NEEDHAM PLANNING BOARD
Tuesday March 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:

   7:00 p.m. Amendment to Major Project Site Plan Special Permit No. 2022-01: Needham Farmer's Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners. (Property located at Greene's Field, Needham, Massachusetts, shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278). Regarding request to operate a farmers market on a portion of Greene's Field on Sundays for another season.

   7:05 p.m. **Please note: this hearing will begin at 7:15 p.m.*

   920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner, (Property located at 920 South Street, Needham, MA). *Please note: this hearing has been continued from the December 19, 2022 and February 7, 2023 meetings.*

   Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner, (Property located at 920 South Street, Needham, MA). *Please note: this hearing has been continued from the December 19, 2022 and February 7, 2023 meetings.*

2. ANR Plan – Property Located at Map 304, Lot 4, 0 Charles River Road and Map 304, Lot 5, 0 Charles River Road (Northland Residential Corporation, 80 Beharrell Street, Concord, MA, 01742, Petitioner)

3. Zoning Article Assignments for the Annual Town Meeting.

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 & COMMUNITY DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S. 11, and the Needham Zoning By-Laws, Sections 7.4, 3.2.1, 5.1.1.5, 5.1.2, 5.1.3, and Major Project Site Plan Special Permit No. 2022-01 Section 4.2, the Needham Planning Board will hold a public hearing on Tuesday, March 28, 2022 at 7:00 PM 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 Needham Farmer's Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and the Town of Needham, 1471 Highland 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 Greene's Field, Needham, Massachusetts, shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278, square feet in the Single Residence B District. The requested Amendment to Major Project Site Plan Review Special Permit would permit the operation of a farmers market on a portion of Greene's Field on Sundays for the 2023 season. Needham Farmers Market (NFM) operated on the Town Common and Garrity's Way during the seasons of 2017 to 2021; however, in 2022 NFM was required to relocate due to a planned renovation of the Town Common in 2022, with Garrity's Way planned to be used for staging materials. The farmers market successfully operated on Sundays beginning on June 12, 2022 through November 20, 2022. NFM was notified that the Town Commons is not available for 2023 due to the new landscaping's need for time for the new grass and trees to settle in and grow. Now, NFM request to use Greene's Field for another season, from June 11, 2023 through November 19, 2023, inclusive, from 11:00 a.m. to 3:00 p.m. with setup time for the vendors three hours before business hours and breakdown time two hours after the close of business. The farmers market proposes to have a maximum of 18 vendors, who will use booths, canopies or other temporary structures on site. In addition to the vendors, there will be tables, booths or canopies for nonprofit organizations, six artists, artisans, musicians, and NFM's Market Manager. NFM also requests to obtain permission from the Planning Board to utilize Greene's Field in 2024 if the Town Common is not yet ready and/or the Town Manager and Park and Recreation Director so approve/desire.

In accordance with the Zoning By-Law, Section 3.2.1, a Special Permit is required for a farmers market in the Single Residence B District. In accordance with the Zoning By-Law, Section 5.1.1.5, a Special Permit is required to waive strict adherence to the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the Zoning By-Law (Off-Street Parking Requirements). In accordance with the Zoning By-Law, Section 7.4 and Major Project Site Plan Special Permit No. 2002-01 01 Section 4.2, a Major Project Site Plan Special Permit 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

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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, March 9, 2023 and March 16, 2023.

TOWN OF NEEDHAM
MASSACHUSETTS

500 Dedham Avenue
Needham, MA 02492
781-455-7526

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: Greene's Field, Great Plain Avenue at Pickering Street, Needham
Name & Address of Applicant: Needham Farmers Market, Inc., 227 Eliot Street, Ashland, MA 01721
Phone Number: 781.241.2037

Applicant is : Owner ___ Tenant _____

Agent/Attorney x Purchaser _____

Property Owner's Name: Town of Needham,
Property Owner's Address: 1471 Highland Ave, Needham, MA 02492,
Telephone Number 781.455.7500

Characteristics of Property: Lot Area 108.278 SF Present Use Park
Map 50 Parcel 31-02 Zoning District Single Residence B

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
Needham Farmers Market will operate on a small portion of Greene's Field on Sundays, June 11, 2023 to November 19, 2023. NFM's Layout Plan for the site is attached as Exhibit "A". This is an amendment to the 2022 Special Permit to allow Applicant to operate on the same site in 2023.

Signature of Applicant (or representative):

Needham Farmers Market, Inc.

Jeffrey M. Friedman 2/16/23

Jeffrey M. Friedman, President
781.241.2037

Owner's permission if other than applicant:

Town of Needham
781.455.7500

Kate Fitzpatrick
Town Manager

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date 2/24/23
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.

TOWN OF NEEDHAM
MASSACHUSETTS

500 Dedham Avenue
Needham, MA 02492
781-455-7526

PLANNING BOARD

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Signature of Applicant (or representative):

Needham Farmers Market, Inc.

Jeffrey M. Friedman 4/16/23

Jeffrey M. Friedman, President
781.241.2037

Owner's permission if other than applicant:

Town of Needham
781.455.7500

Kate Fitzpatrick
Town Manager

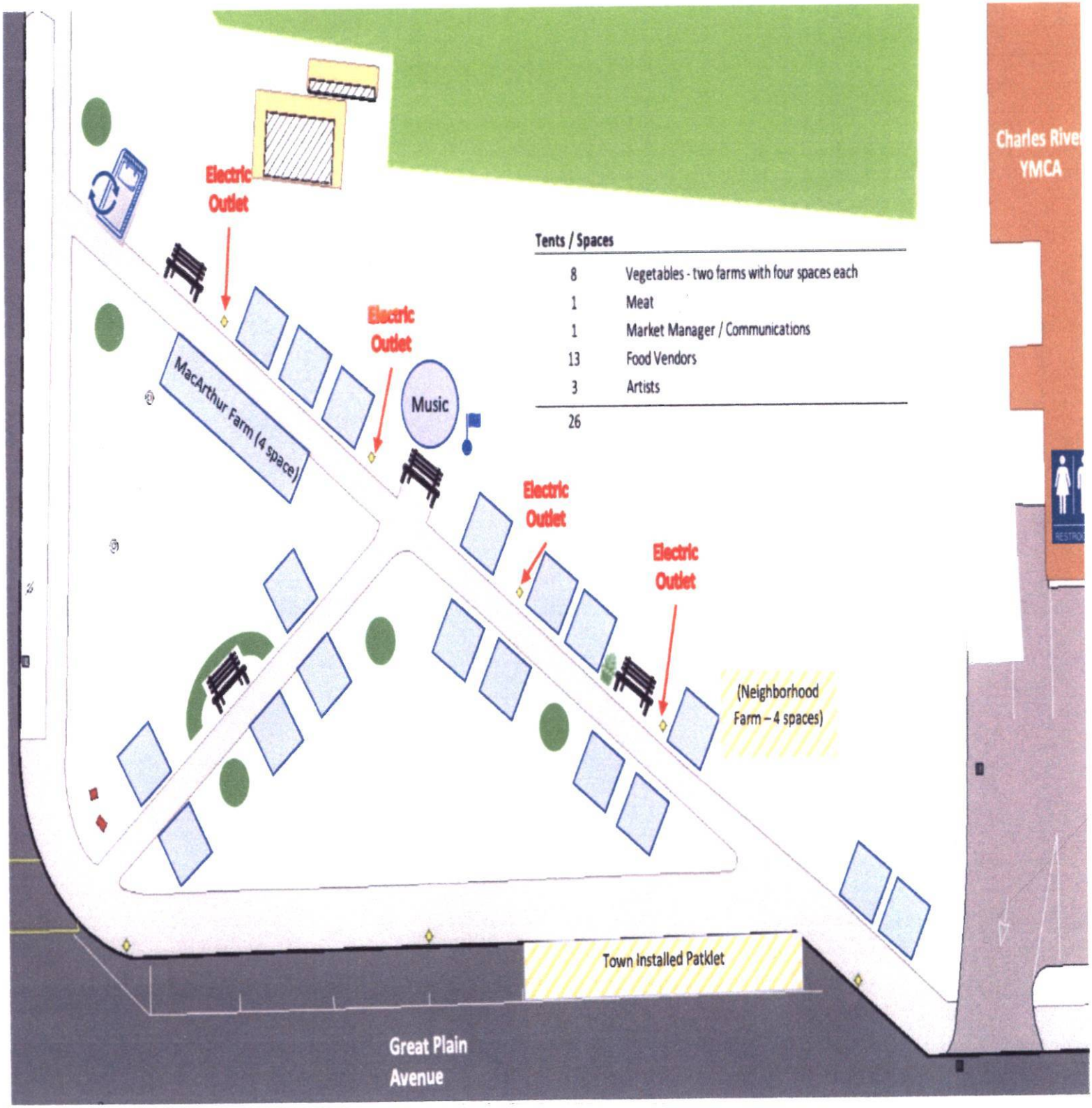
SUMMARY OF PLANNING BOARD ACTION

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 issues within 35 days of filing date.

Needham Farmers Market Layout - Greene's Field 2023

V.05.

Each single tent space represents a 10 ft x 10 ft space. Vendor layout is approximate and subject to refinement



Tents / Spaces	
8	Vegetables - two farms with four spaces each
1	Meat
1	Market Manager / Communications
13	Food Vendors
3	Artists
26	

EXHIBIT "A"

License Agreement
Between
Needham Farmers Market, Inc.
and
The Town of Needham

This License Agreement is made this 9th day of February 2023, by and between the Needham Farmers Market, Inc., a not for profit corporation, with its principal place of business at 227 Eliot Street, Ashland MA 01721 (LICENSEE), and the Town of Needham, Massachusetts, a municipal corporation with its usual place of business at 1471 Highland Ave., Needham, MA 02492 (LICENSOR) (collectively, the "Parties").

1. USES

a. In consideration of the full and faithful performance by LICENSEE of all covenants and agreements contained herein and subject to the following terms and conditions, the LICENSOR grants to LICENSEE and LICENSEE takes from the LICENSOR the nonexclusive right to use Greene's Field, a Needham Park Facility, (the "Licensed Area") at Pickering Street and Great Plain Avenue, for the purpose of operating a farmers market (the "Market") for four (4) hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m., from June 11, 2023 through November 19, 2023. The LICENSEE will be further allowed up to three (3) hours before opening to allow its vendors to set up and up to two (2) hours after closing to break down and clean up.

b. A maximum of eighteen (18) vendors will use booths, tables, canopies or other temporary structures on the Licensed Area. In addition to the vendors there shall be allowed up to nine (9) tables, booths or canopies for the Needham Community Farm and/or other Needham-based not for profit organizations, artists, artisans, musicians and the LICENSEE which are to be located solely in the Licensed Area.

c. All trash and waste will be confined to the Licensed Area, and the LICENSEE will be responsible for its removal and cleaning of the Licensed Area before the end of the breakdown time.

d. LICENSEE is responsible to see that the physical layout of the Market is kept within the Licensed Area.

e. LICENSEE will ensure that no public vehicular access to Greene's Field is allowed during Market hours.

f. LICENSEE is responsible to see that the Licensed Area is used in a lawful manner and in compliance with all laws, by-laws, rules, regulations, permit requirements, orders and directives of any government official, agency or entity of competent jurisdiction.

g. LICENSEE will not engage in or allow any of its vendors or invitees to engage in any unlawful or dangerous activities that may cause personal injury or physical damage to the Licensed Area.

JMF
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h. LICENSEE agrees to suspend Market activities in the event that the LICENSOR requires use of the Licensed Area. The LICENSOR will endeavor to provide as much prior notice as possible to the LICENSEE. Except in extraordinary circumstances, the LICENSOR will provide the LICENSEE two weeks' notice of the need for Market activity suspension. The LICENSOR will work with the LICENSEE to attempt to locate an alternative site for the Market during any period of such suspension.

2. PLANS

The Licensee's Market Layout Plan for Greene's Field 2023 (the "Licensed Area") is attached as Exhibit "A".

3. TERM OF AGREEMENT

The term of this License Agreement shall be June 11, 2023, through November 19, 2023.

4. FEE

LICENSEE shall pay the LICENSOR the sum of $25.00 per market day, for each day, payable in advance. LICENSEE shall make payments to LICENSOR via check made out to "TOWN OF NEEDHAM PARK AND RECREATION" by hand-delivery or registered mail to "TOWN OF NEEDHAM PARK AND RECREATION, 178 ROSEMARY STREET, NEEDHAM, MASSACHUSETTS 02494". LICENSOR reserves the right to terminate this License Agreement if LICENSEE'S payment becomes more than five (5) days overdue.

5. TERMINATION

In addition to the LICENSOR'S right in Paragraph 4 above to terminate for cause, either Party may terminate this License Agreement without cause, effective at the end of each monthly period, upon 30 days written notice to the other Party of its intention and election to terminate.

6. MAINTENANCE

It is agreed the LICENSOR will patch, plow and sweep the Licensed Area as needed and at reasonable times. The LICENSEE shall not permit the Licensed Area to be overloaded, damaged, stripped or defaced, nor suffer any waste. The LICENSEE shall not allow any holes to be made in the Licensed Area.

7. OWNERSHIP OF PROPERTY

It is agreed that the Licensed Area is and shall remain the property of the LICENSOR and the LICENSEE shall not make any improvements on, alter or remove any part of the Licensed Area without the LICENSOR'S express prior written consent.

8. CONDITION OF LICENSED AREA

LICENSEE acknowledges that: a) it has inspected the Licensed Area; b) the Licensed Area shall be available under this License Agreement to LICENSEE and its vendors in an "as is" condition; and c) the LICENSOR makes no representations or warranties as to the condition of the Licensed Area.

9. RISK OF LOSS

LICENSEE agrees to use the Licensed Area at its sole risk. All merchandise, property and effects of the LICENSEE, its vendors, and of all persons claiming by, through or under LICENSEE, which may be on the Licensed Area during the Term of this License Agreement shall be at the sole risk and hazard of the LICENSEE, its vendors, or its invitees. LICENSEE further agrees that the LICENSOR shall not be responsible or liable to LICENSEE, its vendors, or to those claiming by, through or under LICENSEE, for any loss or damage resulting to LICENSEE, its vendors, or those claiming by, through or under LICENSEE or its or their property, that may be occasioned by or through the acts or omissions of persons for whose conduct the LICENSOR is not responsible. The LICENSEE shall be responsible for any damage done to the Licensed Area resulting from the activities allowed by this License Agreement.

10. INSURANCE

LICENSEE and its vendors shall, at their own expense, obtain and maintain general liability and motor vehicle liability insurance policies protecting the LICENSOR and shall have the LICENSOR as an additional named insured on the policies. General liability coverage shall be in the amount of at least $1,000,000 per occurrence, and $2,000,000 aggregate for bodily injury liability and property damage liability. Motor vehicle coverage shall include coverage for owned, hired and non-owned vehicles and shall be in the amount of at least $1 single limit. The LICENSEE shall provide the LICENSOR with a copy of aforementioned insurance policies by hand-delivery or registered mail to "TOWN OF NEEDHAM PARK AND RECREATION, 178 ROSEMARY STREET, NEEDHAM, MASSACHUSETTS 02494" prior to commencing operations on June 11, 2023.

11. INDEMNIFICATION

LICENSEE shall pay, protect, indemnify and save harmless the LICENSOR from and against all liabilities, losses, damages, costs, expenses (including reasonable attorneys' expenses and fees), causes of action, suits, claims, demands or judgments of any nature whatsoever that may be imposed upon or incurred by or asserted against the LICENSOR by reason of any of the following acts occurring or arising during the term of this License Agreement:

a. Any accident, injury to, or death of any person or damage to property occurring on the Licensed Area or any part thereof in which the negligence of LICENSEE, its employees, any of its employees, vendors or any person acting under color of this license is a causative factor and in which the negligence of the LICENSOR, its employees and agents is not a causative factor; or

b. Any failure by LICENSEE, its vendors, its employees, or anyone acting under color of this License Agreement to perform or comply with any of the terms hereof or any contracts, agreement, or restrictions, statutes, laws, ordinances or regulations affecting the Licensed Area or any part thereof or the ownership, occupancy or use thereof.

JMT
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The LICENSEE shall notify the LICENSOR of any accident, injury to, or death of any person or damage to property occurring on the Licensed Area during a period of Licensed Use within three business days of said accident, injury, death, or damage in writing by hand-delivery or registered mail to "TOWN OF NEEDHAM PARK AND RECREATION, 178 ROSEMARY STREET, NEEDHAM, MASSACHUSETTS 02494".

12. NON-ASSIGNABLE

LICENSEE shall not assign this License Agreement or any rights hereunder without the prior written consent of the LICENSOR.

13. LICENSE ONLY

LICENSEE acknowledges that this is a License Agreement and the rights to use of the licensed area hereunder shall be deemed to be a license only and shall not be construed to be a lease, joint venture, partnership or as evidencing any relationship between LICENSEE and the LICENSOR other than as LICENSEE and LICENSOR. No interest in real property is hereby conveyed by the LICENSOR to the LICENSEE.

14. ENTIRE AGREEMENT

This document, inclusive if Attachment A, forms the entire agreement between the Parties and supersedes all prior arrangements and understandings. Any amendment or modification to this License Agreement must be in writing and signed by an official with the authority to bind the LICENSOR.

15. GOVERNING LAW

This License Agreement and performance hereunder are governed in all respects by the laws of the Commonwealth of Massachusetts and all other applicable by-laws and administrative rules, regulations and orders.

16. CONSENT TO VENUE

The Parties hereto agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated exclusively in the Dedham District Court located in the County of Norfolk, State of Massachusetts, subject to the Transfer rules of the Norfolk Superior Court. The aforementioned choice of venue is intended by the Parties to be mandatory and not permissive in nature, thereby precluding the possibility of litigation between the Parties with respect to or arising out of this Agreement in any court or forum other than that specified in this paragraph. It is further agreed that the Parties to this Agreement hereby waive their rights to a jury trial.

17. SEVERABILITY

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, such term or condition shall be stricken, and the legality and enforceability of the remaining terms and conditions shall remain in full force and effect.

18. EXECUTION IN DUPLICATE

This Agreement may be executed in duplicate, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument which shall represent the agreement of the Parties.

IN WITNESS WHEREOF the Parties hereto have executed two copies of this License Agreement as of the date first above written.

LICENSOR,

Town of Needham,

Town Manager

LICENSEE,

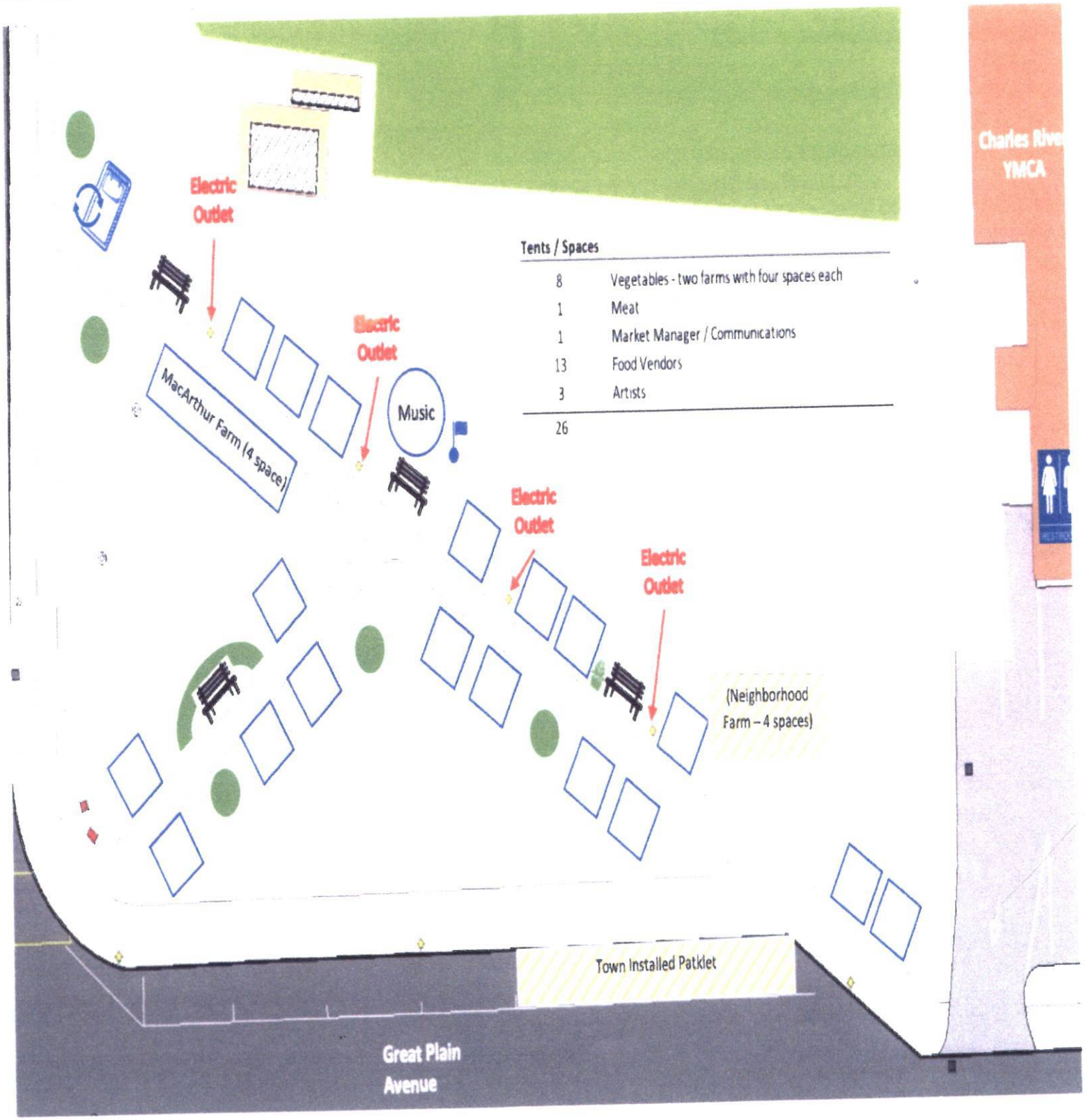
Needham Farmers Market, Inc.

By: JEFFREY M. FRIEDMAN
PRESIDENT, NFM

Needham Farmers Market Layout - Greene's Field 2023

V.05.

Each single tent space represents a 10 ft x 10 ft space. Vendor layout is approximate and subject to refinement



Tents / Spaces	
8	Vegetables - two farms with four spaces each
1	Meat
1	Market Manager / Communications
13	Food Vendors
3	Artists
26	

EXHIBIT "A"

February 17, 2023

Needham Planning Board
500 Dedham Avenue
PSAB Bldg.
Needham, MA 02492

Re: Application for Site Plan Review Special Permit by Needham Farmers Market for Greene's Field 2023

Dear Planning Board:

The purpose of this letter is to provide the Planning Board with additional information for the Application by Needham Farmers Market ("NFM") for a Special Permit to use Greene's Field in 2023. This Application includes NFM Layout map for 2023 (Exhibit "A"), License Agreement with the Town of Needham for 2023, and Exhibits "B" and "C". The Application satisfies the criteria for site plan review as set forth in Section 7.4.6 of the Zoning By-Law.

The Application amends NFM's Major Project Site Plan Review Special Permit, Application No. 2022-01 (March 28, 2022) for NFM to use a small portion of Greene's Field again for 2023. The Application incorporates by reference two NFM letters to the Board, both dated February 21, 2022, in support of NFM's 2022 Application for a Special Permit at Greene's Field. They are Exhibits "B" and "C" herein. These 2022 letters are relevant to the criteria for the Special Permit for 2023 because the relevant facts are substantially the same for NFM's Application, except for changing the Term to 2023 dates for using the same site. Paragraph 1a of NFM's NFM's License Agreement for 2023 states that the Term for use of Greene's Field is Sundays, June 11, 2023 to November 19, 2023 inclusive, as fully stated in the License Agreement. This would be the only change from the 2022 Special Permit Decision for Greene's Field. The maximum number of vendors will continue to not exceed eighteen (18), as stated in paragraph 3.4 of the Special Permit Decision. There are no adverse facts or circumstances to report for NFM's use of Greene's Field in 2022.

In 2021, NFM operated on the Town Common and Garrity's Way. Renovation of the Town Common in 2022 required NFM's move to another location. Upon NFM's request, the Park and Recreation Commission then approved NFM's relocation to Greene's Field for 2022. The renovation's completion date was the fall of 2022. However, there were construction delays in the renovation of the Town Common in 2022, and the official opening has now been delayed to 2023.

Myles Tucker, Needham Support Services Manager, in the beginning of January 2023 told me that in order for new grass and trees to settle in and grow in the Town Common, the Town will not allow use of the Town Common for 2023. Soon thereafter, I notified him and Stacey Mulroy, Director of Parks and Recreation, that NFM requested to continue using Greene's Field in 2023 and 2024. NFM's Board of Directors, Needham customers, and vendors all approve the continued use of Greene's Field in these years.

Stacey Mulroy later emailed me that: "On Monday, January 9, 2023, the Park & Recreation Commission voted to extend the Farmer's Market at Greene's for the 2023 season. At the end of the '23 season, they would like to reassess before deciding on the 2024 season."

There were no problems or issues involving NFM's use of Greene's Field in 2022.

NFM respectfully requests that the Planning Board approve the Application for a Special Permit for Greene's Field and waive the $1,000 Application fee.

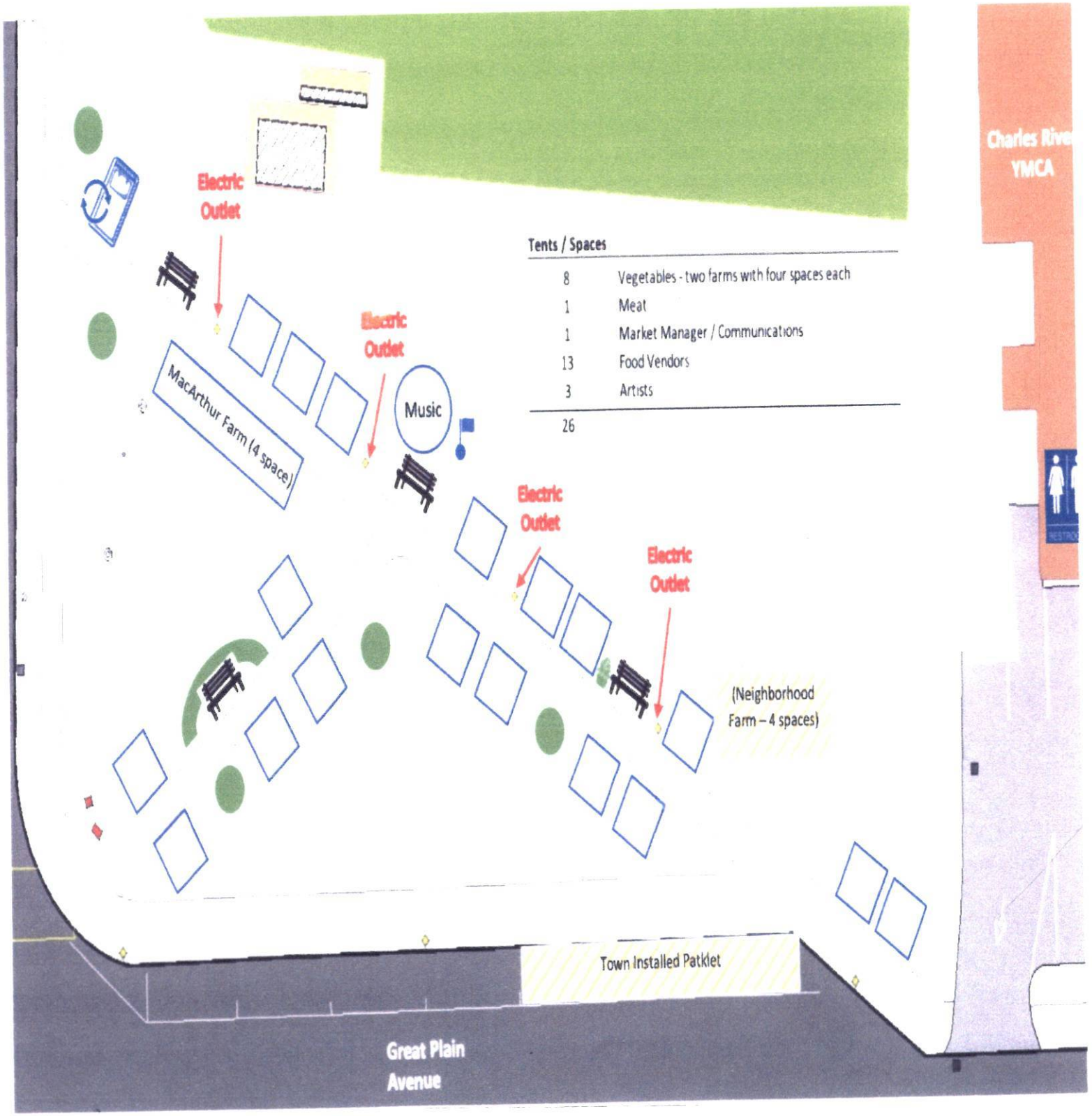
Sincerely,

Jeffrey M. Friedman
President, Needham Farmers Market

Needham Farmers Market Layout - Greene's Field 2023

V.05.

Each single tent space represents a 10 ft x 10 ft space. Vendor layout is approximate and subject to refinement



Tents / Spaces	
8	Vegetables - two farms with four spaces each
1	Meat
1	Market Manager / Communications
13	Food Vendors
3	Artists
26	

EXHIBIT "A"

January 21, 2022

Needham Planning Board
500 Dedham Avenue
PSAB Bldg.
Needham, MA 02492

Re: Application for Site Plan Review Special Permit by Needham Farmers Market

Dear Planning Board Members:

This letter is in support of the Application by Petitioner Needham Farmers Market, Inc. ("NFM" or the "Market") for a Site Plan Review Special Permit. NFM will operate temporarily for its 11th season in 2022 on a small portion of Greene's Field, next to two intersecting walkways near Great Plain Avenue at Pickering Street. See attached NFM layout on Site Plan for Greene's Field, which is a park administered by Needham Park and Recreation.

NFM is a 501(c) (3) nonprofit corporation and civic organization. It is Needham based with the purpose of promoting healthy food, fresh and local, and with advancing community values. The Needham Board of Health and the Public Health Department fully support the Market's functions.

NFM must relocate from its 2021 location due to the Town renovating the Town Common in 2022, with Garrity's Way used for staging materials. NFM will return to the Town Common and Garrity's Way in 2023 under the existing Special Permit (to be later updated). On November 8, 2021, the Park and Recreation Commission approved NFM's temporary use of Greene's Field for its 2022 season. NFM signed a License Agreement with the Town for this use, submitted herewith.

In the past five years, NFM has been operating very close to Greene's Field on Garrity's Way and the Town Common, and for two years on the front lawn of First Parish (Dedham Ave. at Lincoln St.).

NFM will use Greene's Field on Sundays, June 12th to November 20th, 11:00 a.m. to 3:00 p.m. Set-up time for the vendors is for three hours before business hours and breakdown time is for two hours after the close of business.

NFM will have a maximum of up to sixteen (16) vendors at each Market. They will use booths, tables, canopies on the site. In addition, the Market will have tables, booths or canopies (which

EXHIBIT "B"

might be shared) on Garrity's Way for: Needham nonprofit organizations; up to a maximum of six (6) artists; musicians; and NFM's Market Manager.

The Application addresses the following relief:

1. Needham Farmers Market - Site Plan Review Special Permit with Town of Needham , pursuant to Zoning By-Law Section 7.4 and Article 2 of the Planning Board Rules.

2. Special Permit pursuant to Section 3.2.1 of the Zoning By-Law to operate a farmers market.

4. Special Permit pursuant to Section 5.1.

NFM requests that the Special Permit Application fee be waived. This is warranted by the unique circumstances under which NFM must temporarily vacate its 2021 location due to the Town's renovation of the Town Common, with Garrity's Way being used as a staging area. Due to these circumstances, in 2021 Lisa Cherbuliez, NFM Board Director, contacted the Select Board to seek help in finding a temporary location for 2022. Kate Fitzpatrick, Town Manager, referred the matter to Carys Lustig, DPW Director. Lisa and I met with Carys and Amy Haelsen, Needham Economic Development Manager, for this purpose. They supported Greene's Field as an alternative, temporary location. Thereafter, we contacted Stacey Mulroy, the Park and Recreation Director, who also endorsed the Greene's Field location. On November 8, 2021, the Park and Recreation Commission approved NFM's application to use Greene's Field.

Since NFM's inception 10 years ago, the Planning Board has waived its Application fee for a Special Permit numerous times. NFM is a very small, 501(c) (3) nonprofit with limited financial resources. NFM will incur considerable, new expenses to locate at Greene's Field, and the fee is prohibitive financially to the Market in combination with other related costs. NFM makes an important contribution to the health and community life of Needham residents. Waiver of the fee would be fair and equitable under the instant circumstances.

