

NEEDHAM PLANNING BOARD

Tuesday, October 5, 2021

7:15 p.m.

Virtual Meeting using Zoom

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

(Instructions for accessing below)

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

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

1. Decision: Major Project Site Plan Special Permit 2021-03: Needham Nutrition LLC, 915 Great Plain Avenue, Needham, MA, Petitioner. (Property located at 915 Great Plain Avenue, Needham, MA). Regarding proposal to occupy approximately 864 square feet of existing first floor commercial space to operate a business selling Smoothies, Protein Shakes, Energy Drinks, Immune Booster Drinks, Collagen Drinks, Fitness Drinks, and similar items for consumption on and off the premises.
2. Public Hearing:
 - 7:20 p.m. Article 2: Amend Zoning By-Law – Chestnut Street Business District Front Setback.
 - 7:45 p.m. Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner. (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new child care facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham child-care business, Needham Children's Center (NCC). *Please note: this hearing was continued from the June 14, 2021, July 20, 2021, August 17, 2021, September 8, 2021 meetings of the Planning Board.*
3. 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).
4. At-large appointments to the housing plan working group 2021.
5. Board of Appeals – October 21, 2021.
6. Minutes.
7. Correspondence.
8. Report from Planning Director and Board members.

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



NO
PARKING

PERMIT
PARKING
ONLY
VIOLATORS
SUBJECT
TO FINE
AND TOWING

Parking for
20 Pickering St.
Tenants & Guests
Only

UNAUTHORIZED VEHICLES WILL BE
TOWED AT VEHICLE OWNERS EXPENSE

PERMIT
PARKING
ONLY
VIOLATORS
SUBJECT
TO FINE
AND TOWING

RECEIVED

NO
PARKING

NO
PARKING



NO
PARKING

NO
PARKING



PET EXCHANGE
Est. 1991

NO
PARKING



DECISION
October 5, 2021

Major Project Site Plan Special Permit
SPMP No. 2021-03
Needham Nutrition, LLC
915 Great Plain Avenue

Decision of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Nutrition LLC, 915 Great Plain Avenue, Needham, MA (hereinafter referred to as the Petitioner) for property located at 915 Great Plain Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 50 as Parcel 30 containing 6,602 square feet.

This decision is in response to an application submitted to the Board on August 24, 2021, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit under Section 3.2.2 of the By-Law for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises in the Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building use on a lot; and (4) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to occupy approximately 864 square feet of existing first floor commercial space, in an existing three-unit commercial building of approximately 4,578 square feet. The Petitioner proposes to operate a business selling high nutrition, low calorie Smoothies, Protein Shakes, Energy Drinks, Immune Booster Drinks, Collagen Drinks, Fitness Drinks, and similar items for consumption on and off the premises. The business will also have a small retail component, selling items such as nutritional ingredients for some of its drinks. A total of seven (7) seats are proposed for on-site food consumption.

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 Vice Chairperson, Adam Block on Tuesday, September 21, 2021 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198. Board members Adam Block, Jeanne S. McKnight, Martin Jacobs and Natasha Espada were present throughout the September 21, 2021 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 in support of Application for Site Plan Review under Section 7.4 of the By-law, for a Special Permit under Section 3.2.2 of the By-Law,

and for a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the parking requirements under Section 5.1.2 and Section 5.1.3, dated August 24, 2021.

Exhibit 2 Letter from Evans Huber, Attorney, dated August 20, 2021.

Exhibit 3 Plan Sheet A-100, entitled “Smoothie Bar Floor Plan,” prepared by SDP Architects, undated.

Exhibit 4 Certified Plot Plan, prepared by Boston Survey Inc., dated July 22, 2021.

Exhibit 5 Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated August 31, 2021; IDC from Chief John Schlittler, Needham Police Department, dated August 31, 2021; IDC from Thomas Ryder, Assistant Town Engineer, dated September 7, 2021; and IDC to the Planning Department from Tara Gurge, Needham Health Department, dated September 16, 2021.

Exhibits 1, 2, 3 and 4 are referred to hereinafter as the Plan.

FINDING AND CONCLUSIONS

- 1.1 The subject property is identified as Parcel 30 on Town of Needham Assessor’s Map No. 50. The subject property is located in the Center Business District and contains a total of 6,602 square feet of area. The property is currently developed as a one-story commercial building.
- 1.2 The total space to be leased by the Petitioner for a business selling high nutrition, low calorie Smoothies, Protein Shakes, Energy Drinks, Immune Booster Drinks, Collagen Drinks, Fitness Drinks contains approximately 864 square feet. The proposal does not include use of the basement.
- 1.3 The Petitioner proposes to operate a business selling high nutrition, low calorie Smoothies, Protein Shakes, Energy Drinks, Immune Booster Drinks, Collagen Drinks, Fitness Drinks, and similar items for consumption on and off the premises. As a subordinate and accessory use to the primary use, the Petitioner also proposes to have a small retail component, selling items such as nutritional ingredients for some of its drinks. A total of seven (7) seats are proposed for on-site food consumption.
- 1.4 No exterior changes are proposed for the building or property of which the premises are a part are planned except for associated signage and the installation of a wooden fence enclosure around the dumpsters at the rear of the property.
- 1.5 The Petitioner requested at the hearing: (1) that the permitted hours of operation be Monday through Friday, 10 a.m.- 6 p.m.; Saturday 10 a.m. - 6 p.m.; Sunday closed; (2) that there be a maximum of 4 staff persons.
- 1.6 The other two tenants in the building are a dental office and a martial arts studio. Both tenants have a special permit that includes a parking waiver; the dental office has a waiver of 13 spaces and was issued by the Zoning Board of Appeals, the Martial Arts studio has a waiver of 10 spaces and was issued by the Planning Board.

- 1.7 Presently there is a dumpster at the rear of the building that services the businesses at 905-915 Great Plain Avenue. The Petitioner intends to share the existing dumpster as well as add a recycling receptacle, per the requirements of the Board of Health. A wooden fence enclosure will be added to screen all of the dumpsters located at the rear of the property from the adjacent Walgreen's parking lot and from Greene's Field.
- 1.8 The Petitioner has requested a special permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence to the requirements of Section 5.1.2 and 5.1.3 of the By-Law. There are 3 parking places on site, and none are allocated to the proposed use. The parking requirement for the proposed operation is 16 spaces based on the following computation: (a) 864 square feet of retail space at 1 space per 300 square feet equals 2.88 spaces = 3 spaces, (b) seven seats at 1 space for every 3 seats = 3, and (c) one take-out station at 10 spaces for each station = 10 spaces, for a total of 16 parking spaces. Petitioner has requested a waiver from the required number of parking spaces from sixteen spaces to zero spaces.
- 1.9 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. The site is presently fully developed and apart from future signage (which has not yet been planned or submitted to the Design Review Board for approval), only internal renovations are proposed. Therefore, no material additional impact is anticipated to surface water drainage, sound and sight views, light and air.
- 1.10 The proposed project will ensure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. The site is presently fully developed, and the Petitioner is proposing only internal renovations in the building, other than the signage. The premises are located in Needham Center and there is on-street parking available, in addition to the municipal parking lot located behind Great Plain Avenue and Chestnut Street. The municipal parking lot is within easy walking distance of the property.
- 1.11 Adequacy of the arrangement of parking and loading spaces in relation to the proposed use of the premises has been assured. As with other businesses in the vicinity, there is no on-site parking but there is street parking and a municipal lot nearby.
- 1.12 Adequate methods for disposal of refuse and waste will be provided. The site is already developed with infrastructure in place. Relatively little refuse will be generated by the operation. All waste and refuse will be disposed of in a timely fashion and in conformance with all applicable regulations by a private contractor.
- 1.13 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law will be met as the site is presently fully developed and the footprint of the building will not change. The only significant community assets in the area are the Town Petitioner's business, purchase a nutrition drink to take away, and in good weather, walk to the Town Common to enjoy it.
- 1.14 Mitigation of adverse impacts on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets will be met as there will be no adverse impact on the Town's

resources. The site is fully developed, and the Petitioner is only proposing internal renovations of an existing space, other potential future new signage.

- 1.15 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and the provisions 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, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.16 Under Section 3.2.2 of the By-Law, a Special Permit may be granted for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises in the Center Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 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 the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.18 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) and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit under Section 3.2.2 of the By-Law for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements); subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

- 2.1 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.
 - a. The Plan shall be revised to show the location for the proposed new dumpster. The Plan shall be modified to show all the dumpsters located at the rear of the premises screened in a wood fence enclosure.
 - b. The Architectural Plan shall be revised to designate the total square footage for the Needham Nutrition establishment. The Architectural Plan shall be revised to include a plan date. The Architectural Plan shall be revised to state the number of seats proposed for the establishment at seven (7) seats.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.19 hereof.
- 3.1 The primary use of the premises shall be of a food retail operation (selling Smoothies, Protein Shakes, Energy Drinks, Immune Booster Drinks, Collagen Drinks, Fitness Drinks) for the sale of “frozen custard, ice cream, frozen yogurt and other frozen custard novelty items”. As a subordinate and accessory use to the primary use, as described above, accessory sales of items such as nutritional ingredients for some of its drinks shall be permitted. It is anticipated by the Petitioner that the vast majority of sales shall be from the nutrition drinks.
- 3.2 Needham Nutrition store shall contain no more than seven (7) seats for on-site food consumption and one take-out station. The seating may be configured at the owner’s discretion provided the overall seating capacity of 7 seats is not exceeded.
- 3.3 The Petitioner may operate the Needham Nutrition store Monday through Friday, 10 a.m.- 6 p.m.; Saturday 10 a.m. - 6 p.m.; Sunday closed. There shall be a maximum of four (4) employees present at any one time.
- 3.4 The Petitioner shall inform customers not to park illegally if the parking demand for the operation exceeds the number of parking spaces available in the vicinity of the business.

- 3.5 The Petitioner shall use due diligence and make reasonable efforts to prevent customers of the facility from parking illegally on Great Plain Avenue and Pickering Street or from otherwise improperly disrupting the flow of traffic while patronizing the facility.
- 3.6 All cooking facilities shall be properly vented so as not to create any disturbing odors. There shall be provision for disposal of refuse, which shall be removed on a timely basis.
- 3.7 This Special Permit to operate the Needham Nutrition store at 915 Great Plain Avenue is issued to Needham Nutrition, LLC, 915 Great Plain Avenue, lessee only, and may not be transferred, set over, or assigned by Needham Nutrition, LLC, to any other person or entity other than an affiliated entity in which the current members of Needham Nutrition, LLC retain a controlling interest in the LLC of greater than 50 percent, 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.
- 3.8 The Needham Nutrition store shall be located and constructed in accordance with the Plan, as modified by this decision. Any changes, revisions or modifications to the Plan, as modified by this decision, shall require approval by the Board.
- 3.9 The proposed Needham Nutrition store shall contain the floor plan and dimensions and be located on that portion of the locus as shown on the Plan, as modified by this decision, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions or seating is of no concern to the Board. Any changes, revisions or modifications other than changes deemed “minor movement” to the Plan, as modified by this decision, shall require approval by the Board.
- 3.10 The Petitioner shall purchase parking stickers for all employees driving to the facility and not otherwise utilizing public transportation through the Town of Needham permit parking program and shall provide annual certification to the Planning Board confirming that such arrangements are in place. Notwithstanding the above, the Petitioner shall purchase a minimum of three (3) parking stickers from the Town of Needham to park its employees in the employee sections of the municipal parking lots or other off-street locations if lawfully permitted. The off-street parking shall be provided without cost to the employees and said employees shall be prohibited from parking in any location outside of the Lincoln Street or Dedham Avenue municipal parking lots except between the hours of 11:00 p.m. and 6:00 a.m. where parking in the Chapel Street municipal parking lot shall be permitted.
- 3.11 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.12 Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the Needham Nutrition store operation. The dumpsters shall be emptied as needed, cleaned and maintained to meet Board of Health Standards.
- 3.13 All solid waste associated with this project shall be removed from the site by a private contractor. Deliveries and trash barrel pick up shall occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 1:00 p.m. Saturday, Sunday and Holidays. Trash shall be picked up no less than two times per week.

- 3.14 Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the Needham Nutrition LLC operation. The dumpster shall be emptied as needed, cleaned and maintained to meet Board of Health Standards. The dumpster shall be screened with a wooden fence enclosure. Said enclosure shall be maintained in good condition.
- 3.15 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a) The Petitioner shall submit two hard copies and one PDF of the final Plans as approved by the Board.
 - b) Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approval to the Building Inspector.
 - c) The final plans shall be in conformity with those previously approved by the Board in this Decision, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - d) The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the title deed or notice endorsed thereon.
- 3.16 No portion of the building or structure to be occupied by the Petitioner that is subject to this Special Permit and Site Plan approval shall be occupied until:
- a) A Final Affidavit and an as-built plan floor plan, signed by the registered architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
 - b) There shall be filed, with the Building Inspector, a statement by the Board approving the Certificate of Compliance and as-built plan floor plan for the proposed improvements, in accordance with this Decision and the approved Plan.
 - c) There shall be filed with the Building Inspector a statement by the Board acknowledging the arrangements for the provision of the off-site employee parking stickers.
- 3.17 In addition to the provision of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.18 The portion of the building or structures authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted on site until a Certificate of Occupancy and Use has been issued by the Building Inspector.

- 3.19 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.
- 3.20 Violation of any of the conditions of this Approval shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Approval, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building 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 Approval including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Approval if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (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 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit shall lapse on October 5, 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 October 5, 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 unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.

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

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

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

Witness our hands this 5th day of October, 2021.

NEEDHAM PLANNING BOARD

Adam Block, Vice Chair

Jeanne S. McKnight

Martin Jacobs

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 preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision of the project proposed by Needham Nutrition, LLC, 915 Great Plain Avenue, Needham, for property located at the 915 Great Plain Avenue, Needham, Massachusetts, has passed,

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

Date

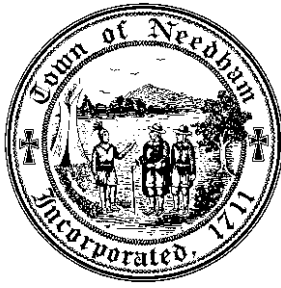
Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Inspector
Conservation Commission
Needham Nutrition, LLC

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest



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.5, the Needham Planning Board will hold a public hearing on Tuesday October 5, 2021 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding certain proposed amendments to the Needham Zoning By-Law to be considered by the Fall 2021 Special Town Meeting.

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

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

Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment through Zoom or through calling in.

Persons interested are encouraged to call the Planning Board office (781-455-7550) for more information. A copy of the complete text of the proposed article is detailed below. The article designation given has been assigned by the Planning Board for identification purposes only. An article number will subsequently be established by the Select Board for the Warrant.

**ARTICLE 2: AMEND ZONING BY-LAW – CHESTNUT STREET BUSINESS DISTRICT
FRONT SETBACK**

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

1. Amend Section 4.4.4, Front Setback, by replacing in the first sentence of the first paragraph the word “a” with the word “the” and by capitalizing the term “business district” to read as follows (new language underlined):

“In the Business District, there shall be a minimum front setback of ten (10) feet for all lots zoned in the Business District prior to April 14, 1952 and of twenty (20) feet for all lots changed to the Business

District thereafter. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways, as defined in Section 4.4.5. Regulations relative to parking setbacks are governed by Section 5.1.”

2. Amend Section 4.4.4, Front Setback, by revising the second paragraph to read as follows (new language underlined):

“In the Chestnut Street Business District, there shall be a minimum front setback of ten (10) feet for all buildings except along both sides of Chestnut Street where there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building.”

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 Times, September 16, 2021 and September 23, 2021.

Exhibits received for 1688 Central Avenue

All testimony received between March 1, 2021 and September 30, 2021

Applicant submittals. Application, Memos, Plans, Traffic Studies, Drainage. Etc.

1. Properly executed Application for Site Plan Review for: (1) A Major Project Site Plan under Section 7.4 of the Needham By-Law, dated May 20, 2021.
2. Letter from Matt Borrelli, Manager, Needham Enterprises, LLC, dated March 16, 2021.
3. Letter from Attorney Evans Huber, dated March 11, 2021.
4. Letter from Attorney Evans Huber, dated March 12, 2021.
5. Letter from Attorney Evans Huber, dated March 16, 2021.
6. Architectural plans entitled "Needham Enterprises, Daycare Center, 1688 central Avenue," prepared by Mark Gluesing Architect, 48 Mackintosh Avenue, Needham, MA, consisting of 4 sheets: Sheet 1, Sheet A1-0, entitled "1st Floor Plan, dated Mach 8, 2021; Sheet 2, Sheet A1-1, entitled "Roof Plan," dated March 8, 2021; Sheet 3, Sheet A2-1 showing "Longitudinal Section," "Nursery/Staff Room Section," "Toddler 1/ Craft Section at Dormer," and "Playspace/Lobby Section," dated March 8, 2021; and Sheet 4, Sheet A3-0, showing "North Elevation," "West Elevation," "East Elevation," and "South Elevation," dated March 8, 2021.
7. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 10 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020; Sheet 3, entitled "Site Plan," dated June 22, 2020; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020; Sheet 6, entitled "Construction Details," dated June 22, 2020; Sheet 7, entitled "Construction Details," dated June 22, 2020; Sheet 8, entitled "Sewer Extension Plan and Profile," dated November 19, 2020; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020; Sheet 10, entitled "Appendix, Photometric and Site Lighting," dated June 22, 2021, **all plans stamped January 21, 2021.**
8. Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, dated March 2021.
9. Stormwater Report prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, dated June 22, 2020, stamped January 26, 2021.
10. Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, revised March 2021.
11. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 9 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, Sheet 1, Cover Sheet, dated June 22, 2020, revised April 15, 2021; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021;

Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020, revised April 15, 2021; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021; Sheet 7, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021; Sheet 8, entitled "Sewer Extension Plan and Profile," dated November 19, 2020, revised April 15, 2021; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, **all plans stamped April 15, 2021.**

12. Architectural plans entitled "Needham Enterprises, Daycare Canter, 1688 central Avenue," prepared by Mark Gluesing Architect, 48 Mackintosh Avenue, Needham, MA, consisting of 2 sheets: Sheet 1, Sheet A3-0, showing "North Elevation," "West Elevation," "East Elevation," and "South Elevation," dated March 8, 2021, revised March 30, 2021; Sheet 2, Sheet A1-0, entitled "1st Floor Plan, dated March 8, 2021, revised March 30, 2021.
13. Letter from Attorney Evans Huber, dated April 21, 2021.
14. Memorandum from Attorney Evans Huber, dated May 5, 2021.
15. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 9 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, Sheet 1, Cover Sheet, dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 7, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 8, entitled "Sewer Extension Plan and Profile," dated November 19, 2020, revised April 15, 2021 and June 2, 2021; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021 and June 2, 2021, **all plans stamped June 2, 2021.**
16. Architectural plans entitled "Needham Enterprises, Daycare Canter, 1688 central Avenue," prepared by Mark Gluesing Architect, 48 Mackintosh Avenue, Needham, MA, consisting of 2 sheets: Sheet 1, Sheet A1-0, entitled "1st Floor Plan, dated March 8, 2021, revised March 30, 2021 and May 30, 2021; Sheet 2, Sheet A3-0, showing "North Elevation," "West Elevation," "East Elevation," and "South Elevation," dated March 8, 2021, revised March 30, 2021 and May 30, 2021.
17. Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, revised June 2021.
18. Letter from Attorney Evans Huber, dated June 14, 2021.
19. Presentation shown at the July 20, 2021 hearing.
20. Memorandum from Attorney Evans Huber, dated August 4, 2021.
21. Plans entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham, MA," consisting of 9 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA,

02032, Sheet 1, Cover Sheet, dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 2, entitled “Existing Conditions Plan of Land in Needham, MA,” dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 3, entitled “Site Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 4, entitled “Grading and Utilities Plan of Land,” dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 5, entitled “Construction Details,” dated June 22, 2020, revised April 15, 2021 and June 2, 2021; Sheet 6, entitled “Construction Details,” dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 7, entitled “Sewer Extension Plan and Profile,” dated November 19, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 8, entitled “Construction Period Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 9, entitled “Landscaping Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021, **all plans stamped July 28, 2021.**

- 22. Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, dated August 11, 2021.
- 23. Letter from Attorney Evans Huber, dated September 30, 2021.

Peer Review on Traffic

- 24. Letter from John W. Diaz, Greenman-Pedersen, Inc., dated July 15, 2021, regarding traffic impact peer review.
- 25. Memo prepared by John T. Gillon, Gillon Associates, Traffic and Parking Specialists, dated August 21, 2021, transmitting Response to Greenman-Pedersen, Inc. peer review.
- 26. Letter from John W. Diaz, Greenman-Pedersen, Inc., dated August 26, 2021, regarding traffic impact peer review.

Staff/Board Comments.

- 27. Memorandum from the Design Review Board, dated March 22, 2021.
- 28. Memorandum from the Design Review Board, dated May 14, 2021.
- 29. Memorandum from the Design Review Board, dated August 13, 2021.
- 30. Interdepartmental Communication (IDC) to the Board from Tara Gurge, Health Department, dated March 24, 2021, April 27, 2021, August 9, 2021 and August 16, 2021 (with attachment – “Environmental Risk Management Review,” prepared by PVC Services, LLC dated March 17, 2021)
- 31. IDC to the Board from David Roche, Building Commissioner, dated March 22, 2021.
- 32. IDC to the Board from Chief Dennis Condon, Fire Department, dated March 29, 2021, April 27, 2021 and August 9, 2021
- 33. IDC to the Board from Chief John J. Schlittler, Police Department, dated May 6, 2021.

34. IDC to the Board from Thomas Ryder, Assistant Town Engineer, dated March 31, 2021, May 12, 2021, August 12, 2021 and September 3, 2021.

Abutter Comments.

35. Neighborhood Petition Regarding Development of 1688 Central Avenue in Needham, submitted by email from Holly Clarke, dated March 22, 2021, with excel spreadsheet of signatories.
36. Email from Robert J. Onofrey, 49 Pine Street, Needham, MA, dated March 26, 2021.
37. Email from Norman MacLeod, Pine Street, dated March 31, 2021.
38. Letter from Holly Clarke, 1652 Central Avenue, Needham, MA, dated April 3, 2021, transmitting “Comments of Neighbors of 1688 Central Avenue for Consideration During the Planning Board’s Site Review Process for that Location,” with 3 attachments.
39. Email from Meredith Fried, dated Sunday April 4, 2021.
40. Letter from Michaela A. Fanning, 853 Great Plain Avenue, Needham, MA, dated April 5, 2021.
41. Email from Maggie Abruzese, dated April 5, 2021.
42. Letter from Sharon Cohen Gold and Evan Gold, dated April 5, 2021.
43. Email from Matthew Heidman, dated May 10, 2021.
44. Email from Matthew Heidman, dated May 11, 2021 with attachment Letter directed to members of the Design Review Board, from Members of the Neighborhood of 1688 Central Avenue, undated.
45. Email from Rob DiMase, dated May 12, 2021.
46. Email from Eileen Sullivan, dated May 12, 2021.
47. Two emails from Eric Sockol, dated May 11 and May 12.
48. Email from Rob DiMase, dated May 13, 2021.
49. Email from Sally McKechnie, dated May 13, 2021.
50. Letter from Holly Clarke, dated May 13, 2021, transmitting “Response of Abutters and Neighbors of 1688 Central Avenue Project to the Proponent’s Letter of April 16, 2021,” with Attachment 1.
51. Email from Joseph and Margaret Abruzese dated May 17, 2021 transmitting the following:
- Letter from Joseph and Margaret Abruzese, titled “Objection to Any Purported Agreement to Waive Major Project Review and/or Special Permit requirements with Regard to Proposed Construction at 1688 Central Avenue,” undated.

52. Letter directed to Kate Fitzpatrick, Town Manager, from Joseph and Margaret Abruzese, dated April 5, 2021.
53. Email from Lee Newman, Director of Planning and Community Development, dated May 17, 2021, replying to email from Sharon Cohen Gold, dated May 15, 2021.
54. Email from Meredith Fried, dated May 18, 2021.
55. Email from Lori Shaer, Bridle Trail Road, dated May 18, 2021.
56. Email from Sandra Jordan, 219 Stratford Road, dated May 18, 2021.
57. Email from Khristy J. Thompson, 50 Windsor Road, dated May 18, 2021.
58. Email from Henry Ragin, dated May 18, 2021.
59. Email from David G. Lazarus, 115 Oxbow Road, dated May 18, 2021.
60. Email from John McCusker, 248 Charles River Street, dated May 18, 2021.
61. Email from Laurie and Steve Spitz, dated May 18, 2021.
62. Email from Randy Hammer, dated May 18, 2021.
63. Letter from Holly Clarke, dated May 24, 2021, transmitting comments concerning the Planning Board meeting of May 18, 2021.
64. Email from Robert Onofrey, 49 Pine Street, dated May 25, 2021, with attachment (and follow up email May 26, 2021).
65. Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated June 8, 2021, transmitting document entitled "Needham Enterprise, LLC Application for Major Site Review Must be Rejected Because the Supporting Architectural Drawings are Filed in Violation of the State Ethics Code," with Exhibit A.
66. Email from Barbara Turk, 312 Country Way, dated April 3, 2021, forwarded from Holly Clarke on June 14, 2021.
67. Email from Patricia Falacao, 19 Pine Street, dated April 4, 2021, forwarded from Holly Clarke on June 14, 2021.
68. Email from Leon Shaigorodsky, Bridle Trail Road, dated April 4, 2021, forwarded from Holly Clarke on June 14, 2021.
69. Letter from Peter F. Durning, Mackie, Shae, Durning, Counselors at Law, dated June 11, 2021.
70. Revised list of signatories to earlier submitted petition, received on June 11, 2021.
71. Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated June 11, 2021.

72. Email from Karen and Alan Langsner, Windsor Road, dated June 13, 2021.
73. Email from Stanley Keller, 325 Country Way, dated June 13, 2021. Email from Sean and Marina Morris, 48 Scott Road, dated June 14, 2021.
74. Letter from Holly Clarke, dated June 14, 2021, transmitting "Comments of Neighbors of 1688 Central Avenue for Consideration During the Planning Board's Site Review Process for that Location Concerning the Traffic Impact Assessment Reports."
75. Email from Pete Lyons, 1689 Central Avenue, dated June 14, 2021.
76. Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated June 14, 2021.
77. Email from Ian Michelow, Charles River Street, dated June 13, 2021.
78. Email from Nikki and Greg Cavanagh, dated June 14, 2021.
79. Email from Patricia Falacao, 19 Pine Street, dated June 14, 2021.
80. Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 6, 2021.
81. Email from David Lazarus, Oxbow Road, dated July 12, 2021.
82. Email from Maggie Abruzese, dated July 12, 2021.
83. Letter directed to Marianne Cooley, Select Board, and Attorney Christopher Heep, from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 12, 2021.
84. Email from Barbara and Peter Hauschka, 105 Walker Lane, dated July 13, 2021.
85. Email from Rob DiMase, dated July 14, 2021.
86. Email from Lee Newman, Director of Planning and Community Development, dated July 14, 2021, replying to email from Maggie Abruzese, dated July 14, 2021.
87. Email from Leon Shaigorodsky, dated July 17, 2021.
88. Letter directed to Members of the Planning Board, from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 28, 2021, regarding "Suspending Hearings Pending a Resolution of the Ethics Questions."
89. Letter directed to Members of the Planning Board, from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 28, 2021, regarding "Objection to the Hearing of July 20, 2021."
90. Letter from Holly Clarke, dated August 12, 2021, transmitting "The Planning Board Must Deny the Application as the Needham Zoning Bylaws Prohibit More than One Non-Residential Use or Building On a Lot in Single Residence A."

91. Email directed to the Planning Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated August 12, 2021, transmitting “The Authority of the Planning Board to Address Ethical Issues in the 1688 Central Matter.”
92. Email directed to the Select Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated August 13, 2021, transmitting “The Power and Duty of the Select Board to Address Ethical Issues in the 1688 Central Matter.”
93. Letter from Holly Clarke, dated August 13, 2021, transmitting “The Planning Board’s Authority to Regulate the Proposed Development of 1688 Central Avenue Includes the Authority to Reject the Plan.”
94. Letter from Patricia Falcao, dated August 30, 2021.
95. Email directed to the Planning Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated August 25, 2021, with attachment regarding Special Municipal Employee status.
96. Email from Patricia Falcao, dated August 30, 2021.
97. Email from Daniel Gilmartin, 111 Walker Lane, dated August 30, 2021.
98. Email from Dave S., dated September 4, 2021.
99. Letter from Holly Clarke, dated September 7, 2021, transmitting “Neighbors’ Comments on the Traffic Impact Analysis,” with 2 attachments.
100. Email from Elizabeth Bourguignon, 287 Warren Street, dated September 5, 2021.
101. Letter from Amy and Leonard Bard, 116 Tudor Road, dated September 5, 2021.
102. Email from Mary Brassard, 267 Hillcrest Road, dated September 28, 2021.
103. Email from Christopher K. Currier, 11 Fairlawn Street, dated September 28, 2021.
104. Email from Stephen Caruso, 120 Lexington Avenue, dated September 28, 2021.
105. Email from Emily Pugach, 42 Gayland Road, dated September 29, 2021.
106. Email from Robin L. Sherwood, dated September 29, 2021.
107. Email from Sarah Solomon, 21 Otis Street, dated September 29, 2021.
108. Email from Lee Ownbey, 27 Powderhouse Circle, dated September 29, 2021.
109. Email from Emily Tow, dated September 29, 2021.
110. Email from Leah Caruso, dated September 29, 2021.
111. Email from Jennifer Woodman, dated September 29, 2021.

112. Email from Nancy and Chet Yablonski, dated September 29, 2021.
113. Email from Pamela and Andrew Freedman, 17 Wilshire Park, dated September 29, 2021.
114. Email from Dr. Jennifer Lucarelli, 58 Avalon Rd, dated September 29, 2021.
115. Email from Maija Tiplady, dated September 30, 2021.
116. Email from Ashley Schell, dated September 30, 2021.
117. Email from Kristin Kearney, 11 Paul Revere Rd, dated September 30, 2021.
118. Email from Dave Renninger, dated September 30, 2021.
119. Letter from Brad and Rebecca Lacouture, dated September 30, 2021.
120. Email from Kerry Cervas, 259 Hillcrest Road, dated September 30, 2021.
121. Letter from Holly Clarke, dated October 1, 2021, transmitting "The Past Use of the Property for Automobile Repairs and Other Non-Residential Purposes Merit Environmental Precautions to Insure the Safe Development and Use of the Property."
122. Email from Carolyn Walsh, 202 Greendale Avenue, dated September 30, 2021.

Misc.

123. Email from Attorney Christopher H. Heep, dated June 9, 2021.
124. Two Emails from Attorney Christopher Heep, dated July 16, 2021.
125. Letter from Attorney Christopher H. Heep, dated September 2, 2021.
126. Letter from Attorney Christopher H. Heep, dated September 8, 2021.
127. Letter from Stephen J. Buchbinder, Schlesinger and Buchbinder, LLP, dated October 1, 2021.

The following are:

Applicant memos, plans, traffic memos and staff comments that were newly submitted for the Sept. 8 meeting.

August 26, 2021

NEX-2021238.00

Town of Needham Planning Board
Town Hall
1471 Highland Avenue
Needham, MA 02492

SUBJECT: 1688 Central Avenue
Proposed Child Care Facility – Peer Review 2

Dear Ms. Newman:

The Town of Needham has retained Greenman-Pedersen, Inc. (GPI) to perform an independent review of the proposed Child Care Facility to be located at 1688 Central Avenue in Needham, MA. The following items have been reviewed:

- Traffic Impact Assessment prepared by Gillon Associates March 2021
- Traffic Impact Assessment prepared by Gillon Associates Revised March 2021
- Traffic Memo prepared by Gillon Associates dated April 5, 2021
- Traffic Impact Assessment prepared by Gillon Associated Revised June 2021
- Fire Department Comments from March 29, 2021
- Engineering Department Comments from March 31, 2021
- Fire Department Comments from April 27, 2021
- Public Health Comments from April 27, 2021
- Design Review Board Letter dated May 14, 2021
- Police Comments dated May 6, 2021
- Engineering Department Comments dated May 12, 2021
- Design Review Board Letter dated May 22, 2021
- Site Plans dated June 22, 2020
- Site Plans Revised April 15, 2021
- Site Plans revised June 2, 2021
- Submission letter from Attorney Evans Huber dated March 12, 2021
- Various public comments provided to GPI by the Town

Subsequently GPI has reviewed the following submittals:

- Traffic Impact Assessment prepared by Gillon Associates Revised August 11, 2021
- Revised Elevation and Floor Plan, May 30, 2021
- 1688 Site Plan Revised July 28, 2021
- Response to GPI Comments dated August 21, 2021
- Memo to Needham Planning Department from Attorney Evans Huber, Esq, dated August 4, 2021

The above materials have been reviewed against typical engineering practices, standards, and industry guidelines.

TRAFFIC IMPACT ASSESSMENT (TIA)

The following highlights GPI's original comments from the July 15, 2021 Peer Review letter that incorporates responses from John T. Gillon dated August 21, 2021 and finally GPI's final responses.

1. The March 2021 TIA has been developed for a 9,941 square foot Child Care facility and proposed 24 parking spaces.

R-1 This has been revised based on a building size of 10,034 SF and 30 Parking Spaces

GPI Response: Agree-Numbers match latest proposal

2. The study states that the site could accommodate between 80-100 students although 120 children appears to be allowed. The submission letter from Attorney Evans Huber date March 12, 2021 indicates the site is to accommodate 100 students. If the intent is to eventually grow to 120 students, the traffic and parking analysis should be based on 120 students. Also, the TIA does not mention number of staff, although the attorney's letter indicates 13 staff. Please clarify the maximum number of students and staff in the TIA, as this impacts the parking requirements based on Town calculations of 8 parking spaces are required, plus one (1) for each 40 students, plus 1 space per staff.

R-2 The program is intended to accommodate a maximum number of 115 children. The projected total maximum staff will be 16 Staff and 2 administrators on peak days (Tuesday-Thursday); 15 Staff and 2 administrators on Mondays; and 13 Staff and 2 Administrators on Fridays . According to the Town formula referenced above, the maximum parking demand will be 29 spaces. Staff will be on site before the critical arrival and departure hours to assist children between vehicles and the building. Also, arriving staff and any parent who wishes to park will use the separate entrance lane in order to bypass the drop-off lane. The proposed parking supply is one more space than what is required under the Town calculations.

Maximum total of 115 children is broken down as follows:

- a. 55 Infants, toddlers and preschoolers arriving in the morning peak drop-off period of 7:30 a.m. to 8:50 a.m.
- b. 30 children, who will not arrive until shortly before 9:00 (or later).
- c. 30 after-school kids, who arrive in the afternoon
- d. $55 + 30 + 30 = 115$

GPI Response – 30 Parking spaces is sufficient based on the Town calculations

3. Based on the June 2021 Revised TIA the number of students has increased to 113; however, there is no mention if the staff is increased, and the parking capacity has been increased to 30 vehicles.

R-3 See above. The projected staff has increased to a maximum of 16 FTE and 2 administrators on peak days.

GPI Response – 30 Parking spaces is sufficient based on the Town calculations

4. Based on the ITE Parking Generation 4th Edition, LUC 565 Child Care Facility, a 9,966 sf facility would have an Average Parking Demand of 24 vehicles and an 85th Percentile Peak Demand of 37 vehicles.
 - a. The proponent is currently proposing 30 spaces, which more than satisfies the Average Demand established in the ITE Parking Generation and the requirements of the Town.

R-4. Please see Figure 14. The Revised Plans show 30 parking spaces are provided for a 10,034 square-foot facility. The ITE Parking Generation Report shows this building would have an average demand of 25 spaces and an 85th Percentile Peak of 37.5 vehicles. However, for the reasons discussed below, we believe this figure is far higher than the actual number of vehicles that will be arriving during the peak drop-off period.

GPI Response – 30 Parking spaces is sufficient based on the Town calculations

5. The proponent discusses additional Child Care facilities in terms of evaluating number of vehicles arriving during the peak hour. Based on the Goddard School 59 out of 80 students arrived during the peak hour. However, in the two-hour window observed (7-9AM) for 80 students a total of 96 vehicles arrived on site. Assuming a portion of these vehicles were staff, the results seem to indicate that each child appears to be in a single vehicle. Therefore, the impacts of the drop-off and pick-up (queuing, time on site, etc.) cannot be fully evaluated without understanding more about the proposed drop-off and pick up schedules.
 - a. Attorney Huber's March 12, 2021 letter states, "...drop off and pick up will continue to be staggered, as is NCC's current practice...", however, further information on what the current practice entails, is not provided in the TIA or in the letter.

R5a. Based on actual data from the operator as to the number of children, there will be a maximum of 55 children arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m (80 Minutes). The next cohort of a maximum of 30 children will arrive after this peak drop-off period because their programs do not start until 9:00 or later. The remaining maximum of 30 children will not arrive until the afternoon.

In addition, the assumption that each child will arrive in a separate vehicle is significantly inconsistent with the operator's actual enrollment and experience. Years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child for a total of 40 parent vehicles that will arrive in that window. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queuing analysis.

See also R-2 and R-6.

GPI Response – GPI has reviewed the data and queuing methodology provided by the proponent. Based on the 40 vehicle arrivals, GPI agrees with the analysis that indicates a maximum of 7 vehicles in queue. Based on the revised driveway plan with a dedicated queue/drop off lane, there is storage for approximately 10 vehicles before queues would impact Central Ave. Furthermore, the queue lane has been separated from the travel lane, allowing vehicles to bypass the queue in the event it approaches Central Ave. In addition, staff will be present during peak arrival and pick up periods to ensure vehicles do not queue into Central Ave.

GPI also ran the Poisson distribution methodology for a maximum of 58 vehicle arrivals and found that the maximum queues would be approximately 13 vehicles under this unlikely condition and that even at 58 vehicles, 99% of the time the queue would be less than 10 vehicles.

GPI therefore, believes that the revised site plan and queuing analysis provided by the proponent addressed concerns regarding the possibility of queued vehicles impacting Central Avenue operations.

- b. Furthermore, it would be valuable to have data from existing NCC facilities at 23 Dedham Ave and 858 Great Plain Ave in terms of number of students vs. number of vehicles, current arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queuing, etc. from the existing NCC sites.

R5b. Data has been compiled from these sites in order to provide the analysis of number of students/vehicles, arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queuing, etc. This analysis is shown in R-6. In addition,

the drop off/pick up times have been observed to be 30-45 seconds each vehicle, but we used 60 seconds as requested by the peer review.

GPI Response – Sufficient response.

- c. Is the proposed facility to replace one or both of the existing NCC facilities or provide a third facility in Needham?

R5c. This location will replace the Baptist Church location that is closing.

GPI Response – Sufficient response.

6. Based on the March 2021 Initial TIA and on ITE Land Use Code 565 from the ITE Trip Generation Manual 10th edition a 9,941 sf Child Care Facility is expected to generate:
- a. 109 Weekday Morning Peak Hour Trips with
 - i. 58 vehicles entering the site and
 - ii. 51 vehicles exiting the site
 - b. 111 Weekday Evening Peak Hour Trips with
 - i. 52 vehicles entering the site and
 - ii. 59 vehicles exiting the site

The March 2021 TIA appendix includes the ITE trip generation calculations, indicating 109 morning peak hour trips. The analysis then further uses data based on proponent's schedule to project 104 morning peak hour trips. However, the schedule does not mention timing on employees' arrivals

The revised March 2021 TIA proposes the same square footage facility but reduces the Morning Peak Hour Trips from 104 vehicles to 76 new morning peak hour trips with 40 vehicles entering and 36 vehicles exiting. There is no explanation provided in the TIA as to why the rates have lowered.

The April 5, 2021 Traffic Memo indicates 97 students at the site and the June 2021 Revised TIA appears to increase the square footage of the facility to 9,966 sf and the student population to 113 students. Based on the increased square footage the trip generation based on ITE LUC 565 results in:

- a. 110 Weekday Morning Peak Hour Trips with
 - iii. 58 vehicles entering the site and
 - iv. 52 vehicles exiting the site
- b. 111 Weekday Evening Peak Hour Trips with
 - v. 52 vehicles entering the site and
 - vi. 59 vehicles exiting the site

The proponent should clearly indicate the square footage of the facility, the maximum number of students and the maximum number of staff and utilize the more conservative appropriate ITE LUC calculations based on square footage to determine site traffic.

R6. As noted above, the maximum number of students will be 115, and the square footage of the building will be 10,034 square feet.

Our analysis of peak period arrivals, queueing, and site capacity is based on the Poisson distribution of random arrivals. Several scenarios were considered. The scenario considered most appropriate is based on actual data from the operator as to the number of children (max 55) that will be arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m. Another group of children (max 30) will arrive after this peak drop-off period because their programs do not start until 9:00 or later. The remaining children using the facility are after-school children (max 30) who will not arrive until the afternoon. In addition, years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period,

approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queueing analysis.

The analysis thus used the following assumptions:

- a. Random arrivals during the peak drop-off period (per GPI)
- b. Drop-off period is 80 minutes (per operator's schedule)
- c. 40 parent vehicles arriving during this period (per operator historical data)
- d. 60-second drop-off window (per GPI)

This evaluation (see figure 13 of the revised TIA) concludes that with these assumptions, there will never be more than 7 vehicles in the drop-off lane. Furthermore, even with considerably more conservative assumption requested by GPI as to the number of vehicles (58) arriving during the drop-off window (see figure 8 of the Revised TIA), there will never be a back-up onto Central Ave because (1) the site has 30 parking spaces; (2) the drop-off lane can accommodate 10 vehicles; and (3) the lane accessing the rear parking areas, which is 390 feet long, can accommodate as many as an additional 19 vehicles. It is important to remember that the figure of 58 vehicles exceeds the actual number of children that will be arriving during this window, even if every child, including all siblings in the program, arrived in a separate vehicle. Also, at GPI's request, the driveway itself has been widened to formalize the separate inbound stacking or queue lane. In addition, the turn-around area has been modified at GPI's request to improve safety and circulation.

GPI Response – See GPI's response to Comment Number 5. Also, GPI agrees with the proponent's revised trip generation rates based on the 10,034 sf facility.

7. The March 2021 TIA does not cite the date of traffic counts on Central Avenue. The revised March 2021 TIA cites traffic counts from February 4th; however, no year is provided. It is assumed that these were counts from 2021. Please confirm.

R7. Confirmed

GPI Response – Sufficient response.

8. Due to Covid 19, traffic levels from 2020 and 2021 have generally decreased and while slowly increasing are generally still below pre-2020 levels. Based on MassDOT guidelines for traffic studies, the standard practice has been to use pre-2020 traffic data where possible and factor to current conditions based on historic growth rates. Based on the revised March 2021 TIA, the proponent has done this and has utilized 2016 traffic data provided by the town along Central Ave in the vicinity of the site and factored volumes by 1.6% annual to 2021 conditions. However, the proponent does not cite how the 1.6% growth rate was selected. Please provide a source for the assumed growth rate.

R-8 This figure was expanded from a combination of turning movement counts and a one-time automatic recorder count. At the July 23rd meeting with the Peer Reviewer, it was decided to include the Central Avenue / Charles River Street intersection for the evening peak hour, since counts were available, and grow all volumes by the more regional normal Growth Factor of one percent per year for all years since the count was obtained.

GPI Response – The revised traffic volumes and projections are sufficient.

9. The March 2021 TIA indicates that trip distribution reflects the existing Central Avenue directional distribution (70% NB/30% SB). The entering traffic is therefore distributed for 70% of the traffic to enter from the south (Right Turn in) and 30% of the traffic to enter from the north (Left Turn in). However, the exiting traffic assigns 70% of the traffic to right turns (continuing north) and only 30% turning left (continuing south). This would indicate that all the drop off trips are acting similar to “pass-by trips” and dropping off students on the way to another destination. If the trips are new trips, the vehicles would be returning from the direction they originated from.

Therefore, the left turn volume out of the site could be higher than projected. Left turn movements across two lanes of traffic generally require larger gaps and longer wait times than right turns, so a higher percentage of left turning traffic leaving the site could impact queueing on site.

The proponent should provide further data (ITE Pass-By rates, or data based on current/proposed operations) to support the exiting distribution.

R-9 The original Directional Distribution was based on projections along with current and historical data of the NCC existing facility. Based on the Peer Review meeting of July 23rd, we observed the existing directional distribution of the Gan Aliyah Pre-School at Temple Aliyah as shown on Figure 9 of the Revised TIA.

GPI Response – The revised distribution pattern based on the Gan Aliyah Pre-School provides the most realistic estimate of anticipated distribution for the proposed facility.

10. The level of service sheets provided are for the proposed Morning and Evening Peak Hours based on 2021 traffic volumes. An analysis of Build Conditions when the site is constructed and operational should also be provided. Industry standards is for a 7 year build out period. Please provide analysis of 2028 conditions with the site fully operational and appropriate traffic increases along Central Avenue.

Please provide a summary table comparing the 2021 Existing Conditions, 2028 No-Build Conditions and the 2028 Build conditions, including Delays, Queues, and V/C ratios by lane.

R-10 The Levels of Service Delay, and average and maximum queue lengths for Existing (2021), Baseline (2028), and Projected or Build Conditions by lane are provided on Figure 12 of the Revised TIA.

GPI Response – The analysis of the unsignalized driveway operations is correct. However, the presentation in the report seems to imply there is a SB through and SB left turn lane, which is not the case. The left turns operate from the through lane, therefore the LOS reported along the SB approach should be reported as a LOS B. While minor, the introduction of left turn vehicles from the SB approach does slightly increase delays along the approach from 0 to approximately 13 seconds in the morning and 9 seconds in the evening, both of which are acceptable for this type of facility.

11. The TIA discusses Minimum Safe Stopping Sight Distance (MSSD) and Stopping Sight Distance at a Driveway and indicates correctly that “... if the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions.” AASHTO also discusses Intersection Sight Distance, which is a recommended distance that allows a vehicle to enter the roadway and an approaching vehicle to adjust speed, but not have to stop. (See attached for explanation of various sight distance criteria) The proponent should indicate what the Intersection Sight distance existing at the driveway is.

R-11 The Intersection Sight Distance is computed as follows and is now included within the Revised TIA.

$$ISD = 1.47 V_{Major} t_g$$

Where: V = roadway design speed or 85th percentile, and t_g = time gap for driveway maneuver
 $t_g = 7.5$ seconds for Left Turn from Stop, $t_g = 6.5$ seconds for Right Turn from Stop,

Therefore, the Left-Turn $ISD = 1.47 (39) (7.5) = 430$ feet.

Similarly, the Right-Turn $ISD = 1.47 (37) (6.5) = 354$ feet.

Roadway is fairly flat and straight and Intersection Sight Distance is provided

GPI Response – Sufficient response.

12. The Revised June 2021 TIA discusses the traffic signal operations at the intersection of Central Avenue and Charles River Road and mentions the optimal traffic signal length of sixty (60) seconds. The proponent should clarify the following:
- What are the current signal operations (cycle lengths, phase times, time of day operations) and explain if that differs from the optimal 60 seconds mentioned?
 - The proponent should provide LOS calculations for the signal based on existing conditions, and optimized timings.
 - If timing changes are required at the signal, the proponent should commit to implementing those changes.
 - We would recommend the proponent provide an analysis of the signalized intersection of Central Avenue at Charles River Road under the following scenarios.
 - 2021 existing morning and evening peak hours (adjusted volumes based on Covid 19) without the site present
 - 2028 morning and evening peak hours without the site (Future No-Build)
 - 2028 morning and evening peak hours with the Site – No mitigation (Future Build)
 - 2028 morning and evening peak hour with the site and any signal timing modifications (Future Build with Mitigation)

R-12 The original optimal cycle length at the Central Avenue / Charles River Street intersection was presumed based on the “Trafficware-Synchro” assessment of the old traffic counts allowed to run free at the optimal cycle length and splits. Since the existing traffic signal timing was obtained by GPI, we have re-run the analysis for the evening peak hour, where we had counts, for the various scenarios mentioned above as shown in the Revised TIA.

GPI Response – The analysis does not reflect the correct timings. The analysis mistakenly uses the MAX Green Time as the SPLIT time and has the incorrect Yellow and Red Times. The SPLIT times include Yellow and Red timings.

The following times should be used:

Ø2= 50 sec split

Ø5= 20 sec split

Ø6 = 30 sec split

Ø4 & Ø8 = 40 sec split

All phases Yellow= 3 sec

All phases Red= 2 sec

Furthermore, since the operations indicated LOS E and F (overall and Central Ave), we'd request the proponent explore options to see if optimizing the signal timings can provide improved operations.

13. The Revised June 2021 TIA discusses queuing of morning arrivals and uses 40 vehicle drop offs based on the proponents proposed schedule. However, the number of peak hour trips has been reduced. ITE rates indicate that close to 60 vehicles could arrive during the morning peak hour. Furthermore, there is no discussion about afternoon pick-ups, where parents generally arrive and wait for students, as opposed to the quicker morning drop offs.

R-13 The critical morning peak hour queue was evaluated in depth based on the operator's data showing random arrivals of the child care program operator. See R-6, above. This assessment along with the assessment suggested by the Peer Reviewer is also discussed in the Revised TIA and is presented on Figures 13 and 14 of the Revised TIA. In addition, a separate lane has been added to allow for greater capacity than was shown in prior iterations.

With respect to the afternoon pick up schedule, the operator has provided the following information:

1. There are a total of 20 children (max) in the nursery school group whose program ends at either noon or 2:30. There are 10 (max) pre-school children whose day ends at 3:00. These 30 children will all be gone by 3:15 or earlier.
2. Of the remaining 85 (max) children, the same ratio of siblings as discussed above in R-6 for morning drop-off applies. In other words, out of 85 children, approximately 46 will be siblings, requiring 23 vehicles. The other 39 children will be picked up in one vehicle per child, for a total of an expected 62 vehicles picking up 85 children.
3. The pick-up window for these 85 children (62 vehicles) is from 3:30 to 6:00. Parent pick-ups are spaced relatively evenly throughout this 2.5 hour window; some children are picked up at the early end of this window because of their young age; some are picked up earlier or in the middle of the window because they have after-school activities such as sports, music lessons, etc.; some stay until close to the end of the day.

Given this volume of vehicles and the length of the pick-up window (2.5 hours), the number of cars that can be expected to arrive at any one time is very similar to the analysis discussed in R-6, above. Maximum queueing in the afternoon will be no greater than, and probably less than, maximum queueing in the morning peak drop-off period.

GPI Response – Comments regarding arrivals and pick-ups as well number of students have been adequately addressed.

SITE PLAN REVIEW

The following highlights GPI's original comments from the July 15, 2021 Peer Review letter and our responses based on the revised site plan.

14. Pavement markings should be shown on the plan (centerline, directional arrows, STOP lines, etc.)

GPI Response – Pavement markings and signage have been shown on the plan.

15. Sidewalks are labeled as 5' and the roadway width as 24'. The 6" curb needs to be accounted for, so sidewalks should be labeled as a minimum 5.5' to account for curbing.

GPI Response – This does not appear to have been changed.

16. What is the purpose of the 12.67' loading zone? What size vehicle is expected to need access to the loading area. Truck turning templates should be provided showing access and egress from the loading area as well as the dumpster pad.

GPI Response – No information has been provided regarding the size of vehicle and no templates showing truck maneuvers have been provided.

17. Curb stops should be provided for any parking spaces in front of sidewalks to ensure vehicle overhang does not impact sidewalk access.

GPI Response – Curb stops have been added to the plans.

18. We question why the barn building is retained. It seems the site operations (parking, drop-off/pick-up, overall circulation, etc.) would operate smoother if the building was removed and a separate structure designed in a location that would not impact traffic and pedestrian flows.

GPI Response – The site plan has been revised to provide a queuing lane as well as to reconfigure the traffic island for more standard and typical traffic operations and flows. This modification makes the retaining of the barn feasible and eliminates the concern or need for a second driveway or relocating the parking/drop off area.

19. What is the purpose of the traffic island and what is the proposed traffic circulation around it? It appears it would function as a mini roundabout with counterclockwise traffic flow. However, it's unclear if EB traffic destined for the parking areas is anticipated to circulate around the island or drive straight to the north of the island. If the latter is the case, this would appear to cause conflicts with vehicles in the parking areas.

GPI Response – The site plan has been revised to provide a queuing lane as well as to reconfigure the traffic island for more standard and typical traffic operations and flows. This modification makes the retaining of the barn feasible and eliminates the concern or need for a second driveway or relocating the parking/drop off area.

20. Has a second driveway been considered? This could provide separate entrance and exits and provide improved circulation, emergency vehicle access and drop-off/pick up operations.

GPI Response – The site plan has been revised to provide a queuing lane as well as to reconfigure the traffic island for more standard and typical traffic operations and flows. This modification makes the retaining of the barn feasible and eliminates the concern or need for a second driveway or relocating the parking/drop off area.

21. Has a plan where the parking, drop-off/pick-up is provided in front of the school where the property is larger and the building further to the east been considered. This could provide a larger and more consistent parking and circulation route.

GPI Response – The site plan has been revised to provide a queuing lane as well as to reconfigure the traffic island for more standard and typical traffic operations and flows. This modification makes the retaining of the barn feasible and eliminates the concern or need for a second driveway or relocating the parking/drop off area.

22. The proponent should construct fully compliant ADA sidewalks along the property frontage and tie into existing sidewalks at the property limits.

GPI Response – This comment does not appear to have been addressed.

23. The proponent should ensure that the construction of the site drive does not impact the drainage, particularly with the existing catch basin on the NW corner of the existing driveway.

It appears the existing CB will be in the center of the driveway on the gutter line. With the introduction of two wheelchair ramps the construction plans should consider relocating or providing additional drainage to ensure ponding in the vicinity of the wheelchair ramps does not occur.

GPI Response – We appreciate and recognize that the revised drainage plan provides additional catch basins at the base of the driveway to capture site water flow before entering Central Ave. However, the existing catch basin on Central Ave is proposed to be retained in the center of the driveway. The driveway has been redesigned to provide a typical driveway apron that provides a slop up to the level of the sidewalk. This is beneficial by maintaining the sidewalk grade across the driveway. However, it appears the catch basin is proposed to be “cut into” the apron. Given the location, this will likely result in vehicles tracking over this “cut” or hole in the apron. The existing catch basin should be relocated out of the apron as the driveway apron should be a consistent slope and width for the entire length.

CONCLUSIONS

The revised Traffic Impact Assessment and Site Plans address the majority of the concerns raised in the July 15, 2021 Peer Review letter. The following minor comments are noted that should be addressed.

1. Adjust the description of the LOS impacts to the SB lane on Central Ave to clarify that it is a single lane approach and the LOS decreases from LOS A to LOS B with the addition of Left Turning Vehicles.
2. Revise the analysis of the traffic signal operations to match existing times in use in the field. The proponent should also explore optimized signal times, or time of day plans to improve overall operations.
3. The site plan should account for the width of the curb in the sidewalk and driveway dimensions.
4. Truck turning templates should be provided to ensure large vehicles can access the loading zone and dumpster site without impacting parked vehicles.
5. Sidewalks in front of the site should be reconstructed to ensure ADA compliance.
6. The catch basin in the proposed driveway apron should be relocated.

Should you have any questions, or require additional information, please do not hesitate to contact me at (978) 570-2953 or via email at jdiaz@gpinet.com.

Sincerely,

GREENMAN-PEDERSEN, INC.



John W. Diaz, PE, PTOE
Vice President/Director of Innovation

Traffic Impact Assessment

For:

Child Care Facility

At:

1688 Central Avenue

In:

Needham, Massachusetts

Prepared For:

Glossa Engineering, Inc.
Walpole, Mass.

Prepared By:



Revised August 11, 2021

Child Care Facility

*1688 Central Avenue
Needham, Massachusetts*

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EXECUTIVE SUMMARY

- **Central Avenue carried approximately 16,000 vehicles per day in the vicinity of the site in 2016. About eight percent of this daily volume occurs during the morning peak hour.**
- **Based on the Peer Reviewer's request to estimate trips based on ITE rates with a square-footage variable, this project would generate approximately 110 new morning peak hour trips with 58 inbound and 52 outbound. This project is also expected to generate approximately 112 new evening peak hour trips with 53 inbound and 59 outbound. However, for the reasons discussed in the Queueing analysis, we believe this projection is unnecessarily conservative.**

The proponent will have staff assist children both arriving and leaving the day care to ensure the drop-off/pick-up circulation line of vehicles keeps moving and does not stack back down the 200-plus foot long driveway. In addition, the redesigned driveway now includes a drop-off and pick-up queueing lane as well as a separate entrance lane providing unimpeded access to the rear parking areas. This eliminates any possibility of the queueing lane extending out onto Central Ave; if the queueing lane is full, entering vehicles will have a clear lane to naturally proceed to the parking areas.

- **All through traffic on Central Avenue in each direction will continue to experience a calculated "A" level of service with little delay during the weekday morning commuting peak hour. The Central Avenue southbound left-turn through lane utilized into the Site Driveway, will also operate at a "B" level resulting in no turbulence on Central Avenue during the morning peak hour and at an "A" during the evening peak hour. The Site Driveway itself will have an acceptable "E" level with longer delay during the morning peak hour and at a "C" in the evening peak hour.**

The expected maximum drop-off queue length will not exceed seven (7) vehicles. Since this lane can accommodate ten (10) vehicles this will not be a problem. In addition, as noted, if the queueing lane is full, arriving vehicles will have a separate, clear lane to access parking in the rear. These two features of the re-designed driveway, operating together, will avoid any problem at Central Avenue.

- **The required stopping sight distance at the Central Avenue / Site Driveway intersection is provided.**
- **There were no crashes reported at the Central Avenue / Site Driveway intersection.**

INTRODUCTION

Gillon Associates has evaluated the anticipated traffic impacts resulting from the proposed development of a Child Care Facility. The site is located at 1688 Central Avenue, just north of Charles River Street in Needham, Massachusetts (Figure 1).

The purpose of this report is to evaluate potential traffic impacts, which may be created by the expected addition of vehicular traffic either originating from or destined to the site. Specifically, this report assesses traffic operational characteristics of the Central Avenue intersection at the site access roadway due to any additional traffic.

This report provides an identification of the expected traffic generated by the project along with an assessment of projected traffic operating characteristics. Existing traffic volumes were obtained by manually observing and recording Central Avenue traffic volumes in fifteen-minute increments during the morning peak hour. In addition, historical counts were requested and supplied by the Town of Needham.

This August report was prepared to evaluate a revised building size of 10,034 square feet and a population of 115 children.

At the request of the Town, this report consolidates previous exercises and responds to the GPI Peer Review comments submitted on July 12, 2021. After meeting with GPI's Engineer regarding Covid-19 traffic volume adjustments, it was decided to: expand the Town's ATR conducted in 2016 by 1% per year to 2021 for existing, to 2028 for the Baseline or No-Build condition. The PM Turning Movement counts at the Central Avenue / Charles River Street intersection in 2006 were also expanded proportionately for the same analysis period. The morning counts here were not available at this intersection but the evening was more critical due to the predominate southbound movement and queueing implications during this period. The existing traffic signal timing at this intersection was provided by the Peer Review Engineer.

Their Engineer further requested that we review the site driveway based on the Institute of Transportation Engineer's Trip Projections based on 10,034 square feet and not on the number of students or operator's anticipated drop-off schedule (which the operator has indicated will be implemented if necessary).

PROJECT DESCRIPTION

The project site area is 146,003 square feet or just over three acres and includes constructing a 10,034 square-foot child care facility building. An out-building currently used as a barn will be retained for storage and ancillary purposes. The project will have a total of 30 off-street surface parking spaces. The access to this school at #1688 Central Avenue uses a 200-plus foot-long, 30-foot wide access drive to Central Avenue (Figure 2), consisting of three lanes: an 8-foot wide queueing lane that can accommodate at least ten waiting vehicles and provides access to the drop-off and pick-up area; an 11-foot wide entrance lane providing unimpeded access to the rear parking areas, and an 11-foot wide exit lane.

EXISTING TRAFFIC CONDITIONS

Regional Roadway Network

Central Avenue will continue to serve the site and provide access to both local and regional roadway facilities. To the south, Central Avenue provides linkage between the site and Charles River Street and

Dover as well as other points to the south. Central Avenue also provides access to the north with linkage to Route 135 and easterly to Needham Center.

Traffic Setting

The project is situated on the easterly side of Central Avenue. This roadway is a two-lane roadway with one lane in each direction. Central Avenue has a roadway pavement width of approximately 25 feet with a bituminous concrete sidewalk on the easterly side of the roadway.

Existing Traffic Volumes

Existing traffic volumes were obtained by manually observing and recording Central Avenue traffic volumes in fifteen-minute increments during the morning peak hour. Morning peak hour traffic volumes on Central Avenue at the site driveway as collected on February 4th are provided on Figure 3.

With considerable feedback from the neighborhood, historical and pre-covid traffic volumes were subsequently obtained from the Town of Needham Engineering Division. Of the various forms of counts provided, an Automatic Traffic Recorder (ATR) count obtained in 2016 just south of the Needham Recycling and Transfer Station proved to be the most useful. The Town also provided a Turning Movement count for the evening peak hour at the Central Avenue / Charles River Street intersection. That count is provided on Figure 3 which shows expanded counts for 2016, 2021, and 2028 as well.

The directional ATR counts in front of the site are also provided on this Figure. The schematic 2006 TMC count at the Central Avenue / Charles River Street intersection is shown on Figure 4. The 2016 directional ATR peak hour counts are provided on Figure 5. The Central Avenue / Charles River Street intersection counts as inflated proportionately for analysis years, 2016, 2021, and 2028 are provided on Figure 6. Figure 7 shows the Central Avenue projections for years 2021 and 2028 as inflated for normal growth at the site driveway.

During my observations of volume recordings, there was only one occurrence of traffic backing up on Central Avenue in the southbound direction from the traffic control signals at Charles River Street to the site driveway. This stacking or queuing back was recorded on Thursday, June 3rd from 4:51 pm until 5:01 pm. The stacking itself wasn't sustained during the entire ten minutes but flowed much like an accordion where it would move upon the green light and open as the queued vehicles began to move.

FUTURE TRAFFIC CONDITIONS

Trip Generation and Distribution

It is expected that the proposed child care facility will exhibit the same general trip generating characteristics as in other urban and suburban residential communities. In addition to local rates observed and compiled by this firm, the Institute of Transportation Engineers (ITE) provides data on a variety of land uses and there is a considerable amount of empirical data available. In addition, the proponent has found by assigning pick-up and drop-off windows for parents, there is less congestion at their current location and they will employ that technique as necessary at this site as well. At the request of the Peer Review Engineer, the trip generation summary has been revised to project trips based on the square-footage of the building which were slightly higher than trips based on the number of students. The top part of this graphic lists the ITE equations along with the resulting trip generation values for the school based on 10,034 square feet. This project is expected to generate approximately 110 new morning peak hour trips with 58 inbound and 52 outbound. This project is also expected to generate approximately 112 new evening peak hour trips with 53 inbound and 59 outbound.

Directional distribution, as shown on Figure 9, reflects the existing Central Avenue directional split of the Gan Aliyah Pre-School next door to the site at Temple Aliyah.

Site generated and projected traffic volumes at the Central Avenue / Site Driveway intersection during both the morning and evening peak commuting hour is provided on Figure 10. Projected traffic volumes at the Central Avenue / Charles River Street intersection are provided on Figure 11.

TRAFFIC OPERATIONAL ANALYSIS

This section of the report provides a quantitative analysis of anticipated traffic operational characteristics for the build scenario. These series of capacity analyses were conducted for the weekday morning and evening peak hour at the driveway and only during the evening peak hour at the Charles River Street intersection to determine the potential impact of the proposed day care facility project.

Analysis Methodology and Findings

The analysis is based on the "Highway Capacity Manual" for non-signalized intersections. This manual has been published by the Transportation Board of the National Research Council and approved by the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine. The most recent Synchro Software version 10.1 was utilized in the assessment.

At un-signalized intersections and driveways the manual assumes that the through and right-turn movements along any main street will operate unrestricted but conflicting movements will be subjected to various periods of delay depending primarily on the frequency of adequate safe gaps to complete these movements. These periods of delay are generally categorized in "Levels of Service" (LOS) ranging from "A" for very short or no delays through "F" for extensive delays. The Massachusetts Highway Design Manual indicates that a "D" Level of Service is acceptable on roadways such as those in the study area. A table comparing levels of service and seconds of delay is provided in the Appendix of this report.

As can be seen on Figure 12, all through traffic on Central Avenue in each direction will continue to experience a calculated "A" level of service with little delay during the weekday commuting peak hours. As can be seen in the capacity calculations included in the Appendix of this report, the Central Avenue southbound left-turn through-lane utilized into the Site Driveway will operate at a "B" level with about 13 seconds of delay due to opposing traffic resulting in no turbulence on Central Avenue during this morning peak hour. This southbound left-turn through-lane utilized into the Site Driveway will operate at an "A" level with about 8.7 seconds of delay during the evening peak hour. The Site Driveway itself will have an acceptable "E" level with average delay during the morning peak hour and a "C" during the evening peak hour. The Central Avenue / Charles River Street intersection will continue to operate at an overall "F" Level of Service with an overall increase in delay of only five seconds.

Expected Drop-Off Queue Length

This analysis is based on the Poisson distribution of random arrivals. Several scenarios were considered. The scenario considered most appropriate is based on actual data from the operator as to the number of children (max 55) that will be arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m. Another group of children (max 30) will arrive after this peak drop-off period because their

programs do not start until 9:00 or later. The remaining children using the facility are after-school children (max 30) who will not arrive until the afternoon. In addition, years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queueing analysis.

The analysis thus used the following assumptions:

- a. Random arrivals during the peak drop-off period (per GPI)
- b. Drop-off period is 80 minutes (per operator's schedule)
- c. 40 parent vehicles arriving during this period (per operator historical data)
- d. 60-second drop-off window (per GPI)

This evaluation (see figure 13) concludes that with these assumptions, there will never be more than 7 vehicles in the drop-off lane. Furthermore, even with considerably more conservative assumption requested by GPI as to the number of vehicles (58) arriving during the drop-off window, there will never be a back-up onto Central Ave because (1) the site has 30 parking spaces; (2) the drop-off lane can accommodate 10 vehicles; and (3) the lane accessing the rear parking areas, which is 390 feet long, can accommodate as many as an additional 19 vehicles. It is important to remember that the figure of 58 vehicles exceeds the actual number of children that will be arriving during this window, even if every child, including all siblings in the program, arrived in a separate vehicle. Also, at GPI's request, the driveway itself has been widened to formalize the separate inbound stacking or queue lane. In addition, the turn-around area has been modified at GPI's request to improve safety and circulation.

SIGHT DISTANCE EVALUATION

The approaching vehicle on Central Avenue must be able to stop in time to avoid making contact with a vehicle emerging from the reconfigured site driveway. The required stopping sight distance from either a minor street or driveway is obtained from "A Policy on Geometric Design of Highways and Streets" as published by the American Association of State Highway and Transportation Officials (AASHTO) 6th Edition published in 2011.

Unlike the minimum safe stopping distance (MSSD) along a section of roadway, stopping sight distance at a driveway is not measured along either the center line or gutter line of a roadway. On page 9-29 of the American Association of State Highway and Transportation Officials (AASHTO) manual, it is stated "If the available sight distance for an entering or crossing vehicle (at an intersection corner) is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions."

