NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
Thursday, February 27, 2025 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID:820-9352-8479 To join the meeting click this link: https://us02web.zoom.us/j/82093528479

Minutes — Review and approve Minutes from January 29, 2025 meeting.

7:30 PM — **0 Colgate Road -**Patricia M. Connolly, appellant, has appealed a decision of a Building Inspector (ABID) dated December 2, 2024 who determined that the property *"appears to "front" on private property and therefore does not have adequate frontage along a public or private way as defined in the Zoning By-Law."* The ABID asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in the Single-Residence B per Section 4.2.1 of the By-Law. The property is located at 0 Colgate Road, Needham, MA in the Single-Residence B (SRB) District. ***Request for a Continuance to the March 20, 2025 Meeting.***

7:30 PM — **378 Manning Street –Nick Koslov and Megan Waldvogel** applied for an Appeal of a Building Inspector Decision (ABID) of Building Permit BC24-11078 issued to Arthur Elzon dated November 19, 2024, for the reconstruction of a two-family at 378 Manning Street. The ABID asserts that the Building Permit plans on file do not comply with the terms of Section 1.4.7.4 of the By-Law that the building as reconstructed have a footprint no greater in area than that of the original non-conforming building. The property is located in the Single-Residence B (SRB) District.

7:30 PM — **282 Warren Street** – Stephanie Cox and Joshua A. Shaller applied for a Variance to allow the divestment of a five-foot strip of land to the abutting property at 73 Pleasant Street. This divestment would make 282 Warren Street, currently a conforming lot, into a non-conforming lot with a build Factor of 26.69 where a build factor of 20 or less is required under Sections 4.2.5 of the By-Law. The property is located in the Single-Residence B (SRB) District.

NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
WEDNESDAY, January 29, 2025 - 7:30PM

Charles River Room **Public Services Administration Bldg.** **500 Highland Avenue** **Needham, MA 02492**	**Also livestreamed on Zoom** **Meeting ID: 820-9352-8479**

Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492 on Wednesday, January 29, 2025 at 7:30 p.m.

BOARD MEMBERS PRESENT: Jonathan Tamkin, Chair**;** Howard Goldman, Vice-Chair; Nikolaos Ligris, Member; Peter Friedenberg, Associate Member; Valentina Elzon, Associate Member

STAFF PRESENT: Daphne M. Collins, Zoning Specialist

Jonathan Tamkin, Chair presided and opened the meeting at 7:30 p.m.

1. MINUTES OF DECEMBER 19, 2024

Mr. Ligris moved to approve the minutes of December 19, 2024. Mr. Goldman seconded the motion. The motion was unanimously approved.

2. 51 FREMONT STREET

SPECIAL PERMIT **APPROVED**

Mr. Goldman moved to grant a Special Permit pursuant to Section 3.2.6.2 to allow the use for an equipment rental service; and a Special Permit pursuant to Sections 5.1.1.5, 5.1.2, and 5.1.3 to waive strict adherence to the number of required parking and the parking plan and design requirements under of the By-Law. A written decision will be prepared. Mr. Ligris seconded the motion. The motion was unanimously approved.

3. 250 HIGHLAND AVENUE

SPECIAL PERMIT **APPROVED**

Mr. Ligris moved to grant a Special Permit pursuant to 3.2.5.2 (h) and (i) to allow a restaurant serving meals for consumption on the premises and at tables; and take-out

operation accessory to the restaurant; and a Special Permit pursuant to Sections 5.1.1.5, 5.1.2, and 5.1.3 to waive strict adherence to the number of required parking and the parking plan and design requirements under of the By-Law. A written decision will be prepared. Mr. Goldman seconded the motion. A written decision will be prepared. The motion was unanimously approved.

Ms. Elzon and Mr. Ligris left the meeting at 8:46 p.m. prior to the opening of the next meeting.

4. 378 MANNING STREET
APPEAL OF A BUILDING INSPECTOR DECISION **CONTINUED TO FEBRUARY 27, 2025**
The public hearing was conducted, the Appellants, the Owner, and the public provided comments. The Board looked to continue the meeting to allow the Owner to gather evidence of continuous two-family use and to allow the Owner to meet with the abutters to find consensus on the scale and scope of the proposal. Mr. Goldman moved to continue the Public Hearing to February 27, 2025 at 7:30pm. Mr. Friedenberg seconded the motion. The motion was unanimously approved.

Mr. Ligris returned to the meeting at 9:50 p.m. after the close of the prior meeting.

5. 282 WARREN STREET
SPECIAL PERMIT **CONTINUED TO FEBRUARY 27, 2025**
The Applicant requested a Continuance. Mr. Goldman moved to continue the Public Hearing to February 27, 2025 at 7:30pm. Mr. Ligris seconded the motion. The motion was unanimously approved.

6. 0 COLGATE ROAD
APPEAL OF A BUILDING INSPECTOR DECISION **CONTINUED TO FEBRUARY 27, 20**
The public hearing was conducted, the Appellant, the direct Abutter, and the public provided comments. The Board looked to continue the meeting to allow the Appellant to provide further documentation of a private way that provides frontage for 0 Colgate Road as defined under the Zoning By-Law. Mr. Friendenberg moved to continue the Public Hearing to February 27, 2025 at 7:30pm. Mr. Ligris seconded the motion. The motion was unanimously approved.

The meeting adjourned at 10:10 p.m.

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. Copies of the Decisions are filed at the Board website linked here: https://needhamma.gov/Archive.aspx?AMID=141&Type=&ADID=
or by contacting Daphne Collins, Zoning Specialist, dcollins@needhamma.gov or 781-455-7550, ext. 72261.

The hearings can be viewed at http://www.needhamchannel.org/watch-programs/ and https://www.youtube.com/@TownofNeedhamMA/videos

Daphne Collins

From: jugino@gelermancabral.com
Sent: Wednesday, February 12, 2025 4:03 PM
To: Daphne Collins
Subject: 0 Colgate Road

Hi Daphne,

As you may recall, we represent the applicant for the 0 Colgate Road matter for which the hearing is presently continued by the ZBA to its February 27 meeting. The applicant requests a continuance to the March 20 hearing to allow further research to be undertaken to determine the status of the way in question. I do not believe a continuance to March 20 presents a constructive approval issue, but the applicant will of course agree to extend any applicable time limits for the Board to act.

Thank you for your attention to this matter.

Very truly yours,

Jeffery D. Ugino, Esq.
Gelerman and Cabral, LLC
30 Walpole Street
Norwood, MA 02062
Phone: 781.769.6900
Mobile: 617.818.2418
jugino@gelermancabral.com
Additional offices in Boston and Winchester

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KATHRYN K. WINTERS
KATHERINE BRAUCHER ADAMS
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February 18, 2025

VIA EMAIL

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

Re: Building Permit Denial for 0 Colgate Road

Dear Mr. Chairman and Ms. Collins,

As requested at the Board's meeting on January 29, 2025, I am submitting this letter in support of the Building Commissioner's decision to deny a building permit for 0 Colgate Road. My clients, Ellen Hurvitz and Barry Strasnick, are the owners of 66 Colgate Road. A portion of 66 Colgate Road abuts 0 Colgate Road. Below, I outline the reasoning behind our position and address several critical points regarding the nature of the land in question.

Background for 66 Colgate Road

My clients have owned their property at 66 Colgate Road since 1983. This uniquely shaped lot consists of two parcels and has a total area of 29,018 square feet. The deeded lot area of 66 Colgate includes both Lot A2 and Lot 12, as reflected in the purchase deed (see Exhibits A and B).

The configuration of 66 Colgate Road has been accepted by the Town of Needham for over 40 years. Notably, the town has never recognized Lot A2 as a public or private way, and it remains a part of my clients' assessed property (see Exhibit C). Needham's Zoning By-law explicitly defines a lot as a single area of land in one ownership, excluding any part of a way, public or private, that adjoins it.[1] Based on this definition, 66 Colgate Road meets the criteria of

[1] "**Lot** – a single area of land, in one ownership throughout, defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan. The area of a lot shall not include any part of a way, public or private, which adjoins the lot."(Section 1.3 of the Zoning By-Law)

a lot, with no portion of it designated as a way. Exhibit D is a photo of the mailbox for 66 Colgate, which is installed at the end of 66 Colgate's driveway, where it meets with Colgate Road. The Town does not plow or otherwise maintain the driveway for 66 Colgate as it would for a road or way.

Lack of Frontage for 0 Colgate Road

The building permit applicant for 0 Colgate Road ("the Applicant") claims that Lot A2 is a private way that can provide frontage for 0 Colgate Road (Lot 14). However, this claim is inconsistent with Needham's Zoning By-law, which defines a street or way as one either approved under the Subdivision Control Law or deemed suitable by the Planning Board for vehicular traffic and municipal services.[2]

Lot A2 has never been designated as a way on any subdivision plan. In 1975, a subdivision plan for the area was approved by the Planning Board and recorded (see Exhibit E). Colgate Road ends where Lot A2 begins. An easement recorded at the time of the Planning Board's acceptance of the 1975 subdivision plan explicitly excluded Lot A2 from being considered a way (see Exhibit F). This easement, granted by Robert Dawson to the Town of Needham, provided for a 30-foot turnaround for public vehicles, but did not establish a road, street, or way. The easement states that "the terms of this easement shall not be deemed, nor shall it be construed, to establish a road, street or way to satisfy the minimum requirement of the Subdivision Control Law applicable to any abutting lot not otherwise qualified."

Expired Covenant and Legal Precedents

The Applicant argues that a covenant recorded by Mr. Dawson grants her access rights to use Lot A2 as frontage for Lot 14. However, this argument is flawed for two reasons:

1. The purpose of the covenant (which was also recorded in connection with the 1975 subdivision, see Exhibit G) was to ensure that Lot A2 remained clear of obstructions for potential access to Greendale Avenue, an access point that was never formalized.

2. Massachusetts General Laws Chapter 184, Section 23 imposes a statutory expiration of conditions and restrictions on real property after thirty years. The covenant in question expired by statute in 2005 (see Exhibit H).

[2] "**Street or Way** – any public way or any private way shown on a plan approved under the provisions of the Subdivision Control Law or in existence when the provisions of said Subdivision Control Law became effective in the Town of Needham, having in the opinion of the Planning Board suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon." (Section 1.3 of the Zoning By-Law)

The intent of Section 23 is to prevent indefinite encumbrances on land, ensuring that property remains adaptable to changing circumstances. Therefore, any argument relying on this covenant is untenable.[3]

Additional Concerns Regarding the Development of 0 Colgate Road

Should the Board consider overturning the Building Inspector's determination, my clients have several concerns about the potential development of 0 Colgate Road:

- **Sewer Connection:** My clients' sewer connection runs to Greendale Avenue. Would the Applicant need to tie into this existing connection? How would she do so without trespassing on my clients' land?
- **Construction Impact:** 66 Colgate Road has landscaping, a driveway, and sprinklers on Lot A2. How will these be protected during construction?
- **Environmental Concerns:** The water table in the area is high, with properties built on ledge. How will construction impact adjacent homes?
- **Tree Removal:** What measures will be taken to ensure that tree removal does not negatively affect neighboring properties?

Conclusion

The Building Commissioner's decision to deny the building permit for 0 Colgate Road should be upheld. Lot A2 is not a public or private way and therefore cannot provide the necessary frontage for 0 Colgate Road.

Thank you for your time and consideration. I look forward to discussing this matter further at the Board's next meeting on February 27, 2025.

Sincerely,

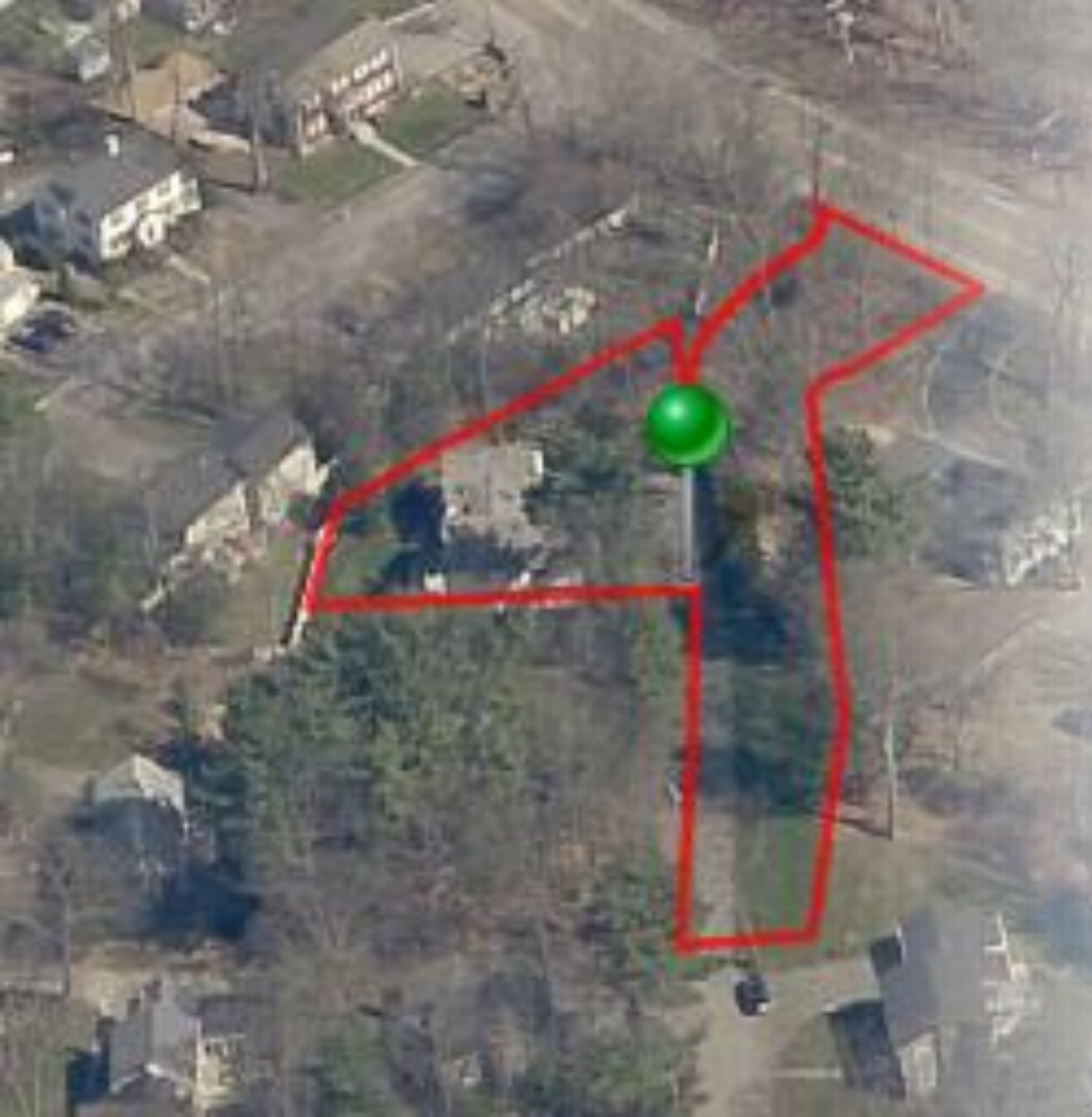
Katherine Braucher Adams

Katherine Braucher Adams

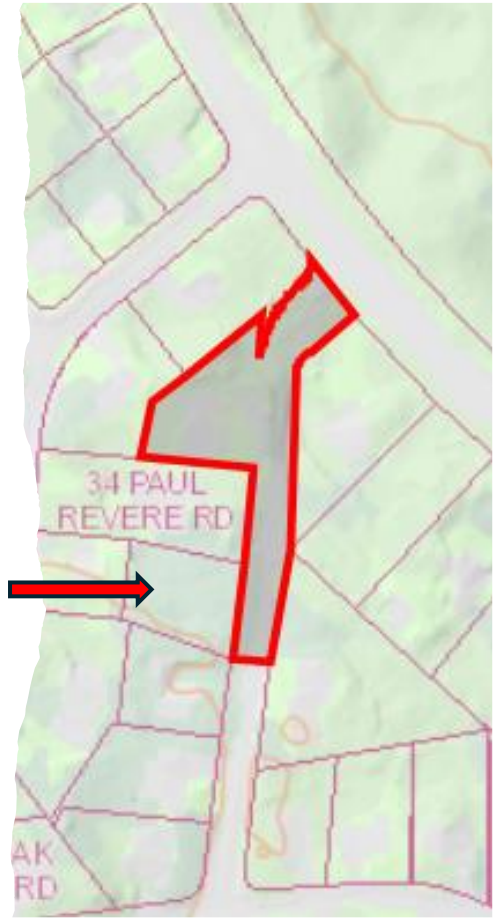
cc: Ellen Hurvitz and Barry Strasnick

[3] Section 27 of Chapter 184 makes provision for the extensions of covenants. The covenant in question was not extended prior to the expiration of thirty years.

Exhibit A:
66 Colgate Road configuration as shown on Needham assessor's database



0 Colgate Road



QUITCLAIM DEED

I, JEROME DERENZO, of Needham, Norfolk County, Massachusetts for consideration paid and in full consideration of TWO HUNDRED SEVENTY NINE THOSAND($279,000) DALLARS
GRANT to ELLEN LYNN HURVITZ
of 66 Colgate Road, Needham, Norfolk County, Massachusetts
with QUITCLAIM COVENANTS

TWO (2) certain parcels of land together with the buildings thereon situated in Needham, Norfolk County, Massachusetts and being bounded and described as follows:

FIRST PARCEL

Lot 12 as shown on a plan of land in said Needham entitled "Compiled Plan of Land in Needham, owned now or formerly by William H. Carter, Block W, Carleeta Park, Land in Needham, Frank L. Cheney, Civil Engineer, April 1952, Revised May 7, 1952" said plan being recorded in Norfolk Registry of Deeds as Plan No. 1271 of 1954, Plan Book 190.

Said Lot 12 is more particularly bounded and described according to said Plan as follows:

WESTERLY	by Lot 9, as shown on said Plan, fifty six and 38.100 (56.38) feet;
NORTHEASTERLY	by Lots 10 and 11, as shown on said plan, one hundred thirty eight and 78/100 (138.78) feet;
EASTERLY	by land marked "Now or formerly of Verge S. Wagner" fifty one and 14.100 (51.14) feet and ONE HUNDRED ONE(101) feet, as shown on said Plan;
SOUTHERLY	by Lot 13, as shown on said plan, one hundred fifteen (115) feet.

Containing , according to said plan, 11,271 square feet.

Meaning and intending to describe and convey all and the same premises conveyed to this Grantor by deed of Amelia Cimino dated August 23, 1983 and recorded with Norfolk Registry of Deeds in Book 6235 Page 460.

SECOND PARCEL

Lot A2 on a Plan of Land entitled "DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, Owner, Robert C. Dawson and Beatrice J. Dawson, Developer, Dawson Development Corporation, Surveyor, Cheney Engineering Co., Inc. Needham, Mass" said Plan being recorded with the Norfolk Registry of Deeds as Plan No. 144 of 1975, Plan Book 248.

address of property- 66 Colgate Road, Needham, Mass

RECEIVED RECORDED
1984 DEC 10 PM 3 20

Exhibit B
Lot 12 and Lot A2
- Deeded to Ellen Hurvitz in 1983
- Deeded to Ellen Hurvitz and Barry Strasnick in 1984

Exhibit C: Needham assessing records – 29,036 square feet lot, 2 parcels

PARID: 1990570002000000 MUNICIPALITY: NEEDHAM LUC: 101
HURVITZ, ELLEN LYNN & 66 COLGATE RD PARCEL YEAR: 2025

Land

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT	P-PRIMARY	101-SINGLE FAMILY RESIDENCE	10,000	.23	N						77		772,500
2	A-ACREAGE	R-RESIDUAL	101-SINGLE FAMILY RESIDENCE	19,036	.44	N						26,519		26,519
Total:													0	799,019

Exhibit D - mailbox of 66 Colgate, located at end of driveway in easement area.
Note limits of Town plowing.