Sincerely,

Jeffrey M. Friedman
President, Needham Farmers Market

January 21, 2022

Needham Planning Board
500 Dedham Avenue
PSAB Bldg.
Needham, MA 02492

Re: Application for Site Plan Review Special Permit by Needham Farmers Market

Dear Planning Board Members:

The purpose of this letter is to provide the Planning Board with additional information with the Application by Needham Farmers Market ("NFM" or the "Market") for a Special Permit to operate temporarily on Greene's Field in 2022.This letter conforms to the review criteria for site plan review, as set forth in Section 7.4.6 of the Zoning By-Law.

NFM will operate temporarily for its 2022 season on a small portion of Greene's Field, which is a park facility, administered by Needham Park and Recreation.

This relocation for was necessary because in 2022, the Town will completely renovate the Town Common and Garrity's Way will be used for staging NFM will return to the Town Common and Garrity's Way in 2023 when the renovation is completed. The Park and Recreation Commission approved NFM's use of Greene's Field on November 8, 2021.

NFM has operated since its inception in the Downtown area for ten years under three separate Special Permits: on Garrity's Way and the Town Common (2017-2021); the parking lot next to Needham Bank (2014-16); and the front lawn of First Parish (intersection of Dedham Ave. and Lincoln Street)(2012-13).

The Market will be open this year on Sundays, June 12th through November 20th, 11:00 a.m. to 3:00 p.m., with three hours for setup before business hours and a two hours for breakdown afterwards. NFM signed a License Agreement with the Town for use of Greene's Field, submitted herewith.

I. Site Plan Review Criteria.

The following are the criteria site plan review process pursuant to Section 7.4.6 of the Zoning By-Law, and the description of how the Application meets those criteria.

EXHIBIT "C"

a) "Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air."

NFM will not cause any serious detrimental uses when it operates on Greene's Field on Sunday afternoons. The public may travel to the Market by auto, bicycle or by foot.

The Market will not cause any water drainage issues, and it will have no effect on views and air.

NFM will have free, musical entertainment from individuals or a small group, e.g. flute, fiddle, guitar. Sound volume from musicians playing at Green's Field will be reasonable and not loud or disruptive to neighbors and nearby businesses.

In NFM's 10 years operating in the Downtown years area, including 8 years on Town land, it has never caused any of these detrimental uses listed above.

b). "Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, with other regulations for the handicapped, minors and the elderly."

During the operation of the Market, parking for shopper vehicles will be at the Dedham Avenue, Chestnut St./Lincoln St., and Chapel Street Municipal Parking Lots, all within five minute walking distance from the Market. The vendors will park at the Dedham Lot. Any additional traffic due to the Market on surrounding streets will be marginally increased, with no traffic congestion on a Sunday afternoons. When NFM was previously located on the front lawn of First Parish (very close to Greene's Field) and on Garrity's Way and the Town Common, no traffic congestion resulted due to the operation of the Market.

Safety of pedestrians and of vehicular movement has been a paramount concern to NFM, and the Market Manager prevents accidents from occurring with safety procedures. NFM has no accident related history in 10 years of operation. NFM assists the handicapped, minors and the elderly at the Market, and fully complies with governmental regulations in this regard. The handicapped and the elderly can easily access the Market from Great Plain Avenue or Pickering Street.

The Market will be located at the southern end of Greene's Field next to Great Plain Ave., and will be separate from other activity on Greene's Field.

c) "Adequacy of the arrangement of parking and loading spaces in relation to the proposed used of the premises."

Since the total area in use by NFM is 8,680 square feet, the parking demand is 26 parking spaces. (8,860/1,000 x 3 = 26). The parking demand is based on a formula used in Special Permit Applications and Decisions.

NFM will occur on Sunday afternoons from 11:00 a.m. to 3:00 p.m. Three nearby municipal parking lots are more than adequate for the parking needs of vendors and shoppers at the Market. The Dedham Avenue Parking lot has 87 parking spaces, the Chestnut St./Lincoln St. Parking Lot has 231 parking spaces, and the Chapel Street Parking Lot has 127 parking spaces.

d) "Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site."

All trash and waste will be confined by NFM and its vendors, as required under the License Agreement. The NFM vendors and NFM staff will remove all trash and waste and clean up before the end of the breakdown period. Vendors have permission to use the bathrooms at the YMCA, Walgreens and at Bagels' Best. The waste water system for these businesses is connected to the municipal sewer system

e) "Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this By-Law."

Any canopies, tables and equipment brought to the Market by NFM and its vendors will be removed by them after the Market closes. NFM will not permit the Market area to be overloaded, damaged, stripped or defaced, or suffer any waste. NFM will not make any holes in Greene's Field.

f) "Mitigation of adverse impacts on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets."

NFM's use of Greene's Field will not have any adverse impact on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets.

II. <u>Conclusion</u>.

Needham Farmers Market will continue to be a source of fresh and locally grown, baked, and prepared food, sold outside, for Needham residents. This has been particularly important for Needham residents for the past two years during the Covid pandemic. The Needham Board of Health and the Public Health Department has fully supported NFM in providing this important function for Needham residents. The Market is also an opportunity for Needham residents to meet

friends and neighbors, which is a source of community and positive social values for Needham. Residents, retail businesses and restaurants will benefit from the proximity of the Market.

Paula Jacobson, YMCA Director (Y is continuous to Greene's Field) supports NFM's location as compatible with the YMCA and as promoting community goals and positive social values.

Needham musicians will continue to entertain shoppers, many with young children, including Needham's own Plugged In Teen Band. Needham artists and artisans will display their art work. During the prior ten prior years that NFM has been in operation, many Needham nonprofits, such as the YMCA, Needham Community Council, the Needham Public Library, BID-Needham Hospital, Parent Talk, Boy Scouts,, etc., had the opportunity to meet the public at NFM's Community Table, without any fee for its use. Last year on August 15th, at the request of the Town Manager, NFM gladly hosted the Indian Community of Needham (ICON) in its celebration of India Independence Day. This was a Town community event.

NFM has been an active member of the Newton-Needham Regional Chamber (rececently renamed the Charles River Regional Chamber) for 10 years and is active in its Needham Business Alliance. NFM participated in the Chamber's 2021 Harvest Fair, which many Needham residents attended.

Sincerely,

Jeffrey M. Friedman
President, Needham Farmers Market

From: John Schlittler
To: Alexandra Clee
Subject: RE: Request for comment - Needham Farmers Market at Greene"s Field another season
Date: Monday, March 6, 2023 9:13:51 AM

Police has no issue

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, March 3, 2023 4:55 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Stacey Mulroy <smulroy@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>
Subject: Request for comment - Needham Farmers Market at Greene's Field another season

Dear all,

We have received the attached application materials for the proposal to hold the Needham Farmers Market at Greene's Field for another season. More information can be found in the attachments.

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

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2022-01.

2. "Exhibit A", which consists of a plan entitled "Needham Farmers Market Layout - Greene's Field 2023."

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4. Letter from Jeffery M. Friedman, President, Needham Farmers Market, dated February 17, 2023 with Exhibits B and C: Two Letters from Jeffery M. Friedman, President, Needham Farmers Market, both dated January 21, 2022.

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 - Needham Farmers Market at Greene"s Field another season
Date: Sunday, March 5, 2023 10:42:29 AM
Attachments: image001.png

Ok with Fire.

Thomas M. Conroy
Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, March 3, 2023 4:55 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Stacey Mulroy <smulroy@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>
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Thank you, alex.

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

From: Stacey Mulroy
To: Alexandra Clee
Subject: RE: Request for comment - Needham Farmers Market at Greene"s Field another season
Date: Tuesday, March 21, 2023 10:49:28 AM
Attachments: image001.png

Looks good from our end. Thanks Alex!

Stacey Mulroy, CPRP, CPSI
She/Her/Hers (What's this?)

Director, Needham Park & Recreation
O: 781.455.7930
C: 781.589.0960
E: smulroy@needhamma.gov

Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494
www.needhamma.gov/495/Park-Recreation

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, March 3, 2023 4:55 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Stacey Mulroy <smulroy@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>
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Thank you, alex.

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

Alexandra Clee

From: Tara Gurge
Sent: Tuesday, March 21, 2023 12:44 PM
To: Alexandra Clee
Cc: Timothy McDonald
Subject: RE: Request for comment - Needham Farmers Market at Greene's Field another season

Alex –

Here are the Public Health Divisions' comments for the proposed Needham Farmers Market at Greene's Field. See Below:

- The Health Division needs to receive an updated shared restroom agreement in writing, that is signed and dated, from Walgreens, YMCA and Bagel's Best, similar to last year. These signed/dated agreements must state that the establishment will allow restroom access to the public during all hours that the Needham Farmers Market is open to the public, specifically on Sundays, June 11th to Nov. 19th, 11 – 3 PM, throughout the Farmers Market season. (This will be key in order to determine whether increased food sampling will be allowed by the food vendors.) This will also need to be confirmed with the Park and Recreation Dept. whether food vendors will be allowed to serve open food items at this location.
- If we find it necessary, a separate hand sink will need to be added and maintained on site in a designated area in order to allow food vendors and/or patrons to sufficiently wash their hands, as required in previous years.
- Need to confirm whether sufficient electrical service will continue to be supplied at this Greene's Field location, and if so, whether the food vendors will be able to utilize this electrical service since many of our food vendors brought their own mini refrigerators/plug-in coolers last year, in order to sufficiently cold hold their food items that required refrigeration.
- All Farmers Market vendors will need to fill out an online food permit application and receive a permit. Direct link to permit application can be found here - https://needhamma.viewpointcloud.com/categories/1073/record-types/1006533.
- Please ensure that the Greene's Field area has sufficient trash receptacles that are serviced often, to ensure no potential food waste is allowed to sit for any length of time, which could cause odors and risk the attraction of pests on site.
- Farmers Market area must be left in a clean and sanitary condition at the end of each market.

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

Thanks,

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

From:	Tara Gurge
To:	Myles Tucker
Cc:	Alexandra Clee; Barry Dulong; Shannon Nelligan
Subject:	RE: Request for comment - Needham Farmers Market at Greene"s Field another season
Date:	Wednesday, March 22, 2023 10:58:07 AM
Attachments:	image001.png image002.png image003.png image005.png image006.png

---

Okay, it worked for last years vendors, so that should be sufficient. Just as long as we don't get additional food vendors this year that may need electricity to cold hold food items that need refrigeration. Thanks for the follow-up!

From: Myles Tucker <mtucker@needhamma.gov>
Sent: Wednesday, March 22, 2023 10:23 AM
To: Tara Gurge <TGurge@needhamma.gov>
Cc: Alexandra Clee <aclee@needhamma.gov>; Barry Dulong <bdulong@needhamma.gov>; Shannon Nelligan <snelligan@needhamma.gov>
Subject: FW: Request for comment - Needham Farmers Market at Greene's Field another season

Hi Tara,

FYI – my understanding is that NFM has access to four outlets on Greene's that will allow for sufficient electrical power. It will be the same set up as last year in that respect.

Barry and Shannon are cc'd for visibility.

--
Myles Tucker
He/Him/His
Support Services Manager

Town of Needham
Town Hall
1471 Highland Avenue
Needham, MA 02492
Office: 781-455-7500, Extension 204
Cell: 774-893-3313
www.needhamma.gov

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Follow us on Instagram

From: friedmanesq@aol.com <friedmanesq@aol.com>
Sent: Wednesday, March 22, 2023 10:19 AM
To: Myles Tucker <mtucker@needhamma.gov>
Cc: Phu Vo <watasiblah@gmail.com>
Subject: Fw: Request for comment - Needham Farmers Market at Greene's Field another season

Hi Myles,

Regarding NFM's Application for a Special Permit to operate at Greene's Field in 2023, Tara Gurge from the Health Dept. emailed comments to Alex Klee at the Planning Dept. yesterday with its requirements on electrical service for NFM vendors at Greene's Field, etc. as follows:

"Need to confirm whether sufficient electrical service will continue to be supplied at this Greene's Field location, and if so, whether the food vendors will be able to utilize this electrical service since many of our food vendors brought their own mini refrigerators/plug-in coolers last year, in order to sufficiently cold hold their food items that required refrigeration."

Could you email Tara and copy Alex and me that Greene's Field has four electrical outlets (each one on a lamp post) available to NFM vendors in 2023, which can utilize electrical service? NFM vendors used these same electrical outlets in 2022. See attached NFM Market layout at Greene's Field for 2023 below.

The hearing is on Tuesday, March 28th, so this is short notice.

Thanks,
Jeff

Jeff Friedman
President, Needham Farmers Market

----- Forwarded Message -----
From: Alexandra Clee <aclee@needhamma.gov>
To: Jeff Friedman <friedmanesq@aol.com>
Cc: Lee Newman <lnewman@needhamma.gov>
Sent: Tuesday, March 21, 2023 at 11:59:31 AM GMT-5
Subject: FW: Request for comment - Needham Farmers Market at Greene's Field another season

FYI.

Alexandra Clee

Assistant Town Planner

Needham, MA

www.needhamma.gov

From: Tara Gurge <TGurge@needhamma.gov>
Sent: Tuesday, March 21, 2023 12:44 PM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Timothy McDonald <tmcdonald@needhamma.gov>
Subject: RE: Request for comment - Needham Farmers Market at Greene's Field another season

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

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)

ASSISTANT PUBLIC HEALTH DIRECTOR

Needham Public Health Division

Health and Human Services Department

178 Rosemary Street

Needham, MA 02494

Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922

Mobile- (781) 883-0127

Email - tgurge@needhamma.gov

Web- www.needhamma.gov/health

please consider the environment before printing this email

Follow Needham Public Health on Twitter!

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, March 3, 2023 4:55 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Stacey Mulroy <smulroy@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>
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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

March 23, 2023

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

RE: Major Project Site Plan Special Permit No. 2022-01
Great Plain Avenue at Pickering Street- Needham Farmer's Market at Green's Field

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request for a Major Project Site Plan Special Permit. The applicant requests to operate a Farmer's market in a portion of the intersecting walkways on Green's Field on Sundays from June to November 2023.

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 the Amendment to Major Project Special Permit No. 2022-01.

2. "Exhibit A", which consists of a plan entitled "Needham Farmers Market Layout - Greene's Field 2023."

3. License Agreement between the Needham Farmers Market and the Town of Needham, dated February 9, 2023.

4. Letter from Jeffery M. Friedman, President, Needham Farmers Market, dated February 17, 2023 with Exhibits B and C: Two Letters from Jeffery M. Friedman, President, Needham Farmers Market, both dated January 21, 2022.

Our comments and recommendations are as follows:

- We have no comment or objection to the proposed plans

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

Truly yours,

Thomas Ryder
Town Engineer

From: noreply@civicplus.com
To: Alexandra Clee; Elisa Litchman
Subject: Online Form Submittal: Contact Planning Department
Date: Sunday, March 19, 2023 4:41:47 PM

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

Full Name:: Daniel Liebenrood

Email Address:: fccsneedhamma@gmail.com

Address:: 870 Great Plain Ave.

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 6174160477

Comments / Questions: March 19, 2023

Re: Farmers Market relocation this summer

Dear Town of Needham Planning Board,

We are writing with a request as you consider plans for a second summer with the Needham Farmers Market relocation to Greene's Field which is directly across from our church at 870 Great Plain Avenue.

Last summer a number of families from our congregation enjoyed visiting the Farmers Market. However, during our one hour Sunday worship service (which concludes at 11:30 am) the live music portion of the Market was noticeable in the sanctuary and the children's Sunday School area.

Would it be possible to delay the start of the live music until 11:30 am this summer?

Thank you for considering our request.

With gratitude,

The Executive Board
First Church of Christ, Scientist, Needham
870 Great Plain Ave.
Needham, MA 02492

Daniel Liebenrood, Clerk

fccsneedhamma@gmail.com

Additional Information:

Form submitted on: 3/19/2023 4:41:40 PM

Submitted from IP Address: 173.9.18.245

Referrer Page: https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.needhamma.gov%2f1149%2fPlanning-Community-Development&c=E,1,-FMF3s08Fc-6IBxrNNJCKIoUor35fx4f0Lx2-A71wvBECoNjlrHuEdumJo0RWMhRFgsyeFM3Bgq724lwfMxoTZeyMLOjYa2hMxU2K54W-70XJHkF&typo=1

Form Address: https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d176&c=E,1,dx9pDJTx-T5SpvQdt8R9VMnynB2J5gnWuhiuO2mqTkurySfOUcgD-jDwXhfaMhsfjvTcPMX3XdlQ9N9mO13dgVEQ9vp4lJe_HRJVw8qaNr2DNuESU_wvZCZ7jVw,&typo=1

From:	friedmanesq@aol.com
To:	Alexandra Clee
Cc:	Lee Newman; Phu Vo
Subject:	Needham Farmers Market - Application for Special Permit
Date:	Tuesday, March 21, 2023 12:14:08 PM

Greetings Alex,

In response to the First Church of Christ, Scientist's issue about sound levels from musicians playing at Needham Farmers Market on Sunday mornings, NFM will start live music at 11:30 a.m., as the Church requests, to prevent this from reoccurring.

We thank the Church for bringing this to our attention, and apologize that it happened. NFM will insure that all the musicians keep the sound level down. This has been NFM's stated policy with live music, and we notify all musicians in writing about low sound when they sign up for a performance date and before they start playing at the Market.

Sincerely,

Jeffrey Friedman
President, Needham Farmers Market

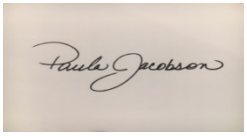
March 23, 2023

To: Tara Gurge, Assistant Director, Needham Department of Public Health
Alex Clee, Assistant Town Planner
Lee Newman, Director of Planning and Community Development
Jeff Friedman, President, Needham Farmers Market

Re: Restroom Agreement
Permit for Needham Farmers Market

Please accept this letter of support for the Needham Farmers Market allowing shoppers and vendors access to the restroom facilities at the Charles River YMCA at 863 Great Plain Ave. on Sunday's during the NFM's season, June 11th to November 19th, 2023. from 11 am to 3 pm.

Sincerely,



Paula Jacobson
Executive Director
Charles River YMCA
863 Great Plain Ave.
Needham, MA. 02492
Direct 781-465-2584
Mobile 617-877-8228
pjacobson@ymcaboston.org

PLANNING DIVISION
Planning & Community Development

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
DECISION
Application No. 2022-01

Needham Farmers Market, Inc.
Town of Needham
March 28, 2023
(Original Decision dated April 5, 2022)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Farmers Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and Town of Needham, 1471 Highland Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at Greene's Field, a Needham Park Facility, at Great Plain Avenue and Pickering Street, Needham, Massachusetts. Said property is shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278 square feet in the Single Residence B zoning district.

This Decision is in response to an application submitted to the Board on February 24, 2023 by the Petitioner for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and under Major Project Site Plan Special Permit No. 2022-01, Section 4.2, dated April 5, 2022, a Major Project Site Plan Special Permit Amendment; (2) a Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the By-Law (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit Amendment would permit the operation of a farmers market on a portion of Greene's Field on Sundays for the 2023 season. Needham Farmers Market (NFM) operated on the Town Common and Garrity's Way during the seasons of 2017 to 2021; however, in 2022 NFM was required to relocate to Greene's Field due to a planned renovation of the Town Common in 2022, with Garrity's Way planned to be used for staging materials. The farmers market successfully operated at Greene's Field on Sundays beginning on June 12, 2022 through November 20, 2022. NFM was notified that the Town Commons is not available for 2023 due to the new landscaping's need for time for the new grass and trees to settle in and grow. Now, NFM requests to use Greene's Field for another season, from June 11, 2023 through November 19, 2023, inclusive, from 11:00 a.m. to 3:00 p.m. with setup time for the vendors three hours before business hours and breakdown time two hours after the close of business. The farmers market proposes to have a maximum of 18 vendors, who will use booths, canopies or other temporary structures on site. In addition to the vendors, there will be tables, booths or canopies for nonprofit organizations, six artists, artisans, musicians, and NFM's Market Manager. NFM also requests to obtain permission from the Planning Board to utilize Greene's Field in 2024 if the Town Common is

not yet ready and/or the Town Manager and Park and Recreation Director so approve/desire.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest as required by law, the hearing was called to order by the Chairperson, Adam Block on Tuesday, March 28, 2022 at 7:00 PM 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. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the March 28, 2023 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

Exhibit 1- Application for a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law, and a Major Project Site Plan Special Permit Amendment under Major Project Site Plan Special Permit No. 2022-01, Section 4.2, and for Special Permits under Sections 3.2.1 and 5.1.1.5 of the By-Law, dated February 24, 2023.

Exhibit 2- "Exhibit A", which consists of a plan entitled "Needham Farmers Market Layout - Greene's Field 2023."

Exhibit 3- License Agreement between the Needham Farmers Market and the Town of Needham, dated February 9, 2023.

Exhibit 4- Letter from Jeffery M. Friedman, President, Needham Farmers Market, dated February 17, 2023 with Exhibits B and C: Two Letters from Jeffery M. Friedman, President, Needham Farmers Market, both dated January 21, 2022.

Exhibit 5 - Email from Jeffery M. Friedman, President, Needham Farmers Market, dated March 21, 2023.

Exhibit 6- Email from Daniel Liebenrood, The Executive Board, First Church of Christ, Scientist, Needham, dated March 19, 2023.

Exhibit 7 - Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated March 21, 2023 and March 22, 2023; IDC to the Board from Stacey Mulroy, Director, Needham Park and Recreation Department, dated March 21, 2023; IDC to the Board from Tom Ryder, Town Engineer, dated March 23, 2023; IDC to the Board from Chief Tom Conroy, Fire Department, dated March 5, 2023; and IDC to the Board from Chief John Schlittler, dated March 6, 2023.

EXHIBITS 1, 2, 3,4 and 5 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

1.1 The subject property is located in the Single Residence B zoning district at Greene's Field (Intersection of Great Plain Avenue and Pickering Street), Needham, Massachusetts. The property is owned by the Town of Needham and is shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278 square feet.

1.2 The Needham Farmers Market, Inc. is a nonprofit corporation and civic organization based in Needham with the purpose of operating a farmers market in Needham and advancing community goals of healthy food and diet, especially for children, as well as providing a meeting place for Needham residents.

1.3 Needham Farmers Market (NFM) operated on the Town Common and Garrity's Way during the seasons of 2017 to 2021; however, in 2022 NFM was required to relocate to Greene's Field due to a planned renovation of the Town Common in 2022, with Garrity's Way planned to be used for staging materials. The farmers market successfully operated at Greene's Field on Sundays beginning on June 12, 2022 through November 20, 2022. NFM was notified that the Town Commons is not available for 2023 due to the new landscaping's need for time for the new grass and trees to settle in and grow. Now, NFM requests to use Greene's Field for another season, from June 11, 2023 through November 19, 2023, inclusive, from 11:00 a.m. to 3:00 p.m. with setup time for the vendors three hours before business hours and breakdown time two hours after the close of business.

1.4 The Town of Needham has agreed to allow the Needham Farmers Market, Inc., to use the southern portion of Green's Field, a Needham Park Facility, at Pickering Street and Great Plain Avenue, for the operation of a farmers market from June 11, 2023 through November 19, 2023. This is pursuant to a License Agreement dated February 9, 2023, detailed under Exhibit 3 of this Decision. The application for Special Permit is for a one-year period as described under Section 4.6 of this Decision, with an option to extend to 2024 if the Town agrees to another License Agreement.

1.5 The Needham Farmers Market has proposed to operate under the exact conditions as previously approved Major Project Site Plan Special Permit No. 2022-01, dated April 5, 2022.

1.6 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (off-street parking design requirements).

1.7 Under the By-Law Section 5.1.2, in the event that the Building Commissioner is unable to determine if a particular use relates to any use within the table of "Required Parking" (Section 5.1.2), the Planning Board shall recommend to the Building Commissioner a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests or employees of the proposed business. Based on the Department of Public Works' recommendation, as recommended in Report 432 of the Planning Advisory Service for Off Street Parking Requirements for Farm Stands, the use requires 3 parking spots per every 1,000 square feet. The area of the property where the vendors will be stationed is calculated to be approximately 8,680 square feet. Therefore, in Major Project Site Plan Special Permit No. 2022-01, dated April 5, 2022, the Board recommended a total parking requirement of 26 spaces (8,860/1,000 x 3 = 26). Accordingly, a waiver of 26 parking spaces was required then and associated waiver was granted. The Petitioner requests the same waiver for the year of 2023 and, if required, 2024.

1.8 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Single Residence B zoning district, provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master

plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.

1.9 Under Section 3.2.1 of the By-Law, a Special Permit may be granted to allow a farmers market in the Single Residence B zoning district. On the basis of the above findings and criteria, the Board finds that the proposed use, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements and to not increase the detriment to the Town's and neighborhood's inherent use.

1.10 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure, or lot does not warrant the application of certain design and parking spaces requirements, but that a waiver of certain design and parking spaces requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances justifying the reduction in the number of required parking spaces and design requirements of the By-Law, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and under Major Project Site Plan Special Permit No. 2022-01, Section 4.2, dated April 5, 2022, a Major Project Site Plan Special Permit Amendment; (2) the requested Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

2.0 No Plan modifications are required.

CONDITIONS

3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.8 hereof.

3.1 The Board approves the use by Needham Farmers Market of a farmers market on the southerly portion of Greene's Field, as shown on the Plan, from June 11, 2023 through November 19, 2023, with an option to extend it through the 2024 season, with a relevant License Agreement signed by the Town and NFM.

3.2 The hours of operation shall be limited to four hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m. from Sunday, June 11, 2023 through November 19, 2023.

3.3 The operation of the farmers market at Greene's Field shall be as described in Major Project Site Plan Special Permit No. 2022-01, dated April 5, 2022, Sections 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.13, 1.15, 1.16 and 1.17 and as further described under the support materials provided under Exhibits 1, 2, 3, and 5 of this Decision. All conditions from Major Project Site Plan Special Permit No. 2022-01, dated April 5, 2022 shall be in full force for the season of 2023, and 2024, if relevant, along with any additional conditions listed herein.

3.4 Section 3.11 from Decision Major Project Site Plan Special Permit No. 2022-01, dated April 5, 2022, shall be revised from the previous:

"Free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle, or guitar players, may be utilized. Any required permits from the Board of Selectmen shall be obtained. Amplification, if any, shall be limited and no noise shall extend beyond Greene's Field. In the event of any complaint or issue regarding the noise, volume or amplification, the Planning Board shall retain jurisdiction to reevaluate the authorization for musical entertainment provided by this Decision." To now say:

"Free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle, or guitar players, may be utilized. Any required permits from the Board of Selectmen shall be obtained. Amplification, if any, shall be limited and no noise shall extend beyond Greene's Field. Musical entertainment may not begin before 11:30 a.m. In the event of any complaint or issue regarding the noise, volume or amplification, the Planning Board shall retain jurisdiction to reevaluate the authorization for musical entertainment provided by this Decision."

3.5 This Special Permit to operate a farmers market at Greene's Field is issued to Needham Farmers Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and may not be transferred, set over, or assigned by Needham Farmers Market, Inc. to any other person or entity without the prior written approval of the Board following such notice and hearing, if any as the Board, in its sole and exclusive discretion, shall deem due and sufficient.

3.6 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, Park and Recreation Commission, and Board of Health.

3.7 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.

3.8 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at

the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

4.0 The authority granted to the Petitioner by this permit is limited as follows:

4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan.

4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend, or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.

4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies, or bodies having jurisdiction shall not be assumed or implied by this Decision.

4.4 No approval of any indicated signs or advertising devices is implied by this Decision.

4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.

4.6 This special permit is for one season running from June 11, 2023 through November 19, 2023. The Petitioner may request an extension for the 2024 season.

4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds. This Decision shall not take effect until (1) a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied and (2) this Decision is recorded with Norfolk District Registry of Deeds, and (3) the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 28th day of March, 2023.

NEEDHAM PLANNING BOARD

_____
Adam Block, Chairman

_____
Jeanne S. McKnight

_____
Natasha Espada

_____
Paul S. Alpert

_____
Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____2023

On this _____day of _____, 2023, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

_____
Notary Public name:
My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Needham Farmers Market, Inc., 227 Eliot Street, Ashland, MA, 01721, and the Town of Needham, 1471 Highland Avenue, Needham, MA, for Property at the location of Greene's Field, shown on Assessor's Map No. 51 as Parcel 31-02, has passed,

____and there have been no appeals filed in the Office of the Town Clerk or
____there has been an appeal filed.

_____ _____
Date Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____	Board of Selectmen	Board of Health
Town Clerk	Engineering	Director, PWD
Building Commissioner	Fire Department	Design Review Board
Conservation Commission	Police Department	Park and Recreation Commission
Parties in Interest	Jeffrey Friedman, NFM	

PLANNING DIVISION
Planning & Community Development

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
DECISION
Application No. 2022-01

Needham Farmers Market, Inc.
Town of Needham
April 5, 2022

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at Greene's Field, a Needham Park Facility, at Great Plain Avenue and Pickering Street, Needham, Massachusetts. Said property is shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278 square feet in the Single Residence B zoning district.

This Decision is in response to an application submitted to the Board on January 25, 2022 by the Petitioner for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the By-Law (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit would permit the operation of a farmers market on the southern portion of Greene's Field on Sundays. Needham Farmers Market, Inc. (NFM) has been successfully operating on the Town Common and Garrity's Way since 2017; however, NFM must relocate due to a planned renovation of the Town Common in 2022, with Garrity's Way planned to be used for staging materials. The farmers market proposes to operate at Greene's Field on Sundays beginning on June 12, 2022 through November 20, 2022, inclusive, from 11:00 a.m. to 3:00 p.m. with setup time for the vendors three hours before business hours and breakdown time two hours after the close of business. The farmers market proposes to have a maximum of 18 vendors, who will use booths, canopies, or other temporary structures on site. In addition to the vendors, the Market will have tables, booths, or canopies for Needham nonprofit organizations; up to a maximum of six artists, musicians, and NFM's Market Manager.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert on Tuesday, March 1, 2022, at 7:15 p.m. by Zoom Web ID Number 880 4672 5264. The hearing was further continued to Tuesday, March 15, 2022, at 8:00 p.m. Board members Paul S. Alpert, Jeanne S. McKnight, Martin Jacobs, Adam Block and Natasha Espada were present throughout the March 1, 2022 and March 15,

2022 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

Exhibit 1- Application for a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and for Special Permits under Sections 3.2.1 and 5.1.1.5 of the By-Law, dated January 25, 2022.

Exhibit 2- Two letters from Jeffrey Friedman, President, Needham Farmers Market, Inc., to the Needham Planning Board dated January 21, 2022.

Exhibit 3- Site Plan entitled "Greene's Field Site Plan", prepared by Needham Department of Public Works, Engineering Division, dated May 22, 2013, revised June 4, 2013.

Exhibit 4- License Agreement between the Needham Farmers Market, Inc., and the Town of Needham, dated January 18, 2022.

Exhibit 5- Exhibit A", which consists of a portion of a plan highlighted to depict the specific location to be utilized by the NFM at Greene's Field.

Exhibit 6 - Plan entitled "Proposed Placement of Tents/Spaces on Greene's Field", prepared for NFM, dated March 7, 2022.

Exhibit 7- Email from Jeffrey Friedman, President, Needham Farmers Market, Inc, to Lee Newman, Director of Planning and Community Development and Alex Clee, Assistant Town Planner, dated March 14, 2022.

Exhibit 8- Two emails from Georgina Arrieta-Ruetenik to the Needham Planning Board, dated February 8, 2022 and March 1, 2022.

Exhibit 9- Email from Rochelle Goldin to the Needham Planning Board, dated February 28, 2022.

Exhibit 10- Email from George and Si Si Nyunt Goneconto to the Needham Planning Board, dated February 28, 2022.

Exhibit 11- Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated February 23, 2022; IDC to the Board from Stacey Mulroy, Director, Needham Park and Recreation Department, dated February 8, 2022; IDC to the Board from Tom Ryder dated February 24, 2022; IDC to the Board from Chief Dennis Condon, Fire Department, dated January 31, 2022; IDC to the Board from Chief John Schlittler, dated February 8, 2022.

EXHIBITS 1, 2, 3, 4, 5, 6, and 7 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

1.1 The subject property is located in the Single Residence B zoning district at Greene's Field (Intersection of Great Plain Avenue and Pickering Street), Needham, Massachusetts. The property is owned by the Town of Needham and is shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278 square feet.

1.2 The Needham Farmers Market, Inc. is a nonprofit corporation and civic organization based in Needham with the purpose of operating a farmers market in Needham and advancing community goals of healthy food and diet, especially for children, as well as providing a meeting place for Needham residents.

1.3 The Town of Needham has agreed to allow the Needham Farmers Market, Inc., to use the southern portion of Green's Field, a Needham Park Facility, at Pickering Street and Great Plain Avenue, for the operation of a farmers market from June 12, 2022 through November 20, 2022. This is pursuant to a License Agreement dated January 18, 2022, detailed under Exhibit 4 of this Decision. The application for Special Permit is for a one-year period as described under Section 4.6 of this Decision.

1.4 The Needham Farmers Market proposes to operate a farmers market on the southern portion of Green's Field adjacent to the Picker Street and Great Plain Avenue intersection for four hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m. Operation will begin on June 12, 2022 and will extend through November 20, 2022.

1.5 The Needham Farmers Market has proposed to have a maximum of 18 vendors on each market day, who will use booths, tables, canopies, or other temporary structures on the site. Each vendor will have approximately one person selling at its location. The Needham Farmers Market has stated that at least sixteen (16) vendors will sell food items. The Needham Farmers Market will have a staff of approximately two people on each market day. In addition to the vendors, a truck from which meat and/or eggs will be sold is proposed to be parked on either Great Plain Avenue as shown under Option A of the Plan (See Exhibit 6) or on property of the YMCA as shown under Option B of the Plan, with Option B being the preferred location. Finally, in addition to the vendors, the Market will have tables, booths, or canopies for Needham nonprofit organizations; up to a maximum of six artists, musicians, and NFM's Market Manager.

1.6 Set-up time is proposed to begin three hours before the start of the market and break down time is proposed to be for two hours after the market closes. The hours of operation shall be from 11:00 a.m. to 3:00 p.m.

1.7 The 18 vendors (maximum proposed to be present at any one time) will be located on the portion of Greene's Field shown on the plans detailed under Exhibits 5 and 6 of this Decision. The physical layout of the Market shall be entirely located within the licensed area.

1.8 During setup and breakdown, vendors may use parking spaces on Great Plain Avenue and Pickering Street to unload and load if the spaces are available. During Market hours, the vendors will be parked in the Dedham Street Municipal Parking Lot.

1.9 The Needham Farmers Market acknowledges that all food vendors shall obtain food permits from the Needham Board of Health unless excluded by State or Local regulations. All applicable State and Local Health regulations shall be met.

1.10 The Needham Farmers Market and its vendors propose to have liability insurance in effect during the farmers market as well as motor vehicle insurance.

1.11 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (off-street parking design requirements).

1.12 Under the By-Law Section 5.1.2, in the event that the Building Commissioner is unable to determine if a particular use relates to any use within the table of "Required Parking" (Section 5.1.2), the Planning Board shall recommend to the Building Commissioner a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests or employees of the proposed business. Based on the Department of Public Works' recommendation, as recommended in Report 432 of the Planning Advisory Service for Off Street Parking Requirements for Farm Stands, the use requires 3 parking spots per every 1,000 square feet. The area of the property where the vendors will be stationed is calculated to be approximately 8,680 square feet. Therefore, the Board recommends a total parking requirement of 26 spaces (8,860/1,000 x 3 = 26). Accordingly, a waiver of 26 parking spaces is required.

1.13 During the operation of the Market, parking for motor vehicles will be at the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots. The vendors will park at the Dedham Avenue Lot. The Board finds that the parking lots in the vicinity, as noted above, will satisfy the parking demands for the Needham Farmers Market.

1.14 The Planning Board finds that no parking study is required for the farmers market use as proposed, due to its being held on Sundays, when parking in the Center of Town is least scarce and the Town Hall is closed.

1.15 The Needham Farmers Market proposes to have free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle, or guitar players. Amplification, if any, would be limited and noise will not extend beyond the site.

1.16 Vendors will be permitted to use the restrooms of Walgreens, the YMCA and Bagels Best.

1.17 Vendors will be required to remove all trash and waste per an agreement with Needham Farmers Market, Inc. Additionally, the Petitioner has stated that the farmers market staff will assist in picking up and removing all trash from the site.

1.18 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The Market will be located at the southern end of Greene's Field next to Great Plain Avenue and will be separate from other activity on Greene's Field. The Petitioner proposes no construction and no permanent site changes. The Needham Farmers Market proposes to have musical entertainment that will either be un-amplified or slightly amplified from individuals or a small group, e.g., flute, fiddle, guitar. Sound volume from musicians playing at Green's Field will be reasonable and not loud or disruptive to neighbors and nearby businesses.

1.19 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly has been assured. During the operation of the Market, parking for shopper vehicles will be at the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots, all within walking distance from the Market. The vendors will park at the Dedham Avenue Municipal Parking Lot. Any additional traffic due to the Market on surrounding streets will be marginally increased, with no traffic congestion on a Sunday afternoon. When NFM was previously located on the front lawn of First Parish (very close to Greene's Field) and on Garrity's Way and the Town Common, no traffic congestion resulted due to the operation of the Market. NFM has no accident-related history in 10 years of operation.

1.20 Adequacy of the arrangement of parking and loading spaces in relation to the proposed used of the premises has been assured. NFM will occur on Sunday afternoons from 11:00 a.m. to 3:00 p.m. Three nearby municipal parking lots are more than adequate for the parking needs of vendors and shoppers at the Market. The Dedham Avenue Parking lot has 87 parking spaces, the Chestnut Street/Lincoln Street Parking Lot has 231 parking spaces, and the Chapel Street Parking Lot has 127 parking spaces.

1.21 Adequate methods for disposal of refuse and waste will be provided. Vendors will be required to remove all trash and waste per an agreement with Needham Farmers Market, Inc. Needham Farmers Market staff will additionally assist in picking up and removing all trash from the site. Vendors may use the bathrooms at the YMCA, Walgreen's, and Bagel's Best. The wastewater system for these facilities is connected to the municipal sewer system.

1.22 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this By-law has been assured. The relationship of structures and open spaces to the natural landscaping, existing buildings and other community assets will remain unchanged. Any canopies, tables and equipment brought to the Market by NFM and its vendors will be removed by them after the Market closes. NFM will not permit the Market area to be overloaded, damaged, stripped, or defaced, or suffer any waste. NFM will not make any holes in Greene's Field.

1.23 The proposed project will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The proposed use will not have an adverse impact on the Town's infrastructure. The existence of the Needham Farmers Market is an asset for Needham and will be a source of community in Needham.

1.24 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Single Residence B zoning district, provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.

1.25 Under Section 3.2.1 of the By-Law, a Special Permit may be granted to allow a farmers market in the Single Residence B zoning district. On the basis of the above findings and criteria, the Board finds that the proposed use, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements and to not increase the detriment to the Town's and neighborhood's inherent use.

1.26 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure, or lot does not warrant the application of certain design and parking spaces requirements, but that a waiver of certain design and parking spaces requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances justifying the reduction in the number of required parking spaces and design requirements of the By-Law, as conditioned and limited herein,

which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

2.0 No Plan modifications are required.

CONDITIONS

3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.17 hereof.

3.1 The Board approves the use by Needham Farmers Market of a farmers market on the southerly portion of Greene's Field, as shown on the Plan, from Sunday, June 12, 2022 through November 20, 2022.

3.2 The hours of operation shall be limited to four hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m. from Sunday, June 12, 2022 through November 20, 2022.

3.3 The operation of the farmers market at Greene's Field shall be as described in Sections 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.13, 1.15, 1.16 and 1.17 of this Decision and as further described under the support materials provided under Exhibits 2, 3, 4, 5, 6, and 7 of this Decision.

3.4 The maximum number of vendors at any given time shall not exceed eighteen (18). In addition to the vendors, up to three tables, booths or canopies may be available for Needham nonprofit organizations; up to a maximum of six artists, musicians, and the NFM's Market Manager.

3.5 At least seventy-five percent (75%) of all vendors shall sell fresh produce and other food products from booths, tables, or other temporary structures. If a truck from which meat

and/or eggs are sold is utilized it shall be parked on either Great Plain Avenue as shown under Option A of the Plan (See Exhibit 6) or on property of the YMCA as shown under Option B of the Plan, with Option B being the preferred location. Truck engines shall be turned off during the market's business hours and no truck shall be moved during the market's business hours.

3.6 All food vendors shall obtain food permits from the Needham Board of Health unless excluded by State or Local regulations. All applicable State and Local Health regulations shall be met. Any ice used at the site shall be disposed of at a location approved by the Board of Health and in compliance with Board of Health and Town regulations. Disposal of ice within the Town's drainage system shall not be permitted.

3.7 Sale of alcoholic beverages by Needham Farmers Market vendors shall be prohibited. The drinking of alcoholic beverages on Greene's Field where the farmers market is located shall be prohibited.

3.8 Set-up time shall begin no earlier than 8:00 a.m., three hours before the start of the market and break down time shall last no longer than two hours after the market closes at 3:00 p.m. During setup and breakdown, vendors may use parking spaces on Great Plain Avenue and Pickering Street to unload and load if the spaces are available. The spaces shall not be reserved for this purpose, but rather utilized if vacant.

3.9 Due diligence must be exercised at all times to avoid excessive off-site parking traffic, tie-ups and unnecessary noise and congestion.

3.10 Needham Farmers Market vendors shall be directed to park in the Dedham Avenue Municipal parking Lot and patrons shall be directed to park in the Dedham Avenue, Chestnut Street/Lincoln Street, and Chapel Street Municipal Parking Lots.

3.11 Free musical entertainment from individuals or small groups at the farmers market, such as flute, fiddle, or guitar players, may be utilized. Any required permits from the Board of Selectmen shall be obtained. Amplification, if any, shall be limited and no noise shall extend beyond Greene's Field. In the event of any complaint or issue regarding the noise, volume or amplification, the Planning Board shall retain jurisdiction to reevaluate the authorization for musical entertainment provided by this Decision.

3.12 Vendors shall be permitted to use the restrooms of the YMCA, Walgreen's, and Bagel's Best. If vendors at any time are no longer allowed or able to use these restrooms, the Petitioner shall find other suitable arrangements and notify the Planning Board.

3.13 All trash and waste shall be confined to the site and shall be removed from the site promptly during the breakdown timeframe. No trash or waste shall be left on the site at the end of the breakdown at 5:00 p.m. The Petitioner shall also examine the vicinity adjacent to the market area and shall be responsible for the cleanup of any market trash or waste inadvertently left by patrons in that location. During the operation of the farmers market, trash receptacles shall be provided for the use of patrons.

3.14 This Special Permit to operate a farmers market at Greene's Field is issued to Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and may not be transferred, set over, or assigned by Needham Farmers Market, Inc. to any other person or entity without the prior written approval of the Board following such notice and hearing, if any as the Board, in its sole and exclusive discretion, shall deem due and sufficient.

3.15 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

3.16 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.

3.17 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

4.0 The authority granted to the Petitioner by this permit is limited as follows:

4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan.

4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend, or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.

4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies, or bodies having jurisdiction shall not be assumed or implied by this Decision.

4.4 No approval of any indicated signs or advertising devices is implied by this Decision.

4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.

4.6 This special permit is for one season only running from June 12, 2022 through November 20, 2022.

4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds. This Decision shall not take effect until (1) a copy of this Decision bearing the certification of the Town

Clerk that twenty (20) days have elapsed after this Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied and (2) this Decision is recorded with Norfolk District Registry of Deeds, and (3) the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this ~~28th~~ 5th day of ~~March~~ April, 2022.

NEEDHAM PLANNING BOARD

Paul S. Alpert, Chairman

Adam Block

Natasha Espada

Martin Jacobs

Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss April 7, 2022

On this 7 day of April, 2022, before me, the undersigned notary public, personally appeared Jeanne McKnight, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public name: Alexandra Clee
My Commission Expires: March 9, 2029

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA, and the Town of Needham, 1471 Highland Avenue, Needham, MA, for Property at the location of Greene's Field, shown on Assessor's Map No. 51 as Parcel 31-02, has passed,

____and there have been no appeals filed in the Office of the Town Clerk or
____there has been an appeal filed.

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Commissioner
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department
Jeffrey Friedman, NFM

Board of Health
Director, PWD
Design Review Board

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland
TELEPHONE (781) 449-4520 FAX (781) 465-6095

March 7, 2023

Lee Newman, Planning Director
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Re: 920 South Street
Definitive Subdivision Application
Scenic Road and Public Shade Tree

Dear Lee,

In connection with the pending applications for Definitive Subdivision, Scenic Road Act and Public Shade Tree relative to the property at 920 South Street, Needham, MA 02492 (the "Premises'), provided herewith please find a revised set of plans. Significant changes from the original set include the following:

1. The elevation of the road has been lowered, which in turn has resulted in changes to the grading design;

2. A 10 foot buffer planting strip and a 5 foot drainage swale have been added along a portion of the westerly sideline;

3. The drain line has been relocated from the west side to the east side of the property;

4. Prospective house footprints have been added to better refine the anticipated interior grading, especially as relates to proposed Lot 2; and

5. Additional detail has been added to the plan relative to the interior grading.

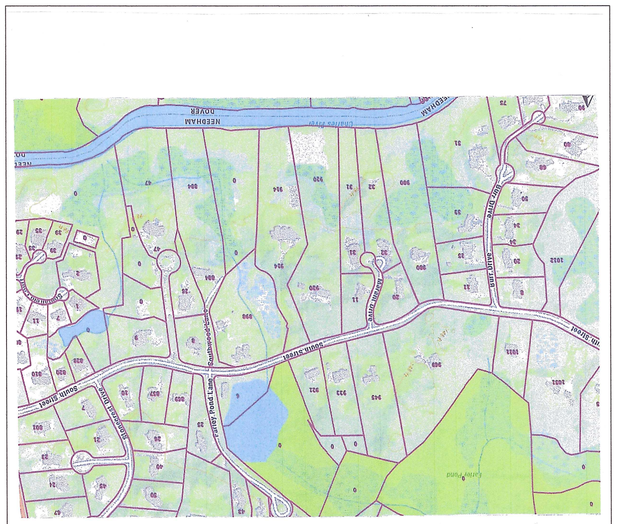
Please let me know if you have any questions or require anything further prior to the next hearing. As always, your courtesy and assistance are appreciated.

Sincerely,

George Giunta, Jr.

Definitive Subdivision Plan
~920 South Street~
Needham, Massachusetts

FOR REGISTRY USE ONLY



Locus Map
Scale 1"=400'

Sheet Index

1. THIS PLAN WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY BY THIS OFFICE

2. THE SUBJECT PROPERTY IS LOCATED IN THE RURAL RESIDENTIAL ZONE

3. ASSESSORS MAP 205 PARCEL 7

4. UTILITIES SHOWN WHERE COMPILED FROM BEST AVAILABLE INFORMATION AND ACTUAL FIELD LOCATIONS. THEY MAY OR MAY NOT BE COMPLETE OR CORRECT. CONTRACTOR TO FIELD VERIFY ALL LOCATIONS AND DEPTHS PRIOR TO ANY EXCAVATION.

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6. WETLANDS DELINEATIONS PERFORMED BY ECOTEC INC.

7. LOCUS IS LOCATED IN THE FOLLOWING FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0038E DATED 7-17-2012

Zone Rural Residence Conservation
43,560s.f. Minimum
150' Lot Frontage
50' Front Setback
25' Side Setback
25' Rear Setback
FAR Not Applicable
Max. Lot Coverage 15%
Max. Stories 2 1/2
Max. Height 35'

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

DIRECTOR OF PUBLIC WORKS
DATE APPROVED
TOWN ENGINEER
DATE APPROVED
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE
DATE / TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED
TOWN OF NEEDHAM PLANNING BOARD
BY:
APPROVED:

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

2-23-23

REVISIONS	
DATE	DESCRIPTION
1-19-23	ADDED HOUSE FOOTPRINTS & GRADING
2-23-23	GRADING, EASEMENTS, BUFFER STRIP, ETC.

COMMONWEALTH OF MASSACHUSETTS — VERNE T. PORTER JR. — LAND SURVEYOR — 37708 — REGISTERED PROFESSIONAL LAND SURVEYOR

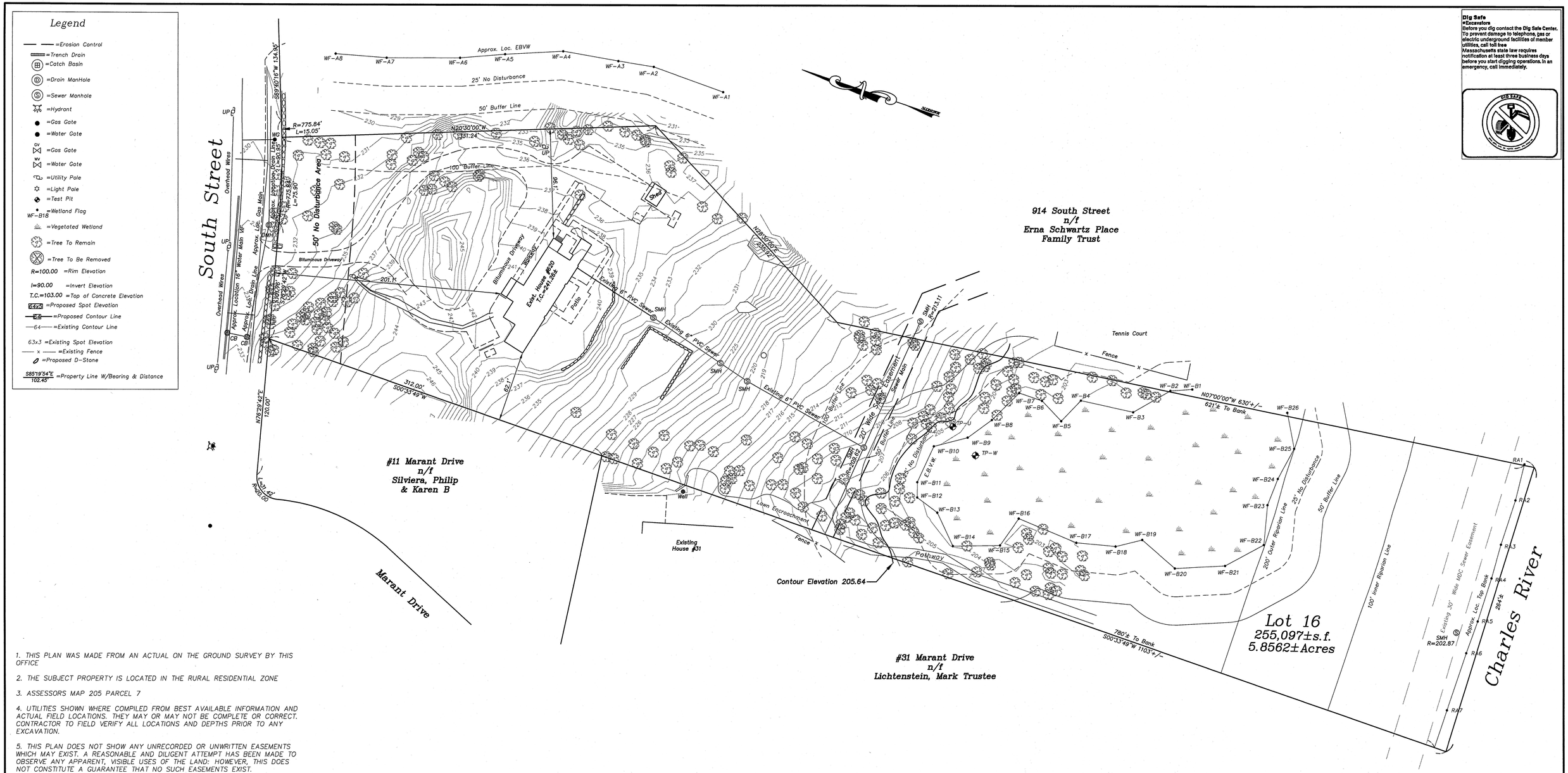
COMMONWEALTH OF MASSACHUSETTS — PAUL J. TYRELL — CIVIL — No. 45910 — REGISTERED PROFESSIONAL ENGINEER

~Title Sheet~
920 South Street
Needham, Massachusetts
Scale: As Noted — September 9, 2022
VERNE T. PORTER Jr., PLS
Land Surveyors – Civil Engineers
354 Elliot Street Newton, Massachusetts 02464

0 20 40 60 80

Cover Sheet #22019

Design By:
Checked By:
Drawn By:



Dig Safe
Excavators
Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.

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DIRECTOR OF PUBLIC WORKS
DATE APPROVED
TOWN ENGINEER
DATE APPROVED
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE
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2-23-23

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS	
DATE	DESCRIPTION
1-19-23	No Revisions Made
2-23-23	No Revisions Made

VERNE T. PORTER JR. LAND SURVEYOR 3738 REGISTERED COMMONWEALTH OF MASSACHUSETTS PROFESSIONAL LAND SURVEYOR

PAUL J. TYRELL CIVIL No. 44819 REGISTERED COMMONWEALTH OF MASSACHUSETTS PROFESSIONAL ENGINEER

~Existing Conditions Site Plan~

920 South Street

Needham, Massachusetts

Scale: 1"=40' September 9, 2022

VERNE T. PORTER Jr, PLS

Land Surveyors - Civil Engineers

354 Elliot Street, Newton, Ma. 02464

0 40 80 120 160

Sheet 1 of 8

Project:22019
Desinged By:
Drawn By:
Checked By:

Dig Safe
•Excavators
Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.

Zone Rural Residence Conservation
43,560s.f. Minimum
150' Lot Frontage
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25' Side Setback
25' Rear Setback
FAR Not Applicable
Max. Lot Coverage 15%
Max. Stories 2 1/2
Max. Height 35'

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DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE	
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TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:

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2-23-23

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS	
DATE	DESCRIPTION
1-19-23	No Revisions Made
2-23-23	No Revisions Made

~By Right Subdivision Plan of Land~

920 South Street

Needham, Massachusetts

Scale: 1"=40' September 9, 2022

VERNE T. PORTER Jr, PLS

Land Surveyors – Civil Engineers

354 Elliot Street, Newton, Ma. 02464

0 40 80 120 160

Sheet 2 of 8

Project:22019
Desinged By:
Drawn By:
Checked By:

Zone Rural Residence Conservation
43,560s.f. Minimum
150' Lot Frontage
50' Front Setback
25' Side Setback
25' Rear Setback
FAR Not Applicable
Max. Lot Coverage 15%
Max. Stories 2 1/2
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Total Lot Area=255,097±s.f.
Roadway Area=16,071±s.f.

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
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[signature] 2-23-23

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS

DATE	DESCRIPTION
10-5-22	LOT WIDTHS ADDED
1-19-23	NO REVISIONS MADE
2-23-23	REVISED DRAIN EASEMENTS

~Proposed Lotting Plan of Land~

920 South Street

Needham, Massachusetts

Scale: 1"=40' September 9, 2022

VERNE T. PORTER Jr, PLS
Land Surveyors – Civil Engineers
354 Elliot Street, Newton, Ma. 02464

0 40 80 120 160

Project:22019
Desinged By:
Drawn By:
Checked By:

Sheet 3 of 8

South Street
50' Buffer Line
N20°30'00"W 331.23'
326.23'
Parcel "A"
50' No Disturbance Area
Proposed Drain Easement
Proposed Bituminous Driveway
100' Buffer Line
Proposed House
1st. Fl.=240.25
T.C.=238.86
Bsmnt. Fl.=228.41
Lot 1
Lot 2
Proposed 20' Drain Easement
Proposed 20' Sewer & Drain Easement
N28°30'00"E 235.92'
230.92'
Exist. House #920
Edge Asphalt
Face of Cape Cod Berm
27' To 5' Grass Paver Strip
Planted Island
R=60.00'
L=173.40'
L=124.81'
Proposed Cape Cod Berm
Proposed 18' Wide Travelled Way
Proposed 20' Wide Private Roadway
312.00'
S00°33'49"W
122.60'
N00°33'49"E
Proposed Garage
T.C.=230.83
Floor El.=230.16
Proposed House
1st Fl.=231.5
Mudsill=231.16
T.C.=230.16
Bsmnt. Fl.=221.25
Proposed Patio
Porch
Deck
Swale
10' Raised Buffer Planting Strip
Tree to Remain
Provide Tree Protection
Benchmark:
Top Concrete Bound
With X-Cut
Elevation=227.405
Existing 20' Wide Sewer Easement
50' Buffer Line
25' No Disturbance
E.B.V.W.
Sewer Main
Approx. Location House #31
Fence
For Registry Use Only

Dig Safe
•Excavators
Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.

For Registry Use Only

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE

DATE	TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

2-23-23

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS

DATE	DESCRIPTION
1-19-23	Added House Footprints & Grading
2-23-23	Lot & Road Grading, Elevations, Swale

COMMONWEALTH OF MASSACHUSETTS — VERNE T. PORTER JR — LAND SURVEYOR

COMMONWEALTH OF MASSACHUSETTS — PAUL J. TYRELL — CIVIL — No. 48710

~Proposed Grading Plan~

920 South Street

Needham, Massachusetts

Scale: 1"=20' September 9, 2022

VERNE T. PORTER Jr, PLS
Land Surveyors – Civil Engineers
354 Elliot Street, Newton, Ma. 02464

0 20 40 60 80

Sheet 4 of 8

Project: 22019
Designed By:
Drawn By:
Checked By:

South Street
50' Buffer Line
100' Buffer Line
50' No Disturbance Area
Parcel "A"
Edge of Travelled Way
Overhead Wires
Bituminous Curbing
Approx. Location 16" Water Main VIF
Approx. Location 4" Gas Main VIF
Approx. Location Drain Line
Proposed Drain Easement
Proposed Leaching Field
4 rows of 9 Cultec Model
330XLHD 36 Units Total
Top Units El.=229.2
Invert=228.0
Btm. Unit=226.66
Btm. Stone=225.66
Overflow=229.4
Prop. DMH
R=231.00
I=228.50
SDR35 L=30'
T.P.#3
T.P.#4
Prop. CB
R=231.32
I=228.80 Sump=224.40
Prop. 4' Throat Stone
W/3' Side Transition
Stones (Granite)
Proposed Underground
Elec/Tel/Cable
Prop. 16"x16"x6"
Tee W/2 16"
& 1-6" Gate
Valve
12" RCP L=28'
12" RCP L=68'
Prop. DMH
R=231.66
I=228.50
Exist. UP To
Be Removed
5' Utility Easement
Prop. Street
Light(S/L)Typ.
Prop. CB
R=231.46
I=229.0 Sump=225.0
Prop. 4' Throat Stone
W/3' Side Transition
Stones (Granite)
Proposed 20' Wide Private Roadway
Proposed Gas Main
Proposed 6" DICL Water Main
Prop. Thrust
Block (T/B)
Prop. WG
Prop. 1" Tap&Sleeve
Prop. 6" Gate Valve
Proposed 6"Hydrant
Lot 1
Proposed House
27.0'
52.3'
Approx. Service Connection
Approx. Loc. & Size Proposed House Infiltration Field
Proposed Transformer
Existing House #920
Prop. DMH
R=231.13
I=225.93
12" RCP L=27'
Prop. CB
R=231.71
I=226.43
I=222.43Sump
Prop. 6' Throat Stone
W/3' Side Transition
Stones (Granite)
Tree To Be Protected
Prop. SMH
R=236.0
I=231.0
Prop. DMH
R=236.0
I=224.69
Proposed 20' Drain Easement
Proposed 12" RCP Drain Line L=124' S=0.01
Shed
Proposed 8" SDR-35 Sewer L=218' S=0.0933
Proposed 12" RCP Drain Line L=253' S=0.0501
Proposed 20' Sewer & Drain Easement
Existing 6" PVC Sewer
Lot 2
Proposed Garage
Porch
Proposed House
Proposed Patio
Prop. Retaining Wall
Approx. Loc. Proposed Water Service
Approx. Loc. Proposed Gas Service
Approx. Loc. & Size Proposed House Infiltration Field
50.5'
Prop. SMH
R=217.0
I=210.64
Proposed 8" SDR-35 Sewer L=82' S=0.04
SMH
R=213.16
I=201.48
Prop. DMH
R=215.5
I=212.0(field/in)
I=212.8(bypass)
DMH
R=215.1
I=212.0(bypass in)
I=212.2(from field)
I=211.8(out)
12" bypass
Prop. SMH
R=213.0
I=202.44(in)
I=201.77(main)
I=211.8
I=210.5
T.P.#1
T.P.#2
Proposed Leaching Field
5 rows of 10 Cultec Model
330XLHD 50 Units Total
Top Units El.=213.0
Invert=211.8
Btm. Unit=210.46
Btm. Stone=209.46
Overflow El.=213.2
100' Buffer Line
Existing 20' Wide Sewer Easement
Exist. Sewer Main L=122' S=0.0049
50' Buffer Line
SMH
R=209.62
I=202.03
Benchmark:
Top Concrete Bound
With X-Cut
Elevation=227.405
5' Drainage Swale
10' Buffer Planting Strip
Line of Lawn Encroachment
Well
Bituminous
Approx. Location House #31
Fence

For Registry Use Only

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE

DATE	TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

2-23-23

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS	
DATE	DESCRIPTION
1-19-23	ADDED HOUSE FOOTPRINTS & GRADING
2-23-23	EASEMENTS, BUFFER STRIP, SWALE

COMMONWEALTH OF MASSACHUSETTS — VERNE T. PORTER JR. LAND SURVEYOR 37738 — REGISTERED PROFESSIONAL LAND SURVEYOR

COMMONWEALTH OF MASSACHUSETTS — PAUL J. TYRELL CIVIL No. 35901 — REGISTERED PROFESSIONAL ENGINEER

~Proposed Utilities Plan~

920 South Street

Needham, Massachusetts

Scale: 1"=20' September 9, 2022

VERNE T. PORTER Jr, PLS

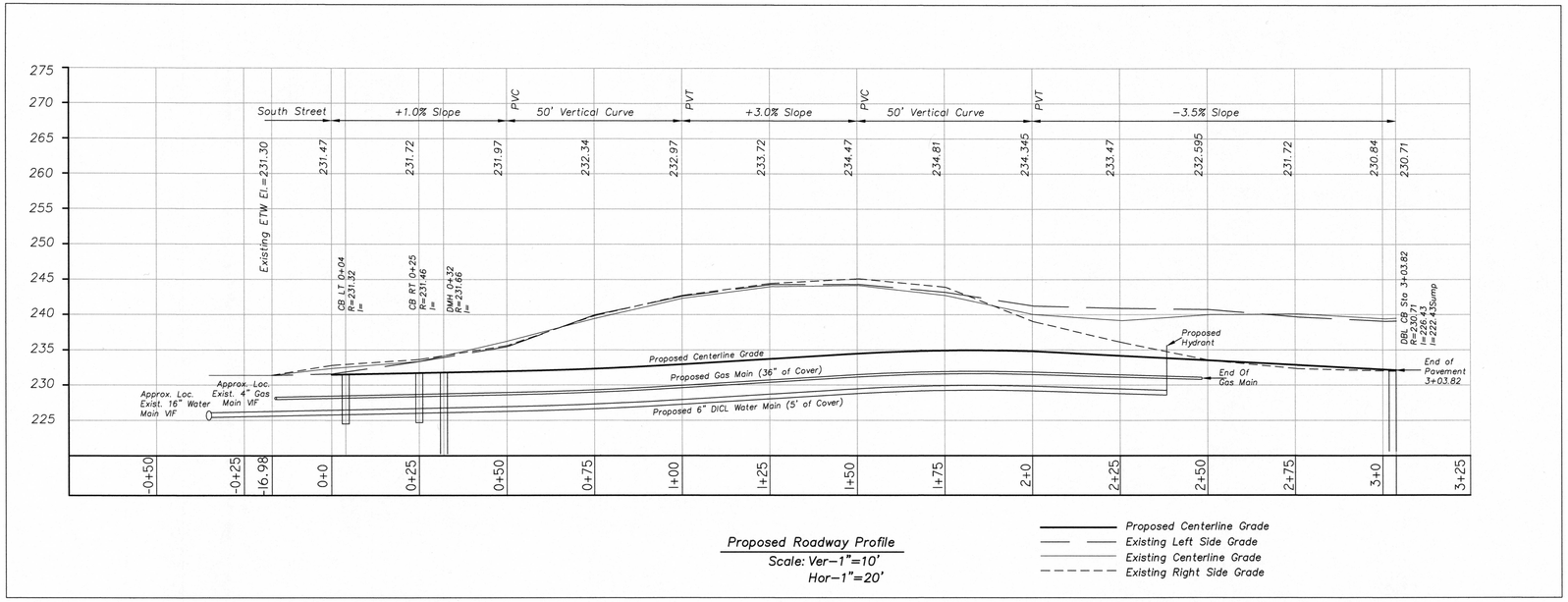
Land Surveyors – Civil Engineers

354 Elliot Street, Newton, Ma. 02464

0 20 40 60 80

Sheet 5 of 8

Project:22019
Designed By:
Drawn By:
Checked By:



Proposed Roadway Profile
Scale: Ver−1"=10'
Hor−1"=20'

Proposed Centerline Grade
Existing Left Side Grade
Existing Centerline Grade
Existing Right Side Grade

Dig Safe
•Excavators
Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.

