

NEEDHAM PLANNING BOARD

Tuesday, June 1, 2021

7:15 p.m.

Virtual Meeting using Zoom

Meeting ID: **826-5899-3198**

(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: **826-5899-3198**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **826-5899-3198**

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **826-5899-3198**

Direct Link to meeting: <https://us02web.zoom.us/j/82658993198>

1. Decision: Major Project Site Plan Special Permit No. 2021-02: Katherine Pennington Klein, 40 Eaton Road, Needham, MA, Petitioner. (Property located at 32 Chestnut Street, Needham, MA). Regarding proposed renovation of approximately 1,751 square feet of existing first floor commercial space, in an existing commercial building, for use as an orthodontics practice.
2. De Minimus Change: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 1407 Central Avenue, Needham, Massachusetts). Regarding proposed solar panels on the Jack Cogswell Building.
3. Public Hearing:

7:20 p.m. Amendment to Major Project Site Plan Review No. 2018-05: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 28 Glen Gary Road, Needham, Massachusetts).
4. Request to Extend Temporary occupancy permit: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 1407 Central Avenue, Needham, Massachusetts).
5. Discussion about planning studies to undertake this year.
6. Revise temporary outdoor seating/outdoor display policy to extend applicability date to October 31, 2021 or another later date deemed appropriate by the Board.
7. Committee Appointments.
8. Minutes.
9. Correspondence.
10. Report from Planning Director and Board members.

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

AMENDMENT

MAJOR PROJECT SITE PLAN SPECIAL PERMIT NO. 98-10

Katherine Pennington Klein

June 1, 2021

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts of 2020)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Katherine Pennington Klein, 40 Eaton Road, Needham, MA, (to be referred to hereinafter as the Petitioner) for property located at 30-50 Chestnut Street, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan No. 47 as Parcel 59, containing 12,340 square feet.

This decision is in response to an application submitted to the Board on April 29, 2021, by the Petitioner for an amendment to a Special Permit issued under Sections 3.2.2., 5.1.1.6, 5.1.2 and 7.4 of the Needham Zoning By-Law (hereinafter the By-Law). The Petitioner has made application to the Planning Board under Sections 5.1.1.6, 5.1.2 and 7.4 of the By-Law and Section 3.2 of Site Plan Special Permit No. 98-10, dated September 1, 1998. The requested Major Project Site Plan Special Permit Amendment would, if granted, permit the Petitioner to renovate approximately 1,751 square feet of existing first floor commercial space, in an existing commercial building, for use as an orthodontics practice. The property is the subject of Site Plan Special Permit No. 98-10, issued to Wilma Realty Trust, Alfred Greymont, Trustee, by the Planning Board on September 1, 1998, and filed with the Town Clerk on September 8, 1998 and amended on July 30, 2002, filed with the Town Clerk on August 15, 2002.

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 Chairman, Jeanne McKnight, on Tuesday, May 18, 2021 at 7:20 p.m., via remote meeting using Zoom ID 826-5899-3198. Board members Jeanne S. McKnight, Paul S. Alpert Martin Jacobs, Natasha Espada and Adam Block were present throughout the proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 -** Properly executed Application submitted by the applicant Katherine Pennington Klein, DMD dated April 29, 2021.
- Exhibit 2 -** Addendum A to Application.
- Exhibit 3 -** Katherine Pennington Klein Authorization Letter, dated April 15, 2021.
- Exhibit 4 -** Alfred W. Greymont Authorization Letter, dated April 15, 2021.
- Exhibit 5 -** Letter from Attorney George Giunta Jr., dated April 16, 2021.

- Exhibit 6 -** Plan set entitled “Site Development Plans, Daycare, 1688 Central Avenue, Needham MA,” prepared by Lagrasse Yanowitz & Feyl, consisting of 10 sheets: Sheet 1, entitled “Existing Conditions,” dated April 15, 2021; Sheet 2, entitled “Proposed Floor Plan,” dated April 15, 2021; Sheet 3, showing “Existing Front Façade” and “Proposed Front Façade,” dated April 15, 2021; Sheet 4, showing “Existing Rear Façade,” and “Proposed,” dated April 15, 2021; Sheet 5, entitled “3D Rendering,” undated; Sheet 6, entitled “3D Rendering,” undated; Sheet 7, entitled “3D Rendering,” undated; Sheet 8, entitled “3D Rendering,” undated.
- Exhibit 7 -** Interdepartmental Communication (IDC) to the Board from Tara Gurge, dated April 22, 2021, with attachment containing guidance from the Massachusetts Department of Public Health (DPH) and the Board of Registration in Dentistry (BORID) in response to the Massachusetts COVID-19 State of Emergency; IDC to the Board from Chief Dennis Condon, Needham Police Department, dated April 22, 2021; IDC to the Board from Chief John Schlittler, Needham Police Department, dated April 22, 2021; IDC to the Board from Thomas Ryder, Assistant Town Engineer, dated May 14, 2021; and IDC to the Board from the Design Review Board, dated May 10, 2021.

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 Petitioner is seeking to modify Site Plan Special Permit No. 98-10, issued to Wilma Realty Trust, Alfred Greymont, Trustee, on September 1, 1998 (“the Decision”) to permit the Petitioner to renovate approximately 1,751 square feet of existing first floor commercial space, in an existing commercial building, for use as an orthodontics practice.
- 1.2 The building consist of two parts: a one-story, older portion, 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, dated September 1, 1998, filed with the Town Clerk on September 8, 1998 (the “Decision”), as affected by Amendment dated July 30, 2002, filed with the Town Clerk on August 15, 2002 (the “Amendment”). Pursuant to the Decision, the Planning Board issued several Special Permits to allow the construction of a new building at 50 Chestnut Street (the “Premises”). In connection therewith, the Board approved the use and occupancy of the first floor (3,548 square feet) for retail purposes and the second floor (3,548 square feet) for either retail or office purposes, depending on tenant availability. The basement floor area (3,548 square feet) was approved for storage purposes, except that up to 300 square feet of the basement area was approved to be used for office purposes. As relates the building located at 30-34 Chestnut Street, the Board approved the Petitioner’s continued use of the 4,951 square-foot first-floor space for retail purposes.
- 1.3 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.
- 1.4 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.

- 1.5 The office is proposed to operate 7 AM to 7 PM, Monday through Friday, as well as some Saturdays. There is proposed to be a total of three staff on site at any given time; one dentist, one administrative person and one clinical assistant.
- 1.6 Although the Planning Board had previously viewed a dental use as medical office and therefore not being permitted, the Board now relies on prior interpretations of the Building Commissioner and the Zoning Board of Appeals (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) and now finds 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.
- 1.7 Pursuant to Section 5.1.1.6 of the By-Law, Petitioner seeks to Amend the Decision to increase the waiver of off-street parking by three spaces, from 46 spaces to 49 spaces. Originally, the Premises required a total of 45 parking spaces. As a result of the 586 square-foot increase of dedicated office space in the basement under the 2002 amendment, the Premises required a total of 46 parking spaces.

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 constitutes 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 it is the 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.

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.¹ Provided such amendment and increase is granted, the parking will comply with the By-Law and the Decision, as affected by the Amendment.

1 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.

- 1.8 The Board finds 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.
- 1.9 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. Therefore, the use of the first-floor unit for orthodontic purposes is not anticipated to affect vehicular or pedestrian movement in any significant way.
- 1.10 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, there should not be any significant or material additional impacts to off-site parking and loading spaces. The Board finds that the arrangement of parking and loading spaces to the proposed uses of the Premises is still adequate.
- 1.11 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. Therefore, the Board finds that the methods of disposal of refuse and other wastes remain adequate.
- 1.12 The property and the Building are situated in a highly developed, commercial area. Exterior cosmetic changes are proposed. The property and building are fully developed, and no material expansion or fundamental changes are proposed, the Board 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.
- 1.13 The Board finds that no adverse impacts on the Town’s resources are anticipated in connection with the alterations currently proposed by the Petitioner, including the use of the first-floor space for orthodontic purposes.
- 1.14 Based upon the foregoing, the Board finds that the use of the first-floor unit at the Premises for orthodontic purposes is consistent with the applicable provisions of the By-Law and with the Decision.
- 1.15 The Board finds that all of its findings and conclusions contained in Site Plan Special Permit No. 99-10, issued to Wilma Realty Trust, Alfred Greymont, Trustee, by the Planning Board on September 1, 1998, and filed with the Town Clerk on September 8, 1998, and amended on July 30, 2002, filed with the Town Clerk on August 15, 2002, are applicable to this Amendment, except as specifically set forth in this Amendment.
- 1.16 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the Center Business 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.

- 1.17 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on a lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.18 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) may be granted in the Center Business District provided the Board finds that the project: (i) Replaces or substantially improves an existing building or site; (ii) Promotes the goal of preserving and enhancing the Center Business District as a pedestrian-oriented local shopping and business district; (iii) Incorporates the recommendation of the Design Review Board; and (iv) Demonstrates that it is providing the maximum number of off-street parking spaces practicable. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Special Permit for Site Plan Review, pursuant to Section 7.4 of the By-Law and Section 3.2 of Site Plan Special Permit No. 98-10; (2) the requested Special Permit under Section 3.2.2 of the By-Law for more than one nonresidential use on a lot; and (3) the requested Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following plan modifications, conditions, and limitations.

PLAN MODIFICATIONS

- 2.0 Prior to the issuance of a building permit or the start of any construction on the site specifically authorized by this amendment, 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 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 three paper copies and an electronic copy of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.
- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

The coping at the top of the wall above the orthodontics practice space will be repainted. A note shall be added to the Plan stating that the remainder of the building coping over the

other tenant spaces will be repainted as well.

CONDITIONS AND LIMITATIONS

- 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 3.22 hereof.
- 3.1 The plan modifications, conditions and limitations set forth in Site Plan Special Permit No. 98-10, issued to Wilma Realty Trust, Alfred Greymont, Trustee, by the Planning Board on September 1, 1998, and filed with the Town Clerk on September 8, 1998 and amended on July 30, 2002, filed with the Town Clerk on August 15, 2002, are ratified and confirmed except as noted below.
- 3.2 The Plan described under Exhibit 6 of this Decision shall be included in the approved plan set.
- 3.3 The Board hereby approves the orthodontic use on 1,751 square feet of the first floor of the building as shown on the Plan approved by this Decision.
- 3.4 The Petitioner may operate the orthodontic use 7 AM to 7 PM, Monday through Friday, as well as any Saturdays, as desired by the Petitioner. There shall be a maximum of three staff members at any given time: one dentist, one administrative person and one clinical assistant.
- 3.5 This Special Permit Amendment to operate an orthodontic practice at 32 Chestnut Street is issued to Katherine Pennington Klein, 40 Eaton Road, Needham, MA, and may not be transferred, set over, or assigned by Katherine Pennington Klein to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
- 3.6 The Petitioner recognizes the desire of the Board to assure a viable active retail storefront presence on the major thoroughfares of the Town and shall work in its configuration of its operation to assure that goal is met. To that end, the first set of windows along Chestnut Street, as shown on the Plan, as modified by the decision, shall not be obscured by window treatments, or display cases that prevent customers and pedestrians from seeing inside. The Petitioner shall assure that the subject storefront window system remains open and transparent providing the maximum amount of visibility into the facility.
- 3.7 Additional trash receptacles shall be provided, if required by the Planning Board or Board of Health, and the area shall be kept free of litter from the orthodontic operation.
- 3.8 The Petitioner shall apply for three (3) employee parking stickers from the Town of Needham for parking in the areas of the Dedham Avenue, Lincoln Street, and Chapel Street/Eaton Square parking lots which have been designated as "Permit Parking Only". That the Petitioner shall apply for said permits on an annual basis and shall provide such parking stickers to the Petitioner's employees for as long as the Petitioner operates at the subject location and for as long as the sticker program is in existence.
- 3.9 In constructing and operating the proposed orthodontic establishment on the locus pursuant to this Special Permit due diligence be exercised and reasonable efforts be made at all times to avoid physical damage to the surrounding areas or adverse physical impact on the environment.
- 3.10 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:

- a. The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. 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.
- 3.11 No building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:
 - a. There shall be filed with the Board and Building Inspector a Final Affidavit (or Final Construction Control Document) signed by a registered architect upon completion of the building renovation certifying that the project was built according to the approved documents.
 - b. An as-built plan, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
 - c. That there shall be filed, with the Building Inspector, a statement by the Board approving the as-built floor plan for the orthodontic facility, in accordance with this decision and the approved Plan.
- 3.12 In addition to the provision for 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 Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.13 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, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.14 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 and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the

terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.

- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (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 and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 The conditions contained within this Decision are limited to this specific application and are made without prejudice to any further modification or amendment.
- 4.5 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.6 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.
- 4.7 This Site Plan Special Permit Amendment shall lapse on June 1, 2023, 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 June 1, 2023. 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 except for good cause.
- 4.8 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown of 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 General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 1st day of June, 2021.

NEEDHAM PLANNING BOARD

Paul S. Alpert, Chairman

Jeanne S. McKnight Paul S. Alpert

Martin Jacobs

Adam Block

Natasha Espada

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2021

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public:

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by WELL LCB Needham Landlord LLC, c/o LCB Senior Living, 3 Edgewater Drive, Suite 101, Norwood, MA 02062, for property located at 100-110 West Street, Needham, MA, 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 # _____
Town Clerk
Building Inspector
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
George Giunta, Jr.

AMENDMENT

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Katherine Pennington Klein

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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 Chairman, Jeanne McKnight, on Tuesday, May 18, 2021 at 7:20 p.m., via remote meeting using Zoom ID 826-5899-3198. Board members Jeanne S. McKnight, Paul S. Alpert Martin Jacobs, Natasha Espada and Adam Block were present throughout the proceedings. 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.

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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 Petitioner is seeking to modify Site Plan Special Permit No. 98-10, issued to Wilma Realty Trust, Alfred Greymont, Trustee, on September 1, 1998 (“the Decision”) to permit the Petitioner to renovate approximately 1,751 square feet of existing first floor commercial space, in an existing commercial building, for use as an orthodontics practice.
- 1.2 The building consists of two parts: a one-story, older portion, 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, dated September 1, 1998, filed with the Town Clerk on September 8, 1998 (the “Decision”), as affected by Amendment dated July 30, 2002, filed with the Town Clerk on August 15, 2002 (the “Amendment”). Pursuant to the Decision, the Planning Board issued several Special Permits to allow the construction of a new building at 50 Chestnut Street (the “Premises”). In connection therewith, the Board approved the use and occupancy of the first floor (3,548 square feet) for retail purposes and the second floor (3,548 square feet) for either retail or office purposes, depending on tenant availability. The basement floor area (3,548 square feet) was approved for storage purposes, except that up to 300 square feet of the basement area was approved to be used for office purposes. As relates the building located at 30-34 Chestnut Street, the Board approved the Petitioner’s continued use of the 4,951 square-foot first-floor space for retail and consumer service purposes.
- 1.3 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.
- 1.4 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.

- 1.5 The office is proposed to operate 7 AM to 7 PM, Monday through Friday, as well as some Saturdays. There is proposed to be a total of three staff on site at any given time; one dentist, one administrative person and one clinical assistant.
- 1.6 Although the Planning Board had previously viewed a dental use as medical office and therefore not being permitted, the Board now relies on prior interpretations of the Building Commissioner and the Zoning Board of Appeals (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) and now finds 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.
- 1.7 Pursuant to Section 5.1.1.6 of the By-Law, Petitioner seeks to Amend the Decision to increase the waiver of off-street parking by three spaces, from 46 spaces to 49 spaces. Originally, the Premises required a total of 45 parking spaces. As a result of the 586 square-foot increase of dedicated office space in the basement under the 2002 amendment, the Premises required a total of 46 parking spaces.

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 constitutes 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 it is the 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.

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:

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

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.¹ Provided such amendment and increase is granted, the parking will comply with the By-

1 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
Needham Planning Board Decision – Katherine Pennington Klein
June 1, 2021

Law and the Decision, as affected by the Amendment.

- 1.8 The Board finds 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.
- 1.9 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. Therefore, the use of the first-floor unit for orthodontic purposes is not anticipated to affect vehicular or pedestrian movement in any significant way.
- 1.10 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, there should not be any significant or material additional impacts to off-site parking and loading spaces. The Board finds that the arrangement of parking and loading spaces to the proposed uses of the Premises is still adequate.
- 1.11 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. Therefore, the Board finds that the methods of disposal of refuse and other wastes remain adequate.
- 1.12 The property and the **b**Building are situated in a highly developed, commercial area. Exterior cosmetic changes are proposed. The property and building are fully developed, and no material expansion or fundamental changes are proposed, the Board 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.
- 1.13 The Board finds that no adverse impacts on the Town’s resources are anticipated in connection with the alterations currently proposed by the Petitioner, including the use of the first-floor space for orthodontic purposes.
- 1.14 Based upon the foregoing, the Board finds that the use of the first-floor unit at the Premises for orthodontic purposes is consistent with the applicable provisions of the By-Law and with the Decision.
- 1.15 The Board finds that all of its findings and conclusions contained in Site Plan Special Permit No. 99-10, issued to Wilma Realty Trust, Alfred Greymont, Trustee, by the Planning Board on September 1, 1998, and filed with the Town Clerk on September 8, 1998, and amended on July 30, 2002, filed with the Town Clerk on August 15, 2002, are applicable to this Amendment, except as specifically set forth in this Amendment.
- 1.16 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the Center Business 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

substantially increased.

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.

- 1.17 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on a lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.18 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) may be granted in the Center Business District provided the Board finds that the project: (i) Replaces or substantially improves an existing building or site; (ii) Promotes the goal of preserving and enhancing the Center Business District as a pedestrian-oriented local shopping and business district; (iii) Incorporates the recommendation of the Design Review Board; and (iv) Demonstrates that it is providing the maximum number of off-street parking spaces practicable. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Special Permit for Site Plan Review, pursuant to Section 7.4 of the By-Law and Section 3.2 of Site Plan Special Permit No. 98-10; (2) the requested Special Permit under Section 3.2.2 of the By-Law for more than one nonresidential use on a lot; and (3) the requested Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following plan modifications, conditions, and limitations.

PLAN MODIFICATIONS

- 2.0 Prior to the issuance of a building permit or the start of any construction on the site specifically authorized by this amendment, 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 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 three paper copies and an electronic copy of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.
- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

The coping at the top of the wall above the orthodontics practice space will be repainted. A note shall be added to the Plan stating that the remainder of the building coping over the other tenant spaces will be repainted as well.

