

NEEDHAM PLANNING BOARD

Tuesday, March 1, 2022

7:15 p.m.

Virtual Meeting using Zoom

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

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **826-5899-3198**

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

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

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

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

1. Public hearings:

7:15 p.m. Major Project Site Plan Special Permit No. 2022-01: Needham Farmer’s Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners. (Property located at Greene’s Field, Needham, Massachusetts, shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278). Regarding request to operate a farmers market on a portion of Greene’s Field on Sundays during the renovation of the Town Common.

7:30 p.m. Amendment to Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner. (Property located at 589 Highland Avenue, Needham, Massachusetts). Regarding the conversion of the existing 142-bed skilled nursing facility to 50 Independent Living Units.

2. Review of Brewery Zoning for 2022 Town Meeting.

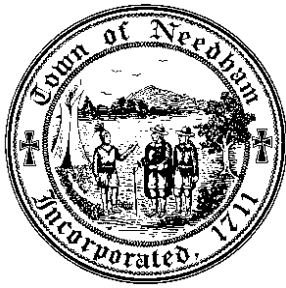
3. Decision: Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner. (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new child-care facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham child-care business, Needham Children’s Center (NCC).

4. Minutes.

5. Report from Planning Director and Board members.

6. Correspondence.

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



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S. 11, and the Needham Zoning By-Laws, Sections 7.4, 3.2.1, 5.1.1.5, 5.1.2, 5.1.3, the Needham Planning Board will hold a public hearing on Tuesday, March 1, 2022 at 7:15 PM by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at Greene's Field, Needham, Massachusetts, shown on Assessors Plan No. 50 as Parcel 31-02 containing 108,278, square feet in the Single Residence B District. The requested Major Project Site Plan Review Special Permit would permit the operation of a farmers market on a portion of Greene's Field on Sundays. Needham Farmers Market (NFM) has been successfully operating on the Town Common and Garrity's Way since 2017; however, NFM must relocate due to a planned renovation of the Town Common in 2022, with Garrity's Way planned to be used for staging materials. The farmers market proposes to operate on Sundays beginning on June 12, 2022 through November 20, 2022, inclusive, from 11:00 a.m. to 3:00 p.m. with setup time for the vendors three hours before business hours and breakdown time two hours after the close of business. The farmers market proposes to have a maximum of 16 vendors, who will use booths, canopies or other temporary structures on site. In addition to the vendors, there will be tables, booths or canopies for nonprofit organizations, six artists, artisans, musicians, and NFM's Market Manager.

In accordance with the Zoning By-Law, Section 3.2.1, a Special Permit is required for a farmers market in the Single Residence B District. In accordance with the Zoning By-Law, Section 5.1.1.5, a Special Permit is required to waive strict adherence to the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the Zoning By-Law (Off-Street Parking Requirements). In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review is required.

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

The application may be viewed at this link:

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

NEEDHAM PLANNING BOARD

Needham Times, February 10, 2022 and February 17, 2022.

TOWN OF NEEDHAM
MASSACHUSETTS



500 Dedham Avenue
Needham, MA 02492
781-455-7526

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property Greene's Field, Great Plain Avenue at Pickering Street, Needham

Name & Address of Applicant Needham Farmers Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494

Phone Number 781.241.2037

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

Property Owner's Name Town of Needham,

Property Owner's Address 1471 Highland Ave, Needham, MA 02492, tel. 781.455.7500

Telephone Number 781.455.7500

Characteristics of Property: Lot Area 108,278 SF Present Use Park

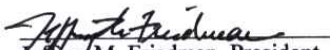
Map 50 Parcel 31-02 Zoning District Single Residence B

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

Needham Farmers Market, Inc. will operate in 2022 on a small portion of Greene's Field near Great Plain Avenue adjacent to two intersecting walkways.

Signature of Applicant (or representative):

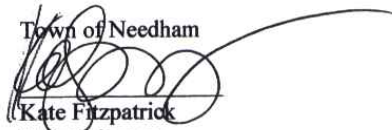
Needham Farmers Market,


Jeffrey M. Friedman, President
781.241.2037

1/18/22

Owner's permission if other than applicant:

Town of Needham


Kate Fitzpatrick
Town Manager
781.455.7500

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

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

License Agreement
Between
Needham Farmers Market, Inc.
and
The Town of Needham

This License Agreement is made this 9th day of January 2022 by and between the Needham Farmers Market, Inc., a not for profit corporation, with its principal place of business at 28 Perrault Rd, Apt..1, Needham, MA 02494, (LICENSEE), and the Town of Needham, Massachusetts, a municipal corporation with its usual place of business at 1471 Highland Ave., Needham, MA 02492 (LICENSOR) (collectively, the "Parties").

1. USES

a. In consideration of the full and faithful performance by LICENSEE of all covenants and agreements contained herein and subject to the following terms and conditions, the LICENSOR grants to LICENSEE and LICENSEE takes from the LICENSOR the nonexclusive right to use Greene's Field, a Needham Park Facility, (the "Licensed Area") at Pickering Street and Great Plain Avenue, for the purpose of operating a farmers market (the "Market") for four (4) hours every Sunday, opening at 11:00 a.m. and closing at 3:00 p.m., from June 12, 2022 through November 20, 2022. The LICENSEE will be further allowed up to three (3) hours before opening to allow its vendors to set up and up to two (2) hours after closing to break down and clean up.

b. A maximum of eighteen (18) vendors will use booths, tables, canopies or other temporary structures on the Licensed Area. In addition to the vendors there shall be allowed up to nine (9) tables, booths or canopies for the Needham Community Farm and/or other Needham-based not for profit organizations, artists, artisans, musicians and the LICENSEE which are to be located solely in the Licensed Area.

c. All trash and waste will be confined to the Licensed Area, and the LICENSEE will be responsible for its removal and cleaning of the Licensed Area before the end of the breakdown time.

d. LICENSEE is responsible to see that the physical layout of the Market is kept within the Licensed Area.

e. LICENSEE will ensure that no public vehicular access to Greene's Field is allowed during Market hours.

f. LICENSEE is responsible to see that the Licensed Area is used in a lawful manner and in compliance with all laws, by-laws, rules, regulations, permit requirements, orders and directives of any government official, agency or entity of competent jurisdiction.

g. LICENSEE will not engage in or allow any of its vendors or invitees to engage in any unlawful or dangerous activities that may cause personal injury or physical damage to the Licensed Area.

h. LICENSEE agrees to suspend Market activities in the event that the LICENSOR requires use of the Licensed Area. The LICENSOR will endeavor to provide as much prior notice as possible to the LICENSEE. Except in extraordinary circumstances, the LICENSOR will provide the LICENSEE two weeks' notice of the need for Market activity suspension. The LICENSOR will work with the LICENSEE to attempt to locate an alternative site for the Market during any period of such suspension.

2. PLANS

A plan showing the Licensed Area marked in pink and the layout to be used for the Market is attached hereto as Exhibit A and is incorporated by reference.

3. TERM OF AGREEMENT

The term of this License Agreement shall be June 12, 2022, through November 20, 2022.

4. FEE

LICENSEE shall pay the LICENSOR the sum of \$25.00 per market day, for each day, payable in advance. LICENSEE shall make payments to LICENSOR via check made out to "TOWN OF NEEDHAM PARK AND RECREATION" by hand-delivery or registered mail to "TOWN OF NEEDHAM PARK AND RECREATION, 178 ROSEMARY STREET, NEEDHAM, MASSACHUSETTS 02494". LICENSOR reserves the right to terminate this License Agreement if LICENSEE'S payment becomes more than five (5) days overdue.

5. TERMINATION

In addition to the LICENSOR'S right in Paragraph 4 above to terminate for cause, either Party may terminate this License Agreement without cause, effective at the end of each monthly period, upon 30 days written notice to the other Party of its intention and election to terminate.

6. MAINTENANCE

It is agreed the LICENSOR will patch, plow and sweep the Licensed Area as needed and at reasonable times. The LICENSEE shall not permit the Licensed Area to be overloaded, damaged, stripped or defaced, nor suffer any waste. The LICENSEE shall not allow any holes to be made in the Licensed Area.

7. OWNERSHIP OF PROPERTY

It is agreed that the Licensed Area is and shall remain the property of the LICENSOR and the LICENSEE shall not make any improvements on, alter or remove any part of the Licensed Area without the LICENSOR'S express prior written consent.

8. CONDITION OF LICENSED AREA

LICENSEE acknowledges that: a) it has inspected the Licensed Area; b) the Licensed Area shall be available under this License Agreement to LICENSEE and its vendors in an "as is" condition; and c) the LICENSOR makes no representations or warranties as to the condition of the Licensed Area.

9. RISK OF LOSS

LICENSEE agrees to use the Licensed Area at its sole risk. All merchandise, property and effects of the LICENSEE, its vendors, and of all persons claiming by, through or under LICENSEE, which may be on the Licensed Area during the Term of this License Agreement shall be at the sole risk and hazard of the LICENSEE, its vendors, or its invitees. LICENSEE further agrees that the LICENSOR shall not be responsible or liable to LICENSEE, its vendors, or to those claiming by, through or under LICENSEE, for any loss or damage resulting to LICENSEE, its vendors, or those claiming by, through or under LICENSEE or its or their property, that may be occasioned by or through the acts or omissions of persons for whose conduct the LICENSOR is not responsible. The LICENSEE shall be responsible for any damage done to the Licensed Area resulting from the activities allowed by this License Agreement.

10. INSURANCE

LICENSEE and its vendors shall, at their own expense, obtain and maintain general liability and motor vehicle liability insurance policies protecting the LICENSOR and shall have the LICENSOR as an additional named insured on the policies. General liability coverage shall be in the amount of at least \$1,000,000 per occurrence, and \$2,000,000 aggregate for bodily injury liability and property damage liability. Motor vehicle coverage shall include coverage for owned, hired and non-owned vehicles and shall be in the amount of at least \$1 single limit. The LICENSEE shall provide the LICENSOR with a copy of aforementioned insurance policies by hand-delivery or registered mail to "TOWN OF NEEDHAM PARK AND RECREATION, 178 ROSEMARY STREET, NEEDHAM, MASSACHUSETTS 02494" prior to commencing operations on June 12, 2022.

11. INDEMNIFICATION

LICENSEE shall pay, protect, indemnify and save harmless the LICENSOR from and against all liabilities, losses, damages, costs, expenses (including reasonable attorneys' expenses and fees), causes of action, suits, claims, demands or judgments of any nature whatsoever that may be imposed upon or incurred by or asserted against the LICENSOR by reason of any of the following acts occurring or arising during the term of this License Agreement:

- a. Any accident, injury to, or death of any person or damage to property occurring on the Licensed Area or any part thereof in which the negligence of LICENSEE, its employees, any of its employees, vendors or any person acting under color of this license is a causative factor and in which the negligence of the LICENSOR, its employees and agents is not a causative factor; or
- b. Any failure by LICENSEE, its vendors, its employees, or anyone acting under color of this License Agreement to perform or comply with any of the terms hereof or any contracts, agreement, or restrictions, statutes, laws, ordinances or regulations affecting the Licensed Area or any part thereof or the ownership, occupancy or use thereof.

The LICENSEE shall notify the LICENSOR of any accident, injury to, or death of any person or damage to property occurring on the Licensed Area during a period of Licensed Use within three business days of said accident, injury, death, or damage in writing by

hand-delivery or registered mail to "TOWN OF NEEDHAM PARK AND RECREATION, 178 ROSEMARY STREET, NEEDHAM, MASSACHUSETTS 02494".

12. NON-ASSIGNABLE

LICENSEE shall not assign this License Agreement or any rights hereunder without the prior written consent of the LICENSOR.

13. LICENSE ONLY

LICENSEE acknowledges that this is a License Agreement and the rights to use of the licensed area hereunder shall be deemed to be a license only and shall not be construed to be a lease, joint venture, partnership or as evidencing any relationship between LICENSEE and the LICENSOR other than as LICENSEE and LICENSOR. No interest in real property is hereby conveyed by the LICENSOR to the LICENSEE.

14. ENTIRE AGREEMENT

This document, inclusive if Attachment A, forms the entire agreement between the Parties and supersedes all prior arrangements and understandings. Any amendment or modification to this License Agreement must be in writing and signed by an official with the authority to bind the LICENSOR.

15. GOVERNING LAW

This License Agreement and performance hereunder are governed in all respects by the laws of the Commonwealth of Massachusetts and all other applicable by-laws and administrative rules, regulations and orders.

16. CONSENT TO VENUE

The Parties hereto agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated exclusively in the Dedham District Court located in the County of Norfolk, State of Massachusetts, subject to the Transfer rules of the Norfolk Superior Court. The aforementioned choice of venue is intended by the Parties to be mandatory and not permissive in nature, thereby precluding the possibility of litigation between the Parties with respect to or arising out of this Agreement in any court or forum other than that specified in this paragraph. It is further agreed that the Parties to this Agreement hereby waive their rights to a jury trial.

17. SEVERABILITY

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, such term or condition shall be stricken, and the legality and enforceability of the remaining terms and conditions shall remain in full force and effect.

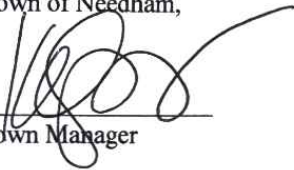
18. EXECUTION IN DUPLICATE

This Agreement may be executed in duplicate, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument which shall represent the agreement of the Parties.

IN WITNESS WHEREOF the Parties hereto have executed two copies of this License Agreement as of the date first above written.

LICENSOR,

Town of Needham,



Town Manager

LICENSEE,

Needham Farmers Market, Inc.

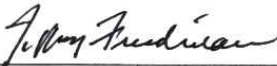
 1/18/12
By: President, Needham Farmers Market

EXHIBIT "A"

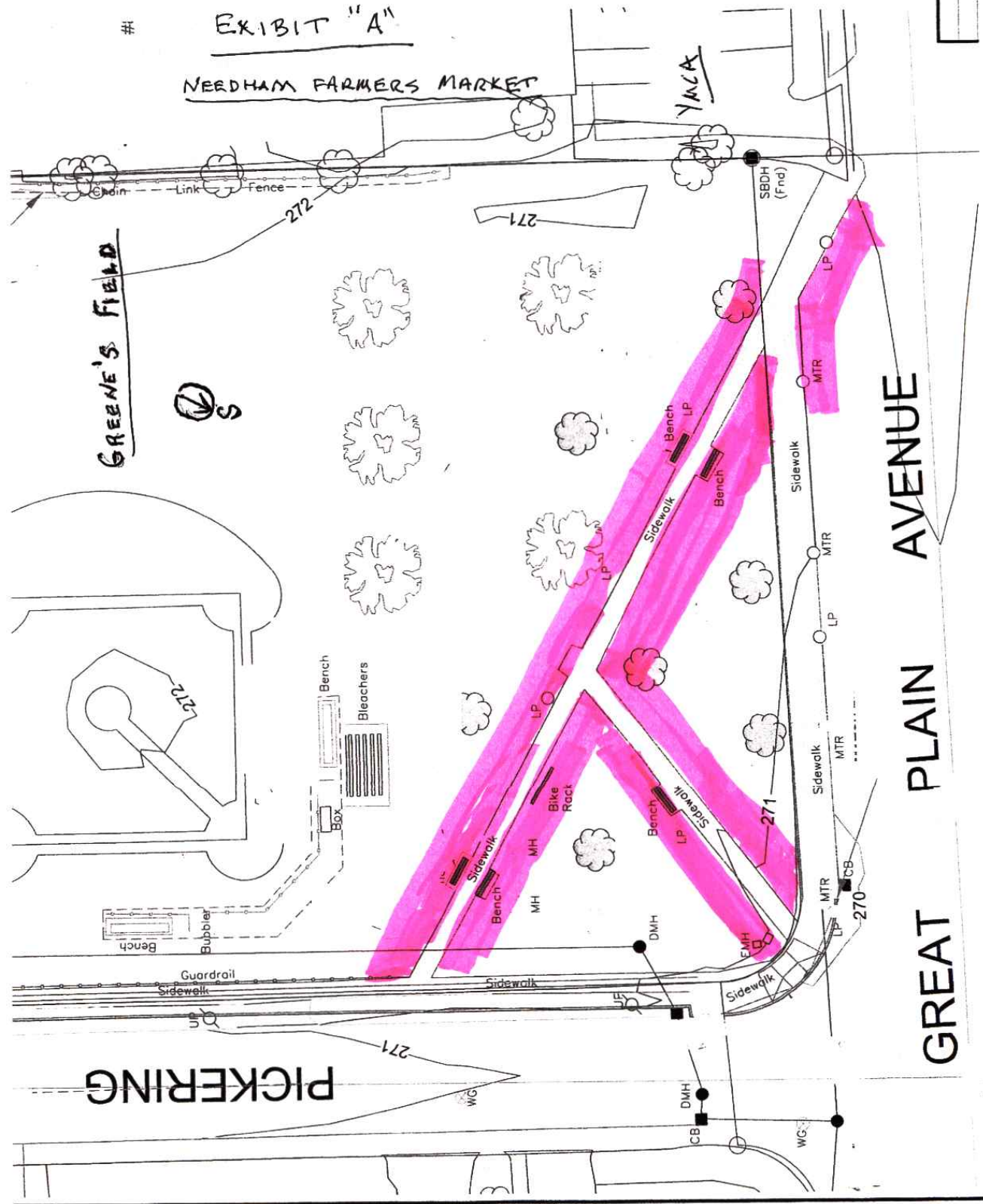
NEEDHAM FARMERS MARKET

YmCA

GREENE'S FIELD

GREAT PLAIN AVENUE

PICKERING



January 21, 2022

Needham Planning Board
500 Dedham Avenue
PSAB Bldg.
Needham, MA 02492

Re: Application for Site Plan Review Special Permit by Needham Farmers Market

Dear Planning Board Members:

This letter is in support of the Application by Petitioner Needham Farmers Market, Inc. ("NFM" or the "Market") for a Site Plan Review Special Permit. NFM will operate temporarily for its 11th season in 2022 on a small portion of Greene's Field, next to two intersecting walkways near Great Plain Avenue at Pickering Street. See attached NFM layout on Site Plan for Greene's Field, which is a park administered by Needham Park and Recreation.

NFM is a 501(c) (3) nonprofit corporation and civic organization. It is Needham based with the purpose of promoting healthy food, fresh and local, and with advancing community values. The Needham Board of Health and the Public Health Department fully support the Market's functions.

NFM must relocate from its 2021 location due to the Town renovating the Town Common in 2022, with Garrity's Way used for staging materials. NFM will return to the Town Common and Garrity's Way in 2023 under the existing Special Permit (to be later updated). On November 8, 2021, the Park and Recreation Commission approved NFM's temporary use of Greene's Field for its 2022 season. NFM signed a License Agreement with the Town for this use, submitted herewith.

In the past five years, NFM has been operating very close to Greene's Field on Garrity's Way and the Town Common, and for two years on the front lawn of First Parish (Dedham Ave. at Lincoln St.).

NFM will use Greene's Field on Sundays, June 12th to November 20th, 11:00 a.m. to 3:00 p.m. Set-up time for the vendors is for three hours before business hours and breakdown time is for two hours after the close of business.

NFM will have a maximum of up to sixteen (16) vendors at each Market. They will use booths, tables, canopies on the site. In addition, the Market will have tables, booths or canopies (which

might be shared) on Garrity's Way for: Needham nonprofit organizations; up to a maximum of six (6) artists; musicians; and NFM's Market Manager.

The Application addresses the following relief:

1. Needham Farmers Market - Site Plan Review Special Permit with Town of Needham , pursuant to Zoning By-Law Section 7.4 and Article 2 of the Planning Board Rules.
2. Special Permit pursuant to Section 3.2.1 of the Zoning By-Law to operate a farmers market.
4. Special Permit pursuant to Section 5.1.

NFM requests that the Special Permit Application fee be waived. This is warranted by the unique circumstances under which NFM must temporarily vacate its 2021 location due to the Town's renovation of the Town Common, with Garrity's Way being used as a staging area. Due to these circumstances, in 2021 Lisa Cherbuliez, NFM Board Director, contacted the Select Board to seek help in finding a temporary location for 2022. Kate Fitzpatrick, Town Manager, referred the matter to Carys Lustig, DPW Director. Lisa and I met with Carys and Amy Haelsen, Needham Economic Development Manager, for this purpose. They supported Greene's Field as an alternative, temporary location. Thereafter, we contacted Stacey Mulroy, the Park and Recreation Director, who also endorsed the Greene's Field location. On November 8, 2021, the Park and Recreation Commission approved NFM's application to use Greene's Field.

Since NFM's inception 10 years ago, the Planning Board has waived its Application fee for a Special Permit numerous times. NFM is a very small, 501(c) (3) nonprofit with limited financial resources. NFM will incur considerable, new expenses to locate at Greene's Field, and the fee is prohibitive financially to the Market in combination with other related costs. NFM makes an important contribution to the health and community life of Needham residents. Waiver of the fee would be fair and equitable under the instant circumstances.

Sincerely,



Jeffrey M. Friedman
President, Needham Farmers Market

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EXHIBIT "A"

NEEDHAM FARMERS MARKET

YMCA

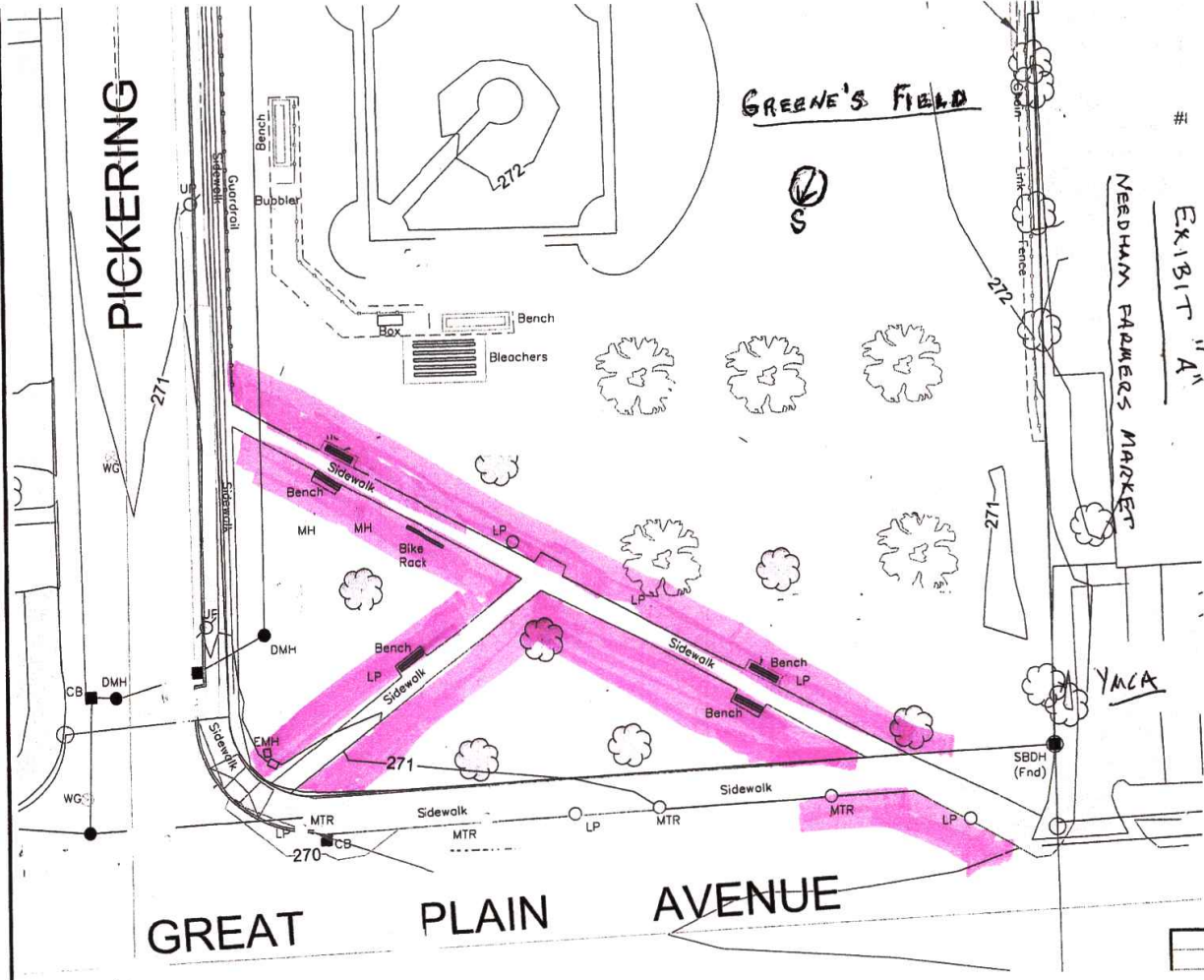
SBDH (Fnd)

GREENE'S FIELD



PICKERING

GREAT PLAIN AVENUE



January 21, 2022

Needham Planning Board
500 Dedham Avenue
PSAB Bldg.
Needham, MA 02492

Re: Application for Site Plan Review Special Permit by Needham Farmers Market

Dear Planning Board Members:

The purpose of this letter is to provide the Planning Board with additional information with the Application by Needham Farmers Market ("NFM" or the "Market") for a Special Permit to operate temporarily on Greene's Field in 2022. This letter conforms to the review criteria for site plan review, as set forth in Section 7.4.6 of the Zoning By-Law.

NFM will operate temporarily for its 2022 season on a small portion of Greene's Field, which is a park facility, administered by Needham Park and Recreation.

This relocation was necessary because in 2022, the Town will completely renovate the Town Common and Garrity's Way will be used for staging. NFM will return to the Town Common and Garrity's Way in 2023 when the renovation is completed. The Park and Recreation Commission approved NFM's use of Greene's Field on November 8, 2021.

NFM has operated since its inception in the Downtown area for ten years under three separate Special Permits: on Garrity's Way and the Town Common (2017-2021); the parking lot next to Needham Bank (2014-16); and the front lawn of First Parish (intersection of Dedham Ave. and Lincoln Street) (2012-13).

The Market will be open this year on Sundays, June 12th through November 20th, 11:00 a.m. to 3:00 p.m., with three hours for setup before business hours and a two hours for breakdown afterwards. NFM signed a License Agreement with the Town for use of Greene's Field, submitted herewith.

I. Site Plan Review Criteria.

The following are the criteria site plan review process pursuant to Section 7.4.6 of the Zoning By-Law, and the description of how the Application meets those criteria.

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

NFM will not cause any serious detrimental uses when it operates on Greene's Field on Sunday afternoons. The public may travel to the Market by auto, bicycle or by foot.

The Market will not cause any water drainage issues, and it will have no effect on views and air.

NFM will have free, musical entertainment from individuals or a small group, e.g. flute, fiddle, guitar. Sound volume from musicians playing at Green's Field will be reasonable and not loud or disruptive to neighbors and nearby businesses.

In NFM's 10 years operating in the Downtown years area, including 8 years on Town land, it has never caused any of these detrimental uses listed above.

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

During the operation of the Market, parking for shopper vehicles will be at the Dedham Avenue, Chestnut St./Lincoln St., and Chapel Street Municipal Parking Lots, all within five minute walking distance from the Market. The vendors will park at the Dedham Lot. Any additional traffic due to the Market on surrounding streets will be marginally increased, with no traffic congestion on a Sunday afternoons. When NFM was previously located on the front lawn of First Parish (very close to Greene's Field) and on Garrity's Way and the Town Common, no traffic congestion resulted due to the operation of the Market.

Safety of pedestrians and of vehicular movement has been a paramount concern to NFM, and the Market Manager prevents accidents from occurring with safety procedures. NFM has no accident related history in 10 years of operation. NFM assists the handicapped, minors and the elderly at the Market, and fully complies with governmental regulations in this regard. The handicapped and the elderly can easily access the Market from Great Plain Avenue or Pickering Street.

The Market will be located at the southern end of Greene's Field next to Great Plain Ave., and will be separate from other activity on Greene's Field.

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

Since the total area in use by NFM is 8,680 square feet, the parking demand is 26 parking spaces. $(8,680/1,000 \times 3 = 26)$. The parking demand is based on a formula used in Special Permit Applications and Decisions.

NFM will occur on Sunday afternoons from 11:00 a.m. to 3:00 p.m. Three nearby municipal parking lots are more than adequate for the parking needs of vendors and shoppers at the Market. The Dedham Avenue Parking lot has 87 parking spaces, the Chestnut St./Lincoln St. Parking Lot has 231 parking spaces, and the Chapel Street Parking Lot has 127 parking spaces.

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

All trash and waste will be confined by NFM and its vendors, as required under the License Agreement. The NFM vendors and NFM staff will remove all trash and waste and clean up before the end of the breakdown period. Vendors have permission to use the bathrooms at the YMCA, Walgreens and at Bagels' Best. The waste water system for these businesses is connected to the municipal sewer system

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

Any canopies, tables and equipment brought to the Market by NFM and its vendors will be removed by them after the Market closes. NFM will not permit the Market area to be overloaded, damaged, stripped or defaced, or suffer any waste. NFM will not make any holes in Greene's Field.

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

NFM's use of Greene's Field will not have any adverse impact on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets.

II. Conclusion.

Needham Farmers Market will continue to be a source of fresh and locally grown, baked, and prepared food, sold outside, for Needham residents. This has been particularly important for Needham residents for the past two years during the Covid pandemic. The Needham Board of Health and the Public Health Department has fully supported NFM in providing this important function for Needham residents. The Market is also an opportunity for Needham residents to meet

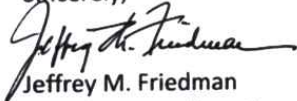
friends and neighbors, which is a source of community and positive social values for Needham. Residents, retail businesses and restaurants will benefit from the proximity of the Market.

Paula Jacobson, YMCA Director (Y is continuous to Greene's Field) supports NFM's location as compatible with the YMCA and as promoting community goals and positive social values.

Needham musicians will continue to entertain shoppers, many with young children, including Needham's own Plugged In Teen Band. Needham artists and artisans will display their art work. During the prior ten prior years that NFM has been in operation, many Needham nonprofits, such as the YMCA, Needham Community Council, the Needham Public Library, BID-Needham Hospital, Parent Talk, Boy Scouts,, etc., had the opportunity to meet the public at NFM's Community Table, without any fee for its use. Last year on August 15th, at the request of the Town Manager, NFM gladly hosted the Indian Community of Needham (ICON) in its celebration of India Independence Day. This was a Town community event.

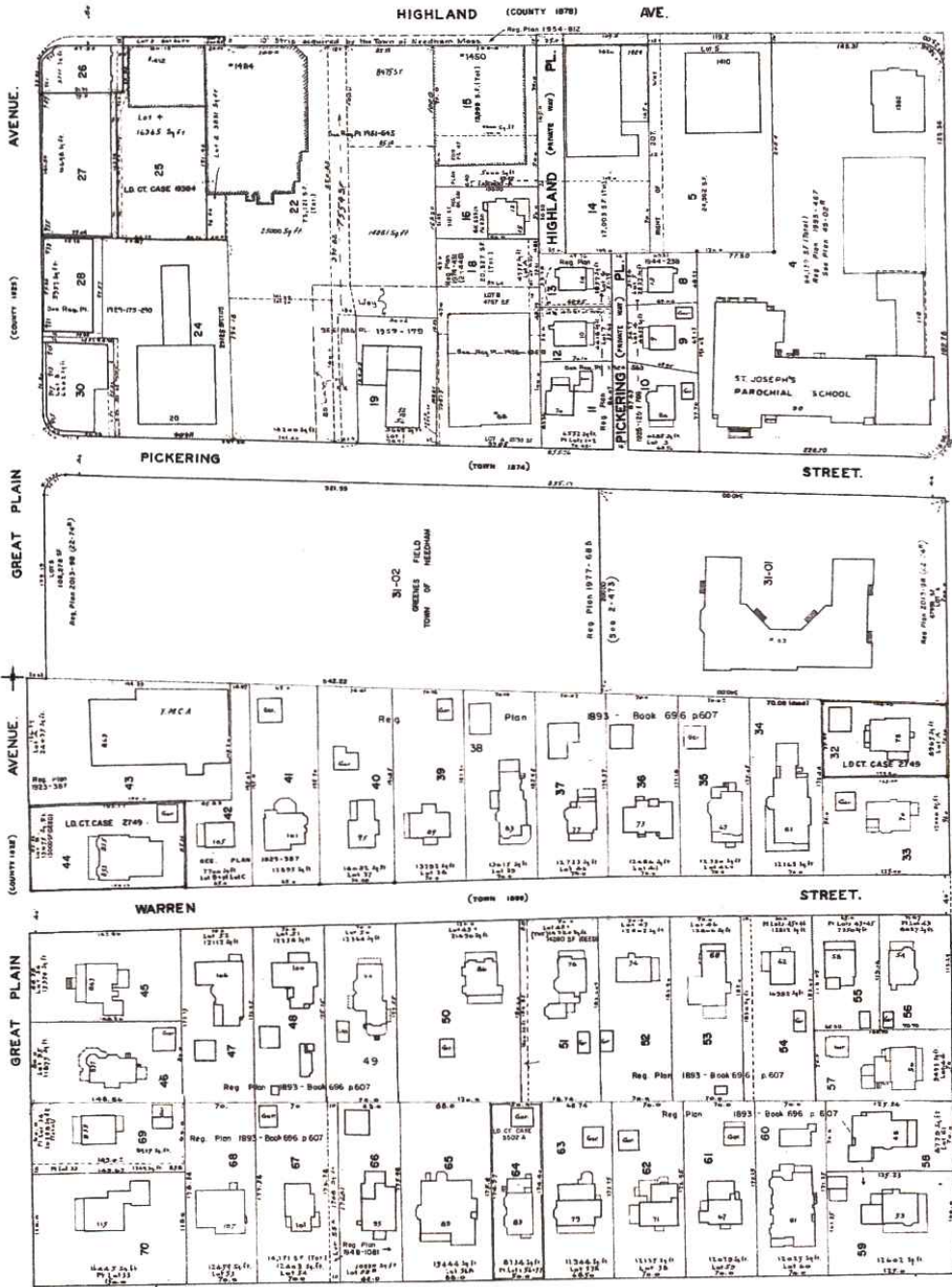
NFM has been an active member of the Newton-Needham Regional Chamber (recently renamed the Charles River Regional Chamber) for 10 years and is active in its Needham Business Alliance. NFM participated in the Chamber's 2021 Harvest Fair, which many Needham residents attended.

Sincerely,



Jeffrey M. Friedman

President, Needham Farmers Market



SEE PLAN 47

SEE PLAN 40

SEE PLAN 53

MAY ST. (TOWN 1889)

FAIR OAKS PARK (TOWN 1823)

SEE PLAN 49

February 22, 2022

Needham Planning Board
500 Dedham Avenue
PSAB Bldg.
Needham, MA 02492

Re: Application for Site Plan Review Special Permit by Needham Farmers Market

Dear Planning Board:

This letter is to correct an inadvertent numerical error in a previous letter to the Board, in support of Needham Farmers Market's Application for a Special Permit. Paragraph 1b of the License Agreement, dated January 18, 2022, correctly states that NFM will have the maximum number of eighteen (18) vendors at each market. However, one of my two letters to the Board in support of the Application, dated January 21, 2022 at the bottom of page one, incorrectly states a maximum number of sixteen (16) vendors at each market, whereas the correct number is a maximum of eighteen (18) vendors at each market. I am sorry for this inadvertent error, and wish to provide the Board with the correct maximum number of vendors in the Application.

Sincerely,



Jeffrey M. Friedman
President, Needham Farmers Market

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Needham Farmers Market at Greene's Field
Date: Monday, January 31, 2022 4:25:54 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
The Fire dept. does not have an issue with this move.

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: Monday, January 31, 2022 1:59 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Request for comment - Needham Farmers Market at Greene's Field

Dear all,

We have received the attached application materials for the proposal to hold the Needham Farmers Market at Greene's Field for the duration of the Town Common renovation (after which time, it plans to move back to its Garrity Way location). More information can be found in the attachments.

The Planning Board has scheduled this matter for March 1, 2022. Please send your comments by

Wednesday February 23, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for the Major Project Special Permit No. 2022-01.
2. License Agreement between the Needham Farmers Market and the Town of Needham, dated January 18, 2022.
3. "Exhibit A", which consists of a portion of a plan highlighted to depict the specific location proposed to utilized.
4. Two Letters from Jeffery M. Friedman, President, Needham Farmers Market, both dated January 21, 2022.
5. Site Plan entitled "Greene's Field Site Plan," prepared by the Needham Department of Public Works, dated May 22, 2013, revised June 4, 2013.
6. Needham Assessor's Map No. 50.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

From: [Stacey Mulroy](#)
To: [Alexandra Clee](#); [David Roche](#); [Thomas Ryder](#); [John Schlittler](#); [Dennis Condon](#); [Tara Gurge](#); [Timothy McDonald](#); [Carys Lustig](#)
Cc: [Elisa Litchman](#); [Lee Newman](#); [Myles Tucker](#)
Subject: RE: Request for comment - Needham Farmers Market at Greene's Field
Date: Tuesday, February 8, 2022 12:42:03 PM
Attachments: [image001.png](#)

Hi All,

We have been working with this group for a while. I believe Myles has an agreement drafted. Park & Recreation has voted to approve the usage. Copying Myles into this convo.

Thanks,
Stacey

Stacey Mulroy
She/Her/Hers ([What's this?](#))

Director, Needham Park & Recreation
O: 781.455.7930
C: 781.589.0960
E: smulroy@needhamma.gov

Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494
www.needhamma.gov/495/Park-Recreation



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, February 8, 2022 12:12 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Stacey Mulroy <smulroy@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Request for comment - Needham Farmers Market at Greene's Field

Dear all,

I may not have successfully attached the noted application first time around. Now, please see attached.

Additionally, I have added Stacey to this request for comment.

Thanks, alex.

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

From: Alexandra Clee

Sent: Monday, January 31, 2022 1:59 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>

Subject: Request for comment - Needham Farmers Market at Greene's Field

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We have received the attached application materials for the proposal to hold the Needham Farmers Market at Greene's Field for the duration of the Town Common renovation (after which time, it plans to move back to its Garrity Way location). More information can be found in the attachments.

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January 21, 2022.

5. Site Plan entitled "Greene's Field Site Plan," prepared by the Needham Department of Public Works, dated May 22, 2013, revised June 4, 2013.

6. Needham Assessor's Map No. 50.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

From: [John Schlittler](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Needham Farmers Market at Greene's Field
Date: Tuesday, February 8, 2022 12:48:45 PM

The police are fine with it as long as parking as defined is adhered to in regards to vendors and the public.

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, February 8, 2022 12:12 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Stacey Mulroy <smulroy@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Request for comment - Needham Farmers Market at Greene's Field

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Needham, MA
www.needhamma.gov

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Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

Alexandra Clee

From: Tara Gurge
Sent: Wednesday, February 23, 2022 11:35 AM
To: Lee Newman; Alexandra Clee
Subject: FW: Request for comment - Needham Farmers Market at Greene's Field
Attachments: Application Farmers' Market 2022.pdf

Lee/Alex –

Here are the Public Health Division comments for the proposed Needham Farmers Market at Greene's Field. See Below:

- The Health Division needs to receive a shared restroom agreement in writing, that is signed and dated, from Walgreens, YMCA and Bagel's Best. These signed/dated agreements must state that the establishment will allow restroom access to the public during all hours that the Needham Farmers Market is open to the public, specifically on Sundays, June 12th to Nov. 20th, 11 – 3 PM, throughout the Farmers Market season. (This will be key in order to determine whether increased food sampling will be allowed by the food vendors.) This will also need to be confirmed with the Park and Recreation Dept. whether food vendors will be allowed to serve open food items at this location.
- If we find it necessary, a separate hand sink will need to be added and maintained on site in a designated area in order to allow food vendors and/or patrons to sufficiently wash their hands, as required in previous years.
- Need to confirm whether sufficient electrical service will be supplied at this new Greene's Field location, and if so, whether the food vendors will be able to utilize this electrical service since many of our food vendors brought their own mini refrigerators/plug-in coolers last year, in order to sufficiently cold-hold their food items that required refrigeration. Please confirm.
- All Farmers Market vendors will need to fill out an online food permit application and receive a permit. Direct link to permit application can be found here - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006533>.
- Please ensure that the Greene's Field area has sufficient trash receptacles that are serviced often, to ensure no potential food waste is allowed to sit for any length of time, which could cause odors and risk the attraction of pests on site.

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. (she/her/hers)
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: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, February 8, 2022 12:12 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>; Stacey Mulroy <smulroy@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Request for comment - Needham Farmers Market at Greene's Field

Dear all,

I may not have successfully attached the noted application first time around. Now, please see attached.

Additionally, I have added Stacey to this request for comment.

Thanks, alex.

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

From: Alexandra Clee
Sent: Monday, January 31, 2022 1:59 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Request for comment - Needham Farmers Market at Greene's Field

Dear all,

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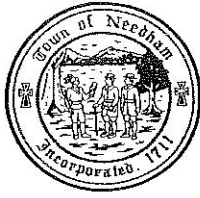
The Planning Board has scheduled this matter for March 1, 2022. Please send your comments by Wednesday February 23, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for the Major Project Special Permit No. 2022-01.
2. License Agreement between the Needham Farmers Market and the Town of Needham, dated January 18, 2022.
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5. Site Plan entitled "Greene's Field Site Plan," prepared by the Needham Department of Public Works, dated May 22, 2013, revised June 4, 2013.
6. Needham Assessor's Map No. 50.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov



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

February 24, 2022

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

RE: Major Project Site Plan Special Permit No. 2022-01
Great Plain Avenue at Pickering Street- Needham Farmer's Market at Green's Field

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request for a Major Project Site Plan Special Permit. The applicant requests to operate a Farmer's market in a portion of the intersecting walkways on Green's Field on Sundays from June to November 2022.

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

1. Application for the Major Project Special Permit No. 2022-01.
2. License Agreement between the Needham Farmers Market and the Town of Needham, dated January 18, 2022.
3. "Exhibit A", which consists of a portion of a plan highlighted to depict the specific location proposed to utilized.
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6. Needham Assessor's Map No. 50.

Our comments and recommendations are as follows:

- We have no comment or objection to the proposed plans

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

Truly yours,

Thomas Ryder
Aging Town Engineer

From: [Georgina Arrieta-Ruetenik](#)
To: [Planning](#)
Subject: Fwd: New Event Legal Notice - Planning Board
Date: Tuesday, February 8, 2022 9:35:21 PM

Dear Planning Board Members and Admin Team,

Regarding the upcoming March 1 hearing about the move of The Needham Farmers' Market from Garrity's Way to Greene's Field, I am writing in support of The Needham Farmers' Market and hope that the Planning Board will support their move to Greene's Field, in order to keep this vital organization and its mission to provide our town residents with additional fresh produce vendors and other services each summer and fall.

Thank you for your consideration.

Sincerely,
Georgina

Georgina Arrieta-Ruetenik
236 Greendale Ave.
Needham, MA. 02494
Precinct J

----- Forwarded message -----

From: **Public Meetings Calendar** <listserv@civicplus.com>
Date: Mon, Feb 7, 2022 at 12:38 PM
Subject: New Event Legal Notice - Planning Board
To: <admin@somaptandrehab.com>

[View this in your browser](#)

This complimentary message is being sent to opt-in subscribers who might be interested in its content. If you do not wish to continue receiving these messages, please accept our apologies, and unsubscribe by following the instructions at the bottom of this message.

March 01, 2022 07:15 PM

Legal Notice - Planning Board

... [Read on](#)

Date March 1, 2022

Time 7:15 PM

Location Zoom ID # 82658993198
Needham, MA 02492

* * * * *

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[Unsubscribe](#)

From: [Rochelle Goldin](#)
To: [Planning](#)
Subject: Fwd: Greenes Field
Date: Monday, February 28, 2022 8:54:22 AM

Sent from my iPhone

Begin forwarded message:

From: Rochelle Goldin <rochellegoldin@gmail.com>
Date: February 28, 2022 at 8:54:01 AM EST
To: My e-mail <rochellegoldin@gmail.com>
Subject: Fwd: Greenes Field

Sent from my iPhone

Begin forwarded message:

From: Rochelle Goldin <rochellegoldin@gmail.com>
Date: February 28, 2022 at 8:52:12 AM EST
To: planning@needham.gov
Subject: Greenes Field

Hello,

I am writing in support of the Farmers Market at Greenes Field. I do have 2 concerns I would like addressed. First, I would like reassurance that the trash would be removed on Sunday after the market is closed. I do have concerns about rodents if food trash is left over night. Secondly, I would like to make sure all the hard work Ed Olsen put into making the park look amazing is respected and monitored. Please monitor if there is any damage done to the field and make repairs or modifications to preserve our beautiful park. I love the idea of family's shopping at a Farmers market and playing at the park. Thank you!

Rochelle Goldin
68 Warren St

Sent from my iPhone

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Monday, February 28, 2022 5:56:03 AM

The following form was submitted via your website: Contact Planning Board

Full Name:: George and Si Si Nyunt Goneconto

Email Address:: snyunt@yahoo.com

Address:: 621 High Rock street

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number::

Comments / Questions: Good day!

We have enjoyed visiting the Needham Sunday market and we're very happy to see it ensconced at the Town Common and had always wondered why it was tucked away in a parking lot of all places.

Neighboring Dedham and Natick's markets are located in a central location in their towns drawing in people in and from out of town.

We support the Needham Sunday market relocation to Greenes field during the town common renovation. We strongly feel that a hometown Sunday market adds to the ambiance of our town as a community and look forward to its return to the town common upon completion of this renovation.

Thank you for all the work you do to make our town a welcoming and inclusive community.

Be well and laugh often
George and Si Si Goneconto

Additional Information:

Form submitted on: 2/28/2022 5:55:55 AM

Submitted from IP Address: 108.20.184.131

Referrer Page: https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.needhamma.gov%2f1114%2fPlanning-Board&c=E.1.a7xkod7JxuTFfh4jTWWR5A40G6d2iWY94dMoHvTWlGFac7PKaRNP5lPQQfOEeq3wWJzTrMw39u087TX-hsqPepCTkwlsGKhtHvW_MXfQWaOMRDdu_XVc0.&typo=1

Form Address: https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E.1.mpatNSKNR1N5_rAEZngOspaY94epIpaD2UUqlw-qn6QMUo_BcmFt8pGO0PDCWl-2ANk6UeSVe9YnmITzyK29DNRFcnyTu6J2EGa6OLDJoAtsIX8.&typo=1

From: [Georgina Arrieta-Ruetenik](#)
To: [Planning](#)
Subject: Needham Farmer's Market move
Date: Tuesday, March 1, 2022 12:18:36 AM

Dear Needham Planning Board members,

This note is written in support of the Needham Farmer's Market's move to Greene's Field, during the renovation scheduled for Needham Town Common.

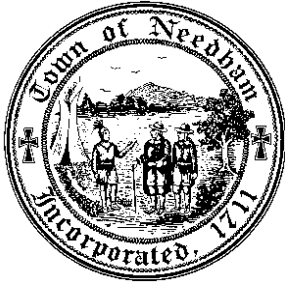
Respectfully submitted by
Georgina Arrieta-Ruetenik
236 Greendale Ave.
Needham Heights, MA. 02494
Precinct J

--

Georgina Arrieta-Ruetenik

"A journey of a thousand miles begins with a single step..." - Chinese proverb

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PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S. 11, and the Needham Zoning By-Laws, Sections 7.4, 3.12.4, and Site Plan Special Permit No. 93-3 Sections 4.2 and 4.5, the Needham Planning Board will hold a public hearing on Tuesday, March 1, 2022 at 7:30 PM by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494 for an amendment to a Special Permit issued by the Needham Planning Board on July 27, 1993 under Sections 3.2.1, 5.1.1.5 and 7.4 of the Needham Zoning By-Law. The July 27, 1993 decision was further amended on August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, March 15, 2011 and Insignificant Change on April 18, 2013, and further revised December 17, 2013.

The subject property is located at 589 Highland Avenue, Needham, Massachusetts. The property is shown on Assessor's Map No. 77 as parcel 1 and is comprised of approximately 110,490 square feet in the Elder Services Zoning District.

The requested Major Project Site Plan Review Special Permit Amendment would permit the conversion of the existing 142-bed skilled nursing facility to 50 Independent Living Units. No other use is proposed and no change to the ground, exterior or the building or footprint of the building is proposed.

Additionally, the Petitioner notes that the original Site Plan Special Permit No. 93-03, dated July 27, 1993, was issued to Continental Healthcare VII Limited Partnership. Section 4.5 of the Decision states that the Special permit shall not be transferred or assigned without approval of the Board, after notice and a hearing. By decision dated March 15, 2011, approval was granted to transfer the Special Permit to NHP Properties Business Trust, and Section 4.5 of the Decision was amended accordingly. The current owner, Wingate at Needham, Inc. acquired the property in 2016. The Petitioner and owner now seek approval of the transfer to Wingate at Needham, Inc.

In accordance with the Zoning By-Law, Section 3.12.4, a Special Permit is required for Independent Living Units in the Elder Services Zoning District. In accordance with the Zoning By-Law, Section 7.4 and Major Project Site Plan Special Permit No. 93-3, a Major Project Site Plan Special Permit Amendment is required.

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 826-5899-3198

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

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

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

The application may be viewed at this link:

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

NEEDHAM PLANNING BOARD

Needham Times, February 10, 2022 and February 17, 2022

**TOWN OF NEEDHAM
MASSACHUSETTS**

500 Dedham Avenue
Needham, MA 02492
617-455-7550

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: ☒ Major Project
 ☐ Minor Project

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

Location of Property: 589 Highland Avenue, Needham, MA 02494

Name of Applicant: Wingate Development LLC

Address: 63 Kendrick Street, Needham, MA 02494 Tel.#: 781 707 9209

Applicant is Owner ☐ Tenant ☐ Purchaser ☐ Agent/Attorney ☒

Property Owner's Name: Wingate at Needham, Inc.

Address: 63 Kendrick Street, Needham, MA 02494 Tel.#: _____

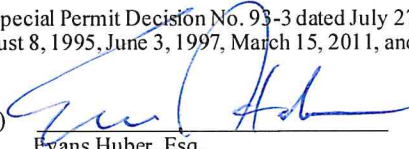
Characteristics of Property: Lot Area: 110,490 sq. ft. Present Use: Nursing Home

Map #: 77 Parcel #: 1 Zoning District: Elder Services Zoning District

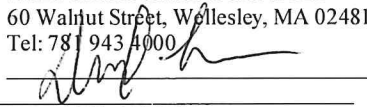
Description of Project for Site Plan Review under Section 7.4. of the Zoning By-law:

The Applicant intends to convert the current Nursing Home to 50 Independent Living Units. No other use is proposed for the site. There will be no change to the grounds, exterior of the building, or footprint of the building. An amendment to Special Permit is sought because Independent Living is an SP use in the Elder Services District.

The current use was approved by Site Plan Special Permit Decision No. 93-3 dated July 27, 1993, as amended by decisions dated August 9, 1994; August 8, 1995, June 3, 1997, March 15, 2011, and December 17, 2013 (Minor Change).

Signature of Applicant (or his representative) 
Evans Huber, Esq.

Address if not Applicant
Frieze Cramer Rosen & Huber LLP
60 Walnut Street, Wellesley, MA 02481
Tel: 781 943 4000

Owner's permission if other than applicant 

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____

Hearing Date _____

Decision Required by _____ (date) Parties in Interest Notified
(90 days after hearing for special permit) of Public Hearing _____ (date)

Granted _____ (date) Decision and Notices of the
Decision sent _____ (date)

Denied _____ (date)

Withdrawn _____ (date) Fee Paid _____
Fee Waived _____

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

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

January 25, 2022

Via Electronic Mail and Overnight 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: 589 Highland Ave, Needham, Application for Amendment to Special Permit

Dear Planning Board Members and Ms. Newman:

I am writing on behalf of Wingate Development LLC and Wingate at Needham, Inc., with respect to the property at 589 Highland Avenue in Needham. The original Planning Board Decision authorizing the current use (nursing home) at this site, Site Plan Special Permit 93-3 dated July 27, 1993, was amended on August 9, 1994; August 8, 1995; June 3, 1997; March 15, 2011; and December 17, 2013 (Minor change). The original decision and amendments are collectively referred to herein as the "Special Permit."

Pursuant to Chapter 40A of the Massachusetts General Laws, the Needham Zoning By-Law, the Needham Planning Board Rules, and Section 4.2 of the Special Permit, the Applicant, Wingate Development LLC, and the Owner, Wingate at Needham, Inc., hereby submit an application, of which this letter is a part, requesting that the Special Permit be amended as described below.

The property is a 2.536-acre parcel (110,489 square feet) located at the corner of Highland Avenue and Gould Street. The property is located in the Elder Services zoning district and is currently improved with a two-story brick building housing a 142-bed skilled nursing facility.

Needham Planning Board Members
Lee Newman
January 25, 2022
Page 2

The applicant and owner are proposing to redevelop the existing 142 bed, 57,000+/- sf Skilled Nursing facility to create 50 Independent Living Apartments consisting of studios, 1-bedroom and 2-bedroom apartments with full kitchens and washers and dryers. No other use is proposed for the site.

Per section 3.12.9 of the Bylaw, the parking requirement for Independent Living units is .5 spaces per unit, resulting in a required parking supply for this proposed redevelopment of 25 spaces. Wingate also anticipates 5 full time employees which would require an additional 2.5 spaces (1 space per 2 employees). The additional parking requirement would bring the total required to 28 spaces. As the existing number of spaces on this site is 98, there is more than sufficient existing parking to satisfy the bylaw requirement. By prior special permit, permission was granted to count 10 spaces on the adjacent property (known as "Lot A") towards the required parking total. However, because the required parking supply is decreasing so significantly, to 28, it will no longer be necessary to utilize those spaces on the adjacent property.

Please note that as indicated on the zoning table located on the site plan filed herewith, the building complies with all dimensional and setback requirements, and the parking areas comply with all dimensional and other requirements of section 5.1.3 of the Zoning Bylaw.

Also please note that, per the traffic analysis submitted herewith, the proposed 50 independent living units will generate less traffic during all time periods than the existing 142-bed nursing facility. On a typical weekday, the independent living units will generate a total of 260 fewer vehicle trips (entering and exiting), including fewer trips during the morning and afternoon peak hours. On Saturdays, it is expected that the independent living units will likewise generate fewer trips during the peak hour than the existing facility.

Pursuant to Section 3.12.10 of the Zoning By-Law, at least 10% of the Independent Living Apartments shall be Affordable Housing Units. Since the proposal includes the creation of fifty (50) Independent Living Units, five (5) will be designated as Affordable Housing Units.

The zoning relief required for this proposal is an Amendment to the existing Special Permit to allow a change of use to 50 Independent Living units in place of the current 142-bed skilled nursing facility. Various aspects of the existing Special Permit will become moot as a result.

In addition to the amendment to the Special Permit, Board approval is sought for the change in ownership of the property. The original Site Plan Special Permit No. 93-03, dated July 27, 1993, was issued to Continental Healthcare VII Limited Partnership. Section 4.5 of the Decision states that the Special permit shall not be transferred or assigned without approval of the Board, after notice and a hearing. By decision dated March 15, 2011, approval was granted to transfer the Special Permit to NHP Properties Business Trust, and Section 4.5 of the Decision was amended accordingly. The current owner, Wingate at Needham, Inc. acquired the property in 2016. The applicant and owner now seek approval of the transfer to Wingate at Needham, Inc.

Needham Planning Board Members
Lee Newman
January 25, 2022
Page 3

With respect to the floor plans, the Applicant reserves the right to revise said floor plans without the need for additional hearings or approvals, provided that the total square footage of the building does not increase, and the total number of independent living units does not exceed 50.

The Applicant certifies pursuant to the Zoning By-Law, Section 7.4 that the project can be constructed and/or that the proposed uses thereof can be commenced without need for the issuance of any variance from any provisions of the Zoning By-Law by the Zoning Board of Appeals.

This Application for Amendment to Special Permit includes the following documents:

1. This letter dated January 25, 2022 to the Planning Board and Planning Director.
2. The completed application form signed by myself on behalf of the applicant, and by the owner of the property, Wingate at Needham, Inc.
3. Traffic Analysis prepared by Ron Muller & Associates, 56 Teresa Road, Hopkinton, MA 01748, dated December 10, 2021.
4. Site Plan (including zoning table) for 589 Highland Avenue, Wingate Needham, Needham Mass, Dated January 12, 2022, prepared by R.E. Cameron & Associates, Inc., 681 Washington Street, Norwood, MA 02062.
5. Floor plans and unit plans dated January 19, 2022 prepared by The Architectural Team, Inc., 50 Commandant's Way, Chelsea, MA 02150.
6. Application fee to the Town of Needham in the amount of \$1,000.

Pursuant to the Board's Covid-19 procedures, these documents are being submitted electronically; additionally two (2) hard copies of the application (1 with original signatures) and all supporting materials, including wet-stamped plans, are being mailed to the Planning Department along with the application fee; and, lastly, one hard copy of (a) the Application for Amendment to Special Permit, (b) this letter, (c) the December 10, 2021 Ron Muller & Associates Traffic Analysis, and (d) all the plans (no smaller than 11 x 17), is being mailed to each Board member, and to Lee Newman.

The Applicant hereby requests, pursuant to Zoning By-Law Section 7.4.4, that the Planning Board waive the submission by Applicant of any of the required information not submitted herewith.

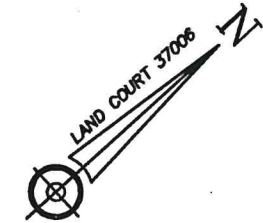
Needham Planning Board Members
Lee Newman
January 25, 2022
Page 4

I would appreciate your scheduling this matter for hearing at the Board's March 1, 2022 meeting. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evans Huber", with a long horizontal flourish extending to the right.

Evans Huber

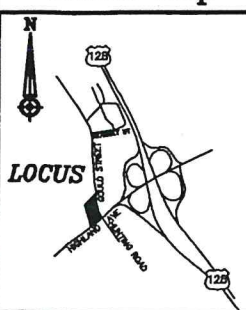


The property shown
lies within ZONE X UNSHADED (area outside 0.2% annual chance floodplain)
as shown on FLOOD INSURANCE RATE MAP
for the TOWN OF NEEDHAM
COMMUNITY 255215
PANEL NUMBER 36E
WITH EFFECTIVE DATE OF JULY 17, 2012

A circular professional seal for a land surveyor in the Commonwealth of Massachusetts. The outer ring contains the text "COMMONWEALTH OF MASSACHUSETTS" at the top and "PROFESSIONAL LAND SURVEYOR" at the bottom. The center of the seal contains the name "SCOTT D. CAMERON" and the license number "#35393". The seal is stamped in blue ink.

SITE PLAN
589 HIGHLAND AVENUE
WINGATE NEEDHAM
NEEDHAM, MASS.

Revision

SHEET NUMBER:

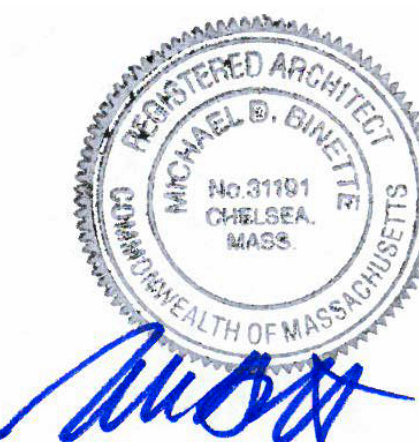
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Consultant:

Revision:

Architect of Record:



Drawn: RP

Checked: AS

Scale: 3/32" = 1'-0"

Key Plan:

Project Name:

WINGATE AT
NEEDHAM
REHABILITATION

589 HIGHLAND AVENUE
NEEDHAM, MA.

Sheet Name:

DEMOLITION
OVERALL PLAN -
BASEMENT

Project Number:

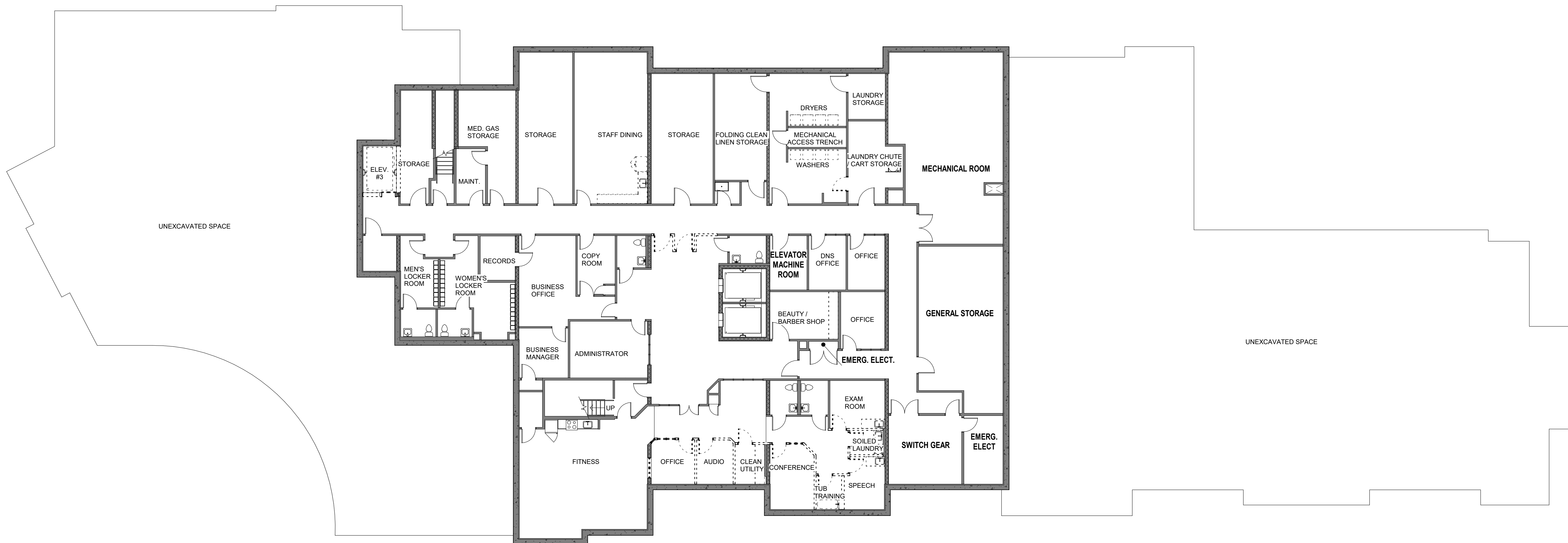
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JANUARY 19, 2022

Sheet Number:

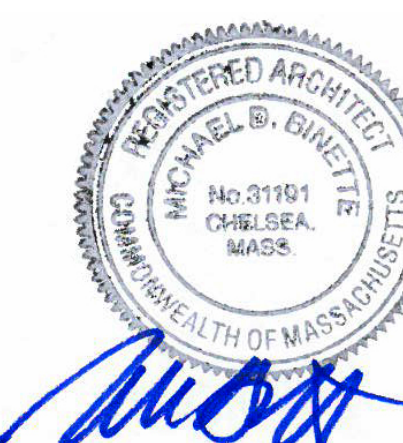
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Consultant:

Revision:

Architect of Record:



Drawn: RP

Checked: AS

Scale: 3/32" = 1'-0"

Key Plan:

Project Name:

**WINGATE AT
NEEDHAM
REHABILITATION**

**589 HIGHLAND AVENUE
NEEDHAM, MA.**

Sheet Name:

**DEMOLITION
OVERALL PLANS
(SCHEMATIC)**

Project Number:

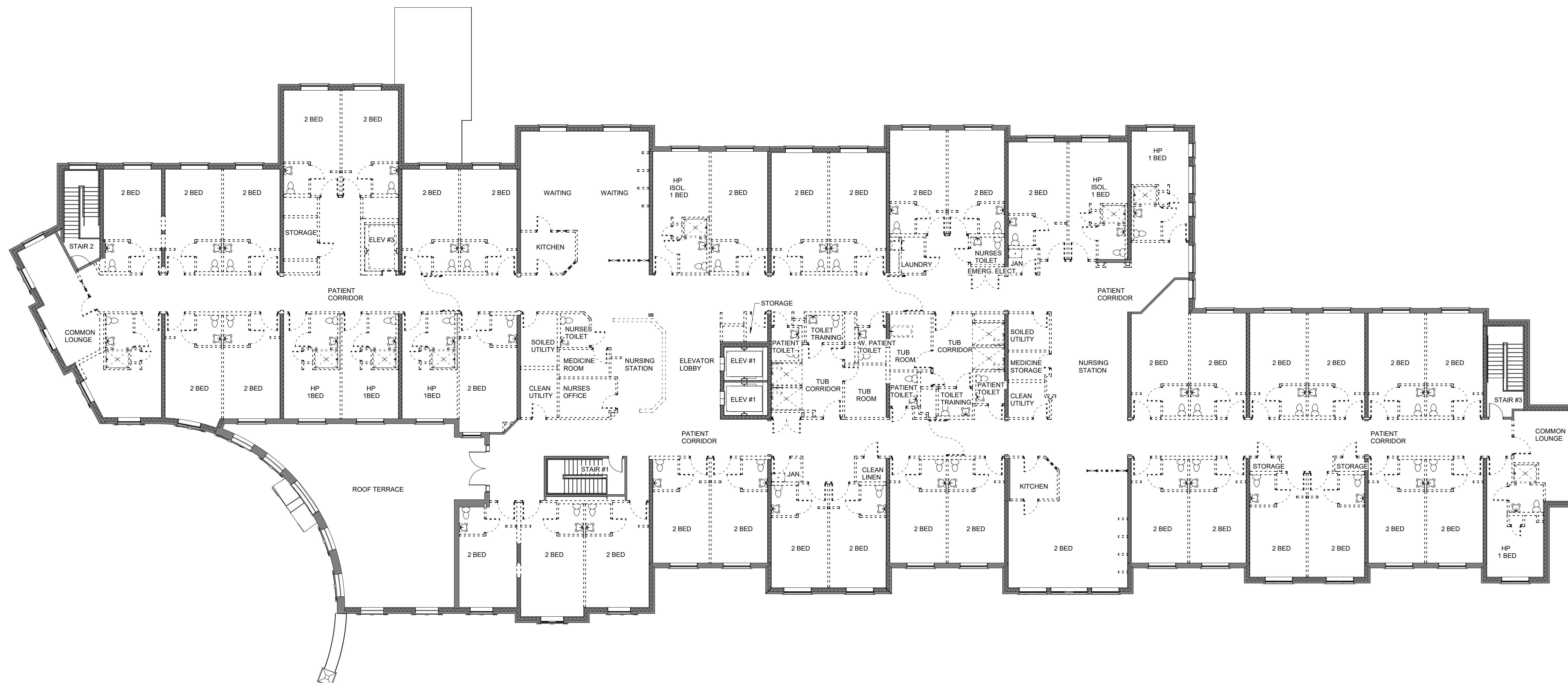
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Issue Date:

JANUARY 19, 2022

Sheet Number:

D1.01



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10 DEMOLITION PLAN - LEVEL 1
Scale: 3/32" = 1'-0"

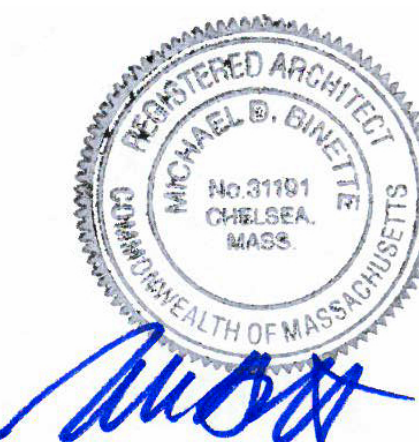
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Key Plan:

Project Name:

WINGATE AT
NEEDHAM
REHABILITATION

589 HIGHLAND AVENUE
NEEDHAM, MA.

Sheet Name:

PROPOSED
OVERALL PLAN -
BASEMENT

Project Number:

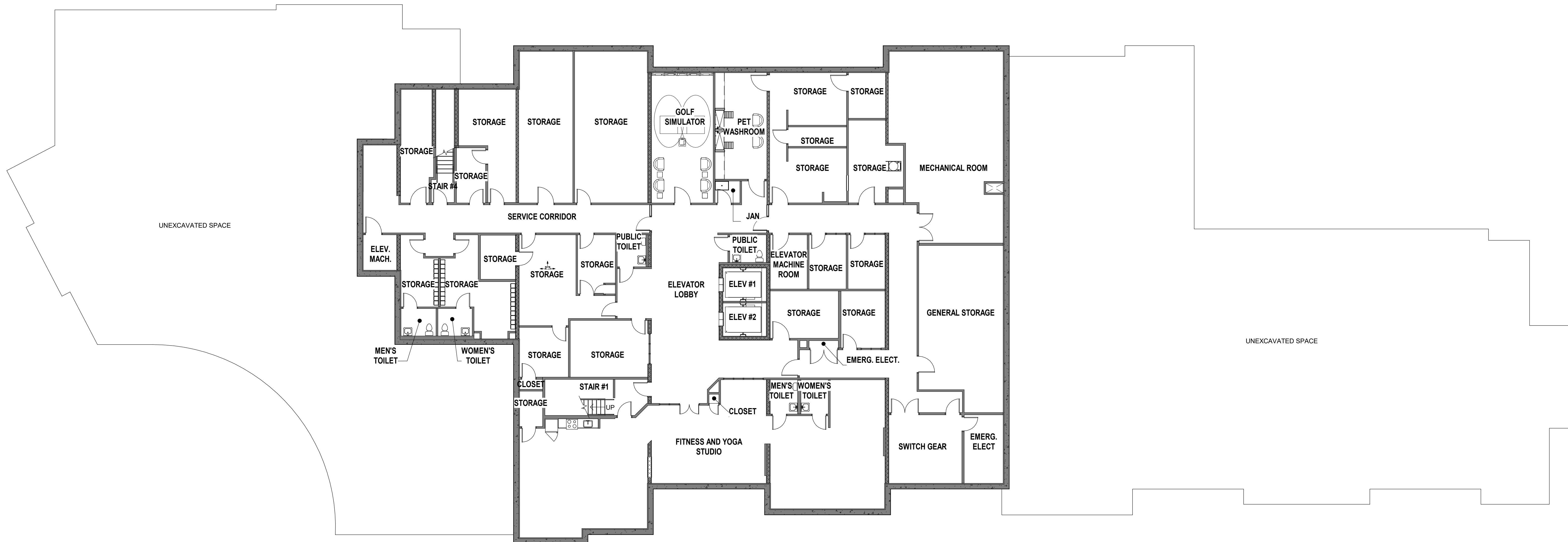
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Issue Date:

JANUARY 19, 2022

Sheet Number:

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10 OVERALL FLOOR PLAN - LEVEL 1
Scale: 3/32" = 1'-0"

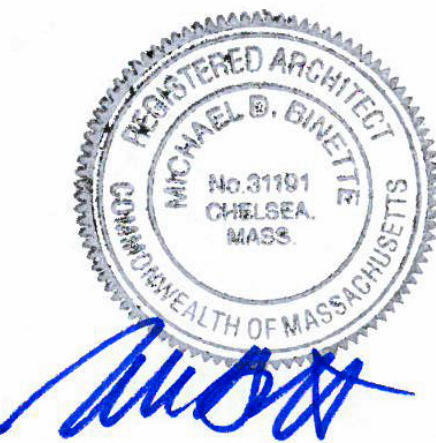
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NEEDHAM
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NEEDHAM, MA.

Sheet Name:

PROPOSED
OVERALL PLANS
(SCHEMATIC)

Project Number:

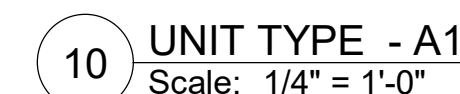
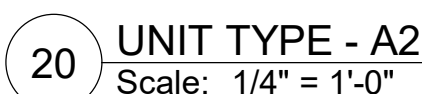
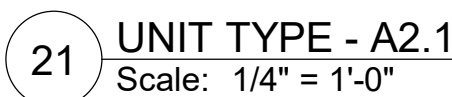
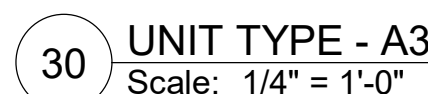
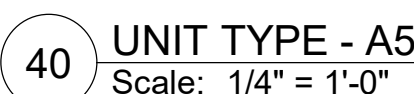
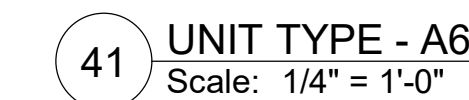
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Sheet Number:

A1.01



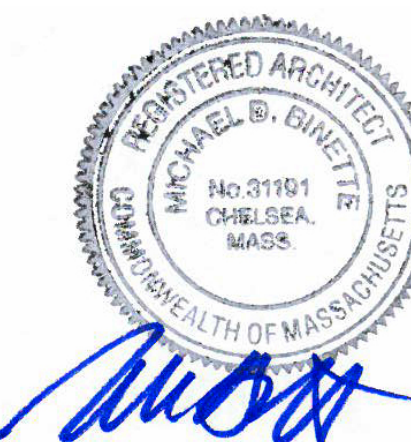
- ## GENERAL NOTES - UNIT
- A. VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING TO REMAIN ELEMENTS AND THEIR RELATIONSHIP WITH NEW ELEMENTS IN FIELD.
 - B. UNIT PLANS ARE INTENDED TO SHOW LOCATION OF EACH BASE UNIT TYPE. UNIT TYPES SUFFIXED WITH "X" ARE SIMILAR TO THE BASE UNITS SHOWN ON THESE DRAWINGS.
 - C. MAINTAIN 5'-0" DIA. TURNING RADIUS, DOOR PUSH/PULL, AND APPROACH/OVERCROW CLEARANCES AS INDICATED ON THESE DRAWINGS (SHOWN DASHED).
 - D. FURNITURE LAYOUT IS SHOWN FOR DIAGRAMMATIC PURPOSES INCLUDING FURNISHING DESIGN CONDITIONS. FURNITURE IS NOT IN CONTRACT.
 - E. PROPERLY PREPARE ALL EXISTING TO REMAIN SURFACES TO RECEIVE NEW FINISHES.
 - F. PROVIDE COMPLETE COMPARTMENTALIZATION (AIR-SEALING) OF UNIT INTERIORS BY WAY OF SEALING ALL INTERSECTIONS OF UNIT-TO-UNIT, UNIT-TO-CORRIDOR, AND EXTERIOR WALLS.
 - G. PROVIDE COMPLETE NFPA 13 COMPLIANT FIRE PROTECTION SYSTEM THROUGHOUT DWELLING UNITS. REFER TO FIRE PROTECTION DRAWINGS FOR ADDITIONAL INFORMATION.
 - H. PROVIDE EMERGENCY CALL PULL STATIONS WITHIN EACH BEDROOM AND BATHROOM OF EACH UNIT. EMERGENCY CALL SYSTEM IS TO BE CONNECTED TO LIGHT ABOVE UNIT ENTRY DOOR ON CORRIDOR SIDE AND ANNUNCIATOR PANEL WITHIN MANAGEMENT OFFICE AND SHALL BE CAPABLE OF SENDING SIGNAL TO OFF-SITE LOCATION. REFER TO ELECTRICAL DRAWINGS.
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 - K. REFER TO PLUMBING DRAWING FOR ADDITIONAL INFORMATION REGARDING PIPING, FITTINGS AND FIXTURES.
 - L. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION REGARDING LIGHT FIXTURES, RECEPTACLES, SWITCHING, TELEDATA, ETC...

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Consultant:

Revision:

Architect of Record:



Drawn: RP

Checked: AS

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

Key Plan:

Project Name:

WINGATE AT NEEDHAM REHABILITATION

589 HIGHLAND AVENUE
NEEDHAM, MA.

Sheet Name:

ENLARGED UNIT
PLANS

Project Number:

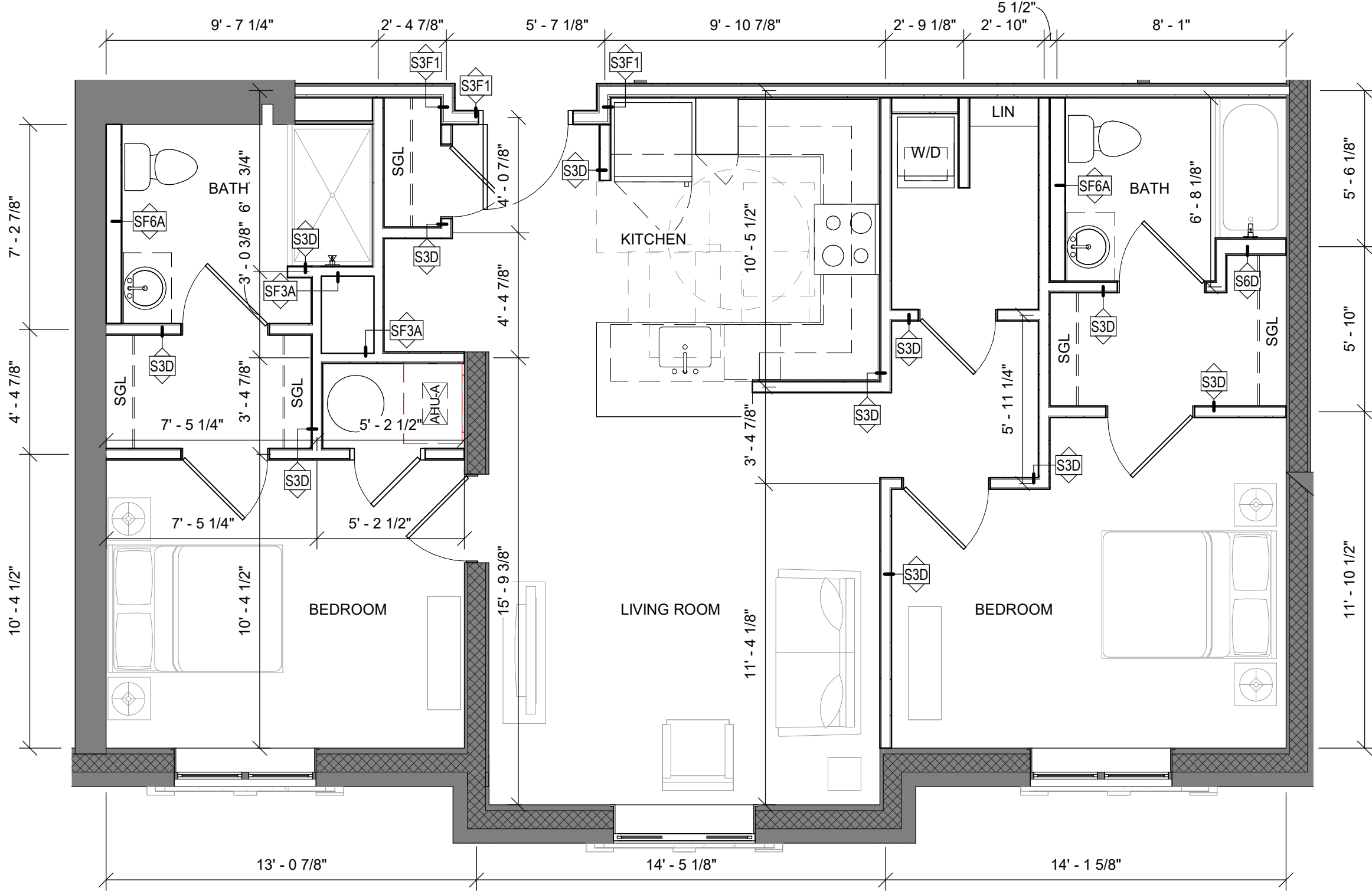
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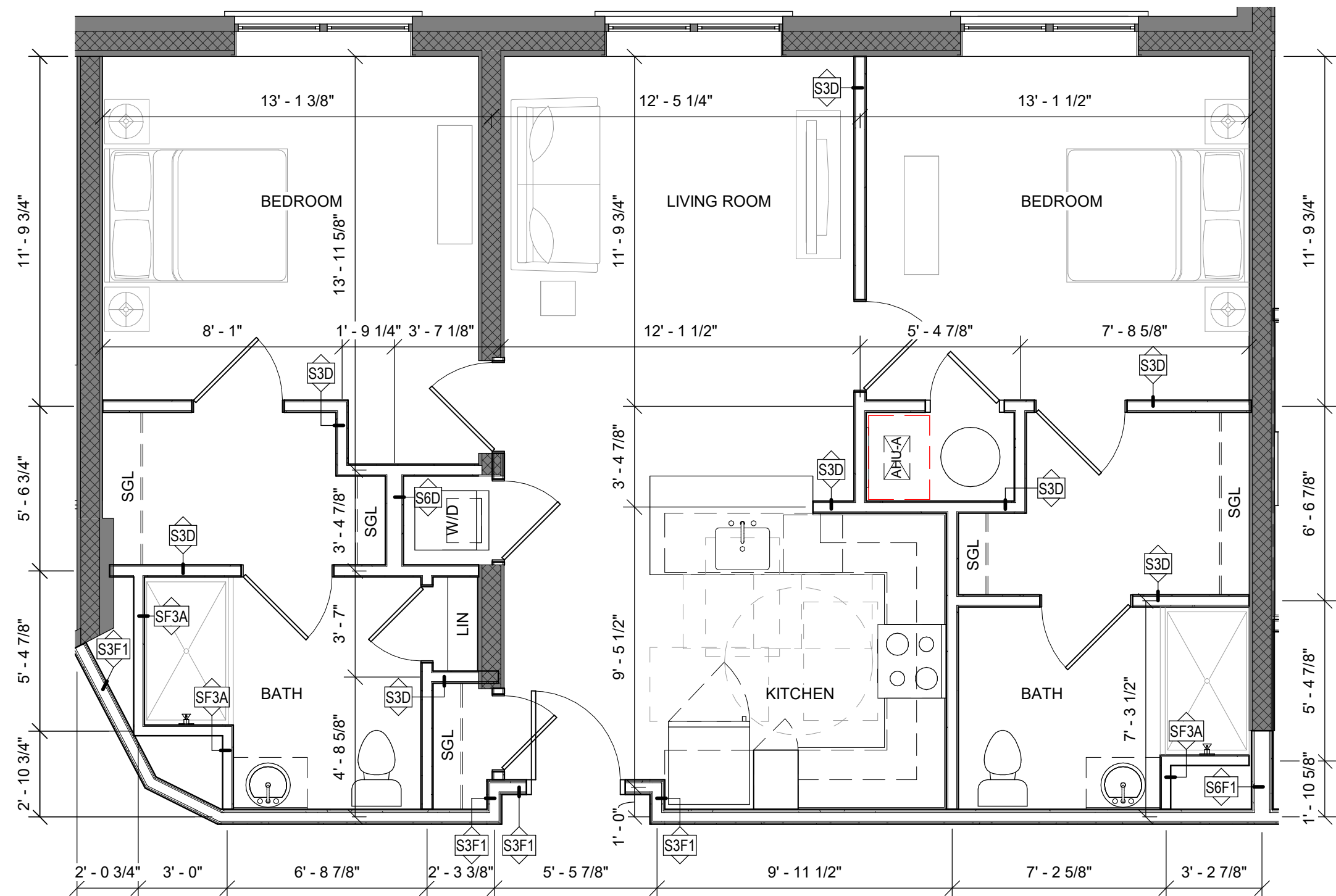
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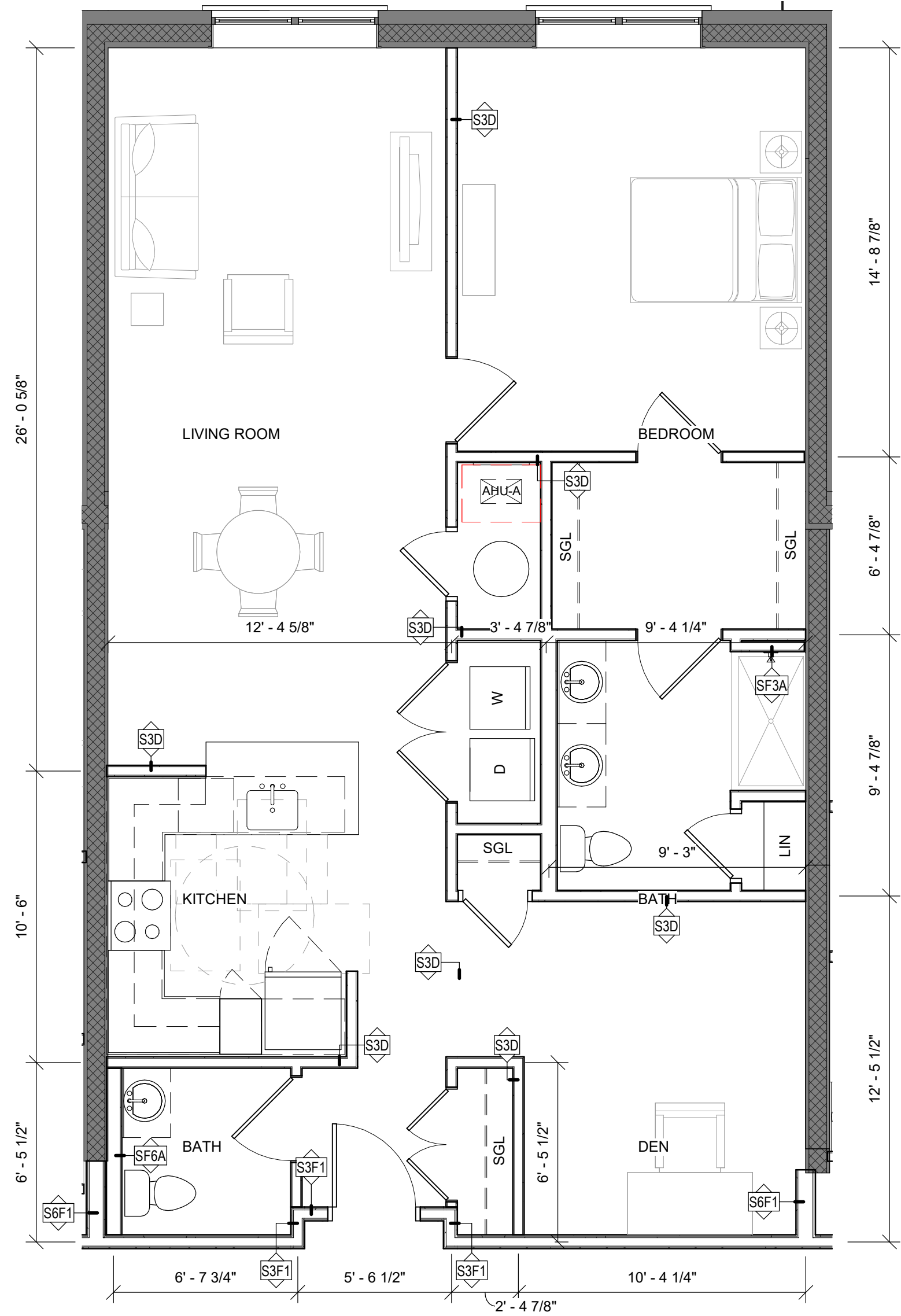
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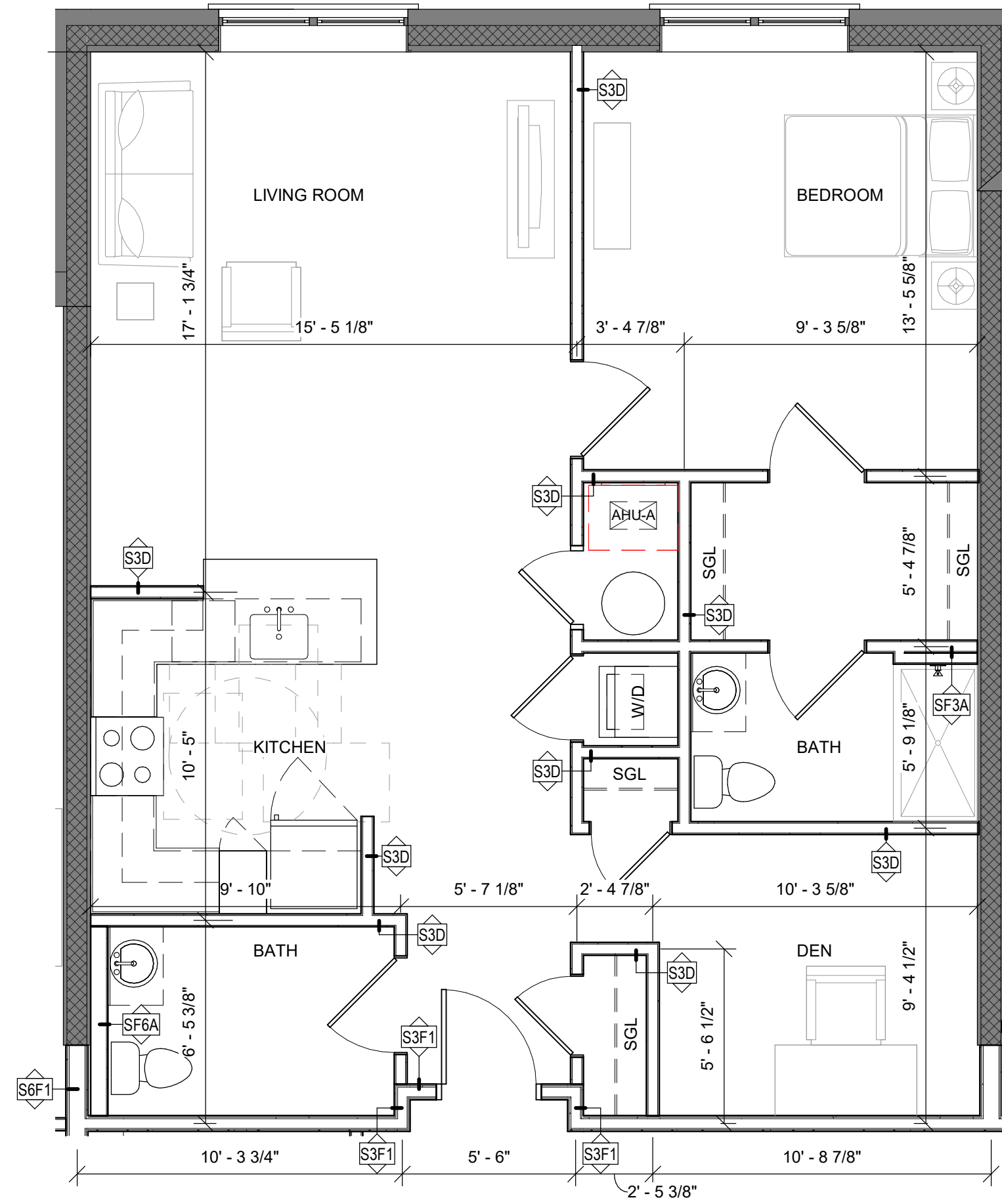
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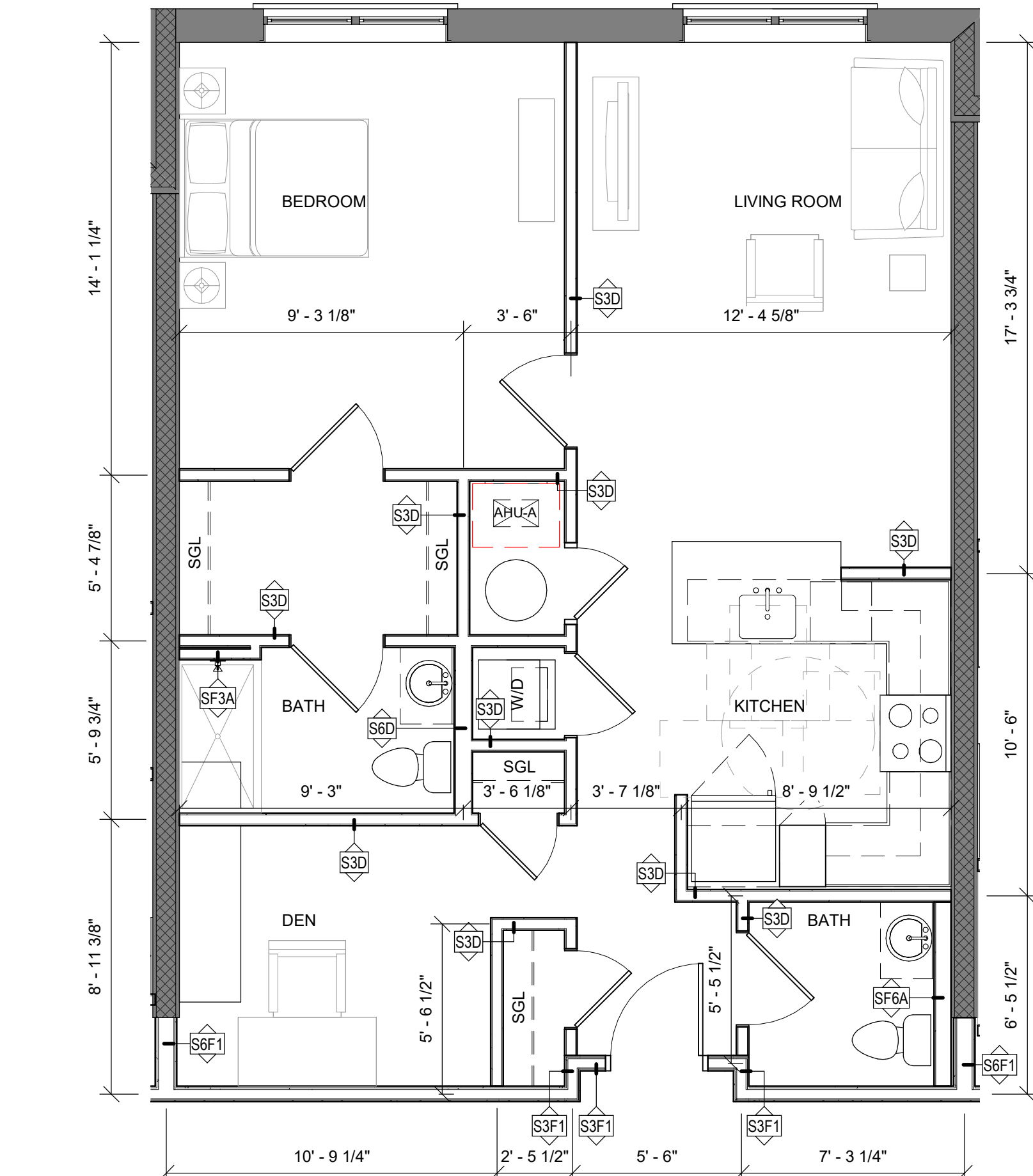
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11 UNIT TYPE - B1.1
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10 UNIT TYPE - B1
Scale: 1/4" = 1'-0"

KEY TO SYMBOLS:	
	EXISTING WALL TO REMAIN
	NEW PARTITION WALL. REFER TO WALL TYPE
	EXISTING MASONRY INFILL TO REMAIN
	AREA OF SPECIFIC INFILL WORK TO BE PERFORMED. REFER TO KEYNOTES.
	DOOR TYPE. REFER TO DOOR
	WALL TYPE. REFER TO SHEETS

- GENERAL NOTES - UNIT**
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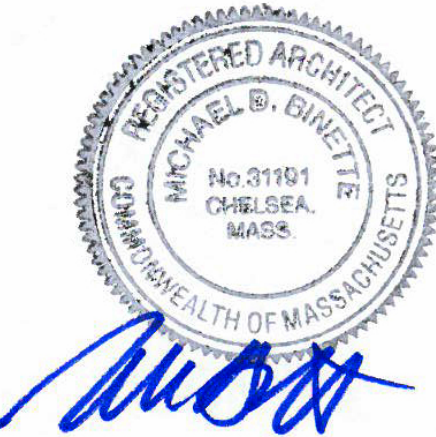
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Architect of Record:



Drawn: RP

Checked: AS

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

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WINGATE AT
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REHABILITATION

589 HIGHLAND AVENUE
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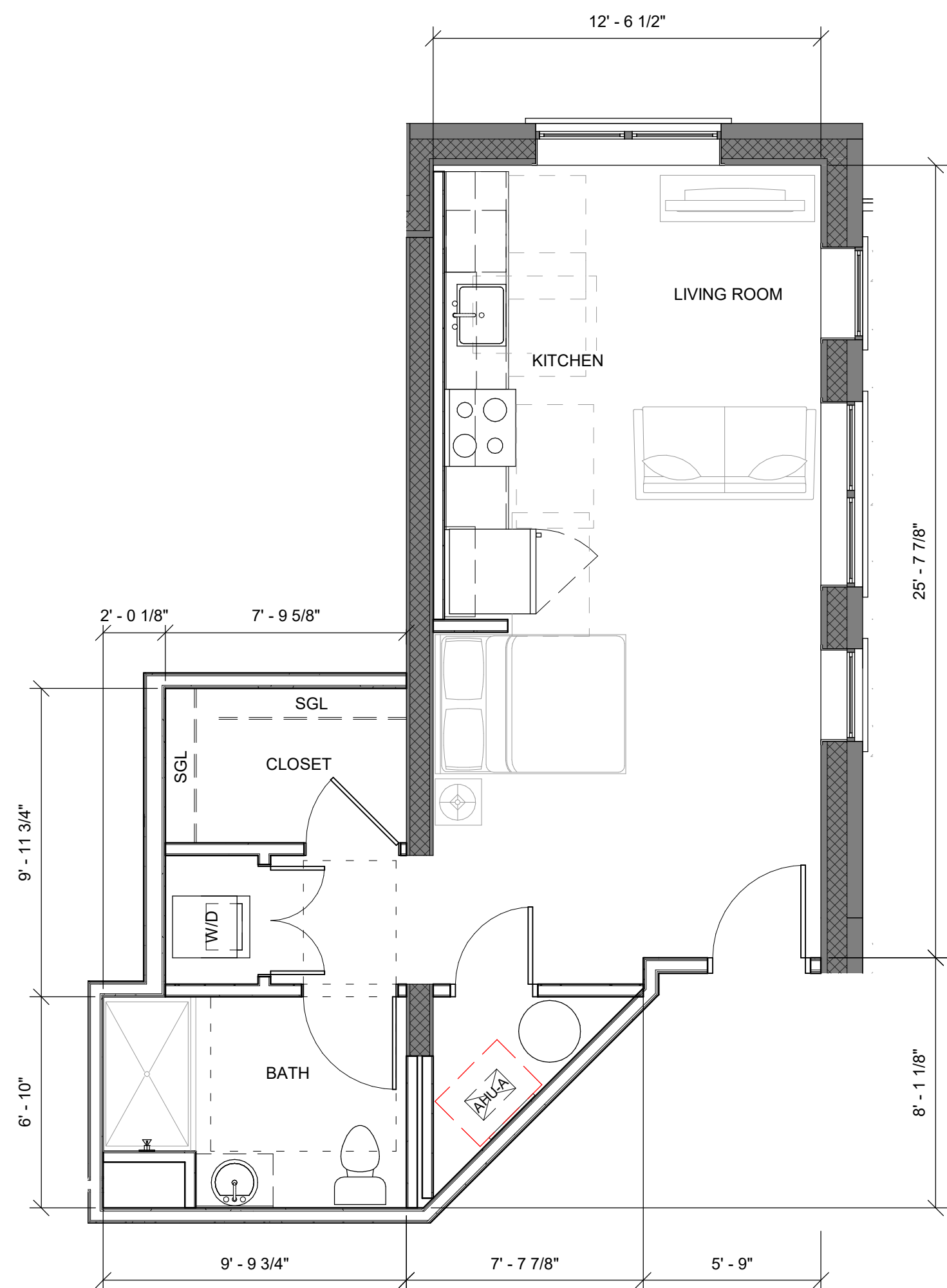
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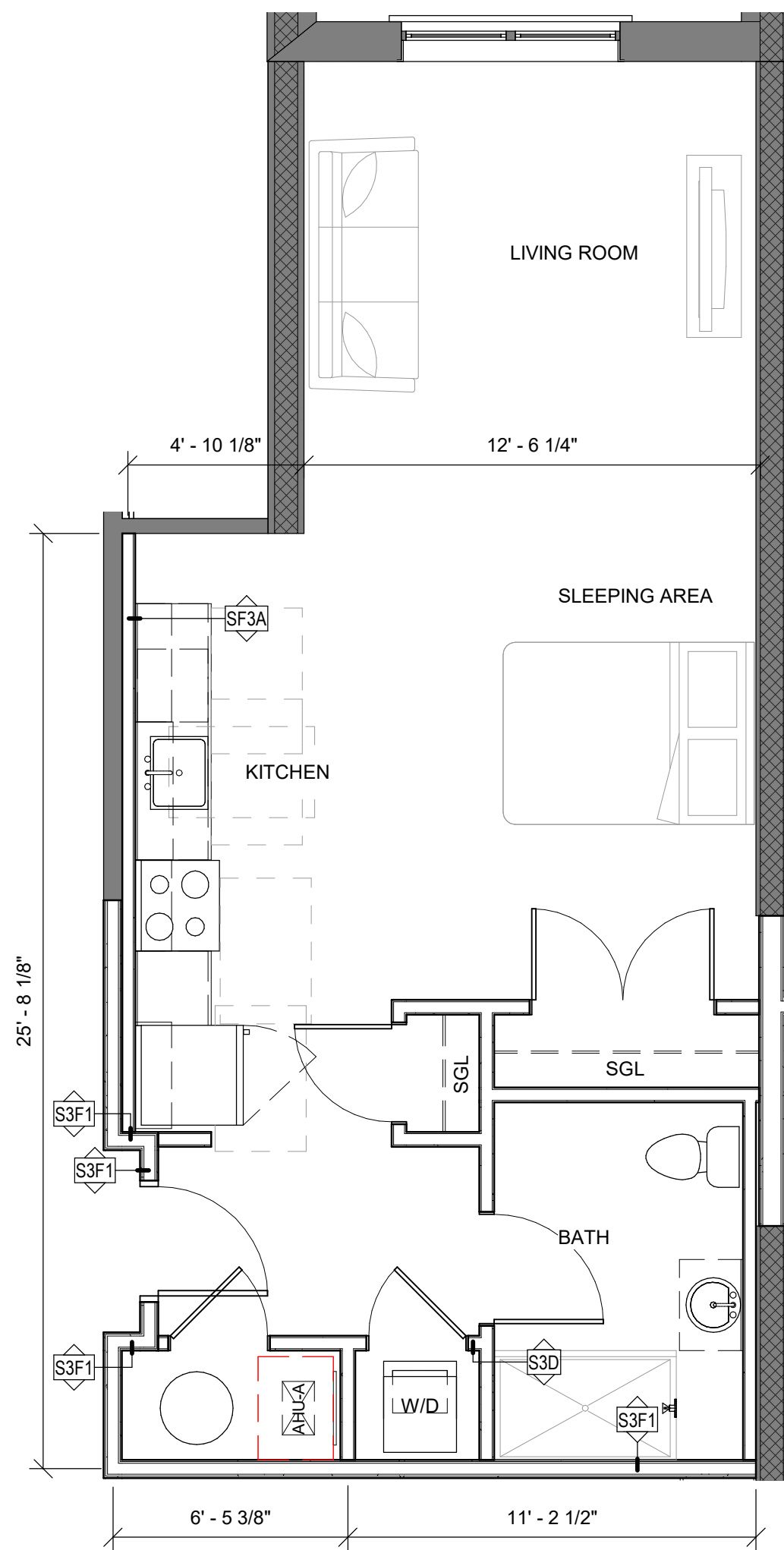
JANUARY 19, 2022

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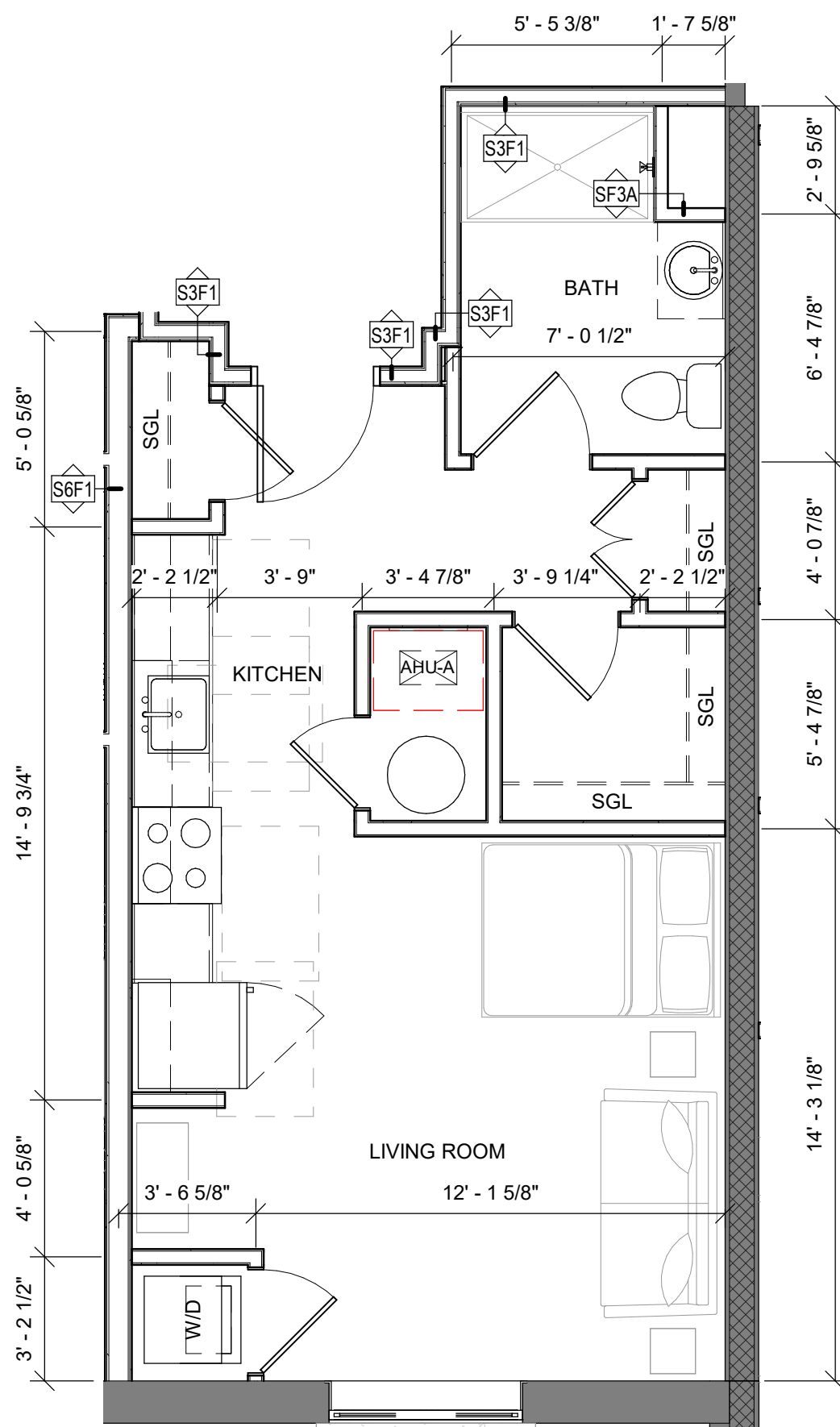
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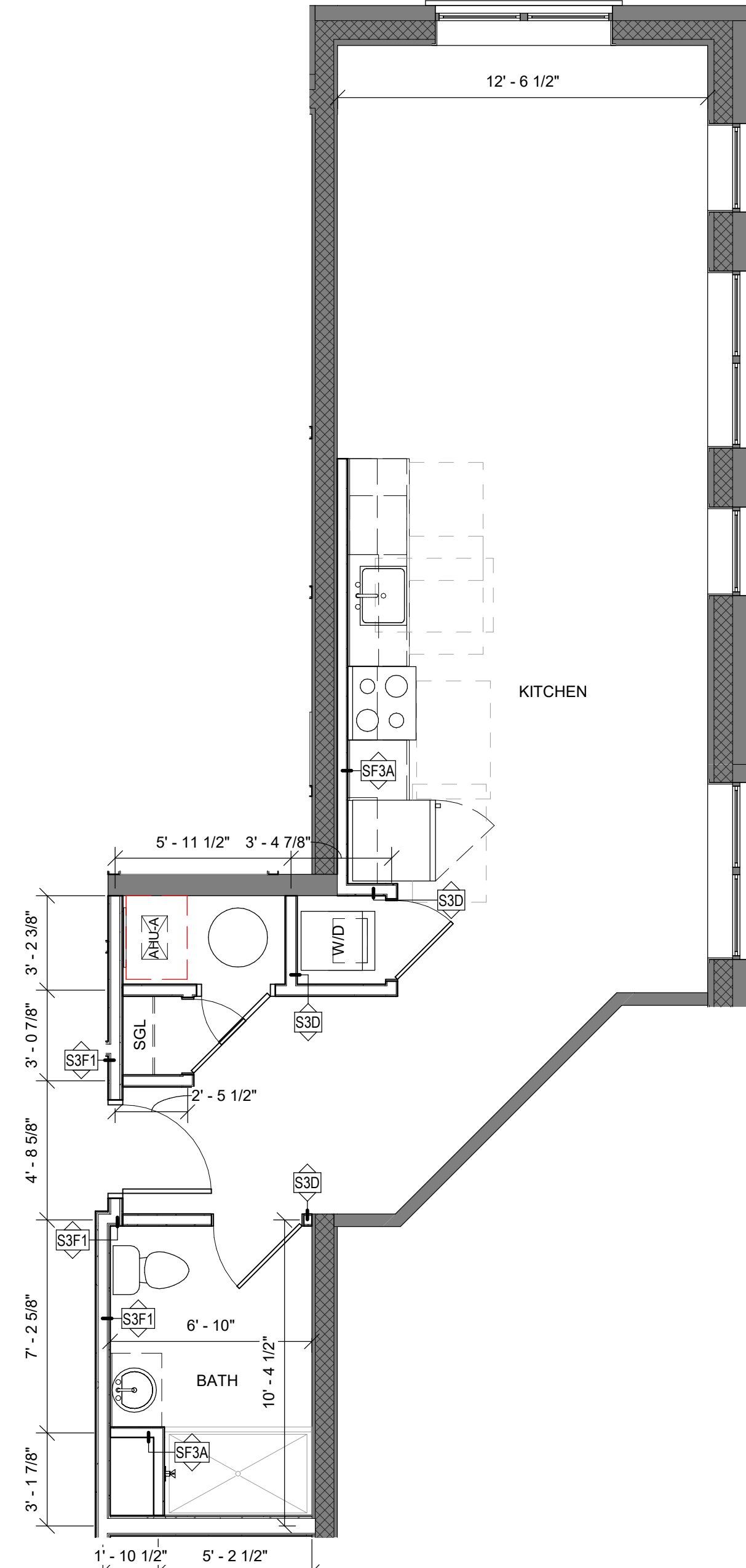
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Scale: 1/4" = 1'-0"

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 - UNIT PLANS ARE INTENDED TO SHOW LAYOUT OF EACH BASE UNIT TYPE. UNIT TYPES SUFFIXED WITH "-X" ARE SIMILAR TO THE BASE UNITS SHOWN ON THESE DRAWINGS.
 - MAINTAIN 5'-0" DIA. TURNING RADIUS, DOOR PUSH/PULL, AND APPROACH/OPERATION CLEARANCES AS INDICATED ON THESE DRAWINGS (SHOWN DASHED).
 - FURNITURE LAYOUT IS SHOWN FOR DIAGRAMMATIC PURPOSES INDICATING FURNISHING DESIGN CONDITIONS. FURNITURE IS NOT IN CONTRACT.
 - PROPERLY PREPARE ALL EXISTING TO REMAIN SURFACES TO RECEIVE NEW FINISHES.
 - PROVIDE COMPLETE COMPARTMENTALIZATION (AIR-SEALING) OF UNIT INTERIORS BY WAY OF SEALING ALL INTERSECTIONS OF UNIT-TO-UNIT, UNIT-TO-CORRIDOR, AND EXTERIOR WALLS.
 - PROVIDE COMPLETE NFPA 13 COMPLIANT FIRE PROTECTION SYSTEM THROUGHOUT DWELLING UNITS. REFER TO FIRE PROTECTION DRAWINGS FOR ADDITIONAL INFORMATION.
 - PROVIDE EMERGENCY CALL PULL STATIONS WITHIN EACH BEDROOM AND BATHROOM OF EACH UNIT. EMERGENCY CALL SYSTEM IS TO BE CONNECTED TO LIGHT ABOVE UNIT ENTRY DOOR ON CORRIDOR SIDE AND ANNUNCIATOR PANEL WITHIN MANAGEMENT OFFICE AND SHALL BE CAPABLE OF SENDING SIGNAL TO OFF-SITE LOCATION. REFER TO ELECTRICAL DRAWINGS.
 - PROVIDE CEILING MOUNTED SMOKE AND CARBON MONOXIDE DETECTORS THROUGHOUT ALL UNITS. DEVICES ARE TO BE CONNECTED TO ANNUNCIATOR PANEL WITHIN MANAGEMENT OFFICE AND SHALL BE CAPABLE OF SENDING SIGNAL TO OFF-SITE LOCATION.
 - REFER TO MECHANICAL DRAWINGS FOR CONCEALED EQUIPMENT, DUCTWORK, AND PIPING.
 - REFER TO PLUMBING DRAWING FOR ADDITIONAL INFORMATION REGARDING PIPING, FITTINGS AND FIXTURES.
 - REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION REGARDING LIGHT FIXTURES, RECEPTACLES, SWITCHING, TELEDATA, ETC...

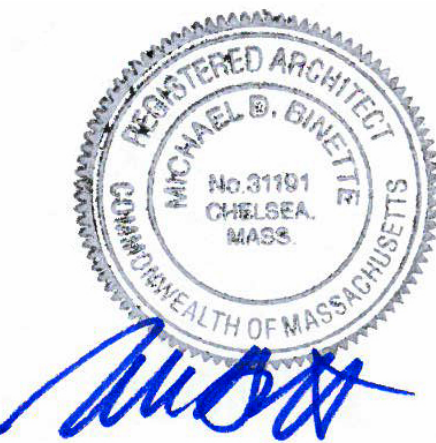
tat

© The Architectural Team, Inc.
50 Commandant's Way at Admiral's Hill
Chelsea MA 02150
O 617.889.4402
F 617.884.4329
architecturalteam.com

Consultant:

Revision:

Architect of Record:



Drawn: RP

Checked: AS

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

Key Plan:

Project Name:

WINGATE AT
NEEDHAM
REHABILITATION

589 HIGHLAND AVENUE
NEEDHAM, MA.

Sheet Name:

ENLARGED UNIT
PLANS

Project Number:

21056

Issue Date:

JANUARY 19, 2022

Sheet Number:

A2.12



Ron Müller & Associates
Traffic Engineering and Consulting Services

56 Teresa Road
Hopkinton, MA 01748
Tel.: (508) 395-1576
Fax: (508) 435-2481
www.RonMullerAssociates.com

Ref.: 21044

December 10, 2021

Mr. David Feldman
SVP Real Estate Development
Wingate Healthcare
63 Kendrick Street
Needham, MA 02494

Reg.: Proposed Independent Living Facility
Gould Street, Needham, MA

Dear David:

Ron Müller & Associates (RMA) has prepared this letter to document that conversion of the existing 142-bed skilled nursing facility into 50 independent senior living units will result in a reduction in site traffic generation. The existing building is located on Lot B at the corner of Gould Street and Highland Avenue in Needham, Massachusetts and will be renovated and remodeled into independent senior living units. No change in site access or parking is proposed. This letter also documents that the demand for on-site parking will be reduced and that the supply of parking is more than adequate to accommodate the anticipated demand.

The Institute of Transportation Engineers (ITE) *Trip Generation Manual*¹ was used to estimate the change in traffic from the proposed conversion project. The ITE manual provides trip generation rates for nursing facilities based on the number of beds (Land Use Code 620) as well as trip generation rates for independent living facilities based on the number of units (Land Use Code 252). A summary of the expected change in traffic generation is provided in Table 1 and the trip generation worksheets are attached to this letter.

¹ *Trip Generation Manual, 11th Edition*; Institute of Transportation Engineers; Washington, DC; 2021.

Table 1
Trip Generation Comparison

Time Period	Existing Skilled Nursing Facility ^a	Proposed Independent Living Facility ^b	Change in Traffic
Weekday Daily	430	170	-260
Weekday AM Peak Hour			
Enter	14	1	-13
Exit	<u>6</u>	<u>9</u>	<u>+3</u>
Total	20	10	-10
Weekday PM Peak Hour			
Enter	7	7	0
Exit	<u>13</u>	<u>6</u>	<u>-7</u>
Total	20	13	-7
Saturday Peak Hour			
Enter	23	9	-14
Exit	<u>28</u>	<u>8</u>	<u>-20</u>
Total	51	17	-34

^a ITE Land Use Code 620 (Nursing Home) trip rates applied to 142 beds.

^b ITE Land Use Code 252 (Senior Adult Housing – Attached) trip rates applied to 50 units.

As shown in the table, the proposed 50 independent living units will generate less traffic during all times periods than the existing 142-bed nursing facility. On a typical weekday, the independent living units will generate 260 fewer vehicle trips (total entering and exiting traffic) of which 10 fewer trips will occur during the weekday AM peak hour (one hour between 7:00 and 9:00 AM) and 7 fewer trips will occur during the weekday PM peak hour (one hour between 4:00 and 6:00 PM). During the Saturday peak hour (typically one hour between 11:00 AM and 2:00 PM), the proposed independent living units will generate 34 fewer trips than the existing nursing facility.

The existing nursing facility building currently provides 97 parking spaces on Lot B. Based on parking generation rates provided in the ITE *Parking Generation* manual,² the existing nursing facility has an average peak parking demand of 62 spaces and an 85th percentile peak parking demand of 73 spaces (Land Use Code 620). Using the ITE parking generation rates for senior adult housing (Land Use Code 252), the proposed 50 independent living units will have an average peak parking demand of 31 spaces and an 85th percentile peak parking demand of 34 spaces. Accordingly, the change to independent living units will reduce the parking demand on the site and more than adequate parking will be provided to accommodate the change in use.

² *Parking Generation, 5th Edition*; Institute of Transportation Engineers; Washington, DC; 2019.

Mr. David Feldman
December 10, 2021
Page 3 of 3

Please feel free to contact me should you have any questions regarding these estimates or conclusions.

Sincerely,

Ron Müller & Associates

A handwritten signature in black ink, appearing to read 'Ronald Müller', with a stylized, cursive script.

Ronald Müller, P.E.
Principal

Attachments

Institute of Transportation Engineers (ITE); 11th Edition
Land Use Code (LUC) 620 - Nursing Home

Average Vehicle Trips Ends vs: Beds
Independent Variable (X): 142

AVERAGE WEEKDAY DAILY

$T = 3.06 * (X)$
 $T = 434.52$
 $T = 430$ vehicle trips
with 50% (215 vpd) entering and 50% (215 vpd) exiting.

WEEKDAY MORNING PEAK HOUR OF ADJACENT STREET TRAFFIC

$T = 0.10 * (X) + 5.42$
 $T = 19.62$
 $T = 20$ vehicle trips
with 72% (14 vph) entering and 27% (6 vph) exiting.

WEEKDAY EVENING PEAK HOUR OF ADJACENT STREET TRAFFIC

$T = 0.11 * (X) + 3.98$
 $T = 19.60$
 $T = 20$ vehicle trips
with 33% (7 vph) entering and 67% (13 vph) exiting.

SATURDAY DAILY

$T = 2.32 * (X)$
 $T = 329.44$
 $T = 330$ vehicle trips
with 50% (165 vpd) entering and 50% (165 vpd) exiting.

SATURDAY MIDDAY PEAK HOUR OF GENERATOR

$T = 0.36 * (X)$
 $T = 51.12$
 $T = 51$ vehicle trips
with 46% (23 vph) entering and 54% (28 vph) exiting.

Institute of Transportation Engineers (ITE); 11th Edition
Land Use Code (LUC) 252 - Senior Adult Housing - Attached

Average Vehicle Trips Ends vs: Dwelling Units
Independent Variable (X): 50

AVERAGE WEEKDAY DAILY

$$T = 2.89 * (X) + 24.82$$

$$T = 169.32$$

$$T = 170 \quad \text{vehicle trips}$$

with 50% (85 vpd) entering and 50% (85 vpd) exiting.

WEEKDAY AM PEAK HOUR OF ADJACENT STREET TRAFFIC

$$T = 0.19 * (X) + 0.90$$

$$T = 10.40$$

$$T = 10 \quad \text{vehicle trips}$$

with 14% (1 vph) entering and 66% (9 vph) exiting.

WEEKDAY PM PEAK HOUR OF ADJACENT STREET TRAFFIC

$$T = 0.25 * (X) + 0.07$$

$$T = 12.57$$

$$T = 13 \quad \text{vehicle trips}$$

with 56% (7 vph) entering and 44% (6 vph) exiting.

SATURDAY DAILY

$$T = 2.33 * (X) + 31.21$$

$$T = 147.71$$

$$T = 150 \quad \text{vehicle trips}$$

with 50% (75 vpd) entering and 50% (75 vpd) exiting.

SATURDAY MIDDAY PEAK HOUR OF GENERATOR

$$\ln T = 0.93 \ln (X) - 0.81$$

$$\ln T = 2.828$$

$$T = 16.91$$

$$T = 17 \quad \text{vehicle trips}$$

with 54% (9 vph) entering and 46% (8 vph) exiting.

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Amendment to Wingate permit No. 93-3 at 589 Highland
Date: Tuesday, February 8, 2022 4:26:03 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,

The fire dept. is ok with this change in usage with the assumption of adherence to all codes and regulations which will be addressed through the permitting process.

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: Monday, January 31, 2022 2:17 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Request for comment - Amendment to Wingate permit No. 93-3 at 589 Highland

Dear all,

We have received the attached application materials for a proposed amendment to the permit for Wingate at 589 Highland Ave. More information can be found in the attachments.

The Planning Board has scheduled this matter for March 1, 2022. Please send your comments by

Wednesday February 23, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to 93-3, Wingate, 589 Highland Avenue.
2. Letter from Attorney Evans Huber, dated January 25, 2022.
3. Plan entitled "Site Plan, 589 Highland Avenue, Wingate Needham, Needham Mass." Prepared by R.E. Cameron and Associates, Inc., dated January 12, 2022.
4. Architectural Plans, entitled "Wingate at Needham Rehabilitation," prepared by The Architectural Team, In., consisting of 7 sheets: Sheet 1, Sheet D1.00, entitled "Demolition Overall Plan – Basement," dated January 19, 2022; Sheet 2, Sheet D1.01, entitled "Demolition Overall Plans (Schematic)," dated January 19, 2022; Sheet 3, Sheet A1.00, entitled "Proposed Overall Plan – Basement," dated January 19, 2022; Sheet 4, Sheet A1.01, entitled "Proposed Overall Plans (Schematic)," dated January 19, 2022; Sheet 5, Sheet A2.10, entitled "Enlarged Unit Plans," dated January 19, 2022; Sheet 6, Sheet 2.11, entitled "Enlarged Unit Plans," dated January 19, 2022; Sheet 7, Sheet A2.12, entitled "Enlarged Unit Plans," dated January 19, 2022.
5. Traffic Analysis, prepared by Ron Müller and Associates, dated December 10, 2021.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

Alexandra Clee

From: Timothy McDonald
Sent: Thursday, February 24, 2022 10:41 AM
To: Alexandra Clee
Cc: Tara Gurge; Timothy McDonald
Subject: RE: Request for comment - Amendment to Wingate permit No. 93-3 at 589 Highland

Hi Alex.

Tara is out sick today, so I'll take a quick stab at comments.

Health does not support the changes proposed, and believes the Planning Board should not approve the request to modify the Special Permit. There is a dearth of skilled nursing care in the Needham community and the potential closure of a 140-bed skilled nursing facility will exacerbate an already challenging situation. Additionally, a not-insignificant portion of the residents at Wingate relocated to that facility when Avery Manor/Avery Crossing closed less than five years ago. This change would place an undue burden on the residents of Wingate and on their families as they struggle to find placement for their loved ones in Needham or in surrounding communities.

The closure of assisted living and skilled nursing facilities jeopardizes the ability of the Town of Needham to be a place where its residents can safely grow old.

We are happy to provide more formal comments, on letterhead if needed, later this week or early next week.

Thanks,
Timothy

Timothy Muir McDonald
He/Him/His ([What's this?](#))

Director, Needham Department of Health & Human Services

Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494

Public Health Division Office: 781-455-7940
Public Health Division Fax: 781-455-7922
Email: tmcdonald@needhamma.gov



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

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, February 24, 2022 10:29 AM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig



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

February 24, 2022

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

RE: Major Project Site Plan Special Permit No. 93-3
589 Highland Avenue- Wingate Development LLC

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request for a Major Project Site Plan Special Permit. The applicant intends to convert the current 142-bed Nursing Home to 50 Independent Living Units. No proposed changes to the footprint of the building or site work.

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

1. Application for the Amendment to 93-3, Wingate, 589 Highland Avenue.
2. Letter from Attorney Evans Huber, dated January 25, 2022.
3. Plan entitled "Site Plan, 589 Highland Avenue, Wingate Needham, Needham Mass." Prepared by R.E. Cameron and Associates, Inc., dated January 12, 2022.
4. Architectural Plans, entitled "Wingate at Needham Rehabilitation," prepared by The Architectural Team, In., consisting of 7 sheets dated January 19, 2022.
5. Traffic Analysis, prepared by Ron Müller and Associates, dated December 10, 2021.

Our comments and recommendations are as follows:

- We have no comment or objection to the proposed plans

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

Truly yours,

Thomas Ryder
Acting Town Engineer

ARTICLE 1: AMEND ZONING BY-LAW – SCHEDULE OF USE REGULATIONS
BREW PUB AND MICROBEWERY

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

1. In Section 1.3 Definitions, by adding the following after the existing definition of “Basement” and before the existing definition of “Building (or part or parts thereof)”:

Brew Pub – Eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer, ales and hard ciders, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. To the extent permitted by its license, malt beverages may be consumed on the premises without the necessity of also consuming food. Malt beverages produced on the premises, may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment’s production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.

2. In Section 1.3 Definitions, by adding the following after the existing definition of “Medical Services Building,” and before the existing definition of “Mixed-Use Building”:

Microbrewery - A facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity of not more than fifteen thousand (15,000) barrels per year, (a barrel being equivalent to thirty (31) gallons) and which may include as an accessory use preparation and/or sale of food for on premises consumption or for take-out. A tasting room, not to exceed 25 percent of the building’s gross square footage, is permitted as an accessory use. Any such facility may provide samples at no charge and limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or take-out restaurant, including outdoor dining, which may occupy more than half of the area of the facility, and live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license.

3. In 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 inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

<u>USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Brew Pub	SP	SP	SP	SP	N”

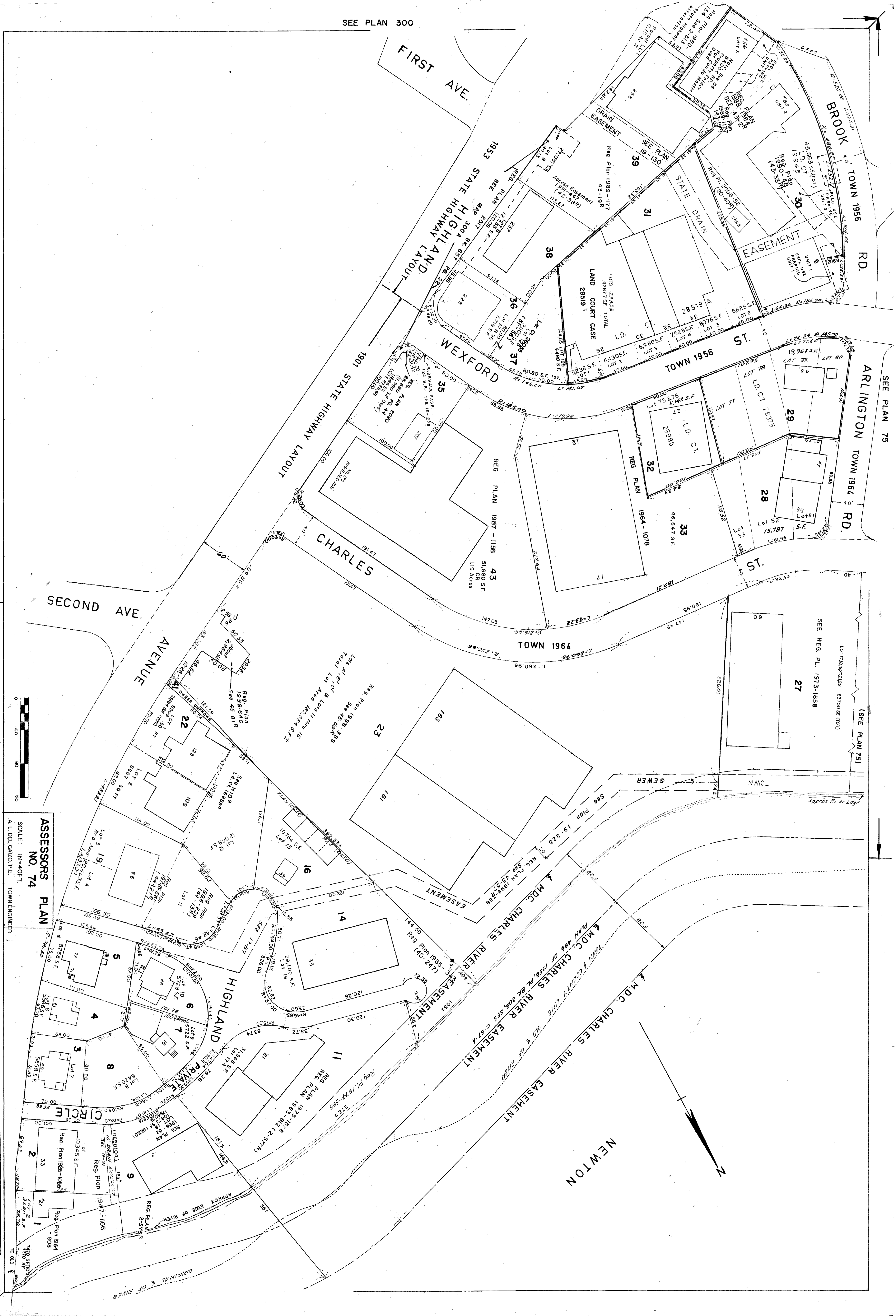
4. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

<u>“USE</u>	<u>RRC</u> <u>SRA</u>	<u>SRB</u>	<u>GR</u> <u>&3</u>	<u>A-1,2</u>	<u>I</u>	<u>IND</u>	<u>IND-1</u>
Brew Pub	N	N	N	N	N	SP*	N
Microbrewery	N	N	N	N	N	N	SP”

*Applies only to the Industrial District any portion of which is located within 150 feet of the Arbor Street boundary, otherwise N.

5. In Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.2 Uses Permitted by Special Permit, by adding a new paragraph (k) that states “Microbrewery” and new paragraph (l) that states “Brew Pub”.
6. In Section 3.2.5, Uses in the Highland Commercial-128 District, Subsection 3.2.5.2, Uses Permitted by Special Permit, by adding a new paragraph (q) that states “Brew Pub” and by renumbering former paragraphs (q), (r) and (s) as paragraphs (r), (s) and (t) respectively.
7. In Section 3.2.6, Uses in the Mixed Use-128 District, Subsection 3.2.6.2, Uses Permitted by Special Permit, by adding a new paragraph (k) that states “Microbrewery” and a new paragraph (l) that states “Brew Pub” and by renumbering former paragraphs (k), (l) as paragraphs (m) and (n) respectively.
8. In Section 3.2.7 Uses in the Highway Commercial 1 District, Subsection 3.2.7.2 Uses Permitted by Special Permit, by adding a new paragraph (m) that states “Microbrewery” and a new paragraph (n) that states “Brew Pub” and by renumbering former paragraphs (m) and (n) as paragraphs (o) and (p).

Or take any other action relative thereto.



From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: 1688 Central Avenue
Date: Monday, February 28, 2022 8:58:07 AM
Attachments: [image001.png](#)

From: Timothy McDonald <tmcdonald@needhamma.gov>
Sent: Friday, February 11, 2022 4:54 PM
To: Lee Newman <LNewman@needhamma.gov>
Cc: Katie King <kking@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>
Subject: 1688 Central Avenue

Hi Lee.

At the Board of Health meeting last night, the Board continued to discuss the 1688 Central Avenue situation. Yesterday, the Public Health Division sent out an RFQ yesterday to 17 licensed site professionals or environmental health consulting companies in an effort to engage a licensed individual to review the property and assess the condition and the proposed remediation plans for the site. The Board of Health asked me to convey, both to you and the Planning Board, their hope that the Planning Board's decision will include language which requires the developer to provide access to the site to the independent expert that the Board of Health will retain. I'm not sure what the timeline is for the Planning Board's decision, but I wanted to make sure I clearly conveyed the Board of Health's request to you.

I hope you have a nice weekend.

Thanks,
TMM

Timothy Muir McDonald
He/Him/His ([What's this?](#))

Director, Needham Department of Health & Human Services

Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494

Public Health Division Office: 781-455-7940
Public Health Division Fax: 781-455-7922
Email: tmcdonald@needhamma.gov



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

DECISION
March 1~~February 1~~, 2022

MAJOR PROJECT SITE PLAN REVIEW DECISION
Needham Enterprises, LLC
1688 Central Avenue, Needham, MA
Application No. 2021-02

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

DECISION of the Planning Board (hereinafter referred to as the “Board”) on the application of Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, (to be referred to hereinafter as the “Petitioner”) for property located at 1688 Central Avenue, Needham, Massachusetts (hereinafter referred to as the “property”). The property is shown on Needham Assessor’s Plan No. 199 as Parcel 213 containing a total of 3.352 acres and is located in the Single Residence A District.

This decision is in response to an application submitted to the Board on May 20, 2021, by the Petitioner for: (1) Major Project Site Plan Review under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law).

The requested Major Project Site Plan Review relates to, and allows the Planning Board to impose restrictions upon, the Petitioner building a new child-care facility that will house an existing Needham child-care business, Needham Children’s Center, Inc., a Massachusetts Corporation (hereinafter “NCC”). The property is presently improved by a two-story residential building (single-family dwelling comprising 1,663 square feet), two smaller out-buildings (garage comprising 400 square feet and second garage comprising 600 square feet) and a barn comprising 4,800 square feet. The proposed project is to demolish the single-family dwelling and the two garages at the property. A new one-story building of 10,034 square feet will be constructed, to house the child-care facility. Pursuant to the proposed project, the existing 4,800 square foot barn at the property would be retained and used for accessory storage by the child-care facility. A new parking area that includes 30 off-street surface parking spaces will also be constructed.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest, as required by law, the hearing was called to order by the Chairman, Paul S. Alpert, on Monday, June 14, 2021, at 7:20 p.m. via remote meeting using Zoom ID 826-5899-3198. No testimony was taken at the June 14, 2021, public hearing and the public hearing was continued to Tuesday, July 20, 2021, meeting held via remote meeting using Zoom ID 826-5899-3198. The public hearing was continued to Tuesday, August 17, 2021, via remote meeting using Zoom ID 826-5899-3198. The public hearing was continued to Wednesday September 8, 2021, via remote meeting using Zoom ID 826-5899-3198. The public hearing was continued to Tuesday, October 5, 2021, via remote meeting using Zoom ID 826-5899-3198. The public hearing was continued to Tuesday, October 19, 2021, via remote meeting using Zoom ID 826-5899-3198. The public hearing was continued to Tuesday, November 2, 2021, via remote meeting using Zoom ID 826-5899-3198. The public hearing was continued to Tuesday, November 16, 2021, via remote

meeting using Zoom ID 826-5899-3198. The public hearing was continued to Wednesday December 8, 2021, via remote meeting using Zoom ID 826-5899-3198. Mr. Paul Alpert chaired the public hearings from June 14, 2021 through October 19, 2021. Mr. Adam Block chaired the public hearings from November 1, 2021 to the hearings close on December 8, 2021. Board members Paul S. Alpert, Adam Block, Jeanne S. McKnight, and Martin Jacobs were present throughout the proceedings. No testimony was taken at the June 14, 2021, public hearing, August 17, 2021, public hearing and October 19, 2021, public hearing. Board member Natasha Espada recused herself from the deliberations. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Board.

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

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

- Exhibit 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.
- Exhibit 2 - Letter from Matt Borrelli, Manager, Needham Enterprises, LLC, dated March 16, 2021.
- Exhibit 3 - Letter from Attorney Evans Huber, dated March 11, 2021.
- Exhibit 4 - Letter from Attorney Evans Huber, dated March 12, 2021.
- Exhibit 5 - Letter from Attorney Evans Huber, dated March 16, 2021.
- Exhibit 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 March 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.
- Exhibit 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 26, 2021.**

- Exhibit 8 - Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, dated March 2021.
- Exhibit 9 - Stormwater Report prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032, dated June 22, 2020, stamped January 26, 2021.
- Exhibit 10 - Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, revised March 2021.
- Exhibit 11 - Memo prepared by John T. Gillon, Gillon Associates, Traffic and Parking Specialists, dated April 5, 2021.
- Exhibit 12 - 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.**
- Exhibit 13 - Architectural plans entitled "Needham Enterprises, Daycare Center, 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.
- Exhibit 14 - Letter from Attorney Evans Huber, dated April 16, 2021.
- Exhibit 15 - Letter from Attorney Evans Huber, dated April 21, 2021.
- Exhibit 16 - Memorandum from Attorney Evans Huber, dated May 5, 2021.
- Exhibit 17 - Letter from Attorney Evans Huber, dated May 14, 2021.
- Exhibit 18 - 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.**
- Exhibit 19 - Architectural plans entitled “Needham Enterprises, Daycare Center, 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.
- Exhibit 20 - Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, revised June 2021.
- Exhibit 21 - Letter from Attorney Evans Huber, dated June 14, 2021.
- Exhibit 22 - Presentation shown at the July 20, 2021 public hearing.
- Exhibit 23 - Materials presented by NCC at the July 20, 2021 public hearing comprising two sheets entitled “Proposed Pick Up and Drop Off Operations Needham Children’s Center, Inc.”, undated and “Projected Arrivals and Departures Based on 95 Children”, undated.
- Exhibit 24 - Memorandum from Attorney Evans Huber, dated August 4, 2021.
- Exhibit 25 - 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.**
- Exhibit 26 - Traffic Impact Assessment, prepared by Gillon Associates, Traffic and Parking Specialists, dated August 11, 2021.

- Exhibit 27 - Memo prepared by John T. Gillon, Gillon Associates, Traffic and Parking Specialists, dated August 21, 2021, transmitting Response to Greenman-Pedersen, Inc. peer review.
- Exhibit 28 - Technical Memorandum, from John Gillon, prepared by Gillon Associates, Traffic and Parking Specialists, dated September 2, 2021.
- Exhibit 29 - Letter from Attorney Evans Huber, dated September 30, 2021.
- Exhibit 30 - 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, July 28, 2021 and September 28, 2021; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 5, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 6, entitled "Construction Details," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 7, entitled "Sewer Extension Plan and Profile," dated November 19, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 8, entitled "Construction Period Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021; Sheet 9, entitled "Landscaping Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021 and September 28, 2021, **all plans stamped September 29, 2021.**
- Exhibit 31 - Plan entitled "Appendix, Photometric and Site Lighting Plan, 1688 Central Ave in Needham," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, and September 28, 2021.
- Exhibit 32 - Memorandum from Attorney Evans Huber, dated October 13, 2021.
- Exhibit 33 - Email from Evans Huber, dated October 14, 2021 with two attachments: Vehicle Count for September 2019 and Vehicle Count for February 2020.
- Exhibit 34 - Memorandum from Attorney Evans Huber, dated October 28, 2021.
- Exhibit 35 - 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, July 28, 2021, September 28, 2021 and October 28, 2021; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, , September 28, 2021 and October 28, 2021; Sheet 3, entitled "Site Plan," dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021 and October 28, 2021; Sheet 4, entitled "Grading and Utilities Plan of Land," dated June 22, 2020, revised April 15, 2021, June 2,

- 2021, July 28, 2021, September 28, 2021 and October 28, 2021; Sheet 5, entitled “Construction Details,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021 and October 28, 2021; Sheet 6, entitled “Construction Details,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021 and October 28, 2021; Sheet 7, entitled “Sewer Extension Plan and Profile,” dated November 19, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021 and October 28, 2021; Sheet 8, entitled “Construction Period Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021 and October 28, 2021; Sheet 9, entitled “Landscaping Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021 and October 28, 2021, **all plans stamped October 28, 2021.**
- Exhibit 36 - Plan entitled “Appendix, Photometric and Site Lighting Plan, 1688 Central Ave in Needham,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, and October 28, 2021.
- Exhibit 37 - Technical Memorandum, from John Gillon, prepared by Gillon Associates, Traffic and Parking Specialists, dated October 27, 2021.
- Exhibit 38 - Email from Evans Huber, dated November 8, 2021, regarding “1688 Central Ave request for additional peer review fees.”
- Exhibit 39 - Memorandum from Attorney Evans Huber, dated November 10, 2021.
- Exhibit 40 - 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, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 2, entitled “Existing Conditions Plan of Land in Needham, MA,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 3, entitled “Site Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 4, entitled “Grading and Utilities Plan of Land,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 5, entitled “Landscaping Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 6, entitled “Construction Details,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 7, entitled “Construction Details,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 8, entitled “Sewer Extension Plan and Profile,” dated November 19, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 9, entitled “Construction Period Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021; Sheet 10, entitled “Appendix, Photometric and Site Lighting Plan, 1688 Central Ave in Needham,” dated June 22, 2020, revised

- April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021 and November 8, 2021, **all plans stamped November 8, 2021.**
- Exhibit 41 - Plan entitled “1688 Central Turning Radius,” consisting of 3 sheets, prepared by Glossa Engineering, Inc., 46 East Street, East Walpole, MA, 02032: sheet 1, showing “20’ Delivery Van,” dated October 6, 2021; Sheet 2, showing “30’ Trash Truck,” dated October 6, 2021; sheet 3, showing “30’ Trash Truck,” dated October 6, 2021.
- Exhibit 42 - Email from Evans Huber, dated November 11, 2021, regarding “Traffic Peer Review: 1688 Central Avenue.”
- Exhibit 43 - Letter from Attorney Evans Huber, dated December 2, 2021, with attached minutes from Canton Zoning Board of Appeals from March 25, 2021.
- Exhibit 44 - Memorandum from Attorney Evans Huber, dated December 2, 2021.
- Exhibit 45 - 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, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 2, entitled “Existing Conditions Plan of Land in Needham, MA,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 3, entitled “Site Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 4, entitled “Grading and Utilities Plan of Land,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 5, entitled “Landscaping Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 6, entitled “Construction Details,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 7, entitled “Construction Details,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 8, entitled “Sewer Extension Plan and Profile,” dated November 19, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 9, entitled “Construction Period Plan,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021; Sheet 10, entitled “Appendix, Photometric and Site Lighting Plan, 1688 Central Ave in Needham,” dated June 22, 2020, revised April 15, 2021, June 2, 2021, July 28, 2021, September 28, 2021, October 28, 2021, November 8, 2021 and November 22, 2021, **all plans stamped November 22, 2021.**
- Exhibit 46 - Letter from Attorney Evans Huber, dated December 16, 2021, with two attachments: (1) Letter from Attorney Evans Huber dated September 30, 2021;

and (2) estimated cost to relocate daycare provided by Glossa Engineering, dated December 15, 2021.

Peer Review on Traffic

- Exhibit 47 - Letter from John W. Diaz, Greenman-Pedersen, Inc., dated July 15, 2021, regarding traffic impact peer review.
- Exhibit 48 - Letter from John W. Diaz, Greenman-Pedersen, Inc., dated August 26, 2021, regarding traffic impact peer review.
- Exhibit 49 - Letter from John W. Diaz, Greenman-Pedersen, Inc., dated October 18, 2021, regarding traffic impact peer review.
- Exhibit 50 - Email thread between John Glossa and John Diaz, most recent email dated October 28, 2021.
- Exhibit 51 - Letter from John W. Diaz, Greenman-Pedersen, Inc., dated November 1, 2021, regarding traffic impact peer review, with accompanying marked up site plans from October 28, 2021.
- Exhibit 52 - Email from John Diaz, dated November 16, 2021.
- Exhibit 53 - Letter from John W. Diaz, Greenman-Pedersen, Inc., dated November 16, 2021, regarding traffic impact peer review.
- Exhibit 54 - Letter from John W. Diaz, Greenman-Pedersen, Inc., dated December 17, 2021, regarding traffic impact peer review.

Staff/Board Comments

- Exhibit 55 - Memorandum from the Design Review Board, dated March 22, 2021.
- Exhibit 56 - Memorandum from the Design Review Board, dated May 14, 2021.
- Exhibit 57 - Memorandum from the Design Review Board, dated August 13, 2021.
- Exhibit 58 - Interdepartmental Communication (“IDC”) to the Board from Tara Gurge, Health Department, dated March 24, 2021, April 27, 2021, August 9, 2021, August 16, 2021 (with attachment – “Environmental Risk Management Review,” prepared by PVC Services, LLC dated March 17, 2021), November 18, 2021 (with attachment of Board of Health 11/16/21 agenda), November 18, 2021 and December 16, 2021 (with attached Board of Health 12/14/21 agenda).
- Exhibit 59 - IDC to the Board from David Roche, Building Commissioner, dated March 22, 2021, and December 7, 2021.
- Exhibit 60 - IDC to the Board from Chief Dennis Condon, Fire Department, dated March 29, 2021, April 27, 2021, and August 9, 2021

- Exhibit 61 - IDC to the Board from Chief John J. Schlittler, Police Department, dated May 6, 2021.
- Exhibit 62 - IDC to the Board from Thomas Ryder, Assistant Town Engineer, dated March 31, 2021, May 12, 2021, August 12, 2021, September 2, 2021, November 16, 2021, December 6, 2021, and January 3, 2022.

Abutter Comments

- Exhibit 63 - 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.
- Exhibit 64 - Email from Robert J. Onofrey, 49 Pine Street, Needham, MA, dated March 26, 2021.
- Exhibit 65 - Email from Norman MacLeod, Pine Street, dated March 31, 2021.
- Exhibit 66 - 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.
- Exhibit 67 - Email from Meredith Fried, dated Sunday April 4, 2021.
- Exhibit 68 - Letter from Michaela A. Fanning, 853 Great Plain Avenue, Needham, MA, dated April 5, 2021.
- Exhibit 69 - Email from Maggie Abruzese, dated April 5, 2021.
- Exhibit 70 - Letter from Sharon Cohen Gold and Evan Gold, dated April 5, 2021.
- Exhibit 71 - Email from Matthew Heidman, dated May 10, 2021.
- Exhibit 72 - 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.
- Exhibit 73 - Email from Rob DiMase, sated May 12, 2021.
- Exhibit 74 - Email from Eileen Sullivan, dated May 12, 2021.
- Exhibit 75 - Two emails from Eric Sockol, dated May 11 and May 12.
- Exhibit 76 - Email from Rob DiMase, sated May 13, 2021.
- Exhibit 77 - Email from Sally McKechnie, dated May 13, 2021.
- Exhibit 78 - 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.

- Exhibit 79 - 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.
- Exhibit 80 - Letter directed to Kate Fitzpatrick, Town Manager, from Joseph and Margaret Abruzese, dated April 5, 2021.
- Exhibit 81 - 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.
- Exhibit 82 - Email from Meredith Fried, dated May 18, 2021.
- Exhibit 83 - Email from Lori Shaer, Bridle Trail Road, dated May 18, 2021.
- Exhibit 84 - Email from Sandra Jordan, 219 Stratford Road, dated May 18, 2021.
- Exhibit 85 - Email from Khristy J. Thompson, 50 Windsor Road, dated May 18, 2021.
- Exhibit 86 - Email from Henry Ragin, dated May 18, 2021.
- Exhibit 87 - Email from David G. Lazarus, 115 Oxbow Road, dated May 18, 2021.
- Exhibit 88 - Email from John McCusker, 248 Charles River Street, dated May 18, 2021.
- Exhibit 89 - Email from Laurie and Steve Spitz, dated May 18, 2021.
- Exhibit 90 - Email from Randy Hammer, dated May 18, 2021.
- Exhibit 91 - Letter from Holly Clarke, dated May 24, 2021, transmitting comments concerning the Planning Board meeting of May 18, 2021.
- Exhibit 92 - Email from Robert Onofrey, 49 Pine Street, dated May 25, 2021, with attachment (and follow up email May 26, 2021).
- Exhibit 93 - 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.
- Exhibit 94 - Email from Barbara Turk, 312 Country Way, dated April 3, 2021, forwarded from Holly Clarke on June 14, 2021.
- Exhibit 95 - Email from Patricia Falcao, 19 Pine Street, dated April 4, 2021, forwarded from Holly Clarke on June 14, 2021.

- Exhibit 96 - Email from Leon Shaigorodsky, Bridle Trail Road, dated April 4, 2021, forwarded from Holly Clarke on June 14, 2021.
- Exhibit 97 - Letter from Peter F. Durning, Mackie, Shae, Durning, Counselors at Law, dated June 11, 2021.
- Exhibit 98 - Revised list of signatories to earlier submitted petition, received on June 11, 2021.
- Exhibit 99 - Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated June 11, 2021.
- Exhibit 100 - Email from Karen and Alan Langsner, Windsor Road, dated June 13, 2021.
- Exhibit 101 - Email from Stanley Keller, 325 Country Way, dated June 13, 2021. Email from Sean and Marina Morris, 48 Scott Road, dated June 14, 2021.
- Exhibit 102 - 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."
- Exhibit 103 - Email from Pete Lyons, 1689 Central Avenue, dated June 14, 2021.
- Exhibit 104 - Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated June 14, 2021.
- Exhibit 105 - Email from Ian Michelow, Charles River Street, dated June 13, 2021.
- Exhibit 106 - Email from Nikki and Greg Cavanagh, dated June 14, 2021.
- Exhibit 107 - Email from Patricia Falcao, 19 Pine Street, dated June 14, 2021.
- Exhibit 108 - Email from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 6, 2021.
- Exhibit 109 - Email from David Lazarus, Oxbow Road, dated July 12, 2021.
- Exhibit 110 - Email from Maggie Abruzese, dated July 12, 2021.
- Exhibit 111 - Letter directed to Marianne Cooley, Select Board, and Attorney Christopher Heep, from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated July 12, 2021.
- Exhibit 112 - Email from Barbara and Peter Hauschka, 105 Walker Lane, dated July 13, 2021.
- Exhibit 113 - Email from Rob DiMase, dated July 14, 2021.
- Exhibit 114 - Email from Lee Newman, Director of Planning and Community Development, dated July 14, 2021, replying to email from Maggie Abruzese, dated July 14, 2021.
- Exhibit 115 - Email from Leon Shaigorodsky, dated July 17, 2021.

- Exhibit 116 - 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.”
- Exhibit 117 - 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.”
- Exhibit 118 - 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.”
- Exhibit 119 - 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.”
- Exhibit 120 - 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.”
- Exhibit 121 - 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.”
- Exhibit 122 - Letter from Patricia Falcao, dated August 30, 2021.
- Exhibit 123 - 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.
- Exhibit 124 - Email from Patricia Falcao, dated August 30, 2021.
- Exhibit 125 - Email from Daniel Gilmartin, 111 Walker Lane, dated August 30, 2021.
- Exhibit 126 - Email from Dave S., dated September 4, 2021.
- Exhibit 127 - Letter from Holly Clarke, dated September 7, 2021, transmitting “Neighbors’ Comments on the Traffic Impact Analysis,” with 2 attachments.
- Exhibit 128 - Email from Elizabeth Bourguignon, 287 Warren Street, dated September 5, 2021.
- Exhibit 129 - Letter from Amy and Leonard Bard, 116 Tudor Road, dated September 5, 2021.
- Exhibit 130 - Email from Mary Brassard, 267 Hillcrest Road, dated September 28, 2021.
- Exhibit 131 - Email from Christopher K. Currier, 11 Fairlawn Street, dated September 28, 2021.
- Exhibit 132 - Email from Stephen Caruso, 120 Lexington Avenue, dated September 28, 2021.

- Exhibit 133 - Email from Emily Pugach, 42 Gayland Road, dated September 29, 2021.
- Exhibit 134 - Email from Robin L. Sherwood, dated September 29, 2021.
- Exhibit 135 - Email from Sarah Solomon, 21 Otis Street, dated September 29, 2021.
- Exhibit 136 - Email from Lee Ownbey, 27 Powderhouse Circle, dated September 29, 2021.
- Exhibit 137 - Email from Emily Tow, dated September 29, 2021.
- Exhibit 138 - Email from Leah Caruso, dated September 29, 2021.
- Exhibit 139 - Email from Jennifer Woodman, dated September 29, 2021.
- Exhibit 140 - Email from Nancy and Chet Yablonski, dated September 29, 2021.
- Exhibit 141 - Email from Pamela and Andrew Freedman, 17 Wilshire Park, dated September 29, 2021.
- Exhibit 142 - Email from Dr. Jennifer Lucarelli, 58 Avalon Rd, dated September 29, 2021.
- Exhibit 143 - Email from Maija Tiplady, dated September 30, 2021.
- Exhibit 144 - Email from Ashley Schell, dated September 30, 2021.
- Exhibit 145 - Email from Kristin Kearney, 11 Paul Revere Rd, dated September 30, 2021.
- Exhibit 146 - Email from Dave Renninger, dated September 30, 2021.
- Exhibit 147 - Letter from Brad and Rebecca Lacouture, dated September 30, 2021.
- Exhibit 148 - Email from Kerry Cervas, 259 Hillcrest Road, dated September 30, 2021.
- Exhibit 149 - 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."
- Exhibit 150 - Email from Carolyn Walsh, 202 Greendale Avenue, dated September 30, 2021.
- Exhibit 151 - Email from Robert DiMase, 1681 Central Avenue, dated October 6, 2021.
- Exhibit 152 - Email from Elyse Park, dated October 6, 2021.
- Exhibit 153 - Email from R.M. Connelly, dated October 6, 2021.
- Exhibit 154 - Email from Eric Sockol, 324 Country Way, undated, received October 6, 2021.
- Exhibit 155 - Email from R.M. Connelly, dated October 9, 2021.

- Exhibit 156 - Email from Robert James Onofrey, 49 Pine Street, dated October 12, 2021 with attachment.
- Exhibit 157 - Letter from Holly Clarke, dated October 16, 2021, transmitting “Neighbor’s Comments on the Application of Needham Zoning By-Law 3.2.1.”
- Exhibit 158 - Email from R.M. Connelly, dated October 18, 2021.
- Exhibit 159 - Email from David Lazarus, Oxbow Road, dated October 19, 2021.
- Exhibit 160 - Email directed to the Planning Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated October 27, 2021, transmitting “Objection to Use of Architectural Plans and Testimony 1688 Central Avenue.”
- Exhibit 161 - Email directed to the Planning Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated November 1, 2021, transmitting “The Applicant Cannot Keep both the Barn and the New Building.”
- Exhibit 162 - Letter to the Planning Board from Denise Linden, undated, received November 4, 2021.
- Exhibit 163 - Email to the Planning Board from Khristy J. Thompson, Ph.D., dated November 10, 2021, with the following attachments discussing the impact of lead and other metals on the neurodevelopment of young children.
- Exhibit 164 - Letter from Holly Clarke, dated November 13, 2021, transmitting “The Proponent’s October 27, 2021 Report Again Changes the Data Used to Assess the Impact of the Project on Central Avenue.”
- Exhibit 165 - Letter from Holly Clarke, dated November 14, 2021, transmitting “Photographs and Video of Traffic on Central Avenue.”
- Exhibit 166 - Letter from Holly Clarke, dated November 14, 2021, transmitting “Commercial Child Care Facilities Do Not Customarily Have Accessory Buildings.”
- Exhibit 167 - Email from Joseph and Margaret Abruzese dated November 15, 2021, accompanying the following attachment:

Town of Canton, Massachusetts, Zoning Board of Appeals Decision, dated August 13, 2020, with Exhibits A, B, C and D.
- Exhibit 168 - Letter from Sharon Cohen Gold and Evan Gold, dated November 16, 2021.
- Exhibit 169 - Letter to the Planning Board from Elizabeth Bourguignon, 287 Warren St., dated, November 16, 2021.
- Exhibit 170 - Letter to the Planning Board from Carolyn Day Reulbach, 12 Longfellow Road, dated, December 2, 2021.
- Exhibit 171 - Email directed to the Planning Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated December 6, 2021.

- Exhibit 172 - Email directed to the Planning Board from Maggie and Joe Abruzese, 30 Bridle Trail Road, dated December 6, 2021, transmitting "Parking Requirements of Needham Zoning Bylaw."
- Exhibit 173 - Letter from Pat Falcao, 19 Pine Street, received December 7, 2021.
- Exhibit 174 - Email from Rick Hardy, 1347 South Street, dated December 8, 2021.
- Exhibit 175 - Email from Laurie and Steve Spitz, dated December 7, 2021, transmitting video of traffic on Central Avenue.
- Exhibit 176 - Letter from Joe Abruzese, dated December 12, 2021, regarding his presentation from December 8, 2021 public hearing.
- Exhibit 177 - Email from Maggie Abruzese, dated December 12, 2021, transmitting the following as discussed at the December 8, 2021 public hearing:
- a. "Lighting at 1688 Central Avenue" with Exhibits
 - b. Talking Points from December 8, 2021 hearing.
- Exhibit 178 - Letter from M. Patrick Moore Jr., and Johanna W. Schneider, Hemenway & Barnes, LLP, dated December 20, 2021.
- Exhibit 179 - Letter from Holly Clarke, dated December 18, 2021, transmitting comments from neighbors.

Miscellaneous

- Exhibit 180 - Email from Attorney Christopher H. Heep, dated June 9, 2021.
- Exhibit 181 - Two Emails from Attorney Christopher Heep, dated July 16, 2021.
- Exhibit 182 - Letter from Attorney Christopher H. Heep, dated September 2, 2021.
- Exhibit 183 - Letter from Attorney Christopher H. Heep, dated September 8, 2021.
- Exhibit 184 - Letter from Stephen J. Buchbinder, Schlesinger and Buchbinder, LLP, dated October 1, 2021.
- Exhibit 185 - Letter from Eve Slattery, General Counsel, Commonwealth of Massachusetts, State Ethics Commission, dated September 30, 2021.
- Exhibit 186 - Email from Evans Huber, dated October 7, 2021.
- Exhibit 187 - Email from Lee Newman directed to Evans Huber, dated October 8, 2021.
- Exhibit 188 - Letter from Eve Slattery, General Counsel, Commonwealth of Massachusetts, State Ethics Commission, dated October 4, 2021.
- Exhibit 189 - Email from Lee Newman directed to and replying to R.M. Connelly, dated October 19, 2021.

Exhibit 190 - Letter from Brian R. Falk, Mirick O’Connell, Attorneys at Law, dated October 27, 2021.

Exhibit 191 - Letter from Attorney Christopher H. Heep, dated November 2, 2021.

Exhibit 192 - Letter directed to Evans Huber from Lee Newman, Director, Planning and Community Development, dated November 10, 2021.

Legal Memoranda and Comments submitted by abutters and neighbors after the close of the public hearing:

Exhibit 193 - Table prepared by Attorney Christopher H. Heep of Dover Amendment Cases regarding Child-care Facilities, undated.

Exhibit 194 - Email from Attorney Evans Huber, dated January 4, 2022.

Exhibit 195 - Letter from M. Patrick Moore Jr., and Johanna W. Schneider, Hemenway & Barnes, LLP, dated January 4, 2022.

Exhibit 196 - Letter directed to Lee Newman from Attorney Evans Huber, dated January 31, 2022.

Exhibit 197 - Email from Attorney Evans Huber, dated February 1, 2022.

Exhibit 198 - Email from Pat Day, NCC, dated February 1, 2022.

Exhibit 199 - Letter from M. Patrick Moore Jr., and Johanna W. Schneider, Hemenway & Barnes, LLP, dated February 4, 2022.

Exhibit 200 - Email from Rob DiMase, 1681 Central Avenue, dated February 7, 2022.

Exhibit 201 - Letter from Holly Clarke, dated February 8, 2022, transmitting “Neighbor’s Response to the Proponent’s January 31, 2022 and February 1, 2022 Submissions.”

Exhibit 202 - Letter directed to Attorney Chris Heep from Attorney Evans Huber, dated February 4, 2022.

Exhibit 203 - Letter from Joe Abruzese, 30 Bridle Trail Road, dated February 8, 2022.

Exhibit 204 - Letter from M. Patrick Moore Jr., and Johanna W. Schneider, Hemenway & Barnes, LLP, dated February 10, 2022.

Exhibit 205 - Email from David Lazarus, Oxbow Road, dated February 10, 2022.

Exhibit 206 - Email from Stanley Keller, 325 Country Way, dated February 10, 2022.

Exhibit 207 - Email from Brian O’Neill, 149 Charles River Street, dated February 15, 2022.

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Exhibit 208 - Email from Carla and Alexis Kopikis, dated February 15, 2022.

Exhibit 209 - Email from Sharon Gillespie, Stratford Road, dated February 15, 2022.

Exhibit 210 - Email from Kevin Jay, 14 Heather Lane, dated February 15, 2022.

Exhibit 211 - Email from Rick Hardy, 1347 South Street, dated February 15, 2022.

Exhibit 212 - Email from Lois Merrill, 31 Bridle Trail Road, dated February 15, 2022.

Exhibit 213 - Email from Henry Ragin and Laura Rosen, 25 Bennington Street, dated February 15, 2022.

Exhibit 214 - Email from Cynthia Frost, 543 Chestnut Street, dated February 15, 2022.

Exhibit 215 - Email from Ronit and David Klein, 335 Hunnewell Street, dated February 15, 2022.

Exhibit 216 - Email from Jennifer Bannon, Jarvis Circle, dated February 15, 2022.

Exhibit 217 - Email from Leon Shaigorodsky, Bridle Trail Road, dated February 15, 2022.

Exhibit 218 - Email from Kenneth Bassett, South Street, dated February 15, 2022.

Exhibit 219 - Email from Rob DiMase, dated February 15, 2022.

Exhibit 220 - Email from Mary Buffinger, dated February 15, 2022.

Exhibit 221 - Email from MarySue Cotton, dated February 15, 2022.

Exhibit 222 - Email from Ricki and Mark Nickel, 191 Stratford Road, dated February 15, 2022.

Exhibit 223 - Email from Patricia Falcao, 19 Pine Street, dated February 15, 2022.

Exhibit 224 - Email from Helen and Paul Cantor, Locust Lane, dated February 15, 2022.

Exhibit 225 - Email from Jonathan Bracken, 921 South Street, dated February 15, 2022.

Exhibit 226 - Email from Jonathan Shaer, 242 Bridle Trail Road, dated February 15, 2022.

Exhibit 227 - Email from Norman MacLeod, 41 Pine Street, dated February 15, 2022.

Exhibit 228 - Email from Robert Onofrey, 49 Pine Street, dated February 16, 2022.

Exhibit 229 - Email from Timothy McDonald, Director, Needham Health and Human Services, dated February 11, 2022.

Exhibit 230 - Email from Jeffrey Turk, 312 Country Way, dated February 17, 2022.

- Exhibit 231 - Email from Elyse Park and Mark Ettinger, dated February 17, 2022.
- Exhibit 232 - Email from Raven Register, 89 Charles River Street, dated February 17, 2022.
- Exhibit 233 - Email from Eliot Herman, Country Way, dated February 17, 2022.
- Exhibit 234 - Email from John and Adrienne McCusker, 248 Charles River Street, dated February 17, 2022.
- Exhibit 235 - Email from Evan Rauch, 224 Country Way, dated February 17, 2022.
- Exhibit 236 - Email from Sandy Jordan, 219 Stratford Road, dated February 18, 2022.
- Exhibit 237 - Email from Kathleen Buckley, dated February 18, 2022.
- Exhibit 238 - Email from Sally McKechnie, dated February 18, 2022.
- Exhibit 239 - Email from Stanley Keller dated February 18, 2022.
- Exhibit 240 - Letter from Nicole & Jeremy O'Connor, 50 Country Way, dated February 18, 2022.
- Exhibit 241 - Letter from Holly Clarke, dated February 18, 2022, transmitting "Neighbor's Submission in Response to the Board's February 11 Soliciting of Written Comments."
- Exhibit 242 - Letter from Attorney Evans Huber, dated February 18, 2022.
- Exhibit 243 - Letter from John Glossa, Glossa Engineering, Inc., dated February 17, 2022.
- Exhibit 244 - Letter to the Needham Planning Board, from Pay Day, NCC, dated February 18, 2022.
- Exhibit 245 - Email from Holly Clarke, 1652 Central Ave, dated February 18, 2022.
- Exhibit 246 - Email from Maggie Abruzese, 30 Bridle Trail Road, dated February 18, 2022.
- Exhibit 247 - Letter from Joe Abruzese, 30 Bridle Trail Road, dated February 18, 2022.
- Exhibit 248 - Letter from M. Patrick Moore Jr., and Johanna W. Schneider, Hemenway & Barnes, LLP, dated February 18, 2022.
- Exhibit 249 - Sketch plan showing the barn demolished and proposed building relocated to a front yard setback of 135 with parking reconfigured to its rear. Drawing presented at the January 6, 2022 Planning Board meeting.

Sketch plan showing the barn demolished and proposed building relocated to a front yard setback of 135 with parking reconfigured to its rear. Drawing presented at the January 6, 2022 Planning Board meeting.

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Exhibits 1, 2, 8, 9, 10, 11, 19, 20, 23, 26, 27, 28, 37, 41, and 45 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The subject property is located in the Single Residence A District at 1688 Central Avenue, Needham, Massachusetts, and is shown on Needham Assessor's Plan No. 199 as Parcel 213 containing 3.352 acres.
- 1.2 The subject property is presently improved by a single-family dwelling comprising 1,663 square feet, two smaller out-buildings, garage comprising 400 square feet and second garage comprising 600 square feet, and a barn comprising 4,800 square feet. The proposed project has evolved through a long series of changes to have the following key elements: demolish the single-family dwelling and the two garages at the property, construct a new one-story building of 10,034 square feet to house a child-care facility and retain the existing two-story 4,800 square foot barn to be used for accessory storage by the child-care facility, with a new parking area that includes the construction of 30 off-street surface parking spaces.
- 1.3 The proposed project provides access to the child-care facility at 1688 Central Avenue by using a 200-plus foot-long, 30-foot-wide access drive to Central Avenue, consisting of three lanes, an 8-foot-wide queueing lane that can accommodate ten waiting vehicles and which provides access to a 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.
- 1.4 The proposed project provides that the child-care facility will house an existing Needham child-care business, namely the NCC. No written lease, memorandum of understanding, or any other type of written agreement between the Petitioner and NCC has been provided to the Board.
- 1.5 The NCC preschool/daycare program will operate Monday through Friday, between the hours of 7:30 a.m. and 6:00 p.m., with a maximum of 115 children on the property at any one time.
- 1.6 The maximum number of NCC staff on site at any one time will be 18 broken down as follows. The projected total staff on peak days (Tuesdays-Thursday) will be 18 (16 staff and 2 administrators). The projected total staff on Monday will be 17 (15 staff and 2 administrators). The projected total staff on Friday will be 15 (13 staff and 2 administrators). At all times the child-care business will maintain compliance with any staffing standards or requirements determined by the relevant Commonwealth agency regulating such uses.
- 1.7 The By-Law does not contain a specific parking requirement for a child-care use. In cases where the By-Law does not provide a specific requirement, the required number of parking spaces shall be derived from the "closest similar use as shall be determined by the Building Commissioner," Section 5.1.2(20). In the event that the Building Commissioner is unable to determine that a proposed use relates to any use within

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Section 5.1.2, the Board shall recommend a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendation based on the Institute of Transportation Engineers (ITE) Parking Generation Manual, 2nd Edition, or an alternative technical source determined by the Planning Board to be equally or more applicable. The Petitioner assessed the number of parking spaces needed to support the use of the site based upon the anticipated number of children and staff members at the site by utilizing the formula which the Town uses for this type of use, which is 8 spaces, plus 1 space for each 40 children, plus one space per staff member. (See ITE Journal of July 1994 entitled “Parking and Trip Generation Characteristics for Day-Care Facilities”, by John W. Van Winkle and Colin Kinton). Applying this formula leads to a calculated parking requirement of 29 spaces. The Petitioner is proposing 30 on-site parking spaces which more than satisfies the requirements of the By-Law.

- 1.8 The Petitioner has submitted a traffic analysis which evaluates the anticipated traffic impacts resulting from the proposed development of a child-care facility at 1688 Central Avenue (See Exhibits 8, 10, 11, 20, 26, 27, 28, and 37). The initial traffic report was issued March 2021 (Exhibit 8) and has been subsequently updated and revised on April 5, 21 (Exhibit 11), June 2021 (Exhibit 20), August 11, 2021 (Exhibit 26), August 21, 2021 (Exhibit 27), September 2, 2021 (Exhibit 28) and October 27, 2021 (Exhibit 37). (The submitted traffic analysis was peer reviewed by the Town’s traffic consultant, John W. Diaz of Greenman-Pedersen, Inc., GPI as detailed in Exhibits 47 through 54. Sections 1.8, 1.9, 1.10, 1.11, 1.13, 1.14, and 1.15 of this Decision summarize the traffic report as submitted by the Petitioner to the Board.

Specifically, the traffic report provided by the Petitioner assesses traffic operational characteristics at the unsignalized Central Avenue intersection at the site driveway and at the signalized Central Avenue/Charles River Street intersection. Due to the Covid-19 pandemic, traffic levels from 2020 and 2021 have generally decreased and while slowly increasing are still below pre-2020, pre-pandemic levels. Massachusetts Department of Transportation (MassDOT) has developed guidelines for determining traffic volumes in the absence of current traffic data, the standard practice of which has been to use pre-2020 traffic data where possible and factor to current conditions based on historic growth rates. The Petitioner has followed this approach. With regard to the site driveway intersection, the Petitioner has utilized 2016 data provided by the Town along Central Avenue in the vicinity of the site and has factored growth volumes of 1% per year to 2021 for the existing condition and to 2028 for the Baseline or No-Build condition. With regard to the Central Avenue/Charles River Street intersection, the afternoon turning movement counts of 2016 were also expanded proportionately for the same analysis period. The morning counts here were not available at the Central Avenue/Charles River Street intersection but the evening peak hour period was more critical due to the predominate southbound movement and queuing implications during this period. Finally, rather than relying on operational data from the child-care operator to determine site traffic, the more conservative ITE land use calculations based on the square footage of the building were applied to the project to estimate site traffic.

- 1.9 The proposed project is expected to generate approximately 110 new morning peak hour trips with 58 in bound and 52 outbound. The project is also expected to generate approximately 112 new evening peak hour trips with 53 inbound and 59 outbound. The directional distribution of trips reflects the existing Central Avenue directional split of the Gan Aliyah Pre-School next door to the site at Temple Aliyah. The entering project

traffic is distributed for 80% of the traffic to enter from the north (left turn in) and 20% of traffic to enter from the south (right turn in).

- 1.10 The level of service analysis conducted at the Central Avenue intersection at the site driveway shows a calculated “A” level of service for all north bound movements in the morning and evening peak periods and a calculated “B” level of service for all south bound movements in the morning and evening peak periods, both of which are acceptable for this type of facility. The site driveway itself will have an acceptable “E” level of service with average delay during the morning peak period and a “C” level during the evening peak period. 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 five seconds.
- 1.11 The Petitioner further reviewed the Central Avenue/Charles River Street intersection for the morning peak hour (7:15 a.m. to 8:15 a.m.) and for the evening peak hour (5:00 p.m. to 6:00 p.m.) to see if adjustments to signal timing at this location would lead to an improved level of service. For this analysis, supplemental counts were collected by the Petitioner on Wednesday, October 13, 2021, with those counts increased by 30.4% as evidenced by MassDOT Station ID #6161 to identify 2021 roadway network volumes at the intersection assuming Covid-19 had not occurred. These adjusted volumes were further inflated by one percent per year over seven years to account for normal growth between 2021 and 2028.
- 1.12 The following overall levels of service for the existing, base and build conditions for the studied signal optimization timing adjustments at the Central Avenue/Charles River Street intersection are detailed below. These conclusions assume the roadway network volumes have been adjusted upwards as described in 1.11 above. For the existing Covid-19-affected 2021 signal timing optimization condition, the Central Avenue/Charles River Street intersection operates at overall levels of service of “E” during the morning peak hour (7:15 a.m. to 8:15 a.m.) and “D” during the evening peak hour (5:00 p.m. to 6:00 p.m.). For the base 2028 signal optimization condition (2028 with no development at 1688 Central Avenue), the Central Avenue/Charles River Street intersection operates at overall levels of service of “F” during the morning peak hour (7:15 a.m. to 8:15 a.m.) and “E” during the evening peak hour (5:00 p.m. to 6:00 p.m.). These values show the overall levels of service will worsen somewhat compared to current conditions assuming there is no development at 1688 Central Avenue. For the build condition where signal timing optimization is not implemented, the Central Avenue/Charles River Street intersection operates at overall levels of service of “F” during the morning peak hour (7:15 a.m. to 8:15 a.m.) and “F” during the evening peak hour (5:00 p.m. to 6:00 p.m.). These values show that development of 1688 Central will have essentially no impact on Central Avenue levels of service during peak hours and will have only a modest impact on Central Avenue southbound during those hours. The only significant impact is projected to be from Central Avenue southbound during the evening peak hour. Lastly, for the build condition where signal timing is optimized, the Central Avenue/Charles River Street intersection operates at overall levels of service “E” during the morning peak hour (7:15 a.m. to 8:15 a.m.) and “C” during the evening peak hour (5:00 p.m. to 6:00 p.m.). These values show that under the signal timing optimization condition studied, the overall levels of service (and delays) on Central Avenue during peak hours will become significantly better, while the delays and levels of service on Charles River Street would become worse. That said, the analysis demonstrates that meaningful mitigation on Central Avenue is attainable during the peak period with less significant timing changes

implemented in the alternative and without causing a substantial impact on Charles River Street.

- 1.13 The Petitioner further reviewed queuing at the Central Avenue/Charles River Street intersection for the studied signal timing optimization conditions described in Section 1.12 above. This analysis shows that the 95th percentile queue on Central Avenue southbound during the evening will increase from 830 feet today (with non-Covid traffic volumes) to 907 feet in 2028 without the proposed development at 1688 Central Avenue and to 950 feet with the proposed development. Thus, comparing the 2028 “build” to “no build” conditions anticipates an increase in the length of the queue during the evening peak hour of about 43 feet (approximately 2-3 vehicles) if this project is developed as proposed. The roadway length between the site driveway and Charles River Street is 885 feet. The length of the queue in 2028 is projected to extend past the site driveway under either the “build” condition (950 feet) or “no build” condition (907 feet) further supporting a change in the timing of the signals. Implementation of the optimized signal timing adjustments at the Central Avenue/Charles River Street intersection as described in Section 1.12 above shortens the southbound queue from 830 feet today to only 670 feet, which is more than 200 feet south of the site driveway. Furthermore, a less substantial change to the signal timing can provide significant mitigation of the queueing from the intersection back to the site driveway.
- 1.14 The NCC and the Petitioner’s traffic consultant have provided information detailing the number of children and cars anticipated to arrive at and leave the site, as well as proposed operating measures. The maximum total of 115 children arriving in the morning is broken down as follows: 55 infants, toddlers and preschoolers arriving in the morning peak drop-off period of 7:30 a.m. to 8:50 a.m.; 30 children who will not arrive until shortly before 9:00 a.m. or later; and 30 after-school children who will arrive in the afternoon. The maximum total of 115 children leaving in the afternoon is broken down as follows: 20 children from the nursery school at noon or 2:30 p.m.; 10 preschool children at 3:00 p.m.; and 85 children from 3:30 p.m. to 6:00 p.m. spaced evenly across a two-and-a-half-hour window. NCC staff will be on-site before the critical arrival and departure hours to assist children between vehicles and the building. Children being dropped off and picked up will be escorted into the building, and from the building into the parents’ cars, by NCC staff, to assure their safety.
- 1.15 Drop-off and pick-up times for all children will be staggered, to reduce queueing on the site and to assure that queued vehicles do not negatively impact Central Avenue operations. To assure that queued vehicles could be accommodated on the site without negative impact to Central Avenue, an analysis based on the Poisson distribution model of random arrivals was conducted. Two scenarios were considered.

The first scenario considered was based on actual data from the anticipated 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 a.m. 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 confirms that of the 55 children being dropped off during the peak 80-minute drop-off period, approximately 30 will be siblings, meaning 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 lane, and thus do not need to be considered in the queuing analysis.

The analysis included the following assumptions: (a) random arrivals during the peak drop-off period; (b) a drop-off period of 80 minutes; (c) 40 parent vehicles arriving during the 80-minute period; and (d) 60-second drop-off window. The evaluation concluded based on 40 peak hour arrivals that there would be no more than 7 vehicles in the drop-off lane. With the proposed driveway plan showing a dedicated queue/drop-off lane, there is storage for approximately 10 vehicles before queues would impact Central Avenue. Furthermore, the queue lane has been separated from the travel lane, allowing vehicles to bypass the queue in the event it approaches Central Avenue.

In addition to the above scenario, a second more conservative analysis was run using the Poisson distribution methodology for a maximum of 58 vehicle arrivals during the peak period. This analysis found that the maximum queue 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.

- 1.16 The Traffic Impact Assessment submitted by the Petitioner has identified existing traffic operating parameters on Central Avenue and at the Central Avenue/Charles River Street intersection, estimated the anticipated traffic volume increase as a result of the proposed project, analyzed the project's traffic-related impacts, evaluated access and egress requirements, and recommended site access and intersection improvement measures to improve traffic operations and safety conditions in the area. The Town's traffic consultant, John W. Diaz of Greenman-Pedersen, Inc., GPI has reviewed the individual traffic reports submitted and has advised the Board that the traffic reports submitted by the Petitioner and as subsequently revised during the traffic peer review process demonstrate a project that will minimize traffic delays in the area and will provide adequate access and egress operational conditions at the site driveway.

- 1.17 To minimize traffic delays in the area, the following study recommendations have been recommended by the Town's traffic consultant, John W. Diaz of Greenman-Pedersen, Inc., GPI and have been incorporated into the Plan and will be implemented by the Petitioner: (a) A police detail shall be provided at the site driveway during the peak morning and afternoon hours of arrivals and dismissals. The detail will remain in place for a minimum of ~~4560~~ days, commencing on or after the opening of the child-care facility. The detail may be discontinued thereafter upon request of the Petitioner and a finding by the Board (following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient) that the site is operating without significantly impacting operations along Central Avenue. (b) Prior to building permit issuance, the Petitioner shall provide detailed traffic signal timing plans for optimized operations at the Central Avenue/Charles River Street intersection for the morning and evening peak hours. The Petitioner shall further coordinate with the Town Engineer on how to implement the revised signal times. The Petitioner shall be responsible for implementing any approved signal timing adjustments approved by the Town Engineer prior to building occupancy. (c) The Petitioner shall complete a follow-up traffic study using the methodologies and presenting conclusions consistent with the traffic studies presented to the Planning Board in this application after the site is open and operational to at least 80% of student capacity. The child-care operator shall report monthly to the Planning and Community Development Department the number of children enrolled at

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the facility. The Petitioner shall further fund a peer review of this post occupancy traffic study. Upon request of the Petitioner, the Planning Board after notice and hearing may determine that the traffic study is not necessary. The Board finds that the foregoing elements of the Plan minimize traffic delays in the area and provide adequate access and egress operational conditions at the site driveway.

- 1.18 The Petitioner's proposal includes a new one-story building of 10,034 square feet that will house a child-care facility and an existing two-story 4,800 square foot barn that will be retained and used for accessory storage by the child-care facility. This proposal is not in compliance with the requirements of Section 1.2 and Section 3.2.1 of the By-Law as detailed below.

a. The By-Law prohibits having more than one non-residential building or use on a lot in the Single Residence A zoning district. The By-Law at Section 3.1 provides as follows: "No building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner other than as regulated by Section 3.1.2 as permitted and set forth in Section 3.2". Section 3.2.1 of the By-Law sets forth a schedule of uses for the Single Residence A zoning district. In that schedule, it marks as "No" in the Single Residence A District the following use: "more than one non-residential building or use on a lot where such buildings or uses are not detrimental to each other and are in compliance with all other requirements of this By-Law". Under the By-Law in the Single Residence A zoning district there cannot be more than one non-residential building on a lot. The Petitioner's Plan does not conform with this aspect of the By-Law because it impermissibly contains more than one non-residential building on a lot in the Single Residence A zoning district. With the construction of a 10,034 square foot child-care building on this lot, the barn would be a second non-residential building on the lot.

b. The project's proposal for the barn further does not meet the By-Law's definition of an accessory building and the building cannot be permitted as such. The By-Law at Section 3.1 provides as follows: "No building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner other than as regulated by Section 3.1.2 as permitted and set forth in Section 3.2". Section 3.2.1 of the By-Law sets forth a schedule of uses for the Single Residence A zoning district. In that schedule, it marks as "yes" in the Single Residence A District the following use: "other customary and proper accessory uses, such as, but not limited to, garages, tool sheds, greenhouses and cabanas". The barn does not meet the definition of an accessory building under the By-Law. The By-Law at Section 1.3 defines "accessory building" as: "a building devoted exclusively to a use subordinate and customarily incidental to the principal use". In this case, the primary use of the proposed main building is that of a 10,034 square foot stand-alone child-care facility. The two-story barn has a footprint of approximately 2,600 square feet and overall square footage of approximately 4,800 square feet. To qualify the barn as an accessory building, the Petitioner must establish that it is "customary" (more than unique or rare) for a child-care facility to have an accessory building the size of the barn for storage. In the subject case, the barn contains almost half the square footage of the child-care facility itself. The Petitioner has not provided evidence of any other child-care center in Needham or elsewhere that has a similar, separate, large building for storage; nor has the Petitioner made any other factual showing that would warrant a finding that barns of this size are subordinate to and customarily incidental to child-care facilities. In fact, a review of twenty child-care facilities in Needham and nearby towns makes clear that it is not customary for these facilities to have accessory buildings. The twenty programs considered include the five Needham programs comparably sized to that

of the NCC, even if not situated in stand-alone commercial space, and fifteen child-care programs located in nearby towns. Each of these facilities was located through online mapping services to determine building arrangements. All these programs operate in a single building. None have accessory buildings much less one two stories high with a total of 4,800 square feet. Finally, the Massachusetts building requirements for child-care facilities do not call for such accessory buildings (See: 606 CMR 7.07).

1.19 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage of the Single Residence A District. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Single Residence A District for an institutional use, namely, front, side and rear setback, maximum building height, maximum number of stories, maximum lot coverage, and maximum floor area ratio.

1.20 In addition to the above-noted minimum dimensional and density requirements of the Single Residence A District for an institutional use as detailed in Section 1.18, the project must also meet the site plan review criteria of the By-Law set forth in Section 7.4.6. The project before the Board shows deficiencies in two review categories namely Section 7.4.6(a) and Section 7.4.6(e) of the By-Law which provides that in conducting site plan review the Planning Board shall consider the following matters as follows:

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

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

1.21 The Petitioner seeks approval to place a large institutional building of 10,034 square feet 64 feet from Central Avenue and to raise the property’s grade by six feet. The Board finds placement of a large institutional building closer to the street than other buildings in the neighborhood is out of character with the surrounding neighborhood and conflicts with the Town’s interest in preserving 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 this By-Law.

The proposed building is significantly larger than surrounding homes; it is closer to the street than any other building on this section of Central Avenue, and its grade is higher. In this residential area, no residential building is set back less than 65 feet from Central Avenue, and the clear pattern is for structures to be set back much further. A comparison of 11 abutting residential properties along Central Avenue shows a 65-foot front yard setback for one residential property with the remainder ten properties presenting with front yard setbacks in the range of 103 feet to 117 feet (See Exhibit 176). For the one institutional use in the neighborhood, namely, Temple Aliyah, which abuts the subject property, a front yard setback of 213 feet is provided. Further, the Design Review Board’s comments on the project call for the building to be re-sited farther back from Central Avenue consistent with the neighborhood context, either by reconfiguring it or by removing the barn.

The current front yard setbacks along Central Avenue create more visual space along the street edge and contribute to the established residential appearance of the neighborhood. Siting the project in accordance with the established neighborhood pattern would be in harmony with the existing configuration and would protect the character of the neighborhood per Section 7.46(e) of the By-Law. A larger setback would help to create a buffer from the proposed use, increasing both visual screen and protection from noise, activities and traffic for abutters and neighbors. Lengthening the driveway would make vehicle overflows onto Central Avenue less likely by moving on-site traffic further onto the lot and would create a longer driveway to help avoid any vehicle queuing from spilling over to Central Avenue.

The municipal interests served by increasing the project's front yard setback are extremely important. The lot has plenty of space to accommodate these legitimate concerns by adjusting the front yard setback for the proposed building deeper onto the lot. Massachusetts General Laws Chapter 40A, Section 3 permits regulation of a child-care facility relating to both setback and bulk, among other criteria.

- 1.22 Under Massachusetts General Laws, Chapter 40A, Section 3 (Dover Amendment) the use of the property for a child-care facility is protected. Massachusetts General Laws, Chapter 40A, Section 3 provides that: "No zoning ordinance or bylaw in any ...town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary ...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, setback, open space, parking and building coverage requirements.

Where the Petitioner proposing a child-care facility seeks exceptions from otherwise applicable zoning requirements, that Petitioner bears the burden of proving that the local requirements are unreasonable as applied to its proposed project. This burden may be met by demonstrating that compliance would substantially diminish or detract from the usefulness of the proposed structure, or significantly impede the use without appreciably advancing the municipality's legitimate concerns. The Petitioner has not met this burden. Specifically, as relates the barn on the property, the Petitioner initially indicated that the barn would not be used in connection with the child-care facility; indeed, the Petitioner planned to exclude the barn from the lease entirely. Now, however, the Board is told that the child-care facility requires the barn - a structure that is more than twice the size of the average residence in Needham - to be available for storage. Further, the Petitioner's more recent submission of December 16, 2021 (Exhibit 46) claims that unless the barn is allowed to remain on the site, the Board will have "de facto denied" a permit. The Petitioner has stated on the record that it is their desire to keep the barn that is now causing them to say that it will only be used for child-care storage. While NCC now professes a need for storage, the Petitioner has not shown any reason for the child-care facility to have storage in this particular configuration. There is no reason that the Petitioner could not incorporate adequate storage into a single building with the child-care facility. There is no need for storage to be separate and apart from the child-care facility. The Board finds that applying the By-Law (specifically Section 3.2.1) prohibiting two non-residential structures on this residential property does not unreasonably impede the operation of the child-care facility, particularly when the child-care facility, as initially proposed would not have used the barn at all. The Dover Amendment is not intended to allow the Petitioner to: (i) propose a 10,034 square foot new building; (ii) irrespective of the By-Law provisions that preclude the new structure

and barn on the same parcel; and (iii) then claim that the cost of removing the barn and redesigning the Plan is an unreasonable impediment, when that cost derives from the Petitioner's own initial planning choices.

- 1.23 The Board of Health reviewed the subject application and has noted its intent to impose the following conditions on the project:

a. Prior to demolition, submittal by Petitioner of an online Demolition permit form along with required supplemental demolition reports, including septic system abandonment form and final pump report.

b. Engagement by the Petitioner of a licensed pest control service company to conduct routine site visits to the site, first initially to bait the interior/exterior of each structure to be raised prior to demolition, and to continue to make routine site visits (to re-bait/set traps) throughout the duration of the construction project. Pest reports to be submitted to the Health Division on an on-going basis for review.

c. If the project triggers the addition of any food to be served or prepped on site at the facility, a food establishment permit is required to include a review of proposed kitchen layout plans, with equipment and hand sinks noted, along with any proposed seating layout plans where applicable.

d. Petitioner to 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 shall be placed on a sufficient service schedule 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.

e. As noted in the proposal, the Petitioner is required to connect to the municipal sewer line, once it is brought up to the property, prior to building occupancy. A copy of the completed signed/dated Sewer Connection application, which shows that the sewer connection fee was paid, shall be forwarded to the Public Health Division.

f. 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.

g. The lighting on site shall not cause a public health nuisance, with light trespassing on to other abutting properties. If complaints are received, lighting shall be adjusted so it will not cause a public health nuisance.

h. The Petitioner shall 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.

i. The Petitioner shall 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.

- 1.24 The Board of Health will engage an independent third party, licensed site professional to conduct an independent environmental evaluation of the property. The licensed site professional will oversee the project and shall confirm that the soil testing work, along with the proposed capping work to be conducted, meets all local, state and federal requirements. The licensed site professional will conduct a complete site assessment, provide their recommendations on whether soil testing is required and what types of testing needs to be conducted due to the history of this site. This licensed site professional will also: (a) determine whether and what type of barrier or capping

measures may be necessary on this site; (b) offer guidance on what mitigations are necessary in the event the soil is found to be contaminated; (c) offer guidance on what mitigations to the new building will be required to ensure the building air quality is adequate and safe; and (d) offer their guidance on what will be required going forward to ensure the site is deemed safe for the children at this new child-care facility.

- 1.25 The Design Review Board reviewed the project and issued review memoranda dated March 22, 2021, May 14, 2021, and August 13, 2021.
- 1.26 The proposed project, as modified by this Decision, has been designed to protect adjoining premises from detrimental impacts by provision for surface water drainage, sound and sight buffers, and preservation of views, light, and air. The Board, in Sections 2.0 and 2.1 of this Decision, has requested modification of the Plan to address the zoning deficiencies detailed in Sections 1.17, 1.19, 1.20 and 1.21 above. As noted in the stormwater management report prepared by Glossa Engineering, the drainage plan will capture all the runoff from the building rooftops and most of the runoff from the paved areas and will direct the runoff into an underground infiltration basin. The design and analysis of the system is based on Massachusetts Department of Environmental Protection (Mass DEP) stormwater management regulations. A landscape plan has been developed for screening and enhancing the existing site. The lighting system for the project parking areas has been designed to comply with the Town of Needham lighting requirements. The parking area is on the side of the property adjacent to Temple Aliyah and is not close to the residential properties abutting the southern boundary of the property. No light "spillage" onto neighboring residential properties is permitted other than from headlights of departing vehicles during dusk/dawn hours in the Winter months.
- 1.27 The proposed project will ensure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. As shown on the Plan, the project has been designed to ensure that there will be safe vehicular and pedestrian circulation on site. The access to and egress from the property will be via the existing driveway opening onto Central Avenue, where there are adequate sight lines up and down Central Avenue. Access to the child-care facility will use a 200-plus foot-long, 30-foot-wide access drive to Central Avenue, consisting of three lanes: an 8-foot-wide queueing lane that can accommodate ten waiting vehicles and which provides access to a 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. The parking area has been designed with an "island" that vehicles can circulate around so that vehicles dropping off and picking up children can continuously move forward upon entry, following drop-off and pickup, and when exiting the site. Drop-off and pick-up times for all children will be staggered, to reduce queueing on the site and to assure that queued vehicles do not negatively impact Central Avenue operations. To this end, the operator will regularly review its drop-off and pick-up schedule and will enforce such schedule among its customers.
- 1.28 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been achieved. The proposed parking area complies with the Town of Needham By-Law requirements for number of spaces, illumination, loading, parking space size, location, design and number of handicap spaces, width of maneuvering aisles, setbacks, and landscaping. The parking area includes 30 spaces, which is the required number of spaces for the proposed use and the anticipated number of children and staff members. The required parking calculation is based on a

formula the Town uses for this type of use, which is 8 spaces, plus 1space for each 40 children, plus one space per staff member. Applying this formula leads to a calculated parking requirement of 29 spaces.

- 1.29 Adequate methods for disposal of refuse and waste will be provided. The project is not a major generator of refuse or other wastes. The project's waste system is connected to the municipal sewerage system. The site has been designed such that adequate methods of disposal of refuse resulting from the proposed use has been assured. A dumpster will be located at the far (eastern) end of the parking area and will be enclosed with fencing. Refuse will be regularly removed from the site by a licensed hauler.
- 1.30 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area follow the requirements of the By-Law. The Board in Sections 2.0 and 2.1 of this Decision has requested modification of the Plan to address the zoning deficiencies detailed in Sections 1.17, 1.19, 1.20 and 1.21 above. The matters to be considered by this Board in connection with relationship of structures and open spaces to the natural landscape, existing buildings, and other community assets in the area, have been addressed with the Plan modifications detailed in Sections 2.0 and 2.1, and the project complies with all other requirements of the Town By-Law. The gross floor area of the building is 10,034 square feet on one floor and is smaller than what would be allowed by the applicable maximum lot coverage (15%) and the applicable FAR (.30) for the Single Residence A District. In addition, this building is considerably smaller than the abutting Temple Aliyah. Further, the parking will be in the rear of the building.
- 1.31 The proposed project will not have any adverse impact on the Town's resources, including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The proposed use will not result in an increased demand or adverse impact on the Town's resources. The Petitioner will connect to the Town's sewer system by running, at the Petitioner's expense, a sewer main from its current closest point on Country Way, up Central Avenue to the site. Neighboring properties will have the option of connecting, at their expense, to this sewer line. The project will connect to the Town's water supply system which has adequate capacity to service the development. The Petitioner has engaged a traffic engineer to study this site and will implement the traffic mitigations measures detailed in Section 1.16.
- 1.32 The Board finds the Plan, as modified, conditioned and limited by this Decision, the Traffic and Parking Report, and the other documents submitted in connection with the application, supports Major Project Site Plan approval under By-Law Section 7.4.
- 1.33 Under Section 7.4 of the By-Law, a Major Project Site Plan Decision may be granted within the Single Residence A District provided the Board finds that the proposed use of the property by the Petitioner meets the standards and criteria set forth in the provisions of the By-Law. Based on the above findings and conclusions the Board finds the proposed Plan, as modified, 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.

THEREFORE, the Board voted 4-0 to GRANT the requested Major Project Site Plan Review

Decision under Section 7.4 of the Needham By-Law subject to and with the benefit of 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 Commissioner 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 Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit seven copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Plan shall be modified to include the requirements and recommendations of the Department of Public Works as set forth below. The modified plans shall be submitted to the Department of Public Works for review and comment, and to the Board for approval and endorsement. All requirements and recommendations of the Department of Public Works, set forth below, shall be met by the Petitioner.
 - a. The plan shall be revised to show an ADA-compliant sidewalk along the entire frontage of the property.
 - b. All snow shall be removed or plowed such that the total number and size of parking spaces are not reduced below the 30-space minimum parking space requirement. A snow storage plan shall be submitted which shows compliance with this condition and which prevents melted snow piles infiltrating abutting properties.
- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.
 - a. The Plan shall be revised to show a wooden fence at the south side of the building rather than the proposed white vinyl fence.
 - b. The exterior lighting plan shall be revised at the north side of the driveway to show four pole lights rather than the proposed three pole lights with the height of the poles reduced from 24 feet to 20 feet.
 - c. The exterior lighting plan shall be further revised, and an updated photometric plan submitted, to demonstrate that the exterior lighting complies with building code and zoning requirements and does not show light trespass onto abutting properties.
 - d. The Plan shall be revised to demolish or remove from the property the barn and to relocate the proposed building and associated fencing another ~~5671~~ feet back from Central Avenue to a minimum front yard setback of ~~12035~~ feet in accordance with the sketch plan shown as Exhibit ~~249496~~ as modified by the dimensional adjustments detailed in this paragraph. The drop-off area, five parking spaces, loading area and turnaround immediately beside the rear of the building are to retain their current

design and placement beside the rear of the relocated building. The remainder 25 parking spaces may be reconfigured behind the relocated building. Parking on the property shall respect a 35-foot minimum setback distance along the southern property line. Parking on the property shall not be located less than ~~265~~80 feet from the property's front yard lot line on Central Avenue. All parking shall be located behind the building. The Petitioner shall have the discretion to increase the parking spaces available on the property from 30 spaces up to a maximum of 41 spaces by increasing the 25-space parking area to 36 spaces as shown on Exhibit ~~249~~196. The drainage plan and storm water report shall be updated to reflect the above-noted modifications.

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2.2 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

~~d.a.~~ The plan shall be revised to show all trees having a caliper of greater than 6 inches DBH (diameter at breast height) located within the proposed area of disturbance that will not be retained during the construction process. Said trees shall be replaced at a 2 to 1 ratio with the location, size and species selected to be reflected on a revised landscaping plan submitted to and approved by the Director of Parks and Forestry. Replanting required because of this condition shall be focused within the required front yard setback area.

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CONDITIONS

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 3.4~~43~~ hereof.

- 3.1 The Board approves the Plan, as modified by this Decision, submitted by the Petitioner and authorizes the use of the property for one child-care facility at the premises with a maximum number of children of 115.
- 3.2 The operation of the proposed child-care facility at 1688 Central Avenue, Needham, Massachusetts, shall be as described in Sections 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, ~~1.16~~ and 1.17 of this decision and as further described under the support materials provided under Exhibits 1, 2, 8, 9, 10, 11, 19, 20, 23, 26, 27, 28, 37, 41, and 45 of this decision. Any changes of such above-described use shall be permitted only by amendment of this approval by the Board.
- 3.3 The hours of operation of the child-care facility shall be limited to 7:00 am to 6:00 pm Monday through Friday. No child-care operations shall be allowed on Saturday or Sunday. Notwithstanding the above, the childcare facility may be used on weekdays until 8 p.m. and on Saturdays and Sundays for administrative purposes, meetings with staff, and small meetings with parents and guardians provided all other conditions of this Decision including, but not limited, to parking requirements are not violated.
- 3.4 The maximum number of children present at the child-care facility at any given time shall not exceed 115. The maximum number of child-care employees or staff inclusive of teachers, instructors and administrators present at any given time shall not exceed 18.

3.5 The Petitioner shall obtain and maintain compliance with all licenses required for its operation of the child-care facility.

3.6 The building, parking areas, driveways, walkways, landscape areas, and other site and off-site features shall be constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.

3.7 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law. The building shall be used exclusively as a child-care facility. The floor plans may be modified without further review by the Board, provided that the building footprint and the square footage of the building is not increased, the maximum number of children participating in classes at any given time is no greater than 115 and the maximum number of child-care staff present at any given time is no greater than 18. All other changes, revisions or modifications to the Plan, as modified by this decision, shall require approval by the Board.

3.8 Any change to the property shall require an amendment of the site plan approval.

3.9 Sufficient parking shall be provided on the locus at all times in accordance with the Plan, as modified by this Decision, and there shall be no parking of motor vehicles off the locus at any time. No on-site events shall cause an overflow of parking off-site onto neighboring streets.

3.109 A total of a minimum of 30 parking spaces and a maximum of 41 parking spaces shall be provided on the site at all times in accordance with the Plan, as modified by this Decision. All off-street parking shall comply with the requirements of Section 5.1.3 of the By-Law, except as otherwise waived by this Decision.

3.110 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed at Owners Expense". The quantity & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.

3.113.12 The Petitioner shall manage parking and traffic flow as presented with the application, and shown on the Plan, so that there is no back up of cars on Central Avenue waiting to enter the parking lots or drop-off area used by the Petitioner. If back up is a problem, the Petitioner shall take measures to eliminate any backup, such as to assign employees or staff to monitor traffic flow, student drop off or pick up or adjustment of the periods of drop off/pick up including maintaining a police detail, among other options.

3.123.13 If the Petitioner is notified by the Planning Board, based on reliable observations reported to the Planning Board, of frequent or chronic backup of vehicles onto Central Avenue from the child-care facility, it shall promptly propose, in writing to the Planning Board, a plan to remedy the situation and following Board approval shall execute the

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approved plan without delay.

3.133.14 As detailed in Section 1.17 of this Decision, the Petitioner shall implement the following traffic mitigation measures: (a) The Petitioner shall be responsible for securing and paying for a police detail for traffic control at the site driveway during the morning hours of 7:30 a.m. to 9:30 a.m. and the afternoon hours of 3:30 p.m. to 6:00 p.m. The detail shall remain in place for a minimum of 60 days. The detail may be discontinued thereafter upon request of the Petitioner and a finding by the Board (following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient) that the site is operating without significantly impacting operations along Central Avenue. (b) Prior to building permit issuance, the Petitioner shall provide detailed traffic signal timing plans to the Department of Public Works (DPW) for optimized operations at the Central Avenue/Charles River Street intersection for the morning and evening peak hours. The Petitioner shall further coordinate with the Town Engineer on how to implement the revised signal timings. The Petitioner shall be responsible for implementing and paying for any approved signal timing adjustments approved by the Town Engineer prior to building occupancy. (c) The Petitioner shall complete a follow-up traffic study after the site is open and operational to at least 80% of student capacity. The Petitioner shall further pay the reasonable fees of any consultants/peer reviews required for review or implementation of the above noted items.

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3.143.15 The Petitioner shall not exceed the Maximum Trip Count as follows: The total Maximum Trip Count for the child-care facility is 110 trips during the weekday morning peak hour and 112 trips during the weekday evening peak hour. The Petitioner shall prepare, submit and implement a Transportation Demand Management Work Plan (the "TDM Work Plan"), that includes strategies and measures necessary to comply with the Maximum Trip Count. The TDM Work Plan shall be submitted to the Board for review and approval prior to the issuance of the building permit.

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3.153.16 The Petitioner shall be responsible for verifying compliance with the Maximum Trip Count, if so requested by the Board. Such trip counts shall be conducted by a qualified professional in accordance with standard engineering methodology. The Petitioner shall be responsible for the cost of all trip counts, surveys, and required analysis. If the Maximum Trip Count is exceeded, the Petitioner shall submit a revised TDM Work Plan to the Planning Board for review and approval that shall include a narrative of how the changes to the TDM Work Plan will reduce the number of vehicular trips during peak hours and a detailed proposal of how current operations will be adjusted to secure compliance with the Maximum Trip Count standard. The Petitioner shall pay the reasonable fees of any consultants/peer reviews as are necessary for the Board to review and analyze any submitted TDM Work Plans or TDM Monitoring Reports.

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3.163.17 In the event that traffic or parking problems caused by the use of the property develop that are inconsistent with what was represented to the Board at the hearing and that adversely affect the neighbors on Central Avenue, the Board may modify this Decision by imposing additional conditions in accordance with the provisions of Section 4.2.

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3.173.18 The Petitioner shall be responsible for implementing and complying with the requirements of the Board of Health as detailed in Section 1.23 and Section 1.24 of this Decision, and all other requirements of the Board of Health as the Board of Health shall determine based on the report of the licensed site professional as set forth in Section 1.24.

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The Petitioner shall provide access to the property by the licensed site professional retained by the Board of Health for the purpose of completing the tasks set forth in Section 1.24.

3.183.19 The initial operator of the child-care facility at 1688 Central Avenue shall be the NCC. The Petitioner shall provide a copy of the lease agreement between the Petitioner and the NCC which confirms this operational arrangement. The operation of the child-care facility at 1688 Central Avenue by the NCC, ~~858 Great Plain Avenue~~, Needham, MA, may not be transferred, set over, or assigned by the Petitioner, to any other person or entity without such person or entity certifying they have read and understood this decision and agreeing to maintain compliance with all aspects of this decision, and that they are licensed by the Massachusetts Department of Early Education and Care. ~~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.~~ Notwithstanding the above, this permit may be transferred to an affiliated entity (under common control with the NCC) without Board approval or action, provided the Board is provided with a copy of the name and address of such entity.

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3.193.20 All utilities, including telephone and electrical service, shall be installed underground from the street line.

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3.203.21 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit, with impact fee paid if applicable.

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3.213.22 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit and any grants of location that are required from the utility companies. In accordance with the recommendations of the Needham Department of Public Works Central Avenue shall be repaved gutter to gutter in the area impacted by the sewer installation after its installation has been completed.

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3.223.23 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit pursuant to Town requirements.

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3.233.24 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out pursuant to Town requirements.

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3.243.25 The Petitioner shall connect the sanitary sewer line only to known sources. All known sources that cannot be identified shall be disconnected and properly sealed.

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3.253.26 The construction, operation and maintenance of any subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Select Board.

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3.263.27 The maintenance of site and parking lot landscaping shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.

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3.273.28 The Storm Water Management Policy form shall be submitted to the Town of

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Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy.

~~3.283.29~~ The Petitioner shall comply with the Public Outreach & Education and Public Participation & Involvement control measures required under NPDES. The Petitioner shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed.

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~~3.293.30~~ All solid waste shall be removed from the site by a private contractor. The Petitioner shall obtain the necessary snow removal services to keep the parking lot, handicapped space, driveway, and circular drive passable by vehicles and safe. All snow shall be removed or plowed such that the total number and size of parking spaces are not ~~reduced~~ ~~reduced~~, and any on-site snow piles shall not infiltrate an abutting property as such snow piles melt.

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~~3.303.31~~ All deliveries and trash dumpster pick up shall occur only between the hours of 9:30 a.m. and 4:00 p.m., Monday through ~~Friday~~ ~~Saturday~~, not at all on ~~Saturdays~~, Sundays and holidays. The dumpster shall be screened with a wooden fence, which shall be maintained in good condition. The dumpster shall be emptied, cleaned and maintained to meet Board of Health standards.

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~~3.313.32~~ All lights shall be shielded and adjusted during the evening hours to prevent any annoyance or trespass to the neighbors. The Petitioner shall adjust its driveway and parking lot lights during the night and early morning. ~~By 8:30 p.m.~~ ~~Between the hours of 8:00 p.m. and 9:00 p.m.~~, the Petitioner shall shut off the driveway and parking lot lights using the lights on the building to shine down and provide basic security. The building lights shall be set at a low light level to prevent any annoyance to the neighbors.

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~~3.323.33~~ An ADA- compliant sidewalk shall be installed along the entire frontage of the property with the final design approved by the Town Engineer.

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~~3.333.34~~ In constructing and operating the proposed building on the locus pursuant to this Decision, due diligence shall be exercised, and reasonable efforts shall be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.

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~~3.343.35~~ Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.

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~~3.353.36~~ All construction staging shall be on-site. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Commissioner. No construction parking shall be on public streets.

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~~3.363.37~~ The following interim safeguards shall be implemented during construction:

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- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
- b. The Petitioner's contractor shall provide temporary security chain-link or similar type

fencing around the portions of the project site that require excavation or otherwise pose a danger to public safety.

- c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Central Avenue.
- d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Central Avenue clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.

3.387 No building permit shall be issued in pursuance of this Decision and Site Plan Approval until:

- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
- b. A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
- c. The Petitioner shall have submitted detailed traffic signal timing plans to the DPW for the Central Avenue/Charles River Street intersection as outlined in Section 3.143 of this decision.
- d. The Petitioner shall have submitted the Transportation Demand Management Work Plan to the Board as outlined in Section 3.165 of this decision.
- e. The Petitioner shall have submitted a letter to the DPW identifying the measures selected and dates by which the NPDES requirements outlined in Section 3.298 of this decision will be completed.
- f. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

3.398 No building or structure, or portion thereof, subject to this Site Plan Approval shall be occupied until:

- a. An as-built plan, supplied by the engineer of record certifying that the on-site and off-site project improvements were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, in their true relationship to the lot lines.

In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.

- b. There shall be filed with the Building Commissioner and Board a statement by the Department of Public Works certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalks and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan.
- c. There shall be filed with the Board and Building Commissioner a Certificate of Compliance signed by a registered architect upon completion of construction.
- d. There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
- e. There shall be filed with the Board a statement by the Engineering Division of DPW that the Petitioner has implemented the Town approved signal timing adjustments at the Central Avenue/Charles River Street intersection as detailed in Section 3.1~~43~~.
- f. There shall be filed with the Building Commissioner a statement by the Board approving the final off-site traffic improvements.
- g. The Petitioner shall have submitted a copy of the lease agreement between the Petitioner and the NCC which confirms the initial operator of the child-care facility at 1688 Central Avenue to be the NCC as outlined in Section 3.1~~98~~ of this decision.
- h. There shall be filed with the Board a statement by the Engineering Division of DPW that the Petitioner has met the NPDES requirement as detailed in Section 3.2~~98~~ of this decision.
- i. The ADA- compliant sidewalk shall have been installed along the entire frontage of the property as detailed in Section 3.3~~32~~ of this decision.
- j. Notwithstanding the provisions of Sections a, b, and d hereof, the Building Commissioner may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features.

3.~~4039~~ In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Select Board, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health, and the Massachusetts Department of Early Education and Care.

3.419 Any blasting conducted at the property shall require approval by the Needham Fire Department in accordance with Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00.

3.413.42 No building or structure authorized for construction by this Decision shall be occupied or used, and no activity except the construction activity authorized by this Decision shall be conducted within said area, until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner.

3.424.43 The Petitioner, by accepting this Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.

3.434.44 Violation of any of the conditions of this Decision shall be grounds for revocation of this Decision, or of any building permit or certificate of occupancy granted hereunder. In the case of violation of the continuing obligations of this decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Owner 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 Owner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in revocation of this Decision. As an alternative, the Town may enforce compliance with the conditions of this decision by an action for injunctive relief before any court of competent jurisdiction. The Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision.

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LIMITATIONS

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

4.1 This Decision applies only to the site and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this Decision 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 ~~property~~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 Decision and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.

4.4 The conditions contained within this Decision are limited to this specific application and

are made without prejudice for any further modification or amendment.

- 4.5 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.7 This Site Plan Review Decision shall lapse on ~~March~~February 1, 2024, 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 ~~March~~February 1, 2024. 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.
- 4.8 This Decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Review Decision 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 Decision does so at the risk that a court will reverse the Decision and that any construction performed under the Decision may be ordered undone.

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

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

Witness our hands this 1st day of ~~March~~February, 2022

NEEDHAM PLANNING BOARD

Paul S. Alpert, Chairman

Adam Block

Martin Jacobs

Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2022

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public
My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, 02492, for Property located at 1688 Central 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 # _____	Board of Selectmen	Board of Health
Town Clerk	Engineering	Director, PWD
Building Commissioner	Fire Department	Design Review Board
Conservation Commission	Police Department	Evans Huber
Parties in Interest		

NEEDHAM PLANNING BOARD MINUTES

December 8, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Wednesday, December 8, 2021, at 7:15 p.m. with Messrs. Jacobs and Block and Ms. McKnight, 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 includes 2 public hearings 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, including the agenda, are posted on the town's website.

Report from Planning Director and Board members.

Mr. Alpert began the meeting noting the passing of Town Engineer Anthony DelGaizo last night. He stated he was always an incredible help and represented the town well. Ms. Newman stated she could not start the meeting without acknowledging the unexpected passing of Mr. DelGaizo. He was a colleague and dear friend. He worked with in the eEngineering Department for 30 years and as Town Engineer for most of that time. He will be greatly missed. Mr. Alpert asked for a moment of silence in memory of Mr. DelGaizo.

ANR Plan – 2021 Grove Street Partners, LLC, Petitioner (Property located at 390 Grove Street, Needham, MA).

Domenic Colasacco, owner, stated he co-owns the property. There have been a number of discussions and hearings regarding this property. The prior owner had petitioned to subdivide this property. The front has 1.5 acres and there is a rear piece. He and his neighbor bought the property. They want to subdivide the front part, which is 50,000 square feet, and sell to a developer for one single family home. The rear will be left undeveloped. This property borders the owners' 2 properties. Mr. Alpert stated the back lot will be unbuildable with no frontage. Mr. Colasacco understands that. The co-owners want it to be left natural. Ms. Newman stated she reviewed the plan, as has Engineering, and there are no issues. Ms. McKnight stated there is a building on Lot 1- ~~and- S~~ she asked if that was existing or a proposal sketch. Mr. Colasacco stated it is an existing house that was not well maintained and is not inhabited. He feels it will be demolished and a new house built.

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

VOTED: to endorse plan Approval Not Required.

Public Hearing:

7:20 p.m. – Amendment to Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1471 Highland Avenue, Needham, MA). Regarding proposed Town Common renovation. Please note: this hearing was continued from the November 2, 2021 and November 16, 2021 meetings of the Planning Board.

Moe Handel stated he knew Mr. DelGaizo well. He was very saddened by his loss. He noted Mr. DelGaizo was a member of the working group that developed the plan for the Town Common. Mr. Handel stated he was a member of the working group, a former member of this Board and of the Select Board. This was a very long process. This has been vetted in an open committee process, Select Board meetings and Conservation Commission meetings. There has been a lot of public scrutiny through this very public process. There has been broad representation. He urges a timely approval of this request so the project can get underway.

Town Counsel Christopher Heep noted at the conclusion of the last meeting the hearing was left open with questions. He submitted a letter last week addressing the larger issues and new renderings of the common. He reviewed the larger issues.

Pertaining to the lights, there was a proposal from Oscar Mertz with an alternate proposal that resembled one that was considered earlier but was rejected. The cables were attached to free standing poles. The poles were rejected as they would require substantial foundations, would be challenging to remove and the poles would create obstacles for walking around and ground crews. The 6 free standing poles took away from the goal of open space. They have opted to string lights from the shade structures which they feel is the best approach.

Mr. Jacobs stated his issue was why lights at all. Why create a 12-foot ceiling over the open field? He is thinking it should be open to the stars and sky. He has been reading about catenary lights. They are decorative and functional and can light an area without poles. Why do we need the green lighted? He asked if they were trying to encourage night activities there. He was told these lights are full ~~year~~^{year}, but one plan says it is seasonal lighting. Mr. Heep stated the lights have been designed to remain in place all year long. The word "seasonal" will need to be taken off the plan. The lights are intended to be both decorative and functional. The lights will be attractive and festive and brighten that area of the common. Mr. Heep stated the town wants to encourage people to make use of the common into the early evening hours. This will allow the area to be used after the sun goes down. It is intended to be functional space. Mr. Jacobs thanked him for his response although he does not agree.

Mr. Heep noted the lights will be 12 feet off the ground and will not be an obstacle or impediment. This project will allow enough space for large crowds to gather. He submitted a rendering of a large crowd on the Town Hall steps and Garrity Way. This area could accommodate up to 2,400 people. Ms. McKnight stated she appreciates the additional views, ~~noting,~~ ~~however, that-~~ Mr. Heep referred to the crowd on the steps. She noted people gather below the steps and not on the steps. She counted 110 ~~people~~^{people}, but she ~~had~~ requested a sketch with 200 people. She asked if the crowd was on the ground and was informed the people were all on the ground and not on the steps. She asked if the tent was designed to be taken down either seasonally or at other times. Scott Ritter, of the Beta Group, stated the tents are intended to go up and down and should not be too difficult. Ms. McKnight asked if Mr. Olson agreed. Ed Olson, Superintendent of Parks and Forestry, agreed. It is intended to be taken down seasonally.

Mr. Heep stated he submitted new drawings on materials used, benches, seats and such. There was a comment made regarding the metal footings of the shade structures. The Town uses salt with magnesium chloride. It is less corrosive than others and less toxic to the environment. The town ~~continue~~^{continued} to look at the removal of the diagonal paths and if that would increase the distance people would need to walk. The walk is approximately 60 feet longer from one side to the ~~other~~^{other}, but it is vastly improved over the current conditions. The paths will be smoother and more handicap accessible. Mr. Alpert commented he would hate to see the common with "stay off the grass" signs. People should feel free to walk across the grass. He likes the look of the oval pathway and the innovative design. People should use the entire common. Mr. Heep stated he appreciated the comments.

Mr. Heep noted a resident expressed concern the shade structure would obstruct the open space. There is no obstruction. There will be 4 posts and a slatted roof. It would not be intrusive. There was a comment about temperature variations in the benches. That was looked ~~into~~^{into}, and it should not be too hot or cold in the seasons. The benches will be metal coated with a thick coat so you are not sitting ~~directly~~ on metal and they will be a silver color so they will not be as hot in summer. Scheduling events on the common will be handled through the Town Manager's office and not through this permit. He has tried to respond to all concerns up to this point. Ms. McKnight stated she does not like unnecessary lights but will defer to the applicant and what they want to use the area for. She would not be opposed to the project. The applicant wants a more festive ~~look~~^{look}, and she would go along with it. Mr. Alpert stated it was unfortunate Ms. Espada is not at the meeting. She is the architect on the Board. This deserves discussion during ~~deliberations~~^{deliberations}, and he would like to give Ms. Espada the opportunity to view the tape and participate in the deliberations. Ms. McKnight agreed.

Mr. Alpert noted the following correspondence for the record: an email from Police Chief John Schlittler, dated 10/7/21, with questions; Mr. Heep's response, dated 11/16/21; an email from Fire Chief Dennis Condon, dated 10/8/21, with no issues; a memo from Tara Gurge of the Health Department, dated 10/26/21 with no comments; a letter from Assistant Town Engineer Thomas Ryder, dated 11/9/21, with no comments or objections; an email from Michael Ruddy that was discussed at the last meeting; an email from Nancy Louca, dated 11/20/21, with comments; an email from Lisa Cherbuliez, dated 11/28/21, with comments regarding the Farmers Market; an email from Heather Hampf, dated 12/4/21, with concerns; an email from Oscar Mertz that was addressed by Mr. Heep and an email from Lindsey King, dated today, in opposition.

Oscar Mertz noted his sketch to suggest the lifting of lights was not intended to create poles as a replacement as structural support. He is asking it remain an open question. He feels 12 feet is low. He is not a fan of ~~lighting~~lighting, but he gets it. He would like a switch for the lights to turn them on and off. He noted the installation of cables on a 12-foot pole idea could be installed at a future date and could be tested to see if they could be lifted to a specific height. Mr. Heep stated Mr. Mertz raises an interesting idea. If people think 12 feet is not sufficient in a year or so they could look at raising them higher. That might merit further study. Marianne Cooley of the Select Board stated the Select Board is responding to the fact people in town enjoyed the lights. There are many warm evenings in ~~summer~~summer, and it is particularly a gathering spot for youths. It is not a bad place for youths to gather.

Jeff Friedman, of the Farmer's Market, stated he is a Town Meeting member and he voted for this appropriation. He thinks it is a great idea and likes the idea of more people coming. He is concerned ~~as to whether~~if the plans have electrical outlets provided for vendors. ~~He noted that T~~here would be space available for vendors to occupy part of the Town Common. Mr. Heep stated there is new electrical capacity built into the seat wall. That should allow vendors to plug in, but where the vendors go would be subject to the ~~Town's~~ license with the ~~Farmer's~~ Market.

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

VOTED: to close the hearing.

This will be deliberated at the next meeting.

8:00 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, October 5, 2021, October 19, 2021, November 2, 2021 and November 16, 2021 meetings of the Planning Board.

Adam Block became Acting Chair of this hearing. He noted the following correspondence for the record: an email between Planning Director Lee Newman and Tara Gurge of the Health Department, regarding environmental engineering elements; a letter from Assistant Town Engineer Thomas Ryder, dated 12/6/21, regarding the ADA compliant sidewalk, a summary memo from Evans Huber, dated 12/2/21, with a number of items, and another email from Evans Huber, dated 12/2/21; an email from Elizabeth Bourguignon, of 287 Warren Street; an email from Carolyn Day Reulbach, dated 12/2/21; an email from Maggie Abruzese, dated 12/6/21; another email from Maggie Abruzese, dated 12/6/21, regarding number of parking spaces; an email from Rick Hardy; an email from Lori Spitz; an email from Pat Moore Jr. on behalf of Gregg Darrish; an email from Building Inspector David Roche, dated 12/7/21; and correspondence from Pat Falcao of 19 Pine Street.

Ms. McKnight ~~asked whether~~clarified the revised plans are all set now as far as the driveway and sidewalk. She asked if there were any remaining issues with regard to the plans. Ms. Newman stated she received comments from Engineering that the applicant has agreed to install an ADA compliant sidewalk. It is not on the plans in front of you but can be handled with a plan modification.

Mr. Alpert noted, with regards to the barn, there is a letter from the Building Inspector with his opinion regarding the barn. It is up to this Board to make a determination. His reading is that the Board can enforce provisions in the By-Law. The question for the Board to determine is if the Board has the authority to have the barn removed. They are not dealing with legal arguments. The Board will need to deliberate and make a determination. If the Board decides they have the authority to have the barn removed, he has not heard a factual basis why removing the barn would be an unreasonable requirement.

Mr. Huber stated he will make a presentation at the end after all the public comments. His goal is to get the hearing closed tonight. Pat Day, owner of Needham Children's Center (NCC), stated she has sat in these meetings for months. She thanked the Planning Board members for their careful consideration of this project. She is encouraged, being the main tenant and not a faceless corporation. She has been a long-time community partner and none of that will change. She will work with the Town and the neighbors. She read a statement she prepared. She is respectful of the needs of the neighborhood and ~~as~~

to traffic. She feels the concerns by a few neighbors are not well founded. Needham should be a community supportive of all.

Stanley Keller, of 325 Country Way, stated he had served as legal counsel to Temple Beth Shalom in the past and feels Mr. Alpert's decision to recuse himself was a conservative one. He feels no one should question ~~Mr. Alpert's~~ ability to exercise independent judgement. He stated the Planning Board can impose legally enforceable, legitimate conditions. There are some basic issues and key questions the Planning Board needs to get behind. What is going on here? It has been a changing and shifting story through the meetings. You cannot rely on the developer to do the right thing. There need to be legally enforceable restrictions. What is the sudden importance of the old barn? It strains credibility that the building was designed without adequate storage. Could it be for future development in the back? The next question is what are the lease arrangements and how does the barn fit into those lease arrangements? The Planning Board should get behind that kind of information.

Patricia Falcao, of 19 Pine Street, noted letters have not been posted online. Mr. Block stated all correspondence received has been posted. Ms. Falcao does not understand how a large ~~for-profit~~ corporation could be placed in the middle of a one acre residential area. Mr. Block stated, under state law, daycares are a protected use. Mr. Jacobs suggested Ms. Falcao get in touch with Ms. Newman or Ms. Clee to get an understanding of the special permit process. Ms. McKnight explained a commercial use could never go in here. Possibly a church or educational use, but never commercial.

Eric Sockol, of 324 Country Way, noted he is a 54-year ~~resident~~ and both his children went to NCC. He received the letter from Kristy Thompson. She had a lot of well thought out reasons why potential contamination issues should be looked at. Hopefully all agree the highest issue should be the health and safety of infants/children in our society. This is a real issue. Ms. Day should be the first person in line to have the property tested. He stated this has the potential for contamination and shame on all of them. They have the ability to not worry people about these issues. He feels greed is the incentive. No one should say it is not a problem. He would not want any parent concerned with this issue. He believes this is the biggest issue. They cannot do this with a good conscience. There is a solution to put it to bed and he urged all to do the right thing. Mr. Block stated the Department of Health is holding a meeting on 12/14/21 to take up the environmental impacts of this project. They will have public comment and acknowledge the seriousness of the issue. The Department of Health will give recommendations to the Planning Board.

Evan Roach, of 224 Country Way, noted concern with the location and the great deal of variability with traffic. There are only so many ways to get to Dover and Medfield. The Baptist Church has many different ways to get there. They are missing the point of having a lot of traffic going by houses at a great rate of speed.

Maggie Abruzese, of 30 Bridle Trail Road, stated she has significant concerns with the project setback. This is a large commercial building. It will become most prominent in the neighborhood and change the character of the neighborhood. There will be a massive amount of pavement. Central Avenue is 20 feet ~~widewide~~, and this driveway will be 30 feet wide. The drop off lane is not a driveway and should not be in the setback. The building should be set back at least as far as the Temple and shielded by landscaping. There are more than 3 acres of land so there is no reason to crowd Central Avenue or skimp on parking. There is no on-street parking here. She noted this plan relies heavily on the drop off lane and is not a tenable model. Emissions will be bad for the neighborhood and the children at the daycare center. This building will be opened long after covid is no longer an issue. Children will not always be dropped off with live drop off. Daycares are communities and communities need communication. Parents cannot always stick to a live-drop-off model. Parents must be allowed to park and go ~~in to~~ into the building to drop off their children.

Ms. Abruzese commented on the convenience and safety of pedestrian movement on site. The interior roadway has many points for safety issues. There is no second exit as this is a dead end. The spots closest to the door are not accessible unless the car gets in the drop-off lane. It is dangerous at the drop-off area. Cars will stop if the 6 parking spots by the barn are full and will wait for a spot or will have to turn around which would be dangerous. This plan does not account for fire trucks. How would a fire truck turn around? It is also a poor plan for the dumpsters to be emptied. Trucks will have to back all the way out. This is more than 3 acres. This plan does not account for the parking of the 3 school vans NCC owns. There is no unimpeded access to the loading zone without waiting in the drop off lane and the trucks will have to back out. She noted there is no plan for snow removal and no place for snow ~~storage~~ removal. For lighting, the Design Review Board (DRB) wanted to see a lighting plan at the August meeting. The developer did not have a lighting plan. Lighting is not an

insignificant issue. The new plan does not address the DRB comments and issues. The lighting is not uniform. Lights trespass onto the Temple property and the Darrish property. The lighting also has high levels. She would ask the developer to submit a plan to the DRB for comment. The architect not being here is a problem. She asked how Mr. Gluesing could design a building without enough storage. The building needs a basement. Mr. Block asked the developer to have all consultants at all the ~~meetings~~meetings, but the architect has not been there. Ms. McKnight stated that if Ms. Abruzese submitted her comments on lighting in writing, it would be very helpful.

Lori Spitz, of 188 Charles River Street, is a 17-year resident. She stated Mr. Huber, Mr. Borelli and Ms. Day do not live here and do not understand this area. The only people who understand are recused from this hearing. Mr. Sockol and Ms. Abruzese made phenomenal comments. This is not a commercial area. She wants to make sure the people who live here are heard and listened to. The Walker School is also here and is 4/10 of a mile from this property. That is a special education extended day school with complex issues. Has there been any consideration to this? This would impact them in a major way. She noted many accidents caused the traffic lights to be put in. This is a major cut through. She asked if the crossroads have been taken into consideration. It is important to understand this corner of town is very difficult.

Peter Lyons, of 1689 Central Avenue, stated he lives directly across the street. He will be impacted and is opposed to this project. The Board needs to truly address the traffic he deals with every day. The driveway will be directly across the street from his property driveway. It is already difficult to get out of his driveway. He has a ~~16-year-old~~16-year-old daughter who is just starting to drive. He is concerned with the safety conditions being created. He is also concerned with light pollution. He appreciates Ms. Abruzese's comments. There are already lights from the Temple. He is concerned with headlights shining into his house every time a car leaves the property. The Board has to address the setback from Central Avenue. This building is too large to be that close to Central Avenue. It will alter the neighborhood.

Joe Abruzese, of 30 Bridle Trail Road, thanked the Board for all the work. The applicant has had over 7 hours of testimony and the public is now being allowed to speak. He would like to address the misrepresentation made by Mr. Huber at the last meeting regarding hearing delays that were not attributable to the applicant. He noted there have been 3 delays with 2 by the applicants. This project is extremely important and all needs to be taken into consideration. There is a disharmony with the existing area. Look at setbacks in relation to the size of the building. He showed a simple chart. Most buildings in the area are residential homes. The Temple is set back ~~far~~ further than the houses. He showed the range of setbacks in the neighborhood and the range for 1688 Central Avenue. The proposed setback is 64 feet on 1 1/3-acre 3 1/3-acre? property that goes 1,000 feet back. This should be set back in the 200-foot range to be consistent with the other buildings. He stated the traffic projections are unfounded. There is a constant shifting of the applicant's information, which is concerning. He showed a chart with Central Avenue statistics with peak times and pre-pandemic ~~T~~Town counts. The applicant counted on one day. His figures are 40% less than the ~~T~~Town numbers. Why is there such a difference in numbers? This needs to be a concern. He asked the Board to not take the projections as fact. He spoke of the actual legal capacity of the building. He looked at the proposal and they are actually allowed, in a building of this size, 199 children or 219 if there is a half day program.

Mr. Block stated conditions of the Planning Board would prohibit anything over the number approved. Mr. Abruzese stated that conditions change. We have seen that with the Cogswell Building recently. He showed multiple unremediated issues. He asks that the applicant show an appropriately reasonable design that addresses the issues. He also asks that the applicant be required to submit a comprehensive plan and design and not work out the issues later. He stated he will submit his slides to the Planning Board for their information.

Holly Clarke, of 1652 Central Avenue, noted the proponent needs to share what he wants with the barn. The Section 3 protection does not erase Section 4. Every project must meet each and every By-Law. This has 2 buildings on one site. The proponent can pick to make the barn part of the building but cannot have 2 buildings on a residential lot. The proposal until September was the daycare center was in one building. Mr. Jacobs commented Ms. Clarke is making a legal argument. He would like to get all the evidentiary evidence possible and make the legal arguments at the end. Mr. Alpert stated all these arguments have been made in writing. He does not want to take the time now.

Ms. Clarke stated that the proposal, as put forth, has not passed the standards of By-Law Section 7. Every building is 109 plus feet back except for the Heideman's house. This building is closer. The drop-off plan brings the operation right to the property edge. Needham has a number of By-Laws for protections for residents when institutional comes in. This would

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require the daycare to be in harmony with the neighborhood. There is room to push it back. Why have the constant requests to push it back not been acknowledged? She hopes this board will protect the neighborhood. All submissions are based on a ~~3.3-acre~~3.3-acre lot but all is pushed forward. The issue of lighting is very important. The Temple has tall lights. The lights will have an immediate impact on the neighborhood. Having appropriately sized and appropriate lighting is important. The DRB talked about the color of the fence. A white fence will stick out and the DRB said 3 times it should be changed. The plan still has a white vinyl fence on it. She noted the landscape plan is not in compliance with the By-Laws.

Ms. Clarke stated the By-Law states trees should be 3-inch caliper but the plan still has 1 to 2 inch caliper trees. This neighborhood lives with the Temple. It is set ~~back~~back, and all the cars are set back so they are not seen. Pushing the building back is a critical issue to the neighborhood. It is completely uniform across the street at 109 feet and set back. Pushing the building back would allow the use of topography and would not have a 6-foot grade up. If pushed back the beautiful tree in front would be able to be kept. The trees that have been cut down were 36 inches in diameter. The side of the Temple can now be seen. She can see the lights at Central and Charles River since they have taken all the trees down. All the screening is gone. The proponent should be screening them from the neighborhood. There is so much that is doable and they just need to do it. She stated November 3, the day Mr. Diaz said he went down the street and could easily get down, was an early release day. There were no buses or regular traffic. She noted this project really calls for a turning lane. The Town elected not to put the DPW building on Central Avenue due to the traffic and put the Jack Cogswell Building with no employees instead.

Ms. Clarke stated the ITE standard is to have 37 or 38 parking spaces. That should be required. The Planning Board ~~are~~is the town elected Planning Board. It is important that everything be transparent. She urges them to have all the reports up front. It is clear that one way to resolve most issues is to reduce the size of the building. This Board has the authority to do that or to deny it and they should. Mr. Block thanked Ms. Clarke for all her diligence.

Gregg Darrish deferred his time to Patrick Moore who represents his interests. Patrick Moore, attorney for Hemingway and Barnes, represents Mr. Darrish of 34 Country Way. He understands he is coming in after this hearing has been going on a long time. He is a land use litigator with particular Dover Amendment issues. His legal arguments will be ~~brief~~brief, and he will submit documents after. A daycare use is a protected use under the Dover Amendment but is not a magic wand. The Board retains the power of reasonable regulations. It begins with the ~~town's~~Town's existing By-Laws. The burden is on the proponent to say why the By-Law should not apply to this. He quoted from the Superior Judicial Court 1993 case of Tufts College. Other issues mentioned were the 2 structures and that there would be a special permit due to the size and parking requirements. It is up to the proponent to show why ~~these requirements~~they would unreasonably impede the daycare.

Mr. Moore noted there is no agreement with the program operator. There is no guarantee the daycare owner would actually come onto this property. The barn was not going to be used by the daycare and now it will be used for storage for the daycare. The By-Law prohibits new construction and the barn on the same property. Can the Board say why the barn is needed for storage and storage is not included in the new building? The proponent needs to establish this is necessary. The Board should retain authority to review any updates in a public hearing. He will provide the citations he cited to the Board.

Robin Bevilacqua, an office manager for the First Baptist Church, supports and manages 3 churches. She commented that NCC is the best tenant. Safety and children are their first priority. Ms. Day is always thinking of the children. All concerns would be of the utmost importance of NCC.

Rob Dimase, of 1681 Central Avenue, lives directly across the street and agrees with all his neighbors. He noted the developer is amendable to the sidewalk. He would like to see him address the traffic situation particularly at the lights. He noted the ~~6-foot~~6-foot lifting of the property and 65 feet from the road would create a storm water issue. He has not heard any mitigation issues regarding that.

Matthew Goldwasser, of 34 Carlton Drive, lives close to the project site. He is deeply concerned with traffic with regards to quality of life and safety. He has little choice but to take Central Avenue multiple times a day. The road cannot handle any added stress. They do not need to compound the existing traffic concerns. He stated Mr. Jacobs opined that Ms. Day may be a great proprietor when there is no defined business agreement between her and the developer. What assurances are there she will be the only tenant? No one has heard from the developer. He feels the lack of direct and personal involvement is confounding. The optics of the proponent not being here is not good. He should chime in and introduce

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himself and address some of the issues. This is a lack of civility on his ~~part~~part, and he is disappointed. The proponent needs to personally acknowledge the issues to the abutters. He is very skeptical of the true intent of this project.

Jeffrey Turk, of 312 Country Way, is a 30-year resident, a former day care user and a former daycare owner. He thanked the Board for their hard work. He has an issue with the process being followed. All the transparency has been removed and others cannot see who is at the meeting. How many people are here? He does not see it as an open meeting. Not all in Needham have access to computers and technology. He feels the Board should consider having a live meeting at this point. He stated looking at Central Avenue is missing the point. Look at Waze [ways?] and see what really happens. Cars are sent down Country Way to avoid Central Avenue, which is a neighborhood with no sidewalks. Turning southbound to get into the daycare will back up traffic. He asked why use Ms. Day's data when she is not the tenant here. He noted a 60 second drop off will not happen. He suggested the Board look at data from other daycares. Ms. Day is looking for families from the Dover and Natick areas. It will not be the same use. He asked what happens if NCC fails? What would happen to the space? There is no community support here. He questioned where the sidewalk was going to as you cannot walk off this property. There should be a restriction that no children go off this site. The Board needs to look at setback, limit this to 75 children and do not allow children to walk off the site.

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Ms. Falcao noted she sees 54 participants in this Zoom hearing. She would like an open in-person meeting. It is important for the process of this meeting. Mr. Jacobs stated he could not attend an open meeting. That would be a major problem. Mr. Huber stated it is being inferred the public hearing is closing tonight. Mr. Block stated the Board will discuss that after his remarks. The meeting may be held open for further information. Mr. Huber stated if the Board agrees it is their burden of ~~proof~~proof, he would like time to go over all. He would like to submit, in writing, his responses to the various issues and not keep the hearing open. Mr. Jacobs stated it is within his rights to submit any legal memorandum. It is different if he wants to submit additional evidence. Mr. Huber stated they have proposed a testing plan and submitted it to the Board of Health. Mr. Jacobs noted he wants to close the hearing but leave open for Mr. Huber to submit a memorandum with evidence. Mr. Alpert stated he is leaning toward continuing the hearing. If it is closed, and Mr. Huber wants to submit evidence, it opens the Board to issues from abutters. Mr. Huber would have the ability to submit responses to all issues raised tonight. The neighbors would need time to respond to his responses and submittals. Mr. Huber commented the Board needs to find a mechanism to close this hearing.

Ms. McKnight stated she made notes on things that needed further input. Her thought is to close the hearing but keep it open for input on specific points and not further testimony. Mr. Jacobs stated if Mr. Huber wants to respond to factual issues already in the ~~record~~record, he is fine with that and feels the hearing should be closed. Dave Lazarus, of 115 Oxbow Road, stated there is a fundamental flaw in the process. The applicant has not submitted a complete plan and what the other issues are. There is no information on lead testing. If that is scheduled, the public deserves to know and participate in that. There is nothing gained by leaving it open and potential harm to abutters if it is closed. Mr. Alpert stated environmental testing is a Board of Health issue. He is willing to accept what the Board of Health recommends should be done. The Board of Health will be having a meeting on 12/14/22. Mr. Lazarus does not know if the Board of Health would send a directive to the Planning Board. Lighting is another issue. The DRB had feedback and it has not been responded to. The turning pattern, snow removal, color of fence and calipers of trees are all factual questions that have been raised that he assumed Mr. Huber would respond to. He commented it does not feel right to close the hearing. He implored the Board to leave it open.

Mr. Alpert stated he was confused and asked where they were with the DRB. He thought they received information from the DRB and gave the results from their 3 hearings. Mr. Huber stated that was correct. The Board can make a determination from that information. Ms. McKnight noted the DRB did say there was inadequacy with the plan as to lighting. Then the DRB got revised plans that did show the lighting. The hearing could be left open to make sure the lighting has been resolved. Ms. McKnight noted there are 5 issues: lighting, the Board of Health issue, snow storage, Mr. Abruzese's slides with traffic data to review and be reviewed by John Diaz and the issue of the fence not adequately addressed. Mr. Block added Ms. Abruzese's information submission. Ms. Abruzese stated on 8/9/21 the DRB had plans and asked about lighting as there was no lighting on the plans then. The lighting plan in the packet is dated 11/8/21 and has not been back to the DRB.

Cynthia Landau, of 57 Pine Street, stated she has lived here for over 25 years. She encourages the Board to keep the meetings open. There is a question of process. She has no sense from the Planning Board as there has not been feedback on anything. She asked when the public will know what the process is to get feedback from the Board. Mr. Block stated if

the hearing is closed tonight the Board will move into the deliberation process. They will discuss each item before them and determine if conditions should be put in place. The Board will resolve each item. Mr. Jacobs added the deliberation process is open but there is no opportunity for public input.

Mr. Huber stated an argument was made the setback should be comparable with the temple. The temple has a 213-foot footprint [setback?], which is more than twice the size of this project. The height of the temple is considerably higher and the bulk of the temple is 4 times the size. The elevation is also higher than this. The temple has a large parking area in front. This project has been designed to have the parking in the back. Mr. Jacobs stated that is an argument. It may be true but there is no evidence of that in the record. Mr. Huber stated the setback and footprint of the temple and the footprint are already in the record. Ms. McKnight noted the square footage of the temple and the setback were submitted tonight. Mr. Huber's point is the temple is a much bulkier building.

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A motion was made to close the hearing subject to receipt of information regarding the following data items: 1) a Board of Health report on what conditions should be put in the permit regarding inspections and remediation; 2) provisions for snow storage; 3) have the DRB concerns regarding lighting been addressed and, if not, is there a concern about lighting; 4) to get Ms. Abruzese's slides; 5) to get Mr. Abruzese's slides; 6) to get a response from Mr. Diaz on Mr. Abruzese's traffic information; 7) the fence could be a condition; and 8) the claim made by Mr. Dimase that the sewer connection is inadequate and seek advice on that from the Town Engineer. Mr. Block asked if there were other outstanding items from the DRB. Mr. Alpert noted they have all the information from the DRB, and he is ready to take their information. He is satisfied. He had proposed at the beginning to give the proponent a chance to present information if the Board decides the barn must go, the applicant may submit information to argue as to why it should stay. The Board should leave that open for why it would be unreasonable to force them to remove the barn if that is what is decided.

Ms. Newman noted Mr. Moore wanted to provide a legal memo also. The motion was amended to include Mr. Huber's information on the barn and the setback issue and Mr. Moore's information. Mr. Jacobs stated it is a long list to keep the hearing open for. He is not against it but reminds the members it would be subject to reopening the hearing to receive further evidence. It is a little precarious.

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

VOTED: to close the hearing subject to receipt of information regarding data items 1) a Board of Health report on what conditions should be put in the permit regarding inspections and remediation; 2) provisions for snow storage; 3) have the DRB concerns regarding lighting been addressed and, if not, is there a concern about lighting; 4) to get Ms. Abruzese's slides; 5) to get Mr. Abruzese's slides; 6) to get a response from Mr. Diaz on Mr. Abruzese's traffic information; 7) the fence could be a condition; 8) the claim made by Mr. Dimase the sewer connection is inadequate and seek advice on that from the Town Engineer; 9) Mr. Huber's information on the barn and setback and 10) Mr. Moore's information.

Mr. Jacobs stated the Board was going to give Mr. Huber 15 minutes for closing arguments. He is not sure that was done. Mr. Huber thanked Mr. Jacobs for offering that. He will be submitting a legal memo and will use that as a substitute.

Board of Appeals – December 16, 2021.

883 Greendale Avenue – Nicholas Tan, applicant.

Ms. McKnight noted this 3-car garage is more than 1/3 the width of the frontage of the building. She would hate to see something this big being built. Two thirds of the front is garage doors. It is hard to evaluate. If garages were really at basement level that is one thing but the garages seem to be elevated and the 3 doors would be seen.

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

VOTED: to comment the perspectives shown do not give enough information for the Planning Board to comment.

Ms. Newman stated Nelson Hammer, the landscape architect on the DRB, has resigned. She stated he will be a big loss. She will post the Planning Board appointment for the DRB and will advertise for the position. Mr. Alpert noted there was a joint meeting with the Select Board and a zoning change for a brewery with a pub was discussed. Mr. Jacobs does not think a zoning change is needed but the Board needs to look at this. He took a look at the By-Laws and does not feel zoning changes are needed. Ms. Newman stated Building Inspector David Roche disagrees with that. Mr. Block feels the Board should take it up for discussion and analysis. Mr. Alpert is not convinced this needs a zoning change. He stated he received an email from Dan Matthews who is not running for re-election.

Mr. Block noted the following correspondence for the record for 888 Great Plain Avenue: an email from Amy Snelling, dated 11/17/21, opposing the project; a letter from Richard and Katharine Heidlage, of 92 Dedham Avenue, in opposition; an email from Kimberly Bartlett-McCollum, dated 11/17/21, in opposition and a letter from Marlene and Jerome Schultz, of 94 Dedham Avenue, in opposition.

Minutes

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

VOTED: to approve the minutes of 9/15/21.

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

VOTED: to adjourn the meeting at 12:00 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk



TOWN OF NEEDHAM

TOWN HALL
Needham, MA 02492-2669

Office of the
TOWN MANAGER

TEL: (781) 455-7500
FAX: (781) 449-4569

TO: Planning Board
FROM: Kate Fitzpatrick, Town Manager
CC: Select Board
Katie King, Assistant Town Manager
Dave Davison, Assistant Town Manager
Lee Newman, Director of Planning & Community Development
RE: 100 West Street
DATE: February 16, 2022

At its meeting on February 8, 2022, the Select Board discussed the proposal submitted by Attorney Evans Huber on behalf of Welltower, Inc. and Balfour Senior Living. Welltower and Balfour are proposing an amendment to the existing special permit for the project at 100 West Street by eliminating the independent living units.

Members of the Board expressed their disappointment in this development. The creation of independent living units for senior citizens, some of which were to be affordable, was the primary reason that the Select Board endorsed the zoning amendment approved by the October 4, 2020, Special Town Meeting.

Town Meeting members were informed that the developers, one of whom was Welltower, were planning a project that included 72 independent apartments (9 affordable), 55 assisted living apartments, and 28 memory care apartments. In their written materials, the developers noted that older residents in Needham do not have many choices if they want to rent an apartment with amenities in walkable locations. They also said that they had identified a large, qualified senior population to fill the independent living residences.

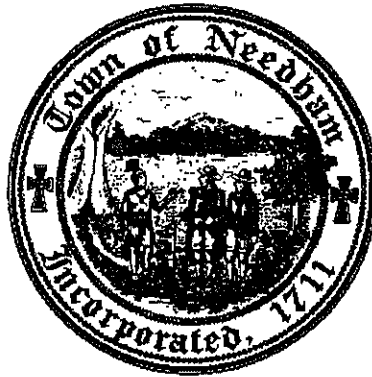
After presentations by the Planning Board and Select Board about the attractive project within walking distance to the train and the Center at the Heights, and the promised increased vibrancy that independent living would create along the Highland Avenue street edge, Town Meeting approved new zoning including additional height allowances than would ordinarily be allowed in Needham Heights.

The Select Board urges the Planning Board to challenge Welltower and Balfour to rethink their proposed amendment and to keep the independent living component portion of the project. This will serve a need that has been identified by the Planning Board, Select Board, and Town Meeting to create additional housing options for seniors and to create additional affordable units in Town.

If you have any questions or need additional information, please let me know.

TOWN OF NEEDHAM

Office of the Town Clerk

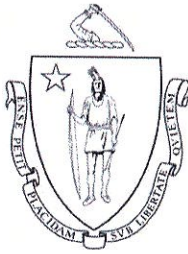


BY-LAWS

Approved By the Attorney General

**Special Town Meeting
October 25, 2021**

February 15, 2022



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 15, 2022

Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Avenue
Needham, MA 02492

**Re: Needham Special Town Meeting of October 25, 2021 -- Case # 10411
Warrant Articles # 4 and 5 (Zoning)**

Dear Ms. Eaton:

Articles 4 and 5 - We approve Articles 4 and 5 from the October 25, 2021 Needham Special Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

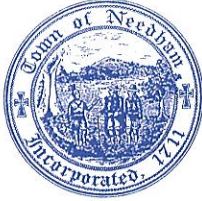
cc: Town Counsel Christopher H. Heep

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2022

TOWN CLERK
February 15, 2022

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TOWN CLERK
NEEDHAM



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 4

It was

VOTED: That 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.”

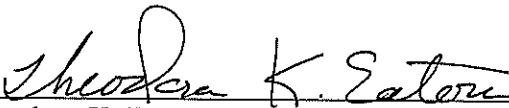
- o) Amend the second sentence of Section 3.2.6 Uses in the Mixed Use-128 District, Subsection 3.2.6.1 Permitted Uses, paragraph (m) by adding (i) the word “eat-in” before the word “restaurants”; (ii) deleting the words “serving meals for consumption on the premises and at tables with service provided 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."

UNANIMOUS CONSENT

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

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AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 5

It was

VOTED: That 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."

UNANIMOUS CONSENT

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk