

2024 NOV 12 PM 2:40

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW SPECIAL PERMIT

Project Determination: (circle one) ~~Major Project~~ ~~Minor Project~~ Special Permit

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 1450 Highland Avenue, Needham, MA 02492
Name of Applicant PEX Health and Fitness, LLC
Applicant's Address 1451 Highland Avenue, Needham, MA 02492
Phone Number 774-521-7576

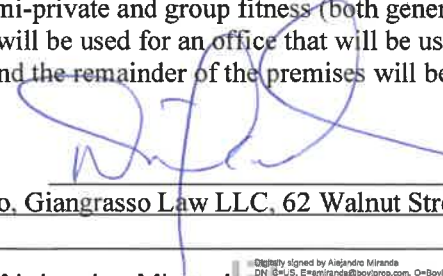
Applicant is: Owner _____ Tenant X
 Agent/Attorney X Purchaser _____

Property Owner's Name Topliff Street Associates Limited Partnership
Property Owner's Address c/o Boylston Properties, 800 Boylston Street, Suite 1390,
 Boston, MA 02199
Telephone Number 617-262-4646

Characteristics of Property: Lot Area 13,939 s.f. Present Use Mixed Use
 Map # 50 Parcel # 15 Zoning District Center Business

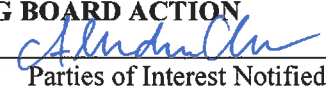
Description of Project for Special Permit Review under Section 7.4 of the Zoning By-Law:

The Applicant proposes to redevelop the premises located at 1450 Highland Avenue (the space formerly occupied by Pancho's Taqueria), to operate a personal fitness service establishment. The premises are comprised of approximately 1,950 sq. ft. of first floor space, approximately 85% of which will be utilized for private, semi-private and group fitness (both general and boxing-style), approximately 90 square feet will be used for an office that will be used for office use and fitness and nutrition consultations, and the remainder of the premises will be used for bathrooms, utility and electrical closets.

Signature of Applicant (or representative) 
Address if not applicant David A. Giangrasso, Giangrasso Law LLC, 62 Walnut Street, Suite 62,
Wellesley, MA 02481
Telephone # 781-328-9099
Owner's permission if other than applicant Alejandro Miranda

Digitally signed by Alejandro Miranda
DN: cn=U.S. E=amiranda@boyprop.com, o=Boylston Properties,
c=U.S. Director of Project Development, CN=Alejandro Miranda
Reason: I am approving this document
Date: 2024.11.08 10:19:22-09'00'

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board  Date 11/7/2024
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____

Granted _____

Denied _____

Withdrawn _____

Fee Paid _____

Fee Waived _____

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

November 4, 2024

Via Hand Delivery and Email

Town of Needham Planning Board Members
500 Dedham Avenue
Needham, MA 02492
Attention: Lee Newman, Planning Director

Re: PEX Heath and Fitness, LLC d/b/a PEX Health and Fitness
Application for Special Permit
1450 Highland Avenue, Needham, MA

Dear Planning Board Members and Ms. Newman:

Pursuant to Chapter 40A of the Massachusetts General Laws, the Needham Zoning By-Law and the Needham Planning Board rules, I submit an Application for Special Permits on behalf of my client, PEX Health and Fitness, LLC, d/b/a PEX Health and Fitness (the “Applicant”) with an address of 1451 Highland Avenue, Needham, MA 02492, of which this letter is a part. The Applicant proposes to redevelop the premises located at 1450 Highland Avenue (the space formerly occupied by Pancho’s Taqueria), to operate a personal fitness service establishment. The premises are comprised of approximately 1,950 sq. ft. of first floor space, approximately 85% of which will be utilized for private, semi-private and group fitness (both general and boxing-style), approximately 90 square feet will be used for an office that will be used for office use and fitness and nutrition consultations, and the remainder of the premises will be used for bathrooms, utility and electrical closets. The premises are located in the Center Business District and are located in a building comprised of approximately 14,326 sq. ft. on a lot comprised of approximately 14,000 sq. ft. The other tenants in the building are Newton Wellesley Primary Care, Treat LLC, and Rockland Trust Company.

