

NEEDHAM PLANNING BOARD

Tuesday May 3, 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 Hearing:

7:20 p.m. Amendment to Major Project Site Plan Special Permit No. 91-7: Henry Hospitality Inc., d/b/a The James, 18 Clifftondale Street, Roslindale, MA, Petitioner. (Property located at 1027 Great Plain Avenue, Needham, Massachusetts). Regarding request to permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces.

2. Decision: Amendment to Major Project Site Plan Review No. 2018-05: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 28 Glen Gary Road, Needham, Massachusetts). Regarding request to remove Condition 3.2 of the exiting decision, which would then allow the temporary move of the Needham Public Schools (“NPS”) administrative staff.

3. Decision: Amendment to Major Project Site Plan Review No. 2008-08: The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 225 Highland Avenue, Needham, Massachusetts). Regarding request to expand its current operation at this location to include the abutting former UBreakiFix tenant space.

4. Appointment:

7:50 p.m. Minor Project Review: Town of Needham, 500 Dedham Avenue, Needham, Massachusetts, Petitioner (Property located at 1330 Highland Avenue, Needham, MA).

5. Revise temporary outdoor seating/outdoor display policy to extend applicability date to April 1, 2023 or another later date deemed appropriate by the Board.

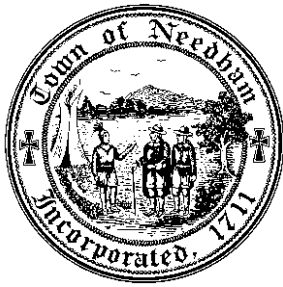
6. Vote new Select Board appointment to the Housing Plan Working Group.

7. Minutes.

8. Report from Planning Director and Board members.

9. 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; the Needham Zoning By-Laws, Sections 7.4, 5.1.1.6, 5.1.2 and 5.1.3, the Needham Planning Board will hold a public hearing on Tuesday, May 3, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Henry Hospitality Inc., d/b/a The James, 18 Cliftondale Street, Roslindale, MA, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law. This hearing was previously noticed for Tuesday, April 5, 2022 at 7:30 p.m. but was not opened at the April 5, 2022 meeting due to a procedural omission.

The subject property is located at 1027 Great Plain Avenue, Needham, Massachusetts, shown on Assessor's Map No. 51 as Parcel 11 containing 14,800 square feet in the Center Business Zoning District. The requested Amendment to Major Project Site Plan Special Permit would, if granted, permit an amendment of Major Project Site Plan Special Permit No. 2007-04 dated February 4, 1992, amended March 23, 1993, November 15, 1994, and September 8, 2015, transferred on September 24, 1996, May 8, 2001, October 20, 2009, and September 8, 2015, and transferred on October 10, 2017. The requested amendment would permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces located on the eastern edge of the restaurant building which the Petitioner had previously made available for public use in the municipal parking lot on Chapel Street and on private property which the Petitioner controls along the southern edge of the restaurant building.

In accordance with the Zoning By-Law, Section 5.1.1.6, a Special Permit is required to waive strict adherence with the requirements of Sections 5.1.2 (Required Parking) and 5.1.3 (Parking Plan and Design Requirement) of the Zoning By-Law. In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review Amendment is required.

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The application may be viewed at this link: <https://www.needhamma.gov/PBapplications> . 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 Hometown Weekly: April 14, 2022 and April 21, 2022.

TOWN OF NEEDHAM
MASSACHUSETTS



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

2022 MAR 17 PM 4:50

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project ^{Amendment} 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 1027 Great Plain Ave Needham MA 02492
Name of Applicant Stuart Henry (The James)
Applicant's Address 18 Clifondale ST, Roslindale MA 02131
Phone Number 8578917928

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

Property Owner's Name Triantos Thomas
Property Owner's Address 198 Curve St, Dedham MA 02026
Telephone Number 7813295894

Characteristics of Property: Lot Area 14800 Present Use RESTAURANT
Map # 51 Parcel # 11 Zoning District CENTER BUSINESS

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

REQUESTING AN AMENDMENT TO ADD 69 OUTDOOR SEATS. WE WOULD BE USING 3 PUBLIC PARKING SPACES

Signature of Applicant (or representative) Stuart Henry

Address if not applicant _____

Telephone # _____

Owner's permission if other than applicant Triantos Thomas

OWNER - THE JAMES
HENRY HOSPITALITY
INC

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.



2022 MAR 17 PM 4:50

TOWN of NEEDHAM
MASSACHUSETTS
APPLICATION FOR OUTDOOR SEATING
UNDER SECTION 6.9 OF THE ZONING BY-LAW

LOCATION:

Property Address: 1027 Great Plain Ave, Needham MA 02492

Name of Establishment: The James

APPLICANT:

Name (must be business owner, manager, or lessee): Stuart Henry

Address: 18 Clifondale St, Roslindale, MA 02131

Telephone Number: 8578917928

Email Address: stuart@thejamespub.com

Do you own or rent property? Rent

PROPERTY OWNER:

Complete this section if applicant is not the property owner

Name (must be owner): Triantos Thomas

Address: 198 Curve St, Dedham MA 02026

Telephone Number: 7813295894

Email Address: _____

APPLICATION REQUEST:

Are you requesting to have outdoor dining on PRIVATE parking spaces? Yes ___ No x

If yes, how many private parking spaces?

Are you requesting to have outdoor dining on PUBLIC parking spaces (on-street or in a public parking lot)? Yes x No ___

If yes, how many public parking spaces do you intend to use in each category? *Note: there is a maximum of 3 parking spaces allowed per applicant.*

_____ # on-street public parking spots. Please note, required concrete barriers will take up 1 parking spot and should be added to the total number of spots you are applying to use.

3 # of off-street public parking spots (in a public parking lot)

Are any of the spaces you are requesting to use designated for handicap parking?
yes Are you requesting to have outdoor dining on a sidewalk?

SEATING: FACILITIES/EQUIPMENT:

Total number of seats approved under existing Special Permit 100
Total number of seats existing inside 56 (may be same as above or fewer)
Number of restrooms provided 2
Total number of seats proposed outside 69 Size of Grease Trap 100lbs Number
of chairs 121 Air Curtains (if opening is off kitchen) _____
Number of tables 16 Screens (if opening is off kitchen) _____
Outdoor Seating Area dimensions 1430 sf
Type of Barrier or Enclosure to Define Seating Area
(mandatory if alcohol is proposed to be served):
Jersey Barriers

DATES AND HOURS OF OPERATION

The standard outdoor dining season in the Town of Needham is April 1 - November 30. The Town will consider applications that extend beyond that timeframe on an individual basis.

Are you requesting to serve food & beverage outdoors earlier than April 1 or later than November 30? Yes ☒ no

If yes, what are your proposed opening and closing dates? Year Round

What days of the week and hours do you plan to serve food & beverage outdoors? Seven Days
4pm-11pm

BRIEF DESCRIPTION OF:

Seating Arrangement, Type of Furniture, Type of Barrier or Enclosure to Define Seating Area (mandatory if alcohol is proposed to be served), Ingress/Egress from the Inside to the Outside, Location of Outdoor Exit Area in the case of an emergency, Written Description of Colors and Materials

Used

We have built a deck around the patio with treks decking and wooden built in benches. We painted the benches a light green colour and the decking brown. We have built flower boxes and dividers between tables. The town kindly provided jersey barriers around the patio enclosure we built a fence 4 ft above that to enclose the area. The Patio has two entry/exits on either end of the patio and one entrance into the building, the building itself has 3 exits.

PLAN REQUIREMENTS

Submit a Plan of the Outside Seating Area, showing precise dimensions and locations of:

- (1) Seating arrangement, including the arrangement of the furniture
- (2) Enclosure of dining area (this is required if service of alcohol is proposed)
- (3) Location of ingress/egress from inside to outside
- (4) Location of outside emergency exit(s)
- (5) Separation distances to building, curbing, sidewalks, streets, trees, planters, rubbish containers, equipment, and any other obstacles in pedestrian walkway or access aisles
Said Plan must be certified by a Registered Architect or Engineer with certifications that the restaurant with the outdoor seating complies with egress and access requirements, that the seating configuration complies with safety requirements, and that the restaurant has adequate restroom facilities for the number of seats. (If the total indoor and outdoor seating exceeds the number allowed for the existing restroom facilities, you may reduce the number of indoor seats being used, so that the total number of restaurant seats does not trigger additional restroom facilities.)
- (6) For parking spaces located on a parking lot (public or private), provide a site plan showing parking areas to be utilized for outdoor seating. Said plan can be an existing approved Site Plan, in which applicant delineates proposed seating location.

FURNITURE SPECIFICATIONS SHEET

A detailed specifications sheet illustrating the appearance, materials, colors, and size of selected outdoor seating furniture and equipment including chairs, benches, tables, umbrellas, fences, and other items. Photographs of furniture and equipment may be substituted for specification sheets as long as a sheet listing the dimensions of the furniture and equipment accompanies the photographs.

Are you proposing to have: (please check all that apply)?

- A tent or canopy? Yes
- Outdoor lighting? Yes

Outdoor Heating? A permit from the Fire Department is required (link).

PHOTOGRAPHS

Submit photographs of the proposed outdoor dining location (front and side views) if available.

ALCOHOL SERVICE

☐ NO
☒ YES

If you are seeking permission to serve alcohol outside (i.e., to extend your existing license to a patio or other outdoor seating areas), you must get approval from the Select Board by filing an Alteration of Licensed Premises, which is available on the Alcoholic Beverages Control Commission (ABCC) website at <https://www.mass.gov/how-to/amend-your-alcoholic-beverages-retail-license-alteration-of-premises-or-location-change-abcc>.

Please select one. Expansion area must be either:

1. Contiguous to the licensee's premise with a clear view of the area from inside the premises; or
2. The Licensee may commit to providing management personnel dedicated to the area.

FEES AND TERM

Outdoor seating licenses are issued for a term of one year, unless stated otherwise, and can be renewed annually. The annual application fee is \$25, which will be credited toward the annual licensing fee if the application is approved

For outdoor dining approved on public property, there is an annual licensing fee for the sole use of public space for outdoor dining at the rate of \$250 per public parking space and \$100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the \$100 sidewalk licensing fee will be waived.

CERTIFICATION

I/we the undersigned certify that I am the owner of record of the named property or that the owner of record authorizes the proposed work and that the above information which I/we provided is correct.

I/we have read and fully understand the procedures as established by the Town of Needham and further understand that failure to comply with said procedures may result in revocation of this permit.

Signature of Applicant(s): Stuart Henry Date: 01/05/2022
Date: _____

THIS SECTION BELOW IS FOR OFFICIAL USE ONLY

Major Project Site Plan Review Special Permit (Planning Board) yes ☒ no ☐

Zoning Board of Appeals Special Permit yes ☐ no ☐

Select Board Licensing Approval _____

Certificate of Insurance covering outdoor area: _____

Departmental Approval (Health _____ Building _____ Fire _____ Police _____ Public Works _____)

License Agreement (if seating is on sidewalk or other public property): _____

Alteration of Licensed Premises (for alcohol service in outdoor area): _____

Comments: _____

SECOND LICENSE AND MEMORANDUM OF UNDERSTANDING

WHEREAS Elizabeth Heffernan, Trustee of the Heffernan Associates Nominee Trust (hereinafter "Heffernan"), are the owners of 1013 Great Plain Avenue, Needham, MA; and

WHEREAS Triantos and Dina Thomas (hereinafter "Thomas") are the owners of 1027 Great Plain Avenue, Needham, MA; and

WHEREAS Heffernan, Thomas and the Town of Needham, a municipal corporation with a principal place of business at 1471 Highland Avenue, Needham, MA (hereinafter referred to as "the Town") previously entered into a License and Memorandum of Understanding dated October 6, 2015; and

WHEREAS this License and Memorandum of Understanding established, among other things, that the Town would make space available within the Chapel Street parking lot for a consolidated dumpster enclosure available for use by Heffernan and Thomas' restaurant tenants, and that in return Thomas would allow use of five (5) private parking spaces located on 1027 Great Plain Avenue by the Town and the general public as part of the Chapel Street parking lot; and

WHEREAS Henry Hospitality, Inc. d/b/a The James ("The James") operates the restaurant located at 1027 Great Plain Avenue, Needham, MA; and

WHEREAS this License and Memorandum of Understanding provided that it would be effective for a term of five (5) years commencing on the date of its execution by all parties; and

WHEREAS notwithstanding the foregoing, the parties wish to continue the arrangement memorialized in the License and Memorandum of Understanding, whereby the Town makes space available to Heffernan, Thomas, and their respective tenants for use as a consolidated dumpster, and Thomas grants to the Town a license to use the five (5) spaces behind The James located at 1027 Great Plain Avenue as part of the Chapel Street parking lot, except as otherwise expressly provided for herein.

NOW THEREFORE, this Second License and Memorandum of Understanding sets forth the respective rights and responsibilities of the parties.

1. The Town grants a license to Heffernan and Thomas to maintain and use the existing consolidated dumpster enclosure, in its existing location within the Chapel Street Parking Lot, as shown on Exhibit A.
2. Heffernan and Thomas will have their tenants commit to using the consolidated dumpster enclosure exclusively, rather than using separate dumpsters of their own.
3. Heffernan and Thomas will be responsible for maintaining the enclosure. Heffernan and Thomas further agree to remove any snow and/or ice in front of the dumpster enclosure so as to assure access.

4. The dumpsters will be two 8-yard containers. One will be for cardboard and the other one for mixed trash.
5. Heffernan, Thomas, and The James will continue to contact businesses in other buildings abutting the Chapel Street lot to encourage their participation in the consolidation project.
6. In exchange for this second license to use public parking spaces for the consolidated dumpster enclosure, Thomas agrees that the owners of two of his tenants, The James and the Rice Barn, or succeeding tenants in their space, will park up to six cars buddy-style between the two businesses—the dumpsters of the restaurants having been removed from the area under the dumpster consolidation arranged for under the initial License and Memorandum of Understanding.
7. Thomas grants to the Town a license that the five (5) spaces behind The James may be used by the public and marked for two-hour public parking in a manner agreeable to the parties for so long as this agreement is in effect.
8. The Town may, in its discretion, authorize The James to use the five (5) licensed parking spaces for seasonal outdoor seating for such period or periods of time as the Town may specify. Such use shall be subject to all necessary permitting and licensing requirements from the Town and the Commonwealth, and shall be subject to payment of the Town's standard licensing fees for use of public parking spaces. Such authorization, if granted, shall not waive or otherwise affect the Town's license to use the five (5) parking spaces, and the Town may reinstate its use of those spaces pursuant to this license at any time that it has not authorized seasonal outdoor seating to occur.
9. The James will work with other restaurants to try to consolidate the pickup of recycled oil.
10. The term of this license shall be for five (5) years commencing on the day of its execution by all parties, and it shall automatically renew for successive five (5) year terms unless a party provides written notice of non-renewal prior to the expiration of the current term.
11. Heffernan and Thomas, either directly or through their participating tenants, shall procure and maintain, during the term of this License Agreement, comprehensive general liability insurance naming the other and the Town as additional named insureds, subject to limits of at least \$1,000,000 each occurrence and \$2,000,000 in the aggregate for bodily injury and \$1,000,000 property damage. The Town shall procure and maintain, during the term of this License Agreement, comprehensive general liability coverage of \$100,000 each occurrence and \$200,000 in the aggregate for bodily injury and \$100,000 for property damage. The parties shall provide the other with a certificate of insurance.
12. This License is subject to termination by the parties to this agreement for a breach of the terms of this license that has not been corrected within ninety (90) days of written notice of the breach and demand to remedy it, delivered to the Licensee. Notice is delivered by leaving a copy thereof with the Town Manager, 1471 Highland Avenue, Needham MA

and to Thomas at 198 Curve Street, Dedham MA and to Heffernan at 99 Whitman Road, Needham MA.

13. Upon termination of this agreement, Heffernan and Thomas shall remove the dumpsters and enclosure from the licensed premises if requested to do so by the Town.

14. It is agreed that the licensed areas are and shall remain the property of the licensor and the licensee shall not make any improvements on, alter or remove any part of the premises without the licensors express prior written consent.

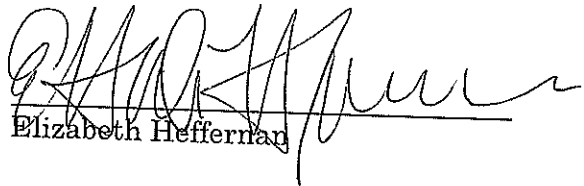
15. The parties shall not assign the License Agreement or any rights hereunder without the prior written consent of the others.

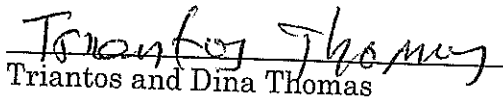
16. This document forms the entire agreement between the parties and there are no other agreements between the parties. Any amendment or modification to this License Agreement must be in writing and signed by a person with the authority to bind the party.

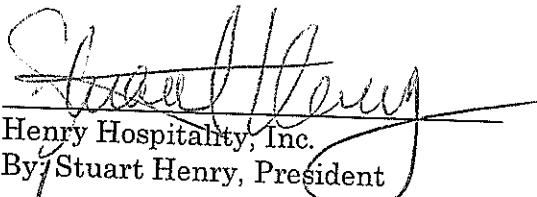
17. The parties agree that any action or proceedings arising in connection with this Agreement shall be tried and litigated exclusively in the District Court of Northern Norfolk or Norfolk Division or the Superior Court Department of the Massachusetts Trial Court and no other court or forum, subject to appeals to the Massachusetts Appeals Court and the Massachusetts Supreme Judicial Court. It is further agreed that the parties to this contract hereby waive their rights to a jury trial.

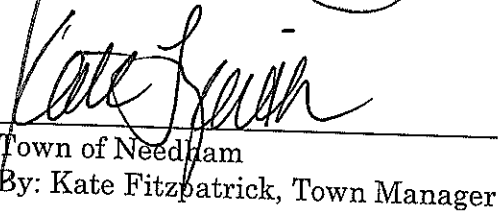
18. LICENSE ONLY: The parties acknowledge that this is a License Agreement and the rights to use of the Parking Area hereunder shall be deemed to be a license only and shall not be construed to be a lease, joint venture, partnership or as evidencing any relationship between the parties other than as Licensee and Licensor. No interest in real property is hereby conveyed by the parties.

WITNESS OUR HANDS AND SEALS THIS ^{March} 2 DAY OF ~~FEBRUARY~~, 2022:

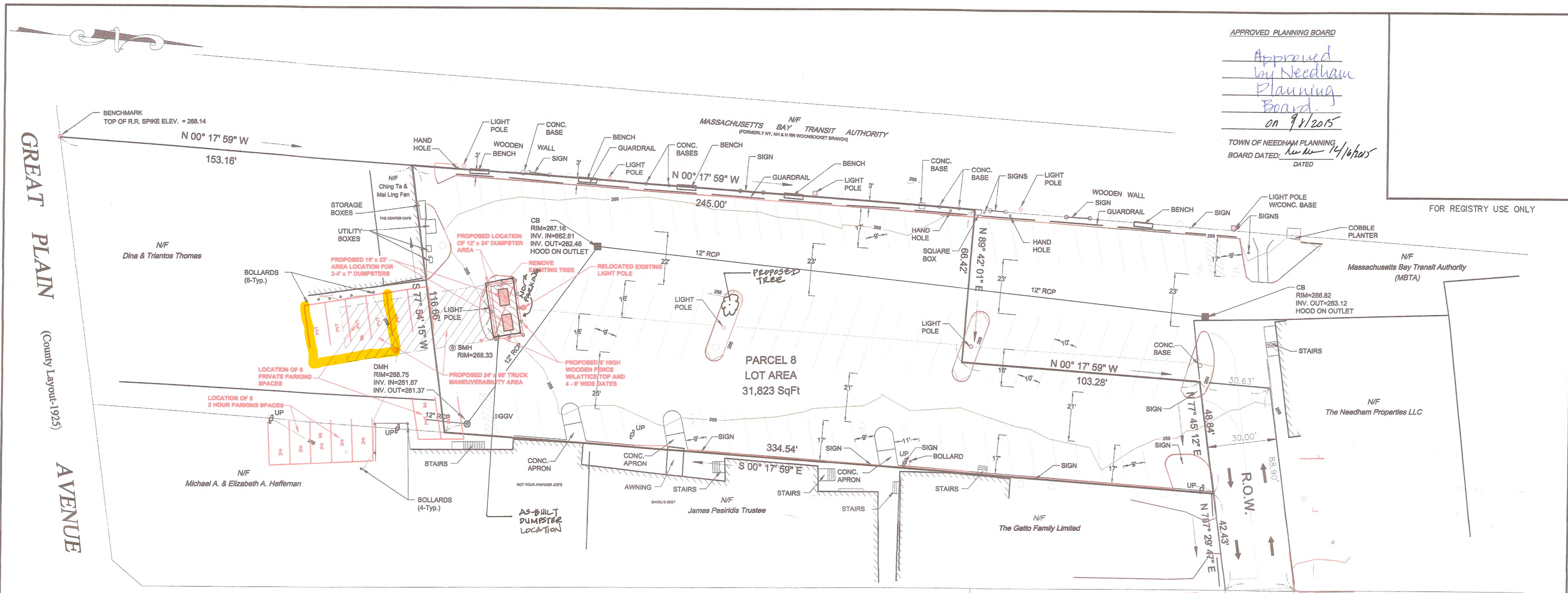

Elizabeth Heffernan 3-10-22


Triantos and Dina Thomas 3-11-22


Henry Hospitality, Inc.
By: Stuart Henry, President


Town of Needham
By: Kate Fitzpatrick, Town Manager





APPROVED PLANNING BOARD

Approved
by Needham
Planning
Board
on 9/1/2015

TOWN OF NEEDHAM PLANNING
BOARD DATED: 8/14/15
DATED

FOR REGISTRY USE ONLY

ZONING TABLE CHARTS			
ZONING CRITERIA	REQUIRED	EXISTING	PROPOSED
ZONING DISTRICT		CENTER BUSINESS (CB)	CENTER BUSINESS (CB)
MINIMUM LOT AREA	10,000 Sq. Ft.	34,525 Sq. Ft.	34,525 Sq. Ft.
MINIMUM FRONTAGE	90'	CHAPEL ST = 48.84'	48.84'
MINIMUM FRONT YARD SETBACK	0 - 3'	N/A	N/A
MINIMUM SIDE YARD SETBACK	0	N/A	N/A
MINIMUM REAR YARD SETBACK	0	N/A	N/A
MAXIMUM HEIGHT	35'	N/A	N/A
MAXIMUM FLOOR AREA RATIO	1"	N/A	N/A

CHAPEL

(Public 50' Wide - Town 1884)

(Public 50' Wide - Town 1928)

STREET

ZONING TABLE - SECTION 5.1.3				
ITEM	REQUIREMENTS	EXISTING SITE	PROPOSED SITE	COMPLIANT
PARKING LOT ILLUMINATION	AVERAGE 1 FOOT CANDLE WITH CUTOFF FIXTURES	NO	NO	SEEKING WAIVER
LOADING REQUIREMENTS	ADEQUATE OFF STREET LOADING FACILITIES	N/A	N/A	YES
HANDICAPPED PARKING	PARKING SPACES FOR HANDICAPPED INDIVIDUALS AS REQUIRED BY AAB	5	5	SEEKING WAIVER
DRIVEWAY OPENINGS	INGRESS EGRESS LOCATED TO MINIMIZE CONFLICT WITH TRAFFIC ON STREETS	NO	NO	N/A
COMPACT CARS	OFF-STREET PARKING MAY BE DESIGNED FOR MAXIMUM 50% COMPACT CARS	N/A	NONE PROVIDED	SEEKING WAIVER
PARKING SPACE SIZE	EACH SPACE MUST REMAIN 9x18.5' (A1' BUMPER OVERHANG MAY BE INCLUDED)	NO	NO	SEEKING WAIVER
BUMPER OVERHANG	PARKING SPACE SIZE MAY INCLUDE 1' AREA BEYOND THE CURB IN FRONT OR REAR OF SPACE	N/A	N/A	N/A
PARKING SPACE LAYOUT	SPACE SHALL BE DESIGNED TO ALLOW MOVEMENT TO AND FROM SPACE WITHOUT REQUIRING MOVEMENT OF ANOTHER VEHICLE OR BACKING OUT	YES	YES	YES
WIDTH OF MANEUVERING ISLE	90 DEGREE PARKING SHOULD HAVE A MINIMUM OF 24' AISLE WIDTH	NO	21 TO 25	SEEKING WAIVER
PARKING SETBACKS	10' MINIMUM FROM THE STREET LOT LINE OR STREET ROW AND 4 FT. MINIMUM FROM REAR AND SIDE YARD	NO	NO	SEEKING WAIVER
LANDSCAPED AREAS	SETBACKS SHALL BE MAINTAINED AS LANDSCAPED AREAS	NO	NO	SEEKING WAIVER
TREES	1 TREE EVERY 10 SPACES, 1 REQUIRED	YES	2 REQUIRED / 4 PROVIDED *	SEEKING WAIVER
LOCATION	OFF-STREET PARKING ON SAME LOT AS PRINCIPAL USE	N/A	N/A	N/A
BICYCLE RACKS	ACCOMMODATE 1 BICYCLE PER 20 SPACES	0	0	SEEKING WAIVER

* - 10 TREES PROVIDED AT PROPERTY LINE AND MBTA PARKING LOT

PROPOSED PROJECT BOUNDARY - PARKING			
PARKING SPACES	EXISTING	PROPOSED SITE	CHANGE
OFF STREET	115 PRE-EXISTING NONCONFORMING PARTIALLY ON SITE	113 - DELINEATED	-2
HANDICAPPED	5	5	0
TOTAL	120	118	-2

PROPOSED PROJECT BOUNDARY - LANDSCAPING AREA FOR PARKING				
PARKING SPACES	EXISTING IMPERVIOUS	PROPOSED IMPERVIOUS	EXISTING LANDSCAPED	PROPOSED LANDSCAPED
TOTAL PROJECT BOUNDARY AREA= 31,823 SqFt	30,872 SqFt IN PARCEL LOT	30,872 SqFt IN PARCEL LOT	1,151 SqFt IN PARCEL LOT	884 SqFt IN PARCEL LOT
	30,295 SqFt IN PARKING LOT	30,562 SqFt IN PARKING LOT	1,528 SqFt IN PARKING LOT	1,261 SqFt IN PARKING LOT
	EXISTING PERVIOUS	PROPOSED PERVIOUS		
TOTAL PERVIOUS PAVED AREA	1,151 SqFt IN PARCEL LOT	884 SqFt IN PARCEL LOT		
	1,528 SqFt IN PARKING LOT	1,261 SqFt IN PARKING LOT		

NOTE: REMOVING TREES AND GRASS AND REPLACING WITH PERVIOUS PARKING AREA TO MEET STORMWATER INFILTRATION REQUIREMENTS.

PLAN REFERENCES

- PLAN OF LAND TITLED: "NEW YORK, NEW HAVEN AND HARTFORD RAILROAD, OFFICE ENGINEER-REAL ESTATE SURVEYS, LAND IN NEEDHAM, MA" AND DATED: MAY 1951 AND RECORDED IN NORFOLK REGISTRY OF DEEDS ON: MAY 12, 1952 FILE-490, BK-3082 PG-19.
- PLAN OF LAND TITLED: "NEW YORK, NEW HAVEN AND HARTFORD RAILROAD, OFFICE ENGINEER-RIGHT OF WAY DEPARTMENT LAND IN NEEDHAM, MA" AND DATED: DECEMBER 1949 AND RECORDED IN NORFOLK REGISTRY OF DEEDS ON: MAY 29, 1952 FILE-585, BK-3087 PG-275.
- PLAN OF LAND TITLED: "PLAN OF LAND" BY: BRUNDAGE ENGINEERING SERVICE AND DATED: DECEMBER 1953 AND RECORDED IN NORFOLK REGISTRY OF DEEDS ON: OCTOBER 26, 1954 FILE-1550, BK-3320 PG-547.
- PLAN TITLED: "PLAN OF LAND IN NEEDHAM" BY ROWLAND H. BARNES & CO. CIVIL ENGINEERS AND DATED: MARCH 30, 1950 AND RECORDED ON JUNE 27, 1950 PLAN NO. 224444A. TITLE NO. 45437
- PLAN TITLED: "PLAN OF LAND IN NEEDHAM" BY ROWLAND H. BARNES & CO. CIVIL ENGINEERS AND DATED: FEBRUARY 1974 AND RECORDED ON MARCH 1, 1974 PLAN NO. 224444B. TITLE NO. 97453
- PLAN TITLED: "SUBDIVISION PLAN OF LAND IN NEEDHAM" BY CULLINAN ENGINEERING CO., INC. SURVEYORS AND DATED: SEPTEMBER 30, 1991 AND RECORDED ON MARCH 27, 1992 LAND COURT PLAN NO. 224444C. AND RECORDED IN NORFOLK REGISTRY OF DEEDS ON: DECEMBER 22, 1995 CERT. NO. 145138 BK-726, PG-138
- PLAN TITLED: "EXISTING CONDITIONS PLAN - CHAPEL STREET PUBLIC PARKING LOT", BY NEEDHAM ENGINEERING DIVISION AND DATED: AUGUST 14, 2015

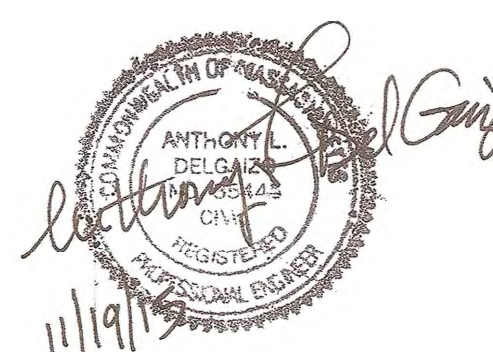
CHAPTER 380 ACTS OF 1966

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR NEW WAYS ARE SHOWN.

Anthony J. DelGaudio
SIGNED
8/14/15
DATED

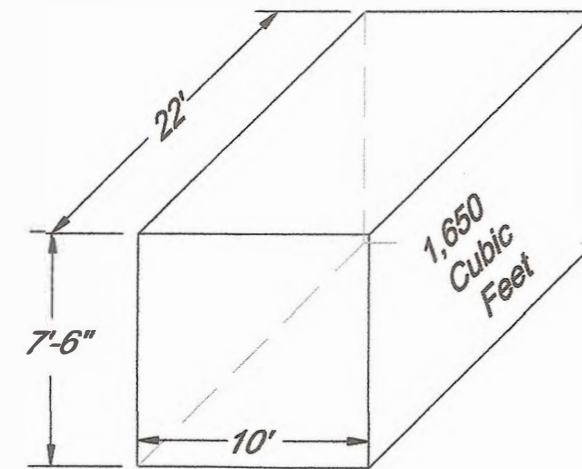
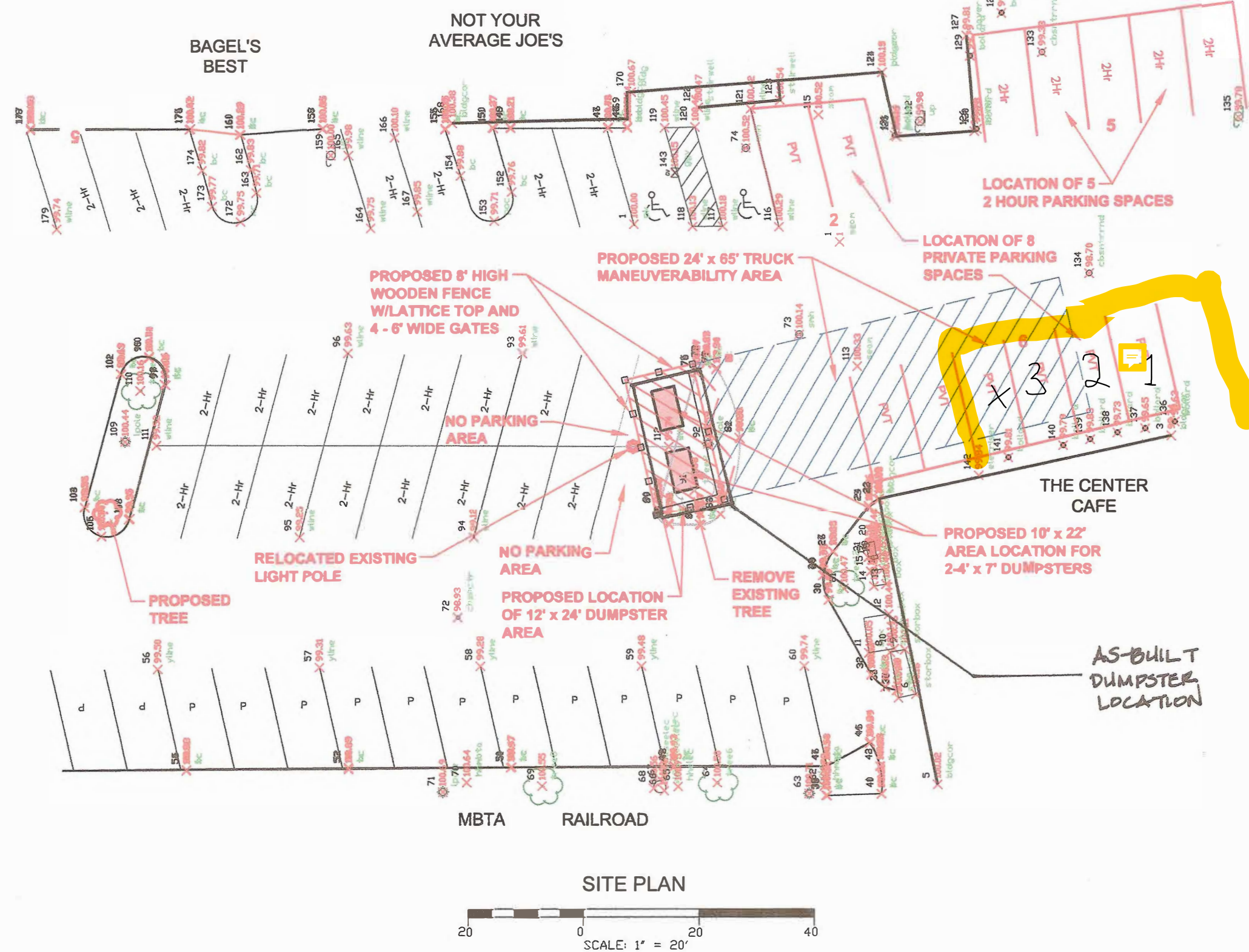
I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Anthony J. DelGaudio
SIGNED
8/14/15
DATED

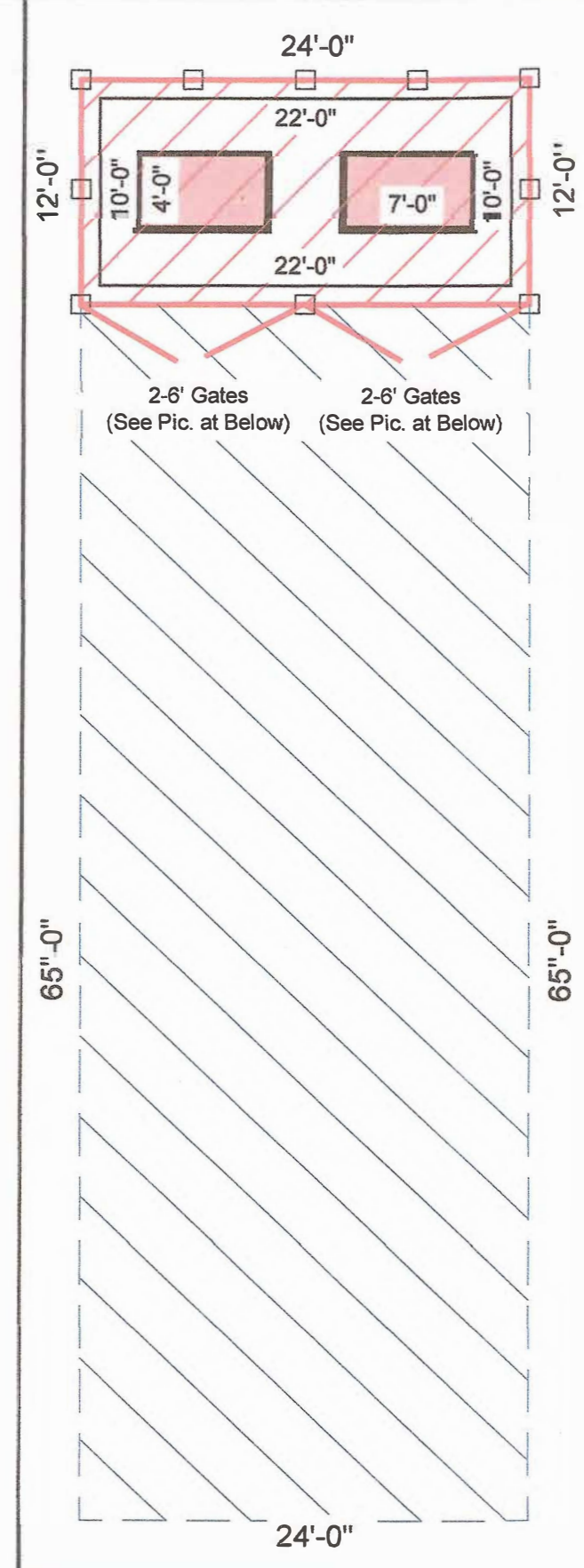


Scale 1" = 20' FEET
20 0 20 40 60 FEET

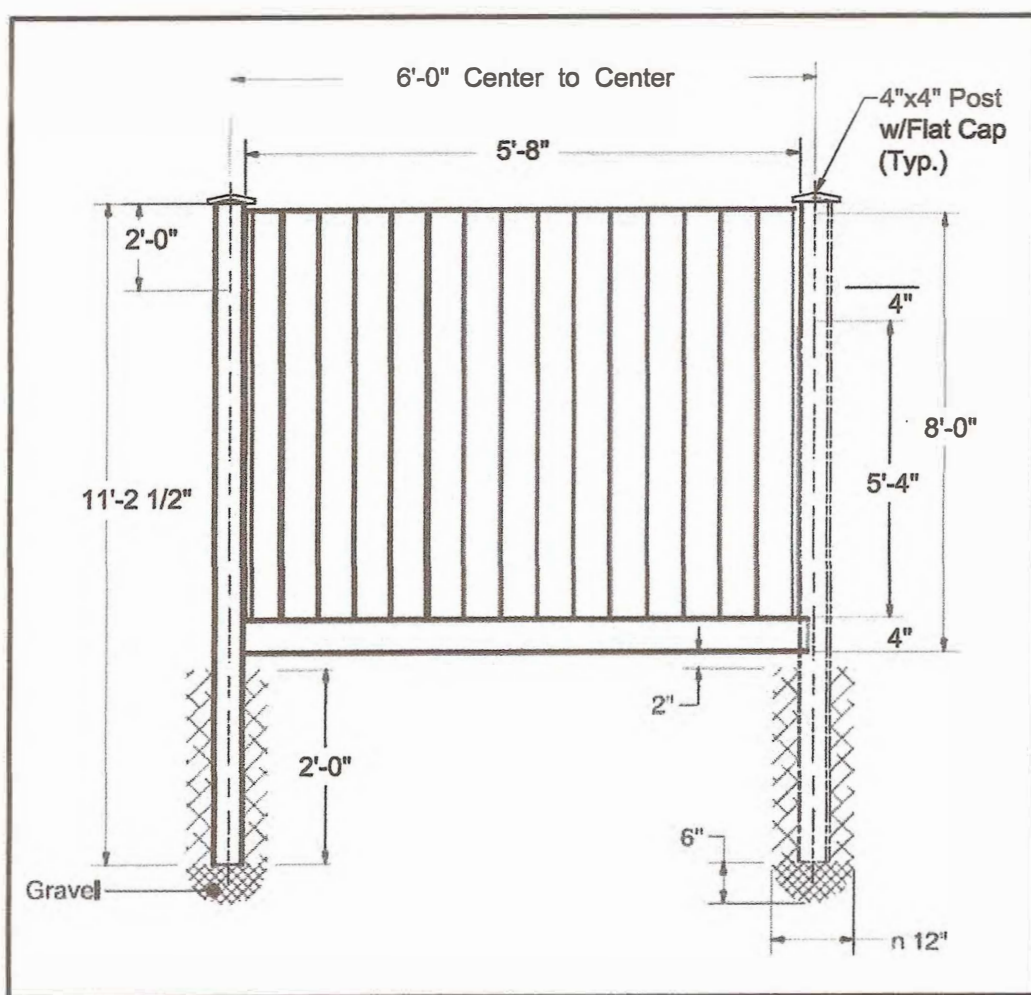
PROPOSED DUMPSTER LOCATION CHAPEL STREET PUBLIC PARKING LOT			Survey PAL/DFK Draft TGS
SCALE: 1" = 20' DATE: AUGUST 14, 2015			Check ALD/TAR
PICKERING STREET AND GREAT PLAIN AVENUE NEEDHAM, MA			Job. No. CHAPEL STREET
Prepared for: ENGINEERING DIVISION DEPARTMENT OF PUBLIC WORKS NEEDHAM, MA 02492			Sheet 1 of 1 Dwg. No.
NEEDHAM DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION 500 Dedham Avenue, Needham, MA 02492 (781) 455-7550			



CUBIC FEET
OF
DUMPSTER AREA
NOT TO SCALE



DUMPSTER AND MANEUVERABILITY
AREA DETAIL
NOT TO SCALE



CEDAR STOCKADE FENCE
NOT TO SCALE



CEDAR GATE with STEEL FRAME
NOT TO SCALE

APPROVED BY NEEDHAM
PLANNING BOARD

Approved
by Needham
Planning
Board
on 9/8/2015
DATE: 12/16/2015

11/19/15	ADDED PROPOSED TREE LOCATION	TGS
8/6/15	Added Fence Details	TGS
DATE	REVISION	BY
PROPOSED DUMPSTER LOCATION CHAPEL STREET MUNICIPAL PARKING LOT SCALE: 1"=20 DATE: AUGUST 14, 2015		
Prepared for: NEEDHAM ENGINEERING DEPARTMENT PSA BUILDING NEEDHAM, MA 02492		
NEEDHAM DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION 500 Dedham Avenue, Needham, MA 02492 (781) 455-7550		
Survey DFK/PDC Draft TGS Check TAR/ALD	Job. No. CHAPEL STREET	Sheet 1 OF 1 Dwg. No.

From: [Stuart Henry](#)
To: [Alexandra Clee](#)
Subject: Patio Plans
Date: Friday, March 11, 2022 3:07:17 PM
Attachments: [Approved and As Builts Chapel St Dumpster Plans.pdf](#)

Hi Alexandra,

Sorry about the delay I was having difficulty printing those plans. I marked where the patio would be and the parking spaces we would be using. It shows 6 spaces at the back of our building and Fanns tailor next door. There was only 5 in actuality and a disabled pathway from our back door (I marked with an X). There are still 2 parking spots behind Fanns That are used very day (I have attached a Photo)

I resent the application with the landlords signature on a separate email.

Thank you so much for all your help.

Regards

--

Stuart Henry
The James
Pub and Provisions
1027 Great Plain Ave.
Needham, MA 02492
T: 781-455-8800
C: 857-891-7928



From: [David Roche](#)
To: [Alexandra Clee](#); [Thomas Ryder](#); [John Schlittler](#); [Dennis Condon](#); [Tara Gurge](#); [Timothy McDonald](#); [Carys Lustig](#)
Cc: [Elisa Litchman](#); [Lee Newman](#); [Myles Tucker](#)
Subject: RE: Request for comment - The James outdoor dining
Date: Thursday, March 17, 2022 8:45:56 AM

Alex,

The plans provided meet the access code, building more permanent structures may require a building permit the plan does not go into that detail.

Dave Roche

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, March 16, 2022 3:43 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>; Myles Tucker <mtucker@needhamma.gov>
Subject: Request for comment - The James outdoor dining

Dear all,

I am seeking comment on for the Planning Board meeting of April 5.

The requested amendment would permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces located on the eastern edge of the restaurant building which the Petitioner had previously made available for public use in the municipal parking lot on Chapel Street and on private property which the Petitioner controls along the southern edge of the restaurant building.

The Planning Board has scheduled this matter for April 5, 2022. Please send your by Wednesday March 30.

The documents attached for your review are as follows:

1. Application for Amendment to Major Project Special Permit No. 2007-04, and an application under Section 6.9 of the Zoning by-Law for outdoor dining.
2. Plan prepared by Scott Melching Architect, entitled "Exterior Seating Plan," dated December 23, 2021.
3. Photographs.
4. License Agreement between the Town and the Heffernan Associates Nominee Trust, dated March 2, 2022.
5. Email from Stuart Henry, Petitioner, with two attachments: 1) plan with sketch on it showing proposed location of outdoor dining; and 2) photograph.

Thank you, alex.

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

From: [David Roche](#)
To: stuart@thejamespub.com
Cc: [Alexandra Clee](#)
Subject: Bathrooms
Date: Tuesday, March 22, 2022 2:50:55 PM

Stuart,

In reviewing your outdoor seating plan a question about bathrooms came up if you have standard bathrooms men's and women's with one toilet fixture in each bathroom your occupancy would be limited to 90. Additional bathrooms within 300' of the outdoor seating would be required for more than 90.

Dave Roche

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - The James outdoor dining
Date: Thursday, March 17, 2022 10:01:26 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
The Fire dept. is okay with this plan.

Thanks,
Dennis

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



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, March 16, 2022 3:43 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>; Myles Tucker <mtucker@needhamma.gov>
Subject: Request for comment - The James outdoor dining

Dear all,

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The requested amendment would permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces located on the eastern edge of the restaurant building which the Petitioner had

previously made available for public use in the municipal parking lot on Chapel Street and on private property which the Petitioner controls along the southern edge of the restaurant building.

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5. Email from Stuart Henry, Petitioner, with two attachments: 1) plan with sketch on it showing proposed location of outdoor dining; and 2) photograph.

Thank you, alex.

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

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: FW: Request for comment - The James outdoor dining
Date: Wednesday, March 23, 2022 11:20:49 AM
Attachments: [Outdoor Dining Application FINAL 030422.pdf](#)
[The James - EXT Photos - 2021 12-23.pdf](#)
[The James - EXT Floor Plan PLATFORM - 2021 12-23.pdf](#)
[Chapel St Lot Licence #2 - Fully Executed.pdf](#)
[email_Patio Plans.pdf](#)
[site plan showing outdoor diing location Chapel St.pdf](#)
[IMG-3579.jpg](#)
[Application Amendment.pdf](#)
[image002.png](#)
[image003.png](#)

Alex –

The Public Health Division reviewed the request for this increase in outdoor seating for The James Restaurant. Here are our comments noted below -

- They must continue to maintain the exterior area in a clean and sanitary condition, as not to attract the risk of pests. They must also continue to maintain clean and sanitary dumpsters (both trash and recycling) and maintain their routine trash and recycling shared pick-up/service schedules, and increase those schedules if any overflow issues are observed. Their exterior grease trap area must also be kept clean and maintained.
- They must continue to have a routine interior and exterior pest control service schedule, and be willing to increase this pest service if any increase in pest issues arise.

Please let me know if you need any additional information from us 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



please consider the environment before printing this email

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

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Wednesday, March 16, 2022 3:43 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>; Myles Tucker <mtucker@needhamma.gov>

Subject: Request for comment - The James outdoor dining

Dear all,

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The requested amendment would permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces located on the eastern edge of the restaurant building which the Petitioner had previously made available for public use in the municipal parking lot on Chapel Street and on private property which the Petitioner controls along the southern edge of the restaurant building.

The Planning Board has scheduled this matter for April 5, 2022. Please send your by Wednesday March 30.

The documents attached for your review are as follows:

1. Application for Amendment to Major Project Special Permit No. 2007-04, and an application under Section 6.9 of the Zoning by-Law for outdoor dining.
2. Plan prepared by Scott Melching Architect, entitled "Exterior Seating Plan," dated December 23, 2021.
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5. Email from Stuart Henry, Petitioner, with two attachments: 1) plan with sketch on it showing proposed location of outdoor dining; and 2) photograph.

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**

March 25, 2022

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

RE: Amendment to Major Project Special Permit No. 2015-07
30 Dedham Avenue- Latina Outdoor Dining

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request to amendment to a Special Permit. The applicant request permission for 69 outdoor seating year-round using a maximum of 3-parking spaces.

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 Amendment to Major Project Special Permit No. 1991-04, and an application under Section 6.9 of the Zoning by-Law for outdoor dining.
2. Plan prepared by Scott Melching Architect, entitled "Exterior Seating Plan," dated December 23, 2021.
3. Photographs.
4. License Agreement between the Town and the Heffernan Associates Nominee Trust, dated March 2, 2022.
5. Email from Stuart Henry, Petitioner, with two attachments: 1) plan with sketch on it showing proposed location of outdoor dining; and 2) photograph.

Our comments and recommendations are as follows:

- We have no 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



Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

Tel. 781-455-7550 x 308

April 29, 2022

Town of Needham
Planning Board
500 Dedham Ave.
Needham, MA. 02492

Re: The James outdoor seating

Dear Board Members,

I have reviewed the outdoor seating plan for the James restaurant located at 1029 Great Plain Ave. and have the following comments. The plan for the outdoor dining area complies with the requirements of the Massachusetts Architectural Access Board for restaurants. The building has two accessible bathrooms with single fixture in each bathroom this limits the occupancy to 90 under the State Plumbing Code.

The new outdoor seating plan shows 69 exterior seats the interior seating is now 56 seats for a total of 125 seats, this puts the seating over the plumbing capacity. The owner of The James Mr. Stuart Henry has entered into an agreement with the owner of the Architrave store Mr. Charles Intha for the use of the stores existing bathrooms. The bathrooms are located in the rear of the toy store near the rear exit door which is approximately 30' from the outdoor seating for the restaurant. The additional access to restrooms allows The James to increase the occupancy from 69 seats to the proposed 125 seats, meeting the Plumbing Code requirements.

I have attached a copy of the agreement between the two business owners.

David A Roche
Building Commissioner
Town of Needham

Henry Hospitality Inc d/b/a
The James - Pub & Provisions,
1027 Great Plain Ave,
Needham,
MA 02492

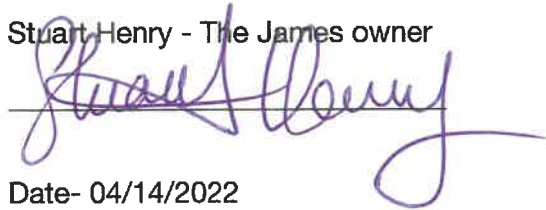
To whom it may concern,

The James will be entering into a written agreement with the owner of Architrave toy store located at 1029 Great Plain Ave. for the use of two bathrooms located in the rear of the store and 30' from the proposed outdoor dining area. Entry is through the back door marked clearly with signs for The James patrons.

Charles Intha - Architrave Owner

A handwritten signature in black ink, appearing to read "Charles Intha", written over a horizontal line.

Stuart Henry - The James owner

A handwritten signature in purple ink, appearing to read "Stuart Henry", written over a horizontal line.

Date- 04/14/2022



TOWN of NEEDHAM
MASSACHUSETTS
**APPLICATION FOR OUTDOOR SEATING
UNDER SECTION 6.9 OF THE ZONING BY-LAW**

LOCATION:

Property Address: 1027 Great Plain Ave, Needham MA 02492

Name of Establishment: The James

APPLICANT:

Name (must be business owner, manager, or lessee): Stuart Henry

Address: 18 Clifondale St, Roslindale, MA 02131

Telephone Number: 8578917928

Email Address: stuart@thejamespub.com

Do you own or rent property? Rent

PROPERTY OWNER:

Complete this section if applicant is not the property owner

Name (must be owner): Triantos Thomas

Address: 198 Curve St, Dedham MA 02026

Telephone Number: 7813295894

Email Address: _____

APPLICATION REQUEST:

Are you requesting to have outdoor dining on PRIVATE parking spaces? Yes ___ No x

If yes, how many private parking spaces?

Are you requesting to have outdoor dining on PUBLIC parking spaces (on-street or in a public parking lot)? Yes x No ___

If yes, how many public parking spaces do you intend to use in each category? *Note: there is a maximum of 3 parking spaces allowed per applicant.*

_____ # on-street public parking spots. Please note, required concrete barriers will take up 1 parking spot and should be added to the total number of spots you are applying to use.

3 # of off-street public parking spots (in a public parking lot)

Are any of the spaces you are requesting to use designated for handicap parking?
yes Are you requesting to have outdoor dining on a sidewalk?

NEEDHAM DESIGN REVIEW BOARD
• RECOMMENDED ACTION •
APPROVAL: <u>M Gwerry</u>
APPROVAL WITH CONDITIONS: _____
DISAPPROVAL: _____
DATE: <u>3-28-22</u>

INTERNATIONAL BUILDING CODE

TOTAL SEAT COUNT

EXTERIOR SEATS = 69 SEATS
INTERIOR SEATS = 55 SEATS

TOTAL = 125 SEATS

PER IBC 1004.4 FIXED SEATING
BOOTH SEATING DETERMINED BY 24" OF BACKREST

FIXED SEATING WITHOUT DIVIDING ARMS DETERMINED
BY 18" OF SEATING LENGTH (21'-6" / 18" = 14.33)

ACCESSIBLE SEATING

PER IBC 1108.2.9.1 DINING SURFACES
5% OF SEATING IS REQUIRED TO BE ACCESSIBLE

69 EXT. SEATS * 5% = 3.5 ACCESSIBLE SEATS REQ'D

6 ACCESSIBLE SEATS ARE PROVIDED.

6 > 3.5 COMPLIANT

PLUMBING FIXTURE REQUIREMENT

PER TABLE 2902.1

MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

A-2 RESTAURANTS

- WATER CLOSETS - 1 PER 75 (MEN & WOMEN)
- LAVATORY - 1 PER 200
- DRINKING FOUNTAIN - 1 PER 500
- SERVICE SINK - 1 REQUIRED

125 OCCUPANTS = 2 WATER CLOSETS & 1 LAVATORY

THE JAMES CURRENTLY HAS

- 2 UNISEX RESTROOMS EACH WITH ONE WATER CLOSET & ONE SINK FOR A TOTAL OF 2 WATER CLOSETS & 2 LAVATORIES.

