

TOWN OF NEEDHAM
MASSACHUSETTS



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 32 Chestnut Street, Needham, MA
Name of Applicant Katherine Pennington Klein, DMD
Applicant's Address 40 Eaton Road, Needham, MA 02492
Phone Number 215-901-1119

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

Property Owner's Name Alfred W. Greymont, Trustee, Alfred W, Greymont Revocable Trust
Property Owner's Address P.O. Box 149, Tuftonboro, NH 03816
Telephone Number 617-201-1846

Characteristics of Property: Lot Area 12,340 Present Use Mixed
 Map # 47 Parcel # 59 Zoning District Center Business (CB)

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

Renovation and conversion of approximately 1,751 square feet of existing first floor commercial space, in an existing commercial building, for use as an orthodontics practice, as further described in the materials submitted herewith. See Addendum A for a list of zoning relief that is, or may be, required.

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Withdrawn _____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
Katherine Pennington Klein, DMD
32 Chestnut Street
Needham, Massachusetts

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

1. Pursuant to 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. A Special Permit pursuant to Section 5.1.1.6 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 an orthodontic practice.
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.

Katherine Pennington Klein
40 Eaton Road
Needham, MA 02492

April 15, 2021

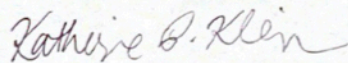
Lee Newman
Planning Director
Town of Needham
Planning Board
Town Hall
Needham, Massachusetts 02492

Re: Site Plan Application
32 Chestnut Street, Needham, MA

Dear Mrs. Newman,

Please accept this letter as confirmation that George Giunta, Jr., Esquire, is authorized to make application for Site Plan Review 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 32 Chestnut Street for use as a dental practice. 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 cursive script that reads "Katherine B. Klein".

Katherine Pennington Klein

Alfred W. Greymont, Trustee
Alfred W. Greymont Revocable Trust
P.O. Box 149
Tuftonboro, NH 03816

April 15, 2021

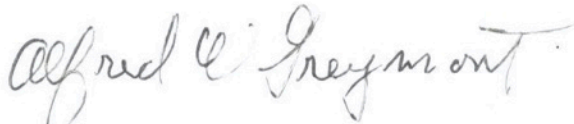
Lee Newman
Planning Director
Town of Needham
Planning Board
Town Hall
Needham, Massachusetts 02492

Re: Site Plan Application
32 Chestnut Street, Needham, MA

Dear Mrs. Newman,

I am the owner of the property known and numbered 30-50 Chestnut Street, Needham, MA. In connection therewith, please accept this letter as confirmation that George Giunta, Jr., Esquire, attorney for Katherine Pennington Klein, is authorized to make application for Site Plan Review 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 32 Chestnut Street for use as a dental practice. 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 cursive script that reads "Alfred W. Greymont". The ink is dark and the signature is fluid, with a long horizontal stroke at the end.

Alfred W. Greymont, Trustee
Alfred W. Greymont Revocable Trust

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

TELEPHONE (781) 449-4520

FAX (781) 449-8475

April 16, 2021

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

VIA EMAIL: LNewman@needhamma.gov

Re: Major Project Site Plan
Amendment
Katherine Pennington Klein, DMD
32 Chestnut Street, Needham, MA

Dear Lee,

Please be advised that this office represents Katherine Pennington Klein, DMD (hereinafter, and in the materials submitted herewith, the "Applicant" and "Dr. Klein") relative to the proposed renovation and redevelopment of approximately 1,751 square feet of existing first floor commercial space within the building known and numbered 30-50 Chestnut Street (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 electronically, pursuant to the procedures adopted by the Planning Board for filing during the Covid-19 state of emergency, and two hard copies of the materials will be provided by mail.

1. Completed Application for further Site Plan Review with Addendum A;
2. Architectural plans titled "Katie Klein Orthodontics, 32 Chestnut Street, Needham, MA, Tenant Fit-Up", prepared by Lagrasse, Yanowitz & Feyl, dated April 15, 2021, consisting of four (4) sheets, as follows: 1. Sheet labelled "Existing Conditions"; 2. Sheet labelled "Proposed Floor Plan"; 3. Sheet labelled "Existing Front Façade" and "Proposed (Option 2)"; and 4. Sheet labelled "Existing Rear Façade" and "Proposed".
3. Renderings prepared by Integrated Design Studio, Henry Schein, Dental, undated, consisting of four (4) sheets.
4. Authorization Letter of Katherine Pennington Klein, dated April 15, 2021;

5. Authorization Letter of Alfred W. Greymont, Trustee, Alfred W. Greymont Revocable Trust, dated April 15, 2021; and

6. Check No. 2642 in the amount of \$1,000 for the requisite filing fee.

The Premises is one of several tenant bays in an existing commercial building in the Center Business District. The Building consist of two parts: a one-story, older portion, previously known as the “Jacobs Block” and a two-story, newer portion. According to the records of the Assessor’s Department, the older portion appears to have been built in 1926. The newer portion was built in or around 2001 pursuant to Major Project Site Plan Special Permit, Application 98-10, filed with the Town Clerk on September 8, 1998 (the “Decision”), as affected by Amendment, filed with the Town Clerk on August 15, 2002 (the “Amendment”).

