



PLANNING & COMMUNITY
DEVELOPMENT
PLANNING DIVISION

NEEDHAM PLANNING BOARD

Monday December 19, 2022

7:30 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **880 4672 5264**

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

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Public Hearings:

7:30 p.m. Major Project Site Plan Special Permit No. 2022-03: WELL Belfour Needham Landlord LLC, 4500 Dorr Street, Toledo, Ohio, 43615, Petitioner. (Property located at 100-110 West Street, Needham, MA). Regarding proposal to redevelop the property to include 155 units of senior housing, consisting of 127 Assisted Living apartments and 28 Alzheimer’s/Memory Care units. *Please note: this hearing has been continued from the August 16, 2022, September, 20, 2022, October 18, 2022, and November 15, 2022 meetings of the Planning Board.*

8:00 p.m. 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner, (Property located at 920 South Street, Needham, MA).

8:00 p.m. Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner, (Property located at 920 South Street, Needham, MA).

2. Transfer of Permit: Major Project Site Plan Special Permit No. 1991-01: TDRG Inc., Paul Turano, President, d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021, to Ceed Corp, d/b/a Cook Restaurant, 15 Nell Road, Revere, MA, 02151, Petitioner. (Property located at 101-105 Chapel Street, Needham, Massachusetts).

3. Decision: Amendment to Major Project Site Plan Special Permit No. 94-5: Coca Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110, Petitioner. (Property located at 9 B Street, Needham, Massachusetts). Regarding proposal to renovate the existing building by removing the existing 14,500 sf office wing, removal of 44,985 sf of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14,610 sf attached new single-story Fleet Services wing and addition of 14 loading docks (see legal notice and application for more details).

4. Decision: Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner. (Property located at 557 Highland Avenue, Needham, Massachusetts). Regarding proposal to redevelop the Property with approximately 465,000

square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,052 square feet of retail and restaurant uses. See legal notice and application for more details).

5. Minutes.
6. Report from Planning Director and Board members.
7. Correspondence.

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

From: [Colleen Schaller](#)
To: [Planning](#)
Cc: [Timothy McDonald](#); [Latanya Steele](#)
Subject: 100 West Street
Date: Monday, October 17, 2022 10:57:52 AM

To Members of the Needham Planning Board,

Please be advised that at the
October 13, 2022 meeting of the Needham Council on Aging Board of Directors the following Motion was made,
seconded and passed unanimously:

“To oppose the granting of a special permit for the 100 West Street project without the inclusion of independent
living at that site as approved by Town Meeting.”

Thank you,
Colleen Schaller
COA Board Chair

Sent from my iPhone

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Wednesday, September 21, 2022 11:42:44 AM

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

Full Name:: Kim Marie Nicols

Email Address:: Kim_Marie_Nicols@yahoo.com

Address:: 12 Crescent Road

City/Town:: Needham Heights

State:: MA

Zip Code:: 02494

Telephone Number:: 781-223-6948

Comments / Questions: My statement made in person at the September 20, 2022 Hearing:

My name is Kim Marie Nicols, and I have lived at 12 Crescent Road for almost 29 years. I live 1 1/2 blocks from the Avery Building, and it has been discouraging to see the property vacant and neglected for about 5 years.

I am very active in our community, serving on several Boards and being a member of numerous organizations, including being a TMM representing Precinct B. Our neighborhood had a Block Party two days ago, and the status of 100 West Street was a hot topic.

When the proposal to renovate the building to become Independent Living apartments was first presented at Town Meeting, I was very much in favor. It is a great location, within a block to public transportation, the post office, grocery, drug store, banks, restaurants, and other businesses, and the Senior Center. I am in support of increasing our Town's housing stock, especially for people over the age of 55, who want to down size and remain in the community they love. I especially was pleased that some of the apartment units would be made affordable for people with low income.

It was also presented to TMM that by special permit, the building would also have Assisted Living and Memory Care programs. This is great for seniors who want to age in place.

However, it is my understanding that the proposal under special permit now deletes Independent Living, and it would be only a Assisted Living and Memory Care facility. But granting a special permit is discretionary. It does NOT need to be granted by the Planning Board.

So I call for the Board to insist that Balfour honor the proposal that was originally voted on by TMM. This would be better for our community in many ways. More independent residents would be more active in our community, spending their money at local businesses, and adding to the vibrancy of our neighborhood in Needham Heights. It would be wonderful for people who want to remain in Needham when they downsize their homes, which as a side note will probably be torn down and a duplex or McMansion be put in their places. If the residents were limited to seniors who need more assistance and supervision, it is unlikely they would ever leave the facility to shop, eat out, or become involved in the community.

So I urge the Planning Board to NOT vote for the special permit. Let this building be mainly Independent Living apartments.

Thank you for your consideration.

Additional Information:

Form submitted on: 9/21/2022 11:42:39 AM

Submitted from IP Address: 209.6.10.214

Referrer Page: https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.needhamma.gov%2f1114%2fPlanning-Board&c=E,1,8tDCWoueC65-VjJsYhNknQHCwLFZkodxQw56vxeF05loXNilQt33OwMYBsm_U8-olGiQrbp7lCxsLgFW9eOZUTBLefma6Yvk9vOeKTldd7U4any1RMAZW0.&typo=1

Form Address: https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E,1,HYFyXFBnxHHSz_IX-CMjOVkidkfHp1XeJvh6fr10lQfH8mPpvhVPjOzYb5_pUaXWI23_JhRvK6CA662sgopz-jYrJYsXEKQ2F27UVNzVc-YN6ug.&typo=1

FRIEZE CRAMER ROSEN & HUBER LLP

COUNSELLORS AT LAW

62 WALNUT STREET, SUITE 6 | WELLESLEY, MA | 02481
781-943-4000 | FAX 781-943-4040

December 15, 2022

Members of the
Needham Planning Board

And

Lee Newman
Director of Planning and Community Development
Public Services Administration Building
500 Dedham Ave
Needham, MA 02492

Re: 100 West Street, Needham

Dear Planning Board Members and Ms. Newman:

Following the September hearing before the Board in this matter, the Applicant requested, and Board has granted, two continuances of the hearing, in order to give the Applicant additional time to explore whether its proposal might be modified in some way to respond to comments from the Planning Board and others. We appreciate the Board's courtesy in this regard and have used that time to seek a financially viable use-mix, or different use altogether, for the property.

After considering a number of possibilities, the Applicant will be modifying its proposal to reduce the number of AL units by nine (9), and replace them with nine IL units. The new IL units will be located at the southeast corner of the building, on the first floor, as shown on the drawing submitted with this letter. These units were chosen because each has its own patio, and because the layout of the building is such that the IL residents will have a separate, entrance and exit, to use if they wish.

Residents of these units will also be entitled to use the main entrance and lobby on the west side of the building, and will have the option of participating, at additional cost, in the dining options and other amenities available to the AL residents as state licensure allows. Onsite parking will be available for these residents.

Needham Planning Board Members
Lee Newman
December 15, 2022
Page 2

Per Section 3.15.6(a) of the Bylaw, none of these units will be affordable as defined in that section of the Bylaw and applicable regulations. However, the Applicant will maintain its commitment to a contribution of \$1.9 million to the Town, in accordance with the terms of the Agreement that was negotiated with the Select Board a number of months ago. This was originally conceived as a contribution to the Affordable Housing Trust Fund, and it could certainly be used for that purpose, or for some other purpose as the Town sees fit.

This is the revised proposal that we will be asking the Board to consider and vote on. In order to formally amend the application currently before the Board, it will be necessary to make some relatively small changes to the architectural drawings for the first floor, revise the parking table on the site plans and update the traffic analysis. With respect to the exterior of the building, and the grounds, the current proposal remains virtually unchanged. We anticipate being able to submit those revised documents well in advance of the next meeting of the Board at which this matter will be heard.

Sincerely,

/s/ Evans Huber

Evans Huber



From: [Glenn Mulno](#)
To: [Planning](#)
Cc: [Selectboard](#)
Subject: 100 West Street/Avery Square/Balfour
Date: Monday, December 19, 2022 10:47:43 AM

Hi,

I just want to voice my concerns about the pending proposal before the Board for the 100 West Street property.

As a voting Town Meeting Member during the zoning override process for this property, I, and most others, only voted for this zoning override on the promise of 72 independent apartments, with 9 of them affordable. I strongly oppose *ANY* change to the plans as approved through Town Meeting.

Affordable housing is one of the most dire problems facing Needham today and we can not allow developers to change previously approved levels of affordable housing.

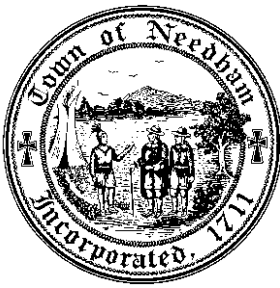
Everything that was approved in the two articles that Town Meeting passed in the fall of 2020 were based on these agreements. The zoning dealt with issues of parking, the addition of a 4th floor, and much more, all approved based on their being the level of independent apartments and affordable units specified. As a neighbor of this property, I was keenly aware of what they were asking for and the potential detrimental impact to what they were proposing back then. However, the level of independent housing and affordable housing let me feel this was acceptable and I voted for these changes. I would NOT have voted for these changes under this new proposal.

I also strongly resent the Developer attempting to bribe the town with money to throw out agreements made as part of the zoning approvals that were made. I strongly encourage the Boards of this town to reject all attempts at bribing the town and send a strong message to all developers that this level of behavior will NOT be tolerated. We can not allow developers to get approval at Town MEeting for one thing, and then to bribe the town Boards with cash to get what they really want.

Please, I urge you all to stand firm and reject this new proposal from the developer, and all future proposals from them, unless and until they abide by the previously agreed upon levels of housing. If they walk away from this deal, that will be far better for Needham than letting a Developer bribe their way to what they want.

Thank You

Glenn Mulno
40 Morton Street
Needham, MA 02494
Town Meeting Member, Precinct I



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

Under the provisions of M.G.L., Ch. 41, S. 81-T, the Needham Planning Board will hold a public hearing on Monday, December 19, 2022, at 8:00 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264 (further instructions for accessing by zoom are below), regarding the application of Brian Connaughton, 920 South Street, Needham, MA for approval of a Definitive Subdivision Plan. Said Plan consists of nine (9) sheets and was submitted along with accompanying material. If approved, the Plan would create two (2) building lots; all would have frontage and access on the new road.

The land proposed to be subdivided is located at 920 South Street, Needham, Norfolk County, Massachusetts, and is shown on Assessors Plan No. 205 as Parcel 6, and bounded and described as follows:

Northerly by South Street on two courses, together measuring 177.66 feet; Northeasterly by land now or formerly of Erna Schwartz Place Family Trust, 331.24 feet; Southeasterly again by land now or formerly of Erna Schwartz Place Family Trust, 235.92; Easterly again by land now or formerly of Erna Schwartz Place Family Trust, 621 feet, more or less; Southerly by the Charles River, 264 feet, more or less, Easterly by land now or formerly of Mark Lichtenstein, Trustee and land now or formerly of Philip & Karen B. Silveira, on two courses, together measuring 1,092 feet, more or less.

Said parcel is shown as Lot numbered 16 on a plan drawn by Cheney Engineering Co., Inc., Surveyors, dated March 1987, as approved by the Land Court, filed in the Land Court Registration Office as No. 2417R, a copy of a portion of which is filed with the Norfolk County Registry District of the Land Court with Certificate No. 130654 in Book 654.

The above-described land is subject to the sewer easements as set forth in Document Nos. 6159, 8953, 146331 and shown on said plan as Sewer Easement (30.00 Wide).

The above-described land is also subject to Sewer Easement (20.00 Wide) shown on said plan.

Being the same premises conveyed to Brian Connaughton by deed of VNA Care Hospice, Inc., dated April 8, 2022, filed with the Norfolk County Registry District of the Land Court as Document No. 1501178 and noted on Certificate of Title No. 207299, to which deed reference is made for title.

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 880 4672 5264

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

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: 880 4672 5264

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

The application may be viewed at this link:

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

NEEDHAM PLANNING BOARD

Needham Hometown Weekly: November 25, 2022 & December 1, 2022.



TOWN OF NEEDHAM
MASSACHUSETTS

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2022 NOV -8 PM 4:58

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

APPLICATION FOR APPROVAL
OF A DEFINITIVE SUBDIVISION PLAN

PLANNING DEPARTMENT

Date: September 30 20 22

The undersigned, on behalf of Brian Connaughton (owner's name or self) of
920 South Street, Needham, MA 02492 (address), owner of land in Needham, the description of
said land being submitted herewith, desiring to make a subdivision of said land hereby submits the following required plans
and documents:

- a) the original tracings and eight full sized copies and six reduced sized copies of each of the
following plans –
- a key location map
 - a lot plan
 - a profile plan
 - a municipal services and utility plan
 - a topographic plan
 - any detail plans required

Each plan bearing titles, endorsements and imprints required.

- b) a filing fee of \$500 plus \$250 per lot for each lot in the subdivision.
c) a description of the boundaries of the entire area to be subdivided; and
d) ~~a list of names and addresses of all abutters as they appear on the most recent Needham Assessors' records~~
e) Exhibit A - List of Waivers; Exhibit B - Legal Description; and Drainage Calculations
(specify any additional material or information submitted)

and petitions the Planning Board to consider and approve such subdivision plans under the provisions of the Subdivision Control Law (M.G.L. Chapter 41, Sections 81-A through 81-G inclusive, as amended) and in accordance with the Rules and Regulations of the Needham Planning Board and the applicable By-Laws of the Town of Needham.

The undersigned certifies that the applicant(s) is/are the sole owner(s) of the entire land proposed to be subdivided and that the subdivision plans and the description submitted indicate the true boundaries of said land and ~~the correct names of all abutters as shown on the most recent records of the Needham Assessors.~~

(If the applicant is not the owner, written authorization to act as agent must be attached)

Brian Connaughton (owners)

By  (agent)
George Giunta, Jr., Esq.

This application is accepted by the Needham Planning Board in accordance with Sections 81-Q and 81-T of the Subdivision Control Law.
Nov. 1 20 22 By 

EXHIBIT A

Definitive Subdivision Application
920 South Street
Needham, MA

RECEIVED TOWN CLERK
NEEDHAM, MA 02122
2022 NOV -8 PM 4: 58

LIST OF WAIVERS

The Applicants hereby request the following waivers with respect to the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board:

1. Waiver of the requirements of Section 3.2, relative to submission of definitive plans, as follows:

- a. A waiver from the requirements of subsection (b) that plans be drawn on blue tracing cloth or mylar, and that the Title Block be located in the lower right-hand corner;
- b. A waiver from the requirements of subsection (e) that street line traverse closures be provided.

2. Waiver of the requirements of Section 3.3, relative to street and construction details, as follows:

- a. A waiver from the required width of roadway layout at Section 3.3.1 from 50 feet to 20 feet;
- b. A waiver from the required pavement width at Section 3.3.1 from twenty-four (24) to eighteen (18) feet;
- c. A waiver from the required pavement radius in the turnaround at Section 3.3.5 from sixty (60) feet to fifty (50) feet;
- e. A waiver from the curbing requirement at Section 3.3.6 in the in the cul-de-sac;
- f. A waiver from the requirement of sidewalks on both sides of the road layout at Section 3.3.16 to no sidewalk
- g. A general waiver of construction and such other unspecified waivers as may be necessary for the construction of the way and related improvements as shown on the revised plans submitted herewith.

3. Waiver of any and all other requirements as may be necessary and appropriate for the division / reconfiguration of the subject premises as depicted on the plan.

EXHIBIT B

Definitive Subdivision Application
920 South Street
Needham, MA

RECEIVED TOWN CLERK
NEEDHAM, MA 02452
2022 NOV -8 PM 4: 58

Description

That certain parcel of registered land, known and numbered 920 South Street, bounded and described as follows:

Northerly	by South Street on two courses, together measuring 177.66 feet;
Northeasterly	by land now or formerly of Erna Schwartz Place Family Trust, 331.24 feet;
Southeasterly	again by land now or formerly of Erna Schwartz Place Family Trust , 235.92;
Easterly	again by land now or formerly of Erna Schwartz Place Family Trust , 621 feet, more or less;
Southerly	by the Charles River, 264 feet, more or less,
Easterly	by land now or formerly of Mark Lichtenstein, Trustee and land now or formerly of Philip & Karen B. Silveira, on two courses, together measuring 1,092 feet, more or less.

Said parcel is shown as Lot numbered 16 on a plan drawn by Cheney Engineering Co., Inc., Surveyors, dated March 1987, as approved by the Land Court, filed in the Land Court Registration Office as No. 2417R, a copy of a portion of which is filed with the Norfolk County Registry District of the Land Court with Certificate No. 130654 in Book 654.

The above-described land is subject to the sewer easements as set forth in Document Nos. 6159, 8953, 146331 and shown on said plan as Sewer Easement (30.00 Wide).

The above-described land is also subject to Sewer Easement (20.00 Wide) shown on said plan.

Being the same premises conveyed to Brian Connaughton by deed of VNA Care Hospice, Inc., dated April 8, 2022, filed with the Norfolk County Registry District of the Land Court as Document No. 1501178 and noted on Certificate of Title No. 207299, to which deed reference is made for title.

RECEIVED TOWN CLERK
NEEDHAM, MA 02451

Brain Connaughton
920 South Street
Needham, MA 02492

2022 NOV -8 PM 4: 58

September 30, 2022

Town of Needham
Planning Board
Needham, Massachusetts 02492

Attn: Lee Newman, Planning Director

Re: Brian Connaughton
Application for Approval of
Definitive Subdivision Plan and Scenic Road Act
920 South Street, Needham, MA

Dear Mrs. Newman,

Please accept this letter as confirmation that I, Brian Connaughton, current owner of the property known and numbered 920 South Street, Needham, MA, have authorized my attorney George Giunta, Jr., Esquire, to make application to the Planning Board for Approval of Definitive Subdivision Plan and Scenic Road Act, and other zoning and planning related relief that may be required or appropriate in connection with the division of the said premises into two lots with a new roadway. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Approval of a Definitive Subdivision Plan and Application for Hearing Under the Scenic Road Act.

Sincerely,



Brain Connaughton

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2022 NOV -8 PM 4:58

TOWN OF NEEDHAM

MASSACHUSETTS



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

PLANNING BOARD

**APPLICATION FOR PUBLIC HEARING UNDER
THE SCENIC ROAD ACT**

Name of Applicant: Brian Connaughton

Address of Applicant: 920 South Street, Needham, MA 02492

Location of Property Subject to Scenic Road Act:
Address: 920 South Street, Needham, MA 02492

Assessor's Map and Parcel Number: Map 205, Parcel 20

Description of Proposed Activity Subject to Scenic Roads Act:

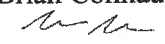
Removal and / or alteration of existing stone wall and possible removal of tress and vegetation along southerly side of South Street in connection with construction of proposed new subdivision roadway.

Purpose of Proposed Activity:

Accommodation of proposed new subdivision roadway.

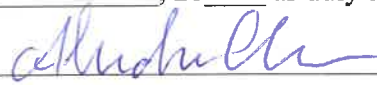
This application shall be accompanied by a filing fee of \$250.00 and a deposit in the amount determined by the Planning Board sufficient to cover advertising, notification and other costs for the public hearing.

Brian Connaughton

Applicant Signature:  Date: Sept. 30, 2022

By: George Giunta, Jr., Esq.

For Planning Department Use:

Application accepted this 1 day of Nov., 2022 as duly submitted under the rules and regulations of the Planning Board, by 

Brain Connaughton
920 South Street
Needham, MA 02492

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2022 NOV -8 PM 4:58

September 30, 2022

Town of Needham
Planning Board
Needham, Massachusetts 02492

Attn: Lee Newman, Planning Director

Re: Brian Connaughton
Application for Approval of
Definitive Subdivision Plan and Scenic Road Act
920 South Street, Needham, MA

Dear Mrs. Newman,

Please accept this letter as confirmation that I, Brian Connaughton, current owner of the property known and numbered 920 South Street, Needham, MA, have authorized my attorney George Giunta, Jr., Esquire, to make application to the Planning Board for Approval of Definitive Subdivision Plan and Scenic Road Act, and other zoning and planning related relief that may be required or appropriate in connection with the division of the said premises into two lots with a new roadway. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Approval of a Definitive Subdivision Plan and Application for Hearing Under the Scenic Road Act.

Sincerely,



Brain Connaughton

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6095

September 30, 2022

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

Re: 920 South Street - Definitive Subdivision Application
Brian Connaughton

Dear Lee,

Please be advised that I represent Brian Connaughton relative to his property at 920 South Street, Needham, MA 02492 (the "Premises") and his intent to subdivide same into two buildable lots. In connection therewith, submitted herewith please find the following:

1. Completed Application for Approval of a Definitive Subdivision Plan;
2. Exhibit A – List of Waivers;
3. Exhibit B - Description;
4. Definitive Subdivision Plan, 920 South Street, Needham, Massachusetts, prepared by Verne T. Porter, Jr., PLS, Land Surveyors – Civil Engineers, 354 Elliot Street, Newton, Massachusetts 02464, consisting of 9 sheets as follows: 1. Title Sheet, dated September 9, 2022, 2. Existing Conditions Site Plan, dated September 9, 2022, 3. By-Right Subdivision Plan of Land, dated September 9, 2022, 4. Proposed Lotting Plan of Land, dated September 9, 2022, 5. Proposed Grading Plan, dated September 9, 2022, 6. Proposed Utilities Plan, dated September 9, 2022, 7. Plan, Profile & Detail Sheet, dated September 9, 2022, 8. Detail Sheet, dated September 9, 2022, and 9. Detail Sheet, dated September 9, 2022 (hereinafter, collectively, the "Subdivision Plan");
5. Drainage Summary, Proposed Two-Lot Residential Subdivision, 920 South Street, Needham, Massachusetts, dated September 28, 2022, prepared by Verne T. Porter, Jr., PLS, Land Surveyors – Civil Engineers, 354 Elliot Street, Newton, Massachusetts 02464;
6. Check No. 107 in the amount of \$1,000 for the applicable filing fee; and
7. Application for Public Hearing Under the Scenic Road Act.

The Premises is located on the Southerly side of South Street in the Rural Residential Conservation (RRC) Zoning District. It is shown and identified as Parcel 70 on Assessor's Map No. 205 and is currently occupied by a three-story, twenty-two room structure, originally constructed in 1908.¹ While the structure was likely built initially as a single-family residential dwelling, it was used for commercial purposes as the Stanley Tippet Hospice Home from approximately 1993 until recently. In addition, the Premises is also occupied by a small, detached shed, driveways and parking areas.

As shown on the Subdivision Plan, the applicant is proposing to subdivide the Premises into two building lots, as well as a small non-buildable parcel along South Street. Both of the new lots will have frontage on and will be served by and accessed from the proposed new roadway.

As depicted on sheet 3 of the Subdivision Plan, a new roadway can be built with a 60 foot radius circle and 40 foot width road (with sidewalks on both sides).² However, whereas the proposed road will only serve two lots, will end in a turn-around, and is located in a scenic area of Town, the Applicant is of the opinion that a full roadway, 24 feet wide, with sidewalks and a full 120 foot diameter circle is not appropriate. Rather, the Applicant feels that something akin to a shared driveway is far more suitable for this location, would better preserve open space and the scenic nature of the area. Therefore, the Applicant is requesting a waiver of construction as well as several other waivers. Given the nature of the development, its location on South Street and past practice of the Board, The Applicant asserts that the requested waivers are appropriate for this development.

Finally, while the proposed new roadway is located in substantially the same place as the existing driveway, removal of a small portion of the existing stone wall and modification thereof is necessary to accommodate the proposed new roadway. Therefore, an Application for Public Hearing Under the Scenic Road Act is submitted herewith, and the Applicant requests that same be acted on simultaneous with his application for Definitive Subdivision Approval.

Kindly schedule this matter for consideration at the next available meeting of the Planning Board. Please also let me know if you require any further information or materials.

As always, your anticipated courtesy and cooperation and appreciated.

Sincerely,



George Giunta, Jr.

¹ According to Assessor's Department records

² This "by-right" condition assumes a single waiver; namely, reduction of roadway width from 50' to 40'. A waiver of roadway width has been granted for nearly all subdivisions approved in the last 50 years. Moreover, the standard width of public ways throughout the Town is 40 feet. Therefore, while a roadway width of 40 feet technically requires a waiver, by virtue of its near universal application, such width has become a de facto standard.

Definitive Subdivision Plan
~920 South Street~
Needham, Massachusetts

FOR REGISTRY USE ONLY



Locus Map
Scale 1"=400'

1. THIS PLAN WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY BY THIS OFFICE
2. THE SUBJECT PROPERTY IS LOCATED IN THE RURAL RESIDENTIAL ZONE
3. ASSESSORS MAP 205 PARCEL 7
4. UTILITIES SHOWN WHERE COMPILED FROM BEST AVAILABLE INFORMATION AND ACTUAL FIELD LOCATIONS. THEY MAY OR MAY NOT BE COMPLETE OR CORRECT. CONTRACTOR TO FIELD VERIFY ALL LOCATIONS AND DEPTHS PRIOR TO ANY EXCAVATION.
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6. WETLANDS DELINEATIONS PERFORMED BY ECOTEC INC.
7. LOCUS IS LOCATED IN THE FOLLOWING FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0038E DATED 7-17-2012

Zone Rural Residence Conservation
43,560s.f. Minimum
150' Lot Frontage
50' Front Setback
25' Side Setback
25' Rear Setback
FAR Not Applicable
Max. Lot Coverage 15%
Max. Stories 2 1/2
Max. Height 35'

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE	
DATE	TOWN CLERK

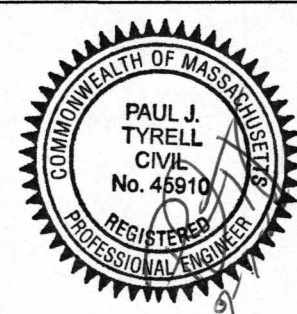
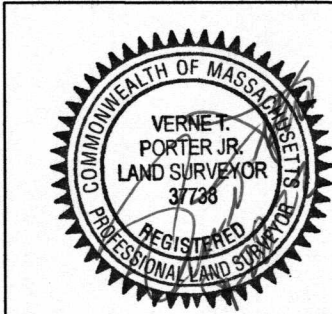
APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED	
TOWN OF NEEDHAM PLANNING BOARD	
BY:	
APPROVED:	

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

Brian Connaughton 9-28-27

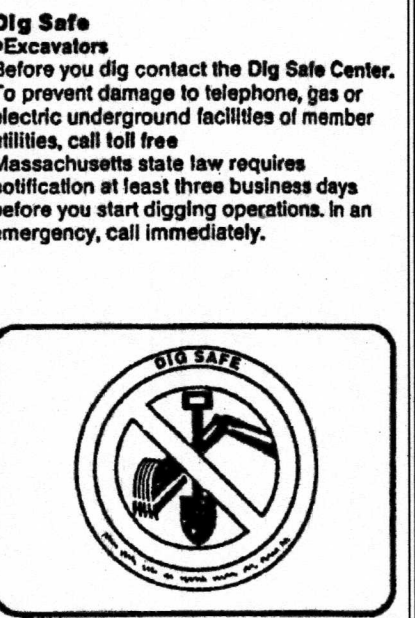
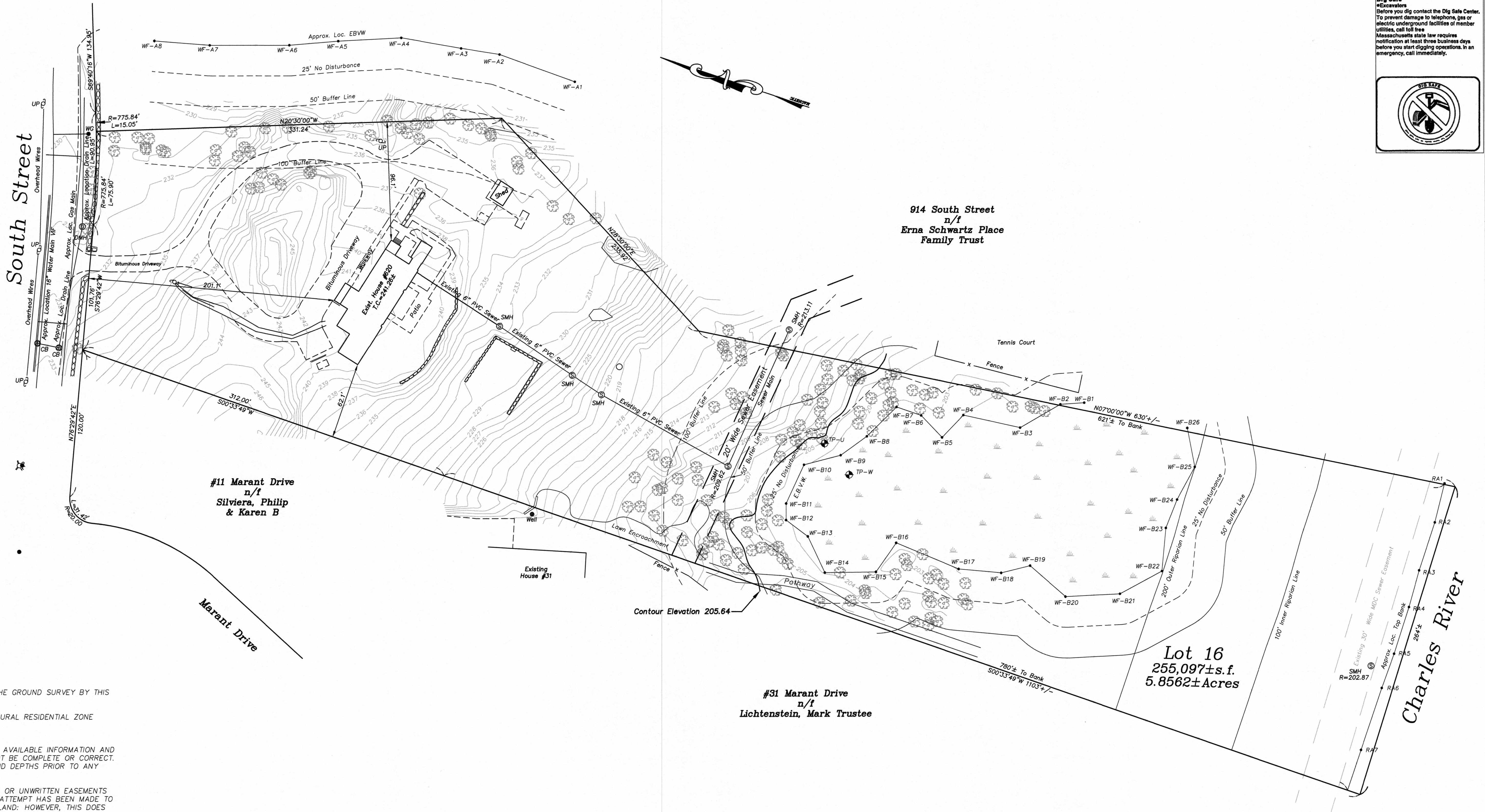
REVISIONS	
DATE	DESCRIPTION



~Title Sheet~	
920 South Street	
Needham, Massachusetts	
Scale: As Noted	September 9, 2022
VERNE T. PORTER Jr., PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street Newton, Massachusetts 02464	
	Design By:
Cover Sheet	Checked By:
#22019	Drawn By:

Legend

- =Erosion Control
- =Trench Drain
- =Catch Basin
- =Drain Manhole
- =Sewer Manhole
- =Hydrant
- =Gas Gate
- =Water Gate
- =Gas Gate
- =Water Gate
- =Utility Pole
- =Light Pole
- =Test Pit
- =Wetland Flag
- WF-B18
- =Vegetated Wetland
- =Tree To Remain
- =Tree To Be Removed
- R=100.00 =Rim Elevation
- I=90.00 =Invert Elevation
- T.C.=103.00 =Top of Concrete Elevation
- =Proposed Spot Elevation
- =Proposed Contour Line
- =Existing Contour Line
- 6.3x3 =Existing Spot Elevation
- x =Existing Fence
- =Proposed D-Stone
- S85°19'54"E =Property Line W/Bearing & Distance
- 102.48'



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7. LOCUS IS LOCATED IN THE FOLLOWING FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0038E DATED 7-17-2012

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DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
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APPROVED:	

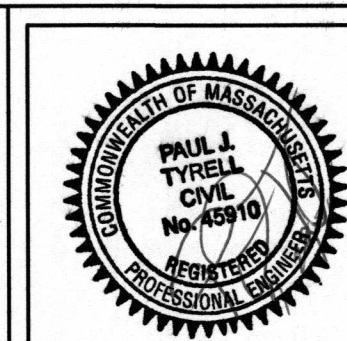
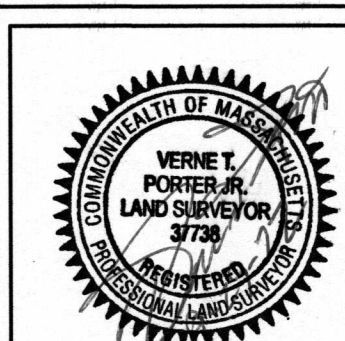
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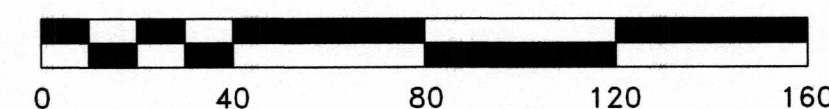
Brian Connaughton 9-29-22

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS	
DATE	DESCRIPTION

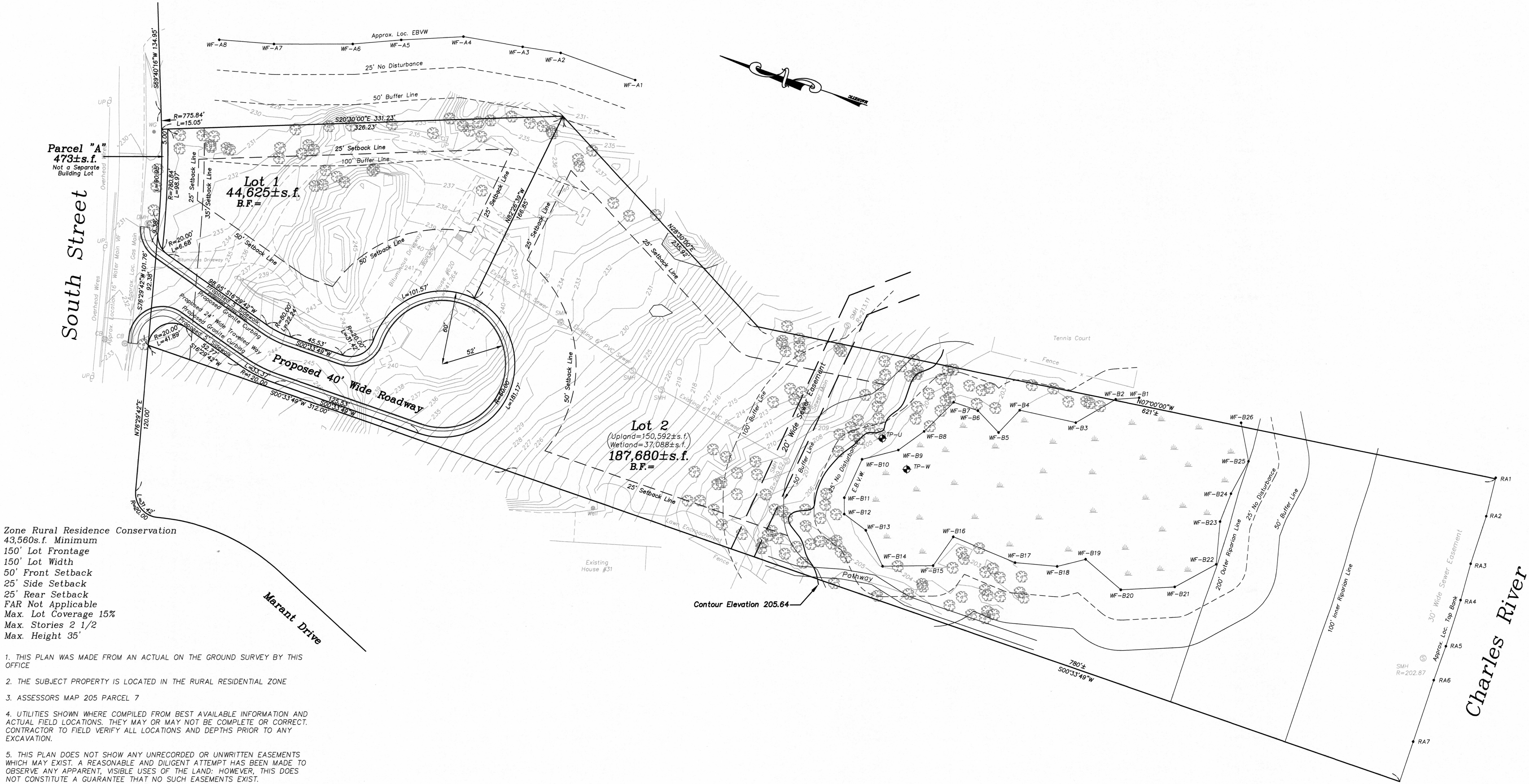


~Existing Conditions Site Plan~	
920 South Street	
Needham, Massachusetts	
Scale: 1"=40'	September 9, 2022
VERNE T. PORTER Jr, PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street, Newton, Ma. 02464	
Project: 22019	
Designed By:	
Drawn By:	
Checked By:	



Sheet 1 of 8

Dig Safe
Excavators
Before you dig contact the Dig Safe Center.
To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.



Zone Rural Residence Conservation
43,560s.f. Minimum
150' Lot Frontage
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25' Side Setback
25' Rear Setback
FAR Not Applicable
Max. Lot Coverage 15%
Max. Stories 2 1/2
Max. Height 35'

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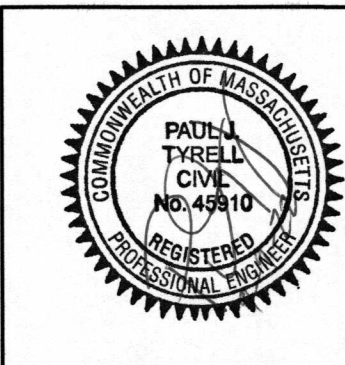
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Verne T. Porter Jr. 9-28-27

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS	
DATE	DESCRIPTION



~By Right Subdivision Plan of Land~

920 South Street
Needham, Massachusetts

Scale: 1"=40' September 9, 2022

VERNE T. PORTER Jr, PLS
Land Surveyors - Civil Engineers
354 Elliot Street, Newton, Ma. 02464

Project:22019
Desinged By:
Drawn By:
Checked By:

0 40 80 120 160
Sheet 2 of 8

South Street

Parcel "A"
517±s.f.
Not A Separate
Building Lot

Lot 1
43,617±s.f.
B.F.=19.08

Lot 2
Upland=157,803±s.f.
Wetland=37,089±s.f.
194,892±s.f.
4.4741 Acres
B.F.=9.08

Marant Drive

Charles River

Zone Rural Residence Conservation
43,560s.f. Minimum
150' Lot Frontage
50' Front Setback
25' Side Setback
25' Rear Setback
FAR Not Applicable
Max. Lot Coverage 15%
Max. Stories 2 1/2
Max. Height 35'

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Total Lot Area=255,097±s.f.
Roadway Area=16,071±s.f.

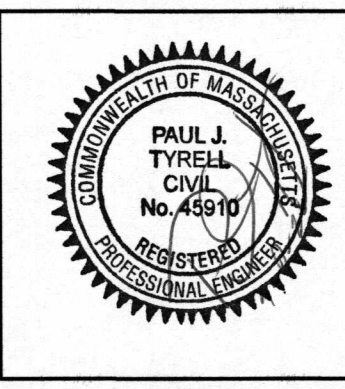
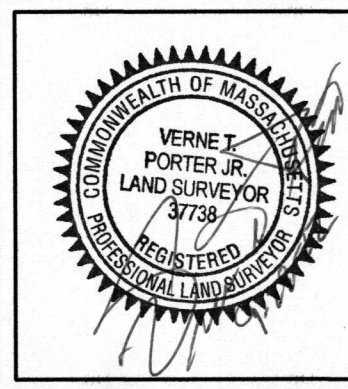
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Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

[Signature] 9-28-22

REVISIONS	
DATE	DESCRIPTION



~Proposed Lotting Plan of Land~

920 South Street

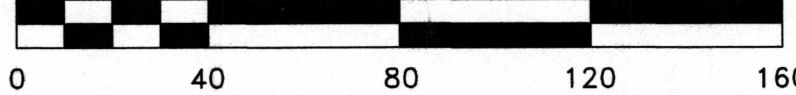
Needham, Massachusetts

Scale: 1"=40' September 9, 2022

VERNE T. PORTER Jr, PLS

Land Surveyors - Civil Engineers

354 Elliot Street, Newton, Ma. 02464



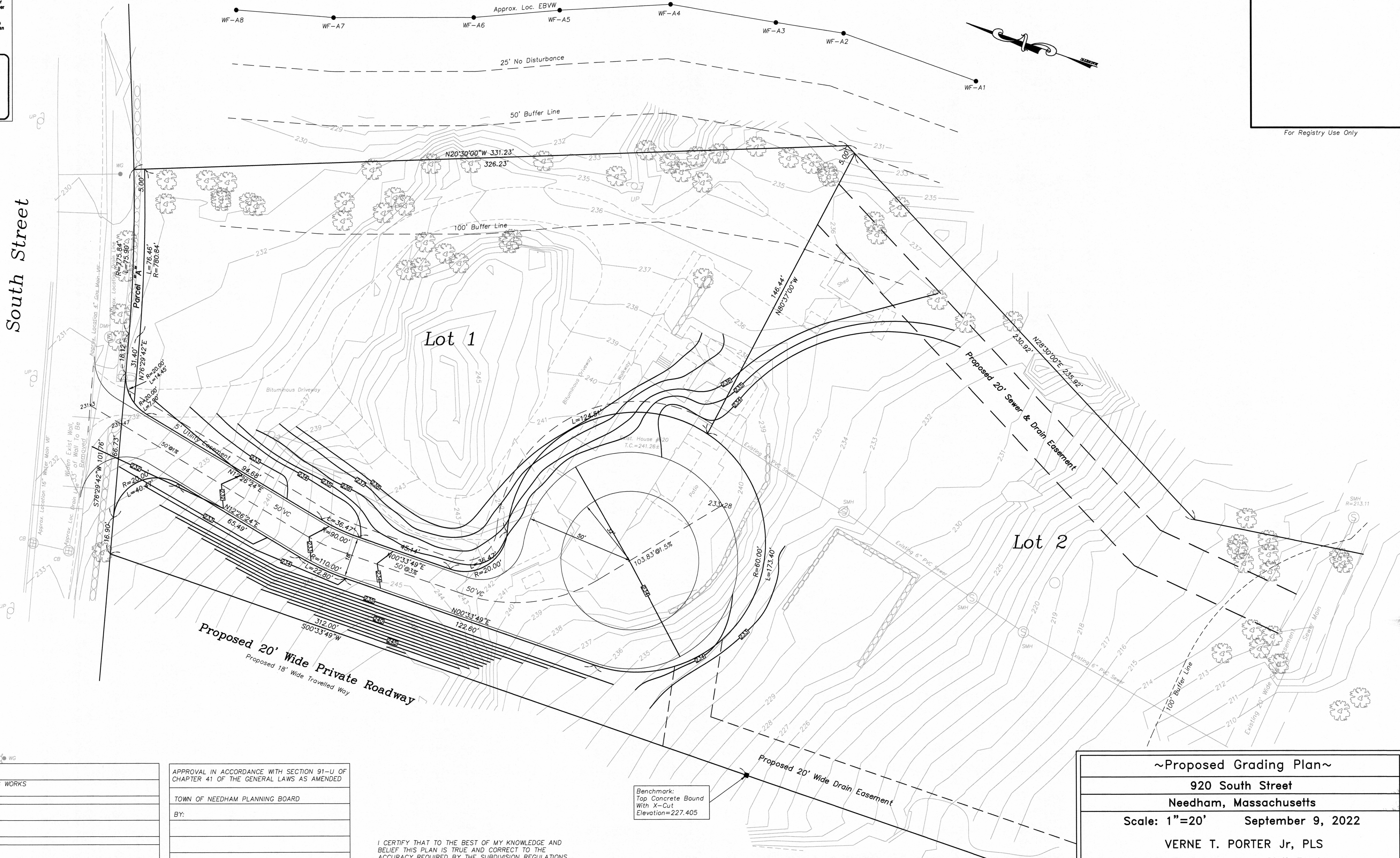
Sheet 3 of 8

Project:22019
Desinged By:
Drawn By:
Checked By:

Dig Safe
Excavators
Before you dig contact the Dig Safe Center.
To prevent damage to telephone gas or
electric underground facilities of member
utilities, call toll free
Massachusetts state law requires
notification at least three business days
before you start digging operations. In an
emergency, call immediately.



South Street



DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
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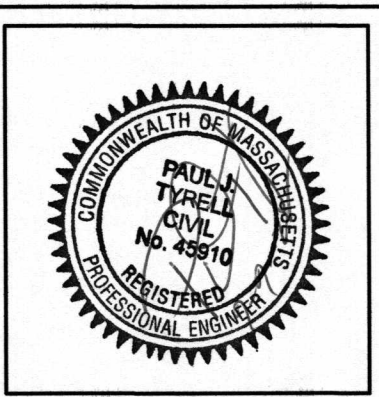
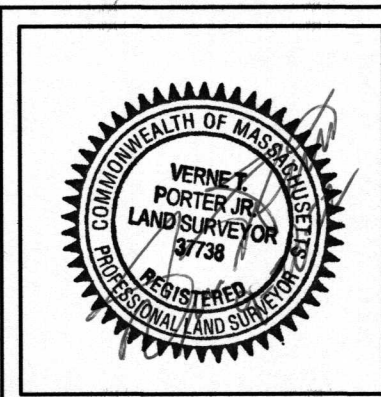
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Verne T. Porter Jr

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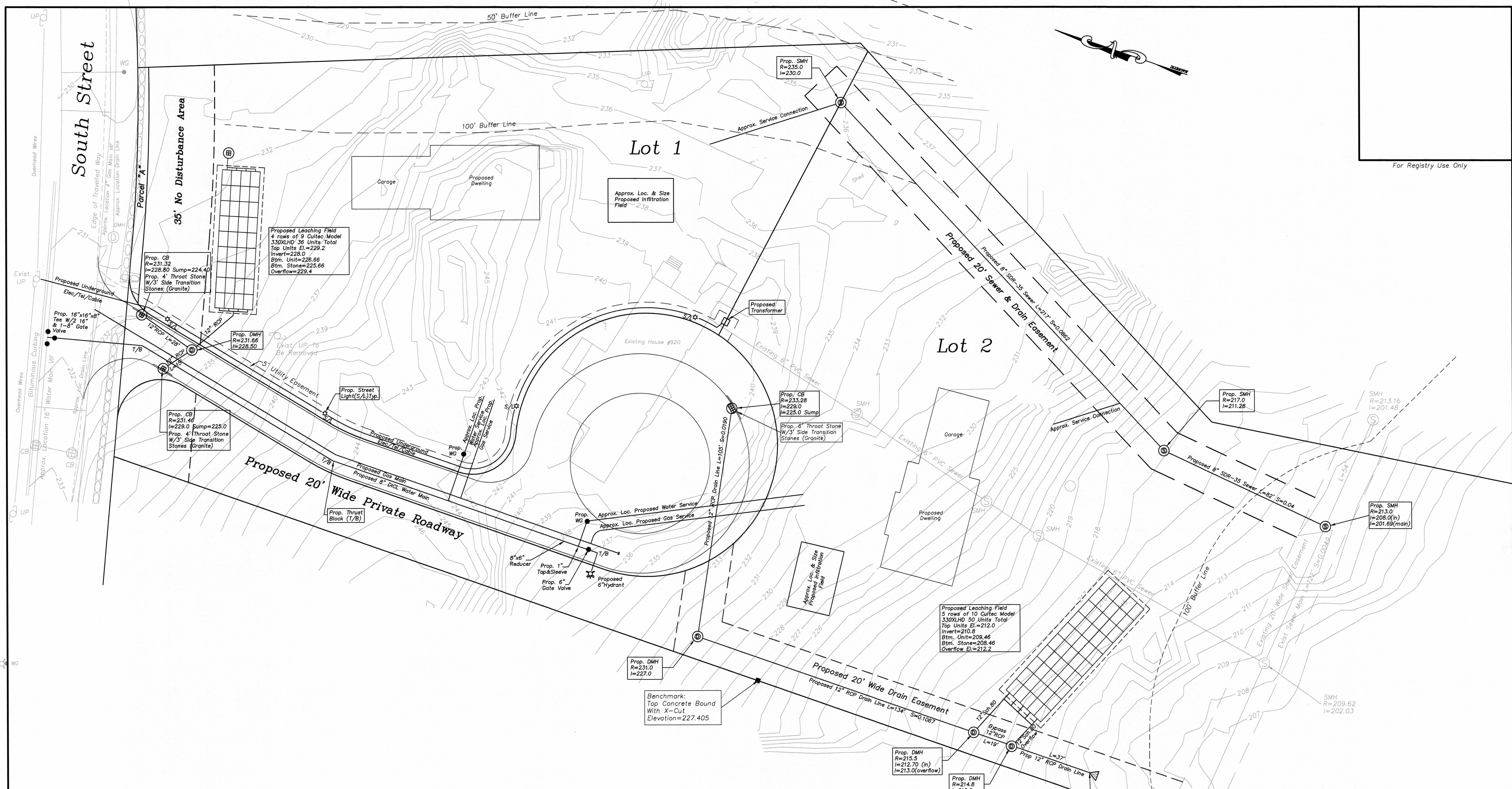
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~Proposed Grading Plan~	
920 South Street	
Needham, Massachusetts	
Scale: 1"=20'	September 9, 2022
VERNE T. PORTER Jr, PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street, Newton, Ma. 02464	
Project: 22019	
Designed By:	
Drawn By:	
Checked By:	

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Sheet 4 of 8



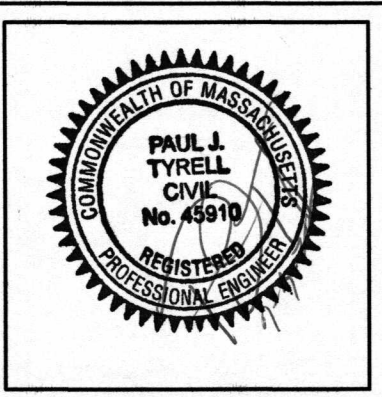
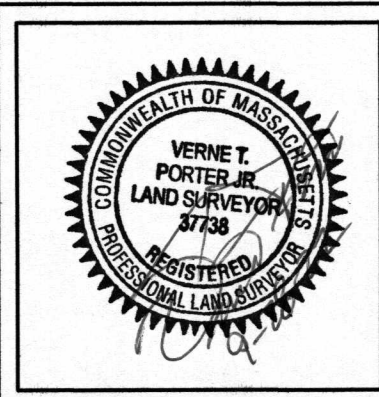
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Verne T. Porter Jr.

REVISIONS	
DATE	DESCRIPTION



~Proposed Utilities Plan~

920 South Street

Needham, Massachusetts

Scale: 1"=20' September 9, 2022

VERNE T. PORTER Jr, PLS

Land Surveyors - Civil Engineers

354 Elliot Street, Newton, Ma. 02464

Project:22019

Desinged By:

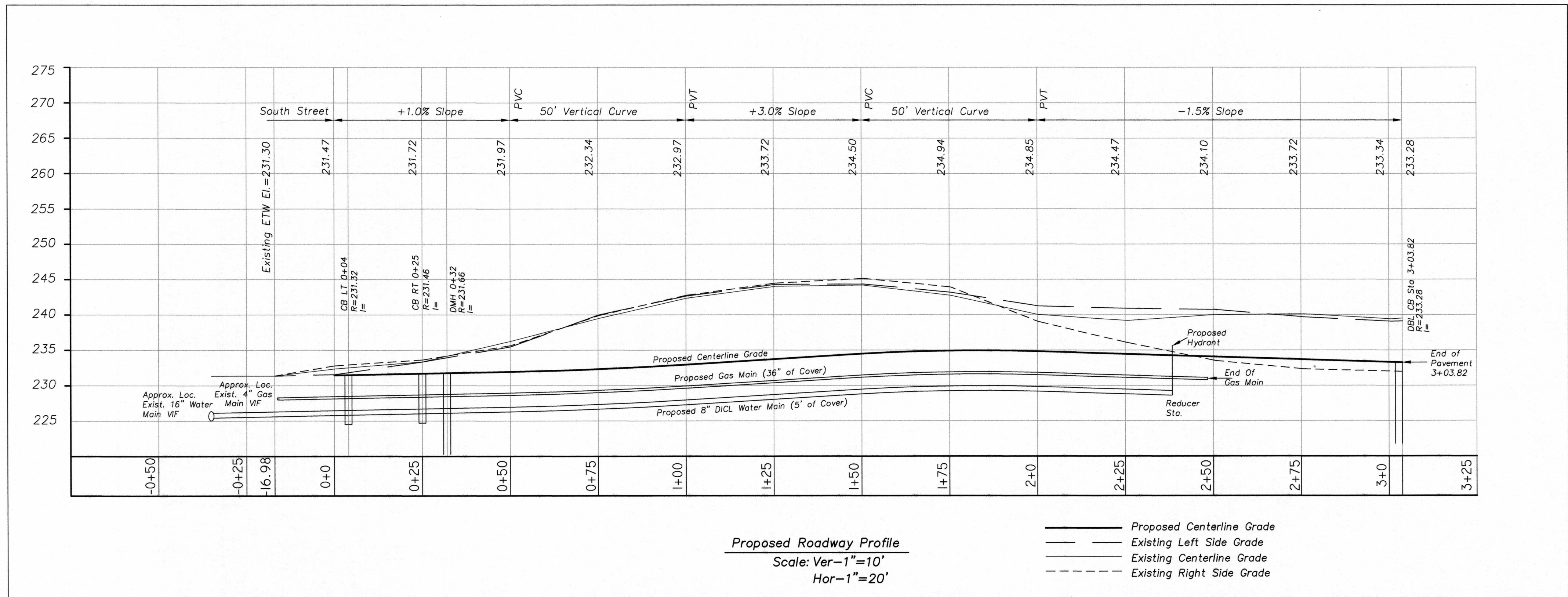
Drawn By:

Checked By:

0 20 40 60 80

Sheet 5 of 8

Owner/Applicant:
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Dig Safe
Excavators
Before you dig, contact the Dig Safe Center.
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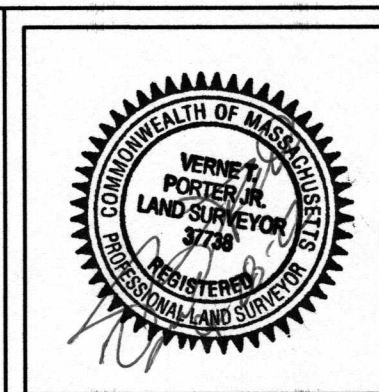
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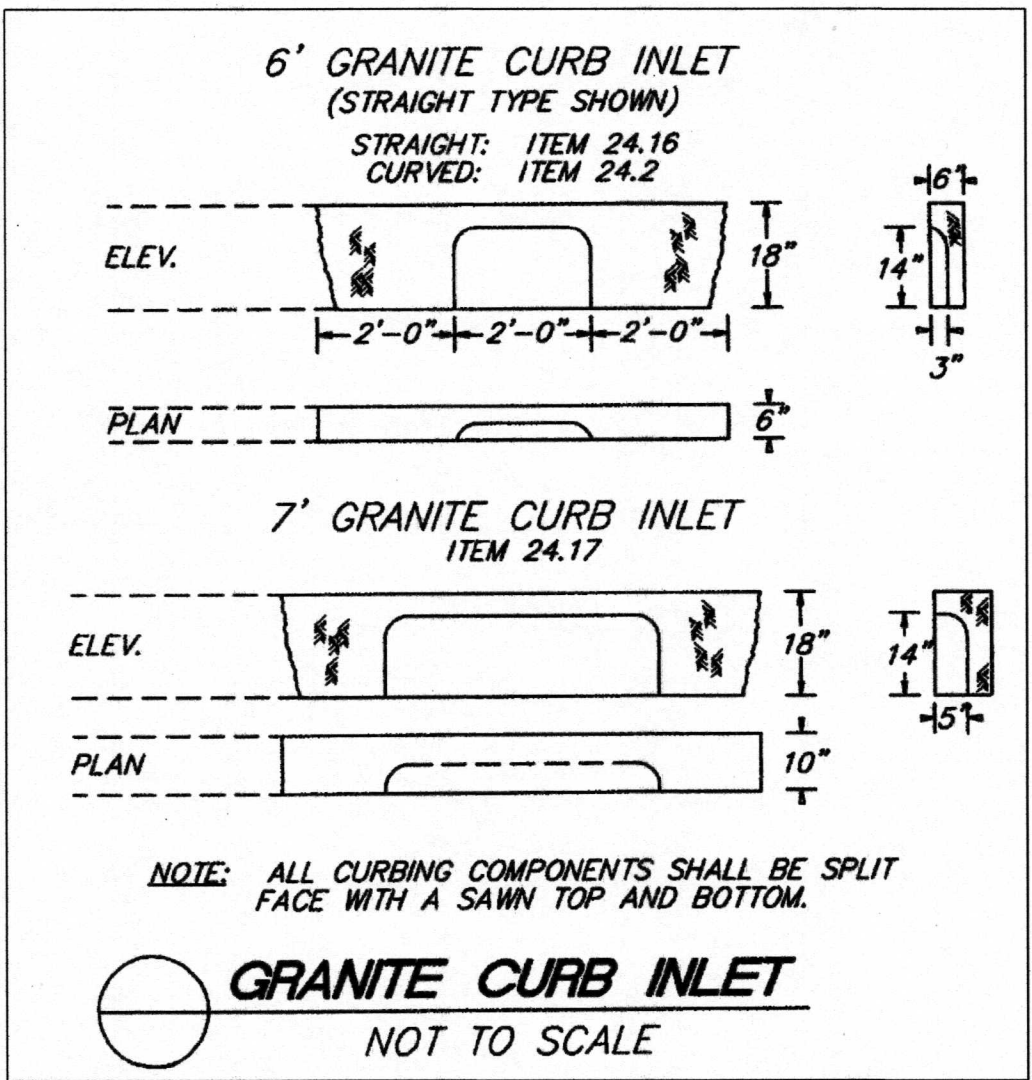
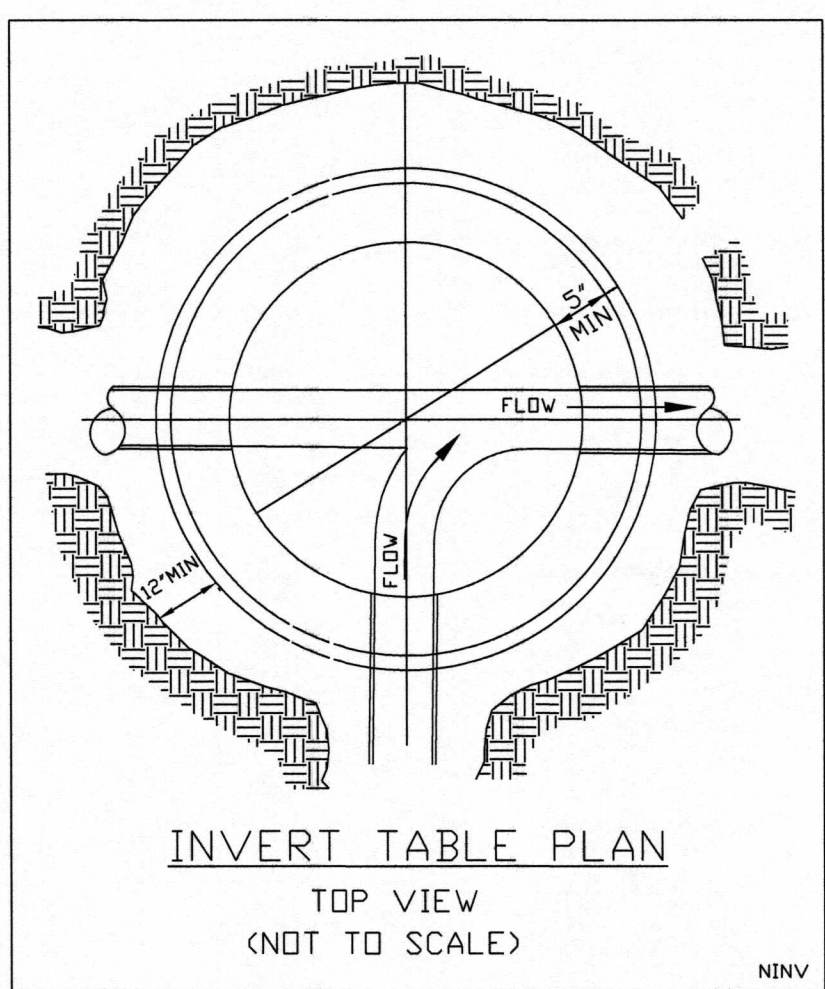
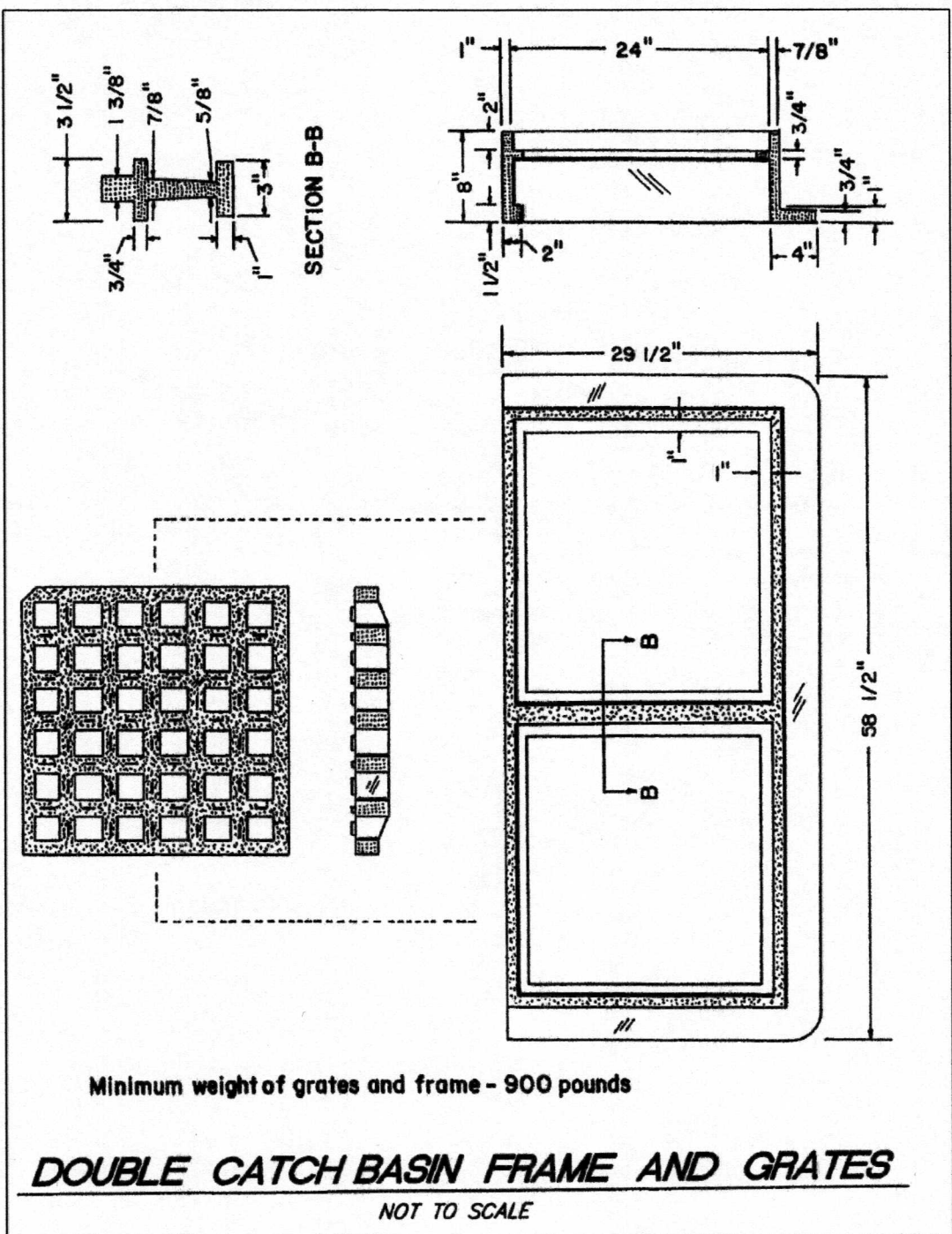
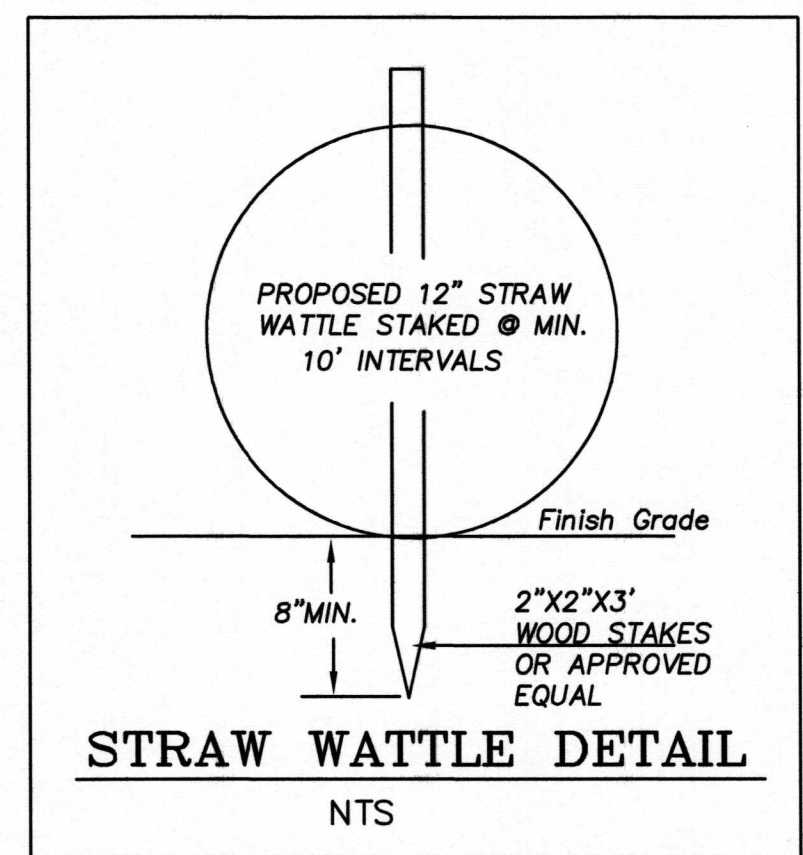
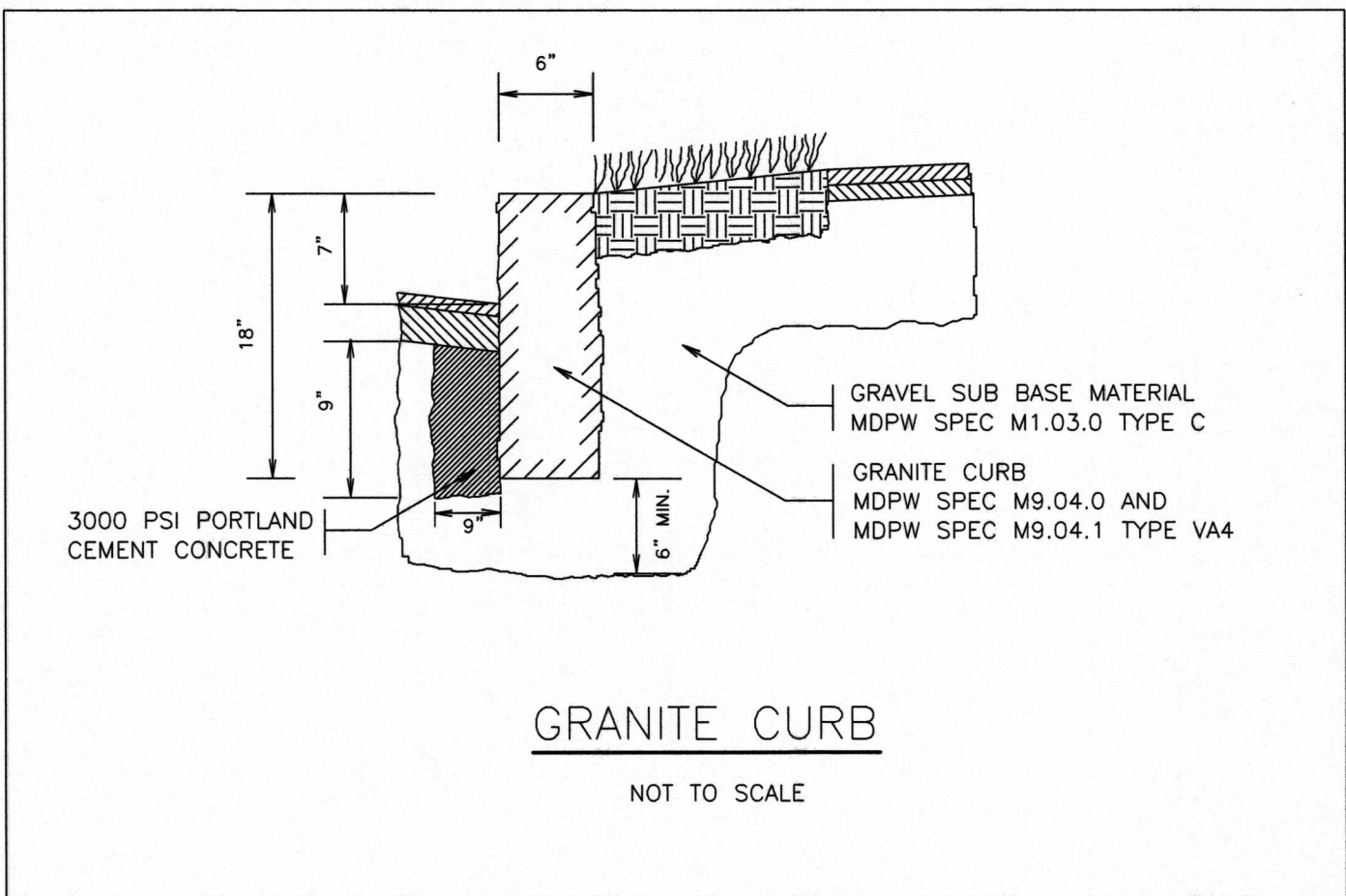
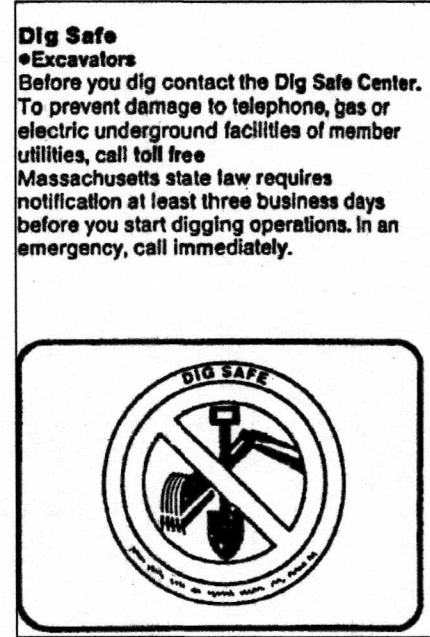
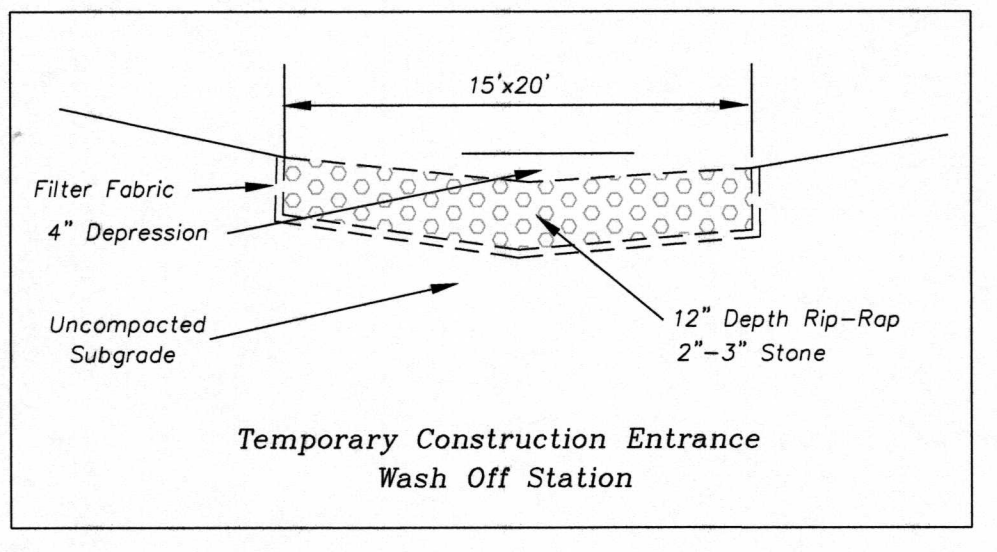
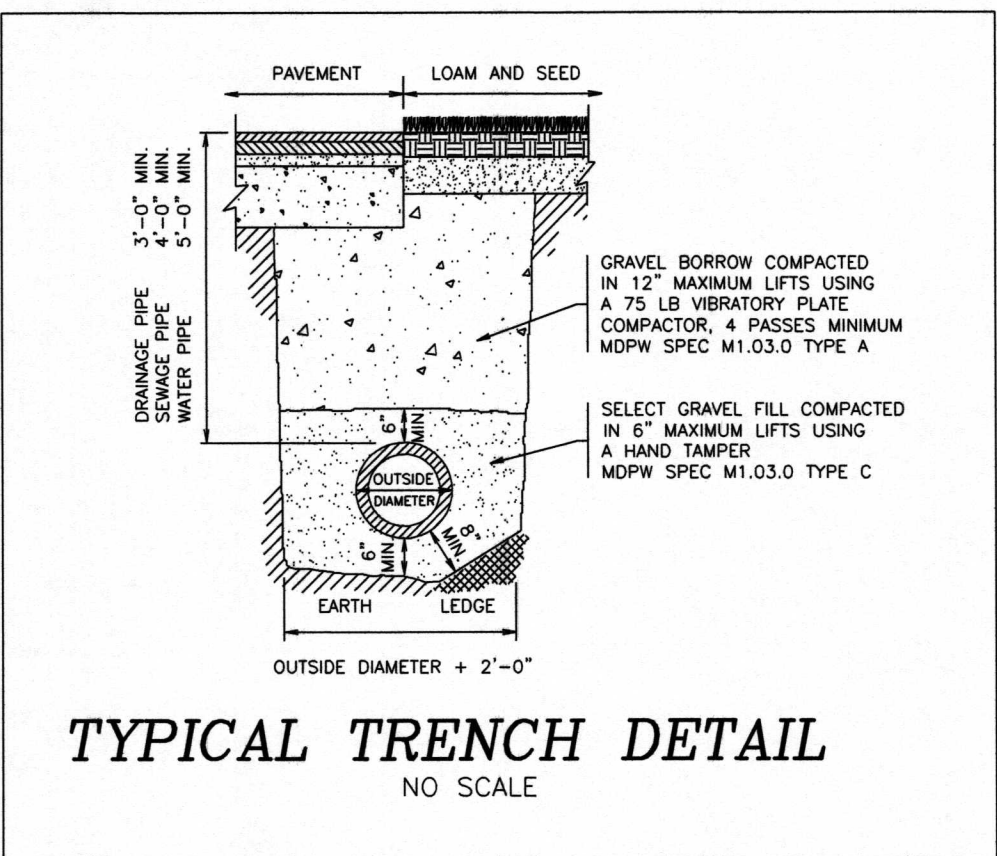
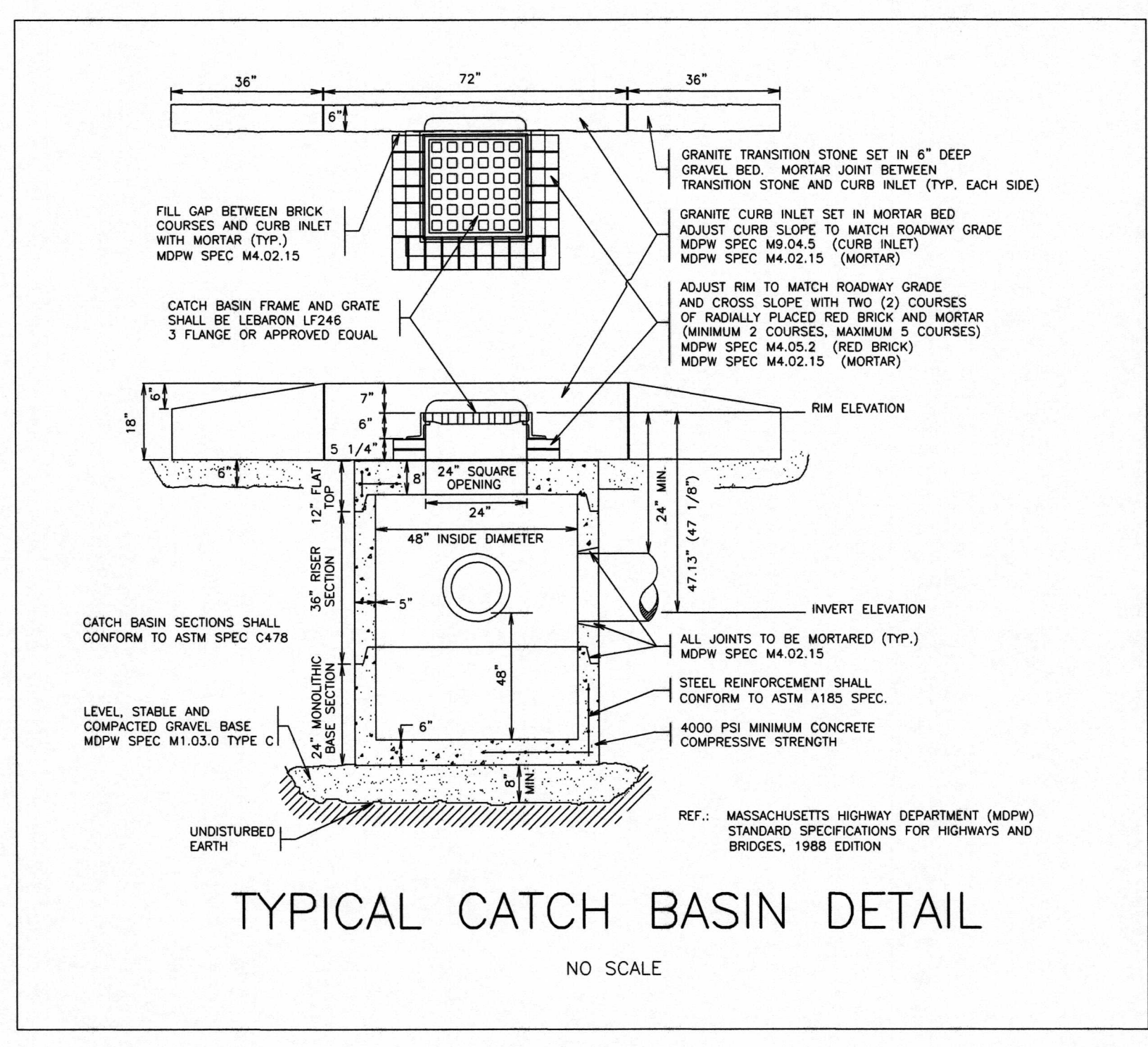
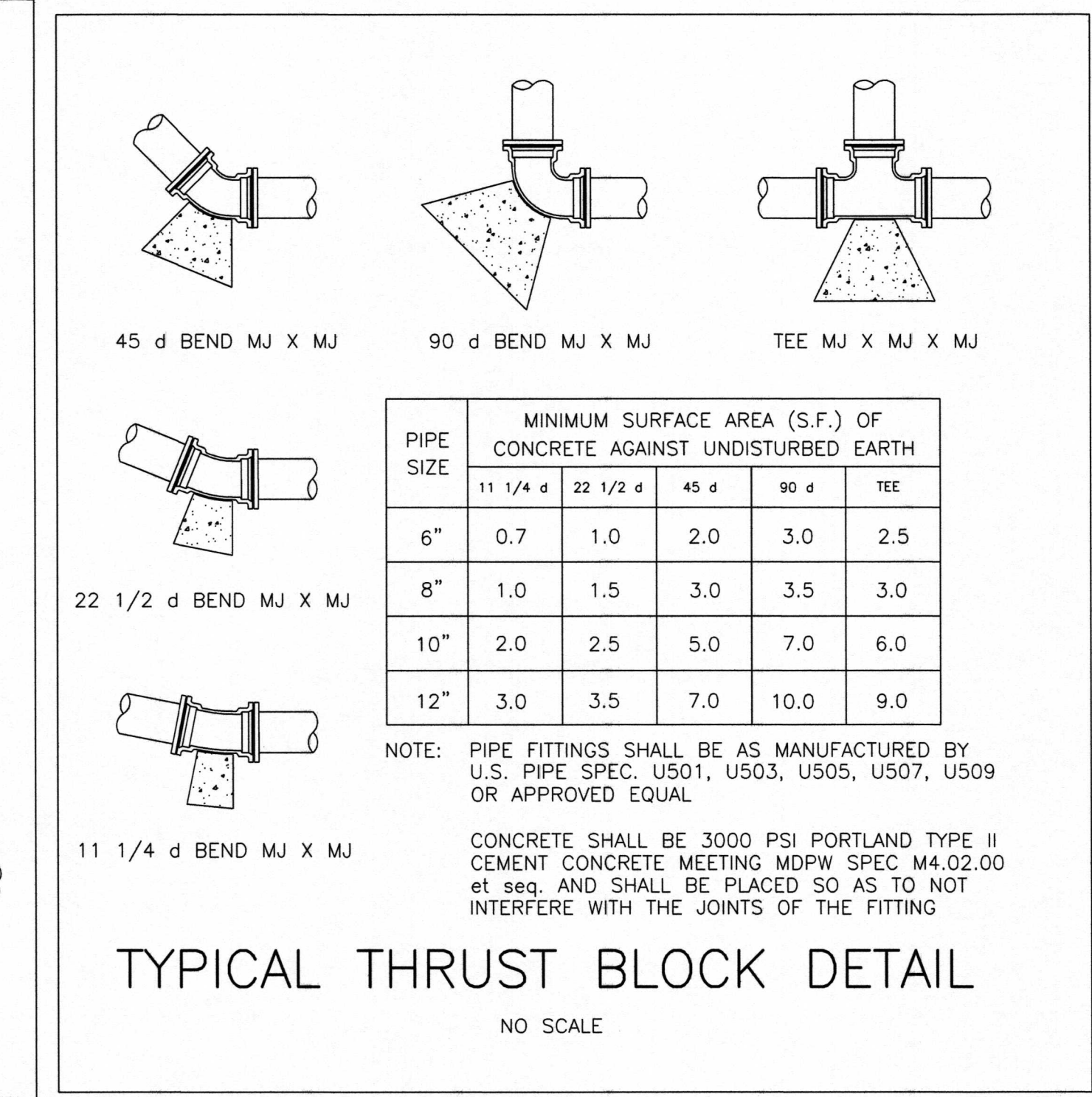
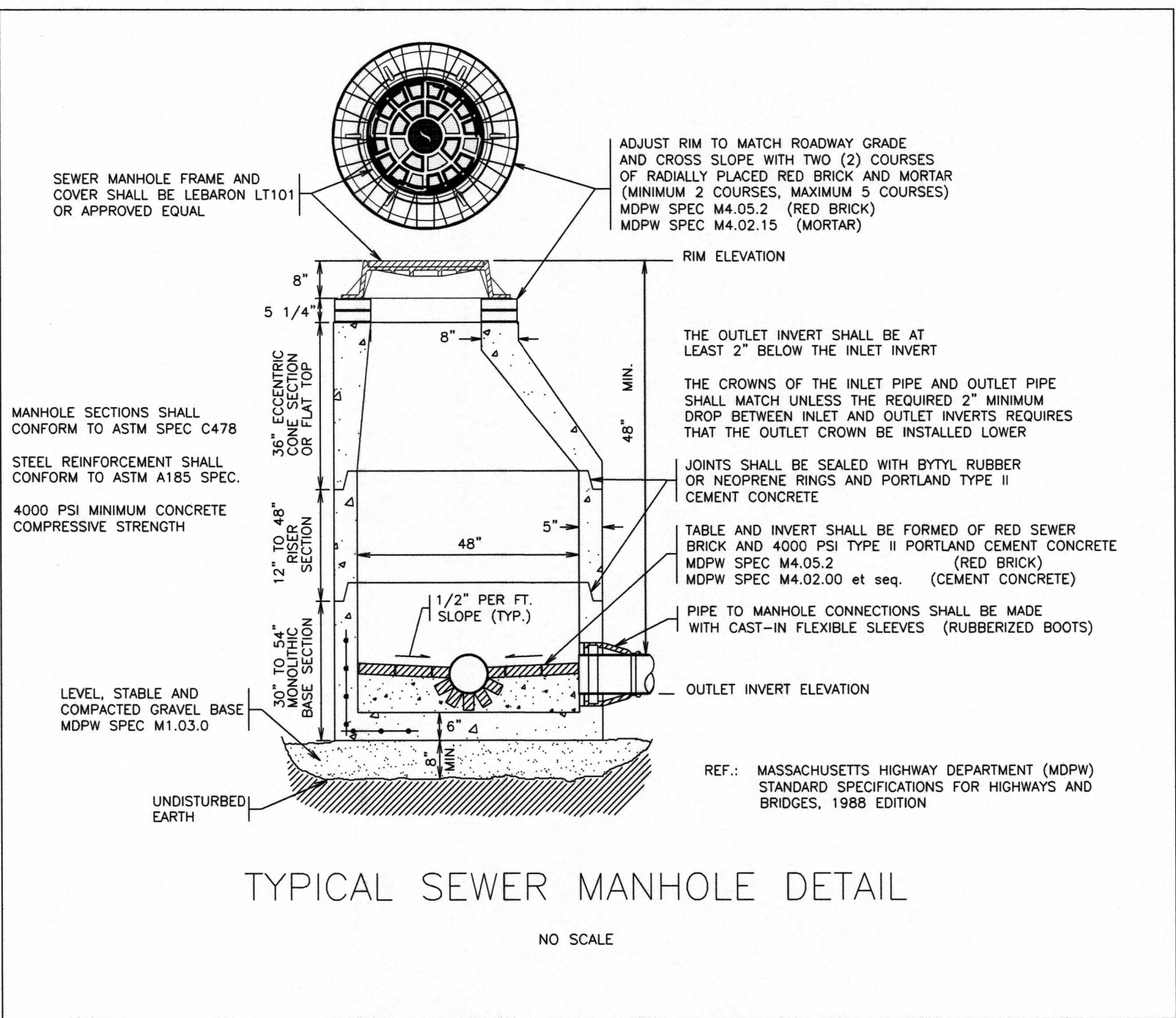
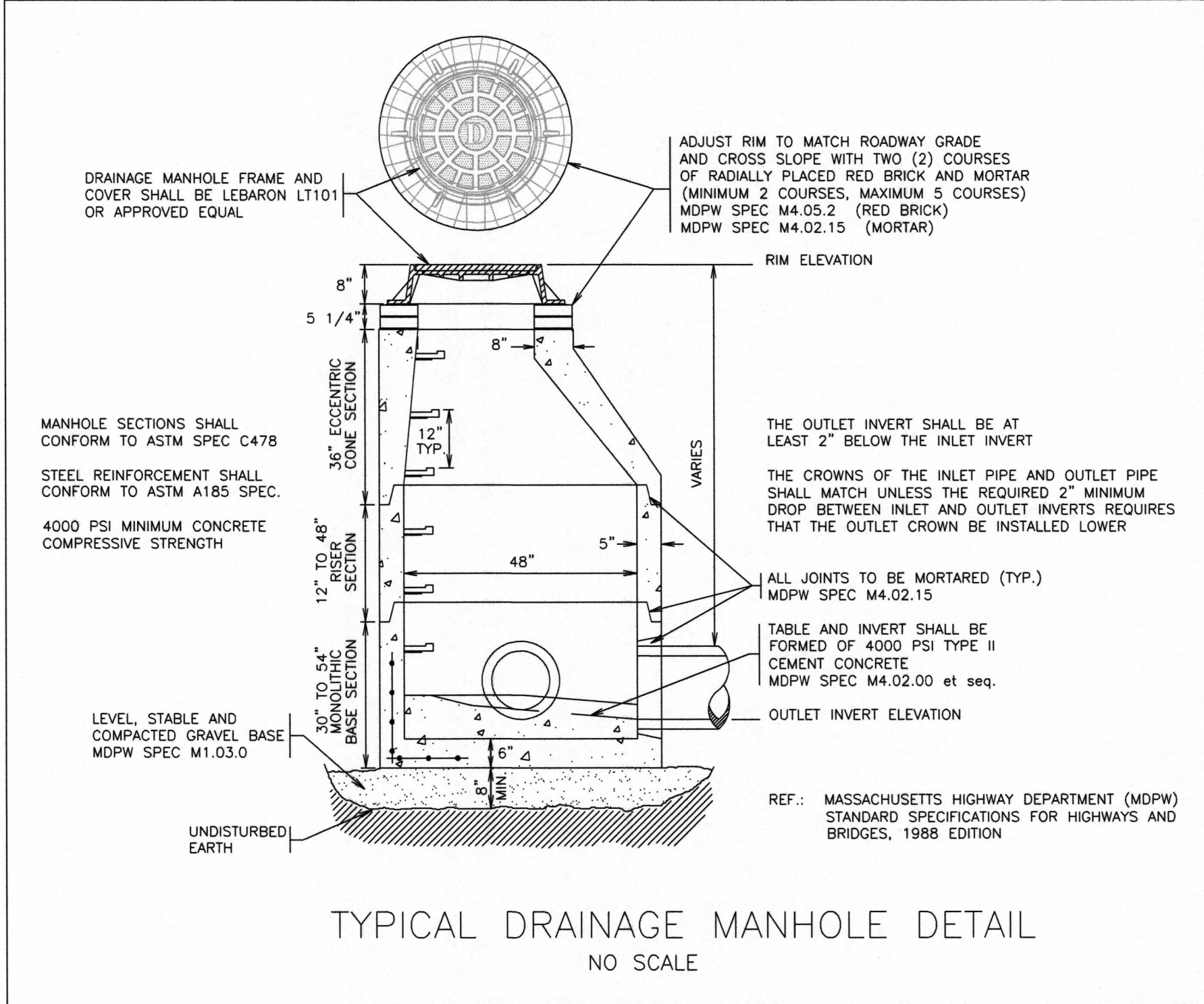
Brian Connaughton

