

NEEDHAM PLANNING BOARD

Tuesday December 17, 2024

2:30 p.m.

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. Decision: Major Project Site Plan Special Permit No. 2024-03: PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA, Petitioner. (Property located at 1450 Highland Avenue, Needham, MA). Regarding proposal to operate a personal fitness service establishment.
2. De Minimus Change: Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant LLC, 882-886 Highland Avenue, Needham, Massachusetts Petitioner (Property is located at 882-886 and 890 Highland Avenue, Needham, Massachusetts). Regarding change to façade.
3. De Minimus Change: Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner. (Property located at 589 Highland Avenue, Needham, Massachusetts). Regarding reduction of Independent Living Units (no change to affordable units).
4. Board Acknowledgement: Notification of Change of Ownership: Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner. (Property located at 589 Highland Avenue, Needham, Massachusetts).
5. ANR Plan – Majorie A. Pine, Petitioner, (Property located at 321 Cartwright Road, Needham, MA).
6. Minutes.
7. Report from Planning Director and Board members.
8. Correspondence.

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

**DECISION
Special Permit
Application No. 2024-03
December 17, 2024**

**PEX Health and Fitness, LLC d/b/a PEX Health and Fitness
1451 Highland Avenue**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA (hereinafter referred to as the Petitioner), for property located at 1450 Highland Avenue, Needham, MA 02492, shown on Assessor's Map No. 50 as Parcel 15 containing 13,939 square feet in the Center Business Zoning District.

This Decision is in response to an application submitted to the Board on November 12, 2024, by the Petitioner for: (1) a Special Permit under Section 3.2.2 of the By-Law to operate a personal fitness service establishment in the Center Business District; (2) a Special Permit under Section 3.2.2 of the 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 the By-Law; (3) a Special Permit under Section 3.2.2 of the By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultations; and (4) 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, Required Parking, and Section 5.1.3, Parking Plan and Design Requirements.

The requested Special Permit, would, if granted, permit the Petitioner 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.

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, Natasha Espada, on Tuesday, December 3, 2024 at 7:00 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Artie Crocker, Paul S. Alpert, Adam Block and Justin McCullen were present at the December 3, 2024 hearing. 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 - Properly executed Application for Special Permits under Section 3.2.2 of the By-Law, and Section 5.1.1.6 of the By-Law. Said application submitted on November 12, 2024.
- Exhibit 2 - Cover Letter from Attorney David A. Giangrasso, dated November 4, 2024.
- Exhibit 3 - Town of Needham GIS map of property.
- Exhibit 4 - Plan sheet SKD-0.2, PEX Health and Fitness Fit-Out, entitled “Demo & Proposed Plan,” prepared by Derek Rubinoff Architect, 82 Spring Street, West Roxbury, MA, 02132, dated November 1, 2024.
- Exhibit 5 - Portion of site Plan showing parking.
- Exhibit 6 - Plan entitled “As-Built Plan, 1450 Highland Avenue and 13 Highland Place,” prepared by Feldman Land Surveyors, 152 Hampden Street, Boston, MA 02119, dated November 7, 2019.
- Exhibit 7 - Letter from Attorney David A. Giangrasso, dated November 4, 2024.
- Exhibit 8 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, Department of Public Works, by memo dated November 25, 2024; IDC to the Board from Tara Gurge, Assistant Director, Health Division, dated November 25, 2024; IDC to the Board from Chief John Schlittler, Needham Police Department, dated November 8, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated November 18, 2024; and IDC to the Board from Chief Tom Conroy, Needham Fire Department, dated November 8, 2024.

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

FINDINGS AND CONCLUSIONS

- 1.1 The subject property is located at 1450 Highland Avenue, Needham, MA 02494, shown on Assessor’s Map No. 50 as Parcel 15 containing 13,939 square feet in the Center Business Zoning District.
- 1.2 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.
- 1.3 There will be a maximum of five (5) employees and ten (10) clients on-site at any one time, for a total of no more than 15 people on site at any one time. At no time will the maximum number of occupants at any given time exceed 15. The Petitioner will not schedule more than two semi-private training sessions (2-4 people per trainer) at the same time and not more than one small group training sessions (no more than 8 people per trainer).

- 1.4 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 mornings only and other trainers will work afternoons only. The personal service that the Petitioner 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.
- 1.5 All services will be by appointment only. The Petitioner 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 15 individuals present at the facility at any given time. 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.
- 1.6 The proposed hours of operation are 5:00 a.m. to 8:00 p.m. Monday through Sunday. The busiest times are anticipated to be 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. The busiest days are Monday through Friday.
- 1.7 The Petitioner 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 total parking demand for the subject premises with the new use can be calculated in two ways. The first method yields a requirement of 15 parking spaces calculated as follows: 1,950 square feet @ 1 space / 150 square feet = 13 spaces, plus one space for every three employees on the largest shift (5 total employees) = 2 spaces (rounded up), for a total of 15 spaces. The second method also yields a total requirement of 15 parking spaces. In the later circumstance 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. 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 8 students per trainer), the maximum number of employees and visitors could be as high as 15, for a parking requirement under the second method of 15 spaces. Note that the Petitioner will not schedule more than two semi-private training sessions (2-4 people per trainer) at the same time and not more than one small group training sessions (no more than 8 people per trainer). The Petitioner will also prohibit coaches from scheduling training sessions during small group class sessions. Using this method, the total number of required spaces is 15 spaces. In either case, a parking waiver on the number of required spaces will be required for

the proposed use, because there is minimal parking associated with this property. Therefore, the Petitioner requests a waiver of 15 parking spaces.

- 1.8 Pursuant to Section 5.1.1.3 of the By-Law no change or conversion of a use in a mixed-use structure to a use which requires additional parking shall be permitted unless off-street parking is provided in accordance with Section 5.1.2 and Section 5.1.3 for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. As there is not sufficient parking associated with the property, a waiver under the provisions of Section 5.1.1.6 is required. The Petitioner 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 tenant mix and parking analysis 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 takeout station for a total of 23 spaces

The total parking requirement for the building pursuant to the By-Law is 92.

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. However, the as-built plan of the property, shown in Exhibit 6, shows that there are actually only 7 spaces built at the property (4 on the side of the building and 3 in the rear).

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 Petitioner 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). Accordingly, with the PEX Health and Fitness use at the property the total number of parking spaces required for the building pursuant to the By-Law is 84.

Additionally, the property now has access to 59 parking spaces (7 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 the Petitioner is 15 spaces, which is less than the 23 spaces required by Pancho's Taqueria. Nevertheless, the Planning Board has determined that the parking waiver for the entire building needs to be regranted. Accordingly, the required waiver is 25 ($84 - 59 = 25$).

- 1.9 The Petitioner 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 Sections 5.1.2 and 5.1.3.
- 1.10 The Petitioner has requested a Special Permit under Section 3.2.2 of the By-Law for a "Personal fitness service establishment" where there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Section 5.1.2 but where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot.
- 1.11 The Petitioner has requested a Special Permit under Section 3.2.2 of the By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultations.
- 1.12 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for a Special Permit for a "Personal fitness service establishment" where there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Section 5.1.2 but where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot, provided the Board finds that the use is in harmony with the general purposes and intent 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, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.13 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent 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, to be in harmony with the general 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.
- 1.14 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) 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 requirements and that the project demonstrates that it is providing the

maximum number of off-street parking spaces practicable. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, 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 Special Permit under Section 3.2.2 of the By-Law to operate a personal fitness service establishment in the Center Business District; (2) the requested Special Permit under Section 3.2.2 of the 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 the By-Law; (3) the requested Special Permit under Section 3.2.2 of the By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultations; and (4) the requested 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, Required Parking, and Section 5.1.3, Parking Plan and Design 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.

- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.

No Plan Modifications 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 3.18 of this Decision.
- 3.1 The floor plan shall be substantially consistent with the floor plan as submitted, movement of non-fixed equipment and fixed equipment is of no concern, provided no more than 1,950 square feet of Personal Fitness Service Establishment space is provided.
- 3.2 The operation of the proposed PEX Health and Fitness, LLC d/b/a PEX Health and Fitness at 1450 Highland Avenue, Needham, Massachusetts shall be as described in Sections 1.2, 1.3, 1.4, 1.5, 1.6, 1.7 and 1.8 of this Decision and as further described under the support materials provided under Exhibits 2, 4, 6 and 7 of this Decision.

- 3.3 The PEX Health and Fitness, LLC d/b/a PEX Health and Fitness facility may be open for business 5:00 a.m. to 8:00 p.m. Monday through Sunday.
- 3.4 No more than five (5) employees and ten (10) clients may be present and using the facility at any one time.
- 3.5 The special permit and parking waivers granted herein are specifically premised upon the special characteristics of the PEX Health and Fitness, LLC d/b/a PEX Health and Fitness facility. In the event of any change in the use permitted hereunder which would result in a greater parking demand, further site plan review will be required, and the Planning Board shall evaluate the parking demand of the building as a whole.
- 3.6 The Petitioner shall purchase five employee parking permits from the Town of Needham for use in the Town's municipal parking lots. The off-site parking shall be provided without cost to the employee and said employees utilizing off-street parking shall be prohibited from parking in any location outside the Town's permitted parking area.
- 3.7 This Special Permit to operate PEX Health and Fitness, LLC d/b/a PEX Health and Fitness at 1450 Highland Avenue, Needham, MA is issued to PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA, and may not be transferred, set over, or assigned by PEX Health and Fitness, LLC, to any other person or entity other than an affiliated entity in which PEX Health and Fitness, LLC has a controlling interest of greater than 50 percent, without the transferee filing a letter with the Board acknowledging that it has read this Decision and agrees to its terms and conditions.
- 3.8 The proposed PEX Health and Fitness, LLC facility use shall contain the dimensions and be located on that portion of the locus exactly as shown on the Plan, as modified by this Decision, and in accordance with applicable dimension requirements of the By-Law. Any changes, revisions, or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.9 The Petitioner recognizes the desire of the Board to assure a viable active retail storefront presence on the major thoroughfares of the Town and shall work in its configuration of its operation to assure that goal is met. To that end, the storefront windows at the storefront entry shall not be obscured by interior window signage, window treatments, or display cases that prevent customers and pedestrians from seeing inside. The Petitioner shall assure that the subject storefront window system remains open and transparent providing the maximum amount of visibility into the facility.
- 3.10 That trash receptacles shall be provided if required, and the area shall be kept free of litter. The trash receptacles if required shall be emptied as needed, cleaned, and maintained to meet Board of Health Standards.
- 3.11 That the following interim safeguards shall be implemented during construction:
- a) The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
 - b) The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner, and the abutters and shall

be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Great Plain Avenue and Highland Avenue.

- 3.12 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a) The Petitioner shall submit two copies of the final Plans as approved by the Board.
 - b) Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approval to the Building Commissioner.
 - c) The final plans shall be in conformity with those previously approved by the Board in this Decision, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - d) The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioners title deed or notice endorsed thereon.
- 3.13 The space that is the subject of this Special Permit and Site Plan Approval shall not be occupied until:
- a) A Certificate of Compliance and an as-built floor plan, signed by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
 - b) That there shall be filed, with the Building Commissioner, a statement by the Board approving the Certificate of Compliance and as-built plan floor plan for the proposed improvements, in accordance with this Decision and the approved Plan.
 - c) There shall be filed with the Building Commissioner a statement by the Board acknowledging the arrangements for the provision of the off-site employee parking stickers.
- 3.14 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 Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.15 The portion of the building that is authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner.
- 3.16 All solid waste shall be removed from the site by private contractor.

- 3.17 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.
- 3.18 Violation of any of the conditions of this Approval 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 Approval, 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 Commissioner 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 Approval 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 Approval 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, as modified by this Decision.
- 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 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 Site Plan Special Permit shall lapse on December 17, 2026 if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to December 17, 2026. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.

- 4.7 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

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 17th day of December, 2024

NEEDHAM PLANNING BOARD

Natasha Espada, Chairman

Artie Crocker

Paul S. Alpert

Adam Block

Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2024

On this _____ day of _____, 2024, 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

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 PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA, for Property located at 1450 Highland Avenue, Needham, Massachusetts, has passed,

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

Date

Louise Miller, Town Clerk

Copy sent to:

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

Select Board
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
Attorney David A. Giangrasso



TOWN OF NEEDHAM
RECEIVED
MASSACHUSETTS
NEEDHAM, MA 02492

2024 DEC 11 PM 12:17

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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) De Minimus Change
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: 882-886 Highland Avenue
Name of Applicant: Blue on Highland Restaurant LLC
Applicant's Address: 882-886 Highland Avenue, Needham, MA 02492
Phone Number: (781) 444-7001

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

Property Owner's Name: Makarios Series LLC
Property Owner's Address: 10 Rockville Meadows, Millis, MA 02054
Telephone Number: (617) 650-8358

Characteristics of Property: Lot Area: 4,540 sq. ft. Present Use: Restaurant & Takeout
Map # 69 Parcel # 60 Zoning District: Avery Sq. Bus. Dis.

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

The Applicant proposes to redevelop the unit adjoining the existing restaurant located at 882 - 886 Highland Avenue and expand the existing premise by 650 square feet into the adjoining commercial space formerly housing a nail salon. The Restaurant has existed here since 2005, and will include seating for 40, a service area and bathroom. The Applicant is proposing to extend the long existing restaurant use providing takeout food service, live music and the service of alcoholic beverages into the new space. The project is further described in the included letter.

Signature of Applicant (or representative): [Signature], Thomas P. Miller, Esq.

Address if not applicant: c/o McDermott, Quilty, Miller & Hanley LLP
28 State St., Suite 802, Boston, MA 02109

Telephone #: (617) 946-4600

Owner's permission if other than applicant: Approved via Lease for Premise

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board [Signature] Date 12/6/24
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

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

To the Planning Board:

12/6/24

I hope this letter finds you all well. Blue on highland is coming forward to the board to make a couple changes to the plan. Enclosed are the renderings per the plumbing code based on the additional seats to be added to the occupancy a second bathroom containing 1 sink and 1 toilet. This will be added as an additional bathroom in the new space and one will be for Male use and one for Female use. The second change will be the façade that has been submitted to DRB for review and approval. This change will be keeping the current door for emergency exit only and ADA entrance if needed for the space entry. The window will be shortened and still be the same designer and installer as the approved renderings. All other aspects of the plan will stay unchanged.

Thank you

A handwritten signature in black ink, appearing to read 'S. Drago', with a stylized, looping flourish at the end.

Scott Drago

Owner

Blue on highland

**KRIPPER STUDIO
882/890 HIGHLAND AVENUE, NEEDHAM, MA
CHANGE OF OCCUPANCY AND ALTERATIONS
11/20/2024**

1.0 BACKGROUND

- 1.1 882 Highland Street in Needham, MA, is a part of an existing one-story structure that was constructed in 1939. The structure extends along Highland Ave. 882 Highland Avenue and is "separated" from the adjacent connected one-story structure by an existing "Party Wall", that extends along a property line that separates the existing A-2 Use structure from the adjacent existing one-story structure at 890 Highland Avenue.
- 1.2 882 Highland Avenue is an existing A-2 Use dining structure with an associated restroom.
- 1.3 The adjacent existing structure that is separated by the "Party Wall" is proposed for a change in occupancy, from an M, Mercantile Use, to an A-2 Dining Use, which will be associated with and part of the existing adjacent Dining Use at 282 Highland Avenue.
- 1.4 Although the prior codes required a fire wall separating two properties on a lot line, the newest concurrent edition of 780 CMR 10th Edition, that is concurrently in effect with 780 CMR 9th Edition, has amended the provisions of Section 706.1.1, "Exceptions", with Exception 2, which eliminates the requirement for a "Fire Wall" to separate properties on a lot line if the two separate uses, when combined, do not exceed the limits of the total area based on the type of construction, as stated: "where the aggregate height and area of the portions of the building located on both sides of the lot line do not exceed the maximum height and area requirements of this code." There are additional contractual requirements for the two properties if owned by separate tenants. However, in this application, the same owner exists on either side of the lot line.

2.0 ALLOWABLE HEIGHT AND AREA

- 2.1 The existing construction of the entire building is Type IIIB. The building is 1-story in height and less than 55 feet in height for both sides of the lot line and for the adjacent additional area of the building.
- 2.2 The existing use at 890 Highland Avenue is an A-2 Assembly, Dining use, with an occupant load of more than 49 occupants, and the existing adjacent space, that is an M, Mercantile Use, will be converted to be part of the existing A-2 Assembly space. The existing A-2 space is sprinklered and the proposed new addition to the existing A-2 space, is not sprinklered, and is part of a tenant space of less than 7,500 s.f. in total A-2 area, and is not proposed to be sprinklered. The total area of the all the spaces in the structure is 6,746 s.f. and the unaltered existing space of 2,700 s.f. is M, Mercantile space.
- 2.3 The total area of the two spaces involved in the proposed A-2 Use space will be approximately 4094 s.f.
 - 2.3.1 The existing A-2 space is 3,480 s.f in area. 40% of the 4,765 s.f. area involved: 1906 s.f.
 - 2.3.2 The proposed additional area to the A-2 Use space is 614 s.f.
 - 2.3.3 The remaining M Use space is 2,700 s.f.

KRIPPER STUDIO
882/890 HIGHLAND AVENUE, NEEDHAM, MA
CHANGE OF OCCUPANCY AND ALTERATIONS
11/20/2024

- 2.3.4 The total area involved in the Change of Occupancy to A-2 Use and the existing A-2 Use is 4,084 s.f.
- 2.4 The allowable areas involved for a single story structure of Type IIIB Construction, unsprinklered, in accordance with 780 CMR 10th Edition, Table 506.2, is as follows:
- 2.4.1 A-2 9,500 s.f.
- 2.4.2 B 9,500 s.f.
- 2.4.3 M 12,500 s.f.
- 2.5 The sums of the ratios of the actual areas divided by the allowed areas, in accordance with 780 CMR 10th Edition, Section 508.4.2, are as follow:
- $3,480/9,500=0.37 + 614/9,500 = 0.064 + 2,700/12,500 \text{ s.f.} = 0.216 = \text{Total } \mathbf{0.65} < \mathbf{1.0}$
- 2.5.1 **The ratio is less than 1** and the total area involved does not require sprinklers.
- 2.6 The total area involved, assuming no sprinklers is allowed. The total area involved in the proposed change of occupancy is less than 7,500 s.f. and not subject to 148 CMR Section 26G.
- 2.7 The entire space will not require fire resistance rated separations for the proposed use arrangement.

3.0 PROPOSED NEW SPACE USE COMPLIANCE

- 3.1 The adjacent proposed new dining space will have an occupant load of 36 occupants. The existing space has a single toilet and lavatory.
- 3.2 The new space will be subject to a change in occupancy from M to A-2 and be an addition to the existing A-2 Use.
- 3.3 The new space will require toilet fixtures in accordance with 148 CMR as amended.
- 3.4 The exterior walls facing Highland Street have a fire separation distance of more than 30 feet, to the center of Highland Street. The exterior walls facing Highland Street, in accordance with 780 CMR 9th Edition, Table 602, are allowed a 0 hour fire resistance rating.
- 3.5 There are no proposed changes to the existing heights of walls that separate the existing addresses. New walls are proposed that will not alter or affect the existing fire-wall along the lot line as described below. The existing masonry wall qualifies in this application only as an unrated partition in an A-2 occupied space and is not required as a fire resistance rated partition within the same occupancy.
- 3.5.1 A connecting opening is allowed between the existing A-2 space and the new A-2 addition space through the masonry separation wall that is not required as a "fire wall" on the lot line as allowed by 780 CMR 10th Edition, 706.1.1, Exception 2.
- 3.6 Toilet Fixtures for the new A-2 Addition will require the following:
- 3.6.1 Occupant Load: 36 total: 18 Women and 18 Men:
- 3.6.1.1 1 Female WC Fixture: 1 Lav: Up to 25 occupants

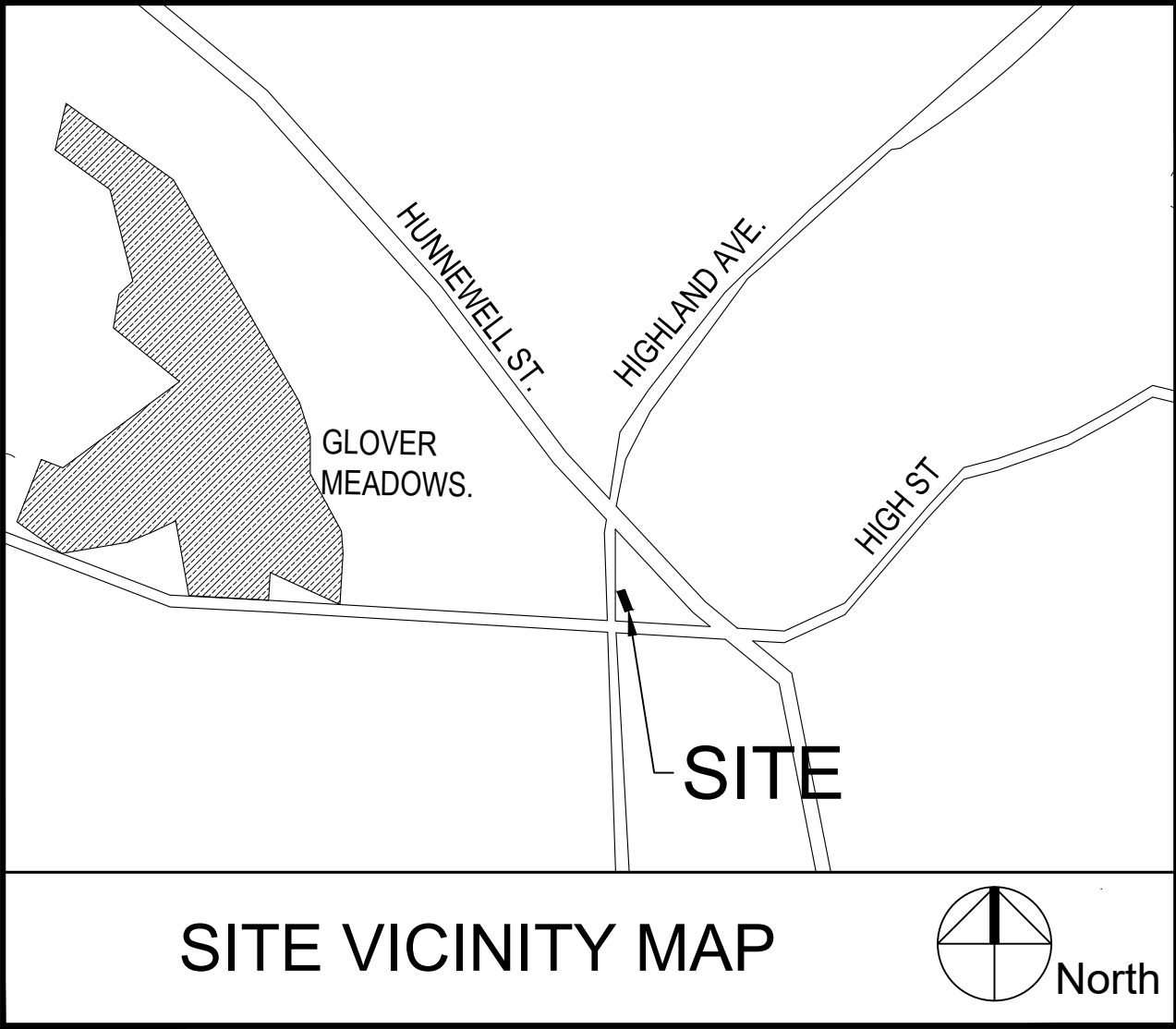
**KRIPPER STUDIO
882/890 HIGHLAND AVENUE, NEEDHAM, MA
CHANGE OF OCCUPANCY AND ALTERATIONS
11/20/2024**

- 2.6.1.2 1 Male WC Fixture: 1 Lav: Up to 50 occupants
- 3.6.2 The rooms will be Single unisex accessible Toilet Rooms with a capacity of up to 25 women and 50 men which exceeds the total for new occupants of 18 women and 18 men.
- 3.6.3 As proposed, the existing A-2 space and the proposed new A-2 additional space will increase the total available fixture capacities for the combined areas.
- 3.7 Means of Egress for the new space changed in occupancy from M to A-2:
 - 3.7.1 The new space has a central aisle serving the seating with a width of approximately 36 inches leading to 2 exit discharge doors of approximately 36 inches in width that discharge to public streets. The means of egress exceed the width requirements for compliance of the new egress aisle and the total capacity of the exit discharge doorways.
- 3.8 Sprinklers: 780 CMR 10th Edition Existing Building Code as amended, Section 903.2.1.2, Sprinklers not required where uses separated by non-rated permanent partitions.
- 3.9 An opening between the two A-2 separated spaces is allowed through the existing masonry wall without a fire rated door or any other protection as though the existing wall was treated as a non-rated partition. The existing total area of the A-2 Use is 4,094 s.f. involving an area of less than 7,500 s.f. and, therefore, not subject to 148 MGL Section 26G.
- 4.0 780 CMR 10th Edition, IEBC as amended: Section 1011.2.1: Fire Sprinkler System
 - 4.1 The proposed work involves a Change in Occupancy of an additional area of the structure in the one-story structure. Section 1011.2.1 allows the change in occupancy without the installation of a sprinkler system in the new A-2 area in accordance with 780 CMR 10th Edition, Section 1011.2.1 as written, not including the "Exceptions" (not applicable) and allows separation in lieu of sprinklers by the use of item 1: "Nonrated" permanent partition and horizontal assemblies."

11/20/2024

DRAWING LIST	
ARCHITECTURAL:	
G-1	COVER SHEET & PROJECT INFORMATION
G-2	PROJECT INFORMATION 05
A-1	EGRÉSS FLOOR PLAN
A-2	EXISTING FLOOR PLAN
A-3	DEMO FLOOR PLAN
A-4	PROPOSED FLOOR PLAN
A-5	EXISTING EXTERIOR ELEVATION
A-6	DEMO EXTERIOR ELEVATION
A-7	PROPOSED EXTERIOR ELEVATION
A-8	PROPOSED FURNITURE PLAN 01

PROJECT INFORMATION	
PROJECT NAME	BLUE ON HIGHLAND ADDITION
PROJECT ADDRESS	882 HIGHLAND AVE NEEDHAM, MA 02494
OWNER ADDRESS	BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494
DESIGNER / ARCHITECT	KRIPPER ARCHITECTURE STUDIO 36 BROMFIELD STREET, SUITE 501 BOSTON, MASSACHUSETTS 02108 PHONE: 617.993.6094 EMAIL: AMIRK@KRIPPERSTUDIO.COM
CODE CONSULTANT	NORTON E. REMMER, PE. 18 JOHN STREET PLACE WORCESTER, MASSACHUSETTS 01609 PHONE: 508.756.2777
PROJECT DESCRIPTION	STRUCTURAL, INTERIOR RENOVATION



ZONING / CODE INFORMATION	
ZONING	AVERY SQUARE BUSINESS
USE GROUP CLASSIFICATION	ASSEMBLY A-2
NUMBER OF STORIES	1 ABOVE GRADE - EXISTING CONSTRUCTION
CONSTRUCTION TYPE	EXISTING CONSTRUCTION: TYPE III-A, PROTECTED
EGRESS	EGRESS REQUIRED: 2 EGRESS PROVIDED: 2
LENGTH OF TRAVEL	64' MAXIMUM

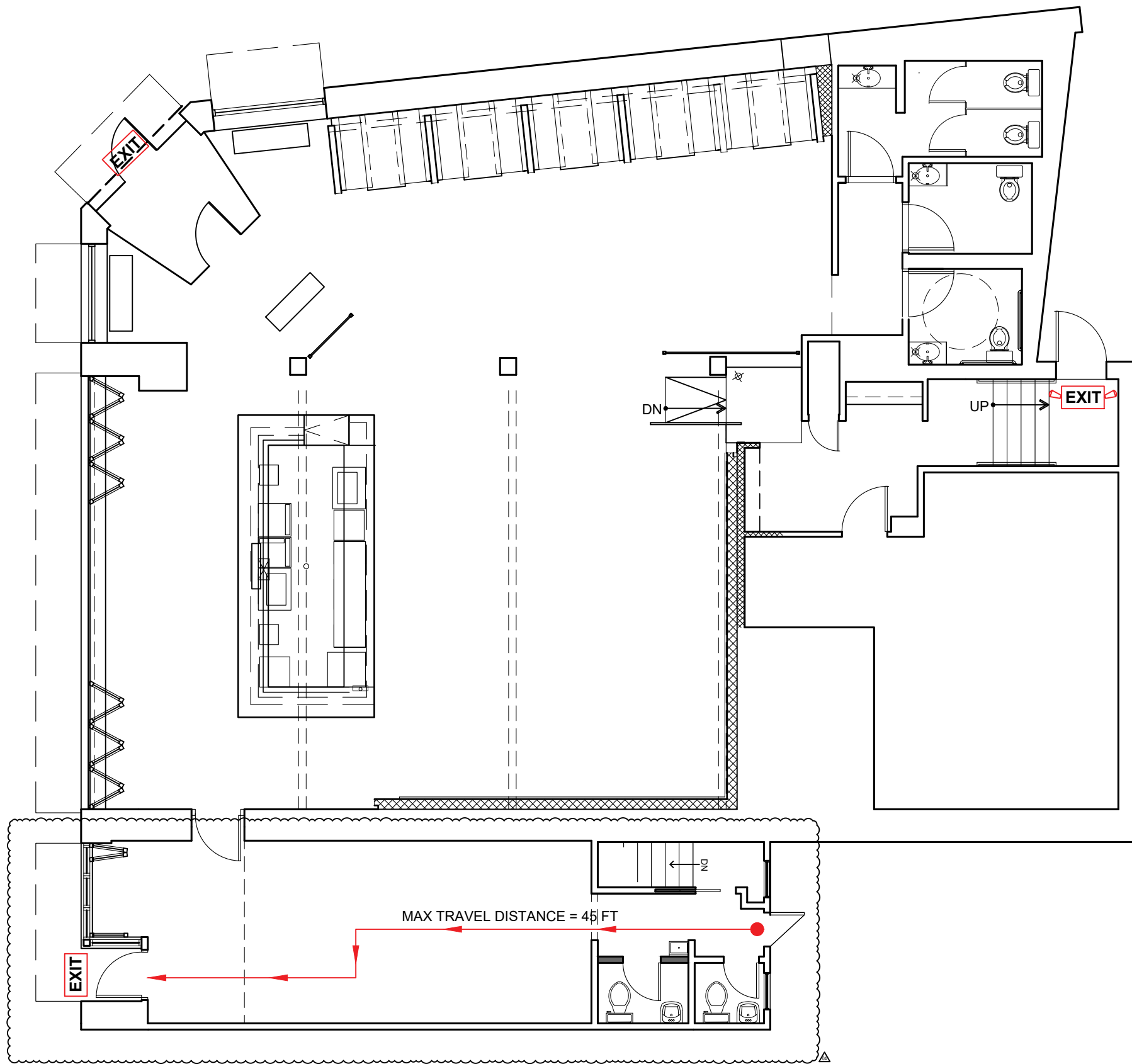
Owner/Project: BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494	Architect: K R I P P E R S T U D I O 36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108	Consultant:	PERMIT SET [ADDENDUM 5]		G-1 Sheet Number	Scale: As Noted 06.06.2024 06.17.2024 06.21.2024 10.21.2024 11.20.2024 Date: 11/20/2024
--	---	-------------	--	---	----------------------------	---



6,746 SF TOTAL

ALLOWABLE AREAS				
	USE	AREA	ALLOWABLE AREA	
882 HIGHLAND AVE	A-2	3,480 SF	9,500 SF	
890 HIGHLAND AVE	B	614 SF	19,000 SF	
892-896 HIGHLAND AVE	M	2,700 SF	12,500 SF	
TOTAL		6,746 SF		
CALCULATIONS				
882 HIGHLAND AVE (A-2)	890 HIGHLAND AVE (B)	892-896 HIGHLAND AVE (M)		
$\frac{3,480}{9,500}$	+	$\frac{614}{9,500}$	+	$\frac{2,700}{12,500}$
0.37	+	0.064	+	0.22
0.65 < 1.0				

780 CMR 10TH EDITION SECTION 706.1.1
RATIONALE/CALCULATIONS FOR EXCEPTION 2
882-896 HIGHLAND AVE - BLUE ON HIGHLAND



1 EGRESS PLAN

1/8" = 1'-0"

Owner/Project:

BLUE ON HIGHLAND
882 HIGHLAND AVE
NEEDHAM, MA 02494

Architect:

K R I P P E R S T U D I O
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

PERMIT SET
[ADDENDUM 5]



A-1

Sheet Number

Scale: As Noted

06.06.2024

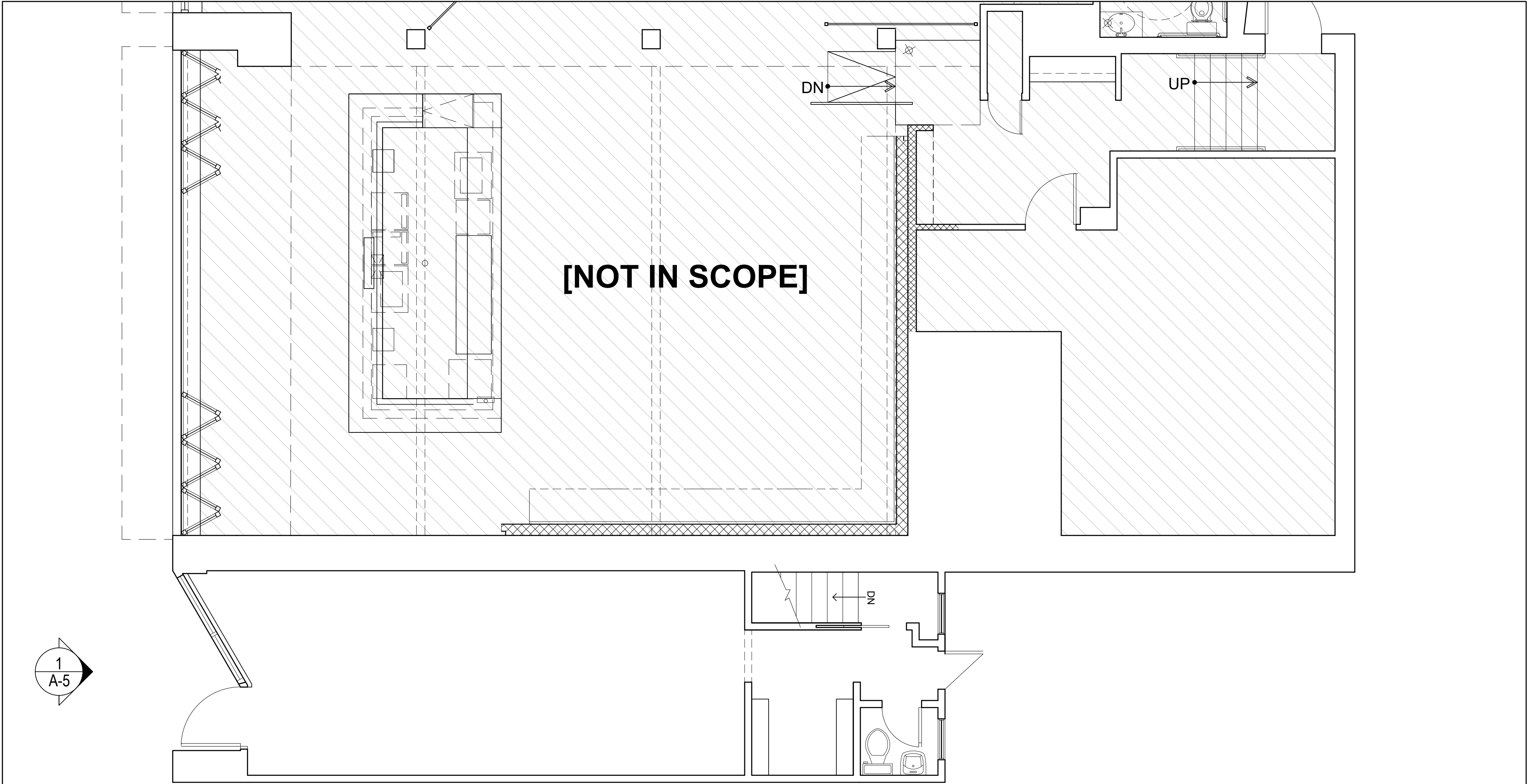
06.17.2024

06.21.2024

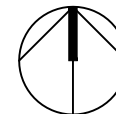
10.21.2024

11.20.2024

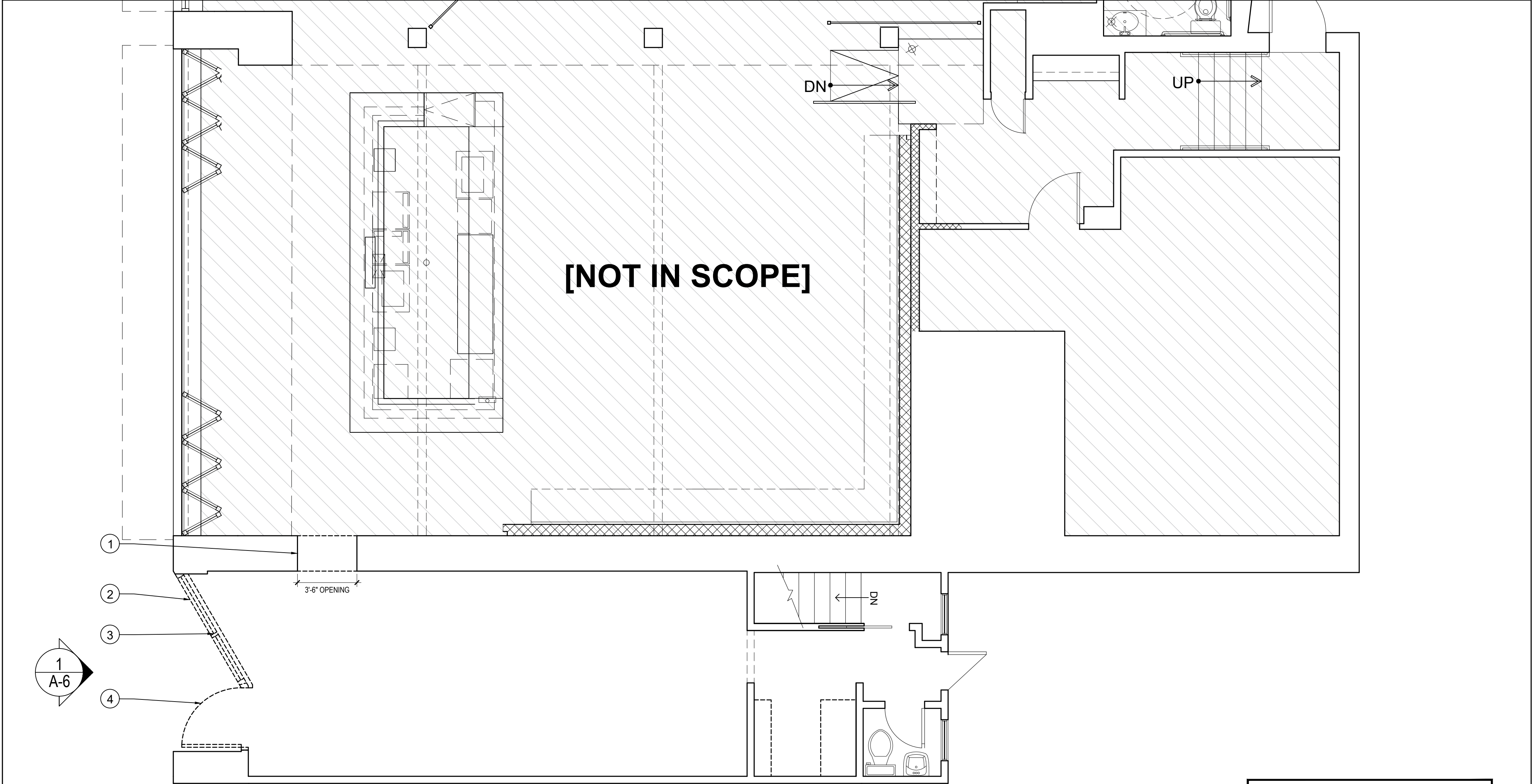
Date: 11/20/2024



1 EXISTING FLOOR PLAN
1/4" = 1'-0"



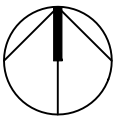
Owner/Project: BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494	Architect: K R I P P E R S T U D I O 36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108	Consultant:	PERMIT SET [ADDENDUM 5]		A-2 Sheet Number	Scale: As Noted 06.06.2024 06.17.2024 06.21.2024 10.21.2024 11.20.2024 Date: 11/20/2024
--	---	-------------	-----------------------------------	---	----------------------------	---

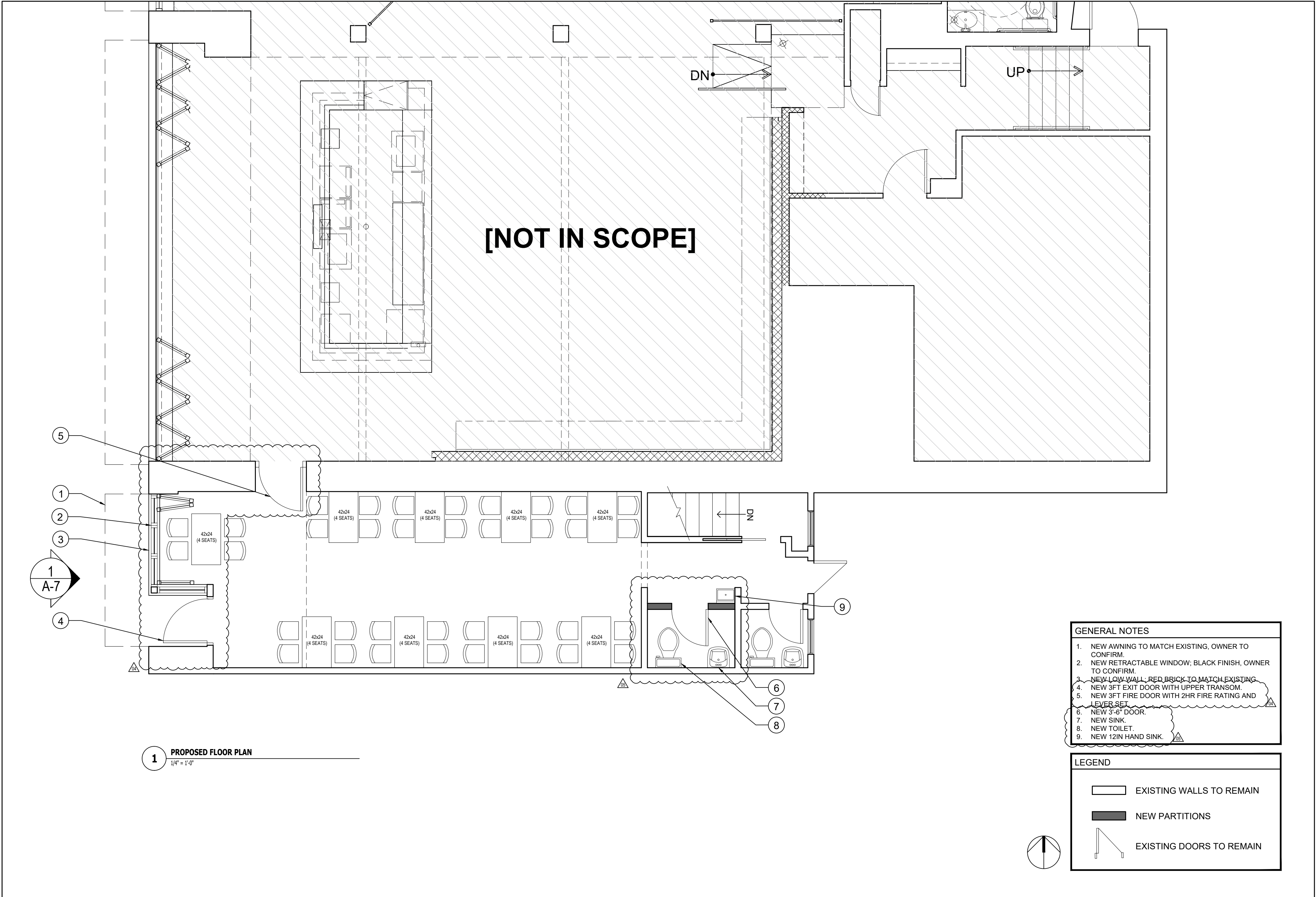


1 DEMO FLOOR PLAN
1/4" = 1'-0"

- DEMO NOTES
- 1. REMOVE PORTION OF EXISTING WALL.
 - 2. REMOVE EXISTING LOW BRICK WALL.
 - 3. EXISTING STOREFRONT WINDOW AND FRAMING TO BE REMOVED.
 - 4. EXISTING DOOR, HARDWARE, AND FRAMING TO BE REMOVED.

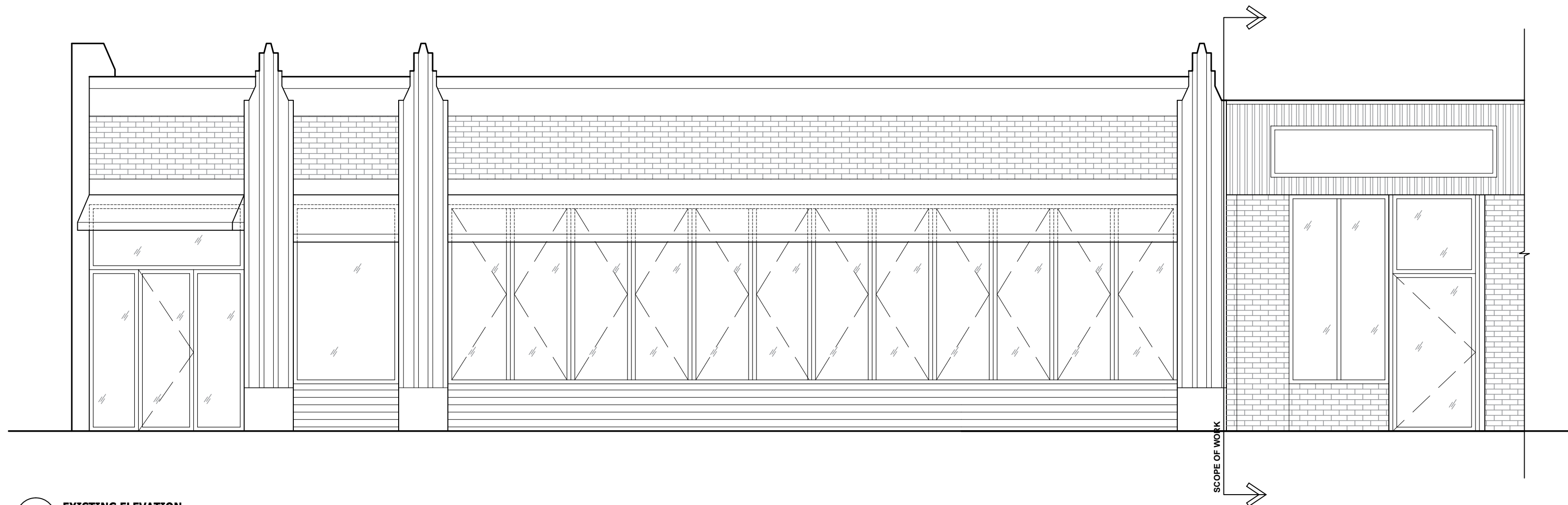
- LEGEND
- EXISTING WALLS TO REMAIN
 - WALLS, DOORS, CABINETS, OR FIXTURES TO REMOVE
 - EXISTING DOORS TO REMOVE





- GENERAL NOTES**
- 1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM.
 - 2. NEW RETRACTABLE WINDOW; BLACK FINISH, OWNER TO CONFIRM.
 - 3. NEW LOW WALL, RED BRICK TO MATCH EXISTING.
 - 4. NEW 3FT EXIT DOOR WITH UPPER TRANSOM.
 - 5. NEW 3FT FIRE DOOR WITH 2HR FIRE RATING AND LEVER SET.
 - 6. NEW 3'-6" DOOR.
 - 7. NEW SINK.
 - 8. NEW TOILET.
 - 9. NEW 12IN HAND SINK.

- LEGEND**
- EXISTING WALLS TO REMAIN
 - NEW PARTITIONS
 - EXISTING DOORS TO REMAIN



1 EXISTING ELEVATION
1/4" = 1'-0"

02

Owner/Project:

BLUE ON HIGHLAND
882 HIGHLAND AVE
NEEDHAM, MA 02494

Architect:

K R I P P E R S T U D I O
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

PERMIT SET
[ADDENDUM 5]



A-5

Sheet Number

Scale: As Noted

06.06.2024

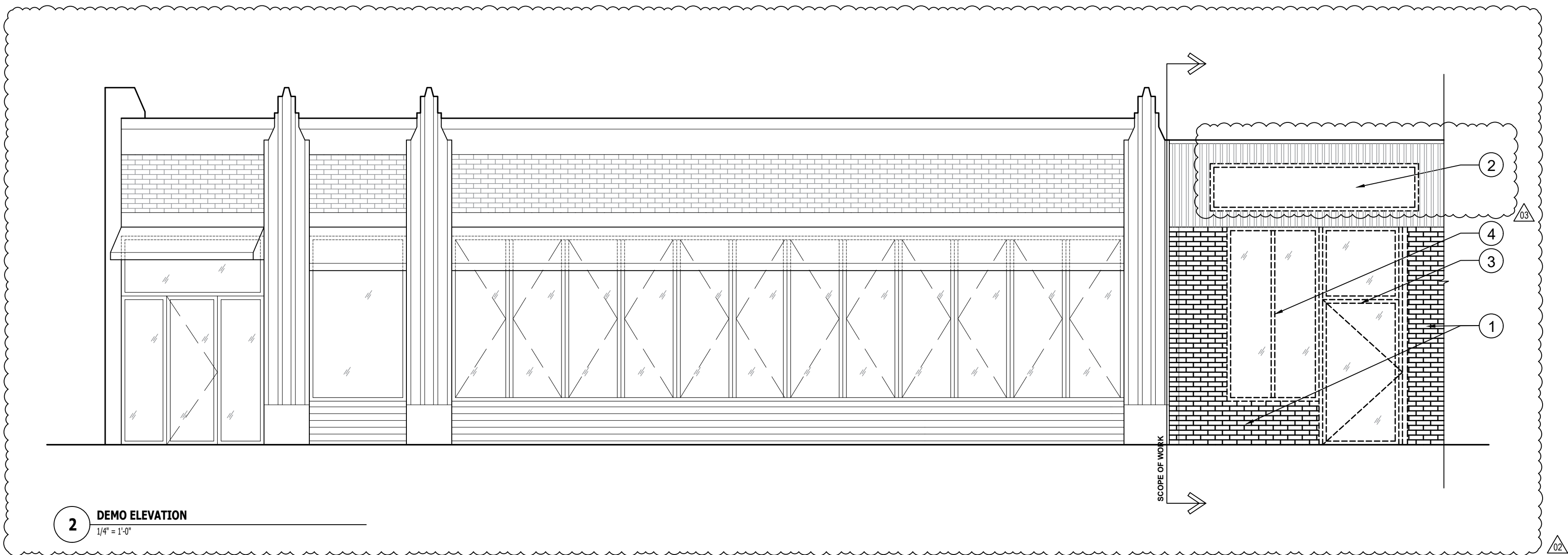
06.17.2024

06.21.2024

10.21.2024

11.20.2024

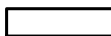
Date: 11/20/2024



DEMO NOTES

1. REMOVE EXISTING BRICK FACING WALL AND FRAMING.
2. EXISTING SIGNAGE, FRAMING, AND FASTENERS INSERT TO BE REMOVED.
3. EXISTING DOOR, HARDWARE, AND FRAMING TO BE REMOVED.
4. EXISTING STOREFRONT WINDOW AND FRAMING TO BE REMOVED.

LEGEND

-  EXISTING WALLS TO REMAIN
-  WALLS, DOORS, CABINetry, OR FIXTURES TO REMOVE
-  EXISTING DOORS TO REMOVE

Owner/Project:

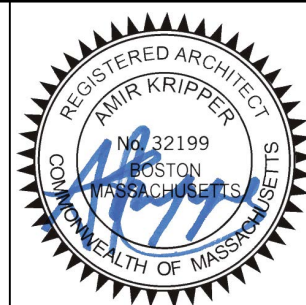
BLUE ON HIGHLAND
882 HIGHLAND AVE
NEEDHAM, MA 02494

Architect:

K R I P P E R S T U D I O
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

PERMIT SET
[ADDENDUM 5]



A-6

Sheet Number

Scale: As Noted

06.06.2024

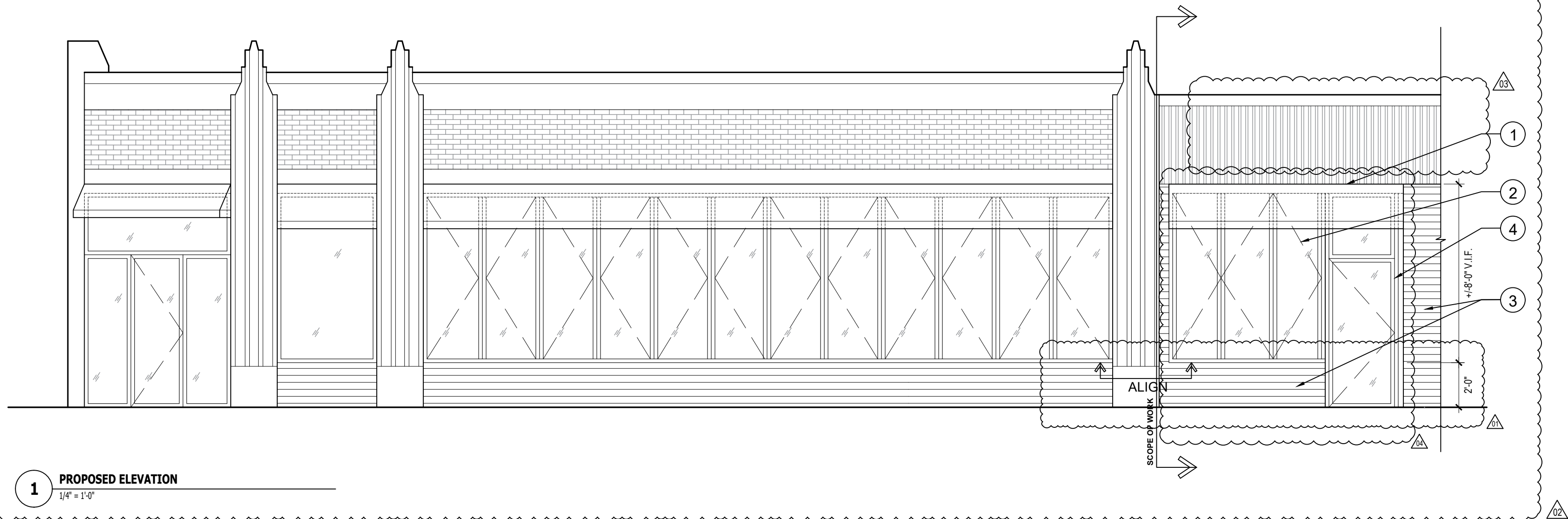
06.17.2024

06.21.2024

10.21.2024

11.20.2024

Date: 11/20/2024



- GENERAL NOTES**
1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM.
 2. NEW RETRACTABLE WINDOW TO MATCH EXISTING; FINISH TO MATCH EXISTING, OWNER TO CONFIRM.
 3. NEW LOW WALL; PAINTED CLAPBOARD TO MATCH EXISTING.
 4. NEW 3FT EXIT DOOR WITH UPPER TRANSOM.

Owner/Project:

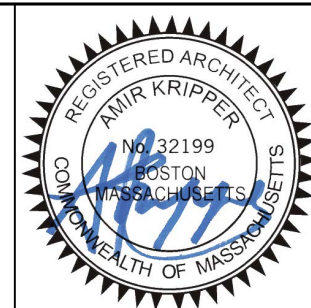
BLUE ON HIGHLAND
882 HIGHLAND AVE
NEEDHAM, MA 02494

Architect:

K R I P P E R S T U D I O
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

PERMIT SET
[ADDENDUM 5]



A-7

Sheet Number

Scale: As Noted

06.06.2024

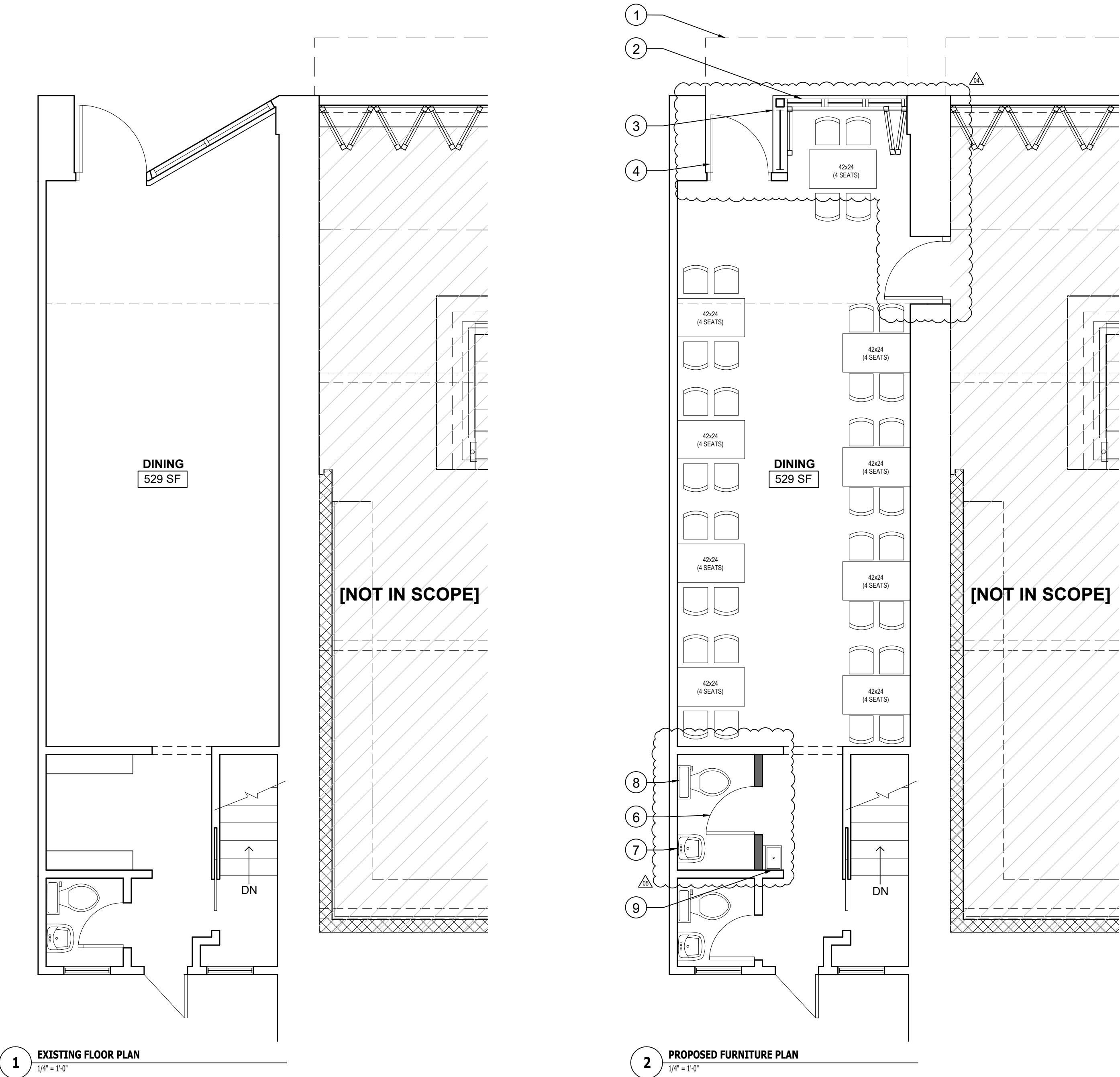
06.17.2024

06.21.2024

10.21.2024

11.20.2024

Date: 11/20/2024



NOTE: 36 SEATS

- GENERAL NOTES
1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM.
 2. NEW RETRACTABLE WINDOW; BLACK FINISH, OWNER TO CONFIRM.
 3. NEW LOW WALL, RED BRICK TO MATCH EXISTING.
 4. NEW 3FT EXIT DOOR WITH UPPER TRANSOM.
 5. NEW 3FT FIRE DOOR WITH 2HR FIRE RATING AND LEVER SET.
 6. NEW 3'-6" DOOR.
 7. NEW SINK.
 8. NEW TOILET.
 9. NEW 12IN HAND SINK.

- LEGEND
- EXISTING WALLS TO REMAIN
 - NEW PARTITIONS
 - EXISTING DOORS TO REMAIN

From: [Joseph Prondak](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: RE: Request for Comment - Blue on Highland revision
Date: Thursday, December 12, 2024 12:02:26 PM

Hi Alex,

I have reviewed the proposed changes for this project. The Plumbing Code does require the additional bathroom, resulting in a reduction of the number of patron seating from 40 to 36.

I have no additional comments or concerns relative to these changes.

Sincerely,

Joe Prondak

Needham Building Commissioner

781-455-7550 x308

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, December 12, 2024 11:28 AM
To: Joseph Prondak <jprondak@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: Request for Comment - Blue on Highland revision

Hi Joe,

I know you have been involved but I am nevertheless requesting formal comments from you on the attached proposal for a De Minimus Change on Blue on Highland. Attached are the proposal materials, detailed below:

1. Completed Application for Further Site Plan Review, dated December 11, 2024.
2. Letter from Scott Drago, Blue on Highland, dated December 6, 2024.
3. Memorandum on Building Code requirements, prepared by Norton S. Remmer, P.E., Consulting Engineers, 18 John Street Place, Worcester, MA, dated November 20, 2024.
4. Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston,

MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 2, G-2, entitled "780 CMR 10th Edition Section 706.1.1, Rationale/Calculations For Exception 2, 882-896 Highland Ave - Blue On Highland," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 3, Sheet A-1, entitled "Egress Plan," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 4, Sheet A-2, entitled "Existing Floor Plan," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 5, Sheet A-3, entitled "Demo Floor Plan," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 6, Sheet A-4, entitled "Proposed Floor Plan," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 7, Sheet A-5, entitled "Existing Elevation," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 8, Sheet A-6, entitled "Demo Elevation," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 9, Sheet A-7, entitled "Proposed Elevation," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 10, Sheet A-8, entitled "Proposed Furniture Plan," dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024.

The sooner you can send comments, the better, as we are adding this to our 12/17 agenda.

Thanks! << File: Blue_all applicaiton materials.pdf >>

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

**MAJOR PROJECT SITE PLAN SPECIAL PERMIT
AMENDMENT TO DECISION
December 17, 2024**

**Blue Restaurant Needham, LLC
882-886 and 890 Highland Avenue
Application No. 2005-05**

(Original Decision dated September 20, 2005, amended May 9, 2006 and July 11, 2024)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of the Blue Restaurant Needham, LLC, d/b/a Blue on Highland, 257 Country Way, Needham, MA 02492 (to be referred to hereinafter as the “Petitioner”) for that certain property located at 882-886 and 890 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 69, Parcel 60 containing 4,540 square feet and Parcel 59 containing 4,765 square feet in the Avery Square Business District.

This decision is in response to an application submitted to the Board on December 11, 2024, by the Petitioner to amend Major Project Site Plan Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006, and July 11, 2024, for approval of minor revisions to the plans in the above-named decision, specifically related to the elevations and floor plans.

The changes requested are deemed minor in nature and extent and do not require public notice or public hearing. Testimony and documentary evidence were presented to the Board on Tuesday, December 17, 2024, by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Adam Block, Paul S. Alpert, Artie Crocker and Justin McCullen were present throughout the proceedings. After testimony and documentary evidence were presented, the Board took action on the matter.

EVIDENCE

Submitted for the Board’s review were the following exhibits:

- Exhibit 1- Completed Application for Further Site Plan Review, dated December 11, 2024.
- Exhibit 2- Letter from Scott Drago, Blue on Highland, dated December 6, 2024.
- Exhibit 3 - Design Review Board Approval dated December 16, 2024.
- Exhibit 4 - Memorandum on Building Code requirements, prepared by Norton S. Remmer, P.E., Consulting Engineers, 18 John Street Place, Worcester, MA, dated November 20, 2024.
- Exhibit 5 - Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated June 6, 2024, revised

June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 2, G-2, entitled “780 CMR 10th Edition Section 706.1.1, Rationale/Calculations For Exception 2, 882-896 Highland Ave - Blue On Highland,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 3, Sheet A-1, entitled “Egress Plan,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 4, Sheet A-2, entitled “Existing Floor Plan,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 5, Sheet A-3, entitled “Demo Floor Plan,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 6, Sheet A-4, entitled “Proposed Floor Plan,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 7, Sheet A-5, entitled “Existing Elevation,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 8, Sheet A-6, entitled “Demo Elevation,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 9, Sheet A-7, entitled “Proposed Elevation,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024; Sheet 10, Sheet A-8, entitled “Proposed Furniture Plan,” dated June 6, 2024, revised June 17, 2024, June 21, 2024, October 21, 2024 and November 20, 2024.

Exhibit 6 - Interdepartmental Communication (IDC) to the Board from Joe Prondak, Building Commissioner, dated December 12, 2024.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006, and July 11, 2024, were ratified and confirmed except as follows:

1. The plans described in Exhibit 5 shall be the final plan set and shall substitute the plan set approved in the July 11, 2024 Decision as described in Exhibit 7.
2. The proposed changes are deemed minor in nature and do not require public notice or hearing.

CONDITIONS AND LIMITATIONS

The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006, and July 11, 2024, are ratified and confirmed except as modified herein.

DECISION

NOW THEREFORE, by unanimous vote of the Planning Board, the Board votes that:

1. The proposed changes are minor in nature and do not require a public notice or a public hearing. No 20-day appeal period from this Amendment of Decision is required.
2. That the requested modifications are granted.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Major Site Plan Special Permit amendment shall not take effect until the Petitioner has delivered written evidence of recording to the Board.

Witness our hands this 17th day of December 2024

NEEDHAM PLANNING BOARD

Natasha Espada, Chairperson

Artie Crocker

Paul S. Alpert

Justin McCullen

Adam Block

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2024

On this ____ day of December, 2024, 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 preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public:

My Commission Expires: _____

Copy sent to:

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

Board of Selectmen
Engineering
Fire Department
Police Department
Scott Drago

Board of Health
Director, PWD
Design Review Board

PLANNING BOARD

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

WL DEVELOPMENT

57 Wells Avenue, Suite 20
Newton, MA 02459

Via Electronic Mail and Overnight Mail

Members of the Needham Planning Board

And

Lee Newman

Public Services Administration Building

500 Dedham Avenue

Needham, MA 02492

Re: Special Permit 93-3 589 Highland Ave Application for Further Site Plan Review De Minimus Change

Dear Planning Board Members and Ms. Newman,

The Applicant through Plan Development and MEP coordination plans to reduce the total number of Independent Living Units from 72 apartments to 63 apartments. There is no change to overall square footage, elevations and site plan. All other conditions and limitations from the May 16, 2023, Decision will remain in place including the 9 affordable units. Per section 3.11 of the May 16, 2023, Decision the Petitioner may revise the floor plans without the need for additional hearings or approvals, provided that the total square footage of the building does not increase, and the total number of independent units does not exceed 72. In this case the total square footage does not increase, and the unit count is decreasing below 72. In abiding by the request of Lee Newman that we file this Application for De Minimus Change, the Applicant is not waiving and is specifically reserving its rights under the Decision to make the changes shown on the enclosed drawings without the need for a hearing or approval by the Planning Board.

In addition to the floor plans, the Applicant reserves the right to revise said floor plans without the need for additional hearings or approvals, provided that the total square footage of the building does not increase, and the total number of independent units does not exceed 72.

This Application for De Minimus change includes the following documents:

1. This Letter dated November 26, 2024 to the Planning Board and the Planning Director
2. The completed application form on behalf of the applicant and owner.
3. Architectural Floor plans dated February 3, 2023, revised April 4, 2023, consisting of sheets A1.00, A1.01, and A1.02 prepared by The Architectural Team, Inc 50 Commandant's Way, Chelsea, MA 02150.

4. Architectural Floor Plans dated June 24, 2024, revised September 6, 2024 (Addendum 1) consisting of sheets A1.00, A1.01, and A1.02 prepared by the Architectural Team Inc. 50 Commandants Way Chelsea MA 02150.
5. Application Fee to the Town of Needham in the amount of \$250.00

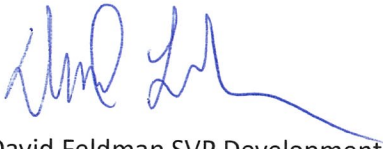
These documents are being submitted electronically; additionally, 2 hard copies of the application and all supporting materials, including wet-stamped floor plans are being hand delivered to the Planning Department along with the application Fee.

Thank you for your cooperation.

Sincerely,

Wingate Development LLC

By:

A handwritten signature in blue ink, appearing to read 'David Feldman', with a long horizontal flourish extending to the right.

David Feldman SVP Development

GENERAL NOTES - ADDENDUM 1
A. DOOR TAGS UPDATED
B. RESIDENT STORAGE REVISED
C. MULTI-SPORT SIMULATOR ROOM REMOVED - MAKER SPACE LOCATION UPDATED

tat

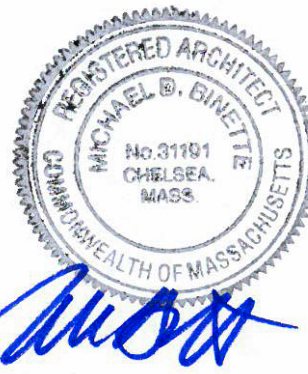
© The Architectural Team, Inc.
50 Commandant's Way at Admiral's Hill
Chelsea MA 02150
O 617.889.440
F 617.884.432
architecturalteam.com

Consultant:

Revision:

1 4/4/2023 Planning Board Revision
2 06/24/2024 Permit Set
3 09/06/2024 Addendum 1

Architect of Record:

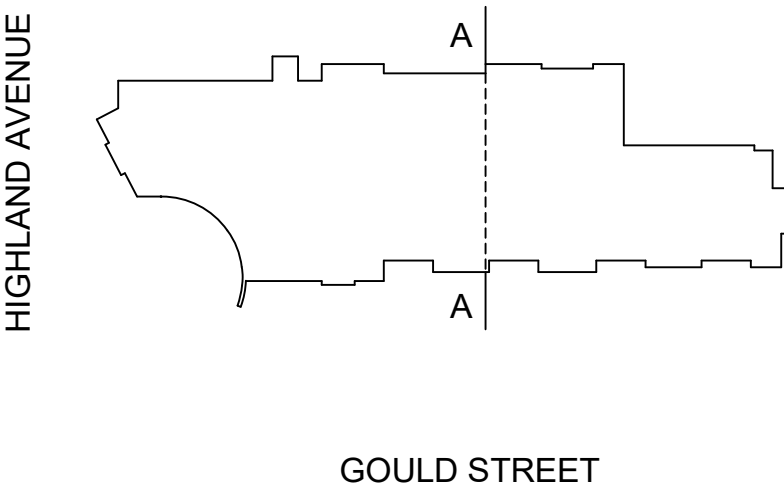


Drawn: JS/LT

Checked: AS

Scale: As indicated

Key Plan:



Project Name:

ONE WINGATE WAY
EAST

589 HIGHLAND AVENUE
NEEDHAM, MA.

Sheet Name:

PROPOSED
OVERALL PLAN -
BASEMENT

Project Number:

21056

Issue Date:

FEBRUARY 3, 2023

Sheet Number:

A1.00

tat

© The Architectural Team, Inc.
50 Commandant's Way at Admiral's Hill
Chelsea MA 02150
O 617.889.440
F 617.884.432
architecturalteam.com

Consultant:

Revision:

- 4/4/2023 Planning Board Revision
- 06/24/2024 Permit Set
- 09/06/2024 Addendum 1

Architect of Record:

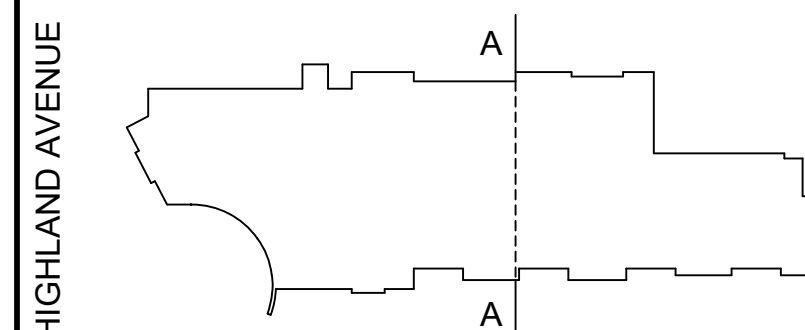


Drawn: JS/LT

Checked: AS

Scale: 3/32" = 1'-0"

Key Plan:



GOULD STREET

Project Name:
**ONE WINGATE WAY
EAST**

589 HIGHLAND AVENUE
NEEDHAM, MA.

Sheet Name:

**PROPOSED
OVERALL PLANS
(SCHEMATIC)**

Project Number:

21056

Issue Date:

FEBRUARY 3, 2023

Sheet Number:

A1.01

GRAND TOTALS	
UNIT BED #	UNIT COUNT
1BR	31
1BR - HI	1
1BR HP	2
1BR+DEN	7
1BR+DEN - HI	1
2BR	15
2BR - HP	1
2BR+DEN	4
3BR HP	1
Grand total	63

UNIT MATRIX		
UNIT BED #	UNIT TYPE	UNIT COUNT
1BR	1 BED / 1 BATH	16
1BR HP	1 BED / 1 BATH	1
1BR+DEN	<varies>	2
1BR+DEN - HI	1 BED / 1.5 BATH	1
2BR	2 BED / 2 BATH	2
2BR - HP	2 BED / 2 BATH	1
LEVEL 1		23
1BR	1 BED / 1 BATH	15
1BR - HI	1 BED / 1 BATH	1
1BR HP	1 BED / 1 BATH	1
1BR+DEN	1 BED / 1.5 BATH	4
2BR	2 BED / 2 BATH	3
LEVEL 2		24
1BR+DEN	1 BED / 1.5 BATH	1
2BR	2 BED / 2 BATH	10
2BR+DEN	2 BED / 2 BATH	4
3BR HP	3 BED / 2 BATH	1
LEVEL 3		16
Grand total		63

20 OVERALL FLOOR PLAN - LEVEL 2
Scale: 3/32" = 1'-0"

10 OVERALL FLOOR PLAN - LEVEL 1
Scale: 3/32" = 1'-0"

tat

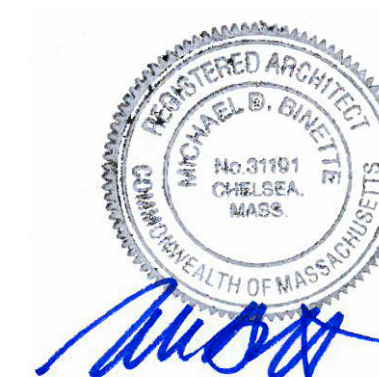
© The Architectural Team, Inc.
50 Commandant's Way at Admiral's Hill
Chelsea MA 02150
O 617.889.440
F 617.884.432
architecturalteam.com

Consultant:

Revision:

- 1 4/4/2023 Planning Board Revision
- 2 06/24/2024 Permit Set
- 3 09/06/2024 Addendum 1

Architect of Record:

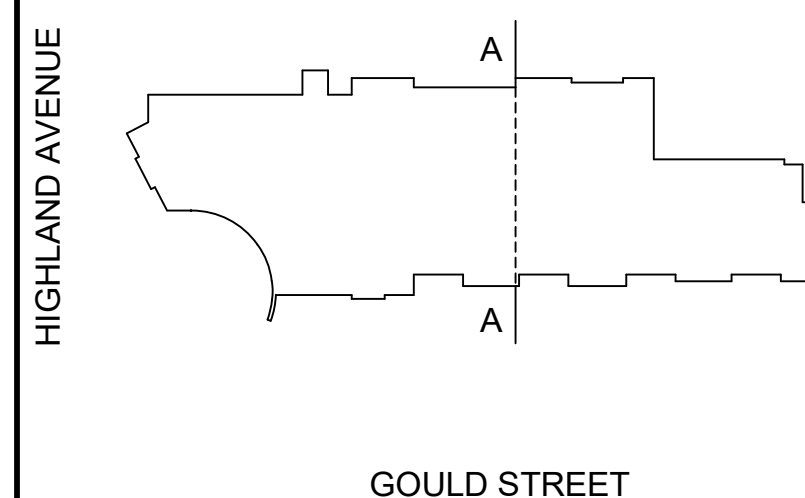


Drawn: JS/LT

Checked: AS

Scale: 3/32" = 1'-0"

Key Plan:



Project Name:

ONE WINGATE WAY
EAST

589 HIGHLAND AVENUE
NEEDHAM, MA.

Sheet Name:

PROPOSED
OVERALL PLAN
LEVEL 3 & ROOF
(SCHEMATIC)

Project Number:

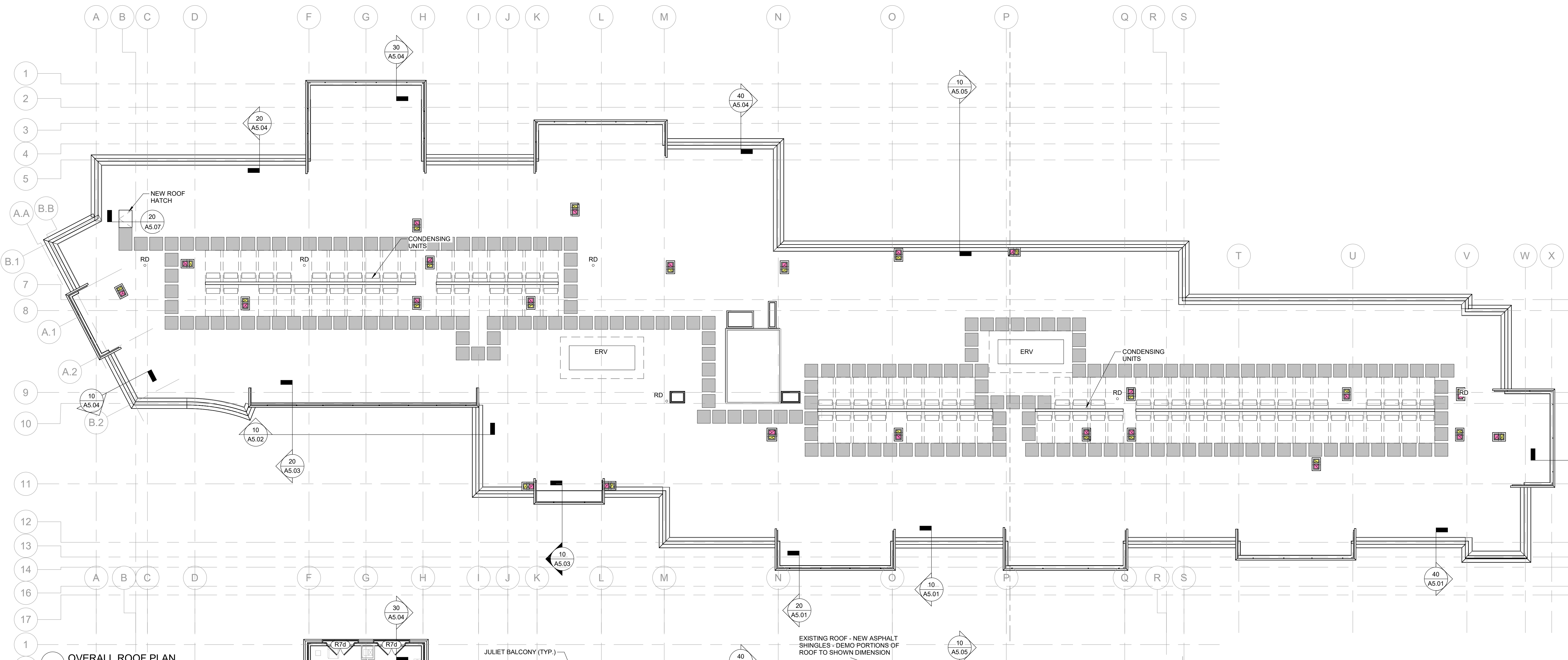
21056

Issue Date:

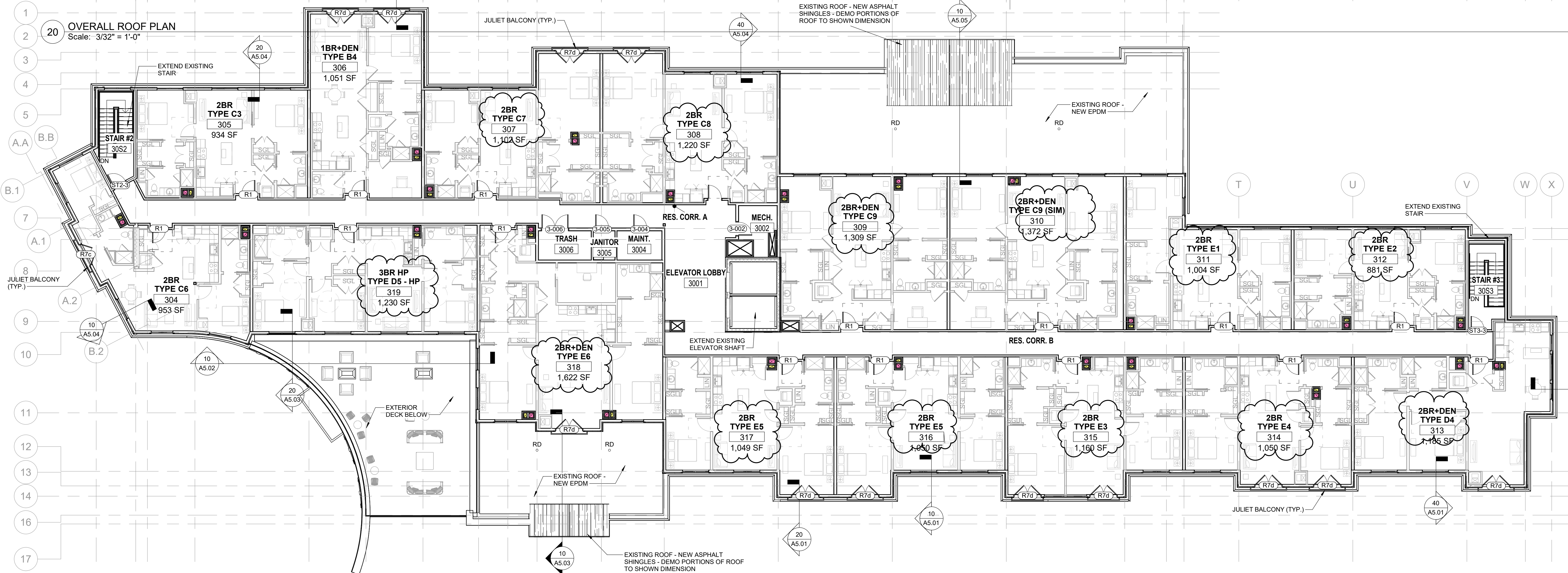
FEBRUARY 3, 2023

Sheet Number:

A1.02



20 OVERALL ROOF PLAN
Scale: 3/32" = 1'-0"



10 OVERALL FLOOR PLAN - LEVEL 3
Scale: 3/32" = 1'-0"

DECISION
December 17, 2024
Wingate Development LLC
589 Highland Avenue

Amendment to Major Project Site Plan Special Permit
SPMP 1993-03

(Original Decision dated July 27, 1993, amended on August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, and March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022, and May 16, 2023)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Wingate Development LLC, 57 Wells Avenue, Suite 20, Newton, Massachusetts 02459 (hereinafter referred to as the Petitioner), for property located at 589 Highland Avenue, Needham MA. The property is shown on Assessor's Map No. 77 as Parcel 1 containing 110,490 square feet in the Elder Services Zoning District.

This Decision is in response to an application submitted to the Board on December 11, 2024, by the Petitioner to amend the decision by the Board dated July 27, 1993, amended on August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, and March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022, and May 16, 2023. The requested amendment would, if granted, permit the Petitioner to reduce the number of Independent Units from 72 to 63. There is no proposed change to the overall square footage, elevations, and site plan. All other conditions from the May 16, 2023 Decision will remain in place, including the 9 affordable units.

The changes requested are deemed minor in nature and extent and do not require a public notice or a public hearing. Testimony and documentary evidence were presented to the Board on December 17, 2024, by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Adam Block, Paul S. Alpert, Artie Crocker, and Justin McCullen were present throughout the proceedings. Testimony and documentary evidence were presented and the Board took action on the matter.

EVIDENCE

Submitted for the Board's review were the following exhibits:

- Exhibit 1 - Application for Amendment to Major Project Site Plan Special Permit 1993-03, dated December 11, 2024.
- Exhibit 2 - Letter from David Feldman, SVP Development, Wingate Development, LLC, directed to Planning Board Members and Lee Newman, undated.
- Exhibit 3 - Architectural Plans, prepared by The Architectural Team, Inc., 50 Commander's Way at Admiral's Hill, Chelsea, MA 02150, consisting of 3 sheets: Sheet 1, Sheet A1.00, entitled "Proposed Overall Plan – Basement," dated February 3, 2023, revised April 4, 2023, June 24, 2024 and September 6, 2024; Sheet 2, Sheet A1.01, entitled "Proposed Overall Plans,

(Schematic),” dated February 3, 2023, revised April 4, 2023, June 24, 2024 and September 6, 2024; and Sheet 3, Sheet A1.02, entitled “Proposed Overall Plan Level 3 & Roof (Schematic),” dated February 3, 2023, revised April 4, 2023, June 24, 2024 and September 6, 2024

Exhibits 1, 2 and 3 are referred to hereafter as the Plan.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 1993-03, dated July 27, 1993, amended on August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, and March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022, and May 16, 2023 were ratified and confirmed except as follows:

1. Issuance of a Building Permit to permit the minor modifications as described under Exhibits 1, 2, and 3 above.
2. The proposed changes are deemed minor in nature and do not require public notice or hearing.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, 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 for the work proposed in this Decision nor shall he permit any construction activity pertaining to this Decision 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 four copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

1. None required.

CONDITIONS AND LIMITATIONS

The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 1993-03, dated July 27, 1993, amended on August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, and March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022, and May 16, 2023 are ratified and confirmed except as modified herein.

1. The Board hereby approves the reduction of the number of Independent Living Units from seventy-two (72) to sixty-three (63), as shown on the Plan.
2. No other changes are proposed or approved to the elevations, site plan nor total square footage. The number of affordable units shall not be reduced and shall remain at nine (9) affordable units.

DECISION

NOW THEREFORE, by unanimous vote of the Planning Board, the Board votes that:

1. The proposed changes are minor in nature and do not require a public notice or a public hearing. No 20-day appeal period from this Amendment of Decision is required.
2. That the requested modifications are granted.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Major Site Plan Special Permit amendment shall not take effect until the Petitioner has delivered written evidence of recording to the Board.

Witness our hands this 17th day of December 2024

NEEDHAM PLANNING BOARD

Natasha Espada, Chairperson

Artie Crocker

Paul S. Alpert

Justin McCullen

Adam Block

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2024

On this ____ day of December, 2024, 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 preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public:

My Commission Expires: _____

Copy sent to:

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

Board of Selectmen
Engineering
Fire Department
Police Department
David Feldman

Board of Health
Director, PWD
Design Review Board

WL DEVELOPMENT

57 Wells Avenue, Suite 20
Newton, MA 02459

Ms. Lee Newman

Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: Special Permit 93-3 589 Highland Ave

Dear Ms. Newman,

In reference to the May 16, 2023, Decision, section 3.21 I would like to inform the Board that effective on or about 12/20/24 Ownership of 589 Highland Ave will be transferred from WSL Needham AA RE, LLC a WINGATE affiliated entity to GingerCare Living Inc. a 501(c)3 non-profit not affiliated with Wingate. GingerCare Living will be the owner/operator and Wingate Living will be the manager that oversees the operations. Wingate Development will remain as the developer of the project through completion.

I have shared both the May 2023 Decision as well as the March 2022 Decision with the GingerCare Board of Directors and they are aware of the requirements and conditions. I have asked the President of GingerCare Living Richard Feldman (no relation) to provide a written statement to the Planning Board acknowledging that the terms of the Decisions are binding on the new entity.

Thank you for your cooperation.

Sincerely,

Wingate Development LLC

By:



David Feldman SVP Development

Cc Richard Feldman

GingerCare Living Inc.



November 26, 2024

Ms. Lee Newman
Director of Planning and Community Development
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

RE: Amendment to Major Project Site Plan Special Permit No. 93-3
589 Highland Avenue

Dear Ms. Newman:

In reference to the Amendment to Major Project Site Plan Special Permit No. 93-3, dated July 27, 1993, amended August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, and March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013 March 15, 2022 and May 16, 2023, issued to Wingate Development, LLC, 63 Kendrick Street, Needham, Massachusetts 02494, for the development of 589 Highland Avenue, specifically Section 3.21 of the May 16, 2023 Amendment, and following up on a letter from Wingate Development, LLC to your office, I am introducing myself to you and the Board as Chairman of the Board and President of GingerCare Living, Inc, the 501 (c) 3 non-profit successor in ownership to WSL Needham AA RE, LLC.

As new owner, the GingerCare Living, Inc. board is aware and acknowledges the terms of the decisions of the permit SPMP No. 93-3, dated July 27, 1993, amended August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, and March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022 and May 16, 2023, and agrees all of the conditions will follow to the new entity GingerCare Living, Inc.

We look forward to working with your Board and the Town on the successful development of the project.

Sincerely,

Richard (Rick) Feldman
Board President
GingerCare Living, Inc.

CC: David Feldman, WL Development

32 Traveler Street Suite #405 Boston, MA 02118
richardfeldman@comcast.net 617-610-3953

**TOWN OF NEEDHAM
MASSACHUSETTS**



PLANNING BOARD

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

**APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL**

Submit three (3) copies. One copy to be filed with the Planning Board and one with the Town Clerk as required by Section 81-P, Chapter 41 of the General Laws. This application must be accompanied by the **Original Tracing** and **three (3) copies of the plan**.

To the Planning Board:

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

1. Name of Applicant Marjorie A. Pine
Address 18 Basin St., Newburyport, MA 01950
2. Name of Engineer or Surveyor Field Resources, Inc
Address 281 Chestnut Street, Needham, MA
3. Deed of property recorded in Norfolk County Registry.
Book 1673, Page 439
4. Location and description of property 321 Cartwright Road
Needham, MA
5. Reasons approval is not required (check as applicable):
 - 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) but 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 prior 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)

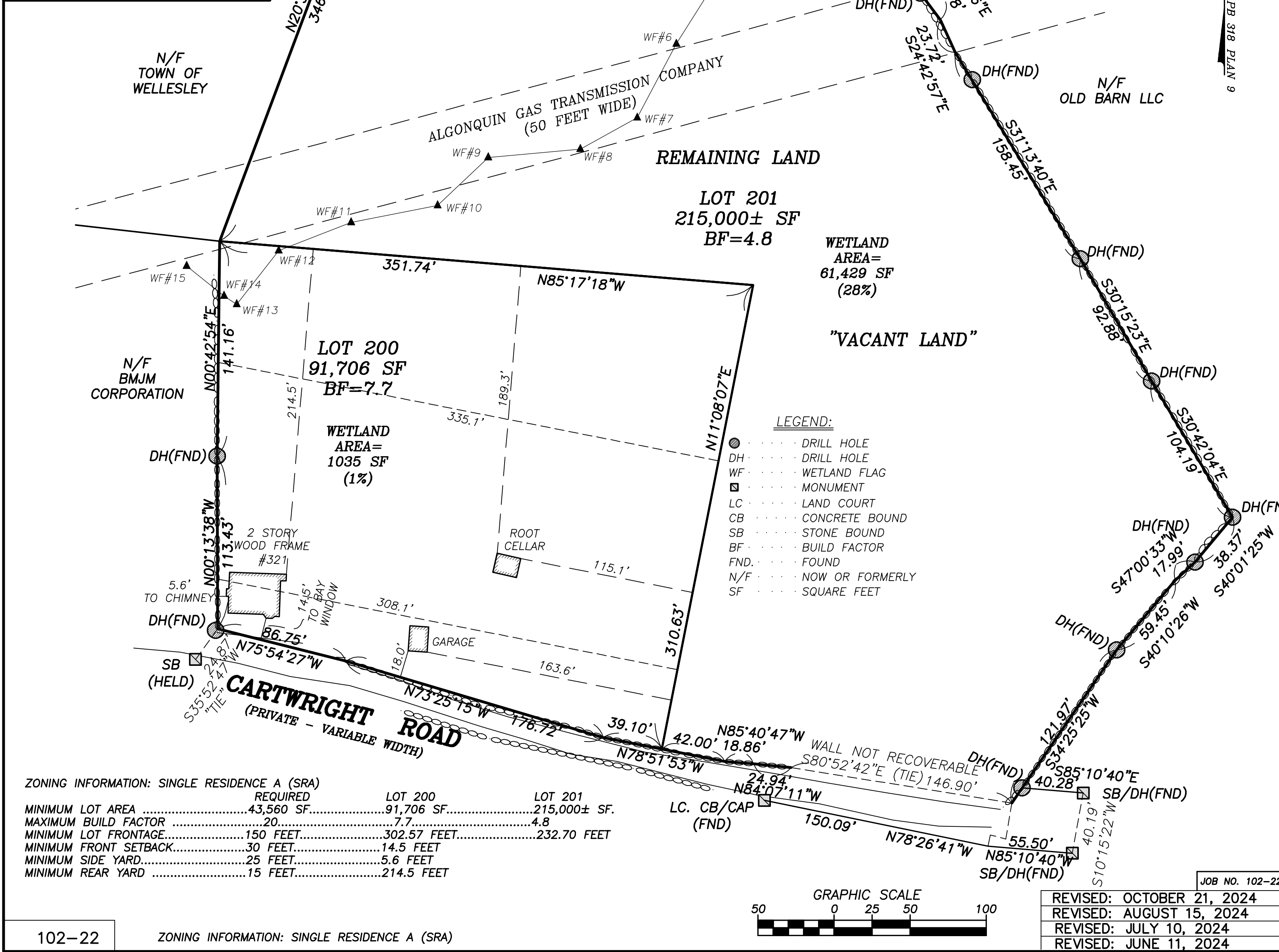
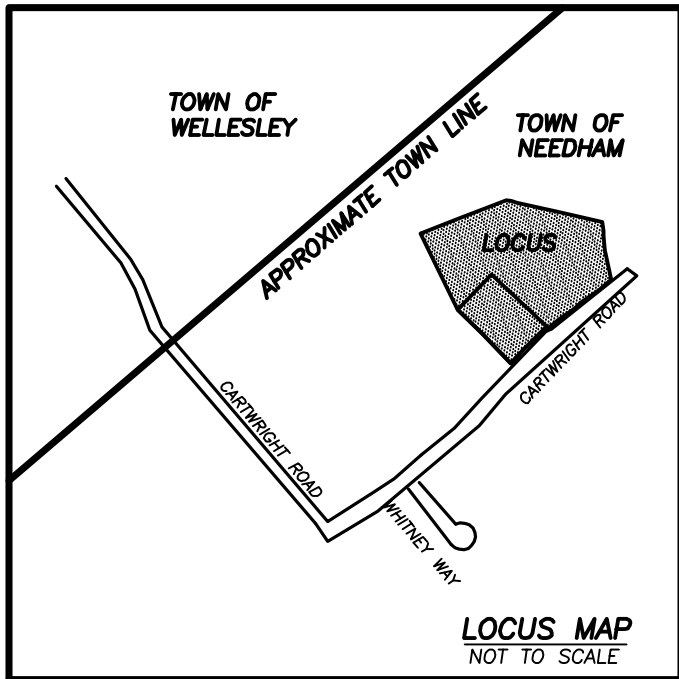
Signature of Applicant Marjorie A. Pine

Address 18 Basin St., Newburyport, MA 01950

By _____ (agent)

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

By _____



FB 318 PLAN 9

FOR REGISTRY USE ONLY

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
NEEDHAM PLANNING BOARD

DATE:

NO DETERMINATION AS TO COMPLIANCE WITH ZONING REQUIREMENTS IS MADE OR INTENDED.

THE PURPOSE OF THIS PLAN IS TO DIVIDE 321 CARTWRIGHT ROAD INTO LOT 200 WITH THE EXISTING STRUCTURES AND LOT 201 WITH THE VACANT REMAINING LAND.

TOWN OF NEEDHAM
MAP 219 PARCEL 07

NORFOLK COUNTY
REGISTRY OF DEEDS
BOOK 41998 PAGE 97

OWNER/APPLICANT:
MARJORIE A. PINE
18 BASIN ROAD
NEWBURYPORT, MA



APPROVAL NOT REQUIRED
SUBDIVISION PLAN OF LAND
321 CARTWRIGHT ROAD
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

JUNE 3, 2024
P.O. BOX 324
AUBURN, MA
508 832 4332

SCALE 1"=50'
281 CHESTNUT ST.
NEEDHAM, MA.
781 444 5936
fieldresources@hotmail.com

JOB NO. 102-22
REVISED: OCTOBER 21, 2024
REVISED: AUGUST 15, 2024
REVISED: JULY 10, 2024
REVISED: JUNE 11, 2024

ZONING INFORMATION: SINGLE RESIDENCE A (SRA)			
	REQUIRED	LOT 200	LOT 201
MINIMUM LOT AREA	43,560 SF	91,706 SF	215,000± SF
MAXIMUM BUILD FACTOR	20	7.7	4.8
MINIMUM LOT FRONTAGE	150 FEET	302.57 FEET	232.70 FEET
MINIMUM FRONT SETBACK	30 FEET	14.5 FEET	
MINIMUM SIDE YARD	25 FEET	5.6 FEET	
MINIMUM REAR YARD	15 FEET	214.5 FEET	

102-22

ZONING INFORMATION: SINGLE RESIDENCE A (SRA)

NEEDHAM PLANNING BOARD MINUTES

October 15, 2024

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building, and virtually using Zoom, was called to order by Natasha Espada, Chairman, on Tuesday, October 15, 2024, at 7:00 p.m. with Messrs. Crocker, Block, Alpert and McCullen, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She reviewed the rules of conduct for all meetings. This meeting includes two public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2024-01: Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, Petitioner (Property located at 0 Linden Street and 5 Chambers Street, Needham, Massachusetts). Regarding request to redevelop the NHA Linden-Chambers property. Please note that this hearing has been continued from the September 24, 2024 Planning Board meeting.

Robert Smart, attorney for the applicant, noted there were a number of concerns at the last meeting from residents and Board members. The Team has met with all the different Town Boards and comments came back. He feels all the issues have been resolved. Dan Chen, of Bargmann Hendrie + Archetype, Inc. (BHA), stated they met with the Fire Department, Building Commissioner, DPW and Police Department since the last meeting. The applicant is going through the Conservation Commission as part of the site plan process. Some documents were revised and the applicant is going to the Conservation meeting next week. The stormwater management system has been increased beyond the capacity needed. An Operations and Maintenance Plan for the storm water system will be provided and a rain garden will be incorporated in the front lawn in Phase 1B. A stronger visual connection of the paths will be created within the site from the north to the existing Chambers sidewalk.

Mr. Chen noted some modifications were done after discussions with the Fire Department to provide wider paths at the back side to accommodate emergency access and the fire lanes have been extended. He showed the design for the south elevation in case Phase 1B does not begin immediately after Phase 1A. There will be pre-construction meetings with various town departments for construction logistics. The original stormwater management had a 54% decrease in runoff to the neighborhood. With the changes it will now be a 78% decrease. The capacity has been doubled from what was originally proposed. The Fire Department does not require a fire lane behind the building but asked for a hard surface acceptable to place ladders on. Emergency access is provided on 3 sides of the building. The pervious asphalt has been extended to the back of the building. He noted the reach of the new fire truck is 100 feet. The fire hydrant locations remain the same. The Fire Chief is satisfied.

Mr. Chen noted there is a revised landscape plan. The path has been enlarged and the paths have been connected through the fire lane and continue to the front of the site. For the building elevations, windows have been added to the blank wall to break it up before Phase 1B. There is a geotechnical building report. The team includes a registered engineer and will go by all State Building Codes. For fresh air circulation, the building will have HVAC systems designed to MA State Building Codes. Complete air exchange, in each unit, will occur approximately once per hour, all to code and exceeding the requirements. There will be window opening control devices. The windows will only open 4 inches for safety control but the windows can be fully opened by disabling the limiter.

Mr. Chen noted the MA Building Code determines life safety for buildings. There will be 3 exit stairways and fire and smoke rated doors and closures. The Building Commissioner is in agreement with shelter in place. External fire escapes are not needed, the building is fully sprinklered and there are state-of-the-art fire alarms. The fire lanes were extended at

the request of the Fire Department to allow the new fire truck access to the rear of the building. At the last meeting there was a comment about renovation instead of redevelopment. This was looked at but it was too expensive to renovate. Alternate sites were looked at also, but this site was chosen as the best option. Comments were made that the residents did not know what was going on. A total of six outreach meetings were held and translators were available for residents who do not speak English. There will be a traffic impact study during construction. A construction management plan will be submitted and there will be a pre-construction meeting that includes all parties.

Mr. Smart stated he did research and had communications with Town Counsel Christopher Heep. The relief that could be granted is limited to 2 years. It is possible for the Board to make a finding in the decision that the Board understands the financing may not come through within the 2-year timeframe to get the demolition and building permits and begin construction. The Board could say the intent is to allow renewals as needed with documentation. He came up with language that the Board may want to consider and submitted it. Also, Mr. Heep sent an email regarding the zoning article and expects to have something back from the Attorney General by 10/23/24.

Ms. Newman stated the applicant has gone back to all town departments. There was an issue with the new fire truck. The plans were revised to accommodate the new truck but the applicant still needs to go back to the Fire Department to get a sign off and the Board is still waiting for Conservation Commission comments. The meeting will have to be held open to 10/29/24 for the comments to come in. Mr. Block feels there should be a potential condition if they do not hear back from the Attorney General by the next hearing that it is contingent upon assent from the Attorney General. Ms. Newman will have something to cover that. Mr. Block stated the applicant wants a finding regarding the length of financing. Mr. Smart stated he is looking for a mechanism for an extension without a new public hearing. Ms. Newman noted there is generally a vote without a hearing. The existing language allows them to do that.

Mr. Alpert stated he did not recall seeing anything from Mr. Heep that he is ok with Mr. Smart's comments. Ms. Newman has not received anything or spoken with Mr. Heep. Mr. Alpert commented only 2 years can be granted initially. The applicant is asking for 2 2-year extensions. What do the By-Laws provide for the number of extensions the Board can grant? He is used to one extension but is not sure the By-Law allows an additional extension. Ms. Newman will check into that. Mr. Smart did not see any restrictions. Mr. Alpert had comments on Mr. Smart's letter. Mr. Smart wrote at least 3 months "from." Mr. Alpert would like to change "from" to "prior to." That appears in 2 places. Mr. McCullen thanked the applicant for getting further clarification from the departments.

Mr. Smart would like to request the Board authorize, and direct the Planning Director, to have something for the meeting on 10/29. Ms. Newman noted the hearing will be continued to the 29th and she will have a decision at the meeting after that. Reginald Foster, of the Needham Housing Authority, called around and found the approval will be around 11/20, which makes it easier for everyone. He is ok with Ms. Newman's timeline. Mr. Smart stated, if there is no decision on 11/6, he is concerned it may be delayed with back-and-forth questions from members. Ms. Espada stated the Board is not trying to hold this up. She opened the hearing to public comments.

Ross Donald, of 25 Chambers Street, stated the Attorney General has to weigh in. They have not heard from him. Mr. Block stated that is the zoning change. He has heard the MBTA Communities has caused the delay, but they will hear by 10/23. Mr. Donald heard there was no problem with the application. He is interested in the process. Residents need to be included. The Conservation Commission anticipated they would vote to approve but did not do that and referred to MA DEP. He found the DPW does an annual survey and he asked what that was about. The application has been modified. He would like to hear what the modifications are. The Fire Department letter said "no issues with Fire" but it turns out there are issues. He feels the Board needs to extend the hearings. Ms. Espada noted there is a letter, dated 10/8/24, from Reg Foster with comments and updates. The letter is very clear and is in the packet and online. Mr. Alpert suggested Mr. Donald review the packet.

Marlene Kosta, of 40 Chambers Street, has not reviewed the packet. She listened closely to the presentation done by the architect. There are fire lane and fire safety issues. The diagrams do not differ from the original. The lane stops abruptly and does not turn with the building. A minimum of 18-foot-wide fire lanes are needed. She does not see a fire lane in back or on the sides. Wingate, North Hill and Nehoiden Glen all have fire lanes and are not substandard. This worries her.

People are living there and their safety and quality of life are being sacrificed. People are supposed to shelter in place to die of smoke inhalation. Sprinkler systems and windows that do not open more than 4 inches will not help. The architect said the air exchange would be 2 times per hour at the last meeting. An air exchange minimum of 3 times per hour is healthy and safe. She heard tonight the exchange will only be one time per hour. Safety and health are being compromised. The window limiters are for fall protection, by law, for tenants under the age of 11. She stated it is not true there is no money available for renovations. There is over a 2-billion-dollar package just approved by the Governor for capital improvement for public housing. Our share of 2 billion dollars would be enough to cover renovations for heating, ventilation and all else. She is glad the DPW brought attention to stormwater issues. Feasibility studies need to be done before and the applicant needs to get a structural engineer before. Ms. Espada suggested Ms. Kosta speak with the Building Commissioner. Some of her concerns are not in the Planning Board's purview and he can explain.

Helen Garagozian, of Chambers Street, stated she was having a hard time hearing tonight on zoom. She wanted to thank the Planning Board and stated she is in favor of this. The packet was available online and it was gone over at the last meeting. She wishes people would be prepared before they came in. She noted air exchange may be different for residential than commercial. She has no information on fire safety. Jim Burke, of 188 C Linden Street, noted he had one concern with Mr. Chen and the 100-foot ladder extension. There is no information on that. He stated the 4-inch rule does not apply if there are no occupants under age 11 and the fire lane has been omitted. He feels the Fire Chief should be here. When demolishing the buildings there will be asbestos and this is across the street from a school. Kids are out at school. The asbestos cannot be contained. He wants the Board to do the right thing for the people here and not rule out renovation. Carley Moriarty, of Chambers Street, stated there is data at the National Fire Protection Association. She wanted to let all know where they can find the information.

Mr. Donald stated his biggest concern is the holding of information and how it has been handled and distributed to people. One big change is the Cambridge Housing Authority has not maintained a prominent role in this. There are no written reports, only verbal from June until the October memo. There is no mission statement, no direction and no vision. The Board needs to think about the post pandemic response. The hearing should be continued to gather this information. The landscaping goes back 75 years, and he would like to keep that. Ms. Kosta responded to Ms. Garagozian's comments regarding air exchanges in hospitals. That is 10 to 12 times per hour. The standard of 3 times per hour post covid is a minimal standard to keep residents safe and healthy.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to continue the hearing to 10/29/24 at 7:00 p.m. for the exclusive purpose of hearing from the Fire Department, Engineering Department and Conservation Commission.

Public Hearing:

8:00 p.m. – Definitive Subdivision: 40 Highland Ave, LLC, 435E Dedham Street, Newton, MA 02459, Petitioner (Property located at 40 Highland Avenue and 14-16 Riverside Street, Needham, MA). Regarding request to subdivide the Premises into three building lots, two of which will be used for residential purposes, having frontage on the new road, and the third of which will continue to be used for commercial purposes. Please note that this hearing has been continued from the August 27, 2024 and September 17, 2024 Planning Board meetings.

George Giunta Jr., representative for the applicant, noted the revised plans were given to Engineering and they signed off on them. There is additional landscaping and infiltration to address comments. There was a comment about adding the 200-foot river front line. That was added to show where the line is. Ms. Newman is satisfied. There were no public comments.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to close the hearing.

Ms. Newman noted she will have the decision at the first meeting in November.

Decision: Amendment to Major Project Site Plan Special Permit No. 2011-04: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property is the location of the Center at the Heights, 300 Hillside Avenue, Needham, Massachusetts). Regarding request for the installation of a permanent emergency generator to serve the Center at the Heights as well as a reduction of 3 parking spaces.

Mr. Alpert noted on page 1, the list of Board members has Jeanne McKnight and not Justin McCullen. On page 3 and 4, Section 1.9 and 1.11 in the Findings and Conclusions, it says "The Petitioner respectfully requests.." He feels "respectfully" should be taken out. On page 3, Section 1.10, regarding the loss of 3 onsite parking spaces being temporary, it should say "the Petitioner represents the parking situation may be temporary." In Section 1.11, it has "amend modify." It should be "amend and modify." In Section 1.12, it should say "it is anticipated that the MBTA will lease back 12 parking spaces...." In Section 1.18, take out "intends for overall reduction" and replace it with "expects overall reduction." He noted there is nothing here if the town does not get the 12 spaces. It should be made clear the Board is giving the waiver anyway for the loss of the spaces. On page 6, in the Conditions and Limitations, it says "were ratified." That should be "are ratified."

Mr. Alpert noted in Section 3.4, regarding the emergency generator condition of 300 hours. Ms. Newman noted that language is included as Mr. Heep requested that language be included. Mr. Alpert stated it is only 12.5 days in a 12-month period. He would not limit it at all. Ms. Espada stated it would not be used unless there is an emergency and she does not feel it should be limited. Mr. Crocker feels the only limitation should be the basic cycling run each month. Mr. McCullen feels the operation during power failures should not be limited. Mr. Alpert noted in Section 3.4, normal maintenance and testing should only be on weekdays. Ms. Newman read Mr. Heeps language. All are ok with that language. Mr. Alpert noted in Section 3.6 in 2 places and in Section 3.9, there is a reference to an emergency diesel fueled generator. There is no requirement the generator be diesel. He suggested taking out diesel fueled. All agreed.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to GRANT: 1) the requested Amendment to Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2011-04, dated October 18, 2011, amended February 21, 2012, September 3, 2013 and December 2, 2014; and 2) the Special Permit under Section 5.1.1.5 to waive strict adherence to the requirements of Section 5.1.2 (Required Parking) subject to and with the benefit of the following plan modification, conditions and limitations.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:

VOTED: to accept the decision as drafted with the modifications discussed this evening.

Motion to Amend Article 8 of the October 2024 Special Town Meeting; Glenn Mulno, Town Meeting Member from Precinct I.

Glenn Mulno, of 40 Morton Street, showed a graphic with his concerns about 100 West Street, the 2 current exit/entrances and the extreme closeness to West Street. One entrance/exit is 40 feet from the railroad and 150 feet to the busy Highland and West intersection. It is 260 feet from the existing drive to the Hillside and West intersection. There are 3 very busy intersections/crossings and the amount of traffic could cause issues. The Town plans to make the intersection at Hillside and West a 4 way stop intersection. He feels that will create additional traffic. There is an unpredictable future condition here and by nature it will slow the traffic down. The other exit is across from Morton Street. When this was operating as a nursing home Morton Street was a cut through for people who lived and worked there. The residents have had a 6-year reprieve.

Mr. Mulno stated by right, it says 44 units per acre. That is not a concern. The special permit nature does not have a cap. The FAR could be lowered or the special permit process could be eliminated from this property. He wants to see the building used and at reasonable capacity. He thought a cap could be proposed on the number of units. He does not want 243. Mr. Alpert noted 189 was presented to the Board. When 243 showed up he was taken aback. At 44 units per acre and

a 1.3 FAR at 189 units that is as of right. He has some concerns. The applicant could come back for a special permit to increase the number. Ms. Espada stated one lowers the FAR and one is maximum number of units. Mr. Mulno stated if lowered to 50 it would be 214. Mr. Block understands his concerns. It is true there are a number of unknowns. He anticipates the building will be demolished. The applicant could come back with one or 2 buildings or maybe more. The Morton curb cut could go away or just be moved. He would not make a change just for that. He does not minimize that. He stated the site plan review process allows the Board to limit the number of units. They are incentivizing work force housing. He recognizes the concern and figures there are alternative ways to deal with the concern. He feels the site plan review process is the way to go.

Mr. Alpert noted the FAR is 1.7 now by special permit and there is no limit on the number of units per acre. Mr. Crocker was in favor of putting some cap on that. Mr. McCullen stated at the public meeting the check was the special permit process and all had agreed. Two of the 4 intersections already are in the queue to be done. They will lose tip funding if the Board does not go with compliance. There will be a 4 way stop, and it will be supervised. There are opportunities for optimization of signals. Ms. Newman stated if the Board wants to limit it they would need to cap it. If they come in with a high number and it meets all requirements the project cannot be denied. Mr. Block noted having special permit authority allows them to put limits.

Mr. Mulno noted it could either be the FAR limitation or cap the number of units. Lowering the FAR would make it less attractive to a developer. It is more reasonable for that area to put a little limit on the number of units with the unknowns at the intersections. There is not a lot of room to widen the road there. Mr. Alpert stated, as a Town Meeting member, Mr. Mulno can submit any number he wants. Mr. Mulno stated he left it blank because he wanted to see if there were other options. Leaving it uncapped would not be reasonable. Mr. Alpert agrees with the procedures of not reducing FAR but capping the number of units per acre. He feels it would be reasonable for Town Meeting members. A discussion ensued. Mr. Alpert stated they are talking about a huge apartment building. He feels 189 units is already huge and right at the corner of Highland and West where there are now one and 2 story commercial buildings. He is hearing this is going to change the nature of the town. He agrees the state is forcing them to do that with the MBTA Communities. They are allowing as of right a very large apartment building. He is with Mr. Mulno on this. This is a 70% increase allowed by special permit with restrictions on what the Board can say no to. There is history with this property owner. He asked for 189 units. He feels this owner will come to the Board and request a special permit for more than 189 units. They could get up to 318 units. The neighbors are upset already with 189 units but that is what the MBTA law allows. He does not feel there should be a special permit process. Mr. Block noted the Board can review the proposal. They cannot arbitrarily reject but can propose mitigation.

Mr. Alpert commented the political reality is changing the nature of the town. He feels 189 units would be great for the town. He feels there should be a cap now to prevent issues. Mr. Crocker noted special permits mean something but only so much. He values what the community has to say. He is more in favor of putting a cap than he was before. The 230 to 240 range cap may be fair. If there is no cap he has a great concern what would happen at Town Meeting and what happens to the neighbors. The Board needs to put some safeguards and needs a cap in the 230-240 range. Ms. Espada noted a 1.7 FAR gives 247 units. It could be capped in the Base Plan but not in the Neighborhood Plan. She feels they should do a cap of 247 in the Base Plan. Ms. Newman stated if it was put in the Base Plan it would need to be taken out of the Neighborhood Plan.

Mr. Mulno noted this is based on 1,000 square foot units. A developer could get more if they were 750 square foot units. He is not submitting a motion to amend with a cap at 243. He thinks the Board needs to be careful in this area with these intersections. 189 units is already a large building. Mr. Block noted the applicant needs to show, with a traffic study, the area could handle it. The Board could also do a Peer Review. Ms. Espada stated this is one of the few lots in town where housing could be created. 318 seems a lot for the Base Plan. She feels capping the Neighborhood Plan would be a mistake. She would cap the Base Plan at by right and special permit and have no cap for the Neighborhood Plan. Town Meeting can then make the decision. Mr. Mulno stated both plans treat this property identically. Mr. Alpert noted the Board has received letters from property owners in town saying more housing is needed as they cannot get workers. This is a great place to live.

Mr. Crocker agrees the Board needs to do something but this intersection is not a great intersection to put 318 units. The limit should probably not even be 275 units. Everyone wants to do something but there is a maximum that should be here. Mr. Block stated Charles River Landing has 350 units. He recognizes there are physical restrictions and limitations within the zoning and confines of the site that prohibit construction of that many units. That site was a much larger site with a capacity that could handle that number. This is a very different location. The Planning Board and HONE both looked at this and there are a couple of options. 1) roll with what was recommended and Mr. Mulno will make an amendment on the Town Meeting floor or revise the underlying zoning and modify the recommendation to Town Meeting. Mr. Alpert stated there is no parking requirement of 1 car per unit. The Board grants waivers all the time but he hopes the Board would not grant a waiver for that. If the number is increased, the parking would need to be increased.

Ms. Espada stated this area yielded 0 units with HONE and it was amended to cap at 189. She feels the Board has vetted it. She noted 214 units is similar to 189 units. Mr. Mulno stated by right is ok but the special permit is the issue. Mr. Crocker stated if it does not pass it would be the Base Plan. It is better to have something the Planning Board would support. Fifty units per acre would not cut it for him. Mr. Block stated he would not vote tonight. He needs to think this through. Mr. Mulno would like 52 or 53 units per acre. He feels 54 takes it too high. The Board will vote before Town Meeting whether to approve Mr. Mulno's amendment to the Planning Board Article.

ANR Plan – Lawton South Development, LLC, Petitioner (Property located at 103 Lawton Road and 133 South Street, Needham, MA).

Ms. Newman stated the plan was fine. The applicant is tinkering with the lot lines. It is compliant.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to accept the ANR Plan.

Board of Appeals – October 17, 2024

1132 Highland Avenue – Total Eclipse Dance Studio, LLC

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: "No comment."

858 Great Plain Avenue – Arrais Ballet, LLC

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: "No comment."

378 Manning Street – Driftwood Landing, LLC

Mr. Crocker noted Otis and Manning Streets are mislabeled and will need to be corrected.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously: "No comment."

General By-Law Review Committee Appointment

Ms. Newman noted the Committee is being created and there needs to be a Planning Board member current or prior. She was thinking Ron Ruth or Jeanne McKnight. Mr. Alpert feels Moe Handel would be good. Ms. Newman stated if Mr. Block is not interested she will reach out to Mr. Ruth or Ms. McKnight to see if one of them would be interested.

Minutes

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to approve the meeting minutes of 8/14/24 as presented in the packet.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to approve the meeting minutes of 8/27/24 as presented in the packet.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to approve the meeting minutes of 9/5/24 as presented in the packet.

Report from Planning Director and Board members

Ms. Newman is working with Ms. Espada on the presentation to Town Meeting. They have had meetings with the Select Board and Finance Committee. Mr. Block noted the CEA meeting was held to discuss, and vote, the Neighborhood Base Compliance Plan.

Correspondence

Ms. Espada noted the following correspondence for the record: a memo from David Harmon, dated 9/24/24, regarding the MBTA plan; a letter from Tim Bulger, Chair of the Mobility Planning and Coordination Committee, dated 9/25/24, with comments; a memo from Wells Blanchard, dated 9/28/24, regarding MBTA student estimate assumptions; a memo from Irene and Jim Zafferes, dated 10/6/24, regarding Proposed MBTA Mandated Rezoning; a memo from Joanne Harrington, dated 10/5/24, regarding housing; a letter from Nick Hill and Paul Molta of the Climate Action Committee, dated 10/8/24, in support of the proposed zoning changes; a letter from John Fogarty, of Beth Israel Deaconess Hospital, in support of the proposed zoning changes; a letter from Progressive Needham Steering Committee, dated 10/14/24, in support of the Neighborhood Plan and a memo from Mark Lane, dated 10/14/24, against the MBTA Communities Act Zoning By-Law.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to adjourn the meeting at 9:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

October 29, 2024

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building, and virtually using Zoom, was called to order by Natasha Espada, Chairman, on Tuesday, October 29, 2024, at 7:00 p.m. with Messrs. Crocker, Block, Alpert and McCullen, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She reviewed the rules of conduct for all meetings. This meeting includes one continued public hearing and public comment will not be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2024-01: Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, Petitioner (Property located at 0 Linden Street and 5 Chambers Street, Needham, Massachusetts). Regarding request to redevelop the NHA Linden-Chambers property. Please note that this hearing has been continued from the September 24, 2024 and October 15, 2024 Planning Board meetings.

Robert Smart, attorney for the applicant, stated Assistant Planner Ms. Clee asked him to provide language for the decision as to whether the decision complies with site plan review standards. He has provided that language. The Conservation Commission voted an order of conditions to approve the project. He received correspondence from the DPW and the Fire Department. Both are ok with the project changes. Dan Chen, of Bargmann Hendrie + Archetype, Inc. (BHA), stated the capacity of the storm water management has been increased for a 25-year storm and is entirely on site. The previous design met and exceeded the state requirement. At the town's request capacity has been added and doubled. At this capacity it is at a threshold of diminished return. If it was increased any more, it would not be able to absorb the additional water. The fire lane extends further into the back of the building on the north and south sides in Phase 1B. The concrete path in back has been widened. That will help with the ladder access for the Fire Department.

Ms. Espada read the correspondence from the Fire Chief with his comments. She noted a full vehicular fire lane is not required in the back of the building. The 2 fire hydrants will remain but one has been moved slightly. Wider sidewalks have been modified slightly to accommodate the new extended fire lanes. Mr. Block asked if the storm water management plan for the entire site was both phases. Mr. Chen stated it was. Mr. Crocker commented he would prefer if the access lanes on the sides of the building had the same treatment as the Board had requested at Muzi Ford. Ms. Espada asked if the applicant would consider that. Mr. Chen stated there were mixed results for both the plastic surface and the paving system that allows grass. Sometimes the plows destroy the system. The permeable asphalt system will help with water runoff. He is looking further into permeable asphalt systems.

Mr. McCullen, Mr. Alpert and Mr. Block are all satisfied with the changes. Ms. Newman noted an email from Fire Chief Tom Conroy, dated 10/24/24, with comments and a letter from Town Engineer Thomas Ryder, dated 10/24/24, with comments regarding the fire lane. Mr. Block noted an email from resident Kaliegh Moriarty, dated 10/15/24, regarding the relocation plan for residents.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to close the hearing.

Ms. Newman will have a draft at the next meeting on 11/6. She would like some direction from the Board on any special conditions. A discussion ensued with some residents concerned there was no public comment allowed. Mr. Crocker noted the pavers are to be reviewed and some signage should be considered going into the fire lane. He feels the landscaping is

pretty good. He is satisfied the project will improve the neighborhood storm water management. It will be better than before. He feels the Board did their jobs and noted the residents can always email any thoughts or concerns to the Planning Board. Ms. Espada thanked the residents for their comments. She noted the comments helped shape the improvements. Mr. Crocker asked if there were any conditions Mr. Smart anticipated. Mr. Smart stated he provided a letter today with language regarding the 2-year lapse. Ms. Newman will have Town Counsel Christopher Heep review the language. Mr. Smart stated he went to the Children's Hospital decision to look at the language regarding the permit running with the land. He asked the Board to import that language into this decision. Ms. Newman stated the decision will be included in the online packet the Friday before the meeting.

Board of Health – Article 1: Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham.

The Board discussed their purview regarding this. Ms. Newman noted the Board does not have any purview. She is not sure why this was sent to the Planning Board. Mr. Block asked if other municipalities have enacted this. Mr. McCullen stated Brookline is the only town that has enacted this. Mr. Block noted the question is the age limit. Mr. Alpert stated it is not an age. If born after a certain date that person cannot buy cigarettes in Needham. Mr. Crocker is not sure the Board can have an opinion on this, but individual members can. It was decided the Planning Board will thank the Board of Health for letting them know and otherwise make no comment.

Minutes

There were no minutes for this meeting.

Report from Planning Director and Board members

Ms. Newman noted, at the 11/19 meeting, there will be appointments to the Large House Study Committee at large members. After discussion, it was decided the Chair and Vice-Chair will interview and make recommendations to the full Board. Ms. Newman feels the Board should have a meeting with goals, what the Board wants to get done over the course of the next year and what would be required for the Spring and Fall Town Meetings. Ms. Espada asked if there have been applicants for the Committee positions. There have been 6 applicants for the 5 at large positions. The Committee will be comprised of 2 Planning Board members, 2 Select Board members, a Design Review Board member or designee, a Finance Committee member, a Zoning Board of Appeals member and 5 at large members which will include a Real Estate Broker, a developer, an architect and 2 at large. The posting is still open on the town's website. Ms. Newman wants to get this Committee appointed as soon as possible.

Ms. Espada stated the Board needs to review ADUs, Crescent Street and the rezoning of that and Hershey. Mr. Block commented there is a much bigger opportunity in front of them to deal with Great Plain Avenue from the Post Office to Warren Street. He stated he had started a list. Ms. Clee re-sent the list to all members so they can add to it. Mr. Crocker stated Wexford Street should be thought about. Ms. Newman noted she applied for a grant through the Executive Office of Elder Affairs (EOEA) for parking. She hopes to hear by the next meeting. For the MBTA Communities Act follow up, they need to develop design guidelines to get that project moving. Ms. Espada feels the Dover Amendment guidelines should be reviewed. All members should look at the list and add revisions and thoughts for discussion at the next meeting.

Mr. Block noted Heidi Frail will be the Chair of the Council of Economic Advisors (CEA). Mr. McCullen stated the Mobility Planning and Coordination Committee is having their semi-annual transportation summit. They will have a joint meeting with the Transportation Safety Committee and the Rail Trail Committee to go over the status of transportation on 11/20/24. Ms. Espada feels that would be a good group to partner with for the parking study.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to adjourn the meeting at 7:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk

DRAFT

From: [Glenn Mulno](#)
To: [Selectboard](#); [Planning](#)
Subject: Real Estate Investors
Date: Wednesday, December 11, 2024 1:22:07 PM

Greetings and happy holidays to you all.

Note this may simply be a "thinking out loud" email. No response is needed, just something to think about.

I subscribe to this financial analyst's newsletters and this was the most recent. It is another view of the housing crisis going on around the country.

<https://www.mauldineconomics.com/frontlinethoughts/homes-for-christmas>

Does Needham know what % of our housing (homes and apartments) is owned by investors that rent the properties out to renters? Would we know if a house is owned by an investment firm and rented?

And of course, I'm wondering if our MBTA zoning may end up fueling even more investment ownership and not really solve the pricing problems we have. Even with a lot more housing, if a large amount of it is owned by investors, they are unlikely to lower pricing.

I think Needham has a ban on short term rentals (AirBnB, etc), wonder if a ban on investment renting could happen to force more direct ownership.

Anyway, as I said, thinking out loud.

Happy holidays to you all. Thanks for all you do for the town and all the hard work you do, with very little recognition or appreciation for your efforts.

All the best,

Glenn Mulno
TMM Precinct I