

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2020 MAY 15 AM 10:18

George Giunta, Jr.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 449-8475

May 4, 2020

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

Re: Major Project Site Plan
Amendment – Learning Tree Preschool
V.S.A., LLC
225 Highland Avenue, Needham, MA

Dear Lee,

Please be advised that this office represents V.S.A., LLC (hereinafter, and in the materials submitted herewith, “VSA”) relative to the proposed renovation and redevelopment of approximately 1,109 square feet of existing first floor commercial space within the building known and numbered 225 Highland Avenue (the “Premises”). In connection therewith, submitted herewith pursuant to M.G.L. Chapter 40A and the Town of Needham Zoning By-Law (the “By-Law”), please find the following materials. Same are submitted both electronically and in paper format, pursuant to the procedures adopted by the Planning Board for filing during the Covid-19 state of emergency.

1. Completed Application for further Site Plan Review with Addendum A;
2. One full size copy of plans titled “Proposed The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, MA”, consisting of three sheets, as follows: Sheet A1.0, titled “First Floor Plan, Interior Elevations, Finish Schedule”, dated Feb 11, 2020; Sheet A1.1, titled “Reflected Ceiling Plan”, dated Feb 11, 2020; and Sheet A 2.0 titled “Existing Exterior Elevations”, dated Feb 11, 2020;
3. One full size copy of plan titled “Existing Conditions Site Plan, 225 Highland Avenue, Needham, Mass”, prepared by Field Resources, Inc., Land Surveyors, dated January 8, 2017, updated February 4, 2020, consisting of one sheet.
3. Authorization Letter of V.S.A., LLC, dated March 3, 2020; and
4. Check No. 1322 in the amount of \$1,000 for the requisite filing fee.

The Premises is located within an existing building in the Highland Commercial – 128 Zoning District, at the corner of Highland Avenue and Wexford Street. The property on which the building is located is identified as Parcels 36 and 37 on Town of Needham Assessor's Map No. 74 and contains approximately 15,798 square feet of land area. The Building was built pursuant to Major Project Site Plan Special Permit, dated November 12, 2008 as affected by Amendment dated August 11, 2009 (reducing the size of the basement space), and Amendment dated January 4, 2011 (authorizing several de minimis changes to the site layout).

The Premises is one of three existing bays on the first floor of the Building and consists of approximately 1,109 square feet of floor space. It was last used for educational and tutoring purposes by Huntington Learning Center pursuant to Site Plan Special Permit Amendment dated June 12, 2012. The remainder of the first floor is currently occupied by UBreakiFix, a mobile phone and electronics repair shop and retail store, consisting of approximately 773 square feet of floor space, Snip-Its, a children's hair salon, consisting of approximately 1,134 square feet of floor space, and common areas, including two shared bathrooms. The entire second floor of the building is occupied by Gymboree Play & Music, pursuant to Site Plan Special Permit Amendment dated August 9, 2011.

VSA proposes to lease the Premises to Learning Tree Preschool, a fully licensed preschool and group daycare center established in 1997. Learning Tree currently operates two facilities serving children from 15 months through 6 years of age; one in Allston and the other in West Roxbury.

Learning Tree currently offer two programs: one for toddlers (15 months – 3 years) and the other for preschool age children (3-6 years). The toddler program includes a balance of child-initiated and teacher-directed activities featuring a variety of hands-on experiences and play. These activities keep the toddlers actively engaged and continuously learning more about themselves and the world around them and further helps to foster a desire for independence and an understanding of compassion.

The preschool program features child centered, play based exploration, aimed to inspire investigation and build basic skills in all areas of learning in preparation for kindergarten. In this program, the children are encouraged to express their ideas, opinions and thoughts through interactive dialogue with teachers and peers.

The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five teachers / educators on site at all times. The expected maximum enrollment is 23, divided between 13 toddlers and 10 preschool age children. There will be no separate administrative or support staff.

Analysis

I. Use

Pursuant to Section 3.2.5.1(a), uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Sec. 3 are permitted as of right.¹ Pursuant to Section 3.2.5.2(c) of the By-Law, the use of property in the Highland Commercial-128 for a private school, nursery, or kindergarten not otherwise classified under Section 3.2.5.1 requires a special permit. Furthermore, pursuant to Section 3.2.5.1(k), more than one use on a lot is permitted as of right.