CONDITIONS AND LIMITATIONS

- 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 3.22 hereof.
- 3.1 The plan modifications, conditions and limitations set forth in Site Plan Special Permit No. 98-10, issued to Wilma Realty Trust, Alfred Greymont, Trustee, by the Planning Board on September 1, 1998, and filed with the Town Clerk on September 8, 1998 and amended on July 30, 2002, filed with the Town Clerk on August 15, 2002, are ratified and confirmed except as noted below.
- 3.2 The Plan described under Exhibit 6 of this Decision shall be included in the approved plan set.
- 3.3 The Board hereby approves the orthodontic use on 1,751 square feet of the first floor of the building as shown on the Plan approved by this Decision.
- 3.4 The Petitioner may operate the orthodontic use 7 AM to 7 PM, Monday through Friday, as well as any Saturdays, as desired by the Petitioner. There shall be a maximum of three staff members at any given time: one dentist, one administrative person and one clinical assistant.
- 3.5 This Special Permit Amendment to operate an orthodontic practice at 32 Chestnut Street is issued to Katherine Pennington Klein, 40 Eaton Road, Needham, MA, and may not be transferred, set over, or assigned by Katherine Pennington Klein to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
- 3.6 The Petitioner recognizes the desire of the Board to assure a viable active retail storefront presence on the major thoroughfares of the Town and shall work in its configuration of its operation to assure that goal is met. To that end, the first set of windows along Chestnut Street, as shown on the Plan, as modified by the decision, shall not be obscured by window treatments, or display cases that prevent customers and pedestrians from seeing inside. The Petitioner shall assure that the subject storefront window system remains open and transparent providing the maximum amount of visibility into the facility.
- 3.7 Additional trash receptacles shall be provided, if required by the Planning Board or Board of Health, and the area shall be kept free of litter from the orthodontic operation.
- 3.8 The Petitioner shall apply for [a minimum of](#) three (3) employee parking stickers from the Town of Needham for parking in the areas of the Dedham Avenue, Lincoln Street, and Chapel Street/Eaton Square parking lots which have been designated as "Permit Parking Only". ~~That -~~ The Petitioner shall apply for said permits on an annual basis and shall provide such parking stickers to the Petitioner's employees for as long as the Petitioner operates at the subject location and for as long as the sticker program is in existence.
- 3.9 In constructing and operating the proposed orthodontic establishment on the locus pursuant to this

Special Permit due diligence be exercised and reasonable efforts be made at all times to avoid physical damage to the surrounding areas or adverse physical impact on the environment.

- 3.10 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. 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.
- 3.11 No building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:
- a. There shall be filed with the Board and Building Inspector a Final Affidavit (or Final Construction Control Document) signed by a registered architect upon completion of the building renovation certifying that the project was built according to the approved documents.
 - b. An as-built plan, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
 - c. That there shall be filed, with the Building Inspector, a statement by the Board approving the as-built floor plan for the orthodontic facility, in accordance with this decision and the approved Plan.
- 3.12 In addition to the provision for 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 Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.13 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, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.14 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 and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (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 and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 The conditions contained within this Decision are limited to this specific application and are made without prejudice to any further modification or amendment.
- 4.5 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.6 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.
- 4.7 This Site Plan Special Permit Amendment shall lapse on June 1, 2023, 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 June 1, 2023. 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 except for good cause.
- 4.8 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown of 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 General Laws, Chapter 40A, Section 17,
Needham Planning Board Decision – Katherine Pennington Klein
June 1, 2021

within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 1st day of June, 2021.

NEEDHAM PLANNING BOARD

Paul S. Alpert, Chairman

Jeanne S. McKnight ~~Paul S. Alpert~~

Martin Jacobs

Adam Block

Natasha Espada

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2021

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public:

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Katherine Pennington Klein, 40 Eaton Road, Needham, MA ~~WELL LCB Needham Landlord LLC, c/o LCB Senior Living, 3 Edgewater Drive, Suite 101, Norwood, MA 02062~~, for property located at 30-50 Chestnut Street, Needham, Massachusetts ~~100-110 West Street, Needham, MA~~, 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 # _____
Town Clerk
Building Inspector
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
George Giunta, Jr.

*Needham Planning Board Decision – Katherine Pennington Klein
June 1, 2021*

TOWN OF NEEDHAM
MASSACHUSETTS

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2021 MAY 20 PM 2:18



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 1407 Central Aveune
Name of Applicant Town of Needham Select Board
Applicant's Address c/o Steven Popper, Director of Design and Construction, Town of
 Needham, MA
Phone Number 781-455-7550, ext. 315

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

Property Owner's Name Town of Needham
Property Owner's Address 1471 Highland Avenue, Needham, MA 02492
Telephone Number 781-455-7500

Characteristics of Property: Lot Area 75.9 acres Present Use DPW Storage Facility
 Map # 308 Parcel # 2 Zoning District SRA

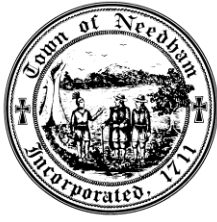
Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
In response to Condition 3.26 of the Decision Amendment dated November 20, 2018, the
Petitioner seeks approval, as a De Minimus Change, of the plan for:
Addition of Solar Panels to roofs (submitted herewith).

Signature of Applicant (or representative) *SH Popper*
Address if not applicant _____
Telephone # _____
Owner's permission if other than applicant _____

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board *Allen Du* Date 5/20/21
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.



Building Design & Construction Department
Permanent Public Building Committee

Town of Needham

500 Dedham Avenue
Needham, MA 02492

781 455-7550
781 453-2510 fax

Transmittal

Project: Jack Cogswell Building

Date: May 17, 2021

From: Steve Gentile

Subject: Solar DeMinimus

To: Lee Newman

Specifically, this transmittal includes the following:

Drawings Package (2 sets) Hard Copy

-PV202 Electrical Site Plan, 7/10/2020, Interconnection Application

-PV201 Proposed Roof Plan, 7/10/2020 100% Design Plans

-E1.1 Behind the Meter Electrical Layout, 7/24/2021, Interconnection Agreement

- Application for Planning DeMinimus Change to Application No. 2013-2, for the addition of solar panels to Jack Cogswell Building
- Cover Letter, signed Steven Popper

**** END ****

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 1407 Central Avenue
Name of Applicant Town of Needham Select Board
Applicant's Address c/o Steven Popper, Director of Design and Construction, Town of
 Needham, MA
Phone Number 781-455-7550, ext. 315

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

Property Owner's Name Town of Needham
Property Owner's Address 1471 Highland Avenue, Needham, MA 02492
Telephone Number 781-455-7500

Characteristics of Property: Lot Area 75.9 acres Present Use DPW Storage Facility
 Map # 308 Parcel # 2 Zoning District SRA

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
In response to Condition 3.26 of the Decision Amendment dated November 20, 2018, the
Petitioner seeks approval, as a De Minimus Change, of the plan for:
Addition of Solar Panels to roofs (submitted herewith).

Signature of Applicant (or representative) _____
Address if not applicant _____
Telephone # _____
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.



**Permanent Public Building Committee
Building Design & Construction Department
Town of Needham**

500 Dedham Avenue
Needham, MA 02492
781 455-7550
781 453-2510 fax

May 14, 2021

Lee Newman
Planning Department
Town of Needham
500 Dedham Avenue
Needham, MA 02492

Re: DPW Central Avenue Season Storage Building / 1407 Central Avenue;
Amendment Decision, Major Project Site Plan Special Permit, November 20, 2018;
Amendment Decision September 3, 2019, De Minimus approval
Request for De Minimus change (for Solar) to Application No. 2013-02

Dear Lee,

Attached are two sets of the (3) full-size drawings, as well as an application for De Minimus Change. An electronic version of this package will also be provided by email.

The recent revisions include:

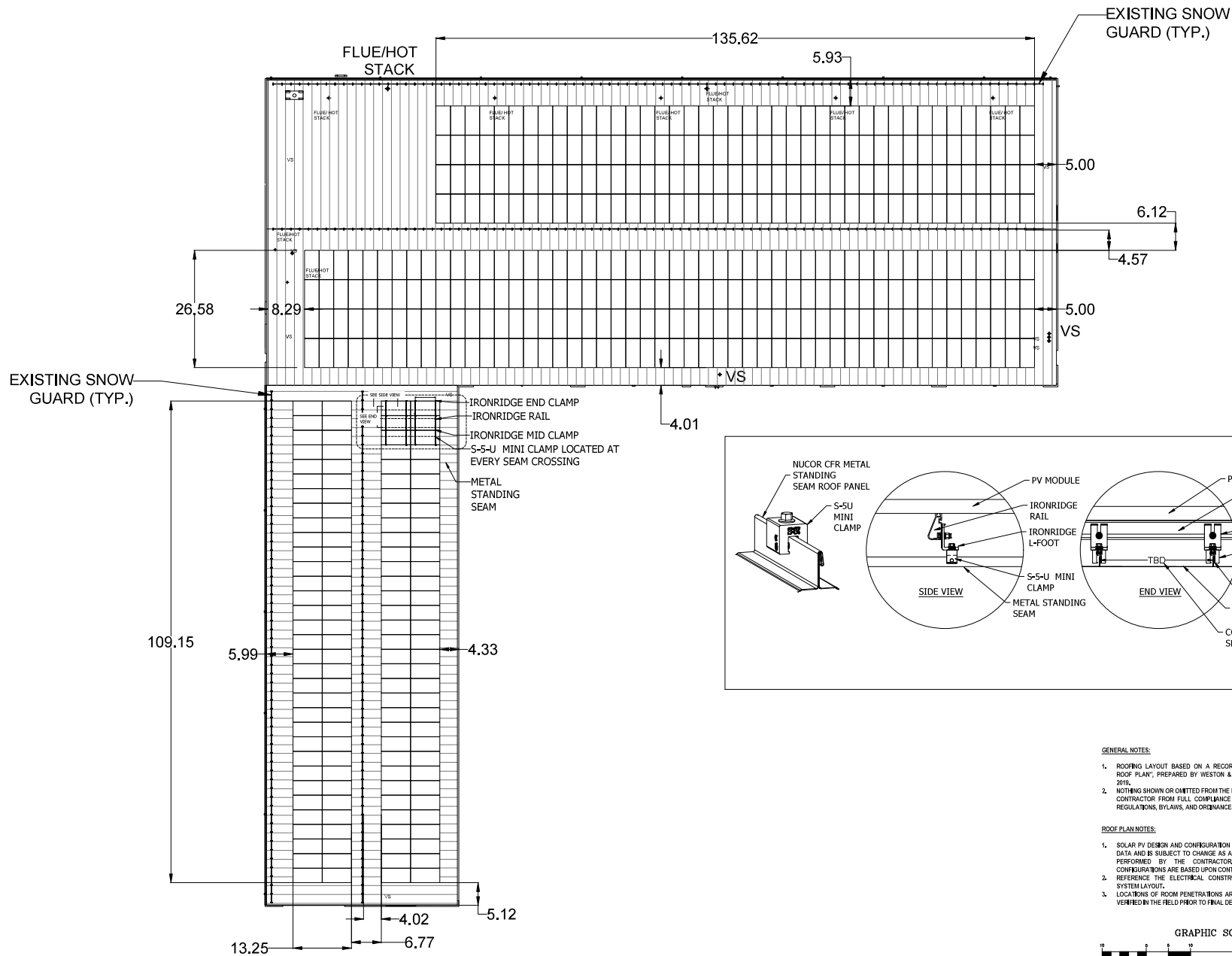
- Additional of Photovoltaic Solar Panels to roofs. Drawings include:
 - PV202 Electrical Site Plan, 7/10/2020, Interconnection Application
 - PV201 Proposed Roof Plan, 7/10/2020 100% Design Plans
 - E1.1 Behind the Meter Electrical Layout, 7/24/2020 Interconnection Agreement

The Jack Cogswell Building Solar project is now seeking your administrative approval of these items as insignificant changes.

Thank you,

Steven H. Popper, P.E.
Director of Design and Construction
Building Design and Construction Department/ PPBC
Town of Needham, MA
500 Dedham Ave
Needham, MA 02492
(781) 455-7550, extension 315

Cc: Carys Lustig
Steve Gentile



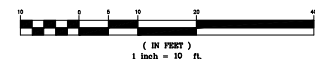
GENERAL NOTES:

1. ROOFING LAYOUT BASED ON A RECORD DRAWING TITLED, "OVERALL ROOF PLAN", PREPARED BY WESTON & SAMPSON DATED JANUARY 31, 2016.
2. NOTHING SHOWN OR OMITTED FROM THE DOCUMENTS SHALL RELIEVE THE CONTRACTOR FROM FULL COMPLIANCE WITH ALL APPLICABLE CODES, REGULATIONS, BYLAWS, AND ORDINANCES.

ROOF PLAN NOTES:

1. SOLAR PV DESIGN AND CONFIGURATION IS BASED ON PRELIMINARY SITE DATA AND IS SUBJECT TO CHANGE AS ADDITIONAL INVESTIGATIONS ARE PERFORMED BY THE CONTRACTOR. FINAL COMPONENTS AND CONFIGURATIONS ARE BASED UPON CONTRACTOR'S DESIGN CRITERIA.
2. REFERENCE THE ELECTRICAL CONSTRUCTION DRAWINGS FOR FINAL SYSTEM LAYOUT.
3. LOCATIONS OF ROOM PENETRATIONS ARE APPROXIMATE AND SHALL BE VERIFIED IN THE FIELD PRIOR TO FINAL DESIGN.

GRAPHIC SCALE



Project
TOWN OF NEEDHAM - SEASONAL
STORAGE ROOF MOUNTED SOLAR



1407 CENTRAL AVENUE
NEEDHAM, MA 02462

Weston & Sampson

Weston & Sampson Engineers, Inc.
55 Walcott Brook Drive, Suite 100
Reading, MA 01867
978.532.1900 800.SAMPSON
www.westonandsampson.com



Revisions:

No.	Date	Description
0	06/05/2020	10% DESIGN PLANS
1	06/17/2020	10% DESIGN PLANS
2	06/26/2020	10% DESIGN PLANS
3	07/10/2020	10% DESIGN PLANS

Seal:

COA:

THIS DOCUMENT AND ALL ASSOCIATED DOCUMENTS ARE PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT SOLELY FOR THE PROJECT LISTED ON THE FACE OF THIS DOCUMENT. ANY REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF WESTON & SAMPSON, LLC, IS PROHIBITED.

Issued For:

100% DESIGN
PLANS

Scale: AS SHOWN

Date: 07/10/2020

Drawn By: AGH

Reviewed By: SPW

Approved By: —

W&S Project No.: 190_DEETEC

W&S File No.: 190_DEETEC

Drawing Title:

PROPOSED ROOF
PLAN

Sheet Number:

PV201

COPYRIGHT © 2020 WESTON & SAMPSON, INC.



LOCUS MAP
SCALE: NTS

LOCATION OF PROPOSED
SERVICE DISCONNECT SWITCH
(600A, 208V, 3-PHASE) UTILITY
SERVICE METER, PV DISCONNECT
SWITCH (600A, 208V, 3-PHASE),
AND SMART PROGRAM METER

(1) 4" CONDUIT WITH PULL STRING,
CONDUIT TO BE CONCRETE
ENCASED UNDER PAVEMENT AND
DIRECT BURIED UNDER GRASS
AREAS.

COMMUNICATIONS
HANDHOLE

ELECTRIC HANDHOLE

TELEPHONE HANDHOLE,
(LOCATED IN GRASS AREA)

(2) 4" DIRECT BURIED
CONDUITS
(1) 4" FOR SECONDARY
POWER
(1) 4" SPARE

COMMUNICATIONS ROOM

ELECTRICAL ROOM

EXISTING BUILDING
F.F.=172.0

EXISTING CANOPY
F.F.=172.0

(1) 4" CONDUIT WITH PULL STRING,
CONDUIT TO BE CONCRETE ENCASED
UNDER PAVEMENT AND DIRECT
BURIED UNDER GRASS AREAS.

(2) 4" CONDUIT WITH PULL STRING,
CONDUIT TO BE CONCRETE
ENCASED UNDER PAVEMENT AND
DIRECT BURIED UNDER GRASS
AREAS.

COMMUNICATIONS
HANDHOLE

EXISTING POLE #170-1 WITH
3X25KVA TRANSFORMERS TO BE
UPGRADED BY EVERSOURCE

COMMUNICATIONS
HANDHOLE

EXISTING OVERHEAD UTILITY LINES

EXISTING UTILITY
POLE #170

CENTRAL AVE.

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

NAD 83

Project
TOWN OF NEEDHAM - SEASONAL
STORAGE ROOF MOUNTED SOLAR



1407 CENTRAL AVENUE
NEEDHAM, MA 02462

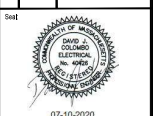
Weston & Sampson Engineers, Inc.

Weston & Sampson Engineers, Inc.
55 Wilbur Brook Drive, Suite 100
Needham, MA 02462
978.232.1900 800.SAMPSON
www.westonandsampson.com



Power Engineers, LLC
31 Quail Road
Dorchester, MA 02122
(617) 812-2882
www.powerengr.com

Revisions:		
No.	Date	Description
0	07/10/2020	INTERCON. APPLICATION



COA:
THIS DOCUMENT AND ALL ASSOCIATED DOCUMENTS
ARE PREPARED FOR THE EXCLUSIVE USE OF THE
CLIENT (S) FOR THE SPECIFIC PROJECT LISTED
ON THE FACE OF THIS DOCUMENT AND
INCORPORATES CALCULATIONS AND
NECESSARY NOTES AND REFERENCES TO THE CLIENT AT
THE TIME OF DRAFTING. THE REPRODUCIBILITY OF THIS
DOCUMENT SHALL NOT BE THE RESPONSIBILITY OF THE
REPRODUCER OR COPY (WHOLE OR IN PART)
WITHOUT THE WRITTEN PERMISSION OF WESTON & SAMPSON, INC.

Issued For:

INTERCONNECTION
APPLICATION

Scale: AS SHOWN
Date: 07/10/2020
Drawn By: AGH
Reviewed By: SPW
Approved By: DAC
WAS Project No.:
WAS File No.: 000_RESTEC

Drawing Title:

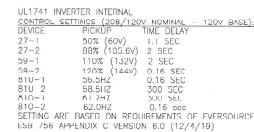
ELECTRICAL SITE
PLAN

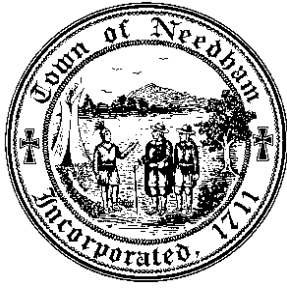
Sheet Number:

PV202

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Journal of Virology, 84(20): 4603-4603, 2010, doi:10.1128/JVI.00021-10





PLANNING DIVISION
Planning & Community Development

**DECISION
MAJOR PROJECT SITE PLAN SPECIAL PERMIT
AMENDMENT
June 1, 2021**

Town of Needham
Application No. 2013-02
(Original Decision April 2, 2013, Amended June 10, 2014, July 8, 2014, January 20, 2015,
May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019,
September 3, 2019, October 19, 2019, January 4, 2021, and Insignificant Change on September 15, 2020)

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts of 2020)

DECISION of the Planning Board (hereinafter referred to as the “Board”) on the petition of the Town of Needham Select Board, 1471 Highland Avenue, Needham, Massachusetts, (hereinafter referred to as the “Petitioner”) for property located at 1407 Central Avenue, Needham, MA. The property is shown on Assessors Plan No. 308 as Parcel 2 containing 75.9 acres in the Single Residence A Zoning District.

This Decision is in response to an application submitted to the Board on May 20, 2021, by the Petitioner. The requested Amendment would, if granted, allow the Petitioner to install photovoltaic solar panels to the roof of the previously approved, now existing Jack Cogswell building.