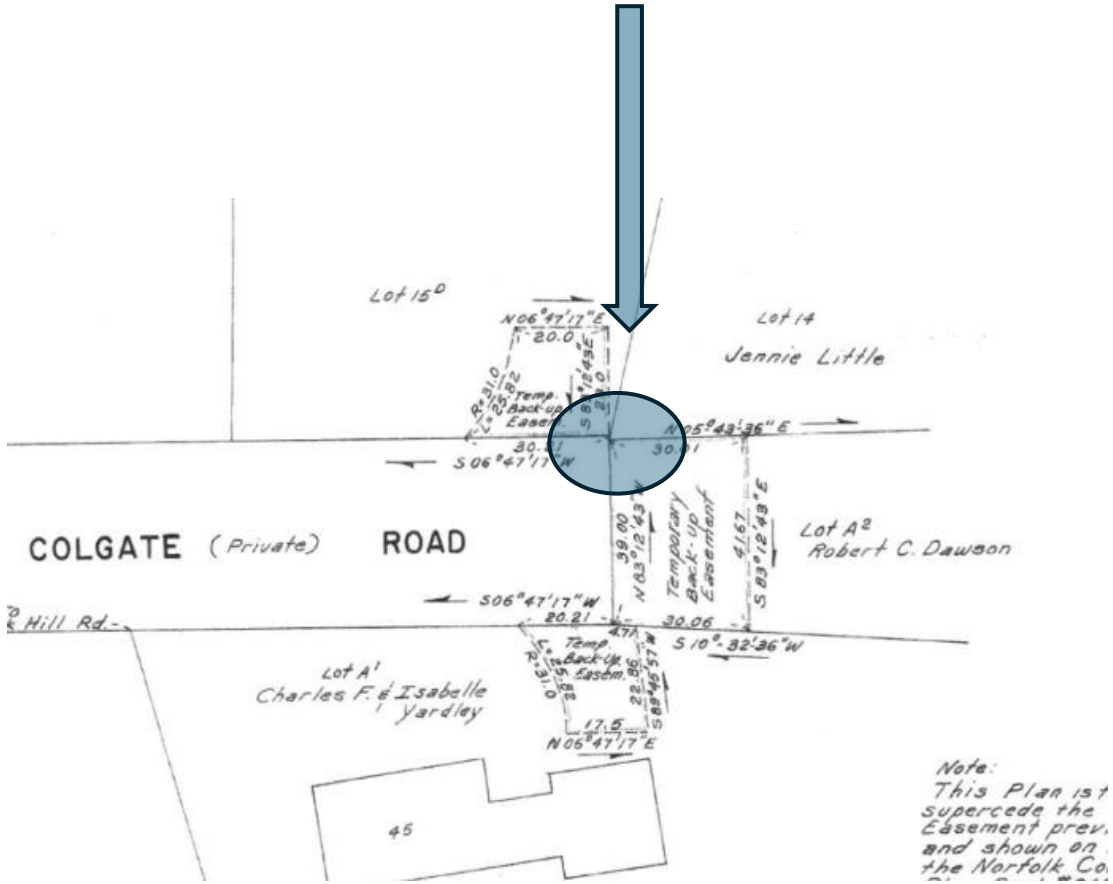


Exhibit E
1975 Subdivision Plan

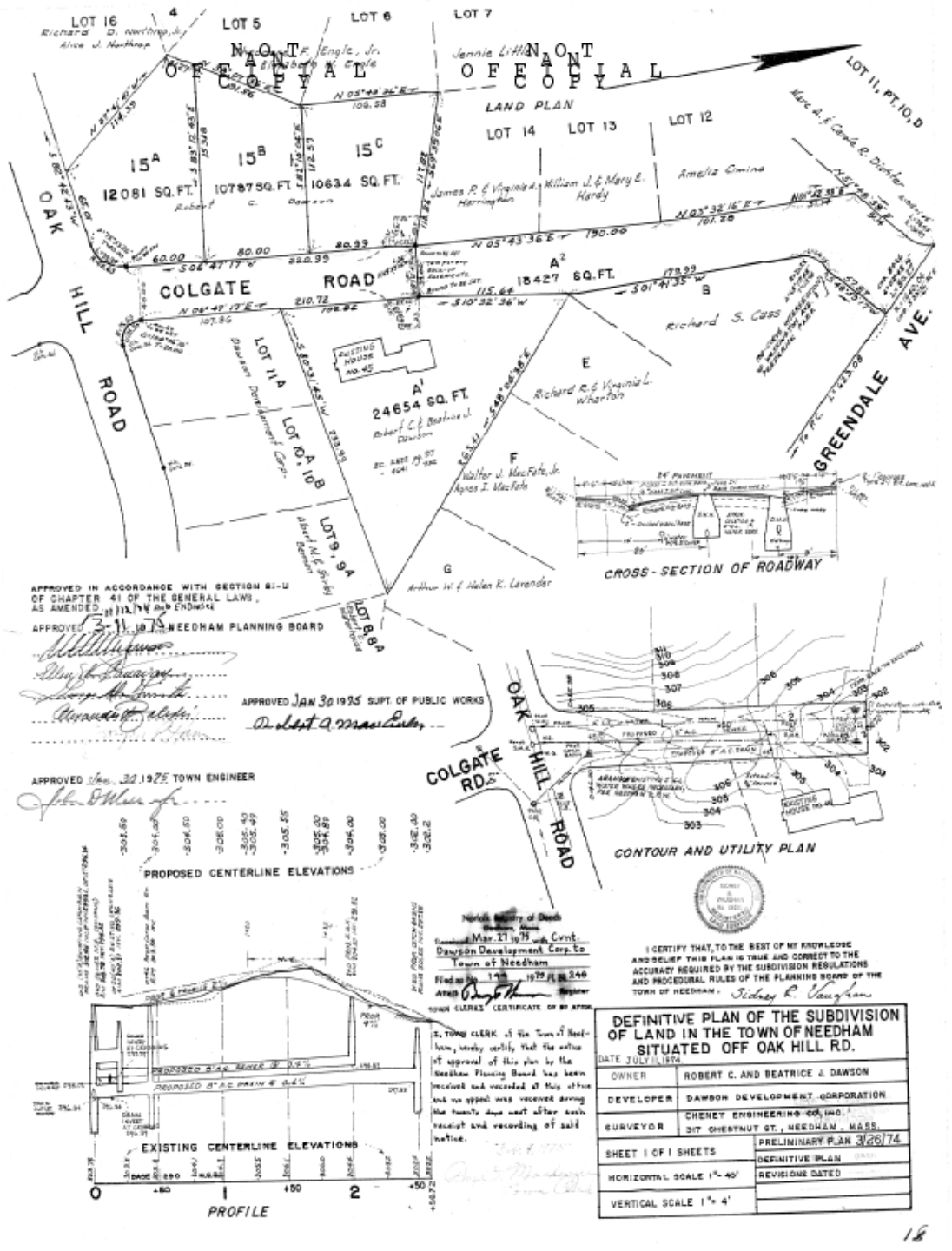


Exhibit F – Recorded Easement

GRANT OF TEMPORARY EASEMENT

530

I, ROBERT C. DAWSON, of Needham, County of Norfolk, Massachusetts, owner, for consideration paid, grant to the Inhabitants of the Town of Needham, a municipal corporation, located in Norfolk County, Massachusetts and their successors and assigns, a temporary backup easement in a certain parcel of land in Needham, Norfolk County, Massachusetts situated on Lot A^2 at Colgate Road, as shown on a plan entitled "Temporary Easements, to be acquired at Colgate Road in Needham, Mass.", John D. Marr, Jr., Town Engineer, dated June, 1975, to be recorded herewith and being bounded and described as follows:

Beginning at a point on the easterly sideline of Colgate Road, a private way, said point being the northerly limit of said Colgate Road, thence running along the northerly limit of said Colgate Road N-83°-12'-43"-W a distance of 39.00 feet, thence turning and running along the westerly lot-line of lot A^2-N-05°-43'-36"-E a distance of 30.01 feet, thence turning and running S-83°-12'-43"-E a distance of 41.67 feet, thence turning and running along the easterly lot line of lot A^2 S-10°-32'-36"-W a distance of 30.06 feet to the point of beginning.

The grant of easement referred to above includes the right to maintain a guard rail acceptable to the Planning Board and the Department of Public Works. The terms of this easement shall not be deemed, nor shall it be construed, to establish a road, street or way to satisfy the minimum requirement of the Subdivision Control Law applicable to any abutting lot not otherwise qualified.

"The terms of this easement shall not be deemed, nor shall it be construed, to establish a road, street or way to satisfy the minimum requirement of the Subdivision Control Law applicable to any abutting lot not otherwise qualified."

Exhibit G - Recorded Covenant

II. This Covenant shall run with the land and shall be binding upon the executor, administrators, heirs, assigns to the respective owners and developer, and their successors in title to the premises shown on said plan.

III (B). Lot A2, 18,427 square feet, bounded and described as shown on the aforementioned Definitive Plan, shall not constitute a separate building lot and ***shall remain free of any other improvements which would be inconsistent with said lot serving as an access to Greendale Avenue primarily for the benefit of the portion of lot A1 abutting lot A2 and any other properties abutting lot A2 as their respective interest may appear in providing for the public convenience and necessity when the need arises***. In consideration of the developer agreeing to the condition stated herein, the Planning Board will waiver the requirements for the construction of a permanent turnaround as described in Section 3.3.5 of the "Subdivision Regulations and Procedural Rules of the Planning Board" and will allow the developer to construct a temporary back-up strip as outlined in condition III,C. of this covenant

Exhibit H - MGL Chapter 184, Section 23: Restrictions on property expire after 30 years

Section 23: Conditions or restrictions; term of years; applicability

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Section 23. Conditions or restrictions, unlimited as to time, by which the title or use of real property is affected, shall be limited to the term of thirty years after the date of the deed or other instrument or the date of the probate of the will creating them, except in cases of gifts or devises for public, charitable or religious purposes. This section shall not apply to conditions or restrictions existing on July sixteenth, eighteen hundred and eighty-seven, to those contained in a deed, grant or gift of the commonwealth, or to those having the benefit of section thirty-two.

GELERMAN AND CABRAL, LLC

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BOSTON (BY APPOINTMENT)
MEDFORD (BY APPOINTMENT)

JEFFERY D. UGINO
JUGINO@GELERMANCABRAL.COM

February 18, 2025

VIA EMAIL dcollins@needhamma.gov

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

Re: Opposition to Appeal
378 Manning Street, Needham, MA
Building Permit No. BR-24-11071

Dear Members of the Zoning Board of Appeals:

As you may recall, this firm serves as counsel to Driftwood Landing, LLC ("Driftwood"), owner of the property located at 378 Manning Street, Needham, MA (the "Property"). This letter serves as a further response to the above-referenced appeal of Nick Kozlov and Megan Waldvogel's ("Petitioners") of our client's Building Permit. The additional material contained herein responds to the Board's inquiry as to the history of the Property as a two-family dwelling and its request that Driftwood representatives meet with the Property's neighbors. It also further addresses interpretation of Bylaw Section 1.4.7.4.

Documentation Concerning Property's Continuous Use as a Two-Family Dwelling

After communicating with former Property owners Clinton J. Kohlback and Susan F. Kohlback (the "Kohlbacks"), we have reaffirmed that the Property has a well-documented history as a continuous two-family dwelling. The Kohlbacks owned the

Property from July 1973 until September 2024, at which time they sold the Property to Driftwood. See attached title history at Exhibit 1.

The Kohlbacks provide a statement affirming that the structure on the Property was built in 1909 as a two-family residence with separate apartment entry access, two furnaces, two hot water heaters, two laundry hook-ups, two electric meters, two kitchens and two bathrooms. The Kohlbacks state that the home was rented and occupied by two separate households in the previous 50 years prior to their 1973 purchase. The Kohlbacks state that they continued to rent the two apartments through 2023, declaring rental income for this entire 50-year period. See February 13, 2025 letter from the Kohlbacks attached hereto as Exhibit 2. Given the source's 51-year history with the Property, there can be no better evidence of continuous use of the Property as a two-family dwelling than the Kohlbacks' statement.

Notwithstanding the significant and comprehensive statement given by the Kohlbacks, Driftwood provides herein additional evidence to demonstrate continuous use as a two-family dwelling. This evidence picks up where the Petitioners left off in their January 29, 2025 Supplemental Memorandum in support of their application. That Memorandum included, in Exhibit A, an "Occupancy Summary" relative to the Property. Driftwood has filled in many of the time gaps in an exhibit attached hereto as Exhibit 3. Driftwood's updated Occupancy Summary includes the following additions:

1. 2010-11 Lease
2. 2011-12 Lease
3. 2014-15 Lease
4. 2020 Voter Registration Data
5. 2022-23 Lease
6. 2023-24 Leases

As I noted during the first night of hearing on this matter, January 29, 2025, the Petitioners' reliance on Town Census and/or Voter Registration data and, namely, the *lack* of occupant records contained in those databases for certain time periods, is highly unreliable. To demonstrate, included in Driftwood's updated Occupancy Summary at Exhibit A is a 2010-11 Lease of Unit 1 to Christina Allegrezza. This occupant appears nowhere in the Town voter registration data for 378 Manning Street, Unit 1, shown at Exhibit H. Therefore, this is one easily-identifiable occupant of the Property not included in the Petitioners' Supplemental Memorandum.

This single example shows the difficulty in using such Town databases to demonstrate "abandonment" under Zoning Bylaw Section 1.4.5, which requires:

(a) when the intent to discontinue the use is stated by the owner or occupant, or is otherwise manifest; or

(b) When the use has been discontinued or the stock-in-trade, equipment, or furnishings characteristic of the use have been removed from the premises, for twenty-four consecutive months; or
(c) When the non-conforming use has been replaced by a conforming use; or
(d) When the non-conforming use has been changed to another non-conforming use under a special permit granted by the Board of Appeals.

Presumably, the Petitioners are attempting to demonstrate subsection (b) of 1.4.5 has been satisfied. However, when measured against the Kohlbacks' comprehensive statement, the previously-cited Assessors Records, and the Building Commissioner's review of Building Department records, the Petitioners' chart, which is incomplete and unreliable at best, does little to meet the Petitioners' burden to demonstrate discontinuance of the two-family use for 24 consecutive months.

Results of Meeting with the Neighbors

Driftwood's principals met by Zoom with the Property's neighbors on February 4, 2025. After detailing the history of the project with the Building Department, including the Building Department's encouragement to build a by-right project at the site, my client shifted the focus to hear the neighbors' concerns about the current iteration of the plans. The neighbors stated that they do not presently have a list of concerns, remarking instead that Driftwood should look to the appeal filed with the Board. However, the appeal is based on legal arguments such as the Zoning Bylaw definitions which have been much-discussed thus far. The appeal does not cite substantive, zoning-related concerns such as bulk, setbacks, or blending with the surrounding neighborhood which would provide a basis to make design changes.

Conceding that they did not have any substantive comments to add concerning current plans, the neighbors asked for some more time to "take it all in", and closed by stating that they would be in touch with Driftwood's principals for further comments. To date, the neighbors have offered nothing further.

Bylaw Interpretation: Section 1.4.7.4

Lastly, in the Petitioners' Supplemental Memorandum, submitted three hours prior to the January 29, 2025 hearing, they seek to entirely strike Zoning Bylaw Section 1.4.7.4's inclusion of "accessory annexes" in the calculation of a permissible rebuilding footprint. They do so by asking the Board to agree that if "attached garage" is included in the definition, it necessarily follows that *detached* garages are not to be included because such a reading would best render the Bylaw "consistent and harmonious."

Our client suggests a more consistent and harmonious reading recognizes that the definition's first part contains portions of the main structure's footprint: "attached garages,

porches, solariums and similar fully enclosed extensions". The second part contains outbuildings: "attachments and accessory annexes". The third part includes its own category: "eaves and roof overhangs." Case law provides that we cannot look at any one provision of a bylaw in isolation. Owens v. Board of Appeals of Belmont, 11 Mass.App.Ct. 994, 995, (1981). To this end, an accessory annex must be inclusive of attached garages, sheds, pool houses, and similar structures. Otherwise, "accessory annexes" would be read out of the Bylaw, which is surely not the intent of Town Meeting.

For all of these additional reasons, I respectfully request that the Board deny the Petitioners'appeal. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me at your convenience.

Very truly yours,

/s/ Jeffery D. Ugino
Jeffery D. Ugino

Enc.
cc: Building Commissioner
George Giunta, Jr., Esq.
Client

Exhibit 1

4963

80 I, George A. Place

of Needham, Norfolk County, Massachusetts,

being ~~unmarried~~, for consideration paid, in the amount of Forty-seven Thousand Nine Hundred ($47,900.00) Dollars

grant to Clifton J. Kohlback

of Auburndale, Middlesex County, Massachusetts

with quitclaim covenants

~~the~~ ~~the~~ ~~de~~

~~[redacted]~~

A certain parcel of land with the buildings thereon, situated in Needham, Norfolk County, Massachusetts, being shown as 378 Manning Street on a plan entitled "Plan of Land in Needham, Mass." dated December 1949, recorded with said Deeds, Book 2878, Page 276, bounded and described as follows:

NORTHERLY: by Otis Street, One Hundred Twenty (120) feet;

NORTHWESTERLY: by a curved line at the corner of Otis and Manning Streets, Thirty-one and 42/100 (31.42) feet;

WESTERLY: by Manning Street, Fifty-five (55) feet;

SOUTHERLY: by land of Starrett, One Hundred Forty (140) feet;

EASTERLY: by land now or formerly of Sillesby, Seventy-five (75) feet.

Containing 10,414 square feet.

For title see deed of ~~A~~ Sterling Holt et ux, dated June 16, 1969, recorded with Norfolk Registry of Deeds, Book 4598, Page 349.

Subject to taxes assessed for the year 1973

Grantee's Address: 378 Manning Street, Needham, Mass.

COMMONWEALTH OF MASSACHUSETTS
DEEDS EXCISE
JUL 25 '73
10.44

CANCELLED

Witness my hand and seal this 25th day of July 1973

George A. Place

The Commonwealth of Massachusetts

Middlesex, ss. July 25, 1973

Then personally appeared the above named George A. Place

and acknowledged the foregoing instrument to be his free act and deed, before me,

Hedrick M. Lea
Notary Public

My Commission expires April 30, 1976

Recorded July 25, 1973 at 1h. 33m. P. M.

Bk 33355 Pg400 #72976
07-30-2015 @ 11:26a

property : grantee : 378 MANNING STREET, NEEDHAM 02492

QUITCLAIM DEED

I, Clinton J. Kohlback, of Needham, Norfolk County Massachusetts for consideration paid and in full consideration of less than One Hundred and 00/100 ($100.00) Dollars grant to Clinton J. Kohlback and Susan Kohlback, as Trustees of the Kohlback Family Revocable Trust, u/d/t dated April 27, 2015 and evidenced by a Certificate of Trust recorded herewith

with Quitclaim Covenants

A certain parcel of land with the buildings thereon, situated in Needham, Norfolk County, Massachusetts, being shown as 378 Manning Street on a plan entitled "Plan of Land in Needham, Mass." Dated December 1949, recorded with said Deeds, Book 2878, Page 276, bounded and described as follows:

NORTHERLY	by Otis Street, One Hundred Twenty (120) feet;
NORTHWESTERLY	by a curved line at the corner of Otis and Manning Streets, Thirty-one and 42/100 (31.42) feet;
WESTERLY	by Manning Street, Fifty-five (55) feet;
SOUTHERLY	by land of Starrett, One Hundred Forty (140) feet;
EASTERLY	by land now or formerly of Sillesby, Seventy-five (75) feet.

Containing 10,414 square feet.

I, Susan Kohlback, hereby join in this deed to release any and all rights of homestead I may have had or currently have in above-described premises.

Meaning and intending to convey the same premises as conveyed to the Grantor herein by Deed of George A. Place dated July 25, 1973 and recorded with the Norfolk County Registry of Deeds in Book 4963, Page 80.

Witness our hands and seals this 23 day of July, 2015.

Clinton J. Kohlback

Susan Kohlback

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this 23rd day of July, 2015 before me, the undersigned notary public, personally appeared Clinton J. Kohlback and Susan Kohlback, proved to me through satisfactory evidence of identification, which were [ ] Driver's License or [ ] known personally _____, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

MARYRUTH PERRAS
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
May 28, 2021

Notary Public:

My Commission Expires:

Bk 42003 Pg210 #61432
09-18-2024 @ 11:23a

Quitclaim Deed

We, **Clinton J. Kohlback and Susan Kohlback, Trustees of Kohlback Family Revocable Trust u/d/t dated April 27, 2015**, of **Needham, Massachusetts,** for consideration paid and in full consideration of **ONE MILLION FOUR HUNDRED TWENTY FIVE THOUSAND AND 00/100 DOLLARS ($1,425,000.00)**, hereby grant to **Driftwood Landing LLC, a Massachusetts limited liability company with a principal office located at 127 Hanson Road, Newton, MA 02459,**with **QUITCLAIM COVENANTS**:

Property Address: 378 Manning Street, Needham, MA 02492

A certain parcel of land with the buildings thereon, situated in Needham, Norfolk County, Massachusetts, being shown as 378 Manning Street on a plan entitled "Plan of Land in Needham, Mass." Dated December 1949, recorded with said Deeds, Book 2878, Page 276, bounded and described as follows:

NORTHERLY by Otis Street, One Hundred Twenty (120) feet;

NORTHWESTERLY by a curved line at the corner of Otis and Manning Streets, Thirty-one and 42/100 (31.42) feet;

WESTERLY by Manning Street, Fifty-five (55) feet;

SOUTHERLY by land of Starrett, One Hundred Forty (140) feet;

EASTERLY by land now or formerly of Sillesby, Seventy-five (75) feet.

Containing 10,414 square feet.

For grantor's title, see deed dated July 23, 2015 and recorded on July 30, 2015 in the Norfolk County Registry of Deeds at Book 33355, Page 400.

The Grantor, named herein, does hereby voluntarily release all rights of Homestead, if any, as set forth in M.G.L. Chapter 188 and states under the pains and penalties of perjury that there is no other person or persons entitled to any homestead rights and that no Trustee or Beneficiary of **Kohlback Family Revocable Trust** ("Trust"), no spouse or civil union partner of a trustee or beneficiary of the Trust, no former spouse or former civil union partner of a trustee or beneficiary of the Trust resides in the property as their primary residence or is entitled to claim the benefit of an existing estate of homestead.

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 09-18-2024 @ 11:23am
Ctl#: 233 Doc#: 61432
Fee: $6,498.00 Cons: $1,425,000.00

QUITCLAIM DEED

WILLIAM P. O'DONNELL, REGISTER
NORFOLK COUNTY REGISTRY OF DEEDS
RECEIVED & RECORDED ELECTRONICALLY

Executed under seal this 5 day of September, 2024.

Kohlback Family Revocable Trust

By: _____
Clinton J. Kohlback, Trustee

By: _____
Susan Kohlback, Trustee

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Norfolk

On this 5 day of September, 2024, before me, the undersigned notary public, personally appeared the above-named, Clinton J. Kohlback and Susan Kohlback, Trustees of Kohlback Family Revocable Trust, proved to me through satisfactory evidence of identification, which were FL [redacted] DL, to be the person(s) who signed the preceding or attached document in my presence, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose, by his/her/their free act and deed.

_____
Notary Public Signature

My Commission Expires:

RYAN P.B. KELLY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 4, 2027

Exhibit 2

February 13, 2025

RE: 378 Manning Street, Needham, MA 02492

FM: Clinton J. Kohlback / Susan F. Kohlback

To Whom It May Concern:

Please be informed that we have been the owners of the 2 family home at 378 Manning Street, Needham, MA 02492, consisting of Apartment 1 and Apartment 2 since July 1973 until its recent sale in September 2023.

The home was built in 1909 as a 2 family residence with separate apartment entry access, 2 furnaces, 2 hot water heaters, 2 laundry hook ups, 2 electric meters, 2 kitchens and bathrooms etc. It was our understanding on purchase that the home had been rented and occupied by 2 households for the previous 50+ years. We continued to rent the apartments for the next 50+ years

We have declared rental income from this property for each and every year from 1973 through 2023. It is our statement to the best of our experience and knowledge that the property at 378 Manning Street, Needham MA has been maintained and occupied as 2 household residences for over 100 years.

Clinton J. Kohlback
Susan F. Kohlback

Susan Kohlback

dotloop verified
02/14/25 9:39 AM EST
ALI0-MQP5-CHCU-OBQA

Exhibit 3

Occupancy Summary – 2003-2024

Year	Name	Year of Birth	Occupation	Residence Prior Year
2003	**Nancy A. Bell** Jennifer R. Rouleau	1930 1974	Retired	
	Neil J. Garceau Beth A. Garceau	1969 1971		
2004	**Nancy A. Bell**	1930	Retired	
	Andrew LaGarde Margaret R. LaGarde	1965 1970	Director Manager	
2005	**Nancy A. Bell**	1930	Retired	
	Diane Bazner	1957	Supply Management	
2006	**Nancy A. Bell**	1930	Retired	
	Diane Bazner	1957	Supply Management	
2007	**Nancy A. Bell**	1930	Retired	
2008	**Nancy A. Bell**	1930	Retired	
2009	**Nancy A. Bell***	1930	Retired	
	Clinton J. Kohlback Susan F. Kohlback Clinton Jay Kohlback	1941 1949 1975	Carpenter Housewife Student	
2010	**Christina Allegrezza - See 2010-11 Allegrezza lease attached as Exhibit A**			
	Clinton J. Kohlback Susan F. Kohlback Clinton Jay Kohlback	1941 1949 1975	Carpenter Housewife Student	
2011	**Thomas and Lauren Stanley - See 2011-12 Stanley lease attached as Exhibit B**			
2012	**Lauren Foley Stanley** Thomas Charles Stanley	1983 1985	Marketing Engineer	
2013	**Lisa M. Williams**** Sven J. Myrberg	1978 1979	Financial Military	

2014	**Lisa Williams Myrberg**** Sven J. Myrberg	1978 1979	Financial Military	
2015	**Sven J. Myrberg and Lisa - See 2014-15 Myberg lease attached as Exhibit C**	1979	Military	
2016				
2017				
2018	**Paul J. Curtis**	1976	12	
2019	**Paul J. Curtis**	1976	12	
	Elisabeth Morris	1981	Analyst	
2020	**Elizabeth Morris- See voter registration data for Morris attached as Exhibit D**		**Paul Curtis- See voter registration data for Curtis attached as Exhibit E**	
2021				
2022	**Ashley Morganthal and Ashley Zapert- See 2022-23 Morgantal/Zapert lease attached as Exhibit F**			
2023	**Edye Caine - See 2023-24 Caine lease attached as Exhibit G**			
2024	**Edye Caine - See 2023-24 Caine lease attached as Exhibit G**			

* Deceased, November 2010.

**The occupancy record from the following year, plus a limited internet search indicates that Lisa M. Williams and Sven J. Myrberg were wed, are currently married, and living in Rhode Island, leading to the inference that they lived together in the same unit at the Premises in 2013.

Also, see voter registration data for Unit 1 attached as Exhibit H that show inconsistencies with the data when compared to the leaeses. For example, Christina Allegrezza does not show up in the data.

EXHIBIT A

STANDARD FORM APARTMENT LEASE
(FIXED TERM)
1999/2000 EDITION

RHA Rental Housing Association

Date 3/20/10

CLINTON KOHLBACK (Name) [redacted]

378 Manning ST, NEEDHAM, MA 02492 (Address) (Telephone No.)

Lessor, hereby leases to CHRISTINA ALLEGREZZA

27 PRIMROSE ST ROSLINDALE, MA (Name) (Address) (Telephone No.)

[redacted] Lessee, who hereby hires

the following premises, viz (Apartment) (Suite) 1 at 378 Manning ST (Street)

NEEDHAM (City or Town) MA Zip 02492 (consisting of) FIRST FLOOR

APARTMENT together with parking for 2 Cars in Driveway

for the term of ONE YEAR beginning May 1, 2010 *

and terminating on APRIL 30, 2011. The rent to be paid by the Lessee for the leases premises shall be as follows:

RENT

A. The term rent shall be $ [redacted] payable, except as herein otherwise provided, in installments of $ [redacted] on the FIRST day of every month, in advance, so long as this lease is in force and effect.

TENANT
This section governs Rent payments. In some cases, rent payments may increase during the lease term. Please be sure that you carefully read and understand this section. Please initial here when you are certain that you understand and agree with this section.
Lessee's initials:

B. However, if in any tax year commencing with the fiscal year _____ the real estate taxes on the land and buildings of which the leased premises are a part, are in excess of the amount of the real estate taxes thereon for the fiscal year _____ (herein called the "Base Year", and being the most recent year in which the Lessor has actually received a real estate tax bill for the leased premises) Lessee will pay to Lessor as additional rent hereunder, when and as designated by notice in writing by Lessor, _____ per cent of such excess that may occur in each year of the term of this Lease or any extension or renewal thereof and proportionately for any part of a fiscal year. The Lessor represents to the Lessee that the term rent set forth in the immediately preceding paragraph (A) does not reflect any real estate tax increase subsequent to the said Base Year. Notwithstanding anything contained herein to the contrary, the Lessee shall be obligated to pay only that proportion of such increased tax as the unit leased him bears to the whole of the real estate so taxed, and if the Lessor obtains an abatement of the real estate tax levied on the whole of the real estate of which the unit leased by Lessee is a part, a proportionate share of such abatement, less reasonable attorney's fees, if any, shall be refunded to said Lessee.

C. Notwithstanding anything contained herein to the contrary, if the leased premises are or become subject to rent control laws or other laws regulating rents, the Lessee shall not pay more than the maximum rent allowed under such applicable rent control laws or other laws regulating rents.

* RENTAL WILL BEGIN ON APRIL 15, 2010 WITH A PRORATED RENTAL PAYMENT OF [redacted]

LESSOR AND LESSEE FURTHER COVENANT AND AGREE

That during the term of this Lease and for such other and further period as the said Lessee shall occupy the said premises, all of the terms, covenants and conditions contained herein shall remain in full force and effect.

1. **MAINTENANCE** - For maintenance, if other than lessor, contact

_____ (Name) _____ (Address) _____ (Telephone No.)

2. **ADDITIONAL PROVISIONS** -

— SEE ATTACHED ADDENDUM

EQUAL HOUSING OPPORTUNITY

EXHIBIT B

RHA
Rental Housing Association

STANDARD FORM APARTMENT LEASE
(FIXED TERM)
1999/2000 EDITION

Date 6/25/11

Clinton Kohlback
(Name)

Needham, MA 02492
(Address) (Telephone No.) [redacted]

Lessor, hereby leases to Thomas Stanley and Lauren Foley

(Name) [redacted] (Address) [redacted]

Lessee, who hereby hires

the following premises, viz (Apartment) (Suite) 1 at 378 Manning ST
(Street)

Needham MA Zip 02492 (consisting of) First Floor
(City or Town)

Apartment together with parking for 2 Cars in Driveway

for the term of One Year, beginning August 1, 2011

and terminating on July 31, 2012. *The rent to be paid by the Lessee for the leases premises shall be as follows*

RENT

A: The term rent shall be $ [redacted] payable, except as herein otherwise provided, in installments of $ [redacted] on the First day of every month, in advance, so long as this lease is in force and effect

TENANT
This section governs Rent payments. In some cases, rent payments may increase during the lease term. Please be sure that you carefully read and understand this section. Please initial here when you are certain that you understand and agree with this section.
Lessee's initials:

~~B: However, if in any tax year commencing with the fiscal year _____ the real estate taxes on the land and buildings of~~ which the leased premises are a part, are in excess of the amount of the real estate taxes thereon for the fiscal year _____ (herein called the "Base Year", and being the most recent year in which the Lessor has actually received a real estate tax bill for the leased premises) Lessee will pay to Lessor as additional rent hereunder, when and as designated by notice in writing by Lessor, _____ per cent of such excess that may occur in each year of the term of this Lease or any extension or renewal thereof and proportionately for any part of a fiscal year. The Lessor represents to the Lessee that the term rent set forth in the immediately preceding paragraph (A) does not reflect any real state tax increase subsequent to the said Base Year. Notwithstanding anything contained herein to the contrary, the Lessee shall be obligated to pay only that proportion of such increased tax as the unit leased him bears to the whole of the real estate so taxed, and if the Lessor obtains an abatement of the real estate tax levied on the whole of the real estate of which the unit leased by Lessee is a part, a proportionate share of such abatement, less reasonable attorney's fees, if any, shall be refunded to said Lessee.

C: Notwithstanding anything contained herein to the contrary, if the leased premises are or become subject to rent control laws or other laws regulating rents, the Lessee shall not pay more than the maximum rent allowed under such applicable rent ~~control laws or other laws regulating rents.~~

LESSOR AND LESSEE FURTHER COVENANT AND AGREE:
That during the term of this Lease and for such other and further period as the said Lessee shall occupy the said premises, all of the terms, covenants and conditions contained herein shall remain in full force and effect.

1. **MAINTENANCE** - For maintenance, if other than lessor, contact:

_____ (Name) _____ (Address) _____ (Telephone No.)

2. **ADDITIONAL PROVISIONS** - * See Attached Addendum

EQUAL HOUSING OPPORTUNITY

EXHIBIT C

RHA
Rental Housing Association

STANDARD FORM APARTMENT LEASE
(FIXED TERM)
1999/2000 EDITION

Date 5/16/14

CLINTON KOHLBACK
(Name)

NEEDHAM, MA 02492
(Address) (Telephone No.)

Lessor, hereby leases to LISA AND SVEN MYRBURG

[redacted]
(Name) (Address) (Telephone No.)

Lessee, who hereby hires

the following premises, viz (Apartment) (Suite) #1 at 378 Manning ST
(Street)

NEEDHAM MA Zip 02492 (consisting of) FIRST FLOOR Apt
(City or Town)

plus parking for 2 cars in driveway

for the term of One Year beginning June 1, 2014

and terminating on May 31, 2015. *The rent to be paid by the Lessee for the leases premises shall be as follows*

RENT

A: The term rent shall be [redacted] payable, except as herein otherwise provided, in installments of [redacted] on the FIRST day of every month, in advance, so long as this lease is in force and effect

TENANT
This section governs Rent payments. In some cases, rent payments may increase during the lease term. Please be sure that you carefully read and understand this section. Please initial here when you are certain that you understand and agree with this section.
Lessee's initials:

~~B: However, if in any tax year commencing with the fiscal year ____ the real estate taxes on the land and buildings of~~ which the leased premises are a part, are in excess of the amount of the real estate taxes thereon for the fiscal year ____ (herein called the "Base Year", and being the most recent year in which the Lessor has actually received a real estate tax bill for the leased premises) Lessee will pay to Lessor as additional rent hereunder, when and as designated by notice in writing by Lessor, ____ per cent of such excess that may occur in each year of the term of this Lease or any extension or renewal thereof and proportionately for any part of a fiscal year. The Lessor represents to the Lessee that the term rent set forth in the immediately preceding paragraph (A) does not reflect any real state tax increase subsequent to the said Base Year. Notwithstanding anything contained herein to the contrary, the Lessee shall be obligated to pay only that proportion of such increased tax as the unit leased him bears to the whole of the real estate so taxed, and if the Lessor obtains an abatement of the real estate tax levied on the whole of the real estate of which the unit leased by Lessee is a part, a proportionate share of such abatement, less reasonable attorney's fees, if any, shall be refunded to said Lessee.

C: Notwithstanding anything contained herein to the contrary, if the leased premises are or become subject to rent control laws or other laws regulating rents, the Lessee shall not pay more than the maximum rent allowed under such applicable rent ~~control laws or other laws regulating rents.~~

LESSOR AND LESSEE FURTHER COVENANT AND AGREE

That during the term of this Lease and for such other and further period as the said Lessee shall occupy the said premises, all of the terms, covenants and conditions contained herein shall remain in full force and effect.

1. **MAINTENANCE** - For maintenance, if other than lessor, contact

(Name) (Address) (Telephone No.)

2. **ADDITIONAL PROVISIONS** -

SEE Attached Addendum

EQUAL HOUSING OPPORTUNITY

EXHIBIT D

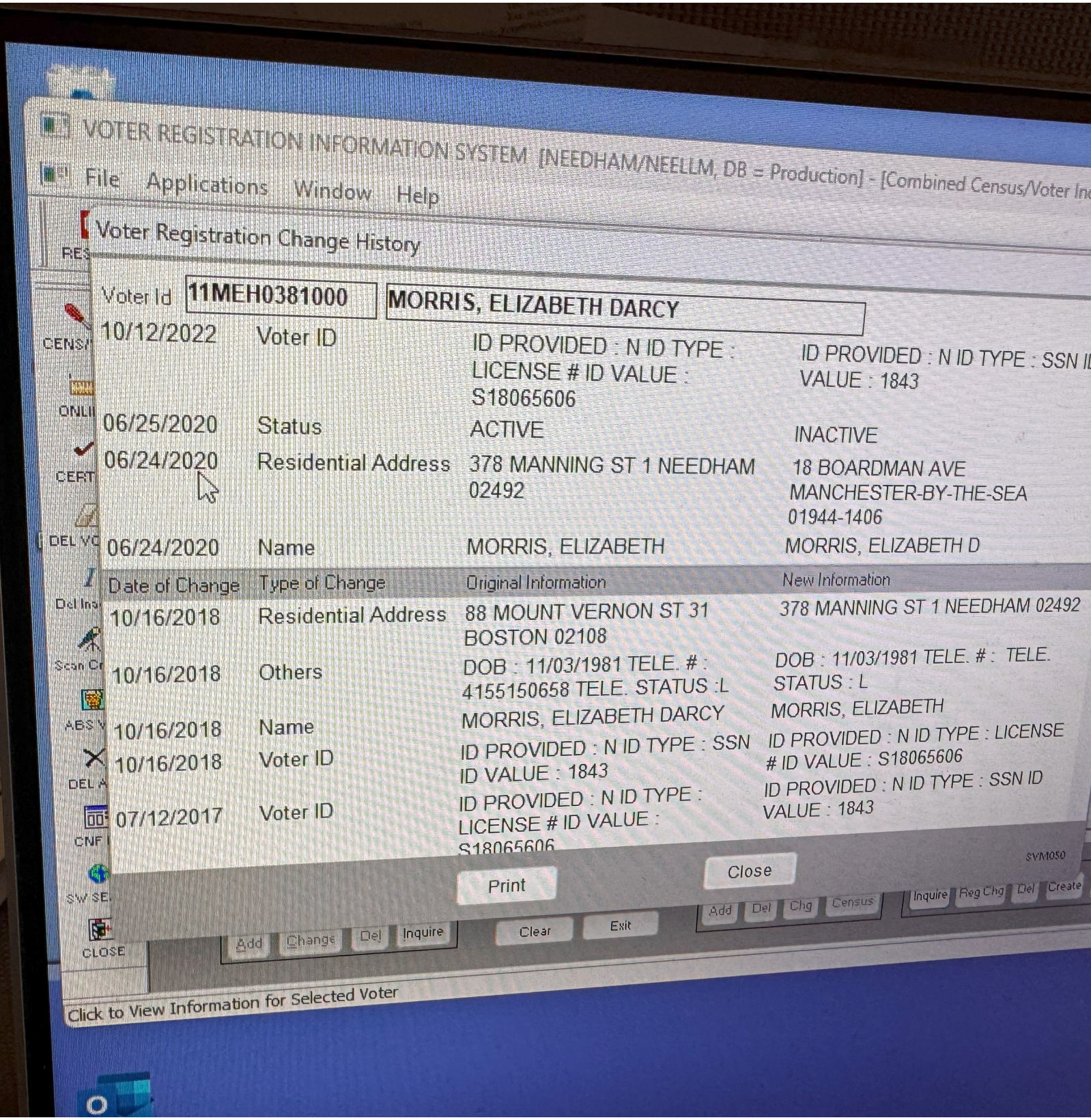

VOTER REGISTRATION INFORMATION SYSTEM [NEEDHAM/NEELLM, DB = Production] - [Combined Census/Voter In
File Applications Window Help
Voter Registration Change History
Voter Id 11MEH0381000 MORRIS, ELIZABETH DARCY
10/12/2022 Voter ID ID PROVIDED : N ID TYPE : LICENSE # ID VALUE : S18065606 ID PROVIDED : N ID TYPE : SSN ID VALUE : 1843
06/25/2020 Status ACTIVE INACTIVE
06/24/2020 Residential Address 378 MANNING ST 1 NEEDHAM 02492 18 BOARDMAN AVE MANCHESTER-BY-THE-SEA 01944-1406
06/24/2020 Name MORRIS, ELIZABETH MORRIS, ELIZABETH D
Date of Change Type of Change Original Information New Information
10/16/2018 Residential Address 88 MOUNT VERNON ST 31 BOSTON 02108 378 MANNING ST 1 NEEDHAM 02492
10/16/2018 Others DOB : 11/03/1981 TELE. # : 4155150658 TELE. STATUS :L DOB : 11/03/1981 TELE. # : TELE. STATUS : L
10/16/2018 Name MORRIS, ELIZABETH DARCY MORRIS, ELIZABETH
10/16/2018 Voter ID ID PROVIDED : N ID TYPE : SSN ID VALUE : 1843 ID PROVIDED : N ID TYPE : LICENSE # ID VALUE : S18065606
07/12/2017 Voter ID ID PROVIDED : N ID TYPE : LICENSE # ID VALUE : S18065606 ID PROVIDED : N ID TYPE : SSN ID VALUE : 1843
SVM050
Print
Close
Add Change Del Inquire
Clear
Exit
Add Del Chg Census
Inquire Reg Chg Del Create
CLOSE
Click to View Information for Selected Voter

EXHIBIT E

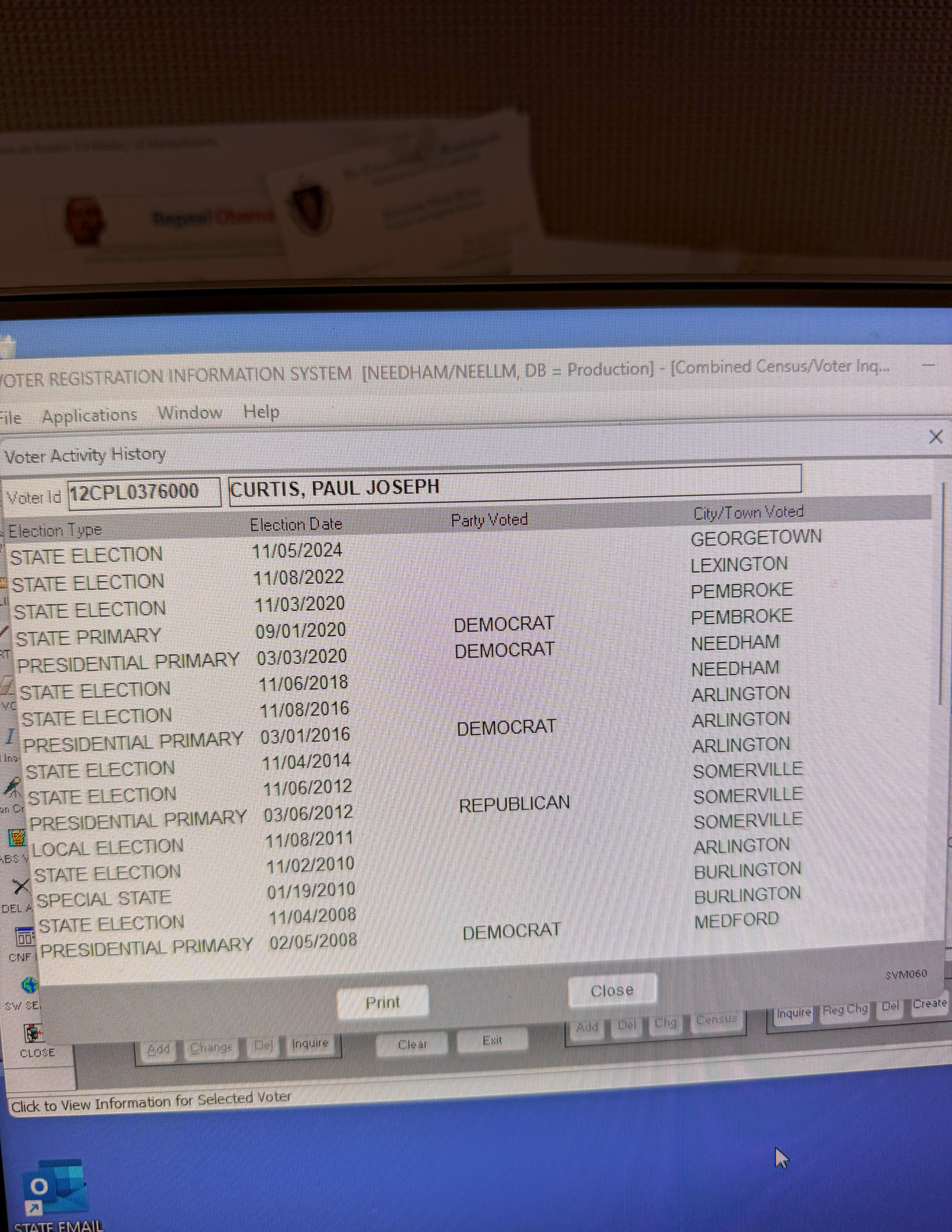

VOTER REGISTRATION INFORMATION SYSTEM [NEEDHAM/NEELLM, DB = Production] - [Combined Census/Voter Inq...
File Applications Window Help
Voter Activity History
Voter Id 12CPL0376000 CURTIS, PAUL JOSEPH
Election Type | Election Date | Party Voted | City/Town Voted
STATE ELECTION | 11/05/2024 | | GEORGETOWN
STATE ELECTION | 11/08/2022 | | LEXINGTON
STATE ELECTION | 11/03/2020 | | PEMBROKE
STATE PRIMARY | 09/01/2020 | DEMOCRAT | PEMBROKE
PRESIDENTIAL PRIMARY | 03/03/2020 | DEMOCRAT | NEEDHAM
STATE ELECTION | 11/06/2018 | | NEEDHAM
STATE ELECTION | 11/08/2016 | | ARLINGTON
PRESIDENTIAL PRIMARY | 03/01/2016 | DEMOCRAT | ARLINGTON
STATE ELECTION | 11/04/2014 | | ARLINGTON
STATE ELECTION | 11/06/2012 | | SOMERVILLE
PRESIDENTIAL PRIMARY | 03/06/2012 | REPUBLICAN | SOMERVILLE
LOCAL ELECTION | 11/08/2011 | | SOMERVILLE
STATE ELECTION | 11/02/2010 | | ARLINGTON
SPECIAL STATE | 01/19/2010 | | BURLINGTON
STATE ELECTION | 11/04/2008 | | BURLINGTON
PRESIDENTIAL PRIMARY | 02/05/2008 | DEMOCRAT | MEDFORD
Print
Close
SVM060
Add Change Del Inquire Clear Exit
Add Del Chg Census
Inquire Reg Chg Del Create
CLOSE
Click to View Information for Selected Voter
STATE EMAIL

EXHIBIT F

STANDARD FORM APARTMENT LEASE
(FIXED TERM)

RHA
Rental Housing Association

Date 6/1/22

(Name) Kohlback Family Trust

(Address) 378 Manning ST Needham Ma 02492 (Telephone No.) [redacted]

Lessor, hereby leases to Ashley Morgenthal and Ashley Zapert

(Name) (Address) (Telephone No.)

Lessee, who hereby hires

the following premises, viz: (Apartment) (Suite) #1 at 378 Manning ST (Street)

Needham (City or Town) MA Zip 02492 (consisting of) First Floor Apartment

plus parking for 2 cars in driveway

for the term of One Year, beginning July 1, 2022

and terminating on June 30, 2023. *The rent to be paid by the Lessee for the leases premises shall be as follows:*

RENT: A: The term rent shall be $[redacted] payable, except as herein otherwise provided, in installments of $[redacted] on the First day of every month, in advance, so long as this lease is in force and effect.

TENANT: This section governs Rent payments. In some cases, rent payments may increase during the lease term. Please be sure that you carefully read and understand this section. Please initial here when you are certain that you understand and agree with this section. Lessee's initials: _____

~~B: However, if in any tax year commencing with the fiscal year _____ the real estate taxes on the land and buildings, of which the leased premises are a part, are in excess of the amount of the real estate taxes thereon for the fiscal year _____ (herein called the "Base Year", and being the most recent year in which the Lessor has actually received a real estate tax bill for the leased premises) Lessee will pay to Lessor as additional rent hereunder, when and as designated by notice in writing by Lessor, _____ per cent of such excess that may occur in each year of the term of this Lease or any extension or renewal thereof and proportionately for any part of a fiscal year. The Lessor represents to the Lessee that the term rent set forth in the immediately preceding paragraph (A) does not reflect any real state tax increase subsequent to the said Base Year. Notwithstanding anything contained herein to the contrary, the Lessee shall be obligated to pay only that proportion of such increased tax as the unit leased him bears to the whole of the real estate so taxed, and if the Lessor obtains an abatement of the real estate tax levied on the whole of the real estate of which the unit leased by Lessee is a part, a proportionate share of such abatement, less reasonable attorney's fees, if any, shall be refunded to said Lessee.~~

_____

C: Notwithstanding anything contained herein to the contrary, if the leased premises are or become subject to rent control laws or other laws regulating rents, the Lessee shall not pay more than the maximum rent allowed under such applicable rent control laws or other laws regulating rents.

_____

LESSOR AND LESSEE FURTHER COVENANT AND AGREE:

That during the term of this Lease and for such other and further period as the said Lessee shall occupy the said premises, all of the terms, covenants and conditions contained herein shall remain in full force and effect.

1. **MAINTENANCE** - For maintenance, if other than lessor, contact:

(Name) (Address) (Telephone No.)

2. **ADDITIONAL PROVISIONS** -

* SEE Attached Addendum

EQUAL HOUSING OPPORTUNITY

Lease Addendum
Date: 6/1/22
Apartment #1
378 Manning Street
Needham, MA 20492

1. Grilling or use of outdoor cooking appliances are not permitted on porches. Grills may be used in the brick patio area.

2. No pets of any description are allowed.

3. Tenants may not paint, wallpaper or hang items from ceilings or woodwork without the prior consent of the landlord.

4. New installation or redirection of cable wiring must have the prior consent of the landlord.

5. Snow removal services are not provided by the Landlord.

6. Lessor acknowledges the receipt of a security deposit in the amount of $[redacted] to be held until the premises are vacated. The security deposit may not be used as the last month's rent.

Acknowledged and Agreed by Lessee

Ashley Zapert

Ashley Morgenthal

Date: 5/31/22

By Lessor

_____

(C) At the option of the Lessor, however, Lessor's cause of action under this article shall accrue when a new tenancy or lease term first commences subsequent to a termination under this lease, in which event Lessor's damages shall be limited to any and all damages sustained by him prior to said new tenancy or lease date.

Lessor shall also be entitled to any and all other remedies provided by law. All rights and remedies are to be cumulative and not exclusive.

26. REMOVAL OF GOODS

Lessee further covenants and agrees that if Lessor shall remove Lessee's good or effects, pursuant to the terms hereof or of any Court order, Lessor shall not be liable or responsible for any loss of or damage to Lessee's goods or effects and the Lessor's act of so removing such goods or effects shall be deemed to be the act of and for the account of Lessee, provided, however, that if the Lessor removes the Lessee's goods or effects, he shall comply with all applicable laws, and shall exercise due care in the handling of such goods to the fullest practical extent under the circumstances.

27. NON-SURRENDER

Neither the vacating of the premises by the Lessee, nor the delivery of keys to the Lessor shall be deemed a surrender or an acceptance of surrender of the leased premises, unless so stipulated in writing by Lessor.

28. SUBLETTING, NUMBER OF OCCUPANTS

The Lessee shall not assign nor underlet any part of the whole of the leased premises, nor shall permit the leased premises to be occupied for a period longer than a temporary visit by anyone *except the individuals specifically named in the first paragraph of this lease*, their spouses, and any children born to them during the term of this lease or any extension or renewal thereof without first obtaining on each occasion the assent in writing of the Lessor.

29. TRUSTEE

In the event that the Lessor is a trustee or a partnership, no such trustee nor any beneficiary nor any shareholder of said trust and no partner, General or Limited, of such partnership shall be personally liable to anyone under any term, condition, covenant, obligation, or agreement expressed herein or implied hereunder or for any claim of damage or cause at law or in equity arising out of the occupancy of said leased premises, the use or the maintenance of said building or its approaches or equipment.

30. WAIVER

The waiver of one breach of any term, condition, covenant, obligation, or agreement of this lease shall not be considered to be a waiver of that or any other term, condition, covenant, obligation, or agreement or of any subsequent breach thereof.

31. SEPARABILITY CLAUSE

If any provision of this lease or portion of such provision or the application thereof to any person or circumstance is held invalid, the remainder of the lease (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.

32. COPY OF LEASE

The Lessor shall deliver a copy of this lease, duly executed by Lessor or his authorized agent, to the Lessee within thirty (30) days after a copy hereof, duly executed by the Lessee, has been delivered to the Lessor.

33. REPRISALS PROHIBITED

The Lessor acknowledges that provisions of applicable law forbid a landlord from threatening to take or taking reprisals against any tenant for seeking to assert his legal rights.

IN WITNESS WHEREOF, the said parties hereunto and to another instrument of like tenor, have set their hands and seals on the day and year first above written, and Lessee as an individual states under the pains and penalties of perjury that said Lessee is over the age of 18 years.

x Ashley Zapcot
Lessee

x Ashley Morgenthal
Lessee

Kohlback Family Trust
Lessor

By Susan Kohlback
Trustee or Agent

TENANT: SUBJECT TO APPLICABLE LAW, THE LANDLORD WILL PROVIDE INSURANCE FOR UP TO $750 IN BENEFITS TO COVER THE ACTUAL COSTS OF RELOCATION OF THE TENANT IF DISPLACED BY FIRE OR DAMAGE RESULTING FROM FIRE.

TENANT: MAKE SURE TO RECEIVE A SIGNED COPY OF THIS LEASE.

In consideration of the execution of the within lease by the Lessor at the request of the undersigned and of one dollar paid to the undersigned by the Lessor, the undersigned hereby, jointly and severally, guarantee to the Lessor, and the heirs, successors, and assigns of the Lessor, the punctual performance by the Lessee and the legal representatives, successors and assigns of the Lessee of all the terms, conditions, covenants, obligations, and agreements in said lease on the Lessee's or their part to be performed or observed, demand and notice of default being hereby waived. The undersigned waive all surety-ship defenses and defenses in the nature thereof and assent to any and all extensions and postponements of the time of payment and all other indulgences and forbearances which may be granted from time to time to the Lessee.

WITNESS the execution hereof under seal by the undersigned the day and year first written in said lease.

EXHIBIT G

STANDARD RESIDENTIAL LEASE AGREEMENT

I. THE PARTIES. This residential lease agreement ("Agreement"), dated July 14 2023, by and between:

LANDLORD: The Landlord is a business entity known as Kohlback Family Trust of 378 Manning Street, #2, Needham, Massachusetts, 02492, hereinafter known as the "Landlord", and

TENANT(S): An individual known as Edye Caine, hereinafter known as the "Tenant(s)", agree to the following:

II. OCCUPANT(S). The Premises described in Section III is to be occupied strictly as a residential dwelling by the Tenant(s) and no other individuals ("Occupant(s)").

III. LEASED PREMISES. The Landlord hereby rents to the Tenant(s), subject to the terms and conditions of this Agreement, an apartment with a property and mailing address of 378 Manning Street, Needham, Massachusetts, 02492, consisting of 1 bathroom(s) and 2 bedroom(s) (the "Premises"). The Landlord shall send the Tenant(s) any notices to the Premises aforesaid mailing address.

IV. PURPOSE. The Tenant(s) and any Occupant(s) may only use the Premises as a residential dwelling. It may not be used for storage, manufacturing of any type of food or product, professional service(s), or for any commercial use, unless otherwise stated in this Agreement.

V. FURNISHINGS. The Premises is not furnished.

VI. APPLIANCES. The Landlord shall provide the following appliances:

Dishwasher, Dryer (for laundry), Furnace, Garbage Disposal, Hot Water Heater, Microwave, Oven, Refrigerator, Smoke Detector(s), Stove, Thermostats and Controls, Washer (for laundry), all of which shall be on the Premises and functional upon the move-in date of the Tenant(s) ("Appliances and Fixtures").

Any damage caused to the Appliances and Fixtures from negligence, carelessness, accidents, or abuse shall be the responsibility of the Tenant(s).

VII. LEASE TERM. The term of this Agreement shall be a fixed-period arrangement beginning on August 1 2023 and ending on July 31 2025 ("Lease Term"). The Tenant(s) will be required to move out at the end of the Lease Term unless the Landlord and Tenant(s) authorize a renewal, extension, or separate agreement in writing.

VIII. RENT. Tenant(s) shall pay the Landlord a monthly rent of [redacted] "Rent"). The Rent will be due on the First (1st) of every month ("Rent Due Date"), and Rent shall be paid through an electronic payment known as Automated Clearing House or "ACH". Details of the Tenant's banking information and authorization shall be attached to this Lease Agreement.

June 27, 2024

TO: Edye Caine

FM: Susan Kohlback

RE: Early Termination of Lease Agreement

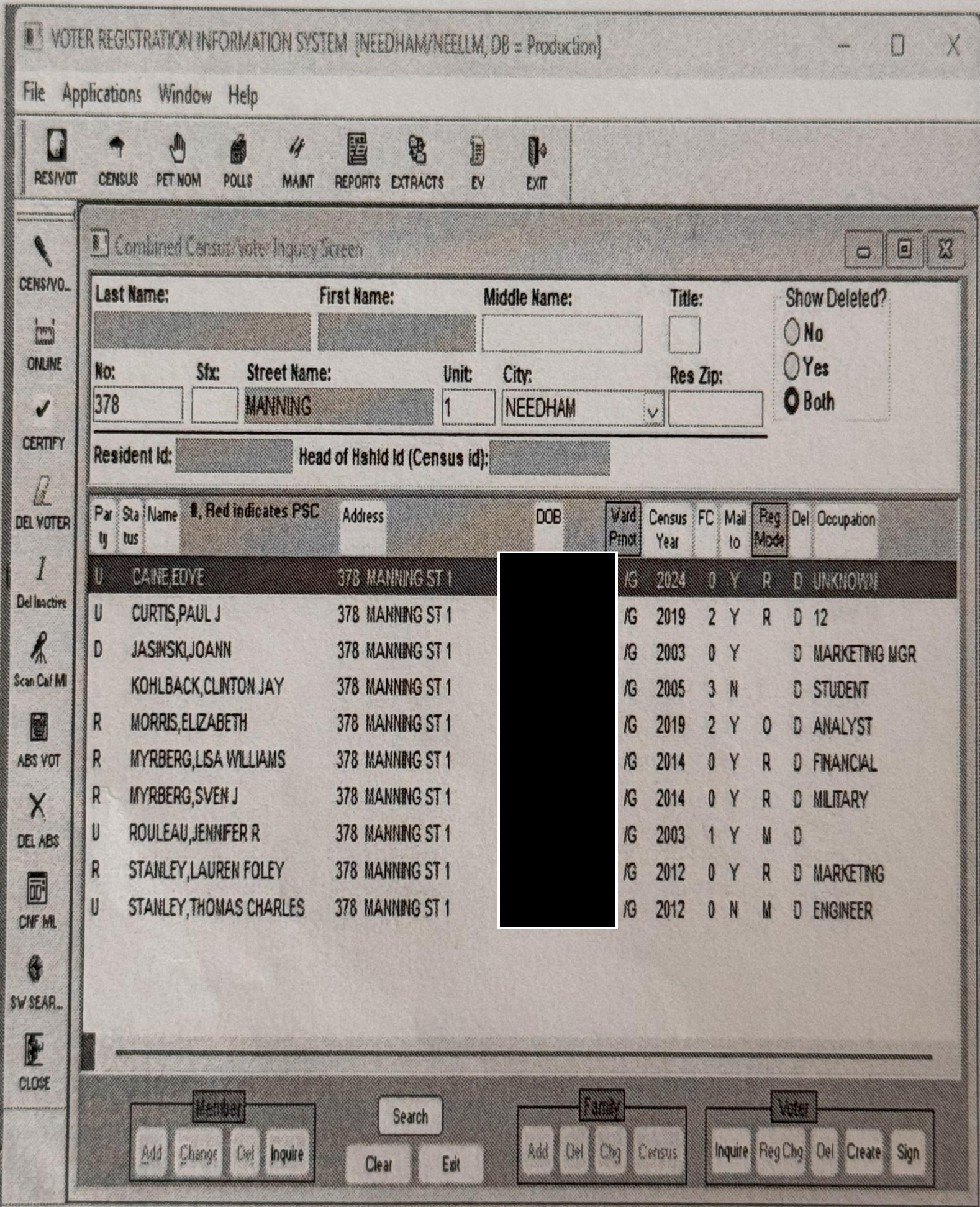
It is mutually agreed that you (Edye Caine) may terminate your 2 year lease dated July 14, 2023. This lease was to terminate on July 31, 2025. However, at your request we have agreed to allow you to terminate the lease on July 31, 2024. We understand that you will be vacating Apartment #1 at 378 Manning Street on July 1, 2023. We have mutually agreed that the security deposit on this apartment will be used as the final month's rent.

With Best Regards,

Susan Kohlback

Susan Kohlback
As Trustee of Kohlback Family Trust

EXHIBIT H


VOTER REGISTRATION INFORMATION SYSTEM [NEEDHAM/NEELLM, DB = Production]
File Applications Window Help
RES/VOT CENSUS PET NOM POLLS MAINT REPORTS EXTRACTS EV EXIT
CENS/VO...
ONLINE
CERTIFY
DEL VOTER
Del Inactive
Scan Cnf MI
ABS VOT
DEL ABS
CNF MIL
SW SEAR...
CLOSE
Combined Census/Voter Inquiry Screen
Last Name:
First Name:
Middle Name:
Title:
Show Deleted?
No
Yes
Both
No:
Sfx:
Street Name:
Unit:
City:
Res Zip:
378
MANNING
1
NEEDHAM
Resident Id:
Head of Hshld Id (Census id):
Party
Status
Name
*, Red indicates PSC
Address
DOB
Ward Precinct
Census Year
FC
Mail to
Reg Mode
Del
Occupation
U CAINE,EDYE 378 MANNING ST 1 /G 2024 0 Y R D UNKNOWN
U CURTIS,PAUL J 378 MANNING ST 1 /G 2019 2 Y R D 12
D JASINSKI,JOANN 378 MANNING ST 1 /G 2003 0 Y D MARKETING MGR
KOHLBACK,CLINTON JAY 378 MANNING ST 1 /G 2005 3 N D STUDENT
R MORRIS,ELIZABETH 378 MANNING ST 1 /G 2019 2 Y O D ANALYST
R MYRBERG,LISA WILLIAMS 378 MANNING ST 1 /G 2014 0 Y R D FINANCIAL
R MYRBERG,SVEN J 378 MANNING ST 1 /G 2014 0 Y R D MILITARY
U ROULEAU,JENNIFER R 378 MANNING ST 1 /G 2003 1 Y M D
R STANLEY,LAUREN FOLEY 378 MANNING ST 1 /G 2012 0 Y R D MARKETING
U STANLEY,THOMAS CHARLES 378 MANNING ST 1 /G 2012 0 N M D ENGINEER
Member
Add Change Del Inquire
Search
Clear Exit
Family
Add Del Chg Census
Voter
Inquire Reg Chg Del Create Sign

Daphne Collins

From: Joseph Prondak
Sent: Monday, February 24, 2025 3:59 PM
To: Daphne Collins
Subject: 378 Manning
Attachments: 378 Manning HISTORY.pdf; 378 MANNING EC Proposed Overhang Calcs.pdf; 378 Manning St Needham 1.20.25.pdf

Hello Daphne,

Please forward to the Board the information below.

The attachments herein contain the following:

1. The permit history on the property which shows the basis for a reasonable determination, which I made, that the existing home at 378 Manning St. has been used as a 2-family dwelling since at least 1969 and likely since its construction.
2. Calculations, signed and stamped by a Massachusetts Registered Land Surveyor showing the pre-existing footprint, including overhangs of the home and detached garage and a proposed plot plan showing a compliant new structure, consistent with the footprint calculations.
3. Revised architectural floor plans and elevations showing a new 2-family home, consistent with the survey information above and therefore, fully compliant with the Zoning Bylaw.

Based on these attachments, it is my determination, as Building Commissioner, that the revised proposal complies in every respect to the Needham Zoning Bylaw and I consider the Building Permit (#BR-24-11071z0to construct a new 2-family home at 378 Manning St., valid and in full force and effect.

Sincerely,

Joe Prondak
Needham Building Commissioner
781-455-7550 x72308

TOWN OF NEEDHAM

APPLICATION FOR ROOFING AND SIDING

Needham, Mass. April 2, 1976
Permit No. 4144

TO THE INSPECTOR OF BUILDINGS:

The undersigned hereby applies for a permit to roof or apply siding according to the following specifications:

1. Location of Building 378 Manning St. Needham Mass Zoning District
2. OWNER Mr Clint Colbath Address 378 Manning St.
3. Contractor Brian D. Leonard Inc Address 53 Concord Rd, Chelmsford
4. How is Building occupied?
5. For what purpose built?
6. If a dwelling, occupied by how many families? 3 families.
7. Existing roof construction No. of layers
8. Existing wall construction Vinyl Siding
9. Full estimated value of all new work $ $2450.—
10. Number of Squares 2650 sq ft. Vinyl Siding

Applicant will insert all pertinent information called for above, describing the proposed work in detail, including but not limited to the following: Location, Sizes, Materials Design (with computation when required), Type of Roof, previous and proposed occupancy or use.

In addition to the foregoing statements this work shall be performed under the Building and Zoning By-Laws of the Town of Needham and the applicable laws of the Commonwealth of Massachusetts. It shall not be lawful to start work before the permit is issued by the INSPECTOR OF BUILDINGS.

Building Permit Card should be properly posted on the premises as required by law.

THE ABOVE ANSWERS ARE TRUE AND CORRECT AND THIS APPLICATION IS SIGNED UNDER THE PENALTIES OF PERJURY.

Signature of Owner (or *authorized agent*) Brian D Leonard Inc.

Address 53 Concord Rd, Chelmsford, Mass

Telephone No. 256-8579

'76

No. _____

APPLICATION FOR PERMIT TO DO GASFITTING

NEEDHAM MASS. DATE 10-10 1984

WORK MUST BE PERFORMED IN COMPLIANCE WITH ALL PROVISIONS OF THE MASSACHUSETTS STATE GAS CODE AND CHAPTER 142 OF THE GENERAL LAWS.

	RANGES	OVENS	HEATING BOILERS	UNIT HEATERS	DOMESTIC WATER HEATER	INCINERATORS	DRYERS	UNIT BURNERS	OUTDOOR COOKING GAS APPLIANCES	LAMPS	FURNACE	LAUNDRY STOVE	HOT PLATE	REFRIGERATORS	NO VENT HEATER	MISCELLANEOUS	TEST
SUB-BASEMENT																	
BASEMENT			2														
1ST FLOOR																	
2ND FLOOR																	
3RD FLOOR																	
4TH FLOOR																	
5TH FLOOR																	
6TH FLOOR																	
7TH FLOOR																	
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9TH FLOOR																	
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11TH FLOOR																	
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13TH FLOOR																	
14TH FLOOR																	
15TH FLOOR																	
16TH FLOOR																	
17TH FLOOR																	
18TH FLOOR																	
19TH FLOOR																	
20TH FLOOR																	

NAME AND ADDRESS OF BUILDING
378 MANNING ST.

NEW OR RENOVATION _____

NAME OF OWNER Clinton Holbach

ADDRESS OF OWNER Otis St.

PLANS SUBMITTED? YES _____ NO ✓

ESTIMATED COST OF JOB 1500.

NAME **CERTIFICATE NO.**

CORPORATION _____

PARTNERSHIP _____

FIRM OR COMPANY Ricard Mech. Cont.

NAME OF MASTER OR JOURNEYMAN PLUMBER OR GASFITTER
Ernest Ricard

ADDRESS 28 Stanley Ave Medford

TELEPHONE NUMBERS: BUSINESS 391-3522.

RESIDENCE 391-2985

I hereby certify that all of the details and information I have submitted (or entered) in above application are true and accurate to the best of my knowledge and that all plumbing work and installations performed under Permit issued for this application will be in compliance with all pertinent provisions of the Massachusetts State Gas Code and Chapter 142 of the General Laws.

Ernest Ricard
Signature of Licensed Plumber or Gasfitter

MASTER 9108.
Designation of License Number of Plumber or Gasfitter

5.00

All work hereafter performed must be tested by water pressure, and the Inspector must be notified when Soil, Drain Pipe and all Connections therewith are placed in position.

Permit must be obtained before work is commenced

TOWN OF NEEDHAM

INSPECTION DEPARTMENT

APPLICATION FOR PLUMBING PERMIT

No. 1066

Needham, Mass. Sept. 25 19 69

To the Plumbing Inspector:

The undersigned hereby applies for a permit to install Plumbing according to the following specifications:

1. Old or New Building? OLD Purpose of Building? Dwelling
2. Street and No. 378 Manning St
3. Nearest cross street? Otis St
4. Owner? Eunice Place Address? Hancock St Dover
5. Plumbing Firm? W. F. Cochrane Address? 249 Highland Ave
6. How many families? 2
7. Connected with sewer or cesspool?
8. Size of main drain? Material?
9. Above or below cellar floor?

PROPOSED FIXTURES IN DETAIL

BASEMENT	Size and Material of Trap	Size and Material of Ventilation Pipe to Trap	Ventilation Pipes Run
FIRST STORY			
Replace Bathtub And			
Lavatory			
SECOND STORY			
THIRD STORY			

THIS STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.

Phone number Signature John J. Stanley

Estimated Cost $ Address 1249 Highland Ave

Master Plumber License No. 7346

Application must be signed by Licensed Plumber Only

All work hereafter performed must be tested by water pressure, and the Inspector must be notified when Soil, Drain Pipe and all Connections therewith are placed in position.

Permit must be obtained before work is commenced

TOWN OF NEEDHAM

INSPECTION DEPARTMENT

APPLICATION FOR PLUMBING PERMIT

No. 901

Needham, Mass., June 9 19 69

To the Plumbing Inspector:

The undersigned hereby applies for a permit to install Plumbing according to the following specifications:

1. Old or New Building? old Purpose of Building? Dwelling
2. Street and No. 378 MANNING ST
3. Nearest cross street? Curtis ST
4. Owner? George Place Address? Haven ST Dover
5. Plumbing Firm? W. F. Collins Address? 1249 Highland Ave
6. How many families? 2.
7. Connected with sewer or cesspool? _____
8. Size of main drain? _____ Material? _____
9. Above or below cellar floor? _____

PROPOSED FIXTURES IN DETAIL

	Size and Material of Trap	Size and Material of Ventilation Pipe to Trap	Ventilation Pipes Run
BASEMENT			
FIRST STORY			
SECOND STORY			
W/C, Lavatory, Tub			
Kit Sink, Dishwasher			
THIRD STORY			

THIS STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.

Phone number 444-8040 Signature John F. Stanley

Estimated Cost $_____ Address 1249 Highland Ave

Master Plumber License No. 7346

Application must be signed by Licensed Plumber Only

All work hereafter performed must be tested by water pressure, and the Inspector must be notified when Soil, Drain Pipe and all Connections therewith are placed in position.

Permit must be obtained before work is commenced

TOWN OF NEEDHAM

INSPECTION DEPARTMENT

APPLICATION FOR PLUMBING PERMIT

No. _____

Needham, Mass., _____ 19

To the Plumbing Inspector:

The undersigned hereby applies for a permit to install Plumbing according to the following specifications:

1. Old or New Building? OLD Purpose of Building? Dwelling
2. Street and No. 378 MANNING ST
3. Nearest cross street? CATIS ST
4. Owner? GEORGE AFIAER Address? HAVEN ST DOVER
5. Plumbing Firm? WM T- COIPITTS Address? 1249 HIGHLAND AVE
6. How many families? 2
7. Connected with sewer or cesspool? _____
8. Size of main drain? _____ Material? _____
9. Above or below cellar floor? _____

PROPOSED FIXTURES IN DETAIL

	Size and Material of Trap	Size and Material of Ventilation Pipe to Trap	Ventilation Pipes Run
BASEMENT			
WASHING MACHINE CONNECTION			
FIRST STORY			
SECOND STORY			
THIRD STORY			

THIS STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.

Phone number 444-4070 Signature John G. Stanley

Estimated Cost $_____ Address 1249 Highland Ave

Master Plumber License No. 7346

Application must be signed by Licensed Plumber Only

APPLICATION

OCT 11 1963

Plans must be submitted and approved by this Department before a permit for erection will be granted. Separate application required for every building.

No Construction to be Started until Permit is Issued.

Needham, Mass., Oct 11 19 63

TO THE INSPECTOR OF BUILDINGS: No. 5291

The undersigned hereby applies for a permit to build, according to the following specifications:

1. Purpose of Building Replacing 2-car garage, detached, destroyed by fire
2. First-class ..... Second-class ..... Third-class .....
   Fourth—Class ..... Fifth—Class ..... Sixth—Class ✓
3. Zoning District S F
4. Location, St and No. 378 Manning St. Nearest St. Oak
5. Owner Geo. W. Holt Address 117 Pickering St. Tel. Hi 4-1477
6. Builder Geo. W. Holt & Son Address ..... Tel. .....
7. Size of Building—Front ..... Rear ..... Depth .....
8. No. of Feet Level of Ground to Highest Point of Roof .....
9. Set Back from Street ..... Right Side ..... Left Side .....
10. Area of Lot ..... No. of Rooms ..... Baths ..... Lavs. .....
11. Material of Foundation Concrete Material of Underpinning .....
12. Size of Girder 4x6 Kind .....
13. Size of Sills 4x6 Posts 4x4
14. First Floor Timbers ..... Second ..... Third .....
15. Size of Corner Braces 2x4 on 2-4x4 Outside Window and Door Studs 2-2x4
16. Size of Bridging 2 Rafters 2x6 16 o.c.
17. Roof Covering cap Shingle Exterior Wall Covering wood Shingles
18. Is the Roof to be Flat, Pitch, Mansard or Hip pitch
19. Heated by Steam, Furnace, Hot Water, Air Conditioned .....
20. Oil Burner ..... Gas Fired ..... Coal .....
21. Plumbing ..... Wiring —
22. Estimated Value 2,000.00
23. Plans Submitted .....

In addition to the foregoing statement this building will be constructed under the Building and Zoning By-Laws of the Town of Needham. It shall not be lawful to start construction or demolition before obtaining a formal Permit. Permit card to be displayed until work is completed.

REQUIRED ____ FURNISHED
$1000. - BOND
ST. OCC. PERMIT
SURVEY RECORD

Sign Here Geo. W. Holt & Son
by Holt

Fee, $ 1.00

Address .....

APPLICATION

Plans must be submitted and approved by this Department before a permit for erection will be granted. Separate application required for every building.

No Construction to be Started until Permit is Issued.

Needham, Mass., Oct 11 1963

TO THE INSPECTOR OF BUILDINGS: No. 5290

The undersigned hereby applies for a permit to build, according to the following specifications:

1. Purpose of Building Demolish — 2-car garage, detached
2. First-class ..... Second-class ..... Third-class .....
   Fourth—Class ..... Fifth—Class ..... Sixth—Class .....
3. Zoning District .....
4. Location, St. and No. 378 Manning St. Nearest St. Otis
5. Owner Geo. N. Holt Address Auburndale Tel. .....
6. Builder ..... Address ..... Tel. .....
7. Size of Building—Front ..... Rear ..... Depth .....
8. No. of Feet Level of Ground to Highest Point of Roof .....
9. Set Back from Street ..... Right Side ..... Left Side .....
10. Area of Lot ..... No. of Rooms ..... Baths ..... Lavs. .....
11. Material of Foundation ..... Material of Underpinning .....
12. Size of Girder ..... Kind .....
13. Size of Sills ..... Posts .....
14. First Floor Timbers ..... Second ..... Third .....
15. Size of Corner Braces ..... Outside Window and Door Studs .....
16. Size of Bridging ..... Rafters .....
17. Roof Covering ..... Exterior Wall Covering .....
18. Is the Roof to be Flat, Pitch, Mansard or Hip .....
19. Heated by Steam, Furnace, Hot Water, Air Conditioned .....
20. Oil Burner ..... Gas Fired ..... Coal .....
21. Plumbing ..... Wiring .....
22. Estimated Value 100.
23. Plans Submitted .....

In addition to the foregoing statement this building will be constructed under the Building and Zoning By-Laws of the Town of Needham. It shall not be lawful to start construction or demolition before obtaining a formal Permit. Permit card to be displayed until work is completed.

REQUIRED _____ FURNISHED
_____ $1000. - BOND _____
_____ ST. OCC. PERMIT _____
_____ SURV. Y RECORD _____

Mass Comm O.K. to demo

Sign Here Geo. N. Holt & Son

Fee, $ 2.00

Address .....

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor"s Map & Parcel Number: 48 LOT 123

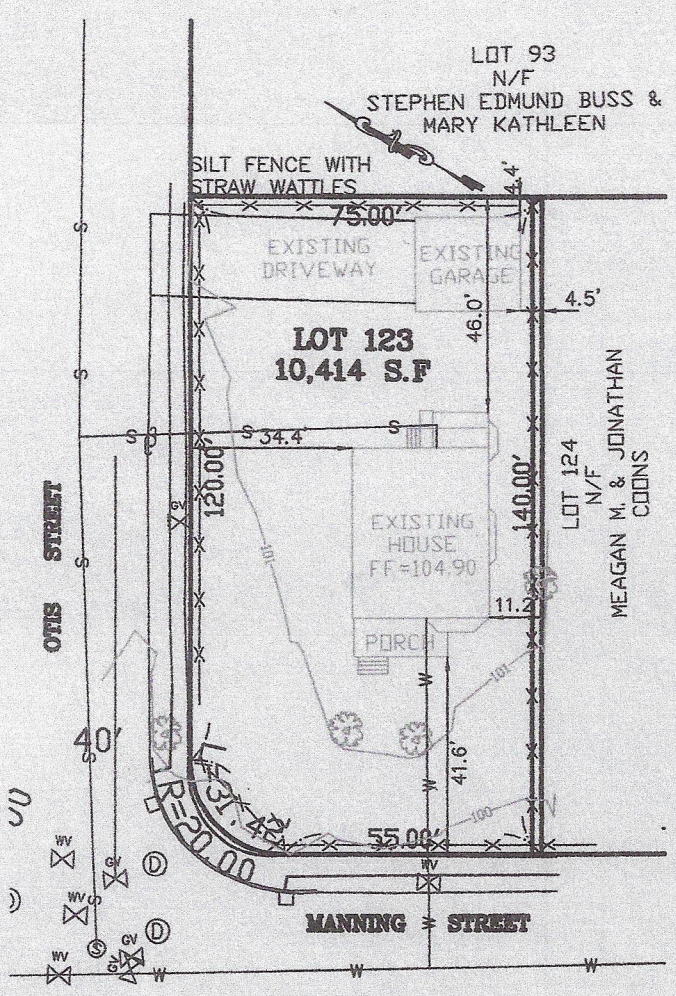
Building Permit No. _____ Zoning District: SRB 2 FAMILY

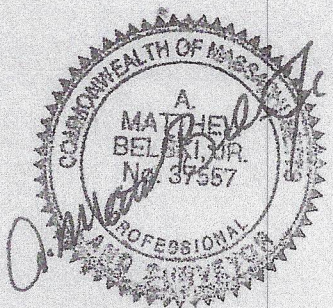
Lot Area 10,414 S.F. Address: 378 MANNING STREET

Owner _____ Builder: _____

DEMO/PROPOSED PLOT PLAN/FOUNDATION AS-BUILT/FINAL AS-BUILT

40' Scale





8/26/24

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 streetline 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 26 day of AUGUST 2024.
Name A. MATTHEW BELSKI, JR. Registered Land Surveyor No. 37557
Address 35 MAPLE ST. City W. NEWBURY State MA Zip _____ Tel. No. (978) 363-8130
Approved _____ Director of Public Works Date _____
Approved _____ Building Inspector Date _____

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

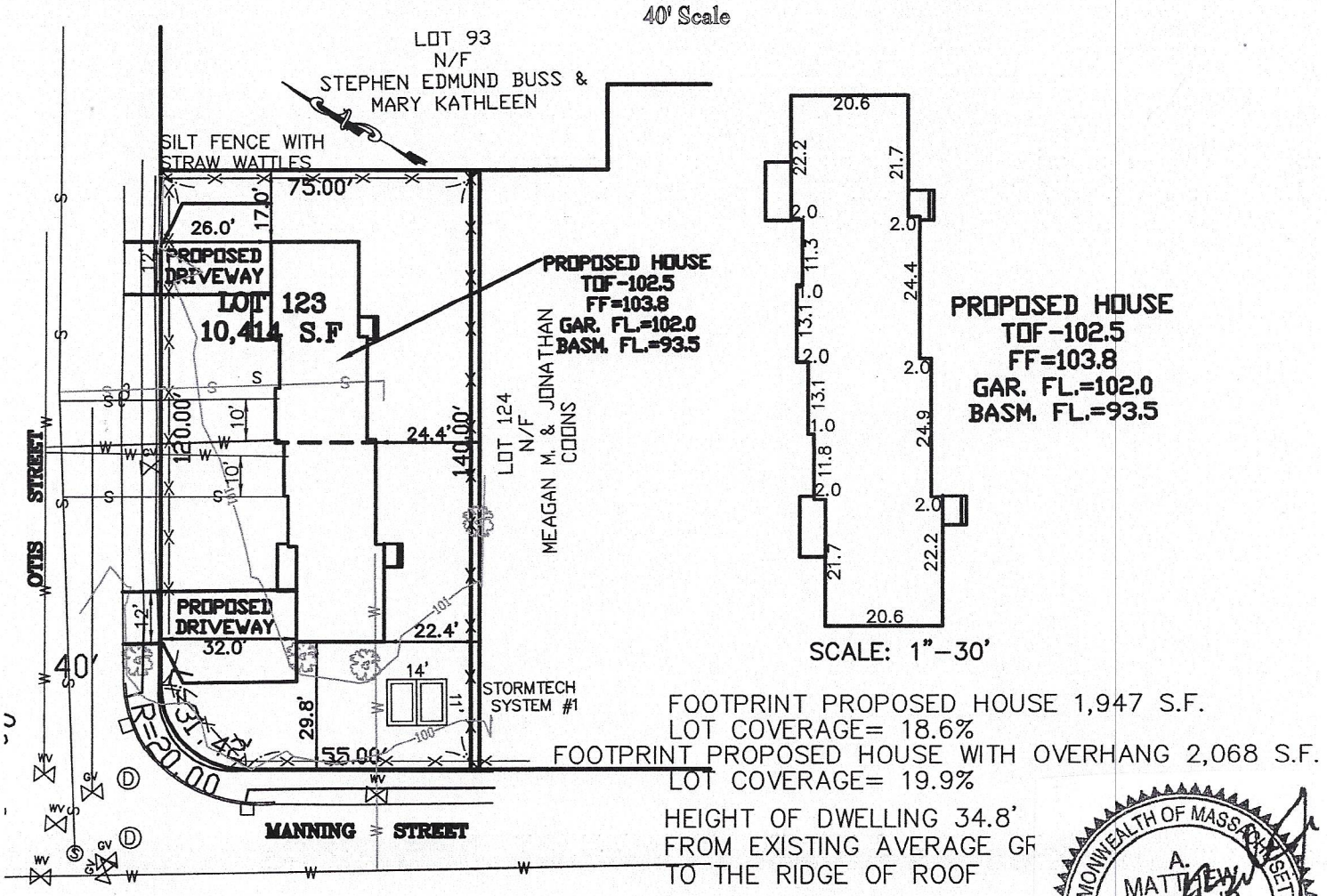
Assessor"s Map & Parcel Nunber: 66 LOT 32

Building Permit No. _____ Zoning District: SRB 2 FAMILY

Lot Area 10,414 S.F. Address: 378 MANNING STREET

Owner _____ Builder: _____

DEMO/PROPOSED PLOT PLAN/FOUNDATION AS-BUILT/FINAL AS-BUILT



FOOTPRINT PROPOSED HOUSE 1,947 S.F.
LOT COVERAGE= 18.6%
FOOTPRINT PROPOSED HOUSE WITH OVERHANG 2,068 S.F.
LOT COVERAGE= 19.9%
HEIGHT OF DWELLING 34.8'
FROM EXISTING AVERAGE GR
TO THE RIDGE OF ROOF

COMMONWEALTH OF MASSACHUSETTS
A. MATTHEW BELSKI, JR.
No. 37557
PROFESSIONAL LAND SURVEYOR

1/23/25

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 shau snow 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 streetline 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.

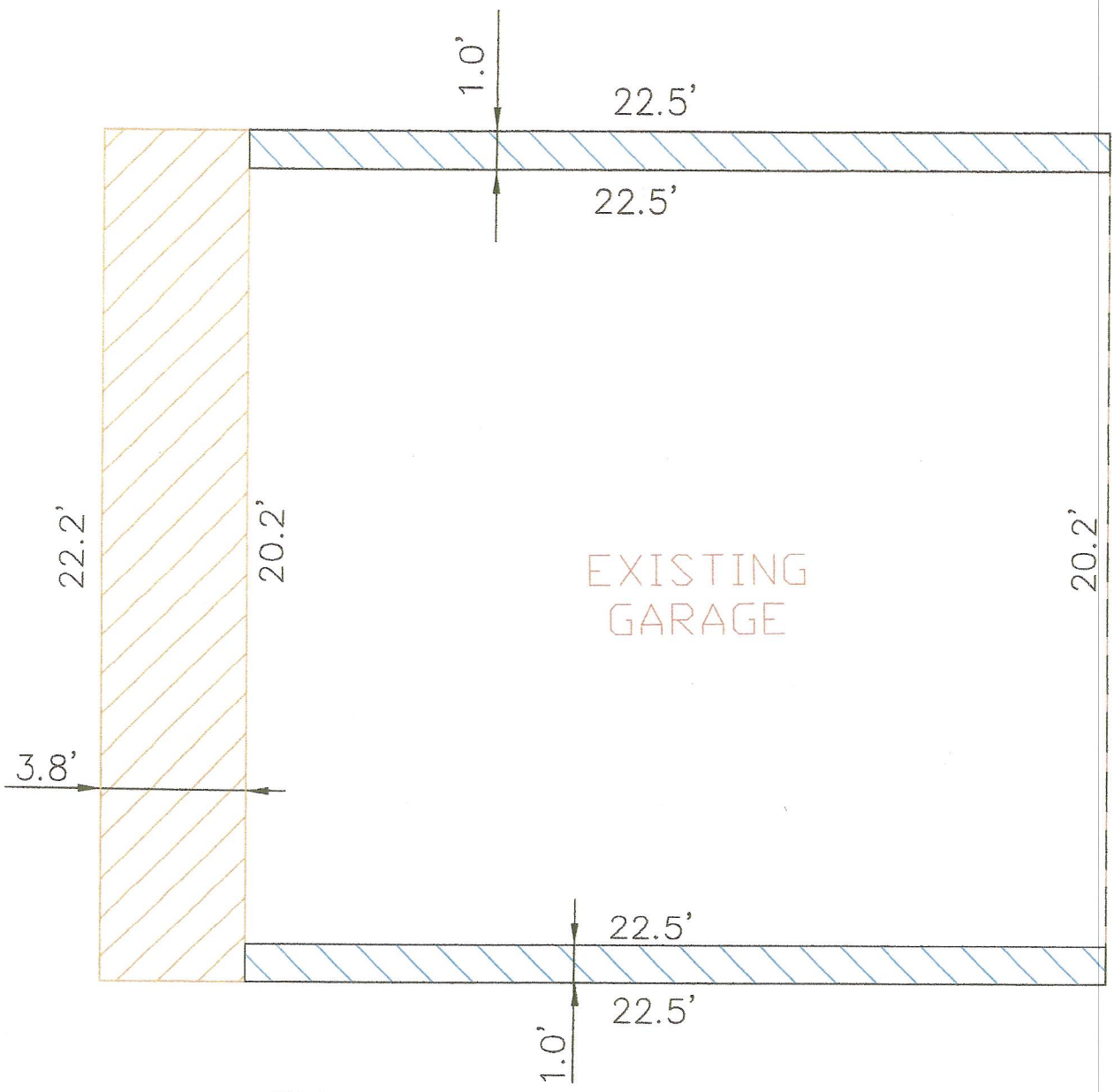
The above is subscribed to and executed by me this 15 day of JANUARY 2025.

Name A. MATTHEW BELSKI, JR. Registered Land Surveyor No. 37557

Address 35 MAPLE ST. City W. NEWBURY State MA Zip _____ Tel. No. (857) 498-0951

Approved _____ Director of Public Works Date _____

Approved _____ Building Inspector Date _____



EXISTING GARAGE 454.5 S.F.

OVERHANG AROUND GARAGE

OVERHANG GARAGE=1x22.5=22.5 S.F.

OVERHANG GARAGE=3.8x22.2=84.4 S.F.

OVERHANG GARAGE=1x22.5=22.5 S.F.

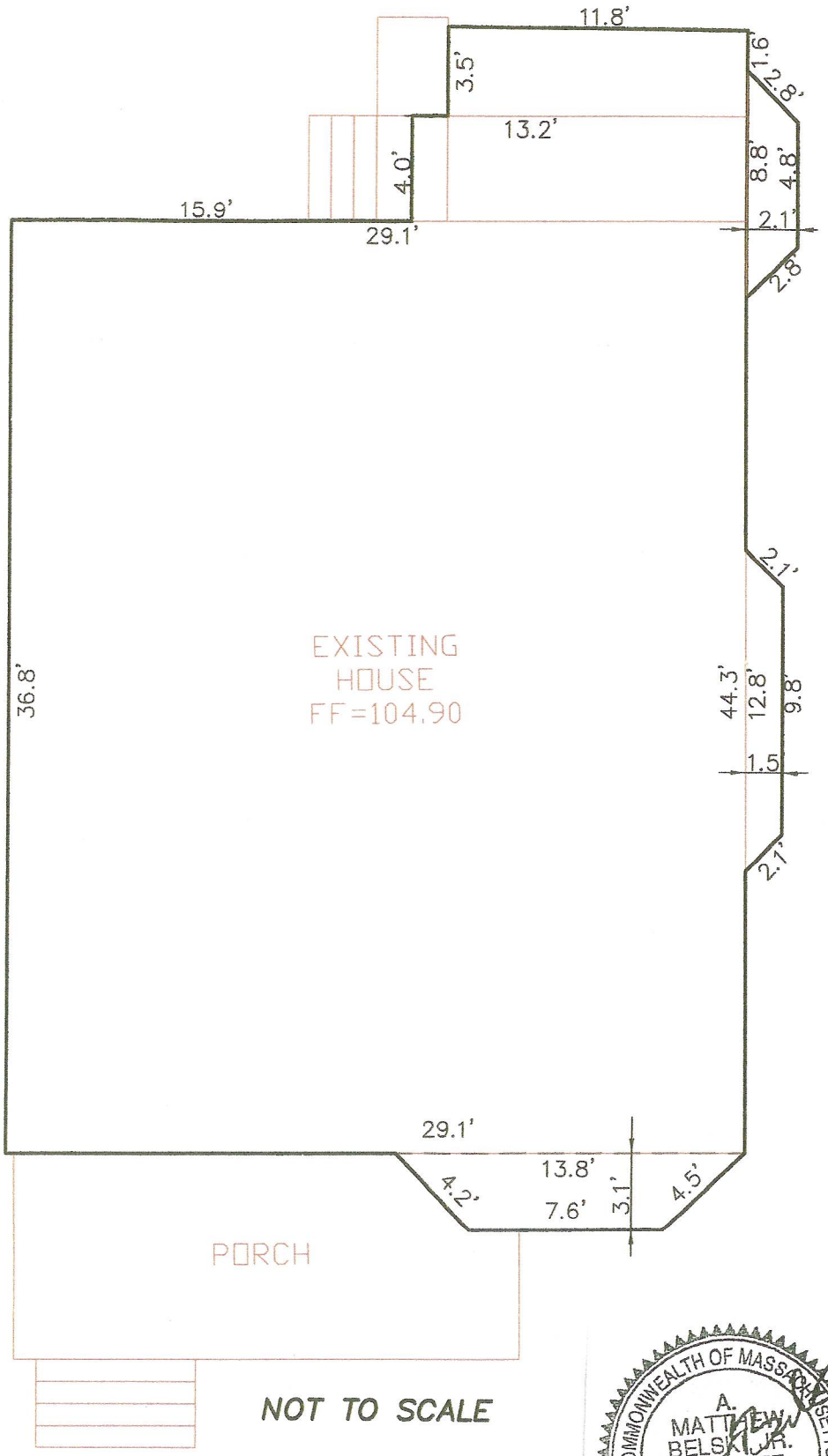
GARAGE TOTAL OVERHANG=129.4 S.F.

NOT TO SCALE

COMMONWEALTH OF MASSACHUSETTS
A. MATTHEW BELSKI, JR.
No. 37557
PROFESSIONAL LAND SURVEYOR
1/23/25

RICHARD A. VOLKIN
No. 22282
REGISTERED PROFESSIONAL ENGINEER

378 MANNING STREET



NOT TO SCALE

378 MANNING STREET

EXISTING HOUSE

36.8x29.1=1,070.9 S.F.

13.2x4.0=52.8 S.F.

11.8x3.5=41.3 S.F.

(8.8+4.8)/2x2.1=14.3 S.F.

(12.8+9.8)/2x1.5=17.0 S.F.

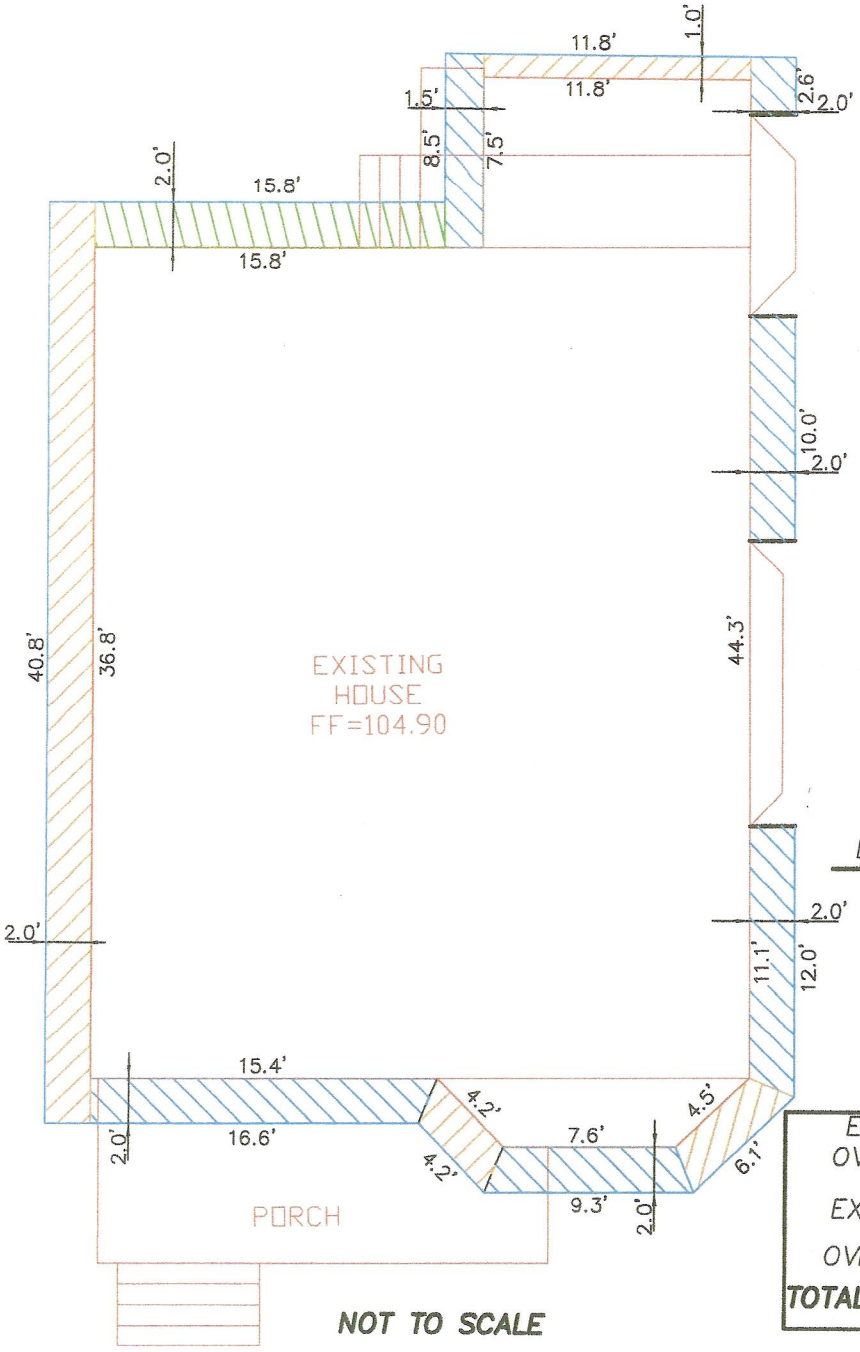
(13.8+7.6)/2x3.1=33.2 S.F.

TOTAL HOUSE=1,230 S.F

COMMONWEALTH OF MASSACHUSETTS
A. MATTHEW BELSKI JR.
No. 37557
PROFESSIONAL LAND SURVEYOR

1/23/25

COMMONWEALTH OF MASSACHUSETTS
VOLKIN
No. 22282
REGISTERED PROFESSIONAL ENGINEER



NOT TO SCALE

378 MANNING STREET

OVERHANG EXISTING HOUSE

OVERHANG HOUSE=2x40.8=81.6 S.F.

OVERHANG HOUSE=15.8x2.0=31.6 S.F.

OVERHANG HOUSE=8.5x1.5=12.8 S.F.

OVERHANG HOUSE=11.8x1=11.8 S.F.

OVERHANG HOUSE=2.6x2=5.2 S.F.

OVERHANG HOUSE=10x2=20.0 S.F.

OVERHANG HOUSE=(11.1+12.0)/2x2=23.1 S.F.

OVERHANG HOUSE=(4.5+6.1)/2x2=10.6 S..F.

OVERHANG HOUSE=(7.6+9.3)/2x2=16.9 S..F.

OVERHANG HOUSE=4.2x2=8.4 S.F.

OVERHANG HOUSE=(15.4+16.6)/2x2=32.0 S.F.

EXISTING HOUSE TOTAL OVERHANG=254.0. S.F.

EXISTING GARAGE 454.5 S.F.

OVERHANG AROUND GARAGE=129.4 S.F.

EXISTING HOUSE=1,230 S.F

OVERHANG AROUND EXISTING HOUSE=254.0. S.F.

TOTAL HOUSE, GARAGE AND OVERHANGS=2067.9 S.F.

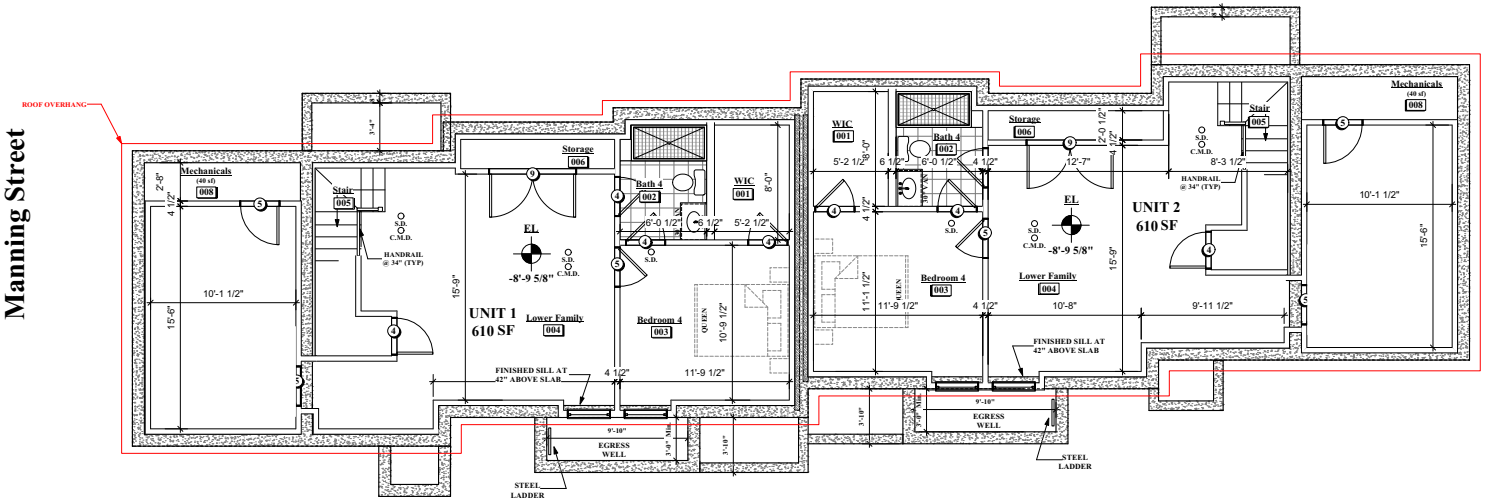
COMMONWEALTH OF MASSACHUSETTS
A. MATTHEW BELSKY, JR.
No. 37557
PROFESSIONAL LAND SURVEYOR

1/23/25

COMMONWEALTH OF MASSACHUSETTS
RICHARD A. VOLKIN
No. 22282
REGISTERED PROFESSIONAL ENGINEER

Otis Street

Manning Street



1 / A-1.1 Basement Plan
1/4" = 1'-0"

New Residences

378 Manning Street
Needham, Ma

OWNER

mckay architects
35 Bryant Street
Dedham, MA 02026
ph: 781.326.5400
www.mckayarchitects.net

REV #	DATE	ISSUANCE
1	1.10.25	Footprint Reduction

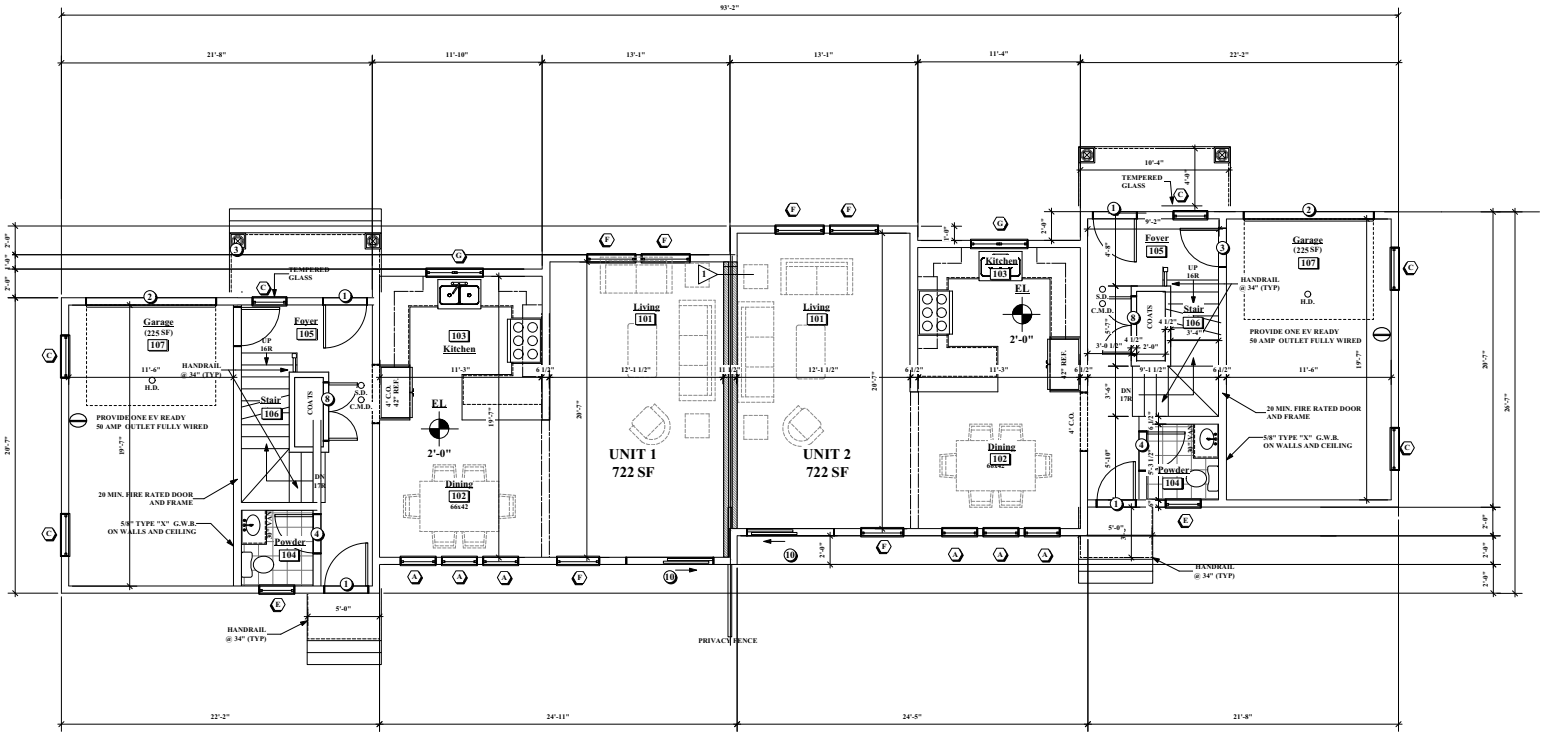
Basement Floor Plan

JOB NO	
DATE	12.18.2024
DWG BY	SH
CKD BY	MLM
SCALE	AS NOTED

A-1.1

Otis Street

Manning Street



1 First Floor Plan
A-1.2 1/4" = 1'-0"

New Residences

378 Manning Street
Needham, Ma

OWNER

mckay architects
35 Bryant Street
Dedham, MA 02026
ph: 781.326.5400
www.mckayarchitects.net