The Premises is located at the northerly end of the old portion of the Building and consists of approximately 1,751 square feet of floor space. It was last used for retail purposes by the Art Emporium as an art and framing store. The rest of the older portion of the Building is currently occupied by a tailor, a television sales and service store, a nail salon, and a vacant storefront. The newer portion of the Building is currently occupied by a bank on the first floor and offices on the second floor.

Dr. Klein is a board-certified specialist in orthodontics. She received her Master of Science degree in Oral Biology and a Certificate of Advanced Graduate Study in Orthodontics from the University of North Carolina at Chapel Hill. While there, she was selected as the Andrew M. Brooks Fellow. Dr. Klein graduated from the 7-year B.S./D.M.D. program at Villanova University and the University of Pennsylvania School of Dental Medicine. As a recipient of an Air Force Health Professions Scholarship, she completed an Advanced Education in General Dentistry Residency at Travis Air Force Base (AFB) in California where she continued to serve as a general dentist upon graduation. In addition to practicing clinical dentistry at Travis AFB, Dr. Klein served as the Dental Public Health Officer, and in 2007 was recognized as the Junior Clinical Dentist of the Year. Dr. Klein is currently a faculty member in the Oral and Maxillofacial Surgery Department at the Harvard Dental School, Massachusetts General Hospital. She is also the co-director of the Orthognathic Surgical Team at Mass General and a member of the Cleft Lip and Palate Team at both Mass General and Shriners Hospital for Children in Boston.

Dr. Klein intends to renovate the Premises for use as an orthodontics office. Examples of some of the work she will perform include braces, Invisalign, making retainers, and tooth bleaching. Because individuals of all ages seek corrective tooth changes with orthodontics, patients are expected to range from as young as 7 years old up to 80 years old. However, it is expected that the majority of patients will be between 10-12 years of age. The office is expected to operate 7 AM to 7 PM, Monday through Friday, as well as some Saturdays. There is expected to be a total of three staff on site at any given time; one dentist, one administrative person and one clinical assistant.

Analysis

I. Use

It is the Applicant's position that the proposed orthodontic office constitutes a "Craft, consumer, professional or commercial service establishment dealing directly with the general public and not enumerated elsewhere in this section" in Section 3.2.2 of the Zoning By-Law. As such, the use is permitted as of right. This position is based on the plain language of the Zoning By-Law, as well as current and prior interpretations of the Building Commissioner's and the Zoning Board of Appeals.¹

The Building in which the Premises is located is the subject of a prior Site Plan Special Permit approval. Pursuant to that permit, the Building (including both the older and newer portions) was to contain retail, banking, office and support services, and Condition 2.2 of the Decision, as modified by the Amendment, requires:

That the proposed retail, banking and office building uses and support services shall contain the dimensions and be located on that portion of the locus exactly as shown on the Plan and in accordance with applicable dimensional requirements of the By-Law. That the Petitioner shall be permitted to erect partition walls within the building at his discretion provided the use allocation as shown on the Plan is maintained (emphasis added).

In addition, section 3.2 of the Decision imposes a limitation that:

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

As a result, even though the use is allowed as of right, the proposed dental practice requires further site plan review and an amendment to the existing site plan special permit. Provided such amendment is granted, the use will comply with the By-Law and the Decision as affected by the Amendment.

II. Parking

Section 5.1.2 of the Bylaw (Required Parking) does not include a category for dental practice. However, it does include a category for "Medical, dental and related health service structures or clinics". In as much as the structure in which the Premises is located is not exclusively medical, dental or related health services, and whereas neither the proposed dental practice nor the Building constitute a clinic, as that term is defined in the By-Law, such category does not appear to apply. Nevertheless, it is the closest category in Section 5.1.2 and the Applicant is also mindful of apparent standing practice to apply such category to all medical, dental and related health service uses. Therefore, such category has been used to analyze the parking impact of the proposed use.

¹ See Decision of the Zoning Board of Appeals, dated November 19, 2015, issued to Salib Fanikos Dental Care, LLC concerning property in the Center Business District known and numbered 905-915 Great Plain Avenue.

