# NEEDHAM PLANNING BOARD Tuesday May 17, 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 <a href="www.zoom.us">www.zoom.us</a>. 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 <a href="https://www.zoom.us">www.zoom.us</a> 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/s/82658993198

- 1. Reorganization.
- 2. Public Hearing:
  - 7:20 p.m. Amendment to Major Project Site Plan Special Permit No. 97-12: Four Forty-Four Group, Inc., 444 Hillside Avenue, Petitioner. (Property located at 442 and 444 Hillside Avenue, Needham, MA).
- 3. Decision: Amendment to Major Project Site Plan Special Permit No. 91-7: Henry Hospitality Inc., d/b/a The James, 18 Cliftondale 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.
- 4. Approval Not Required Plan & Minor Modification request for Residential Compound and Heather Lane Extension Subdivision Decision, Koby Kemple, Petitioner (property located at 94 Heather Lane).
- 5. Board of Appeals May 19, 2022.
- 6. Minutes.
- 7. Report from Planning Director and Board members.
- 8. Correspondence.

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



# 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, Section 7.4, 3.2.1, 5.1.1.5; and Special Permit No. 97-12, Sections 3.2 and 4.2, the Needham Planning Board will hold a public hearing on Tuesday, May 17, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Four Forty-Four Group, Inc., 444 Hillside Avenue, Needham, Massachusetts, for a Special Permit Amendment under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 442 and 444 Hillside Avenue, Needham, MA, located in the Industrial District. The property is shown on Assessors Plan No. 100 as Parcels 6 and 61 containing a total of 29,623 and 25,283 square feet. The requested Major Project Site Plan Special Permit Amendment, would, if granted, permit the Petitioner to combine the two properties known and numbered 422 and 444 Hillside into one parcel in anticipation of the creation of a commercial condominium. No changes are proposed relative to the existing buildings, but the parking area in front of 422 Hillside will be returned to its prior condition, as approved in connection with a minor project site plan review in 1999.

In accordance with the Zoning By-Law, Section 7.4 and Special Permit No. 97-12, Sections 3.2 and 4.2, a Site Plan Special Permit amendment is required. In accordance with the Zoning By-Law, Section 3.2.1, a Special Permit is required for more than non-residential building or use on a lot. In accordance with the Zoning By-Law, Section 5.1.1.5, a Special Permit is required to further waive strict adherence with the off-street parking requirements of Section 5.1.3.

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

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

Direct Link to meeting: https://us02web.zoom.us/s/82658993198

The application may be viewed at this link:

<u>https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=</u>. 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 (<a href="http://masspublicnotices.org/">http://masspublicnotices.org/</a>).

NEEDHAM PLANNING BOARD

## George Giunta, Jr.

ATTORNEY AT LAW\*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
\*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 449-8475

April 15, 2022

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

Re:

Major Project Site Plan Amendment

Four Forty-Four Group, Inc.

422 & 444 Hillside Avenue, Needham, MA

Dear Lee,

Please be advised that this office represents Four Forty-Four Group, Inc. (hereinafter, and in the materials submitted herewith, "444 Group" and the "Applicant') relative to its two separate properties known and numbered 442 and 444 Hillside Avenue, Needham, MA (jointly, the "Premises"). In connection therewith, submitted herewith pursuant to M.G.L. Chapter 40A and the Town of Needham Zoning By-Law (the "By-Law"), please find the following materials. Same are submitted both electronically and in paper format.

- 1. Completed Application for further Site Plan Review with Addendum A;
- 2. Two copies of plan titled "Existing Conditions Site Plan, 422-444 Hillside Avenue, Needham, Mass", prepared by Verne T. Porter, Jr., PLS, dated April 12, 2022, consisting of one sheet; and
- 3. Check No. 1124 in the amount of \$1,000 for the requisite filing fee.1

The Premises is located in the Industrial Zoning District, on the eastern side of Hillside Avenue. The properties are identified as Parcels 7 and 61 on Town of Needham Assessor's Map No. 100, and contain approximately 29,623 square feet of land and 25,283 square feet of land, respectively. The building at 442 Hillside was constructed following minor project site plan review in 1999 and was used and occupied for more than ten years by Gentle Giant Moving and Storage (hereinafter "Gentle Giant") for warehouse and distribution purposes. It was subsequently used for several years by a gymnastics school, pursuant to Decision of the Zoning Board of Appeals, dated September 19, 2013. Gentle Giant now intends to reoccupy the building and use it once again for the same storage and distribution purposes as before.

<sup>&</sup>lt;sup>1</sup> Given the limited nature of the relief required, the Applicant requests a reduction in the applicable fee.

<sup>&</sup>lt;sup>2</sup> See letter d. July 15, 1999 from Lee Newman, Planning Director to Armand Lagivne, Building Inspector concerning minor project review, on file with Building Department.

The building at 444 Hillside was constructed pursuant to Major Project Site Plan Special Permit Decision, Application #97-12, filed with the Town Clerk on December 29, 1997 (authorizing the use of the property for the commercial storage and repair of motor vehicles, and associated zoning relief), as affected by Amendment dated October 10, 2000 (permitting interior display and sale of vehicles). Since construction, it has been used exclusively for automotive repair and sales, in accordance with the above referenced Decision, as amended.

As mentioned above, Gentle Giant currently intends to reoccupy the building at 422 Hillside Avenue and use it for the same purposes as it used the building previously, in connection with a planned purchase of the building. However, the current owner, the 444 Group, desires to retain ownership of the parking area located behind the building at 444 Hillside, which parking is currently located on the 422 property.

Originally, the parties had intended to divide the property at 442 Hillside Avenue so that the 444 Group could retain the aforementioned parking. However, due to the minimum lot width requirement set forth at Section 4.1.5 of the By-Law, and an inflection point in the left side lot line of the property, such division is not possible. While Section 4.1.5 has long required a minimum lot width of 80 feet, it was amended in the past few years to now specify exactly how lot width is to be measured. And, the new method of measuring lot width is different from before. Under the old methodology, the lot would have had 80 feet of width at the inflection point. But pursuant to the current methodology, the lot width at that point is just over 78 feet; short of the required 80 feet. To make things more complicated, while the adjacent property, which extends out to West Street, has ample land to provide to straighten out the lot line of 422 Hillside Avenue, that property also has an issue with lot width, and therefore can't be altered.

As a result, because the parties desire to find a way to effectuate their transaction, they have agreed to combine the two Hillside Avenue properties into one lot, and then create a commercial condominium. It is the intention that one unit will contain the building at 422 Hillside Avenue, the parking area in front and the parking area behind said building, and the other unit will contain the building at 444 Hillside Avenue, the parking area in front and the parking area behind. While far from an ideal solution, it appears to be a workable one and will allow the parties to achieve their goals. However, due to the conditions and restrictions of the existing site plan approval for 444 Hillside Avenue, further site plan review and further relief is required. In addition, because both buildings and their respective uses will now be on one lot, a new special permit will also be required for more than one non-residential use or building on a lot.

#### Analysis

#### I. Use

The property at 444 Hillside is currently used for automotive repair and sales purposes pursuant to existing special permits. Whereas such uses are still currently allowed by special permit, and assuming the issuance of the relief currently requested, the uses will continue to comply with the By-Law.

The property at 422 Hillside will be used by Gentle Giant for warehouse and distribution purposes as before. Such use is allowed as of right pursuant to the By-Law and therefore, the use will comply.

#### II. Parking

As established pursuant to the original site plan decision for 444 Hillside Avenue, the use of that property for automotive repair and sale requires a total of 29 off-street parking spaces. There are currently 42 spaces on that property; 25 above ground and 17 underground.

The use of the building at 422 Hillside for warehouse and distribution purposes will require a total of 15 parking spaces calculated as follows:

Total Office: 1,344 SF

(Mezzanine Office 672 SF + First Floor Office 672 SF)

Total Warehouse: 8,388 SF

1,344 SF office @ 1 space / 300 SF = 4.48 spaces required, rounded up = 5 spaces required

8,388 SF warehouse @ 1space / 850 SF = 9.87 space required, rounded up =10 spaces required

5 + 10 = 15 total spaces required

That property currently contains 49 parking spaces; well in excess of the 15 spaces required.

Combining the two properties together, the existing and anticipated uses will require 44 parking spaces and there are 92 spaces on site. Therefore, more than adequate parking will be provided.

#### III. Site Plan Analysis

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

With the exception of returning the front parking area at 422 to its prior condition when Gentle Giant previously occupied the building, no changes to the properties or to any existing buildings, landscaping, driveways or other features are anticipated or proposed. Therefore, no material impact is anticipated to surface water drainage, sound and sight, views, light and air.

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

The two buildings and properties are currently fully developed and bounded by existing established ways. Furthermore, while the front parking area at 422 Hillside Avenue will be returned to its prior condition as review in connection with the minor site plan review from 1999 mentioned above, such condition existed previously for more than 10 years. Therefore, traffic patterns are not expected to be affected in any material way, and the Applicant is neither aware

of nor anticipates any problems with vehicular and pedestrian movement within the site or on adjacent streets.

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

Whereas the use of 444 Hillside will not change, and where 422 Hillside was previously used for the same purpose for more than 10 years without issue or incident, the 444 Group does not anticipate any significant or material additional impacts to the parking and loading spaces. Given its location in a developed and somewhat dense industrial area, and considering both uses co-existed previously without any problem, the Applicant considers the current arrangement of parking and loading spaces to be adequate. In addition, while there are existing parking design waivers for the 444 Hillside property, the parking is not being altered and no additional waivers are required.

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

The two properties are already developed with infrastructure in place. Moreover, no changes is proposed for 444 Hillside and the use of 422 Hillside previously operated for more than 10 years without issue or incident. Therefore, the Applicant considers the waste disposal methors to be adequate.

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

The two properties are situated in a highly developed, industrial area. The Applicant is not aware of any significant community assets in the area immediately adjoining the Premises. Moreover, both properties are fully developed at present and given that both uses previously operated simultaneously for more than 10 years, the relationship of the Premises to any community assets or any adjacent landscape, buildings and structures is not anticipated to be altered or affected in any material way.

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

The two properties are presently fully developed and fully connected to Town infrastructure. Moreover, the only changes anticipated are to the front parking area at 422 Hillside, which condition was previously approved under a minor project site plan review. Therefore, the Applicant does not anticipate any significant or material change, or any adverse impacts to any Town resource.

#### Conclusion

Based on the foregoing, the 444 Group asserts that the proposed combination of the two properties at 422 and 44 Hillside Avenue, into one property, with the buildings to be used and occupied in the same manner as they were previously, as set forth above and in the materials submitted herewith, is both proper and appropriate. The property at 444 Hillside has been used continuously for automotive repair for over 20 years, since the building was built. Moreover, for more than 10 years, the property at 422 Hillside was used for the same purpose by the same

entity as currently proposed. Therefore, the 444 Group does not anticipate any significant change in operation or effect and requests that the relief be granted.

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

Your courtesy and attention are appreciated.

Sincerely,

George Giunta, Jr

### TOWN OF NEEDHAM

MASSACHUSETTS



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

### PLANNING BOARD

#### APPLICATION FOR SITE PLAN REVIEW

MI DICATION FOR SITE I DAN 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 422 Hillside Avenue & 444 Hillside Avenue, Needham, MA
Name of Applicant Four Forty-Four Group, Inc.
Applicant's Address 444 Hillside Avenue, Needham, MA 02494
Phone Number 781-444-2522
Applicant is: Owner X Tenant
Agent/Attorney Purchaser
1 0101001
Property Owner's NameSame as above
Property Owner's Address
Telephone Number
29,623 & Warehouse & Distribution
Characteristics of Property: Lot Area 25,283 SF Present Use Automotive Repair and Sales
Map #100 Parcel # 7 Zoning District Industrial (IND)
& 61
Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:
Applicant desires to combine the properties known and numbered 422 Hillside Avenue and 444 Hillside Avenue into one parcel in anticipation of creation of a commercial condominium. No changes are proposed relative to the existing buildings, but the parking area in front of 422 Hillside will be returned to its prior condition, as approved in connection with minor project site plan review in 1999. Notwithstanding the lack of any material change, zoning relief is required, as set forth at Addendum A attached hereto and incorporated herein.
Four Forty Four Group, Inc.
7
Signature of Applicant (or representative)  Address if not applicant  By James/P. O'Brien, Pres.
Address if not applicant By James/P. O'Brien, Pres Telephone #
Owner's permission if other than applicant
SUMMARY OF PLANNING BOARD ACTION
Received by Planning Board Date
Hearing Date Parties of Interest Notified of Public Hearing
Decision Required by Decision/Notices of Decision sent
Granted
Denied Fee Paid Fee Waived
Withdrawn
NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

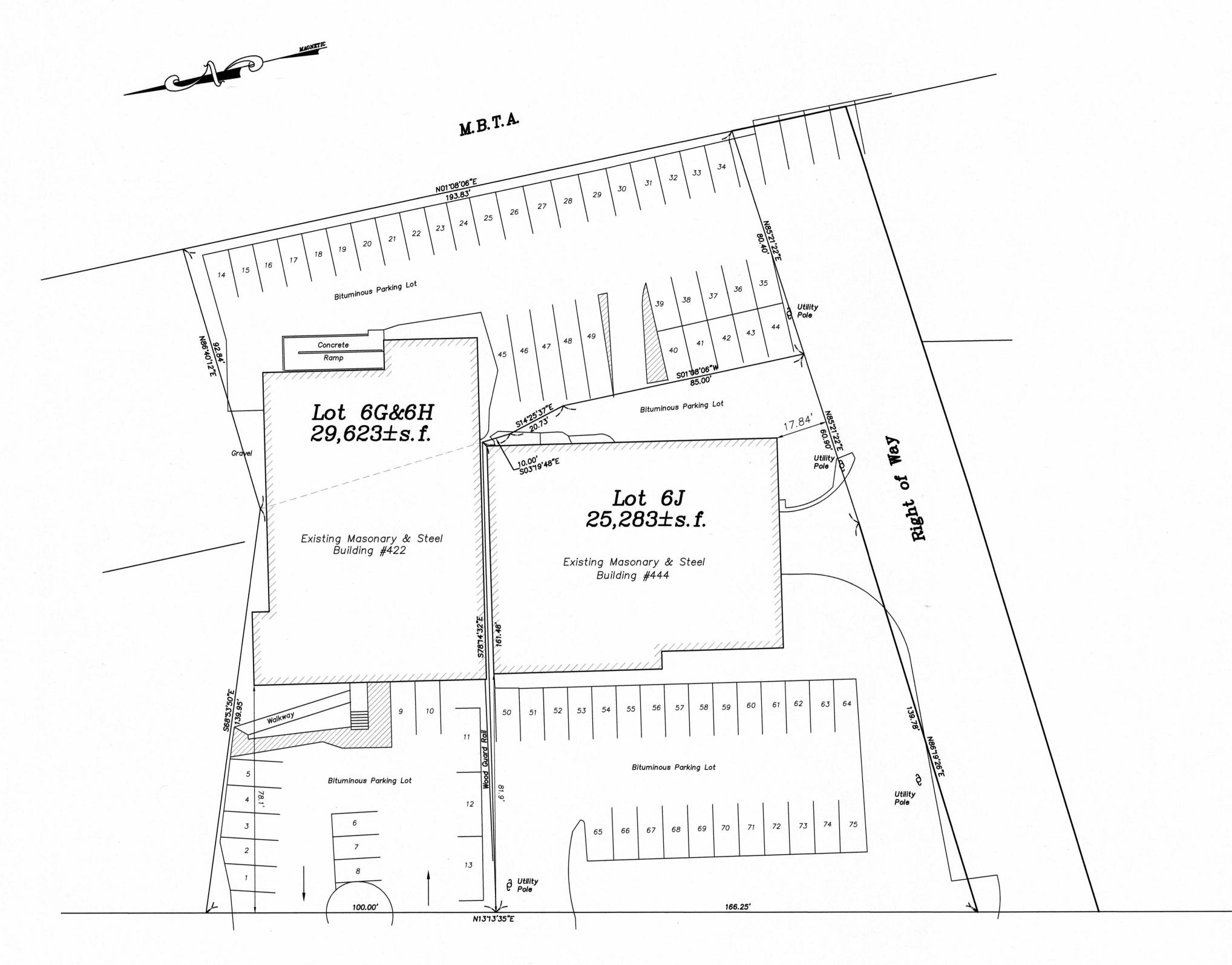
### ADDENDUM A TO APPLICATION FOR SITE PLAN REVIEW

)F

Four Forty-Four Group, Inc. 422 & 444 Hillside Avenue Needham, Massachusetts

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

- 1. Pursuant to Paragraphs 3.2 and 4.2 of the original Site Plan Special Permit Decision (#97-12), as amended, further Major Project Site Plan Review is required.
- 2. In addition, the following relief is, or may be required:
  - a. a Special Permit pursuant to Section 3.2.1 for more than one non-residential building or use on a lot where such buildings or uses are not detrimental to each other and are in compliance with all other requirements of this By-Law;
  - b. A Special Permit pursuant to Section 5.1.1.5 further waving strict adherence with the off-street Parking Plan and Design requirements of Section 5.1.3 of the Zoning By-law;
  - d. Waiver of strict compliance with the requirements of Section 7.4.4, as applicable; and
  - e. Any and all additional relief required or appropriate for the combination of the two properties at 422 & 444 Hillside Avenue into one parcel, while maintaining the use of 422 for warehouse and distribution by a moving and storage company and 444 for automotive repair and sales.
- 3. The Applicant requests that any and all relief granted by the Board in connection with the within application shall run with the land and that movement of interior walls and interior fixtures, and other interior alterations not require further review.



Hillside

(50' Wide-Public)

Avenue

	ZONING T	ABLE	
422-444	Hillside Avenue,	Needham, Mass	sachusetts
	ZONE: II	ndustrial	
REGULATION	REQUIRED	EXISTING #422	EXISTING #444
LOT AREA	10,000S.F.	29,623S.F.	25,283S.F
LOT FRONTAGE	80'	100.0'	166.25
FRONT SETBACK	10.0'	78.1'	81.9'
SIDE SETBACK	0'/0'	1.9'/1.0'	1.5'/17.8'
REAR SETBACK	0'	44.9'	1.7'

Parking Space Calculation

422 Hillside Avenue 1,344s.f. Office Space, 5 Parking Spaces Required 8,338s.f. Warehouse, 10 Parking Spaces Required 15 Total Parking Spaces Required

444 Hillside Avenue

29 Parking Spaces (See DEcision, Site Plan Special Permit #97-12, Para. 1.4)

44 Total Parking Spaces Required 92 Total Parking Spaces Existing

Owners

422 & 444 Hillside Avenue Four Forty—Four Group, Inc. 444 Hillside Avenue Needham, Ma. 02492 Bk.24954 Pg.599

Assessors Map 100 Parcels 61 & 7

# ~Existing Conditions Plan~

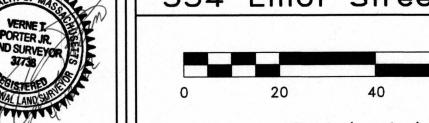
422-444 Hillside Avenue Needham, Massachusetts

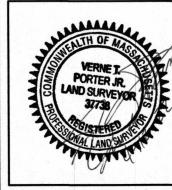
Scale: 1"=20'

April 12, 2022

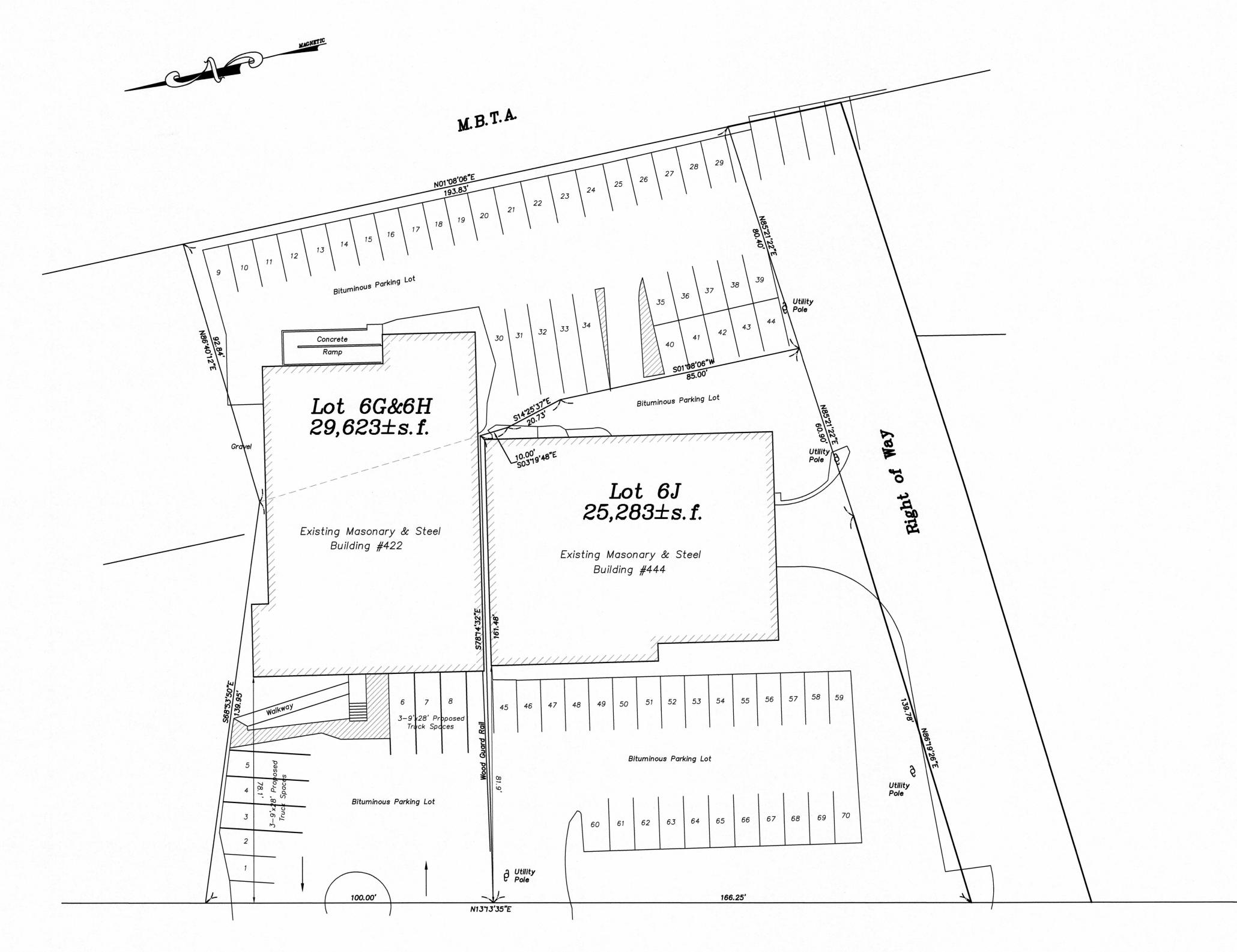
VERNE T. PORTER Jr, PLS

Land Surveyors - Civil Engineers 354 Elliot Street, Newton, Ma. 02464





				Project:
				Desinged By:
20	40	60	80	Drawn By:
Shee	et_1_of_1			Checked By:



Hillside (50' Wide-Public)

Avenue

	ZONING T	ABLE	
422-444	Hillside Avenue,	Needham, Mass	sachusetts
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444 Hillside Avenue

29 Parking Spaces (See Decision, Site Plan Special Permit #97—12, Para. 1.4)

44 Total Parking Spaces Required 87 Total Parking Spaces Proposed

Owners

422 & 444 Hillside Avenue Four Forty—Four Group, Inc. 444 Hillside Avenue Needham, Ma. 02492 Bk.24954 Pg.599

Assessors Map 100 Parcels 61 & 7

~Proposed Site Plan~

422-444 Hillside Avenue

Needham, Massachusetts

Scale: 1"=20'

May 11, 2022

VERNE T. PORTER Jr, PLS

Land Surveyors — Civil Engineers

354 Elliot Street, Newton, Ma. 02464

Project: Desinged By: Drawn By: Checked By: Sheet\_1\_ of \_1\_



From: Dennis Condon
To: Alexandra Clee

Subject: RE: Request for comment - 422 & 444 Hillside

**Date:** Monday, May 9, 2022 10:50:20 AM

Attachments: image001.png image002.png

Hi Alex.

The Fire Dept. has no objections to this proposal.

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:** Thursday, May 5, 2022 3:45 PM

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

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

**Subject:** Request for comment - 422 & 444 Hillside

Dear all,

We have received the attached application materials for the proposal at 422 & 444 Hillside. The proposal is to combine the two properties known and numbered 422 and 444 Hillside into one parcel in anticipation of the creation of a commercial condominium. No changes are proposed relative to the existing buildings, but the parking area in front of 422 Hillside will be returned to its prior condition, as approved in connection with a minor project site plan review in 1999.

More information can be found in the attachments.

The Planning Board has scheduled this matter for May 17, 2022. Please send your comments by Wednesday May 9, 2022 at the latest. Sorry for the late notice on this one; but I hope the proposal is simple enough to allow sufficient time for review.

The documents attached for your review are as follows:

- 1. Application for the Amendment to Major Project Special Permit No. 97-12 with Addendum A.
- 2. A letter to Lee Newman, Planning Director, from George Giunta Jr., dated April 15, 2022.
- 3. Plan entitled "Existing Conditions Plan, 422 & 444 Hillside, Needham, MA," prepared by Verne T. Porter, Jr., 354 Elliot Street, Newton, MA, dated April 12, 2022.

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:
 Timothy McDonald

Subject: RE: Public Health Division comments re: 422 & 444 Hillside Avenue

**Date:** Tuesday, May 10, 2022 3:47:44 PM

Attachments: <u>image002.png</u>

image003.png

Alex -

The Public Health Division conducted the review for the Amendment to Major Project Special Permit request for the proposal at #422 & 444 Hillside Avenue, and we have no comments to share at this time.

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

Thanks.

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)

ASSISTANT PUBLIC HEALTH DIRECTOR

**Needham Public Health Division** 

**Health and Human Services Department** 

178 Rosemary Street Needham, MA 02494

Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922

Mobile- (781) 883-0127

Email - tgurge@needhamma.gov Web- www.needhamma.gov/health



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#### Follow Needham Public Health on Twitter!

From: Alexandra Clee <aclee@needhamma.gov>

**Sent:** Thursday, May 5, 2022 3:45 PM

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

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

**Subject:** Request for comment - 422 & 444 Hillside

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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

May 11, 2022

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

RE: Amendment to Major Project Special Permit No. 97-12

422 & 444 Hillside Avenue-

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request Amendment to a Special Permit. The applicant requests this modification to combine the lots at 422 and 444 Hillside in anticipation of creating a commercial condominium. No changes to the site are proposed at this time

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

- **1.** Application for the Amendment to Major Project Special Permit No. 97-12 with Addendum A.
- 2. A letter to Lee Newman, Planning Director, from George Giunta Jr., dated April 15, 2022.
- 3. Plan entitled "Existing Conditions Plan, 422 & 444 Hillside, Needham, MA," prepared by Verne T. Porter, Jr., 354 Elliot Street, Newton, MA, dated April 12, 2022.

Our comments and recommendations are as follows:

• We have no comment or objection to the proposed amendment.

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

Truly yours,

Thomas Ryder Town Engineer



# PLANNING DIVISION Planning & Community Development

#### AMENDMENT TO DECISION May 17, 2022

# MAJOR PROJECT SITE PLAN SPECIAL PERMIT The James 1027 Great Plain Avenue, Needham, MA 02492 Application No. 91-07

(Original Decision 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 October 10, 2017)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Henry Hospitality Inc., d/b/a The James, 18 Cliftondale Street, Roslindale, MA, (hereinafter referred to as the Petitioner) for property located at 1027 Great Plain Avenue, Needham, Massachusetts, 02492. Said property is shown on Needham Town Assessors Plan, No. 51 as Parcel 11 containing 14,800 square feet in the Center Business Zoning District.

This decision is in response to an application submitted to the Board on March 17, 2022, by the Petitioner to amend the decision by the Board 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 October 10, 2017. The Petitioner seeks: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit Amendment to Major Project Site Plan Review Special Permit No. 91-7, Section 4.2; and (3) a Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively).

The requested Major Project Site Plan Review Special Permit Amendment would, if granted, amend the Decision to 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 outdoor dining is proposed to be year-round, subject to approval by the Select Board. The 5 private parking spaces, which had been, by decision dated September 8, 2015, made available to the public and restricted to two-hour use, are now proposed to be used for outdoor dining purposes.

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, May 3, 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 May 3, 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.

#### **EVIDENCE**

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

- Exhibit 1- Application for Amendment to Major Project Site Plan Review Special Permit No. 91-7 and application under Section 6.9 of the By-Law, dated March 17, 2022.
- Exhibit 2 Plan prepared by Scott Melching Architect, entitled "The James Pub and Revisions, Needham, MA, Exterior Seating Plan," dated December 23, 2021.
- Exhibit 3 5 photographs of the exterior seating presently in place at The James.
- Exhibit 4 Second License Agreement and Memorandum of Understanding between the Town of Needham, Triantos and Dina Thomas, Henry Hospitality, and the Heffernan Associates Nominee Trust, dated March 2, 2022.
- Exhibit 5 Major Project Site Plan Special Permit No. 2015-06, dated September 8, 2015, amended March 28, 2022, issued to the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, for property at the location of the Existing Municipal Chapel Street Parking Lot, shown on Assessor's Map No. 51 as Parcel 8 containing .79 acres.
- Exhibit 6 Email to Alex Clee from Stuart Henry, Petitioner, dated September 8, 2015, with two attachments: 1) site plan comprising two sheets with sketch on it showing proposed location of outdoor dining; and 2) photograph of the proposed outdoor seating installation.
- Exhibit 7 Letter to Henry Hospitality, Inc. d/b/a, The James, from Charles Intha, Architrave Owner, dated, April 14, 2022.
- Exhibit 8 Design Review Board approval, dated March 28, 2022.
- Exhibit 9 Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated March 23, 2022; IDC to the Board from Tom Ryder dated March 25, 2022; IDC to the Board from Chief Dennis Condon, Fire Department, dated March 17, 2022; and IDC from Dave Roche, Building Commissioner, dated March 17, 2022, March 22, 2022 and April 29, 2022.
- Exhibits 1, 2, 3, 6 and 7 are referred to hereinafter as the Plan.

#### FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 91-7, 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 October 10, 2017, were ratified and confirmed except as follows:

1.1 The Petitioner is requesting that Major Project Site Plan Special Permit No. 91-7, 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 October 10, 2017, be amended to reduce the

number of approved indoor dining seats permitted at the premises from 67 seats to 56 seats and to 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 outdoor dining is proposed to be year-round, subject to approval by the Select Board. The 5 private parking spaces, which had been, by decision dated September 8, 2015, made available to the public and restricted to two-hour use, are now proposed to be used for outdoor dining purposes.

- 1.2 The parking lot (located behind Chapel Street) is the subject of a license agreement between the Town and the property owner of 1027 Great Plain Avenue to permit parking on the private spaces for municipal purposes (Exhibit 4). The Town of Needham has independently sought and received an amendment to Major Project Site Plan Special Permit No. 2015-06, dated September 8, 2015, amended March 28, 2022, to allow for outdoor dining to occur on the Chapel Street municipal parking lot which had been previously dedicated to a municipal parking purpose (Exhibit 5).
- The Amendment to Decision of Major Project Site Plan Special Permit Decision No. 91-7, dated 1.3 October 10, 2017, amended the then current Decision of October 20, 2009, to allow Gibbous Moon, Inc., d/b/a The Center Café Needham to transfer their business and licenses, to Henry Hospitality, Inc., d/b/a The James; to revise the floor plan and seating plan for the restaurant to 67 seats; to modify the dinner hours to 3:00 p.m. to Midnight, and to allow the restaurant to be open for brunch on Saturday and Sunday from 10:00 a.m. to Midnight. Currently, the James is permitted as a sixty-seven (67) seat full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter restaurant and with one take-out station. The restaurant may be open for business seven (7) days a week from 3:00 p.m. to Midnight, Monday through Friday, and from 10:00 a.m. to Midnight on Saturday and Sunday. Under the By-Law, the parking requirement for a 67seat restaurant with one take-out station is 33 parking spaces (1 parking space per 3 seats plus 10 parking spaces per take-out station). The Petitioner received a parking waiver of 33 parking spaces thereby reducing the parking required for the restaurant use from 33 spaces to 0 spaces. The Petitioner was required to dedicate 5 of its on-site parking spaces to use by the public as two-hour parking and to mark such spaces accordingly.
- 1.4 The Petitioner is now requesting at this location a one-hundred twenty-five (125) seat full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter during the outdoor dining season being year round, distributed as follows: fifty-six (56) seats are to be available for indoor table dining with one take-out station and sixty-nine (69) seats are to be available for outdoor table dining.
- 1.5 The Petitioner further proposes to utilize the bathroom at the back of the building of Architrave, a property within 30 feet from the outdoor dining. This additional bathroom availability is required to meet the plumbing code. The building has two accessible bathrooms with a 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 and the interior seating is now 56 seats for a total of 125 seats, this puts the seating over the plumbing capacity. The Petitioner has represented his intent to enter into an agreement with the owner of the Architrave toy store Mr. Charles Intha for the use of the stores existing bathrooms (Exhibit 7). The bathrooms are located in the rear of the toy store near the rear exit door which is approximately 30 feet from the outdoor seating for the restaurant. The additional access to restrooms is required to meet the plumbing code and allow for the use of the 69 exterior seats.
- 1.6 The Petitioner secured a waiver to reduce the number of required on-site parking spaces for the 67-seat indoor restaurant use with one take-out station of 33 spaces under the Amendment to Decision of Major Project Site Plan Special Permit Decision No. 91-7, dated October 10, 2017. The Petitioner

now seeks to reduce the indoor seating at the restaurant from 67 seats to 56 seats and to 4 of the 5 onsite parking spaces from a public parking use to outdoor dining and to thus revise the parking waiver associated with this aspect of its operation. The Petitioner further propose to provide 1 on-site handicap parking space adjacent to the outdoor seating installation. Under the By-Law, the parking requirement for a 56-seat restaurant with one take-out station is 29 parking spaces (1 parking space per 3 seats plus 10 parking spaces per take-out station). Accordingly, the Petitioner under Section 5.1.1.6 seeks a parking waiver of 28 parking spaces for this aspect of its operation thereby reducing the parking required for the indoor dining operation from 28 spaces to 1 on-site handicap parking space. This represents a decrease of 5 spaces from the parking waiver authorized under the Amendment to Decision of Major Project Site Plan Special Permit Decision No. 91-7, dated October 10, 2017.

- 1.7 The Petitioner has further requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (number of parking spaces) as relates the required parking for the year-round seating plan of fifty-six (56) indoor dining seats and sixty-nine (69) outdoor dining seats. Under the By-Law, the parking requirement for a 56-seat indoor restaurant with one take-out station is 29 (1 parking space per 3 seats, plus 10 parking spaces for one take-out station). Section 6.9 of the Zoning By-Law permits up to 30% of the approved indoor seating to be utilized outdoors without authorization from the Special Permit Granting Authority and the provision of additional parking, 30% of 56 seats is 17 seats. As the Petitioner is requesting 69 outdoor seats, the Petitioner is requesting more than 30% of the approved indoor seats and is therefore requesting approval for such, as allowed by Section 6.9, as well as an additional parking waiver under Section 5.1.1.6. Seventeen (17) seats are permitted through Section 6.9; therefore, the Petitioner is requesting a parking waiver with respect to the remaining 52 outdoor seats, which is a waiver of 18 additional parking spaces. Accordingly, a waiver of 18 additional parking spaces has been requested while the outdoor dining is being utilized (which is proposed to be year-round). One parking space is provided on-site. As the indoor parking space waiver is 28 spaces and the outdoor dining parking space waiver is for 18 spaces the total parking waiver requested is 46 parking spaces or an increase of 13 parking spaces from the current circumstance.
- Pursuant to Section 5.1.1.1 of the By-Law no change of a structure or use from a use described in the categories described in Section 5.1.2 of the By-Law to another category that requires additional off street parking shall be made unless in accordance with Sections 5.1.2 and 5.1.3 of the By-Law for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. As one compliant handicap parking space is associated with the property, a waiver under the provisions of Section 5.1.1.6, Subsection 5.1.3 is not required.
- 1.9 The Petitioner has requested to revise the Decision transferred on October 10, 2017, which previously stated: "On the basis of the evidence presented by the transferee, the Planning Board by unanimous vote, after motion duly made and seconded, consents to the transfer by Gibbous Moon, Inc., d/b/a The Center Café Needham to Henry Hospitality, Inc., d/b/a The James of Major Project Site Plan Special Permit No. 1991-07 dated February 4, 1992, amended March 23, 1993, November 15, 1994, and September 8, 2015, and transferred on September 24, 1996, May 8, 2001, and October 20, 2009, to use the premises at 1027 Great Plain Avenue for a restaurant with one take-out counter with seating for up to 100, subject to the following conditions." to now say "On the basis of the evidence presented by the transferee, the Planning Board by unanimous vote, after motion duly made and seconded, consents to the transfer by Gibbous Moon, Inc., d/b/a The Center Café Needham to Henry Hospitality, Inc., d/b/a The James of Major Project Site Plan Special Permit No. 1991-07 dated February 4, 1992, amended March 23, 1993, November 15, 1994, and September 8, 2015, and transferred on September 24, 1996, May 8, 2001, and October 20, 2009, to use the premises at 1027 Great Plain Avenue for a restaurant with one take-out counter with seating for up to 56 indoors and 69 outdoors, subject to the following conditions."

- 1.10 No changes to the interior of the restaurant are proposed by this application except for a reduction in the total number of indoor seats from 67 seats to 52 seats.
- 1.11 The Petitioner appeared before the Design Review Board on March 28, 2022 and obtained approval for the project.
- 1.12 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.13 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

#### **DECISION**

THEREFORE, the Board voted 5-0 to GRANT: (1) an amendment to a Major Site Plan Review Special Permit No. 91-7, issued by the Needham Planning Board 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, October 10, 2017, under Section 7.4 of the Needham Zoning By-Law and Special Permit 91-7, Section 4.2; and (2) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following Plan modifications, conditions and limitations.

#### PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit 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 The Plan shall be modified to include the requirements and recommendations of the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

- a) A floor plan shall be submitted showing the indoor seating reduced from 67 seats to 52 seats.
- b) The application shall be corrected to show that 4 private parking spaces will be utilized for the outdoor dining installation.
- c) The Plan shall be revised to show one handicap parking space located adjacent to the outdoor dining installation with said space designed and having signage as detailed in Condition 3.6 below.
- d) The plan shall be revised to show the installation of a railing along the ramp accessing the outdoor seating area.

#### CONDITIONS AND LIMITATIONS

The conditions and limitations contained in Major Project Site Plan Special Permit No. 91-7, 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, are ratified, and confirmed except as modified herein.

- 3.1 A total of 69 outdoor dining seats as shown in the plans as detailed in Exhibit 2 of the Decision are hereby approved for use year-round, subject to the approval of the Select Board, within the area shown on the marked-up plan in Exhibit 6.
- 3.2 The outdoor dining area shall be kept clear of trash and food scraps that might attract rodents.
- 3.3 Outdoor dining is only permitted as long as the safety measures to separate vehicles and people dining can be maintained. During the Covid-19 relief measures that permitted outdoor dining, this has consisted of "Jersey barriers" as provided by the Town. If said barriers are no longer available, the Petitioner shall return to the Planning Board to request some alternate barrier, at which time the Board will seek comment from public safety and DPW departments.
- 3.4 Exercise of the rights under this permit are subject to approval by the Select Board as the holder of the Second License Agreement and Memorandum of Understanding between the Town of Needham, Triantos and Dina Thomas, Henry Hospitality, and the Heffernan Associates Nominee Trust, dated March 2, 2022 (Exhibit 4).
- The Petitioner shall provide for the Board's review and approval a copy of its agreement with the 3.5 the owner of the Architrave toy store located at 1029 Great Plain Avenue for the use of two bathrooms located in the rear of the store and within 30 feet from the proposed outdoor dining area for use by the James restaurant patrons. Entry to the bathrooms shall be through the back door of the toy store which shall be marked clearly with signs for The James patrons. Said bathroom facilities shall be available as further described in Section 1.5 of this Decision. The Board shall be notified by the Petitioner in the event that there is a modification, waiver or amendment to the arrangements with the owner of the Architrave toy store to allow for use by the James patrons of the bathroom facilities at the Architrave toy store location. Notice required under this Section shall be sent by United States certified mail, postage prepaid, or recognized overnight courier (such as UPS or Federal Express), addressed to the Needham Planning Board, Public Services Administration Building, 500 Dedham Avenue Needham, MA, Attn. Lee Newman, Director Planning and Community Development. The relief granted by this permit and the authorization of the 69 outdoor dining seats shall automatically lapse if any of the required off-site bathroom facilities at the Architrave toy store located at 1029 Great Plain Avenue cease to be available for the stated purpose.
- 3.6 The Petitioner shall make available to the public one on-site handicap parking space immediately adjacent to the outdoor dining installation. Signage indicating the noted purpose shall be provided including an above-grade sign at the space that includes the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles

May Be Removed At Owners Expense". The design of the space, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.

- 3.7 The "Decision" section of the October 10, 2017 transferred decision is revised to say: "On the basis of the evidence presented by the transferee, the Planning Board by unanimous vote, after motion duly made and seconded, consents to the transfer by Gibbous Moon, Inc., d/b/a The Center Café Needham to Henry Hospitality, Inc., d/b/a The James of Major Project Site Plan Special Permit No. 1991-07 dated February 4, 1992, amended March 23, 1993, November 15, 1994, and September 8, 2015, and transferred on September 24, 1996, May 8, 2001, and October 20, 2009, to use the premises at 1027 Great Plain Avenue for a restaurant with one take-out counter with seating for up to 56 indoors and 69 outdoors, subject to the following conditions."
- 3.8 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions, or other agencies, including, but not limited to, the Select Board, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.9 No portion of the outdoor dining area, subject to this Amendment, shall be occupied and utilized by the Petitioner until there shall be filed with the Board documentation of a satisfactory inspection by the Building Commissioner of the as-built condition and the Commissioner certification of the project's compliance with the terms of this Decision.
- 3.10 No other changes were requested nor are permitted through this amendment.
- 3.11 This Site Plan Special Permit Amendment shall lapse on May 17, 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 17, 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 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 17th day of M	May, 2022.	
NEEDHAM PLANNING BOARD		
Paul S. Alpert, Chairman		
Adam Block		
Natasha Espada		
Martin Jacobs		
Jeanne S. McKnight		
COM Norfolk, ss	MONWEALTH OF MASSACI	HUSETTS2022
appeared	to me through satisfactory e	the undersigned notary public, personally of the Planning Board of the Town of evidence of identification, which was ose name is signed on the proceeding or e act and deed of said Board before me.
	Notary Public nar My Commission l	ne: Expires:
	ality Inc., d/b/a The James, 18	ay appeal period on the approval of the Cliftondale Street, Roslindale, MA, for
and there have been no appealsthere has been an appeal filed.	s filed in the Office of the Town	Clerk or
Date	Т	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 Henry Hospitality Inc., d/l	Board of Health Director, PWD Design Review Board D/a The James



May 11, 2022

Town of Needham, MA Planning Board Room 20, Town Hall Needham, MA 02192

#### Re: Application for Approval Not Required Plan - 94 Heather Lane

Dear Planning Board Members:

94 Heather Lane LLC, a Massachusetts limited liability company, is the owner of 94 Heather Lane Extension in the Residential Compound portion of the Heather Lane and Extension development which is:

- shown as Lot RC-5 on the Residential Compound Plan Set for Lot 4, Heather Lane Extension also prepared by Kelly Engineering and approved by the Needham Planning Board on August 11, 2020, recorded with Norfolk Deeds in Plan Book 698, Page 59 (the "Compound Plans"); and
- subject to (a) the Residential Compound Special Permit dated August 11, 2020, for Heather Lane Extension, 768-768A Chestnut Street recorded with Norfolk Deeds in Book 38810, Page 165 (the "Special Permit") and (b) the Heather Lane Extension Declaration of Restrictive Covenants dated December 15, 2020 recorded with Norfolk Deeds in book 38810, Page 186 (the "Covenants").

A lot line adjustment transferring 6, 226 square feet from 94 Heather Lane Ext. to 108 Heather Lane Ext. is desired in order to give flexibility for the house siting, provide greater setbacks to the property line and protect the screening between the two parcels. This is shown on the submitted ANR plan, prepared by GLM Engineering Consultants, Inc., dated April 29, 2022 and revised on May 9, 2022.

We seek clarification that such lot line adjustment is not a further subdivision as restricted by Section 1.3 of the Special Permit and Section 1 of the Covenants.

Thank you for your attention. Please call me at 508-429-1100 if you have any questions.

Sincerely,

GLM Engineering Consultants, Inc.

Joyce E. Hastings, NL.S.

cc. Koby Kempel



## TOWN OF NEEDHAM, MA

# PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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

## APPLICATION FOR APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

				Date:	May 11	2022
The undersign	ned,	on behalf of 94 H	leather Lane LLC			(owner's name or self) of
_		Street, PMB#485, I	Boston, MA 02115		(address), owner	of land in Needham, the description
said land bein	ıg su	bmitted herewith, de	siring to make a subdi	vision o	f said land hereby	submits the following required plan
and documen	ts:					
	a)	the original tracings	and eight full sized co	pies and	six reduced size	d copies of each of the
		following plans –				
		i.	a key location map	p		
		ii.	a lot plan			
		iii.	a profile plan			
		iv.	a municipal servic	es and u	ıtility plan	
		v.	a topographic plar	1		
		vi.	any detail plans re	quired		
		Each plan bearing tit	les, endorsements and	imprint	s required.	
	b)	a filing fee of \$500	plus \$250 per lot for e	ach lot i	n the subdivision	
	c)	a description of the b	oundaries of the entire	e area to	be subdivided; a	nd
	d)	a list of names and a	ddresses of all abutters	s as they	appear on the mo	ost recent Needham Assessors'
		records				
	e)	( 10			1 1	
		(specify any	additional material or	r inform	ation submitted)	
and petitions	the 1	Planning Board to co	nsider and approve suc	ch subdi	vision plans unde	r the provisions of the Subdivision
Control Law	(M.C	G.L. Chapter 41, Sect	ions 81-A through 81-	-G inclu	sive, as amended	and in accordance with the Rules a
Regulations of	f the	e Needham Planning	Board and the applical	ble By-l	Laws of the Town	of Needham.
The undersign	ned	certifies that the appl	icant(s) is/are the sole	owner(s	s) of the entire lan	d proposed to be subdivided and that
the subdivision	n pl	ans and the description	on submitted indicate t	the true	boundaries of said	d land and the correct names of all
abutters as sh	own	on the most recent r	ecords of the Needhan	n Assess	sors.	
(If the applica	ant i	s not the owner, writt	en authorization to act	as agen	it must be attache	d)
				·	John	(owners)
				K	oby Kempel, Ma	anager
			j	Ву		(agent)
This applicatio	n is i	accepted by the Needha	m Planning Board in acc	cordance	with Sections 81-C	g and 81-T of the Subdivision Control Lc

### TOWN OF NEEDHAM

#### **MASSACHUSETTS**

Room 20, Town Hall Needham, MA 02192 617-444-5100

#### PLANNING BOARD

# APPLICATION FOR SPECIAL PERMIT for PLANNED RESIDENTIAL DEVELOPMENT RESIDENTIAL COMPOUND FLEXIBLE DEVELOPMENT

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.

Location of Property 94 Heather Lane Extensi	sion
Name of Applicant 94 Heather Lane LLC	292 Newbury St., PMB#485  Address Boston, MA 02115  Tel.# 617-470-3715
Applicant is Owner XX Tenant	Agent/Attorney Purchaser
Property Owner's Name (if not Applicant)	AddressTel.#
Characteristics of Property: Lot Area_	6.85 Acres Present Use Residential
Map # 199-204 Parcel # 54	Zoning District Residential Compound
or Section 4.2.4. Flexible Development:  The purpose of this application is to request a Special Fidurision will adjust the lot line between RC-Lot 5 and RC Parcel "A". Parcel "A" is not to be considered a buildabt RC-Lot 4. The addition of Parcel "A" to RC-Lot 4 will all	able lot, it will be conveyed to and become part of allow more flexibility to position the house on RC-Lot 4, provide flow the owners of RC-Lot 4 control of the screening between
and dom	lanning Board with reference to the above appli-
	s if not Applicant
	Tel.#
Owner's permission if other	ner than applicant

# TOWN OF NEEDHAM MASSACHUSETTS



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

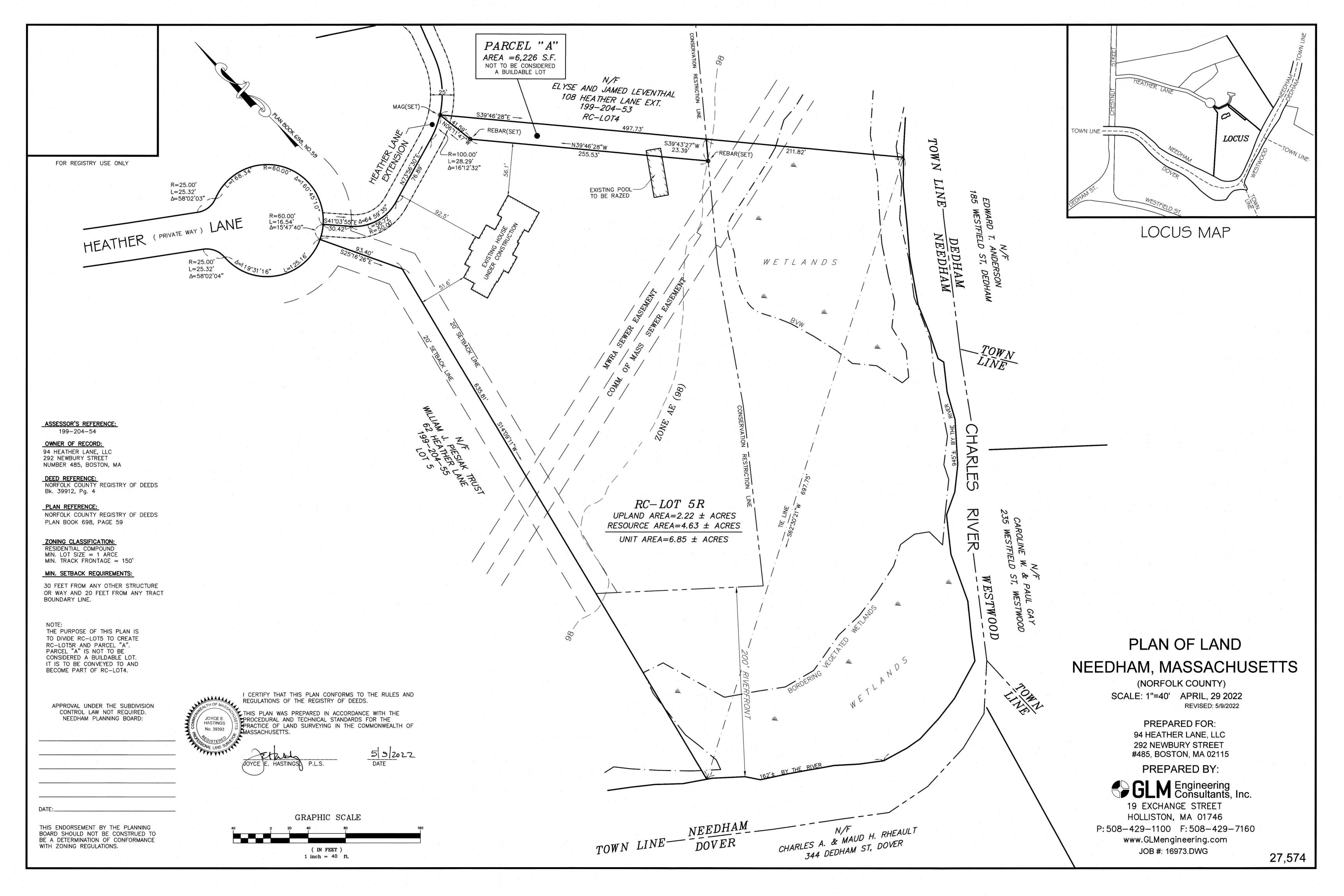
## APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

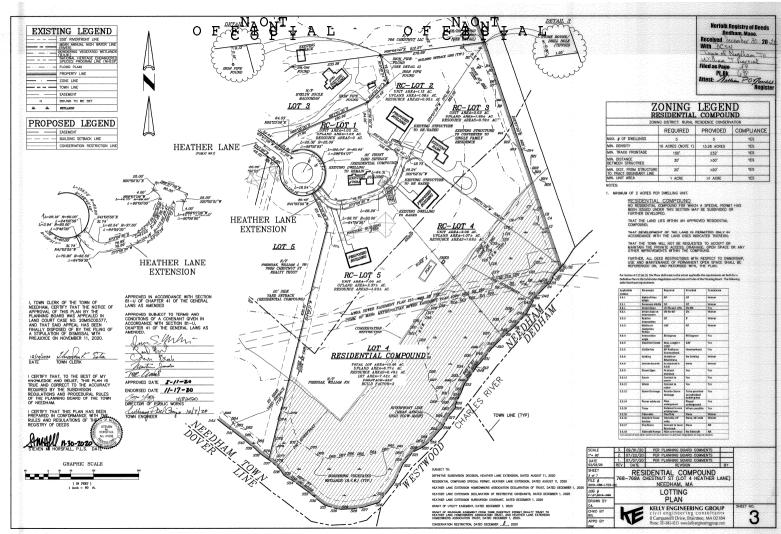
Submit three (3) copies. One copy to be filed with the Planning Board and one with the Town Clerk as required by Section 81-P, Chapter 41 of the General Laws. This application must be accompanied by the **Original Tracing** and **three (3) copies of the plan**.

To the Planning Board:

The undersigned, believing that the accompanying plan of land in the Town of Needham does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reasons outlined below, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1.	Nam	e of	Applicant Koby I	Kempel, 94 He	eather Lane, LLC	<u> </u>		
	Addı	ess_	292 Newbury St	reet, #485, Bo	ston, MA 02115			
2.	Nam	e of	Engineer or Surveyo	g GLM Engin	eering Consulta	nts, Inc.		
	Addı	ess_	19 Exchange St	reet, Holliston	, MA 01746			
3.	Deed	lofp	roperty recorded in Book3	Norfolk Cou 39912	nty , Page_4_	Registry,	<u>.</u>	
4.	The	pui	pose of this plan	nis to divide L	ot RC-Lot 5 to c	reate RC-Lo	of Heather Lane Extension. ot 5R and Parcel "A". Parcel "A" d become part of Lot RC-Lot 4.	Δ"
5.	Reas	ons a	approval is not requi	red (check as app	olicable):	eyed to and	become part of Lot 110-Lot 4.	
RC-Lo	t 5r		Every lot shown ha Chapter 41 of the G		ntage required by th	e Zoning By-l	Law on a way, as defined by Section	81-L,
Parcel	"A"	b)	Land designated only together with a	Parcel "A" adjacent lots havi	ng the required area		shall not be used as separate building	g lot(s) but
		c)	Lot(s) having less to 3/26/1925, no lar reduced by the plan	nd is available to	tage or area resulted make up the deficie	I from a taking ncy and the fro	g for public purpose or have been recontage and land area of such lots are	orded prior not being
		d)						
(If t	he apı	plica	nt is not the owner,	written authorizations Signature of Apparent Address 292 l	tion to act as agent r plicant few Newbury Street,	nust be attache	ed) on, MA 02115	
				By Koby	Kempel		(agent)	
App as a	licatio luly si	on ac ıbmit	cepted this ted under the rules o					
			$By_{\perp}$					







## TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT **DEFINITIVE SUBDIVISION DECISION**August 11, 2020

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

**PLANNING** 

Heather Lane Extension 768-768A Chestnut Street

William John Piersiak

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 768-768A Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the northerly side of Proposed Heather Lane, at the northwesterly corner of the herein described premises, thence; Running N55° 23' 56"E a distance of 64.53' to a point; Thence turning and running N 68° 05' 00"E a distance of 17.20' to a point; Thence turning and running N67° 01' 35"E a distance of 180.99' to a point; Thence turning and running N46° 24' 47"E a distance of 73.49' to a point; Thence turning and running N15° 06' 04"W a distance of 75.07' to a point; Thence turning and running N82° 58' 00"E a distance of 512.27' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,107', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 636', more or less to a point; Thence turning and running N25° 16' 26"W a distance of 93.40' to a point on the easterly side of the Proposed Heather Lane; Thence running along a curve to the left having a radius of 60.00' and an arc length of 184.88' to a point; Thence running along a curve to the right having a radius of 25.00' and an arc length of 25.32' to a point; Thence turning and running N53° 47' 08"W a distance of 21.84' to the point and place of beginning. The described area contains 13.26 acres, more or less.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on April 29, 2020, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create five (5) Residential Compound (RC) house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. The land to be subdivided into RC lots has several buildings on it. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the plans.

After causing notice of the time and place of its 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, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID 826-5899-3198. Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block were present throughout the June 16, 2020 public hearing. The hearing was continued to Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID 826-5899-3198. Board members, Jeanne S.



McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID 826-5899-3198. Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 The Plan entitled, "Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA", dated March 3, 2020; Sheet 2, No. 2, "Existing Conditions Plan," dated March 3, 2020; Sheet 3, No. 3, "Lotting Plan", dated March 3, 2020; Sheet 4, No. 4, "Grading Plan", dated March 3, 2020; Sheet 5, No. 5, "Sewer& Drain Plan", dated March 3, 2020; Sheet 6, No. 6, "Utility Plan", dated March 3, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020.
- Exhibit 2 Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 Legal Description of Land proposed to be subdivided.
- Exhibit 5 Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 6 Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 7 Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 8 List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 9 Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.
- Exhibit 10 Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement and (5) Grant of Drainage Easement.

- Exhibit 11 Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 12 Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 13 Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 14 Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 15 -Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Existing Conditions," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled "Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled "Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled "Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern," dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.
- Exhibit 16 Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; and (4) Grant of Utility Easement; and (5) Grant of Drainage Easement.
- Exhibit 17 Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.
- Exhibit 18 Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.
- Exhibit 19 Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled "Conservation Restriction Plan," dated June 24, 2020.

- Exhibit 20 The Plan entitled, "Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA", dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, "Existing Conditions Plan," dated March 3, 2020; Sheet 3, No. 3, "Lotting Plan", dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, "Grading Plan", dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, "Sewer& Drain Plan", dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, "Utility Plan", dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020, revised July 7, 2020.
- Exhibit 21 Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.
- Exhibit 22 Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.
- Exhibit 23 The Plan entitled, "Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA", dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, "Existing Conditions Plan," dated March 3, 2020; Sheet 3, No. 3, "Lotting Plan", dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, "Grading Plan", dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, "Sewer& Drain Plan", dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, "Utility Plan", dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020, revised July 7, 2020.
- Exhibit 24 Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 11, 16, 19 and 23 are referred to hereinafter as the Plan.

The Board by a vote of 5-0 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on The Plan entitled, "Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans and Residential Compound Special Permit for

Heather Lane, 768-768A Chestnut Street, Needham, MA", dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, "Existing Conditions Plan," dated March 3, 2020; Sheet 3, No. 3, "Lotting Plan", dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, "Grading Plan", dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, "Sewer& Drain Plan", dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, "Utility Plan", dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020, revised July 7, 2020.

- 1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.
- a) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be laid out to a width of 50 feet and approves instead a 25-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. The Board found a right-of-way width of 25 feet to be sufficient to accommodate the 5-lot residential compound.
- b) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of limiting the amount of impervious surface on the site so as to minimize off-site drainage impacts on neighboring properties and the visual impact the 24 feet of bituminous concrete paving would have on the existing landscape. The Board specifically found a bituminous concrete pavement width of 20 feet to be sufficient to accommodate the residential house lots proposed to be serviced by the subdivision and the ability of emergency vehicles to access the site.
- c) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that the grade of the street not exceed 1% within 50 feet of a street intersection and approves instead a maximum grade of 2% at the intersection of Heather Lane and Heather Lane extension, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the safety of the intersection to function in accordance with ASHTO roadway safety standards and the affirmative recommendation of the Town Engineer for this roadway design program.
- d) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require a 20 foot radii at the intersection of Heather Lane and Heather Lane extension, and approves instead the 0' radii, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the affirmative recommendation of the Town Engineer for this roadway design program.
- e) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the minimum centerline radius be 100 feet, and approves instead 50 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3

through 13 of this Decision. In the granting of this waiver, the Board considered the affirmative recommendation of the Town Engineer for this roadway design program.

- f) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that granite or reinforced concrete curbing be installed around the cul-de-sac and at catch basin inlets and approves the use of no curbing, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the dead-end nature of the proposed street, and the affirmative recommendation of the Town Engineer for this roadway design program.
- g) The Board hereby waives the requirements of Section 3.3.8 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require granite or concrete bounds be installed and approves no bounds, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision.
- h) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of Heather Lane extension and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for Heather Lane extension and the dead-end nature of the street.
- i) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width and no sidewalks. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, and 1.h above.
- 2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:
- a) The plan shall be revised to show a Conservation Restriction Easement over the entirety of the 200-foot Riverfront Area located on Residential Compound Lots 3, 4 and 5.
- b) The plan shall be revised to show the street light detail and location.
- 3. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, and 1.i. is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5 as shown on the Plan (hereinafter in paragraphs 3 through 12 inclusive referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

- 4. Each and every owner or owners of any Lot served by the Private Way shall be jointly and severally responsible and liable through the Heather Lane Extension Homeowners Trust Agreement for the costs of the maintenance, repair and reconstruction of the Private Way (the Private Way) shown on the Plan and designated thereon and all services, the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, sidewalks, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and providing adequate services to each Lot, all in accordance with these conditions. For purposes hereof, owner shall mean the record owner of the Lot or Lots as of the date that the maintenance, repair or reconstruction work, as the case may, be is begun.
- 5. Each owner of a Lot through the Heather Lane Extension Homeowners Trust Agreement shall perform all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority. The within requirement shall be included in all deeds of the Lots.
- 6. The Trustees under the Heather Lane Extension Homeowners Trust Agreement shall not use or permit use of the Private Way for any purpose other than ingress and egress from the Lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private-passenger vehicular traffic, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way and services installed thereon, or hereunder. No owner or owners of any Lot shall park or cause to be parked any motor vehicle on the Private Way in such a way as to impede or obstruct the passage of pedestrian or vehicular traffic on the Private Way.
- 7. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder by or at the direction of any owner or owners of any Lot as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only to the extent necessary in connection with such work.
- 8. Neither the owner nor any successor owner or owners of any Lot shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.
- 9. Neither the Owner nor any successor owner or owners of any Lot, shall at any time request or petition that any drainage system, sewer pipes or related equipment or any other improvement within the subdivision for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Needham.
- 10. The Town of Needham and its designees shall have the right to enter upon the Private Way for all appropriate purposes for which public ways are used in the Town of Needham.

- 11. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 11 inclusive, and a) any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the b) subsurface areas, equipment and facilities used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.
- 12. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 12 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.
- 13. The Petitioner shall grant a Conservation Restriction to the Town of Needham in accordance with G.L. Chapter 40, Section 8C, over the 200-foot Riverfront Area located on Lot 3, Lot 4 and Lot 5 as a condition of this approval. The easement shall be granted in perpetuity and exclusively for conservation purposes and shall be subject to review and approval by the Board. The purpose of the easement shall be to assure that the above-described riverfront area will be retained in perpetuity predominately in a natural, scenic and open condition and to prevent any use that would significantly impair or interfere with these conservation values. The protected area contains wetland areas, including bordering vegetated wetlands, bank and a riverfront area. The protected area borders the Charles River and will protect the water quality of the Charles River and Priority Habitat for Rare Species and Estimated Habitat, as identified by the Natural Heritage Endangered Species Program, including, but not limited to, the Umber Shadowdragon (Neurocordulia obsolete). The Petitioner shall deliver to the Board a copy of the recorded Conservation Restriction, with Conservation Restriction Plan attached, prior to the release of Lots 3, 4 and 5 for purposes of building or conveyance.
- 14. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 8 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan, as modified by this decision. The lighting system shall be maintained, and the electricity shall be supplied through the Heather Lane Extension Homeowners Trust Agreement.
- 15. In any sale or transfer by the record owner of title to Lots 1 through 5, as shown on the Plan, or any successor record owner of title to Lots 1 through 5, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 14 of this decision. In any sale or transfer by the record owner of title to Lot 3, Lot 4, and Lot 5, as shown on the Plan, or any successor record owner of title to Lot 3, Lot 4 or Lot 5, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 13 of this decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5 which does not expressly refer to and incorporate these conditions shall, nevertheless, be deemed to contain the same and all events shall be subject thereto.
- 16. In general, the cutting of trees and removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All trees having a caliber of 6 inches as measured three feet off the ground bordering "Heather Lane Extension" and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those

trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

- 17. Off-street drainage surety in the amount of \$14,000.00 shall be posted (\$3,500.00 per lot) for Lots 2, 3, 4 and 5. Said surety amount is predicated on the Petitioner's representation that no new construction will occur on Lot 1 under this subdivision approval. Said surety shall be posted prior to the release of said Lots as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated July 29, 2020, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.
- 18. The existing and proposed houses within the five-lot subdivision are each required to have dry wells. The dry wells for each house shall have volumetric capacity sufficient to store 1 inch of roof runoff. Each record owner, whether one or more persons or entities, of title to Lots 1 through 5, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan and the above-noted standard. Prior to the release of Lots 1 and 3, which contain existing structures which are proposed to remain, proof of compliance with this condition shall be provided to the Board for review and approval.
- 19. Prior to Plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall submit a letter indicating they are committed to providing a response under the NPDES requirement: Control Measure #1- "Public Education and Outreach" and Control Measure #2, "Public Participation/Involvement" and shall implement said measures prior to the release of the subdivision lots.
- 20. A Department of Environmental Protection sewer extension permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.
- 21. Any and all special permits required by the Massachusetts Water Resources Authority, if applicable, shall be obtained at the expense of the applicant.
- 22. A special sewer connection permit program fee, if applicable, shall be provided for all lots within the subdivision.
- 23. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.
- 24. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.
- 25. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.
- 26. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

- 27. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.
- 28. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.
- 29. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.
- 30. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department, if applicable.
- 31. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.
- 32. All construction staging and parking shall be on-site. No construction parking shall be permitted on Chestnut Street or on any other public street.
- 33. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.
- 34. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.
- 35. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.
- 36. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have four years from the date of endorsement of the Plan to complete the installation and construction of Heather Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.
- 37. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.
- 38. The Petitioner shall deliver to the Board for its approval a duly executed Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U, Declaration of Restrictive Covenants, Heather Lane Extension Homeowners Association Declaration of Trust, and Grant of Utility Easement, all as may be required and as shown on the Plan. Such documents shall be

subject to review and approval of the Board prior to endorsement of the Plan. The Subdivision Covenant, Declaration of Restrictive Covenants, Heather Lane Extension Homeowners Association Declaration of Trust, and Grant of Utility Easement shall be referenced on the Plan and all documents shall be recorded with the Plan.

- 39. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 12 and 38 of this decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lots 3, 4, and 5 a copy of the recorded instrument described in paragraph 13 of this decision shall be provided to the Planning Director.
- 40. The approval granted herein is subject to endorsement of approval by the Board on the Heather Lane Definitive Subdivision Plan, following compliance with all applicable conditions of approval as set forth in the Planning Board's Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020. Prior to the release of any lots for building or sale, copies of the recorded Heather Lane Definitive Subdivision Plan and associated instruments shall be provided to the Planning Director.
- 41. The issuance of lot releases hereunder is subject to the installation of water, sewer, and electric utilities in the roadway, installation of the drainage system on Lots 5 and 6, and the laying of the binder course for Heather Lane, including its cul-de-sac, in accordance with the Plan approved in the Planning Board's Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- 42. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this Decision.

The foregoing has been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval after due notice on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, is applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval

and all easement and restrictive covenants required hereunder effective record encumbrances upon the subject property.	have	been	recorded	and	are

NEEDHAM PLANNING BOARD Jeanne S. McKnight, Chairman Paul S. Alpert Martin Jacobs Ted Owens COMMONWEALTH OF MASSACHUSETTS Norfolk, ss Aug. 15, 2020 On this 13 day of August, 2020, before me, the undersigned notary public, personally appeared Markov Tacobs, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known 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. My Commission Expires: March 18,2022 TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision of the subdivision proposed by William John Piersiak, 768 Chestnut Street, Needham, MA, for property located at 768-768A Chestnut Street, 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 Select Board Board of Health Design Review Board Engineering Town Clerk **Building Inspector** Fire Department Director, PWD Conservation Commission Police Department Parties in Interest Robert Smart, Attorney

Witness our hands this 11th day of August 2020



# TOWN OF NEEDHAM, MA

# PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT RESIDENTIAL COMPOUND SPECIAL PERMIT August 11, 2020

Needham, MA 02492 781-455-7550

500 Dedham Ave

**PLANNING** 

Heather Lane Extension 768-768A Chestnut Street

William John Piersiak

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 768-768A Chestnut Street, Needham, Massachusetts, Said property is described as follows:

Beginning at a point on the northerly side of Proposed Heather Lane, at the northwesterly corner of the herein described premises, thence; Running N55° 23' 56"E a distance of 64.53' to a point; Thence turning and running N 68° 05' 00"E a distance of 17.20' to a point; Thence turning and running N67° 01' 35"E a distance of 180.99' to a point; Thence turning and running N46° 24' 47"E a distance of 73.49' to a point; Thence turning and running N15° 06' 04"W a distance of 75.07' to a point; Thence turning and running N82° 58' 00"E a distance of 512.27' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,107', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 636', more or less to a point; Thence turning and running N25° 16' 26"W a distance of 93.40' to a point on the easterly side of the Proposed Heather Lane; Thence running along a curve to the left having a radius of 60.00' and an arc length of 184.88' to a point; Thence running along a curve to the right having a radius of 25.00' and an arc length of 25.32' to a point; Thence turning and running N53° 47' 08"W a distance of 21.84' to the point and place of beginning. The described area contains 13.26 acres, more or less.

This decision is in response to an application for approval by the Petitioner of a Special Permit for a Residential Compound known as "Heather Lane Extension Residential Compound" located at 768-768A Chestnut Street, Needham, Massachusetts, as provided in Section 4.2.12 of the Zoning By-law.

If approved, the Plan would create five (5) Residential Compound (RC) house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. The land to be subdivided into RC lots has several buildings on it. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the plans.

After causing notice of the time and place of its 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, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID 826-5899-3198. Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block were present throughout the June 16, 2020 public hearing. The hearing was continued to Tuesday, July 21,

2020 at 8:00 p.m. via remote meeting using Zoom ID 826-5899-3198. Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID 826-5899-3198. Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 The Plan entitled, "Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA", dated March 3, 2020; Sheet 2, No. 2, "Existing Conditions Plan," dated March 3, 2020; Sheet 3, No. 3, "Lotting Plan", dated March 3, 2020; Sheet 4, No. 4, "Grading Plan", dated March 3, 2020; Sheet 5, No. 5, "Sewer& Drain Plan", dated March 3, 2020; Sheet 6, No. 6, "Utility Plan", dated March 3, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020.
- Exhibit 2 Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 Legal Description of Land proposed to be subdivided.
- Exhibit 5 Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 6 Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 7 Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 8 List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 9 Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.
- Exhibit 10 Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General

- Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement; and (5) Grant of Drainage Easement.
- Exhibit 11 Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 12 Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 13 Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 14 Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Presentation at June 16, 2020 hearing including the following: Sheet 1, with Exhibit 15 satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Existing Conditions," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled "Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled "Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled "Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern," dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.
- Exhibit 16 Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement; and (5) Grant of Drainage Easement.
- Exhibit 17 Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.
- Exhibit 18 Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.

- Exhibit 19 Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled "Conservation Restriction Plan," dated June 24, 2020.
- Exhibit 20 The Plan entitled, "Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA", dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, "Existing Conditions Plan," dated March 3, 2020; Sheet 3, No. 3, "Lotting Plan", dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, "Grading Plan", dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, "Sewer& Drain Plan", dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, "Utility Plan", dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020, revised July 7, 2020.
- Exhibit 21 Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.
- Exhibit 22 Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.
- Exhibit 23 The Plan entitled, "Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA", dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, "Existing Conditions Plan," dated March 3, 2020; Sheet 3, No. 3, "Lotting Plan", dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, "Grading Plan", dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, "Sewer& Drain Plan", dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, "Utility Plan", dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020, revised July 7, 2020.
- Exhibit 24 Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- Exhibit 25 Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 23 is referred to hereinafter as the "Heather Lane Extension Definitive Subdivision Plan".

### **Findings**

- 1.0 On the basis of the evidence and after open deliberations, the Board makes the following findings:
- 1.1 The "Heather Lane Extension Residential Compound" is comprised of 13.26 acres of land with approximately 232 feet of frontage on Heather Lane, a private way. Frontage on Heather Lane is derived through Lot 4 shown on the Definitive Subdivision Plan for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA. Said plan received approval by the Needham Planning Board under Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020. (Exhibit 24).
- 1.2 The "Heather Lane Extension Definitive Subdivision Plan" and accompanying deed restrictions and covenants provide for legal access to Heather Lane for all lots within the "Heather Lane Extension Residential Compound" having frontage on Heather Lane Extension.
- 1.3 The "Heather Lane Extension Residential Compound" contains five lots, all of which are restricted from further subdivision. Lot 1 will retain the existing single-family dwelling. Lots 2 and 4 are proposed for new single-family house construction. Lot 3 will retain the existing barn structure which will be converted to a single-family dwelling. Lot 5 proposes the relocation of the existing single-family dwelling to a location southerly on the lot. The five buildings lots are restricted to single-family dwellings, all of which are detached.
- 1.4 The lots within the "Heather Lane Extension Residential Compound" share a private 20-foot wide paved driveway (known as Heather Lane Extension) with frontage and access on Heather Lane.
- 1.5 Adequate provision has been made for the maintenance of the private driveway by the owners of the lots.
- 1.6 The "Heather Lane Extension Residential Compound", as approved, meets the dimensional, density, frontage, and access requirements of Section 4.2.12 of the Needham Zoning By-Law, as well as all requirements of Section 9 of Chapter 40A, M.G.L. The Residential Compound contains 13.26 acres and 2.65 acres per dwelling unit. No proposed structure is located closer than 30 feet from any other structure, nor 20 feet from any tract boundary line.
- 1.7 The proposed "Heather Lane Extension Residential Compound", is in harmony with the general purpose and intent of Section 4.2.12 of the Zoning By-Law; it is designed in such a manner to make it sufficiently advantageous to the Town and to the residential district in which it is proposed to be located, with the primary benefits being the retention of the rural feeling in the area, the conservation of open space along the Charles river, consistent with high quality residential development.

### **Decision**

2.0 On the basis of the foregoing, this Board finds the proposed "Heather Lane Extension Residential Compound", to be in conformance with the provisions, standards, general purpose and intent of Section 4.2.12 Residential Compound of the Zoning By-Law.

Therefore, the Board by a vote of 5-0 hereby APPROVES the Special Permit for the "Heather Lane Extension Residential Compound", subject to the following conditions.

### **Conditions**

- 3.0 This Special Permit is subject to compliance with the plans and all the terms and conditions as set forth in the Planning Board's "Definitive Subdivision Decision, Heather Lane Extension 768-768A Chestnut Street, Needham, MA", dated August 11, 2020.
- 3.2 The land within the Residential Compound is subject to all limitations and requirements set forth in Section 4.2.12 of the Needham Zoning By-Law.
- 3.2 This Special Permit is subject to endorsement of approval on the Heather Lane Extension Definitive Subdivision Plan, following compliance with applicable conditions of approval as set forth in the Planning Board's "Definitive Subdivision Decision, Heather Lane Extension 768-768A Chestnut Street, Needham, MA", dated August 11, 2020.
- 3.3 This Special Permit is subject to endorsement of approval on the Heather Lane Definitive Subdivision Plan, following compliance with applicable conditions of approval as set forth in the Planning Board's Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- 3.3 This Residential Compound Special Permit shall be referenced on and recorded with the Heather Lane Extension Definitive Subdivision Plan.
- 3.4 No building permit shall be issued for any lot within the Heather Lane Extension Residential Compound until copies of all recorded instruments required as a result of the Heather Lane Extension Definitive Subdivision Plan approval and this Special Permit approval are filed with the Planning Board.
- 3.5 This Special Permit shall lapse within two years, including any time required to pursue or await the determination of any appeal, from the grant thereof, if substantial use or construction has not sooner commenced except for good cause.
- 3.6 This Special Permit and the obligations of the applicant set forth in the conditions hereto shall run with the land comprising the Residential Compound and shall inure to and be binding upon the Petitioner, his successors and assigns.

NOW, THEREFORE, by vote of the Planning Board this Special Permit is granted consistent with the requirements of said Section 4.2.12 of the Needham Zoning By-Law and upon the conditions contained herein.

This Special Permit is not effective until the Planning Board receives evidence of recording with the Norfolk Registry of Deeds in accordance with M.G.L., Chapter 40A, Section 11.

NEEDHAM PLANNING BOARD Adam Block Ted Owens COMMONWEALTH OF MASSACHUSETTS Aug. 13, 2020 Norfolk, ss On this 3 day of August, 2020, before me, the undersigned notary public, personally appeared Martin Jacobs, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was <u>personally</u> 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. My Commission Expires: March TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision of the subdivision proposed by William John Piersiak, 768 Chestnut Street, Needham, MA, for property located at 768-768A Chestnut Street, 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 Select Board Board of Health Design Review Board Engineering Town Clerk **Building Inspector** Fire Department Director, PWD Conservation Commission Police Department Parties in Interest Robert Smart, Attorney

Witness our hands this 11th day of August 2020

## This draft Agenda is for Planning Board Usage Only

# NEEDHAM ZONING BOARD OF APPEALS AGENDA

THURSDAY, May 19, 2022 - 7:30PM Zoom Meeting ID Number: 869-6475-7241

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us, click "Join a Meeting" and enter the Meeting ID: 869-6475-7241

Or joint the meeting at link: <a href="https://us02web.zoom.us/j/86964757241">https://us02web.zoom.us/j/86964757241</a>

### **AGENDA**

Minutes

Review and approve Minutes from April 28, 2022 meeting.

Case #1 – 7:30PM

**68 Garden Street** – Andrew P. Feldman, applicant, applied to the Board of Appeals for a Special Permit under Sections 6.1.2 and any other applicable Sections of the By-Law to allow one additional garage space. This request is associated with the construction of a new single-family home with an attached garage. The property is located at 68 Garden Street, Needham, MA in the Single Residence B (SRB) District.

Case #2 – 7:45PM

**1330 Highland Avenue** (*Emery Grover Building*) – The Town of Needham Permanent Public Building Committee, applicant, applied to the Board of Appeals for a Special Permit pursuant to Sections 1.4.6, 5.1.1.5, 5.1.2, 5.1.3 of the Zoning By-Law for the purpose to allow the change, extension, alteration, enlargement, or reconstruction of a preexisting nonconforming building and to waive the required number of parking spaces and parking design requirements. This request is associated with the full "core and shell" renovation of the Emery Grover Building, a National Registered Historic Place, built in 1898, to allow its continued use by the Needham School Administration. The property is located at 1330 Highland Avenue, Needham, MA in the Apartment 1 (A1) District.

Case #3- 8:00PM

670 Highland Avenue, 284 Webster Street and 28 Greendale Avenue – Temple Beth Shalom and Davenport Holding Properties, Inc., applicants, applied to the Board of Appeals for an Special Permit Amendment under Sections 1.4.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to provide relief for the following: a) an extension of the 2015 Special Permit to expand the parking lot due to the acquisition of the properties at 284 Webster Street and 28 Greendale Avenue; b) a waiver of strict adherence to the parking space and parking design requirements; and c) the continuance of pre-existing nonconforming buildings and structures, and uses thereon. This request is associated with the demolition of the

Next Meeting: Thursday, June 16, 2022 at 7:30pm

existing house and garage at 284 Webster Street and the construction of a parking lot connected to the existing Temple driveway and main parking lot; and the renovations of the house and garage at 28 Greendale Avenue for use as additional classroom space. The property is located at 670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue, Needham, MA in the Single Residence B (SRB) District.

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Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Application. Failure to do so will delay the scheduling of the hearing.							
Applica	nt Info	rmation					
Applicant Name	AND	PREW P.	FELDMAN				Date:
Applicant Address	68 G	ARDEN S	ST NEEDH	yr 1	1A O	2492	,
Phone	6/7-9	143-5288		email	ANDREW	PFELDMAN PGM	AIL. Com
Applicant is	s <b>X</b> Owner	; □Tenant; [	□Purchaser; □Other	-			
If not the o	wner, a le	etter from th	ne owner certifying	authoriza	ation to	apply must be inc	cluded
Representa Name	ative						
Address							
Phone				email			
Representa	ative is 🗆	Attorney; □C	Contractor; $\Box$ Archite	ct; 🗆 Oth	er		
Contact 🕅	Me □Repr	esentative in	connection with this	applicatio	on.		
Subject	Prope	ty Inforr	mation				
Property Address 68 GARDEN ST NEEDHAM MA 02492							
Map/Pard Number	cel	MAP 5. 052-02	2 / PARCEL 24 4-000	Zone of Property		SRB	
Is propert □Yes 🍽		100 feet o	of wetlands, 200	feet of	stream	or in flood Pla	in?
Is propert	y <b>⊠</b> Res	idential or	<sup>-</sup> □Commercial				
If residential renovation, will renovation constitute "new construction"?  Yes □No							
If commercial, does the number of parking spaces meet the By-Law							
requirement? Tyes No NA							
Do the spaces meet design requirements? ☐ Yes ☐ No							
Application Type (select one): Special Permit  Variance  Comprehensive							

# **ZBA Application For Hearing**

<b>Existing</b>	<b>Conditions:</b>
LAISCHIB	Comartions.

NEW CONSTRUCTION. PLANS DATED 3/20/22 SHOW "WORKSHOP" NEXT TO 2-CAR GARAGE. THIS GARAGE HAS A 16'W X 9'H DOOR.

PLANS SHOW WORKSHOP WITH 2 WINDOWS.

# **Statement of Relief Sought:**

I WOULD LIKE TO CHANGE WOKKSHOP TO A THIRD GARAGE BAY BY ELIMINIOUS THE Q WINDOWS AND REPLACENCE THEM WITH A 9'WX8'H GARAGE DOOK.

# Applicable Section(s) of the Zoning By-Law:

SECTION 6.1.2

If application under Zoning Section 1.4 above, list non-conformities: MA

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		

Numbers must match those on the certified plot plan and supporting materials



# **ZBA Application For Hearing**

Date Structure Constructed including additions:

NEW CONSTRUCTION - PATE TBD

DATE TBP

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions (Required)	YES
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property"  (Required)	YES
If applicant is tenant, letter of authorization from owner (Required)	NA
Electronic submission of the complete application with attachments (Required)	465
Elevations of Proposed Conditions (when necessary)	NA
Floor Plans of Proposed Conditions (when necessary)	NA

Feel free to attach any additional information relative to the application. Additional information may be requested by the Board at any time during the application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have reviewed the Board Rules and instructions.

MET IN-PERSON 4/25/22
I certify that I have consulted with the Building Inspector WITH DAVE ROCHE

date of consult

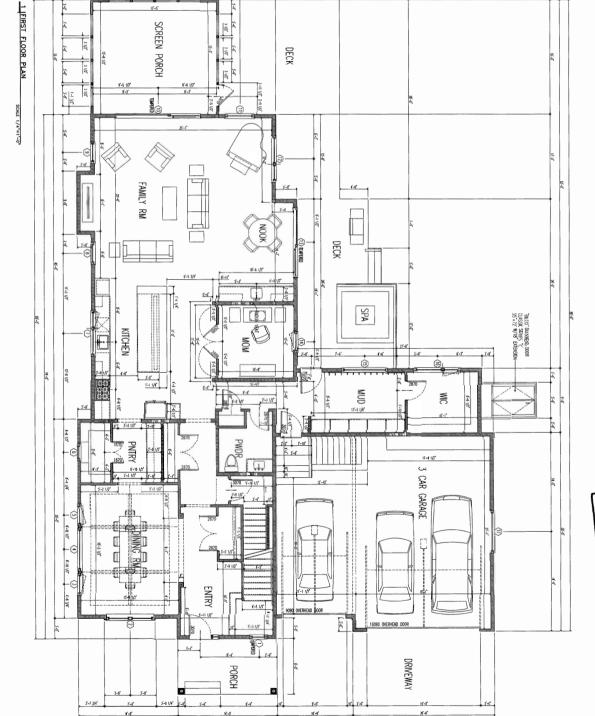
Date: 4/21/2022 Applicant Signature Art 9. Yulah

An application must be submitted to the Town Clerk's Office at <a href="mailto:townclerk@needhamma.gov">townclerk@needhamma.gov</a> and the ZBA Office at <a href="mailto:documents.gov">documents.gov</a>



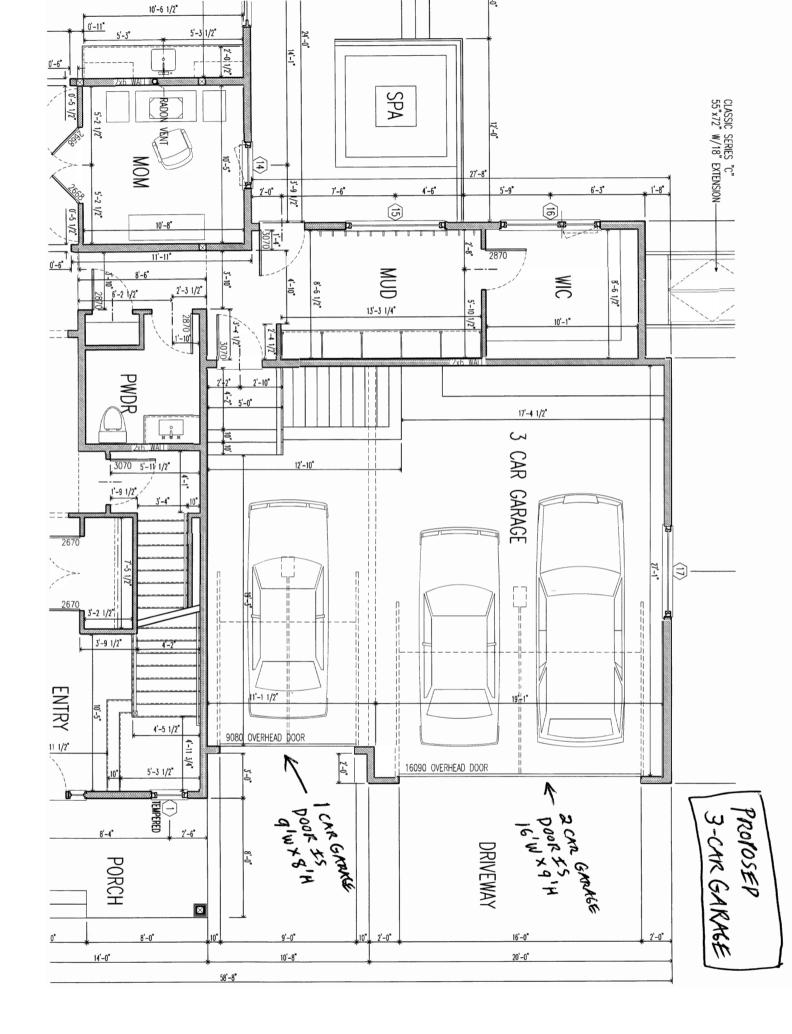
I CARBAY DOOR 9 WX8'H

DOOR 16'WX9'H



3-6 3-6 3-6 7-6 MC

PROPOSED 3-CAR GARAGE



# FELDMAN RESIDENCE

68 GARDEN STREET, NEEDHAM MA

NOTE: THE DRAWING SET CONTAINED HEREIN SHOULD BE FULLY REVIEWED BY THE GENERAL CONTRACTOR PRIOR TO THE START OF WORK. ANY DESCREPANCIES, OMMISIONS, OR ERRORS SHOULD BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR REVIEW.

NOTE: ALL EXISTING CONDITIONS TO BE FIELD VERIFIED BY THE GENERAL CONTRACTOR PRIOR TO ANY WORK. ANY DESCREPANCIES, OMMISIONS, OR ERRORS TO THE DOCUMENTATION HEREIN SHOULD BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR REVIEW.

DO NOT SCALE DRAWINGS

# **DATE: 20 MARCH 2022**

# DRAWING LIST

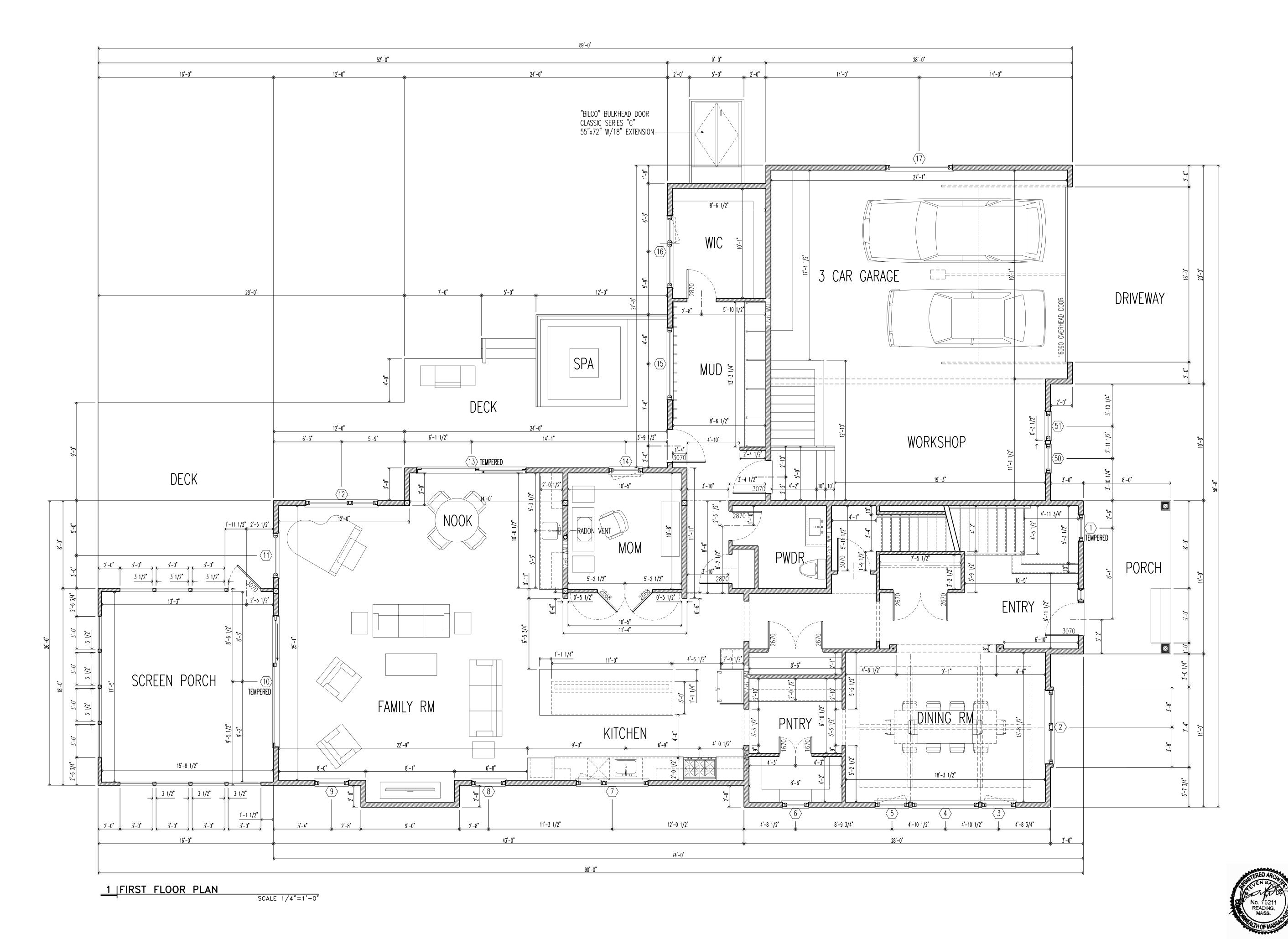
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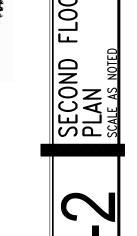
  A-0 Titlesheet
  A-1 First Floor Plan
  A-2 Second Floor Plan
  A-3 Basement Floor Plan
  A-10 Building Elevations
  A-11 Building Elevations
  A-12 Building Elevations
  A-20 Foundation plan
  A-21 First Floor Framing Plan
  A-22 Second Floor Framing Plan
  A-23 Roof Framing Plan
  A-24 Roof Framing Plan
  A-25 Roof Plan
  A-30 Wall Sections A and B
  A-40 Wall Section Details
  A-41 Window Details
  E-1 First Floor Electrical Plan
  E-2 Second Floor Electrical Plan
  E-3 Basement Electrical Plan

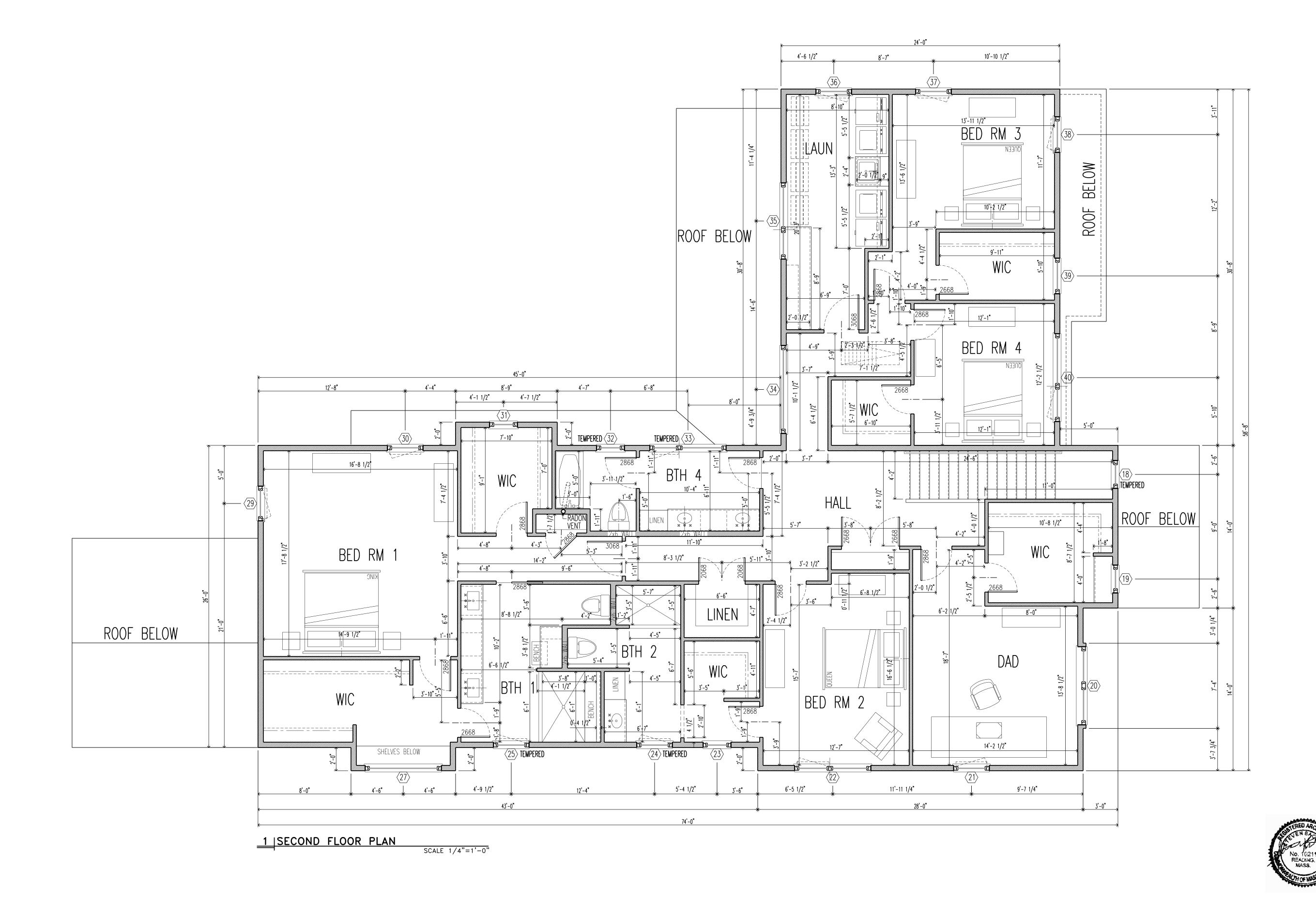


Project:
FELDMAN Residence
68 GARDEN STREET, NEEDHAM MA











STEVEN BACZEK
ARCHITECT

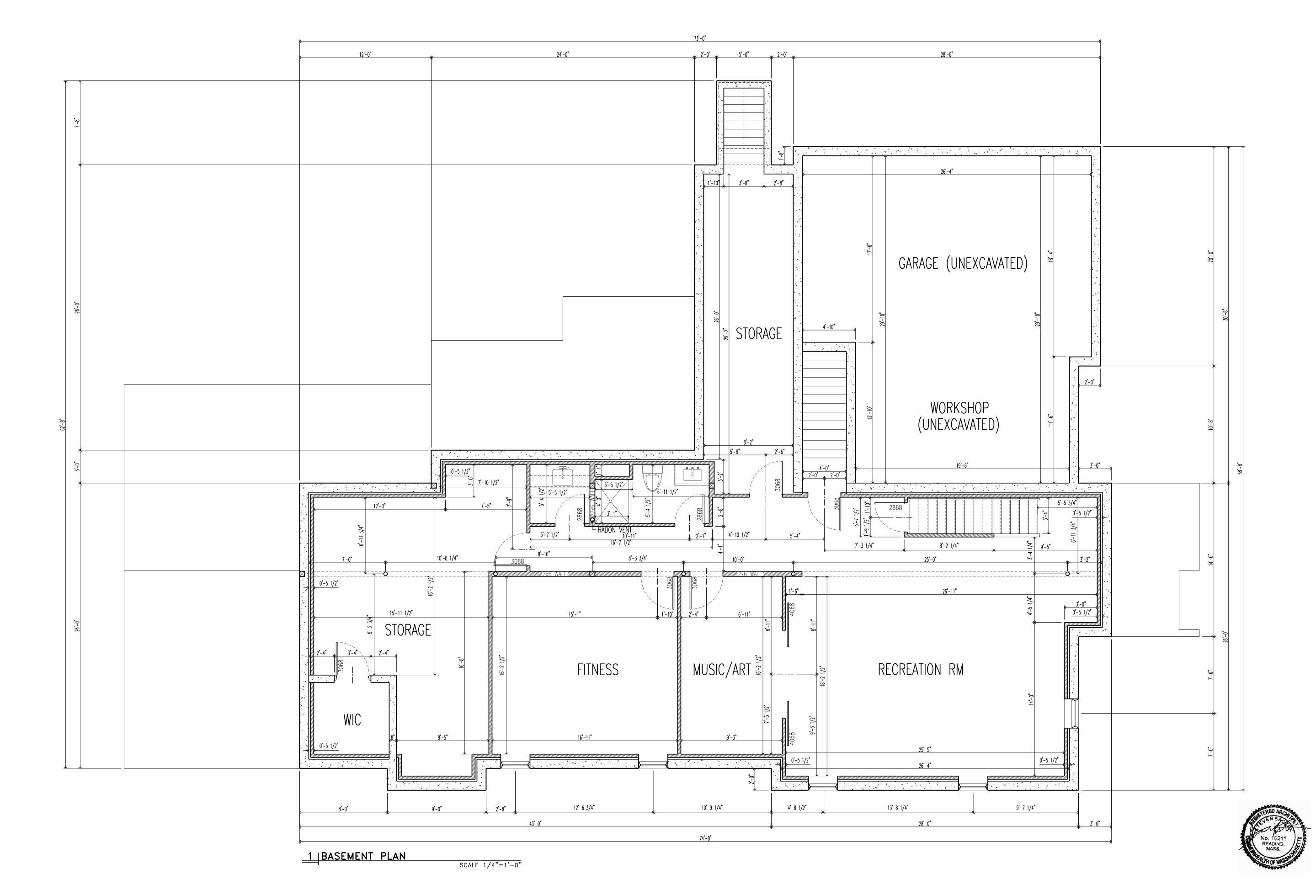
46 GLENMERE CIRCLE READING MA 01867

46 GLENMERE CIRCLE READING MA 01867

46 GLENMERE CIRCLE READING MA 01867

RESIDENCE EN STREET, NEEDHAM, MA

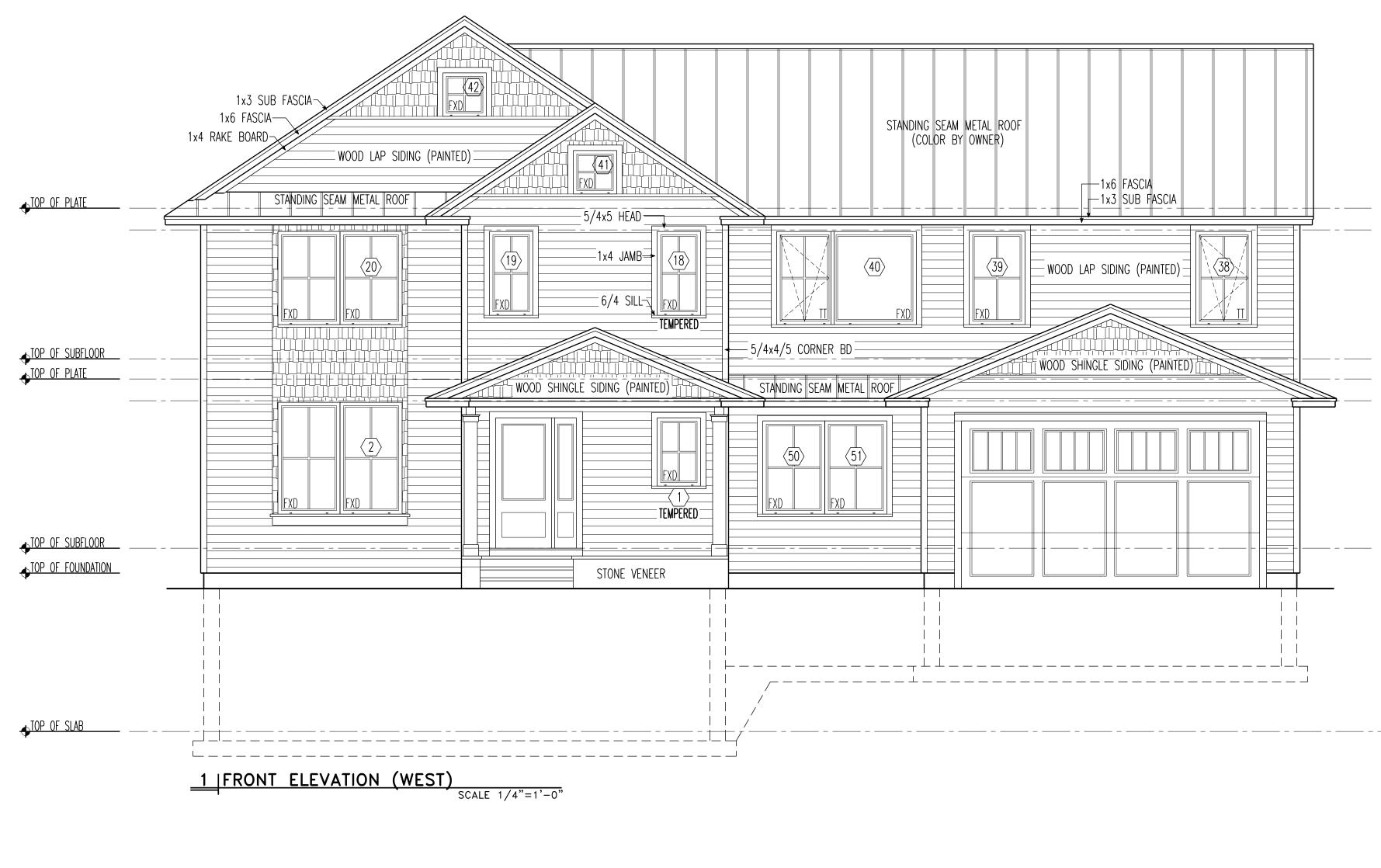
FELDMAN

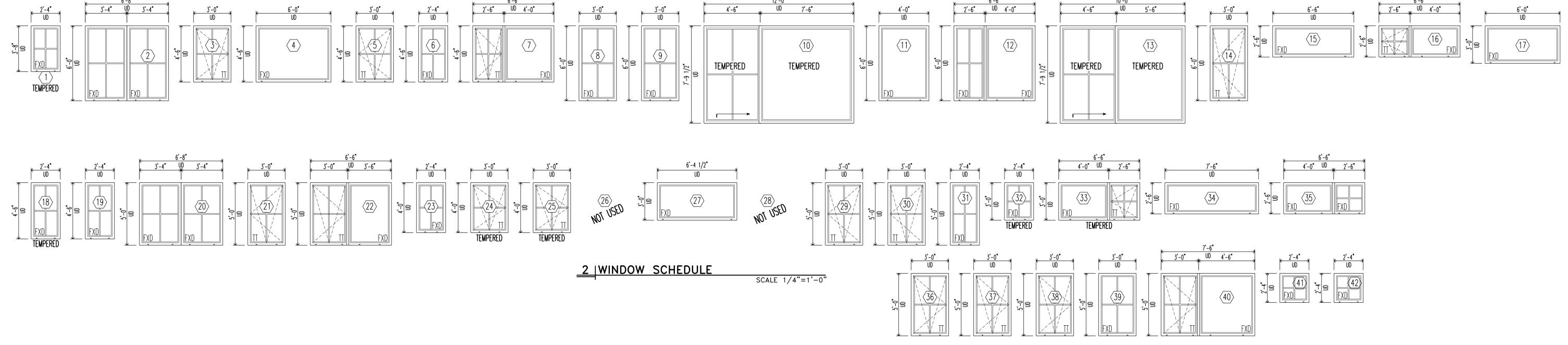


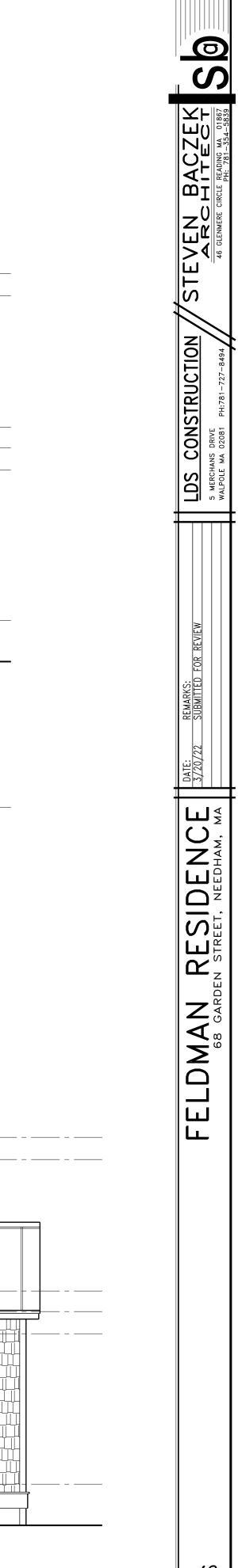


STEVEN BACZEK ARCHITECT 46 GLENMERE CIRCLE READING MA 01867 46 GLENMERE CIRCLE READING MA 01867 781-354-5839

LDS 5 MERCHA











STEVEN BACZEK
ARCHITECT

46 GLENMERE CIRCLE READING MA 01887

16 GLENMERE CIRCLE READING MA 01887

LDS CONSTRUCTION

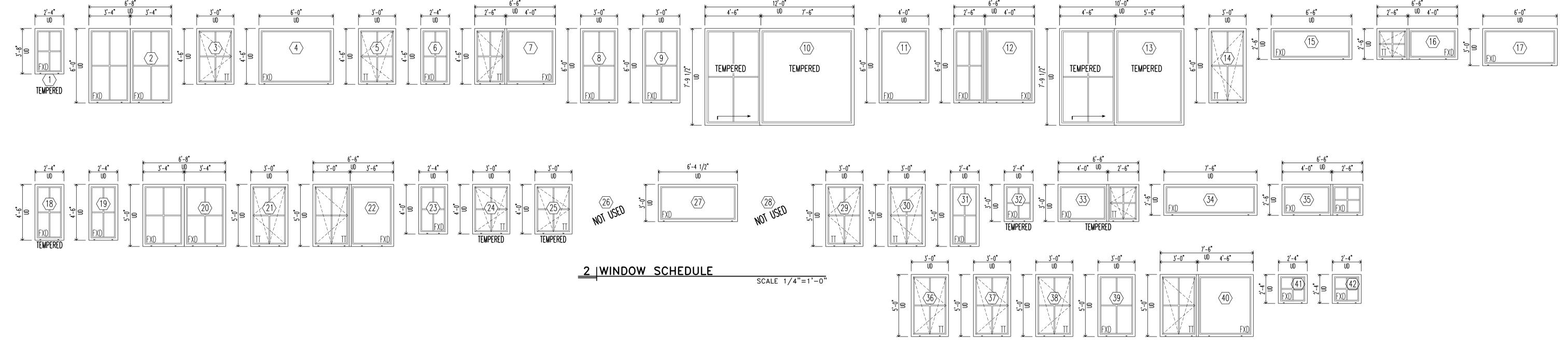
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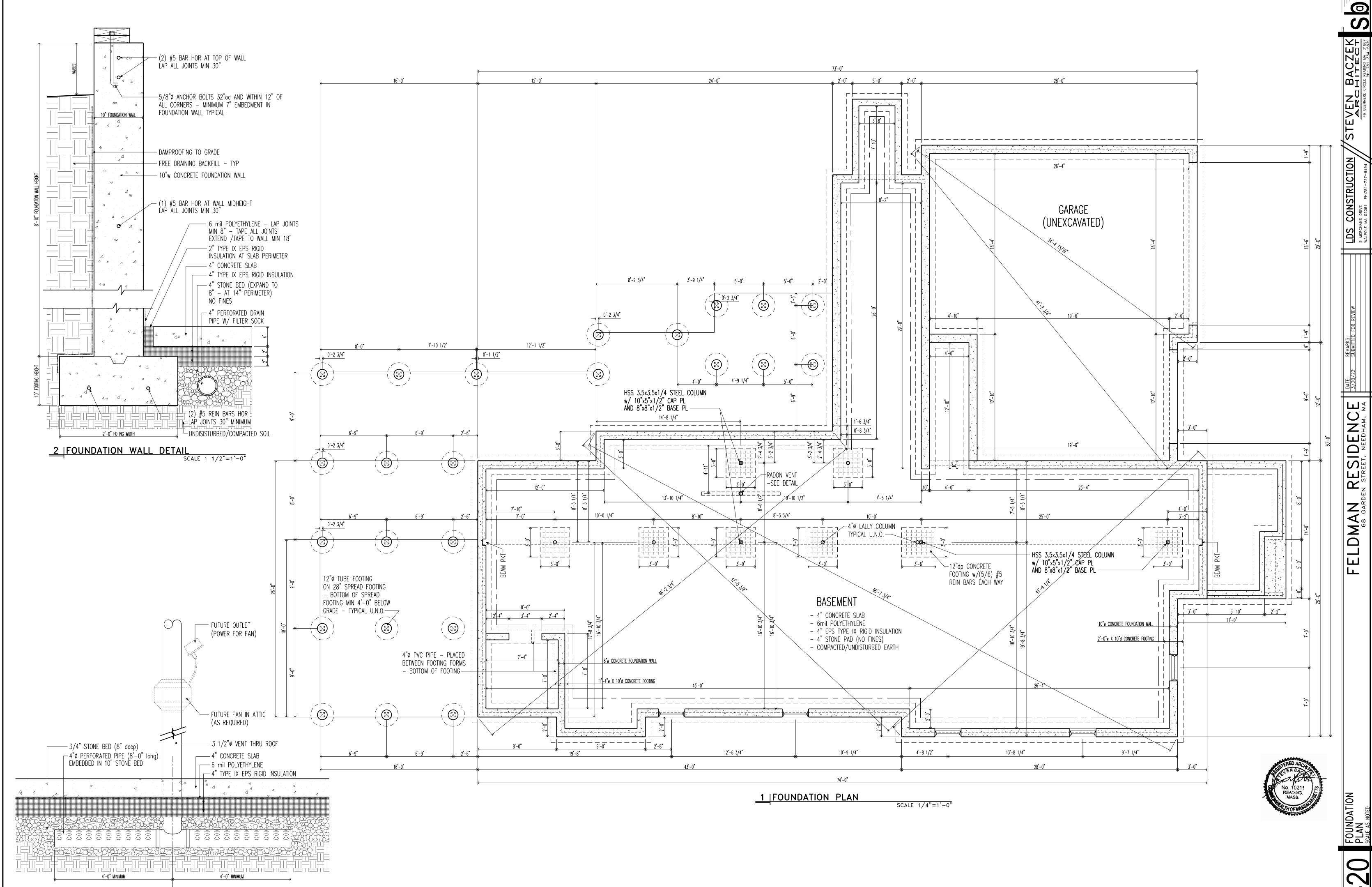
WANDOLE MA 02081 BH.781-727-8404

SIDENCE

RDEN STRE FELDMAN 68 GARD







3 RADON DETAIL

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



STEVEN BACZEK
ARCHITECT

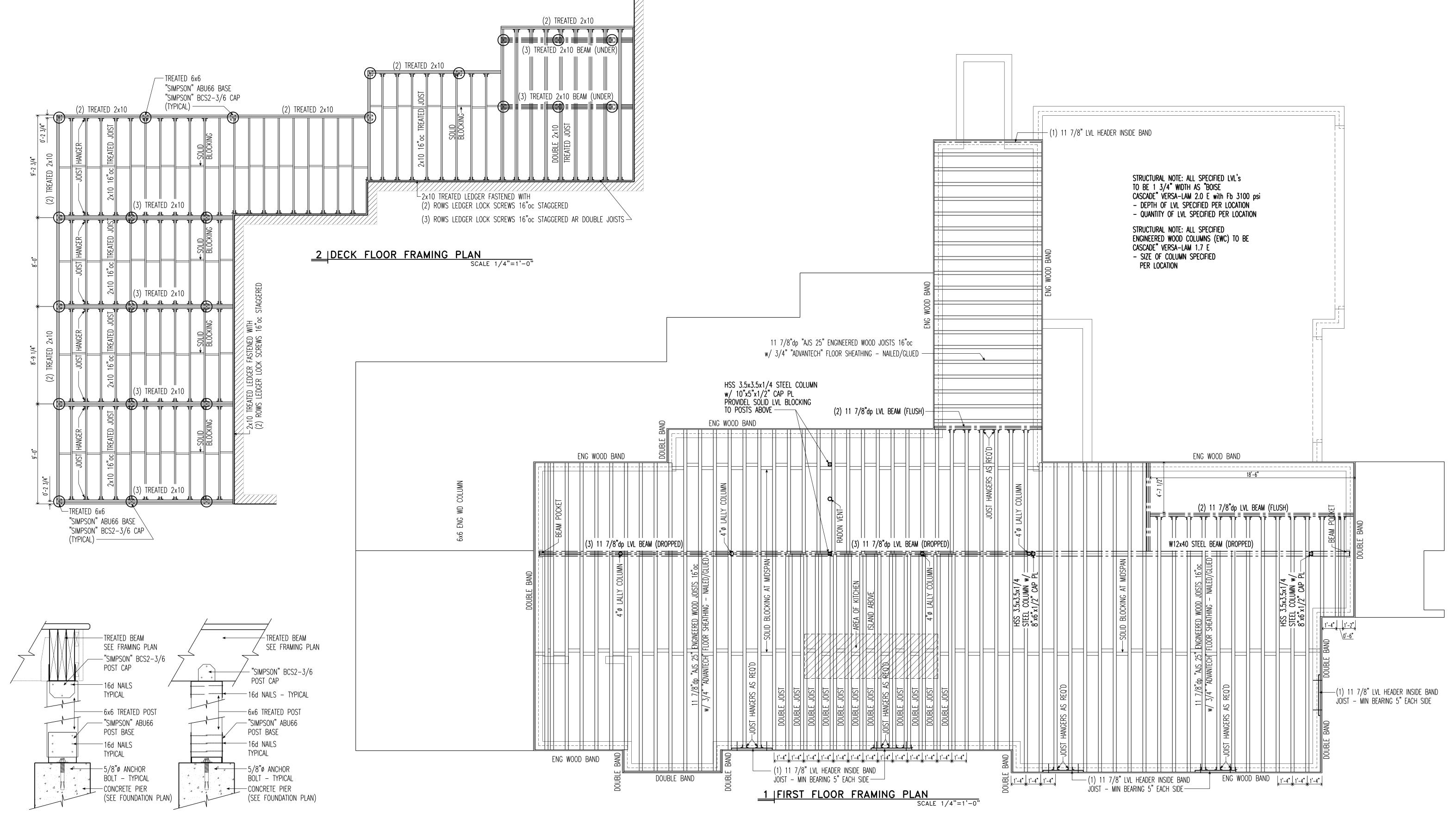
46 CLENMERE CIRCLE READING MA 01867
PH: 781-354-5839

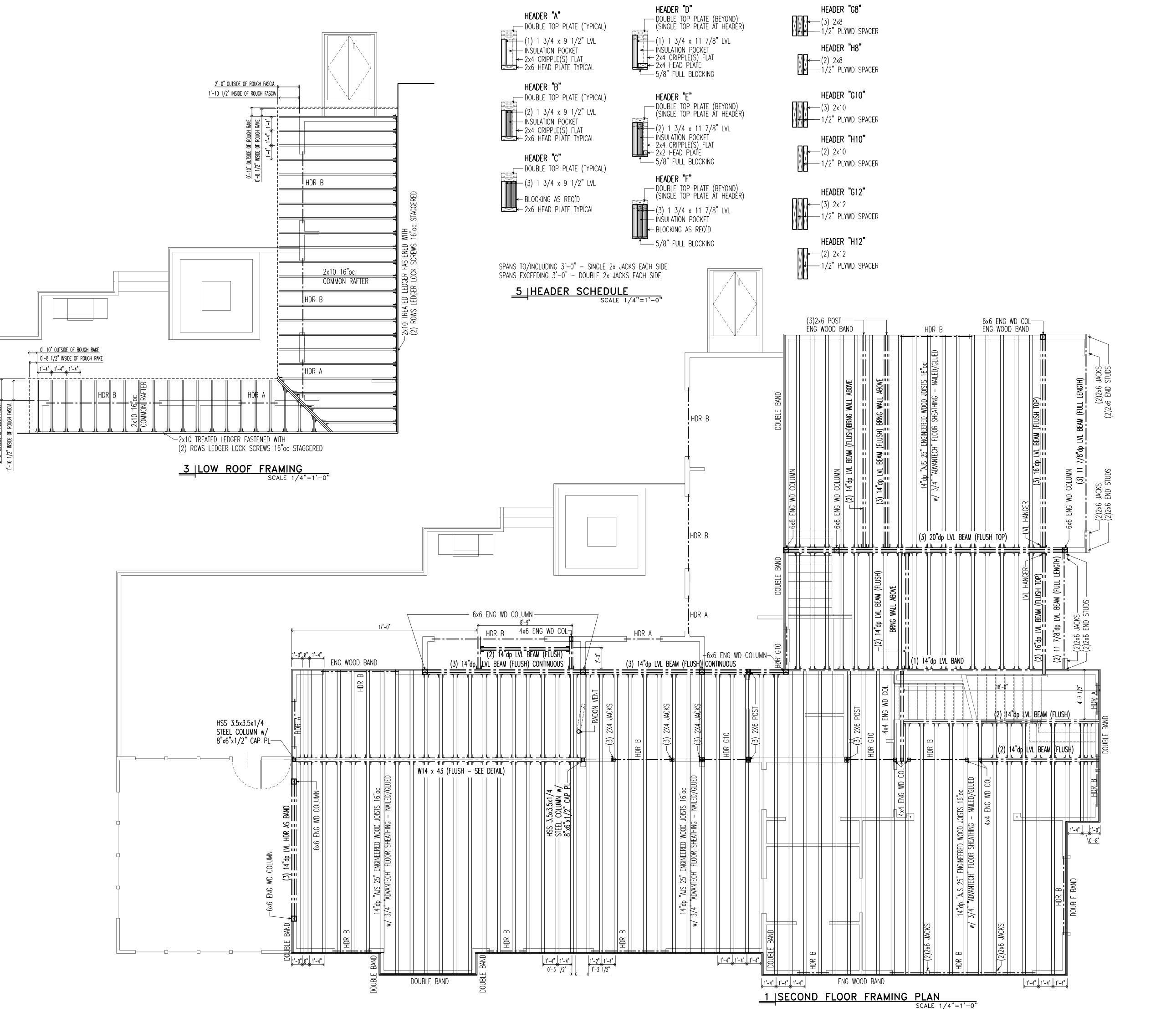
LDS CONSTRUCTION 5 MERCHANS DRIVE

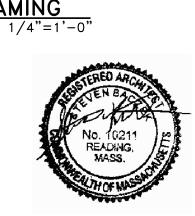
SIDENCE

FELDMAN 68 GAR

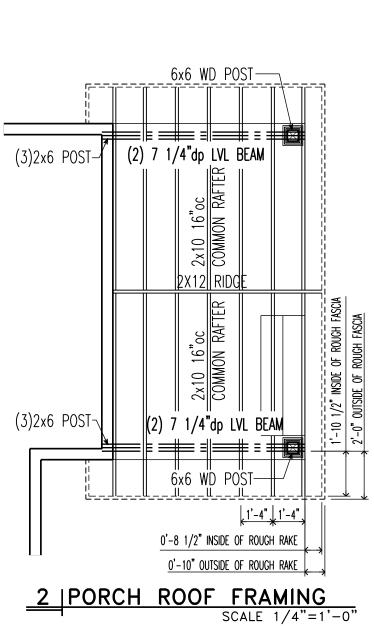
FIRST FLOOR FRAMING PLAN

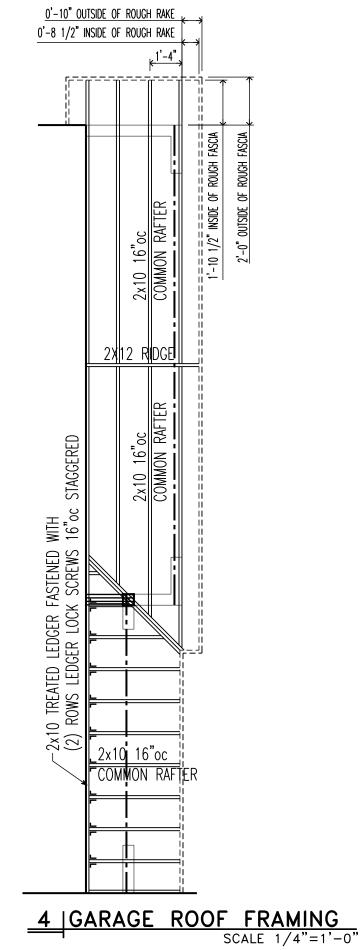






SECOND FLOOR FRAMING PLAN SCALE AS NOTED





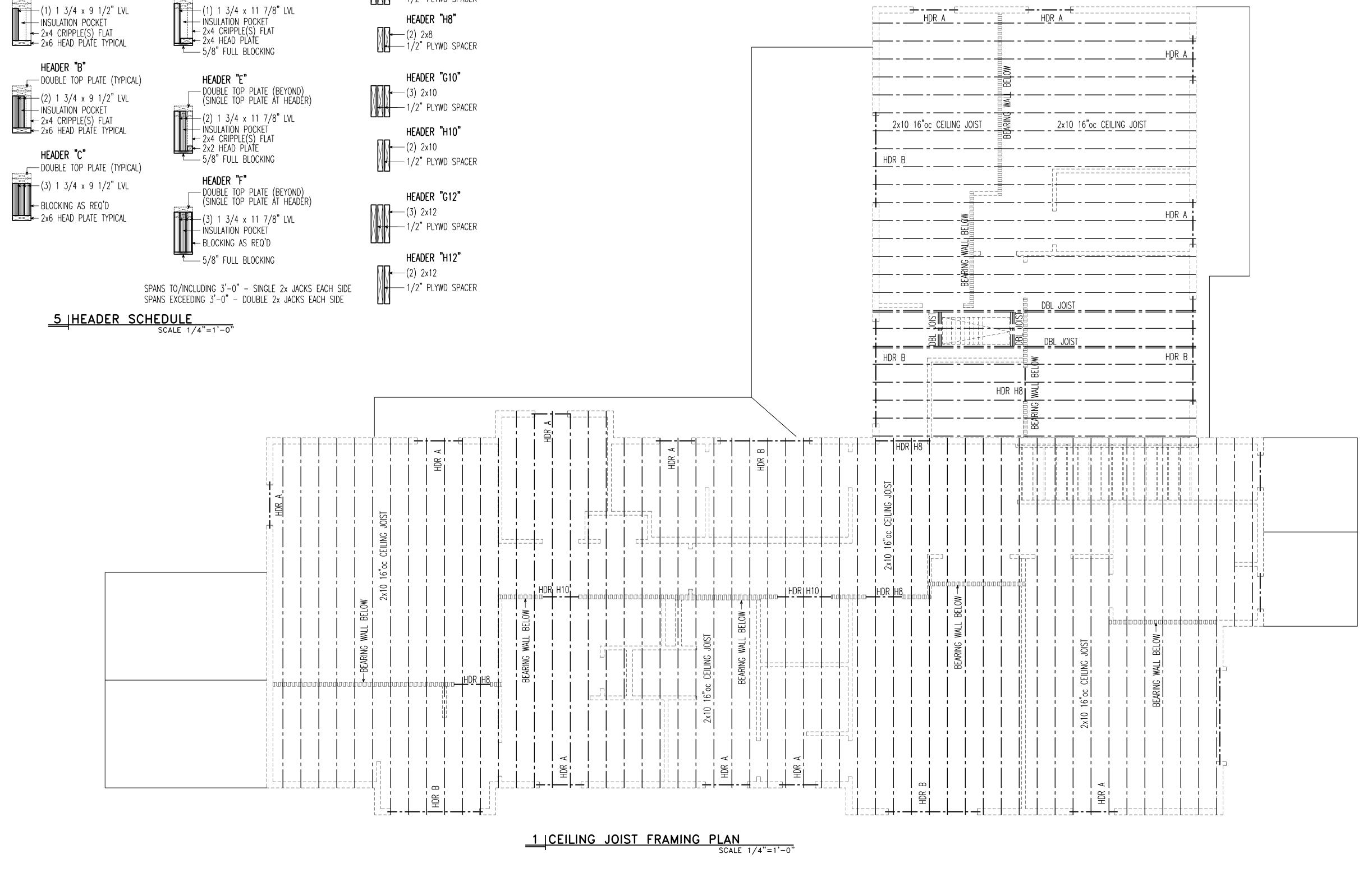
SIDENCE 

FELDMAN 68 GAR

STEVEN BACZEK
ARCHITECT

46 CLENMERE CIRCLE READING MA 01867
PH; 781-354-5839

LDS CONSTRUCTION
5 MERCHANS DRIVE



HEADER "G8"