DIG SAFE

DIRECTOR OF PUBLIC WORKS
DATE APPROVED
TOWN ENGINEER
DATE APPROVED
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE
DATE — TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91−U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED
TOWN OF NEEDHAM PLANNING BOARD
BY:
APPROVED:

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

2-23-23

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS	
DATE	DESCRIPTION
1-19-23	No Revisions Made
2-23-23	Road Grading

COMMONWEALTH OF MASSACHUSETTS — VERNE T. PORTER JR — LAND SURVEYOR — 37738 — REGISTERED PROFESSIONAL ENGINEER

COMMONWEALTH OF MASSACHUSETTS — PAUL J. TYRELL — CIVIL — No. 45910 — REGISTERED PROFESSIONAL ENGINEER

~Plan, Profile & Detail Sheet~

920 South Street

Needham, Massachusetts

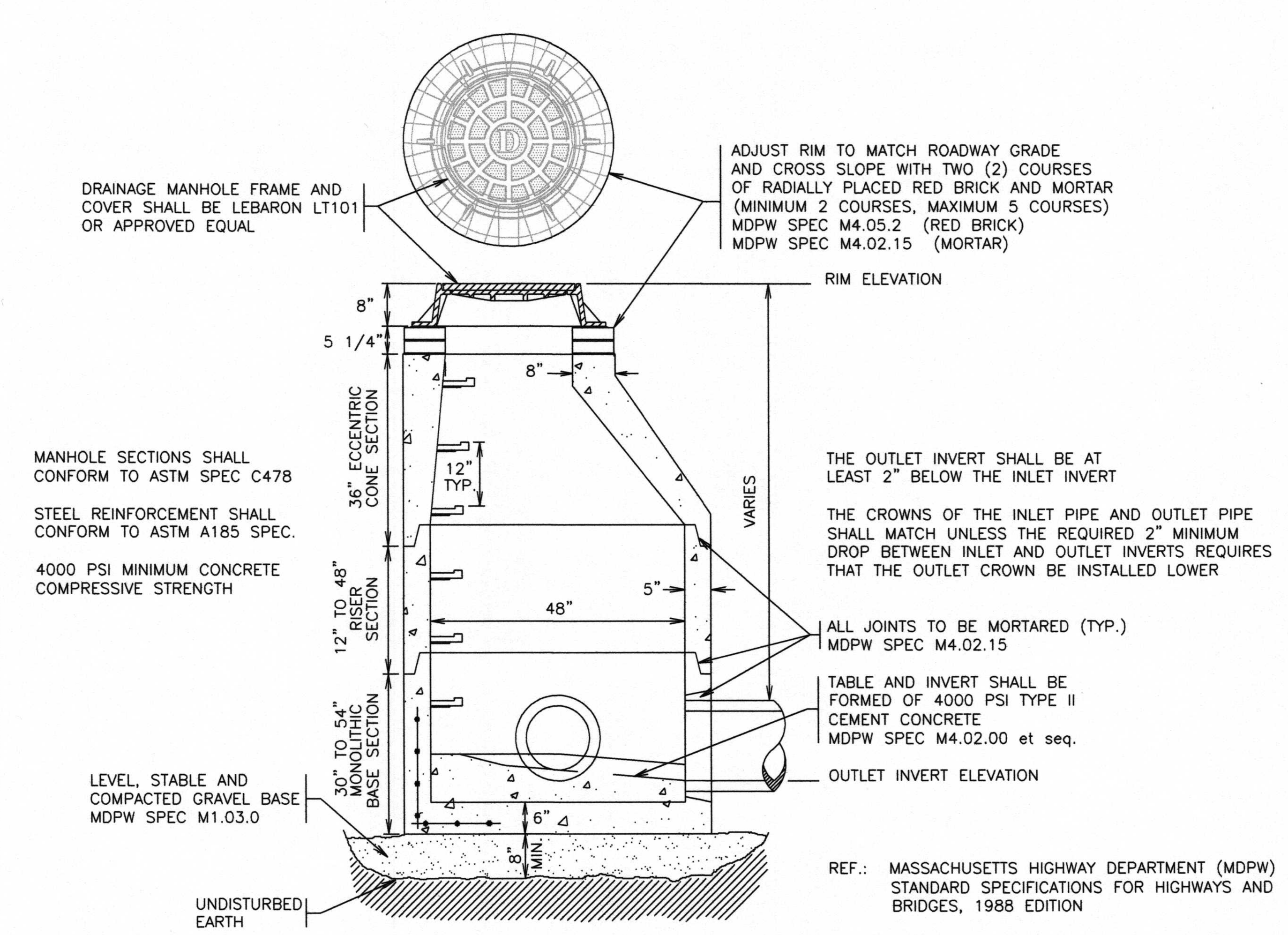
Scale: As Noted September 9, 2022

VERNE T. PORTER Jr, PLS
Land Surveyors − Civil Engineers
354 Elliot Street, Newton, Ma. 02464

0

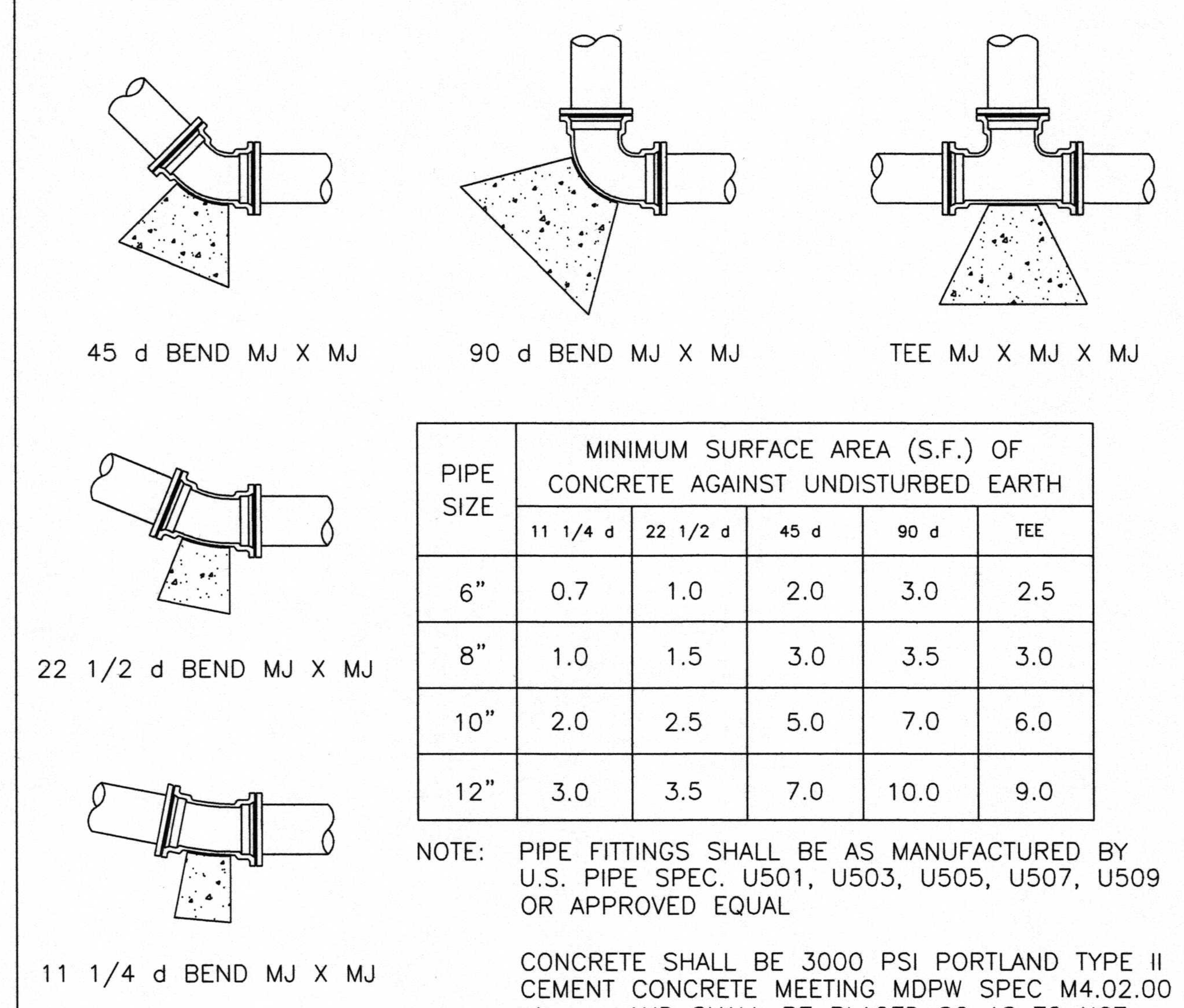
Sheet 6 of 8

Project:22019
Desinged By:
Drawn By:
Checked By:



TYPICAL DRAINAGE MANHOLE DETAIL

NO SCALE



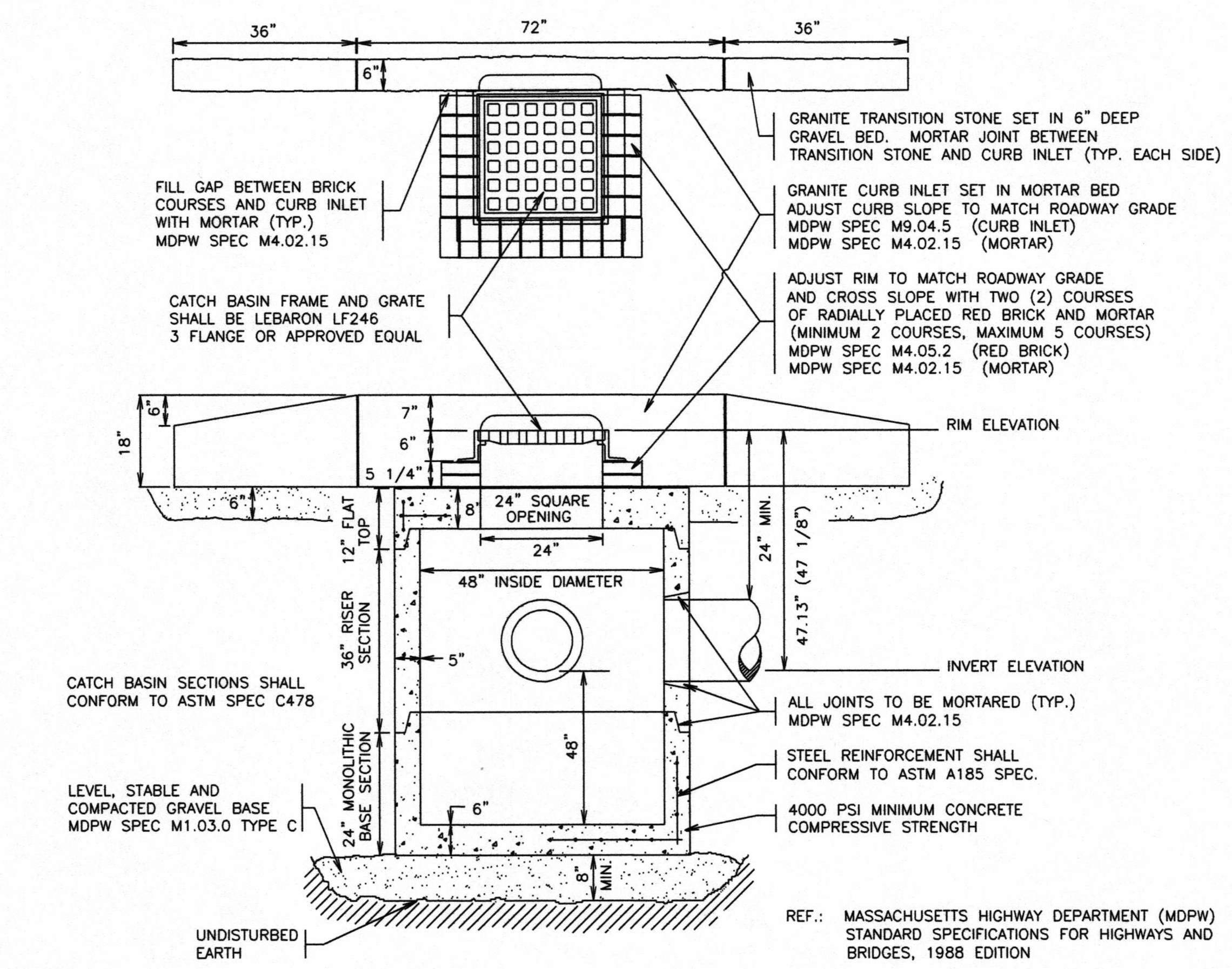
PIPE SIZE	MINIMUM SURFACE AREA (S.F.) OF CONCRETE AGAINST UNDISTURBED EARTH				
	11 1/4 d	22 1/2 d	45 d	90 d	TEE
6"	0.7	1.0	2.0	3.0	2.5
8"	1.0	1.5	3.0	3.5	3.0
10"	2.0	2.5	5.0	7.0	6.0
12"	3.0	3.5	7.0	10.0	9.0

NOTE: PIPE FITTINGS SHALL BE AS MANUFACTURED BY U.S. PIPE SPEC. U501, U503, U505, U507, U509 OR APPROVED EQUAL

CONCRETE SHALL BE 3000 PSI PORTLAND TYPE II CEMENT CONCRETE MEETING MDPW SPEC M4.02.00 et seq. AND SHALL BE PLACED SO AS TO NOT INTERFERE WITH THE JOINTS OF THE FITTING

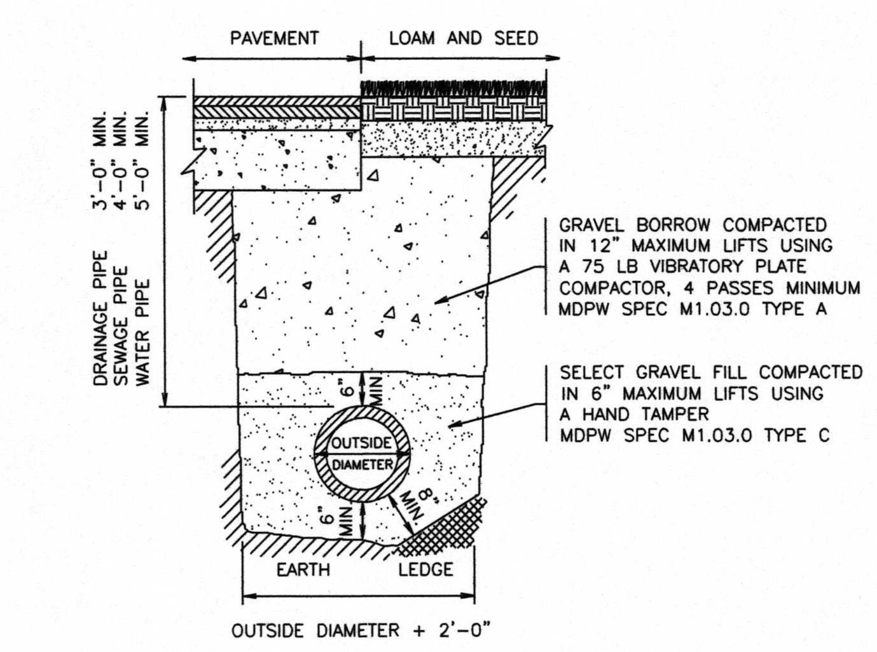
TYPICAL THRUST BLOCK DETAIL

NO SCALE



TYPICAL CATCH BASIN DETAIL

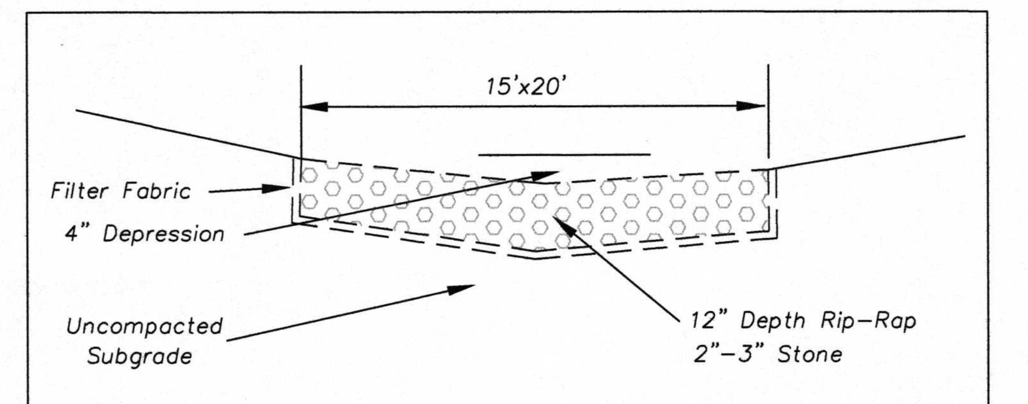
NO SCALE



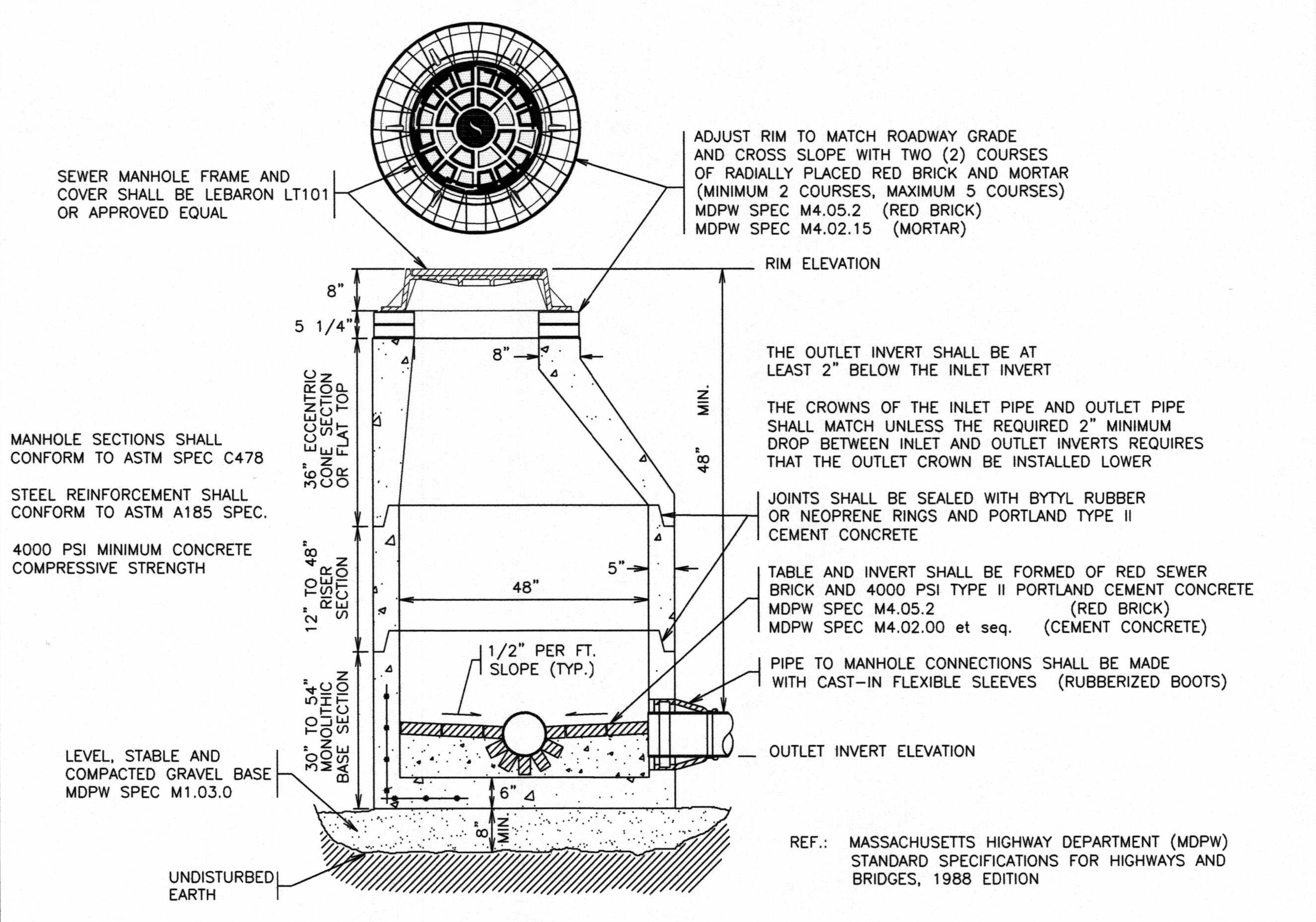
TYPICAL TRENCH DETAIL

NO SCALE

Dig Safe
•Excavators
Before you dig contact the Dig Safe Center.
To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.

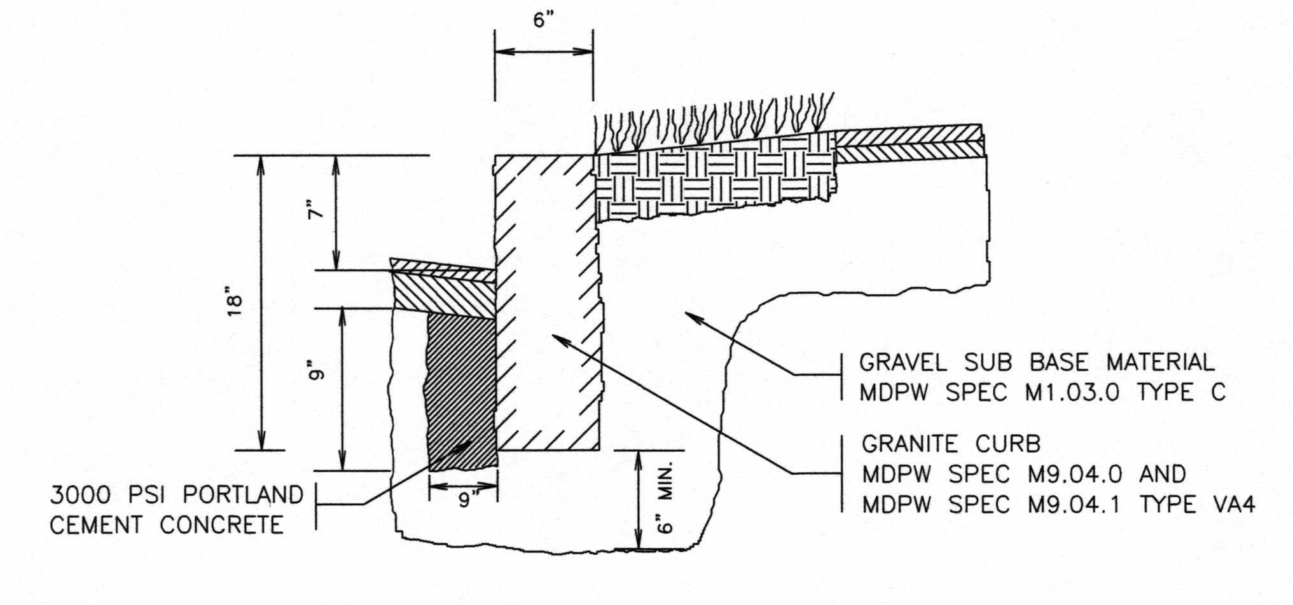


Temporary Construction Entrance
Wash Off Station



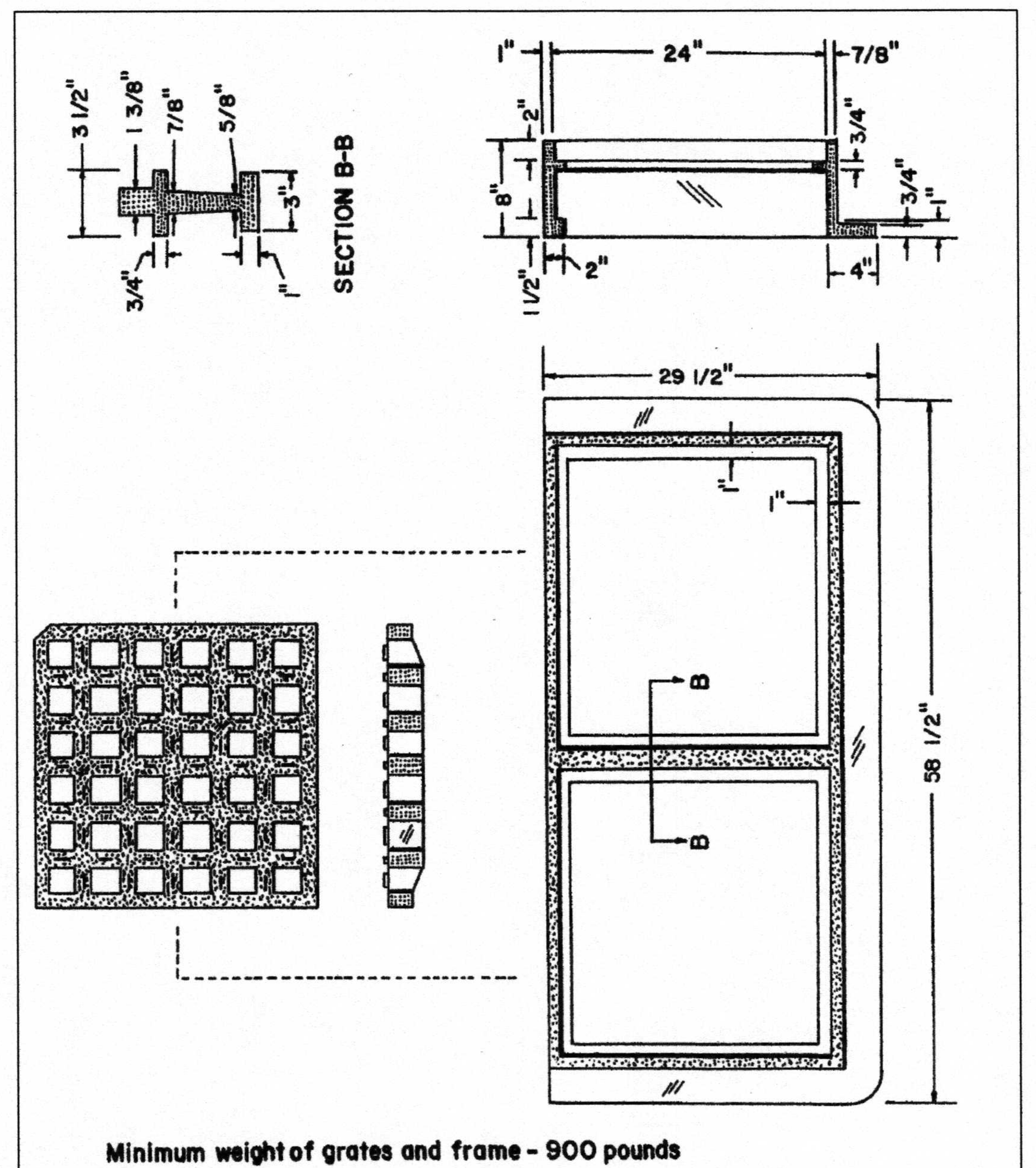
TYPICAL SEWER MANHOLE DETAIL

NO SCALE



GRANITE CURB

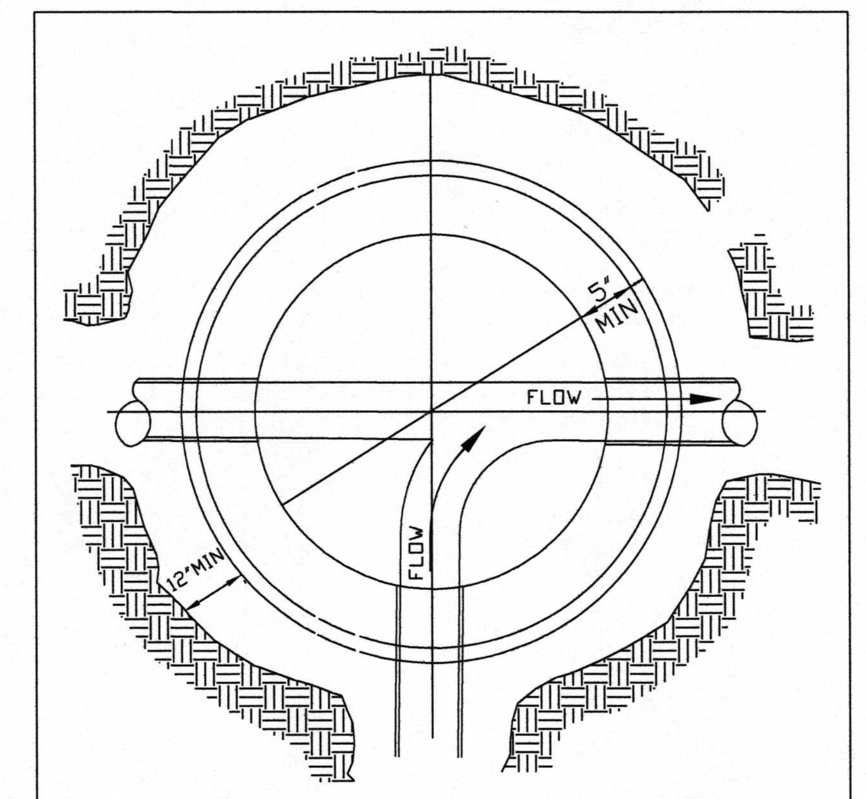
NOT TO SCALE



Minimum weight of grates and frame - 900 pounds

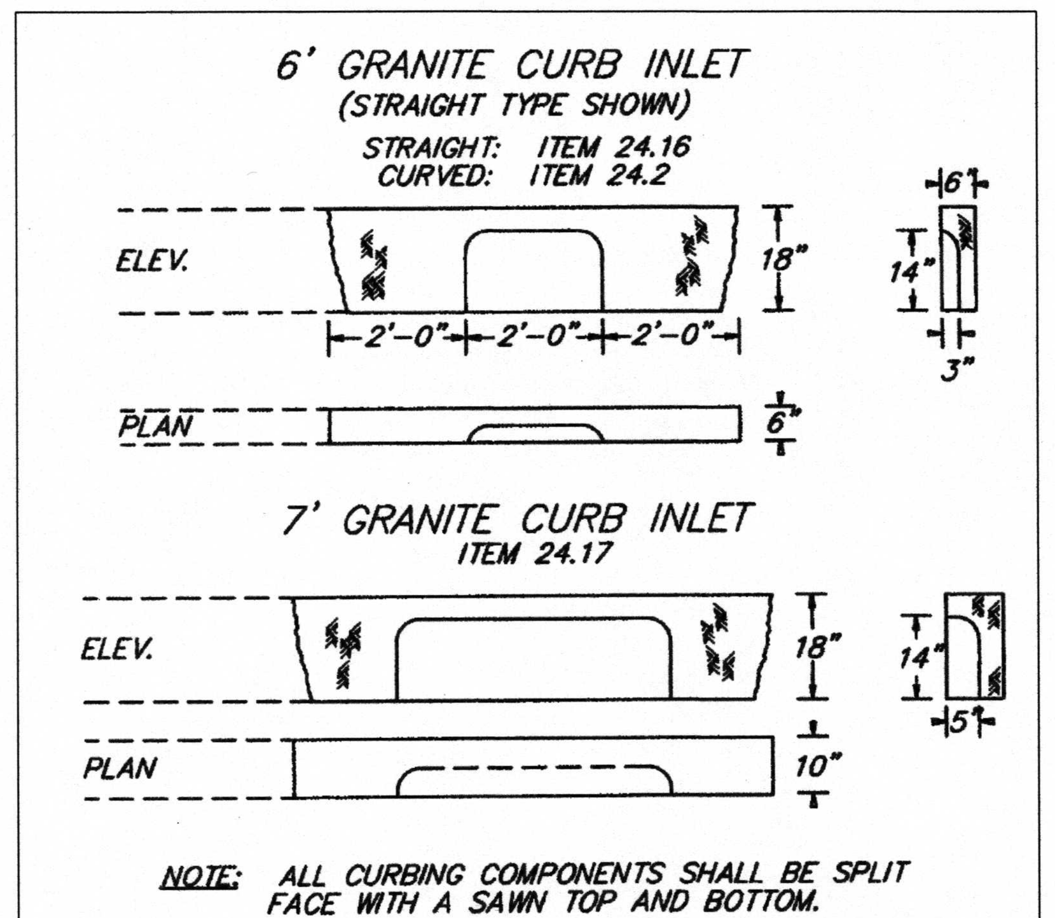
DOUBLE CATCH BASIN FRAME AND GRATES

NOT TO SCALE



INVERT TABLE PLAN

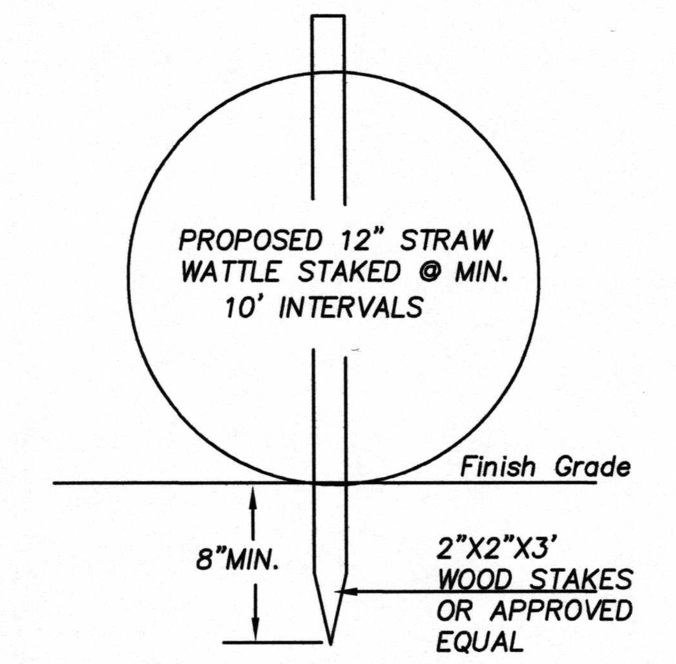
TOP VIEW
(NOT TO SCALE)



NOTE: ALL CURBING COMPONENTS SHALL BE SPLIT FACE WITH A SAWN TOP AND BOTTOM.

