

NEEDHAM PLANNING BOARD

Tuesday August 12, 2025

7:00 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

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

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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. Minor Modification: Major Project Site Plan Special Permit No. No. 98-6: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets, Needham, Massachusetts). Regarding request to approve a new site plan accurately depicting the existing conditions of the parking lot.
2. Discussion of Accessory Dwelling Units (ADUs) Zoning By-Law amendment.
3. George Giunta Jr.: Determination of Proposed Use – Self Storage (Property located at 105 Cabot Street, Needham, MA).
4. Board of Appeals – August 13, 2025.
5. Minutes.
6. Review of draft work plan for Planning Board Study of Needham Center and the Mixed Use 128 District.
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.)

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 0 Chestnut Street
Name of Applicant Town of Needham
Applicant's Address 1471 Highland Avenue, Needham MA
Phone Number 781 455 7500

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

Property Owner's Name Town of Needham
Property Owner's Address 1471 Highland Avenue, Needham MA
Telephone Number 781 455 7500

Characteristics of Property: Lot Area 1.74 acres Present Use Municipal parking lot
Map # 47 Parcel # 58 Zoning District GR and CB

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

The Applicant seeks a minor modification of Major Project Site Plan Special Permit No. 98-6 to approve a new, updated site plan that accurately depicts the existing conditions of the Chestnut and Lincoln Street municipal parking lot.

Signature of Applicant (or representative) /s/Christopher H. Heep
Address if not applicant: Harrington Heep 40 Grove St. Suite 190 Wellesley MA
Telephone # 617 804 2422
Owner's permission if other than applicant _____

SUMMARY OF PLANNING BOARD ACTION

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

Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

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

June 16, 2025

BY EMAIL (lnewman@needhamma.gov)

Planning Board
Town of Needham
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

**Re: Request to Amend Major Project Site Plan Special Permit No. 98-6
Chestnut and Lincoln Street Town Parking Lot**

Dear Planning Board Members:

I am pleased to submit this application for a minor modification of Major Project Site Plan Special Permit No. 98-6 on behalf of the Town of Needham Select Board (the “Applicant”) to approve an updated site plan depicting the existing conditions of the municipal Chestnut and Lincoln Street Parking Lot. The current configuration of the parking lot and associated site improvements are shown on the new site plan entitled “Chestnut/Lincoln Street Municipal Space Designations”, dated June 6, 2025 and prepared by the Needham Department of Public Works Engineering Division, which is being submitted with this application.

The original Major Project Site Plan Special Permit for this parking lot is dated June 16, 1998 (the “Decision”), and it has previously been amended numerous times. The Amendments to the Decision are as follows: (1) The Amendment to the Decision dated August 6, 2013 modified the previously approved parking lot layout; (2) the Amendment to Decision dated July 17, 2018 provided for conversion of a portion of the Chestnut and Lincoln Street Parking Lot to temporary construction staging and parking for new Police and Fire Station; (3) the Amendment to Decision dated March 19, 2019 provided for conversion of fifteen 2-hour spaces in the Chestnut and Lincoln Street Parking Lot to permit parking spaces in order to account for the temporary loss of permit spaces during construction at the Police and Fire Station; (4) the Amendment to Decision dated June 4, 2019 reduced the total number of parking spaces at the Chestnut and Lincoln Street Parking Lot from 195 to 192 to accommodate installation of a consolidated dumpster; (5) the Insignificant Change dated July 12, 2021 provided for two EV parking spaces within parking lot; and (6) the Amendment to Decision dated February 1, 2022 provided for seasonal outdoor dining within the parking lot, with the attendant loss of some spaces.

Given the piecemeal series of permit amendments affecting the parking lot, and the simple passage of time, the Applicant has prepared its new site plan to accurately depict the existing conditions on the ground. This application requests approval of this plan as the new site plan of record for the Chestnut and Lincoln Street Parking Lot. This application does not propose any new building or construction, and it does not involve any changes to the number of parking spaces that currently exist on the ground, the layout of parking spaces that currently exist on the ground, to

infrastructure or landscaping within the parking lot, or to access, egress, or vehicular circulation within the parking lot. The purpose of this application is simply to obtain Planning Board approval of an updated control plan for the parking lot that accurately depicts current conditions.

The new site plan shows a total of 189 parking spaces within the Chestnut and Lincoln Street Parking Lot. The Amendment to Decision dated June 4, 2019 was the last to call for a specific number of parking spaces—192—within the parking lot. However, the Amendment to Decision dated February 1, 2022 then approved outdoor seasonal dining within the parking lot, and specifically noted that this would reduce the number of available parking spaces. See Finding 1.6 (“The Petitioner notes that the total number of parking spaces available in the municipal parking lot will be reduced to accommodate such seasonal outdoor seating.”) Therefore, the current total of 189 spaces shown on the Applicant’s new site plan is consistent with the amendments issued to date for the Chestnut and Lincoln Street Parking Lot. In addition, the Planning Board should note that the Zoning Bylaw itself does not require the Chestnut and Lincoln Street Parking Lot to contain any particular number of parking spaces.

The new site plan shows how the parking spaces within the lot are currently assigned. This includes permit only spaces, 2-hour spaces, 30-minute spaces, EV charging spaces, handicapped spaces, and one undesignated parking space. The assignment of these parking spots is not governed by the Zoning Bylaw—there is no zoning requirement for any particular number of permit only, 2-hour, or 30-minute parking spaces—and this is properly within the jurisdiction of the Select Board and the Town Manager. The Applicant therefore requests that this new Amendment to MPSP 98-6 leave flexibility to for the Select Board to adjust the mix of permit only, 2-hour and 30-minute parking spaces in the lot without a need to return for further review and/or permit modification from the Planning Board. The new site plan shows the current designation of each parking space for reference, but the Applicant requests that the Amendment be issued in a manner that does not specifically tie these parking spaces to a particular use designation.

Based on the foregoing, the proposed modification complies with all standards and criteria set forth in the provisions of the Zoning By-Law, and the requested amendment is in harmony with the purposes and intent of the By-Law and will have minimal adverse impacts on the surrounding area. The Applicant respectfully requests that the Decision be amended to reference the new site plan “Chestnut/Lincoln Street Municipal Space Designations” dated June 6, 2025 as the plan of record, and to specifically note that use of parking spaces may be assigned and re-assigned by vote of the Select Board without a need for further modification of the permit.

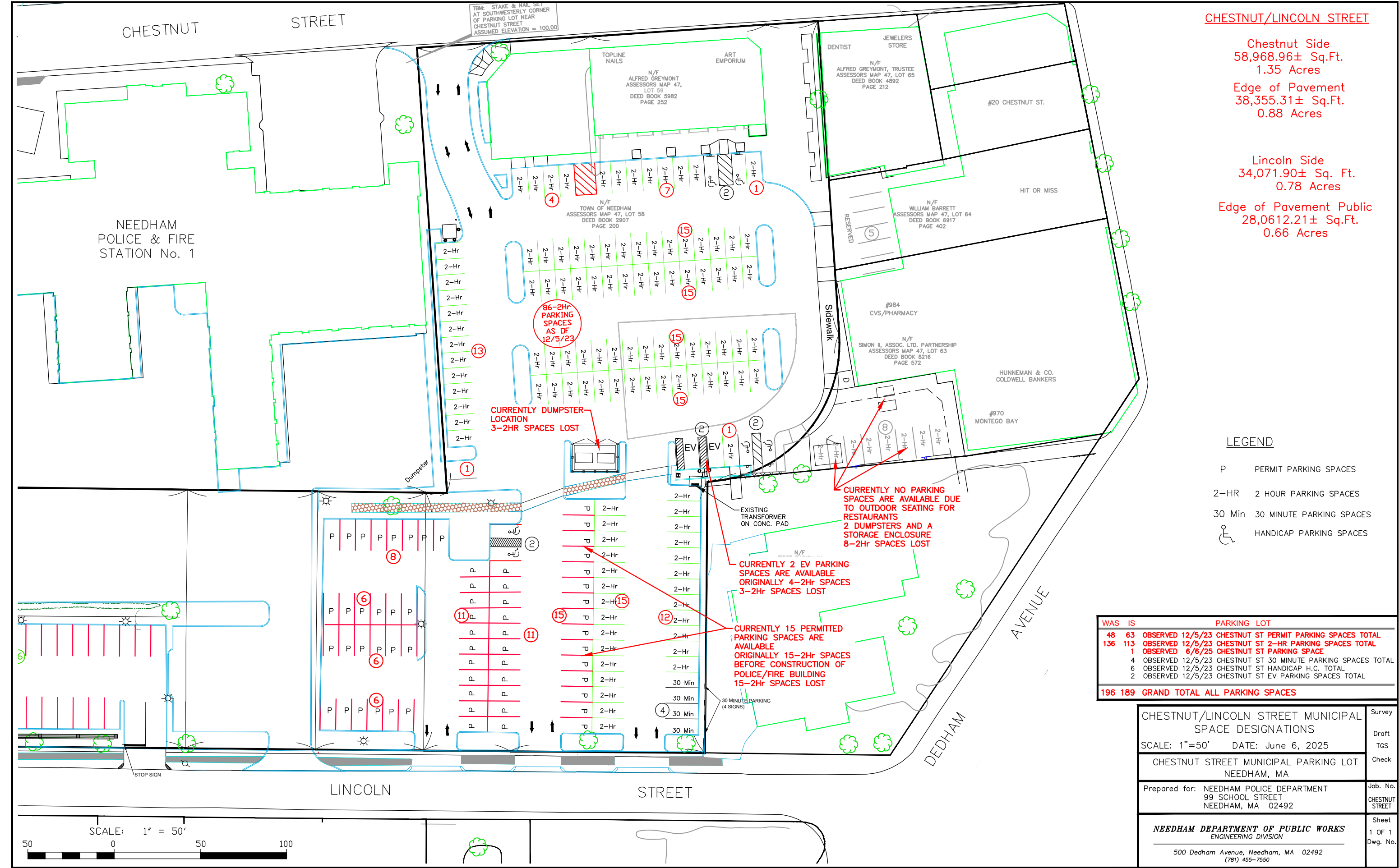
Thank you very much for your consideration of this application, and please let me know if I can provide any additional information prior to the Board's meeting on this request for a minor modification of Major Project Site Plan Special Permit No. 98-6.

Sincerely,



Christopher H. Heep

cc: K. Fitzpatrick
T. Ryder



ARTICLE : AMEND ZONING BY-LAW—ACCESSORY DWELLING UNITS

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. By deleting the existing definition of Accessory Dwelling Unit (ADU) in Section 1.3.
2. By amending the line for Accessory Dwelling Units in Section 3.2.1 (Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial 1 Districts) to read as stated in the bottom line below:

<u>USE</u>	<u>RRC</u> <u>SRA</u>	<u>SRB</u>	<u>GR</u>	<u>A-1, 2 &</u> <u>3</u>	<u>I</u>	<u>IND</u>	<u>IND-1</u>
Protected Use Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	Y

3. By amending the line for Accessory Dwelling Units in Section 3.2.2 (Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts) to read as stated in the bottom line below:

<u>USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Protected Use Accessory Dwelling Unit	Y	N	N	Y	Y

4. By inserting a new subsection (k) in Section 3.2.3.1 as stated below, to list Protected Use ADU as a use allowed by right in the Neighborhood Business District, and to re-letter the remaining subsections in alphabetical order to account for the new subsection:

(k) Protected Use ADU.

5. By deleting existing Subsection 3.2.3.2(c), which lists Accessory Dwelling Unit as a use allowed by special permit in the Neighborhood Business District, in its entirety, and re-lettering the remaining subsections in Section 3.2.3.2 in alphabetical order to account for this deletion.

6. By inserting a new subsection b) in Section 3.12.3 as stated below, to list Protected Use ADU as a use allowed by right in the Elder Services Zoning District:

b) Protected Use ADU.

7. By deleting Section 3.16 (Accessory Dwelling Units (ADUs)) in its entirety, and adding a new Section 3.18 (Accessory Dwelling Units (ADU)) to read as follows:

3.18 Accessory Dwelling Units (ADUs)

3.18.1 Definitions. For the purpose of this Section 3.16, the following words and terms shall be defined as follows:

Accessory Dwelling Unit (ADU) – A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;
- (b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- (c) is subject to such additional restrictions as may be imposed by the Town.

Bus Station - A location serving as a point of embarkation for any bus operated by a Transit Authority.

Commuter Rail Station - Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Ferry Terminal - The location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Principal Dwelling – A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

Protected Use ADU – An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Single-family Residential Zoning District – Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-family Residential Dwellings are allowed as-of-right or by Special Permit.

Subway Station - Any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.

Transit Station – A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

3.18.2 One (1) Protected Use ADU is allowed by right in any Single-family Residential Zoning District, subject to the requirements of this Section 3.18.

3.18.3 ADUs may be attached to or detached from the Principal Dwelling.

3.18.4 ADUs shall be subject to the setback requirements, maximum story requirement, and maximum height requirement applicable to the Principal Dwelling, to the Single-family Dwelling, or to an accessory structure in the zoning district in which the lot is located, whichever results in the more permissive dimensional regulation.

3.18.5 On a lot that is located in whole or in part within a 0.5 mile radius of a Transit Station, an ADU need not provide any off-street parking space. On a lot that is located entirely outside a 0.5 mile radius of a Transit Station, there shall be one (1) off-street parking space provided for an ADU.

3.18.6 ADUs may not be used as Short-Term Rentals, as such term is defined in M.G.L. c.64G, §1.

3.18.7 ADUs shall remain accessory to a Principal Dwelling, and therefore both must be sited on a single lot and the ADU must remain in common ownership with the associated Principal Dwelling.

Or take any other action relative thereto.

760 CMR 71.00: PROTECTED USE ACCESSORY DWELLING UNITS

Section

71.01: Statement of Purpose

71.02: Definitions

71.03: Regulation of Protected Use ADUs in Single-family Residential Zoning Districts

71.04: Data Collection

71.01: Statement of Purpose

(1) St. 2024, c. 150, § 8 amends M.G.L. c. 40A, § 3 to encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life.

The Executive Office of Housing and Livable Communities is the regulatory agency that is authorized by St. 2024, c. 150, § 8 to promulgate 760 CMR 71.00 that establish rules, standards and limitations that will assist Municipalities and landowners in the administration of St. 2024, c. 150, § 8.

(2) St. 2024, c. 150, § 8 and 760 CMR 71.00 seek to balance municipal interests in regulating the use and construction of ADUs while empowering property owners to add much needed housing stock to address the Commonwealth's housing needs. St. 2024, c. 150, § 8 establishes that in certain circumstances the use of land or structures for ADUs are protected from zoning restrictions by providing that zoning shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single ADU, or the rental thereof, in a single-family residential zoning district, and imposes protections on ADUs through M.G.L. c. 40A, § 3, the Dover Amendment. St. 2024, c. 150, § 8 balances protection for these ADUs by authorizing municipalities to impose reasonable regulations on the creation and use of ADUs. St. 2024, c. 150, § 8, however, explicitly prohibits municipalities from imposing requirements on protected accessory dwelling units that require owner-occupancy of either the ADU or the principal dwelling and imposes limitations on Municipal parking requirements.

(3) 760 CMR 71.00 establishes definitions, standards, and limitations to assist in the local administration of M.G.L. c. 40A, § 3, para. 11, pursuant to St. 2024, c. 150, § 8. Nothing in 760 CMR 71.00 is intended to supersede state health and safety laws and regulations, such as, but not limited to the Building Code, Fire Code, M.G.L. c. 111, § 189A: *Massachusetts Lead Law*, or any federal laws.

71.02: Definitions

Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;
- (b) is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- (c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in M.G.L. c. 64G, § 1; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Building Code. The Massachusetts state building code, 780 CMR.

Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority.

Commuter Rail Station. Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

71.02: continued

Design Standards. Clear, measurable and objective provisions of Zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU.

Dwelling Unit. A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EOHLC. The Executive Office of Housing and Livable Communities.

Ferry Terminal. The location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Fire Code. The Massachusetts state fire code, 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*.

Gross Floor Area (GFA). The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

Historic District. A district in a Municipality established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law.

Lot. An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of Zoning.

Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

Municipality. Any city or town subject to the provisions of M.G.L. c. 40A.

Principal Dwelling. A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

Prohibited Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are prohibited pursuant to 760 CMR 71.03(2).

Protected Use ADU. An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, § 1.

Single-family Residential Dwelling. A structure on a Lot containing not more than one Dwelling Unit.

Single-family Residential Zoning District. Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-family Residential Dwellings are allowed as-of-right or by Special Permit.

71.02: continued

Site Plan Review. A process established by local ordinance or by-law by which a Municipal board or authority may review and impose terms and conditions on, the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.

Special Permit. A permit issued by a Municipality's special permit granting authority pursuant to M.G.L. c. 40A, § 9.

Subway Station. Any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.

Transit Authority. The Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, § 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, § 3 or M.G.L. c. 161B, § 14.

Transit Station. A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

Unreasonable Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are unreasonable pursuant to 760 CMR 71.03(3).

Use and Occupancy Restrictions. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the current, or future, use or occupancy of the Protected Use ADU to individuals or households based upon the characteristics of, or relations between, the occupants, such as but not limited to, income, age, familial relationship, enrollment in an educational institution, or that limits the number of occupants beyond what is required by applicable state code.

Zoning. Ordinances and by laws, including base, underlying, and overlay zoning, adopted by cities and towns to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants.

Zoning District. A geographic area within a Municipality which, pursuant to Zoning, is subject to use and structure requirements that are uniform within the area.

71.03: Regulation of Protected Use ADUs in Single-family Residential Zoning Districts

(1) Municipalities shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5) and 760 CMR 71.03(6), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the use of land or structures for a Protected Use ADU, including the rental thereof, in a Single-family Residential Zoning District; provided that Municipalities may reasonably regulate a Protected Use ADU, subject to the limitations under 760 CMR 71.00.

(2) Prohibited Regulation. A Municipality shall not subject the use of land or structures on a Lot for a Protected Use ADU to any of the following:

(a) Owner-Occupancy Requirements. A requirement that either the Protected Use ADU or the Principal Dwelling be owner-occupied.

(b) Minimum Parking Requirements. A requirement of, as applicable:

1. More than one additional on-street or off-street parking space for a Protected Use ADU if all portions of its Lot are located outside a 0.5 mile radius of a Transit Station; or

2. Any additional on-street or off-street parking space for a Protected Use ADU if any portion of its Lot is located within a 0.5 mile radius of a Transit Station.

(c) Use and Occupancy Restrictions. A requirement that a Protected Use ADU be subject to a Use and Occupancy Restriction.

(d) Unit Caps & Density. Any limit, quota or other restriction on the number of Protected Use ADUs that may be permitted, constructed, or leased within a Municipality or Zoning District. Protected Use ADUs shall not be counted in any density calculations.

71.03: continued

(e) Relationship to Principal Dwelling. A requirement that a Protected Use ADU be attached to or detached from the Principal Dwelling.

(3) Unreasonable Regulation.

(a) A Municipality may reasonably regulate and restrict Protected Use ADUs provided that any restriction or regulation imposed by a Municipality shall be unreasonable if the regulation or restriction, when applicable to a Protected Use ADU:

1. Does not serve a legitimate Municipal interest sought to be achieved by local Zoning;
2. Serves a legitimate Municipal interest sought to be achieved by local Zoning but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or
3. Serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will:
 - a. Result in complete nullification of the use or development of a Protected Use ADU;
 - b. Impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or
 - c. Substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

(b) Municipalities shall apply the analysis articulated in 760 CMR 71.03(3)(a) to establish and apply reasonable Zoning or general ordinances or by-laws, or Municipal regulations for Protected Use ADUs, but in no case shall a restriction or regulation be found reasonable where it exceeds the limitations, or is inconsistent with provisions, described below, as applicable:

1. Design Standards. Any Design Standard that:
 - a. Would not be applied to a Single-family Residential Dwelling in the Single-family Residential Zoning District in which the Protected Use ADU is located or
 - b. Is so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU.
2. Dimensional Standards. Any requirement concerning dimensional standards, such as dimensional setbacks, lot coverage, open space, bulk and height, and number of stories, that are more restrictive than is required for the Principal Dwelling, or a Single-family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation, provided that a Municipality may not require a minimum Lot size for a Protected Use ADU.
3. Utilities, Safety, and Emergency Access. Any requirement concerning utilities, safety and emergency access that is more restrictive than is permitted by state requirements, including under the Fire Code. A Municipality may not require a separate utility connection, such as water, sewer, electric, provided that a separate connection may be required by a Municipal or regional utility, investor-owned utility; by state law; by a local, regional, or state board or commission; or by court order.
4. Environmental Regulation. Any regulation for the protection of public health, safety, welfare and the environment pursuant to 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, that is more restrictive than is required for a Single-family Residential Dwelling in the Zoning District in which the Protected Use ADU is located.
5. Site Plan Review. Site Plan Review concerning the Protected Use ADU that is not clear and objective or imposes terms and conditions that are unreasonable or inconsistent with an as-of-right process as defined in M.G.L. c. 40A, § 1A.
6. Impact Analysis, Studies, and Fees. Any requirement for any impact analysis, study, report, or impact fee that is not required for the development of a Single-family Residential Dwelling in the Single-family Residential Zoning District in which the Protected Use ADU is located.
7. Modular Dwelling Units. Any requirement that prohibits, regulates or restricts a Modular Dwelling Unit from being used as a Protected Use ADU that is more restrictive than the Building Code.

71.03: continued

8. Historic Districts. Municipalities may establish Design Standards and Dimensional Standards for Protected Use ADUs located in an Historic District that are more restrictive or different from what is required for a Single-family Residential Dwelling, or Principal Dwelling, in the Single-family Residential Zoning District; provided, however, that such standards are not unreasonable pursuant to 760 CMR 71.03(3)(a).
 9. Pre-existing Nonconforming Structures. A Municipality may not prohibit the development of a Protected Use ADU in an existing structure or Principal Dwelling, or Lot due to nonconformance, that could be used for, or converted into, a Protected Use ADU in conformance with the Building Code, 760 CMR 71.00, and state law.
 - (c) Short-term Rentals. Municipalities may establish restrictions and prohibitions on the Short-term Rental of Protected Use ADUs pursuant to M.G.L. c. 64G.
- (4) Enforceability of Restrictions and Regulations on Pre-existing ADUs. A Municipality shall not enforce any Prohibited Regulation or Unreasonable Regulation that was imposed as a condition for the approval of the use of land or structures for a Protected Use ADU prior to the effective date of 760 CMR 71.00, regardless of whether such Protected Use ADU complies with the Municipality's Zoning, including, but not limited to, use requirements and dimensional requirements, such as setbacks, bulk, and height.
- (5) Special Permits for Multiple ADUs on the Same Lot. Notwithstanding 760 CMR 71.03(1), if a Municipality chooses to allow additional ADUs on the same Lot as a Protected use ADU in a Single-family Residential Zoning District, Zoning shall require a Special Permit for the use of land or structures for the additional ADUs.
- (6) Floodplain and Aquifer Protection Overlay Districts. Municipalities may require a Special Permit for development of a Protected Use ADU in a floodplain or aquifer protection overlay if required for the Principal Dwelling, provided that the Special Permit is based on clear, objective, and non-discretionary criteria.
- (7) Nothing in 760 CMR 71.00 is intended to prevent a Municipality from adopting more permissive Zoning, or general ordinances or by-laws, or Municipal regulations than would be allowed under 760 CMR 71.03.
- (8) Address Assignment. All ADUs shall be assigned an address consistent with the most current Address Standard published by MassGIS. ADU addresses shall be reported to MassGIS and EOHLC after assignment.

71.04: Data Collection

To assist EOHLC in the administration of M.G.L c. 40A, § 3, para 11, Municipalities shall keep a record of each ADU permit applied for, approved, denied, and issued a certificate of occupancy, with information about the address, square footage, type (attached, detached, or internal), estimated value of construction, and whether the unit required any variances or a Special Permit. Municipalities shall make this record available to EOHLC upon request.

REGULATORY AUTHORITY

760 CMR 71.00: M.G.L. c. 40A, § 3, para. 11; St. 2024, c. 150, § 8.

**Town of Needham
Building Department
500 Dedham Avenue
Needham, MA 02492
Tel: 781-455-7550**

Guidance for ADUs within or attached to single family homes where at least one or the other unit is a market rental:

The new State regulation that allows one ADU to be constructed on any residential property affects only zoning bylaws. It does NOT affect the requirements of the State Building Code, Fire Code, Health Code or any other applicable code.

The State Building Code will require these to be treated as 2-family homes and constructed as such.

- ❖ The unit itself must be no greater than 900 square feet.
- ❖ Two independent means of egress leading directly to the exterior of the building and separated from the other unit with fire-rated construction of 1-hour.
- ❖ Any common wall or ceiling between the units must be built/ upgraded to fire rated construction of 1-hour from each side.
- ❖ Any walls or columns that support required rated construction must also be rated for 1-hour.
- ❖ An independent smoke alarm system is required for each unit.
- ❖ If construction of the unit involves additional renovations within the main home and there are more than 1,000 square feet of total renovations, including the ADU, then a HERS energy rating may be required for each unit.
- ❖ Any additions must meet the dimensional requirements of the Zoning Bylaw.
- ❖ If the home is served by a septic system, an upgrade may be required. Contact our Health Department.
- ❖ Detached/stand alone ADUs are treated as a single-family home.

**Town of Needham
Building Department
500 Dedham Avenue
Needham, MA 02492
Tel: 781-455-7550**

*Guidance for ADUs within or attached to single family homes where at least one unit is owner occupied and the other unit is for in-laws or domestic help:

The new State regulation that allows one ADU to be constructed on any residential property affects only zoning bylaws. It does NOT affect the requirements of the State Building Code, Health regulation or any other applicable code.

These are treated as accessory to the single-family home and are constructed as such, under the State Building Code.

- ❖ The unit itself must be no greater than 900 square feet.
- ❖ Only one means of egress.
- ❖ A single smoke alarm system for the entire home is required.
- ❖ If construction of the unit involves additional renovations within the main home and there are more than 1,000 square feet of total renovations, including the ADU, then a HERS energy rating may be required for the entire home.
- ❖ Any additions must meet the dimensional requirements of the Zoning Bylaw.
- ❖ If the home is served by a septic system, an upgrade may be required. Contact our Health Department.
- ❖ You must sign an affidavit and record it with the home's deed, stating that the main home and the ADU will only be occupied by the owner, in-laws or domestic help. No rental to persons not in these categories is permitted.
- ❖ *Detached/stand alone ADUs are treated as a single-family home.

GEORGE GIUNTA, JR.

ATTORNEY AT LAW*

P. O. BOX 70

SOUTH WEYMOUTH, MA 02190

*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

August 6, 2025

Town of Needham
Planning Board
Needham, Massachusetts 02492

Attn: Lee Newman, Planning Director

Re: R.J. Kelly Co., Inc.
105 Cabot Street, Needham, MA

Dear Lee,

Please be advised that this office represents R. J. Kelly Co., Inc., 55 Cambridge Street, Burlington, MA 01803 (hereinafter "RJK"), relative to potential redevelopment and reuse of the commercial property known and identified as 105 Cabot Street, Needham, MA (hereinafter the "Premises"). The site is located in the New England Business Center and is shown on the site plan provided herewith for reference. RJK is a vertically integrated commercial real estate development, management and construction company that was founded in 1951. This local family real estate office has experience with acquisition, development/re-development, entitlement, construction, leasing, and property management, and its portfolio currently consists of over 6 million square feet of office, R&D/flex properties, industrial, retail, mixed-use, self-storage and land holdings throughout New England and beyond.

The Premises consists of approximately 96,889 square feet of land with over 466 feet of frontage on Cabot Road. It is currently occupied by a three-story commercial building and 45 off-street parking spaces. The building contains approximately 128,750 square feet of gross floor area and was constructed pursuant to Decision of the Planning Board, No. 2000-02 (Lot A), dated October 18, 2011, as amended.

Since its construction, the building has been used and occupied as a data storage center with associated accessory uses. However, for a variety of reasons, the current owner / operator intends to cease and terminate such use. As a result, starting with the first quarter of 2024, the Premises has been marketed for sale as a data center. Notwithstanding such efforts, there has been no interest in Premises for such use, necessitating consideration of other substitute uses.

Unfortunately, due to the limited number of off-street parking spaces, as well as the size, configuration, type of construction and location of the building on the lot, such options are severely limited. As can be seen in the series of videos provided herewith, the building was constructed and configured as an external shell, with very large open areas, limited interior infrastructure, practically no windows, and a lack of facilities to support significant human occupancy. As a result, conversion to any human-centric use would require extensive retrofit, at prohibitive cost and effort. Moreover, the location of the building on the lot does not leave any room to expand the building or the parking area.

But even if the building were to be converted or retrofitted, any use contemplating human occupancy would likely require a significant amount of off-street parking, well in excess of that available on site. By way of example, if the building were converted entirely to office use, it would require approximately 430 parking spaces.¹ Even if only half the building were converted to office use and the remainder were to be utilized as warehouse, the required parking would be approximately 291 parking spaces.² And if the building were utilized for manufacturing it would require a 322 total parking spaces.³

As a result, after considerable evaluation RJK has reached the conclusion that the highest and best, most practical reuse of the Premises would be for self-storage purposes. The building is of a size, configuration and construction to easily support such use. Moreover, such use requires only limited amounts of parking, would not require any new windows, would only entail very minor exterior façade modifications, site alterations, and limited to no new interior infrastructure. Further, it would keep the building functional, providing continued tax revenue, with a minimal impact on Town services and infrastructure, indeed, much less than the originally proposed use or other alternative uses.

Whereas self-storage does not currently exist as an established use category in the Zoning By-Law, RJK consulted with the Building Commissioner to ascertain whether any of the existing use categories in the New England Business Center might be applicable. Through those conversations, the Commissioner has indicated that he would support treating self-storage at this location as either being within the same general category or similar in kind to, and similar in impact to, a wholesale distribution facility in an enclosed structure, excluding the storage of flammable liquids, gas or explosives. Such use is allowed by right, as set forth at Section 3.2.4.1(e) of the By-Law.

Pursuant to Section 3.4 and other applicable provisions of the Decision, any change in use of the Premises requires review and approval by the Planning Board. Furthermore, pursuant to Section 3.1 of the Zoning By-Law, the Planning Board has sole authority to determine whether a proposed use, not currently described in the By-Law, is within the same general category or similar in kind to, and similar in impact to a use that is described in the By-Law. As a result,

¹ With a gross area of 128,750, based on applicable parking standard of one space for every 300 square feet, total parking would be: $128,750 \div 300 = 429.16 = 430$ spaces, rounded up.

² Calculated as follows: $\frac{1}{2} \times 128,750 = 64,375 \div 300 = 214.58 = 215$ spaces for office (rounded up), plus $64,375 \div 850 = 75.73 = 76$ spaces for warehouse (rounded up) for a total of 291 spaces.

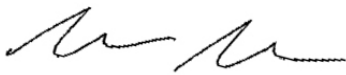
³ Calculated as follows: $128,750 \div 400 = 321.87 = 322$ spaces (rounded up).

pursuant to both the By-Law and the express provisions of the Decision, the Board has the discretion to determine whether self-storage is a use that would be permissible at the Premises.

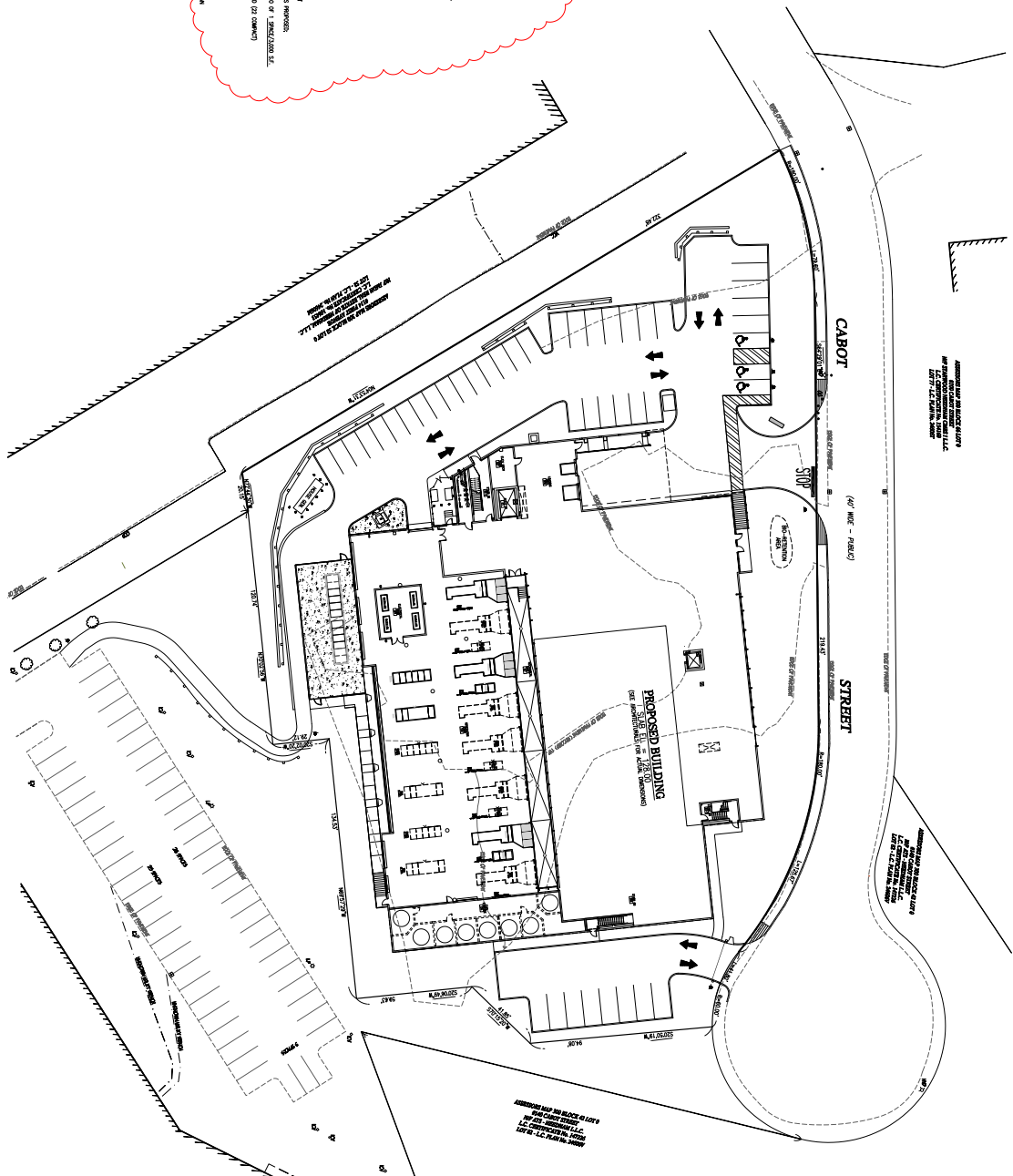
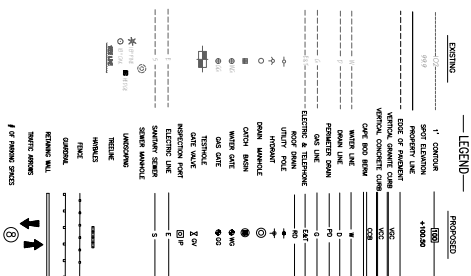
A formal determination would necessitate a major project site plan amendment following an advertised, noticed hearing. However, given the time, cost, and effort involved in such an undertaking, and the uncertain nature of the use, prior to commencing that process, RJK would like to have an informal discussion with the Board to get an understanding of the Board's thoughts, reactions and concerns. Therefore, please schedule a discussion with the Board at the next available meeting for such purpose.

As always, your consideration and cooperation are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.

[illegible]

Quick background

The Planning Board had several discussions with a property owner at 77 Charles in 2018/2019. Self Storage is not currently allowed by the Zoning By-Law in the zoning district of the property. The property owner discussed with the Planning Board whether the Board would support a zoning change to allow the proposed use. Board members' feelings were mixed.

In February of 2019, the property owner submitted a Citizen's Petition to change the zoning to allow Self Storage. The process for any proposal for a zoning change is that the Planning Board holds a public hearing and then makes a recommendation to Town Meeting. Town Meeting is the entity that takes the final vote on whether to pass any zoning change. Per the above noted process, the Planning Board held a public hearing on the proposal on April 2, 2019. On April 12, 2019, the Board received a request to withdraw the proposal.

The property owner met with the Planning Board two more times after that to discuss.

I have attached the minutes of these discussions, including the public hearing noted above. I have also attached the Citizen's Petition proposal for the zoning change and a presentation on it, as well as the withdrawal.

Attached are the following:

- Minutes from Planning Board meeting of February 18, 2020 – discussion with Property Owner at 77 Charles again – “determination of proposed use”. This is the last discussion of the matter with these property owners. The exhibits noted below are referenced by the Chair in these minutes.
- Documents referenced in the above noted minutes, provided as exhibits.
 - New England Business Cenetr (NEBC) subcommittee mtg minutes October 17, 2001
 - Council of Economic Advisors (CEA) Minutes of December 5, 2018
 - Council of Economic Advisors (CEA) Minutes of May 1, 2019
 - Email from Ronald Ruth, dated February 15, 2020
 - Email from Bill Curtis, dated February 18, 2018

History of discussion with property owners of 77 Charles:

- December 18, 2018 Planning Board minutes – first discussion with property owner at 77 Charles.
- Citizens Petition, dated February 4, 2019
- Presentation by Citizens Petition petitioner.
- Minutes from Planning Board meeting of April 2, 2019, the public hearing on the Citizens petition
- Citizens Petition withdrawal.
- Minutes from Planning Board meeting of October 22, 2019, more discussion with property owners

NEEDHAM PLANNING BOARD MINUTES

February 18, 2020

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, February 18, 2020, at 7:00 p.m. with Messrs. Owens, Alpert and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs informed the public there is a request to continue or postpone the ANR Plan for 766 Chestnut Street until the 3/17/20 meeting. If this agenda item is postponed, Mr. Jacobs will take an update on the Children's Hospital Citizens Petition.

Public Hearing:

7:05 p.m. – 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA). Please note: this hearing has been continued from the February 4, 2020 meeting of the Planning Board.

Mr. Jacobs noted the following additional materials for the record: a letter, dated 2/11/20, from Domenic Colasacco in opposition; a letter, dated 2/11/20, from James Curley in opposition; a letter, dated 2/11/20, from David Kelley, Senior Project Manager for Meridian Associates, attaching revised subdivision plans for the site and describing the vision; Planning Board comments from the last meeting; a 2/14/20 email from Domenic Colasacco and a letter dated today from Marsha Salett in opposition.

George Giunta Jr., representative for the applicant, reviewed the changes made to the plans due to comments from Engineering and comments from the last meeting. For the Engineering comments, the plan was revised to show the culvert under the driveway which changes are on Sheets 5 and 6. Also, the subsurface filtration basin was redrawn to be the size in the drainage calculations. A note was added at the Town Engineers' request regarding overflow into the town system.

Mr. Giunta Jr. noted the changes made due to the Planning Board comments included a change to Lot 2 to carve off a piece in the back (Parcel B), and regarding an existing tree on the property line, a note was added that the tree was to remain and be protected. A note was also added that the FilterMitt is to be one foot off the property line. Over 2 acres are to be donated to the town for conservation land. He clarified the list of waivers and the reasons for the requests. He noted this project could be done as of right. Sidewalks on both sides have been consistently waived and a waiver is requested, but there is room to put sidewalks all the way around. The plans are showing a 40-foot wide road with 24 feet of pavement, a 4-foot sidewalk on one side and a planting grass strip on the other side.

Mr. Giunta Jr. stated it was not logical to have 24 feet of pavement to one house. The applicant has proposed a more attractive subdivision with a lot less pavement. This could be done without waivers but it does not make sense. The owner is giving away over 2 acres of land to the town to help preserve the environment. He feels it is an appropriate design with minimal impact and he is asking the Board to approve the request. Mr. Eisenhut noted an issue was raised that the way be moved over. He asked if there was any consideration given to that. Mr. Giunta Jr. stated the road is 11 feet off the property line. The request was the road be moved an additional 10 feet. The lot is being squeezed on the other side and it makes a significant negative impact. The applicant would need to completely redesign the circle and push the swail more into the lot making it difficult to work in that lot. Mr. Eisenhut asked if it would be manageable to move it 2 to 3 feet. Mr. Giunta Jr. stated it may be able to be moved 2 feet but he is not sure of the benefit.

Ms. McKnight noted the movement of the FilterMitt lacks a foot mark. She asked if the dotted line near the rear of proposed Lot 2 is a utility easement right-of-way. Mr. Giunta Jr. noted it is an easement. It may be a drainage or sewer easement. Ms. McKnight feels the plan should indicate what the easement is for and who holds it. It seems incomplete and should be shown. Mr. Giunta Jr. believes it may be an old private easement. Mr. Alpert stated there needs to be clarification on that. Ms. McKnight noted one condition is significant trees over a certain caliper need to be noted and saved to the extent possible. There was a discussion of the feasibility of that with these 2 houses. Mr. Giunta Jr. stated typically that is not done due to the cost and it is not required. It is a significant effort and takes days or weeks. He would not recommend his client to do that. The trees are all marked on Sheet 5 and it has the trees to be removed. Ms. McKnight asked if any trees were marked for removal that could be saved. David Kelley, of Meridian Associates, noted there may be a couple that could be saved.

Ms. McKnight noted the letter from Mr. Colasacco requesting as few trees as possible be removed and the Board consider fire access to the rear lot. This has already been considered. The Fire Department reviewed and approved. She asked if there are any fire hydrants. Mr. Jacobs noted one fire hydrant is being proposed. Mr. Alpert stated he is concerned with the comments made by Mr. Curley regarding trees and the property line. He asked if a field survey was done and the property line delineated on the ground. Mr. Giunta Jr. noted this was done recently. Mr. Alpert asked Mr. Giunta Jr. if he would meet with Mr. Curley regarding the property line and the trees and he agreed. Mr. Kelley stated the trees along the property line will be saved and are depicted on the plan.

Mr. Alpert asked if there could be a condition that is agreeable to the abutter regarding a landscape plan that provides screening for the abutter. Mr. Eisenhut stated there will be language in the decision. Ms. Newman stated the Board will require landscaping along the property line and that the requested plan be received before the subdivision plan decision to create a dialogue that would be satisfactory to all. It should be reflected in the decision. Ms. McKnight does not want to see rows of arborvitae. She would like some trees and plantings and some space for snow.

Mr. Alpert asked if the applicant has spoke to the Conservation Commission as to what they would like with Parcel B. Mr. Giunta Jr. noted either a deed or a restriction would be fine with the Conservation Commission. Ms. Newman noted a deed would be best. Mr. Owens stated there are benefits of all waivers. Parcel B is not buildable so there is no value of that piece. All the waivers are done to improve aesthetics and the environmental impact of the subdivision. He asked if there is no benefit to the current property owner from the waivers. Mr. Giunta Jr. noted there is some benefit. The reduction of infrastructure costs is not significant but there is a benefit of reduced pavement.

Mr. Owens feels there is an attempt to disguise a road as a driveway. He is not swayed by the argument. He asserted that Mr. Giunta Jr. has said the Board has made so many waivers that the subdivision rules have no meaning any longer. He disagrees with that. He would do away with 2 house lots. He does not think this is a good idea and would not vote in favor of the waivers. This is not beneficial to the town and is not aesthetically attractive to the abutters. Only 2 homeowners would benefit. Ms. McKnight noted the letter from Ms. Salett describes the easement as a gas easement.

Mr. Jacobs commented he heard what Mr. Owens said but he disagrees. If Mr. Giunta Jr. is correct this could be done as of right with a wider drive and a larger circle at the end. What is being shown is preferable. He has concerns with the landscaping to the north and south borders of the property. He would be in favor of moving the access drive 2 feet to the south with a slight jog to the right. That could save a couple of trees. He suggested the applicant think about that. All are in favor of reducing impermeability. He asked to what extent could the drive be made out of permeable material. Mr. Giunta Jr. noted there are sections of the drive that are permeable around the circle but not the rest. Engineering prefers not to see permeable pavers for the main drive.

Ms. McKnight stated she likes the suggestion of moving the drive to the south. She would like the drainage system explained. Mr. Kelley stated the road is super elevated to the south with a vertical granite curb with the water flowing westerly to the gutter to a double catch basin to a drain manhole to the large subsurface system.

James Curley, of 380 Grove Street and a direct abutter, stated he measured the street. If you take the proposed 8 foot buffer and add 4.5 feet of sidewalk and 3 feet of grass buffer after that you are at 7.5 feet. They have 4 feet of tree that would block the sidewalk and that tree cannot be touched. He asked how the applicant could build the sidewalk. Mr. Jacobs noted that Mr. Giunta Jr. conceded that, as shown, Mr. Curley is probably right but the applicant can show it. Mr. Giunta Jr. stated essentially, and legally, because the Board has waived sidewalks so often to not do that now would be capricious.

Mr. Curley stated he is concerned with the placement of the road. The applicant has not shown an as of right plan. He does not want a road or driveway near his property line. He does not want the roots of the old trees dug up and disturbed. Mr. Jacobs noted the plan shows a single tree to be protected. Are there other trees on his property? Mr. Curley stated there were at least 3 or 4 with substantial root systems on his land. Mr. Kelley stated the impact to roots is minimal to none. Mr. Jacobs stated all efforts should be made to protect the trees. Mr. Curley stated one lot is entirely in the woods and would be clear cut. He is concerned with his privacy. Domenic Colasacco, a direct abutter on the south side, agrees with Mr. Owens remarks. He wants to reiterate the entire rear part of the property is tall mature trees. A house cannot be built without taking down trees and they will want a yard also. It would be an environmental detriment to the wetlands. The land being given is entirely wetlands and protected. He has been planting trees for 20 years on his property. He would not like to see the property next door clear cut. He feels the entire request is about money. It is far less to build a driveway than a road. This also increases the size of the lots and the value.

Mr. Giunta Jr. stated the buffer zone is halfway into the rear lot. There would be some cutting for the house and yard but there would be no clear cutting. Mr. Kelley stated the 20-foot buffer around the house would not be cut. Mr. Alpert discussed the Conservation Commission rules and regulations. He noted if this is mature growth the applicant would not be allowed to cut in the 50-foot buffer. Mr. Giunta Jr. stated there is no plan to cut within the 100-foot buffer. There is plenty of room to stay outside the buffer. There is a total 3,500 square foot footprint and yard outside with plenty of room. Mr. Colasacco stated the 3,500 square foot footprint is the foundation. He feels it would be cut. He understands there would be certain restrictions but providing the waivers to make the road into a driveway would make all this possible.

Ms. McKnight suggested there be a condition that no trees would be disturbed outside of the tree line shown on the plan. Mr. Colasacco stated the Board may put in a condition but he is concerned trees on his property may be cut. If the Board allows waivers the second house will be built. This should continue to be the single family lot it has been for 100 years. Mr. Alpert stated there is nothing right now to prevent the owner of the lot from tearing down the house, putting in a 7,500 square foot house, cutting down all the trees and putting a driveway to the back. This is always in the back of his mind. He feels the waivers, and putting in conditions, is the better alternative. It is basically a driveway as it is only going to one house. He is concerned with what they could do as of right without coming to the Board.

Mr. Colasacco stated the owner could not put 2 houses there. He is concerned with his privacy. He believes this is a good lot for one house in the front. Nicholas Kourtis, representative for the Badavas', agrees with all the comments. Grove Street is a beautiful street. The screening is a good concept but a low grade alternative. Two story houses would change the nature of the area. People deserve better than that and deserve some consideration in this single family area. The Planning Board should protect the rights they pay for. Mr. Jacobs reviewed the changes that had been talked about – moving the entrance “way” driveway paving 2 feet to the south; investigating a little jog in the road to the rear of the first house to save existing trees; landscape plan working with Mr. Curley and other abutters on the north and south; label the easement and saving trees outside the building envelope.

Mr. Alpert asked what the Planning Board could do if the applicant violates the tree restriction. Ms. Newman stated they would be called in and the Board would find a way to mitigate. Mr. Eisenhut noted it could be recorded as noncompliance. Mr. Alpert stated, subject to reasonability, the Board could hold up the decision if the discussion

with the abutters is not done. Ms. McKnight commented the property line is labeled as the approximate property line. Mr. Kelley stated it is a true survey, stamped by a surveyor. He can remove the word "approximate." Ms. McKnight noted there is no tree line. Mr. Kelley will add the tree line to the plan. He could have that done in 2 weeks. Ms. Newman stated she would need to get the plans back so she could prepare the decision.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the five members present unanimously:

VOTED: to continue the hearing on 390 Grove Street to 3/17/20 at 8:30 p.m.

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Mr. Jacobs noted a letter from Attorney Robert Smart requesting to postpone until the 3/17/20 meeting and extend the action deadline to 3/24/20.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to extend the action deadline to 3/24/20 and postpone the meeting until the 3/17/20 meeting.

Report from Planning Director and Board members.

Tim Sullivan, representative for Children's Hospital, stated he has a Citizen's Petition to allow pediatric medical facility use and has also proposed a parking standard. The Board desired a special permit use. The expectation is before the public hearing he would submit information on the parking standard, then it would be sent to a peer reviewer. For traffic, he expects to submit a trip generation analysis to be reviewed by the Board. Then he would come in to amend the special permit and will have the traffic study. He wants to make sure all are on the same page.

Mr. Jacobs stated Ms. Newman met last Friday with Board Chair and Vice Chair and Town Engineer Anthony DelGaizo, who has concerns regarding traffic at Third Avenue and Kendrick Street. There would need to be a substantial upgrade. They spoke about what the scope of work would be with Beta. Ms. Newman asked Beta to do a scope of work for a parking peer review and traffic analysis with use and trip generation. They are collecting new data as the other data is 5 years old. They are looking at the impact of development, what improvements would need to be done and the cost of those improvements. Mr. Jacobs stated Beta came up with a proposal. The second part has a significant cost. Children's Hospital would prefer not to do that now. What does the Board want to say at Town Meeting?

Mr. Sullivan stated Beta cannot do a traffic study on information they do not have. He feels this is the right level of analysis. Mr. Alpert is concerned where the Finance Committee will come down if they cannot get a traffic study. Mr. Eisenhut suggested it be explained at Town Meeting there is no special permit application but a zoning change and show the existing use and what the proposed would do. It is at the applicant's risk. Mr. Alpert is confident the traffic could be mitigated at the special permit level.

Ms. McKnight noted the concern was that questions would be asked about what traffic improvements would be needed. Normandy said they would pay for the Kendrick Street improvements. Mr. Jacobs noted that was an oral representation by someone that is no longer there. Mr. Alpert stated the town needs to spend \$1.5 million to \$2 million to fix the intersection. Someone has to spend it. He asked if it has anything to do with what Children's Hospital needs to do. It needs to be reconfigured. It could be said to Town Meeting that they could pass the zoning but it would not force a reconfiguration at Third Street and Kendrick Street.

Mr. Owens stated if Mr. Sullivan is willing to accept the risk that is fine. He is willing to let Children's Hospital accept the risk but he has no idea what will happen. Mr. Sullivan stated he is submitting a trip analysis. There is a

traffic study they are comparing this use to. Mr. Alpert suggested Children's Hospital address the issue when they are making their presentation. Ms. Newman noted Task 3 needs to be modified a little. One question was how much floor area was general office as opposed to medical office. Mr. Jacobs stated, as guidance for the Planning Director, the parking evaluation is Task 1 and Task 3 needs to be reevaluated a little bit.

Determination of Proposed Use – Self Storage (Property located at 77 Charles River Street, Needham, MA.)

Paul Ferreira, of Blue Hawk, stated he was here many months ago to see if they had an acceptable use. He came across a use application and came to get some guidance if the use is acceptable. He prepared an analysis and submitted it recently. He noted the project has not changed. He got an inquiry by a telecommunication carrier recently and configured it to be identical to the self storage because the use is similar but there is no parking definition. He would like a determination that the portion of the project that is self storage would be a use allowed by special permit in this district. Self storage has not been a use enumerated in the By-Law.

Mr. Jacobs noted he was looking at (e), the last paragraph in Section 3.1 in the By-Law. The Planning Board could determine similar in kind and similar in use. What use allowed by special permit, in this use, are you comparing to? Greg Sampson, of Brown Rudnick LLP, noted (e), which is equipment rental services, and he would also compare it with the telecommunication use which is a passive use. The traffic impacts are benign. A parking garage is allowed by special permit and consumer services establishment is acceptable. Also, (i) wholesale distribution facilities.

Mr. Alpert stated the word "storage" was purposely removed in the Mixed Use 128 District. People said they did not want to see facilities like Gentle Giant. Mr. Sampson stated Watertown just approved storage use. The opponents were about aesthetics. When you look at uses, traffic needs to be looked at closely. In Watertown the design and low passivity of the use was what passed it. He feels a self storage facility is similar in kind to other listed uses. Mr. Jacobs noted the following correspondence for the record: the minutes of 10/22/19; a memo from Ronald Ruth dated 2/15/19 and 10/17/01 minutes from the New England Business Center Sub Committee meeting. Mr. Alpert stated those are the minutes where the word "storage" was taken out. Mr. Jacobs also noted the Council of Economic Advisors (CEA) minutes of 12/5/18, CEA minutes from 5/1/19 and a letter received today from William Curtis from Cresett Group.

Mr. Eisenhut stated he appreciates the aesthetics of design but there are many reasons storage is not intended in this district. Mr. Sampson stated Mr. Curtis does not own any property in the Mixed Use 128 District. He has spoken with the abutters and received support. There are only 4 landowners in Block A. He has reached out to 40% of the landowners and all owners in Block A and could not make a deal. He is not sure why this use is not acceptable and similar. Mr. Ferreira stated he is not looking to get it approved as an as of right use.

Mr. Jacobs noted, speaking for himself, he likes this and thinks it would work but they need to find a way to make it fit in the By-Law. After a discussion Mr. Ferreira asked, in the Board's view, if they scrap storage and come forward with telecommunication would that be ok. Mr. Alpert stated that was an allowed use. Mr. Eisenhut stated storage use is not called out and he could not get past that. Mr. Ferreira commented he is relying more on similar in impact. He feels it is hard to believe anyone would say telecommunication is similar in impact to self-storage. Mr. Alpert noted storage was deliberately taken out and it is hard to get past that. He likes the design and wishes it could work.

Mr. Ferreira asked if going to Town Meeting with a Citizen's Petition is a potential option and was informed it was. He asked if the Board would support a zoning change. Mr. Jacobs stated if the details are there the Board could support it. What would the zoning change be? Would they be adding storage or specifically self-storage? He stated there would have to be meetings and the applicant would have to make a request to the Board in some form that they adopt as the Planning Board Article at the next Town Meeting. That would start the process. He feels there should be discussion about retail on the first floor.

Ms. McKnight stated, in her view, she does not feel any of the uses mentioned are similar in kind to self-storage. The argument is that storage was purposely taken out because no one intended that use. She does not feel anyone felt this use is appropriate. That is a use allowed by right in many areas of town but not this area. Mr. Jacobs stated the applicant should submit the proposed zoning amendment language, then something in writing that convinces the Board it is a good idea and the aesthetic standards. This will be continued to the April 7 meeting.

Discussion of Highland Commercial 1 Zoning initiative.

Ms. Newman stated she wanted to have Mr. Owens in on this conversation. There was a discussion last week on next steps. The discussion regarded taking the current foundation, making the change that had been discussed and going with the traffic and fiscal impacts. She feels it would be important to have more conversation. Mr. Owens noted it was decided not to go forward in the Spring or Fall. He wants to make sure the Board keeps working on it and not put it aside. The Finance Committee was updated on the Planning Board's decision and emphasized they want a timely and complete traffic study.

Ms. McKnight asked if the Board knew what the state will be doing as to Highland Avenue and, if so, will there be a presentation on it. Ms. Newman noted the Planning Board has the plans for that. She can have Town Engineer Anthony DelGaizo come in and inform the Board. Adam Block, of the Needham Heights Business Association, stated the Association has organized a community meeting with Town Manager Kate Fitzpatrick and the Mass Department of Transportation to update. They are on schedule to begin later this year. The community meeting will be Monday, March 23 at 7:00 p.m. at Powers Hall. Ms. McKnight noted there should be a presentation to tell what the state is going to do. Mr. Block will discuss with the Town Manager what materials are needed and what the presentation will be. Mr. Owens stated he would like to hear the state tell the Board what they are doing. Mr. Jacobs commented the state installed cameras on the town lights without approval.

Update on Economic Development Director.

Mr. Jacobs noted this was discussed at the last meeting. The position description needs to be finalized. Town Manager Fitzpatrick does not want this to be supervisory and wants to put it under her own purview. Mr. Alpert thinks it is the Town Managers' decision. The Economic Development Director does not work for the Planning Board but reports to the Council of Economic Advisors (CEA) and the CEA reports to the Select Board. Ms. Newman stated towns have both structures and she is fine either way. Ms. McKnight agrees. Her view is she feels it belongs in the Planning Department but if Ms. Newman is ok with it that is fine. Mr. Jacobs stated he has no strong objection for the Planning Board.

Appointment to Emery Grover Working Group.

Ms. Newman stated this is almost done but the working group wants Planning Board input. It is not a large time commitment. Mr. Alpert stated he cannot be the representative but would like to see the draft report. Ms. McKnight asked why not have the whole Board involved? She will be available if they want to follow up.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the five members present unanimously:

VOTED: to accept the minutes of 10/28/19 and 12/3/19.

Ms. McKnight noted a change on the 10/22 minutes, 4th page under the 7:40 p.m. discussion, it should say "He asked if a special permit process is what they should embrace." On the 2nd page, under the 7:20 p.m. discussion, remove the sentence that says "He has about 6,000 square feet of retail in the area." On the 3rd page, 2nd paragraph,

3rd line, add “has” before “very few employees.” On the 4th page, 2nd paragraph, it should say “a pilot agreement would be a condition of that,” and 3rd paragraph, last line, it should say “7 spaces per thousand square feet.”

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the five members present unanimously:

VOTED: to accept the minutes of 10/22/19 with the changes discussed.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 10:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

New England Business Center Subcommittee Meeting

October 17, 2001

The sixth meeting of the New England Business Center Subcommittee, held in the Planning Board meeting room at Town Hall, was called to order by Chairman Robert T. Smart, Jr., at 8:00 a.m. with Messrs. Paul Killeen, Jack Cogswell, Roy Cramer, Richard Epstein, Mark Gluesing, and Leigh Doukas present, as well as Planning Director Ms. Newman.

Review of Schedule of Use Table as Contained in the 2001 Annual Town Meeting Warrant and Outstanding Issues Regarding Such Schedule as Expressed by Meeting Participants.

Ms. Newman noted that she had revised the use table to reflect what she understood to be the consensus of the committee to date. Ms. Newman proceeded to take the committee members through the revisions she had made. What follows is the committee's discussion regarding those items in the revised tables with which a member of the subcommittee had an issue. The items discussed are listed below as proposed in the current draft article with the outcome of the discussion noted.

New England Business Center and MixedUse-128 District

Item: Craft, consumer, professional or commercial service established dealing directly with the general public and not enumerated elsewhere in this section – No (NEBC) and Yes (MU-128)

Mr. Killeen stated that this use category should be expanded into the New England Business Center district pursuant to the limitations contained within footnote 2 for the district relative to size and location. It was agreed to allow this use by right in the New England Business Center subject to the size and location limitations contained within footnote 2.

Item: Theaters, indoor moving picture shows, bowling alleys, skating rinks, billiard rooms, and similar commercial amusement or entertainment places - No (NEBC) and Yes (MU-128)

Jack Cogswell stated that he felt this use was not appropriate in the MU-128 district. Richard Epstein concurred. It was agreed to change this use from a yes to a no in the Mixed-Use 128 district.

Item: Veterinary office and/or treatment facility – No (NEBC) and SP (MU-128)

Jack Cogswell questioned whether we wished to allow for this use as stated including the boarding of animals within the MU-128 district. Following discussion it was agreed to permit a veterinary office and/or treatment facility that included convalescent stays but which did not include the boarding of animals in the MU-128 district. The use was to be allowed by Special Permit.

Item: Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives - Yes (NEBC) and Yes (MU-128)

Jack Cogswell questioned whether we wanted to permit this use by right as it would permit a recycling plant similar to that located at Second and Fourth Avenue and a self-storage type use similar to a Gentle Giant. Paul Killeen noted that the problem with the definition was the inclusion of the term "storage". It was agreed to revise the definition to exclude the reference to a storage facility so that the use category would read "Wholesale distribution facilities in an enclosed structure, excluding the storage of flammable

liquids, gas or explosives”. The use would be permitted by right in both the NEBC district and the MU-128 district.

Item: Laboratory engaged in scientific research, experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes but not the manufacture of finished products - Yes (NEBC) and Yes (MU-128)

Item: Light non-nuisance manufacturing, including but not limited to the manufacture of pharmaceutical, bio-pharmaceutical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health – Yes (NEBC) and Yes (MU-128)

Bob Smart noted that the laboratory use category should be combined with the light non-nuisance manufacturing category so that the combined use would be permitted by right rather than by special permit. As presently drafted the special permit provision for more than one non-residential use on a lot would require a special permit for this combination of uses. It was agreed that the two uses should be permitted in the same building by right in both the MU-128 and NEBC districts and that the final use table should reflect that intent.

Item: Off-street outdoor parking for vehicles associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted – SP (NEBC) and SP (MU-128)

Item: Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground, associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted - SP (NEBC) and SP (MU-128)

Roy Cramer noted that the definition as presently written would preclude the placement of a parking lot in a zoning district where the use was not authorized. He noted that this would be a problem where a lot crossed a zone line and where a use was disallowed in one of the affected districts. He questioned whether that was a good end result.

Mr. Killeen indicated that he had no concern with it being written so as to give the Special Permit Granting Authority the discretion to issue a special permit for the placement of a parking lot on a lot encompassing two zoning districts where the principal use was not permitted.

Jack Cogswell expressed concern that the definition was written so as to require that the owner of the principal use would need to either own the land or lease the land upon which the parking was provided rather than to just lease the spaces themselves.

Mr. Smart stated that he felt we should be allowing for the construction of a parking garage as a primary use in the NEBC district with the spaces leased to businesses in the general vicinity.

Ms. Doukas stated that we needed to consider the height, lot coverage, FAR and design of the parking garage itself in the proposed zoning.

Jack Cogswell noted that we could not address those issues within the context of the use table.

Paul Killeen suggested that the provision relative to parking garages could be pulled from the use table and made a separate freestanding paragraph. It could state: Notwithstanding the dimensional requirements of the by-law and notwithstanding the use table the Planning Board is authorized to issue a special permit for a parking garage that serves uses located in the NEBC, MU-128 and HC-128 districts, where the parking garage and/or parking structure is located in the immediate vicinity of and on the same side of Highland Avenue as the use it serves, subject to such setback requirements as the Board may impose.

As relates outdoor parking Mr. Killeen further noted that if we are making the decision that parking for one use in one district is allowable in the adjoining district then the language of the outdoor parking provision will need to be changed as the present language is suggestive that it is on a separate lot. He suggested that it might read: Off-street outdoor parking for vehicles associated with a principal use located on a lot that covers two or more districts where the use is not otherwise allowed in the district in which the parking is to be located.

It was agreed to make the revisions noted above as suggested by Mr. Killeen for both the NEBC and MU-128 districts.

Restaurants, business service centers, coffee shops, recreation/health facilities, day care uses, and laundry and dry cleaning pick up stations where processing is done elsewhere in all buildings if said uses do not occupy more than 20% of the total ground floor area of said building or 10,000 sq. ft. per building, whichever is less. In instances where there are multiple buildings on one lot, e.g. a corporate campus, the total allowable area for the uses noted above shall be permitted in up to two freestanding structures or combined into one of the principle buildings.

Jack Cogswell noted that the size limitation within the proposed category would not allow for a destination restaurant in the New England Business Center. He suggested that the item should be written so as to permit a restaurant of up to 10,000 square feet on the ground floor of a principle building in the NEBC district by special permit.

Leigh Doukas stated that a destination restaurant was permitted within the HC-128 district and MU-128 district and that those needing that service could walk or drive to those facilities.

Mr. Killeen stated that he had no problem permitting a restaurant of up to 10,000 square feet in the NEBC provided the use was in a principal building and not in a free standing structure.

In the NEBC district it was agreed to allow by special permit a restaurant use of up to 10,000 square feet of ground floor building area where such restaurant use was accessory to the principal use permitted in the building. It was further agreed that this provision was not be additive to the other uses permitted on the ground floor but was to serve as a substitution use by special permit.

Highland Commercial-128 District

Retail Uses in the HC-128 district

Mr. Killeen noted that this section of the by-law needed to be reworked so as to allow retail establishments of a certain size by right and all other retail establishments by special permit. Mr. Killeen noted that the Planning Board would need to make a determination as to where that threshold should be set.

Laboratory engaged in scientific research, experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which

may include the development of mock-ups and prototypes but not the manufacture of finished products – Yes (HC-128)

Leigh Doukas questioned whether it was appropriate to include this use along the corridor given the goals we have established for that district and the fact that it would tend to disrupt the retail focus.

Mark Gluesing concurred. He felt that if the use were permitted it should be restricted to the second or third floor space.

It was agreed to revise the use so as to allow it on the second and third floors but not on the ground floor.

Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health – No (HC-128)

As drafted this use is not presently allowed in the HC-128 district. Consensus was not reached as to whether or not the section should be revised to permit this use on the second and third floors. The Planning Board will make a determination as to how this issue will be handled.

Off-street outdoor parking for vehicles associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted – SP (HC-128)

Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground, associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted – SP (HC-128)

It was agreed to revise these sections of the table to reflect the changes agreed to for the NEBC district and the Mixed Use-128 district.

Upcoming meeting.

It was agreed that the next meeting of the subcommittee would take place on Friday, October 26, 2001, at 8:00 a.m. in the Planning Board meeting room of the Town Hall. On the agenda for that meeting would be a review of the density and dimensional requirements contained in the by-law as currently proposed for each of the three zoning districts.



TOWN of NEEDHAM
MASSACHUSETTS

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Economic Development
781-455-7550 x213

MEETING OF THE COUNCIL OF ECONOMIC ADVISORS
WEDNESDAY, December 5, 2018 7:30 AM
Charles River Room
Public Services Administration Building
500 Dedham Avenue

Present: Adam Block, Chair; Adam Meixner; Rick Putrush; Moe Handel; Bob Hentschel; Glen Cammarano; Stuart Agler; Virginia Fleisher; Michael Wilcox; Tina Burgos; Anne Marie Dowd; and Devra Bailin.

Not Present: Matt Talcoff; Ted Owens; Peter Atallah; and Bill Day.

Also Present: Greg Reibman; Robert Smart; Paul Ferreira; Eric Vogel; Josy Pan; and David Gordon.

I. Approval of Minutes

The Minutes of November 7, 2018 were unanimously approved.

II. Reminder of Next Meeting Dates

Our next meeting is scheduled for January 2nd, 2019 in the Charles River Room. Future meetings will be scheduled for the first Wednesday of the month (unless a holiday) in the Charles River Room at PSAB. Devra sent out next year's calendar invites to members.

III. Discussion of Self-Storage Uses

Members were reminded that Belmont Landscaping at 540 Hillside Avenue recently sold to a self-storage business, which obtained a special permit from the Planning Board for the use in that industrial district as a specially permitted "any lawful purpose or special use not enumerated elsewhere in this By-Law". Robert Smart is the attorney representing Blue Hawk Investments which is seeking a zoning change to allow the use in the Mixed Use-128 area to allow another self-storage facility at 77 Charles Street. Robert Smart and Paul Ferreira were before the members leave to make a presentation about their proposal. Adam B. explained that the role of the Council is not in assessing individual applicants for particular uses; the CEA's role is to look at macro-economic elements as to uses and their potential economic impact on surrounding properties and potential to incent maximum development of

the area. In other words, the members are not here to discuss to the merits of a particular proposal or application—that belongs, in this case, to the Planning Board.

Bob Smart explained that they were before the CEA to enlist business support for their proposal to add self-storage to the listed special permit uses in Mixed Use-128. He noted that the members supported a citizen petition to amend the By-Law which allowed boarding of animals at an animal hotel in the district. He noted the use was not listed in the Zoning By-Law at all. It is also undefined. He pointed out that it behooves the Town to be clearer on uses in the use tables, as it makes it difficult for new businesses to open in Needham. (In response to a question by a member, Devra explained that some flexibility was inserted into the By-Law by the adoption of the Determination of Use By-Law, which permits the Planning Board to determine if a use is similar in kind and impact to a use allowed by right or special permit.) Bob Smart argued that the use is appropriate to the Mixed Use-128 district because it is low impact, replaces the structures with a new attractive building, including a landscaped buffer and public access community room, and increases tax revenues. The use in this zoning district requires a zoning amendment, which he said he has drafted. The CEA has not seen nor reviewed such amendment.

The structure proposed is a multilevel self-storage facility. Renderings were shared with the members. Paul stated that it represents the highest and best use for the property and a good use for the neighborhood. Although not determined yet, it is proposed to have retail, restaurant and/or community space in a portion of the first floor, especially on the frontage of Wexford/Charles. The proposal is not yet in front of the Planning Board. They have looked at the economic need to an additional self-storage facility and believe that the market can support this facility along with the Hillside Avenue and Needham Street facilities.

Moe noted that this is a matter for the Planning Board; that the CEA can offer advice to the Planning Board if asked to do so but to date we haven't been asked; and that we cannot make recommendations on particular applications pending before other boards for decision.

Adam M. commented that there is a growing need for self-storage and he feels it is needed, especially in the commercial market. Landlords have been converting basement storage into usable office space and/or amenity centers, forcing tenants to find alternative storage space. Paul explained that about 2/3 of the current use of self-storage is for residential customers; 1/3 for businesses. He doesn't think business would be distributing out of the building.

Rick asked about what was proposed for the street frontage, as that is important for assessing whether it meets the goals set out in the zoning. The Town wanted and passed the new zoning to activate certain uses, which hasn't happened yet. Members asked how this building/use will move toward those goals. Paul said no decision has been made for those non-self-storage areas.

Stu asked about the number of units being proposed. Paul said they are looking at an FAR of 2.0, which is the allowed density for low traffic uses. He noted that the Hillside Avenue facility is about 123,000 sq. ft., which was determined to have a 14 space parking requirement. Their facility would be 93,000 sq. ft. and the building would triple the real estate tax revenue. Moe noted that most commercial uses, like offices, bring with them tax revenue from personal property tax, which they should look into.

Rick and Bob noted that they did not believe the personal property tax would apply to stored items (unless taxable to their owners).

Devra noted that she had discussed this use with Bob Smart and expressed concern about the use not meeting the goals of an active interconnected urban environment. But she added that the uses proposed on the street frontages may be important to the evaluation of the building's contribution to those goals in the Planning Board's evaluation of the project. A zoning amendment would not have to require active streetscape uses, such as retail, restaurants, consumer services, etc.; but it might be more consistent with district goals to tie any special permit for self-storage to active streetscape uses open to the general public.

Bob commented that he is in favor of the approach of clarifying uses in the By-Law and defining terms. Glen agreed that we should expand uses allowed by right and commented that the uses in the By-Law are too restrictive. Way too much process is required for businesses to open in Needham.

It was noted that the issue of uses allowed by right and by special permit is a bigger issue to be discussed with the Planning Board at Chair/Vice Chair meetings.

IV. Discussion of Gordon Liquor License

David Gordon of Gordon Liquor's explained that they had sought an all alcohol retail license which the Select Board denied, along with Volante Farm's request for same. They are reapplying for just a beer and wine license. Adam B. reiterated his explanation, previously given on the self-storage issue, to David so that he understood the limitations of our role. Moe reiterated that, since Gordon's will be applying to the Select Board for its license, the CEA cannot make recommendations on a specific pending application. Adam B. explained that this advisory council is focused on broader economic impacts and benefits of certain types of businesses and land uses in specific commercial districts.

David explained that they are in a niche market and trying to build on it at a new location at 79 Wexford Street—it is experiential retail, focusing on high end consumers, as well as online purchasers. They offer essentially a personal shopping service for unique and/or more expensive product. Given the "white papers" prepared by the Wine Shop Subcommittee of the CEA in 2012 before retail sales of alcohol were allowed, Virginia suggested that we should try to understand the impact on the existing Needham market. David indicated that their concept has very minimal impact on other vendors in the Needham market; he doesn't see it as competition to existing vendors. Adam B. mentioned that the CEA does not have the capacity at this time to conduct an economic impact analysis of the retail alcohol market.

Adam M. indicated that he has known David for 35 years and is very familiar with Gordon Liquor's other sites. They are very high end. He views the use as one which could energize the area, which has seen very little turnover. David described his business concept as a low impact business use, having what he believes will be roughly two customers per hour, small outbound van deliveries, and small vehicle deliveries of inventory and other business supplies to the store.

One issue, which the CEA has been unable to study given the time frame of the request for input, is whether the Needham market is saturated or whether it can support another vendor. It was suggested

and agreed that Devra should start the process of contacting those individuals in the industry who provided information to the Wine Shop Subcommittee back in 2012 and update our information. Glen, Stu, and Rick agreed to serve on the group to restudy this.

Moe explained that the number of liquor licenses is limited by statute; the amount that Needham got approved through Home Rule was less than the statutory maximum. At the present time the Select Board has one all alcohol license left and two more wine and beer. (The Board has approved four all alcohol and one wine and beer.) Adam B. explained that the Select Board is not looking for a vote from us on this.

Stu felt that doing something in that area to spur on development is important. He thinks this kind of high end business would encourage that trend. Bob felt that this particular use would be less likely to impact competitors already in the market than another package store. Greg thought this use would enliven the area by bringing in something upscale and a new use. Tina commented on the need to support experiential retail—that is the way true retail can survive and prosper in our local economy. Other comments included: (1) whether this type of low impact use is really a plus to the area in that this low impact use will not create a vibrant street presence and (2) concern that incremental changes which are not consistent with an engaging streetscape presence may undercut future changes more likely to obtain the goals.

Adam B. indicated that we should report to the Select Board our conversation about this. Even though we have been unable to conduct any research, we should create an initial memorandum to the Select Board and offer our thoughts as discussed at this meeting.

V. Update from Downtown Subcommittee

Devra noted that the Needham Lights event on Saturday was highly successful. She reminded members that the Needham Winter Arts Festival will be in Town Hall on Saturday December 8th from 10-3. She hopes that members will support local artists as well as the downtown businesses for their holiday shopping.

Tina commented that the Needham Lights event did not assist her business in anyway. She will come to our meeting next time with suggestions about how to improve business, including her suggestion that the holiday stroll be separated from Needham Lights and held on Small Business Saturday instead.

Due to time constraints, this topic was not discussed further.

VI. Update on Industrial Zoning

Due to time constraints, this topic was not discussed.

VII. Update on Chestnut Street Zoning

Due to time constraints, this topic was not discussed.

VIII. Discussion of Needham Crossing Branding

Due to time constraints, this topic was not discussed.

IX. Discussion of CEA priorities/future goals

Due to time constraints, this topic was not discussed.

X. Update on Needham Crossing/N² Innovation District

As noted previously, Coca Cola is shutting down its processing plant and turning the location into a distribution center only. Mike noted that he and Normandy had met with Coca Cola of Northern New England's representative, Shayne Durant, to talk about screening, truck queuing on Third Avenue, and noise (particularly impacting Residence Inn). Since the decision to change the purpose of the facility, Mike has reconnected and advises that Shayne would be willing to meet with the CEA. It is not clear what the impacts of the change of use will be on traffic (although trucks will likely be smaller).

Due to time constraints, this topic was not discussed further.

XI Update on Infrastructure Improvements in Needham Crossing

Due to time constraints, this topic was not discussed.

XII. Other Business

Adam B. reminded members that he is looking to set up Chair/Vice Chair meetings with both the Select Board and the Planning Board. There is a real need to fill the Vice Chair position, whereupon Anne Marie volunteered.

XIII. Adjourn

The meeting was adjourned at approximately 9:50 a.m.



TOWN of NEEDHAM
MASSACHUSETTS

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Economic Development
781-455-7550 x213

MEETING OF THE COUNCIL OF ECONOMIC ADVISORS
WEDNESDAY, May 1, 2019 7:30 AM
Charles River Room
Public Services Administration Building
500 Dedham Avenue

Present: Adam Block, Chair; Virginia Fleisher; Rick Putprush; Moe Handel; Glen Cammarano; Michael Wilcox; Bob Hentschel; Adam Meixner; Ted Owens; Stuart Agler; David Montgomery and Devra Bailin.

Not Present: Anne Marie Dowd; Matt Talcoff; Bill Day; and Tina Burgos.

I. Approval of Minutes

The Minutes of April 3, 2019, with an amendment of Rick's comments on page two revised to read "Rick was curious as to why the owner purchased the property when the use being proposed for it was not a use allowed by the zoning.", were unanimously approved.

II. Reminder of Next Meeting Dates

Our next meeting is scheduled for June 5, 2019 in the Charles River Room. There was discussion of whether we should try starting at 8:00 instead. Several members expressed concern about going past 9:00. It was decided to try a later start date. Members expressed support in trying to keep the meetings to an hour or so. Items of critical importance will be put at the beginning of the Agenda to allow those who have to leave to participate as fully as possible. Future meetings will be scheduled for the first Wednesday of the month (unless a holiday) in the Charles River Room at PSAB.

III. Update on Citizens' Petition for Self-Storage Proposed Zoning Change in Mixed Use-128

The Citizens' Petition has been withdrawn due to lack of support from the Planning Board and other parties. Devra noted that the comments from the members were helpful to both the Select and Planning Boards. A key concern was the fact that a special permit could not be denied solely because of the use—there had to be a reason like traffic, access, parking, etc. to deny a permit where the use was allowed. This could have resulted in multiple storage facilities in the area.

IV. Discussion of CEA Priorities/Future Goals

Members were provided with copies of Adam B.'s and Anne Marie's draft CEA 2019 Priorities, Devra's How to effectuate streamlining changes (with numbers relating to Topics of Discussion) dated February 23, 2017, and Topics of Discussion with Lee Newman's comments dated November 2, 2016.

Adam B. noted that our discussion of priorities and goals is bleeding too far into the year to formalize goals for 2019. He proposes we restart the process in September in order to finalize 2020 goals and priorities.

1. **Study, investigate and appraise town-wide economic conditions and trends.** Under new initiatives, we included creating a balanced scorecard of Needham's economic performance. It was reported that the Babson MCFE students did not choose our economic scorecard project application. Adam B. will reach out to see if the MBA students might be interested. Devra noted that it might be a reasonable project to give to the Babson club. There was considerable discussion about what questions we would be asking. Ted commented on the frequency (or lack thereof) with which available data changes. Devra agreed, noting that much available data is from the last census (2010) and is regional rather than Needham specific. An exception would be information provided by Mary Burke, a senior economist with the Federal Reserve Bank of Boston, who provides more local data during her yearly presentations to the Chamber on the economy and commercial economic development overview.

Stu asked what information are we collecting that is valuable/useful in determining and directing policy? What exactly are the questions? Rick noted that the Economic Scorecard Devra circulated from Charleston is regional and isn't terribly helpful in figuring out questions specific to Needham. Aren't we back to questions like: how do we increase foot traffic and improve the vitality of the downtown? Moe asked how we quantify the economic health of our local businesses, which should be one focus. Devra noted that a more general question relates to the percentage of real estate tax revenues which come from the commercial base. Do we have a priority or goal to increase those revenues and to what percentage? Back to 20+%?

2. **Promote, assist and encourage the preservation, development, and location of new and existing businesses.** With respect to the downtown, we have received the Select Board's support in installing parking signage, a pilot program for snow removal in the downtown (if Town Meeting approves the purchase of a special vehicle), and possible solutions to improve traffic before the train signal on Great Plain. New initiatives are reflected in Goals document. Adam B., Anne Marie and Devra will work to get on site selection lists.

It was noted that one of the limitations on Needham is the very small floor plates in our downtown. Although we have destination restaurants, we have not been able to leverage that to increase the success of locally owned independent retailers and other businesses. Parking remains a critical problem, especially because of the loss of spaces occasioned by the construction of the Police/Fire station. The signage to designate parking areas from the main streets has been approved but not yet installed. Adam M. commented that Rockville Center NY is known for its restaurants—the stores around them are open and night life is active. How do we recreate that here? Outdoor seating? Stores open at night? Streetscape amenities?

In terms of getting the word out, NAIOP is providing a great opportunity to show off. N2/Needham Crossing will be featured on the Tour on June 5th. The tour will include N2 sites in Needham Crossing (e.g., SharkNinja) and Newton (e.g. Wells Office and Northland's proposed Needham Street development).

3. **Assist the town in attracting the preferred mix of goods, services, housing, recreation and entertainment in the appropriate districts.** A list of new initiatives is in the Goals document. Devra, Adam B. and Anne Marie will work with Mass Development to try to get a grant to study Chestnut Street and/or Wexford. Getting ideas on how to proceed in both areas will be very helpful.
4. **Make recommendations on improving permitting and licensing functions in the town.** Ted noted that the Planning Board consists of five individual members, and that it would be a mistake to think of the Planning Board as a monolithic entity. The demands on the Planning Board's time generally mean that more time is spent on permitting issues than actual planning. It is suggested that Devra, Rick, Bob and Ted work together to move beyond the items currently on the streamlining list. Devra noted that Town projects tend to get fast-tracked and that Town departments do not always make private projects a priority. There are certain structural issues in the public sector than impede progress. Mike noted that Wellesley just went to an online application process and suggests that perhaps we can learn something from it. To make changes, there needs to be direction from the Select Board and the Planning Board.
5. **Evaluate and advise the Town on ideas for zoning changes that will improve the economic vitality of the town.** As noted in the Goals, we were successful in promoting a private proposal to allow multifamily housing above commercial uses in the Neighborhood Business District along Central Avenue. We are still working to achieve the changes to Highway Commercial 1. We need to continue our work on Highway Commercial 2 and 3. Ted welcomes our assistance in studying the rest of Chestnut Street to remove zoning impediments to development. It is a sufficient challenge to deal with the multitude of small owners but without changes to the zoning there's no incentive to invest. We will look to see if Mass Development TAP grants could help us with either Wexford or Chestnut.
6. **Advise and make recommendations to appropriate officials, agencies, boards and town departments on issues of economic development.** See above. Devra noted that she and Anne Marie, at the request of Public Facilities, will be looking into the possibility of the Town purchasing the Army land on East Militia Road with the assistance of Mass Development.

V. Update on Industrial Zoning (HC1)

A workshop between the Select Board and the Planning Board is being arranged to discuss the zoning. Devra will also be present. It is anticipated that the workshop will be facilitated by the consultant hired by the Planning Department to provide three dimensional drawings. The plan is to get this zoning on the fall Town Meeting Warrant.

VI. Update on Chestnut Street Zoning

This matter is on the Warrant for Town Meeting.

VII. Update on Needham Crossing/N² Innovation District

The N2/Needham Crossing Corporation paid for Graffito to do a report on placemaking, signage, encouraging shared services (e.g. food trucks), access to natural amenities, and the like in Needham Crossing. Several members, including Mike, Bob, Virginia, and Adam M., attended the Needham Crossing Owners' Meeting on Monday, where Gustavo Quiroga of Graffito made a presentation. Members reported that the presentation was very exciting and created a lot of enthusiasm for the program. Coca Cola expressed a desire to make sure their improvements comport with the vision of the streetscape (including even brick and wrought iron fencing as they did in East Hartford). The Town expressed a willingness to do its share—we are trying to obtain streetscape design funds. If we cannot obtain any from MAPC, it is probable it will be a warrant item in the fall. Boston Properties, the owner of the PTC site, was present. Normandy was not in attendance but Devra will ask if she can get a copy of the Graffito report.

Devra and Mike are continuing their work on new N2 signage. Devra sent a request to Boston Properties to use their Kendrick lawn for a sign and is working with them to develop a gateway sign they can approve. The Town Manager is asking DCR for use of their property to put another gateway sign on the property on the right as you come over the bridge from Nahanton Street. We will also be refacing the existing five Needham Crossing signs with the new logo. Devra will begin the permitting soon.

VIII. Update on Infrastructure Improvements in Needham Crossing

Devra noted that the intersection of Oak, Christina and Needham Street, Newton's MassWork's grant, has begun. There is still no word on the actual start date on the Corridor Project but the bid documents are not expected to go out until the fall (originally it was summer).

IX. Update from Downtown Subcommittee

Devra noted that she prepared and submitted to the local papers a shop local letter. Because spring is a time when retail purchases increase, one of the local businesses asked her to do so. Hometown Weekly will publish it as a letter to the editor and the Town will post it. No word from Needham Times. There were no other updates at this time.

X. Other Business

Due to time constraints, this item was not discussed.

XI. Adjourn

The meeting was adjourned at approximately 9:00 a.m.

Alexandra Clee

From: Ronald W. Ruth <RWRuth@sherin.com>
Sent: Saturday, February 15, 2020 7:02 PM
To: Marty Jacobs; Ted Owens; Alexandra Clee; Lee Newman
Subject: Charles Street application for self storage

Chairman Jacobs (Marty), Ted, Lee and Alex (I don't have current email addresses of the other members, please distribute if possible):

I am writing about the application which will be heard Tuesday night at the Planning Board meeting.

As you know between the Northland project and the reconstruction of Highland Ave. the Charles Street area will be transformed by millions of dollars of public and private investments in the next few years. Development interest in the Charles Street area is likely to be stimulated. As land values increase, the current small lots inevitably will be consolidated. The higher value development envisioned by the MU 128 zoning will occur.

But this high potential will be forfeited if the approval is granted. Not only will this storage facility be developed but it will be impossible for the Planning Board to decline subsequent applications from other public storage facilities in the MU 128 district.

The Board can deny this current application because the application's reliance on Section 3.1 is misplaced. The MU 128 description of wholesale distribution facilities 3.2.6.1(i) does not include "storage". The corresponding description in the Industrial district (section 3.2.1) includes the word "storage". The difference is critical. Storage was not intended to be permitted in the MU 128 district.

The Board's authority under Section 3.1 to address ambiguity and uncertainty by allowing uses not expressly noted in the Use Table does not authorize the Board to alter the zoning bylaw.

Also, the storage facility recently allowed in the Industrial district on Hillside Street was permitted by special permit. Section 3.1 limits the Board's authority to analogize based only on uses allowed "by right".

Finally, the Board when acting under Section 3.1 needs to interpret each zoning district on its own and not analogize across districts. For an "as of right use" to be comparable for purposes of Section 3.1 it needs to be "as of right" in the applicable district, not a different district also within the ambit of Section 3.1. The present application mixes and matches between districts to avoid the application's fatal problem arising from the absence of the word "storage" in Section 3.2.6.1.

Thank you for your thoughtful consideration of this matter.

Ron

Ronald W. Ruth
248 Warren St.
Needham, MA 02492

Alexandra Clee

From: Bill Curtis <Bcurtis@Cressetgroup.com>
Sent: Tuesday, February 18, 2020 10:43 AM
To: Alexandra Clee
Subject: Self-Storage MU-128 District

Hi Alexandra,

I only recently heard about this evening's hearing on the self-storage use determination in the MU-128 district. I would very much like the planning board members to have the benefit of my letter attached. Can you please confirm they can receive this letter prior to this evening's hearing?

Thank you for your assistance on this matter.
Bill

Dear Planning Board Members,

I only just learned of the application for Determination of Proposed Use for self-storage in the MU-128 District and I'm writing to you to express my opposition. I'm a Boston based developer with significant interest in the Highland Ave/Needham St. corridor because of its great development potential. I wrote you a year ago when there was a request for recommendation to change the zoning in the MU-128 District to allow self-storage. The Planning Board correctly rejected that request.

It's my view that allowing self-storage use in this significant tax base district conflicts with and adversely impacts its long range vision of creating a district of higher and better uses with "pedestrian character" that is "lively and walkable" like what is taking place across the river in Newton.

Storage is an inactive, vehicle dependent use that will obstruct parcel assembly. Studies have shown self-storage is last in terms of spurring economic activity. If allowed, the current tsunami of storage developments in the metro will quickly consume some of the small parcels making future parcel assembly prohibitively expensive, dramatically changing the complexion of this district and its future development potential.

Although this proposal is from a single property owner, it will change the entire gateway district and potentially other zoning districts. And, if approved, Needham will certainly see more applications for these large "franchise architecture" boxes.

I respectfully request that you reject this proposal.

Thank you,

Respectfully,

Bill Curtis

William G. Curtis V
Principal
Cresset
120 Water Street

Boston, MA 02109
(617) 624-9100
www.cressetgroup.com



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NEEDHAM PLANNING BOARD MINUTES

December 18, 2018

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, December 18, 2018, at 7:00 p.m. with Messrs. Jacobs and Owens and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Zoning Articles for May 2019 Annual Town Meeting: Review and Vote to Transmit for Hearing.

Mr. Alpert noted the Zoning Articles have been drafted based on prior discussions. Copies were sent to the Selectmen who are meeting tonight. The Selectmen will vote to send the Articles back so the Planning Board can have public hearings next month. Ms. Newman clarified that three Articles are transmitted to the Selectmen to send back for public hearings in January. She noted Articles 4, 5 and 6 are Chestnut Street and the public hearing will be in February. The Selectmen will vote to send them back in January. There is no registered land plan for the map change Article regarding the triangular lot behind 433 Chestnut Street, so there is no legal description to give to the Selectmen now. She hopes to have it resolved in the next week or two.

Mr. Alpert noted the 3 Articles for January are Accessory Dwelling Units, Highway Commercial and the map change for Highway Commercial. Ms. Newman stated she has a call in to Town Counsel David Tobin to see if the Board can proceed in the interim with a non-survey plan so the timeline can be met. Mr. Owens asked if it was possible to vote on the Articles and save the map change. He would prefer to vote on the Articles tonight. Ms. Newman stated that was fine. Mr. Alpert stated the two map changes would be for the MBTA triangular property and the Hartney Greymont property.

Article 1 is the Highway Commercial Zoning District. This creates a new Highland Commercial 1 District. Mr. Alpert described the area, the schedule of permitted uses, special permit uses and dimensional requirements for the new district. Article 2 is the map change to formally define that area. Ms. McKnight stated she remembers at Town Meeting there was a concern regarding the setback of Highland and Gould Streets. The sentence in the 6th line says "this section does not allow the Planning Board to waive maximum height or setback provisions." It appears from this wording there are some waivers of the 20 foot setback requirement. The Board should have language to that effect. She feels it is a wording issue and that this is a change for clarity.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send Article 1 as drafted at this time to the Selectmen.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send Article 2 as drafted to the Board of Selectmen.

Mr. Alpert noted Article 3 is the Accessory Dwelling Units. Mr. Jacobs stated he will have some suggestions when it is referred back. Mr. Alpert will have suggestions also. Ms. McKnight stated she would have gone further than this does in allowing Accessory Dwelling Units but feel it is a necessary step.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send Article 3 as drafted to the Selectmen.

Ms. Newman noted Article 4 is drafted with only 10% of housing units affordable. She feels it should be brought up to 12.5%. The Board agreed. Mr. Alpert noted the creation of Section 3.9.6.1. He stated a separate sheet is an alternative section. This is for the Board to consider at hearing.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send Article 4 as drafted to the Selectmen for referral back.

Mr. Jacobs noted the cover letter should include Article 4. Ms. Newman will do another letter.

Appointment:

7:05 p.m. -- Robert Smart – proposed Zoning Amendment, Self Storage Facilities in the Mixed Use 128 Zoning District.

Robert Smart, representative for Blue Hawk Investments LLC, noted the company owns 77 Charles Street and 19 Wexford Street. He described the location. There are office buildings with parking underneath and the rest of nearby uses are mainly auto related. Staples, Olympia Marble and Petco are in that area. He is requesting the use table be amended to include self-storage facilities. He is proposing a definition and provided a copy of his proposed amendment. He would like the support of the Board. If not, he would like support for a Citizen's Petition. He noted the permitted and Special Permit uses. He stated it is very useful for businesses to have flexible storage and noted there is a significant demand for it. There is also a demand for residential storage. This is good revenue for the town. It is comparable to office but the impact is lower. He feels it is a benefit to the Town and the economics justify redevelopment.

Mr. Smart noted the Town rezoned several years ago but it did not take off here because the parcels are small and the owners do not want to sell. Back in 2006 the Planning Board turned down Curves saying the use was not allowed but then added Fitness as a use. He commented the Planning Board has supported adding uses in the past and he gave multiple examples. He stated he hopes to get the Board's support for the proposed zoning article. His clients have received signatures in support. He walked the Board through the zoning article.

Paul Ferreira, Managing Partner of Blue Hawk Investments, LLC, stated he looked into the Goody Clancy Plan and tried to think of what type of development could be done. He met with abutters. He noted Blue Hawk is active in a bunch of different uses. Blue Hawk comes into this with a broad exposure and felt strongly, with traffic congestion in the area, self-storage was a good use. He noted the challenge will be how to aggregate the lots. He thinks this is the right use for the property as there is less traffic and density. Blue Hawk has done a great deal of market research.

Mr. Alpert asked if Blue Hawk Investments is the owner of this real estate. Mr. Ferreira noted their role is to acquire sites that are either multi-family or self storage. They felt this was good real estate and feel this asset could use a redevelopment. The company tries to identify assets they can bring new life to, and feel this fits that bill. He feels this is the only use that could support a redevelopment on this acreage. Eric Vogel, of Blue Hawk Investments LLC, stated he joined Blue Hawk a year ago. He was here for the Hillside self-storage discussions and received a good education. He asked if the Board wants to hear anything. Mr. Jacobs stated he has questions on wording of the proposed zoning amendment.

Mr. Vogel explained their process of looking at properties and how they evaluate. What drove them with this was the Goody Clancy Plan. He has been an urban developer for 30 years and he feels this is a wonderful plan that did not go forward. There are a lot of pros to self-storage but he wanted to front it with retail. It is important to activate the streetscape and have the self-storage interior. He is going through a similar project in Watertown. Mr. Smart stated he is interested in comments on the draft article. Mr. Jacobs stated the proviso that said "provided vehicular traffic and pedestrian access to the storage units shall be inside the building" is gone from the November draft. Mr. Ferreira stated that was a portion of units only along the property line between the office building and the site. Mr. Smart noted this is a better version.

Mr. Ferreira stated all the parking is off the street. The driveway has been located in the area adjacent to the office building with the spaces located within the property. All other units are within the building. Ms.

Planning Board Minutes December 18, 2018

McKnight stated the sketch is inconsistent with the perspective drawings. Mr. Ferreira noted he tried to suggest a design concept with these renderings. The proposed plan brought it to street level. He will update it once he gets better guidance. He noted this is just a typical building for the Board to see. Mr. Vogel noted it is a 3 story building with a 4th story set back. They were trying to show that in the renderings but should have updated the drawings.

Mr. Alpert stated the question in front of us is a zoning amendment. He feels the Board should focus on the amendment and not on what will be part of the Special Permit process. Mr. Ferreira stated he is rethinking this area and having it be a catalyst will be a benefit for the town. Mr. Jacobs stated he understood the proviso to be that cars would go inside. Mr. Ferreira stated that is not true. Cars would not go in. There is a strict prohibition to that in their lease. Mr. Jacobs stated he would also like the prohibition of storage of flammable liquids, gases and explosives in the zoning.

Ms. McKnight noted the parking standard and commented they did not have a parking standard for this use. Mr. Ferreira stated 1 space per 10,000 square feet and 1 space per employee. Ms. McKnight stated she drove around the site today. It is a mishmash of uses with no central theme. She commented the Board has a different vision for this area. Mr. Ferreira said that self-storage is a quiet use and retail is absolutely consistent with the Goody Clancy Plan. Ms. McKnight noted retail is difficult. There is a fairly large self storage area a couple of blocks away with significant retail. Mr. Vogel commented certain retail here would be vacant. There is not a community to support mixed use. Mr. Ferreira feels with the right retailer he thinks there would be plenty of business there.

Mr. Owens asked if Blue Hawk bought the property with the intent to do self storage. Mr. Ferreira stated he bought the property because it is good real estate. He knew there would be zoning hurdles but it is good real estate. Blue Hawk usually buys an asset with the intent to redevelop. Mr. Owens stated he would not support this. The Board just sent to the Selectmen 3 Articles with map changes. The Board worked on these well over a year and examined every possible angle. The Board would need a lot more comment and thought in order to support this. Mr. Ferreira stated he does not want to rush this. He wants people to be informed and he appreciates Mr. Owens comments.

Mr. Owens stated he is not sure self storage would be the best use. Mr. Ferreira stated they are investors there to redevelop assets. Adult Day Care does not work. Plan B is to own this asset for 15 to 20 years. He is looking at this long-term. No retail on the first floor hurts the vision. Mr. Alpert shared his thoughts. He is not amenable to making this a Planning Board Article. Ms. Grimes is not here tonight. She has made it clear she does not want self storage in Needham. He will not take part in a vote without Ms. Grimes being involved. This is a single use change. Except for Curves, the others were more general town wide zoning types of changes. He appreciates the presentation and that the applicant went through the Planning Board vision. He appreciates the applicant buying the property for the long-term. If they want to go forward for May it will have to be a Citizen's Petition. He may decide to support it after hearing more or he may not. He likes the idea of a retail mix.

Mr. Ferreira stated he has mountains of information. He is in front of Planning Boards all the time. He can get the Board any information that is needed. He wants to share the data. He really thinks this works in this area but appreciates there is always a different perspective. Ms. McKnight stated she agrees with her colleagues. She would not present this as a Planning Board article. She commented this was a very good and interesting presentation.

ANR Plan – Washington-Bancroft LLC and Joseph White, Petitioners (Property located at 0 (Lot 29B) Bancroft Street and 242 Washington Avenue, Needham, MA).

Ms. Newman noted this was a 3 lot subdivision plan retaining the internal parcel. It is now back to 2 lots. Both lots conform with required frontage on a way and lot width. This has been reviewed and is ok.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to endorse the plan as Approval Not Required.

Board of Appeals – December 20, 2018.

Poet King Restaurant Group LLC -- 1185 Highland Avenue.

Ms. McKnight noted operating 6:00 a.m. to 10:00 p.m. seems a little strange. Also, this property includes 2 buildings, then a separate smaller building with a separate parking area between the 2 buildings and it goes to the back of Sudbury Farms. This restaurant will require more parking than the previous restaurant. People will be doing a lot of parking on the street. The Vanasse parking study is from 2012 and did not take into account Dunkin Donuts or Get in Shape for Women. This is only focused on the building this use is in and not the entire property and all its uses. She feels the Board should comment to the Zoning Board of Appeals (ZBA) the Town should put a pedestrian crosswalk here. She asked if this can be a condition of any use here that the applicants pay the cost of any pedestrian safety.

Mr. Jacobs stated the Selectmen should know about this. The high school kids will use this if they serve breakfast. The kids stream across the street here. Ms. McKnight noted the applicant did not fully explain the reason for the 6:00 a.m. start. Also, the Board should send comments along to the ZBA asking about the cost of a traffic signal.

Gordon's Fine Wines of Needham -- 79 Wexford Street.

Ms. McKnight stated everyone is backing out onto the streets in that area. On the Wexford side the street line is hard to determine. The other side has no space to maneuver. Mr. Alpert stated there is so little traffic back there.

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the four members present unanimously:

VOTED: "No comment."

Correspondence

Mr. Alpert noted there is a By-Law approval by the Attorney General for the May 7, 2018 Annual Town Meeting with an 8/21/18 letter approving Articles 23 and 24. Ms. Clee noted these are part of the By-Law now. Mr. Alpert noted letters in support of the Hartney Greymont project and rezoning from the following: Jay Roche of 201 Bridle Trail Road; Scott G. C. Levingston of 3 Tolman Street and Andrew Mingle of 9 Southwood Lane.

Mr. Alpert noted a letter was sent to Representative Garlick, Senator Ross and Senator Rush under his signature, opposing Governor's "Housing Choices" Bill (House Bill No. 4290) regarding the proposed change to the state law to allow Articles to pass Town Meeting by majority vote instead of a two thirds vote. He had a conversation with Representative Garlick so she understood the Planning Boards thoughts on this. He noted the Wellesley Selectmen had a public hearing on 40R Smart Growth Development. Ms. Newman will get a copy of the By-Law language. A memo was sent to Building Inspector David Roche on the temporary Certificate of Occupancy of the High School and there is a copy of the agenda for the 12/19/18 meeting with the School Committee, Select Board and Planning Board.

Minutes

Ms. McKnight noted some changes for the 10/4/18 minutes.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:

VOTED: to accept the minutes of 10/4/18 with the changes discussed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:

VOTED: to accept the minutes of 10/10/18.

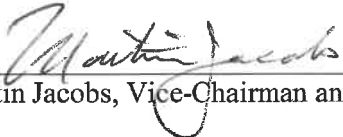
Report from Planning Director and Board members.

The Board members discussed what to bring to the meeting on 12/19/18 with the Select Board and School Committee.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to adjourn the meeting at 9:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Martin Jacobs, Vice-Chairman and Clerk

RECEIVED TOWN CLERK
NEEDHAM, MA 02457

2019 FEB -5 AM 2:45

**Town of Needham
Citizens' Petition for Warrant Article**

RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN

2019 FEB -4 P 2:14

Town Meeting for Which Petition is requested: _____

Primary Sponsor:

Name Michael Suprenant
Address 35 Laurel Drive Needham MA 02492
I certify that I am a registered voter in the Town of Needham.
Signature [Signature]

In accordance with M.G.L. c. 39 Section 10, the written requests of registered voters for insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The Selectmen shall submit such written requests to the Town Clerk/Registrars of Voters who shall check and forthwith certify the number of signatures so checked and certified shall be counted.

For an annual town meeting, a citizens' petition requires the certified signatures of ten or more registered voters. For a special town meeting, the signatures of 100 registered voters are required. The Selectmen shall call a special town meeting upon request, in writing, of two hundred registered voters or by four percent of the total number of registered voters, whichever number is lesser.

The deadline for submission of a petition for the Annual Town Meeting is the first Monday in February, in accordance with Section 1.15 of the General By-laws of the Town of Needham. The deadline for submission of a petition for a special town meeting will be determined by the Board of Selectmen, and will generally be the date that the warrant is closed.

Note: If properly certified, the text of the proposed citizens' petition will appear in the warrant exactly as presented. The Board of Selectmen, as the Warrant Committee, reserves the right to include a summary of the Board's understanding of the intent of the article along with the petition itself. The name of the primary sponsor will appear in the warrant.

Text of Citizens' Petition (Continue on other side or attach sheets as necessary)

Please see Exhibit - Warrant Article

EXHIBIT – WARRANT ARTICLE:

ARTICLE ____: AMEND ZONING BY-LAW-SELF STORAGE FACILITIES IN MIXED USE-128 DISTRICT

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Retaining Wall" and before the existing definition of "Setback":

"Self-Storage Facility" – A climate-controlled facility constructed and configured to allow access to individuals or businesses who will lease individually self-contained units of the facility for the storage of personal or business possessions, excluding the storage of flammable liquids, gas or explosives."

2. Section 3.2.6 Uses in the Mixed-Use-128 District, by adding a new subsection (m) to subsection 3.2.6.2 Uses Permitted By Special Permit, to read as follows:

"(m) Self-Storage Facility."

3. Section 5.1.2 Required Parking, by adding a new subsection (21), to read as follows:

"(21) Self-Storage Facility

One space per 10,000 square feet of floor area, plus one space per full-time employee"

RECEIVED
TOWN OF MEDFORD
BOARD OF SELECTMEN
2019 FEB -4 P 2:15

What is the Goal of this Citizens Petition?

To request that the Town of Needham vote to include “Self Storage” as a use allowed by Special Permit within the Mixed-Use128 (MU-128) district.

Why is this request being made?

The proponent would like to incorporate this use into the redevelopment of a parcel located within the MU-128 district. This project will be one of the first to follow the mandates and vision of the Master Plan for the MU-128 district.

Where is the MU-128 district located?

The MU-128 district, formerly known as the Wexford/Charles Street Industrial District, is located in the northeast edge of the Town of Needham. It is bounded by the Charles River to the east, Highland Avenue to the south, Interstate 95 to the west and an the elevated rail line to the north.

What is in the MU-128 district now?

The district still contains many of the industrial uses allowed when the area was the Wexford/Charles Street Industrial District. These include:

- | | |
|-------------------------------|------------------------|
| Big Box Retail | Consumer Electronics |
| Fitness & Training Centers | Offices (various) |
| Printing Services | Day Spa |
| Home Design Centers | Music Academy |
| Warehousing | Glass Fabricator |
| Internet & Cable Provider | Landscaping Services |
| Specialty Door Hardware | Metal Fabricator |
| Automobile Rental Agency | HVAC Contractor |
| Stone Supplier and Fabricator | Dental Offices |
| Spring Water Supplier | Cannabis Dispensary |
| Automotive Services | Radio Station |
| Specialty Chemicals | Environmental Services |
| Fuel Depot | Mobile Tire Shop |

What is the condition of the MU-128 district today?

The district has not yet transformed as envisioned because little redevelopment has occurred. The neighborhood is still industrial in feel, with little contributing to the public realm. The pedestrian experience is challenged, due to a lack of curbing and sidewalks along the majority of the streets in the district; industrial uses are still the predominant use. Open space and connectivity along the Charles River has not been created.



Plan of the MU-128 district as it exists today

★ - project location



Aerial view, looking southwest, of the MU-128 district.

★ - project location



Aerial view, looking southwest, of the MU-128 district. Note the Charles River in the background

★ - project location

What is the Vision for the MU-128 district?

The district was renamed Mixed Use 128 (MU-128) in 2001 as part of a Land Use and Zoning Study for the Needham Business Center, Highland Avenue Corridor and Wexford/Charles Street Industrial District completed by Goody Clancy Architects. This study envisioned the transformation of this area to:

- Develop a lively and walkable district with a mix of uses.
- Create a pedestrian character with buildings that line the sidewalks and include active ground floors
- Encourage uses that serve the community
- Improve access and views to the Charles River
- Create linked open spaces
- Improve traffic circulation patterns
- Create a unified streetscape

What Uses are allowed in the MU-128 district?

- To support the planning vision for the MU-128 district, the following **15** uses are permitted As of Right:
- Public parks and playgrounds
 - Municipal buildings
 - Retail establishments (less than 10,000 sf)
 - Manufacturing accessory to a retail use
 - Craft, consumer or commercial service establishment
 - Laundry or dry cleaning pickup station
 - Professional office
 - Bank or credit union
 - Wholesale distribution facilities
 - Medical laboratory
 - Radio or television studio
 - Light non-nuisance manufacturing
 - Telecommunications facility
 - More then one building on a lot
 - More than one use on a lot

- The following **12** uses are permitted by Special Permit:
- Public light rail train station
 - Adult day care facility
 - Private school, nursery or kindergarten
 - Retail establishment (from 10,000 sf to 25,000 sf)
 - Equipment rental service
 - Hotel
 - Eat-in or take-out eating establishment
 - Veterinary office
 - Indoor athletic facility
 - Medical marijuana treatment center
 - External automatic teller machine
 - Parking structure or lot



Plan of the MU-128 district as proposed in the Zoning Study

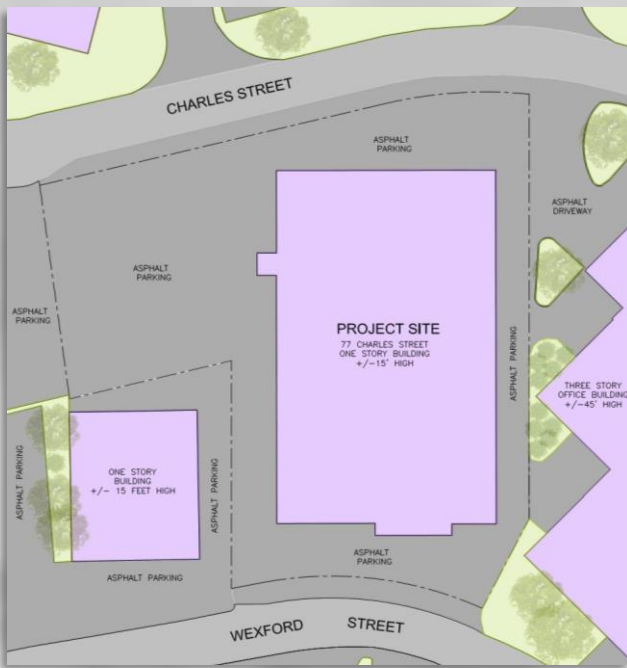
★ - project location



Rendering showing the MU-128 district as a walkable, mixed use center



Rendering showing the interconnected open space planned along the Charles River

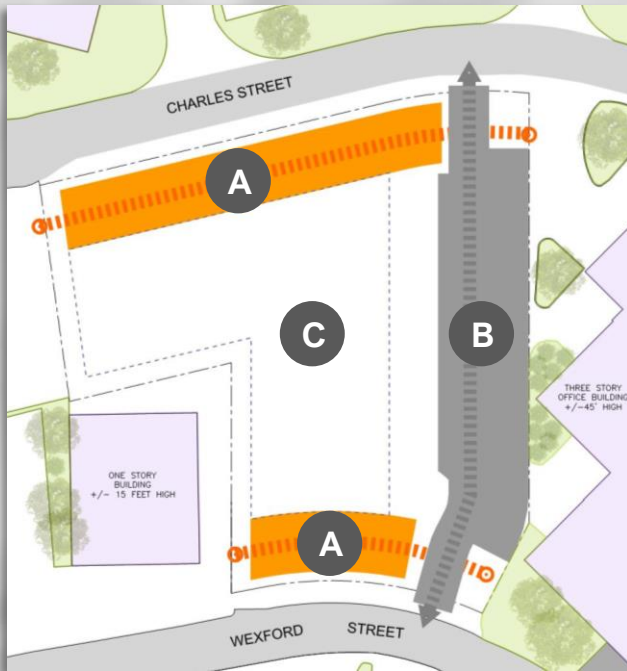


The Existing Condition

The property is located at **77 Charles Street/19 Wexford Street**

The property is currently comprised of:

- A large single story building that houses several commercial tenants.
- The building is surrounded by asphalt parking areas that serve the property.
- No landscaped open space is available on site
- Both Charles Street and Wexford Street lack the definition of curbs, sidewalks and landscaping to define the Public Realm, thereby hindering the pedestrian experience.



Proposed Planning Steps

In keeping with the design vision for this district the following steps shall be evaluated:

- Active Retail Uses:** a range of retail uses are being considered along both Charles Street and Wexford Street including but not limited to:
 - take-out food establishment
 - laundry or dry cleaning pick-up station
 - craft, consumer or commercial service establishment
- Parking to serve these uses will:**
 - Be situated away from the street edges to enhance the pedestrian experience.
 - Serve both Charles Street and Wexford Street Uses
 - Provide a cross connection between Charles Street and Wexford Street
- An evaluation of appropriate uses for the site was performed, based on the following criteria:**
 - community benefit now and in the future
 - impacts on parking and traffic
 - economic viability
 - passive in nature: not requiring a large street presence.
 - opportunity to create a building massing appropriate to the planning vision for the district
- This evaluation led to the selection of Self Storage as a use that:**
 - Can infill a site without significantly increasing the requirements for parking.
 - Can be built adjacent to and over the top of the active street uses.
- Additional parking can be added to accommodate the two uses.** Due to the low traffic generated by the Self Storage use, the excess parking can be used by visitors to the active retail uses
- New curbs, sidewalks and landscaped buffers can be created along the property frontages to develop the public realm envisioned in the master plan and set the example for future developments.**



Conceptual Plan



Conceptual Rendering along Charles Street.



Conceptual Rendering along Wexford Street.

Conceptual Plan

The conceptual plan applies the master plan design principles for the district to create a mixed use development.

The conceptual plan:

- has space for active public uses along both Charles and Wexford Streets. The uses planned for these spaces, such as a take-out eatery or small retail opportunity would be the first in this neighborhood and can provide vitally needed amenities.
- conceals the proposed self-storage use that is requested in this Citizens Petition behind the active uses.
- provides adequate parking for both the self storage and active uses and would be located off-street as envisioned in the master plan
- Implements the streetscape design vision for Charles and Wexford Street within the project site.

Why Self Storage?

Yesterday's Self Storage

The term "self-storage" conjures up visions of acres of asphalt paving holding one-story metal buildings with garage doors.



Today's Self Storage

The new generation of self storage facility breaks with this perception and offers the following benefits:

- Multi-level structure creates a smaller, more efficient footprint that can be used to create a more proportional street facade
- Strict rules, regulations and monitoring assures that unsafe materials are not stored within the facility.
- Due to its low user population the facility will have minimal impact on existing utilities and municipal services
- Low traffic and parking demand for this use minimizes both traffic impact and parking requirements.
- a self-storage facility generates tax revenues similar to an office use without the associated burdens
- the exterior facades of the building are designed to be contextual and appealing.
- self-storage is in high demand as families downsize, renters need storage space and local businesses adapt to the changing environment.

NEEDHAM PLANNING BOARD MINUTES

April 2, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, April 2, 2019, at 7:00p.m. with Messrs. Jacobs and Owens and Mmes. Grimes and McKnight, as well as Assistant Planner, Ms. Clee.

Discussion of Citizens Petition: Joshua Levy

Joshua Levy noted this petition adds some predictability in terms of content and timing to Town Meeting. This will create 2 business meetings – one in the Spring and one in the Fall. The zoning articles would be in the Fall. He noted the annual Town Meeting is quite long and the separation out to the Fall would be beneficial. He noted Dedham, Natick and Westwood all divide their time between 2 meetings. Spring is mainly for budget articles. This gives a bit of flexibility for zoning articles. He noted predictability is a benefit. The hope is this will reduce the number of nights for Spring Town Meeting.

Mr. Alpert asked, other than the zoning articles, what does Mr. Levy see moving to the Fall Town Meeting? Mr. Levy noted only the zoning articles. Mr. Alpert stated the only change is requiring the zoning articles in the Fall. He is not sure if this is a Town charter amendment article. Zoning articles could be brought in the Spring if necessary, but this requires a Fall Town Meeting. Currently the Town only calls a Fall Town Meeting if there is a need. Mr. Levy stated this article speaks to the Annual Town Meeting only. He does not want to tie the Planning Board's hands. It is important to have predictability for when there will be zoning articles.

Ms. Grimes does not feel it is a good idea. The Board's hands are already tied by the Board of Selectmen in terms of how many articles the BOS want to see on the warrant in the Spring. The Board of Selectmen feels all zoning should be in the Spring. This is completely tying the Planning Board's hands and making their jobs almost impossible. She does not think Mr. Levy has any idea of how much the Board of Selectmen pressure the Planning Board into how many articles they allow the Planning Board to bring to each Town Meeting. It is a constant struggle for the Planning Board and is a big problem. When Town projects are in play the Planning Board has to assist in moving those forward, so to limit in any way impedes the Town from moving forward with projects. She would love to see 6 articles in the Spring and maybe 4 or 5 in the Fall. It is a detriment to limit this in any way and she would be vehemently opposed.

Mr. Alpert stated he cherishes flexibility. The more you have the better it is. He discussed the process. There are meetings, public hearings, changes are made in the proposed articles based on the public hearings and there may be a need for a second public hearing. If zoning articles are restricted it should be in the Fall and not the Spring. People are away for the summer and do not come to meetings. There is no time to prepare for a Fall Town Meeting. Mr. Jacobs noted September is also a bad month to get people. For the Spring Town Meeting there is January, February, March and April to prepare. Ms. McKnight agreed. She noted it also comes down to customs in various towns. This Board works hard on zoning articles and spends a lot of time perfecting them. Generally the Board only meets once in July and August. It is difficult to have more than 2 meetings in the summer. She stated she would not vote without an opinion from Town Counsel. She would like to know if this would violate General Laws c. 40A.

Mr. Levy stated he spoke with Town Counsel and they were both unsure. He is looking further into it. Ms. McKnight commented that generally a Fall Zoning Article is because the town needs something enacted. Mr. Owens stated he admires the creativity and initiative. He asked if Mr. Levy believes if there is really support for this at Town Meeting. Mr. Levy stated he spoke with several Town Meeting members who were enthusiastic but others were not. Mr. Owens stated he worries about the law of unintended consequences but he tends to go along with the other Board members.

Public Hearing:

7:15 p.m. – Article 1PB: Amend Zoning By-Law – Self Storage Facilities in Mixed Use – 128 District.

Mr. Alpert noted this is a Citizens Petition to allow Self Storage.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Attorney Robert Smart, representative for the applicant, stated his client owns a parcel of land in the Mixed Use 128 District with frontage on Wexford and Charles Streets. He noted he has a Citizens Petition signed by 42 citizens for an Article that would allow self storage in Mixed Use 128 by Special Permit. The Article provides a definition for self storage facilities and also establishes a parking standard to be added to the parking section of the By-Law. In 2006, Curves was added as a use in the Center Business District. In 2011, single family and 2 family uses were added as of right in the Neighborhood Business District. The marijuana use was added in 2014. There have also been some Citizen's Petitions that have been supported by the Planning Board and were passed by Town Meeting. He noted 5 properties were rezoned on the right side on Central Avenue. He also described multiple past projects. He noted, if this passed, Blue Hawk would apply for approval for a special permit for self storage at 77 Charles Street. This would include some kinds of pedestrian-generating activities on the first floor along Charles Street and Wexford Street. It could be restaurant or retail. He commented he hopes the Board will support the Article.

Paul Ferreira, principal with Blue Hawk Investments, stated Blue Hawk is a real estate investment group. He noted he has redeveloped a number of Class A properties. He commented Blue Hawk has a pretty good reputation for Class A projects. He noted he last met with the Board in December to discuss the process for a use change. The Planning Board outlined 3 options. As a result he decided a Citizens Petition filing could help alleviate the burden of time on the Planning Board. They have commenced an extensive outreach program with abutters, citizens and other business owners. They have contacted all area abutters and none registered any objections to including self storage in the MU128 District. He believes the proposal will be a catalyst to revitalize the area and will bring business to this area.

Mr. Ferreira noted there will be substantial tax revenue. It will be low impact on town services and will have low traffic and parking impacts. He noted self storage is passive in nature. This project will activate the streetscape with attractive retail while offering significant economic benefits. Eric Vogel, Design and Construction Manager, Blue Hawk Investments, stated this is a precursor to open meetings to view designs and progress. He looked at what the intent of the Mixed Use 128 District is and what the vision is. He then sculpted that into a conceptual plan. The vision creates a mixed use commercial area and focuses on the population that occupies the area. He looked at current and future uses of the area.

Mr. Ferreira noted they looked at different uses for this area. They looked at parking and feel self storage is a good use if you can counter the passive use of it. He noted the middle of this site cannot work under any zoning without adding a whole bunch of parking. Mr. Vogel stated this project is getting parking off the street and putting it adjacent to other parking. He explained their thinking as they developed this plan and discussed the appropriate architectural elements.

There were no comments from the public. Ms. McKnight stated the applicant seems to be saying there is no economic feasibility for other uses. She commented she does not understand why that would be the case. She wants a lively use in this area. Why, for example, is a parking garage with offices not feasible? Why not a nice office building? Mr. Ferreira stated he could easily do an office. He looked at the vacancy rates, construction costs and such and the demand will not support it. If office was a viable use they would be discussing office. Anything else would create a lot of traffic and there is already a traffic issue here. He feels this area needs streetscape retail and not more office.

Ms. McKnight noted the downtown Overlay District allowed for multi-family housing with first floor retail. She stated retail is difficult these days. She is doubtful of retail as being a viable use. Mr. Ferreira stated he feels Ms. McKnight has a good point, but thinks there is enough scale in this area. He feels retail could provide a service just from the office buildings nearby. It needs to be merchandised right. He feels a bakery could be good there. Ms. McKnight asked what use was there now and was informed a flex office, bike store and golf simulation company. It is single story.

Mr. Jacobs stated he really likes this idea and is all in favor of it. Ms. Grimes stated she is adamantly opposed. Mr. Alpert stated he will hold his comments for the presentation. He commented he is disappointed more of the public is not at the meeting. Ms. Grimes stated self storage in Needham is not her vision. The goal is to plan for the future. She does not want Needham to become Waltham in the next 5 years. She thinks the vision is great and appreciates it. This is not just for their lot but for all of Mixed Use 128. The Board could have 3 others coming in next year. She feels this is opening a can of worms.

Mr. Ferreira stated he would submit that when people drive by this they will not know this is self storage. Mr. Alpert gave the history of the Hillside Avenue self storage and the Industrial District. He noted how "storage" was removed from the Mixed Use 128 District when it was created in the early 2000's. Mr. Smart stated he believes self storage can work in this district. The Town has the opportunity to determine what makes sense in this district. Mr. Ferreira noted there are 2 options: do this or keep it as flex office. He feels this is a good use.

Mr. Alpert stated he is hearing the applicant is willing to work with the Board on the vision of retail on the first floor. The question becomes what would the rest of the building be that can be economically supported. He hears from the proponent that self storage is the best use but something else could be done. Mr. Ferreira stated he does not feel there is any other use. He cannot justify building anything new without the retail. Self storage is a pretty high value use. He noted he is going through the same process right now in Watertown, which allows self storage as of right. He is always concerned with too much, but feels this will be the only one in this area.

Ms. McKnight stated the developer at the Hillside self storage had a lessee in mind. She drove around and looked at examples of the lessee's facilities. She asked if the applicant has a lessee in mind. Mr. Ferreira stated there was a lessee in mind but they have not committed to anyone yet. He noted Blue Hawk has a project in Marlborough. Marlborough does not really care about doors and design. He stated Mr. Vogel designed it well. Ms. McKnight asked if this Article were drafted so as to require a combination of uses. She stated there would have to be retail or restaurant on the first floor in order for it to be more acceptable. She feels complicated amendments cannot be presented at Town Meeting.

Mr. Ferreira noted the town actually already has it. Retail is already an allowed use; the Board could withhold approval if there is no retail proposed as part of the project. He feels Ms. McKnight is saying the way to go is to create a mixed use storage. Mr. Alpert noted the following correspondence for the record: a letter in support of Mixed Use 128 on Charles Street with 14 signatures; a separate letter in support from Sira Natural and a letter in opposition from William Curtis.

Informal Discussion with Bob Smart: 766 Chestnut Street.

Robert Smart stated this is a potential ANR plan for 766 Chestnut Street. He supplied a copy of the statute G.L.C. 41 Section 81P and the definition of subdivision. He gave the site history from the Needham GIS map. The parcel is about 6.5 acres with an old 15 foot right-of-way that runs within the bounds of the lot and continues past the property. The map shows the dates each property was built. In 1914 the land was owned by Hannah Pond. She sold Lot D to Constantine Hutchins and retained Lots A, B and C. Lot D is land locked so the right-of-way was created for access to Chestnut Street sometime before 1916. The deed includes the right to pass and repass. In 1928 the owner of Lots B and C divided to Lots E, F and G. Lot H, which is 4.314 acres came out of Lots E and F on the 1928 plan and was added to Lot G to make Lot G wider. Lot H was divided in 1981 to Lots H1 and H2 and a triangle piece was added to Lot G.

Mr. Jacobs asked if the right-of-way with the 15 foot width has served the 9 houses since 1965. Mr. Smart stated it has. His client wants to divide a roughly 6 acre lot. The existing house will be left as is with the same frontage.

His client would like to add one lot with requisite area and frontage. Mr. Alpert pointed out the Zoning By-Law defines street or way. Joyce Hastings, of GLM Engineering Consultants, Inc., explained the conditions of the right-of-way. This past fall Koby Kemple, owner, put a gas line down the road so the driveway is paved and runs 15 to 16 feet wide down to 12 feet wide. This spring some sections will be repaved.

Mr. Jacobs asked if the whole length would be 15 feet wide. He was informed it will be the same width it is now. Mr. Jacobs asked whether the 15 foot right-of-way is the whole length but it is not necessarily 15 feet of paved width. Ms. Hastings confirmed that is correct. She noted it also widens out past the client's property. The proposal is to have another driveway entrance off the right-of-way. Mr. Smart stated he has not filed the official ANR plan yet. Mr. Alpert noted the right-of-way has been in existence since 1960. If the Fire and Police agree the 15 foot right-of-way is wide enough to provide emergency access he is good with that. He noted it sounds like the Planning Board has the authority to deny the ANR if they find the road is insufficient for emergency vehicles. Mr. Jacobs asked if the applicant would be willing to widen the road to 20 feet if the Police and Fire want that. Mr. Owens stated he would like to hear what the Police and Fire say. Mr. Jacobs agreed that Police and Fire input was necessary before being asked to sign an ANR. Ms. Grimes noted she does not feel it is a problem. If the Fire Chief says no the house can be accessed from Chestnut Street.

Ms. McKnight stated she would like to see the right-of-way widened to 24 feet wide and pave 18 feet wide for 2-way traffic. She feels that is an adequate width. She feels there should be a formal application under the Subdivision Control Act. Mr. Smart noted he thought about filing a formal application but it does not make sense. The statute provides alternatives to the formal process. He does not feel it is necessary to do a formal subdivision. The Board could say they want an additional paved width and could do an ANR without a formal process. Ms. Grimes stated she would vote against a full subdivision because there is no circle and such. She is fine with this. Mr. Jacobs stated the one lot they are talking about is the easiest to get to. He would be looking for input from the Fire Department but this road has been there so long it has proven its width is adequate.

Discussion of Zoning Articles for the May 2019 Annual Town Meeting.

Report from Planning Director and Board members.

Mr. Alpert noted he and Mr. Jacobs met with the Board of Selectmen to discuss the zoning articles. They advised the Board of Selectmen that the Planning Board is not going forward with amendments to Highway 1 Commercial Zoning at this time but would move as quickly as they can to get it to Town Meeting. The Planning Board would like to bring it in the Fall Town Meeting if able. He noted there was some pushback on the schedule for the Fall Town Meeting. The Selectmen had no problem with Accessory Dwelling Units (ADUs) and are supportive.

Mr. Alpert noted the proposed amendment for 433 Chestnut Street was discussed and it was noted there was not much in the way of changes being made. The Selectmen seemed to accept the technical changes. There were 2 issues – getting rid of the first floor having to have retail, and height. After discussion, his feeling was there may possibly be 3 votes from the Selectmen if it was knocked down to 4 stories. There would not be support at 5 stories and 60 feet.

Mr. Owens noted the Sandy Silk letter from Jefferson Development. The MBTA is supportive of the inclusion of their lot in the area to be rezoned and have expressed a willingness to continue the lease. He noted it is impossible to build a structure on the MBTA land with the MBTA constraints. More feasible would be a 5 story, 60 foot height with parking below and 4 stories of residential. Mr. Owens feels it is either 60 feet or the article be withdrawn. Mr. Jacobs agreed but he asked if it was accurate to say no one will develop this parcel without rezoning. Sandy Silk spoke, stating that this land has a use today. Hartney Greymont has leased it for several hundred thousand dollars a year. Hartney Greymont has made no overtures about wanting to leave. It is a good location for them. It is valuable for a tree company and is very accessible. The challenge of size and scale of the project is one of value. The economy of scale is dramatically reduced when you go to 75 units with 3 stories of units over one story of parking. That is 25 units on a floor with roughly the same number of parking spaces. The surface parking spots are less desirable. The alternative is to build 4 stories with all surface parking which the applicant does not think is viable in this market or 3 levels of residential with one level of parking but that is not financially viable.

Mr. Jacobs asked if it has to be 5 stories to be economically viable or 4 with a 5th story set back. Ms. Silk stated it has to be 5 stories with a top floor pitched within a height limit of 60 feet. Mr. Alpert stated the MBTA triangle would need to be rezoned in order for the setbacks from Residential zone to not apply. He asked if Ms. Silk would be able to use that triangle for anything else. Ms. Silk stated that it would be used for parking. Ms. McKnight commented she anticipates the rents would be greater than at Webster Green which are about \$2,400 per month. Ms. Silk noted the rent would be comparable to Charles River Landing.

Mr. Jacobs feels Mr. Owens is saying go back to 5 stories and 100 units or forget it. Mr. Alpert feels that it is reasonable to look at it that way. Mr. Owens noted the point the Selectmen made was that they were so concerned with height and density they want nothing built. Mr. Jacobs noted that is correct. Given what he heard, if it were to go back to 5 stories and 100 units, there would be no support by the Selectmen. Ms. Silk stated, if it were brought down to 48 feet, it would tank the project. She noted the site is in a bit of a depression and may not even be able to be seen. Mr. Alpert commented he does not feel it would be seen. He agrees with Mr. Jacobs and Mr. Owens to go forward with what they have, send it to Town Meeting and see what happens. Ms. Grimes agreed. Ms. McKnight stated she would go along with that but feels new sketches may be helpful. Mr. Jacobs would like to have facts and figures at Town Meeting that could be shown to support economic viability if it could get above 4 stories. Ms. Silk stated she could do something like that. She would suggest the Planning Board engage a peer reviewer to look at the fiscal analysis and traffic study. That gets a third party to look at it and that person could be asked for the economic viability. It would give more credibility if vetted by someone else. She noted Barry Abramson did that for the City of Malden.

Correspondence

Mr. Alpert noted the following correspondence for the record: an article from the Needham Newton Chamber of Commerce by John Rufo regarding Proposed Zoning Initiatives; an article titled "Northland modifies Needham Street mixed use project"; an email from Rick Hardy, dated 3/28/19, regarding 1473 and 1479 Great Plain Avenue and a draft of the Town of Needham Demographic Economic Profile and Housing Profiles.

Mr. Owens noted 1180 Great Plain Avenue which is owned by the Congregational Church. He stated it is being sold for development and is going through review by the Board of Selectmen. It will be 2 stories with 16 units and 4 would be affordable units. He noted this is a problematic site for parking and no one has informed the Planning Board. Ms. Clee stated this came in one week ago to everyone's surprise. She was told there was a very preliminary meeting a while ago, then this came in last week. Ms. Clee explained the process for the site eligibility process and noted the Selectmen have invited the Board to attend the applicant's presentation on April 23.

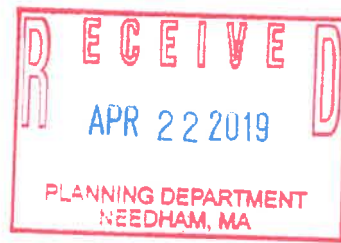
Ms. Clee stated the Planning Board required a lease and easement plan before a building permit is issued for 13-15 Highland Place. She received it today and asked how the Board wanted to handle it. Ms. Grimes suggested the members review it electronically and all agreed. Ms. Clee informed the Board the dumpster at 1056 Great Plain Avenue will be moved immediately but the enclosure cannot be built until there is better weather.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 10:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Martin Jacobs, Vice-Chairman and Clerk



Paul A. Ferreira

paf@bluehawkinvestments.com

April 12, 2019

Ms. Lee Newman
Director of Planning & Community Development
Town of Needham
500 Dedham Avenue
Needham, MA 02492

Re: 77 Charles Street

Dear Ms. Newman:

On behalf of the entire Blue Hawk Investments ("BHI") team, I would like to thank the Planning Board and Staff for engaging in the discussion regarding our development proposal for 77 Charles Street on April 2, 2019.

After further discussion internally by our team, we've decided to withdraw our Use By-Law request from the May 2019 Town Meeting Warrant Article. We hope and plan to continue productive discussions with the Planning Board and other Town of Needham stakeholders in the near term and again appreciate the guidance we've received to date.

During the recent Planning Board discussion several items of information were requested:

- Photographs and renderings of our recently completed project in Marlborough and our proposed project in Watertown.
- An excerpt from the Town of Westwood Zoning Bylaw that contains the Specific Design Guidelines for Self-Storage facilities.

These items have been attached and below is a brief narrative describing each:

- Westwood Zoning Bylaw - This provision contains the specific design guidelines for self-storage developed by the Town of Westwood for their zoning bylaw. There are many elements that may be suitable to meet the requirements of the Town of Needham. I believe you'll find one point that was raised by a member of the Planning Board concerning the number of potential future facilities was addressed in a particularly thoughtful manner.
- Marlborough - Exterior Image - This project is located on Interstate Route 20 in Marlborough, MA and was completed in August 2018. The image represents the quality of materials in the facade of the building and announces the entrance to the office/retail area. Since BHI was not in favor of the "typical" fake garage doors that are seen on most facades,

Ms. Lee Newman
April 12, 2019
Page 2 of 2

we proposed a showcase window as an architectural feature outlining various historical aspects of the Town of Marlborough as well as a more subtle advertising method for the brand.

- Marlborough - Interior - This is an image of the interior of the office for the self-storage facility. We worked closely with the brand to redefine their design standards and create an inviting space that has a true retail presence. We've been told that this interior design is the "best" by the brand in the Boston market.
- Watertown - Exterior Rendering - These images portray the proposed design of our project in Watertown. This design responds to a diverse set of architectural styles in the surrounding neighborhood through the use of warm materials and appropriate scale.

Again, we appreciate your feedback to date and look forward to scheduling additional meetings to discuss our project.

Blue Hawk Investments, LLC



Paul A. Ferreira
Manager

Cc: Mr. Paul Alpert – Chair, Planning Board
Mr. Robert Smart, Esq. [via electronic mail only]

- 7.5.8 **Lapse.** Access Approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the Access Approval. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant.
- 7.5.9 **Regulations.** The Planning Board may adopt reasonable rules and regulations for the administration of this Section.
- 7.5.10 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for Access Approval.
- 7.5.11 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for Access Approval under this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for approval hereunder shall contain an agreement by the Applicant to that effect.

SECTION 7.6 STORAGE FACILITY REGULATIONS

- 7.6.1 **Purpose.** The purpose of this section is to assure that self-storage and mini-storage facilities are appropriately sited in Highway Business and Industrial zones, while maintaining the desired character and function of the area. Storage facilities are characterized as industrial uses but have low activity levels that do not add to the vitality of a commercial area. The general and design requirements of this section are intended to allow self-storage facilities to locate where they best serve residents and businesses while not having prominent frontage on major commercial streets.
- 7.6.2 **Special Permit Required.** A self-storage or mini-storage facility shall require the issuance of a special permit granted by the Planning Board in compliance with the provisions of this Section and Section 10.3.3 of this Bylaw [Special Permits].
- 7.6.3 **Application Requirements.** Application for a special permit for a self-storage or mini-storage facility shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the self-storage special permit, and no separate EIDR Approval shall be required. Submittal requirements shall be as required pursuant to Section 7.3.7 with the following additional requirements:
- 7.6.3.1 Parking plan shall clearly demonstrate a sufficient number of parking spaces for customers and employees, clear vehicular and pedestrian access ways, and appropriate loading and unloading areas.
- 7.6.3.2 Landscape Planting Plan, shall indicate the species and size of all existing trees, and shall clearly note which trees are proposed for removal. Trees shall be planted along all streets at intervals of approximately every thirty (30) feet.

- 7.6.3.3 Application shall include a narrative description of all proposed on-site activities and proposed hours of operation.
- 7.6.3.4 Application shall include an analysis demonstrating how the proposed project serves the needs, services or other interests of Town residents.
- 7.6.3.5 A Storage Facility Map showing all existing and/or permitted self-storage and mini-storage facilities within a one-mile radius of the project site, whether within Westwood or another community.

7.6.4 General and Design Requirements.

- 7.6.4.1 **Landscaping.** In addition to the Screening and Buffer Requirements of Section 6.3, there shall be a minimum landscape area of at least ten feet required along all street frontages with tree plantings approximately every thirty (30) feet.
- 7.6.4.2 **Siting.** No self-storage or mini-storage facility shall be located within 200 feet of the right-of-way of any of the following major roads: University Avenue, Station Drive, Blue Hill Drive, Harvard Street, Everett Street, and Providence Highway (Route 1). No such facility shall be located within one mile of another similar facility unless the Planning Board in its sole discretion grants a waiver of this requirement upon finding that there is a clear need and benefit to the Town demonstrated by a market and occupancy analysis including such other nearby facilities.
- 7.6.4.3 **Accessory Uses.** Accessory uses such as the sale or rental of moving equipment are permitted as required by Section 4.0 [Use Regulations], subject to all other wastewater disposal and at least two dedicated parking spaces.
- 7.6.4.4 **Street facades.** The design and layout of the street side of a proposed facility shall provide a varied and interesting façade. Considerations shall include the building placement, fenestration, roof design, variations in building walls, and other structural elements.
- 7.6.4.5 **Building Design.** Storage facilities are permitted only as or within multi-story structures. Buildings shall be designed and situated so that overhead doors and loading areas into such facilities are not visible from any adjacent right-of-way. All individual storage units shall be accessed from the interior of the building.
- 7.6.4.6 **Building Materials.** The materials for buildings shall be compatible with the desired character of the surrounding area and shall be visually pleasing.
- 7.6.4.7 **Building Setbacks.** The front, rear and side yard setback requirements regulated in Section 5.2 [Table of Dimensional Requirements] may be reduced by the Planning Board to allow for better design and compatibility with surrounding buildings upon a finding by the Planning Board that the proposed layout is in keeping with the purpose of this section of the bylaw.

7.6.5 Parking Requirements. Self-storage and mini-storage facilities may provide fewer parking spaces than required under Section 6.1.2 [Table of Parking Regulations], where in the determination of the Planning Board, the number and configuration of proposed parking spaces are found to be sufficient to meet the needs of the proposed development. Customer parking shall be separate from truck parking and loading and unloading space shall be clearly designated.

7.6.6 Findings. In addition to the specific decision findings outlined in Section 10.3.3 of this Bylaw, the Planning Board shall make a determination of each of the following:

- 7.6.6.1 Demonstration of need for town residents and/or businesses.
- 7.6.6.2 Facility located off a primary commercial local road to meet the purpose of this Section 7.6.1.
- 7.6.6.3 Sufficient buffering and screening from nearby uses.
- 7.6.6.4 Consistency with the purpose of this Section 7.6.
- 7.6.6.5 Degree to which the proposal serves job, service or other interests of Town residents.

7.6.7 Conditions. In granting a special permit, the Planning Board shall impose reasonable conditions specifically designed to safeguard the surrounding properties and Town such as noise controls, limits on hours of operation, landscaping, and/or drainage controls.







NEEDHAM PLANNING BOARD MINUTES

October 22, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, October 22, 2019, at 7:00 p.m. with Mr. Alpert and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

ANR Plan – Boston Ventures International, LLC, Petitioner (Property located at 23 Dwight Road, Needham, MA).

Robert Bibbo, Engineer for Bibbo Bros., stated the applicant is creating an additional house lot with 170 feet of frontage and 16,000 square feet of area. The current house will remain on one lot with 27,000 square feet of land. Both lots have adequate frontage and meet all setback requirements. He noted this is a private road. Mr. Jacobs stated the side yard setback is 14 feet. The A1 lot line is 12.43 feet from the deck. Mr. Bibbo stated he was told there is a provision for the deck to go into the side yard setback. If this is not correct, he can change it. Ms. Newman noted there is a provision and the Building Inspector has looked at this.

Ms. McKnight asked if this was an older house the applicant is saving. Mr. Bibbo noted it is a 1950s house. Mr. Jacobs asked why Lot 2-A is not shown in the table. Mr. Bibbo stated it was on but he was told to remove it. Ms. Newman stated, as an empty lot, it makes no sense showing it with setbacks. Engineering and the Building Inspector are fine with it.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the three members present unanimously:

VOTED: to endorse the plan as Approval Not Required.

Decision: Amendment: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Original Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (Property located at Rockwood Lane consists of the dwellings currently numbered 38, 45, 46, 52, 55, 58, 63, 64 and 69 Rockwood Lane and one adjacent parcel, Needham, MA, Assessors Plan No. 17 as Parcels 71, 72, 73, 79 and 80 and Plan No. 20 as Parcels 86, 87, 88, 89 and 63).

Ms. Newman stated the draft decision is based on the Board's last meeting. The attorney for the applicant has reviewed it and has no issue. There were no changes at the last meeting. Mr. Jacobs asked if there was an issue with adding a paragraph saying "The Board has been concerned, specifically by Exhibit 18 and 19, that the drainage solution is at least as good as that which was originally approved." Mr. Alpert disagreed. He does not want to say that. The Board is relying on representation from the Town Engineer that is the case. Mr. Jacobs felt the Board could say "relying on Exhibits 18 and 19, the Board hereby approves" at the beginning of paragraph 1. All agreed. A motion was made to add this. Ms. Newman feels that is too narrow. Mr. Jacobs stated Exhibit 15 should be added.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to say "Relying on Exhibits 15, 18 and 19, the Board approves the Definitive Subdivision Amendment as shown on the Plan in the Subdivision approval."

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the three members present unanimously:

VOTED: to approve the draft decision as just altered.

Appointments:

7:05 p.m. – Zoning Board of Appeals: discussion regarding Accessory Dwelling Units zoning proposal.

John Schneider, of the Zoning Board of Appeals (ZBA), noted 4 of the 5 ZBA members were at the hearing and there is unanimous support for the ADU article. The Zoning By-Law already authorizes by Special Permit taking 4 non-related boarders into the home. This is only changing cooking facilities. There is no great change in the Zoning By-Law. He stated he has been on the Zoning Board of Appeals for over 25 years and only 2 or 3 people have come in for Special Permits. He commented he has some problems with the Article as currently drafted. His main concern is there is no standard for Special Permits. Mr. Jacobs stated there is no section that says these are the decision criteria. He asked if the ZBA views the requirements as the decision criteria?

Mr. Schneider stated he finds the definition of family to be strangely narrow. Why not grandparents, aunts and uncles as family members to live in the house and to be taken care of? He feels the Board needs to deal with the transfer of ownership and LLCs. It could say “transfers of controlling interest.” The Planning Board has been silent on the issue. He is also concerned with enforcement. The Planning Board should put in a provision that the Building Inspector could request evidence of a relationship of the person living in the unit. Ms. McKnight stated the initial permit is issued based on who is living there. Mr. Alpert noted it will be part of the renewal process. Ms. Schneider feels the Building Inspector should have the right to request documentation.

Ms. McKnight discussed the criteria concern. There are criteria built in. This needs some judgment exercised. The Building Inspector will look into any complaints. She noted there are standards of criteria and enforcement built in. She feels this may put a burden on the ZBA. She wants to make sure the ZBA does not feel this is a burden for them. She anticipates some Town Meeting members may move to amend to include some of the relations discussed. Mr. Schneider stated the ZBA will go along with whatever the Planning Board has recommended, but this is strangely narrow. He feels there will be a lot of call for other relations.

7:20 p.m. – Discussion regarding Mixed-Use Retail/Self Storage Redevelopment – 77 Charles Street.

Kevin Joyce, attorney for the applicant, noted he sent in a number of materials back in early June. He reviewed the Zoning By-Law and believes the Planning Board has the authority to grant a Special Permit for the proposed use. He outlined the legal reasons. Under the Hillside decision it was determined to be allowable by Special Permit. He is ok with that for now. Mr. Jacobs noted in Mr. Pare’s letter, third paragraph, the Planning Board did not reject as of right for Hillside development; but rather convinced the petitioner that the special permit route was appropriate. Mr. Ferreira, owner of 77 Charles Street, stated he feels it is unlikely he will be coming forward with an as of right project; all of their conversations have been about a special permit process. Mr. Joyce updated what has been done. He asked if a Special Permit process is what they should embrace and begin. Ms. Newman asked what use the applicant is identifying as similar to (either as of right or by special permit). Mr. Joyce stated the Board has already allowed the self storage use in a similar district, and therefore also applies by Section 3.2. This is in the same general use category and similar in kind and similar in impact to a use already permitted; and by Section 3.2 may be approved by the Planning Board. Mr. Alpert stated it has to be a use allowed in the district and not just somewhere in the whole town.

Mr. Ferreira noted there has been a lot of discussion of support for the project. He started with a zoning amendment and pulled back. He is going back to the initial position. He still maintains putting a self storage is the only feasible option given the economics. He feels the Board should allow this use to go forward by Special Permit with the interpretation suggested. They are also willing to pursue a zoning change at Town Meeting. He thinks this is a consumer service establishment. Marlboro and several other towns in Massachusetts have relied on this definition of storage units as consumer services. Ms. McKnight stated she sees consumer service establishment as a service directly provided such as photocopying and not a storage unit.

Mr. Ferreira stated there has been a lot of discussion regarding the passivity of the use and such use not being the intent of the Board for the district. He feels this should be looked at as a small retail project. Other uses do not work and larger retail is not feasible. This fits with the parking requirements and is a service in great demand. There is a lot of functionality to self storage. He has tried to address the ugliness of them with the design and feels it is a handsome building. He would request the Board reconsider some items. Mr. Alpert asked what floor size

the applicant is offering for retail and self storage. Mr. Ferreira stated it is a consumer services as of right. He noted 1.0 FAR triggers a special permit. Ms. Newman explained that the self-storage use on Hillside was allowed by a provision that allowed the Board to grant a special permit for a use not otherwise called out in the By-Law. She explained that the section they are pointing to allows the Board to find a use to be similar in kind and impact to another use already allowed in a particular zoning district. Mr. Jacobs said he is interested in the argument that it might be a consumer service. He likes the use but would need it to work under the By-Law. Mr. Ferreira said that Westwood put a radius requirement in its zoning to limit these. Mr. Alpert stated he feels this use fits in the Board's vision for the Mixed Use 128 District. He likes the comparison this is similar to a Consumer Services Establishment. Mr. Ferreira said that a telecommunications facility, which is an allowable use, usually has very few employees. The Board discussed some of the history of the current language of the zoning district.

It was noted there will be 2 cars and 2 employees. A discussion ensued regarding next steps. Mr. Ferreira said he can provide examples of radius requirement in zoning and where it's been considered a consumer service elsewhere. Mr. Jacobs stated he needs to be convinced of the use issue, not the issue of whether they can make it presentable. It may be as of right or could be like a use in the district. Mr. Ferreira requested guidance from the Board. Mr. Alpert is reluctant to give too much guidance in advance of an actual application. He commented the applicant needs to file an application and convince the Board why this fits a consumer services use. Ms. McKnight noted a storage facility has been approved for Hillside but has not yet been constructed. She suggested the applicant wait so people can see what it looks like.

7:40 p.m. – Discussion regarding Pediatric Medical Facility Zoning Article – Children's Hospital.

Robert Smart, representative for the applicant, noted Children's Hospital wants to put a pediatric facility next to the Trip Advisor building at 380 First Avenue and 37 A Street. There is some parking on site. A pediatric facility is not allowed per the zoning. He has drafted an article and wants input from the Board. He has had conversations with BI Deaconess and they have no issue with Children's Hospital coming to Needham. This will be a satellite facility. Lisa Haggerty noted a map of other satellite locations in the packet. The hospital has developed a network of satellites to give care close to home. They work with other hospitals and doctors with specialty care and not primary care. They want to shift out of the main hospital to be more convenient to neighborhood locations.

Ms. McKnight clarified the focus is on specialty care and not primary care. Ms. Haggerty stated yes. There are geographical gaps between Waltham and Weymouth. The hospital wants to focus on the surgical specialty side. Ms. McKnight asked if they have any partnerships with community hospitals here. Ms. Haggerty noted Winchester Hospital and she has worked with the Building Inspector in Needham for pediatric issues. The Building Inspector would like more support and collaboration. She noted the hospital would like to set up an innovation and training center in conjunction with BID Needham. The access to the location is excellent. There would be a parking garage built next to the current garage. They will be creating a pediatric ambulatory surgical center with state of the art labs and an education training center with several clinical and therapeutic services such as orthopedic, sports medicine and sub specialties. There will be state of the art operating rooms, pediatric imaging and a lab.

Mr. Jacobs clarified there is no inpatient care. Ms. Haggerty noted there will be no beds at this facility. She stated the pediatric ambulatory space is to be licensed by the MA Department of Health. There will be medical office space, food service and a small medical device company with crutches, braces and such, who will lease space. The hospital feels a responsibility to the community. The hospital will pay 100% of assessed real estate taxes and will be a hub for clinical research and education. This will create 400 permanent jobs and 225 construction jobs per month. It is non-profit.

Tim Sullivan gave an overview of the zoning. This is 13.5 acres and there is a special permit that has been amended a number of times. He feels this fits within the special permit framework but some of the uses are not allowed. The ambulatory aspect is outside the allowed uses. They are proposing an amendment that would allow pediatric medical facilities. He looked at the medical overlay district. Ms. McKnight asked what age young adults are. Ms. Haggerty stated usually 16 to 22. There are a lot of orthopedic patients who have grown up with issues. The hospital tries to see them through to adulthood.

It was requested by an audience member that the applicant talk about the pilot payments in Waltham. Ms. Haggerty stated the hospital pays real estate tax. There are tenants and the tax is paid through leases. It was asked if there would be something in writing to ensure it. Mr. Sullivan noted, if rezoned, a pilot agreement would be a condition of that. It could also be a condition of a special permit. Ms. McKnight noted she would like to learn more about pilot real estate agreements. Mr. Alpert stated that his recollection is the town already has a pilot program from the residences behind the nursing home on Gould Street. Mr. Jacobs knows the applicant met with a member of the Select Board, and the Select Board wants to make sure the applicant pays their full share of assessed taxes.

Ms. Newman asked why they didn't carry forward some of the parking demand information from the medical overlay district. Mr. Sullivan stated that they spoke to their traffic consultant and they do not anticipate any short-term visits warranting the 7 spaces per thousand square feet requirement.

Ms. McKnight noted that they proposed the use to be allowed by-right. She is concerned that the Board have the discretion to deny it if the impact was shown to be too high. Mr. Sullivan said it will be a special permit no matter what because they will have to amend the existing special permit on the property. Ms. Newman clarified that although that is true, it is a site plan special permit, which has a different set of rules than a special permit with regard to use. Ms. McKnight reiterated that she feels a *discretionary* special permit is important to her.

Mr. Smart noted hospital use is allowed in the medical overlay district. Mr. Jacobs assumes the applicant would like the Planning Board to proceed with sponsoring this proposed zoning change. Mr. Smart would prefer that. He thinks it would be best and most appropriate for this spring with a public hearing in January and February. If going forward, what more information would the Board need? He assumes parking and traffic studies and a fiscal impact study. Mr. Jacobs noted they would need an independent analysis. Ms. McKnight suggested it would be good to have the existing special permit background with them. Ms. Haggerty noted it will be a 24 to 28 month construction schedule. They will do a special permit at the same time as a Determination of Need. Mr. Sullivan stated he would come in right after Town Meeting. Ms. Haggerty will bring more information on the Determination of Need and zoning impacts. Ms. Newman stated she would be interested in the Lexington zoning and how that was done.

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Mr. Jacobs noted a letter, dated 10/16/19, from Attorney Robert Smart requesting an extension of the action deadline for ANR approval for 766 Chestnut Street.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to extend the action deadline for ANR approval for 766 Chestnut Street to 11/22/19.

Discussion of Fall Special Town Meeting zoning.

Mr. Alpert stated he is comfortable with the presentation. He thinks a slide as a handout that shows items that were raised at the May Town Meeting and actions taken would be very helpful. He felt what the Board gave to the Finance Committee was very good. There should be a handout table and he can do a short summary. Ms. McKnight stated having height and setbacks all on one slide was confusing. The 20 foot setback is her big issue. She does not think it is clear. Mr. Jacobs wanted to talk about John Schneider's comments on the accessory dwelling units article. He is bewildered by his claim of no criteria. Ms. McKnight noted some of the criteria needs a judgment call by the Building Inspector. It was agreed after discussion not to include limited partnerships and that the transfer issue Mr. Schneider was concerned about was not an issue. The Building Inspector and ZBA have authority to ask at least every 3 years for proof of ownership.

Correspondence

Mr. Jacobs noted a letter from Sira Natural stating they would like to come in. Ms. Newman commented they are willing to come in if the Planning Board wants them to. They feel Cambridge is over reacting. Mr. Jacobs stated

he would like to see the source documents and Cannabis Control Commission (CCC) approval. Ms. McKnight agreed.

Mr. Jacobs noted a legal notice from Newton regarding a 10/10/19 meeting; a Town of Dedham Planning Board notice; an email from Don Lankiewicz, Chair of the Historical Commission, noting the Historic Commission has been asked not to endorse the plan for 1479 & 1473 Great Plain Avenue. The Commission will hold a hearing on a demolition delay for 6 months. Mr. Jacobs also noted minutes. Ms. Newman stated the Jack Cogswell building is looking for an occupancy permit. The consolidation plan is not ready yet. She will issue a temporary permit for 30 days until the consolidation plan is done.

Mr. Jacobs commented he has been by the RTS a couple of times lately. The applicant was going to dig down 6 feet and rip out the weeds. Instead the applicant decided to treat the area. The applicant has dug up the whole thing. Mr. Alpert stated the berm has been totally taken out. The entire berm will have to be redone. Mr. Jacobs suggested the Planning Director go out and look.

Report from Planning Director and Board members.

Ms. Newman gave an update on the traffic study. Ms. McKnight noted she went to the Select Board's hearing on Green Communities. There was some very good information. She asked if this Planning Board would vote to urge the Select Board to seek designation as a green community. It will be put on the 11/6/19 agenda. Mr. Jacobs would like to discuss this.

Minutes

Ms. McKnight noted on the minutes of 5/21/19, page 4, 2nd to last line at the bottom, a question mark is needed; on page 6, 2nd line, add "and"; and put a comma after Hillside School.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to accept the minutes of 5/21/19 with changes discussed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to approve the minutes of 7/30/19.

The Board members passed in changes for the minutes of 8/6/19, 9/3/19 and 9/17/19.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne S. McKnight, Vice-Chairman and Clerk



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

DECISION

**Major Project Site Plan Special Permit No. 2018-07
November 20, 2018**

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

PLANNING

**Self Storage Group, LLC
540 Hillside Avenue**

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the "Board") on the petition of Self Storage Group II, LLC, 129 South Street, Boston, MA 02111, (to be referred to hereinafter as the "Petitioner") for that certain property located at 540 Hillside Avenue, Needham, Massachusetts, located in the Industrial Zoning District. The property is shown on Assessors Plan No. 101 as Parcel 5 containing 82,136 square feet.

This Decision is in response to an application submitted to the Board on August 14, 2018 by the Petitioner for a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law), and associated special permits.

The requested Major Project Site Plan Special Permit, would, if granted, permit the Petitioner to redevelop the premises, currently occupied by the landscaping company, Belmont Landscape and Tree, to construct and operate a three-story climate-controlled self-storage facility, comprising approximately 123,171 square feet, together with associated parking, landscaping and other site improvements.

In accordance with the By-Law, Section 7.4, a Major Project Site Plan Review is required. In accordance with the By-Law, Section 3.2.1, a Special Permit is required to operate a self-storage facility as "any lawful purpose or special use not enumerated elsewhere in this By-Law". In accordance with the By-Law, Section 5.1.1.5, a Special Permit is required to waive strict adherence with the requirements of Section 5.1.2 (Parking Requirements) and Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert on Tuesday, September 25, 2018 at 7:00 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, October 2, 2018, at 7:00 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, October 16, 2018, at 8:00 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. No testimony was taken at the October 16, 2018 public hearing due to a lack of a voting quorum and the public hearing was continued to Tuesday, October 30, 2018, at 7:45 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Paul S. Alpert, Martin Jacobs, Ted Owens, Jeanne S. McKnight and Elizabeth J. Grimes were present throughout the September 25, 2018 and October 2, 2018 proceedings. Board members Paul S. Alpert, Martin Jacobs, Ted Owens and Jeanne S. McKnight were present throughout the October 30, 2018 proceedings. Board member Elizabeth J. Grimes was present for all of the proceedings except the hearing occurring on October 30, 2018. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing,

adopted by the Town of Needham in May of 2009, Ms. Grimes examined all evidence received at the missed session and listened to an audio recording of the meeting. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Application Form for Site Plan Review completed by the applicant, dated August 14, 2018.
- Exhibit 2 - Six letters from Attorney Roy A. Cramer to the Needham Planning Board dated August 2, 2018, August 2, 2018, October 1, 2018, October 9, 2018, October 15, 2018 and November 6, 2018.
- Exhibit 3 - Letter from Building Commissioner, David Roche, to the Needham Planning Board dated July 24, 2018.
- Exhibit 4 - Traffic Evaluation, prepared by Patrick Dunford, VHB, dated July 6, 2018.
- Exhibit 5 - Stormwater Management Report, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA, 02184, dated July 27, 2018.
- Exhibit 6 - Plan set entitled "Site Development Plans, 540 Hillside Avenue, Needham, Mass.," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA, 02184, consisting of 11 sheets: Sheet 1, Cover Sheet, dated July 27, 2018; Sheet 2, entitled "Existing Conditions Plan," dated July 27, 2018, revised August 2, 2018; Sheet 3, entitled "Layout and Zoning Plan," dated July 27, 2018, revised August 2, 2018; Sheet 4, entitled "Grading Plan," dated July 27, 2018, revised August 2, 2018; Sheet 5, entitled "Sewer. Drain & Utility Plan," dated July 27, 2018, revised August 2, 2018; Sheet 6, entitled "Detail Sheet," dated July 27, 2018, revised July 30, 2018; Sheet 7, entitled "Detail Sheet," dated July 27, 2018, revised August 2, 2018; Sheet 8, Sheet L1, entitled "Landscape Plan," dated July 30, 2018; Sheet 9, Sheet D1, entitled "Planting Details," dated July 30, 2018; Sheet 10, Sheet D2, entitled "Planting Notes," dated July 30, 2018; Sheet 11, Lighting Plan, dated August 2, 2018.
- Exhibit 7 - Plan set entitled "Proposed Self Storage Facility, 540 Hillside Avenue, Needham, Massachusetts," prepared by BL Companies, 355 Research Parkway, Meriden, CT, 06450, consisting of 11 sheets: Sheet 1, Cover Sheet, dated July 30, 2018; Sheet 2, Sheet AP1.01, entitled "First Floor Plan," dated July 30, 2018; Sheet 3, Sheet AP1.02, entitled "Second Floor Plan," dated July 30, 2018; Sheet 4, Sheet AP1.03, entitled "Third Floor Plan," dated July 30, 2018; Sheet 5, Sheet AP3.01, entitled "Roof Plan," dated July 30, 2018; Sheet 6, Sheet AP5.01, entitled "Exterior Elevations," dated July 30, 2018; Sheet 7, Sheet AP5.02, entitled "Exterior Elevations," dated July 30, 2018; Sheet 8, entitled "Exterior Materials," dated July 30, 2018; Sheet 9, Sheet AP5.03, entitled "View from Hillside Avenue," dated July 30, 2018; Sheet 10, Sheet AP5.04, entitled "View from Rosemary Street," dated July 30, 2018; Sheet 11, Sheet AP5.06, entitled "View from Entrance," dated July 30, 2018.
- Exhibit 8 - Memorandum to Needham Planning Board, from Garrett Horsfall, Kelly Engineering Group, Inc., dated September 27, 2018.

- Exhibit 9 - Memorandum to Needham Planning Board, from Bennett N. LaFrance, Hawk Design, Inc., dated September 28, 2018.
- Exhibit 10 - Memorandum to Needham Planning Board, from Andrew E. Graves, BL Companies, dated October 9, 2018.
- Exhibit 11 - Letter directed to Lee Newman, Director, Planning and Community Development, dated October 17, 2018, signed by the following residents: Beth Tallarico, John Tallarico, Sara Miller, David Miller, Abigail Klein, all attached to a set of plans entitled "Proposed Self Storage Facility, 540 Hillside Avenue, Entitlement Permitting Set, 7/30/2018, revised 10/9/2018".
- Exhibit 12 - Plan set entitled "Proposed Self Storage Facility, 540 Hillside Avenue, Needham, Massachusetts," prepared by BL Companies, 355 Research Parkway, Meriden, CT, 06450, consisting of 12 sheets: Sheet 1, Cover Sheet, dated July 30, 2018, revised October 9, 2018; Sheet 2, Sheet AP1.01, entitled "First Floor Plan," dated July 30, 2018; Sheet 3, Sheet AP1.02, entitled "Second Floor Plan," dated July 30, 2018; Sheet 4, Sheet AP1.03, entitled "Third Floor Plan," dated July 30, 2018; Sheet 5, Sheet AP3.01, entitled "Roof Plan," dated July 30, 2018, revised October 9, 2018; Sheet 6, Sheet AP5.01, entitled "Exterior Elevations," dated July 30, 2018, revised October 9, 2018; Sheet 7, Sheet AP5.02, entitled "Exterior Elevations," dated July 30, 2018, revised October 9, 2018; Sheet 8, entitled "Exterior Materials," dated July 30, 2018; Sheet 9, Sheet AP5.03, entitled "View from Hillside Avenue," dated July 30, 2018; Sheet 10, Sheet AP5.04, entitled "View from Rosemary Street," dated July 30, 2018; Sheet 11, Sheet AP5.05, untitled, dated July 30, 2018, revised October 9, 2018; Sheet 12, Sheet AP5.06, entitled "View from Entrance," dated July 30, 2018, revised October 9, 2018.
- Exhibit 13 - Plan set entitled "Site Development Plans, 540 Hillside Avenue, Needham, Mass.," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA, 02184, consisting of 7 sheets: Sheet 1, Cover Sheet, dated July 27, 2018; Sheet 2, entitled "Existing Conditions Plan," dated July 27, 2018, revised August 2, 2018 and September 27, 2018; Sheet 3, entitled "Layout and Zoning Plan," dated July 27, 2018, revised August 2, 2018 and September 27, 2018; Sheet 4, entitled "Grading Plan," dated July 27, 2018, revised August 2, 2018 and September 27, 2018; Sheet 5, entitled "Sewer. Drain & Utility Plan," dated July 27, 2018, revised August 2, 2018 and September 27, 2018; Sheet 6, entitled "Detail Sheet," dated July 27, 2018, revised July 30, 2018 and September 27, 2018; Sheet 7, entitled "Detail Sheet," dated July 27, 2018, revised August 2, 2018 and September 27, 2018.
- Exhibit 14 - Plan set entitled "Needham Self Storage, 540 Hillside Avenue, Needham, Mass.," prepared by Hawk Design, Inc. Sagamore, MA, consisting of 4 sheets: Sheet 1, Sheet L1, entitled "Landscape Plan," dated July 30, 2018, revised September 28, 2018; Sheet L1a, entitled "Landscape Plan Illustrating Dana and Carey Place, dated July 30, 2018, revised September 28, 2018; Sheet 3, Sheet D1, entitled "Planting Details," dated July 30, 2018 , revised September 28, 2018; Sheet 4, Sheet D2, entitled "Planting Notes," dated July 30, 2018 , revised September 28, 2018.
- Exhibit 15 - Two Memoranda to Needham Planning Board, from Lawrence Lipson, 503 Hillside Avenue, Needham, dated October 22, 2018 and October 29, 2018.

- Exhibit 16 - Two Response Memoranda replying comments from Lawrence Lipson, 503 Hillside Avenue, Needham, responses not dated.
- Exhibit 17 - Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated August 20, 2018; IDC to the Board from Tara Gurge, Assistant Public Health Director, dated August 16, 2018; IDC to the Board from Lt. John H. Kraemer, Needham Police Department, dated September 18, 2018; and IDC from Thomas Ryder, Assistant Town Engineer, dated September 17, 2018, September 25, 2018 and October 11, 2018.
- Exhibit 18 - Design Review Board approvals dated July 30, 2018 and October 15, 2018.
- Exhibits 1, 2, 4, 5, 12, 13 and 14 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The subject property is located in the Industrial Zoning District. The subject property is located at 540 Hillside Avenue, Needham, Massachusetts, shown on Assessor's Map No. 101 as Parcel 5 containing 82,136 square feet.
- 1.2 The premises is occupied by the landscaping company, Belmont Landscape and Tree, and contains one single story building with an approximate footprint of 20,200 square feet. that is currently owned and operated by a landscaping company.
- 1.3 The Petitioner proposes to construct and operate a three-story climate-controlled self-storage facility, comprising approximately 123,171 square feet, together with associated parking, landscaping and other site improvements. There will also be a small sales office area of approximately 1,125 square feet. The building will be fully fire-sprinklered. The facility will have not more than 1,130 individual storage units ranging in size from 5 ft. by 5 ft. to 10 ft. by 30 ft. that will be rented on a month-to-month basis.
- 1.4 The building materials will consist primarily of a combination of insulated metal panels, masonry accents and aluminum and glass glazing systems.
- 1.5 It is anticipated that there will be a maximum of two employees on site at any given time.
- 1.6 The sales office will be open from 8 AM to 6 PM Monday through Saturday and closed on Sunday. The property will have gated access and will be available to existing customers via keypad access from 6 AM to 10 PM Monday through Sunday.
- 1.7 The office is where customers come for their first visit to sign a rental contract or if they have questions of the staff. The office also proposes to sell miscellaneous merchandise to make the move more convenient, such as boxes and other moving supplies. The facility will include two heavy-duty passenger elevators to help move contents upstairs.
- 1.8 The rental contracts between the facility and renters will prohibit the storage of hazardous or toxic materials or any inherently dangerous or flammable substances.

- 1.9 The proposed facility will have a state-of-the-art security system that records all entry and exits of the facility both by keypad and security cameras. The security system is timed such that access is only allowed at posted hours by customers.
- 1.10 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Industrial Zoning District, namely, front, side and rear setback, maximum building height, maximum number of stories and maximum lot coverage.
- 1.11 Vehicular access and egress to the site will be provided by the existing curb cuts. The proposed site modifications do not modify vehicular and pedestrian movement at the existing parking area.
- 1.12 The By-Law does not contain a specific parking requirement for the Hillside Avenue Storage use. In cases where the By-Law does not provide a specific requirement, the required number of parking spaces shall be derived from the “closest similar use as shall be determined by the Building Inspector” Section 5.1.2 (20). In the event that the Building Inspector is unable to determine that a proposed use relates to any use within Section 5.1.2, the Board shall recommend a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendation based on the ITE Parking Generation Manual, 2nd Edition, or an alternative technical source determined by the Planning Board to be equally or more applicable.
- 1.13 Under the By-Law Section 5.1.2, in the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of “Required Parking” (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests or employees of the proposed business.

The Building Commissioner has determined (by letter detailed in Exhibit 3) that with respect to the uses described in Section 5.1.2 of the Zoning By-Law, the most appropriate use category for the proposed use is use category 14 (“Warehouses, excluding retail and/or wholesale on-site sales and office space which shall be computed separately”). The parking requirement for that use category is “one space per 850 square feet of floor area or one space per every two warehouse employees on the largest shift, whichever is greater.” Since the anticipated maximum number of employees for the largest shift is two, the parking requirement is based on square footage of the facility. Of the 123,171 square feet of the facility, approximately 122,046 square feet is deemed to be warehouse space, requiring 143.58 parking spaces ($122,046/850=143.58$). The balance of the space is a small office area of approximately 1,125 square feet, requiring 3.75 parking spaces ($1,125/300=3.75$), for a total parking requirement of $143.58 + 3.75 = 147.33$, rounded up to 148 parking spaces.

The Petitioner’s traffic engineer determined that the appropriate number of parking spaces for this use is 14, and the Building Commissioner concurred that 14 seemed more reasonable for the proposal than 148. 14 parking spaces have been provided. The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence to the requirements of Section 5.1.2 (Required Parking). The Petitioner proposes to have 14 parking spaces on-site. Accordingly, a waiver of 134 parking spaces from 148 to 14 is required.

- 1.14 The project complies with all of the parking area design criteria set forth in Section 5.1.3 except that the Petitioner is seeking a waiver from Section 5.1.3(j), if the Board finds it appropriate. Specifically, the Petitioner is seeking a waiver from the 5.1.3(j) ("Parking Setbacks") with respect to the requirement that no parking space, maneuvering aisle or driveway shall be located within five (5) feet of a building line at the first floor. The parking lot shown on the Plan is adjacent to the southwest corner of the building and the Petitioner does not believe that a waiver is required from Section 5.1.3(j) because that area is not a "parking space, maneuvering aisle or driveway." However, if the Board finds that the waiver is appropriate, the Petitioner has reasoned that: (a) No sidewalk or other five-foot buffer is proposed in order to provide maximum maneuverability of vehicles, particularly emergency vehicles within the parking area; (b) A portion of that wall is adjacent to the loading entrance, which needs full clearance for safe and efficient loading and unloading; and (c) A five-foot wide buffer containing mulch or landscaping would be difficult to maintain, and the area is not visible to anyone not specifically visiting the site.
- 1.15 A Lighting Plan has been provided by Visual and is included in the Plan submittal for this project. The Lighting Plan indicates the photometric illumination and indicates no lighting at the rear of the property (the eastern property line), and no building lighting on the northern side of the property, 0.0 light trespass at the street front at Hillside Avenue and at the southern boundary line.
- 1.16 The Petitioner appeared before the Design Review Board on July 30, 2018, October 15, 2018 and November 5, 2018, and obtained approval for the project.
- 1.17 The Petitioner met with abutters to the rear of the property and subsequently moved the rooftop units located closest to Dana Place to the west towards Hillside Avenue, wrapped such units with screening, and added landscaping and fill between the east side of the building and the rail line at that property boundary.
- 1.18 The Petitioner met with an abutter across Hillside Avenue and subsequently added Landscaping at the front property boundary, as more particularly shown on the landscaping plan approved by the Design Review Board on November 5, 2018.
- 1.19 The facility will have a minimal impact on neighboring streets. Adequate parking has been provided for staff, deliveries, visiting professionals, and constituents. The arrangement of parking and loading spaces in relation to the proposed uses of the premises is adequate. The proposed project maintains the existing arrangement.
- 1.20 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. The site is presently fully developed and utilized by a landscaping business. The Petitioner will install a new stormwater management system that will reduce runoff rates and volume, will enhance water quality from the existing site and substantially improves surface water drainage. The new three-story building will be located at the rear of the premises adjacent to the railroad tracks and the building materials will be a combination of insulated metal panels, masonry accents and aluminum and glass glazing systems. There is currently minimal landscaping on the site and an extensive landscaping plan has been provided that decreases the amount of impervious surface on the property provides screening and enhances the existing site. The day-to-day utilization of a self-storage facility is very low with minimal traffic and parking activity and a minimum of sound emanating from the operation.

- 1.21 The convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly, have been adequately provided for. The parking needs of self-storage facilities are extremely low and are much lower than the requirements of an office building. The location of the driveway opening on Hillside Avenue will remain unchanged. Sidewalk access has been provided adjacent to the primary parking spaces for pedestrian safety. Handicap access and parking is provided. Since the maximum number of employees at any given time will be two, there will be no rush hour traffic by employees, and the number of anticipated daily visits to the facility is extremely low and spread out during the day. Fourteen parking spaces have been provided (including one handicap space) which is adequate to serve the employees and visitors to the site. The parking study prepared by VHB, 101 Walnut Street, Watertown, MA 02472, has reviewed a number of comparable self-storage facilities in the eastern Massachusetts area, and has conducted actual parking counts at two of those facilities and is of the opinion that safety concerns for vehicular and pedestrian movement has been adequately addressed.
- 1.22 The arrangement of parking and loading spaces in relation to the proposed use of the premises is adequate. The parking need of self-storage facilities is minimal and the arrangement of parking spaces and loading areas is appropriate.
- 1.23 Adequate methods for disposal of refuse and waste will be provided. The project's wastewater system will be connected to the municipal sewer system. In addition, provision will be made for dumpsters (and dumpster enclosures for both refuse and recycling).
- 1.24 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area are in compliance with other requirements of this By-Law and have been adequately addressed by this project. The property is located in the Industrial District adjacent to the railroad and the proposed structure, located in the rear portion of the property, abuts the railroad right-of-way. Office buildings are located on the north and south side of the property and a small office building is located between the proposed building and Hillside Avenue to the east. The proposed building has been designed to be an attractive facility that looks substantially like an office building, instead of "old style" storage facilities with individual metal doors visible from the outside. There is a natural landscape buffer which will be maintained on the west side of the site.
- 1.25 The project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The building will have minimal demand for water and sewer and sewer use due to the low number of occupants in the building. The building will be fully sprinklered, the stormwater management system will be substantially improved and the extremely low utilization of the property (both in terms of number of employees and anticipated visits by renters) is minimal and will not affect neighboring streets. It is a clean, quiet and low impact use. The addition of this facility will have a positive impact both on the immediate neighborhood and the Town of Needham in general.
- 1.26 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the Industrial Zoning District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have

minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

- 1.27 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) as further described in Section 1.13 above, may be granted in the Industrial District, provided the Board finds that (a) the issuance of a special permit will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting use, and is consistent with the intent of By-Law; (b) in the case of waiving strict adherence to the requirements of Section 5.1.2 under special circumstances if a particular use of a structure does not warrant the minimum number of spaces required under Section 5.1.2, the special permit shall define the conditions of the use of the structure so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand; and (c) the granting of a special permit under this section shall not exempt a structure, use, or lot from future compliance with the provisions of Sections 5.1.2 and/or 5.1.3. On the basis of the above findings and conclusions, the Board finds the proposed project and Plan, as modified by this Decision and as conditioned and limited herein, to meet these requirements, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and not to be a detriment to the Town's and neighborhood's inherent use of the surrounding area.
- 1.28 Under Section 3.2.1 of the By-Law, a Special Permit may be granted to allow a Special Permit for "any lawful purpose or special use not enumerated elsewhere in this By-Law" in the Industrial Zoning District, 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 and to comply with all applicable By-Law requirements.

THEREFORE, the Board voted 4-1 to GRANT (Elizabeth J. Grimes voting in the negative): (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit under Section 3.2.1 of the Zoning By-Law to operate a self-storage facility as "any lawful purpose or special use not enumerated elsewhere in this By-Law"; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Parking Requirements) and Section 5.1.3 (Parking Plan and Design Requirements), Section 5.1.3(j), of the Zoning By-Law; subject to 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 Inspector 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 Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector 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 Inspector to the Board prior to the issuance of a Building Permit.

- 2.0 The Plan 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.
- a) The Plan shall be modified to show additional plantings at the front property line, such as red maple or other deciduous species. Additionally a mixture of arborvitae and mountain laurel shall be provided at the front property line to help screen the area below the existing tree line.
 - b) The Plan shall be modified to show a decorative metal fence in place of the chain link fence shown on the Plan.
 - c) The Plan shall be modified to show the dumpsters placed within a wooden fence enclosure.

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 3.39 hereof.
- 3.1 The subject site shall be used to construct and operate a three-story climate-controlled self-storage facility, comprising approximately 123,171 sq. ft., together with associated parking, landscaping and other site improvements. The facility shall contain a maximum of 1,130 individual storage units ranging in size from 5 ft. by 5 ft. to 10 ft. by 30 ft. to be rented on a month-to-month basis. The floor plans of the facility may be modified without further Planning Board review or approval provided that (a) the building is not expanded above approximately 123,171 sq. ft., the sales office shall not be expanded above approximately 1,125 sq. ft., and the number of storage units shall not exceed 1,130.
- 3.2 The storage facility shall be limited to dead storage use only. No other business activities shall be permitted. All storage uses shall occur within the building. Outdoor storage of boats, cars, motorhomes or other equipment is expressly prohibited.
- 3.3 The buildings, parking areas, driveways, walkways, landscape areas, and other site and off-site features shall be constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.4 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.5 All buildings and land constituting the premises shall remain under a single ownership.
- 3.6 The operation of the proposed Self Storage facility shall be as described in Sections 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 and 1.9 of this Decision and as further described under the support materials provided under Exhibits 1, 2, 4, 5, 12, 13 and 14. Any changes of such above-described use shall be permitted only by amendment or minor modification of this Approval by the Board, or administrative approval by the Planning Director in accordance with the Board's policy regarding insignificant changes.
- 3.7 The waiver of parking requirements granted by this Approval is contingent upon the project being used in accordance with the representations of the Petitioner, which formed the basis of the findings of fact and other conditions stated herein, as shown on the Plan. Any change

of use and/or any change of the proposed parking and traffic circulation plan after project completion shall be permitted only by amendment of this approval by the Board.

- 3.8 The proposed building and parking areas shall contain the dimensions and shall be located on that portion of the site as shown on the Plan and in accordance with applicable dimensional requirements of the By-Law, except as waived hereby. Upon completion of the project, 14 parking spaces shall be provided. All off-street parking shall comply with the requirements of Section 5.1.2 and 5.1.3 of the By-Law, as shown on the Plan, except as waived by this Decision.
- 3.9 Fourteen (14) parking spaces shall be provided on the site at all times in accordance with the Plan. All snow shall be removed from the site so that the total number and size of parking spaces are not reduced.
- 3.10 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense". The quantity & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.11 The sales office shall be open from no earlier than 8 AM to no later than 6 PM Monday through Saturday and shall be closed on Sunday. The property shall have gated access and shall be available to existing customers via keypad access from no earlier than 6 AM to no later than 10 PM Monday through Sunday.
- 3.12 Construction vehicles shall only use main arterials when traveling in Needham to and from the site, such as Hillside Avenue, West Street, Highland Avenue and Rosemary Street. Construction vehicles shall not utilize secondary streets for purposes of site access.
- 3.13 The maintenance of site and parking lot landscaping shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.
- 3.14 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.15 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit or impact fee, if applicable.
- 3.16 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit and any grants of location that are required from the utility companies.
- 3.17 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.
- 3.18 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out per Town requirements.
- 3.19 The Petitioner shall connect the sanitary sewer line only to known sources. All known sources that cannot be identified shall be disconnected and properly sealed.

- 3.20 The construction, operation and maintenance of any subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the Town of Needham Stormwater By-Law.
- 3.21 The Petitioner shall implement the following maintenance plans in conjunction with the project consistent with the amended O&M Plan:
- a) Parking lot sweeping - sweep once per year; in accordance with the Town of Needham NPDES Permit #MA-041237.
 - b) Catch basin cleaning - inspect and clean basins annually; in accordance with the Town of Needham NPDES Permit #MA-041237.
 - c) Oil/grit separators - inspect and clean annually of all oil and grit; in accordance with the Town of Needham NPDES Permit #MA-041237.
- 3.22 The DEP Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy. Additionally, as part of NPDES requirements, the Petitioner shall comply with the Public Outreach and Public Participation & Involvement control measures. The Petitioner shall submit a letter to the Department of Public Works identifying the measures selected and dates by which the measures will be completed prior to the issuance of the building permit and shall have implemented the noted measures prior to building occupancy.
- 3.23 All solid waste shall be removed from the site. All snow shall also be removed or plowed. All snow shall be removed or plowed such that the total number and size of parking spaces are not reduced.
- 3.24 All deliveries and trash dumpster pick up shall occur only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Loading, deliveries and trash pick-up shall be restricted to parking area of the subject site and shall not occur on the public way. The dumpster shall be screened with a wooden fence, which shall be maintained in good condition. The dumpster shall be emptied, cleaned and maintained to meet Board of Health standards. Notwithstanding the foregoing, access by existing customers via keypad access from 6 a.m. to 10 p.m. Monday through Sunday shall be allowed, as set forth in Section 1.6 of this Decision.
- 3.25 All lights shall be shielded and adjusted during the evening hours to prevent any annoyance to the neighbors as follows. The Petitioner shall adjust its parking lights during the night and early morning. Beginning between the hours of 10:00 p.m. and 10:30 p.m., the Petitioner shall shut off the parking lot lights using the lights on the building to shine down and provide basic security. Additionally, beginning between the hours of 10:00 p.m. and 10:30 p.m., the Petitioner shall shut off the interior building lights to prevent any annoyance to the neighbors.
- 3.26 In the event that any lease contract with tenants has been breached with respect to storage of hazardous materials and the Petitioner is alerted that hazardous materials have been stored, the Petitioner shall notify public safety officials immediately. A copy of the insurance policy pertaining to the facility shall not contain any written exclusions from coverage resulting from the prohibited storage of hazardous or toxic materials or any inherently dangerous or flammable substances by tenants at the facility. A copy of the insurance policy shall be submitted to the Board to determine if such a written exclusion is contained in said policy prior to building occupancy.

- 3.27 The sign at Hillside Avenue with the business name on it shall be facing traffic at it passes by, and not facing the residences across the street.
- 3.28 In constructing and operating the proposed building and parking area on the site pursuant to this approval, due diligence shall be exercised and reasonable efforts shall be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.29 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.
- 3.30 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 3.31 All construction deliveries shall be limited to Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. The Petitioner shall, by contract and by direct field intervention, divert traffic away from the local streets surrounding the subject property to the main streets. The Petitioner shall create a contract exhibit indicating possible truck/delivery routes, which details the area where no construction vehicles will be permitted. The noted map shall be submitted to the Board for review and approval prior to the issuance of the building permit.
- 3.32 All Subcontractors/Vendors shall be contractually required to agree to the traffic condition set forth in Section 3.31 in their contract with the Petitioner to work on this project. The Petitioner shall order signage, including poster boards of the above-noted map, which will be posted on site for enforcement purposes. Weekly meetings between the Petitioner and the Subcontractors/Vendors shall emphasize this delivery requirement.
- 3.33 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 provide temporary security chain-link or similar type fencing around the portions of the project site that require excavation or otherwise pose a danger to public safety.
 - c. 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 Inspector 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 Hillside Avenue, Rosemary Street or the adjacent roads.
 - d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Hillside Avenue, Rosemary Street and the adjacent roads clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.

- 3.34 No building permit shall be issued the project in pursuance of the Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. A construction management and staging plan shall have been submitted to the Police Chief and Building Inspector for their review and approval.
 - c. The Storm Water Management Policy form and NPDES requirements as detailed in Section 3.22 of this Decision shall have been met.
 - 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 Petitioner's title deed or notice endorsed thereon.
- 3.35 No building or structure, or portion thereof of this Project and subject to this Approval shall be occupied until:
- a. An as-built plan supplied by the engineer of record certifying that the appropriate project was built according to the approved documents has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines for the project on-site and off-site. In addition, the as-built plan for the project shall show the final location, size, depth, and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned for the project. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
 - b. There shall be filed, with the Building Inspector and Board, a statement by the registered professional engineer of record certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the project.
 - c. There shall be filed with the Board and Building Inspector an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations for the project. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
 - d. There shall be filed with the Board and Building Inspector a Certificate of Compliance signed by a registered architect upon completion of construction of the Project.
 - e. There shall be filed by the Petitioner a letter from the project architect certifying that the HVAC equipment serving the building for which a certificate of occupancy is being requested has been installed in accordance with the approved documents and that its operation does not exceed the maximum noise levels allowed under 310 CMR 7.10(1).

- f. The selected NPDES Public Outreach and Public Participation & Involvement control measures selected (see Section 3.22 of this Decision) shall have implemented.
 - g. The Board shall have received the insurance policy required under Section 3.23 of this Decision and determined that the exclusion described in Section 3.23 is not contained in said policy.
 - h. Notwithstanding the provisions of Section a, b, c, and f hereof, the Building Inspector may issue one or more certificates for temporary occupancy of the building or parking lots prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board a bond in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features for the Project.
- 3.36 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.37 The building and parking area 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 for the Project has been issued by the Building Inspector.
- 3.38 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.39 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

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

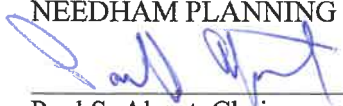
- 4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further approval by the Board. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits. 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 The Special Permits granted herein shall lapse on November 20, 2020 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 November 20, 2020. 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 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.

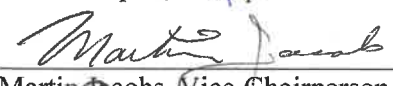
The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision,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

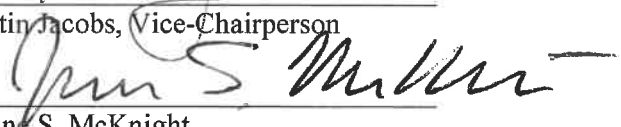
Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

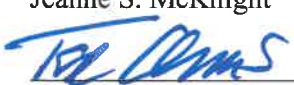
Witness our hands this 20th day of November, 2018.

NEEDHAM PLANNING BOARD


Paul S. Alpert, Chairperson


Martin Jacobs, Vice-Chairperson


Jeanne S. McKnight

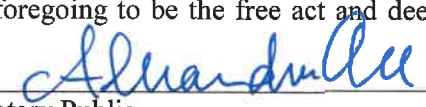

Ted Owens

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Nov. 20 2018

On this 20 day of November, 2018, before me, the undersigned notary public, personally appeared Paul Alpert, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.


Notary Public

My Commission Expires: March 18, 2022

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Self Storage Group, LLC, 129 South Street, Boston, MA 02111, for property located at 540 Hillside Avenue, Needham, Massachusetts, shown on Assessor's Map No. 101 as Parcel 5, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Inspector
Conservation Commission
Roy Cramer, Attorney

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
Wednesday August 13, 2025 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID:820-9352-8479 To join the meeting click this link: https://us02web.zoom.us/j/82093528479
--	---

Minutes Review and approve Minutes from July 17, 2025 meeting.

7:30 PM **62 Kimball Street** – Douglas Sherman, Applicant, applied for a Special Permit under Section 6.1.2 and any other section of the Zoning By-Law to allow for an additional third garage. The property is located at 62 Kimball Street, Needham, MA in the Single Residence B (SRB) zoning district.

7:30PM* **136-140 Hillside Avenue** – Greg Keshishyan, applicant, applied for a Special Permit pursuant to Sections 1.4.7.4, 3.52, 4.2.3 and any other applicable section of the Zoning By-Law to permit the demolition and reconstruction of a non-conforming two-family dwelling to be replaced by a new two-family structure. The property is located in the Single-Residence B (SRB) zoning district.

7:30 PM* **10 Riverside Street** –Arthur and Anna Deych, applicants, seek a Special Permit pursuant to Sections 3.2.1 of the Needham Zoning By-Law for a private school, as well as a Special Permit pursuant to Section 5.1.1.5 waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and 5.1.3 (Parking Plan and Design Requirements) and any other applicable section of the Zoning By-Law to permit art instruction at the residential property. The property is located in the General Residence (GR) zoning district.

**Prior cases may delay the precise start time.*



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Douglas Sherman	Date:	6/23/25
Applicant Address	8 skylark Ave Plymouth Ma 02360		
Phone	7817067153	email	doug@dscarpentry.net
Applicant is ☐ Owner; ☐ Tenant; ☐ Purchaser; ☒ Other <u>contractor</u>			
If not the owner, a letter from the owner certifying authorization to apply must be included			
Representative Name	Douglas Sherman		
Address	8 Skylark Ave Plymouth Ma 02360		
Phone	7817067153	email	doug@dscarpentry.net
Representative is ☐ Attorney; ☒ Contractor; ☐ Architect; ☐ Other _____			
Contact ☒ Me ☐ Representative in connection with this application.			

Subject Property Information

Property Address	62 Kimball St.		
Map/Parcel Number	119-24	Zone of Property	SRB
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☒ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions: 2 car garage

Statement of Relief Sought:

want to add a 3rd garage 10 x 8 as part of a 26x15'5 2 story addition

Applicable Section(s) of the Zoning By-Law:

6.1.2

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use	single res	single res
# Dwelling Units	1	1
Lot Area (square feet)	14414	14414
Front Setback (feet)	25.7	25.7
Rear Setback (feet)	58.9	43.4
Left Setback (feet)	24.8	24.8
Right Setback (feet)	26.8	18.8
Frontage (feet)	111.42	111.42
Lot Coverage (%)	14.69%	19.4%
FAR (Floor area divided by the lot area)	0.224	0.313
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:

2003 original construction presently building addition

Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	x
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	x
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	x
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.

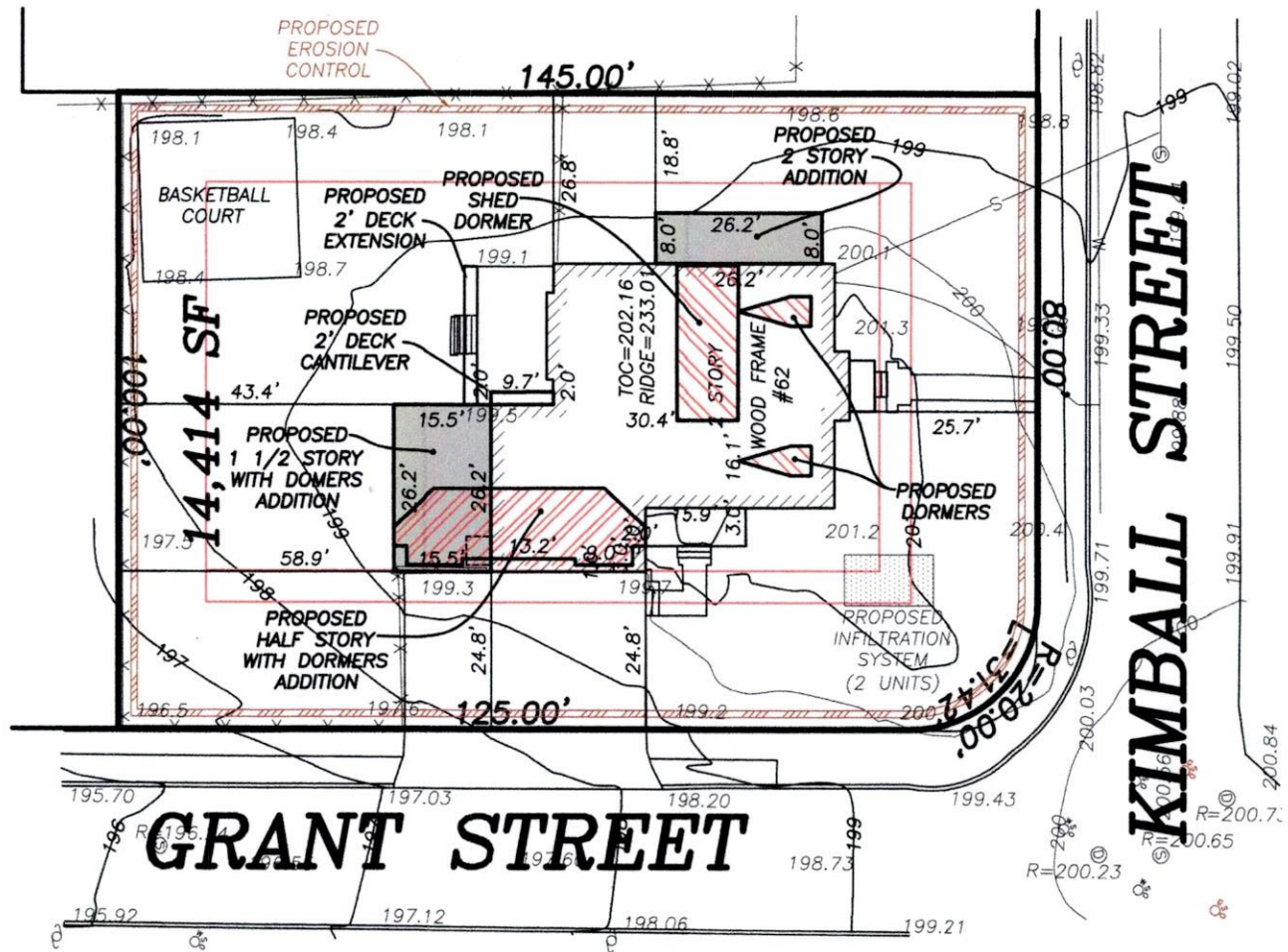


I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 4/8/25
date of consult

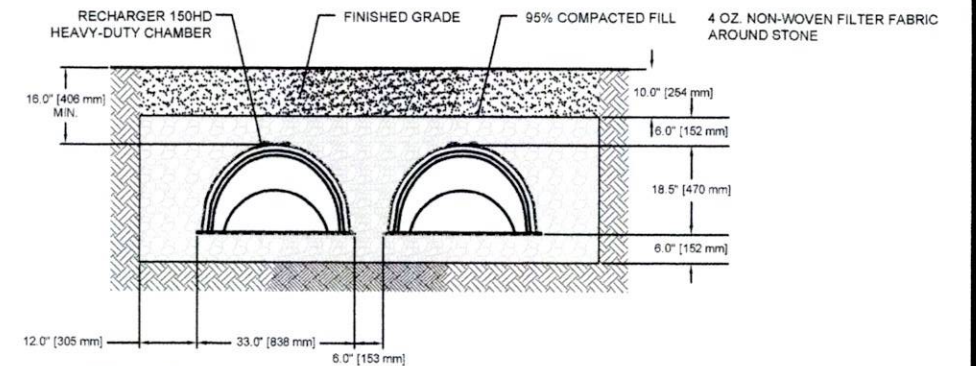
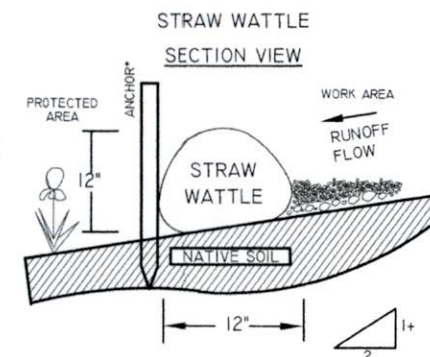
Date: 6/23/25 Applicant Signature

An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov



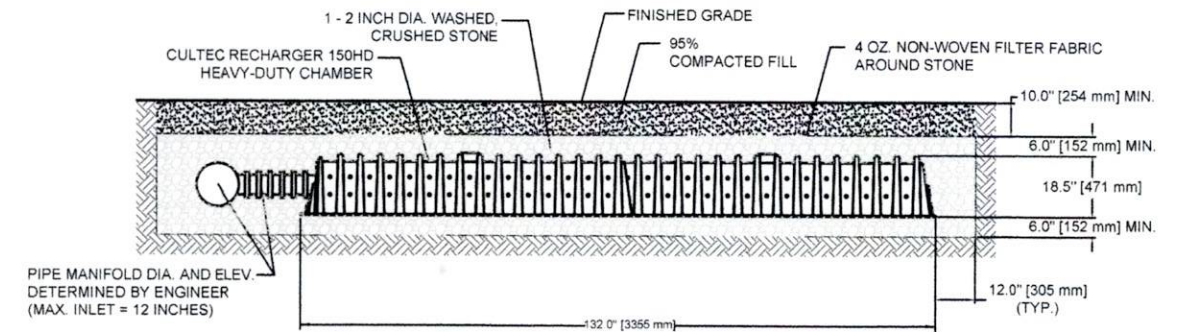
EXISTING LOT COVERAGE = 14.8% (2138 SF)
PROPOSED LOT COVERAGE = 19.4% (2802 SF)

EXISTING IMPERVIOUS AREA = 4002 SF
PROPOSED IMPERVIOUS AREA = 4640 SF



GENERAL NOTES
RECHARGER 150HD BY CULTEC, INC. OF BROOKFIELD, CT.
STORAGE PROVIDED = 4.89 CU FT PER DESIGN UNIT.
REFER TO CULTEC, INC.'S CURRENT RECOMMENDED
INSTALLATION GUIDELINES.
USE RECHARGER 150HD HEAVY-DUTY FOR TRAFFIC AND/OR H2O
APPLICATIONS.

ALL RECHARGER 150HD HEAVY-DUTY UNITS ARE MARKED WITH A
COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF
THE CHAMBER.
ALL RECHARGER 150 CHAMBERS MUST BE INSTALLED IN
ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND
FEDERAL REGULATIONS.



INFILTRATION SYSTEM DETAILS

NOT TO SCALE

ZONING INFORMATION: SINGLE RESIDENCE B (SRB)		
	REQUIRED	PROPOSED
MINIMUM LOT AREA	10,000 SF	14,414 SF
MINIMUM LOT FRONTAGE	80 FEET	111.42 FEET
MINIMUM FRONT SETBACK	20 FEET	25.7 FEET
	(25 FEET FOR GARAGE)	(24.8 FEET TO GARAGE)
MINIMUM SIDE YARD	14 FEET	18.8 FEET
		43.4 FEET
MINIMUM REAR YARD	20 FEET	N/A
MAXIMUM BUILDING COVERAGE	25% (3,603 SF)	19.4% (2802 SF)
MAXIMUM FAR	0.36 (5189 SF)	REFER TO ARCHITECTS PLANS
MAXIMUM BUILDING HEIGHT	35 FEET	34± FEET (NO CHANGE FROM EXISTING)
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 1/2 STORIES

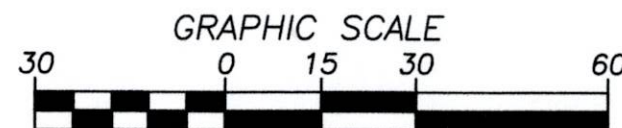
*MAXIMUM OF 32 LINEAR FEET OF THE BUILDING MAY BE BUILT AT MINIMUM SETBACK THE REMAINDER MUST BE AT LEAST 2 ADDITIONAL FEET.

AS PER THE HOME OWNER THE CURRENT DOWNSPOUTS ARE TIED INTO A COMPLETE INFILTRATION SYSTEM THE ADDITIONAL FOOTPRINT WILL BE CAPTURED AND INFILTRATED INTO A NEW SYSTEM

PROPOSED ADDITION FOOTPRINT = 664 SF

$(664 \text{ S.F.} \times 1'') / 12 = 55.3 \text{ Cu. Ft.}$

MITIGATED WITH 2 CULTEC CONTRACTOR 150 HDXL
RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT)
CAPACITY OF 53.79 CU FT EACH. (11 x 4.89 CU FT)
RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM FOR
THE PROPOSED FOOTPRINT
SEE DRYWELL DETAIL FOR SPECIFICATIONS
AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.



REVISED: FEBRUARY 27, 2025

**CERTIFIED PLOT PLAN
SHOWING GRADE PLANES
62 KIMBALL STREET
NEEDHAM, MASS.**

Field Resources, Inc.
LAND SURVEYORS

JANUARY 20, 2025

SCALE 1"=30'

P.O. BOX 324
AUBURN, MA

281 CHESTNUT ST.
NEEDHAM, MA.

781 444 5936

office@fieldresources.net

119-24

ROUGH RIDGE
EL. = +29'-3 3/4"

ROUGH TOP OF WALL
EL. = +16'-10"
NEW ROUGH TOP OF WALL
EL. = +16'-5"
ROUGH HEAD-MATCH EXISTING
EL. = (+/-) 15'-8 1/2"

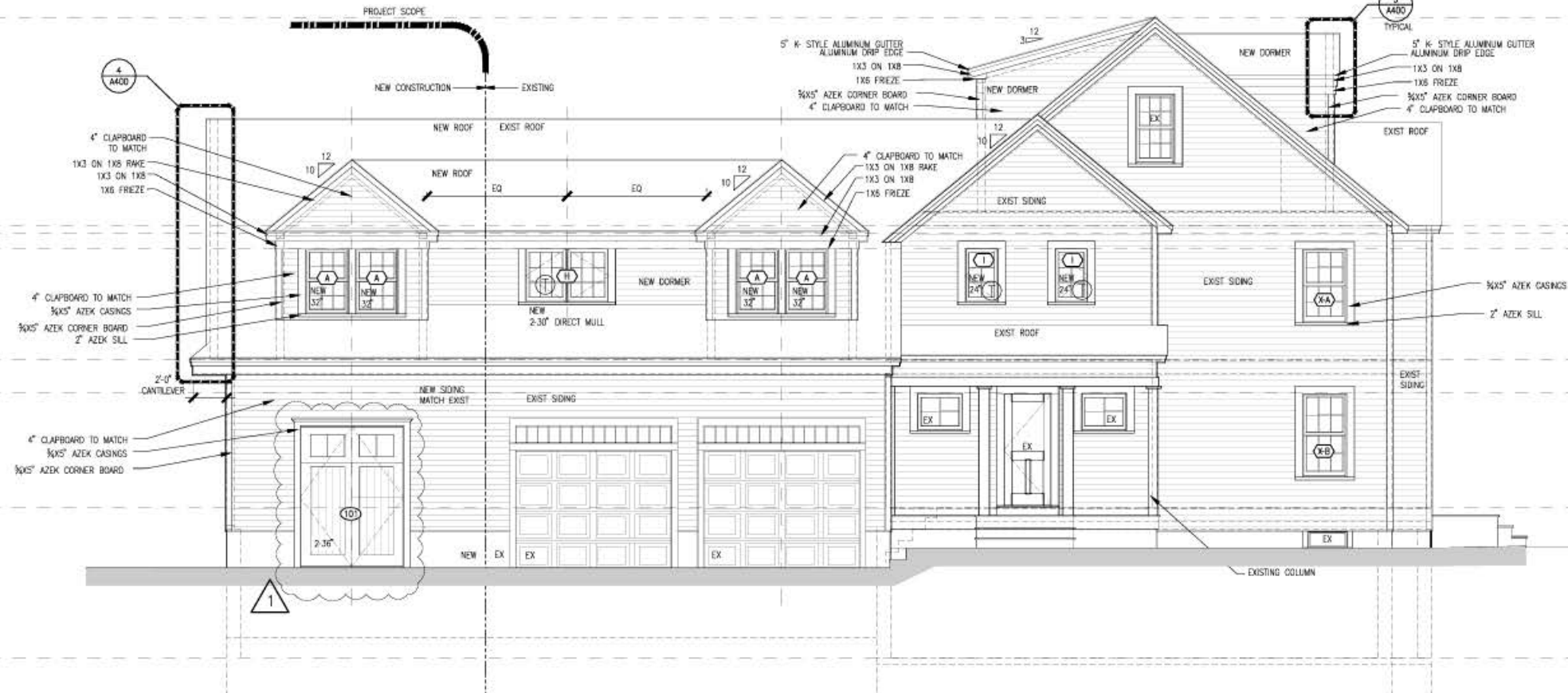
SECOND FLOOR ROUGH
EL. = +8'-10"

ROUGH HEAD
EL. = +8'-10"

FIRST FLOOR ROUGH
EL. = 0'-0"

BASEMENT LEVEL ROUGH
EL. = -(6'-8")

2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



Revisions

Number	Date	Description
1	04/15/2025	REVISED DORMER

Checked by :

Drawn by :

Cox Residence
62 Kimball Street
Needham, MA

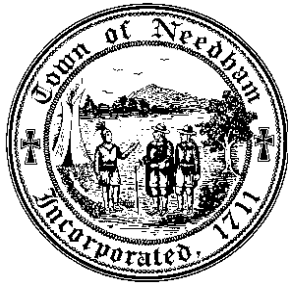
PROPOSED EXTERIOR ELEVATIONS

Drawing Scale:
1/4"=1'-0"

Project Number:
2102435.00

Date Issued:
MAR.28.2025

A200



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

July 11, 2025

Mr. Jonathan Tamkin, Chair, and Members
Zoning Board of Appeals
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: 62 Kimball Street

Dear Mr. Tamkin and Members of the Zoning Board of Appeals:

The Planning Board did not meet before the Zoning Board of Appeals (ZBA) meeting scheduled for July 17, 2025. Therefore, the Planning Board has not reviewed the application on 62 Kimball Street (more information on the application below) to be reviewed by the ZBA that evening. If this matter is continued to a date after the next Planning Board meeting of July 22, 2025, the Board will review said application and submit comments.

62 Kimball Street – Douglas Sherman, Applicant, applied for a Special Permit under Section 6.1.2 and any other section of the Zoning By-Law to allow for an additional third garage. The property is located at 62 Kimball Street, Needham, MA in the Single Residence B (SRB) zoning district.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

GEORGE GIUNTA, JR.

ATTORNEY AT LAW*

P. O. BOX 70

SOUTH WEYMOUTH, MA 02190

*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

July 14, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Greg Keshishyan
136-140 Hillside Avenue, Needham, MA

Dear Mrs. Collins,

Please be advised this office represents Greg Keshishyan of 58 Fay Lane, Needham, MA 02492 (hereinafter, the "Applicant"), prospective purchaser, with respect to the property known and numbered 136-140 Hillside Avenue, Needham, MA 02494 (hereinafter the "Premises"). In connection therewith, submitted herewith please find:

1. Seven copies of a completed Application for Hearing
2. Seven copies of Memorandum in Support of Application of Greg Keshishyan, 136-140 Hillside Avenue, Needham, MA;
3. Seven copies of architectural plans, prepared by RAV & Assoc., Inc., 21 Highland Avenue, Needham, MA 02494;
4. Seven copies of "Zoning Plan, Needham, Massachusetts", prepared by VTP Associates, Inc., Land Surveyors – Civil Engineers, 132 Adams Street, 2nd Floor, Suite 3, Newton, MA 02458;
5. Authorization letter of Brian R. Rothschild, Trustee, The John E. Rothschild – 136-140 Hillside Avenue Irrevocable Trust, current owner of the Premises; and
6. Check in the amount of \$500 for the applicable filing fee.

The Premises is currently occupied by a two-family house, built prior to the adoption of zoning. The house was modified and expanded in 1942 through the construction of an addition. It was further modified and expanded in 1989 pursuant to Decision of the Zoning Board of Appeals, dated October 17, 1989, issued to John Rothschild, granting a special permit pursuant to Section 1.4.6 to alter and enlarge an existing, non-conforming building. As part of that Decision, the Board found that the building had been “used as a two-family house since prior to the enactment of any zoning by-law provision prohibiting such use” and the Board authorized the enclosure of an existing open porch to provide additional living space.

The Applicant now desires to demolish the existing two-family dwelling, given its age and condition, and replace it with a new two-family house, conforming in all respects to dimensional and density requirements. In addition, the Applicant desires to construct two detached one-car garages to serve the new two-family house. Whereas the use of the Premises for two-family purposes constitutes a lawful, pre-existing, non-conforming use, a special permit pursuant to Section 1.4.7.4 is required for the proposed work.

Please schedule this matter for the next available hearing of the Board, If you have any questions, comments or concerns relative to the foregoing, please do not hesitate to contact me so that I may be of assistance.

Your courtesy and attention are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Greg Keshishyan			Date:	7/14/25
Applicant Address	58 Fay Lane, Needham, MA 02492				
Phone	617-799-9001	email	EdgeBuildersCorp@gmail.com		
Applicant is ☐ Owner; ☐ Tenant; ☒ Purchaser; ☐ Other_____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	George Giunta, Jr., Esq.				
Address	P.O. Box 70, South Weymouth, MA 02190				
Phone	781-449-4520	email	george.giuntajr@needhamlaw.net		
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____					
Contact ☐ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	136-140 Hillside Avenue, Needham, MA 02494		
Map/Parcel Number	Map 95 / Parcel 69	Zone of Property	Single Residence B (SRB)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☒ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Lawful, pre-existing, non-confirming two-family dwelling, expanded and enlarged pursuant to Decision of ZBA d. October 17, 1989, issued to John Rothschild, which is non-conforming as to side-yard setback.

Statement of Relief Sought:

Special Permit pursuant to Section 1.4.7.4 of the Needham Zoning By-Law and a finding pursuant to Section 6 of M.G.L. c.40A, to permit the demolition, extension, alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming, two-family dwelling, as shown on the plans submitted herewith and all other relief as may be necessary and appropriate in connection therewith.

Applicable Section(s) of the Zoning By-Law:

1.4.7.4, 3.5.2, 4.2.3, 7.5.2 and any other applicable section or by-law

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units	2 units	2 units
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)	12.1'	20.1'
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions: Originally built 1860, enlarged 1948 and 1989.	Date Lot was created: 1942
--	--------------------------------------

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector prior to filing this application.

date of consult

Greg Keshishyan
by his attorney,

Date: July 14, 2025 Applicant Signature *George Giunta Jr*
George Giunta, Jr., Esq.

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

TO: THE MEMBERS OF THE BOARD OF APPEALS
TOWN OF NEEDHAM, MA

July 14, 2025

MEMORANDUM IN SUPPORT OF
APPLICATION OF
GREG KESHISHYAN
136-140 Hillside Avenue, Needham, MA

The applicant, Greg Keshishyan (hereinafter, the “Applicant”), seeks a Special Permit pursuant to Section 1.4.7.4 of the Needham Zoning By-Law and a finding pursuant to Section 6 of M.G.L. Chapter 40A, to permit the demolition and reconstruction of the lawful, pre-existing, non-conforming two family dwelling known and numbered 136-140 Hillside Avenue, as shown on the submitted plans, and all other relief as may be necessary and appropriate therefor.

PRESENT USE / HISTORY

The Premises is shown as parcel 69 on sheet 95 of the Assessor’s Map for the Town of Needham and consists of approximately 10,027 square feet of land with 95.5 feet of frontage on Hillside Avenue. The Premises is currently occupied by a two story, two-family residential dwelling which is nonconforming as to use and side yard setback.¹ According to the records of the Assessor’s Department, the existing dwelling was originally constructed in 1860, well prior to the adoption of zoning in the Town of Needham. It is built on a stone foundation and consists of approximately 2,166 square feet of interior finished living area and an additional 1,121 square feet of basement space. There are 9 total rooms, with 4 bedrooms and 2 full baths.

The original Assessor’s Department “Field Card” describes the property as a “2 fam house” on the back. On the front, the category “duplex” is marked with the number “2”; and for the categories hot water heating, fireplace and bath, the number “2” is written in, indicating two

¹ The side yard setback from the left, northerly side-line is approximately 12.1 feet to the left rear corner of the existing house, as opposed to 14 feet as currently required.

such of those items.² Subsequent Assessing Department Record Cards also describes the property as a two-family residence, and the Premises is currently listed and taxed as such.³

Like most other pre-existing two-family dwellings, and certainly those built prior to the adoption of zoning, there is no record of the initial construction on file with the Building Department. However, there are a couple of permits that indicate the use of the property for two-family purposes. The oldest such permit is no. 7370, dated June 11, 1948, for an “addition to 2 family dwelling”.⁴ Then there is permit no. 14582, and the related application dated August 28, 1989, both of which indicate that the property consisted of two dwelling units.⁵ Finally, there is also electrical permit no. 5566, dated August 28, 1989, which indicates that the purposes of the building was a “2 family apartment”⁶ Moreover, the Building Department field card indicates that the property is a “2 family dwelling”.⁷

Taken together, all the above evidence should be more than sufficient to establish that the use of the Premises for two-family purposes constitutes a lawful, pre-existing use. Which may be why, the Board itself has already made such a finding, as set forth in Decision dated October 17, 1989, issued to John Rothschild, granting a special permit to enclose an existing open porch to provide additional living space.⁸

PROPOSED ALTERATION

As indicated above, the Applicant seeks to demolish the existing two-family house and replace it with a new two-family dwelling and two one-car detached garages, as shown on the plans submitted herewith. Each unit will feature four bedrooms (three on the second floor and one in the basement) two full baths on the second floor, one full bath in the basement and one half-bath on the first floor. In addition, two detached, one-car garages are proposed with space for two total cars, one per unit, in compliance with the requirements of Section 1.4.7.4.

The proposed new, replacement two-family complies with all applicable dimensional and density requirements. The house occupies a total of approximately 1,932 square feet of footprint, with a lot coverage of 17.9% pursuant to Section 1.4.7, and 23.6% pursuant to Section

² See Exhibit A provided herewith.

³ See Exhibit B provided herewith.

⁴ See Exhibit C provided herewith.

⁵ See Exhibit D provided herewith.

⁶ See Exhibit E provided herewith.

⁷ See Exhibit F provided herewith.

⁸ See Exhibit G provided herewith.

4.2. As a result, the proposed new house is consistent with both the maximum footprint and maximum lot coverage allowed pursuant to of Section 1.4.7.4 (2,500 square feet and 18%, respectively), as well as the maximum 25% lot coverage allowed pursuant to Section 4.2.3 of the By-Law.⁹ The proposed replacement house is set back from Hillside Avenue by 20.5 feet at the closest point, and the house, as well as the proposed detached garages, all comply with all other setback requirements. Finally, the FAR for the proposed house is .359, less than the .38 maximum allowed pursuant to Section 4.2.3 of the By-Law.

LAW

Massachusetts General Laws, Chapter 40A, Section 9 states as follows: “Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use.”

Section 1.4.7.4 of the Zoning By-Law authorizes the Board of Appeals to issue special permits for the reconstruction of lawful, pre-existing, non-conforming two-family dwellings, provided the Board finds that the reconstructed building is “appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties”, and “that the proposed reconstruction will not be *substantially* more detrimental than the existing non-conforming building to the neighborhood” (emphasis added).

ANALYSIS / ARGUMENT

The Applicant asserts that the proposed replacement two-family structure is not **substantially** more detrimental to the neighborhood than the existing two-family structure. The new structure complies with all applicable dimensional and density regulations and is consistent with or below the applicable maximum lot coverage and FAR requirements. The Applicant feels that the design is attractive and is in keeping with other homes in the general area, especially recent reconstruction, such as the two-family dwelling located immediately to the rear, the multifamily development immediately adjacent to the Premises to the southeast, as well as the numerous other two-family dwellings in the general vicinity. Moreover, the replacement

⁹ Section 1.4.7.4(b) limits reconstruction of a pre-existing, non-conforming two-family dwelling on a conforming lot to a footprint not greater than 2,500 square feet and lot coverage not greater than 18%. The method for calculating lot coverage and footprint are different, as is the method for calculating lot coverage under Section 1.4.7.4 and Section 4.2.3.

structure eliminates the side-yard setback violation for the existing house. Furthermore, whereas there are no significant existing natural features of the site, and given the nature of the neighborhood, the Applicant asserts that the proposed replacement structure is in harmony with the site and the surrounding area.

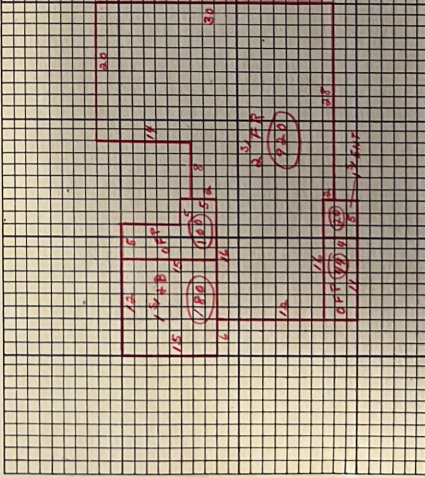
Therefore, the Applicant asserts that the issuance of a Special Permit under Section 1.4.7.4 of the By-Law and a finding under Section 6 of M.G.L. Chapter 40A, to allow for the reconstruction of the lawful, pre-existing, nonconforming two-family dwelling at 136-140 Hillside Avenue, are both appropriate and proper, and should be granted.

Respectfully submitted,
Greg Keshishyan
by his attorney,



George Giunta, Jr., Esq.
P.O. Box 70
South Weymouth, MA 02190
781-449-4520

Exhibit A
p 1 of 2
Original Assessing Department Field Card
(front)

No. 136 Street		HILLSIDE AVENUE		095-069 136 HILLSIDE AVE		Card No.											
PLAN	SEC.	BLOCK	LOT	ZONING	CLASS	REAL PROPERTY RECORD											
95 78			B														
				TOWN OF NEEDHAM													
Permit No.				Date	BOARD OF ASSESSORS												
DIVISIONS				FEET													
DIAGRAM OF STRUCTURES																	
																	
STREET																	
PROPERTY DATA ON THIS CARD				NOT UPDATED SINCE 1993.													
COMPUTER LISTINGS CORRECTED				NOT UPDATED SINCE 1993.													
BASEMENT:				BASEMENT: 1ST 2ND 3RD ATTIC TOTAL													
REMARKS:				REMARKS: 9-21-78 NC Permit to 1675 1st floor for 9th floor roof 1995 General as 2-2nd floor & 3rd floor (Chilly Winter)													
9-21-78 NC				9 Rooms													

[illegible]

2003 Record Card

[illegible]

1991 Record Card
(front)

[illegible]

(back)

SECTION 1: GENERAL INFORMATION		SECTION 2: PROPERTY IDENTIFICATION		SECTION 3: ADJACENT PROPERTIES		SECTION 4: ADJACENT OWNERS		SECTION 5: ADJACENT UTILITIES		SECTION 6: ADJACENT ZONING		SECTION 7: ADJACENT TAXES		SECTION 8: ADJACENT RECORDS	
1.1	OWNER	1.2	PROPERTY ADDRESS	2.1	ADJACENT STREET	3.1	ADJACENT OWNER	4.1	ADJACENT OWNER	5.1	ADJACENT OWNER	6.1	ADJACENT OWNER	7.1	ADJACENT OWNER
1.3	DATE	1.4	PROPERTY TYPE	2.3	ADJACENT STREET	3.3	ADJACENT OWNER	4.3	ADJACENT OWNER	5.3	ADJACENT OWNER	6.3	ADJACENT OWNER	7.3	ADJACENT OWNER
1.5	DATE	1.6	PROPERTY TYPE	2.5	ADJACENT STREET	3.5	ADJACENT OWNER	4.5	ADJACENT OWNER	5.5	ADJACENT OWNER	6.5	ADJACENT OWNER	7.5	ADJACENT OWNER
1.7	DATE	1.8	PROPERTY TYPE	2.7	ADJACENT STREET	3.7	ADJACENT OWNER	4.7	ADJACENT OWNER	5.7	ADJACENT OWNER	6.7	ADJACENT OWNER	7.7	ADJACENT OWNER
1.9	DATE	1.10	PROPERTY TYPE	2.9	ADJACENT STREET	3.9	ADJACENT OWNER	4.9	ADJACENT OWNER	5.9	ADJACENT OWNER	6.9	ADJACENT OWNER	7.9	ADJACENT OWNER
1.11	DATE	1.12	PROPERTY TYPE	2.11	ADJACENT STREET	3.11	ADJACENT OWNER	4.11	ADJACENT OWNER	5.11	ADJACENT OWNER	6.11	ADJACENT OWNER	7.11	ADJACENT OWNER
1.13	DATE	1.14	PROPERTY TYPE	2.13	ADJACENT STREET	3.13	ADJACENT OWNER	4.13	ADJACENT OWNER	5.13	ADJACENT OWNER	6.13	ADJACENT OWNER	7.13	ADJACENT OWNER
1.15	DATE	1.16	PROPERTY TYPE	2.15	ADJACENT STREET	3.15	ADJACENT OWNER	4.15	ADJACENT OWNER	5.15	ADJACENT OWNER	6.15	ADJACENT OWNER	7.15	ADJACENT OWNER
1.17	DATE	1.18	PROPERTY TYPE	2.17	ADJACENT STREET	3.17	ADJACENT OWNER	4.17	ADJACENT OWNER	5.17	ADJACENT OWNER	6.17	ADJACENT OWNER	7.17	ADJACENT OWNER
1.19	DATE	1.20	PROPERTY TYPE	2.19	ADJACENT STREET	3.19	ADJACENT OWNER	4.19	ADJACENT OWNER	5.19	ADJACENT OWNER	6.19	ADJACENT OWNER	7.19	ADJACENT OWNER
1.21	DATE	1.22	PROPERTY TYPE	2.21	ADJACENT STREET	3.21	ADJACENT OWNER	4.21	ADJACENT OWNER	5.21	ADJACENT OWNER	6.21	ADJACENT OWNER	7.21	ADJACENT OWNER
1.23	DATE	1.24	PROPERTY TYPE	2.23	ADJACENT STREET	3.23	ADJACENT OWNER	4.23	ADJACENT OWNER	5.23	ADJACENT OWNER	6.23	ADJACENT OWNER	7.23	ADJACENT OWNER
1.25	DATE	1.26	PROPERTY TYPE	2.25	ADJACENT STREET	3.25	ADJACENT OWNER	4.25	ADJACENT OWNER	5.25	ADJACENT OWNER	6.25	ADJACENT OWNER	7.25	ADJACENT OWNER
1.27	DATE	1.28	PROPERTY TYPE	2.27	ADJACENT STREET	3.27	ADJACENT OWNER	4.27	ADJACENT OWNER	5.27	ADJACENT OWNER	6.27	ADJACENT OWNER	7.27	ADJACENT OWNER
1.29	DATE	1.30	PROPERTY TYPE	2.29	ADJACENT STREET	3.29	ADJACENT OWNER	4.29	ADJACENT OWNER	5.29	ADJACENT OWNER	6.29	ADJACENT OWNER	7.29	ADJACENT OWNER
1.31	DATE	1.32	PROPERTY TYPE	2.31	ADJACENT STREET	3.31	ADJACENT OWNER	4.31	ADJACENT OWNER	5.31	ADJACENT OWNER	6.31	ADJACENT OWNER	7.31	ADJACENT OWNER
1.33	DATE	1.34	PROPERTY TYPE	2.33	ADJACENT STREET	3.33	ADJACENT OWNER	4.33	ADJACENT OWNER	5.33	ADJACENT OWNER	6.33	ADJACENT OWNER	7.33	ADJACENT OWNER
1.35	DATE	1.36	PROPERTY TYPE	2.35	ADJACENT STREET	3.35	ADJACENT OWNER	4.35	ADJACENT OWNER	5.35	ADJACENT OWNER	6.35	ADJACENT OWNER	7.35	ADJACENT OWNER
1.37	DATE	1.38	PROPERTY TYPE	2.37	ADJACENT STREET	3.37	ADJACENT OWNER	4.37	ADJACENT OWNER	5.37	ADJACENT OWNER	6.37	ADJACENT OWNER	7.37	ADJACENT OWNER
1.39	DATE	1.40	PROPERTY TYPE	2.39	ADJACENT STREET	3.39	ADJACENT OWNER	4.39	ADJACENT OWNER	5.39	ADJACENT OWNER	6.39	ADJACENT OWNER	7.39	ADJACENT OWNER
1.41	DATE	1.42	PROPERTY TYPE	2.41	ADJACENT STREET	3.41	ADJACENT OWNER	4.41	ADJACENT OWNER	5.41	ADJACENT OWNER	6.41	ADJACENT OWNER	7.41	ADJACENT OWNER
1.43	DATE	1.44	PROPERTY TYPE	2.43	ADJACENT STREET	3.43	ADJACENT OWNER	4.43	ADJACENT OWNER	5.43	ADJACENT OWNER	6.43	ADJACENT OWNER	7.43	ADJACENT OWNER
1.45	DATE	1.46	PROPERTY TYPE	2.45	ADJACENT STREET	3.45	ADJACENT OWNER	4.45	ADJACENT OWNER	5.45	ADJACENT OWNER	6.45	ADJACENT OWNER	7.45	ADJACENT OWNER

Exhibit C
Building Permit No. 7370

PLOT AND BUILDING

Plans must be submitted and approved by this Department before a permit for erection will be granted. Separate application required for every building

APPLICATION

Needham, Mass. June 11 1948

No. 7370

TO THE INSPECTOR OF BUILDINGS:

The undersigned hereby applies for permit to build, according to the following specifications:

1. Purpose of Building addition to 2 family dwelling
2. First-class General Second-class Third-class
3. Zoning District General
4. Location, St. and No. 36-40 Hillside Ave Nearest St. Hillside Ave
5. Owner Wm P Bailey Address Needham Tel.
6. Builder Wm P Bailey Address Needham Tel.
7. Architect Address Tel.
8. Size of Building—Front 14' Rear 20' Depth
9. No. of Feet Level of Ground to Highest Point of Roof 22
10. Set Back from Street Rear of Bldg Right Side Left Side
11. Area of Lot No. of Rooms
12. Material of Foundation Concrete Material of Underpinning
13. Size of Girder Kind
14. Size of Sills 4x6 Posts 4x6
15. First Floor Timbers 2x8 Second 2x8 Third
16. Size of Corner Braces 3x4 Outside Window and Door Studs
17. Size of Bridging 2x6 Rafters 2x6
18. Roof Covering Asphalt Shingles Exterior Wall Covering Aluminum
19. Is the Roof to be Flat, Pitch, Mansard or Hip Pitch
20. Heated by Steam, Furnace, Hot Water, Air Conditioned 2 Gas Hot Water
21. Oil Burner Gas Fired Coal
22. Plumbing Wiring
23. Estimated Value 2000 =
24. Plans Submitted Yes

In addition to the foregoing statement this building will be constructed under the Building and Zoning By-Laws of the Town of Needham. Permit card to be displayed until work is completed.

Paid by cash

Fee, \$ 2.00

Sign Here Wm P Bailey
Address 1000 South Plain Ave

[Signature]

Exhibit D
Building Permit No. 14582, Occupancy Permit and Application
P 1 of 2

1 of Needham
0 Dedham Ave.
Needham, MA. 02192
455-7542

FIELD COPY

BUILDING PERMIT

FILE

APPLICANT Peter Chace DATE 8-28 19 89 PERMIT NO. 14582

ADDRESS 93 Westside Ave. N. Attleboro, MA 02760

PERMIT TO Alterations (TYPE OF IMPROVEMENT) NO. 1 STORY residential (PROPOSED USE) NUMBER OF DWELLING UNITS Two

AT (LOCATION) 136 Hillside Ave. (NO.) (STREET) ZONING DISTRICT

BETWEEN Honeywell (CROSS STREET) AND Webster (CROSS STREET)

SUBDIVISION _____ LOT _____ BLOCK _____ LOT SIZE _____

BUILDING IS TO BE 12'3" x 15'8" FT. WIDE BY _____ FT. LONG BY 2 1/2 stories T. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE 4-B USE GROUP R-3 BASEMENT WALLS OR FOUNDATION existing (TYPE)

REMARKS: Install shower stall and create hall closet

AREA OR VOLUME 175 sq.ft. (CUBIC/SQUARE FEET) ESTIMATED COST \$ 7,000 PERMIT FEE \$ 53.00

OWNER John Rothschild BUILDING DEPT. BY _____

ADDRESS 136-140 Hillside Ave. Needham, MA. 02192

Town of Needham
470 Dedham Ave.
Needham, MA. 02192
455-7542

CERTIFICATE ISSUED DATE _____

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

APPLICANT Peter Chace DATE 8-28 19 89 PERMIT NO. 14582

ADDRESS 93 Westside Ave. N. Attleboro, MA 02760

PERMIT TO Alterations (TYPE OF IMPROVEMENT) NO. 1 STORY residential (PROPOSED USE) NUMBER OF DWELLING UNITS Two

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TO TYPE 4-B USE GROUP R-3 BASEMENT WALLS OR FOUNDATION existing (TYPE)

REMARKS: Install shower stall and create hall closet

AREA OR VOLUME 175 sq.ft. (CUBIC/SQUARE FEET)

OWNER John Rothschild

ADDRESS 136-140 Hillside Ave. Needham, MA. 02192

TO BE POSTED ON PREMISES
SEE REVERSE SIDE FOR CONDITIONS OF CERTIFICATE

Exhibit D
Building Permit No. 14582, Occupancy Permit and Application
P 2 of 2

TOWN OF



NEEDHAM

DATE 8/28/89

PERMIT NUMBER 14582

LOCATION OF BUILDING	AT (LOCATION) <u>136 - 136 411 Side Ave</u> (NO) (STREET)	ZONING DISTRICT
	BETWEEN <u>Honeywell</u> AND <u>Webster</u> (CROSS STREET) (CROSS STREET)	
SUBDIVISION _____ LOT(S) _____ (PLAT) _____		
TYPE AND COST OF BUILDING		
A. TYPE OF IMPROVEMENT		
1 ☐ New Construction		
2 ☐ Addition (If residential, enter number of new housing units added, if any, in Part D, 13)		
3 ☒ Alteration (See 2 above)		
4 ☐ Wood stove or fireplace (See Part P)		
5 ☐ Wrecking (If multifamily residential, enter number of units in building in Part D, 13. See Part Q)		
6 ☐ Moving (relocation) (See Part Q)		
7 ☐ Foundation only		
B. OWNERSHIP		
8 ☒ Private (individual, corporation, nonprofit institution, etc.)		
9 ☐ Public (Federal, State or local government)		
C. COST		
10 Cost of improvement \$ <u>7,000</u> (Over Costs) To be installed but not included in the above cost		
a. Electrical		
b. Plumbing		
c. Heating, air conditioning		
d. Other (elevator, etc.)		
11 TOTAL COST OF IMPROVEMENT \$		
D. PROPOSED USE — For "Wrecking" most recent use		
Residential		
12 ☐ One Family		
13 ☒ Two or more family Enter number of units <u>2</u>		
14 ☐ Swimming Pool		
15 ☐ Garage		
16 ☐ Carport		
17 ☐ Other—Specify <u>Create Hall closet 4.5x7.5</u> <u>= 34</u>		
Nonresidential		
18 ☐ Amusement, recreational		
19 ☐ Church, other religious		
20 ☐ Industrial		
21 ☐ Parking garage		
22 ☐ Service station, repair garage		
23 ☐ Hospital, institutional		
24 ☐ Office, bank, professional		
25 ☐ Public utility		
26 ☐ School, library, other educational		
27 ☐ Stores, mercantile		
28 ☐ Tanks, towers		
29 ☐ Other—Specify _____		
E. NONRESIDENTIAL		
30 Use Group _____ 31 Const. Type _____		
32 Wind Load _____ 33 Snow Load _____		
34 Floor load 1st _____ 2nd _____ 3rd _____		
35 Size of Bldg. Front _____ Right _____ Rear _____ Left _____		
36 Sprinkler System _____ 37 Emergency Lights _____		
F. IS ANY PART OF THE BUILDING IN FLOOD PLAIN OR WETLANDS?		
G. PRINCIPAL TYPE OF FRAME		
38 ☐ Masonry (wall bearing)		
39 ☒ Wood frame		
40 ☐ Structural steel		
41 ☐ Reinforced concrete		
42 ☐ Other—Specify _____		
H. PRINCIPAL TYPE OF HEATING FUEL		
43 ☐ Gas		
44 ☒ Oil		
45 ☐ Electricity		
46 ☐ Coal		
47 ☐ Other—Specify _____		
I. TYPE OF SEWAGE DISPOSAL		
48 ☒ Public or private company		
49 ☐ Private (septic tank, etc.)		
J. TYPE OF WATER SUPPLY		
50 ☒ Public or private company		
49 ☐ Private (well, cistern)		
K. TYPE OF MECHANICAL		
52 Will there be central air conditioning? ☐ Yes ☒ No		
53 Will there be an elevator? ☐ Yes ☒ No		
L. DIMENSIONS		
54 Number of stories <u>1</u>		
55 Total square feet of floor area, all floors, based on exterior dimensions <u>1225 x 1528 = 141</u>		
56 Total land area, sq. ft.		
M. NUMBER OF OFF-STREET PARKING SPACES		
57 Enclosed		
58 Outdoors		
N. RESIDENTIAL BUILDINGS ONLY		
59 Number of Bedrooms		
60 Number of bathrooms { Full Partial		

Office Use Only
Permit No. 5566
Occupancy & Fee Checked 25.00
(leave blank)

APPLICATION FOR PERMIT TO PERFORM ELECTRICAL WORK

Date Aug 28 1989

Nature of the Proposed Electrical Work rewire new kitchen

[illegible]

No. of Sw. Out.	Heat - Type	Oil
No. of Outlets Lt.	Gas	Electric - KW Connected Load
No. of Rec.		Hot Water - Motors and Size
No. of Motors	H.P.	Steam - Motors and Size
No. of Signs	Trans.	Hot Air - Motors and Size
Air Cond.		Misc.
Range Name plate rate		
Water Heater Name plate rate		
Clothes Dryer Name plate rate		
Total Load		
Size of Main Entrance Sw.		
Size of S. E. Conductors		

Work to Start Aug 30, 89 Inspection Date Requested will call Permit Fee \$ 35.00

Signed under the Penalties of Perjury:

Licensee Peter chace Signature Peter Chace License No. A1252
(Please print) (Please sign)

Address 55 Edin St. N. Attleboro MA. ^{also} Tel. No. 508-699-0401
(Street & Number) (City or Town) (Zip Code)

Supplemental information on forms furnished by the inspectors of wires shall be mailed or delivered by the applicant within five (5) working days from the date of said application, if required by the inspector of wires.

Exhibit F Building Department Field Card

1925 Town Family
Shower

PT. NO.	FEE	DATE
Locus 136-140 Hillside Avenue		
Bldg.	2 family dwelling	NO. RMS
OWNER	William Bailey	VALUE
Bldg.		FEE
ELECT.		PT. NO.
PLBR.		PT. NO.
GAS FTR.		PT. NO.
SEPTIC TANK		SEWER
HEAT		GLAZES
COMPLETE		
OCC. PT.		
TOWN OF NEEDHAM INSPECTION DEPARTMENT		WORK ORDER

#678 5/6/54 Michael Piciarello, plumber. Water heater

#8000 5/6/54 Acme Electric Co., electrician. Water heater.

#8103 6/14/54 L. O. Gagnon, Oil Burner.

#1495 8/8/63 Umberto Libertini, plumber. Fee \$3.00 Electric hot water heater. Owner: Francis B. Eaton.

#2394 8/18/65 James J. Woods, plumber. Fee \$4.00 4 fixtures. F
Owner: Frances Eaton

#2700 9/8/65 Umberto Libertini, gasfitter. Fee \$3.00. Replace gas water heater. Owner: Frances Eaton.

#2409 Umbertoini Libertini, plumber. Fee \$3.00. Gas water heater. Owner: Frances Eaton.

#1075 G. W. Holt & Son, alt. bldr. Fee \$2.00. Re-single roof 10 squares. Owner: Frances Eaton. Value \$450.00-

136-140 Hillside Avenue

#4257 12/22/77 John G. Stanley, Plumber F Fee \$5.00
Hot water heater Owner: Frances Eaton

#3101 1/3/83 John G. Stanley, Gasfitter F 12-11-12 Fee \$15.00
range @ 136 Hillside Owner: Frances Eaton

#5566 (#136 Hillside) 8-29-89 Chace elec owner-Rothschild fee \$35.00

#4513 (#136) Kenco-Karpovich gas owner-Rothschild fee \$20.00 9-12-89

#9484 (136) Kenco Karpovich 9-12-89 plumb owner-Rothschild fee \$20.00

#5830 (136) P Chace elec owner Rothchild fee \$37.00 1-16-90

12/10/93 # 12173 (140) Mm. O'Neil, Plumb. hot water tank, water piping
Fee: \$20.00 Owner: Jack Rothchild

12/10/93 #5644 (140) Mm. O'Neil, Plumb. water heater, conv, burner
Fee: \$20.00 Owner: Jack Rothchild

Exhibit G
Zoning Board of Appeals Decision

P 1 of 2

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
OCTOBER 17, 1989

RECEIVED
TOWN CLERK
NEEDHAM

'89 OCT 27 A8 46

JOHN ROTHSCHILD

Upon the application of John Rothschild, 136-140 Hillside Avenue, Needham, MA, owner, to the Board of Appeals for a special permit under Section 1.4.6 of the Zoning By-law to alter, enlarge or reconstruct a non-conforming building at 136-140 Hillside Avenue by converting an existing porch into living space, a public hearing was held at the Town Hall, Needham, MA on Tuesday, October 17, 1989 in the evening pursuant to notice thereof published in a local newspaper and mailed to all interested persons.

Mr. Rothschild appeared and stated that he would like to convert an existing porch to the rear of the premises into a year-round heated room. He stated that he would use the existing foundation and not increase the footprint of the dwelling. He continued that the property is a two-family house located in a single residence zone because of a redrawing of district lines in the 1970s. He stated that there are 7 two-family houses across the street. Mr. Rothschild stated that the house is approximately 80 years old and that it has been a two-family dwelling continuously as far as he knows. He showed photographs of the existing porch that will be converted.

No one appeared in favor or in opposition to the application. Chairman Henkoff read a statement from the Planning Board dated October 17, 1989 which stated that it makes no comment on the application. The hearing closed at 7:40 p.m. and the Board proceeded to deliberate.

Decision

On the basis of the evidence presented at the hearing on the application by John Rothschild (the "applicant") for a special permit under Section 1.4.6 of the Zoning By-law to alter, enlarge, or reconstruct the existing non-conforming building situated at 136-140 Hillside Avenue, the Board makes the following findings:

1. The existing building situated at 136-140 Hillside Avenue has been used as a two-family house since prior to the enactment of any zoning by-law provision prohibiting such use.
2. Because the existing two-family house situated at 136-140 Hillside Avenue is located in a Single Residence B district in which a two-family dwelling house is not a permitted use, the existing building is a non-conforming building.
3. The applicant proposes to enclose an existing open porch in order to provide additional living space. The proposed enclosing of the porch will not increase the footprint of the existing building. The existing foundation and roof line will be maintained.

TOWN OF NEEDHAM
BOARD OF APPEALS
NOTICE OF HEARING
Public notice is hereby given that John Rothschild, 136-140 Hillside Ave., Needham, MA, owner, has made application to the Board of Appeals for a special permit under Section 1.4.6 of the Zoning By-law to alter, enlarge or reconstruct a non-conforming building at 136-140 Hillside Avenue by converting an existing porch into living space. Upon said application, a public hearing will be held at the Town Hall, Needham, MA on Tuesday, October 17, 1989 in the evening at 7:30 p.m. at which time and place all persons interested may appear and be heard.
(DTJ)Oc2.9

Exhibit G
Zoning Board of Appeals Decision

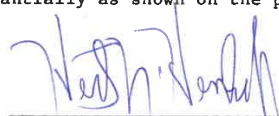
P 2 of 2

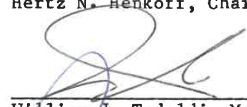
Rothschild
Page 2
10/17/89

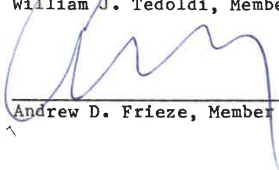
4. The proposed enclosing of the porch will be in accordance with applicable intensity regulations and dimensional regulations contained in the Zoning By-law and will not increase the extent of the non-conformity.

5. The proposed enclosing of the porch will not be substantially more detrimental to the neighborhood than the existing non-conforming use.

On the basis of the foregoing findings, following due and open deliberation, the Board, by unanimous vote after motion duly made and seconded, grants the applicant a special permit under Section 1.4.6 of the Zoning By-law for the structural alteration of the non-conforming building situated at 136-140 Hillside Avenue by enclosing the existing porch substantially as shown on the plans submitted with the application.



Hertz N. Henkoff, Chairman

William J. Tedoldi, Member

Andrew D. Frieze, Member

Brian R. Rothschild, Trustee
The John E. Rothschild – 136-140 Hillside Avenue Irrevocable Trust
2116 W. Sunnyside Ave #1
Chicago, IL 60625

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 136-140 Hillside Avenue, Needham, MA
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that I, Brian R. Rothschild, Trustee of The John E. Rothschild – 136-140 Hillside Avenue Irrevocable Trust, owner of the two-family residential property known and numbered 136-140 Hillside Avenue, Needham, MA (the “Premises”), have authorized Greg Keshishyan, whether individually or through a nominee entity, directly or through his attorney, George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the demolition and reconstruction of the existing two-family residential dwelling and continued use of the Premises for two-family purposes. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive any and all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

Signed by:

Brian R. Rothschild

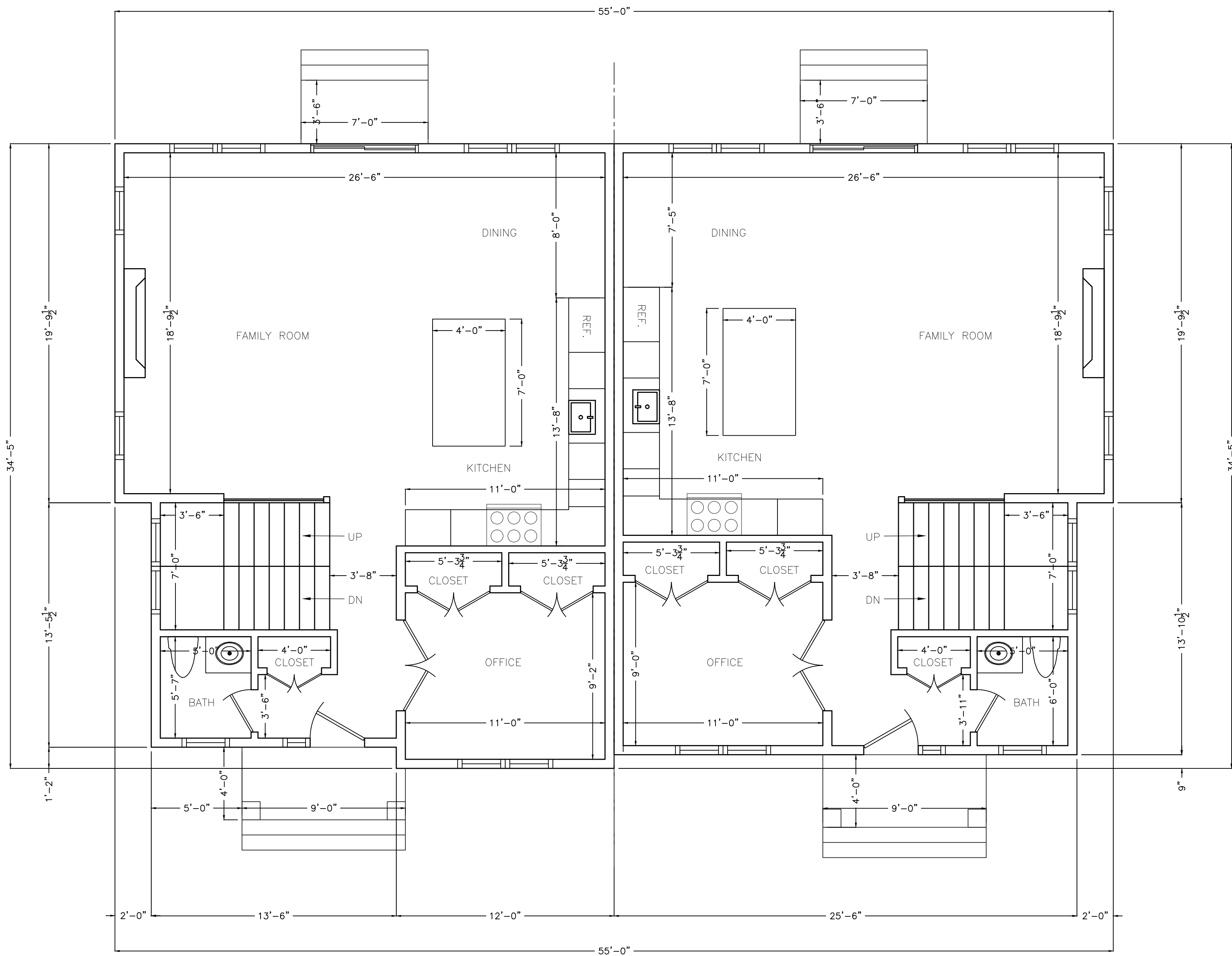
AD51AD3B480342B...

7/10/2025

Brian R. Rothschild, Trustee
The John E. Rothschild – 136-140 Hillside Avenue Irrevocable Trust

UNIT 136

UNIT 140



FIRST FLOOR PLAN

GENERAL NOTES

- ALL WORK SHALL CONFORM TO MASSACHUSETTS BUILDING CODE AND ALL FEDERAL, STATE AND THE TOWN OF NEEDHAM LAWS, CODES AND REGULATIONS AS EACH MAY APPLY.
- ALL EXISTING CONDITIONS MUST BE VERIFIED IN FIELD. IF DISCREPANCIES ARE FOUND, THEY HAVE TO BE REPORTED TO THE ENGINEER PRIOR TO START OF WORK. OMISSIONS OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND/OR THE SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE START OF SUCH WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE SCHEDULING AND WORK OF ALL TRADES AND SHALL CHECK ALL DIMENSIONS. ALL DISCREPANCIES SHALL BE CALLED TO THE ATTENTION OF THE ENGINEER AND SHALL BE RESOLVED PRIOR TO PROCEEDING WITH THE WORK. FAILURE TO REPORT DISCREPANCIES WILL RESULT IN CONTRACTOR'S RESPONSIBILITY FOR THE ENTIRE PROJECT.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES, INCLUDING BUT NOT LIMITED TO BRACING AND SHORING.
- THE CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY, AND THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
- ALL WORK SHALL BE PERFORMED IN A FIRST CLASS AND WORKMANLIKE MANNER IN CONFORMITY WITH THE PLANS AND SPECIFICATIONS, AND SHALL BE IN GOOD USABLE CONDITION AT THE COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS, UTILITY LOCATIONS AND STRUCTURE PLACEMENT, PRIOR TO START OF THE WORK. THE CONTRACTOR WILL OBSERVE ALL POSSIBLE PRECAUTIONS TO AVOID DAMAGE TO SAME. ANY DAMAGE TO EXISTING STRUCTURES AND UTILITIES, WHETHER SHOWN OR NOT ON THE DRAWINGS, SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE.
- PRIOR TO BIDDING THE WORK THE CONTRACTOR SHALL VISIT THE SITE AND THOROUGHLY SATISFY HIMSELF AS TO THE ACTUAL CONDITIONS AND QUANTITIES, IF ANY. NO CLAIM AGAINST THE OWNER OR ENGINEER WILL BE ALLOWED FOR ANY EXCESS OR DEFICIENCY THEREIN, ACTUAL OR RELATIVE.
- CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION AND RELOCATION WORKS, IF ANY.

PROPOSED GFA (GROSS FLOOR AREA) CALCULATION:

ZONING DISTRICT: SR-B
LOT AREA 10,027 SF
ALLOWABLE FAR: 0.38
ALLOWABLE FLOOR AREA: 3,810 SF
PROPOSED FLOOR AREA OF THE BUILDING:
1. 1ST FLOOR: 1,799 SF
2. 2ND FLOOR: 1,799 SF
3. ATTIC: NA
4. BASEMENT: NA
5. GARAGE: 572 SF
TOTAL PROPOSED FLOOR AREA OF THE BUILDING:
1,799 (1ST FL.) + 1,799 (2ND FL.) = 3,598 SF
3,598 SF < 3,810 SF

CONCEPTUAL
DESIGN
NOT FOR CONSTRUCTION

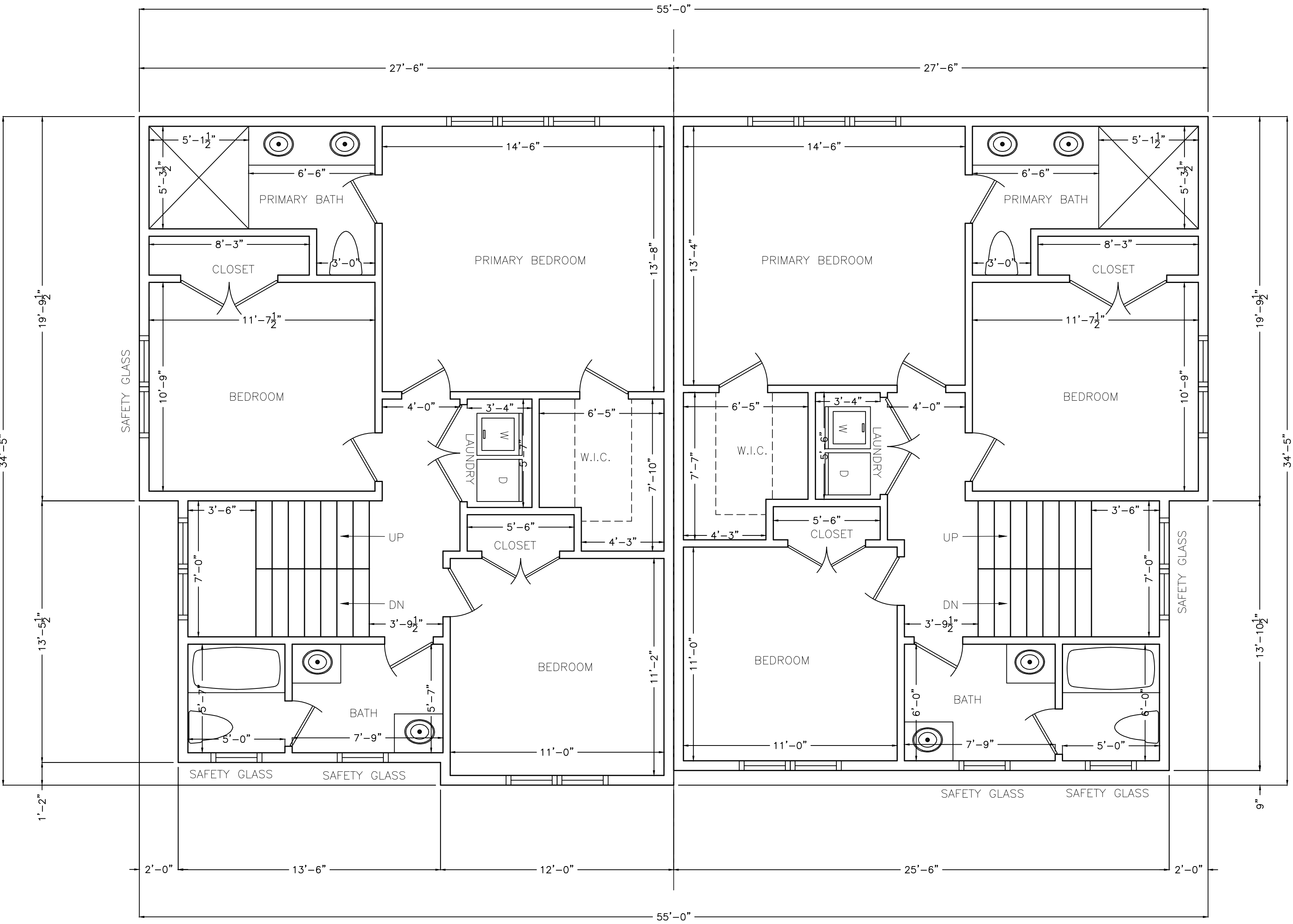
DATE	REVISION
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FIRST FLOOR PLAN	
136-140 HILLSIDE AVENUE, NEEDHAM, MASSACHUSETTS	
RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02494 TELEPHONE: (617) 281-4144	
SCALE: 1/4"=1'-0"	
APPROVED: S.B.	DESIGNED BY: I.B.
DATE: 07/14/25	DRAWN BY: I.B.
	CHECKED BY: S.B.
	DRAWING No. A-1

REVIEWED BY:



UNIT 136

UNIT 140



SECOND FLOOR PLAN

CONCEPTUAL
DESIGN
NOT FOR CONSTRUCTION

DATE	REVISION

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SECOND FLOOR PLAN

136-140 HILLSIDE AVENUE,
NEEDHAM, MASSACHUSETTS

RAV & Assoc., Inc.
21 HIGHLAND AVENUE
NEEDHAM, MASSACHUSETTS 02494
TELEPHONE: (617) 281-4144

SCALE: 1/4"=1'-0"

APPROVED: S.B.

DATE: 07/14/25

DESIGNED BY: I.B.

DRAWN BY: I.B.

CHECKED BY: S.B.

DRAWING No.

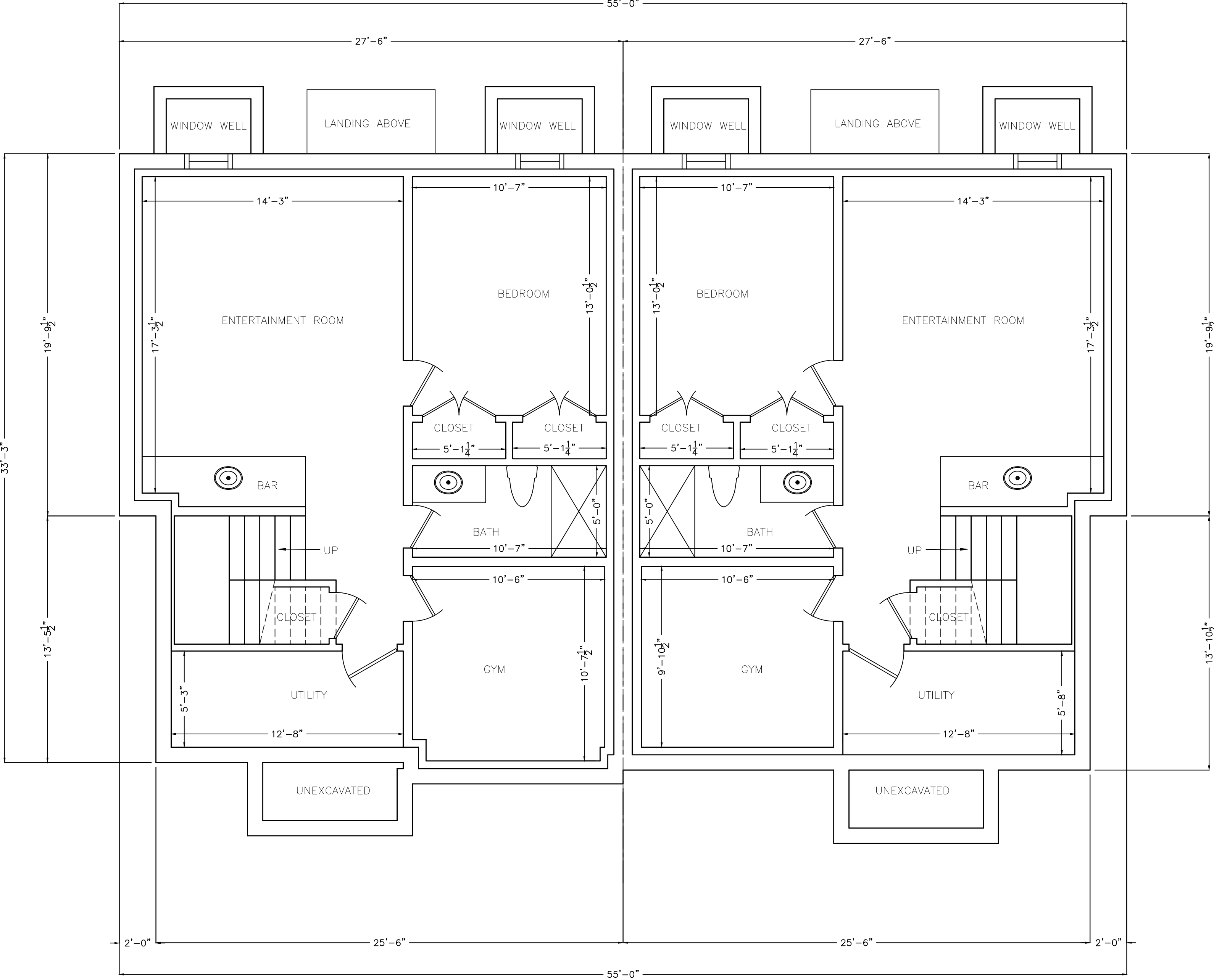
A-2

REVIEWED BY:



UNIT 136

UNIT 140



BASEMENT PLAN

CONCEPTUAL
DESIGN
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BASEMENT PLAN

136-140 HILLSIDE AVENUE,
NEEDHAM, MASSACHUSETTS

RAV & Assoc., Inc.
21 HIGHLAND AVENUE
NEEDHAM, MASSACHUSETTS 02494
TELEPHONE: (617) 281-4144

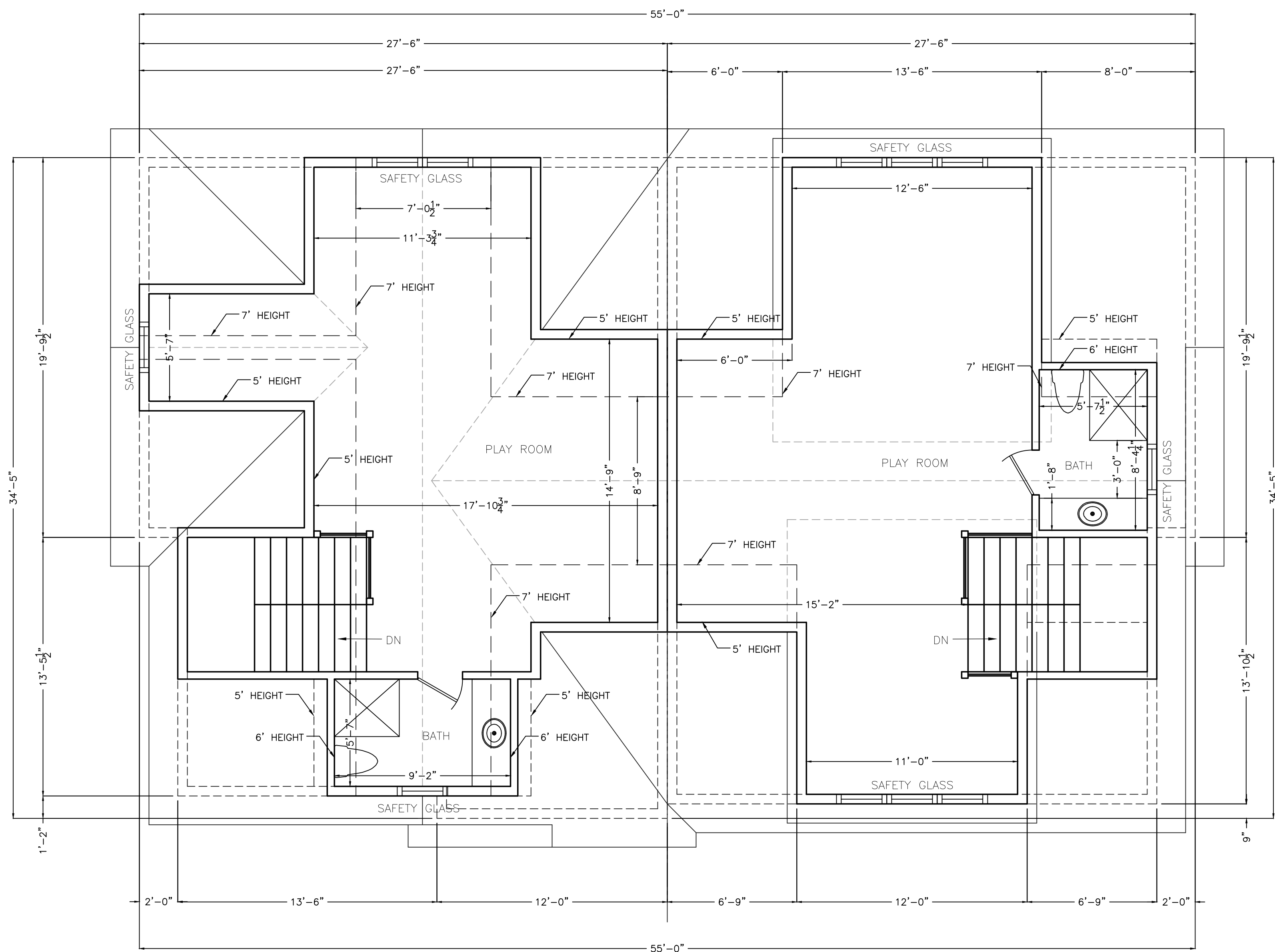
SCALE: 1/4"=1'-0"		
APPROVED: S.B.	DESIGNED BY: I.B.	DRAWING No.
DATE: 07/14/25	DRAWN BY: I.B.	A-3
	CHECKED BY: S.B.	

REVIEWED BY:



UNIT 136

UNIT 140



ATTIC PLAN

CONCEPTUAL
DESIGN
NOT FOR CONSTRUCTION

DATE	REVISION

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REVIEWED BY:



ATTIC PLAN		
136-140 HILLSIDE AVENUE, NEEDHAM, MASSACHUSETTS		
RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02494 TELEPHONE: (617) 281-4144		
SCALE: 1/4"=1'-0"		
APPROVED: S.B.	DESIGNED BY: I.B.	DRAWING No. A-4
DATE: 07/14/25	DRAWN BY: I.B.	
	CHECKED BY: S.B.	



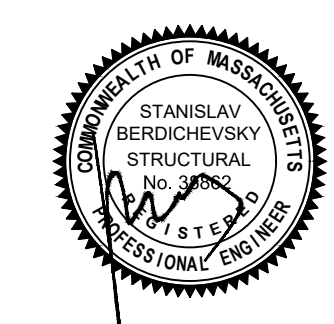
FRONT ELEVATION



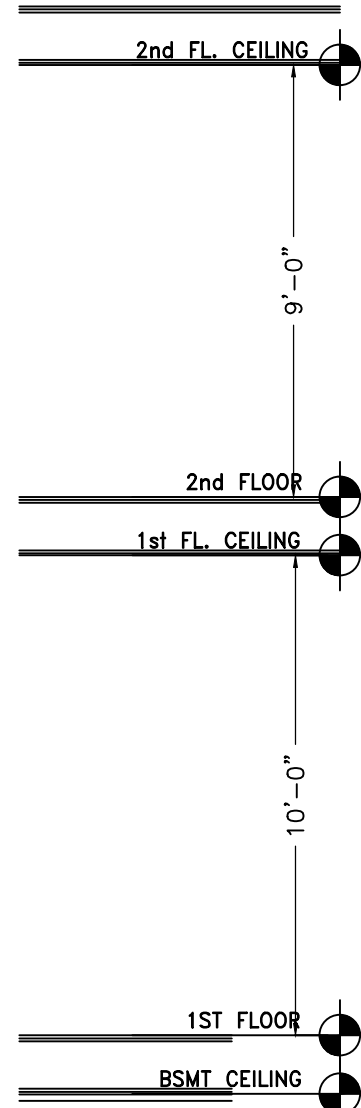
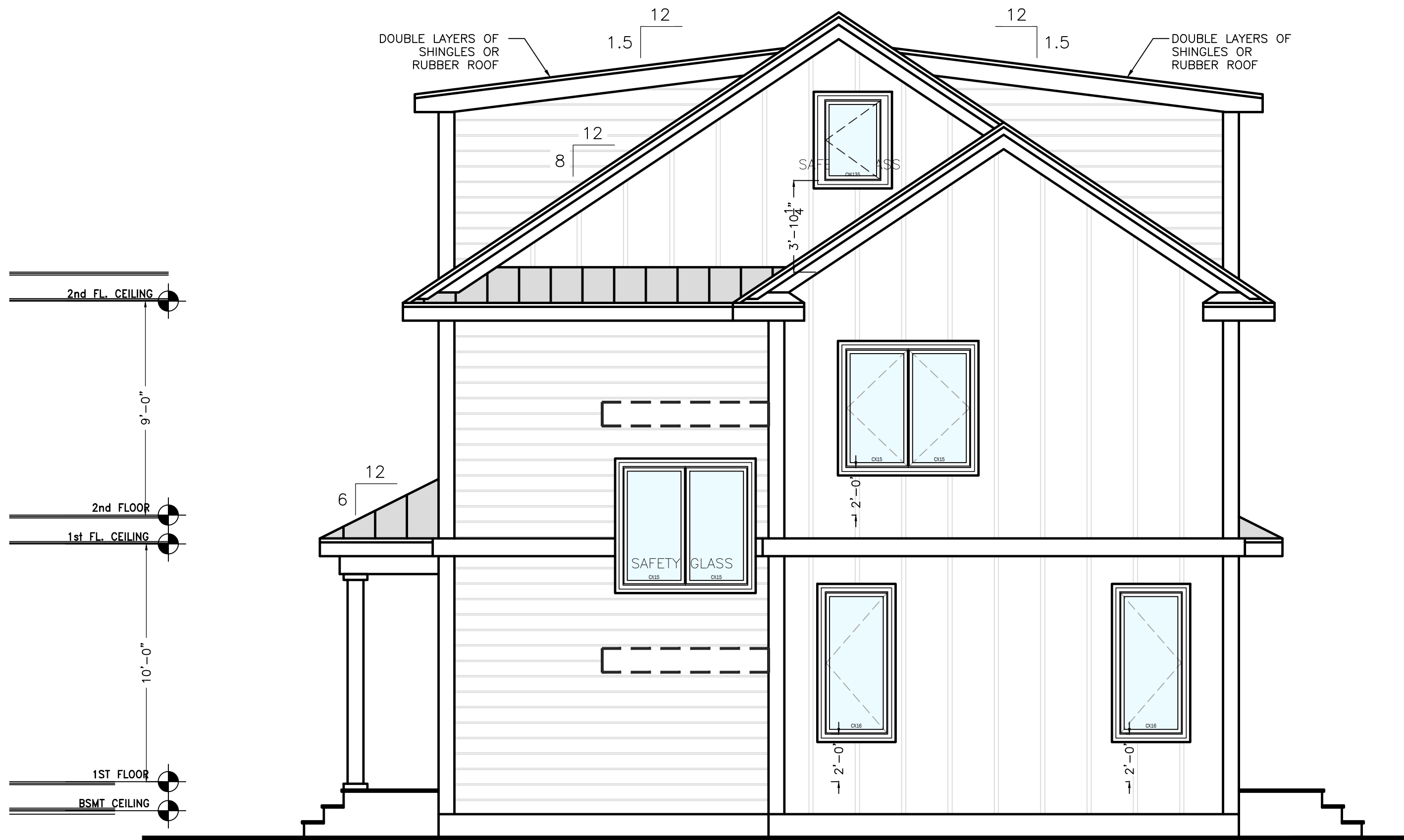
REAR ELEVATION

CONCEPTUAL
DESIGN
NOT FOR CONSTRUCTION

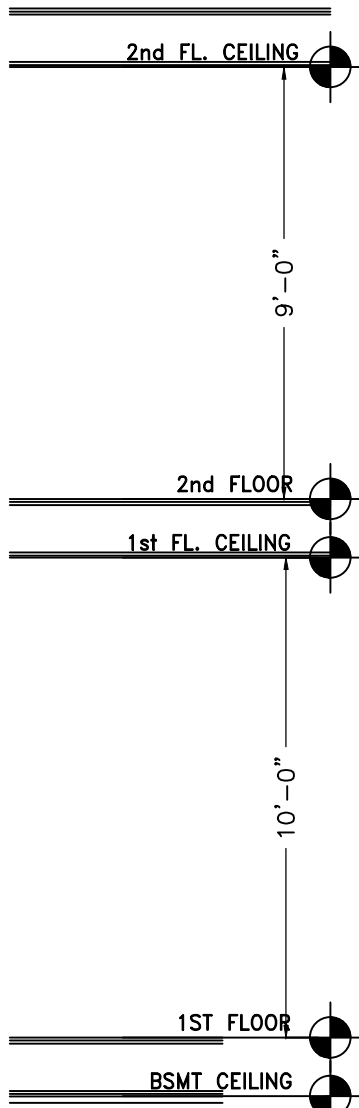
REVIEWED BY:



REVISION	
DATE	REVISION
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ELEVATIONS	
136-140 HILLSIDE AVENUE, NEEDHAM, MASSACHUSETTS	
RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02494 TELEPHONE: (617) 281-4144	
SCALE: 1/4"=1'-0"	
APPROVED: S.B.	DESIGNED BY: I.B.
DATE: 07/14/25	DRAWN BY: I.B.
	CHECKED BY: S.B.
	DRAWING No. A-5



RIGHT SIDE ELEVATION



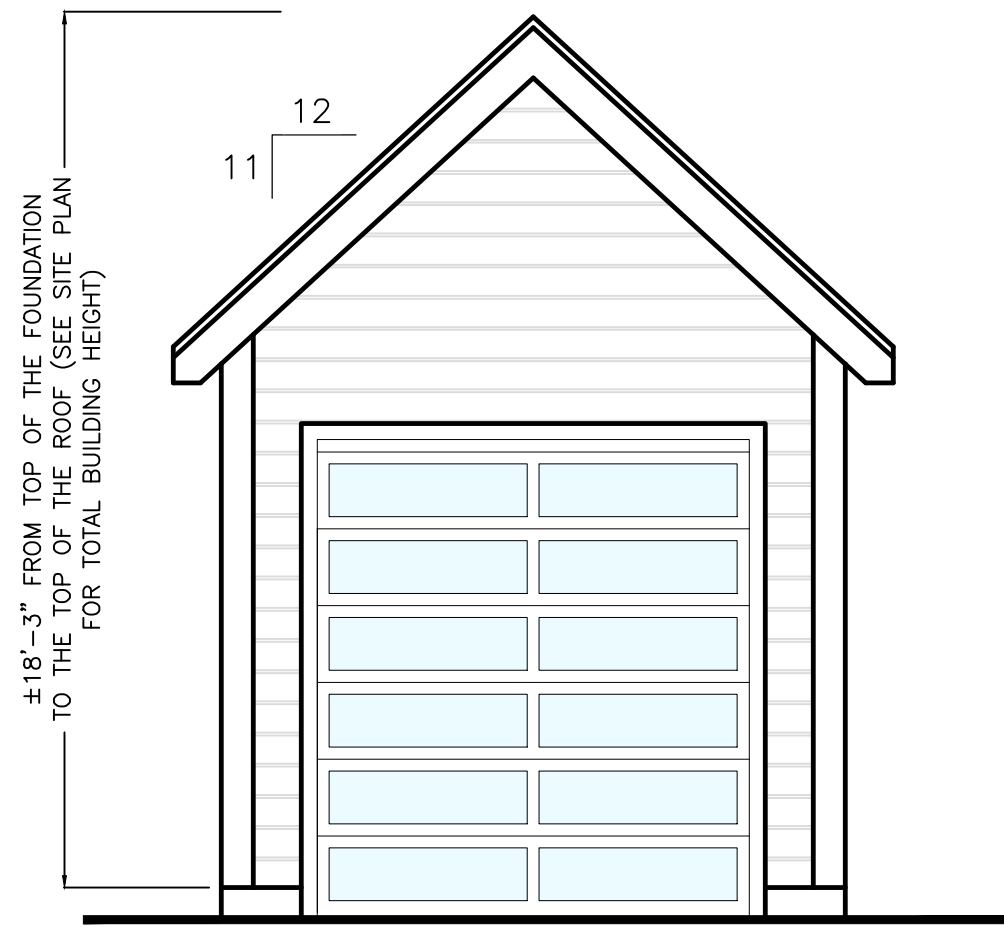
LEFT SIDE ELEVATION

CONCEPTUAL
DESIGN
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ELEVATIONS	
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RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02494 TELEPHONE: (617) 281-4144	
SCALE: 1/4"=1'-0"	
APPROVED: S.B.	DESIGNED BY: I.B.
DATE: 07/14/25	CHECKED BY: S.B.
DRAWING No. A-6	

REVIEWED BY:

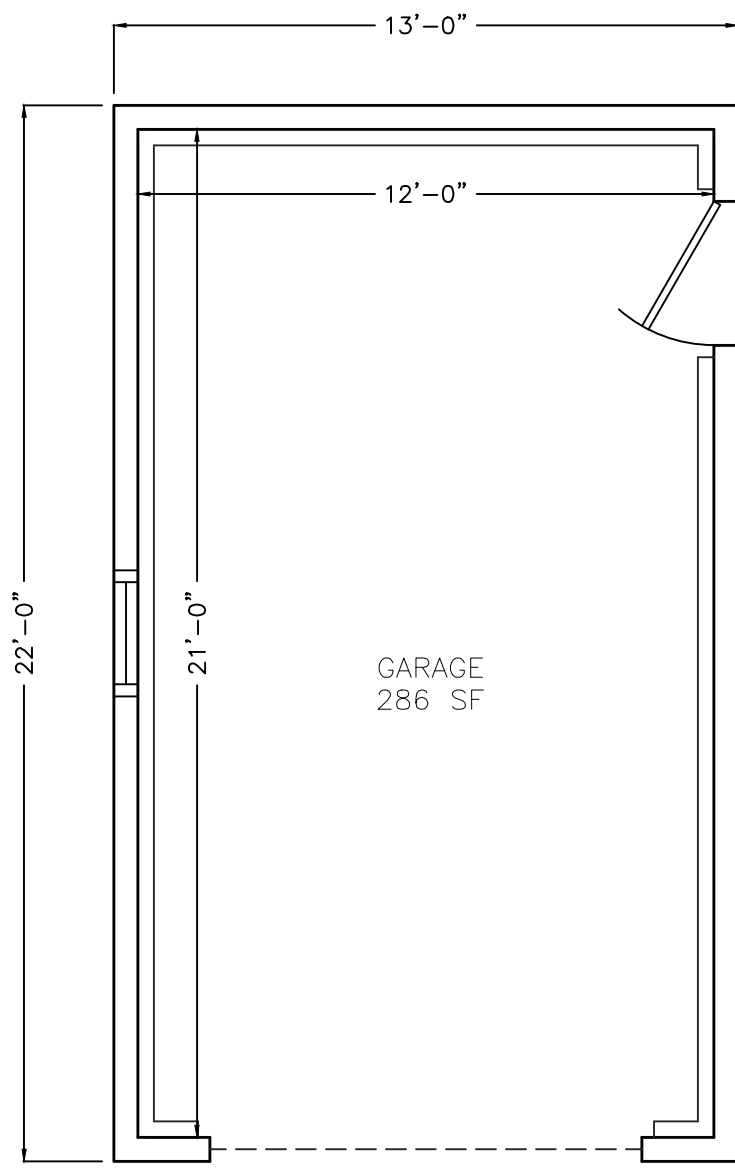




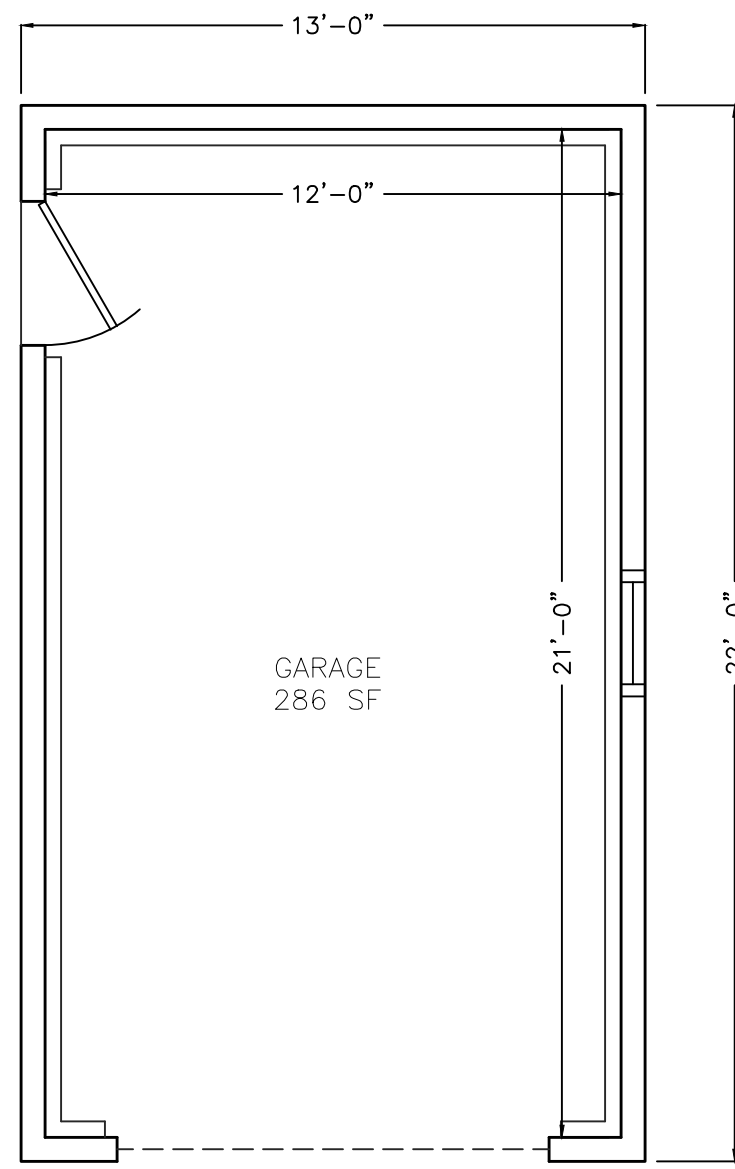
FRONT ELEVATION



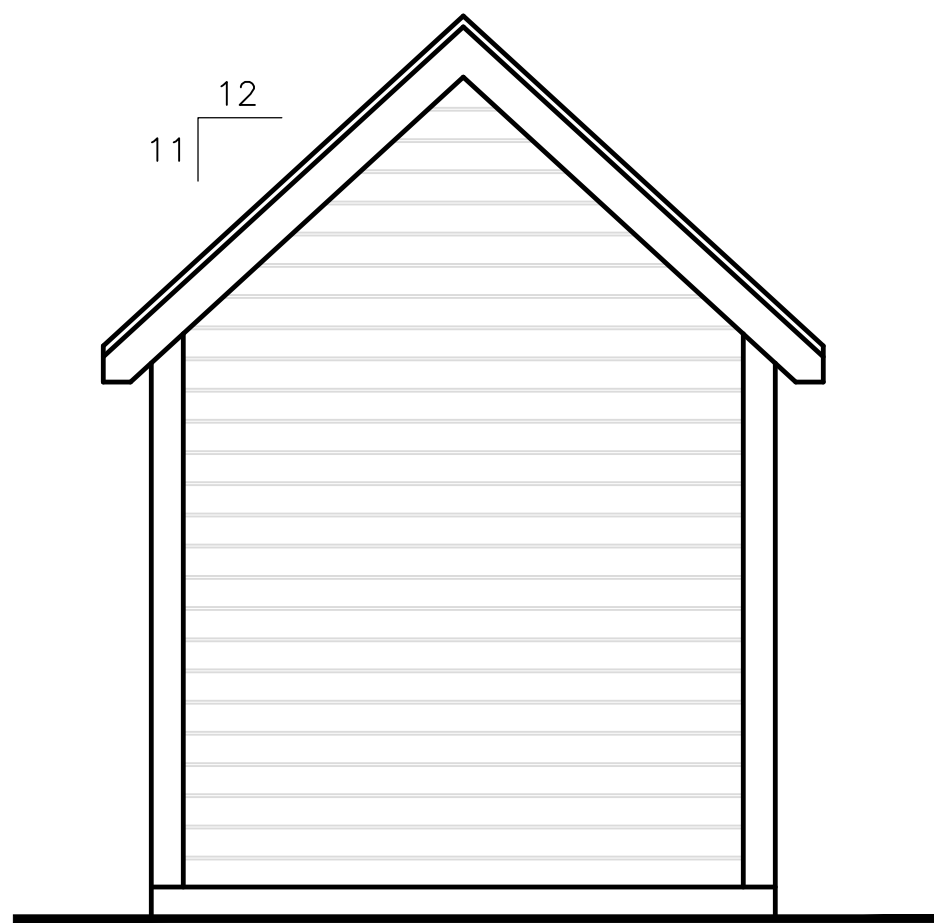
RIGHT SIDE ELEVATION



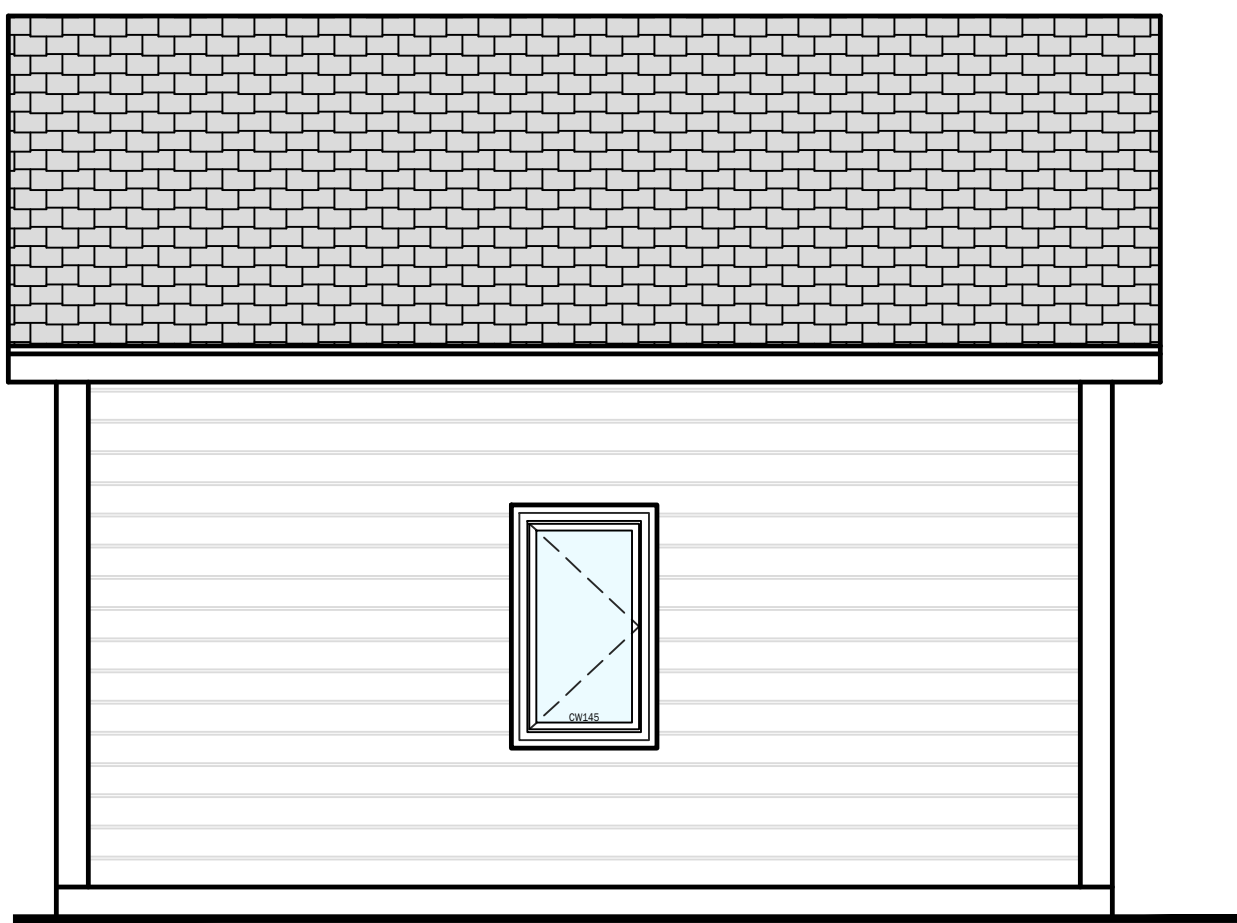
GARAGE PLAN 286 SF
UNIT 136



GARAGE PLAN 286 SF
UNIT 140



REAR ELEVATION



LEFT SIDE ELEVATION

CONCEPTUAL
DESIGN
NOT FOR CONSTRUCTION

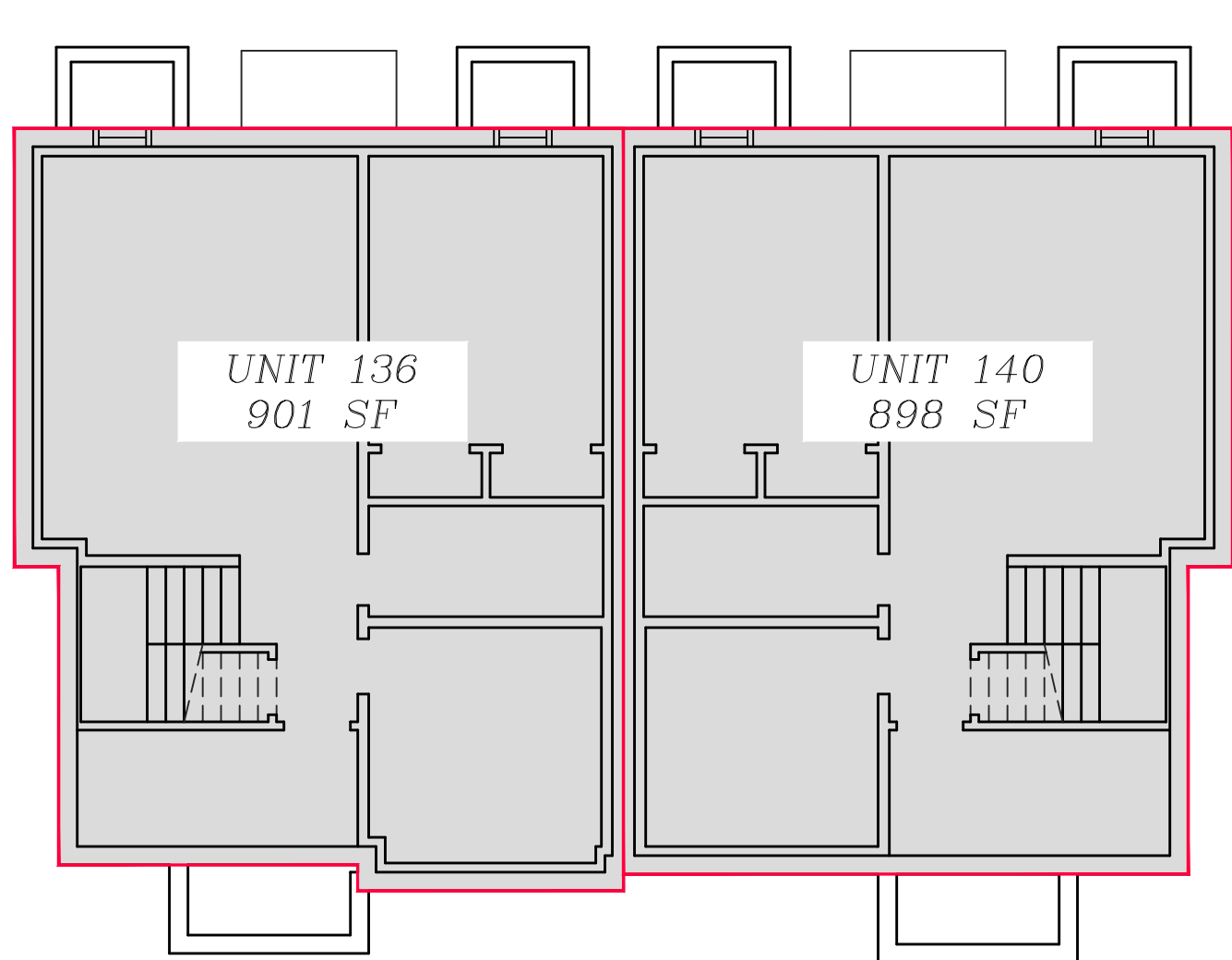
DATE	REVISION

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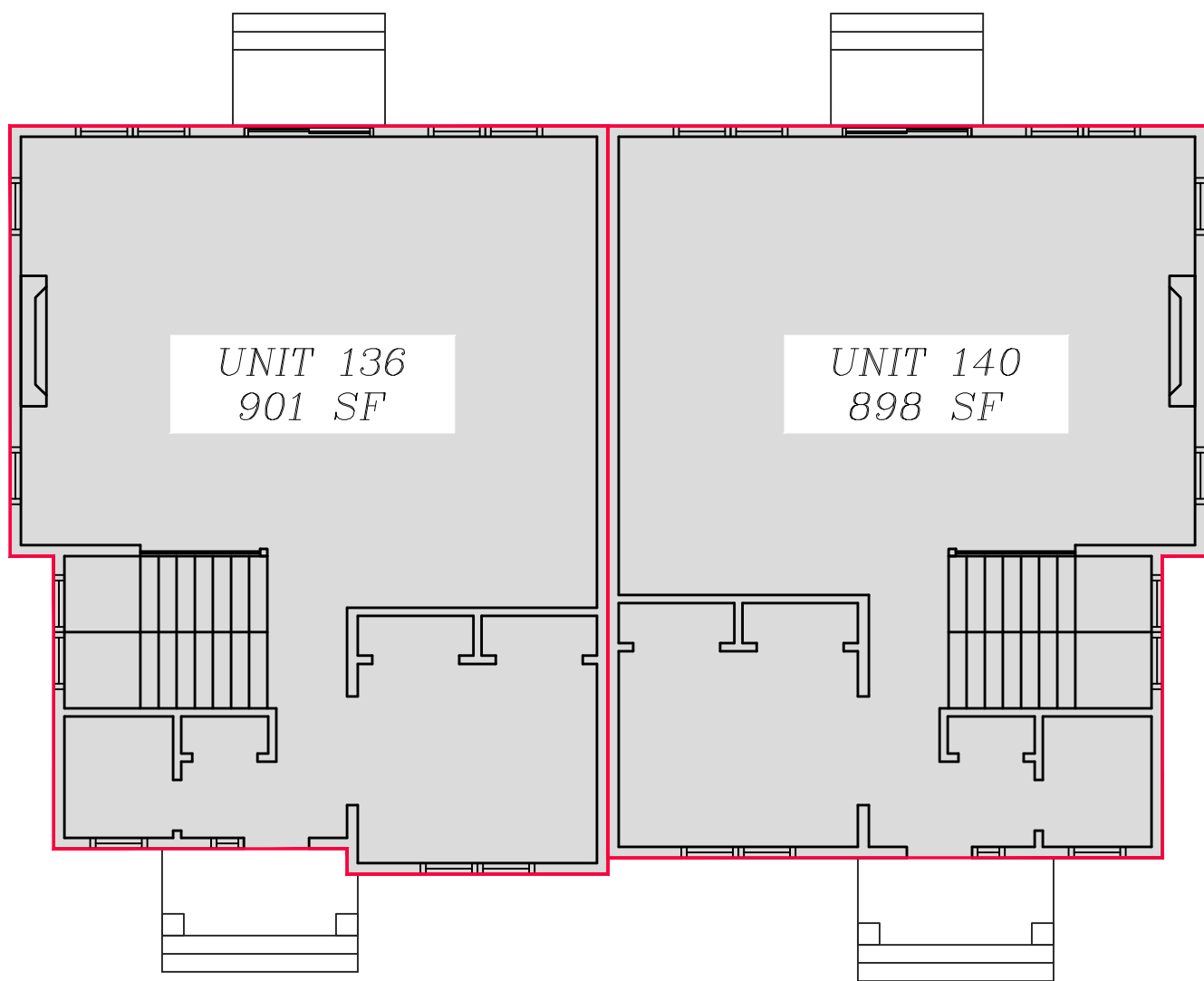
REVIEWED BY:



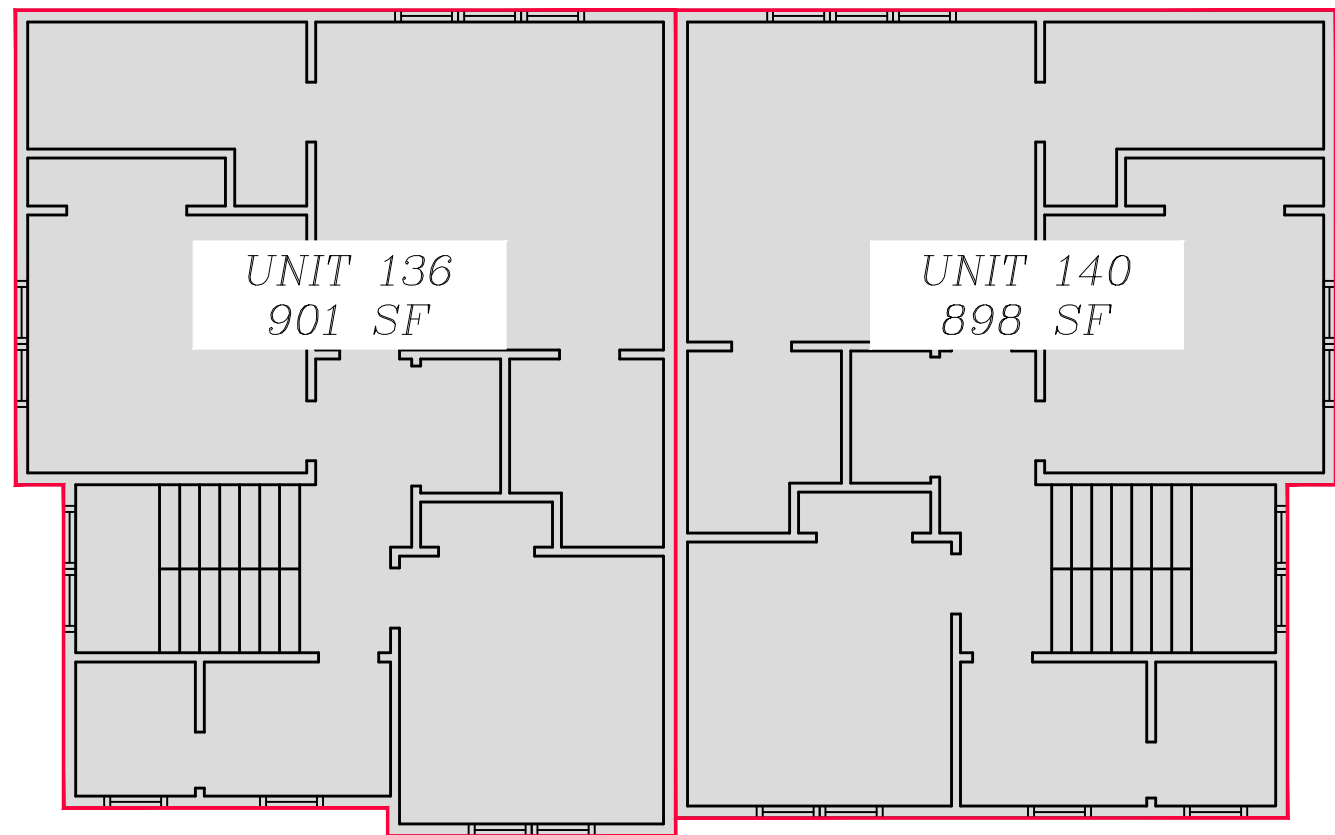
GARAGE PLANS		
136-140 HILLSIDE AVENUE, NEEDHAM, MASSACHUSETTS		
RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02494 TELEPHONE: (617) 281-4144		
SCALE: 1/4"=1'-0"		
APPROVED: S.B.	DESIGNED BY: I.B.	DRAWING No. A-7
DATE: 07/14/25	CHECKED BY: S.B.	



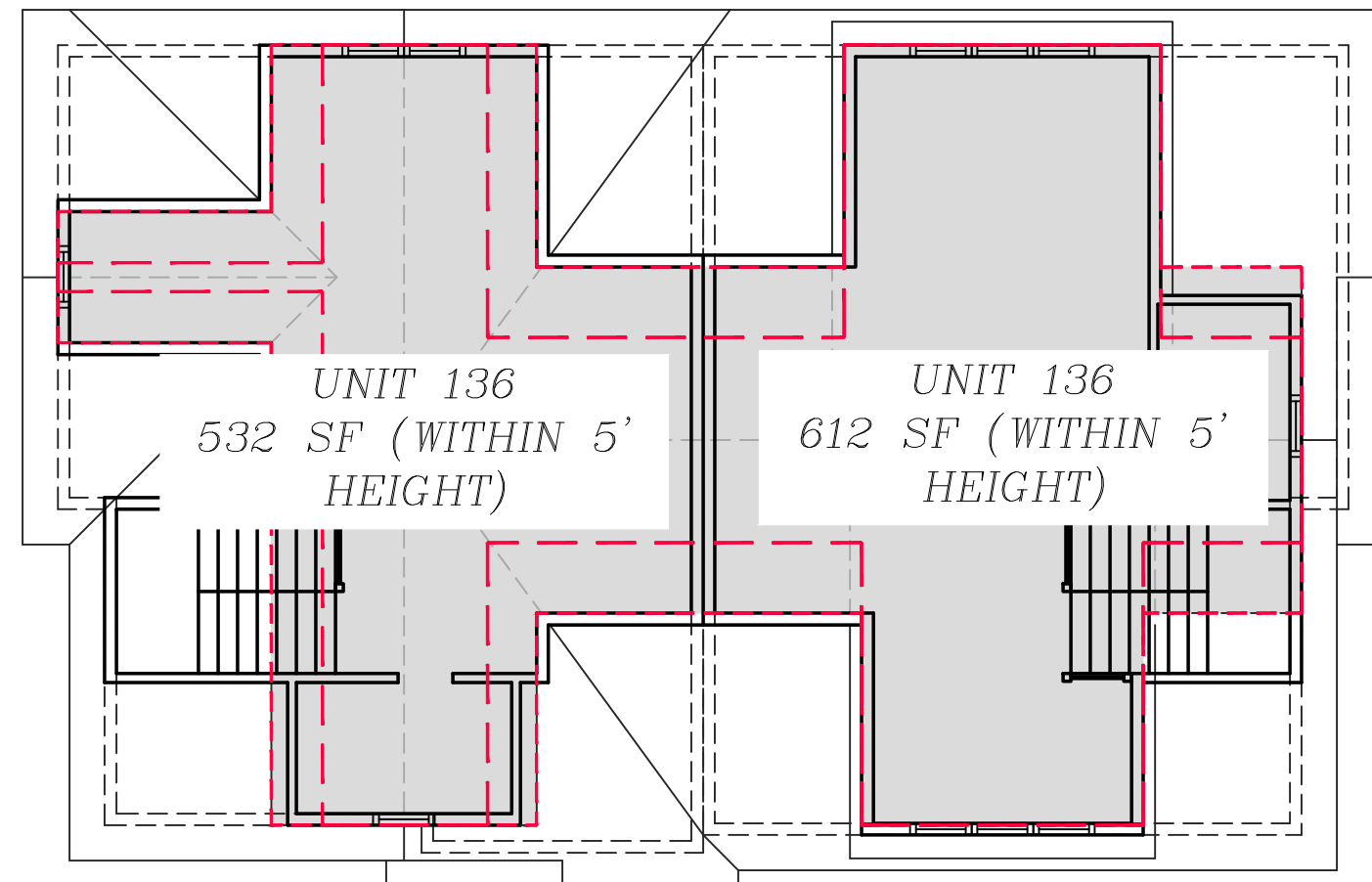
BASEMENT FLOOR FAR PLAN
TOTAL INCLUDED IN FAR = 0 SF



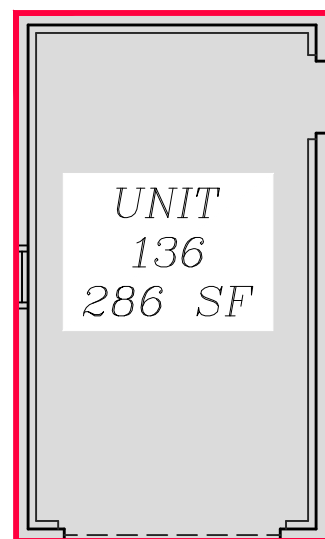
FIRST FLOOR FAR PLAN
TOTAL INCLUDED IN FAR = 1,799 SF



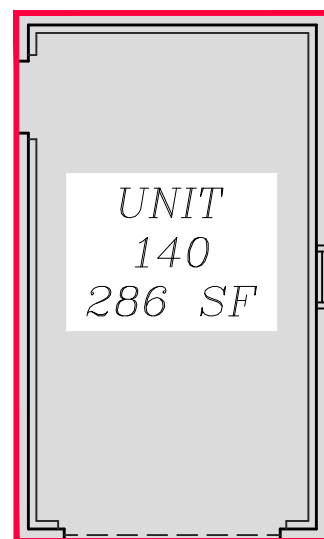
SECOND FLOOR FAR PLAN
TOTAL INCLUDED IN FAR=1,799 SF



ATTIC FLOOR FAR PLAN
TOTAL INCLUDED IN FAR=0 SF



GARAGE PLAN 286 SF



GARAGE PLAN 286 SF

PROPOSED GFA (GROSS FLOOR AREA) CALCULATION:

- ZONING DISTRICT: SR-B
LOT AREA 10,027 SF
- ALLOWABLE FAR: 0.38
- ALLOWABLE FLOOR AREA: 3,810 SF
- PROPOSED FLOOR AREA OF THE BUILDING:
1. 1ST FLOOR: 1,799 SF
 2. 2ND FLOOR: 1,799 SF
 3. ATTIC: NA
 4. BASEMENT: NA
 5. GARAGE: 572 SF
- TOTAL PROPOSED FLOOR AREA OF THE BUILDING:
1,799 (1ST FL.) + 1,799 (2ND FL.) = 3,598 SF
- 3,598 SF < 3,810 SF

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FAR CALCULATIONS	
136-140 HILLSIDE AVENUE, NEEDHAM, MASSACHUSETTS	
RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02494 TELEPHONE: (617) 281-4144	
SCALE: 1/4"=1'-0"	
APPROVED: S.B.	DESIGNED BY: I.B.
DATE: 07/14/25	DRAWN BY: I.B.
	CHECKED BY: S.B.
	DRAWING No. A-8

REVIEWED BY:



225135_bp.dwg
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LEGEND

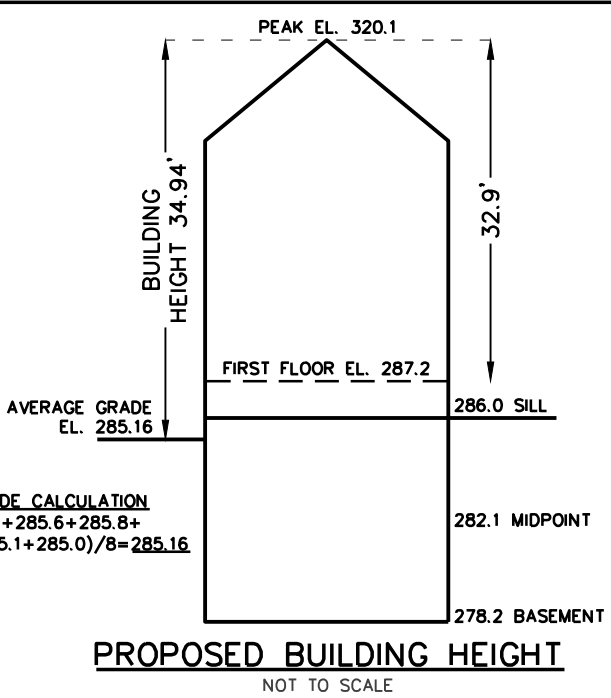
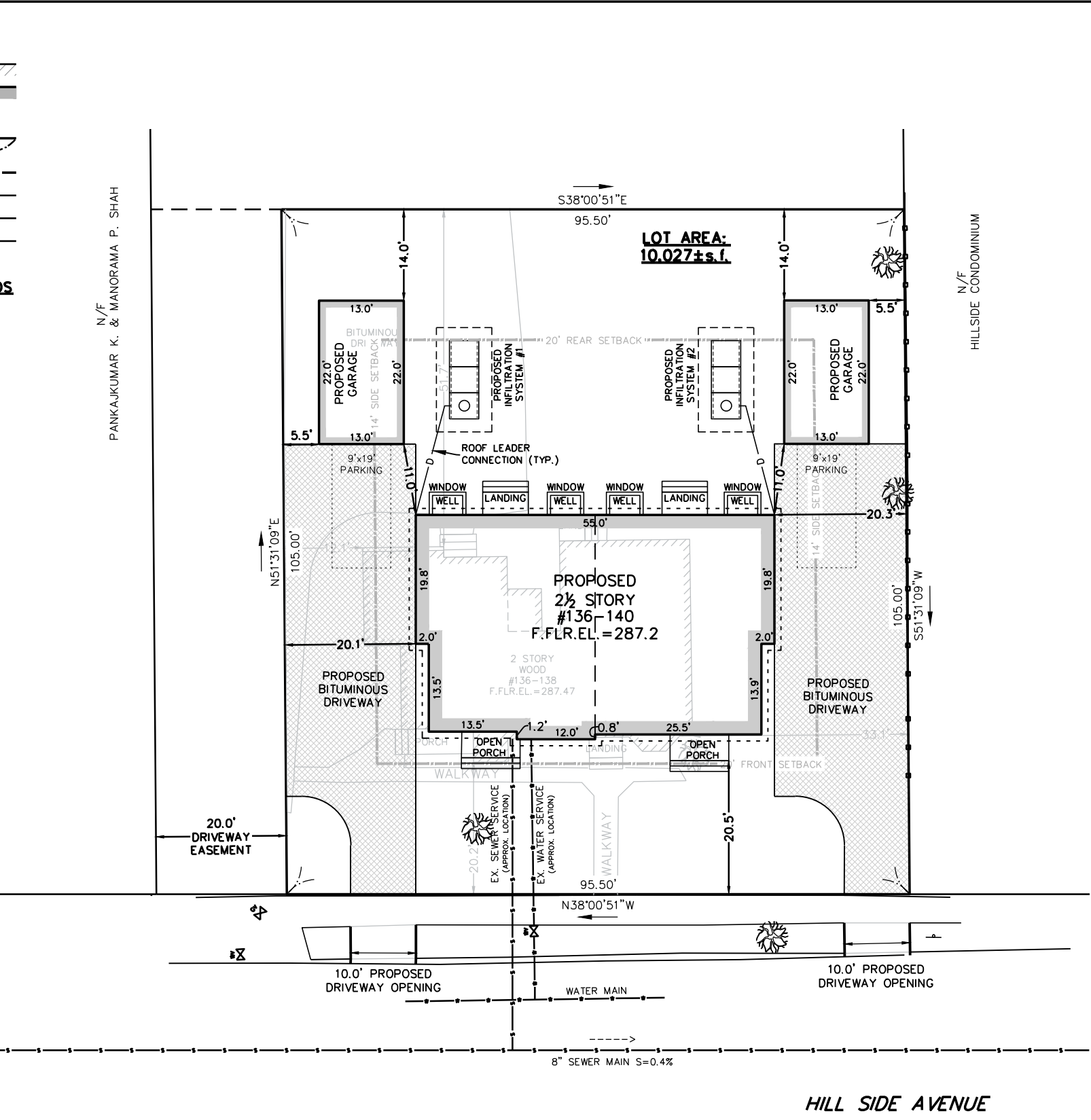
- EXISTING BUILDING
- PROPOSED BUILDING
- PROPERTY LINE
- CONTOUR
- STOCKADE FENCE
- CHAINLINK FENCE
- PICKET FENCE

NORFOLK COUNTY REGISTRY OF DEEDS

DEED REFERENCE
BOOK 42052 PAGE 68258

PLAN REFERENCE
PLAN BOOK 383 No. 717 OF 1989

OWNER OF RECORD
BRIAN R. ROTHCHILD, TRUSTEE OF
THE HOHN E. ROTHCHILD
136-140 HILLSIDE AVENUE
IRREVOCABLE TRUST

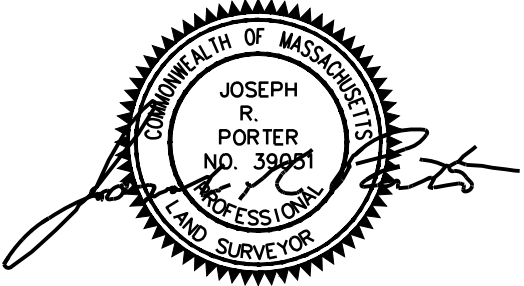


ZONING CHART			
NEEDHAM, MASSACHUSETTS			
ZONE: SRB		SUBMISSION: PROPOSED	
REGULATION	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000s.f.	10,027±s.f.	N/C
LOT FRONTAGE	80.0'	95.5'	N/C
FRONT SETBACK	20.0'	20.2'	20.5'
SIDE SETBACK	14.0'	12.1'	20.1'
REAR SETBACK	20.0'	51.7'	46.8'
BUILDING HEIGHT	35.0'	25.22'	34.94'
	2.5 STORIES	2 STORIES	2.5 STORIES
AVERAGE GRADE	-	285.01	285.16
LOT COVERAGE (4.2)	25% (2,506±s.f.)	13.3% (1,333.4s.f.)	23.6% (2,371.2s.f.)
LOT COVERAGE (1.4.7)	18% (1,804±s.f.)	13.3% (1,333.4s.f.)	17.9% (1,799.2s.f.)
MAX FOOTPRINT (1.4.7)	2,500s.f.	N/A	1,932.0s.f.
F.A.R.	0.38	-	0.359
• DOES NOT MEET REQUIREMENTS ** F.A.R. PER ARCHITECTURAL AREAS			

ZONING PLAN
NEEDHAM, MASSACHUSETTS
SHOWING PROPOSED CONDITIONS AT
#136-140 HILL SIDE AVENUE

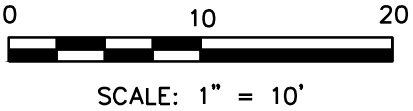
SCALE: 1in.=10ft. DATE: JULY 14, 2025

PROJECT: 225135



VTP
ASSOCIATES
INC.

LAND SURVEYORS - CIVIL ENGINEERS.
132 ADAMS STREET 2ND FLOOR SUITE 3
NEWTON, MA 02458
(617) 332-8271





ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Sabrina Rusnak - Carlson	Date:	7-8
Applicant Address	115 Highgate St / 106 Arch St		
Phone	781 366 4017	email	sabrina.rusnak.carlson@gmail.com
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____			
If not the owner, a letter from the owner certifying authorization to apply must be included			
Representative Name			
Address			
Phone			
email			
Representative is ☐ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____			
Contact ☐ Me ☐ Representative in connection with this application.			

Subject Property Information

Property Address	115 Highgate St.		
Map/Parcel Number	NEEDM0250 80062 L000 00	Zone of Property	Single Residence Zone B
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No N/A			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (select one): ☒ Special Permit ☒ Variance ☐ Comprehensive Permit ☐ Amendment ☒ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions: N/A

Statement of Relief Sought:

See attached letter

Applicable Section(s) of the Zoning By-Law:

3.2.1

If application under Zoning Section 1.4 above, list non-conformities: N/A

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		

Numbers must match those on the certified plot plan and supporting materials



ZBA Application For Hearing

Date Structure Constructed including additions:

N/A

Date Lot was created:

N/A

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	N/A
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	N/A
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	N/A
Floor Plans of Proposed Conditions <i>(when necessary)</i>	N/A

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 7/1/25
date of consult

Date: 7/9/25 Applicant Signature [Signature]

An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov

Sabrina Rusnak-Carlson
115 Highgate Street
Needham, MA 02492
(781) 366-4017
sabrina.rusnak.carlson@gmail.com

Date: July 9, 2025

To:
Zoning Board of Appeals
Town of Needham
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

**Re: Reasonable Accommodation Request Under the Fair Housing Act and
ADA, and Appeal Under Section 7.5.1 of the Zoning Bylaws for Limited
Short-Term Rental Use of 115 Highgate Street, Needham, MA**

Dear Members of the Zoning Board of Appeals,

I am writing to formally submit a combined request for:

1. A reasonable accommodation under the Federal Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA) to permit limited short-term rental use of my property at 115 Highgate Street, and
2. An appeal under Section 7.5.1 of the Town of Needham Zoning Bylaws requesting a special permit or variance to support this use.

Background and Purpose

I co-own 115 Highgate Street with my mother, Taroub Rusnak. The home was purposefully designed to serve as a long-term residence for my aging parents. We have invested considerable resources to make the property fully ADA-compliant and elder-accessible, including:

- Step-free entryways,
- Wide interior doorways and halls,
- A barrier-free bathroom and accessible kitchen layout.

Beyond our family's needs, this home has become a rare and valuable resource for individuals seeking temporary accessible housing in Needham. I regularly receive inquiries from community members—especially adult children of elderly residents—seeking short-term, elder-friendly stays for medical visits, recovery support, and intergenerational family events. Allowing this type of limited, medically related or disability-accommodating short-

term use serves a vital community and humanitarian purpose without changing the residential character of the neighborhood.

Legal and Policy Basis for Relief

1. Fair Housing Act (FHA) and Americans with Disabilities Act (ADA)

Federal law prohibits local governments from enforcing zoning policies that deny equal housing opportunities to individuals with disabilities. The FHA and ADA require municipalities to make reasonable accommodations in rules, policies, and practices when such accommodation is necessary for individuals with disabilities to access housing. This includes allowing the short-term rental of ADA-compliant homes when used by or for individuals with mobility challenges or age-related needs.

2. Needham Zoning Bylaws – Section 7.5.1 and 6.10

Under Section 7.5.1, the Zoning Board may grant a special permit or variance where a proposed use is not substantially more detrimental to the neighborhood than a permitted one and where it serves a local need.

This request also aligns with the intent of Section 6.10 of the Zoning Bylaws (Access and Inclusion), which acknowledges the town's responsibility to meet the housing needs of residents of all ages and abilities.

3. Town and Regional Housing Goals

Needham's Housing Production Plan and recent accessibility planning efforts have highlighted a shortage of age-appropriate and accessible housing. Our proposal directly supports the town's stated goals of:

- Promoting aging in place,
- Facilitating intergenerational living,
- Expanding housing access for seniors and individuals with disabilities.

Request Summary and Proposed Conditions

We respectfully request approval of a reasonable accommodation and/or special permit or variance to allow:

- Limited short-term rentals of the ADA-accessible residence at 115 Highgate Street,
- Specifically for guests with disability-related or elder-care needs (including documentation where appropriate).

To ensure the use is responsible, transparent, and consistent with neighborhood values, we are prepared to accept the following conditions:

- Maximum occupancy and guest limits,
- Local manager contact available 24/7,
- Compliance with local and state excise tax, insurance, and registration requirements.

Conclusion

This request does not seek to open the door to broad commercial short-term rentals in Needham. Rather, it asks the Town to make a narrow, justified exception—as required by federal law and encouraged by town policy—to support those who depend on accessible, temporary housing options due to age or disability.

Thank you for your service to the community and for your thoughtful consideration of this request. I welcome the opportunity to appear before the Board and provide additional documentation or community support materials.

Sincerely,
Sabrina Rusnak-Carlson
115 Highgate Street
Needham, MA 02492



**Town of Needham
Building Department
500 Dedham Avenue
Needham, MA 02492
Tel: 781-455-7550**

6/23/2025

Taroub Rusnak and Sabrina Rusnak-Carlson
115 Highgate Street
Needham, MA 02492

RE: Zoning Violation, Short-term Rental Use

Dear Taroub and Sabrina,

This office has received a complaint and verified through AirBNB website posting that your home is being rented out to persons on a short-term basis.

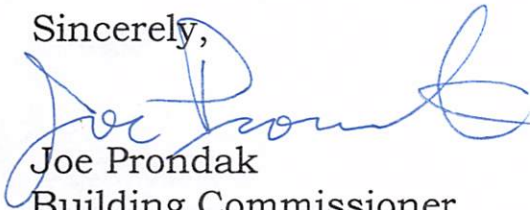
The property lies in a Single Residence B Zoning District. This use is not specifically permitted in Section 3.2.1 of the Needham Zoning Bylaws, Schedule of Allowable Uses, and therefore is not permitted as Section 1.2, Basic Requirements, specifically prohibits uses that are not listed in the applicable table.

Upon receipt of this notice, you must cause the use of this property for short-term rental to cease.

Failure to comply with this directive or to file an appeal in accordance with Section 7.5.1 of the Bylaw may cause this office to seek compliance through a Court of competent jurisdiction.

Please call me at 781-455-7550 x72308 to discuss your intentions towards this matter.

Sincerely,



Joe Prondak
Building Commissioner

Certified Mail # 9589 0710 5270 2129 1944 52

GEORGE GIUNTA, JR.

ATTORNEY AT LAW*

P. O. BOX 70

SOUTH WEYMOUTH, MA 02190

*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

July 14, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Arthur Deych and Anna Deych
10 Riverside Street, Needham, MA

Dear Mrs. Collins,

Please be advised this office represents Arthur Deych and Anna Deych of 10 Riverside Street, Needham, MA 02494 (hereinafter, jointly, "Deych" and the "Applicant") with respect to their property known and numbered 10 Riverside Street, Needham, MA 02494 (hereinafter the "Premises"). In connection therewith, submitted herewith please find:

1. Seven copies of a completed Application for Hearing;
2. Seven copies of Memorandum in Support of Application of Arthur Deych and Anna Deych, 10 Riverside Street, Needham, MA;
3. Seven copies of Plot Plan prepared by Christopher C. Charlton; and
5. Check in the amount of \$500 for the applicable filing fee.

The Premises is currently occupied by a single-family house, which is non-conforming relative to the applicable front yard setback, and two off-street parking spaces. Anna Deych, who is also known as Anna Starkova, is an award-winning artist, who desires to provide limited art instruction to children at the Premises. After consultation with the Building Commissioner, it is his opinion that such activity does not fit within either the professional studio or \ customary home occupation categories of Section 3.2.1., instead falling within the "other private school" category. As a result, such activity requires a special permit.

In addition, such use triggers the need for compliance with the off-street parking requirements of Section 5.1.2 and 5.1.3. Given the arrangement of the Premises and the limited parking available, a special permit waiving strict adherence with some or all of such requirements is also required.

Please schedule this matter for the next available hearing of the Board, If you have any questions, comments or concerns relative to the foregoing, please do not hesitate to contact me so that I may be of assistance.

Your courtesy and attention are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Giunta", with a stylized flourish at the end.

George Giunta, Jr.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Arthur and Anna Deych			Date:	7/14/25
Applicant Address	10 Riverside Street, Needham, MA 02494				
Phone	617-276-6450	email	arthurdeych@gmail.com		
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other_____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	George Giunta, Jr., Esq.				
Address	P.O. Box 70, South Weymouth, MA 02190				
Phone	781-449-4520	email	george.giuntajr@needhamlaw.net		
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____					
Contact ☒ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	10 Riverside Street, Needham, MA 02494		
Map/Parcel Number	Map 73 / Parcel 44	Zone of Property	General Residence (GR)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Single-family dwelling which is non-conforming as to front yard setback and two associated off-street parking spaces.

Statement of Relief Sought:

Special Permit pursuant to Section 3.2.1 for a private school

Special Permit pursuant to Section 5.1.1.5 waiving the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements)

Any and all other relief as may be necessary for the use of a portion of the Premises for art instruction.

Applicable Section(s) of the Zoning By-Law:

3.2.1, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable section or by-law.

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (<i>square feet</i>)		
Front Setback (<i>feet</i>)		
Rear Setback (<i>feet</i>)		
Left Setback (<i>feet</i>)		
Right Setback (<i>feet</i>)		
Frontage (<i>feet</i>)		
Lot Coverage (%)		
FAR (<i>Floor area divided by the lot area</i>)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector prior to filing this application.

Arthur and Anna Deych
by their attorney, *date of consult*

Date: July 14, 2025 Applicant Signature *George Giunta Jr*
George Giunta, Jr., Esq.

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

TO: THE MEMBERS OF THE BOARD OF APPEALS
TOWN OF NEEDHAM, MA

July 14, 2025

MEMORANDUM IN SUPPORT OF
APPLICATION OF
ARTHUR DEYCH and ANNA DEYCH
10 Riverside Street, Needham, MA

The applicants, Arthur Deych and Anna Deych (hereinafter, jointly, both “Deych” and, the “Applicant”), seek a Special Permit pursuant to Section 3.2.1 of the Needham Zoning By-Law for a private school as well as a Special Permit pursuant to Section 5.1.15 waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking), as applicable, and Section 5.1.3 (Parking Plan and Design Requirements), to permit art instruction at the residential property known and numbered 10 Riverside Street, as described in the materials submitted herewith, and all other relief as may be necessary and appropriate therefor.

PRESENT USE / HISTORY

The Premises is shown as parcel 44 on sheet 73 of the Assessor’s Map for the Town of Needham and consists of approximately 2,955 square feet of land with 50 feet of frontage on Riverside Street. It is situated immediately adjacent to the Highland Commercial – 128 Zoning District, directly behind the Cookies by Design business at 54 Highland Avenue and across the Street from the Frank Webb Home store at 68 Highland Avenue.¹

The Premises is currently occupied by a two and one-half story, single-family residential dwelling, together with two associated off-street parking spaces.² The house is lawful, pre-existing, non-conforming as to the applicable front yard setback³ The house was originally built in 1925 and then expanded in 2018 pursuant to Decision of the Zoning Board of Appeals, dated

¹ See Exhibit A provided herewith – portion of Assessor’s Map No. 73.

² See Exhibit B – photos.

³ The existing house is setback only 1.3 feet from Riverside Street, as opposed to 20 feet as currently required.

February 15, 2018, issued to Anna & Arthur Deych. That Decision authorized construction of an addition to the rear and above, expanding the house and converting it from a one and one-half story house to a two and one-half story house.

PROPOSED USE / ACTIVITY

Anna Deych, also known as Anna Starkova, is an award winning, self-educated fine artist who has been selected to participate in many juried art exhibitions throughout New England and New York City. She works with a variety of techniques such as oils, acrylics, watercolors, and graphite, and her work can be found in private collections all around the world. As a mother of two, Anna has a natural appreciation for the value of art in the lives of children. She has previously offered art instruction online and at her home. Recently, it has come to her attention that in order to continue with instruction in her home, zoning relief is required. As a result, she is now seeking the special permits necessary to formalize and continue with such instruction.

Anna intends to offer classes to children generally ranging in age from 6 to 15. Given the age range, no students would drive themselves; all would be dropped off and picked up. Starting in the fall and running through the school year, classes are anticipated to be offered primarily in the late afternoon evening and weekend, with the bulk of classes offered during the day on Saturday. At present, class times are expected to be as follows:

Day of the Week	Hours of Instruction
Wednesday	Between 6:30 PM and 7:30 PM
Thursday	Between 4:00 PM and 6:15 PM
Friday	Between 4:00 PM and 6:15 PM
Saturday	Between 10 AM and 4:15 PM

Classes will run approximately 45 minutes to one hour long, with a minimum 15-minute gap between classes to facilitate drop-off and pick-up. During the summer, over the course of three weeks, Anna would expect to run three, separate sessions of “camp” style classes. Each session would last five days and would run Monday through Friday, 9:30 AM through 12 Noon for a half-day program, or 9:30 AM through 4 PM for a full day program. For these summer camp sessions, drop-off would be between 9 AM and 9:30 AM.

Anna is the only teacher with no other staff. Her priority with respect to her art is being an artist. The classes are simply a way for her to spread the love she has for art to others, especially children. She started teaching when her kids' friends/parents wanted to learn how to draw. Those parents then wanted more classes because Anna is such an amazing artist and that led to instruction of the children. Many of Anna's students either started as or became family friends. Then she began to teach friends of family and then friends and siblings from her network of family and friends. It has been a truly "home grown" activity. Anna says she is not trying to become the next Michael's with continual parties and classes, but rather wants to spread her love and joy of Art to children. Classes are taught in the lower level of the house, with a separate entrance on the left side of the structure next to the Cookies by Design detached garage.⁴

The number of students in each in-person class will vary, with some classes featuring individualized instruction and some classes with as many as five students. The maximum class size for all in-person instruction will be five students, including the summer camp sessions. Currently, at least six families that receive instruction have siblings that attend together, reducing the number of separate vehicles that arrive and depart, and it is expected that two to three of the students in the summer camp sessions would also be siblings.

Parents and caretakers are not allowed to either attend class or wait on premises. There is a strict drop-off / pick-up policy with signs posted inside and information provided to parents / caretakers. In addition, parents and caretakers are told to utilize the two off-street parking spaces to the right of the house or the on-street space directly in front of the house for drop-off and pick-up.

PARKING

There is no category in Section 5.1.3 (Required Parking) of the By-Law that is clearly applicable to the proposed use. Therefore, given the nature of the use and the age of the students, the Applicant asserts that it would be logical and make sense to apply the same parking demand standard as has been applied to numerous after school, child care and dance instruction purposes; namely, for known enrollment less than 45 students, 1 space for each member of staff and 1

⁴ See Exhibit C – photos.

space for every 5 students.⁵ Using this standard, the total parking demand for the proposed use will be 2 spaces, calculated as follows: 5 students @ 1 space / 5 students = 1 spaces + maximum 1 staff @ 1 space / 1 staff = 2 total spaces.

Whereas there are two parking spaces available on site, there are sufficient spaces available. However, the two existing spaces, which are tandem spaces, are consistent with residential construction and do not meet the design criteria set forth at Section 5.1.3. As a result, at a minimum a waiver from the design criteria pursuant to Section 5.1.1.5 is required. Furthermore, given the nature of the spaces as tandem spaces, it is not entirely clear that a waiver of the number spaces is not required, and so same has been requested as well, as a precautionary measure.

LAW

Massachusetts General Laws, Chapter 40A, Section 9 states that: “Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use.”

Pursuant to Section 3.2.1 of the By-Law, the request for a special permit for a private school is to be evaluated pursuant to the standards of Section 7.5.2 of the By-law. That Section requires that all use related aspects:

- (a) comply with such criteria or standards as may be set forth in the section of the By-Law which refers to the granting of the requested special permit;
- (b) are consistent with: 1) the general purposes of the By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Law, such as, but not limited to, those at the beginning of the various sections; and
- (c) are designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area

Section 5.1.1.5 authorizes and empowers the Board to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 where a particular use, structure, or lot, owing to special circumstances, does not warrant the application of the parking requirements of Section 5.1.2 or the design requirements contained in Section 5.1.3. In addition, pursuant to Section 5.1.1.5 the

⁵ This standard has been applied to Arrais Ballet, Total Eclipse Dance Studio, Needham ACE afterschool program, the afterschool program upstairs at 315 Chestnut Street, Code Wiz and many others.

Board is directed to consider whether the issuance of the special permit would be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and is further consistent with the intent of the Zoning By-Law.

ANALYSIS / ARGUMENT

I. USE

The proposed use of a portion of the existing house at the Premises for a private school is consistent with both the general and specific purposes of the By-Law. Provision of art instruction will promote the welfare and interests of the residents of the Town of Needham by providing and equipping young students with tools to develop their creativity, enhance their appreciation of art and expand their vision.

While the Premises is in General Residence zoning district, it is immediately adjacent to a busy commercial district and an existing commercial use and is across the street from another existing commercial use. The use of a portion of the existing house for art instruction does not contemplate any changes to the house, and certainly no alterations to the exterior. The existing side door, located on the same side of the house as the commercial district and the existing commercial use will remain the primary entry / exit for the use. As a result, the house will retain its appearance and character as a single-family residential dwelling. Therefore, the Applicant asserts that the proposed use of a portion of the existing house for a small private school use as described complies with the applicable provisions of both Chapter 40A and the By-Law and should be allowed.

II. PARKING

There are currently two on-site parking spaces available for use, as well as one on-street space directly in front of the house. As set forth above, the proposed use requires a total of two parking spaces. Therefore, there are sufficient spaces on site to accommodate the proposed use. However, because the spaces are laid out consistent with customary tandem residential spaces, they do not comply with the criteria applicable to commercial parking spaces. As a result, a special permit waiving strict adherence with the design criteria is required.

Due to the age of the students, all parking will be strictly drop-off and pick-up. Parents and caretakers are directed to use the two available on-site spaces, together with the one space in front of the house for this purpose. They are also prohibited from attending lessons or waiting on site. As a result, parking will only be very short term, for the duration of drop-off and pick-up. And because classes are timed with a 15 minute break in between, there is sufficient time to ensure that the spaces are available for each class.

Therefore, Deych asserts that, owing to the special circumstances applicable to the proposed use, a parking waiver from the applicable design requirements contained in Section 5.1.3 is appropriate. Due to the small size of the lot and the location and layout of the existing building and parking, it is not practical or possible to comply with the design criteria. Moreover, compliance with the criteria, if possible, would make the Premises appear more commercial in nature, as opposed to its current residential appearance.

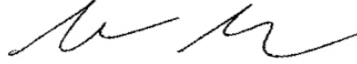
CONCLUSION

Educational services that function outside of regular classroom instruction provide numerous benefits to students, and therefore the community. Art instruction in particular, fosters creativity, helps with the development of fine motor skills, enhances self-expression, and boosts confidence. It also promotes problem-solving abilities, critical thinking, and emotional intelligence. Furthermore, art can be a powerful tool for self-discovery and communication, allowing children to explore and understand their emotions and perspectives. Therefore, there are good and sufficient reasons for granting the requested use special permit.

Furthermore, as there will be no alteration to the existing structure, and the entrance to the art studio is on the same side of the house as the adjacent commercial zone and an existing commercial use, the activity will not fundamentally change the nature of the Premises or its relationship to the neighborhood.

While the existing on-site parking spaces do not comply with applicable design criteria, part of the reason for that is the nature of the spaces as consistent with customary residential design. Moreover, there are sufficient spaces available on site, as well as one additional space directly in front of the house. Therefore, the parking is sufficient to support the use and there are good and sufficient reasons for granting the requested waivers. As a result, Deych asserts that the requested zoning relief is both proper and appropriate and should be granted.

Respectfully submitted,
Arthur and Anna Deych
by their attorney,

A handwritten signature in black ink, appearing to be 'G. Giunta, Jr.', written in a cursive style.

George Giunta, Jr., Esq.
P.O. Box 70
South Weymouth, MA 02190
Tel: 781-449-4520

Exhibit A
Portion of Assessor's Map
Sheet 73

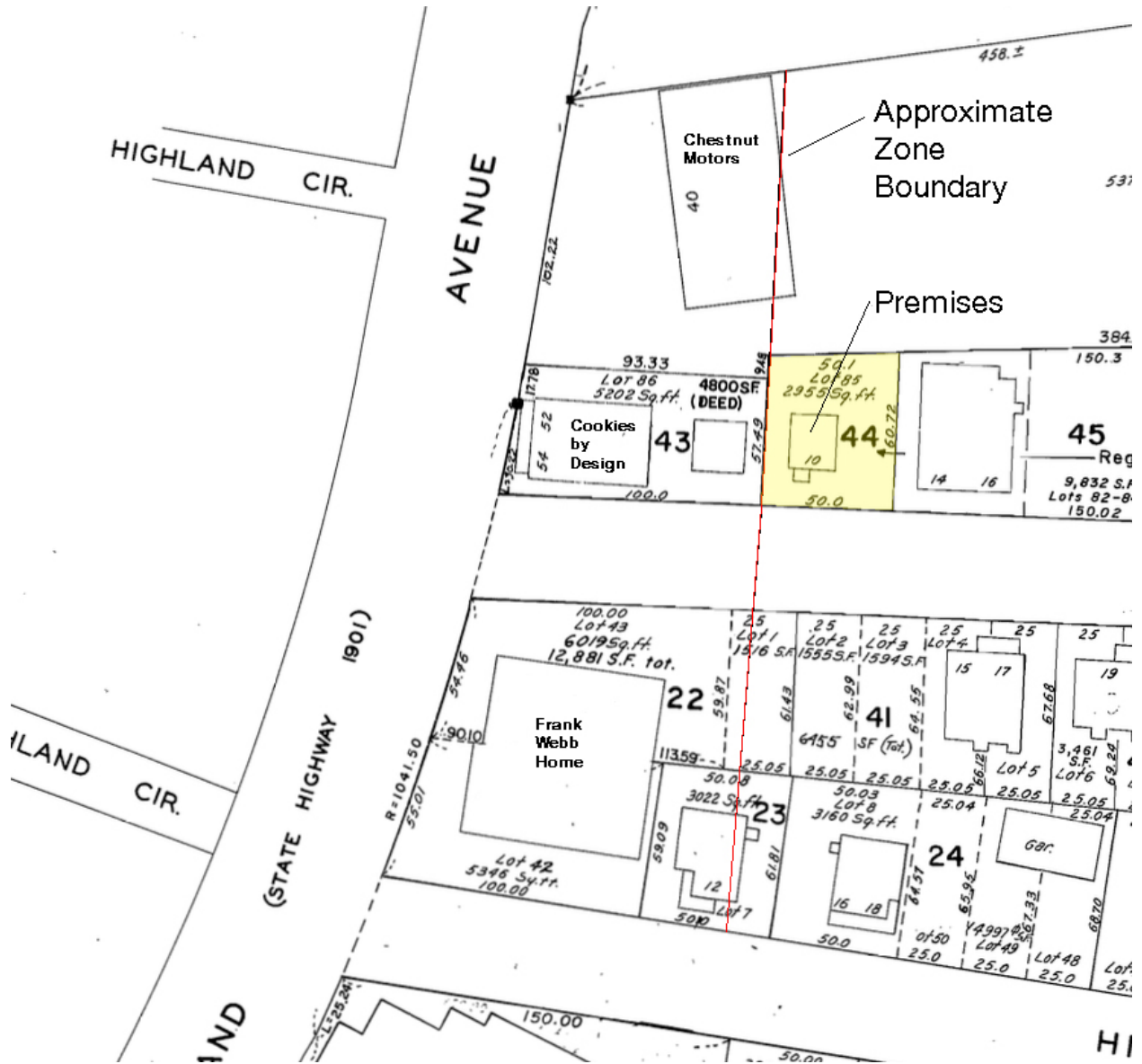


Exhibit B
Photos of Premises



Exhibit C
P 1 of 2
Photos of Studio

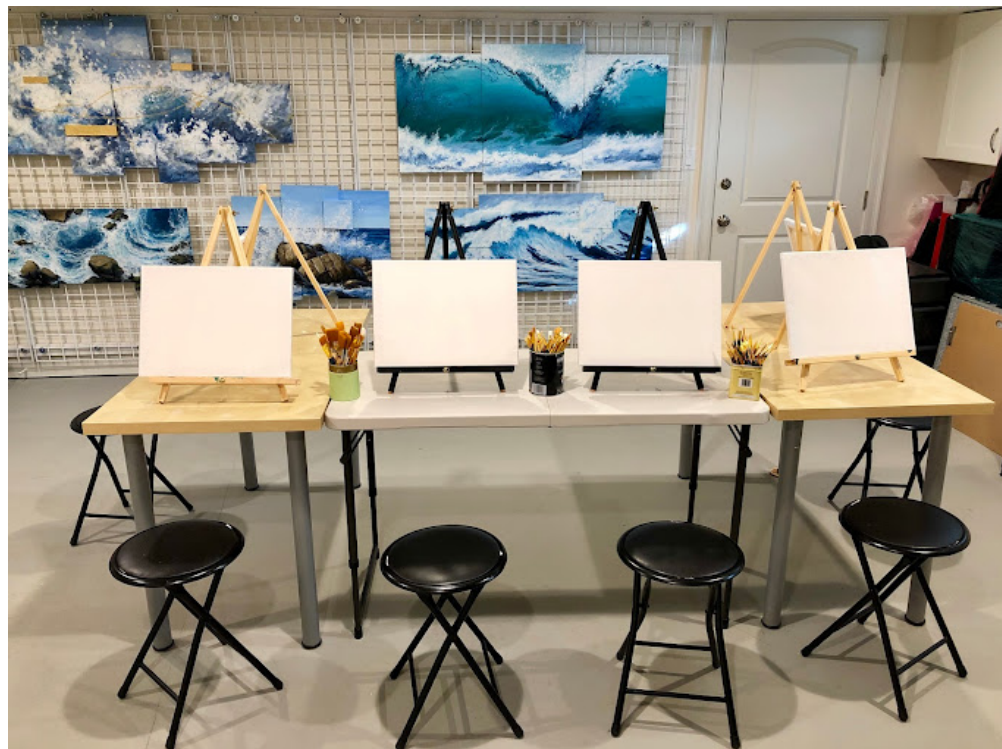


Exhibit C
P 2 of 2
Photo of Studio Entrance



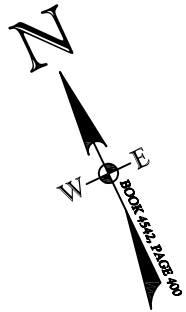
TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

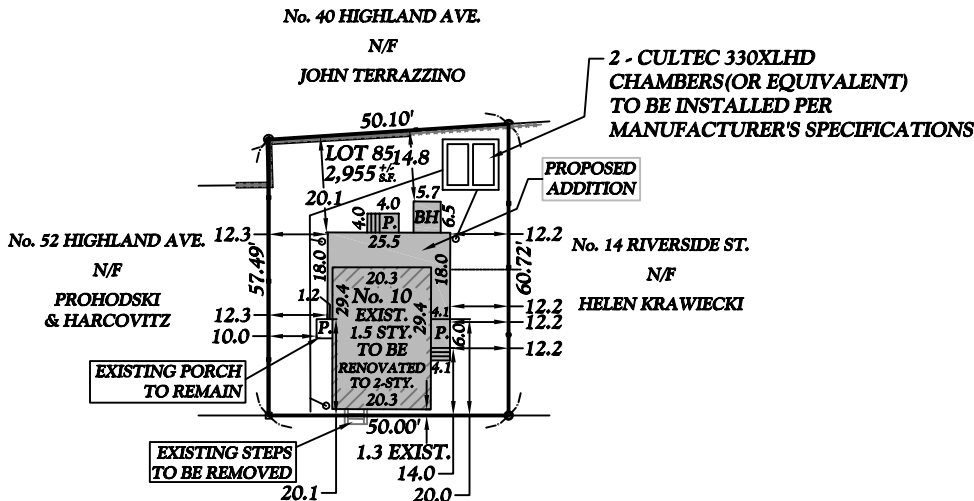
Assessor's Map & Parcel No. MAP NO. 73, PARCEL 44

Building Permit No. _____ At No. 10 RIVERSIDE STREET
Lot Area 2,955 S.F. Zoning District GR
Owner ARTHUR DEYCH Builder _____

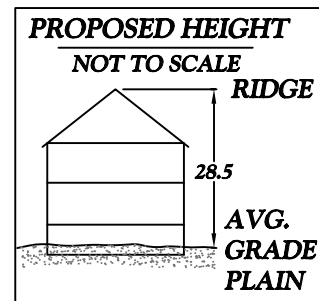
PROPOSED RENOVATIONS & ADDITION PLOT PLAN 40' Scale



**PROPOSED LOT
COVERAGE = 29.8%**



RIVERSIDE (PUBLIC - 40.0' WIDE) STREET



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the town of Needham. All plot plans shall show existing structures and public utilities, including water mains, sewers, drains, gaslines, etc.; driveways, Flood Plain and Wetland Areas, lot dimensions, dimensions of proposed structures, sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor. For new construction, elevation of lot corners at streetline and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unsewered area.

(*Accessory structures may require a separate building permit — See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this 17th day of MAY 20 18.

Name CHRISTOPHER C. CHARLTON Registered Land Surveyor No. 48649

Address 105 BEAVER STREET City FRANKLIN State MA Zip 02038 Tel. No. (508) 528-2528

Approved _____ Director of Public Works Date _____

Approved _____ Building Inspector Date _____

Task	Schedule
Review districts maps, uses (by right and special permit), dimensional regulations	Sept 2 pb mtg
Meeting invite: district landlords, tenants, brokers	Sept 16 pb mtg
Discuss of interview results, maps, uses and dimensional regulations, consider regulatory changes	Oct 7 pb mtg
Discussion of regulatory changes	Oct 21 pb mtg
Public meeting: noticed, post cards, info officer, website - present updated regulatory proposal, public feedback	Nov 4 - special mtg
Discussion of public feedback and regulatory changes; send proposed changes to CEA for discussion and feedback	Nov 18 pb mtg
Review draft bylaw change; send to bid fiscal impact analysis and traffic impact analysis	Dec 2 pb mtg
Review fiscal impact and traffic impact, project leads meet with SB and FC; legal notice to paper	Jan 27 - pb mtg
SB discussion and refers back to PB	Feb 3 - SB mtg
legal notice to clerk; 1st run in newspaper	10-Feb
2nd run in newspaper	17-Feb
Public hearing 1	24-Feb
Public hearing 2	
PB finalize bylaw language	
Warrant	
Town Meeting	

Task	Schedule
Review districts maps, uses (by right and special permit), dimensional regulations	Sept 2 pb mtg
Meeting invite: district landlords, tenants, brokers	Sept 16 pb mtg
Meeting invite: district landlords, tenants, brokers	Oct 7 pb mtg
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Discussion of regulatory changes	Nov 4 - special mtg
Public meeting: noticed, post cards, info officer, website - present updated regulatory proposal, public feedback	Nov 18 pb mtg
Discussion of public feedback and regulatory changes; send proposed changes to CEA for discussion and feedback	
Review draft bylaw change; send to bid fiscal impact analysis and traffic impact analysis	
Review fiscal impact and traffic impact, project leads meet with SB and FC; legal notice to paper	
SB discussion and refers back to PB	
legal notice to clerk; 1st run in newspaper	
2nd run in newspaper	
Public hearing 1	
Public hearing 2	
PB finalize bylaw language	
Warrant	
Town Meeting	

From: [Glenn Mulno](#)
To: [Planning](#)
Cc: [Lee Newman](#)
Subject: Re: 100 West
Date: Monday, July 28, 2025 10:46:23 AM

For clarity - This would be the Highland Ave exit, across from Morton Street, so the cross walk is on the south side of Morton.

And reading my earlier note - I meant a "blinking" light, not a blocking light. Same style cross light that is on the Webster street High School side.

Glenn

On Mon, Jul 28, 2025 at 10:40 AM Planning <planning@needhamma.gov> wrote:

I will share this with both the Petitioner and the Planning Board.

Thanks, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 72271

www.needhamma.gov

From: Glenn Mulno <glenmulno@gmail.com>
Sent: Friday, July 25, 2025 2:38 PM
To: Planning <planning@needhamma.gov>
Subject: 100 West

Hi,

Request for when permits are issues for 100 West.

Can you require the developer to install a cross walk, with one of those push button blocking lights, at the exit from 100 West to across Highland?

With the MBTA bus stop right across the street in this area, I would anticipate, and hope, that residents living at 100 West would take advantage of the bus. We should make sure they have a good safe way to cross there. The cross walk should be at the end of the property so it comes out closer to the bus.

Thanks for your consideration.

Glenn Mulno

Alexandra Clee

From: Tyler Gabrielski
Sent: Monday, July 28, 2025 4:17 PM
To: Planning; Thomas Ryder; Carys Lustig
Cc: Lee Newman
Subject: Re: 100 West

Hello,

I agree with the general idea that there should be access to the bus stop. If the new building still has its primary egress from the parking lot opposite Morton St then a crosswalk near there makes some sense.

However, there are often misconceptions about what is required to install an RRFB (the push button blinking signs). You cannot just put them in and paint crosswalks, there is prerequisite construction that has to be done to make it safe and accessible.



1. There need to be ADA compliant curb ramps installed. The areas circled in yellow would need to be reconstructed to allow the crosswalk to line up properly. On the building side, a new curb cut would need to be made with a new ramp installed. On the Morton St side, the existing ramp is an "apex" design that points out from the corner. If the crosswalk was aligned with this ramp, the crosswalk would be longer than the width of Highland Ave (not great from a safety standpoint). We would want the corner to be modified with the ramp shifted over to allow a shorter crossing with a new ramp that actually faces the other side of the street. This would potentially involve moving the curb out a bit to make more room on the corner.
2. There are two potential sight line obstructions that would conflict with the flashing signs on either side of the street, circled in red. Depending on the positioning of the signs, northbound traffic would not be able to see them until they are too close to stop. This may also require curb line changes to get the signs further into the roadway via "bumpouts."

I hope that helps. Let me know if you have any questions.

Thanks,



Tyler Gabrielski
Director of Streets & Transportation
Town of Needham
Public Services Admin Building
500 Dedham Ave
Needham, MA 02492
Office: (781) 455-7550 ext 72345
Mobile: (781) 760-8530
www.needhamma.gov

From: Alexandra Clee <aclee@needhamma.gov> on behalf of Planning <planning@needhamma.gov>
Sent: Monday, July 28, 2025 12:23 PM
To: Thomas Ryder <tryder@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Tyler Gabrielski <tgabrielski@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: Fw: 100 West

We are sharing this with the Petitioner and Planning Board. But also wanted your feedback on this.

Thank you.

Alexandra Clee
Assistant Town Planner
Needham, MA
[781-455-7550 ext. 271](tel:781-455-7550)
www.needhamma.gov/planning

From: Glenn Mulno <glennmulno@gmail.com>
Sent: Monday, July 28, 2025 10:45:35 AM

To: Planning <planning@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: Re: 100 West

For clarity - This would be the Highland Ave exit, across from Morton Street, so the cross walk is on the south side of Morton.

And reading my earlier note - I meant a "blinking" light, not a blocking light. Same style cross light that is on the Webster street High School side.

Glenn

On Mon, Jul 28, 2025 at 10:40 AM Planning <planning@needhamma.gov> wrote:
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Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 72271
www.needhamma.gov

From: Glenn Mulno <glenmulno@gmail.com>
Sent: Friday, July 25, 2025 2:38 PM
To: Planning <planning@needhamma.gov>
Subject: 100 West

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Request for when permits are issues for 100 West.

Can you require the developer to install a cross walk, with one of those push button blocking lights, at the exit from 100 West to across Highland?

With the MBTA bus stop right across the street in this area, I would anticipate, and hope, that residents living at 100 West would take advantage of the bus. We should make sure they have a good safe way to cross there. The cross walk should be at the end of the property so it comes out closer to the bus.

Thanks for your consideration.

Glenn Mulno

Alexandra Clee

From: Teresa Combs <tcombs2@verizon.net>
Sent: Thursday, August 7, 2025 1:13 PM
To: Planning; Alexandra Clee
Subject: Re: Request for Direct Outreach to SRB Property Owners Regarding Potential Zoning Changes

Dear members of the LHRC and Planning Board,

I writing to follow up on my 7/31/25 email requesting that a direct outreach mailing be sent to all residents in the SRB zoning district who will be impacted by any proposed zoning changes.

Today I received the postcard shown below about the Pollard Project. This direct outreach mailing is informing residents about how to “participate in the Pollard Project, our shared investment in Needham’s future”. This outreach is exactly what I am requesting.

Again, I am requesting that the LHRC please send out a similar mailing. Residents need to be made aware of this equally important issue.

Thank you!

Teresa Combs

PARTICIPATE IN THE POLLARD PROJECT

OUR SHARED INVESTMENT IN NEEDHAM'S FUTURE

Pollard Middle School is over 65 years old, and the aging infrastructure is in need of critical upgrades. We are working on a solution to design a renovated or new school for our 1300+ middle school students that will fully meet their educational needs. **This project needs the input and support of the entire community, and we want to understand your priorities.**

Needham has a unique opportunity to partner with the state for partial funding of a renovated or new middle school facility that upgrades critical infrastructure while fully supporting the learning needs of our 6-8 students.

Your voice is vital! Join us at these upcoming sessions.
SHARE YOUR PRIORITIES. ASK QUESTIONS. LEARN MORE.



Visit:

<https://tinyurl.com/NSPollardProject>

WEB LINK!

TURN OVER FOR INFORMATION & MEETING DATES →



SHARE YOUR PRIORITIES FOR POLLARD

Join us at these important upcoming meetings to learn more about the Pollard Middle School Building Project and share your valuable input. Your perspective is essential as we shape the future of our schools and community.



<https://tinyurl.com/ZoomPollard>

UPCOMING COMMUNITY MEETINGS & EVENTS:

- **Thursday, August 21 at 6:30 p.m.** (Zoom)
Community Meeting: *What is our Vision and Q&A*
- **Wednesday, September 10 at 6:30 p.m.** (In Person at Pollard & Zoom)
Community Meeting: *What We're Hearing*
- **Saturday, October 4 at 9:00 - 10:30 a.m.** (In Person at Pollard)
Pollard Open House: *Tours and Q&A*
- **Thursday, November 6 at 6:30 p.m.** (In Person at Pollard & Zoom)
Sharing Preliminary Plans & Gathering Additional Feedback
- **Saturday, November 15, 9:00 - 10:30 a.m.** (In Person at Pollard)
Pollard Open House: *Tours and Q&A*



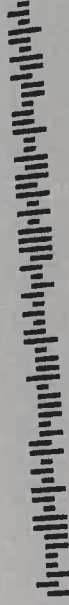
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Needham Public School
1330 Highland Ave.
Needham, MA 02492

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RESIDENT
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NEEDHAM HEIGHTS, MA 02494-2120



Sent from my iPhone

On Jul 31, 2025, at 3:07 PM, Teresa Combs <tcombs2@verizon.net> wrote:

Dear Members of the Large House Review Study Committee and Planning Board,

My partner and I have lived in Needham for almost 25 years, and our 26-year-old son attended and graduated from the Needham Public Schools. I am 65 years old, love our town and am committed to staying here.

I am writing to respectfully request that the Committee conduct direct outreach to residents of the more than 7,000 properties located within the SRB zoning district who will be impacted by any prospective zoning changes under consideration. These homeowners deserve to be made aware - through a mailed postcard or flyer - of the Committee's charge and ongoing discussions, so they have sufficient time and opportunity to understand the implications and share their perspectives.

I appreciate the work the Committee is doing and acknowledge the public outreach efforts to date, including the June 9th public hearing at Town Hall, the online survey, and the recent discussion with some local developers. That said, I have some concerns about the methods used to gather community input and how that input might be interpreted and/or used.

From my experience, residents who attend public meetings tend to be those already actively engaged or supportive of a particular viewpoint on an issue. Similarly, while the online survey received approximately 1,000 responses, the sample was self-selected and does not necessarily reflect a representative cross-section of Needham residents. Additionally, some of the survey questions appeared leading, subjective, or emotionally charged. For example, Question 1 - "Needham has a large house and/or teardown issue" - presupposes a problem and may have influenced responses to later questions. The fact that 76% of respondents agreed or strongly agreed with that statement likely impacted the overall tone of the results.

I am also concerned by the use of ChatGPT to analyze and draw conclusions from the public meeting notes and survey responses. AI can be a helpful tool, but it is only as good as the information and context it is given. It would be irresponsible to draw strong conclusions - particularly statements about a community-wide mandate for zoning reform - based on this type of analysis.

Given these concerns, I urge the Committee to please broaden its outreach and specifically notify residents in the SRB district, many of whom may not be aware of the changes being considered or the potential implications for their properties and neighborhood. Direct outreach would ensure a more inclusive and equitable process.

Thank you for your time and consideration.

Sincerely,

Teresa Combs
7 Utica Road, Needham

TOWN OF WELLESLEY ZONING BOARD OF APPEALS
PUBLIC HEARING

THE PERMIT GRANTING AUTHORITY AND THE SPECIAL PERMIT GRANTING AUTHORITY WILL OPEN A REMOTE PUBLIC HEARING, ON THURSDAY, AUGUST 21, 2025 AT 7:30 PM, ON THE FOLLOWING PETITIONS. ZOOM ACCESS & WELLESLEY MEDIA COVERAGE WILL BE PROVIDED IN A SEPARATE NOTICE TO ABUTTERS WITHIN 300 FEET OF THE PROPERTY AND ON THE TOWN WEBSITE/AGENDAS.

ZBA 2025-43

Petition of BABSON COLLEGE requesting Site Plan Approval pursuant to the provisions of Section 3.8, Section 5.6 and Section 6.3 of the Zoning Bylaw for a major construction project in a Water Supply Protection District. The project includes redevelopment of a recently demolished parking garage into a new Executive Lodge and Conference Center, which will include 77,600 square feet of hospitality space, guest rooms, function/meeting areas, fitness center and restaurant. The scope of work includes associated site improvements consisting of surface parking, accessible pedestrian routes, landscaping, a comprehensive stormwater management system, and building utility services. The project will be located entirely within the Babson College Campus, at 231 FOREST STREET, in an Educational District and a Water Supply Protection District. Plans may be viewed at [www.wellesley.ma.gov/ Government / Zoning Board of Appeals / Meetings / Upcoming Zoning Board of Appeals Meetings/ August 21, 2025](http://www.wellesley.ma.gov/Government/ZoningBoardofAppeals/Meetings/UpcomingZoningBoardofAppealsMeetings/August21,2025), or in the Town Clerk and ZBA offices.

ZBA 2025-44

Petition of ENCORE PROPERTIES WELLESLEY, LLC requesting Site Plan Approval pursuant to the provisions of Section 3.2, Section 5.6 and Section 6.3 of the Zoning Bylaw for a major construction project that includes combination of three lots, demolition of existing structures, construction of a new 3-story multifamily residential structure containing 34 condominium units, seven of which will be affordable, a parking garage, a car stacker system, residential amenity spaces, and enhanced open space, in a Residential Overlay District at 192-194 WORCESTER STREET, in a Business District, and 150 CEDAR STREET, in a 15,000 square foot Single Residence District. Plans may be viewed at [www.wellesley.ma.gov/ Government / Zoning Board of Appeals / Meetings / Upcoming Zoning Board of Appeals Meetings/ August 21, 2025](http://www.wellesley.ma.gov/Government/ZoningBoardofAppeals/Meetings/UpcomingZoningBoardofAppealsMeetings/August21,2025), or in the Town Clerk and ZBA offices.

ZBA 2025-45

Petition of TOWN OF WELLESLEY, DEPARTMENT OF PUBLIC WORKS, requesting Site Plan Approval pursuant to the provisions of Section 3.7, Section 5.6 and Section 6.3 of the Zoning Bylaw for a major construction project that includes construction of a 30 foot by 70 foot team room building and detached storage container, with associated grading, stormwater, and utility improvements, at 55 RICE STREET (Hunnewell Field), in a Wetland Buffer Zone and Riverfront Area, in a Flood Plain or Watershed Protection District and a Parks, Recreation & Conservation District. Plans may be viewed at [www.wellesley.ma.gov/ Government / Zoning Board of Appeals / Meetings / Upcoming Zoning Board of Appeals Meetings/ August 21, 2025](http://www.wellesley.ma.gov/Government/ZoningBoardofAppeals/Meetings/UpcomingZoningBoardofAppealsMeetings/August21,2025), or in the Town Clerk and ZBA offices.

J. Randolph Becker, Chairman
Zoning Board of Appeals