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~Plan, Profile & Detail Sheet~	
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Land Surveyors - Civil Engineers	
354 Elliot Street, Newton, Ma. 02464	
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Drawn By:	Checked By:



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David D. Kelly 9-28-22

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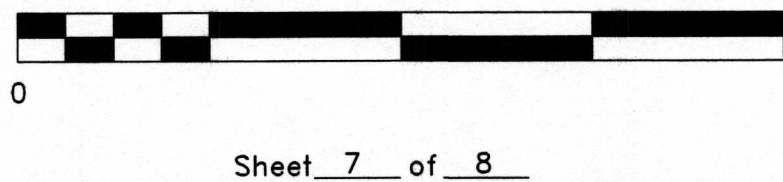
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Cert. #207299

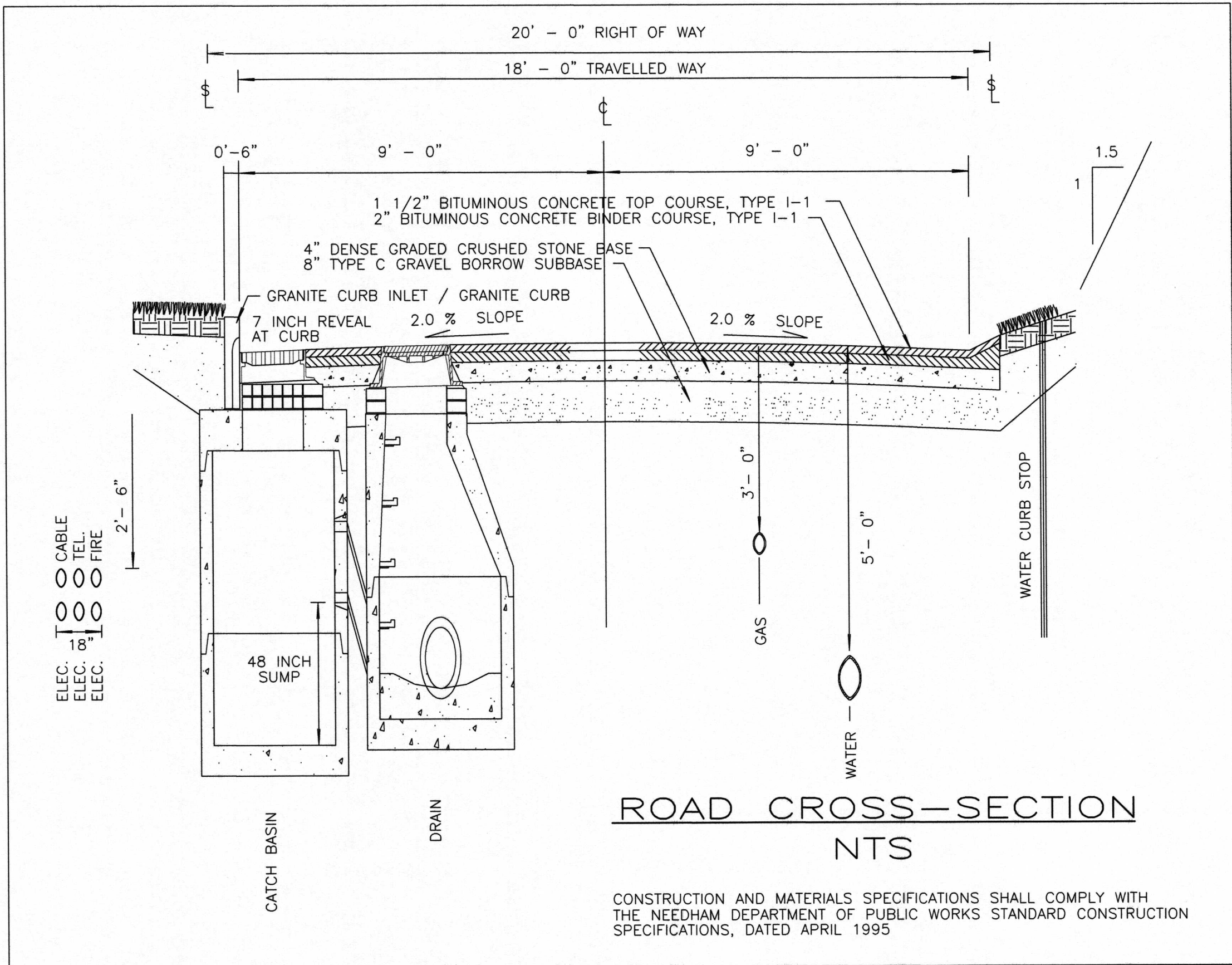
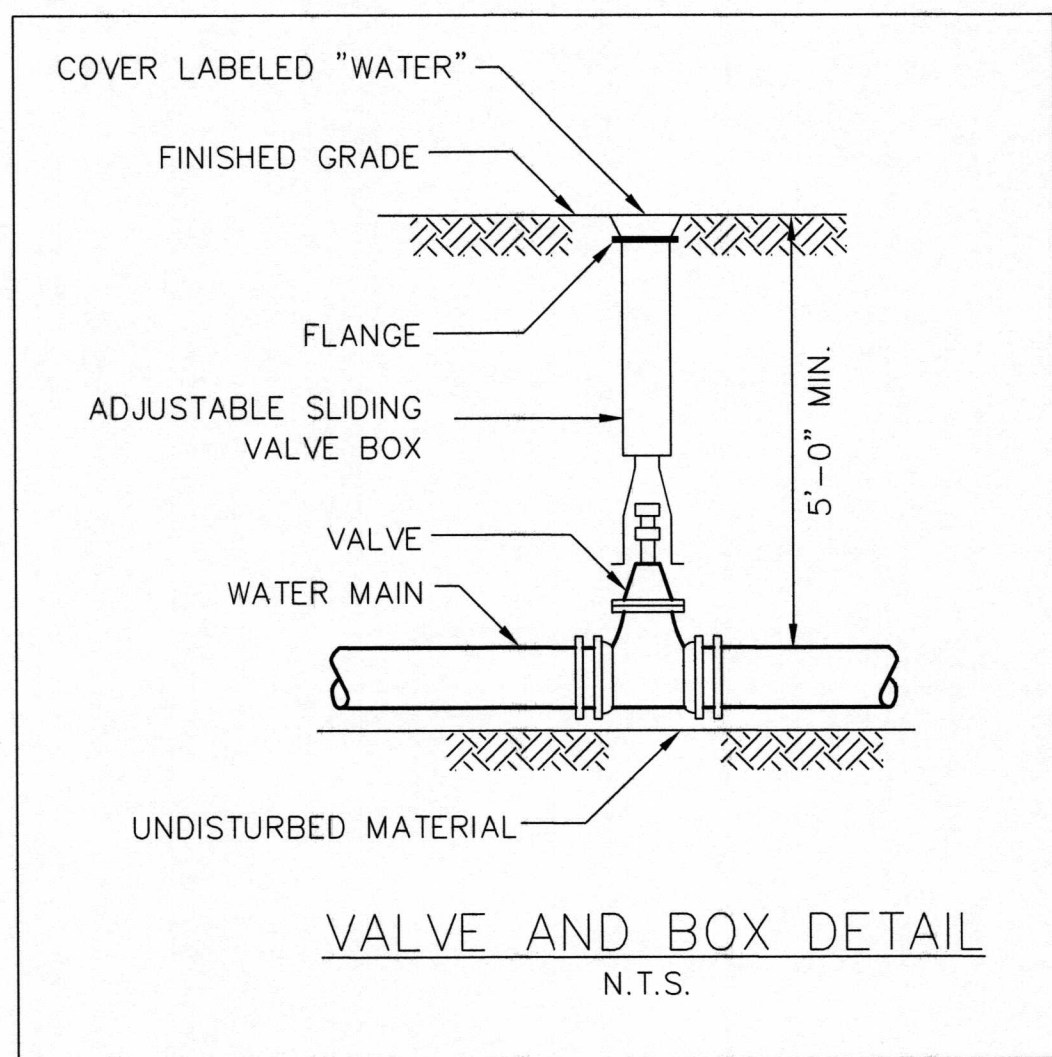
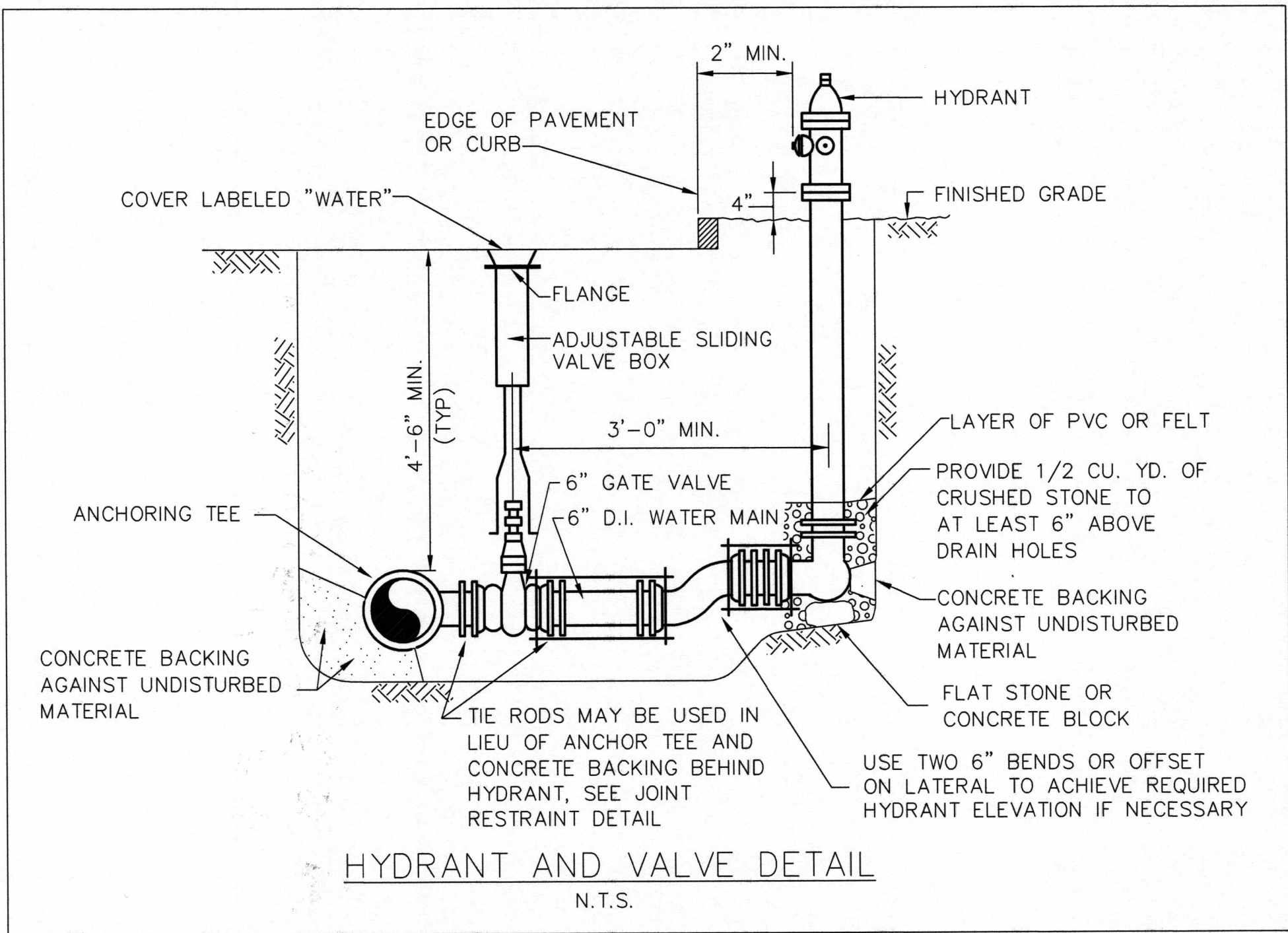
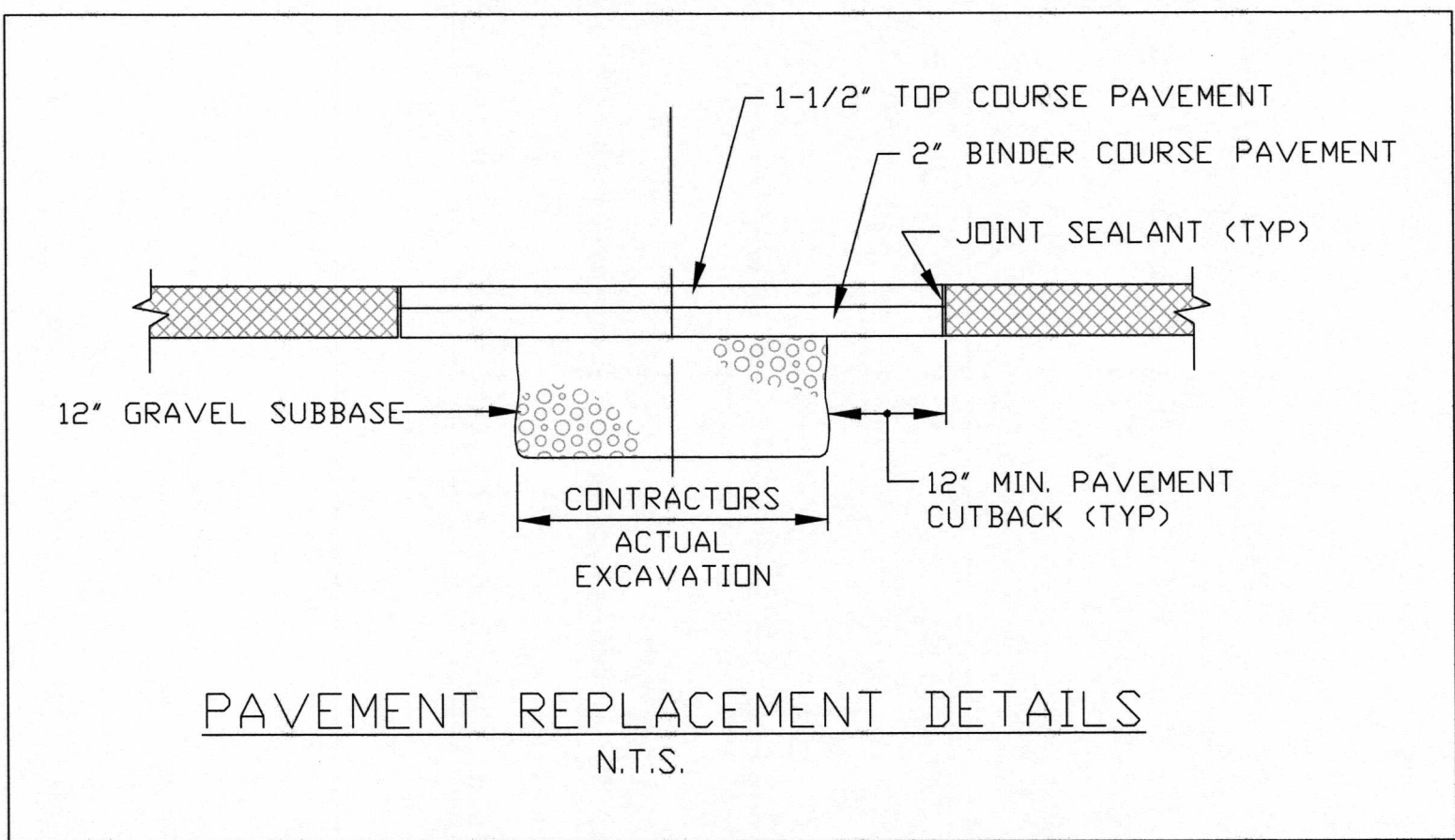


REVISIONS	
DATE	DESCRIPTION

~Detail Sheet~	
920 South Street	
Needham, Massachusetts	
Scale: As Noted	September 9, 2022
VERNE T. PORTER Jr, PLS Land Surveyors - Civil Engineers 354 Elliot Street, Newton, Ma. 02464	
Project:22019	
Desinged By:	
Drawn By:	
Checked By:	



Dig Safe
 •Excavators
 Before you dig contact the Dig Safe Center.
 To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
 Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE	
DATE	TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED	
TOWN OF NEEDHAM PLANNING BOARD	
BY:	
APPROVED:	

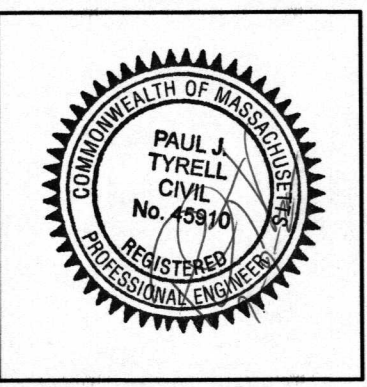
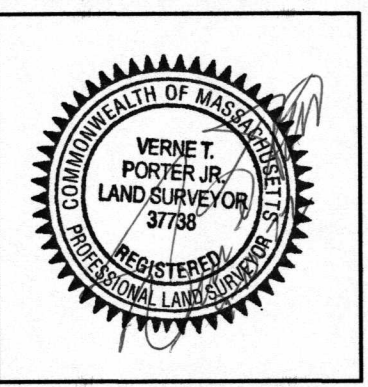
I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

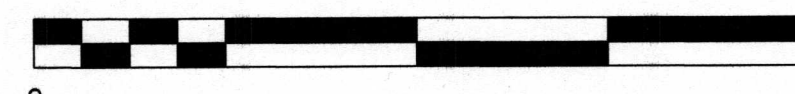
Paul J. Tyrell

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

Paul J. Tyrell 9-24-22

REVISIONS	
DATE	DESCRIPTION



~Detail Sheet~	
920 South Street	
Needham, Massachusetts	
Scale: As Noted	September 9, 2022
VERNE T. PORTER Jr, PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street, Newton, Ma. 02464	
 Sheet 8 of 8	Project:22019 Desinged By: Drawn By: Checked By:

DRAINAGE SUMMARY

**PROPOSED TWO-LOT
RESIDENTIAL SUBDIVISION
920 SOUTH STREET
NEEDHAM, MASSACHUSETTS**



September 28, 2022

**VERNE T. PORTER JR., PLS
LAND SURVEYORS – CIVIL ENGINEERS
354 ELLIOT STREET
NEWTON, MA 02464**

DRAINAGE SUMMARY
PROPOSED TWO-LOT
RESIDENTIAL SUBDIVISION
920 SOUTH STREET
NEEDHAM, MASSACHUSETTS

The proposed project consists of the demolition of an existing single-family dwelling, subdivision of the land and the construction of a two-lot subdivision, including two (2) single-family residential dwellings and a new roadway at 920 South St in Needham, MA, under the requirements of the City of Needham Stormwater By-Law.

The on-site soils in the area are shown as “103C – Charlton-Hollis-rock outcrop complex, 8 to 15 percent slopes” soils on the NRCS Soils Survey map of the area, which are areas that fall within the Hydrological Soil Groups B & D. For purposes of our design, we made a conservative assumption and assumed a C soil with an infiltration rate of 0.27 in/hr. in accordance with Table 2.3.3 Rawles Rates as found in the Massachusetts Stormwater Handbook. VTP will perform soil test pits in the area of the proposed infiltration systems to verify assumptions and provide revised drainage calculations if material differs.

Ground cover on the site is an existing single-family dwelling, bituminous concrete driveway and a shed. The majority of the site is wooded. The existing drainage on the site flows overland from a high point in the middle of the property towards South St and portions flowings towards the rear of the property. Overall, the site will maintain the current flow pattern, however new collection systems for the proposed roadway have been provided to collect the runoff and attenuate offsite flows.

There are bordering vegetated wetland Resource Areas within 100-feet of the lot, to both the east and south of the parcel. The proposed drainage controls are designed to capture & contain the runoff from the proposed building and proposed site improvements. This system will store the runoff from the roadway and allow the stored water to slowly infiltrate after the storm event and overflow offsite.