As set forth above, the Premises contains approximately 1,751 square feet of area. Applying the aforementioned parking requirement of one car for every 200 square feet of area, the resulting parking demand will be 9 spaces, calculated as follows:

$$1,751 \div 200 = 8.75 \text{ spaces, rounded up} = 9 \text{ spaces required}$$

Compare this to the parking demand for the prior retail use (at a demand of 1 space for every 200 square feet, pursuant to Section 5.1.2), and the increase in demand is only 3 spaces:

$$1,751 \div 300 = 5.84 \text{ spaces, rounded up} = 6 \text{ spaces required}$$
$$9 - 6 = \text{increase of 3 spaces}$$

Because there is no off-street parking available on the Property, such increase will require an amendment and increase to the existing special permit parking waiver, from 46 spaces to 49 Spaces.² Provided such amendment and increase is granted, the parking will comply with the By-Law and the Decision, as affected by the Amendment.

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.

Dr. Kein asserts that the use of the Premises for an orthodontics practice will not constitute a “seriously detrimental use” within the terms of the By-Law. Moreover, the Property and the Building are already fully developed and the only renovations proposed are limited to interior changes and cosmetic exterior changes. 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 are currently fully developed and bounded by existing established ways. Furthermore, whereas only interior modifications and cosmetic exterior changes 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, the Applicant is neither aware of nor anticipates any problems with vehicular and pedestrian movement within the site or on adjacent streets.

² See paragraphs 1.6 and 1.7 of the Decision and paragraph 1.6 of the Amendment. Note that the lack of land available to provide off-street parking was caused in substantial part by a land swap between the Town of Needham and the owner of the Property, pursuant to which the total number of parking spaces in the municipal parking lot was substantially increased.

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

The Property does not contain any parking or loading spaces, but instead relies upon the adjacent municipal parking lot. Whereas the proposed orthodontics practice will only result in a net parking demand increase of three spaces, Dr. Klein does not anticipate any significant or material additional impacts to off-site parking and loading spaces. Therefore, the arrangement should be adequate.

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

The Property and Building are already developed with infrastructure in place. Moreover, the nature of the proposed use is such that the amount of waste expected to be generated is no greater than the retail use that previously occupied the Premises. As a result, the existing methods of waste disposal are expected to remain adequate.

(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 Property and the Building are situated in a highly developed, commercial area. The Applicant is not aware of any significant community assets in the area immediately adjoining the Premises, other than the new fire station. However, whereas the Property and Building are fully developed and no material expansion or fundamental changes are proposed, the Applicant 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 Property and Building are presently fully developed and fully connected to Town infrastructure. Moreover, only interior modifications and cosmetic exterior changes are being proposed. Therefore, the Applicant does not anticipate any significant or material change, or any adverse impacts to any Town resource.

Conclusion

Based on the foregoing, Dr. Klein asserts that the proposed renovation and re-use of the Premises for use as an orthodontic practice, 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. While perhaps not the use of choice for a former retail space, nevertheless the proposed use still provides a retail service. Therefore, Dr. Klein requests that her application be approved and 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,