(3) 2x8 1/2" PLYWD SPACER

HEADER "D"

— DOUBLE TOP PLATE (BEYOND) (SINGLE TOP PLATE AT HEADER)

HEADER "A"

DOUBLE TOP PLATE (TYPICAL)



2'-0" OUTSIDE OF ROUGH FASCIA

1'-10 1/2" INSIDE OF ROUGH FASCIA



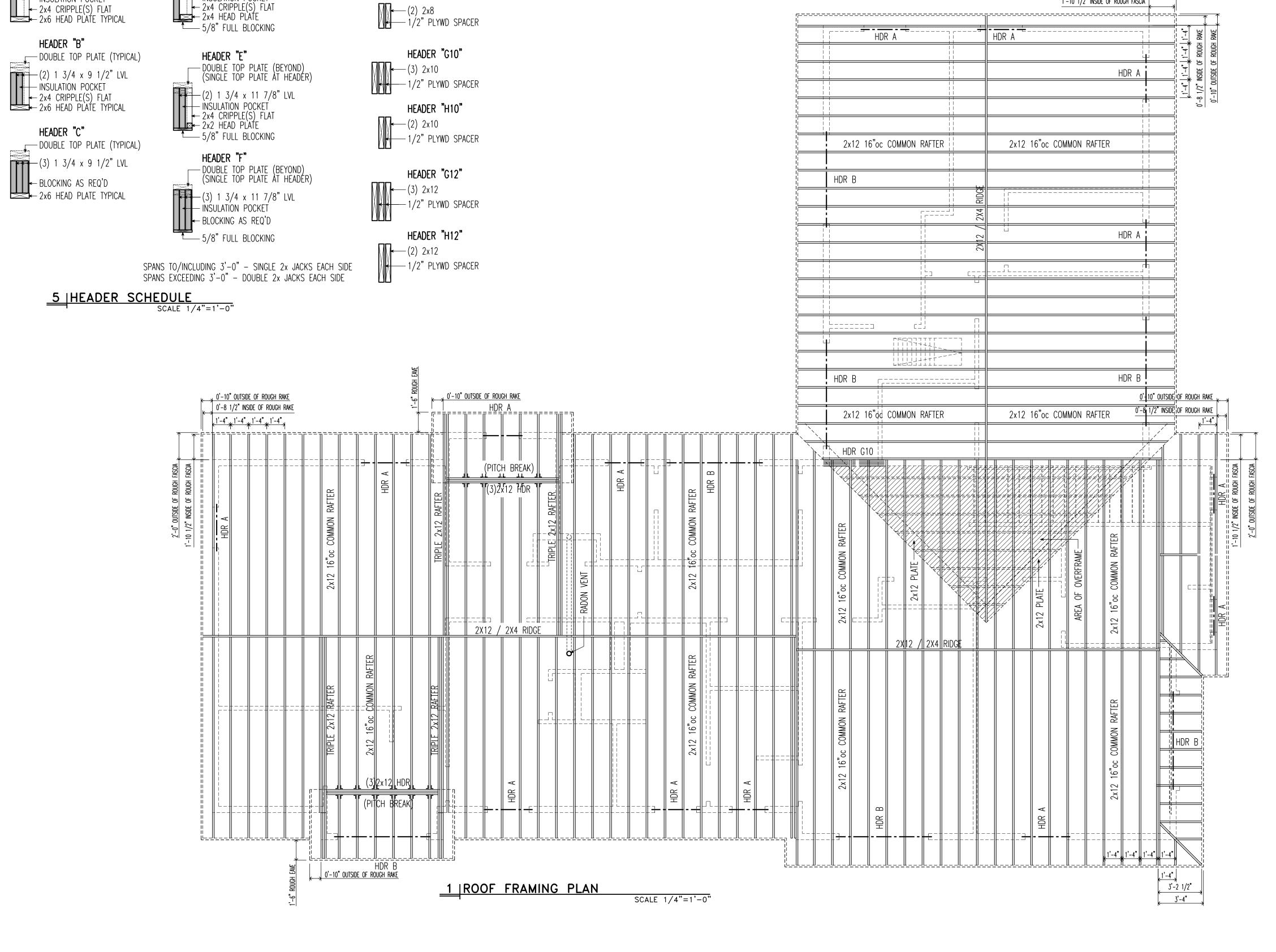
LDS CONSTRUCTION

5 MERCHANS DRIVE

WALPOLE MA 02081 PH:781-727-8494

SIDENCE

-24



HEADER "D"

(1) 1 3/4 x 11 7/8" LVL

INSULATION POCKET

2x4 CRIPPLE(S) FLAT

— DOUBLE TOP PLATE (BEYOND) (SINGLE TOP PLATE AT HEADER)

HEADER "A"

INSULATION POCKET

2x4 CRIPPLE(S) FLAT

DOUBLE TOP PLATE (TYPICAL)

(1) 1 3/4 x 9 1/2" LVL

HEADER "G8"

HEADER "H8"

(3) 2x8 1/2" PLYWD SPACER



STEVEN BACZEK
ARCHITECT

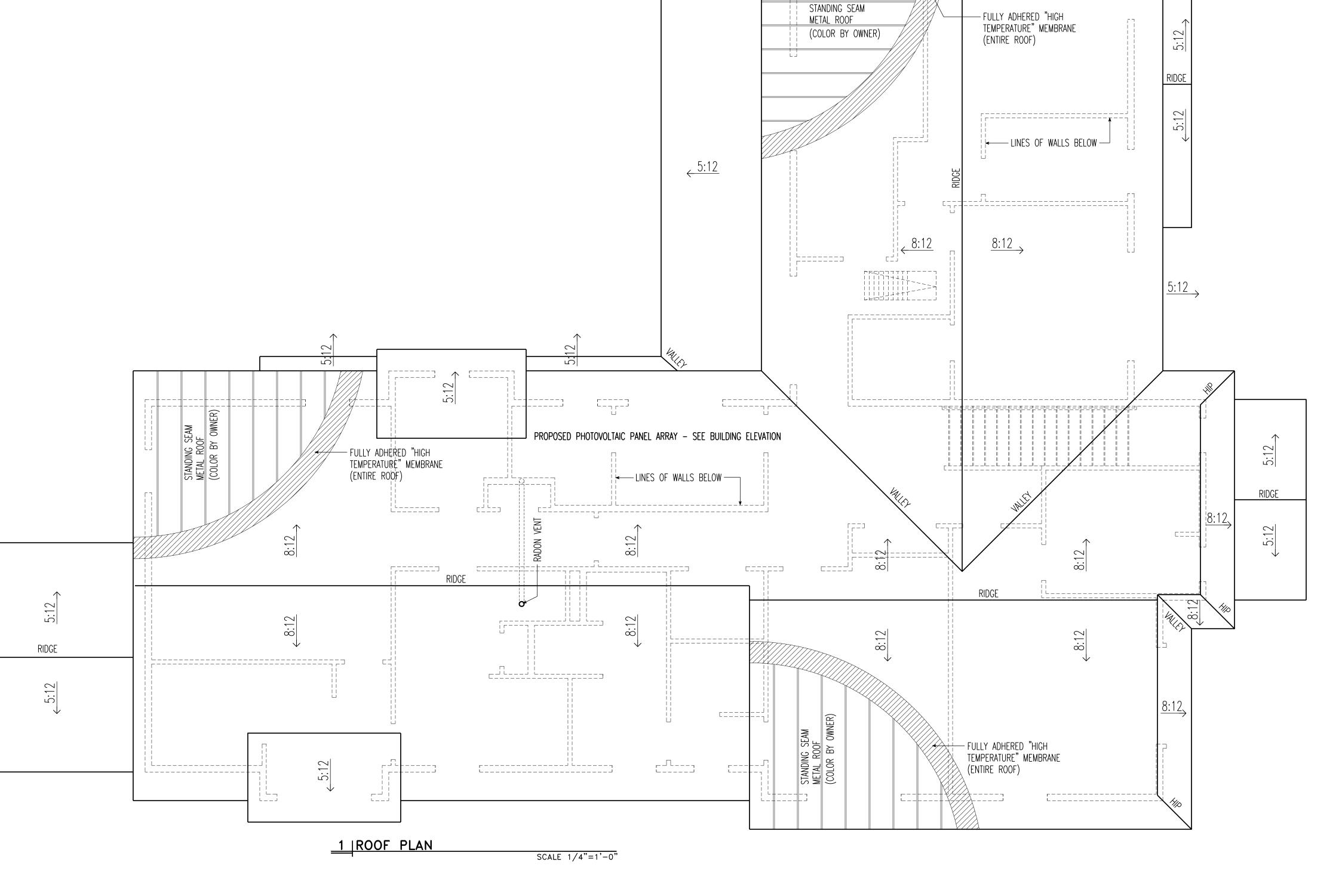
46 GLENMERE CIRCLE READING MA 01887

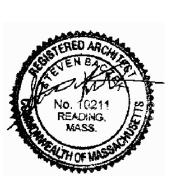
16 GLENMERE CIRCLE READING MA 01887

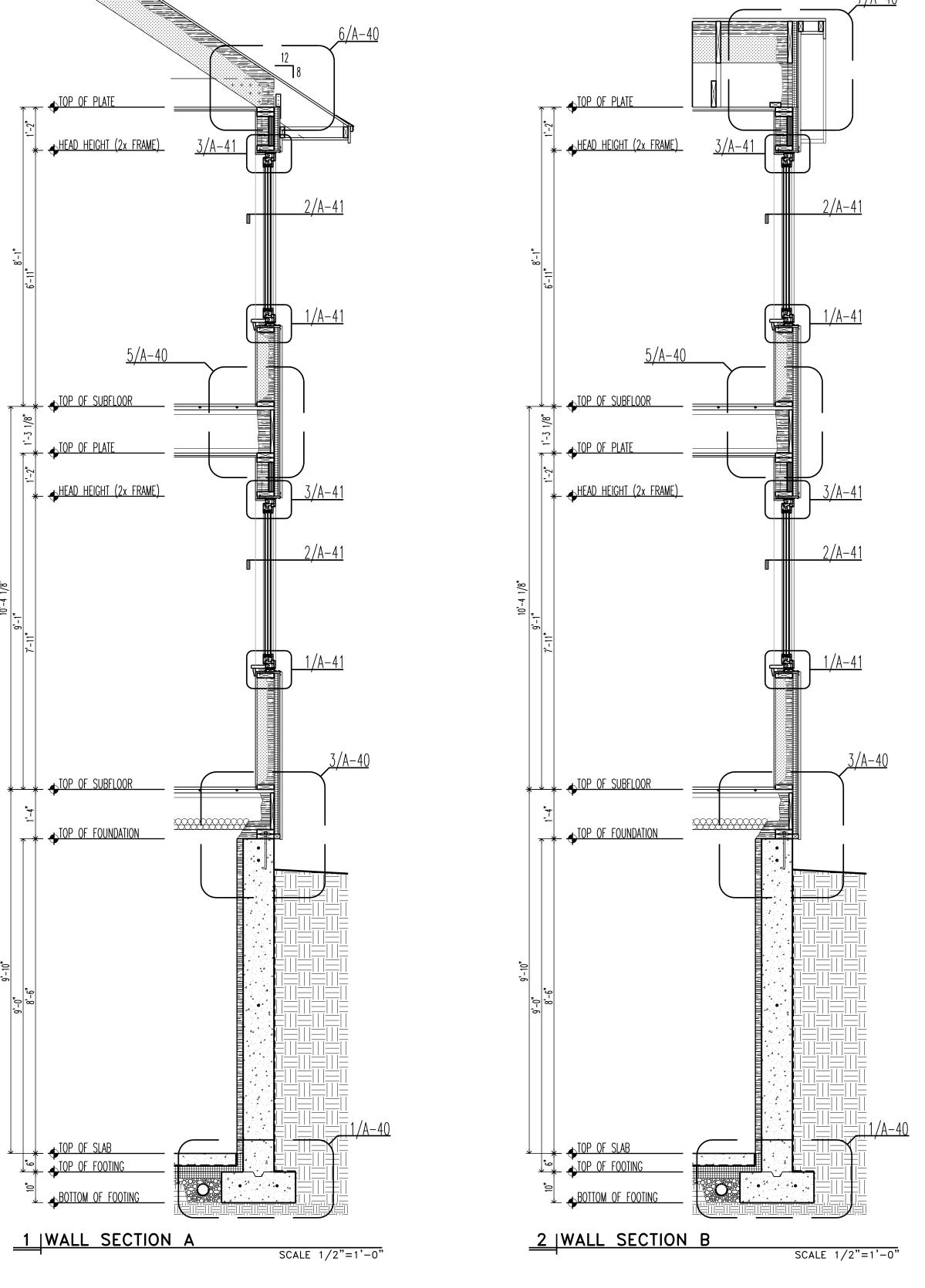
LDS CONSTRUCTION
5 MERCHANS DRIVE
WALPOLE MA 02081 PH:781-727-8494

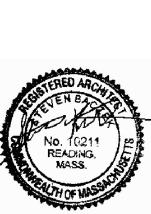
SIDENCE

**R**STER S FELDMAN

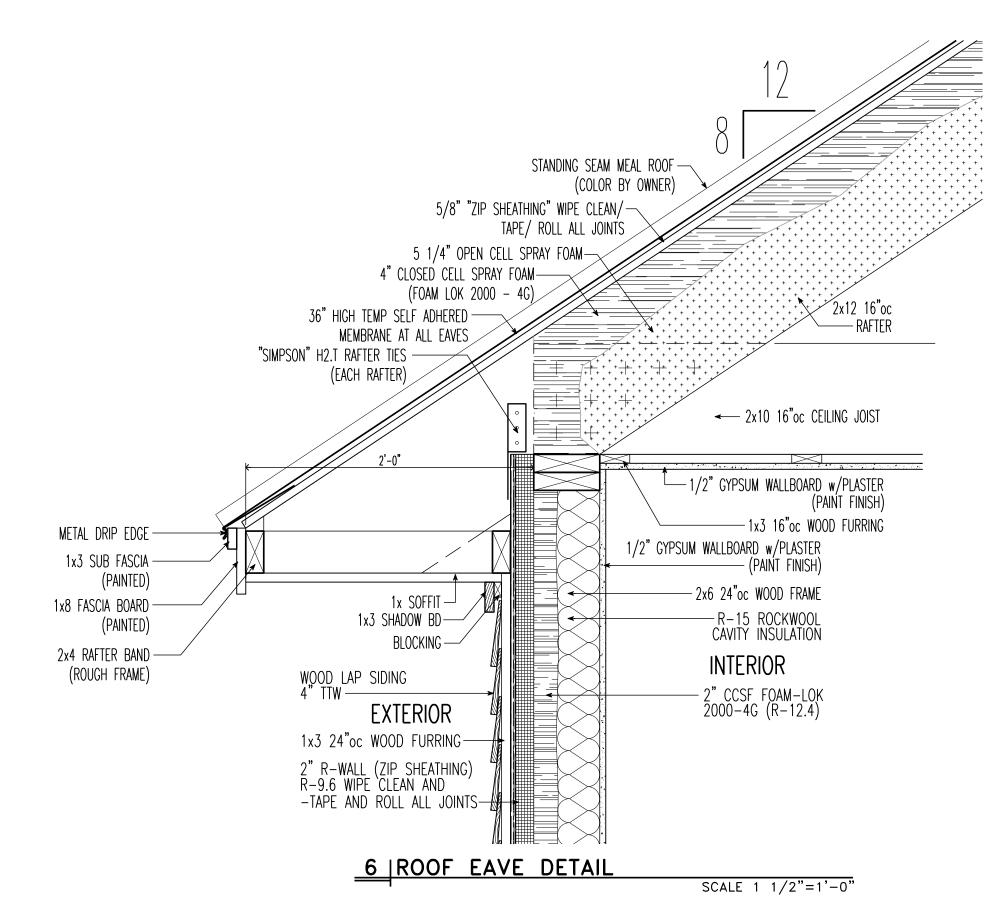


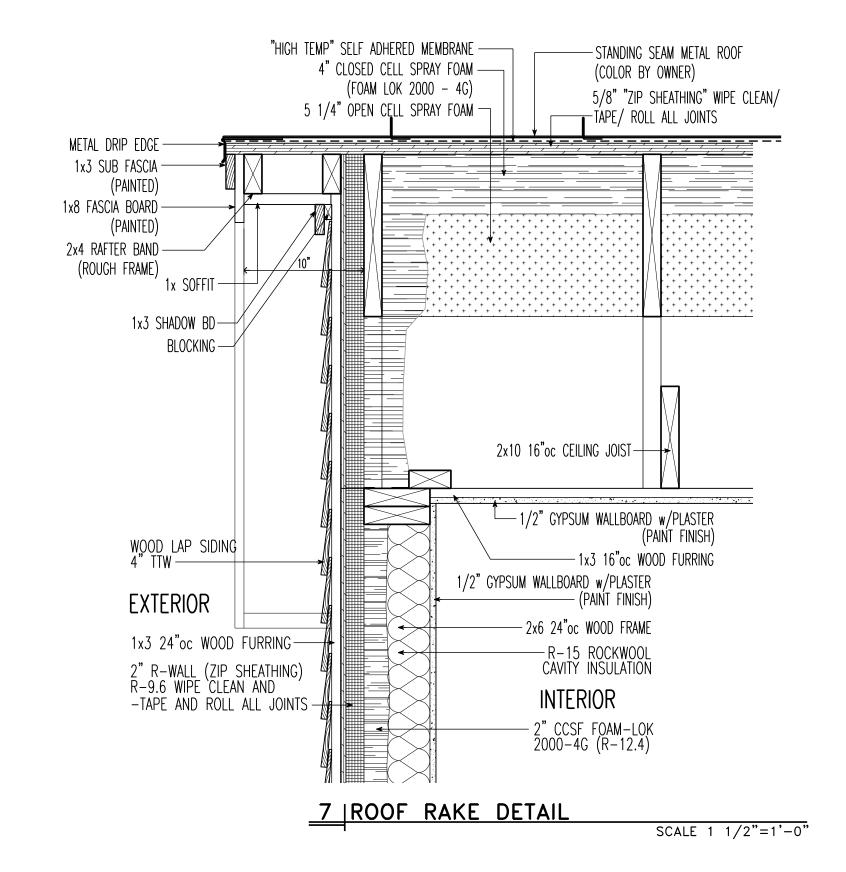


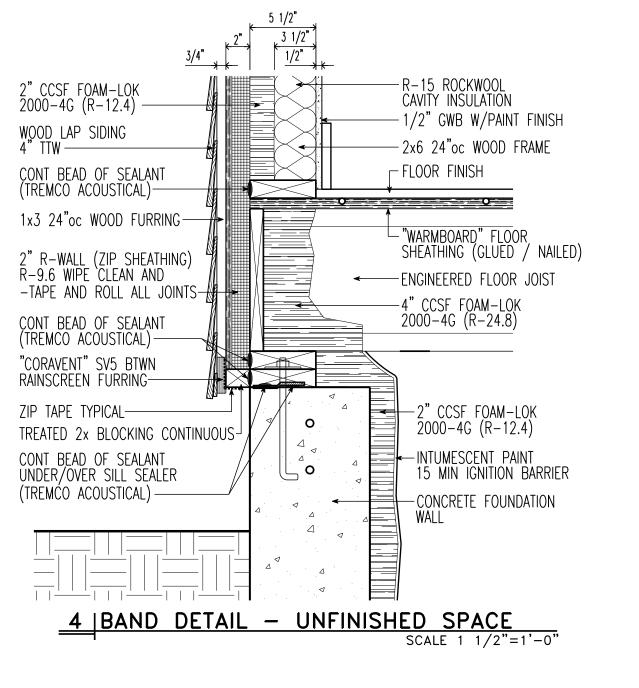


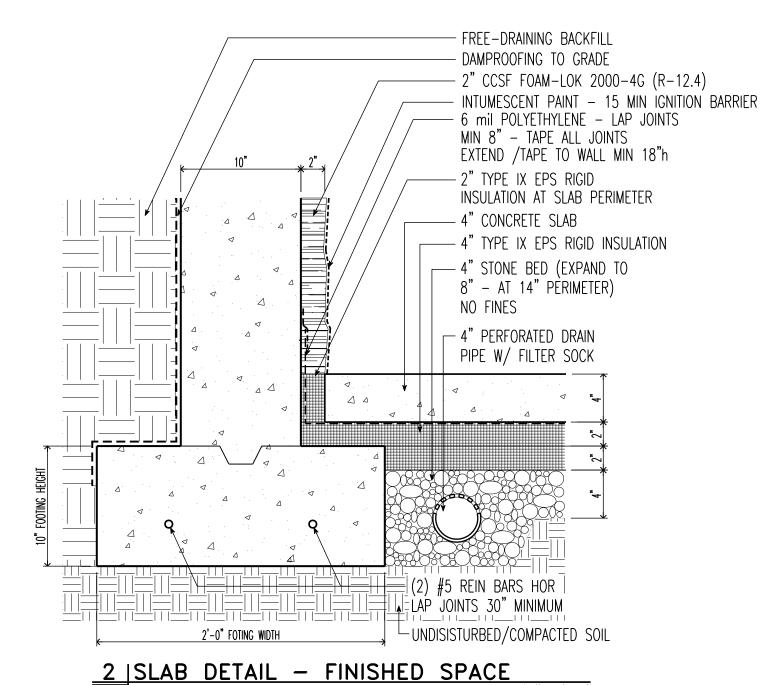


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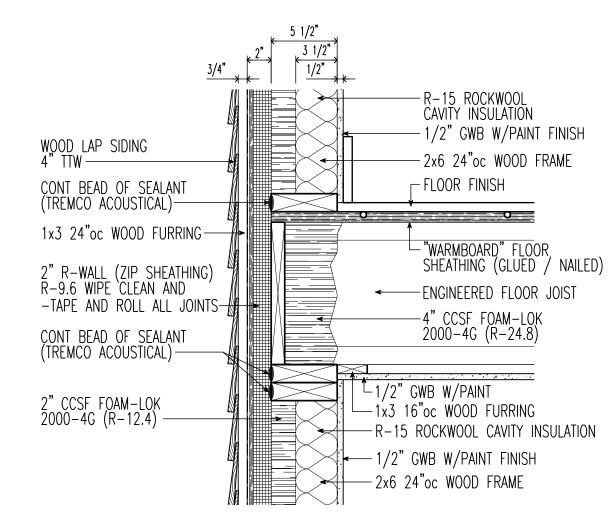




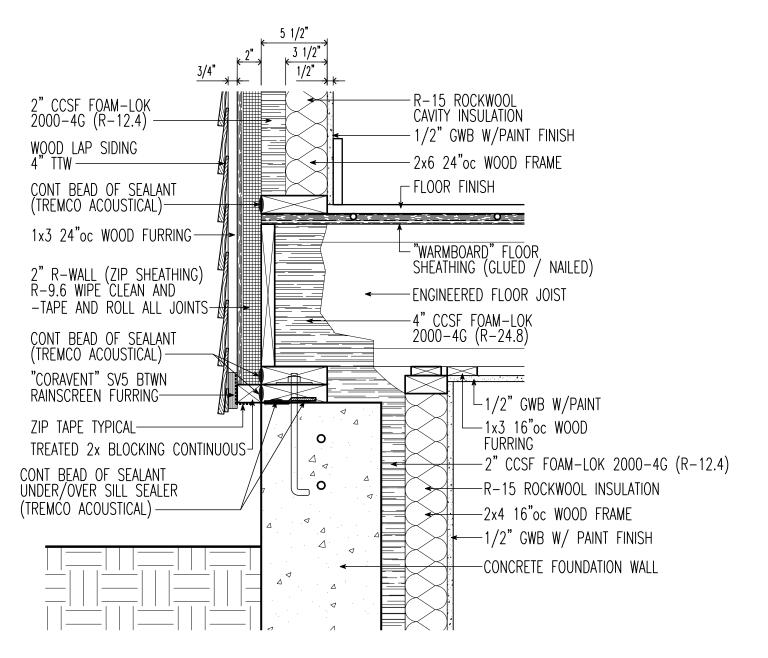




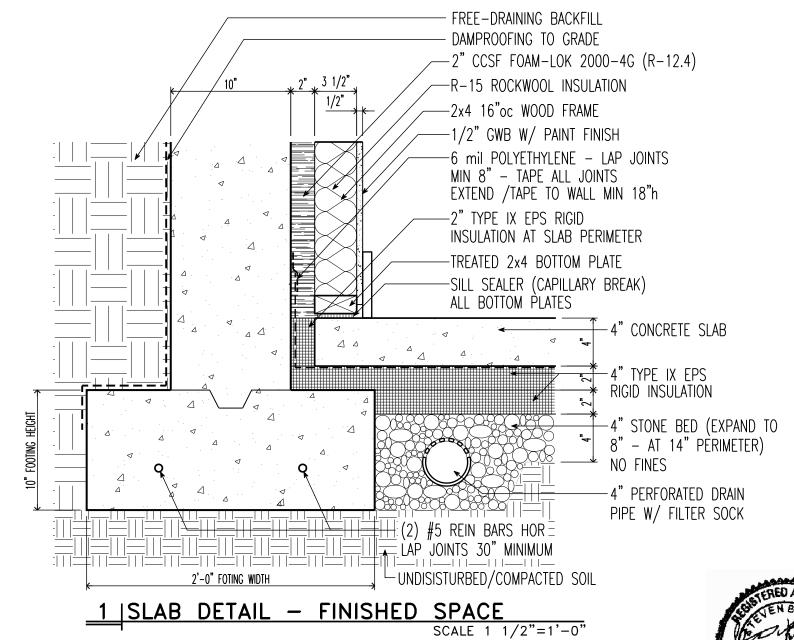
SCALE 1 1/2"=1'-0"



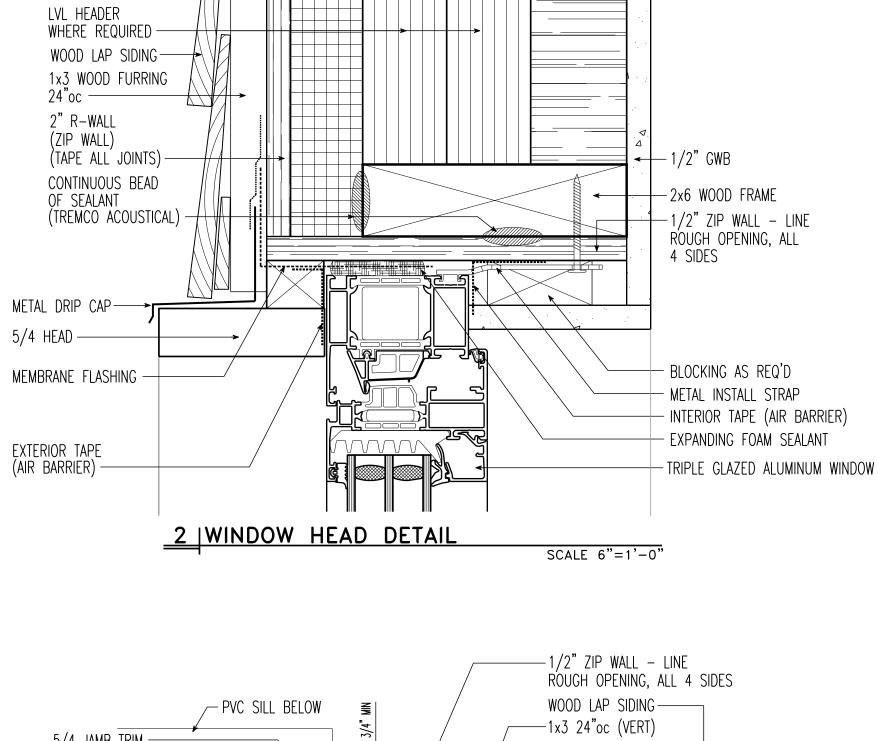
5 | SECOND FLOOR BAND DETAIL SCALE 1 1/2"=1'-0"

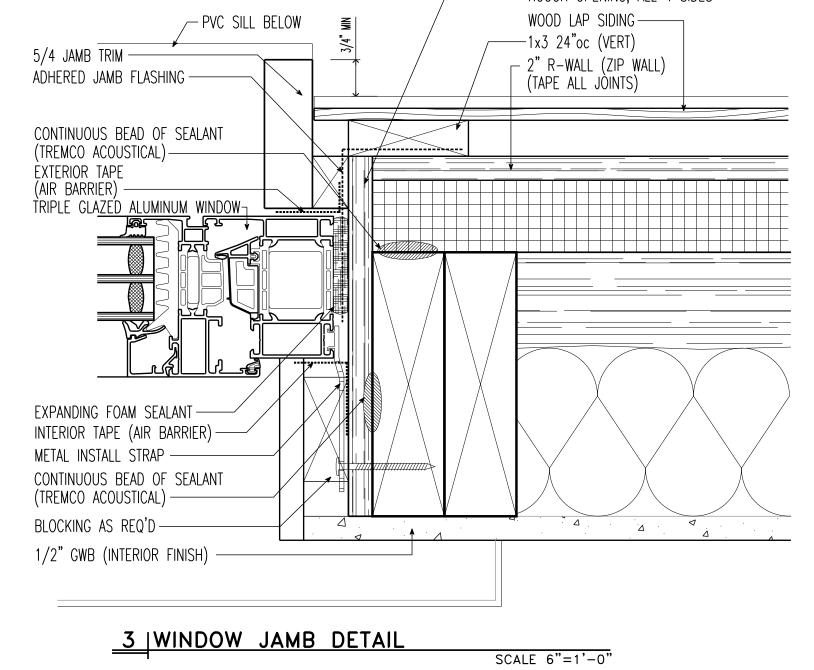


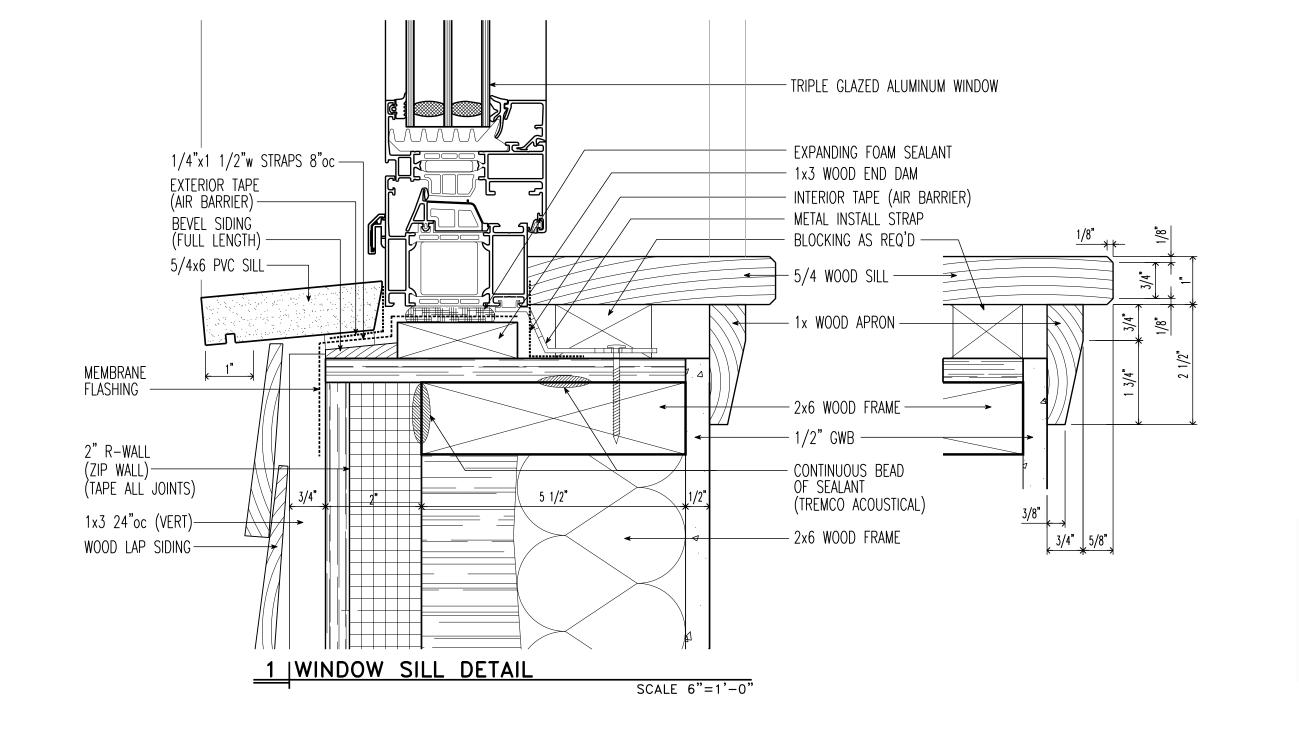
3 | BAND DETAIL - FINISHED SPACE SCALE 1 1/2"=1'-0"



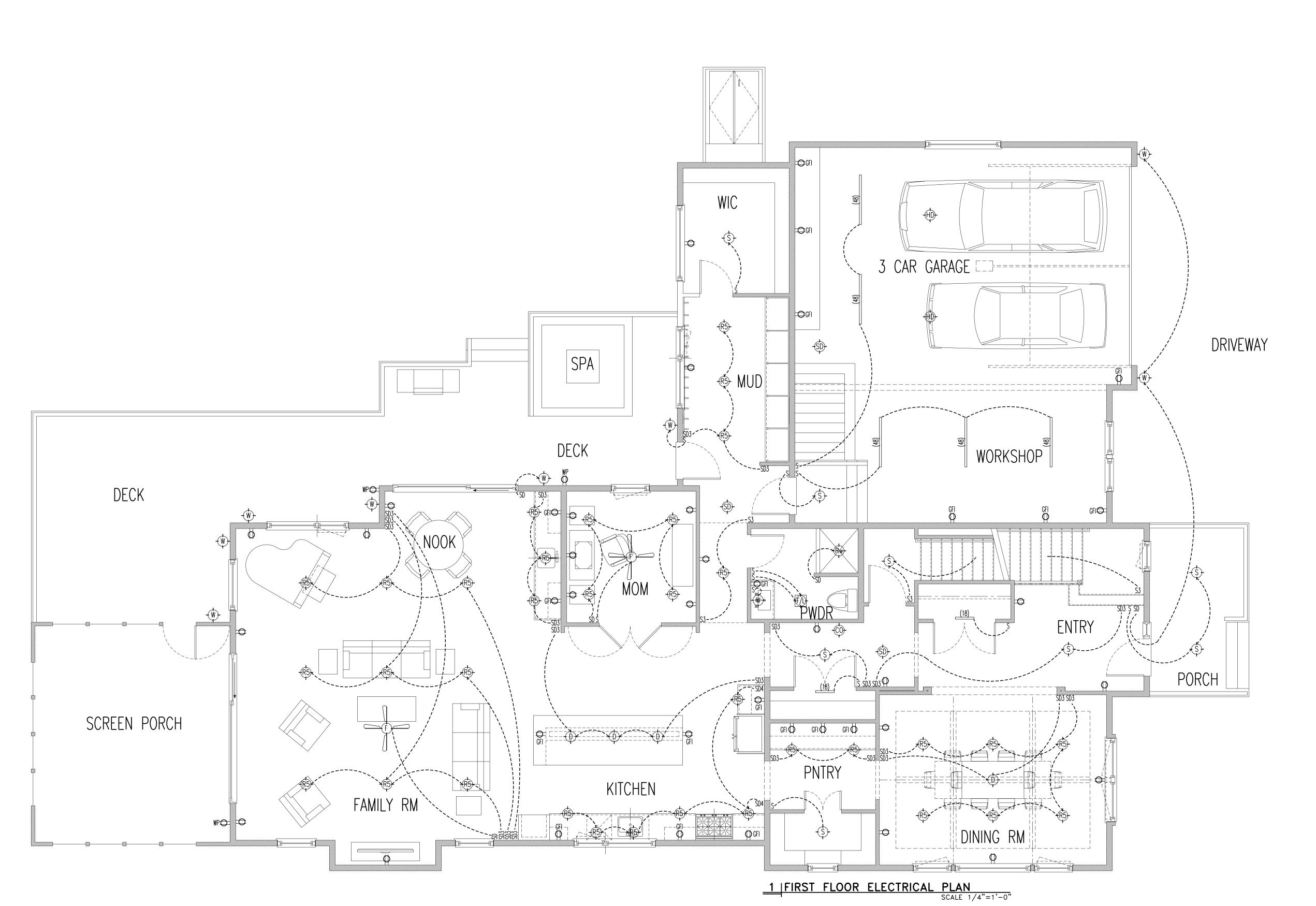


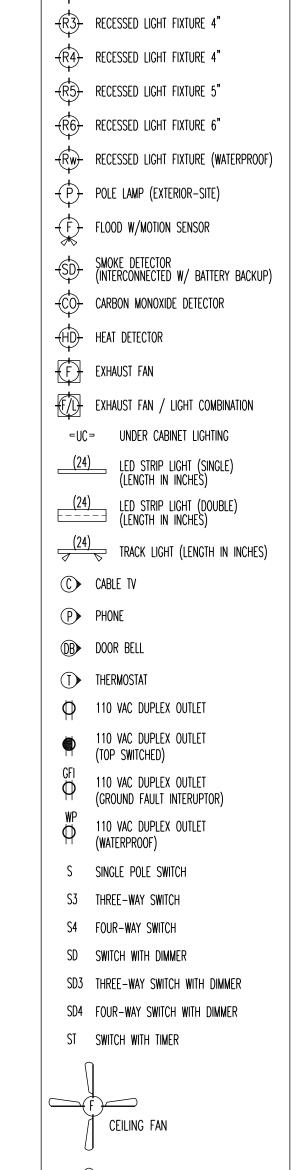












CEILING FAN/LIGHT COMBINATION

NOTE: ALL SYMBOLS MAY NOT BE USED IN PLAN

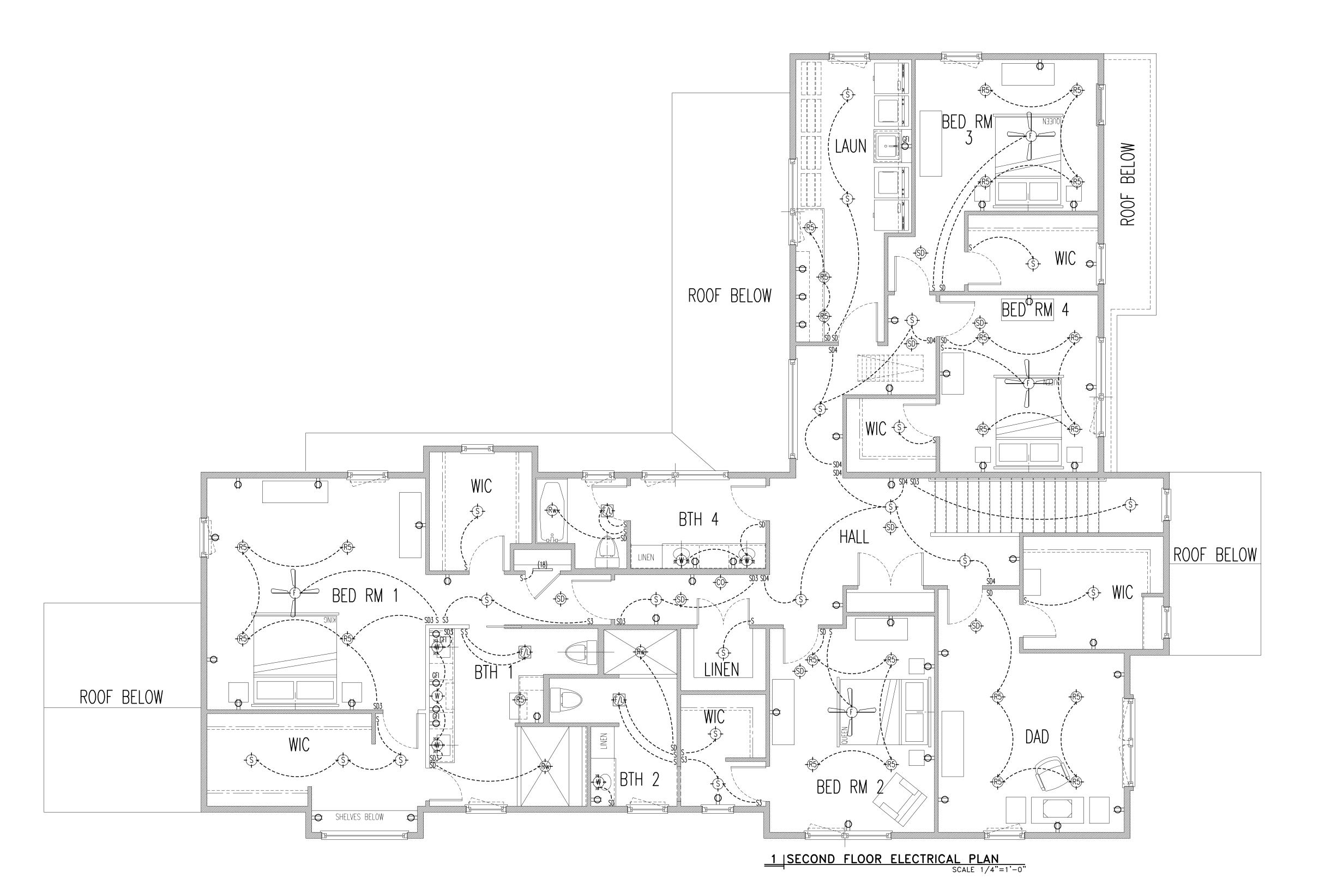
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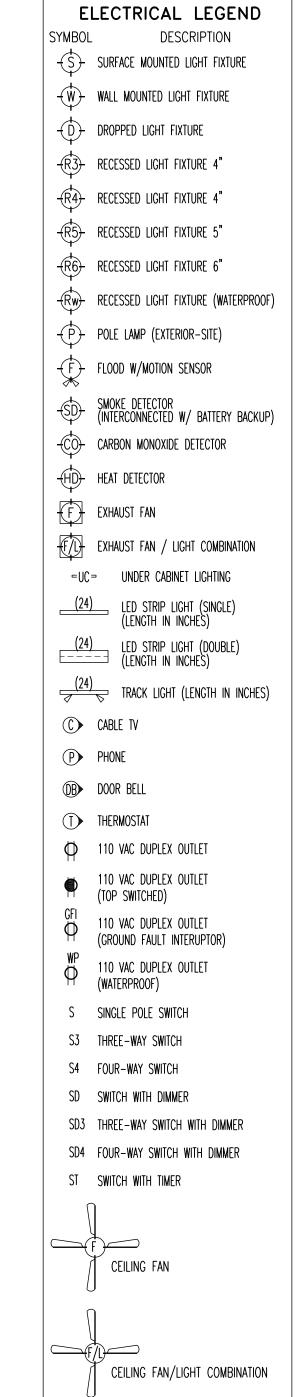
SURFACE MOUNTED LIGHT FIXTURE

-W- WALL MOUNTED LIGHT FIXTURE

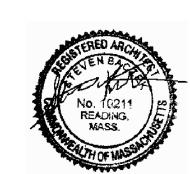
D DROPPED LIGHT FIXTURE

DESCRIPTION

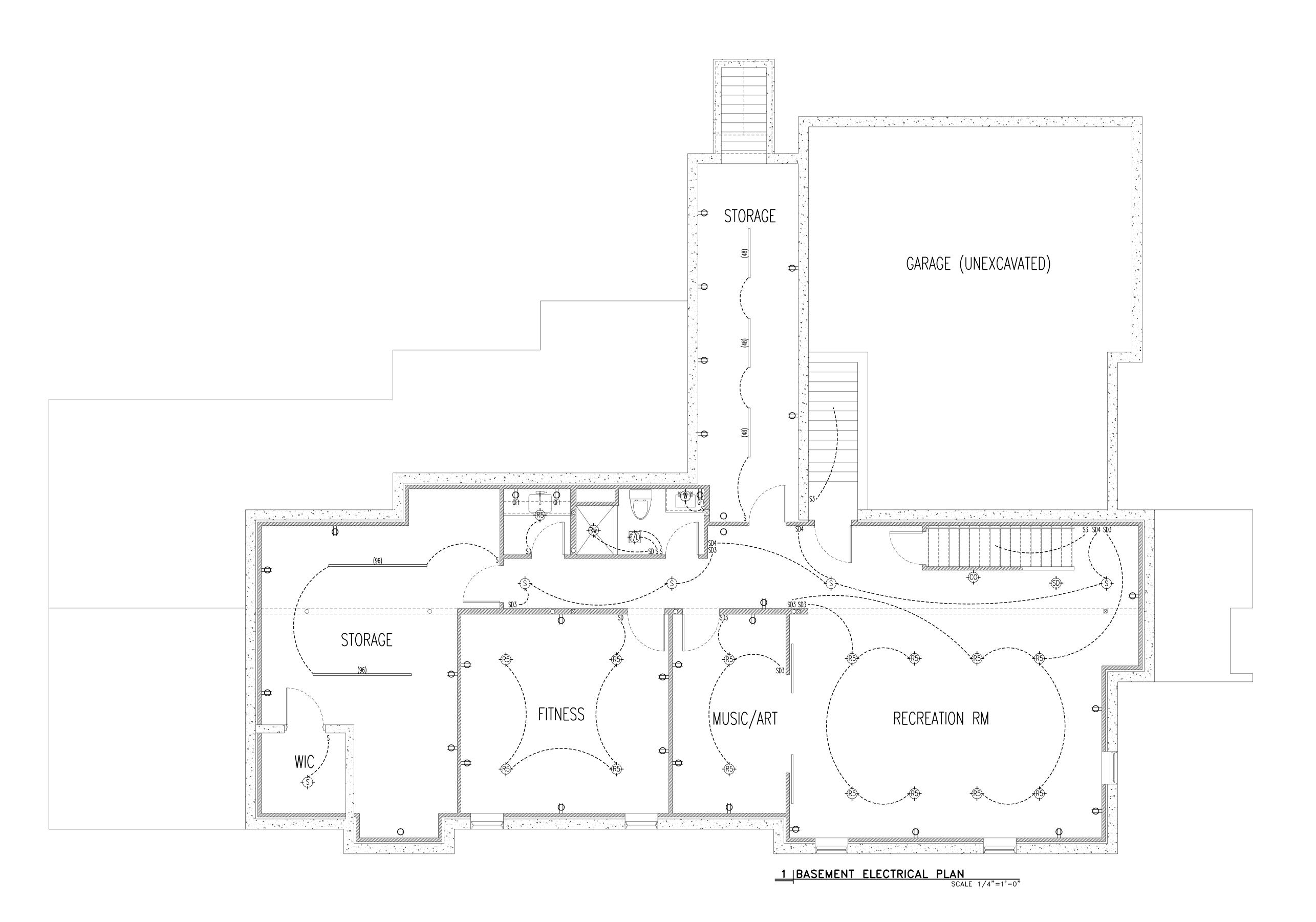


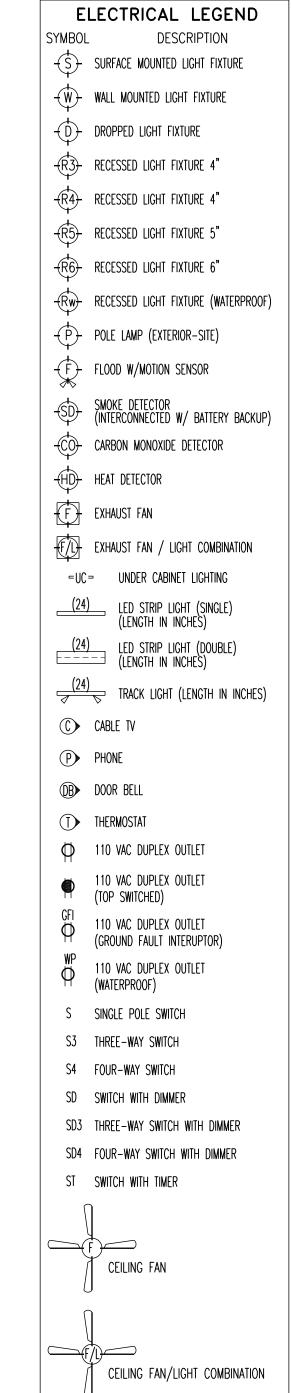


NOTE: ALL SYMBOLS MAY NOT BE USED IN PLAN



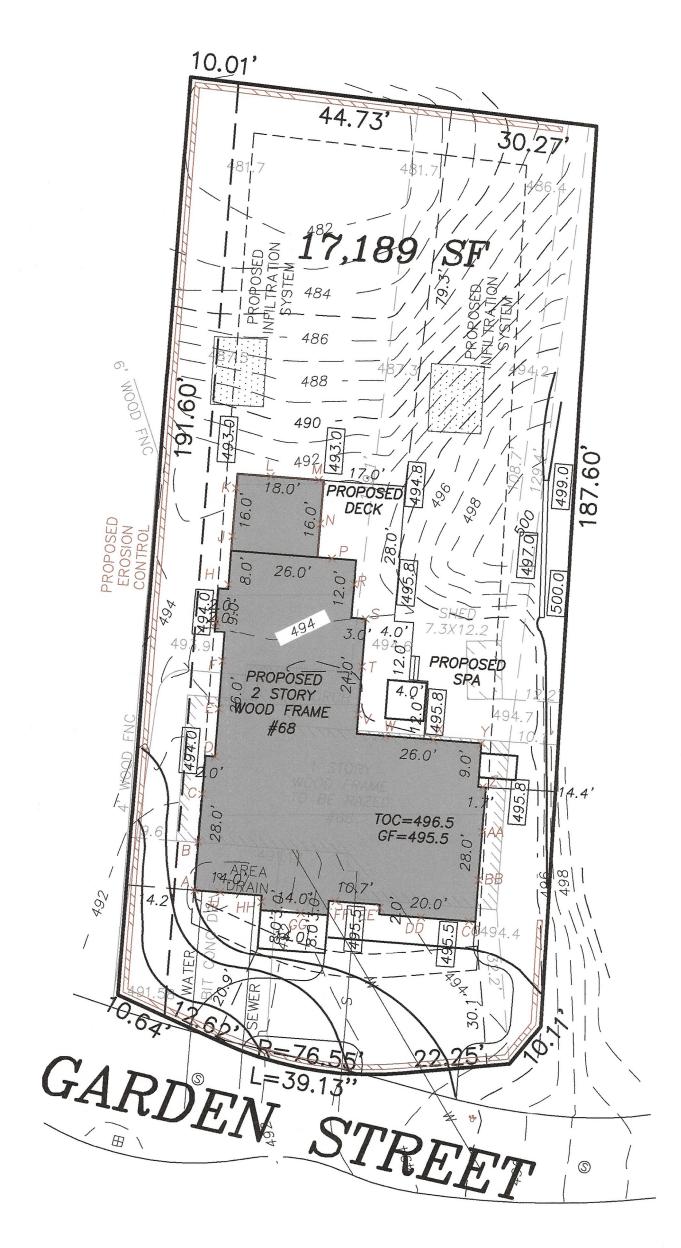






NOTE: ALL SYMBOLS MAY NOT BE USED IN PLAN





ZONING INFORMATION: SINGLE	RESIDENCE B (SRB)	
	REQUIRED	PROPOSED
MINIMUM LOT AREA	10,000 SF	17,189 SF.
MINIMUM LOT FRONTAGE	80 FEET	84.89 FEET
MINIMUM FRONT SETBACK	20 FEET	20.9 FEET
	(25 FEET FOR GARAGE)	(30.1 FEET TO GARAGE)
MINIMUM SIDE YARD	14 FEET*	14.2 FEET*
		14.4 FEET
MINIMUM REAR YARD	20 FEET	79.3 FEET
MAXIMUM BUILDING COVERAGE	E25%(4297 SF)	18.9%(3,420 SF)
		SEE ARCHITECTS PLAN
MAXIMUM BUILDING HEIGHT		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES
	,	

\*MAXIMUM OF 32 LINEAR FEET OF THE BUILDING MAY BE BUILT AT MINIMUM SETBACK THE REMAINDER MUST BE AT LEAST 2 ADDITIONAL FEET.

PROPOSED BUILDING FOOTPRINT =3,420 SF

(3,420 S.F. X 1") / 12 = 285 Cu. Ft.

GRAPHIC SCALE 0 10 20

MITIGATED WITH 6 CULTEC CONTRACTOR 150 HDXL RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT) CAPACITY OF 53.79 CU FT EACH. (11 x 4.89 CU FT) RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM FOR THE PROPOSED FOOTPRINT SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.



ZONING BOARD OF APPEALS PLAN OF LAND 68 GARDEN STREET NEEDHAM, MASS.

# Field Resources, Inc. LAND SURVEYORS

MARCH 7, 2022

SCALE 1"=20'

P.O. BOX 324 AUBURN, MA 508 832 4332 281 CHESTNUT ST. NEEDHAM, MA. 781 444 5936

fieldresources@hotmail.com

# TOWN OF NEEDHAM, MASSACHUSETTS

## Building Inspection Department

04		CIRCLE ONE THAT A		
	NDATION ASBUILT/FINAL ASBUILT	OSED PLOT PLAN JEOUR	EMO PLANZPROF	D
	nilder	B		nanwC
	SRB	Zoning District		Lot Area_
	68 GARDEN STREET	.oV tA	on it No.	I gniblin8
	MAP 52 PARCEL 24	Assessor's Map & Parcel No		

LICIA KESOURCES, INC.

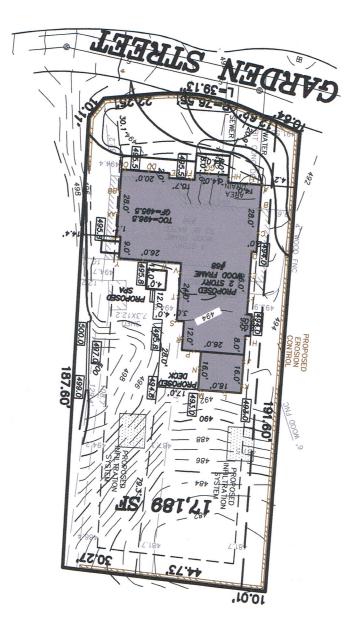
40 Scale

LAND SURVEYORS
P.O. Box 324 281 Chestrut Street

Auburn, MA 01501 Needham, MA 02492 508 832 4332 781 444 5936 fieldresources@hotmail.com



PROPOSED LOT COVERAGE = 19.9%





118-20

Note: Plot plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures, and public utilities, including water mains, sewers, drains, gaslines, etc.; driveways, Flood Plain and Wetland Areas, lot dimensions, dimensions of proposed structures, sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor. For new construction, elevation of lot corners at street line and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures\*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unsewered area.

(\*Accessory structures may require a separate building permit - See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

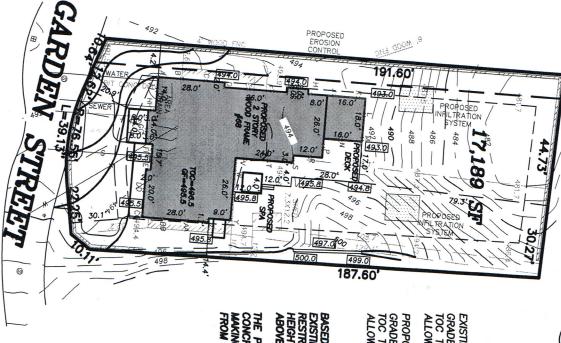
The above is subscribed to and executed by me this

Name BRADLEY J. SIMONELLI, PLS Registered Land Surveyor No 47581

Address 281 CHESTNUT ST City NEEDHAM State MA Zip 02492 Tel No 781-444-5936

Approved Date

Approved Building Inspector



EXISTING
GRADE PLANE = 15297.6 / 31 = 493.47
TOC TO GRADE = 497.00 - 493.48 = 3.53
ALLOWABLE BUILDING = 35.00 - 3.53 = 31.47

ELEV STATION

EXISTING ELEVATION

PROPOSED ELEVATION

GRADE PLANE = 15339.2 / 31 = 494.81 TOC TO GRADE = 497.00 - 494.81 = 2.19 ALLOWABLE BUILDING = 35.00 - 2.19 = 32.81

BASED UPON COMPARATIVE ANALYSIS THE EXISTING GRADE PLANE PROVIDES MORE RESTRICTIVE ENVIRONMENT FOR THE BUILDING HEIGHT THE MAXIMUM ALLOWABLE STRUCTURE ABOVE THE TOP OF CONCRETE IS 31.47 FEET.

THE PROPOSED STRUCTURE FROM TOP OF CONCRETE TO RIDGE IS 29.5± FEET. MAKING THE PROPOSED HEIGHT 33.11 FEET FROM THE EXISTING GRADE PLANE.

ב	壬	GG	Ŧ	Æ	DD	CC	ВВ	AA	Z	Υ	×	8	<	Т	S	R	Р	Z	3	٦	~	J	I	<u>ه</u>	F	ш	D	С	В	Α
491.2	492.5	493.7	493.8	494.1	494.4	494.6	494.7	494.8	495.0	495.0	495.0	495.0	494.8	494.0	493.5	493.3	493.2	492.9	491.4	491.7	492.8	493.3	493.6	493.8	494.1	494.1	492.8	492.2	491.3	491.0
494.7	495.0	495.5	495.5	495.5	495.5	495.8	495.8	495.8	495.8	495.8	495.8	495.8	495.8	495.8	495.8	495.3	495.0	494.0	493.0	493.0	493.4	493.8	494.0	494.0	494.0	494.0	494.0	494.0	494.0	494.0

	GRAPI 0	
	GRAPHIC SCALE 0 20 40	
	-8 <i>0</i>	

118 - 20

RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT)
CAPACITY OF 53.79 CU FT EACH.(11 × 4.89 CU FT)
RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM FOR
THE PROPOSED FOOTPRINT
SEE DRYWELL DETAIL FOR SPECIFICATIONS
AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.

MITIGATED WITH 6 CULTEC CONTRACTOR 150 HDXL

 $(3,420 \text{ S.F. } \times 1") / 12 = 285 \text{ Cu. Ft.}$ PROPOSED BUILDING FOOTPRINT =3,420 SF .20 FEET...

14.4 FEET .79.3 FEET

\*MAXIMUM OF 32 LINEAR FEET OF THE BUILDING MAY BE BUILT AT MINIMUM SETBACK THE REMAINDER MUST BE AT LEAST 2 ADDITIONAL FEET.

MINIMUM LOT AREA ......MINIMUM LOT FRONTAGE......MINIMUM FRONT SETBACK.....

0,000 SF.....

PROPOSED ......17,189 SF. ......84.89 FEET

...20.9 FEET (30.1 FEET TO GARAGE) ...14.2 FEET\*

ZONING INFORMATION: SINGLE RESIDENCE B (SRB)

MINIMUM REAR YARD .... MINIMUM SIDE YARD......

# PIPE MANIFOLD DIA. AND ELEV DETERMINED BY ENGINEER (MAX. INLET = 12 INCHES) CULTEC RECHARGER 150HD — HEAVY-DUTY CHAMBER 16.0" [406 mm] MIN. RECHARGER 150HD HEAVY-DUTY CHAMBER STORAGE PROVIDED = 4.89 CF/FIT PER DESIGN UNIT. REFER TO CULTIEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES. USE RECHARGER 159HD HEAVY-DUTY FOR TRAFFIC AND/OR H20 APPLICATIONS. GENERAL NOTES RECHARGER 150HD BY 1 - 2 INCH DIA. WASHED, -CRUSHED STONE CULTEC, INC. OF BROOKFIELD, CT. 4.89 CF/FT PER DESIGN UNIT. S CURRENT RECOMMENDED FINISHED GRADE COMPACTED FILL ── 95% COMPACTED FILL 4 OZ. NON-WOVEN FILTER FABRIC AROUND STONE ALL RECHARGER 150HD HEAVY-DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER. TO CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS. 4 OZ. NON-WOVEN FILTER FABRIC AROUND STONE 10.0" [254 mm] 6.0" [152 mm] 12.0" [305 mm] (TYP.) 10.0" [254 mm] MIN. .0" [152 mm] MIN. .0" [152 mm] MIN. 18.5" [471 mm]

# INFILTRATION SYSTEM DETAILS

STRAW WATTLE SECTION VIEW WATTLE STRAW FLOW WORK AREA NOT TO SCALE

12"

PROTECTED AREA

NEEDHAM, MASS. SHOWING GRADE PLANES CERTIFIED PLOT PLAN

# Field Resources, AND SURVEYORS Inc.

FEBRUARY 11, 2022

281 CHESTNUT ST. NEEDHAM, MA. SCALE 1"=40'

508 832 4332

P.O. BOX 324

AUBURN, MA

Copyright© by Field Resources, Inc. All rights reserved

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Appl	icatio	on.	Failure to do so will delay	the sch	nedulin	g of the hearin	g.
Applica	nt In	for	mation				
Applicant Name	Tow	n of	Needham Permanent Public Bu	ilding C	ommitte	ee	Date: 4/26/22
Applicant Address	500 I	Ded	ham Avenue, Needham, MA 024	192			
Phone	(781)	) 45	5-7500	email	hhaff@	needhamma.gov	
Applicant is ☑Owner; ☐Tenant; ☐Purchaser; ☐Other  If not the owner, a letter from the owner certifying authorization to apply must be included							
	Representative Christopher II II are Fee						
Address	40.00 04 100 101 11 1 14 100 100						
Phone	e (617) 804-2422 email cheep@miyares-harrington.com						
Representa	ative is		Attorney; $\Box$ Contractor; $\Box$ Architect	t; □Othe	er		
Contact ☑	Me □R	epr	esentative in connection with this a	pplicatio	n.		
Subject	Prop	oer	ty Information				
Property A	Addres	SS	1330 Highland Avenue, Need	lham, M	1A 0249	)2	
Map/Pard Number	cel		0.52/0.02	Zone of Propert		A-1	
Is propert  ☐Yes ☑I	-	hin	100 feet of wetlands, 200 f	eet of	stream	or in flood Plai	n?
Is propert	ty □I	Res	idential or ☑Commercial				
If residen □Yes ☑I		eno	vation, will renovation cons	titute '	"new c	onstruction"?	
requirem	ent?	□Y	es the number of parking sp es ☑No et design requirements? □			e By-Law	
			(select one): ☑Special Perm nent □Appeal Building Insp			<u>-</u>	ive

#### **Existing Conditions:**

The subject property is currently the site of the Emery Grover Building, and the School Administration Department.

#### **Statement of Relief Sought:**

The applicant seeks special permits necessary to comprehensively renovate the existing Emery Grover Building.

#### **Applicable Section(s) of the Zoning By-Law:**

Section 5.1.1.5, Section 1.4.6, Section 7.5.2

#### If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use	School Admin.	School Admin.
# Dwelling Units	0	0
Lot Area (square feet)	46,174 sf	46, 174 sf
Front Setback (feet)	60.75	60.75
Rear Setback (feet)	144	133.4
Left Setback (feet)	30	30
Right Setback (feet)	11.3	11.3
Frontage (feet)	175	175
Lot Coverage (%)	14%	15%
FAR (Floor area divided by the lot area)	0.47	0.48

Numbers must match those on the certified plot plan and supporting materials



# **ZBA Application For Hearing**

Date Structure Constructed including additions:	Date Lot was created:
1898	1898

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions (Required)	Yes
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property"  (Required)	N/A
If applicant is tenant, letter of authorization from owner (Required)	N/A
Electronic submission of the complete application with attachments (Required)	Yes
Elevations of Proposed Conditions (when necessary)	Yes
Floor Plans of Proposed Conditions (when necessary)	Yes

Feel free to attach any additional information relative to the application. Additional information may be requested by the Board at any time during the application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector <u>April 20, 2022</u>

date of consult

Date: April 26, 2022 Applicant Signature

An application must be submitted to the Town Clerk's Office at <a href="mailto:townclerk@needhamma.gov">townclerk@needhamma.gov</a> and the ZBA Office at <a href="mailto:dcollins@needhamma.gov">dcollins@needhamma.gov</a>



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: <u>Emery Grover Building—1330 Highland Avenue</u> 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.

Zoning Board of Appeals April 25, 2022 Page 2 of 10

- 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 <u>Exhibit A</u>, 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

Zoning Board of Appeals April 25, 2022 Page 5 of 10

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:
  - 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.CO - 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

#### <u>Landscape</u>

SP.LO – 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.

Zoning Board of Appeals April 25, 2022 Page 10 of 10

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,

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

	Α	В	С	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

sf

#### 2) RENOVATED CONFIGURATION OF EMERY GROVER

#### PARKING BY USES WITHIN THE BUILDING

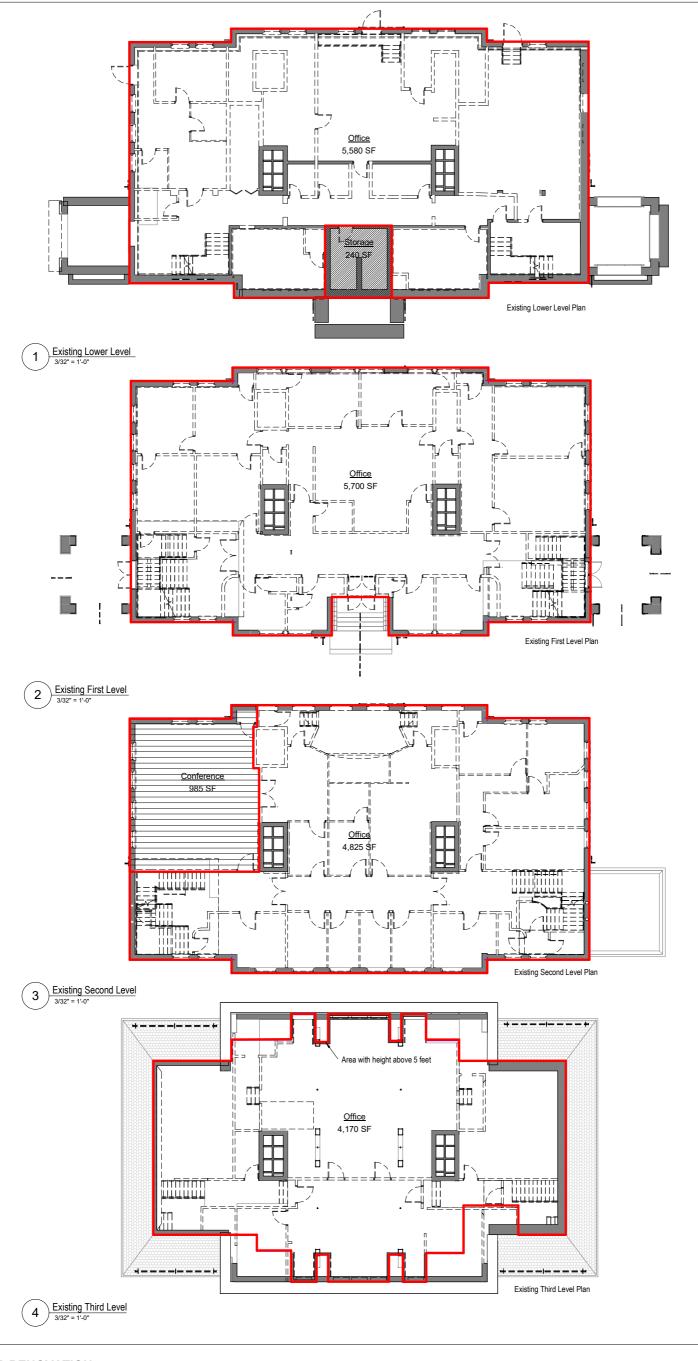
	Α	В	С	A+B+C
	Office Gross Area	Conference Gross Area	Storage Gross Area	Total
Lower Level	5,780		240	6,020
First Level	5,335		805	6,140
Second Level	5,545		265	5,810
Third Level		3,185	585	3,770
Total Area	16,660	3,185	1,895	21,740
Parking Calculation	1 space/300 sf of office area	1 space/ 3 seats (92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

includes loading dock area includes entry vestibule area

unconditioned mechanical room not included

sf

89 spaces rounded up









April 25, 2022

PARECORP.COM

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 or the building intended for visitors. The proposed site plan is included in **Figure 1**.

LEGEND

PROPERTY LINE

BUILDING SETBACK

PARKING SETBACK

EASEMENT LINE

APPROXIMATE LOCATION OF MASONRY BUILDING APPROX. LOC. OF -ACCESS & UTILITY MAP 199, BLOCK 53 LOT 1 EASEMENT PER REF #3 HIGHLANDS CORPORATION - "NO PARKING" BK. 6288, PG. 573 APPROX LOC OF
UG TELE LINE
(PER UTILITY MARKOUT) (SEE NOTE #3) 60.00' SURVEY TIE LINE ACCESS AND UTILITY EASEMENT BUILDING SETBACK (TYP.) IRON ROD — FOUND UG GAS LINE (PER UTILITY MARKOUT) (SEE NOTE #. RAMP (TYP.) HOT MIX ASPHALT — 6" SAN PIPE 2' MASONRY BLOCK **RETAINING WALL** <sup>⊥</sup> AREAWAYS NEEDHAM PUBLIC SCHOOL" LANDSCAPED ISLAND BFPA=6,331± SF PAVEMENT----HATCHING (TYP.) BK. 810, PG. 504 CONCRETE PARKING PER REF #3 — CHIMNEY STOP (TYP.) BOLLARDS -\_ DUMPSTER AND FENCED **ENCLOSURE (SEE** ARCHITECTURAL DRAWINGS) 5 ADDITION APPROX LOC OF -/ UG WATER LINE (PER REF #5) (SEE NOTE #3) APPROX LOC OF
UG GAS LINE
(PER UTILITY MARKOUT) (SEE NOTE #3) ADDED ON-STREET *W/LANDING* PARKING SPACE AND SIDEWALK (MATCH EXISTING) MASONRY BUILDING BK. 4199, PG. 630

1. TOTAL PARKING SPACES PROPOSED ON SITE = 62

WARNING PAVERS.

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

4. PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL EMPLOY A

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.

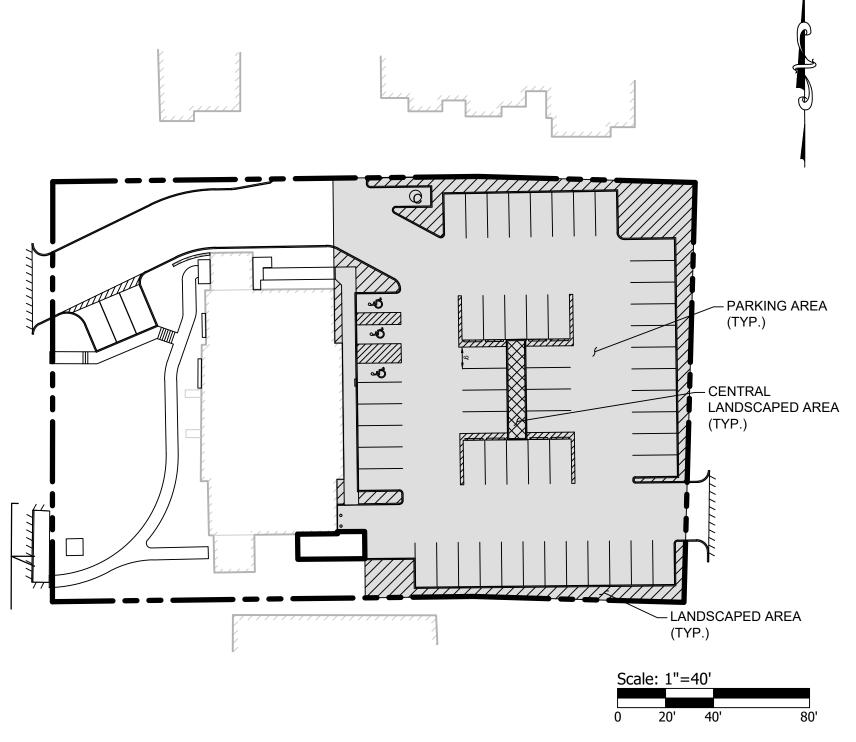
PROFESSIONAL LAND SURVEYOR REGISTERED IN THE COMMONWEALTH OF MASSACHUSETTS TO ESTABLISH CONTROL ON THE SITE AND TO PERFORM

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'

ARCHITECT

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450

Emery Grover
Renovations
1330 Highland Ave
Needham, MA 02492

Town of Needham
Permanent Public

Permanent Public Building Committee 500 Dedham Ave Needham, MA 02492

PROJECT TEAM

Civil Engineer

Pare Corporation
10 Lincoln Rd, Suite 210

(617) 451-1018

Foxboro, MA 02035 (508) 543-1755

Landscape Architect

Kyle Zick Landscaping Architecture, Inc.
36 Bromfield St Suite 202

Boston, MA 02108

Structural Engineer
Structures North Consulting
Engineers, Inc.
60 Washington St, Suite 401
Salem, MA 01971
(978) 745-6817

MEP/FP Engineer
Allied Engineering
235 Littleton Road, Suite 5
Westford, MA 01886
(978) 443-7888

**Technology**Building Technology Consulting
992 Bedford St
Bridgewater, MA 02324
(617) 799-4309

REVISIONS

DRAWING TITLE

GENERAL PLAN

\_\_\_\_

DRAWING INFORMATION

APRII 15 2022

PLAN SUBMISSION
RIPTION

20'
AWB
DRAWN BY

21228.00 FILE NAME

FIGURE 1



Mr. Joel Bargmann (4) April 25, 2022

#### **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, 5<sup>th</sup> 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** 

	А	В	С	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



Mr. Joel Bargmann (5) April 25, 2022

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 <sup>1</sup>	2	0	0	0	0
Oakland Avenue (West Side) Parking: 10 spaces <sup>1</sup>	7	2	5	5	6
Highland Avenue (East Side) <sup>2</sup> 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

<sup>1.</sup> 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.

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.

<sup>2.</sup> 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.

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**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, 33<sup>rd</sup> percentile, and 85<sup>th</sup> 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 5<sup>th</sup> 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 33<sup>rd</sup> percentile and 85<sup>th</sup> percentile.

Table 4: Parking Demand Based on ITE Parking Generation Manual

	33 <sup>rd</sup> Percentile Parking	85 <sup>th</sup> 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



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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 <sup>th</sup> Percentile)	85 <sup>th</sup> 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 85<sup>th</sup> 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



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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/	Total	Non-Fatal		Rear		Head	Single	
Intersection	Crashes	Injuries	Fatalities	End	Sideswipe	On	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



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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/kls

Y:\JOBS\21 Jobs\21228.00 Needham Emery Grover Building-MA\REPORTS\Traffic\EG Parking Assessment and Safety Memo\_042522.doc

1330 Highland Ave Needham, MA 02492

# DRAWING LIST

SP.C1

Demolition, Erosion and Sediment Control Plan

General Plan

Drainage and Utility Plan

Civil Details 1

Civil Details 2 Civil Details 3

Civil Details 4

Landscape Improvement Plan Landscape Improvement Details

# Architectural

Lower Level Plan and First Level Plan

Second Level Plan and Third Level Plan

**Exterior Elevations** 





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

**Emery Grover** Renovations 1330 Highland Ave Needham, MA 02492

(617) 350 0450

**Town of Needham Permanent Public Building Committee** 500 Dedham Ave Needham, MA 02492

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Structural Engineer Structures North Consulting Engineers, Inc. 60 Washington St, Suite 401 Salem, MA 01971 (978) 745-6817

MEP/FP Engineer Allied Engineering 235 Littleton Rd, Suite 5 Westford, MA 01886 (978) 443-7888

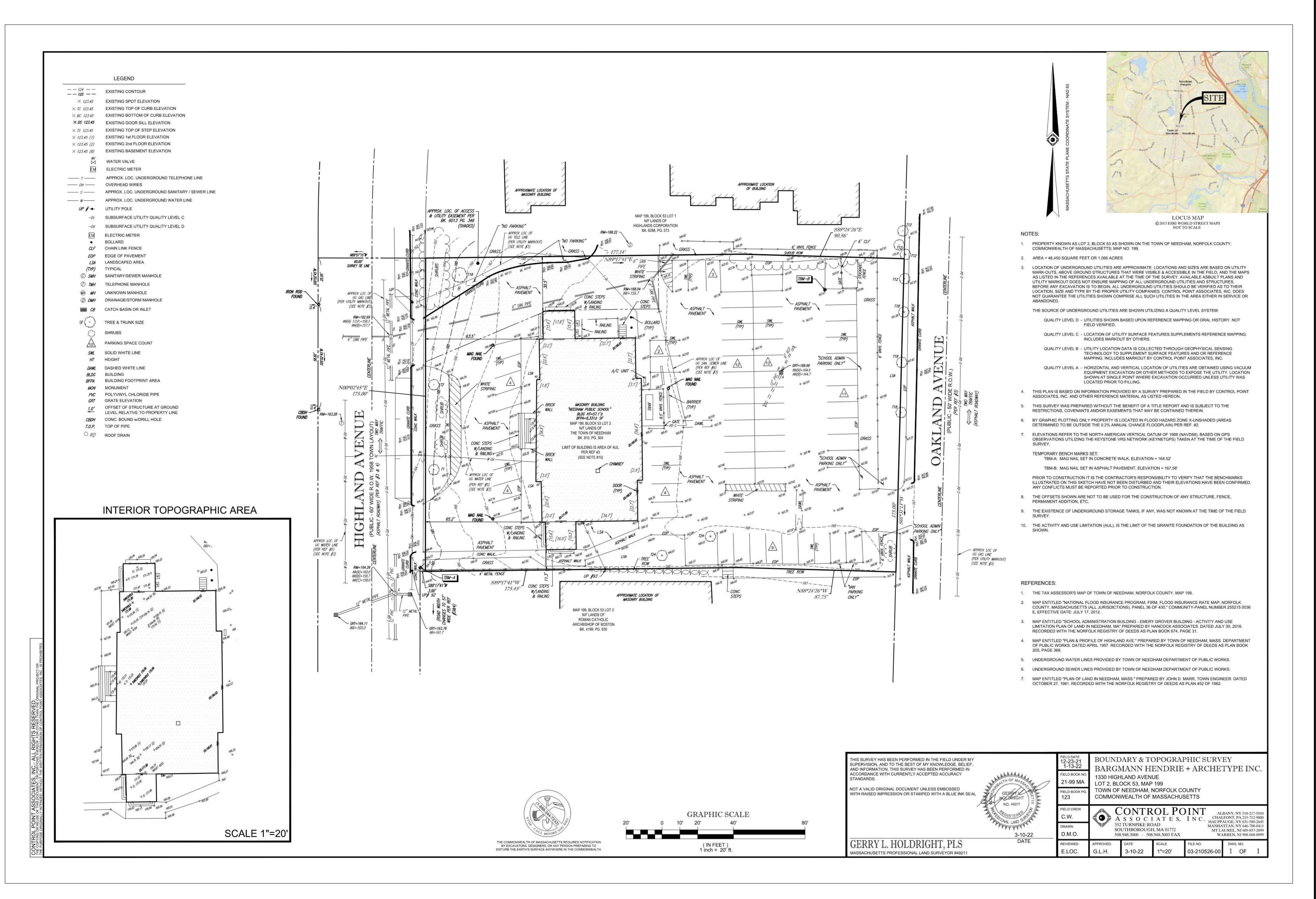
Building Technology Consulting 992 Bedford St Bridgewater, MA 02324 (617) 799-4309

04/25/2022 For ZBA Submisson

**Cover Sheet** 



G001



ARCHITECT

Bargmann Hendrie + Archetype, Inc.

9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450

Renovations 1330 Highland Ave Needham, MA 02492

**Emery Grover** 

PROJECT NAME

Town of Needham **Permanent Public Building Committee** 500 Dedham Ave Needham, MA 02492

PROJECT TEAM

(508) 543-1755

(617) 451-1018

Civil Engineer Pare Corporation 10 Lincoln Rd, Suite 210 Foxboro, MA 02035

Landscape Architect Kyle Zick Landscaping Architecture, Inc. 36 Bromfield St Suite 202 Boston, MA 02108

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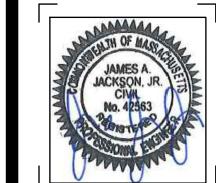
Technology

Building Technology Consulting 992 Bedford St Bridgewater, MA 02324 (617) 799-4309

DRAWING TITLE

**SURVEY PLAN** 

DRAWING INFORMATION



DRAWING NUMBER

SP.C0

### 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,

### **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.
- 4. 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 ENGINEERS 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
- 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.
- 8. 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-DIG-SAFE (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.
- 10. 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 521 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 521 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.
- 2. 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.
- 4. THERE SHALL BE NO INTERRUPTION OF UTILITY SERVICES DURING THE CONSTRUCTION OPERATION WITHOUT APPROVAL OF THE OWNER.

# SURVEY REFERENCES

- 1. 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.
- 3. 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.
- 4. 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.
- 5. UNDERGROUND WATER LINES PROVIDED BY TOWN OF NEEDHAM DEPARTMENT OF PUBLIC WORKS.
- 6. 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.
- 3. 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.
- 4. 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.
- 8. 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.
- 10. ALL GRAVITY SANITARY PIPING SHALL BE SDR-35 PVC. ALL SEWER CONSTRUCTION SHALL CONFORM TO THE
- TOWN OF NEEDHAM SEWER STANDARDS. 11. 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. 12. 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
- 13. PITCH EVENLY BETWEEN SPOT GRADES. ALL PAVED AREAS MUST PITCH TO DRAIN AT A MIN. OF 1/8" PER FOOT UNLESS SPECIFIED.
- 14. 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:**

- 1. PROPERTY KNOWN AS LOT 2, BLOCK 53 AS SHOWN ON THE TOWN OF NEEDHAM, NORFOLK COUNTY, COMMONWEALTH OF MASSACHUSETTS; MAP NO. 199.
- 2. AREA = 46,450 SQUARE FEET OR 1.066 ACRES

CONSTRUCTION OPERATIONS AT NO COST TO THE OWNER.

- 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
- 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 EQUIPMENT EXCAVATION OR OTHER METHODS TO EXPOSE THE UTILITY. LOCATION 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 HEREON.
- 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
- 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.
- THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD

### EROSION AND SEDIMENTATION CONTROL NOTES - MASSACHUSETTES

IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

- 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.
- 2. THE CONTRACTOR SHALL PREPARE AND SUBMIT A STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
- 3. THE CONTRACTOR SHALL PREPARE AND SUBMIT AN ELECTRONIC NOTICE OF INTENT (eNOI) WITH THE EPA IN ACCORDANCE WITH THE NDPES PERMIT REQUIREMENTS PRIOR TO CONSTRUCTION.
- 4. SOIL EROSION AND SEDIMENTATION CONTROLS SHALL BE PROVIDED IN ACCORDANCE WITH THE
- 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
- 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
- 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
- THE CONTRACTOR SHALL INSPECT AND MAINTAIN ALL EROSION AND SEDIMENTATION CONTROL MEASURES
- BASIS AND AFTER EACH STORM EVENT OF 0.25 INCH OR GREATER DURING CONSTRUCTION TO ENSURE
- 10. 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
- 11. THE CONTRACTOR SHALL MAINTAIN A SUFFICIENT RESERVE OF VARIOUS EROSION CONTROL MATERIALS
- 12. 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
- 13. SOIL AND OTHER MATERIALS RESULTING FROM SITE CLEARING MAY BE RECYCLED AND/OR REUSED ON THE
- 14. CRUSHED STONE CONSTRUCTION ENTRANCES SHALL BE ESTABLISHED AT ALL POINTS OF INGRESS AND
- 15. TEMPORARY DIVERSIONS (TD) MAY CONSIST OF A DITCH OR SWALE, OR MAY BE ACHIEVED USING WOOD
- 16. 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
- 17. DUST SHALL BE CONTROLLED BY SPRINKLING OR OTHER APPROVED METHODS AS NECESSARY, OR AS
- 18. CATCH BASINS AND STORM DRAINS SHALL BE PROTECTED WITH HAY BALES OR SEDIMENT BAGS IN PAVED
- 19. DEWATERING WASTEWATER PUMPED FROM EXCAVATIONS SHALL BE CONVEYED BY HOSE TO AN UPLAND
- 20. CONSTRUCTION SITE WASTE MATERIALS SHALL BE PROPERLY CONTAINED ONSITE AND DISPOSED OFF SITE
- AT A LOCATION IN ACCORDANCE WITH THE LOCAL AND STATE REGULATIONS.
- 22. 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
- 23. NEWLY VEGETATED AREAS SHALL BE REGULARLY INSPECTED AND MAINTAINED TO ENSURE THE ESTABLISHMENT OF STABLE VEGETATED SURFACES.
- 24. THE CONTRACTOR SHALL NOT REMOVE ANY COMPOST FILTER SOCKS OR OTHER EROSION CONTROLS UNTIL
- 25. 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
- 26. 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.
- 27. ALL DISTURBED AREAS SHALL BE STABILIZED WITHIN 14 DAYS UPON COMPLETION OF WORK IN THAT AREA.

- PRIOR TO CONSTRUCTION.
- "MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES FOR URBAN AND SUBURBAN AREAS" AND THE NOTES AND DETAILS SHOWN IN THIS PLAN SET.
- REPRESENTATIVE.
- 14 DAYS FOLLOWING COMPLETION OF GRADING ACTIVITIES.
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED ON A WEEKLY THAT THE EROSION CONTROL BARRIERS ARE INTACT.
- REMOVED AS NECESSARY AND DISPOSED IN AN UPLAND AREA.
- ONSITE AT ALL TIMES FOR EMERGENCY PURPOSES OR ROUTINE MAINTENANCE.
- STABILIZED DISCHARGE POINTS.
- SITE AS APPROPRIATE. WASTE MATERIALS SHALL BE REMOVED FROM THE SITE.
- CHIP PILES, COIR LOGS, OR SIMILAR MATERIALS.
- DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.
- AREAS UNTIL CONTRIBUTING AREA IS PERMANENTLY STABILIZED.
- AREA AND DISCHARGED INTO A DEWATERING BASIN, HAY BALE CORRALS, OR SEDIMENTATION BAGS.
- 21. RIPRAP OR OTHER ENERGY DISSIPATERS SHALL BE USED WHERE NECESSARY TO CONTROL EROSION.
- NOT INTERFERE WITH THE ONGOING CONSTRUCTION ACTIVITIES OR EROSION CONTROL MEASURES.
- THE CONTRIBUTING AREA IS PERMANENTLY STABILIZED.
- POSITIVE DRAINAGE, AS REQUIRED, TO STABILIZED DISCHARGE POINTS.

Needham, MA 02492

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PROJECT NAME

**Emery Grover** 

Renovations 1330 Highland Ave

Town of Needham Permanent Public

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Landscape Architect

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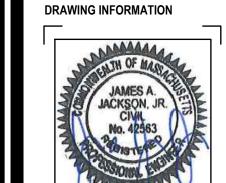
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DRAWING TITLE

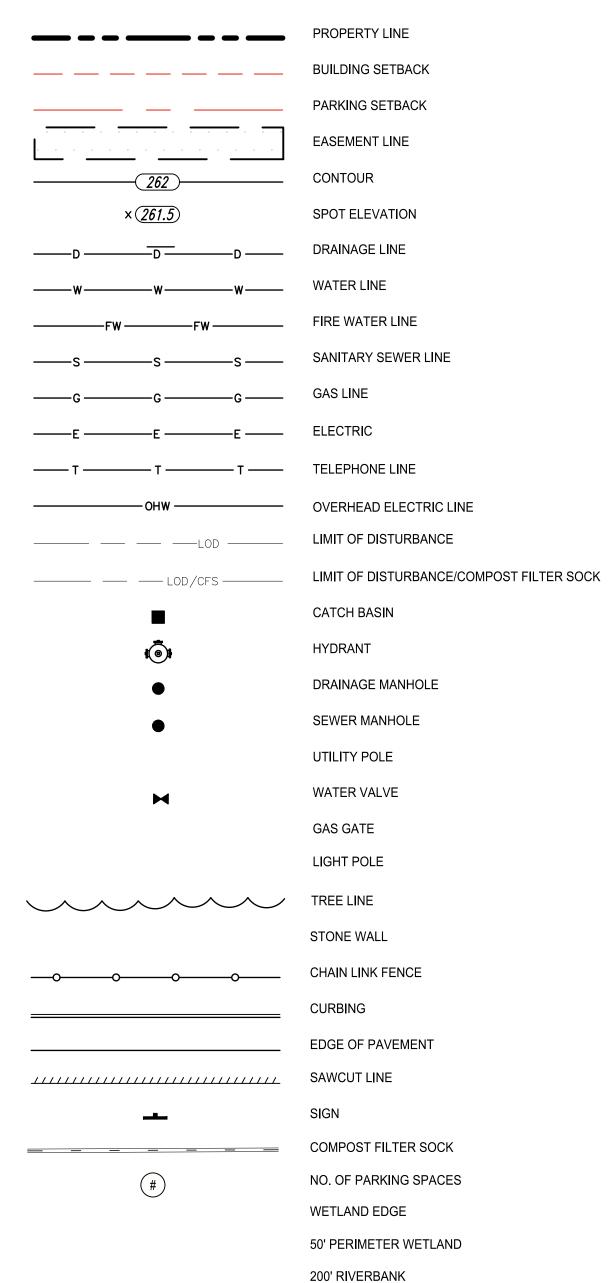


## **EXISTING LEGEND**

ROOF DRAIN

### EXISTING SPOT ELEVATION EXISTING TOP OF CURB ELEVATION EXISTING BOTTOM OF CURB ELEVATION × DS 123.45 EXISTING DOOR SILL ELEVATION EXISTING TOP OF STEP ELEVATION EXISTING 1st FLOOR ELEVATION EXISTING 2nd FLOOR ELEVATION EXISTING BASEMENT ELEVATION WATER VALVE EM ELECTRIC METER APPROX. LOC. UNDERGROUND TELEPHONE LINE OVERHEAD WIRES APPROX. LOC. UNDERGROUND SANITARY / SEWER LINE APPROX. LOC. UNDERGROUND WATER LINE *UP ∦*→ UTILITY POLE SUBSURFACE UTILITY QUALITY LEVEL C SUBSURFACE UTILITY QUALITY LEVEL D EM ELECTRIC METER BOLLARD CLF CHAIN LINK FENCE **EOP** EDGE OF PAVEMENT LSA LANDSCAPED AREA (TYP) TYPICAL © SMH SANITARY/SEWER MANHOLE TMH TELEPHONE MANHOLE M MH UNKNOWN MANHOLE (D) DMH DRAINAGE/STORM MANHOLE ■ CB CATCH BASIN OR INLET 7#( → TREE & TRUNK SIZE SHRUBS PARKING SPACE COUNT SWL SOLID WHITE LINE *н*т HEIGHT DAWL DASHED WHITE LINE **BLDG** BUILDING BFPA BUILDING FOOTPRINT AREA MONUMENT PVC POLYVINYL CHLORIDE PIPE GRATE ELEVATION OFFSET OF STRUCTURE AT GROUND LEVEL RELATIVE TO PROPERTY LINE CBDH CONC. BOUND w/DRILL HOLE TOP OF PIPE