The changes requested are deemed minor in nature and extent and do not require a public notice or a public hearing. Testimony and documentary evidence were presented to the Board on June 1, 2021 via remote meeting using Zoom ID 826-5899-3198. Board members Paul S. Alpert, Martin Jacobs, Jeanne S. McKnight, Adam Block and Natasha Espada were present throughout the proceedings. Testimony and documentary evidence were presented, and the Board took action on the matter.

EVIDENCE

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

- Exhibit 1** Application form for Further Site Plan Review completed by the Applicant dated May 20, 2021.
- Exhibit 2** Letter from, Steven Popper, Director, Building Design and Construction, dated May 14, 2021.
- Exhibit 3** Plans prepared by Weston and Sampson, 100 Foxborough Blvd., Suite 250, Foxborough, MA, consisting of 3 sheets: Sheet 1, Sheet PV201, entitled “Proposed Roof Plan,”, dated July 10,

2020; Sheet 2, Sheet PV202, entitled “Electrical Site Plan,” dated July 10, 2020; Sheet 3, Sheet E1.1, entitled “Behind the Meter Electrical Layout,” dated July 23, 2020.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2013-02, dated April 2, 2013, amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019, September 3, 2019, October 19, 2019, January 4, 2021 and Insignificant Change on September 15, 2020, were ratified and confirmed except as follows:

- 1.1 The Petitioner proposes to have the decision amended to allow the installation of photovoltaic solar panels on the roof of the Jack Cogswell building.
- 1.2 The Amendment Decision to Major Project Site Plan Special Permit dated November 20, 2018 authorized the construction and operation of the Department of Public Works’ seasonal storage building (now known as the Jack Cogswell Building) on a portion of the 75.9 acre site.
- 1.3 The Board hereby approves the modifications as described under Exhibits 1, 2 and 3 above.
- 1.4 The proposed changes are deemed minor in nature and do not require public notice or a hearing.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit for the work proposed in this Decision nor shall he permit any construction activity pertaining to this Decision to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building 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 four 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 Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.

No Plan Modification required.

CONDITIONS AND LIMITATIONS

The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 2013-02, dated April 2, 2013, Amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019, September 3, 2019, October 19, 2019, January 4, 2021 and Insignificant Change on September 15, 2020, are ratified and confirmed except as modified herein.

- 3.1 The Board approved the installation of photovoltaic solar panels on the roof of the Jack Cogswell Building.

3.2 The solar panels shall be as described under Exhibits 1, 2 and 3 and Section 1.3 above.

DECISION

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

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

Witness our hands this _____ day of June 1, 2021.

NEEDHAM PLANNING BOARD

Paul S. Alpert, Chairman

Adam Block

Natasha Espada

Martin Jaccobs

Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2021

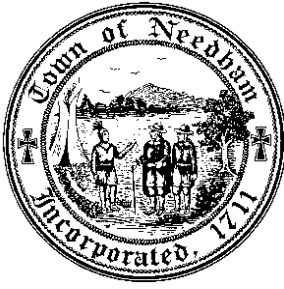
On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public: _____

My Commission Expires: _____

Copy sent to:

Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Design Review Board
Board of Selectmen
Engineering
Fire Department
Police Department



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Laws, Sections 7.4, and Special Permit 2018-05, Section 4.2, the Needham Planning Board will hold a public hearing on Tuesday, June 1, 2021 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 28 Glen Gary Road, Needham, Massachusetts, shown on Assessor's Map No. 102 as Parcel 1 containing 24.6 acres in the General Residence District. The requested Site Plan Special Permit would, if granted, permit the modification to Section 3.16 of Decision 2018-05, to allow a portion of the site to be returned to conditions shown on the plan submitted with the application when the Police and Fire Department conclude their temporary use of the site, rather than the "current conditions" (pre-Police and Fire usage, existing conditions when the site was used for the Hillside School), as required by the Decision. The proposed post-Police and Fire usage condition would include in excess of 90 spaces and will eliminate extensive regrading that would be required to bring the site back to the topography that existed when it served the Hillside School. The site will not be returning to an elementary school use. The Town has no other concrete or imminent plans to use the property for another purpose.

In accordance with the Zoning By-Law, Section 7.4, a Site Plan Special Permit Amendment is required. In accordance with Special Permit No. 2018-05, Section 4.2, further site plan approval is required.

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: **826-5899-3198**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click "Join a Meeting" and enter the following ID: **826-5899-3198**

**Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or
+1 253 215 8782 Then enter ID: **826-5899-3198****

Direct Link to meeting: <https://us02web.zoom.us/j/82658993198>

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Times, May 13, 2021 and May 20, 2021.

**TOWN OF NEEDHAM
MASSACHUSETTS**



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

2021 APR 29 PM 2:55

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 28 Glen Gary Road
Name of Applicant Town of Needham Select Board
Applicant's Address 1471 Highland Avenue, Needham MA 02492
Phone Number (781) 455-7500

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

Property Owner's Name Town of Needham
Property Owner's Address 1471 Highland Avenue, Needham MA 02492
Telephone Number (781) 455-7500

Characteristics of Property: Lot Area 24.6 acres Present Use Temporary Police and Fire
Map #102 Parcel #1 Zoning District General Residence

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
The Applicant requests a modification of Condition 3.16 of Major Project Site Plan Special Permit No. 2018-05, to allow for a portion of the site to be returned to the condition shown on the plan submitted with this application when the Police and Fire Departments conclude their temporary use of the site, rather than to the "current conditions" that existed when the site was used as the Hillside Elementary School (as is currently required by the permit).

Signature of Applicant (or representative) [Signature]
Address if not applicant 40 Grove Street Suite 190, Wellesley MA 02482
Telephone # (617) 804-2422
Owner's permission if other than applicant [Signature]

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board [Signature] Date 4/29/21
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____

Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

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

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

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Name of Applicant Town of Needham Select Board
Applicant's Address 1471 Highland Avenue, Needham MA 02492
Phone Number (781) 455-7500

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

Property Owner's Name Town of Needham
Property Owner's Address 1471 Highland Avenue, Needham MA 02492
Telephone Number (781) 455-7500

Characteristics of Property: Lot Area 24.6 acres Present Use Temporary Police and Fire
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Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
The Applicant requests a modification of Condition 3.16 of Major Project Site Plan Special Permit No. 2018-05, to allow for a portion of the site to be returned to the condition shown on the plan submitted with this application when the Police and Fire Departments conclude their temporary use of the site, rather than to the "current conditions" that existed when the site was used as the Hillside Elementary School (as is currently required by the permit).

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Address if not applicant 40 Grove Street Suite 190, Wellesley MA 02482
Telephone # (617) 804-2422
Owner's permission if other than applicant [Signature]

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.



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Rebekah Lacey Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian Rossetti

April 14, 2021

BY EMAIL (lnewman@needhamma.gov)

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

**Re: Requested Modification—Major Project Site Plan Special Permit No. 2018-05
28 Glen Gary Road**

Dear Planning Board members:

I am writing on behalf of the Town of Needham Select Board (the “Applicant”) to request an amendment of Major Project Site Plan Special Permit No. 2018-05 (the “decision”). This permit concerns property located at 28 Glen Gary Road, which was the site of the Hillside Elementary School until the summer of 2019. After the final school year at this site concluded, the decision authorized the property to be used as temporary headquarters for the Police and Fire Departments while their new permanent headquarters and Fire Station No. 2 were being constructed at 88 Chestnut Street and 707 Highland Avenue, respectively. Those new permanent buildings are scheduled to be completed in the winter of 2021/2022, and the project team is now preparing to wind down the temporary use and occupancy of 28 Glen Gary Road.

Condition 3.16 of the decision states as follows:

The Petitioner shall return the site to its current condition after the Police and Fire Departments conclude their temporary use of the property. Said restoration shall be consistent with a plan entitled “Partial Existing Conditions Plan, Hillside School,” dated April 3, 2018 as further detailed in Exhibit 3 of this Decision. The restoration shall be completed within 6 months of the date the Police and Fire Departments vacate the property with an as-built plan showing the restored condition submitted to the Board for review and approval.

A copy of the partial existing conditions plan referenced in Condition 3.16 is attached as Exhibit A. As shown on Exhibit A, and also on the “Site Demolition Plan” used during the construction of the

temporary headquarters (attached as Exhibit B), the “current condition” at the time of the decision included a school bus turn-around and 50 parking spaces in the upper portion of the parking lot.

In accordance with the decision, this upper portion of the parking lot was heavily disturbed and re-graded to allow for the installation of the modular Fire Department headquarters. The site with the temporary Fire Department headquarters, associated parking, and access, is shown on the “Site Layout and Materials Plan,” which is also included on Exhibit B for reference.

The Applicant is now requesting a modification of Condition 3.16 to allow it to return the site to the condition shown on the plans entitled Hill Side Site Plans Post-Use Sheet LT1.02 and Sheet LT2.01, as revised 2/03/2021. Copies of these plans are attached as Exhibit C for reference. This proposed post-use condition will include in excess of 90 parking spaces in the upper portion of the parking lot, and it will eliminate the extensive re-grading necessary to bring the site back to the topography that existed when the site still served as the Hillside Elementary School. The conditions shown on Exhibit C will be safe, stable, and will not affect vehicular circulation within the site. In addition, the Applicant estimates that returning the site to the condition shown on Exhibit A (as the decision currently requires) will cost approximately \$120,000 more than returning the site to the condition depicted on Exhibit C.

This site will not be returning to an elementary school use: The former Hillside Elementary School has permanently moved to the Sunita L. Williams Elementary School at 585 Central Avenue. In addition, the Town has no other concrete or imminent plans to use this property for another purpose. There has been some discussion of the property being a potential location for school administration, but this discussion has been preliminary in nature, and such a use is, at this point, entirely speculative. Any new use of this property will require considerable additional discussion within Town by the relevant stakeholders, an appropriation at a future Town Meeting, building and site design tailored to suit the prospective use, and approval from the Planning Board, at a minimum.

As a result, returning the site to the precise condition that it was in when used as the site of the Hillside Elementary School offers no benefit to the property owner or to the surrounding neighborhood, and involves significant additional cost and construction activity. The Applicant respectfully suggests that it is preferable to leave the site in a safe and secure condition that hews as closely to the current topography of the site, with the understanding that the entire site will be subject to another Major Project Site Plan Special Permit review at such time as another specific use of the property is identified.

Based on the foregoing, the Applicant requests that Condition 3.16 of Major Project Site Plan Special Permit No. 2018-05 be modified to state as follows:

The Petitioner shall return the site to the condition shown on the plans entitled Hill Side Site Plans Post-Use Sheet LT1.02 and Sheet LT2.01, as revised 2/03/2021. The restoration shall be completed within 6 months of the date the Police and Fire Departments vacate the property with an as-built plan showing the restored condition submitted to the Board for review and approval.

Thank you very much for your consideration of this request, and I look forward to discussing with the Board.

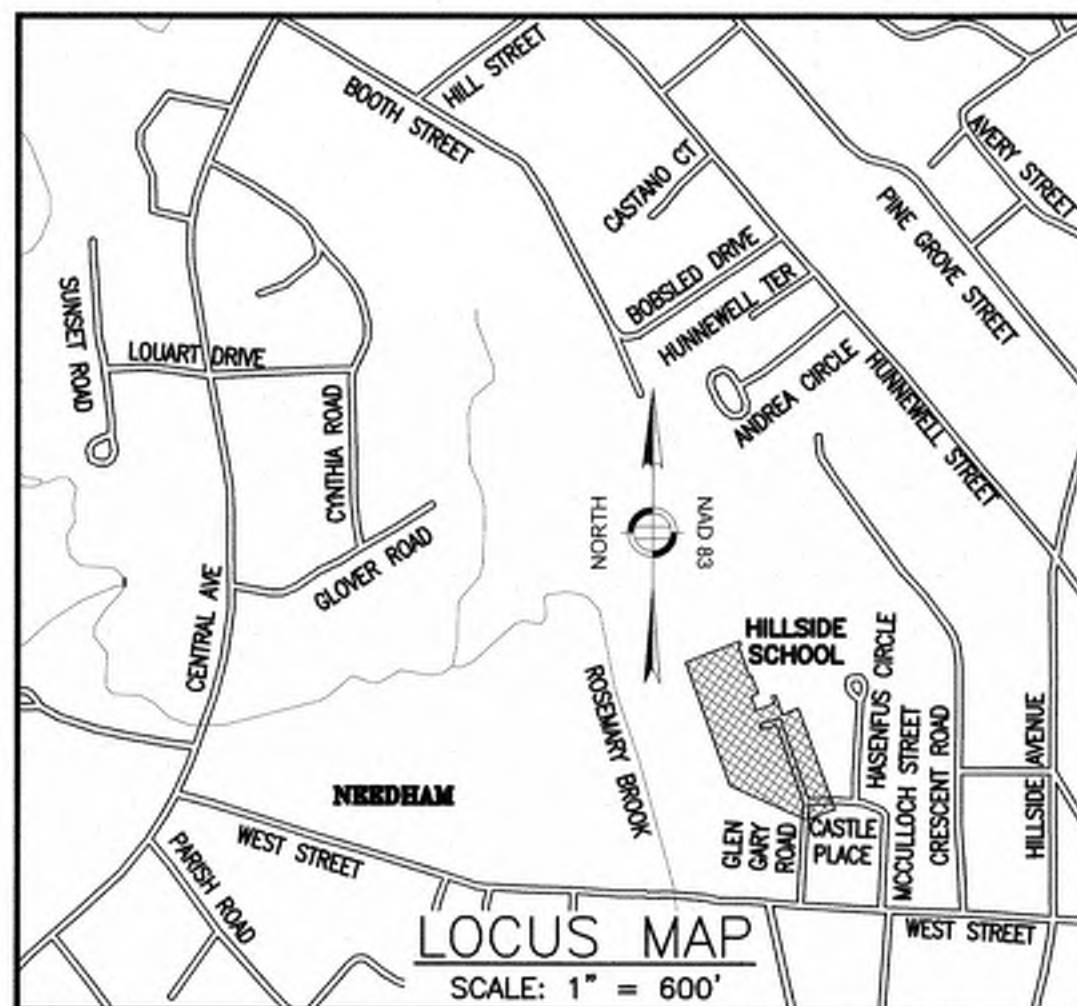
Sincerely,

/s/ Christopher H. Heep

Christopher H. Heep

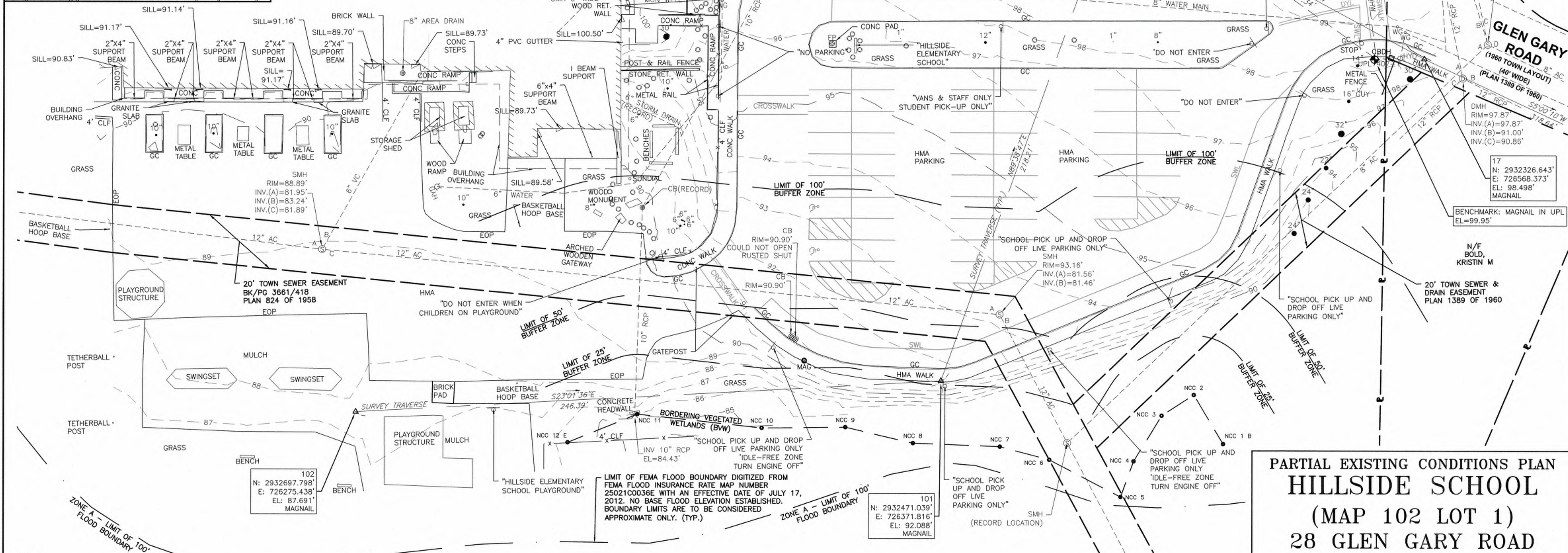
cc: K. Fitzpatrick
S. Popper

Exhibit A



HILLSIDE SCHOOL

N/F
THE INHABITANTS OF THE
TOWN OF NEEDHAM
BK/PG 1838/302
28 GLEN GARY RD
MAP 102 LOT 1



NOTES

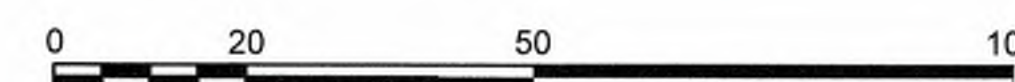
1. THE SURVEY CONTROL NETWORK WAS SET BY AN INSTRUMENT FIELD SURVEY PERFORMED BY GREENMAN-PEDERSEN, INC. (GPI) IN AUGUST, 2017.
2. THE BASEPLAN WAS COMPILED FROM DATA COLLECTED VIA TRADITIONAL TOTAL STATION BY GPI IN NOVEMBER, 2017.
3. THE HORIZONTAL DATUM SHOWN HEREON IS BASED UPON THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM - MAINLAND ZONE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) (2011), EPOCH 2010.00 AS ESTABLISHED BY GPI VIA GPS OBSERVATION IN CONJUNCTION WITH THE MACORS MAMI BASE STATION.
4. THE VERTICAL DATUM SHOWN HEREON REFERENCES THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88) AS ESTABLISHED BY GPI VIA GPS OBSERVATION IN CONJUNCTION WITH THE MACORS MAMI BASE STATION.
5. THE UNITS SHOWN HEREIN ARE US SURVEY FEET.
6. CONTOUR INTERVAL: 1 FOOT
7. THE RIGHT-OF-WAY AND PROPERTY BOUNDARY WERE ESTABLISHED VIA CADASTRAL SURVEY, FOUND MONUMENTATION AND RECORD INFORMATION INCLUDING DEEDS, PLANS AND ASSESSORS INFORMATION OBTAINED AT THE NORFOLK COUNTY REGISTRY OF DEEDS, AND THE TOWN ENGINEERING AND ASSESSING DEPARTMENTS.
8. ZONING DISTRICTS: GENERAL RESIDENCE (GR).
9. FLOOD ZONE: SEE NOTE ON PLAN.
10. RESOURCE AREAS WERE DELINEATED BY THE NEEDHAM CONSERVATION COMMISSION IN FEBRUARY 2018 AND FIELD LOCATED VIA TRADITIONAL GROUND SURVEY PERFORMED BY GPI IN FEBRUARY 2018.
11. SUBSURFACE UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE ONLY AND WAS COMPILED FROM SURFACE EVIDENCE AND SUPPLEMENTED WITH RECORD UTILITY INFORMATION WHERE AVAILABLE. ALL UNDERGROUND UTILITY MAPPING IS IN COMPLIANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION SUBSURFACE UTILITY ENGINEERING QUALITY LEVEL C. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION TO VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES IN AND OUT OF THE EXISTING BUILDING. GREENMAN-PEDERSEN, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. COORDINATION WITH THE APPROPRIATE UTILITIES BEFORE AND DURING DESIGN OF FUTURE CONNECTIONS IS REQUIRED.
12. CONTACT "DIG SAFE" AT 1 (888) 344-7233 PRIOR TO CONSTRUCTION.



Jeffrey P. Bradford
4/3/2018

PLAN REFERENCES:

- "PLAN OF LAND IN NORFOLK COUNTY, HILLSIDE SCHOOL" PREPARED BY GREENMAN-PEDERSEN, INC. IN FEBRUARY 2018.



SCALE: 1" = 20'

PARTIAL EXISTING CONDITIONS PLAN HILLSIDE SCHOOL (MAP 102 LOT 1) 28 GLEN GARY ROAD

IN THE TOWN OF

NEEDHAM, MASSACHUSETTS

PREPARED FOR:
THE TOWN OF NEEDHAM
1471 HIGHLAND AVENUE
NEEDHAM, MASSACHUSETTS

OWNED BY:
**THE INHABITANTS OF
THE TOWN OF NEEDHAM**
1471 HIGHLAND AVENUE
NEEDHAM, MASSACHUSETTS

SCALE: 20 FEET TO THE INCH

FILE NAME: 17089.02_SV.DWG FIELD BOOK: 2017089.02 (ELECTRONIC)
DRAWN BY: BJB/RJD CHECKED BY: JPB

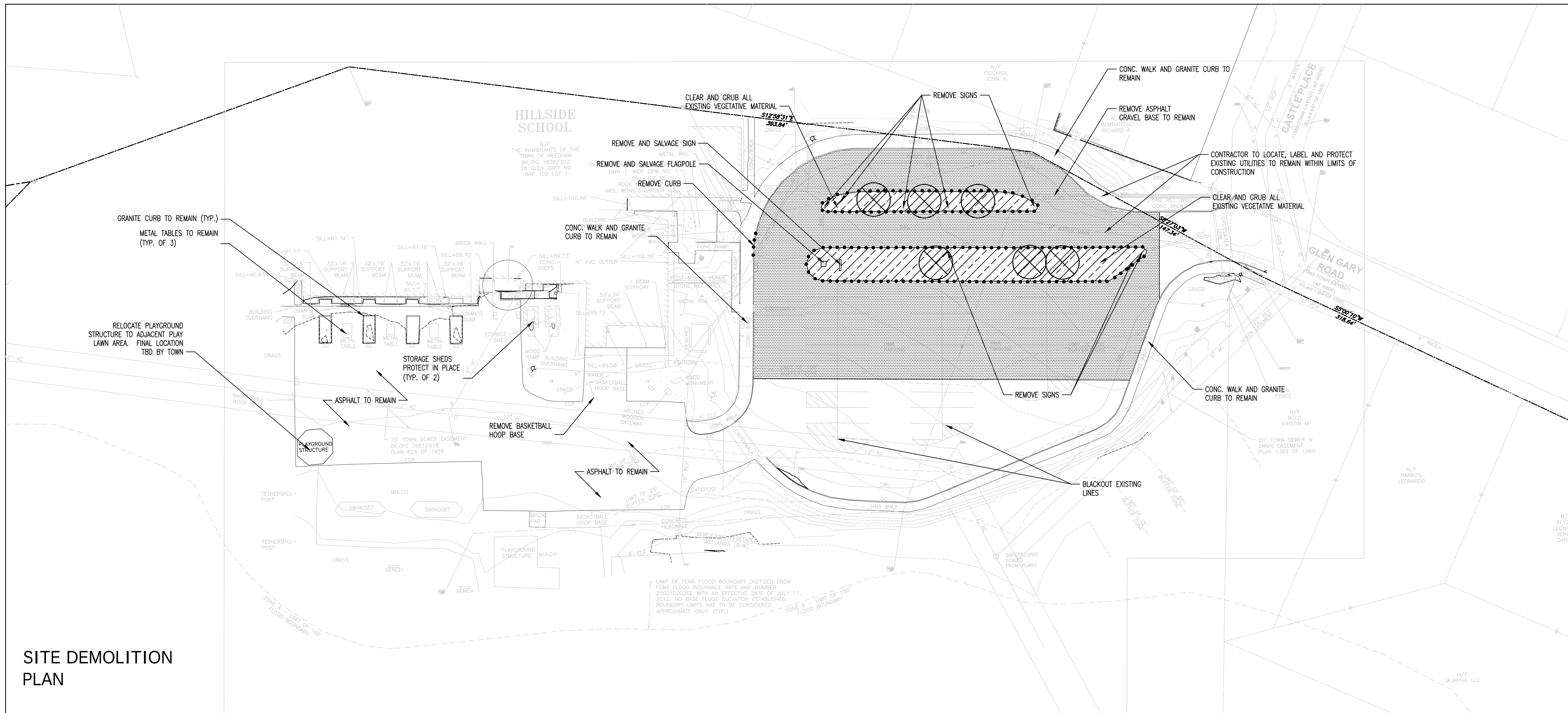
PREPARED BY:
GPI Greenman-Pedersen, Inc.
Engineering & Construction Services

181 Ballardvale Street, Suite 202, Wilmington, MA 01887
Tel: (978) 570-2999 Fax: (978) 658-3044
http://www.gpinet.com

DATE: APRIL 3, 2018

X0.1

Exhibit B



SITE DEMOLITION
PLAN

SITE DEMOLITION LEGEND

- CLEAR AND GRUB
- REMOVE PAVING
- REMOVE CURB
- SAW CUT LINE
- REMOVE TREE

SITE DEMOLITION NOTES

- AREAS OF EXISTING VEGETATION TO REMAIN SHALL BE PROTECTED THROUGHOUT CONSTRUCTION. REVIEW ACTUAL LIMITS OF CLEARING WITH THE OWNER/ARCHITECT, AND SELECTIVELY CLEAR AND PRUNE AS REQUIRED TO REMOVE DEAD, DISEASED, OR POORLY FORMED VEGETATION.
- REMOVE ALL PAVEMENTS TO THEIR FULL DEPTHS.
- COORDINATE ALL UTILITY DEMOLITION OPERATIONS WITH OWNER. MAINTAIN SYSTEMS IN OPERATION AS REQUIRED.
- COORDINATE DEMOLITION LIMITS WITH PROPOSED IMPROVEMENTS.
- CONTRACTOR MAY PULVERIZE, DISTRIBUTE AND REUSE ASPHALT ON SITE TO ACHIEVE SUB-GRADE ELEVATION. PULVERIZED MATERIAL SHALL MEET REQUIRED SIEVES FOR SSB M11.10

Z:\landarch\LA DRAWING STANDARDS\KBA-LOGO.jpg

416 Slater Road, P.O. Box 2590, New Britain, CT 06050-2590
Phone: 860-229-0361 Fax: 860-229-5303
16 Chestnut Street, Suite 301, Foxborough, MA 02035
Phone: 508-549-9905 Fax: 508-549-9907

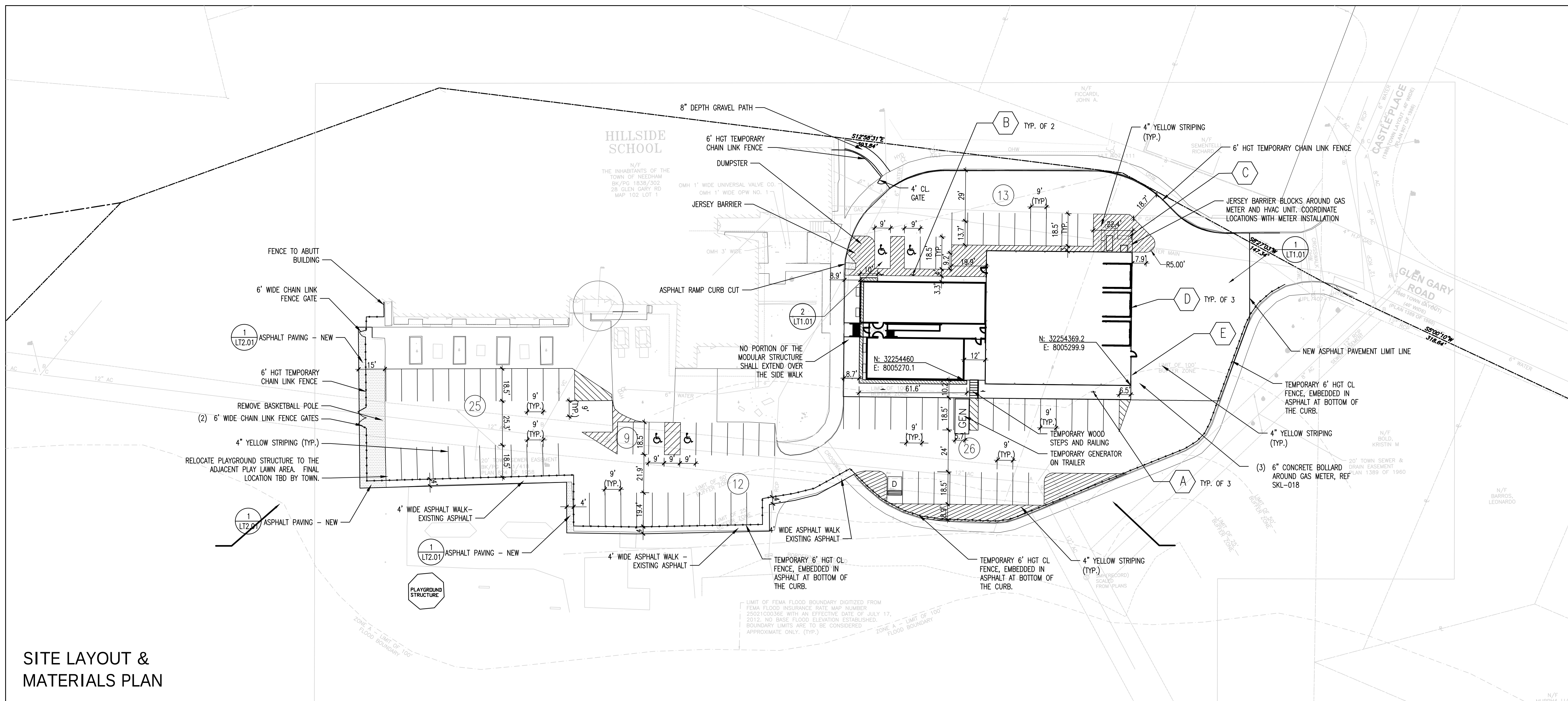
Email: kba@kba-architects.com Web: www.kba-architects.com



CONSTRUCTABILITY SET
DATE: 6/1/2018
NOT FOR CONSTRUCTION

ISSUE DATE	
DATE	DESCRIPTION
11/07/2018	BID AND CONSTRUCTION
11/16/2018	ADDENDUM 1

REVISIONS	
DATE	DESCRIPTION
6/11/2019	SKL004 - WALKWAY & FENCING
7/30/2019	TEXT MODIFICATIONS



SITE LAYOUT &
MATERIALS PLAN

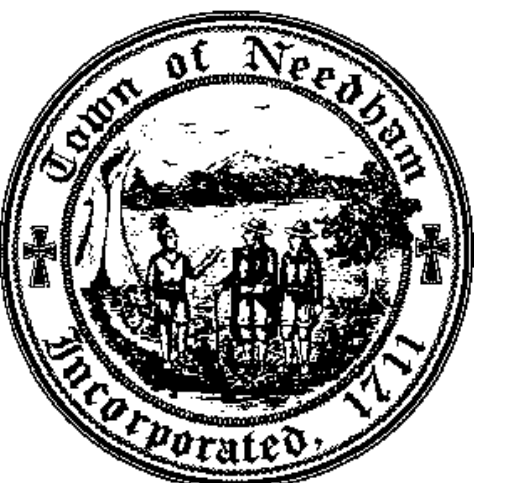
SITE LAYOUT & MATERIALS LEGEND

- PROPERTY LINE
- LAYOUT BASE LINE
- RADIAL DIMENSION
- LINEAR DIMENSION
- PARKING TOTAL
- DETAIL REFERENCE TAG
- SHEET #
- DENOTES MATERIAL CHANGE
- CONCRETE PAVING
- SIGNAGE
- SIGNAGE REFERENCE TAG
- CURBING
- CONCRETE CURB RAMP
- GATES
- FENCE
- LIGHTING

SITE LAYOUT & MATERIALS NOTES

- LAYOUT INFORMATION IS FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL LAYOUT INFORMATION. BRING ANY DISCREPANCIES TO THE ARCHITECT'S ATTENTION FOR REVIEW AND CLARIFICATION.
- ALL RADI ARE 5' UNLESS OTHERWISE NOTED.

0 15' 30' 60'
SCALE: 1" = 30'-0"