The motorist leaving the minor roadway or driveway has an eye height of 3.5 feet and he must be able to see another object (approaching vehicle) with a height of 3.5 feet from a point 14.5 feet back from the travel way. This dimension is based on most motorists stopping 6.5 feet or less from the intersecting roadway plus the eighty-fifth percentile distance of 8.0 feet from a front bumper of a vehicle to the motorist eye, thus, totaling 14.5 feet. The required stopping distance for each minor roadway is based on the formula on the following page:

$$d = 1.47 Vt + 1.075 \frac{V^2}{a}$$

Where: V = Speed (mph)

t = perception & Reaction time (2.5 seconds)
a = deceleration of vehicle (11.2 ft/sec.2)

A speed survey revealed the 85th percentile speed on Central Avenue was 39 mph southbound and 37 mph northbound at the site driveway (Figure 9). Therefore, the required stopping sight distance for Central Avenue at the driveway is computed as shown below:

$$d = 1.47 * 39 * 2.5 + \frac{1.075 * (39)^2}{11.2}$$

$$d = 143 + 146 = 289 \text{ feet}$$

The Peer Review Engineer asked that we also assess the Intersection Sight Distance as recommended by AASHTO.

$$ISD = 1.47 V_{\text{Major}} t_g$$

Where: V = roadway design speed or 85th percentile, and t_g = time gap for driveway maneuver
t_g = 7.5 seconds for Left Turn from Stop, t_g = 6.5 seconds for Right Turn from Stop,

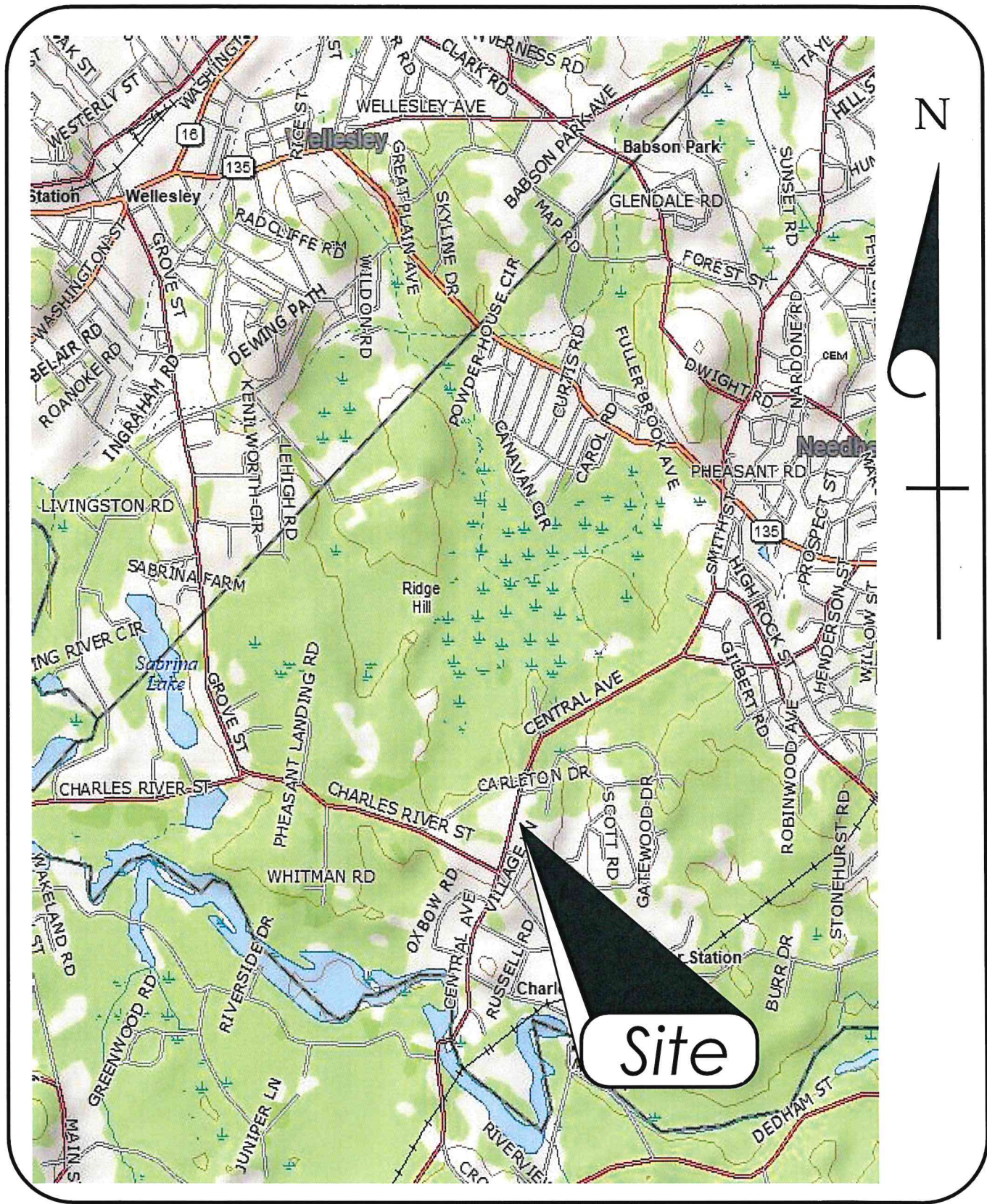
Therefore, the Left-Turn ISD = 1.47 (39) (7.5) = 430 feet.

Similarly, the Right-Turn ISD = 1.47 (37) (6.5) = 354 feet.

A field review showed that this section of Central Avenue is both straight and flat. As can be seen on Figure xx, there is well over 450 feet of stopping sight distance in both directions on Central Avenue and the stopping sight distance and is safe.

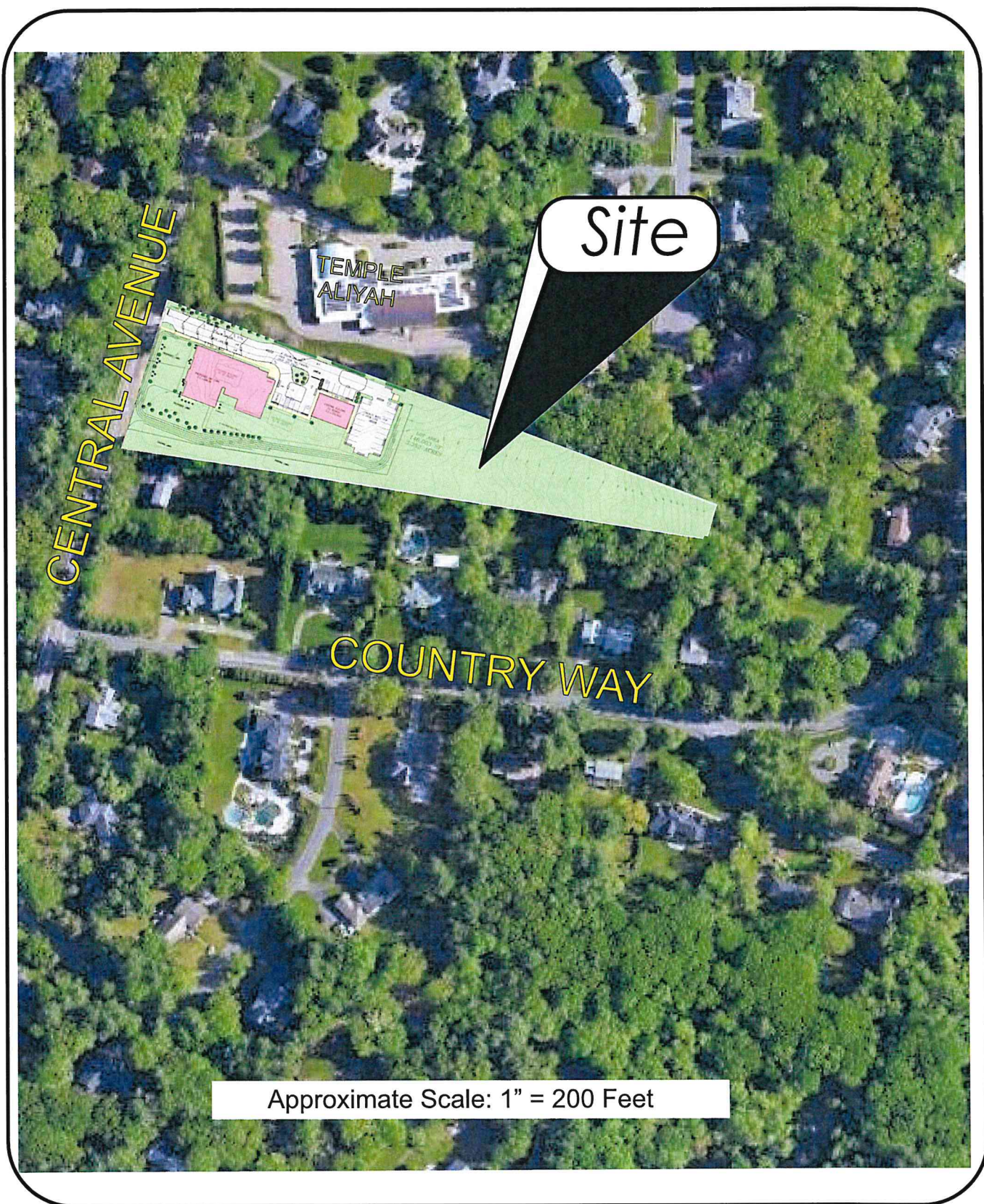
CRASH EVALUATION

A review of the Massachusetts Department of Transportation data shows there were no crashes reported at the Central Avenue / Site Driveway intersection.



General Location Map

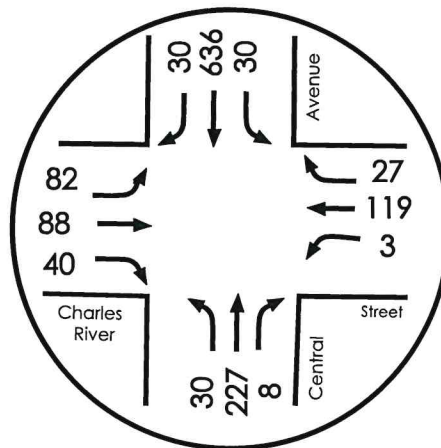
Figure 1



Locus Map

Figure 2

2006 MORNING PEAK HOUR WAS NOT AVAILABLE



2006 EVENING PEAK HOUR

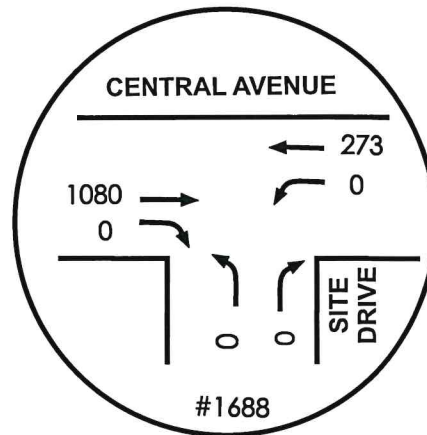
<u>APPROACH</u>	<u>MOVEMENT</u>	2006
CENTRAL AVENUE SOUTHBOUND	LEFT	30
	THRU	636
	RIGHT	30
CENTRAL AVENUE NORTHBOUND	LEFT	30
	THRU	227
	RIGHT	8
CHARLES RIVER STREET EASTBOUND	LEFT	82
	THRU	88
	RIGHT	40
CHARLES RIVER STREET WESTBOUND	LEFT	3
	THRU	119
	RIGHT	27

2006 Peak Hour Traffic Volumes on Central Avenue
From Town of Needham Count at Charles River Street

Figure 4

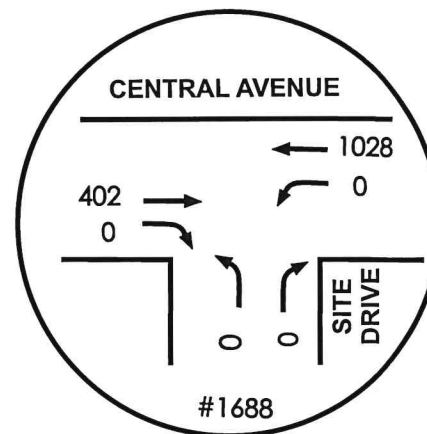
Town of Needham ADT South of RTS

		North Bd	South Bd	Total	One Hour
5/10/2016	07:00 AM	278	47	325	
5/10/2016	07:15 AM	265	48	313	
5/10/2016	07:30 AM	292	71	363	
5/10/2016	07:45 AM	279	59	338	1339
5/10/2016	08:00 AM	232	79	311	1325
5/10/2016	08:15 AM	277	64	341	1353
5/10/2016	08:30 AM	175	61	236	1226
5/10/2016	08:45 AM	244	73	317	1205
		1080	273	1353	
AM Peak Hour		2016			
Central Ave North Bd		1080			
Central Ave South Bd		273			
TOTAL		1226			



2016 MORNING PEAK HOUR

		North Bd	South Bd	Total	One Hour
5/9/2016	04:00 PM	87	226	313	
5/9/2016	04:15 PM	67	222	289	
5/9/2016	04:30 PM	68	250	318	
5/9/2016	04:45 PM	88	247	335	1255
5/9/2016	05:00 PM	90	270	360	1302
5/9/2016	05:15 PM	114	243	357	1370
5/9/2016	05:30 PM	110	268	378	1430
5/9/2016	05:45 PM	81	243	324	1419
5/9/2016	06:00 PM	108	237	345	1404
		402	1028	1430	
PM Peak Hour		2016			
Central Ave North Bd		402			
Central Ave South Bd		1028			
TOTAL		1430			



2016 EVENING PEAK HOUR

APPROACH	MOVEMENT	2006	20016	2021	2028
CENTRAL AVENUE SOUTHBOUND					
	LEFT	30	42	44	47
	THRU	636	881	926	990
	RIGHT	30	42	44	47
CENTRAL AVENUE NORTHBOUND					
	LEFT	30	42	44	47
	THRU	227	315	330	353
	RIGHT	8	11	12	12
CHARLES RIVER STREET EASTBOUND					
	LEFT	82	114	119	128
	THRU	88	122	128	137
	RIGHT	40	55	58	62
CHARLES RIVER STREET WESTBOUND					
	LEFT	3	4	4	5
	THRU	119	165	173	185
	RIGHT	27	37	39	42
Central Avenue at Site Drive					
	North Bd	336	466	489	523
	South Bd	696	965	1013	1084
	Total	1032	1430	1502	1607

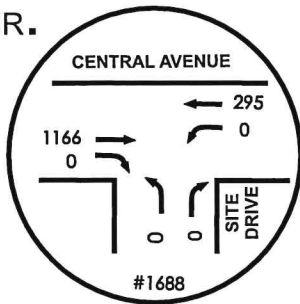
Central Ave. AM Volume					
At Site Drive			2016	2021	2028
	North Bd		1166	1224	1310
	South Bd		295	310	331
	Total		1461	1534	1641
Central Ave. PM Volume					
At Site Drive		2006	2016	2021	2028
	North Bd	336	466	489	523
	South Bd	696	965	1013	1084
	Total	1032	1431	1502	1607

Peak Hour Traffic Volumes Expanded From
From Town of Needham Traffic Counts by 1% Per Year

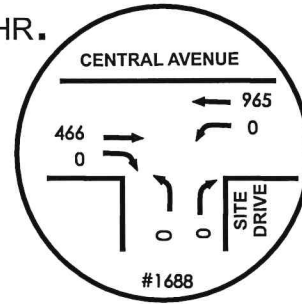
Figure 6

2016

AM PEAK HR.

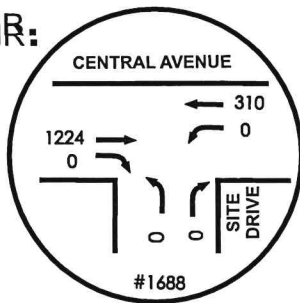


PM PEAK HR.

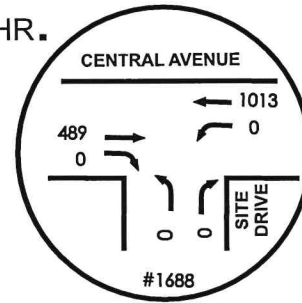


2021

AM PEAK HR.

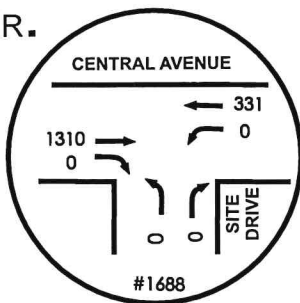


PM PEAK HR.

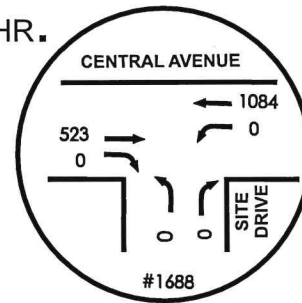


2028

AM PEAK HR.



PM PEAK HR.



Peak Hour Traffic Volumes Expanded From
From Town of Needham Count at Recycling Center

Figure 7

Gillon Associates
Traffic & Parking Specialists

Source of Data
 ITE Report (10th Edition)
 Land Use Code: 565
 Volume 2, Pages 224 - 245
 Day Care Center

Trips Based On Square Feet of Bldg. AM			PM		
<u>Peak Hour Trips</u>	<u>IN OUT TOTAL</u>		<u>IN OUT TOTAL</u>		
Trips per Unit	T = 11.0 (x)		T = 11.12 (x)		
Directional Split	53% 47%		47% 53%		
Trips Based on 10.03 KGSF	58	52 110	53	59 112	

Trips per Weekday

Trips per KGSF ITE

T = 47.62 (x) Trips Based on 10,034 SF = 478 Trips per Weekday
 (= 239 Inbound & 239 Outbound)

USE THESE PROJECTIONS

Source of Data
 ITE Report (10th Edition)
 Land Use Code: 565
 Volume 2, Pages 224 - 245
 Day Care Center

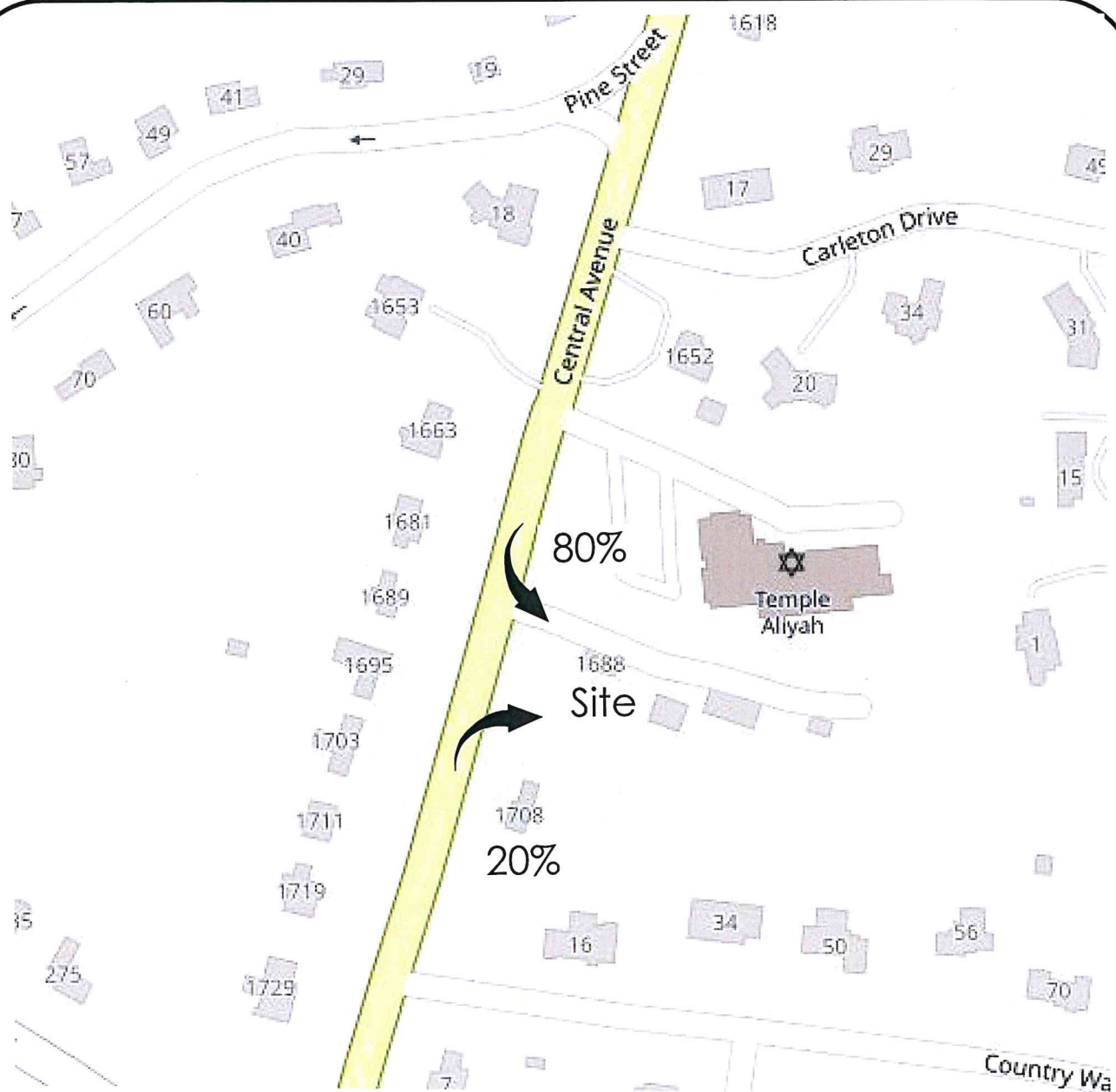
Trips Based On Students AM			PM		
<u>Peak Hour Trips</u>	<u>IN OUT TOTAL</u>		<u>IN OUT TOTAL</u>		
Trips per Unit	T = 0.66 (x) + 8.42		Ln(T) = 0.87 Ln(x) + 0.29		
Directional Split	53% 47%		47% 53%		
Trips Based on 115 Students	44	40 84	39	44 83	

Trips per Weekday

Trips per Child ITE

T = 4.09 (x) Trips Based on 115 Students = 470 Trips per Weekday
 (= 235 Inbound & 235 Outbound)

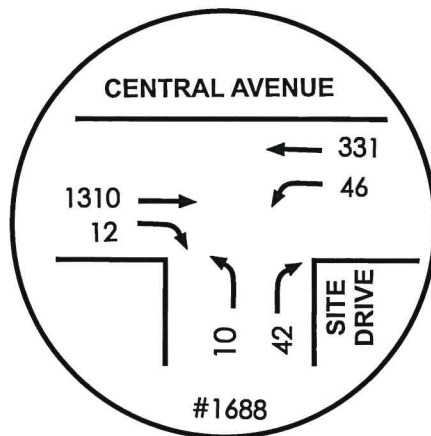
Trips Based On KGSF & Students AM			PM		
<u>Average Peak Hour Trips</u>	<u>IN OUT TOTAL</u>		<u>IN OUT TOTAL</u>		
	51	46 97	46	52 98	
<u>Trips per Weekday Average</u> = (478 + 470) / 2 = 474 (= 237 Inbound & 237 Outbound)					



Gan Aliyah Pre-School At Temple Aliyah		Oriented North			Oriented South		
		Enter	Exit	Total	Enter	Exit	Total
	AM	13	14	27	7	0	7
	PM	10	12	22	4	1	5
	TOTAL	23	26	49	11	1	12
	Percent (%)	80%			20%		

Directional Distribution

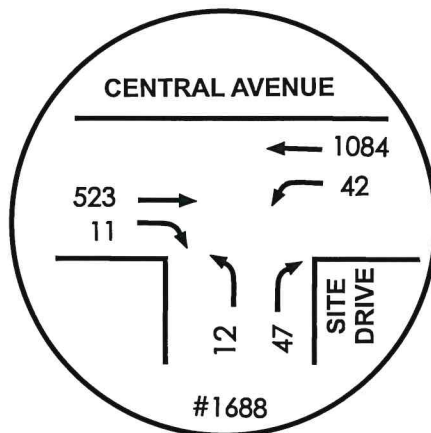
Figure 9



IN	OUT	TOTAL
58	52	110

BASED ON ITE
10, 034 Sq. Ft.

2028
MORNING PEAK HOUR



IN	OUT	TOTAL
53	59	112

BASED ON ITE
10, 034 Sq. Ft.

2028
EVENING PEAK HOUR

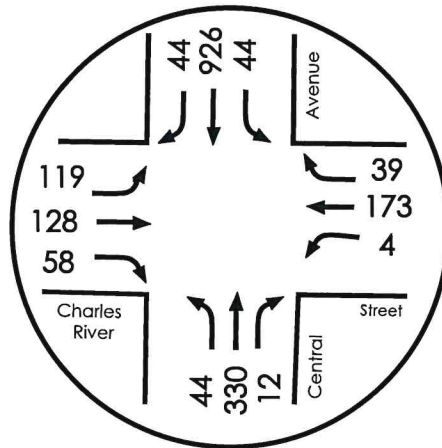
Projected Peak Hour Traffic Volumes
Central Avenue at Site Drive

Figure 10

Gillon Associates
Traffic & Parking Specialists

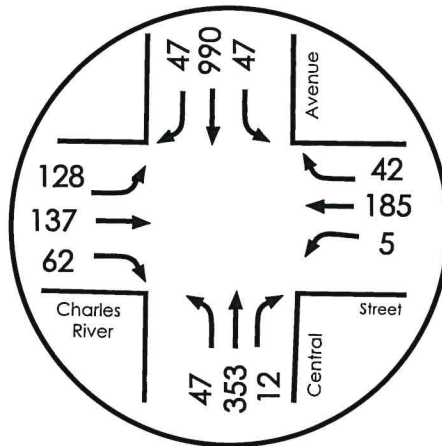
2021
Existing

PM PEAK HR.



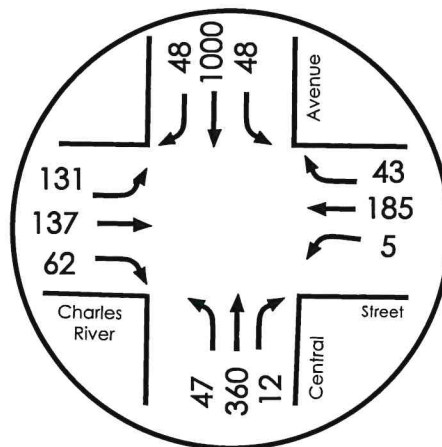
2028
No-Build

PM PEAK HR.



2028
BUILD

PM PEAK HR.



Projected 2028 Peak PM Hour Traffic Volumes
Central Avenue at Charles River Street

Figure 11

Projected LOS
AM PM

Central Avenue at Site Driveway

Stop Sign Controlled

Central Ave. Northbound (All Moves)	A	A
Central Ave. Southbound Through Movement	A	A
Left-Turn Movement	B	A
Site Drive West Bound (All Moves)	Ⓔ	Ⓒ

Existing	Base	Projected
Expanded		Based on ITE
2021	2028	10.034 KGSF
<u>PM</u>	<u>PM</u>	<u>PM</u>

Central Avenue at Charles River Street—Signalized

Note: Turning Movement Counts From 2006 PM
And Expanded Proportionately to 2016 ATR Counts

Then By 1% Per Year Normal Growth

AM Traffic Counts were not available

Traffic Control Signal

Overall Level of Service	F	F	F
Overall Delay (Seconds)	122.9	148.8	154
Charles River St East Bd. (All Moves)	B	B	B
(Overall Delay (Seconds)	12.7	13.8	13.0
Avg./95th % Queue Length (ft)	51/90	55/97	55/97
Charles River St West Bd. (All Moves)	C	C	C
(Overall Delay (Seconds)	22.4	23.0	23.1
Avg./95th % Queue Length (ft)	79/147	87/158	88/159
Central Ave. North Bd. (All Moves)	D	D	E
(Overall Delay (Seconds)	37.9	53.5	57.2
Avg./95th % Queue Length (ft)	185/321	211/365	217/374
Central Ave. South Bd. (All Moves)	F	F	F
(Overall Delay (Seconds)	215	259	268
Avg./95th % Queue Length (ft)	672/902#	1746/981	759/995#

Intersection Levels of Service

Figure 12

 **Gillon Associates**
Traffic & Parking Specialists

Queue Analysis

Weekday AM Peak Demand = 40 per 80 minute peak period, Arrival Rate = $40 \times (60/80) = 30$ per hour (q).

Serving Rate = 60 seconds per vehicle at Request of GPI = Qmax

Utilization Factor: $30 \text{ veh/hr, } 60 \text{ min./hr}$

$$\ell = q/Q = 30 / 60 = 0.5000$$

DROP-OFF RATE: $3600/30 = 120$

Use 60 seconds as Per GPI

Probability of No Vehicles:

$$P_0 = 1 - \ell = 0.5000$$

Probability of n vehicles in system:

$$P_n = \ell^n \times P_0$$

n (vehicle)	Px	
	P (x=n)	(x<or= n)
0	0.50	0.50
1	0.25	0.75
2	0.13	0.88
3	0.06	0.94
4	0.03	0.97
5	0.02	0.98
6	0.01	0.99
7	0.00	1.00
8	0.00	1.00
9	0.00	1.00
10	0.00	1.00
11	0.00	1.00
12	0.00	1.00
13	0.00	1.00
14	0.00	1.00
15	0.00	1.00
16	0.00	1.00
17	0.00	1.00
18	0.00	1.00
19	0.00	1.00
20	0.00	1.00
21	0.00	1.00
22	0.00	1.00
23	0.00	1.00
24	0.00	1.00
25	0.00	1.00
26	0.00	1.00
27	0.00	1.00
28	0.00	1.00
29	0.00	1.00
30	0.00	1.00
31	0.00	1.00
32	0.00	1.00
33	0.00	1.00
34	0.00	1.00
35	0.00	1.00
36	0.00	1.00
37	0.00	1.00
38	0.00	1.00
39	0.00	1.00
40	0.00	1.00

Findings:

- 100% of Queue Demand Less than 10 Cars
- Average 50th Percentile Queue = 0 vehicles
- Expected number in System (vehicles) = $E(n) = \ell / (1-\ell) = 0.5 / (1-0.5) = 1.0$
- Expected (Average) number in Queue (vehicles) = $E(m) = \ell^2 / (1-\ell) = (0.5)^2 / (1-0.5) = 0.5$

Source: Transportation and Traffic Engineering Handbook, ITE 1976 & Article Included herein

NOTE: First Stacking Lane = 200 Feet = 10 Vehicles

Second Inbound Lane = 380 Feet = 19 Vehicles

Total = 39 Vehicles available off-street

Design (85th Percentile Queue = 2 Vehicles Less than 10 , Therefore OK

Expected Drop-Off Queue Length

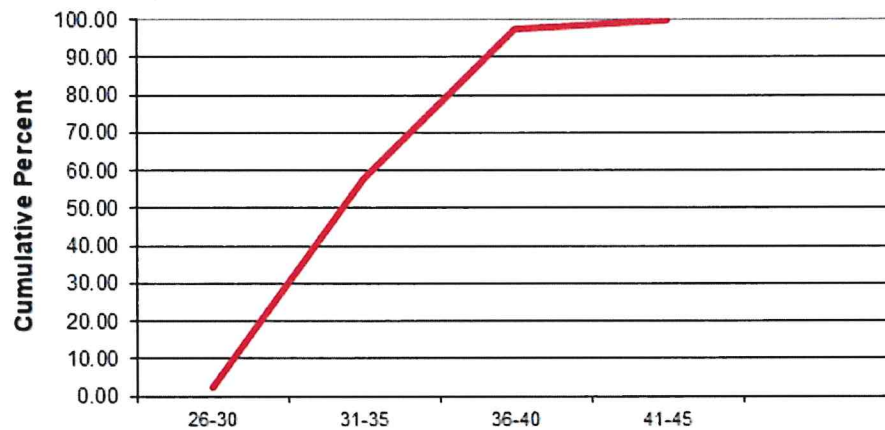
Figure 13

 **Glenn Associates**
Traffic & Parking Specialists



Gillon Associates
Traffic & Parking Specialists

	26-30	31-35	36-40	41-45	Total	Speed	Cum. %
						26-30	2.33
Northbound	1	16	8	0	25	31-35	58.14
Southbound	0	8	9	1	18	36-40	97.67
	1	24	17	1	43	41-45	100.00



Northbound			Speed	Southbound		
SPEED	Percent	Cum %		SPEED	Percent	Cum %
28	3.26%	3.26%		31	4.73%	4.73%
31	3.61%	6.87%		33	5.03%	9.76%
32	3.73%	10.59%		34	5.18%	14.94%
32	3.73%	14.32%		35	5.34%	20.27%
33	3.84%	18.16%		35	5.34%	25.61%
33	3.84%	22.00%		35	5.34%	30.95%
33	3.84%	25.84%		35	5.34%	36.28%
33	3.84%	29.69%		35	5.34%	41.62%
34	3.96%	33.64%		36	5.49%	47.10%
34	3.96%	37.60%		36	5.49%	52.59%
34	3.96%	41.56%		37	5.64%	58.23%
34	3.96%	45.52%		37	5.64%	63.87%
34	3.96%	49.48%		38	5.79%	69.66%
35	4.07%	53.55%		39	5.95%	75.61%
35	4.07%	57.63%		39	5.95%	81.55%
35	4.07%	61.70%		39	5.95%	87.50%
35	4.07%	65.77%		40	6.10%	93.60%
36	4.19%	69.97%		42	6.40%	100.00%
36	4.19%	74.16%				
36	4.19%	78.35%				
37	4.31%	82.65%	Avg.=	36		85th % = 39 mph
37	4.31%	86.96%				
37	4.31%	91.27%				
37	4.31%	95.58%				
38	4.42%	100.00%				
Avg.=	34	85th % = 37 mph				

Figure 15



From Site Driveway Looking South (Left)



From Site Driveway Looking North (Right)

Central Avenue Stopping Sight Distance

Figure 16

 **Gillon Associates**
Traffic & Parking Specialists

Crash Date	Crash Time	Crash Severity	Number of Vehicles	Total Nonfatal Injuries	Total Fatal Injuries	Manner of Collision	Vehicle Action Prior to Crash	Vehicle Travel Directions	Most Harmful Events	Vehicle Configuration	Road Surface Condition	Ambient Light	Weather Condition	At Roadway Intersection	Distance from Nearest Roadway Intersection
12-Jan-2016	7:40 PM	Property damage only (none injured)	2	0	0	Rear-end	V1: Travelling straight ahead / V2: Slowing or stopped in traffic	V1: Southbound / V2: Southbound	V1: Collision with other movable object / V2: Collision with other movable object	V1: Passenger car / V2: Passenger car	Snow	Dark - lighted roadway	Snow		1719 CENTRAL AVE
29-Jan-2016	11:14 AM	Property damage only (none injured)	1	0	0	Single vehicle crash	V1: Slowing or stopped in traffic	V1: Westbound	V1: Collision with tree	V1: Single-unit truck (2-axle, 6-tire)	Dry	Daylight	Clear		1421 CENTRAL AVE
23-Feb-2016	5:23 PM	Property damage only (none injured)	2	0	0	Rear-end	V1: Slowing or stopped in traffic / V2: Travelling straight ahead	V1: Northbound / V2: Northbound	V1: Collision with motor vehicle in traffic / V2: Collision with motor vehicle in traffic	V1: Passenger car / V2: Passenger car	Dry	Dusk	Clear/Unknown		1155 CENTRAL AVE
04-Mar-2016	2:40 PM	Property damage only (none injured)	1	0	0	Single vehicle crash	V1: Parked	V1: Northbound	V1: Collision with motor vehicle in traffic	V1: Passenger car	Dry	Daylight	Clear		829 CENTRAL AVE
04-Apr-2016	12:09 PM	Property damage only (none injured)	1	0	0	Single vehicle crash	V1: Travelling straight ahead	V1: Southbound	V1: Collision with other fixed object (wall, building, tunnel, etc.)	V1: Passenger car	Ice	Daylight	Snow/Sleet (freezing rain or drizzle)		259 CENTRAL AVENUE
04-Apr-2016	1:12 PM	Property damage only (none injured)	1	0	0	Single vehicle crash	V1: Travelling straight ahead	V1: Westbound	V1: Collision with tree	V1: Passenger car	Snow	Daylight	Snow/Sleet (freezing rain or drizzle)		89 CENTRAL AVE
03-Mar-2015	5:49 AM	Property damage only (none injured)	2	0	0	Angle	V1: Travelling straight ahead / V2: Travelling straight ahead	V1: Northbound / V2: Eastbound	V1: Collision with motor vehicle in traffic / V2: Collision with motor vehicle in traffic	V1: Light truck (van, mini-van, panel pickup, sport utility) with only four tires / V2: Passenger car	Dry	Dawn	Cloudy/Cloudy		CENTRAL AVE / CHARLES RIVER ST

Central Avenue Crash Data

Figure 17

APPENDIX

Signalized Intersections

LCS	Control Delay per Vehicle (s/veh)
A	≤ 10
B	> 10–20
C	> 20–35
D	> 35–55
E	> 55–80
F	> 80

Un-Signalized Intersections

Level of Service	Average Control Delay (s/veh)
A	0–10
B	> 10–15
C	> 15–25
D	> 25–35
E	> 35–50
F	> 50

Intersection Levels of Service

Needham
Site Drive at Central Ave.

Projected
Morning Peak Hour

Intersection						
Int Delay, s/veh	1.7					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	10	42	1310	12	46	331
Future Vol, veh/h	10	42	1310	12	46	331
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	0	2	0	0	2
Mvmt Flow	11	44	1379	13	48	348
Major/Minor	Minor1	Major1		Major2		
Conflicting Flow All	1830	1386	0	0	1392	0
Stage 1	1386	-	-	-	-	-
Stage 2	444	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	85	177	-	-	498	-
Stage 1	234	-	-	-	-	-
Stage 2	651	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	75	177	-	-	498	-
Mov Cap-2 Maneuver	75	-	-	-	-	-
Stage 1	234	-	-	-	-	-
Stage 2	573	-	-	-	-	-
Approach	WB	NB		SB		
HCM Control Delay, s	46.3	0		1.6		
HCM LOS	E					
Minor Lane/Major Mvmt	NBT	NBRWBLn1		SBL	SBT	
Capacity (veh/h)	-	-	140	498	-	
HCM Lane V/C Ratio	-	-	0.391	0.097	-	
HCM Control Delay (s)	-	-	46.3	13	0	
HCM Lane LOS	-	-	E	B	A	
HCM 95th %tile Q(veh)	-	-	1.7	0.3	-	

Needham
Site Drive at Central Ave.

Projected
Evening Peak Hour

Intersection						
Int Delay, s/veh	1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	12	47	523	11	42	1084
Future Vol, veh/h	12	47	523	11	42	1084
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	0	2	0	0	2
Mvmt Flow	13	49	551	12	44	1141

Major/Minor	Minor1	Major1		Major2		
Conflicting Flow All	1786	557	0	0	563	0
Stage 1	557	-	-	-	-	-
Stage 2	1229	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	91	534	-	-	1019	-
Stage 1	578	-	-	-	-	-
Stage 2	279	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	80	534	-	-	1019	-
Mov Cap-2 Maneuver	80	-	-	-	-	-
Stage 1	578	-	-	-	-	-
Stage 2	246	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	24.3	0	0.3
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	248	1019
HCM Lane V/C Ratio	-	-	0.25	0.043
HCM Control Delay (s)	-	-	24.3	8.7
HCM Lane LOS	-	-	C	A
HCM 95th %tile Q(veh)	-	-	1	0.1

Needham
Central Ave at Charles River Street

Existing 2021
Evening Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	119	128	58	4	173	39	44	330	12	44	926	44
Future Volume (vph)	119	128	58	4	173	39	44	330	12	44	926	44
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-3%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.953			0.976			0.996			0.994	
Flt Protected	0.950				0.999			0.994			0.998	
Satd. Flow (prot)	1703	1708	0	0	1748	0	0	1844	0	0	1876	0
Flt Permitted	0.458				0.996			0.708			0.968	
Satd. Flow (perm)	821	1708	0	0	1742	0	0	1314	0	0	1819	0
Right Turn on Red			No			Yes			No			Yes
Satd. Flow (RTOR)					14						4	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		787			760			563			552	
Travel Time (s)		17.9			17.3			12.8			12.5	
Peak Hour Factor	0.96	0.96	0.96	0.94	0.94	0.94	0.85	0.85	0.85	0.97	0.97	0.97
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Adj. Flow (vph)	124	133	60	4	184	41	52	388	14	45	955	45
Shared Lane Traffic (%)												
Lane Group Flow (vph)	124	193	0	0	229	0	0	454	0	0	1045	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.98	0.98	0.98
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru		Left	Thru		Left	Thru		Left	Thru	
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		CI+Ex			CI+Ex			CI+Ex			CI+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		D.Pm	NA	
Protected Phases	5	2			6			4			8	
Permitted Phases	2	6		6			4			4		
Detector Phase	5	2		6	6		4	4		4	8	

Needham
Central Ave at Charles River Street

Existing 2021
Evening Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	9.5	22.5		22.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	15.0	40.0		25.0	25.0		35.0	35.0		35.0	35.0	
Total Split (%)	20.0%	53.3%		33.3%	33.3%		46.7%	46.7%		46.7%	46.7%	
Maximum Green (s)	10.5	35.5		20.5	20.5		30.5	30.5		30.5	30.5	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0			0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.5			4.5			4.5			4.5	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?	Yes											
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	Max		Max	Max		None	None		None	None	
Act Effct Green (s)	35.5	35.5			24.6			30.5			30.5	
Actuated g/C Ratio	0.47	0.47			0.33			0.41			0.41	
v/c Ratio	0.25	0.24			0.39			0.85			1.41	
Control Delay	12.7	12.7			22.4			37.9			215.3	
Queue Delay	0.0	0.0			0.0			0.0			0.0	
Total Delay	12.7	12.7			22.4			37.9			215.3	
LOS	B	B			C			D			F	
Approach Delay		12.7			22.4			37.9			215.3	
Approach LOS		B			C			D			F	
Queue Length 50th (ft)	31	51			79			185			~672	
Queue Length 95th (ft)	61	90			147			#321			#902	
Internal Link Dist (ft)		707			680			483			472	
Turn Bay Length (ft)												
Base Capacity (vph)	512	808			581			534			742	
Starvation Cap Reductn	0	0			0			0			0	
Spillback Cap Reductn	0	0			0			0			0	
Storage Cap Reductn	0	0			0			0			0	
Reduced v/c Ratio	0.24	0.24			0.39			0.85			1.41	

Intersection Summary

Area Type: Other

Cycle Length: 75

Actuated Cycle Length: 75

Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.41

Intersection Signal Delay: 122.9

Intersection LOS: F

Intersection Capacity Utilization 97.8%

ICU Level of Service F

Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

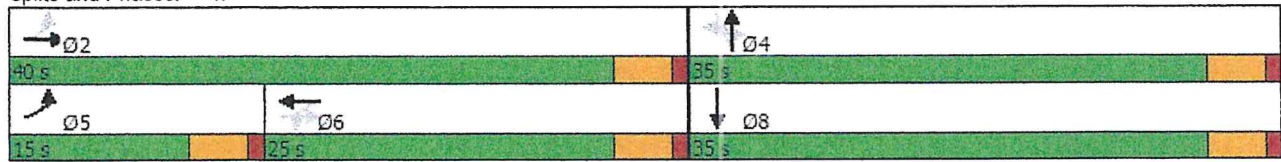
95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Needham
Central Ave at Charles River Street

Existing 2021
Evening Peak Hour

Splits and Phases: 4:



Needham
Central Ave at Charles River Street

Base 2028
Evening Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	128	137	62	5	185	42	47	353	12	47	990	47
Future Volume (vph)	128	137	62	5	185	42	47	353	12	47	990	47
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-3%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.953			0.975			0.996			0.994	
Flt Protected	0.950				0.999			0.994			0.998	
Satd. Flow (prot)	1703	1708	0	0	1746	0	0	1844	0	0	1876	0
Flt Permitted	0.438				0.995			0.677			0.965	
Satd. Flow (perm)	785	1708	0	0	1739	0	0	1256	0	0	1814	0
Right Turn on Red			No			Yes			No			Yes
Satd. Flow (RTOR)					15						4	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		787			760			563			552	
Travel Time (s)		17.9			17.3			12.8			12.5	
Peak Hour Factor	0.96	0.96	0.96	0.94	0.94	0.94	0.85	0.85	0.85	0.97	0.97	0.97
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Adj. Flow (vph)	133	143	65	5	197	45	55	415	14	48	1021	48
Shared Lane Traffic (%)												
Lane Group Flow (vph)	133	208	0	0	247	0	0	484	0	0	1117	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.98	0.98	0.98
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru		Left	Thru		Left	Thru		Left	Thru	
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex		CI+Ex	CI+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		CI+Ex			CI+Ex			CI+Ex			CI+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		D.Pm	NA	
Protected Phases	5	2			6			4			8	
Permitted Phases	2	6		6			4			4		
Detector Phase	5	2		6	6		4	4		4	8	

Needham
Central Ave at Charles River Street

Base 2028
Evening Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	9.5	22.5		22.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	15.0	40.0		25.0	25.0		35.0	35.0		35.0	35.0	
Total Split (%)	20.0%	53.3%		33.3%	33.3%		46.7%	46.7%		46.7%	46.7%	
Maximum Green (s)	10.5	35.5		20.5	20.5		30.5	30.5		30.5	30.5	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0			0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.5			4.5			4.5			4.5	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?	Yes											
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	Max		Max	Max		None	None		None	None	
Act Effect Green (s)	35.5	35.5			24.5			30.5			30.5	
Actuated g/C Ratio	0.47	0.47			0.33			0.41			0.41	
v/c Ratio	0.28	0.26			0.43			0.95			1.51	
Control Delay	13.0	12.9			23.0			53.5			259.4	
Queue Delay	0.0	0.0			0.0			0.0			0.0	
Total Delay	13.0	12.9			23.0			53.5			259.4	
LOS	B	B			C			D			F	
Approach Delay		13.0			23.0			53.5			259.4	
Approach LOS		B			C			D			F	
Queue Length 50th (ft)	34	55			87			211			~746	
Queue Length 95th (ft)	64	97			158			#365			#981	
Internal Link Dist (ft)		707			680			483			472	
Turn Bay Length (ft)												
Base Capacity (vph)	500	808			578			510			740	
Starvation Cap Reductn	0	0			0			0			0	
Spillback Cap Reductn	0	0			0			0			0	
Storage Cap Reductn	0	0			0			0			0	
Reduced v/c Ratio	0.27	0.26			0.43			0.95			1.51	

Intersection Summary

Area Type: Other

Cycle Length: 75

Actuated Cycle Length: 75

Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.51

Intersection Signal Delay: 148.8

Intersection LOS: F

Intersection Capacity Utilization 103.5%

ICU Level of Service G

Analysis Period (min) 15

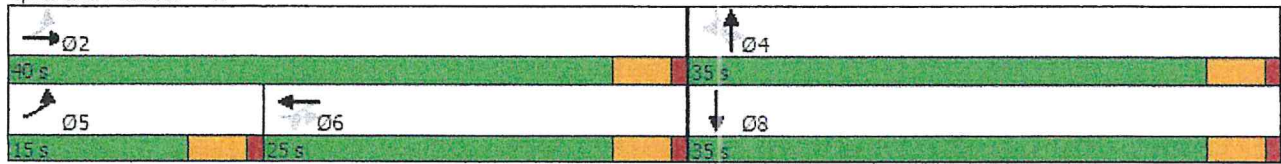
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

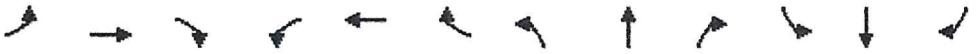
Queue shown is maximum after two cycles.

Splits and Phases: 4:



Needham
Central Ave at Charles River St

Projected w/ Day Care
Evening Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	131	137	62	5	185	43	47	360	12	48	1000	48
Future Volume (vph)	131	137	62	5	185	43	47	360	12	48	1000	48
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		0%			0%			0%			-3%	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.953			0.975			0.996			0.994	
Flt Protected	0.950				0.999			0.994			0.998	
Satd. Flow (prot)	1703	1708	0	0	1746	0	0	1844	0	0	1876	0
Flt Permitted	0.436				0.995			0.677			0.963	
Satd. Flow (perm)	782	1708	0	0	1739	0	0	1256	0	0	1810	0
Right Turn on Red			No			Yes			No			Yes
Satd. Flow (RTOR)					15						4	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		787			760			563			552	
Travel Time (s)		17.9			17.3			12.8			12.5	
Peak Hour Factor	0.96	0.96	0.96	0.94	0.94	0.94	0.85	0.85	0.85	0.97	0.97	0.97
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Adj. Flow (vph)	136	143	65	5	197	46	55	424	14	49	1031	49
Shared Lane Traffic (%)												
Lane Group Flow (vph)	136	208	0	0	248	0	0	493	0	0	1129	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.98	0.98	0.98
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru		Left	Thru		Left	Thru		Left	Thru	
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		Cl+Ex			Cl+Ex			Cl+Ex			Cl+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		D.Pm	NA	
Protected Phases	5	2			6			4			8	
Permitted Phases	2	6		6			4			4		
Detector Phase	5	2		6	6		4	4		4	8	

Needham
Central Ave at Charles River St

Projected w/ Day Care
Evening Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	9.5	22.5		22.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	15.0	40.0		25.0	25.0		35.0	35.0		35.0	35.0	
Total Split (%)	20.0%	53.3%		33.3%	33.3%		46.7%	46.7%		46.7%	46.7%	
Maximum Green (s)	10.5	35.5		20.5	20.5		30.5	30.5		30.5	30.5	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0			0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.5			4.5			4.5			4.5	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?	Yes											
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	Max		Max	Max		None	None		None	None	
Act Effct Green (s)	35.5	35.5			24.4			30.5			30.5	
Actuated g/C Ratio	0.47	0.47			0.33			0.41			0.41	
v/c Ratio	0.29	0.26			0.43			0.97			1.53	
Control Delay	13.1	12.9			23.1			57.2			268.3	
Queue Delay	0.0	0.0			0.0			0.0			0.0	
Total Delay	13.1	12.9			23.1			57.2			268.3	
LOS	B	B			C			E			F	
Approach Delay		13.0			23.1			57.2			268.3	
Approach LOS		B			C			E			F	
Queue Length 50th (ft)	34	55			88			217			~759	
Queue Length 95th (ft)	66	97			159			#374			#995	
Internal Link Dist (ft)		707			680			483			472	
Turn Bay Length (ft)												
Base Capacity (vph)	499	808			577			510			738	
Starvation Cap Reductn	0	0			0			0			0	
Spillback Cap Reductn	0	0			0			0			0	
Storage Cap Reductn	0	0			0			0			0	
Reduced v/c Ratio	0.27	0.26			0.43			0.97			1.53	

Intersection Summary

Area Type: Other

Cycle Length: 75

Actuated Cycle Length: 75

Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.53

Intersection Signal Delay: 154.2

Intersection LOS: F

Intersection Capacity Utilization 104.4%

ICU Level of Service G

Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

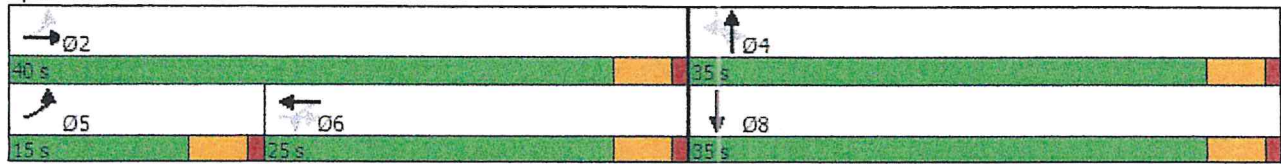
95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Needham
Central Ave at Charles River St

Projected w/ Day Care
Evening Peak Hour

Splits and Phases: 4:



GPI Signal Inventory

Intersection: Charles River Road at Central Avenue
City/Town: Needham
Date: 7/23/2021
Recorded By: JWD

Phase 1:
Phase 2: Charles River Rd EB
Phase 3:
Phase 4: Central Ave SB
Phase 5: Charles River Rd EB LT
Phase 6: Charles River Road WB
Phase 7:
Phase 8: Central Avenue NB
Phase 9:

Timing

	PHASE								
	1	2	3	4	5	6	7	8	9
MIN		5		5	5	5		5	
EXT		2		3	2	2		3	
MAX 1		10		15	7	10		15	
MAX 2		25		35	15	25		35	
MAX EXT									
YEL		3		3	3	3		3	
RED		2		2	2	2		2	
WALK									
FDW									
RECALL				Soft				Soft	
LOCK		Non-Lock		Non-Lock	Non-Lock	Non-Lock		Non-Lock	

Special Event Programming

Hours of Operation (7days)	Dial	Split	Offset
M-F			
0600-0900		MAX 2	
0900-1500		MAX 1	
1500-1800		MAX 2	
All Other Times & Sat & Sun		MAX 1	

Preemption

Preempt #	Phase Called

Ring Structure

	2		4
5	6		6

Coordination (Splits)

	Phase # - Splits (in seconds)										
Cycle/Split/Offset	1	2	3	4	5	6	7	8	9	Cycle	Offset

Remarks



111 River Street
Weymouth, MA 02191-2104
Telephone: (781) 589-7339
e-mail: jt.gillon@comcast.net

TECHNICAL MEMORANDUM

To: John Glossa, P.E., Glossa Engineering
Date: August 21, 2021
From: John T. Gillon, P.E.
Re: New Day Care Facility at 1688 Central Avenue Response

At your request, I hereby certify the attached document constitutes my response to the latest GPI, Peer Review Comments.

Sincerely,
GILLON ASSOCIATES

John T. Gillon



July 15, 2021

NEX-2021238.00

Town of Needham Planning Board
Town Hall
1471 Highland Avenue
Needham, MA 02492

SUBJECT: 1688 Central Avenue
Proposed Child Care Facility – Peer Review

Dear Ms. Newman:

The Town of Needham has retained Greenman-Pedersen, Inc. (GPI) to perform an independent review of the proposed Child Care Facility to be located at 1688 Central Avenue in Needham, MA. The following items have been reviewed:

- Traffic Impact Assessment prepared by Gillon Associates March 2021
- Traffic Impact Assessment prepared by Gillon Associates Revised March 2021
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- Various public comments provided to GPI by the Town

The above materials have been reviewed against typical engineering practices, standards, and industry guidelines. In general, it appears the traffic volumes along Central Avenue have been adequately projected to 2021 conditions, in accordance with MassDOT's recommendations on traffic projections for projects undertaken during Covid 19. In addition, based on the anticipated trip generation, it appears that the impacts of the site operation will have minimal impacts on traffic along Central Avenue. However, there are several comments noted below, particularly related to the site operations and site circulation that need further evaluation, prior to providing a definitive final assessment.

Traffic Impact Assessments (TIA)

1. The March 2021 TIA has been developed for a 9,941 square foot Child Care facility and proposed 24 parking spaces.

R-1 This has been revised based on a building size of 10,034 SF and 30 Parking Spaces

2. The study states that the site could accommodate between 80-100 students although 120 children appears to be allowed. The submission letter from Attorney Evans Huber date March 12, 2021 indicates

the site is to accommodate 100 students. If the intent is to eventually grow to 120 students, the traffic and parking analysis should be based on 120 students. Also, the TIA does not mention number of staff, although the attorney's letter indicates 13 staff. Please clarify the maximum number of students and staff in the TIA, as this impacts the parking requirements based on Town calculations of 8 parking spaces are required, plus one (1) for each 40 students, plus 1 space per staff.

R-2 The program is intended to accommodate a maximum number of 115 children. The projected total maximum staff will be 16 Staff and 2 administrators on peak days (Tuesday-Thursday); 15 Staff and 2 administrators on Mondays; and 13 Staff and 2 Administrators on Fridays . According to the Town formula referenced above, the maximum parking demand will be 29 spaces. Staff will be on site before the critical arrival and departure hours to assist children between vehicles and the building. Also, arriving staff and any parent who wishes to park will use the separate entrance lane in order to bypass the drop-off lane. The proposed parking supply is one more space than what is required under the Town calculations.

Maximum total of 115 children is broken down as follows:

- a. 55 Infants, toddlers and preschoolers arriving in the morning peak drop-off period of 7:30 a.m. to 8:50 a.m.
- b. 30 children, who will not arrive until shortly before 9:00 (or later).
- c. 30 after-school kids, who arrive in the afternoon
- d. $55 + 30 + 30 = 115$

3. Based on the June 2021 Revised TIA the number of students has increased to 113; however, there is no mention if the staff is increased and the parking capacity has been increased to 30 vehicles.

R-3 See above. The projected staff has increased to a maximum of 16 FTE and 2 administrators on peak days.

4. Based on the ITE Parking Generation 4th Edition, LUC 565 Child Care Facility, a 9,966 sf facility would have an Average Parking Demand of 24 vehicles and an 85th Percentile Peak Demand of 37 vehicles.
 - a. The proponent is currently proposing 30 spaces, which more than satisfies the Average Demand established in the ITE Parking Generation and the requirements of the Town.

R-4. Please see Figure 14. The Revised Plans show 30 parking spaces are provided for a 10,034 square-foot facility. The ITE Parking Generation Report shows this building would have an average demand of 25 spaces and an 85th Percentile Peak of 37.5 vehicles. However, for the reasons discussed below, we believe this figure is far higher than the actual number of vehicles that will be arriving during the peak drop-off period.

5. The proponent discusses additional Child Care facilities in terms of evaluating number of vehicles arriving during the peak hour. Based on the Goddard School 59 out of 80 students arrived during the peak hour. However, in the two-hour window observed (7-9AM) for 80 students a total of 96 vehicles arrived on site. Assuming a portion of these vehicles were staff, the results seem to indicate that each child appears to be in a single vehicle. Therefore, the impacts of the drop-off and pick-up (queuing, time on site, etc.) cannot be fully evaluated without understanding more about the proposed drop-off and pick up schedules.

- a. Attorney Huber's March 12, 2021 letter states, "...drop off and pick up will continue to be staggered, as is NCC's current practice...", however, further information on what the current practice entails, is not provided in the TIA or in the letter.

R5a. Based on actual data from the operator as to the number of children, there will be a maximum of 55 children arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m (80 Minutes). The next cohort of a maximum of 30 children will arrive after this peak drop-off period because their programs do not start until 9:00 or later. The remaining maximum of 30 children will not arrive until the afternoon.

In addition, the assumption that each child will arrive in a separate vehicle is significantly inconsistent with the operator's actual enrollment and experience. Years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child for a total of 40 parent vehicles that will arrive in that window. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queueing analysis.

See also R-2 and R-6.

- b. Furthermore, it would be valuable to have data from existing NCC facilities at 23 Dedham Ave and 858 Great Plain Ave in terms of number of students vs. number of vehicles, current arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queueing, etc. from the existing NCC sites.

R5b. Data has been compiled from these sites in order to provide the analysis of number of students/vehicles, arrival/pick up times, average time vehicles are on-site, assessment of drop off/pick up, queueing, etc. This analysis is shown in R-6. In addition, the drop off/pick up times have been observed to be 30-45 seconds each vehicle, but we used 60 seconds as requested by the peer review.

- c. Is the proposed facility to replace one or both of the existing NCC facilities or provide a third facility in Needham?

R5c. This location will replace the Baptist Church location that is closing.

6. Based on the March 2021 Initial TIA and on ITE Land Use Code 565 from the ITE Trip Generation Manual 10th edition a 9,941 sf Child Care Facility is expected to generate:
 - a. 109 Weekday Morning Peak Hour Trips with
 - i. 58 vehicles entering the site and
 - ii. 51 vehicles exiting the site
 - b. 111 Weekday Evening Peak Hour Trips with
 - i. 52 vehicles entering the site and
 - ii. 59 vehicles exiting the site

The March 2021 TIA appendix includes the ITE trip generation calculations, indicating 109 morning peak hour trips. The analysis then further uses data based on proponent's schedule to project 104 morning peak hour trips. However, the schedule does not mention timing on employees' arrivals

The revised March 2021 TIA proposes the same square footage facility but reduces the Morning Peak Hour Trips from 104 vehicles to 76 new morning peak hour trips with 40 vehicles entering and 36 vehicles exiting. There is no explanation provided in the TIA as to why the rates have lowered.

The April 5, 2021 Traffic Memo indicates 97 students at the site and the June 2021 Revised TIA appears to increase the square footage of the facility to 9,966 sf and the student population to 113 students. Based on the increased square footage the trip generation based on ITE LUC 565 results in:

- a. 110 Weekday Morning Peak Hour Trips with
 - iii. 58 vehicles entering the site and
 - iv. 52 vehicles exiting the site
- b. 111 Weekday Evening Peak Hour Trips with
 - v. 52 vehicles entering the site and
 - vi. 59 vehicles exiting the site

The proponent should clearly indicate the square footage of the facility, the maximum number of students and the maximum number of staff and utilize the more conservative appropriate ITE LUC calculations based on square footage to determine site traffic.

R6. As noted above, the maximum number of students will be 115, and the square footage of the building will be 10,034 square feet.

Our analysis of peak period arrivals, queueing, and site capacity is based on the Poisson distribution of random arrivals. Several scenarios were considered. The scenario considered most appropriate is based on actual data from the operator as to the number of children (max 55) that will be arriving during the peak morning drop-off period, which is from 7:30 a.m. to 8:50 a.m. Another group of children (max 30) will arrive after this peak drop-off period because their programs do not start until 9:00 or later. The remaining children using the facility are after-school children (max 30) who will not arrive until the afternoon. In addition, years of data from the operator confirm that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning that these 30 children will arrive in 15 vehicles. The other 25 children will arrive in one vehicle per child. Lastly, the morning staff will either have arrived prior to the beginning of drop-off, or, if they arrive during the peak period, they will proceed directly to the rear parking area, will not be in the drop-off lane, and thus need not be considered in the queueing analysis.

The analysis thus used the following assumptions:

- a. Random arrivals during the peak drop-off period (per GPI)
- b. Drop-off period is 80 minutes (per operator's schedule)
- c. 40 parent vehicles arriving during this period (per operator historical data)
- d. 60-second drop-off window (per GPI)

This evaluation (see figure 13 of the revised TIA) concludes that with these assumptions, there will never be more than 7 vehicles in the drop-off lane. Furthermore, even with considerably more conservative assumption requested by GPI as to the number of vehicles (58) arriving during the drop-off window (see figure 8 of the Revised TIA), there will never be a back-up onto Central Ave because (1) the site has 30 parking spaces; (2) the drop-off lane can accommodate 10 vehicles; and (3) the lane accessing the rear parking areas, which is 390 feet long, can accommodate as many as an additional 19 vehicles. It is important to remember that the figure of 58 vehicles exceeds the actual number of children that will be arriving during this window, even if every child, including all siblings in the program, arrived in a separate vehicle. Also, at GPI's request, the driveway itself has been widened to formalize the separate inbound stacking or queue lane. In addition, the turn-around area has been modified at GPI's request to improve safety and circulation.

7. The March 2021 TIA does not cite the date of traffic counts on Central Avenue. The revised March 2021 TIA cites traffic counts from February 4th; however, no year is provided. It is assumed that these were counts from 2021. Please confirm.

R7. Confirmed

8. Due to Covid 19, traffic levels from 2020 and 2021 have generally decreased and while slowly increasing are generally still below pre-2020 levels. Based on MassDOT guidelines for traffic studies, the standard practice has been to use pre-2020 traffic data where possible and factor to current conditions based on historic growth rates. Based on the revised March 2021 TIA, the proponent has done this and has utilized 2016 traffic data provided by the town along Central Ave in the vicinity of the site and factored volumes by 1.6% annual to 2021 conditions. However, the proponent does not cite how the 1.6% growth rate was selected. Please provide a source for the assumed growth rate.

R-8 This figure was expanded from a combination of turning movement counts and a one-time automatic recorder count. At the July 23rd meeting with the Peer Reviewer, it was decided to include the Central Avenue / Charles River Street intersection for the evening peak hour, since counts were available, and grow all volumes by the more regional normal Growth Factor of one percent per year for all years since the count was obtained.

9. The March 2021 TIA indicates that trip distribution reflects the existing Central Avenue directional distribution (70% NB/30% SB). The entering traffic is therefore distributed for 70% of the traffic to enter from the south (Right Turn in) and 30% of the traffic to enter from the north (Left Turn in). However, the exiting traffic assigns 70% of the traffic to right turns (continuing north) and only 30% turning left (continuing south). This would indicate that all the drop off trips are acting similar to “pass-by trips” and dropping off students on the way to another destination. If the trips are new trips, the vehicles would be returning from the direction they originated from.

Therefore, the left turn volume out of the site could be higher than projected. Left turn movements across two lanes of traffic generally require larger gaps and longer wait times than right turns, so a higher percentage of left turning traffic leaving the site could impact queueing on site.

The proponent should provide further data (ITE Pass-By rates, or data based on current/proposed operations) to support the exiting distribution.

R-9 The original Directional Distribution was based on projections along with current and historical data of the NCC existing facility. Based on the Peer Review meeting of July 23rd, we observed the existing directional distribution of the Gan Aliyah Pre-School at Temple Aliyah as shown on Figure 9 of the Revised TIA.

10. The level of service sheets provided are for the proposed Morning and Evening Peak Hours based on 2021 traffic volumes. An analysis of Build Conditions when the site is constructed and operational should also be provided. Industry standards is for a 7 year build out period. Please provide analysis of 2028 conditions with the site fully operational and appropriate traffic increases along Central Avenue.

Please provide a summary table comparing the 2021 Existing Conditions, 2028 No-Build Conditions and the 2028 Build conditions, including Delays, Queues, and V/C ratios by lane.

R-10 The Levels of Service Delay, and average and maximum queue lengths for Existing (2021), Baseline (2028), and Projected or Build Conditions by lane are provided on Figure 12 of the Revised TIA.

11. The TIA discusses Minimum Safe Stopping Sight Distance (MSSD) and Stopping Sight Distance at a Driveway and indicates correctly that "... if the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions." AASHTO also discusses Intersection Sight Distance, which is a recommended distance that allows a vehicle to enter the roadway and an approaching vehicle to adjust speed, but not have to stop. (See attached for explanation of various sight distance criteria) The proponent should indicate what the Intersection Sight distance existing at the driveway is.

R-11 The Intersection Sight Distance is computed as follows and is now included within the Revised TIA.

$$ISD = 1.47 V_{Major} t_g$$

Where: V = roadway design speed or 85th percentile, and t_g = time gap for driveway maneuver

t_g = 7.5 seconds for Left Turn from Stop, t_g = 6.5 seconds for Right Turn from Stop,

Therefore, the Left-Turn ISD = 1.47 (39) (7.5) = 430 feet.

Similarly, the Right-Turn ISD = 1.47 (37) (6.5) = 354 feet.

Roadway is fairly flat and straight and Intersection Sight Distance is provided

12. The Revised June 2021 TIA discusses the traffic signal operations at the intersection of Central Avenue and Charles River Road and mentions the optimal traffic signal length of sixty (60) seconds. The proponent should clarify the following:
- What are the current signal operations (cycle lengths, phase times, time of day operations) and explain if that differs from the optimal 60 seconds mentioned?
 - The proponent should provide LOS calculations for the signal based on existing conditions, and optimized timings.
 - If timing changes are required at the signal, the proponent should commit to implementing those changes.
 - We would recommend the proponent provide an analysis of the signalized intersection of Central Avenue at Charles River Road under the following scenarios.
 - 2021 existing morning and evening peak hours (adjusted volumes based on Covid 19) without the site present
 - 2028 morning and evening peak hours without the site (Future No-Build)
 - 2028 morning and evening peak hours with the Site – No mitigation (Future Build)
 - 2028 morning and evening peak hour with the site and any signal timing modifications (Future Build with Mitigation)

R-12 The original optimal cycle length at the Central Avenue / Charles River Street intersection was presumed based on the "Trafficware-Synchro" assessment of the old traffic counts allowed to run free at the optimal cycle length and splits. Since the existing traffic signal timing was obtained by GPI, we have re-run the analysis for the evening peak hour, where we had counts, for the various scenarios mentioned above as shown in the Revised TIA.

13. The Revised June 2021 TIA discusses queuing of morning arrivals and uses 40 vehicle drop offs based on the proponents proposed schedule. However, the number of peak hour trips has been reduced. ITE rates indicate that close to 60 vehicles could arrive during the morning peak hour. Furthermore, there is no discussion about afternoon pick-ups, where parents generally arrive and wait for students, as opposed to the quicker morning drop offs.

R-13 The critical morning peak hour queue was evaluated in depth based on the operator's data showing random arrivals of the child care program operator. See R-6, above. This assessment along with the assessment suggested by the Peer Reviewer is also discussed in the Revised TIA and is presented on Figures 13 and 14 of the Revised TIA. In addition, a separate lane has been added to allow for greater capacity than was shown in prior iterations.

With respect to the afternoon pick up schedule, the operator has provided the following information:

1. There are a total of 20 children (max) in the nursery school group whose program ends at either noon or 2:30. There are 10 (max) pre-school children whose day ends at 3:00. These 30 children will all be gone by 3:15 or earlier.
2. Of the remaining 85 (max) children, the same ratio of siblings as discussed above in R-6 for morning drop-off applies. In other words, out of 85 children, approximately 46 will be siblings, requiring 23 vehicles. The other 39 children will be picked up in one vehicle per child, for a total of an expected 62 vehicles picking up 85 children.
3. The pick-up window for these 85 children (62 vehicles) is from 3:30 to 6:00. Parent pick-ups are spaced relatively evenly throughout this 2.5 hour window; some children are picked up at the early end of this window because of their young age; some are picked up earlier or in the middle of the window because they have after-school activities such as sports, music lessons, etc.; some stay until close to the end of the day.

Given this volume of vehicles and the length of the pick-up window (2.5 hours), the number of cars that can be expected to arrive at any one time is very similar to the analysis discussed in R-6, above. Maximum queueing in the afternoon will be no greater than, and probably less than, maximum queueing in the morning peak drop-off period.

Thank you for the opportunity to provide this additional information.

GLOSSA ENGINEERING INC
46 EAST STREET
EAST WALPOLE.MA 02032
PHONE 508-668-4401
FAX 508-668-4406
EMAIL glossaeng@aol.com

August 31, 2021

Ms Lee Newman
Director of Planning and Community Development
Town Hall
1471 Highland Avenue
Needham, MA 02492

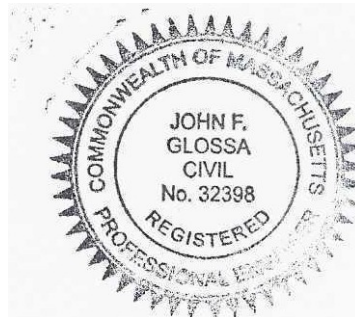
RE: Proposed Child Care Facility
1688 Central Avenue

The attached document represents my response to the Site Plan Review portion of the GPI Peer Review Comments that are dated July 12, 2021.

Very truly yours,

John F. Glossa P.E.

Cc Evans Huber, Esquire



draft

July 12, 2021

NEX-2021238.00

Ms Lee Newman
Director of Planning & Community Development
Town Hall
1471 Highland Avenue
Needham, MA 02492

SUBJECT: 1688 Central Avenue
Proposed Child Care Facility – Peer Review

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The proponent should clearly indicate the square footage of the facility, the maximum number of students and the maximum number of staff and utilize the more conservative appropriate ITE LUC calculations based on square footage to determine site traffic.

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Therefore, the left turn volume out of the site could be higher than projected. Left turn movements across two lanes of traffic generally require larger gaps and longer wait times than right turns, so a higher percentage of left turning traffic leaving the site could impact queueing on site.