# PROPOSED LEGEND



### 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
            BC = 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
           I.D. = 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
          R=X' = 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
          TYP. = TYPICAL
            UP = UTILITY POLE
          VGC = VERTICAL GRANITE CURB
            VC = VITRIFIED CLAY
          WPM = WATER PAINT MARK
            w/ = WITH
            YD = YARD DRAIN
```

ARCHITECT

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PROJECT NAME **Emery Grover** Renovations 1330 Highland Ave Needham, MA 02492

Town of Needham **Permanent Public** 

Needham, MA 02492

**Building Committee** 

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Structural Engineer Structures North Consulting Engineers, Inc. 60 Washington St, Suite 401 Salem, MA 01971

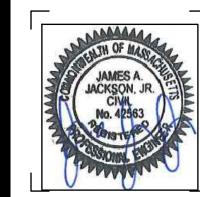
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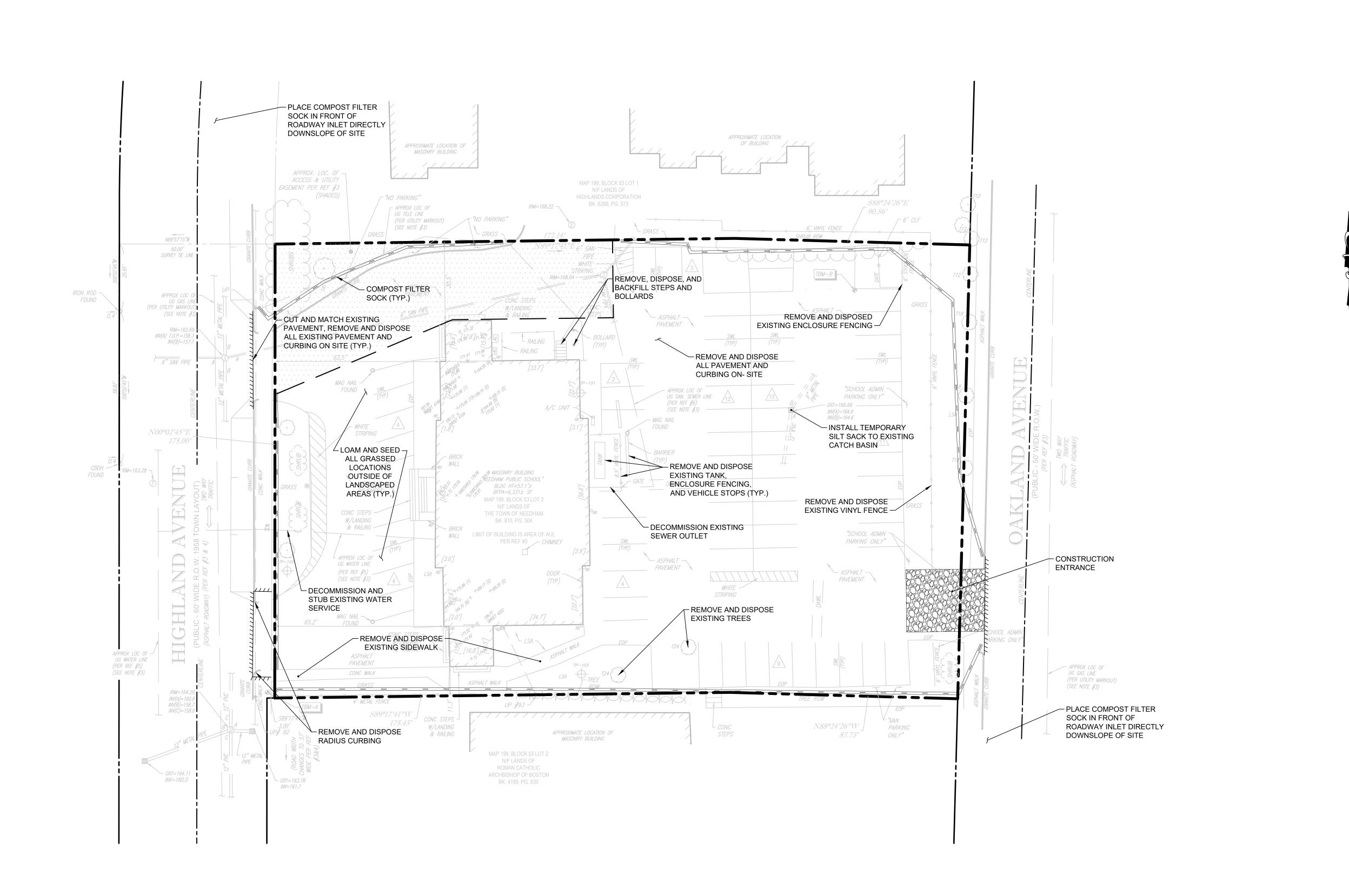
Technology Building Technology Consulting 992 Bedford St Bridgewater, MA 02324 (617) 799-4309

**DRAWING TITLE** 

**LEGEND** 

DRAWING INFORMATION





ARCHITECT

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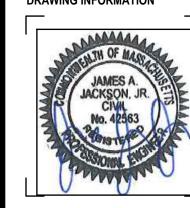
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DRAWING TITLE

DEMOLITION, **EROSION, AND SEDIMENT CONTROL PLAN** 

DRAWING INFORMATION



LEGEND

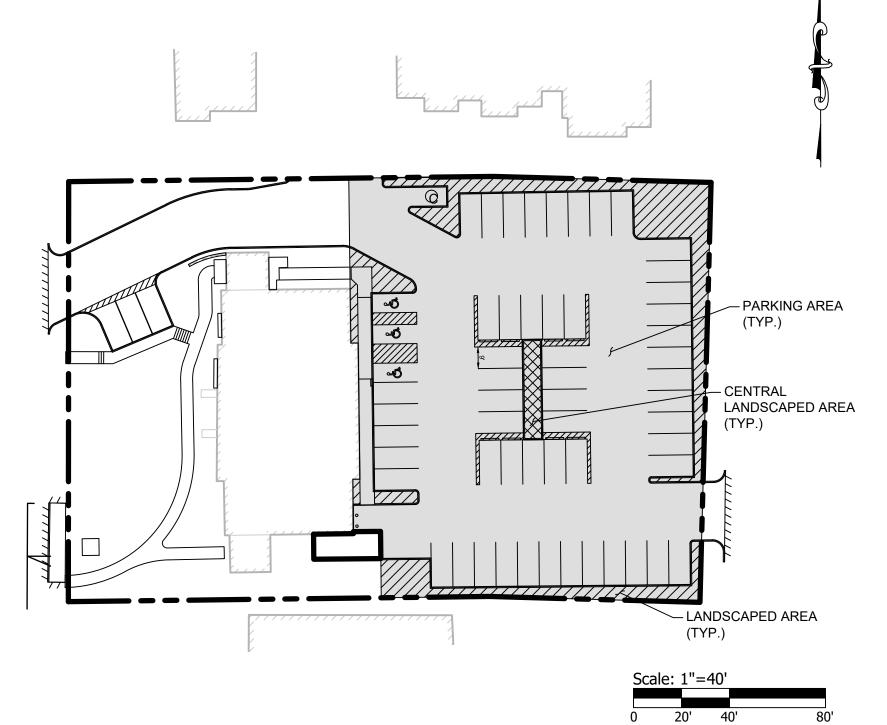
PROPERTY LINE \_\_\_\_ BUILDING SETBACK PARKING SETBACK

EASEMENT LINE

NOTES: TOTAL PARKING AREA = 25,333 SF

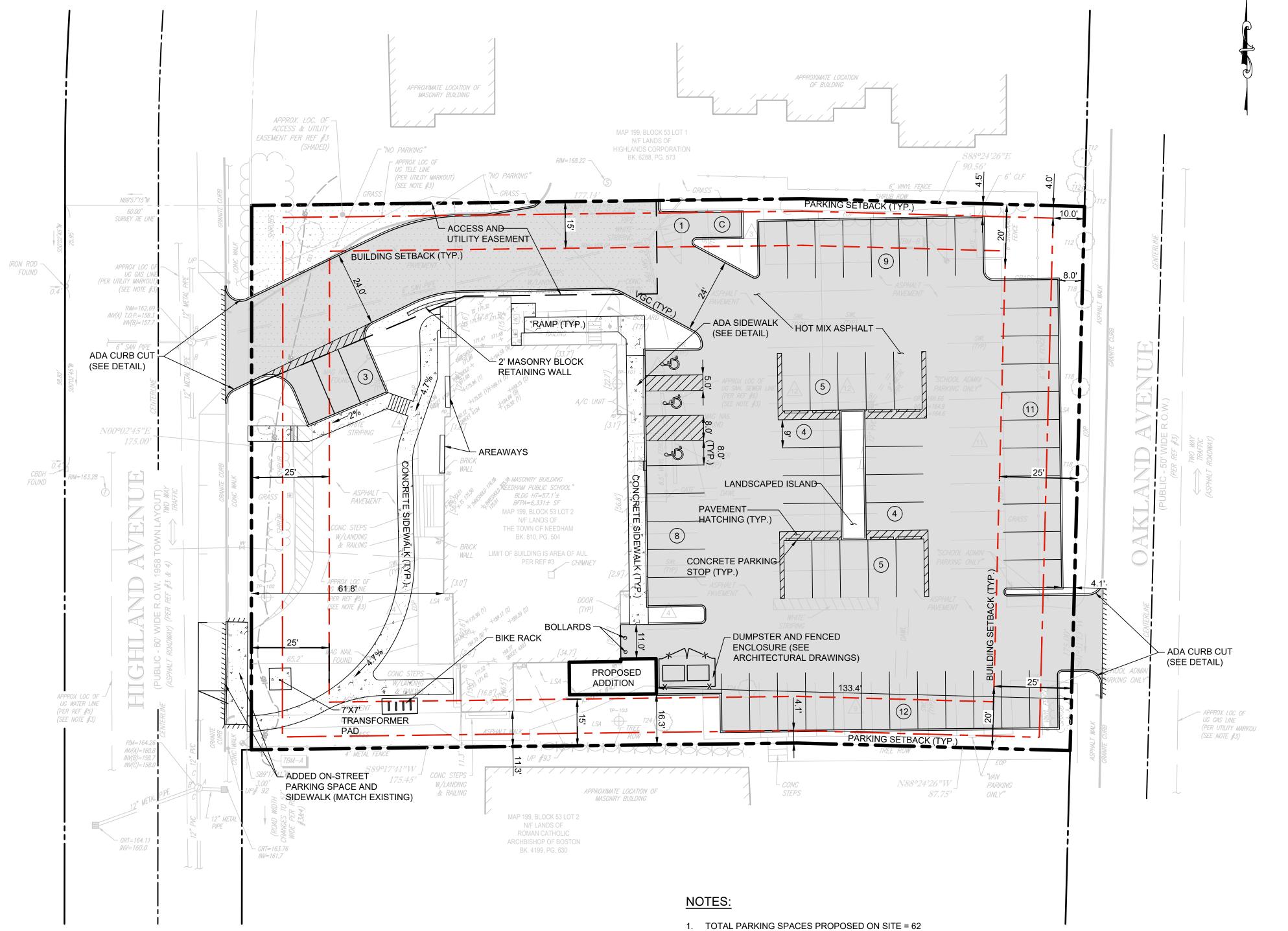
TOTAL LANDSCAPING = 3,395 SF (13.4% OF TOTAL PARKING AREA)

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	175ft	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, Secti 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	65- front & back	62 On-Site	no	Yes	Excess parking spaces provided on-street in addition 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	-
			24 ft	yes	NA	-
(i) Width of Maneuvering Aisle - 90 o 24ft to 25 ft wide						
	10 ft	21.5 ft.	4 ft. to 8 ft.	no	Yes	Waiver requested is at Oakland Ave.
24ft to 25 ft wide  (j) Parking Setbacks- Front (Oakland	10 ft 4 ft	21.5 ft. 0 ft	4 ft. to 8 ft. 4 ft min	no yes	<i>Yes</i> NA	Waiver requested is at Oakland Ave.  Minimum 4'-1.5"
24ft to 25 ft wide  (j) Parking Setbacks- Front (Oakland Ave.)  (j) Parking Setbacks- Side & Rear						
24ft to 25 ft wide  (j) Parking Setbacks- Front (Oakland Ave.)  (j) Parking Setbacks-	4 ft  10% landscape, 25% of the 10% in interior	0 ft	4 ft min	yes	NA	Minimum 4'-1.5"
24ft to 25 ft wide  (j) Parking Setbacks- Front (Oakland Ave.)  (j) Parking Setbacks- Side & Rear  (k) Landscaped Areas	4 ft  10% landscape, 25% of the 10% in interior of parking area	O ft  NA  6	4 ft min  13.4% Total, 8.4% of the 13.4% in the center	yes	NA Yes	Minimum 4'-1.5"  Parking area defined as east of the east face of build



DRAWING INFORMATION

DRAWING TITLE

**GENERAL PLAN** 

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

(617) 350 0450

PROJECT NAME

**Emery Grover** 

**Town of Needham** 

**Permanent Public** 

**Building Committee** 

Renovations

1330 Highland Ave Needham, MA 02492

500 Dedham Ave Needham, MA 02492

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Allied Engineering 235 Littleton Road, Suite 5

Building Technology Consulting 992 Bedford St

Kyle Zick Landscaping Architecture, Inc.

DRAWING NUMBER

SP.C4

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

2. CONTRACTOR SHALL PROVIDE LOAM AND SEED ON ALL DISTURBED AREAS UNLESS NOTED OTHERWISE. REFER TO LANDSCAPE DRAWINGS.

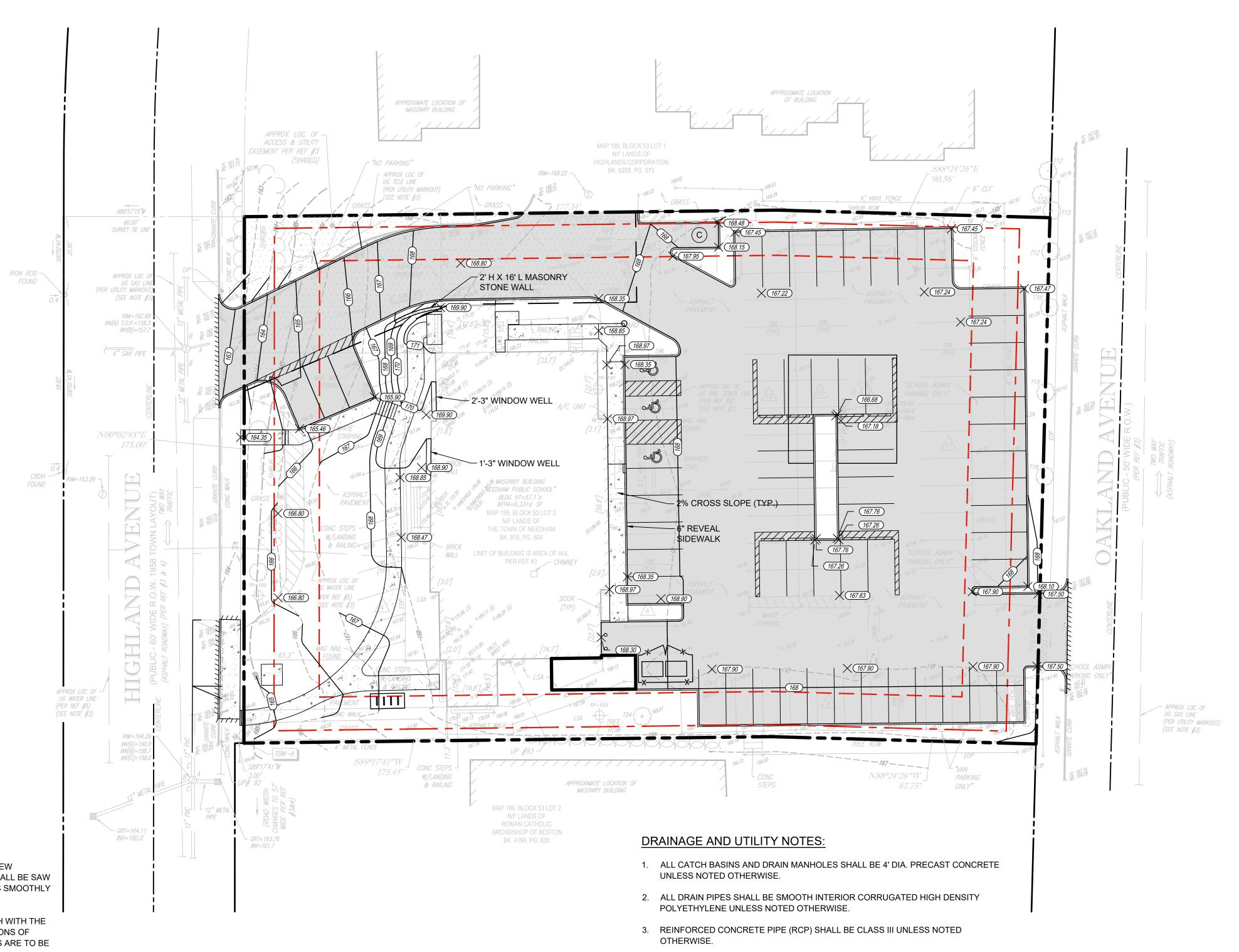
3. ALL ACCESSIBLE RAMPS SHALL BE CONSTRUCTED WITH DETECTABLE

4. PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL EMPLOY A

SURVEYOR TO ACCURATELY LOCATE THE BUILDING ON THE SITE.

WARNING PAVERS.

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# **GRADING NOTES:**

- 1. 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.
- 2. 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.
- 3. PITCH EVENLY BETWEEN SPOT GRADES. ALL PAVED AREAS MUST PITCH TO DRAIN AT A MIN. OF 1/8" PER FOOT UNLESS SPECIFIED.
- 4. THE PROPOSED WALKWAYS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2% AND A MAXIMUM RUNNING SLOPE OF 5% AS SHOWN ON CONSTRUCTION DETAILS.
- 5. ALL GRADING AT ACCESSIBLE ROUTES SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) OF 2010, LATEST
- 6. 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.
- 7. TURF REINFORCEMENT MAT SHALL BE INSTALLED ON ALL SLOPES 3:1 OR GREATER.
- 8. REFER TO "CIVIL NOTES AND LEGEND" FOR ADDITIONAL NOTES.

4. ALL SLOPES PROVIDED ARE FT/FT.

OUTLET HOOD PER THE DETAIL.

- 5. ALL CATCH BASINS AND AREA DRAINS SHALL BE INSTALLED WITH A SUMP AND
- 6. ALL SEWER MANHOLES SHALL BE 4' DIA. UNLESS NOTED OTHERWISE.
- 7. REFER TO ELECTRICAL DRAWINGS FOR INFORMATION ON ELECTRIC AND TEL/DATA DUCT BANKS AND STRUCTURES. ALL ELECTRICAL FACILITIES DISPLAYED FOR REFERENCE ONLY.
- 8. REPAIR OR REPLACE DAMAGED IRRIGATION FACILITIES TO PRE-CONSTRUCTION CONDITIONS AT NO ADDITIONAL COST TO THE OWNER.
- 9. 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.
- 10. REFER TO "CIVIL NOTES AND LEGEND" FOR ADDITIONAL NOTES.

ARCHITECT

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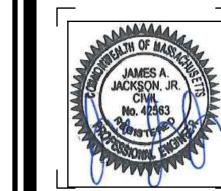
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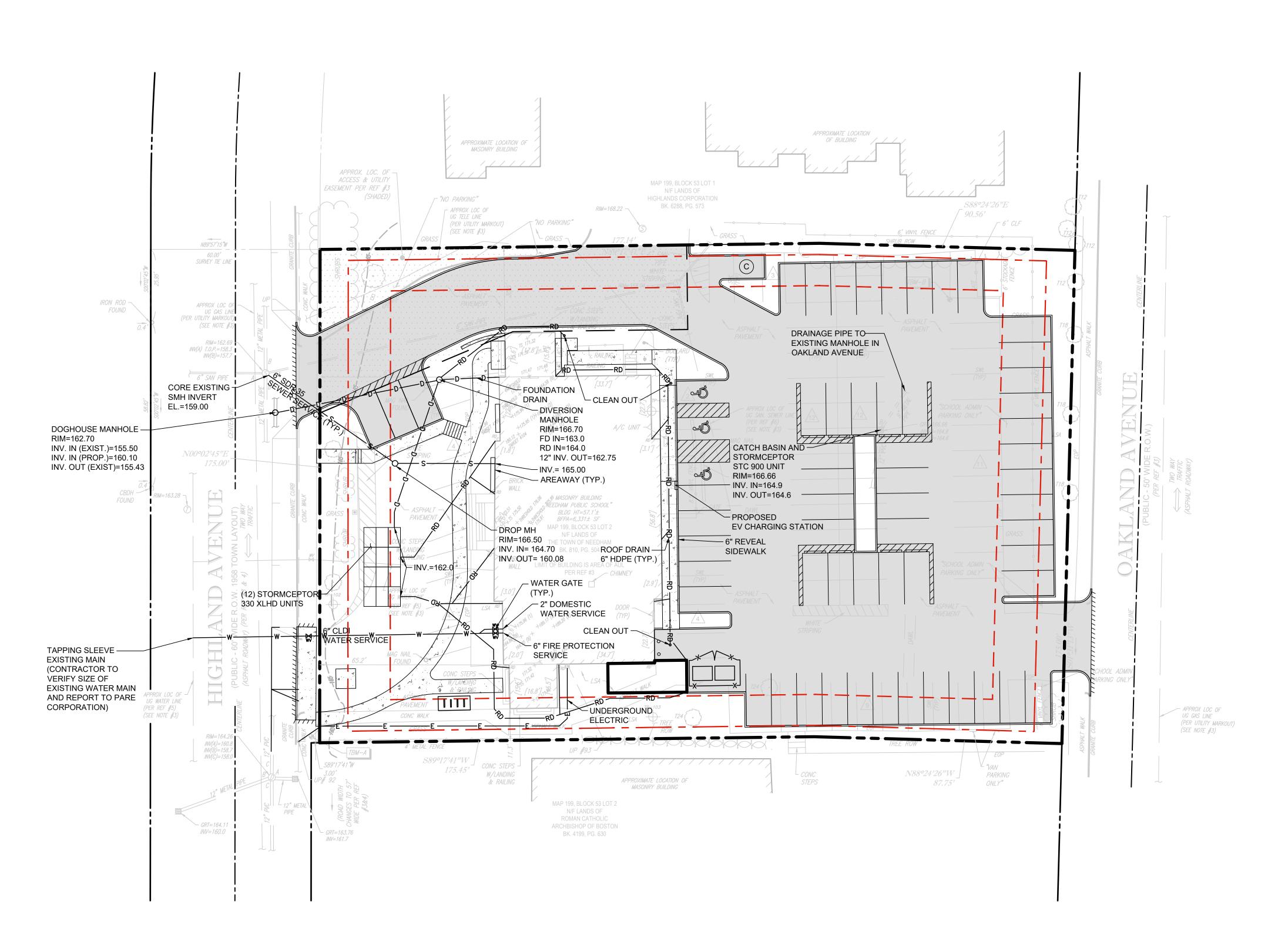
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DRAWING TITLE

**GRADING PLAN** 



DRAWING NUMBER



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# **DRAINAGE AND UTILITY NOTES:**

- 1. ALL CATCH BASINS AND DRAIN MANHOLES SHALL BE 4' DIA. PRECAST CONCRETE UNLESS NOTED OTHERWISE.
- 2. ALL DRAIN PIPES SHALL BE SMOOTH INTERIOR CORRUGATED HIGH DENSITY POLYETHYLENE UNLESS NOTED OTHERWISE.
- 3. REINFORCED CONCRETE PIPE (RCP) SHALL BE CLASS III UNLESS NOTED
- 4. ALL SLOPES PROVIDED ARE FT/FT.
- 5. ALL CATCH BASINS AND AREA DRAINS SHALL BE INSTALLED WITH A SUMP AND
- OUTLET HOOD PER THE DETAIL.
- 6. ALL SEWER MANHOLES SHALL BE 4' DIA. UNLESS NOTED OTHERWISE.
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ARCHITECT

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Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300

PROJECT NAME **Emery Grover** Renovations 1330 Highland Ave Needham, MA 02492

**Town of Needham Permanent Public Building Committee** 500 Dedham Ave Needham, MA 02492

PROJECT TEAM

Civil Engineer Pare Corporation 10 Lincoln Rd, Suite 210 Foxboro, MA 02035 (508) 543-1755

Landscape Architect Kyle Zick Landscaping Architecture, Inc. 36 Bromfield St Suite 202 Boston, MA 02108

Structural Engineer Structures North Consulting Engineers, Inc. 60 Washington St, Suite 401 Salem, MA 01971 (978) 745-6817

(617) 451-1018

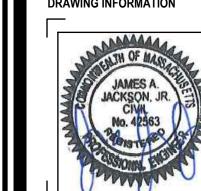
MEP/FP Engineer Allied Engineering 235 Littleton Road, Suite 5 Westford, MA 01886 (978) 443-7888

Technology **Building Technology Consulting** 992 Bedford St Bridgewater, MA 02324 (617) 799-4309

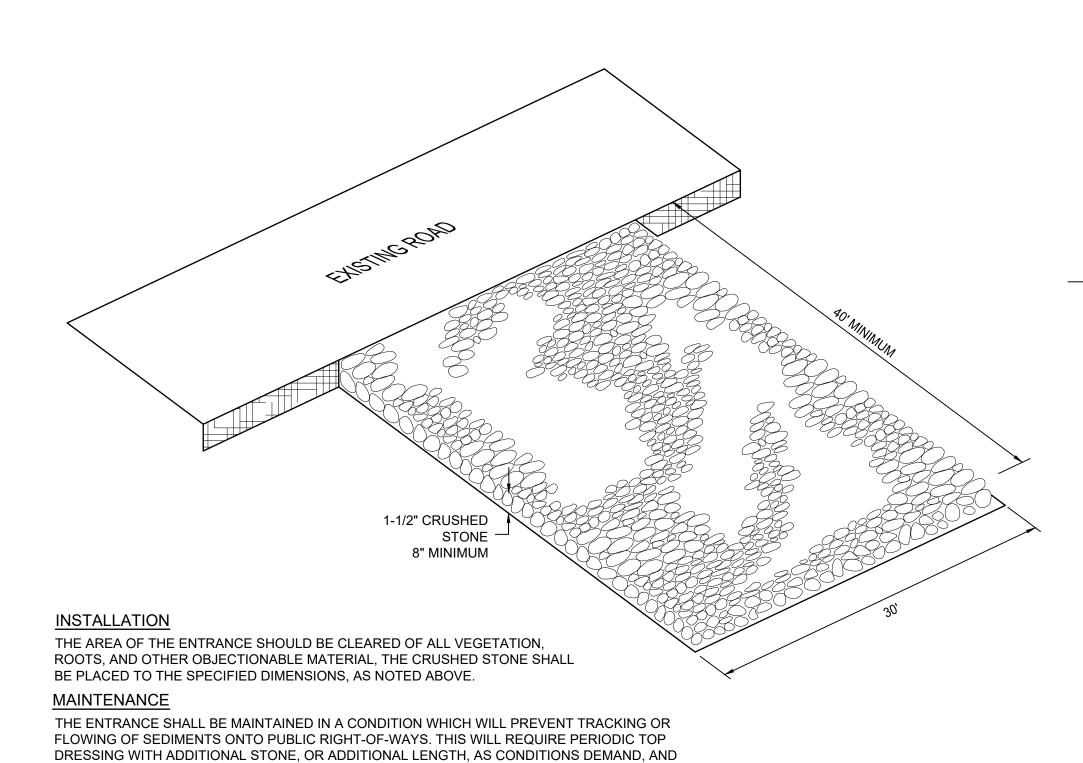
DRAWING TITLE

**DRAINAGE AND UTILITY PLAN** 

DRAWING INFORMATION



DRAWING NUMBER



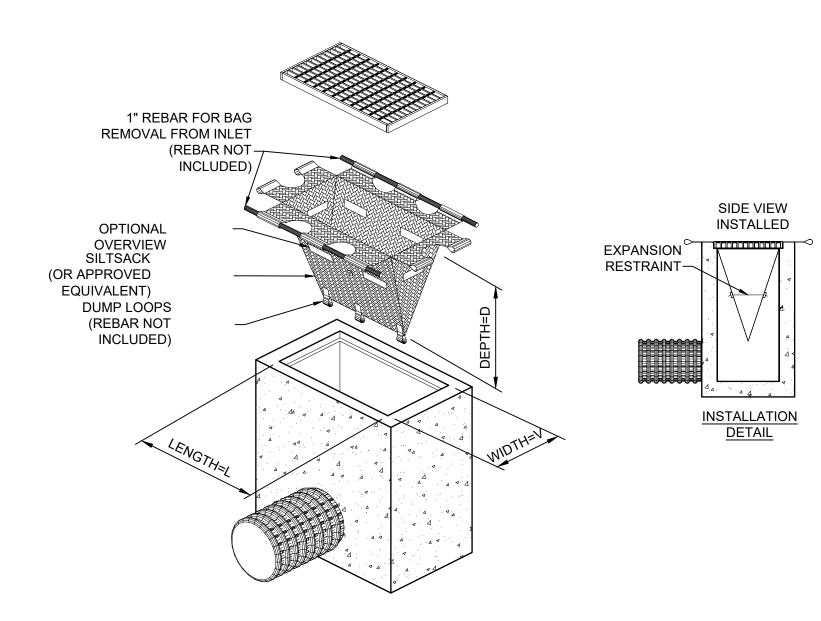
SEE PROJECT PLANS FOR LOCATION OF CONSTRUCTION ENTRANCE.

REPAIR, AND / OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT

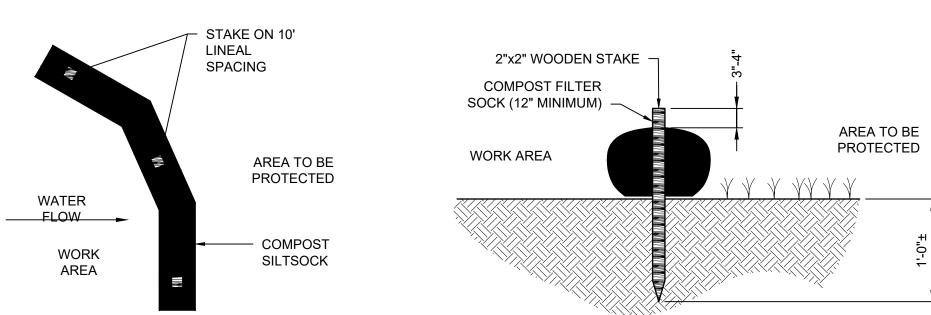
IMMEDIATELY.

SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAYS MUST BE REMOVED

# CONSTRUCTION ENTRANCE PROTECTION STONE STABILIZATION PAD

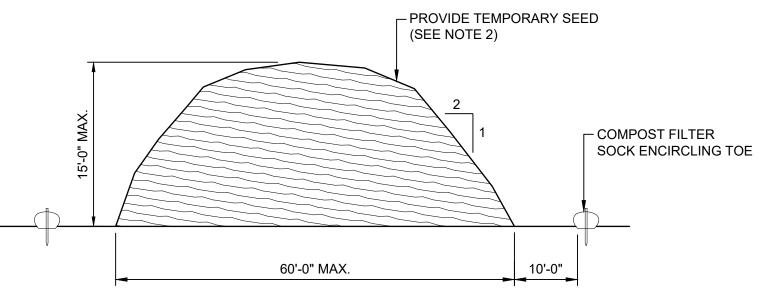


TEMPORARY INLET PROTECTION



- 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.

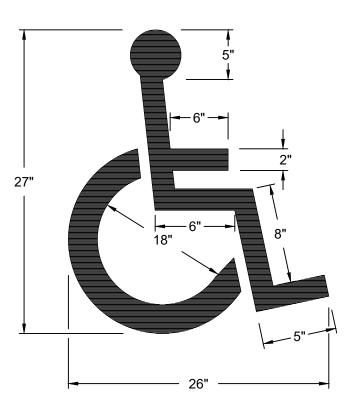
# COMPOST FILTER SOCK DETAIL



## NOTES:

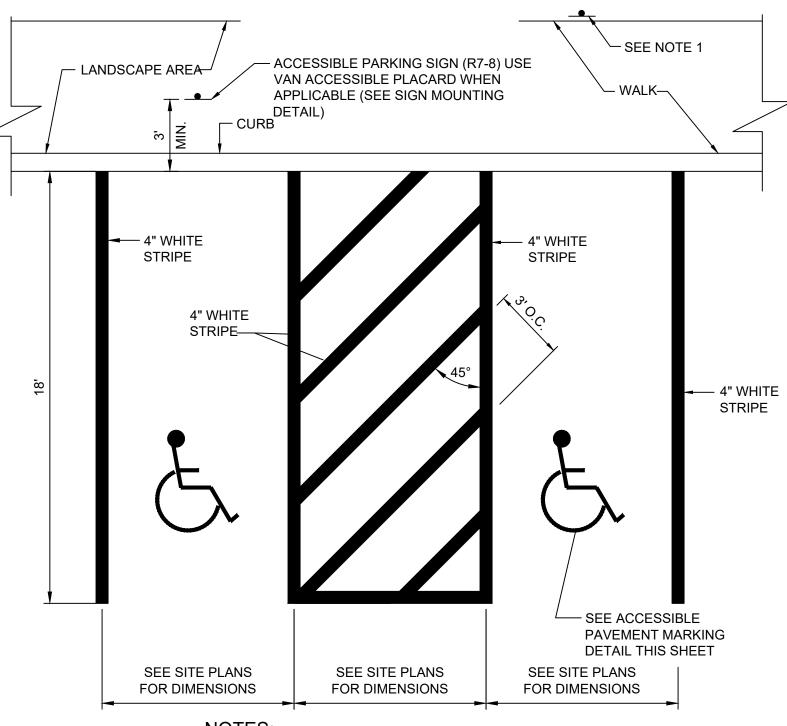
- 1. STOCKPILE AREA SHALL NOT EXCEED SPECIFIED DIMENSIONS WITHOUT APPROVAL FROM ENGINEER.
- 2. STOCKPILED ERODIBLE MATERIAL THAT WILL NOT BE USED FOR GREATER THAN 14 DAYS SHALL BE STABILIZED WITH TEMPORARY SEED IMMEDIATELY FOLLOWING PLACEMENT. USE RIDOT STD. M.18.10.5 SEED MIX.

# **ERODIBLE MATERIAL STOCKPILE**



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

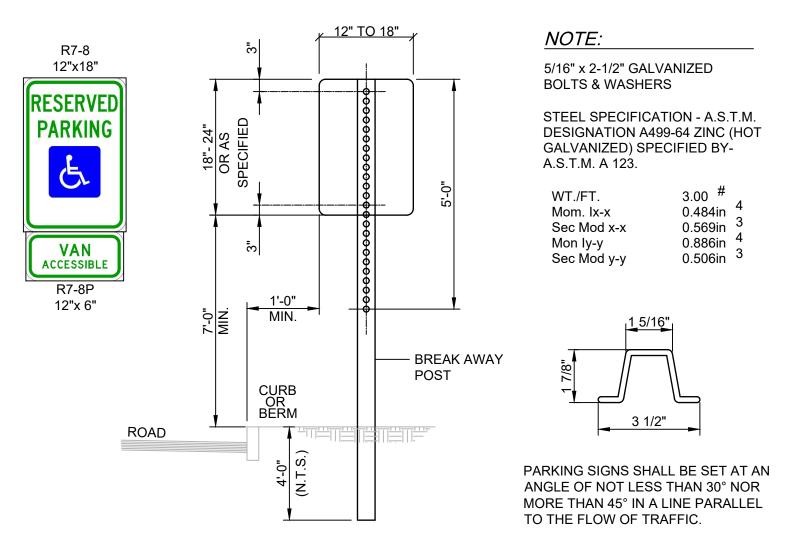




1. WHERE STALLS ABUT SIDEWALK, PARKING SIGNS SHOULD BE PLACED AT BACK EDGE OF SIDEWALK.

2. ALL PAVEMENT MARKINGS TO BE EPOXY RESIN.

ACCESSIBLE PARKING STALLS @ 90° NOT TO SCALE



- 1. ALL LAG SCREWS, BOLTS AND WASHERS SHALL BE GALVANIZED 5/16"x2 1/2" LONG UNLESS OTHERWISE NOTED.
- 2. WASHERS SHALL BE 0.07" THICK.
- 3. ALL SIGN COLORS, RADII AND BORDERS AS SPECIFIED IN "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES." 4. SHALL BE IN ACCORDANCE WITH SECTION T.15 OF THE STANDARD SPECIFICATIONS.
- 5. PARKING SIGNS SHALL BE SET AT AN ANGLE OF NOT LESS THAN 30° NOT MORE THAN 45° WITH A LINE PARALLEL TO FLOW OF TRAFFIC, 1'-6" (1'-0" MIN.) FROM THE EDGE OF CURB FACE.
- 6. ALL ACCESSIBLE PARKING AND SIGNAGE SHALL BE IN CONFORMANCE WITH THE RULES & REGULATIONS AS SPECIFIED BY THE AMERICAN DISABILITIES ACT (ADA).
- 7. SIGN(S) SHALL BE LOCATED SO THEY CANNOT BE OBSCURED BY A VEHICLE PARKED IN THE SPACE.
- 8. FOR ACCESSIBLE VAN SPACE USE SIGN AS DETAILED.
- 9. FOR ACCESSIBLE SPACE FOR AUTOMOBILES USE ONLY ACCESSIBLE PARKING SIGN.

ACCESSIBLE SIGN MOUNTING NOT TO SCALE

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**Town of Needham** 

**Permanent Public** 

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PROJECT TEAM

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**DRAWING TITLE** 

**CIVIL DETAILS 1** 

DRAWING INFORMATION

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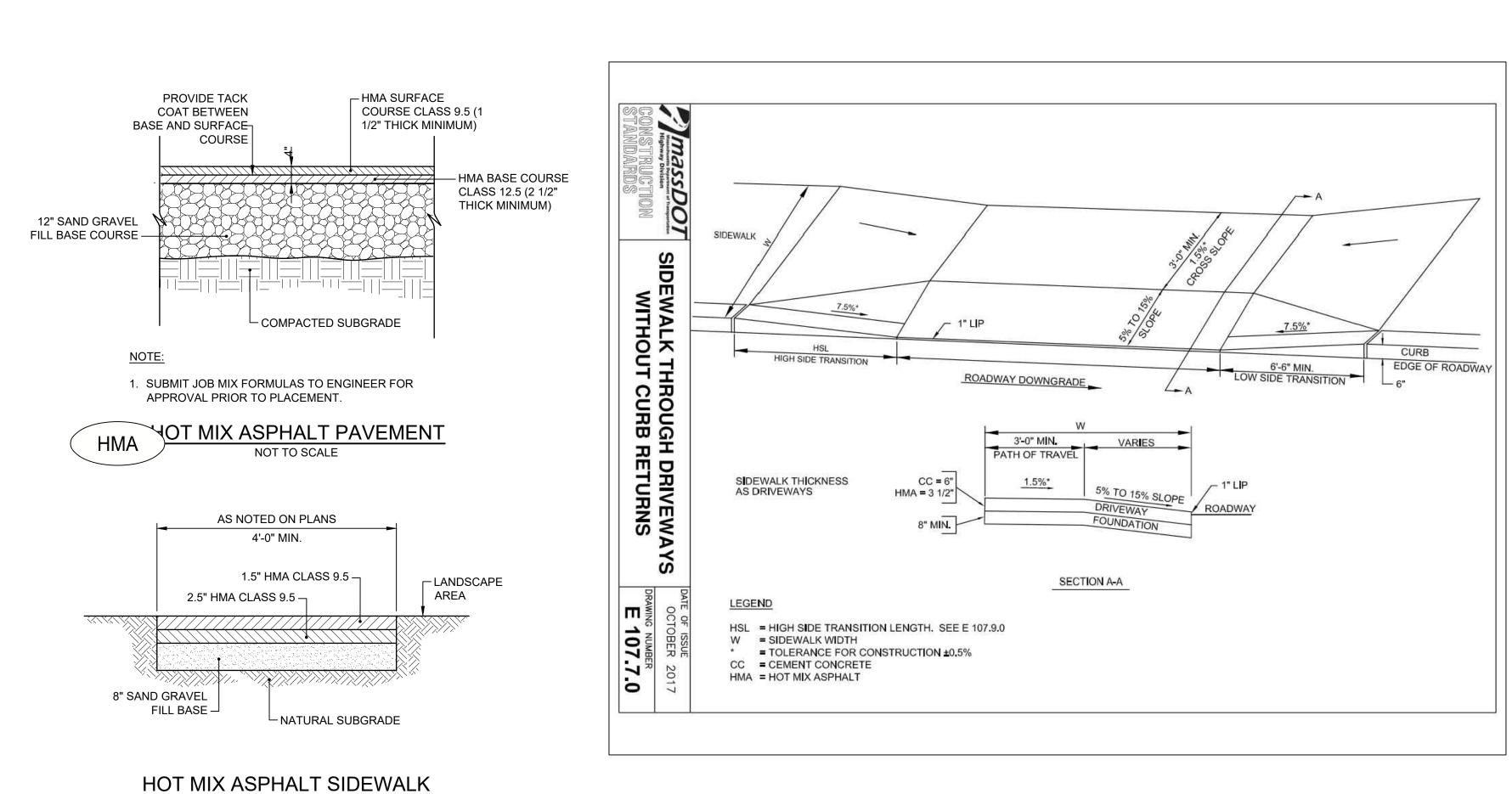
Kyle Zick Landscaping Architecture, Inc.

Foxboro, MA 02035

(508) 543-1755

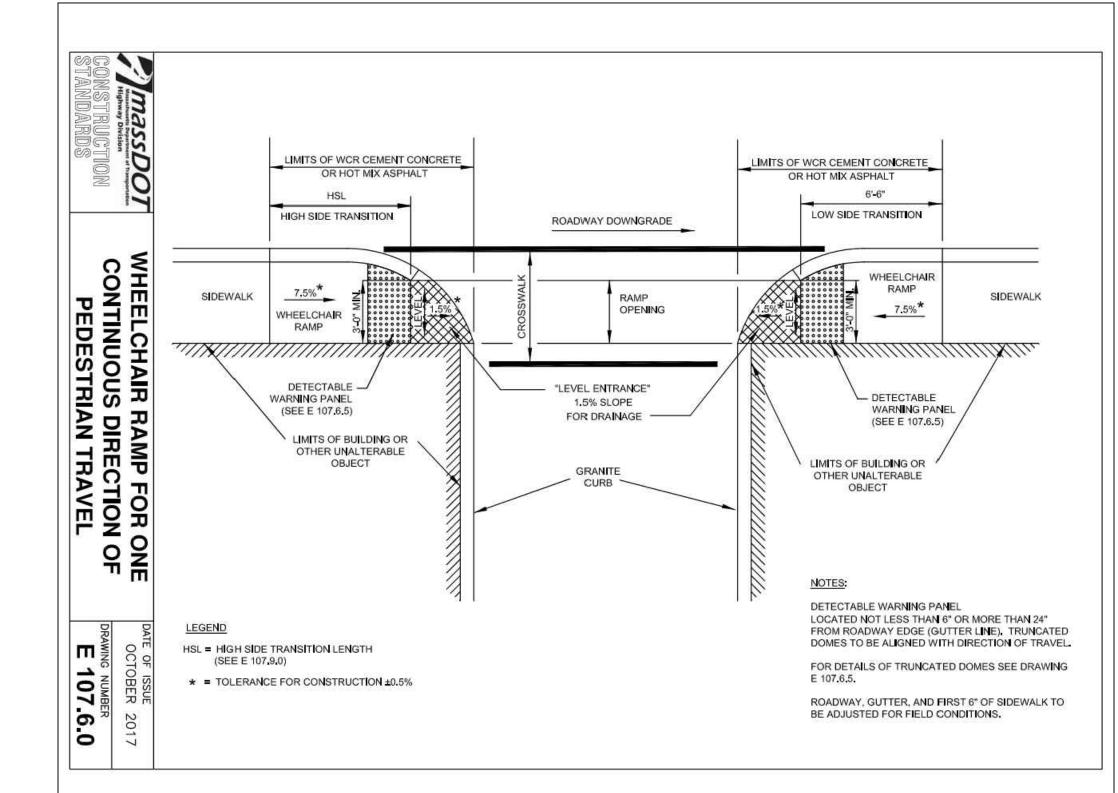
**Building Committee** 

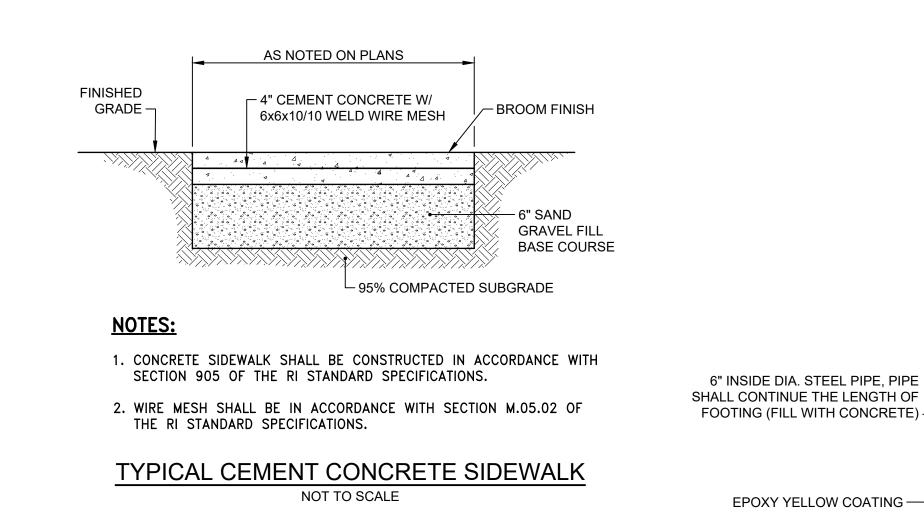
Renovations 1330 Highland Ave Needham, MA 02492



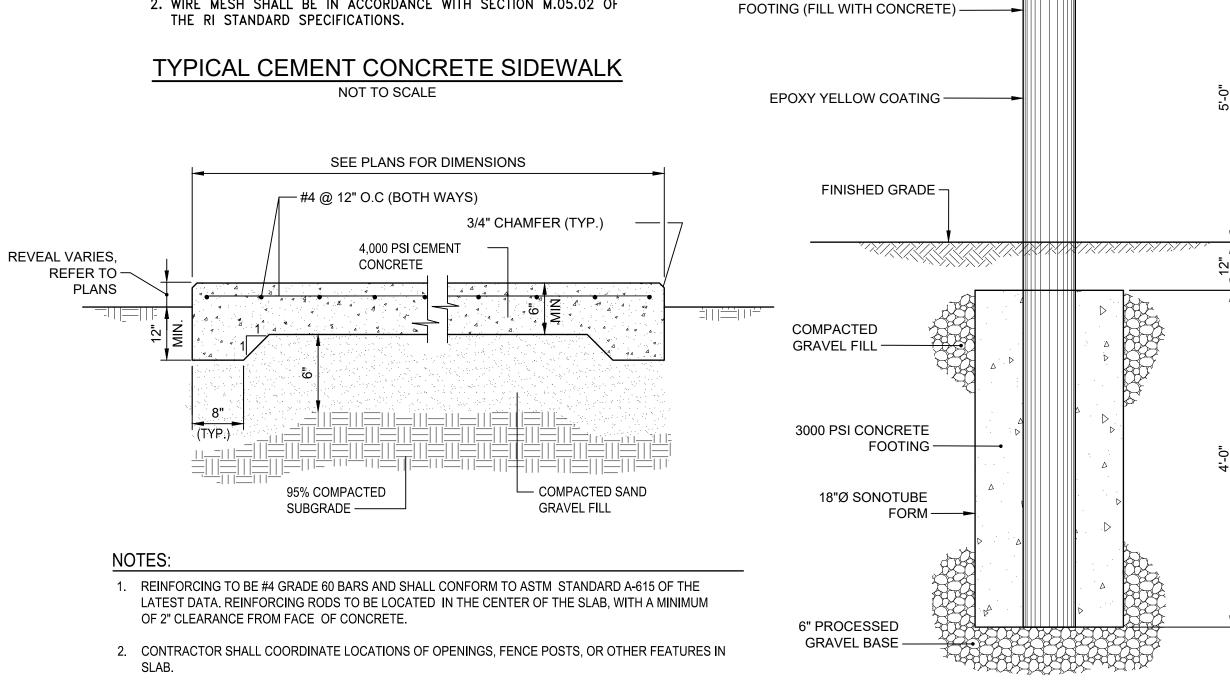
6" INSIDE DIA. STEEL PIPE, PIPE

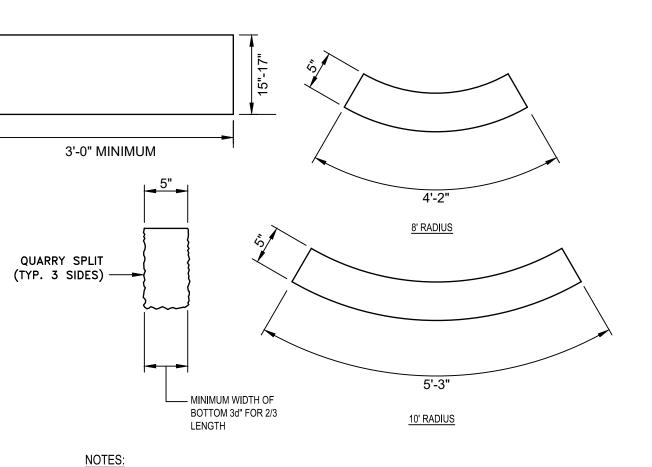
**BOLLARD DETAIL** NOT TO SCALE





NOT TO SCALE

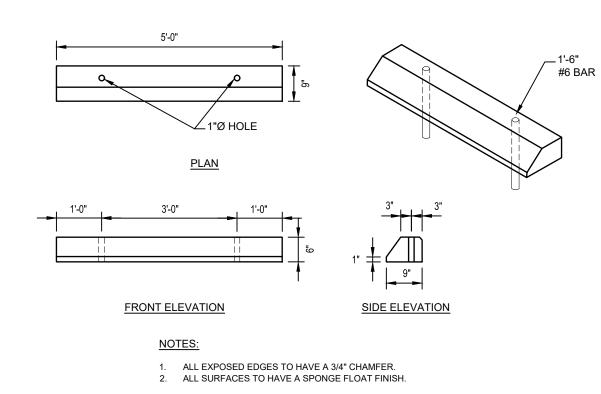




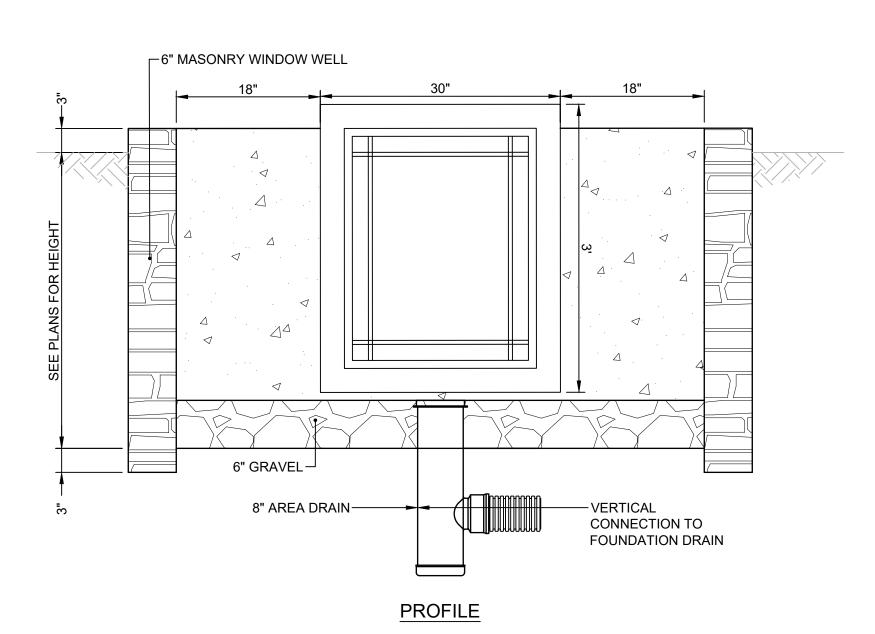
1. MAXIMUM LENGTHS USING 8' & 10' RADII, WITH 90° ANGLE, ARE 4'-2" AND 5'-3" RESPECTIVELY. 2. MINIMUM LENGTH OF STRAIGHT OR CIRCULAR FILLER PIECES TO BE 3'-0". 3. TOP SURFACE TO BE DRESSED BY SAW. 4. CIRCULAR CURB IS REQUIRED ON CURVES WITH RADII OF 100' OR LESS. STRAIGHT CURB TO BE USED ON CURVES OF MORE THAN 100'

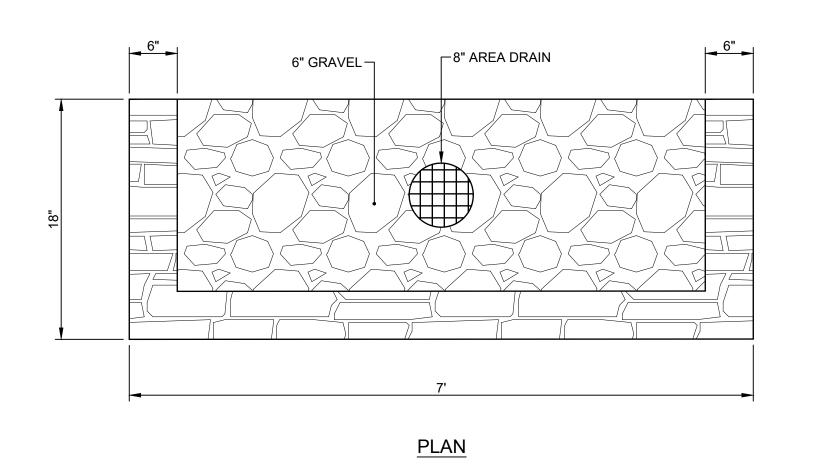
5. GRANITE CURB SHALL CONFORM TO M.H.D. STD. SPECIFICATION MATERIALS SECTION M9.04.1 GRANITE CURB, TYPE VB.

# GRANITE CURB QUARRY SPLIT



PRECAST CONCRETE WHEEL STOPS





**EGRESS WINDOW WELL DETAIL** 

ARCHITECT

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**Emery Grover** Renovations 1330 Highland Ave Needham, MA 02492

PROJECT NAME

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Structural Engineer

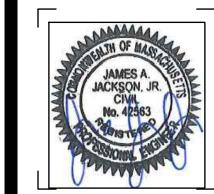
MEP/FP Engineer Allied Engineering 235 Littleton Road, Suite 5 Westford, MA 01886 (978) 443-7888

Technology **Building Technology Consulting** 992 Bedford St Bridgewater, MA 02324 (617) 799-4309

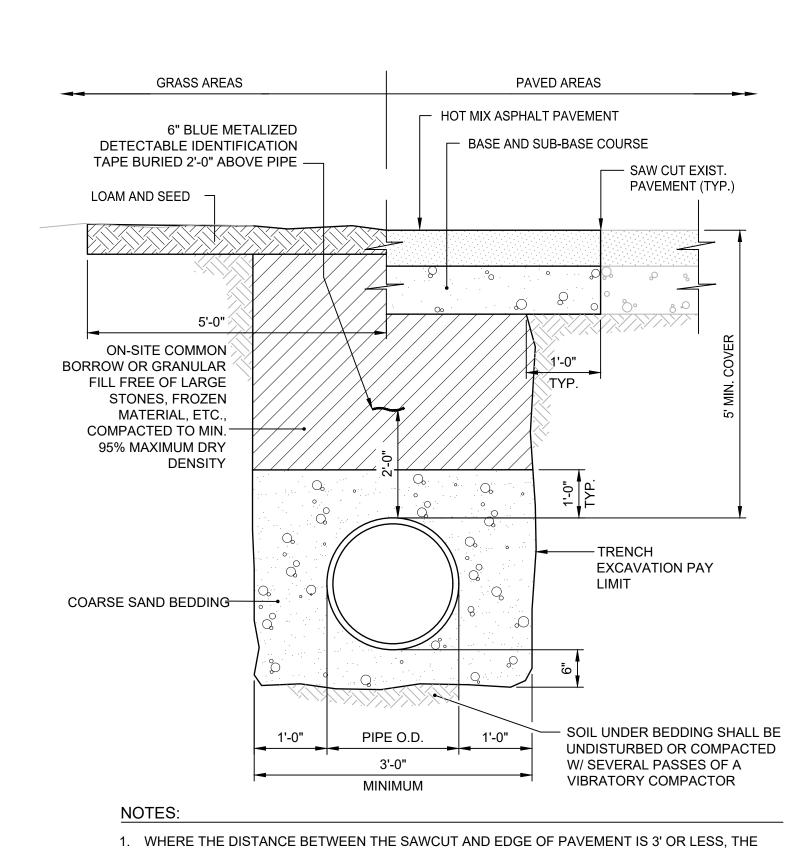
DRAWING TITLE

**CIVIL DETAILS 2** 

DRAWING INFORMATION



DRAWING NUMBER



CONTRACTOR SHALL REPLACE THE PAVEMENT FROM THE TRENCH EDGE TO THE EXISTING EDGE

2. PIPE SHALL BE BEDDED IN 3/4-INCH CRUSHED STONE IF WITHIN GROUNDWATER.

TYPICAL WATER MAIN TRENCH DETAIL

NOT TO SCALE

OF PAVEMENT.

6" GREEN METALIZED DETECTABLE —BITUMINOUS PAVEMENT AND IDENTIFICATION TAPE W/ "CAUTION GRAVEL BASE COURSE. SEWER LINE BURIED BELOW" BURIED 1'-0" DEPTH SAWCUT EXISTING PAVEMENT. APPLY HOT ASPHALT CRACK LOAM AND SEED -SEALANT ALONG ALL JOINTS (TYP.) — ON-SITE COMMON BORROW OR GRANULAR FILL FREE OF LARGE STONES, FROZEN MATERIAL, ETC., → COMPACTED TO MIN. 95% MAXIMUM DRY DENSITY 3/4" CRUSHED STONE OR SAND GRAVEL FILL DRAIN TRENCH EXCAVATION PAY LIMIT 8" (12" IF INSTALLED OVER ROCK) \_ UNDISTURBED MATERIAL COMPACTED W/ SEVERAL PASSES OF A VIBRATORY COMPACTOR 1'-0" PIPE O.D. PRIOR TO PLACEMENT OF BEDDING 3'-0" MIN.

PAVED AREAS

**GRASS AREAS** 

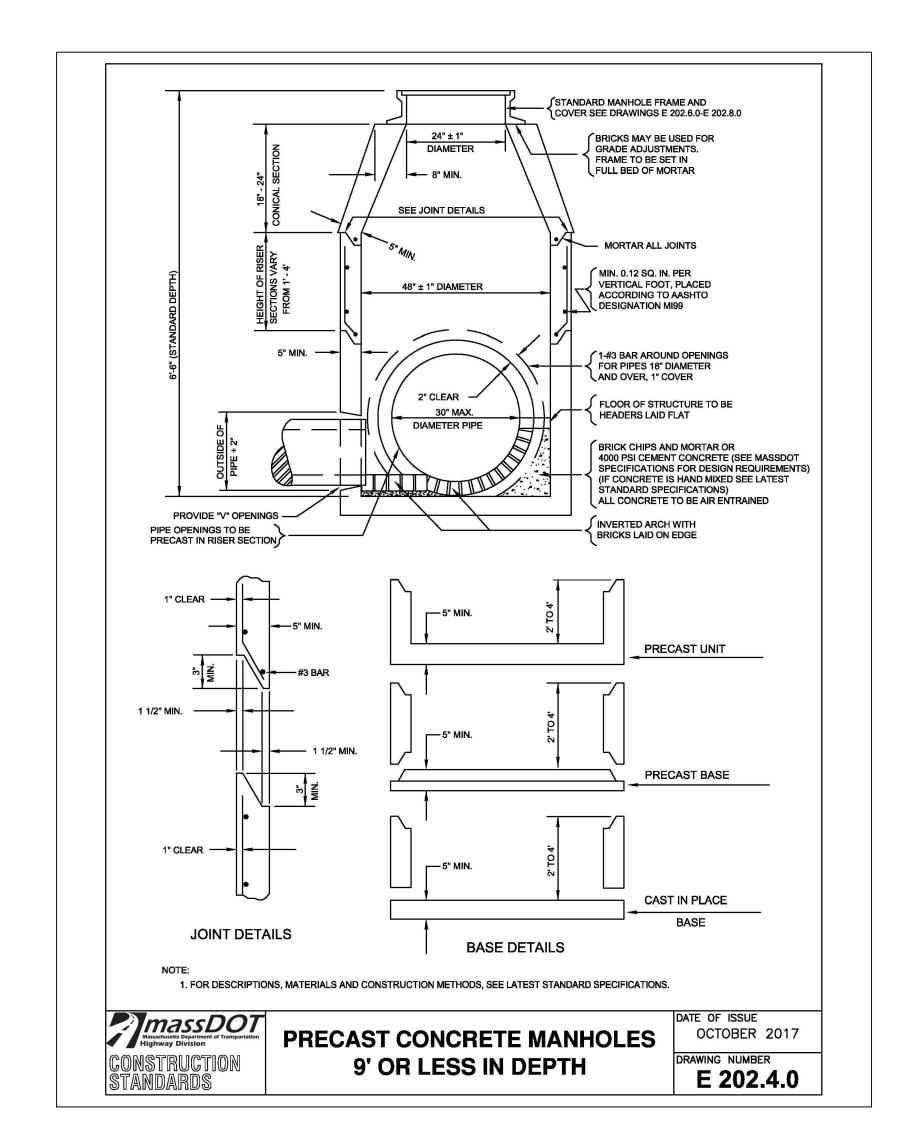
NOTES:

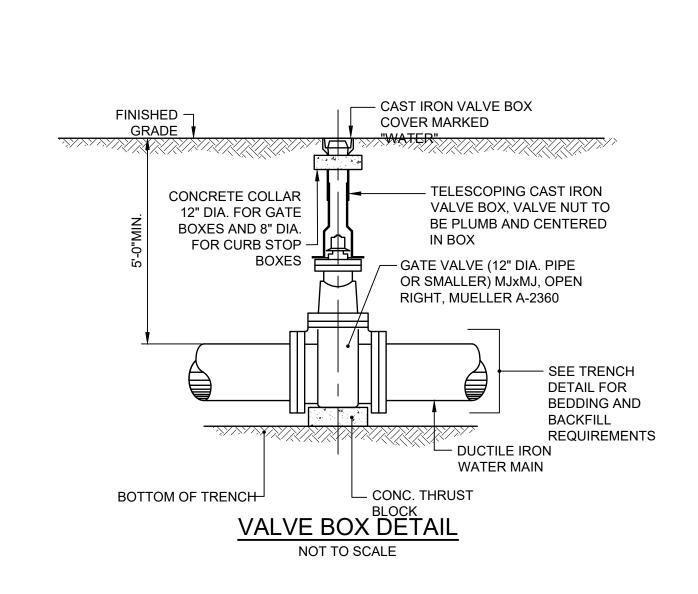
1. WHERE THE DISTANCE BETWEEN THE SAWCUT AND EDGE OF PAVEMENT IS 3' OR LESS, THE CONTRACTOR SHALL REPLACE THE PAVEMENT FROM THE TRENCH EDGE TO THE EXISTING EDGE OF PAVEMENT.

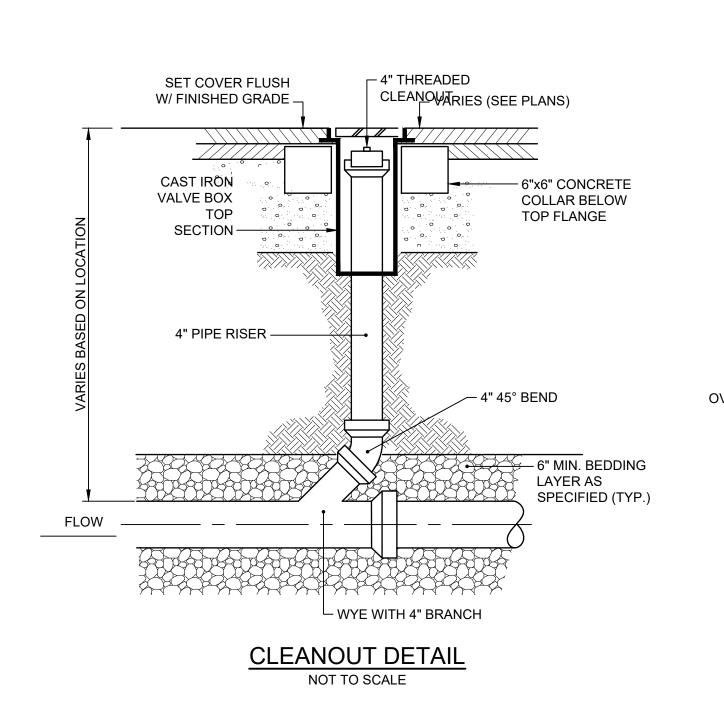
2. 3/4" DIA. CRUSHED STONE SHALL BE USED AS BEDDING WHERE TRENCH IS BELOW THE GROUND WATER TABLE.

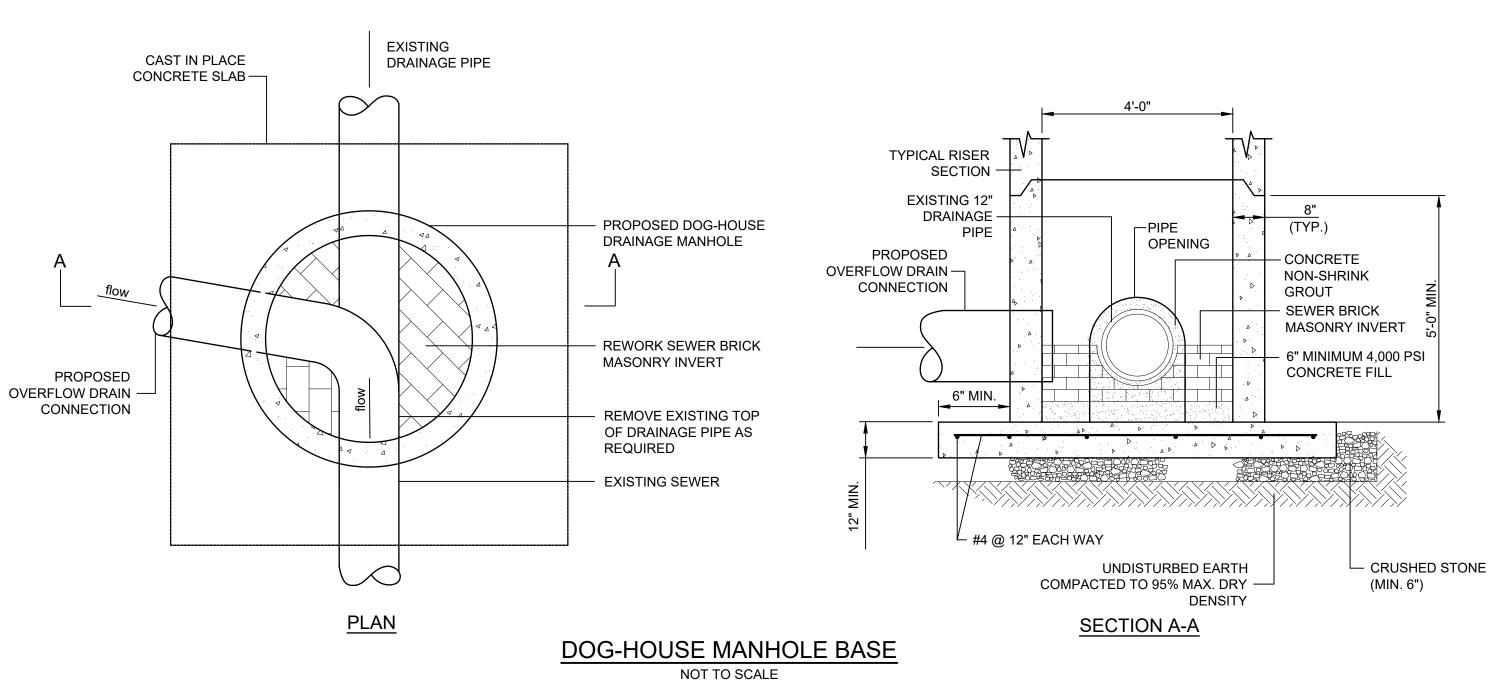
DRAIN/SEWER TRENCH DETAIL

NOT TO SCALE









ZBA SUBMISSION 4-25-2022

ARCHITECT

Boston, MA 02210 (617) 350 0450

PROJECT NAME

**Emery Grover** 

**Town of Needham** 

**Permanent Public** 

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235 Littleton Road, Suite 5

**Building Technology Consulting** 

Allied Engineering

Kyle Zick Landscaping Architecture, Inc.

**Building Committee** 

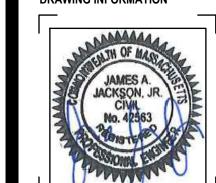
Renovations
1330 Highland Ave
Needham, MA 02492

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300

DRAWING TITLE

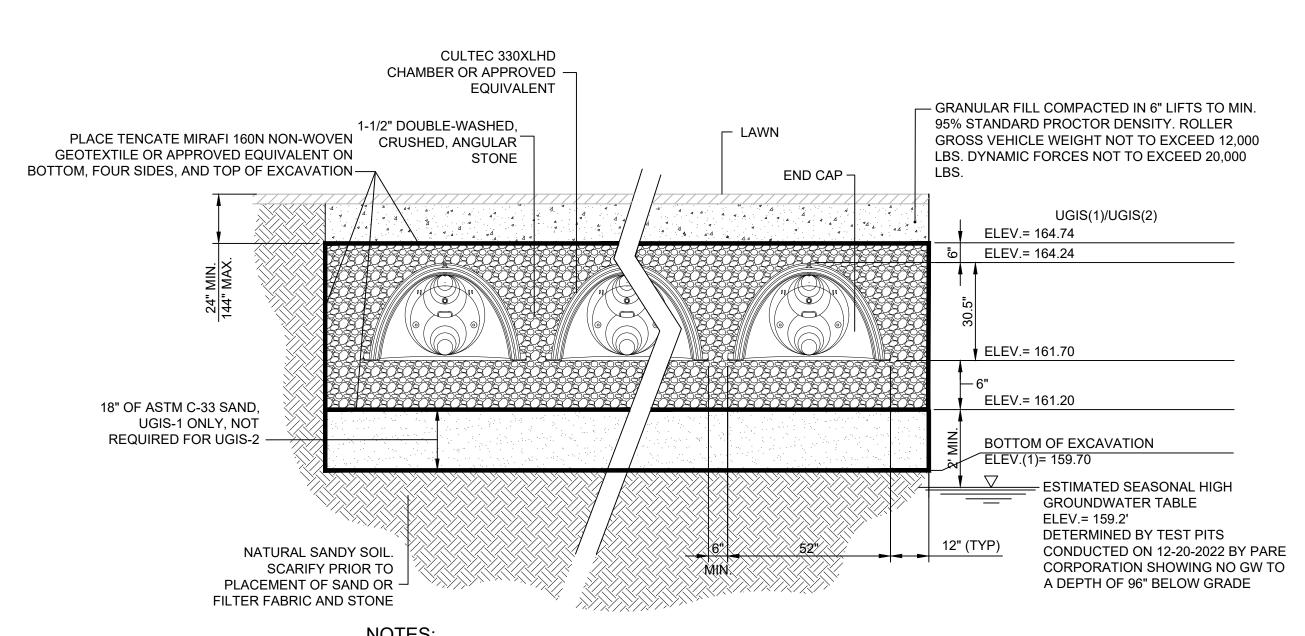
**CIVIL DETAILS 3** 

DRAWING INFORMATION



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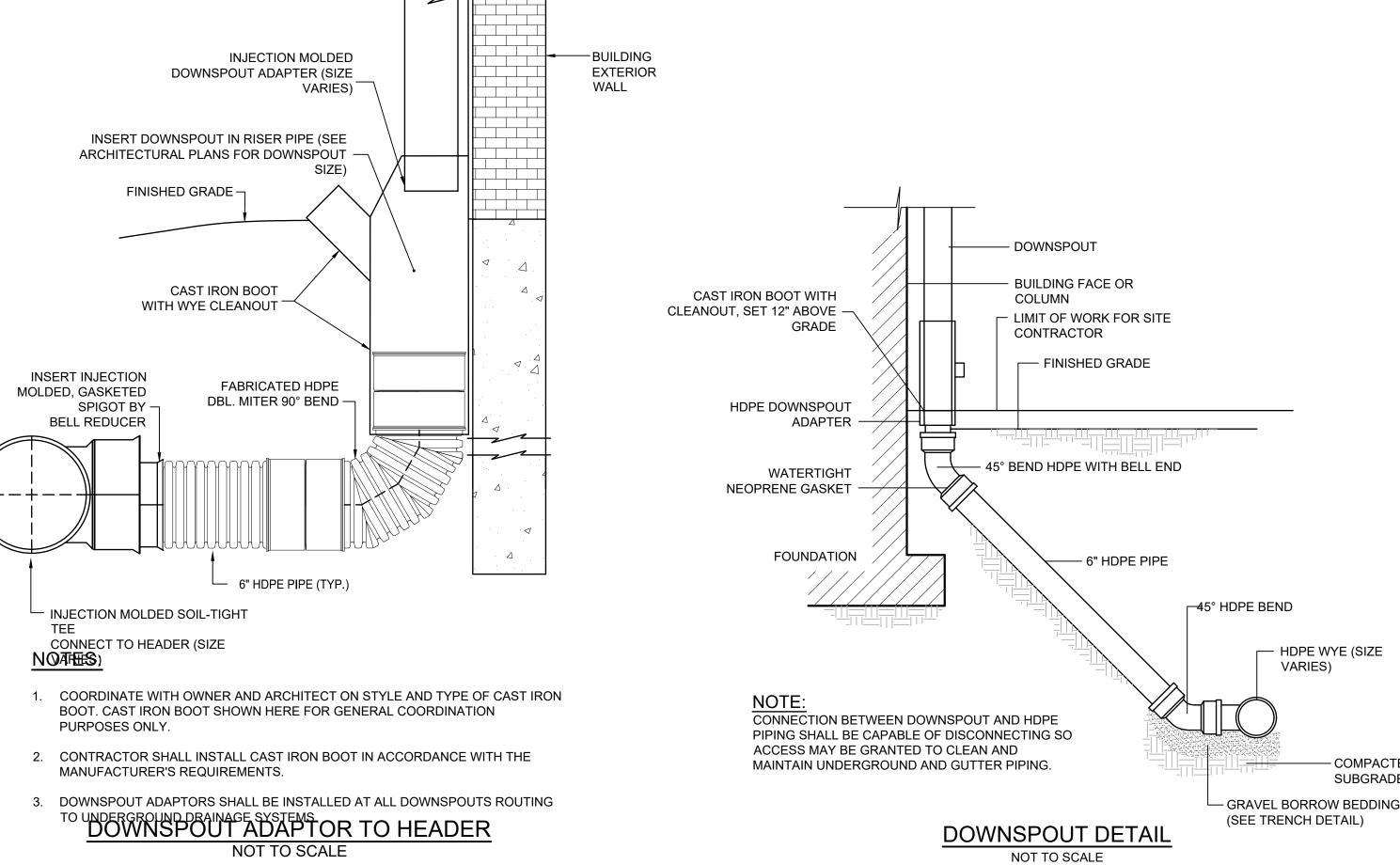
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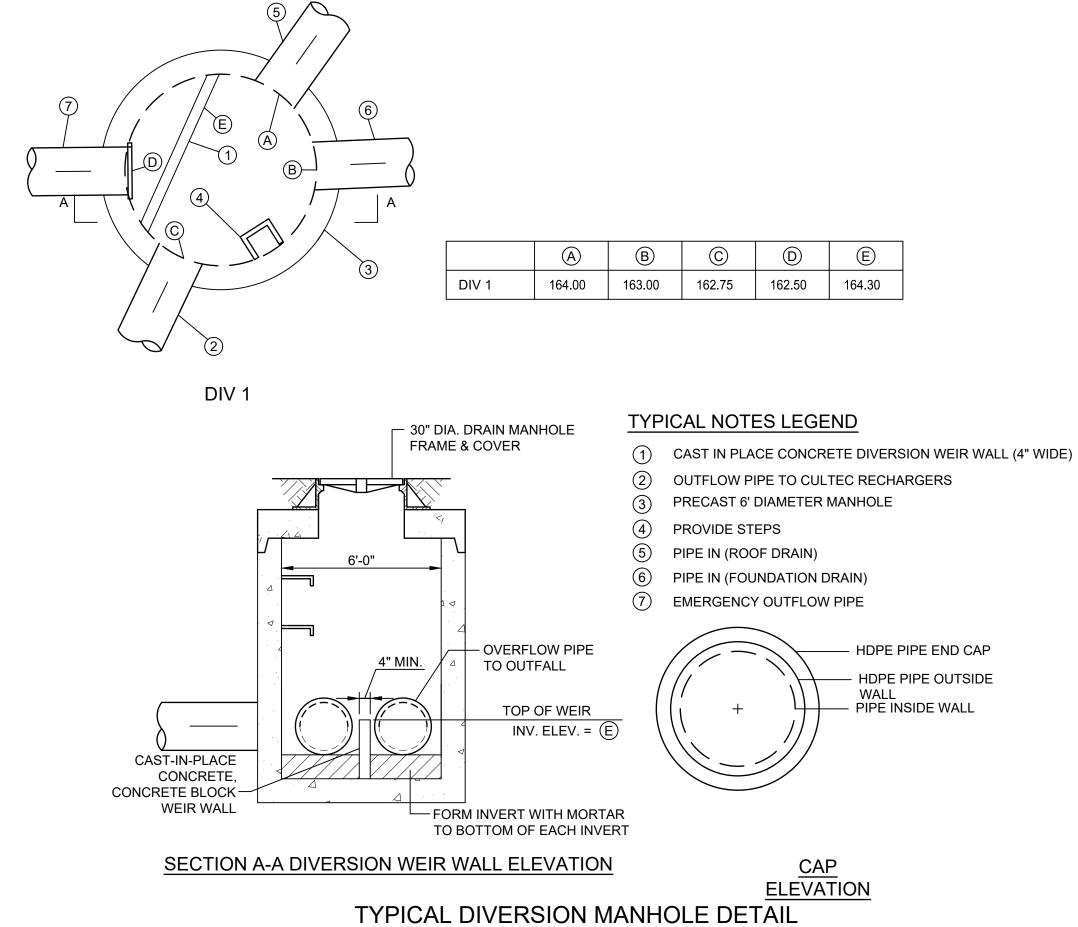


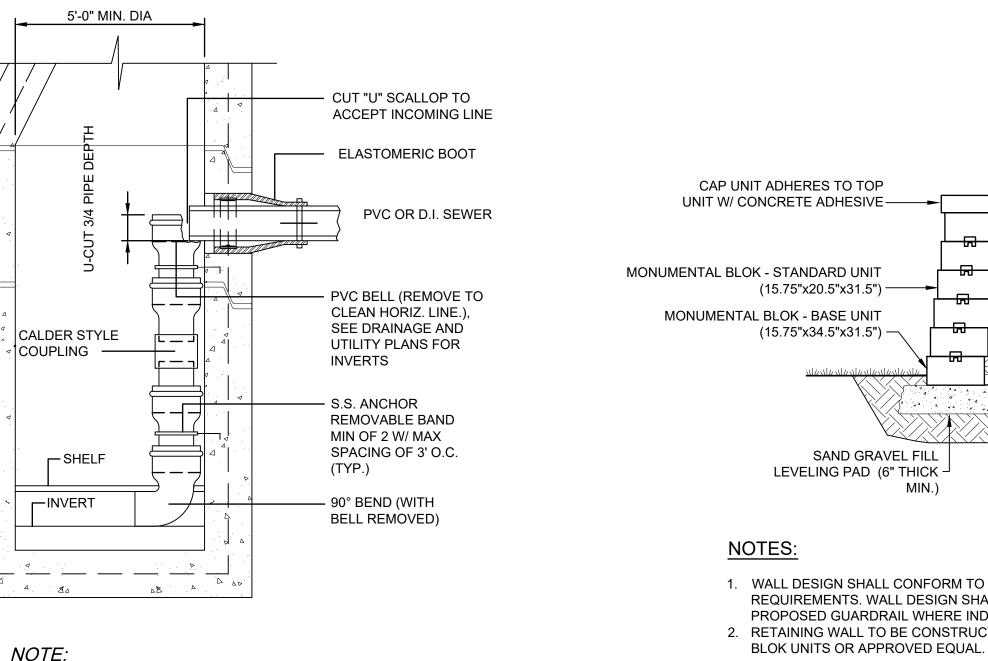
1. CONTRACTOR SHALL TAKE PRECAUTION NOT TO COMPACT SUBGRADE.

- 2. CONTRACTOR SHALL NOT PLACE OR OPERATE MACHINERY ON SUBGRADE.
- 3. CONTRACTOR SHALL NOTIFY ENGINEER (48 HRS MIN) PRIOR TO EXPOSING SUBGRADE TO SCHEDULE
- 4. ONCE CONTRACTOR HAS SUBGRADE EXPOSED, THE ENGINEER SHALL BE CONTACTED FOR INSPECTION.
- 5. CONSTRUCTION OF THE SYSTEM SHALL NOT COMMENCE UNTIL ENGINEER INSPECTS SUBGRADE AND
- CRUSHED STONE AND GRANTS PERMISSION TO PROCEED. 6. CONTRACTOR SHALL INSTALL UNDERGROUND INFILTRATION SYSTEM PER MANUFACTURERS

RECOMMENDATIONS. UNDERGROUND INFILTRATION SYSTEM DETAIL NOT TO SCALE

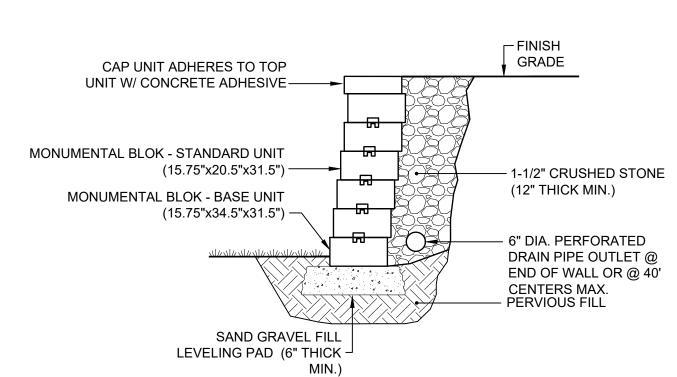






ALL HARDWARE TO BE TYPE 316 STAINLESS STEEL

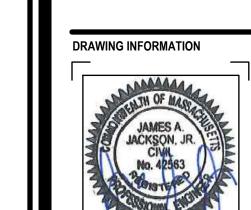
DROP MANHOLE DETAIL NOT TO SCALE



- 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

SEGMENTAL BLOCK RETAINING WALL DETAIL

NOT TO SCALE



**DRAWING TITLE** 

**CIVIL DETAILS 4** 

ARCHITECT

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PROJECT NAME

**Emery Grover** 

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**Permanent Public** 

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Technology

992 Bedford St

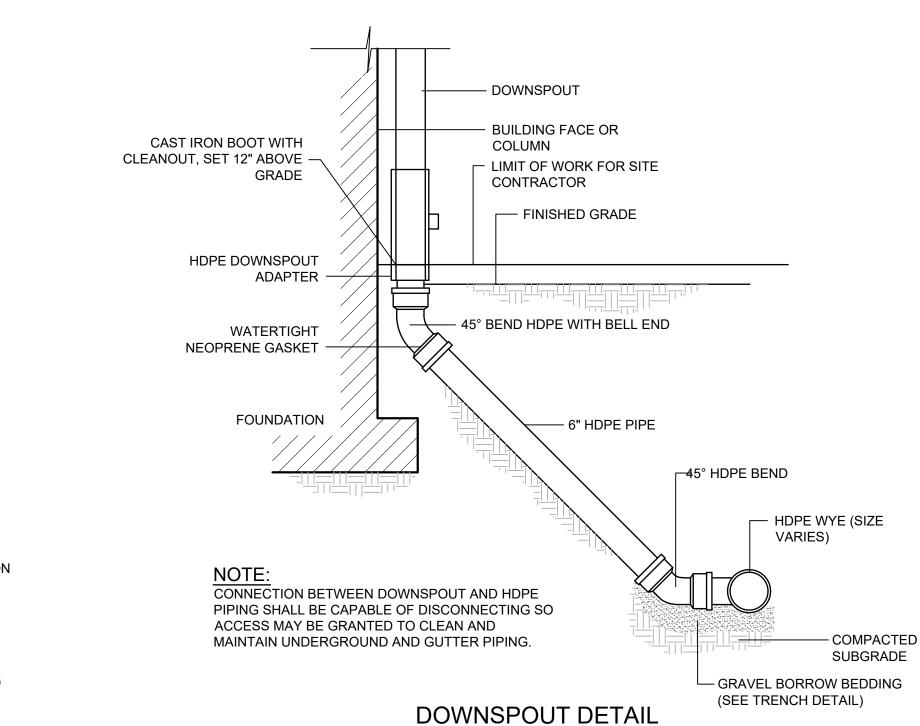
Allied Engineering 235 Littleton Road, Suite 5

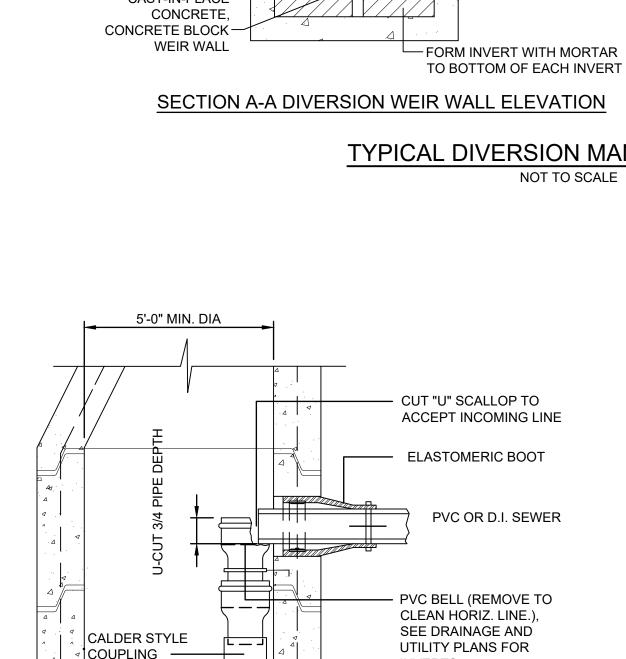
Kyle Zick Landscaping Architecture, Inc.

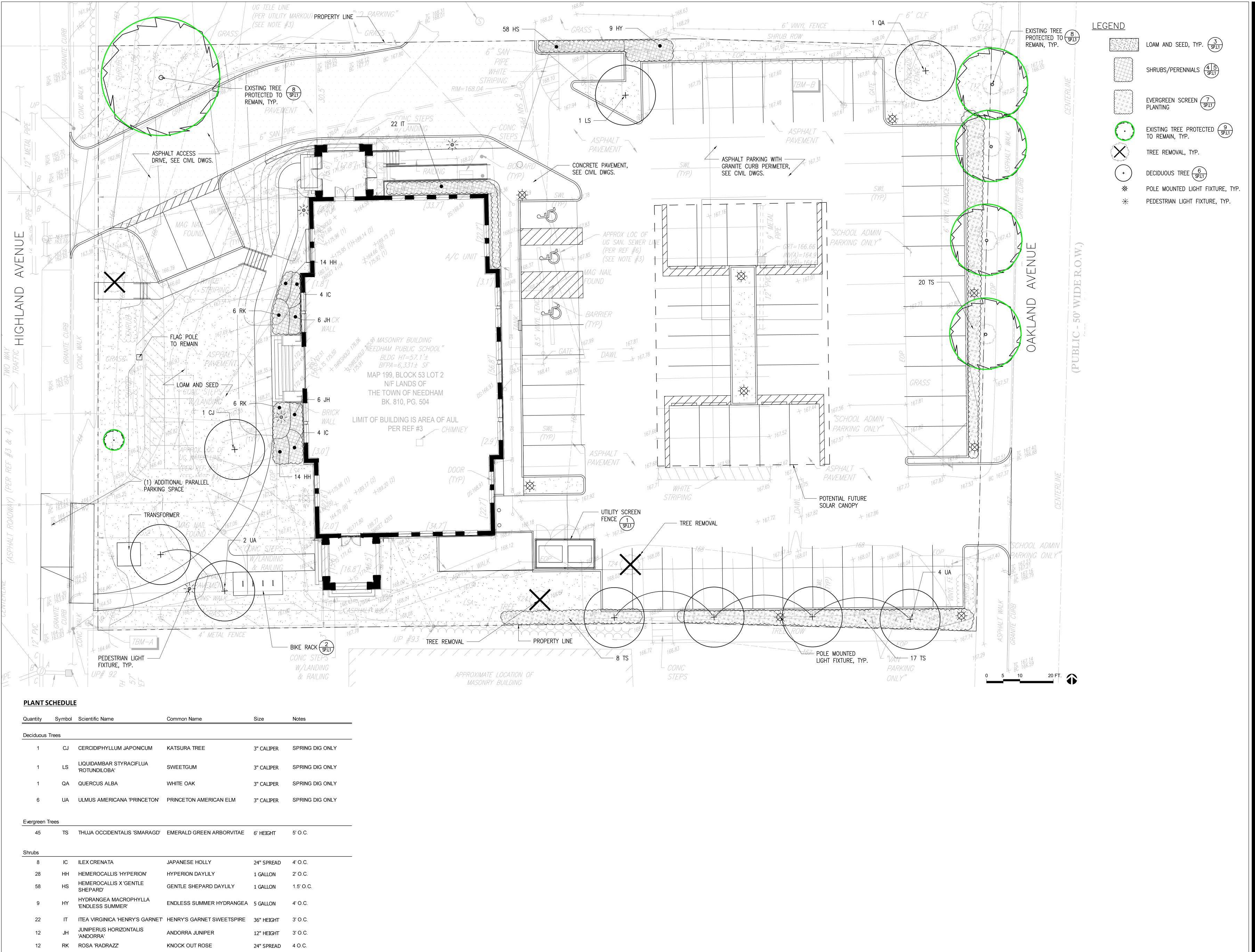
**Building Committee** 

Renovations 1330 Highland Ave Needham, MA 02492

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300







ARCHITECT

Control

Bargmann Hendrie + Arch

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450

PROJECT NAME
Emery Grover
Renovations
1330 Highland Ave
Needham, MA 02492

Town of Needham
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Building Committee
500 Dedham Ave
Needham, MA 02492

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REVISIONS

\_\_\_\_\_

**DRAWING TITLE** 

Landscape Improvement Plan

DRAWING INFORMATION

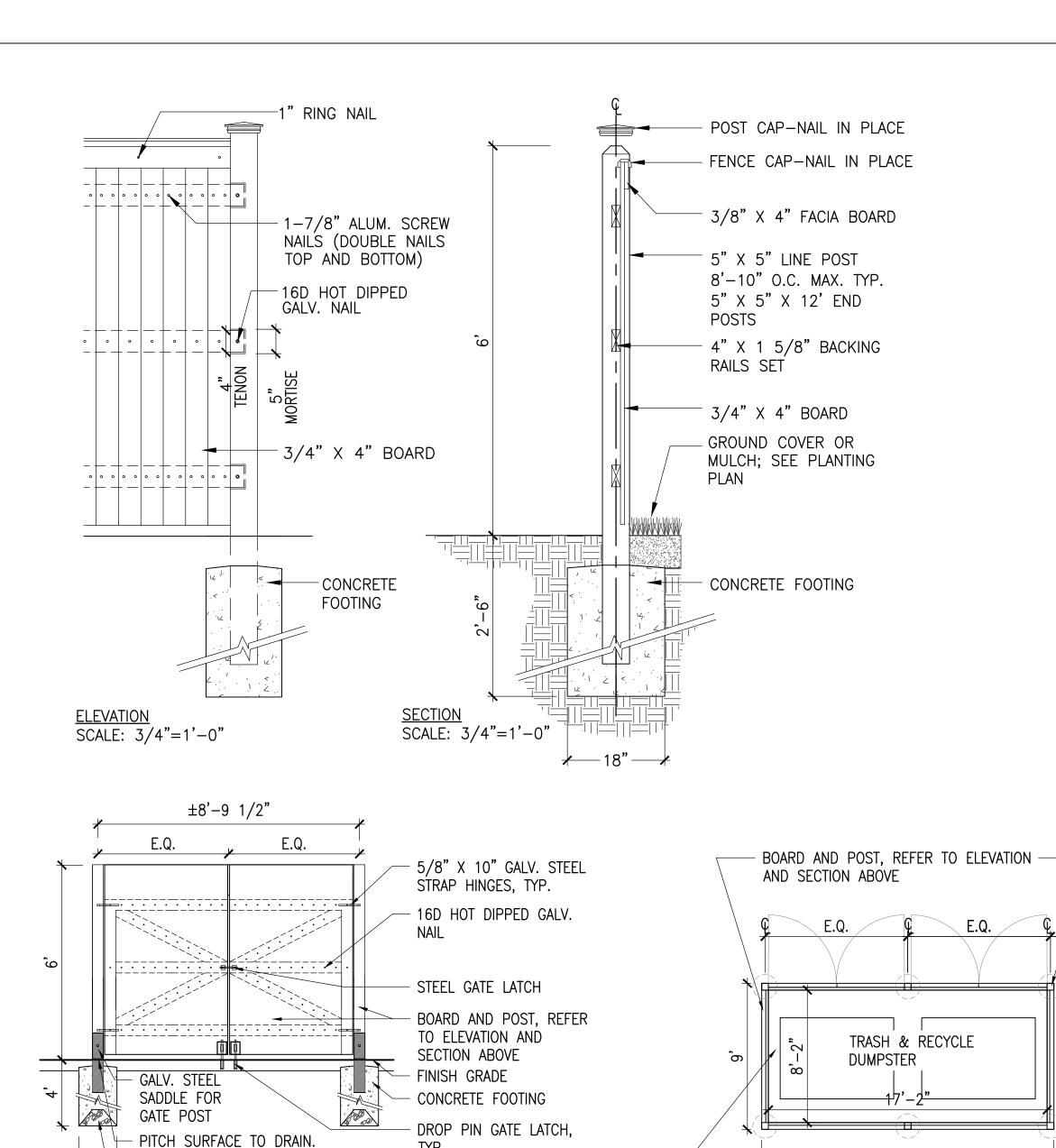


4/14/2022
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DRAWING NUMBER

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CONCRETE

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

6' HIGH WOOD FENCE & GATE LAYOUT PLAN AT DUMPSTER PAD

DUMPSTER PAD

(17'-2"x8'-2"),

SEE CIVIL DWGS.



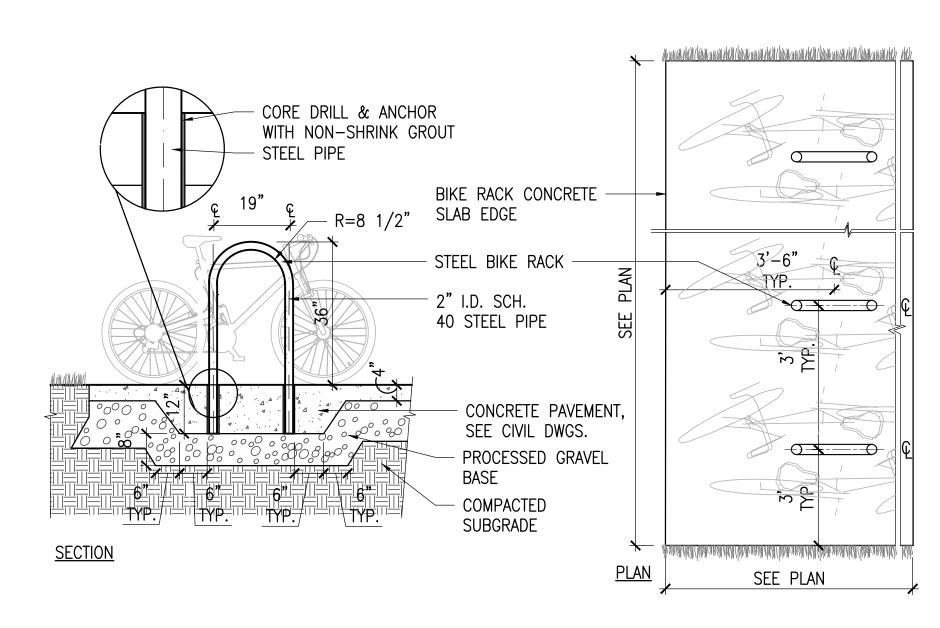
6' HIGH WOOD FENCE GATE ELEVATION

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

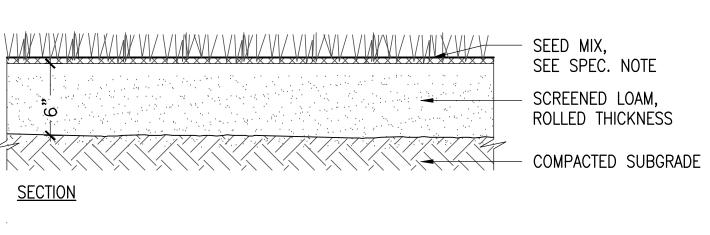
ALLOW FOR 1/2" OF AIR

SPACE BENEATH WOOD POST

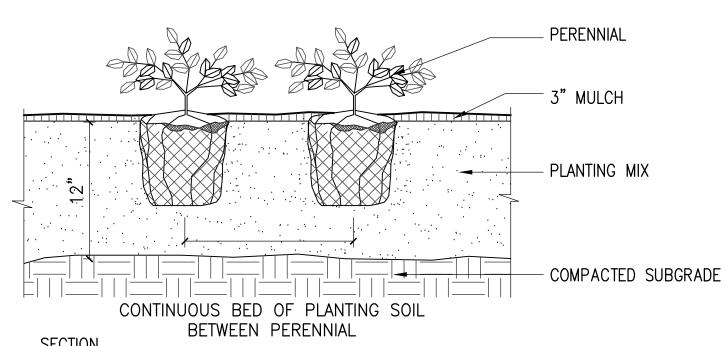
- 4" GRAVEL BASE FOR DRAINAGE



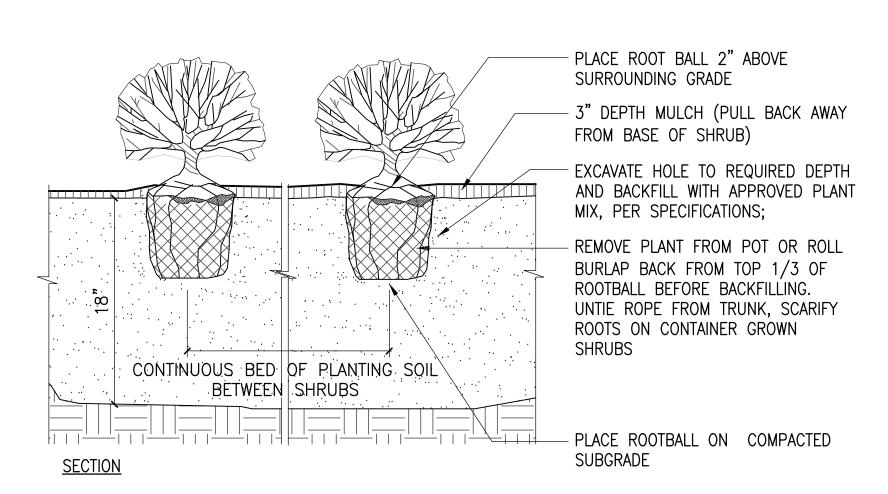
**BIKE RACK** SCALE: 1/2"=1'-0"



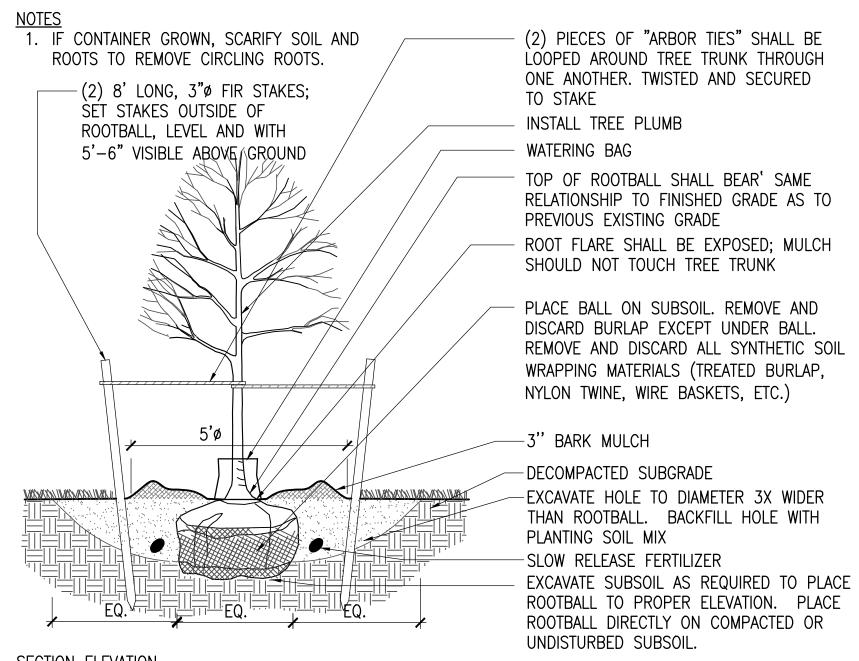
SCALE: 1'-1/2"=1'-0"



PERENNIAL PLANTING SCALE:  $1 \frac{1}{2} = 1' - 0''$ 

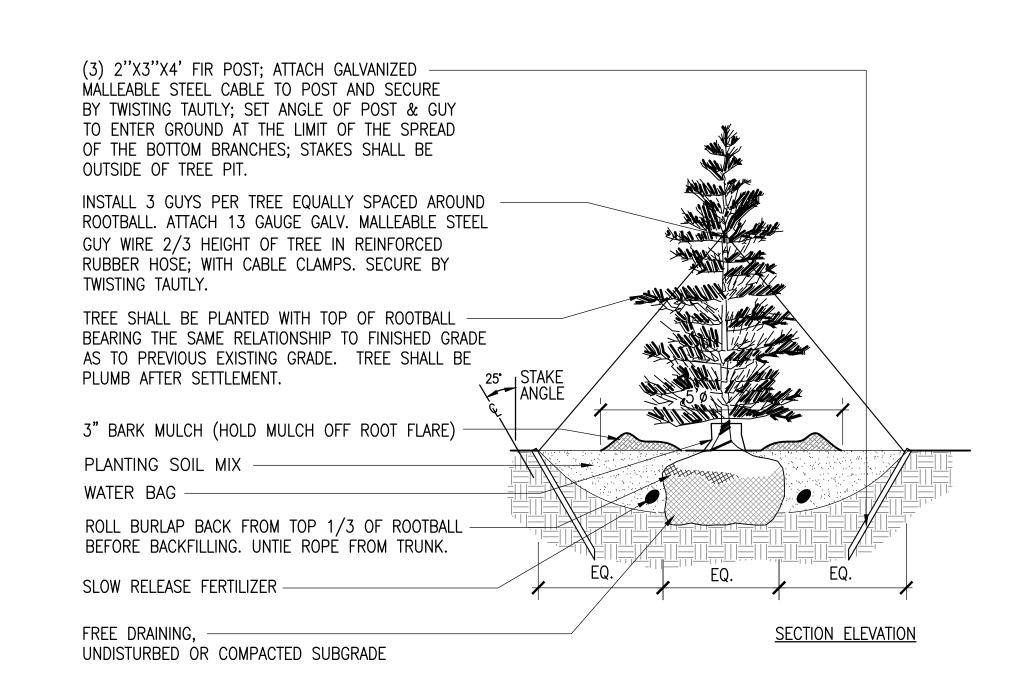


SHRUB PLANTING SCALE:  $1 \frac{1}{2} = 1' - 0''$ 

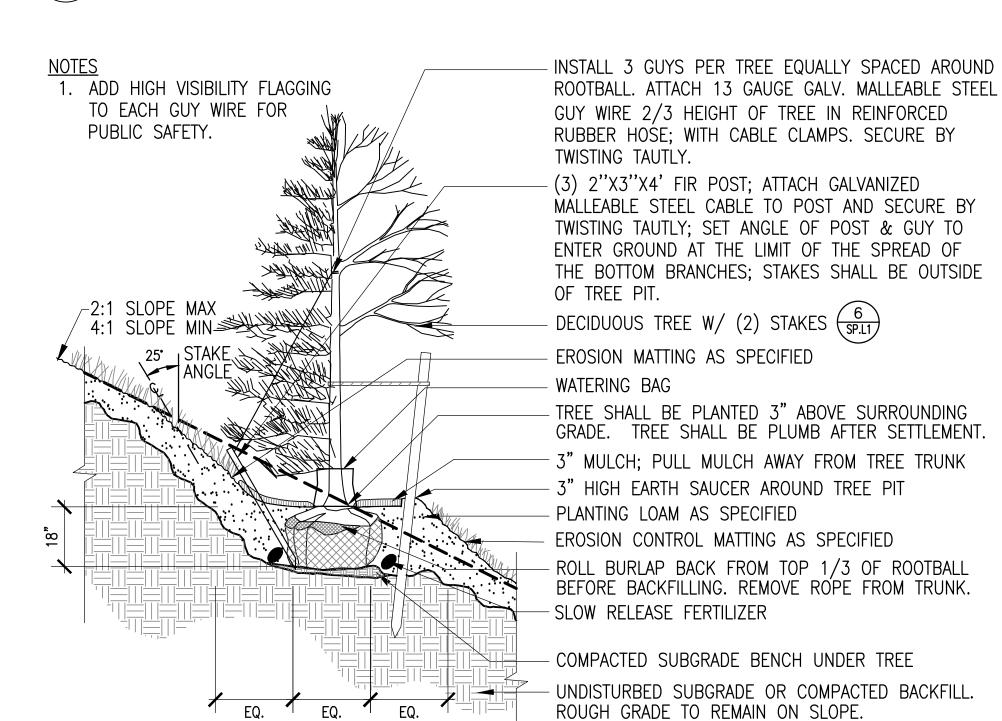


SECTION ELEVATION

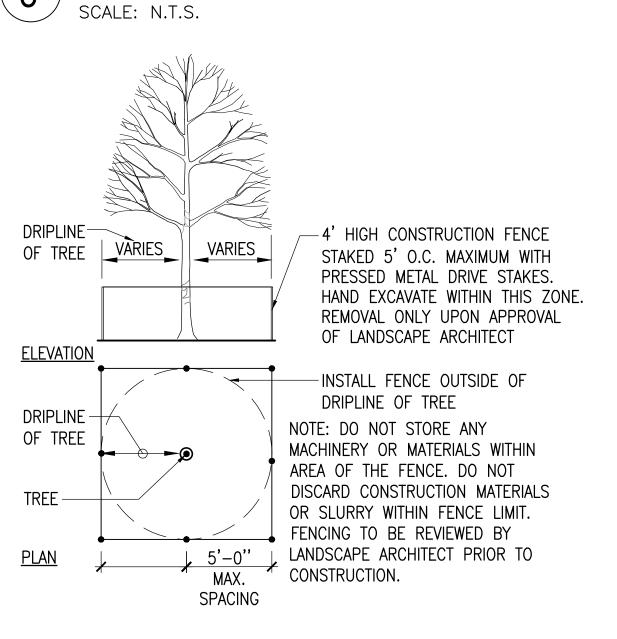




**EVERGREEN TREE PLANTING** 



SECTION ELEVATION TREE PLANTING ON SLOPE



TREE PROTECTION - FENCE 9 TREE PRO

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450 PROJECT NAME **Emery Grover** 

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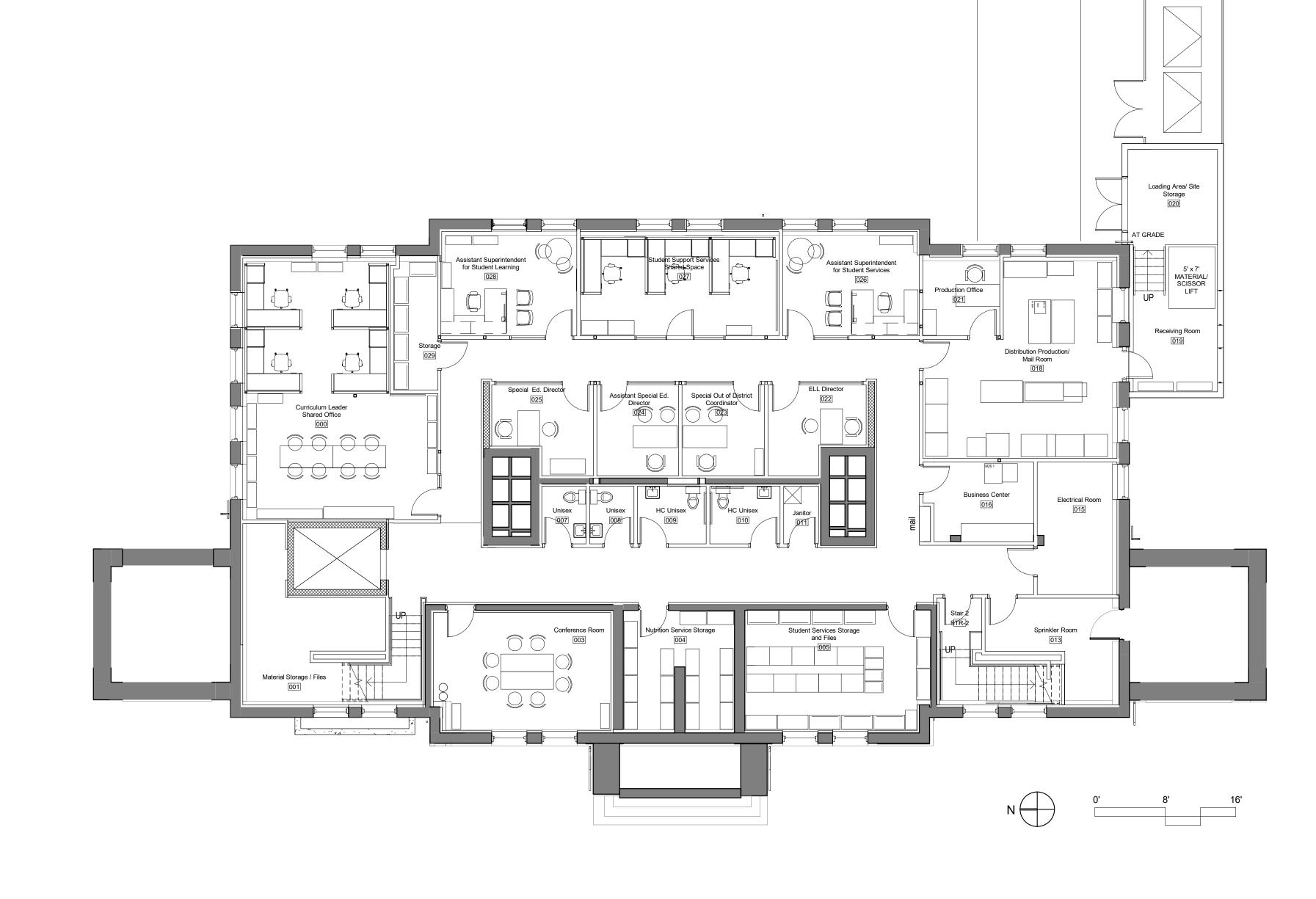
**DRAWING TITLE** 

Landscape Improvement **Details** 

DRAWING INFORMATION

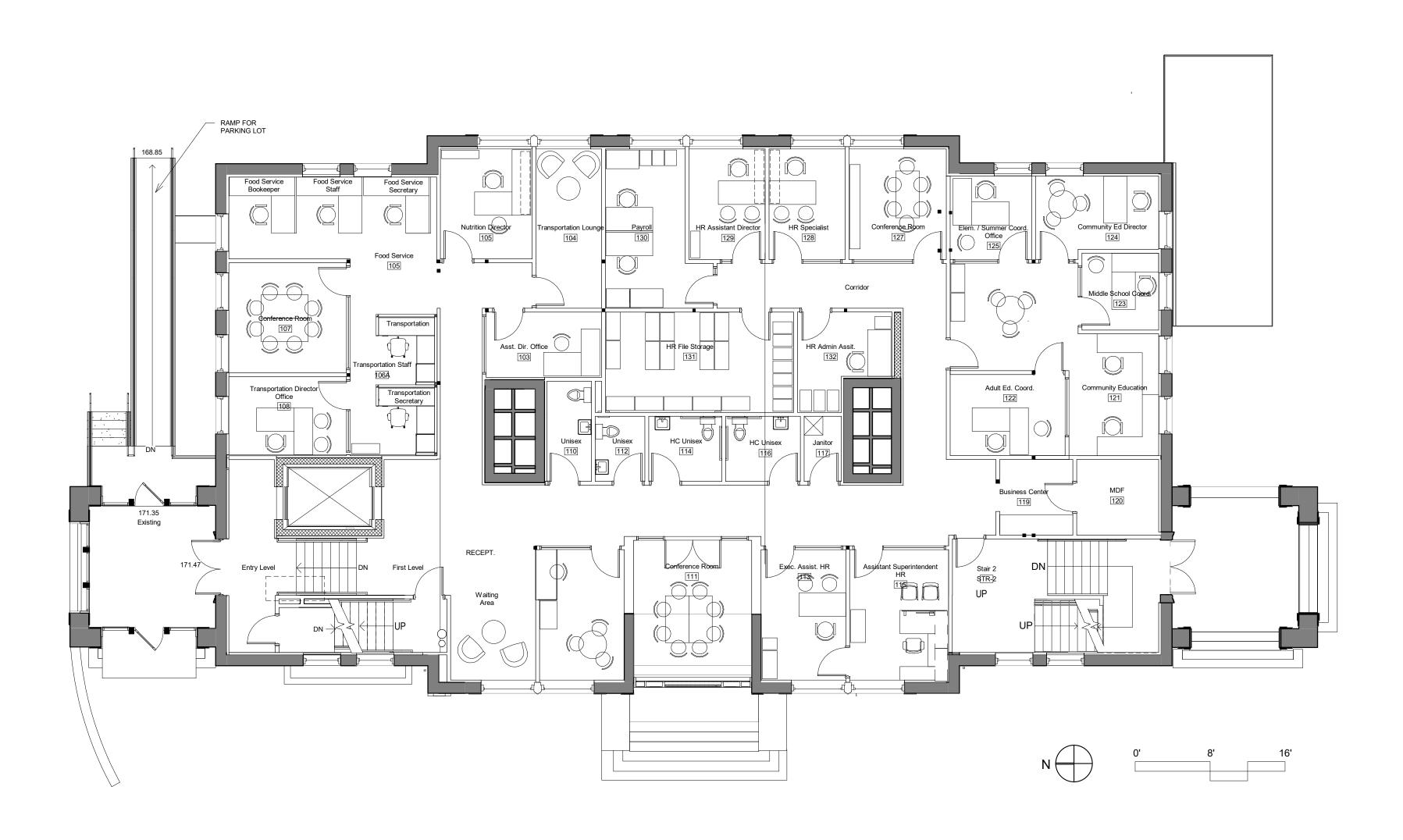


SP.L1



Ground Floor Plan

1/8" = 1'-0"



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

architect bha

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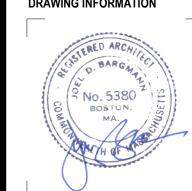
**Technology**Building Technology Consulting
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Bridgewater, MA 02324
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REVISIONS

04/25/2022 For ZBA Submisson

Lower Level Plan and First Level

DRAWING INFORMATION



04/15/2022

DATE OF ISSUE

Site Plan Review

DESCRIPTION

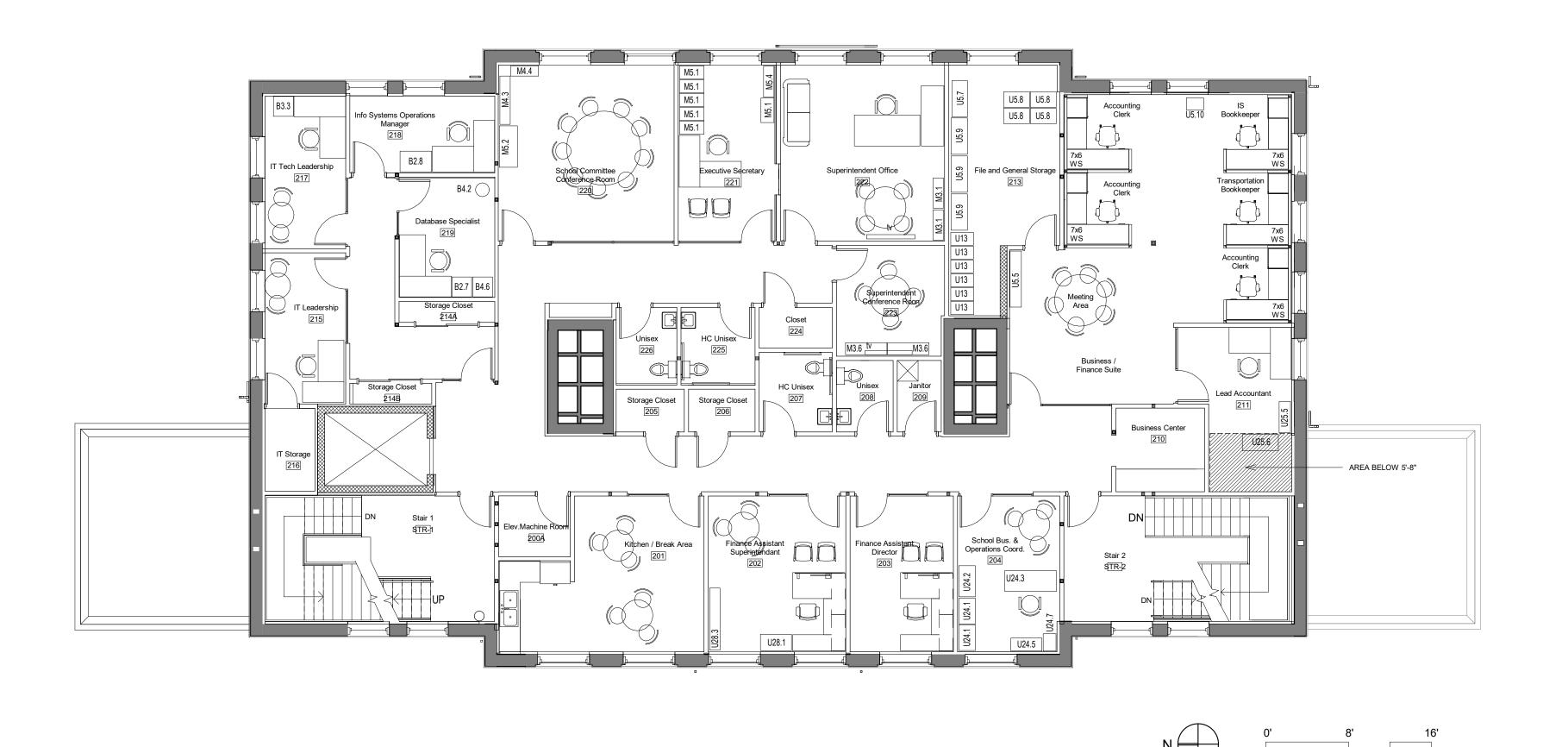
1/8" = 1'-0"

Auth

RAWING NUMBER

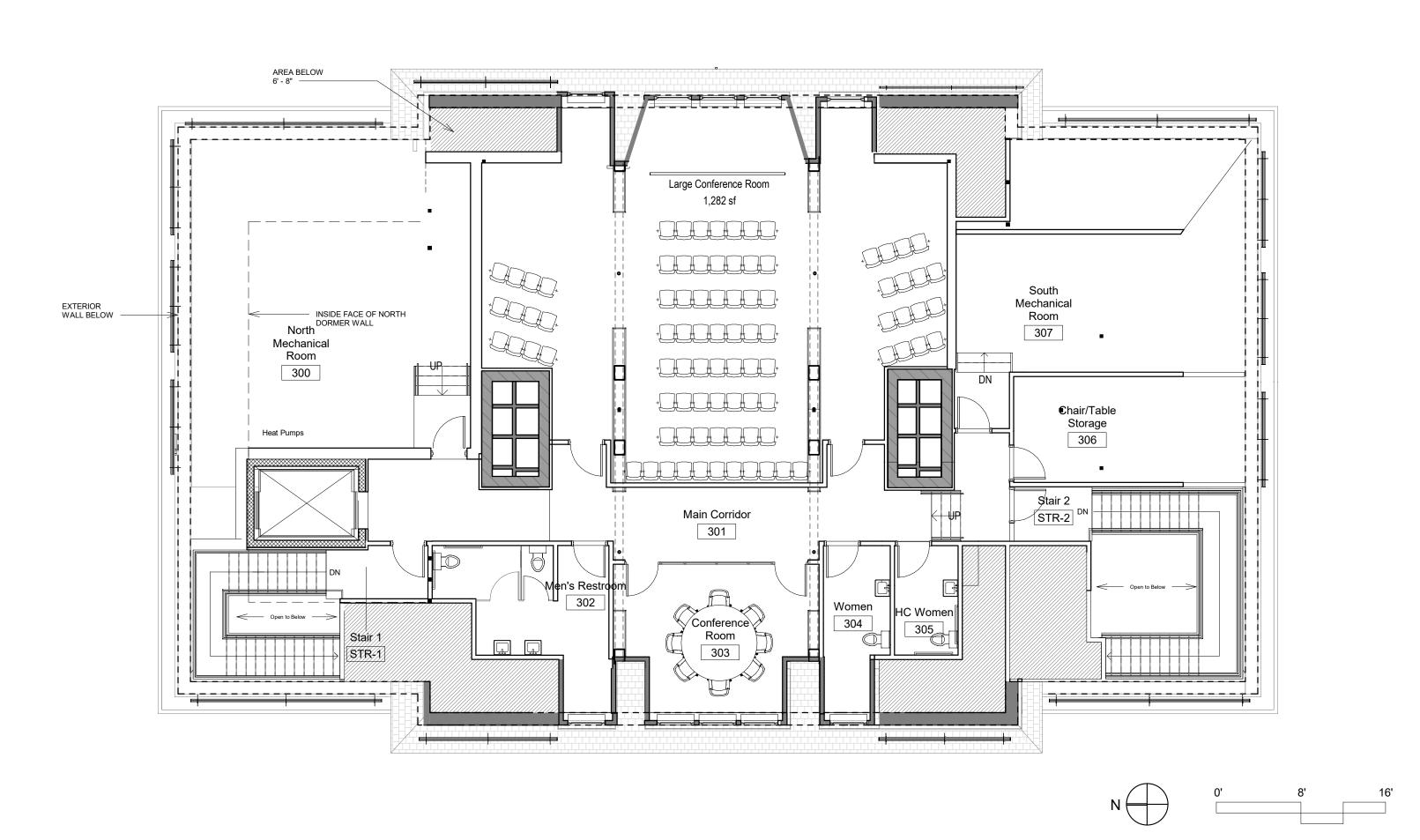
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Second Floor Plan

1/8" = 1'-0"



Third Floor Plan

1/8" = 1'-0"

architect bha

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450

PROJECT NAME

Emery Grover

Renovations

1330 Highland Ave
Needham, MA 02492

CLIENT

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

PROJECT TEAM

Civil Engineer

Civil Engineer
Pare Corporation
10 Lincoln Rd, Suite 210
Foxboro, MA 02035
(508) 543-1755

Landscape Architect

Kyle Zick Landscaping Architecture, Inc.
36 Bromfield St Suite 202

Boston, MA 02108
(617) 451-1018

Structural Engineer
Structures North
Consulting Engineers, Inc.
60 Washington St, Suite 401
Salem, MA 01971
(978) 745-6817

MEP/FP Engineer
Allied Engineering
235 Littleton Rd, Suite 5
Westford, MA 01886
(978) 443-7888

**Technology**Building Technology Consulting
992 Bedford St
Bridgewater, MA 02324
(617) 799-4309

REVISIONS

04/25/2022 For ZBA Submisson

DRAWING TITLE

Second Level Plan and Third Level Plan

DRAWING INFORMATION



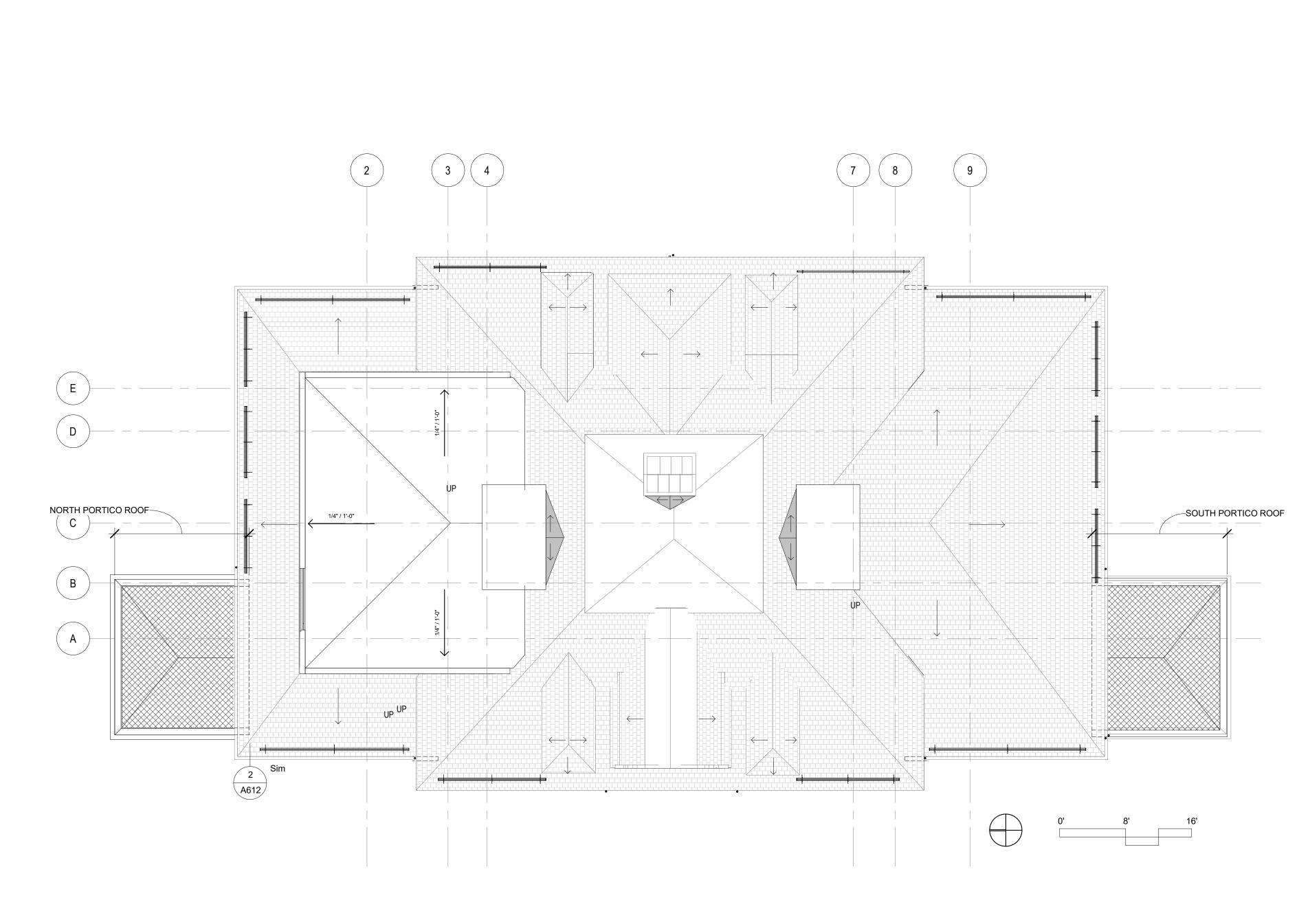
04/15/2022
DATE OF ISSUE
Site Plan Review
DESCRIPTION
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Author

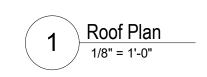
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ARCHITECT CONTRACTOR

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450

PROJECT NAME

Emery Grover

Renovations

1330 Highland Ave
Needham, MA 02492

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Permanent Public
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**Technology**Building Technology Consulting
992 Bedford St
Bridgewater, MA 02324
(617) 799-4309

EVISIONS

04/25/2022 For ZBA Submisson

DRAWING TITLE

**Roof Plan** 

DDAWING INCODMATIO

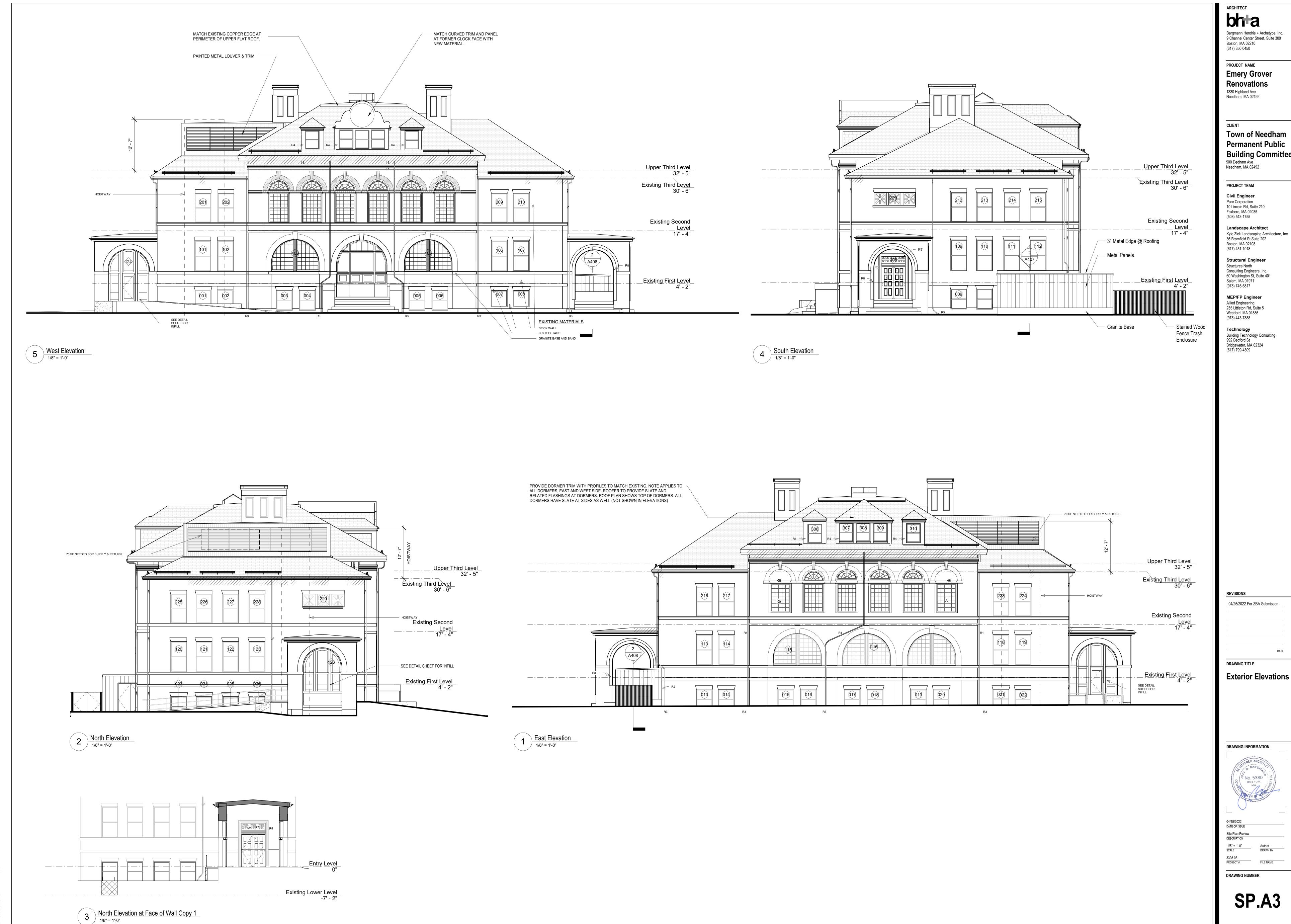


04/15/2022
DATE OF ISSUE
Site Plan Review
DESCRIPTION
1/8" = 1'-0" Aut

RAWING NUMBER

SP.A2

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ARCHITECT

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450

**Emery Grover** Renovations 1330 Highland Ave Needham, MA 02492

**Town of Needham Permanent Public Building Committee** 500 Dedham Ave Needham, MA 02492

PROJECT TEAM Civil Engineer

Pare Corporation 10 Lincoln Rd, Suite 210 Foxboro, MA 02035 (508) 543-1755 Landscape Architect

36 Bromfield St Suite 202 Boston, MA 02108 (617) 451-1018 Structural Engineer Structures North Consulting Engineers, Inc. 60 Washington St, Suite 401 Salem, MA 01971

(978) 745-6817 MEP/FP Engineer Allied Engineering 235 Littleton Rd, Suite 5 Westford, MA 01886

Building Technology Consulting 992 Bedford St Bridgewater, MA 02324 (617) 799-4309

04/25/2022 For ZBA Submisson

**DRAWING TITLE** 

**Exterior Elevations** 

DRAWING INFORMATION



04/15/2022 DATE OF ISSUE

SP.A3

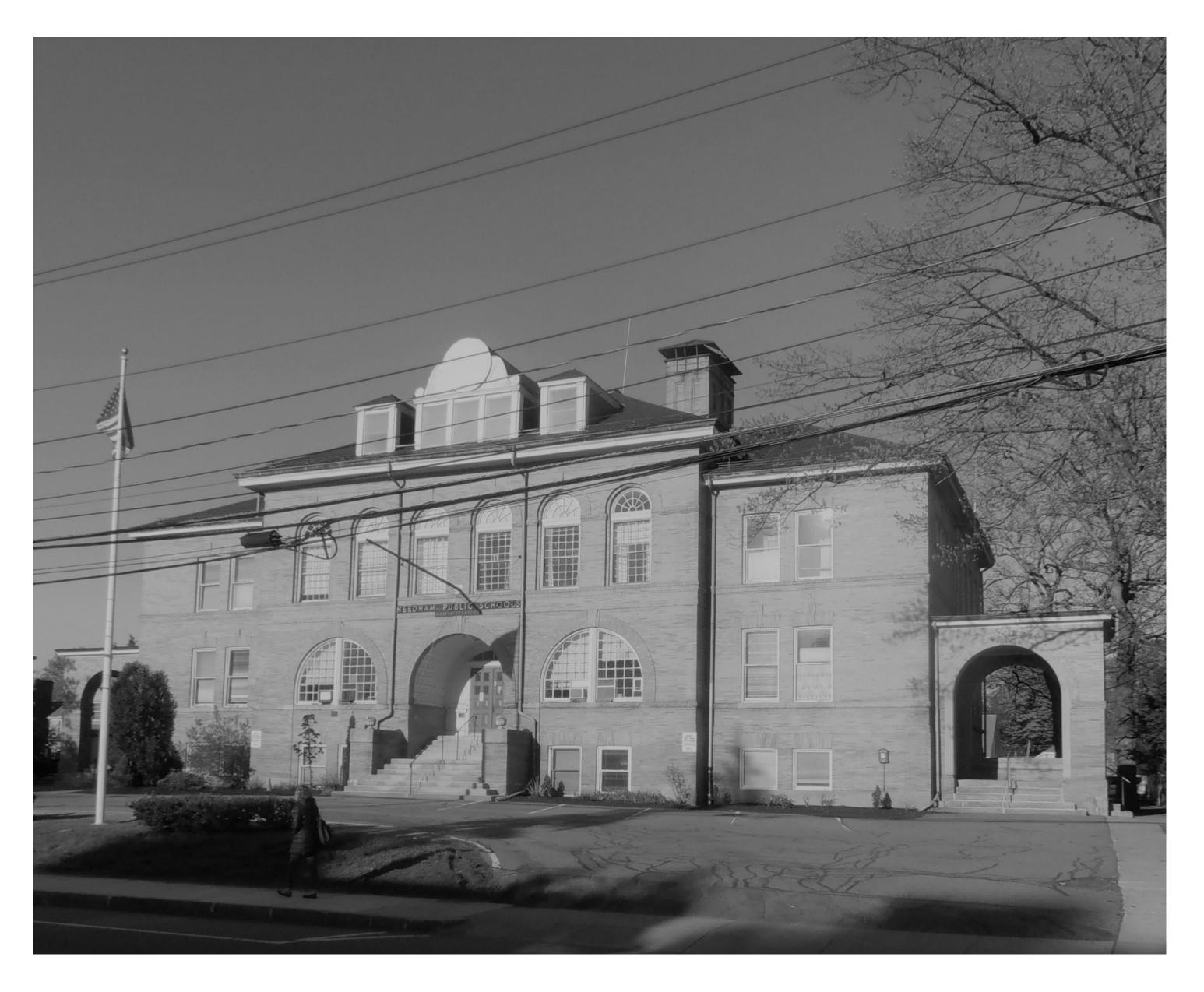
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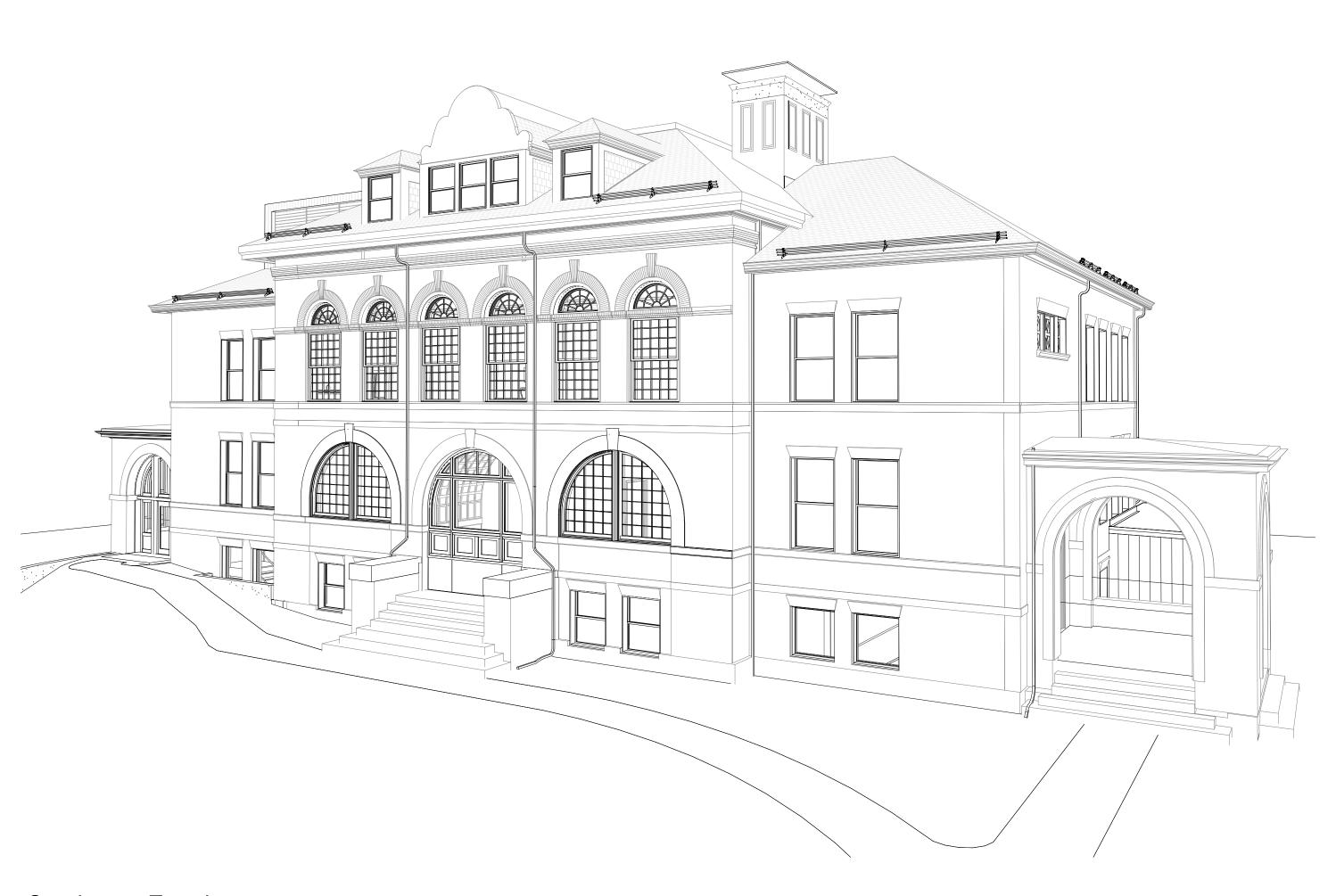
Historic Photo



Northwest Exterior



**Existing Current Photo** 



Southwest Exterior

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450

**Emery Grover** Renovations 1330 Highland Ave Needham, MA 02492

PROJECT NAME

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

Pare Corporation 10 Lincoln Rd, Suite 210 Foxboro, MA 02035 (508) 543-1755

Kyle Zick Landscaping Architecture, Inc. 36 Bromfield St Suite 202 Boston, MA 02108 (617) 451-1018

Structures North
Consulting Engineers, Inc.
60 Washington St, Suite 401
Salem, MA 01971
(978) 745-6817

MEP/FP Engineer Allied Engineering 235 Littleton Rd, Suite 5 Westford, MA 01886 (978) 443-7888

Building Technology Consulting 992 Bedford St Bridgewater, MA 02324 (617) 799-4309

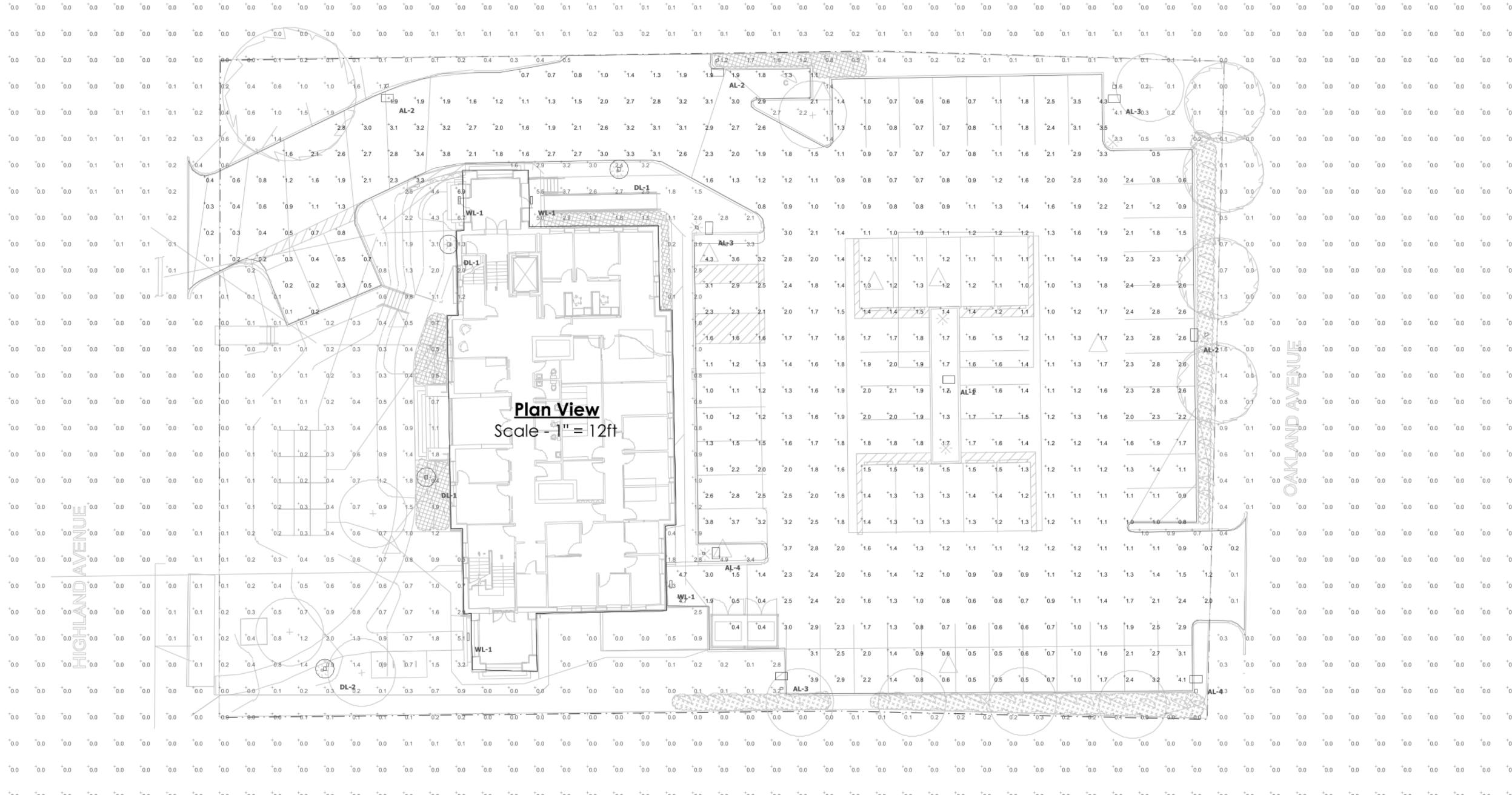
04/25/2022 For ZBA Submisson

**Exterior Views** 



SP.A4





SCHE	DULE																					+0.0 +0.0		
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Light Loss Factor	Wattage	+0.0	+0.0	0.0 +(	.0 +(	0.0 +(	0.0 +0.0	0.0	0.0	+0.0	+0.0	+0.0	+0.0 +0	0.0 +0.0	0.0	+0.0 +0.0 +0.0 +0.0 +0.0 +0.0	0.0	
	AL-1	1	Lithonia Lighting	DSX0 LED P3 30K T5M MVOLT	DSXO Area Light   Type 5 Distribution   Mounted @ 20'-0" AFG	0.9	71																	
	AL-2	3	Lithonia Lighting	DSX0 LED P3 30K BLC MVOLT	DSXO Area Light   Back Light Control Distribution     Mounted @ 20'-0" AFG	0.9	71						OTES:		ES ASS ACE: 5		D:				DISCL	IMER:		
	AL-3	3	Lithonia Lighting	DSX0 LED P3 30K LCCO MVOLT	DSXO Area Light   Left Corner Distribution   House Side Sheild   Mounted @ 20'-0" AFG	0.9	71					- 1		AL @ DL @	HEIGH 20'-0" 12'-0" 8'-0"	AFG AFG					-THESE AND A REPRE	DRAWING ARE NOT IN SENTED AF	NTENDEI	D (P)
	AL-4	2	Lithonia Lighting	DSX0 LED P3 30K RCCO MVOLT	DSXO Area Light   Right Corner Distribution   House Side Sheild   Mounted @ 20'-0" AFG	0.9	71						TASK H CALCU					G: 5'X5	oc		INDEP	MANUFAGENDANT L	LAB TEST	
	DL-1	3	Lumenpulse	PURXXXY 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	PURXXXY 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					- 1	ST DESCR	-	-	ST	IC	_	ИВОL		AVG.	MA	ΑX	N
	SL-1	0	Hydrel	Pine P2 80CRI 30K 120 15DEG FLC	Pine, Clear Lens	0.9	53.23					-	Outer Parkir						+ +	-	2 fc 3 fc	+	fc C	_
	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																	

-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.

STATISTIC	cs					
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

Designer Robert J. Lindstrom Date 03/08/2022 Scale Not to Scale Drawing No.

Bargmann Hendrie + Archetype, Inc. 9 Channel Center Street, Suite 300 Boston, MA 02210 (617) 350 0450

Renovations 1330 Highland Ave Needham, MA 02492

**Emery Grover** 

PROJECT NAME

Town of Needham **Permanent Public Building Committee** 500 Dedham Ave Needham, MA 02492

PROJECT TEAM

Civil Engineer Pare Corporation 10 Lincoln Rd, Suite 210 Foxboro, MA 02035 (508) 543-1755

Kyle Zick Landscaping Architecture, Inc. 36 Bromfield St Suite 202 Boston, MA 02108 (617) 451-1018 Structural Engineer

Structures North Consulting Engineers, Inc. 60 Washington St, Suite 401 Salem, MA 01971 (978) 745-6817

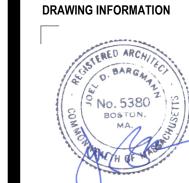
MEP/FP Engineer Allied Engineering 235 Littleton Rd, Suite 5 Westford, MA 01886 (978) 443-7888

Technology **Building Technology Consulting** 992 Bedford St Bridgewater, MA 02324 (617) 799-4309

REVISIONS

DRAWING TITLE

Site Lighting **Analysis** 



#### ROBERT T. SMART, JR., ESQ.

# ATTORNEY AT LAW 399 CHESTNUT STREET NEEDHAM, MASSACHUSETTS 02492

## TEL (781) 444-9344 FAX (781) 449-0242 E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

By Hand April 25, 2022

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

Re: <u>Temple Beth Shalom and Davenport Holding Properties, Inc.</u> 670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue

Dear Members of the Board:

Enclosed for filing in connection with the application of Temple Beth Shalom and Davenport Holding Properties, Inc. for amendments to the Temple's April 30, 2015 Special Permit, please find: 7 copies of the following:

- 1. ZBA Application for Hearing, dated April 22, 2022.
- 2. Plans to Accompany ZBA Application for Temple Beth Shalom (Sheets 1-3), by Kelly Engineering Group, Inc., dated April 22, 2022.
- 3. Letter from Vanasse & Associates, Inc., dated April 21, 2022.
- 4. Letter from Jillian Erdos, Project Manager, Temple Beth Shalom, dated April 22, 2022.
- 5. Parking Requirements Chart, dated April 22, 2022.
- 6. Zoning letter, by Robert T. Smart, Jr., Esq., dated April 22, 2022.
- 7. Filing fee of \$200.00, payable to "Town of Needham".

Please let me know what additional materials, if any, need to be filed in connection with the application.

Please confirm that this matter will be heard by the Board of Appeals at its May 19, 2022, meeting, via zoom.

Very truly yours,

RTS

Robert T. Smart, Jr.

cc: Temple Beth Shalom



Appl App	icant dicat	s m ion.	ust consult with the Build Failure to do so will delay	ling Insp of the sch	ector edulin	prior to filing g of the heari	this ng.
Applica	nt In	for	mation				
Applicant Name			eth Shalom and Davenport Hol	ding Prop	erties, l	nc.	Date 4/22/22
Applicant Address	Both	at 6	70 Highland Avenue, Needham	, MA 024	94		
Phone	781-	444-	0077	email	jilliane	rdos@gmail.con	1
Applicant i	s⁄X∫Ow	ner;	☐Tenant; ☐Purchaser; ☐Other_			·	
If not the c	wner,	a le	tter from the owner certifying	authorizat	tion to a	apply must be inc	luded
Representa Name	ative	Rok	pert T. Smart, Jr., Esq.				
Address		399	Chestnut Street, Needham, M	A 02492	<del> </del>		<u></u>
Phone		781	-444-9344	email	bob@	robertsmart.net	
Represent	ative i	s.⊠A	ttorney; □Contractor; □Archited	ct; □Othe	r		<del>_</del>
Contact	Me ⊠	Repre	esentative in connection with this	application	n		·
			ty Information		20.		
Property	Addre	ess	670 Highland Avenue, 284 We			Freendale Avenu	ie
Map/Par Number	cel		Map 71, Parcels 46, 47, 50	Zone o Proper		   Single Reside	ence B
	ty wi	thin	100 feet of wetlands, 200			or in flood Pla	iin? □Ye:
	rtv [	Res	idential or  Commercial				,,,,
If reside	ntial i	enc	vation, will renovation cor	stitute '	'new c	onstruction"?	
If comm ☐Yes 🏻	ercia No		es the number of parking set design requirements?			e By-Law requ	irement?
Applicat	ion T	ype	(select one): □Special Peri ment □Appeal Building Ins	mit □Va	riance	□Comprehen n	sive

# ZBA Application For Hearing

Existing Condition purposes. 284 We units.	ns: 670 Highland Ave bster Street and 28	enue is used for Greendale Ave	r religious, educ nue each have	cational, a two resid	and day care lential rental	
uilics						
				. <u>.                                   </u>		

### Statement of Relief Sought:

Amendment of special permit issued by Zoning Board of Appeals on April 30, 2015, to permit religious, educational and day care uses on two acquired abutting properties at 284 Webster Street and 28 Greendale Avenue, allow construction of parking area on 284 Webster Street, and use house and garage at 28 Greendale Avenue for religious education classes.

Applicable Section(s) of the Zoning By-Law: 7.5.2, 5.1.1.5, 1.4.2

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use	Religious, educational, day care	Same
# Dwelling Units	Four	None
Lot Area (square feet)	N/A	N/A_
Front Setback (feet)	19.5, 20.8	19.5, 20.8
Rear Setback (feet)	N/A	N/A
Left Setback (feet)	5.5	5.5



# **ZBA Application For Hearing**

Right Setback (feet)	N/A	N/A
Frontage (feet)	N/A	N/A_
Lot Coverage (%)	22.1	20.4
FAR (Floor area divided by the lot area)	.44	.41

Numbers must match those on the certified plot plan and supporting materials

Date Structure Constructed including additions:	Date Lot was created:
670 Highland Avenue 1953, 2001, 2015	Pre-1953
28 Greendale Avenue 1992, 2017	Pre-1992
284 Webster Street 1821, 1900, 2001	Pre-2001

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions (Required)	Yes
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject	Yes
Property" (Required)	
If applicant is tenant, letter of authorization from owner (Required)	N/A
Electronic submission of the complete application with attachments (Required)	Yes
Elevations of Proposed Conditions (when necessary)	N/A
Floor Plans of Proposed Conditions (when necessary)	N/A

Feel free to attach any additional information relative to the application. Additional information may be requested by the Board at any time during the application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have reviewed the Board Rules and instructions.



# **ZBA Application For Hearing**

I certify that	I have consulted	with the	Building
Inspector	_4/19/22		

date of consult

Date:\_4/22/2022\_\_ Applicant Signature\_

An application must be submitted to the Town Clerk's Office at <a href="mailto:townclerk@needhamma.gov">townclerk@needhamma.gov</a> and the ZBA Office at <a href="mailto:dcollins@needhamma.gov">dcollins@needhamma.gov</a>





# TOWN OF NEEDHAM MASSACHUSETTS BOARD OF APPEALS

Temple Beth Shalom
Record owner: Temple Beth Shalom
670 Highland Avenue, Map 71 Parcel 46

### April 30, 2015

### Appeal of the Building Inspector's Decision and Special Permit

Temple Beth Shalom, 670 Highland Avenue, owner, applied to the Board of Appeals for Special Permits to construct a two and a half story 22,379 square foot addition to an existing 28,648 square foot building. The Applicant is seeking special permits under Section 7.5.2 of the Zoning By-Law as follows: (a) under Section 1.4.6 to alter and enlarge a pre-existing non-conforming structure, as to lot coverage under Section 4.2.1 of the By-Law, from 15.2% to 22.4%; and (b) under Section 5.1.1.5 to waive strict adherence to the number of required parking spaces and parking lot design requirements pursuant to Sections 5.1.2 and 5.1.3 of the Zoning By-Law. The Applicant further seeks a determination that the building is lawfully pre-existing and non-conforming, and accordingly, that the front yard setback of 19.5 feet (25 feet is required under Section 4.2.1(b)), and the minimum driveway width of 19.8 feet (20 feet is required under Section 5.1.3(i)), may be continued under Zoning By-Law Section 1.4.2. The property is located at 670 Highland Avenue, Needham, MA in the Single Residence B Zoning District.

Temple Beth Shalom, 670 Highland Avenue, owner, has also appealed from the Building Inspector's Decision seeking relief under Section 1.2 of the Zoning By-Law and under Massachusetts General Laws Chapter 40A, Section 3 (also known as the Dover Amendment) from the prohibition of more than one non-residential use on a lot under Section 3.2.1; from the maximum height of 35 feet as it applies to roof-top mechanical equipment, to permit a height of 41.5 feet, under Section 4.2.1; from the maximum floor area ratio of .30, to permit an FAR of .449, under Section 4.2.1(e); and from the denial of any special permit also sought for this project and any other applicable sections of the Zoning By-Law to allow the Applicant to build a two and a half story 22,379 square foot addition to an existing 28,648 square foot building. The property is located at 670 Highland Avenue, Needham, MA in the Single Residence B Zoning District.

The hearings for the Special Permits and the Appeal of the Building Inspector's Decision were heard concurrently at a public hearing held on Thursday, April 30, 2015 pursuant to notice thereof, published in a local newspaper and mailed to all parties of interest.

#### **Documents of Record:**

- Application Packet received April 6, 2015, containing:
  - 1. Application dated April 6, 2015.
  - 2. Cover Letter from Robert T. Smart, Jr., Esquire dated April 6, 2015.
  - 3. Letter from Robert T. Smart, Jr. Esquire dated April 6, 2015.
  - 4. Parking Requirements Chart dated April 4, 2015.
  - 5. Letter from Daniel T. Barkowitz dated April 6, 2015.
  - 6. Proposed Grade Plane Temple Beth Shalom prepared by Garrett Horsfall, Kelly Engineering Group, Inc. dated April 3, 2015.
  - 7. Set of Site Development Plans: Sheet 1 Title Page prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated April 3, 2015; Sheet 2 "Existing Conditions Plan" prepared by Kelly Engineering Group signed and stamped by Steven M. Horsfall PLS No. 41608 dated April 3, 2015; Sheet 3 "Layout Plan" prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated April 3, 2015; Sheet 4 "Site Plan" prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated April 3, 2015; Sheet 5 "Detail Sheet" prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated April 3, 2015.
  - 8. Set of Architectural Plans with sheets titled "Proposed Floor Plans", "Proposed Exterior Elevations", "Proposed Exterior Renderings" prepared by BKA Architects signed and stamped by David Scott Seibert Registered Architect No. 7451 dated April 3, 2015.
  - 9. Traffic Impact and Parking Study Temple Beth Shalom Expansion/Renovation prepared by Vanasse and Associates dated March 2015.
  - 10. Landscape Plan (2 sheets) signed and stamped by Nelson R. Hammer RLA No. 550 dated April 3, 2015.
- Documents received before the April 30, 2015 hearing:
  - 11. Stormwater Management Report prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated April 17, 2015.
- Documents received at the April 30, 2015 hearing:
  - 12. Letter from Ashly Scheufele dated April 30, 2015.
- Documents received before the May 21, 2015 hearing:
  - 13. Addendum to Stormwater Management Report prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated May 15, 2015.
  - 14. Site Development "Sketch": Sheet 4 "Site Plan" prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE

No. 37942 dated April 3, 2015, revised May 15, 2015 per Town Engineer and May 19, 2015 per Town Engineer.

- Documents received at the May 21, 2015 hearing:
   15. Revised Letter from Ashly Scheufele dated May 21, 2015.
- Documents received after the May 21, 2015 hearing:
  - 16. Landscape Plan with Existing Trees signed and stamped by Nelson R. Hammer RLA No. 550 dated May 29, 2015.
  - 17. Set of Site Development Plans: Sheet 1 Title Page prepared by Kelly Engineering Group signed and stamped on June 10, 2015 by David Noel Kelly RPE No. 37942 dated April 3, 2015, revised May 19, 2015; Sheet 2 "Existing Conditions Plan" prepared by Kelly Engineering Group signed and stamped by Steven M. Horsfall PLS No. 41608 dated April 3, 2015; Sheet 3 "Layout Plan" prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated April 3, 2015, revised May 19, 2015; Sheet 4 "Site Plan" prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated April 3, 2015, revised May 15, 2015, May 19, 2015; Sheet 5 "Detail Sheet" prepared by Kelly Engineering Group signed and stamped by David Noel Kelly RPE No. 37942 dated April 3, 2015, revised May 15, 2015, May 19, 2015.

#### April 30, 2015

The Board included Jon D. Schneider, Chairman; Howard S. Goldman, Member; and Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 9:46 p.m. by reading the public notices.

Mr. Schneider explained that the Board will hear the applications for the Special Permit and the Appeal from the Building Inspector's Decision concurrently. As a matter of disclosure, both Mr. Goldman and Mr. Friedenberg are members of Temple Beth Shalom, but feel they can be impartial. They have sent letters to the Board of Selectmen disclosing their membership. Mr. Schneider said that their participation is necessary for the Board to have a quorum.

The Planning Board had no comment.

Mr. Robert Smart, the attorney representing Temple Beth Shalom, introduced the team: Ed Zaval, Temple President; Beth Pinals, Project Chair; Mike Bogdan, Project Manager; Ellen Dietrick, Director of Childhood Learning; David Seibert, Project Architect; David Kelly, Engineer; Nelson Hammer, Landscape Architect; Giles Hamm, Traffic and Parking Consultant and Roy Cramer, attorney.

Mr. Smart said that the purpose of Temple Beth Shalom's proposed work is to provide more space, particularly space used for education. Temple Beth Shalom is a mature congregation and they do not expect much growth in their membership. There will be no increase in worship space. The applicant has held several productive meetings with neighbors. As a result, some plans have changed. The site plans, landscape plans, and architectural plans were approved by the Design Review Board on April 13, 2015.

The premises are located in the Single Residence B Zoning District. Religious services, K-12 education and day care services are allowed as of right in this district. The existing lot coverage already exceeds the current permitted maximum percentage and the proposal would further increase the overage. They are also asking for relief from parking requirements outlined in Section 5.1.2 of the Zoning By-Law. They need a waiver of 179 spaces. The peak parking requirement as calculated by maximum attendance at the large services such as the High Holy Days is 267 parking spaces. This need happens only a few times a year. There are 88 parking spaces on site. The parking was increased from about 70 to 88 spaces when the Board last issued a decision around 1990. The applicant is applying for relief from parking lot design requirements under Sections 5.1.1.5 and 5.1.3 of the Zoning By-Law. The parking lot is existing and functions well.

The applicant is also appealing a Building Inspector's Decision under the Dover Amendment. They are seeking relief from the maximum height limit because the roof-top mechanicals on the building addition will exceed the limit and the proposed floor area ratio (FAR) of the enlarged building will exceed the permitted maximum (0.30). The FAR is 0.25 currently, and the proposed FAR is 0.449. In the Building Inspector's letter, he makes a finding that the 19.5 foot front setback is a lawfully pre-existing non-conformity.

Mr. Schneider explained that it is the Town's practice to consider relief under the Dover Amendment via an Appeal of the Building Inspector's Decision since the projects are usually large and warrant a public hearing process.

Mr. Smart said that they are not expecting a significant change in the number of students or in the number of staff. The school operates Monday through Friday serving pre-school to 12<sup>th</sup> grade students and has a parking requirement of 89 spaces. During Friday night services and Saturday bar and bat mitzvahs the parking requirement is 110 spaces, which is based on the 330 seat sanctuary. They are not increasing the sanctuary, so this requirement will remain the same.

Mr. Smart went over some procedural matters. The applicant received a letter from the Building Commissioner dated March 26, 2015 denying their Dover Amendment request. They presented the project to the Planning Board on April 26, 2015 who agreed that a Site Plan Review was not necessary. The Building Inspector made the same determination. The stormwater management system complies with DEP stormwater requirements. The engineer is working on some revisions requested by the Needham Engineering Department. The Fire Department indicated that they had no concerns. They have discussed the roof-top mechanicals with the neighbors. In order to attenuate the sound, the applicant has agreed to turn the equipment 90° toward Highland Avenue.

Mr. Schneider added that the Police Department commented today, saying their main concern is traffic and parking on High Holy Days and large funerals. The police indicated that they have a long established and good relationship with the applicant. The applicant prepares a parking plan to assist members and the police during holy days and funerals. They have worked together to post certain areas for no-parking and to aid in safely crossing people. Lt. Kraemer requests that they continue the practice of pre-planning with the police before a large event and that they designate a person to reach out to neighbors ahead of the event to provide a contact should there be a problem on the day of the event. The applicant agreed that they would continue their relationship with the Police

Department and have a point of contact for neighbors.

The Health Department said that as long as the applicant is not using its kitchen space to make snacks or other food for the on-site daycare, the Health Department has no comments.

Ms. Beth Pinals spoke on behalf of Daniel Barkowitz, Executive Director, since he was unable to attend. The applicant is a community of 800 families and they are growing at a very small rate. They desire a space that is intimate and warm to live out their values, but the current space is in need of repair. Particularly, the Learning Center needs to align with their innovative curriculum. They currently use the hallways as teaching space. The clergy and administrative staff offices are literally in closets; rooms with no windows. There is no private waiting room space for members with personal matters to discuss with the rabbis. Their goal is to align their space with the way they work.

She agreed that they do enjoy a good relationship with the Police Department. The police have been extremely helpful. It is really two holidays that encompass four days per year when parking is difficult. As preventative measures they ask congregants to park off-site at the high school and arrange for vans to drive them from there to the Temple. Carpools are encouraged. They continue to adjust the parking strategy. Parking for funerals is more difficult to plan. The applicant uses the funeral home staff to assist in parking.

During the week the Learning Center staff meets the children in the parking lot and walks them in. Classes are staggered to aid in the traffic flow and relieve congestion. As far as regular Friday services are concerned, there are one or two services whose times are staggered. Occasionally cars park on Greendale Avenue. There is not much overflow in terms of parking. Large bar and bat mitzvahs use off-site parking and busing is arranged. On Saturday mornings often two bar and/or bat mitzvahs are celebrated at one service, but then one of the celebrations needs to be held off-site since the Temple only has one reception and entertainment space. The expansion will offer social spaces for two celebrants. The applicant's Safety and Security Committee is out in the parking lot during the really busy times.

Mr. David Seibert, Project Architect, said the parking, vehicular access and flow would remain the same. The addition is mainly on the eastern side where the existing two-story school structure will be demolished. The new addition is two levels. Due to the grade change, the basement is exposed on the east side and ties into the existing basement. Classrooms will be in the lower level. The upper level will house administrative functions, social hall and community space. The project creates 15 classrooms, office space and expands the circulation areas and social spaces. They are not expanding the sanctuary and its occupancy will remain the same.

Mr. Schneider asked if these plans were final. Mr. Seibert said they were.

Mr. Seibert showed elevation and perspective drawings of the proposed project. The proposed facade will be brick and fiber cement panels to match the existing building.

The roof-top mechanical equipment is screened on all four sides by louvered vents. There is no practical alternative to having these mechanicals exceed the maximum permitted

height. This is the most efficient location for both heating and cooling equipment in order to reach all of the zones. The edge of the screen is approximately 10 feet back from the building's edge and is about 7 feet high. The color is neutral to the sky. The Design Review Board has approved the plans.

David Kelly of Kelly Engineering Group said that the building is on a slope. The parking lot is at elevation 280 feet and the back of the building is at elevation 270 feet. The existing playground is at elevation 275 feet. The new playground is proposed to be twotiered at elevations 273 and 271 feet. The slope is pushed further out with a retaining wall to support it. At its highest point this wall will be 10 feet high. The slope is a 3:1 slope which is a typical engineered slope that can be planted. They looked carefully at the limit of work to preserve as many trees as possible. As for drainage, the addition adds 8700 square feet of impervious surface. Stormwater will be brought to a subsurface recharge area underneath the playground. The recharge area allows a two-year storm to slowly seep into the ground. Only small portions of large storms will be directed towards the swale to spread the water. There were two changes requested by the Town engineer. The first was to move the outfall pipe to a higher location to allow more water to be stored and to infiltrate in the recharge area. The second was to make the swale more of a shallow ditch with stones and grass on top to hold more water. The stormwater system is designed to fully comply with DEP regulations. The Town requires a higher level of recharge than the DEP standard because of the proximity to the Charles River.

Mr. Goldman asked if Mr. Kelly was confident that the run-off will be stopped and not run onto the nearby residential properties. Mr. Kelly explained that he was confident because the design was conservative and the soils have high infiltration qualities.

Mr. Schneider confirmed with Mr. Kelly that the retaining walls meet the setback requirements.

Mr. Nelson Hammer, principal of Hammer and Walsh, the project landscape architect, said that they have worked with the neighbors and have come to a mutual understanding on how to best treat the slope between the neighbors' properties and the Temple. In response to neighbor comments, they have revised the plans. They have expanded the evergreen screening in length and height to provide better, more permanent screening. White pine, hemlock and white spruce are the primary screening materials. Their mature size is 50 feet high and 20 feet wide. He noted that this area is in deep shade so the vegetation will grow more slowly than they would like. Due to harsh winters, they have removed the planting between the parking lot and the playground. In an effort to block the headlights from the parking lot they have increased the vegetation on the far side. The natural-looking design uses rosebay azaleas, rhododendron, and mountain laurel, all common in northeast woodlands. Lawn is avoided in the back because of the negative effects of pesticide and fertilizers. Instead they propose a wild flower seed mix which once established should grow naturally.

The evergreen trees will be six to seven feet in height when planted. Because they are planting on a slope, they will not be able to use mechanized equipment to bring in larger trees. There will be places where the landscape screening will be several plants deep. They expect this design to have reasonably good coverage. Some existing trees will have to be removed because they are either dead, dying, or interfere with construction. They will be replaced with trees of species and sizes mutually agreed upon with the neighbors.

Mr. Hammer said that this plan is not final as they are still making adjustments according to neighbors' suggestions.

Mr. Friedenberg confirmed that they are not planting any trees on the Davenport Road side of the retaining wall. Mr. Hammer said that they were not planting below the wall because there are many 15 to 20 foot high saplings not shown on the plan. If they were to plant trees, the roots of the established saplings would be disturbed and those saplings lost.

The Design Review Board has approved the landscape plan, but it has changed since the approval in response to neighbor's comments.

Mr. Giles Hamm from Vanasse Associates explained that they have comprehensively looked at the traffic and parking conditions over the last two years. Weekday, evening, and Saturday conditions were studied for traffic and parking. The recent widening of Webster Street has improved traffic movement in and out of the site. During typical peak hours, there were between 70 and 115 trips in and out of the site. The programs are staggered to minimize peak hour congestion. They don't expect any significant changes to the traffic flow because there are no changes to the programming. Although the applicant does not expect any increase in enrollment, they looked at a 20% increase in growth and found a typical day to be manageable. The parking lot is tight as far as space size and aisle width, but the spaces are used effectively. There is no expansion of the sanctuary planned. Several years ago they counted 290 cars parked throughout the neighborhood during High Holy Days. Last year, off-site parking at the high school worked well. The key to traffic and parking success during High Holy Days and large funerals is using parking monitors and coordinating with the Police Department.

Ellen Dietrick, Director of Early Childhood Learning, explained the proposed changes to their learning program. They plan to offer year round programming, expand the length of the school day and add two preschool classes of nine students each. The K-12 program will stay the same. The two additional classrooms will allow for better planning and enable staff to not have to change out classrooms as often. Currently they change a classroom two times a day to accommodate the various age groups. For example, now they have to change a two-year old classroom to a fourth grade classroom in the afternoon and then to a high school classroom in the evening. The drop-off and pick-up procedure is well established. Usually the teaching staff runs the queue, but during peak times parking professionals run the drop-off and pick-up.

Mr. Schneider asked for public comment.

Ashly Scheufele, 29 Davenport Road, is a direct abutter and is the closest neighbor to the expansion. She submitted a letter to Ms. Pinals and Mr. Bogdan memorializing an agreement the neighbors have with the applicant. She said that the applicant has been extremely cooperative and receptive to neighbor's concerns. This is a major project; an imposing structure with 38 windows, five doors and a lighted walkway. The applicant has agreed to turn the roof-top heating and ventilating equipment away from the neighbors. Her letter outlines eight concerns. The main concern is to maintain the vegetative buffer. Although the forested area between the neighbors and the Temple is rough looking, it is an important buffer between residential and commercial uses. She said they are 97% in agreement about which trees are slated to remain. There will be

evergreen shrubs planted as discussed earlier. The new building is a significant light source. They request that the building be dark sky compliant. They want a landscape that is natural with groundcover that does not need any pesticide applications. Her yard is downhill from this area and she is concerned about pesticide and fertilizer run off. They have discussed trees to be saved and request that the trees and roots are properly fenced to protect them from construction activity. These are enormous trees, such as a 50 inch sugar maple that will need protection.

Once they have agreed to a few more items, she will ask the applicant to counter-sign the letter. She is satisfied provided they can work out the remaining issues and the applicant signs the letter.

Steven Sussman, 30 Davenport Road, lives across the street from Ms. Scheufele. He can see the structure when he steps out his front door. He commends the applicant for its willingness to work with the neighbors. The vegetative buffer is very important as it blocks everything: noise, light and views. He would like this project built as if the applicant was its own neighbor. Without the buffer, he is concerned that a view of the proposed larger building will devalue his property. He hopes that the project will be an improvement.

He does have reservations about the mechanicals on the roof, specifically the sound of the equipment turning on and off. He is not sure that facing the equipment away and adding a barrier will solve the noise issue. They don't have any measurements as to how loud the sound will be. He thinks from his home he will be able to see the roof mechanicals. He wants to be involved in the project and hopes that the applicant and the neighbors can continue to work together.

Mr. Goldman asked if the equipment on the roof can be covered.

Mr. Mike Bogdan of Four Point Project Management said they couldn't be covered because the equipment needs natural air circulation. Screening around the unit can help to dampen the noise. They can put on a compression jacket to dampen the noise from the equipment switching on and off.

Mr. Goldman asked if the noise-dampening measures were in the plans. Mr. Bogdan said they are not currently in the plans, but they are working with the engineers to design it into the plans.

Mr. Friedenberg asked if the other immediate abutter has participated in the ongoing conversation with neighbors. Ms. Pinals said that they were unable to attend tonight, but they have been an important part of the conversation.

Mr. Schneider said that there are parking problems when the congregation is full, but this construction won't change the situation. Mr. Goldman agreed, saying that the parking monitors are quite active and have been effective.

Mr. Sussman said that he has been a neighbor of the Temple since 1988. Although it is very busy and sometimes difficult during the High Holy Days, the parking has never been an issue. The headlights from the cars are a problem and do bother him. He hopes that the additional plantings will rectify the headlight shine. He is concerned about what will

happen if the Temple expands again and they really do need more parking. He does not want any parking on Davenport Road.

Mr. Schneider said that he understands that the Dover Amendment allows the Board to waive restrictions such as the height and the floor area ratio that they would not otherwise be able to waive. Mr. Smart said that expansions at St. Sebastian's, St. Joseph's and Greendale Worship Center were handled in a similar manner.

Mr. Friedenberg said that he doesn't have an issue with the waivers, but he feels that there are still loose ends such as landscaping and engineering and the last abutter should have an opportunity to weigh in.

Mr. Schneider said he would like to conclude the hearing tonight subject to final sign-off on the remaining items.

The Board agreed that the remaining issues were the stormwater management system approval by the Engineering Department, description of noise mitigation for roof-top mechanicals from the engineers and a revised landscape plan developed in agreement with the neighbors.

Mr. Schneider said that, since there were very few open issues, he suggested the Board close the hearing

Mr. Goldman made a motion to allow the applicant's request for a special permit (i) pursuant to Section 1.4.6 to alter, enlarge or reconstruct a pre-existing non-conforming structure as to lot coverage under section 4.2.1 from 15.2% to 22.4%; (ii) pursuant to Section 5.1.1.5 to waive strict adherence to the parking space requirements of Section 5.1.2; (ii) pursuant to Section 5.1.1.5 waive strict adherence to the parking design requirements of Section 5.1.3, so as to maintain the existing parking lot, and with respect to the applicant's Dover Amendment requests, grant it (a) relief from the prohibition of more than one non-residential use on a lot so as to be permitted to continue the religious, educational, and daycare activities; (b) relief from the maximum height requirements of 35 feet, as it applies to roof-top mechanicals, so as to permit roof-top mechanical equipment not to exceed 41.5 feet in height; and (c) relief from the maximum floor area ratio of 0.30 to permit a floor area ration of 0.449, all in accordance with the plans dated April 3, 2015 submitted with the application, subject to resolution of the following open items:

- 1) a drainage plan finalized and approved by the Town Engineer,
- 2) a final landscape plan submitted to the Board and approved, and
- 3) an engineer's letter outlining plans to turn the roof-top equipment away from neighbors and to include compression jackets on the roof-top equipment.

The Board expects there will be a written agreement with the neighbors as to the landscaping. If not, any dispute will be considered and resolved by the Board. Mr. Friedenberg seconded the motion. The Board unanimously voted in favor.

There will be a hearing on May 21, 2015 to consider approval of the revised landscape

plan and any dispute with respect to the letter agreement with the neighbors.

The hearing closed at 11:17 p.m.

#### May 21, 2015

The hearing opened at 8:38 p.m. Mr. Schneider explained that the discussion tonight is to tie up loose ends from last month's hearing.

The Board received a letter from the applicant's engineer stating that they will turn the roof-top mechanical equipment 90° as requested and will install compression jackets on the equipment. The Board agreed that this letter satisfied the Board's condition with respect to those items.

The Town Engineer has reviewed a revised site plan. A final stamped version needs to be submitted to the Town Engineer as well as a final landscape plan that matches the revised site plan. Mr. Hammer said that the landscape plan currently does not reflect the most recent changes in the site plan, which was just finalized.

Mr. Smart explained the changes to the site plan on pages 1, 3, 4, and 5. The retaining wall was moved back three feet to save some trees and to allow installation of the drainage system required by the Engineering Department. Although the infiltration system is not any bigger, some alterations were made to increase the storage capacity to one inch in depth over the entire property. The Town Engineer requested that a subsurface infiltration spreader following the 265 foot elevation contour replace the drainage swale. Additional pipe was added to carry overflow out to Highland Avenue to connect to a future sewer system.

Mr. Hammer said that the wall was moved closer to increase the no disturbance zone to preserve more of the existing vegetation.

Mr. Schneider proposed that the Board allow substitution of the revised plans as an informal matter.

Mr. Hammer explained the changes to the landscape plan. Additional plantings such as Baltic ivy and mountain laurel were added to screen the wall. He needs to do an additional revision to move the wall to reflect the changes in the site plan.

Mr. Friedenberg asked if the wall will be higher. Mr. Hammer was not sure, but guesses it will not be higher.

Mr. Hammer said that as far as the landscaping, he was able to agree with all the neighbors' requests.

Mr. Smart submitted highlighted sections from the May 20<sup>th</sup> neighbor's letter and suggested that certain language from it be included in this Board's decision. The applicant agrees to the substance of the agreement and feels that it can be incorporated into the decision. Mr. Schneider asked if there was an executed copy of the letter agreement. Mr. Friedenberg said that he would rather include the agreement in the Decision so that the neighbors have an enforcement mechanism. Mr. Smart said that the

applicant agrees with the substance of the letter, but he felt it would be best for the agreement to be incorporated into the Decision rather than a signed letter. This way the enforcement is through the Town rather than by private contract.

The Board noted that the agreement was signed by Ashly Scheufele and there was a signature line for Mr. Sussman. Mr. Sussman said that he supports the landscape plan, but he did not know about the site plan changes. Unfortunately, Ms. Scheufele could not attend tonight's meeting, but he thinks that an infiltration spreader is better than a swale because the swale was to be right behind her property. He was under the impression that all the parties would sign the agreement tonight. Mr. Goldman explained that the neighbors would have greater rights if the landscape issues are incorporated into the decision. That way the Town enforces the terms of the decision rather than private parties having to sue.

Mr. Schneider asked Mr. Smart if the applicant was agreeable to the May 20<sup>th</sup> letter signed by Ms. Scheufele. Mr. Smart said that they were agreeable to the parts he highlighted which are appropriate to a decision.

Mr. Goldman suggested that since the roof-top mechanical design has not been developed, the engineer's statement regarding turning the equipment to reduce noise for the abutters be referenced in the decision.

The Board discussed whether the Design Review Board should review the revised landscape plan. Mr. Hammer said there are no changes to the structure, so he believes there is no need for further Design Review Board review of the landscape plan. He also said that he is a member of the Design Review Board and is the only landscape architect on the Board. He would have to recuse himself if the matter came back to that Board. The other members don't have that expertise, so a further review would not be worthwhile. Since the landscape changes were requested by the abutters, the Board agreed that the revised plans do not need to be reviewed again by the Design Review Board as part of this Board's decision.

Mr. Goldman made a motion that the applicant's revised landscape plan be substituted for the previously submitted landscape plan with the caveat that the plan will be further revised to show the wall near Davenport Road is approximately three feet closer to the building; that the plan with those revisions is approved by the Board; that the applicant's new site plan dated May 19, 2015 be substituted for the previous site plan; and that a condition to the Decision be that the mechanical equipment on the roof will be turned to minimize the noise from the unit's vertical outlets and/or fans generating noise to face at least 90° away from the residents on Davenport Road and that these units will be equipped with integral compressor blankets to mitigate noise; and that the conditions relating to landscaping indicated by Mr. Smart in the May 20<sup>th</sup> letter will be incorporated in the Decision.

Mr. Friedenberg seconded the motion. The Board unanimously voted in favor.

The hearing closed at 9:05 p.m.

#### Findings and Decision

On the basis of the evidence presented at the hearing, the Board makes the following findings:

- 1. The premises contains approximately 113,760 square feet of land at the intersection of Highland Avenue and Webster Street (670 Highland Avenue). It is in the Single Residence B Zoning District.
- 2. The premises abuts a number of existing residences along both Davenport Road and Greendale Avenue.
- 3. There currently exists on the premises a 2-1/2 story building containing a total of approximately 28,648 square feet of floor area including a sanctuary, social/reception area, offices, classrooms and ancillary areas. A paved parking area containing 88 parking spaces is also situated on the premises. The Temple building was originally constructed in 1964.
- 4. The premises and the building are owned by Temple Beth Shalom, a non-profit corporation organized under M.G.L. Chapter 180 which operates a religious institution, a religious school and a day care center on the premises. There are currently approximately 90 students enrolled in the religious school.
- 5. The applicant proposes to construct an addition to the existing building on the northern side of the premises, containing approximately 22,379 square feet, to be used primarily for additional classrooms, additional day care center space, a second social hall, additional offices for Temple employees, and ancillary uses (collectively, the "Project"). As part of the Project, the outdoor play area would be regraded and modified to become a two-level playground. No changes are proposed to be made to the parking area.
- The purpose of the proposed Project is to improve the facilities available for 6. education and day care uses so as to allow the school faculty and day care staff to better fulfill their religious and educational functions. In the current space, classrooms need to be re-adapted for use by multiple age groups over the course of a school day, thereby imposing substantial additional work on the staff and severely limiting the flexibility of each classroom. There is inadequate space for the day care center to meet the needs of Temple congregants. In addition, the provision of a second social hall to host receptions for bar or bat mitzvahs which are already being held within the existing building will encourage congregants and their families to celebrate important family occasions within the temple building. The improvements will not be accompanied by any increase in student enrollment, although there will be a modest increase (estimated to be 18 children) in the number of children attending the day care center (and a corresponding modest increase in the number of day care staff persons).
- 7. The Project is not being constructed to enlarge the enrollment of the existing religious school, but rather to benefit the existing enrollment. The Project does not include any additional worship space and the applicant does not anticipate

- increasing its membership as a result of constructing the Project. However, the Project will permit the applicant to expand the number of children able to attend the day care center.
- The current building is non-conforming in a variety of respects, namely: (1) 8. 19.5' front setback along Highland Avenue whereas Section 4.2.1(b) of the current Zoning By-Law requires a minimum 25' front setback here; (2) building height in excess of 35' whereas Section 4.2.1 of the current Zoning By-Law permits a maximum building height of 35' here; (3) 15.2% lot coverage whereas Section 4.2.1 of the current Zoning By-Law permits a maximum lot coverage of 15% here; and (4) the existing parking area does not comply with various requirements of the current Zoning By-Law applicable to the parking area, including the minimum number of parking spaces, the minimum parking illumination, minimum number of loading bays, minimum parking space size, minimum parking aisle and driveway widths, and minimum setback of the parking area from Highland Avenue. These nonconformities are identified in the materials submitted to the Board by Attorney Smart, as well as shown on Sheet 3 of the revised "Site Development Plans" submitted to the Board. In addition, the premises are non-conforming as to Section 3.2.1 of the Zoning By-Law because they are currently used for more than one non-residential purpose. These nonconformities are legal nonconformities by virtue of either the building having been built prior to the adoption of the current dimensional requirements in the Zoning By-Law or by virtue of exceptions for religious and educational institutions permitted by M.G.L. Chapter 40A, Section 3 (the "Dover Amendment") and Section 1.2 of the Zoning By-Law.
- Construction of the Project will result in the continuation of, the increase in, or 9. the creation of, the following nonconformities: (1) the existing legally nonconforming front yard setback of 19.5' along Highland Avenue will remain; (2) the existing legally nonconforming building height will be further increased to approximately 41.5' whereas Section 4.2.1 of the current Zoning By-Law permits a maximum building height of 35' here; (3) the existing legally nonconforming lot coverage will be further increased from the current 15.2% to approximately 22.4% whereas Section 4.2.1(f) of the current Zoning By-Law permits a maximum lot coverage of 15% here; (4) the existing legally nonconforming aspects of the parking area identified above will not be modified by the Project so as to eliminate any such nonconformities; and (5) the floor area ratio, which currently complies with the maximum floor area ratio of 0.30 set forth in Section 4.2.1(e) of the current Zoning By-Law, will increase from approximately 0.25 to approximately 0.45, which is in excess of the maximum permitted floor area ratio here. These nonconformities are also identified in the materials submitted to the Board by Attorney Smart, as well as shown on Sheet 3 of the revised "Site Development Plans" submitted to the Board. In addition, the legally nonconforming use of the premises for more than one non-residential purposes will continue following completion of the Project.
- 10. The Project cannot be constructed without relief from certain of the dimensional and other requirements of the Zoning By-Law.

11. No one appeared in opposition to the Project at either of the public hearings. As previously noted, several residents of Davenport Road who are direct abutters to the Temple spoke of agreements they had reached with the applicant concerning various aspects of the Project which enabled them to support the Project.

#### **Decision**

## I. Appeal of the Building Inspector's Decision/Dover Amendment and Sections 1.2 and 7.5.1

- 12. On or about March 16, 2015, the applicant filed a packet with the Building Inspector for his preliminary review, which included a set of plans substantially similar to those submitted to this Board. The applicant requested that the Building Inspector determine that certain dimensional requirements of the Zoning By-Law are not reasonable under M.G.L. Chapter 40A, Section 3 if applied to the Project.
- 13. In his letter dated March 26, 2015 (the "Building Inspector Letter"), David A. Roche, Building Commissioner of the Town of Needham, (1) determined that the front building setback of approximately 19.5' is a lawful pre-existing nonconformity; (2) determined that the minimum parking requirements under the Zoning By-Law for the proposed uses of the premises as improved by the Project, vary from (i) 89 parking spaces Monday Friday, from 7:45 a.m. to 6:00 p.m., to (ii) 110 parking spaces during Friday evening services from 6:00 p.m. to 9:00 p.m. and during Saturday bar or bat mitzvah services, to (iii) 40 parking spaces during Sunday religious school classes, to (iv) 267 parking spaces on the High Holy Days and a small number of well-attended funerals; and (3) denied the applicant's request for relief under the Dover Amendment from the maximum floor area ratio, the maximum building height, and the not more than one non-residential use on a lot requirements of the Zoning By-Law, and directed the applicant to take an appeal as to those matters to this Board.
- 14. Under Section 7.5.1 of the Zoning By-Law the Board has jurisdiction "to hear and decide an appeal taken by any person aggrieved by reason of his (her) inability to obtain a permit or enforcement action from the Building Inspector" or "by any person...aggrieved by an order or decision of the Building Inspector." Although the applicant had not (and still has not) formally applied for a building permit at the time of the Building Inspector's review and issuance of the Building Inspector Letter, it is clear to this Board that the applicant will not be able to obtain a building permit from the Building Inspector given the positions articulated in the Building Inspector Letter without relief granted by this Board. Even if the letter is not formal action by the Building Inspector, any jurisdictional defect disappears if the Board of Appeals chooses to decide the matter. Maini v.

  MacDonald, 7 LCR 114 (Ma. Land Ct 1999); Worcester County Christian Communication, Inc. v. Board of Appeals of Spencer, 22 Mass. App. Ct. 83 (1986).
- 15. The premises is subject to a maximum floor area ratio of 0.30, a maximum lot coverage of 15%, and a maximum building height of 35 feet under Section 4.2.1 of the Zoning By-Law. The current floor area ratio is approximately 0.25 and

the proposed condition is approximately 0.45. The current lot coverage is legally nonconforming at approximately 15.2% and the proposed condition is approximately 22.4%. The existing building height is legally nonconforming at more than 35 feet and the proposed condition (at the top of the rooftop mechanical equipment) is approximately 41.5 feet.

- 16. Currently, the Temple's building is not in compliance with and is lawfully nonconforming with respect to the maximum lot coverage and maximum building height limitations of the Zoning By-Law. Consequently, application of these requirements would seriously impede the ability of the applicant to fulfill its mission to provide a high quality religious educational environment for its students and to provide religious and social services to its members.
- 17. The applicant has used its building on the premises for a number of uses, including religious worship, social events for congregants, and religious education since its construction. Currently, the Temple's building is not in compliance with and is lawfully nonconforming with respect to the prohibition of more than one non-residential use on a lot set forth in Section 3.2.1 of the Zoning By-Law. Application of this requirement effectively would require the applicant to discontinue many of the important religious and education functions it currently serves, and would seriously impede the ability of the applicant to fulfill its mission to provide religious, educational and social services to its members.
- 18. The Board relies upon Section 1.2 of the Zoning By-Law wherein, in relevant part, it is provided that "In accordance with the General Laws, Chapter 40A, and notwithstanding any provisions to the contrary, this By-Law shall not prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned...by a religious sect or denomination or by a non-profit educational corporation, provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."
- 19. Applicable case law requires the Board to strike a reasonable balance between meeting the applicant's educational and religious needs and the impact of the Project upon the neighborhood or the community at large. The abutters who appeared before the Board are supportive of the Project provided that certain steps (to which the applicant has agreed) are taken by the applicant. A zoning requirement may be unreasonable under the Dover Amendment if it detracts from the usefulness of a structure, imposes excessive costs on the applicant or impairs the character of a proposed structure. Trustees of Tufts College v. Medford, 415 Mass. 753, 759 (1993).
- 20. The Board finds that although the Zoning By-Law provisions specific to this appeal are reasonable as promulgated, strict enforcement would adversely impact on the viability of the applicant's need to expand and to continue to conduct within its building the multiple functions that are currently conducted there, and would, in fact, be in contravention to the statutory intent of Chapter 40A, Section 3, the principles of which are reinforced by case law.

21. The Board finds that the proposed improvements are considerate of the physical constraints of the premises and strike a reasonable balance between meeting the applicant's religious and educational needs and the impact upon the neighborhood or the community at large. Similarly, the continuation of the current multiple uses made of the building will not impose any detriment or hardship upon the neighborhood or the community at large.

#### II. Special Permits

## (1) Alter, Enlarge or Reconstruct a Pre-existing Nonconforming Structure and Extension of a Pre-existing Nonconforming Use - Section 1.4.6

- 22. The Project is designed to complement the architecture of the existing building and fit into the surrounding community and complies with the criteria set forth in Section 7.5.2 of the Zoning By-Law. The Project is not substantially more detrimental to the neighborhood than the existing Temple building and will not derogate from the intent and purpose of the Zoning By-Law.
- 23. The existing Temple building is a pre-existing nonconforming building because it presently has (1) a 19.5' front setback along Highland Avenue whereas Section 4.2.1(b) of the current Zoning By-Law requires a minimum 25' front setback here; (2) a building height in excess of 35' whereas Section 4.2.1 of the current Zoning By-Law permits a maximum building height of 35' here; and (3) a 15.2% lot coverage whereas Section 4.2.1 of the current Zoning By-Law permits a maximum lot coverage of 15% here. In addition, the existing parking area does not comply with various requirements of the current Zoning By-Law applicable to the parking area, including the minimum number of spaces, the minimum parking illumination, minimum number of loading bays, minimum parking space size, minimum parking aisle and driveway widths, and minimum setback of the parking area from Highland Avenue. Finally, the premises are non-conforming as to Section 3.2.1 of the Zoning By-Law because they are currently used for more than one non-residential purpose.
- 24. The Board finds that the construction of the Project will result in the continuation of, or the increase in, the following existing nonconformities: (1) the legally nonconforming front yard setback of 19.5' along Highland Avenue will remain; (2) the legally nonconforming building height will be further increased to approximately 41.5'; (3) the legally nonconforming lot coverage will be further increased from the current 15.2% to approximately 22.4%; and (4) the legally nonconforming aspects of the existing parking area identified above will not be modified by the Project so as to eliminate any such nonconformities. In addition, the legally nonconforming use of the premises for more than one non-residential purposes will continue following completion of the Project.
- 25. The Board finds that the increases in existing nonconformities described above will not be more detrimental to the neighborhood than the existing nonconforming structure and will not derogate from the intent and purpose of the Zoning By-Law. To the extent to which the provisions of Section 1.2 of the Zoning By-Law and of M.G.L. c. 40A, Section 3 apply to the Project, these increased nonconformities are consistent with the intent of those provisions.

## (2) Waive Strict Adherence to the Off-street Parking Requirements of Sections 5.1.2 and 5.1.3 as authorized by Section 5.1.1.5

- 26. The Project will not effect any change in the size or layout of any portion of the parking area, nor reduce the number of spaces from the 88 currently existing, nor modify the width of any existing parking aisle or driveway. The applicant does not anticipate any increase in enrollment in the religious school, or growth of the Temple's membership, by reason of the construction of the Project, although a modest increase (approximately 18 children) in the number of children in the day care center will result.
- 27. The Building Inspector Letter sets forth a series of different parking requirements applicable to the building as modified by the Project, for different times of day and days of the week, ranging from a requirement of 89 parking spaces during the day and early evenings on weekdays, to a high of 267 parking spaces on the High Holy Days (four days per year) and a small number of well-attended funerals. Therefore, at most times of the year, there will be a deficit of one parking space in the on-site parking area.
- 28. The applicant has an active parking management program in place, including pro-active contact with the Police Department in advance of days on which parking demand is anticipated to exceed the capacity of the on-site parking area. This plan includes off-site parking at the High School with the use of shuttle busses to and from the premises. Both the Police Department and the neighbors who spoke at the hearing stated that the existing parking and traffic plan implemented by the applicant functions well.
- 29. Since the existing building as modified by the Project will continue to be used for religious and educational purposes within the meaning of M.G.L. Chapter 40A, Section 3, the Zoning By-Law has a limited applicability and cannot be enforced where it limits the religious or educational use without significantly advancing the goals of the Zoning By-Law.
- 30. The Board finds that due to the special circumstances relating to the particular uses made of the existing building and the proposed Project, the structure does not warrant strict compliance with the minimum number of spaces required under Section 5.1.2 or the design requirements of Section 5.1.3 (to the extent to which the existing parking area does not comply with the same). The Board further finds that the issuance of a special permit waiving such compliance 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 the Zoning By-Law.

On the basis of the foregoing findings, following motion duly made and recorded, after due and open deliberations, the Board by unanimous vote (1) overrules the decision of the Building Inspector and grants Temple Beth Shalom relief under Sections 7.5.1 and 1.2 of the Zoning By-Law, and under Massachusetts General Laws Chapter 40A, Section 3 so as to permit (a) more than one non-residential use on the premises; (b) a maximum building height of approximately 41.5 feet applicable to rooftop mechanical equipment

only; and (c) a maximum floor area ratio of approximately 0.45; and (2) pursuant to Section 7.5.2 of the Zoning By-Law grants Temple Beth Shalom a special permit (a) under Section 1.4.6 to alter and enlarge a pre-existing non-conforming structure, as to lot coverage, from approximately 15.2% to approximately 22.4%; and (b) under Section 5.1.1.5 to waive strict adherence to the number of required parking spaces and parking lot design requirements pursuant to Sections 5.1.2 and 5.1.3 of the Zoning By-Law with respect to the parking area as it currently exists, in each case so as to allow the applicant to construct the Project substantially as shown on the plans submitted with the applications and subsequently revised as set forth above and submitted to this Board, and all subject to the following conditions:

- 1. In order to minimize the noise impact on the residential abutters of the new roof-top mechanical equipment to be installed as part of the Project, (i) these units shall be installed such that the units' vertical outlets and/or fans generating noise will be facing at least 90 degrees away from the residences on Davenport Road, and (ii) these units are to be equipped with integral compressor blankets to mitigate noise.
- 2. As set forth in the letter dated May 20, 2015 from Ashly Schedule to Beth Pinals, of Temple Beth Shalom, and Mike Bogdan, of Fort Point Project Management:
  - (1) As shown on the attached portion of the site plan:
    - The trees highlighted in red will be retained.
    - The applicant has determined that the four blue-shaded trees closest to the proposed retaining wall behind 19 Davenport Road (the McCarthy residence) must be removed in order to construct the retaining wall. The applicant will plant a minimum of six trees in that general area in addition to those shown on the landscape plan submitted to this Board. The replacement trees shall be deciduous ornamental trees 8-10' in height and shall be species that will thrive in a woodland setting, such as dogwood, redbud, serviceberry, or birch (species to be determined based on availability at the time of planting and consultation with the abutters).
    - The blue-shaded 8" and 12" caliper trees near the proposed playground will be removed and the applicant will replace them with 8 specimens of deciduous trees such as birch, maple, and oak. The birch will be planted as 8-10' clumps, and the oaks and maple shall be planted at 1.5-2" caliper. Species will be determined based on availability at the time of planting.
    - Further, two trees (30" and 36") are noted on the attached plan as requiring an arborist's attention. If an arborist concludes that both of those trees must be removed, the applicant will replace them with four multi-stem birch clumps 8-10' in height, of a species to be determined based on availability at the time of planting. The replacement

trees will be in addition to those plantings currently shown on the landscape plan.

- (2) Climbing vines such as Baltic Ivy will be planted at the base of the retaining wall at a spacing of 5' o.c. (plants will be in 2-gallon pots).
- (3) Flowering broadleaf evergreen shrubs (mountain laurel and rhododendron) will be planted in front of the retaining wall.
- (4) Replanting on the hill and surrounding areas between the existing Temple building and Davenport Road shall be accomplished in accordance with the updated landscape plan submitted to and approved by this Board, providing for the planting of approximately 10 Rosebay Rhododendron, 15 Snowdrift Mountain Laurel, 17 Eastern White Pine, 8 White Spruce, 5 Carolina Hemlock, 3 Red Oak, 3 Red Sunset Maple, and 2 Paper Birch, running along the side of the Project facing Davenport Road from roughly the corner of the retaining wall planned behind 19 Davenport Road to the 50" sugar maple. (Those totals do not include the screening along the play area.)
- (4) With respect to groundcover to be planted on the hill and along the property lines, the applicant shall select a species of groundcover that does not require fertilizer or pesticide application (e.g., a wildflower mix, which would return the groundcover to its present state in a few years).
- (5) All existing trees which are to remain in place are to be fenced, and the applicant shall include in its site work contract (and other contracts, as necessary) significant penalties intended to discourage accidental or careless removal of or damage to these existing trees.
- (6) Light-blocking shades will be installed on all windows and lighted doors of the Project facing the Davenport Road residences to prevent light pollution during evening activities on the premises.
- (7) All outdoor lights will be "dark sky compliant" according to the International Dark Sky Association's standards for reducing the waste of ambient light.
- (8) The landscaping along the parking lot will incorporate evergreen shrubs to screen headlights.
- (9) The applicant shall create an email list of neighbors to alert at least 24 hours before the commencement of any construction work that will create significant levels of noise, dust, or other pollutants.
- (10) The applicant shall obtain the approval by the Town Engineer of a final revised and stamped drainage plan for the Project.
- (11) The landscaping shall be in accordance with the landscape plan approved by the Board and shall be maintained by the owner in good condition. Any tree or plant material that dies or becomes diseased shall be replaced by the owner.
- (12) Prior to the issuance of an occupancy permit, the applicant shall file three wet stamped copies of the following with the Board:
  - a. An as-built plan supplied by the engineer of record certifying that the Project was built according to the approved documents submitted to the Board and Department of Public Works. The

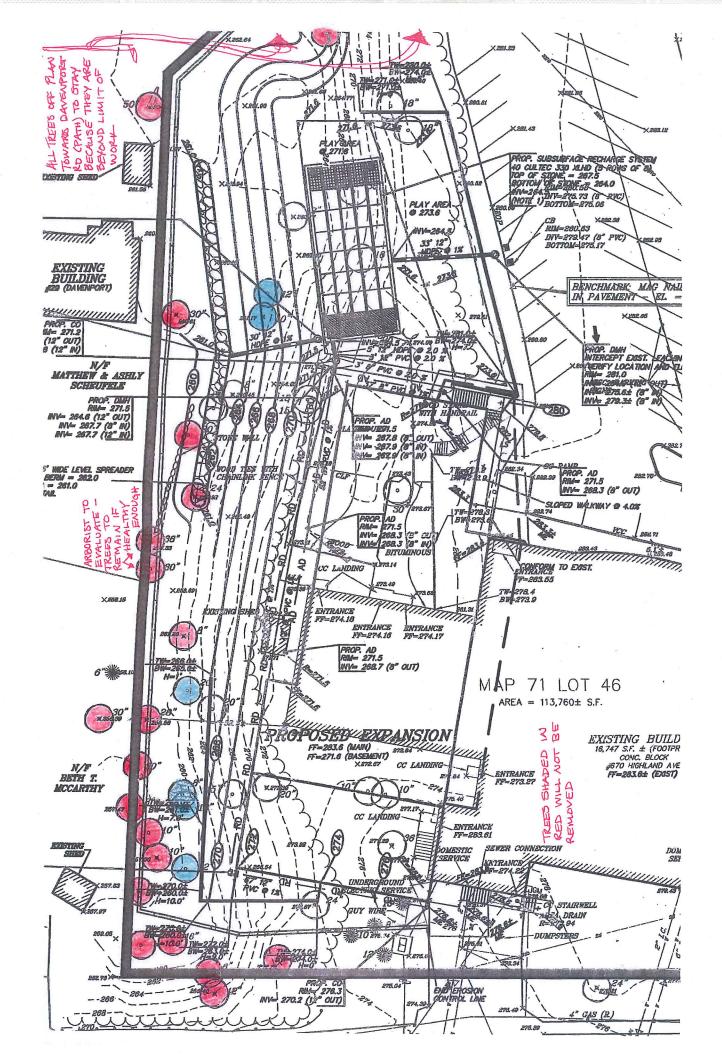
as-built plan shall show all structures, all finished grades and final construction details of the drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines for all on-site and off-site construction. In addition, the as-built plan shall show the final location, size, depth, and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned. In addition to the engineer of record, the as-built plan shall be certified by a Massachusetts Registered Land Surveyor.

- b. A statement by the registered professional engineer of record certifying that the finished grades and final construction details of the drainage systems, utility installations, and sidewalk improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved plans for the Project.
- c. An as-built landscaping plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations for the project. The plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
- (13) No building may be occupied prior to the issuance of an occupancy permit by the Building Commissioner. The Building Commissioner, in his discretion, may issue one or more certificates for temporary or partial occupancy of a building prior to the completion of the entire project if he determines that such occupancy or use will be safe and that he has adequate assurance that the project will be completed. In connection with any temporary or partial permit, the Building Commissioner may require that a bond be filed with the Board in an amount not less than 135% of the value of the unfinished work on the project.

Jon D. Schneider, Chairman

Howard S. Goldman, Member

Peter Friedenberg, Associate Member





35 New England Business Center Drive Suite 140 Andover, MA 01810

Ref: 9309

April 21, 2022

Zoning Board of Appeals 500 Dedham Avenue Needham, MA 02492

Re:

Proposed Improvements to Temple Beth Shalom

Needham, Massachusetts

#### Dear Members of the Board:

As requested by Temple Beth Shalom, Vanasse & Associates, Inc. (VAI) has reviewed the proposed addition of two new lots to the property of Temple Beth Shalom located on Highland Avenue in Needham, Massachusetts as described below (hereinafter referred to as the "Project"). The purpose of this letter is to identify the Project's likely changes in the area from a traffic and parking perspective from the expansion approved by the Needham Zoning Board of Appeals in 2015. A traffic and parking study conducted by VAI for that expansion was also reviewed for the purposes of this analysis. A summary of our findings is that the Project is not likely to result in a substantial change in intersection operations from those projected in the 2015 VAI traffic and parking study. Further, the Project should improve operations at the intersection of Greendale Avenue with Webster Street and will reduce on-street parking demands that currently exist due to the Temple activities.

#### PROJECT DESCRIPTION

The Project includes the addition of two new lots to the Temple's location at 670 Highland Ave. These lots are located at 28 Greendale Avenue and 284 Webster Street. Both of these properties currently contain residential buildings. The Temple proposes to demolish the house and garage at 284 Webster Street and replace it with a parking lot of 27 spaces, which will be connected to the existing Temple driveway and its main parking lot. The Temple intends to renovate the interiors of the house and garage at 28 Greendale Ave for use as classroom space.

The site currently has 88 parking spaces, 4 of which are handicapped accessible spaces. Primary access is provided through one driveway to Webster Street. The addition of 27 parking spaces at the 284 Webster Street property will result in a net increase of 22 spaces, as 5 spaces in the existing Temple parking lot will be removed (4 to allow egress from the 284 Webster Street parking area to the existing internal Temple driveway, and a fifth handicapped space in the Temple lot will replace 2 regular spaces). The net result will be an increase in parking spaces from 88 to 110. Access to the 284 Webster Street parking lot will be provided through two driveway connections to the main Temple internal driveway. Currently the house located at 284 Webster Street has a driveway intersecting the north side of Greendale Avenue approximately 50 feet from the Greendale Avenue intersection with Webster Street. With the proposed creation of a parking area at 284 Webster Street, this driveway entrance will be closed. The proposed addition of 28 Greendale Avenue will not change the parking conditions associated with the Temple, as no additional parking spaces are proposed there.

Needham Zoning Board of Appeals April 21, 2022 Page 2 of 3

#### PREVIOUS TRAFFIC STUDY AND TEMPLE CONDITIONS

In 2015 the Temple proposed and obtained a Zoning Board of Appeals Special Permit Decision allowing for an expansion of the Temple building. VAI provided a traffic impact and parking study for the proposed expansion. This study described traffic impacts at the Temple based on an estimated 20% increase in vehicle trips. This increase was based on discussions with Temple staff regarding the effects of the proposed expansion.

The 2015 traffic study conducted traffic counts at three locations including:

- Highland Avenue and Webster Street;
- Temple Beth Shalom site driveway and Webster Street; and,
- Greendale Avenue and Webster Street.

These traffic counts were conducted during the weekday morning (7:00 to 9:00 AM), weekday evening (2:00 to 6:00 PM), and Saturday midday (10:00 AM to 3:00 PM) time periods. Accounting for the 20% increase in observed vehicle traffic during these time periods, the study determined that only minor changes in delay would result due to the proposed expansion. In terms of traffic operations at the intersections, Level-of-Service (LOS) D or better conditions were calculated under existing and future conditions with or without the expansion.

In addition, a parking accumulation study was also conducted during a typical weekday between the hours of 8:00 and 9:00 AM in the morning and between 2:30 and 4:00 PM in the afternoon. This study indicated that the observed demand peaked in the afternoon with 56 of the 88 available spaces utilized. Parking counts had also been conducted during the High Holy days of Rosh Hashanah and Yom Kippur in September of the previous year. These counts indicated that the majority of parking associated with the events occurred on street with total on-site and on-street demands of between 267 and 290 parked vehicles observed during the peak days of these holidays. The on-site capacity of 88 spaces at the time was fully utilized with the remaining demand for parking satisfied through the on-street supply.

Due to lingering effects of the pandemic, many houses of worship have seen dramatically reduced attendance at functions, including religious school, events, and regular worship services. For these reasons, new traffic counts at the Temple would not be representative of pre-COVID conditions and therefore were not conducted.

#### **CURRENT STATUS**

The pre-school/daycare program is expected to run between 7:45 AM and 5:30 PM, Monday through Friday. The religious school will run between 3:00 and 6:00 PM, Monday through Friday, and the teen program will run between 6:30 PM and 8:30 PM on Tuesdays and Thursdays.

Proposed changes resulting from the Project may result in incremental increases in attendance and population on site. However, such incremental increases would not significantly change the site traffic generation as many of the activities already occur. Further, traffic operations previously reviewed in 2015 indicated no significant issues, with vehicle LOS of the Temple driveway operating at LOS C or better during the weekday morning, weekday evening, and Saturday midday time periods. At that time, based on information provided by the Temple, the maximum number of students and day care children on site at any one time was 125 students, while current projections are for up to 190 students and day care children at any one time in these same functions. Similarly, in 2015 the religious school had approximately 80 students

Needham Zoning Board of Appeals April 21, 2022 Page 3 of 3

while the current projections are for up to 120 students. Since the 2015 expansion, there have been changes made which reduce on-site parking demand. In the morning, preschool parents are now using a carpool line for drop off, so no parking spaces are needed. In the afternoon, many of the students of the school arrive by bus, rather than by car. The buses stop on Highland Avenue to discharge students to Temple property and do not travel to the Temple parking lot. With these changes, it is likely that the traffic and parking conditions will be no worse, and may be better, than the conditions described in the 2015 traffic study.

With regard to the Project, the changes to parking and area vehicle circulation are expected to be positive. Closing the 284 Webster Street curb cut will remove a source of potential congestion due to vehicles turning into and out of this driveway, which is located within 60 feet of the Greendale Avenue intersection with Webster Street. This is slightly longer than the length of two vehicles waiting to exit Greendale Avenue and operations at the intersection are influenced by vehicles seeking to turn left into or out of this driveway. With the Project implementation, this event will no longer occur.

The proposed additional parking spaces to be located at 284 Webster Street will increase the on-site parking supply and reduce the amount of on-street parking otherwise utilized by the Temple. This parking area will be accessed from the Temple's internal driveway and will not use the existing 284 Webster Street driveway. As indicated previously, during the High Holy days and Friday Evening Services as well as events such as Bar Mitzvahs and large funerals, some on-street parking that currently occurs will be reduced with the increase in on-site parking as part of the Project. Based on our review, the Project is not likely to result in a substantial change in intersection operations from those projected in the 2015 VAI study. The addition of the two residential lots to the Temple site is expected to improve circulation and parking operations, both on-site and on the streets adjacent to the Temple.

Sincerely,

VANASSE & ASSOCIATES, INC.

Scott W. Thornton, P.E.

Principal

cc: J. Erdos, Temple Beth Shalom

R. Smart, Esq.

File





April 22, 2022

Zoning Board of Appeals 500 Dedham Avenue Needham, MA 02492

Re: <u>Proposed Improvements to Temple Beth Shalom Property, 670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue, Needham</u>

Dear Members of the Board:

Temple Beth Shalom proposes to add two new lots to its site at 670 Highland Avenue. These lots, 10,000 square feet each, are located at 28 Greendale Avenue and 284 Webster Street. The houses on the lots are currently rented to tenants at will, who will be vacating. The lots are currently owned by Davenport Holding Properties, Inc., a Massachusetts non-profit corporation, which is wholly owned by Temple Beth Shalom. Assuming approval by the Board, and prior to construction, Davenport intends to convey both lots to the Temple.

The Temple proposes to demolish the house and garage at 284 Webster Street, and then construct a parking lot of 27 spaces, which would be connected to the existing Temple driveway and its main parking lot. With the loss of 5 existing spaces at the Temple's current parking lot, the net gain will be 22 parking spaces. The Temple intends to renovate the interiors of the house and garage at 28 Greendale Avenue, for use as classroom space.

In 2015, the Temple applied to the Zoning Board of Appeals for zoning relief to construct a 22,379 square foot addition to the existing 28,648 square foot building. The purpose of the addition was to add office space, classroom space, and a second social hall. The Board granted the requested special permits and Dover Amendment relief. At the time, the Temple had 800 member families, preschool enrollment of 148, and religious education enrollment of 80. The maximum number of children on site at any one time was 125. The maximum number of employees involved with the preschool and educational programs at any one time was 35. The maximum number of administrative employees in the 7,600 square feet of office space at any one time was 13.



Temple membership, the numbers of preschool and religious education children, and the number of educational staff have increased since 2015, although the pandemic has dramatically reduced the number of children and staff members on site at any one time. Now, the Temple has 1039 member families.

Since 2015, the Temple has experienced some changes which have reduced the number of cars parking in the Temple lot. Preschool parents are now using a carpool line for drop off, so no parking spaces are needed for the morning drop off. Most of the children arriving at around 3:00 p.m. for religious education classes now come by buses. The buses stop on Highland Avenue, and the children disembark directly onto Temple property and walk directly into the building. In addition, the Temple worked with a parking specialist, and adopted the specialist's recommendations to re-route the late afternoon pick-up line, reducing the chance of any backup onto neighboring streets.

The Temple expects that usage and staffing of the Temple, after the reconstruction proposed at 28 Greendale Avenue and the replacement of the buildings at 284 Webster Street with additional parking spaces, and post-pandemic, to be as follows:

#### Monday - Friday 7:45 A.M. to 6:00 P.M.:

The pre-school/daycare program will run from 7:45 a.m. to 5:30 pm. The maximum number of pre-school children on site at any one time is expected to be 190. The period of peak number of pre-school children on site will run from 8:30 a.m. to 11:45 a.m., Monday-Friday. The maximum number of pre-school staff on site at any one time is expected to be 40.

The religious school will run Monday-Friday from 3:00 p.m. to 6:00 p.m. with an expected maximum of 120 children. There is little overlap with the preschool/daycare program, so the maximum number of preschool and religious school children, combined, is not expected to exceed the 190 children figure achieved in the morning.

The teen program runs on Tuesdays and Thursdays from 6:30 p.m. to 8:30 p.m., with a maximum of 60 teens expected, and will not overlap with the preschool/daycare and religious school programs.

Temple administrative and office staff (teachers are excluded from this number) will be on site between 8:00 a.m. and 5:00 p.m. The expected maximum number of staff on site at any time during the week is 12. The area devoted to administrative and office staff will continue to be 7600 square feet.



# Friday Evening Services 6:00 P.M. to 9:00 P.M. (specific hours vary by week between these hours)

The sanctuary will continue to seat 210, and the expansion area 120, total 330. After the services, the social halls will be used. There will be no change from 2015.

#### Saturday Bar and Bat Mitzvahs 11:00 A.M. to 12:45 P.M.

The maximum number of students who can be celebrating their Bar or Bat Mitzvahs at one time is two. At a recent, very well attended double service, the attendance was 300 persons. After the renovation at 28 Greendale Avenue is completed, classes currently held in the second social hall will be moved to that location, which will allow the use of both social halls at once.

#### Sunday K-12 Classes, 8:30 A.M. to 2:00 P.M.

Maximum occupancy of the classes is 80. Currently, the Temple is not holding Sunday classes, as they are being conducted at Camp Grossman in Dover. The Temple may resume Sunday classes at some point in the future.

#### High Holy Days, Large Funerals

Records of Temple attendance during the High Holy Days, from 2004 to 2021 indicate maximum attendance of 780 in 2019. During the High Holy Days and from 0-2 other occasions annually (large funeral, special events), the Temple brings in additional chairs, increasing the total available seating to 800. During these events, the parking lot capacity will be exceeded, and some street parking will occur. On such occasions, the Temple will hire a police detail or send out Temple personnel to direct attendee parking. It is expected that the additional parking spaces at 284 Webster Street will reduce the need for attendees to park on adjacent streets.

Jillian Erdes

Project Manager, TBS



#### Parking Requirements Chart, April 22, 2022

#### Needham Zoning By-Law, Required Parking categories under Section 5.1.2:

School, Day Care: ½ of design or expected enrollment

Auditorium or similar place of public assembly: 1 space per 3 seats of total seating capacity

Office: 1 space per 300 sq. ft. of floor area

#### Monday - Friday 7:45 A.M. to 6:00 P.M.

Maximum occupancy for the pre-school/daycare and K-12 programs occurs between 8:30-11:30 a.m. and 3:00-4:00 p.m. During these times the maximum number of students on site is 190.

The space devoted to administrative and office staff is 7600 square feet.

#### Parking Space Demand:

Pre-school/daycare and K-12 (190 x .5)	95
Administrative and office (7,600/300)	26
TOTAL	1211

#### Friday Evening Services 6:00 P.M. to 9:00 P.M.

The sanctuary and expansion areas, combined, seat 330 people. No change in capacity is proposed.

Public assembly (330 x .33)

Parking Space Demand:

 $110^{2}$ 

<sup>&</sup>lt;sup>1</sup> This is an increase from the 89-space parking space demand referred to on page 4 of the 2015 ZBA Decision.

<sup>&</sup>lt;sup>2</sup> No change from 2015.



#### Saturday Bar and Bat Mitzvahs 11:00 A.M. to 12:45 P.M.

Bar and Bat Mitzvah services are held in the sanctuary and expansion areas, which, combined, seat 330 people. No change in capacity is proposed.

Public assembly (330 x .33)

Parking Space Demand:

Sunday K-12 Classes, 8:30 A.M. to 2:00 P.M.

Maximum occupancy of the classes is 80.

K-12 classes (80 x .5)

Parking Space Demand:

#### High Holy Days, Occasional Well-Attended Funerals

Temple occupancy records show that during the two-day High Holy Day period, the highest attendance is at the 8:45 A.M. and 11:30 A.M. services on Rosh Hashanah. Those records also show that the number of attendees at its highest recent period was 780 in 2019. During these services, and during 0-2 funerals per year, the capacity of the sanctuary and expansion area is exceeded, and some attendees are seated in the social hall. For these occasions, the Temple rents additional chairs, bringing total seating capacity to 800. The public assembly seating (below) is assumed to equal the number of chairs. During these events, the parking lot does not have sufficient capacity and there is street parking.

Public assembly (800 x .33)

Parking Space Demand:

<sup>&</sup>lt;sup>3</sup> No change from 2015.

<sup>&</sup>lt;sup>4</sup> Currently, the Temple is not conducting Sunday classes on site, as it is renting space at Camp Grossman in Dover. Classes may resume at some point in the future.

<sup>&</sup>lt;sup>5</sup> No change from 2015.

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW
399 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492

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April 22, 2022

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

Re: <u>Temple Beth Shalom and Davenport Holding Properties, Inc.</u> 670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue

Dear Members of the Board:

This letter supports the application of Temple Beth Shalom (the "Temple") and Davenport Holding Properties, Inc. ("Davenport") (the Temple and Davenport combined the "Applicants") for amendments to the Temple's April 30, 2015, Special Permit.

The Temple proposes to add two new lots to its site at 670 Highland Avenue. These lots, 10,000 square feet each, are located at 28 Greendale Avenue and 284 Webster Street. The lots are currently owned by Davenport, a Massachusetts non-profit corporation, of which the Temple is the sole Member. Assuming approval by the Board, and prior to construction, Davenport will convey both lots to the Temple. It is requested that the three properties be treated as one lot for zoning purposes.

The Temple proposes to demolish the house and garage at 284 Webster Street, and then construct on that site a parking lot of 27 spaces, which would be connected to the existing Temple driveway and its main parking lot. To allow for egress from the new parking area, 4 spaces will have to be removed from the main current Temple parking area. In addition, the Temple plans to replace 2 regular spaces with 1 handicapped space in the Temple lot. With the loss of 5 existing spaces at the Temple's current parking lot, the net gain will be 22 parking spaces.

The Temple intends to renovate the interiors of the house and garage at 28 Greendale Avenue, for use as additional classroom space, without changing the footprint of those buildings, except to add a handicapped ramp to the garage building.

It is not expected that adding the two new lots to the Temple property, and making the proposed changes, will increase the number of Temple members, preschoolers, or religious education students beyond their current levels.

In 2015, the Zoning Board of Appeals granted special permit and Dover Amendment relief which allowed the Temple to construct a 22,379 square foot addition to the then existing 28,648 square foot building. At that time, the Temple had 800 member families, preschool enrollment of 148, and religious education enrollment of 80. The maximum number of children on site at any one time was 125. The maximum number of employees involved with the preschool and educational programs at any one time was 35. The maximum number of administrative employees in the 7,600 square feet of office space at any one time was 13.

Temple membership, the numbers of preschool and religious education children, and the number of educational staff have increased since 2015, although the pandemic has dramatically reduced the number of children and staff members on site at any one time. Now, the Temple has 1039 member families, the maximum number of children expected on site has increased to 190, and the maximum number of employees involved with the preschool and educational programs has increased to 40. The number of administrative staff has not increased.

Since 2015, the Temple has made some changes which have reduced the number of cars parking in the Temple lot. Preschool parents are now using a carpool line in the morning, so no parking spaces are needed for the morning drop off. Most of the children attending religious education classes in the mid-afternoon now come by bus. The buses stop on Highland Avenue, and the children disembark onto Temple property and walk directly into the building. In addition, the Temple has adopted and implemented a parking specialist's recommendation to re-route the late afternoon pick-up line, reducing the chance of any backup onto neighboring streets.

The Temple presently uses the 670 Highland Avenue lot for religious services, a religious school, and a preschool/daycare program. These uses will not change with the addition of the two properties at 284 Webster Street and 28 Greendale Avenue, and completion of the proposed work thereon.

The addition of the 284 Webster Street and 28 Greendale Avenue properties to the original Temple lot at 670 Highland Avenue will result in reductions in the lot coverage percentage and the floor area ratio approved by the Zoning Board of Appeals in 2015.

Site plan review under Zoning By-Law Section 7.4 is not required, as the proposed net increase in parking spaces is 22, less than the 25 new parking space trigger for site plan review.

#### **Proposed Special Permit Amendments**

The Temple is requesting that its 2015 special permit be amended, to accommodate the expansion of its property due to acquisition of the lots at 284 Webster Street and 28 Greendale Avenue. The relief sought is described below.

- (a) An extension of the 2015 special permit, and the relief granted therein, to the expanded lot due to the acquisition of the properties at 284 Webster Street and 28 Greendale Avenue, under Needham Zoning By-Law (the "By-Law") Section 7.5.2.
- (b) A waiver under By-Law Section 5.1.1.5 of strict adherence to the parking space requirements of By-Law Section 5.1.2.
- (c) A determination under By-Law Section 1.4.2 that pre-existing nonconforming buildings and structures, and uses thereon, may be continued to the same extent.
- (d) Such other zoning relief as may be required to allow the changes and improvements proposed by the Applicants.

#### **Zoning Analysis**

The lots at 670 Highland Avenue, 28 Greendale Avenue, and 284 Webster Street should be treated as one lot for zoning purposes. Adjacent lots in common ownership are normally treated as a single lot for zoning purposes so as to minimize nonconformities with the dimensional requirements of the zoning by-law. Seltzer v. Board of Appeals of Orleans, 24 Mass. App. Ct. 521 (1987). Checkerboard conveyances to create an appearance of separate ownership should be disregarded. Distefano v. Town of Stoughton, 36 Mass. App. Ct. 642 (1994). The Temple's wholly owned subsidiary (Davenport) is the sole owner of the properties at 28 Greendale Avenue and 284 Webster Street. After approval by the Board of the requested relief, and prior to commencement of any work under the proposed amended special permit, Davenport will convey those two properties to the Temple. The addition of the two properties to the Temple's existing property will reduce existing zoning non-conformities.

The special permit relief granted in 2015, including the continuation of more than one non-residential use on the lot under By-Law Section 3.2.1, should be extended to the new, expanded lot. The Zoning Board of Appeals granted relief under the Dover Amendment in 2015, and those uses – religious, educational, and day care – should be allowed to continue.

The existing Temple building, the house at 28 Greendale Avenue, and the garage at 28 Greendale Avenue, should be permitted to remain standing, despite the prohibition of multiple non-residential buildings on one lot under By-Law Section 3.2.1. Building Commissioner David Roche has advised that, with the conversion of the house and garage at 28 Greendale Avenue to educational uses, those buildings should be treated as accessory structures, which are permitted under the By-Law under the accessory use category.

The Temple seeks findings that the lawful, pre-existing non-conformities on the original Temple lot at 670 Highland Avenue may be continued, under Section 1.4.2 of the By-Law, as those non-conformities are either not changing, or are being reduced.

The non-conformities at 670 Highland Avenue which are not changing include: (i) front yard setback of 19.5 feet under By-Law Section 4.2.4, (ii) maximum height of 41.5 feet under Section 4.2.4, (iii) loading requirements under Section 5.1.3(b), (iv) compact cars under Section 5.1.3(e), (v) parking space size under Section 5.1.3(f), (vi) aisle and minimum driveway width under Section 5.1.3(i), and (vii) front parking setback under Section 5.1.3(j).

The non-conformities at 670 Highland Avenue which are being reduced include: (i) maximum building coverage under By-Law Section 4.2.4, from 22.1% to 20.8%, and (ii) floor area ratio under Section 4.2.4, from .44 to .41.

The Temple also seeks findings that the lawful, pre-existing non-conformities on the lot at 28 Greendale Avenue may be continued, under Section 1.4.2 of the By-Law, as those non-conformities are not changing. Those non-conformities are (i) front yard setback of 20.8 feet (25 feet is required under Section 4.2.4), and (ii) side yard setback of 5.5 feet for a garage over 15 feet in height (25 feet is required under Section 4.2.4).

The new parking area at 284 Webster Street will meet all parking plan and design requirements of By-Law Section 5.1.3.

The Temple also seeks relief from any other Zoning By-Law sections which may be needed to permit the proposed development to go forward.

#### Proposed Special Permit Findings Under By-Law Sections 1.4.2 and 7.5.2.1

The proposed expansion of the Temple lot, replacement of the structures at 284 Webster Street with parking spaces, and use of the existing house and garage at 28 Greendale Avenue, and the continued use of the property for religious services, religious school, and day care, meets the criteria set forth in the Zoning By-Law for the grant of the requested special permits, under Zoning By-Law Sections 1.4.6 and 7.5.2.1:

(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 proposed changes will not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure, because the parking space deficiency will be reduced, and the addition of a handicapped ramp at the garage at 28 Greendale Avenue will have no visual impact on neighbors.

(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 elsewhere in this By-Law, such as, but not limited to, those at the beginning of the various sections:

The health, convenience, and welfare of the inhabitants of Needham are enhanced by the reduction of off-site parking demand, and the continued operation of the Temple's religious, educational and day care programs.

(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 new parking area at 284 Webster Street will be visually screened from the abutting condominiums by the existing 6-foot high fence, and new landscaping.

(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;

There is adequate parking, and turning radii, on site. The traffic and parking letter offered by Vanasse and Associates concludes that the project is not likely to result in a substantial change in intersection operations, and is expected to improve circulation and parking operations, both on-site and on the streets adjacent to the Temple.

(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 religious, educational and day care activities will take place inside the buildings,

and will be conducted in compliance with all environmental requirements.

#### Parking and Traffic Analysis

The Temple has determined that it needs more space to properly accomplish its religious purposes, including operation of a religious school. The addition of the buildings at 28 Greendale Avenue will help. The proposed project is not expected to result in any significant increase in Temple membership and preschool and school children from the numbers already present. A letter from the Temple's Project Manager, Jillian Erdos, describing current and proposed usage and staffing of the Temple, is filed herewith.

Section 5.1.2 of the Zoning By-Law establishes parking space requirements. Places of public assembly require one space per three seats. Office use requires one space for every 300 square feet of floor area. Storage space requires one space for every 850 square feet of floor area. Preschool and daycare use requires spaces for one half of the design or expected enrollment.

A parking demand chart, based on existing and proposed usage and staffing, and By-Law standards, has been filed herewith. It shows that the projected "by the book" parking demand of 121 spaces will exceed the 110-space capacity of the expanded Temple parking areas, by 11 spaces at limited times during the week, during Friday evening services and Saturday morning Bar and Bat Mitzvahs, and by substantially more during the High Holy Days. The traffic and parking letter provided by Vanasse and Associates concludes that the project is not likely to result in a substantial change in intersection operations, and is expected to improve circulation and parking operations, both on-site and on the streets adjacent to the Temple. The Temple project manager's letter identifies several changes enacted since 2015 in the morning and afternoon drop-off operations which have reduced the number of cars in the Temple lot. It also states that the Temple hires a police detail or sends out Temple personnel to direct attendee parking during High Holy Days and an occasional special event, such as an exceptionally well-attended funeral.

The existing Temple parking lot does not fully comply with parking plan and design requirements as to parking lot illumination, parking space size, bumper overhang, width of maneuvering aisle, parking setbacks, landscaped areas, and bicycle racks, but these are existing conditions, and do not affect its functional ability to provide safe and accessible parking spaces. The new spaces at 284 Webster Street will comply with all Section 5.1.3 parking plan and design requirements.

#### Proposed Findings Under Zoning By-Law Section 5.1.1.5

The standards for the grant of a waiver under Zoning By-Law Section 5.1.1.5 from strict adherence to the minimum number of parking spaces required under Section 5.1.2 are met:

(i) Special circumstances in a particular use of a structure does not warrant the minimum number of spaces required under Section 5.1.2:

Since 2015, the Temple's membership has increased from 800 families to 1,039 families, and the maximum number of children on site at any one time has increased from 125 to 190. Construction of the proposed new parking area at 284 Webster Street will increase the parking supply on site by 22 spaces, from 88 to 110. The increased supply of spaces will result in less need for any off-site parking during the week and on special occasions. The changes implemented by the Temple since 2015, including improvements in drop off operations in the morning and in the afternoon, have reduced the demand for on-site parking spaces. Parking consultant Vanasse and Associates, Inc. concluded that the project is not likely to result in a substantial change in intersection operations, and is expected to improve circulation and parking operations, both on-site and on the streets adjacent to the Temple.

(ii) The extent of existing building coverage on a particular lot is such that in 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 cannot be met.

The area of 670 Highland Avenue which is not covered by the Temple building is almost entirely devoted to surface parking and a play area for the day care children. The Temple is maximizing the number of additional spaces by devoting the recently acquired property at 284

Webster Street to parking. As a practical matter, there is no room on site for construction of additional parking spaces.

(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 Temple's religious, educational, and day care uses are allowed by right. No external building changes, other than the addition of a handicapped ramp to the existing garage at 28 Greendale Avenue are proposed. The six-foot high stockade fence along the boundary between 284 Webster Street and the adjacent condominiums provides a visual shield, which will be augmented by the plantings proposed by the Temple between the fence and the new 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 the structure so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand.

The applicant's use will be as set forth in the special permit decision.

(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 services, such as car-pooling.

The premises are not in any of these listed districts.

(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.

There are three proposed changes to the existing parking area at 670 Highland Avenue. First, two parking spaces will be replaced with one handicapped space, to meet the requirements of Zoning By-Law Section 5.1.3(c). Second, the elimination of 4 parking spaces to make room for an opening which will connect the new parking area at 284 Webster Street to the 670 Highland Avenue lot will make possible the addition of 27 parking spaces, bringing the Temple closer to the number of parking spaces required under By-Law Section 5.1.2. Third, the addition of a bicycle rack for 6 bicycles in front of the Temple building will bring the parking area into compliance with By-Law Section 5.1.3(n).

The new parking area at 284 Webster Street will comply with all the requirements of By-

Law Section 5.1.3.

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.

The special permit decision will not so exempt the structure, use, or lot.

Conclusion

Temple Beth Shalom has been part of the Needham community for nearly 70 years. Its

membership has grown since 2015. The special permit amendments proposed by the Temple are

not expected to increase membership.

No changes to the footprint of the house and garage at 28 Greendale Avenue, other than

the addition of a handicapped ramp, are proposed. The use of the house and garage for

classrooms will relieve the pressure of increased enrollment on existing classroom space in the

main Temple building.

The use of the 284 Webster Street property for parking will increase the Temple's net

parking supply by 22 spaces, which will reduce the need for off-site parking. The Applicants

plan to discuss landscaping with the neighbors prior to the Board's hearing.

The Temple requests that the Board grant the requested amendments to its 2015 special

permit. Thank you for your consideration.

Very truly yours,

Robert T. Smart, Jr.

cc: Temple Beth Shalom

10

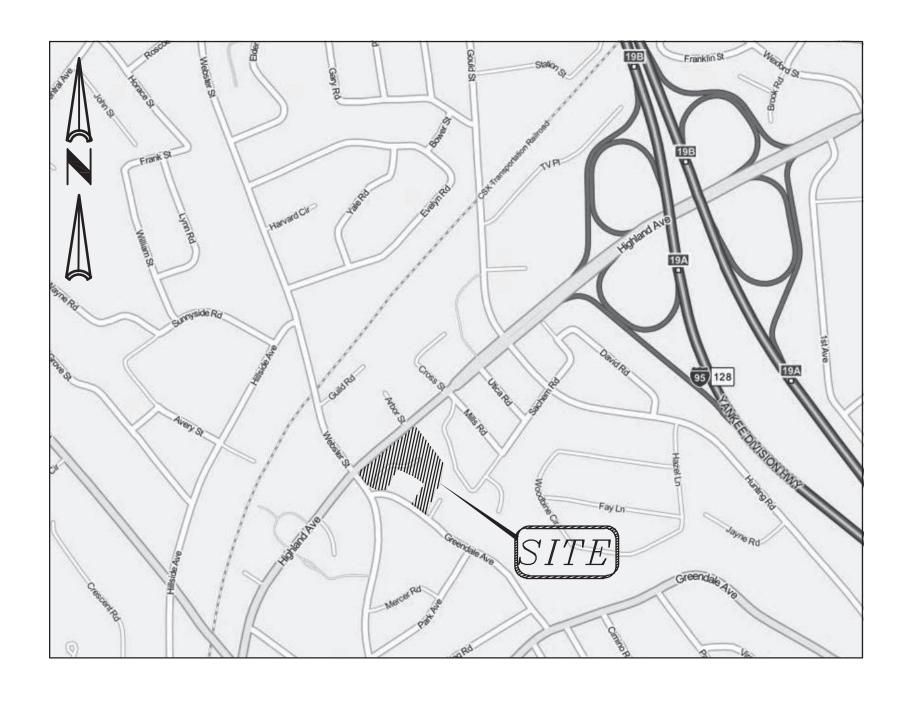
# PLANS TO ACCOMPANY ZBA APPLICATION

FOR

TEMPLE BETH SHALOM
670 HIGHLAND AVE., 284 WEBSTER ST., & 28 GREENDALE ST.
NEEDHAM, MA
owner/applicant:

APRIL 22, 2022

SHEET INDEX							
SHEET No.	DESCRIPTION	LATEST REVISED DATE	CONSTRUCTI	ON REVISIONS			
1	COVER SHEET	04/22/22					
2	EXISTING CONDITIONS PLAN	04/22/22					
3	OVERALL LAYOUT & ZONING PLAN	04/22/22					



Noel Kelly P.E.
DN: cn=David Noel Kelly
P.E., o=Kelly Engineering
GRoup, Inc., ou,
email=dkelly@kellyengin
eeringgroup.com, c=US
Date: 2022.04.21 11:10:28
-04'00'

OWNER/APPLICANT:
TEMPLE BETH SHALOM

670 HIGHLAND AVENUE NEEDHAM, MA 02494

DAVENPORT HOLDING PROPERTIES, INC 670 HIGHLAND AVENUE NEEDHAM, MA 02494

# CIVIL ENGINEERS:

KELLY ENGINEERING GROUP, INC. O CAMPANELLI DRIVE BRAINTREE, MA 02184

# ARCHITECT:

BKA ARCHITECTS, INC. 142 CRESCENT STREET BROCKTON, MA 02302

# ATTORNEY:

ROBERT T. SMART, JR., ESQ. 399 CHESTNUT ST. NEEDHAM, MA 02492

LOCATION MAP



SCALE NA	JOB # F: \P\2022-029	
DATE 04/22/22	DRAWN BY	
SHEET 1 OF 3	CHKD BY GSH	
FILE #	APPD BY	

TEMPLE BETH SHALOM NEEDHAM, MA

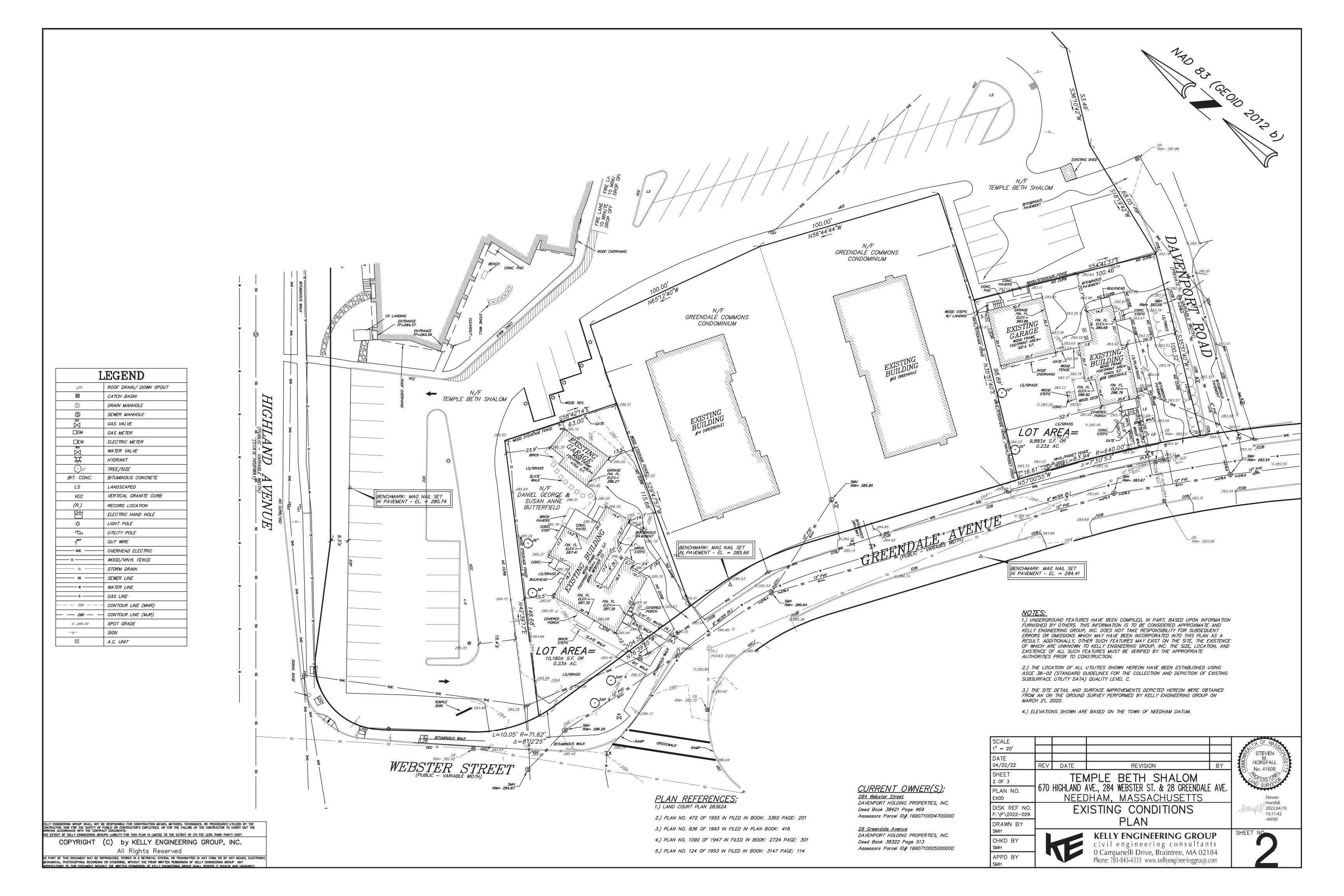
KELLY ENGINEERING GROUP civil engineering consultants O Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com SHEET NO.

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				i i			
*ZONING LEGEND							
ZONING DISTRICT: SINGLE RESIDENCE B							
	REQUIRED		PROVIDED	COMPLIANCE			
MIN. AREA	10,000 S.F.	133,825 S.F.	133,825 S.F.	YES			
MIN. FRONTAGE	80'	471± (HIGHLAND AVE.) 216± (WEBSTER ST.) 101± (GREENDALE AVE.)	471± (HIGHLAND AVE.) 216± (WEBSTER ST.) 101± (GREENDALE AVE.)	YES			
MIN. YARD -FRONT	25' (20' BY S.P.)	19.5'±(NOTE 1) 12.1'±(284 WEBSTER) 20.8'±(28 GREENDALE)	19.5'± (NOTE 1) NA (284 WEBSTER) 20.8'±(28 GREENDALE)	EXISTING NON-CONFORMING NA (NOTE 2) EXISTING NON-CONFORMING			
-SIDE	25' (20' BY S.P.)	28.4'± (NOTE 3) 14.7'± (284 WEBSTER)	28.4°±(NOTE 3) NA (284 WEBSTER) 5.5°± (28 GREENDALE)	YES NA			
-REAR	25' (10' BY S.P.)	NA (NOTE 4)	NA (NOTE 4)	YES (NOTE 4)			
MAX. STORIES	2.5	2	2	YES			
MAX. HEIGHT	35'	**41.5	41.5'	EXISTING NON CONFORMING			
MAX. BLD. COVERAGE	15%	**22.1%± (NOTE 5)	20.4%± (NOTE 5)	EXISTING NON CONFORMING			
FAR COVERAGE	0.3	**0.44± (NOTE 6)	0.41± (NOTE 6)	EXISTING NON CONFORMING			
PARKING TOTAL	121 (NOTE 8)	**88	110	SPECIAL PERMIT			

70NING I	RYI AW	513	PARKING	PI AN	AND	DESIGN	REQUIREMENTS	

ZONING BYLAW 5.1.3 PARKING PLAN AND DESIGN REQUIREMENTS							
	REQUIRED	EXISTING	PROVIDED	COMPLIANCE			
A) PARKING ILLUMINATION	1 FOOT CANDLE	<1 FOOT CANDLE	***<1 FOOT CANDLE	***EXISTING NON-CONFORMING			
B) LOADING REQUIREMENTS	1	NONE	NONE	EXISTING NON CONFORMING			
C) HANDICAPPED PARKING	5	4	5	YES			
D) DRIVEWAY OPENINGS	N/A	5	4	YES			
E) COMPACT CARS	1 '	EXISTING CONDITION	***EXISTING CONDITION	EXISTING NON CONFORMING EXISTING			
F) PARKING SPACE SIZE	9'x 18.5' 1' BUMPER OVERGHANG	VARIES	***VARIES (NOTE)	EXISTING NON CONFORMING			
G) BUMPER OVERHANG	1' OVERHANG	NA	NA	NA			
H) PARKING SPACE LAYOUT	NA	NA	NA	YES			
I) AISLE WIDTH	24' (90 DEG. STALL)	<24'	***<24'	EXISTING NON CONFORMING			
	18' (60 DEGREE)	18.4' (ONE WAY)	18.4' (ONE WAY)	YES			
MIN. DRVWY. WIDTH	20'	19.8'±	19.8'±	***EXISTING NON CONFORMING			
J) PARKING SETBACK							
-FRONT	10'	9.5'± (670 HIGHLAND)	9.5'± (670 HIGHLAND) 10' (284 WEBSTER)	EXISTING NON-CONFORMING YES			
-SIDE	4'	4.1'± (670 HIGHLAND)	4.1'± (670 HIGHLAND) 5'± (284 WEBSTER)	YES YES			
-REAR	4'	NA (NOTE 4)	NA (NOTE 4)	NA (NOTE 4)			
-BUILDING	5'	5.1 <b>'</b> ±	5.1'±	YES			
K) LANDSCAPED AREAS	10%	>10% (NOTE 7)	>10% (NOTE 7)	YES			
INTERIOR LANDSCAPING	2.5%	>2.5% (NOTE 7)	>2.5% (NOTE 7)	YES			
L) TREES	1 PER 10 SPACES	>1 PER 10 SPACES	>1 PER 10 SPACES	YES			
M) LOCATION	WITHIN LOT	WITHIN LOT	WITHIN LOT	YES			
N) BICYCLE RACKS	1 PER 20 SPACES	NONE	6	YES			

- \*FOR PURPOSES OF THIS ZONING ANALYSIS ALL 3 LOTS ARE ANALYZED AS COMBINED LOTS.
  - \*\*RELIEF PREVIOUSLY GRANTED \*\*\*NEW PARKING WILL COMPLY
  - 1) EXISTING BUILDING #670 HIGHLAND COMPLIED WITH SETBACKS IN APPROVED AS-BUILT IN 1964. PARKING WITHIN FRONT SETBACK IS EXISTING.
  - 2) EXISTING BUILDING FRONT SETBACK IS 12.1'. EXISTING BUILDING WILL BE REMOVED.
  - 3) RETAINING WALL IS CONSIDERED A STRUCTURE PER NEEDHAM ZONING BY-LAW
  - 4) SINCE PARCEL IS A CORNER LOT ALL LOT LINES BESIDES FRONT LOT LINES ARE ASSUMED SIDE LOT LINES.
  - 5) PREVIOUS RELIEF GRANTED ALLOWED 22.4% EXISTING BLD COVERAGE ROOF OVERHANG AND RETAINING WALL AREA INCLUDED:  $25,337\pm$  S.F. + 2,221 S.F. + 1,961 S.F. = 29,519 S.F. /  $133,825\pm$  = 22.1%PROPOSED BLD COVERAGE:  $25,337\pm$  S.F. + 1,961 S.F. = 27,298 S.F. /  $133,825\pm$  = 20.4%
  - 6) PREVIOUS RELIEF GRANTED ALLOWED 0.45
  - EXISTING FAR: TOTAL FAR = 51,027 (670 HIGHLAND) + 3,490 S.F. (284 WEBSTER)+ 3,920 S.F. (28 GREENDALE) = 58,437 /  $133,825\pm = 43.7\%\pm$ PROPOSED FAR = 51,027 S.F. + 3,920 S.F. = 54,947 S.F. / 133,825 S.F. = 41.1%
  - 7) EXISTING PARKING AREA =  $39,150 \pm S.F.$ REQUIRED LANDSCAPING =  $39,150\pm$  S.F. \* 10% =  $3,915\pm$  S.F PROVIDED LANDSCAPING AREA = 12,367
  - PROVIDED PARKING AREA = 61,695 S.F. REQUIRED LANDSCAPING = 61,695 S.F. \* 10% = 6,170 S.F.

PROVIDED LANDSCAPING AREA = 13,144 S.F.

- EXISTING REQUIRED INTERIOR LANDSCAPING = 39,150± S.F. \* .025 = 979± S.F. EXISTING INTERIOR LANDSCAPING =  $2,439\pm$  S.F.
- PROVIDED REQUIRED INTERIOR LANDSCAPING = 61,695 S.F. \*.025 = 1,542 S.F. PROVIDED INTERIOR LANDSCAPING = 3,998 S.F.

TOTAL 110 110

TOTAL 110 110

\*REQUIRED PARKING SHOWN IN ZONING LEGEND IS BASED ON PRIMARY USE (MON - FRI 7:45 AM TO 6:00 PM)

EXISTING AND PROPOSED = 330 SEATS

PUBLIC ASSEMBLY @ 1 SPACE / 3 SEATS

PUBLIC ASSEMBLY @ 1 SPACE / 3 SEATS

EXISTING AND PROPOSED = 800 SEATS

EXISTING AND PROPOSED = 330 SEATS

SAT BAR AND BAT MITZVAHS 9:30 AM TO 12:30 PM

SUN SCHOOL 8:45 A.M. TO 4:30 P.M. (4 SESSIONS)

EXISTING AND PROPOSED = 80 STUDENTS (ONE SESSION) TOTAL

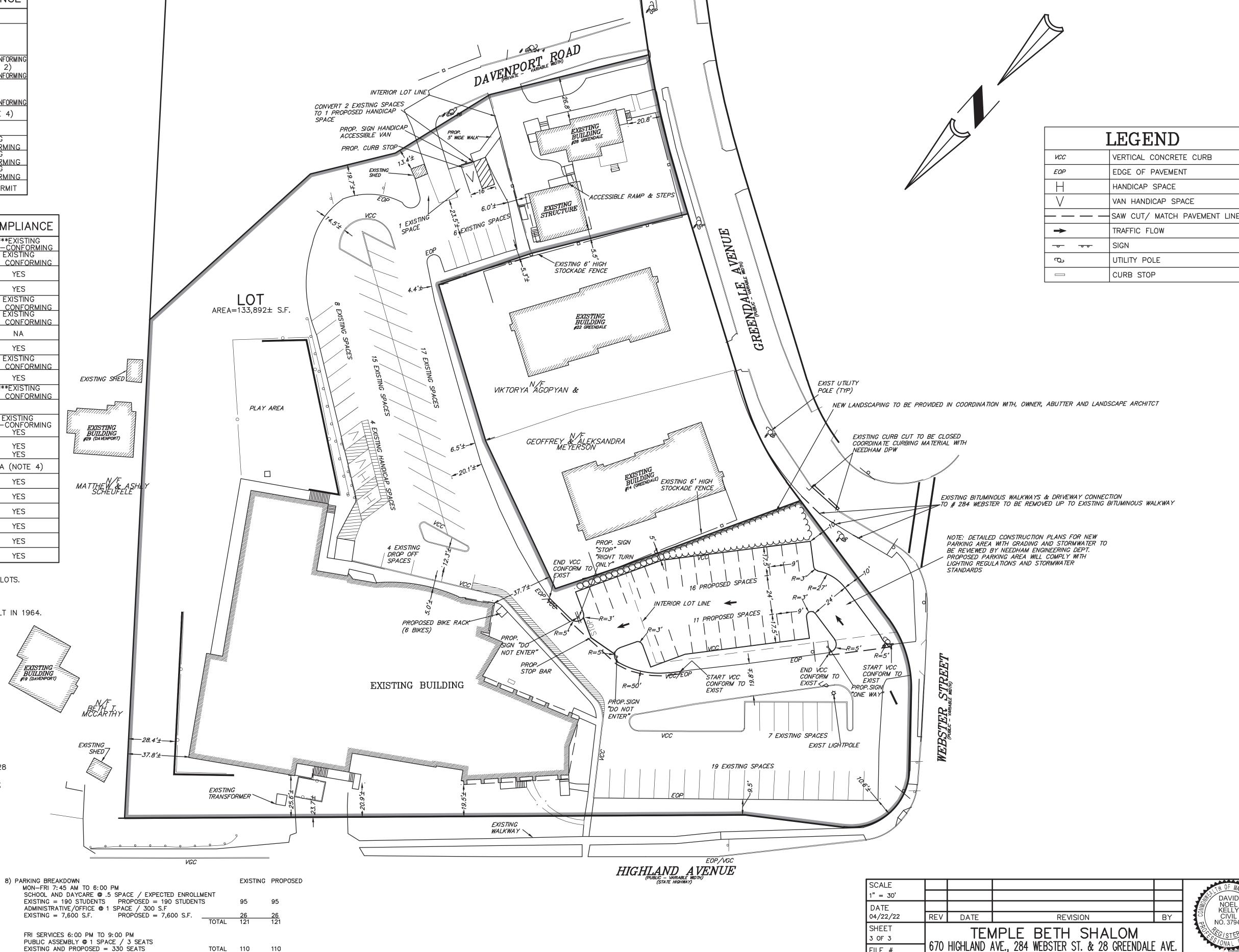
SCHOOL @ .5 SPACE / EXPECTED ENROLLMENT

HIGH HOLY DAYS, 1-2 OTHER EVENTS PER YEAR

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GRAPHIC SCALE

( IN FEET )

1 inch = 30 ft.

FILE #

JOB #

2022-029

DRAWN BY

CHKD BY

APPD BY

LA00

NEEDHAM, MASSACHUSETTS

LAYOUT AND ZONING

**PLAN** 

KELLY ENGINEERING GROUP

civil engineering consultants

0 Campanelli Drive, Braintree, MA 02184

Phone: 781-843-4333 www.kellyengineeringgroup.com

P.E., o=Kelly Engineering GRoup, Inc., ou, email=dkelly@kellyengin eeringgroup.com, c=US Date: 2022.04.21 11:10:51 -04'00'

SHEET NO.

#### **NEEDHAM PLANNING BOARD MINUTES**

#### March 15, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, March 15, 2022, 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 includes four 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:**

7:20 p.m. – Amendment to 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). Regarding request for the installation and use of an additional dumpster enclosure with up to three additional trash dumpsters for cardboard to be located within the parking lot.

Rick Mann, Attorney for the applicant, gave the background. In 2006 a special permit for the center approved the installation of a single 6-foot-high dumpster in the center of the parking lot. Over time more dumpsters were needed. Around 2010 the applicant installed additional dumpsters for cardboard only at the rear of the building. A complaint was filed. He let the Building Inspector know he would file an application for the dumpsters. The Building Inspector allowed the dumpsters to stay until the Board made a decision on the application.

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

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

Mr. Mann noted this was discussed at great length at the previous hearing [meeting?]. He has resubmitted? or submitted? I formal amendment for the 3 dumpsters. He noted the applicant did cease use of the dumpsters and padlocked the corral. He noted the pickups of the original dumpster have been increased to 3 times per week. On Monday and TuesdayTuesday, a car was parked in front of the dumpster and so the trash could not be picked up. He noted the parking signage will be enhanced. The dumpster was completely full due to the missed pickups. Trash was put beside the dumpster inside the corral. The trash will be picked up tomorrow. He noted a demolition dumpster was put along the residents' area by Omaha Steak. Mike Moskowitz, manager for the property owner, learned of this and contacted the company to have it removed. It should be located near the rear of the site near Second Avenue.

Mr. Mann noted the new corral will be 9 feet by 21 feet and 6-feet high with 3 additional dumpsters inside the corral for cardboard only. All tenants have received notice of the prohibition from anything other than cardboard. The applicant is requesting approval of the Board to install an enclosure and dumpsters. This will decrease the parking by one space. The original parking was waived from 127 spaces to 97 spaces. The applicant would like to increase the waiver by one space for 96 spaces total. A letter dated 2/28/22 was submitted stating 96 spaces would be sufficient. He noted the dumpster enclosures will be padlocked after business hours. Mr. Alpert asked the applicant to define business hours. Mr. Moskowitz noted the dumpsters will be locked between 10:00 p.m. and 11:00 p.m. by Panera Bread and unlocked by Panera between 7:00 a.m. and 7:30 a.m.

Mr. Alpert noted the following correspondence for the record: a letter from Acting Town Engineer Thomas Ryder with no comments or objections; an email from Police Chief John Schlittler with no issues; an email from Fire Chief Dennis Condon noting he was ok with this plan; an email from Assistant Public Health Director Tara Gurge with no additional comments and an email from Elizabeth Kaponya stating all abutters agree all the dumpsters should be grouped together in the center island with no pickups on weekends, holidays or before 9:00 a.m., and with complaints regarding stray trash and garbage and includinged pictures.

Planning Board Minutes March 15, 2022

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Ms. McKnight asked what tenants are currently there. Mr. Moskowitz stated Panera Bread, Omaha Steak, Supercuts, Geiko in the first building, and F.W. Webb in the second building. There is also an office for Hammer Management. Ms. McKnight noted Panera will be generating most of the trash. She asked if the existing dumpster in action—is the one that will be used for food and was informed it was. She asked what the limitation on time in the special permit was for dumpster pickup. Mr. Mann noted not before 8:30 a.m. to 6:00 p.m., Monday through Saturday, with no holidays or Sundays. Mr. Jacobs noted when listing the current occupants, Rafi Nova was not mentioned. Mr. Moskowitz stated he is subletting a portion for a couple of months from Geiko. His is mostly office related tasks. The company was big into the mask business, which has declineddeclined, and they will be out by June. He noted 2 people work there. Mr. Block stated he appreciates the applicant called out the deficiencies regarding the current dumpster and the arrangement with the overflow. He went today and took photos. He saw considerable amounts of food garbage outside of the dumpster. He did not see garbage elsewhere on site. He was disappointed the landowner had, for 10 years, installed a second dumpster without permission. There was a specific requirement where to put the construction dumpster and it went where it should not. He expected a higher level of hands-on management. It should have been put where the Board required it. He wants to solve this once and for all. Where the new dumpster will be has been identified. How big is it? Mr. Mann stated the corral would be 9 feet by 21 feet and 6-feet high.

Mr. Block asked the area of a parking space. Mr. Moskowitz noted it was the same size and the 3 dumpsters should fit. Mr. Block stated a concern is if one parking spot would be sufficient given the size of the dumpsters. He is not convinced one parking spot would do it. He would be prepared to waive 2 [additional?] spots. Trash has been a problem for years. He wants to cure it now for the long-term. Mr. Moskowitz stated the cardboard dumpsters are much smaller than the current garbage dumpster. One parking spot will house the requested number of dumpsters. He noted the new enclosure is smaller than what is being replaced. Mr. Block commented the neighbors wanted this sited next to the current rubbish dumpster corral. Ms. Espada asked if there is a blow-up floor plan of what is being proposed to go in there. The proposed area#t may be too small and the dumpsters may be outside of it.

Ms. McKnight agrees with what has been said. She is concerned with how trucks will approach the dumpsters and open the gates of the enclosure. Mr. Moskowitz stated trucks would come in and block 3 or 4 parking spaces on the right and open the gates of the enclosure. Mr. Block asked if the doors could swing open if cars are parked there and was informed the doors could swing open. Mr. Jacobs stated there should be plenty of room. Mr. Block and Ms. McKnight are satisfied with the arrangements. Ms. Espada would like a plan to see how the dumpsters would be accommodated. She asked how often they would be serviced and was informed twice a week.

Mr. Block suggested closing the hearing subject to review of and satisfaction withof the plan showing space for dumpsters and traffic flow. Ms. Espada is ok with that. Mr. Alpert stated he is inclined to continue the hearing and have the staff prepare the proposed decision. The Board can review the plan and abutters will have the opportunity to look at it and comment. Janice Epstein, of 75 Highland Terrace and a Town Meeting Member, stated quite a few people had trouble getting into the link for the meeting. She mentioned an easy fix to the trash problem. Where the old dumpstertrash was, the piece of fence that connects the property is at an angle and at least ½ foot off the ground. If that gap in the fence could be patched it would be a help. The applicant needs to maintain the fence that borders the residential area. Mr. Block stated he walked the length of the fence and did not notice any dilapidation of the fence or any leaning. Mr. Moskowitz stated the old corral will be taken down. He commented he had put the fence up originally to prevent people from Highland Terrace from cutting through. Ms. Epstein stated the fence can stay but the corral should go. Mr. Moskowitz stated the piece of fence has to connect to something. If the Board wants the fencefence, he will keep the fence. He can remove the front and side of the corral and keep the back with the fence.

Ms. McKnight asked if it was advantageous for the abutters to have the fence or not. Ms. Epstein stated it was advantageous. Ms. Espada reiterated she wants a larger plan with what is going, what is remaining and a blow up of the dumpsters. Elizabeth Kapoyna, of 27 Highland Terrace and a Town Meeting Member, stated there has been one issue for a long time. The cleaning crew comes once or twice a week with blowers and blows trash under the fence into their yards. This needs to be addressed with the cleaning crews. They also come at 7:00 a.m. Mr. Jacobs stated trash should not be blown off the property. The cleanup crew needs to be told this. Mr. Moskowitz stated there is a big buffer zone with very dense trees. He does not believe his crew purposely blows trash beyondover the fence. He will instruct them to not blow onto abutting properties.

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Derek Wade, of 41 Riverside Street, stated he is a newer resident and has a suggestion. A dense residential abuts the commercial property and there is a very thin fence. Along the highways are larger fence—type structures. Has the owner considered any other barriers? Mr. Moskowitz stated the highway structures are very expensive and a fence is what was approved by the Planning Board. Mr. Alpert recognized John Negoshian. Mr. Negoshian could not get sound or video. Mr. Alpert told him to put his comments in writing and email them to the Board. He can then speak at the next meeting.

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 continue the hearing to Monday, 3/28/22, at 7:00 p.m.

7:30 p.m. – Amendment to 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). Regarding request for a new principal use described as an indoor athletic facility providing computer simulated golf activities in the building. Please note: The Petitioner has requested that this application be withdrawn.

Request to withdraw application: Amendment to Major Project Site Plan Special Permit No. 2005-07: CNC Golf LLC, 113 Everett Street, Concord, MA and Needham Gateway, LLC, 66 Cranberry Lane, Needham, MA, Petitioners (Property located at 100 and 120 Highland Avenue, Needham, MA).

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 waive the reading of the public hearing notice.

Mr. Alpert noted John Negoshian had his hand raised. He was brought over but had no audio. He was asked again to put his comments in writing.

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

VOTED: to accept the request to withdraw the application without prejudice.

Ms. Newman noted the applicant has requested a refund of the application fee. Mr. Jacobs asked how much staff time has been involved with this application. Ms. Newman stated there was minimal staff time.

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 approve the application fee be refunded.

7:40 p.m. – Amendment to 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). Regarding request for a new principal use in the subject property, described as a medical professional office providing primary and walk-in medical care.

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

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

Rick Mann, Attorney for the applicant, noted this will be a medical office with primary care and walk-in care. He noted there are 2 building on the site with 2 acres. This is a densely developed commercial street abutting residential. He noted Omaha Steak, Supercuts and Hammer Management will all be leaving in the next 60 days. Carbon Health will occupy those spaces. There is no one for the F.W. Webb Building yet. He noted there are fewer retail tenants due to Covid. There is more online shopping. This medical use is a Florida professional corporation. It is owned by a doctor who is licensed in the Commonwealth of Massachusetts. The practice will have no more than 8 employees at any time and no more than 2 physicians. This district allows professional services establishmentsestablishments, and the zoning allows medical office. A professional medical office is allowed as of right and a medical clinic is not.

In a letter dated 12/29/21, Building Inspector David Roche analyzed the definitions and concluded Carbon Health fits the definition of a medical office and is allowed by right. The proposed use is not a clinic. On 1/4/21, there was an informal discussion with the Board focused on this aspect. Chapter 111, Section 52, cites an exception to solo or group practices solely owned by one practitioner. [It is the name that matters?]. The question was if Massachusetts law allows an out of state corporation to operate. Dr. Sujal [Mandavia – sp?] is a licensed physician by the Board of Registration. He is the sole corporate officer. He described the doctor's background and the process the doctor will follow. Doctor [Mandavis – sp?] is associated with Carbon Health. The Building Inspector has determined Carbon Health is not a group practice. He explained the definition of group practice and non-group practice.

Mr. Mann noted the proposed used will be in the space Supercuts, Omaha Steak and Hammer Management currently occupy. There are 11 parking spaces required for the existing uses. A medical use requirement would be 17 spaces, which is 6 more than the current uses. They are requesting a waiver of 6 spaces. The dumpster will eliminate one spacespace, so they are down to 96 spaces. An 11/19/21 parking study was done by BSC Group Inc. The peak parking use would be 11 spaces. Mr. Alpert stated he wants to hear from the depoctor and how it will operate. He would like to know how many patients max will be in the clinic at any one time and what type of services will be provided.

Dr. Ayobami Olufadeji, of 3686 Washington Street, Jamaica Plain, noted he is a physician and works at Beth Israel Deaconess Needham. He is the Director of Carbon Health, which is owned by Dr. [Mandavia – sp?]. They will treat sprains, colds, eCovid, minor injuries and illnesses. There will be no more than 8 staff at any time and no more than 2 physicians. There will be some nurses, Medical Assistants (Mas) and a receptionist. There will be approximately 7 exam rooms but sometimes they will not open all the rooms. The reception area will hold 4 people at a time. There will be an x-ray facility and phlebotomy. He noted they will draw blood but will not process it. They will do lab point—of—care tests. There is not a lot of biological waste. There will be a work area, storage, bathroombathroom, and lounge. At full capacity it can accommodate 13 people at one time. For a maximum there could be 13 patients and 8 staff for a total of 21. He noted they are never at that maximum capacity. The actual average is about 20-25 people a day. The busiest is no more than 30 patients a day. In the near future there will only be 4 staff — one medical receptionist, one medical assistant, one x-ray technician and one physician. The Boston location sees 15 patients per day with 4 staff. He noted there is a location opening in Dedham in June or July.

Mr. Jacobs asked if Dr. Olufadeji will be the physician on site. Dr. Olufadeji stated he rotates between sites. Sometimes they hire physicianmedical assistants or nurse practitioners (NP). Mr. Block asked if there will be a physician on site when it is not him or Dr. Mandavia – sp?] and was informed no. Nurse practitioners and Physician Assistants (PA) are licensed to practice independently. Mr. Block questioned that there will be primary medical care at this site and there will be no other physician. Dr. Olufadeji stated it is possible they may hire another physician, but that person would not be an owner.

Mr. Block asked about how the doctor is compensated. Mr. Alpert stated he does not feel that is the Board's purview. He is concerned with one doctor covering 3 locations. Dr. Olufadeji stated they have certified and licensed PAs and NPs to cover. They [who is "they"? – Carbon Health? The PA's & NP's?] will supervise the care and set the management and procedures. There is a possibility in the future of employing other doctorsdoctors, but they would not be owners and would not be directors. They could employ doctors to workwork, and they would be employees. Mr. Jacobs understands there would not always be a doctor on sitesite, but he asked if there will always be a nurse practitioner on site. Dr. Olufadeji stated there will always be someone who can provide care on site – either an NP or a PA, and a doctor with oversight. Mr. Jacobs asked about how much time a physician would be there and if this would be Dr. Olufadeji's full time job. Dr. Olufadeji stated he will float around at the 3 locations. Based on scheduling [they doctors?] may float or be at this location.

Mr. Jacobs asked, if someone needed medical care, would they be referred to the emergency room and was informed they would be. All NPs and PAs would have a scope of what they can do. If outside the defined scope the patient would be sent to the hospital. Mr. Alpert noted there are 3 anticipated locations. He asked if they would expand beyond the 3 locations and was informed they would be expanding. Mr. Alpert assumes there will be more doctors covering the multiple locations and he would not be the only physician. Dr. Olufadeji stated a medical doctor is not the only one who could provide basic care in office. If they had another medical doctor that person would be an employee.

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Ms. Espada asked what the actual question is. Mr. Alpert stated the By-Law prohibits in this zoning district provides no a group practice that consists of 3 or more professionals, and he read aloud the By-Law provision. In the Building Inspector's 12/29/21 letter he noted an NP or PA is not a professional under the By-Law definition. He is hearing there will only be 2 doctors so it is not a group practice. Mr. Jacobs stated he does not want to spend time on the group practice issue but the medical clinic definition. An easy way to find out would be to ask the state whether they need to be licensed. The real question is going to be if the language in the permit would repeat a lot of information and say, if any changes, this permit can be reviewed. What happens if the Foley and Lardner legal opinion is wrong and the state says it is a medical clinic and needs to be licensed? There would be non-compliance with the By-Law. Mr. Mann stated Carbon Health would have to recognize the risk if the opinion turns out to be wrong. Mr. Jacobs agrees but wants to make sure all understand that. Mr. Mann stated those here tonight believe they qualify under the current law but recognize the risk.

Ms. McKnight asked why this is not a medical services building. It sounds like a facility where there will be a PA, NP and medical doctors who supervise but may not be on site. She does not see that fitting a medical office. She would like to know how it was interpreted in the past. She feels it is more like a medical services building. Mr. Alpert read the definition in the By-Law of medical services then read the definition of premises. This is not within the entire building. A discussion ensued as to why an NP is not a professional. Mr. Jacobs stated our By-Law makes a distinction. Ms. McKnight noted the Building Inspector is skilled at interpreting the code. If the Building Inspector says that is the interpretation the Board can say that is it. The medical world is changingchanging, and the By-Law has not caught up with it. She finds it hard to believe it is not a professional office as the Building Inspector determined. She is having a hard time coming to the same conclusion.

Mr. Jacobs stated he has no problem adopting the Building Inspector's reading. What if the state thinks this needs to be licensed at some point as a medical clinic and it violates our By-Law? Mr. Alpert feels they need to make a distinction. A clinic may not need to be licensed but each professional would need to be licensed under the state. Ms. McKnight asked if the members agreed with the Building Inspector. Ms. Espada agrees with Mr. Jacobs and concurs with the Building Inspector this constitutes a professional offices. Mr. Alpert also agrees with the Building Inspector's letter. He feels this fits within the exception and does not need to be licensed. It fits in the definition of what is allowed in this space. The parking issue will take some time. He noted there are 5 people with their hands raised. He requested they not talk about parking. That will be taken up at the next meeting. Jill Kahn, Precinct I, agrees with Ms. McKnight regarding the definition. NPs are different from nurses and more akin to physicians. They are very similar to doctors. The By-Law does not reflect the change. She is skeptical about any health care for-profits. She asked the Doctor about horrible reviews for the Carbon Health Center. Most bad reviews were due to the fact they do not take insurance. She asked if the Boston facility takes insurance. Dr. Olufadeji stated they do take certain forms of insurance. The insurance application has to be applied for for, but the center needs to be open in order to apply. He is currently applying to Blue Cross and Blue Shield. He noted it will not be a total for profit. Ms. Kahn stated the assumption would be when people go theretheir insurance would be accepted. Dr. Olufadeji tells people with insurance if they will be out of network. The process of getting approval from the insurance company may take 6 to 9 months.

Patricia Baker, of 30 Highland Terrace, agrees with Ms. McKnight and Ms. Kahn. Since NPs and PAs are not professional and there is no doctor there, there are no professionals there in this facility giving care. She asked the doctor what percentage are walk-ins and how many are appointments. Dr. Olufadeji stated currently they are about 70% appointment based and the rest are walk-ins. Their preference is appointments. Ms. Baker stated she does not get the difference between this and a clinic and asked what the difference is. Dr. Olufadeji noted the difference is in the way they are defined. Mr. Alpert stated there is a legal definition of what needs to be licensed as a clinic. This does not need to be licensed as a clinic. Ms. Baker asked where the medical waste goes. Dr. Olufadeji stated there is a contract with SteriCycle who manages medical waste and removes it weekly.

Janice Epstein wanted to remind people not long ago there were long lines at CareMark. It can get quite crowded. By 10:00 a.m. at CareMark everything was bookedbooked, and they have 4 staff and one doctor every day. She does not think the Building Inspector had all the information when he made his determination. All health clinics should be licensed. There was a nightmare in the Town Center with the unlicensed Covid testing site. The neighbors are working with Mass DOT. There is currently no left turn out of the plaza and Mass DOT will keep that no left turn. Mass DOT said the Manager would need to put up a no left turn sign. Mr. Moskowitz stated if that is what Mass DOT wantswants, he will put up a sign. Ms. Epstein feels the [DPW\_DPH?] and the state should look at licensing this.

John Negoshian, of South Street, gave the history of the property. The setback was supposed to be 50 feet and the abutters agreed to 24 feet. They never wanted a clinic. There are a lot of elderly on this street who do not have computers but have a lot to say. He stated he has different views on the dumpsters. Mr. Alpert encouraged Mr. Negoshian to put his comments in writing and send it to them. Mr. Negoshian would like to meet. He has a lot to say. He noted he has the right to appeal. Elizabeth Kaponya stated she did her research on Carbon Health out of Portland Oregon. The reviews say there are long lines, up to \$170 for a Covid test and they do not accept insurance. She went to their website and there is a General Manager of Clinics and a Medical Director of Clinics. Building Inspector Roche is not a medical professional. These things speak for themselves.

A motion was made to continue the hearing to 4/5/22 at 7:45 p.m. Mr. Jacobs noted that will be his last night on the Board. Mr. Mann asked if it was proper to have a vote on one part tonight and the parking waiver next time. Mr. Alpert thinks they need to do it all at once at the end. Ms. Newman stated the Board would need to vote the decision that night or it would be only 4 votes.

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 continue the hearing to 4/5/22 at 7:45 p.m.

8:00 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. Please note: this hearing is a continuation from the March 1, 2022 Planning Board meeting.

Jeff Friedman, President of the Needham Farmer's Market, noted the Board raised several issues last time that are now resolved. This is a new location but a continuation of the operation. There are some different issues. He read a 2/25/18 Certificate of Appreciation from the Select Board. He noted the Select Board members attend the market and have a lot of personal knowledge of the market. Town Manager Kate Fitzpatrick signs off on the application and license agreement. She also has first-hand knowledge of the market. Lisa Cherbuliez, Board member of the Market, discussed the new plan. They remeasured the field and forwarded a map to all Planning Board members with the layout. There will be 10 foot by 10 foot tents. She is waiting on the town's determination of where they will put the electricity. There are 2 possible locations for the meat and egg truck. The vendors last year drove the trucks up to the market site because of the freezers on board. That vendor cannot do it this yearyear, so they are looking at another vendor.

Ms. Cherbuliez noted the rules are clear that vendors are responsible to remove their own trash. There have been no problems in the past. She is working with the YMCA and another restaurant for bathroom agreements. Ms. McKnight noted the information provided isthat was much better. The map shows how the tents would be arranged and there is a copy of the license agreement with a description of the licensed area. She is still confused where exactly the licensed area—it is. Ms. Cherbuliez stated it is the exact area in the map shown within the pink lines. It is 80,600 square feet and does\_not includeen the sidewalk. Mr. Friedman has been in contact with Myles Tucker of the Town Manager's office. He is the Support Services Manager. He emailed him and he has no objection to the drop off procedures from Great Plain Avenue and Pickering Street near the walkways. There will be no traffic to or on Green's Field. The electrical service outlets will be ready by opening day on 6/12. The trash procedures have been covered. He noted Needham Farmer's Market has been on £Town property for the last 8 years and he has worked closely with the Town Manager's office.

Mr. Jacobs stated he does not see musicians on the chart. Ms. Cherbuliez stated their location would depend on where the electricity is. She thought near the flagpole by the back but needs to wait and see where they can be located safely. Mr. Jacobs asked how many musicians there would be and was informed one each shift. Mr. Jacobs noted there would be 13 tents for food separate from meat and eggs. Ms. Cherbuliez noted there could be pickles, relish, baked good and bread. Mr. Jacobs asked if they were all within the definitions in the By-Law and was informed they were. Mr. Alpert asked what a big belly was. It is a trash compactor.

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

VOTED: to close the hearing,

Ms. Newman will prepare an affirmative decision for the next meeting.

Decision: 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.

Mr. Alpert noted he had reviewed the decision and has no questions or comments. Mr. Block noted the Board hase received a revised site plan for the whole campus. He asked if there was anything related to the revised site plan that may require additional conditions. Ms. Newman stated she has not thoroughly reviewed it. Under 2.0 (b) it has to meet the standards and will be reviewed in conjunction with this decision. Ms. McKnight stated the decision says parking, under Section 3.4, has to be at least 96 paved spaces. The analysis says only 28 spaces are needed. She suggested some parking could be converted to open space areas. She asked if the Board wants to say the applicant has to provide 98 paved spaces. Can we give them flexibility to eliminate spaces without coming back? Ms. Newman thought the Board would want to see any changes. This is designed so they would need to come back for review. It could be done as a deminimus change.

Ms. McKnight stated she is thrilled the applicant has agreed to 7 affordable housing units. Ms. Espada agreed. Mr. Alpert asked if the Attorney for the applicant has read the decision. Evans Huber, Attorney for the applicant, noted he had read the decision and sent it back to Ms. Newman with a few edits.

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 grant (1) the requested special permit for 50 independent living units in the Elder Services Zoning District under Section 3.12. of the Zoning By-Law: and (2) a special permit for a Major Project Site Plan Review Amendment under Section 7.4 of the Zoning By-Law; subject to the following plan modifications, conditions and limitations, with respect to Application Number 93-3, as amended.

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

VOTED: to accept the decision as drafted.

#### Board of Appeals - March 17, 2022.

1154 Great Plain Avenue - Charles River Ballet Academy, LLC, applicant

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: "No comment."

1183 Highland Avenue - Harvey Family Dental PLLC, applicant

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: "No comment."

### Review and Discussion of DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act.

Ms. Newman stated comments are due on the draft guidelines <u>issued by the MA Department of Housing and Community Development</u> at the end of the month. She has worked with Katie King and they did a preliminary zoning analysis. She attached the draft letter the Town will send to the state. She noted comments need to be <u>discussedmade</u> tonight and the Select Board will discuss it next week. Mr. Alpert encouraged members to review and send comments to Ms. Newman. There will be time on 3/28 if any member feels the comments need a vote of the Board.

A motion was made to communicate to the Town Manager that the Planning Board's comments on the proposed guidelines are that the guidelines be revised to make clear Needham is a commuter rail community, that the time frame for compliance be extended to realize that the Town Meeting form of government takes time and that discontiguous zoning districts could be taken together to comply with the acreage requirements and need not be contiguous. Ms. McKnight stated she would leave it up to the Town Manager to decide a time frame. It should be made clear that if ‡there are 25 acres in total in a zoning district, and they need not be contiguous. Mr. Jacobs commented the contiguous requirement should be removed. He noted that ‡the A1 District only has 22 acres. A discussion ensued. Ms. Newman stated the districts could be lumped together.

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 communicate to the Town Manager that the Planning Board's comments on the proposed guidelines be revised to make clear Needham is a commuter rail community, that the time frame for compliance be extended to realize that the Town Meeting form of government takes time and that discontiguous zoning districts could be taken together to comply with acreage requirements and need not be contiguous.

#### **Minutes**

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

VOTED: to accept the minutes of 10/5/22 with the changes.

#### Report from Planning Director and Board members.

Ms. Newman noted there is a Housing Plan Working Group Workshop on 3/24. Ms. McKnight, Ms. Espada and herself are working on it and hope for a large attendance. People need to register to attend. A survey will go out after the workshop. There will be break out groups to develop community wide goals. Then they will come back to the full group to identify strategies. They are hoping to get a lot of interest.

#### Correspondence.

Mr. Alpert noted the following for the record: a memo from the Planning Director to Building Inspector David Roche regarding temporary occupancy for the Police and Fire Station; and a notice from the Wellesley Planning Board regarding an upcoming public hearing.

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 adjourn the meeting at 11:45 p.m.

Respectfully submitted, Donna J. Kalinowski, Notetaker Adam Block, Vice-Chairman and Clerk





May 9, 2022

Mr. Jon Schneider, Chairman Board of Appeals Needham, MA 02492

RE: Minor Project Site Plan Review – Emery Grover Building

1330 Highland Avenue

Dear Mr. Schneider:

The above-named application for Site Plan Review - Minor Project was reviewed by the Planning Board at its meeting of Tuesday, May 3, 2022. The requested Minor Project would, if granted, permit the change, extension, alteration, enlargement, or reconstruction of a preexisting non-conforming building and to waive the required number of parking spaces and parking design requirements. This request is associated with the full "core and shell" renovation of the Emery Grover Building, a National Registered Historic Place, built in 1898, to allow its continued use by the Needham School Administration. The Zoning Board of Appeals hearing on this matter is scheduled for May 19, 2022.

Henry Haff, Director of the Building Design and Construction Department, Chris Heep, the applicant's attorney, and Joel Bargmann, Architect, were present to make a presentation regarding the subject proposal at the Planning Board meeting of May 3, 2022. The plans reviewed by the Planning Board and which comprise this submittal are delineated below.

- 1. Application Form for Minor Project Review completed by the applicant and filed with the Town Clerk on April 26, 2022.
- 2. Letter from Attorney Chris Heep to zoning Board of Appeals, dated April 25, 2022.
- 3. Parking Assessment and Safety Memo directed to Joel Bargmann from Amy Archer, Pare Corporation, dated April 25, 2022.
- 4. Plan entitled "Emery Grover Renovations, 1330 Highland Avenue, Needham MA, prepared by bh+a, consisting of 20 sheets, dated April 25, 2022.

The Planning Board recommends approval of the requested waivers sought by the Petitioner under Section 5.1.1.5 of the Zoning By-Law, Subsection 5.1.2 (Required Number of Parking Spaces), Subsection 5.1.3(j) (Parking Setback), and Subsection 5.1.3(k)(Landscaping). Based on the Petitioner's calculations, 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 Petitioner has

Mr. Jon Schneider, Chairman Board of Appeals Page 2

proposed to include 62 parking spaces in connection with this renovation. The Planning Board is satisfied that 62 on-site parking spaces are sufficient to serve the proposed use of the building. Historical 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. Further in the Petitioner'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.

Finally, the Board recommends against the granting of the requested waiver under Section 5.1.1.5, Subsection 5.1.3(m)(Location), as said waiver is not necessary with the associated grant of waiver anticipated under Section 5.1.1.5, Subsection 5.1.2 (Required Number of Parking Spaces), of the Zoning By-Law as relates the number of required on-site parking spaces.

Should you have any further questions regarding this matter, please feel free to contact me directly.

Sincerely yours,

NEEDHAM PLANNING BOARD

#### Lee Newman

Lee Newman
Director of Planning and Community Development

cc: David Roche, Building Commissioner *by email*Henry Haff *by email*Chris Heep *by email*Planning Board

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Jonathan Bird
Director of Land Acquisitions

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04/26/2022

Planning Board 1471 Highland Avenue, Needham, MA 02492

Dear Paul S. Alpert, Adam Block, Artie Crocker, Natasha Espada and Jeanne S. McKnight,

As you may be aware, on January 14, 2021, Governor Baker signed an omnibus economic development package into law, which is now known as Chapter 358 of the Acts of 2020. This bill included a new multi-family zoning requirement for MBTA communities, which is applicable to Needham.

Toll Brothers is actively seeking multi-family, transit-oriented opportunities throughout Massachusetts and has extensive experience with such projects.

I would like to meet with you at your convenience to discuss this legislation and the Town's action plan for implementation. Our team is eager to collaborate with you on developing this strategy, and/or discuss any land parcels that you feel we should explore for this purpose.

I will contact you in the coming weeks to see when we might meet to discuss this further. Also, please feel free to e-mail me at <u>jbird@tollbrothers.com</u> or call (508) 366-1440. We thank you in advance for your time and consideration.

Sincerely,

Jonathan Bird

Director of Land Acquisition

Toll Brothers, Inc.

Massachusetts Division

116 Flanders Road, Suite 1200

Westborough, MA 01581