- ONE TOILET ROOMS IS FULLY ACCESSIBLE.

2 = 2 REQUIRED WATER CLOSETS

2 > 1 REQUIRED LAVATORIES

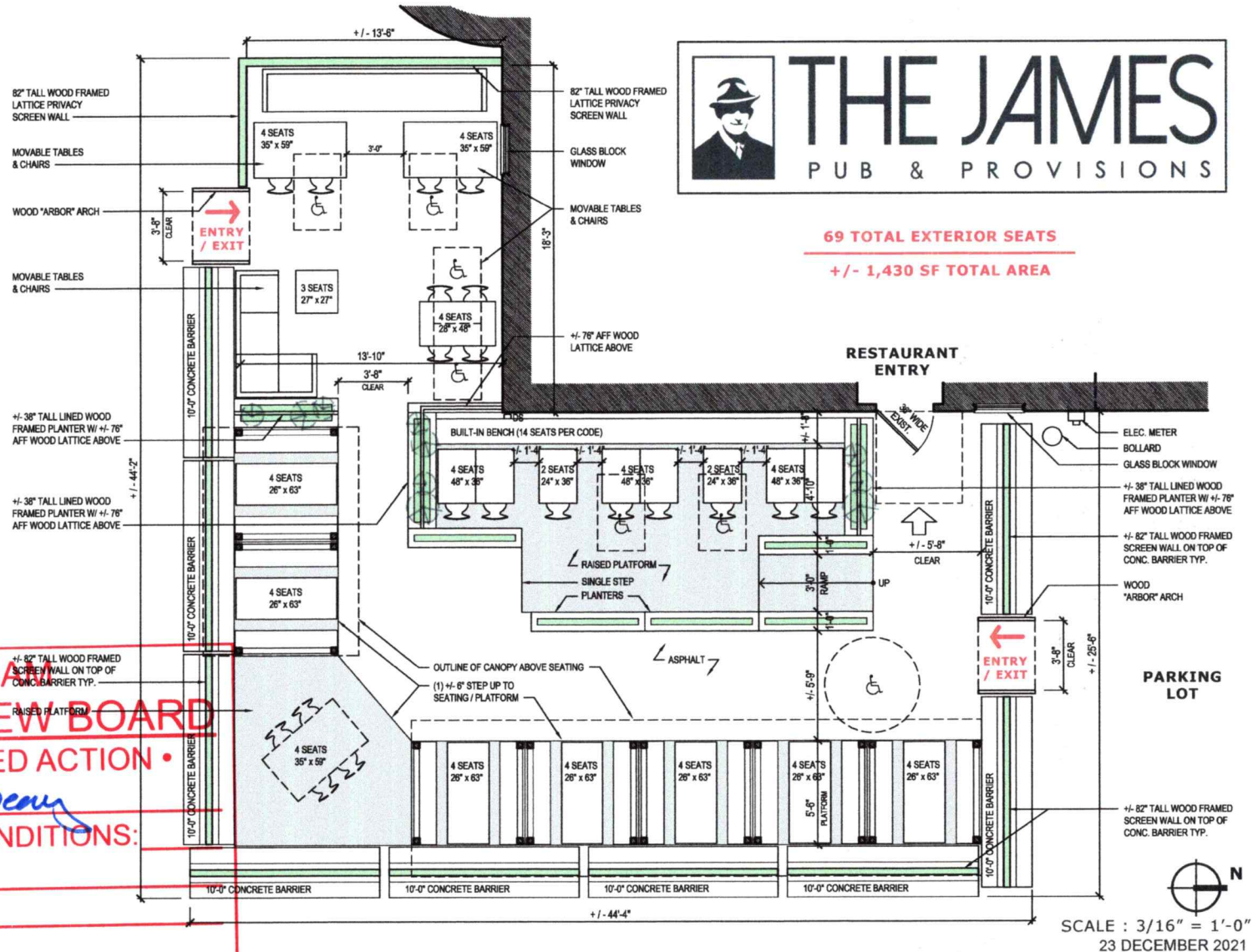
LEGEND

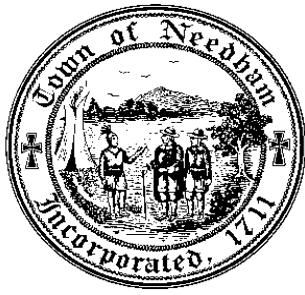
- RAISED PLATFORM
- COMPOSITE DECKING

3 | EXTERIOR SEATING PLAN

THE JAMES PUB & PROVISIONS | NEEDHAM MA

DATE: 3-20-22





PLANNING & COMMUNITY
DEVELOPMENT
PLANNING DIVISION

AMENDMENT TO DECISION

May 3, 2022

Major Project Site Plan Special Permit

SPMP No. 2018-05

Town of Needham

**Temporary Facility for Needham Public School Administration
(Original Decision dated July 17, 2018, amended June 29, 2021)**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts (hereinafter the Petitioner), for property located at 28 Glen Gary Road, Needham, Massachusetts. The property is shown on Assessor's Map No. 102 as Parcel 1 containing 24.6 acres in the General Residence District.

This Decision is in response to an application submitted to the Board on March 24, 2022, by the Petitioner for an amendment to a Major Project Site Plan Review Special Permit issued by the Needham Planning Board on July 17, 2018, amended June 29, 2021, under Section 7.4 of the Needham Zoning By-Law and Major Project Site Plan Review Special Permit No. 2018-05, Section 4.2.

The requested amendment to Major Project Site Plan Review Special Permit No. 2018-05 (hereinafter the Amendment) would, if granted, permit the modification to the June 29, 2021 Amendment Decision to remove Condition 3.2, which states "There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking." The Petitioner is proposing to temporarily move the Needham Public Schools ("NPS") administrative staff from their current workspace in the Emery Grover Building (1330 Highland Avenue) into the Hillside Elementary School building while Emery Grover undergoes renovation. NPS's temporary occupancy of the Hillside Elementary School does not involve any significant exterior changes or additions to the existing school building, and it does not involve any significant changes to the site as depicted on the as-built restoration plan. This temporary occupancy of the Hillside Elementary School by NPS does not require site plan approval under Section 7.4 of the Zoning Bylaw. However, Condition 3.2 of the Amendment Decision is proposed to be deleted so that the existing parking spaces at the Property may be used in connection with NPS administrative staff's temporary occupancy of the Hillside Elementary School building.

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 Chairperson, Paul S. Alpert on Tuesday, April 19, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198. Board members Paul S. Alpert, Adam Block, Jeanne S. McKnight, Natasha Espada and Artie Crocker were present throughout the April 19, 2022 proceedings. The record of

the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Application Form for Further Site Plan Review completed by the applicant dated March 24, 2022.
- Exhibit 2 - Letter from Attorney Christopher Heep to the Needham Planning Board, dated March 18, 2022.
- Exhibit 3 - Plan entitled "Site Plan, Existing and Proposed Conditions, Hillside School," prepared by Waterman Associates, 2 Wisteria Way, Canton, MA 02021, dated April 12, 2022.
- Exhibit 4 - Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated March 28, 2022; IDC from Thomas Ryder, Town Engineer, dated April 14, 2022; and IDC to the Planning Department from Tara Gurge, Needham Health Department, dated April 13, 2022.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board confirmed its findings and conclusions as contained in its original Decision dated July 17, 2018, amended June 29, 2021 except as modified herein.

- 1.1 The Petitioner is seeking the modification to the June 29, 2021 Amendment Decision to remove Condition 3.2, which states "There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking." The Petitioner is proposing to temporarily move the Needham Public Schools ("NPS") administrative staff from their current workspace in the Emery Grover Building (1330 Highland Avenue) into the Hillside Elementary School building while Emery Grover undergoes renovation. NPS's temporary occupancy of the Hillside Elementary School does not involve any significant exterior changes or additions to the existing school building, and it does not involve any significant changes to the site as depicted on the as-built restoration plan. This temporary occupancy of the Hillside Elementary School by NPS does not require site plan approval under Section 7.4 of the Zoning Bylaw. However, Condition 3.2 of the Amendment Decision is proposed to be deleted so that the existing parking spaces at the Property may be used in connection with NPS administrative staff's temporary occupancy of the Hillside Elementary School building.
- 1.2 In particular, Condition 3.1 of the June 29, 2021 Amendment Decision states as follows:
 - 3.1 The Petitioner shall return the site to the conditions shown on the plan submitted with the application ("Site Layout & Materials Plan" on the plan entitled Hillside Site Plans Post-Use, Sheet LT1.02 and "Post Development Site Grading Plan" on the plan entitled Hillside Site Plans Post Use, Sheet LT2.01, both as further detailed in in Exhibit 2C), when the Police and Fire Department conclude their temporary use of the site. The restoration shall be completed within 6 months of the date the Police and Fire Departments vacate the property with an as-built plan showing the restored condition submitted to the Board for review and approval. Additionally, within 6 months of the date the Police and Fire Departments vacate the property, the Petitioner will return to the Planning Board to describe any new reuse or

redevelopment opportunities anticipated at the site, so that the Board can, at that time, determine whether the fence shall remain or be taken down.

The Police and Fire Departments' temporary use of the Property has now concluded. The Petitioner has removed all temporary structures constructed pursuant to MPSP 2018-05 and otherwise restored the Property to its prior condition as required by the Amendment Decision. In addition, the Petitioner removed all of the construction fencing referred to in Condition 3.1 from the Property on March 16, 2022. The Petitioner has prepared an existing conditions plan, and has submitted it to the Board on April 14, 2022 (Exhibit 3).

- 1.3 The Petitioner is now planning to temporarily move the Needham Public Schools ("NPS") administrative staff from their current workspace in the Emery Grover Building (1330 Highland Avenue) into the Hillside Elementary School building while Emery Grover undergoes renovation. NPS's temporary occupancy of the Hillside Elementary School does not involve any significant exterior changes or additions to the existing school building, and it does not involve any significant changes to the site as depicted on the as-built restoration plan. In particular, NPS will not require any changes or additions to the existing parking layout: There are typically 55 NPS staff based at the Emery Grover Building, and there are 115 existing striped parking spaces at the Property now that the Petitioner has restored it to the prior condition in accordance with the restoration plan.
- 1.4 This temporary occupancy of the Hillside Elementary School by NPS does not require site plan approval under Section 7.4 of the Zoning Bylaw.¹ However, Condition 3.2 of the Amendment Decision states as follows:
 - 3.2 There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking.
- 1.5 NPS will of course need to use the existing parking spaces at the Property in connection with its temporary occupancy of the Hillside Elementary School building. Accordingly, given that the temporary Police and Fire Department headquarters permitted in MPSP 2018-05 has been removed, and the Property has been returned to its prior condition as required by Condition 3.1 of the Amendment Decision, the Petitioner has requested that the Planning Board delete Condition 3.2.

DECISION

THEREFORE, the Board voted 5-0 to GRANT (1) the requested amendment to a Major Site Plan Review Special Permit issued by the Needham Planning Board on July 17, 2018, amended June 29, 2021, under Section 7.4 of the Needham Zoning By-Law and Special Permit 2018-05, Section 4.2; subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building

¹ NPS's use is not a Major Project because it does not involve the construction of 10,000 or more square feet of gross floor area, an increase in gross floor area by 5,000 or more square feet, or the creation of 25 or more new off-street parking spaces. It is not a Minor Project because it does not involve the construction of more than 5,000 but less than 10,000 square feet of gross floor area, or an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet.

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 nine 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 No Plan modifications are required.

CONDITIONS

The conditions contained in Major Project Site Plan Special Permit No. 2018-05, dated July 17, 2018, dated June 29, 2021 are ratified and confirmed except as modified herein.

3.1 Paragraph 3.2 of the June 29, 2021 Amendment Decision is hereby deleted.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

Witness our hands this 3rd day of May, 2022.

NEEDHAM PLANNING BOARD

Paul S. Alpert, Chairman

Adam Block

Natasha Espada

Jeanne S. McKnight

Artie Crocker

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 name:

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 Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, for Property located at 28 Glen Gary Road, 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

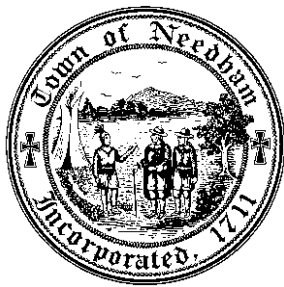
Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Commissioner
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
Chris Heep, Attorney



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

**The Learning Tree Preschool, Inc.
Major Project Site Plan Special Permit
AMENDMENT OF DECISION
May 3, 2022**

**Application No. 2008-08
(Decision dated November 12, 2008,
Amended August 11, 2009, January 4, 2011, August 9, 2011, June 12, 2012 and July 21, 2020)**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of V.S.A., LLC, 180 Country Way, Needham, Massachusetts; and The Learning Tree Preschool, Inc., 17 Allston Street, Allston, MA 02134 (hereinafter referred to as the Petitioner) for property located at 225 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan No. 74 as Parcels 36 and 37 containing a total of 15,798 square feet.

This Decision is in response to an application submitted to the Board on March 17, 2022, by the Petitioner for: (1) a Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Special Permit No. 2008-08, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011, June 12, 2012 and July 21, 2020; (2) a Special Permit under Section 3.2.5.2(c) of the By-Law for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1; and (3) a Special Permit under Section 5.1.1.5 of the By-Law to further waive strict adherence with the requirements of Section 5.1.2 (Required Parking).

The requested Major Project Site Plan Special Permit Amendment, would, if granted, permit the Petitioner to expand its current operation at this location to include the abutting former UBreakiFix tenant space. The expected maximum enrollment for the expansion is 19 children with 2 teachers. After the expansion, the total enrollment for the Learning Tree Preschool will be 42 children with 7 teachers.

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 Chairperson, Paul S. Alpert, on Tuesday, April 19, 2022 at 7:45 p.m. by Zoom Web ID Number 826-5899-3198. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Completed Application Form for Amendment to Major Project Site Plan Special Permit dated March 17, 2022, with Addendum A.
- Exhibit 2 - A letter to Lee Newman, Planning Director, from George Giunta Jr., dated March 8, 2022.
- Exhibit 3 - Letter directed to Lee Newman, Director, Planning and Community Development, from John Giannacopulos, Manager, V.S.A. LLC, dated March 7, 2022.

- Exhibit 4 - Plan entitled “Proposed The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, MA,” prepared by Nunes Trabucco Architects, 315A Chestnut Street, Needham, MA, Sheet 1, Sheet A1.0, entitled “First Floor Plan,” dated March 3, 2022.
- Exhibit 5 - Plan entitled “Existing Conditions Site Plan, 225 Highland Avenue, Needham, MA,” prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA, dated January 8, 2017, revised November 4, 2020, November 12, 2021 and February 14, 2022.
- Exhibit 6 - Inter Departmental Communication (IDC) to the Needham Planning Board from Thomas Ryder, Town Engineer, dated April 14, 2022; IDC to the Needham Planning Board from the Needham Fire Department, Chief Dennis Condon, dated March 28, 2022; and IDC to the Needham Planning Board from Tara Gurge, Public Health Division, dated April 13, 2022.

Exhibits 1, 2, 3, 4 and 5 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 Petitioner is seeking to modify Major Project Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011, June 12, 2012 and July 21, 2020, as follows: to expand the Learning Tree Preschool’s current operation at this location to include the abutting former UBreakiFix tenant space, adding 773 square feet to the Preschool. The expected maximum enrollment for the expansion is 19 children with 2 teachers. After the expansion, the total enrollment for Learning Tree Preschool will be 42 children with 7 teachers.
- 1.1 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 by 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.
- 1.2 The Petitioner is requesting this modification because the Petitioner originally intended and the original permit specified that the first floor which totals 3,875 square feet be used entirely as retail space; however, finding retail tenants for the entire retail space has been extremely difficult.
- 1.3 V.S.A., LLC proposes to lease the premises to Learning Tree Preschool, a fully licensed preschool and group daycare center established in 1997. Learning Tree Preschool 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 Preschool would like to expand its operation to include the former UBreakiFix space.

- 1.4 Learning Tree Preschool offers 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.
- 1.5 The Petitioner asserts that the proposed use falls under the exempt use category as defined in M.G.L. c.40A, Sec. 3 which 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”. The Board finds that the proposed use falls under this section and is an exempt use not requiring a Special Permit for a private school.
- 1.6 The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week. After the expansion, the total enrollment for Learning Tree Preschool will be 42 children with 7 teachers.
- 1.7 The proposed use was not specifically detailed in the Table of Required Parking, Section 5.1.2 of the By-Law. Accordingly, the Planning Board may recommend to the Building Commissioner the number of spaces required based on the expected parking needs of occupants, users, guests and employees. Such recommendation has previously been based on the ITE Journal of July 1994 entitled “Parking and Trip Generation Characteristics for Day-Care Facilities”. 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 16 spaces, calculated as follows:

42 expected children ÷ 5 = 8.4 spaces
7 maximum staff = 7 spaces

Required Spaces: 8.4 + 7 = 15.4 = 16 (rounded up) = 16 total spaces required
- 1.8 The prior parking demand for the building was 37 total spaces. With the inclusion of the Learning Tree Preschool 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:

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 Preschool @ 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
- 1.9 There are currently 22 parking spaces on site, to the rear of the building. As a result, an extension of and adjustment to the current parking waiver of one additional space 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 at 43 Wexford Street on a property owned by the same property owner. Employees are required to park in the off-site parking spaces so that the on-site parking spaces are available for parents doing drop off and pick up at the Learning Tree Preschool use. Whereas the parking demand for the Learning Tree Preschool is primarily drop-off and pick-up, and whereas the new calculated demand is an increase of one space, Learning Tree Preschool is both of the opinion and asserts that the existing parking is adequate to support the proposed expansion.

- 1.10 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The Petitioner proposes no change in building footprint, no change in site plans and no change in operation or allowed use of the second floor.
- 1.11 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets have been assured. There is presently limited off-street parking associated with the property, which consists of 22 spaces to the rear of the building and 5 off-site parking spaces. No changes are contemplated for the parking layout or the current curb cuts. With the proposed hours (specifically, the drop off and pick up times), traffic patterns may be changing slightly, but both drop off and pick up occur over an hour and a half long period; therefore, the change should not cause any issue with traffic. The site has been designed to accommodate safe vehicular and pedestrian movement within the site and on adjacent streets.
- 1.12 Adequate parking exists for the proposed uses. The Petitioner is not seeking a waiver over what is currently approved for the space. The Board finds that, given the drop off/pick up nature of the proposed use, the site will function without problem. The Board further notes that the basement space with an associated parking requirement of 1.52 spaces is currently used for tenant storage and does not create any additional parking demand.
- 1.13 Adequate methods for the disposal of refuse and wastes will be provided. 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.
- 1.14 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law will be met. The site and the building containing the Premises are situated in a highly developed, commercial area. The Petitioner 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 the Petitioner 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.
- 1.15 Mitigation of 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 will be met as there will be no adverse impact on the Town's resources. 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, the Petitioner does not anticipate any significant or material change, or any adverse impacts to any Town resource.

- 1.16 The Board finds that all of its findings and conclusions contained in Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, by the Board on November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011, June 12, 2012 and July 21, 2020 are applicable to this Amendment, except as specifically set forth in this Amendment.

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2008-08, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011, June 12, 2012 and July 21, 2020 ; and (2) the requested Special Permit under Section 5.1.1.5 of the By-Law to further waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the Site relative to this Special Permit Amendment, 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 nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.1 The Plan shall be modified to include the requirements and recommendations of the Planning Board as set forth below. The modified plans shall be submitted to the Planning Board for review, approval and endorsement. The Petitioner shall meet all requirements and recommendations, set forth below.
- a) No Plan Modification required.

CONDITIONS AND LIMITATIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.16 hereof.
- 3.1 The conditions and limitations set forth in Major Project Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011, June 12, 2012 and July 21, 2020 , and as further amended by this Amendment are ratified and confirmed.
- 3.2 The Board approves The Learning Tree Preschool use of an additional 773 square feet of the first floor of the building located at 225 Highland Avenue as shown on the Plan and as conditioned herein.
- 3.3 The proposed expansion of Learning Tree Preschool shall contain the floor plan and dimensions and be located on that portion of the locus, as shown on the Plan, as modified by this decision, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions or seating is allowed without further Board approval provided

the use allocation as shown on the plan is maintained. Any changes revisions or modifications other than changes deemed “minor movement” to the Plan, as modified by this decision, shall require approval by the Board.

- 3.4 The maximum number of children participating in classes or functions at any given time shall not exceed forty-two (42). The maximum number of staff persons present at any given time shall not exceed seven (7). Notwithstanding the above, the Board hereby retains jurisdiction to reduce the maximum number of children participating in classes or functions at any given time, or to require additional off-street parking, as necessary in the event of parking problems on the site.
- 3.5 The Learning Tree Preschool may be open from 7:30 a.m. to 5:30 p.m. Monday through Friday.
- 3.6 Staff shall be required to park in the parking spaces available off-site at 43 Wexford Street (property also owned by the Property owner) so as to keep available on-site parking available for drop-off and pick-up.
- 3.7 The operation of the Learning Tree Preschool located at 225 Highland Avenue, Needham, Massachusetts shall be as described in Sections 1.4, 1.6 and 1.9 of this Decision and as further described under the support materials provided under Exhibits 1, 2, 4 and 5 of this Decision.
- 3.8 This Special Permit to operate The Learning Tree Preschool at 225 Highland Avenue, Needham, MA is issued to The Learning Tree Preschool, Inc., 17 Allston Street, Allston, MA 02134 and may not be transferred, set over, or assigned by The Learning Tree Preschool, Inc., 17 Allston Street, Allston, MA 02134 to any other person or entity other than an affiliated entity in which The Learning Tree Preschool has a controlling interest of greater than 50 percent, without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient. For purposes of this section 3.8, a transfer or assignment of shares of stock of The Learning Tree Preschool, Inc. such that the current stockholders of The Learning Tree Preschool, Inc. as of the date of this Decision no longer own or control more than fifty (50%) percent of the equity interests or no longer own or control more than fifty (50%) percent of the voting power of The Learning Tree Preschool, Inc. shall be considered a prohibited transfer or assignment.
- 3.9 The special permit and parking waivers granted herein are specifically premised upon the special characteristics of The Learning Tree Preschool located at 225 Highland Avenue, Needham, Massachusetts. In the event of any change in the use permitted hereunder which would result in a greater parking demand, further site plan review will be required, and the Planning Board shall be entitled to evaluate the parking demand of the building as a whole.
- 3.10 The proposed Learning Tree Preschool use shall contain the dimensions and shall be located in the building at 225 Highland Avenue, as shown on the Plan.
- 3.11 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
 - a. The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - b. The Petitioner shall provide the Planning Board with two copies of the plan as approved by the Board (two plans wet-stamped).

- c. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.12 The approximately 773 square feet of the building that is the subject of this decision shall not be occupied until:
- a. There shall be filed with the Board and Building Commissioner a Certificate of Compliance signed by a registered architect upon completion of the project certifying that the project was built according to the approved documents.
 - b. There be filed, with the Building Commissioner, a statement by the Board approving the Certificate of Compliance, in accordance with said Decision.
 - c. There shall be filed with the Board an as-built floor plan.
- 3.13 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission or other agencies, including, but not limited to the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, Board of Health and Department of Early Education and Care.
- 3.14 The portion of the building that is authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit 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.
- 3.15 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.16 Violation of any of the conditions of this decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the Petitioner of such violation and give the Petitioner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in accordance

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

- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse on May 3, 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 May 3, 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.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit Amendment 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 Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

Witness our hands this 3rd day of May, 2022.

NEEDHAM PLANNING BOARD

Paul S. Alpert, Chairperson

Adam Block

Jeanne S. McKnight

Natasha Espada

Artie Crocker

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

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Amendment to Decision of the project proposed by V.S.A., LLC, 180 Country Way, Needham, and Massachusetts, and The Learning Tree Preschool, Inc., 17 Allston Street, Allston, MA 02134, for property located at the 225 Highland Avenue, Needham, Massachusetts, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission
George Giunta, Jr., Attorney

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

**TOWN OF NEEDHAM
MASSACHUSETTS**



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 1330 Highland Avenue
Applicant Town of Needham Permanent Public Building Committee
Applicant's Address 500 Dedham Avenue, Needham MA 02492
Phone Number (781) 455-7500

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

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

Characteristics of Property: Lot Area 1.06 acres Present Use School Administration
 Map #53 Parcel #2 Zoning District A-1

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

The Applicant seeks to renovate the Emery Grover Building located at 1330 Highland Ave. The proposed renovation involves an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet, and the project is not otherwise defined as a Major Project.

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

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____

Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

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



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

April 25, 2022

**BY EMAIL (dcollins@needhamma.gov) and
BY HAND**

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

**Re: Emery Grover Building—1330 Highland Avenue
Application for Special Permits**

Dear Board Members:

The Town of Needham’s Permanent Public Building Committee, working in coordination with Needham Public Schools, (the “Applicant”) respectfully submits this application for special permits pursuant to Section 5.1.1.5, Section 1.4.6 and Section 7.5.2 of the Zoning By-Law. This application concerns the proposed renovation of the Emery Grover Building located at 1330 Highland Avenue.

The Emery Grover Building was constructed in 1898. It was added to the National Register of Historic Places in 1987, and is the Town’s oldest public historic building. The Town’s School Administration department has occupied the Emery Grover Building continuously since 1947, and the building itself has not undergone any comprehensive renovation since that time. After years of study and planning, the Applicant plans to perform a full “core and shell” renovation of the existing building to allow for its continued use by School Administration, including restoration of the roof, windows, walls and the interior of the building. The project will improve energy efficiency, and include a new fossil-fuel free HVAC system. There will be new emergency exit stairs, an automatic sprinkler system, ADA/MAAB accessible entrance and bathrooms, and an elevator.

The building area will be fundamentally unchanged by the renovation except for four modifications:

1. The existing 200 square foot north side entry portal is being enclosed to provide an entry vestibule. This vestibule is required by the energy code.

2. A 320 square foot loading and service addition is provided on the south side of the building. This loading area includes a lift for getting textbooks and other bulk materials into the building, which is made necessary by the fact that neither the lower level or the first floor are at grade.
3. The existing center entry way to the building is infilled providing 98 square feet of additional interior space.
4. 400 square feet of space on the fourth floor is being converted to unheated mechanical space in the renovated building in order to keep equipment off the visible portion of the sloped roof.

Together, these four modifications add 240 square feet of gross floor area to the existing building, resulting in an increase from 21,500 square feet (existing) to 21,740 square feet (proposed).

The site plan for this project includes a number of key features. The access drive and set of parking spaces located in front of the building along Highland Avenue will be eliminated, and will be replaced with a new landscaped lawn area. The through-drive from Highland Avenue to the parking on the east (Oakland Avenue) side will remain in its current configuration, and a ramp from that parking area to the north portico is being added for accessibility. A copy of the new site plan is included below:

Site Plan:



The Applicant's plan is for School Administration to move into the former Hillside Elementary School located at 28 Glen Gary Road during construction, and then permanently return to the Emery Grover Building after the renovation is completed.

Zoning Relief Requested:

The project requires a special permit pursuant to Section 5.1.1.5 of the Zoning By-Law for the purpose of authorizing waivers of Section 5.1.2 (Required Number of Parking Spaces), Section 5.1.3(j)(Parking Setback), Section 5.1.3(k)(Landscaping) and Section 5.1.3(m)(Location), and a special permit pursuant to Section 1.4.6 and Section 7.5.2 on account of the Emery Grover Building's preexisting nonconforming side yard setback, number of stories and building height.

a. Section 5.1.2—Required Number of Parking Spaces

Based on the Applicant's calculations, which are attached to this letter as Exhibit A, the required number of parking spaces for the proposed renovation is 89. For purposes of comparison, the number of parking spaces required for the *current* building is 85. There have historically been 65 parking spaces located at the site, and the Applicant has proposed to include 62 parking spaces in connection with this renovation.

Pursuant to Section 5.1.1.5 of the Zoning By-Law, the Board may grant a special permit for reduced parking upon a demonstration that:

- (i) special circumstances in a particular use of structure does not warrant the minimum number of spaces required under Section 5.1.2; or
- (ii) the extent of existing building coverage on a particular lot is such that laying out parking spaces in accordance with the design requirements of Subsection 5.1.3, the requirement for minimum number of spaces under Section 5.1.2 can not be met.

In this case, the circumstances of the School Administration's use do not warrant the minimum number of spaces required under Section 5.1.2. As noted above, School Administration has occupied the Emery Grover Building continuously since 1947, and experience has demonstrated that daily use and special events are well accommodated by the existing parking area containing 65 spaces. The proposed reduction of three spaces (from the existing condition) was caused by the elimination of the access drive and parking lot that currently cover most of the front yard along Highland Avenue. The Needham Historic Commission and Planning Board both recommended that this paved area be removed, and the new landscaped area represents an urban design improvement for the downtown area.

In addition, in the Applicant's parking calculation, 31 required parking spaces are attributable to the conference room that occupies the entire fourth floor of the building. This conference room is used intermittently and, as a practical matter, when a meeting occurs in the conference room many of those present will already be working within the building. Conversely, when the conference room is used for an evening meeting, many of the offices in the rest of the

building will be vacant. The conference room is therefore not expected to generate significant parking demand at the same times as the other daily administrative uses of the building.

To the extent that overflow parking may be needed, experience also shows that there is on-street parking available nearby as well as spaces within the Chapel Street Municipal Parking Lot a short walk away. On-street parking spaces on Highland Avenue, Oakland Avenue, and May Street have been used for decades by visitors to the building if the parking lot was full. The Traffic Engineering Analysis from Pare Corporation dated April 25, 2022, submitted as part of this application, reviews the availability of on-street parking within 300 feet of the building during a typical week day, and found that ample on-street parking exists. As a result, the Applicant is confident that the 62 proposed off-street parking spaces are sufficient to serve this use.

b. Section 5.1.3(j)—Parking Setback
Section 5.1.3(k)—Landscaped Area
Section 5.1.3(m)—Location

In addition to the reduction in the amount of required parking spaces, the project requires waivers of the following Sections of the Zoning By-Law: Section 5.1.3(j) requires a 10 foot setback from the street, and the site plan features a four foot setback from Oakland Avenue. Section 5.1.3(k) requires 10% landscaping within a parking area, with 25% of that landscaping being located in the center of the parking area. The site plan includes 13.4% total landscaping (more than required), with 8.4% of that total being located in the center. Finally, Section 5.1.3(m) requires all parking to be located on the same site as the principal use, or within 300 feet. The Applicant requests relief under this section insofar as there will be on-street and off-site parking when overflow parking may be needed.

Waivers of these design requirements are needed based on the size of the existing historic building and the constraints of the lot, which has been in existence since 1898. The Applicant respectfully states that the proposed number of parking spaces, and the design and layout of the parking area, satisfy all of the special permit criteria contained in Section 5.1.1.5. Each criteria is discussed briefly below:

- (a) The issuance of a special permit will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the intent of this Zoning By-Law;

The issuance of the requested special permit will not be detrimental to the Town, or the general character and visual appearance of the surrounding area. The project is a complete renovation of a historic building, and the property will continue to be used by School Administration, as it has been since 1947. The overall appearance of the site will be greatly enhanced, with the addition of a new landscaped area in the front of the building along Highland Avenue, and new and improved landscaping within and around the parking area.

- (b) In the case of waiving strict adherence to the requirements of Section 5.1.2 under subparagraph (i) above, the special permit shall define the conditions of the use of structure so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand;

The Applicant respectfully suggests that the special permit can include conditions that define the use of the Emery Grover Building, and preclude any changes that would substantially affect parking need or demand.

- (c) In the Avery Square Business, Hillside Avenue Business, and Neighborhood Business districts, shared parking for uses having peak demands at different times, unusual age or other characteristics of site users, or user-sponsored demand reduction devices, such as car-pooling;

This property is located in the Apartment-1 district. Subsection (c) of Section 5.1.1.5 is not applicable.

- (d) Provisions to demonstrate the ability to provide for additional parking consistent with Section 5.1.2 and/or parking designed in accordance with the particular requirements of Section 5.1.3; and

The area available for additional parking is constrained by the lot and the existing historic building, both of which have been in existence since 1898. There is no space to add extra parking spaces. As noted above, however, the Applicant is confident based on years of experience that 62 spaces will be sufficient to serve School Administration's needs, and there is typically ample on-street parking within the immediate vicinity of the Emery Grover Building in any cases where overflow parking is needed.

- (e) The granting of a special permit under this Section shall not exempt a structure, use or lot from future compliance with the provisions of Section 5.1.2 and/or 5.1.3.

Agreed.

For the foregoing reasons, the Applicant respectfully requests that the Zoning Board of Appeals grant the special permit waiving the applicable Sections of the Zoning By-Law.

c. Reconstruction of Nonconforming Structure

The existing Emery Grover Building is dimensionally nonconforming in three respects: It is nonconforming with respect to the required side yard setback on the south side. The Zoning By-Law requires a 15 foot side yard setback, and the existing south portico is located 11.3 feet from the lot line. In addition, the existing building is nonconforming with respect to building height and number of stories in the building: The Zoning By-Law has a maximum building height of 3 stories or 40 feet, and the existing building has four levels and a height of 60 feet.

Pursuant to Section 1.4.6, a nonconforming building may only be reconstructed pursuant to a Special Permit issued by the Board pursuant to Section 7.5.2, with the additional required finding that the reconstruction shall not be substantially more detrimental to the neighborhood than the existing structure.

The Applicant respectfully states that the reconstruction of the Emery Grover Building will not be substantially more detrimental to the neighborhood than the existing building. The overall project will vastly improve the appearance of the building and the site, and the specific existing dimensional nonconformities that require relief are not being increased in any way. In particular, the portico on the south side of the building is not being enlarged or moved closer to the lot line: The portico is presently 11.3 feet from the side lot line, and it will remain so after the reconstruction. The proposed construction on the fourth level of the existing building involves the addition of a dormer to accommodate the elevator, north stairwell and mechanical equipment, which will be placed behind louvers.. The construction to this part of the building will not increase the height nonconformity to any meaningful degree, and will not have any detrimental effect on the neighborhood.

In addition, the proposed reconstruction satisfies all other special permit criteria contained in Section 7.5.2.1 of the Zoning By-Law, which are each discussed briefly below:

- (a) complies with such criteria or standards as may be set forth in the section of this By-Law which refers to the granting of the requested special permit.

The project complies with all applicable special permit criteria contained in the By-Law.

- (b) is consistent with: 1) the general purposes of this By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth at elsewhere in this By-Law, such as, but not limited to, those at the beginning of the various sections.

The project is consistent with all general and specific purposes contained in the Zoning By-Law.

- (c) is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

The project is a comprehensive renovation of the Town's oldest historic public building, and the proposed use of the building is the same that has existed since 1947. The front access drive and parking area have been eliminated to add landscaping and an improved front yard. The project is therefore fully compatible with the existing features and surrounding area, and is an improvement on existing conditions.

- (d) the circulation patterns for motor vehicles and pedestrians which would result from the use or structure which is the subject of the special permit will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The project will retain the existing through-drive from Highland Avenue to the rear parking area. This same vehicular circulation pattern has existed for decades, and will therefore not result in any traffic concerns. The project also has the benefit of removing one of the two existing access drives and parking from the front yard, which will simplify and improve access and site circulation.

- (e) the proposed use, structure or activity will not constitute a demonstrable adverse impact on the surrounding area resulting from:
 - 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area.
 - 2) emission or discharge of noxious or hazardous materials or substances, or
 - 3) pollution of water ways or ground water.

The project will not have any of the impacts noted above.

Based on the foregoing, the Applicant respectfully requests that the Board grant a special permit pursuant to Sections 1.4.6 and 7.5.2 of the Zoning By-Law to allow for the reconstruction of the nonconforming Emery Grover Building.

Application Materials:

This special permit application includes the following materials:

1. ZBA Application For Hearing.
2. Emery Grover Renovations—Plan Set

G001 – Cover Sheet

Civil

SP.C0 - Site Survey

SP.C1 – Notes

SP.C2 – Legend

SP.C3 - Demolition, Erosion, and sedimentation Control Plan

SP.C4 – General Plan

SP.C5 - Grading Plan

SP.C6 – Drainage and Utility Plan

SP.C7 – Civil Details 1

SP.C8 – Civil Details 2

SP.C9 – Civil Details 3

SP.C10 – Civil Details 4

Landscape

SP.L0 – Landscape Improvements Plan

SP.L1 – Landscape Improvements Details

Architectural

SP.A0 – Lower-Level Plan and First Level Plan

SP.A1 – Second Level Plan and Third Level Plan

SP.A2 – Roof Plan

SP.A.3 – Exterior Elevations

SP.A4 – Exterior Views

SP.A7 – Site Lighting Analysis

3. Traffic Engineering Analysis by Pare Corporation dated April 25, 2022.

Thank you very much for your consideration of this application. I look forward to discussing this project at the Board's public hearing, and please let me know if I can provide any additional information before that time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christopher H. Heep", with a stylized, flowing script.

Christopher H. Heep

cc: Town Clerk
K. Fitzpatrick
H. Haff
Planning Board
J. Bargmann, BH+A

Exhibit A

1) EXISTING CONFIGURATION OF EMERY GROVER

PARKING BY USES WITHIN THE BUILDING

	A	B	C	A+B+C
	Office Use Gross Area	Conference Use Gross Area	Storage Use Gross Area	Total
Lower Level	5,580	0	240	5,820
First Level	5,700	0	0	5,700
Second Level	4,825	985	0	5,810
Third Level	4,170	0	0	4,170
Total Area	20,275	985	240	21,500
Parking Requirement	1 space/300 sf of office area	1 space/ 3 seats (49 seats)	1 space/850 sf of storage area	
Number of Parking Spaces	67.58	16.33	0.28	84.20

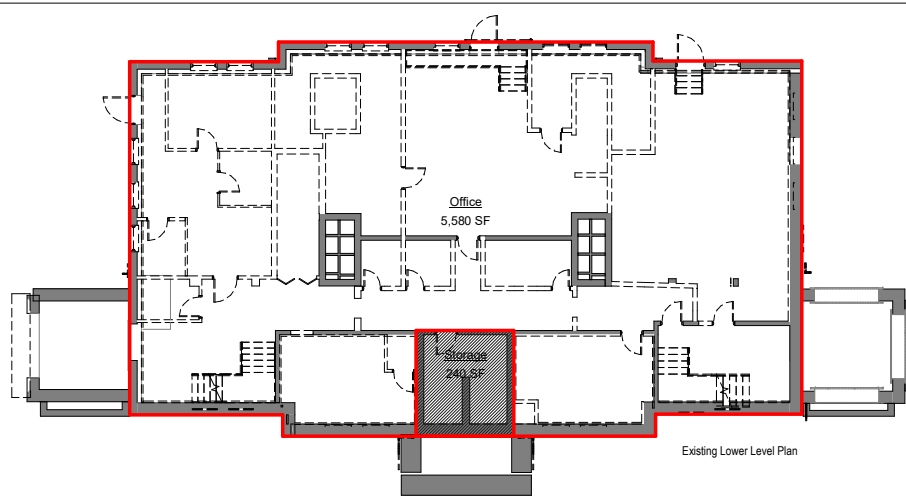
85 spaces rounded up

2) RENOVATED CONFIGURATION OF EMERY GROVER

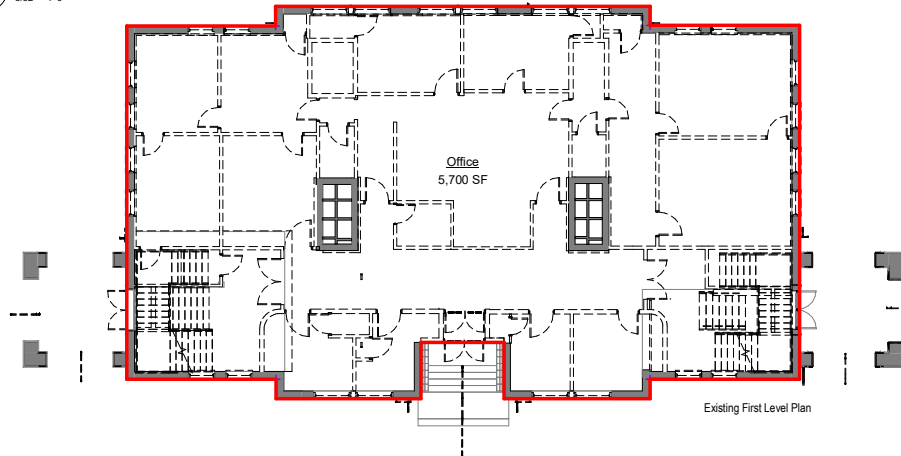
PARKING BY USES WITHIN THE BUILDING

	A	B	C	A+B+C
	Office Gross Area	Conference Gross Area	Storage Gross Area	Total
Lower Level	5,780		240	6,020
First Level	5,335		805	6,140
Second Level	5,545		265	5,810
Third Level		3,185	585	3,770
Total Area	16,660	3,185	1,895	21,740
Parking Calculation	1 space/300 sf of office area	1 space/ 3 seats (92 seats)	1 space/850 sf of storage area	
Number of Parking Spaces Required	55.53	30.67	2.23	88.43

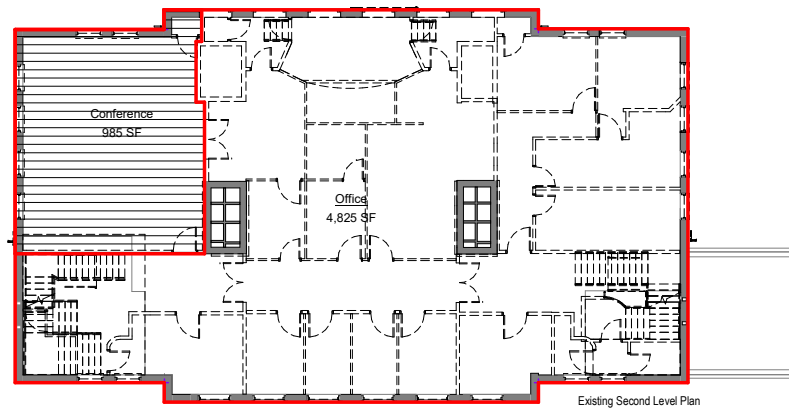
89 spaces rounded up



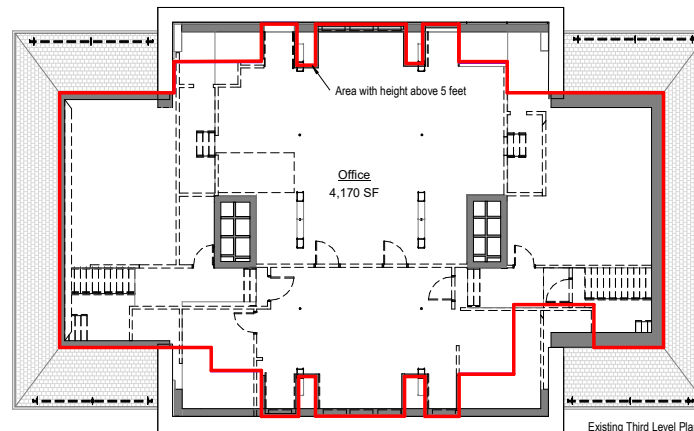
1 Existing Lower Level
3/32" = 1'-0"



2 Existing First Level
3/32" = 1'-0"



3 Existing Second Level
3/32" = 1'-0"

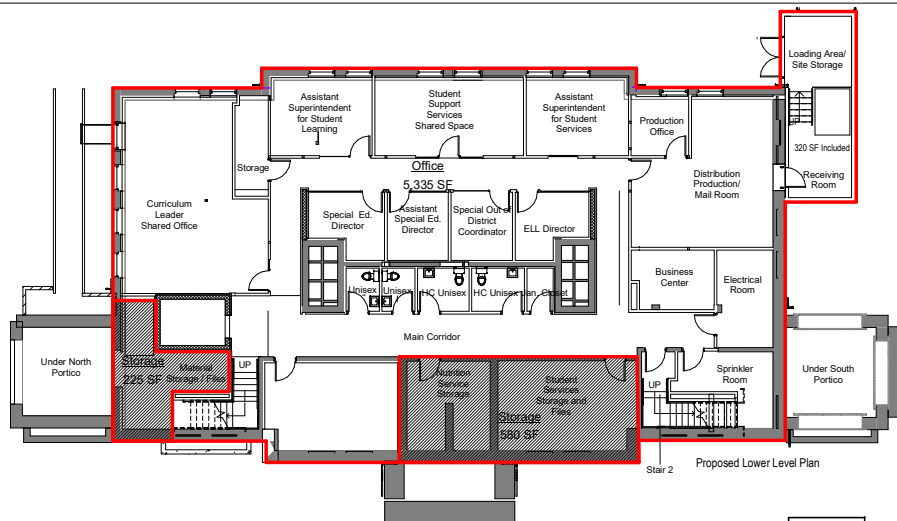


4 Existing Third Level
3/32" = 1'-0"

EMERY GROVER RENOVATION

1300 Highland Ave, Needham, MA 02492

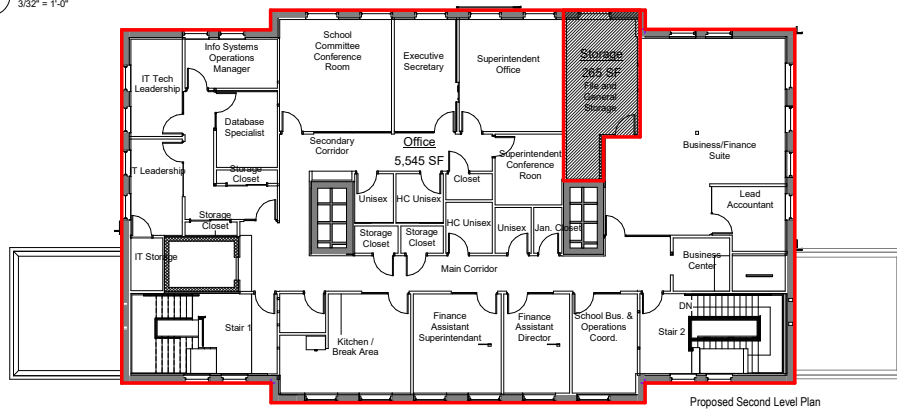
Bargmann Hendrie + Archetype 9 Channel Center Street Suite 300 Boston, MA 02210



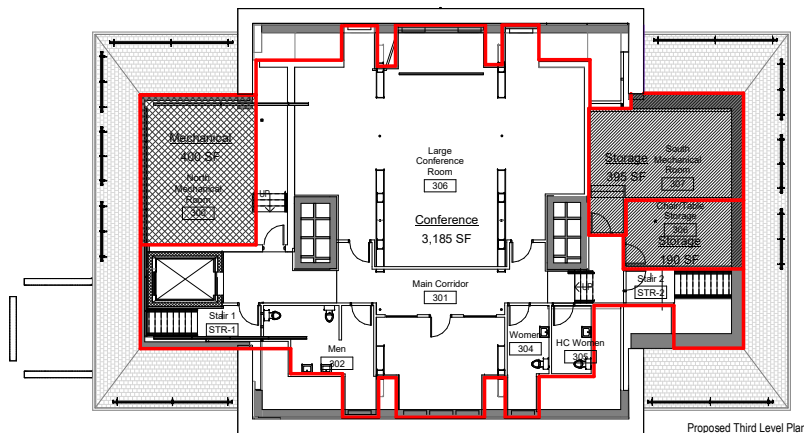
1 Renovated Lower Level
3/32" = 1'-0"



2 Renovated First Level
3/32" = 1'-0"



3 Renovated Second Level
3/32" = 1'-0"



4 Renovated Third Level
3/32" = 1'-0"

EMERY GROVER RENOVATION

1300 Highland Ave, Needham, MA 02492

Bargmann Hendrie + Archetype 9 Channel Center Street Suite 300 Boston, MA 02210

April 25, 2022

Mr. Joel Bargmann
Bargmann Hendrie + Archetype, Inc.
300 A Street
Boston, MA 02210-1710

Re: **Professional Traffic Engineering Services**
Emery Grover Building Renovation
Needham, Massachusetts
Pare Project No. 21228.00

Dear Mr. Bargmann:

Pare Corporation (Pare) has completed the parking assessment and safety analysis requested for the proposed reconstruction of the Emery Grover Building located at 1330 Highland Avenue in Needham, Massachusetts. The reconstruction will not change the current use of the site, which currently serves as the school administration building for the Needham Public Schools.

Pare has utilized data from the existing facility along with input from the Town of Needham regarding the proposed use, data from the Institute of Transportation Engineers (ITE), and local zoning requirements to determine the parking needs for the proposed facility. Additionally, vehicular and pedestrian safety surrounding the site has been reviewed.

Existing Conditions

The existing facility, located at 1330 Highland Avenue, will maintain its prior use as a school administration building, with an added meeting space capable of holding assembly events with up to 92 participants. Given the school administration use, the building is open for operation Monday through Friday throughout the year.

The current site has 65 striped parking spaces in two paved lots: one to the east (back) of the building and one to the west (front) of the building. The eastern parking lot has 55 striped spaces, while the western lot has 10 striped spaces. Bordering the eastern lot, to the south, exists a parking lot for Saint Joseph's Parish, which has 20 striped parking spaces. The parish lot has signage to indicate this lot is strictly for patrons of the parish.

In addition to on-site parking, there are several on-street parking options available within close vicinity (a few hundred feet) of the building. To the east of the building, Oakland Avenue has street parking permitted for up to three hours, Monday through Friday, with space for approximately 20 vehicles. To the south of the building, May Street allows for two-hour parking, with ten striped parking spaces. To the west of the building, Highland Avenue has striped parking spanning the roadway, terminating approximately 400 feet south of the intersection with Rosemary Street. There are 18 striped spaces along Highland Avenue close to the site. Along Highland Avenue there are also several parking lots for commercial properties that could be utilized for any parking





Mr. Joel Bargmann

(2)

April 25, 2022

overflow with an agreement from the owners, such as 1257 and 1177 Highland Avenue. Finally, there are town owned lots nearby, including the Rosemary Pool, the Public Library and the High School.

A site visit was performed at the existing facility on the morning of Tuesday, March 8, 2022 from 8:30 a.m. to 12:30 p.m. The purpose of the site visit was to determine typical parking occupancy for the existing site and to assess site access conditions based on the current and proposed driveway locations.

Proposed Site

The Emery Grover Building reconstruction involves several changes to each floor layout plus a small addition to the southeast corner of the building. Access to the site will be maintained off Oakland Avenue as well as the northern driveway on Highland Avenue, while the southern driveway on Highland Avenue will be removed. There is also a connection to Highland Court, which will remain, but this is not considered a primary access point to the facility. As mentioned prior, the new building will retain all of the existing uses, with the only notable change being the addition of a large conference room on the third floor. The proposed building size will be approximately 21,740 square feet. On-site parking will accommodate 62 spaces, with 59 spaces on the east side of the building and three spaces on the west side of the building intended for visitors. The proposed site plan is included in **Figure 1**.