The proponent should provide further data (ITE Pass-By rates, or data based on current/proposed operations) to support the exiting distribution.

- 10. The level of service sheets provided are for the proposed Morning and Evening Peak Hours based on 2021 traffic volumes. An analysis of Build Conditions when the site is constructed and operational should also be provided. Industry standards is for a 7 year build out period. Please provide analysis of 2028 conditions with the site fully operational and appropriate traffic increases along Central Avenue.

Please provide a summary table comparing the 2021 Existing Conditions, 2028 No-Build Conditions and the 2028 Build conditions, including Delays, Queues, and V/C ratios by lane.

- 11. The TIA discusses Minimum Safe Stopping Sight Distance (MSSD) and Stopping Sight Distance at a Driveway and indicates correctly that "... if the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions." AASHTO also discusses Intersection Sight Distance, which is a recommended distance that allows a vehicle to enter the roadway and an approaching vehicle to adjust speed, but not have to stop. (See attached for explanation of various sight distance criteria) The proponent should indicate what the Intersection Sight distance existing the driveway is.

12. The Revised June 2021 TIA discusses the traffic signal operations at the intersection of Central Avenue and Charles River Road and mentions the optimal traffic signal length of sixty (60) seconds. The proponent should clarify the following:
 - a. What are the current signal operations (cycle lengths, phase times, time of day operations) and explain if that differs from the optimal 60 seconds mentioned?
 - b. The proponent should provide LOS calculations for the signal based on existing conditions, and optimized timings.
 - c. If timing changes are required at the signal, the proponent should commit to implementing those changes.
 - d. We would recommend the proponent provide an analysis of the signalized intersection of Central Avenue at Charles River Road under the following scenarios.
 - i. 2021 existing morning and evening peak hours (adjusted volumes based on Covid 19) without the site present
 - ii. 2028 morning and evening peak hours without the site (Future No-Build)
 - iii. 2028 morning and evening peak hours with the Site – No mitigation (Future Build)
 - iv. 2028 morning and evening peak hour with the site and any signal timing modifications (Future Build with Mitigation)
13. The Revised June 2021 TIA discusses queuing of morning arrivals and uses 40 vehicle drop offs based on the proponents proposed schedule. However, the number of peak hour trips has been reduced. ITE rates indicate that close to 60 vehicles could arrive during the morning peak hour. Furthermore, there is no discussion about afternoon pick-ups, where parents generally arrive and wait for students, as opposed to the quicker morning drop offs.

SITE PLAN REVIEW

14. Pavement markings should be shown on the plan (centerline, directional arrows, STOP lines, etc.) **Pavement markings have been added to the plans.**
15. Sidewalks are labeled as 5' and the roadway width as 24'. The 6" curb needs to be accounted for, so sidewalks should be labeled as a minimum 5.5' to account for curbing. **The detail has been amended to include the 6" curb. The curb is shown on the site plan.**
16. What is the purpose of the 12.67' loading zone? What size vehicle is expected to need access to the loading area. Truck turning templates should be provided showing access and egress from the loading area as well as the dumpster pad. **The loading zone is for vans and small trucks that will be dropping off school and office supplies.**
17. Curb stops should be provided for any parking spaces in front of sidewalks to ensure vehicle overhang does not impact sidewalk access. **Concrete wheel stops have been added to the plans.**
18. We question why the barn building is retained. It seems the site operations (parking, drop-off/pick-up, overall circulation, etc.) would operate smoother if the building was removed and a separate structure designed in a location that would not impact traffic and pedestrian flows. What is the purpose of the traffic island and what is the proposed traffic circulation around it? It appears it would function as a mini roundabout with counterclockwise traffic flow. However, it's unclear if EB traffic destined for the parking areas is anticipated to circulate around the island or drive straight to the north of the island. If the latter is the case, this would appear to cause conflicts with vehicles in the parking areas. **The barn building has value and is proposed to remain. The traffic island is not the center of a roundabout. A queuing lane, pavement markings and signs will direct traffic.**
19. Has a second driveway been considered? This could provide separate entrance and exits and provide improved circulation, emergency vehicle access and drop-off/pick up operations. **A second driveway was considered early on in the design, but it was decided that it would make more sense to keep the driveway as close as possible to the non residential abutter.**
20. Has a plan where the parking, drop-off/pick-up is provided in front of the school where the property is larger and the building further to the east been considered. This could provide a larger and more consistent parking and circulation route.

The operator of the Daycare wants the main entrance to be in the location shown, allowing for a queuing lane.

22. The proponent should construct fully compliant ADA sidewalks along the property frontage and tie into existing sidewalks at the property limits. The proponent intends to do that.

23. The proponent should ensure that the construction of the site drive does not impact the drainage, particularly with the existing catch basin on the NW corner of the existing driveway.

It appears the existing CB will be in the center of the driveway on the gutter line. With the introduction of two wheelchair ramps the construction plans should consider relocating or providing additional drainage to ensure ponding in the vicinity of the wheelchair ramps does not occur. The area at the driveway curb cut has been redesigned so that storm water runoff will not pass over the sidewalk. This was done by creating a low spot in the driveway and adding 2 catch basins in that low spot.

Conclusions After reviewing all materials presented by the town, the following appear to be the major concerns:

- The proponent needs to clearly identify the square footage of the building and the maximum number of students and teachers.
- The proponent needs to provide additional information to support the drop-off/pick-up schedules including how long it takes parents, particularly with younger children to unload and load.
- The reports continually indicate the morning is the critical time; however, the site generates virtually the same number of trips during the evening peak hours and generally pick up periods are more congested as parents arrive and have to wait for children rather than simply dropping off in the morning.
- Trip Generation should be based on the more conservative ITE LUC 565 based on square footage, for both the morning and evening peak hours.
- Further explanation is needed to support the distribution of exiting vehicles.
- An analysis of the Central Avenue at Charles River Road signal should be completed.
- LOS operations for both the site drive and Central Avenue at Charles River Road should be completed under the following scenarios:
 - o Existing 2021 No Build Conditions
 - o Future 2028 No Build Conditions
 - o Future 2028 Build Conditions (No Mitigation)
 - o Future 2028 Build Conditions (with Mitigation)
- Revisions/modifications to the site plan appear to be required for better circulation, drop-off/pick-ups, and parking, as well as pedestrian access.

Should you have any questions, or require additional information, please do not hesitate to contact me at (978) 570-2953 or via email at jdiaz@gpinet.com.

Sincerely,

GREENMAN-PEDERSEN, INC.



John W. Diaz, PE, PTOE
Vice President/Director of Innovation

enclosure(s)

MEMORANDUM

To: Needham Planning Department

From: Evans Huber, Esq.

Date: August 4, 2021

Subject: Additional Changes to Proposed Project at 1688 Central Avenue Following the July 20 Hearing

As requested by email from Alex Clee dated August 3, the following is a summary of the changes that Needham Enterprises has made to the proposed project following the July 20, 2021 PB hearing, in response to input from the peer reviewer, John Diaz of GPI. This memo supplements, but does not repeat, the changes to the project (as compared to the original submission) that are set forth in the “bullet points” memo that was part of the July 20 hearing presentation materials.

- The driveway has been widened to provide three lanes;
 - a drop-off and pick-up queueing lane adjacent to the sidewalk (8 feet wide)
 - an entrance lane providing unimpeded access to the rear parking areas (11 feet wide)
 - an exit lane for exit from the rear parking areas as well as the drop-off and pickup area (11 feet wide).
 - Drop-off and pick-up will still be permitted only at the main entrance where the staff is stationed.
 - Up to the island, the main travel lanes are a combined 22 feet wide, which exceeds the required width set forth in section 5.1.3(i) of the Bylaw. To the east of the island, they remain 24 feet wide.
- The driveway entrance shape has been changed to reinforce that the pick-up and drop-off lane is separate from the main travel lane to the rear parking areas
- Yellow and white lane lines have been added to clearly differentiate travel lanes from the drop-off and pick-up lane.
- Directional arrows as shown on the plan will be painted on the various lanes.
- The island has been changed to a teardrop shape to reinforce the direction of travel for the drop-off and pick-up lane versus the rear parking area access lane.
- A Stop sign and stop line has been added to the exit from the drop-off and pick-up area, for vehicles returning to the exit lane.
- Do Not Enter signs have been added (facing the travel lanes) at the exit from the drop-off and pick-up area.
- The plantings in the island have been changed to Junipers, and the plantings closest to the barn (north side) have been changed to Creeping Junipers
- Concrete wheel stops have been added to the parking areas
- The area at the driveway curb cut has been redesigned so that stormwater runoff will not pass over the sidewalk. This was done by creating a low spot in the driveway and adding two catch basins in that low spot.

Building façade, size, and location are the same as presented at the July 20 hearing. Other than as noted above, the landscaping plan has not changed from what was presented at the July 20 hearing.

ZONING LEDGEND:				
SINGLE RESIDENCE A	REQUIRED/ALLOWED	EXISTING	PROPOSED	COMPLIANCE
MIN. AREA	43,560 S.F.	146,003 S.F.	146,003 S.F.	YES
MIN. FRONTAGE	150'	250.05'	250.05'	YES
MIN. SETBACK FRONT	30'	*105.0' **211.2' ***276.3'	64.0'	YES
MIN. SETBACK SIDE	25'	*67.5' **65.0' ***54.2'	52.3'	YES
MIN. SETBACK REAR	15'	*864.9' **763.4' ***677.0'	811.0'	YES
MAXIMUM STORIES	2-1/2	*2 **1 ***2	1	YES
MAXIMUM HEIGHT	35'	*30.7' **15.3' ***31.2'	24.7'	YES
BUILDING COVERAGE	NR	NR	NR	YES
FLOOR AREA RATIO	NR	NR	NR	YES
DRIVEWAY OPENINGS	18' – 25'	19'	24'	YES

*EXISTING HOUSE (TO BE DEMOLISHED)
**OUT BUILDING -1 (TO BE DEMOLISHED)
***OUT BUILDING -2 (TO REMAIN)

ZONING BYLAW 6.1.3 PARKING PLAN AND DESIGN REQUIREMENTS

	REQUIRED/ALLOWED	EXISTING	PROPOSED	COMPLIANCE
A) PARKING ILLUMINATION	AVG. 1 FOOT CANDLE	N/A	AVG. 1 FOOT CANDLE	YES
B) LOADING REQUIREMENTS	N/A	N/A	N/A	YES
C) HANDICAPPED REQUIREMENTS	2	N/A	2	YES
D) DRIVEWAY OPENINGS	1	1	1	YES
E) COMPACT CARS	50% (8'X16')	N/A	N/A	YES
F) PARKING SPACE SIZE	9'X18.5'	N/A	9'X18.5'	YES
G) BUMPER OVERHANG	1' OVERHANG	N/A	NONE REQUIRED	YES
H) PARKING SPACE LAYOUT	N/A	N/A	N/A	YES
I) WIDTH OF MANEUVERING AISLE	24' (90" STALL)	N/A	24' (90" STALL)	YES
J) PARKING SETBACK				
-FRONT	10'	N/A	*207.5'	YES
-SIDE	4'	N/A	26.9'	YES
-REAR	4'	N/A	609.6'	YES
-BUILDING	5'	N/A	5'	YES
K) LANDSCAPE AREA	10%	N/A	10%	YES
L) TREES	1 PER 10 SPACES (3)	N/A	3	YES
M) LOCATION	WITHIN LOT	N/A	WITHIN LOT	YES
N) BICYCLE RACKS	NONE REQUIRED	N/A	NONE REQUIRED	YES

* TO LOADING AREA

REQUIRED PARKING TO BE DETERMINED BY BUILDING INSPECTOR
PARKING PROVIDED SPACES INCLUDING 2 HANDICAP SPACES

LANDSCAPE AREA REQUIREMENT IS 10% OF REQUIRED SET BACK AREA. SET BACK AREA IS 3,939 S.F.
10% OF 3,939 IS 394 S.F. OF MAINTAINED LANDSCAPE AREA REQUIRED 25% OF THAT OR 98 S.F. TO
BE LOCATED WITHIN THE INTERIOR OF THE PARKING AREA. 860 S.F. PROVIDED WITHIN PARKING AREA

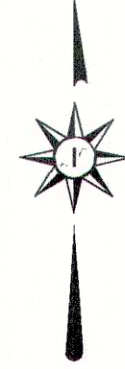
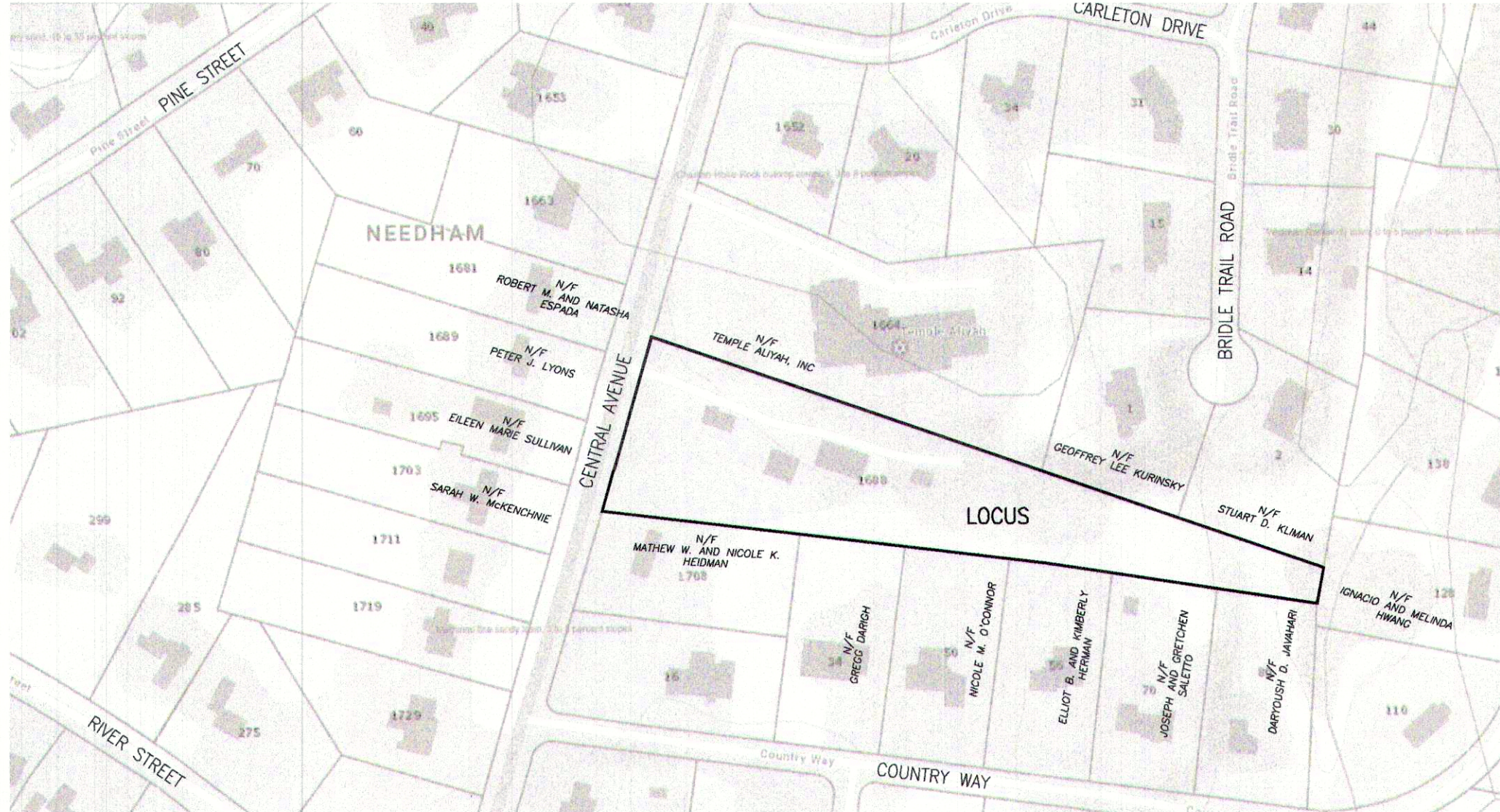
SITE DEVELOPMENT PLANS

DAYCARE

1688 CENTRAL AVENUE

NEEDHAM, MA

JUNE 22, 2020



LOCUS
N.T.S

PLAN INDEX

SHEET	1:	COVER SHEET
SHEET	2:	EXISTING CONDITIONS PLAN
SHEET	3:	SITE PLAN
SHEET	4:	GRADING AND UTILITIES PLAN
SHEET	5:	LANDSCAPE PLAN
SHEET	6 & 7:	DETAILS
SHEET	8:	SEWER PLAN AND PROFILE
SHEET	9:	CONSTRUCTION PERIOD PLAN
APPENDIX		PHOTOMETRIC AND SITE LIGHTING PLAN

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE

OWNER:

NEEDHAM ENTERPRISES LLC
105 CHESTNUT STREET SUITE 28
NEEDHAM, MA 02492

APPLICANT:

NEEDHAM ENTERPRISES LLC
105 CHESTNUT STREET SUITE 28
NEEDHAM, MA 02492

ASSESSORS PARCELS:

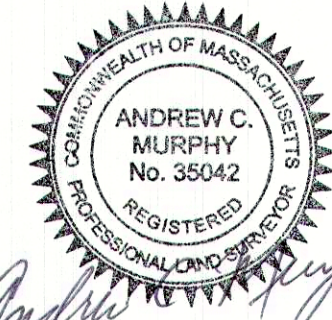
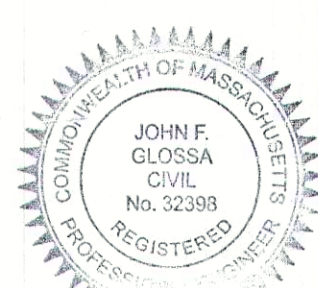
MAP 199, LOT 213

DEED REFERENCE:

BOOK 37770 PAGE 308

PLAN REFERENCE:

PLAN OF LAND DATED SEPTEMBER 28, 1933
BY P.D.G. HAMILTON, CIVIL ENGINEER



John F. Glossa
7/28/21

Andrew C. Murphy
7/28/21

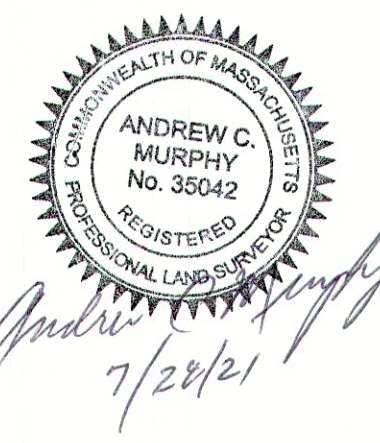
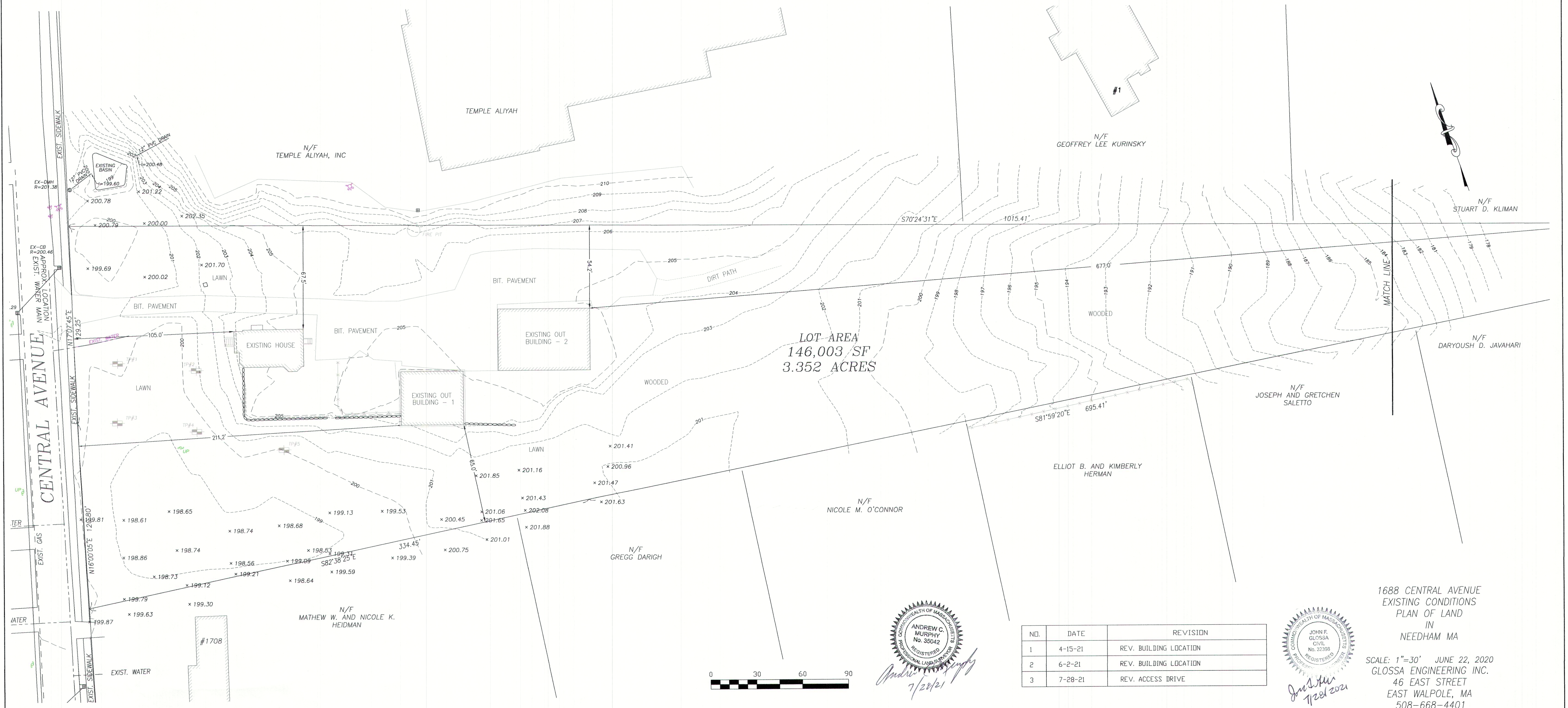
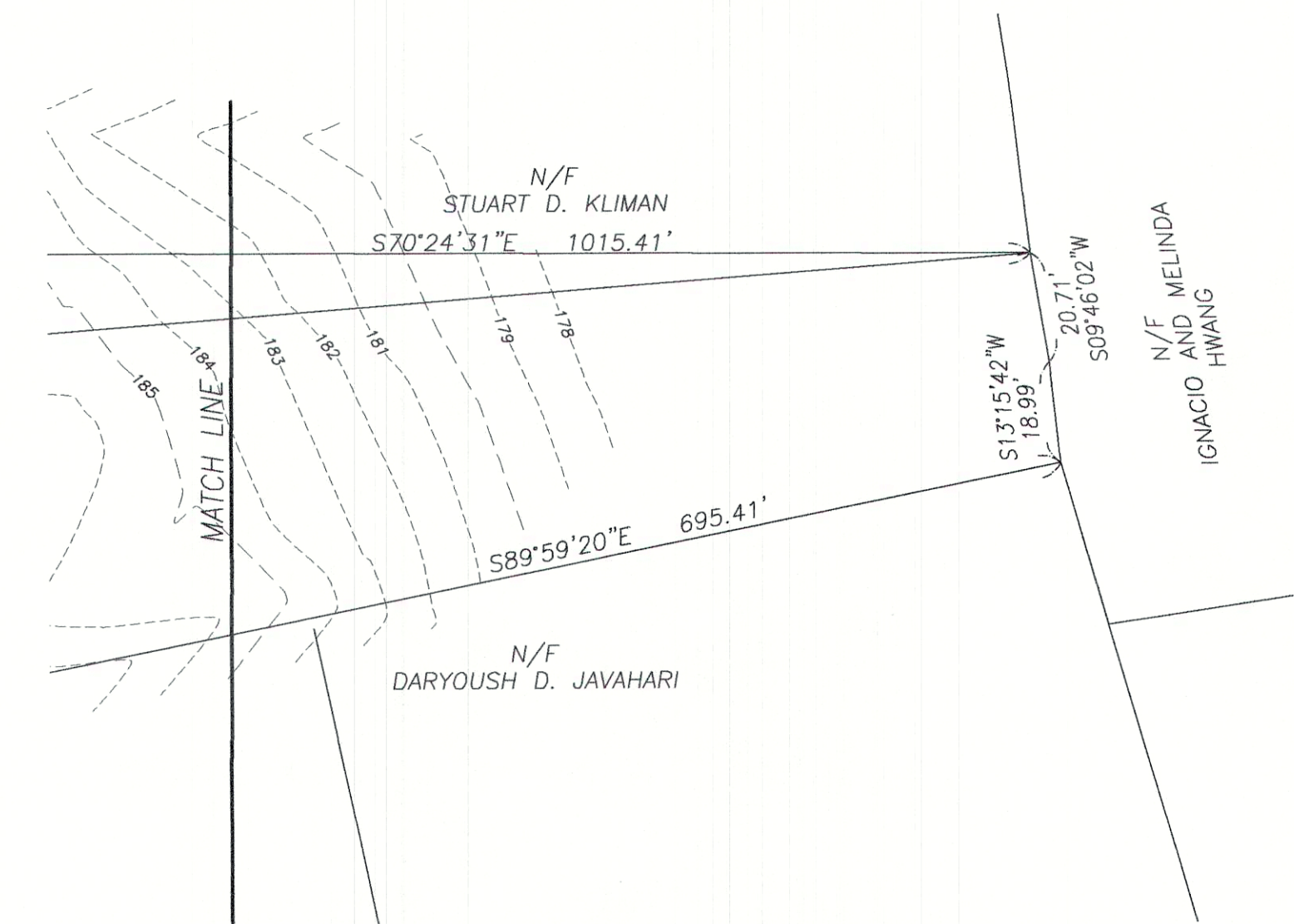
PREPARED BY
GLOSSA ENGINEERING, INC.
46 EAST ST
EAST WALPOLE, MA 02032
(508) 668-4401

LEDGEND:

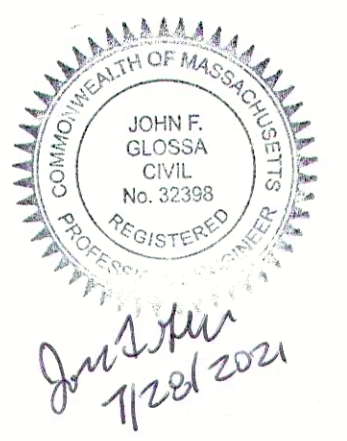
- EXISTING GRADE
- EXISTING SPOT GRADE
- EXISTING GAS MAIN
- EXISTING SEWER MANHOLE
- EXISTING DRAIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING ELECTRIC MANHOLE
- EXISTING UTILITY POLE
- EXISTING TEST PIT
- EXISTING BOUND
- EXISTING FENCE
- EXISTING FIRE HYDRANT
- EXISTING GATE VALE

TEST PIT # 1	TEST PIT # 2	TEST PIT # 3	TEST PIT # 4	TEST PIT # 5
0" A SANDY LOAM 10YR 3/2 200.00	0" A SANDY LOAM 10YR 3/2 201.00	0" A SANDY LOAM 10YR 3/2 199.50	0" A SANDY LOAM 10YR 3/2 199.75	0" A SANDY LOAM 10YR 3/2 200.00
14" B SANDY LOAM 10YR 5/8 198.33	13" B1 SANDY LOAM 10YR 5/8 199.92	12" B SANDY LOAM 10YR 5/8 198.50	12" B SANDY LOAM 10YR 5/8 198.75	13" B SANDY LOAM 10YR 5/8 198.92
40" C SAND 2.5Y 5/4 199.67	28" B2 SANDY LOAM 2.5Y 6/3 198.67	26" C SAND 2.5Y 5/4 197.33	24" C SAND 2.5Y 5/4 197.75	48" C SAND 2.5Y 5/4 196.00
112" NO REFUSAL NO MOTTILING NO WEEPING 190.67	48" C SAND 2.5Y 5/4 197.00	120" NO REFUSAL NO MOTTILING NO WEEPING 189.50	114" NO REFUSAL NO MOTTILING NO WEEPING 190.25	136" NO REFUSAL NO MOTTILING NO WEEPING 188.67
	108" NO REFUSAL NO MOTTILING NO WEEPING 192.00			

SOIL TEST PERFORMED BY JOHN F. GLOSSA P.E. SOIL EVALUATOR #890 ON 3-24-20



NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE



1688 CENTRAL AVENUE
EXISTING CONDITIONS
PLAN OF LAND
IN
NEEDHAM MA
SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

CONSTRUCTION NOTES:

1) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN ON THIS PLAN AND THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN MAY VARY FROM THEIR FIELD LOCATION. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF THE CONSTRUCTION.

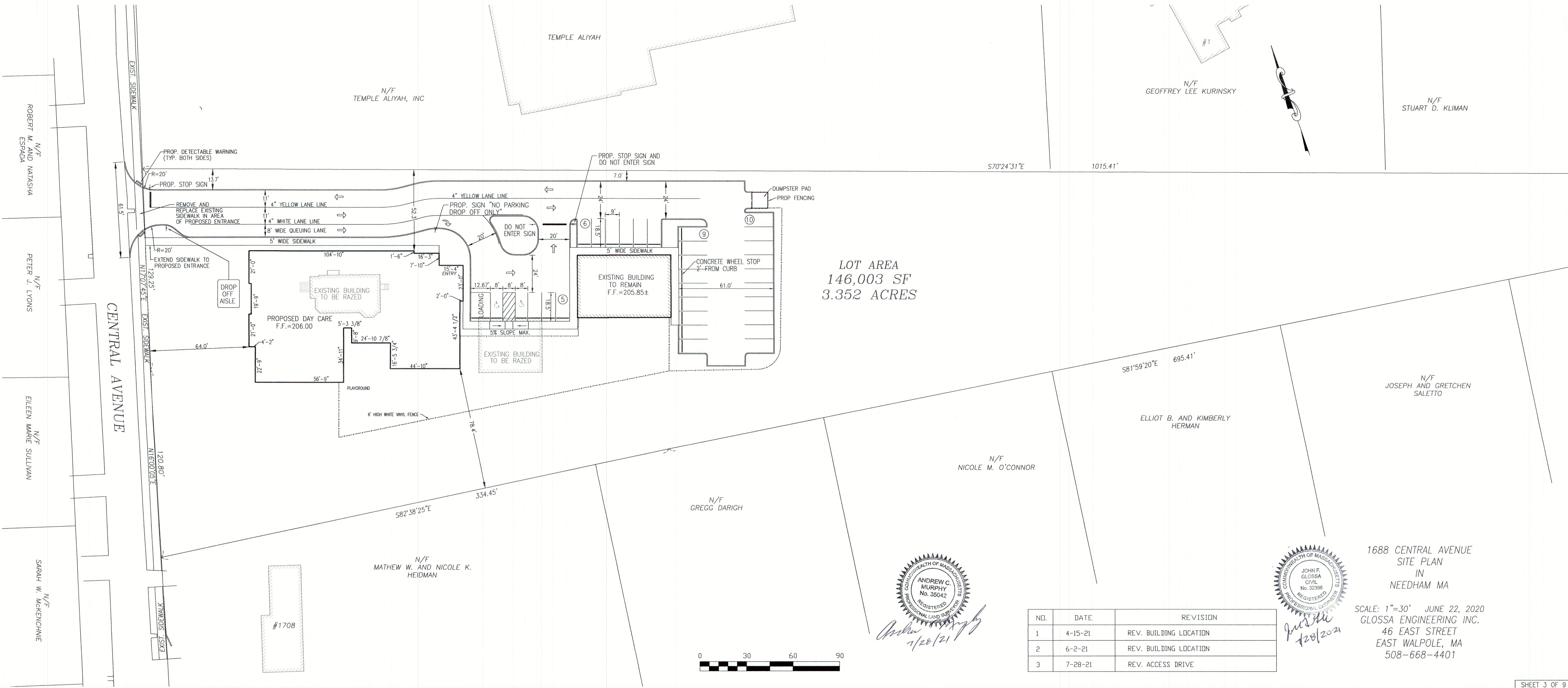
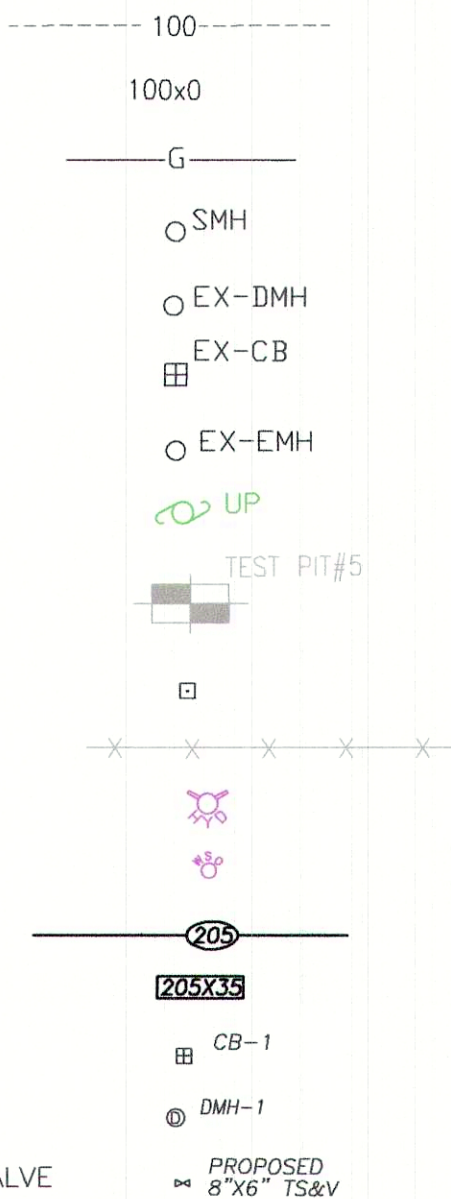
2) ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT.

GENERAL NOTES:

1) THE PROJECT DOES NOT REQUIRE AN ELECTRICAL TRANSFORMER AND WILL NOT HAVE A GENERATOR.

LEDGEND:

- EXISTING GRADE
EXISTING SPOT GRADE
EXISTING GAS MAIN
EXISTING SEWER MANHOLE
EXISTING DRAIN MANHOLE
EXISTING CATCH BASIN
EXISTING ELECTRIC MANHOLE
EXISTING UTILITY POLE
EXISTING TEST PIT
EXISTING BOUND
EXISTING FENCE
EXISTING FIRE HYDRANT
EXISTING GATE VALE
PROPOSED GRADE
PROPOSED SPOT GRADE
PROPOSED CATCH BASIN
PROPOSED DRAIN MANHOLE
PROPOSED TAPPING SLEEVE AND VALVE



1688 CENTRAL AVENUE
SITE PLAN
IN
NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
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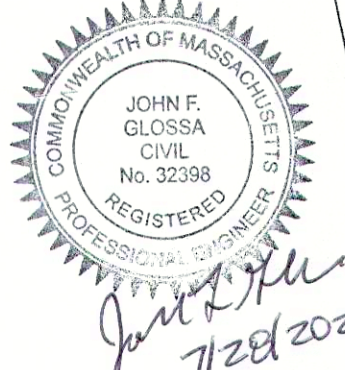
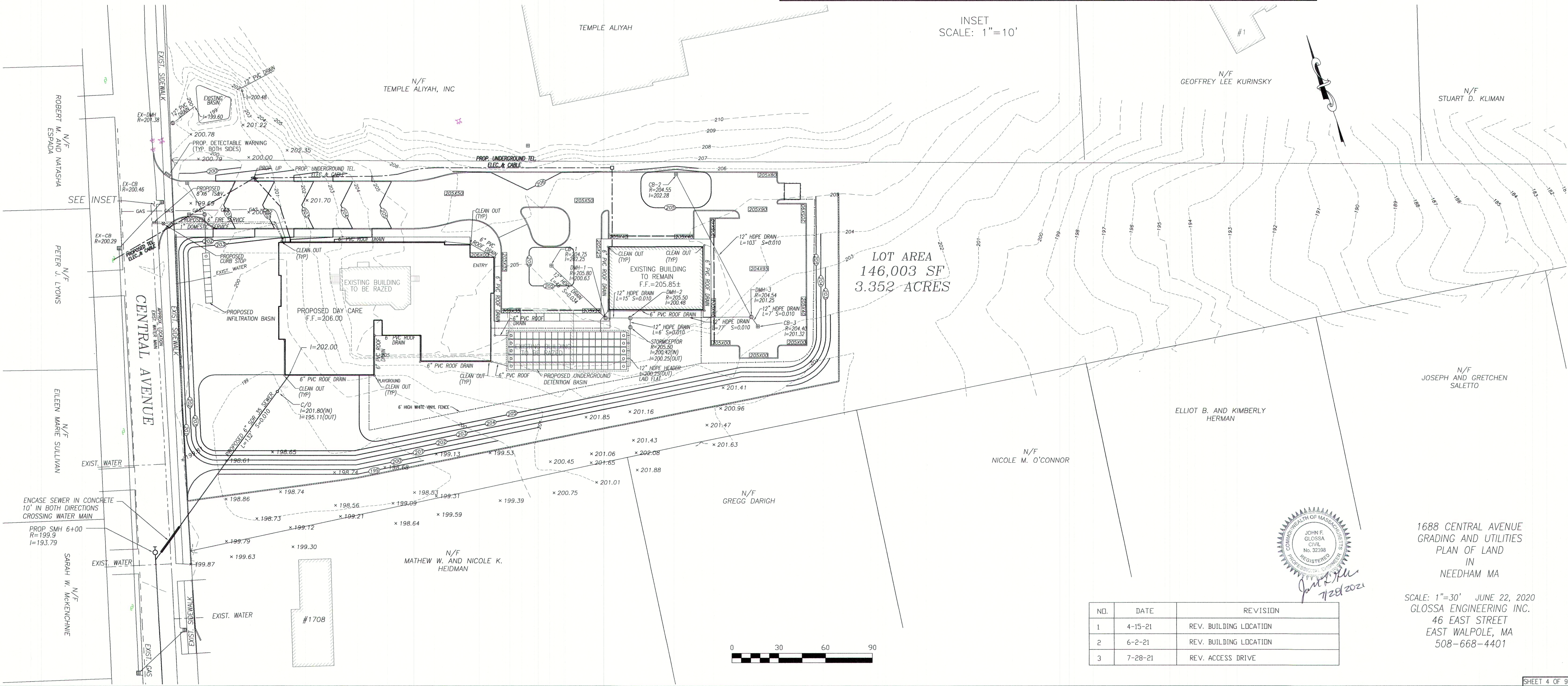
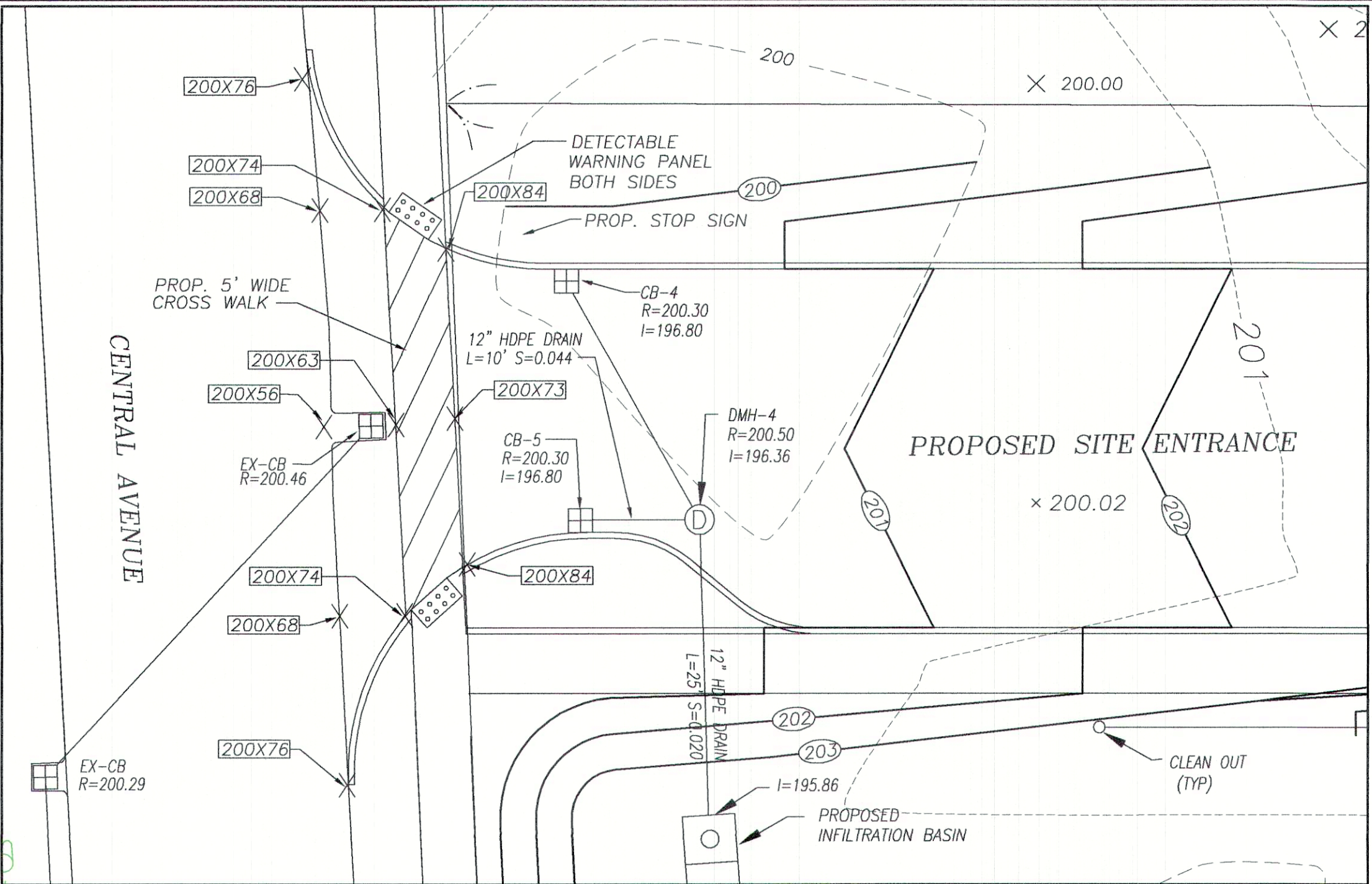
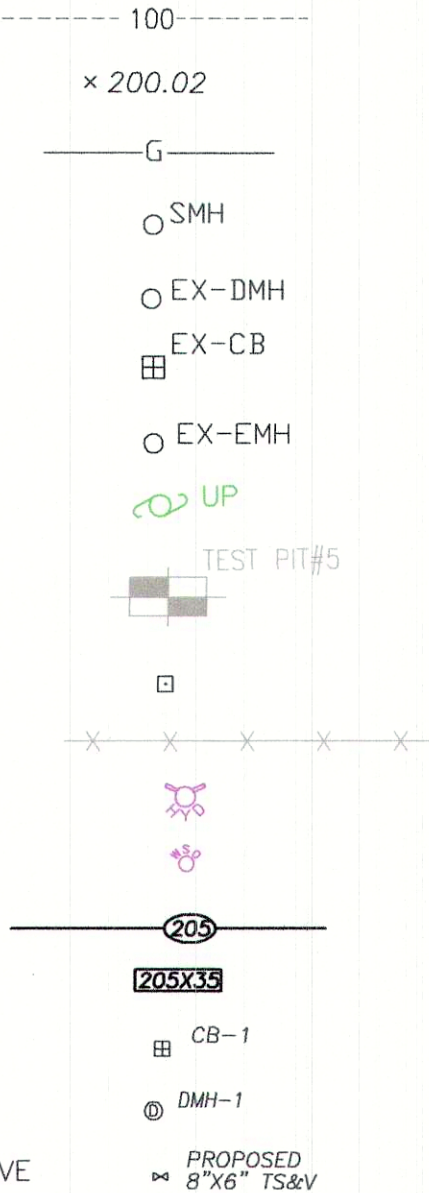
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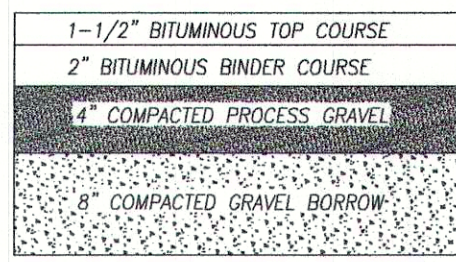
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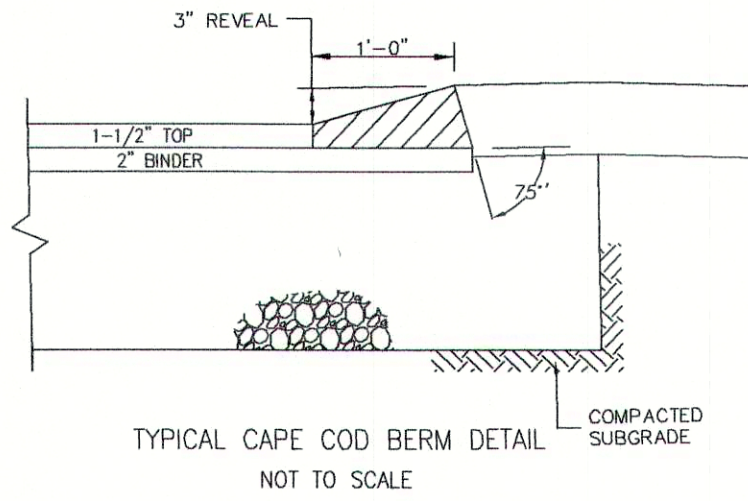
1688 CENTRAL AVENUE
GRADING AND UTILITIES
PLAN OF LAND
IN
NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

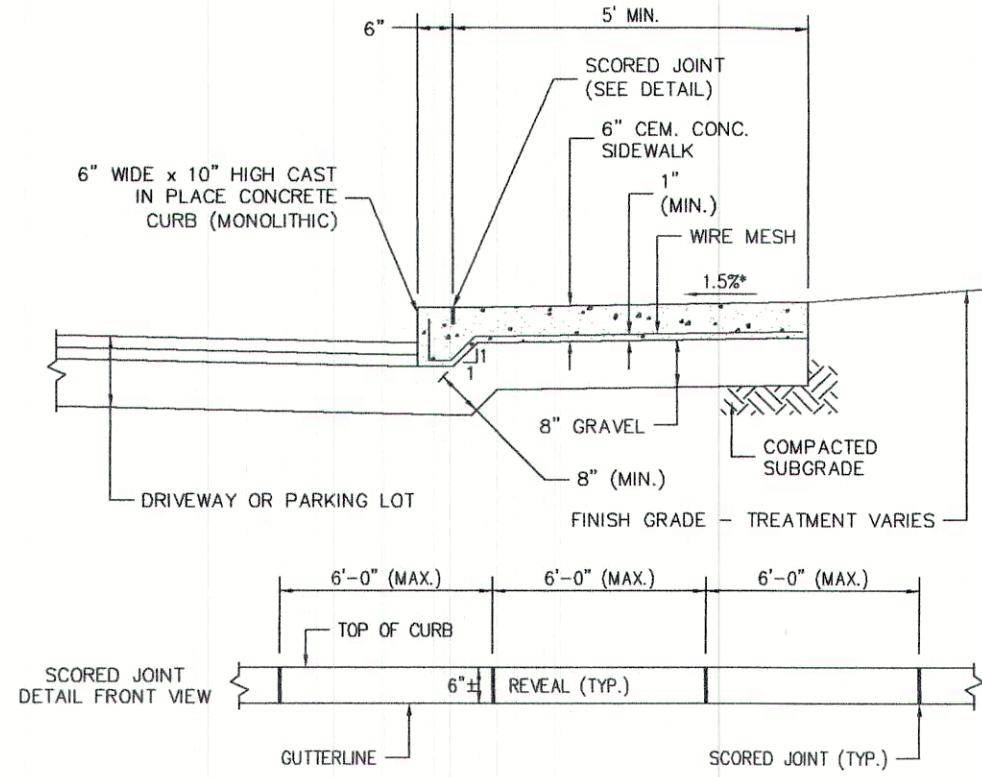
NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE



PAVEMENT DETAIL
NOT TO SCALE

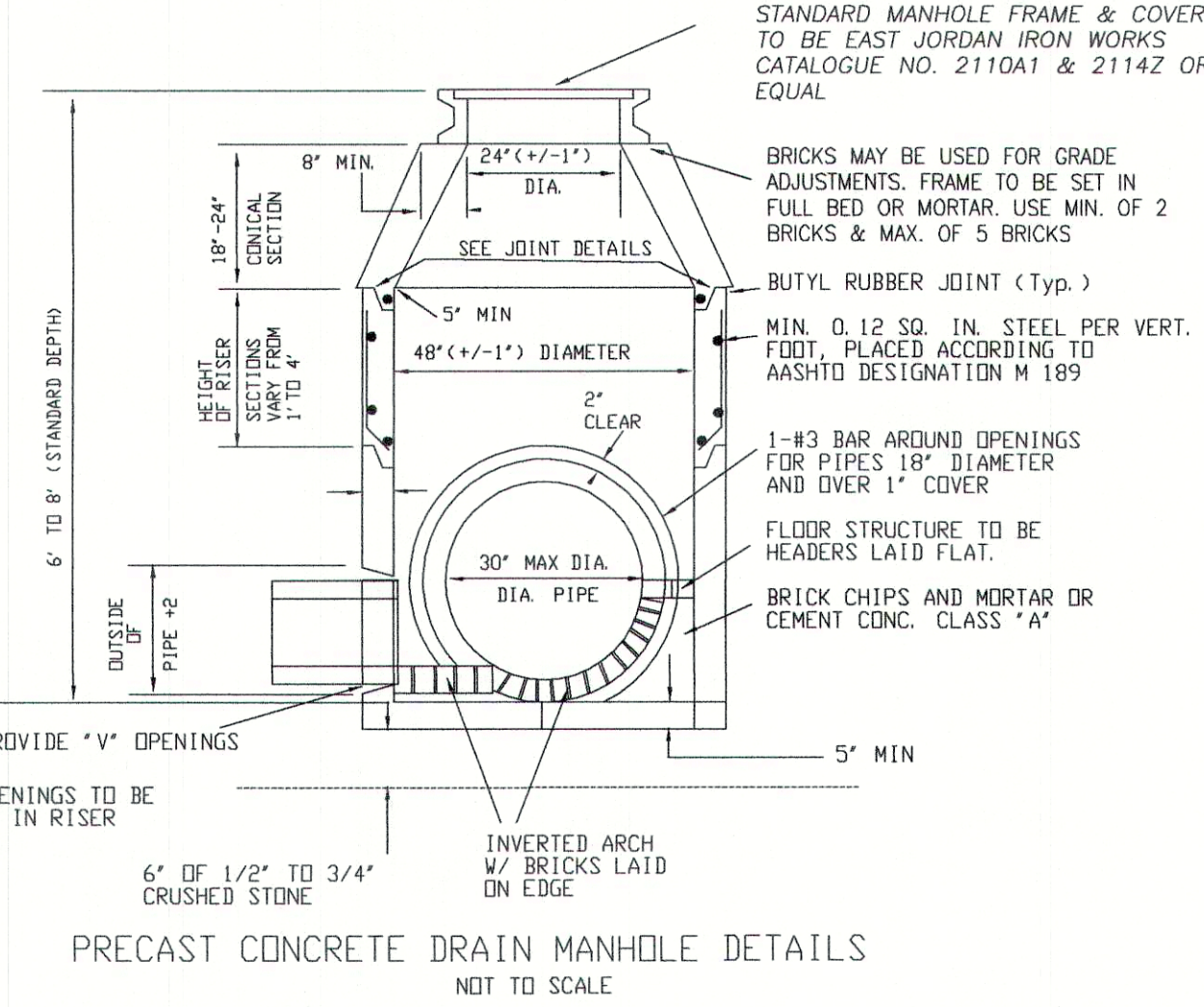
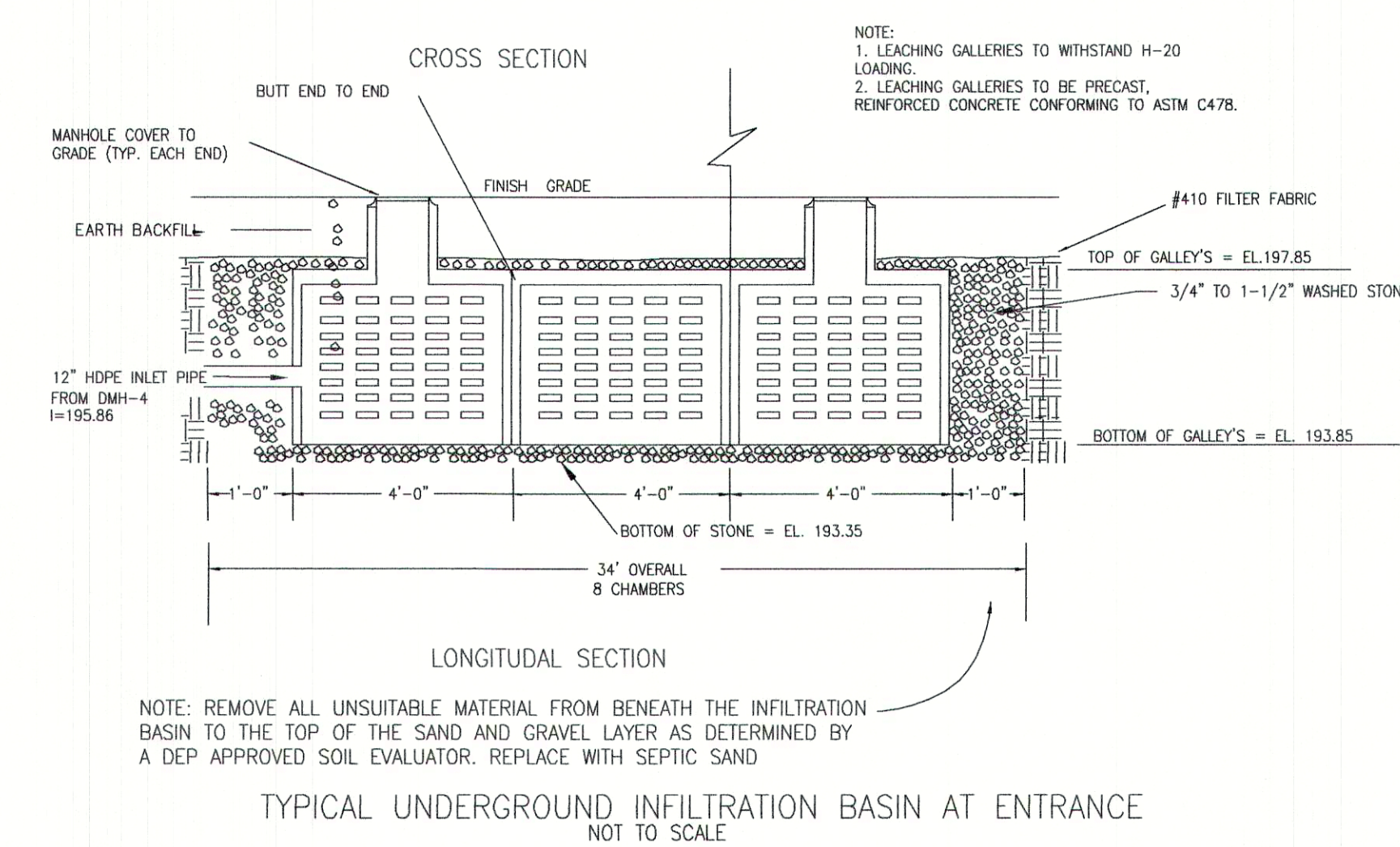
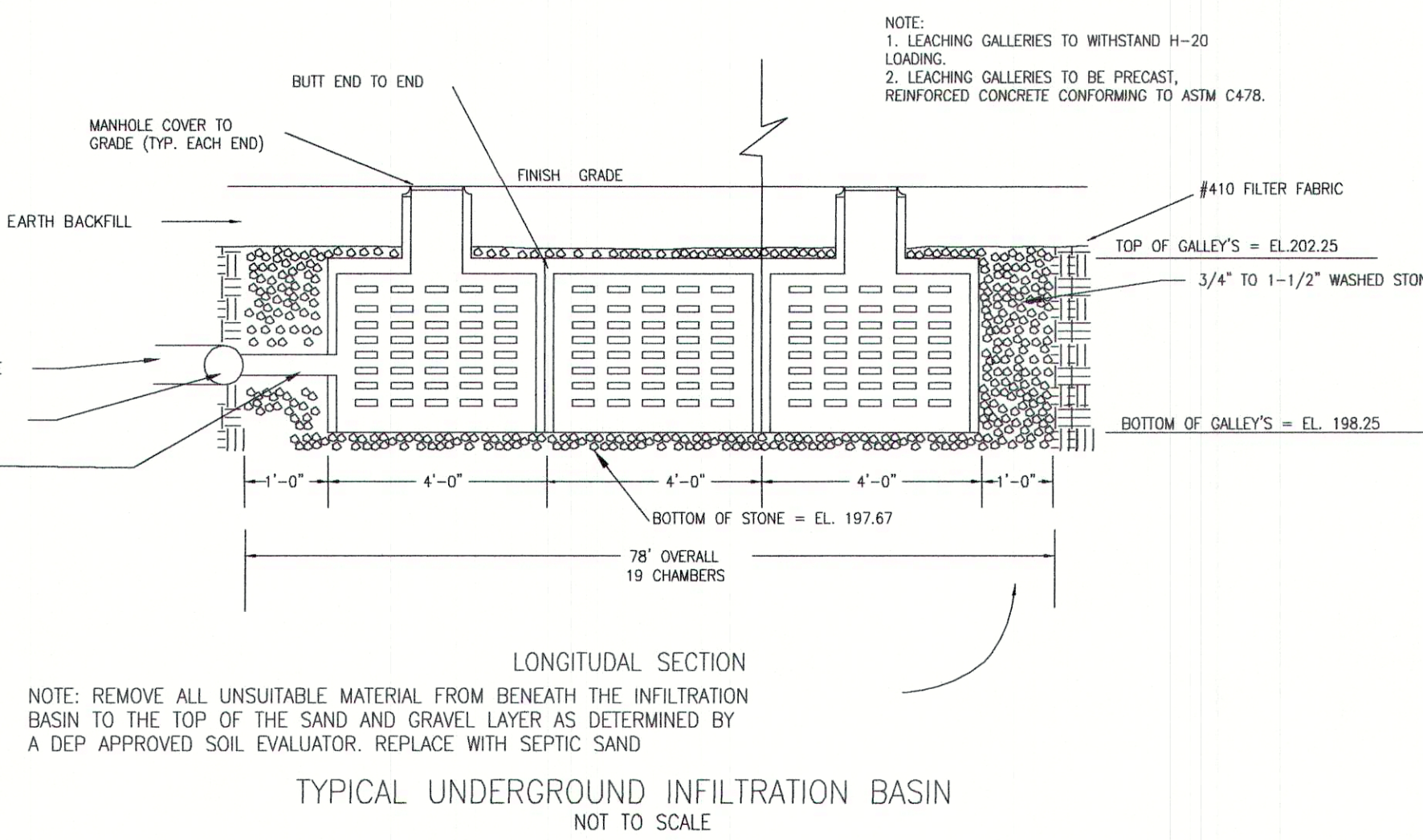
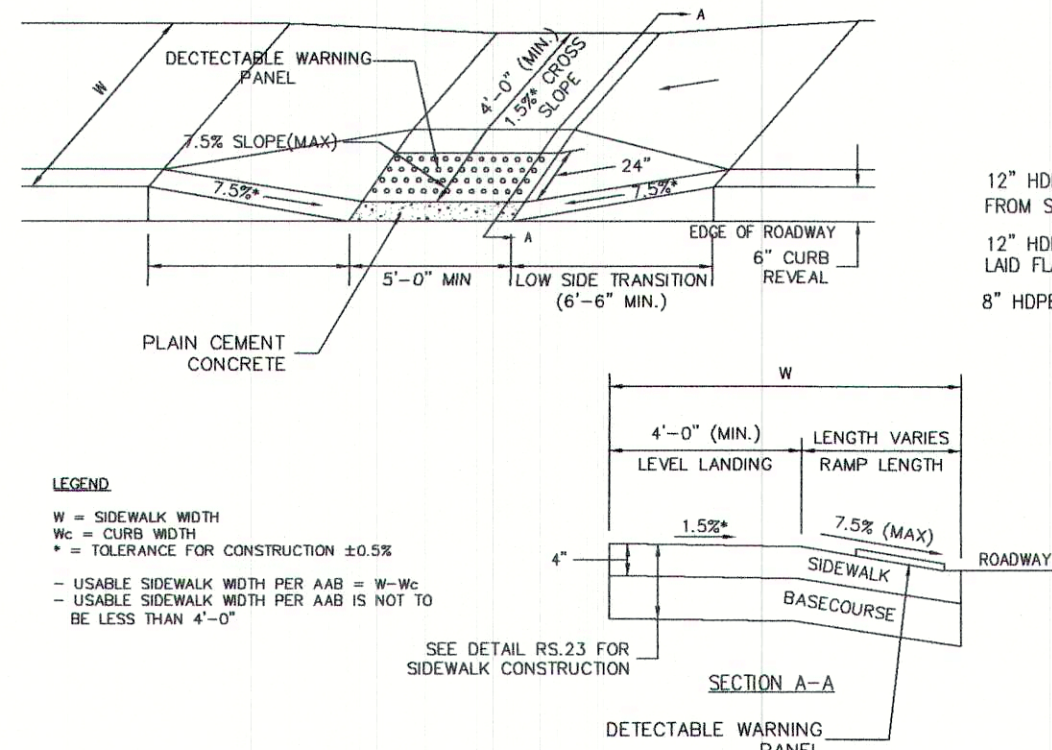


TYPICAL CAPE COD BERM DETAIL
NOT TO SCALE

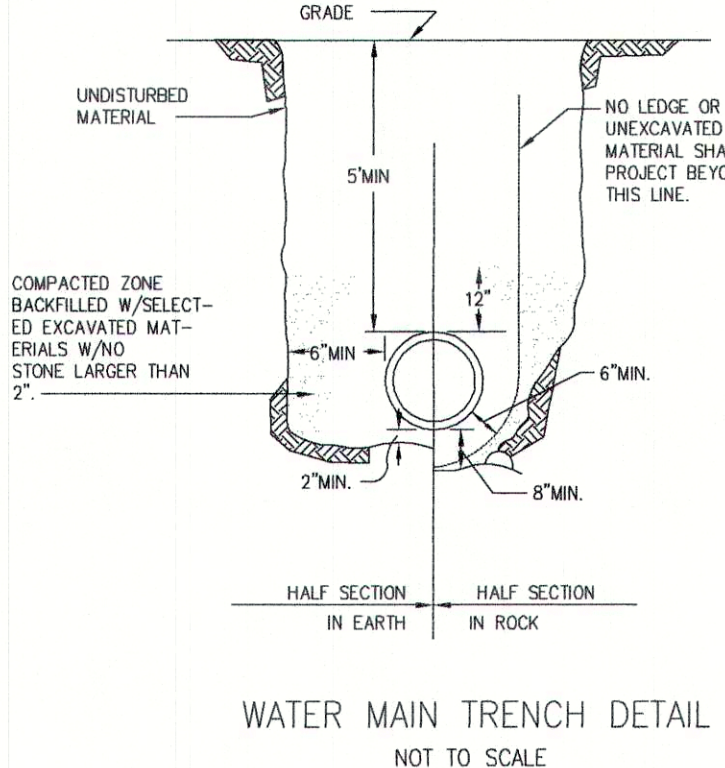


NOTE: MONOLITHIC CONCRETE CURB SHALL NOT BE USED ON ANY PUBLIC STREET OR WAY. MONOLITHIC CONCRETE CURB MAY BE USED ON PRIVATE WAYS, DRIVEWAYS AND IN PARKING LOTS.

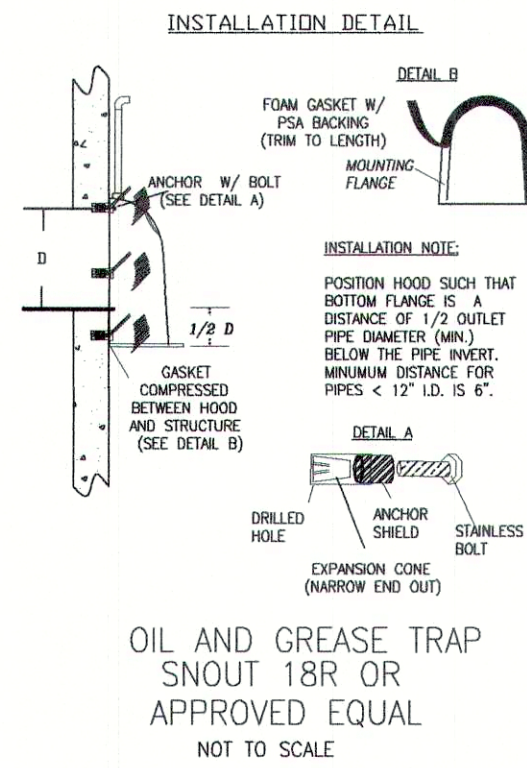
* - TOLERANCE FOR CONSTRUCTION $\pm 0.5\%$



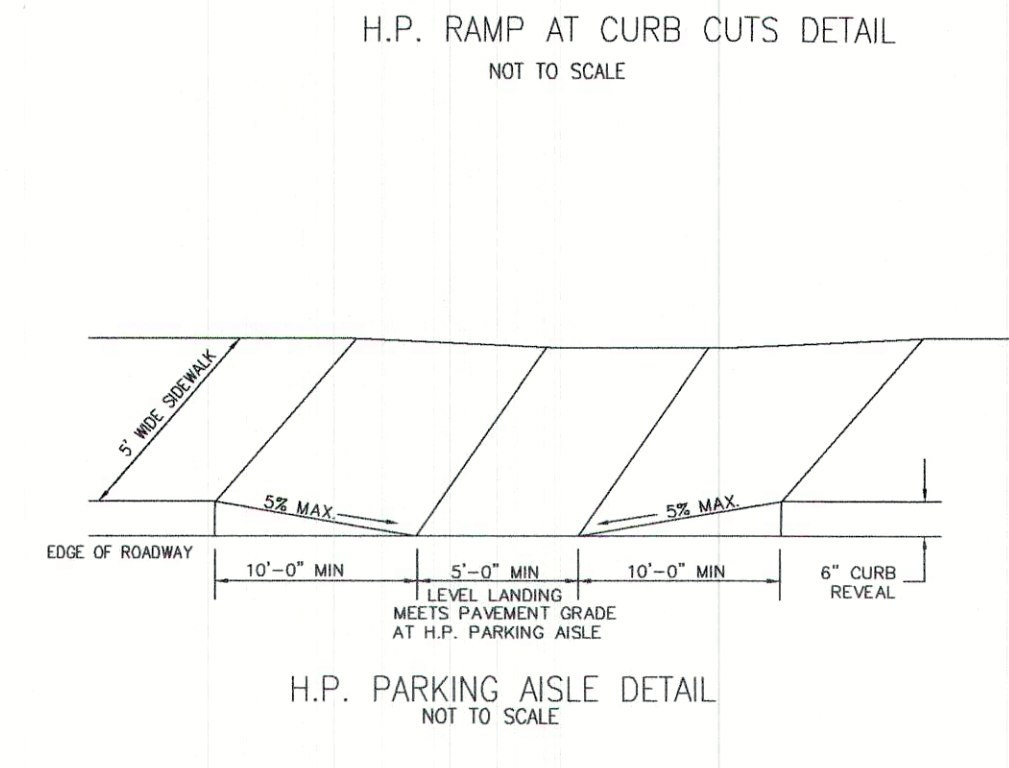
PRECAST CONCRETE DRAIN MANHOLE DETAILS
NOT TO SCALE



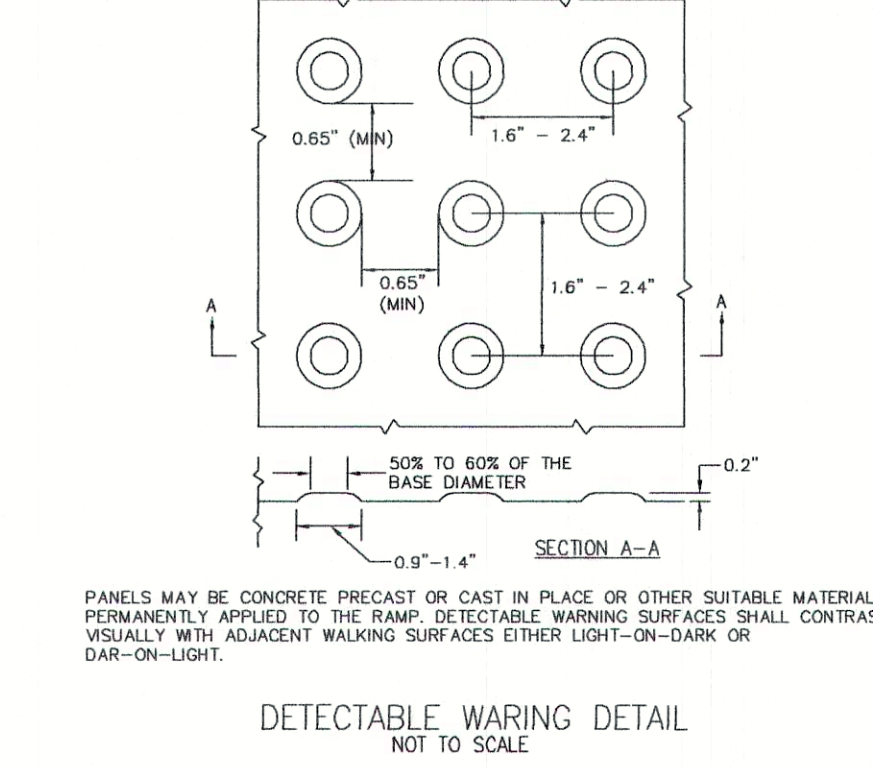
WATER MAIN TRENCH DETAIL
NOT TO SCALE



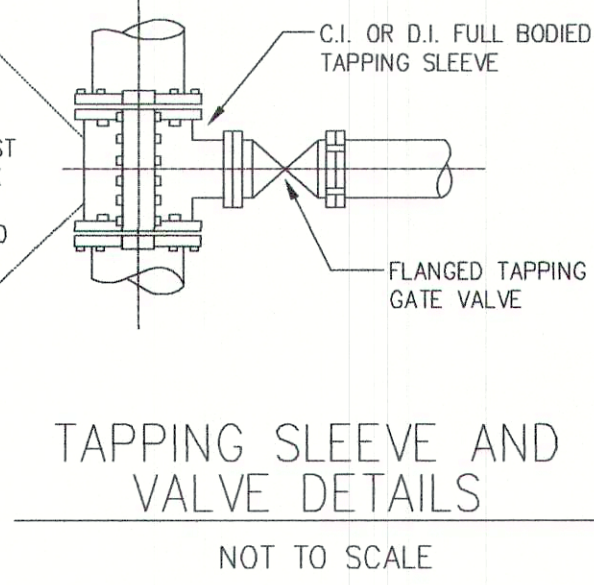
OIL AND GREASE TRAP
SNOUT 18\"/>



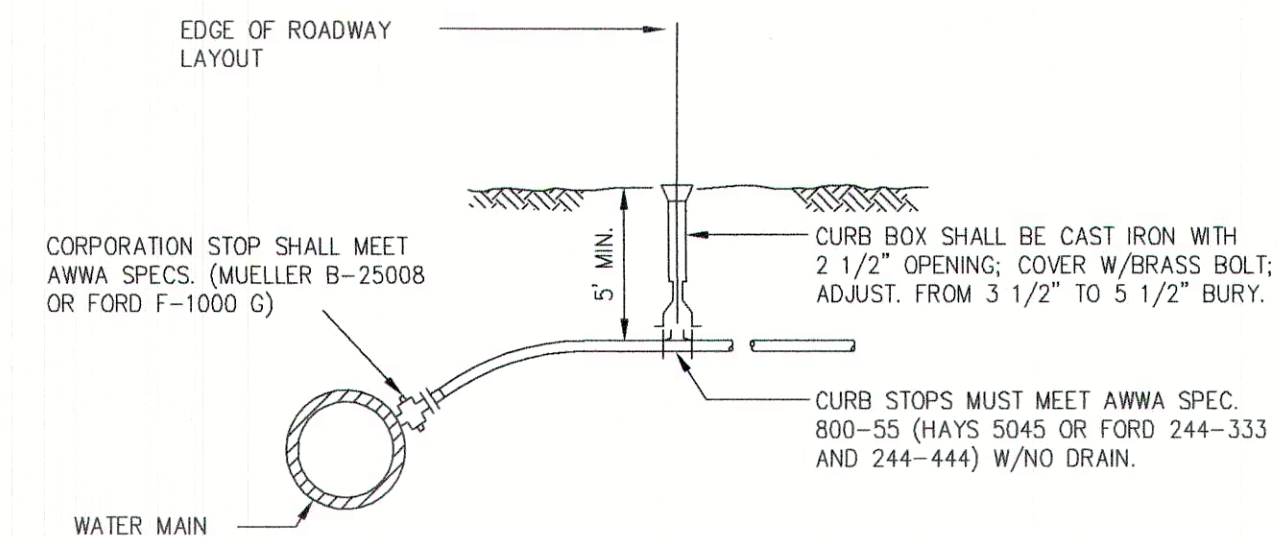
H.P. RAMP AT CURB CUTS DETAIL
NOT TO SCALE



DETECTABLE WARNING DETAIL
NOT TO SCALE

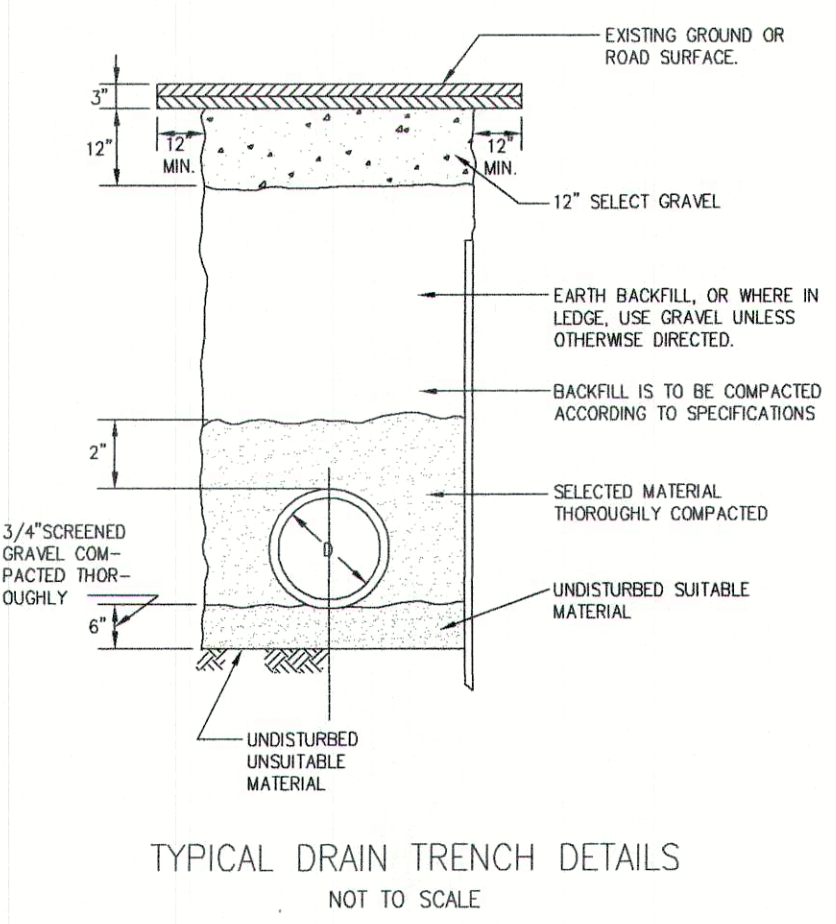


TAPPING SLEEVE AND VALVE DETAILS
NOT TO SCALE

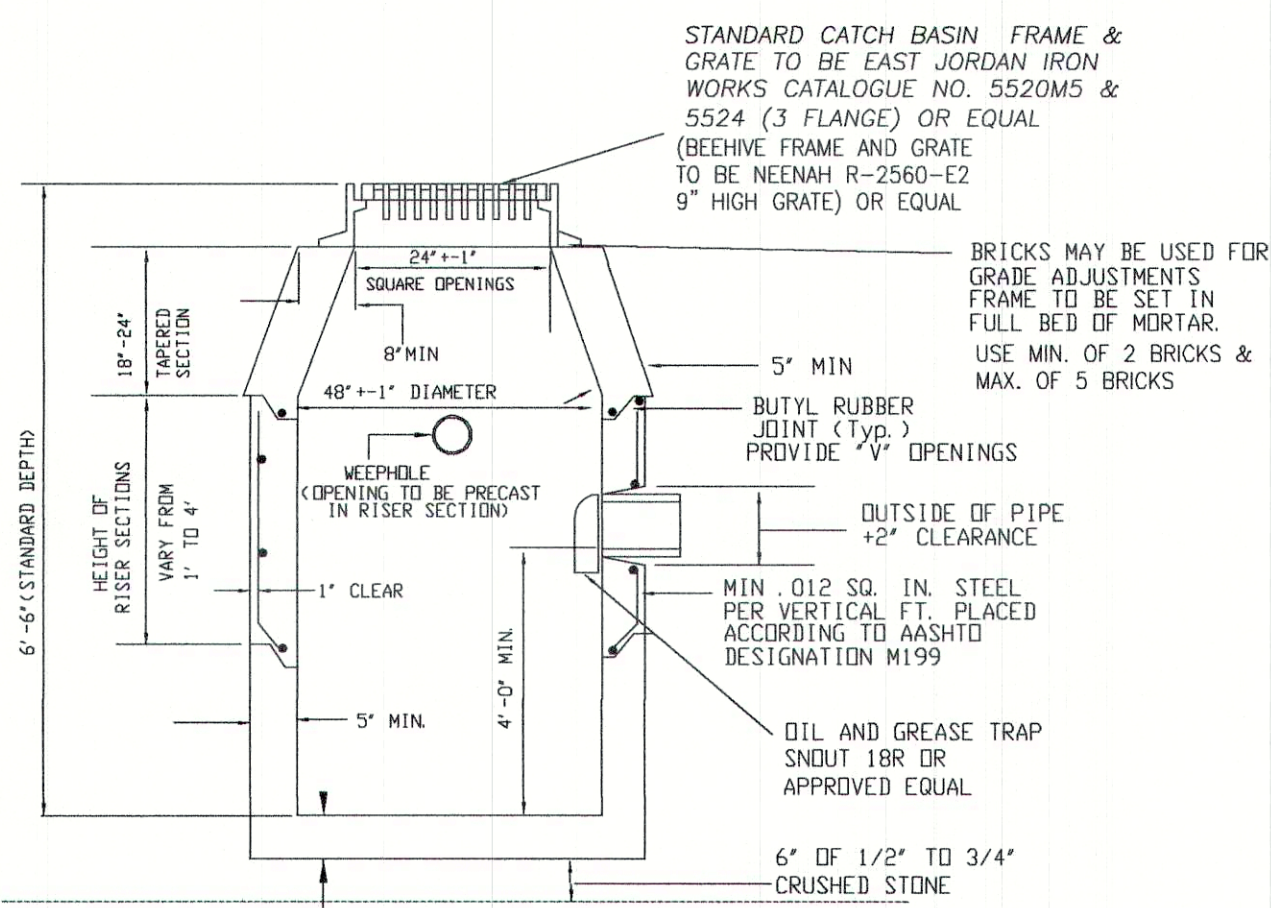


NOTE:
COPPER TUBING SHALL MEET AWWA SPEC. 76-OR TYPE K OR FEDERAL SPEC. WW1-799 TYPE K.
1 1/2\"/>

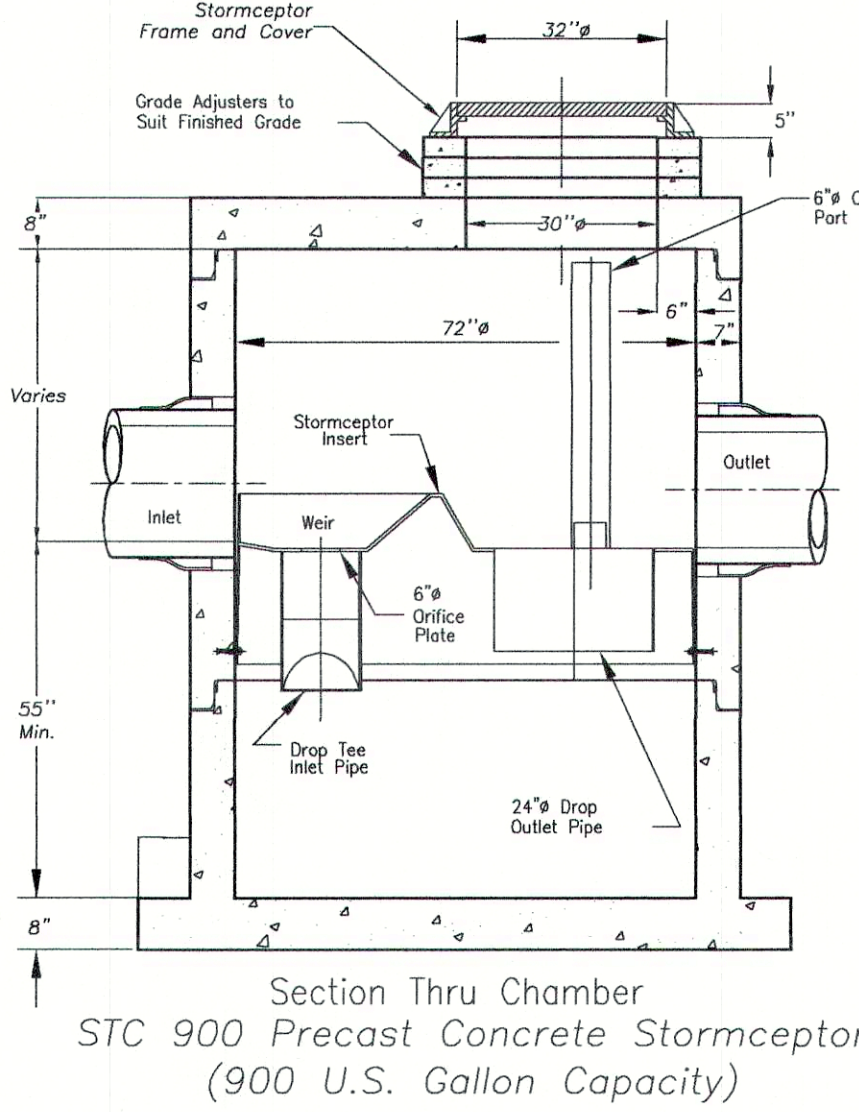
TYPICAL SERVICE CONNECTION
NOT TO SCALE



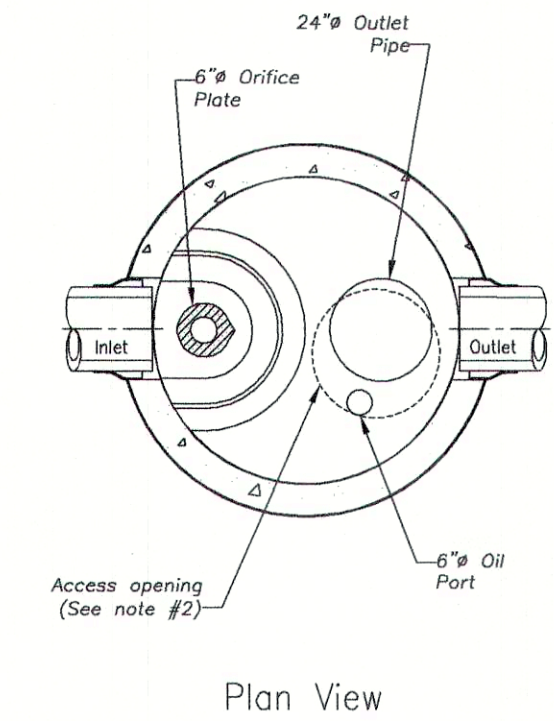
TYPICAL DRAIN TRENCH DETAILS
NOT TO SCALE



PRECAST CONCRETE CATCH BASIN DETAILS
NOT TO SCALE

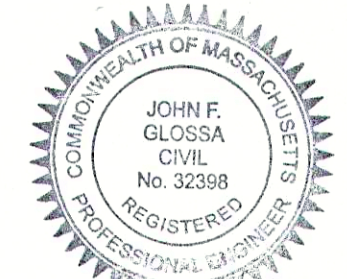


Section Thru Chamber
STC 900 Precast Concrete Stormceptor
(900 U.S. Gallon Capacity)



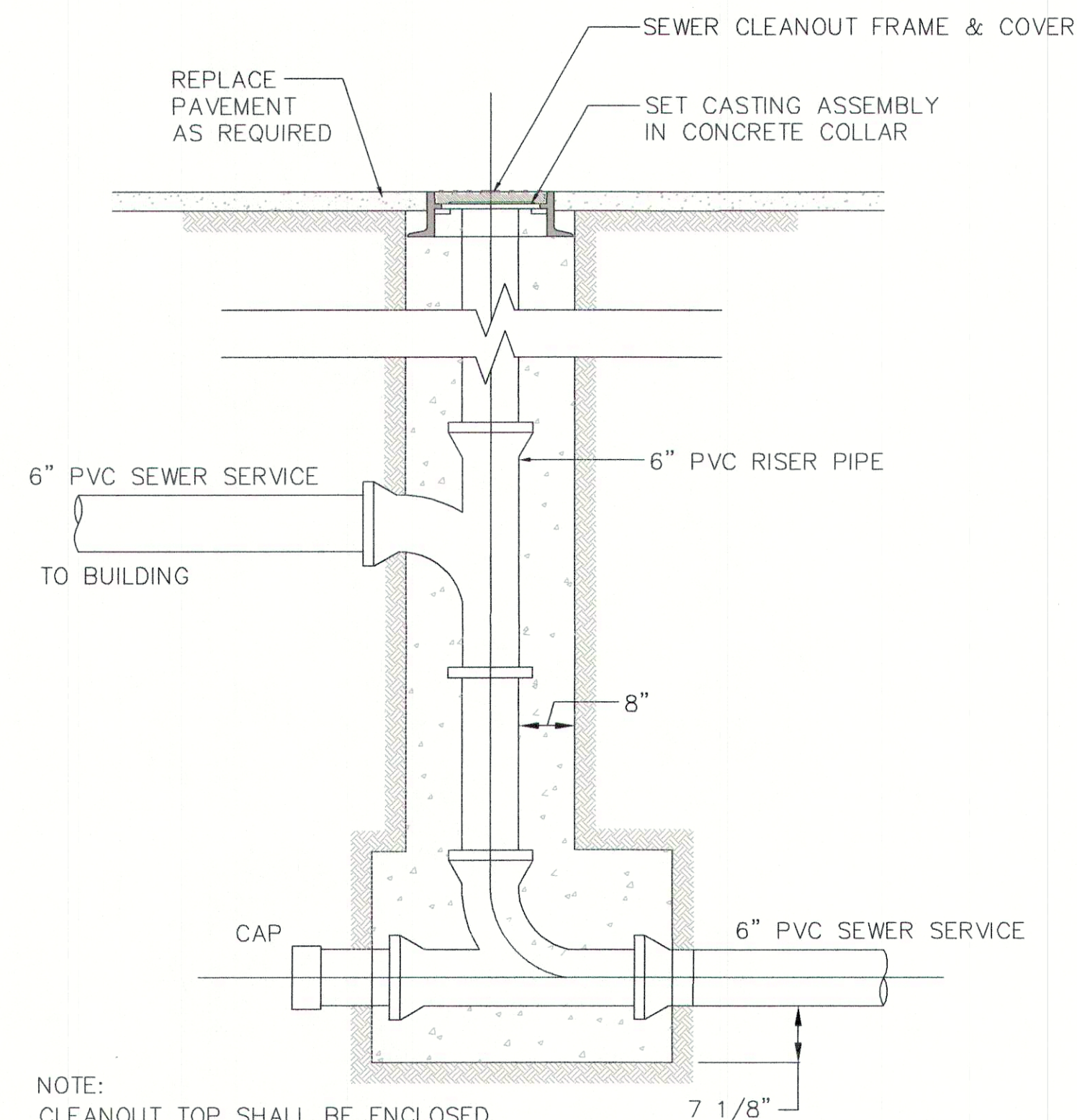
Notes:
1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
2. The Cover Should be Positioned Over The Outlet Drop Pipe and The Oil Port.
3. The Stormceptor System is protected by one or more of the following U.S. Patents: #4985148, #5498331, #5725760, #5753115, #5849181, #6088765, #6371690.
4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE

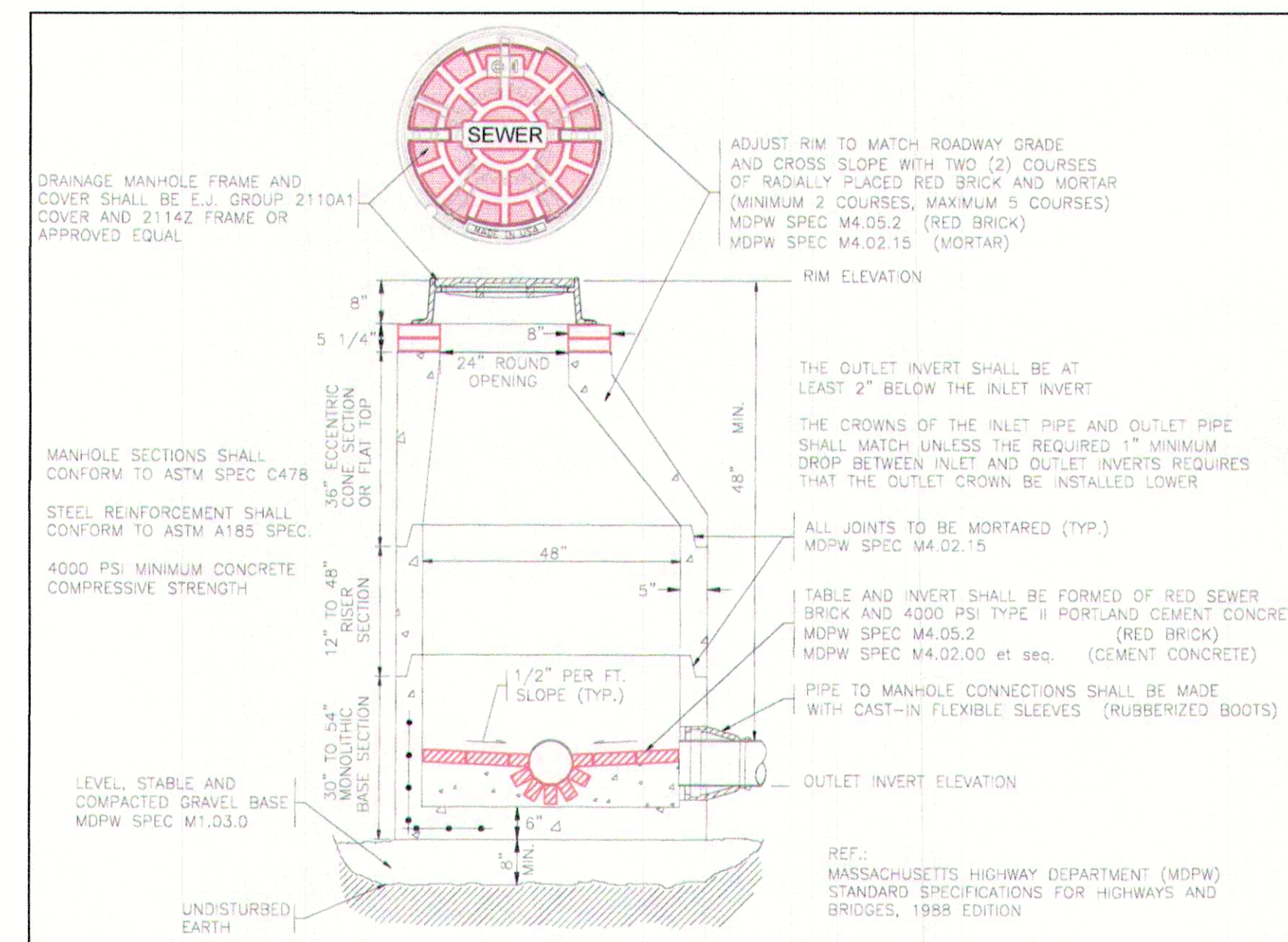


1688 CENTRAL AVENUE
CONSTRUCTION DETAILS
IN
NEEDHAM MA

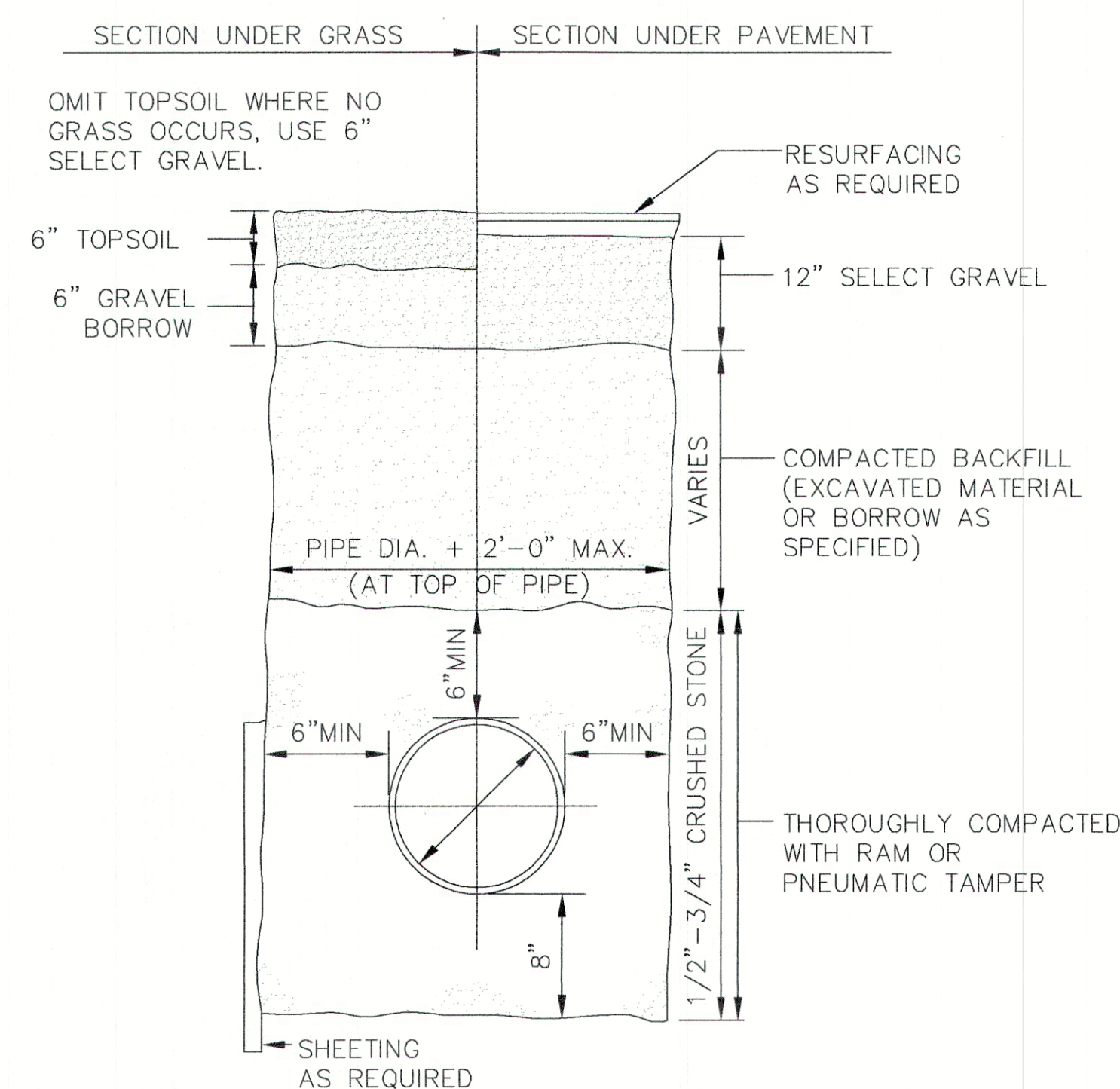
SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401



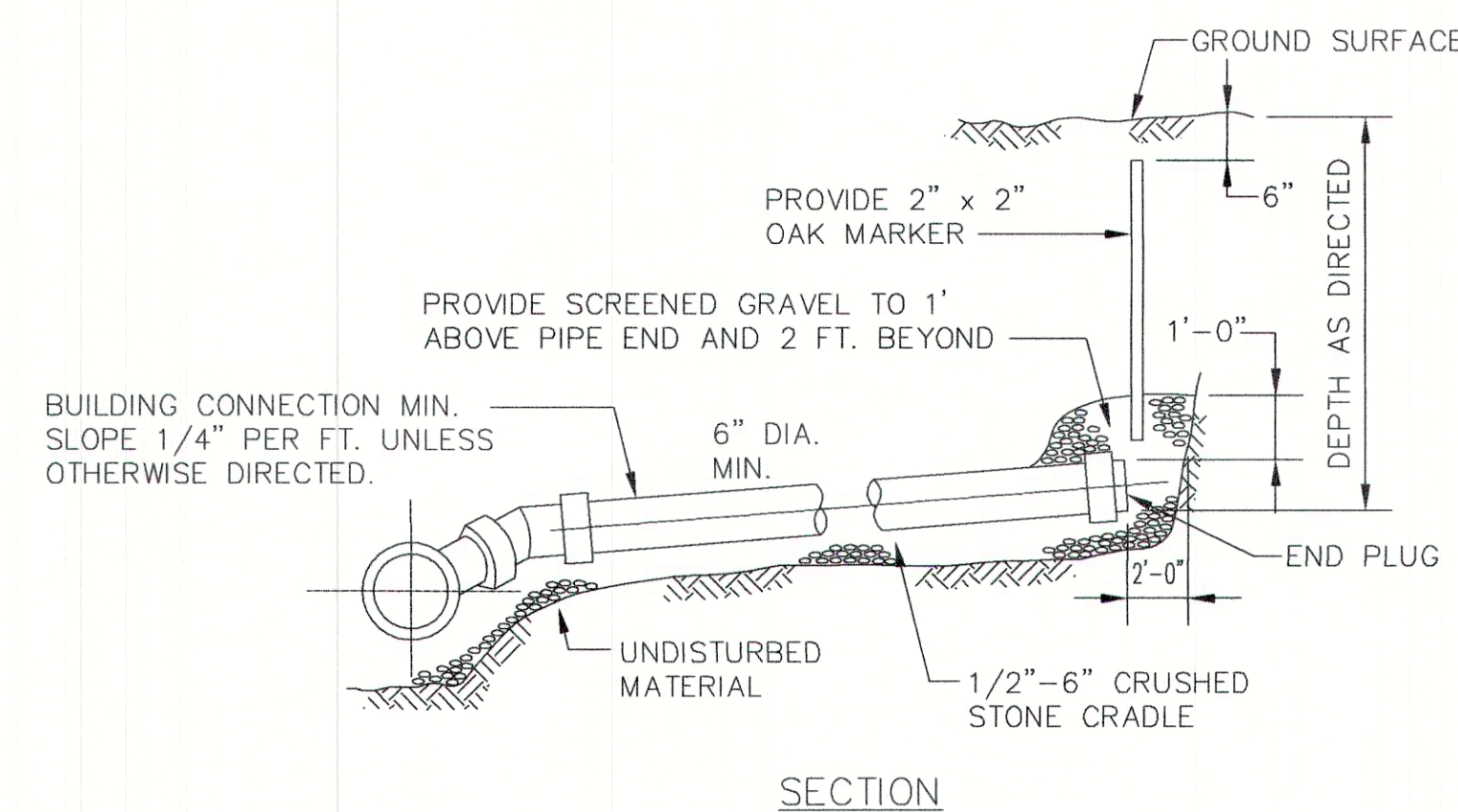
SEWER CLEANOUT DETAIL (C/O)
NOT TO SCALE



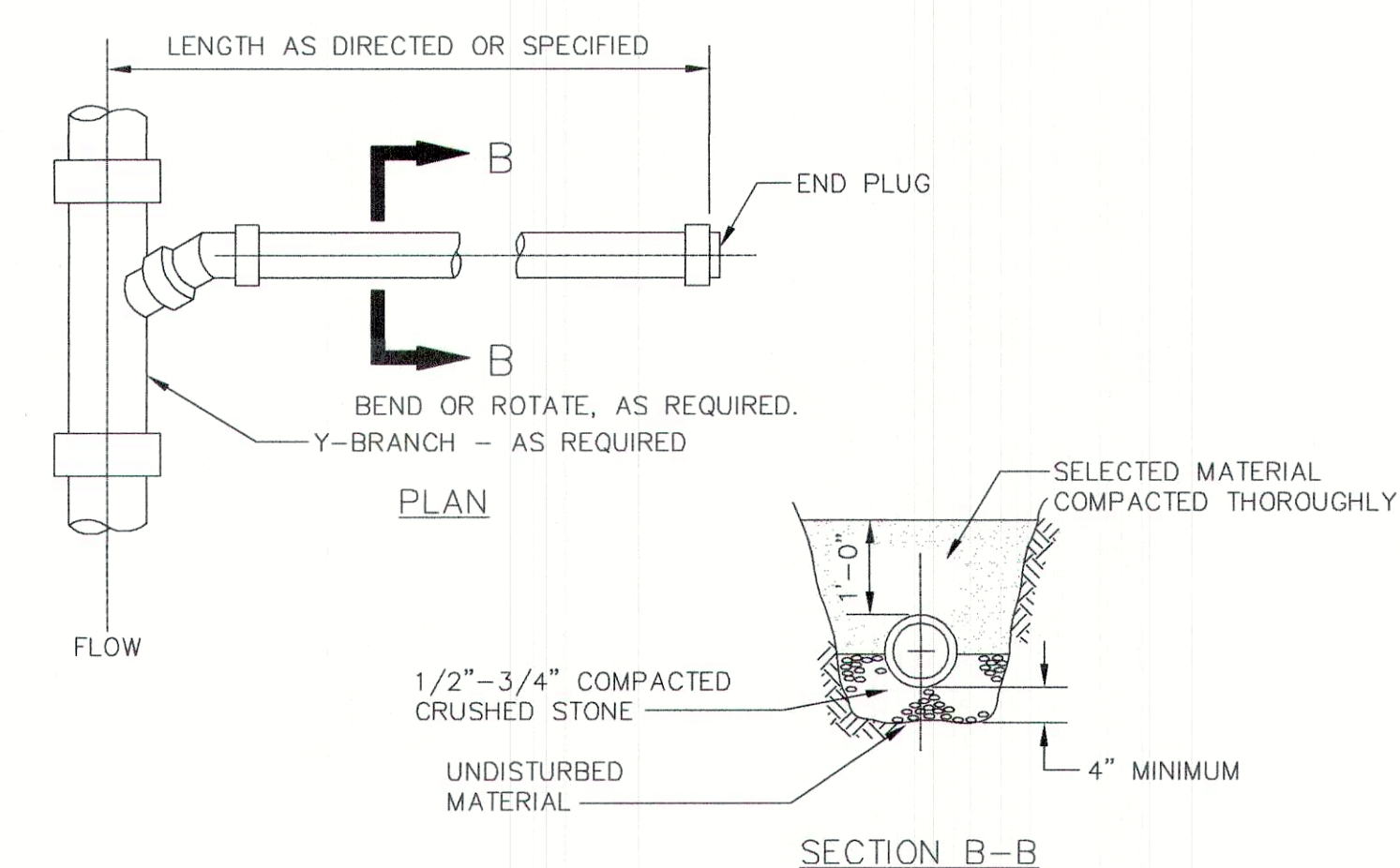
TYPICAL SEWER MANHOLE DETAIL
NOT TO SCALE



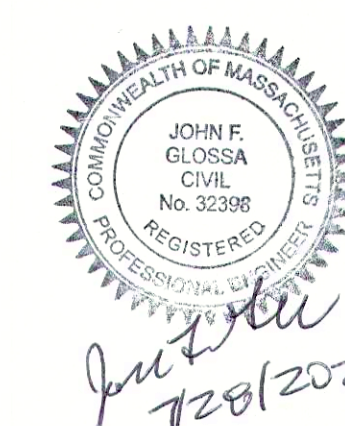
TYPICAL SEWER TRENCH DETAIL
NOT TO SCALE



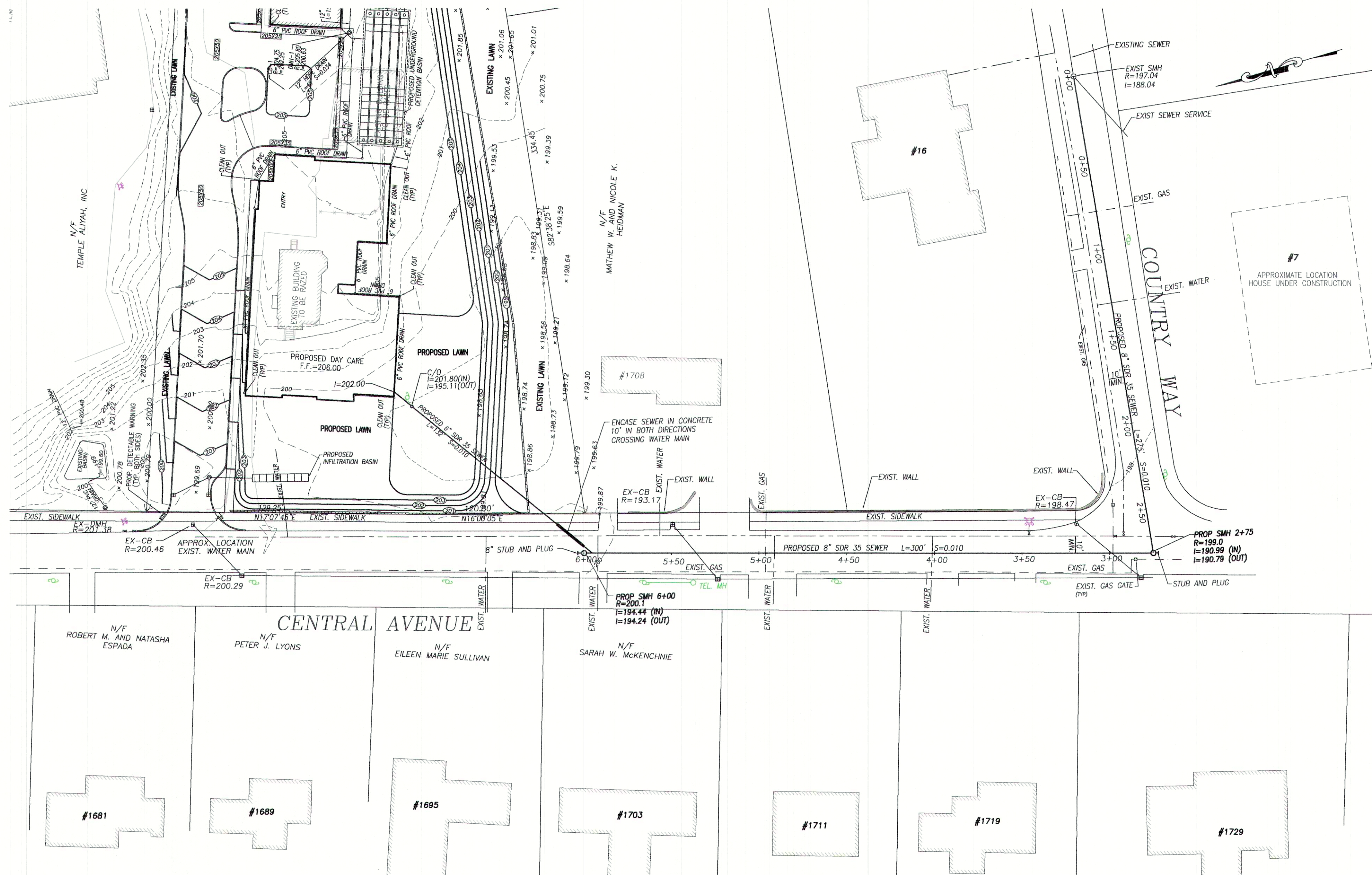
TYPICAL BUILDING CONNECTION
NOT TO SCALE



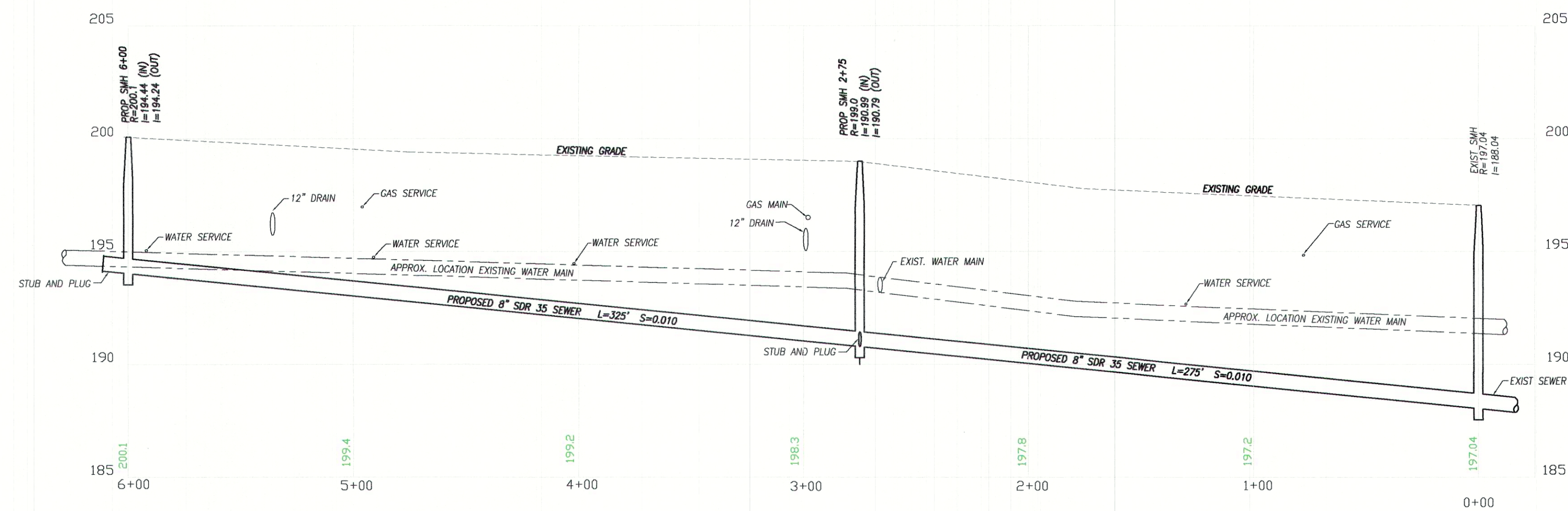
NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE



1688 CENTRAL AVENUE
CONSTRUCTION DETAILS
IN
NEEDHAM MA
SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

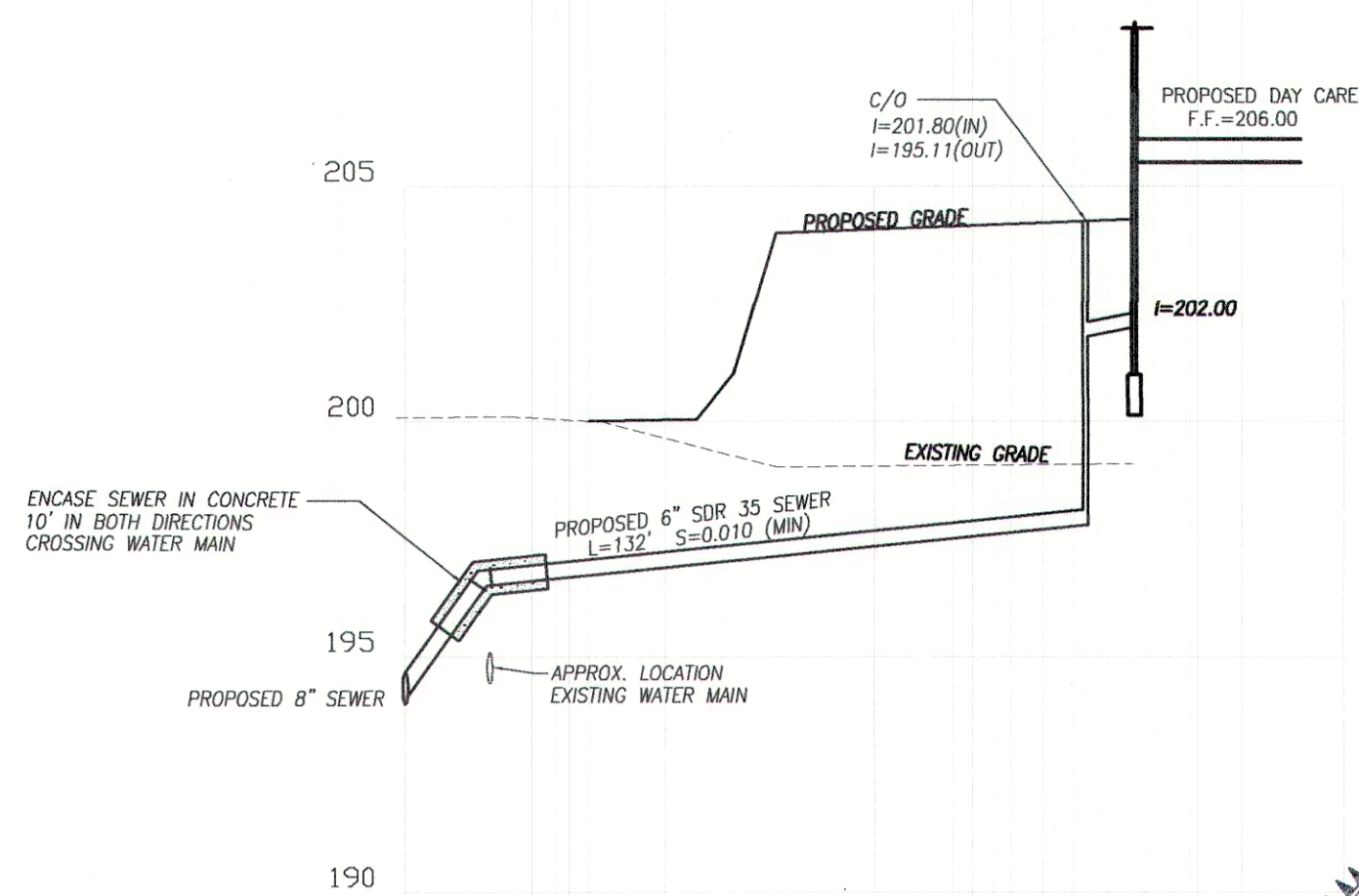


PLAN
SCALE: 1" = 40'

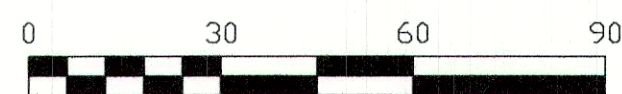


PROFILE
SCALE: HOR. 1" = 40'
VERT. 1" = 4'

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE



BUILDING CONNECTION PROFILE
SCALE: HOR. 1" = 40'
VERT. 1" = 4'

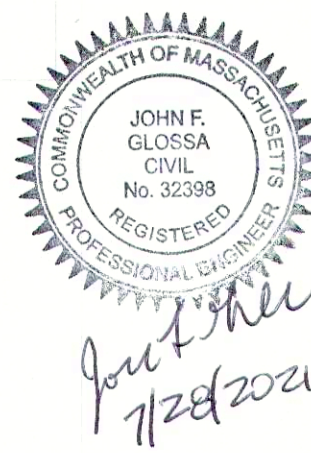


LEDGEND:

EXISTING GRADE	----- 100 -----
EXISTING SPOT GRADE	× 200.02
EXISTING GAS MAIN	-----
EXISTING GAS GATE	⊞
EXISTING SEWER MANHOLE	○ EXIST. SMH
EXISTING DRAIN MANHOLE	○ EX-DMH
EXISTING CATCH BASIN	⊞ EX-CB
EXISTING ELECTRIC MANHOLE	○ EX-EMH
EXISTING UTILITY POLE	○
EXISTING FENCE	× × × × ×
EXISTING FIRE HYDRANT	⊞
EXISTING GATE VALE	⊞
PROPOSED GRADE	----- 205 -----
PROPOSED SPOT GRADE	× 205.35
PROPOSED SEWER MANHOLE	○ PROP. SMH
PROPOSED CATCH BASIN	⊞ CB-1
PROPOSED DRAIN MANHOLE	○ DMH-1
PROPOSED TAPPING SLEEVE AND VALVE	⊞ 8"X6" TS&V

CONSTRUCTION NOTES

- 1) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN ON THIS PLAN AND THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN MAY VARY FROM THEIR FIELD LOCATION. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF THE CONSTRUCTION.
- 2) ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT

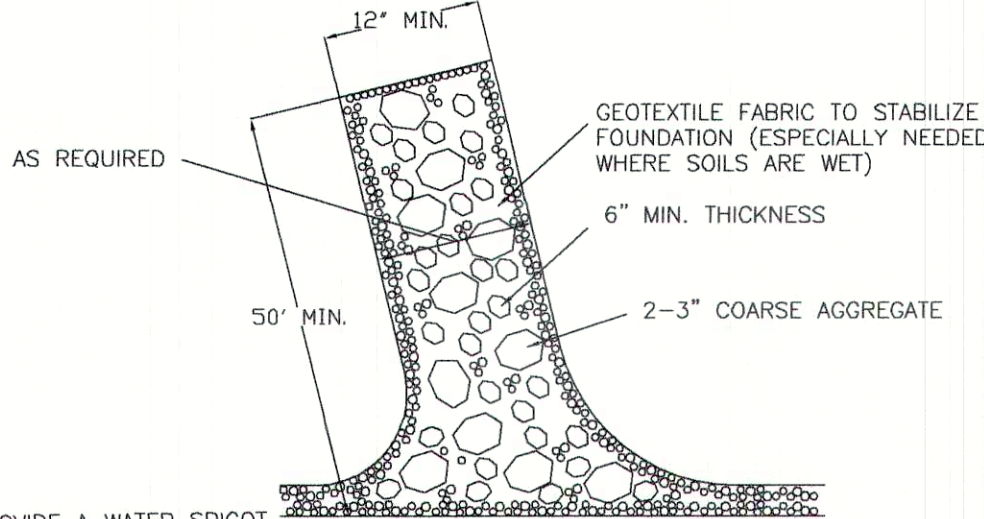


1688 CENTRAL AVENUE
SEWER EXTENSION
PLAN AND PROFILE
IN
NEEDHAM MA

SCALE: AS NOTED NOVEMBER 19, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

- CONSTRUCTION SEQUENCING:
1. INSTALLATION OF SILT BARRIERS AS SHOWN ON THE PLANS
 2. INSTALLATION OF STABILIZED CONSTRUCTION ENTRANCE
 3. ESTABLISHMENT OF A CONSTRUCTION STAGING AREA
 4. ESTABLISHMENT OF A MATERIALS STOCKPILE AREA
 5. REMOVAL OF EXISTING BUILDINGS
 6. CLEARING AND GRUBBING
 7. REMOVAL AND STOCKPILING OF TOP AND SUBSOILS
 8. REMOVAL OF SAND AND GRAVEL TO BRING SITE TO SUB GRADE
 9. ESTABLISHING AND STABILIZING WITH LOAM AND SEED ALL CUT AND FILL SLOPES
 10. INSTALL BINDER COURSE OF DRIVEWAY IN LOCATION OF FINAL ASPHALT DRIVEWAY
 11. CONSTRUCTION OF THE BUILDING
 12. INSTALLATION OF UNDERGROUND DETENTION BASIN
 13. INSTALLATION OF UNDERGROUND UTILITIES, IE DRAINAGE, WATER LINE, ELECTRIC, CATV AND TELEPHONE
 14. INSTALLATION OF LANDSCAPING AND GRASS AREAS
 15. FINAL COURSE OF ASPHALT FOR DRIVEWAYS
 16. CLEAN UP AND DEMOBILIZE

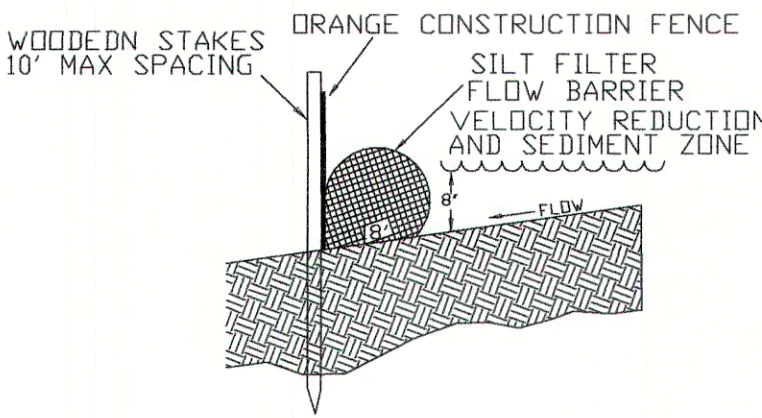
- CONSTRUCTION NOTES:
1. ALL AREAS TO BE ALTERED SHALL BE BROUGHT TO SUB GRADE OR FINAL GRADE AT THE START OF CONSTRUCTION
 2. AREAS ONCE BROUGHT TO GRADE THAT WILL NOT BE ALTERED AGAIN SHALL BE LOAMED AND SEEDED AND PROTECTED WITH STRAW GUARD AS NEEDED
 3. DRAINAGE BASIN AS SHOWN SHALL NOT BECOME OPERATIONAL UNTIL THE SITE IS FINISHED AND SWEEPED OF ALL DEBRIS
 4. TEMPORARY SEDIMENT BASINS SHALL BE USED AND MAINTAINED UNTIL ALL PROPOSED PAVED AREAS ARE COMPLETE AND SWEEPED OF ALL DEBRIS
 5. CATCH BASINS SHALL BE PROTECTED FROM SEDIMENTS AT ALL TIMES UNTIL CONSTRUCTION IS COMPLETE
 6. INSTALL SILT SACKS IN ALL EXISTING AND PROPOSED CATCH BASINS



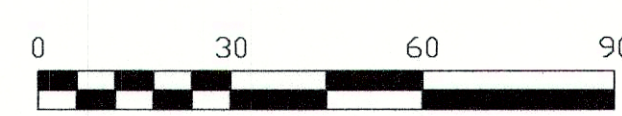
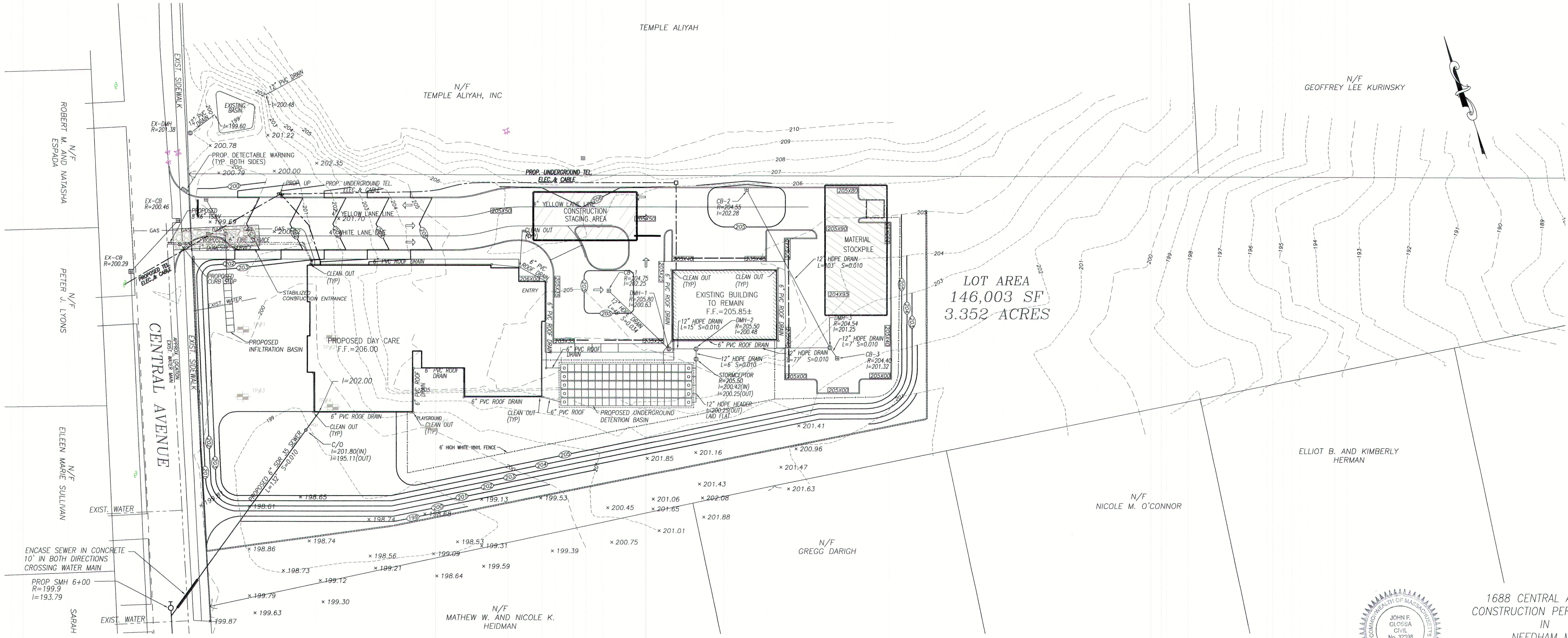
NOTE:
OWNER TO PROVIDE A WATER SPIGOT
AT THE CONSTRUCTION ENTRANCE FOR
WASHING TRUCK WHEELS PRIOR TO
EXITING TO PUBLIC ROADS.

PUBLIC ROAD

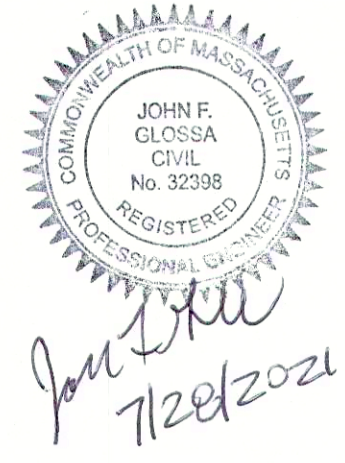
STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE



8" COMPOST SOCK DETAIL
NOT TO SCALE



NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE



1688 CENTRAL AVENUE
CONSTRUCTION PERIOD PLAN
IN
NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

CONSTRUCTION NOTES:

1) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN ON THIS PLAN AND THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN MAY VARY FROM THEIR FIELD LOCATION. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF THE CONSTRUCTION.

2) ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT.

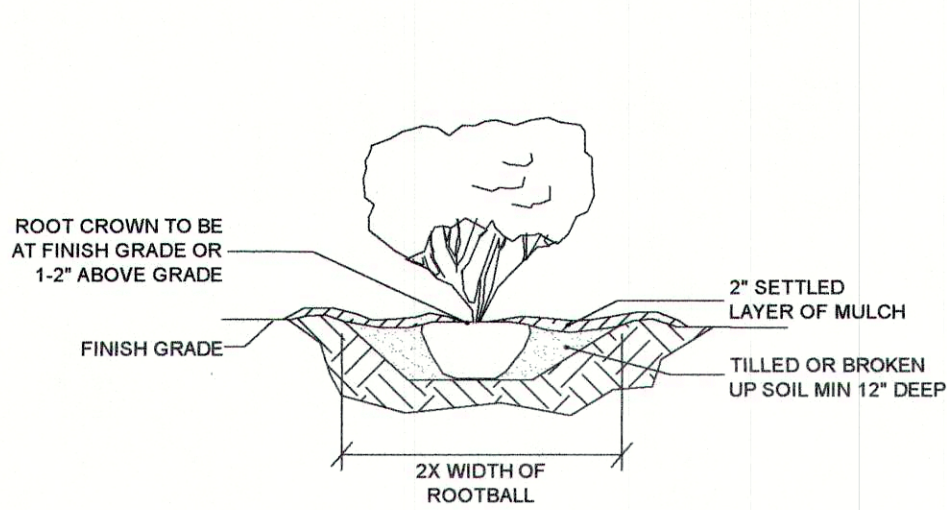
GENERAL NOTES:

1) THE PROJECT DOES NOT REQUIRE AN ELECTRICAL TRANSFORMER AND WILL NOT HAVE A GENERATOR.

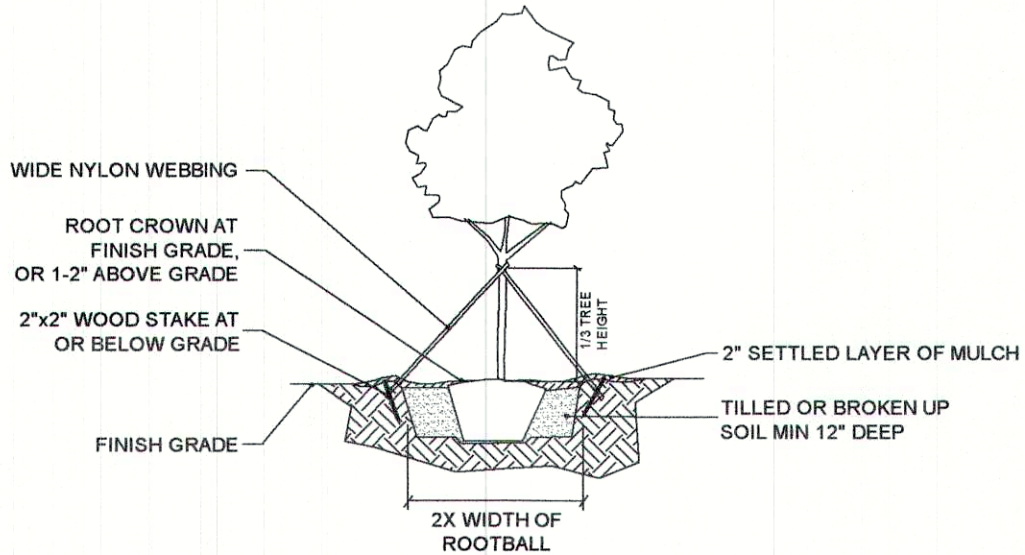
	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY
PA	PINK AZALEA	RHODODENDRON PERICLYMENOIDES	2'-3'	4
WA	WHITE AZALEA	RHODODENDRON VICOSUM	2'-3'	3
RA	RHODODENDRON	RHODODENDRON FERRUGINEUM	2'-3'	2
JA	JUNIPER	JUNIPERUS	2'-3'	6
CJ	CREeping JUNIPER	JUNIPERUS HORIZONTALS	6"-12"	6
MA	MAPLE "LEGACY"	ACER SACCHARUM	1-1/2" CAL.	4
WP	WHITE PINE	PINUS STOBUS	1-1/2" CAL.	16
CA	CRABAPPLE "DONALD WYMAN"	MALUS "DONALD WYMAN"	1-1/2" CAL.	4
EG	ARBORVITAE "EMERALD GREEN"	THIA OCCIDENTALIS SMARAGD	2'-3'	54
HM	ARBORVITAE "HETZ MIDGET"	THIA OCCIDENTALIS "HETZ MIDGET"	2'-3'	18
RC	RED CEDAR	JUNIPERUS VIRGINIANA	1-1/2" CAL.	14
CH	CHERRY	PRUNUS AVIUM	1-1/2" CAL.	2
NS	NORWAY SPRUCE	PICEA ABIES	1-1/2" CAL.	3
BS	BLUE SPRUCE	PICEA PUNGENS	1-1/2" CAL.	5

LEDGEND:

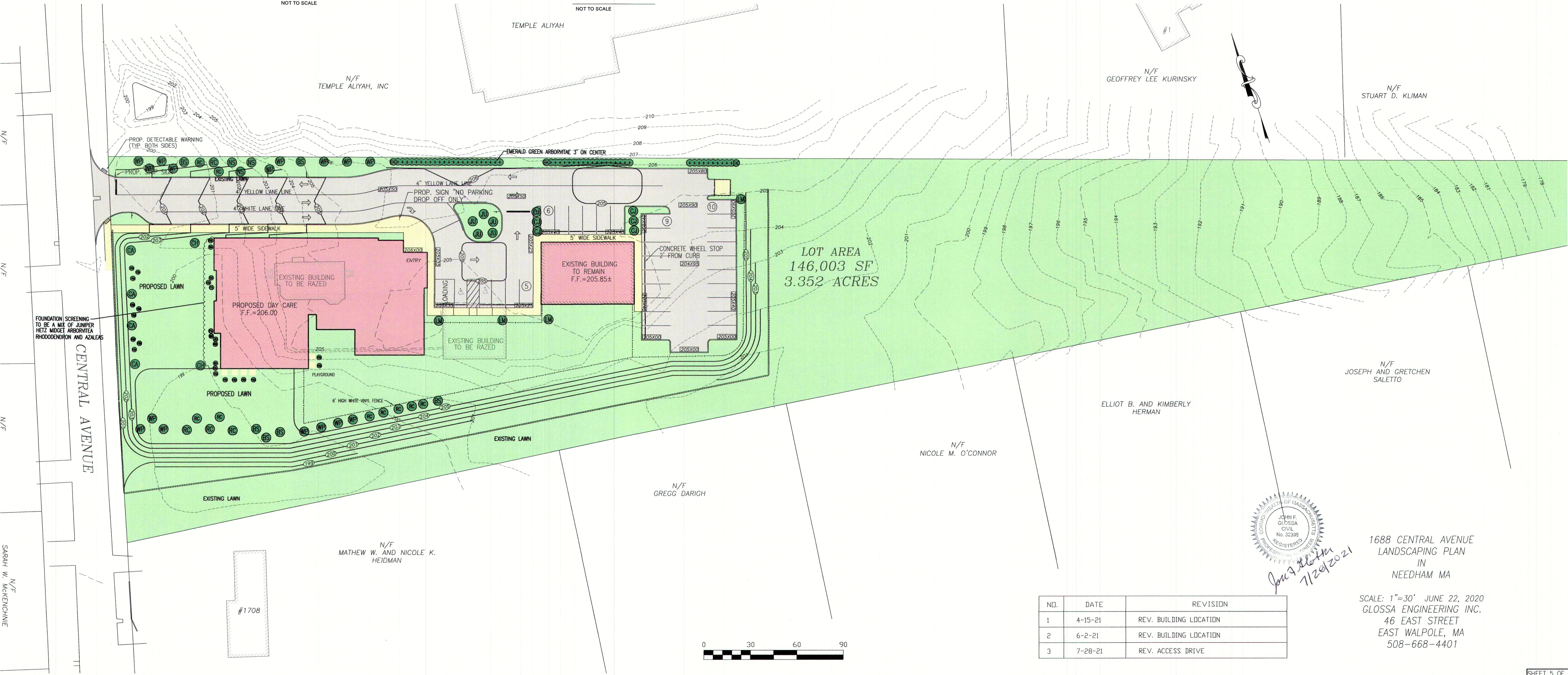
EXISTING GRADE	----- 100-----
EXISTING SPOT GRADE	× 200.02
EXISTING GAS MAIN	— G —
EXISTING SEWER MANHOLE	○ SMH
EXISTING DRAIN MANHOLE	○ EX-DMH
EXISTING CATCH BASIN	⊞ EX-CB
EXISTING ELECTRIC MANHOLE	○ EX-EMH
EXISTING UTILITY POLE	⊞ UP
EXISTING TEST PIT	⊞ TEST PIT #5
EXISTING BOUND	□
EXISTING FENCE	× × × × × × × ×
EXISTING FIRE HYDRANT	⊞
EXISTING GATE VALE	⊞
PROPOSED GRADE	----- 205-----
PROPOSED SPOT GRADE	× 205.235
PROPOSED CATCH BASIN	⊞ CB-1
PROPOSED DRAIN MANHOLE	⊞ DMH-1
PROPOSED TAPPING SLEEVE AND VALVE	⊞ PROPOSED 8"X6" TS&V



TYP. SHRUB PLANTING:
INDIVIDUAL PLANTING HOLE
NOT TO SCALE



TREE PLANTING
NOT TO SCALE



1688 CENTRAL AVENUE
LANDSCAPING PLAN
IN
NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION
3	7-28-21	REV. ACCESS DRIVE

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 1688 Central Avenue - revised plans
Date: Monday, August 9, 2021 9:52:43 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
Fire has no additional comments.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, August 4, 2021 2:39 PM
To: David Roche <droche@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>
Subject: Request for comment - 1688 Central Avenue - revised plans

Dear all,

I have received the attached revised plans from the applicant for 1688 Central. The Planning Board hearing on this matter has been continued to August 17, 2021. If you wish to comment on the revised plans, please send your comments by Wednesday August 11 at the latest.

The documents attached for your review are as follows:

1. Memorandum from Attorney Evans Huber dated August 4, 2021 describing changes.
2. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 9 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 5, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 7, entitled "Sewer Extension Plan and Profile," dated "scale: as noted November 19, 2020" , revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 8, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 10, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021.
3. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 2 sheets: Sheet 1, Sheet A 1-0, entitled "1st Floor Plan," dated March 8, 2021, revised March 30, 2021 and May 30, 2021; Sheet 2, Sheet A 3-0, showing elevations, dated March 8, 2021, revised March 30, 2021 and May 30, 2021.

Thank you, alex.

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

From: Alexandra Clee
Sent: Friday, May 7, 2021 12:01 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: RE: Request for comment - 1688 Central Avenue - revised plans

Dear all,

We have received a memo from the attorney for this project detailing the changes that were made between the original plans and the revised plans (the revised plans as sent to you by email dated April 27, 2021). I am sending it in case it assists you. We also did receive a newly revised Landscape Plan, which I have attached.

If you have already submitted updated comments (and the attached info does not change those), or do not wish to submit additional comments, totally fine. If you wish to submit any additional comments, please do so by Wed May 12 if you can.

Thanks!

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

From: Alexandra Clee
Sent: Tuesday, April 27, 2021 9:31 AM
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 - 1688 Central Avenue - revised plans

Dear all,

We received an updated letter and updated plan set for the noted project; both are attached for your review. This matter is currently scheduled for May 18 in front of the Planning Board. As there is a lot of interest in this proposal, we would welcome any new/additional comments you may have as soon as you are able (but at the latest, by Wednesday May 12).

Thanks, alex.

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

From: Alexandra Clee
Sent: Monday, March 22, 2021 2:50 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 - 1688 Central Avenue

Dear all,

The Planning Board will be hearing about a proposal for a new daycare at 1688 Central Avenue on April 6, 2021. More information is included in the submitted documents, detailed below, which can be attached to this email (with the exception of the Stormwater Report) and can also be found at this location K:\Planning Board Applications\Planning_1688 Central Avenue_2021. Some of the application documents are attached, as noted, but not all, as the files were too large to include all. (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 Needham Enterprises, LLC with Exhibit A. *attached*
2. Letter from Evans Huber Attorney, dated March 11, 2021. *Attached*
3. Letter from Evans Huber Attorney, dated March 12, 2021. *attached*
4. Letter from Evans Huber Attorney, dated March 16, 2021. *attached*
5. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 4 sheets: Sheet 1, Sheet A 1-0, entitled "1st Floor Plan," dated March 8, 2021; Sheet 2, Sheet A 1-1, entitled "Roof Plan," dated March 8, 2021; Sheet 3, Sheet A 2-1, showing Building Sections, dated March 8, 2021; Sheet 4, Sheet A 3-0, showing elevations, dated March 8, 2021. *Attached.*
6. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 10 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020; Sheet 3, entitled "Site Plan," dated June 22, 2020; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020; Sheet 6, entitled "Construction Details," dated June 22, 2020; Sheet 7, entitled "Construction Details," dated June 22, 2020; Sheet 8, entitled "Sewer Extension Plan and Profile," dated "as noted November 19, 2020"; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020; Sheet 10, entitled "Appendix, Photometric and Site Lighting Plan," dated June 22, 2020.
7. Traffic Impact Study, dated March, 2021. *Attached*
8. Stormwater Report, dated June 22, 2020.

I also have attached a letter from Abutters that we received today that I am sharing in case you wish to note the neighborhood concerns while you conduct your review.

The meeting where this topic will be presented to the Planning Board is April 6, 2021. If you wish to comment, please submit your comment by Wednesday March 31, 2021, 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](#)
Cc: [Lee Newman](#)
Subject: FW: Public Health Division's reply to Planning Boards Request for comment on Revised Documents - 1688 Central Avenue
Date: Monday, August 9, 2021 5:06:54 PM
Attachments: [image002.png](#)
[image003.png](#)
Importance: High

Alex –

The Public Health Division received the revised site development plans for the proposed project located at #1688 Central Ave. The same original comments still apply (See initial comment email that was sent back in March, below.) Also, just a quick update re: the last comment bullet point – We received additional documentation in reference the last bullet point, and this item was satisfactorily addressed. (See Note below.)

Please let us know if you need additional information or have any follow-up questions on those comments.

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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[Follow Needham Public Health on Twitter!](#)

From: Tara Gurge
Sent: Wednesday, March 24, 2021 2:12 PM

To: Alexandra Clee <aclee@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>

Subject: Public Health Division's reply to Planning Boards Request for comment - 1688 Central Avenue

Importance: High

Alex –

Here are the Public Health Division comments for the **Project Site Plan Special Permit proposal at 1688 Central Avenue**. See below:

- Prior to demolition, we will need to ensure that the applicant fills out the online Demolition permit form, through the Building Dept., via ViewPoint Cloud online permitting system, and submits the Demolition review fee along with uploading the required supplemental demolition report documents online, including septic system abandonment form and final pump report, for our review and approval (as noted on the form.)
- Ensure that a licensed pest control service company is contracted and will conduct routine site visits to the site, first initially to bait the interior/exterior of each structure to be raised prior to demolition, and also continue to make routine site visits (to re-bait/set traps) throughout the duration of the construction project. Pest reports must be submitted to the Health Division on an on-going basis for our review.
- If this proposal triggers the addition of any food to be served or prepped on site at this new facility, the owner must fill out and submit an online application for a Food Permit Plan Review packet. As part of this plan review, a food establishment permit will need to be applied for through the Public Health Division via the Town's ViewPoint Cloud online permitting system, which will require a review of the proposed kitchen layout plans, with equipment and hand sinks noted, along with any proposed seating layout plans where applicable.
- Please ensure that sufficient exterior space is provided to accommodate an easily accessible Trash Dumpster and a separate Recycling Dumpster, per Needham Board of Health Waste Hauler regulation requirements. These covered waste containers must be kept clean and maintained, and be placed on a sufficient service schedule in order to contain all waste produced on site. These containers may not cause any potential public health and safety concerns with attraction of pest activity due to improper cleaning and maintenance.
- As noted in the proposal, the applicant will be required to connect to the municipal sewer line, once it's brought up to the property, prior to building occupancy. A copy of the completed signed/dated Sewer Connection application, which shows that sewer connection fee was paid, must be forwarded to the Public Health Division for our record.
- No public health nuisance issues (i.e. odors, noise, light migration, standing water/improper on site drainage, etc.), to neighboring properties, shall develop on site during or after construction. We are in support of an extensive landscaping plan be developed on site to screen and enhance the site, and to ensure that noise and visual impacts are minimized for the benefit of the neighboring residential properties in this location. Additional buffering, by the addition of new vegetation, along with new plantings, is strongly encouraged.
- Proposed lighting on site shall not cause a public health nuisance, with lighting being allowed to migrate on to other abutting properties. If complaints are received, lighting may need to be

adjusted so it will not cause a public health nuisance.

- The applicant must meet current interior/exterior COVID-19 Federal, state and local requirements for spacing of seating, HVAC/ventilation, face covering requirements, sanitation requirements and occupancy limit requirements, etc. Please ensure that proper occupancy limits are met in order to accommodate the most updated state COVID-19 requirements for this proposed facility to ensure the health and safety for the number of proposed students and staff on site.
- The Public Health Division is also in support of the comments and concerns noted in the letter entitled, 'Neighborhood Petition Regarding Development of 1688 Central Avenue in Needham,' that was received and distributed by the Planning Board, including the excerpt on the neighboring abutters' concerns regarding the previous uses of the property with reference to potential soil contamination that may be present. We conducted a file check for this property address and we support the neighbors request for a soil test based on a concern that was investigated by the Fire Dept. that was filed back on June 24, 2003. The applicant must ensure that the property is safe, which includes conducting proper soil testing of the site prior to construction, and also follow through with any necessary mitigation measures as found to be necessary, as part of this project approval. → **Comment satisfactorily addressed.**

Please let us know if you need additional information or have any follow-up questions on those requirements.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S.
ASSISTANT PUBLIC HEALTH DIRECTOR
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Health and Human Services Department
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Needham, MA 02494
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From: Alexandra Clee <aclee@needhamma.gov>

Sent: Monday, March 22, 2021 2:50 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 - 1688 Central Avenue

Dear all,

The Planning Board will be hearing about a proposal for a new daycare at 1688 Central Avenue on April 6, 2021. More information is included in the submitted documents, detailed below, which can be attached to this email (with the exception of the Stormwater Report) and can also be found at this location K:\Planning Board Applications\Planning_1688 Central Avenue_2021. Some of the application documents are attached, as noted, but not all, as the files were too large to include all. (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 Needham Enterprises, LLC with Exhibit A. *attached*
2. Letter from Evans Huber Attorney, dated March 11, 2021. *Attached*
3. Letter from Evans Huber Attorney, dated March 12, 2021. *attached*
4. Letter from Evans Huber Attorney, dated March 16, 2021. *attached*
5. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 4 sheets: Sheet 1, Sheet A 1-0, entitled "1st Floor Plan," dated March 8, 2021; Sheet 2, Sheet A 1-1, entitled "Roof Plan," dated March 8, 2021; Sheet 3, Sheet A 2-1, showing Building Sections, dated March 8, 2021; Sheet 4, Sheet A 3-0, showing elevations, dated March 8, 2021. *Attached*.
6. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 10 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020; Sheet 3, entitled "Site Plan," dated June 22, 2020; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020; Sheet 6, entitled "Construction Details," dated June 22, 2020; Sheet 7, entitled "Construction Details," dated June 22, 2020; Sheet 8, entitled "Sewer Extension Plan and Profile," dated "as noted November 19, 2020"; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020; Sheet 10, entitled "Appendix, Photometric and Site Lighting Plan," dated June 22, 2020.

7. Traffic Impact Study, dated March, 2021. *Attached*

8. Stormwater Report, dated June 22, 2020.

I also have attached a letter from Abutters that we received today that I am sharing in case you wish to note the neighborhood concerns while you conduct your review.

The meeting where this topic will be presented to the Planning Board is April 6, 2021. If you wish to comment, please submit your comment by Wednesday March 31, 2021, 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](#)
Cc: [Lee Newman](#)
Subject: FW: 1688 Central Ave follow-up
Date: Monday, August 16, 2021 1:08:21 PM
Attachments: [image003.png](#)
[image004.png](#)
[Needham 1688 Central Ave NB ERMR \(003\).pdf](#)

Alex-

Just wanted to get back to you RE: the additional inquiry on #1688 Central Ave. Here is the proposal that was found to be acceptable. (See email below and attached report.) So It was agreed that all potential exposure areas on this site located at #1688 Central Ave. must be sufficiently covered with acceptable amounts of clean soil in order to limit the risk of exposure to potential soil contaminants, which also includes landscaped areas which will be covered with clean top soil, which everyone agreed will be seeded and maintained to reduce erosion on site. (Matt Borrelli was on board with those requirements.)

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

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S.
ASSISTANT PUBLIC HEALTH DIRECTOR
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Health and Human Services Department
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[Follow Needham Public Health on Twitter!](#)

From: Rick Wozmak <rwozmak@endpointllc.com>
Sent: Wednesday, May 12, 2021 8:57 AM
To: Tara Gurge <TGurge@needhamma.gov>
Cc: mborrelli@borrellilegal.com
Subject: 1688 Central Ave

Hi Tara, as discussed, my experience with the standard of practice in Massachusetts for addressing potential exposure concerns for a daycare center in an urban setting typically consists of the following:

1. Conducting a review regulatory agency files to see if there have been documented releases or threats of releases of hazardous materials and/or oil; and if nothing is found,
2. Providing physical barriers between any so-called "urban fill" and parents/workers/children present at the daycare as an added precaution.

As part of the lender's environmental due diligence, Needham Enterprises retained PVC Environmental Risk Strategies to perform an environmental risk management review of the subject property and did not find evidence of past releases of hazardous materials and oil, which satisfied the lender. The report is attached.

As we discussed, there is no specific evidence of toxic materials (including lead) on site. However, in an excess of caution, and given that the site will be used for a day care facility, in my view a reasonable approach would be to take steps to prevent exposure to any harmful materials that might be present, in those areas of the site where children (or adults) might be exposed to them.

Typical exposure pathways for metals include digestion, inhalation of dust and dermal contact. Physical barriers can eliminate these exposure pathways. The type of barrier is dependent upon the presence of children vs. adults, area accessibility, frequency of use, and intensity of use. For example, a playground or play area would be accessible by children with a high frequency and intensity of use. Protection from exposure could be adequately provided in these types of areas by covering them with a foot of clean soil, installed on top of a demarcation barrier (typically orange snow fencing) that would indicate a change from clean fill to the soil beneath it, in the event of any future digging in such areas. Landscaped areas on the other hand may only include 4-6 inches of top soil that is seeded and maintained since the frequency and intensity of use would be low. If acceptable to the Board of Health, Needham Enterprises would be amenable to discussing appropriate barrier options for areas of the daycare grounds that will be used by children and adults, beyond the buildings, paved/concrete walkways, and parking lots that already serve as barriers.

Let me know if you have any further thoughts or concerns regarding this approach. Thanks, Rick



Richard J. Wozmak, P.E. (NH & MA), P.H., LSP, LEP
Principal

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Londonderry, NH 03053

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Fax: 603-965-3827

www.endpointllc.com

March 17, 2021

Andrew Rafter
Vice President/Commercial Loan Officer
Needham Bank
1063 Great Plain Avenue
Needham, MA 02492

Subject: **Environmental Risk Management Review:**
1688 Central Avenue, Needham, MA (the Site)

Dear Mr. Rafter:

PVC Services, LLC (PVC) has completed an Environmental Risk Management Review of the Site, with the Scope of Work consisting of a review of the following documents:

- December 11, 2020 "EDR Environmental Screen", prepared on behalf of Needham Bank;
- December 7, 2020 "Visual Inspection and Clearance Sampling...", prepared by ERS on behalf of Matt Borrelli

PVC also discussed Site conditions with the Site owner, Matt Borrelli, who plans to raise the existing buildings on the Site and construct a daycare facility that will be financed by Needham Bank. The following salient points were noted during the review:

1. Available information indicates that the 3.47-acre Site is improved with a residence and barn that were heated by fuel oil stored in an aboveground storage tank (AST) and a wood stove. Mr. Borrelli indicated that the AST and asbestos containing buildings materials (ACMs) have been removed from the Site in advance of pending building demolition.
2. According to the ERS document, ACMs including window flashing; piping insulation and tiles were removed from the Site buildings in December 2020 by Asbestos Free, Inc. and disposed off-Site. Additionally, subsequent indoor air testing confirmed that airborne asbestos fiber content was below applicable action levels.
3. According to the EDR Environmental Screen, on-Site and nearby off-Site regulatory listings were not identified.

PVC Opinion:

Based on the information as specifically discussed herein, it is PVC's opinion that the environmental risk posed to Needham Bank in its role as a secured lender is low and additional assessment of the Site is not necessary at this time.

Please note this Environmental Risk Management Review does not meet the standards of ASTM due diligence and is provided for risk management purposes only. Please contact me at 617-680-7157 should you have any questions.

Regards,
PVC Services, LLC



Peter B. Vaz
Principal



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

August 12, 2021

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Project Site Plan Follow up Review of revised submittals
Needham Enterprises Childcare Facility-1688 Central Avenue

Dear Members of the Board,

The Department of Public Works has completed a follow up review of the above referenced site Planning Board plan permit review. The applicant proposes to construct a new 9,966 square foot building as a childcare facility. The childcare facility will have a maximum of 100-children. The support staff will be 13-employees. The plans have been mainly updated to widen the drive access with additional striping and directional traffic flow, reshape the proposed drop off areas, as well as some landscape modifications.

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. Memorandum from Attorney Evans Huber dated August 4, 2021 describing changes.
2. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 9 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 5, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 7, entitled "Sewer Extension Plan and Profile," dated "scale: as noted November 19, 2020", revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 8, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021; Sheet 10, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021 and July 28, 2021.
3. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 2 sheets: Sheet 1, Sheet A 1-0, entitled "1st Floor Plan," dated March 8, 2021, revised March 30, 2021 and May 30, 2021; Sheet 2, Sheet A 3-0, showing elevations, dated March 8, 2021, revised March 30, 2021 and May 30, 2021.

Our comments and recommendations are as follows:

- We understand that the traffic Engineer and Peer Engineer reviewer are still discussing the proposed updates.
- Original plans show that the facility's proposed lighting will not trespass onto the neighboring properties. However, the shields proposed should minimize visual glare to the closest neighboring properties. Provide updated plans on the lighting for the additional parking area (previously plans show as an asphalt playground).
- The project does not indicate if a generator, or if an electrical transformer is required. If found to be required, the applicant will need to provide a sound study and demonstrate sound attenuation measures for the generator, and visual screening measures for the generator or transformer.
- The plans call for collecting stormwater and mitigating the post construction storm events through onsite infiltration systems. As part of the NPDES requirements, the applicant will also need to comply with the Public Out Reach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the DPW identifying the measures selected for Public Outreach, and for Public Participation and Involvement and provide dates by which the measures will be completed.

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

Truly yours,

Thomas Ryder
Assistant Town Engineer



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

September 2, 2021

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Project Site Plan Follow up Review of revised submittals
Needham Enterprises Childcare Facility-1688 Central Avenue

Dear Members of the Board,

The Department of Public Works has completed a follow up review of the above referenced site Planning Board plan permit review. The applicant proposes to construct a new 9,966 square foot building as a childcare facility. The childcare facility will have a maximum of 100-children. The support staff will be 13-employees.

The most recent submittals submitted for review consist of an update Traffic Assessment from the Applicant's Traffic Engineer dated August 11, 2021, Peer Review 2 of the Traffic Impact Assessment by GPI on August 26, 2021, and a response letter of the Peer Review 2 by Glossa Engineering, Inc dated August 31, 2021

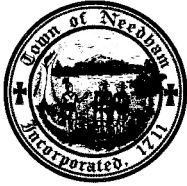
Our comments and recommendations are as follows:

- We have no additional comments from our previous letter dated August 12, 2021

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

Truly yours,

Thomas Ryder
Assistant Town Engineer



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Design Review Board

Memo: Project Site Plan Review, 1688 Central Ave., Needham Enterprises LLC

Meeting Date: August 9, 2021

Memo Date: August 13, 2021

By: Deborah Robinson

The Board reviewed the design drawings for the new building proposed for this site, and the project was discussed at the DRB meetings on March 22 and May 10. Since that time this project has been discussed at Planning Board meetings, and there was a peer review of the documents by Greenman-Petersen, Inc. (GPI) that focused on traffic issues.

Representing and presenting for the Applicant was Evans Huber, the attorney for the project. Present for the Design Review board were Deborah Robinson (vice-chair), Bob Dermody, Len Karan and Chad Reilly. Mark Gluesing (chair) recused himself due to his involvement as architect for the project.

The proposed building is a day care facility of 9,966 SF to be located on a 146,003 SF lot in a residential neighborhood. The site plan for the proposed one-story building would be set back 64 FT (increased from 50 FT and the originally submitted 35 FT) from the street. The site would include 30 parking spaces (increased from 24). While the existing residential building on the site and smaller out-building (garage) would be demolished, the barn structure is shown to remain. The project application indicated that the new building will be “designed to look like a large single-family home...”.

The materials submitted with the application for this meeting included a revised drawing set. The revised colored site plan was dated 7/28/21 and architectural drawings were dated 5.30.21. The package also include a memorandum from Evans Huber, Esq., dated August 4, 2021, summarizing the changes included. On August 9 the Planning Board forwarded to DRB members a copy of the GPI review document as well as a letter (dated August 9, 2021) from Holly Clarke that included comments from neighbors.

The following are the previous comments from our memos of March 26, 2021 and May 14, 2021 (now in *italics*), with updated comments in **bold**:

Site Plan

The Board has concerns regarding the siting of the building so close to the street. This is not in keeping with the character of Central Ave. We understand the parking and building access requirements, but those could be retained while adjusting the building away from central avenue, either by reconfiguring the building footprint or by demolishing the barn and moving the proposed building and parking further to the east. There is unused area to the east.

The Board appreciates that the site plan was adjusted to move the building back some, and this involved reconfiguring parking as well as adding spaces. It is an improvement, and the parking layout looks acceptable from a circulation standpoint.

There is still some concern that a relatively large building is sited closer to the street than other buildings in the neighborhood. An option to be considered still could be the removal of the barn and moving the building and site design elements further to the east of the property.

The Applicant did not include a site plan or street-view renderings to show the relationship of the proposed building to the street, to adjacent houses and to the synagogue next door. Those drawings would be helpful moving forward as the site plan and building issues are reviewed.

It is an improvement that the building has moved back some, to align with the house to the south. Nevertheless, as the relative change is fairly minimal in the context of Central Ave., our comments regarding the proposed building placement relative to the rest of the neighborhood remain.

While we appreciate the effort that went into the “setback ratio” narrative and table included in the neighbors’ comments, our thought is that for this site the most critical factors are the setback at the street and the street-facing façade, and the overall footprint is not a critical factor for this site.

The Applicant could look at alternate site plans (building location and shape, attaching to the barn or removing it, outdoor space, parking, etc.), even if only to show how other options would be infeasible. We do not know why that has not been done, particularly given the nature of the ongoing discussions.

Building Design

The Board has concerns regarding the building exterior. The building is not residential in appearance. The west façade is the most important façade, and is too institutional in design. It is very flat. A residential-looking building would have more modulation of the massing, possibly including more three-dimensional window areas, a porch or overhang, etc. While the Applicant responded to this by indicating that the truss system for the roof structure is a limiting factor for the massing, we do not agree that that is a driving force for the architecture.

The Applicant’s screenshare presentation included a 3-D drawing of the building that was not in the package submitted to the Design Review Board.

The rendered elevations received just prior to the meeting showed a minor change to the windows on the west façade. As described by the Applicant, this involved having the windows now project 8” from the façade, with an overhang of 5” beyond that. The Applicant did not include the drawings from the previous meeting to show the change more clearly. The Board had little comment on this change. While one member (someone who had not been present at the March meeting) indicated the design of the building in general “looks good”, that was not a specific acknowledgement that the comments at the previous meeting had been successfully addressed. To some, a lack of comment was a response to a lack of changes to the overall massing, and the initial comments from 3/22/21 stand. Members of the Board do not

necessarily have the same reaction to the building design and its suitability for this location. As this was not a vote, there was no “yes” or “no” required from each member.

The change to the west façade in the updated documents, with the addition of more residentially-scaled gable elements, is definitely an improvement over the previous drawings. As the projections are only two feet in depth, however, the façade is still overall without overhangs, porches, etc. that would have made the street-facing façade even more residential in scale. We do appreciate the fact that the building presents itself as a single story.

There has been no change to the plan of the building. When this has come up a few times, the Applicant’s response implied the only option would be to take the plan as designed and turn 90 degrees, thus presenting an even longer façade to Central Ave. The intent of our comments has been to ask if other plan options were or could be considered. We did not intend to imply that room sizes and amenities for the facility should be compromised.

Barn

The applicant’s representative stated that the barn would be retained without any renovation, there is no intended use for the time being, and that it is being retained because it is “historic”. As noted above, the Board questioned whether keeping the barn is the best solution given the site plan issues. The Applicant did not know if the barn has any local or other historic designation that might affect a decision to retain or not retain the barn.

As there was no further clarification regarding the intentions for the barn, the option of removing it for the benefit of other site plan issues could still be considered. The Applicant did not comment when this was brought up again.

We now understand that the Applicant’s evaluation is that the barn is in good condition, and that it will be used for needed storage and potential future “accessory” use. This seems to be quite a large volume for storage use, though we have no knowledge of the specific program needs of the facility for which the building is being designed.

Previously there was an explanation related to historic value. Assuming now that the 1989 date for the barn’s construction as identified in the Holly Clarke document is correct, the building is not “historic”. If the building is in good condition, why was it not incorporated into one larger new building, for example, as part of the overall plan? Another option could be to move it on site. The DRB did not state that we think it “should” be torn down, and we are not advocating any particular approach. The intent for the barn still is a question.

Lighting

The 24’ high lights at the north side of the proposed driveway have a long distance between them, which would result in bright and dim spots. Better would be four rather than three pole lights at the north side, with 20’ high poles. Lower fixtures would create less light trespass onto Temple property.

The site plan presented did not show lighting at the entry, as required by code. The applicant did clarify that there would be lighting at the entry canopy.

The lighting at the north does not look to have been addressed, so that comment stands.

As long as exterior lighting complies with building code and zoning requirements, and the original comment about height and spacing of poles at the north side is addressed, we see no issue. As noted, the facility will shut down and site lights will be off in the early evening.

Fence

The fence at the south of the building is intended to be white vinyl. The Board comment was that this is very bright relative to the rest of the built elements, and another color would be preferable so as to not be as visible. Vinyl is also available in tan and gray, or another material could be used.

Another suggestion is a dark green vinyl, which would look more “natural”.

Wood is preferable from an aesthetic standpoint. Vinyl fencing looks shiny, regardless of the color. We do understand the maintenance issues, so our prior comments were trying to work with that.

Trees

The north edge of the site, at the Temple Aliyah side, will indeed benefit from trees to screen the site, but the 15' spacing of white pines will not be satisfactory to form a true screen for several (5-10) years. The Board's recommendation is that additional species be added in this area, located in groupings of different species and staggered. The front (west) of the site would benefit from foundation plantings/trees at the building as well.

The sidewalk at the south of the building shows some trees very close to the walk. These would be too low and conflict with people. Either provide bigger/taller trees or move them away from the sidewalk.

Arborvitae are an acceptable selection as shown to the north of the parking.

The white pines shown to the south of the proposed building would also benefit from the same treatment as commented on for the north.

The addition of more trees is definitely helpful to the design, and the Applicant has addressed the items brought up at the first meeting. The added trees at the southeast will help screen the building massing for vehicles and others approaching from the south. The suggestion is that evergreen trees at the west would help with screening the building in a way that could offset the perceived negative aspects of the building size and proximity to the street.

The Applicant should look more closely at the expected size of trees that are adjacent to the walks and the building as the design is developed. It was noted, for example, that the Legacy Maple at the far left of the row is too close to the building and would grow into the building in five years.

Another comment was that plants adjacent to parking stalls should be durable enough to withstand people stepping, etc. Prostrate Juniper instead of the Azeleas that are shown was one suggestion.

Retaining the large maple tree would be desirable. We understand this is just outside the building footprint, so this should be looked at relative to building footing issues. The Applicant agreed to look at this and retain the tree is possible.

Parking

The dumpster enclosure at the east end of the parking limits the ability of the user of the end parking space to easily back out. Moving the dumpster enclosure to the east could easily provide more turning space for that vehicle.

There was some confusion due to the presented documents not matching what the DRB had received. This parking item is another example of a discrepancy.

The increased number of parking spaces and added length to the drive (fitting 10 cars) will help with potential congestion on the site. As noted above, the revised circulation around to the east looks acceptable.

It was noted that 3 1/2 FT width is required for accessibility at sidewalks, and the 5 ft sidewalk as shown adjacent to parking spaces might not be adequate once cars park. The sidewalk could be made wider, or a grass strip added. Simply adding tire stops would be less desirable as that limits maneuverability.

The Board cannot comment on whether or not the number of parking spaces is adequate, more than adequate, etc. for this proposed use and occupancy.

The added drop-off lane looks to be something that will help with the potential issue of cars backed up and spilling onto Central Ave. We consider this a positive addition to the scheme. We defer to others for the traffic volume issues.

Car-management with the assistance of staff will help with this layout. We note that consideration should be given to how people will walk from the east parking to the building. A monitored crosswalk at the east of the building might be a good idea if the expectation that people will use the perimeter sidewalk is not realistic.

The Board presents these comments for Planning Board consideration. These comments summarize and are limited to the comments made at the meeting, and are intended to relay the Board's thoughts in seeing this project for the first time. This is not intended to be minutes of the meeting. These comments do not document comments and explanations made by the Applicant in response to the Board's comments and questions. Any lack of comment on the Board's part in response to the Applicant's justifications or in response to comments made by the public does not constitute agreement.

These comments on the revised information show improvement relative to what was presented in March. We understand this project will continue to be reviewed, next at a Planning Board meeting on May 18. The Board is available to review this project again, if additional design development is done, at future meetings.

We hope our comment are useful to the Planning Board. There has been significant progress since the first review by the DRB in March. We understand the Planning Board

will proceed per the Needham Zoning By-Laws. We are available for further review and discussion if there are changes to the proposed project.

End of Notes

Newly distributed materials:

The following materials related to the proposal at 1688 Central have not already been distributed.



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

September 8, 2021

Matthew D. Borrelli
1175 Great Plain Avenue
Needham, MA 02492

**Re: Conflict of Interest Opinion
M.G.L. c.268A, §22**

Dear Mr. Borrelli:

You have requested that I provide you with a conflict of interest opinion pursuant to M.G.L. c.268A, §22. In particular, you have asked that I discuss whether you, as a member of the Town of Needham Select Board, have a conflict of interest pursuant to M.G.L. c.268A relative to the application of Needham Enterprises, LLC for a Major Project Special Permit.

I. Facts

You are an elected member of the Town of Needham Select Board ("Select Board"), and currently serve as its Chair.

You are also the Manager and Resident Agent of Needham Enterprises, LLC, a Massachusetts corporation with a business address of 105 Chestnut Street, Suite 28, Needham, MA 02492. Needham Enterprises, LLC is the record owner of property located at 1688 Central Avenue in Needham.

Needham Enterprises, LLC is currently the applicant for a Major Project Site Plan Review from the Town of Needham Planning Board. Attorney Evans Huber, on behalf of Needham Enterprises, LLC, filed the application with the Planning Board. This application seeks authorization, pursuant to the Town of Needham's Zoning By-Laws, to allow Needham Enterprises, LLC to construct a childcare facility at 1688 Central Avenue. The application to the Planning Board indicates that the proposed facility, if constructed, will house an existing child-care business known as Needham Children's Center.

The Planning Board has previously conducted several sessions of a public hearing on the application, and the next session is scheduled for September 8, 2021. You have not personally appeared before the Planning Board in connection with the application, or during any session of the public hearing, and you have stated that you will not do so at any time during the remainder of the public hearing. All communication between Needham Enterprises, LLC, on the one hand, and the Planning Board and its staff, on the other, will be conducted by attorney Evans Huber or other representatives of the LLC.

You personally have not received compensation from Needham Enterprises, LLC in connection with the application for Major Project Site Plan Review. In addition, you personally have not received any compensation from Needham Children's Center in connection with the application for Major Project Site Plan Review.

Needham Enterprises, LLC has not been paid any money or other form of compensation by Needham Children's Center in connection with the application to the Planning Board for Major Project Site Plan Review. There is no lease between Needham Enterprises, LLC and Needham Children's Center.

The members of the Planning Board are elected. Pursuant to the Town of Needham's Zoning By-Laws, the Select Board does not participate in the review of an application for Major Project Site Plan Review, and the Select Board does not have any input into, or authority over, the Planning Board's decision on an application.

II. Conflict of Interest Law

The facts outlined above potentially implicate Section 17(a) and Section 17(c) of the *State Ethics Law*.

Section 17(a)

M.G.L. c.268A, §17(a) states:

No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.

The permit presently being sought from the Planning Board for 1688 Central Avenue is a “particular matter” in which the Town is a party.¹ State Ethics Commission EC-COI-83-153. Accordingly, as a member of the Select Board you may not receive or request compensation² from anyone in connection with this application for site plan review. Based on the facts discussed above, you personally should not accept or request compensation from Needham Enterprises, LLC in connection with the application for Major Project Site Plan Review. Additionally, you should not accept or request compensation from Needham Children’s Center in connection with the application for Major Project Site Plan Review. Provided that you do not personally accept or request compensation from either entity, or from anyone else, for the application for a Major Project Site Plan Review, you will not violate M.G.L. c.268A, §17(a).

Section 17(c)

M.G.L. c.268A, §17(c) states:

No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

As noted above, the permit presently being sought is a “particular matter” in which the Town is a party. “Types of activities prohibited by §17 include: submitting applications or supporting documentation; preparing documents that require a professional seal; contacting other people, groups or agencies; writing letters; serving as attorney; and serving as a spokesperson.” Advisory 88-01 Municipal Employees Acting as Agent for Another Party. In addition to prohibiting municipal employees from acting in front of their own board, §17(c) also prohibits municipal employees from representing anyone:

- before *other* municipal boards and agencies
- before state, county or federal agencies
- to private business or charitable organizations, or

¹ Particular matter is defined as “any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property.” M.G.L. c.268A, §1.

² “Compensation” is defined as any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another. M.G.L. c.268A, §1.

- to private individuals

in any instance where their municipality is a party to, or has a direct and substantial interest in, the matter. Id.

Based on the facts outlined above, you are not acting as agent to Needham Enterprises, LLC before the Planning Board on the pending application for Major Project Site Plan Review. Attorney Evans Huber filed the application with the Planning Board on behalf of the applicant Needham Enterprises, LLC. Attorney Huber has presented the application at all sessions of the public hearing and will continue to do so for any remaining sessions. You personally have not appeared before the Planning Board at any point during the public hearing on the application. You have stated that you will not do so for the remainder of the public hearing. Accordingly, you are not acting as agent for the applicant Needham Enterprises, LLC with respect to the application to the Planning Board for Major Project Site Plan Review, and are not acting in violation of M.G.L. c.268A, §17(c). See Advisory 88-01 Municipal Employees Acting as Agent for Another Party (“[T]he restrictions of §17(c) are not triggered if the municipal employee is not *representing* someone before a third party.”)(emphasis in original); see also Summary of Conflict of Interest Law for Municipal Employees (“Acting as an agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.”)

Pursuant to 930 CMR 1.03(3), a copy of this opinion is being sent to the State Ethics Commission, which will notify me if the conclusions stated in this letter are incorrect, incomplete or misleading. In addition, M.G.L. c.268A, §22 provides that Town Counsel shall file the opinion with the Town Clerk and that the opinion shall be a matter of public record.

Please let me know if I can answer any additional questions regarding this matter.

Sincerely,



Christopher H. Heep

cc: Theodora K. Eaton, Town Clerk (teaton@needhamma.gov)
State Ethics Commission

FRIEZE CRAMER ROSEN & HUBER LLP

C O U N S E L L O R S A T L A W

60 WALNUT STREET, WELLESLEY, MASSACHUSETTS 02481

781-943-4000 • FAX 781-943-4040

EVANS HUBER

781-943-4043

EH@I28LAW.COM

September 30, 2021

Via Electronic Mail
Members of the
Needham Planning Board

And

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

Re: 1688 Central Avenue, Needham

Dear Planning Board Members and Ms. Newman:

I am writing on behalf of Needham Enterprises LLC, to address certain issues that have been raised at the most recent hearing on this matter. We recognize that the process has, at times, become contentious and has raised a number of questions about the impact of M.G.L. c. 40A, Section 3 (the so-called "Dover Amendment") on the Town's zoning procedures and Bylaws that might otherwise be applicable to this project. We appreciate the Board's careful attention to these matters, but we feel it is important to keep in mind, throughout the remainder of this hearing process, that this project falls squarely within the protections afforded to child care facilities by the Dover Amendment, which, as this Board has previously acknowledged, limits this Board's ability to impose conditions on the project.

In particular, we would like to draw the Board's attention to the following:

1. Allegations of Violations of the State Ethics Law.

There are obviously strongly differing views on (1) whether there have been violations of M.G. L. c. 268A in connection with this application; and, (2) if any such violations are found to exist, what the appropriate consequences, if any, should be. It is not the purpose of this letter to attempt to persuade the Planning Board of the merits of the Applicant's position on those two issues.

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What is abundantly clear, however, is that it is not within the jurisdiction or expertise of the Planning Board to consider, much less resolve, these alleged violations of M.G.L. c. 268A. As stated on the Planning Board's page on the Town website, "the Board is legally mandated to carry out certain provisions of the Subdivision Control Law (M.G.L., c. 41, s. 81K-81GG) and of the Zoning Act (M.G.L., c. 40A)." Nothing in either of those statutes even discusses potential violations of M.G.L. c. 268A, much less suggests that the Planning Board has the authority and jurisdiction to consider and resolve such issues.

On the contrary, the statute establishing the State Ethics Commission, M.G.L. c. 268B, specifically states in Section 3(i) that the State Ethics Commission "shall . . . act as the primary civil enforcement agency for violations of all sections of chapter two hundred and sixty-eight A and of this chapter." Indeed, even the Needham residents actively pursuing this issue have, citing the Board, Commission and Committee Member Handbook for the Town of Needham, argued to the *Select Board* that it is the *Select Board* that has the authority and responsibility to address this issue ("The Select Board is an overseeing entity for the Town of Needham. It has general supervision *over all matters that are not specifically delegated by law or vote to some other officer or board.*" (emphasis added)). Whatever the merits of that argument may be as applied to the facts of this case (and the Select Board has taken no action in response to the assertion that it has the authority and responsibility to address these alleged violations), this argument by the opponents of the application is a clear acknowledgement that the responsibility for addressing this issue has *not* been "*specifically delegated by law or vote to some other officer or board,*" i.e., the Planning Board.

It is not surprising, then, that by email dated July 16, 2021, Town Counsel, attorney Christopher Heep, advised this Board that "as previously discussed, I don't believe that Mrs. Abruzese's arguments relative to the *State Ethics Law* provide a basis for the Board to stop, or postpone, its hearing on a zoning application." And while the Board has nominally allowed the hearing to move forward on the merits, at the last hearing an inordinate amount of time was spent listening to and discussing these allegations, and then concluding that the Board needed to hire outside counsel to further advise it on these issues.

It is unfortunate that by the time of the last hearing, the Board did not have the benefit of the written opinion of attorney Heep issued pursuant to M.G.L. c. 268A section 22, to Mr. Borrelli (on the same date as the hearing) to the effect that Mr. Borrelli's ongoing connection to the Applicant, Needham Enterprises LLC, did not mean that Mr. Borrelli was "acting as an agent of Needham Enterprises LLC," and that, based on the facts recited in that letter, by continuing to pursue this application, Mr. Borrelli is "not acting in violation of M.G.L. c. 268A, section 17(c)." Perhaps having that written opinion would have expedited discussion of this issue at the last hearing.

In any event, for the reasons stated above, this is not a topic that the Board should be spending any additional time on, particularly where the hearing on this application has been rescheduled/postponed, and continued multiple times already.

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Furthermore, as the Board is well aware, certain opponents of this project continue to insist that, while it may not be this Board's responsibility to address the merits of these allegations, this Board should nevertheless suspend this hearing while it awaits resolution of these allegations before the State Ethics Commission, and/or further opinions from outside counsel. The applicant wishes to clearly state its position on this point, that any further delay in the hearing(s) as a result of, or for reasons related to, this issue, including but not limited to spending any meaningful time discussing it during the remainder of the hearing; continuances or delays to await the results of the opinion of outside counsel; or suspending the hearing to await the outcome of action by the State Ethics Commission, will constitute an unreasonable delay in the completion of the hearing, raising the possibility of constructive grant of the Special Permit pursuant to M.G.L. c. 40A, section 9. See, e.g., *Merrimac Plan. Bd. v. Moran*, 2009 WL 191840 (Mass. Land Ct. Jan. 28, 2009), in which the Land Court affirmed the decision of the local Zoning Board of Appeals, which had ruled that the failure of the local Planning Board to act within the time required resulted in constructive approval of the application for Site Plan Review. In doing so, the Court specifically rejected the argument that the necessity of seeking an opinion of counsel on an issue raised by the applicant justified an extension of the time within which the Planning Board had to act:

It is clear that the application was constructively approved. Accordingly, I rule that the decision of the Merrimac Zoning Board of Appeals is affirmed. Plaintiffs argue that the circumstances surrounding the Planning Board's review of the application merit an extension of time set for review. Specifically, plaintiffs argue that applicant's consulting engineer informed the Planning Board that the town's designated consulting engineer had a conflict of interest. The Planning Board, therefore, had to seek a new engineering firm for consultation. Plaintiffs also argue that because Defendant L.T. was questioning whether a special permit was required, the Town sought legal counsel. These matters not having been resolved in time for a public hearing scheduled for September 26, 2006, the Planning Board continued the hearing. The Court is not persuaded by these excuses for inaction. The timing requirements of town bylaws for municipal action on review applications are strict and stringently adhered to by the Courts.

Merrimac Plan. Bd., *supra*, 2009 WL 191840, at 6. See also *Pheasant Ridge Assocs. Ltd. P'ship v. Town of Burlington*, 399 Mass. 771, 783 (1987)(the period within which the Board must act "runs from the date of the last session at which interested persons presented information and argument. [citations omitted] The date may be even earlier if a board of appeals has not conducted the public hearing expeditiously, scheduling adjourned sessions at reasonable intervals in the circumstances.")

Accordingly, we urge the Board to forego any further discussion of the alleged ethical violations, and to conduct and complete the remainder of the hearing "expeditiously," focusing only on the remaining issues that relate to the project itself.

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2. The Existing Barn.

Several arguments have recently been raised to support the idea that the applicant should be required to take down the existing barn and move the proposed new building to the location where the barn used to be. First, it has been argued that Section 3.2.1 of the Town Bylaw prohibits more than one non-residential structure on a lot in this zoning district, and that the barn, even if used solely for purposes relating to the child care facility, is prohibited by this portion of the Bylaw.¹ This argument is incorrect, and was explicitly rejected by the Appeals Court in *Petrucci v. Bd. of Appeals of Westwood*, 45 Mass. App. Ct. 818 (1998). In that case, the property had an existing residence and a separate barn that the applicant sought to convert to a child care facility. The application was rejected on the grounds, among others, that the town Bylaw prohibited more than one primary use on a lot. The Appeals Court stated: “Even were the board correct in its assertion that the Westwood by-law does not permit multiple primary uses on a single lot, such a prohibition is exactly what the statute [c.40A sec. 3] declares impermissible with respect to child care facilities.” *Id.*, 45 Mass. App. Ct. at 822. Similarly, in this case the portion of the Needham Bylaw that prohibits more than one non-residential structure on a lot is overridden by M.G.L. c. 40A, section 3, which states:

No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. (emphasis added).

In sum, this Board cannot prohibit the Applicant from using the barn for purposes relating to the child care facility, on the grounds that Section 3.2.1 of the Town Bylaw prohibits more than one non-residential structure or use on a lot in the SRA district.

Second, it has been suggested that the Board has the authority to require the applicant to demolish the barn because (a) demolishing the barn will allow the main building to be moved further back from Central Ave; and/or (b) the barn is “too big” to be used as a storage facility. Again, this is incorrect. The statutory language quoted above clearly prevents the Town from “prohibit[ing], or requir[ing] a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility.” Particularly given that the statute repeatedly refers to the use of *structures* (plural), it is hard to think of a more clear example of violating that statutory prohibition than if the Town were to say “we will give you a special permit to operate a child care facility in structure A, but only if you demolish structure B and locate structure A where

¹ As a preliminary matter, before even considering the argument that follows this footnote, this Board would have to conclude that the prohibition against “more than one non-residential structure or use on a lot” found in Section 3.2.1 applies to accessory structures. In this context, the barn would meet the definition of an accessory structure, and the proponents of this argument would need to demonstrate that the Bylaw has been interpreted to prohibit non-residential accessory structures in this zoning district.

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B was previously located” (where structure B is also intended to be use for accessory purposes relating to operating a child care facility).

In addition, with respect to the barn, it is worth noting that it has been argued to this Board that because the main building will be new construction, the Board has the authority to require the Applicant to apply for a Special Permit, notwithstanding the language of M.G.L. c. 40A, Section 3 quoted above. This argument clearly does not apply to the use of *existing* structures for purposes relating to a child care facility, meaning that with respect to the barn, the Board does not even have the authority to require a Special Permit in order for the Applicant (or the tenant) to use the barn for purposes relating to the child care facility, much less require the Applicant to demolish it.

Nor is the view that the barn is “too big” to be used as a storage facility a valid basis to require the Applicant to tear it down. *Rogers v. Town of Norfolk*, 432 Mass. 374 (2000) is instructive on this point. In *Rogers*, the applicant proposed to use a 3200 s.f. home as a child care facility, even though the town had a Bylaw limiting child care facilities to 2500 s.f.. The SJC held that while the 2500 s.f. limitation might be “facially valid,” it was invalid as applied to that case, because there was no practical way to use the house as a child care facility if the 2500 s.f. limit on child care facilities were to be enforced. The *Rogers* Court even noted that it would be possible to make the structure comply with the 2500 s.f. limit set forth in that town’s bylaw, by demolishing certain portions of the building, but that doing so would weaken the structure, and serve no valid municipal interest. Accordingly, the applicant in that case was not required to comply with the town’s “facially valid” limit of 2500 s.f. for child care facilities.

In this case, Needham does not even have a Bylaw limitation on the size of child care facilities (much less for accessory structures used for child care facilities) but even if such a limitation existed, and the barn exceeded it, there is no practical way to make the barn smaller without destroying it. As applied to the facts of this case, then, *Rogers* stands for the proposition that this Board cannot require the demolition of the barn on the grounds that it is “too big” for storage for the proposed facility.

Furthermore, “storage” is only one of the uses relating to operating a child care facility to which the barn can be put. The roof provides a good platform for the installation of solar panels. Equipment used to maintain the property could also be stored there. In the future, other uses relating to operating the child care facility can be imagined. As long as the barn is used solely for purposes relating to operating the child care facility, it is protected by M.G.L. c. 40A, section 3, and this Board cannot require the applicant to take it down.

3. Moving Forward With This Application

This process began with the Applicant’s initial request for Minor Project Site Plan Review in March of this year. Since that time, the applicant has made multiple revisions to the project in an effort to address concerns that have been raised by this Board, by the Design Review Board, by neighbors, and by the peer reviewer hired by the town, whose services the

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applicant has agreed to pay for, even though there is clear authority for the proposition that that traffic and vehicular access are not among the matters as to which this Board may issue “reasonable regulations.” See *Primrose Sch. Franchising Co. v. Town of Natick*, 2015 WL 3477072, at 9 (Mass. Land Ct. May 29, 2015) (“Based upon the clear language of G.L. c. 40A, § 3, ¶ 3, this court, in Land Court Decision 1, noted that imposing reasonable frontage and lot size requirements was within the authority of the ZBA. **However, G.L. c. 40A, § 3, ¶ 3 is silent as to issues relating to site access and vehicular traffic.** Moreover, the statute is clear that such regulations may apply only to the “land and structures” to be used in connection with the Dover Amendment facility. *Id.* Thus, Defendants’ broad suggestion that this court “endorsed the imposition of access related conditions under the aegis of the Dover Amendment” is mistaken” (emphasis added)).

The revisions that the applicant has made to the initial proposal, in order to address the concerns raised by various interested parties, include:

1. Increasing the setback from Central Ave twice, from 40 feet to 50 feet, and then to 64 feet;
2. Making the landscaping plan significantly more robust;
3. Increasing the number of parking spaces from 24 to 30;
4. Adding a new parking area behind the barn;
5. Redesigning and widening the access drive to include a drop-off and pick-up lane;
6. Redesigning, while retaining, the pick-up and drop-off area adjacent to the main entrance to the building, to maximize the smooth flow of traffic into and out of the site;
7. Changing the design of the side of the building facing Central Ave to include multiple gabled and projecting front surfaces and bayed windows, in order to break up the overall façade and provide more architectural interest; and
8. Agreeing to accommodate other changes suggested by the Design Review Board.

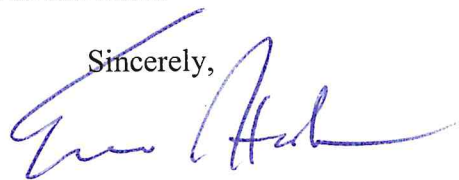
As noted above, the applicant has also agreed to pay for the peer review process, and has spent considerable time, effort, and money to address the concerns and issues raised by the town’s peer reviewer, John Diaz of GPI. The applicant has also agreed to a cap on the number of children at the facility (115) even though (1) under applicable Massachusetts regulations the size of the proposed building would allow a higher number of children at this facility, and (2) it is our position that this Board does not have the authority to impose **any** limit on the number of children at the facility. See *Primrose Sch. Franchising Co. v. Town of Natick*, *supra* (“While local zoning authorities may apply limited restrictions to the “land and structures” used in connection with a Dover Amendment facility, authority to regulate the actual use of said facility is vested in the Massachusetts Department of Early Education Care (“MassEEC”). See G.L. c. 15D, §§ 2(c), 6(a). . . . In view of the foregoing, G.L. c. 40A, § 3, ¶ 3 did not give the ZBA authority to limit the amount of students that the Facility may house as a means of reducing vehicular traffic to and from Locus. As such, I find that Condition 4 is unreasonable to the extent that it purports to condition approval of the Project upon a cap in the maximum number of enrollees in the Facility.”).

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In sum, we believe that throughout this process the Applicant has acted in good faith in an effort to address neighborhood and Board concerns, and, as part of addressing those concerns, has agreed to things that it is not legally obligated to agree to, and which this Board does not, in light of M.G.L. c. 40A, section 3, have the authority to require. These changes and accommodations have significantly lengthened this process, which is now in its seventh month. In light of the foregoing points, we ask that the Board make every effort to conduct the upcoming hearing as expeditiously as possible, and, if possible, complete the public hearing portion of this process at the upcoming meeting on October 5.

I appreciate your attention to the points raised in this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evans Huber", with a stylized, flowing script.

Evans Huber

From: [Daniel Gilmartin](#)
To: [Alexandra Clee](#); [Lee Newman](#); [Planning](#)
Subject: traffic concerns related to the day care facility proposed for 1688 Central Avenue
Date: Sunday, August 29, 2021 12:53:00 PM

Needham Planning Board, et al.

I am writing to express my deep concerns of the proposed child care center currently under review at 1688 Central Avenue in Needham. The reason for my concern is the impact that the facility will have on traffic patterns in the surrounding area. I live on Walker Lane and believe that this facility will cause an increase in dangerous traffic on otherwise quiet residential streets. My concern is based on specific experiences.

Years ago when there was work being done on the South Street bridge over the Charles near Fisher Street, we saw an incredible increase in traffic on Fisher St, Russell Rd and Walker Ln. When given an impediment, traffic finds different paths around it. The traffic was continuous in the morning and afternoon rush hours, easily exceeded residential speed limits and rarely observed stop signs. This was a hazard, especially for our kids who liked to ride their bikes up and down our street. It was simply unsafe.

I am afraid that with traffic building up on Central Ave as parents try to enter the day care facility, commuters will look for alternative paths and will end up on our residential streets as they did during the bridge construction. The only difference is that the traffic stopped when the construction was finished.

Another consideration is traffic along Central Ave from one end of town to the other. This past spring it took me about 30 minutes to get from the north end of town on Central to Charles River Street. Take a moment to think about all of the choke points along central: southbound traffic trying to take a left on Gould to get to 95 with bumper to bumper northbound traffic, the Webster Street exchange, Eliot School, the light at Hunnewell, Sunita Williams School, the West Street intersection, Volante and the light at Forest St, turning on Nehoiden St, Great Plain Av, Newman School (backed up every morning for over a mile and requires multiple traffic officers/crossing guards). These are all choke points along Central Ave and by adding another one for this facility will cause more traffic concerns. If you want, throw in the numerous landscaping and work trucks, FedEx, UPS and Amazon delivery trucks and it's a perfect recipe for constant traffic and frustrated drivers.

Those frustrated drivers will find and take side streets to avoid all of the congestion. They will speed through residential streets just like we saw when the bridge work was happening. I'd invite you to spend 30 minutes any given morning watching as cars fly down Charles River Street (between Central and South Street) during the morning rush hour, easily exceeding 40-50 MPH. This facility will exacerbate the situation.

I respectfully request you reconsider this proposal based on the impact that the traffic will have on our quiet and safe neighborhoods.

Sincerely,
Dan Gilmartin
111 Walker Lane

From: [davelindafamily](#)
To: [Planning](#)
Subject: 1688 Central
Date: Saturday, September 4, 2021 4:08:45 PM

Dear Members of the Board. I have been a Needham resident for many years and my children both went through NCC, a Needham business for over 40 years and I have been following the application for their new center. I know many of the future neighbors and I am writing to let you know that I am appalled by the behavior of the Planning Board and your treatment of both the applicant and NCC, Needham businesses with strong ties to the community. Your willingness to allow a small group of neighbors personalize their attacks and attempt to destroy reputations of all those involved is a disgrace. It is clear that instead of remaining neutral, you have treated the applicant much worse than any other applicant and have required unreasonable changes because of your own fear of looking biased. (judging by your minutes of past permits for extremely large-scale projects by out-of-town developers and how you treated those applicants)

I would think that a Needham business like NCC would have goodwill in our town and that you would respect and support businesses staking their reputation on a family friendly development. The accusations regarding ethics violations to stop this project are not in good faith, and it is clear to me, and many other parents, who also vote, that you have empowered the neighbors to continue these assaults. The neighbors should be ashamed of themselves for trying to stop a local business from continuing to serve Needham families, all for their own self interests. A television interview by the abutter was a clear attempt to humiliate all those involved, not for the truth, but to stop NCC from moving. Your willingness to foster this behavior and allow it to continue is troubling. I am also assuming based on the letters that I have seen that you are proactively providing neighbors with information. Have you been so willing to do this for abutters in past projects?

I have thought many times about also bringing my business to Needham which in the past had a reputation as difficult for development. This situation shows that Needham is still difficult for businesses and even harder for our own to succeed after years of helping out the community. Shameful.

I followed and supported the Muzi change and I thought that you would have learned from that example that bullying and harassment should not be tolerated or influence a public body and that when companies are harassed, we support them as you did then. Instead, the Planning Board is allowing themselves to be influenced by a vocal minority that is only looking out for their self-interests, not the interests of Needham. I ask that you do the right thing and approve a plan that has been redesigned and created to help a local business succeed and move to a new home. I am sure that a franchise daycare would be interested in this location, but I ask you to think local, just like the applicant and NCC. We are looking for you to be the leaders and not set an example that constant harassment and bullying beats a quality project.

Dave S.

September 7, 2021

Paul Alpert
Chair of Needham Planning Board,

Members of the Needham Planning Board,

Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Site Review of Proposed Project at 1688 Central Avenue

Dear Chair Alpert and All Planning Board Members,

Attached please find the comments of neighbors of 1688 Central Avenue for consideration during the Planning Board's site review process of the proposed project at that location.

The comments provide:

- The proposed building's program capacity using the Ma. Department of Early Education and Care regulations.
- Data collected about the current operation of the Needham Children's Center.
- A series of targeted questions for the Board to ask to ensure that accurate information informs the Board's judgment.

We ask that you give careful consideration to these comments and enter them, along with their attachments, into the formal record of your meeting should there need to be further proceedings on the matter. Thank you for your consideration.

Yours truly,

Holly Clarke

Neighbors' Comments on the Traffic Impact Analysis

The traffic impact of the proposed building project at 1688 Central Avenue is a major concern to the neighbors and the town. The consideration of the project should include both its onsite traffic patterns and its creation of additional traffic on the surrounding streets. In order to do that, it is critical that the Board's analysis be based on the actual program capacity of the proposed building according to the Massachusetts Department for Early Education and Care and the actual operation of the Needham Children's Center.¹ The information provided by the proponent in its filings concerning both the number of children and the number of trips into the facility has changed throughout this process, making it all the more important that the Planning Board consider other sources of information. In this submission, the neighbors offer objective information for the Board's analysis and consideration as it conducts the hearing on the proponent's application. We also propose a series of targeted questions for the Board to ask to ensure that accurate information informs the Board's judgment.

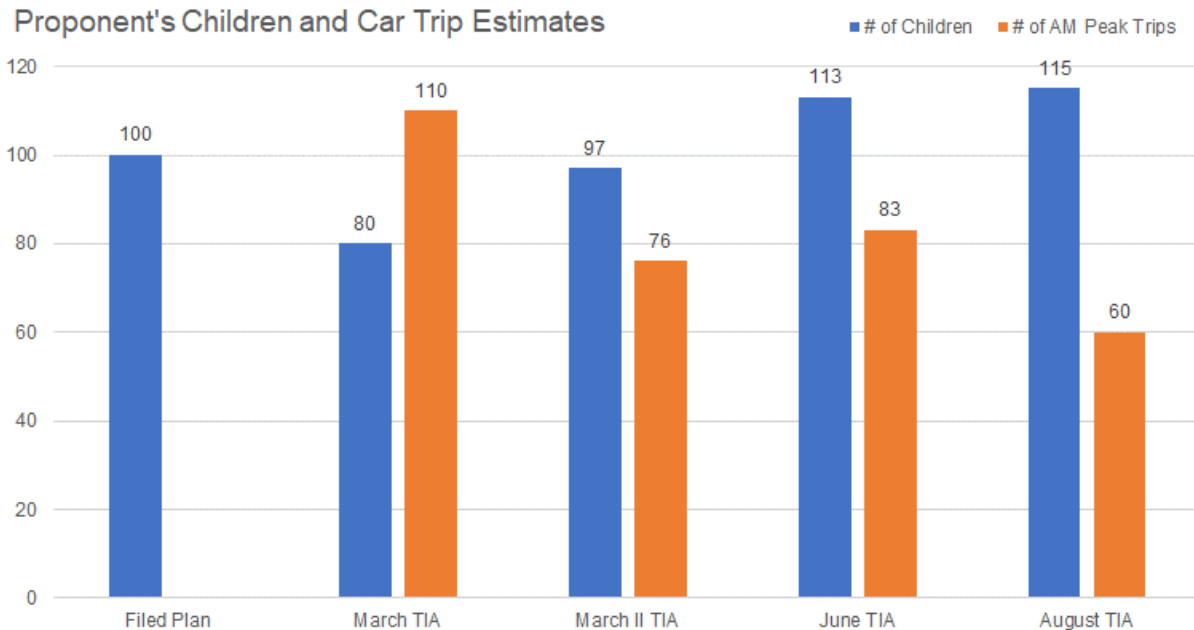
I. The Planning Board's Analysis Should Consider the Proposed Building's Program Capacity According to the MA Dept. of Early Education and Care.

The proponent has been inconsistent in describing both the number of children that will attend the daycare facility, and the number of peak hour trips the building will generate. Table 1 and the graph below presents the changes in the number of children and trips given by the proponent from the submitted plan through the four traffic impact assessments (TIA).

Table 1
Changes in the Proponent's Description of the Number of Children and
AM Peak Hour Trips

	Filed Plan	March TIA	March II TIA	June TIA	August TIA
Number of Children	100	80	97	113	115
Number of AM Peak Hour Trips		110	76	83	60

¹ The neighbors stand by, but will not repeat here, their previous comments about the traffic implications of the proposed project.



Even the largest number of children offered by the proponent, 115, is far smaller than the number of children the Department of Early Education and Care (“EEC”) would license at the building. As currently designed, the building could hold a program for **at least 139 children** consistent with state guidelines. Changes in the planned use of the currently designated craft room and play space could **increase the capacity to at least 199 children**. Table 2 below provides the program capacity following the EEC program standards for the proposed building. Table 3 reflects the increases in capacity which could come from using the currently designated craft and play space as designated program space.

In order to protect the town's interests, the Planning Board should consider the licensed capacity of the building in assessing the traffic implications of the project.² The traffic impact study should include an accurate analysis using the building's full capacity numbers and should consider both the number of cars that will need to be handled on site and the number of trips that will impact the neighborhood traffic. The Planning Board should have this information available for its consideration now, before any decisions about the proposal are made. Controlling the size of the building is one of the tools available to the Board to protect the town and neighborhood's interests. After the building is constructed, a child care facility would be in a stronger position to increase the number of children attending the program. Understanding and basing decisions upon the actual building capacity is especially important in this case as the proponent is a developer rather than the child care facility operator. Possible changes in operations by the proposed tenant or any other child care operator must be planned for now in order to protect the town's legitimate interests.

² The Board should also consider this capacity in assessing the appropriateness of limiting the size of the building in order to preserve the residential character of the neighborhood.

Table 2
Building Capacity Per MA Dept. of Early Education and Care-
Reserving Craft Room and Play Space as Common Areas
606 CMR 7.10

Room Title	Staff:Child Ratio	Children/room	Total Children	Staff
2 Nurseries	1:3, one additional staff for 4-7 children	7 children/room maximum	14	4
Nursery Playroom	1:3, one additional staff for 4-7 children	7 children/room maximum	7	2
2 Toddler Rooms	1:4, one additional for 5-9	9 children/room maximum	18	4
3 Preschool Rooms	1:10	20 or 24 children/room maximum children proportion*	60 or 72*	6
2 pre Kindergarten	1:10	20 or 24 children/room maximum*	40 or 48*	4
TOTAL			139 or 159 children*	20 + 1 administrator

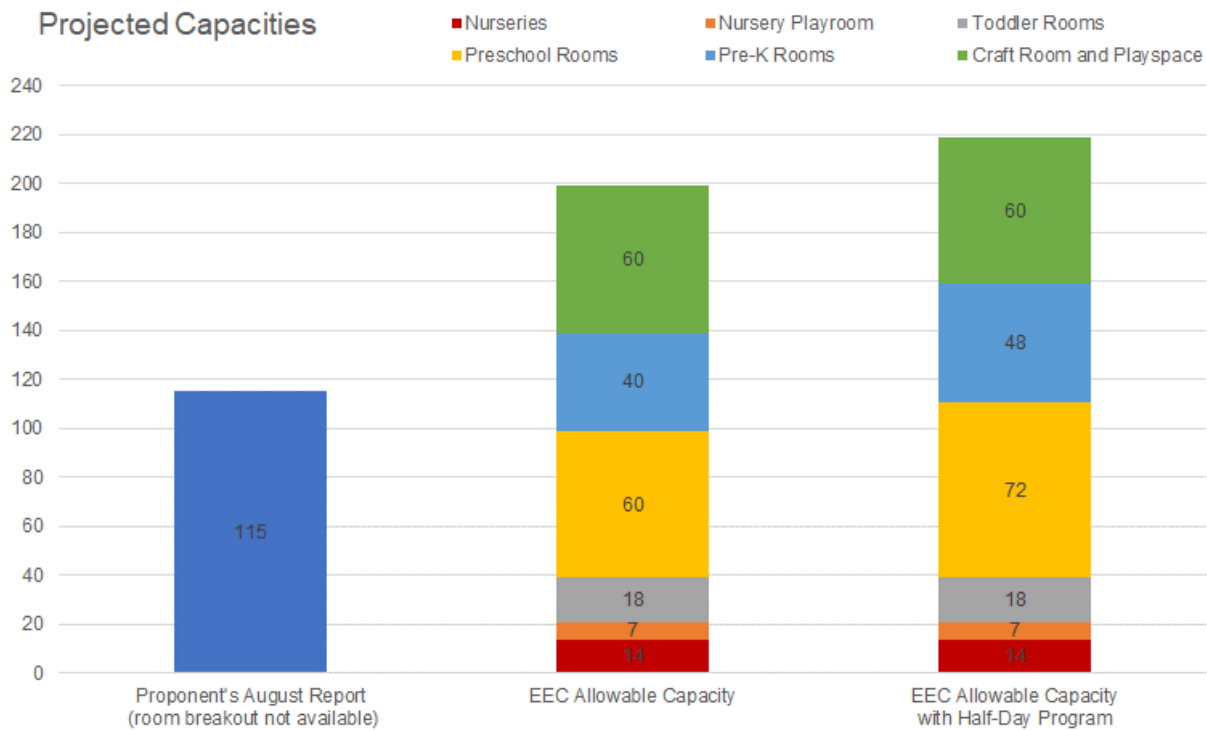
* Half day programs would permit 24 rather than 20 children, and would increase the capacity for pre-school and pre-kindergarten rooms, raising the overall capacity to 159 children.

* On the first day of the hearing, Mrs. Day stated her intention to operate an after school program at the site. The rooms for this program are not designated on the plan. The EEC permits groups of 30 kindergarteners and 26 school age children. This programming choice could also increase the overall student capacity of the building.

Table 3
Increase in Capacity Using Craft Room and Play Space as Designated Program Rooms

Room Title	Size	Number of children allowed @ 35sf/ child	Total Children
Craft Room	533.86 sf	15	15
Play Space	1606.12 sf	45	45
TOTAL			60

- Total number of children could be at least 199 or 219. The number would grow higher following the same conditions as identified in Table 1 above.



In summary, the proposed building can accommodate up to 199 or 219 children. Any tenant can utilize these maximum capacities if desired. Therefore, traffic and other planning measures considered by the Planning Board should use these capacity figures as the basis of analysis and recommendations.

II. The Planning Board's Analysis Should Consider the Current Drop Off Procedures and Trip Generation of the Needham Children's Center

Information gathered from the current functioning of the NCC could be helpful in analyzing the traffic implications of the proposed project because this program is the prospective tenant. However, the information used in the analysis must be accurate if it is to be considered by the Planning Board. As shown in Table 1, the proponent's analysis has repeatedly changed the number of children and the number of peak hour trips the project will generate. While the number of children at the program has risen, the claimed number of peak hour trips has curiously decreased. Basing its conclusions on the what is described as the past operation of the Needham Children's Center, the August traffic impact assessment concludes the proposed building will only generate 30 peak morning cars, and will cause virtually no queuing on site or any overflow onto Central Avenue. The report did not include actual current observations of the program.

Observations of the morning drop off at the Needham Children's Center's Baptist Church location last week, on September 1 and 2, undermine the accuracy of the assumptions used in the August traffic study. Data collected on these dates are presented in Table 4, as is the projected number of trips which would be generated at this rate by a proposed program size of 115 children (under two scenarios- with all 115 arriving in the morning and with only 85 arriving in the morning as represented in the most recent description of the program included in the August Report).³ The actual observations of the program showed the number of vehicles and adults dropping off during the peak hour was greater, the number of siblings attending was far less, and the amount of time required to drop off children was far longer than assumed in the August report. The duration of the drop offs ranged from 1 minute and 3 seconds to 8 minutes 7 seconds and averaged 3.47 minutes on Wednesday and 3.57 minutes on Thursday, rather than the one minute assumed in the August report. It is important to note that the counts included in the tables do not include the cars or trips generated by staff arrivals, and the overall number of cars and trips generated would therefore be even higher. These numbers suggest that the proponent's August assessment seriously undercounts the number of cars that will arrive at the daycare center during the peak hour, the amount of time vehicles will require to remain on site to drop off the children, and the number of trips added to neighborhood traffic. The differences between the observations and the assumptions underlying the August traffic report undercut the reliability of that report's conclusions.

Further, observations made clear the great differences between the current site and the proposed development at 1688 Central Avenue. The center of town location offers multiple access points, pedestrian access, on street parking and adjacent supplemental parking lots. In fact, on both days five children were walked to the entrance. The parking lot at the Baptist Church is larger than that currently planned for 1688 Central Avenue and offers parents immediate access to parking spaces of their choosing. In contrast, the Central Avenue location offers no on street parking, no paved sidewalks, and the only smaller parking lot will be on site. All children would be expected to arrive by car. The single access point will require parents to wait for parking spaces to drop off their children. The distance between the proposed parking near the barn at 1688 Central Avenue may also extend the time required for parents to drop off their children. These differences should be fully considered as the Board assesses the NCC data and its implications for the operation at a new building.

³ The raw data is attached.

Table 4
Observations At NCC Sept 1 and 2

Drop Off Per Time Slot and Projections:*

September 1 Actual Observations and Extrapolated Projections

	Sept 1 Actual		Projection @ 85 children		Projection @ 115 children		Projection @ 219 children	
Total Children:	38		85		115		219	
Total Cars:	35		78		106		202	
Time slot	# of Cars	# of Trips	# of Cars	# of Trips	# of Cars	# of Trips	# of Cars	# of Trips
7:50-8:00	7	14	16	32	21	42	40	80
8:00-8:15 (peak hr)	6	12	13	26	18	36	35	70
8:15-8:30 (peak hr)	2	4	4	8	6	12	12	24
8:30-8:45 (peak hr)	12	24	27	54	36	72	69	138
8:45-9:00 (peak hr)	7	14	16	32	21	42	40	80
9:00-9:15	1	2	2	4	3	6	6	12
TOTAL	35	70	78	156	106	210	202	404
TOTAL PEAK HR	27	54	60	120	82	162	156	312

September 2 Actual Observations and Extrapolated Projections

	Sept 2 Actual		Projection @ 85 children		Projection @ 115 children		Projection @ 219 children	
Total Children:	45		85		115		219	
Total Cars:	42		79		107		204	
Time slot	# of Cars	# of Trips	# of Cars	# of Trips	# of Cars	# of Trips	# of Cars	# of Trips
7:50-8:00	8	16	15	30	20	41	39	78
8:00-8:15 (peak hr)	7	14	13	26	18	36	34	68
8:15-8:30 (peak hr)	8	16	15	30	20	41	39	78
8:30-8:45 (peak hr)	9	18	17	34	23	46	44	88
8:45-9:00 (peak hr)	7	14	13	26	18	36	34	68
9:00-9:15	3	6	6	11	8	15	15	29

TOTAL	42	84	79	159	107	215	204	409
TOTAL PEAK HR	31	62	59	117	79	158	151	302

* Staff arrivals would add to the number of cars and trips.

III. The Questions To Be Considered

In light of the information above, the neighbors suggest that the Board seek answers to the following questions to inform its decisions. In theory, the peer reviewer may be able to assist the Board, but it will require more than an acceptance of the most recent representations put forth by the proponent.

1. The town has stated that Central Avenue is a heavily traveled street. Neighbors have expressed their experience that pre-pandemic, the weekday traffic in this area is extremely heavy and backed up during rush hours. The morning rush hour extends from 6:30 to at least 8:30, and from 7:00 am on there are regular bumper to bumper back-ups from the transfer station to Temple Aliyah and often from the Newman School to the Temple. At those times, traffic between the Charles River light and the Temple slows to 5 to 10 mph. The evening traffic congestion begins with the release of school and ends at approximately 6:30. During that period, traffic at the Charles River light going south builds to a Level F (as acknowledged in the August report) and there are regular stops and slowdowns going south along Central Ave at Carleton Drive and the Temple (with afternoon drop offs and pick-ups). Assume that this information accurately reflects traffic conditions, and explain in detail what impact, if any, the traffic will have on the amount of time it will take parents to enter and exit the facility driveway during those times?
2. Assuming the accuracy of the neighbors' information, explain in detail what impact the facility's additional generated traffic will have on the amount of time it will take neighborhood residents to travel on Central Avenue. Explain any mitigation measures that could address the issue.
3. Again, assuming the accuracy of the neighbors' information, explain in detail what impact the facility's additional generated traffic will have on the ability of neighbors, especially those living at 1663, 1681, 1689, 1695, 1703, 1708, 1653, 1652 Central Avenue to enter and leave their homes using their driveways. Explain any mitigation measures that could address the issue.
4. The neighbors have clearly expressed their concerns about the impact of traffic on safety. The school department picks up children who live on Central Avenue at their individual homes, and will not permit them to gather at a corner or cross Central Avenue. Neighbors repeatedly sought to have crosswalks installed at Charles River Street and near Pine Street. Again, assuming the accuracy of the neighbors' comments, what impact will the addition of over 480 additional trips each day along this roadway do to

safety? What will the impact of cars entering and exiting the 1688 Central Avenue driveway have on the safety of neighborhood residents, including children, walking and bicycling on Central Avenue?

5. While the August traffic Impact Report states that there has not been an accident at the site driveway, please address the history of accidents along this stretch of Central Ave, including the March 7, 2021 accident which involved four cars at Central Avenue and Pine Street, and the June 24 three car accident near 1729 Central Avenue at approximately 5:15 pm. Pictures of two of the cars involved in the June accident are attached.
6. Assuming the accuracy of the neighbors' comments, parents driving to the child care facility may alter their drop off routines in order to cope with the traffic on Central Avenue. The morning arrivals could be more compressed and earlier in order to allow parents the time to travel to their own planned destinations. What effect will that have on onsite traffic and parking capabilities? What effect will that have on the Central Avenue traffic?
7. Assuming the accuracy of the neighbors' comments, neighbors, commuters and people driving to the facility and neighbors may seek ways to avoid the traffic on Central Avenue. Please specifically address the impact of even more traffic on residents trying to maneuver into an even denser traffic line on Central Avenue, as well as the impact of drivers trying to escape traffic by cutting through roads not designed to handle heavy commuter traffic. Please describe the ability of the neighborhood streets to absorb additional traffic, addressing the impact on Carleton Drive, Pine Street, Country Way, Charles River Street, Fisher Street, Village Lane, Russell Road, Walker Lane, and South Street.

Thank you very much for your consideration.

ATTACHMENT 1

OBSERVATIONS OF NCC AT BAPTIST CHURCH- SEPTEMBER 1, 2021

Time	Vehicle	Stopwatch	Drop off time	# Children	Notes
7:50	1	0:01-2:00	2 min:sec	1	
	2	1:23-9:30	8:07	1	
	3	1:40-3:58	2:18	1	
	4				staff
	5	3:04-5:39	2:31	1	
	6	3:24-5:45	2:25	1	
	7	8:00-9:25	1:25	1	
	8	8:00-13:50	5:50	1	
8:01	9	11:10			staff
	10	13:17-18:27	5:10	2	
	11	11:00			staff
	12	15:14-17:40	2:26	1	Walker- Different access point
	13	16:04-17:12	1:08	1	
	14	16:25-22:50	6:25	2	
	15	18:37-20:27	1:50	1	

	16	20:05-23:22	3:17	1	
	17	21:09			staff
8:15	18	25:01-26:10	1:09	1	
	Car Exit				
	19	39:40-43:39	3:59	1	
8:30	20	40:30-43:49	3:19	1	
	21	41:16-43:18	2:02	1	
	22	43:30-48:04	4:34	2	
	23	43:40-46:11	2:31	1	
	24	43:30		1	Different access point
	25	45:48-48:56	3:08	1	
	26	47:47-48:56	1:09	1	
	27	49:00- 53:04	4:04	1	
	28	49:51-52:54	3:03	1	
	29	50:35-55:05	4:25	1	
	30	50:56-55:22	4:26	1	Staff
	31	53:05			
	32	54:45-58:54	4:09	1	
8:45	33*	54:55		1	Walker
	34	56:36-59:13	2:47	1	

	35	56:42- 1:02:52	6:10	1	
	36	59:05- 1:03:35	4:30	1	
	37	1:01:33- 1:04:30	2:57	1	
	38*Walker	1:01:33- 1:03:17	1:46	1	
	39*Walker	1:04:20- 1:06:03	1:43	1	
9:06	40	1:16:50	---	1	

Totals:

Children: 38

Total parents dropping off: 35

Vehicles dropping children: 30

Walkers: 5 (not included in time analysis)

Vehicles with 2 children: 3 = 7.8%

Average time to drop off children from car = 3.47 minutes

Other:

Staff arrivals in vehicles during this time: 4

1 car exited

Available parking spaces: 37

3 vans parked on site

Additional parking lot: +20

On street parking: Great Plain Avenue, Warren St.

OBSERVATIONS OF NCC AT BAPTIST CHURCH- SEPTEMBER 2, 2021

Time	Vehicle	Stopwatch	Drop off time	# Children	Notes
7:30	1	2:48	min:sec		staff
	2	6:57			staff
	3	11:15			staff
	4	14:17			staff
7:45	5	15:26-20:04	4:32	2	
	6	15:40-		1	Walker
	7	21:05-24:05	3:00	1	
	8	23:05-26:41	3:36	1	
	9	23:30			staff
	10	25:02		1	walker
	11	27:51-30:38	2:47	1	
	12	28:56-34:04	5:08	2	
	13	29:15-33:29	4:14	2	
8:00	14	31:15-36:07	4:52	1	
	15	31:16-35:01		1	
	16	32:51-			Parked far
	17	33:33-39:26	5:53	1	
	18	33:40-			staff
	19	37:54-39:59	2:05	1	
	20	38:47-44:18	5:29	1	

Time	Vehicle	Stopwatch	Drop off time	# Children	Notes
	42	1:12:46			Staff
8:45	43	1:15:36			Staff
	44	1:17:45- 1:20:39	2:44	1	
	45	1:20:09		1	walker
	46	1:20:15- 1:22:16	2:01	1	
	47	1:21:01- 1:26:40	5:39	1	
	48	1:21:09- 1:24:29	3:20	1	
	49	1:23:13- 1:27:50	4:37	1	
	50	1:24:15- 1:27:05	2:45	1	
9:00	51			1	walker
Door closed	52	1:33:31- 1:41:31	8:00	1	
	53	1:39:01- 1:42:48	3:47	1	
9:30 - end					

Totals: Children: 45

Total parents dropping off: 42
 Vehicles dropping children: 36
 Walkers: 6 (not included in vehicle drop off calculations)
 Vehicles with 2 children: 3 = 6.6%
 Other: Staff arrivals: 10 cars

Average time for vehicles spent to drop off children- 3.57 minutes/vehicle

Attachment 2

Photographs of Cars involved in accident near 1729 Central Avenue on June 24, 2021 at approximately 5:15 PM.





From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: 1688 Central Ave
Date: Wednesday, September 8, 2021 10:36:05 AM

-----Original Message-----

From: Elizabeth Bourguignon <bethbourg@aol.com>
Sent: Sunday, September 5, 2021 7:52 AM
To: Lee Newman <LNewman@needhamma.gov>
Subject: 1688 Central Ave

Members of the Planning Board,

I am writing in support of the proposal for Needham Children's Center to occupy a building to be built at 1688 Central Ave. A well established Needham business owned by long time Needham residents they are part of the fabric of our family friendly town. I've read many of the rebuttals and am saddened that "not in my backyard" is so pervasive. Our families need excellent childcare, Needham Children's Center needs a home and they will be a asset to the area.

Yours sincerely,

Elizabeth H. Bourguignon
287 Warren St.
49 year resident of Needham

Disclosure: employee of Needham Children's Center

Sent from my iPhone

September 5, 2021

To the Needham Planning Board:

We are writing this letter in support of the Needham Children's Center's request to build a new day care center on Central Avenue in Needham. We have known the directors of NCC for almost forty years and sent our two children to the center in the 1980s and 1990s, beginning in the infant room and continuing through their after-school program. The care they received from Pat, Carole and the entire NCC staff was exceptional: they treated our children like their own and always placed the needs of our children (and everyone else's) first and foremost.

We are certain that the new center will be a welcoming and inclusive facility for the children of Needham and the surrounding area. Education has always been a priority of theirs, even for the youngest children in their care. NCC's proposed new location will allow for more outdoor activities, an essential aspect of day care in these pandemic times. The staff of the center have always been friendly and professional: that is why we have recommended NCC to our friends and neighbors and why NCC has been considered the gold standard of child care for the past forty years.

Additionally, we have been long-term members of Temple Aliyah and would welcome NCC as our next-door neighbor. We are sure that they would work cooperatively with the Temple and its pre-school program, perhaps sharing their new facility (and parking spaces during busy times) with the members of the Temple and the children in the pre-school program.

We totally support the Needham Children's Center and their proposal to build a new day care facility on Central Avenue. Unfortunately, we are not able to participate in the Planning Board meeting on Wednesday night; if we could, we would tell the Board and any audience members of our wonderful experiences with NCC over the years and how their proposal would benefit the children of Needham and the town as well.

Sincerely,

Amy and Leonard Bard

116 Tudor Road, Needham

From: marytb5@verizon.net
To: [Alexandra Clee](#)
Cc: office@needhamchildrencenter.com
Subject: 1688 Central Avenue
Date: Tuesday, September 28, 2021 8:45:09 PM

Dear Members of the Planning Board,

One of our grandchildren attended the Needham Children Center for three years. His educational and social development was substantially advanced by the thoughtful and professional attention he received. It made a big difference in his life, and we will always be grateful to the Needham Children Center. I respectfully support the application of the Needham Children Center before the Planning Board.

Mary Brassard
267 Hillcrest Road
Needham

[Sent from the all new AOL app for iOS](#)

From: [Christopher K. Currier](#)
To: [Alexandra Clee](#)
Cc: office_needhamchildrenscenter.com; [Amy McCarthy](#)
Subject: Needham Children's Center and 1688 Central Avenue
Date: Tuesday, September 28, 2021 10:00:37 PM

Hello Planning Board,

I have been keeping tabs on the news with regards to 1688 Central Avenue and in advance of the next Planning Board meeting, I wanted to send a quick note to voice my opinion.

I am a resident of Needham (11 Fairlawn St) and my children Camden (2.5 years old) and Macklin (10 months old) attend Needham Children's Center ("NCC"). From keeping track of the news in the local papers, I have gathered that the neighbors of the project are very vocal in their opposition to the project. I understand their concerns on compounding traffic issues on Central Avenue. I share those concerns myself. In speaking with leadership at NCC, the setback of the building has been pushed back with changes in the parking lot and drop off/pickup loop to accommodate any potential increase in traffic.

I also want to make it abundantly clear that NCC is a huge asset to our community. They are clearly the most talented and capable childcare facility in the area. They have been instrumental in my life and are a key focal point of my children's lives. When we moved to town 6 years ago, it was in no small part driven by the exceptional educational options offered. Although not a public school, NCC is clearly part of the educational foundation of the town. It is essential that our residents have access to a first class childcare facility like NCC. Additionally, if I were to set aside the fact that my children attend NCC, to lose them as an asset to the town could only serve to severely negatively impact the collective property values of our community.

I also do not want a loud minority of residents (whether or not I agree with their concerns or not) to overpower the thousands of Needham residents, NCC students (past, current, and future), and parents who are not as actively engaged but collectively quietly support NCC for everything they bring to our town.

Sincerely,
Christopher Currier and Amy McCarthy
11 Fairlawn St
Needham, MA 02492

Christopher K. Currier

From: [Stephen Caruso](#)
To: [Alexandra Clee](#)
Cc: office_needhamchildrenscenter.com
Subject: NCC - 1688 Central Avenue
Date: Tuesday, September 28, 2021 10:08:31 PM

Dear Planning Board,

I wanted to send a quick note, showing support for the proposed project at 1688 Central Avenue. We are fairly new to Needham (moved last summer during the pandemic) and NCC has been a huge part of our life since moving here.

During a stressful time (COVID related) we made the decision to put our toddler in daycare at NCC. Only after a short period of time, we became very impressed with the school and their handling of the pandemic. Our faith and trust grew quickly, which soon led to us sending our second daughter (an infant at the time) to NCC as well. The bonds our kids have made with their teachers and the growth that we have seen in such a short period of time is beyond explainable.

NCC has a long impressive track record, especially being a family runned business all these years. An expansion like this, at 1688 Central Avenue, would really cement their legacy here in town while also being able to provide first class childcare facilities for generations to come!

Stephen Caruso
120 Lexington Ave
Needham, MA 02494

From: [Emily Pugach](#)
To: [Alexandra Clee](#)
Cc: office_needhamchildrenscenter.com
Subject: Needham Children's Center Proposed Site
Date: Wednesday, September 29, 2021 9:13:46 AM

Dear Needham Planning Board Members,

I am writing to voice my strong support for Needham Children's Center proposed Central Ave. site. As a Needham resident and working mother of 2 young children, I can speak from direct experience of the need for wonderful childcare facilities like NCC in Needham. It took months of searching and waitlists to be able to enroll our 2 kids in full-time daycare there. We have nothing but wonderful things (and gratitude) to say about the past ~2.5 years that our kids have spent there.

As you know, the price of living in Needham is high, and my family cannot afford to live here without 2 working parents. There are many Needham families like ours, and therefore there is high demand for facilities like NCC with staff, curriculum, and facilities to love, care for, and dramatically enrich the lives of our kids while we work. I am incredibly grateful every day I drop my kids off at NCC. It is convenient for my commute to drop my kids off in Needham, and I know my kids will be in wonderful hands.

My kids have attended other childcare facilities, and I can say without hesitation that NCC provides the best possible environment for all ages of kids who attend, with the possible exception of its facilities - which would hugely benefit from the proposed new site.

I realize there have been concerns about the developer of the new site, and I understand these are being dealt with appropriately and through the correct channels. I am also aware that some neighbors have voiced concerns about the potential traffic impact. I understand these concerns and would respond that I have never experienced an issue with traffic at either of the current locations during rush hour when I typically pick up/drop off. The current locations are in an already busy part of town and without a dedicated pick up/drop off loop. So, I would expect the impact would be minimal at Central Ave, given the: 1) fewer businesses at the new location, 2) amount of advance planning for the site (including accommodations beyond zoning requirements), and 3) comparably larger and fit-for-purpose space for drop off/pick up lines to ensure no back-up onto Central Ave..

Thank you for considering my perspective. I would be more than happy to discuss further.

Kind regards,
Emily Pugach

--

Emily K. Pugach, Ph.D.
42 Gayland Road
Needham, MA 02492
ekpugach@gmail.com
781.308.6755

From: necccs@aol.com
To: [Alexandra Clee; necccs@aol.com](mailto:necccs@aol.com)
Subject: support Needham Children's Center
Date: Wednesday, September 29, 2021 10:11:29 AM

October 5, 2021

To Whom It May Concern:

It is my sincere pleasure to write this letter in support of the proposed Central Avenue location for Needham Children's Center. NCC has been my home as an educator for the last 19 years. I have been fortunate during this time to have had the privilege of working with a skilled and compassionate board of directors, a group of highly educated and affectionate teachers and support staff from all walks of life, as well as to have served several hundred Needham children and their families. Many of the children that have sat with me at circle time either as a toddler or preschooler are now reappearing at the center door to enter my class once again, as they fulfill their community service hours for Needham High School. The difference we as educators and the center at large makes upon the children we cater to is immeasurable. It has been my good fortune to serve as both caretaker and confidant throughout these years and to stand as a representative of Needham Children's Center and the values we hold most dear...love, friendship, kindness, and respect.

As I look ahead towards celebrating two decades with NCC, my first thoughts turn towards these past two years of uncertainty and transition to a new normal. We have handled it all with humility and grace...altogether. I have never seen my team work harder and forge ahead stronger and in the best interest of all things early childhood as I have since dawn of the COVID-19 pandemic. Our operations continued, looking different but the overall mission very much the same. Our children are resilient and brilliantly cope with any circumstances they are given, but as their caregivers our jobs often left us exhausted. However, the smiles on the children's faces and the words of praise from parents in the face of such adversity pushed us to persevere and put our best foot forward for the sake of the children. What a wonderful journey it has been! Our directors have given us the room we have needed to adjust and grow and supported us unwaveringly as we learned along the way. Their support has allowed us to do our jobs well even on the most difficult of days. My coworkers will always have my utmost admiration. NCC is truly a special place.

I ask you as you consider a new site for Needham Children's Center, to think about the innocence and critical physical and emotional development that embody early childhood. Children need a place to run, create memories, be with friends and adults who love them, and to have fun. It is essential to their well-being that we, as their best advocates, be able to rise the occasion and change with the times to fit their ever-changing needs and desires. I am so looking forward to being a part of all the memories for the children yet to come as we continue to provide exceptional childcare for those who need us most.

Thank you very much for your close consideration.

Most Sincerely,

Robin L. Sherwood

From: [Sarah Solomon](#)
To: [Alexandra Clee](#)
Cc: office_needhamchildrenscenter.com
Subject: Message in support of project at 1688 Central Ave
Date: Wednesday, September 29, 2021 10:30:05 AM

Good morning,

I hope this email finds you well. I'm writing to support the proposed project at 1688 Central Ave, which I understand is to be a daycare used by Needham Children's Center. My daughter is currently a student there in one of the pre-k classrooms, and she has been attending NCC since June of 2020, shortly after we moved to Needham.

The most important point I would like to emphasize to the Planning Board and neighborhood opposition is that NCC is NOT an elementary school. I have witnessed pickup and dropoff at Needham public schools, and NCC pickup and dropoff are dissimilar. First, there are many fewer children. Second, pickup and dropoff are staggered among classes and even parents and children within those classes. In fact, I usually see no other parents when I pick up my daughter after school, around 5:15-5:30pm. The NCC facilities are currently housed in busy downtown locations, and I have never witnessed any traffic created by NCC dropoff or pickup in the 1.5 years we've been there. Seeing the plans for Central Ave, I can't imagine it would be an issue.

As you probably know, there is a scarcity of childcare in Needham and MA generally. NCC is making valuable contributions to the quality of life of many working parents and their children in the community, and has been for some time. It would be a shame if NCC's effort to continue providing this care was torpedoed by what I understand are, in part, the optics of the particular developer of this parcel of land, and a concern about traffic that I suspect is a non-issue. Finally, I want to add that the Central Ave location is not particularly convenient to our house, so I think it's unlikely that we would send any children to the Central Ave location. Thus, we have nothing "personally" invested in your decision.

I'd be happy to speak to a member of the Planning Board about any of the above, and will do my best to attend the October 5 meeting. Please let me know if you have any questions.

Sincerely,
Sarah Solomon
21 Otis St, Needham

From: [Lee Ownbey](#)
To: [Alexandra Clee](#)
Cc: office_needhamchildrenscenter.com
Subject: Needham Children's Center Building
Date: Wednesday, September 29, 2021 11:02:25 AM

To Whom it May Concern,

I wanted to write in to show my support for the new Needham Children's Center ("NCC") building. Over the past two years NCC has been crucial to my childrens' growth and development for both their preschool and after school programs. They have done a fantastic job of managing COVID and ensuring that I feel my children are in a safe environment while still getting the social and developmental opportunities that they need.

This new location would be extremely beneficial for my family as I know that it will empower NCC to offer even better care for my children. Because of this, I ask that you please vote in favor of approving their new location.

Thank you,
Lee Ownbey
27 Powder House Cir.
Needham, MA

From: [Emily Tow](#)
To: [Alexandra Clee](#)
Cc: office_needhamchildrenscenter.com
Subject: Support for proposed childcare project at 1688 Central Ave.
Date: Wednesday, September 29, 2021 11:08:32 AM

Dear members of the Planning Board,

I am an engineering professor at Olin, and my daughter attends preschool at Needham Children's Center (NCC). I am writing to you today in support of NCC's proposed project to create a childcare facility at 1688 Central Ave.

Childcare facilities are critical to equitable, thriving communities. Needham needs accessible, high-quality childcare to support the development of our community's children and the careers of its parents—particularly mothers, who are often the default caregivers when childcare is unavailable, contributing to the gender wage gap. As a woman in a male-dominated profession, I have seen the effects of lack of access to childcare on other women in my field, and I experienced it myself as my daughter's de facto primary caregiver during the lockdown of 2020. Even now, at Olin, I have coworkers who are unable to find adequate local childcare, and I can see the toll it is taking on their work and their health.

Families need access to quality childcare to live and work in Needham. The current capacity is not adequate; for the town to lose capacity would be unacceptable. This is an issue that affects women, children, and families in our community, and it is critical for the town to address the daycare shortage by giving support to this project.

NCC has taken wonderful care of my daughter, even throughout this incredibly challenging pandemic, and in doing so they have allowed me to continue my career. I have complete faith in their ability to create a high-quality care center for children while respecting the needs of their new neighbors. I hope the town will support NCC in maintaining or increasing the number of children in their care through the proposed project.

Sincerely,
Emily

Emily W. Tow, PhD
She/her/hers
Assistant Professor of Mechanical Engineering
Olin College of Engineering
1000 Olin Way, Needham, MA 02492

From: [Leah Caruso](#)
To: [Alexandra Clee](#)
Cc: [office_needhamchildrenscenter.com](#); [Stephen Caruso](#)
Subject: Planning Board at 1688 Central Avenue - Needham Children's Center
Date: Wednesday, September 29, 2021 12:48:54 PM

Hello,

I am sending this email to say that I am in full support of the proposed project at 1688 Central Avenue as it relates to Needham Children's Center (NCC).

NCC is, and has been over the last year, a very important part of my Family. Both of my children attend NCC every day. In the midst of COVID and during a very uncertain time last summer, we decided to make the difficult decision to send our older daughter (2.5 at the time) to the pre-school at NCC. We were very impressed with how NCC handled and continues to handle providing essential childcare services during an epidemic.

Quality childcare, particularly providers with access to first class childcare facilities, is surprisingly hard to find. NCC continues to be a lifeline for me and my husband as working parents and we are hopeful that NCC will be allowed to grow in the 1688 Central Avenue space.

We are residents in Needham, and reside at 120 Lexington Ave in Needham Heights.

Thank you,
Leah Caruso

From: [Jennifer Woodman](#)
To: [Alexandra Clee](#)
Subject: NCC
Date: Wednesday, September 29, 2021 1:36:36 PM

Good Afternoon,

I am writing in support of Needham Children's Center building a new facility on Central Ave. NCC has been in operation for more than 50 years and owned by Needham residents. NCC provides a warm, safe and nurturing experience for children ages infants through grade 5. They are an asset to our community. My three children all went through NCC and two of them worked in their after-school program while in high school. I myself worked at NCC for 20 years and see former students and families all over town and they and NCC will always hold a special place in my heart.

Thank you,

Jennifer Woodman

From: [Nancy Yablonski](#)
To: [Alexandra Clee](#)
Cc: office@needhamchildrenscenter.com
Subject: Proposed expansion of Needham Children's Center to 1688 Central Avenue
Date: Wednesday, September 29, 2021 1:39:26 PM

Dear Planning Board,

My husband and I support the Needham Children's Center's proposed project at 1688 Central Avenue. The Needham Children's Center was very important to my husband and me while our children were growing up. It provided a safe and nurturing environment for our children while we worked.

Now that our children are grown and we are empty nesters, it's just as essential that Needham residents have access to first class childcare facilities while they work at home or return to an office.

Please approve the Needham Children's Center's proposed new location at 1688 Central Avenue. Excellent schools are important to Needham families and so is quality child care.

Nancy and Chet Yablonski
82 Old Farm Road
Needham MA 02492

--

Nancy

Nancy.Yablonski@gmail.com
(617) 513-4584

From: [Pam Freedman](#)
To: [Alexandra Clee](#)
Cc: office@needhamchildrenscenter.com
Subject: 1688 Central Avenue
Date: Wednesday, September 29, 2021 4:51:50 PM

Dear Planning Board:

We are writing to support the proposed project at 1688 Central Avenue.

Our three children attended the Needham Children's Center. NCC is very important to us and our children. In fact, our children maintain friendships with children they met at NCC 30 to 40 years ago! The staff has always been professional, caring, and willing to accommodate individual needs of the children. We would happily and confidently recommend NCC to a family seeking day care today.

It is our understanding that the developer has voluntarily made changes to the plans to accommodate the needs of the neighbors on and around Central Avenue to minimize the traffic and to address other concerns. At a time when safe, caring, excellent child care is so important to today's Needham families, we strongly support the project at 1688 Central Avenue.

Respectfully,

Pamela and Andrew Freedman
17 Wilshire Park

Residents of Needham for 44 years

From: [Jennifer Lucarelli](#)
To: [Alexandra Clee](#)
Cc: office_needhamchildrenscenter.com
Subject: 1688 Central Avenue project
Date: Wednesday, September 29, 2021 8:40:33 PM

To whom it may concern:

I am writing in support of the construction of a new facility for the Needham Children's Center at 1688 Central Avenue. I have had multiple children enrolled at NCC since 2018. The availability of quality, nurturing and enriching childcare centers are one of the most important things to young families in our town and NCC is just that. I have full confidence in NCC leadership to be good custodians of the space on Central Ave, and hope that the Planning Board recognizes the importance of longevity of this decades old facility to our community.

Thank you,
Dr. Jennifer Lucarelli
58 Avalon Rd, Needham

From: [maiya tiplady](#)
To: [office_needhamchildrenscenter.com](#); [Planning](#)
Subject: Needham children's center
Date: Thursday, September 30, 2021 12:54:12 PM

To whom it may concern:

I am writing in support of our amazing Ncc and nns communities! I have been lucky to both send my children to both schools as well as be their yoga teacher. I am incredibly proud of both of these schools. The teachers, staff, and environment are beyond amazing. I feel so lucky for my children and myself to be part of such a beautiful community. It's hard to put into words how special it these schools are. I have the utmost trust when my children are there, and I think that is what speaks volumes. They are my most prized possessions. They make you feel like family!!! They work tirelessly to keep our children safe and have great pride in their organization.

Maiya Tiplady

From: [Ashley Schell](#)
To: [Planning](#)
Cc: [Stephanie Whelan](#)
Subject: 1688 Central Ave Proposal
Date: Thursday, September 30, 2021 1:14:41 PM

Hello Needham Planning Committee,

I am writing to you in order to share my support of the proposed construction of the Needham Children's Center at 1688 Central Ave.. We are proud members of the NCC community and fully support the project. Our daughter is thriving in the NCC program, and we highly value her education and development. Having a state of the art center for her to learn and play in is so important, not just for her tenure but for future students. I think the pandemic has shown us all just how important education and childcare are, and we as a community need to support that in every way possible. This facility will be an amazing resource for the town, and will give these children the best possible start to their lives.

I hope that a compromise can be reached, and that the board can find a way to prioritize the needs of the children and their families.

Thank you so much,
Ashley Schell

From: [Kristin Kearney](#)
To: [Alexandra Clee](#)
Cc: office_needhamchildrenscenter.com
Subject: Support of 1688 Central Ave Project
Date: Thursday, September 30, 2021 1:59:42 PM

Hello, I am writing today, as a parent of an NCC student, to let you know that I strongly support the proposed project at 1688 Central Avenue.

NCC has been home to my son Conor since the fall of 2019. NCC is not just a school, it's our second home, it's our community. In this past year, more than ever, this NCC Community has meant everything to us. The teachers have worked through a pandemic tirelessly, doing their best to make the children feel some sense of "normal". We will be forever grateful for the love and care that NCC teachers have given to our son. He has thrived in the NCC environment; making friendships, learning about teamwork, enjoying adventures outside with classmates and bonding with his teachers.

It became apparent to myself and my husband early on, that NCC is a special place. A place where the teachers put the students before themselves. A place where the children are treated as if they are family. This NCC community means everything to us.

I hope you will approve this project, as there is no place more deserving of a new home in Needham than NCC.

Best Regards,

Kristin Kearney
11 Paul Revere Rd
Needham Heights

From: david.renninger@gmail.com
To: [Planning](#)
Cc: office@needhamchildrenscenter.com
Subject: Preschool Facility at 1688 Central Ave
Date: Thursday, September 30, 2021 2:43:58 PM

Good Afternoon,

I would like to express my heartfelt support for the Neighborhood Nursery School plans to create a learning and play space on Central street In Needham. The school was a remarkable turning point in the development of my oldest son, and the staff there were absolutely integral in his progress. They are all compassionate, highly qualified, and remarkably dedicated early childhood professionals. I sincerely believe that if Neighborhood Nursery were able to begin a new chapter in a bigger, dedicated space, it would be life-changing for many, many children, and by extension, for many parents.

I encourage you to give careful consideration to the social benefits of providing Needham's children with access to high quality early education, and to approve this project!

Thank you for your time,

Dave Renninger

Sent from my iPad

30 September 2021

Dear Needham Planning Board:

We are writing in support of the proposed development at 1688 Central Avenue, Needham. We moved to Needham 3 years ago, with the goal of becoming part of a town with a tremendous community and quality schools to raise our two children and we've found nothing less.

The pandemic has been a challenging time for all, but especially our children who are too young to appreciate the significance; the local childcare centers and preschools have offered a sense of normalcy to our children during these times. Access to high quality indoor and outdoor space is crucial to their development and keeping them safe during the days when parents are working and contributing to our community. They prepare our youngest community members for joining the Needham school system and create friendships that will hopefully stand the test of time.

We have found the team at Needham Children's Center to be (i) incredibly respectful of their neighbors in their current location, working to make drop-off as efficient as possible with minimal disruption to the surrounding community, (ii) thoughtful about how the children can benefit from the community around them, taking local field trips to immerse the children in the community, and (iii) crucial to our children's successful start in Needham prior to them being of age to join our public school system. Allowing this team to build and have access to a state-of-the-art facility to continue to teach the future of our Needham community will make Needham a better place for generations to come. I have no doubt they will show the same respect to their new neighbors and find new ways to share the community with our children.

We appreciate your consideration of this matter.

With kind regards,



Brad and Rebecca Lacouture
56 Hunnewell Street
Needham, MA
413-204-6400 (Rebecca)
774-232-3152 (Brad)

From: [Kerry Cervas](#)
To: [Alexandra Clee](#); [Planning](#)
Cc: [Needham Children's Center](#)
Subject: 1688 Central Ave Project Proposal - Daycare Facility
Date: Thursday, September 30, 2021 6:04:29 PM

Dear Members of the Planning Board,

I write in support of the proposal for the project to build a childcare facility at 1688 Central Ave. I have lived in Needham for over 12 years and had a child at Needham Children's Center for about half of that time. My older son graduated from Pre-K at NCC and is now a Kindergartener at Broadmeadow and my younger son is currently in the preschool at NCC and has been there since infancy. When our family was first considering daycare in Needham at NCC, I consulted our real estate agent whose family has lived in town for many decades. He knew the family who ran the center by name and told me they had an excellent reputation among the population in Needham over an impressively long period of time. Indeed, we have had teachers in the center who were once students there as the center has been providing care to families in Needham for roughly forty years.

It is my understanding that a small but vocal group of residents have brought forth concerns about traffic patterns in the Central Ave area. I will leave the study of traffic flow to the experts, but would like the Planning Board to consider that unlike at a school, a daycare doesn't start and stop at exactly the same time each day for all students. Rather, drop-off and pick-up is based on accommodating each family's schedule. What this means is that most days when I drop the children off, I am either the only one (most often) or one of possibly 1-2 other families who are dropping off or picking up at the exact same time – by comparison to a school, the traffic would be significantly staggered over a period of time.

NCC has been part of our family here in Needham and is a very important part of why we enjoy living in the town. I support the proposal to build a state of the art childcare facility at 1688 Central Ave so that NCC can continue to offer uninterrupted access to care as well as employment to a highly dedicated and talented staff.

Thank you for your consideration.

Kerry Cervas

259 Hillcrest Road

617.962.6807

From: [Carolyn Walsh](#)
To: [Planning](#); [Stephanie Whelan](#)
Subject: Support for preschool building
Date: Thursday, September 30, 2021 9:44:31 PM

To the Needham Planning Board:

I am writing in support of the proposed preschool building at 1688 Central Avenue. My daughter is currently in her second year at the Neighborhood Nursery School that is affiliated with Needham Children's Center, and we are hoping to have our two youngest children in the full day NCC program for next year.

We have been so lucky to have our daughter in such a warm, loving environment with caring teachers. It would be a huge benefit for our family, and for the town, to be able to house such wonderful programs in a modernized facility, with increased outdoor green space for the children to play. Additionally, in considering the full day NCC program, as a working parent being able to drop children off in one location rather than having the program split between multiple buildings would be a huge help.

I have reviewed the plans and see that there was much thought into the appearance of the building as it faces the road, as well as traffic flow. It is disappointing to hear about the opposition to the project, and I wanted to make sure you are hearing from the young families in town who would benefit from the approval of this project.

I thank you for your service to the town, and the time you are putting into the consideration of this project.

Sincerely,
Carolyn Walsh
202 Greendale Ave
Needham MA 02494
978-273-2813

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October 1, 2021

BY ELECTRONIC MAIL

Members of the
Needham Planning Board

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

Re: 1688 Central Avenue/Major Project Site Plan Review

Dear Planning Board Members and Ms. Newman,

We represent Needham Children's Center ("NCC") and are writing to you in connection with the petition of Needham Enterprises LLC for Major Project Site Plan review of the proposed project at 1688 Central Avenue.

We have reviewed Attorney Evans Huber's letter to you dated September 30, 2021 and are in agreement with its contents. In particular, we agree that the conflict of interest question is not within the jurisdiction of the Planning Board, and that the Planning Board should proceed to a decision on this petition. We note that this matter has been pending since this past March and has been continued five times.

NCC's future at its current location is unclear. For that reason, NCC has embraced the possibility of relocating to 1688 Central Avenue. We are concerned that if this hearing drags on any further, NCC will be left without a place to operate when its current lease expires. Causing delay is often the best tactic for project opponents. But this is exactly the type of situation that the *Dover Amendment* is designed to avoid – childcare is an essential service that enjoys special protection under the law.

We urge you to close the hearing and rule on this petition on October 5th so that NCC can plan for its future and ensure that it will be able to continue to serve Needham children and their families.

Sincerely,



Stephen J. Buchbinder

SJB/mer

cc: (By Electronic Mail)
Ms. Patricia Day
Ms. Susanne Teachout
Evans Huber, Esquire

October 1, 2021

Paul Alpert
Chair of Needham Planning Board,

Members of the Needham Planning Board,

Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Site Review of Proposed Project at 1688 Central Avenue

Dear Chair Alpert and All Planning Board Members,

Attached please find the comments of neighbors of 1688 Central Avenue for consideration during the Planning Board's site review process of the proposed project at that location. We request that the Planning Board require appropriate environmental testing and mitigation measures as needed to assure the safe development of the property because of its past use for automobile repairs and other non-residential purposes.

We ask that you give careful consideration to these comments and enter them, along with their attachments, into the formal record of the hearing should there need to be further proceedings on the matter. Thank you for your consideration.

Yours truly,

Holly Clarke

The Past Use of the Property for Automobile Repairs and Other Non-Residential Purposes Merit Environmental Precautions to Insure the Safe Development and Use of the Property

The neighbors of 1688 Central Avenue request the Planning Board to require the proponent to:

- Provide the Board with all reports, documents and analysis related to the environmental status of the property, including the “EDR Environmental Screen,” prepared on behalf of Needham Bank on December 11, 2020, the “Visual Inspection and Clearance Sampling” prepared by ERS on behalf of Matt Borrelli on December 11, 2020, and any reports related to the testing and removal of asbestos at the site.
- Perform all necessary testing to assure that the site is safe for development, including soil testing. The tests should check for contaminants, including oil, lead, other metals and chemicals.
- Identify the location and amount of fill that has already been placed at the site. Explain precautions and measures taken before adding this material to assure that environmental concerns can be met.
- Identify any and all mitigation measures required.
- Complete any necessary mitigation measures as a condition of permission to build at the site.

Upon learning of the proposed project at 1688 Central Avenue, neighbors expressed their concerns about the environmental impacts of past activities at the address. These concerns were plainly stated in the Neighbors’ Petition submitted to the Planning Board in April, 2021, and were substantiated by the Health Division’s locating of Fire Department records which confirm that automobile repair, race car assembly and general contracting activities took place at the site. (See: Fire Department Records, attachment 1).

The Public Health Division’s March 24 comments on the submitted plans state:

The Public Health Division is also in support of the comments and concerns noted in the letter entitled, “Neighborhood Petition Regarding the Development of 1688 Central Avenue in Needham,” that was received and distributed by the Planning Board, including the excerpt on the neighboring abutters’ concerns regarding the previous use of the property with reference to potential soil contamination that may be present. We conducted a file check for the propriety address and we support the neighbors’ request for a soil test based on a concern that was investigated by the Fire Dept. that was filed back on June 24, 2003. The applicant must ensure that the property is safe, which includes conducting proper soil testing of the site prior to construction, and also follow

through with any necessary mitigation measures as found to be necessary, as part of this project approval. (P.2)

The Board of Health April 16, 2021 meeting explained the environmental and health concerns potentially created by this activity.

Tara Gurge (Assistant Public Health Director)(28:11): ...Another comment we added about a potential event that had happened. **Fire had a file that there might have been some- the previous homeowner was using (it) as a place to fix cars, so there was a fire report on that.**

And we just basically said, “make sure that there's no environmental impact concerns on the property for the future.”

Tim McDonald (Public Health Director): (29:41) ...We did recommend ...we **said we thought it would be a good idea for a soil test, given the fire department's record of essentially used car repair. We don't have a record of any specific environmental spills on that site.**

(31:10) ...with this one (project) **it was a little bit more complicated just because of the residential neighborhood, and the fact that car repair was done previously. And historically we found that many- not all but many- businesses like that did not properly dispose of chemicals, especially in the pre-2000s, the eighties, the nineties, certainly the seventies. A lot of times it was, “ just dump it out back.”**

So we did recommend sort of an extra level of scrutiny to the planning board. The Planning Board doesn't have to take our comments into account, but they almost always do. (31:45)

Edward Cosgrove, member of the Board of Health, stated:

(32:14) I just want to mention, too, **given that you had who knows what kind of auto repair out there, there might be lead- leads in the soil from batteries or even from paint. So I don't know if we want to check for that as well... (32:42) Given that it is going to be a child daycare.**

Kathleen Brown, Chair of the Board of Health, added:

(32:44)... **They'd be testing for metals anyway. They would do a whole suite, I think, and then petroleum hydrocarbons and all. That would make sense we could verify that and make sure. That would be good.**¹ (Emphasis added.)

¹ See: Board of Health Meeting, April 16, 2021, <https://www.youtube.com/watch?v=PghGbPUGFCI&t=154s>.

Following the Board of Health discussion and recommendations, the Public Health Division provided an additional comment to the Planning Board on April 27, 2021, specifically asking for soil testing. Although aware that no direct evidence of a spill was documented, the Board of Health sought even broader soil testing to assure the safe development and later use of the property. The Division wrote to the Planning Board, "Please have the applicant confirm that lead testing will also be a part of the overall soil testing to be conducted at this property prior to construction. Can a copy of these soil testing results also be shared with the Public Health Division?"

After the submission of these comments, the proponent communicated with the Health Division. Rick Wozmack, from Endpoint, LLC, and Matt Borelli contacted the Division. An email dated May 12 from Mr. Wozmack to the Public Health Division and Mr. Borrelli recounts the discussions and explains- on behalf of Needham Enterprises- reasons testing the property was unnecessary.² Mr. Wozmack stated that the lack of records found by the Needham Bank in its review of state files, and the absence of documented spills led him to conclude that adding fill to the site without testing would be appropriate. It is unclear to the neighbors why these factors would change the need for an assessment of the conditions of the site given the considerations laid out by the Board of Health at the April 16 meeting and in its April 27th comment. The Board of Health and the Health Division were well aware that no spills had been documented when they requested testing. No new information or data about the property was discovered to obviate the need for testing in order to ascertain the property's conditions. In fact, the Fire Department documentation of the uses of the property contradicted the information cited in the May 12 email. The neighbors were therefore surprised to see a change in the Health Division's comments in August. (See Attachment 3: August 16 email from Health Division to Planning Department).

Relying on a review of documents that did not include the Fire Department records and discussions that refer only to the residential uses of the address, the proponent suggests taking steps to provide a barrier to any chemicals that might be present without testing. The plan suggests adding fill after laying a demarcation barrier "to indicate a change from clean fill to the soil that lay beneath it in the event of future digging." (See: May 12 email of Rick Wozmack to Tara Gurge and Matt Borrelli). It is important to note that the only report provided to the town thus far, a two page letter sent to the Needham Bank, specifically cautions the advice is intended only for the bank's risk management purposes, is based solely on the information included in the letter, and does not meet ASTM standards. The documents referred to in the

² On May 12, Rick Wozmack, of End-Point, LLC, emailed Tara Gurge, and Matt Borrelli. Referring to previous discussions, Mr. Wozmack's email states, "As part of the lender's environmental due diligence, Needham Enterprises retained PVC Environmental Risk Strategies to perform an environmental risk management review of the subject property and did not find evidence of past releases of hazardous materials and oil, which satisfied the lender. The report is attached." Mr. Wozmak continues, "As we discussed, there is no specific evidence of toxic materials (including lead) on site. However, in an excess of caution, and given that the site will be used for a day care facility, in my view a reasonable approach would be to take steps to prevent exposure to any harmful materials that might be present, in those areas of the site where children (or adults) might be exposed to them." He then outlined a proposal to lay a demarcation barrier and lay clean fill over exposed land, which would "indicate a change from clean fill to the soil that lay beneath it in the event of future digging." (Attachment 2).

letter have not been made available for town review. Finally, the letter only mentions the use of oil for residential heating, and makes no reference at all to the activities which took place at the address and are cause for concern. (See: PVC Letter to Needham Bank, attached.)³

The problem with the approach currently suggested by the proponent is that it overlooks the digging which will necessarily be a part of any construction permitted at the site. The proponent seeks to dig at 1688 Central Avenue **now**, in order to construct a large building, playground, parking areas, driveways, as well as sewer lines, stormwater management systems and landscaping. Installing demarcations and fill only **after** this work offers no protection against possible environmental contamination already present and potentially exacerbated by the currently proposed project.

The neighbors to 1688 Central Avenue request that the Planning Board require the proponent to develop the property safely now, in accordance with all environmental protections, and with any mitigation measures required because of past activities at the site.

Thank you for your consideration.

³ On March 17, 2021, Peter Vaz, Principal of PVC, Environmental Risk Strategies, wrote to Andrew Rafter, Vice President and Commercial Loan Officer at the Needham Bank. The letter refers to a December 11, 2020 "EDR Environmental Screen," prepared on behalf of Needham Bank, and a December 7, 2020 "Visual Inspection and Clearance Sampling" prepared by ERS on behalf of Matt Borrelli. These documents were not included and not received by the town. The letter also refers to discussions with the site owner, and includes as "salient points" that, "the site is improved with a residence and barn that were heated by fuel oil stored in an above ground storage tank (AST) and a wood stove." The letter comments, "According to the EDR Environmental Screen, on-Site and nearby off- site regulations listings were not identified," and concludes,

"Based on the information as specifically discussed herein, it is PVC's opinion that the environmental risk to Needham Bank in its role as a secured lender is low and additional assessment of the Site is not necessary at this time.

Please note this Environmental Risk Management Review does not meet the standards of ASTM due diligence and is provided for risk management purposes only." (Emphasis supplied in original).



Town of Needham
Fire Department Headquarters
88 Chestnut Street
Needham, Massachusetts 02492

Telephone
(781) 455-7580
Fax
(781) 444-2174

Chief of Department
Robert A. DiPoli

Deputy Chief of
Operations
Charles J. Rizzo

Deputy Chiefs
Alfred B. DeJulio
John F. Whalen
Barry J. Carloni
James A. Benedict

June 13, 2003

Mr. David Welch:

This department has received a complaint regarding abandoned automobiles and oil drums on your property, located at 1688 Central Avenue. The Fire Inspectors would like permission to make an inspection of said property. Please call 781-455-7580 to make an appointment.

Thank you,

A handwritten signature in cursive script, which appears to read "Alfred B. DeJulio".



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Deputy Chief of
Operations
Charles J. Rizzo

Deputy Chiefs
Alfred B. DeIulio
John F. Whalen
Barry J. Carloni
James A. Benedict

JUNE 24, 2003

ON THIS DATE AN INSPECTION WAS MADE OF THE PROPERTY BELONGING TO DAVID WELCH, 1688 CENTRAL AVENUE, NEEDHAM, MA 02492. THE PURPOSE OF THE INVESTIGATION WAS TO ADDRESS THE COMPLAINT(S) MADE BY

MR. WELCH, A CONTRACTOR, HAS NUMEROUS PIECES OF EQUIPMENT ON HIS PROPERTY. MR. WELCH RESTORES ANTIQUE TRUCKS AND AUTOMOBILES AND ALSO BUILDS RACE CARS. WITH RESPECT TO HAZARDOUS MATERIALS, I DID NOT OBSERVE ANY CONTAINERS WITH HAZARDOUS SUBSTANCES IN THEM. I DID NOT OBSERVE ANY FREE-FLOATING PRODUCT AT THIS SITE. AT THIS TIME, MR. WELCH IS IN THE PROCESS OF REDUCING HIS INVENTORY. AFTER THIS IS ACCOMPLISHED A THOROUGH ASSESSMENT CAN BE DONE.

ALSO PRESENT WAS MR. ROBERT A. WELCH.

INSPECTOR DONALD B. INGRAM
N.F.P.B.

PARCEL_ID: 199/213.0-0006-0000.0 MAP 213.0

BLOCK 0006

LOT 0000.0

PARCEL ADDRESS: 1688 CENTRAL AVE

as of: 11/26/1

PARCEL INFORMATION

Use-Code: 101	Sale Price: 100	Book: 11557	Road Type: T	Inspect Date: 6/8/95
Tax Class: T	Sale Date: 10/18/96	Page: 596	Rd Condition: P	Meas Date: 6/8/95
Tot Fin Area: 1661	Sale Type: P	Cert/Doc:	Traffic: H	Entrance: C
Tot Land Area: 3.47	Sale Valid: A		Water: PS	Collect Id: CD
	Grantor: WELCH		Sewer: SP	Inspect Reas: C
Exempt-B/L% 0/	Resid-B/L% 100/100	Comm-B/L% 0/	Indust-B/L% 0/	Open Sp-B/L% 0/

Owner: WELCH, DAVID H., WELCH, ROBERT A. &

Address: 1688 CENTRAL AVE

NEEDHAM MA 02492

RESIDENCE # 1 INFORMATION

Style: OS	Tot Rooms: 6	Main Fn Area: 994	Attic: Y
Story Height: 2.5	Bedrooms: 4	Up Fn Area: 667	Bsmt Area: 994
Roof: G	Full Baths: 1	Add Fn Area:	Fn Bsmt Area:
Ext Wall: ST	Half Baths: 0	Unfin Area: 333	Bsmt Grade:
Masonry Trim:	Ext Bath Fix: 0	Tot Fin Area:	
Foundation: ST	Bath Qual: O		RCNLD: 82505
	Kitch Qual: O	Eff Yr Built: 1980	Mkt Adj: 1
Heat Type: HW	Ext Kitch:	Year Built: 1904	Sound Value: 82500
Fuel Type: O		Grade: F	Cost Bldg:
Fireplace:	Bsmt Gar Cap:	Condition: F	Att Str Val1:
Central AC: N	Bsmt Gar SF:	Pct Complete: 100	Att Str Val2:
	Att Gar SF:	%Good P/F/E/R: 1185/71	

<u>Porch Type</u>	<u>Porch Area</u>	<u>Porch Grade Factor</u>
E	300	
P	79	

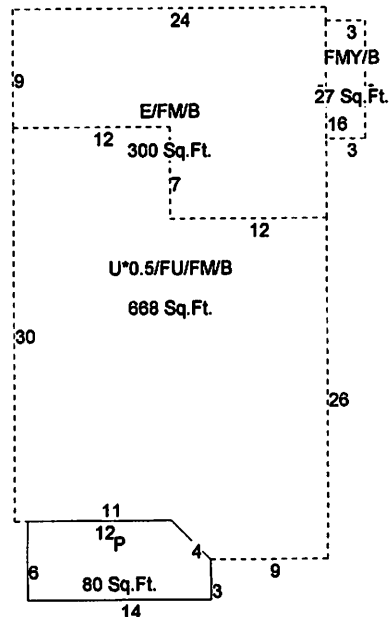
LAND INFORMATION

NBHD CODE: 103			NBHD CLASS:			ZONE:		SRA	
Seg	Type	Code	Method	Sq-Ft	Acres	Influ-Y/N	Value	Class	
1	P	101	A	43560	1	Y	500000		
2	R	101	S	107593	2.47	Y	236332		

DETACHED STRUCTURE INFORMATION

Str	Unit	Msr-1	Msr-2	E-YR-Blt	Grade	Cond	%Good P/F/E/R	Cost	Class
G1	S	400		1940	A	A	111/51	5200	
G1	S	600		1940	A	A	111/51	6900	
B1	S	4800		1989	A	A	111/74	64000	

SKETCH



VALUATION INFORMATION

Current Total:	894900	Bldg: 158600	Land: 736300	MktLnd: 736300
Prior Tot:	779200	Bldg: 142900	Land: 636300	MktLnd: 636300

PHOTO

3.2 Schedule of Use Regulations

3.2.1 Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, Industrial-1 and Industrial Park Districts.

The following schedule of use regulations shall apply in the RRC, SRA, SRB, GR, A-1, 2 & 3, I, IND, IND-1 and IND P districts.

<u>USE</u>	<u>RRC</u> <u>SRA</u>	<u>SRB</u>	<u>GR</u>	<u>A-1, 2</u> <u>& 3</u>	<u>I</u>	<u>IND</u>	<u>IND-</u> <u>1</u>	<u>IND</u> <u>P*</u>
<u>AGRICULTURE</u>								
Farm, greenhouse, nursery, truck garden, provided the subject property contains a minimum of two and one half (2-1/2) acres	Y	Y	Y	Y	Y	Y	Y	Y
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject property contains a minimum of two and one half (2-1/2) acres	Y	Y	Y	Y	Y	Y	Y	Y
Sale during the Christmas season at a nursery or green-house of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	Y	Y	Y	Y	Y	Y	Y	Y

Wanita Kennedy

From: "Wanita Kennedy" <wanita.kennedy@comcast.net>
To: <Dana.Muldoon@state.ma.us>
Sent: Monday, December 01, 2003 10:14 AM
Subject: RE:December 1st 9 a.m. 2003

Today I observed the moving of debris further back onto the Needham property, 1688 Central Avenue. There were four men involved and a landscaping back-hoe and a white pick-up truck. I observed three men loading something heavy into the front-end loader and then it was moved further back onto the property. They did this twice.

I also noticed that the 500-gallon oil drum is gone from its original location



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

FACSIMILE TRANSMITTAL FORM

DATE: 11/20/03

TO: Board of Health

FROM: Karen Smith

for 781-449-4569

SUBJECT: we are forwarding this complaint
to the Board of Health for
investigation & follow up. Thank you,
Karen Holden-Smith

NUMBER OF PAGES (INCLUDING TRANSMITTAL SHEET): 3

CONFIDENTIAL: The documents accompanying this fax contain information that may be CONFIDENTIAL and/or PRIVILEGED. The information is intended for the use of the individual or entity named on this transmittal sheet. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this transmittal in error, please notify us immediately at the telephone number below and return the original message to us by First Class Mail via the U.S. Postal Service at the letterhead address. Thank you.

IN CASE OF PROBLEM WITH FAX, CALL 617-556-1000
ORIGINATING FAX: (617) 556-1090

This information is available in alternate format. Call April McCabe, ADA Coordinator at 1-617-556-1171. TDD Service - 1-800-298-2287.

DEP on the World Wide Web: <http://www.mass.gov/dep>

♻️ Printed on Recycled Paper

situation. The materials stated above continue to be clearly visible from properties along Country Way that abut 1688 Central Avenue, as well as from the parking lot of Temple Aliyah at 1664 Central Avenue. Further, none of the materials have moved since at least December 2003, let alone since the June 24th report date.

We are re-submitting our complaint with the Town of Needham. However, as previous efforts by the Town and neighboring residents have failed to rectify this situation, we are requesting the NE EPA evaluate this property.

Thank you.

submit

Send

WARNING NOTICE

This electronic mail originated from a federal government computer system of the United States Environmental Protection Agency (EPA). Unauthorized access or use of this EPA system may subject violators to criminal, civil and/or administrative action. For official purposes, law enforcement and other authorized personnel may monitor, record, read, copy and disclose all information which an EPA system processes. Any person's access or use, authorized and unauthorized, of this EPA system to send electronic mail constitutes consent to these terms.

This information is for tracking purposes only.

Submitting script: /cgi-bin/mail.cgi

Submitting host: 24.91.51.0 (24.91.51.0)

Browser: Mozilla/4.0 (compatible; MSIE 5.5; Windows 95; T312461)

Referred: <http://www.epa.gov/region01/contact/reportform.html>

TSSMS: region01

Mail to File: rlweb

Golden-Smith, Karen (DEP)

From: Muldoon, Dana (DEP)
Sent: Monday, November 10, 2003 10:29 AM
To: Golden-Smith, Karen (DEP)
Subject: FW: Possible Violation of Environmental Law

617-654-6590

-----Original Message-----

From: Wanita Kennedy [mailto:wanita.kennedy@comcast.net]
Sent: Monday, November 10, 2003 9:30 AM
To: Muldoon, Dana (DEP)
Cc: Bill Kennedy, Jr
Subject: Possible Violation of Environmental Law

For assistance, please contact the State of MA DEP

<http://www.state.ma.us/dep/dephome.htm>

Internet Daemon
Owner
To: Mail
RlWeb/Rl/USEPA/US@EPA
<idaemon@mountain
.epa.gov>
cc:
Subject: (311143500)
Reporting a Possible Violation of Environmental Law

11/08/2003 02:35
PM

01) first and last name
Wanita Kennedy
02) organization

03) email address
wanita.kennedy@comcast.net
04) phone number
781.444.3512

05) comments
Residents of the Town of Needham have filed multiple complaints regarding the Needham
property, 1688 Central Avenue.

Said property contains large quantities of discarded debris in the back acres of the property. Such debris includes rusted vehicles and equipment, old construction materials, a 500-gallon oil drum and six 55-gallon oil drums.

The property was inspected by the Town of Needham Fire Department on June 24, 2003. At that time, the property owner stated he was a contractor, a restorer of antique trucks and a builder of race cars. The Town Inspector (Donald Ingram) stated in his report that no hazardous materials were observed on the property and further stated that the property owner was in the process of "reducing his inventory."

We have reason to believe through contacts at the Needham Fire Department that Mr. Ingram is familiar with the property owner and therefore did not fully execute his duties in this

Wanita Kennedy*Submitted Nov 8th*

From: "Wanita Kennedy" <wanita.kennedy@comcast.net>
To: <Dana.Muldoon@state.ma.us>
Sent: Monday, December 01, 2003 10:14 AM
Subject: RE:December 1st 9 a.m. 2003

Residents of the Town of Needham have filed multiple complaints regarding the Needham property, 1688 Central Avenue.

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We have reason to believe through contacts at the Needham Fire Department that Mr. Ingram is familiar with the property owner and therefore did not fully execute his duties in this situation. The materials stated above continue to be clearly visible from properties along Country Way that abut 1688 Central Avenue, as well as from the parking lot of Temple Aliyah at 1664 Central Avenue. Further, none of the materials have moved since at least December 2003, let alone since the June 24th report date.

We are re-submitting our complaint with the Town of Needham. However, as previous efforts by the Town and neighboring residents have failed to rectify this situation, we are requesting the NE EPA evaluate this property.

Thank you.

12/1/03



Town of Needham
Fire Department Headquarters
88 Chestnut Street
Needham, Massachusetts 02492

Telephone
(781) 455-7580
Fax
(781) 444-2174

Chief of Department
Robert A. DiPoli

Deputy Chief of
Operations
Charles J. Rizzo

Deputy Chiefs
Alfred B. Delulio
John F. Whalen
Barry J. Carloni
James A. Benedict

JUNE 24, 2003.

ON THIS DATE AN INSPECTION WAS MADE OF THE PROPERTY BELONGING TO DAVID WELCH, 1688 CENTRAL AVENUE, NEEDHAM, MA 02492. THE PURPOSE OF THE INVESTIGATION WAS TO ADDRESS THE COMPLAINT(S) MADE BY

MR. WELCH, A CONTRACTOR, HAS NUMEROUS PIECES OF EQUIPMENT ON HIS PROPERTY. MR. WELCH RESTORES ANTIQUE TRUCKS AND AUTOMOBILES AND ALSO BUILDS RACE CARS. WITH RESPECT TO HAZARDOUS MATERIALS, I DID NOT OBSERVE ANY CONTAINERS WITH HAZARDOUS SUBSTANCES IN THEM. I DID NOT OBSERVE ANY FREE-FLOATING PRODUCT AT THIS SITE. AT THIS TIME, MR. WELCH IS IN THE PROCESS OF REDUCING HIS INVENTORY. AFTER THIS IS ACCOMPLISHED A THOROUGH ASSESSMENT CAN BE DONE. *See last Page*

ALSO PRESENT WAS MR. ROBERT A. WELCH.

INSPECTOR DONALD B. INGRAM
N.F.P.B.

- ① I have never ^{observed} ~~seen~~ an antique truck on this property
- ② I have never observed a race car on this property
- ③ I have never observed Antique cars on this property
- ④ I never said there was free-floating Products at this site



Tel. 617-455-7542

TOWN OF NEEDHAM
BUILDING DEPARTMENT

470 Dedham Ave.
Needham, MA 02192

REQUEST FOR ZONING ENFORCEMENT

Date Dec 1, 03

To the Inspector of Buildings:

Dear Sir:

See attached

I believe that the property owned by _____
located at _____ is being
used as (describe) _____

_____ in violation of the Needham Zoning By-Laws. Section _____
(pursuant to MA General Laws CH 40A-7)

I request that you enforce the Zoning Ordinance and request a report of the action
you take on this matter within fourteen days.

Very truly yours,

I am the owner of the property at 34 Country Way
Name Wanita & Bill Kennedy
Address _____
Tel. 761 444 3512

as of dated cleanup

The Welches are in the process of:
removing debris that neighbors have
(dumped ~~but~~ etc)
complained about

To remedy this problem:

~~I am allowing them~~ _____ ~~weeks to~~
adhere

I have scheduled a follow up visit
for the month of _____ to see
if ~~the~~ R+D Welch have complied
with my original findings

cc: Karen Golden-Smith (DEP)

Footnote: according to Jara _____ on date you spoke
a complaint was never filed by the
Kennedys to the Needham B.O Health

RE: Possible Violation of Environmental Law

^{David + Robert Welch}
Address: 1688 Central Ave

1. Email sent to DEP

2. DEP ~~sent~~ forwards email to Needham Board of Health

3. Board of Health → NFD -

Filing Complainants: Wanita + Bill Kennedy
31 Country Way, Needham
Inspector

Inspected by Donald Ingram on 6/24/03

Findings are recorded in a report by Inspector Don Ingram stating "with respect to hazardous materials, I did not observe any containers with hazardous substances in them, I did not observe any free floating product at this site."
* Attached

upon receiving an ~~email~~ email dated 11/10/03 from Karen Golden Smith of DEP, I contacted D+R Welch to meet with them at 1688 Central Ave on date you went.

I observed the following:

- ① ~~46-55~~ 55 gallon drums contain no hazardous waste, in fact, they are empty
- ② 500 gallon oil drum contains no hazardous waste, it is empty

Yes, ~~these drums~~ are in violation of

~~that~~ Plans to remedy (solution to problem)

No, they are not in violation of

But will be cleaning up yard -



Town of Needham
Fire Department Headquarters
88 Chestnut Street
Needham, Massachusetts 02192

Telephone
444-0142

Chief of Department
Robert A. DiPoli

Deputy Chief of
Operations
Ernest A. Steeves

Ins # 3002

Deputy Chiefs
Alfred B. DeIulio
Charles J. Rizzo
John F. Whalen
Barry J. Carloni

ON 11-25-03 The BOARD of Health (Town Needham)
FORWARDED AN E-MAIL TO N.F.D. FIRE PREVENTION
CONCERNING THE PROPERTY AT 1688 CENTRAL AVE. FOR A
POSSIBLE VIOLATION OF ENVIRONMENTAL LAW.

12-02-03
ON ~~THIS DATE~~ AN INSPECTION WAS MADE AT
1688 CENTRAL AVE NEEDHAM. THE PROPERTY IS OWNED
BY DAVID AND ROBERT WELCH.

WHILE DOING A VISUAL INSPECTION I OBSERVED
6 - 55 GAL DRUMS BEHIND THE BARN AND ONE
LARGE TANK APPROX. 500 GALS AND TWO 275 GAL
OIL TANKS. ALL OF WHICH WERE EMPTY. MR.
WELCH STATED THE HE USED THE 55 GAL DRUMS
TO DETOUR TRAFFIC WHILE DOING EXCAVATING JOBS
ON ROADWAYS OR IN PARKING LOTS. THE 275
GAL TANKS WERE TO BE PUT IN HALL TO BE USED AS
MORTAR TUBS THE LARGE TANK WHICH WAS ALSO
EMPTY WAS TO BE SCRAPPED FOR JUNK METAL.
MR. WELCH SHOWED ME THAT HE HAD MOVED MANY



**Town of Needham
Fire Department Headquarters**

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JUNE 24, 2003

ON THIS DATE AN INSPECTION WAS MADE OF THE PROPERTY BELONGING TO DAVID WELCH, 1688 CENTRAL AVENUE, NEEDHAM, MA 02492. THE PURPOSE OF THE INVESTIGATION WAS TO ADDRESS THE COMPLAINT(S) MADE BY

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ALSO PRESENT WAS MR. ROBERT A. WELCH.

INSPECTOR DONALD B. INGRAM
N.F.P.B.

Attachment 2

From: Rick Wozmak <rwozmak@endpointllc.com>

Sent: Wednesday, May 12, 2021 8:57 AM

To: Tara Gurge <TGurge@needhamma.gov>

Cc: mborrelli@borrellilegal.com

Subject: 1688 Central Ave

Hi Tara, as discussed, my experience with the standard of practice in Massachusetts for addressing potential exposure concerns for a daycare center in an urban setting typically consists of the following:

1. Conducting a review regulatory agency files to see if there have been documented releases or threats of releases of hazardous materials and/or oil; and if nothing is found,
2. Providing physical barriers between any so-called "urban fill" and parents/workers/children present at the daycare as an added precaution.

As part of the lender's environmental due diligence, Needham Enterprises retained PVC Environmental Risk Strategies to perform an environmental risk management review of the subject property and did not find evidence of past releases of hazardous materials and oil, which satisfied the lender. The report is attached.

As we discussed, there is no specific evidence of toxic materials (including lead) on site. However, in an excess of caution, and given that the site will be used for a day care facility, in my view a reasonable approach would be to take steps to prevent exposure to any harmful materials that might be present, in those areas of the site where children (or adults) might be exposed to them.

Typical exposure pathways for metals include digestion, inhalation of dust and dermal contact. Physical barriers can eliminate these exposure pathways. The type of barrier is dependent upon the presence of children vs. adults, area accessibility, frequency of use, and intensity of use. For example, a playground or play area would be accessible by children with a high frequency and intensity of use. Protection from exposure could be adequately provided in these types of areas by covering them with a foot of clean soil, installed on top of a demarcation barrier (typically orange snow fencing) that would indicate a change from clean fill to the soil beneath it, in the event of any future digging in such areas. Landscaped areas on the other hand may only include 4-6 inches of top soil that is seeded and maintained since the frequency and intensity of use would be low. If acceptable to the Board of Health, Needham Enterprises would be amenable to discussing appropriate barrier options for areas of the daycare grounds that will be used by children and adults, beyond the buildings, paved/concrete walkways, and parking lots that already serve as barriers.

Let me know if you have any further thoughts or concerns regarding this approach. Thanks, Rick

Richard J. Wozmak, P.E. (NH & MA), P.H., LSP, LEP

Principal

25 Buttrick Road, Unit D-2

Londonderry, NH 03053

NH Office Phone: 603-965-3810

Boston Office Phone: 857-241-3654

Cell Phone: 603-851-1443

Fax: 603-965-3827

www.endpointllc.com

Attachment 3

From: Tara Gurge <TGurge@needhamma.gov>
Sent: Monday, August 16, 2021 1:08 PM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: 1688 Central Ave follow-up

Alex-

Just wanted to get back to you RE: the additional inquiry on #1688 Central Ave. Here is the proposal that was found to be acceptable. (See email below and attached report.) So It was agreed that all potential exposure areas on this site located at #1688 Central Ave. must be sufficiently covered with acceptable amounts of clean soil in order to limit the risk of exposure to potential soil contaminants, which also includes landscaped areas which will be covered with clean top soil, which everyone agreed will be seeded and maintained to reduce erosion on site. (Matt Borrelli was on board with those requirements.)

Let me know if you need any additional information 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

March 17, 2021

Andrew Rafter
Vice President/Commercial Loan Officer
Needham Bank
1063 Great Plain Avenue
Needham, MA 02492

Subject: **Environmental Risk Management Review:**
1688 Central Avenue, Needham, MA (the Site)

Dear Mr. Rafter:

PVC Services, LLC (PVC) has completed an Environmental Risk Management Review of the Site, with the Scope of Work consisting of a review of the following documents:

- December 11, 2020 "EDR Environmental Screen", prepared on behalf of Needham Bank;
- December 7, 2020 "Visual Inspection and Clearance Sampling...", prepared by ERS on behalf of Matt Borrelli

PVC also discussed Site conditions with the Site owner, Matt Borrelli, who plans to raise the existing buildings on the Site and construct a daycare facility that will be financed by Needham Bank. The following salient points were noted during the review:

1. Available information indicates that the 3.47-acre Site is improved with a residence and barn that were heated by fuel oil stored in an aboveground storage tank (AST) and a wood stove. Mr. Borrelli indicated that the AST and asbestos containing buildings materials (ACMs) have been removed from the Site in advance of pending building demolition.
2. According to the ERS document, ACMs including window flashing; piping insulation and tiles were removed from the Site buildings in December 2020 by Asbestos Free, Inc. and disposed off-Site. Additionally, subsequent indoor air testing confirmed that airborne asbestos fiber content was below applicable action levels.
3. According to the EDR Environmental Screen, on-Site and nearby off-Site regulatory listings were not identified.

PVC Opinion:

Based on the information as specifically discussed herein, it is PVC's opinion that the environmental risk posed to Needham Bank in its role as a secured lender is low and additional assessment of the Site is not necessary at this time.

Please note this Environmental Risk Management Review does not meet the standards of ASTM due diligence and is provided for risk management purposes only. Please contact me at 617-680-7157 should you have any questions.

Regards,
PVC Services, LLC



Peter B. Vaz
Principal



Commonwealth of Massachusetts **STATE ETHICS COMMISSION**

One Ashburton Place - Room 619
Boston, Massachusetts 02108

Maria J. Krokidas
Chair

David A. Wilson
Executive Director

September 30, 2021

CONFIDENTIAL

BY FIRST-CLASS MAIL

Christopher H. Heep, Esq.
Miyares Harrington
40 Grove St., Suite 190
Wellesley, MA 02482

Dear Mr. Heep:

I am writing in response to your letter of September 2, 2021 requesting advice on behalf of members of the Town of Needham Planning Board ("Board") regarding whether the Board possesses the legal authority or is obligated to suspend its public hearing on a site plan review application based on its receipt of written complaints that the applicant's representatives are acting in violation of the conflict of interest law, G.L. c. 268A, or whether the Board has any authority or obligation to address these complaints when hearing and deciding the application.

I am only able to provide members of the Board with advice regarding how they are subject to the requirements of G.L. c. 268A. G.L. c. 268B, § 3(g). I am unable to provide guidance on the applicability of any other law that may govern the Board's authority or obligation to suspend its public hearing on the site plan review. I am also unable to weigh in on alleged conduct of third parties. Finally, due to the confidentiality restrictions set forth in G.L. c. 268B, §, 4, I am unable to address whether or not an alleged complaint has been filed with the Commission or, if so, the substance of the complaint.

When members of the Board conduct the public hearing on the application of Needham Enterprises, LLC for a Major Project Site Plan Review, they must comply with §§ 19 and 23 of the conflict of interest law.

Under § 19, an elected Board member may not participate in the discussion or vote of the application if they have a financial interest in the project or if their immediate family member, partner, business organization in which they are serving as officer, director, trustee, partner or

employee, or any person or organization with whom they are negotiating or have any arrangement concerning prospective employment, has a financial interest.

Section 23(b)(2)(ii) prohibits Board members from using or attempting to use their official position to secure unwarranted privileges of substantial value for themselves or others. This means that Board members must base their evaluation and vote on the merits of the application, using the same objective criteria which it applies to other permit applications.

Further, § 23(b)(3) prohibits a municipal employee from engaging in conduct which gives a reasonable basis for the impression that any person or entity can improperly influence him or unduly enjoy his favor in the performance of his official duties. For example, issues are raised under § 23(b)(3) if a Board member had a personal relationship with an applicant (or their representative) or had a current relationship with a group who opposed the project. In order to dispel an appearance of a conflict of interest, § 23(b)(3) requires that the Board member file a disclosure prior to participating in the hearing.

Both this letter and your request for advice are confidential by statute. This means that you are free to disclose this advice to anyone you wish, but that the State Ethics Commission may not disclose your request or any other identifying information unless you consent, or unless you misrepresent the contents of this letter.

I hope this advice has been helpful. Please contact us again if you have any further questions about Board members' obligations under the conflict of interest law.

Very truly yours,

/s/ Eve Slattery

Eve Slattery
General Counsel



**Permanent Public Building Committee
Town of Needham**

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

September 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 most recently extended the last extension from May 31, 2021 until September 28, 2021. **This present request seeks another 120 days until January 28, 2022.**

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

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: [Rhonda Spector](#)
To: [Planning](#)
Subject: Affordable Housing Study Committee
Date: Thursday, August 12, 2021 2:27:32 PM
Attachments: [Rhonda Spector Resume 2021 .docx](#)

Dear Lee,

I am interested in being a member of the Affordable Housing Study Committee Needham is forming to revisit the town's housing agenda.

I have worked in economic development for most of my career and specifically worked on affordable housing development first in Holyoke when I worked at MassDevelopment, and then for the past six years as the Director of Development for 2Life Communities. At 2Life, I worked on both renovation and new construction of multifamily affordable housing for seniors. In my work at Massport and Massdevelopment I managed many planning and feasibility studies for a variety of types of projects.

I am currently working with Affirmative Investments part-time as a development consultant. Affirmative is an affordable housing developer working on small and medium sized community projects.

My resume is attached. I look forward to hearing from you about working on the Committee.

Sincerely,
Rhonda Spector

Rhonda Spector
Needham, Massachusetts
617-447-0799 | Rhonda@Spectortm.com

Senior level professional with leadership experience in real estate development as well at regulatory agencies at both state and local levels. Demonstrated success development, planning, permitting, community engagement and in leading sustainable projects.

EXPERIENCE

Director of Real Estate Development

2Life Communities

Boston

2015 – 2021

Leading the LEED-certifiable development of a \$10 million headquarters for 2Life Communities.

- Managed \$77 million refinance and rehabilitation of a 209-unit affordable housing community, including financing, design, construction, sustainability, and resident relocation. Project included renovation of all units, common areas, and \$2 million courtyard with fitness equipment and community gardens. Awarded an Enterprise Green Community designation.
- Spearheaded *Aging in Community* initiative for moderate-income seniors that modeled a new type of community. Negotiated a Purchase and Sale Agreement for a 4-acre site in Newton, and directed a multi-faceted finance, operations, design and marketing team.
- Site selection work - analyzed potential sites across Greater Boston for redevelopment opportunities including zoning and feasibility analyses.

Vice President, Planning and Development

MassDevelopment

Boston

2005 - 2013

- Led partnership between the Holyoke Housing Authority, City of Holyoke, Massachusetts Housing Partnership and MassDevelopment to create a plan for redeveloping Lyman Terrace, a public housing community in Holyoke. Supervised team, consultants, community process and negotiations with government agencies, business leaders, neighbors and residents. Project led to a RFP and successful community redevelopment.
- Managed all aspects of the rollout of sustainability practices for MassDevelopment. Member of Governor Deval Patrick's Zero Net Energy Task Force, and oversaw the first two Zero Net Energy housing developments in Devens.
- Provided technical assistance to cities and towns across the Commonwealth, including a Canal District master plan, Lawrence; Urban renewal plan, Gardner; Downtown plan, Worcester; and Garage feasibility and parking management plans, Medford and Natick. Sponsor and panelist for Urban Land Institute Technical Assistance Panels in Lawrence, Framingham and Haverhill.
- Managed regional economic development academies to formulate and implement educational forums for municipal leaders. Held regional conferences with public policy leaders and 50 to 85 participants on topics ranging from urban housing policy to the creative economy.

Senior Project Manager

National Development

Newton

2004

- Oversaw all aspects of permitting and pre-development for a 180-unit new construction development at Woodland Station, Newton, and a 425-unit development on a 70-acre site in Burlington. Prepared a 40B Comprehensive Permit application and negotiated a 99-year ground lease with the MBTA. Supervised all consultants and produced financial analyses for both projects.

Economic Development Officer

Town of Brookline

Brookline

2002 - 2003

- Acquired approval of a Town Meeting district re-zoning for a 229,000 square foot office building at 2 Brookline Place.
- Led Board of Selectmen committee for development of a town-owned 5-acre site for affordable housing.

Senior Project Manager

Carpenter and Company

Cambridge

1998 – 2001

- Produced a winning proposal in response to a Town Request for Proposals for a \$30 million Marriott Courtyard Hotel in Brookline. Supervised project team and extensive community and design review process. Won Town Meeting approval and completed permitting. Negotiated and executed a long-term ground lease with the Town.

Senior Project Manager

Massachusetts Port Authority

Boston

1988 - 1997

- Managed rehabilitation of a \$7.2 million conference center on the Boston Fish Pier. Supervised design, construction, installation of state-of-the-art communication technology, exhibits, furnishings and oversaw commencement of operations.
- Negotiated development options and ground leases with the World Trade Center Boston for the Seaport Hotel and East Office Building. Supervised planning, design review and permitting for both properties.
- Executed Development Agreement with Carpenter and Company for the \$100 million Hilton Hotel at Logan International Airport. Secured all hotel approvals from Massport Board of Directors.

EDUCATION

Boston University Graduate School of Management

Master's of Business Administration, Finance

University of Massachusetts, AmherstBachelor of Arts, Economics, Phi Beta Kappa, *Cum Laude*

August 27, 2021

Needham Planning Board
Public Services Administration Bldg.
500 Dedham Avenue
Needham, MA 02492

Dear Needham Planning Board:

I am delighted to submit my letter of interest and resume for the Affordable Housing Study Committee and so pleased to see that the town is taking this much-needed step towards promoting greater housing diversity and affordability. As my attached resume illustrates, I have considerable experience working on housing needs assessments and strategies across the Commonwealth – from the Cities of Newton and Chelsea to the towns of Weymouth, Lenox, Brewster, and the island of Martha's Vineyard. I have intimate experience working with developers, municipalities and other government agencies on real estate planning and the development of mixed-income and affordable housing projects. I have also been involved in the development of zoning updates, new complete street corridors and public spaces.

I am extremely passionate about affordable housing and have been looking for a productive way to engage with efforts in my own town. In my current capacity as the Director of Housing & Community Development for the City of Newton, the regular assessment of the affordable housing landscape throughout the city and surrounding region is a critical and constant piece of my job. The identification of housing needs based off current data, market research and community outreach and engagement help to shape the City's housing strategy and goals in the short and long-term. I would be excited and honored to bring my robust experience in this area to support the Planning Board's work to develop a comprehensive Housing Plan for Needham.

I hope to hear from you soon to learn about next steps in this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Berman', with a stylized, flowing script.

Amanda Berman

AMANDA BERMAN

689 Great Plain Avenue • Needham, MA 02492
323-605-2266 • amandaeberman@me.com

Dynamic and passionate urban planner who specializes in affordable housing planning and development, developing and managing innovative urban initiatives, and community development activities. Creative and self-motivated manager and mentor with outstanding ability to collaborate across multiple departments. Persuasive communicator with exceptional written, verbal and presentation skills. A proactive problem solver and strong strategic planner with the capacity to manage multiple projects in a fast-paced environment.

AREAS OF EXPERTISE

Affordable Housing Policy & Development
Urban Planning • Community Development
Placemaking • Public Space Activation
Project Development & Management
Partner Development & Relations • Marketing & Outreach Strategies
Team Leadership • Entrepreneurial Drive

EDUCATION

Master of Urban Planning (MPL) & Master of Public Art Studies (MPAS)

University of Southern California, School of Policy, Planning and Development & School of Fine Arts
Los Angeles, California • 2009

Bachelor of Arts in Communications and Business

The Pennsylvania State University • University Park, Pennsylvania • 2003

PROFESSIONAL EXPERIENCE

CITY OF NEWTON PLANNING & DEVELOPMENT DEPT. • Newton, Massachusetts 2017-PRESENT

<http://www.newtonma.gov/gov/planning/default.asp>

The Department is committed to community-based planning that guides the future of the City while promoting equity, healthful lifestyles, diverse housing options, a resilient economy, varied transportation options, and preservation of the built and natural environment.

Director of Housing & Community Development:

2018-PRESENT

- Manage the Housing & Community Development Division (8 staff members) which is responsible for over \$3 million in federal HUD grants annually, including the Community Development Block Grant (CDBG), HOME Investment Partnerships Program, and the Emergency Solutions Grant (ESG).
- The Housing & Community Development Division's programs are focused on the development, rehabilitation and preservation of affordable housing; human services for low- and moderate-income residents; homelessness prevention and support services; and the removal of architectural barriers for people with disabilities. The Division also acts as the lead entity for the 13-community WestMetro HOME Consortium, supporting member communities in their efforts to develop affordable housing and to provide direct rental assistance to low-income households.
- As one of the Department's senior staff, advise the Mayor and City Council on issues related to affordable housing and community development and provide input on the Department's goals and priorities.
- Manage the Newton Housing Partnership, a 9-member affordable housing advisory committee appointed by the Mayor to support the creation and preservation of affordable housing throughout the city.

- Oversee and support the realization of City-funded affordable housing projects, including two large affordable senior housing projects recently awarded Low Income Housing Tax Credits; the redevelopment of a historic single-family home into three units of affordable housing and a five-bedroom congregate home for severely disabled adults; and the possible redevelopment of the West Newton Armory into affordable housing.
- Manage the City's Inclusionary Housing program, from the review of multifamily and mixed-use proposals subject to the affordability requirements to ensuring a project's continued compliance throughout the pre-development, construction, marketing and occupancy processes.
- Led the update of the City's Inclusionary Zoning Ordinance over the course of two years (adopted August 2020), working with political leadership, community stakeholders, developers and consultants to identify an appropriate requirement that would increase the number of affordable units, while not disincentivizing multifamily housing projects across the city.
- Assist in the evaluation of 40B Comprehensive Permit projects, including project eligibility, drafting of Board Orders, project compliance, and post-completion cost certification reviews.
- Develop necessary guidelines and policies related to existing and new housing and community development programs within the Department.

Housing Development Planner:

2017-2018

- Provided management, support, and direction towards implementation of affordable housing and mixed-income projects throughout Newton, including review of housing projects seeking City funding.
- Assisted in the evaluation of 40B Comprehensive Permit applications, Inclusionary Housing project proposals, and other residential and mixed-use projects subject to affordable housing requirements.
- Assisted in the update of the City's Inclusionary Zoning Ordinance, providing support through research, writing, strategic direction, community outreach, and political engagement with City Council committees.
- Monitored compliance of affordable housing projects throughout the city in relation to DHCD and Newton guidelines and policies, including the development of affordable housing deed restrictions.
- Co-managed the City's First-Time Homebuyer Assistance Program (approx. 50 units in portfolio) through the oversight of unit resales and annual monitoring.
- Managed the City's Affordable Housing Master Database, including all SHI updates, and assisted in the research, calculations and determination of the City's 10% and 1.5% safe harbor thresholds.

RKG ASSOCIATES, INC. • Boston, Massachusetts

2016-2017

<http://www.rkgassociates.com>

Provides private, public and institutional clients, nationwide, a comprehensive range of advisory, planning, and strategic consulting services related to real estate, land use and economic development.

Senior Planner:

- Provided research, writing, community engagement, and project management assistance for the development of Housing Production Plans, zoning by-law updates, and master plans for various regional municipalities throughout Massachusetts, including Chelsea, Weymouth, Lenox, and Littleton.

JM GOLDSON COMMUNITY PRESERVATION + PLANNING • Boston, Massachusetts

2016-2017

<http://jmgoldson.com>

Assists communities with community preservation and affordable housing planning and implementation, as well as innovative community outreach and interactive public engagement.

Senior Community Preservation Planner:

- Provided research, writing and community engagement assistance for the development of Housing Production Plans, zoning by-law updates, and visioning plans for various regional municipalities, including Martha's Vineyard, Brewster, Sherborn, and Williamstown.
- Assisted the Town of Middleborough's Community Preservation Committee in the oversight and management of CPA funded projects. Tasks included project coordination, contractor oversight, budget and status report development, and grant writing.

COMMUNITY ARTS RESOURCES • Los Angeles, California • www.carsla.net

2007-2015

Develops urban-focused cultural and community planning initiatives and produces large-scale cultural events in public space.

Director of Community Development & Planning:

- Managed urban and cultural planning projects and events for clients, including government agencies, developers, architectural and planning firms, nonprofits, foundations and cultural institutions. Projects included CicLAvia, the nation's largest open-streets event; Go Little Tokyo, a community-led marketing and branding effort aimed at highlighting the neighborhood's unique cultural programs, community events, and dining and shopping experiences; the Durfee Foundation's Gentrification / Involuntary Displacement in Los Angeles report; the Southern California Association of Government's "Go Human" Tactical Urbanism Active Transportation Safety & Encouragement Campaign; the public outreach and engagement efforts for the Metro Gold Line Eastside Access Bicycle and Pedestrian Improvements Project in East L.A.; a business and programmatic plan for the new Grand Park in downtown Los Angeles; and the annual Chinatown Summer Nights event series.
- Oversaw client and partner relations, developing appropriate internal workflows to ensure expected results were delivered on time and under budget. Clients included LA Metro, the Southern California Association of Governments, the City of Santa Monica, CicLAvia, the Little Tokyo Community Council, the Jewish Community Foundation, the Los Angeles County Arts Commission and the City of Garden Grove.
- Authored cultural planning reports and publications, grounded in primary and secondary research.
- Developed new marketing and business development materials to strengthen company's visibility, particularly in the fields of urban planning and community outreach.
- Led the rebranding of the organization's digital identity, including the development of a new company website.

CICLAVIA • Los Angeles, California • www.ciclavia.org

2009-2013

Nonprofit organization, incubated within Community Arts Resources, that implements a series of car-free, open streets events to promote a healthier and more sustainable Los Angeles. Average per event attendance: 50,000 participants.

Co-Founder and Director of Development / Director of Strategic Planning:

- Co-founded organization in 2009 and successfully executed pilot event in partnership with the City of Los Angeles in October 2010, which attracted upwards of 25,000 participants.
- Developed and implemented original fundraising strategy, targeting corporate, local business, government, foundation and individual donors and partners. Notable donors included The California Endowment, the Goldhirsh Foundation, Google, Sony Pictures Entertainment, Blue Shield of California, Kaiser Permanente, the City of Los Angeles, LA Metro and KCRW.
- Assisted in the creation and implementation of the marketing and outreach strategy to introduce this new event and organization to the Los Angeles region.
- Assisted executive director in the management of a team of five staff members representing the areas of development, communications, outreach, marketing and production.

Additional Experience and References Available Upon Request

Oscar E. Mertz III
67 Rybury Hillway
Needham, MA 02492

Date: August 31, 2021

Re: Application for Citizen-At-Large representative
on the Affordable Housing Study Committee

Dear Needham Planning Board:

I am very excited by the timely establishment of this committee by the Needham Planning Board, and Planning Director, to address the critical issue of affordable housing in Needham. Over the past six months, I have become a volunteer with Equal Justice in Needham, joining a group of residents to focus on understanding Needham's challenges and opportunities for expanding housing choice. As the Planning Board has noted, there are several economic factors at play, and it is clear that Needham must address the inequities in our housing offerings. Rising housing prices and limited affordable options reflect a trend that threatens the overall economic viability and social fabric of the town if it continues without our attention to possible solutions.

The attached resume reflects my career as an architect and planner with involvement in building and planning projects across the country. Master planning of urban and suburban communities is of particular interest, as I can apply accumulated experience designing multiple building types to craft a variety of master plans, all with different contexts and socioeconomic forces to consider. Working with a range of clients and municipalities has provided valuable exposure to diverse zoning strategies. The goal has always been to balance the complex interrelationships of building uses, analyze the appropriate density, strive for dynamic placemaking, and prepare a project to be a catalytic influence and an economic success.

Thank you for your consideration for the citizen-at-large position. If selected, I would be an active, passionate representative, committed to the goals of the committee.

Sincerely,

A handwritten signature in black ink, appearing to read 'OEM III', written in a cursive, stylized script.

Oscar Mertz

Attachment: OEM3 resume



EDUCATION

MASTER OF ARCHITECTURE
YALE UNIVERSITY SCHOOL OF
ARCHITECTURE, 1988

BACHELOR OF ARCHITECTURE
PRINCETON UNIVERSITY, 1982

LICENSURE

REGISTERED ARCHITECT
MASSACHUSETTS #7893

AFFILIATIONS

AMERICAN INSTITUTE OF ARCHITECTS

BOSTON SOCIETY OF ARCHITECTS

LEED ACCREDITED PROFESSIONAL

FIRM TENURE

30 YEARS

ELKUS MANFREDI ARCHITECTS

Oscar Mertz III AIA, LEED AP

SENIOR ASSOCIATE, ARCHITECT

RELEVANT EXPERIENCE

10 CITYPOINT
WALTHAM, MASSACHUSETTS

74 MIDDLESEX AVENUE LAB/OFFICE
SOMERVILLE, MASSACHUSETTS

195 FIRST STREET – 77 LINSKEY WAY
CAMBRIDGE, MASSACHUSETTS

ANACOSTIA WATERFRONT – BALLPARK DISTRICT
WASHINGTON, DC

ASBURY PARK MASTER PLAN
ASBURY PARK, NEW JERSEY

ATHENAEUM BUILDING
CAMBRIDGE, MASSACHUSETTS

BAYOUTECH PARK
HOUSTON, TEXAS

BERTUCCI'S
VARIOUS LOCATIONS NATIONWIDE

BIRMINGHAM CITY CENTER
BIRMINGHAM, MICHIGAN

BLOOMFIELD PARK
PONTIAC, MICHIGAN

BUTTONVILLE MASTER PLAN
MARKHAM, ONTARIO, CANADA

CASINO MASTER PLAN
LOCATION CONFIDENTIAL

CITYPLACE
WEST PALM BEACH, FLORIDA

*Award for Excellence, (Large-scale Mixed-use),
Urban Land Institute, 2002*

*Superior Achievement in Design and Innovation,
Retail Traffic Magazine, 2002*

COPLEY PAVILION
BOSTON, MASSACHUSETTS

OSCAR MERTZ III AIA, LEED AP**CRYSTAL PALACE**

BEIJING, CHINA

ONE DAYTONA MIXED-USE

DAYTONA BEACH, FLORIDA

DOWNTOWN SAN JOSÉ

SAN JOSÉ, CALIFORNIA

EASTON TOWN CENTER

COLUMBUS, OHIO

FAIRVIEW POINT CLAIRE MASTER PLAN

MONTRÉAL, CANADA

THE FRANKLIN MINT

MIDDLETOWN TOWNSHIP, PENNSYLVANIA

FRONT STREET

HARTFORD, CONNECTICUT

GRAND AVENUE MASTER PLAN

LOS ANGELES, CALIFORNIA

THE HARBOR MERIDA

MERIDA, MEXICO

HARVARD UNIVERSITY GRADUATE SCHOOL OF BUSINESS**ADMINISTRATION – KRESGE HALL**

BOSTON, MASSACHUSETTS

HEART OF ISRAEL MASTER PLAN

TEL AVIV, ISRAEL

HEARTLAND TOWN CENTER

ISLIP, NEW YORK

HIGH STREET MASTER PLAN

ATLANTA, GEORGIA

HMV RECORD STORE – ROCK AND ROLL HALL OF FAME

CLEVELAND, OHIO

INDEPENDENCE HARBOR

PENN'S LANDING, PENNSYLVANIA

LAGUARDIA AIRPORT CENTRAL TERMINAL BUILDING

FLUSHING, NEW YORK

LIVE! RESORTS POMPANO

POMPANO BEACH, FLORIDA

MIXED-USE RESIDENCES

LOMAS VERDES, MEXICO

MOYNIHAN EAST

NEW YORK, NEW YORK

NATIONAL LANDING

ARLINGTON, VIRGINIA

NEW ENGLAND SPORTS AUTHORITY – LIBERTY TREE MALL

DANVERS, MASSACHUSETTS

THE PARK SAN LUIS POTOSI

SAN LUIS POTOSI, MEXICO

PALAMANUI

NORTH KONA, HAWAII

PHILADELPHIA INTERNATIONAL AIRPORT

PHILADELPHIA, PENNSYLVANIA

PIER 40 COMPETITION

NEW YORK, NEW YORK

PORT COVINGTON MASTER PLAN

BALTIMORE, MARYLAND

PUTNAM INVESTMENTS – CUSTOMER SERVICE CENTER

NORWOOD, MASSACHUSETTS

RELATED SANTA CLARA

SANTA CLARA, CALIFORNIA

RESTON TOWN CENTER EXPANSION

RESTON, VIRGINIA

RETAIL TOWN CENTER

SAN LUIS POTOSI, MEXICO

RIVIERA BEACH MASTER PLAN

RIVIERA BEACH, FLORIDA

SCOTTSDALE WATERFRONT

SCOTTSDALE, ARIZONA

THE SHOPS AND RESTAURANTS AT HUDSON YARDS

NEW YORK, NEW YORK

ST. PAUL CROSSING

BROOKLINE, MASSACHUSETTS

STREETS OF WOODFIELD

SCHAUMBURG, ILLINOIS

THE MANSION RESIDENCES AT TURNER HILL

IPSWICH, MASSACHUSETTS

THE RESIDENCES AT THE COLONNADE

BOSTON, MASSACHUSETTS

THE SHOPS AT SAKS FIFTH AVENUE

WHITE PLAINS, NEW YORK

OSCAR MERTZ III AIA, LEED AP

TOWN SQUARE METEPEC
METEPEC, MEXICO

UNION PARK MASTER PLAN
LAS VEGAS, NEVADA

UNION POINT MASTER PLAN
WEYMOUTH, MASSACHUSETTS

UNIVERSITY OF PENNSYLVANIA – UNIVERSITY SQUARE
PHILADELPHIA, PENNSYLVANIA

UPTOWN CHARLOTTE
CHARLOTTE, NORTH CAROLINA

URBAN DEVELOPMENT PROJECT
STAMFORD, CONNECTICUT

VAIL LIONSHEAD PARKING STRUCTURE REDEVELOPMENT
VAIL, COLORADO

VICTORY PARK
DALLAS, TEXAS

THE HOUSE RESIDENCES AT VICTORY PARK
DALLAS, TEXAS

WEST AVENUE
NORWALK, CONNECTICUT

WHITE FLINT MASTER PLAN
ROCKVILLE, MARYLAND

PREVIOUS EXPERIENCE

DONHAM & SWEENEY, INC

POLICE HEADQUARTERS
FRAMINGHAM, MASSACHUSETTS

KALLMANN, MCKINNELL & WOOD

COLUMBIA UNIVERSITY SCHOOL OF LAW
NEW YORK, NEW YORK

**WASHINGTON UNIVERSITY IN ST LOUIS – NATURAL
SCIENCES BUILDING**
ST LOUIS, MISSOURI

**YALE UNIVERSITY – BIOCHEMISTRY/BIOPHYSICS
LABORATORY**
NEW HAVEN, CONNECTICUT

PETER KURT WOERNER & ASSOCIATES

HERBERT S NEWMAN, ARCHITECT

ALLEN GREENBERG, ARCHITECT

SHORT & FORD ARCHITECTS

FOUR PRIVATE RESIDENCES
CONNECTICUT AND NEW JERSEY

Emily R. Cooper

56 Lee Road
Needham, MA 02494

emilymillercooper@gmail.com
617/794-6964(m) 781/449-1814(h)

August 27, 2021

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

Re: Affordable Housing Study Committee

Dear Ms. Newman,

I am writing to express my interest in volunteering for the new Affordable Housing Study Committee in the Town of Needham. I believe that my background and experience would be a good fit for this Committee and I am eager to participate.

As an experienced housing professional, I am aware of the challenges and opportunities that municipalities face in meeting the varied housing needs of the residents. I am knowledgeable of the vast array of public affordable housing resources – from the broad policies and parameters to the detailed ‘nuts and bolts’ of regulations and requirements. My current work at the Massachusetts Executive Office of Elder Affairs and MassHealth (the State Medicaid Agency) has helped me better understand the macro level issues intrinsic to creating housing within Massachusetts as well as the individual issues that families and individuals face when trying to locate and maintain housing.

Prior to my work at the Commonwealth, I was employed at a private nonprofit consulting firm. Many of my consulting engagements seem similar to the duties of the Affordable Housing Study Committee. Specifically, I assisted states and local governments in developing strategies to address the housing needs of very low-income families and individuals. These strategic planning activities including conducting needs assessments, interviewing key informants, researching relevant documents, soliciting stakeholder input, and crafting customized recommendations that were realistic and achievable for the community.

Every project I have worked on during my tenure as a professional has involved partnering with stakeholders from various backgrounds. To reach consensus, I have had to learn to juggle personalities, agency missions, and financial incentives. Although this partnership-building can be difficult, I feel it is critically important since it is these relationships that ultimately impact success.

More important than my professional expertise in this area is my knowledge of the community. I have lived in Needham for 17 years, have children in the school system, am an active Town Meeting member, and am involved in numerous community activities and groups. All of these things combined help me have a greater understanding of the community’s needs and concerns.

Sincerely,

Emily Cooper

Emily R. Cooper

56 Lee Road
Needham, MA 02494

emilymillercooper@gmail.com
617/794-6964(m) 781/449-1814(h)

Nationally recognized expert with over 25 years experience helping organizations and governments access and better utilize affordable housing programs to assist homeless people, people who are unstably housed, and people with special needs. Expertise includes scattered-site and site-based models and approaches to expand permanent supportive housing linked with evidenced-based supportive services for very low-income individuals and families with disabilities, who are homeless or most at-risk of homelessness.

Expertise

Subject matter expert in homeless and affordable housing programs, including the Continuum of Care Program, and mainstream housing programs as well as all relevant statutes, regulations, and policies, with an emphasis on combining resources to expand affordable housing options for households with incomes below 50% of the area median.

Committed problem solver able to work across various agencies, often with competing agendas, to achieve consensus around a mutual goal.

Experienced facilitator of planning processes to expand housing options for people with disabilities, veterans, and people who are homeless or unstably housed, focused on building partnerships, right-sizing strategies, and achieving measureable outcomes.

Skilled trainer for housing and services providers and agencies, homeless organizations, Public Housing Authorities, and state and local government on topics related to affordable housing, homelessness, local planning, fair housing, intersection of housing and healthcare, grant administration, reporting, and financial management.

Accomplished author of numerous publications regarding the affordable housing delivery system and how to increase access to permanent housing and supportive services resources by people with disabilities and people who are homeless.

Professional project manager able to manage multiple concurrent projects with competing deadlines, including proposal development, staff allocation, timetables, product development, budget tracking, and contract compliance.

Experience

MassHealth

2019-present *Special Advisor on Housing*

- Serve as subject matter expert to MassHealth on issues related to housing and homelessness.
- Ensure alignment across and within MassHealth with regards to implementing clear housing strategies and policies.
- Assist in identifying areas where MassHealth can streamline or enhance operations as it relates to homeless/housing unstable members and their benefits.
- Work with key leadership and programmatic MassHealth staff to conceive, design, and implement innovative programs and policies that will better serve members in the community and incentivize the creation of additional affordable housing.
- Provide technical assistance, training, and support around housing to MassHealth staff and contractors.

Massachusetts Executive Office of Elder Affairs

2016-present *Chief Housing Officer*

- Lead statewide Interagency Council on Housing and Homelessness efforts to develop strategies to address homelessness among elders and chronically homeless individuals including the development of a statewide Homeless Data Warehouse.
- Craft strategies to deploy MassHealth resources for chronically homeless individuals including hosting multiple "surge" events with the City of Boston that resulted in over 100 chronically homeless elders receiving housing and support services.
- Cultivate local partnerships between local elder support agencies and affordable housing providers to enhance the ability of older adults to age in the place and delay or prevent unnecessary hospitalization and or homelessness.

Technical Assistance Collaborative, Inc., Boston, MA

2014-2016 *Director, Housing Practice*

2009-2014 *Senior Associate*

1999-2009 *Associate*

- Consulted with communities in long-range planning and partnership building to expand housing and services for vulnerable populations, including facilitating strategy development with over 30 Continuums of Care, and seven states and localities working to better utilize and allocate their existing resources.
- Provided HUD-funded technical assistance to homeless providers in over 20 states in partnership with 15 HUD Field Offices and 8 separate TA firms, including supportive services financing, eligible costs, eligible participants, service delivery approaches, and grant administration
- Managed complex national technical assistance initiatives including handling multiple clients, creating comprehensive work plans, developing realistic budgets, tracking expenditures, establishing timelines and meeting deadlines, and producing high-quality on-time deliverables.
- Prepared and delivered public presentations for a wide array of audiences, including large groups of housing and urban planning professionals, community-based practitioners, and nonprofit advocates, including keynote addresses.
- Provided day-to-day leadership, supervision and direction of ten interdisciplinary staff in completing project work – ensuring that staff receive high-quality supervision, coaching and mentoring from project start to finish – and provide input into business development opportunities and future direction of the agency.

Massachusetts Department of Housing and Community Development

1997-1999 *Supportive Housing Specialist, Bureau of Federal Rental Assistance*

- Responsible for a portfolio of federally-funded rental assistance programs for targeted special populations including ten HUD Shelter Plus Care grants and seven Section 8/HCV initiatives serving persons with special needs.
- Created structure from program onset including overseeing implementation, creating administrative plans, documenting program rules and policies, and developing necessary interagency documents to clarify roles and responsibilities.
- Successfully competed for over \$10 million in HUD funding for new vouchers and other federal housing resources.

Tenderloin Housing Clinic, San Francisco, CA

1994-1995 *Support Services Coordinator*

- Designed and implemented a new 100-unit McKinney-Vento sponsor-based Shelter Plus Care grant for individuals who were homeless and had co-occurring mental illness and substance use issues.
- Responsible for overall grant administration and management of companion supportive services, including responsibility for the budget and the supervision of support staff.

Marin Housing Center, San Rafael, CA

1992-1994 *Family Advocate*

- Provided direct case management and support to homeless families in a transitional shelter. Conducted needs assessments, identified and coordinated resources, and provided onsite overnight support.
- Designed and implemented a new ten-bed emergency shelter including the development of policies, protocol, and procedures and the physical site design.

Education, Activities, and Acknowledgements

Masters of Public Health, University of North Carolina Chapel Hill

Bachelor of Arts, Cornell University

Town Meeting Member (*elected*) – 2015-present

Expert Panel, Morgan Institute Health Policy Center: *Addressing Future Home-Based Health and Personal Care Needs for a Growing and Diverse Population* – 2018

Advisory Group, Brookings Institute: [*Housing as a Hub for Health, Community Services, and Upward Mobility*](#) – 2018

AIDS Housing Corporation Board Member – 2003-2005

MassHousing Community Service Partnership Award – 2018

Commonwealth of Massachusetts Performance Recognition Citation – 2017

Select Publications

- [*Establishing and Operating a Continuum of Care*](#)
- [*Overview of CoC Program Components and Eligible Costs Online Module*](#)
- [*Continuum of Care Program Start Up Training for FY2013 Funds*](#)
- [*Section 8 Made Simple*](#)
- [*Examples of Housing Choice Voucher Waiting List Preferences \(prezi\)*](#)
- [*Housing Choice Vouchers Targeted to Non-Elderly Persons with Disabilities – Another Tool to Help End Homelessness*](#)
- [*Strategies to Help People with Disabilities Be Successful in the Housing Choice Voucher Program*](#)
- [*Non-Elderly Disabled Vouchers – Category 2 Lessons Learned from Implementation 2011-2013*](#)
- [*The Olmstead Decision & Housing: Opportunity Knocks*](#)
- [*Priced Out series \(biennial report\)*](#)

This draft Agenda is for PB Use Only

NEEDHAM

ZONING BOARD OF APPEALS

AGENDA

MONDAY, October 21, 2021 - 7:30PM

Zoom Meeting ID Number: 869-6475-7241

To view and participate in this virtual meeting on your computer, at the above date and time, go to [www.zoom.us](https://us02web.zoom.us/j/86964757241), click “Join a Meeting” and enter the Meeting ID: 869-6475-7241
Or join the meeting at link: <https://us02web.zoom.us/j/86964757241>

AGENDA

Minutes Review and approve Minutes from September 24, 2021 meeting.

Case #1 – 7:30PM **25 Fenton Road** - Scott Lubker, applicant, has made application to the Board of Appeals for a Special Permit under Sections 1.4.6 and any other applicable Sections of the By-Law to allow the construction of a 188 square foot second floor addition within the footprint of the existing non-conforming single-family house. The property is located at 25 Fenton Road, Needham, MA in the Single Residence B (SRB) District.

Next Meeting: **Thursday, November 18, 2021, 7:30pm**



ZBA Application For Hearing

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

Applicant Information

Applicant Name	Scott Lubker			Date:	9/9/21
Applicant Address	25 Fenton Road, Needham, and 14 Oakland Circle, Wellerby, MA 02481				
Phone	781-591-9102	email	LubkerS@gmail.com		
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name					
Address					
Phone		email			
Representative is ☐ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____					
Contact ☐ Me ☐ Representative in connection with this application.					

Subject Property Information

Property Address	25 Fenton Rd		
Map/Parcel Number	Map No. 123, Parcel 43	Zone of Property	SR-B
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (select one): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions: ^{Lawful} Pre-existing Non-conforming, Built 1884 per assessors property record card. 2-story single family home on 51503 st lot in SR-B district. No history of additions per building dept records. Survey shows 8.8' rear setback and .7 front setback.

Statement of Relief Sought: Requesting a special permit to install 1884² 2nd floor addition within existing footprint. Requires reconstruction/ structural modifications to meet design intent and to bring up to current building standards. The addition/renovation will not be substantially more detrimental to the neighborhood. Requested relief in accordance w/ section 1.4.6 of zoning code.

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

1.4.6

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

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)	.7'	.7'
Rear Setback (feet)	8.8'	8.8'
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:

est. 1884 Per assessors

Date Lot was created:

March 18, 1920

(Book 93, Page No. 4542)

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

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



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

I certify that I have consulted with the Building Inspector 9/9/21
date of consult

Date: 9/20/21 Applicant Signature [Signature]

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

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. MAP NO. 123, PARCEL 43

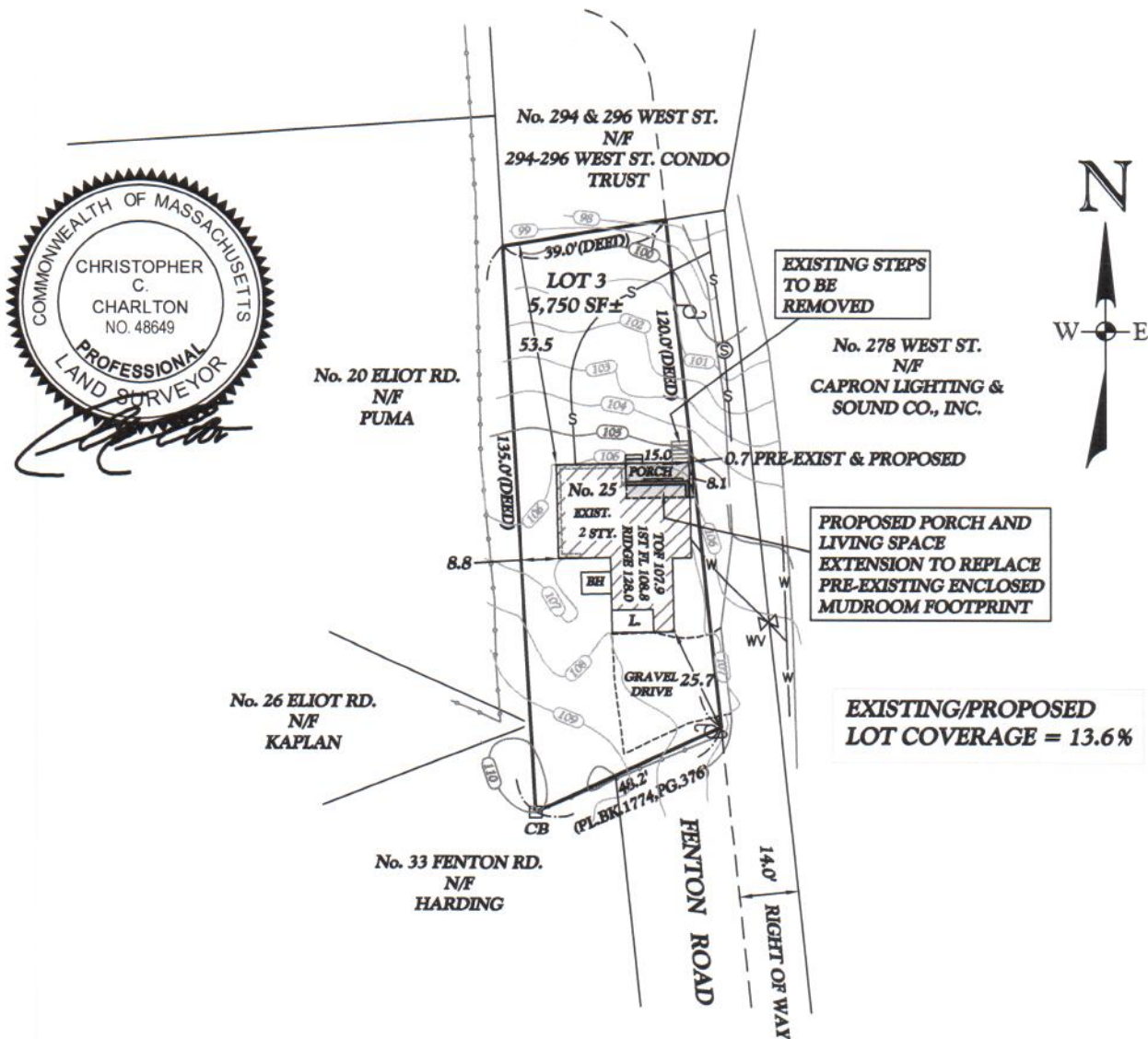
Building Permit No. _____ Zoning District SR-B

Lot Area 5,750 S.F. Address No. 25 FENTON ROAD

Owner SCOTT & ELIZABETH LUBKER Builder _____

EXISTING CONDITIONS PLOT PLAN

40' Scale



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gaslines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances, (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in areas with no public sewer.

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

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

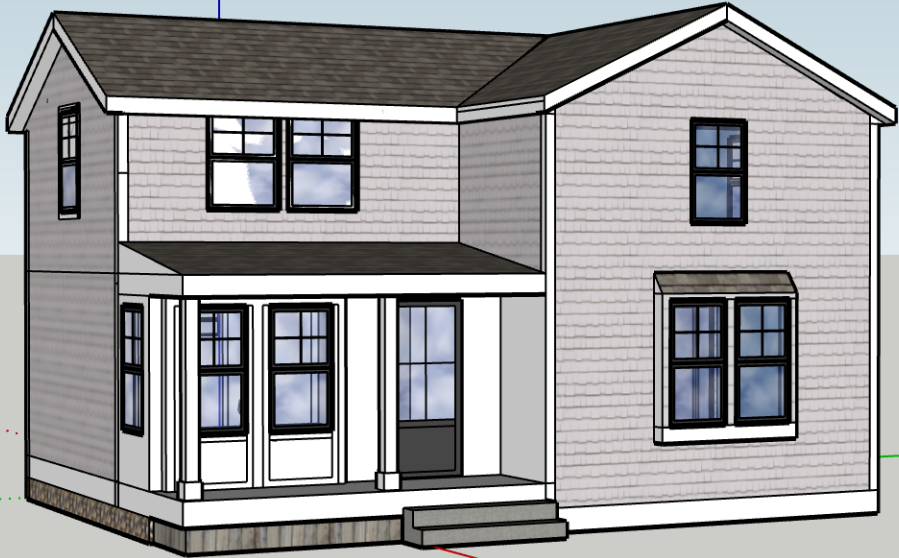
The above is subscribed to and executed by me this 1st day of SEPTEMBER 20 21.

Name CHRISTOPHER C. CHARLTON Registered Land Surveyor No. 48649

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

Approved _____ Director of Public Works Date _____

Approved _____ Building Inspector Date _____



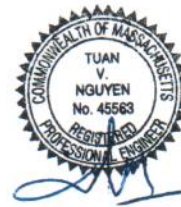


RENOVATION AND EXPANSION CONSTRUCTION 25 FENTON STREET NEEDHAM, MA.

<u>INDEX</u>	<u>PAGE</u>
1. EXISTING FIRST FLOOR PLAN	A-1
2. PROPOSED FIRST FLOOR PLAN	A-2
3. EXISTING SECOND FLOOR PLAN	A-3
4. PROPOSED SECOND FLOOR PLAN	A-4
5. EXISTING AND PROPOSED FRONT ELEVATION VIEW	A-5
6. EXISTING AND PROPOSED REAR ELEVATION VIEW	A-6
7. EXISTING AND PROPOSED LEFT ELEVATION VIEW	A-7
8. EXISTING AND PROPOSED RIGHT ELEVATION VIEW	A-7
9. FOUNDATION PLAN	S-1
10. CROSS SECTION	S-2
11. DETAILS	S-3
12. FIRST FLOOR FRAMING PLAN	S-4
13. SECOND FLOOR FRAMING PLAN	S-5
5. ROOF FRAMING PLAN	S-6

LEGEND

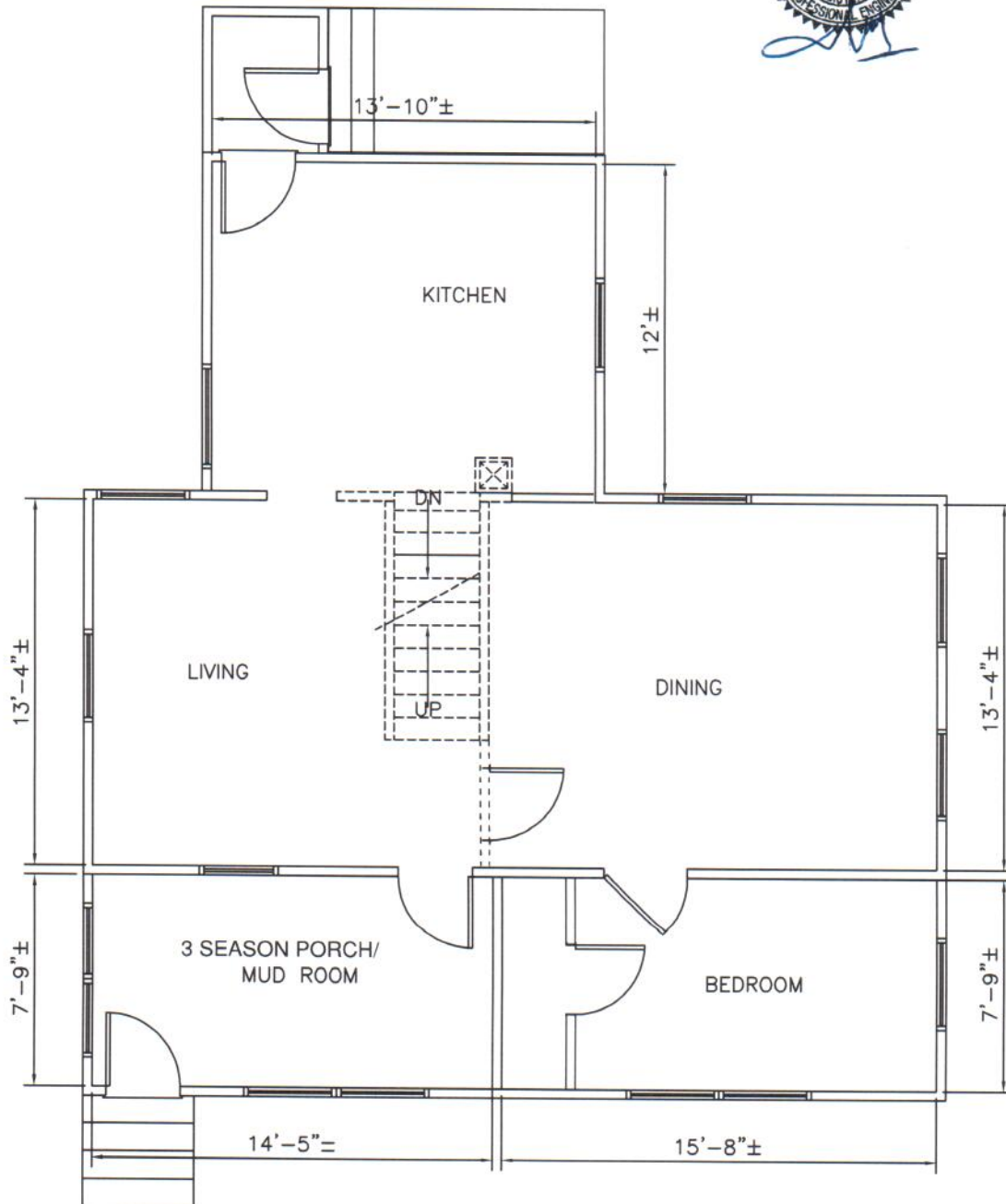
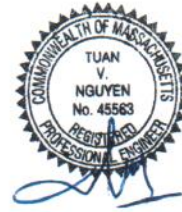
- BATHROOM EXHAUST VENT
- DEMOLITION WALL
- EXISTING WALL
- NEW WALL CONSTRUCTION
- HARD WIRED SMOKE DETECTOR
- HARD WIRED SMOKE DETECTOR/CARBON COMBO



ENERGY CODE: PER TABLE N1101.1
STUD WALLS: R-15
CEILING R-49
FLOOR R-30
WINDOW U 0.30 (DOUBLE PANE)

GENERAL NOTES:

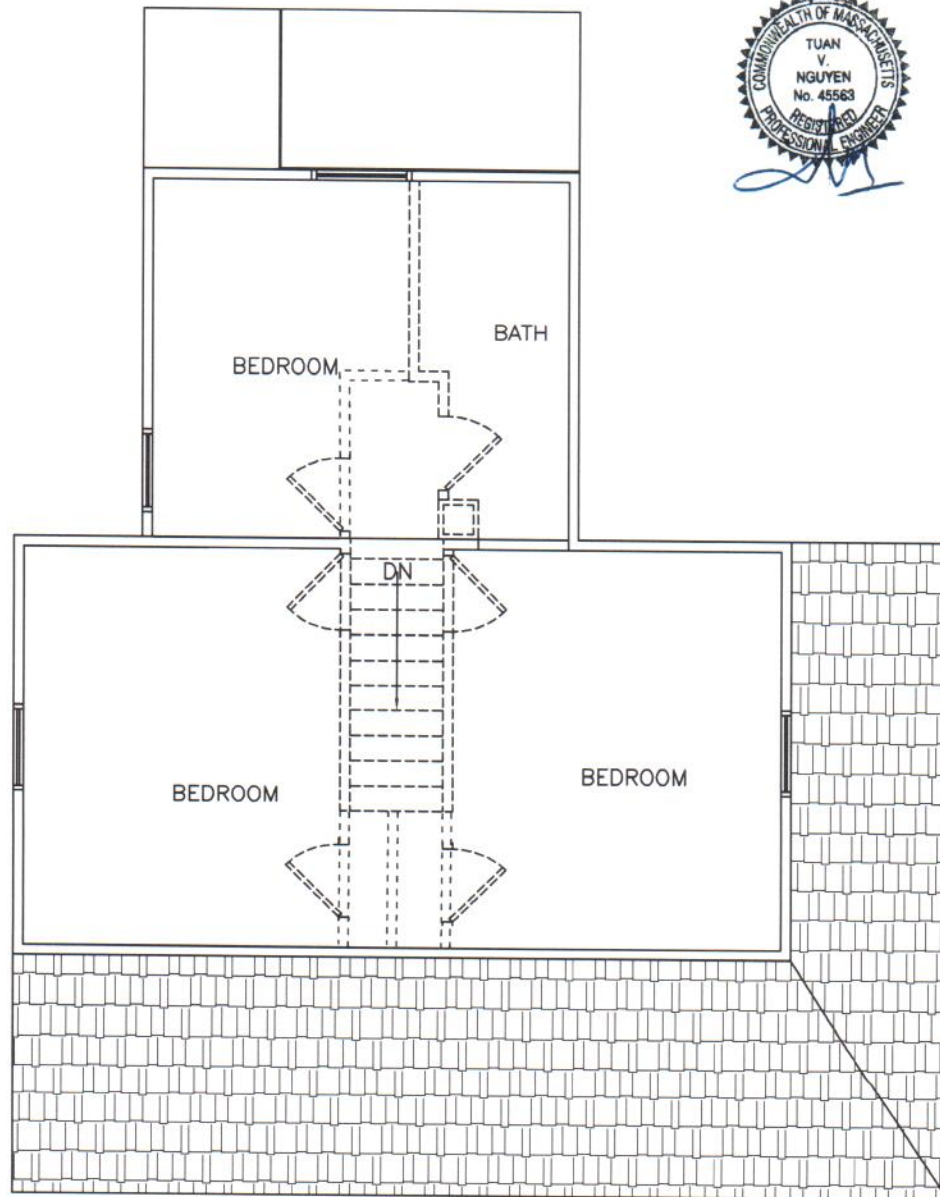
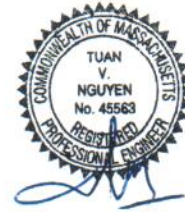
1. THE CONTRACTOR OR OWNER IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS REQUIRED FOR THIS PROJECT.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE COMMONWEALTH OF CURRENT MASSACHUSETTS STATE BUILDING CODE AND OTHER APPLICABLE CODES.
3. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS, METHODS, TECHNIQUES, SEQUENCING, SCHEDULING AND SAFETY FOR THIS PROJECT.
4. DIMENSIONS ARE NOT GUARANTEE, THE CONTRACTOR SHOULD VERIFY ALL DRAWING DIMENSIONS BEFORE PERFORM WORK.
5. THE CONTRACTOR SHALL WARRANTEE HIS WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL COMPLETION.
6. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN DRAWINGS SPECIFICATIONS OR FIELD CONDITIONS TO T DESIGN IMMEDIATELY.
7. CONCRETE AND REBARS STRENGTH SHALL HAVE MINIMUM OF 3,000 PSI AND 60,000 PSI RESPECTIVELY
8. BATHROOM WINDOW MUST BE TEMPERED GLASS
9. NEW WINDOW MUST HAS DOUBLE PANE AND U FACTOR = 0.3



EXISTING FIRST FLOOR JOIST

SCALE: $\frac{1}{4}'' = 1'-0''$

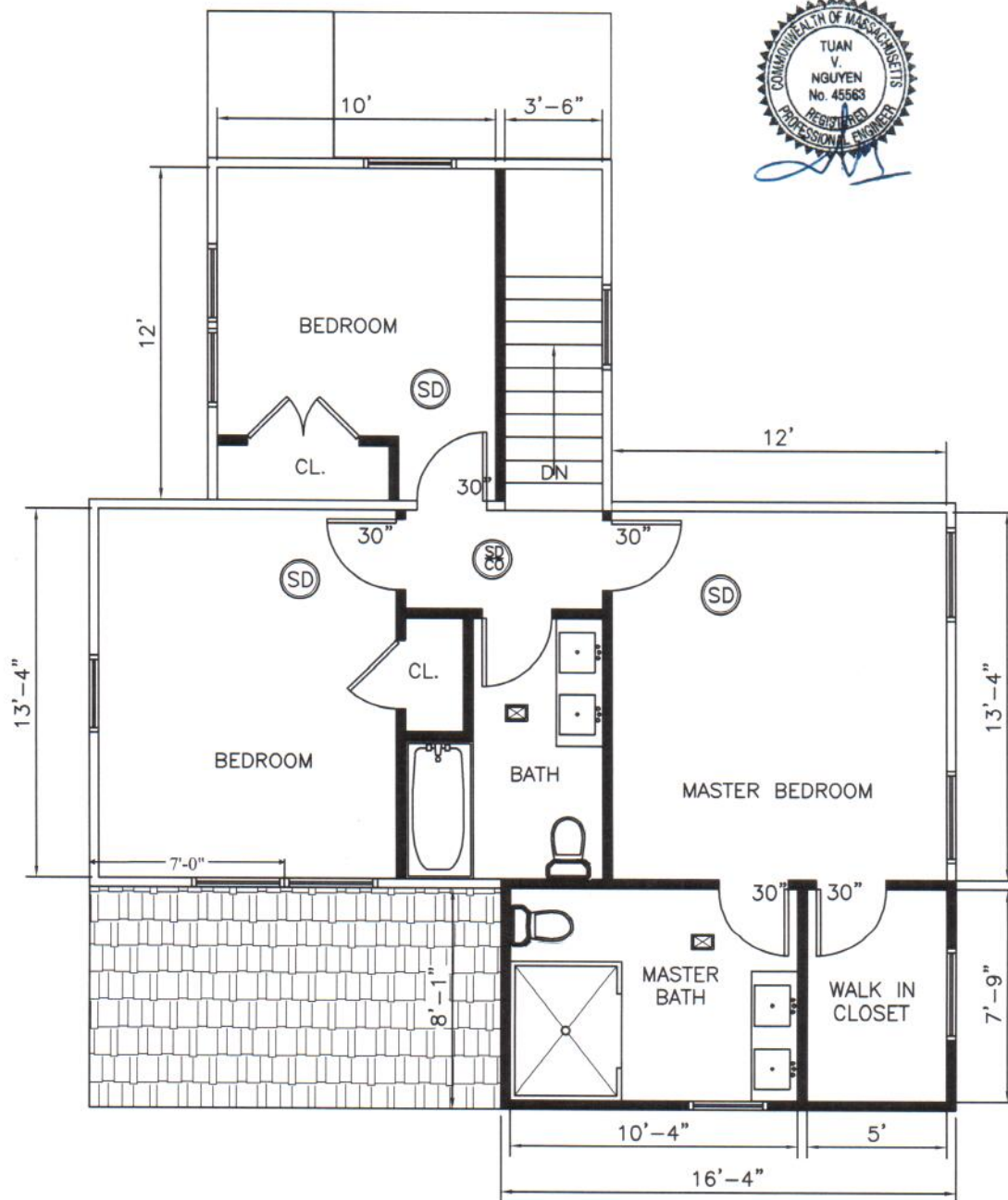
PAGE NUMBER	T DESIGN, LLC	DESIGNED BY	RENOVATION AND EXPANSION CONSTRUCTION	REVISION
A-1	1248 RANDOLPH AVE MILTON, MA. 02186	DRAWN BY	25 FENTON STREET	
	617-797-6637	CHECKED BY	NEEDHAM, MASSACHUSETTS	
	QUOCTUANPE@GMAIL.COM	DATE: 6/16/2021		
		APPROVED BY		



EXISTING SECOND FLOOR PLAN

SCALE: $\frac{1}{4}$ " = 1'-0"

PAGE NUMBER	T DESIGN, LLC	DESIGNED: TN	RENOVATION AND EXPANSION CONSTRUCTION	REVISION
A-3	1248 RANDOLPH AVE	DRAWN: TN	25 FENTON STREET	
	MILTON, MA. 02186	CHECKED: TN	NEEDHAM, MASSACHUSETTS	
	617-797-6637	DATE: 6/16/2021		
	QUOCTUANPE@GMAIL.COM	APPROVED: TN		



PROPOSED SECOND FLOOR PLAN

SCALE: $\frac{1}{4}" = 1'-0"$

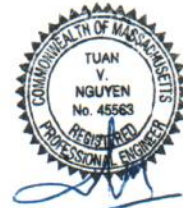
PAGE NUMBER
A-4

T DESIGN, LLC
1248 RANDOLPH AVE
MILTON, MA. 02186
617-797-8637
QUOCTUANPE@GMAIL.COM

DESIGNED: TM
DRAWN: TM
CHECKED: TM
DATED: 6/18/2021
APPROVED: TM

RENOVATION AND EXPANSION CONSTRUCTION
25 FENTON STREET
NEEDHAM, MASSACHUSETTS

REVISION



EXISTING FRONT ELEVATION VIEW

SCALE: $\frac{1}{4}" = 1'-0"$



PROPOSED FRONT ELEVATION VIEW

SCALE: $\frac{1}{4}" = 1'-0"$

PAGE NUMBER A-5	T DESIGN, LLC 1248 RANDOLPH AVE MILTON, MA. 02186 617-797-6637 QUOCTUANPE@GMAIL.COM	DESIGNED BY DRAWN BY CHECKED BY DATE: 6/16/2021 APPROVED BY	RENOVATION AND EXPANSION CONSTRUCTION 25 FENTON STREET NEEDHAM, MASSACHUSETTS	REVISION
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EXISTING REAR ELEVATION VIEW



PROPOSED REAR ELEVATION VIEW

PAGE NUMBER

A-6

T DESIGN, LLC

1248 RANDOLPH AVE
MILTON, MA. 02186

617-797-6637

QUOCTUANPE@GMAIL.COM

DRAWN BY

CHECKED BY

DATE 6/14/2021

APPROVED BY

RENOVATION AND EXPANSION CONSTRUCTION
25 FENTON STREET
NEEDHAM, MASSACHUSETTS

REVISION



EXISTING LEFT ELEVATION VIEW

SCALE: $\frac{3}{16}" = 1'-0"$



PROPOSED LEFT ELEVATION VIEW

SCALE: $\frac{3}{16}" = 1'-0"$



PAGE NUMBER A-7	T DESIGN, LLC 1248 RANDOLPH AVE MILTON, MA. 02186 617-797-6637 QUOCTUANPE@GMAIL.COM	DESIGNED BY DRAWN BY CHECKED BY DATE: 5/18/2021 APPROVED BY	RENOVATION AND EXPANSION CONSTRUCTION 25 FENTON STREET NEEDHAM, MASSACHUSETTS	REVISION
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EXISTING RIGHT ELEVATION VIEW

SCALE: $\frac{3}{16}" = 1'-0"$



PROPOSED RIGHT ELEVATION VIEW

SCALE: $\frac{3}{16}" = 1'-0"$



NOT FINAL

OWNED BY

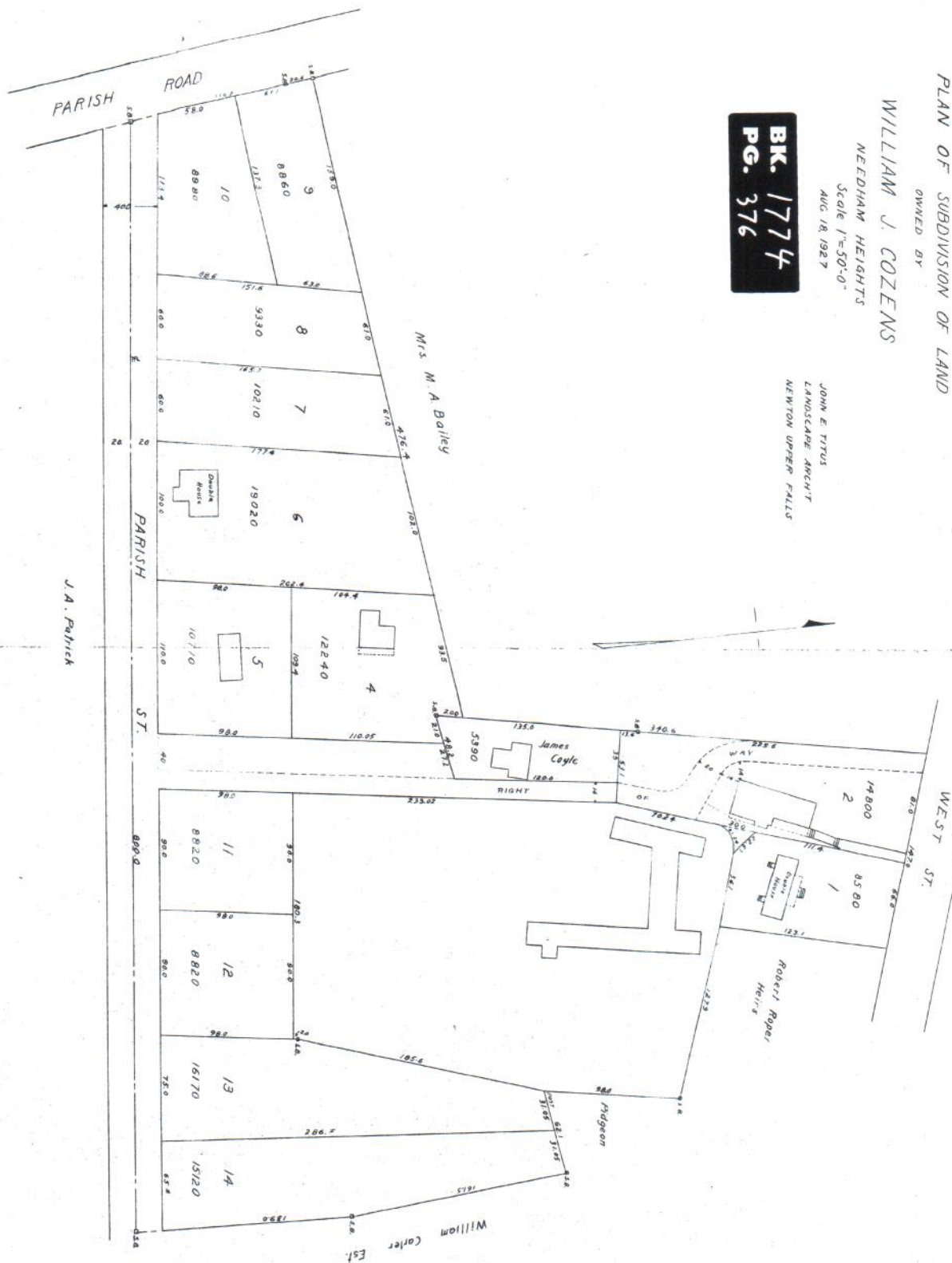
NEEDHAM HEIGHTS

Scale 1"=50'-0"

AUG. 18, 1927

BK. 1774
PG. 376

JOHN E. TITUS
LANDSCAPE ARCH'T
NEWTON UPPER FALLS



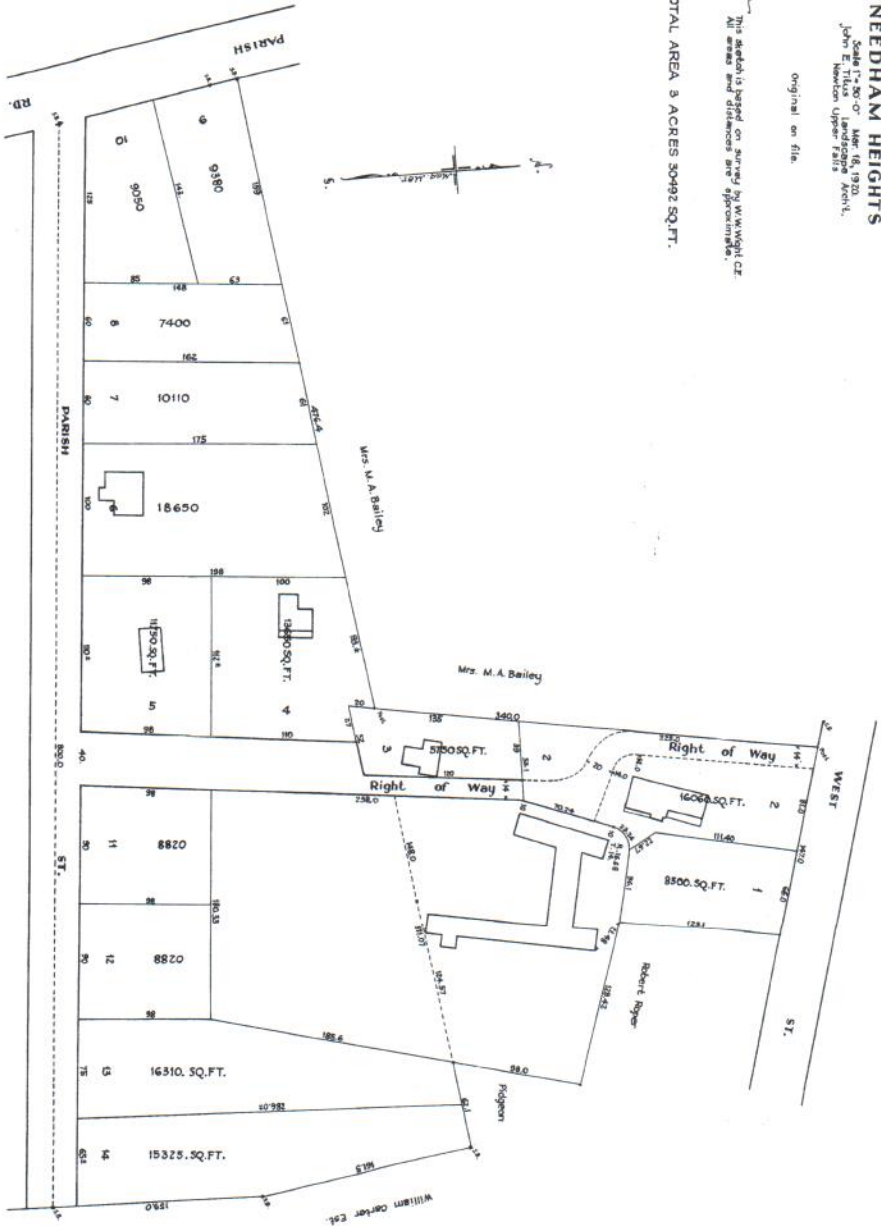
OF ESTATES OF ESTATES

Sketch for Subdivision of Land
 William J. Cozen S.
 NEEDHAM HEIGHTS

Scale 1" = 50' MAR. 16, 1920
 John E. Allen, Surveyor
 Newton Upper Falls, Mass.

Original on file.

Note - This sketch is based on survey by W.W. Wright C.E.
 All areas and distances are approximate.
 TOTAL AREA 3 ACRES 30482 SQ. FT.



Norfolk Registry of Deeds
 Boston, Mass.
 Received March 22, 1920, with fee paid.
 To William J. Cozen S.
 Filed No. 5882 P. B. 35
 Attest: V. C. Allen, V. C. Allen, Registrar

REAL PROPERTY RECORD

BOARD OF ASSESSORS

[illegible]

REMARKS:



5-
6-
7-
8-

BUILDING DATA

DELETE 505 - 533										
V	VACANT	D	DWELLING	O	OTHER					
35	10	15	20	25	30	40	50	STORY HEIGHT		
36	EXTERIOR WALLS					1 FRAME 7 STONE 2 BRICK 8 ASBESTOS 3 MAS & PR 6 ALUM/VINYL 9 CONCRETE				
37	STYLE					01 RAISED RANCH 06 BUNGALOW 02 SPLIT LEVEL 07 COLONIAL 03 RANCH 08 CASE 04 CONTEMPORARY 09 OTHER 05 OLD STYLE 10 CONDOMINIUM 13 DUPLEX				
38	YEAR					1984 ERECTED 1984 REMODELED 19--				
39	LIVING ACCOMMODATIONS					TOTAL ROOMS 11 BED ROOMS 3 FAMILY ROOMS 1 FULL BATHS 1 ADONL. TOTAL KITCHEN REMOD 1 YES 2 NO 511 1 YES 2 NO				
40	BATHROOM REMOD					1 YES 2 NO 511 1 YES 2 NO				
41	BASEMENT					1 NONE 2 CRAWL 3 PART 4 FULL 1 HEATING 2 CENTRAL 3 WARM AIR 4 MULTIPLE				
42	HEATING FUEL TYPE					1 NONE 2 GAS 3 ELECTRIC 4 OIL 5 COAL 6 SOLAR 1 HEATING SYSTEM TYPE 2 WARM AIR 3 ELECTRIC 4 HOT WATER 5 STEAM				
43	ATTIC					1 NONE 2 UNFIN 3 PT FIN 4 FULL FIN 5 WH INTERIOR CONDITION RELATIVE TO EXT. 1 BETTER 2 SAME 3 POORER				
44	PHYSICAL CONDITION					1 EX 2 GD 3 AV 4 FR 5 PR 6 VP 7 UN OTHER FEATURES - DIM. OR SQ. FT.				
45	BRICK TRIM					1 BRICK TRIM 2 STONE TRIM 3 REC ROOM 4 FIN BSMT LIV AREA 5 METAL FRPL STACKS 6 WOOD BURNER (CENTRAL) 7 BASEMENT GARAGE 8 NO CARS 9 UNFIN AREA (-)				
46	GROUND FLOOR AREA					GRADE FACTOR X A B C D E [] % COST & DESIGN FACTOR [] - %				
47	CDU					EX VG OD AV FR PR VP UN DATA COLLECTED BY DATE 991 Market Review Total Value R Month Day Year Reviewer				

10-1s Frame

11-Open (Open Frame Porch)

12-Open (Open Frame Porch)

13-Frame Garage

14-Frame Utility Bldg

15-Frame Bay

16-Frame Overhang

17-1/2s Frame

18-Attic (Unfinished)

19-Attic (Finished)

20-1s Masonry

21-OMP (Open Masonry Porch)

22-EMP (Encl Masonry Porch)

23-MG or BG (Masonry Garage or Brick Garage)

24-Masonry Utility

25-Masonry Bay

26-Masonry Overhang

27-1/2s Masonry

30-Carport

31-Wood Deck

32-Canopy

33-Concrete or Masonry Patio

34-Stone or Tile Patio

35-Masonry Stoop or Terrace

36-Attach Greenhouse

50-Basement Unfinished

51-Basement Crawl

99-Miscellaneous value

REMODELING & MODERNIZATION										ADDITIONS										OTHER BUILDING & YARD CODES																																																																																						
EXTERIOR	BATHROOM	PLUMBING	ELECTRIC	HEATING	CODE	LOWER	1st FLOOR	2nd FLOOR	3rd FLOOR	4th FLOOR	5th FLOOR	6th FLOOR	7th FLOOR	8th FLOOR	9th FLOOR	10th FLOOR	11th FLOOR	12th FLOOR	13th FLOOR	14th FLOOR	15th FLOOR	16th FLOOR	17th FLOOR	18th FLOOR	19th FLOOR	20th FLOOR	21st FLOOR	22nd FLOOR	23rd FLOOR	24th FLOOR	25th FLOOR	26th FLOOR	27th FLOOR	28th FLOOR	29th FLOOR	30th FLOOR	31st FLOOR	32nd FLOOR	33rd FLOOR	34th FLOOR	35th FLOOR	36th FLOOR	37th FLOOR	38th FLOOR	39th FLOOR	40th FLOOR	41st FLOOR	42nd FLOOR	43rd FLOOR	44th FLOOR	45th FLOOR	46th FLOOR	47th FLOOR	48th FLOOR	49th FLOOR	50th FLOOR	51st FLOOR	52nd FLOOR	53rd FLOOR	54th FLOOR	55th FLOOR	56th FLOOR	57th FLOOR	58th FLOOR	59th FLOOR	60th FLOOR	61st FLOOR	62nd FLOOR	63rd FLOOR	64th FLOOR	65th FLOOR	66th FLOOR	67th FLOOR	68th FLOOR	69th FLOOR	70th FLOOR	71st FLOOR	72nd FLOOR	73rd FLOOR	74th FLOOR	75th FLOOR	76th FLOOR	77th FLOOR	78th FLOOR	79th FLOOR	80th FLOOR	81st FLOOR	82nd FLOOR	83rd FLOOR	84th FLOOR	85th FLOOR	86th FLOOR	87th FLOOR	88th FLOOR	89th FLOOR	90th FLOOR	91st FLOOR	92nd FLOOR	93rd FLOOR	94th FLOOR	95th FLOOR	96th FLOOR	97th FLOOR	98th FLOOR	99th FLOOR	100th FLOOR
										599 DELETE 801-808 801 PLUMBING 802 ELECTRIC 803 HEATING 804										Residential Sheds - Type RS1 Frame Utility Shed RS2 Metal Utility Shed Residential Pools - Type RP1 Pvc Liner RP2 Pvc Liner RP3 Reinforced Conc. RP4 Fiberglass RP5-Gunite RP6 Above Ground Spec Pools Codes SP1 Diving Boards SP2 Chlorine or Steel Ladders SP3 Underwater Tethering Residential Carports & Garages RC1 Carport RC2 Canopy RG1 Fr or Conc. Block RG2 Attached Garage RG3 Detached Garage Pool Mod Codes 1 No Filter 2 Gas or Propane Heating 3 Electric Heating																																																																																						

OTHER BUILDING & YARD IMPROVEMENTS										GROSS BUILDING SUMMARY									
TYPE OR SPEC. CODE	PLAN	YEAR	SIZE DIM OR SQ. FT.	GRADE COND	RATE	BASE VALUE	POOL MOD CODES	TRUE VALUE	MARKET ADJUSTMENT	PHYS. FIE. CMPST.	TRUE VALUE								
801																			
802																			
803																			
804																			
805																			
806																			
807																			
810	MISCELLANEOUS IMPROVEMENTS																		
TOTAL VALUE										TOTAL VALUE									

TOTAL GROSS VALUE									
1 SEE DETAILED CARD 2 SEE DETAILED REPORT									

NEEDHAM PLANNING BOARD MINUTES

June 29, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday June 29, 2021, at 7:15 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He 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. He reviewed the rules of conduct for zoom meetings. He noted this meeting does include a public hearing and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials are posted on the town's website.

ANR Plan – Pinewood Landholdings, Inc., Petitioner (Property located at 107 Thornton Road, Needham, MA).

Matt Hughes, applicant, noted this is a single-family, existing dwelling that will be demolished, and 2 lots will be made. 107 Thornton Road is a good size lot, then there is a smaller lot. The 2 lots will be combined. Parcel A was gifted to the family at 121 Thornton Road. Mr. Block asked if a house will be built on each lot and was informed yes. Both houses are under the FAR requirement. Ms. Newman noted the staff and engineering have reviewed and are fine with this. Both lots have required minimum square footage and frontage. Mr. Jacobs stated the plan bears a comment that does not bless this zoning-wise. Mr. Block noted Lot 2 says there is 70.45 feet of frontage. Mr. Hughes clarified 9.55 feet have been added due to the bend in the road.

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 accept the ANR as presented for the property at 107 Thornton Street and endorse the plan as ANR.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2005-07: Needham Gateway LLC, 66 Cranberry Lane, Needham, MA, Petitioner (Property located at 100 and 120 Highland Avenue, Needham, MA). Regarding request to amend the Decision to allow in the existing development all of the uses allowed by right or by special permit in the zoning district.

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

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

Rick Mann, representative for Needham Gateway LLC, noted this is the Panera Bread Mall. It consists of 2 buildings with 23,448 square feet with 97 parking spaces. 120 Highland Avenue houses Panera Bread and others, and 100 Highland Avenue has 10,628 square feet with Frank W Webb. He noted 55% of the leases will end in 2022. The applicant would like to amend the 2006 special permit, which restricts uses at 100 and 120 Highland Avenue. Section 3.3 expressly prohibits many uses in that area. There have been many changes in the retail world since 2006 and it has been worse since Covid. The prohibitions have placed an unfair competitive advantage among the competitors in the area and on Needham Street in Newton. The abutters are concerned with another restaurant. He stated no restaurant is planned as long as Panera remains. He requests the restrictions be removed, Section 3.3 be removed in its entirety and language added that all uses allowed in the Highland Commercial Zoning District shall be allowed by right.

Mr. Alpert asked why Section 3.3 had been included. Ms. Newman gave the historical perspective. There were a lot of concerns raised about parking and traffic at that time. The applicant requested a parking waiver of 30 spaces and stated Panera generated less parking than required. The Board wanted to limit higher traffic uses on the site.

Mr. Block stated he went to the site. He is glad to hear there are lease prohibitions and that they intend to follow all special permit requirements. He asked when Panera Bread's lease is up. Mike Moskowitz, Manager of Needham Gateway LLC, stated there are a number of options. It is a ~~long-term~~ long-term lease. Frank W. Webb is moving. Omaha Steak and Super Cuts have no options to renew their leases. Both indicated they do not want to negotiate a new lease. Mr. Block asked if there were any inquiries from any brokers. Some had looked at it but there are no letters of intent. Mr. Block asked if there has been any discussion regarding a standalone ATM. Mr. Moskowitz stated there has not been as there is no room for it. Mr. Block noted there is concern with people parking on Highland Terrace. Mr. Moskowitz stated "no parking" signs have been put up.

Ms. McKnight stated the permit called for landscaping. She asked if there is reasonable landscaping. Mr. Block stated there were several landscaped islands and trees. Nothing is unkempt. It is colorful and clean. Ms. McKnight stated she would not support what is being proposed unless the usual "no change in use without Planning Board approval" is included. Mr. Jacobs stated his partner, when he practiced law, represented Mr. Moskowitz. He does not feel he needs to recuse himself. There were no issues from other members. Mr. Jacobs stated he agrees with Ms. McKnight. He would not go another way. Ms. Espada asked if anything has changed in the Zoning By-Law in that district since this was awarded. Ms. Newman noted there have been no changes. Ms. Espada asked for clarification as to whether the uses they are asking to change would be by special permit and not by right. That is correct. Mr. Alpert stated below 10,000 square feet is by right and above by special permit up to 25,000 square feet.

Ms. Espada asked if there is a way to create a special permit for the prohibited use to look at independently. Ms. Newman would think about it. Something could probably be done through the site plan special permit ~~process~~ process, and it may be possible to do as an amendment through the site plan special permit process. Mr. Alpert noted the following correspondence for the record: a memo from Fire Chief Dennis Condon with no comments or objections; an email from Police Chief John Schlittler with no comments or objections and multiple emails opposed to applications due to restaurants and Highland Terrace parking from Joe and Eileen Manning of 68 Riverside Street, Ryan and Tonya McKee of 18 Highview Street, Diane Abbott of 69 Highland Terrace, Robert Deutsch of 14 Highview Street and Melanie Prescott of Riverside Street.

Mr. Alpert stated he understands the concerns of the neighbors to some extent. There are no restaurants in town with live music, and he understands the concerns with parking. He noted there is no safe parking on Second Avenue. He stated right now a restaurant would be by special permit and a fitness center would be by special permit. Mr. Mann stated he is not sure that is correct with regard to a restaurant as long as Panera is there. Mr. Block noted Section 3.3 has prohibited all sports clubs and athletic merchandise stores. Mr. Jacobs stated there is no definition of a sports club. Michael Ruddy, of 69 Melrose Avenue, spoke in opposition. He agrees with Ms. McKnight and Mr. Jacobs. The applicant should not have a blanket right of use based on vague uses. This abuts existing residential, and the conditions imposed were for specific reasons. He is troubled with assurances there would be no other restaurants as long as Panera is there. He is concerned with Mr. Block's testimony of the abutters. There should be more transparency on who the tenants are.

Mr. Alpert stated the property straddles 2 zones and there is a difference in what is allowed in the 2 zones. If there is no provision, how do we decide? Ms. Newman stated the building is located in Highway Commercial 1. She would need to look at the site plan to see where the line is. Liz Kaponya, of 27 Highland Terrace, is against a restaurant, bar, grill, take-out only and convenience store. The dumpsters for Frank W Webb are right next to the houses. Panera Bread's dumpster is in the middle of the lot. The Frank W Webb building should not have been allowed. There are 2 or 3 horrible trees that are pouring over into their yards. They are cotton trees with pods that fall all over their yards. The trees are right at the corner of the parking lot. Patricia Baker, of 33 Highland Terrace, stated the Frank W Webb sign shines right into her window. Mr. Block asked when the lease is up for Panera Bread and there was no clear answer. She would like an answer. Any restaurant will bring rats, noise and smells. She would like to know the duration of the long-term lease for Panera as she feels that is key. Mr. Moskowitz noted the dumpster in the middle of the parking lot is for tenant's trash and is picked up 2 times a week. The dumpster at Webb is for cardboard only. All other trash goes into the compactor in the middle of the lot. Webb's lease is up in March 2022 and is moving to the tile store next door. Panera has options for the next 25 to 30 years and have exercised renewal until 2026.

Ms. Espada stated the Board needs to look at zoning globally because things happen and not based on leases. The Planning Board could control by special permit what goes in there. Mr. Jacobs stated it is very important they write the decision with standards and it not be dependent upon the identity of the party. The applicant must meet the conditions set in the permit

and not focus on the identity. Mr. Mann agreed with Mr. Jacobs. Here is a prohibition that others do not have. The language offered was offered in good faith. Derek Wade, of 41 Riverside Street, stated his opposition for a restaurant. He moved to Needham in March 2020. The owner wants to maximize profit. There has been an unverified anecdotal reference to people in the neighborhood supporting this. It should be clear to the Planning Board there is a lot of opposition especially from the abutters. He feels it is absurd a restaurant could go in the Frank W Webb building. No high traffic use should go in there. It would disrupt the neighborhood.

Janice Epstein, of 75 Highland Terrace and a Town Meeting member, has been here for 75 years. She was here when they built the 2 new buildings and made it a gateway. They received a variance from 50 feet to 24 feet to get the Webb building and a variance on the parking from 127 to 97 spaces. A lot was put in to protect the neighbors such as lights, noise, dumpster locations. She is surprised to see a second dumpster. There is nothing in the permit. What has changed that would allow any other uses? She has talked to a majority of the neighbors, and all are opposed to this. It is too close to the neighborhood and should stay the way it is. Ashley Walsh, of 45 Riverside Street, stated this is a great neighborhood to live in but it is isolated from other parts of Needham. She wants to reiterate this is a neighborhood with kids and families. She feels this area is overlooked by the rest of Needham. She wants the Board to keep their best interest at heart.

Mr. Mann thanked the Board and staff and the abutters who took their time. There are no plans or desire to put a restaurant in that space. They tried to make uses not ~~prohibited but~~ prohibited but make them special permit. He would take out the reference to Panera. It is true it is a different age after Covid. It is a very different time, and they are moving toward no brick and mortar. He does not think it is fair they are treated differently, and he feels they are. He would ~~proposed~~ propose the Board agree this request be appropriate for some of these uses. Mr. Alpert stated any use requiring a special permit would need to come to the Board. To the extent a convenience market is less than 10,000 square feet, it could go in as of right, and a sports store less than 10,000 square feet could go in. This is unusual circumstances with the property abutting a residential area. He would hate to see a late night, noisy use in the Frank W Webb building. He is glad Mr. Mann mentioned banks. He would agree take-out and video rental stores. He would be inclined to leave this alone but would support removing banks, video stores and maybe pharmacies from the list and leave a prohibition for the restaurants, sports clubs, athletic merchandise stores and convenience markets. [He suggested if they ever wish to add a convenience store, they should come back for a proposal for an amendment at that time.](#)

Mr. Block stated he does not consider sports clubs as athletics but more retail. Mr. Jacobs stated he is open to defining sports clubs and convenience stores. He would go along with Mr. Alpert's proposal as he feels it is reasonable. Ms. McKnight asked if a bank could go into the Frank W Webb building without any application to the Board and was informed it could.

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 close the hearing.

A motion was made to deny the relief requested and replace that with revisions to Section 3.3 that eliminate the prohibition against banks, video rental stores, pharmacies, convenience stores and athletic merchandise stores – subsections 3, 5, 6 and 7. Mr. Mann stated he does not want convenience stores removed [as being prohibited](#) as that is too controversial. ~~Mr. Alpert stated he would not? Remove convenience stores.~~

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 deny the relief requested and replace that with revisions to Section 3.3 that eliminate the prohibition against banks, video rental stores, pharmacies, convenience stores and athletic merchandise stores – subsections 3, 5, 6 and 7.

De Minimus Change: Major Project Site Plan Special Permit No. 2014-11: French Press, LLC, 45 Chapel Street, Needham, MA, Petitioner (Property located at 74 & 78 Chapel Street, Needham, MA).

Jay Spencer, owner, noted there are 1,500 square feet at 74 Chapel Street. He wants to expand to 78 Chapel Street for a kitchen space only. He has extended the benches and landscaping in front of the building and that will remain. Mr. Alpert

stated he could expand the outdoor seating in front of that property also. Ms. McKnight asked why the plan does not show the seating. Mr. Spencer stated there are no changes to the existing area. Due to Covid there is no indoor ~~seating~~seating, and it will be added back when they are able. This is just new space. Ms. McKnight stated the bar is not on the original plan. Mr. Spencer stated it was added due to Covid and approved by the Board of Health and the Building Department. It is an accessory take out station.

Ms. McKnight stated they should have a plan that shows exactly what the applicant will be doing in the future with seating and a bar. Ms. Newman noted the Board could ask for a plan modification. Mr. Alpert noted the draft is just the plans as relate to 78 Chapel Street and not changes to the existing. Mr. Block approves the change. He noted it would not make sense to require a plan based in reality as no seating is currently allowed. Ms. Espada commented this is a great addition to the streetscape and she highly endorses it.

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

VOTED: to treat this as a minor modification.

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 provide the relief requested with minor changes in the language of the decision to reflect the plans listed in ~~Exhibit~~Exhibits 1 and 3 are not being changed and Exhibit 5 is only reflecting changes to the new space.

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 accept the decision with the changes discussed.

The Board took a short recess.

Request to Release Lots and Establish Subdivision Surety: 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, MA).

Request to Release Lots and Establish Subdivision Surety: Heather Lane Extension Definitive Subdivision and Residential Compound: William John Piersiak, Petitioner (Property located at 768-768A Chestnut Street, Needham, Norfolk County, MA).

Robert Smart, attorney for the applicant, stated a lot of roadwork has been done. It is appropriate to release lots for sale. The applicant will post a cash bond per the 6/24/21 letter from the DPW. He is also ready to post the requested drainage bonds. He is asking for relief for all Heather Lane Lots 1–6 and the residential compound lots in Heather Lane Extension Lots 1–5. Ms. Newman stated all documents for the subdivision went on record and have been signed by Town Counsel and the Select Board. The documents have not yet been signed by the state. When the state accepts the conservation restriction it would convert the restriction from 30 years to perpetual in nature.

Mr. Alpert noted the following correspondence for the record: 2 letters from Assistant Town Engineer Thomas Ryder, both dated 6/24/21, one for off Chestnut Street release of lots for \$122,500 and the 2nd letter for 768 & 768A Chestnut Street request for bond for \$34,500. Mr. Jacobs asked if any title problems were anticipated due to the lack of documentation. Mr. Smart does not think there will be an issue with the anticipated buyers. It should wrap up quickly with the state. Mr. Alpert clarified ~~that~~, without state approval, the conservation restriction only last 30 years; ~~With~~with state approval it becomes perpetual. Ms. McKnight asked if there was any reason to think any changes would be wanted by the Executive Office of Environmental Affairs. Mr. Smart ~~has not seen it yet—said~~ it has been held up by the Acting Town Counsel, but he said he would take care of it. He noted this only affects 3 lots – Residential Compound Lots 3, 4 and 5.

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: for Heather Lane, to grant a release of Lots 1-6 contingent upon receipt of \$122,500 surety for the Street Bond and \$14,000 for the Off-Street Drainage Bond for a total bond of \$136,500 and signing of an agreement the funds can be used in the event of a default.

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: for Heather Lane Extension, to authorize the release of Lots 1-5 of the Heather Lane Extension Subdivision contingent upon receipt of \$34,500 for the Performance Bond for the Subdivision and \$17,500 Off-Street Drainage Bond for a total of \$52,000 upon receipt of funds and satisfactory agreement accompanying those funds.

Decision: Amendment to Major Project Site Plan Review No. 2018-05: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 28 Glen Gary Road, Needham, MA).

The Board discussed the decision. Mr. Block suggested at the end of paragraph 1.1, it should say the Town “currently” has no other concrete plans to use the property for another purpose and paragraph 1.4 should be “police” and not “policy.” Ms. McKnight noted some clarifications and typos and noted under Section 3.2 it says “Plan.” “Plan” is not defined anywhere. Ms. Newman stated the decision does not need to be referenced. The decision should be recorded at the registry.

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 accept the decision as drafted with the modifications made by Mr. Block and Ms. McKnight.

Review of zoning initiatives for the upcoming fiscal year.

Ms. Newman stated this could be deferred to the next meeting, but the Board needs to speak about outdoor seating. There was a meeting of the working group working on outdoor seating. They wanted an additional change for the Select Board to have the same discretion as the Planning Board to grant waivers for outdoor seating standards when outdoor seating is on parking spaces. They also wanted authority of when ~~they can grant~~ permits can be granted. Currently it is April through October. The group wants flexibility. The decision needs to be modified more for seasonality. She had imbedded the zoning process the Select Board would follow if they deviate. There was talk about removing that language. Ms. Newman noted the Planning Board should have a morning meeting the week of 7/12. After discussion, a meeting was set for 7/14, 8:00 a.m. to 9:00 a.m., to discuss zoning initiatives, outdoor seating and gun shops similar to what Newton did.

Review and Discussion: Needham Unite Against Racism Initiative (NUARI) Vision Statement, Guiding Principles and Intentional Practices Created by NUARI Working Group, March 22, 2021.

Ms. Espada stated she has been part of Needham Unite Against Racism Initiative (NUARI) for over one year now. The biggest issue is to set a tone for the Town that ~~is wa s~~ appropriate for the way we want the Town to move forward regarding racism and social injustice. The vision will differ with different Boards so they can be aligned with the mission of NUARI. There will be some structural changes in the ~~€~~Town. She feels the Board should set some roles and accountability of how we want to proceed. Boards should look at equity when appointing people. Mr. Block noted that is a function of who stands up to run. There are not a lot of people lining up for the positions. Ms. Espada stated the people may not know of the opportunity. There is a need to get the word out for gender and age. Boards need to be diverse. She noted it takes work to make change. They need to spread the net wider to let people know of the opportunities. She showed the “Racial Equity Statement for the Town of Needham” and the “Guiding Principles” and stated this is just the beginning.

Ms. Espada stated action items and accountability need to be created and this takes effort to do. There is no support in ~~€~~Town and no accountability. There needs to be systems for support, action and accountability. Mr. Block stated he sees utilizing the public information office, but he asked if there is anything the Planning Board could specifically do. Ms. Espada stated it appears each Board has a different way of doing things. There needs to be one independent group. NUARI is about including people and not excluding people. Ms. McKnight stated the Town has initiatives on communicating going

on now, and part of the statement ~~as~~ relates to the work of the Planning Board. She stated if the Board embraces the NUARI statement they need to take the wording of the statement seriously and realize it is their role. Mr. Alpert stated everything presented with the overall vision is something all need to keep in mind. They all need to keep the spirit of the vision in the forefront of their minds.

A motion was made to adopt and support the NUARI Vision Statement, Guiding Principles and Intentional Practices as written and approved by the NUARI group. A discussion ensued. Mr. Block feels, as they roll out the affordable housing goals and policy, the Chair and Vice-Chair of the NUARI working group and Needham Human rights group should be invited to attend. Ms. Espada stated the Board needs to figure out, and review, the process, and it is critical to include the community. Mr. Jacobs commented part of the problem is there are laws and statutes that need to be followed. A lot of people are ignorant of the legal process that needs to be followed. People are not taking notice of the notices out there. It is a multi-layered problem. He is all for this, but they have to have action items. Mr. Alpert stated the emails from the 1688 Central Avenue abutters have been extremely helpful and well thought out. The process for that is going well. The neighbors showed up for 100 Highland Avenue, told the Board their concerns and the Board heard them. The Board would not have thought of those concerns unless the abutters came to the meeting. The Muzi project had community meetings. The process works.

Ms. Espada stated the Planning Board website does not give the process or how things are reviewed. It is very ambiguous. There should be a simple explanation of the process. She showed an example of Boston's website with guidelines of the process. She stated there is clarity to their process. Mr. Alpert commented that sometimes a phone call to a Planning Board member is better. Mr. Block would like to see where each applicant is in the process throughout the year. This motion is a start and should be approved.

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

VOTED: to adopt and support the NUARI Vision Statement, Guiding Principles and Intentional Practices as written and approved by the NUARI group.

Board of Appeals – July 15, 2021

Noreen Capraro, applicant – 78 Jayne Road.

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

VOTED: “No comment.”

Joseph Audette, MA, MD and Allison Bailey, MD, applicants – 920 South Street.

Mr. Alpert stated this application is for living space on the top floor of the house with a school downstairs. That would be 2 uses on a lot. He raised the question if living on the third floor is in violation of the restriction of more than one use. They have not allowed that. It is reasonable under the Dover Amendment. A discussion ensued regarding the Dover Amendment. Mr. Block suggested the Board rely on the Zoning Board of Appeals (ZBA) to investigate and make sure this is allowed and accurate. The vast majority of space appears to be living space. The ZBA should make sure it fits within the Dover Amendment. Ms. McKnight asked why this does not require a major or minor site plan as it is a change in use.

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

VOTED: to ask the ZBA to be sure they are satisfied this is truly an educational use within the meaning of the Dover Amendment, to question whether the residential use combined with the educational use is in violation of our By-Law requirement that there not be more than one use on a lot and would prohibiting the 2 uses on the lot be a reasonable regulation under the Dover Amendment.

Minutes

The minutes will be discussed at the 7/14/21 meeting.

Correspondence

Mr. Alpert noted the following correspondence for the record: letter from the Planning Director to the appropriate parties, a check from Matt Borelli for the [1688 Central Avenue](#) traffic peer review study, and a letter from Dr. Alex Bejian. Mr. Jacobs stated he read that letter as a request for help. Mr. Alpert noted he had a lengthy conversation with Mr. Bejian and told him to hire a lawyer. Mr. Block also spoke with him and suggested he file a Citizen's Petition at Town Meeting to prevent that use or first floor retail.

Report from Planning Director and Board members

There was no report.

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

VOTED: to adjourn the meeting at 11:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

ARTICLE 1: AMEND ZONING BY-LAW – OUTDOOR SEATING

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

- (a) Amend Section 6.9. Outdoor Seating, Subsection 6.9.1, Applicability, by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter is” before the words “permitted under”; and (iii) adding the word “are” before the words “permitted under”; so that it reads as follows:

“Section 6.9.2 shall apply in any business district in which eat-in restaurants are permitted under Section 3.2.2 of this By-Law.”

- (b) Amend the first sentence of Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “is permitted during; (iii) replacing the words “Section 7.4.4 and 7.4.6” with the words “Sections 7.4.4 and 7.4.6”; and (iv) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

“Seasonal temporary (i.e. April through October) outdoor seating, including but not limited to tables, chairs, serving equipment, planters, and umbrellas, for eat-in restaurants is permitted during normal hours of operation, subject to minor project site plan review with waiver of all requirements of Sections 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board in the case of (a) below and the Select Board in the case of (b) below, provided that:”

- (c) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (a) by deleting the words “, licensed,” so that it reads as follows:

“(a) It is within the front yard, rear yard, or side yard of the restaurant’s owned or leased property, but only if said yard abuts a public right-of-way, public property, or other public uses, provided that:”

- (d) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by (i) deleting the words “so long as there remains no less than forty-eight inches (48”)”, or as otherwise permitted by law, of unencumbered sidewalk width remaining”; (ii) deleting the word “alternatively” before the words “on a public way”; and (iii) adding the word “on” before the words “other public property”; so that it reads as follows:

“(b) It is within the public sidewalk abutting the front, rear, or side yard of the restaurant’s owned or leased property or on a public way or on other public property abutting the front, rear, or side yard of the restaurant’s owned or leased property, provided that:”

- (e) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(i) by replacing the words “Board of Selectmen” with the words “Select Board”, so that it reads as follows:

“(i) No temporary outdoor restaurant seating shall be permitted, unless the Select Board authorizes the placement of temporary outdoor seating within the public right-of-way, public sidewalks and/or on public property;”

- (f) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iii) by replacing the words “Board of Selectmen” with the words “Select Board”, so that it reads as follows:

“(iii) A minimum width of forty-eight inches (48”), or as otherwise permitted by law, shall be continuously maintained and unobstructed for the sidewalk or entrance into the principal building, or any other designated sidewalks or pedestrian paths, as shown on the plan provided to the Select Board;”

- (g) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iv) by (i) adding the words “shall not be authorized” after the words “Outdoor seating”; (ii) deleting the words “is prohibited” before the words “in designated or required landscape areas”; and (iii) by adding the words “, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;” at the end of the subparagraph so that it reads as follows:

“(iv) Outdoor seating shall not be authorized in designated or required landscaped areas, parking lots or drive aisles, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;”

- (h) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by adding the following sentence at the end of the section:

“The Select Board may authorize seasonal temporary outdoor seating under this Section 6.9.2 (b) earlier than April 1 and later than October 31 of each year.”

- (i) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by replacing the words “Board of Selectmen” with the words “Select Board”, in the second paragraph of the section so that it reads as follows:

“Items (a)(i), (a)(iii), (a)(v) and (b)(ii), (b)(iv), and (b)(vi) shall not apply during special town-wide festivals or events during the year as designated by the Select Board.”

- (j) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by deleting the last paragraph of the section and replacing it with the following paragraph to read as follows:

“Where there is authorization for the placement of seasonal temporary outdoor restaurant seating and where such seating could be interpreted to be an increase in the number of seats serving a restaurant, such seating shall not be counted toward the off-street parking or loading requirements, provided that (1) such seating remains seasonal and temporary; and (2) such seating does not increase capacity by more than thirty percent (30%) unless such increase is authorized by the Special Permit Granting Authority that granted the special permit allowing the use of the

premises as a restaurant, with or without a hearing, as said Special Permit Granting Authority shall determine.”

- (k) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial 1 Districts, by revising Accessory Uses to replace the term “Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter” with the term “Seasonal temporary outdoor seating for eat-in restaurants”.
- (l) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by revising Accessory Uses to replace the term “Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter” with the term “Seasonal temporary outdoor seating for eat-in restaurants”.
- (m) Amend the second sentence of Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.1 Permitted Uses, paragraph (k) by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

“Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.”

- (n) Amend the second sentence of Section 3.2.5 Uses in the Highland Commercial-128 District, Subsection 3.2.5.1 Permitted Uses, paragraph (i) by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

“Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.”

- (o) Amend the second sentence of Section 3.2.6 Uses in the Mixed Use-128 District, Subsection 3.2.6.1 Permitted Uses, paragraph (m) by adding (i) the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “shall be allowed”; and (iii) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

“Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Under current zoning rules, the Planning Board may permit seasonal temporary outdoor seating at restaurants with waiter or waitress service on private property and the Select Board may permit such use on public property. This is implemented through an expedited permitting process (minor site plan review) where the outdoor seating meets the following criteria: (1) The outdoor seating is provided during the temporary outdoor seating season defined as April 1 thru October 31; (2) The outdoor seating is not located on a designated or required landscape area, parking lot, or driveway aisle; (3) The outdoor seating is not located on a parking space within a public way; and (4) The outdoor seating does not increase the restaurants overall seating capacity by more than thirty percent. Restaurants seeking outdoor seating outside of these criteria must currently seek a formal special permit from the Planning Board for seating located on private property. No authority is currently provided to the Select Board to deviate from the above-noted rules on public property.

This article would extend the circumstances under which the Planning Board and Select Board may authorize seasonal temporary outdoor seating. First, the article extends to all eat-in restaurants the expedited permitting process (minor site plan review) currently only afforded to restaurants with waiter or waitress service. Second, the article grants to the Select Board the discretion to approve the use of a parking space located either in a municipal parking lot or within a public way for outdoor seating where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, will be adequately provided for. Third, the article grants to the Select Board the discretion to allow outdoor seating outside of the normal temporary outdoor seating season of April 1 thru October 31. The intent of these modification is to enable the outdoor seating protocols that were put in place during the pandemic and which are now not permissible under the current regulatory scheme.

**ARTICLE 2: AMEND ZONING BY-LAW – CHESTNUT STREET BUSINESS DISTRICT
FRONT SETBACK**

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

1. Amend Section 4.4.4, Front Setback, by replacing in the first sentence of the first paragraph the word “a” with the word “the” and by capitalizing the term “business district” to read as follows (new language underlined):

“In the Business District, there shall be a minimum front setback of ten (10) feet for all lots zoned in the Business District prior to April 14, 1952 and of twenty (20) feet for all lots changed to the Business District thereafter. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways, as defined in Section 4.4.5. Regulations relative to parking setbacks are governed by Section 5.1.”

2. Amend Section 4.4.4, Front Setback, by revising the second paragraph to read as follows (new language underlined):

“In the Chestnut Street Business District, there shall be a minimum front setback of ten (10) feet for all buildings except along both sides of Chestnut Street where there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Explanation: This article is a technical correction to the zoning by-law designed to clarify historic interpretation and practice as relates the front yard setback requirement for lots located within the Chestnut Street Business District. In 1990 when the Chestnut Street Business District was created the front yard setback requirement for the District was established at ten (10) feet for all buildings except for those located along both sides of Chestnut Street where a front yard setback of twenty (20) feet was required. This was the recommendation for the Chestnut Street Business District contained in the 1989 Needham Center Planning Study. The amendment offered above now clarifies the front yard setback requirement of ten (10) feet for all lots fronting on Keith Place, Oak Street, Chestnut Place, Clyde Street, Marsh Road, and Junction Street in the Chestnut Street Business District consistent with the recommendations of the 1989 Needham Center Planning Study.

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

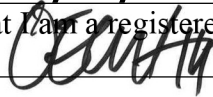
Town Meeting for Which Petition is requested: **Fall 2021 Special Town Meeting**

Primary Sponsor:

Name **Oscar Mertz**

Address **67 Rybury Hillway Needham, MA 02492**

I certify that ~~I~~am a registered voter in the Town of Needham.

Signature 

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

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

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

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

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

Please see full text on separate pages attached

Citizens' Petition
Needham Fall 2021 Special Town Meeting

*Re: A non-binding resolution concerning the amendment of the current
Accessory Dwelling Units (ADUs) by-law*

Whereas Needham Town Meeting recognizes that the town is experiencing increasing challenges in providing potential or existing residents a range of affordable options to purchase or rent a home in Needham;

And Whereas, one of the biggest challenges to home-buying and renting in Needham is an increasingly narrow range of housing choices due to the trend to replace older, smaller homes with ever-growing new homes, the average size of which has doubled between 1980 to 2020 from 2,200 SF to 4,400 SF;

And Whereas, this economic trend continues to make Needham increasingly less affordable, creating economic challenges for potential new residents and residents who wish to stay;

And Whereas, the increasing lack of affordability and housing choice creates more challenges for a more diverse Needham community;

And Whereas, as a result of recent trends in Needham and across the region, there is not enough of a range in housing choices at the affordable end that offer smaller unit sizes with more affordable purchase or rental costs for young adults or families or existing, mostly senior, residents;

And Whereas, in 2019, Needham introduced ADUs to the town by-laws but instituted them with residency restrictions that allow use only for a "caregiver", "family," or "owner" which has resulted in approximately eight approved ADUs in the past 18 months;

And Whereas, a 2018 white paper written by Amy Dain for the Pioneer Institute, presenting a survey of all of the towns offering ADUs, (approximately half with residency restrictions and the rest without), indicated that the total annual number of ADUs built was uniformly very modest (mostly single-digit), and that towns without restrictions saw only about a 50% increase in the number of ADUs built annually, which means Needham would have about three (3) more ADU applications a year.

Be It Resolved, that this day, in recognition of the urgent need to create more affordable housing choices, Needham's Town Meeting goes on record as recommending that the Town of Needham, acting through the Select Board, declare making more Affordable Housing Choices a Priority. Once declared, Town Meeting recommends that the Select Board consider taking further action including:

- Communicating to all town departments, businesses, and residents the critical need to address the lack of affordable housing choices currently in our town.
- Recommend that the Planning Board address possible remedies to the housing challenges through both the newly formed Affordable Housing Study Committee and revisions to the zoning by-laws to allow more affordable housing choices including multi-family and other smaller-sized options, like ADUs, that would expand the opportunities for potential and existing residents.
- Prioritize that the Planning Board, for Annual Town Meeting 2022, address an amendment to the current by-law (Section 3.15 – Accessory Dwelling Units [ADUs])
- Acknowledge that the Needham Health Department and the Council on Aging were critical endorsers of the concept of an ADU by-law that would provide to seniors the opportunity to have live-in assistance at their homes or, alternatively, the economic benefit of potential rental income. The current by-law, established in 2019, accomplished only half of that goal; it restricts use of ADUs to live-in assistance, and does not allow use of an ADU as a rental property.
- Encourage the Planning Board to remove the residency restriction in the above by-law, for just “caregiver”, “family” and “owner”, and allow the ADUs to be available to anyone as a more affordable housing choice in the marketplace, given that they would provide a very modest, but important, smaller housing option (850 SF maximum) across our predominantly single-family zoned town.
- Acknowledge that the economic benefit provided by ADUs expands the housing opportunities for seniors and other residents to remain in their homes, and for potential newcomers to join the Needham community.

Link to Needham Zoning By-law section on ADUs:

<http://www.needhamma.gov/DocumentCenter/View/16644/Zoning-By-Law-2020---FINAL-By-Law-Printed-November-2020?bidId=>

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 25, 2021

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

DRAFT 9.17.2021

Additional information on particular warrant articles will be made available from time to time at www.needhamma.gov/townmeeting during the weeks leading up to the Special Town Meeting.

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either of the constables in the Town of Needham in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER 2021

At 7:30 in the afternoon, then and there to act upon the following articles:

FINANCE ARTICLES

ARTICLE 1: AMEND THE FY2022 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2022 Sewer Enterprise Fund adopted under Article 21 of the May 1, 2021 Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
201A	Salary & Wages	\$1,029,212	\$1,041,753
201D	MWRA Assessment	\$6,662,310	\$6,614,690

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 2: AMEND THE FY2022 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2022 Water Enterprise Fund adopted under Article 22 of the May 1, 2021 Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301A	Salary & Wages	\$1,413,248	\$1,457,409
301D	MWRA Assessment	\$1,677,742	\$1,670,433

or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 3: APPROPRIATE TRANSPORTATION IMPROVEMENT FEES

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the amount of \$7,603.90 for the purpose of transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. Each Transportation Network Company (such as Uber and Lyft) is assessed \$0.20 per ride to fund transportation improvements. One-half of the amount received from the Fund is to be distributed proportionately to each city and town based on the number of rides that originated in that city or town. The distributed funds must be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town. Funding for Transportation Improvements in FY2022 will be allocated to pedestrian and bicycle safety initiatives unless circumstances require otherwise.

ZONING ARTICLES

ARTICLE 4: AMEND THE ZONING BY-LAW – OUTDOOR SEATING

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

- (a) Amend Section 6.9. Outdoor Seating, Subsection 6.9.1, Applicability, by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter is” before the words “permitted under”; and (iii) adding the word “are” before the words “permitted under”; so that it reads as follows:

“Section 6.9.2 shall apply in any business district in which eat-in restaurants are permitted under Section 3.2.2 of this By-Law.”

- (b) Amend the first sentence of Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by (i) adding the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided by waitress or waiter” before the words “is permitted during; (iii) replacing the words “Section 7.4.4 and 7.4.6” with the words “Sections 7.4.4 and 7.4.6”; and (iv) replacing the words “Board of Selectmen” with the words “Select Board”; so that it reads as follows:

“Seasonal temporary (i.e. April through October) outdoor seating, including but not limited to tables, chairs, serving equipment, planters, and umbrellas, for eat-in restaurants is permitted during normal hours of operation, subject to minor project site plan review with waiver of all requirements of Sections 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board in the case of (a) below and the Select Board in the case of (b) below, provided that:”

- (c) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (a) by deleting the words “, licensed,” so that it reads as follows:

“(a) It is within the front yard, rear yard, or side yard of the restaurant’s owned or leased property, but only if said yard abuts a public right-of-way, public property, or other public uses, provided that:”

- (d) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by (i) deleting the words “so long as there remains no less than forty-eight inches (48”)”, or as otherwise permitted by law, of unencumbered sidewalk width remaining”; (ii) deleting the word “alternatively” before the words “on a public way”; and (iii) adding the word “on” before the words “other public property”; so that it reads as follows:

“(b) It is within the public sidewalk abutting the front, rear, or side yard of the restaurant’s owned or leased property or on a public way or on other public property abutting the front, rear, or side yard of the restaurant’s owned or leased property, provided that:”

- (e) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) (i) by replacing the words “Board of Selectmen” with the words “Select Board”, so that it reads as follows:

“(i) No temporary outdoor restaurant seating shall be permitted, unless the Select Board authorizes the placement of temporary outdoor seating within the public right-of-way, public sidewalks and/or on public property;”

- (f) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) (iii) by replacing the words “Board of Selectmen” with the words “Select Board”, so that it reads as follows:

“(iii) A minimum width of forty-eight inches (48”)”, or as otherwise permitted by law, shall be continuously maintained and unobstructed for the sidewalk or entrance into the principal building, or any other designated sidewalks or pedestrian paths, as shown on the plan provided to the Select Board;”

- (g) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) (iv) by (i) adding the words “shall not be authorized” after the words

“Outdoor seating”; (ii) deleting the words “is prohibited” before the words “in designated or required landscape areas”; and (iii) by adding the words “, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;” at the end of the subparagraph so that it reads as follows:

“(iv) Outdoor seating shall not be authorized in designated or required landscaped areas, parking lots or drive aisles, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;”

- (h) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b), by adding the following sentence at the end of the section:

“The Select Board may authorize seasonal temporary outdoor seating under this Section 6.9.2 (b) earlier than April 1 and later than October 31 of each year.”

- (i) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by replacing the words “Board of Selectmen” with the words “Select Board”, in the second paragraph of the section so that it reads as follows:

“Items (a)(i), (a)(iii), (a)(v) and (b)(ii), (b)(iv), and (b)(vi) shall not apply during special town-wide festivals or events during the year as designated by the Select Board.”

- (j) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by deleting the last paragraph of the section and replacing it with the following paragraph to read as follows:

“Where there is authorization for the placement of seasonal temporary outdoor restaurant seating and where such seating could be interpreted to be an increase in the number of seats serving a restaurant, such seating shall not be counted toward the off-street parking or loading requirements, provided that (1) such seating remains seasonal and temporary; and (2) such seating does not increase capacity by more than thirty percent (30%) unless such increase is authorized by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant, with or without a hearing, as said Special Permit Granting Authority shall determine.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 5: AMEND ZONING BY-LAW – CHESTNUT STREET BUSINESS DISTRICT FRONT SETBACK

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

1. Amend Section 4.4.4, Front Setback, by replacing in the first sentence of the first paragraph the word “a” with the word “the” and by capitalizing the term “business district” to read as follows (new language underlined):

“In the Business District, there shall be a minimum front setback of ten (10) feet for all lots zoned in the Business District prior to April 14, 1952 and of twenty (20) feet for all lots changed to the Business District thereafter. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways, as defined in Section 4.4.5. Regulations relative to parking setbacks are governed by Section 5.1.”

2. Amend Section 4.4.4, Front Setback, by revising the second paragraph to read as follows (new language underlined):

“In the Chestnut Street Business District, there shall be a minimum front setback of ten (10) feet for all buildings except along both sides of Chestnut Street where there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

CAPITAL ARTICLES

ARTICLE 6: APPROPRIATE FOR RIDGE HILL BUILDINGS DEMOLITION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$650,666 for the purpose of the demolition and removal of buildings at Ridge Hill Reservation, to be spent under the direction of the Permanent Public Building Committee and Town Manager and to meet this appropriation that \$231,000 be raised from the Tax Levy, that \$48,426 be transferred from Article 41 of the 2015 Annual Town Meeting, that \$15,000 be transferred from Article 43 of the 2016 Annual Town Meeting, that \$86,000 be transferred from Article 44 of the 2017 Annual Town Meeting, that \$26,805 be transferred from Article 41 of the 2017 Annual Town Meeting, that \$155,000 be transferred from Article 32 of the 2018 Annual Town Meeting, that \$37,315 be transferred from Article 5 of the May 14, 2018 Special Town Meeting, and that \$50,570 be transferred from Article 37 of the 2019 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The 2019 Annual Town Meeting approved \$50,000 in feasibility funding for the demolition of buildings at the Ridge Hill site. This request would fund the demolition of the Ridge Hill Manor House and Garage at 463 Charles River Street. The existing barn structure is excluded from this scope. Most of the Ridge Hill Reservation is under the jurisdiction of the Conservation Commission, with approximately three acres under the authority of the Select Board. The demolition scope of work includes hazardous materials abatement and disposal; removal of an underground fuel storage tank (UST) at the garage; complete removal of all building elements, foundations, portions of the exterior paved areas and utilities associated with the subject structures and stabilization; and restoration of the site following demolition.

ARTICLE 7: APPROPRIATE FOR EMERY GROVER BUILDING DESIGN

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$1,475,000 for engineering and design of renovation of and addition to of the Emery Grover Building and associated grounds, including the temporary use of the Hillside School as swing space and the creation of off-site parking at the Stephen Palmer Building, as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 8: APPROPRIATE FOR SOLAR INSTALLATION AT JACK COGSWELL BUILDING

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

<u>Project</u>	<u>Town Meeting</u>	<u>Article</u>	<u>Authorized</u>	<u>Rescind</u>
Public Works Storage Facility	2018 ATM	35	\$7,615,000	\$
Total				\$

And further to raise, and/or transfer and appropriate the sum of \$750,000 for engineering, design, and construction of a solar facility at the Public Works Storage Facility/Jack Cogswell Building as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building

Committee and Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

RESERVE ARTICLES

ARTICLE 9: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$674,900 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be transferred from Article 38 of the 2019 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Article 38 of the 2019 Annual Town Meeting funded the replacement of the synthetic turf fields and associated improvements at Memorial Field and DeFazio Complex, and the project was completed under-budget. Town Meeting action is required to return the unspent funds to the Athletic Facility Improvement Fund. Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of June 30, 2021 was \$270,203.

GENERAL ARTICLES

ARTICLE 10 HOME RULE PETITION TO ADJUST THE NUMBER OF OFF-PREMISES ALCOHOL LICENSES

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing said Board, as the local licensing authority, to issue licenses for the sale of all alcoholic beverages not to be drunk on the premises and the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138 of the General Laws up to the maximum number of such licenses authorized by section 17 of said chapter 138, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO GRANT LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES AND WINE AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES AS PROVIDED IN SECTION 17 OF CHAPTER 138 OF THE GENERAL LAWS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Select Board of the Town of Needham shall cause to be placed on the ballot at a regular or special election the following question:

“Shall the licensing authority in the town of Needham be authorized to grant licenses for both the sale of all alcoholic beverages in packages not to be drunk on the premises and the sale of wine and malt beverages in packages not to be drunk on the premises in amounts up to the maximum number of such licenses authorized by section 17 of chapter 138 of the General Laws?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the select board.

If a majority of the votes cast in answer to that question is in the affirmative, the licensing authority of the town of Needham shall, notwithstanding anything contained in chapter 207 of the Acts of 2012 to the contrary, or in section 11 of chapter 138 of the General Laws, be authorized to issue licenses for both the sale of all alcoholic beverages not to be drunk on the premises and for the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138 of the General Laws in amounts up to the maximum number of such licenses authorized by section 17 of said chapter 138.

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 11: A RESOLUTION CONCERNING DECLARATION OF CLIMATE AND ECOLOGICAL EMERGENCY

Whereas, Needham Town Meeting recognizes that we are in a Climate and Ecological Emergency that threatens our town, state, nation and all of humanity;

And Whereas, Needham Town Meeting believes that a mobilization to meet this challenge is imperative to stabilize the climate, remedy environmental harms which disproportionately hurt environmental justice communities, create clean-energy jobs, and improve human lives;

And Whereas, in recent years, the Town of Needham has demonstrated a commitment to reducing greenhouse gas emissions and protecting our environment by: constructing LEED Certified buildings such as the Sunita Williams Elementary School and the Needham Free Library, including EV charging stations at Sunita Williams and at Needham Public Works, implementing large solar installations at the Town Recycling and Transfer Station, passing the Stretch Building Code and becoming a Green Community, committing to pesticide and herbicide-free maintenance of town trees and parks, and currently preparing a town-wide Climate Action Plan to further lower the town's carbon footprint.

And Whereas, Town Meeting recommends that Needham join over 2,000 governments globally that have declared a climate emergency, an emergency primarily driven by human activities, most significantly the burning of fossil fuels and the destruction of forests and other carbon sinks, resulting in rising global temperatures and loss of biodiversity.

And Whereas, a warming planet poses serious risks to human health, and safety and economic security, as evidenced by recent extreme weather events including droughts, forest fires, and floods, rising sea levels, ocean acidification, soil erosion, and mass species extinctions around the globe. Massachusetts is already experiencing flooding from storms and rising sea levels, droughts, increased transmission of tick-borne illnesses, record-breaking heat waves, and loss of biodiversity, such as bird and pollinator populations.

Be It Resolved, that this day, in recognition of the urgent need to mobilize, Needham's Town Meeting goes on record as recommending that the Town of Needham, acting through the Select Board, declare a Climate and Ecological Emergency. Once declared, Town Meeting recommends that the Select Board consider taking further action including:

- Communicating to all town departments, businesses, and residents the critical need to achieve net-zero greenhouse gas emissions as soon as is fiscally and technologically possible;
- Developing policies that protect Needham's trees, forests, and open spaces because they draw carbon from the atmosphere, and provide life-sustaining food and shelter to other species;
- Prioritizing projects that reduce the town's greenhouse gas emissions and biodiversity loss;
- Ensuring that the town pursues an equitable and just transition to a zero-greenhouse gas future.

Town Meeting calls on state and federal elected officials to initiate a Climate Emergency mobilization and provide appropriate legislative, regulatory, and financial support to municipalities to implement local climate emergency initiatives. Town Meeting requests that the Town Clerk send notice of this resolution to the Office of the Governor of the Commonwealth of Massachusetts and Needham's state and federal legislators.

INSERTED BY: Rebecca Phillips, et. al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 12: **A NON-BINDING RESOLUTION CONCERNING THE AMENDMENT OF THE CURRENT ACCESSORY DWELLING UNITS (ADUS) BY-LAW**

Whereas Needham Town Meeting recognizes that the town is experiencing increasing challenges in providing potential or existing residents a range of affordable options to purchase or rent a home in Needham;

And Whereas, one of the biggest challenges to home-buying and renting in Needham is an increasingly narrow range of housing choices due to the trend to replace older, smaller homes with ever-growing new homes, the average size of which has doubled between 1980 to 2020 from 2,200 SF to 4,400 SF;

And Whereas, this economic trend continues to make Needham increasingly less affordable, creating economic challenges for potential new residents and residents who wish to stay;

And Whereas, the increasing lack of affordability and housing choice creates more challenges for a more diverse Needham community;

And Whereas, as a result of recent trends in Needham and across the region, there is not enough of a range in housing choices at the affordable end that offer smaller unit sizes with more affordable purchase or rental costs for young adults or families or existing, mostly senior, residents;

And Whereas, in 2019, Needham introduced ADUs to the town by-laws but instituted them with residency restrictions that allow use only for a “caregiver”, “family,” or “owner” which has resulted in approximately eight approved ADUs in the past 18 months;

And Whereas, a 2018 white paper written by Amy Dain for the Pioneer Institute, presenting a survey of all of the towns offering ADUs, (approximately half with residency restrictions and the rest without), indicated that the total annual number of ADUs built was uniformly very modest (mostly single-digit), and that towns without restrictions saw only about a 50% increase in the number of ADUs built annually, which means Needham would have about three (3) more ADU applications a year.

Be It Resolved, that this day, in recognition of the urgent need to create more affordable housing choices, Needham’s Town Meeting goes on record as recommending that the Town of Needham, acting through the Select Board, declare making more Affordable Housing Choices a Priority. Once declared, Town Meeting recommends that the Select Board consider taking further action including:

- Communicating to all town departments, businesses, and residents the critical need to address the lack of affordable housing choices currently in our town.
- Recommend that the Planning Board address possible remedies to the housing challenges through both the newly formed Affordable Housing Study Committee and revisions to the zoning by-laws to allow more affordable housing choices including multi-family and other smaller-sized options, like ADUs, that would expand the opportunities for potential and existing residents.
- Prioritize that the Planning Board, for Annual Town Meeting 2022, address an amendment to the current by-law (Section 3.15 – Accessory Dwelling Units [ADUs])
- Acknowledge that the Needham Health Department and the Council on Aging were critical endorsers of the concept of an ADU by-law that would provide to seniors the opportunity to have live-in assistance at their homes or, alternatively, the economic benefit of potential rental income. The current by-law, established in 2019, accomplished only half of that goal; it restricts use of ADUs to live-in assistance, and does not allow use of an ADU as a rental property.
- Encourage the Planning Board to remove the residency restriction in the above by-law, for just “caregiver”, “family” and “owner”, and allow the ADUs to be available to anyone as a more

affordable housing choice in the marketplace, given that they would provide a very modest, but important, smaller housing option (850 SF maximum) across our predominantly single-family zoned town.

- Acknowledge that the economic benefit provided by ADUs expands the housing opportunities for seniors and other residents to remain in their homes, and for potential newcomers to join the Needham community.

INSERTED BY: Oscar Mertz, et. al.

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

Hereof fail not and make due return of this warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given into our hands at Needham aforesaid this 14th day of September 2021.

Matthew D. Borrelli, Chair
Marianne B. Cooley, Vice Chair
Lakshmi Balachandra, Clerk
Marcus A. Nelson, Member
Daniel P. Matthews, Member

Select Board of Needham

A TRUE COPY

Attest:

Constable:

From: [Monica Tibbits-Nutt](#)
To: [Lee Newman](#)
Cc: [Lisa Stiglich](#)
Subject: Needham Permit Enforcement Update
Date: Monday, September 20, 2021 1:48:24 PM
Attachments: [image001\[56\].png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Community_Needham_SpecialPermit_SampleGeneric_ShuttleBreakout_20210920.pdf](#)
[Community_Needham_SpecialPermit_SampleGeneric_MOU_20210920.pdf](#)

Lee-

I hope you and the planning board team are well. We want to follow up on the continuing discussion we've had this year regarding permit requirements for the Needham Shuttle. We have made progress with Homewood Suites and Trip Advisor. Unfortunately, we have not made any progress with Bulfinch.

We viewed the YouTube video of the 9/15/21 Planning Board meeting when Mr. Schlager appeared in front of the Board. Here is a summary of what is currently happening with the service and what we observed on the video:

- Homewood Suites and Trip Advisor are now fully participating members of the Needham Shuttle. (Thanks for your help!)
- We have increased the service hours and are providing as robust a service level as we can with one vehicle.
- We plan to resume a two-vehicle service in January 2022.
- Mr. Schlager explained to the Planning Board how Bulfinch is meeting the conditions for shuttle service at their properties as detailed in their special permits.
 - His response that we observed:
 - Subsidizing Uber rides instead of utilizing the shuttle
 - Claims there is not enough occupancy to justify the expense of the shuttle
 - Wants to wait until 70-90% of occupancy returns to rejoin the shuttle
 - Requested an interim permit waiver – come back in six months to see if the situation has improved
- Our Desired Resolution:
 - We would like the Planning Board to encourage Bulfinch to rejoin the Needham service effective 1/1/22.
 - For that to happen, we need Bulfinch to submit appropriate employee counts (as directed) to calculate the 2022 membership and shuttle fees for 250 First Ave and 117 Kendrick Street.
 - Once informed of the pricing, we would like them to agree to participate. (Just like everyone else who has been doing so for the last 18 months and plan to do so in 2022.)
 - The Needham Shuttle is a successful service that has been operating for 20 years – it needs to continue to provide economic vitality to all who live, work, and visit the area.
 - If Bulfinch does not participate, even temporarily, the Needham Shuttle service is in great jeopardy of ending.
 - The remaining members, who already contribute their fair share of shuttle costs, will have to make up Bulfinch's contribution.
 - It is not equitable to allow Bulfinch not to participate and expect the other members to continue while increasing their prices to cover the service cost.
 - The financial impact (total actual loss of shuttle support) of Bulfinch not participating:
 - \$223,300 – (10/1/20 – present)

We learned from the video that you and the other planning board members would like to hear from us about the situation. We would be happy to participate in a call with you soon to discuss a

resolution based on the information above. Please let us know if you would like to set something up.

Finally, I have attached two generic documents that we use to calculate and then inform members of their participation cost for the year. These are from our projected 2020 budget year. Please let us know if you have any questions.

As always, thank you for your assistance.

Best-

Monica

Please note: If there are other recipients cc'd on this message, it is important to respond to all.

Monica G. Tibbits-Nutt, AICP, LEED AP BD+C

Pronouns: She/Her ([Here's why!](#))

Executive Director

128 Business Council

 mtibbits@128bc.org

 www.128bc.org





128 BUSINESS COUNCIL

UNLOCKING THE GRID

Memorandum of Understanding | 2020 Membership and Estimated Shuttle Fees | 9/23/19

Member Name: Developer #5 Member Address: Second Ave Needham

2019 Employee Audit Count: 355 2020 Annual Estimate Membership Fee: \$4,275

Type: Developer Level: 1 (1-400 tenant employees)

Employee Count	Base Rate	+ \$5 per Employee	Total
<u>355</u>	<u>\$2,500</u>	<u>\$1,775</u>	<u>\$4,275</u>

The estimated fee below is calculated assuming all current members will participate in 2020. Prior to receiving your invoice in January 2020, if members drop out, the fee may increase. If new members join the service, the fee may decrease. Once invoiced, the fee will not change. Additionally, a member company may terminate its participation in 128 Business Council services at any time during the year; however, the annual membership and/or shuttle fees shall not be refundable.

Shuttle: Needham 2020 Annual Estimated Fee: \$50,601

Member Address	Employee Count	Total Employees	Percentage of system	Total System Cost	Member Cost
<u>Second Avenue</u>	<u>355</u>	<u>3,523</u>	<u>10.08%</u>	<u>\$501,992</u>	<u>\$50,601</u>

Shuttle: _____ 2020 Annual Estimated Fee: _____

Member Address	Employee Count	Total Employees	Percentage of system	Total System Cost	Member Cost
_____	_____	_____	_____	_____	_____

Monica G. Tibbits-Nutt, AICP, LEED AP BD+C
Executive Director

Agreed:

Date: _____

Signature: _____

Print Name: _____

Title: _____

Needham Shuttle Projected 2020 Cost and Breakout
 Drafted September 22, 2019

Member	Address	# of Employees	% of Shuttle	Shuttle Cost (By hand)	Membership	Total
Developer						
#1	Kendrick Street	219	6.22%	\$31,224	\$3,595	\$34,800
#2	Kendrick Street	142	4.03%	\$20,230	\$3,210	\$23,444
#3	First Avenue	739	20.98%	\$105,318	\$6,695	\$111,995
#4	Kendrick Street	602	17.09%	\$85,790	\$6,010	\$91,789
#5	Second Avenue	355	10.08%	\$50,601	\$4,275	\$54,859
#6	A Street	740	21.00%	\$105,418	\$6,700	\$112,143
Corporate						
#1	Second Avenue	120	3.41%	\$17,118	\$2,200	\$19,299
#2	Cabot Street	74	2.10%	\$10,542	\$1,740	\$12,284
#3	First Avenue	50	1.42%	\$7,078	\$1,500	\$8,624
#4	A Street	92	2.61%	\$13,102	\$1,920	\$15,029
#5	B Street	390	11.07%	\$55,571	\$4,900	\$60,471
GRAND TOTAL		3,523	100.00%	\$501,992	\$42,745	\$544,737

1/1/2020 - 12/31/2020 Total Cost of Shuttle Operation: \$501,992
 Total Covered by Members: \$501,992

Needham DPW EVCS—09-29-2021

500 Dedham Ave., Needham, MA



Needham DPW EVCS-09-29-21

500 Dedham Ave., Needham, MA



Needham DPW EVCS-09-29-21

500 Dedham Ave., Needham, MA

Issued 13-Aug-02 Revised 27-Jan-09	CONSTRUCTION STANDARD ELECTRIC OPERATIONS ORGANIZATION 	C3801 Revision #2 Page 5 of 7
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4.0 CONSTRUCTION DRAWINGS

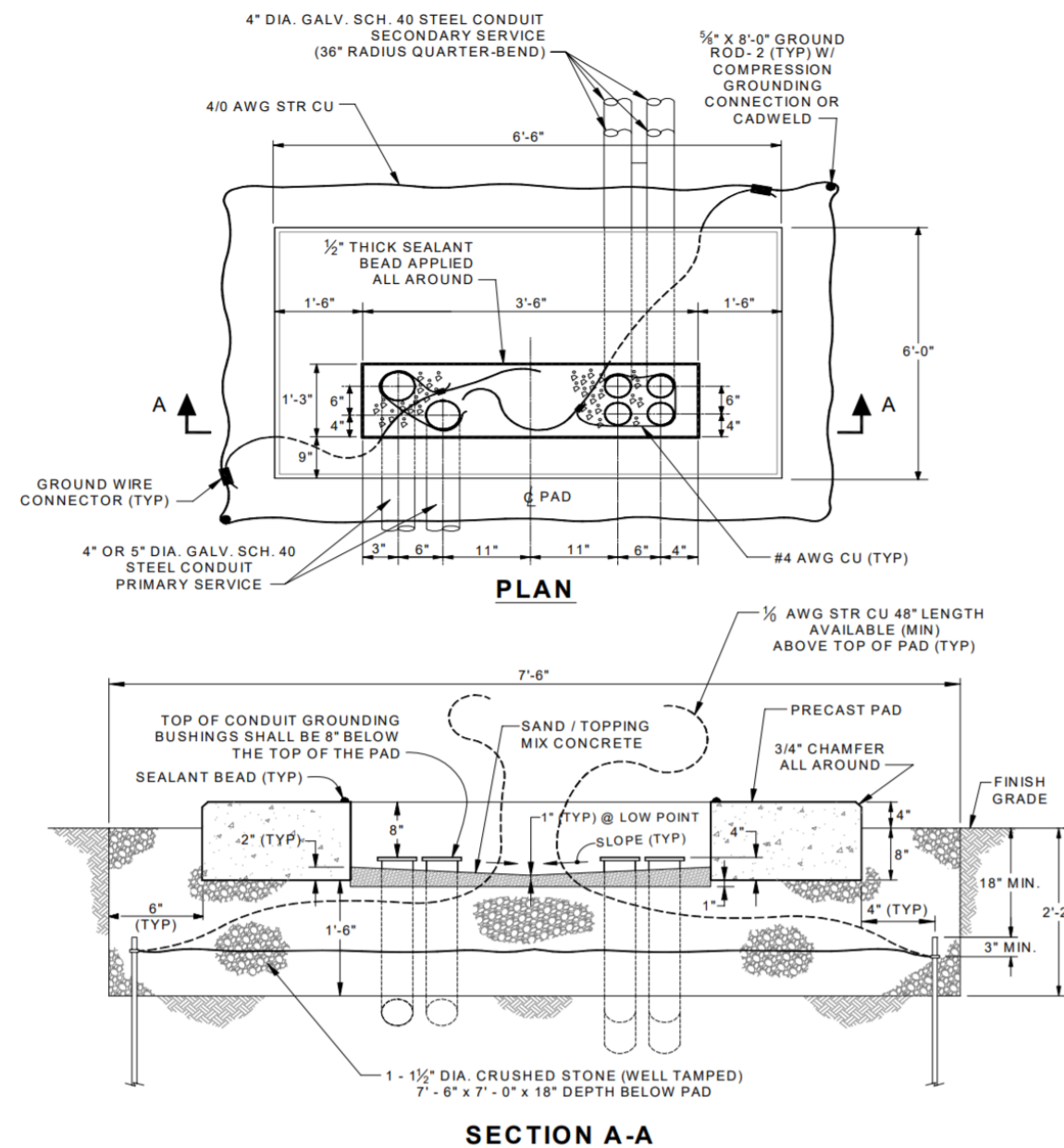


Figure 1 – Pad #1: Three-Phase 75 - 300kVA Transformer Precast Pad Installation & Grounding Detail

Issued 20-Mar-02	 ELECTRIC OPERATIONS ORGANIZATION Construction Standard	C3802 Page 1 of 4
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C3802 **** Supercedes ComElectric CUDS Specification 1-0796, Section G2****

RECOMMENDED MINIMUM CLEARANCES FROM THREE-PHASE DISTRIBUTION TRANSFORMER FOUNDATION TO BUILDINGS, BUILDING OPENINGS, LANDSCAPING, OR TRAVELED WAY

1.0 PURPOSE

The purpose of this standard is to illustrate guidelines for minimum clearances when locating pad mounted distribution transformers near buildings, traveled way, landscaping and other obstructions.

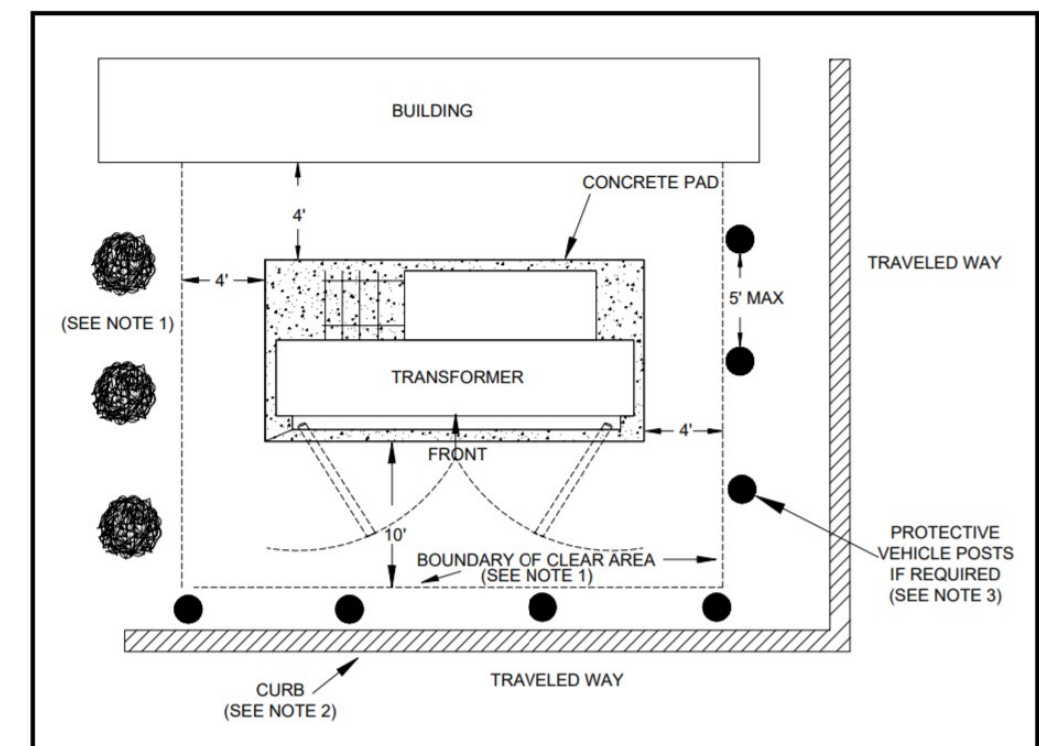


Figure 1 – Minimum Clearances

Notes:

1. The above Specified clear area distances to buildings, landscaping or other structures shall be maintained to: inspect, provide access, perform switching and ventilate the transformer.
2. If no curb exists, or transformer is located closer than 10 feet to the traveled way, protective vehicle posts shall be installed on exposed sides as specified.
3. Vehicle posts shall be 4" galvanized steel pipe minimum, filled with concrete and extend 42" above and below grade. Larger diameter posts may be required for some installations.
4. Minimum clearance from emergency generators (not shown) shall be 20'-0" minimum, unless separated by an 8" block wall, 8'-0" high, 4' minimum from pad. The length of wall shall be determined by NSTAR depending upon the transformer dimensions.
5. Approval of NSTAR Construction Supervisor required for clearances less than recommended minimums.

To: Needham Planning Board
From: Chris DeFazio and Sheri Edsall
Re: New Construction at 71 Lindbergh Ave
By: Hand Delivery and Registered Mail



9/20/21

To Whom It May Concern:

We are the current owners and residents at 67 Dartmouth Ave in Needham. We have visited the Building Department and Planning Board offices several times in the past few months to express our concerns regarding the new construction at 71 Lindbergh Ave, which abuts the rear of our property.

The new construction, for some reason, raised the grade of the entire property by about 3 feet. We were told at the time that this sort of thing was allowed. The builder told us that he had put in an advanced drainage system and to allay our fears of water run off, would build a retaining wall. But, we discovered the town building code only allows a retaining wall to be built to total 40% of the perimeter maximum. I could see this as making sense for a retaining wall as a necessity for building on the side of a hill. Unfortunately, that is not the case here and the property has been elevated on all sides, in essence creating an island. To prevent run off, this would seem to necessitate a retaining wall on at least two, or perhaps three sides, which would far exceed the 40% allowed. With this limitation, along with the elevated grade and a large stone patio very close to the property line, we are now extremely concerned about water run off from the new construction deluging our property. It seems shortsighted to allow such an "island-like" grade elevations when it clearly would create problems with both run off and the over building of retaining walls.

As, you may or not may not know, our neighborhood, despite being on a hill, has some difficulties with water drainage. Our property has had no such problems. If this changes, as in visible run off from the new construction to our property, or basement water in my house, we will be taking this matter to the Needham Planning Board as well as taking legal action versus all parties involved to remedy the situation.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris DeFazio" and "Sheri Edsall" joined together.

Chris DeFazio
Sheri Edsall

67 Dartmouth Ave
Needham, MA 02494

(781) 883-6865

PUBLIC HEARING ZONING AMENDMENT

Notice is hereby given that the **Dedham Planning Board** will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, s.5, on **Wednesday, October 18, 2021 at 6:00 p.m.**, to consider the following proposed amendment to the Dedham Zoning Bylaw:

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

1. Add new Use Category A.10. ("Short Term Rental") to Table 1 (Principal Use Table) as follows [text to be inserted shown in bold, italicized text]:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
<i>A. Residential Uses</i>												
<i>10. Short Term Rentals</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

2. Add new Use Category 1.12. ("Short Term Rental") to Table 1 (Principal Use Table) as follows [text to be inserted shown in bold, italicized text]:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
<i>1. Accessory Use Table - Residential</i>												
<i>12. Short Term Rentals</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

3. Add the following new definition to Section 10 Definitions:

SHORT TERM RENTAL - An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (a) at least 1 room or unit is rented to an occupant or sub-occupant; and (b) all accommodations are reserved in advance; provided however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. This definition shall be interpreted consistent with and shall incorporate the definitions of terms used herein set forth in G.L. c.64G, s.1.

Pursuant to Chapter 20 of the Acts of 2021, this hearing will be conducted via remote participation. To attend and participate in this public hearing via computer/tablet/smartphone, visit www.zoom.com, click Join a Meeting, and enter Webinar ID: 930 2186 2082

To participate via telephone, dial 1-646-558-8656 and enter the following Meeting ID: 930 2186 2082. If you are unable to participate by those means, but would like to comment or have questions, or would like to request text of the proposed amendment, please email jdoherty@dedham-ma.gov or call 781-751-9240. The text of the proposed amendment is available to review via Dropbox: <https://bit.ly/PBFallTM2021>

PUBLIC HEARING ZONING AMENDMENT

Notice is hereby given that the **Dedham Planning Board** will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, s.5, on **Wednesday, October 13, 2021 at 7:00 p.m.**, to consider the following proposed amendment to the Dedham Zoning Bylaw:

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

1. Add new Use Category 1.13. ("Short Term Rental (Private Swimming Pool)") to Table 1 (Principal Use Table) as follows [text to be inserted shown in bold, italicized text]:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
1. Accessory Use Table - Residential												
13. Short Term Rentals (Private Swimming Pool)	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>

1. Add the following new definitions to Section 10 Definitions:

SHORT TERM RENTAL (PRIVATE SWIMMING POOL) - An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (a) use of a private swimming pool located thereon is rented to a non-occupant: and (b) rentals are reserved in advance.

SWIMMING POOL (PRIVATE) - Any outdoor pool, having a depth of at least 24" and a water surface area of at least one hundred fifty (150) square feet, which is used, or intended to be used, as a swimming or bathing pool in connection with a residence and available only to the family and private guests of the householder.

Pursuant to Chapter 20 of the Acts of 2021, this hearing will be conducted via remote participation. To attend and participate in this public hearing via computer/tablet/smartphone, visit www.zoom.com, click Join a Meeting, and enter Webinar ID: 930 2186 2082

To participate via telephone, dial 1-646-558-8656 and enter the following Meeting ID: 930 2186 2082. If you are unable to participate by those means, but would like to comment or have questions, or would like to request text of the proposed amendment, please email jdoherly@dedham-ma.gov or call 781-751-9240. The text of the proposed amendment is available to review via Dropbox: <https://bit.ly/PBFallTM2021>