GRANITE CURB INLET

NOT TO SCALE



STRAW WATTLE DETAIL

NTS

DIRECTOR OF PUBLIC WORKS
DATE APPROVED
TOWN ENGINEER
DATE APPROVED
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE
DATE / TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

2-23-23

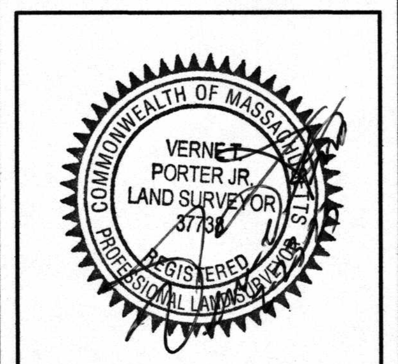
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

2-23-23

Owner/Applicant:
Brion Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS

DATE	DESCRIPTION
1-19-23	No Revisions Made
2-23-23	No Revisions Made



~Detail Sheet~

920 South Street

Needham, Massachusetts

Scale: As Noted September 9, 2022

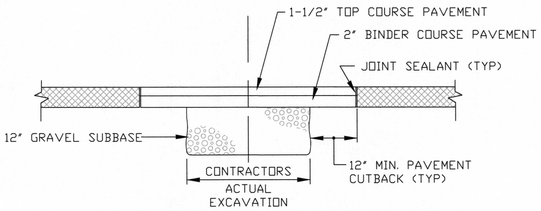
VERNE T. PORTER Jr, PLS

Land Surveyors - Civil Engineers

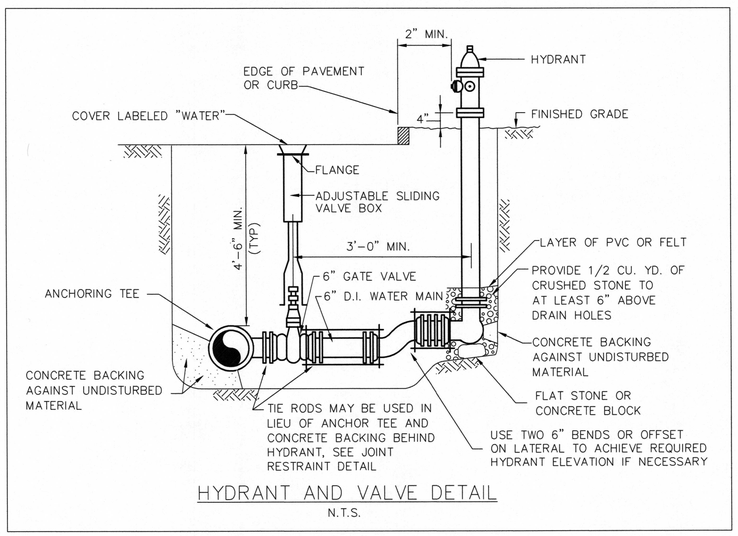
354 Elliot Street, Newton, Ma. 02464

Project:22019
Desinged By:
Drawn By:
Checked By:

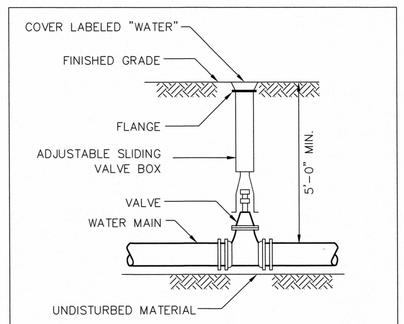
Sheet 7 of 8



PAVEMENT REPLACEMENT DETAILS
N.T.S.

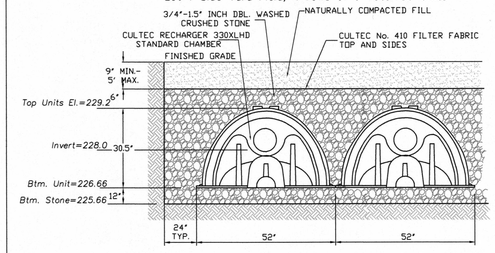


HYDRANT AND VALVE DETAIL
N.T.S.



VALVE AND BOX DETAIL
N.T.S.

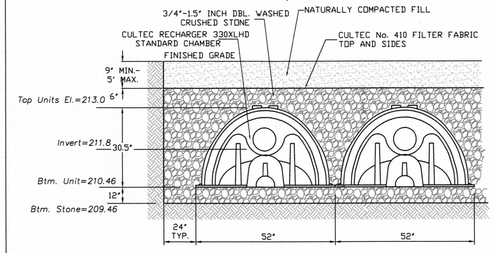
CULTEC RECHARGER 330XLHD CHAMBER SYSTEM
NON-TRAFFIC APPLICATION
TYPICAL CROSS SECTION DETAIL
Lot 1 Side Yard Field, 4 rows of 9 Total 36 Units



GENERAL NOTES
RECHARGER 330 BY CULTEC, INC. OF BROOKFIELD, CT.
ALL RECHARGER 330 CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.

ALL RECHARGER 330HD HEAVY DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.
6" STONE ABOVE THE CHAMBER IS OPTIONAL FOR ADDITIONAL STORAGE.

CULTEC RECHARGER 330XLHD CHAMBER SYSTEM
NON-TRAFFIC APPLICATION
TYPICAL CROSS SECTION DETAIL
Lot 2 Rear Yard Field, 5 rows of 10 Total 50 Units



GENERAL NOTES
RECHARGER 330 BY CULTEC, INC. OF BROOKFIELD, CT.
ALL RECHARGER 330 CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.

ALL RECHARGER 330HD HEAVY DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.
6" STONE ABOVE THE CHAMBER IS OPTIONAL FOR ADDITIONAL STORAGE.

Dig Safe
•Excavators
Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
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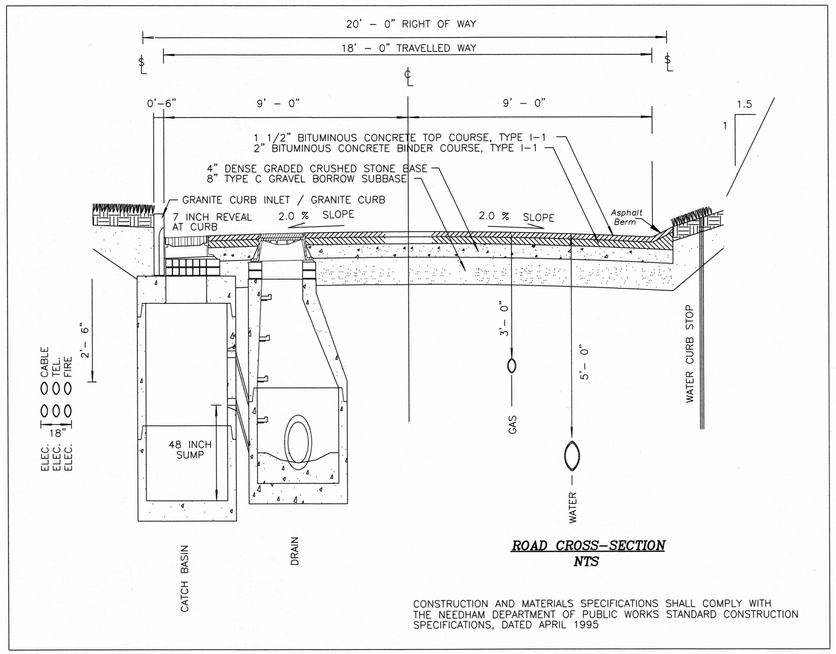


ROAD CROSS-SECTION
NTS

CONSTRUCTION AND MATERIALS SPECIFICATIONS SHALL COMPLY WITH THE NEEDHAM DEPARTMENT OF PUBLIC WORKS STANDARD CONSTRUCTION SPECIFICATIONS, DATED APRIL 1995

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE	
DATE	*TOWN CLERK*

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED
TOWN OF NEEDHAM PLANNING BOARD
BY:
APPROVED:

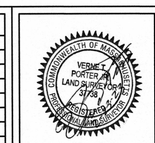
I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

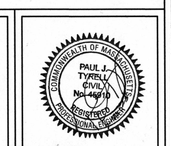
Z-23-23

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

Z-23-23

REVISIONS	
DATE	DESCRIPTION
1-19-23	No Revisions Made
2-23-23	Drainage Details Added





~Detail Sheet~

920 South Street

Needham, Massachusetts

Scale: As Noted September 9, 2022

VERNE T. PORTER Jr, PLS
Land Surveyors - Civil Engineers
354 Elliot Street, Newton, Ma. 02464

0

Sheet 8 of 8

Project:	22019
Desinged By:	
Drawn By:	
Checked By:	

From: Deb Anderson
To: Alexandra Clee; Clayton Hutchinson
Cc: Elisa Litchman; Lee Newman
Subject: Re: Request for comment - 920 South Street Subdivision & scenic rd app
Date: Thursday, December 15, 2022 3:37:43 PM

Due to the extensive wetland resource areas located on this site, the applicant will be required to contact Conservation for any proposed work or disturbance on the property including but not limited to tree removal, excavation, construction, etc…to determine whether a filing with the Conservation Commission is required.

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

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, December 15, 2022 3:30:14 PM
To: Deb Anderson <andersond@needhamma.gov>; Clayton Hutchinson <chutchinson@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Request for comment - 920 South Street Subdivision & scenic rd app

Will you be able to get me comments by today or first thing in the morning?

If not, it's okay, then I would ask for before Monday evening.

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

From: Alexandra Clee
Sent: Tuesday, November 29, 2022 1:17 PM
To: Deb Anderson <andersond@needhamma.gov>; Clayton Hutchinson <chutchinson@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: FW: Request for comment - 920 South Street Subdivision & scenic rd app

Sorry, should have sent to Conservation too

Alexandra Clee
Assistant Town Planner

Needham, MA
www.needhamma.gov

From: Alexandra Clee
Sent: Tuesday, November 8, 2022 11:29 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>
Subject: Request for comment - 920 South Street Subdivision & scenic rd app

Dear all,

We have received an application materials for a proposed subdivision and scenic road proposal at 920 South Street. The proposal is to subdivide the Premises into two building lots, as well as a small non-buildable parcel along South Street. Both of the new lots will have frontage on and will be served by and accessed from the proposed new roadway.

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

The Planning Board has scheduled this matter for December 19, 2022. Please send your comments by Wednesday December 14, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for a Definitive Subdivision, with Exhibit A (List of Waivers) and Exhibit B (Description).

2. Letter from Brian Connaughton, dated September 30, 2022.

3. Application for Scenic Road permit.

4. Letter from George Giunta Jr., Attorney, dated September 30, 2022.

5. Plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022; Sheet 2, entitled “Existing Conditions Site Plan,” dated September 9, 2022; Sheet 3, entitled “By Right Subdivision Plan of Land,” dated September 9, 2022; Sheet 4, entitled “Proposed Lotting Plan,” dated September 9, 2022; Sheet 5, entitled “Proposed Grading Plan,” dated September 9, 2022; Sheet 6, entitled “Proposed Utilities Plan,” dated September 9, 2022; Sheet 7, entitled “Plan, Profile & Detail Sheet,” dated September 9, 2022; Sheet 8, entitled “Detail Sheet,” dated September 9, 2022; Sheet 9, entitled “Detail Sheet,” dated September 9, 2022.

6. Drainage Summary, Proposed Two Lot Residential Subdivision, 920 South Street, Needham,

MA, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, dated September 28, 2022.

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

March 23, 2023

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Definitive Subdivision Application
920 South Street

Dear Members of the Board,

The Department of Public Works completed its review of a request from the applicant to construct a two-lot subdivision off South Street.

The documents submitted for review are as follows:

1. Letter from George Giunta Jr., Attorney, dated March 7, 2023.

2. Plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022, revised October 5, 2022, January 19, 2023 and February 23, 2023; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 8, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 9, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023.

3. Application for a Definitive Subdivision, with Exhibit A (List of Waivers) and Exhibit B (Description).

4. Letter from Brian Connaughton, dated September 30, 2022.

5. Application for Scenic Road permit.

6. Letter from George Giunta Jr., Attorney, dated September 30, 2022.

7. Drainage Summary, Proposed Two Lot Residential Subdivision, 920 South Street, Needham, MA, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, dated September 28, 2022.

Our comments and recommendations are as follows:

- As part of the NPDES requirements, the applicant will need to comply with the Public Out Reach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed. We have no objections that this requirement be incorporate it into the Planning Board's decision.

If you have any questions regarding the above, please contact our office at 781-455-7550.

Truly yours,

Sincerely,

Thomas Ryder
Town Engineer

TOWN OF NEEDHAM
MASSACHUSETTS

.ANNING BOARD

500 Dedham Aven
Needham, MA 024
781-455-7550

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

›mit three (3) copies. One copy to be filed with the Planning Board and one with the Town Clerk as required by Section 81-P, Chapt of the General Laws. This application must be accompanied by the **Original Tracing** and **three (3) copies of the plan**.

the Planning Board:

The undersigned, believing that the accompanying plan of land in the Town of Needham does not constitute a subdivision wit meaning of the Subdivision Control Law, for the reasons outlined below, herewith submits said plan for a determination and orsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant Northland Residential Corporation

   Address 80 Beharrell Street, Concord, MA 01742

2. Name of Engineer or Surveyor Robert Gugliotta, PLS - Merrill Engineers & Land Surveyors

   Address 427 Columbia Road, Hanover, MA 02339

3. Deed of property recorded in Norfolk County Registry,
   Book 4055, Page 646

4. Location and description of property Map 304, Lot 4 - 0 Charles River Street
   Map 304, Lot 5 - 0 Charles River Street

5. Reasons approval is not required (check as applicable):

   X a) Every lot shown has the area and frontage required by the Zoning By-Law on a way, as defined by Section 81-L, Chapter 41 of the General Laws.

   b) Land designated _____ shall not be used as separate building lot(s) t only together with adjacent lots having the required area and frontage.

   c) Lot(s) having less than required frontage or area resulted from a taking for public purpose or have been recorded pri to 3/26/1925, no land is available to make up the deficiency and the frontage and land area of such lots are not being reduced by the plan.

   d) _____

(If the applicant is not the owner, written authorization to act as agent must be attached)

Signature of Applicant John C Dawley - President / CEO

Address 80 Beharrell ST, Suite E Concord, MA 01742

By John C Dawley (agent)

Application accepted this _____ day of _____ 20 ____
as duly submitted under the rules and regulations of the Planning Board.

RECORD OWNER:

ASSESSORS PARCEL 304-4
0 CHARLES RIVER STREET

ASSESSORS PARCEL 304-5
0 CHARLES RIVER STREET

CHARLES H. W. FOSTER 2000 TRUST
C/O CHOATE HALL & STEWART LLP
TWO INTERNATIONAL PLACE, 30TH FLOOR
BOSTON, MA 02110
DEED BOOK 4055 PAGE 646

FLOOD NOTE:

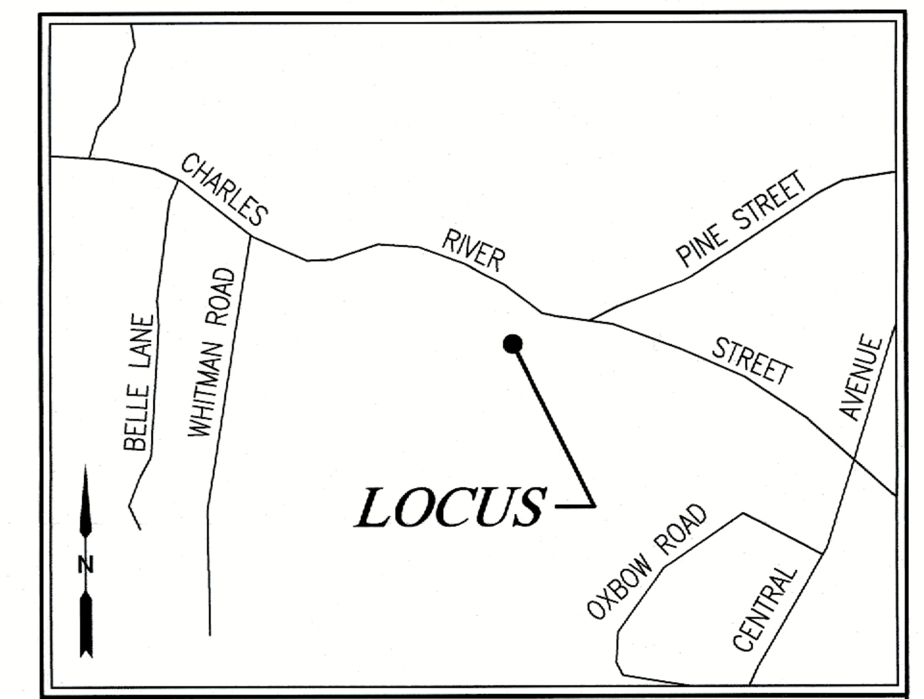
THIS PROPERTY IS LOCATED IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, AS SHOWN ON COMMUNITY MAP No. 25021C0019E, WHICH BEARS AN EFFECTIVE DATE OF JULY 17, 2012, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

LEGEND

IP	IRON PIPE
N/F	NOW OR FORMERLY
SB/DH	STONE BOUND WITH DRILL HOLE

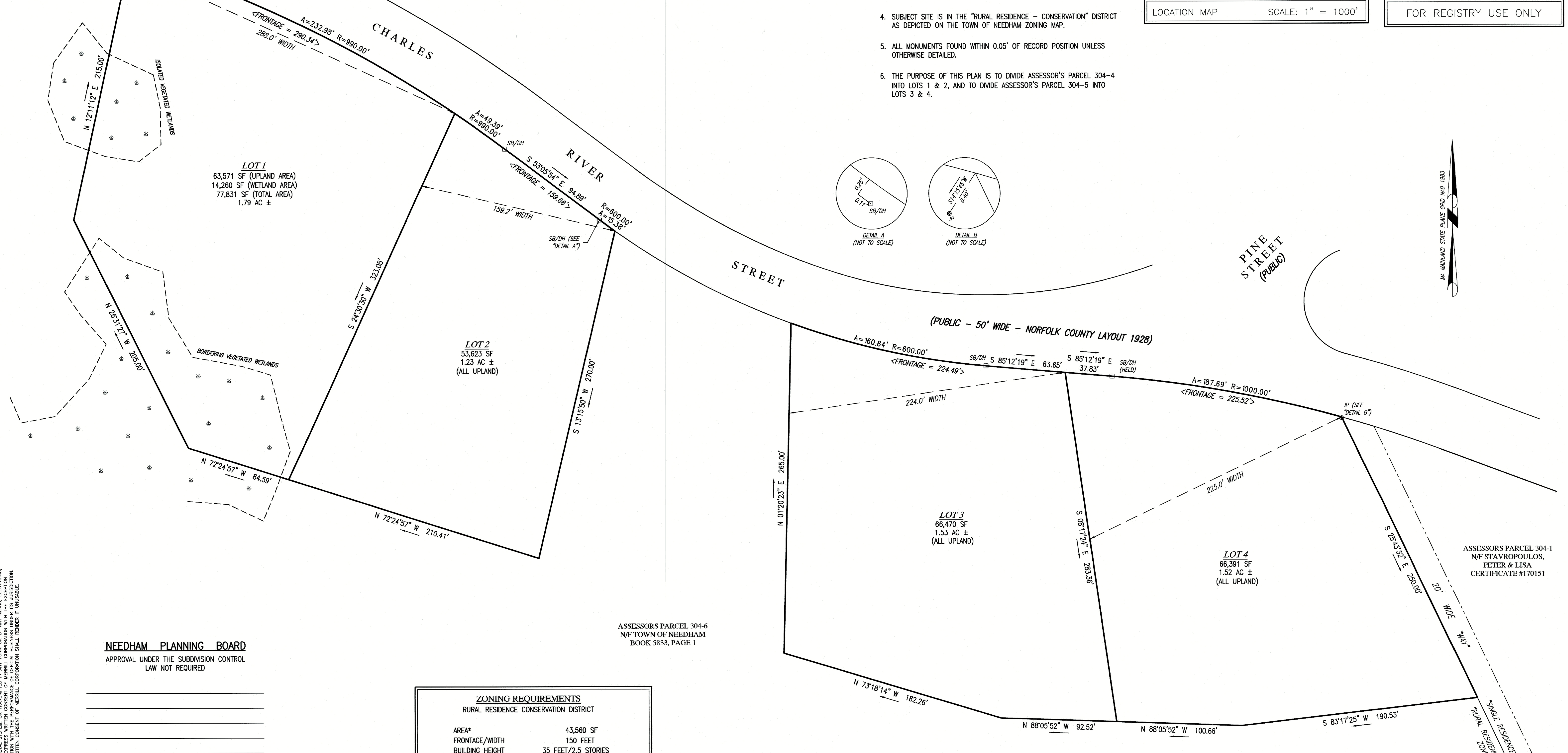
NOTES:

1. PLAN REFERENCES:
   - 1.1. PLAN #385 OF 1928
   - 1.2. PLAN #1034 OF 1980
   - 1.3. REGISTERED LAND PLAN #19692B
   - 1.4. PLAN ENTITLED "PLAN OF LAND, CHARLES RIVER STREET, NEEDHAM, MASSACHUSETTS" PREPARED BY MERRILL ENGINEERS AND LAND SURVEYORS, DATED JANUARY 4, 2023, TO BE FILED AT THE NORFOLK COUNTY REGISTRY OF DEEDS.
2. INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND SURVEY PERFORMED BY MERRILL ENGINEERS AND LAND SURVEYORS DURING DECEMBER OF 2022.
3. WETLAND RESOURCE AREAS SHOWN ON THIS PLAN WERE DELINEATED BY ENVIRONMENTAL CONSULTING AND RESTORATION, LLC DURING DECEMBER OF 2022 AND FIELD LOCATED BY MERRILL ENGINEERS AND LAND SURVEYORS.
4. SUBJECT SITE IS IN THE "RURAL RESIDENCE – CONSERVATION" DISTRICT AS DEPICTED ON THE TOWN OF NEEDHAM ZONING MAP.
5. ALL MONUMENTS FOUND WITHIN 0.05' OF RECORD POSITION UNLESS OTHERWISE DETAILED.
6. THE PURPOSE OF THIS PLAN IS TO DIVIDE ASSESSOR'S PARCEL 304-4 INTO LOTS 1 & 2, AND TO DIVIDE ASSESSOR'S PARCEL 304-5 INTO LOTS 3 & 4.



LOCATION MAP SCALE: 1" = 1000'

FOR REGISTRY USE ONLY



NEEDHAM PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

____

____

____

____

____

DATE ________________________

PLANNING BOARD ENDORSEMENT OF THIS PLAN INDICATES ONLY THAT THE PLAN IS NOT A SUBDIVISION UNDER M.G.L. CH. 41 SEC. 81L, AND DOES NOT INDICATE THAT THE LOT IS BUILDABLE, OR THAT IT MEETS ZONING, BOARD OF HEALTH, CONSERVATION OR GENERAL BY-LAW REQUIREMENTS. PLANNING BOARD ENDORSEMENT OF THIS PLAN IS NOT A DETERMINATION AS TO CONFORMANCE WITH THE TOWN OF NEEDHAM BYLAWS. NO DETERMINATION AS TO THE COMPLIANCE WITH THE ZONING BYLAW REQUIREMENTS HAS BEEN MADE NOR CAN BE CONSTRUED AS INTENDED BY THIS ENDORSEMENT.

ZONING REQUIREMENTS

RURAL RESIDENCE CONSERVATION DISTRICT

AREA*	43,560 SF
FRONTAGE/WIDTH	150 FEET
BUILDING HEIGHT	35 FEET/2.5 STORIES
MINIMUM YARDS:	
FRONT	50 FEET
SIDE	25 FEET
REAR	25 FEET

*PER SECTION 4.2.6 OF THE NEEDHAM ZONING BYLAW, NOT MORE THAN A COMBINED TOTAL OF TEN (10) PERCENT OF LAND AREAS SUBJECT TO THE WETLANDS PROTECTION ACT AND THE INLAND WETLANDS ACT, M.G.L., CH. 131, S. 40 AND 40A SHALL BE COUNTED IN CALCULATING THE AREA OF A LOT FOR PURPOSES OF DETERMINING THE MINIMUM LOT AREA IN A RURAL RESIDENCE-CONSERVATION DISTRICT

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

ROBERT E. GUGLIOTTA, P.L.S. 3/21/2023 DATE

40 0 40 80 120

SCALE IN FEET

merrillinc.com

REVISIONS:

DRAWN BY: REG

DESIGNED BY:

CHECKED BY: BKL

COMMONWEALTH OF MASSACHUSETTS
ROBERT E. GUGLIOTTA
No. 57159
REGISTERED PROFESSIONAL LAND SURVEYOR

Merrill
Engineers and Land Surveyors

427 Columbia Road
Hanover, MA 02339
781-826-9200

40 Court Street, Ste 2A
Plymouth, MA 02360
508-746-6060

Marine Division:
26 Union Street
Plymouth, MA 02360
508-746-6060

687 Main Street
Norwell, MA 02061
781-659-8187

448 N. Falmouth Highway Unit A
North Falmouth, MA 02556
508-563-2183

PROJECT #: 22-737

PROJECT:
A.N.R. PLAN OF LAND
CHARLES RIVER STREET
NEEDHAM,
MASSACHUSETTS

CLIENT:
NORTHLAND RESIDENTIAL CORPORATION
80 BEHARRELL STREET
CONCORD, MA 01742

DRAWING TITLE: A.N.R. PLAN OF LAND

DATE: FEBRUARY 9, 2023

SHEET 1 of 1

NORTHLAND
RESIDENTIAL
CORPORATION

March 27, 2023

Alex Clee
Assistant Town Planner
Town of Needham
500 Dedham Street
Needham, MA 02492

Via Email – 3.27.23

RE: ANR Subdivision Application Withdrawal for Lots 4 & 5 Charles River Street

Alex,
I hereby withdraw without prejudice the submitted application and plan for consideration of an ANR Subdivision approval of Tax Map 304, Lots 4 & 5, 0 Charles River Street into four lots and instruct the Planning Board to not consider submitted application in any regard.

I will pick up the plan, application and checks tomorrow morning.

Northland Residential Corporation

Jack Dawley

John C. Dawley

NEEDHAM PLANNING BOARD MINUTES

December 22, 2022

The Needham Planning Board meeting, held virtually using Zoom, was called to order by Adam Block, Chairman, on Thursday, December 22, 2022, at 2:00 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. This meeting does not include any public hearings and public comment will not be 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.

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. Alpert stated he is satisfied with the draft decision. Ms. McKnight stated she is satisfied but failed to notice solar ready for the garage was not addressed. It was discussed and she expected solar ready on the roof with appropriate language. Ms. Newman noted this can go in the plan modification section. In Section 2, paragraph a, on page 27, she will add "The North and South buildings shall be solar ready and, subject to Section 3.12, shall incorporate solar arrays." She noted there was a question of solar ready for the garage. She asked if the Board will require this to happen now. Mr. Crocker stated solar on the garage had not been discussed with the public so the garage should just be solar ready. The main thing is it should be structurally sound for solar. Mr. Block noted the drawing showed only potential solar. The developer has agreed to the requirement to install solar on the North and South buildings and the garage be solar ready. If the garage is 55 feet that may exceed the height beyond the maximum allowed. Ms. Newman noted there is an exemption under zoning for up to 15 feet for solar under Section 4.11.1 (e).

Ms. Espada noted in the future, solar could happen in other ways. The garage should be solar ready. She listened to the meeting and they talked about phasing. It appears the project may need to be phased. The 2 buildings are contiguous with a lobby in the middle. Which building would be built first and where would it be cut? She asked if the lobby would be part of phasing. She is concerned she never saw a plan and asked if they would still have a garage. Mr. Block stated this was addressed in the draft. Ms. Espada reiterated she has never seen a plan. Mr. Block noted the applicant would have to come back to the Board. The project would have surface parking and would not be required to build a garage. If the applicant intends to phase, a phasing plan will be submitted. Ms. Espada stated she would prefer to have the building on Highland Avenue be the first one built. This creates an edge for the site. She asked, if phased, what does this applicant anticipate – Building 1 or Building 2. Ms. Newman noted the Board could allow phasing provided the building along the Highland Avenue edge be the first one built.

Ms. McKnight noted the applicant will still be required to have the 50-foot landscape setback, will still have trees and green and the running path. ~~That may soften enough if construction is delayed.~~ Mr. Crocker agrees with Ms. Espada. He questioned if there would still be a walking path and fountain. Ms. McKnight was concerned that all amenities be built before any occupancy permit. She asked if that was correct. Ms. Newman noted there is an exception where an amenity could be bonded. Mr. Alpert stated the way he read the decision, the applicant only has to file a phasing plan and is not subject to the Board's approval. Mr. Crocker noted Section 3.37 says the applicant needs to file an approved phasing plan. Mr. Alpert was fine with that.

Tim Sullivan, from Goulston & Storr, noted "solar ready" is ok. This plan is tighter than what they talked about the other night with the requirement to file, the Planning Board approve and a phasing plan. There should not be any concern as the draft requires a phasing plan. Ms. Espada asked if any building is more advantageous to build first. Robert Schlager, of Bulfinch, noted neither was more advantageous. Ms. Newman will change the plan modification section to include a solar

ready garage. Ms. Espada asked where the mechanicals and acoustics review was. Ms. Newman noted there was a review of generator and acoustics. Ms. Espada asked if they could add all mechanicals. Mr. Schlager stated that was ok. Ms. Newman noted the applicant is providing sound information to the Building Commissioner who will review for compliance with the state codes.

Ms. Espada noted in Section 2.0, (a) (5), she had mentioned depth for the roof screen materiality. Ms. McKnight noted Ms. Espada had articulated the roof screen with depth and materiality to the sky so as not to present a single plane. Ms. Newman will clarify this under Section 2.0 (a). Mr. Block would like "with depth and materiality to transition to the sky such that this façade is not on one plane" added. Ms. Espada would like in there the decision that if there is phasing the Board would like the Highland building to be built first. The point was for the site to have an edge and a restaurant to have that use. Mr. Block noted the members had decided not to grant a restaurant. Ms. Newman clarified a restaurant use is allowed but they decided the applicant would need to come back for a special permit. Mr. Alpert noted the Board decided there are too many issues to just allow a restaurant now. Mr. Schlager clarified a restaurant use was approved but the restaurant itself is not approved. The applicant will come back with a request to amend the special permit for a restaurant.

Mr. Alpert noted the language in Section 3.37 (g). He suggests adding ", preferably with Phase 1, including the South building." Mr. Schlager has no issue with "the Planning Board prefers the South building be constructed first." That would require a phasing plan be submitted at the time of application. Mr. Sullivan wants "if applicable" at the beginning. The project may not be phased. Ms. Espada noted in Section 3.37 (g), it should say "if applicable, the applicant shall include the phasing plan for the project as described in Section 1.5 of this decision and the Board preferring the South building on Highland Avenue be built first." All agreed.

~~A motion was made to grant: a Major Project Site Plan Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21; (3) a Special Permit pursuant to Section 4.11.1(l) to increase the maximum height of the North Building to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum height of the South Building to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750 -10,000 square feet as part of the Project; (8) a Special Permit pursuant to Section 4.11.2(l) to increase the maximum height of the Garage (defined below) to 55 feet; (9) a Special Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1,390 parking spaces; and (10) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls all subject to, and with the plan modifications, as set forth.~~

~~Mr. Crocker wants to verify the parking garage is down to 48 feet and down to 4 stories. Ms. Newman will modify the plans to approve by the Planning Boards' vote of 5-0.~~

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, discussion ensued. Mr. Crocker wants to verify the parking garage is down to 48 feet and down to 4 stories. Ms. Newman explained that the Petitioner will modify the plans in accordance with the decision and the plans will return to the Board for final approval. Then those plans will go to the Building Department for a building permit. ~~to approve by the Planning Boards' vote of 5-0.~~

it was by a roll call vote of the five members present unanimously:

VOTED: to Grant: a Major Project Site Plan Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21; (3) a Special Permit pursuant to Section 4.11.1(l) to increase the maximum height of the North Building to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum height of the South Building to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750 -10,000 square feet as part of the Project; (8) a Special Permit pursuant to Section 4.11.2(l) to increase the maximum height of the Garage (defined below) to 55 feet; (9) a Special

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Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1,390 parking spaces; and (10) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls all subject to, and with the plan modifications, as set forth in the decision.

Ms. Newman noted conditions will be modified to allow solar ready on the garage, the issues Ms. Espada raised on the screening on top of the South building to include depth and to modify the required sound studies for roof mechanics and the façade preference on the South building if the project is phased. Mr. Crocker is not sure in the future how the Board would handle setback issues. He wants to keep that in the minds of all Planning Board members.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:
VOTED: to approve the decision dated 12/22/22, with the modifications discussed tonight.

Mr. Block stated there are a number of things to think about for the May Town Meeting. He wants specific actions to improve the By-Laws such as ADUs, 3 car garages in the Single Residence B District, changing the definition of setback to include certain mechanicals including energy efficiency, housing and solar canopies for the Climate Action Committee. They need to think about this and put a draft together. This needs to be done by 2/7/23. It is a short window, but he wants action for this May. He wants the members to think about these initiatives. Ms. Espada asked the timeline. Mr. Block noted the language needs to be finalized by 2/7/23 to be included in the legal notice. Ms. Clee stated that is the absolute latest and it should be the end of January. The Board discussed the time frame. It was noted 2/10/23 is the last date to include in the newspaper, it will be referred back 2/14/23, the notice will be posted with the Town Clerk 2/16/23, a hearing will be held on 3/7/23 and the language should be finalized on 3/15/23 for the Warrant for the 5/1/23 Annual Town Meeting.

Mr. Block noted the language change can only make it more restrictive and not broader. He feels there may need to be additional meetings to get these done. Mr. Alpert suggested scheduling a special meeting just to discuss By-Law proposals. Ms. Newman noted on 1/3/23 there may be time to discuss zoning issues as there will be a good window to talk about those issues. Ms. Espada noted Climate Action and solar should also be discussed. The last meeting of her climate action group is 1/6/23. Mr. Crocker would like to look at the Tree By-Law. Ms. McKnight will call Jon Schneider to discuss the garage issue and the ADU issue.

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 3:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

_____
Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

January 3, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, January 3, 2023, 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. This meeting does not include any public hearings and public comment will [not?] be 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.

Appointment:

7:05 p.m. – George Giunta, Jr.: Discussion of possible redevelopment and rezoning of property located at 888 Great Plain Avenue.

Mr. Alpert recused himself from this agenda item as his office represents an abutter. Mr. Giunta Jr. gave a history of the property. It is adjacent on 2 sides with the Business District. One side is ~~technically~~ in the Single Residence B (SRB) District but is occupied by 2 churches. This lot is zoned Single Residence but was used by a commercial nursery for decades. To use the property for how it is zoned does not make sense. The only other properties like this that are close would be the ones on Pickering Place. This property is unique in the downtown ~~area~~area, and it makes sense to rezone. He would like to extend the Center Business District and the Needham Center A overlay to this property and make a couple of other zoning changes to allow for redevelopment. There is a piece of property behind this property, between this lot and the municipal parking lot, that belongs to the Cox property.

Mr. Block asked if he has had any conversations with Mr. Cox or Town Counsel. Mr. Giunta Jr. stated he has not had any substantial conversations with Mr. Cox and none with Town Counsel. He noted he has been before the Board with 3 different designs. Each time the suggestions and concerns that were raised have been incorporated. There was a 3-story last time and a story has been added due to feedback. Ridge lines have been added as suggested and there will be a gambrel style roof on the 4th floor like the Dedham Avenue building. The building has been pulled back 20 feet, which gives a visual line going in and out. A patio has been added in the front where there could be seating for a restaurant or there could be a pedestrian seating area. The building is 25 feet from the side yard. Provisions allow the Planning Board to waive the side yard setback down to 20 feet.

Mr. Giunta Jr. noted there is one other change. Mixed Use development is capped at 18 units per acre. The applicant wants the 12.5% affordable cap lifted- unclear – what affordable cap?. This building complies with almost all dimensional rules with an FAR of 2.0 but they are 2,500 square feet over. The applicant is proposing 5 affordable units. Under the overlay ~~it~~the FAR does not include the affordable units but adds back in the mechanicals. There are 34 units in total with 5 affordable. This project provides a number of 1- and 2-bedroom apartments in downtown. The first floor will have 3 units of retail with 4 units of residential in back. One of those units will be handicap accessible and affordable. The building will be handicap accessible. The affordable units will be ~~1~~one 3-bedroom, ~~2~~two 2-bedroom and ~~2~~two 1-bedroom units.

Mr. Crocker commented he did not recall anyone saying the building should be taller. He heard it should be pushed back with access in ~~back~~back, but he does not remember a suggestion to make it bigger. Mr. Giunta Jr. stated the building is not necessarily bigger, but a story is being added. Mr, Crocker noted the Cox? building on Dedham Avenue has 3 stories and the 4th story is pushed back from the street, so you do not see it easily. Mr. Giunta Jr. stated the Cox? Building is 60 feet. He feels that with 18 units per acre it makes sense to remove the cap limiting

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the number of units ~~limitation cap~~ and make dimensional/density limitations to control what is done for the building. The Board has the discretion to grant a special permit. It feels better with more units with ~~one~~1 and 2 bedrooms than a smaller number of units with 3-bedrooms. He feels this is a win for everyone.

Mr. Block asked how similar is this to 50 Dedham Avenue? Ms. Newman stated that was built under the existing rules of the zoning presently. Mr. Block asked what the difference is between the zoning relief with this and the overlay district. Mr. Newman noted Mr. Giunta Jr. is asking for the zoning to be changed so the project can go forward. He is asking to change the rule to allow a special permit to waive ~~for~~ the 50-foot setback from abutting residential district ~~feet~~ and get rid of the cap on the number of units. He is proposing an increase ~~o~~in the percent of affordable units required across the district from 10% to 12 ½%. She is not clear about what is requested as to an exemption on the FAR. Mr. Giunta Jr. stated it would not require any further review as the provision is already in the overlay. Mr. Block asked what the FAR under the overlay is for 50 Dedham Avenue. Ms. Newman noted it was up to 2.0 by special permit but she would have to see what was actually required. Mr. Crocker asked if affordable-unit square footage -is included or excluded in calculating floor area. Ms. Newman noted a provision in Section 3.86 (a) excludes affordable-unit square footage in this district. Mr. Block asked how this is not spot zoning. Mr. Giunta Jr. feels this is not spot zoning as spot zoning has to be a benefit to a single property. This is uniquely positioned between commercial and residential. A single house is not realistic here and not the best ~~use~~use, so it is a benefit and not spot zoning. Mr. Block noted there is a high desire for an increase in housing density consistent with the MBTA Communities objectives and the housing objectives. His preference with multi-family is mixed use along the spine of the town. He feels this is a benefit. It has been pushed back to enhance site lines. He asked if the Petitioner wants the Planning Board to sponsor it or will it be a Citizen's Petition. Mr. Giunta Jr. stated he would like the Planning Board to take it up for the May Town Meeting but would otherwise do a Citizen's Petition.

Ms. McKnight commented she appreciates the building was moved back for visibility. She wants to discuss a different use. This is a transition property between the Center Business District and the Single Residen~~t~~ce~~ial~~ B District. ~~In T~~the Housing Plan ~~she~~ propose~~d~~s that these parcels be rezoned to Apartment A-1 like Rosemary Ridge, Rosemary Lake, the Highlands and Webster Green. This site is perfect for that zoning. The minimum lot size is 20,000 square feet, which this lot has, and the minimum frontage is 120 feet and this lot has 135 feet. This would allow 9 units. Apt A-1 has no affordable housing requirement ~~currently~~currently, but they plan to add an affordability requirement for Apt A-1 ~~rezone it~~. There would be one affordable unit for every 10 units under the Center Business District overlay, but she wants to apply the 12.5% affordable which is one for 8 units. The front setback works. It would be considered a residential use, and the height limit is 3 stories at 40 feet. That is what the housing plan ~~was~~is proposing for this site. She is not in favor of the ~~is~~ proposal presented by Mr. Giunta.

Mr. Block asked what Ms. McKnight sees as the regulatory difference between this development and Apartment A-1. Ms. McKnight stated she is not trying to match the Center Business District. She sees this as a transitional site and wants zoning appropriate to the area. Her point of view is this is not a prior non-conforming use but prior non-conforming dimensionally and she does not think that matters here in terms of development options. Mr. Crocker stated he sees nothing in the prior meeting notes about 4 stories. Ms. McKnight stated she had made the comment she would like to have the building moved back and, if possible, to compensate by going up on the site. Mr. Crocker would like it back from the road. He feels it will be high from the road and is concerned with all the cars going out on Great Plain Avenue. He heard no one wants this type of density. He feels it is too much and would not support this project here.

Mr. Block asked how many units per acre is this and was informed it is 64 units per acre. Mr. Block stated he is looking for 18 to be consistent with the MBTA Communities law's units-per-acre requirement. Mr. Giunta Jr. stated there is a minimum of 15 units per acre required by the MBTA Communities law and Apartment A-1 is 18 units per acre.

Ms. Espada appreciates the setbacks and amount of affordable units. She asked if there is a fence around the property or an opportunity for a fence. Mr. Giunta Jr. stated there is a fence along the right side now. There is no fence on the left side or back. Ms. Espada asked if there would be a connection to the back side [like urban?]. She

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likes that it is Mixed Use and a transition space. The height and proportions do not look that much different from the churches and nearby buildings. This gives 5 affordable units. She feels there is a huge benefit to that. There is a building that is a precedent nearby so that does not bother her. This is a huge opportunity of a transition space. Mr. Block agreed. There is a continuity with commercial to be on the first floor and a transition with density. It is still residential and that is achieving a number of municipal benefits. Ms. McKnight clarified Apartment A-1 has an FAR of .5 which would mean 8 units at 1,300 square feet on this site at that density.

Mr. Block opened the hearing for public comment. He encouraged all to send emails with comments. Oscar Mertz, of 67 Rybury Hillway, thanked the petitioner for the presentation and for advancing the design. He feels it does what Ms. Espada wants. He does not agree with Ms. McKnight on this. The Apartment A-1 challenge is it is .5 FAR [,pre-suburban?]. They need to be careful with units per acre. He feels it should be thrown out. He agrees with Mr. Giunta Jr. to let the building massing/envelope determine how many units. He asked the total housing square footage from the proposal of a year ago and now. He would urge working out a way to get in from the rear and get the garage in the back and not the front. Mr. Block noted if the drive came along the side of the building the landscaped area on the side would be lost. Mr. Mertz was saying the garage entrance should be in back and bring the pedestrian/residential entrance in front.

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Joseph Leghorn stated he feels the Board is rushing forward to deal with the May Town Meeting. There are lots of questions that deserve attention. He would hold this over until the Fall to explore the difference between rentals and for sale. Ms. McKnight stated there is no distinction between condos and rental developments. There are the same dimensional standards. Mr. Leghorn asked what constitutes downtown? The development adjacent to the Congregational Church is 25% affordable. Why make an exception here at a transition property to a lower number? Ms. McKnight stated the church was developed under a friendly 40B. ~~It~~The Town is no longer required to approve 40B applications~~follow that road~~ as we have met the 40B affordable housing ~~requirements~~requirements, but the Zoning Board of Appeals (ZBA) still has authority to grant permits under 40B, and that is what happened. Mr. Leghorn suggests if the Board wants to move forward in an informed way this be postponed at least until the Fall. His opinion is this is An attempt to ram this through. Mr. ~~Guinta~~Giunta Jr. stated applying the A-1 District to this site, you would get a maximum of 8 units with one affordable and all surface parking. This is a different look and feel project. He does not feel that is the appropriate use of the site. Mixed use development is more appropriate for this site. Mr. Block stated he is looking to achieve a similar objective. He asked if Mr. Giunta Jr. intends to speak with other town committees. Mr. Giunta Jr. had an informal working group discussion with the Select Board and will likely have more with the anticipated change in membership of the Select Board.

Mr. Crocker stated there is a tremendous lack of green space on this project. He would like to see green space. He is not sure what can be done except reduce the building. He feels this building will be taller than the Christian Science Building. Dedham Avenue is next to residential, so it is not the same scenario. This lot is 80 to 85% grass and almost all of that would be gone. It is too much. He wants some mixed retail there and it should be set back. This will have a very visual impact. The petitioner should do something better. This does have some nice features and about 33,500 square feet of living space. That is a 24% increase in living space compared with the prior proposal, and the applicant is saying the unit sizes went down. Mr. Giunta Jr. stated the commercial space was 9,000 square feet under the last plan and is now 5,000 square feet. Some of the increase in residential is because the commercial was reduced. Mr. Crocker noted this is quite different from what was presented a year ago. He feels maybe 3 stories with one story pushed back would be ok. Mr. Block stated he needs to give this some thought. It would be a tight timeframe for May Town Meeting.

Discussion of Zoning Articles for Spring Town Meeting.

Mr. Block stated 2 articles originated through the ZBA – the 3-car garage in Single Residence B (SRB) and liberalizing the Accessory Dwelling Units (ADU) requirements. Ms. McKnight is proposing to allow 3-car garages in SRB but does not want to see ~~it~~3-car garages facing the street. Three car garages on the side of the building generally have a good appearance and sometimes in the basement level of the house with a driveway that goes down, which does not seem bad either. If it is a separate structure in the back ~~yard~~yard, it is ok. She does not want

3 garages in front. She is proposing, on 3-car garages that face the front setback from the façade of the house, if the garage is set back at least 5 feet from the front of the house it is allowed. An applicant would need to go to the ZBA if the 3 garages are together in front to get a special permit. She welcomes Jon Schneider's response.

Mr. Block stated he supports ~~this~~this, but he worries that by regulating the design the Board is micromanaging. There is a Design Review Board (DRB) to approve this. It is disadvantageous to properties that cannot have a side garage. Ms. McKnight stated there will still be front facing garages allowed but with a third garage it would be required to be setback 5 feet from the house. If it is a special permit, the DRB has a function to review and send recommendations. Mr. Crocker asked, in the current zoning, do garages have to be set back from the house. Ms. Newman noted they do for new construction. Mr. Alpert asked if the same rules for SRB third garage would be set for SRA fourth garage. Ms. Espada noted it should be reviewed as a special permit.

Jon Schneider, Chairman of the ZBA, stated he came to the Planning Board about 3 years ago and requested 3-car garages be allowed by right in the SRB District. He stated he has had a lot of requests and all the requests were approved. Currently the process is burdensome to the owners and the town. Three car garages are normal to have. He does not see how they can deny the requests. A lot of time is spent having special permit hearings on these. There is a 25-foot setback for front facing garages on new construction. He feels it is an unnecessary complication to require the garages be around the side. These garages are not necessarily unattractive. This should be simplified and let people do it. He thinks it is a good thing and will get cars and boats off the streets. Mr. Block agrees these should be by right and the Board should not micromanage.

Mr. Alpert stated he disagrees with Ms. McKnight and Mr. Crocker. He thinks they are managing the design and not what can be done by right. He appreciates that when dealing with something like the Muzi site but not on individual issues. He took a drive around and did not have an issue. He agrees with Mr. Block and Mr. Schneider that 3 car garages should be made as of right. Ms. Espada understands what Mr. Alpert is saying to simplify it but the Planning Board does not have a lot of say with the houses. There are incidents in SRB where lots and houses are smaller and garages tend to be bigger. Ms. McKnight stated people are not being restricted from building by right. A discussion ensued.

Mr. Crocker, Ms. Espada and Ms. McKnight feel if there are 3 garage doors in front and on the same plane it should be a special permit. Mr. Schneider and the ZBA will likely give them a special permit as it is always granted. Ms. McKnight ~~stated the Board always has the speak of legislative design. She~~ wants it respected that she took this very seriously, did a study and produced a report. If an applicant wants 3 doors on the same plane, and ~~have to~~must go through the special permit process, they may change what they want. Mr. Alpert agrees with that part of what Ms. McKnight says. Mr. Schneider will work with Ms. McKnight to come up with an appropriate amendment. Louis Wolfson, of 29 Cimino Road, disagrees 100% with Mr. Schneider. He believes abutters should have input on the design if it affects their homes. Mr. Schneider is there to listen to the abutters. There were 16 requests over 3 years.

Mr. Block asked Mr. Schneider his thoughts on ADUs. Mr. Schneider is in favor of allowing ADUs to be occupied by anyone. This is the simplest thing to promote housing in town. He would consider requiring the owner to live in one unit. One problem with the current By-Law is it requires people to come back in 3 years with their special permits. Another issue is, if someone understood the By-Law, they could build an in-law apartment of any size without getting a special permit as long as there is no kitchen. He feels the Board should eliminate the requirement of people having to come back every 3 years. Mr. Block would like the minimum rental to be 12 months, and no less than, and require the applicant to submit a lease to the town. Ms. McKnight stated the Board has required leases to be 6 months. She ~~clarified~~asked Mr. Block to clarify whether he wants to change that to 12 months and was informed yes. Ms. McKnight agrees with Mr. Schneider that one unit~~it~~ should be owner occupied.

Mr. Schneider stated he does not find it offensive if someone wants an apartment over a garage. He feels the special permit should be eliminated even for an accessory structure as it is burdensome. Mr. Block noted the criteria has to be objective. Mr. Schneider stated currently an accessory garage only needs to be 5 feet from the side yard. They could say if there is an ADU it would need a larger setback. Mr. Block noted an email that was received today from

Reginald Foster, of the Needham Housing Authority, regarding broadening ADU requirements. He wants to continue to advance, by right, the maximum number of bedrooms from one to ~~2~~two and an FAR from 850 square feet to no larger than one half the FAR of the principal dwelling or 900 square feet. Mr. Schneider stated if there is no kitchen an applicant could build any size within lot coverage limitations. The Zoning By-Law allows them to do that. The only thing an ADU allows is a kitchen. Fifty square feet makes no difference. He feels the Board could say an applicant needs to go on town sewage if adding an ADU. Mr. Alpert stated that is a very expensive proposition. There also may not be sewer in the street.

Mr. Crocker stated it could be the number of beds based on septic or sewage. Ms. Newman stated the applicant would need to meet Title 5 sewage requirements. Mr. Block feels they could keep one bedroom by right and expand it to ~~2~~two bedrooms by special permit. Mr. Alpert stated, pointing to~~on~~ page 52 of the Needham Housing Plan, he disagrees a detached ADU needs to be in an existing accessory building. If the new building meets the By-Law requirements why not include it? There still needs to be some criteria such as owner occupancy of one unit~~ied~~ and the other for a caretaker, family member or a lease for a specific period of time. He agrees with Mr. Block it should be 12 months. He would like to see no special permit and just the Building Commissioner approving the plans. He is all in favor of allowing ADU's in the Single Residence A (SRA) District and also the Rural Residential Conservation District. There should be a similar requirement to SRA and get rid of the special permit process all together.

Mr. Schneider wants it to still maintain the look of a single-family house. Mr. Alpert suggested saying it is in the hands of the Building Commissioner but if in doubt go to the DRB or ZBA. Ms. Newman is concerned with accessory structures and if there are people in the neighborhood who would want to speak to that. She feels it should start with that being a special permit. Mr. Schneider is ok with that if a separate-building dwelling unit. In a year there have been less than one dozen ADU permits. The current ADU zoning says ~~it~~the permit expires on the transfer of the property. It does not make sense if the new owner is continuing in the same way. Mr. Alpert noted the new owner could just go to the Building Commissioner. If the new owner is not complying the Building Commissioner should know. It should not be assumed the new owner is continuing the use. Ms. Newman asked if accessory structures used for ADU's should be by special permit. Mr. Block stated they should be.

Oscar Mertz, of 67 Rybury Hillway, stated this was a great conversation. He agrees with all. He thinks he would like to ask the Board to consider by right for detached as well. He is hopeful there will be a good education campaign to get out ahead of this. It is a great opportunity to create small residential units for people. He feels it should be by right for both. A special permit for 2-bedroom ADU's~~s~~ would be great. He likes the 900 square foot increase but 850 square feet is an easy 2-bedroom size. He is fine with both.

Board of Appeals – January 19 2023

145 Rosemary Street – EIP Rosemary, LLC

Mr. Block noted this is a commercial use going from office to medical office. Ms. McKnight recused herself as she believes she will get a notice as an abutter.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the four members present unanimously:
VOTED: "No comment."

The Board took a short recess.

Discussion of Planning Board Climate Action Priorities.

Mr. Block noted the Natural Resource Working Group is meeting 1/12/23 and the Climate Action Committee (CAC) is meeting 1/11/23. Ms. Espada noted she is part of the zoning working group of the CAC meeting this Friday from

1:00 to 2:00. There are some zoning recommendations that will be reviewed. Ms. Newman stated the zoning changes coming out of this will not be for May but for the October Town Meeting. She would not be able to put it together in 2 weeks. She will forward to the Board an action plan on specific re-zoning actions. Mr. Block stated he would like to come up with a list of items and match it to a timeline so he is clear. He would like to get comments from other departments on specific items and would like to work on cleaning up some areas of the Zoning By-Law. Mr. Crocker asked if there is anything in the By-Law that could be changed to make things easier. Ms. Newman suggested the Building Commissioner be invited in to provideget a list of things he sees that should be changed.

Ms. McKnight stated houses arewere being built behind houses. There are 2 examples on Linden Street. The Building Commissioner says he wcould not deny a permit. He feels a house and a house connected with a breezeway is fine to approve as a two-family dwelling. She asked if this was something quick the Board could address. Ms. Newman stated it was not quick. A definition of multi-family would need to be added. Mr. Alpert noted the ZBA agrees with the Building Commissioners interpretation of the By-Law. Mr. Crocker has seen just a roof connecting 2 houses so a car can drive through it to get to the garage. Mr. Block would like to bring in attorneys commonly in front of them to get ideas. He asked if there are any thoughts to bring back the strip on Greendale Avenue to change from SRA to SRB. Ms. McKnight stated it is in the Housingaction pPlan, andbut does not need immediate attention. There are other similar strips in Needham as well.

Minutes

There were no minutes to review.

Report from Planning Director and Board members.

Ms. Newman stated Ms. McKnight is working hard to finish making the final changes to the Housing Plan that were approved by the Housing Plan Committee on December 22nd. She will put it on the next agenda for a Planning Board to vote and the Select Board will be the same. The Action Plan is due to DCHD by the end of January.

Correspondence

Mr. Block noted an email from resident Joseph Matthews and Building Commissioner David Roche, dated 12/27/22, regarding clarification on SRB dimensional regulations.

Upon a motion made by Ms. Espada, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:
VOTED: to adjourn the meeting at 10:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

_____
Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

December 19, 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 19, 2022, at 7:30 p.m. with Messrs. Alpert and Crocker and Ms. McKnight, as well as 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 Ms. Espada will not be at the meeting and will watch the video of this meeting so she can participate. This meeting does include public hearings and public comment will be 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:

7:30 p.m. -- Major Project Site Plan Special Permit No. 2002-03: WELL Balfour Needham Landlord LLC, 4500 Dorr Street, Toledo, Ohio 43615, Petitioner. (Property located at 100-110 West Street, Needham, MA). Regarding proposal to redevelop the property to include 155 units of senior housing, consisting of 127 Assisted Living apartments and 28 Alzheimer's/Memory Care units. ***Please note: this hearing has been continued from the August 16, 2022, September 20, 2022, October 18, 2022 and November 15, 2022 meetings of the Planning Board.***

Mr. Block noted this is a continued hearing. Additional materials have been submitted. He will take a motion to continue the ~~hearing~~hearing, but people will have an opportunity to speak tonight. He noted the public can email comments or questions to the Board. He noted the following correspondence for the record: an email from Colleen Schaller, Chair of the Council on Aging, dated 10/17/22, noting the Council on Aging passed a vote opposing a special permit for the current proposal as it does not include independent living; an email from Kim Marie Nicols, of 12 Crescent Road, dated 9/21/22, with comments and questions; an email from Glenn Mulno, of 40 Morton Street, dated 12/19/22, opposing the plan; and an email from Attorney Evans Huber, representative for the applicant, dated 12/15/22, with comments.

Mr. Huber noted the applicant will revise the application to include 9 independent living units in the southeast corner of the building on the first floor. The reason for this location is it is physically segregated in one corner and the area has its own entrance. The residents are free to use the main entrance and amenities. Each unit has its own patio. He noted the affordable unit requirements are for 10 or more units. There are no affordable units with this project. The applicant will contribute $1.9 million to the Affordable Trust Fund??. He noted there will be some updated filings such as revised floor plans, first floor changes to some elevations and updated parking and traffic analysis. Chris Yetman, Development Manager from HYM Investments, showed the plan. He has tried to address all comments to date. The ground floor will have walk out patios with an entrance/exit directly to the vehicles and Highland Avenue. This is a great area for independent living and the applicant is committed to making a financial mitigation payment.

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Mr. Yetman noted there will be one 2-bedroom unit, 2 one-bedroom--plus--den units and the rest are ~~one-bedroom~~one-bedroom units. Mr. Crocker asked the square footage of the units. Mr. Yetman noted the one--bedroom units will be 760 square feet, one bedroom plus den will be 950 square feet and the 2--bedroom units will be 975 square feet. Mr. Block asked if the independent living units would have access to all amenities and was informed they would. Mr. Block asked if there would be an additional fee basis for the amenities. Mr. Yetman noted there would be a base rent pay rate and residents could have an additional amenities package. Trip Regg, of Balfour Senior~~.~~ Living, stated there was a desire for a lower price point. Balfour would need to charge for things with a direct expense like food and beverage. There is no need to charge for the pool and fitness center as long as the model stays operationally efficient. That could change in the future if it starts costing a lot. Mr. Block asked what the amenities are on the second and third floors for the residents. Mr. Yetman stated the main dining is on the third floor.

Mr. Block noted his understanding that the food package is an added expense but for the amenities on the first floor there is either no fee or a minimal fee depending on the model and may have a cost in the future. Mr. Regg stated it is not intended to have an expense in the future. Ms. McKnight asked what circumstances may change in the future that would incur a fee.

Mr. Regg would not expect this to change for the pool. As part of the program, residents may buy tickets to outside experiences like movies and the cost will be passed along to the residents without a markup. There is no plan to charge for the fitness center or pool but there will be a charge for 3 meals a day. There will be no charge for use of the community room. Ms. McKnight noted, at North Hill, she can go have lunch with a friend and pay. Can the independent living residents invite friends to have lunch with them and pay for the lunch. Mr. Regg stated the program has the ability to take outside payments for meals. The meal could be charged to the ~~room~~room, or it could be paid for with a credit card.

Mr. Crocker asked if all the amenities on the first floor are for the whole building but the memory care units and was informed this was correct. He asked if the independent living residents can use the same facilities as the assisted living residents and was informed they could. Mr. Crocker asked if there were different plans for the assisted living. Mr. Huber noted, by law, they were required to provide at least one meal per day for the assisted living residents. Other meals above that would be part of a fee package. There is no such meals requirement for independent living. Mr. Crocker asked what amenities are on the upper floor. Mr. Regg noted the theater and dining ~~room~~room, and both are available to all independent living residents. Mr. Crocker asked what was not available to independent living residents. Mr. Yetman noted a personal care package was not available. There is a difference between a licensed unit and an unlicensed unit. Independent living is ~~unlicensed~~unlicensed, and care would not be provided. If care is needed, the resident would need to move into a licensed unit or get outside care.

Ms. McKnight appreciates the cooperation of coming up with independent living units. An important aspect of this project is affordability. She wants to see one unit be affordable and feels it would be reasonable for a proportionate reduction paid to the town of approximately $211,000. Mr. Alpert asked where the Select Board is regarding this agreement. He heard the Select Board had tabled it. He noted the agreement is on the Select Board's plate and not the Planning Board's. He is not sure how much influence the Planning Board has. He asked if there has been any further discussion with the Select Board. Mr. Huber noted it is on hold as some aspects are in flux at the moment. Mr. Block asked if Mr. Huber intends to enter into an agreement with the Select Board. Mr. Huber stated that is the intent. He commented there is a desire by Ms. McKnight to have affordable units on site but that is not Balfour's intention. Balfour does not intend to renege on the $1.9 million to the town.

Daniel Goldberg, of 199 Tudor Road, noted the only issue talked about is meals. The Council on Aging was unanimously opposed to the project if it had no independent living units. He is concerned the applicant came back with only 9 units. The Planning Board did not ask why only 9 units. He feels that is the minimal number to sneak their proposal through.

Josh Levy, of 1668 Great Plain Avenue, questioned the process. He asked if this is under the jurisdiction of the Planning Board. Mr. Block noted the application is only before the Planning Board. The Board will vote on the relief being sought and decide on the proposal as revised. The municipal benefits agreement is with the Petitioner and the Select ~~Board~~Board, and the Planning Board does not have a role with that. Mr. Levy asked if the Planning Board would consider the Municipal Benefits Agreement and was informed they would. It may possibly be made a condition or that it be signed and executed may be a finding.

Colleen Schaller, Board Chair of the Council on Aging, noted the Board has not met to discuss the new proposal. The proposal will have been discussed ~~at~~by the next public hearing and comments will be sent. Mr. Block suggested comments be sent by the Thursday before the meeting by 1/12. Ms. Schaller noted her meeting is not until 1/12. Mr. Alpert stated he has been on the Board for 7 or 8 years. It had been a rule to require comments be sent by the Thursday before the meeting. Comments arriving on Friday generally gives the Board members~~m~~ time. This is a volunteer position. It is frustrating to get comments and letters the day of the hearing. He appreciates the Council on Aging will meet on the 12th, but he would like to get the comments by Monday if possible. Ms. Schaller stated comments will be given the next day and she will be at the next Planning Board meeting.

Maggie Abuzzese, of 30 Bridle Trail, wants to comment on the discussion of when comments should be to the Board. The Board should require applicants to have all in the week before. She noted she received this packet late Friday. The Board should back up the applicant's deadline. This is a new proposal with 9 independent units. This does not meet the purpose of the Overlay District Amendment. The proposal should meet the purposes. Nine people do not revive the neighborhood and there are no affordable units. She noted Town Meeting was promised 9 affordable units which is why this was passed. Mr. Block recognized the frustration through the correspondence from the community. His understanding of the scope of

the authority for the Planning Board is they can only reject the applicant if there is 1) a violation of the dimensional requirements, 2) if built in violation of other parts of the By-Law or 3) if the impacts of the proposal were too great and they could not be reasonably mitigated. The By-Law talks about vibrancy but not a certain amount. There will still be employees, friends and relatives contributing to the vibrancy of the neighborhood. The Board needs to think carefully about the scope of itstheir legal authority under the Zoning By-Law and state Zoning Actstatute. If the Board is demanding independent livingliving, he is not sure of itstheir legal authority. It could be discriminating against people with disabilities. There is a great need in town for all levels of housing, but they need to be mindful of the limit of their authority.

Mr. Crocker noted the proposal was ushered through Town Meeting talking about vibrancy and affordable units all packaged together. People in memory care are an important part of the community. The town needs these types of programs and options for seniors and multi-generational living. There are varying degrees of vibrancy. He does not believe this is within the window of acceptance. He understands why only 9 units but feels the applicant can do better. The town needs independent living. He noted the original plan did not have memory care and now this plan does. The applicant needs to find a way to make them both work. This part of town needs this. He wants something toward what the town voted for. He appreciates it but is disappointed with only thisthis, but he thinks they can get there.

Mr. Alpert stated when the Overlay District was proposed the Board insisted the use be by special permit. The Board should consider if the application is consistent with the general purpose of the By-Law and the more specific purposes and objectives of this By-Law. He looks forward to discussing this with Town Counsel. He noted the Avery Square District Overlay District, Section 3.15.1. He wants the members to be mindful of 7.5.2.1 and consider if the application is consistent with the By-Law. He believes this is where the Board has the authority to decide if this meets the criteria. He has not made up his mind yet and wants further input. He feels the Planning Board should have the authority to accept or reject the application.

Jill Kahn, of 44 Brookline Street, has been a Town Meeting member for 25 years. She does not appreciate that what went to Town Meeting is not what they are looking at. She would not have voted in favor of this proposal. She asked why they are presenting something new without affordable units. Mr. Huber stated the number of 9 was chosen because there is a good place in the building for the segregation of units and because it does not require an affordable unit. If there are over 10 unitsunits, there would need to be 12.5% affordable units. Projects like this are very expensive and at some pointpoint, it does not become financially feasible.

Ms. Kahn noted another concern is there was an article in the Boston Globe regarding staffing shortages in nursing and assisted living homes. She is concerned with no affordability and having so many assisted living and memory care units. There will be staffing shortages. She would like to see something back to what was voted on at Town Meeting.

Ms. McKnight noted the Board could not reduce the financial amount in proportion to the value of an affordable unitfor the Select Board without speaking with the Select Boardthem. Mr. Crocker is concerned with the Planning Board getting into payment talks with the tTown. Ms. McKnight stated she could go along but say "if the Select Board agrees." She thought she had direction to speak with the Select Board. Ms. Newman will speak with Town Manager Kate Fitzpatrick. A motion was made to continue the hearing to 2/7/23 at 7:00 p.m. Mr. Alpert prefers the hearing be at 7:15 p.m. The amendment to the motion was accepted.

Upon a motion made by Mr. Crocker, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to continue the hearing to 2/7/23 at 7:15 p.m.

8:00 p.m. – 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

8:00 p.m. – Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

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

VOTED: to waive the reading of all three public hearing notices and hear all 3 matters simultaneously.