PROPERTY LINE

BUILDING SETBACK

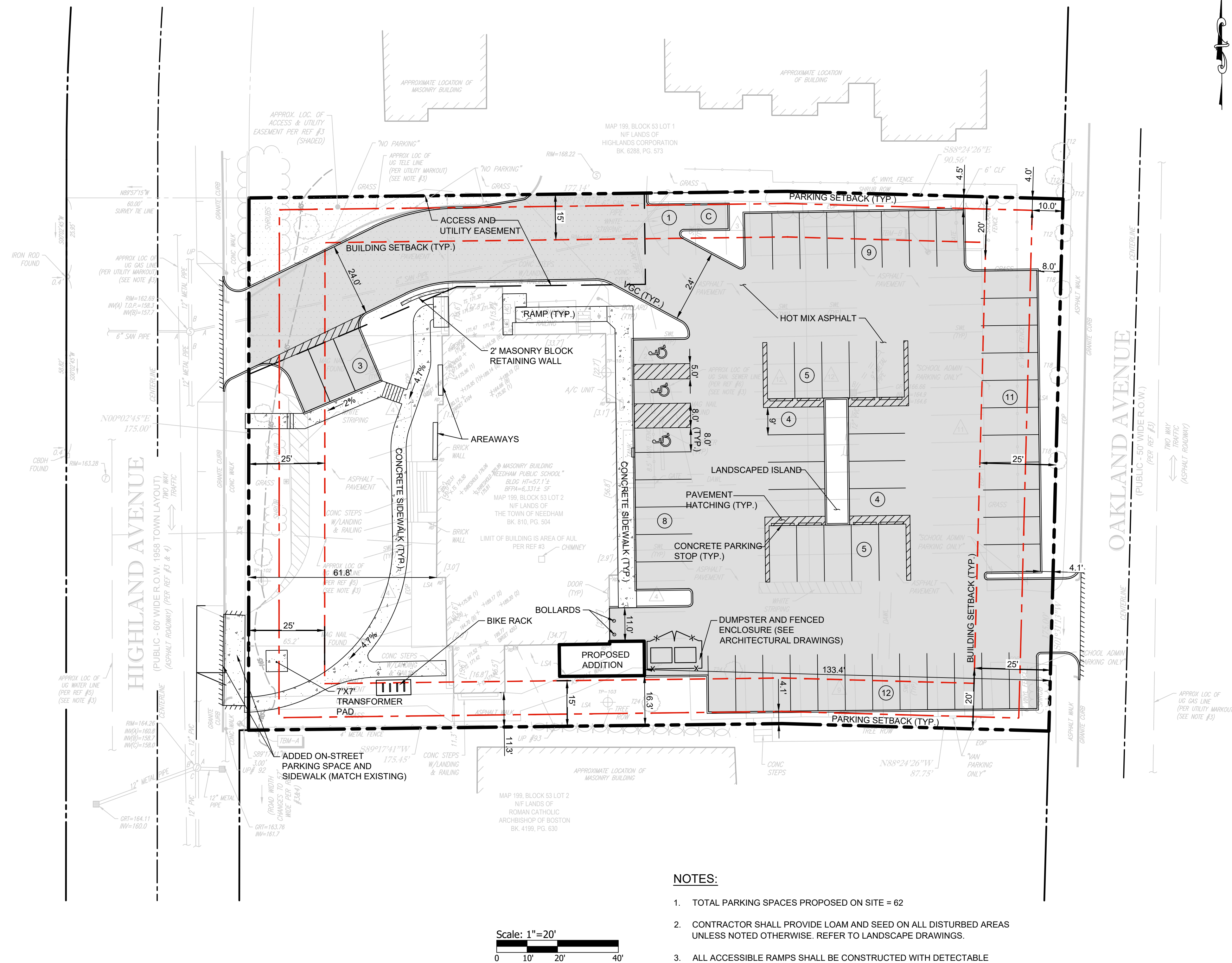
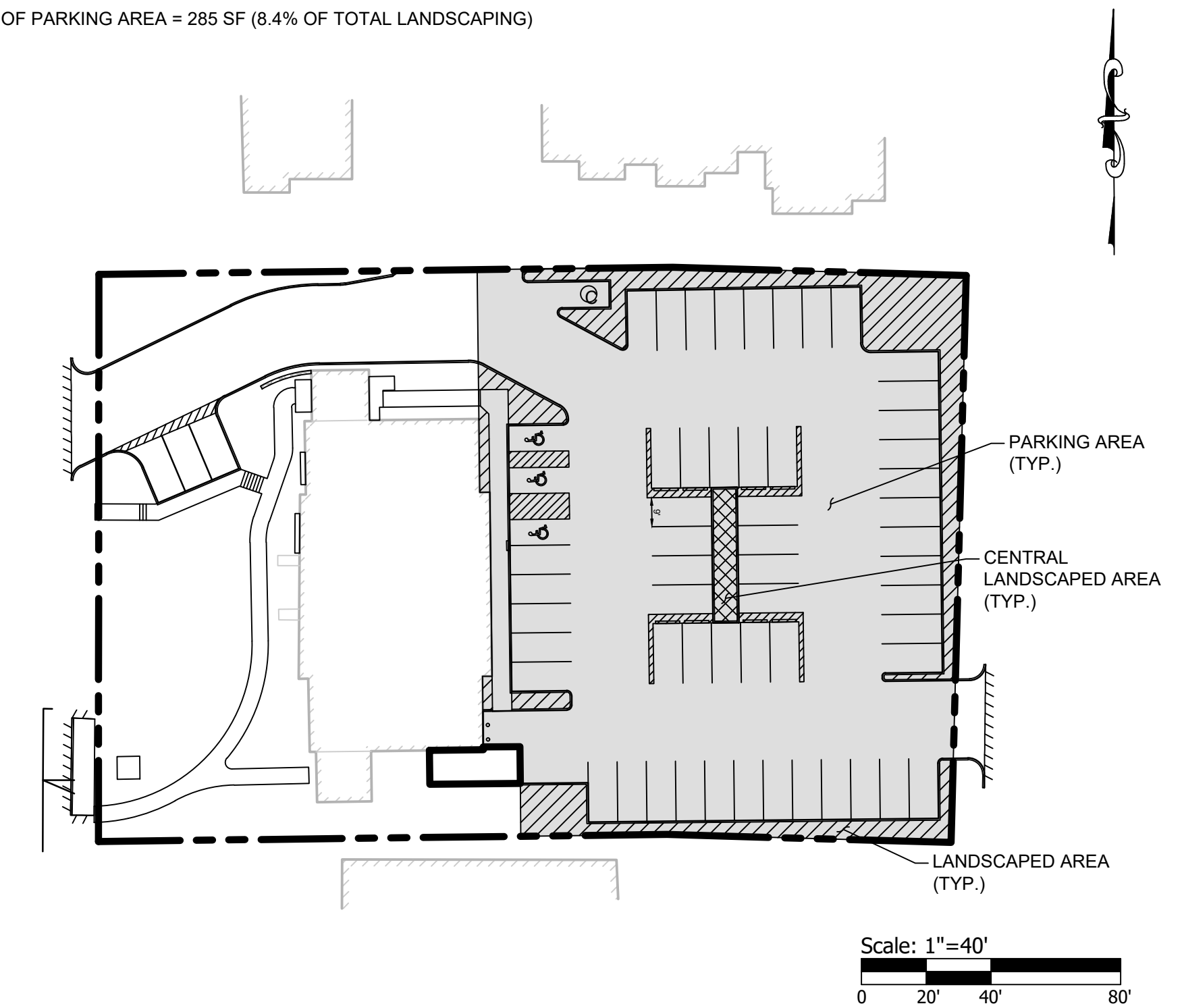
PARKING SETBACK

EASEMENT LINE

TOTAL PARKING AREA = 25,333 SF

TOTAL LANDSCAPING = 3,395 SF (13.4% OF TOTAL PARKING AREA)

TOTAL LANDSCAPING WITHIN CENTER OF PARKING AREA = 285 SF (8.4% OF TOTAL LANDSCAPING)



- NOTES:**
1. TOTAL PARKING SPACES PROPOSED ON SITE = 62
 2. CONTRACTOR SHALL PROVIDE LOAM AND SEED ON ALL DISTURBED AREAS UNLESS NOTED OTHERWISE. REFER TO LANDSCAPE DRAWINGS.
 3. ALL ACCESSIBLE RAMPS SHALL BE CONSTRUCTED WITH DETECTABLE WARNING PAVERS.
 4. **PRIOR TO COMMENCING WORK**, THE CONTRACTOR SHALL EMPLOY A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE COMMONWEALTH OF MASSACHUSETTS TO ESTABLISH CONTROL ON THE SITE AND TO PERFORM FIELD MEASUREMENTS AS REQUIRED TO LAYOUT THE PROPOSED BUILDING AND SITE IMPROVEMENTS. THE CONTRACTOR'S SURVEYOR SHALL COORDINATE THE BUILDING LAYOUT WITH THE PROJECT LAND SURVEYOR TO ACCURATELY LOCATE THE BUILDING ON THE SITE.

PROJECT NAME
Timery Grover
Renovations
30 Highland Ave
Needham, MA 02492

**Town of Needham
Permanent Public
Building Committee**
10 Dedham Ave
Needham, MA 02492

PROJECT TEAM

Civil Engineer
Pine Corporation
1 Lincoln Rd., Suite 210
Needham Heights, MA 02035
(617) 543-1755

Landscape Architect
The Zick Landscaping Architecture, Inc.
6 Bromfield St Suite 202
Boston, MA 02108
(617) 451-1018

Structural Engineer
Structures North Consulting
Engineers, Inc.
1 Washington St, Suite 401
Salem, MA 01971
(781) 745-6817

EP/FP Engineer
Applied Engineering
15 Littleton Road, Suite 5
Westford, MA 01886
(781) 443-7888

Technology
Building Technology Consulting
12 Bedford St
Bedgewater, MA 02324
(7) 799-4309

REVISIONS

DATE _____

DRAWING TITLE

GENERAL PLAN

DRAWING INFORMATION

7

APRIL 15, 2022
DATE OF ISSUE

TE PLAN SUBMISSION
DESCRIPTION

= 20' AWB
SCALE DRAWN BY

228.00
OBJECT # FILE NAME

DRAWING NUMBER

FIGURE 1



Parking Demand

Several parking demand and requirement resources were reviewed to aid in determining the appropriate number of parking spaces for the site to ensure that the site provides an adequate parking supply. Three parking demand assessments were completed including:

1. Town of Needham Zoning Bylaws
2. Anticipated Daily Usage
3. Institute of Transportation Engineers (ITE) *Parking Generation Manual*, 5th Edition

1. Town of Needham Zoning Bylaws

Pare reviewed the Town of Needham's Zoning Bylaws for relevant parking regulations. According to chapter 5 of Needham's zoning bylaws, for facilities with the intended use of "offices, office buildings, and banks", there should be one space provided per 300 square feet of floor area. As noted, there is a conference room proposed on the third level with supporting facilities that has an approximate area of 3,185 square feet. This square footage was removed from the total floor area of the building assessed as office and was considered instead as a "public assembly" use. In accordance with the bylaws, such a use requires one space per three seats of total seating capacity. There will be a maximum capacity of 92 seats in the conference room; however, through discussions with the client, it was identified that these meetings would be a mix of staff already in the building and individuals coming from other locations. For this reason, it is recommended that the number of spaces needed for a large meeting be applied to 50% of the total seating capacity. Finally, though often considered ancillary to the office use, there are specific storage areas within the building. Per the Town's bylaws, this is most similar to the "warehouse" use, with a requirement of one space per 850 square feet of floor area. These areas were also deducted from the total floor area assessed as office. Table 1 below shows gross building area/seating per the bylaws uses.

Table 1: Uses per Zoning Bylaws

	A	B	C	A+B+C
	Office Gross Area	Conference Gross Area	Storage Gross Area	Total
Lower Level	5,335	0	805	6,140
First Level	5,780	0	240	6,020
Second Level	5,545	0	265	5,810
Third Level	0	3,185	585	3,770
Total Area	16,660	3,185	1,895	21,740

The parking requirements were then determined under two zoning conditions: typical operations and a peak day with a large meeting. Typical operations involved applying the "office" and "storage" zoning requirements to each use, with no additional allocation for the conference space. The peak day with a large meeting utilizes the typical day demand and adds the "public assembly" use rate. A typical day of operation thus requires 58 spaces for combined office and storage demand. With 92 seats, the conference use by regulation could require



31 spaces, for a total site demand of 89 spaces. However, with 50% of attendees expected to be individuals that are already on-site for the office use, the conference use should only be applied to 46 seats, requiring 16 more spaces than a standard day of operation. This would indicate a site demand of 74 spaces for large event days.

2. Anticipated Daily Usage

To best understand the typical operations for the site use, a site visit was performed at the existing facility on the morning of Tuesday, March 8, 2022, where parking counts were noted at arrival and approximately once an hour for four additional intervals. Both the eastern and western facility lots had counts recorded, as well as, noting the parking capacity available along the aforementioned surrounding streets. Table 2 below provides the observed data.

Table 2: Parking Lot Count Summary

Parking Area	8:30 AM	9:30 AM	10:30 AM	11:30 AM	12:30 PM
Facility Lot (Rear) Parking: 55 spaces	31	27	29	31	27
Facility Lot (Front) Parking: 10 spaces	10	10	10	10	9
Facility Total: 65 spaces	41	37	39	41	36
Oakland Avenue (East Side) Parking: 10 spaces ¹	2	0	0	0	0
Oakland Avenue (West Side) Parking: 10 spaces ¹	7	2	5	5	6
Highland Avenue (East Side) ² Parking: 13 spaces	3	3	3	3	3
Highland Avenue (West Side) Parking: 5 spaces	3	2	2	2	2
May Street Parking: 10 spaces	4	2	2	2	2
Street Total: 48 spaces	19	9	12	12	13

1. Parking along the street is allowed, but no spots are striped. Based on the extent of driveways, approximately 10 vehicles are expected to be able to park along this stretch.
2. Though on-street parking extends northward towards Rosemary Street, only those within a few hundred feet of the site were considered feasible for use by site employees/patrons.

Based on data received from the client, there are currently 57 full-time employees at the administration building and they project 62 full-time employees in the future. This indicates an increase of approximately 9% in anticipated use. This growth rate is applied to the field observed parking space occupancy to determine if the future allotment of 62 on-site spaces would be sufficient for day-to-day use. Table 3 provides the anticipated parking demand per interval based on the facility use.

**Table 3: Parking Based on Expected Employment Growth**

Parking Area - Proposed	8:30 AM	9:30 AM	10:30 AM	11:30 AM	12:30 PM
Facility Total: 62 spaces	45	41	43	45	40

The client also noted that food service staff arrive daily after 2:30, with up to 8 current part-time employees. Assuming this could also grow up to 9% and these individuals could require up to one space per person, the demand for day-to-day parking in the afternoon could increase to as much as 54 spaces, which is still eight spaces less than is being proposed on site.

Peak days with large meetings, such as professional development days, could exceed the on-site capacity, but would be easily accommodated within the available on-street parking adjacent to the site. Alternatively, as discussed with the client, patrons not already on-site that would be coming for a meeting alone could park at a nearby Town lot and be shuttled. Many of these peak days would be outside the season for the Rosemary Pool and on professional development days the high school students are expected to be virtual.

3. Institute of Transportation Engineers (ITE) *Parking Generation Manual*, 5th Edition

As a third measure of demand, the *Parking Generation Manual* published by ITE was consulted. This manual provides parking demand rates for numerous land uses based on empirical data collected over many years. Average, 33rd percentile, and 85th percentile rates are provided for each use to indicate the potential ranges of parking rates. Separate rates for Weekday, Saturday, and Sunday are also provided. Additionally, ITE provides time-of-day parking demand for several uses, breaking down parking demand at each hour of the day. This time-of-day parking rate data provided by ITE can be very valuable, especially when assessing parking demands at shared parking lots with a variety of uses where the parking demand for each use can fluctuate throughout the day or by day of week. Assessing parking demands by time of day can help assure excess parking areas are not unnecessarily provided.

The expected parking demand for the facility was determined through the use of the 5th edition of the *Parking Generation Manual*, published by the Institute of Transportation Engineers (ITE). Land Use Code (LUC) 710 for a General Office Building consisting of a gross floor area of 21,740 square feet was chosen as it most closely matches the intended use. Table 4 below summarizes the expected range of parking for this facility based on the 33rd percentile and 85th percentile.

Table 4: Parking Demand Based on ITE Parking Generation Manual

	33 rd Percentile Parking	85 th Percentile Parking
Rate:	2.3	3.3
Parking Spaces:	50	72

The anticipated parking demand will range between 50 and 72 spaces throughout the week. The lower end of the spectrum will be adequately accommodated by the proposed on-site parking lot with 62 spaces. The higher end of the spectrum would be anticipated to exceed the on-site lot with up to 10 overflow vehicles needing to



park in on-street spaces adjacent to the site. As shown in Table 2, there were at least 29 available (unused) street spaces observed at all times of the field visit.

Safety Analysis

Sight Distance

Spot speed studies were taken along Highland Avenue and May Street to determine the design speed for sight distance analyses. Due to the low volume of vehicles on Oakland Avenue, a spot speed study was not conducted, and determination of the design speed will be based on the posted speed limit. As there were no speed limits posted, the de facto speed for each roadway of 30 miles per hour was assumed. The results of the speed studies are provided below:

Table 5: Spot Speed Study Summary

	Posted Speed	Average Speed	True Median (50 th Percentile)	85 th Percentile	10 MPH Pace	% over Posted
Highland Avenue						
Northbound	30	26	26	30	21-30	8%
Southbound	30	26	26	30	21-30	14%
May Street						
Eastbound	30	26	26	30	21-30	8%
Westbound	30	26	27	29	21-30	4%

The 85th percentile speed is used to determine appropriate sight distances for driveways and was determined to be 30 miles per hour for each road, including that which was assumed for Oakland Avenue. According to the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) publication *A Policy on the Geometric Design of Highways and Streets*, the minimum safe stopping sight distance (SSD) for a speed of 30 mph is 200 feet. AASHTO gives guidance for a more desirable intersection sight distance (ISD) for this speed, which will not only avoid collisions, but maintain vehicular flow of at least 70 percent of the original operating speed. The minimum intersection sight distances (ISD) for left- and right-turning vehicles are 335 feet and 290 feet, respectively, for a speed of 30 mph.

Table 6: Sight Distance Summary

		Required SSD (ft)	Required ISD (ft)	Measured ISD (ft)
Site Driveway at Highland Avenue	To the North (Right)	200	335	>500
	To the South (Left)	200	290	>500
Site Driveway at Oakland Avenue	To the North (Left)	200	290	>500
	To the South (Right)	200	335	>500

As indicated above, the sight distance from the site driveways exceeds the minimum criteria to avoid collisions, as well as exceeds the desirable ISD requirements, assisting in functional efficiency for the school



administration lot. Therefore, based on the sight distance analysis, there are no safety concerns anticipated at the site access points.

Crash Analysis

Crash data was retrieved from the MassDOT Crash Portal for the most recent 5-year period prior to COVID, from January 1, 2015 through December 31, 2019 for the study area, including:

- Highland Avenue between Oakland Avenue and May Street
- May Street between Highland Avenue and Oakland Avenue
- Oakland Avenue between May Street and Highland Avenue

The table below provides a breakdown of the accidents based on type and severity for each roadway.

Table 7: Crash Analysis Summary

Roadway/ Intersection	Total Crashes	Non-Fatal Injuries	Fatalities	Rear End	Sideswipe	Head On	Single Vehicle	Angle
Highland Avenue	21	2	0	10	2	0	2	7
Oakland Avenue	1	0	0	0	1	0	0	0
May Street at Highland Avenue	6	0	0	1	2	0	1	2
Oakland Avenue at Highland Avenue	5	1	0	0	1	0	0	0
Oakland Avenue at May Street	1	0	0	0	0	0	0	1

Highland Avenue had a total of 21 crashes during the timeframe analyzed and shows a greater number of crashes than all other considered areas combined. This equates to about 4 crashes per year. Of these crashes, approximately 48% of them were rear-end collisions, which is within the realm of normal as they are often the most common type of collision and are often the lowest in severity. No consistent narrative appeared displaying a potential issue in the area. Two of the collisions resulted in injuries while none resulted in fatalities.

The three intersections analyzed resulted in only 12 crashes. The intersection of Highland Avenue at May Street had the highest frequency of incidents, with just over one per year. Again, the data did not show any trends in types of intensities of incidents that would lend themselves to or require mitigation.

Findings and Recommendations

Based on this assessment, the proposed reconstruction of the Needham Public School's Administration Building (Emery Grover) on its existing site at 1330 Highland Avenue is expected to operate safely and efficiently. We find the comparison of exiting to proposed use, when the two are similar, to be the greatest



Mr. Joel Bargmann

(9)

April 25, 2022

indicator of parking demand for a site. However, for completeness, both the Town's zoning and the ITE demand models were also reviewed with the most comparable uses. Based on the three-prong assessment we find:

- Based on future use compared to existing use, the site is expected to handle day-to-day parking demand on-site with at least eight surplus spaces and days with large meetings could require up to eight overflow vehicles to utilize adjacent on-street parking.
- Day-to-day needs of the proposed facility could require up to 72 parking spaces (per ITE), requiring utilization of up to 10 of the 29 available (unused) on-street spaces.
- To accommodate peak days with large meetings, parking demands are not expected to exceed 89 spaces at a maximum (per zoning); though it is recommended that 74 is the more appropriate demand assuming only 50% of the conference seating will attract outside patrons.
- An off-site location for parking could be considered for large meeting days, with shuttle service provided. Potential locations include the Rosemary Pool and the Needham High School.

Relative to safety, the site driveways have adequate sight lines to accommodate patrons of the site safely with minimal impact on the surrounding roadway traffic and the crash data review revealed no concerns regarding the volume or severity of incidents in the surrounding area.

We are available to discuss this report with you at your convenience. Please feel free to contact us if you have any questions or need additional information.

Sincerely,

Amy Archer
Senior Project Engineer

AA/kl

1330 Highland Ave Needham, MA 02492

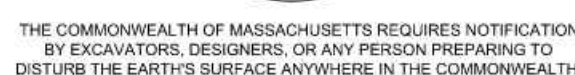
Civil - SP

SP.C0	Survey Plan
SP.C1	Notes
SP.C2	Legend
SP.C3	Demolition, Erosion and Sediment Control Plan
SP.C4	General Plan
SP.C5	Grading Plan
SP.C6	Drainage and Utility Plan
SP.C7	Civil Details 1
SP.C8	Civil Details 2
SP.C9	Civil Details 3
SP.C10	Civil Details 4

SP.L0	Landscape Improvement Plan
SP.L1	Landscape Improvement Details

SP.A0	Lower Level Plan and First Level Plan
SP.A1	Second Level Plan and Third Level Plan
SP.A2	Roof Plan
SP.A3	Exterior Elevations
SP.A4	Exterior Views
SP.A5	Not Used
SP.A6	Not Used
SP.A7	Site Lighting Analysis





REVIEWED:	APPROVED:	DATE	SCALE	FILE NO.	DWG. NO.
E.LOC.	G.L.H.	3-10-22	1"=20'	03-210526-00	1 OF 1

DRAWING NUMBER

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Y:\085824 Job#21228.01 Needham Emery Grover
Bergmann Hendrie + Archetype, Inc. 2/25/2022
4/25/2022 3:59 PM

REFERENCE

- PROJECT LOCATION: EMORY GROVER BUILDING 1330 HIGHLAND AVENUE NEEDHAM, MA. 02492. ASSESSOR'S MAP 199, BLOCK 53 LOT 22.
- EXISTING CONDITIONS MAPPING TAKEN FROM PLAN ENTITLED "BOUNDARY & TOPOGRAPHIC SURVEY BARGMANN HENDRIE + ARCHETYPE INC." PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED FEB. 4, 2022.

GENERAL NOTES

- THE COMMONWEALTH OF MASSACHUSETTS STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, 2021 EDITION OR LATEST REVISION, AND THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION CONSTRUCTION STANDARD DETAILS ARE MADE A PART HEREOF AS FULLY AND COMPLETELY AS IF ATTACHED HERETO. ALL WORK SHALL MEET OR EXCEED THE MASSACHUSETTS STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION, WITH LATEST REVISIONS. THE LATEST REVISION OF THE STANDARD SPECIFICATIONS MAY BE OBTAINED AT THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION.
- THE CONTRACTOR SHALL MAKE ALL NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN ALL NECESSARY CONSTRUCTION PERMITS, PAY ALL FEES AND POST ALL BONDS ASSOCIATED WITH THE SAME, AND COORDINATE WITH THE ENGINEER AND OWNER'S REPRESENTATIVE AS REQUIRED.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY. THE CONTRACTOR SHALL PROVIDE TEMPORARY FENCING AND/OR BARRIERS AROUND ALL OPEN EXCAVATED AREAS IN ACCORDANCE WITH OSHA FEDERAL, STATE, AND LOCAL REQUIREMENTS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OTHER PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER PRIOR TO INSTALLATION OF ANY PORTION OF THE SITE WORK WHICH WOULD BE AFFECTED. NO FIELD ADJUSTMENTS IN THE LOCATION OF SITE ELEMENTS SHALL BE MADE WITHOUT THE ENGINEER'S APPROVAL.
- IF ANY DEVIATION OR ALTERATION OF THE WORK PROPOSED ON THESE DRAWINGS IS REQUIRED, THE CONTRACTOR SHALL IMMEDIATELY CONTACT AND COORDINATE ANY DEVIATIONS WITH THE ENGINEER AND OWNER.
- ANY AREA OUTSIDE OF THE LIMIT OF WORK THAT IS DISTURBED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AT NO ADDITIONAL COST TO THE OWNER.
- ALL SITE WORK SHALL MEET OR EXCEED THE SITE WORK SPECIFICATIONS PREPARED FOR THIS PROJECT.
- ALL SIGNS SHALL BE REFLECTORIZED TYPE III SHEETING AND CONFORM WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, LATEST REVISION.
- ALL UTILITIES (LOCATION AND ELEVATION) DEPICTED SHALL BE CONSIDERED APPROXIMATE ONLY. BEFORE COMMENCING SITE WORK IN ANY AREA, CONTACT "DIG SAFE" AT 1-888-344-7233 TO ACCURATELY LOCATE UNDERGROUND UTILITIES. ALL DAMAGE TO EXISTING UTILITIES OR STRUCTURES, AND THE COST TO REPAIR THE DAMAGES TO INITIAL CONDITIONS, AS SHOWN ON THE PLANS SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- NO EXCAVATION SHALL BE DONE UNTIL COMPANIES ARE PROPERLY NOTIFIED IN ADVANCE. NOTE THAT NOT ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL RESPECTIVE UTILITY COMPANIES TO VERIFY AND LOCATE EXISTING UTILITIES.

LAYOUT NOTES

- ALL LINES ARE PERPENDICULAR OR PARALLEL TO THE LINES FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE INDICATED.
- ACCESSIBLE RAMPS SHALL BE PER THE AMERICAN WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES AND CODE OF MASSACHUSETTS REGULATIONS (CMR) TITLE 821 OF THE ARCHITECTURAL ACCESS BOARD REGULATIONS.
- PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL PERFORM BENCHMARK FIELD LEVEL VERIFICATION AND COORDINATE LAYOUT CHECK. THE CONTRACTOR SHALL CONTACT PARE CORPORATION IF ANY DISCREPANCIES ARE FOUND.
- DIMENSIONS OF PARKING SPACES AND DRIVEWAYS ARE FROM FACE OF CURB TO FACE OF CURB. DIMENSIONS FROM BUILDING ARE FROM FACE OF BUILDING TO FACE OF CURB.
- ALIGN WALKWAYS ON DOORWAYS THEY SERVE TO PROVIDE MINIMUM REQUIRED MANEUVERING CLEARANCE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES AND CODE OF MASSACHUSETTS REGULATIONS (CMR) TITLE 821 OF THE ARCHITECTURAL ACCESS BOARD REGULATIONS.

DEMOLITION NOTES

- THE CONTRACTOR SHALL COORDINATE ALL DEMOLITION OF STRUCTURES, PAVEMENT AND CONCRETE MATERIALS, AND UTILITIES WITH APPROPRIATE PROPOSED SITE GENERAL, GRADING, UTILITY, AND LANDSCAPING DRAWINGS.
- ALL NOTED UTILITIES TO BE REMOVED AND DISPOSED OF, RELOCATED OR CAPPED REPRESENT ALL KNOWN SITE CONDITIONS TO BE DEMOLISHED. THE CONTRACTOR SHALL COORDINATE ALL UNFORESEEN CONDITIONS WITH THE PROJECT ENGINEER, OWNER AND/OR RESPECTIVE UTILITY COMPANIES PRIOR TO PROCEEDING WITH WORK.
- WATER, SEWER, DRAINAGE, GAS, AND OTHER SITE UTILITIES SERVICING THE EXISTING FACILITIES ARE TO REMAIN ACTIVE THROUGHOUT CONSTRUCTION.
- THERE SHALL BE NO INTERRUPTION OF UTILITY SERVICES DURING THE CONSTRUCTION OPERATION WITHOUT APPROVAL OF THE OWNER.

SURVEY REFERENCES:

- THE TAX ASSESSOR'S MAP OF TOWN OF NEEDHAM, NORFOLK COUNTY, MAP 199.
- MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAP, NORFOLK COUNTY, MASSACHUSETTS (ALL JURISDICTIONS), PANEL 36 OF 430," COMMUNITY-PANEL NUMBER 255215 0036 E, EFFECTIVE DATE: JULY 17, 2012.
- MAP ENTITLED "SCHOOL ADMINISTRATION BUILDING - EMERY GROVER BUILDING - ACTIVITY AND USE LIMITATION PLAN OF LAND IN NEEDHAM, MA" PREPARED BY HANCOCK ASSOCIATES, DATED JULY 30, 2018. RECORDED WITH THE NORFOLK REGISTRY OF DEEDS AS PLAN BOOK 674, PAGE 31.
- MAP ENTITLED "PLAN & PROFILE OF HIGHLAND AVE." PREPARED BY TOWN OF NEEDHAM, MASS. DEPARTMENT OF PUBLIC WORKS, DATED APRIL 1957. RECORDED WITH THE NORFOLK REGISTRY OF DEEDS AS PLAN BOOK 205, PAGE 368.
- UNDERGROUND WATER LINES PROVIDED BY TOWN OF NEEDHAM DEPARTMENT OF PUBLIC WORKS.
- UNDERGROUND SEWER LINES PROVIDED BY TOWN OF NEEDHAM DEPARTMENT OF PUBLIC WORKS.

GRADING AND UTILITY NOTES

- UNDERGROUND UTILITIES DEPICTED WERE COMPILED FROM AVAILABLE RECORD PLANS AND SHALL BE CONSIDERED APPROXIMATE ONLY. BEFORE COMMENCING SITE WORK IN ANY AREA, CONTACT "DIG SAFE" AT 1-888-DIG-SAFE (1-888-344-7233) TO ACCURATELY LOCATE UNDERGROUND UTILITIES. ANY DAMAGE TO EXISTING UTILITIES OR STRUCTURES DEPICTED OR NOT DEPICTED ON THE PLANS SHALL BE THE CONTRACTOR'S RESPONSIBILITY. COSTS TO REPAIR SUCH DAMAGES SHALL BE THE CONTRACTOR'S RESPONSIBILITY. NO EXCAVATION SHALL BE DONE UNTIL UTILITY COMPANIES ARE PROPERLY NOTIFIED.
- ALL WORK PERFORMED AND ALL MATERIALS FURNISHED SHALL CONFORM WITH THE LINES AND GRADES ON THE PLANS AND SITE WORK SPECIFICATIONS.
- AT ALL LOCATIONS WHERE EXISTING CURBING OR PAVEMENT ABUT NEW CONSTRUCTION, THE EDGE OF THE EXISTING CURB OR PAVEMENT SHALL BE SAW CUT TO A CLEAN, SMOOTH EDGE, BLEND NEW PAVEMENT AND CURBS SMOOTHLY INTO EXISTING BY MATCHING LINES, GRADES AND JOINTS.
- ALL UTILITY COVERS, GRATES, ETC. SHALL BE ADJUSTED TO BE FLUSH WITH THE SURROUNDING SURFACE OR PAVEMENT FINISH GRADE. RIM ELEVATIONS OF STRUCTURES AND MANHOLES ARE APPROXIMATE. FINAL ELEVATIONS ARE TO BE SET FLUSH AND CONSISTENT WITH THE GRADING PLANS.
- THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION OF PRIVATE UTILITIES BY THE UTILITY COMPANIES, AS REQUIRED.
- WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR AND THE INFORMATION SHALL BE PROVIDED ON A SKETCH TO SCALE OF THE EXISTING UTILITY WITH TIES TO KNOWN POINTS, PHOTOS AND FURNISHED TO THE ENGINEER FOR RESOLUTION.
- THE CONTRACTOR SHALL PROTECT ALL UNDERGROUND DRAINAGE, SEWER AND UTILITY FACILITIES FROM EXCESSIVE VEHICULAR LOADS DURING CONSTRUCTION. ANY DAMAGE TO THESE FACILITIES RESULTING FROM CONSTRUCTION LOADS SHALL BE RESTORED TO ORIGINAL CONDITION.
- GAS, ELECTRIC, AND COMMUNICATIONS ROUTING ARE SUBJECT TO REVIEW AND APPROVAL BY APPROPRIATE UTILITY COMPANIES.
- DURING CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL PROTECT EXISTING UTILITIES BY PROVIDING TEMPORARY SUPPORTS OR SHEETING AS REQUIRED AT NO ADDITIONAL COST TO THE OWNER.
- ALL GRAVITY SANITARY PIPING SHALL BE SDR-35 PVC. ALL SEWER CONSTRUCTION SHALL CONFORM TO THE TOWN OF NEEDHAM SEWER STANDARDS.
- ALL WATER LINE BENDS AND TEES SHALL BE REINFORCED WITH THRUST BLOCKS. ALL WATER DISTRIBUTION PIPING AND FITTINGS MUST ADHERE TO THE TOWN OF NEEDHAM SPECIFICATIONS AND SHALL BE INSPECTED BEFORE, DURING, AND AFTER CONSTRUCTION PRIOR TO TAPPING THE SERVICE MAIN.
- EXCAVATION REQUIRED WITHIN THE PROXIMITY OF EXISTING UTILITY LINES SHALL BE DONE BY HAND. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITY LINES OR STRUCTURES INCURRED DURING CONSTRUCTION OPERATIONS AT NO COST TO THE OWNER.
- PITCH EVENLY BETWEEN SPOT GRADES. ALL PAVED AREAS MUST PITCH TO DRAIN AT A MIN. OF 1/8" PER FOOT UNLESS SPECIFIED.
- THE PROPOSED WALKWAYS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2% AND A MAXIMUM RUNNING SLOPE OF 5% AS SHOWN ON CONSTRUCTION DETAILS AND GRADING PLAN.

SURVEY NOTES:

- PROPERTY KNOWN AS LOT 2, BLOCK 53 AS SHOWN ON THE TOWN OF NEEDHAM, NORFOLK COUNTY, COMMONWEALTH OF MASSACHUSETTS, MAP NO. 199.
- AREA = 46,450 SQUARE FEET OR 1.066 ACRES
- LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBUILT PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES. CONTROL POINT ASSOCIATES, INC. DOES NOT GUARANTEE THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.

THE SOURCE OF UNDERGROUND UTILITIES ARE SHOWN UTILIZING A QUALITY LEVEL SYSTEM:

- QUALITY LEVEL D - UTILITIES SHOWN BASED UPON REFERENCE MAPPING OR ORAL HISTORY. NOT FIELD VERIFIED.
- QUALITY LEVEL C - LOCATION OF UTILITY SURFACE FEATURES SUPPLEMENTS REFERENCE MAPPING. INCLUDES MARKOUT BY OTHERS.
- QUALITY LEVEL B - UTILITY LOCATION DATA IS COLLECTED THROUGH GEOPHYSICAL SENSING TECHNOLOGY TO SUPPLEMENT SURFACE FEATURES AND OR REFERENCE MAPPING. INCLUDES MARKOUT BY CONTROL POINT ASSOCIATES, INC.
- QUALITY LEVEL A - HORIZONTAL AND VERTICAL LOCATION OF UTILITIES ARE OBTAINED USING VACUUM LOCATION WAS EQUIPMENT EXCAVATION OR OTHER METHODS TO EXPOSE THE UTILITY. SHOWN AT SINGLE POINT WHERE EXCAVATION OCCURRED UNLESS UTILITY LOCATED PRIOR TO FILLING.
- THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREOF.
 - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN.
 - BY GRAPHIC PLOTTING ONLY PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X-UNSHADED (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER REF. #2.
 - ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED ON GPS OBSERVATIONS UTILIZING THE KEYSTONE VRS NETWORK (KEYNETGPS) TAKEN AT THE TIME OF THE FIELD SURVEY.

TEMPORARY BENCH MARKS SET:
TBM-A: MAG NAIL SET IN CONCRETE WALK, ELEVATION = 164.52'

TBM-B: MAG NAIL SET IN ASPHALT PAVEMENT, ELEVATION = 167.58'

PRIOR TO CONSTRUCTION IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BENCHMARKS ILLUSTRATED ON THIS SKETCH HAVE NOT BEEN DISTURBED AND THEIR ELEVATIONS HAVE BEEN CONFIRMED. ANY CONFLICTS MUST BE REPORTED PRIOR TO CONSTRUCTION.

- THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.
- THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY.

EROSION AND SEDIMENTATION CONTROL NOTES - MASSACHUSETTS

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING ALL TEMPORARY SOIL EROSION AND SEDIMENT CONTROLS IN ACCORDANCE WITH THE ENVIRONMENTAL PROTECTION AGENCY'S (EPA) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONSTRUCTION GENERAL PERMIT (CGP) AND THE CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL PREPARE AND SUBMIT A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL PREPARE AND SUBMIT AN ELECTRONIC NOTICE OF INTENT (eNOI) WITH THE EPA IN ACCORDANCE WITH THE NPDES PERMIT REQUIREMENTS PRIOR TO CONSTRUCTION.
- SOIL EROSION AND SEDIMENTATION CONTROLS SHALL BE PROVIDED IN ACCORDANCE WITH THE "MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES FOR URBAN AND SUBURBAN AREAS" AND THE NOTES AND DETAILS SHOWN IN THIS PLAN SET.
- THE EROSION AND SEDIMENTATION CONTROLS SHOWN ON THE PLANS ARE INTENDED TO REPRESENT THE MINIMUM CONTROLS NECESSARY TO MEET ANTICIPATED SITE CONDITIONS. ADDITIONAL MEASURES SHALL BE IMPLEMENTED AS CONDITIONS WARRANT OR AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.
- REQUIRED PERIMETER CONTROL SHALL BE PROPERLY ESTABLISHED, CLEARLY VISIBLE AND IN OPERATION PRIOR TO INITIATING ANY LAND CLEARING ACTIVITY AND/OR OTHER CONSTRUCTION RELATED WORK. SUCH FACILITIES SHALL REPRESENT THE LIMIT OF WORK. WORKERS SHALL BE INFORMED THAT NO CONSTRUCTION ACTIVITY IS TO OCCUR BEYOND THE LIMIT OF WORK AT ANY TIME THROUGHOUT THE CONSTRUCTION PERIOD.
- AS FEASIBLE, CONSTRUCTION SHALL BE PHASED TO LIMIT THE AREA OF EXPOSED SOIL AND THE DURATION OF EXPOSURE. ALL DISTURBED AREAS SHALL BE TEMPORARILY AND/OR PERMANENTLY STABILIZED WITHIN 14 DAYS FOLLOWING COMPLETION OF GRADING ACTIVITIES.
- THE CONTRACTOR SHALL INSPECT AND MAINTAIN ALL EROSION AND SEDIMENTATION CONTROL MEASURES IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED ON A WEEKLY BASIS AND AFTER EACH STORM EVENT OF 0.25 INCH OR GREATER DURING CONSTRUCTION TO ENSURE THAT THE EROSION CONTROL BARRIERS ARE INTACT.
- CLEAN AND MAINTAIN SEDIMENTATION CONTROL BARRIERS WHEN SEDIMENT ACCUMULATES TO ONE HALF THE HEIGHT OF THE BARRIER. MATERIAL COLLECTED FROM THE SEDIMENTATION BARRIER SHALL BE REMOVED AS NECESSARY AND DISPOSED IN AN UPLAND AREA.
- THE CONTRACTOR SHALL MAINTAIN A SUFFICIENT RESERVE OF VARIOUS EROSION CONTROL MATERIALS ONSITE AT ALL TIMES FOR EMERGENCY PURPOSES OR ROUTINE MAINTENANCE.
- THE CONTRACTOR SHALL SCHEDULE HIS WORK TO ALLOW THE FINISHED SUB GRADE ELEVATIONS TO DRAIN PROPERLY WITHOUT PUDDLING. SPECIFICALLY, ALLOW WATER TO ESCAPE WHERE PROPOSED CURB MAY RETAIN RUNOFF PRIOR TO PAVING. PROVIDE TEMPORARY POSITIVE DRAINAGE, AS REQUIRED, TO STABILIZED DISCHARGE POINTS.
- SOIL AND OTHER MATERIALS RESULTING FROM SITE CLEARING MAY BE RECYCLED AND/OR REUSED ON THE SITE AS APPROPRIATE. WASTE MATERIALS SHALL BE REMOVED FROM THE SITE.
- CRUSHED STONE CONSTRUCTION ENTRANCES SHALL BE ESTABLISHED AT ALL POINTS OF INGRESS AND EGRESS.
- TEMPORARY DIVERSIONS (TD) MAY CONSIST OF A DITCH OR SWALE, OR MAY BE ACHIEVED USING WOOD CHIP PILES, COIR LOGS, OR SIMILAR MATERIALS.
- TEMPORARY SEDIMENT TRAPS (TST) AND TEMPORARY SWALES (TS) SHALL BE SIZED BY THE CONTRACTOR USING THE PARAMETERS CONTAINED IN THE MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES.
- DUST SHALL BE CONTROLLED BY SPRINKLING OR OTHER APPROVED METHODS AS NECESSARY, OR AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.
- CATCH BASINS AND STORM DRAINS SHALL BE PROTECTED WITH HAY BALES OR SEDIMENT BAGS IN PAVED AREAS UNTIL CONTRIBUTING AREA IS PERMANENTLY STABILIZED.
- DEWATERING WASTEWATER PUMPED FROM EXCAVATIONS SHALL BE CONVEYED BY HOSE TO AN UPLAND AREA AND DISCHARGED INTO A DEWATERING BASIN, HAY BALE CORRALS, OR SEDIMENTATION BAGS.
- CONSTRUCTION SITE WASTE MATERIALS SHALL BE PROPERLY CONTAINED ONSITE AND DISPOSED OFF SITE AT A LOCATION IN ACCORDANCE WITH THE LOCAL AND STATE REGULATIONS.
- RIPRAP OR OTHER ENERGY DISSIPATERS SHALL BE USED WHERE NECESSARY TO CONTROL EROSION.
- ANY EQUIPMENT THAT IS NOT READILY MOBILE (TRACK MACHINERY) SHALL BE PARKED WITHIN THE PROJECT LIMIT OF DISTURBANCE. LARGE AND/OR BULKY MATERIALS SHALL BE STORED SUCH THAT THEY DO NOT INTERFERE WITH THE ONGOING CONSTRUCTION ACTIVITIES OR EROSION CONTROL MEASURES.
- NEWLY VEGETATED AREAS SHALL BE REGULARLY INSPECTED AND MAINTAINED TO ENSURE THE ESTABLISHMENT OF STABLE VEGETATED SURFACES.
- THE CONTRACTOR SHALL NOT REMOVE ANY COMPOST FILTER SOCKS OR OTHER EROSION CONTROLS UNTIL THE CONTRIBUTING AREA IS PERMANENTLY STABILIZED.
- ALL DRAINAGE STRUCTURES SHALL BE CLEARED OF ACCUMULATED SEDIMENT PRIOR TO ACCEPTANCE OF THE FINAL PROJECT. THE CONTRACTOR SHALL SCHEDULE HIS WORK TO ALLOW THE FINISHED SUB GRADE ELEVATIONS TO DRAIN PROPERLY WITHOUT PONDING. SPECIFICALLY, ALLOW WATER TO ESCAPE WHERE PROPOSED CURB MAY RETAIN RUNOFF PRIOR TO APPLICATION OF SURFACE PAVING. PROVIDE TEMPORARY POSITIVE DRAINAGE, AS REQUIRED, TO STABILIZED DISCHARGE POINTS.
- INSTALLATION OF THE EROSION CONTROL BARRIERS AS ILLUSTRATED IS INTENDED TO REPRESENT THE MINIMUM SEDIMENTATION CONTROL FACILITIES NECESSARY TO MEET ANTICIPATED SITE CONDITIONS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AS CONDITIONS WARRANT OR AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.
- ALL DISTURBED AREAS SHALL BE STABILIZED WITHIN 14 DAYS UPON COMPLETION OF WORK IN THAT AREA.

ARCHITECT



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PROJECT NAME

Emery Grover
Renovations

1330 Highland Ave
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Town of Needham
Permanent Public

Building Committee

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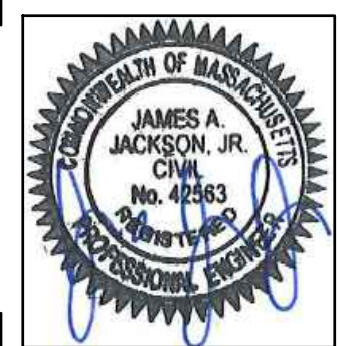
REVISIONS

TBA SUBMISSION	4-25-2022
	DATE

DRAWING TITLE

NOTES

DRAWING INFORMATION



APRIL 15, 2022	DATE OF ISSUE
SITE PLAN SUBMISSION	DESCRIPTION
AS NOTED	AWB
SCALE	DRAWN BY
21228.00	PROJECT #
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DRAWING NUMBER

SP.C1

EXISTING LEGEND		PROPOSED LEGEND	
	EXISTING CONTOUR		PROPERTY LINE
	EXISTING SPOT ELEVATION		BUILDING SETBACK
	EXISTING TOP OF CURB ELEVATION		PARKING SETBACK
	EXISTING BOTTOM OF CURB ELEVATION		EASEMENT LINE
	EXISTING DOOR SILL ELEVATION		CONTOUR
	EXISTING TOP OF STEP ELEVATION		SPOT ELEVATION
	EXISTING 1st FLOOR ELEVATION		DRAINAGE LINE
	EXISTING 2nd FLOOR ELEVATION		WATER LINE
	EXISTING BASEMENT ELEVATION		FIRE WATER LINE
	WATER VALVE		SANITARY SEWER LINE
	ELECTRIC METER		GAS LINE
	APPROX. LOC. UNDERGROUND TELEPHONE LINE		ELECTRIC
	OVERHEAD WIRES		TELEPHONE LINE
	APPROX. LOC. UNDERGROUND SANITARY / SEWER LINE		OVERHEAD ELECTRIC LINE
	APPROX. LOC. UNDERGROUND WATER LINE		LIMIT OF DISTURBANCE
	UTILITY POLE		LIMIT OF DISTURBANCE/COMPOST FILTER SOCK
	SUBSURFACE UTILITY QUALITY		
	SUBSURFACE UTILITY QUALITY		CATCH BASIN
	LEVEL D ELECTRIC METER		HYDRANT
	BOLLARD		DRAINAGE MANHOLE
	CHAIN LINK FENCE		SEWER MANHOLE
	EDGE OF PAVEMENT		UTILITY POLE
	LANDSCAPED AREA		WATER VALVE
	TYPICAL		GAS GATE
	SANITARY/SEWER MANHOLE		LIGHT POLE
	TELEPHONE MANHOLE		
	UNKNOWN MANHOLE		
	DRAINAGE/STORM MANHOLE		
	CATCH BASIN OR INLET		
	TREE & TRUNK SIZE		
	SHRUBS		
	PARKING SPACE COUNT		
	SOLID WHITE LINE		
	HEIGHT		
	DASHED WHITE LINE		
	BUILDING		
	BUILDING FOOTPRINT AREA		
	MONUMENT		
	POLYVINYL CHLORIDE PIPE		
	GRATE ELEVATION		
	OFFSET OF STRUCTURE AT GROUND		
	LEVEL RELATIVE TO PROPERTY LINE		
	COND. BOUND w/DRILL HOLE		
	TOP OF PIPE		
	ROOF DRAIN		

CONSTRUCTION NOTES - MASSDOT STANDARDS

106.3.0	=	METHOD OF SETTING VERTICAL CURB - M.A. STD. 106.3.0
107.6.0	=	WHEELCHAIR RAMPS FOR ONE CONTINUOUS DIRECTION OF PEDESTRIAN TRAVEL - M.A. STD. 107.6.0
107.6.5	=	DETECTABLE WARNING PANEL FOR WHEELCHAIR RAMPS - M.A. STD. 107.6.5
201.4.0	=	PRECAST CONCRETE CATCH BASIN - M.A. STD. 201.4.0

ABBREVIATIONS

ADA = AMERICANS WITH DISABILITIES ACT
ASSF = AREA SUBJECT TO STORM FLOWAGE
BM = BENCHMARK
BMP = BEST MANAGEMENT PRACTICE
BIT = BITUMINOUS
BOT. = BOTTOM
CB = BOTTOM OF CURB (FINISHED GRADE ON LOW SIDE OF CURB)
BS = BOTTOM OF STAIR (FINISHED GRADE AT BOTTOM STAIR)
BW = BOTTOM OF WALL (FINISHED GRADE ON LOW SIDE OF WALL)
CI = CAST IRON
CB = CATCH BASIN, 4" DIA. UNLESS OTHERWISE NOTED
CLDI = CEMENT-LINED DUCTILE IRON
CL = CLASS
CO = CLEANOUT
CMR = CODE OF MASSACHUSETTS REGULATIONS
CONC. = CONCRETE
CC = CONCRETE CURB, VERTICAL
DEMO = DEMOLITION
DIA = DIAMETER
DIV = DIVERSION
DYL = DOUBLE YELLOW LINE
DMH = DRAIN MANHOLE
EOP = EDGE OF PAVEMENT
ELEV.EL = ELEVATION
EX, EXIST = EXISTING
EXCB = EXISTING CATCH BASIN
EXDMH = EXISTING DRAIN MANHOLE
FFE = FINISH FLOOR ELEVATION
FT = FOOT
FND. = FOUND
GTD = GRADE TO DRAIN
GRAN. = GRANITE
HDPE = HIGH DENSITY POLYETHYLENE PIPE
HMA = HOT MIX ASPHALT
HYD. = HYDRANT
ID. = INNER DIAMETER
INV. = INVERT
LOD = LIMIT OF DISTURBANCE
LP = LOW POINT
MUTCD = MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION
MAX. = MAXIMUM
MIN. = MINIMUM
MON. = MONITORING
NTS, N.T.S. = NOT TO SCALE
OWS = OIL WATER SEPARATOR
OCS = OUTLET CONTROL STRUCTURE
PERF. = PERFORATED
PE = POLYETHYLENE
PVC = POLYVINYL CHLORIDE
RAX = RADIUS
RCP = REINFORCED CONCRETE PIPE
MASSDEP = MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
MASSDOT = MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
M.A. STD. = MASSACHUSETTS STANDARD
SMH = SEWER MANHOLE
SWL = SINGLE SOLID WHITE LINE
SESC = SOIL EROSION AND SEDIMENT CONTROL
SDR = STANDARD DIMENSIONAL RATIO
TD = TEMPORARY DIVERSION
TST = TEMPORARY SEDIMENT TRAP
TSW = TEMPORARY SWALE
TP = TEST PIT
TC = TOP OF CURB
TS = TOP OF STAIR (FINISHED GRADE OF TOP STAIR)
TW = TOP OF WALL
TY = TYPICAL
UP = UTILITY POLE
VGC = VERTICAL GRANITE CURB
VC = VITRIFIED CLAY
WPM = WATER PAINT MARK
w/ = WITH
YD = YARD DRAIN

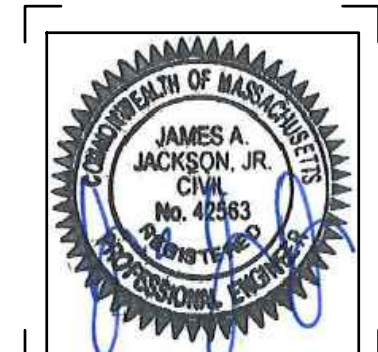
REVISIONS

ZBA SUBMISSION
4-25-2022

DRAWING TITLE

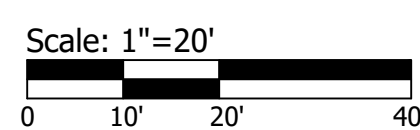
LEGEND

DRAWING INFORMATION



APRIL 15, 2022	
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SITE PLAN SUBMISSION	
DESCRIPTION	
AS NOTED	AWB
SCALE	DRAWN BY
21228.00	
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LEGEND

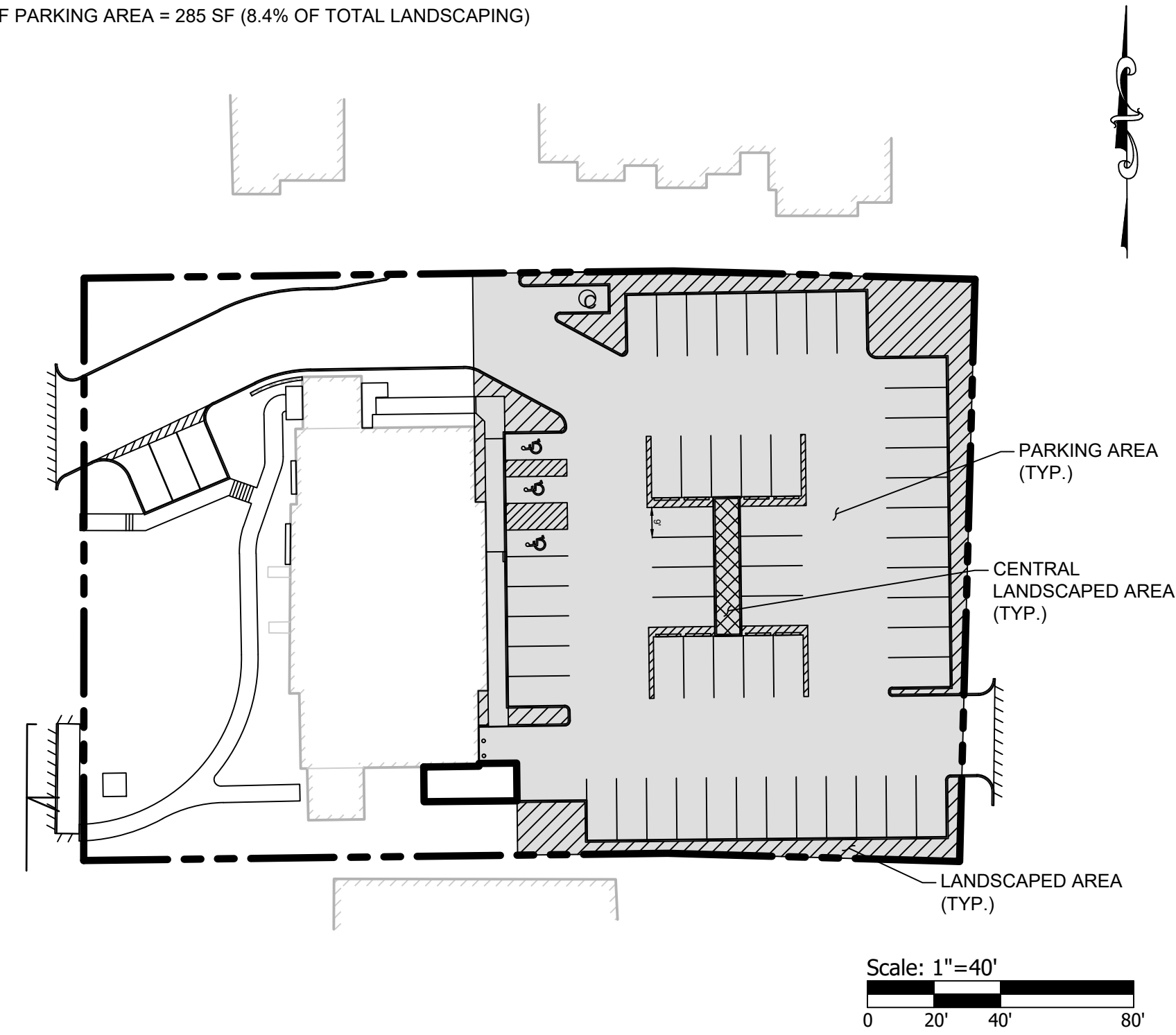
	PROPERTY LINE
	BUILDING SETBACK
	PARKING SETBACK
	EASEMENT LINE

NOTES:

TOTAL PARKING AREA = 25,333 SF

TOTAL LANDSCAPING = 3,395 SF (13.4% OF TOTAL PARKING AREA)