Under the proposed conditions, with the new buildings and new roadway, the rate of site runoff from the re-developed lot area will be greater than the existing conditions for the 2, 10, 25 & 100-year storm events. The proposed controls have been designed to store this increase to maintain the pre and post runoff rates.

COMPLIANCE WITH STORMWATER STANDARDS

Untreated Stormwater (Standard 1)

The project is designed so that new stormwater conveyances (outfalls/discharges) do not discharge untreated stormwater into, or cause erosion to, existing wetlands.

Post-Development Peak Rates (Standard 2)

A hydrologic study was performed to determine the rate of runoff for the 2, 10, 25 and 100-year storm events under pre-development (existing) conditions. Unmitigated post-development rates were then computed in a similar manner. The study point where the peak rates were compared were taken at two (2) locations at the existing offsite flow areas. From these analyses, it was determined that the proposed project and its stormwater management system would not increase the peak runoff rates above existing levels. It is the intent of the stormwater management system to minimize impacts to drainage patterns, and downstream property prior to its release from the site or discharge to wetlands.

The *United States Department of Agriculture (U.S.D.A)*. Soil Conservation Service (SCS) Technical Release 55 (TR-55), 1986, was used as the procedure for estimating runoff. A SCS TR-20-based computer program was used for estimating peak discharges. TR-55 is a generally accepted model for use on small sites that begin with a rainfall amount uniformly imposed on the watershed over a specified time distribution. Mass rainfall is converted to mass runoff by using a runoff curve number (CN). CN is based on soils, plant cover, impervious areas, interception, and surface storage. Runoff is then transformed into a hydrograph that depends on runoff travel time through segments of the watershed.

Development in a watershed changes the watershed's response to precipitation. The most common effects are reduced infiltration and decreased travel time, which can result in significantly higher peak rates of runoff. The volume of runoff is determined primarily by the amount of precipitation and by infiltration characteristics related to soil type, antecedent rainfall, type of vegetal cover, impervious surfaces, and surface retention. Travel time is determined primarily by slope, flow length, depth of flow, and roughness of flow surfaces. Peak rates of discharge are based on the relationship of the above parameters, as well as the total drainage area of the watershed, the location of the development in relation to the total drainage area, and the effect of any flood control works or other manmade storage. Peak rates of discharge are also influenced by the distribution of rainfall within a given storm event.

Stormwater management computations for the full-build were performed using a SCS-based *HYDROCAD* for existing and proposed conditions, curve numbers, time of concentrations and unit hydrograph computations.

Existing Conditions

Table 1. Shows the curve numbers, areas and times of concentration used to develop the pre-development hydrologic model of the site.

Table 1. – Existing Conditions					
Sub-Areas	Surface Cover	Curve Number (CN)	Area (SF)	Tc (Mins.)	Remarks
Area #1				6.0	
	Exist Bldgs.	98	3,365		Incls. Shed
	Exist. Imp.	98	14,690		Incls. Walks & patios
	Lawn/Woods	76	42,006		
Area #2					
	Lawn/Woods	76	64,724		
		Total Area	124,785		
*CN based on Class C soils.					

Proposed Conditions

The proposed conditions will result in a new collection system that will collect the site run-off from the proposed roadway and proposed dwellings and direct it to underground leaching systems prior to overflowing off-site. For purposes of this report, we have assumed

Table 2. Shows the curve numbers, areas and times of concentration used to develop the post-development hydrologic model of the site.

Table 2. – Proposed Conditions					
Sub-Areas	Surface Cover	Curve Number (CN)	Area (SF)	Tc (Mins.)	Remarks
Area #1				6.0	
	1-Acre Lot	79	43,609		20% Impervious
Area #2				6.0	
	2-Acre Lot	77	61,320		12% Impervious
Area #3				6.0	
	Bit. Conc. Road	98	5,728		
	Lawn Area	77	6,076		Road shoulder
Area #4				6.0	
	Bit. Conc. Road	98	3,052		
	Lawn Area	77	5,000		Road shoulder
		Total Area	124,785		
*CN based on Class C soils.					

Peak Rate Summary

Table 3. Shows the peak runoff for the existing, as well as for the developed site at 100-year design storms.

Areas	Design Storm	Existing Runoff* (CFS)	Existing Volume* (Ac-Ft)	Proposed Runoff* (CFS)	Proposed Volume* (Ac-Ft)
Offsite Flow					
South St	2-yr.	2.57	0.187	1.54	0.113
	10-yr.	4.81	0.350	3.09	0.224
	25-yr.	6.61	0.486	4.37	0.318
	100-yr.	10.31	0.774	7.06	0.555
Wetland					
	2-yr.	1.93	0.144	1.93	0.143
	10-yr.	4.13	0.299	4.05	0.293
	25-yr.	5.99	0.434	5.83	0.423
	100-yr.	9.95	0.729	9.58	0.754

Recharge to Groundwater (Standard 3)

The change in groundcover for the new development will change by increasing the impervious areas by approximately 6,533 sf. Groundwater infiltration will be achieved through the individual underground storage areas.

Required Recharge Volume for the entire site was calculated in accordance with the Massachusetts Stormwater Management Standards:

$R_v = F * \text{impervious area (in acres)}$

$R_v = (0.25/12) * 0.564 = 0.012 \text{ Ac-ft.} = 512.25 \text{ CF}$

R_v = Required Recharge Volume;

F = Target Depth Factor (0.25 in. for soils of Hydrologic Soil Group C);

Impervious area = building, pavement on site in post development condition (0.546 Ac).

The proposed onsite leaching systems will store and infiltrate over 512.25 cf in just the 2-year storm event.

In addition to MA Stormwater Standards for recharge, the Town of Needham has a requirement of 1" of the total proposed impervious area to be recharged.

The total SF of the impervious area in the proposed development is 24,588 sf (based on Lot 1 and Lot 2 percentages). This results in 2,049 cf of runoff. The proposed infiltration systems provide 3,746.16 cf of available storage.

Removal of TSS (Standard 4)

To handle the TSS removal of the proposed roadway, a 4' deep sump has been provided in the proposed catchbasins..

Land Uses with Higher Potential Pollutant Loads (Standard 5)

The use proposed does not differ from the current use of the space and has no higher potential for pollution.

Critical Areas (Standard 6 – Water Quality Treatments)

This site does not lie within a critical area. One-half inch (1/2") of runoff is the standard for treatment relative to water quality, but as stated prior, the proposed use will not create pollutants in excess of what exists today, and per the Town of Needham standards we are storing an infiltration over 1" of run-off.

Redevelopment (Standard 7)

Redevelopment projects are those that involve development, rehabilitation or expansion on previously developed sites provided the redevelopment results in no net increase in impervious area. Furthermore, components of redevelopment project, which include development of previously undeveloped sites, do not fall under Standard 7. In addition, redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.

The project, as proposed, is new two-lot residential subdivision building on an existing developed site, with an increase in impervious areas. VTP has considered this project a development and we have met all the applicable standards of the Massachusetts Stormwater Policy.

Erosion and Sedimentation Controls (Standard 8)

Erosion Control measures have been provided on the plans that accompany this application.

Operation and Maintenance Plan (Standard 9)

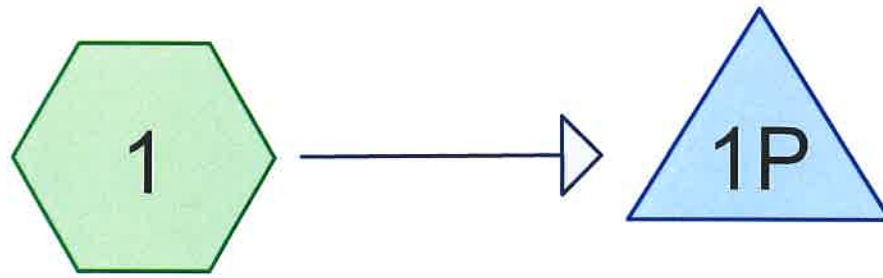
An Operation and Maintenance (O&M) Plan is provided as part of the application.

Prohibition of Illicit Discharges

The Owner and Users of the facility, assures that there will not be illicit discharges to the nearby wetlands from the proposed facility.

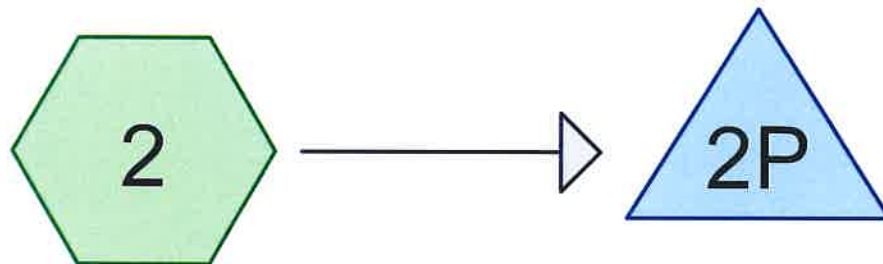
Floodplain (310 CMR 10.57)

The project site does not fall with a floodplain district.



Front of Site

South St



Rear of Site

Wetland



South St - Pre Development

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Page 2**Area Listing (selected nodes)**

Area (acres)	CN	Description (subcatchment-numbers)
0.337	98	Existing Drives and Walks (1)
0.077	98	Existing Dwelling & Shed (1)
2.450	76	Woods/grass comb., Fair, HSG C (1, 2)
2.865	79	TOTAL AREA

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920 South St - Pre Development
Type III 24-hr 2-Year Rainfall=3.22"

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Page 3

Summary for Subcatchment 1: Front of Site

Runoff = 2.57 cfs @ 12.09 hrs, Volume= 0.187 af, Depth> 1.62"

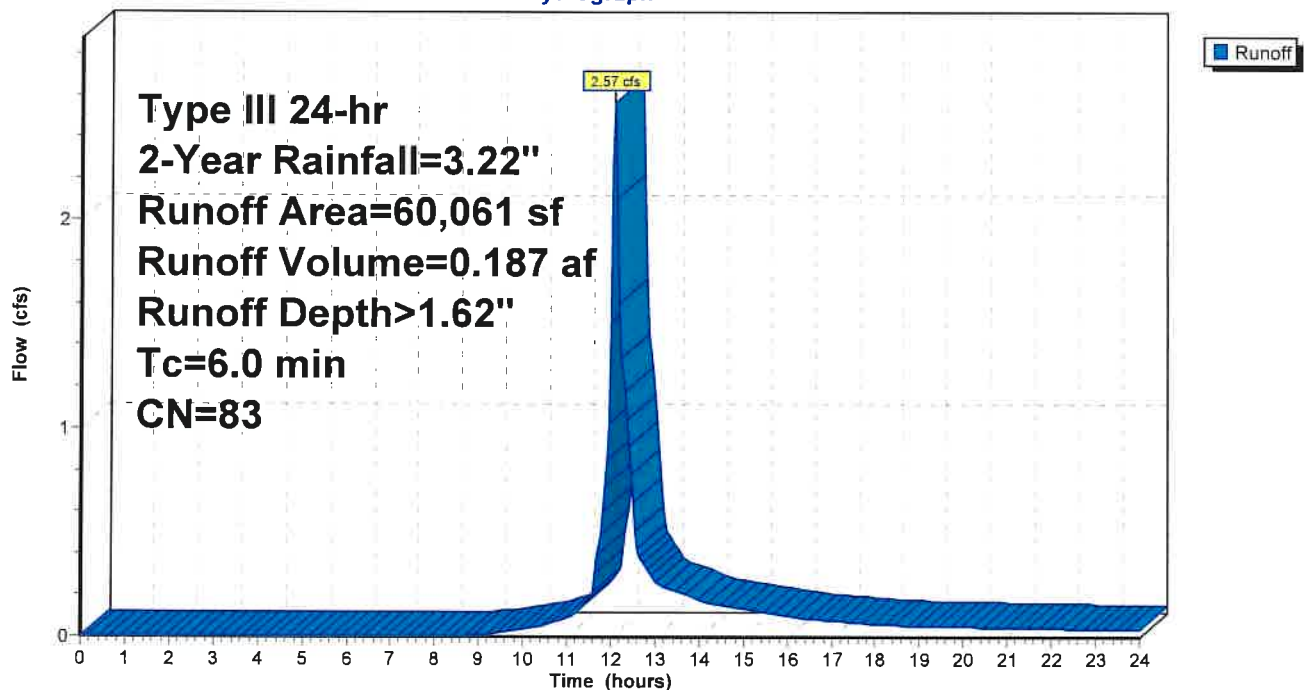
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-Year Rainfall=3.22"

	Area (sf)	CN	Description
	42,006	76	Woods/grass comb., Fair, HSG C
*	3,365	98	Existing Dwelling & Shed
*	14,690	98	Existing Drives and Walks
	60,061	83	Weighted Average
	42,006		69.94% Pervious Area
	18,055		30.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 1: Front of Site

Hydrograph



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920 South St - Pre Development
Type III 24-hr 2-Year Rainfall=3.22"

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Summary for Subcatchment 2: Rear of Site

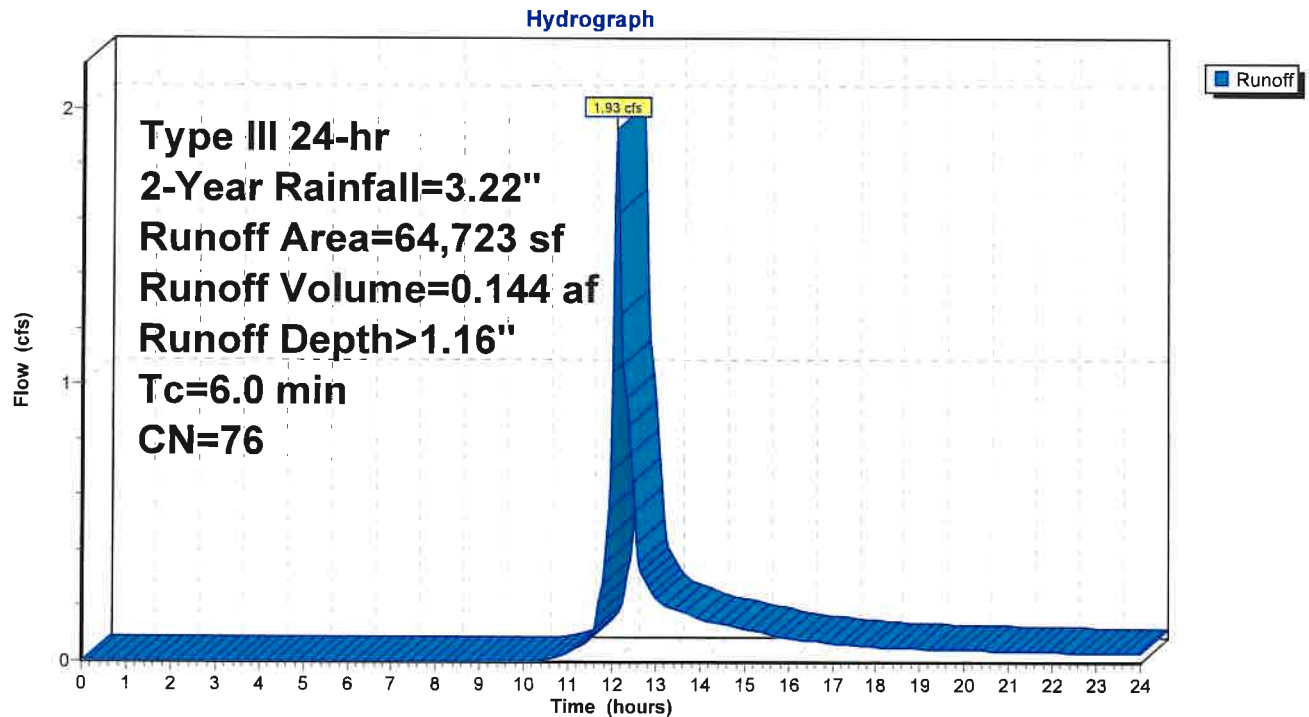
Runoff = 1.93 cfs @ 12.10 hrs, Volume= 0.144 af, Depth> 1.16"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-Year Rainfall=3.22"

Area (sf)	CN	Description
64,723	76	Woods/grass comb., Fair, HSG C
64,723		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 2: Rear of Site



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920 South St - Pre Development
Type III 24-hr 2-Year Rainfall=3.22"

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Page 5

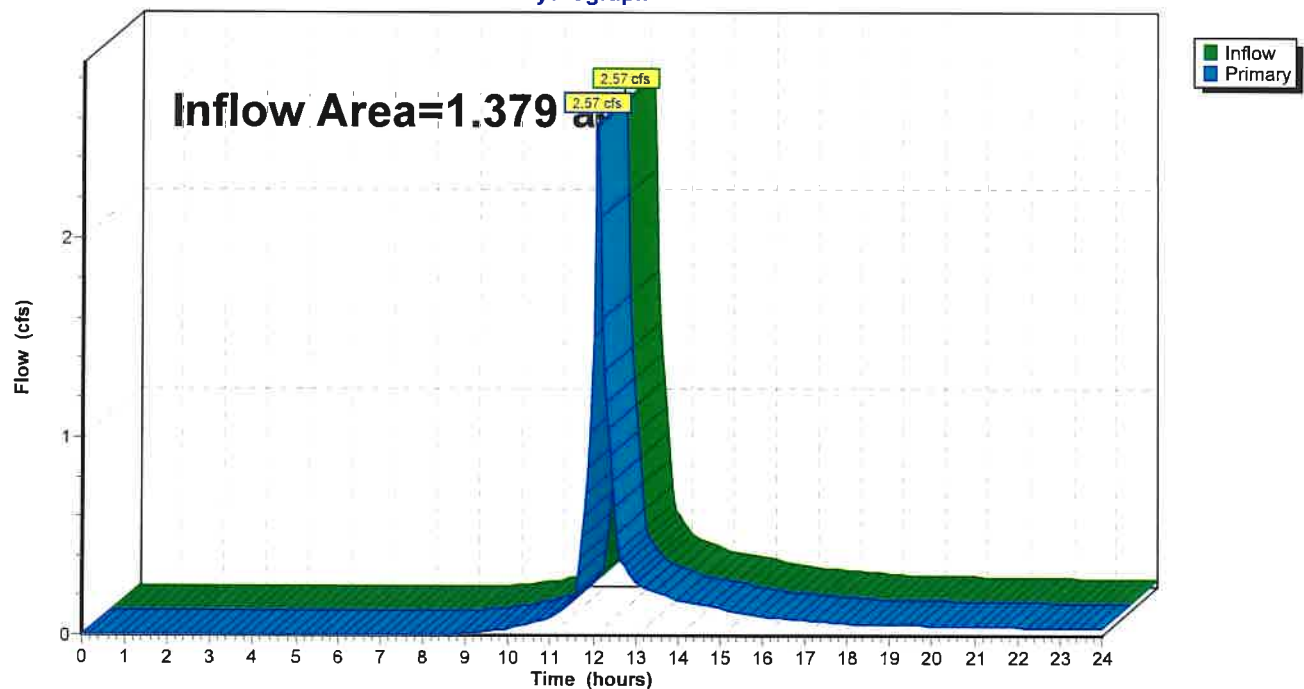
Summary for Pond 1P: South St

Inflow Area = 1.379 ac, 30.06% Impervious, Inflow Depth > 1.62" for 2-Year event
Inflow = 2.57 cfs @ 12.09 hrs, Volume= 0.187 af
Primary = 2.57 cfs @ 12.09 hrs, Volume= 0.187 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 1P: South St

Hydrograph



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920 South St - Pre Development
Type III 24-hr 2-Year Rainfall=3.22"

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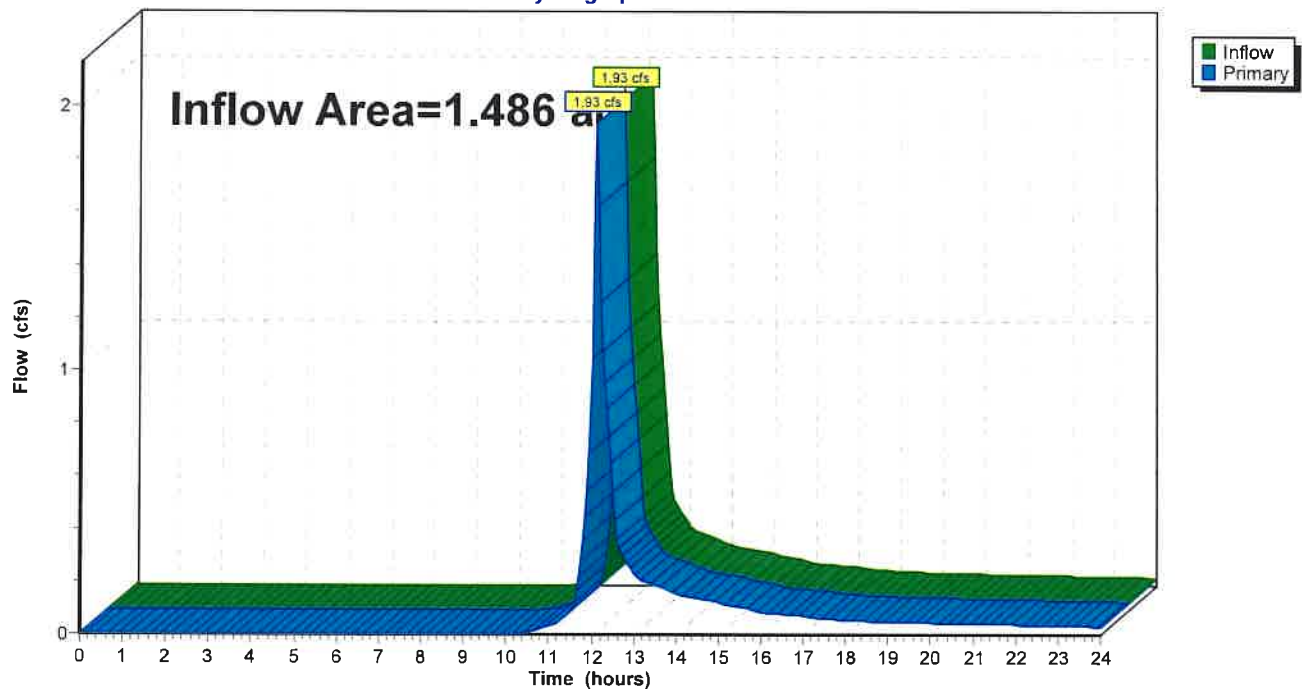
Summary for Pond 2P: Wetland

Inflow Area = 1.486 ac, 0.00% Impervious, Inflow Depth > 1.16" for 2-Year event
Inflow = 1.93 cfs @ 12.10 hrs, Volume= 0.144 af
Primary = 1.93 cfs @ 12.10 hrs, Volume= 0.144 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 2P: Wetland

Hydrograph



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920 South St - Pre Development
Type III 24-hr 10-Year Rainfall=4.86"

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Page 7

Summary for Subcatchment 1: Front of Site

Runoff = 4.81 cfs @ 12.09 hrs, Volume= 0.350 af, Depth> 3.05"

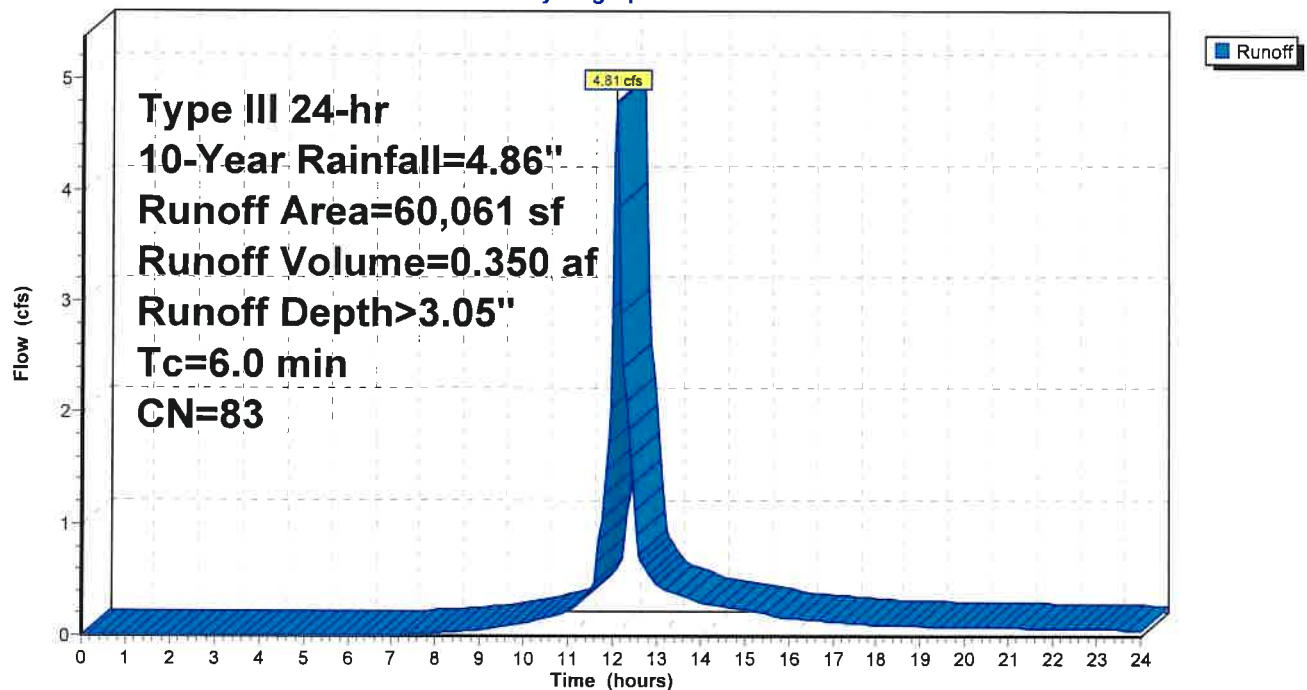
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-Year Rainfall=4.86"

	Area (sf)	CN	Description
	42,006	76	Woods/grass comb., Fair, HSG C
*	3,365	98	Existing Dwelling & Shed
*	14,690	98	Existing Drives and Walks
	60,061	83	Weighted Average
	42,006		69.94% Pervious Area
	18,055		30.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 1: Front of Site

Hydrograph



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920 South St - Pre Development
Type III 24-hr 10-Year Rainfall=4.86"

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Summary for Subcatchment 2: Rear of Site

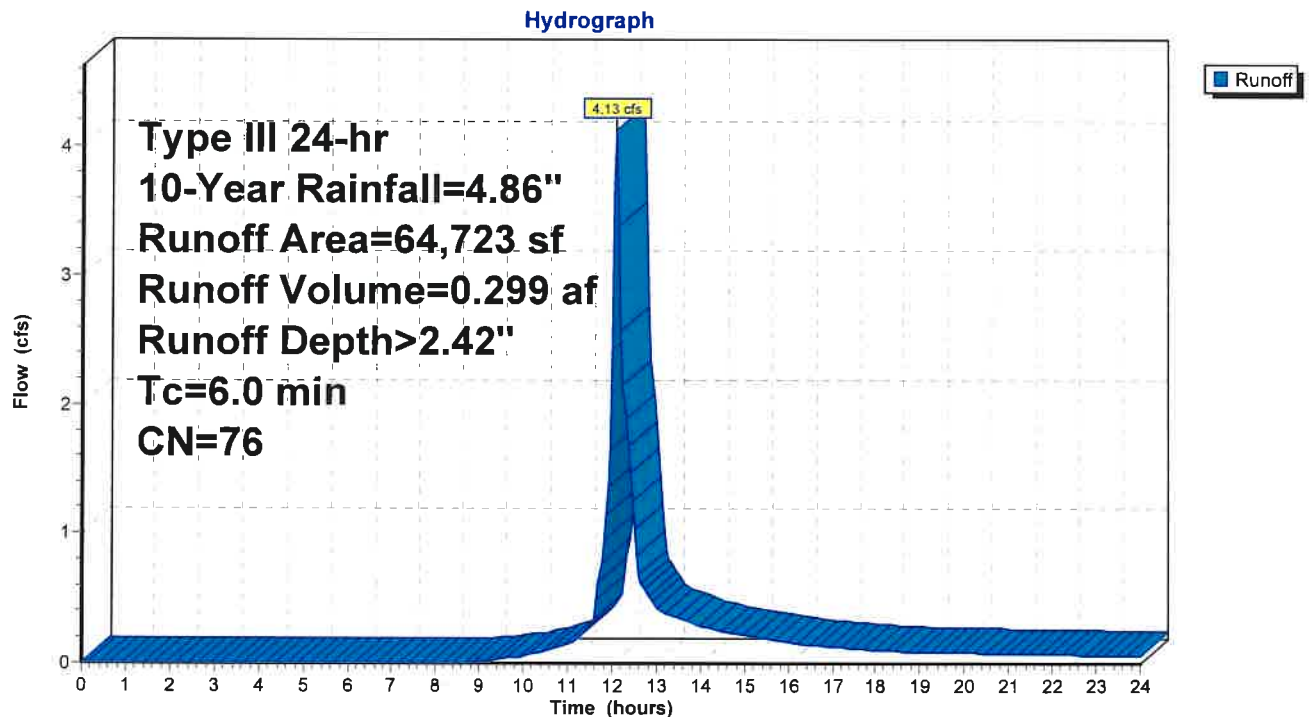
Runoff = 4.13 cfs @ 12.09 hrs, Volume= 0.299 af, Depth> 2.42"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-Year Rainfall=4.86"

Area (sf)	CN	Description
64,723	76	Woods/grass comb., Fair, HSG C
64,723		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 2: Rear of Site



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920 South St - Pre Development
Type III 24-hr 10-Year Rainfall=4.86"

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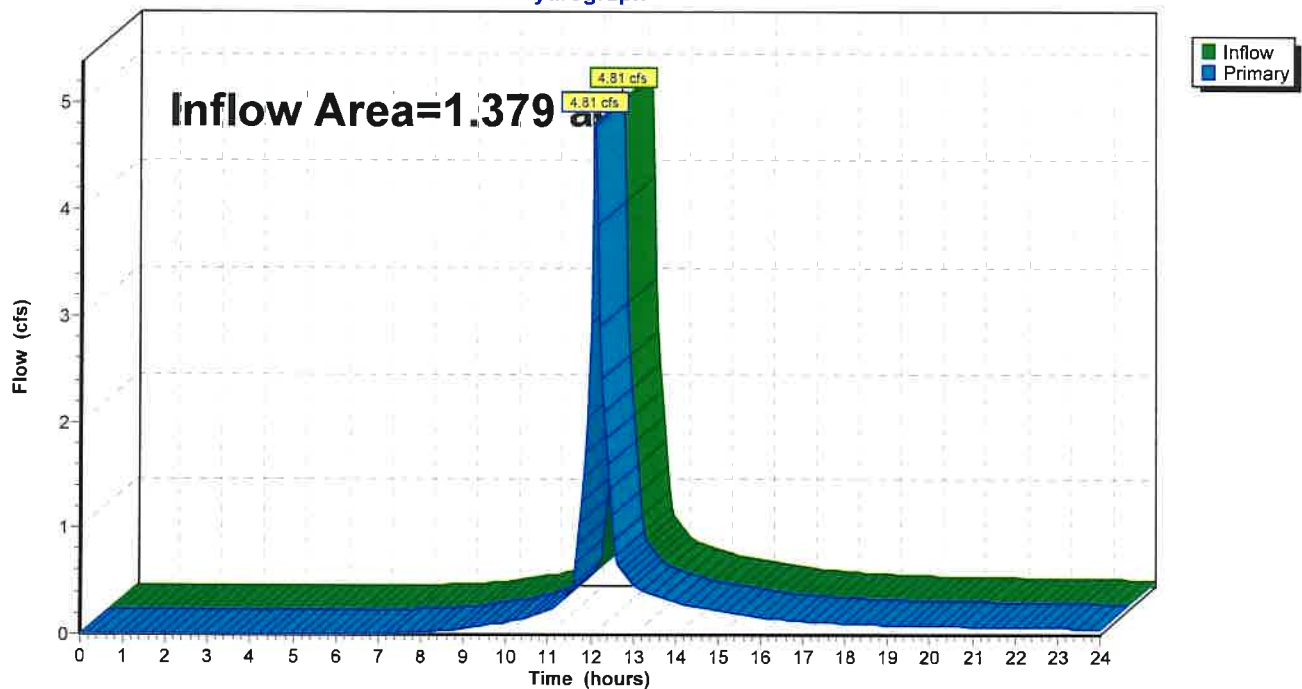
Summary for Pond 1P: South St

Inflow Area = 1.379 ac, 30.06% Impervious, Inflow Depth > 3.05" for 10-Year event
Inflow = 4.81 cfs @ 12.09 hrs, Volume= 0.350 af
Primary = 4.81 cfs @ 12.09 hrs, Volume= 0.350 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 1P: South St

Hydrograph



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920 South St - Pre Development
Type III 24-hr 10-Year Rainfall=4.86"

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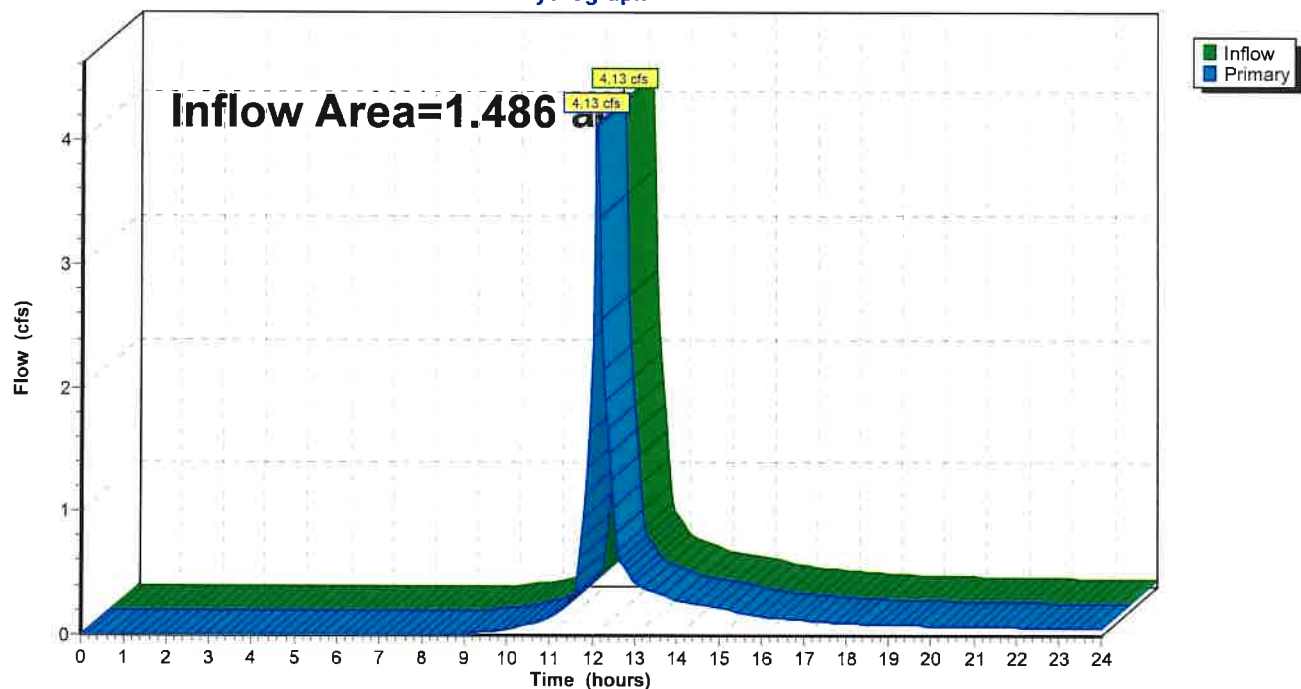
Summary for Pond 2P: Wetland

Inflow Area = 1.486 ac, 0.00% Impervious, Inflow Depth > 2.42" for 10-Year event
Inflow = 4.13 cfs @ 12.09 hrs, Volume= 0.299 af
Primary = 4.13 cfs @ 12.09 hrs, Volume= 0.299 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 2P: Wetland

Hydrograph



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920 South St - Pre Development
Type III 24-hr 25-Year Rainfall=6.15"

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Summary for Subcatchment 1: Front of Site

Runoff = 6.61 cfs @ 12.09 hrs, Volume= 0.486 af, Depth> 4.23"

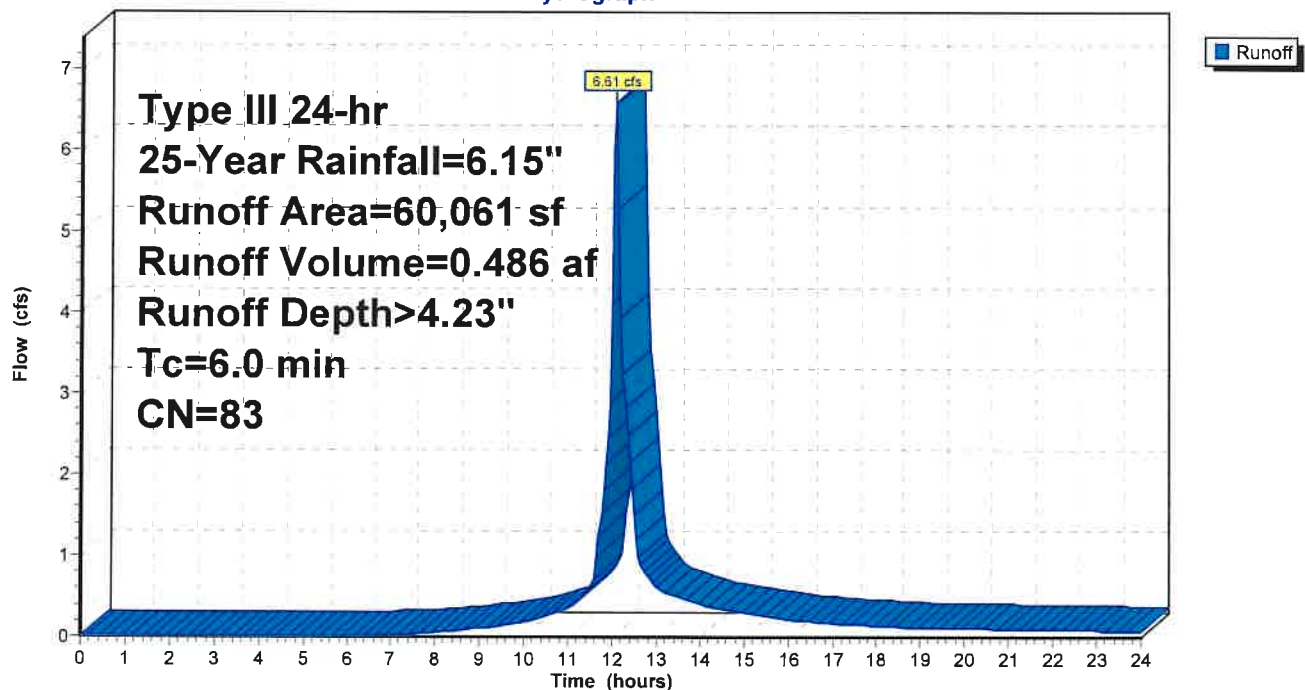
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=6.15"

	Area (sf)	CN	Description
	42,006	76	Woods/grass comb., Fair, HSG C
*	3,365	98	Existing Dwelling & Shed
*	14,690	98	Existing Drives and Walks
	60,061	83	Weighted Average
	42,006		69.94% Pervious Area
	18,055		30.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 1: Front of Site

Hydrograph



South St - Pre Development

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920 South St - Pre Development
Type III 24-hr 25-Year Rainfall=6.15"

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Summary for Subcatchment 2: Rear of Site

Runoff = 5.99 cfs @ 12.09 hrs, Volume= 0.434 af, Depth> 3.51"

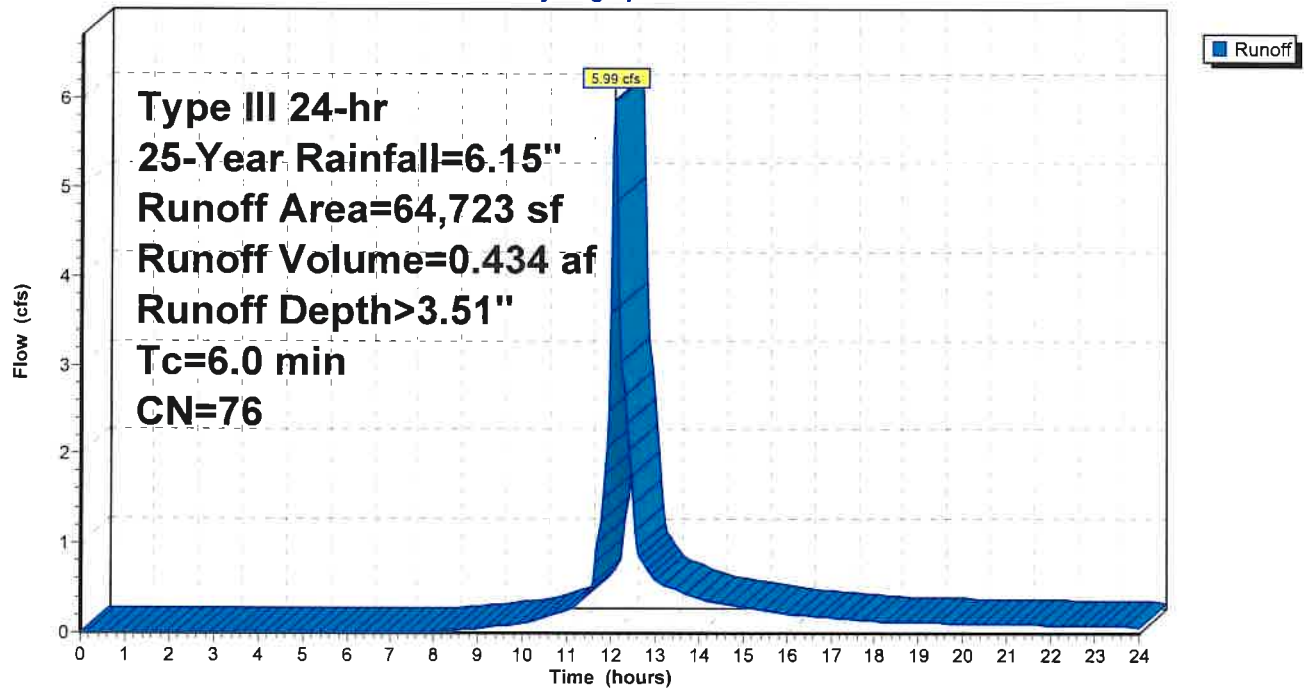
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=6.15"

Area (sf)	CN	Description
64,723	76	Woods/grass comb., Fair, HSG C
64,723		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 2: Rear of Site

Hydrograph



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920 South St - Pre Development
Type III 24-hr 25-Year Rainfall=6.15"

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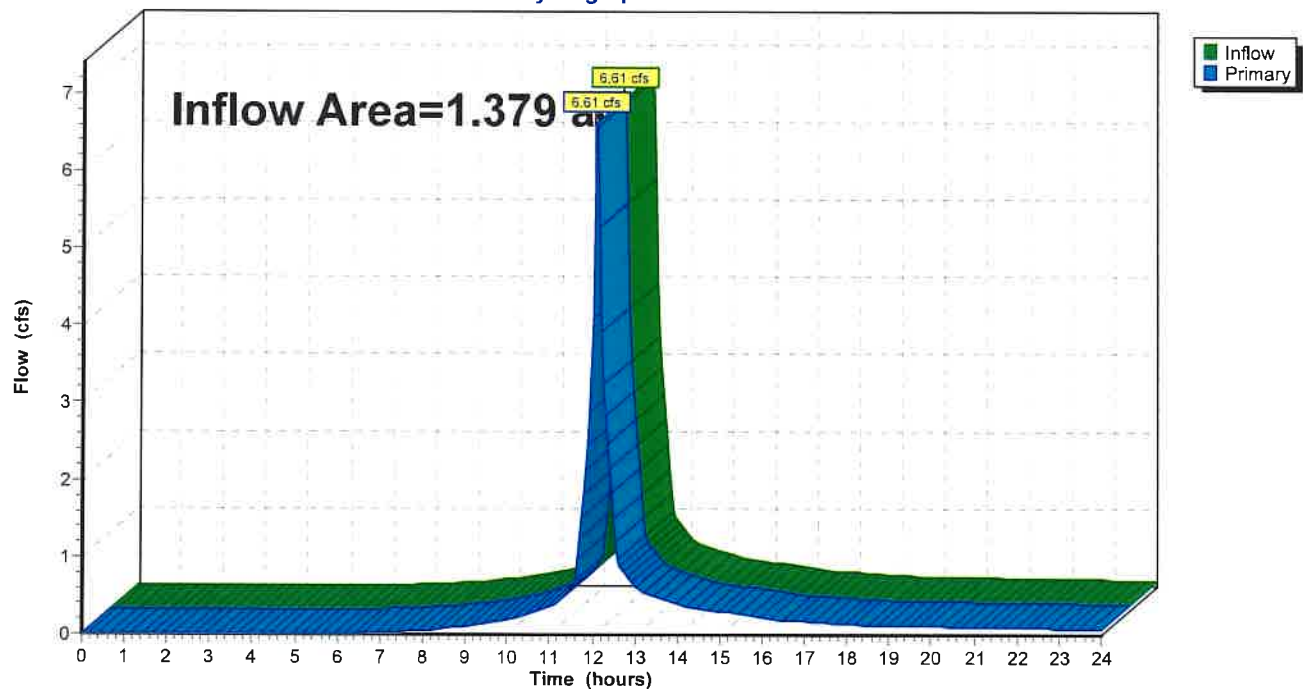
Summary for Pond 1P: South St

Inflow Area = 1.379 ac, 30.06% Impervious, Inflow Depth > 4.23" for 25-Year event
Inflow = 6.61 cfs @ 12.09 hrs, Volume= 0.486 af
Primary = 6.61 cfs @ 12.09 hrs, Volume= 0.486 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 1P: South St

Hydrograph



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920 South St - Pre Development
Type III 24-hr 25-Year Rainfall=6.15"

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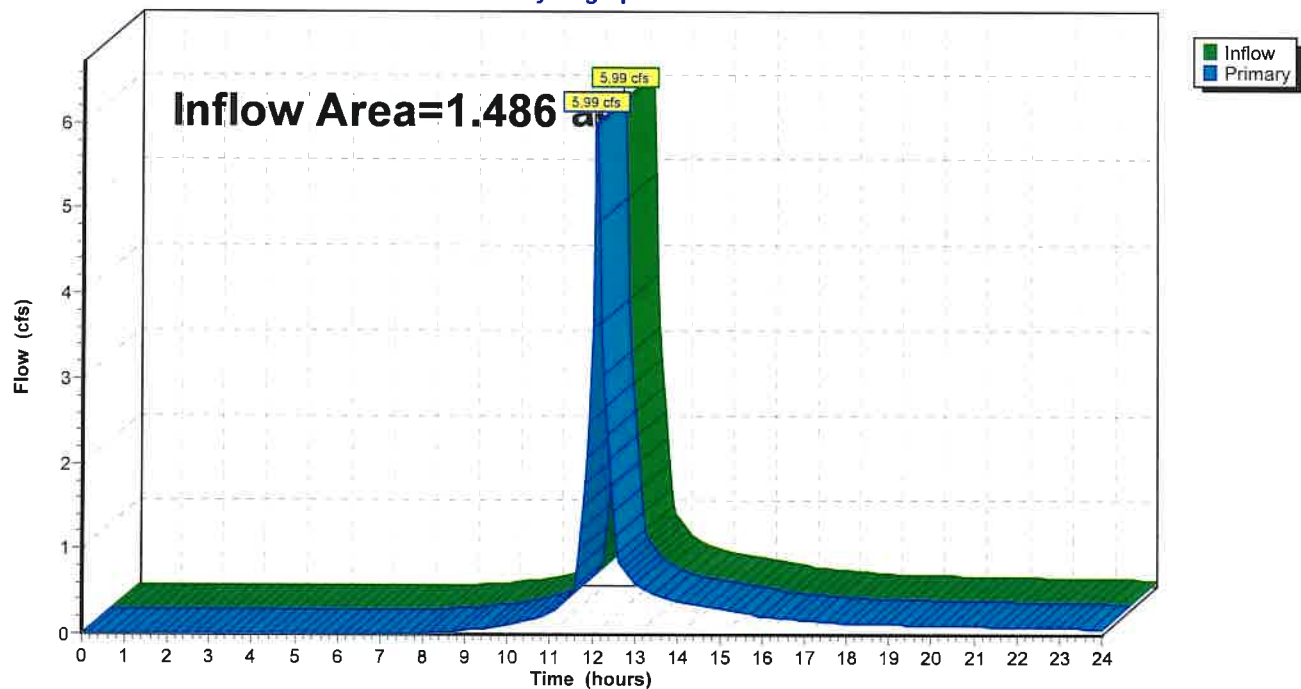
Summary for Pond 2P: Wetland

Inflow Area = 1.486 ac, 0.00% Impervious, Inflow Depth > 3.51" for 25-Year event
Inflow = 5.99 cfs @ 12.09 hrs, Volume= 0.434 af
Primary = 5.99 cfs @ 12.09 hrs, Volume= 0.434 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 2P: Wetland

Hydrograph



South St - Pre Development

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920 South St - Pre Development
Type III 24-hr 100-Year Rainfall=8.80"

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Summary for Subcatchment 1: Front of Site

Runoff = 10.31 cfs @ 12.09 hrs, Volume= 0.774 af, Depth> 6.74"

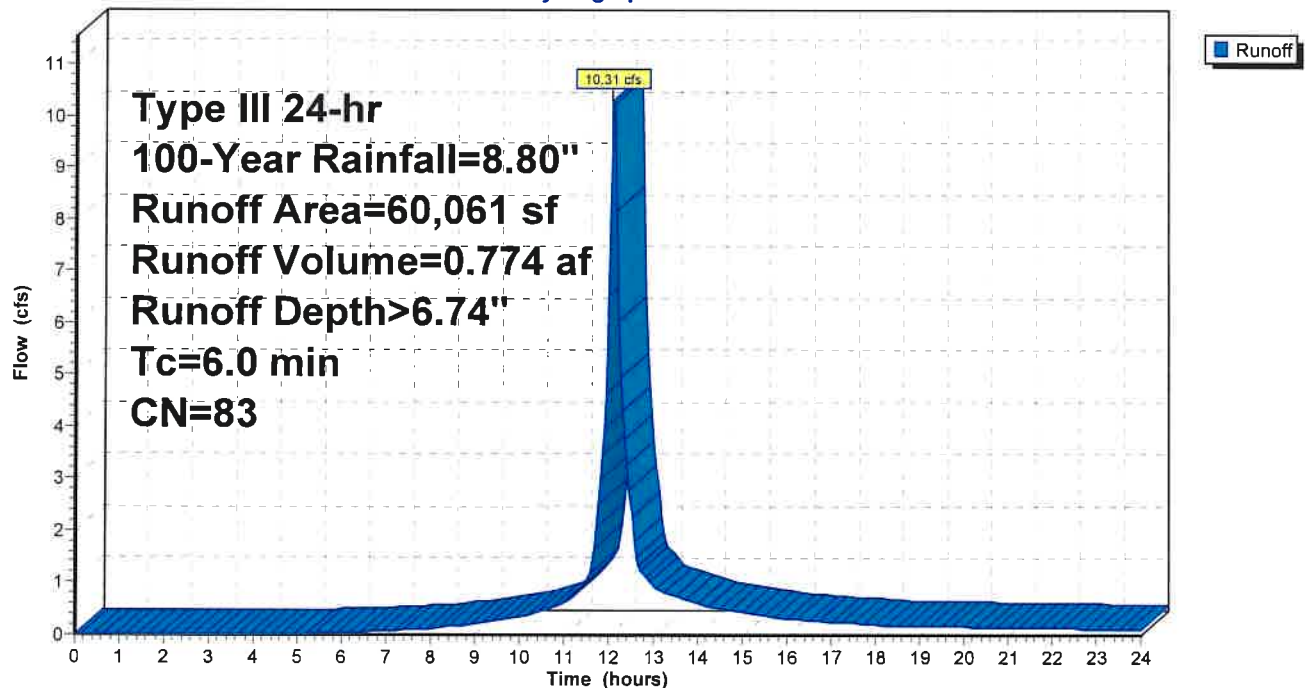
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 100-Year Rainfall=8.80"

	Area (sf)	CN	Description
	42,006	76	Woods/grass comb., Fair, HSG C
*	3,365	98	Existing Dwelling & Shed
*	14,690	98	Existing Drives and Walks
	60,061	83	Weighted Average
	42,006		69.94% Pervious Area
	18,055		30.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 1: Front of Site

Hydrograph



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Type III 24-hr 100-Year Rainfall=8.80"

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Summary for Subcatchment 2: Rear of Site

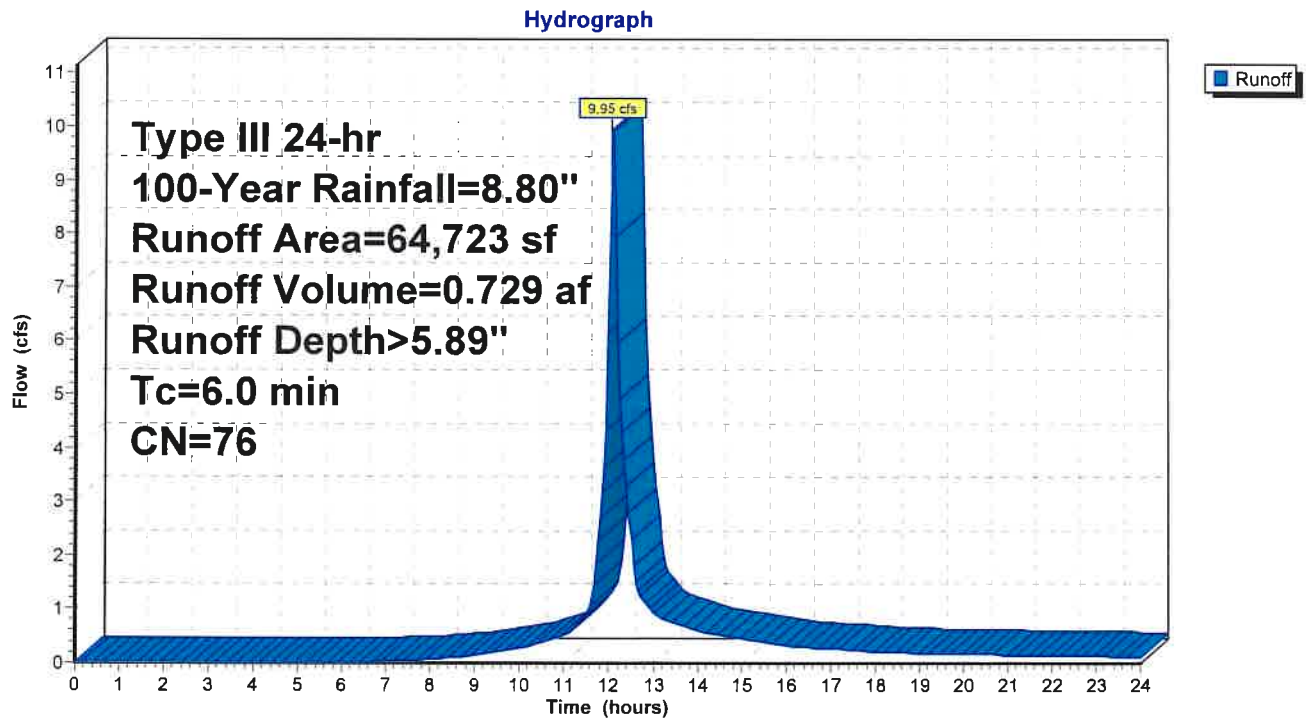
Runoff = 9.95 cfs @ 12.09 hrs, Volume= 0.729 af, Depth> 5.89"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 100-Year Rainfall=8.80"

Area (sf)	CN	Description
64,723	76	Woods/grass comb., Fair, HSG C
64,723		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 2: Rear of Site



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Type III 24-hr 100-Year Rainfall=8.80"

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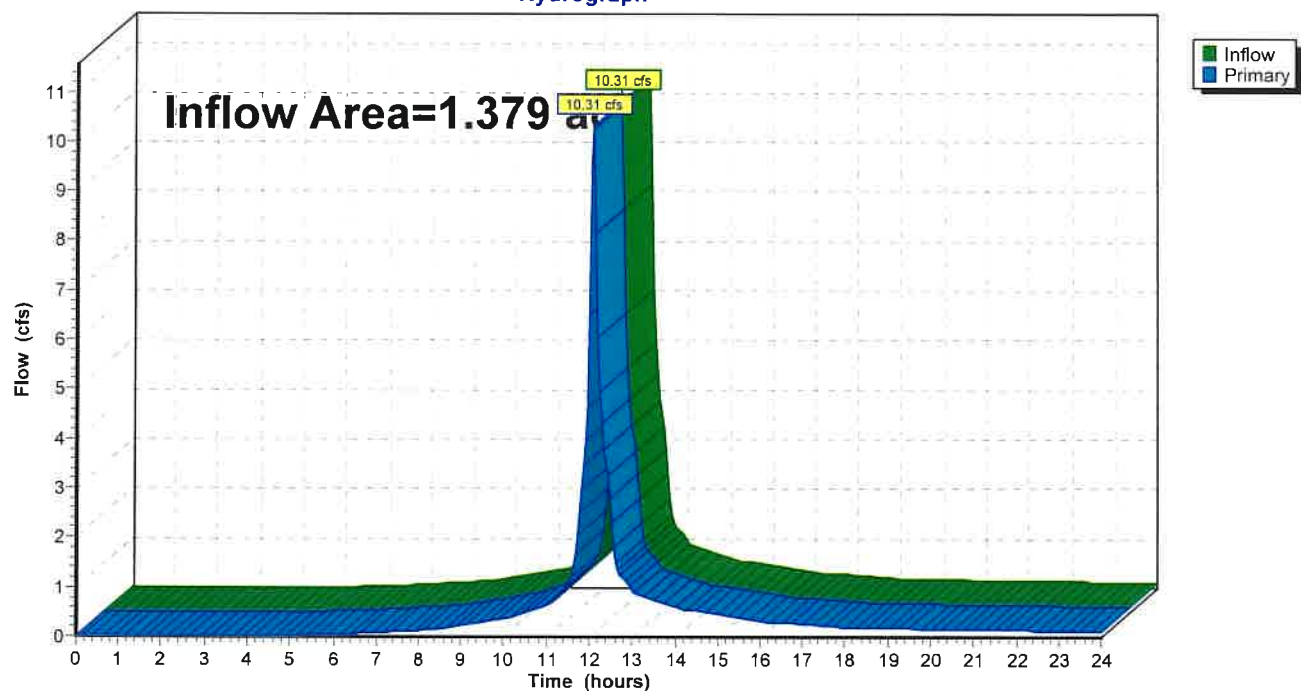
Summary for Pond 1P: South St

Inflow Area = 1.379 ac, 30.06% Impervious, Inflow Depth > 6.74" for 100-Year event
Inflow = 10.31 cfs @ 12.09 hrs, Volume= 0.774 af
Primary = 10.31 cfs @ 12.09 hrs, Volume= 0.774 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 1P: South St

Hydrograph



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920 South St - Pre Development
Type III 24-hr 100-Year Rainfall=8.80"

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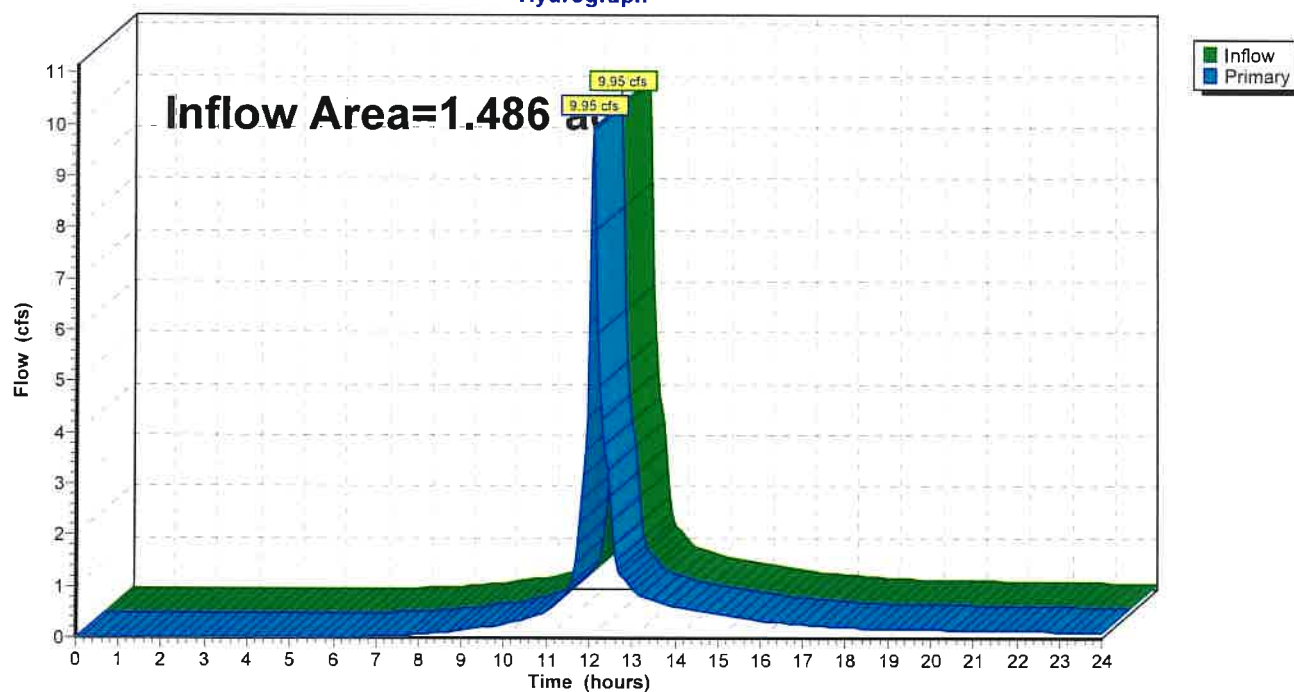
Summary for Pond 2P: Wetland

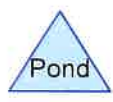
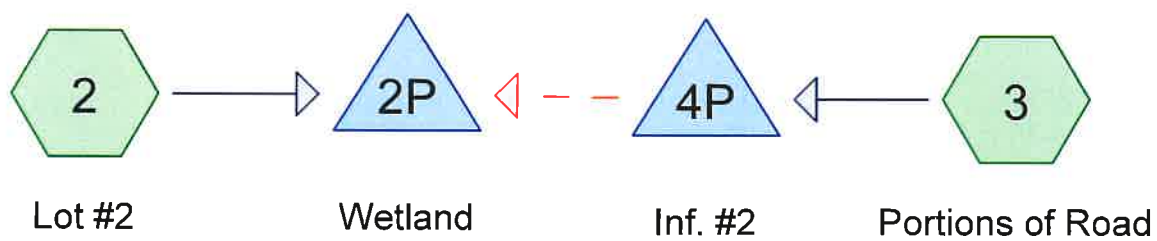
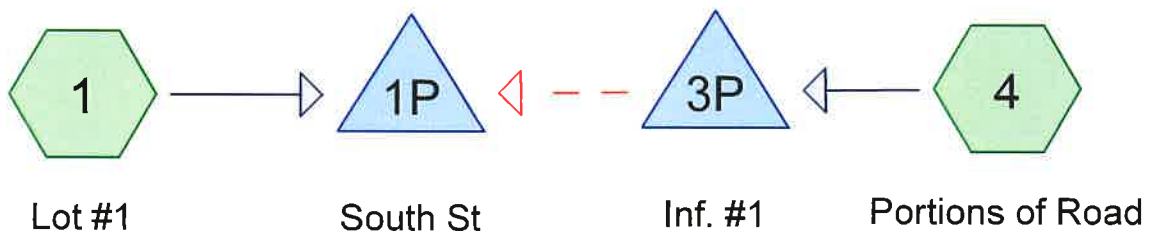
Inflow Area = 1.486 ac, 0.00% Impervious, Inflow Depth > 5.89" for 100-Year event
Inflow = 9.95 cfs @ 12.09 hrs, Volume= 0.729 af
Primary = 9.95 cfs @ 12.09 hrs, Volume= 0.729 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 2P: Wetland

Hydrograph





South St - Post Development

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Area Listing (selected nodes)

Area (acres)	CN	Description (subcatchment-numbers)
1.001	79	1 acre lots, 20% imp, HSG C (1)
1.406	77	2 acre lots, 12% imp, HSG C (2)
0.254	74	>75% Grass cover, Good, HSG C (3, 4)
0.131	98	Portions of Road (3)
0.070	98	Prop. Roadway (4)
2.863	79	TOTAL AREA

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Type III 24-hr 2-Year Rainfall=3.22"

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Summary for Subcatchment 1: Lot #1

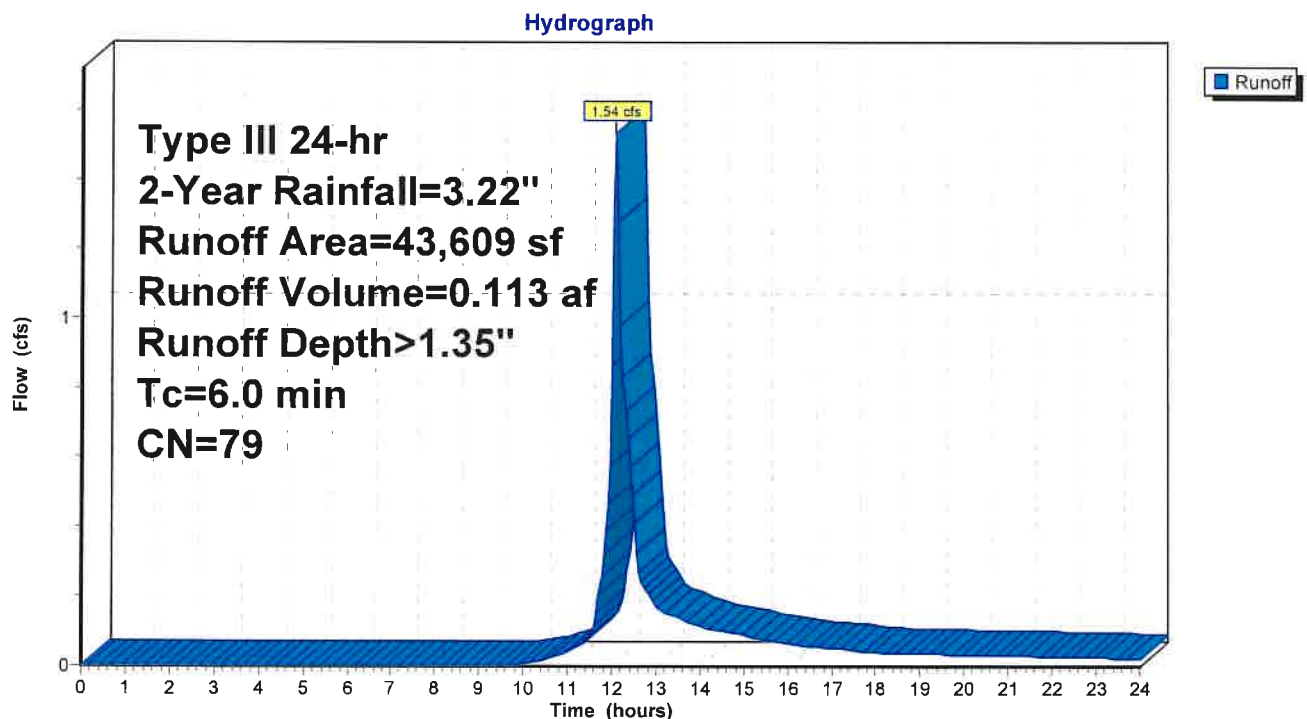
Runoff = 1.54 cfs @ 12.10 hrs, Volume= 0.113 af, Depth> 1.35"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-Year Rainfall=3.22"

Area (sf)	CN	Description
43,609	79	1 acre lots, 20% imp, HSG C
34,887		80.00% Pervious Area
8,722		20.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 1: Lot #1



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Type III 24-hr 2-Year Rainfall=3.22"

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Summary for Subcatchment 2: Lot #2

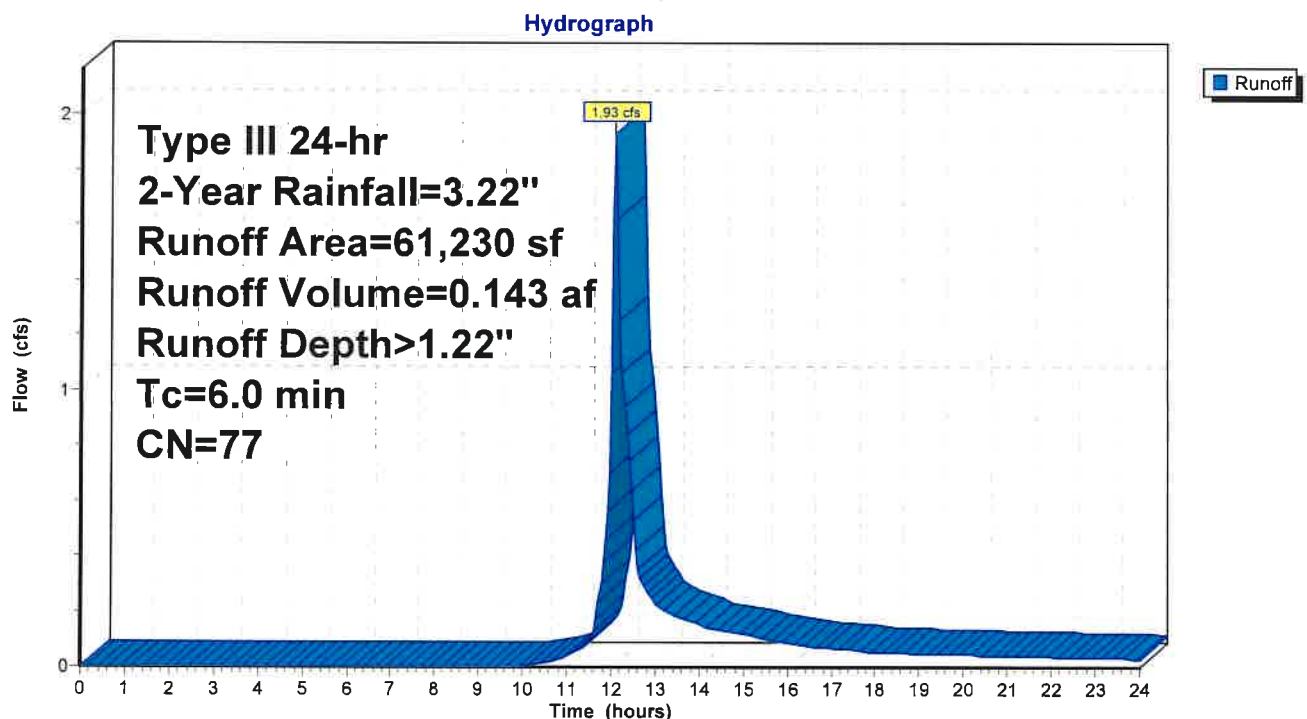
Runoff = 1.93 cfs @ 12.10 hrs, Volume= 0.143 af, Depth> 1.22"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-Year Rainfall=3.22"

Area (sf)	CN	Description
61,230	77	2 acre lots, 12% imp, HSG C
53,882		88.00% Pervious Area
7,348		12.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 2: Lot #2



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Type III 24-hr 2-Year Rainfall=3.22"

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Summary for Subcatchment 3: Portions of Road

Runoff = 0.58 cfs @ 12.09 hrs, Volume= 0.042 af, Depth> 1.85"

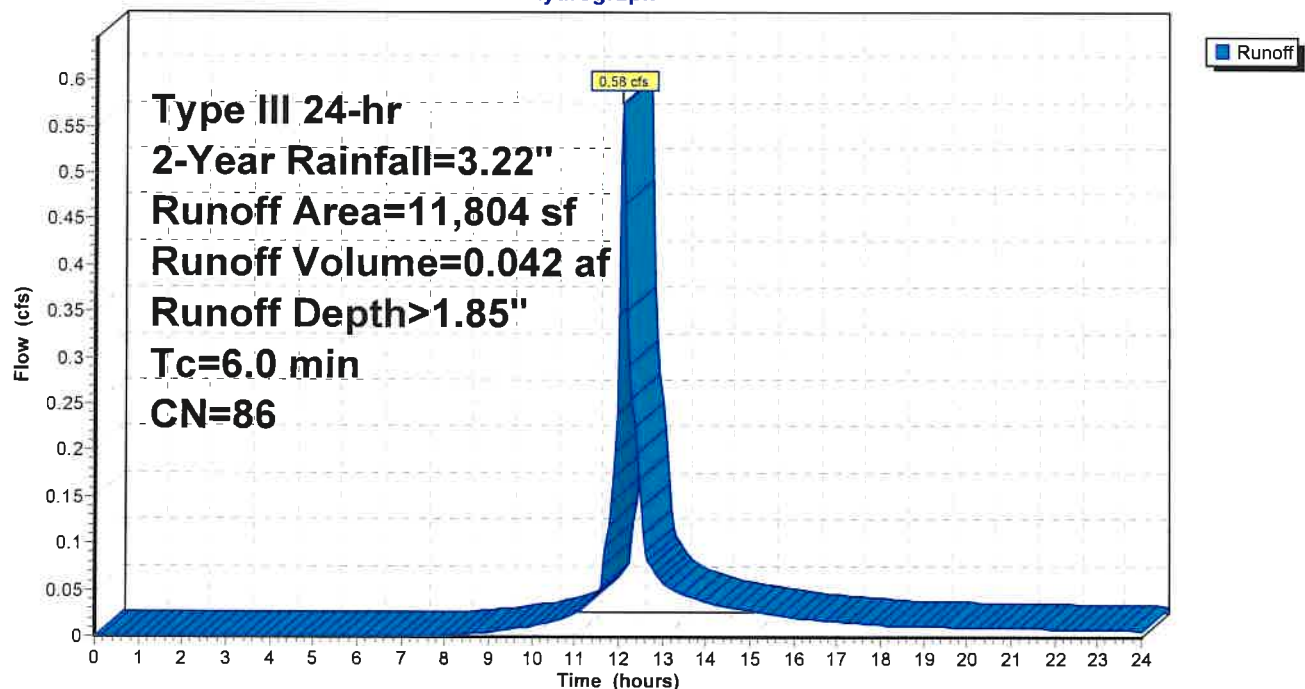
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-Year Rainfall=3.22"

	Area (sf)	CN	Description
*	5,728	98	Portions of Road
	6,076	74	>75% Grass cover, Good, HSG C
	11,804	86	Weighted Average
	6,076		51.47% Pervious Area
	5,728		48.53% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 3: Portions of Road

Hydrograph



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Type III 24-hr 2-Year Rainfall=3.22"

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Summary for Subcatchment 4: Portions of Road

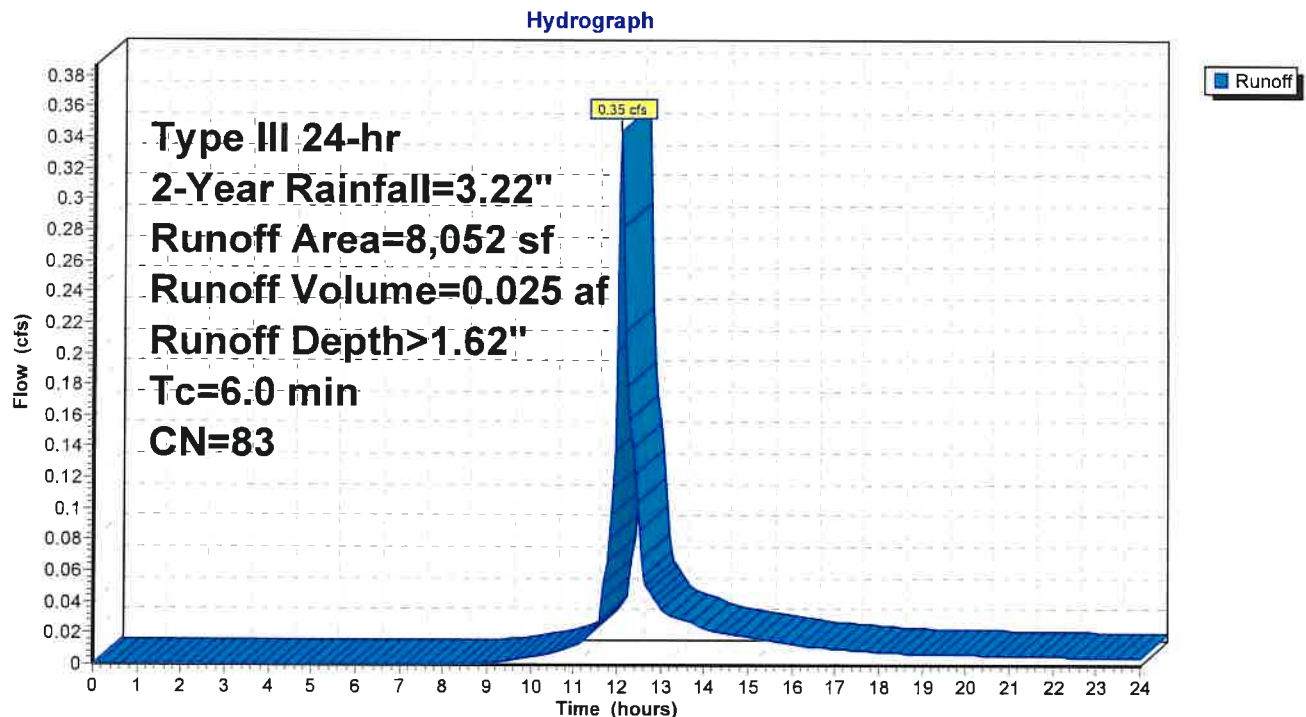
Runoff = 0.35 cfs @ 12.09 hrs, Volume= 0.025 af, Depth> 1.62"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-Year Rainfall=3.22"

	Area (sf)	CN	Description
*	3,052	98	Prop. Roadway
	5,000	74	>75% Grass cover, Good, HSG C
	8,052	83	Weighted Average
	5,000		62.10% Pervious Area
	3,052		37.90% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 4: Portions of Road



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Type III 24-hr 2-Year Rainfall=3.22"

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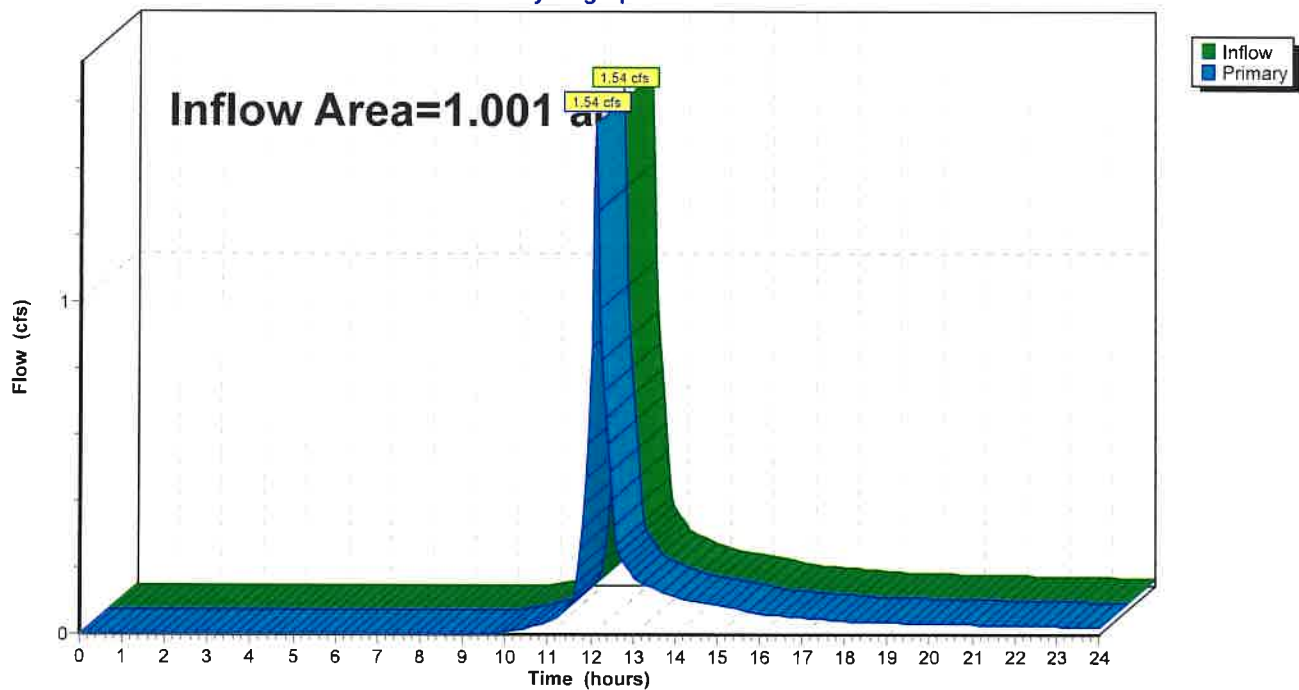
Summary for Pond 1P: South St

Inflow Area = 1.001 ac, 20.00% Impervious, Inflow Depth > 1.35" for 2-Year event
Inflow = 1.54 cfs @ 12.10 hrs, Volume= 0.113 af
Primary = 1.54 cfs @ 12.10 hrs, Volume= 0.113 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 1P: South St

Hydrograph



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Type III 24-hr 2-Year Rainfall=3.22"

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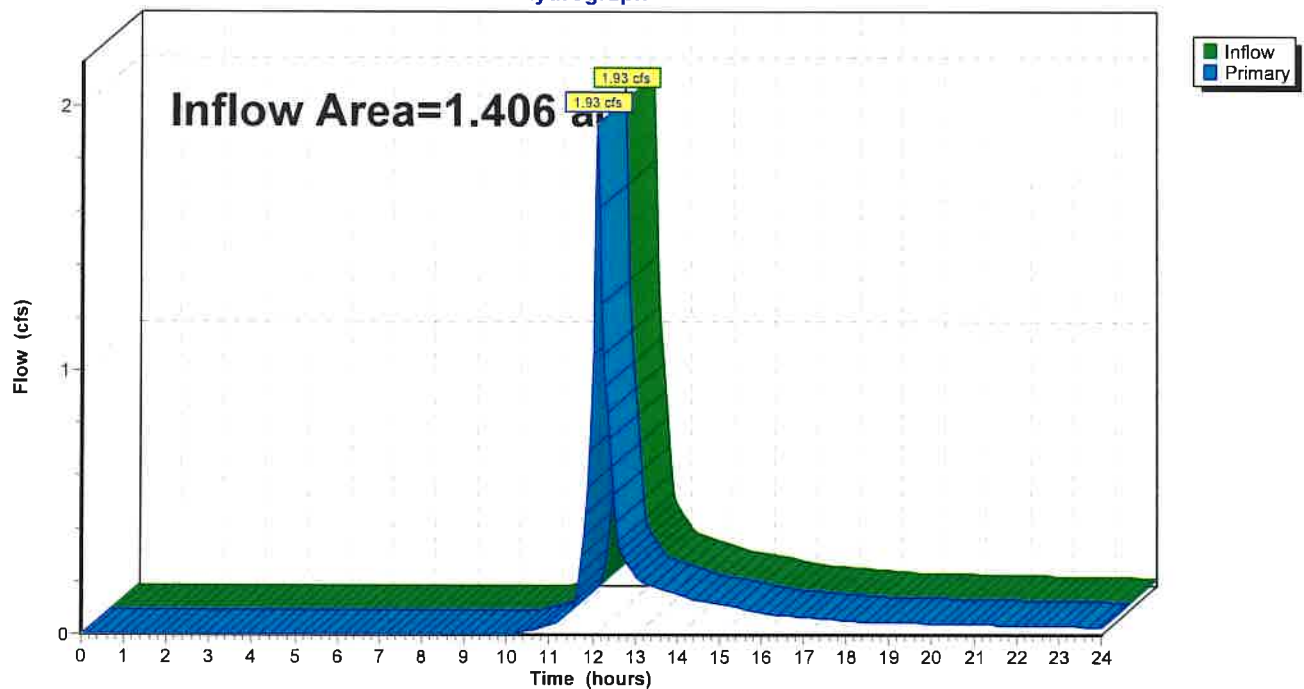
Summary for Pond 2P: Wetland

Inflow Area = 1.406 ac, 12.00% Impervious, Inflow Depth > 1.22" for 2-Year event
Inflow = 1.93 cfs @ 12.10 hrs, Volume= 0.143 af
Primary = 1.93 cfs @ 12.10 hrs, Volume= 0.143 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 2P: Wetland

Hydrograph



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Type III 24-hr 2-Year Rainfall=3.22"

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Summary for Pond 3P: Inf. #1

Inflow Area = 0.185 ac, 37.90% Impervious, Inflow Depth > 1.62" for 2-Year event
Inflow = 0.35 cfs @ 12.09 hrs, Volume= 0.025 af
Outflow = 0.01 cfs @ 11.15 hrs, Volume= 0.010 af, Atten= 97%, Lag= 0.0 min
Discarded = 0.01 cfs @ 11.15 hrs, Volume= 0.010 af
Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Peak Elev= 224.34' @ 17.70 hrs Surf.Area= 0.032 ac Storage= 0.017 af

Plug-Flow detention time= 320.8 min calculated for 0.010 af (39% of inflow)
Center-of-Mass det. time= 197.4 min (1,029.4 - 832.1)

Volume	Invert	Avail.Storage	Storage Description
#1A	223.46'	0.027 af	20.83'W x 66.50'L x 3.54'H Field A 0.113 af Overall - 0.044 af Embedded = 0.069 af x 40.0% Voids
#2A	223.96'	0.044 af	Cultec R-330XLHD x 36 Inside #1 Effective Size= 47.8"W x 30.0"H => 7.45 sf x 7.00'L = 52.2 cf Overall Size= 52.0"W x 30.5"H x 8.50'L with 1.50' Overlap Row Length Adjustment= +1.50' x 7.45 sf x 4 rows
		0.072 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	223.46'	0.270 in/hr Exfiltration over Surface area
#2	Secondary	226.00'	12.0" Vert. Orifice/Grate C= 0.600

Discarded OutFlow Max=0.01 cfs @ 11.15 hrs HW=223.50' (Free Discharge)
↑**1=Exfiltration** (Exfiltration Controls 0.01 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=223.46' (Free Discharge)
↑**2=Orifice/Grate** (Controls 0.00 cfs)

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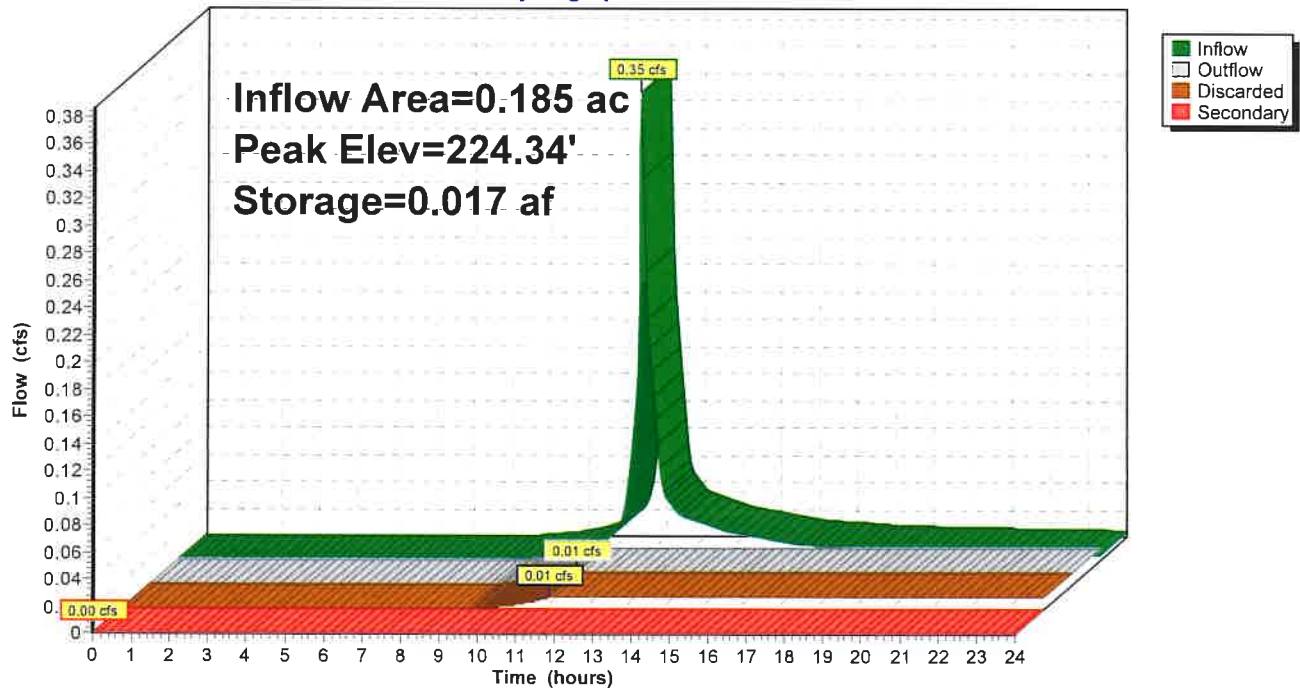
920 South St - Post Development
Type III 24-hr 2-Year Rainfall=3.22"

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Pond 3P: Inf. #1

Hydrograph



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Type III 24-hr 2-Year Rainfall=3.22"

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Summary for Pond 4P: Inf. #2

Inflow Area = 0.271 ac, 48.53% Impervious, Inflow Depth > 1.85" for 2-Year event
Inflow = 0.58 cfs @ 12.09 hrs, Volume= 0.042 af
Outflow = 0.01 cfs @ 10.70 hrs, Volume= 0.014 af, Atten= 98%, Lag= 0.0 min
Discarded = 0.01 cfs @ 10.70 hrs, Volume= 0.014 af
Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Peak Elev= 226.06' @ 18.33 hrs Surf.Area= 0.043 ac Storage= 0.029 af

Plug-Flow detention time= 315.4 min calculated for 0.014 af (33% of inflow)
Center-of-Mass det. time= 188.7 min (1,010.4 - 821.7)

Volume	Invert	Avail.Storage	Storage Description
#1A	225.00'	0.037 af	25.67'W x 73.50'L x 3.54'H Field A 0.153 af Overall - 0.061 af Embedded = 0.092 af x 40.0% Voids
#2A	225.50'	0.061 af	Cultec R-330XLHD x 50 Inside #1 Effective Size= 47.8"W x 30.0"H => 7.45 sf x 7.00'L = 52.2 cf Overall Size= 52.0"W x 30.5"H x 8.50'L with 1.50' Overlap Row Length Adjustment= +1.50' x 7.45 sf x 5 rows
		0.098 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	225.00'	0.270 in/hr Exfiltration over Surface area
#2	Secondary	228.14'	12.0" Vert. Orifice/Grate C= 0.600

Discarded OutFlow Max=0.01 cfs @ 10.70 hrs HW=225.04' (Free Discharge)
↑**1=Exfiltration** (Exfiltration Controls 0.01 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=225.00' (Free Discharge)
↑**2=Orifice/Grate** (Controls 0.00 cfs)

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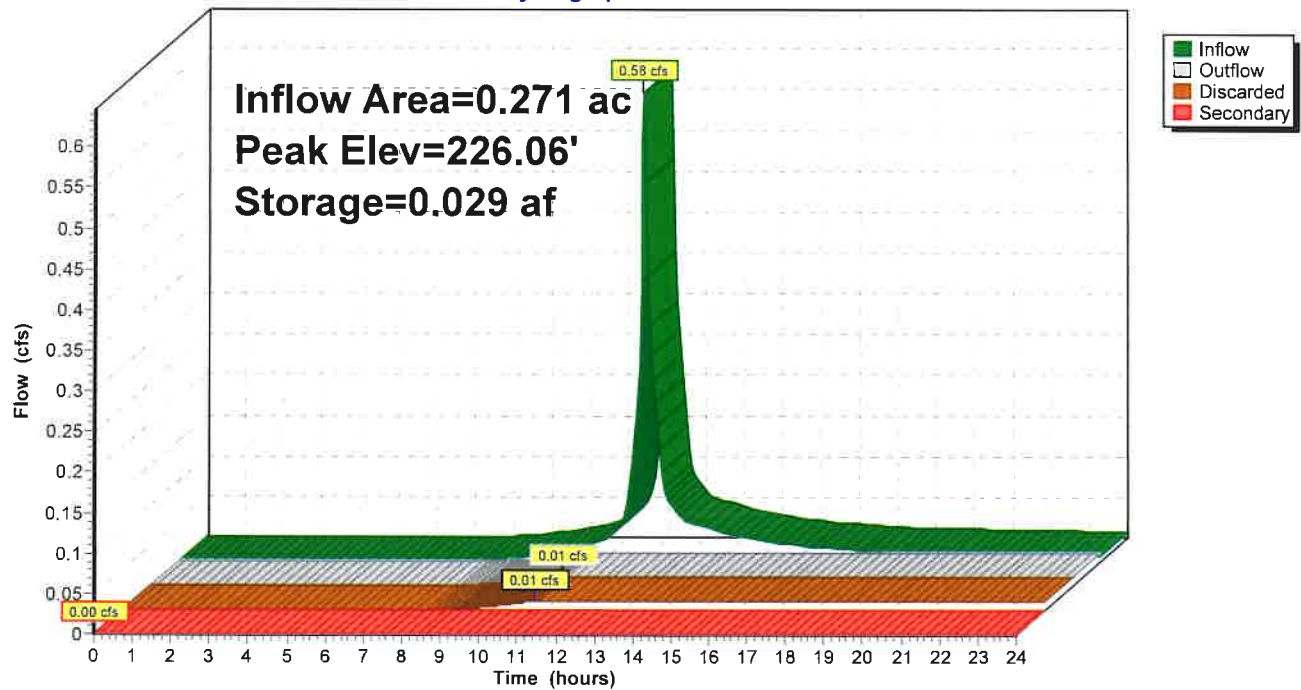
920 South St - Post Development
Type III 24-hr 2-Year Rainfall=3.22"

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Pond 4P: Inf. #2

Hydrograph



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920 South St - Post Development
Type III 24-hr 10-Year Rainfall=4.86"

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Summary for Subcatchment 1: Lot #1

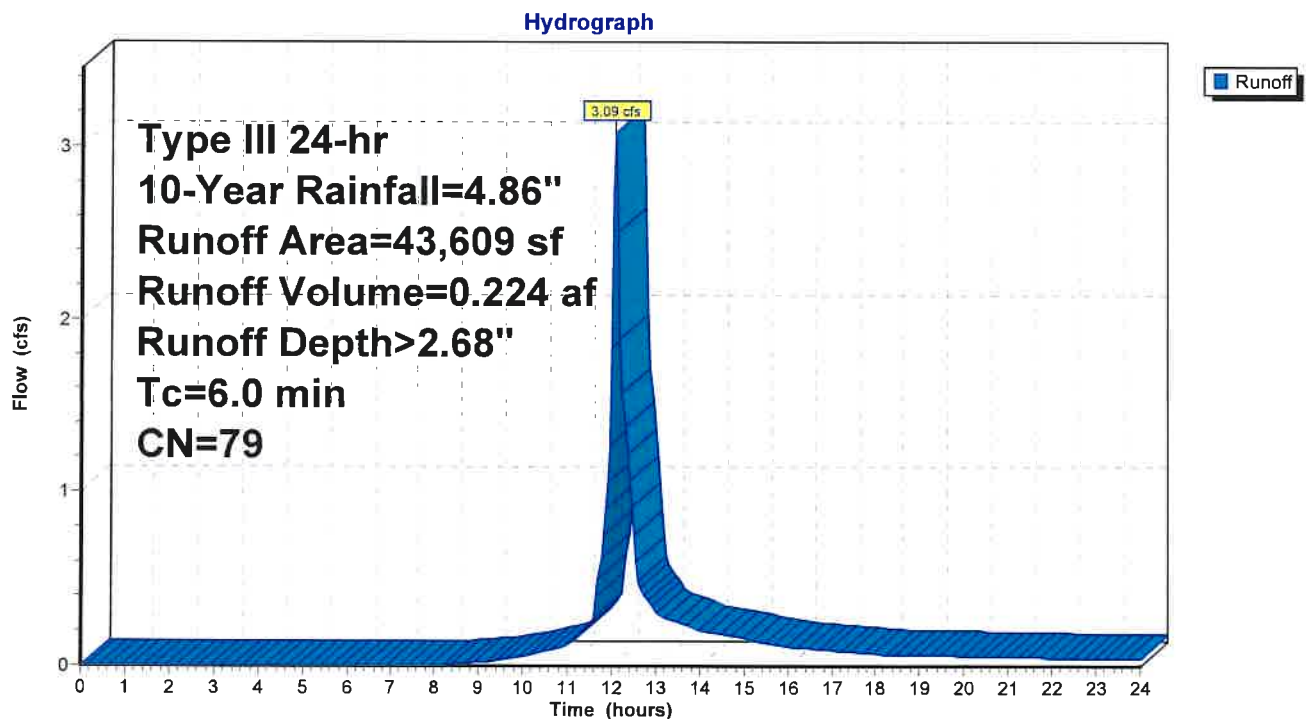
Runoff = 3.09 cfs @ 12.09 hrs, Volume= 0.224 af, Depth> 2.68"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-Year Rainfall=4.86"

Area (sf)	CN	Description
43,609	79	1 acre lots, 20% imp, HSG C
34,887		80.00% Pervious Area
8,722		20.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 1: Lot #1



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Type III 24-hr 10-Year Rainfall=4.86"

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Summary for Subcatchment 2: Lot #2

Runoff = 4.05 cfs @ 12.09 hrs, Volume= 0.293 af, Depth> 2.50"

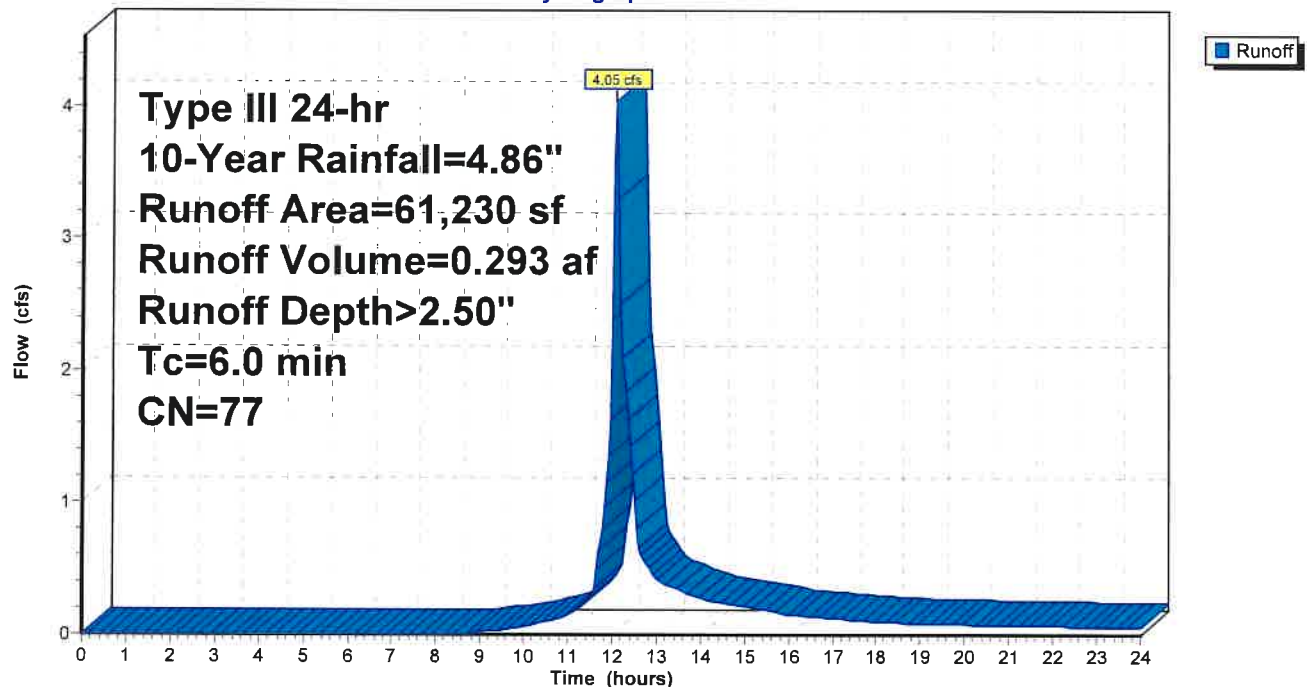
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-Year Rainfall=4.86"

Area (sf)	CN	Description
61,230	77	2 acre lots, 12% imp, HSG C
53,882		88.00% Pervious Area
7,348		12.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 2: Lot #2

Hydrograph



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Type III 24-hr 10-Year Rainfall=4.86"

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Summary for Subcatchment 3: Portions of Road

Runoff = 1.02 cfs @ 12.09 hrs, Volume= 0.075 af, Depth> 3.33"

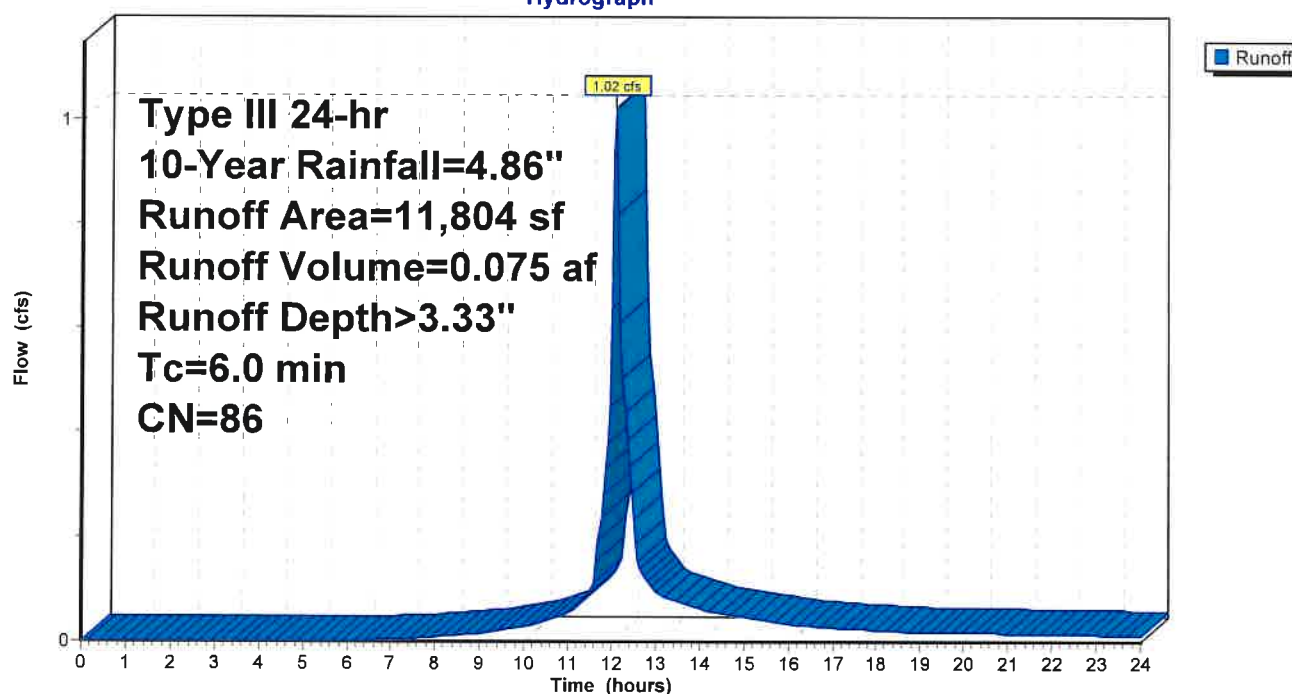
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-Year Rainfall=4.86"

Area (sf)	CN	Description
* 5,728	98	Portions of Road
6,076	74	>75% Grass cover, Good, HSG C
11,804	86	Weighted Average
6,076		51.47% Pervious Area
5,728		48.53% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 3: Portions of Road

Hydrograph



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Type III 24-hr 10-Year Rainfall=4.86"

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Summary for Subcatchment 4: Portions of Road

Runoff = 0.64 cfs @ 12.09 hrs, Volume= 0.047 af, Depth> 3.05"

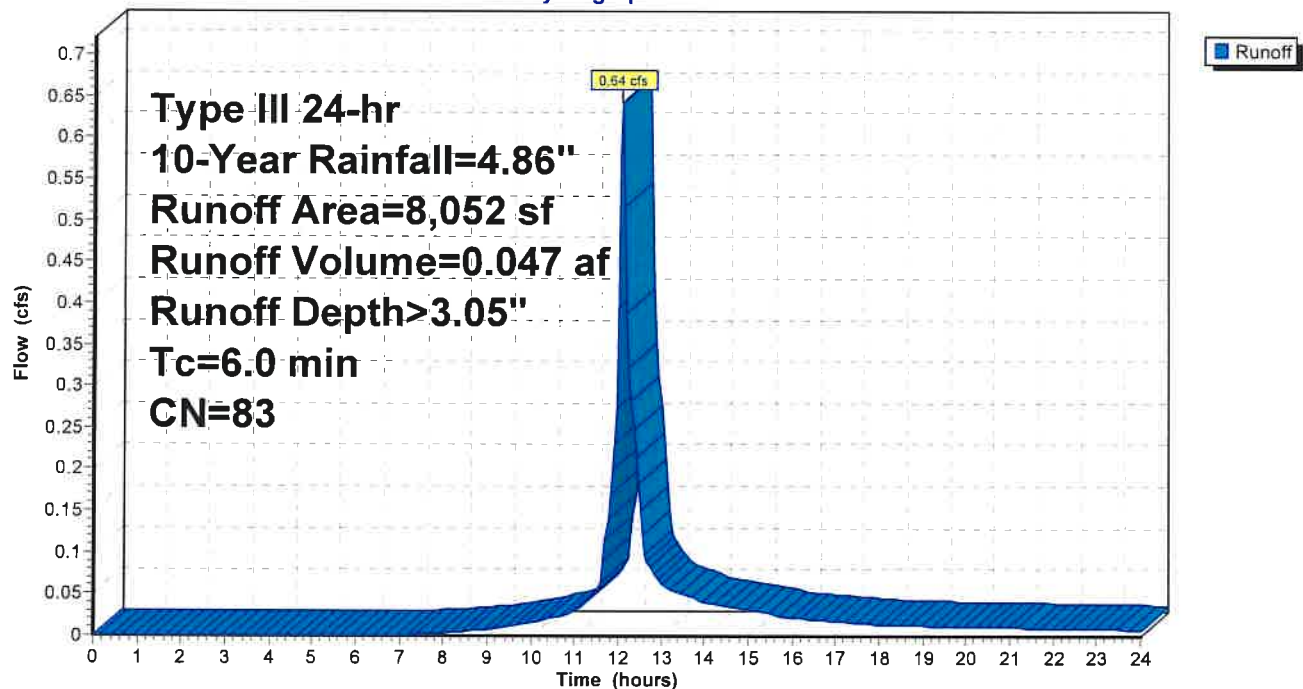
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-Year Rainfall=4.86"

	Area (sf)	CN	Description
*	3,052	98	Prop. Roadway
	5,000	74	>75% Grass cover, Good, HSG C
	8,052	83	Weighted Average
	5,000		62.10% Pervious Area
	3,052		37.90% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 4: Portions of Road

Hydrograph



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Type III 24-hr 10-Year Rainfall=4.86"

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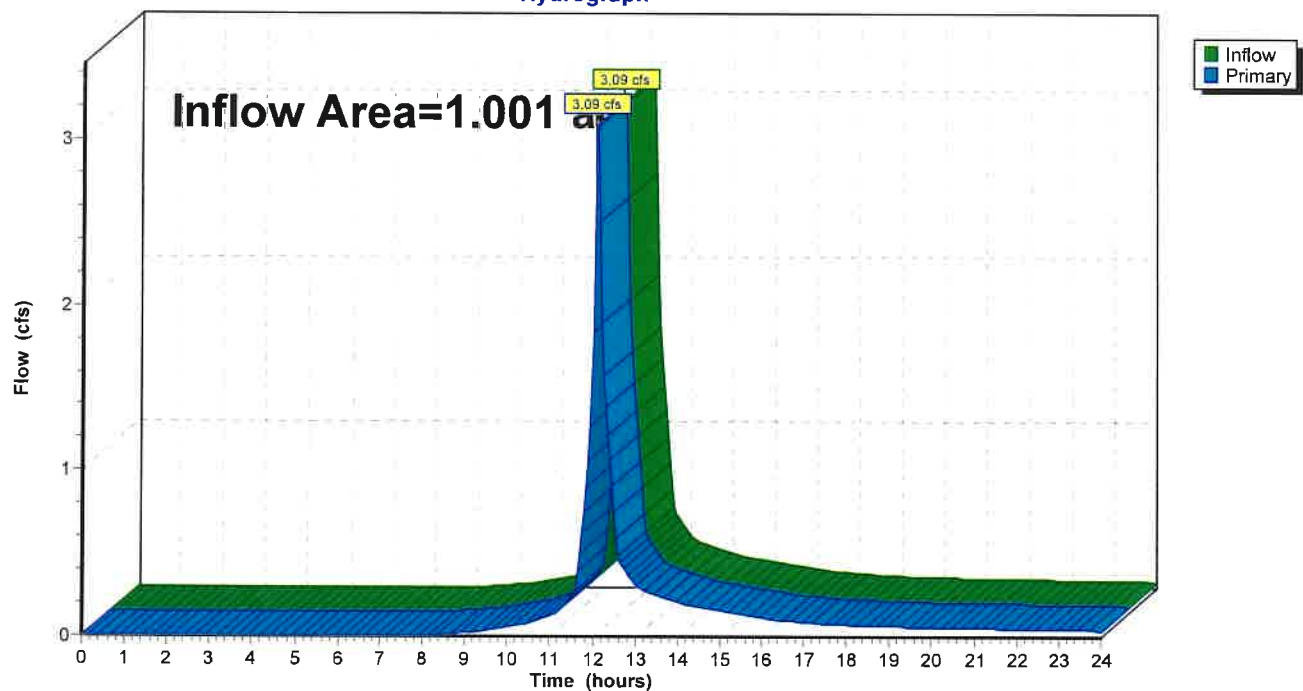
Summary for Pond 1P: South St

Inflow Area = 1.001 ac, 20.00% Impervious, Inflow Depth > 2.68" for 10-Year event
Inflow = 3.09 cfs @ 12.09 hrs, Volume= 0.224 af
Primary = 3.09 cfs @ 12.09 hrs, Volume= 0.224 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 1P: South St

Hydrograph



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Type III 24-hr 10-Year Rainfall=4.86"

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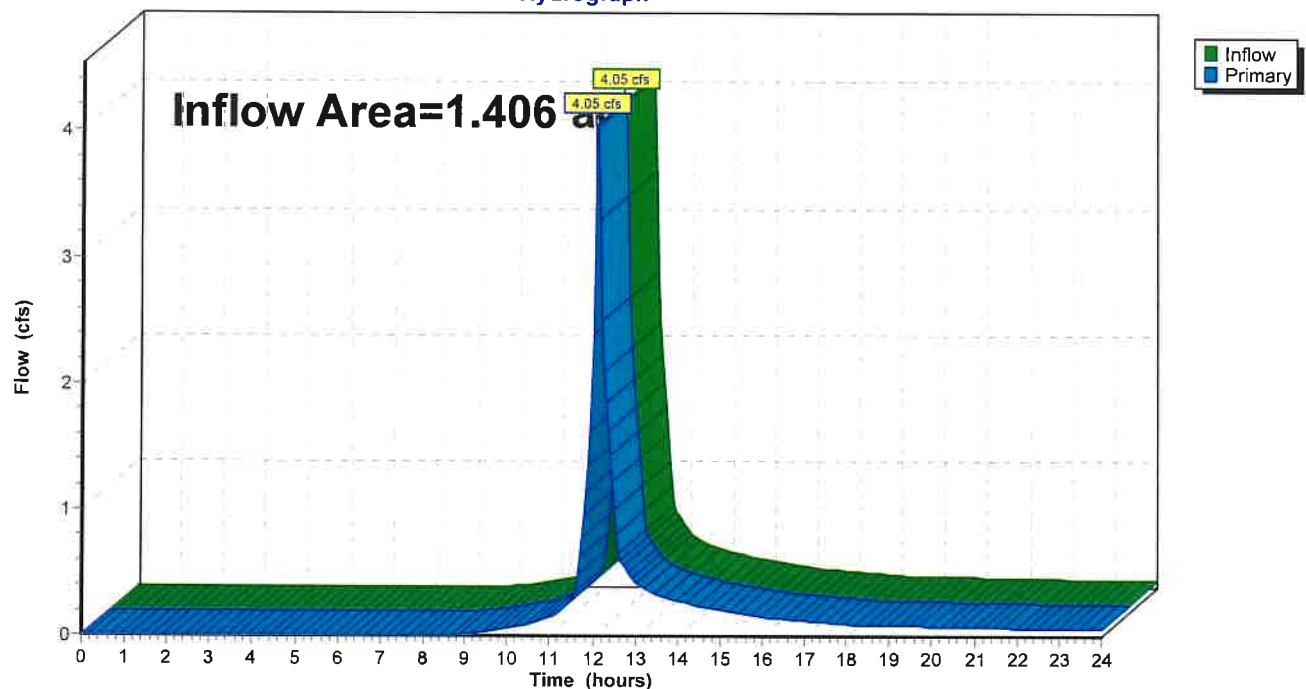
Summary for Pond 2P: Wetland

Inflow Area = 1.406 ac, 12.00% Impervious, Inflow Depth > 2.50" for 10-Year event
Inflow = 4.05 cfs @ 12.09 hrs, Volume= 0.293 af
Primary = 4.05 cfs @ 12.09 hrs, Volume= 0.293 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 2P: Wetland

Hydrograph



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920 South St - Post Development
Type III 24-hr 10-Year Rainfall=4.86"

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Summary for Pond 3P: Inf. #1

Inflow Area = 0.185 ac, 37.90% Impervious, Inflow Depth > 3.05" for 10-Year event
Inflow = 0.64 cfs @ 12.09 hrs, Volume= 0.047 af
Outflow = 0.01 cfs @ 9.75 hrs, Volume= 0.011 af, Atten= 99%, Lag= 0.0 min
Discarded = 0.01 cfs @ 9.75 hrs, Volume= 0.011 af
Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Peak Elev= 225.10' @ 22.19 hrs Surf.Area= 0.032 ac Storage= 0.036 af

Plug-Flow detention time= 313.3 min calculated for 0.011 af (23% of inflow)
Center-of-Mass det. time= 169.1 min (983.2 - 814.1)

Volume	Invert	Avail.Storage	Storage Description
#1A	223.46'	0.027 af	20.83'W x 66.50'L x 3.54'H Field A 0.113 af Overall - 0.044 af Embedded = 0.069 af x 40.0% Voids
#2A	223.96'	0.044 af	Cultec R-330XLHD x 36 Inside #1 Effective Size= 47.8"W x 30.0"H => 7.45 sf x 7.00'L = 52.2 cf Overall Size= 52.0"W x 30.5"H x 8.50'L with 1.50' Overlap Row Length Adjustment= +1.50' x 7.45 sf x 4 rows
		0.072 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	223.46'	0.270 in/hr Exfiltration over Surface area
#2	Secondary	226.00'	12.0" Vert. Orifice/Grate C= 0.600

Discarded OutFlow Max=0.01 cfs @ 9.75 hrs HW=223.50' (Free Discharge)
↑ **1=Exfiltration** (Exfiltration Controls 0.01 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=223.46' (Free Discharge)
↑ **2=Orifice/Grate** (Controls 0.00 cfs)

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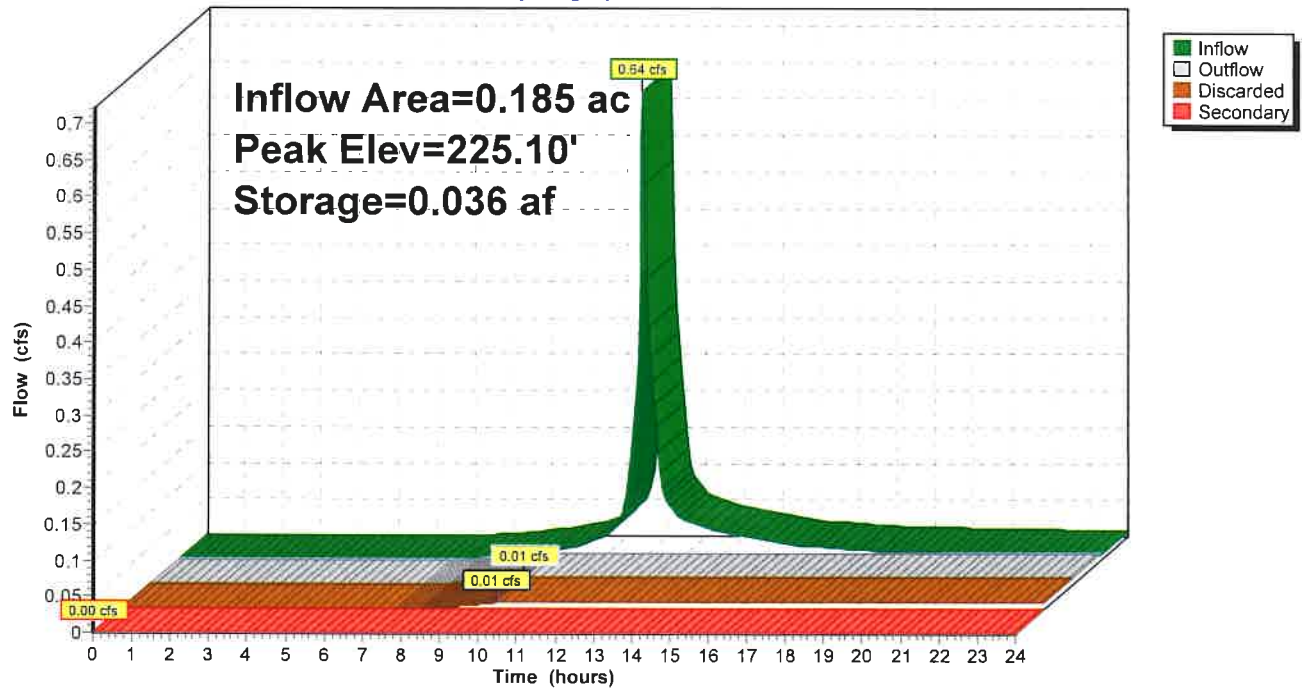
920 South St - Post Development
Type III 24-hr 10-Year Rainfall=4.86"

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Pond 3P: Inf. #1

Hydrograph



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Type III 24-hr 10-Year Rainfall=4.86"

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Summary for Pond 4P: Inf. #2

Inflow Area = 0.271 ac, 48.53% Impervious, Inflow Depth > 3.33" for 10-Year event
Inflow = 1.02 cfs @ 12.09 hrs, Volume= 0.075 af
Outflow = 0.01 cfs @ 9.20 hrs, Volume= 0.016 af, Atten= 99%, Lag= 0.0 min
Discarded = 0.01 cfs @ 9.20 hrs, Volume= 0.016 af
Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Peak Elev= 226.94' @ 23.16 hrs Surf.Area= 0.043 ac Storage= 0.060 af

Plug-Flow detention time= 315.8 min calculated for 0.016 af (21% of inflow)
Center-of-Mass det. time= 157.5 min (962.5 - 805.0)

Volume	Invert	Avail.Storage	Storage Description
#1A	225.00'	0.037 af	25.67'W x 73.50'L x 3.54'H Field A 0.153 af Overall - 0.061 af Embedded = 0.092 af x 40.0% Voids
#2A	225.50'	0.061 af	Cultec R-330XLHD x 50 Inside #1 Effective Size= 47.8"W x 30.0"H => 7.45 sf x 7.00'L = 52.2 cf Overall Size= 52.0"W x 30.5"H x 8.50'L with 1.50' Overlap Row Length Adjustment= +1.50' x 7.45 sf x 5 rows
		0.098 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	225.00'	0.270 in/hr Exfiltration over Surface area
#2	Secondary	228.14'	12.0" Vert. Orifice/Grate C= 0.600

Discarded OutFlow Max=0.01 cfs @ 9.20 hrs HW=225.04' (Free Discharge)
↑ **1=Exfiltration** (Exfiltration Controls 0.01 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=225.00' (Free Discharge)
↑ **2=Orifice/Grate** (Controls 0.00 cfs)

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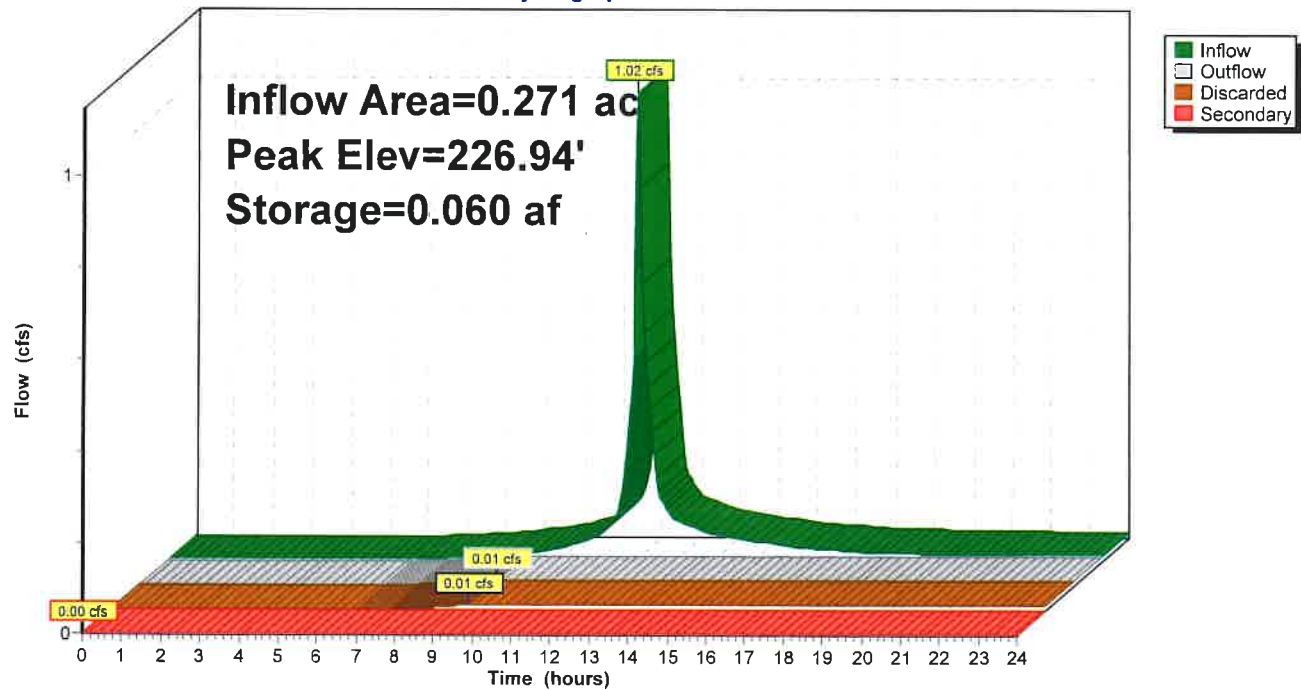
920 South St - Post Development
Type III 24-hr 10-Year Rainfall=4.86"

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Pond 4P: Inf. #2

Hydrograph



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Type III 24-hr 25-Year Rainfall=6.15"

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Summary for Subcatchment 1: Lot #1

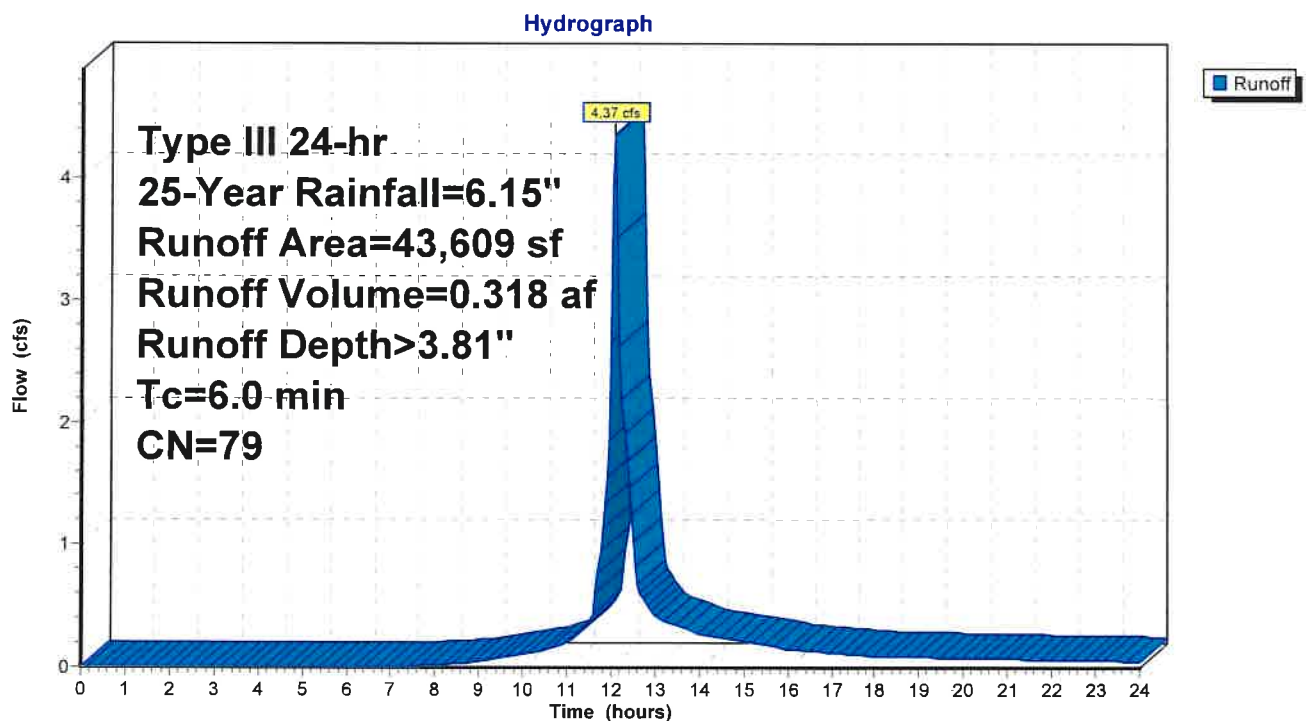
Runoff = 4.37 cfs @ 12.09 hrs, Volume= 0.318 af, Depth> 3.81"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=6.15"

Area (sf)	CN	Description
43,609	79	1 acre lots, 20% imp, HSG C
34,887		80.00% Pervious Area
8,722		20.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 1: Lot #1



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Type III 24-hr 25-Year Rainfall=6.15"

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Summary for Subcatchment 2: Lot #2

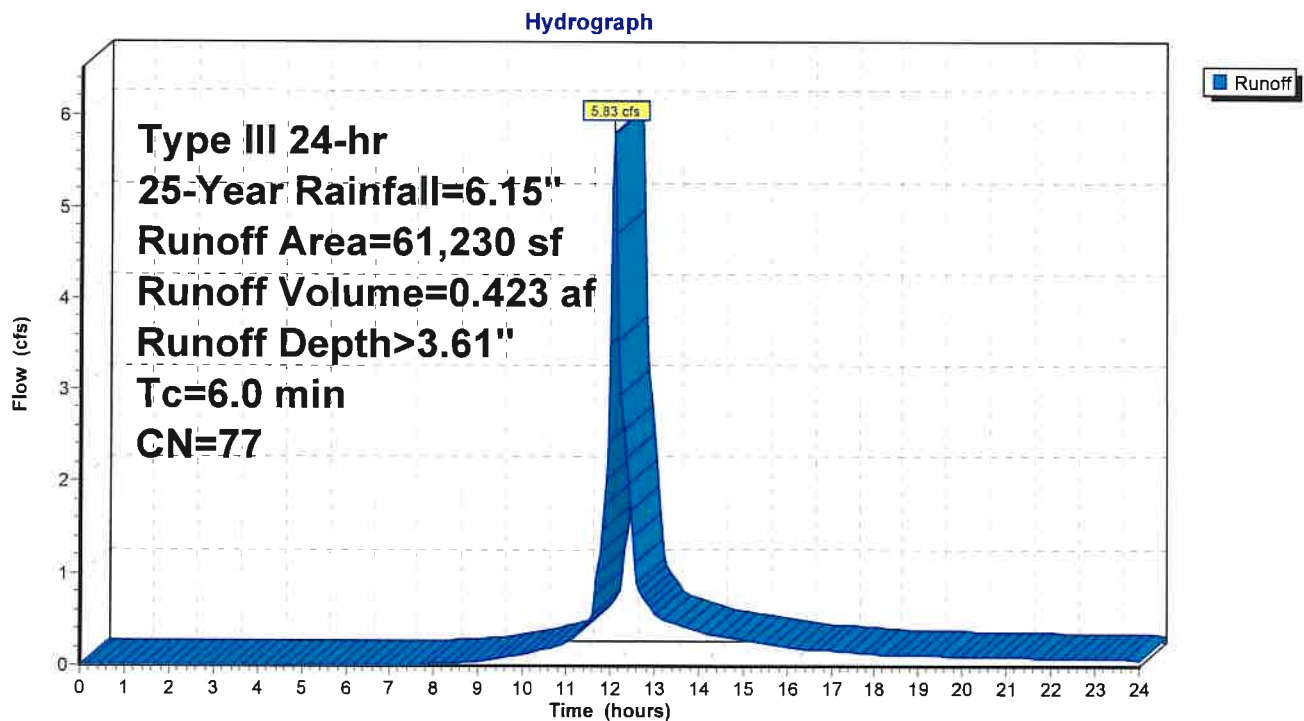
Runoff = 5.83 cfs @ 12.09 hrs, Volume= 0.423 af, Depth> 3.61"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=6.15"

Area (sf)	CN	Description
61,230	77	2 acre lots, 12% imp, HSG C
53,882		88.00% Pervious Area
7,348		12.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 2: Lot #2



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Type III 24-hr 25-Year Rainfall=6.15"

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Summary for Subcatchment 3: Portions of Road

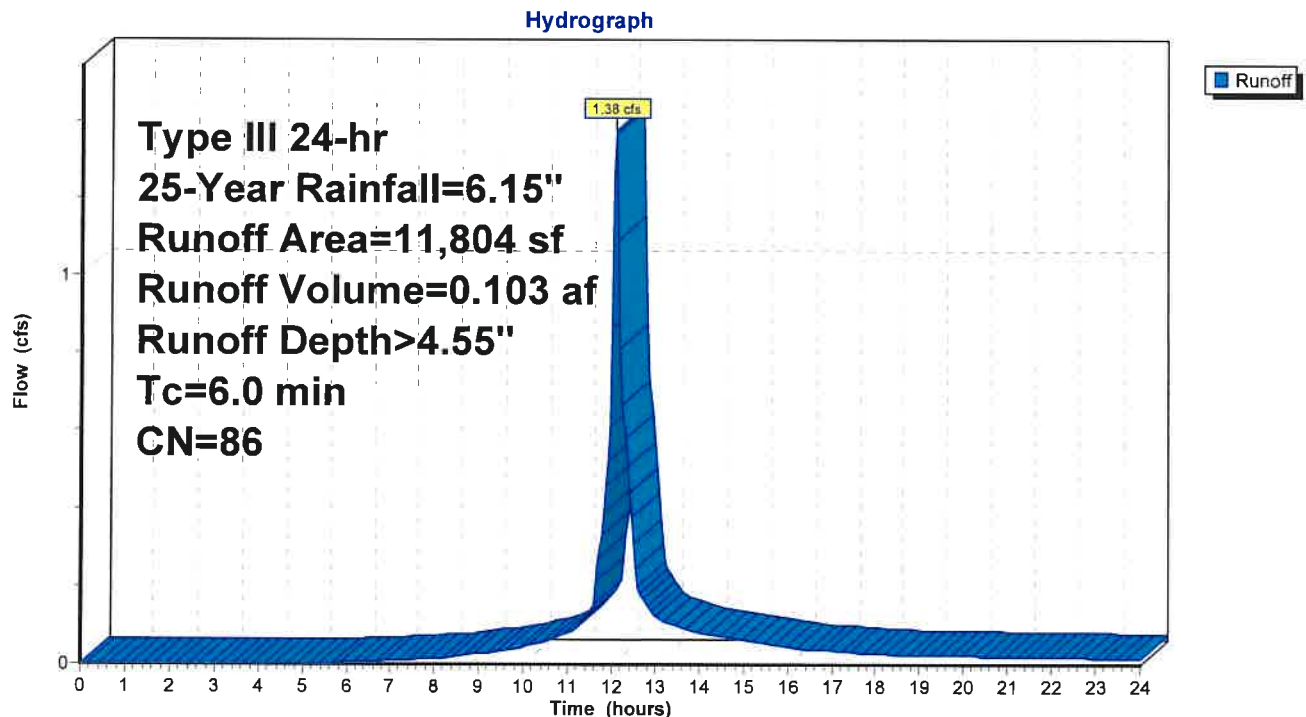
Runoff = 1.38 cfs @ 12.09 hrs, Volume= 0.103 af, Depth> 4.55"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=6.15"

	Area (sf)	CN	Description
*	5,728	98	Portions of Road
	6,076	74	>75% Grass cover, Good, HSG C
	11,804	86	Weighted Average
	6,076		51.47% Pervious Area
	5,728		48.53% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 3: Portions of Road



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Type III 24-hr 25-Year Rainfall=6.15"

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Summary for Subcatchment 4: Portions of Road

Runoff = 0.89 cfs @ 12.09 hrs, Volume= 0.065 af, Depth> 4.23"

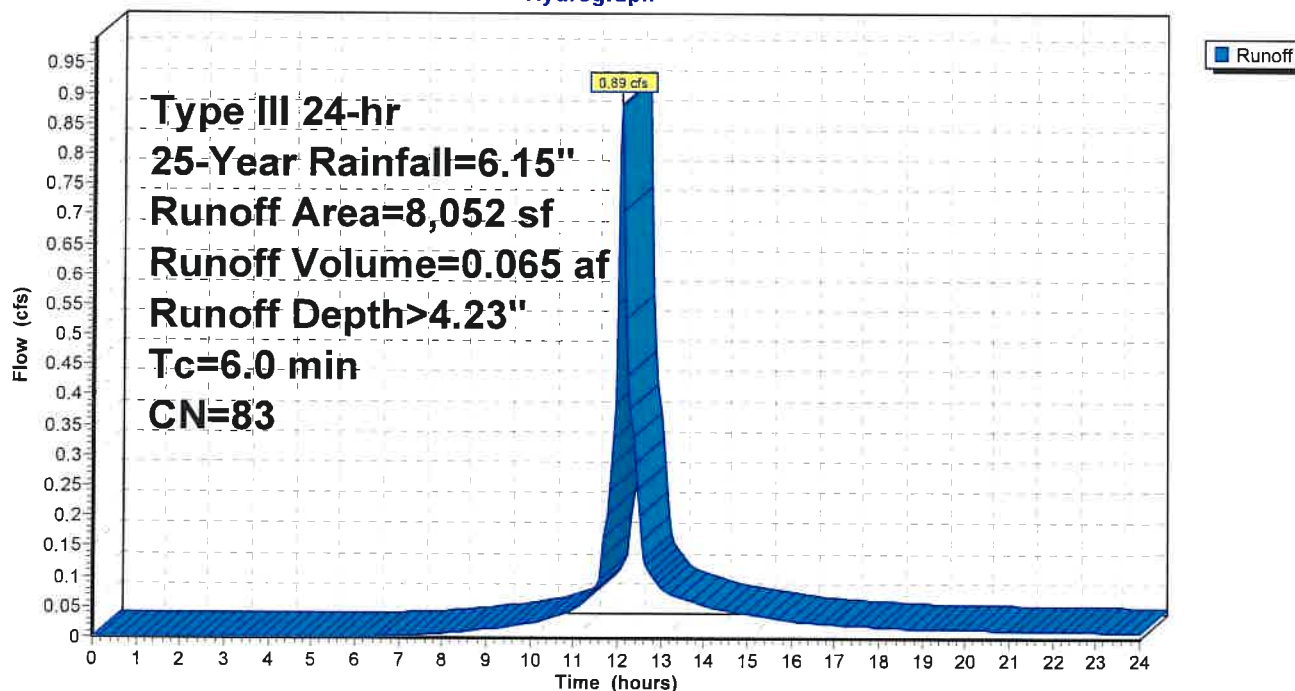
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=6.15"

	Area (sf)	CN	Description
*	3,052	98	Prop. Roadway
	5,000	74	>75% Grass cover, Good, HSG C
	8,052	83	Weighted Average
	5,000		62.10% Pervious Area
	3,052		37.90% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 4: Portions of Road

Hydrograph



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Type III 24-hr 25-Year Rainfall=6.15"

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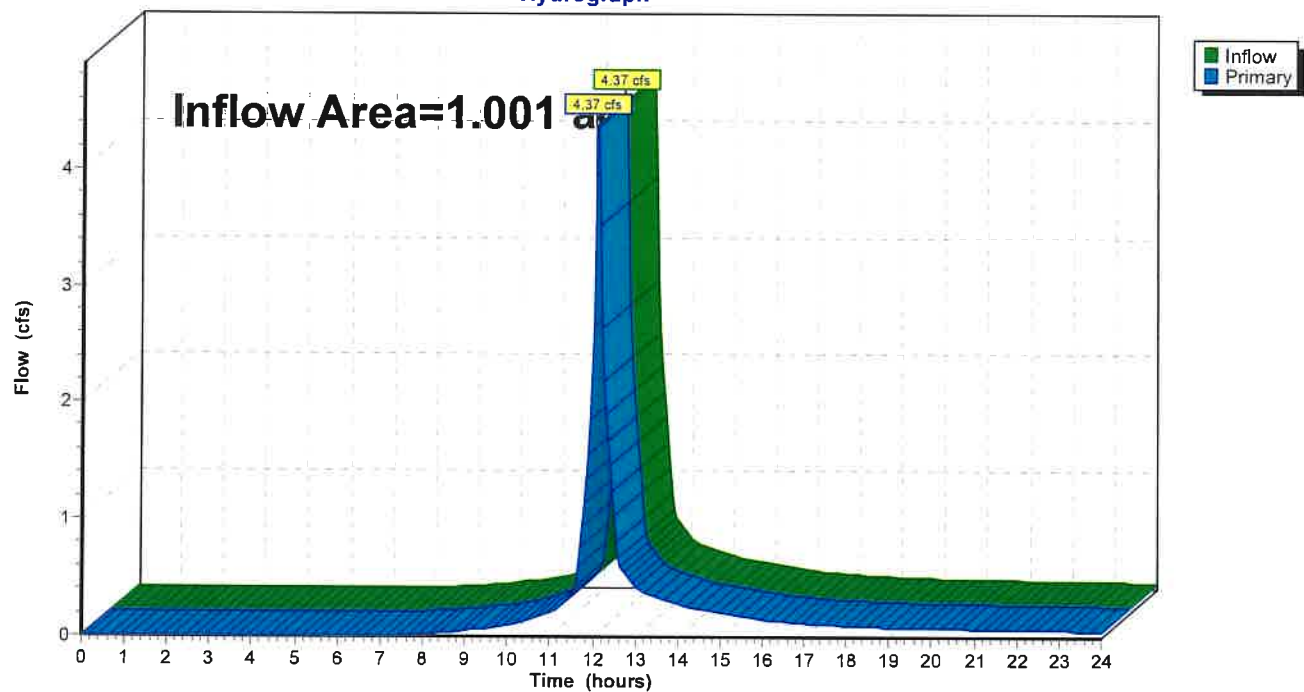
Summary for Pond 1P: South St

Inflow Area = 1.001 ac, 20.00% Impervious, Inflow Depth > 3.81" for 25-Year event
Inflow = 4.37 cfs @ 12.09 hrs, Volume= 0.318 af
Primary = 4.37 cfs @ 12.09 hrs, Volume= 0.318 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 1P: South St

Hydrograph



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Type III 24-hr 25-Year Rainfall=6.15"

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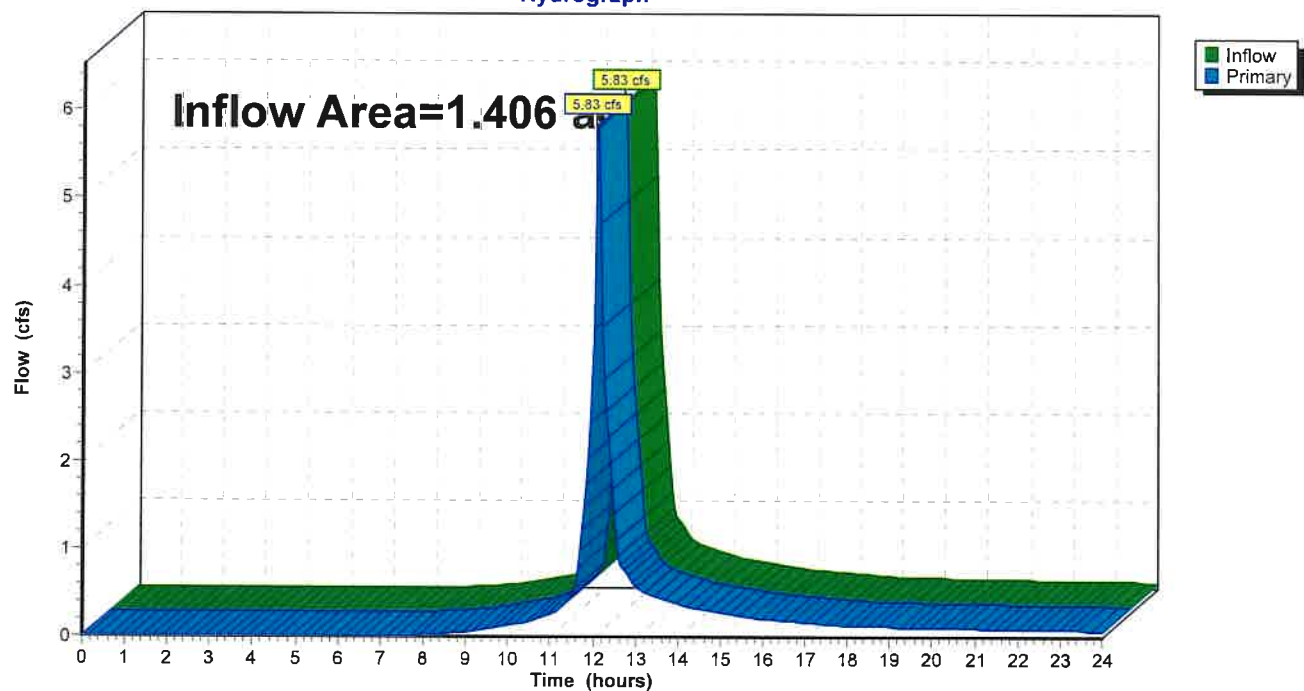
Summary for Pond 2P: Wetland

Inflow Area = 1.406 ac, 12.00% Impervious, Inflow Depth > 3.61" for 25-Year event
Inflow = 5.83 cfs @ 12.09 hrs, Volume= 0.423 af
Primary = 5.83 cfs @ 12.09 hrs, Volume= 0.423 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 2P: Wetland

Hydrograph



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Type III 24-hr 25-Year Rainfall=6.15"

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Summary for Pond 3P: Inf. #1

Inflow Area = 0.185 ac, 37.90% Impervious, Inflow Depth > 4.23" for 25-Year event
Inflow = 0.89 cfs @ 12.09 hrs, Volume= 0.065 af
Outflow = 0.01 cfs @ 8.90 hrs, Volume= 0.012 af, Atten= 99%, Lag= 0.0 min
Discarded = 0.01 cfs @ 8.90 hrs, Volume= 0.012 af
Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Peak Elev= 225.84' @ 24.00 hrs Surf.Area= 0.032 ac Storage= 0.054 af

Plug-Flow detention time= 318.9 min calculated for 0.012 af (18% of inflow)
Center-of-Mass det. time= 150.2 min (955.0 - 804.8)

Volume	Invert	Avail.Storage	Storage Description
#1A	223.46'	0.027 af	20.83'W x 66.50'L x 3.54'H Field A 0.113 af Overall - 0.044 af Embedded = 0.069 af x 40.0% Voids
#2A	223.96'	0.044 af	Cultec R-330XLHD x 36 Inside #1 Effective Size= 47.8"W x 30.0"H => 7.45 sf x 7.00'L = 52.2 cf Overall Size= 52.0"W x 30.5"H x 8.50'L with 1.50' Overlap Row Length Adjustment= +1.50' x 7.45 sf x 4 rows
		0.072 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	223.46'	0.270 in/hr Exfiltration over Surface area
#2	Secondary	226.00'	12.0" Vert. Orifice/Grate C= 0.600

Discarded OutFlow Max=0.01 cfs @ 8.90 hrs HW=223.50' (Free Discharge)
↑ **1=Exfiltration** (Exfiltration Controls 0.01 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=223.46' (Free Discharge)
↑ **2=Orifice/Grate** (Controls 0.00 cfs)

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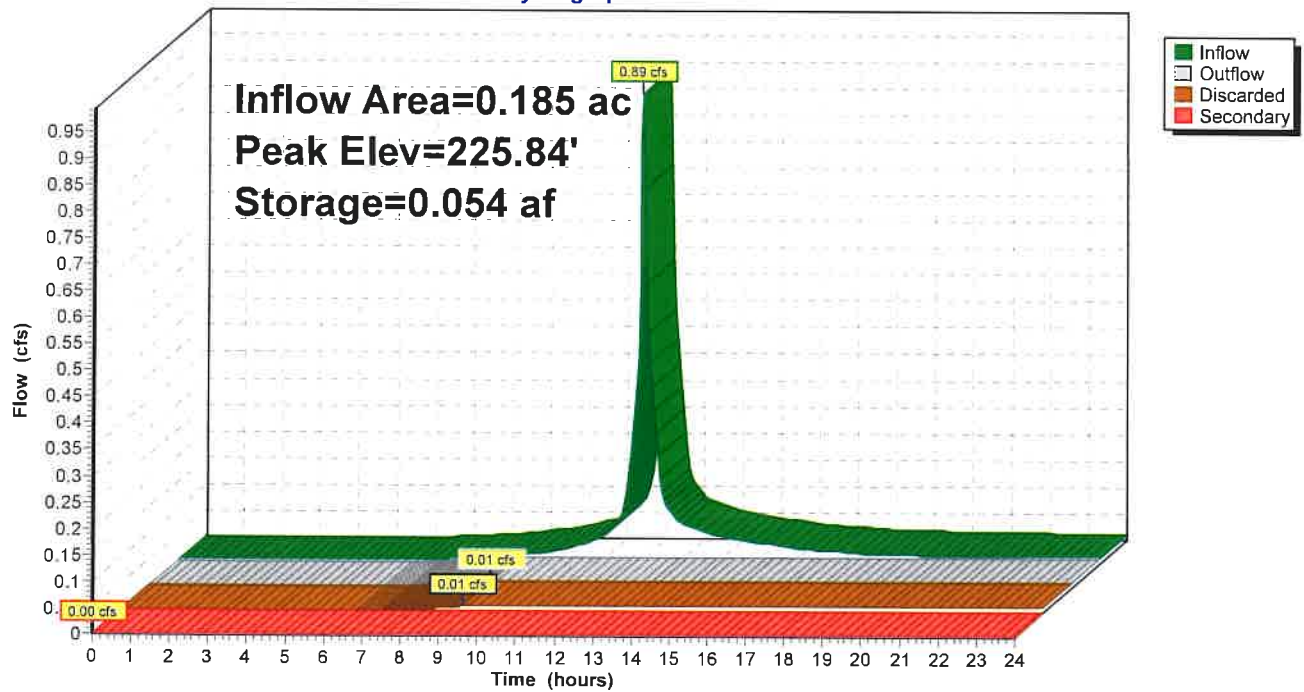
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Type III 24-hr 25-Year Rainfall=6.15"