**NEEDHAM
POLICE AND FIRE
TEMPORARY
FACILITY**

28 GLEN GARY RD
NEEDHAM, MA 02494

PROJECT NO.: 16015.02

DRAWN BY: DGM

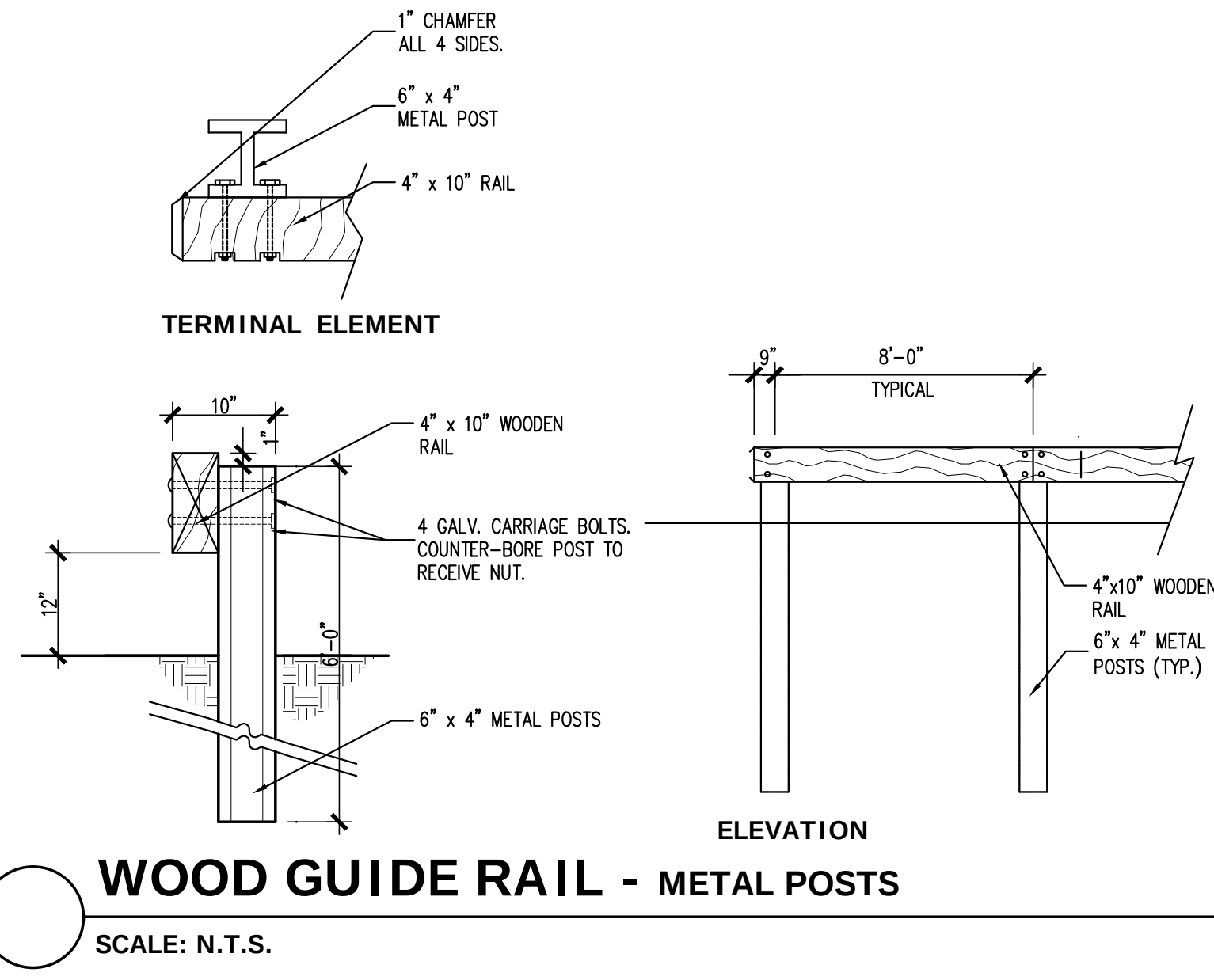
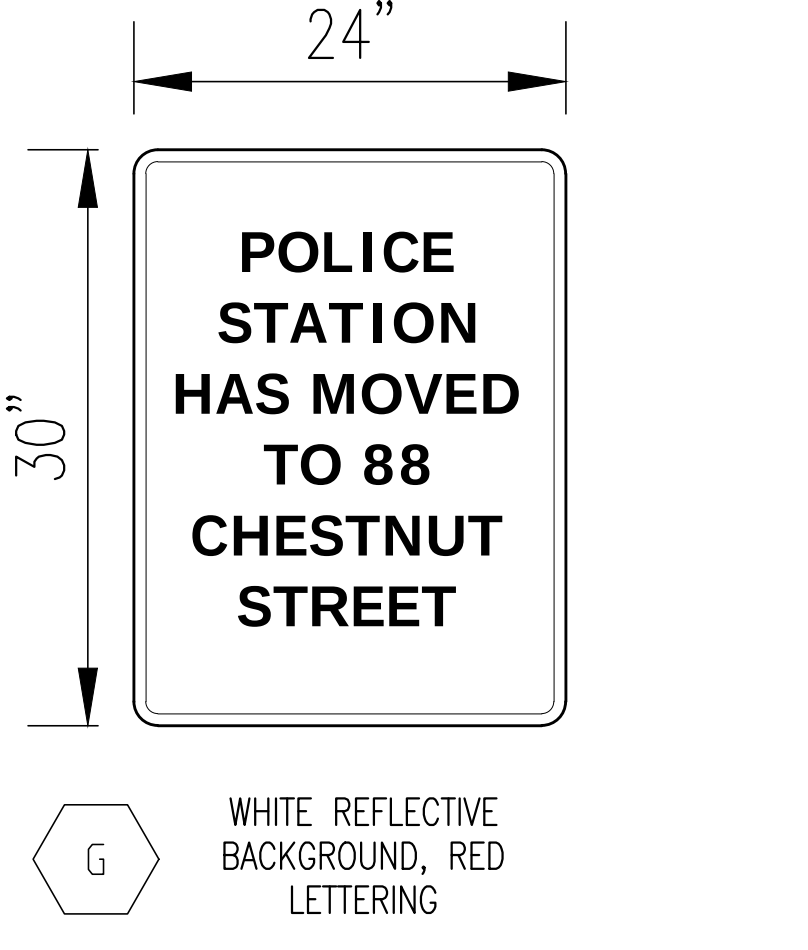
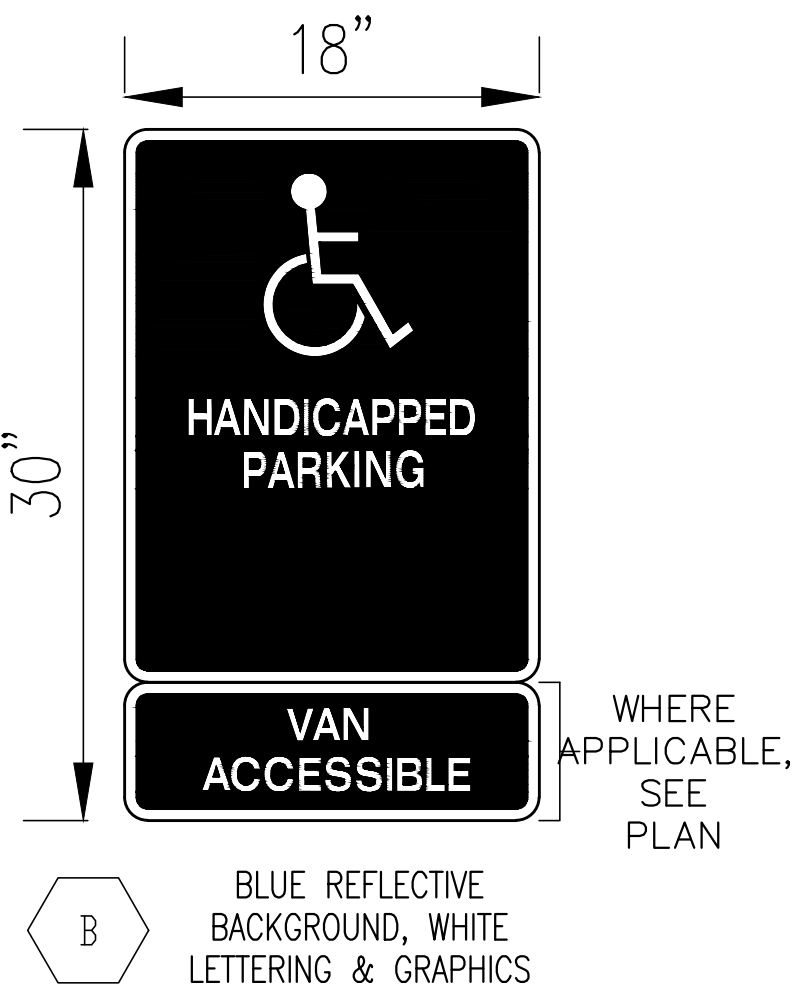
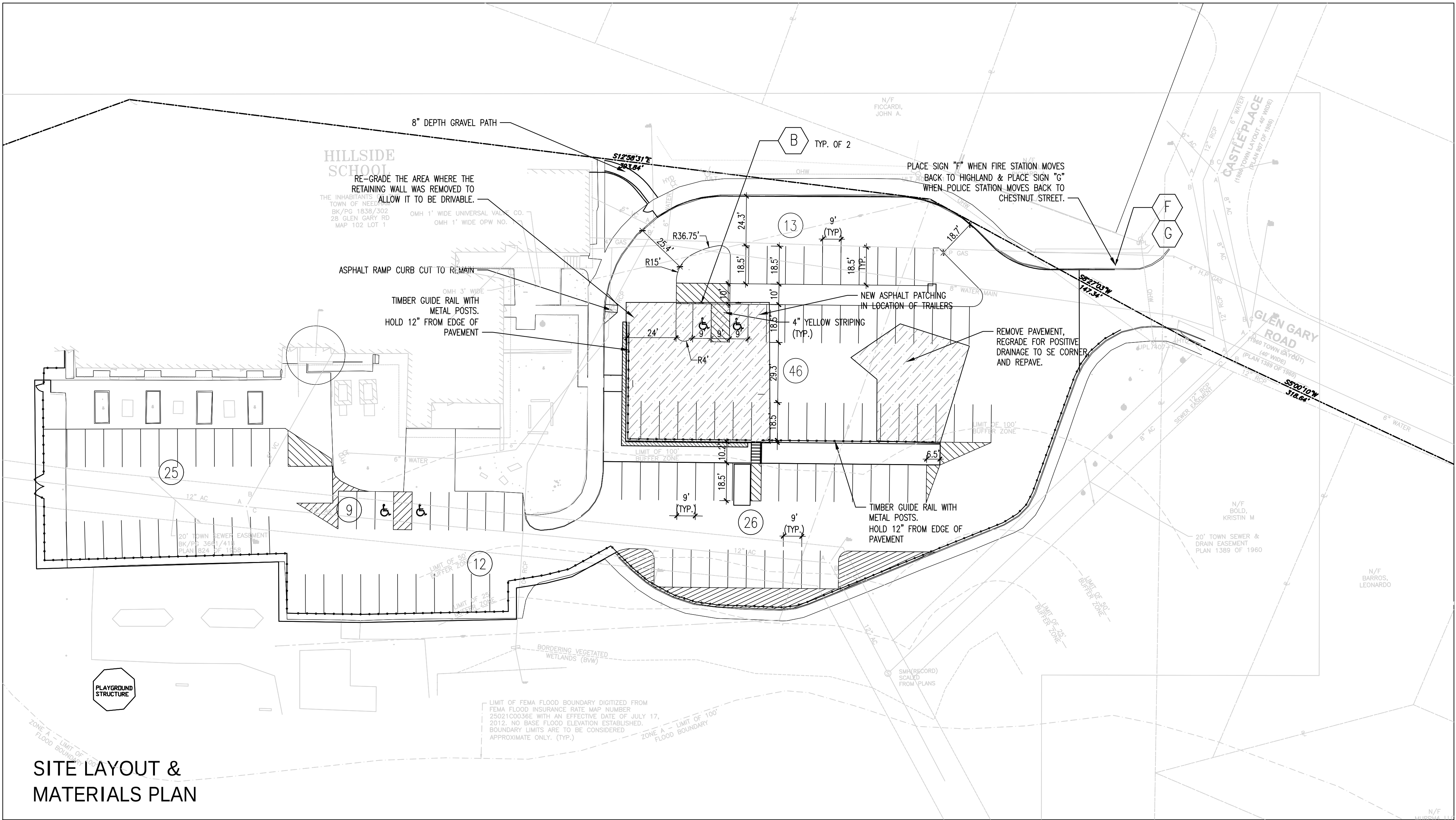
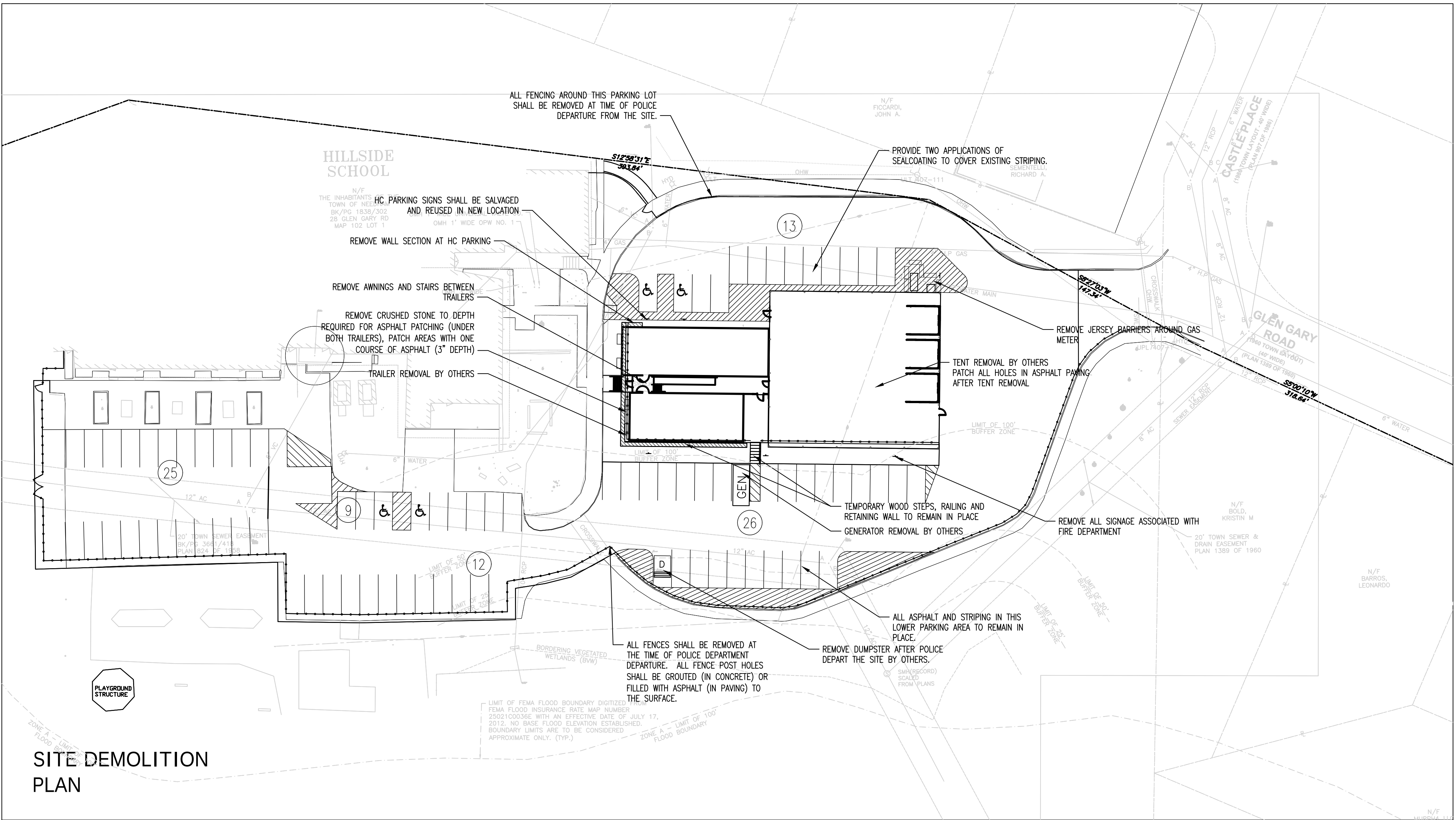
**HILL SIDE
SITE PLANS**

DRAWING NO.:

LT1.01

2017 © COPYRIGHT HILL SIDE ASSOC., INC.

Exhibit C



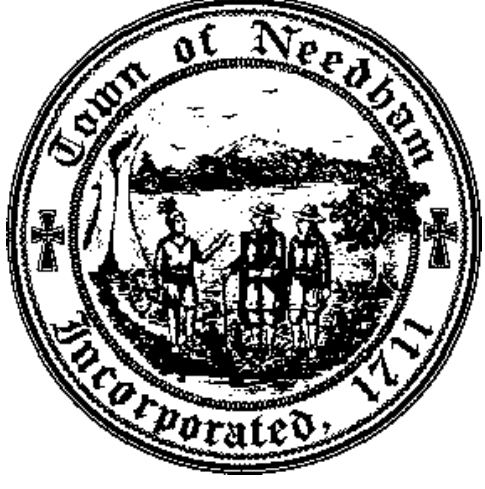
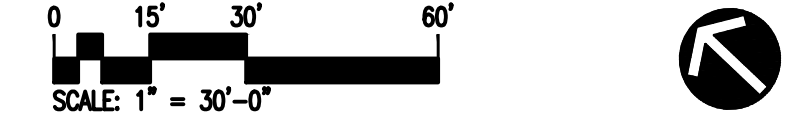
CONSTRUCTABILITY SET

DATE: 6/1/2018

NOT FOR CONSTRUCTION

ISSUE DATE	
DATE	DESCRIPTION
11/07/2018	BID AND CONSTRUCTION
11/16/2018	ADDENDUM 1

REVISIONS	
DATE	DESCRIPTION
6/11/2019	SKL004 - WALKWAY & FENCING
7/30/2019	TENT MODIFICATIONS
2/03/2021	POST USE PLAN



NEEDHAM
POLICE AND FIRE
TEMPORARY
FACILITY

28 GLEN GARY RD
NEEDHAM, MA 02494

PROJECT NO.: 16015.02 DRAWN BY: DGM

HILL SIDE
SITE PLANS
POST -USE

From: [John Schlittler](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 28 Glen Gary (old Hillside school site)
Date: Wednesday, May 5, 2021 12:57:21 PM

No issues from Police Dept

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, May 5, 2021 12:54 PM
To: David Roche <droche@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: Request for comment - 28 Glen Gary (old Hillside school site)

Dear all,

The Planning Board will be hearing about a proposal for an amendment to the existing permit at 28 Glen Gary Rd on June 1, 2021. More information is included in the submitted documents, detailed below, which can be attached to this email and can also be found at this [K:\Planning Board Applications\Planning_28GlenGaryRd](#) (some of you will receive a hard copy in the inter-office mail as well).

The documents attached for your review are:

1. Application submitted by The Town of Needham. *attached*
2. Letter from Attorney Chris Heep, dated April 14, 2021. *Attached.*
3. (Submitted as "Exhibit A") Plan prepared by Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA01887, Sheet X0.1, entitled "Partial Existing Conditions Plan, Hillside School," dated April 3, 2018.
4. (Submitted as "Exhibit B") Plan prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, Sheet LT1.01, entitled "Hillside Site Plan," dated November 7, 2018, revised November 16, 2018, June 11, 2019 and July 30, 2019.
5. (Submitted as "Exhibit C") Plan prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, Sheet LT1.02, entitled "Hillside Site Plans, Post Use," dated November 7, 2018, revised November 16, 2018, June 11, 2019, July 30, 2019 and February 3, 2021; and Sheet LT2.01, entitled "Hillside Site Plans, Post Use," dated November 7, 2018, revised November 16, 2018 and February 3, 2021.

The Planning Board has scheduled this hearing for June 1, 2021. If you wish to comment, please submit your comment by Wednesday May 26, 2021 (at the latest), so that the Petitioner has time to

address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Subject: Re: Public Health Division comments RE: 28 Glen Gary (old Hillside school site)
Date: Friday, May 28, 2021 11:11:46 AM

Alex-

Here are the Public Health Division comments for the project located at 28 Glen Gary Rd., below-

The Public Health Division has no comments at this time.

Let me know if you need any additional information from us on that.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S.
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



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From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, May 28, 2021 9:15 AM
To: Anthony DelGaizo; Thomas Ryder; Dennis Condon; Tara Gurge
Cc: Lee Newman; Timothy McDonald
Subject: FW: Request for comment - 28 Glen Gary (old Hillside school site)

I will shortly be sending the packets out to the Board for the meeting which will include this hearing.

If you wish to include comments, please get them to me this morning.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: Alexandra Clee

Sent: Wednesday, May 5, 2021 12:54 PM

To: David Roche <droche@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>

Subject: Request for comment - 28 Glen Gary (old Hillside school site)

Dear all,

The Planning Board will be hearing about a proposal for an amendment to the existing permit at 28 Glen Gary Rd on June 1, 2021. More information is included in the submitted documents, detailed below, which can be attached to this email and can also be found at this [K:\Planning Board Applications\Planning_28GlenGaryRd](#) (some of you will receive a hard copy in the inter-office mail as well).

The documents attached for your review are:

1. Application submitted by The Town of Needham. *attached*
2. Letter from Attorney Chris Heep, dated April 14, 2021. *Attached.*
3. (Submitted as "Exhibit A") Plan prepared by Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA 01887, Sheet X0.1, entitled "Partial Existing Conditions Plan, Hillside School," dated April 3, 2018.
4. (Submitted as "Exhibit B") Plan prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, Sheet LT1.01, entitled "Hillside Site Plan," dated November 7, 2018, revised November 16, 2018, June 11, 2019 and July 30, 2019.
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Boulevard, Suite 100, Foxborough, MA 02035, Sheet LT1.02, entitled "Hillside Site Plans, Post Use," dated November 7, 2018, revised November 16, 2018, June 11, 2019, July 30, 2019 and February 3, 2021; and Sheet LT2.01, entitled "Hillside Site Plans, Post Use," dated November 7, 2018, revised November 16, 2018 and February 3, 2021.

The Planning Board has scheduled this hearing for June 1, 2021. If you wish to comment, please submit your comment by Wednesday May 26, 2021 (at the latest), so that the Petitioner has time to address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

June 1, 2021

Needham Planning Board
Needham Public Service Administration Building
Needham, MA 02492

RE: Major Project Site Plan Special Permit Amendment No. 2018-05
28 Glen Gary Road-Temporary Police and Fire Head Quarters at Hillside

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request for amending the Planning Board Decision for the Temporary Police and Fire Department site. The applicant's amendment requests that site not be restored to the former facility uses.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application submitted by The Town of Needham.
2. Letter from Attorney Chris Heep, dated April 14, 2021.
3. (Submitted as "Exhibit A") Plan prepared by Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA 01887, Sheet X0.1, entitled "Partial Existing Conditions Plan, Hillside School," dated April 3, 2018.
4. (Submitted as "Exhibit B") Plan prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, Sheet LT1.01, entitled "Hillside Site Plan," dated November 7, 2018, revised November 16, 2018, June 11, 2019 and July 30, 2019.
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Our comments and recommendations are as follows:

- We have no comment or objection to the insignificant change

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas Ryder
Assistant Town Engineer



**Permanent Public Building Committee
Town of Needham**

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

May 28, 2021

Ms. Lee Newman, Director
Town of Needham - Planning Department
500 Dedham Avenue
Needham, MA 02492

RE: Planning Board Major Project Site Plan Special Permit No. 2013-02
Town Contract ID #17PFC-176D
Jack Cogswell Building Project
140 Central Avenue, Needham, MA

Dear Ms. Newman:

We are respectfully requesting another extension of the Temporary Certificate of Occupancy (TC of O) for the Jack Cogswell Building Project, subject to the Planning Board's Decision dated November 20, 2018. The first request to extend was made on December 9, 2019 for 60 days until February 7, 2020. The second request sought an additional 60 days, starting on February 7, 2020 until April 7, 2020. The Covid19 public health emergency disrupted normal business operations. A previous request extended temporary status until March 8, 2021. The last request sought another 60 days until May 7, 2021, for the same reason listed below. The Planning Board extended the last extension until May 31, 2021. **This current request seeks another 120 days until September 28, 2021.**

Outstanding items include:

- Lot Consolidation, pending Land Court completion

As indicated earlier, the Massachusetts Trial Court 6 docket receipt indicated that on June 17, 2019, Kevin F. Murphy, Esq was appointed as Title Examiner. On October 31, 2019, Attorney Murphy filed the report. The final certified consolidated plan was expected to be complete at the end of December, but additional time is requested now, due to court related scheduling.

Please feel free to contact me if you have any questions.