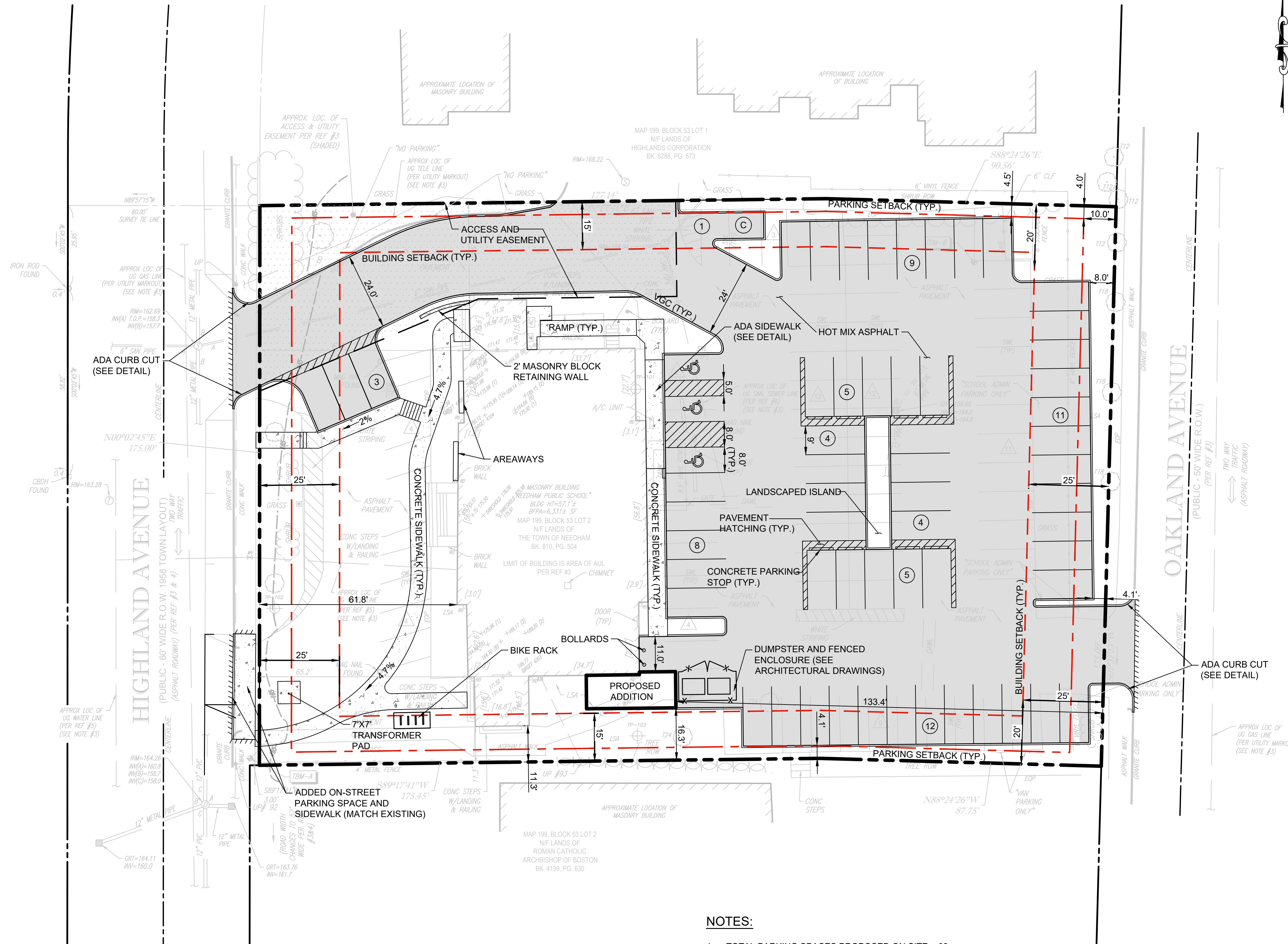
TOTAL LANDSCAPING WITHIN CENTER OF PARKING AREA = 285 SF (8.4% OF TOTAL LANDSCAPING)



LANDSCAPING DIAGRAM

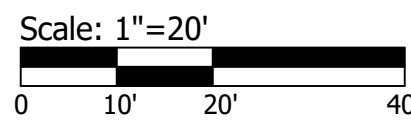
SCALE: 1"=40'

Emery Grover Building			Waiver Requested			
Address: 1330 Highland Ave, Needham		Zoning District: Apartment -1		Gross Building area =	21,740	gsf
Table of Use Regulations			Per section 4.3.1	Major Project Special Permit Required		
4.3 Dimensional Regulations for Apartment Districts	A-1 Requirements	Existing	Provided	Compliance	Waivers Requested	Notes
Min. Lot Area	20,000 sf	46,174 sf	46,174 sf	Yes	NA	-
Min. Frontage	120 ft	175 ft	175 ft	Yes	NA	-
Front Setback (Highland Ave)	25 ft	60.75 ft	60.75 ft	Yes	NA	-
Side Setback(North)	15 ft	30 ft	30 ft	Yes	NA	Side setback dictated under Special Conditions, Section 4.7.3
Side Setback(South)	15 ft	11.3 ft Existing Non-conforming	16.3 ft New	Yes	NA	Proposed Addition Setback 16.3 ft, existing non-conforming setback of 11.3 ft to remain. Side setback dictated under Special Conditions, Section 4.7.3.
Front Setback (Oakland Ave)	25 ft	144.0 ft	133.4 ft	Yes	NA	-
Max. Floor Area Ratio (FAR)	0.5	0.47	0.48	Yes	NA	-
Max. % Lot Coverage	NR	14%	15%	yes	NA	-
Max Stories	3	4	4	no (under current regs.)	NA	Existing non-conforming
Max. Height	40 ft	60 ft	60 ft	no (under current regs.)	NA	Existing non-conforming
5.1 Off-Street Parking Requirements	A-1 Requirements	Existing	Provided	Compliance	Waivers Requested	Notes
5.1.2 (7) - Required Parking	89 Spaces	85 front & back	62 On-Site	no	Yes	Excess parking spaces provided on-street in addition to on-site. Please see Parking Assessment and Safety Memo by Pare.
5.1.3 Parking Plan & Design Requirements	A-1 Requirements	Existing	Provided	Compliance	Waivers Requested	Notes
(a) Parking Lot Illumination - to be designed to min of one footcandle with cut off to abutters				yes	NA	Minimum illumination met
(b) Loading Requirements			no requirement for A-1 identified	yes	NA	Dumpster located on plan.
(c) Handicapped Parking	3 spaces, 1 van accessible of the spaces provided	0 Spaces Provided	3 handicap spaces (2 of which are van accessible)	yes	NA	Per 521 CMR Section 23.2.1 and 23.2.2
(d) Driveway Openings		NA	One on Highland and one on Oakland	yes	NA	Access provided at both roadways
(e) Compact Cars	Max 50% of total parking	16 spaces	1 space provided	yes	NA	1 compact space provided (1.6%)
(f) Parking Space Size	9 ft. x 18.5 ft.	NA	all spaces comply with 9ft x 18.5 ft size.	yes	NA	-
(g) Bumper Overhang - no more than 1ft bumper overhang assumed.				yes	NA	-
(h) Parking Space Layout - no backing or maneuvering in sidewalk of public row required.				yes	NA	-
(i) Width of Maneuvering Aisle - 90 o 24ft to 25 ft wide			24 ft	yes	NA	-
(j) Parking Setbacks- Front (Oakland Ave.)	10 ft	21.5 ft.	4 ft. to 8 ft.	no	Yes	Waiver requested is at Oakland Ave.
(j) Parking Setbacks- Side & Rear	4 ft	0 ft	4 ft min	yes	NA	Minimum 4'-1.5"
(k) Landscaped Areas	10% landscape, 25% of the 10% in interior of parking area	NA	13.4% Total, 8.4% of the 13.4% in the center	no	Yes	Parking area defined as east of the east face of building
(l) Trees	1 tree / 10 spaces	6	10	yes	NA	-
(m) Location	Provided parking on same lot or a lot within 300' with same owner	NA	12 on-street within 300'	no	Yes	Peak demand spaces are also on-street
(n) Bicycle Racks	1 /20 spaces	NA	4 bike racks provided	yes	NA	-



NOTES:

- TOTAL PARKING SPACES PROPOSED ON SITE = 62
- CONTRACTOR SHALL PROVIDE LOAM AND SEED ON ALL DISTURBED AREAS UNLESS NOTED OTHERWISE. REFER TO LANDSCAPE DRAWINGS.
- ALL ACCESSIBLE RAMPS SHALL BE CONSTRUCTED WITH DETECTABLE WARNING PAVERS.
- PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL EMPLOY A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE COMMONWEALTH OF MASSACHUSETTS TO ESTABLISH CONTROL ON THE SITE AND TO PERFORM FIELD MEASUREMENTS AS REQUIRED TO LAYOUT THE PROPOSED BUILDING AND SITE IMPROVEMENTS. THE CONTRACTOR'S SURVEYOR SHALL COORDINATE THE BUILDING LAYOUT WITH THE PROJECT LAND SURVEYOR TO ACCURATELY LOCATE THE BUILDING ON THE SITE.



ARCHITECT

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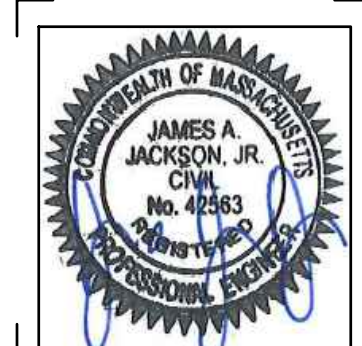
REVISIONS

ZBA SUBMISSION 4.25.2022

DRAWING TITLE

GENERAL PLAN

DRAWING INFORMATION



APRIL 15, 2022

DATE OF ISSUE

SITE PLAN SUBMISSION

DESCRIPTION

1" = 20'

SCALE

21228.00

PROJECT #

FILE NAME

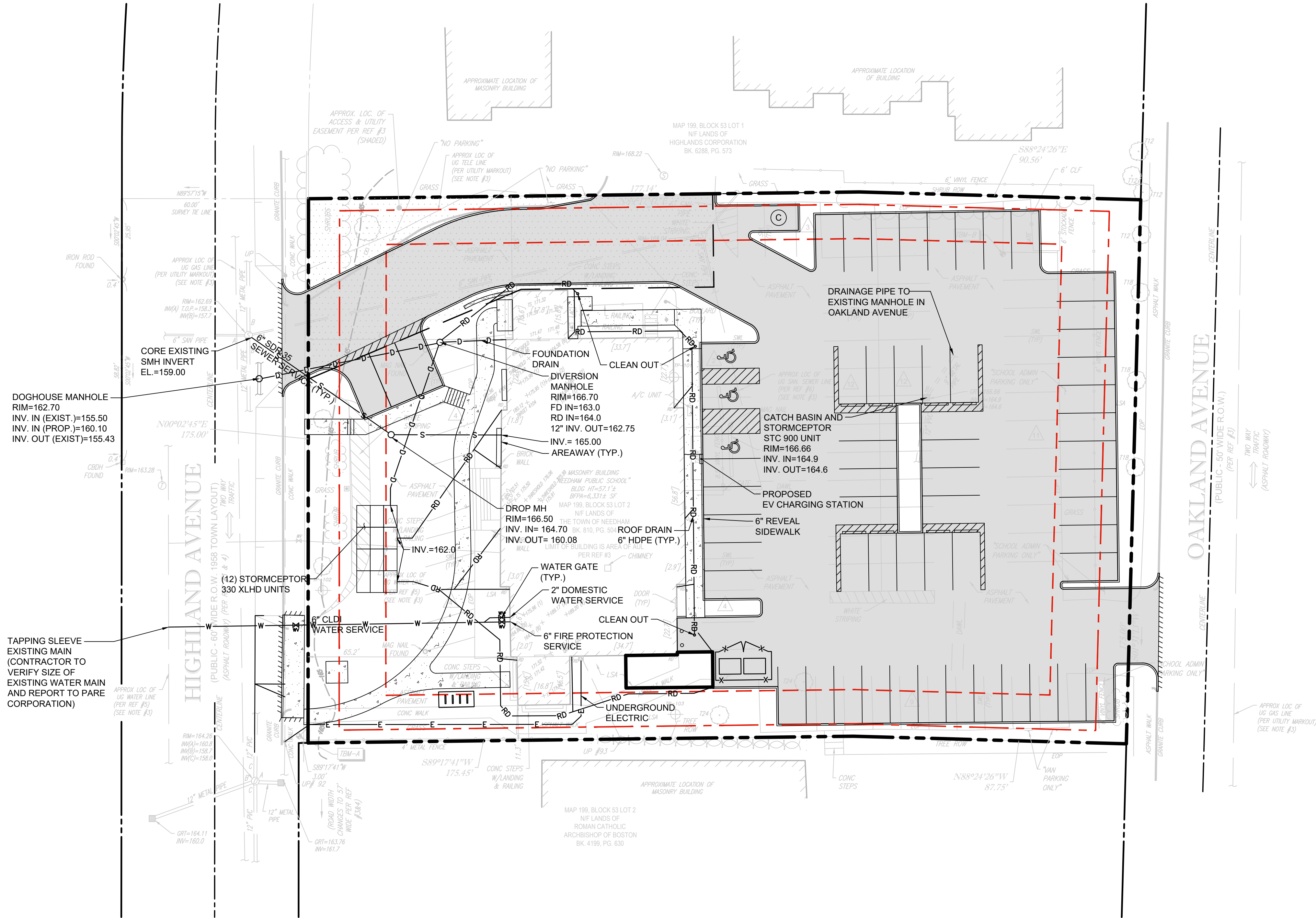
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V.2.1

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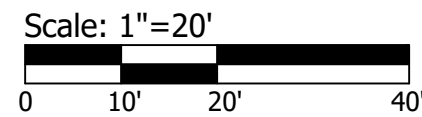


GRADING NOTES:

- AT ALL LOCATIONS WHERE EXISTING CURBING OR PAVEMENT ABUT NEW CONSTRUCTION, THE EDGE OF THE EXISTING CURB OR PAVEMENT SHALL BE SAW CUT TO A CLEAN, SMOOTH EDGE. BLEND NEW PAVEMENT AND CURBS SMOOTHLY INTO EXISTING BY MATCHING LINES, GRADES AND JOINTS.
- ALL UTILITY COVERS, GRATES, ETC. SHALL BE ADJUSTED TO BE FLUSH WITH THE SURROUNDING SURFACE OR PAVEMENT FINISH GRADE. RIM ELEVATIONS OF STRUCTURES AND MANHOLES ARE APPROXIMATE. FINAL ELEVATIONS ARE TO BE SET FLUSH AND CONSISTENT WITH THE GRADING PLANS.
- PITCH EVENLY BETWEEN SPOT GRADES. ALL PAVED AREAS MUST PITCH TO DRAIN AT A MIN. OF 1/8" PER FOOT UNLESS SPECIFIED.
- THE PROPOSED WALKWAYS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2% AND A MAXIMUM RUNNING SLOPE OF 5% AS SHOWN ON CONSTRUCTION DETAILS.
- ALL GRADING AT ACCESSIBLE ROUTES SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) OF 2010, LATEST EDITION.
- BASIN BERM SHALL BE CONSTRUCTED WITH COMMON BORROW PLACED IN 12" LEFTS AND COMPACTED TO 95% TO FINISH GRADE. REMOVE ALL EXISTING TOPSOIL AND ORGANIC MATERIAL PRIOR TO CONSTRUCTING BASIN BERM.
- TURF REINFORCEMENT MAT SHALL BE INSTALLED ON ALL SLOPES 3:1 OR GREATER.
- REFER TO "CIVIL NOTES AND LEGEND" FOR ADDITIONAL NOTES.

DRAINAGE AND UTILITY NOTES:

- ALL CATCH BASINS AND DRAIN MANHOLES SHALL BE 4' DIA. PRECAST CONCRETE UNLESS NOTED OTHERWISE.
- ALL DRAIN PIPES SHALL BE SMOOTH INTERIOR CORRUGATED HIGH DENSITY POLYETHYLENE UNLESS NOTED OTHERWISE.
- REINFORCED CONCRETE PIPE (RCP) SHALL BE CLASS III UNLESS NOTED OTHERWISE.
- ALL SLOPES PROVIDED ARE FT/FT.
- ALL CATCH BASINS AND AREA DRAINS SHALL BE INSTALLED WITH A SUMP AND OUTLET HOOD PER THE DETAIL.
- ALL SEWER MANHOLES SHALL BE 4' DIA. UNLESS NOTED OTHERWISE.
- REFER TO ELECTRICAL DRAWINGS FOR INFORMATION ON ELECTRIC AND TEL/DATA DUCT BANKS AND STRUCTURES. ALL ELECTRICAL FACILITIES DISPLAYED FOR REFERENCE ONLY.
- REPAIR OR REPLACE DAMAGED IRRIGATION FACILITIES TO PRE-CONSTRUCTION CONDITIONS AT NO ADDITIONAL COST TO THE OWNER.
- MODIFICATIONS AND REPAIRS TO THE EXISTING IRRIGATION SYSTEM AND SUPPLY WATER SERVICE SHALL BE DESIGNED, FURNISHED AND INSTALLED BY THE CONTRACTOR. THIS INCLUDES ALL WATER AND ELECTRICAL COMPONENTS INSTALLED PER MANUFACTURERS RECOMMENDATIONS.
- REFER TO "CIVIL NOTES AND LEGEND" FOR ADDITIONAL NOTES.



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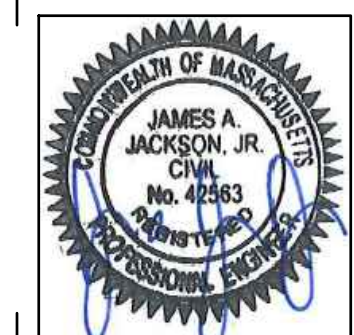
REVISIONS

REVISION	DATE
1. SUBMITTAL	4-25-2022

DRAWING TITLE

DRAINAGE AND
UTILITY PLAN

DRAWING INFORMATION



APRIL 15, 2022

DATE OF ISSUE

SITE PLAN SUBMITTAL

DESCRIPTION

1" = 20'

SCALE

21228.00

PROJECT #

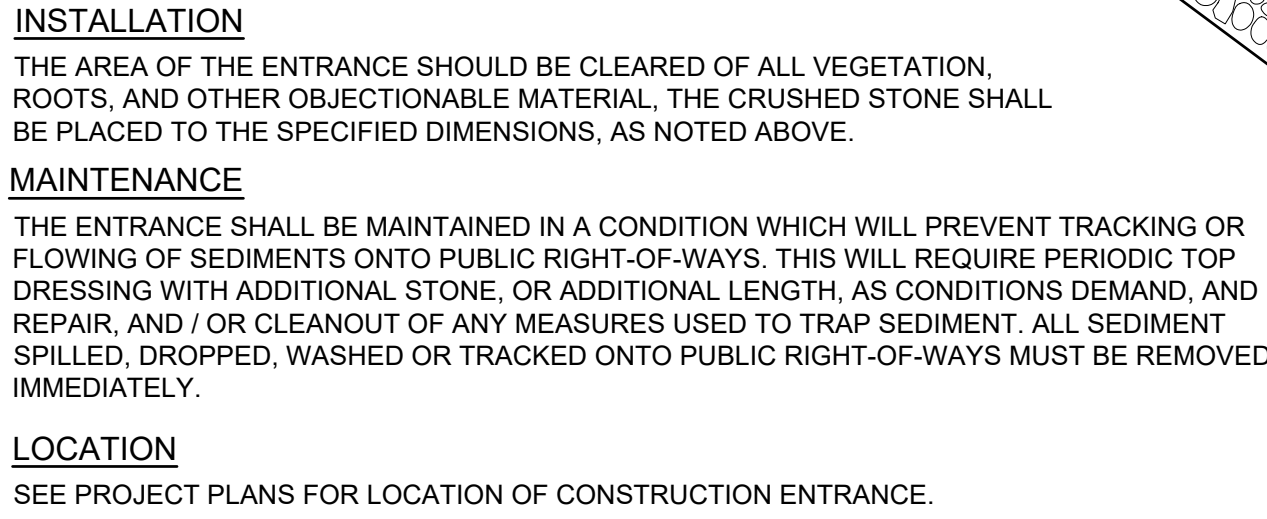
FILE NAME

DRAWING NUMBER

SP.C6

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V.2.1



1. COMPOST/ SOIL/ ROCK/ SEED FILL TO MEET APPLICATION REQUIREMENTS.
2. COMPOST MATERIAL TO BE REMOVED OR DISPERSED ON SITE AS DETERMINED BY ENGINEER.
3. IF SOCK NETTING MUST BE JOINED, FIT BEGINNING OF NEW SOCK OVER END OF OLD SOCK, OVERLAPPING BY 2 FEET AND STACK OVERLAP. IF SOCK NETTING IS NOT JOINED, OVERLAP OLD SOCK WITH NEW ONE BY MINIMUM OF 2 FEET.

15'-0" MAX.

PROVIDE TEMPORARY SEED (SEE NOTE 2)

2:1

COMPOST FILTER SOCK ENCIRCLING TO

60'-0" MAX.

10'-0"

NOTES:

1. STOCKPILE AREA SHALL NOT EXCEED SPECIFIED DIMENSIONS WITHOUT APPROVAL FROM ENGINEER.
2. STOCKPILED ERODIBLE MATERIAL THAT WILL NOT BE USED FOR GREATER THAN 14 DAYS SHALL BE STABILIZED WITH TEMPORARY SEED IMMEDIATELY FOLLOWING PLACEMENT. USE RIDOT STD. M.18.10.5 SEED MIX.

NOTE:
ACCESSIBLE PARKING AND SIGNAGE SHALL BE IN CONFORMANCE WITH
THE RULES & REGULATIONS OF THE AMERICANS WITH DISABILITIES ACT

Diagram illustrating the layout and dimensions of an accessible parking space, including the adjacent landscape area and walkway.

Components and Dimensions:

- LANDSCAPE AREA:** Located adjacent to the parking space.
- ACCESSIBLE PARKING SIGN (R7-8):** Use VAN ACCESSIBLE PLACARD WHEN APPLICABLE (SEE SIGN MOUNTING DETAIL).
- WALK:** Pathway adjacent to the parking space.
- CURB:** Boundary between the parking space and the walkway.
- MIN. 5':** Minimum distance from the curb to the start of the parking space.
- 18':** Total width of the accessible parking space.
- 4" WHITE STRIPE:** Markings defining the boundaries of the parking space.
- 4" WHITE STRIPE:** Markings defining the boundaries of the adjacent walkway.
- 3' O.C.:** On-center spacing of the diagonal stripes within the parking space.
- 45°:** Angle of the diagonal stripes within the parking space.
- SEE ACCESSIBLE PAVEMENT MARKING DETAIL THIS SHEET:** Reference to the detail for the wheelchair symbol and diagonal stripes.
- SEE SITE PLANS FOR DIMENSIONS:** Reference to the site plans for the overall layout and dimensions.

The diagram illustrates the vertical and horizontal placement of two parking signs: R7-8 (12"x18") and R7-BP (12"x6"). The signs are mounted on a post. The R7-8 sign is at the top, featuring a blue square with a white wheelchair symbol and the text "RESERVED PARKING". Below it is the smaller R7-BP sign, which says "VAN ACCESSIBLE".

- Vertical Dimensions:**
 - The total height from the bottom of the R7-BP sign to the top of the R7-8 sign is 18"-24" OR AS SPECIFIED.
 - A 3" gap exists between the top of the R7-BP sign and the bottom of the R7-8 sign.
 - The distance from the bottom of the R7-BP sign to the ground level is 7'-0" MIN.
 - The distance from the top of the R7-8 sign to the ground level is 5'-0".
 - The distance from the centerline of the post to the edge of the sign is 12" TO 18".
 - The distance from the centerline of the post to the curb or berm is 1'-0" MIN.
 - The distance from the base of the post to the ground level is 4'-0" (N.T.S.).
- Horizontal Placement:**
 - The signs are positioned next to a "ROAD".
 - A "CURB OR BERM" separates the road from the sign area.
 - A "BREAK AWAY POST" is indicated near the base of the sign post.

NOTE:

5/16" x 2-1/2" GALVANIZED BOLTS & WASHERS

STEEL SPECIFICATION A.S.T.M. DESIGNATION A490-64 ZINC (HOT GALVANIZED) SPECIFIED BY A.S.T.M. A 123.

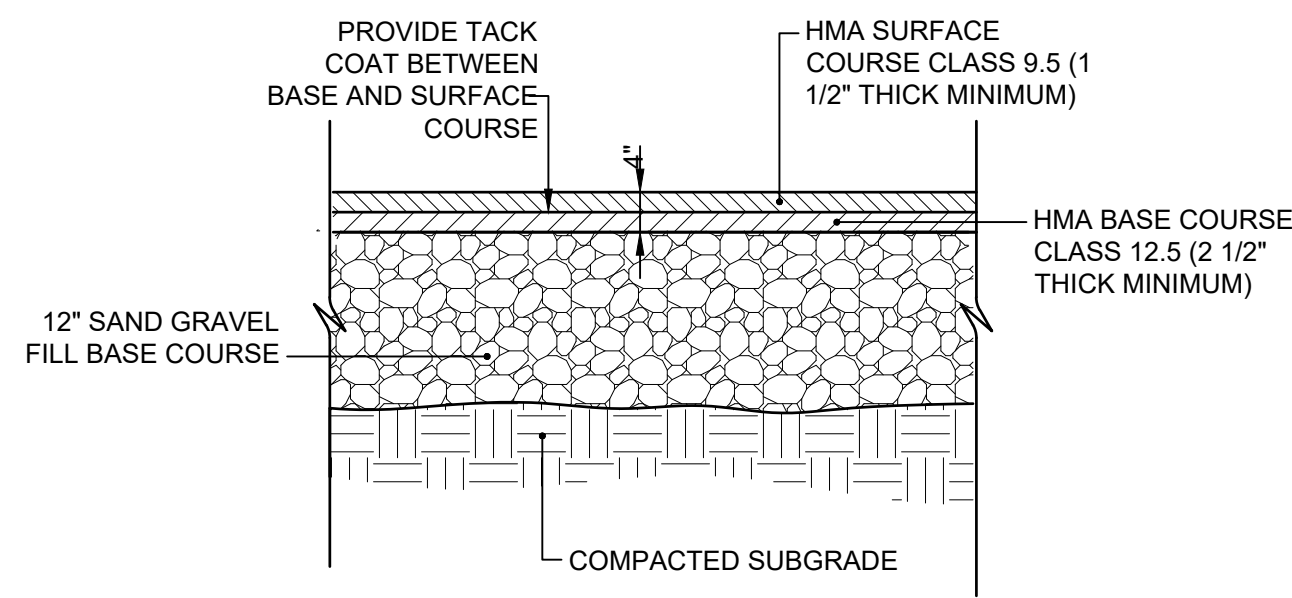
WT./FT.	3.00	#
Mom. Ixx-x	0.484in	3
Sec Mod x-x	0.599in	4
Mom Iy-y	0.886in	4
Sec Mod y-y	0.506in	3

This cross-section shows the profile of the sign post. It has a top flange width of 1 5/16 inches, a stem diameter of 1 7/8 inches, and a base width of 3 1/2 inches.

PARKING SIGNS SHALL BE SET AT AN ANGLE OF NOT LESS THAN 30° NOR MORE THAN 45° IN A LINE PARALLEL TO THE FLOW OF TRAFFIC.

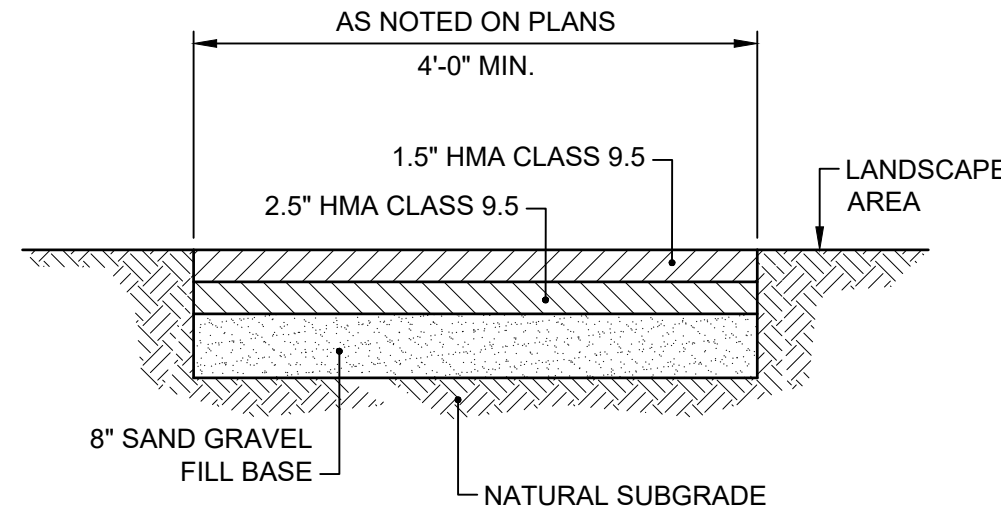
ACCESSIBLE SIGN MOUNTING

NOT TO SCALE

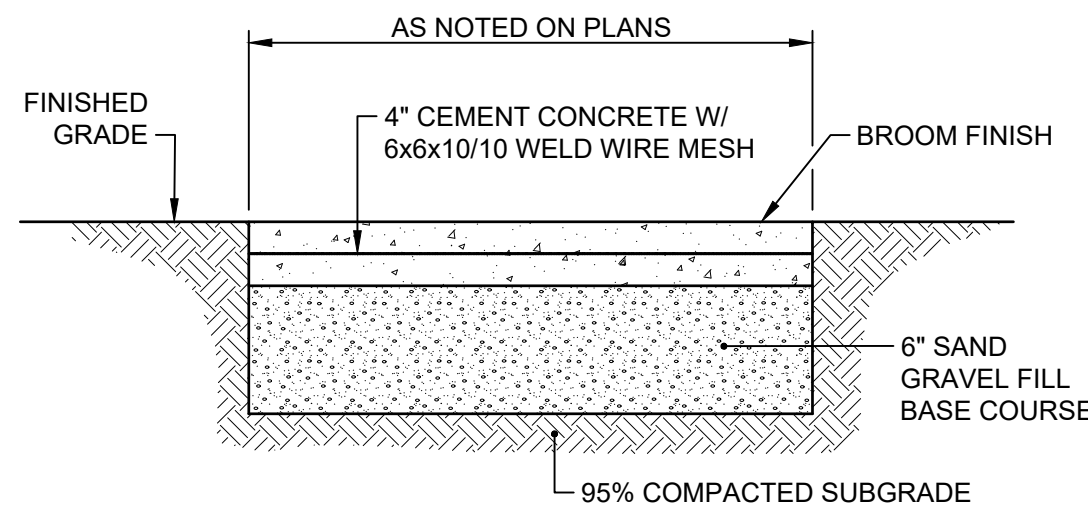


NOTE:
1. SUBMIT JOB MIX FORMULAS TO ENGINEER FOR APPROVAL PRIOR TO PLACEMENT.

HMA HOT MIX ASPHALT PAVEMENT
NOT TO SCALE

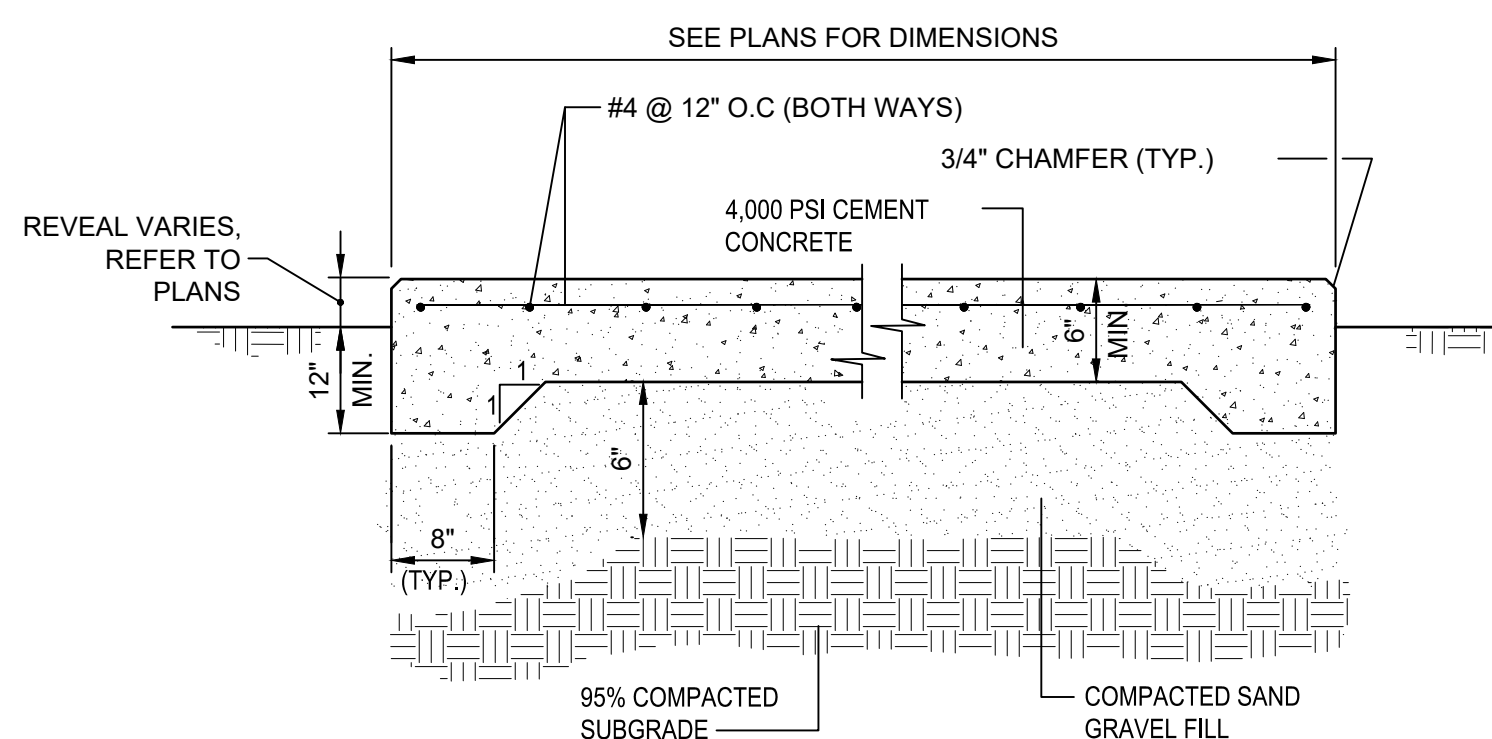


HOT MIX ASPHALT SIDEWALK
NOT TO SCALE



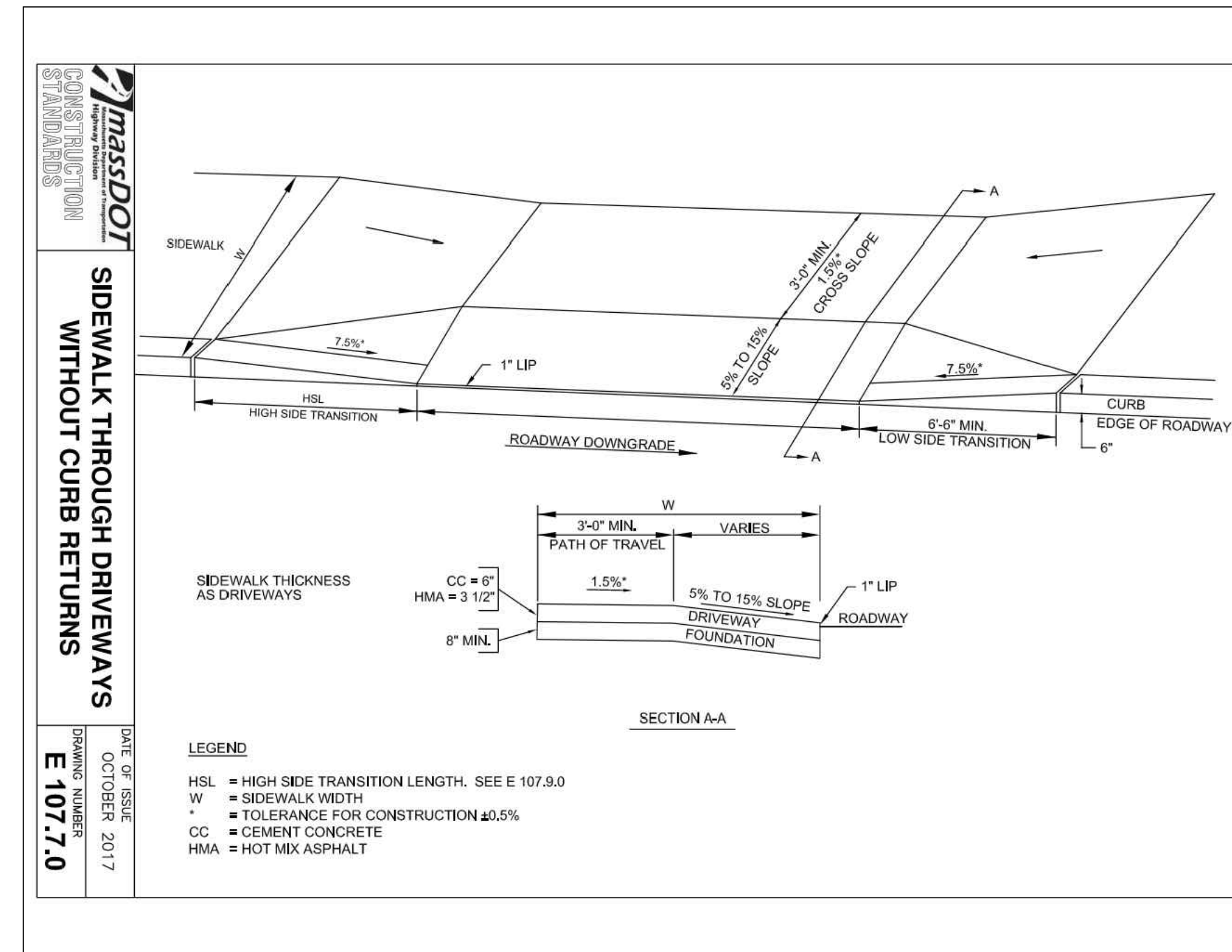
- NOTES:**
1. CONCRETE SIDEWALK SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 905 OF THE RI STANDARD SPECIFICATIONS.
 2. WIRE MESH SHALL BE IN ACCORDANCE WITH SECTION M.05.02 OF THE RI STANDARD SPECIFICATIONS.

TYPICAL CEMENT CONCRETE SIDEWALK
NOT TO SCALE



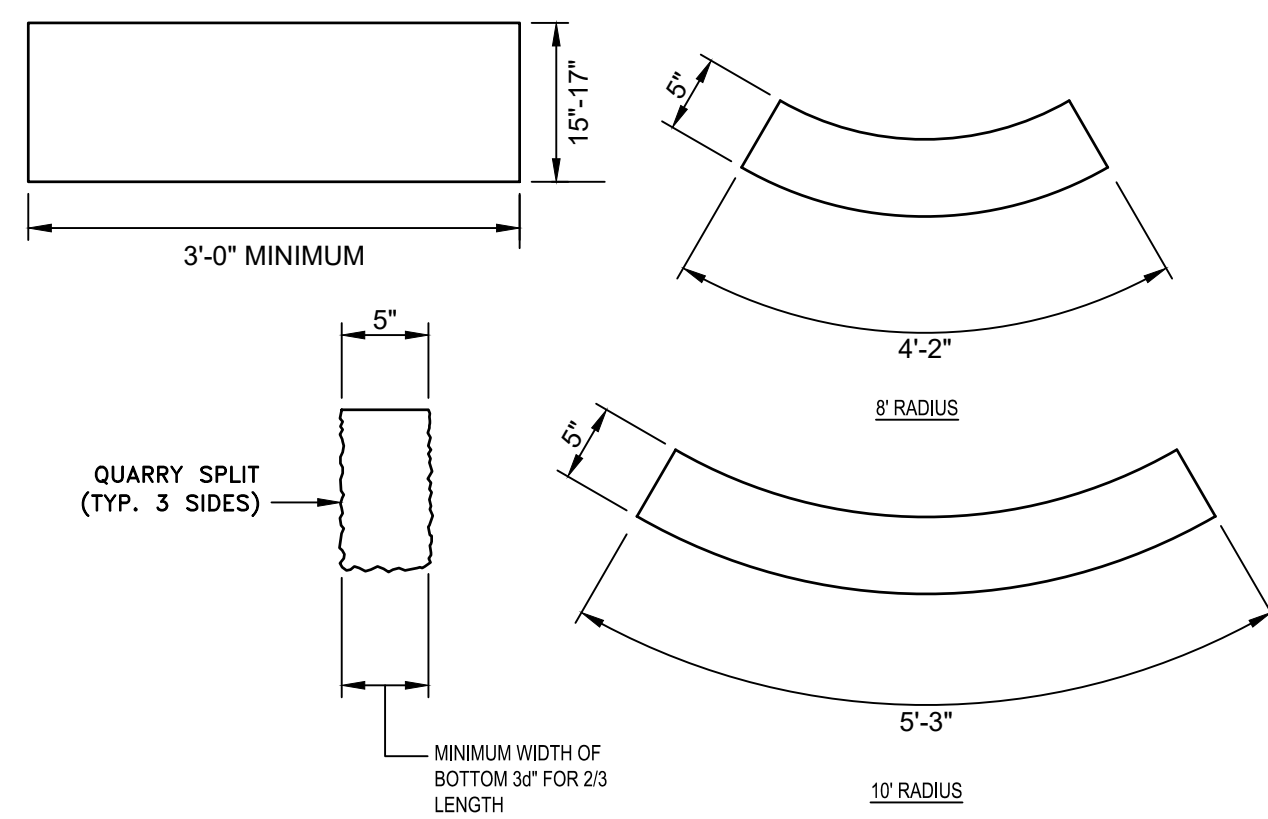
- NOTES:**
1. REINFORCING TO BE #4 GRADE 60 BARS AND SHALL CONFORM TO ASTM STANDARD A-615 OF THE LATEST DATA. REINFORCING RODS TO BE LOCATED IN THE CENTER OF THE SLAB, WITH A MINIMUM OF 2\"/>
 2. CONTRACTOR SHALL COORDINATE LOCATIONS OF OPENINGS, FENCE POSTS, OR OTHER FEATURES IN SLAB.

CP CEMENT CONCRETE PAD
NOT TO SCALE



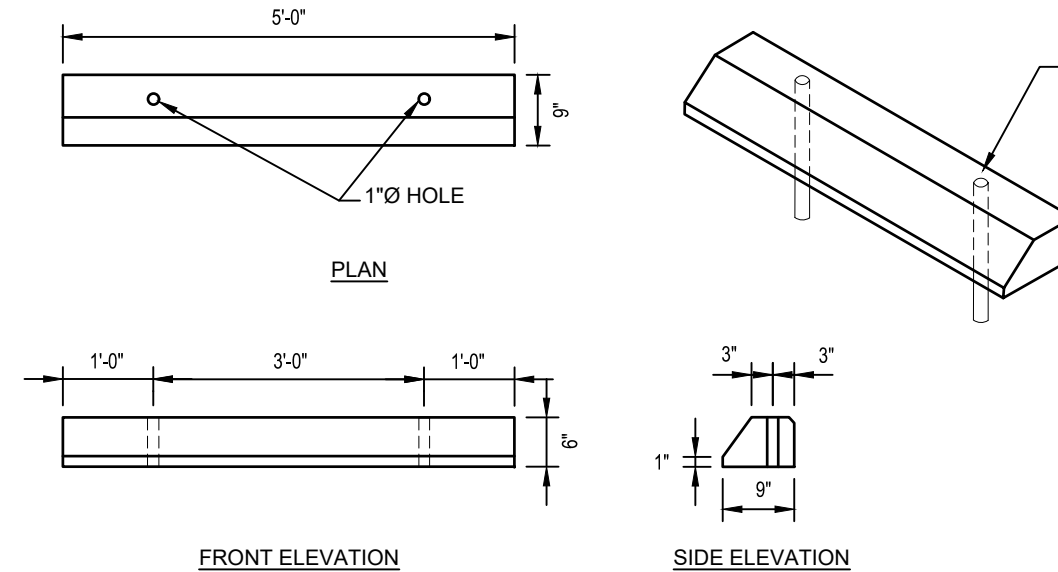
- LEGEND**
- HSL = HIGH SIDE TRANSITION LENGTH. SEE E 107.9.0
 - W = SIDEWALK WIDTH
 - T = TOLERANCE FOR CONSTRUCTION ±0.5%
 - CC = CEMENT CONCRETE
 - HMA = HOT MIX ASPHALT

BOLLARD DETAIL
NOT TO SCALE



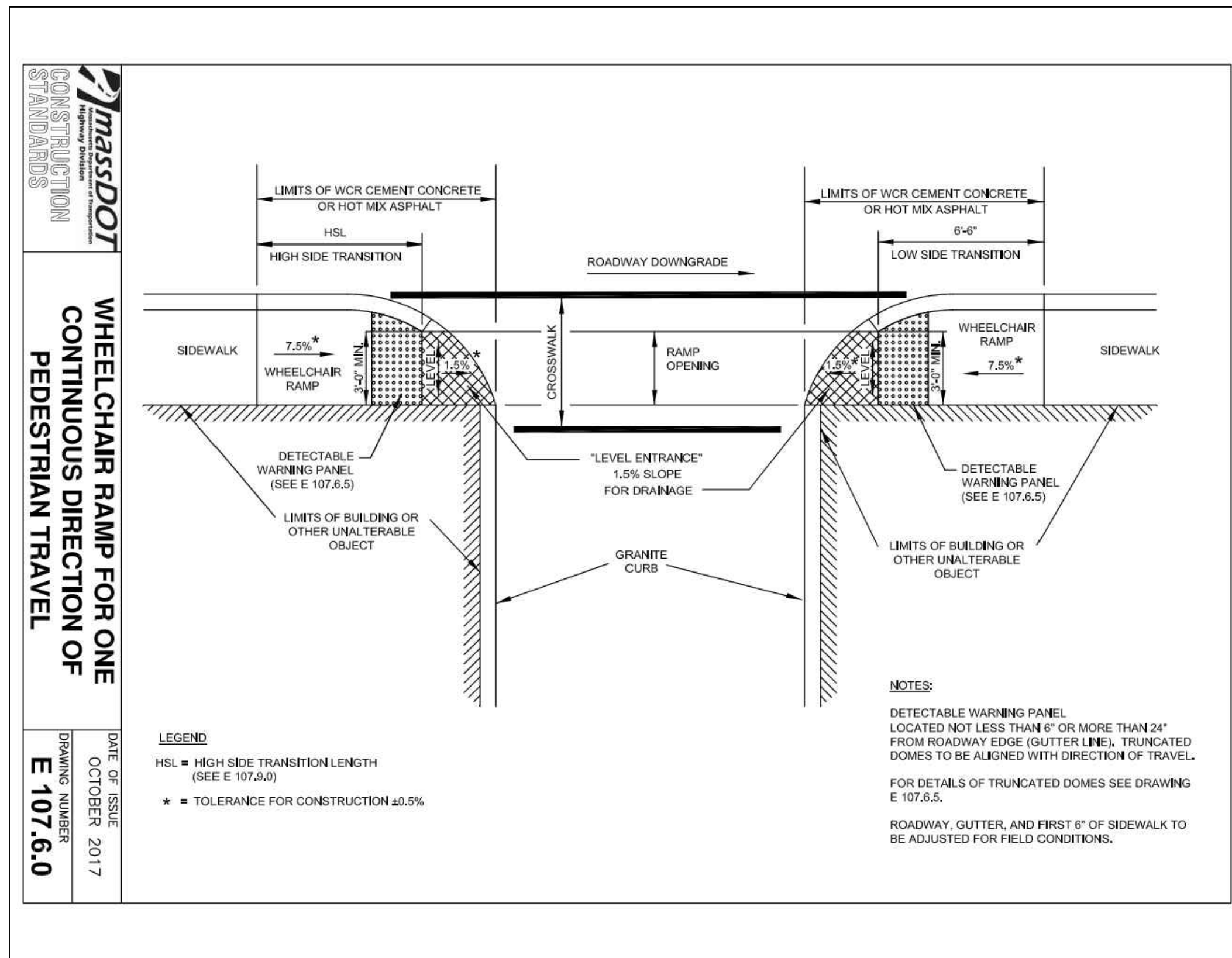
- NOTES:**
1. MAXIMUM LENGTHS USING 8\"/>
 2. MINIMUM LENGTH OF STRAIGHT OR CIRCULAR FILLER PIECES TO BE 3'-0\"/>
 3. TOP SURFACE TO BE DRESSED BY SAW.
 4. CIRCULAR CURB IS REQUIRED ON CURVES WITH RADIUS OF 100' OR LESS. STRAIGHT CURB TO BE USED ON CURVES OF MORE THAN 100' RADIUS.
 5. GRANITE CURB SHALL CONFORM TO M.H.D. STD. SPECIFICATION MATERIALS SECTION M9.04.1 GRANITE CURB, TYPE VB.

GRANITE CURB QUARRY SPLIT
NOT TO SCALE



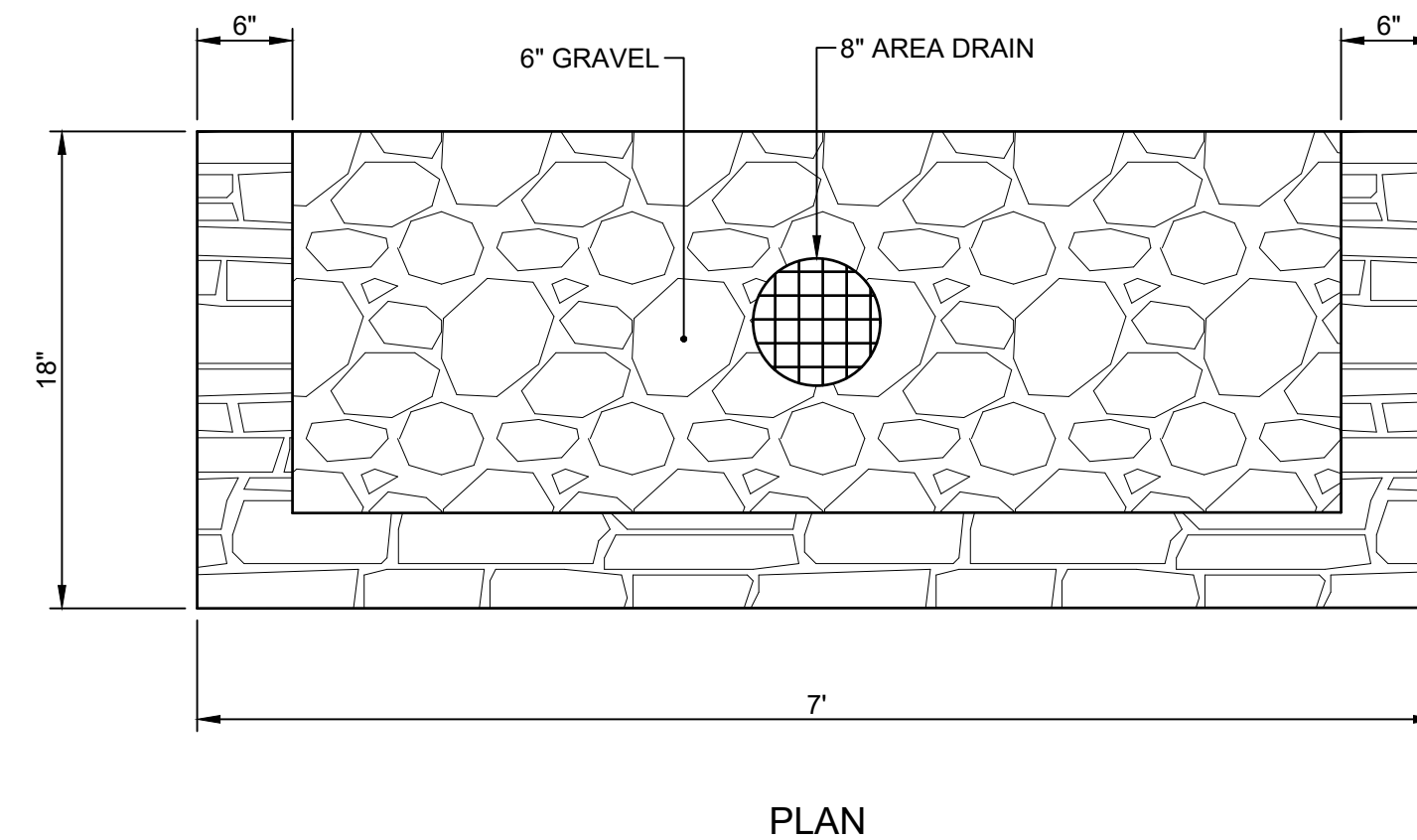
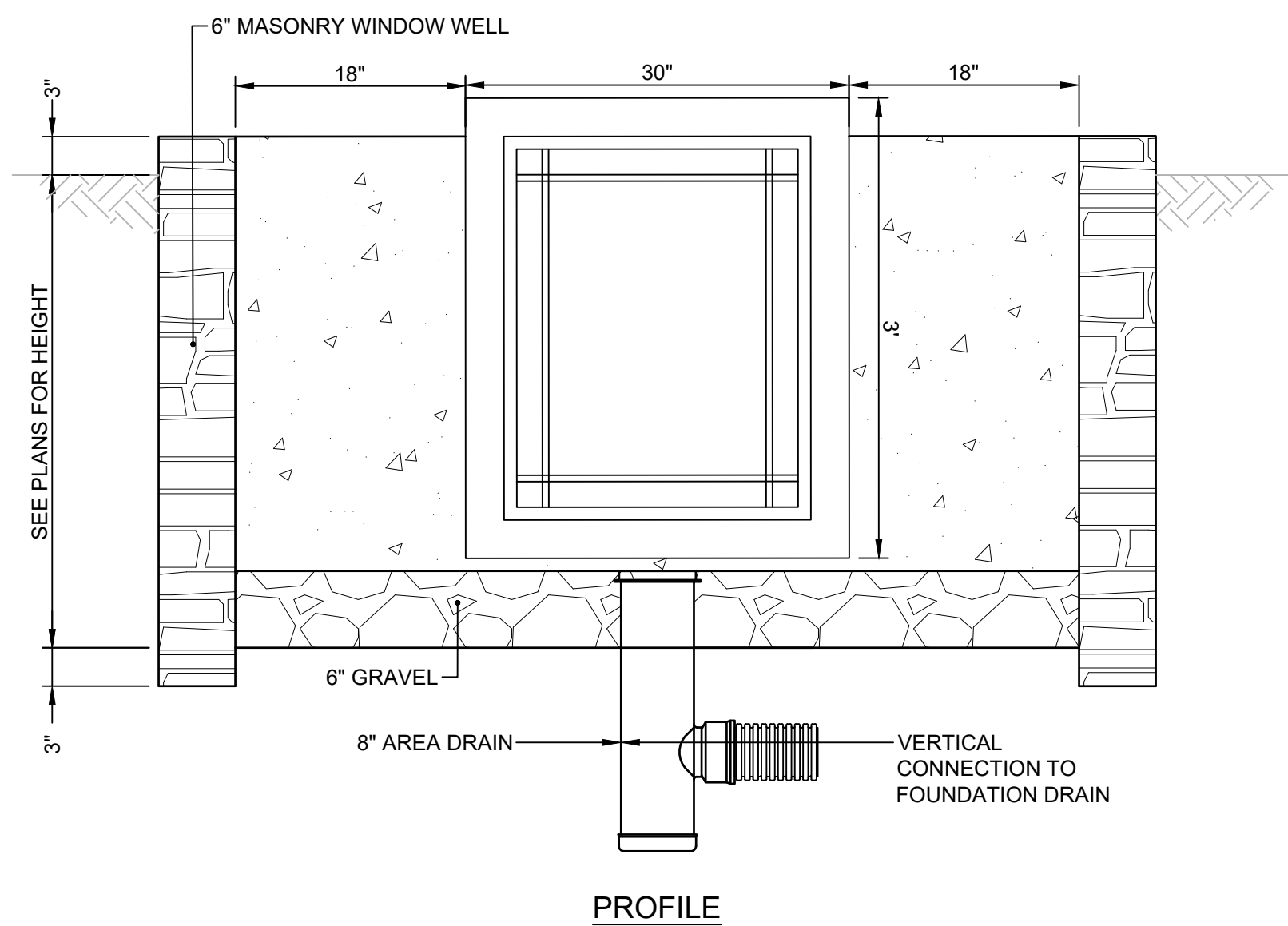
- NOTES:**
1. ALL EXPOSED EDGES TO HAVE A 3/4\"/>
 2. ALL SURFACES TO HAVE A SPONGE FLOAT FINISH.