George Giunta, Jr

**KATIE KLEIN
ORTHODONTICS**

32 CHESTNUT ST, NEEDHAM, MA
TENANT FIT-UP
AREA: ±1,751 SF

APRIL 15, 2021



A



B



C



D

EXISTING CONDITIONS

KATIE KLEIN

ORTHODONTICS

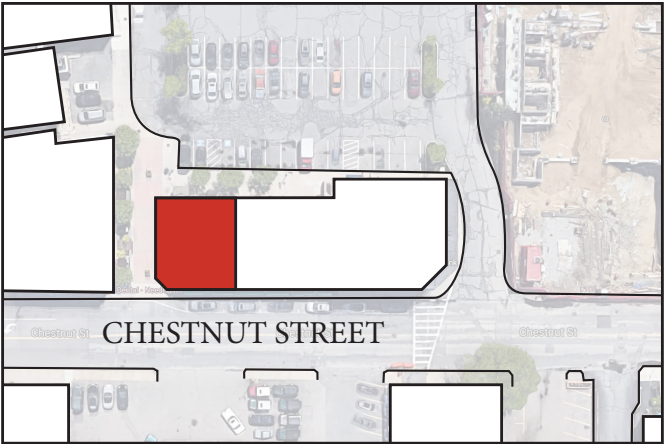
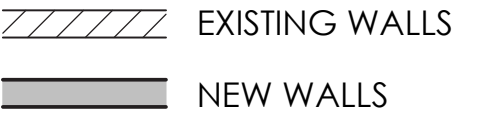
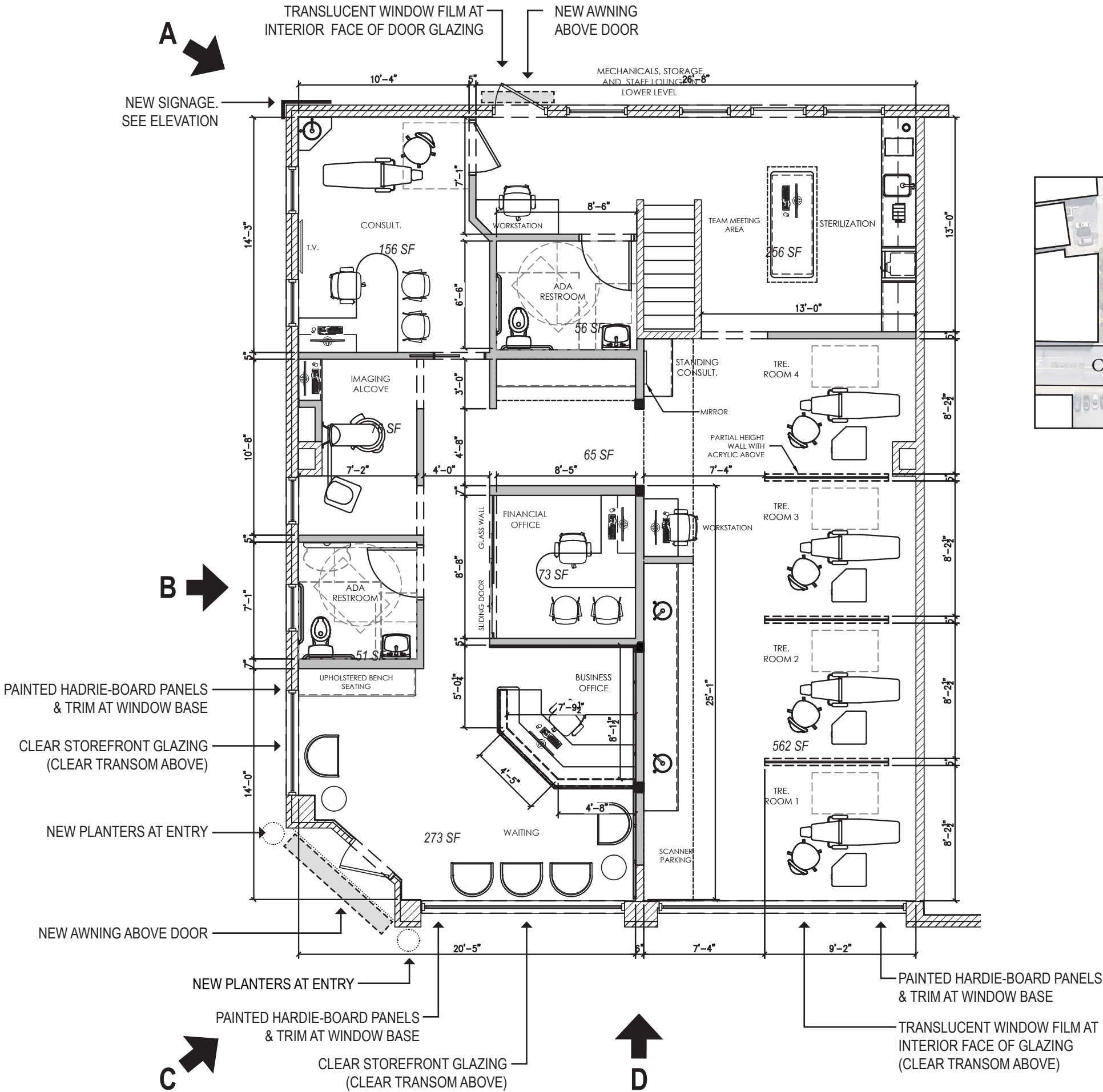
32 CHESTNUT ST, NEEDHAM, MA
TENANT FIT-UP
AREA: ±1,751 SF

APRIL 15, 2021



NOT FOR CONSTRUCTION

PROPOSED FLOOR PLAN



LOCUS MAP



KATIE KLEIN

ORTHODONTICS

32 CHESTNUT ST, NEEDHAM, MA

TENANT FIT-UP

AREA: ±1,751 SF

APRIL 15, 2021

EXISTING FRONT FACADE



PROPOSED FRONT FACADE



KATIE KLEIN

ORTHODONTICS

32 CHESTNUT ST, NEEDHAM, MA
TENANT FIT-UP
AREA: ±1,751 SF

APRIL 15, 2021

EXISTING REAR FACADE



PROPOSED



PAINTED BLUE METAL SIGN
WITH STAINLESS STEEL LETTERING
APPROX. 24" X 60"

TRANSLUCENT WINDOW FILM AT
INTERIOR FACE OF DOOR GLAZING

NEW BLUE FABRIC AWNING

KATIE
KLEIN
ORTHODONTICS