The Application addresses the following relief which is, or may be required:

1. Special Permit pursuant to Section 3.2.2 of the Zoning By-Law to operate a personal fitness service establishment.
2. Special Permit pursuant to Section 3.2.2 of the Zoning By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultations.
3. Special Permit pursuant to Section 3.2.2 of the Zoning By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law.

4. Special Permit pursuant to Section 5.1.1.6 of the Zoning By-Law to waive strict adherence to the requirements of Section 5.1.2 (“Required Parking”) and Section 5.1.3 (“Parking Plan Design Requirements”) of the Zoning By-Law.

I. Use

As set forth in Section 1.3 of the Zoning By-Law, the Applicant is aware that the restrictions inherent to a personal service fitness establishment are (i) having at least one instructor or supervisor for every 15 clients, (ii) maximum class size of 15 clients, (iii) maximum occupancy at any one time of 20 persons, and (iv) maximum total area of 2,500 sq. ft. As set forth herein, the Applicant and premises will comply with all of these requirements.

The maximum number of staff on the premises at any given time will be 5. Most of the trainers will be working on a part-time basis (4-6 hours per day) so that some trainers will work morning only and other trainers will work afternoons only. The personal service that the Applicant will offer is private training sessions (one-on-one by appointment only sessions). It is anticipated that approximately 50% of the clients will be involved in one-on-one training. Approximately 25% of the anticipated training volume will consist of semi-private training sessions (2-4 people per trainer), which will be staggered throughout the day to prevent crowding and congestion issues (and to remain at all times in compliance with the 20-person maximum occupancy requirement). The third service, which is anticipated to comprise about 25% of the training volume, consists of small group training sessions (no more than 8 people per trainer). Small group training services will only be offered in the early mornings (5:00-8:00 am) and the late afternoons/evenings (5:00 pm or later) and only one small group training session will be held at a time. Due to the limited space at this location, there will be no private or semi-private training sessions going on at the same time as a small group training session.

All services will be by appointment only. The Applicant is a small appointment-based fitness facility and does not intend to offer larger classes (10+ people) for group training such as spinning and yoga. The sessions will be scheduled so that there will not be more than 20 individuals present at the facility at any given time. The proposed hours of operating are 5:00am to 8:00pm Monday through Sunday. The busiest times are anticipated to be 6:00am to 9:00am and 4:00pm to 7:00pm. The busiest days are Monday through Friday. Most clients tend to arrive at the facility just before the scheduled appointment and tend to leave immediately after the end of their appointment. The only exception to this is in the case of some early morning clients, who exercise before going to work. Those individuals may use the locker rooms and showers shown on the plan.

A general description of the types of fitness activities is that coaching is given for the following activities:

Boxing and conditioning training, dumbbell training, barbell training, kettlebell training, medicine ball training, body weight training, speed and agility training, cardiovascular training, metabolic training, and mobility training. The Applicant specializes in “personalized functional

training”. The functional training methodology prioritizes moving the body to elicit physiological adaptations, as opposed to moving machines and other such implements. A premium is put on space for movement and the Applicant develops programs that adhere, specifically, to the way each individual moves his/her body. This results in an intelligent program designed and aimed at keeping clients healthy, vibrant and injury free.

For the reasons set forth herein and the fact that the Applicant operates a similar personal fitness service establishment across the street at 1451 Highland Avenue, as permitted by Special Permit granted by the Planning Board (No. 2018-18, dated October 10, 2018), the use of the premises as a personal fitness service establishment is not detrimental to other uses in the building and area and is in compliance with all other requirements of the By-Law, and therefore the Special Permits under Section 3.2.2. of the By-Law set forth above should be granted.

II. Parking

The Applicant has requested a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2, more specifically to reduce the number of required parking spaces. The parking requirement for “indoor athletic or exercise facility or personal service fitness establishment” is set forth in Section 5.1.2 of the By-Law. According to Section 5.1.2, the Planning Board has the discretion to compute the parking requirement as either (a) “one space for 150 sq. ft. or fraction thereof of gross floor area and one space for each three employees to be employed on the largest shift” or (b) “in circumstances where facility size is known and occupancy and parking demand will be controlled by the method of operation, the Planning Board may reduce the number of parking spaces required for a personal fitness service establishment to one parking space per employee and visitor present on the site at any one time during the peak usage period”.

Under method (a) set forth above, the parking requirement for the gross floor area is $1,950 \text{ sq. ft.} / 150 = 13 \text{ spaces}$, plus 1 space per 3 employees on the largest shift = $5 \text{ employees} / 3 = 2 \text{ spaces (rounded up)}$, for a total of 15 spaces.

Under method (b) set forth above, the Planning Board may reduce the number of parking spaces required for a personal fitness service establishment by one parking space per employee and visitor at any one time during the peak usage period. While the peak number of employees on site at any given time may be as high as 5, and the bulk of clients are on a one-to-one basis with the trainers, if some trainers schedule semi-private training sessions (maximum 4 students per trainer all as more particularly described below), the maximum number of employees and visitors could be as high as 15, for a parking requirement under method (b) of 15 spaces. Note that the Applicant will not schedule more than two semi-private training sessions (2-4 people per trainer) at the same time. The Applicant will also prohibit coaches from scheduling training sessions during small group class sessions. Under either method set forth in the By-Law, a parking waiver for 15 spaces will be needed for the proposed use. Therefore, the Applicant requests a waiver equal to 15 spaces.

With respect to the building, of which the Applicant leased premises are a part, the tenant mix is as follows:

Tenant No. 1 - Medical Clinic

8,623 square feet (4,943 square feet on the first floor, 3,680 square feet on the second floor)

@ 1 space/200 square feet = 43.115 spaces = 44 spaces

Tenant No. 2 – Treat Cupcake

1,868 square feet originally; expanded by 455 square feet to 2,323 square feet

Per Decision dated January 15, 2010, parking requirement was as follows: one parking space per three seats (30 seats, including the main room seats and the function room seats, divided by 3 = 10) and an additional 10 parking spaces for a take-out station, resulting in a total parking requirement of 20 spaces

Tenant No. 3 – Rockland Trust Company

1,450 square feet

@ 1 space/300 square feet = 4.83 spaces = 5 spaces

Tenant No. 4 – Applicant’s proposed space (formerly Pancho’s Taqueria), listed in the Pancho’s Taqueria Decision (No. 2019-01, dated February 26, 2019) (the “Pancho’s Decision”) and in the Amendment to Decision Nos. 95-7 and 97-2 (dated February 26, 2019) (The “Amendment to Decision”), 1,575 square feet

@ 1 space per 3 seats plus 10 spaces for the take out station for a total of 23 spaces

Pursuant to the Pancho’s Decision and the Amendment to Decision, the Planning Board determined that the total parking requirement of 1450 Highland at the time of the Pancho’s Decision and the Amendment to Decision issued by the Planning Board was computed to be 94 spaces. At that time, the property had access to 48 parking spaces (40 provided by a parking easement located adjacent to the neighboring Walgreen’s property and 8 spaces located on-site). In the Amendment to Decision, the Planning Board granted a parking waiver of 46 parking spaces, for the difference between the required 94 parking spaces and the then available 48 parking spaces.

As further noted above, the parking requirement for Pancho’s Taqueria stated in the Pancho’s Decision and Amendment to Decision was 23 spaces. As the number of spaces required for the Applicant is 15 spaces, the total parking requirement of the entire building after substituting PEX Health and Fitness for Pancho’s Taqueria will decrease by 8 (23-15 = 8).

Additionally, the property now has access to 60 parking spaces (8 spaces located on-site, 40 spaces provided by a parking easement located adjacent to the neighboring Walgreen’s

property, and 12 spaces provided a parking easement located on the neighboring 13-15 Highland Place property).

As described above, the total parking demand for Applicant is 15 spaces, which is less than the 23 spaces required by Pancho's Taqueria. Due the fact that the Applicant requires fewer spaces than the tenant they are replacing and there are now more spaces available at the property, the Planning Board should grant a waiver for 15 spaces for the Applicant. If the Planning Board determines that the parking waiver for the entire building needs to be regranted, the waiver should be 26 ($86 - 60 = 26$).

A waiver pursuant to Section 5.1.1.6 from strict adherence to the provisions of Section 5.1.3 of the Zoning By-Law ("Parking Plan and Design Requirement") was granted by the Pancho's Taqueria Decision (No. 2019-01, dated February 26, 2019) and ratified by the Amendment to Decision for Permit Nos. 95-7 and 97-2 dated February 26, 2019. As there are no changes to the parking plan for the building since February 26, 2019 and replacing Pancho's Taqueria with the Applicant will result in a reduction of the number of required parking spaces as set forth above, the Applicant requests that the waiver pursuant to Section 5.1.1.6 from strict adherence to the provisions of Section 5.1.3 be granted.

As determined by the Planning Board in the Pancho's Taqueria Decision and the PEX Health and Fitness, LLC Decision for the building located across the street at 1451 Highland Avenue (No. 2018-18, dated October 10, 2018), the reduction in the number of parking spaces is consistent with the intent of the By-Law and will not increase the detriment to the Town's and neighborhood's inherent use.

These applications for Special Permits include the following:

1. Application for Special Permit
2. Locus Map, printed from Needham Online GIS, printed November 4, 2024
3. Floor Plan prepared by Derek Rubinoff, Architect dated November 1, 2024 (11 x 17)
4. As-Built Plan for 1450 Highland Avenue showing eight (8) on-site parking spaces
5. Supplemental letter re: Section 7.5.2.1 of the Zoning By-Law
6. Filing fee check in the amount of \$1,000.00

In addition to being submitted electronically, two (2) hard copies of each of the items set forth in 1-5 above are being hand delivered to the Planning Department along with the check for the filing fee.

Town of Needham Planning Board
November 4, 2024
Page 6



The Applicant requests that it be permitted to modify the floor plan without further Planning Board review or approval provided that the limits of the leased space are not expanded.

Please schedule the public hearing for this matter for November 19, 2024.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Giangrasso', is written over the word 'Sincerely,'.

David A. Giangrasso

Town of Needham



11/4/2024, 1:29:41 PM

Town Boundaries

Buildings

Roads

Paved

Unpaved

Sidewalks

Sports

Sports Court

Waterbodies

Painted Lines

Railroad Tracks

Parking Feature

Bridges

Unpaved

Paved

Sidewalk

Exterior Stairway

Sports Field

Golf Bunker

Parcels

Crosswalk

Driveways

Unpaved

Sport Lines

Playground

Bleacher

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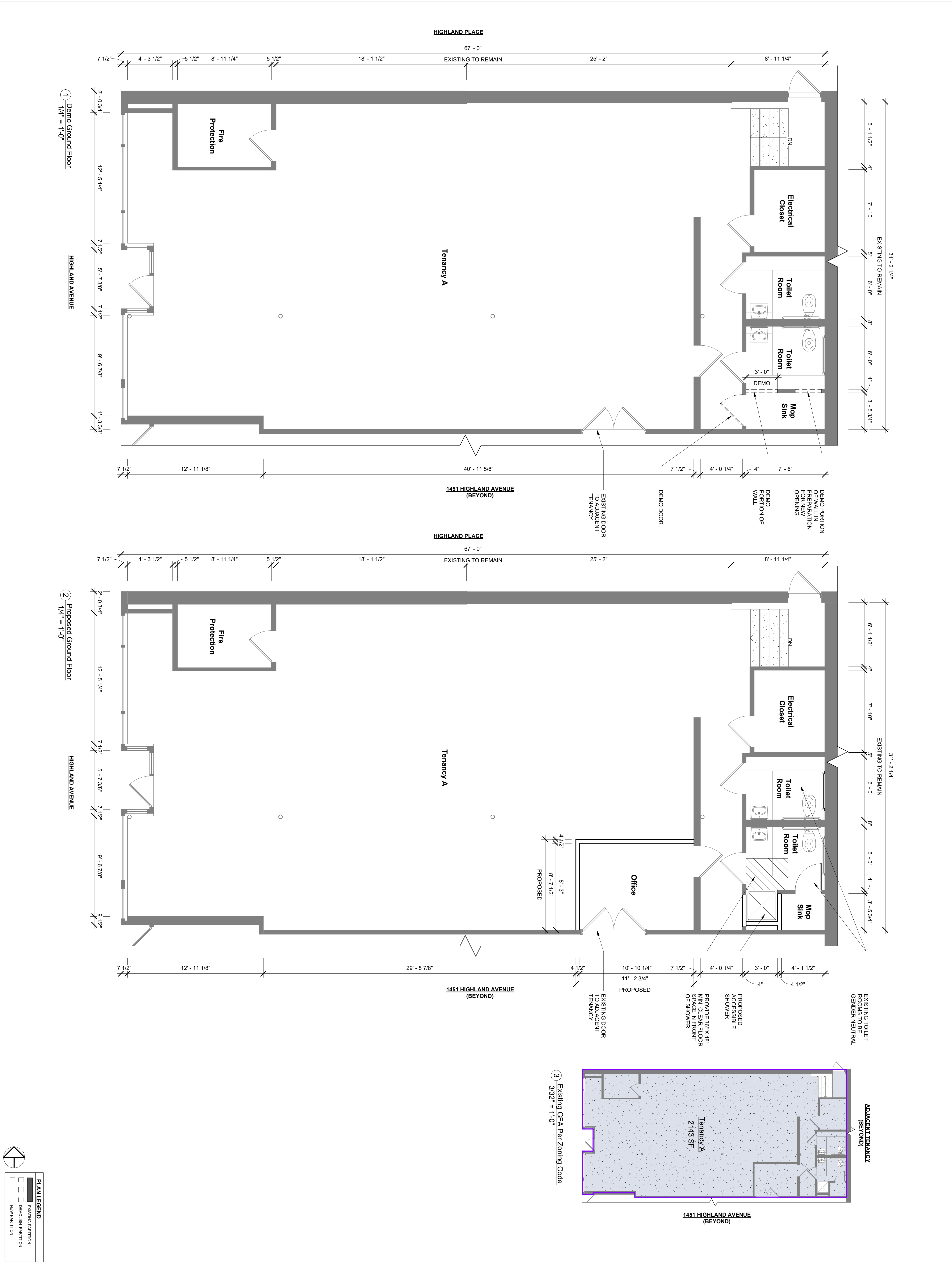
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DEREK RUBINOFFARCHITECT

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ARCHITECTURE • INTERIORS • CONSUMER ENVIRONMENTS

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PROPERTY OWNER
PEX Health and Fitness
1451 Highland Avenue
Needham, MA 02492
Contact: Bianca Gira
bgiro@pexhealthandfitness.com
Mobile: (773) 521-7578

ARCHITECT:
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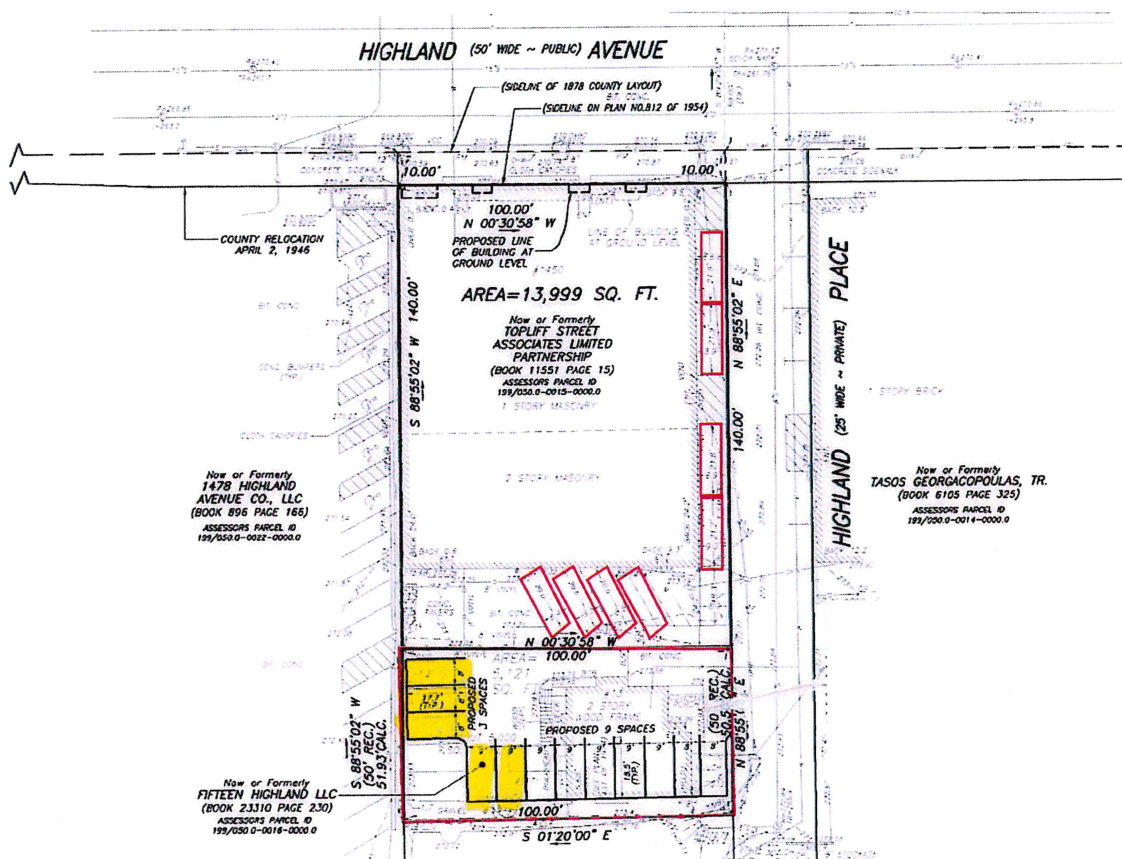
PEX Health and Fitness
Fit-Out

No.	By	Date	Description
--	--	11/01/2024	Permit Set

1450 Highland Avenue
Needham, MA 02492
Demo & Proposed Plans

Checked By:	Checker
Job No:	2448

SKD-0.2



- NOTES:**
- 1) BENCH MARK INFORMATION
BENCH MARK (NEEDHAM PLAN) TO BEYOND, HAS SHOWN HERE
TEMPORARY BE
TEN-A LEFT OF ENTRANCE TO ELEV.=270.49
TEN-B FRONT AS SHOWN HERE
 - 2) ELEVATIONS REFER TO
3) CONTOUR INTERVAL 1
 - 4) UTILITY INFORMATION
PLANS OF RECORD
CONDUITS HAVE BEEN PLANNED AND ARE APP RESPONSIBILITY FOR THAT ARE OBTAINED SINCE SUBSURFACE PLANNING FUTURE OF DEPARTMENT SHOULD SUBSURFACE STRUCTURE TOLL FREE, THE DIS EVENT-TWO HOURS
 - 5) THIS DOCUMENT IS A SURVEYORS ISSUED AND SOLELY TO FUL UNDER CONTRACT TO REUSE OF THIS DOC PURPOSES UNRELATED BE AT THE USER'S LIABILITY FOR VIOLATION, CONSENT IS PROVIDED
 - 6) RECORD GAS INFORMATION
 - 7) PROPOSED BUILDING CAD FILE T450.PLA
 - 8) PROPOSED PARKING T8079_C-1 PROPOSED

November 4, 2024

Via Hand Delivery and Email

Town of Needham Planning Board Members
500 Dedham Avenue
Needham, MA 02492
Attention: Lee Newman, Planning Director

Re: PEX Heath and Fitness, LLC d/b/a PEX Health and Fitness
Application for Special Permit
1450 Highland Avenue, Needham, MA

Dear Planning Board Members and Ms. Newman:

The purpose of this letter is to provide the Planning Board with additional information in connection with the above-described project. I have structured the bulk of this letter to conform to the review criteria for special permit review, as set forth in Section 7.5.2.1 of the Zoning By-Law.

The property is located at 1450 Highland Avenue in the Center Business District. The property is presently fully developed. The proposed personal fitness service establishment will be located in the space formerly occupied by Pancho's Taqueria.

Special Permit Review Criteria

The following are the criteria for the Planning Board to consider during the special permit review process pursuant to Section 7.5.2.1 of the Zoning By-Law, and the description of how the project satisfies those criteria.

“The proposed use, building, structure, off-street parking or loading, modification of dimensional standards, screening or landscaping, or other activity, which is the subject of the application for special permit:

- (a) “complies with such criteria or standards as may be set forth in the section of this By-Law which refers to the granting of the requested special permit”**

As set forth in the application letter submitted herewith, the proposed project complies with all criteria and standards for obtaining the requested special permits pursuant to Section 3.2.2 and Section 5.1.1.6 of the Zoning By-Law.

- (b) “is consistent with: 1) the general purposes of this By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the**

requested special permit which may be set forth elsewhere in this By-Law, such as, but not limited to, those at the beginning of the various sections”

The proposed project is consistent with the general purpose of the Zoning By-Law set forth in Section 1.1 and with the other specific objectives and purposes applicable to the requested special permits in the Zoning By-Law. Additionally, the Applicant operates similar personal fitness service establishments across the street in the building at 1451 Highland Avenue (the “1451 Highland PEX”) and at 292 Reservoir Street and has been a tenant in the Center Business District since 2018.

- (c) “is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area”**

The proposed project is compatible with the existing natural features of the site and with the characteristics of the surrounding area as the proposed project will only modify the interior of the building. The structure of the building, off-street parking or loading, and exterior of the building and surrounding area will not be affected by the proposed project. Therefore, the relationship of the site to the natural features and the surrounding area will not be affected in any material way.

- (d) “the circulation patterns for motor vehicles and pedestrians which would result from the use or structure which is the subject of the special permit will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the site or in the surrounding area”**

The proposed project will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the site or in the surrounding area. As set forth in the application letter submitted herewith, the parking requirements and maximum capacity for the proposed project are less than those for the prior use of the premises. All clients will be by appointment only and the anticipated busiest peak hours of operation are before 9 a.m. and after 4 p.m., which complements the peak use times for many other local businesses.

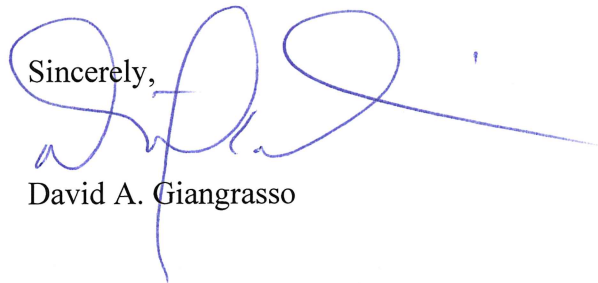
- (e) “the proposed use, structure or activity will not constitute a demonstrable adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area, 2) emission or discharge of noxious or hazardous materials or substances, or 3) pollution of water ways or ground water”**

The proposed project will not result in excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area. The subject premises are located in the middle of the block between May Street and Great Plain Avenue and are surrounded by several other retail

stores and other businesses, including Needham Town Hall and the 1451 Highland PEX. The proposed project will not constitute a demonstrable adverse impact on the surrounding area resulting from emission or discharge of noxious or hazardous materials or substances or from pollution of water ways or ground water.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me.

Sincerely,



David A. Giangrasso