REV #	DATE	ISSUANCE
1	1.10.25	Footprint Reduction

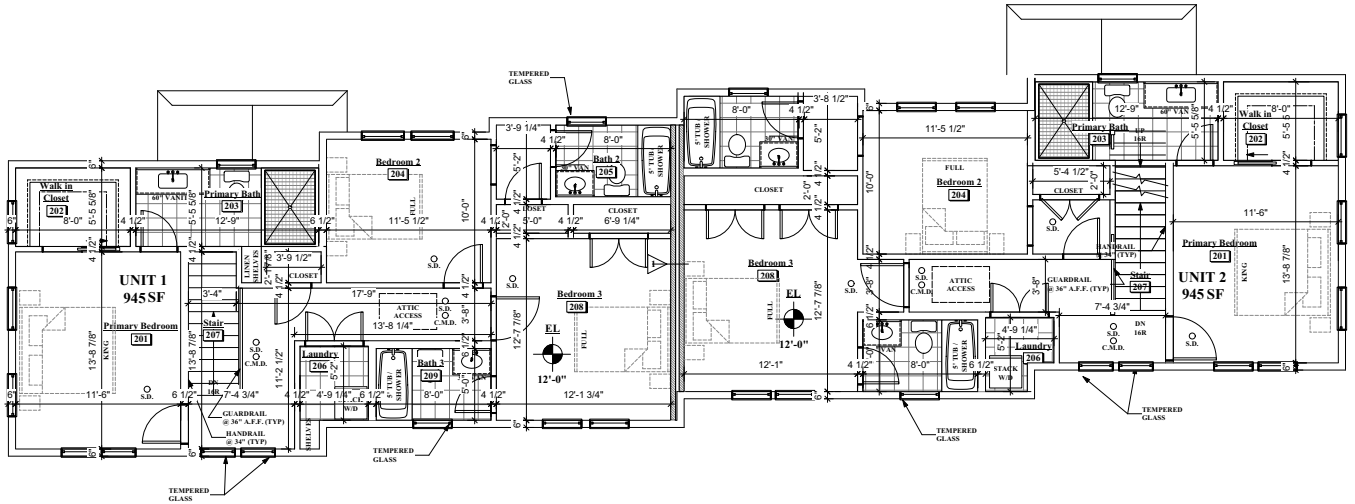
First Floor Plan

JOB NO	
DATE	12.18.2024
DWG BY	SH
CKD BY	MLM
SCALE	AS NOTED

A-1.2

Manning Street

Otis Street



1 A-1.3 Second Floor Plan
1/4" = 1'-0"

New Residences

378 Manning Street
Needham, Ma

OWNER

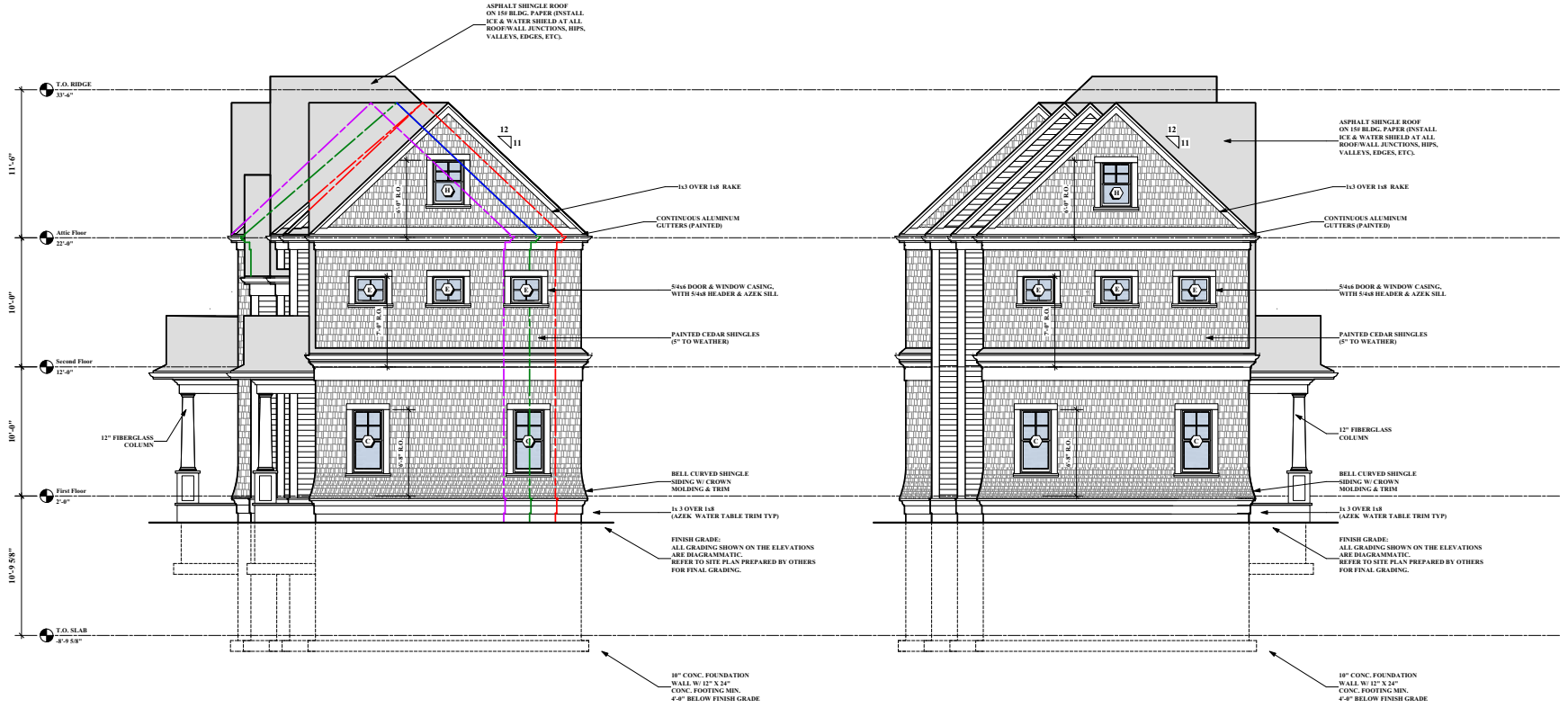
mckay architects
35 Bryant Street
Dedham, MA 02026
ph 781.326.5400
www.mckayarchitects.net

REV #	DATE	ISSUANCE
1	1.10.25	Footprint Reduction

Second Floor Plan

JOB NO	
DATE	12.18.2024
DWG BY	SH
CKD BY	MLM
SCALE	AS NOTED

A-1.3



1 / A-2.1 Manning Street Elevation
1/4" = 1'-0"

2 / A-2.1 Rear Elevation
1/4" = 1'-0"

New Residences

378 Manning Street
Needham, Ma

OWNER

mckay architects
35 Bryant Street
Dedham, MA 02026
ph 781.326.5400
www.mckayarchitects.net

REV #	DATE	ISSUANCE
1	1.10.25	Footprint Reduction

Manning Street & Rear Elevations

JOB NO	
DATE	12.18.2024
DWG BY	SH
CKD BY	MLM
SCALE	AS NOTED

A-2.1

1 A-2.2 Otis Street Elevation
1/4" = 1'-0"

New Residences

378 Manning Street
Needham, Ma

OWNER

mckay architects
35 Bryant Street
Dedham, MA 02026
ph:781.326.5400
www.mckayarchitects.net

REV #	DATE	ISSUANCE
1	1.10.25	Footprint Reduction

Otis Street Elevation

JOB NO	
DATE	12.18.2024
DWG BY	SH
CKD BY	MLM
SCALE	AS NOTED

A-2.2

1 / A-2.3 Right Elevation
1/4" = 1'-0"

New Residences

378 Manning Street
Needham, Ma

OWNER

mckay architects
35 Bryant Street
Dedham, MA 02026
ph: 781.326.5400
www.mckayarchitects.net

REV #	DATE	ISSUANCE
1	1.10.25	Footprint Reduction

Right Elevation

JOB NO	
DATE	12.18.2024
DWG BY	SH
CKD BY	MLM
SCALE	AS NOTED

A-2.3

Daphne Collins

From: John Judge <354judge@gmail.com>
Sent: Tuesday, February 25, 2025 7:56 AM
To: Daphne Collins
Cc: Nick Kozlov; Megan Waldvogel; Rob Ticktin
Subject: 378 Manning St. Zoning - Request to change permit

Hello again Daphne,

I am writing again to request that the Needham Zoning Board reverse its decision to grant the owner of the 378 Manning St property a two family building permit.

Based on my 15 years living adjacent to this property I agree with my neighbors, and the supporting data, that this residence, before it was torn down, did not have two individual renters at the property. During this period, I observed it to be abandoned far more often than not.

However my key point of contention is that the Zoning Board considered the detached garage as part of the building's footprint. As you can see from this google maps image attached, the garage is several feet from the house and directly abuts the property at 26 Otis St. The garage is clearly a separate structure from the main house.

When I built my home on Manning St 15 years ago the detached garage of the former house was never considered as part of the "as-of-right" footprint. Neither should this garage at 378 Manning St.

I am asking, along with our entire neighborhood, for the board to rescind the permit to build a two-family unit at this location. The developer / owner has not engaged in any meaningful discussion with the neighborhood and has been entirely non-responsive to our requests; so it's up to you and the Needham Zoning Board to act.

Thank you for your attention to this matter.

Regards,

John Judge


35
Otis St
Otis St
Manning St
378
26

Kim K. Dooley
857.728.3641
kdooley@daintorpy.com

January 3, 2025

VIA ELECTRONIC MAIL (dcollins@needhamma.gov)

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492

RE: 282 Warren Street ZBA Application for Variance

Dear Ms. Collins:

This office is handling the application for a variance of the property located at 282 Warren Street, Needham, Massachusetts. It is my understanding that the Town of Needham Zoning Board of Appeals has scheduled a hearing with respect to this matter for January 29, 2025 at 8:00 P.M. I write on behalf of the applicant to request that said hearing be continued to February 27, 2025 at 7:30 P.M.

Please contact me at kdooley@daintorpy.com or at (857) 728-3641 should you have any questions. Thank you.

Respectfully,
/s/ Kim K. Dooley
Kim K. Dooley

cc: Timothy A.M. Fraser
Jonathan Chan
Jamie Chan

DAIN | TORPY

Kim K. Dooley
857.728.3641
kdooley@daintorpy.com

December 19, 2024

VIA FEDERAL EXPRESS

Town Clerk's Office
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

RE: 282 Warren Street ZBA Application for Variance

Dear Town of Needham Zoning Board of Appeals:

Enclosed please find the following:

1. A check made payable to the Town of Needham in the amount of $200.00;
2. ZBA Application;
3. Survey for 282 Warren Street and 73 Pleasant Street;
4. Plot plan for 282 Warren Street;
5. Plot plan for 73 Pleasant Street; and
6. Seven copies of items #3 - #5.

Please note that the Legal Notice for the Needham Times should be billed directly to:

Jonathan Chan and Jamie Chan
73 Pleasant Street
Needham, MA 02492
Email: jchan@brplusa.com; jamie.l.singer@gmail.com
Telephone Number: 617.852.6536; 857-891-8937

Please contact me at kdooley@daintorpy.com or 857.728.3641 should you have any questions. Thank you.

Sincerely,
/s/ Kim K. Dooley
Kim K. Dooley

ZBA Application For Hearing

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

Applicant Information

Applicant Name	Joshua A. Shaller and Stephanie Cox			Date: 12/18/24
Applicant Address	282 Warren Street, Needham, MA 02492			
Phone	3025473262 3392048980	email	stephanieacox@gmail.com; j.shaller@rivers.org	

Applicant is ☒Owner; ☐Tenant; ☐Purchaser; ☐Other_____

If not the owner, a letter from the owner certifying authorization to apply must be included

Representative Name	Timothy A.M. Fraser and Kim Khuu Dooley of Dain, Torpy, Le Ray, Weist, Garner P.C.		
Address	175 Federal Street, Suite 1500, Boston, MA 02110		
Phone	617-542-4800	email	tfraser@daintorpy.com; kdooley@daintorpy.com

Representative is ☒Attorney; ☐Contractor; ☐Architect; ☐Other_____

Contact ☐Me ☒Representative in connection with this application.

Subject Property Information

Property Address	282 Warren Street, Needham, MA 02492		
Map/Parcel Number	1990410004100000	Zone of Property	Single Residence B

Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain?
☒Yes ☐No

Is property ☒Residential or ☐Commercial

If residential renovation, will renovation constitute "new construction"?
☐Yes ☒No

If commercial, does the number of parking spaces meet the By-Law requirement? ☐Yes ☐No ☒N/A
Do the spaces meet design requirements? ☐Yes ☐ No ☒N/A

Application Type (*select one*): ☐Special Permit ☒Variance ☐Comprehensive Permit ☐Amendment ☐Appeal Building Inspector Decision

ZBA Application For Hearing

Existing Conditions:
282 Warren Street ("Lot 1") is currently a preexisting conforming lot with a Build Factor
of 52.60. As of August 22, 1985, any residential lot recorded or endorsed thereafter
must be a Build Factor of 20 or less pursuant to the formula outlined in Section 4.2.5.

Statement of Relief Sought:
Lot 1 would like to divest its interest in a five (5) foot strip of land ("Parcel B") directly
abutting 73 Pleasant Street ("Lot 2") which would make Lot 1 a noncomforming lot with
a Build Factor of 26.69. Lot 1 seeks a variance as it is a de minimis deviation from the

current zoning due to the unique shape of Lot 1.

Applicable Section(s) of the Zoning By-Law:
4.2.5 Build Factor Formula

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

	Existing Conditions	**Proposed Conditions**
Use		
# Dwelling Units		
Lot Area *(square feet)*		
Front Setback *(feet)*		
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:	Date Lot was created:
September 21, 1944; June 3, 2024	September 21, 1944

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions *(Required)*	✓
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)*	✓
If applicant is tenant, letter of authorization from owner *(Required)*	N/A
Electronic submission of the complete application with attachments *(Required)*	✓
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.

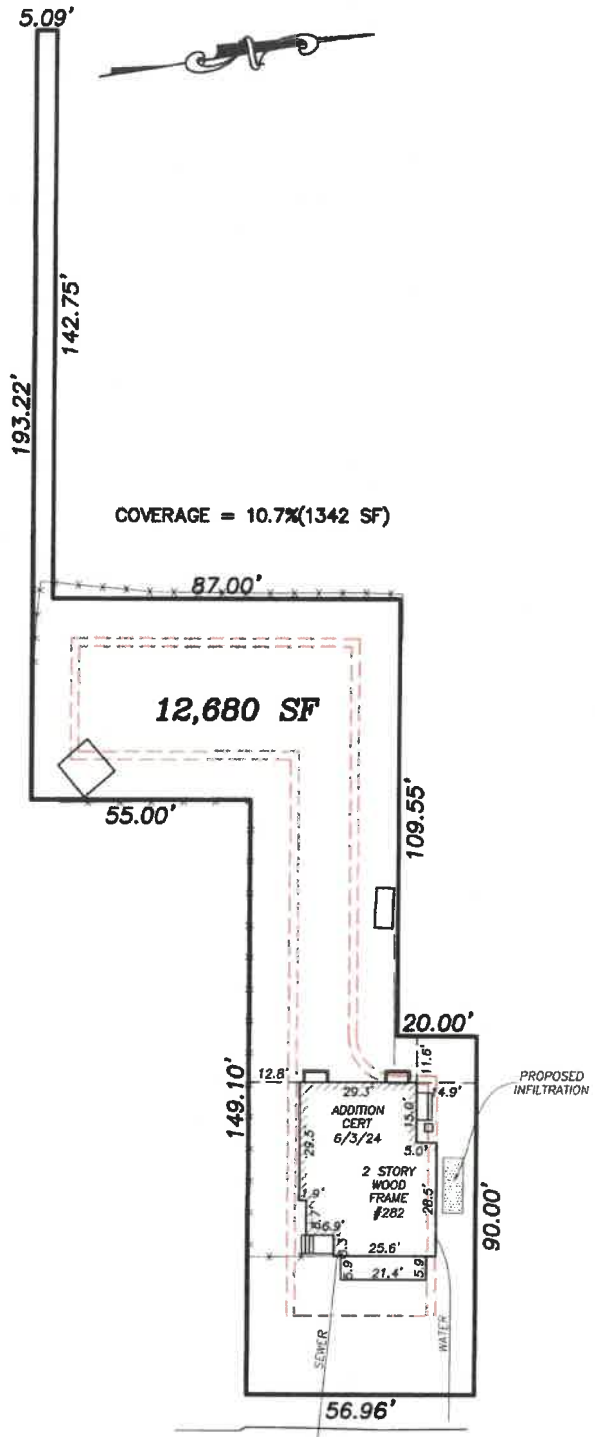
I hereby request a hearing before the Needham Zoning Board of Appeals. I have reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 12/16/2024
date of consult

Date: 12/18/2024 Applicant Signature DocuSigned by: Stephanie Cox BF0D81E3E71A4D8... Signed by: Joshua A. Shaller 31F67024E7D949E...

An application must be submitted to the Town Clerk's Office at townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov

PLEASANT STREET



WARREN STREET

TBM#1=200.08

TBM#2=199.16

COMMONWEALTH OF MASSACHUSETTS
BRADLEY SIMONELLI
#47581
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE
30 0 15 30 60

011-06

FINAL AS BUILT
PLAN OF LAND
282 WARREN STREET
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

JULY 24, 2024 SCALE 1"=30'

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

Assessor's Map & Parcel Number: ***MAP N0. 41, PARCEL 24***

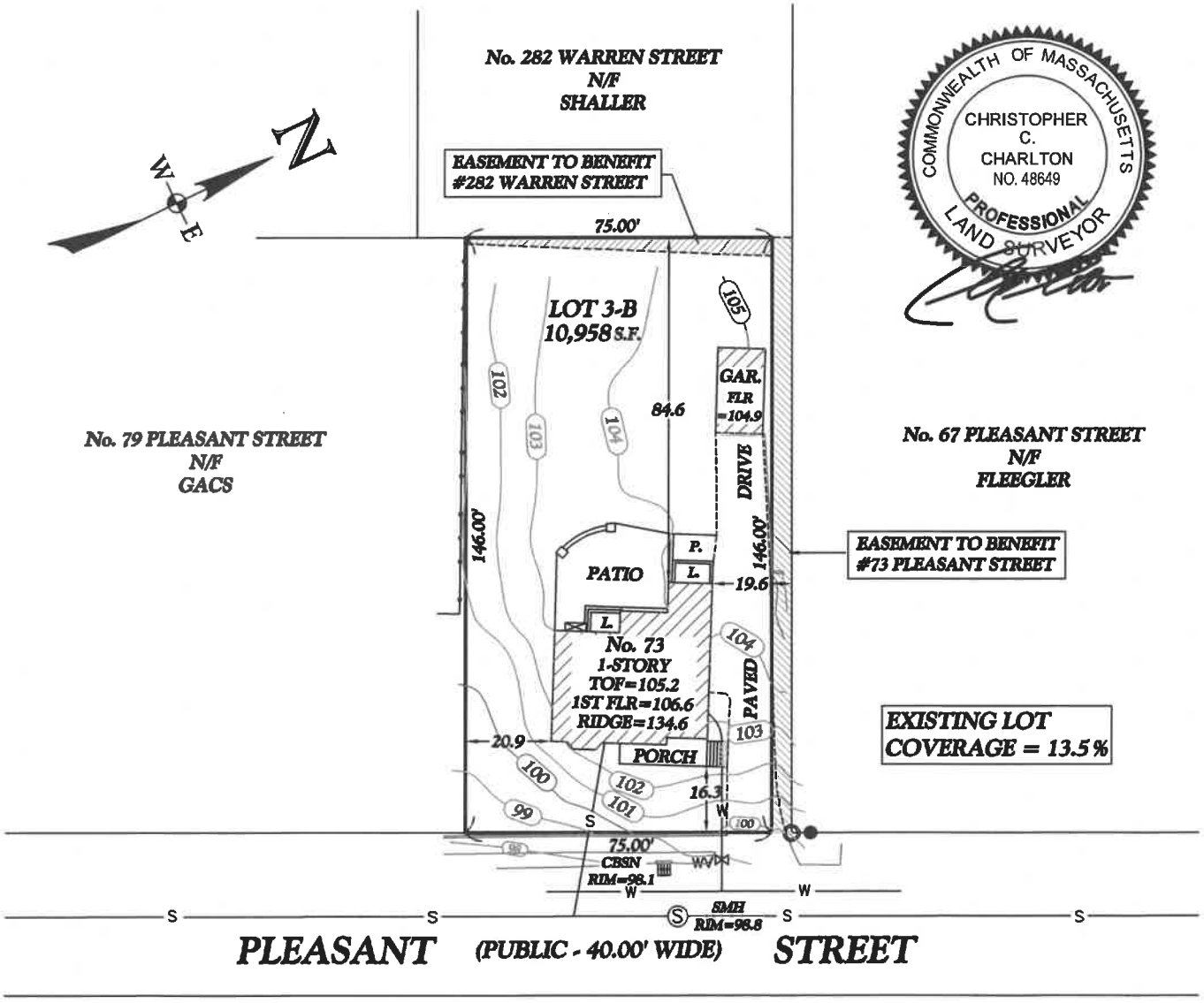
Building Permit Number: _____ Zoning District: ***SRB***

Lot Area: ***10,958 S.F.*** Address: ***No. 73 PLEASANT STREET***

Owner: ***JONATHAN J. & JAMIE L. CHAN*** Builder: _____

EXISTING CONDITIONS PLOT PLAN

40' Scale



COMMONWEALTH OF MASSACHUSETTS
CHRISTOPHER C. CHARLTON
NO. 48649
PROFESSIONAL LAND SURVEYOR

Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gaslines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances, (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in areas with no public sewer.
(*Accessory structures may require a separate building permit — See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.
The above is subscribed to and executed by me this ***22 nd*** day of ***SEPTEMBER*** 20 ***23***.
Name ***CHRISTOPHER C. CHARLTON*** Registered Land Surveyor No. ***48649*** License Expiration Date ***06/30/2024***
Address ***105 BEAVER STREET*** City ***FRANKLIN*** State ***MA*** Zip ***02038*** Tel. No. ***(508) 528-2528***
Approved _____ Director of Public Works Date _____
Approved _____ Building Inspector Date _____

REGISTRY OF DEEDS USE ONLY

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
NEEDHAM PLANNING BOARD:

_____
_____
_____
_____
_____
_____

DATE: _____

THIS ENDORSEMENT IS NOT A DETERMINATION OF CONFORMITY TO ZONING BY LAW REQUIREMENTS.

THE PURPOSE OF THIS PLAN:

THE PURPOSE OF THIS PLAN IS TO CREATE PARCEL A & PARCEL B.

PARCEL A IS NOT TO BE CONSIDERED A BUILDABLE LOT AND IS TO BE COMBINED WITH LOT 1 TO CREATE ONE LOT OF TOTAL AREA = 12,181 S.F.+/-

PARCEL B IS NOT TO BE CONSIDERED A BUILDABLE LOT AND IS TO BE COMBINED WITH LOT 2 TO CREATE ONE LOT OF TOTAL AREA = 11,556 S.F.+/-

THIS WOULD SERVE TO NEGATE AND TERMINATE THE CURRENT CROSS EASEMENT AGREEMENT - DEED BOOK 24983, PAGE 417 (PLAN BOOK 571, PAGE 70).

	ZONING DISTRICT: SINGLE RESIDENCE B								
	MIN. LOT AREA	MIN. FRONTAGE	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	BUILD FACTOR	MAX. LOT COVERAGE	MAX. STORIES	MAX. HEIGHT
REQUIRED	10,000 S.F.	80 FT.	20 FT.	14 FT.	20 FT.	20.00	25%-30%	2½	35 FT.
LOT 1 + PARCEL A	12,181 S.F.	57 FT.	28.4 FT.	10.2 FT.	12.1 FT.	26.69*	11.0%	2½	32.1 FT.
LOT 2 + PARCEL B	11,556 S.F.	80 FT.	16.3 FT.	20.3 FT.	82.8 FT.	15.09*	13.3%	2½	31.6 FT.

*PRE-EXIST. LOT CONFIG. BUILD FACTORS
LOT PERIM.² / ACTUAL LOT AREA ACTUAL LOT AREA / REQUIRED LOT AREA
282 WARREN ST (APN 41-41)
919.21² / 12,674 = 52.60 12,674 / 10,000
73 PLEASANT ST (APN 41-24)
445.09² / 11,064 = 16.18 11,064 / 10,000

*FINAL LOT CONFIG. BUILD FACTORS
LOT PERIM.² / ACTUAL LOT AREA ACTUAL LOT AREA / REQUIRED LOT AREA
LOT 1 PLUS PARCEL A:
629.31² / 12,181 = 26.69 12,181 / 10,000
LOT 2 PLUS PARCEL B:
448.94² / 11,556 = 15.09 11,556 / 10,000

FLOOD PLAIN DETERMINATION: THE LOTS SHOWN ON THIS PLAN LIE IN A ZONE "X" - "NOT IN A FLOOD HAZARD ZONE" ACCORDING TO FEMA MAP# 25021C0038E, EFFECTIVE 07/17/2012.

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF MAY 17 AND 20, 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

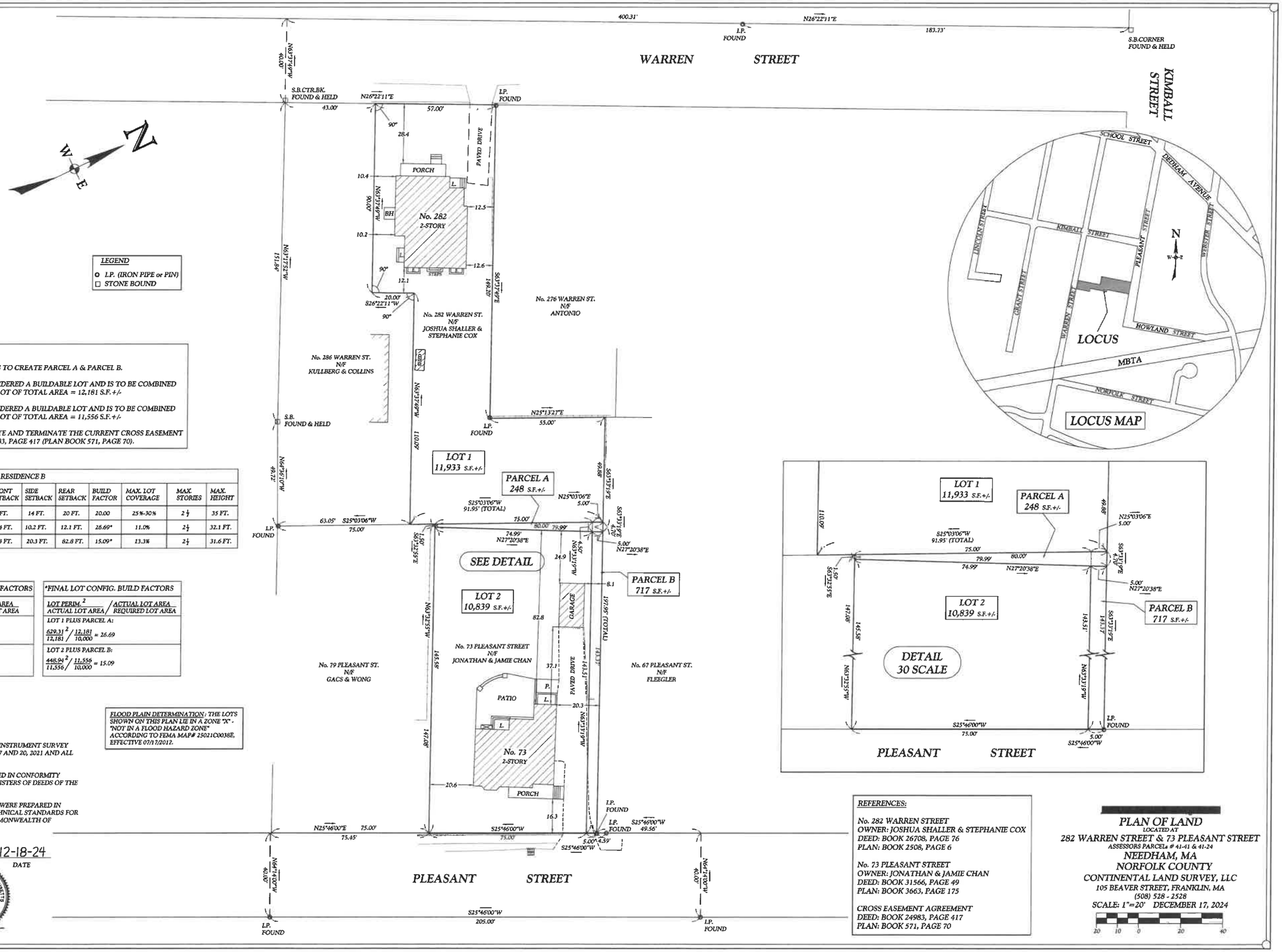
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I HEREBY CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

CHRISTOPHER C. CHARLTON, P.L.S. — DATE: 12-18-24

COMMONWEALTH OF MASSACHUSETTS — CHRISTOPHER C. CHARLTON NO. 48649 — PROFESSIONAL LAND SURVEYOR

JOB# 23-0429



REFERENCES:

No. 282 WARREN STREET
OWNER: JOSHUA SHALLER & STEPHANIE COX
DEED: BOOK 26708, PAGE 76
PLAN: BOOK 2508, PAGE 6

No. 73 PLEASANT STREET
OWNER: JONATHAN & JAMIE CHAN
DEED: BOOK 31566, PAGE 49
PLAN: BOOK 3663, PAGE 175

CROSS EASEMENT AGREEMENT
DEED: BOOK 24983, PAGE 417
PLAN: BOOK 571, PAGE 70

PLAN OF LAND

LOCATED AT
282 WARREN STREET & 73 PLEASANT STREET
ASSESSORS PARCELS # 41-41 & 41-24
NEEDHAM, MA
NORFOLK COUNTY
CONTINENTAL LAND SURVEY, LLC
105 BEAVER STREET, FRANKLIN, MA
(508) 528 - 2528
SCALE: 1"=20' DECEMBER 17, 2024

20 10 0 20 40

DAIN | TORPY

MEMORANDUM IN SUPPORT OF VARIANCE APPLICATION FOR 282 WARREN STREET, NEEDHAM, MASSACHUSETTS

Summary

The applicant, Joshua A. Shaller and Stephanie Cox (the "Applicant") seeks a variance from compliance with Section 4.2.5 Build Factor Formula (the "Build Factor") of the Zoning By-Law of the Town of Needham (the "Code"). This relief is being requested in connection with a proposed redrawing of the lot line boundaries of two adjacent, irregularly shaped lots: the Applicant's lot, 282 Warren Street ("282 Warren"), and the adjacent lot, 73 Pleasant Street ("73 Pleasant").[1] The proposed new lot lines (the "Lot Reconfiguration") will allow 73 Pleasant, currently a non-conforming lot, to become compliant with the Code. The Lot Reconfiguration also allows 282 Warren to become more compliant with the Code. However, the Lot Reconfiguration triggers a Build Factor violation with respect to 282 Warren, even though no construction or alteration of any building on either lot is being proposed in this matter.

Lot / Property History

The Applicant owns and resides at 282 Warren (Needham Tax Assessor Parcel ID: 41-41), which is situated in a Single Residence B District. The 282 Warren lot was created in 1944 by the "Plan of Land in Needham, Mass" dated Sept. 21, 1944 by E.W. Pilling, Engineer and recorded in the Norfolk Registry of Deeds ("Norfolk Deeds") on September 28, 1944 as Plan No. 393 in Book 2508, Page 6. The 282 Warren lot was created in a highly irregular shape, in that it includes a 5-ft. wide x 146-ft. long (~ 730 sq. ft.) strip of land which provides 282 Warren with direct access to Pleasant Street (the "Carriage Alley").[2] Most relevant to this matter: 282 Warren was created in 1944, over 40 years before the adoption of the Build Factor.

The adjacent lot, 73 Pleasant, was created in 1958 by the plan "Subdivision of Land in Needham, Mass." dated June 1958 prepared by C. Franzetti, Surveyor and recorded in Norfolk Deeds on August 27, 1958 at Plan No. 851 in Book 3663, Page 175.

With the passage of time, 282 Warren's need for direct access to Pleasant Street became obsolete, as did its use of the Carriage Alley. Thus, the prior owners of both lots executed a Cross Easement Agreement recorded on July 12, 2007 in Norfolk Deeds Book 24983, Page 417 (the "Cross Easement"). In the Cross Easement, the prior owners of 282 Warren granted an easement to 73 Pleasant to access the strip land that comprises the Carriage Alley (the "Carriage Alley Easement). Simultaneously, 73 Pleasant granted an easement of 75 ft. x ~4.5 ft. (~225 sq. ft.) in its rear yard in favor of 282 Warren (the "Rear Yard Easement"). With the Cross Easements the prior owners, as well as subsequent owners, and the current owners of 73 Pleasant and 282 Warren have all

[1] The Applicant and owner of the subject property in this matter has authorized the owner of the abutting lot at 73 Pleasant Street, Jonathan and Jamie Chan, to apply for the Variance in this matter on their behalf.

[2] On information and belief, the 282 Warren lot would have been created in this shape to provide for direct access by horse-drawn carriage to Pleasant Street.

operated based on the property lines depicted in *Illustration A*, below.

Illustration A: Current Lot Lines & Easements. *The current legal property lines are depicted above, with 282 Warren having the benefit of the Rear Yard Easement (shaded in yellow), and 73 Pleasant having the benefit of the Carriage Alley Easement (shaded in red).*

Argument in Support of Relief

In the proposed Lot Reconfiguration, the owners of both lots propose to redraw the lot boundary lines by permanently transferring their respective easements to each other. No construction of or alteration to any building is being proposed on either lot; however, the net change in 282 Warren's lot area—approximately 500 sq. ft.—triggers a Build Factor violation with respect to that lot.

Needham Has Reason and Authority to Grant the Requested Relief

Massachusetts General Laws Chapter 40A, Section 10 allows a "permit granting authority" to grant a variance where due to the "soil conditions, shape, or topography of such land … a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law." As the permit granting authority, the Town of Needham Zoning Board of Appeals (the "Board") may properly grant the variance, and as detailed below, the relief requested in this case meets the requirements set forth in M.G.L. c. 40A § 10.

Literal Enforcement of the Build Factor Would Involve Substantial Hardship to the Applicant.

Although including the Carriage Alley as part of the shape of 282 Warren made sense when the lot was created in 1944, it has no practical use in modern times, and has not been used in that manner in decades. Via the Cross Easement, the prior owners of these two lots attempted to memorialize the boundary lines in a manner that was more consistent with their actual use. However, the Applicant remains the legal owner of the land which comprises the Carriage Alley, and thus continues to pay property taxes on the entire parcel. The Applicant must also maintain hazard insurance on the entire parcel, including the 5 ft. x 146 ft. strip of land which provides no

beneficial use for the Applicant. In fact, the Applicant will essentially never be able to make use of the land which comprises the Carriage Alley in any meaningful manner because it is so narrow, irregularly shaped, and directly abuts 73 Pleasant. Thus, the shape and topography of 282 Warren are such that a literal enforcement of the Build Factor provisions would involve substantial hardship to the Applicant in this matter.

Relief Can be Granted Without Derogating from the Intent of the Build Factor and Without Substantial Detriment to the Public Good.

As noted above, the 282 Warren lot was created in 1944, prior to the adoption of the Build Factor. The Build Factor requires that any lots recorded or endorsed after August 22, 1985 shall not exceed a maximum build factor of 20 in a Single Residence B District.[3] The Build Factor is calculated according to the following formula:

$$\frac{\text{Lot Perimeter}^2}{\text{Actual Lot Area}} \div \frac{\text{Actual Lot Area}}{\text{Required Lot Area}}$$

Under this formula, 282 Warren currently has a build factor of 52.60, and because it was created in 1944, it is considered a preexisting conforming lot. However, because the lot lines are being redrawn, the proposed Lot Reconfiguration technically creates a "new" lot, and 282 Warren therefore must comply with the Build Factor requirements of lots "recorded or endorsed" after 1985—meaning it has exceeded the allowed Build Factor of 20, even though no construction or building alterations have occurred.

The language of Section 4.2.5 begins by stating that the intent of the Build Factor is to "limit the degree to which a lot may have an irregular shape."[4] Thus, although 282 Warren will still exceed the Build Factor after the proposed Lot Reconfiguration, the new lot lines provide for a result that squarely aligns with the Town of Needham's intent in adopting the Build Factor: the new lot lines correct the highly irregular shape of 282 Warren by eliminating the Carriage Alley Easement. In addition, 73 Pleasant is currently a preexisting, non-conforming lot because it does not have the required minimum frontage (it has 75 ft. vs. the required 80 ft.). However, adding the 5-ft.-wide Carriage Alley to the lot brings 73 Pleasant into compliance with the dimensional regulations of the Code. Thus, the benefits of the proposed Lot Reconfiguration are threefold: it creates a more rectangular lot at 73 Pleasant, it allows 73 Pleasant to become a conforming lot, and it creates a much less-irregular lot shape at 282 Warren, as depicted in *Illustration B*, below.

[3] Needham, MA, Zoning By-Law § 4.2.5 (2024).
[4] *Id.*

Illustration B: Proposed Property Lines. *The new lot lines correct the highly irregular shape of 282 Warren by eliminating the Carriage Alley Easement and result in a more rectangular, dimensionally conforming lot at 73 Pleasant.*

The extent of the irregularity of the shape of 282 Warren is best illustrated by calculating the change in the Build Factor after the Lot Reconfiguration. After losing the lot area of the Carriage Alley (730 sq. ft.) and adding the lot area of the Rear Yard Easement (225 sq. ft.), the net reduction in 282 Warren's lot area is 505 sq. ft.—from 12,657 sq. ft. to 12,152 sq. ft.[5] However, because the lot shape is so irregular, eliminating just 505 sq. ft. reduces the Build Factor almost 50%—from its current 52.60 to 26.69, an arguably *de minimis* deviation from the Code. Based on the plain language of Section 4.2.5, "to limit the degree to which a lot may have an irregular shape," providing the Applicant with the requested relief is in harmony with the Code, and does not frustrate the purpose, intent, or goals of the Build Factor, in fact, it would meet those goals and intents directly by creating two much more regularly shaped lots and allowing a non-conforming lot to become confirming.

The relief requested in this matter can also be granted without substantial detriment to the public good. The Lot Reconfiguration does not involve any publicly used or accessed land, or any public ways, but rather, it involves an arrangement between two private landowners concerning two privately owned parcels. Further, the Applicant is not requesting relief related to dimensional requirements such as lot area, frontage, height, or setback requirements, many of which were enacted to protect abutting landowners and public access to roads and sidewalks. Additionally, it appears that during the prior two (2) calendar years, no applications for Build Factor variances were submitted for hearing to the Board; thus, if the Board were to grant relief for this specific lot, which is uniquely affected by its irregular shape, it would not likely create an outpouring of requests for Build Factor variances. Finally, returning to the plain language of Section 4.2.5, the Build Factor was enacted to limit irregularly shaped lots and by its enaction, the Town of Needham must have deemed it a benefit to the public. Thus, granting the requested relief, which creates a more rectangular, conforming lot at 73 Pleasant, and a much less-irregular lot shape at 282 Warren, will not cause substantial detriment to the public good.

[5] Even without the Carriage Alley, 282 Warren's lot size still exceeds the minimum required lot size in a Single Residence B District of 10,000 sq. ft.. Needham, MA, Zoning By-Law § 4.2.2 (2024).

Conclusion

In summary, the Applicant respectfully requests that the Board grant a variance for 282 Warren to exceed the Build Factor of 20, and allow a build factor of 26.69. The shape and topography of 282 Warren are such that a literal enforcement of the Build Factor provisions would involve substantial hardship to the Applicant in this matter. The plain language of Section 4.2.5 specifies its intent was to "limit the degree to which a lot may have an irregular shape"; thus, providing the Applicant with the requested relief is in harmony with the Code, and does not frustrate the purpose, intent, or goals of the Build Factor, in fact, it would meet those goals and intents directly by creating a much less-irregular lot shape at 282 Warren and a more rectangular, conforming lot at 73 Pleasant.

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

Tel.781-455-7550 x 72308

January 21, 2025

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 282 Warren St.

Dear Board Members,

I have reviewed the proposed subdivision of land located at 282 Warren St. and 73 Pleasant St as submitted by Attorneys Fraser and Dooley.

I agree that relief in the form of a variance, only for the lot at 282 Warren St., is required due to the "creation" of a new lot which exceeds current Build Factor requirements prescribed in Section 4.2.5 of the Zoning Bylaw.

This office has no objection or other comments related to this proposal.

Sincerely,

Joe Prondak
Building Commissioner

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

January 22nd,2024

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Variance Review
282 Warren Street- Variance Review

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced project for the proposed variance at 282 Warren Street.

The documents submitted for review are as follows:

- Application for Special Permit dated 12/18/24.
- Cover Letter by Kim Dooley of Dain Torpy dated 12/19/24
- Survey plan of 282 Warren Street and 73 Pleasant Street dated 12/18/24
- Plot Plan of 282 Warren Street dated 7/25/24
- Plot Plan of 73 Pleasant Street dated 6/30/24
- Memorandum in Support of Variance by Dain Torpy

Our comments and recommendations are as follows:

- We have no comment and defer to the building commissioner and planning board to make a determination.

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

Truly yours,

Thomas A Ryder
Town Engineer

PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

January 21, 2025

Mr. Jonathan Tamkin, Chair, and Members
Zoning Board of Appeals
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Dear Mr. Tamkin and Members of the Zoning Board of Appeals:

At its meeting of January 21, 2025, the Planning Board reviewed the applications to be heard by the Board of Appeals on January 29, 2025, and made the following recommendations:

1. **250 Highland Avenue** – **Rainbow Angel, Inc.** *(Continued)* applied for a Special Permit to allow the use for a dine-in restaurant with accessory take-out under Section 3.2.5.2 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of a Taiwanese restaurant. The property is located in the Highland Commercial-128 (HC-128) zoning district.

   The Planning Board previously commented on this case by letter dated November 19, 2024. The comments were as follows: The Planning Board makes NO COMMENT.

2. **51 Fremont Street - Rental City, Inc.** applied for a Special Permit to allow for equipment rental services with accessory retail use pursuant to Section 3.2.6.2 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of an equipment rental services with accessory retail sales. The property is located in the Mixed Use-128 (MU-128) zoning district.

   The Planning Board makes NO COMMENT.

3. **378 Manning Street –Nick Koslov and Megan Waldvogel** applied for an Appeal of a Building Inspector Decision (ABID) of Building Permit BC24-11078 issued to Arthur Elzon dated November 19, 2024, for the reconstruction of a two-family at 378 Manning Street. The ABID asserts that the Building Permit plans on file do not comply with the terms of Section 1.4.7.4 of the By-Law that the building as reconstructed have a footprint no greater in area than that of the original non-conforming building. The property is located in the Single-Residence B (SRB) District.

   The Planning Board makes NO COMMENT.

4. **282 Warren Street** – Stephanie Cox and Joshua A. Shaller applied for a Variance to allow the divestment of a five-foot strip of land to the abutting property at 73 Pleasant Street. This divestment would make 282 Warren Street, currently a conforming lot, into a non-conforming lot with a build Factor of 26.69 where a build factor of 20 or less is required under Sections 4.2.5 of the By-Law. The property is located in the Single-Residence B (SRB) District.

   The Planning Board makes NO COMMENT.

5. **0 Colgate Road** -Patricia M. Connolly, appellant, has appealed a decision of a Building Inspector (ABID) dated December 2, 2024 who determined that the property "*appears to "front" on private property and therefore does not have adequate frontage along a public or private way as defined in the Zoning By-Law."* The ABID asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in the Single-Residence B per Section 4.2.1 of the By-Law. The property is located at 0 Colgate Road, Needham, MA in the Single-Residence B (SRB) District.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

Daphne Collins

From: Tara Gurge
Sent: Tuesday, December 31, 2024 9:20 AM
To: Daphne Collins
Subject: FW: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025 - Public Health comments
Attachments: 282 Warren St - Notice Clerk.doc

Daphne –

The Public Health Division conducted the Zoning Board review for the proposal for the property located **at #282 Warren St**. The Public Health Division has no comments to share at this time.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health

please consider the environment before printing this email

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Monday, December 30, 2024 3:17 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Good Afternoon –

Daphne Collins

From: John Schlittler
Sent: Tuesday, December 31, 2024 10:45 AM
To: Daphne Collins
Subject: RE: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Police has no issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Monday, December 30, 2024 3:17 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Good Afternoon –

288 Warren Street - Stephanie Cox and Joshua A. Shaller applied for a Variance to allow the divestment of a five-foot strip of land to the abutting property at 73 Pleasant Street. This divestment would make 282 Warren Street, currently a conforming lot, into a non-conforming lot with a build Factor of 26.69 where a build factor of 20 or less is required under Sections 4.2.5 of the By-Law.

Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **January 17, 2025** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Thank you,

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 72261
dcollins@needhamma.gov
www.needhamma.gov

In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm

Daphne Collins

From: Tom Conroy
Sent: Friday, January 10, 2025 10:00 AM
To: Daphne Collins
Subject: RE: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Hi Daphne,
Fire Dept. approves.
Thank you,
Tom

Thomas M. Conroy
Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Thursday, January 9, 2025 7:37 PM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: FW: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Good Evening Folks-
The applicant of 282 Warren Street submitted additional information to their application which you received in December.
Attached for your review of this case, please find the Memo of Support.
If you have any questions, feel free to contact me.
Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
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