064 Zoning District: Center Business District

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

**REQUESTING AN AMENDMENT TO ADD 44 OUTDOOR SEATS ON EXISTING
PARKING SPACES RESIDING ON LOT.**

Signature of Applicant (or representative) *Vinod Kapoor*
 VINOD KAPOOR (President, Sai Restaurant Inc.)

Address if not applicant _____ Telephone # 617-230-2100

Owner's permission if other than applicant *Sorabh Kapoor*
 Sorabh Kapoor (Trustee/Manager, Great Realty Trust)

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board *C. M. Oles* Date 2/7/23
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

NOTE: Reports on Minor Projects must be issues within 35 days of filing date.



RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2023 FEB -7 PM 12:53

**TOWN of NEEDHAM
MASSACHUSETTS
APPLICATION FOR OUTDOOR SEATING
UNDER SECTION 6.9 OF THE ZONING BY-LAW**

LOCATION:

Property Address: 990 GREAT PLAIN AVE, NEEDHAM, MA 02492

Name of Establishment: MASALA ART

APPLICANT:

Name (must be business owner, manager, or lessee): VINOD KAPOOR, OWNER - MASALA ART

Address: 990 GREAT PLAIN AVENUE
NEEDHAM, MA 02492

Telephone Number: (617) 230-2100

Email Address: vinod.kapoor.1@gmail.com

Do you own or rent property?

PROPERTY OWNER:

Complete this section if applicant is not the property owner

Name (must be owner): GREAT REALTY TRUST

Address: 992 GREAT PLAIN AVE
NEEDHAM, MA 02492

Telephone Number: (617) 230-2100

Email Address: vinod.kapoor.1@gmail.com

APPLICATION REQUEST:

Are you requesting to have outdoor dining on PRIVATE parking spaces? Yes ☒ No ☐

If yes, how many private parking spaces? 5

Are you requesting to have outdoor dining on PUBLIC parking spaces (on-street or in a public parking lot)? Yes ☐ No ☒

If yes, how many public parking spaces do you intend to use in each category? *Note: there is a maximum of 3 parking spaces allowed per applicant.*

 # on-street public parking spots. Please note, required concrete barriers will take up 1 parking spot and should be added to the total number of spots you are applying to use.

 # of off-street public parking spots (in a public parking lot)

Are any of the spaces you are requesting to use designated for handicap parking? NO

Are you requesting to have outdoor dining on a sidewalk? NO

SEATING: FACILITIES/EQUIPMENT:

Total number of seats approved under existing Special Permit 160
Total number of seats existing inside 160 (may be same as above or fewer)
Number of restrooms provided 3
Total number of seats proposed outside 44 Size of Grease Trap 300 lbs ~~4~~
Number of chairs 44 Air Curtains (if opening is off kitchen) N/A
Number of tables 11 Screens (if opening is off kitchen) N/A
Outdoor Seating Area dimensions 36 x 30'
Type of Barrier or Enclosure to Define Seating Area
(mandatory if alcohol is proposed to be served):
Jersey Barriers

DATES AND HOURS OF OPERATION

The standard outdoor dining season in the Town of Needham is April 1 - November 30. The Town will consider applications that extend beyond that timeframe on an individual basis.

Are you requesting to serve food & beverage outdoors earlier than April 1 or later than November 30? Yes no

If yes, what are your proposed opening and closing dates?

April 1 to Oct. 30

What days of the week and hours do you plan to serve food & beverage outdoors?

Every day (Monday through Sunday)

BRIEF DESCRIPTION OF:

Seating Arrangement, Type of Furniture, Type of Barrier or Enclosure to Define Seating Area (mandatory if alcohol is proposed to be served), Ingress/Egress from the Inside to the Outside, Location of Outdoor Exit Area in the case of an emergency, Written Description of Colors and Materials Used

The sidewalk access will have Jersey barriers. The sides will be enclosed with planters. Ingress / Egress is indicated on attach plan/drawing. We will have metal Tables & Chairs.

PLAN REQUIREMENTS

Submit a Plan of the Outside Seating Area, showing precise dimensions and locations of:

- (1) Seating arrangement, including the arrangement of the furniture
- (2) Enclosure of dining area (this is required if service of alcohol is proposed)
- (3) Location of ingress/egress from inside to outside
- (4) Location of outside emergency exit(s)
- (5) Separation distances to building, curbing, sidewalks, streets, trees, planters, rubbish containers, equipment, and any other obstacles in pedestrian walkway or access aisles
Said Plan must be certified by a Registered Architect or Engineer with certifications that the restaurant with the outdoor seating complies with egress and access requirements, that the seating configuration complies with safety requirements, and that the restaurant has adequate restroom facilities for the number of seats. (If the total indoor and outdoor seating exceeds the number allowed for the existing restroom facilities, you may reduce the number of indoor seats being used, so that the total number of restaurant seats does not trigger additional restroom facilities.)
- (6) For parking spaces located on a parking lot (public or private), provide a site plan showing parking areas to be utilized for outdoor seating. Said plan can be an existing approved Site Plan, in which applicant delineates proposed seating location.

FURNITURE SPECIFICATIONS SHEET

A detailed specifications sheet illustrating the appearance, materials, colors, and size of selected outdoor seating furniture and equipment including chairs, benches, tables, umbrellas, fences, and other items. Photographs of furniture and equipment may be substituted for specification sheets as long as a sheet listing the dimensions of the furniture and equipment accompanies the photographs.

Are you proposing to have: (please check all that apply)?

- A tent or canopy? A permit from the Building Department may be required ([link](#)).
- Outdoor lighting? An electrical permit is required ([link](#)).

Outdoor Heating? A permit from the Fire Department is required ([link](#)).

PHOTOGRAPHS

Submit photographs of the proposed outdoor dining location (front and side views) if available.

ALCOHOL SERVICE

☐ NO
☒ YES

If you are seeking permission to serve alcohol outside (i.e., to extend your existing license to a patio or other outdoor seating areas), you must get approval from the Select Board by filing an Alteration of Licensed Premises, which is available on the Alcoholic Beverages Control Commission (ABCC) website at <https://www.mass.gov/how-to/amend-your-alcoholic-beverages-retail-license-alteration-of-premises-or-location-change-abcc>.

Please select one. Expansion area must be either:

1. Contiguous to the licensee's premise with a clear view of the area from inside the premises; or
2. The Licensee may commit to providing management personnel dedicated to the area.

FEES AND TERM

Outdoor seating licenses are issued for a term of one year, unless stated otherwise, and can be renewed annually. The annual application fee is \$25, which will be credited toward the annual licensing fee if the application is approved

For outdoor dining approved on public property, there is an annual licensing fee for the sole use of public space for outdoor dining at the rate of \$250 per public parking space and \$100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the \$100 sidewalk licensing fee will be waived.

CERTIFICATION

I/we the undersigned certify that I am the owner of record of the named property or that the owner of record authorizes the proposed work and that the above information which I/we provided is correct.

I/we have read and fully understand the procedures as established by the Town of Needham and further understand that failure to comply with said procedures may result in revocation of this permit.

Signature of Applicant(s): Long Pres. Date: 12.29.22
Date: Sai Restaurant, Inc
Masala Art.

THIS SECTION BELOW IS FOR OFFICIAL USE ONLY

Major Project Site Plan Review Special Permit (Planning Board) yes _____ no _____

Zoning Board of Appeals Special Permit yes _____ no _____

Select Board Licensing Approval _____

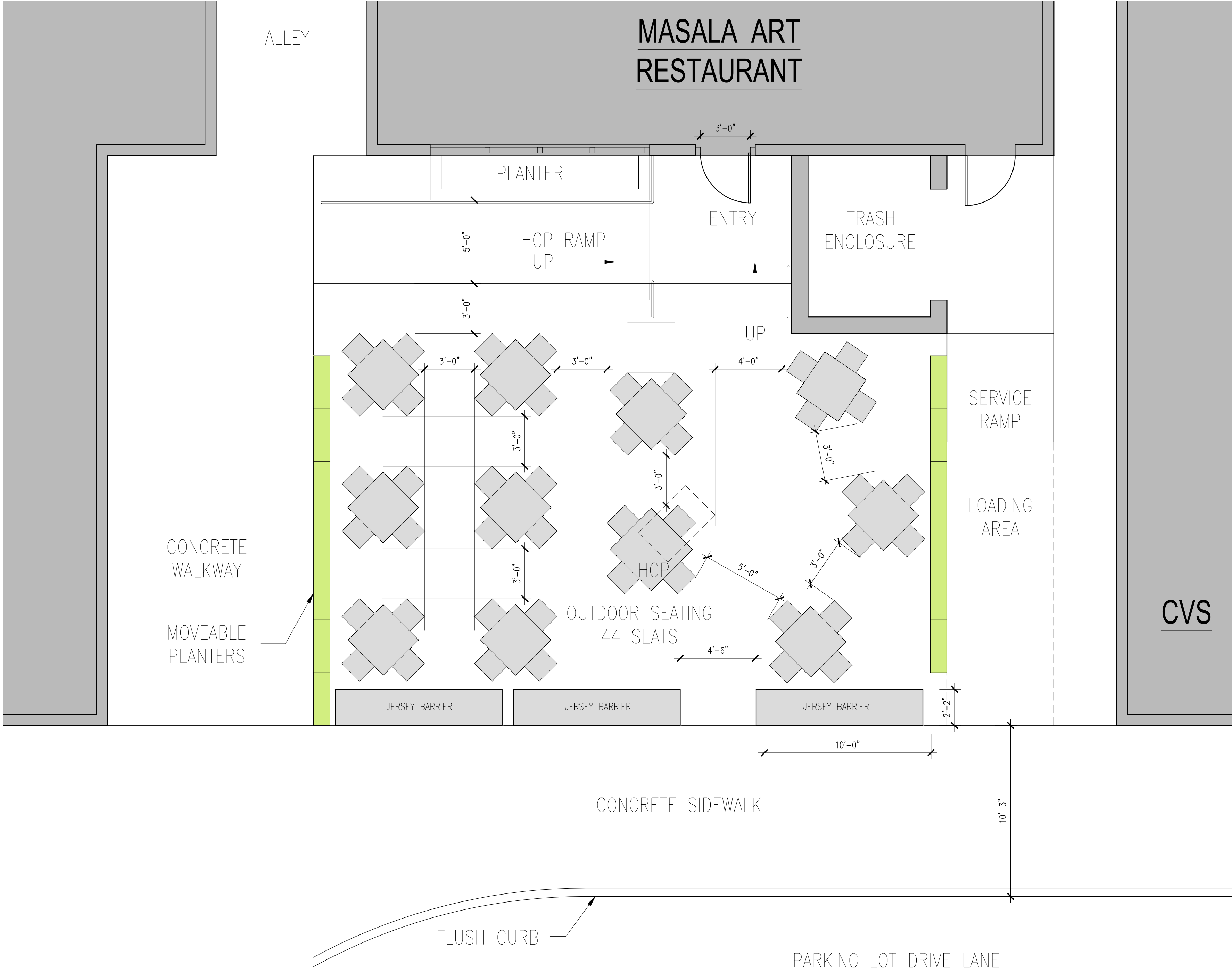
Certificate of Insurance covering outdoor area: _____

Departmental Approval (Health _____ Building _____ Fire _____ Police _____ Public Works _____)

License Agreement (if seating is on sidewalk or other public property): _____

Alteration of Licensed Premises (for alcohol service in outdoor area): _____

Comments: _____



1 OUTDOOR SEATING PLAN
SCALE: 1/2"=1'-0"

Special Permit
Plan

Outdoor Seating
Masala Art
Special Permit Plan
990 Great Plain Avenue
Needham, MA 02492



Project No: 22003
Drawn By: JR
Checked By: JR
Issue Date: 13 Jan 2023

Revisions		
No	Date	Description

Drawing Title:
SEATING PLAN

Drawing Number
A-2.01





CAVENDISH STREET
Sagehill's Jewelers
Pope Dental
True Realty Co.
Haggen Photography

Leonardo's





From: [John Schlittler](#)
To: [Alexandra Clee](#)
Cc: [David Roche](#); [Thomas Ryder](#); [Tom Conroy](#); [Tara Gurge](#); [Timothy McDonald](#); [Justin Savignano](#); [Carys Lustig](#); [Lee Newman](#); [Elisa Litchman](#); [Myles Tucker](#); [Amy Haelsen](#)
Subject: Re: Request for comment - Masala Art Outdoor seating
Date: Wednesday, February 8, 2023 12:53:21 PM
Attachments: [full application materials - Masala Art outdoor seating.pdf](#)

We are fine with as long as barriers are sufficient thanks

Sent from my iPhone

On Feb 7, 2023, at 5:29 PM, Alexandra Clee <aclee@needhamma.gov> wrote:

Dear all,

We have received application materials for the proposal for Masala Art to install outdoor seating.

More information can be found in the application, which is attached.

The Planning Board has scheduled this matter for February 28, 2023. Please send your comments by Wednesday February 22, 2023 at the latest.

The documents attached for your review are as follows:

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3. Plan entitled "Outdoor Seating Plan, Masala Art" prepared by Form + Place, PO Box 610016, Newton Highlands, MA 02461, Sheet A-2.01, entitled "Seating Plan," dated January 13, 2023.

Thank you, alex.

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

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Timothy McDonald](#)
Subject: RE: Request for comment - Masala Art Outdoor seating
Date: Monday, February 13, 2023 12:31:11 PM
Attachments: [image002.png](#)
[image003.png](#)

Alex -

The Public Health Division reviewed the request for this increase in outdoor seating for Masala Art. Here are our comments noted below –

- Masala Art must continue to maintain the exterior area in a **clean and sanitary condition**, as not to attract the risk of pests. All outdoor seating areas must be kept clean and maintained, and areas under the tables must be swept of and all food and/or trash debris removed after each customer, and debris must not be allowed to accumulate that may pose a risk of attracting pests.
- Masala Art must continue to maintain a clean and sanitary trash/dumpster area (both trash and recycling) and maintain their routine trash and recycling pick-up/service schedules and increase those schedules if any overflow issues are observed. The exterior spent grease barrel storage area must also be kept clean and maintained and serviced on a routine schedule and must not pose a risk of attracting pests.
- Masala Art must continue to have a routine **interior and exterior** certified pest control service schedule and be willing to increase the frequency of this pest control service schedule if any increase in pest issues arise.
- For any exterior trash containers that are present, they must be on a frequent routine service schedule and all trash debris removed and must not pose a risk of attracting pests.

All additional items noted below, as stated in the approved policy, must also be followed.

Outdoor Dining Licenses Select Board policy, specific to Public Health:

7. All entrances and exit doors through the kitchen used by food service personnel and customers must be screened and provided with air curtains meeting National Sanitation Foundation standards. All windows or openings through the kitchen used for the transfer of food must also be screened and provided with air curtains. (If your entrance and exit or service opening to the outdoor seating area is through the kitchen, you must get Health Department approval.)
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Once Masala Art restaurant is approved to expand their outdoor seating area, we ask that copies of their routine pest control reports be submitted to the Public Health Division on an on-going basis, so we can verify that pest activity is being monitored. We recommend that the owner bring the reinstatement of the outdoor dining, once approved, to their pest control's attention so they're aware and can also service the exterior of their food service establishment accordingly.

Please feel free to reach out with any follow-up questions 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



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From: Alexandra Clee <aclee@needhamma.gov>

Sent: Tuesday, February 7, 2023 5:30 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>

Subject: Request for comment - Masala Art Outdoor seating

Dear all,

We have received application materials for the proposal for Masala Art to install outdoor seating.

More information can be found in the application, which is attached.

The Planning Board has scheduled this matter for February 28, 2023. Please send your comments by Wednesday February 22, 2023 at the latest.

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Thank you, alex.

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

From: [Tom Conroy](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Masala Art Outdoor seating
Date: Tuesday, February 21, 2023 2:19:09 PM

Sorry Alexandra,
All good with Fire.

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, February 21, 2023 2:03 PM
To: Tom Conroy <TConroy@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: Request for comment - Masala Art Outdoor seating

Hi Chief,

I know I heard from you on our other one, but I did not hear from you yet on Masala Art. Can you let me know if you have any comments? Thanks, alex.

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

From: Alexandra Clee
Sent: Tuesday, February 7, 2023 5:30 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
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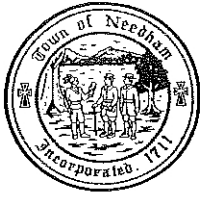
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Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov



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

February 22, 2023

Needham Planning Board
Needham Public Service Administration Building
Needham, MA 02492

RE: Requesting Amendment to Add Outdoor Seating
990 Great Plain Ave – Masala Art

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced amendment to add forty-four (44) outdoor seats on existing parking. The applicant proposes to expand the existing outdoor seating on existing parking spaces residing on lot.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application for site plan review dated 2/7/2023
2. Application for outdoor seating under section 6.9 of the zoning by-law dated 12/29/2022
3. Plan entitled "Seating Plan," prepared by Form + Place, PO Box 610016, Newton Highlands, MA 02461, dated January 13, 2023.

Our comments and recommendations are as follows:

- No comment or objections to the proposed plan

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

Truly yours,

Thomas Ryder
Town Engineer

From: [David Roche](#)
To: [Alexandra Clee](#)
Subject: RE: request for your review: Masala Art - outdoor dining in 2022?
Date: Wednesday, February 22, 2023 11:40:44 AM

Alex,

I have no issues with the Masala Art outdoor seating plan.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, February 22, 2023 10:54 AM
To: David Roche <droche@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: RE: request for your review: Masala Art - outdoor dining in 2022?

Hi Dave,

If you are able to send me comments shortly, that would be great, I am doing the Board's packets now.

Thanks, alex.

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

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, February 21, 2023 2:17 PM
To: David Roche <droche@needhamma.gov>
Subject: Re: request for your review: Masala Art - outdoor dining in 2022?

No not since I sent it out originally.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: David Roche <droche@needhamma.gov>
Sent: Tuesday, February 21, 2023 2:13:20 PM
To: Alexandra Clee <aclee@needhamma.gov>
Subject: FW: request for your review: Masala Art - outdoor dining in 2022?

Has the plan changed since January?

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, January 12, 2023 12:23 PM
To: David Roche <droche@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>
Subject: RE: request for your review: Masala Art - outdoor dining in 2022?

Thanks Dave!

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: David Roche <droche@needhamma.gov>
Sent: Thursday, January 12, 2023 12:22 PM
To: Alexandra Clee <aclee@needhamma.gov>
Subject: RE: request for your review: Masala Art - outdoor dining in 2022?

Alex,

I am OK, with this plan.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, January 12, 2023 10:04 AM
To: David Roche <droche@needhamma.gov>
Subject: RE: request for your review: Masala Art - outdoor dining in 2022?

Alexandra Clee
Assistant Town Planner
Needham, MA

www.needhamma.gov

From: David Roche <droche@needhamma.gov>
Sent: Thursday, January 12, 2023 9:46 AM
To: Alexandra Clee <aclee@needhamma.gov>
Subject: RE: request for your review: Masala Art - outdoor dining in 2022?

Can you send it again please.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, January 12, 2023 9:42 AM
To: David Roche <droche@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>
Subject: Re: request for your review: Masala Art - outdoor dining in 2022?

Great! Are you otherwise satisfied with the plan? (i.e. accessibility etc)?

From: David Roche <droche@needhamma.gov>
Sent: Thursday, January 12, 2023 9:08:44 AM
To: Alexandra Clee <aclee@needhamma.gov>
Subject: RE: request for your review: Masala Art - outdoor dining in 2022?

Alex,

They will meet the Plumbing Code Regulations.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, January 10, 2023 4:52 PM
To: David Roche <droche@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Myles Tucker <mtucker@needhamma.gov>
Subject: Re: request for your review: Masala Art - outdoor dining in 2022?

Hi Dave,

Masala Art say they have: one handicapped bathroom on the first floor and in the basement: men's - 2 urinals and one toilet; and, women's - 3 toilets.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov

From: David Roche <droche@needhamma.gov>
Sent: Wednesday, January 4, 2023 4:46 PM
To: Alexandra Clee <aclee@needhamma.gov>
Subject: RE: request for your review: Masala Art - outdoor dining in 2022?

Yes, could you ask what they have for fixtures in the bathrooms please, I think the plan is fine.

Dave

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, December 30, 2022 4:44 PM
To: David Roche <droche@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: request for your review: Masala Art - outdoor dining in 2022?
Importance: High

Hi Dave,

Would you please take a look at the attached plan and let us know if this plan is okay. Also, please note that they have 160 indoor seats. Their application states they have 3 bathrooms; I don't know the configuration, but I can ask.

Thanks, and Happy New year!

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: Vinod Kapoor <vinodkapoor1@gmail.com>
Sent: Friday, December 30, 2022 4:06 PM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Re: Masala Art - outdoor dining in 2022?
Importance: High

Hi Alex,

I found a pdf file of the drawing in my email. Will this work?

Vinod Kapoor
President
Sai Restaurant, Inc.
Masala Art
990 Great Plain Avenue
Needham, MA 02492
Phone: (617)230-2100
email: vinodkapoor1@gmail.com

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From: Alexandra Clee <aclee@needhamma.gov>

Date: Friday, December 30, 2022 at 3:29 PM

To: vinodkapoor1@gmail.com <vinodkapoor1@gmail.com>

Cc: Myles Tucker <mtucker@needhamma.gov>, Amy Haelsen <ahaelsen@needhamma.gov>, Lee Newman <LNewman@needhamma.gov>

Subject: RE: Masala Art - outdoor dining in 2022?

Thank you, I have received this. Is there any chance you could have your architect email me the plan directly? It's a little hard to read here.

Additionally, since you have to amend your special permit as well, please fill out the attached application additionally. I have also attached a sample from another restaurant.

This will suffice to get you in before the deadline of 2022! But let's be sure to touch base next week for the other items (the additional application and a better PDF of the plan). Then I will send it to the Building Commissioner to take a look at the plan, and once I get his "okay", I will request hard copies with original signatures.

As to the ABCC, Myles can assist.

Thanks and Happy New Year!

Alexandra Clee

Assistant Town Planner
Needham, MA
www.needhamma.gov

From: vinodkapoor1@gmail.com <vinodkapoor1@gmail.com>
Sent: Friday, December 30, 2022 3:17 PM
To: Alexandra Clee <aclee@needhamma.gov>; vinodkapoor1@gmail.com
Cc: Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Masala Art - outdoor dining in 2022?
Importance: High

Hello Alex,

Thank you for taking my call yesterday. Please see the attached outdoor seating application. Let me know if there is anything else you need and when will need to work on the next steps with ABCC.

Thank you and have a wonderful New Year!

Warm Regards,

VINOD KAPOOR
President,
Sai Restaurant, Inc.
Masala Art
990 Great Plain Avenue
Needham, MA 02492
Phone: (781) 449-4050
Cell: (617) 230-2100
Fax: (781) 863-8907
e-mail: vinodkapoor1@gmail.com

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From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, December 30, 2022 2:37 PM
To: 'vinodkapoor1@gmail.com' <vinodkapoor1@gmail.com>
Cc: Myles Tucker <mtucker@needhamma.gov>; Amy Haelsen <ahaelsen@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Masala Art - outdoor dining in 2022?

Hi again! We spoke yesterday and I was expecting you to email me the application and outdoor seating plan. Shall I expect that soon?

Thanks! Alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov



NEEDHAM HOUSING AUTHORITY

Redevelopment of Linden and Chambers Streets

Select Board and Planning Board Presentation
February 28, 2023



Bargmann Hendrie + Archetype Inc.

Project Team



Owner, Property Manager
and Developer



Affordable Senior Housing Experience

Over 800 Senior Affordable Housing Apartments over past 5 years



Experience in Needham



Rosemary Recreational Complex & Pool
(RRC)



Center at the Heights
(Needham Senior Center)



Emery Grover Renovations for School
Administration Dept.



Hillside School Swing Space Office
Renovations

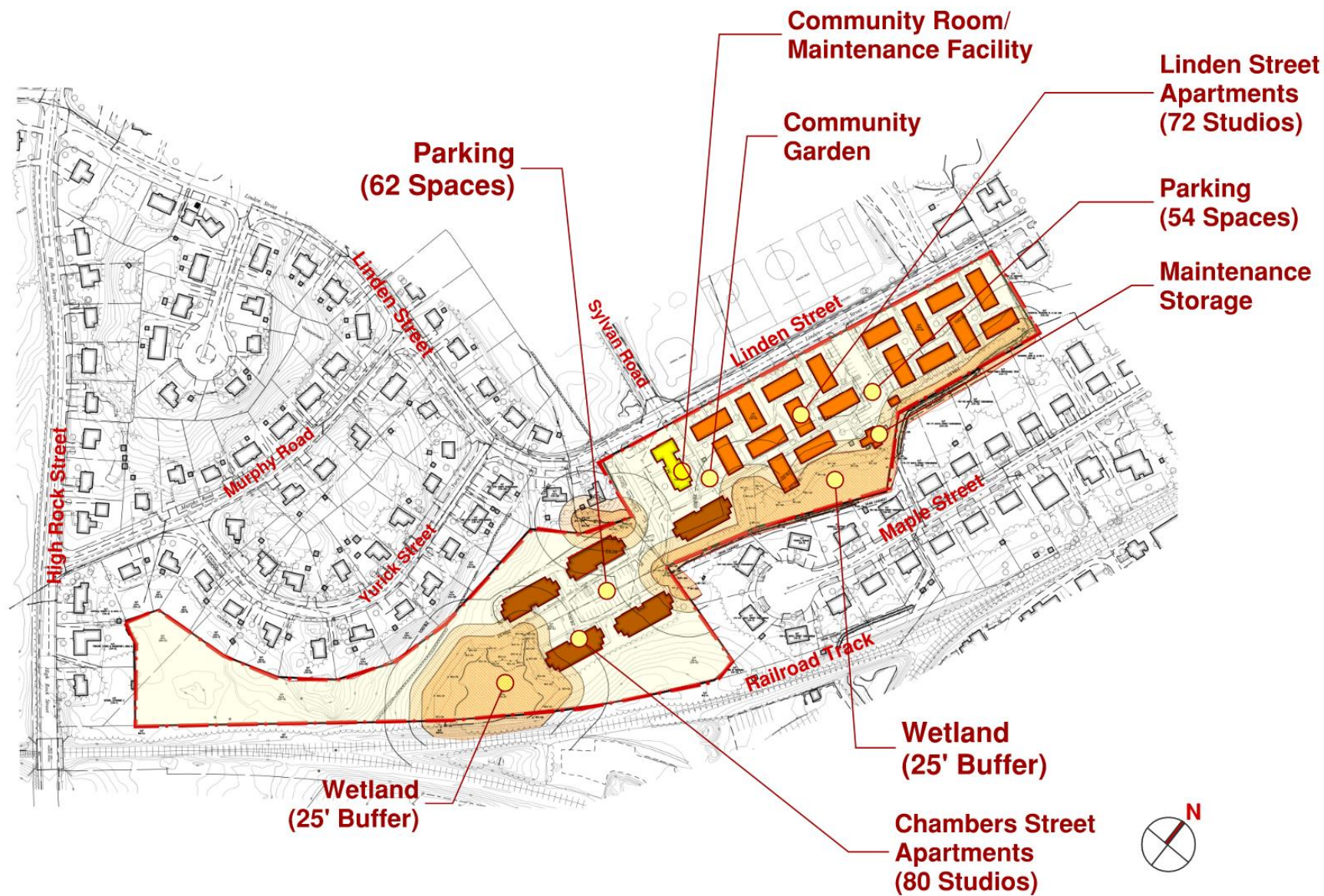
Pollard Modular Modifications



Temple Aliyah

Existing Conditions

Existing Linden/Chambers Community – 152 Studios



Existing Conditions

- Built between 1959 and 1962 (Linden) and 1972 (Chambers)
- 152 studio units of state public housing for low-income elderly / disabled households
- Poor physical conditions (Site and Buildings)
- Accessibility compliance issues
- Undersized units
- Lack adequate parking
- Wetland and environmental challenges



Current Project Status

- Project Kickoff meeting held on Jan. 9
- Residents kickoff meeting held on Jan. 23
- Site survey and Hazmat survey in investigative phase combined with team site visits documenting existing landscape, civil, utility, wetland and building systems
- Determine needed zoning changes and approach
- Complete Phase 1 Feasibility Study, and Facility Investigation by April, 2023
- Outreach and coordination with immediate neighborhood, High Rock middle school, Maple Street neighborhood, Needham Conservation Commission, Board of Health and DHCD

Project Goals

- Replace and/or possibly renovate existing 152 units and bring them up to modern-day standards by increasing unit sizes and providing adequate amenities and building systems. Design and build for 40+ years where possible
- Remove barriers of access for elderly/disabled households, including ensuring that all 2+ story buildings have elevators
- Develop additional new senior/disabled units and explore the potential increase in family units. Expect 85 to 100+ new units possible, but will confirm during design
- Ensure proactive resident and town involvement during the process
- Produce a design that fits into the neighborhood context and that meets Needham sustainability targets and requirements
- Produce a redevelopment and/or redevelopment/modernization strategy that allows the Authority to manage relocation requirements and construction costs
- Determine multi-phase approach to construction

Energy, Sustainable and Resiliency Goals

Reduce Building Energy Demand

How: Establish realistic Energy Usage Intensity (EUI) Targets early in Design and verify at Milestones (SD, DD, CD)

Harvest Onsite Energy

How: Explore PV Solar panels, and Ground Source/Geo-Thermal Heat pumps

Maximize Building Efficiency

How: Maximize Building Insulation and Building Envelop Air Tightness (<0.08ACH /sf Air Change Rates)

Selection of Highest Efficiency HVAC system through a cost and benefit analysis

Accurate Energy Modeling and verify at early key Milestones (Feasibility, SD, DD)

Minimize Carbon Footprint and Reduce Green House Gas

How: By reducing Concrete and Steel usage during building design and Construction. Wood Construction when applicable

Life Cycle Assessment (LCA) to evaluate material Embody Carbon with up-to-date Environment Product Declarations (EPD)

Minimize and/or Establish No Fossil Fuel usage

Building Commissioning

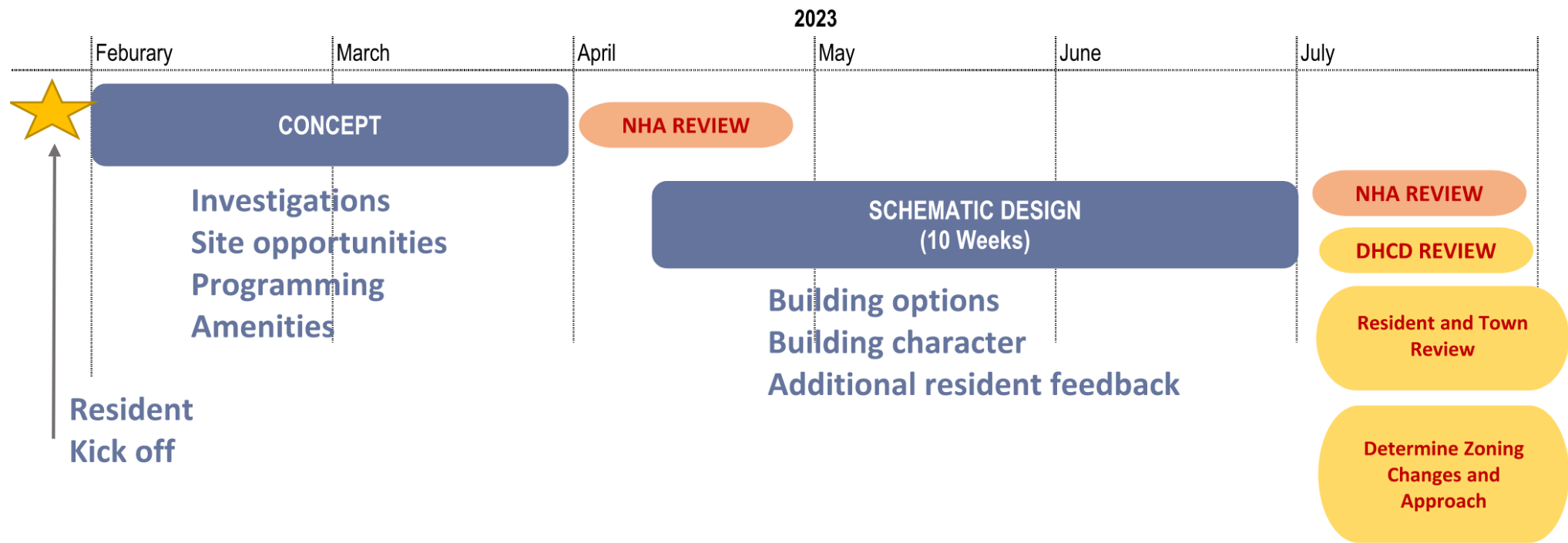
How: Confirm Building operational efficiency after occupancy. Conduct energy audits and other verification means

Federal and State Funding Opportunities

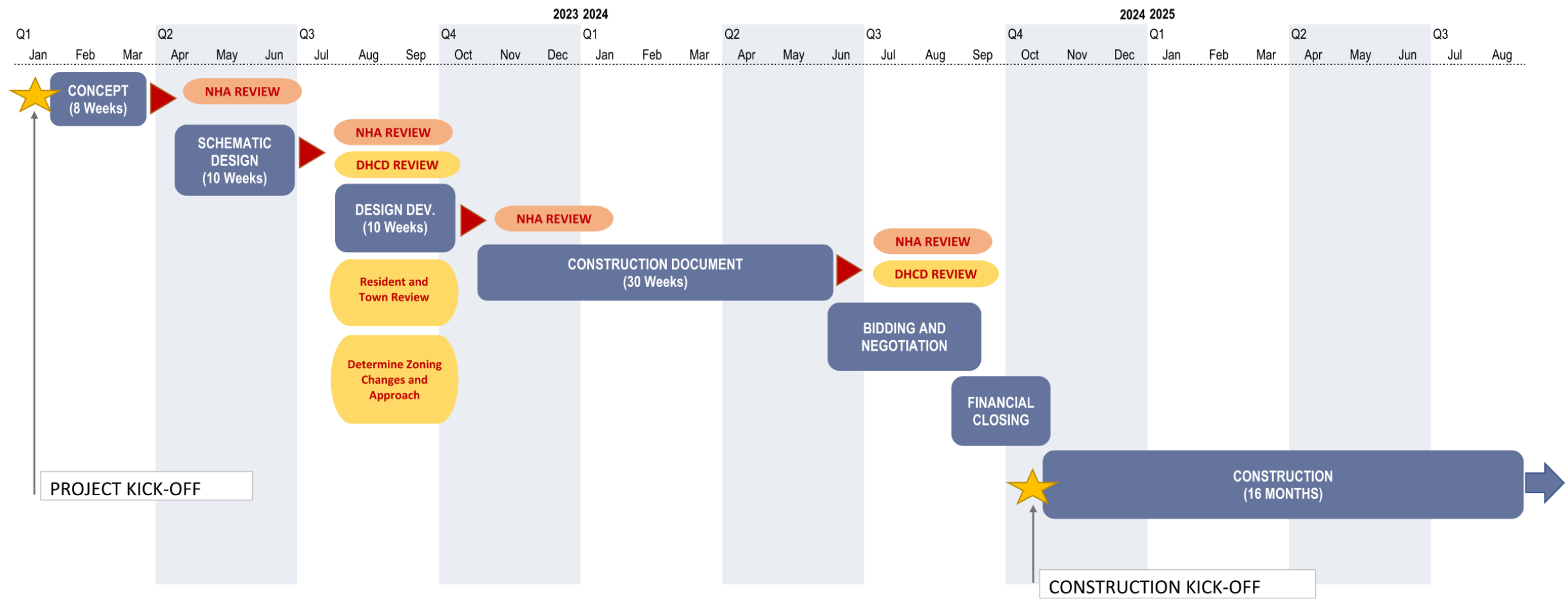
How: Assist and Explore Funding programs from HUD, DOER, EPA and Local utility rebates. Programs such as Inflation Reduction Act, Flexible Block Grants to Local Utility Rebate and incentives (Eversource Path 1 Zero Net Equivalent)

Project Schedule

Project Schedule – Next 6 Months



Project Schedule





Thank you

From: [Lee Newman](#)
To: [Adam Block \(adam.block@compass.com\)](#); [Jeanne McKnight \(jeannemcknight@comcast.net\)](#); [N. Espada](#); [Artie Crocker](#); [Paul Alpert](#)
Cc: [Alexandra Clee](#)
Subject: New Historic Districts Committee
Date: Friday, February 10, 2023 1:15:56 PM

Dear Board,

At its meeting on January 10th, 2023, the Select Board (SB) voted to establish a Local Historical District Committee. The SB has asked that the Planning Board recommend someone to serve on this Committee. This person may be a member of the Planning Board or a resident who you recommend.

Full details on the Committee Charge, composition, and desired outputs are here:

<http://www.needhamma.gov/5369/Single-Parcel-Historic-District-Study-Co>

The term is indefinite, but the Committee will disband after Town Meeting votes on the Proposal (either Fall 2023 or Spring 2024), so at most a bit over a year.

Meetings will likely be monthly, with exact time and schedule TBD based on the schedules of whomever is appointed, and the location will be at Town Hall, with a Zoom option if the Committee chooses to do that/is allowed to by law at the time.

We will plan to discuss this at the Planning Board meeting of February 28, so please think about if you would be interested or if you know of a resident who may be a good fit.

Thank you,

Lee

NEEDHAM PLANNING BOARD MINUTES

December 5, 2022

The Needham Planning Board hybrid meeting, held in person at the Charles River Room of the Public Services Administration Building and Virtual using Zoom, was called to order by Adam Block, Chairman, on Monday, December 5, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. He noted this meeting does include one public hearing and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearing:

7:05 p.m. – Major Project Site Plan Special Permit No. 2022-04: BTE Development, LLC 13 Eaton Court, Wellesley, MA 02481, Petitioner (Property located at 40 & 50 Central Avenue, Needham, MA). Regarding proposal to demolish the two existing commercial buildings and construct a new mixed-use building with retail on the first floor and 15 total residential units on the second and third floors, with associated surface parking. Please note: this hearing has been continued from the November 15, 2022 meeting of the Planning Board.

Mr. Block noted an anonymous letter, dated 11/28/22, regarding the project; a letter from George Giunta Jr., dated 12/1/22, with comments; a letter from Town Engineer Thomas Ryder, dated 12/5/22, with comments and an email from Police Chief John Schlittler, dated 12/5/22, with comments. Mr. Giunta Jr., ~~attorney representative representing for~~ the applicant, stated he has submitted a letter with 2 additional authorities from the proper ~~applicant~~ parties. It is the same people but in different capacities. He noted Jason Trombi, the nephew, has no interest so all the proper parties have signed off. He also submitted a revised landscape plan with some minor changes to the boundary ~~area~~, with an adjacent residential fence added. There have been some species changes to incorporate the comments of the Design Review Board (DRB) and a couple of steps have been added to facilitate access and help with the grade change. The handicap spaces could not be moved due to the grade change. They feel the spaces were in the best location for easiest access.

Ms. McKnight asked why not put a ramp instead of a staircase. Mr. Giunta Jr. noted there would need to be a redesign and take out a chunk of land. There is a 3-foot ~~difference~~ difference, and the ramp would need to be where the walkway is in front and the beginning of the ramp would be where the steps are. The ramp would start in the parking area. Trevor O'Leary stated the maximum slope is a 1:12 slope. This would require a 36-foot ramp and would need a 5-foot landing for that length. Mr. Crocker asked if the other handicap spots ~~are were~~ at grade and was informed they ~~are were~~. Ms. McKnight asked which the best spot is to park in if a person were handicapped and lived in the residences. Mr. O'Leary stated there is a second entrance in the rear. Mr. Giunta Jr. noted the Board of Health mentioned additional trash receptacles for the ~~grocery~~ market. Additional trash receptacles have been added and the location of the transformer has been reconfigured. There are now 2 enclosures for 2 additional trash receptacles. He noted these are not near any residences. The distance from the dumpster to the nearest house is 61.5 feet.

Mr. Block noted there are a number of full trees at the southern boundary and no other trees. Mr. O'Leary feels the trees are right over the boundary line on the other property. It appears a couple of the closest trees are on this lot. Mr. Giunta Jr. noted an interior bike storage area has been added on the plan inside the lobby. There is a commitment to sustainability with solar on the roof, the buildings will be all electric, there will be electric charging stations for up to 8 cars, LED lights, low flow fixtures, high efficiency heat pumps and high-density efficient insulation. Mr. Block ~~asked for clarification as to whether noted~~ there will be ~~no~~ LEED certification and was informed there will not be. Mr. Crocker asked what kind of insulation. There will be close cell spray foam.

Mr. Giunta Jr. stated a canvas of on--street parking was done. Both Central Avenue and Reservoir Street have on--street parking except for Central on the southerly side during specific hours. On Reservoir Street, parking is allowed on both sides. There are approximately 12 to 14 spaces on the right side going up Reservoir Street on the other side of Central

Avenue, stopping at the Aqueduct, and 6 to 8 spaces on the left side. 60 to 70% of the spaces were open. On the other side of Reservoir from the project, there is room for an additional 2 to 3 spaces in the area where the project is putting 6 new spaces. He noted there would need to be permission from the adjacent land-owner/landowner to add more spaces at that location. Further down Reservoir there is room for a couple of on-street vehicles. He noted the impact of commercial users is a valid point. There will be 3 commercial tenants that will be allotted one on-site parking space for employees. There would need to be a parking plan for off-site if there are more than 2 employees for any tenant. The By-Law requires 1½ spaces per unit and one space for the affordable units. Mr. Block stated there was a comment from the Police regarding parking. The approval of 6 on-street parking spots would help. If the spots are not approved the Board would need to look at this again.

Mr. Crocker noted all the electric is above ground on Reservoir Street. He asked what the plan is for the parking area. Mr. Giunta Jr. stated all the existing electric-supply infrastructure will be installed underground if on the property. Mr. Crocker noted the telephone pole is right in the middle of the parking spots. Mr. Giunta Jr. stated the pole would have to be moved and that will be coordinated with the electric company. Mr. Crocker stated he likes the plan. It is a great plan/plan, and a lot of thought has been put into it. Ms. Espada and Mr. Alpert had no comments. Ms. McKnight noted the landscape plan has been changed in response to the DRB comments. She asked if the locations are the same. Mr. Giunta Jr. stated the location and number have not changed but some of the species have changed. Ms. McKnight asked for an example of the species change. Ben Carnicelli, landscape architect, noted originally there were going to be Japanese Dogwoods, but the DRB suggested adding Florida Dogwoods. Ms. McKnight asked if the landscaping would comply with the DRB's recommendations and was informed it would.

Mr. Block noted the anonymous email that was received. The applicant commented the traffic demand system was comprehensive but only the bike storage and bus line brochure were included. He asked how the applicant could facilitate transportation to this location. Mr. Giunta Jr. stated alternate transport is always a challenge/challenge, but the bus stop is right there. Mr. Block stated the Number 59 bus is not a frequent bus. He noted this site has challenges with parking. Ms. McKnight stated she does not like anonymous comments. She asked the start time for construction. Ms. Newman noted the start time has been varied. Some have gone later in the neighborhoods, but she will check. Ms. McKnight noted Hunnewell Street would be a good comparison. Ms. Clee noted the hours for construction at Hunnewell Street were 7:00 a.m. to 5:00 p.m., Monday through Saturday. Mr. Crocker stated more people have electric bikes and asked if there will be outlets. There will be outlets for bikes. He asked if the heat pump units would be on the side or the roof. Mr. O'Leary noted the units would be on the roof. There will be a small parapet near the elevator shaft in the back so it would not be seen from the street.

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:

VOTED: to close the hearing.

Deliberation: Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham Massachusetts). Regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,000 square feet of retail and restaurant uses. (See legal notice and application for more details).

Mr. Block noted an email from Town Engineer Thomas Ryder, dated 11/15/22, regarding the sewer flow in response to questions. He confirmed the sewer flows in the opposite direction from Noanett Road. Mr. Block noted his comments were non-substantive. The applicant said they would have LEED Gold status/status, but we have LEED Silver. He noted if any members have any non-substantive based comments they should be sent directly to the Planning Director. Mr. Alpert and Mr. Crocker had no comments on the draft. Ms. Espada stated the applicant needs to revise the roof top screen on Highland Avenue and Gould Street, then the garage screening to have some depth.

Ms. McKnight was expecting to see precise data on the landscaped open space. There needs to be 25% of the total lot area as open space. The application said more than 25%. She would like to see the actual square footage of the open space. Ms. Newman had asked and has been provided with the numbers. The open space is 30%, which is higher than required. The

information will be added to the decision. Ms. McKnight noted the post-construction landscape architectural plan should include what the landscape architect says – that it exceeds so much percentage in the As-Built. Mr. Block noted screening for the main building then the garage. Ms. Newman noted in the plan modification, Section 2, beginning on page 26, paragraph A, she called out the revisions presented on 9/7/22 and 10/3/22. The plans will be revised to call out the revisions presented.

Ms. Espada is concerned with a flat wall for the garage with just material. The screen is a straight line for a full façade. The applicant needs to look at materiality and depth. The material could have a thickness to it. She would like a depth change in material and would like more information on the detailing of the screen. Tim Sullivan, Attorney for the applicant, stated they intend to do that. Ms. Espada noted the decision should articulate “a roof screen with depth and materiality not in a single plane.” All members are ok with that. Ms. McKnight noted the developer will work with the Board to address garage height. The developer has been very ~~responsive~~ responsive, but the decision does not include those changes. Mr. Block noted the Board received clarification today, via email, the applicant is prepared to work with the Board. They agree the height of the garage closest to Gould would be reduced from 55 feet to 48 feet. That is 4 levels above ground with the same number of spaces by digging another level below grade. The spaces will be restriped, and the space layout will be reconfigured. The project will retain 1,093 spaces.

Mr. Crocker wanted to clarify it is 48 feet to the top of the wall. Mr. Block noted the parapet is not included in the calculations in the By-Law. Mr. Crocker asked where the 48 feet go to – the top of the parapet or the top of the wall. Mr. Block noted the calculation of height is consistent with all similar structures. Ms. Newman stated the Building Commissioner’s view of the wall on the garage is it is a parapet and, if it does not exceed the 5-foot limit, it would comply. The wall is somewhere between 3.6 feet and 4 feet tall. Ms. McKnight noted without a special permit it is allowed to be 44 feet plus a parapet not more than 5 feet. The application was for 55 feet. The Board asked for a compromise and the applicant is agreeable. Mr. Sullivan stated the applicant is resubmitting a modified plan with a level of detail on it. There will be a 7-foot difference.

Ms. McKnight noted the letter from Mr. Sullivan is a little vague. It says the garage closest to Gould would be reduced. Recognizing closest to the highway could remain, where do you draw the line? Mr. Block commented the Board does not have an issue with the perspective of the garage from the 128 off-ramp. Ms. McKnight stated the condition should be clarified so it is clear what the revised plan has to show. Mr. Sullivan stated he does not know where the line would be yet. They know, with design guidelines, the intent is to soften the view from Gould. Mr. Block noted the screening will be a mix of methods such as landscaping, mature trees, vegetation, lines of trees, metal tubing and mesh screening. He asked if the Planning Director has what she needs to incorporate this into the decision. Ms. Newman noted she did. Also, the additional parking must be underground, should maintain the level that was originally proposed and there will be a rearrangement of the additional parking.

Mr. Crocker stated it sounds like the height of the Gould Street garage is staying higher because of what the applicant wants to accomplish on the highway side. He feels it is being reduced less than one story. Ms. Espada noted, as of right, is 44 feet and this is only 4 feet more than that. Mr. Crocker noted the parapet is still 3½ feet more. The project is 7 feet less and not one story less. Mr. Block stated there will be 4 levels from Gould rather than 5 levels. Ms. McKnight noted Section 3.16, page 29, lighting, does not clearly address the garage lighting. It says the garage and building lights shall be set at low levels. The first and last sentence particularly call out garage lighting.

Mr. Crocker noted there was talk about solar and he feels the Board should say the project needs to have solar. Ms. Espada commented the Board could say it needs to be solar ready. Mr. Block stated the applicant started at one standard and the Board raised that. To go from silver to gold would be substantive changes he feels would require the hearing to be reopened.

Mr. Crocker noted the parking garage could easily have solar. There could be some mechanical requirements, but he feels there should be solar. Ms. McKnight likes the idea that if the applicant wants solar in the future they would need to come back and the people would be able to comment. Ms. Espada likes having the building solar ready. Mr. Crocker feels it should be structurally solar ready. The applicant has indicated their intent to do that. Ms. Newman stated the applicant was just putting in a statement of their intent. Mr. Alpert agrees with Mr. Crocker if that is what the applicant represented. It should not be a problem putting in a condition the building should be solar ready for panels. That should be added to the Findings. He feels the Board should get the revised drawing and see if Mr. Crocker is satisfied with it. Mr. Crocker wants

one floor gone from the garage. It appears 7 feet will be removed. Mr. Sullivan stated they will submit a revised plan to address the screening and visual impact from Gould Street. The applicant could agree to a condition that requires them to make modifications to the screening and the reduction and bring it back to the DRB prior to a building permit issuance.

Ms. Newman noted there will be a final draft decision on the 19th. She has sent the plans to the DPW and Engineering. There is one issue and that is how to manage the retail and restaurant by special permit. The Board needs to think through how to manage this. This is the first time without an end user identified. Conditions could be created or modified after but there is nothing in the decision that addresses how that will be managed. Mr. Alpert suggested saying “the use is permitted by special permit and the applicant will have to come back for a special permit.” He would not like to establish base conditions now. He would like the public to be able to comment. Mr. Block asked if there would be approval for the special permit use but not the operations. Ms. Newman stated she would indicate the Board is amenable for retail or restaurant use and when a specific end user is found the applicant would need to come in for a special permit.

Mr. Sullivan noted the applicant proposed that area be retail and restaurant. He suggested granting the relief and request some subsequent submittal for restaurant use prior to opening. Mr. Alpert thinks Mr. Sullivan is asking for a special permit grant for retail and restaurant without having to come back. Procedurally it would be an amendment to a special permit and essentially the same as the special permit process. Mr. Block summarized the Board would grant relief for a single retail tenant and restaurant use and have a condition that the retailer and restaurant need to come back for an amendment.

Request to abandon special permit rights: Amendment to Major Project Site Plan Special Permit No. 2005-07: Carbon Health Medical Group of Florida, PA, 300 California St. (Suite 700), San Francisco, CA and Needham Gateway LLC, 66 Cranberry Lane, Needham, Massachusetts, Petitioners (Property located at 100 and 120 Highland Avenue, Needham, MA.

Mr. Block noted the Board received a request, dated 10/26/22, from the Petitioner to abandon its~~their~~ rights, dated 4/25/22. Ms. Newman noted the use is not going forward and the owner wants to implement another use.

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:

VOTED: to consent to abandoning the special permit rights conveyed to the Petitioner under the amendment dated 4/25/22.

Transfer of Permit: Major Project Site Plan Special Permit No. 1991-01: TDRG, Inc., Paul Turano, President, d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021, to Ceed Corp, d/b/a Cook Restaurant, 15 Nell Road, Revere, MA 02151, Petitioner (Property located at 101-105 Chapel Street, Needham, Massachusetts).

Ms. Newman noted the Petitioner is not here. She feels it is important for them to be here so it should be taken up at the 12/19/22 meeting.

Request to release Off-Street Drainage bond: Hutter Ridge Road – 1135 Webster Street Definitive Subdivision. Report from Planning Director and Board members.

Mr. Block noted the Petrini Corporation requested release of the bond. There is a memo from the Health Department, dated 11/28/22, approving the release of all the lots.

Upon a motion made by Mr. Crocker, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:

VOTED: to release the Off-Street Drainage Bond in the amount of \$24,000 to the Petrini Corporation.

Committee Appointment – Design Review Board.

Mr. Block noted he and Ms. Espada met with Mark Gluesing and interviewed 3 candidates. They were almost set to recommend one tonight but that candidate withdrew tonight. Ms. Espada stated they had 2 great candidates. Mr. Block noted Steve Dornbush is a great candidate. He is a former creative art director and very interesting.

Upon a motion made by Ms. Espada, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to appoint Steve Dornbush as the Planning Board representative to the Design Review Board.

Planning Board Review and Comments of Draft Affordable Housing Plan.

Mr. Block noted Ms. McKnight and Ms. Espada did an excellent job over the last year. The Committee has identified a long list of initiatives, short term and long-term. He commends them both for a job well done. He noted the Board needs to discuss how to implement. He is looking forward to going through the report. He would like to set up a plan to go over these initiatives. He was hoping to see more on the impact on other parts of the infrastructure, such as the schools system and Health Department, but that was not the goal. It did say further analysis was needed. Ms. Espada stated she was with the capacity subgroup. One thing discussed was that the school is doing a master impact study plan and until that comes out some of these things cannot be done. She noted ADUs generally do not cause a lot of change in capacity. Other developments are based on a specific development. Smaller units could be occupied by the elderly or singles and site plan review is project based.

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Ms. McKnight stated, at the time of rezoning, the possible impacts would need to be addressed. She noted towns are supposed to zone for an equivalent of 15% of the housing units the town already has. They will be taking already developed areas and rezoning for multi-family. Ms. Espada stated the zoning was changed in some areas and there were no housing developments. Ms. Newman stated, when they changed the zoning, they tried to project. The total build-out needs to be adjusted for the market build-out. How quickly changes are made are based on the market build-out. Mr. Block noted reasonable assumptions can be made. He feels the Needham Center area is where they would like to include multi-family housing. Ms. McKnight stated the MBTA Communities Act cannot allow only Mixed-Use housing. She does not want to change the zoning for the Center; thus the zoning will continue to have ~~Mixed-Use~~ only in the Center. Ms. Espada stated the Affordable Housing Trust is the opportunity. They could fund grants and such. The money is there but there needs to be the right group of expertise to help grow it. Ms. McKnight noted there needs to be more emphasis on implementation. The Housing Plan needs to be stronger on impacts and implementation. Mr. Block stated he has been saying that with greater residential density would come a greater mix of retail. He agrees the working group needs to make ~~By-Right~~ density but it should not preclude ~~Mixed-Use~~. Ms. McKnight stated it does not preclude it as there is a density bonus for ~~Mixed-Use~~ where you can go up to 4 stories. They are copying the Apartment A-1 Zone.

Mr. Block stated he would like to see one story of retail and 3 stories of housing on Highland Avenue between May and Rosemary Streets. Mr. Crocker would like to see what is on the other side of the railroad tracks on Garden Street that may be impacted - ~~that~~ that needs to be taken into consideration. Mr. Block stated there was an article in today's Boston Globe about the implementation of the MBTA communities. He asked Ms. Clee to put a link to the article for the Housing Plan Working Group. He noted there is a good amount of information there.

~~He~~Mr. Block wants to continue the planning phase and plan out 2023 and 2024. Ms. Espada noted the Climate Action Group may have some low-hanging fruit the Board could deal with. It was sent to everyone. They have identified 5 things that are priorities. Mr. Block stated he would like to get the Tree Working Group back together. He asked Ms. Newman to reach out to the Select Board. He would like one or 2 members of the Planning Board and Select Board, maybe the Tree Warden or arborist and maybe one from the Finance Committee if there is a financial impact.

Minutes

Ms. McKnight noted on the minutes of 9/7/22, page 1, it should be "redevelopment;" on page 2, it should be TDM for Transportation Demand Management; on page 4, it should say "he feels a 1:300 count accounts for people working remotely and a percentage of people commuting to and from work via public transportation;" on page 6, it should be Mr. Wolfson; and on page 8, the State Board is the State Ethics Commission.

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the minutes of 9/7/22, with the changes discussed and as redlined.

Report from Planning Director and Board members.

Ms. Newman noted the Housing Plan Working Group meeting is this Thursday. She is hoping to get through any modifications from this Board and the community. There will be one more meeting after that to ratify the draft by the end of the year. She will have the Action Plan by the end of January to the DHCD. It will be presented informally to the Planning Board and Select Board prior to submitting it. She noted she is hoping to have 100 West Street back at the next meeting with a revised proposal. Ms. Clee reminded the members the meeting on the 19th will begin at 7:30 p.m.

Correspondence

There is no correspondence.

Upon a motion made by Mr. Crocker, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 9:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION

10 MECHANIC STREET, SUITE 301

WORCESTER, MA 01608

ANDREA JOY CAMPBELL

ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 16, 2023

Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Avenue
Needham, MA 02492

**Re: Needham Special Town Meeting of October 24, 2022 – Case # 10805
Warrant Article # 8 (Zoning)**

Dear Ms. Eaton:

Article 8 – Under Article 8 the Town voted to amend its zoning by-laws to allow for brew pubs and microbreweries by special permit in the Town’s Business and Industrial Districts. We approve Article 8 because it does not present a clear conflict with state law, including the Alcohol Beverage Control Commission’s (ABCC) authority to regulate the licensing and sale of alcohol under G.L. c. 138. Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the constitution for the Attorney General to disapprove a by-law). However, the Town should consult with Town Counsel to ensure the by-law is applied in a manner that does not interfere with the ABCC’s authority to regulate the licensing and sale of alcohol under G.L. c. 138.

In this decision, we summarize the by-law amendments adopted under Article 8 and the Attorney General’s standard of review of town by-laws, and then explain why, based on our standard of review, we approve Article 8.

I. Summary of Article 8

Under Article 8 the Town amended Subsections 3.2.1 and 3.2.2 of its Schedule of Use Regulations to allow brew pubs and microbreweries by special permit in the Town’s Business and Industrial Districts. In addition, the Town amended Section 1.3, “Definitions,” to add definitions for “Brew Pub” and “Microbrewery.” Both definitions include provisions that these uses must be licensed according to federal and state statutes, including G.L. c. 138. The definitions for “Brew Pub” and “Microbrewery are as follows:

Brew Pub - Eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory

business is the production of malt beverages, including beer and ales, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.

Microbrewery - A facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt beverages, including beer and ales, for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity and production of not more than fifteen thousand (15,000) barrels per year (a barrel being equivalent to thirty-one (31) gallons), and which may include as an accessory use preparation and/or sale of food for on-premises consumption or for take-out. Any such facility may also provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or take-out restaurant that may include outdoor dining, which restaurant may occupy more than half of the area of the facility and may include live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license.

II. Attorney General's Standard of Review of Zoning By-laws

Our review of Article 8 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32 the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws." Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment of a bylaw. Id. at 798-99. Rather, to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. "As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid." Bloom v. Worcester, 363 Mass. 136, 154 (1973). "The legislative intent to preclude local action must be clear." Id. at 155. Massachusetts has the "strongest type of home rule and municipal action is presumed to be valid." Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted).

Article 8, as an amendment to the Town's zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) ("With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders."). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General's standard of review is equivalent to that of a court. "[T]he proper focus of

review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). Because the adoption of a zoning by-law by the voters at Town Meeting is both the exercise of the Town’s police power and a legislative act, the vote carries a “strong presumption of validity.” Id. at 51. “Zoning has always been treated as a local matter and much weight must be accorded to the judgment of the local legislative body, since it is familiar with local conditions.” Concord v. Attorney General, 336 Mass. 17, 25 (1957) (quoting Burnham v. Board of Appeals of Gloucester, 333 Mass. 114, 117 (1955)). “If the reasonableness of a zoning bylaw is even ‘fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.’” Durand, 440 Mass. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). In general, a municipality “is given broad authority to establish zoning districts regulating the use and improvement of the land within its borders.” Andrews v. Amherst, 68 Mass. App. Ct. 365, 367-368 (2007). However, a municipality has no power to adopt a zoning bylaw that is “inconsistent with the constitution or laws enacted by the [Legislature]...” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

III. Statutory Limitations on the Town’s Authority to Regulate Brew Pubs and Microbreweries

We approve the by-law amendments adopted under Article 8 because the Town has authority under its zoning powers to regulate the use of land within the Town. However, the Town must apply Article 8 consistent with G.L. c. 138, and the jurisdiction of the ABCC over the licensing and sale of alcohol. The “[r]egulation of the liquor industry in Massachusetts is comprehensive and pervasive.” Cellarmaster Wine o Mass., Inc. v. Alcoholic Bevs. Control Commn., 27 Mass. App. Ct. 25, 27, (1989). The Legislature set out a broad prohibition in the first sentence of G.L. c. 138, § 2, which provides, in pertinent part: “No person shall ... sell or expose or keep for sale, store, transport ... alcoholic beverages or alcohol, *except as authorized by this chapter* (with emphasis added.) Pursuant to G.L. c. 138, the local liquor licensing authority (LLA) issues retail licenses for both on-premises consumption and off-premises consumption of alcoholic beverages. See G.L. c. 138, §§ 12 and 15, respectively. Once the LLA grants a license, the ABCC approves the license, and then the LLA issues the license upon the payment of the required fees. See, e.g., G.L. c. 138, § 15.

The LLA is authorized to adopt reasonable rules and regulations with respect to the issuance of these licenses. See G.L. c. 138, § 23. However, the Town must ensure that it applies Article 8, including the definitions of a brew pub and a microbrewery consistent with G.L. c. 138, regarding the licensing and sale of alcohol, as further discussed below.

Although G.L. c. 138, § 1 defines several terms for purposes of the State’s liquor licensing statutes, it does not define the terms “Brew Pub” or “Microbrewery.” According to the ABCC a “Brew Pub” is what the ABCC calls a “Pub Brewery” and is defined in G.L. c. 138, § 1, and licensed under G.L. c. 138, § 19D. A “Pub Brewery” is defined in Section 1 as follows:

a plant or premise licensed under sections 12 and 19D where malt beverages are authorized to be produced and sold and where alcoholic beverages or wine or malt beverages only are authorized to be sold for consumption on the premises according

to commission regulations.

In addition, the ABCC issues farmer-series licenses that include farmer-breweries. A farmer-brewery is defined in G.L. c. 138 § 1 as:

“Farmer-brewery”, any plant or premise where malt beverages are produced from the fermentation of malt with or without cereal grains or fermentable sugars, or of hops, provided that said hops or cereal grains are grown by the farmer-brewer.

Unlike the by-law amendments adopted under Article 8, the statute does not limit the number of barrels that are produced by a Pub Brewery or a Farm-Brewery. Moreover, according to the ABCC, a town is not authorized to limit the amount of production by a Farm-Brewery or a Pub Brewery because doing so would amount to a change of the license granted under G.L. c. 138. See Hub Nautical Supply Co., Inc. v. Alcoholic Beverage Control Commission, et. al., 11 Mass. App. Ct. 770, 774 (1981) (local liquor licensing commission’s requirement restricting the sale of alcoholic beverages to ships conflicted with c. 138 because it created a new type of license that the Legislature alone has the power to create.) It appears from the by-law’s text that the Town is using the production limits as a defining term to establish the size of a Brew Pub or Microbrewery and to determine where and how such uses are allowed in the Town (rather than establishing a limit on alcohol production, which only the ABCC may do). For this reason, we cannot conclude that the definitions of “Brew Pub” and “Microbrewery” clearly conflict with G.L. c. 138 and with the ABCC’s authority to regulate the licensing and sale of alcohol. However, the Town should consult closely with Town Counsel when applying Article 8 to ensure that the Town does not run afoul of G.L. c. 138 and the ABCC’s licensing authority.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Christopher H. Heep



TOWN OF NEEDHAM

TOWN HALL
Needham, MA 02492-2669

Office of the
TOWN MANAGER

TEL: (781) 455-7500
FAX: (781) 449-4569

TO: Boards, Committees, Commissions
FROM: Kate Fitzpatrick, Town Manager
CC: David Davison, Assistant Town Manager/Finance; Katie King, Assistant Town Manager/Operations; Department and Division Managers; Committee Staff Liaisons
DATE: February 17, 2023
RE: Board and Committee Member Remote Participation in Public Meetings

Since the start of the COVID-19 pandemic, the State has provided flexibilities under the Open Meeting Law, which has allowed the public and members of boards and committees to participate in public meetings remotely. Those flexibilities are set to expire on **March 31, 2023**, unless the Governor and Legislature act before then.

If there are no changes in state law that extend the flexibilities, then as of March 31:

- All public meetings must have an in-person option for the public to attend.
- Board and committee members can only participate remotely if approved by their board or committee chair, subject to the Select Board's new [Member Remote Participation in Public Meetings Policy](#).
- Public meetings can no longer be entirely remote (Zoom-only).

Scenario	Board & Committee Members	Public Access & Participation	What is allowed as of March 31, 2023?
1	Remote only.	Remote only.	Not allowed after March 31, 2023. Per state law, the public must be provided an in-person option to access meetings.
2	Hybrid: remote & in-person		
3	In-person.		
4	Hybrid: remote & in-person	Hybrid: remote & in-person	Allowed, subject to the Select Board's Member Remote Participation in Public Meetings Policy.
5	In-person.	Hybrid: remote & in-person	Allowed.
6		In-person.	

The Attorney General's Open Meeting Law regulations ([940 CMR 29.10](#)) allow members of public bodies to participate remotely in limited circumstances and subject to local authorization. On June 14, 2022, the Select Board adopted a Member Remote Participation in Public Meetings Policy (#SB-ADMIN-0008), which can be found

attached and here: <https://needhamma.gov/3652/BOS-Policy-Section-G-ADMINISTRATION>

This policy applies to local board and committee members, not to how the public can access open meetings. While offering an in-person option for the public will be required, the Select Board encourages all boards and committee to also provide a means for the public to view and participate in meetings remotely and have recordings made available.

If you have any questions about this policy, please contact Katie King, Assistant Town Manager/Director of Operations, at kking@needhamma.gov or (781) 455-7500 ext. 233.

If you have any questions about how to set-up or run a hybrid meeting, please contact your staff liaison.

Thank you.

Town of Needham Select Board	
Policy Number:	SB-ADMIN-008
Policy:	Member Remote Participation in Public Meetings
Date Approved:	06/14/2022
Date Revised:	
Approved:	 _____ Chair, Select Board

Section 1. Purpose

The Office of the Attorney General's Open Meeting Law regulations at 940 CMR 29.10 allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town boards and committees are strongly encouraged to attend meetings in person whenever possible, the regulations and this policy seek to promote greater participation in government meetings by allowing members to participate remotely when physical attendance would be unreasonably difficult.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town boards and committees under the Open Meeting Law, M.G.L. c.30A, §§18-25. Under the enabling authority of 940 CMR 29.10(8), a municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

This policy applies to the remote participation of Town board and committee members only, not to how members of the public access open meetings. The Select Board encourages all boards and committees to provide a means for the general public to view and participate in public meetings remotely and have recordings made available to the public.

Section 2. Policy

- 2.1 The Select Board, on June 14, 2022, voted to adopt this policy and to authorize the Town Manager to approve remote participation for meetings of all local public bodies within the municipality. In accordance with 940 CMR 29.10(3), the Town's adoption of remote participation can be revoked at any time.
- 2.2 In accordance with 940 CMR 29.10(2)(g) and M.G.L. c.30A, §20(e), a local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If

a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

2.3 This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, subcommittees and working groups regardless of whether such public bodies are appointed or elected, with the exception of the Commission on Disabilities which may independently authorize remote participation in accordance with 940 CMR 29.10.

2.4 Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

Section 3. Minimum Requirements for Remote Participation

3.1 Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other, as required by M.G.L. c.30A, §20(d).

3.2 A quorum of the body shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

3.3 The chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

3.4 Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

3.5 Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c.39, §23D.

Section 4. Permissible Reasons for Remote Participation

It is the express desire of the Select Board that remote participation in meetings be an infrequent event, for both individual board members and Town Boards and Committees as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A board or committee member may attend a meeting through electronic conferencing if their physical presence would be unreasonably difficult, due to extenuating circumstances, including but not limited to:

- Personal or family illness or disability;
- a family or other emergency;

- military service; or
- geographic distance.

No member of a board or committee will be allowed to join the board or committee meetings remotely more than 25% of the time, over a calendar year, except in extraordinary circumstances.

The chair or the person designated to chair the meeting may allow or decline to allow remote participation that is not consistent with the terms of this policy; any such determination shall be final and shall not be appealable.

Section 5. Acceptable Methods of Remote Participation

- 5.1 Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.
- 5.2 Telephone, internet, or satellite enabled audio or video conferencing are all acceptable methods of participation.
- 5.3 Other technology that enables the remote participant and all persons present at the meeting location to be clearly audible is acceptable. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- 5.4 The Town does not guarantee that sufficient technology for remote participation will be available for any given meeting.
- 5.5 Any costs incurred by a remote participant will not be reimbursed by the Town.

Section 6. Procedures

- 6.1 Any member of a public body who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of their desire to do so and the reason for and facts supporting their request.
- 6.2 Prior to the meeting the chair shall make every effort to ensure the equipment is available and functioning properly. If the required equipment is not available, then the chair shall deny the request for remote participation.
- 6.3 At the start of the meeting, the chair shall announce the name of any member who will be participating remotely, as approved by the chair. This information shall also be recorded in the meeting minutes.
- 6.4 All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

- 6.5 If technical difficulties arise as a result of utilizing remote participation the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participant's ability to hear or be heard clearly by all persons at the meeting location.
- 6.6 If communication problems inhibit the progress of the meeting, the chair must decide whether to continue the meeting, suspend the meeting, or terminate the participation of the remote participant. In the event that more than one member remotely participates, the chair shall evaluate each connection separately and may elect to terminate the participation of one or more of the remote participants should technical difficulties inhibit the progress of the meeting. The meeting minutes must reflect any such decision.
- 6.7 If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.
- 6.8 Remote participants shall preserve the confidentiality of the executive session. The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.

From: [Lindsay Wands](#)
To: [Alexandra Clee](#); [Amy Haelsen](#); [Clayton Hutchinson](#); [Daphne Collins](#); [Deb Anderson](#); [Elisa Litchman](#); [Karen Sunnarborg](#); [Lee Newman](#)
Cc: [Mike Wands \(MPW\)](#)
Subject: RE: Proposal for 888 GPA
Date: Monday, February 6, 2023 1:31:37 PM

Dear Needham planning board,

My husband and I moved to Fair Oaks Park in 2010 when our youngest was 1. We have since had two more kids and love our neighborhood and the Needham community. My kids are free to walk to the center of town without an adult. They walk home from karate or swim team practice at the Y. Often they'll meet friends at Greene's field to play pickup football and have lunch at the picnic tables. We trust that they are safe and their sense of independence is unusual for kids growing up in the suburbs. We would not, however, feel safe having them walk around town unsupervised if 888 Great Plain Avenue is allowed to be built under the current proposal. The garage entrance/exit onto Great Plain Avenue presents a tremendous safety issue to the hoards of children walking around Needham Center. The foot traffic between Needham House of Pizza and Greene's field on a NPS half day is chaotic enough already.

Additionally, with so many empty store fronts in Needham we don't understand the need to expand the business district. A developer's desire to make money should not drive town zoning decisions.

Finally, we know towns like Needham are desperate for housing (especially affordable housing) and Mike and I support most any measure to help satisfy this need. But adding to Needham's housing stock should never come at the cost of our children's safety. If the entrance/exit were moved from Great Plain Avenue to the back of the building as discussed at last year's meeting, we would be more amenable to the development of these units (within current zoning restrictions). The current proposal, however, presents too great a risk to our community.

Thank you for taking the time to consider our position.

Sincerely,

Lindsay and Mike Wands
71 Fair Oaks Park

From: [Michael Wands](#)
To: [Planning Board](#)
Cc: [Lindsay \(LKW\) Wands](#)
Subject: Follow-up to Lindsay Wands email re: 888 Great Plain Ave. proposal
Date: Monday, February 6, 2023 2:59:24 PM

Dear Needham planning board,

I want to quickly follow-up on Lindsay's email from earlier today. Ultimately, by the time 888 Great Plain Avenue is built, our kids will be old enough to walk into town without concern. But we're also writing on behalf of the families in our community who may not have finished having kids or those who haven't yet moved to Needham. As someone who has lived in Needham for over 30 years, I truly believe that the magic of our town will be diminished if the kids of Needham can't walk safely into town and take advantage of everything the center of town has to offer.

It seems like there is a viable and safer solution to move the entrance to the back of the building, where there is significantly less foot-traffic. I feel like that solution should be pursued, even if it's more costly from the developer's perspective.

Finally, I'm also concerned about the destruction of green space in Needham center - green space keeps us safe too.

Again, thank you for your time and please reach out with any questions.

Sincerely,

Mike Wands
71 Fair Oaks Park
M: 617-771-0115

**WELLESLEY PLANNING BOARD & SELECT BOARD
NOTICE OF ZONING PUBLIC HEARING
2023 ANNUAL TOWN MEETING
40R ZONING MODIFICATION**

WELLESLEY OFFICE PARK, WILLIAM STREET

TUESDAY, FEBRUARY 21, 2023, 6:30 PM

REMOTE MEETING

<https://www.wellesleymedia.org/live-streaming.html>

This meeting will be live on TV Comcast 9/Verizon 39

If you would like to participate on this topic, an agenda will be posted prior to the meeting with the remote information

At the Wellesley Planning Board & Select Board will hold a joint Public Hearing on Tuesday, February 21, 2023, the Boards will see if the Town would remove the ability to have a hotel, and to increase the allowed development density of housing units by 250 units to 850 total units. Also, modification to allow affordability to some units. The submission and plans may be viewed on the Planning Department webpage at:

<http://wellesleyma.gov/1479/Planning-Board-Applications-Under-Review>

**WELLESLEY PLANNING BOARD
NOTICE OF ZONING PUBLIC HEARING
2023 ANNUAL TOWN MEETING
RESIDENTIAL INCENTIVE OVERLAY (RIO)
125 OAKLAND STREET, SISTERS OF CHARITY
TUESDAY, FEBRUARY 21, 2023, 6:30 PM**

REMOTE MEETING

<https://www.wellesleymedia.org/live-streaming.html>

This meeting will be live on TV Comcast 9/Verizon 39

If you would like to participate on this topic, an agenda will be posted prior to the meeting with the remote information

At the Wellesley Planning Board Public Meeting on Tuesday, February 21, 2023, the Board will see if the Town will vote to amend the Zoning Map of the Town of Wellesley to add 125 Oakland Street, totaling approx. 612,453 sq. ft. in area to the Residential Incentive Overlay District, or to take any other action in relation thereto.

Residents seeking to participate in Citizen Speak or any other agenda item should email earbeene@wellesleyma.gov prior to the meeting indicating the item they wish to speak on.