Mr. Block noted the following correspondence for the record: a memo from Assistant Public Health Director Tara Gurge, dated 10/20/22, with comments; an email from Justin Savignano, dated 12/16/22, with no comments or objections, and a letter from Attorney Barry Fogel, dated 12/19/22, representative for an abutter, with a request for more information. George Guinta Jr., representative for the applicant, noted this is the former Stanley Tippett Hospice House and is in the Rural Residential Conservation District. There is 177 feet of frontage on South Street with 5.68 acres down to the Charles River. The property could be divided into 3 lots but will be divided into 2 lots. Mr. Connaughton will live on one lot. The Tippett House was there from 1993 to last year and was a ~~3-story~~3-story house with 22 rooms built in 1908. The location of the house was in the middle of the property and has been taken down. The applicant tried to preserve the ~~house~~house, but it could not be done.

Mr. Giunta Jr. noted 2 lots are proposed and the by-~~-~~right plan shows a 40-foot-wide road with a 60-foot radius circle, sidewalks and a full building out. There is room to make it all fit. The By-Law Subdivision Rules and Regulations calls??call-for a 50-foot road, but all roads have been 40 feet or less for many years. Two lots can be done with no waivers but a 40-foot waiver. It does not make sense to do 24 feet of pavement and sidewalks for 2 houses. There will be a 20-foot-wide layout road and 18 feet paved with a circle. A hammerhead was explored but it did not work well. He noted a chunk of property has visible ledge there will be issues with. Mr. Crocker asked if the Fire Department had any comments on the radius. Mr. Giunta Jr. stated the Fire Department is fine with a 20-foot layout. Ms. Clee clarified she did not get comments from the Fire or Police and will need to get something. Mr. Giunta Jr. stated he will be asking for a continuance. He noted this would be a private way for 2 houses and is basically a common driveway. He feels the smaller pavement looks better and is environmentally better. No sidewalks are proposed.

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Ms. McKnight asked the diameter of the turn around and was informed 52 feet. Mr. Crocker asked if there will be an ~~18 foot~~18-foot width going around the circle. Mr. Giunta Jr. stated there will be. They will bring revised plans and get them to members before the next meeting. Ms. McKnight noted she drove that way and drove down the small streets. It is hard to turn around with grass in the middle of the circle. She asked if there would be grass. Mr. Giunta Jr. stated there would be grass and a landscaped circle. It will be the standard design. The applicant is making use of the existing drive and will revise as much as they can. The drive has been shifted a bit. There is a large wetland area in back down to the Charles River. The project has tried to minimize and stay away from the wetlands and the wetland buffer zone. They may need to dip into the buffer for some utilities. The applicant will deal with the Conservation Commission in some form. Ms. McKnight asked what utilities and was informed a drain/sewer easement is proposed. The existing sewer line will be connected to. Parcel A is an unbuildable strip on South Street and provides the vegetative buffer along the street. The project will need an Association for the 2 lots and both lots will include an ownership interest in~~own~~ Parcel A.

Mr. Alpert asked why show 40 feet and not 50 feet when the By-Law saysrules say?? The Petitioner has to show 50 feet. He will talk to Ms. Newman to see if the requirement can be waived. He is not sure why it is there. He is in favor of the concept but if it cannot be waived the applicant would need to show 50 feet. Mr. Giunta Jr. encouraged him to speak with the Planning Director. He submitted the plan based on discussions with the staff. The standard for public ways is 40 feet. Mr. Alpert has no problem with reducing it, but they need to show an as-~~-~~of-~~-~~right plan. He feels the regulations should be amended.

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Mr. Giunta Jr. showed the Utilities and Roadway Plan. The project has minimized the impact and pavement. Two infiltration systems have been proposed – one up front in the scrub area with mature trees in front. The other system is in back. The plans will be revised to flip it with the other side as the sewer drain line is already on that side. The grading is minimal for the road. He will add more information.

Ms. McKnight stated the width of the right of way seems narrow. She has no issue with 18 feet of pavement but is concerned with snow storage. There is only 2 feet beyond the 18 feet of pavement. People can put up fences. She feels the right of way should be 22 or 24 feet. Mr. Crocker would like to see vegetation. It would help mitigate run off. Mr. Giunta Jr. stated there may be a sketch that shows some of it but there will be more information coming. There will be continuing dialogues with the neighbor. He noted in the front of the property there is an existing wall and driveway opening. They need to get rid of a section of the existing wall. The stones will be reused to make a return to have the 2 sides match. He noted permission is needed from the Planning Board to change the wall. They are trying to keep the wall as much as they can.

He noted the prior driveway was not compliant and 2 existing trees will need to be removed. The Tree Warden has been involved.

Mr. Block asked if other trees will be removed where the houses are to be constructed. Mr. Giunta Jr. stated a number of trees will be removed. Ed Olsen, Tree Warden, met with the applicant and, if granted permission, he has no objection to the removal of the 2 white pines. Mr. Giunta Jr. will have the materials to the Board on 1/9 or 1/10.

Dr. Serguei Aliev, of 31 Marant Drive, is a direct abutter. He does not oppose the subdivision and hopes for better for the area. Before the property was not maintained. He has had good communication with Brian Connaughton. His question regards the drainage. This area ~~get~~gets flooded due to the lowest point. He asked the applicant to compromise and discuss the buffer zone. He would like to see how the grading will be done. He is satisfied with the project and the applicant. James Jakobeak, of 50 BirdBurr?? Drive, noted it sounds like this is away from the BirdBurr?? Drive side. He has questions about run off. There is ponding on the other side of the road. He wants to comment about the run off. Mr. Block noted correspondence from Debbie Anderson, of the Conservation Commission, dated 9/15/22, with comments.

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Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the four members present unanimously:
VOTED: to continue the 3 hearings to 2/7/23 at 8:15 p.m.

The Board took a 5-minute recess.

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, MA).

Mr. Block stated this special permit will be transferred from TDRG, Inc. to Ceed Corp and will continue the name Cook at 101-105 Chapel Street. Edison Gutierrez, managing partner, stated the same floor plan is being kept. The only changes are the daily specials, the food menu and the bar menu. Mr. Crocker asked if the décor would be changing. Mr. Gutierrez stated some has already been improved. He did some Christmas décor but nothing major. Mr. Alpert noted the letter signed by Mr. Gutierrez. He asked if he had read the special permit and is only requesting one change. He wants on the record Mr. Gutierrez abides by all conditions in the special permit. Mr. Gutierrez has read the special permit and agrees to all conditions. Mr. Alpert noted he has requested extended hours. Mr. Gutierrez noted he would like 10:00 a.m. Saturday and Sunday rather than 11:00 a.m. for a brunch menu.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the four members present unanimously:
VOTED: to treat the change in the site plan special permit as a minor modification.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to accept the transfer with the minor modification requested.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:
VOTED: to approve the decision as written.

Decision: Amendment to Major Project Site Plan Special Permit No. 94-5: Coca-Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110, Petitioner (Property located at 9 B Street, Needham, Massachusetts). Regarding proposal to renovate the existing building by removing the existing 14,500 sf office wing, removal of 44, 985 sf of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14, 610 sf attached new single-story Fleet Services wing and addition of 14 loading docks (see legal notice and application for more details).

Attorney Evans Huber noted there was an inconsistency or error in the documents. In the parking analysis, the building was classified as ~~warehouse~~warehouse, but the parking requirement was 1:400 square feet. That is for light industrial or manufacturing. Warehouse is 1:850 square feet. If the correct classification is warehouse, the project would need less parking. He feels this was incorrectly classified as warehouse and should be light industrial per the ITE parking generation manual. It should not be classified as warehouse. Another issue this raises was the way the existing parking supply was counted. In the total parking count truck spaces were included. The By-Law says automobiles and does not mention trucks. They looked at the site from that perspective – auto parking and truck parking or storage. If classified as warehouse, auto parking on site is still short but not by as much. The project will still need a waiver. He will submit revised documents. This was triggered by error on their part but is easily fixable. They are not proposing to change any parking, just the calculation.

Ms. McKnight does not see manufacturing and she is not sure why it is a warehouse. Mr. Huber stated the category is light industrial or manufacturing. He feels it is light industrial rather than warehouse. This is more than just storage of product. Ms. McKnight asked if the Building Commissioner and Planning Director agreed with that. Mr. Huber noted the Building Commissioner acknowledged the ambiguity there. Mr. Block would like the Building Commissioner to concur with whatever classification they resolve it to. Mr. Alpert asked if, procedurally, the hearing would need to be reopened. He will check with Ms. Newman. Mr. Block noted this will be continued to 1/17/23.

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 there was a redlined version of the decision and comments from the developer's attorney. Ms. Espada will have to listen to the recording so she can participate at the next meeting on Thursday at 2:00 p.m. Mr. Block noted the solar-~~-~~ready status and asked Mr. Crocker if he had reviewed the final version. Mr. Crocker stated the applicant had specifically talked about solar on the 2 main roof buildings and had agreed to do it. Mr. Block stated the petitioner has proposed, in Section 3.12, to install one or more solar arrays as part of the North and/or the South buildings~~…~~. Mr. Crocker stated he understands what they are saying but the petitioner said at meetings they would do ~~solar~~solar, but circumstances may create a hindrance. This is unnecessarily convoluted. In the future there may be an allowance for solar to go over mechanicals. He does not see a need to give an easy out and is not happy with the revised language. The petitioner said they were going to install ~~solar~~solar, and it should be in the decision.

Mr. Alpert agreed with Mr. Crocker. He wants the decision left as the Planning Director drafted it. The petitioner can come back if they have an issue. The hearing is closed. He feels the Board should go forward with the decision as drafted and the petitioner can come back with modifications if needed. Ms. McKnight concurs with her colleagues on the solar. Attorney Timothy Sullivan, representative for the applicant, noted his client submitted a letter this afternoon. Mr. Alpert stated he resents getting a letter at 5:30 p.m. on the night of a meeting and be expected to read it and consider it. Mr. Sullivan stated the substance does not change from the draft and the letter. The petitioner said there were opportunities but did not show solar. The project will be solar ready with solar arrays implemented. Mr. Crocker reiterated the applicant stated it would be done. Mr. Sullivan noted solar ready and solar arrays are being committed to the same as was presented. He stated the applicant is committed to LEED standard and will have the project solar ready and have solar arrays.

Mr. Block suggested saying "the applicant shall not be required to fulfill this requirement if it is out of compliance with the rest of the By-Law." Mr. Alpert noted, in Section 3.12, Mr. Sullivan's language, remove (i) "the petitioner determines, based on an analysis from a qualified professional" and the word "desired." Subsection (ii) and (iii) are ok. Mr. Sullivan is fine with the changes. Mr. Crocker accepts the change. Mr. Block noted it had never been said the applicant intends to phase the project. There is no phasing plan. Mr. Sullivan stated this was in the initial application. The applicant asked for a Certificate of Occupancy for one building before the next building was done. This is consistent with what was presented. It is not intended to be phased if there are no material alterations of the ~~plan~~plan, but they need the flexibility to build one building and get a Certificate of Occupancy.

Mr. Block asked, if phased, what other changes will there be. Will the track still be in the same place? Mr. Sullivan stated all conditions apply and all are in the same location. The applicant will come back to the Board if modifications are necessary. Mr. Alpert has an issue with the concept not being discussed at the public meeting. Mr. Block stated Town Counsel does not have a problem with the changes. Mr. Alpert stated he has no issue with issuing a Certificate of Occupancy for one building and no problem with the concept issue of each building being owned separately and financed. The financing is not within the Planning Board purview and should not be in the decision. Mr. Sullivan suggested saying each can have its own Certificate of Occupancy and strike "separately owned and financed" on the first page of his redlined version.

Ms. Clee informed the Board the Planning Director stated it would be prudent to require a phasing plan if the applicant decided to phase it. Mr. Sullivan noted "any changes shall be shown on a phasing plan and submitted to the Planning Board." Mr. Alpert suggested taking out Mr. Sullivan's language about a separate phase and include a proviso that sufficient parking be constructed. Mr. Crocker is ok with that. In Section 1.23, Mr. Sullivan put in words to make it clear and noted a grant of easement is in another area. Section 3.4 was made clear for lenders and others. If one building is in violation not all are in violation. Ms. McKnight asked who would be responsible if the common areas are not maintained. Mr. Block stated it will be maintained by a condo association. Mr. Crocker noted the language says "one or more solar arrays on the north and/or south buildings." He wants "/or" taken out and keep "and." In Section 3.38 (g), Mr. Sullivan wants to clarify all traffic mitigation measures are subject to obtaining approvals." Ms. McKnight stated it should be added that the applicant shall diligently pursue getting approvals. Mr. Sullivan would like to add the ability to bond over something in (p). Mr. Block stated the Board will finalize the language on Thursday when the Board meets.

Mr. Alpert left the meeting at 11:30 p.m.

Minutes

Mr. Block stated in the minutes of 9/20/22, page 2, he is not sure if the 7 spaces are on site or off. It was decided to delete "with the 7 spaces shown." On page 3, Mr. Fernandes is a participant for the business owner. In the 10/3/22 minutes, page 3, remove "it" and clarify he would like "the south building" pushed back. Ms. McKnight suggested deleting the sentence "Mr. Crocker likes the yews" and all agreed. On the top of page 5, delete "they are proposing nothing more in the way of hazardous waste…"

Upon a motion made by Mr. Crocker, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to approve the minutes of 9/20/22 and 10/3/22 as revised tonight.

Report from Planning Director and Board members.

Mr. Block noted there is a revision to the red brick on the Town Common in front of Town Hall. He noted this seems fine to him. All agreed.

Correspondence

Mr. Block noted correspondence from Jon Schneider, Chairman of the Zoning Board of Appeals, suggesting revisions to ADUs by right and eliminating the requirement for a special permit for 3 car garages in the Single Residence B District ~~,~~ ~~H~~he would like them allowed by right. Mr. Block hopes to take up ADUs for the May Town Meeting. He will speak with Mr. Schneider.

Upon a motion made by Mr. Crocker, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to adjourn the meeting at 11:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

_____
Jeanne S. McKnight, Vice-Chairman and Clerk

THE COMMONWEALTH OF MASSACHUSETTS
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Advisory Concerning Enforcement of the MBTA Communities Zoning Law

The Office of the Attorney General is issuing this Advisory to assist cities, towns, and residents in understanding the requirements imposed by the MBTA Communities Zoning Law (G.L. c. 40A, § 3A) (the "Law"). The Law was enacted to address the Commonwealth's acute need for housing by facilitating the development of transit-oriented, multifamily housing. By any measure, Massachusetts is in a housing crisis that is inflicting unacceptable economic, social, and environmental harms across our state – particularly on working families and people of color. The Law directly responds to this crisis by implementing zoning reforms that require MBTA Communities to permit reasonable levels of multifamily housing development near transit stations.[1]

Massachusetts cities and towns have broad authority to enact local zoning ordinances and by-laws to promote the public welfare, so long as they are not inconsistent with constitutional or statutory requirements.[2] The MBTA Communities Zoning Law provides one such statutory requirement: that MBTA Communities must allow at least one zoning district of reasonable size in which multifamily housing is permitted "as of right."[3] The district must generally be located within half a mile of a transit station and allow for development at a minimum gross density of fifteen units per acre.[4] MBTA Communities cannot impose age-based occupancy limitations or other restrictions that interfere with the construction of units suitable for families with children within the zoning district.[5] For example, the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants. The required zoning district must also allow for the construction of multifamily units without special permits, variances, waivers or other discretionary approvals.[6] These measures can prevent, delay, or significantly increase the costs of construction. As directed by the Legislature, the Department of Housing and Community Development has promulgated guidelines regarding compliance.[7] These guidelines provide

[1] An MBTA Community is a town or city which hosts MBTA service; which abuts a town or city that hosts service; or which has been added to the Transit Authority pursuant to a special law. *See* G.L. c. 40A, § 3A(a)(1); G.L. c. 40A, § 1. Currently, there are 177 MBTA Communities in Massachusetts. A list of these MBTA Communities, and other information related to the Law, can be found here.
[2] *See generally* Mass. Const. Amend. Art. 89 (amending Mass. Const. Amend. Art. 2); G.L. c. 40A, § 1 et seq. (the "Zoning Act").
[3] G.L. c. 40A, § 3A(a)(1) (requiring that MBTA Communities "shall have" a compliant zoning district).
[4] *Id.*
[5] *Id*.
[6] G.L. c. 40A, § 1A.
[7] G.L. c. 40A, § 3A(c) ("The [D]epartment . . . shall promulgate guidelines"); Department of Housing and Community Development, *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* (revised October 21, 2022).

additional information and benchmarks to be utilized in determining whether MBTA Communities are complying with the Law.

All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.[8] Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.[9] Importantly, MBTA Communities cannot avoid their obligations under the Law by foregoing this funding. The Law requires that MBTA Communities "shall have" a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement.[10]

MBTA Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws. The Massachusetts Antidiscrimination Law[11] and federal Fair Housing Act[12] prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.[13] An MBTA Community may violate these laws if, for example, its zoning restrictions have the effect of unfairly limiting housing opportunities for families with children, individuals who receive housing subsidies, people of color, people with disabilities, or other protected groups.

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[8] *See, e.g.,* G.L. c. 12, § 10 (the Attorney General shall take notice of "all violations of law" and bring "such…civil proceedings before the appropriate state and federal courts…as [s]he may deem to be for the public interest"); G.L. c. 231A, § 2 et seq. (authorizing declaratory judgment actions to "secure determinations of right, duty, status, or other legal relations under…statute[s]").

[9] G.L. c. 40A, § 3A(b).

[10] G.L. c. 40A, § 3A(a)(1).

[11] G.L. c. 151B § 1 et seq.

[12] 42 U.S.C. § 3601 et seq.

[13] *See, e.g.*, G.L. c. 151B, § 4(4A) (prohibiting activities that interfere with the exercise or enjoyment of fair housing rights); 804 C.M.R. § 2.01(2)(f)-(h) (Antidiscrimination Law applies to "persons who…interfere with another person in the exercise or enjoyment of any right under M.G.L. c. 151, § 4…persons who directly or indirectly prevent or attempt to prevent the construction, purchase, sale or rental of any dwelling or land covered by M.G.L. c 151B, § 4…[and] persons who aid or abet in doing any illegal acts…"); 804 C.M.R. § 2.01(5)(f) ("Examples of unlawful housing practices include…to pass an ordinance that unlawfully denies a dwelling, commercial space or land to a person or group of persons because of their protected status.").

From: stetasnson@tutamail.com
To: Planning
Subject: Needham Children"s Center
Date: Saturday, March 11, 2023 10:56:57 AM
Attachments: Court.pdf

I have been following the Needham Children's Center case especially after the Needham chamber email. I was disgusted today when I saw the latest file, and if true it should come with an apology from the planning board and Mr. Alpert's resignation. I have attached the document in case you are unaware of what is going on. This is unethical.

There have been numerous discussions over the past year about transparency and official conduct, yet some members of the planning board don't seem to follow those rules. Now Needham is trying to harass a local child care business after all that they have done for the town. So much for being welcoming and business friendly. Am I also correct that Mr. Block as a member is on the Economic Council? This is how we treat small businesses?
I will be curious in the coming weeks to hear from candidates for office how they will address this type of behavior in our public boards who we trust to do the right thing. Needham should be ashamed.

Scott

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss. LAND COURT

NEEDHAM ENTERPRISES, LLC, Plaintiff, v. NEEDHAM PLANNING BOARD, ET AL., Defendants.	)	CA NO. 22MISC000158 (JSDR)

NEEDHAM CHILDREN'S CENTER, INC.'S OPPOSITION TO DEFENDANT'S MOTION TO JOIN NEEDHAM CHILDREN'S CENTER AS A NECESSARY PARTY AND MOTION IN LIMINE AND CROSS MOTION FOR PROTECTIVE ORDER

Now comes Needham Children's Center, Inc. ("NCC") in opposition to the Planning Board's Motion in Limine to Preclude Evidence Related to Needham Children's Center or in the Alternative to Join Needham Children's Center as a Necessary Party. As the Board already agreed before this Court, NCC is not a necessary party to this appeal under G.L. c. 40A, § 17. Because the materials the Board seeks from NCC have no relevance whatsoever to this action, the Board's Motion is a veiled threat to NCC intended to harass and intimidate and interposed for the purpose of delay. Accordingly, the Court should deny the Board's frivolous Motion and grant NCC a protective order precluding the Board from inquiring into NCC's finances.

I. Factual Background

1. NCC currently operates a daycare center within the First Baptist Church of Needham, located at 858 Great Plain Avenue in Needham pursuant to a lease.

2. In NCC's lease negotiations, the First Baptist Church of Needham has been represented by Paul S. Alpert, a partner in the law firm of Weston Patrick.
3. Paul S. Alpert is also a member of the Needham Planning Board.
4. Paul S. Alpert is also an Ex Officio Board Member of and counsel to the Temple Beth Shalom of Needham.
5. Temple Beth Shalom of Needham operates a daycare facility at 670 Highland Avenue, Needham, Massachusetts.
6. NCC does not have a lease with Needham Enterprises.
7. NCC has a non-binding letter of intent with Needham Enterprises for the proposed facility that is the subject of this action.
8. At the outset of the Planning Board's hearing on Needham Enterprises' application for a special permit for a childcare facility, Mr. Alpert acknowledged that it was a conflict of interest for a board member of a competitor childcare facility to sit on Needham Enterprises' application. Because another Planning Board member had recused herself due to the proximity of her residence to the project site, Mr. Alpert invoked the so-called "Rule of Necessity" to hear and vote on Needham Enterprises' application, despite his conflict of interest.
9. Mr. Alpert did not disclose that he is counsel to NCC's landlord, First Baptist Church, and the Town Counsel's opinion allowing the Board to invoke the Rule of Necessity did not address this conflict of interest.

II. Argument

A. The Board's Motion Seeks to Harass & Intimidate NCC.

As the Board sets forth in its Motion, the day before Thanksgiving, the Board served NCC with a subpoena (by Sheriff at the daycare center during operating hours, despite knowing that NCC had counsel that they could have asked to accept the subpoena). That subpoena sought, among other items, "any and all financial projects[*sic*], pro forma documents, analyses, or assessments relating to your current business and/or childcare activities" and further requested the same materials with "any relation to or bearing upon the Property and Project." The requested information is clearly irrelevant to this proceeding. Even if NCC's financial information showed revenues that could amply support the conditions imposed by the Board, NCC is not constructing this facility, Needham Enterprises is. If Needham Enterprises is forced to charge above-market rent, NCC will not rent the facility. NCC's projected revenues and expenses are completely irrelevant to this matter. It further bears noting that nowhere in the Board's Zoning By-law is the financial capability of an applicant or facility-occupant listed as a factor for the Board to consider in determining whether to issue a permit or whether conditions are necessary.

NCC also observes the absurdity of the Board's position that all evidence related to NCC would be irrelevant if it cannot use NCC's financial information. Of course the Applicant could present testimony and evidence relevant to NCC's operations, such as traffic and drop off times, just as it could present similar evidence about the nature of the use from any other childcare provider. Such evidence is particularly relevant in this case where the Board's decision is conditioned upon NCC being the initial operator of the childcare facility. There is no basis for excluding such evidence relative to NCC, but operational data about factors such as traffic,

lighting, and signage, does not open the door to discovery of NCC's financial information. Notably, the Board's Motion repeatedly talks about storage and whether NCC needs the onsite storage. The fact that the Board's subpoena inquired about whether NCC had investigated the costs of offsite storage further highlights that the financial information is irrelevant: NCC produced to the Board a diagram and list showing that it intended to use the storage space for strollers and play equipment. In what world would it possibly be practical for NCC to have to transport its strollers and play equipment on and offsite to run its programs? It is not the financial cost of offsite storage that drives the demand for onsite storage, it is operational need.

Given the clear irrelevance of the material and lack of any need for it whatsoever, NCC is forced to conclude that the information is sought for an improper purpose. As one of the Defendants, Paul Alpert, is counsel to NCC's current landlord and a board member of a competitor childcare facility, NCC is extremely concerned about the Defendants' desire to obtain NCC's fiscal data as it is clear that one of the Defendant Board Members has a strong interest in seeing the Board's decision upheld intact so that NCC cannot move out of its current facility, thus ensuring a further lease for Mr. Alpert's firm's client, and that NCC does not have a new state-of-the-art facility to compete with the facility Mr. Alpert is on the board of. Because the Planning Board acknowledged this egregious conflict of interest as to the Temple Beth Shalom childcare facility and did not seek this material from NCC until late in this appeal and now threatens a motion to compel on the eve of trial, it is clear that the Board's purpose in this Motion is solely to harass and intimidate NCC. NCC further notes that although Mr. Alpert disclosed the conflict as to Temple Beth Shalom, he did not disclose the conflict as to the First Baptist Church during the hearing and it is not referenced in the Town Counsel's analysis concerning the decision to invoke the rule of necessity. NCC is now in the untenable position of

being pushed to disclose its income and financial data to (a) its current landlord, (b) its prospective landlord, and (c) its competitor. This Court should enter a protective order precluding any inquiry into NCC's financial data as it is "unreasonable, oppressive, irrelevant, [and] improper." *Hull Mun. Lighting Plant v. Massachusetts Mun. Wholesale Elec. Col,* 414 Mass. 609, 616 (1993). This Court may upon "good cause shown…make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had." Mass. R. Civ. P. 26(c). Mass. R. Civ. P. 26(c) further empowers the Court to issue a protective order "that a trade secret or other confidential research, development, or commercial information not be disclosed". Here, NCC asks that this Court save it from the untenable position of having to disclose not only its income, but its future market and business projections to two parties with whom it must negotiate leases and its competitor. The risk of embarrassment and oppression to NCC far outweighs any possible value this information can have in a zoning appeal, particularly one clouded with the conflicts of interest at issue here.

B. NCC is Not a Necessary Party to This Zoning Appeal.

This case is a G.L. c. 40A, § 17 appeal from a special permit site plan approval decision issued by the Needham Planning Board to Needham Enterprises, LLC. NCC was not a co-applicant and it is not an underlying landowner. NCC is merely a prospective tenant of Needham Enterprises' proposed facility. Mass. R. Civ. P. 19(a) provides that a person subject to service of process shall be joined to an action if:

> (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double,

> multiple, or otherwise inconsistent obligations by reason of his claimed interest.

Neither of those factors applies in this case. The Court's decision to either affirm, modify, or vacate the Planning Board's decision will award complete relief among the relevant parties and NCC is in no way necessary for that to happen. If the Court modifies the Board's decision such that Needham Enterprises can move forward with its proposed facility and NCC and Needham Enterprises elect to enter into a lease at that time, then NCC will be subject to compliance with the conditions in the permit as the user of the facility. Accordingly, NCC does not need to be made a party in order to be bound by the Court's ultimate decision on the permit in this matter.

Because NCC has no lease with Needham Enterprises, NCC does not have a separate interest that must be protected in the disposition of this action, nor is there a possibility of incurring double or inconsistent obligations as a result of the outcome of this matter. If the Court upholds the Board's decision and Needham Enterprises' facility cannot be constructed to market standards and at market rent, then NCC is under no obligation to lease that facility.

Moreover, NCC was present throughout the Planning Board's hearing on the relevant decision and provided information to the Board about its operations, including pick up and drop off times and expected traffic in support of Needham Enterprises' application. This Court held a case management conference in this matter on May 24, 2022 and the parties filed a case management conference statement on May 19, 2022. In that statement, in response to the Court's inquiry about whether there are any third parties that should be made a party to this matter, counsel for the Board stated "The Defendants acknowledge the interest of abutting property owners to this matter and have no objection to their intervention, especially in that such intervention may avoid serial litigation in this matter" and further stated that the "parties do not

believe any additional notifications to any third parties are required." The case management conference statement is signed by Jason Talerman as counsel to the Board. As NCC was present and prominent throughout the Planning Board process and the Board did not even suggest that notice to NCC was warranted in the case management conference statement, the Court should deny the Board's late request to join NCC as a party to this action.

III. Conclusion

The Court should not tolerate the Planning Board's blatant attempt to harass NCC and should deny the Board's Motion and grant NCC's cross motion for a protective order precluding any inquiry into NCC's financial data.

Needham Children's Center, Inc.
By its attorneys,

Valerie A. Moore (BBO# 684849)
vmoore@nutter.com
Nutter, McClennen & Fish, LLP
Seaport West, 155 Seaport Blvd.
Boston, Massachusetts 02210
Telephone: (617) 439-2000
Facsimile: (617) 310-9000

Dated: March 10, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March 2023 a true copy of the above document was served upon the attorney of record for each party by e-mail and U.S. Mail.

Valerie A. Moore

Dated: March 10, 2023

5894844.2

From: Meredith Fried
To: Planning
Subject: 1688 Central
Date: Sunday, March 12, 2023 9:38:32 PM

Dear Planning Board Members,

I am writing to share my support of the Town expending funds to fully defend against the Needham Enterprises lawsuit instead of trying to reduce cost with mediation.

It is important to me that you fully defend the conditions that the Planning Board put in the decision. As a Board you worked endlessly and tirelessly to understand the challenges with and opportunities for development on that site. You listened to all sides in the discussion and created reasonable guidelines that take into account both the desire for creation of a children's school as well as the concerns with putting such a facility on that lot. The conditions that were put on the site's development are not prohibitive and do not inhibit the goal of the school. They accommodate for safety and for situating the school amidst a neighborhood that sits on a busy street. They are thoughtful and respectful of all parties involved. Your work should be commended…and upheld. I would be disappointed and frustrated if a mediation ended in a relaxing of any of the conditions put on the development of that site. It would negate all the hard work of the Planning Board and others in trying to make this the best situation for all involved.

Thank you for your consideration and for all you do for our town.

Regards,

Meredith Fried
136 Stratford Road
Needham

From: Helene Cantor
To: Planning
Date: Sunday, March 12, 2023 10:42:17 PM

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more.

1688 Central Action Item

If you are so inclined, email the Planning Board (planning@needhamma.gov) and let them know that you support the Town expending funds to fully defend against the Needham Enterprises lawsuit instead of trying to reduce cost with mediation. Let them know why it is important to you that they fully defend the conditions that the Planning Board

This project is a disaster for Needham and the neighborhood

Sincerely,
Helene Cantor
Locust Lane

From: Laurie Spitz - Smileboston Cosmetic and Implant Dentistry
To: Planning
Subject: SPITZ: 1688 Central Avenue, Mr. Borrelli and Needham Enterprise
Date: Monday, March 13, 2023 2:49:04 PM

To the Needham Planning Board:

Please know that our family, who has been on Charles River Street in Needham for 18 years, is fully vested and affected by the current and future issues of Mr. Borrelli and Needham Enterprises regarding the property at 1688 Central Avenue. We fully defend the Needham Planning Board and the conditions that the planning board put forth for the development of the property and support the Town of Needham devoting funds to defend against the Needham Enterprises lawsuit fully. It is extremely significant that we, as a town, not look to reduce costs or cave into mediation and defend the Board's decision of the following:

- to institute safety structures, including ADA-compliant sidewalks,
- properly deal with the consequences of the past use of the property, including any environmental contamination of the soil,
- measures to ensure pedestrian and vehicle safety,
- measures to ensure that the operation does not impede traffic on Central Avenue,
- removal of the barn as required by the zoning bylaws, keeping to the maximum number of children/staff at the facility that the applicant represented it would agree to keep during the hearing, and setting the 10,000 sq. ft. commercial building back off Central Avenue at least 120 feet back - just 15 feet further back from where the current house stands and approximately 80 feet forward of the Temple next door, and,
- and setting a precedent for all future Needham Town Planning Board decisions that their decisions are thoughtful and ultimately final.

Thank you for being so committed to Needham and the families who call Needham home.

Smile always,

Laurie Spitz 617 504 1028
Steve Spitz 617 504 1029

From:	Rachel Achituv
To:	Planning
Subject:	1688 Central
Date:	Monday, March 13, 2023 5:03:20 AM

Needham Planning Board,

I am writing to express my support for the Town expending funds to fully defend against the Needham Enterprises lawsuit instead of trying to reduce cost with mediation.

It is important to me that you fully defend the conditions that your Board put in the decision. Specifically, you required that Mr. Borrelli and Needham Enterprises put in an ADA compliant sidewalk; properly deal with the consequences of the past use of the property, including any environmental contamination of the soil; ensure pedestrian and vehicle safety; ensure that the operation does not impede traffic on Central Avenue; remove the barn as required by the zoning bylaws; keep to the maximum number of children/staff at the facility that the applicant represented it would agree to keep during the hearing; and set the 10,000 sq. ft. commercial building back off Central Avenue at least 120 feet back - just 15 feet further back from where the current house stands, and approximately 80 feet forward of the Temple next door.

These requirements are not “nice-to-haves,” they are lawful and critical for the continued safety and well-being of all residents in the area. Do not continue to negatively impact the neighbors and neighborhood of 1688 Central by giving in to more or Mr. Borrelli/Needham Enterprise’s demands.

Thank you,
Rachel Achituv
57 Walker Lane, Needham

From: Andrea Dannenberg
To: Planning
Subject: 1688 Central Ave
Date: Monday, March 13, 2023 11:43:19 AM

Esteemed Planning Board Members,

I am concerned to learn that the Town is offering mediation in the lawsuit over the childcare center at 1688 Central Ave. The Planning Board made reasonable requirements for this project to proceed. To provide further concessions during mediation would only reward the developer for filing litigation. It sets an awful precedent for the town—if you don't like the decisions of the Planning Board, litigation is the answer.

Please stand firm.

Sincerely,
Andrea Dannenberg
Needham resident, Precinct C

From: Sean Morris
To: Planning
Cc: Marina Morris
Subject: 1688 Central Avenue
Date: Monday, March 13, 2023 12:09:38 PM

To the Needham Planning Board -

I'm writing this in request the Town of Needham expend the funds to fully defend against Needham Enterprises in the final decision of the Planning Board regarding 1688 Central Avenue. Your final decision was already a compromise and I am concerned the Town is trying to save litigation costs by giving into Mr. Borelli and Needham Enterprises after already approving the exact building they requested. Mediation is inappropriate in this case and it is important to our community that the Planning Board fully defend the conditions you put in place.

Mr. Borrelli and Needham Enterprises are seeking to remove conditions we should not compromise on as a community - it is inconceivable they are refusing to put in an ADA compliant sidewalk, properly deal with the consequences of the past use of the property (soil contamination) and take measures to ensure pedestrian/vehicle safety. We live in the Country Way neighborhood and already feel the impact of increased morning/evening traffic on Central Ave as empty nesters and retirees have moved out and young families have moved in - there should be extreme measures taken to endure this unnecessary operation does not further impede traffic on Central and ensure the maximum number of children and staff at the facility the applicant requested it would agree to during the hearing.

While we are disappointed in the final decision of the Planning Board as well as the compromises it already made, please do NOT mediate this case and further compromise on the conditions you set to protect Needham from the impacts of Mr. Borrelli and Needham Enterprises' endeavor. Don't allow the costs of litigation to justify giving the applicant more.

Thank you,

Sean and Marina Morris
48 Scott Rd

From: Ricki NICKEL
To: Planning
Subject: 1688 Central Ave.
Date: Monday, March 13, 2023 7:31:40 AM

To Whom It May Concern,

I am writing to express my alarm and dissatisfaction with the way in which decision-making has and potentially will be handled regarding the proposed 1688 Central Ave. project. I have participated in most town hearings, written numerous letters expressing my opinions and concerns regarding this neighborhood catastrophe and now feel that there is a great potential for the town to become complacent at the expense of my family, our neighborhood, and my synagogue, not to mention all those who use that corridor of Central Ave.

The time and care that was taken to hear each side of this project and the ultimate recommendations that were painstakingly decided appear to now be ignored as Mr. Borrelli/Needham Enterprises attempt to play a **stalling "game"** in an effort to **wear down** the Town. Is this how legal decision are made in Needham? This behavior appears to be fair and just up to the point when a business member decides he does not like that legal decisions are not going in his favor. Why are Mr. Borrelli's choices more "important" than taxpaying neighbors?

I have taken a great deal of time to review the outcome and recommendations of the Planning Board and now fear that theses items covered in the decision will go unheeded if this case goes to mediation. The specific items that Borelli was told to address are:

-Mr. Borrelli/Needham Enterprises must provide an ADA compliant sidewalk (he agreed to this item in many town hall meetings via his attorney),

-He was instructed to deal with the consequences of the past use of the property, including any environmental contamination of the soil (which potentially imperils our entire neighborhood as well as future occupants - children!);

- Mr. Borrelli/Needham Enterprises consented to provide measures to ensure pedestrian and vehicle safety (he agreed to this item in many town hall meetings via his attorney)

- He was told he had to pay for measures to ensure that the operation of this project does not impede traffic on Central Avenue

-He was told that he had to remove the barn as required by the zoning bylaws,

-He was told that he had to keep the maximum number of children/staff at the facility (which he also agreed to in numerous town hall hearings) and

- Borelli was also instructed that he had to set the 10,000 sq. ft. commercial building back off Central Avenue at least 120 feet back - just 15 feet further back from where the current house stands and approximately 80 feet forward of the Temple Aliyah next door.

The final decision of the Planning Board was already a compromise. The Planning Board already gave concessions to Mr. Borrelli/Needham Enterprises from its original draft decision

and the Planning Board has approved the exact building that the applicant requested.

Mediation should not be granted in this case and further compromise on the conditions that were set to protect Needham from the impacts of Mr. Borrelli/Needham Enterprises' endeavor.

Needham should fully defend its right to require and impose the conditions outlined in the permit and not allow the costs of litigation to justify giving the applicant more!

Respectfully,

Ricki & Mark Nickel
191 Stratford Road
(415)254-1113 (cell)

From:	Joe Abruzese
To:	Planning
Cc:	Lee Newman
Subject:	Please do not mediate the 1688 case
Date:	Tuesday, March 14, 2023 8:57:50 AM

March 14, 2023

Dear Members of the Needham Planning Board,

I recently learned through public records that the Needham Planning Board has proposed mediation in the land court case involving 1688 Central Avenue and Matthew Borrelli's company Needham Enterprises.

I am writing to implore you NOT to mediate this case. Your March 2022 decision is well-founded and already represents agreed compromises on this project. Mediation will result in further concessions to the developer and sets a dangerous precedent that publicly-agreed conditions can be re-negotiated privately. Furthermore, it encourages other developers to challenge conditions that they don't like, knowing that the Town will likely settle.

1688 was a complex application and the Planning Board worked tirelessly on the application process. There were many factors and considerations from the applicant, residents, town members, and consultants.

The Planning Board thoughtfully reviewed these factors and explored ways to address concerns. In your role to balance the petitioner's desires with municipal interests, the Board sought and negotiated reasonable compromises. You will recall that the petitioner explicitly agreed to many of these compromises during the public hearing. The residents accepted these compromises as well.

Your decision to grant the Major Project Site Plan reflects these conditions and serves as an acceptable middle-ground for the petitioner to build what he asked for: a 10,000+ sq ft. daycare center in a single residence A zone.

My constituents and I fully support the Planning Board's decision and accept the compromises that are documented. It is critical that the Board defend its decision and not succumb to financial or other pressures to mediate. Mediation in this matter will erode the objectives of the Planning Board and undermine the value of the public hearing process.

Please fully defend what has been granted and use the resources needed to do so.

Regards,
Joe Abruzese
Town Meeting Member

Article 19 - Accessory Dwelling Units (Planning Board)

To see if the Town will vote to amend Zoning Bylaw Section 185-5 (Definitions) by deleting "Accessory Apartments" and replacing it with a new definition "Accessory Dwelling Unit (ADU)", further to amend Section 185-10 (Schedule of Use Regulations) by deleting line 31 and adding new lines 31 and 32, and renumbering the following lines beginning with 33, and further to amend Section 185-43 (Accessory Apartments) by deleting it in its entirety and replacing it with "Accessory Dwelling Units (ADUs)," the complete text of each of which is on file in the Offices of the Town Clerk and the Planning Board; or take any other action relative thereto.

ACCESSORY DWELLING UNITS

(1) In Section 185-5 of the Zoning Bylaw, Definitions, the existing definition for Accessory apartment will be deleted and a new definition for Accessory Dwelling Unit will be added as follows:

ACCESSORY DWELLING UNIT (ADU) - a residential living unit that is within or attached to a single -family dwelling, or within a detached structure on the same lot as a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

(2) In Section 185-10, Schedule of Use Regulations, the existing line 31 Accessory Apartment will be deleted and the following new lines 31 Attached ADU and 32 Detached ADU will be added as follows:

The lines following the new line 32 will be renumbered beginning with 33.

Use	R	R-1	R-2	C	O	B	M	M-P	RM	Site Plan
31 Attached ADU	A	A	A	X	X	A	A	A	A	R
32 Detached ADU	P	P	P	X	X	P	P	P	P	SP

(3) The existing Section 185-43, Accessory Apartments, will be deleted in its entirety and replaced with the following:

185-43 Accessory Dwelling Units (ADUs)

A. The purposes of this Section 185-43 are to:

(1) Broaden the types of housing available to different types of households including a wide range of ages;

(2) Provide flexibility in housing choices while limiting impact on neighborhoods, residential character, and Town infrastructure; and

(3) Clarify the necessary steps and regulations in order to help make approval of ADUs efficient and straightforward for homeowners, builders and families.

B. Attached ADUs.

1. Applicability of Site Plan Review. An Attached ADU shall be defined as an Accessory Dwelling Unit that is attached to or within a single-family dwelling. An owner(s) of a single-family dwelling in an R, R-1, R-2, B, M, M-P or R-M District or their authorized agent may request Site Plan Review by the Planning Board to enable the use of a portion of a single-family dwelling as an Attached ADU.

2. Standard of Review. The Planning Board shall approve a Site Plan for an Attached ADU, subject to reasonable conditions the Board deems appropriate, provided that the ADU complies with the Site Plan Review criteria of Section 185-36 and meets all the standards outlined in Subsection D below. The application shall comply with and shall be reviewed pursuant to the Planning Board's Rules and Regulations.

C. Detached ADUs.

1. Applicability of Special Permit Requirement. A Detached ADU shall be defined as an Accessory Dwelling Unit that is located in a separate structure accessory to such single-family dwelling. An owner(s), or applicant with owner(s) consent, of a single-family dwelling in an R, R-1, R-2, B, M, M-P or R-M District may use a portion of the separate accessory structure as a Detached ADU upon receipt of and compliance with a Special Permit by the Board of Appeals. Submission requirements and procedures shall be in accordance with the Zoning Board of Appeals' rules and regulations.

2. Site Plan Review by the Planning Board. An application for Site Plan Review shall be submitted to the Planning Board at least ten days prior to submitting an application for a Special Permit to the Zoning Board of Appeals. The Zoning Board of Appeals shall receive a copy of the Site Plan Review application. The Planning Board shall submit a written report based on the results of this Site Plan Review to the Zoning Board of Appeals prior to their public hearing. The report of the Planning Board shall include any recommended conditions for a Special Permit related to the Site Plan Review.

3. Special Permit from the Zoning Board of Appeals. An application for a Special Permit for a Detached ADU shall require a Public Hearing which shall be held according to the procedures outlined in Section 185-52 of the Zoning Bylaw. After due consideration of the recommendations of the Planning Board, the Board of Appeals may grant a Special Permit as provided in this section, provided that the Detached ADU meets all the standards of Subsection D below, and all other requirements under the Zoning Bylaw.

D. Additional Standards for ADUs.

1. Maximum floor area. All ADUs approved under this section shall be accessory to the principal residence; the floor area shall not exceed 50% of the floor area of the principal residence, exclusive of any garage, unfinished attic, basement or shed attached to said principal residence, or 900 square feet, whichever is less.

2. Owner occupancy. The owner of the property shall occupy either the principal residence or the Accessory Dwelling Unit on the property on which the ADU is located, except for bona fide temporary absences, at all times during which the ADU is rented.

3. Board of Health Review. For any renovations or new construction related to an Attached ADU, the applicant shall obtain all required approvals from the Board of Health.

4. Ingress and egress. Any new entrances shall be located on the side or the rear of the building. All staircases shall be enclosed and shall not be visible from the exterior of the building.

5. Appearance. The ADU and related modifications to the building shall be designed so that the appearance of the building remains that of a single-family dwelling, and the construction and occupancy of the ADU will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.

6. Driveway. Attached and detached ADU's shall use the same driveway opening and curb cut as the principal residence.

7. Parking. Adequate provision shall be made for off-street parking of motor vehicles associated with the ADU. The Boards of Appeals or Planning Board, as applicable, may require screening of such parking to protect the neighbors or provide a necessary buffer to adjacent property, provided said fencing is not in excess of six feet (6') in height.

8. Limit of One ADU per Lot. There shall be no more than (1) ADU on the same lot or otherwise associated with a single-family dwelling.

9. Architectural Design Guidelines. The ADU and related modifications to any building shall be designed so that the appearance of the property remains consistent with that of a single-family dwelling. New structures shall be designed and sited in such manner that they are consistent in character and compatible in design with the existing buildings on the lot. Exterior cladding, roofing and windows shall be constructed of substantially similar materials to those on the existing single-family structure (unless all cladding is to be replaced) and attention should be paid to ensuring the roof form, window fenestration, and architectural details such as trim, dentils, columns, piers, sashes, cornices, friezes, corner boards, belt courses, quoins, ornaments, pilasters and other such details) are replicated on any additions or new structures.

10. Short Term Rental Prohibited. An ADU shall not be used as a Short Term Rental as defined in Section 185-5 of this Zoning Bylaw.

Article 18 - Floodplain District (Planning Board)

To see if the Town will vote to amend Zoning Bylaw Section 185-44 (Floodplain District) by deleting it in its entirety and replacing it with the following new Section 185-44 "Floodplain District," the complete text of which is on file in the Offices of the Town Clerk and the Planning Board; or take any other action relative thereto.

185-44 Floodplain District.

A. Definitions. The definitions below apply when used in this section 185-44:

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other Structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any Structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    1. By an approved state program as determined by the Secretary of the Interior or
    2. Directly by the Secretary of the Interior in states without approved programs.[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the Start of Construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such Structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

a. Built on a single chassis;
b. 400 square feet or less when measured at the largest horizontal projection;
c. Designed to be self-propelled or permanently towable by a light duty truck; and
d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for New Construction and substantial improvements to existing Structures, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual Start of Construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "Start of Construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the

foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be Substantial Repair of a Foundation. Applications determined by the building official to constitute Substantial Repair of a Foundation shall require all existing portions of the entire building or Structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition Building Code]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a Structure or other Development to be fully compliant with the community's floodplain management regulations. A Structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in Violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

B. Purpose.

The purpose of the Floodplain District is to:

1) Ensure public safety through reducing the threats to life and personal injury;
2) Eliminate new hazards to emergency response officials;
3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5) Eliminate costs associated with the response and cleanup of flooding conditions;
6) Reduce damage to public and private property resulting from flooding waters; and
7) Maintain the Town's eligibility in the National Flood Insurance Program (NFIP) by adopting floodplain management requirements that meet the applicable standards of the NFIP regulations set forth in 44 CFR 60.3.

C. Boundaries.

The Floodplain District is herein established as an overlay district. The District includes all Special Flood Hazard Areas within the Town of Dover designated as Zone A, AE, AH, AO, or A99 on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission.

D. Permitting and enforcement.

1) The Town hereby designates the Building Inspector to be the official floodplain administrator.

2) Permitting Requirements. One seeking proposed Construction or other Development in the Floodplain District, including new Construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other Development that might increase flooding or adversely impact flood risks to other properties, must first obtain a Floodplain Permit from the Building Inspector in accordance with this Bylaw and applicable provisions of the State Building Code.

   The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed Development in the Floodplain District. The proponent must demonstrate that all necessary permits have been acquired.

3) Allowed Uses within the limits of the Floodway. The following Uses are allowed within the limits of the Floodway provided that the owner or applicant has obtained all necessary local permits or approvals:

   a. Maintenance and repair of existing Structures and improvement of existing Structures provided that any such improvement is either within the existing Structure or above the base flood elevation;

   b. Maintenance, repair and replacement of existing Structures in a driveway or private way or in an associated easement. Structures referred to herein include banks, walls, culverts, bridges or similar Structures; and

   c. Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection.

E. Standards for Enforcement

1) Floodway encroachment.
   In Zones A and AE, along watercourses that have not had a Regulatory Floodway designated, the best available Federal, State, local, or other Floodway data shall be used by the Town to prohibit encroachments in Floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

   In Zones A and AE, along watercourses that have a Regulatory Floodway designated on the Town's FIRM encroachments are prohibited, including fill, New

Construction, substantial improvements, and other Development within the adopted Regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) Unnumbered A Zones.
In A Zones, in the absence of FEMA BFE data and Floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and Floodway data available from a Federal, State, or other source as criteria for requiring New Construction, substantial improvements, or other Development in Zone A and as the basis for elevating residential Structures to or above base flood level, for floodproofing or elevating nonresidential Structures to or above base flood level, and for prohibiting encroachments in Floodways.

3) Subdivision proposals.
All subdivision proposals and Development proposals in the Floodplain District shall be reviewed to assure that:

a. Such proposals minimize flood damage;
b. Public utilities and facilities are located and constructed so as to minimize flood damage; and
c. Adequate drainage is provided.

4) Base flood elevation data for subdivision proposals.
When proposing subdivisions or other Developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

5) Recreational Vehicles.
In A and AE Zones, all Recreational Vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

6) Watercourse alterations or relocations in riverine areas.
In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor, Boston, MA 02114

- NFIP Program Specialist
  Federal Emergency Management Agency, Region I
  99 High Street, 6th Floor, Boston, MA 02110

F. Variances to Building Code floodplain standards.

A permit applicant may appeal the denial of a Floodplain Permit due to noncompliance with the State Building Code to the Building Code Appeals Board. If that appeal is taken, the Town shall request from the State Building Code Appeals Board a written or audible copy of the portion of the hearing related to the Variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner and applicant (if different) regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a Variance to construct a Structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all Variance actions for the referenced Development in the Floodplain District.

G. Variances to local Zoning Bylaws.

A permit applicant may seek a Variance from this Floodplain Bylaw in accordance with the process set forth in Dover Zoning Bylaw Section 185-51. Such a Variance may only be granted if:

1) the proposed project meets the requirements set out by State law;
2) Good and sufficient cause and exceptional non-financial hardship exist;
3) the Variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
4) the Variance is the minimum action necessary to afford relief.

H. Requirement to submit new technical data.

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town shall, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Such notification shall be submitted to:

NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor, Boston, MA 02114

NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor, Boston, MA 02110

I. **Abrogation and greater restriction section.**
The floodplain management regulations found in this Floodplain District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

J. **Disclaimer of liability.**
The degree of flood protection required by Section 185-44 of this bylaw is considered reasonable but does not imply total flood protection.

K. **Severability section.**
If any section, provision or portion of Section 185-44 of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of this Section 185-44 shall be effective.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING ON PROPOSED CHANGES TO THE ZONING BYLAW
DOVER PLANNING BOARD

In accordance with the provisions of M.G.L. Chapter 40A Section 5, the Dover Planning Board will hold a Public Hearing on Monday, April 3, 2023 at 7:00 PM in the Great Hall in the Dover Town House, 5 Springdale Avenue, Dover, Massachusetts to consider amendments to the Dover Zoning Bylaw as described below. These amendments will appear as articles on the Warrant for the Annual Town Meeting commencing May 1, 2023. Any person interested or wishing to be heard should appear at the date, time and place designated. The Planning Board will also accept written comments on the proposed amendments prior to the Public Hearing. All references below to Sections refer to sections of the Zoning Bylaw.

1. Section 185-44 - Floodplain District.
Delete the entire text of this Section and replace it with a new Section which includes the following new Subsections: Definitions, Purpose, Permitting and Enforcement, Standards for Enforcement, Variances to Building Code floodplain standards, Variances to local Zoning Bylaws, Abrogation and greater restriction, Disclaimer of liability and Severability. The map reference in the Boundaries Subsection is proposed to be changed to reflect county-wide maps.

2. Accessory Dwelling Units (ADUs) - Section 185-5 Definitions, Section 185-10 Table of Uses, and Section 185-43 Accessory Apartments
Delete the definition for Accessory Apartments in Section 185-5 Definitions and replace it with a new definition for Accessory Dwelling Units (ADUs); delete line 31 of the Table of Uses, Accessory Apartments, replace it with lines 31 and 32, Attached ADU and Detached ADU, and renumber the following lines beginning with 33; and delete the current text of Section 185-43 Accessory Apartments and replace it with a new Section 185-43 Accessory Dwelling Units (ADUs). These changes will allow ADU's in homes built after 1985, eliminate an existing limit on the number of ADUs, eliminate the requirement for Special Permits but require Site Plan Review for Attached ADUs, allow Detached ADUs and prohibit the use of ADUs as Short Term Rentals, while maintaining a limit of 900 square feet on the size of ADUs.

The text of the current Zoning Bylaw and the complete text of the proposed amendments to the Zoning Bylaw are available for inspection at the offices of the Town Clerk and the Planning Board at the Dover Town House, 5 Springdale Avenue, Dover, Massachusetts during their normal business hours. The proposed amendments are shown as Articles 18 and 19 on the Town of Dover website under 2023 Annual Town Meeting Articles which can be reached at https://www.doverma.gov/453/Town-Meeting.

Hometown Weekly Newspaper
3/16/23, 3/23/23

Carol Lisbon, Chair
Dover Planning Board

PUBLIC HEARING
ZONING AMENDMENTS

Notice is hereby given that the **Dedham Planning Board** will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, s.5, in the O'Brien Meeting Room of Dedham Town Hall, 3rd Floor, 450 Washington Street, **Wednesday, March 22, 2023 at 6:00 p.m.**, to see if the Town will vote to amend the Dedham Zoning By-Laws by making the following changes, as follows:

ARTICLE TWELVE: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws, Chapter 280, to regulate and define Electric Vehicle Charging Stations as accessory uses, as follows:

A. Add new Use Category I.14. ("Electric Vehicle Charging Station – Levels 1 and 2") with new footnote 31, and add new Use Category I.15. ("Electric Vehicle Charging Station – Level 3") to Table 1 as follows [text to be inserted shown in *bold, italicized text]:*

	Districts											
Principal Use	**SRA SRB**	**GR**	**PR**	**PC[2 3]**	**RDO**	**AP**	**LMA**	**LMB**	**HB**	**LB[20]**	**GB**	**CB**
I. Table Of Accessory Uses - Residential												
14. Electric Vehicle Charging Station – Levels 1 and 2[31]	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***
15. Electric Vehicle Charging Station – Level 3	***SP***	***SP***	***SP***	***SP***	***SP***	***SP***	***SP***	***SP***	***SP***	***SP***	***SP***	***SP***

Note 31. ***Restricted to private use only, except as may be otherwise authorized by Special Permit for Mixed-Use.***

B . Add new Use Category II.6. ("Electric Vehicle Charging Station – Levels, 1, 2, and 3") to Table 1 as follows [text to be inserted shown in bold, italicized text]:

	Districts											
Principal Use	**SRA SRB**	**GR**	**PR**	**PC[23]**	**RD O**	**AP**	**LMA**	**LMB**	**HB**	**LB[20]**	**GB**	**CB**
II. Table Of Accessory Uses - Nonresidential												
6. Electric Vehicle Charging Station – Levels 1, 2, and 3	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***	***YES***

C. Insert new definition in Section 10.1 following the definition of "Dwelling Unit":

ELECTRIC VEHICLE CHARGING STATION - An electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle. There are three levels of electric vehicle charging stations:

- Level 1 charges through a 120-volt (V), alternating-current (AC) plug.
- Level 2 charges through a 240V, AC plug.
- Level 3 charges through a 480V, direct-current (DC) plug.

No additional parking spaces shall be required for electric vehicle charging stations and parking spaces associated with electric vehicle charging stations shall be counted as parking spaces for purposes of determining compliance with the minimum parking requirements under the Zoning Bylaw.
or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE THIRTEEN: *By the Planning Board.* To see if the Town will vote to amend Section 10.1 of the Dedham Zoning By-Laws by inserting the following definition:

> Human Occupancy - Use of a building by people sleeping, cooking, bathing, using sanitary facilities, and similar dwelling purposes; for carrying out trade, profession, industry, or business but not including the portion of the building with more than one-half its height measured from finished floor to finished ceiling below the grade of the adjoining building and not considered a story when used exclusively for personal or commercial storage, mechanical, equipment and utilities, or where there is no common human presence.

or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE FOURTEEN: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning Map to add a new overlay district entitled Multi-Family Housing Overlay District (MFHOD), consisting of sub-districts MFHOD-1 (Low Density) and MFHOD-2 (High Density), as depicted on a plan on file with the Town Clerk, and further to amend the Dedham Zoning By-Laws, Chapter 280, to establish requirements for such District for the purpose of complying with the Commonwealth's Multi-Family Housing Requirement for MBTA Communities, as set forth in G.L. Chapter 40A, Section 3A, as follows:

Table 11 - Multi-Family Housing Dimensional Requirements	
Minimum Lot Frontage	MFHOD-1: 150 ft. MFHOD-2: 150 ft.
Minimum Lot Width	MFHOD-1: 105 ft. MFHOD-2: 105 ft.
Maximum Lot Coverage	MFHOD-1: 50% MFHOD-2: 80%
Maximum Floor Area Ratio	MFHOD-1: .4 MFHOD-2: 1.0
Minimum Front, Side, and Rear Yard Requirements	MFHOD-1: 30 ft., 15 ft., 25 ft. MFHOD-2: 30 ft., 15 ft., 25 ft.
Maximum Height	MFHOD-1: 45 ft. MFHOD-2: 45 ft.
Space Between Buildings	MFHOD-1: 15 ft. MFHOD-2: 15 ft.

§ 280-14.7 Off-Street Parking Requirements. Within the MFHOD, Multi-Family Housing shall provide one off-street (1) parking space per dwelling unit.

§ 280-14.8 Parking & Loading Requirements. Within the MFHOD, Multi-Family Housing shall reasonably comply with the Parking & Loading Requirements of **§280-4.1** of the Zoning Bylaw.

§ 280-14.9. Landscaping and Screening Requirements. Within the MFHOD, Multi-Family Housing shall reasonably comply with the Landscaping and Screening Requirements of § **280-5.2** of the Zoning Bylaw.

§ 280-14.11 Multi-Family Housing Overlay District (MFHOD) Inclusionary Housing. Within the MFHOD, Multi-Family Housing shall be subject to the following definitions, requirements, and preferences.

A. Definitions. The following definitions shall apply in this **§ 280-14.11:**

MULTI-FAMILY HOUSING OVERLAY DISTRICT (MFHOD) AFFORDABLE HOUSING
Shall mean housing affordable to moderate income households, as defined below.

AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS MODERATE INCOME or MODERATE-INCOME HOUSEHOLDS
Shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development not earning more than 80% of the AMI, adjusted for household size.

MULTI-FAMILY HOUSING OVERLAY DISTRICT (MFHOD) PROJECT
A Multi-Family Housing Project developed under § 280-14.

B. Requirements. The following requirements shall apply in this **§ 280-14.11:**

1) All MFHOD Projects with rental dwelling units shall provide 10% of their units as Affordable Units for Affordable Housing.

2) The Affordable Units shall be constructed on the same site as market rate units and indistinguishably interspersed throughout the MFHOD Project. The Affordable Units shall be equal in quality, materials and character to the base level market rate units in a development.

3) In determining the number of moderate-income units to be provided, a fractional share of 0.4 or more shall be regarded as a whole unit and a fractional share of 0.3 or less shall require no contribution to satisfy the fractional share.

C. Preference.

1) The Affordable Units may be Local Action Units developed in compliance with and approved pursuant to the requirements for the same as specified by Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or successor agency, or (if approved by the Planning Board) affordable dwelling units developed under such additional programs adopted by the Commonwealth of Massachusetts or its agencies. All such affordable dwelling units shall count toward the Town of Dedham's requirements under Sections 20-23 of Chapter 40B of the General Laws of Massachusetts, and shall be listed on the Subsidized Housing Inventory (SHI) maintained by DHCD. The developer shall assist the Town in the preparation of any forms required.

2) To the extent permitted by applicable law, and after approval by DHCD, otherwise qualified Dedham residents shall have a first opportunity and preference for the affordable dwelling units in an Inclusionary Project. For purposes of this requirement, "Dedham residents" shall be defined as a current Town of Dedham resident (as established through certification by the Dedham Town Clerk based on census, voting registration, or other acceptable evidence), or a current employee of the Town of Dedham or business establishment located in Dedham, or households with children attending the Dedham Public Schools.

§ 280-14.12 Modification of dimensional, landscaping and parking requirements. Where soil conditions, lot shape, topography, architectural or structural conditions make literal compliance with the dimensional, landscaping and/or parking of this Zoning Bylaw

as they concern Multi-Family Housing in the MFHOD impracticable or infeasible, the Planning Board may approve a site plan showing alternative means of complying with the objectives of the Zoning Bylaw, and may allow the use of alternative land-scaping, buffers, or parking, provided it determines that such alternatives to be in the public interest and not inconsistent with the intent and purpose of the Zoning Bylaw. For any modification, the Planning Board shall make detailed written findings of:

A. Specific conditions that render literal compliance with the terms of this Bylaw impracticable or infeasible.
B. The specific alternative means of complying with the terms of this Bylaw.
C. An analysis of the manner in which the modification is in the public interest and not inconsistent with the intent and purposes of this Bylaw.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

ARTICLE FIFTEEN: *By Citizens Petition of Richard Irving, et al.* To see if the Town will vote the following language, as submitted by petitioner; the Dedham Protected Aquifer Buffer for the Bridge Street Well Field should be restored to the boundaries documented by Weston & Sampson Engineers, Inc. on page 24 Figure III-H in the 1991 Dedham Open Space and Recreation Plan, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE SIXTEEN: *By Citizens Petition of Richard Irving, et al.* To see if the Town will vote the following language, as submitted by petitioner; 280-3.1 F. Residential special permit requirement: Development projects in residential areas that meet the threshold for a Major Site Plan Review (280-9.5) shall require the applicant to present conceptual plans to Town Meeting prior to either the application for, or issuance of, a special permit, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE SEVENTEEN: *By Citizens Petition of Richard Irving, et al.* To see if the Town will vote the following language, as submitted by petition; 280-3.1 G. Residential special permit requirement: Upon receipt of an application for a Special Permit that meets the threshold for a Major Site Plan Review (280-9.5), the Planning Department will immediately notify all residents within a 1 mile radius of the proposed project through both the Town Website and US Mail. All expenses related to such notifications shall be the responsibility of the Special Permit applicant, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE EIGHTEEN: *By Citizens Petition of Richard Irving, et al.* To see if the Town will vote the following language, as submitted by petition; 280-3.1 H. When Zoning Bylaw legislation is to be proposed that changes the existing Zoning Bylaws of specifically identified Zoning Districts (280-2.1) the Planning Department shall have the responsibility of proactively notifying residents/occupants of the specifically identified Zoning Districts of the proposed changes at least 1 month prior to submission of such

for approval by Town Meeting, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE NINETEEN: *By District Three Town Meeting Representatives Jason Brogan and Nancy Knight and District Seven Town Meeting Representative Steve Gasbarro.* To see if the Town will vote to amend the Dedham Zoning Bylaws, Chapter 280, modifying the definition of "MOTEL OR HOTEL", by deleting the text shown in ~~strikethrough~~ and text to be inserted showed in ***bold, italic text***, as follows:

SECTION 280-10.1 TERMS DEFINED: MOTEL OR HOTEL

A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. ~~If such hotel or motel has independent cooking facilities, such u~~ ***U*nit*s*** shall not be occupied by any guest for more than four continuous months, nor may the guest reoccupy any unit within 30 days of a continuous four-month stay, nor may the guest stay more than six months in any calendar year. No occupant of such hotel or motel may claim residency at such location. ***Each violation of this by-law shall be subject to a penalty of $300 per violation, per day, and shall otherwise be enforced in accord with Section 1-6 of the General By-laws.***

or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE TWENTY: *By District One Town Meeting Representative William Shaw McDermott.* To see if the Town will vote to impose a Moratorium that is limited in duration, scope and purposes as follows:

In view of the report of the Planning Board in 1980, reflected in the Town Report of 1989; the Open Space Plan of 1991; the build out study prepared by the Metropolitan Area Planning Council ("MAPC") in 2001; the analysis prepared in the 2009 Master Plan of areas of Potential Development on vacant Residential Lane (Table 3.3); the analysis of potential development on vacant land being refined by the MAPC for the "Designing Dedham 2030" Master Plan, in light of the 26 house Planned Residential Development on Lowder Street in the SRA zoning district;

In consideration of the 43 years history since 1980 of the reduction of undeveloped land from the then calculated 2000 acres and the reduction of potentially developable residential acres in 2001 from over 880 acres to under 200 acres today, with today's remaining undeveloped acreage more evenly distributed as between zoning district Single Resident A on one hand and zoning districts Single Resident B and General Resident on the other;

In light of population trends for the town for 2020 to 2050, as reflected in the foregoing town reports and studies and, the 2014 housing study entitled "The Town of Dedham: Yesterday, Today and Tomorrow" prepared by the Northeastern University School of

Public Policy & Urban Affairs, and data from the United States Census Bureau;

And in further consideration of the need to study the effects of land development on the increased burden of traffic and constraints on water usage in the Town;

And in further consideration of the availability of federal and local sources of funding to study these critical issues of traffic and water;

Be it resolved that the Town imposes a limited Moratorium of one year in duration from the enactment of this Article on the issuance of special permits for new development projects on undeveloped residential land exceeding five acres in size, for the purpose of evaluating the impacts of land development in the town on traffic and water, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

If you are unable to participate, but would like to comment or have questions, or would like to request text of the proposed amendments, please email jrosenberger@dedham-ma.gov or call 781-751-9240.