PRECAST CONCRETE WHEEL STOPS
NOT TO SCALE



- LEGEND**
- HSL = HIGH SIDE TRANSITION LENGTH (SEE E 107.6.0)
 - T = TOLERANCE FOR CONSTRUCTION ±0.5%

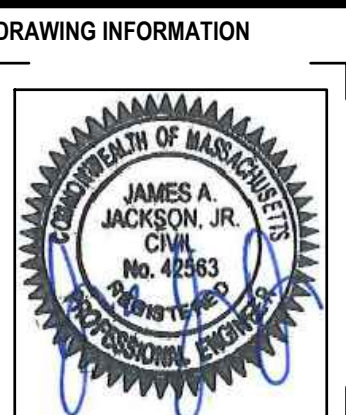
- NOTES:**
- 1. DETECTABLE WARNING PANEL LOCATED NOT LESS THAN 6\"/>
 - 2. FOR DETAILS OF TRUNCATED DOMES SEE DRAWING E 107.6.5.
 - 3. ROADWAY, GUTTER, AND FIRST 6\"/>



EGRESS WINDOW WELL DETAIL
NOT TO SCALE

REVISIONS	
7BA SUBMISSION	4-25-2022

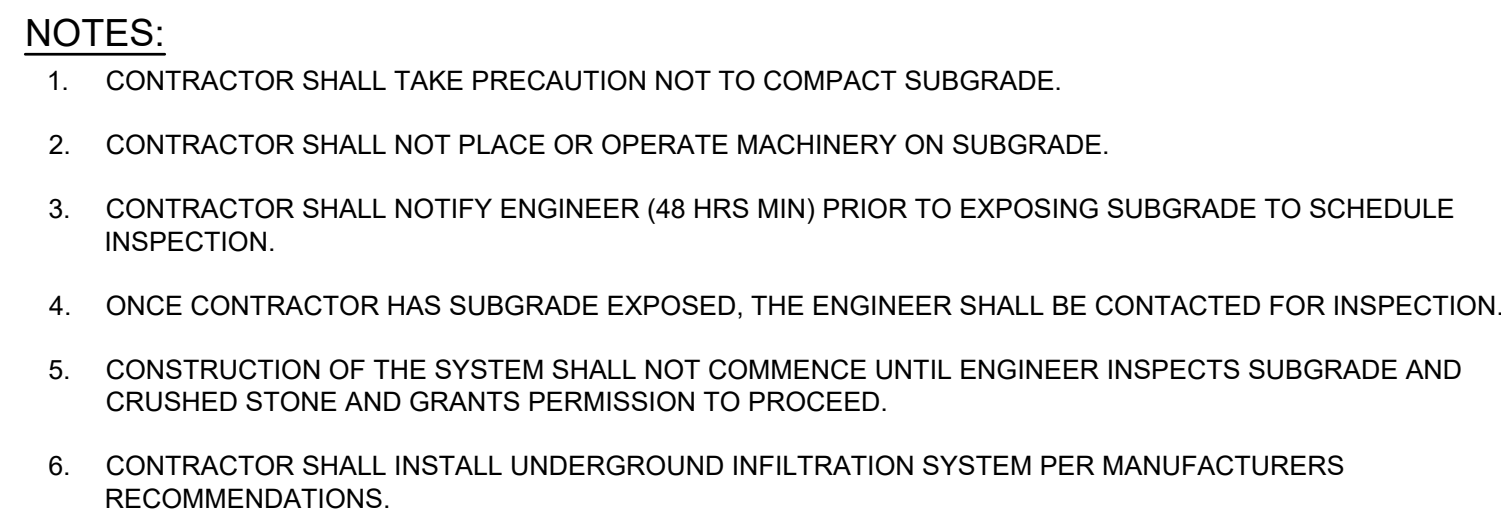
DRAWING TITLE
CIVIL DETAILS 2



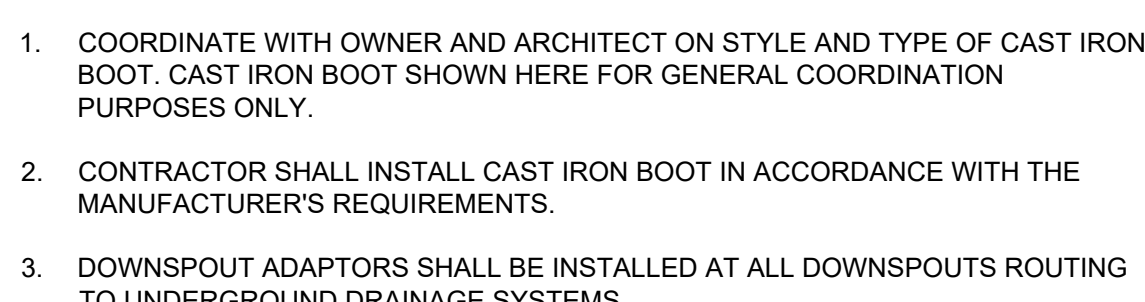
DATE OF ISSUE	APRIL 15, 2022
SITE PLAN SUBMISSION	
DESCRIPTION	
AS NOTED	AWB
SCALE	DRAWN BY
21228.00	
PROJECT #	FILE NAME

DRAWING NUMBER

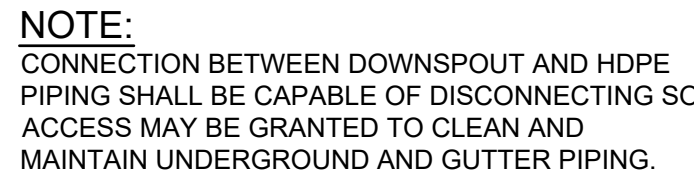
SP.C8



NOT TO SCALE



NOT TO SCALE



NOT TO SCALE



	(A)	(B)	(C)	(D)	(E)
DIV 1	164.00	163.00	162.75	162.50	164.30

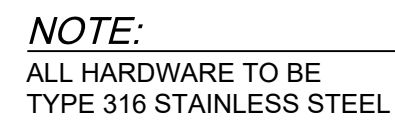


NOT TO SCALE



NOT TO SCALE

- ① CAST IN PLACE CONCRETE DIVERSION WEIR WALL (4" WIDE)
- ② OUTFLOW PIPE TO CULTEC RECHARGERS
- ③ PRECAST 6" DIAMETER MANHOLE
- ④ PROVIDE STEPS
- ⑤ PIPE IN (ROOF DRAIN)
- ⑥ PIPE IN (FOUNDATION DRAIN)
- ⑦ EMERGENCY OUTFLOW PIPE

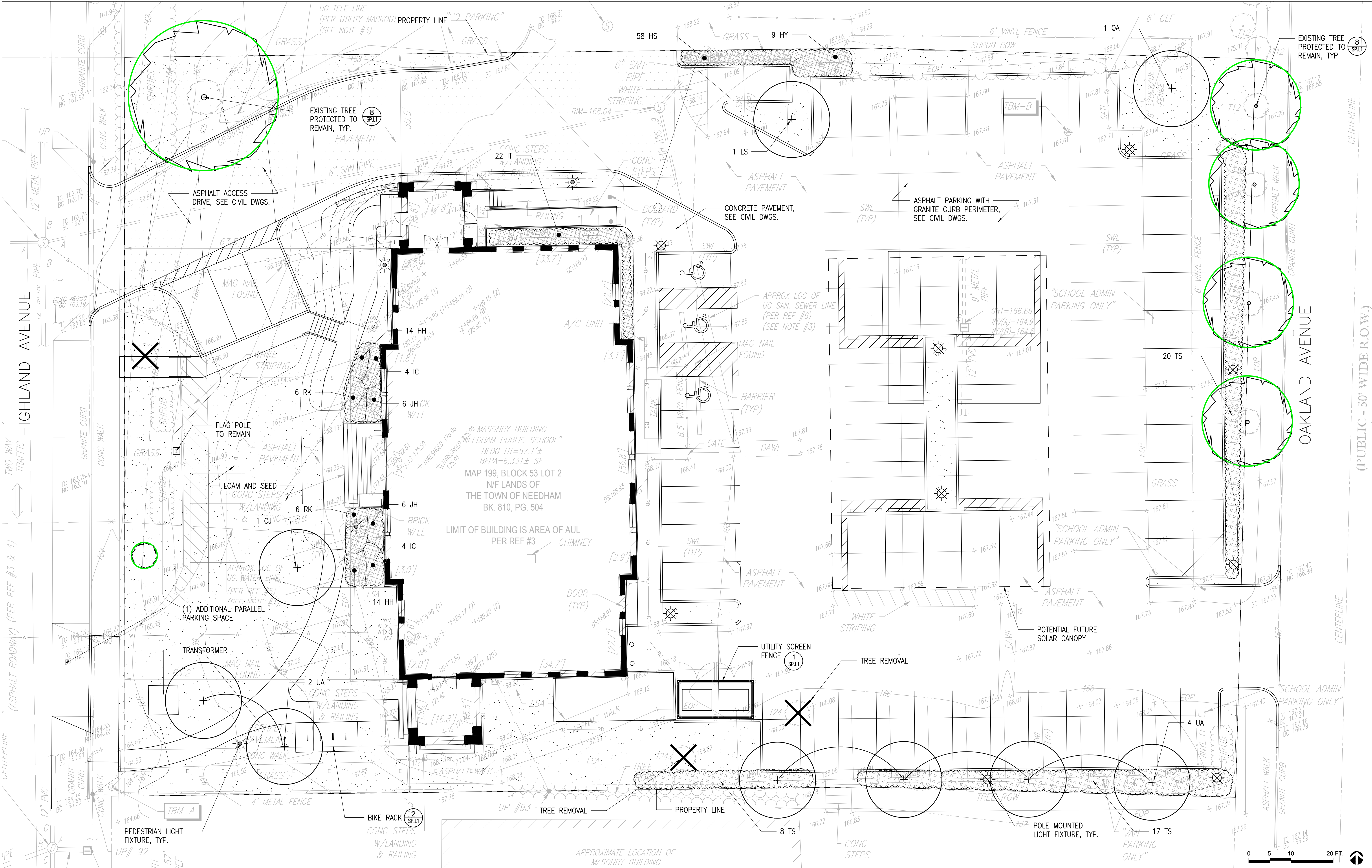


NOT TO SCALE



1. WALL DESIGN SHALL CONFORM TO MANUFACTURER'S REQUIREMENTS. WALL DESIGN SHALL INCORPORATE PROPOSED GUARDRAIL WHERE INDICATED ON PLANS.
2. RETAINING WALL TO BE CONSTRUCTED WITH MONUMENTAL BLOK UNITS OR APPROVED EQUAL.

NOT TO SCALE



LEGEND

- LOAM AND SEED, TYP. (3 SPLIT)
- SHRUBS/PERENNIALS (415 SPLIT)
- EVERGREEN SCREEN PLANTING (7 SPLIT)
- EXISTING TREE PROTECTED TO REMAIN, TYP. (9 SPLIT)
- TREE REMOVAL, TYP. (X)
- DECIDUOUS TREE (6 SPLIT)
- POLE MOUNTED LIGHT FIXTURE, TYP. (X)
- PEDESTRIAN LIGHT FIXTURE, TYP. (X)

PLANT SCHEDULE

Quantity	Symbol	Scientific Name	Common Name	Size	Notes
Deciduous Trees					
1	CJ	CERCIDIPHYLLUM JAPONICUM	KATSURA TREE	3" CALIPER	SPRING DIG ONLY
1	LS	LIQUIDAMBAR STYRACIFLUA 'ROTUNDILOBA'	SWEETGUM	3" CALIPER	SPRING DIG ONLY
1	QA	QUERCUS ALBA	WHITE OAK	3" CALIPER	SPRING DIG ONLY
6	UA	ULMUS AMERICANA 'PRINCETON'	PRINCETON AMERICAN ELM	3" CALIPER	SPRING DIG ONLY
Evergreen Trees					
45	TS	THUJA OCCIDENTALIS 'SMARAGD'	EMERALD GREEN ARBORVITAE	6' HEIGHT	5' O.C.
Shrubs					
8	IC	ILEX CRENATA	JAPANESE HOLLY	24" SPREAD	4' O.C.
28	HH	HEMEROCALLIS 'HYPERION'	HYPERION DAYLILY	1 GALLON	2' O.C.
58	HS	HEMEROCALLIS X 'GENTLE SHEPARD'	GENTLE SHEPARD DAYLILY	1 GALLON	1.5' O.C.
9	HY	HYDRANGEA MACROPHYLLA 'ENDLESS SUMMER'	ENDLESS SUMMER HYDRANGEA	5 GALLON	4' O.C.
22	IT	ITEA VIRGINICA 'HENRY'S GARNET'	HENRY'S GARNET SWEETSPIRE	36" HEIGHT	3' O.C.
12	JH	JUNIPERUS HORIZONTALIS 'ANDORRA'	ANDORRA JUNIPER	12" HEIGHT	3' O.C.
12	RK	ROSA 'RADRAZZ'	KNOCK OUT ROSE	24" SPREAD	4 O.C.

ARCHITECT
bh+a
Bergmann Hendrix + Archetype, Inc.
9 Channel Center Street, Suite 300
Boston, MA 02210
(617) 350 0450

PROJECT NAME
Emery Grover Renovations
1330 Highland Ave
Needham, MA 02452

CLIENT
Town of Needham Permanent Public Building Committee
500 Oyster Ave
Needham, MA 02452

PROJECT TEAM
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(508) 543-1755
Landscape Architect
Kyle Zick Landscaping Architecture, Inc.
36 Bromfield St Suite 202
Boston, MA 02108
(617) 451-0118
Structural Engineer
Structures North Consulting
Engineers, Inc.
60 Washington St, Suite 401
Salem, MA 01971
(978) 745-6817
MEP/FP Engineer
Allied Engineering
235 Lilien Road, Suite 5
Westford, MA 01886
(978) 443-7888
Technology
Building Technology Consulting
592 Bedford St
Bridgewater, MA 02324
(617) 799-4390

REVISIONS

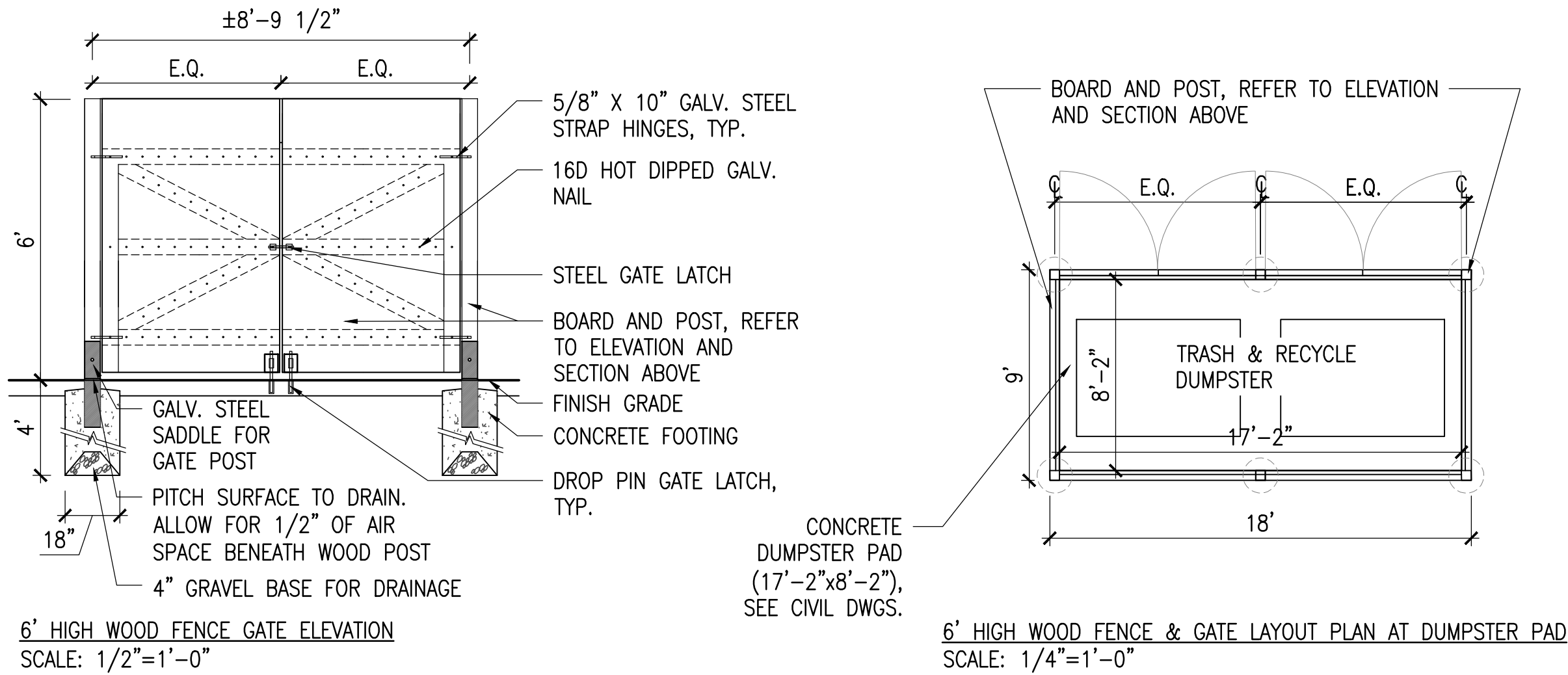
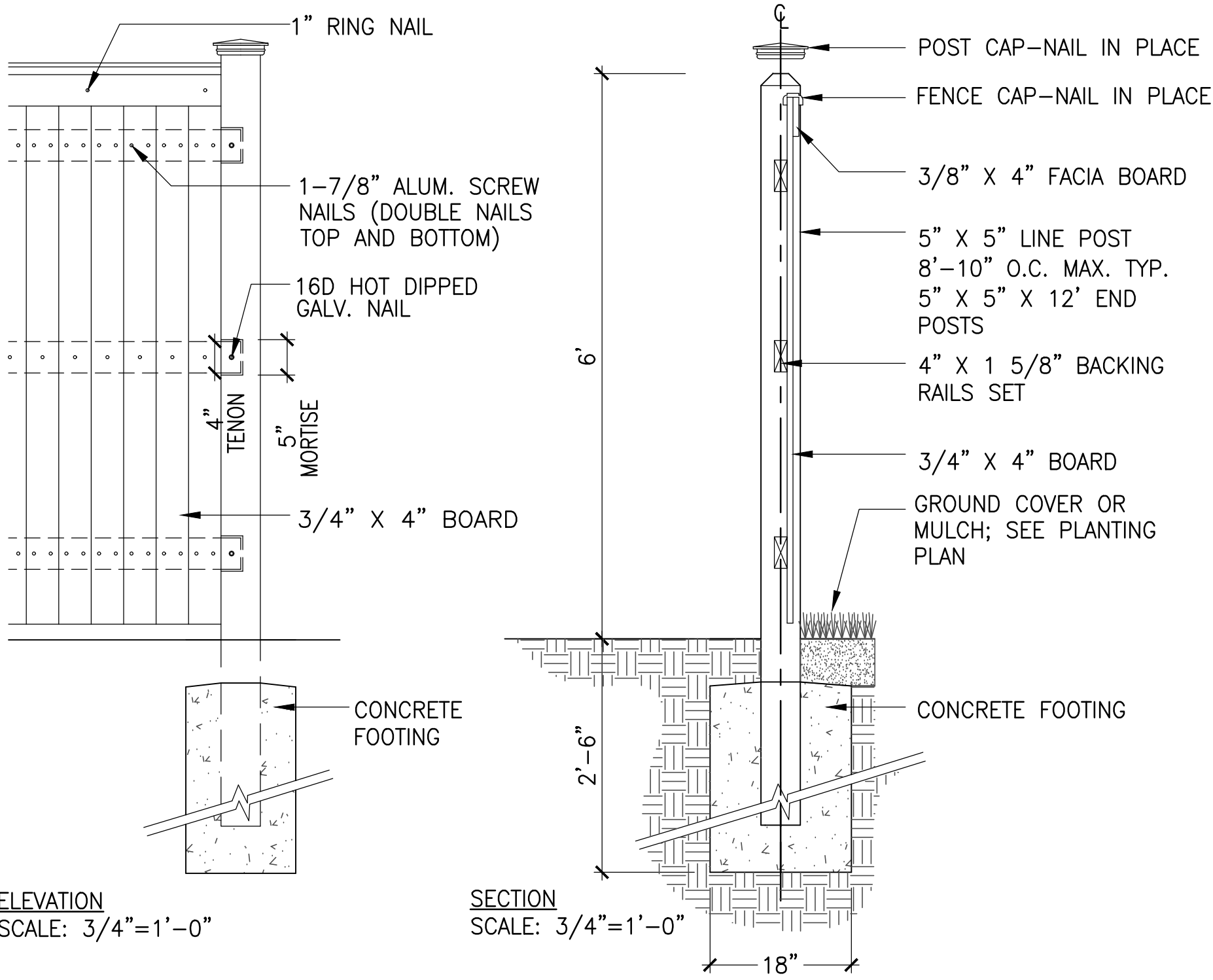
DRAWING TITLE
Landscape Improvement Plan

DRAWING INFORMATION

04/14/2022
DATE OF ISSUE
Design Development
DESCRIPTION
1"=10' 0"
SCALE
3/28/23
PROJECT #
Y.L.
DRAWN BY
K.Z.
FILE NAME

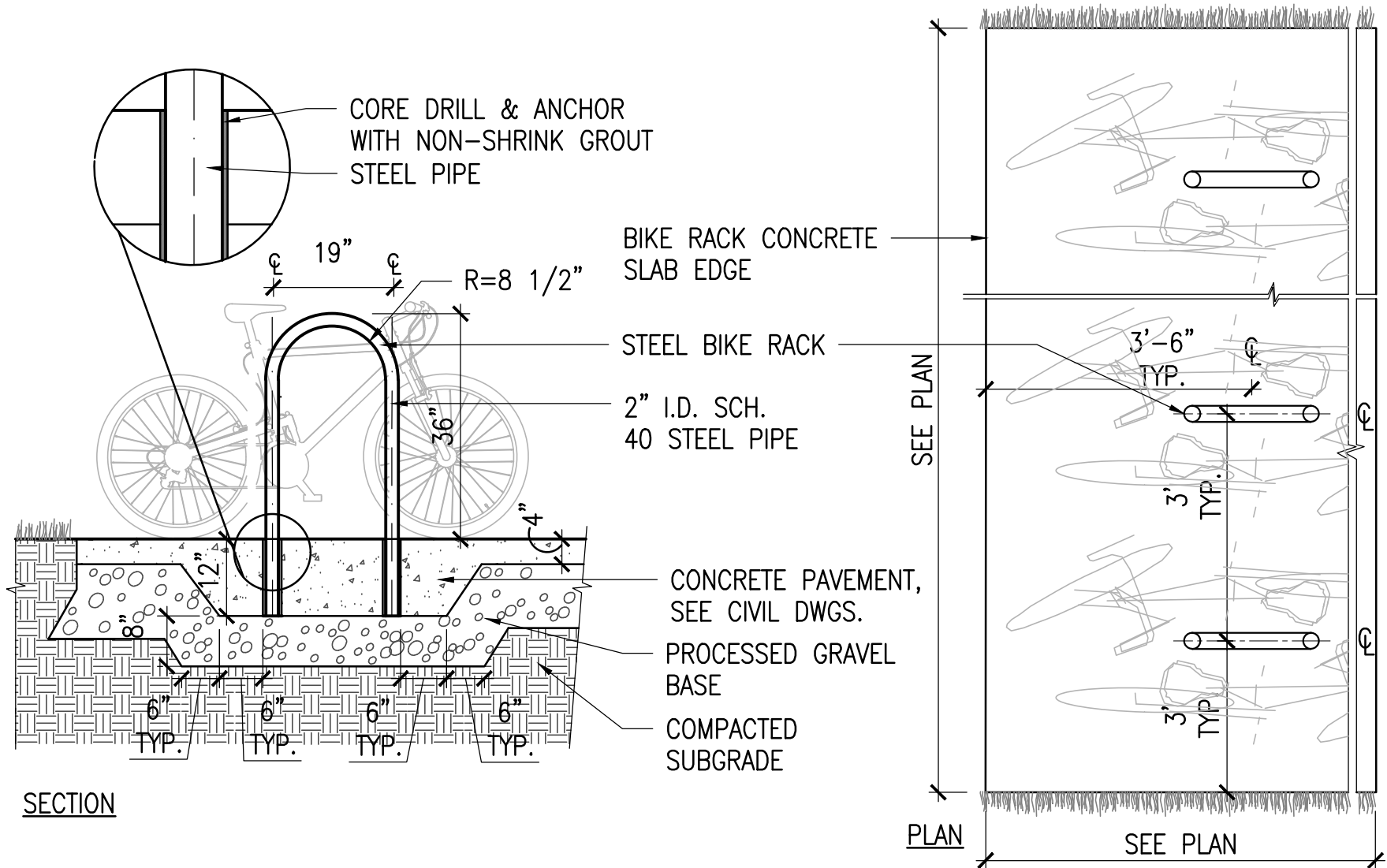
DRAWING NUMBER
SP.L0

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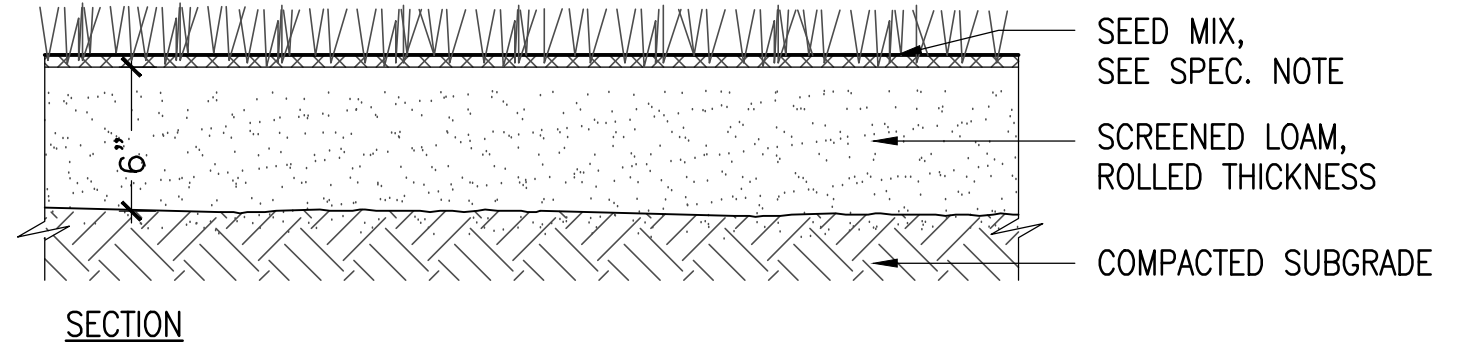
1 UTILITY SCREEN FENCE

SCALE: AS SHOWN



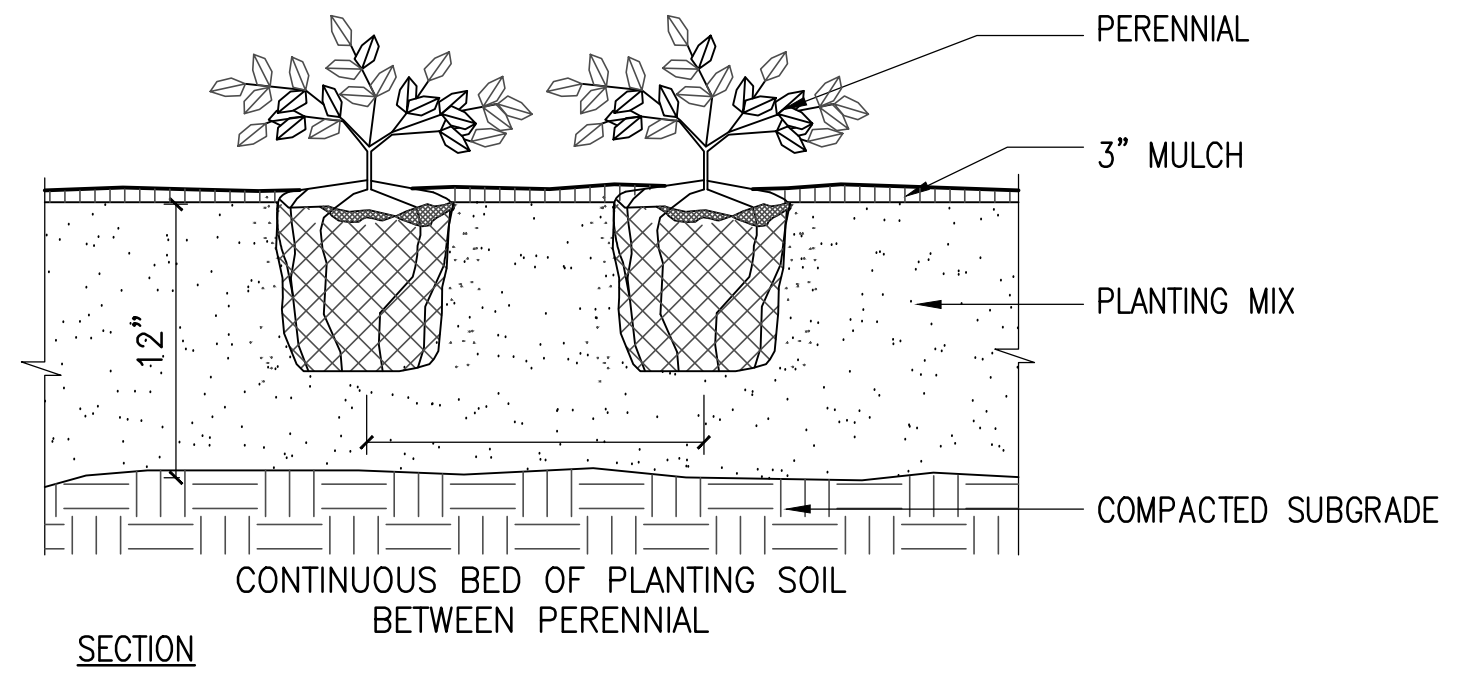
2 BIKE RACK

SCALE: 1/2"=1'-0"



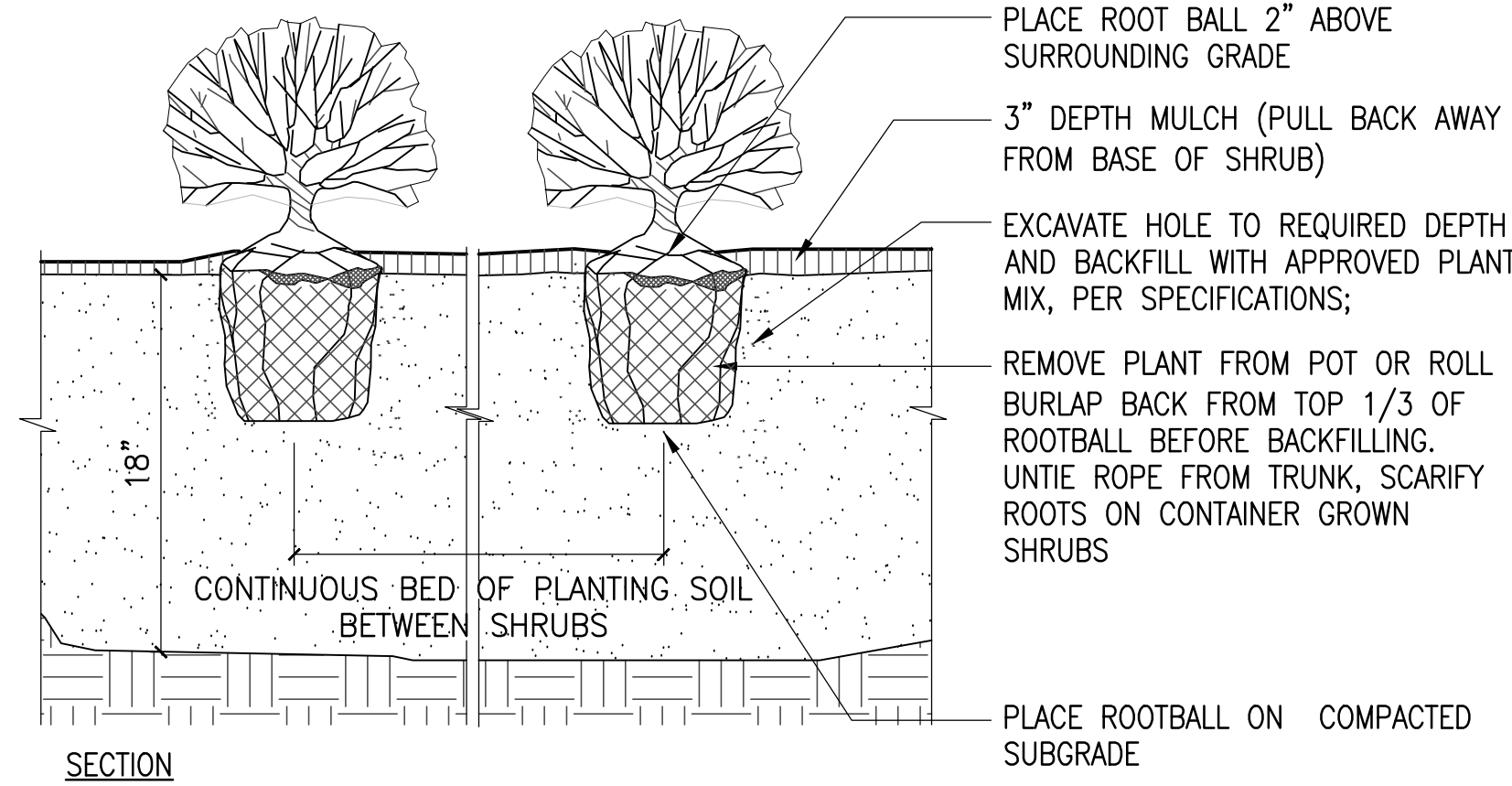
3 LAWN

SCALE: 1'-1/2"=1'-0"



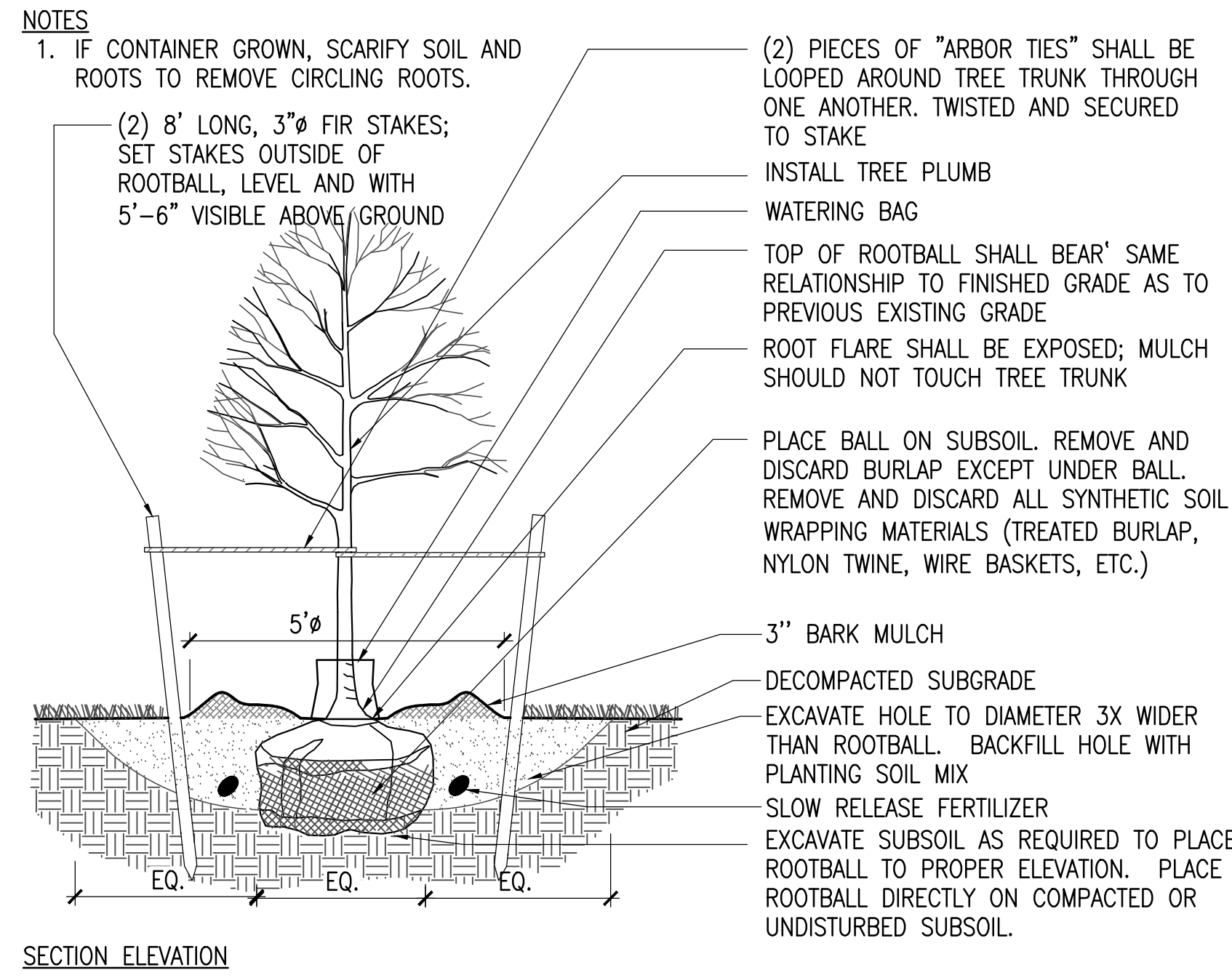
4 PERENNIAL PLANTING

SCALE: 1 1/2"=1'-0"



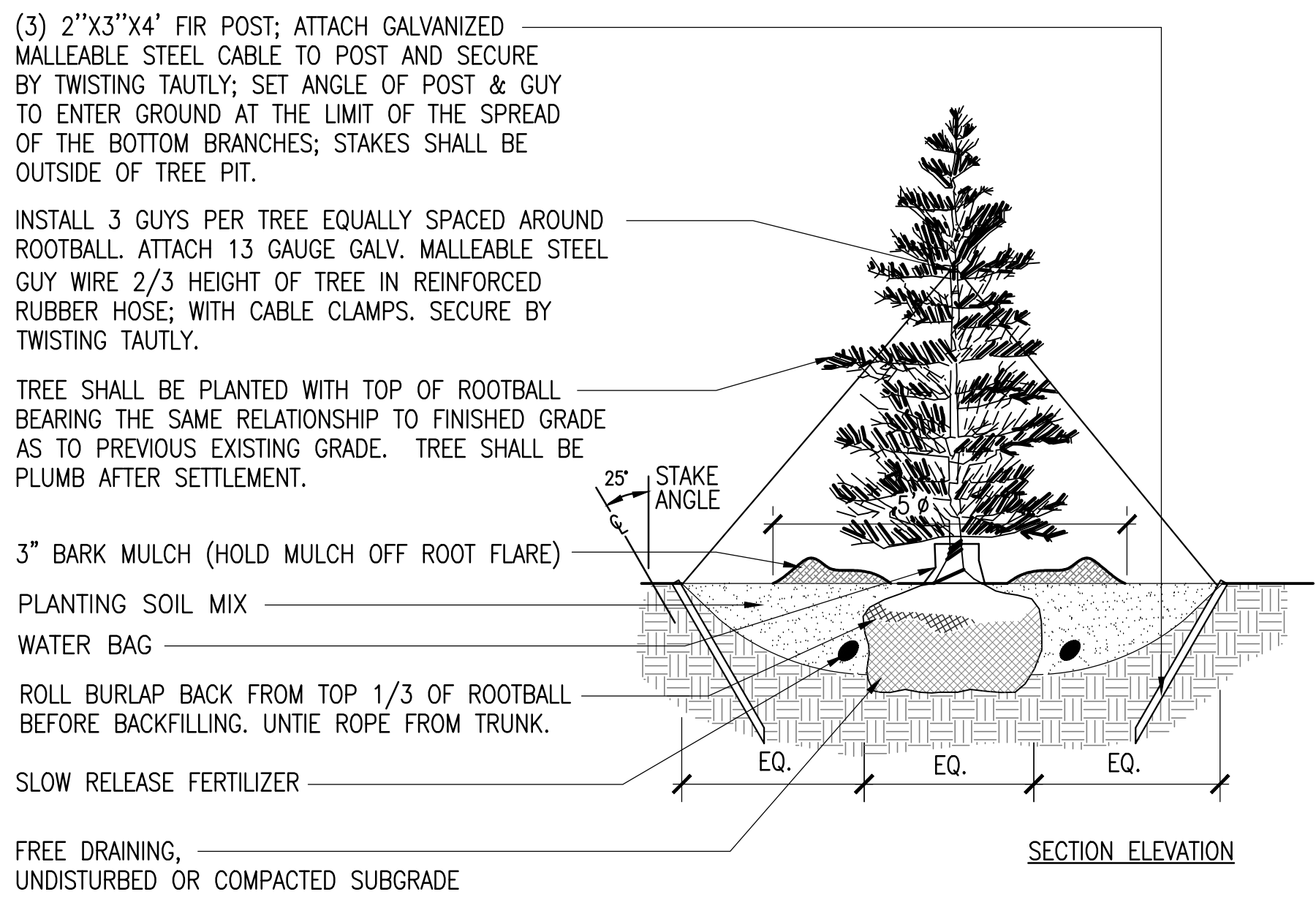
5 SHRUB PLANTING

SCALE: 1 1/2"=1'-0"



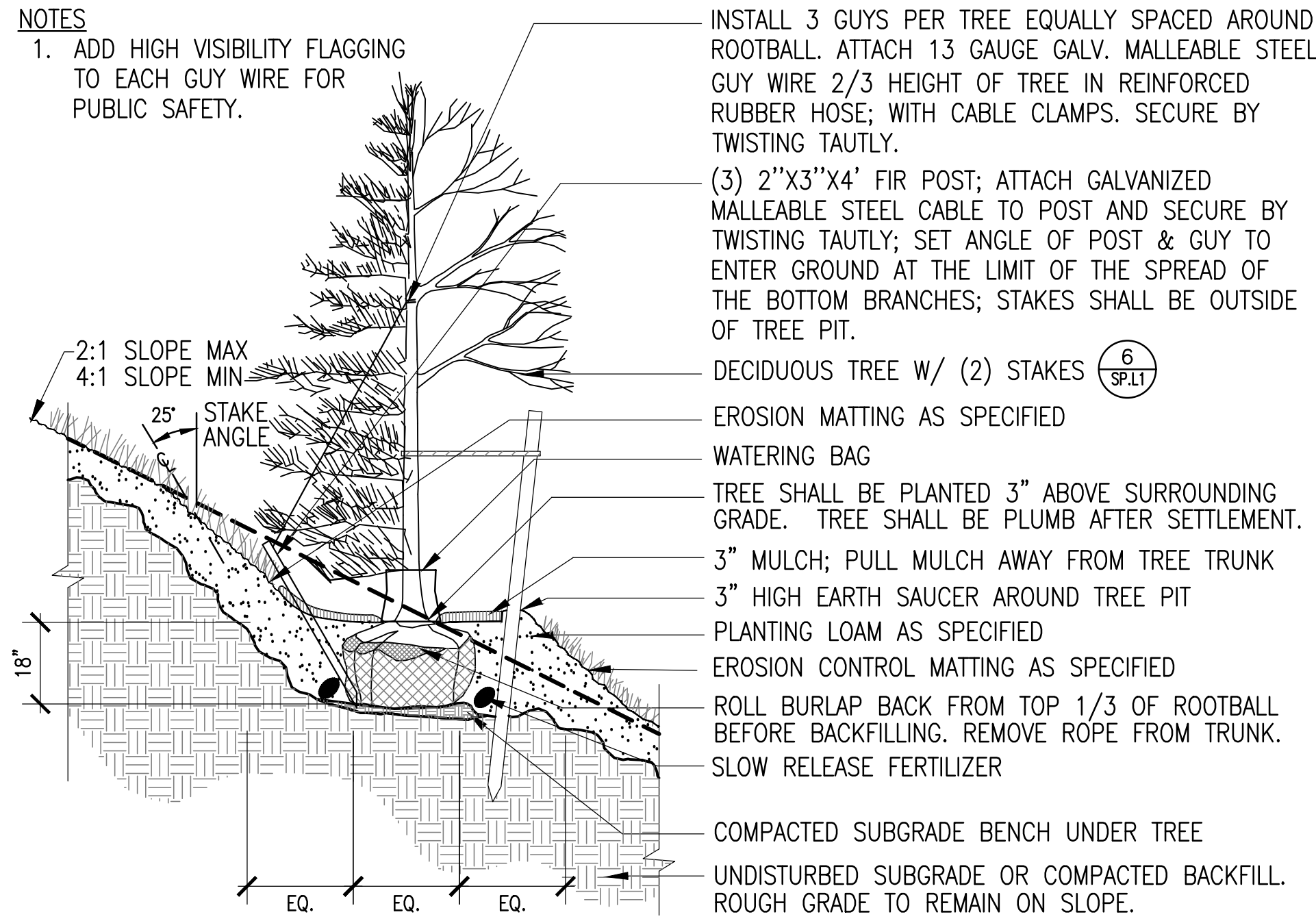
6 DECIDUOUS TREE PLANTING

SCALE: N.T.S.



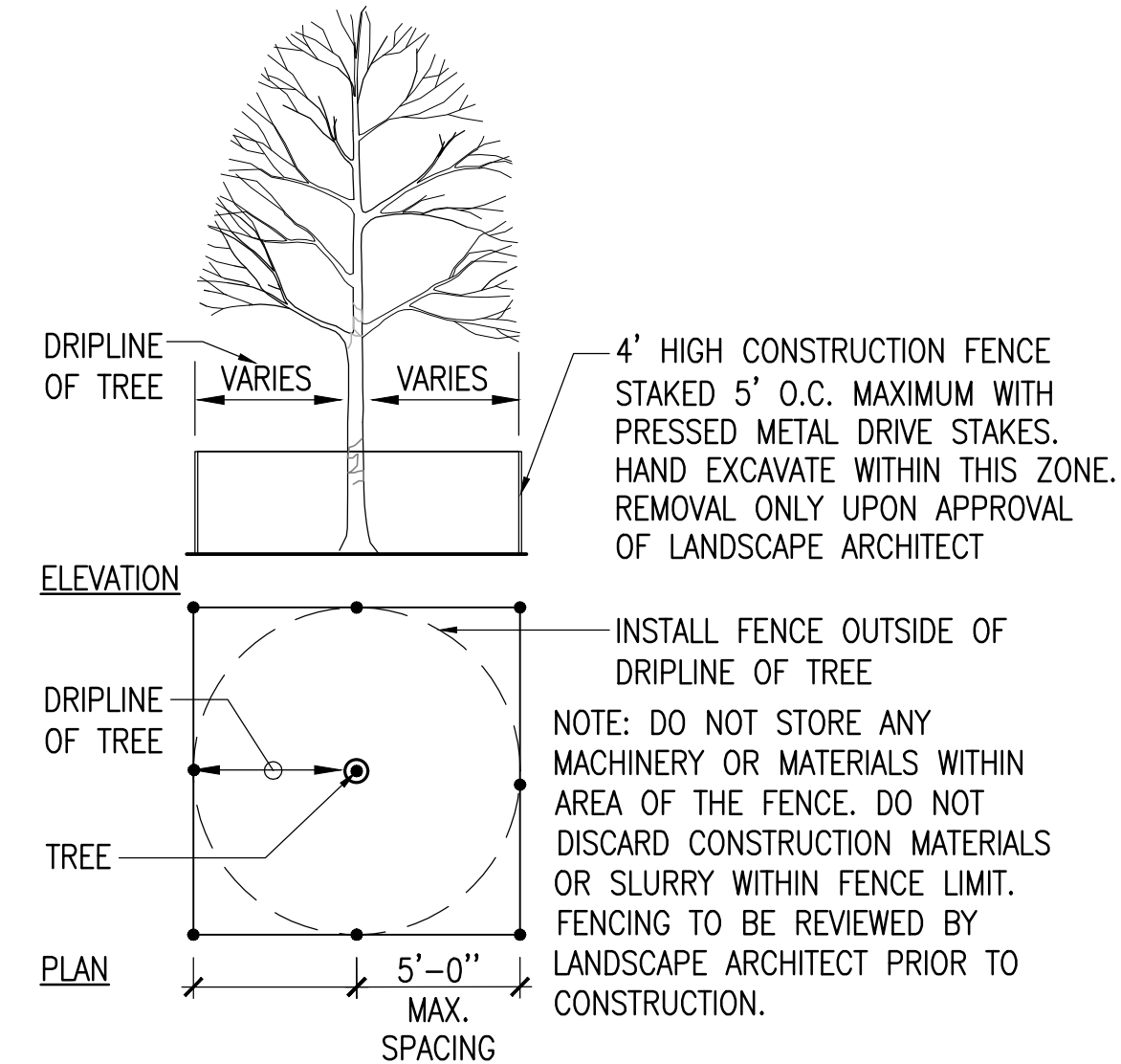
7 EVERGREEN TREE PLANTING

SCALE: N.T.S.



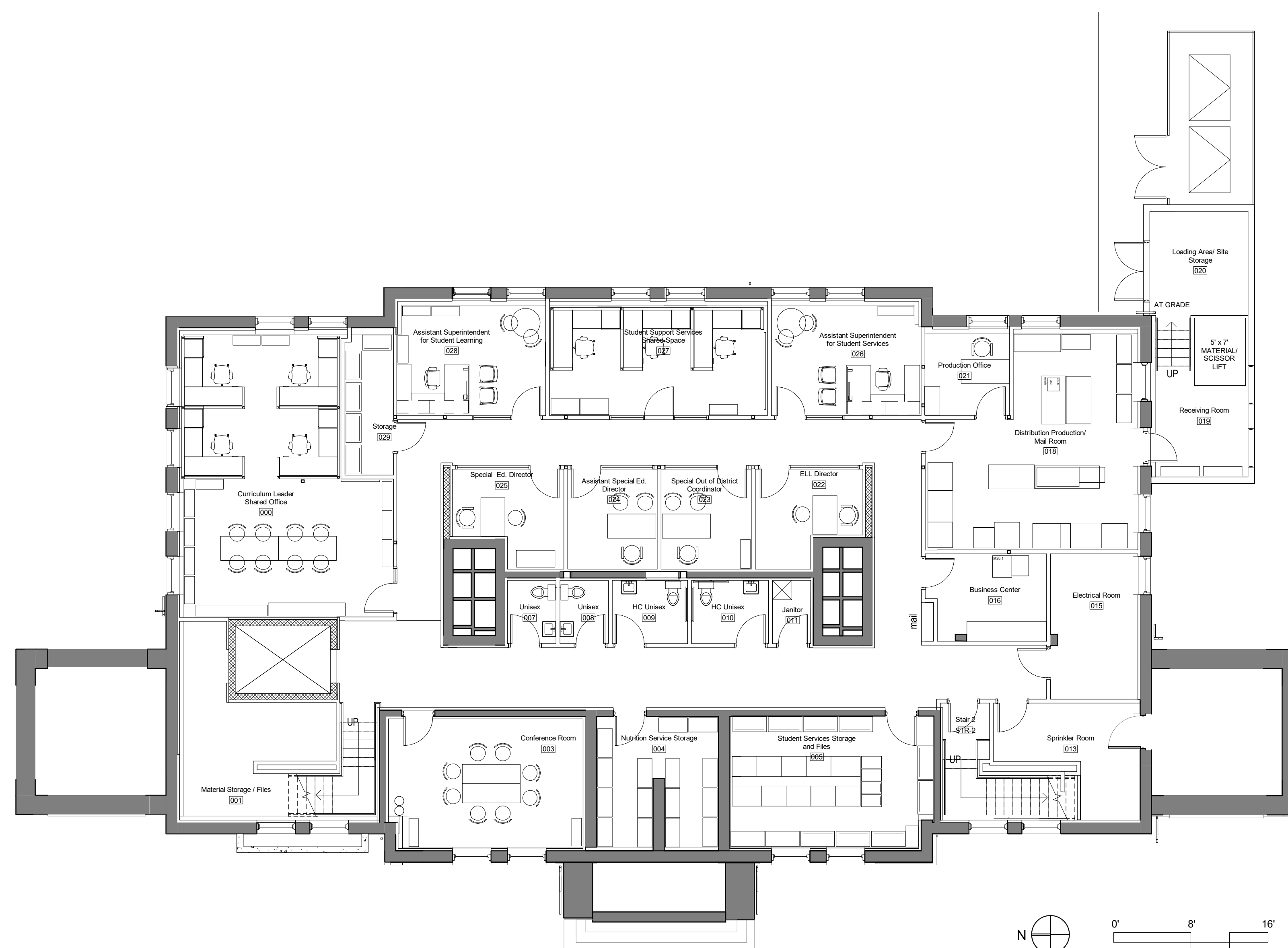
8 TREE PLANTING ON SLOPE

SCALE: N.T.S.

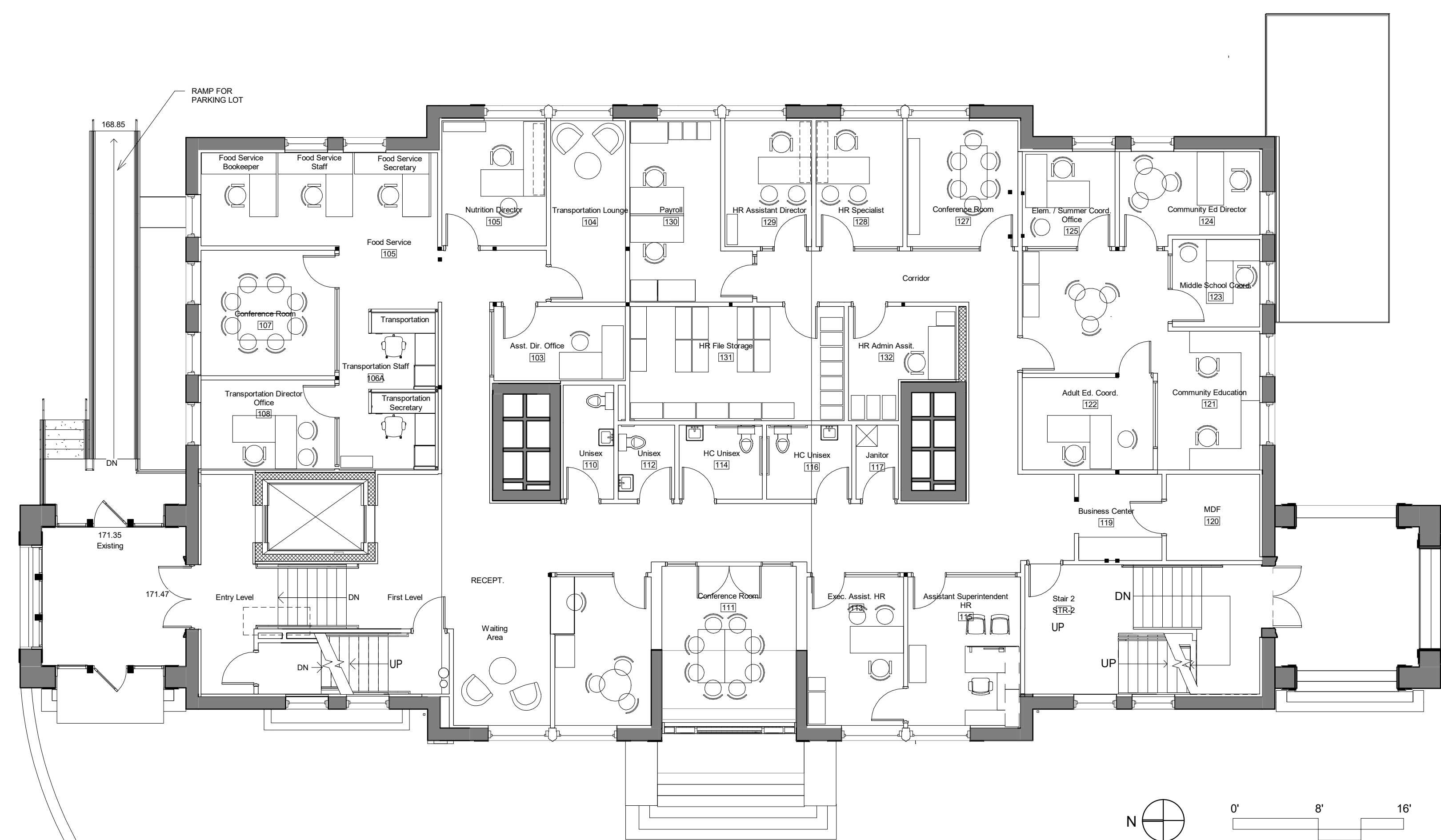


9 TREE PROTECTION - FENCE

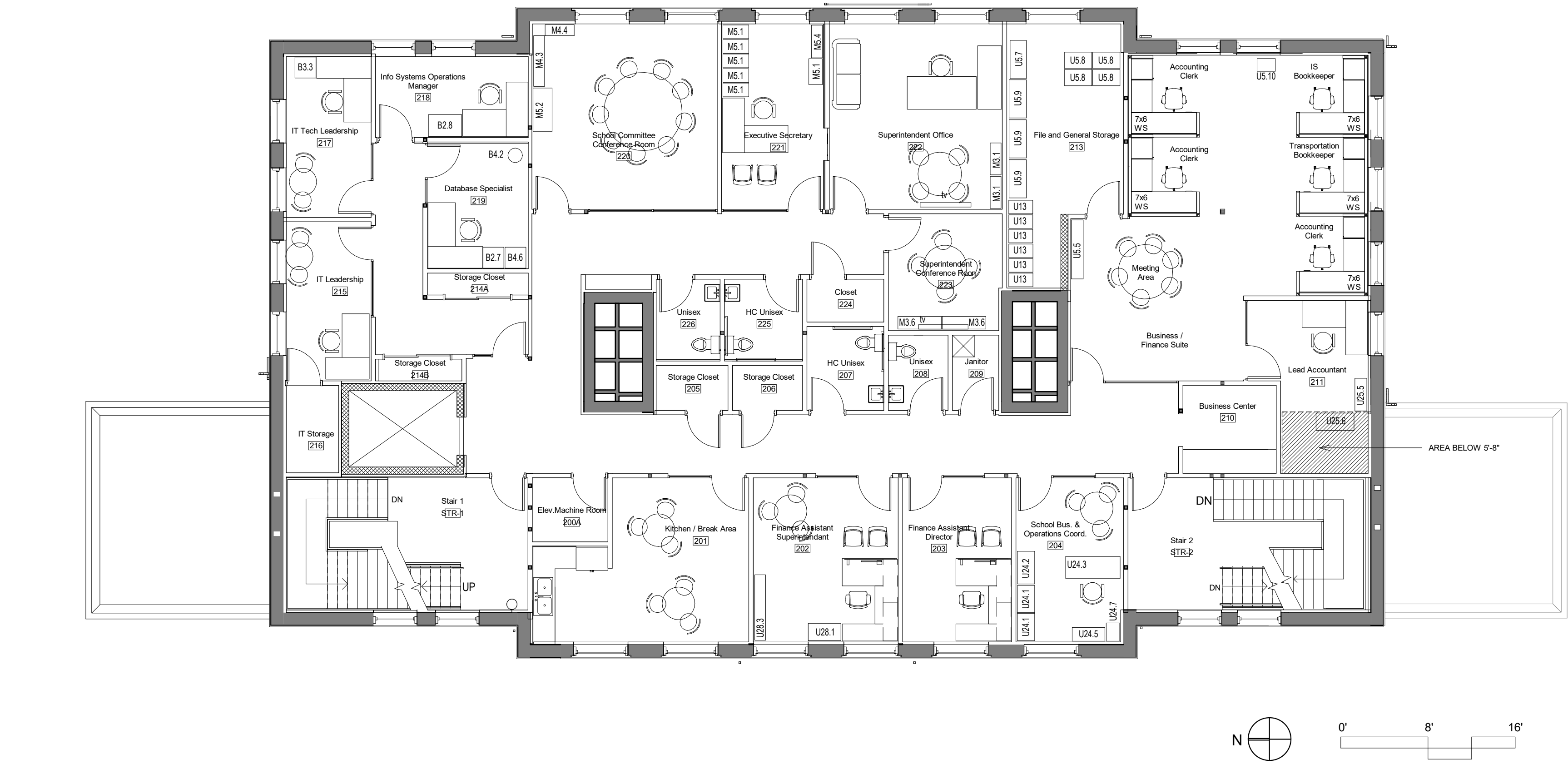
SCALE: N.T.S.



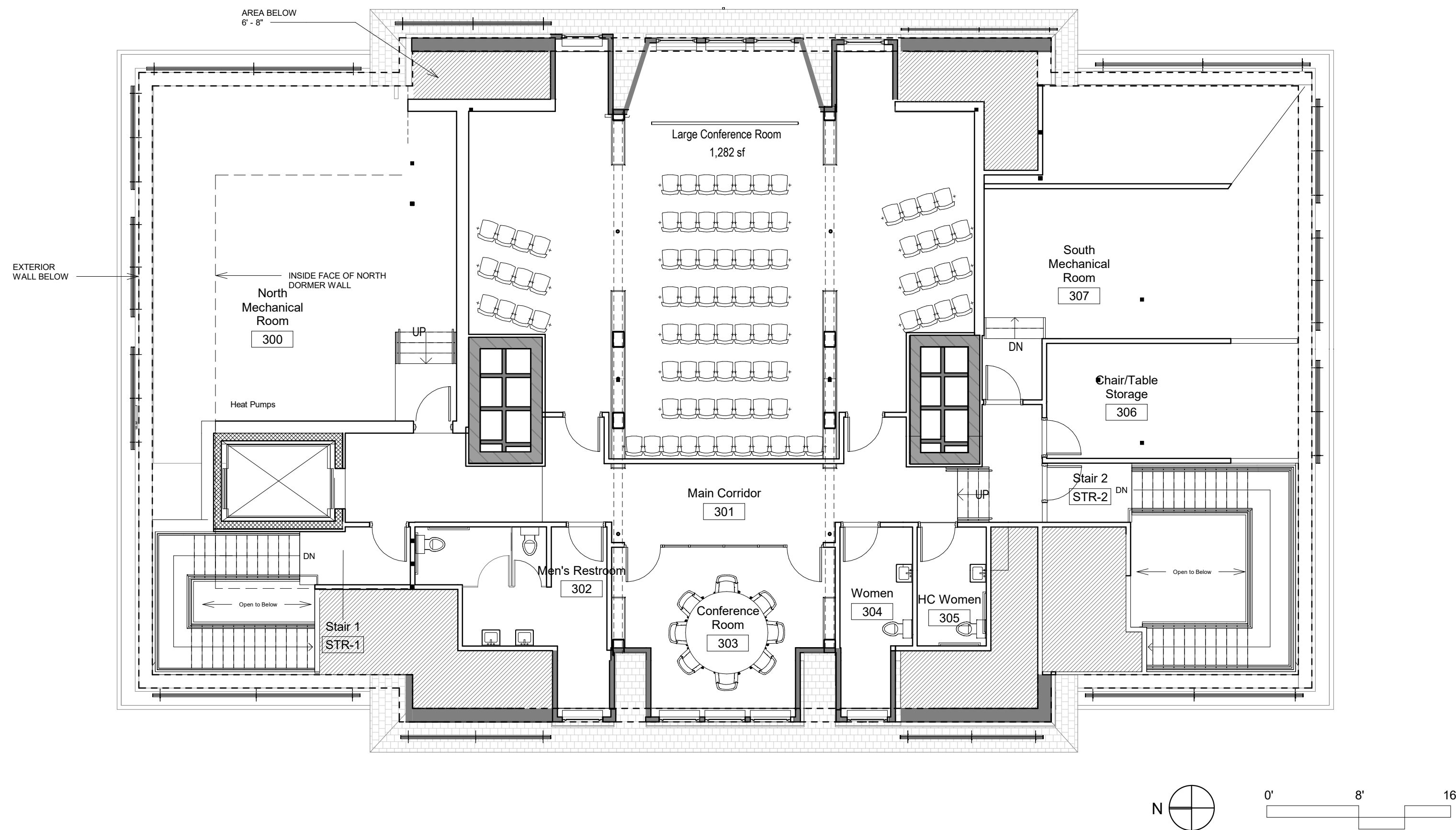
1 Ground Floor Plan
1/8" = 1'-0"



2 First Floor Plan
1/8" = 1'-0"

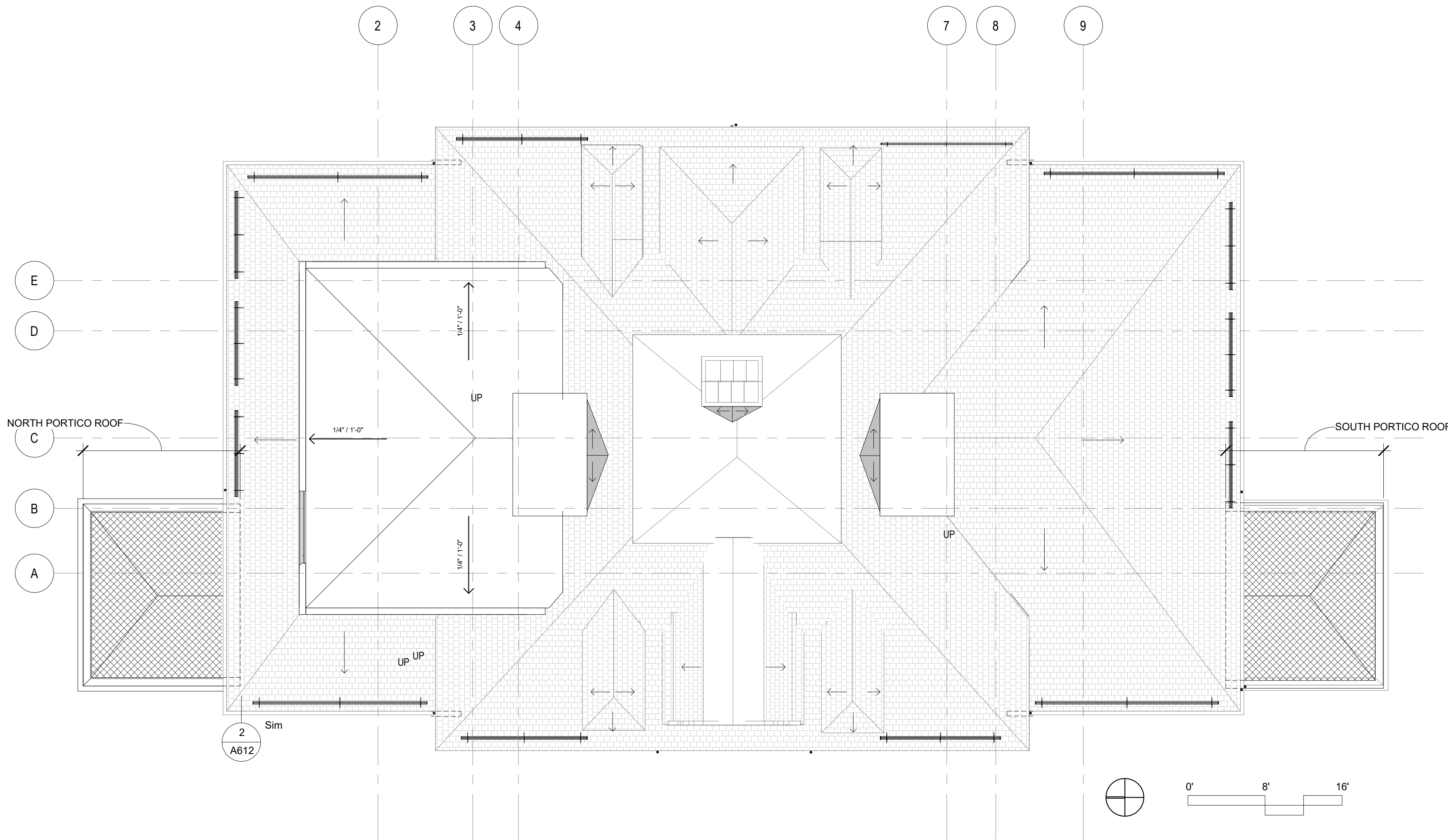


1 Second Floor Plan
1/8" = 1'-0"



2 Third Floor Plan
1/8" = 1'-0"

1 Roof Plan
1/8" = 1'-0"



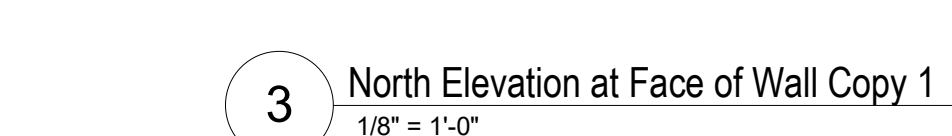
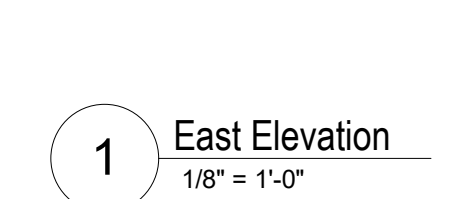
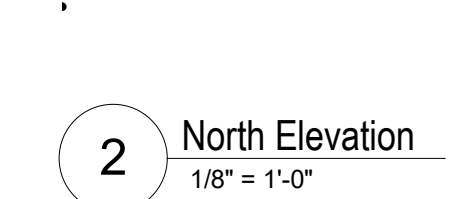
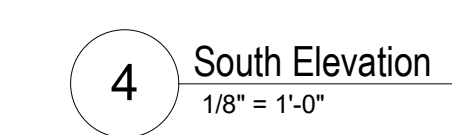
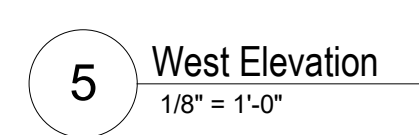
REVISIONS	
04/25/2022 For ZBA Submission	
	DATE

DRAWING TITLE
Roof Plan

DRAWING INFORMATION	
04/15/2022	
DATE OF ISSUE	
Site Plan Review	
DESCRIPTION	
1/8" = 1'-0"	Author
SCALE	DRAWN BY
3398.03	
PROJECT #	FILE NAME

DRAWING NUMBER

SP.A2



Exterior Elevations

DRAWING NUMBER



Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Light Loss Factor	Wattage
	AL-1	1	Lithonia Lighting	DSX0 LED P3 30K T5M MVOLT	DSX0 Area Light Type 5 Distribution Mounted @ 20'-0" AFG	0.9	71
	AL-2	3	Lithonia Lighting	DSX0 LED P3 30K BLC MVOLT	DSX0 Area Light Back Light Control Distribution Mounted @ 20'-0" AFG	0.9	71
	AL-3	3	Lithonia Lighting	DSX0 LED P3 30K LCCO MVOLT	DSX0 Area Light Left Corner Distribution House Side Sheild Mounted @ 20'-0" AFG	0.9	71
	AL-4	2	Lithonia Lighting	DSX0 LED P3 30K RCCO MVOLT	DSX0 Area Light Right Corner Distribution House Side Sheild Mounted @ 20'-0" AFG	0.9	71
	DL-1	3	Lumenpulse	PURXXXV VOLT SSL S40 30K CRI 70 5S FINISH XX XX XX	Pure 100 Series Pedestrian Scale Light Type 5 Distribution Mounted @ 12'-0" AFG	0.6	31
	DL-2	1	Lumenpulse	PURXXXV VOLT SSL S40 30K CRI 70 4BLS FINISH XX XX XX	Pure 100 Series Pedestrian Scale Light Type 4 Distribution w/ Back Light Sheild Mounted @ 12'-0" AFG	0.6	31
	SL-1	0	Hydrel	Pine P2 80CRI 30K 120 15DEG FLC	Pine, Clear Lens	0.9	53.23
	WL-1	4	Lithonia Lighting	WPX1 LED P1 30K Mvolt	WPX1 LED wallpack 1500lm 3000K color temperature 120-277 Volts - Mounted @ 8'-0" AFG	0.9	11.49

- MOUNTING HEIGHTS:
 - AL @ 20'-0" AFG
 - DL @ 12'-0" AFG
 - WL @ 8'-0" AFG
- TASK HEIGHT: AT SURFACE
- CALCULATION POINT SPACING: 5'X5' OC

-THESE DRAWINGS ARE FOR CONCEPTUAL PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION. VALUES REPRESENTED ARE AN APPROXIMATION GENERATED FROM MANUFACTURERS PHOTOMETRIC IN-HOUSE OR INDEPENDANT LAB TEST WITH DATA SUPPLIED BY LAMP MANUFACTURERS.

DESCRIPTION	SYMBOL	AVG.	MAX	MIN.	MAX/MIN	AVG/MIN
Outer Perimeter	+	0.2 fc	6.9 fc	0.0 fc	N/A	N/A
Parking Lot	+	1.6 fc	4.7 fc	0.1 fc	47.0:1	16.0:1



TOWN OF NEEDHAM

**TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669**

Design Review Board

Memo: Minor Site Plan review, 1330 Highland Avenue, Emery Grover Building

On April 25, 2022 the proponents appeared before the Design Review Board (DRB) to provide an overview of the site plan and building improvements. The DRB was generally supportive of the project, commended the proponent's research and respect for the historic integrity of the building, and provided the following, specific feedback:

- The DRB appreciated the historic context photos, especially to gain an understanding of landscape treatments and architectural details including the clock and the balustrade around the side porticos
- The proponents noted that several decisions had been made for budgetary reasons and to avoid triggering major renovation project requirements
- It was noted that the site plans in the packet were of a slightly earlier iteration than the plans presented via screen-sharing
- It was noted that a large, mature tree at the northeast corner of the building appeared to be removed
 - o The proponents note that the tree roots would be damaged by the foundations of the addition
 - o The DRB noted that removing a mature tree for a dumpster enclosure seemed unfortunate
- It was noted that a large bush proposed to the east of the parking spaces near Highland Avenue seemed to have been removed in the plan updates
 - o The DRB noted that the large bushes seemed consistent with the historic landscaping
 - o The DRB suggested bushes could be used to screen the parking spaces so that they would be less apparent from Highland Avenue
- It was noted that the site lighting fixtures had been selected to avoid light pollution; the DRB commended the decision
- The North Portico will be reconfigured as an accessible entry

- o The DRB noted that the modifications were sensitive to the architectural integrity of the building
 - o The DRB acknowledged that the entry involves multiple floor levels, which offer few choices to locate an elevator
- At the original center entrance, the DRB suggested that something could be done with the original clock face location
 - o The proponents noted that the budget would not allow for the clock face to be reinstalled
 - o The DRB suggested that circle could be painted dark
 - o The DRB also suggested the street address could be painted in the circle in a period-appropriate font or a sundial could be created
- The DRB noted that the painted metal louver and trim enclosing the elevator override and the mechanical equipment would have a significant impact on the appearance of the building
 - o The DRB acknowledged there were not many options given the challenges locating the elevator
 - o The DRB suggested breaking up the mass of the enclosure should be explored
 - o The DRB suggested paneling might be appropriate
 - o The DRB also observed the existing horizontal roof lines were quite strong, and contemporary-looking horizontal trim bands projecting from / around the enclosure might help to break up the mass
- The DRB observed that the central entry archway was recessed and encouraged the proponent to explore setting the new glazing back, deeper than the glazing at the right and left glazed arched windows (recognizing that the coffering in the archway could limit how far back the glazing could be set)
- The DRB provided comments regarding the infill paneling at the central entry portico
 - o The DRB noted that the white paneling carries through horizontal lines from the brickwork and looks appropriate
 - o The DRB observed that the gray panels below the white paneling look a bit blank, and suggested a low planter might help to conceal the paneling and make it clear that the central portico is no longer an entry

NEEDHAM PLANNING BOARD
TEMPORARY OUTDOOR SEATING /OUTDOOR DISPLAY POLICY

Enacted May 20, 2020,
revised August 11, 2020, October 6, 2020, November 4, 2020,
June 1, 2021, ~~and~~ October 19, 2021 and May 3, 2022

Section 1 - Purpose and Scope

The COVID-19 pandemic has caused not only a public health crisis; it has also triggered a worldwide economic crisis. Public health requirements for social distancing have placed new burdens and challenges on the business community to provide more physical space between customers and staff. In an effort to respond to the new social distancing requirements, the Select Board has adopted a temporary outdoor seating policy that will allow the Town to create outdoor dining spaces on public open spaces, sidewalks, parking lots and on-street parking spaces, to create outdoor dining space opportunities for the open air consumption of takeout food and beverages from local restaurants. Initial implementation is planned for the Town Common, Needham Heights Common, and Eaton Square. This policy will be in effect through ~~November 30, 2021~~ April 1, 2023 or such later date as may be approved by the Massachusetts legislature.

In an effort to further facilitate the re-opening of Needham businesses and recognizing the impacts of COVID-19, the Planning Board has approved this policy to allow additional temporary outdoor seating for restaurants and additional temporary outdoor display space for retail businesses with stand-alone entrances and exits. Restaurants may utilize available outdoor space for seating in addition to any existing approved interior restaurant seating and retail establishments may utilize outdoor space for display and sales in addition to interior store space. The enforcement of outdoor display requirements or prohibitions, take-out service requirements or prohibitions, outdoor seating limitations, and minimum parking standards as contained within any special permit applicable to the restaurant or retail establishment is hereby suspended to enable the above-described activities subject to the following guidelines. This policy will be in effect through ~~November 30, 2021~~ April 1, 2023 or such later date as may be approved by the Massachusetts legislature.

Section 2 – Guidelines

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

- A. Must comply with provisions of Executive Orders issued by the Governor to State, County, and Town entities, and the Centers for Disease Control and Prevention (CDC) guidelines for social distancing.
- B. Must comply with all Massachusetts and Town of Needham Health Department requirements.
- C. Must comply with all applicable Fire Department regulations and must not impede Police or Fire access.

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

Section 3 – Amendments

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

Section 4 – Effective Date

This policy was first adopted at a regular meeting of the Planning Board on May 20, 2020 and became effective as of that date. It was revised to extend the effective date at the Planning Board meeting of August 11, 2020, and again October 6, 2020, November 4, 2020, June 1, 2021, ~~and~~ October 19, 2021 and May 3, 2022 and currently is extended through ~~November 30, 2021~~ April 1, 2023 or such later date as may be approved by the Massachusetts legislature.

NEEDHAM PLANNING BOARD MINUTES

December 21, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, December 21, 2021, at 7:15 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does not include any public hearings and there will be no 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.

Board Deliberation and Decision: 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).

Mr. Alpert noted Ms. Newman has circulated a draft decision with red line changes. There are 2 changes. One change is in style, changing paragraphs recommended by Town Counsel and some grammatical and stylistic changes suggested by Mr. Alpert. There is one substantive issue in the decision. Ms. Espada was not at the last meeting. She has viewed the video and submitted the Mullin Certificate. He noted the issue is with the decorative catenary lights suspended on cables between the 2 shade structures. Mr. Jacobs was not pleased with the lights and suggested not allowing them or making changes. Ms. Espada is an architect. He would like to hear her opinion on this.

Ms. Espada stated she appreciated Mr. Jacobs' comments. She has no problem with the lights. She assumes if the Board does not feel they are effective the lights could be removed. She stated she likes them and likes the feeling that they create a space underneath them. She understands Mr. Jacobs concerns, but noted that the town center is being used in the evening for the last couple of years. This will bring life to it and gives flexibility such that there are no ~~poles~~poles, and the lights could be removed. She wants to make sure the project is as sustainable as possible. With porous pavement and storm water management she wants to confirm these pieces are included. She wants to make sure the metal is not hitting the ground so the salt hitting it will not rust it and the metal should be galvanized or color galvanized so it does not rust.

Ms. McKnight noted she has a minor change in the Findings and Conclusions on page 4, Subsection 1.5(g). Oscar Mertz said the lights may droop down. She suggests adding "and additional poles may be installed to support the cables if the petitioner determines such support is needed" and "or the lights may be removed." This may be added in Section 3.2 on page 7. She just wants to make sure the applicant does not have to come back to us. Ms. Espada asked if the lights are on a timer. She does not want them on all night. Ms. McKnight thought that was asked and the response was the lights would be on a timer. Mr. Jacobs does not remember that but noted there would be an on/off switch. He has no problem adding language the catenary lights can be removed. He does not like adding poles and does not think catenary lights will add anything and may actually detract.

Ms. Espada noted wording should be added about the need for the lights to be on a timer and make sure the lights are LED and as sustainable as can be. Ms. Newman noted a condition would need to be added. Mr. Alpert stated he agrees with Ms. Espada. A condition should be added that catenary lights should be on a timer and may be removed by the Petitioner if ~~the DPW~~ decided to, without Planning Board approval. There is no provision about poles. The Board discussed a time the lights should go off. Town Counsel Christopher Heep noted the lights should be turned off no earlier than 11:00 p.m. as a baseline and let the DPW decide. The Town wants them on as long as there are people there. If the Board is willing to let the lights stay on later with DPW discretion he would prefer that.

Mr. Jacobs stated he is not comfortable leaving it at the DPW discretion. He wants the time defined. It was noted restaurants are open until midnight. Mr. Heep stated he wants to keep the common alive at night. Ms. Espada suggested 11:00 p.m. weekdays and 12 midnight on Friday and Saturday nights. Mr. Block agreed. Ms. McKnight noted the second paragraph on the first page says "~~for~~1)" but there is no "2)." On page 6, it is the same thing. It does not need the 1).

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

VOTED: to grant (1) the requested Major Project Site Plan Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009, subject to and with the benefit of the following Plan modifications, conditions and limitations.

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

VOTED: to approve the decision as drafted with the changes previously submitted and conditions discussed tonight.

Ms. Espada recused herself from the next ~~+~~hearing. Mr. Block became Acting Chair of the next hearing.

Board Deliberation: 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).

Mr. Block noted the hearing was held open to receive a number of items including: a letter from Attorney Patrick Moore, dated 12/20/21; a letter from Evans Huber, dated 12/16/21; a letter from Attorney Holly Clarke, dated 12/18/21; materials from Joe Abruzese and Maggie Abruzese; a letter to the Planning Board from John Diaz, dated 12/17/21; a memo from the Needham Board of Health with recommendations; a plan for snow storage and conditions for the road or sidewalk return condition. Mr. Alpert asked if the Board received the last 2 communication items. Ms. Newman spoke with the DPW regarding restoration of the street and whether it should be paved or trenched. There is no response yet. She will have it at the next meeting and also the communication regarding snow removal.

Mr. Block noted there are 14 issues to decide on for the application. The Board needs to determine what is the number one issue they need to decide to make the rest possible. He reviewed the list. He noted the light mitigation includes headlights that would go right into the houses across the street. Ms. McKnight noted the added plan still shows a white vinyl fence. The applicant stated they would put in any kind of fencing the Planning Board wants. Mr. Block stated that is part of the screening. Mr. Alpert stated his opinion of the biggest issue is the scope of authority. Mr. Jacobs feels the biggest issue is it would be if there can be 2 non-residential buildings or uses on one single family residential lot.

Mr. Alpert explained how he reads the cases and statutes and reasonable regulations. He reviewed the cases again. The Board can condition the project to enforce any provision of the By-Law they feel are appropriate. They are limited to what the By-Laws provide. He stated it cannot be done if the By-Laws do not provide for it. The Dover Amendment limits that. Regulations cannot be unreasonable/unreasonable, but the burden of proof is on the Petitioner if it goes to court. There are gray areas as relates to setback and the barn. Mr. Block stated, for points of clarity, he asked Town Counsel to complete a spreadsheet with information on the decision to help give the Board guideposts on unreasonable or reasonable regulations. Most answers are functions of dimensional requirements.

Ms. McKnight stated parking requirements may be applied under the Dover Amendment. Mr. Alpert stated the Supreme Judicial Court's 1993 Tufts vs. Medford case says local zoning requirements adopted under the provisions of the Dover Amendment which serve legitimate municipal purposes sought to be achieved by local zoning, such as promoting public health and safety or preserving the character of the adjacent neighborhood or one of the other purposes sought to be achieved by local zoning, may be permissibly enforced consistent with the Dover Amendment against an educational use, not just bulk and setback. He noted the letter from the Building Inspector who feels the second structure is a permissible structure. He agrees the barn is a permissible use and disagrees with Ms. Clarke that it is a second structure that needs to be removed.

Mr. Jacobs stated it may not be in the [State Zoning Act?] proviso but is in the courts reading of it. Mr. Block stated a second structure is allowed under the Dover Amendment as an accessory use. Mr. Jacobs noted the Building Inspector did not say accessory building. He said accessory use. Ms. McKnight feels ~~it~~ accessory building is implied. Mr. Alpert feels an accessory use in the Dover Amendment is an accessory purpose to the child-care, not an accessory use. Mr. Block stated the history of the use of the barn has changed and evolved through this process. Mr. Alpert stated it has been acknowledged

the barn will be used exclusively for the daycare use and not necessarily for storage ~~[only?]~~. He has no problem with that if the Board determines the barn is an accessory use.

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Mr. Alpert noted on the bottom of page 33, Section 3.2.1 of the Zoning By-law, he has a problem with the wording in the By-Law's definition of uses. There is a question whether the barn fits that. Uses as of right says "other customary and proper accessory uses, such as, but not limited to, garages, tool sheds, greenhouses and cabanas." Then go to Section 3.2.2 on page 44, and it has exactly the same language but farther down the same page there is another use for other accessory uses incidental to the lawful principal use. A distinction is being made between cabanas, garages, and such. He asked if a 2,500 square foot barn is equivalent to a garage, tool shed, cabana or greenhouse or is it an incidental use to the primary lawful use? Ms. McKnight noted the definition in the By-Law of accessory use is "a use subordinate to, and customarily incidental to, the principal use." Mr. Block asked when the use table was modified in the Business District was it an oversight? Ms. Newman believes it was added at the time the Center Business District was created in 1989. She will go back and look. Mr. Block stated they need to go with what they have. It is clear the intent of the barn is for storage. His question was how can you design a 10,000 square foot building and not factor in up to 20% of the whole of the building for storage. Mr. Alpert stated he is not advocating the barn is not a permissible use. If the other 3 agree with the Building ~~Inspector~~ Inspector, he will go along with it. He noted the Board has the ability to enforce their By-Laws. To him a garage is maybe 600 square feet. Permissible accessory buildings would be garages and sheds.

Ms. McKnight stated her view is if the barn is used by the daycare center for ~~storage~~ storage, it is an accessory use and an accessory building. The size of the barn is not the biggest factor here. Mr. Jacobs noted the size of the barn factors in if it is a customary use. This is a big barn. He asked if this is what daycares customarily use. Ms. McKnight stated it was originally built as a barn and was an accessory building to the original house. Mr. Alpert stated they are talking about all structures for which building permits were issued by the Building Inspector and were not appealed. Mr. Jacobs noted the "customary and proper" phrase and asked what members thought customary and proper is. The 10/16/21 memo from Holly Clarke, Section 3, discusses customary and cites case law. This barn fails the A accessory use ~~fails the~~ test. The barn alone is larger than a 2,500 square foot daycare use. The proposal for the barn does not meet the accessory use.

Mr. Block stated the size is not customary for a daycare. There was no discussion on the original application regarding the use of the barn. Mr. Jacobs stated the whole application is backwards here. It is all built around keeping the barn. It should be about the daycare center. It is not ~~permissible~~ permissible under 3.2.1. Mr. Alpert commented, if the Board finds the barn is a permissible accessory use and they want to move the building back, does the Board have the authority to make them take the barn down. Ms. McKnight stated she thinks the setback is fine. The landscaping is fine, the driveway loading is ~~fine~~ fine, and the traffic would work. However, the neighbors feel strongly that Mr. Diaz is wrong with regards to traffic. She would impose a condition for a police detail to make sure traffic is moving adequately slowly for however many months is necessary. She wants to have the applicant meet and address any traffic problems. If there's a problem, A additional parking could be included, rearrangement of the driveway may be needed, and it may include removal of the barn. She is prepared to approve it as proposed, but ~~it~~ would need post occupancy studies on a regular basis.

Mr. Block agrees with post occupancy studies. This is a ripple effect. Mr. Alpert stated traffic issues could force remediation of the barn issue. He does not agree with Ms. McKnight. Once the Board approves this with a setback at 64 feet and allows the barn to stay it cannot be changed. There is plenty of land if more parking is needed. It is a much more costly project to have the applicant get rid of the barn after the 10,000 square foot building is built. He feels there may need to be police detail(s) not only at the drive but ~~far~~ further down the road. The mitigation may be permanent police details. The decision for the barn is a permanent one. He does not see that the Board can force the removal of the barn later, if once they decide now that it can stay. Mr. Block noted the barn can be incorporated into the structure. Mr. Jacobs stated, if the barn issue of 2 buildings on a lot is resolved, do they try to write a decision with a list of conditions included? Do we want to move it back X feet, which may require the barn to be removed, or do we say if the applicant cannot meet the conditions that are imposed the Board denies the special permit?

Mr. Alpert stated ~~that~~ his reading of the Canton case, is, unless we have a project sitting in a one-acre lot that is totally wetlands the Board cannot deny the project. He believes that, if they deny it, the Land Court would be on them. Mr. Block ~~added~~ commented unless they have not met the burdens to demonstrate our regulations are unreasonable. Mr. Alpert stated the Board needs to come up with regulations [conditions?] to allow the project. Mr. Jacobs stated the decision they write should be the Board cannot agree the plan as presented satisfies us but with the following changes and conditions we can

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approve this even if those changes and conditions would require the applicant to take down the barn. Ms. McKnight stated she agrees with Mr. Alpert. They could grant the Major Project Special Permit with the following conditions. If the applicant feels it is ~~unreasonable~~ unreasonable, the ~~applicant~~ applicant can appeal. Mr. Jacobs stated it is a ~~De Novo~~ De Novo Appeal. He suggests the decision the Board writes does not say anything about the barn. It could be approved with a long list of changes to landscaping, lighting, recommendations of the Board of Health regarding testing and such. The decision could be issued based on conditions. Then what does the Board say? To come back when the conditions are satisfied or what?

Mr. Alpert stated some conditions to be satisfied are to get a Building Permit and other permits before the Occupancy Permit. Mr. Block stated, per Town Counsel, the Board cannot put any condition that leads to subsequent unspecified conditions. Ms. Newman stated the Board often requires plan modifications subject to Planning Board approval. There will be a condition that the applicant must comply with the Board of Health recommendations for testing of the site, for example. That is the Board of Health's ~~jurisdiction~~ jurisdiction, and they will need to make sure it is implemented. There will be a condition the Town shall hire an Environmental Engineer to conduct an environmental assessment. Ms. McKnight stated the conditions need to be clear.

Mr. Alpert asked if it is the setback provided through the Dover Amendment or through the uniformity of our own By-Laws that is lawful? He would advocate the Temple is the most amalgamous analogous use in the neighborhood. As part of the Temple decision the attorney for the Temple chose to set the building back as far as possible in keeping with the character of the neighborhood. This Board should match the setback of the neighborhood. He is not moved by the cost of demolition and reconstruction, noting that ~~the~~ the applicant has not given supporting evidence of the \$50,000 cost to demolish the barn. The applicant is already demolishing the garage, so a crew and all equipment is already on site. It would be an incremental increase to demolish the barn. He would advocate this building be set back in keeping with the Temple. It is the applicant's choice to demolish the barn. It would enable greater parking and more efficiency and would get more cars off Central Avenue. It would be a benefit in easing the traffic burden and create more safety.

Mr. Jacobs stated the initial question is do all members agree with the Board's authority to change the setback to more than it is now. This exceeds the existing minimum setback now. Ms. McKnight stated the authority would be determined by the court if it is appealed. The question would be whether the setback the Board sets is reasonable. The Board has the burden of proof that the setback that is set is reasonable. She is satisfied with the setback as proposed by the applicant. Mr. Alpert disagrees with Ms. McKnight on who has the burden of proof. The Board would have authority to enforce the Zoning By-Laws under Major Project Site Plan Review and imposing of conditions to preserve the integrity of the neighborhood. The Board's enforcing of legitimate By-Laws puts the burden on the applicant to say the conditions are unreasonable. Mr. Jacobs agrees.

Mr. Block asked what is regarded as reasonable regulations – solely dimensional guidelines or other aspects of the By-Law. He feels the Board should wait until there is clarity from Town Counsel. Ms. Newman stated the Temple is set back 276 feet. Mr. Alpert feels the barn could be incorporated. It could be designed in a way that preserves the barn and he is fine with that. His objective is to move the building back. If they can do it without removing the barn that is great. If not, does the Board have the authority to have them remove the barn. Mr. Jacobs believes the Board does have the authority. He agrees the new building ~~it~~ should be set back but is the Board in a position to satisfy their desire and what Ms. McKnight wants. Is the Board equipped to write such a condition? He agrees it should be as clear as possible.

Ms. McKnight stated she is trying to avoid the need for a whole new site plan that may have all new conditions. If the applicant takes the building and moves it back, they would need to redesign the drop off and parking. The Board would be reviewing a whole new site plan. She noted the Board would need to make their conditions clear. The building was redesigned to make it look more residential with cornices, fancier windows and nice landscaping. She feels a 64-foot setback for a building like this on this site is reasonable. Mr. Alpert noted all other houses are setback 100-150 feet except for the house next door. The Temple is setback over 200 feet. He thinks this building will stick out like a sore thumb and be ugly. If it was a different neighborhood and all the houses were setback 30 feet that would fit into the neighborhood.

Mr. Block stated, on sheet 3 of the site plan from 11/22/21, when you compare the ~~mass~~ mass, it is substantially out of character. The sheer mass of the building would be more in keeping with the Temple setback. It will be dwarfing Mr. Heideman's house. He ~~referenced~~ noted Section 4 noting the ~~Municipal~~ Municipal ~~interest in~~ interest in ~~uniformity of~~ uniformity of ~~Districts~~ Districts compels the Board to maintain the character of the neighborhood. Mr. Alpert commented the setbacks [in Section 4?] are there are

because that is where the builders decided years ago to build the houses. Mr. Jacobs stated the Board could find the setback needs to be more than 64 feet, but he does not know how to make that clear. Mr. Block noted that would be making a condition based on a subsequent condition and that cannot be done. [these 2 sentences are unclear] He noted John Glossa added \$50,000 for removal of ledge. He has not seen where the ledge is or how much there is. Mr. Jacobs noted Mr. Block asked Town Counsel for some information. He feels they should hold the record open for further information they do not have. He suggests continuing the hearing to the next meeting.

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

VOTED: to continue the hearing to 1/4/21.

Ms. Espada rejoined the meeting. Mr. Alpert resumed as Chair of the meeting.

Consideration of zoning to allow brewery uses in Needham.

Ms. Newman noted she was not at the Select Board meeting but there is interest in moving forward so that brewery uses ~~this~~ would be allowed. The Select Board is interested in the Planning Board perspective to move forward and, if so, which districts. Cambridge and Natick have Craft Manufacturing Districts. Is there interest in proceeding? Are there specific areas of town where breweries might be allowed, as of right or special permit? Mr. Alpert stated that Mr. Jacobs said at the Select Board meeting he was not sure we need to have a zoning amendment, stating his opinion that- ~~Under the current By-Laws there can be breweries~~ [if deemed similar to already allowed uses?]. Medfield approved 2 breweries in the Industrial Executive District under special permits and Norwood approved 2 under special permits.

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Mr. Jacobs commented on Section 3.1 of our Zoning By-law – Basic Requirements, last paragraph, Industrial, Business and Mixed-Use Districts as of right or special permit can be allowed as similar in kind and impact. Industrial 1 already allows restaurants by special permit, food processing for wholesale by special permit and (all inclusive) any lawful purpose not enumerated elsewhere. Ms. Newman agrees with that. She feels it was drafted broadly to cover uses like this. Mr. Alpert discussed which districts allowed what. He feels districts with light manufacturing and restaurant uses would allow it. He does not think they need to go through the process to Town Meeting for a use already allowed. Mr. Jacobs stated Ms. Newman is correct that the paragraph on similar uses- ~~it~~ was drafted broadly. The whole point ~~is~~ is to not have to come back every time there is a new type of use.

Ms. Newman stated the Building Inspector did not read it that way. He felt it needed to be a specified use. His interpretation is there needs to be a zoning change. Mr. Block stated one section specifically calls out a bottling plant use in Industrial and Industrial 1. It seems it has a specific purpose. He feels there should be a joint meeting with the Building Inspector. Ms. Newman noted he will be out until February. Mr. Jacobs noted Section 3.1 says the Board can make a determination if it is a special permit or as of right. Mr. Alpert feels it is manufacturing and not a bottling plant.

Ms. McKnight agrees with Mr. Block. A bottling plant is the closest to what we have. She feels it is allowed only in Industrial and Industrial 1 Districts. If the Board wants breweries to be allowed in other districts they could amend the words to include craft beer manufacturing and bottling and bring it to Town Meeting. Or they could have breweries as a similar use to bottling plants only in ~~Industrial~~ Industrial districts. Brewery and restaurants would be 2 uses on a lot. That would be a special permit. Ms. Espada stated it should be designated in ~~Industrial~~ Industrial districts and look at ~~Commercial~~ districts to see if the Board wants it there. She noted they talked about food trucks and pop ups separately. Mr. Alpert commented he does not like the idea of beer going out to dining areas associated with food trucks. Ms. Espada stated they are talking about 3 separate things.

Mr. Block noted breweries could range from ~~Business~~ Industrial districts to Industrial districts. The Board needs to determine a policy of what they want and where they want the use. Mr. Alpert stated it would take years to do this. This is why 3.1 was put in to take care of things like this. Ms. Newman reiterated that was not the Building Inspector's interpretation. Mr. Alpert stated not at the first level but ultimately this Board makes the determination. Ms. McKnight stated the Building Inspector has authority under state law. If there is a disagreement an appeal goes to the Zoning Board of Appeals (ZBA). A discussion ensued around Section 3.1 and authority.

Ms. McKnight stated that under the last paragraph of 3.1, once the Planning Board makes a determination that a use is similar, then the Building Inspector is satisfied. Mr. Jacobs stated the purpose of 3.1 was to have a gray area so people would come to the Planning Board. Mr. Block stated it is a deficient system when an entrepreneur wants to set this up and gets conflicting information from the Planning Director and Building Inspector. The Building Inspector's information is wrong based on what Mr. Jacobs and Mr. Alpert said. Ms. Newman does not agree. Mr. Alpert feels it would be helpful to have a conversation with the Building Inspector about the process, authority and what the zoning actually says.

Ms. McKnight feels it would be a better use of time to go along the path Mr. Jacobs ha's provided us. Then have a meeting with the Select Board to let them know the Board is thinking along these lines. Mr. Jacobs stated one thing they wanted to do with 3.1 was not make this a difficult process. Just come to the Board and discuss what they want. The point was to make it easy. Ms. Espada would love if what Mr. Jacobs said would work. She feels they need to have a bigger discussion with the Select Board and Building Inspector to make sure everyone is aligned. She would like to bring up aswwhether this also relates to food trucks and pop ups. Mr. Alpert stated the analogy is outdoor seasonal beer gardens. Ms. Espada clarified she is talking about pop up restaurants like a caterer in a vacant retail space. It brings equity to town. Some people cannot afford brick and mortar.

Mr. Jacobs stated the Board had lively discussions back when dealing with food trucks. The brick and mortar restaurants did not want the competition. Ms. Newman noted the food trucks are away from restaurants paying taxes for real estate. There are limited numbers of food trucks allowed in limited areas. Ms. Espada agrees with Mr. Jacobs. She does not want to change anything if they do not need to. Ms. McKnight asked if Mr. Jacobs could do a memo starting with 3.1 and the districts it would be allowed in by right or special permit and similar in kind. Mr. Jacobs asked Ms. McKnight to send a quick description of what she wantswants, and he will do that. He feels it would be easier for someone to come in and describe what they want to do and then the Board could decide.

Report from Planning Director and Board members.

Ms. Espada stated with the Housing Plan Working Group there were positions created from different committees in town and 2 at large residents. They interviewed 5 or 6 people and selected 2 at large members. The ZBA had no one volunteer so there is one vacant spot. She noted Emily Cooper, who was interviewed, was listening as a community member at the last meeting. She proposed she would be a good candidate to fill the vacant spot. Mr. Jacobs stated he has no problem with that. He felt she was very good when he interviewed her. Mr. Alpert asked, under the current setup, does the ZBA representative have to be a ZBA member-representative or can the ZBA appoint someone who is not a ZBA member. Ms. Newman stated it has to be a member. Mr. Alpert stated the Board has to modify the committee to take away the ZBA spot and have a 3rd member at large. Mr. Block stated the committee was created with 2 members at large slots and not 3 members at large. Ms. Newman stated the Board has the authority to do this.

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

VOTED: to agree the Housing Plan Working Group shall have 13 members with no member for the ZBA but 3 community members.

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

VOTED: to appoint Emily Cooper to the working group as a 3rd member at large seat.

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

VOTED: to adjourn the meeting at 11:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

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NEEDHAM PLANNING BOARD MINUTES

January 4, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, January 4, 2022, at 7:00 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does not include any public hearings and there will be no 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.

Zoning Review of Proposed Medical Use: Major Project Site Plan Special Permit No. 2005-07: Needham Gateway, LLC, 66 Cranberry Lane, Needham, MA, Petitioner (Property located at 100 and 120 Highland Avenue, Needham, MA).

Richard Mann, Attorney for the applicant, stated the applicant will be filing a Special Permit Amendment to the current Special Permit soon. The original Special Permit in 2006 has been amended numerous times with the last time in July. He discussed the changes in the retail world that has been going on. He noted there will be 3 vacancies at the end of March – Frank W. Webb, which is in its own building, Omaha Steak and Super Cuts. They have been looking for months for new tenants and would like to discuss one tonight. Carbon Health is a medical service and is owned by a single physician. It does not need a state license as a clinic. He had a discussion with Building Inspector David Roche and Planning Director Lee Newman a couple of weeks ago. He has a letter from the Building Inspector concluding the use is professional office, which is as of right. The Building Inspector wanted to make sure everyone is on the same page.

Mr. Mann noted the project would still need relief. There are parking waivers under the existing permit and there would need to be a continuance of the waiver. He feels his letter is an accurate representation. Mr. Alpert stated he is not convinced it is not a clinic subject to licensure under Chapter 1.11, Section 51. He would want to see a narrative of why it is not a clinic. It is owned by an out of state practitioner. If not licensed in ~~Massachusetts~~ Massachusetts, he is not the solo practitioner. Mr. Mann will get the information together. There is nothing in Statute 1.11 that deals with licensure or state of licensure of the practitioner. He feels this complies. The applicant is seeking other approvals in Massachusetts. Chapter 1.11 is a pivotal issue to them. Mr. Alpert stated the only issue he sees is if this is exempt under Chapter 1.11, Section 51.

Mr. Alpert noted there will be 8 staff and up to 2 of them would be physicians. What will the other 6 staff be? Mr. Mann stated the other staff would be nurses and PA's (physician assistants). There may be as many as 14 on staff but there would never be more than 8 staff at any time on the premises. Mr. Block asked what kinds of testing would there be – X-rays, EKG's, blood tests? Mr. Mann noted there would be a small lab for blood tests. He does not know about EKGs but assumes they will have one. He does not see it on the floor plan. Mike Moskowitz, owner of the property, stated Carbon Health has one location in Chestnut Hill already and may have one more. Mr. Alpert is concerned with Chapter 1.11, Section 52. The description of a clinic says "shall not include one or more practitioners so associated". Mr. Jacobs asked if the intent is to operate like an urgent care. Mr. Mann stated it would be a walk-in clinic. He feels it is odd they are faced with an allowed use or a prohibited use. He feels it should be a special permit use.

Transfer of Special Permit to Affiliate Entity: Major Project Site Plan Special Permit No. 2011-01: Wingate Senior Living at Needham, Inc., 63 Kendrick Street, Needham, MA, Petitioner (Property located at 235 Gould Street, Needham, MA).

Ms. Newman noted the decision for this requires, in the event of a transfer to an affiliated entity under ~~its~~their control, the applicant to contact the Board. She stated they have done that. Mr. Block stated there seems to be a discrepancy in Jonathan Scharf's letters of 12/13/21 and 12/17/21. The grant~~ee~~or of the permit is Wingate Senior Living at Needham Inc. and the facility is being transferred to an affiliate entity WSL Needham AL IL OP, LLC. The other letter says the developer proposed to sell to a different name, EPC Wingate LLC. Ms. Newman stated the difference is between the owner of the property and the entity that would operate it. The permit is linked to the operator. She asked if the Board wants something

on record with the new entity. Mr. Jacobs stated that or something saying that the Board received notice. He does not see a problem with that.

Mr. Alpert asked what the operator is operating – the nursing home or the residences. Ms. Newman noted it would be the residences behind the nursing home. Mr. Alpert stated the only issue he has is the 12/13/21 letter regarding the project and the developer. They are not really changing operations. Ms. Newman stated the applicant represented the operator will remain the same. Ms. McKnight stated 2 addresses are being referred to. Ms. Newman clarified it is not related to the nursing home but the affordable housing units. She will ask the applicant to record something at the registry and let the Board know when that is done.

Board Deliberation: 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).

Ms. Espada recused herself. Mr. Block took over as Chair for the deliberations.

Mr. Block asked members if they were able to review the information Town Counsel had prepared at his request. All members had reviewed it. Mr. Jacobs suggested the Board start with a discussion regarding whether a separate non-residential building on a residential lot where there is already a non-residential building is a violation of our By-Law or not. Mr. Block asked if the barn was truly accessory. Mr. Jacobs wants to focus on the section on page 31 of our Zoning By-law, next to the last use column. Mr. Alpert stated it was a combination of that and accessory use on page 33. Mr. Jacobs asked, on page 31, does anyone believe having 2 non-residential buildings on a single residential lot is allowable? Mr. Alpert noted it has to be combined with accessory use on page 33, which says sheds and garages are allowed. He feels both need to be read together. He is focused on the word "customary."

Mr. Jacobs asked what Mr. Alpert's argument is that he feels is clear on page 31 in the use category. Mr. Alpert noted the opinion from the Building Inspector. The Building Inspector feels accessory use provisions trump the prohibition of 2 non-residential buildings. Mr. Jacobs clarified the Building Inspector says nothing about buildings and only talks about use. His reading is 2 non-residential buildings on a residential lot is not allowed and cannot be done. The Building Inspector does not say otherwise. Mr. Alpert stated the 2 provisions are contradictory. The Board needs to decide if a 2,500 square foot barn equates with a garage, shed or cabana. Mr. Jacobs noted the barn is not one of the items listed in Chapter 40A, Section 3. Mr. Alpert agreed but feels forcing them to take down the barn is an unreasonable regulation.

Ms. McKnight stated her concern is the Board cannot prohibit land or use of structure(s) for primary use as a daycare center. She does not see how they could apply this section ~~even if they could~~. Mr. Block stated the definition of accessory relates to customary use. They do not have a 4,500 square foot building customarily for daycare centers. Ms. McKnight noted that is a different question. If the barn is accessory to daycare, and cannot be prohibited, 2 non-residential buildings on a lot cannot apply. Mr. Jacobs does not agree. Mr. Alpert agrees with Mr. Jacobs. Is enforcing our By-Law an unreasonable regulation? The burden of proof is on the petitioner that enforcing our By-Law is unreasonable. Mr. Jacobs stated if that is how the Board feels, removal of the barn can be required in the context of conditions and one condition would be the removal of the barn.

Ms. McKnight noted the question is if the barn is accessory. She noted the contradictory By-Law prohibits more than one use on a residential lot. Chapter 40A, Section 3 says no zoning By-Law shall prohibit the use of structure(s). Mr. Jacobs said he is not talking about use. The barn was never any part of the applicants' plan. How would this prohibit the use of the land or the structure they want to build? Ms. McKnight commented if the barn is a permitted accessory use to the daycare then it cannot be prohibited. Many properties in Needham have very large barns associated with them. The Building Inspector recently issued a building permit on Dwight Road for a new house and 2 large accessory uses. Mr. Block noted there was no evidence from Attorney Evans Huber that demonstrated a barn, especially of this size, is customary to daycares. This fails the test and cannot be accessory. It is not clear this is a customary use.

Mr. Alpert commented he is not clear if this is a customary use either. It may be customary to residential uses but not daycare centers. The question is whether-is it is a reasonable enforcement of our By-Law to prohibit that. If the only reason to require them to remove the barn is it is in violation of this By-LawBy-Law, he thinks it is by definition unreasonable.

Mr. Jacobs stated both buildings would create too much bulk on the lot and having more space should relieve the pressure to have more parking and traffic flow. Mr. Block stated the character of the neighborhood is a legitimate concern. If the building was set back 200 feet like the Temple, that holds. Mr. Jacobs stated one document in the Design Review Board's (DRB) 8/11/21 letter incorporates comments from ~~its~~ their March and May letters. The DRB asked both times about the barn. The DRB said the aesthetics are not in keeping with the neighborhood. Mr. Block noted the Board could require the setback and include the barn. The applicant could heat it and plumb it. The applicant is going to have 1,600 feet for play space. With the size of the ~~barn~~ barn, they could have a large play space and enough for the rest of the facility.

Mr. Alpert proposed alternatives. Two buildings is too much bulk for the neighborhood. That argument alone says the barn should come down. He suggests keeping the barn, moving the building back almost to the barn and having a 5-foot walkway between the barn and building. The design does not have to change. The Central Avenue side of the building would be approximately 130 feet back. He thinks he would be satisfied with a 130-foot setback but not 64 feet. He feels 130 feet preserves the character of the neighborhood. Mr. Block stated that does not satisfy the question of 2 non-residential structures on one non-residential lot. Ms. McKnight asked where the loading area and handicap parking spaces would be. Mr. Alpert noted the parking and drop off area would need to be reconfigured but there is a large amount of land there.

Ms. McKnight stated, with the current design, she likes that the drop off is set back from the front. The long profile faces the Temple and the façade facing Central Avenue is somewhat residential. She would not want parking or drop off to be in the front of the building. Mr. Alpert feels there is plenty of room to reconfigure the parking. Mr. Block is not opposed to parking in front if it is reasonably screened. Ms. McKnight feels to reconfigure parking it may need to be closer to the abutters on Country Way. Mr. Alpert noted there is plenty of room to move behind the barn. He is only talking a few spaces. Mr. Block noted, if the Board is saying they cannot have more than 2 non-residential uses on one residential lot, the bulk is massive and the character is not preserved, it is a legal argument to have the barn removed. The setback could be equivalent to the Temple.

Mr. Jacobs stated it is beyond clear the bulk problem is all with the barn if it stays. It has been made clear the barn has nothing to do with the daycare center. It is an afterthought. Mr. Block asked if Ms. McKnight would regard the barn as a bonafide accessory use. Ms. McKnight feels it is. She noted, if the Board includes the barn, the parking may have been miscalculated. It was not clear the barn was going to be used for accessory. She asked if they have correctly calculated the parking or do they disregard the storage space. Mr. Jacobs noted the daycare was designed not to use the barn for storage. If using the ~~barn~~ barn, the daycare could be a smaller building. Mr. Alpert stated if the barn is used for ~~storage~~ storage, it does not need to include parking.

Mr. Block asked if the barn was legitimate. Is Ms. McKnight satisfied with the information from Mr. Huber that a barn of this size is customary to a daycare center? Ms. McKnight is satisfied based on the information for storage needs the anticipated operator gave them. Mr. Alpert noted there is an estimated 800 square feet of storage ~~infor~~ in the garage and a shed the anticipated operator currently uses. That is not equivalent to 4,500 square feet of storage. Mr. Jacobs noted there is no evidence in the record. Ms. McKnight stated, coming from the point of view the front setback is far enough back and the circular drive is a good arrangement, she does not see a big reason to take the barn down. Mr. Jacobs may be able to live with a 64-foot setback. He has not decided but because of the bulk problem and aesthetics he would still feel the barn needs to come down.

Mr. Alpert stated that building at 64 feet is totally out of place in this neighborhood. Compared to the barn, that is a lot of bulk. All the houses except the Heideman's are set back 100 feet. He wants it set back. He could be satisfied if they kept the barn but set back the building as he said. This does not fit in the neighborhood. Pushing it back preserves the character of the neighborhood, but they would probably need to reconfigure the parking. Ms. McKnight commented there is no such requirement to preserve the character of the neighborhood in their By-Laws. Mr. Alpert stated it is in their By-Laws and pushing it back would also alleviate some traffic issues. He is convinced pushing it back better preserves the character of the neighborhood.

Mr. Jacobs asked about keeping the barn and shrinking the building. Mr. Alpert feels that is an unreasonable regulation to make them shrink the building. Mr. Jacobs feels they have a good understanding of the law. What are the options they want to follow? He does not think there is a consensus. Mr. Alpert referenced the chart prepared by Town Counsel Christopher Heep. He noted in the Primrose School 2 decision the ZBA could not limit the number of students. If they reduce the size of the building it would lower the number of students and goes against the regulation. Mr. Block expressed

concern that if the building was ~~sold~~sold, they may be able to increase the number of students. Mr. Jacobs noted it is very important to say the condition stays that there is a limit to the number of students. Mr. Alpert stated they would set out a condition with 115 children maximum and, if it is not appealed as unreasonable, if down the road it is sold and the new owner wants to increase the number, he thinks it will stick. ~~If it is not appealed as unreasonable.~~ Ms. McKnight agrees with that.

Mr. Heep stated he is comfortable the limit would be enforceable forever. There is a slight chance it could be appealed but he does not like the new owner's chances. The applicant is voluntarily limiting the number of students. Ms. McKnight noted the summary prepared by Mr. Heep was very helpful. She wanted to clarify the Tufts case. They wanted compliance for parking, zoning and setback requirements of the Medford zoning. Mr. Heep stated that is correct. Mr. Jacobs asked for Mr. Heep's view on 2 non-residential buildings on one residential lot and if the Board could enforce that. Mr. Heep feels the barn is protected under the Dover Amendment as used for daycare. If it is not used for childcare he is not sure it is protected. Mr. Block stated Mr. Huber testified the owner originally planned to use the barn for his personal use then changed it to the daycare use. A building of this size is customarily not used as accessory to a daycare. Also, the mass of the new building combined with the barn is too much mass for the site. The first 6 months the barn was regarded as personal property of the owner. Mr. Alpert stated this needs 4 votes so the members need to reach a consensus.

Mr. Heep stated the last testimony was the barn is to be used for the daycare. The Board can take that as fact and set a condition. Mr. Block asked if the building could be set back in keeping with the Temple and keep silent on the barn. Ms. McKnight stated, if the issue is the barn is unnecessary bulk, the Board could say the entire project is too bulky. She could go along with that. She would not go along with pushing the building back. She does not feel that requirement would hold up in court. If appealed because of the condition it would be costly for the Town. The neighbors could appeal if they have an issue with not having a setback that is more than 64 feet, and it would be their cost.

Mr. Alpert disagreed with Ms. McKnight. If this building stays at 64 feet, and is not moved back, it is not reasonable to force the removal of the barn. The bulk is the new building. The barn is dwarfed by the new building. He is not going to walk away because he fears litigation. It is not being frivolous preserving the character of the neighborhood. It is a legitimate concern. The DRB agreed 3 times in writing they did not see this fitting the character of the neighborhood and have said to move it back. He feels the Board would have a legitimate reason to say 64 feet does not fit in the neighborhood. He is willing to compromise to say leave the barn, push the building back and leave 5 feet between the building and the barn. He would not like ~~that~~that, but he is willing to do that.

Mr. Heep noted the Rogers case does talk about protecting the character of the neighborhood, but this is a little bit different. In Rogers, the proposed daycare facility violated the zoning requirement FAR cap. The proposed facility was 3,200 square feet. They wanted to go above and beyond ~~what was~~the required FAR. He has not seen this issue of pushing back in case law. Mr. Jacobs agrees with Mr. Alpert regarding the legal issue. Ms. McKnight suggested they discuss the process. As they go through the list of conditions she asked if they could have a majority vote rule here so a vote on the conditions would not necessarily be unanimous. Then when they get to the final vote that is when a super majority would apply. Mr. Alpert stated he would change his vote if outvoted 3-1 on any condition.

Mr. Jacobs stated they are talking 2 tracks here. Keep the setback and impose conditions, one of which may be the barn has to go. A separate track is moving the building back and keep the barn with separate conditions. They could set up separate tracks and then vote for A or B. Mr. Block stated his preference is to be declarative, decisive and move on. Two tracks is too complicated. The Board needs to resolve the bigger issue and then move on to smaller issues. Mr. Block asked if the barn is lawful with 2 non-residential structures on a residential lot. Mr. Jacobs feels it is not lawful under these circumstances. Mr. Block agrees.

Ms. McKnight stated if necessary to the daycare operation they must allow ~~it~~it, but the question is if that is the case. She is inclined to say it is not a legitimate use to the daycare. Mr. Alpert is not as adamant that it is definitely not allowed. He agrees with Ms. McKnight that if it is a permissible use it is allowed. But he does not feel it is a necessary accessory use. It was not necessary until the owner was told it needed to come down. They could get sheds for not too much money. If the building is set back the barn would come down. If the setback is not changed the barn could stay. Mr. Jacobs stated there is no evidence on record a barn this size is customary to a daycare center. Therefore, the barn cannot be kept. Mr. Alpert agreed. A reasonably sized storage building is a customary use. Ms. McKnight, Mr. Block and Mr. Jacobs all agreed.

If the barn is no longer there, but they need 1,000 square feet of storage, they could have an accessory use. Mr. Jacobs stated the building was designed to their specifications with the storage they needed.

Ms. McKnight asked if the Board could say a storage building of X square feet could be constructed. Mr. Heep asked if it would be reasonable for the Planning Board to allow a building of X square feet to be built for storage but simultaneously request they demolish a 2,500 square foot barn. He would not discuss appropriate sizes. Ms. McKnight conceded that feels they do not need to mention a smaller building could be built. All agreed they should keep silent. Mr. Alpert noted a major part of the bulk is the daycare center and it is separated from the barn by 5 parking spaces and a parking lot. It would be unreasonable to remove the barn if the Board does not change the setback. Ms. McKnight is satisfied with the setback. Mr. Block stated there is 65 feet between the buildings. He is not satisfied with the setback. Mr. Alpert is also not satisfied. Mr. Jacobs stated it should be set back further. He does not feel it is necessary to be as far back as the Temple. He feels the process would get very difficult and messy. It may take more than 3 months and he will not be on the Board any more.

Mr. Heep stated, in terms of process, the Board could approve the site plan in front of them. If they require the applicant to make changes, a decision could be written with conditions conditions, and they would be put on a new version of the site plan. They cannot require the applicant to take site plan approval and come back in 3 months. He would be concerned if the next round of review required any discretion. Mr. Alpert noted if they say the building needs to be moved back the applicant would need to reconfigure the parking lot and new landscaping. Mr. Heep stated the Board would need to describe in detail how much parking, where it would go and any landscaping that would be required.

Ms. McKnight noted 3 members agree the setback should be further back. Mr. Jacobs, Mr. Block and Ms. McKnight all agree the barn is not a permissible accessory use and should be demolished. However, Mr. Alpert is inclined to not agree only because the demolition of the barn would be required. Mr. Alpert stated he would go along if the decision is the barn is not a permissible accessory use. Mr. Block stated it was 4-0 on the barn. He noted the building should be set back between 100 and 250 feet. Ms. McKnight is satisfied at 64 feet in the current form. He asked if Ms. McKnight would agree to increase the setback to be in line with the Temple which is the most analogous use. Mr. Alpert asked what is a reasonable setback for this use? He suggested about 130 feet if allowed to keep the barn. He would not be happy but would go along. If the barn comes down, he would move to 150 to 160 feet. There is still plenty of area to reconfigure the parking.

Mr. Block asked if Ms. McKnight would go along with 150 to 155 feet? Ms. McKnight stated that is twice the setback in the By-Law and would be considered an unreasonable regulation. If told to set back and build exactly the same it would be a longer driveway and would alleviate some issues. They would need more landscaping in front and the Board could describe that. With the removal of the barn, the building could be built with the exact same layout layout, and she is less concerned with a very substantially revised site plan. The concern is if the Board would prevail in the reasonableness of a larger setback. If others agree she would probably go along but she is not going to say it should be done. They have a couple of weeks to think about it. She is not going to deny the permit.

Mr. Alpert stated, if the barn is removed, the applicant could set the building back and everything else could be the exact same with a longer driveway. Ms. McKnight stated there is an advantage with a longer driveway. She has been concerned with a backup on Central Avenue. The applicant may need a continuous police presence. Mr. Block noted if the building is pushed back it would line up with where the back of the barn is now. Mr. Jacobs stated he is not sure he would go to 150 feet. Mr. Alpert stated that is tight for a back parking lot. He would go to 130 to 140 feet. Mr. Block noted all the parking could be combined into one lot. Move the building back to 135 feet. If the applicant wants to reconfigure the parking behind the building and retain the loading dock and circular driveway, the 5 spaces could be moved to where the barn is.

The Board members discussed the parking area and how it could be reconfigured. The parking would not have to be in the back. It could be in front. In back it would require the removal of trees. Ms. McKnight would want a condition that removal of trees of a certain caliper have to be replaced. She wants a sufficient buffer for the abutters. Mr. Block noted a fence would be all the way around the parking. The Board discussed the fence. It needs to be changed from white vinyl on the plan. Mr. Block noted it comes a little further south and gets closer to the abutters but still has the same total area. The members discussed the playground. There is no issue with the playground in front as long as it is fenced.

Mr. Block asked if there was a consensus to increase the setback to 135 feet. Ms. McKnight still has concerns about it. Mr. Alpert and Mr. Jacobs are fine with it. There is a 3-1 consensus for a 135-foot setback.

Mr. Block noted the environmental impact. There is a condition the town would pay for an environmental engineer to survey the site and determine what testing is necessary and what mitigation is necessary and the developer would be required to follow the recommendations. A condition would also be the Board of Health recommendations.

Ms. Newman stated John Diaz is present. She feels the Board should get his input on the setback they decided on. Mr. Diaz stated he cut and pasted and dragged the building back to roughly show the Board what it would look like. He pushed the building back, left the drop off and handicap spots the same and put the parking in the back. There is extra distance for ~~queueing~~~~queueing~~, and it provides extra space for another 6 vehicles in the queue. If the barn goes, it makes parking more functional in the back. The project could get 36 spaces in the back. Mr. Alpert stated the applicant came to the Board with 30 spaces but Mr. Diaz shows 41 spaces. He would condition a minimum number of spaces and if the applicant wants more they can do more. Ms. McKnight agrees. Mr. Jacobs would want the ~~southern most~~~~southernmost~~ spaces deleted if they go with the minimum number of spaces. Mr. Block agrees but likes the idea of 41 spaces. The daycare has events with parents. He would want a condition that would prohibit parking at events if too many cars. Ms. Newman stated there are conditions for that. She does not want to over-build parking.

Mr. Jacobs asked if there was another surface that could be required other than asphalt. Mr. Diaz stated he was going to suggest a rigid system planted with grass for overflow parking. Ms. McKnight stated, up to this point, they were satisfied with parking. Mr. Alpert and Mr. Jacobs agreed. Mr. Block would like more parking. It was suggested there could be a minimum and maximum number of spaces. After discussion, all members are ok with a minimum of 30 spaces and a maximum of 38 spaces. Mr. Jacobs wants a ~~sight~~~~te~~ buffer from the abutters in the rear. With regards to lighting, Ms. Newman needs a revised plan. The DRB had suggestions and it was not changed on the plan. The DRB and Engineering want to make sure it is followed through with. There was a concern with lights shining into houses across the street. Mr. Alpert stated the center of the driveway is the lot line between the 2 houses across the street. Mr. Block stated, when people turn, the lights will go right into the house across the street. Ms. McKnight noted snow storage. Snow should be ~~cleared~~~~cleared~~, and a minimum number of spaces kept clear of snow. With the sewer, the applicant would have to pave Central Avenue gutter to gutter.

Ms. McKnight asked what enforcement could be done if they find cars are backing up. It was suggested there be a traffic detail from 7:30 a.m. to 9:30 a.m. and 4:00 p.m. to 6:00 p.m. There should be at least one police detail for a minimum of 2 months from opening. After 2 months, if the applicant feels a detail is not necessary, they can come back to the Board. Mr. Block stated the members discussed a post-construction follow up study at 80% of student capacity. Ms. McKnight asked what the follow up traffic study would be. There should be language the applicant would need to get a traffic management plan. Mr. Heep noted, if the deliberations were continued to the next meeting, he would like to think about this. Whatever conditions the Board imposes should be guided by information in the record from their own traffic engineer.

There was talk of a police detail, reconfiguring of the traffic lights at Central and Charles River and a post construction traffic study at 80% occupancy. The police detail could be continued as a condition. Mr. Block would like a traffic study peer reviewed. Mr. Heep stated the Board needs to articulate a standard that would entitle the applicant to relief. They need to eliminate discretionary decisions down the road. Mr. Alpert stated he would need to see a signed lease between the property owner and the tenant for a set period of time. They are basing conditions on information from the daycare operator. Mr. Heep is not sure a lease is required as long as a daycare is involved. Mr. Jacobs stated a condition could be it always be operated by a licensed daycare operator. Mr. Huber sent information today that the operator would be Needham Children's Center. Ms. Newman will begin to prepare a draft decision. She can ask questions at the next meeting if she has any. She noted there is a 90-day deadline from the date the hearing was closed.

Mr. Block thanked Mr. Heep for taking the time to prepare the spreadsheet. Ms. Espada returned to the meeting. Mr. Alpert resumed as Chair of the meeting.

Consideration of zoning to allow brewery uses in Needham.

Ms. Newman stated there had been a long conversation regarding next steps. She talked with Building Inspector David Roche after the Board last met about where they landed with uses. They talked about trying to fit the use into some existing uses within the zoning framework and, for example, found it to be similar in kind to manufacturing use. Both had concerns with approaching it that way as it does not quite fit a manufacturing use. Other towns we look to, to craft zoning, have addressed breweries head on by defining uses. She would like to explore what other towns are doing over the next month.

Mr. Roche would like to speak with the Board but is out for the month of January. He will be back in February. She would like to put together information and put it back on the agenda for the first meeting in February. Mr. Block noted Mr. Jacobs raised the point that the process for deeming new types of uses to be similar to uses specified in our By-law was simplified years ~~ago~~ago, but he thinks there are other places in the By-Law this would fit. He thinks the best move for the Town is to articulate clearly what uses are allowed in which districts. They should prohibit in some districts and allow in others. It would be a helpful tool for the Economic Development Director. They need to clarify the Zoning By-Law in time for the May Town Meeting.

Ms. Newman noted it might help to look at Highway Commercial 1 and open up that district to brewery use there. Ms. McKnight stated there are 2 other districts to keep in mind – Mixed Use 128 and downtown. They could say it is similar in kind to some existing uses, but- ~~There is time,~~ so the Board should take the time to come up with exactly what they want. Ms. Espada agreed it is an opportunity to plan. It would be beneficial with Ms. Newman's information. Clarifying a little better would be beneficial to the town. Mr. Jacobs stated this may not need to be done but he is not ruling out this effort.

Mr. Alpert noted he is reluctant to keep going to Town Meeting with Zoning By-Law changes and then nothing happens. He would like to do this for something that the town wants to do. Something could be rushed through and 10 years down the line still not have a brewery in town. He would go to Town Meeting if there is something we would have. He is going along with Mr. Jacobs and looking at similar uses, but there is an issue ~~-~~ Where it is similar, like manufacturing, it may not be the districts we want it in. He wants to see this as a special permit situation. He feels they should proceed with what Ms. Newman wants to do, see what she comes up with and use the information as a guide. The Board should meet with the Building Inspector in February and see where it goes. Mr. Block noted brewing is not a simple thing. The applicant needs to get a state license and a local license. The first step is site selection.

Board of Appeals – January 20, 2022

1132 Highland Avenue – Needham ACE, applicant.

Mr. Block noted the applicant wants to use the Episcopal Church for an after-school program for 25 kids. Mr. Jacobs thinks an after-school program for 25 young kids with only 2 staff is thinly staffed. He would be careful with that. Mr. Alpert noted early childhood requires one staff member for 10 kids. He would recommend no comment. Ms. McKnight noted her only concern would be parking on Rosemary Street. She would leave it to the ZBA for appropriate conditions.

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

VOTED: "No comment."

32 Mark Lee Road – Wes and Lauren Soper, owners.

Ms. Newman noted the Building Inspector stated the setback does not work for the new garage. It is a corner lot with 2 frontages and 2 sides. Ms. McKnight thinks it is complicated. She agrees with the Building Inspector's interpretation. It may be a simple accessory buildingbuilding, but the applicant wants to attach the garage to the house. That makes the garage not— an accessory structure but part of the original house. Basically, they are asking for a variance. Ms. Espada noted the current garage is closer to the lot line. They are actually improving the conditions. Ms. Newman noted the old setback standard was 5 feet and it still is. Ms. McKnight stated they could build a new garage and have it 5 feet from the lot line but cannot attach it.

A motion was made to say the interpretation of the Building Inspector of our By-Law is the correct one. Ms. Espada asked if they could add "a proposed garage addition although does not meet zoning is still a better condition than the current." Ms. McKnight suggested leaving it up to the ZBA discretion. All agreed.

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

VOTED: to say the interpretation of the Building Inspector of our By-Law is the correct one.

Minutes

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

VOTED: to accept the minutes of 11/8/21 as presented with the red-line.

Report from Planning Director and Board members.

Ms. Newman noted there are 2 projects she needs input from the Board on. The Building Inspector received a proposal from Dun~~ea~~kin Donuts to construct a building that is just a drive through. The Building Inspector's interpretation is a drive through is an accessory use to the principal use. There would be no service in the building and it would not be allowed as a principal use. She noted the location is on Chestnut Street. There have been drive up windows adjacent to food service, but not just a drive up. Mr. Block asked if they were looking to demolish the current building and rebuild just a drive up. They are looking at the bank space. Ms. McKnight stated that sort of thing is allowed in essence now with eCovid but it is not the vision the Board wants. Mr. Alpert noted it does not fit into any of the use categories. Ms. Newman stated drive ups have been allowed but only as accessory uses. Mr. Alpert noted the current By-Laws do not allow it. The vision of Chestnut Street is to be a walking area.

Ms. Newman noted the other project was Starbucks who want to put a walk-up window in the Heights on West Street. The Building Inspector is concerned with how it should be managed and if it was allowed under the Planning Board-zoning. If treated as an accessory use it would be treated differently in different districts. This case would be by right. How would it function and be implemented? The Building Inspector is reluctant to treat as an accessory use by right. He is concerned people will jump out at the light to get their order. The question is how is it really going to function and how does the Board want it managed? Accessory use is allowed by right. This would be an amendment to the original site plan approval. Ms. McKnight commented there are a lot of walk-up customers going to the train. Mr. Alpert noted, to a large extent, that is a walking area.

Ms. Newman notes she advertised for the vacant position on the DRB. She only received one application and they did not have the skills the Board wants. Any suggestions would be good. Mr. Block knows someone he will call. Ms. Newman noted the Transportation Committee needs an appointment. Mr. Alpert stated it does not have to be a Board member. Members will think about if they know of anyone.

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

VOTED: to adjourn the meeting at 11:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

February 15, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Friday, February 15, 2022, at 7:15 p.m. with Messrs. Jacobs and Block and Ms. Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting includes one minor modification request 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.

7:20 p.m. – Minor Modification: Major Project Site Plan Special Permit No. 2005-07: Needham Gateway LLC, 66 Cranberry Lane, Needham, Massachusetts, Petitioner (Property located at 100 and 120 Highland Avenue, Needham, Massachusetts).

Rick Mann, representative for the applicant, noted under Section 7 and Section 4.2 modifications to the exterior of the site need approval of the Board. The Special Permit decision had a dumpster and enclosure on the site plan. The amount of trash inundated the dumpster so 3 additional dumpsters were put in an enclosure only for cardboard. The enclosure is 11 feet by 16 feet and is 6 feet high. With the additional dumpsters it requires many less trips to empty the dumpsters. The disposal of cardboard products is only for this dumpster. He is requesting the Board approve the installation and enclosure.

Mike Moskowitz, manager of Needham Gateway LLC, apologized for adding the cardboard dumpster without prior approval. The amount of cardboard required 2 extra pickups of the trash dumpster each week. The cardboard dumpster pick up makes little noise. He would agree not to put any construction dumpsters along the Highland Terrace homes. Mr. Alpert noted the following correspondence for the record: a letter from Building Inspector David Roche, dated 12/10/21, to Mike Moskowitz, noting he had received a complaint regarding the additional dumpsters and comments; a letter from Acting Town Engineer Thomas Ryder, dated 2/3/22, with no comments or objections; an email from Tara Gurge, dated 2/10/22, of the Public Health Department, with no comments at this time and an email from Elizabeth Kaponya with issues.

Mr. Alpert asked what steps Mr. Moskowitz took with regard to the Building Inspector's letter. Mr. Moskowitz stated he repaired the fence immediately. Mr. Mann spoke with the Building Inspector and told him they would be applying to the Planning Board for a modification. Mr. Mann stated he did not represent that the owner would be terminating the dumpster use. Mr. Block stated he visited the site. The applicant was instructed over 60 days ago to remove the dumpsters and they have not been removed. He took pictures. He noted there was good signage but it is not as orderly as the Board has been told. The site of these dumpsters is less than 15 feet away from the property line of the residents. He appreciates the applicant has a higher need of the dumpsters but believes this is the wrong location for any dumpsters at all. He strongly opposes.

Mr. Block noted he sees the absolute need for additional rubbish removal and certainly cardboard boxes. The dumpsters should be moved to a new location~~location~~, and he showed 2 options. He proposes granting the relief and allowing the 3 dumpsters but pick up should be in the morning after 9:00 a.m., not at night, and the dumpsters should be put in a new location. The abutter said people had dumped stuff in the dumpster at 4:30 a.m. recently. He opposes the current location but sees the need.

Mr. Alpert asked if the dumpster in the middle of the parking lot was locked and secure. Mr. Moskowitz stated it was not locked. Mr. Alpert asked if there has been an issue with people dumping their trash in the dumpsters. Mr. Moskowitz stated he was not aware of any issue. He noted the setback from the fence to the building is 24 feet. Trash should not be picked up before 8:30 a.m. or 9:00 a.m. and not after 5:00 p.m. Ms. Espada agrees with Mr. Alpert the location is not good and an alternative location is advisable. Mr. Mann stated wiping out 3 or 4 parking spaces is a concern to him. He thinks there should be another way without taking 3 or 4 spaces. Ms. Espada asked if the current location of the trash dumpster could

be expanded to include the cardboard dumpsters. Mr. Moskowitz does not think 3 dumpsters could be put there. Mr. Jacobs stated he was a little perturbed when looking at the As-built plan. He understands the nearest corner is 18 feet from the line but it does not give any indication of how close the house is. The As-built gives no indication there are any residences there. He is sure the dumpsters are noisy when being emptied. If the dumpsters are not locked that is another issue. He asked if the dumpsters could be locked or can the dumpster corral be locked.

Mr. Moskowitz stated the enclosures can be locked. There is no evidence of others putting trash in the off hours. He is happy to institute a lock program. Mr. Alpert stated he has frequented some tenants in the building and been in the parking lot. He knows how the traffic flows. His thinking is the best location for the dumpster is in the back of the lot. That location only takes away the further spaces and is away from the houses. He feels it would be easier for trucks to access it. Ms. Newman noted the property is currently working under parking waivers. If parking gets eliminated it would require a public hearing and notice. Mr. Mann stated he has 2 special permit applications on for the new uses. Could the spaces be accounted for in those ifs he amended them? Ms. Newman stated that would be cleaner.

Elizabeth Kaponya, of 27 Highland Terrace and a Town Meeting member, stated she has been dealing with noise from the dumpster for years. She was home last weekweek, and it took them 20 minutes to empty the dumpsters, slamming them down and her house shook. Those are illegal dumpsters. The Board is sending the wrong message if they approve the location of illegal dumpsters. The dumpsters should be moved closer to Second Avenue. She is happy the construction dumpsters will not be put near the houses. Mr. Alpert reminded Mr. Moskowitz and Mr. Mann there is a noise By-Law in town. It starts at 7:00 a.m. or 7:30 a.m. There can be no construction prior to that. Mr. Moskowitz stated all contracts state they cannot start before a certain time. He has always checked out any issues raised.

Mr. Jacobs asked when the construction dumpsters will be put in. Mr. Moskowitz stated he would put them along the back of the lot. He does not think it is safe to put them along Second Avenue. Mr. Alpert commented the dumpsters need to be put as far away from the houses as possible. Mr. Jacobs asked if the construction dumpsters will be [gone?] in a couple of months and was informed yes.

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Patricia Baker, of 30 Highland Terrace, stated the Board is headed in the right direction. She stated the title "minor modification" seems to minimize everything in front of the Board. She did not know you could have a minor modification with something illegal. When the As-built was done the houses were wiped out on the plan. It is easy to overlook the neighborhood. She moved in and never knew the dumpsters or the high fence were illegal. She appreciates Mr. Moskowitz did not know that. She was on a Board in another town and things were slipped in all the time. She thinks this is moving in the right direction. She thanked the Board for that. She stated it is important the dumpsters are moved, especially if there is food there. The area needs to be kept as pristine as possible.

Mr. Alpert clarified the difference. With a minor modification there is not a full hearing. With such an amendment, the filing fee is less, there is no requirement for a published notice and it is considered a minor change. The Board did send a notice to abutters to let them know. Ms. Newman noted a permanent fence was part of the approvalapproval, but the dumpster corral was not. Mr. Alpert asked if the fence would have required approval. Ms. Newman will look into it.

John Negoshian, of 1101 South Street, stated he is representative and manager of all the abutting properties. He stated Mr. Moskowitz has not been a good neighbor. The dumpsters have been there 2 years and there are rats. He had notified the Board of Health 2 years ago and then Covid hit. He was surprised Tara Gurge, of the Health Department, did not say anything. He finally got through to Ms. Gurge and she said it was not her jurisdiction. He let Ms. Gurge know 6 months ago that there were rats and he never heard back. People are putting food in those dumpsters. Mr. Jacobs stated Mr. Moskowitz conceded the dumpsters have been there about [15?] years.

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Mr. Negoshian stated that was not true. He stated he has 6 pages of comments. He noted the fence falls down all the time. The neighbors try hard to keep their properties clean. People come around with blowers on Saturday and blow the trash into their yards. There are rats. The fence falls down in the wind because it is cheap plastic. The applicant put 2-foot by 6 foot wood on the fence on the residents side. He would like an 8-foot wood fence put up. There are 11 units that abut Mr. Moskowitz's property, 19 units within 100 feet and 29 units within 150 feet. The dumpster pick up is heard by all. The house not shown on the As-built - it is 10 feet off the property line.

Mr. Alpert requested Mr. Negoshian send his comments to the Planning Board. It is easier for the members to see the comments. He would also like to see the pictures Mr. Negoshian said he has. The Board will take this up again in March. Mr. Negoshian stated the neighborhood is very involved with this complex being done. The dumpsters were put where they are and former Board member Moe Handel said they should be put in the middle of the parking lot and not in this location. Mr. Moskowitz told him he was moving the dumpsters 6 months ago and he did not move them. ~~He~~Mr. Negoshian is all for moving a couple of parking spots. He stated nurses live in the end house and might not be able to sleep during the day with the banging of the dumpsters. He stated snow removal is done at midnight and they pile the snow at the abutters side. The abutters can do 8:00 a.m. but not the middle of the night. The trash is blown into the yards by the blowers. He commented he has pictures of someone using the dumpster at 10:00 p.m.

Mr. Jacobs noted Mr. Negoshian stated he managed some property on Highland ~~Terrace~~Terrace, and he asked which ones. Mr. Negoshian stated 15, 17, 19, 21, 23, 25, 27, 29, 31, 16, 18 and 20. They are all transient. He stated he was all for Panera Bread when it was coming in. The Planning Board looks out for the ~~residents~~residents, but Mr. Moskowitz wants to take all he can. Mr. Jacobs stated he does not like all the personal attacks. He asked if Mr. Negoshian managed the properties for the owner or if he is the owner. Mr. Negoshian stated he is the owner. He reiterated the dumpster was illegally put there. He was told it was going to be moved and it has not been. Mr. Jacobs noted Mr. Negoshian is saying the dumpsters have only been there 2 years. Mr. Negoshian clarified it was before Covid. The dumpsters came in when FW Webb came in so it may be a bit longer than 2 years. Mr. Alpert told Mr. Negoshian again to send the information he has so the Board has an opportunity to review it.

Mr. Mann stated there are many items stated by Mr. Negoshian they would take issue with. He appreciated Mr. Jacob's comments. This is not a place for personal attacks. Ms. Newman stated Mr. Mann proposes to move the dumpsters and amend the existing filing to reflect that. That is the cleanest way to get rid of this application. The Board can close it out by denying it. Then the applicant can refile it. Mr. Mann stated it will be discussed with the other applications. He will discuss with Mr. Moskowitz whether they want to move or eliminate the 3 dumpsters.

Mr. Block noted there is still an issue of noncompliance for over 60 days with a directive from the Building Inspector. He wants to know what will be done between now and then to come into compliance with the Building Inspector's letter. Mr. Moskowitz stated he will stop using the cardboard dumpsters in the next day or two. Mr. Jacobs asked if they could be locked. Mr. Moskowitz stated he would remove them. Mr. Mann asked they withdraw the application without prejudice.

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 allow the applicant to withdraw, without prejudice, contingent upon getting a letter in the next 7 days.

Discussion: Emery Grover Building – Renovation for the Needham Public Schools Administration.

Hank Haff, Director of Building Design and Construction for the town, noted this is an informal presentation. There will be a temporary use of Hillside School and the preliminary designs of Emery Grover will be presented. There will be an additional renovation at Hillside to accommodate the school staff for 18 months. There will be a full renovation of Emery Grover, then the staff will move back in.

Deborah Robinson, architect with Bargmann Hendrie & Archetype, Inc., gave a timeline of the project. The bid will go out at the end of March and they will go to Town Meeting in May. There will be minimal work to Hillside. They are keeping the partitions, adding sprinklers and will repair or replace the heating system. This will not include the modular buildings. The permit will need to be amended due to the change in use. The construction fence is already down, the lot will be ~~striped~~striped, and a transformer will be added. For Emery Grover, there will be a comprehensive renovation and rehab. An addition in the back will be eliminated and one small addition will be ADA compliant. The systems will be updated. The site plan keeps the Highland Avenue drive through the parking at the east side. The north portico will be the main entrance in with a ramp. The center entrance will be closed off. The south portico will be egress only. Getting rid of the parking in front is a goal, and landscaping.

Ms. Robinson noted there are 61 parking spaces on site. The sewer line will go straight out of the building to Highland Avenue. There will be a small addition at the south to serve the Distribution and Production Department for the schools. There will be a dumpster in the far corner that will be ~~enclosed~~enclosed, and the fence will move away from the residential street. There will be a storm drain retention chamber on the west side of the building and a path from the emergency exit out to Highland Avenue. There will be bicycle racks, 3 accessible parking spaces and electric vehicle charging stations. There are 2 trees on site that will be discussed. It is believed one tree can remain. They will lose 2 parking spaces if both trees remain. There are pedestrian and taller parking lights on the plan.

Ms. Robinson stated a parking study was done. The building can hold 106 people. There is additional parking on Highland Avenue and Oakland Street that will be used only for special events. The on-street parking will give them 67 additional spaces. She noted the project will need waivers. One will be for the side setback on the south side. The existing south portico already encroaches on the setback and is already non-conforming. The parking analysis shows a need for 74 parking spaces and the project is providing 61 spaces. A waiver will be needed. The project will also need a landscape waiver. The requirement is 10% landscaping with 25% of that in the interior of the parking area. They do not meet the 10% requirement as they need to maximize parking. There will be the required number of trees and additional landscaping along Oakland Street. The island in the center will be landscaped. She showed how the production trucks would make deliveries. The north portico is being enclosed and the front door will be closed to make an additional conference room.

Ms. Robinson stated there will be an 82-100 person conference room on the second floor and the attic, which has been unused for years, will be reintroduced. Real windows will be added to the upper floor, rain gutters will be removed and ~~replaced~~replaced, and windows will all be replaced with insulating glass. All the mechanical equipment will be put inside the building. They are looking at putting the mechanics under the roof on the north side by building out a dormer. There has been an acoustics analysis done and it has suggested an acoustic louver to prevent noise for abutters. A masonry inspection was done, the ~~soffit~~soffit will be replaced and the slate will be matched in kind. She noted the plan would be to deal with the Hillside documents at the 4/5/22 meeting and the Emery Grover at the 4/19/22 meeting. They will be going to the Design Review Board (DRB) on 3/28/22.

Mr. Haff stated he will submit 2 separate applications. One for the Hillside change in use and the other for Emery Grover. He would like to expedite the Hillside change in use, which is simple with no exterior changes. Mr. Alpert commented he was hearing Hillside could not be started until after Town Meeting. Mr. Haff confirmed ~~that~~ that is correct. Mr. Alpert made sure the applicant was aware that Mr. Jacobs will be going off the Board following the April 12 Town Election, and will not be at the 4/5/22 meeting. He would encourage those who are running for Planning Board to attend the meeting. Ms. Newman clarified the ~~newly-elected Board members~~ would not be able to vote if he was not a member at the time of the hearing. She wants the applicant to know there will only be 4 members voting. Mr. Alpert stated they may want to wait until the 4/19/22 meeting for a full Board to attend the hearing. Mr. Haff was aware it would be 4 members only if the hearing were held on 4/5/22.

Mr. Alpert asked if Hillside is vacant now. Mr. Haff hopes to get the police out by 2/22/22. Mr. Block commented he appreciates the packet submission. Emery Grover looks like the parking requirement is at 81 with a total of 136 spaces. Jim Jackson, of PAR Civil Engineers, stated the parking is based on the square footage and use. It would be 74 plus the conference rooms with an additional 33 for a total of 107 spaces. He clarified there are 61 on site and 68 spaces are available within 300 feet for a total of 128 available spaces on site and off site. Mr. Alpert asked if all the off-site parking is on the streets and was informed yes, on Highland and Oakland. Mr. Jacobs asked if they are determining off-site spaces would become actual spaces during conferences or special events. He asked how they could take over on-street parking. Mr. Jackson stated they are not taking it over. They are just letting people know the spaces are available. Mr. Jacobs stated that is an illusion. Those spaces are used. Mr. Haff commented they are public spaces. Oakland Avenue is almost always empty except for St. Joseph's drop off and pick up times.

Mr. Haff stated the Highland Avenue spaces are a lot closer to the commercial area and are occupied off and on during the day. A lot of the closer spaces are actively used by the existing user. Some spaces within the neighborhood have not been highlighted. Town Hall utilizes numerous public spaces. This is an attempt to keep parking away from the front of the building as requested by the Planning Board and the Historic Commission. Mr. Alpert asked if there were enough handicap spaces for a conference with 80-100 people. Mr. Jackson stated he based handicapped-parking calculations on available

on-site parking and did not account for additional on-street spaces. It would require one or 2 more handicapped spaces. Ms. Espada appreciates moving the parking from the front. She asked if there are any environmental goals for the project. Mr. Haff stated they are trying to be net zero ready. There is a difference with a historical building. They are trying to be as efficient as possible with the building by replacing all the windows and making the building all electric. The only place to put solar would be over the top of the parking lot and that is not allowed under the By-Law and is a large expense. It would also reduce parking.

Ms. Espada stated it is great the project will be net zero ready. She asked what percentage of the landscaping does the project have. Ms. Robinson stated if they can include the entire site the project would be in good shape. She will have the numbers when they come back. Ms. Newman noted the landscape requirement is within the parking lot itself. That does not include the front which is not parking anymore. Ms. Espada wanted to see what the side looks like from the parking ~~lot~~, but the applicant does not have a view of that. Ms. Espada would like to see that later on. She asked if the applicant has discussed this with the church. Do they know there will be an addition? Mr. Haff has not spoken with them yet. Mr. Alpert asked how close is the side setback to the property line. Mr. Haff stated it is 16.3 feet off the property line. The existing is 11 feet off the property line. The setback is 20 feet.

Mr. Alpert asked if the setback could be waived. Ms. Newman stated the By-Law says it should be conforming. It is in the Apartment District. Mr. Alpert asked the cost of the project. Mr. Haff stated they are going through another round of cost estimating. The appropriation for the design is \$1.475 million and an additional \$19.4 million for construction. Some percentage will be through CPC funding. The schools were requesting \$6 million from CPC. He noted the construction market is not immune to inflation. There are issues with material availability. They are entering the next round of cost estimating. This would not go out to bid until an October or November time frame. Ms. Newman clarified the side yard setback is referenced in Section 4.73 for Institutional Buildings in the Apartment A1 District. A non-apartment building side yard setback is 15 feet under 4.3 [4.73?]. She asked what the frontage is on Highland Avenue. If greater than 100 ~~feet~~feet, there is a 15 foot setback. Mr. Alpert thanked everyone for the great presentation. It was very succinct.

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Board of Appeals – February 17, 2022

26 Ardmore Road – 26 Ardmore Road, LLC, applicant

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

VOTED: “No comment.”

473 High Rock Street – Janet Carter Bernardo, owner

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: “No comment.”

Minutes

Mr. Alpert suggested deferring the minutes until the next meeting when Ms. McKnight would be back. The 11/16/22 minutes have already been red-lined by Ms. McKnight. The name of the company David Feldman represented is missing. Also, “David” is listed as “Davis” in one place.

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: with the redline, approve and adopt the minutes of 11/16/22 with the inclusion of the property name of the company and change the name “Davis” to “David” as redlined.

Correspondence

Mr. Alpert noted a letter from Susan Opton, dated 2/11/22, expressing interest in being appointed as the DRB ([Design Review Board](#)) representative. Ms. Newman noted Nelson Hammer has resigned. The Board needs expertise in landscape architecture.

Committee Appointment – Design Review Board

Ms. Newman noted this vacancy has been advertised for 2½ months. Mr. Block had a conversation with Ms. Opton and Mark Gluesing also had a conversation with her. Mr. Block feels she would be good on the Board. She has a background in landscape design. Mr. Block stated he remembered Ms. Opton's name. He had met her with his real estate business and the design in her backyard stuck out. She has done pro bono landscaping work throughout town. He called her to see if she was interested and she was. She spoke with Ms. Newman and Mr. Gluesing. She is a town resident and wants to spend time in a more meaningful way.

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

VOTED: to appoint Susan Opton as the Planning Board representative to the Design Review Board.

Ms. Newman noted this is to complete Nelson Hammer's term. There are 2 years left.

Report from Planning Director and Board members

Ms. Newman noted she has a working brewery zoning draft. Ms. McKnight made revisions and she plans to close the loop on the draft. She wants to have the Board look at it at the 3/1/22 meeting and it will make the Town Meeting Warrant. On 3/28/22 there is a meeting for a zoning hearing on breweries but most of the night is outdoor dining. Ms. Clee gave a list of restaurants requesting outdoor dining, which includes the Chapel Street lot. The Select Board will issue those permits as they are on public property and the seating is not being increased by 30%,

Ms. Espada noted the Housing [Plan](#) Working Group. They had a good meeting ~~of with~~ the ~~HPWG~~ [Committee](#) and got really good feedback. They are trying to break up into subcommittees to deal with different areas. They are thinking of 4 subcommittees. There was a housing needs study draft. There is a lot of work going on. On 3/24/22 there will be another community meeting. She feels they are moving forward in a positive way.

Mr. Block noted the draft zoning [guidelines](#) for the MBTA [Communities](#). Ms. Newman stated she is working with Katie King and Karen Sunnarborg to see what the new draft guidelines are and trying to understand them. She wants to see how many affordable units actually go toward the zoning requirement. If the zoning is changed to allow housing by right how would that get the town toward that threshold? The town needs to comment on the draft guidelines by the end of March. Ms. Espada noted there is affordable housing subsidized and also at market rate. She asked what are the goals and where does the Board see it? What are the goals of housing and what can the town support? This is multi-layered and a web of information. She is excited to be working on it.

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 10:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

DRAFT

NEEDHAM PLANNING BOARD MINUTES

February 25, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Friday, February 25, 2022, at 12:00 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 the agenda for this meeting includes one minor modification request and there would not be public comment allowed on that. [note – no minor modification request was discussed at this meeting – was it on the agenda but not gotten to?** 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.

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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).

Ms. Espada has recused herself from this ~~agenda item~~ **hearing**. Mr. Alpert recused himself as Chairman ~~for of this agenda item~~ **hearing**. He turned the meeting over to Vice-Chairman Block. Mr. Block noted ~~that~~, at the 2/11/22 meeting, the Board enabled written submissions **to be received** from the applicant and the abutters through 2/18/22. He thanked Holly Clark, Joe Abruzese and the Attorney for Gregg Darrish for their submissions. All submissions will be ~~included~~ **included**, and all comments submitted have been reviewed. A 2/4/22 settlement letter is the only letter from the applicant. At the last meeting the Board discussed the restriction of further subdividing the lot. They have since learned an ~~a roadway?~~ **lease**ment would enable a subdivision of the lot. He asked Town Counsel about this. He read Town Counsel Christopher Heep's response. The property cannot be subdivided further unless it conforms with the Zoning By-Law and all applicable land use laws. He noted the Board could say any change would need a site plan modification, which is different from saying it could never be done. He does not believe it is **within** the Planning Boards authority **to prohibit further subdivision, and** ~~He~~ recommends not including the provision. Mr. Block proposed adding "any change to the lot requires an amendment of the site plan approval."

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Mr. Jacobs suggested going through the red-lined decision page by page. All agreed. He noted, on page 16, the section describing the Exhibits -- the legal memorandums submitted after close of hearing through Exhibit 196. The new Exhibits should be added after that with Exhibits 197 through xx. Mr. Alpert noted after **Exhibit** 192 change "Legal Memoranda" to "Legal memo and comments from abutters." Add "received after 1/6/22" after Exhibit 195 and put the sketch plan as the last item. All agreed. Mr. Block noted in **Section 1.8 of the draft decision**, traffic reports are additional exhibits. Mr. Jacobs noted this was fine as amended. Ms. McKnight agreed. Mr. Jacobs noted in 1.15, 3rd paragraph, it says "analysis included." He noted "included" was not in the prior draft. He noted "drop-off" should be "dropoff." All agreed.

Mr. Jacobs stated all was ok with Sections 1.16, 1.17 and 1.21. He noted in 1.20, **the reference to** Section 7.46(a) should be 7.4.6(a). He noted on page 25, paragraph g, Section 1.23, "lighting" should be "light." Section 1.24(d) was not in the prior version. Mr. Block noted on page 28, paragraph 2.1(d), change the setback language. This was agreed. Mr. Jacobs noted on page 27, Section 1.32, he proposes a change. To make it consistent with 1.33, he proposes adding "and conditioned" after "as modified." Ms. Newman thought that was a good idea. It will be the same as 1.33 "as modified, conditioned and limited by this decision." All agreed. Mr. Block noted a plan modification. In 2.1(d), under conditions, 3.8 has been removed. He proposes "any change to the lot shall require an amendment of the site plan approval" as per Town Counsel Heep's language. Ms. McKnight noted any change to the size or dimension of the lot. She asked if that was limiting? Mr. Block stated he prefers to keep it general. Mr. Jacobs noted instead of "lot" it should say "property." He noted "property" is defined on page 1 but "lot" is not defined. All agreed.

Mr. Block asked if Ms. Newman is including in paragraph 3.8, “any change to the property shall require an amendment of site plan approval.” Ms. Newman will add that. Mr. Jacobs asked, in 3.2 on page 28, why is 1.16 ~~referenced~~included in the list of how the child-care will be used? He noted 3.3, says no operations on Saturday and Sunday. What about holidays? Mr. Alpert stated the daycare may need to be open on holidays. Mr. Block noted the other issue is weekend activities. Mr. Jacobs asked if 3.3 should be expanded to list what the Board believes should be allowed on weekends and holidays or leave it alone. Mr. Block stated the applicant is asking for training time after hours and on weekends. He asked what the ~~lights-~~ out hour should be? Ms. McKnight noted the word “operation” has not been defined. Mr. Block feels it should be allowed as long as there is no overflow of parking. The hours of operation for the child-care is limited to 7:00 a.m. to 6:00 p.m., Monday through Friday except for any meetings between parents and operators. Mr. Alpert suggested leaving the 2 sentences alone and add “Notwithstanding, the above child-care facility may be used on week~~days~~ends until 8:00 p.m. and Saturday and Sunday for administrative purposes, meetings with staff and small meetings with parents and guardians, providing all other conditions of this decision including but not limited to parking requirements are not violated.” Mr. Block is fine with that. Ms. McKnight noted there is a set limitation on a certain number of staff people, ~~but-~~ At times a therapist may be an additional staff person. She feels that is reasonable. Mr. Alpert stated that is not an issue. A therapist would be a contractor and not staff.

Mr. Block noted 3.8, any change to the property shall require an amendment of the site plan approval. Mr. Jacobs noted any change to “or on” the property. That takes in the building as well. Ms. Newman noted 2.6 already deals with building, driveways, etc. and any change to that plan requires an amendment. Mr. Jacobs withdrew his comment. Mr. Alpert noted there were issues raised by Attorney Evans Huber’s letter and Pat Day’s letter. Mr. Block noted Evans Huber’s letter, dated 2/4/22. He stated some letters received have said they are concerned by the threat of litigation. He noted any decision is eligible for appeal. Some abutters have also threatened litigation. Mr. Jacobs noted on page 30, Section 3.17, the paragraph does not say if Section 1.24 requires the Licensed Site Professionals (LSP) recommendations actually be ~~followed~~done. He does not see it here. Mr. Block noted the LSP will conduct an environmental assessment of the property and offer suggestions and guidance on what is necessary.

Mr. Alpert noted 1.24 does not say what will be done with the recommendations. The Board of Health will make a determination on what would be done. He does not know if the Board of Health memo says what the Board of Health will do. Ms. McKnight noted it does not say explicitly this needs to be satisfied prior to the issuance of a building permit. Mr. Alpert stated the Board of Health may have the opportunity to say the petitioner cannot demolish until soil testing is done. Mr. Block noted the applicant may do soil testing after the building is gone. Mr. Jacobs asked if 3.17 says 1.24 has to be complied with but they also need to do any other work recommended. Mr. Alpert stated, in 3.17, it should say “the petitioner shall be responsible for complying with any and all requirements of the Board of Health that result in the Board of Health review of the testing as set forth in Section 1.24 and all other requirements as the Board of Health shall determine from the reports of the LSP as set forth in Section 1.24.” Ms. McKnight suggested “based on.” This was agreed.

Mr. Jacobs stated he would like to discuss Section 3.30, regarding the limitation on trash dumpster pickup on Monday through Saturday. The Board received some comments from abutters who object to Saturday pickups. Mr. Block commented that anything is going to be imperfect. It is reasonable to have pickups on weekends. Ms. McKnight noted Sunday is called out basically as a day of rest. Saturday can also be a day of rest. This is next to the Temple ~~whiche~~ may have services on Saturday, which would be disrupted. Mr. Jacobs noted the letter Pat Day sent after the hearing said trash is traditionally picked up one or 2 times per week. Why is Saturday needed? Ms. McKnight noted Ms. Day says it is a danger to children when trash trucks come in. She was arguing for earlier trash pickup. Mr. Alpert objects to earlier pickup times. He noted Ms. McKnight raised a good point with Saturday morning services at the Temple. Mr. Jacobs does not see the need. Pickups are not done daily and should not be allowed on weekends and holidays. Mr. Block would accept that. Ms. McKnight suggested they add “not at all on Saturday, Sunday and holidays.”

Mr. Jacobs noted in Section 3.31, it says the lights in the drive should be turned off between the hours of 8:00 p.m. and 9:00 p.m. Why not 8:00 p.m.? After discussion, it was agreed to say “by 8:30 p.m. the petitioner shall shut off the driveway and parking lot lights.” Mr. Jacobs noted on page 35, Section 4.1, this decision applies only to the “site” and off-site improvements. Should it be property? Mr. Block noted “only to property, site and off-site improvements.” All agreed. Mr. Jacobs noted the “,” does not apply after the word “improvements.” Section 4.2 also says “site” and it should be

“property.” All agreed. Mr. Jacobs noted on page 36, Section 4.7, last sentence, “construction of the site has not begun, except for good cause.” It was agreed the word “except” should be removed. The Board took a 5-minute break.

Mr. Block noted the Board should discuss Attorney Huber’s letter. Ms. McKnight noted Mr. Huber wants to compromise to change the setback from 135 feet to 80 feet in Section 2.1(d) and the applicant would agree to remove the barn. As she stated earlier, she does not see the necessity of a 135-foot setback. She would like to see this compromise agreed to. Mr. Alpert stated it is fair to say 135 feet is arbitrary as is 80 feet. He wants it back as far as possible. The civil engineer does not say there is ledge. Mr. Block suggested this be deferred and other issues discussed first. He thought 135 feet was a compromise. He noted the applicant’s agreeing to 80 feet was contingent upon the Board approving all other conditions in his letter. The Board has not discussed the traffic mitigation in his letter.

Mr. Jacobs asked if the Board would agree the applicant could install a septic system on site. Mr. Alpert stated it is not the Planning Board’s decision. The Planning Board is only approving the plan that shows a sewer. If the applicant wants septic, the plan would need to be modified. He thinks that is a Board of Health decision. Mr. Jacobs suggested the Board insert a sentence that “if the Board of Health, and Engineering Department, approve septic the Planning Board would accept a request to modify the decision.” Ms. McKnight noted the applicant is presently requesting a sewer. Mr. Jacobs noted the applicant has the right to come back with an amendment to the site plan. Mr. Alpert noted the Town may require a hook up to the sewer. The Board needs to write a decision based on the documents in front of them. Mr. Block stated septic is not on the plan in front of them and does not need to be discussed now. Mr. Alpert agreed. Mr. Block noted the applicant would like a 2,000 square foot storage structure in place of the barn. The Board has said they are fine with an accessory structure customarily used. Mr. Alpert stated this needs to be discussed at an open hearing. They do not know where this structure would go. If the applicant comes to the Board with something like a garage, of a size that is what they are allowed to have, it would be discussed. He feels the Board should be silent. The petitioner should come with an amendment to the plan also. Does it have to go the Design Review Board (DRB)? Mr. Jacobs agrees. His memory is the Board has not asked them to change the basic structure at all. The size, shape or function has not changed. The way this was proposed there was to be no storage, including the barn. ~~Apparently~~ ~~Apparently~~, this was designed with all the storage the day-care would need. He is ok if they ask to amend and come back. Ms. McKnight is ok with putting in the decision “a storage unit not to exceed a certain size could be constructed on the location where the barn is.” Mr. Block stated there are a lot of unknowns of what the applicant needs and does not need for storage. The applicant can come back with an amendment. He is fine to not include this. Ms. McKnight agreed.

Mr. Block brought up the number of staff. Mr. Alpert is not willing to change it. That is what was represented to us. Mr. Jacobs agreed. Mr. Alpert noted on page 2 of the letter, regarding Section 3.19, that the Board had a discussion on the original plan of the Carter building as to whether this Board has the authority to prevent a change of operator. That would need an amendment. If the operator is licensed, the Board does not have authority to deny it. He would add “require that the operator needs to be licensed by the Department of Children and Care.” All agreed. Ms. Newman noted in 3.18, she will leave the section in that the operator is NCC, get rid of the rest and put the sentence at the top of page 3. Mr. Alpert stated “858 Great Plain Avenue” should be taken out, after the word “decision” put in “a Licensed Massachusetts Department of Early Education and Care”, leave in the “Notwithstanding” and take out “and 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.”

Mr. Jacobs recapped the discussion. Section 2.1(d) has been deferred; in 3.8 they proposed to adopt the change, 3.19 they adopted the proposed change and the last 3 the Board said no. He noted they need to look at 1.16 (a) and (c) which is now 1.17 (a) and (c). Mr. Alpert stated he is not willing to give up 1.16(a). The Planning Board makes the decision, not the Police Chief. Ms. McKnight agrees the Planning Board needs to evaluate. Mr. Block noted there is 60 days in the decision and Mr. Huber is proposing 30 days. He thinks 45 days is reasonable. Mr. Jacobs commented he thought the applicant already agreed to this. Mr. Alpert was not sure. Ms. McKnight stated the petitioner could request it be dismissed after 60 days. She feels they really need 60 days. Mr. Jacobs noted there is nothing to prevent the petitioner from coming in after 30 days to request it be done on day 60. All agree to change it to 45 days.

Mr. Alpert noted 1.16, which is now 1.17. He does not feel it is vague. The applicants have a traffic expert who did this. He is willing to not make it mandatory if it is not necessary. If traffic is flowing fine, they do not need a condition to have

them spend money on a traffic study. It should be “upon the request of the Planning Board” there be a traffic study and “upon request of the Planning Board” to have a peer review. Mr. Jacobs noted 1.17(c), a follow up traffic study after the site is set up. To him a “follow up” is one time. He asked if the Board could ask for more than one if things go bad? Ms. Newman stated the intent was to have one. Mr. Alpert suggested adding language to say “~~to a~~ traffic study consistent with methodology and conclusions previously represented to this Board and consistent with traffic studies previously submitted to this Board.” Mr. Jacobs is ok with adding that language. He suggested adding “upon request of this Board, and no later than 18 months after 80% of capacity, the petitioner will follow up...” He stated he would go along with John Diaz once they are at 80% capacity. Mr. Block stated he would prefer 100% capacity.

Ms. Jacobs stated they should put a request that one time a month the operator tells the Board what capacity she is at. Ms. McKnight suggested adding “shall report monthly to the Board the enrollment numbers.” Mr. Alpert agreed but feels 80% is a good number. If there are issues down the line the Board would hear about it. Ms. Newman stated 3.16 allows them to call in the operator to deal with it. Mr. Alpert noted it should be left as mandatory but add “upon request of the petitioner, the Planning Board, after notice and hearing, may determine a traffic study is not necessary.”

Mr. Jacobs noted the question of the setback. **The members have already said no to enough that they cannot say yes to the letter.** ~~[unclear]~~ Mr. Alpert feels the setback should stay at 135 feet. Ms. McKnight stated her concern is it would be ~~appealed~~ ~~appealed~~, and the Planning Board would not prevail. If the Board goes to 80 feet, and they appeal, the Board may prevail. Mr. Alpert does not agree. There are legal issues involved. A judge could determine, according to our By-Law, the setback is 35 feet. That is his concern. Ms. McKnight stated there is no need to debate further if the other 3 members are ok with 135 feet. Mr. Jacobs commented he never said it had to be 135 feet and feels there is some play there. He feels 64 feet is too close and 80 feet is still too close. Mr. Alpert agrees with Mr. Jacobs. It could be adjusted but they have a letter saying unless all is agreed to the applicant will appeal. He feels he could go to 125 feet.

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Mr. Block stated the problem is of the applicant's own making and now sits with the Planning Board. If the applicant was more clear they would have sat with the applicant to see where the real compromise could be made. He concurs 80 feet is not ~~enough~~ ~~enough~~, and 135 feet was a compromise to his initial thoughts. He would be comfortable somewhere above 100 feet but he does not think they have the option now. The Board should issue the decision and the applicant can appeal it. Mr. Jacobs stated the Board received a lot of comments from a lot of people. He commented they appreciate all the comments. They are good to have. He is glad people wrote and he got to read them. There was one settlement letter from Mr. Huber. Many were offended by the settlement discussion letter. He is not offended by the letter. He viewed it as a good faith attempt to come to a resolution. It is almost always better to come to a compromise than to litigate. Mr. Block echoed Mr. Jacob's comments. This has been an extraordinary process.

Mr. Alpert suggested the decision be approved as drafted with the modifications discussed today. Ms. Newman asked if the setback was remaining at 135 feet. Mr. Alpert feels it should be left at 135 feet. Based on comments from neighbors and counsel for one neighbor he is comfortable with 135 feet. Mr. Jacobs would go along with the others. After discussion, the Board decided the setback would be changed to 120 feet. Mr. Jacobs noted there should be a condition to deal with large events and the ~~issue~~ ~~goal~~ regarding trees that are removed should be replaced. They have not dealt with these. Mr. Block is in favor of more landscaping. Mr. Alpert stated there would need to be a tree planting plan. He noted there is no tree By-Law. He thinks it is too late to be raising that as an issue. Mr. Jacobs stated he is in favor of substantial landscape screening on this site. Ms. McKnight asked if they could set a standard of replacing trees over a certain caliper and leave it up to the Tree Warden. Ms. Newman stated it would be a plan modification of the landscape plan. She will make the changes agreed to today and will speak with Tree Warden Ed Olsen between now and the next meeting. All agreed.

Mr. Jacobs noted large events should have no on-street parking. Ms. Newman stated they did not allow for large events. Mr. Block wants to deal with ~~the possibility that if~~ the applicant has a concert at 4:00 p.m. or has fundraisers or large events. He thought Ms. Day said she would have them at her other site. Mr. Alpert was not sure Ms. Day has asked about having large events. Ms. Newman stated they changed 3.3 to add weekday evening and weekends for meetings with parents and administrative meetings with staff. Ms. McKnight suggested changing it to meetings and events. Mr. Alpert stated this is a new issue. If the applicant wants large events an amendment could be requested. Ms. Newman will incorporate all the changes and give a red-lined version on Tuesday. She will try to figure out a landscape strategy. The Board will vote the decision and the relief on Tuesday.

Mr. Alpert resumed as Chair of the meeting.

Minutes

There were no minutes.

Correspondence

There was no correspondence.

Report From Planning Director and Board members.

There is no report from the Planning Director or any members.

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 3:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

March 1, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, March 1, 2022, 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 two 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.

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 02492 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at Greene's Field, Needham, Massachusetts, shown on Assessor's Plan No. 50 as Parcel 31-02 containing 108,278). Regarding request to operate a farmers market on a portion of Green's Field on Sundays during the renovation of the Town Common.

A motion was made to waive the reading of the public hearing notice. Mr. Jacobs asked for discussion. The notice says there will be a maximum of 16 vendors. He understands it should be 18 vendors. Is it such a defect that it would require re-notice? Mr. Friedman stated it was an erroneous mistake. The license agreement correctly states 18 vendors. Mr. Alpert is not sure reading the notice would correct the deficit. It is a de minimus error. Ms. McKnight agrees. Mr. Alpert feels the Board should proceed as sufficient legal notice was given.

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

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

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

VOTED: to note the number of vendors as noticed for 16 was a de minimus error and the intent was to be 18 instead of 16 and continue with the hearing. The Planning Board finds the notice of hearing gives sufficient notice of the requested relief.

Jeffrey Friedman, President of Needham Farmer's Market, noted Lisa Cherbuliez is in charge of the vendors. This is the 11th season. The season will be 6/12/22 through 11/20/22 on a small portion of Greene's Field this one year only due to the renovation of Garrity Way. Park and Recreation has approved the use of the field. Two letters sent to the Board give the details of the operations. They have a license agreement with the Town. There are a few changes but basically it is the same as the license agreement they had with the Town the last 5 years. There have not been any problems and they have complied completely with all requirements. The Needham Farmer's Market is a community-based ~~501 and~~ 501c3 non-profit. There is local food and local musicians and artists. The market needs to relocate due to renovations.

Mr. Friedman noted they have spent \$700 on the application process and have expenses for new tents and new yard signs due to the change in location. He is requesting the Board waive the \$1,000 application fee. It has been done before many times.

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

VOTED: to, in consideration of service to the Town by the market, waive the \$1,000 application fee.

Ms. Cherbuliez feels the market has increased in popularity due to the location. She feels the market is a good service to the community. Mr. Alpert commented the license agreement is excellent and all inclusive. He thanked Mr. Friedman for his letters that were all inclusive. He asked if 6/12/22 was a later start-date than usual. Ms. Cherbuliez noted they opened in May and did not have enough fresh produce while they did have enough in June last year. Mr. Alpert stated the market was able to use outdoor electric outlets recently. He asked if they were able to continue that or have they lost the use of electricity? Mr. Friedman stated that was a concern and it is a necessity. He contacted the Director of Building Maintenance for the Town regarding the installation of electrical outlets for Greene's Field. He was assured by the Town Electrician he would install outlets in all locations the vendors will be. Mr. Block commented he was glad the market found an alternate venue. He asked for clarification as to whether, during hours of operation, Park and Recreation has no demand for that space. Ms. Cherbuliez stated the market is Sunday 11:00 a.m. to 3:00 p.m. There are no organized events and no indication of any conflict. Mr. Block asked what effort would be undertaken to make sure there is no queue of cars backed up on neighboring streets. Mr. Friedman noted there is a public walkway from the Dedham Avenue Municipal Lot directly to the Farmer's Market. People usually only spend 15 minutes at the market then leave. He will give notice to the public where they should park. The market is located very close to Great Plain Avenue. He does not foresee any problems. They will educate the public as they have done before.

Mr. Jacobs noted some may park in the YMCA parking lot because it is the closest. Ms. Cherbuliez stated she spoke with the YMCA and they are very supportive. Ms. McKnight asked if vendors bringing food to the site would need to use push carts to get the food from their vehicles to the site or would the vendors pull up, unload and then go park. Mr. Friedman stated they had this experience the last 5 years. Two produce vendors would unload on Garrity's Way and got extra insurance for that. Others unloaded next to the entrance and then went to park. The Market had an agreement with the Police and the Town they could use 2 parking spaces to unload. The previous location was unloading from the street. He does not believe it would be a safety issue but they are aware.

Ms. McKnight noted there will be a certain amount of use of on-street parking spaces during set up. Mr. Friedman stated the agreement with the Town and Police goes back a long way. Ms. McKnight asked about rubbish disposal. Is each vendor responsible for their own rubbish? Who deals with the grounds in general? Mr. Friedman stated it is the responsibility of the Market Manager who has done it for 2 years now with no problems. He is responsible to clean up after everyone leaves. Ms. McKnight asked if rubbish was taken off site and was informed it was. Ms. McKnight noted the Board of Health comments regarding toilets. She noted they must allow restroom access to the public, however, the close stores allow restrooms to vendors only. Ms. Cherbuliez stated she has met with Paula at the YMCA and she is willing to let anyone use their restrooms. She does not have that in writing yet yet, but she will.

Ms. McKnight stated at Town Hall there was a great place to set up musicians and a great place for dancing. Where will the musicians set up with this plan? Mr. Friedman stated it is a work in process. He needs to make sure the electrical outlets are near the flagpole at the intersection of the 2 walkways. He thought that would be a good location. Ms. McKnight stated she is concerned with damage to Greene's Field and the grass. Mr. Jacobs stated with 18 vendors, 80% should be food so 14 should be food or bakery and no more than 3 or 4 for non-food vendors others. He noted Mr. Friedman wants 6 artists. Mr. Friedman stated he will have 2 artists in one tent as in the past. Mr. Jacobs asked if 18 vendors means 18 tents or tables? Mr. Friedman stated there is sufficient space for everyone. Mr. Jacobs commented he does not want to have a Farmer's Market with 2 food vendors and the rest artists. He wants 80% to be food vendors or bakers selling. Ms. McKnight stated they addressed concerns in prior special permits. The language could be copied from the previous special permits. Ms. Newman will pull the language from previous permits.

Mr. Jacobs thinks the Board should have a sketch plan of where the tables and tents will be. Mr. Friedman stated other locations had marked parking spaces spaces, so it was easy to mark out. It is difficult to determine until close to the opening of the market. A discussion ensued. Mr. Jacobs stated they had talked about vendors driving up and unloading. He only sees 2 or 3 spaces on Great Plain Avenue and maybe 2 on Pickering Street. Maybe that is enough but what if the spaces are taken. Ms. Cherbuliez stated the vendors will unload and then move the car. This has not been an issue and was never an issue on Garrity Way. Mr. Friedman stated they put cones out early with the agreement of the police. He did the same at Garrity Way. He has not discussed cones with the Town Manager or police yet. Mr. Jacobs stated he is a lot more concerned about this than Mr. Friedman. This needs more planning to see what parking spaces are ~~is~~ available and if they can block

off an area with cones. These discussions need to be had sooner rather than later. Mr. Friedman stated the Market has great support from the Town Manager's Office and the police. Mr. Jacobs would be more comfortable with details prior to approving the Special Permit.

Mr. Alpert stated there should be a condition that a plan with the layout of tables and tents, as approved by the Town, be filed with the Planning Board by 5/31/22. Mr. Friedman stated this is the first time dealing with turf, electrical outlets and benches. They may not know some details until the day they open. He has in the past asked vendors to come early to prepare the layout. Sometimes vendors sign up at the end. A lot cannot be determined until the end. Ms. Cherbuliez stated they could create a plan with what they know now. She has a good idea and could sketch it out. Ms. McKnight wants to see, on the plan, the parcel of land the Special Permit is for. She wants a line drawn on the plan that shows the area. Mr. Block feels this should be continued. Mr. Friedman will prepare a sketch layout and, if they need to change it after the market opens, he will prepare another one. Mr. Jacobs stated the sketch is for the Board's approval.

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

VOTED: to continue the hearing to 3/15/22 at 8:00 p.m.

The Board took a 5-minute break.

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, MA) Regarding the conversion of the existing 142-bed skilled nursing facility to 50 Independent Living Units.

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

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

Attorney Evans Huber, representative for the applicant, noted this is currently a skilled nursing facility on 2.5 acres. The plan is to change the use to independent living. The use is allowed by special permit in the Elder Services District. The property complies with all requirements. The applicants are also asking for approval for a change in ownership. A condition was originally in the 1993 permit that ~~#ownership~~ cannot be changed without coming back. Wingate at Needham, Inc. left in 2016 and the applicant did not come back ~~to seek approval~~. David Feldman, Vice-President of Real Estate, notified the Massachusetts Public Health Department they were closing the skilled nursing ~~facility~~. It was a difficult ~~decision~~ ~~decision~~, but they could no longer provide a level of care with the current environment. They are working with families to place the residents. Nursing is not in a good place right now with ~~staff~~ shortages. ~~He said~~ ~~There~~ is a continuing erosion of the occupancy across the state, ~~noting~~, ~~He noted~~ there are 8,400 open beds per the 2/13/22 data. There are 1,100 open beds in Norfolk County alone. There is competition for staff. The home companies provide the same services in the home. They looked at a couple of different senior housing options and feel independent living is the right ~~mix~~ use.

Mr. Feldman noted there will be 50 units with a mixture of large studios and 1-bed and 2-bed units. There will be full kitchens and laundry facilities. There will be social and economical solutions with amenity spaces, a fitness center and roof decks. There will be a full-time concierge, basic amenities and other activities a la carte. Andrew Stebbins, of The Architectural Team (TAT), showed the existing site plan. There are 2 stories above grade. It has a block and plank construction system. The plank space will be ~~removed~~ ~~removed~~, and the 2 ~~now-separate~~ rooms will become a bedroom and living room. There will be outdoor patios and an ~~upper-level~~ ~~upper-level~~ roof terrace.

Mr. Feldman noted on the proposed 1st floor, the exterior wall will have 25 units, common areas, concierge, a coffee center and elevator. The 2nd floor is similar but with a theater, chef's kitchen, club room and roof terrace. The basement has an elevator, program space, fitness and yoga, maybe a golf simulator and a wash area. The 1-bed units have full kitchens. It works very well with the existing conditions. There are differing unit sizes and a range of housing options. There will be 4 studios and very little exterior work. There will be a few new openings in the exterior wall, new windows and a new roof. There may be some skylights added on the upper floors.

Scott Cameron, of R. E. Cameron and Associates, Inc., noted there are no changes to the site. He showed the existing site. There are no changes to the footprint of the ~~building~~building, and it is dimensionally compliant in all respects. Bicycle racks will be added in the southwest area of the walkway. Mr. Huber stated the parking meets all requirements for skilled nursing, which is higher than independent living. The parking significantly exceeds the requirements. The only non-compliance is the absence of bicycle ~~racks~~racks, and they will be installed. Kristen Braun, of Ron Muller & Associates, stated she looked at the traffic generation. There will be 260 fewer trips on weekdays. There will be 7 to 34 fewer trips during weekday and Saturday peak hours. She looked at the parking demand and used the ITE parking generation ratios. The independent living would require 34 parking spaces. There is less activity with the change in use. Mr. Huber stated he knows there is a concern with closing the skilled nursing facility.

Mr. Alpert noted the following correspondence for the record: the traffic study, an email from Fire Chief Dennis Condon noting he is ok and with comments; a letter from Acting Town Engineer Thomas Ryder with no comments or objections; an email from the police with no comments and an email from Timothy McDonald, Director of the Public Health Department, noting he does not support the change and the potential closure of the skilled nursing facility will exacerbate a challenging situation and other comments. Mr. Alpert stated he wanted more detail as to where they are in the closure process. He asked if there is any chance of reversing the process.

Mr. Feldman stated there is no potential of reversing the decision. The commonwealth is over-beddedbedded, and staffing is a huge issue. Covid exacerbated the situation. They had hoped coming out of the unemployment payments people would come back. They raised the rates and are paying companies to provide care, which is not ideal. They can no longer provide good care. The final decision on where to go rests with the families. He noted there is a 4-step ~~process~~process, and he ran through the process. The final decision is always the families. Closing a nursing home is not an easy decision. Consolidating staff is helping everyone but there are unintended consequences. There has been a big push over the last 5 years for more affordable care. They have been pushing home care which is growing in popularity. Covid accelerated everything. Mr. Alpert noted Needham is close to Middlesex County also. Mr. Feldman stated Newton has facilities that are ~~closing~~closing, and Weston had some that have closed. There are a lot of watch lists due to staffing issues. There will be minimum staffing levels that will not be able to be met.

Mr. Block noted it is a difficult transition for ~~people~~people, but the applicants seem to have laid out extensive care to help with the process. He asked how many beds are vacant now? Mr. Feldman noted they were at 69.5% occupancy when the process started and they are now down to 66 occupied beds. Mr. Block asked when the transition would be completed. Mr. Feldman ~~responded~~noted 60 to 90 days. Some residents are going home with support from home care companies. Mr. Block asked what they intend to do with the extra parking. Mr. Feldman stated they will leave it as is for the current time. They will come back to the Board in the future possibly to take out some spaces and add green space. They intend to do ~~it~~it, but it would be a financial determination. They will make the building solid then work on the exterior. Mr. Block asked if the change of owner was an affiliated entity. Mr. Feldman stated they are the owner/operator. Wingate at Needham was the licensed operator since 1997 when the building opened. Mr. Block stated the applicant is proposing 5 affordable units or 10%. The town policy would be 6.25 units. He would like to see that number be 7 affordable units.

Mr. Alpert stated he wants Mr. McDonald to speak if he wants to. Mr. McDonald stated when Avery Manor and Avery Crossing closed it left a lot of families unsatisfied and frustrated. There are more than a dozen families he worked with because the state system did not help them. Moving has a real impact on the resident and the family. There are challenges with people in Needham as they age. People need to be able to age safely in the community. Ms. McKnight asked if Briarwood is the only skilled nursing facility in town. Mr. McDonald noted North Hill also operates skilled nursing. Ms. McKnight stated she is concerned the skilled nursing facility provided both long-term care and rehab. She asked if that was being lost also. Mr. Feldman noted they ran a great rehab. The average stay was 21 ~~days~~days, but fewer people are going into rehab.

Ms. McKnight stated she is concerned for the very poor people whose services are paid for through Mass Health. Some will be paid for in-home services, but the family will still need to be there for 24-hour care. What Medicare and Medicaid pay for is quite limited. She asked if it was realistic that patients now at Wingate, being paid for by Medicaid, would be able to go home and get these services. Mr. Feldman stated those who need 24-hour skilled care would be dealt with. A large percentage of the population is going home. Mr. Jacobs stated he totally gets what Mr. McDonald is saying. It is not

a valid exercise to try to keep someone in business he sees no future in. He is uncomfortable with the idea of doing that. He heard from the new developer at the Carter Building who wants to do away with independent units and put in skilled nursing. Ms. McKnight noted that will be memory care and assisted living, not skilled nursing.

Mr. Jacobs is uncomfortable with the idea of keeping them in a business they think will fail. Mr. Feldman stated they tried to hold on and weather the storm. It was a great business but times change. There are medical advances. They need to come up with something to serve the community. He understands memory care and assisted living. There are smaller apartments for memory care. With independent units a full kitchen needs to be supplied. The average person next door at 1 Wingate Way is 86 years old. People do not need to pay for all the services because they do not need all the services. This is an opportunity to serve an underserved [department – segment?]. It was not an easy decision. Wingate is part of the community and wants to be here another 25 years.

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Mr. McDonald stated it is not realistic, or appropriate, to compel a business to continue to operate. Could Wingate make a commitment to a better, more comprehensive placement for residents? Mr. Alpert asked if Mr. Feldman was operating both facilities at 1 Wingate and was informed he was an affiliate operator. Mr. Feldman noted independent living does not provide any care. Services are brought in from outside. He noted it is a financial decision by individuals and their families to go to assisted living. They are working hard with families including social services, to assist with the transfers. There are regular meetings through phone and Zoom to make it as easy as possible. Ultimately, the family decides where the residents end up. They support them and make it as less stressful as possible. Mr. Block asked how many properties does Wingate have in total. Mr. Feldman noted they have 12 to 15 properties. They are not shutting down all the skilled nursing. Some are owned and some are operated. The ones they operated they have gotten out of operating. Some do not have staffing challenges. There is one property that is not great but not as bad. Mr. Block asked how many skilled nursing facilities will be maintained. There will only be the one in Kingston, MA. Mr. Block asked how many beds are there. Mr. Feldman stated there are 160 beds. They provide a full continuum there.

Mr. Alpert reminded the members this is a special permit application for independent living. Ms. McKnight stated she is confused regarding the ownership. Who owns the 2½ acre property now, who will own it and what is SVP RE Development? Mr. Feldman stated Wingate at Needham, Inc. has been the owner since 2016 and will remain the owner and operator. Wingate Development LLC is the developer who will do the conversion. He explained the role of the developer. Mr. Block noted SVP RE Development is an acronym for Senior Vice President of Real Estate. Ms. McKnight agrees with Mr. Block on the affordable number. She thinks 20% is too high. The town moved to 12½%. She realizes the Zoning By-law calls for 10%. She would like 12½% on this site. That gives a little over 6 units so it would be 6 or 7 affordable units. Mr. Feldman noted 7 units could be done if that is what the Board wants.

Ms. McKnight noted, living as she does in multi-family housing, there are a couple of things people want – open space and more benches outside. She asked if the parking lot, when entering from Gould Street, could be open space. Mr. Feldman noted there is a walking path beyond the parking lot with 3 benches and a sitting area at the rear near Putnam Street. They would consider taking out some parking. The cost of reclaiming asphalt is very expensive and there is worry about drainage and sewer. He will come back before the Board to take out parking and add green space at another time. He will have a landscape plan. Ms. McKnight stated she is ok with putting in the decision that a certain number of parking spaces would be converted to green space at some point. She noted the chef's kitchen and room next to it are pretty limited. She noted the applicant should consider expanding and not having storage at that location. Mr. Feldman stated the space is actually flex space with pocket doors between the chef's space and club room. It will provide space for 20 to 25 people, which is important. Ms. McKnight commented they should have storage space indoors for bikes. Mr. Feldman stated there is an area that is a covered loading dock that can be converted to outdoor covered bike storage.

Ms. McKnight asked why the applicant is doing rentals rather than a condominiums. Mr. Feldman stated the model has always been the rental and not selling. This provides more flexibility to people. Paying rental fees is easier for most. Terrance Ryan, of 79 Evelyn Road, stated he has worked with Mr. Feldman in the past. He is good to work with and a good neighbor. He noted there was a meeting for the abutters last night. The site plan shows Lot B, which would be adapted. It does not show Lot A parking and the covered area. It also does not show Lot Cs driveway and parking spaces. He feels it is important to show all the Lots. Lot C and A should be shown with the existing conditions. Currently there are dumpsters

on the border of Lots A and C and a backup generator on Lot C. He is surprised there are no electronic As-Builts. He would like the Board to request the site plan be updated prior to approval so the whole campus can be looked at.

Jill Kahn stated she has experience with Wingate. Her mom lived there for 8½ years. Not every place has the openings that Wingate has. Some have long waits, so it is not across the board. This one has lower ratings than some others, which contributed to the bed issue. Newbridge in Newton has a one-year wait. She stated Mr. Feldman said rental units are not that expensive. She would like a rough idea of the cost of a studio and up to a 2-bed unit. Mr. Feldman stated the cost would be \$3,000 to \$4,000 per month, which is reasonable for the amenities they get. Ms. Kahn commented that is not inexpensive. She is a 23-year Town Meeting member. There is a huge need for people 50 and up who raised their family here and want to stay. She agrees with Ms. McKnight that this should be condos. The life spans are increasing. People will see their equity decreasing each year. She knows more than 100 people who want to move into a condo but \$3,000 is not an affordable option for Needham. She noted the comment that many people can just go home. The vast majority can not go home. Her mother was at Wingate because there was no place else for her to go. She takes exception to that comment. Ms. McKnight encouraged Ms. Kahn to stay involved with the housing plan. The Housing Plan Working Group has a meeting coming up soon. She feels she has good ideas.

Michael Ruddy, of 69 Melrose Avenue, stated he has a site--related comment. Wingate never plows the snow from the sidewalks. He would like a condition that Wingate plow the sidewalks. It is quite dangerous. Ms. McKnight noted there is an Article on the Annual Town Meeting Warrant that would require multi-family housing to plow the sidewalk outside their property. This would qualify. Mr. Ruddy stated that is not enforced. Mr. Jacobs stated he would like to pick up on Mr. Ryan's suggestion to get a site plan for the whole campus. Mr. Block agreed.

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 subject to getting an updated site plan in existing infrastructure and building with Lots A, B and C.

Ms. Newman will prepare a decision draft for the next meeting.

Review of Brewery Zoning for 2022 Town Meeting.

Mr. Alpert asked if this is ready to vote to send to the Select Board so they can refer it back to the Planning Board for a hearing and inclusion for the May Town Meeting. Ms. McKnight suggested expanding the area a microbrewery may be allowed to Highland Commercial 128. It is not included now. Mr. Block stated he would like to have both uses in that area. Ms. McKnight noted there is the possibility of a certain distance from the Charles River or between Charles Street and the Charles River. Mr. Block would like to include both uses north of Highland Avenue up to Central Avenue and west from the highway to the river. Ms. Newman noted the Highway Commercial 1 District is across the highway from the Charles River. Mr. Block proposed both uses in that area between the highway and the river along the entire Highland Commercial 128 and Industrial strip.

Ms. Newman stated the question was if a brewery use was more directed to be close to the Charles River itself and not the whole corridor. Mr. Block wants microbrewery included in that geography. Mr. Jacobs feels it should be included. The Select Board can send it back, the Board can talk about it and can change it later if needed. Ms. McKnight stated she is content with the way it is now. Ms. Newman stated a microbrewery pub is not allowed in that district. It can be added under paragraph 6. The other issue is Needham does not allow alcohol to be served absent the presence of food. Changing that rule would require Town Meeting action. She put a sentence in the brew pub definition to deal with a bar kind of use so it could be served without the use of food. She would like to delete that sentence. All agreed.

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 adopt Article 1 relating to brew pubs as written with the addition of microbreweries in paragraph 6 as an allowed use and remove the sentence that begins "To the extent permitted by its license..." in the definition of Brew Pub in Article 1 and send it to the Select Board.

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).

Mr. Alpert noted 2 small typos in the decision. On the 1st page, there is no sub paragraph 2. Sub paragraph numeral 1 should be removed. In Section 3.14, the Board agreed to a police detail for 45 days rather than 60 days. It was changed in Findings but not here. Ms. Clee noticed 3 emails that came in after the hearing were not included in the Exhibits ~~that came in after the hearing~~. She will add them.

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 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 and limitations as set forth.

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 approve the decision as drafted with the 2 minor changes and 3 additional Exhibits.

Minutes

Ms. McKnight noted on the 12/8/21 minutes, page 5 in the middle, Mr. Abruzese referred to the proposed setback of 64 feet and 1/3 acre. Later it says 3 1/3 acres. Mr. Alpert said that sounds right. Ms. McKnight noted on page 7, Mr. Turk said to look at WAZE. Mr. Jacobs stated that is correct. Ms. Newman noted on page 8, it says the Temple has a 213-foot footprint. It should be setback.

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

VOTED: to accept the minutes of 12/8/21 with the changes discussed.

Correspondence.

Mr. Alpert noted a memo to the Planning Board from Town Manager Kate Fitzpatrick regarding the Select Board's discussion regarding the proposed changes to the Carter Mill Building. There was also a letter from the Attorney General's Office to the Town Clerk advising that the Attorney General had approved the 10/25/21 Warrant Articles 4 and 5. Ms. Clee noted the Articles were now part of the Zoning By-Law and it will be reprinted at some point. Ms. McKnight noted an email from Jon Schneider, of the Zoning Board of Appeals, to her regarding 3 car garages needing a special permit in all circumstances. He is interested in pursuing the issue of 3-car garage zoning-it. She noted it is too late for this Town ~~Meeting~~Meeting, but the Board should take it up again.

Report from Planning Director and Board members.

Ms. Newman stated she has been working with Katie King on the DHCD (MA Department of Housing and Community Development) regulations. They have prepared a memo for the Select Board and Planning Board describing what the law is, an overview of the program requirements, preliminary analysis and minimum size for district. She had GIS do some preliminary mapping.

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

VOTED: to adjourn the meeting at 11:15 p.m.

Respectfully submitted,

Planning Board Minutes March 1, 2022

Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

DRAFT



TOWN OF NEEDHAM

TOWN HALL

Needham, MA 02492-2669

Office of the
TOWN MANAGER

TEL: (781) 455-7500

FAX: (781) 449-4569

April 26, 2022

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: MEPA ENF #16546
Highland Science Center, 557 Highland Avenue, Needham, MA

Dear Secretary Theoharides:

We have reviewed the *Environmental Notification Form*¹ (ENF) prepared by Vanasse Hangen Brustlin, Inc. (VHB) for review by the Massachusetts Environmental Policy Act (MEPA) office for the proposed Highland Science Center in Needham, Massachusetts. The site is located at 557 Highland Avenue on the northeast corner of the intersection of Highland Avenue and Gould Street, and currently contains a Muzi Ford car dealership, Charles River Media Group and WCVB Channel 5. The site was recently part of a rezoning effort by the Town to allow for the development of up to ±880,000 square feet (SF) of office, research and development, and ancillary retail and service space.

As part of our review the Town has retained the services of Greenman-Pedersen Inc. (GPI) to evaluate the ENF and supporting traffic analysis for consistency with the goals and studies prepared as part of the Town's rezoning, as well as for compliance with the Massachusetts Department of Transportation (MassDOT) guidelines for traffic impact analysis and general engineering practice. The comments related to the ENF as prepared by GPI are detailed in the attached letter from Rebecca L. Brown, Senior Project Manager, GPI, to Lee Newman, Director of Planning and Community Development, dated April 25, 2022 (copy attached). Said comments comprise the Town's formal response to the traffic component of the ENF. Furthermore, we offer the following additional comments for your consideration.

Traffic at the Intersection of Highland and Gould

The proposed development revises the currently under construction traffic pattern from the MassDOT's Highland Avenue Corridor project. The newly proposed layout for this project shows sidewalks on both sides of the road and consists of one bike lane with 4-vehicle traffic lanes exiting Gould Street onto Highland Avenue, and one bike lane with one vehicle lane entering Gould Street from Highland Avenue.

This new road design increases the traveled width by 32-feet from the intersection of Highland Avenue at Gould to just beyond TV Place. A portion of the design shows the travel lanes located on private property owned by the development. We expect the developer to work with the Town in

¹ *Environmental Notification Form, Highland Science Center, Needham Heights, Massachusetts*; prepared by Vanasse Hangen Brustlin, Inc. (VHB); March 2022.

providing an alteration/taking plan and recordings for a new Road Right of Way layout on Gould Street and for optimizing the traffic signals at Highland Avenue and Gould Street.

Water Supply:

We are seeking clarification for the facility's proposed water use of 129,172 gallons per day (GPD) while the wastewater design flow generation is 54,554 GPD.

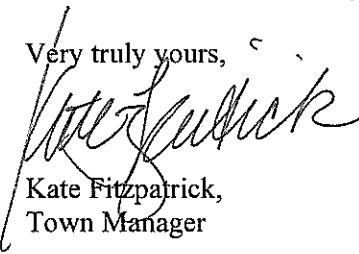
We expect to work with the developer on determining the optimum water loop design. The current proposal shows a 10-inch water connection to the site off a 12-inch main on Gould Street and a connection to an existing 8-inch water main on TV place. The additional loop connection may be more optimum if connected from Highland Avenue in front of the development instead of, or an addition to the 8-inch on TV Place connection.

Wastewater:

According to the ENF filed by the applicant, the proposed project will generate a total design wastewater flow of 54,554 GPD; this is an increase of 31,501 GPD from the existing facility to the Town's sewer system. The applicant has been in contact with Town of Needham representatives and understands the requirements to have a rate of four gallons for every one gallon of sewage added to the system removed through an actual inflow and infiltration removal (I/I) program. (See attached Town of Needham Sewer System Impact Program Regulations approved October 18, 2016.)

For the new facility, four times the increased flow equates to a total of 126,004 GPD I/I removal anticipated from the development. This may be satisfied by either undertaking a construction project or paying a fee to the Town's I&I program at a rate of \$8.00 per gallon required to be removed. We are in the process of analyzing the target areas for the inflow/infiltration to be removed and expect to work with the developer through the site plan approval process.

Thank you for the opportunity to provide the Town's thoughts on the above-noted ENF. We note that the project will require a mandatory Environmental Impact Report (EIR) having met or exceeded two of MEPA's review thresholds namely 301 CMR 11.03 (6)(a)(6), generation of 3,000 or more new daily trips per day at a single location and 301 CMR 11.03 (6)(a)(7), construction of 1,000 or more new parking spaces at a single location and having triggered the requirement for a MassDOT vehicle access permit. Accordingly, we ask that the Secretary include the above identified items in the Scope of Work developed for this EIR. Should you have any questions or need additional information, please contact me at 781-455-7500.

Very truly yours, 

Kate Fitzpatrick,
Town Manager

cc: Board of Selectmen
Planning Board
Carys Lustig, Director of Public Works
Thomas Ryder, Town Engineer
Lee Newman, Director of Planning & Community Development

REF.: NEX-2200133.00

April 25, 2022

Ms. Lee Newman
Director of Planning and Community Development
Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492

**SUBJECT: Highland Science Center, Gould Street, Needham, MA
MEPA ENF – Traffic Peer Review**

Dear Ms. Newman:

On behalf of the Town of Needham, **Greenman-Pedersen Inc.** (GPI) performed a review of the *Environmental Notification Form*¹ (ENF) prepared by Vanasse Hangen Brustlin, Inc. (VHB) for review by the Massachusetts Environmental Policy Act (MEPA) office for the proposed Highland Science Center in Needham, Massachusetts. The site is located on the northeast corner of the intersection of Highland Avenue and Gould Street, and currently contains a Muzi Ford car dealership, Charles River Media Group and WCVB Channel 5. The site was recently part of a rezoning effort by the Town to allow for the development of up to ±880,000 square feet (SF) of office, research and development, and ancillary retail and service space. GPI has reviewed the ENF and supporting traffic analysis for consistency with the goals and studies prepared as part of the Town's rezoning, as well as for compliance with the Massachusetts Department of Transportation (MassDOT) guidelines for traffic impact analysis and general engineering practice. The following summarizes GPI's comments related to the ENF.

Transportation Section (Traffic Generation)

1. In Section 1.B on page 18 of the ENF, the Applicant notes that a MassDOT Vehicular Access Permit will be required for the potential need to modify roadway geometry within the state highway layout (SHLO). It should be noted that MassDOT will require a minimum of two permits for this development. One permit will be for the change-in-use of the property as the property directly abuts land owned by the Commonwealth of Massachusetts (Interstate 95 / Route 128) and the project will generate more than 2,000 daily vehicle trips. A separate MassDOT access permit will be required for the construction of any off-site roadway improvements within the SHLO.
2. The table in Section 11.A on page 19 of the ENF Form notes that the existing site-generated trips were estimated based on empirical traffic counts collected at the site driveways, which show only 887 daily trips are currently generated by the site. It is important to note that these empirical counts were collected in the fall of 2021, during COVID, and as a result, may under estimate the trips generated by the site pre-COVID when it was fully operational. The use of the lower existing site-generated trips will result in a more conservative (higher) estimate of the net increase in trips generated by the proposed redevelopment.
3. In Section III on page 19 of the ENF Form, the Applicant is requested to describe any transportation demand management measures (TDM) to be implemented to reduce single-occupant vehicle trips to the site, including any transit-related measures. The Applicant has not described any TDM measures related to transit services in this section. However, these measures are described in Section 2.7.2 if the *Transportation* chapter, which notes that the Applicant will:

¹ *Environmental Notification Form, Highland Science Center, Needham Heights, Massachusetts*; prepared by Vanasse Hangen Brustlin, Inc. (VHB); March 2022.

- Explore the feasibility of providing shuttle service connectivity to nearby public transportation nodes (commuter rail and Green Line);
- Require tenants to provide a 50 percent transit pass subsidy for their employees;
- Carpool assistance and incentives;
- Emergency ride home;
- Display in the Main Lobby transportation-related information for tenants' employees and visitors; and
- Promotional efforts.

The Applicant should provide additional information on how carpool assistance and emergency ride home services will be provided, as well as what incentive program may be implemented. In addition to providing shuttle service to nearby commuter rail and Green Line services, the Applicant should explore the possibility of extending bus service to the site.

Transportation Section (Roadways and Other Transportation Facilities)

4. In Section 1.B on page 21 of the ENF Form, the Applicant has stated that no permits will be required related to roadways or other transportation facilities. However, a MassDOT access permit will be required for the construction of off-site roadway improvements within the SHLO. Therefore, the Applicant should complete the *Transportation Facility Impacts* section of the ENF Form.

Air Quality Section

5. In Section 1.A on page 23 of the ENF Form, the Applicant notes that the project does not exceed any of the thresholds related to air quality. However, MEPA requires that an *Air Quality and Greenhouse Gas Emissions* study be conducted for all projects that require a mandatory Environmental Impact Report (EIR). As the project is anticipated to generate more than 3,000 daily vehicle trips and provide more than 300 parking spaces, a mandatory EIR will be required. Therefore, the project will exceed the thresholds for an Air Quality analysis, which will include an evaluation of impacts from both stationary and mobile sources of emissions.

Project Description

6. Section 1.3 of the ENF notes that geometric improvements are proposed at the intersection of Highland Avenue / Gould Street / Hunting Road. The widening of the roadway that will be required to accommodate the additional lanes at this location will also likely require reconstruction of the traffic signal at this intersection to accommodate new signal indications and mast arms, as well as vehicle detection and pedestrian signal equipment. No mention of the signal upgrades were provided in this section.
7. Figure 1.4 provides a graphic depiction of the roadway geometry proposed at the intersection of Highland Avenue / Gould Street / Hunting Road and along Gould Street fronting the site. While the geometry on the majority of the approaches appears consistent with the conceptual improvement sketches prepared as part of the former rezoning effort, the Hunting Road northbound approach to Highland Avenue and the receiving approach on Gould Street are inconsistent with the rezoning plans. The analysis and plans prepared as part of the rezone indicated that two through lanes would be required on Hunting Road with two receiving lanes on Gould Street to accommodate the traffic generated by the project. The capacity and queue analysis summarized in Table 2-15 of the ENF indicates that even with the mitigation measures proposed by the Applicant, the Hunting Road northbound movement will operate over capacity at level-of-service (LOS) F during the weekday AM and PM peak hours under 2029 Build with Mitigation conditions. The Highland Avenue eastbound left-turn movement will also operate at LOS F during the weekday AM peak hour. Therefore, the Applicant should consider the feasibility of providing an additional northbound lane on Hunting Road to improve the capacity and operations of this intersection.

Bicycle Accommodations

8. Section 2.3.4.1 of the ENF notes that a total of 89 bicycle parking spaces will be provided indoors and outdoors, but no description is given on how many spaces will be indoors and how many will be outdoors. The study also does not contain any assessment of the potential bicycle parking demand that could be generated and the adequacy of the number of bicycle parking spaces provided to accommodate this demand.

Collision History

9. Table 2-2 of the ENF does not provide a calculation of the crash rates (in crashes per million entering vehicles) experienced at any of the study area intersections. The crash rate is utilized to assess the significance of the crash occurrence at a study intersection by comparing the crash rate experienced to the statewide and district-wide averages for similar intersections and/or roadway segments. In addition, per MassDOT guidelines, collision diagrams should be prepared for any locations that experience an average of more than 3 crashes per year or a crash rate higher than the state or district-wide average. The Applicant should calculate the crash rates for all study area intersections and prepare collision diagrams, as necessary, to identify collision patterns at the study area intersections. For any location where 5 or more crashes of a similar type occurred over the analysis period, the Applicant should investigate measures to improve safety and mitigate collision occurrence.

Transportation Operations Analysis

10. According to Table 2-9, the Highland Avenue southbound approach to West Street will operate over capacity with long delays during the weekday PM peak hour under 2029 Build conditions, with an increase in delay of 22 seconds per vehicle generated by the project. The Applicant has not proposed any measures to mitigate this impact. The Applicant should investigate measures to mitigate this significant impact to operations.
11. The Highland Avenue eastbound through/right-turn movement at the intersection with Webster Street will operate over capacity during the weekday AM peak hour under 2029 Build conditions, with an increase in delay of 26 seconds per vehicle generated by the project. The Applicant has not proposed any measures to mitigate this impact. The Applicant should investigate measures to mitigate this significant impact to operations.
12. Although not heavily impacted by project-generated traffic, the Highland Avenue westbound left/through movement at the intersection with 1st Avenue will be well over capacity during the weekday PM peak hour under both 2029 No-Build and Build conditions. GPI recommends the Applicant consider measures to reduce delay and improve operations at this location.
13. Similarly, the Hunting Road northbound approach to Kendrick Street will be well over capacity during the weekday AM peak hour under 2029 No-Build and Build conditions. GPI recommends the Applicant consider options for reducing delay and improving operations at this location.
14. The Webster Street and Cedar Street approaches to Central Avenue are expected to operate well over capacity with long delays and queues under 2029 No-Build and Build conditions, particularly during the weekday AM peak hour. The Applicant should investigate options for improving the operations of these intersections, including conducting a signal warrant analysis to assess whether a warrant for installation of traffic signal will be met at either of these locations.
15. As noted in Comment 7, even with the proposed mitigation at the Highland Avenue / Gould Street / Hunting Road intersection, some movements will continue operating at LOS F under 2029 Build with Mitigation conditions. Therefore, the Applicant should investigate the feasibility of providing additional capacity at this location to accommodate 2029 Build traffic volumes.

Traffic Monitoring Program

16. Section 2.7.3 of the ENF describes a transportation monitoring program that will be conducted post-occupancy to monitor parking occupancy and traffic operations at four of the study area intersections, including the site driveway. The Applicant should also provide monitoring of the effectiveness of the proposed TDM program in encouraging walking/biking, carpooling, and public transportation travel to/from the site.
17. The proposed traffic monitoring program will include the collection of vehicle turning movement counts during the weekday AM and PM peak periods at the following study area intersections:
- Central Avenue / Gould Street
 - Gould Street / TV Place
 - Gould Street / Project Site Driveway
 - Highland Avenue / Gould Street / Hunting Road

GPI agrees that these represent the critical locations that would experience the greatest increase in traffic due to the project. However, should the result of the monitoring study indicate that the actual traffic increase generated by the project exceeds the traffic projections contained within the ENF by ten percent or more, the study area for the monitoring program should be expanded to include additional locations to verify that the project's impacts does not create any operation deficiencies at nearby locations. In addition, the monitoring programs should include a capacity and queue analysis to verify the operations of each of the study area intersections under post-occupancy conditions. The monitoring program should also include the collection of daily traffic volumes on TV Place and the Project Site driveway to verify the daily traffic generated by the project.

Should you have any questions regarding these comments, please contact me directly at 603-766-5223.

Sincerely,

GREENMAN-PEDERSEN, INC.



Rebecca L. Brown, P.E.
Senior Project Manager

TOWN OF NEEDHAM
SEWER SYSTEM IMPACT PROGRAM REGULATIONS

Approved: October 18, 2016

I. SCOPE OF SEWER SYSTEM IMPACT PROGRAM

- A. All activities, not exempted, requiring connection to, or a major increase in the use of the sanitary sewer system shall be subject to the requirements of these regulations.

II. ACTIVITIES SUBJECT TO THE SEWER SYSTEM IMPACT PROGRAM

- A. All activities, not exempted, requiring an extension of the sewer system are subject to these regulations.
- B. All activities, not exempted, requiring connection to, or a major increase in the use of the sewer system are subject to these regulations, including:
 - i. the development of a subdivision, where approval under the Subdivision Control Law, MGL, Ch. 41 is required;
 - ii. the development of a “Flexible Development,” as defined in Section 4.2.4 of the Town of Needham Zoning By-Law, consistent with subdivision control law;
 - iii. the development of a “Planned Residential Development,” as defined in Section 4.2.5 of the Town of Needham Zoning By-Law;
 - iv. the development of a “Residential Compound,” as defined in Section 4.2.6 of the Town of Needham Zoning By-Law; and
 - v. the development of a “Major Project,” as defined in Section 7.4 of the Town of Needham Zoning By-Law, including projects of 20,000 S.F. or more of gross floor area, or an increase of 10,000 S.F. or more of gross floor area, or the creation of 50 or more off street parking spaces, or the creation of a restaurant with 101 or more seats.
- C. All activities, not exempted, requiring a connection to, or an increase in the use of the sewer system whose total discharge:
 - i. will add 750 gallons per day (GPD), or more; and/or
 - ii. will increase by 750 GPD or greater above the “designated calculation of sewage flow” for the category of use existing prior to the proposed discharge increase (as set forth in 310 CMR 15:02, as amended);

are subject to these regulations,

- D. Certain activities may also require that a DEP “Sewer Extension Permit” and/or “Sewer Connection Permit” be obtained.

III. ACTIVITIES EXEMPT FROM SEWER IMPACT PROGRAM REGULATIONS

- A. Construction of a single family home on an existing lot is exempt from these regulations.
- B. Development activities on property not currently benefiting from a common sewer are exempt in their entirety. Any such property later requiring connection to a common sewer, by whatever means available, shall become subject to the usual assessment for betterments under M.G.L. Ch. 83 and may also be subject to the requirements of these regulations, as applicable.
- C. Development activities on property benefiting from a common sewer and having been assessed for a betterment under M.G.L. Ch. 83 but not yet connected to the sewer system are exempted as follows: initial connection to the system shall be exempt up to the limit total of 750 G.P.D. for each separate parcel of property as originally described in the Assessment Order when levied.
- D. Major Project Site Plan projects of less than 20,000 S.F. or more of gross floor area, or an increase of less than 10,000 S.F. or more of gross floor area, or the creation of less than 50 or more off street parking spaces, or the creation of a restaurant with fewer than 101 seats.

IV. REQUIREMENTS OF SEWER IMPACT PROGRAM REGULATIONS

- A. A property owner or developer, whose activity is not exempted, requiring connection to, or an increase in use of , the sewer system shall be required to:
 - i. Perform work upon the sewer system, as designated by the Director of Public Works, to relieve flow restrictions or eliminate a volume of excessive flow by a volume equal to two hundred percent (200%) of the proposed volume of discharge if the proposed discharge is less than 15,000 GPD, or four hundred percent (400%) of the proposed volume of discharge if the proposed discharge is 15,000 GPD or more;
 - ii. Pay a determined sewer impact charge. The rate to be used to determine the charge will be Eight Dollars (\$8.00) per gallon. This rate is intended to equal the sum of the per gallon cost of
 - 1. identifying and documenting the amount of infiltration to be removed;

2. designing plans and creating bid packages for the physical removal of the infiltration;
3. removing the required amount of infiltration; and
4. verifying and documenting the amount of infiltration removed.

V. ACCEPTANCE AND EXPENDITURE OF CHARGE AND CONTRIBUTIONS AND THE ESTABLISHMENT OF THE IMPROVEMENT FUND

- A. Payments offered in lieu of actual inflow and infiltration removal work must be accepted by the Board of Selectmen and upon acceptance, shall be deposited with the Treasurer and credited to the Sewer Enterprise Fund, held in a separate account reserved for future appropriation for the sole purposes intended.
- B. Authorization to expend said funds shall be by a majority vote of Town Meeting for a project submitted by the Board of Selectmen upon the recommendation of the Town Manager.

VI. AMMENDMENTS TO SEWER IMPACT PROGRAM REGULATIONS

- A. The Board of Selectman reserves the right to add, delete, rescind, modify or otherwise amend the requirements of these regulations.

From: [Paula Dickerman](#)
To: [Selectboard](#); Denise.Garlick@mahouse.gov; Becca.Rausch@masenate.gov; [Rabbi Julie Bressler](#); [Board Chairman](#); [Rebecca Drill](#); [Planning](#)
Subject: Resident support for NHA CPA Funds request
Date: Friday, April 22, 2022 9:27:44 AM

Hello, all.

Many residents are in support of the Needham Housing Authority's upcoming Town Meeting request for \$1.5 million in Community Preservation Funds to support the implementation of their Modernization and Redevelopment Plan. A few of us have made a 3 minute slide presentation about this.

We hope you will watch it using this link <https://youtu.be/CKbMbdMO0qw> and that you will share it with other members of any and all Needham groups you are affiliated with as appropriate. The funding request will come up for a vote at the May Town Meeting.

Thank you so much.

Sincerely,

Paula Dickerman
for Equal Justice in Needham