Sincerely,

Stephen Gentile, Project Manager
Building Design and Construction Department/PPBC

cc. Steven Popper, Director, BD&C
Stuart Chandler, Chairman, PPBC
David Roche, Needham Building Dept.
Mike Richard, PE, Weston and Sampson
Jo-Ann Darrigo, Seaver Construction
Chris Heep, Town Counsel
Anthony DelGaizo, Town Engineer
Carys Lustig, DPW Director
File- PPBC

From: [Anthony DelGaizo](#)
To: [Lee Newman](#); [Alexandra Clee](#)
Cc: [Carys Lustig](#); [Steven Popper](#); [Thomas Ryder](#); [Joe Hobbs](#); [Robert Lewis](#); [Anthony DelGaizo](#)
Subject: FW: Case No. 19 SBQ 21906 05 - 001 - Town of Needham
Date: Friday, May 28, 2021 9:46:23 AM

Lee, Alex,

Please see below the status of the Land Court case to de-certify the 4 acre parcel at the RTS/Landfill. It may be a while before we can request the permanent Certificate of Occupancy for the Jack Cogswell Building.

Anthony L. Del Gaizo
Town Engineer
Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492
Office: (781)455-7550
adelgaizo@needhamma.gov

From: Christopher Heep <cheep@miyares-harrington.com>
Sent: Thursday, May 27, 2021 6:00 PM
To: Stephen Gentile <sgentile@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>
Subject: FW: Case No. 19 SBQ 21906 05 - 001 - Town of Needham

Hi Steve and Tony. Very aggravating news to report. I had a long conversation with Christina Geaney (Chief Title Examiner) this afternoon, as she was preparing to take the petition to the Judge for signature. Things looked reasonably good during that call, but the Judge is apparently now unwilling to sign off on our petition based on some questions about a document that is referred to in the chain of title.

This document is an agreement for judgment that does not appear of record, but was apparently filed with Dedham Superior Court in the 1980's. Ms. Geaney tasked me with producing a copy months ago; we attempted to obtain a copy but the Clerk at the Superior Court could not turn it up after multiple requests. I reported as much to Ms. Geaney.

The Court is unsatisfied with that response, and will now ask us to publish notice asking anyone with an interest in the agreement for judgment to appear before the Land Court. I should get a copy of their notice soon, and will take care of it as soon as it arrives.

Honestly, I cannot fathom the relevance of the document they are inquiring into (which was never recorded) particularly where all we are asking to do is remove the parcel from the registered land system. I find this whole exercise infuriating.

Nonetheless, this sets us back on timing. I'll report back as soon as I get a copy of the notice that they want us to publish.

Sorry, and thanks.
Chris

Christopher H. Heep

MiyaresHarrington - Local options at work

Miyares and Harrington LLP

40 Grove Street • Suite 190

Wellesley, MA 02482

Direct: 617.804.2422 | Main: 617.489.1600

www.miyares-harrington.com

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From: Christina T Geaney <christina.geaney@jud.state.ma.us>

Date: Thursday, May 27, 2021 at 4:39 PM

To: Christopher Heep <cheep@miyares-harrington.com>

Subject: RE: Case No. 19 SBQ 21906 05 - 001 - Town of Needham

Dear Attorney Heep,

I have presented the Order of Court to the Judge, and the withdrawal will not be approved at this time. We will require the issuance of a Citation by Publication based upon that Agreement for Judgment, which cannot be located.

The Citation for Publication will be sent your office and via email. I am in the office, should you wish to discuss this matter further. 617 788 7498

Best regards,
Christina Geaney

Memorandum

To: Carol Smith-Fachetti, Chair, Needham Finance Committee

From: Lee Newman, Director of Planning and Community Development

cc: Kate Fitzpatrick, Town Manager
Katie King, Assistant Town Manager
Jeanne McKnight, Chair, Needham Planning Board

Date: March 29, 2021

Re: Planning Consulting Assistance

I am writing this memo as a supplement to the Planning and Community Development Fiscal Year 2022 Supplemental Financial Warrant Article Request (DSR5 Form). The purpose of the memo is to provide greater clarity on the anticipated use of the requested sixty-thousand-dollar appropriation for Planning Consulting Assistance. Briefly, the appropriation would provide support to the Department in two functional areas as further detailed below.

Professional services on an as-needed basis to support the regulatory functions of the Department

Departmental demand over the course of the last decade has triggered this need. The use of contracted services, including consulting services for professional assistance in matters related to development applications, land use regulations, and other activities related to day-to-day operations of the Department, is requested. We anticipate that professional services in such areas as traffic/transportation engineering and fiscal impact analysis to complement the expertise of Town staff would be procured. Having access to professional expertise across multiple land use disciplines in a complex regulatory environment has proven essential to allowing the Department to effectively address the permitting issues coming before it. In addition, the funds would be used to help the Department research and advise other appropriate regulatory Boards when presented with complex development projects.

Professional services in support of Land Use and Planning Initiatives

The use of contracted services to support the Department's planning initiatives is also sought. This is anticipated to support preliminary planning and zoning initiatives, and if deemed necessary, to inform comprehensive planning initiatives on which independent funding would be requested. Below is a brief list of projects on the horizon which the Board is considering.

- *Conduct a review of the goals articulated in the 2009 Needham Center Plan and steps completed to date to meet those goals to determine if adjustments are warranted.* This effort will include a workshop to present accomplishments to date and to identify any constraints to redevelopment not anticipated in the 2009 Needham Center Plan. In 2009, the Town of Needham completed the Needham Center Development Plan for the purpose of providing a cohesive vision and comprehensive plan for Needham Center and to unlock the area's potential. The revitalization of Needham Center and the Lower Chestnut Street area—namely the Chestnut Street corridor south of Great Plain Avenue and north of the MBTA Junction Station—constitute the overall Needham

Center vision. The Plan detailed the Village Concept that called for “diverse, mixed-use districts combining residential, commercial and civic uses in a compact area” and proposed new zoning regulations to “encourage massing that helps define the street edge and that serves as a backdrop to the streetscape.” With notable exceptions—including the mixed-use building at 50 Dedham Avenue, the Beth Israel Deaconess Hospital’s new facilities, the new Needham Public Safety building, and a new mixed-use building at 15-17 Oak Street—most of the under-developed areas identified in the Plan have yet to fulfill their full potential in the decade that followed the plan’s adoption. The purpose of this review would be to examine current impediments to redevelopment and to make the warranted adjustments. The recently completed Needham 2025 plan for example noted that redevelopment prospects could be improved with off-street parking standard adjustments. Specifically, reducing the parking requirement for 1-bedroom units to 1 parking space (currently 1.5 per unit) and permitting shared parking considerations for 30% of residential spaces to be counted for joint use by commercial users will reduce the fee in-lieu of parking by \$105,000 (\$30,000 instead of \$135,000). These suggestions from the Needham 2025 plan will be examined along with other identified constraints. It is anticipated that this effort would provide a framework for informing adjustments to both the zoning and implementation plan for Needham Center and the Chestnut Street corridor moving forward.

- *Review the land use and policy goals of the Business District located along Highland Avenue between May and Rosemary Street as currently expressed in the regulatory framework of the Zoning Bylaw.* The land use and dimensional regulations for this district have not been updated for over 50 years and are not currently reflective of the policy goals which the Town holds for this length of the Highland Avenue corridor. Prior to 1989, all the Town’s commercial areas were zoned under a single “Business District” designation. Recognizing that each commercial area had unique attributes and land use objectives, beginning in 1989 the Town began the process of studying each area to establish a more tailored regulatory framework for the studied area consistent with the Town’s land use objectives. This subsequently led to the creation of the Needham Center Business District, Chestnut Street Business District, Avery Square Business District, Commercial 128 Business District, and the Neighborhood Business District. The Business District located along Highland Avenue between May and Rosemary Street is the only remaining district on which the land use and regulatory profile has not yet been updated.
- *Review Town-wide Inclusionary Zoning.* The Town has incorporated inclusionary zoning mandates into its Zoning Bylaw for a number of Overlay Districts, including the independent living units in the Elder Services Zoning District, as well as zoning for the Needham Center, Lower Chestnut Street, and Garden Street Overlay Districts. In these areas at least 10% of the units must be affordable to those earning at or below 80% of area median income and meet all other state requirements for inclusion in the Subsidized Housing Inventory. More recent zoning as part of the Mixed Use Overlay District, in the Highland Avenue/128 area, as well as changes to the Neighborhood Business District increased the affordability requirement to 12.5% with the option of a payment in-lieu of units provision in the case of the Neighborhood Business zoning. New zoning for the Carter Mill development also included a 12.5% affordability requirement. More than one-third of the municipalities in the state have such inclusionary zoning in place with affordability requirements typically ranging between 10% and 15% or even up to 20% of the units in a development. Not having this town-wide zoning in place is causing the Town to miss opportunities for new affordable units as part of recent subdivisions and a new residential project on Hunnewell Street for example.

I have provided above an overview of potential areas of planning initiatives in which professional services might be required. In closing, I would note that the decision had been reached in 2015 to fund the above-noted type of planning consulting service under a single article appropriation and not within the

Departmental budget itself. The thought at the time was that by utilizing a single article appropriation the constraints of funding a project across multiple fiscal years would be eliminated. In practice I have found this flexibility to be helpful in administering the consulting services the Department procures. The Covid crisis is an example of a situation that can and did affect a planned research project's schedule; for example, this past fiscal year we had planned a research project which required spending time at the Building Department reviewing plans. With access to the Building Department for this purpose not possible the project was postponed from Fiscal Year 2020 to Fiscal Year 2022. I would prefer to continue with the current practice and the flexibility it provides. That said, if the Finance Committee prefers to have this type of funding placed within the Departmental budget itself, we can begin a process beginning in Fiscal Year 2023 of gradually increasing the professional services line item to accomplish this objective.

Thank you for your consideration of this departmental funding request. Please feel free to contact me directly with any questions or requests for additional information.

ARTICLE 12 MAY 1 STM - REPORT TO TOWN MEETING

PLANNING CONSULTANT FUNDS

Article 12 of the Special Town Meeting calls for the appropriation of \$60,000 for Planning Consulting Assistance, to be spent under the direction of the Town Manager. These funds would provide support to the Planning Department, enabling the Planning Director to engage professional services from time to time to support two of its functional areas:

- (1) the regulatory functions of the Planning Department, which oversees permit granting for the Planning Board, the Zoning Board of Appeals and the Conservation Commission; and
- (2) the land use and town planning initiatives of the Planning Department.

I'll explain the need for such professional services in both these areas.

Regulatory Functions:

The permit-granting and land-development plan review function of the boards that the Planning Departmental supports has called for contracted professional services over the last decade, and this is expected to continue over the next few years. The Planning Director anticipates that professional services in such areas as traffic/transportation engineering and fiscal impact analysis to complement the expertise of Town staff would be procured. Having access to professional expertise across multiple land use disciplines in a complex regulatory environment has proven essential to allowing the Department to effectively address the permitting issues coming before it. In addition, the funds would be used to help the Department research and advise other appropriate regulatory Boards when presented with complex development projects.

Land Use and Planning Initiatives:

The use of contracted services is also anticipated to support the Planning Department's planning and zoning initiatives, and in some cases this funding would supplement funding from other sources. I'll mention several planning projects which the Planning Board is considering.

- We want to review of the goals of the 2009 Needham Center Plan and the steps completed to date to meet those goals to determine if adjustments to the zoning for Needham Center and Chestnut Street are warranted. We anticipate that this effort will include a workshop to present accomplishments to date and to identify any constraints to redevelopment not anticipated in the 2009 Needham Center Plan. The 2009 Plan detailed the Village Concept that called for "diverse, mixed-use districts combining residential, commercial and civic uses in a compact area" and proposed new zoning regulations to "encourage massing that helps define the street edge and that serves as a backdrop to the streetscape." Some projects carrying out this vision have occurred over the past decade - the mixed-use building at 50 Dedham Avenue, the Beth Israel Deaconess Hospital's new facilities, the new Needham Public Safety building, and a new mixed-use building at 15-17 Oak Street, but most of the under-developed areas identified in the Plan have yet to fulfill their full potential. The purpose of this review would be to examine current impediments to redevelopment and to make the warranted adjustments. Suggestions from the Needham 2025 plan will be examined along with other identified constraints. We anticipate that this planning effort will provide a framework for informing adjustments to both the zoning and implementation plan for Needham Center and the Chestnut Street corridor moving forward.

- We want to review the land use and policy goals of the Business District located along Highland Avenue between May and Rosemary Street. The land use and dimensional regulations for this district have not been updated in over 50 years. Prior to 1989, all the Town's commercial areas were zoned under a single "Business District" designation. Recognizing that each commercial area had unique attributes and land use objectives, beginning in 1989 the Town began the process of studying each area to establish a more tailored regulatory framework for the studied area consistent with the Town's land use objectives. This subsequently led to the creation of the Needham Center Business District, Chestnut Street Business District, Avery Square Business District, Commercial 128 Business District, the Hillside Avenue Business District and the Neighborhood Business District. The Business District located along Highland Avenue between May and Rosemary Street is the only remaining Business District on which the land use and regulatory profile has not yet been updated.
- We also want to review the land use and policy goals of the Town's Industrial Districts, particularly the Industrial District on Hillside Avenue.
- A very important goal for this coming year is to review and consider amending the Inclusionary Zoning provisions of our Zoning By-law. The Town has incorporated inclusionary zoning mandates into its Zoning Bylaw for a number of Overlay Districts, including the independent living units in the Elder Services Zoning District, as well as zoning for the Needham Center, Lower Chestnut Street, and Garden Street Overlay Districts. In these areas at least 10% of the units must be affordable to those earning at or below 80% of area median income and meet all other state requirements for inclusion in the Subsidized Housing Inventory. More recent zoning as part of the Mixed Use Overlay District, in the Highland Avenue/128 area, as well as changes to the Neighborhood Business District increased the affordability requirement to 12.5% with the option of a payment in-lieu of units provision in the case of the Neighborhood Business zoning. New zoning for the Carter Mill development also included a 12.5% affordability requirement. More than one-third of the municipalities in the state have such inclusionary zoning in place with percentage of affordable units in multi-family rental or condominium developments required at a range of between 10% and 15% or even up to 20% of the units. The level of incomes to be reached is also a factor to be considered. Not having such Inclusionary Zoning in place for all of our zoning districts is causing the Town to miss opportunities for new affordable units as part of recent subdivisions and a new 8-unit residential project on Hunnewell Street for example.
- Related to Inclusionary Zoning is our recent allowance for Accessory Dwelling Units. Over nearly two years of experience with ADU's, are we satisfied with the very limited provisions that we have that require a special permit just to provide housing for an elderly parent, for example, or might we now move to allowing such units as of right, and think about other ways we can help older homeowners with a provision for rental ADU's by special permit, as the [what board/departement] had suggested when we began the planning process for ADU's a few years ago.
- Another goal for the coming year is to review the so-called Large House Amendments that were made to our residential districts a few years ago – have they been effective at addressing the concerns of residents that reconstructed houses are too large and lack the architectural features that are typical of Needham neighborhoods?

I have provided an overview of potential areas of planning initiatives in which professional services might be required. In closing, I note that the Town Manager and the Planning Director recommended in 2015 to fund the above-noted type of planning consulting service under a single article appropriation and not within the Planning Departmental budget itself. The thought at the time was that by utilizing a single

article appropriation the constraints of funding a project across multiple fiscal years would be eliminated. In practice the Planning Director has found this flexibility to be helpful in administering the consulting services the Department procures. The Covid crisis is an example of a situation that can and did affect a planned research project's schedule; for example, this past fiscal year we had planned the research project or reviewing our Large House zoning provisions as they have been applied to new construction, which would have required spending time at the Building Department reviewing plans. With access to the Building Department for this purpose not possible the project was postponed from Fiscal Year 2020 to Fiscal Year 2022. Continuing the current practice of having a separate appropriation like this one provides necessary flexibility.

Thank you, Town Meeting Members, for your consideration of this funding request.

NEEDHAM PLANNING BOARD
TEMPORARY OUTDOOR SEATING /OUTDOOR DISPLAY POLICY

Enacted May 20, 2020,
revised August 11, 2020, October 6, 2020, ~~and November 4, 2020~~ and June 1, 2021

Section 1 - Purpose and Scope

The ~~2020~~-COVID-19 pandemic has caused not only a public health crisis; it has also triggered a worldwide economic crisis. Public health requirements for social distancing have placed new burdens and challenges on the business community to provide more physical space between customers and staff. In an effort to respond to the new social distancing requirements, the Select Board has adopted a temporary outdoor seating policy that will allow the Town to create outdoor dining spaces on public open spaces, sidewalks, parking lots and on-street parking spaces, to create outdoor dining space opportunities for the open air consumption of takeout food and beverages from local restaurants. Initial implementation is planned for the Town Common, Needham Heights Common, and Eaton Square. This policy will be in effect ~~until sixty days after the Declaration of Emergency is rescinded by the Governor~~ through October 31, 2021 or such later date as may be approved by the Massachusetts legislature.

In an effort to further facilitate the re-opening of Needham businesses and recognizing the impacts of COVID-19, the Planning Board has approved this policy to allow additional temporary outdoor seating for restaurants and additional temporary outdoor display space for retail businesses with stand-alone entrances and exits. Restaurants may utilize available outdoor space for seating in addition to any existing approved interior restaurant seating and retail establishments may utilize outdoor space for display and sales in addition to interior store space. The enforcement of outdoor display requirements or prohibitions, take-out service requirements or prohibitions, outdoor seating limitations, and minimum parking standards as contained within any special permit applicable to the restaurant or retail establishment is hereby suspended to enable the above-described activities subject to the following guidelines. This policy will be in effect ~~up to and including the sixtieth day after the Declaration of Emergency is rescinded by the Governor~~ through October 31, 2021 or such later date as may be approved by the Massachusetts legislature.

Section 2 – Guidelines

All temporary outdoor seating areas and display areas must adhere to the following:

- A. Must comply with provisions of Executive Orders issued by the Governor to State, County, and Town entities, and the Centers for Disease Control and Prevention (CDC) guidelines for social distancing.
- B. Must comply with all Massachusetts and Town of Needham Health Department requirements.

- C. Must comply with all applicable Fire Department regulations and must not impede Police or Fire access.
- D. Must comply with the Massachusetts Division of Alcoholic Beverages & Tobacco consumption on premises requirements.
- E. Must not negatively impact ingress/egress to the building or property; safe ingress and egress shall be provided to the property and building, including emergency access measures at all times.
- F. Must have received the written approval of the Town Manager's office and the Needham Health Department having demonstrated compliance with applicable health and safety regulations. Some parking, including handicapped parking if required, remains available for the restaurant and adjacent businesses (if applicable).
- G. If located within a parking area, a temporary physical barrier must be placed separating the outdoor seating area or display area from the remaining parking.
- H. All tables in temporary outdoor seating areas and display areas shall be located a safe distance from drive aisles, usable parking, and so as to maintain proper distancing from usable parking.
- I. All temporary outdoor seating areas on property owned or leased by a restaurant and temporary retail display and/or sale areas on property owned or leased by a retail establishment, and all such seating areas and display/sale areas on other private or public property licensed to the restaurant or retail establishment for such purposes, and adjacent open areas and/or parking lots, must be maintained clean of litter.
- J. If a restaurant is not the property owner or lessee of the areas intended to be used for the temporary additional outdoor seating area or if the retail establishment is not the owner or lessee of the areas intended to be used for the temporary retail display and/or sale area, then written permission from the property owner must be obtained prior to approval and installation.
- K. If the outdoor seating area or retail display area is to be located upon property of the Town of Needham (e.g. sidewalks, on-street parking spaces, public parking areas adjacent to the restaurant or retail establishment), the use of such area must have received the written approval of the Town Manager's office.

Section 3 – Amendments

This policy may be amended by a majority vote of the members of the Planning Board.

Section 4 – Effective Date

This policy was first adopted at a regular meeting of the Planning Board on May 20, 2020 and became effective as of that date. It was revised to extend the effective date at the Planning Board meeting of August 11, 2020, and again October 6, 2020, ~~and~~ November

4, 2020 and June 1, 2021 and currently is extended through October 31, 2021 or such later date as may be approved by the Massachusetts legislature.

		LOCATION? If private: is it in the side, front or rear setback? If public: public sidewalk? Public way? Or other public property? Abutting front, rear or side yard of restaurant?							
Restaurant	is the outdoor seating on public or private property		minimum of 48" maintained and unobstructed for pedestrian path, sidewalk, entrance?	Is outdoor seating located on designated or required landscape areas, parking lots or drive aisles?	does it interfere with visibility at intersections?	outdoor seating on same lot as establishment? (NA for public property outdoor seating)	number of seats approved by Planning Board or ZBA permit	number of outdoor seats	Does outdoor seating increase capacity by more than 30%?
Bertuccis	private	in the parking lot	not sure, but could have it.	Does not appear to take up parking places, but possibly part of drive aisle or fire lane	no.	yes	130	15 max	less
CAPPELLA	private	front	I think so	outdoor seating does not sit on parking spaces. The diagram they submitted is pretty confusing to me, but I note that the PB has previously issued a special permit for outdoor seating at this location.	no.	yes	100 inside 16 outside	12	less
Chef Mike's	private	it is in the parking lot, takes up possibly 2 parking spaces	I think so	Appears to take up 1-2 parking places	no.	yes	15 seats	10	more
HEARTH PIZZERIA	private	it is in the back parking lot (but not on parking spaces)	appears to be	Yes, the ourdoor seating is located on an access driveway within a parkling lot.	no.	yes	64	12 seats	less
LATINA	private	in driveway	appears to be	yes, in driveway	don't think so, but their own driveway cannot be used by cars	yes	100	30	exactly 30%
MASALA ART	private	in rear parking lot	appears to be	Decision requires 5 spaces available on the property. The outdoor seating takes up those spaces	no.	yes	160	24	less

Restaurant	is the outdoor seating on public or private property	LOCATION? If private: is it in the side, front or rear setback? If public: public sidewalk? Public way? Or other public property? Abutting front, rear or side yard of restaurant?	minimum of 48" maintained and unobstructed for pedestrian path, sidewalk, entrance?	Is outdoor seating located on designated or required landscape areas, parking lots or drive aisles?	does it interfere with visibility at intersections?	outdoor seating on same lot as establishment? (NA for public property outdoor seating)	number of seats approved by Planning Board or ZBA permit	number of outdoor seats	Does outdoor seating increase capacity by more than 30%?
Needham Golf Club	private	yes	yes	appears to be just picnic tables outside, although on grass, I don't believe this affects "required landsacping"	no.	yes	NA (Decision did not speak to)	60	NA
NEW GARDEN	private	I need more information about the 2021 location (I understand it changed from 2020)		last year they put tables on many parking spaces. It APPEARS this year the request is to put the jersey barriers so that they do not take up spaces				48	
THE FARMHOUSE	private	in rear parking lot	appears to be	yes, in parking lot. Can't tell if it takes up all the parking spaces on the lot (8 were required)	no.	yes	100 (40 at lunchtime)	14	less (though more at lunch)
Village Club	private	?		not sure..?	no.	yes	no permit	max 42	
A New Leaf	public	public - sidewalk	yes	no	no.	NA	11	8	more
BAGEL'S BEST	public	Chapel Street lot	yes	outdoor seating is located on 4 parking spaces in the Chapel Street lot	no.	NA	40	20 max	more
COOK	public	sidewalk AND Chapel Street lot	yes	on parking spaces in Chapel Street lot	no.	NA	106	18 - front on Chapel St. - not sure how many in parking lot	unknown, but unlikely
FRENCH PRESS	public	3 street parking places	yes	no	no.	NA	28	10	more

Restaurant	is the outdoor seating on public or private property	LOCATION? If private: is it in the side, front or rear setback? If public: public sidewalk? Public way? Or other public property? Abutting front, rear or side yard of restaurant?	minimum of 48" maintained and unobstructed for pedestrian path, sidewalk, entrance?	Is outdoor seating located on designated or required landscape areas, parking lots or drive aisles?	does it interfere with visibility at intersections?	outdoor seating on same lot as establishment? (NA for public property outdoor seating)	number of seats approved by Planning Board or ZBA permit	number of outdoor seats	Does outdoor seating increase capacity by more than 30%?
HUNGRY COYOTE	public	2 street parking spaces	yes	no	no.	NA	54	24	more
Needham House of Pizza	public	public - sidewalk	yes	no	no.	NA	might not be a permit?	3	less
GARI	public	in the pedestrian alley adjacent to building	yes	no	no.	NA	100	24 (on application.P lan shows 16)	less
PANCHO'S TAQUERIA	public	public - last year sidewalk, this year looks like parklet	yes	no	no.	NA	34	4 last year, looks like up to 20 this year with parklet	with parklet, more
Rice Barn	public	public - either sidewalk or parklet or both	yes	no	no.	NA	102	24	less
SWEET BASIL	public	parklet (and possibly sidewalk as well)	yes	no	no.	NA	52	30 (not obvious to me, this is a guess)	more (if I read the information correctly)
THE JAMES	public	Chapel Street lot	yes	on chapel street lot	no.	NA	100	48	more

	not compliant
	possibly not compliant/need more info etc

16.Committee Appointments rev.August 2020

Committee	Member	Voted date	Expires
Design Review Board	Deborah Robinson	11-Aug-20	30-Jun-23
	Nelson Hammer	11-Aug-20	30-Jun-23
	Stephen Tanner	12-Sep-18	30-Jun-21
Transportation Committee	Justin McCullen	21-May-19	31-May-22
	Stephen McKnight	12-Sep-18	31-May-21
Community Preservation Committee	Paul Alpert	12-Sep-18	30-Jun-21

NEEDHAM PLANNING BOARD MINUTES

February 16, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, February 16, 2021, at 7:00 p.m. with Messrs. Alpert, Jacobs, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of people expected to be on the agenda. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. She noted this meeting does include a public hearing and will allow for public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

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

VOTED: to automatically continue the meeting to 3/2/21 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight and to authorize the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

Zoning Articles for May 2021 Annual Town Meeting, Review and Vote to Transmit for Hearing: Highway Commercial 1

Ms. Newman noted there were copies of the 3 Articles in our packets. This is the implementation of the Urban Design Plan presented at the community meeting. She did a series of 3 articles. The second Article is a change to the district to enable multi-family housing and the third Article is a map change. The reason for 3 Articles is the recent legislation that provides, to add housing, only allows a majority vote is required. Article 1 will be presented to provide the proposed uses, then move forward with Article 2 the amendment and then Article 3, the actual map change. Ms. McKnight asked her to review the substantive changes from the prior version of Article 1.

Ms. Newman noted the following changes: an increase provision for housing under Article 1, use profile, NOT CLEAR as presented at the community meeting; clarified that retail does not include grocery stores; dimensionals as presented at the meeting and the FAR remains the same. She upped the minimum open space requirement to 30% and the affordable housing is the same as presented. Ms. McKnight noted on page 1, #1, HC1 should be HC-1 to be consistent with the By-Law. In Special Permit Section 4.11.3, there is a reference to reduce the 20% open space requirement. Ms. Newman has fixed that to 30%.

Mr. Jacobs noted Section 4.11.1 at the end of footnote 1, 2nd sentence, the last paragraph is not clear. Ms. Newman stated that is intended to describe the setback along Highland Avenue. To take a stone bound point and measure it 700 feet. Mr. Jacobs feels it should say that – define the 2 ends of the 700' line. The 700 feet as shown on Figures 1, 2 and 3, being an extension of the existing property line, measures 361 feet. It should say 700 feet east of said stone bound/drill hole. Ms. McKnight noted the bearing needs to be made easterly instead of westerly. Mr. Jacobs noted there needs to be a reference to the 300-foot setback. Ms. Newman clarified it is 200 feet along Gould and Highland and 300 feet for the garage. Mr. Jacobs summarized it should say "700 feet shown along Highland Avenue as shown on Figures 1, 2 and 3, running northeasterly along the bearing." Ms. Newman will have Natasha Espada revise the drawing to make the ends darker lines for clarity. This discussion will be continued after the public hearing.

Decision: Major Project Site Plan Special Permit No. 2020-03: Hunnewell Needham, LLC, 393 South Main Street, Cohasset, MA 02025, Petitioner (Property located at 400 Hunnewell Street, Needham, MA). Regarding request to build new residential building with 8 units (see legal notice for more info).

Ms. McKnight noted there is a draft decision. Ms. Newman noted there are changes to the lighting and the times it will be on and off and a paragraph was added regarding blasting to require a permit through the Fire Department if

necessary. The Board reviewed the changes. Ms. McKnight had one concern. In the second paragraph it mentions the relief being sought, which includes #2, under Section 1.4.6, for a change and extension of a lawful, preexisting, nonconforming use. The only nonconformity she saw was the required 10-foot landscaping. Along the railroad right of way, where there is some parking, it is going to be paved and there would not a 10-foot landscaping setback. She thought it should say pre-existing, nonconforming structure?. Ms. Newman felt she was misinterpreting the section on residential uses and noted multi-family residential use does not need the setback and landscape requirement. She noted the Oak Street development sought relief as a prior nonconformity and it was granted. The Board should be granting that relief. Mr. Jacobs stated a paragraph should be added that states "alternatively, if the above paragraph is incorrect then treat it as that". Mr. Giunta Jr. stated this is distinguished from Oak Street. Oak Street had residential and commercial and different setbacks under 4.4.8.4 – other Business Districts. He feels it is cleaner not to have "Alternatively" in. Mr. Alpert asked what happens if an abutter were to appeal the decision based on this. The appeal would fall on Mr. Giunta Jr. and his clients to argue it. He suggests leaving it alone if Mr. Giunta Jr. wants it left alone. He agrees on the interpretation. Mr. Owens is satisfied.

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

VOTED: to grant the requested Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law; (2) the requested Special Permit under Section 3.2.2 of the By-Law for apartment or multifamily dwelling in the Hillside Avenue Business District; (3) the required Special Permit under Section 4.4.2 of the By-Law to exempt the basement level underground parking from inclusion in the Floor Area Ratio calculation; and (4) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law, as modified by this decision with regard to the application for 400 Hunnewell Street.

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

VOTED: to adopt the decision in the last iteration presented with the changes discussed and agreed to at this meeting.

Mr. Owens recused himself from the public hearing and left the meeting.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 1991-3: North Hill Needham, Inc. (formerly known as Living Care Villages of Massachusetts, Inc.), 865 Central Avenue, Needham, MA 02492, Petitioner (Property located at 865 Central Avenue, Needham, MA, 02492). Regarding: proposal to construct 75 new parking spaces along a portion of the existing fire lane, widen the fire lane).

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the four members present unanimously:

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

Evans Huber, representative for the applicant, noted this is further site plan review and permits. There is a 12-foot wide fire lane around the outer edge of the main building. A lot of residents and staff started parking along the unpaved edge and have continued to use this area to park. It does not comply with the requirements. The applicant wants to widen the fire lane to 20 feet and put in perpendicular parking spaces. This will create 75 new parking spaces and there will be site work and landscaping. The conclusion is, this will increase the spaces to 587 on site and all will meet all requirements. He reviewed the special permit requests. He noted there are 6 existing parking spaces next to the building that do not meet the requirements. There was a previous waiver for those spaces that was granted and bike racks were waived.

Mr. Huber stated he met with the Design Review Board (DRB) and the plans were approved. He noted there is a cooling tower in the area that needs to be replaced. It is intended to do this at the same time. The replacement is

not part of site plan review and they would like it to be permitted and overseen by the Building Department. Ms. McKnight noted the following correspondence for the record: a letter from Assistant Town Engineer Thomas Ryder noting he reviewed the plans and has no comments or objections; a memo from Fire Chief Dennis Condon, dated 1/20/21, noting he is satisfied with the plan but would like signage for the fire lane; approval from the Design Review Board, dated 12/28/21 and stamped 1/11/21, with no conditions; and a memo from Tara Gurge, of the Department of Public Health, dated 2/16/21, with comments regarding the cooling tower. Ms. McKnight stated she assumes the comments will be complied with. She wants to make it clear if the decision deals with the cooling tower.

Mr. Huber noted Section 7.4.6 indicates this is outside the scope of the site plan review. He would not like, in the decision, that they are required to comply to what is in the email. Mr. Alpert requested more information on the location of the fire lane and spaces. Justin Mosca, Project Engineer with Vanasse Hangen Brustlin, Inc. (VHB), stated this is at the back side of the existing individual living facility. It picks up where the last project left off. It circulates in a clockwise pattern and meets up with the other parking. It is a current paved area with unpaved next to it. Ms. McKnight asked if it is one way and was informed it was. Mr. Mosca noted the community gardens will be maintained. There will be parallel parking and then head in parking. The existing paved area averages 12 feet wide. This project works within the conservation area. There will be some grading down along the back side of the parking and there will be some retaining walls. Ms. McKnight asked who holds the conservation restriction. Roy Cramer, representative for the applicant, noted when North Hill was originally created the restriction went through the Zoning Board of Appeals who approved and named the Conservation Commission as the administrators. Ms. McKnight asked if the plans have been shared with the Conservation Commission. Mr. Cramer stated the Conservation Commission knows about the conservation restriction from prior plans. This project is out of the restricted area. He noted they are aware of it and have not expressed any opinion or objection.

Mr. Mosca stated the cooling tower located behind the H wing is outdated. It is being moved to a location behind the existing tower, and there is a pathway down to it for maintenance. For stormwater management, there are 2 bio retention basins being proposed along the outside parameter. Mr. Alpert questioned why the relocation and rebuilding of the cooling tower is not part of this site plan review. He has no objection but feels it is part of this project. Mr. Jacobs asked the distance from the proposed tower to the building and the nearest residence. Mr. Mosca stated it is 55 feet from the North Hill building and 260 feet to the closest residence. A discussion ensued. The proposed tower is 10 feet by 12 feet by 5 feet. Mr. Cramer stated there is no change in the number of bedrooms or units and the Building Department oversees maintenance type things. They feel the replacement of the cooling tower is ongoing maintenance.

Ms. McKnight asked how snow storage will be dealt with. Mr. Mosca noted snow will have to be hauled away. There will be guard rails where the slope drops off. Snow can be piled within the bays between the building. If a bay is not available the snow will be hauled. It will not be dumped in the wooded area or storm water management system. Roger Gurney, Project Manager, noted the current tower is 5.5 feet wide by 12.3 feet long by 9.3 feet tall. The new tower will be 5 feet by 10 feet by 12 feet. Mr. Jacobs wants it noted on the plan and to make sure it is subject to the Public Health comments. Mr. Alpert feels it is part of what is going on. He feels there should be some language in the decision that discusses the cooling tower and approving the movement and replacement of the tower.

Ms. McKnight instructed the Planning Director to include in the decision the precise information on the tower and would like a written communication with information on the tower. Mr. Cramer or Mr. Huber will send a letter with the dimensional information of the tower on it. Mr. Jacobs would like the dimensions of the pad, also.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the four members present unanimously:

VOTED: to close the hearing.

Mr. Owens returned to the meeting.

De Minimis Change: Heather Lane Definitive Subdivision: William John Piersiak, William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, Evelyn Soule Maloomian, and Koby Kemple, Manager of the 766 Chestnut LLC, Petitioners, (Property located at 764, 766, 768-768A, and 768B Chestnut Street, Needham, Norfolk County, Massachusetts).

De Minimis Change: Heather Lane Extension Definitive Subdivision and Residential Compound: William John Piersiak, Petitioner (Property located at 768-768A Chestnut Street, Needham, Norfolk County, Massachusetts).

Robert Smart, Attorney for the applicant, has filed to amend 3 decisions. A notice has been sent to the abutter by certified mail. Heather Lane is 6 lots with Lot 4 being a Residential Compound and Heather Lane Extension is 5 Residential Compound Lots. There are 10 house lots total. Three lots are to remain. The applicant may want to move or demolish the structures on the existing lots. He noted the 8/11/20 decision contains a finding that the structures will remain. He has drafted 3 decisions after speaking with the Planning Director. The decisions allow the applicant to remove or replace the existing structures with a bond of \$3,500 per lot. He would like the decisions approved on a de minimus basis.

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

VOTED: to accept the 3 applications for Heather Lane Subdivision, Heather Lane Extension and the Residential Compound Special Permit each as a de minimus change.

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

VOTED: to approve the requested relief with regard to Heather Lane, Heather Lane Extension and the Residential Compound Special Permit.

Ms. McKnight noted the following correspondence for the record: an email from the Public Health Department, dated 2/8/21, with comments regarding process and off street drainage bond.

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

VOTED: to accept the 3 decisions, as drafted, with regard to the 3 applications for Heather Lane, Heather Lane Extension and the Residential Compound Special Permit.

The Board took a 5 minute recess.

Zoning Articles for May 2021 Annual Town Meeting, Review and Vote to Transmit for Hearing: Highway Commercial 1 -- Continued

Ms. McKnight stated she went through all the comments and highlighted key points. She briefly reviewed. She noted general support for restaurants and retail shops but not destination retail and general support for family housing with comments that there should be no cap or a higher cap and more affordable units. Mr. Jacobs noted a group called Equal Justice wanted 3- and 4-bedroom units. Ms. Newman noted 40% are one bed and the rest are outside that class. Ms. McKnight noted there is a cap of 240 total units with 12½% affordable.

Mr. Jacobs stated the cap is arbitrary. He noted Mr. Eisenhut suggested no cap at all. Mr. Block noted rationale is important. He feels housing had been encouraged from previous comments and meetings. He stated 240 [250?] was allowed on the other side of 128 in the Mixed Use 128 district the next town. He does not feel it is arbitrary but there are other sites in town that may be more appealing. He feels the cap should be kept at 240. This site was never intended to be for a larger multi-family development. Mr. Jacobs noted, his understanding by School Committee and the Select Board, is this would create the need for a new school and possible redistricting.

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Mr. Owens stated the Board agreed to a number and he feels it was a compromise. That is the largest number he would accept. The town needs housing and less expensive housing in Needham. He does not want housing on this parcel. The town needs housing on the spine next to public transportation. There is no public transportation here. He is content to stay with the 240 number. Mr. Alpert feels there needs to be a cap. He noted the initial vision for this parcel was totally commercial use and it evolved into some housing included. Having housing is an ancillary use. Ms. McKnight feels housing is something this Board should be looking at and also looking at appropriate sites. She noted other comments regarding FAR and height, which went in both directions and there were skeptical comments on the traffic study. There were concerns about Research and Development facilities with infectious diseases. That is within the province of the Board of Health and the state.

Ms. McKnight noted green space was mentioned by many and it has been increased from 20% to 30%. Mr. Block stated he is not sure how that change was made without the entire Board being included. Ms. Newman noted it was expressed at the Chair and Vice-Chair meeting last Friday. Mr. Owens stated it should not be in the draft without discussing it or informing the other Board members first. There needs to be discussion of the entire Board and not a discussion changing it after the meeting. It cannot be put in the public notice then decreased and made more restrictive. Ms. Newman stated if 20% was in the notice it could be increased to 25 or 30%. Mr. Block agreed with Mr. Owens. It was advertised as 20% at the community meeting. He disagrees with this process but not necessarily the number. Mr. Alpert would go back to 20%. He is uncomfortable with 30% as they are taking away 10% of the property. He would like to hear from Ms. Espada on this.

Ms. McKnight stated there were many comments on green space. Some felt ~~more green space~~ should be added as a special permit criterion. She asked if the 20-foot landscape setback requirement should be deeper than that. Mr. Jacobs commented, to make a change like that, he would like to hear from Ms. Espada. What does this mean for development possibilities? He noted if the decision needs to be made tonight he would not make the change. It will be left at 20%. Ms. McKnight stated there were many comments on recreation facilities. Mr. Jacobs noted some people would like the Town to take over the site and make fields and indoor recreation. He does not feel there would be support from the Select Board or the Finance Committee. Essentially that would be a taking.

Mr. Block agreed. If the Town takes over the land there would not be the revenue the town is currently receiving. He noted there is a demand for a recreation center with fields, pools, indoor courts and ice rinks. Ms. McKnight noted it could be a permitted use. Mr. Alpert stated the Board needs to look at what the role of the Planning Board is. They need to determine what ~~is can be~~ done, not dictate what will be done. The Planning Board cannot force the Select Board to buy the land. They can only allow them to do it. Mr. Block noted retail uses are ancillary and almost incidental. He strongly recommends the ~~retail-use~~ size by right be reduced in a significant way. By right should be 7,500 square feet for any one individual retail unit and 10,000 square feet by special permit. He sees grocery as a potential benefit to the area. He feels above 10,000 square feet is destination retail. Mr. Owens agrees with Mr. Block's reductions. He wants retail as an ancillary use. Mr. Jacobs also agreed.

Mr. Alpert suggested 5,750 square feet by right, which is the ~~currently-proposed limit~~, and 10,000 by special permit. All agreed. Mr. Block stated Town Counsel suggested housing should be separated out ~~into a separate article~~. Mr. Alpert stated he and Ms. McKnight also looked at that and agree. He noted the new statute says multi-unit housing requires a majority vote and not a 2/3 vote. This needs to be presented separately ~~in accordance~~ with the new statute. A discussion ensued as to whether, if there is not a 2/3 vote, they would need a Town Meeting vote to withdraw the second article. Ms. Newman will contact Town Moderator Michael Fee to ask.

Mr. Block mentioned medical marijuana is an allowed use under the existing By-Law and seems to have dropped off. Ms. Newman note many uses have been removed. Medical marijuana was dropped in 2019 at the recommendation of the Council of Economic Advisors (CEA). It was agreed not to add controversial uses at this point. A discussion ensued regarding the setback for parking garages. Ms. McKnight asked where the setbacks are in the text. Ms. Newman stated she should refer to the image. Ms. McKnight noted the By-Law needs text and words as to what is being allowed and not ~~just images~~. This needs to be clear to people. Ms. Newman noted it is the same language and approach as last time. Mr. Jacobs agreed it was awkward to rely on an illustration. Ms. Newman can add language under paragraph 5.

Ms. McKnight noted #3 says ~~they~~ buildings along Highland Avenue and Gould Street must have an entrance on one of these streets. She feels this is too strict and should be waivable by special permit. People want a green edge all around the parcel. Mr. Jacobs agreed he does not want a front door right on the landscaping and it should be waivable by special permit.

Ms. Newman noted this needs to be voted tonight and she reviewed the changes. In Article 1, adjust the size of retail to 5,750 square feet as of right and up to 10,000 square feet by special permit; in paragraph f, grocery is 10,000 square feet maximum; in Section 4.11.1, reflect setbacks as 200 feet off Highland Avenue in 2 places; description of 700 feet length of setback line should be revised to reflect that it is measured along the Highland Avenue street edge; correct the bearing representation and language; in paragraph 4, limit the open space to 20%; Section 4.11.2, paragraph b, is by special permit and paragraph 5, parameter for garage locations.

Mr. Block stated his preference is to keep things simple and keep the parking at 200 feet, the same as the other buildings. Ms. Newman noted Ms. Espada recommended ~~this~~ the 300-foot setback for as-of-right parking. It could be closer by special permit. She noted in Section 4.11.3, the open space remains at 20%; in Article 2, the affordable housing will be 12½% rather than 12% and there are no changes to Article 3.

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

VOTED: to adopt the proposed By-Laws with those changes discussed.

Board of Appeals – February 18, 2021

16 Edwardel Road – Nader and Rhonda Sidhom, applicants.

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

VOTED: “No comment.”

1625 Great Plain Avenue – Joseph Dinneen and Cindy McGowan, applicants.

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

VOTED: “No comment.”

86 Plymouth Road – Kakshmi Balachandra and Patrick Stern, applicants.

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

VOTED: “No comment.”

Minutes

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

VOTED: to accept the minutes of 12/15/20, 1/4/21 and 1/14/21 as presented.

Correspondence

Ms. McKnight noted Article 6 that was in the packet. Ms. Newman noted the Attorney General has approved it.

Report from Planning Director and Board members

Mr. Block gave an update on the Fiscal Impact Study [for the HC-1 rezoning](#). It will be updated to have the current date and updated uses and zoning scheme. It will be ready by the end of February and will go through the Finance Committee. It will include some information on residential and warehouse uses as well. Ms. Newman stated it will bring it up to Fiscal [Year 2021](#).

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

VOTED: to adjourn the meeting at 11:02 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

March 2, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, March 2, 2021, at 7:15 p.m. with Messrs. Alpert, Jacobs, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of the Board members and staff. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. She noted this meeting does include a public hearing but it will be continued. She does not expect any public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

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

VOTED: to automatically continue the meeting to 3/23/21 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

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

VOTED: to authorize the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

De Minimus Change: Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 28 Perault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, MA).

Ms. McKnight noted the location for the Farmer's Market is in front of Town Hall again this year. Jeffrey Friedman, President of Needham Farmer's Market, stated he has applied for a renewal of their permit with 2 changes/additions. The term should be updated to 6/13/21 through 11/21/21 on Garrity's Way. This is the same location as last year. The Department of Public Works (DPW) will not renovate the town common this year. He noted the market will continue with Covid 19 protocols. There will be 2 artists with live music. He noted the rules can change with the Covid 19 rules. He will work closely with the Board of Health.

Ms. McKnight noted the following correspondence for the record: a letter from Jeffrey Friedman and the license application; an email from Tara Gurge, dated 2/26/21, with comments regarding live music noting the Board of Health will discuss further at a meeting closer to the opening; and an email from Police Chief John Schlittler, dated 3/2/21, with no issues. Board members had no comments or questions.

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

VOTED: to treat this as a de minimus change.

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

VOTED: to approve the requested relief and adopt the draft decision before us with the changes requested.

Public Hearing:

7:30 p.m. – 390 Grove Street Definitive Subdivision: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA) Please note this is a re-noticed hearing that began on February 4, 2020 and is continued from the July 21, 2020, August 11, 2020, September 8, 2020, November 4, 2020, December 15, 2020, January 19, 2021 and February 2, 2021 Planning Board meetings.

Ms. McKnight noted an email from Attorney George Giunta Jr., dated 3/2/21, noting an agreement had been reached last night with the abutters to table the subdivision. The Board also received a letter requesting the hearing be continued to 4/20/21 and the action deadline continued to 5/31/21. Mr. Jacobs stated the Board asked for Town Counsel Christopher Heep's opinion at the last meeting. He understands this was received and has been reviewed by the Board members. It was in the packet tonight and should be noted for the record.

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

VOTED: to continue the meeting to 4/20/21 and continue the action deadline to 5/31/21.

Decision: Amendment to Major Project Site Plan Special Permit No. 1991-3, North Hill Needham, Inc. (formerly know as Living Care Villages of Massachusetts, Inc.), 865 Central Avenue, Needham, MA 02492, Petitioner (Property located at 865 Central Avenue, Needham, MA). Regarding: proposal to construct 75 new parking spaces along a portion of the existing fire lane, widen fire lane.

Mr. Owens recused himself from the hearing. Ms. McKnight noted she had contact with Phil Trussell, a resident of North Hill and received an email from resident Ross Whistler with a concern regarding lighting. She noted the Board received 2 plans with lighting. The plans are not helpful. She asked what the lighting would look like, would it be adequately shielded and the height of the fixtures. A lighting plan would have been more satisfactory. She noted the light should not be spread. She wants a condition to address lighting. Attorney Evans Huber had some wording if lighting was included as a condition. She read his email with the wording.

Mr. Block had no comments or questions. Mr. Jacobs was satisfied with the added condition and decision. Mr. Alpert stated he is concerned with some language such as commercially reasonable. He would be happier if the language is not as vague. Evans Huber, Attorney for North Hill, stated it is not North Hill's intent or practice to turn their backs on the residents, even if they are not obligated to do something. He will submit documents with greater detail of what the lighting would be. He stated the lights would not be streaming on the third floor balconies. It will be the same lighting as the rest of the campus with better shielding. He is confident the Board would agree a reasonable job was done. The information will be provided before installation.

Ms. McKnight noted the hearing should be reopened to accept an email from Ross Whistler, dated 3/1/21, with comments. A motion was made to reopen the hearing for the limited purpose of accepting the correspondence. Roy Cramer, Attorney for the applicant, stated they went to the Design Review Board (DRB), published notice of the hearing, the hearing was closed and this issue did not come up. He found out about it this morning. He feels it is not reasonable to reopen the hearing to accept this document. The applicant always intended to have lighting that does not shine into people's units. The motion was seconded. Mr. Alpert stated he agrees with Mr. Cramer that it is not appropriate to reopen the hearing given the timing. He would prefer to strike the word "reasonably" on the second line of the second sentence at the end after "plan." Mr. Block agrees the hearing does not need to be reopened.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, a roll call vote of the four members present was taken to reopen the hearing for the limited purpose of accepting additional correspondence from Mr. Whistler. Mr. Jacobs and Ms. McKnight voted it the affirmative. Mr. Alpert and Mr. Block voted in the negative. The vote did not pass.

Mr. Cramer noted, in his email, he wants Section 3.19 (d) deleted. That section says before anyone can park in the spaces a letter from an acoustical engineer needs to be submitted. The acoustical engineer said they do not give letters with open ended guarantees. He would not like this to hold up the project. He outlined some facts in his memo and noted this is a replacement of the same mechanism. He would like (d) deleted. Mr. Alpert stated there is a condition in the decision that the applicant comply with all state and local regulations. He is comfortable not requesting a specific letter be filed with the Building Inspector and removing (d). Mr. Jacobs stated he is also comfortable removing it. He feels Mr. Cramer's memo should be part of the record and referenced in the decision. Mr. Block also agreed and would support removing the requirement.

Ms. McKnight stated all information is not provided by Engineering. She feels (d) can be reworded. It does not say the cooling tower has been installed. She suggested the letter be changed to say "the cooling tower has been designed" and not "installed." It should also say "is not expected to exceed" rather than "shall not exceed." She would like to see this wording in the decision. Mr. Alpert feels that information is already part of the record and there is a condition the project be built pursuant to the Plan. He does not feel it is necessary. Ms. McKnight disagreed. There was a discussion if the Planning Board needed to consider the cooling tower. Ms. McKnight feels there is not that level of detail in the Plan.

Mr. Alpert asked if Attorneys' Huber and Cramer were ok with the language suggested by Ms. McKnight. Mr. Cramer stated getting the acoustical engineer to describe how the tower has been designed would be problematic. He is concerned with sound and not design. He would still like (d) deleted. He can revise his memo with the mechanical specification of the decibel level of the existing and the new. Ms. McKnight asked if the condition should be that the engineer provide the documentation that the cooling tower specifications are such that.... Mr. Block does not feel that is needed. There are 75 parking spaces and the replacement of existing equipment. He has heard sufficient information. He does not feel the Board should micromanage. The standards are already set by the state. Mr. Alpert noted there are manufacturer's specifications. There could be a condition the applicant shall file, with the Building Inspector or the Planning Board, a copy of the manufacturer's specifications for the cooling tower. Mr. Cramer stated it should be "sound data." Mr. Alpert is comfortable having that information in the file. Mr. Block stated his preference would be to delete (d) but he is comfortable with the reference to sound data documents.

Ms. McKnight asked if the Planning Director had the language to substitute for (d). Mr. Cramer stated (d) should be deleted and he will redo his 3/1/21 email and make reference to the 2 sound data sheets. Mr. Jacobs stated the memo is convincing. It does not need to be redone. He feels it should be part of the record. Mr. Cramer noted Ms. McKnight wanted the dimensions of the pad. Ms. Newman stated it could be made a condition. Mr. Cramer can attach the 2 sheets and she will include the memo as Exhibit 9 and the letter with the 2 attached sheets will be Exhibit 10.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the four members present unanimously:

VOTED: to grant (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Site Plan Special Permit No. 91-3, dated September 8, 2011, as amended; and (2) the requested Special Permit under Section 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Section 5.1.3 (Parking Plan Design Requirements) of the By-Law, more specifically, in Section 5.1.3(f), to waive the parking space size requirement of six existing parking spaces, and in Section 5.1.3(n), to waive the requirement to install bicycle racks; subject to the following plan modifications, conditions and limitations.

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

VOTED: to accept the decision as drafted with insertion of a new Section 3.21 as set forth in Mr. Huber's email, delete Section 3.19(d) and add to the list of plans 2 documents submitted after the hearing - a new Exhibit 9, which would be Mr. Cramer's memo and a new Exhibit 10 being a corresponding letter with 2 data sheets that set out the decibel information.

Mr. Owens returned to the meeting.

Discussion of proposed dental use in the Center Business District at 32 Chestnut Street.

George Giunta Jr., representative for the applicant, noted this is an informal discussion. The Art Emporium is gone and his client would like to take over the area with a small dental practice. There will be 3 employees total - a dentist, an assistant and an administrative staff. Dr. Katherine Pennington Klein is Board certified in Orthodontia,

and is on the Faculty of Harvard Dental and Mass General Hospital. He noted this use would seem to be allowed by right. There is an existing Site Plan Special Permit on the property from back in 1998. Any change in use needs Planning Board approval. **[Ms. Newman noted the Board has no issue with this use.? Delete?]** A similar use in 2015 went to the Zoning Board of Appeals (ZBA). The Planning Board recommended to the ZBA that dental on the first floor in the Business district was not an allowed use. Mr. Giunta Jr. felt a conversation was warranted.

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Mr. Giunta Jr. feels the use is allowed. The “use” category has at the end uses are allowed by right if not enumerated elsewhere in this section. The Building Inspector feels this is a use allowed by right under consumer, craft, professional or commercial and services. There is a distinction between office and general practice. He feels the dental office is more akin to consumer services than office. It is not dissimilar to other businesses that have been allowed such as a realtor, dentist, optometrist. This should be allowed by right. He asked if the Board was receptive to this use. Mr. Alpert noted he is reluctant to say the ZBA allowed a dental office and then not allow this. It would not be fair to other dentists. He would vote to approve the use. Mr. Owens stated he was persuaded by Mr. Giunta Jr.’s argument. Mr. Jacobs also agrees with Mr. Giunta Jr.

Mr. Block noted it was a creative interpretation and argument. He agrees with it. Dental is not preferred on the ground floor but this is not the place to interfere with the market. He feels it would be arbitrary to decline. Mr. Jacobs asked if the practice would be open full time, 40 hours per week. Ms. Klein stated that is correct. Ms. Newman asked how the window space would be handled. What is the plan for the store front? Ms. Klein stated it would be nice to have a window with an overlay and a reception area with a window open to allow sunlight.

Ms. McKnight stated she has a concern with Section 3.2.2.2 and what section is being referred to. She asked if this was a clinic under license. Ms. Klein stated it is not. Mr. Giunta Jr. noted medical office is a use and Section 3.2 mentions that use in other districts. He feels it is Section 3.2. Ms. Newman noted the term **Medical Services Building** was introduced at the time the **Medical District** Overlay was created (**Section 3.6**). She does not believe the term is used in Section 3.2. Ms. McKnight stated the Board should be rethinking the downtown in general.

Highway Commercial 1 Rezoning and Planning Study: Project Update.

Ms. Newman discussed the process. She has been working with Judy Barrett and they have the framework for the Fiscal Improvement Analysis with the analysis done with a working group. The working group included Mr. Block, Ms. McKnight, Select Board member Marianne Cooley, the Assistant Town Manager, the Finance Director and Judy Barrett. She will walk through with the group the underlying analysis, where the assumptions have led and link it with the traffic study with FY21 data. She will make any appropriate adjustments to the underlying assumptions and articulate the conclusion of the report. She wants to be ready for the meeting on 3/16/21.

Ms. McKnight stated the **MA Executive Office of Housing and Economic Development** put out guidelines interpreting the new “housing choice” provisions of **G.L. c.40A** that she found helpful. If there are particular questions the Executive Office will respond within 30 days. Multi-family housing for the Muzi site would be dependent on **if whether** it is **an eligible** location **eligible** for a mere majority vote. She feels it would be good for Town Counsel to get the opinion of **EOHED** and feels the opinion would carry a great deal of weight. If it is not eligible, the second Article would require a 2/3 vote. How will the Moderator deal with this? Ms. Newman will reach out to the Town Moderator this week. The Board discussed **the concept of** eligible locations.

Mr. Block stated a Town Meeting member held a **Zoom** meeting tonight. He expects there will be some organized opposition or some revisions **sought** on 3/16. Ms. Newman will work with Mr. Block and Ms. McKnight over the next week to get the tables done.

Report from Planning Director and Board members

Ms. Newman wanted to discuss feedback on process. She noted the town received a grant for charging stations. The introduction **of parking stations is going to require some re-**striping of lots and parking spaces. It will be implemented across a number of different parking lots. Mr. Jacobs stated this could start as an insignificant change and, if Ms. Newman has concerns, she could come to the Board. Ms. McKnight stated if a waiver was granted or

the parking meets the exact number required, there is an issue and it should come to the Board. If that is not the case, it should be insignificant. Ms. Newman will get a list of the properties. Mr. Alpert asked if a parking space will be taken away or will it be limited to an electric car. It is still a parking space; just devoted to electric. Ms. McKnight stated if there is no loss of parking spaces it is insignificant.

Ms. Newman stated the Hillside School has been the temporary location for the Fire and Police. There was a condition in the decision the site be returned to the pre-existing condition and use. Steven Popper does not want to return it back. It will not be an elementary school again although the school administration may use it as a temporary use. What kind of application does the Board want? She assumes it would be a modification to an existing permit. Ms. McKnight stated she walks there a lot. People live right on the street to that property. She feels there should be a meeting so people can know what is being requested and have input.

Minutes

Mr. Alpert noted, on the minutes of 2/3/21, he did not make the motion as he was not there. Mr. Block made the motion.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by a roll call vote of four of the five members present (Mr. Alpert abstained):

VOTED: to accept the minutes of 2/3/21 with the one change.

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

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk