

TOWN OF NEEDHAM
MASSACHUSETTS

2022 MAR 17 PM 4:50



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one)

Major Project

Minor Project

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

Location of Property 225 Highland Avenue, Needham, MA
Name of Applicant The Learning Tree Preschool, Inc.
Applicant's Address 1858 Centre Street, West Roxbury, MA 02132
Phone Number _____

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

Property Owner's Name V.S.A., LLC
Property Owner's Address 180 Country Way, Needham, MA 02492
Telephone Number 617-653-9442

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

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

Renovation and conversion of approximately 779 square feet of existing first floor commercial space, in an existing commercial building, for day care purposes in connection with the proposed expansion of the Learning Tree Preschool, as further described in the materials submitted herewith.

Signature of Applicant (or representative) The Learning Tree Preschool, Inc.
Address if not applicant By Maura Dinnegan, Pres.
Telephone # 6177555544
Owner's permission if other than applicant See Authorization Letter Provided Herewith

SUMMARY OF PLANNING BOARD ACTION

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Withdrawn _____

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

ADDENDUM A
TO
APPLICATION FOR SITE PLAN REVIEW
OF

The Learning Tree Preschool, Inc.
225 Highland Avenue
Needham, Massachusetts

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

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

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

2022 MAR 17 PM 4:50

March 7, 2022

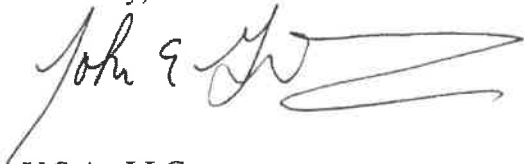
Lee Newman
Planning Director
Town of Needham
Planning Board
Town Hall
Needham, Massachusetts 02492

Re: Site Plan Amendment Application
The Learning Tree Preschool, Inc.
225 Highland, Needham, MA

Dear Mrs. Newman,

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

Sincerely,



V.S.A., LLC

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

TELEPHONE (781) 449-4520

FAX (781) 449-8475

March 8, 2022

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

Re: Major Project Site Plan
Amendment – Learning Tree Preschool
The Learning Tree Preschool, Inc.
225 Highland Avenue, Needham, MA

Dear Lee,

Please be advised that this office represents The Learning Tree Preschool, Inc. (hereinafter, and in the materials submitted herewith, “Learning Tree”) relative to the proposed renovation and redevelopment of approximately 773 square feet of existing first floor commercial space within the building known and numbered 225 Highland Avenue (the “Premises”). In connection therewith, submitted herewith pursuant to M.G.L. Chapter 40A and the Town of Needham Zoning By-Law (the “By-Law”), please find the following materials. Same are submitted both electronically and in paper format.

1. Completed Application for further Site Plan Review with Addendum A;
2. Eight 11 x 17 size copies of plans titled “Proposed The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, MA”, consisting of one sheet, as follows: Sheet A1.0, titled “First Floor Plan”, dated March 3, 2022;
3. Eight 11 x 17 size copies of plan titled “Existing Conditions Site Plan, 225 Highland Avenue, Needham, Mass”, prepared by Field Resources, Inc., Land Surveyors, dated January 8, 2017, revised November 4, 2020, November 12, 2021 and February 14, 2022, consisting of one sheet.
3. Authorization Letter of V.S.A., LLC, dated March 7, 2022; and
4. Check No. 1076 in the amount of \$1,000 for the requisite filing fee.

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

The Premises is the middle of three existing bays on the first floor of the Building and consists of approximately 779 square feet of floor space. It was last used UBreakiFix, a mobile phone and electronics repair shop and retail store. The remainder of the first floor is currently occupied by (1) The Learning Tree Preschool, pursuant to Amendment dated July 1, 2020, consisting of approximately 1,109 square feet, (2) Snip-Its, a children's hair salon, consisting of approximately 1,134 square feet of floor space, and (3) common areas, including two shared bathrooms. The entire second floor of the building is occupied by Gardner Mattress, a retail mattress store.

VSA proposes to lease the Premises to Learning Tree Preschool, a fully licensed preschool and group daycare center established in 1997. Learning Tree currently operates three facilities serving children from 15 months through 6 years of age; in Allston, West Roxbury and Needham, next door to the Premises. In essence, Learning Tree would like to expand its operation to include the former UBreakiFix space.

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

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

The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five teachers / educators on site at all times. The expected maximum enrollment for the expansion is 19 children with two teachers. After the expansion, the total enrollment for Learning Tree will be 42 children with 7 teachers.

Analysis

I. Use

Pursuant to Section 3.2.5.1(a), uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Sec. 3 are permitted as of right.¹ Whereas the definition of childcare centers in c.40A and c.15D includes daycare activities such as Learning Tree, same is exempt and therefore allowed by right pursuant to Section 3.2.5.1(a) of the By-Law. Whereas the Board previously agreed with this view in connection with the July 1, 2020 Amendment referenced above, same should apply in this instance as well.

II. Parking

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

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

19 expected children $\div 5 = 3.8$ spaces
2 maximum staff = 2 spaces
 $3.8 + 2 = 5.8 = 6$ (rounded up) = 6 total spaces required

The foregoing calculation is just for the Premises. Calculating the total parking demand for the entire Learning Tree operation results in a parking demand of 16 spaces, as follows:

42 expected children $\div 5 = 8.4$ spaces
7 maximum staff = 7 spaces
 $8.4 + 7 = 15.4 = 16$ (rounded up) = 16 total spaces required

The prior parking demand for the building was 39 total spaces.³ With the inclusion of the Learning Tree expansion, and taking into account the current retail use of the second floor, the total parking for the building is now 38 spaces, calculated as follows:

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

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

³ Prior total building demand was calculated as follows: Basement: 1,294 square feet @ 1 per 850 square feet (warehouse) = 1.52 spaces; First Floor: 2,766 square feet @ 1 per 300 square feet (retail or consumer service) = 9.22 spaces and 1,109 square feet of Learning Tree @ 10 total spaces = 10 spaces (First Floor total 19.22); Second Floor: 3,875 square feet @ 1 space per the maximum capacity of patrons, plus 1 space per the largest working staff = 18 spaces, totaling 38.74, or 39 spaces, rounded up.

Basement: 1,294 square feet @ 1 per 850 square feet (warehouse) = 1.52 spaces = 2 spaces rounded up

First Floor: 1,993 square feet @ 1 per 300 square feet (retail or consumer service) = 6.64, 7 spaces rounded up, and 1,882 square feet of Learning Tree @ 15.4 total spaces, 16 spaces rounded up (First Floor total: 7 + 16 = 23 spaces)

Second Floor: 3,875 square feet @ 1 per 300 = 12.91 spaces, rounded up = 13 spaces

2 + 23 + 13 = 38 total spaces

While this is a net reduction in parking demand of one spaces, there are only 22 parking spaces on site, to the rear of the building. As a result, an extension of and adjustment to the current parking waiver is required. In connection therewith, the new parking waiver required is 16 total spaces (38 – 22 = 16)

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

III. Site Plan Analysis

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

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

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

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

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

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

Whereas the proposed use of the Premises for expansion of the existing Learning Tree use, combined with the current retail use of the second floor will result in a net parking demand decrease of one space, and whereas the proposed use is an expansion of an existing, permitted use, Learning Tree does not anticipate any significant or material additional impacts to the parking and loading spaces. Given its location in a developed and somewhat dense commercial area, Learning Tree considers the current arrangement of parking and loading spaces to be adequate for both the existing and proposed use of the Premises. In addition, due to the size of the lot and the existing building, it is impossible to comply with the provisions of the Zoning By-Law with regard to off-street parking, and, there are existing waivers for the property.

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

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

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

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

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

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

Conclusion

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

Once you have had a chance to review, please contact me to discuss scheduling. And, of course, if you have any questions, comments or concerns, please do not hesitate to contact me so that I may be of assistance.

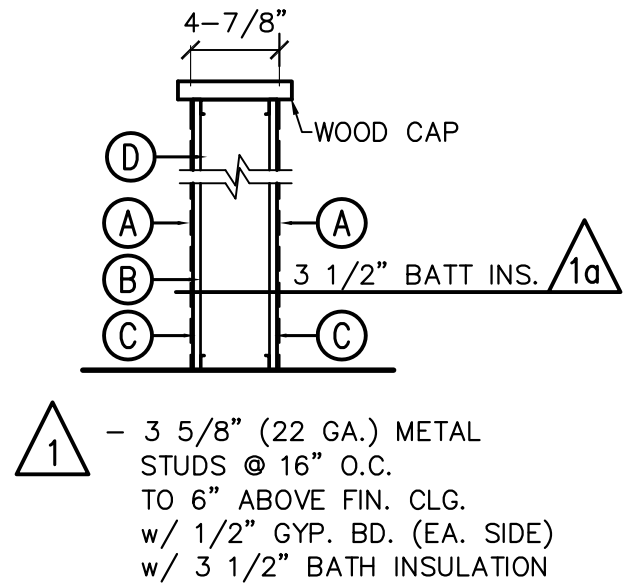
Your courtesy and attention are appreciated.

Sincerely,

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

George Giunta, Jr

SQUARE FOOT LEGEND	
SNIP IT:	1,134 SQ FT
LEARNING TREE PRESCHOOL CENTER (EXPANSION)	773 SQ FT
LEARNING TREE PRESCHOOL CENTER :	1,109 SQ FT
COMMON AREA:	859 SQ FT
TOTAL:	3,875 SQ FT



MATERIALS LIST

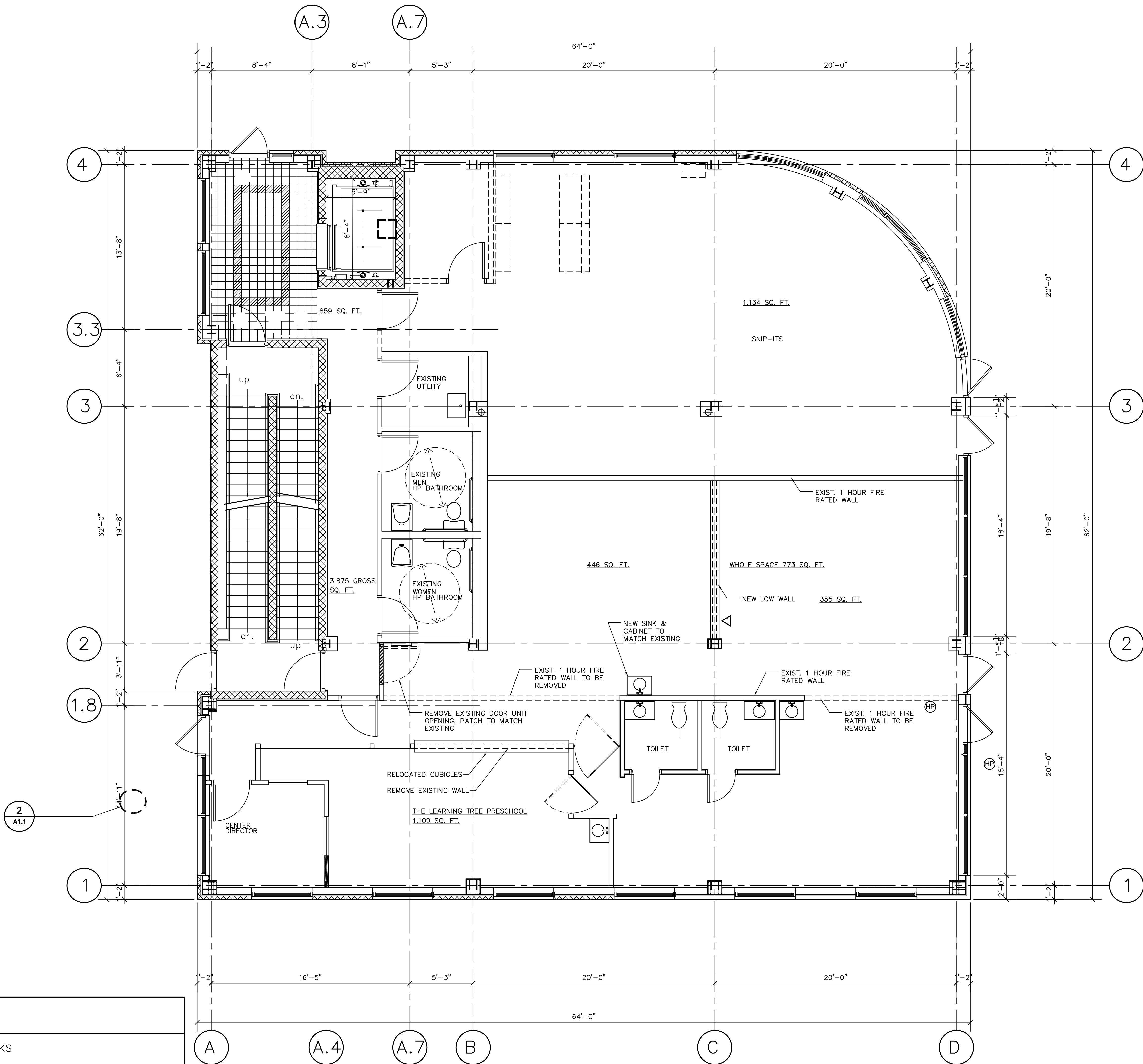
- (A) - FINISH

(B) - 3 5/8" 20 gauge METAL STUDS
- (C) - 5/8" GYP. BOARD (WATER RESISTANT @ WET AREAS)

(D) - 3 1/2" BATT INSULATION

WALL TYPES

SCALE: 1/8"=1'-0"

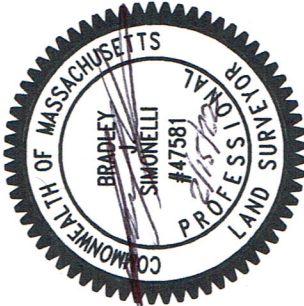


ROOM FINISH SCHEDULE						
RM. #	SPACE	FLOOR	BASE	WALLS	CEILING	REMARKS
SPACE	FLOOR	VINYL PLANKS	RUBBER COVE BASE 1/8" BY JOHNSONITE COLOR & TYPE AS PER WALL PAINT COLOR SCHEDULE	GYP. BOARD - PAINTED ONE COAT PRIMER TWO COATS (BENJAMIN MOORE) COLOR: AS PER WALL PAINT COLOR SCHEDULE	2'x2' SUSPENDED CEILING SYSTEM PRELUDE 15/16" EXPOSED TEE SYSTEM AS SUPPLIED BY ARMSTRONG CEILING HEIGHT 9'-0" A.F.F. 2'x2' ACOUSTICAL TILES: "HEALTH ZONE ULTIMA" ANGLED REGULAR 15/16" AS SUPPLIED BY ARMSTRONG HEIGHT 9'-0" A.F.F.	

BUILDING TENANTS / OCCUPANTS

FIRST FLOOR:
LEARNING TREE
UBREAKIFIX
SNIP-ITS

SECOND FLOOR:
GYMBOREE PLAY & MUSIC



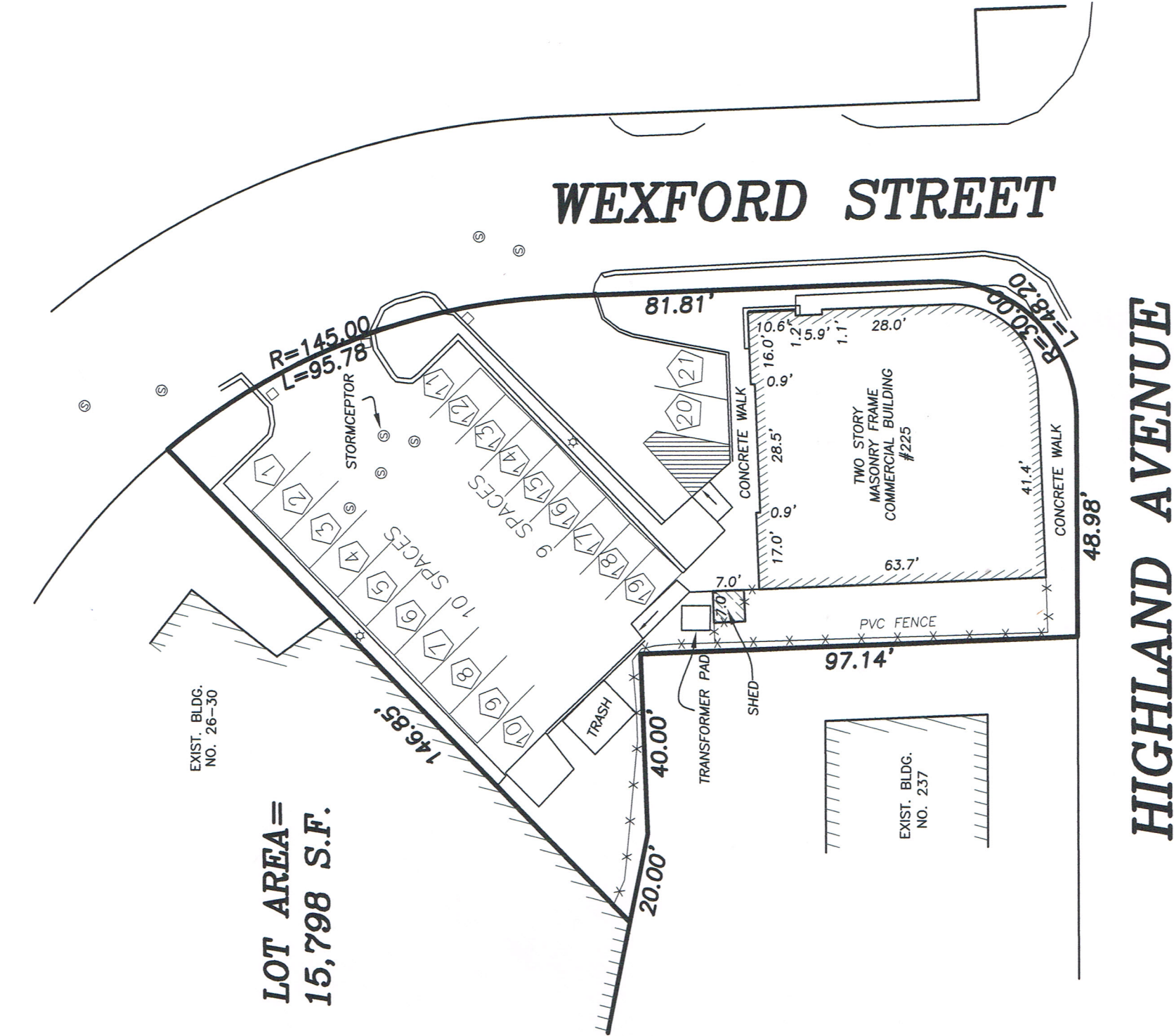
EXISTING CONDITIONS
SITE PLAN
225 HIGHLAND AVENUE
NEEDHAM, MASS

Field Resources, Inc.
LAND SURVEYORS

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

REVISED: FEBRUARY 14, 2022
REVISED: NOVEMBER 12, 2021
REVISED: NOVEMBER 4, 2020

026-08



LOT AREA=
15,798 S.F.

WEXFORD STREET

HIGHLAND AVENUE