Whereas the definition of childcare centers in c.40A and c.15D includes the proposed use of the Premises, it would appear that same is exempt and therefore allowed as of right pursuant to Section 3.2.5.1(a) of the By-Law. However, in the unlikely event the Board were to determine otherwise, namely, that the proposed use does *not* fall within such definition, a special permit pursuant to Section 3.2.5.2(c) would be required, and has been requested. And, if such permit is required, upon issuance, the use will comply with the By-Law.

II. Parking

Section 5.1.2 of the Bylaw (Required Parking) does not include a category for childcare, daycare or the like. As a result, VSA hereby requests that the Planning Board make a determination as to required parking, consistent with the Board's previous precedent for other daycare facilities.² That standard imposes a parking requirement of one space for every five students, plus employee parking (defined as the maximum number of staff on duty at any one time), if enrollment is both known and less than 45 children.

Applying such standard to the proposed use of the Premises, the required parking will be 10 spaces, calculated as follows:

23 expected children ÷ 5 = 4.6 spaces
5 maximum staff = 5 spaces
4.6 + 5 = 9.6 = 10 (rounded up) = 10 total spaces required

Pursuant to the Huntington Learning Center Site Plan Special Permit Amendment, the parking requirement for that use was determined to be a total of 8 parking spaces. As a result, the proposed use will result in a net parking demand increase of two spaces, for a total building parking demand of 39 spaces.³

¹ M.G.L. c.40A, Sec. 3 specifically exempts child care centers which are further defined in M.G.L. c.15D Sec.1A as "facilities operated on a regular basis whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under 7 years of age . . . for nonresidential custody and care during part or all of the day separate from their parents".

² The Board's previous precedent was based on the ITE Journal of July 1994 entitled "Parking and Trip Generation Characteristics for Day-Care Facilities".

³ Total building demand is calculated as follows: Basement: 1,294 square feet @ 1 per 850 square feet (warehouse) = 1.52 spaces; First Floor: 2,766 square feet @ 1 per 300 square feet (retail or consumer service) = 9.22 spaces and 1,109 square feet of Learning Tree @ 10 total spaces = 10 spaces (First Floor total 19.22); Second Floor: 3,875

There are currently 22 parking spaces on site, to the rear of the building. As a result, an additional parking waiver is required, over and above the existing waiver of 15 spaces, to account for the net increase in parking demand. In connection therewith, the new parking waiver required is 17 total spaces.

However, in addition to the 22 spaces available on site, another five spaces are available off-site. Furthermore, these 27 spaces have adequately served the building without significant incident or issue since Huntington Learning was approved in 2012. Whereas the parking demand for the proposed use is primarily drop-off and pick-up, and whereas the calculated demand is only a net increase of two spaces, VSA is both of the opinion and asserts that the existing parking is adequate to support the new use.⁴

III. Site Plan Analysis

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

VSA asserts that the use of the Premises for pre-school / daycare purposes will not constitute a “seriously detrimental use” within the terms of the By-Law. Moreover, the property and building of which the Premises is a part are already fully developed and only relatively minor interior renovations are proposed. Therefore, no material additional impact is anticipated to surface water drainage, sound and sight, views, light and air.

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

The building and property of which the Premises is a part are currently fully developed and bounded by existing established ways. Furthermore, whereas only interior modifications are proposed, existing traffic patterns are not expected to be affected in a material way, and, based on its observations and familiarity with the site, VSA is neither aware of nor anticipates any problems with vehicular and pedestrian movement within the site or on adjacent streets.

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

Whereas the proposed use of the Premises for preschool / daycare purposes will only result in a net parking demand increase of two spaces, and whereas the use is materially similar to the previous use, VSA does not anticipate any significant or material additional impacts to the parking and loading spaces. Given its location in a developed and somewhat dense commercial area, VSA considers the current arrangement of parking and loading spaces to be adequate for

square feet @ 1 space per the maximum capacity of patrons, plus 1 space per the largest working staff = 18 spaces, totaling 38.74, or 39 spaces, rounded up.

⁴ Moreover, the basement space, with an associated parking requirement of 1.52 spaces is currently used for tenant storage, and does not create any real parking demand, notwithstanding the calculation.

both the existing and proposed use of the Premises. In addition, due to the size of the lot and the existing building, it is impossible to comply with the provisions of the Zoning By-Law with regard to off-street parking, and, there are existing waivers for the property.

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

The site and building containing the Premises are already developed with infrastructure in place. Moreover, the nature of the proposed use is such that only minimal waste is expected to be generated, and there is an existing dumpster on site.

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

The site and the building containing the Premises are situated in a highly developed, commercial area. VSA is not aware of any significant community assets in the area immediately adjoining the Premises. Moreover, the site itself is fully developed at present and whereas VSA is not proposing any material expansion or fundamental changes to the existing building, it does not anticipate any significant or material impact from the proposed use. Therefore, the proposed redevelopment, renovation and reuse of the Premises is not anticipated to significantly affect the relationship of the Premises to any community assets or any adjacent landscape, buildings and structures.

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

The site and building containing the Premises are presently fully developed and fully connected to Town infrastructure. Moreover, only interior modifications within an existing space are being proposed. Therefore, VSA does not anticipate any significant or material change, or any adverse impacts to any Town resource.

Conclusion

Based on the foregoing, VSA asserts that the proposed renovation and re-use of the Premises for use as a Learning Tree Preschool, as set forth above and in the materials submitted herewith, is both proper and appropriate. The proposed use will provide a necessary and important service to the residents and workers in the Town, with minimal, if any, expected impact. Therefore, VSA requests that the relief required be granted.

Please schedule this matter for the next available meeting of the Board, whether via Zoom or other electronic format or otherwise. 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 dark ink, appearing to read "G. Giunta", with a stylized, flowing script.

George Giunta, Jr

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

**TOWN OF NEEDHAM
MASSACHUSETTS**

2020 MAY 15 AM 10:18



Room 20, Town Hall
Needham, MA 02492
781-455-7526

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 225 Highland Avenue, Needham, MA
Name of Applicant V.S.A., LLC
Applicant's Address 180 Country Way, Needham, MA 02492
Phone Number 617-653-9442

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

Property Owner's Name Same as above
Property Owner's Address Same as above
Telephone Number Same as above

Characteristics of Property: Lot Area 15,978 Present Use Mixed
Map # 74 Parcel # 36 Zoning District HC-128
& 37

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

Renovation and conversion of approximately 1,109 square feet of existing first floor commercial space, in an existing commercial building, for day care / preschool purposes, by Learning Tree PreSchool, as further described in the materials submitted herewith. The space was previously occupied by Huntington Learning Center pursuant to Site Plan Special Permit Amendment dated June 12, 2012.

Signature of Applicant (or representative) 
Address if not applicant _____ George Giunta, Jr., Esq., duly authorized
Telephone # _____
Owner's permission if other than applicant See Authorization Letter Provided Herewith

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.

ADDENDUM A
TO
APPLICATION FOR SITE PLAN REVIEW
OF
V.S.A., LLC
225 Highland Avenue
Needham, Massachusetts

Learning Tree Preschool

The following relief is or may be required, and is hereby requested:

1. Pursuant to Paragraph 3.2 of the original Decision, as amended, further Major Project Site Plan Review is required.
2. In addition, the following relief is, or may be required:
 - a. To the extent applicable and required, a Special Permit pursuant to Section 3.2.5.2 for a private school, nursery, or kindergarten not otherwise classified under Section 3.2.5.1;
 - b. A Special Permit pursuant to Section 5.1.1.5 further waving strict adherence with the off-street parking requirements of Section 5.1.2 of the Zoning By-law;
 - d. Waiver of strict compliance with the requirements of Section 7.4.4, as applicable; and
 - e. Any and all additional relief required or appropriate for the use and occupation of a portion of the existing building by Learning Tree Preschool.
3. The Applicant requests that any and all relief granted by the Board in connection with the within application shall run with the land and that the movement of interior walls and interior fixtures not require further review, provided the total useable square footage remains fixed.

V.S.A., LLC
180 Country Way
Needham, MA 02492

March 3, 2020

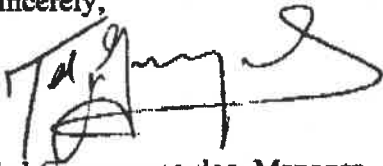
Lee Newman
Planning Director
Town of Needham
Planning Board
Town Hall
Needham, Massachusetts 02492

Re: Site Plan Amendment Application
225 Highland, Needham, MA

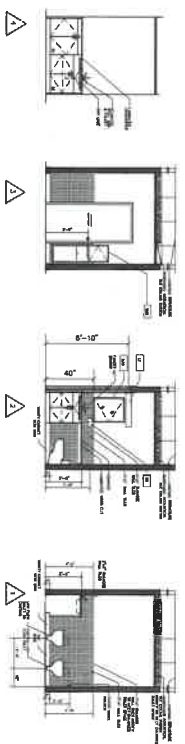
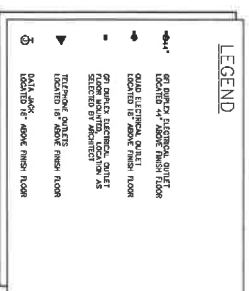
Dear Mrs. Newman,

Please accept this letter as confirmation that George Giunta, Jr., Esquire, is authorized to make application for Site Plan Amendment and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the renovation and redevelopment of the commercial space at 225 Highland Avenue for use by Learning Tree Preschool. In connection therewith, Attorney Giunta is hereby authorized, to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Site Plan Review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted Giannacopoulos', with a stylized flourish at the end.

Ted Giannacopoulos, Manager
V.S.A., LLC

[illegible][illegible]

FIRST FLOOR PLAN

1/4" = 1'-0"

**PROPOSED THE LEARNING TREE PRESCHOOL INC.
225 HIGHLAND AVENUE
NEEDHAM, MA**

3350 Crawford Blvd
704-488-4888

Monterey, Massachusetts 02182
 Fax: 781-944-4888

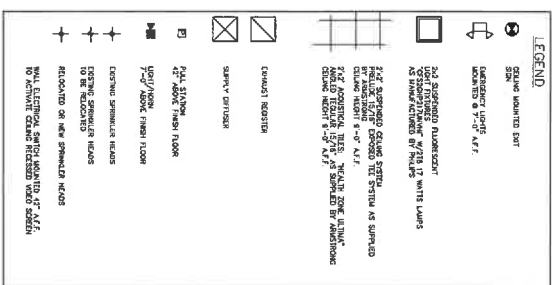
0-800-4-A-CHIEF
 Hartford, Connecticut 06183
 Tel: 203-464-0222

24

**FIRST FLOOR PLAN
INTERIOR ELEVATION
FINISH SCHEDULE**

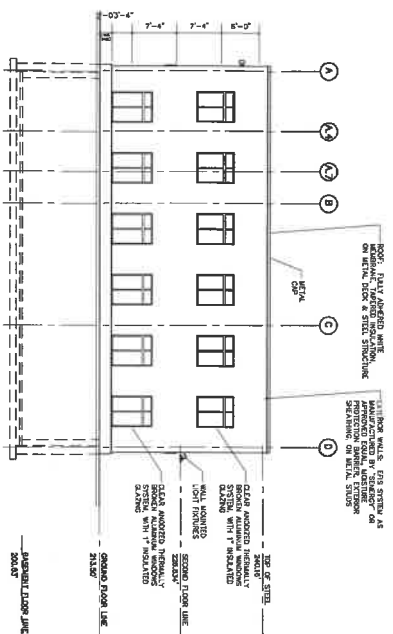
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Color	N/A
Size	71/72L/20
Weight	AS NOTED

A1.0

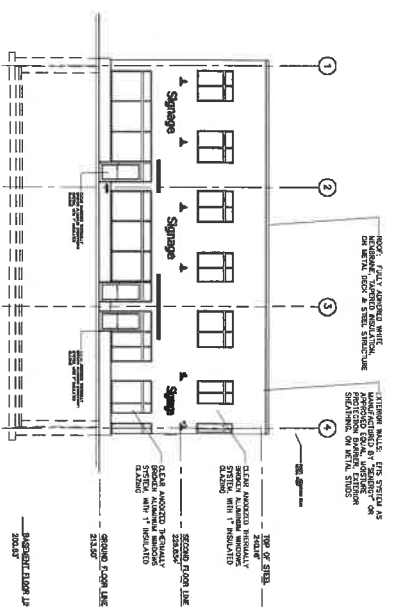


COMM BY	NTA
DATE	11/27/20
REMARKS	AS NOTED
REMARKS	0000

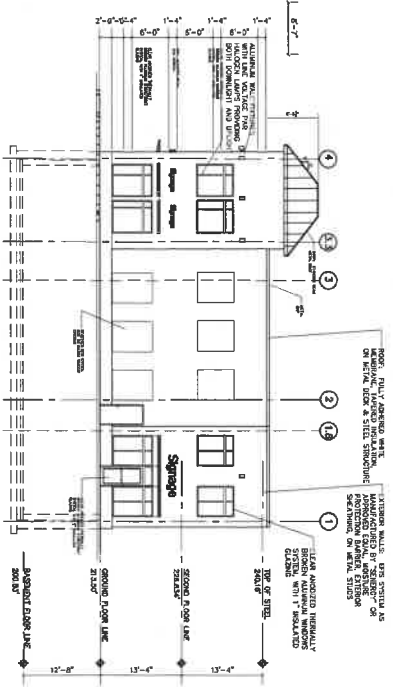
A1.1



3 EXISTING SIDE ELEVATION
1/8" = 1'-0"



1 EXISTING FRONT ELEVATION
1/8" = 1'-0"



2 EXISTING REAR ELEVATION
1/8" = 1'-0"



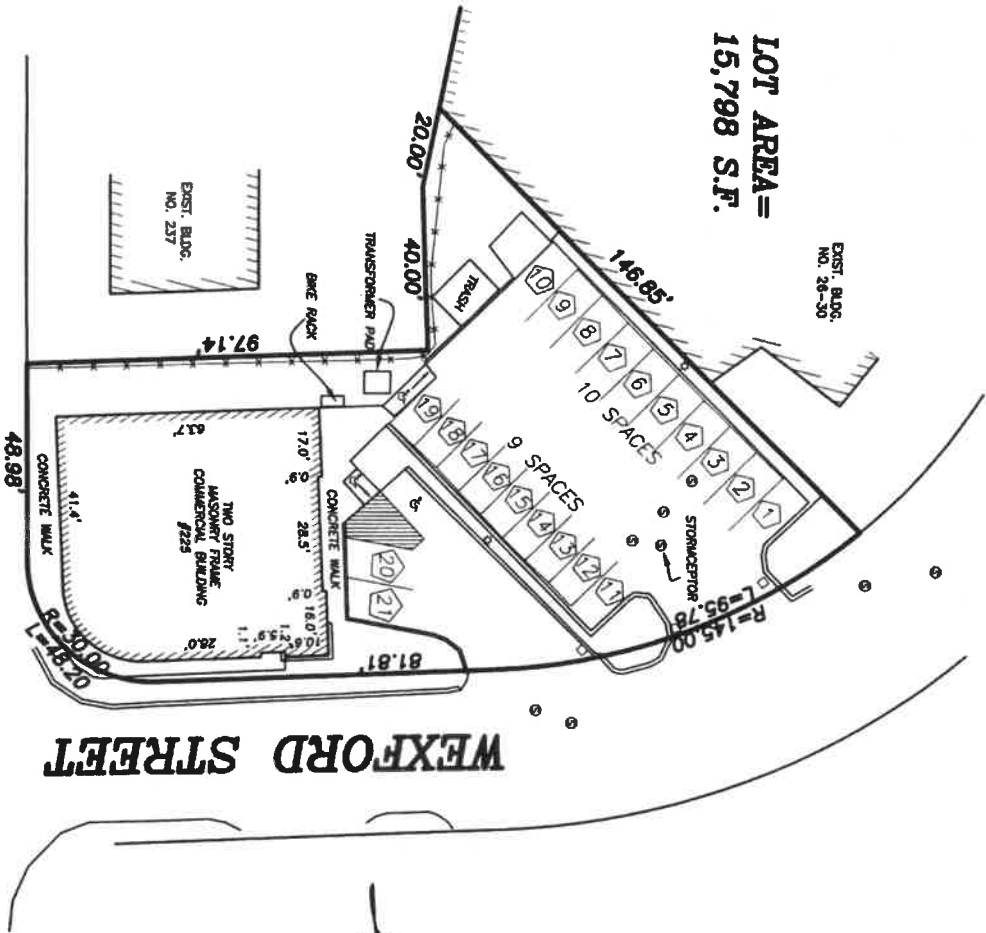
PROPOSED THE LEARNING TREE PRESCHOOL, INC.
225 HIGHLAND AVENUE
NEEDHAM, MA

NUNES-TRABUCCO ARCHITECTS
210 GARDEN STREET
BOSTON, MASSACHUSETTS 02114
TEL: 617-552-8800

EXISTING
EXTERIOR ELEVATIONS

DATE: 1/18/12
BY: A2.0

HIGHLAND AVENUE



LEGEND

- ⊙ SEWER MANHOLE
- ⊛ LIGHT POLE
- X-X-X FENCE
- CATCH BASIN
- ♿ HANDICAP RAMP

EXISTING CONDITIONS
SITE PLAN
225 HIGHLAND AVENUE
NEEDHAM, MASS

Field Resources, Inc.
LAND SURVEYORS

JANUARY 8, 2017 SCALE 1"=40'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936

fieldresources@hotmail.com

UPDATED: FEBRUARY 4, 2020