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Pond 3P: Inf. #1

Hydrograph



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Type III 24-hr 25-Year Rainfall=6.15"

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Summary for Pond 4P: Inf. #2

Inflow Area = 0.271 ac, 48.53% Impervious, Inflow Depth > 4.55" for 25-Year event
Inflow = 1.38 cfs @ 12.09 hrs, Volume= 0.103 af
Outflow = 0.01 cfs @ 8.35 hrs, Volume= 0.016 af, Atten= 99%, Lag= 0.0 min
Discarded = 0.01 cfs @ 8.35 hrs, Volume= 0.016 af
Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Peak Elev= 227.87' @ 24.00 hrs Surf.Area= 0.043 ac Storage= 0.086 af

Plug-Flow detention time= 326.2 min calculated for 0.016 af (16% of inflow)
Center-of-Mass det. time= 136.7 min (933.0 - 796.3)

Volume	Invert	Avail.Storage	Storage Description
#1A	225.00'	0.037 af	25.67'W x 73.50'L x 3.54'H Field A 0.153 af Overall - 0.061 af Embedded = 0.092 af x 40.0% Voids
#2A	225.50'	0.061 af	Cultec R-330XLHD x 50 Inside #1 Effective Size= 47.8"W x 30.0"H => 7.45 sf x 7.00'L = 52.2 cf Overall Size= 52.0"W x 30.5"H x 8.50'L with 1.50' Overlap Row Length Adjustment= +1.50' x 7.45 sf x 5 rows
		0.098 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	225.00'	0.270 in/hr Exfiltration over Surface area
#2	Secondary	228.14'	12.0" Vert. Orifice/Grate C= 0.600

Discarded OutFlow Max=0.01 cfs @ 8.35 hrs HW=225.04' (Free Discharge)
↑1=Exfiltration (Exfiltration Controls 0.01 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=225.00' (Free Discharge)
↑2=Orifice/Grate (Controls 0.00 cfs)

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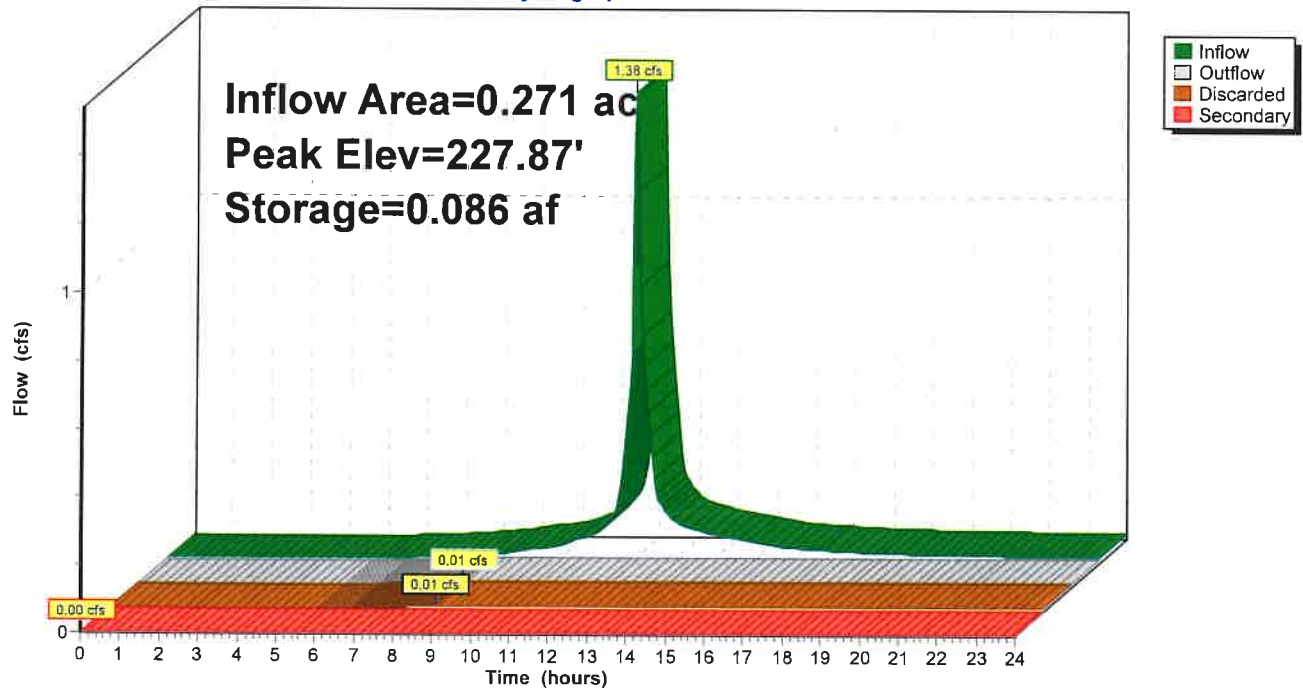
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Type III 24-hr 25-Year Rainfall=6.15"

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Pond 4P: Inf. #2

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Type III 24-hr 100-Year Rainfall=8.80"

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Summary for Subcatchment 1: Lot #1

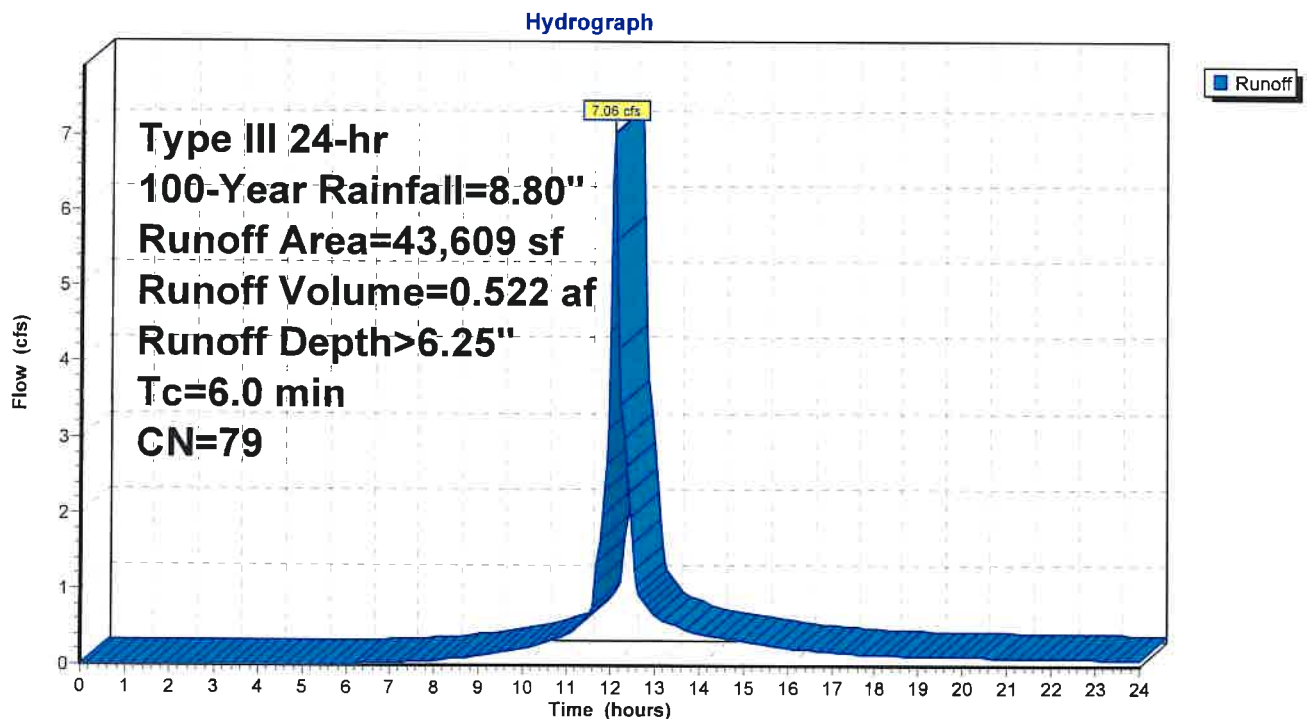
Runoff = 7.06 cfs @ 12.09 hrs, Volume= 0.522 af, Depth> 6.25"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 100-Year Rainfall=8.80"

Area (sf)	CN	Description
43,609	79	1 acre lots, 20% imp, HSG C
34,887		80.00% Pervious Area
8,722		20.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 1: Lot #1



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Type III 24-hr 100-Year Rainfall=8.80"

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Summary for Subcatchment 2: Lot #2

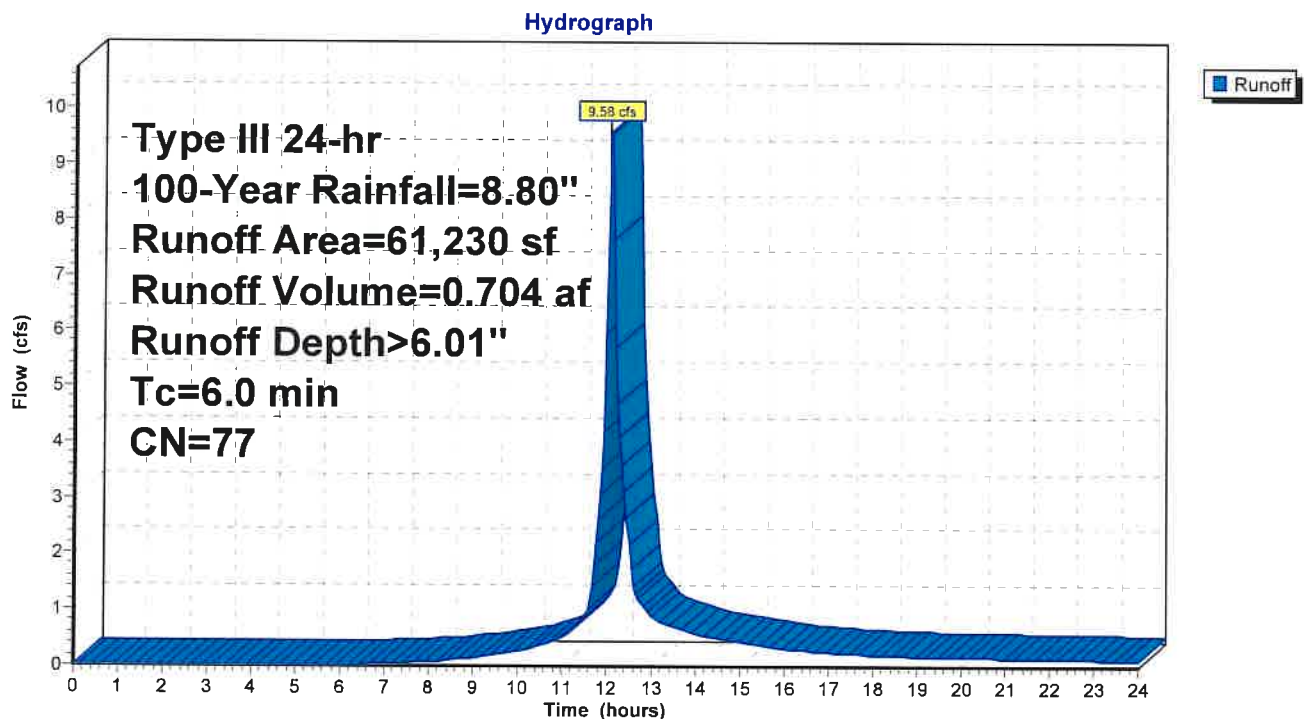
Runoff = 9.58 cfs @ 12.09 hrs, Volume= 0.704 af, Depth> 6.01"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 100-Year Rainfall=8.80"

Area (sf)	CN	Description
61,230	77	2 acre lots, 12% imp, HSG C
53,882		88.00% Pervious Area
7,348		12.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct Entry

Subcatchment 2: Lot #2



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Type III 24-hr 100-Year Rainfall=8.80"

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Summary for Subcatchment 3: Portions of Road

Runoff = 2.10 cfs @ 12.09 hrs, Volume= 0.160 af, Depth> 7.10"

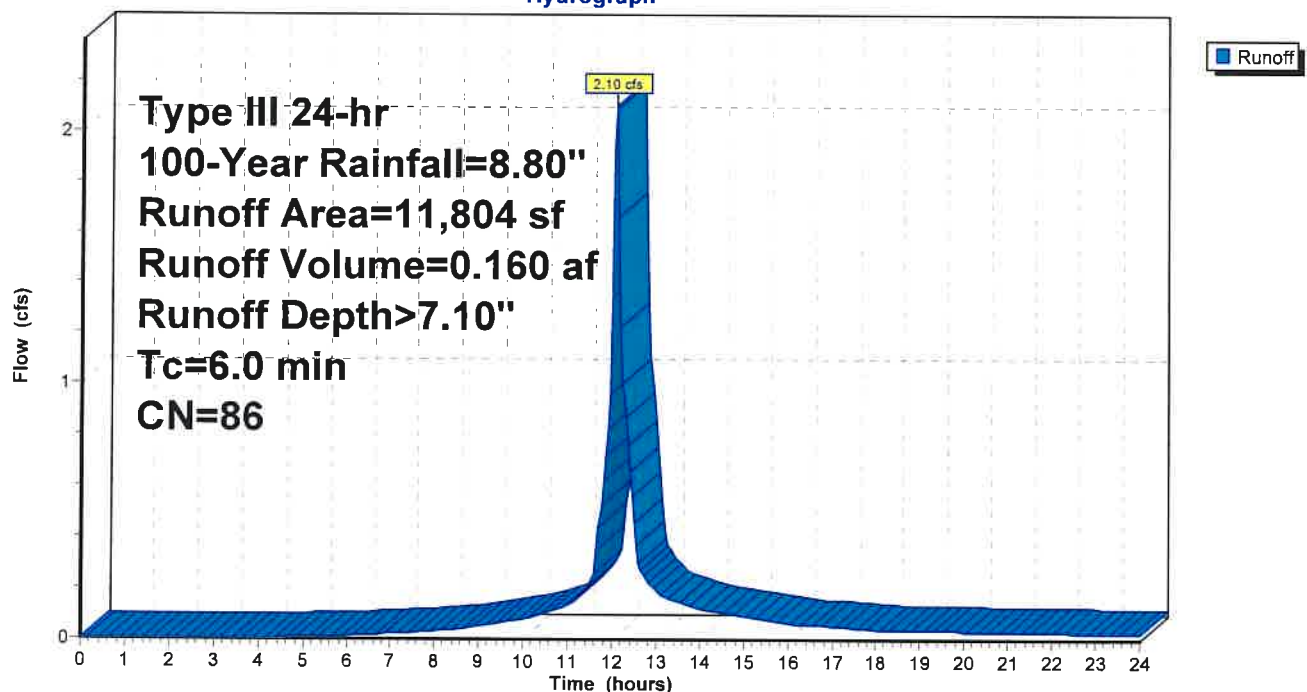
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 100-Year Rainfall=8.80"

Area (sf)	CN	Description
* 5,728	98	Portions of Road
6,076	74	>75% Grass cover, Good, HSG C
11,804	86	Weighted Average
6,076		51.47% Pervious Area
5,728		48.53% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 3: Portions of Road

Hydrograph



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Type III 24-hr 100-Year Rainfall=8.80"

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Summary for Subcatchment 4: Portions of Road

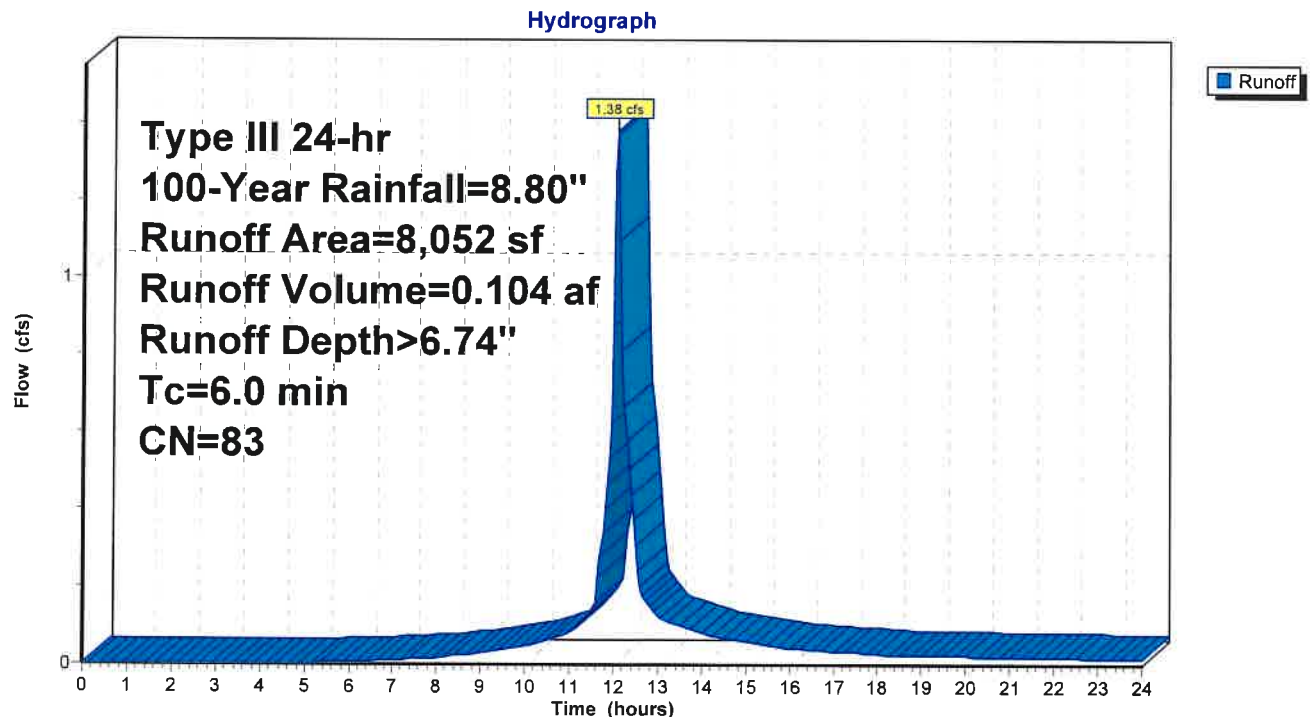
Runoff = 1.38 cfs @ 12.09 hrs, Volume= 0.104 af, Depth> 6.74"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type III 24-hr 100-Year Rainfall=8.80"

	Area (sf)	CN	Description
*	3,052	98	Prop. Roadway
	5,000	74	>75% Grass cover, Good, HSG C
	8,052	83	Weighted Average
	5,000		62.10% Pervious Area
	3,052		37.90% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 4: Portions of Road



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Type III 24-hr 100-Year Rainfall=8.80"

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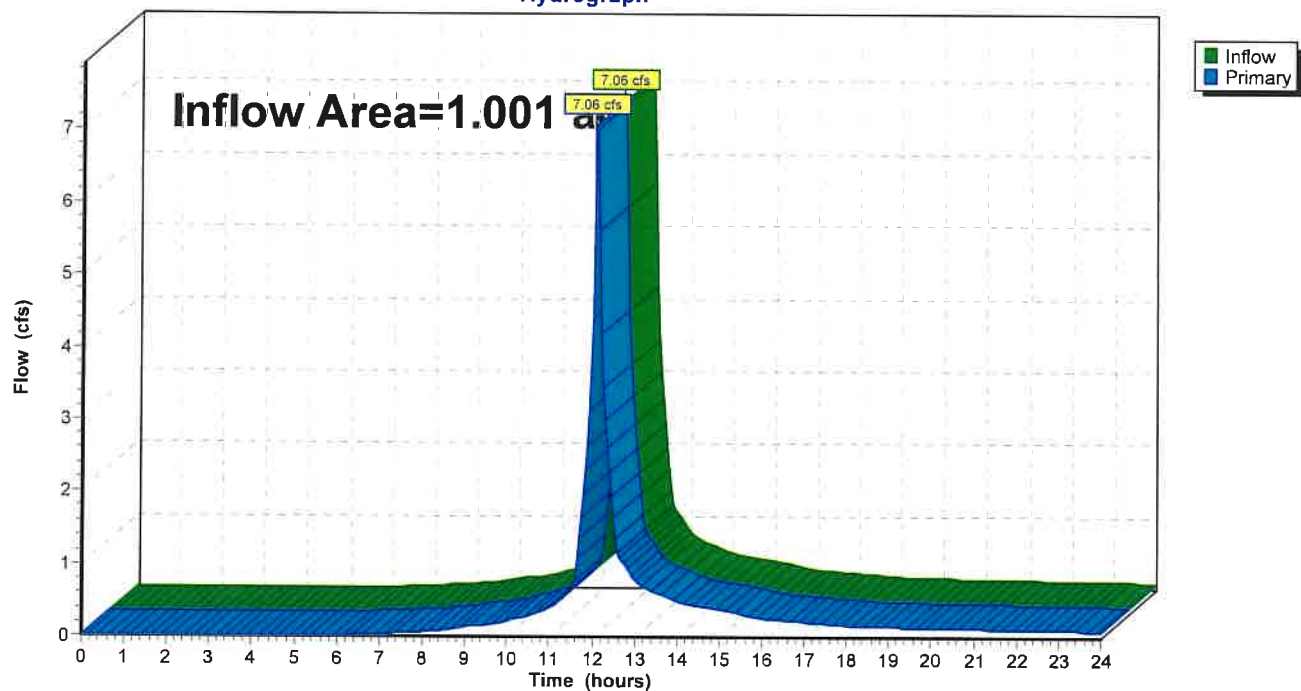
Summary for Pond 1P: South St

Inflow Area = 1.001 ac, 20.00% Impervious, Inflow Depth > 6.65" for 100-Year event
Inflow = 7.06 cfs @ 12.09 hrs, Volume= 0.555 af
Primary = 7.06 cfs @ 12.09 hrs, Volume= 0.555 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 1P: South St

Hydrograph



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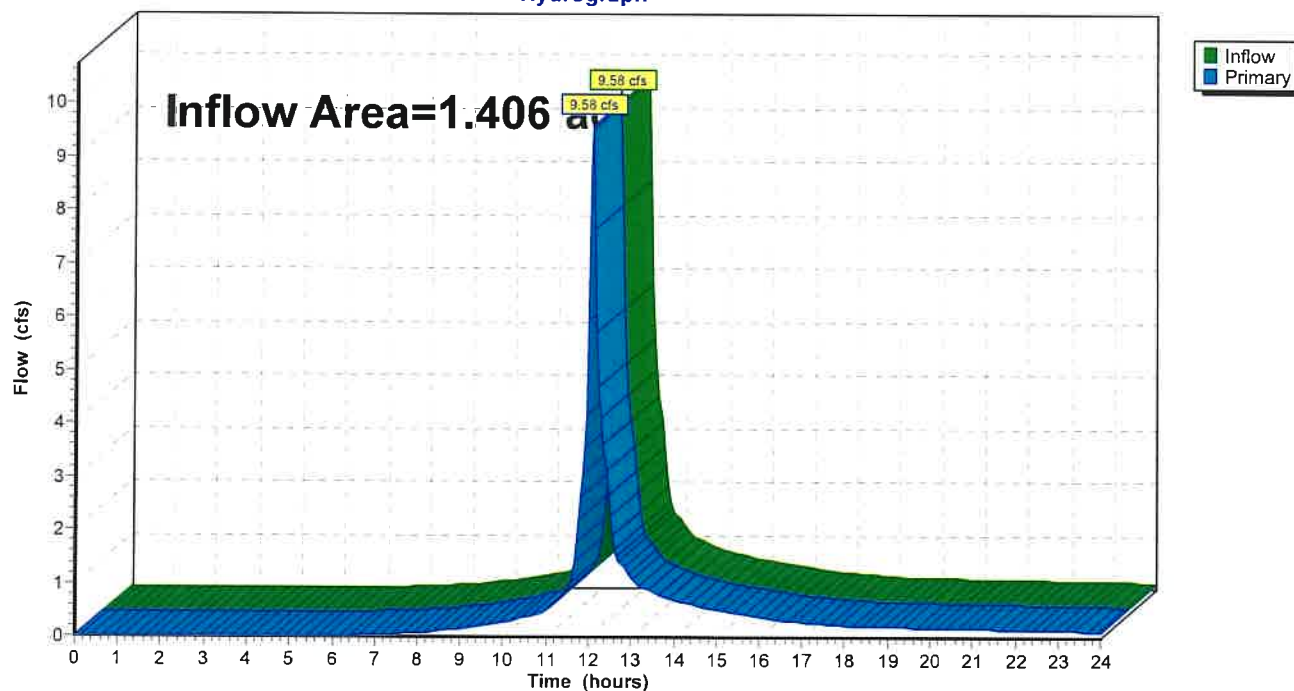
Summary for Pond 2P: Wetland

Inflow Area = 1.406 ac, 12.00% Impervious, Inflow Depth > 6.44" for 100-Year event
Inflow = 9.58 cfs @ 12.09 hrs, Volume= 0.754 af
Primary = 9.58 cfs @ 12.09 hrs, Volume= 0.754 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Pond 2P: Wetland

Hydrograph



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Type III 24-hr 100-Year Rainfall=8.80"

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Summary for Pond 3P: Inf. #1

Inflow Area = 0.185 ac, 37.90% Impervious, Inflow Depth > 6.74" for 100-Year event
Inflow = 1.38 cfs @ 12.09 hrs, Volume= 0.104 af
Outflow = 0.16 cfs @ 12.76 hrs, Volume= 0.046 af, Atten= 88%, Lag= 40.5 min
Discarded = 0.01 cfs @ 7.45 hrs, Volume= 0.013 af
Secondary = 0.15 cfs @ 12.76 hrs, Volume= 0.033 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Peak Elev= 226.19' @ 12.76 hrs Surf.Area= 0.032 ac Storage= 0.061 af

Plug-Flow detention time= 248.4 min calculated for 0.046 af (44% of inflow)
Center-of-Mass det. time= 129.1 min (921.0 - 791.8)

Volume	Invert	Avail.Storage	Storage Description
#1A	223.46'	0.027 af	20.83'W x 66.50'L x 3.54'H Field A 0.113 af Overall - 0.044 af Embedded = 0.069 af x 40.0% Voids
#2A	223.96'	0.044 af	Cultec R-330XLHD x 36 Inside #1 Effective Size= 47.8"W x 30.0"H => 7.45 sf x 7.00'L = 52.2 cf Overall Size= 52.0"W x 30.5"H x 8.50'L with 1.50' Overlap Row Length Adjustment= +1.50' x 7.45 sf x 4 rows
		0.072 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	223.46'	0.270 in/hr Exfiltration over Surface area
#2	Secondary	226.00'	12.0" Vert. Orifice/Grate C= 0.600

Discarded OutFlow Max=0.01 cfs @ 7.45 hrs HW=223.50' (Free Discharge)
↑1=Exfiltration (Exfiltration Controls 0.01 cfs)

Secondary OutFlow Max=0.15 cfs @ 12.76 hrs HW=226.19' (Free Discharge)
↑2=Orifice/Grate (Orifice Controls 0.15 cfs @ 1.47 fps)

South St - Post Development

Prepared by HP

HydroCAD® 10.00-24 s/n 08768 © 2018 HydroCAD Software Solutions LLC

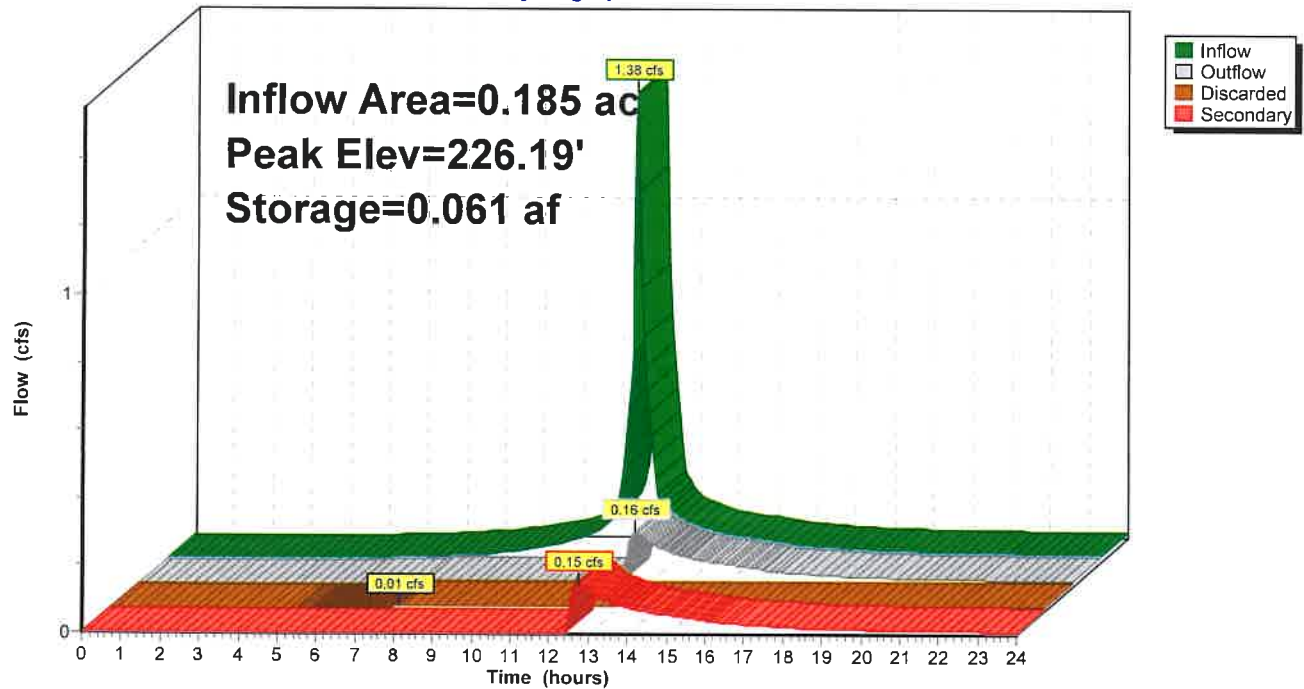
920 South St - Post Development
Type III 24-hr 100-Year Rainfall=8.80"

Printed 9/28/2022

Page 40

Pond 3P: Inf. #1

Hydrograph



South St - Post Development

Prepared by HP

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920 South St - Post Development
Type III 24-hr 100-Year Rainfall=8.80"

Printed 9/28/2022

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Summary for Pond 4P: Inf. #2

Inflow Area = 0.271 ac, 48.53% Impervious, Inflow Depth > 7.10" for 100-Year event
Inflow = 2.10 cfs @ 12.09 hrs, Volume= 0.160 af
Outflow = 0.26 cfs @ 12.70 hrs, Volume= 0.069 af, Atten= 88%, Lag= 36.6 min
Discarded = 0.01 cfs @ 6.80 hrs, Volume= 0.018 af
Secondary = 0.24 cfs @ 12.70 hrs, Volume= 0.051 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Peak Elev= 228.38' @ 12.70 hrs Surf.Area= 0.043 ac Storage= 0.095 af

Plug-Flow detention time= 253.8 min calculated for 0.068 af (43% of inflow)
Center-of-Mass det. time= 130.7 min (915.0 - 784.2)

Volume	Invert	Avail.Storage	Storage Description
#1A	225.00'	0.037 af	25.67'W x 73.50'L x 3.54'H Field A 0.153 af Overall - 0.061 af Embedded = 0.092 af x 40.0% Voids
#2A	225.50'	0.061 af	Cultec R-330XLHD x 50 Inside #1 Effective Size= 47.8"W x 30.0"H => 7.45 sf x 7.00'L = 52.2 cf Overall Size= 52.0"W x 30.5"H x 8.50'L with 1.50' Overlap Row Length Adjustment= +1.50' x 7.45 sf x 5 rows
		0.098 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	225.00'	0.270 in/hr Exfiltration over Surface area
#2	Secondary	228.14'	12.0" Vert. Orifice/Grate C= 0.600

Discarded OutFlow Max=0.01 cfs @ 6.80 hrs HW=225.04' (Free Discharge)
↑1=Exfiltration (Exfiltration Controls 0.01 cfs)

Secondary OutFlow Max=0.24 cfs @ 12.70 hrs HW=228.38' (Free Discharge)
↑2=Orifice/Grate (Orifice Controls 0.24 cfs @ 1.67 fps)

South St - Post Development

Prepared by HP

HydroCAD® 10.00-24 s/n 08768 © 2018 HydroCAD Software Solutions LLC

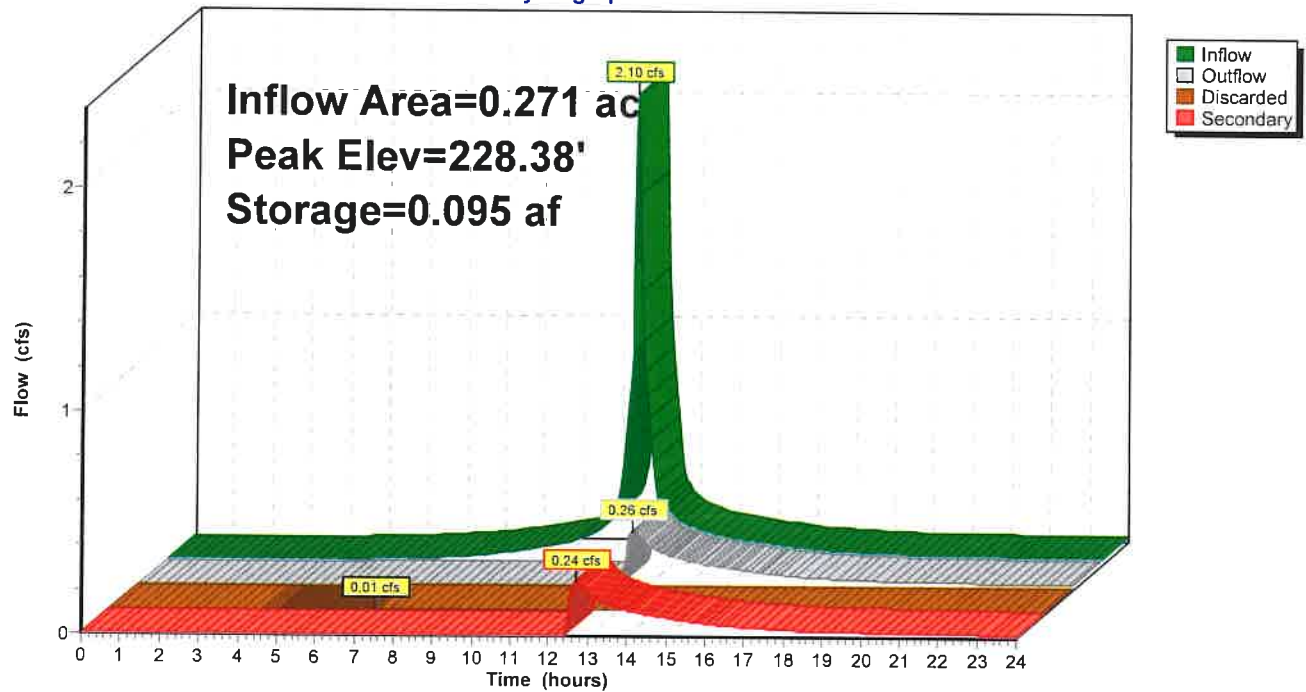
920 South St - Post Development
Type III 24-hr 100-Year Rainfall=8.80"

Printed 9/28/2022

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Pond 4P: Inf. #2

Hydrograph



Norfolk and Suffolk Counties, Massachusetts

103C—Charlton-Hollis-Rock outcrop complex, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2wzp1

Elevation: 0 to 1,390 feet

Mean annual precipitation: 36 to 71 inches

Mean annual air temperature: 39 to 55 degrees F

Frost-free period: 140 to 240 days

Farmland classification: Not prime farmland

Map Unit Composition

Charlton, extremely stony, and similar soils: 50 percent

Hollis, extremely stony, and similar soils: 20 percent

Rock outcrop: 10 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Charlton, Extremely Stony

Setting

Landform: Ridges, hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Convex, linear

Across-slope shape: Convex

Parent material: Coarse-loamy melt-out till derived from granite, gneiss, and/or schist

Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material

A - 2 to 4 inches: fine sandy loam

Bw - 4 to 27 inches: gravelly fine sandy loam

C - 27 to 65 inches: gravelly fine sandy loam

Properties and qualities

Slope: 8 to 15 percent

Surface area covered with cobbles, stones or boulders: 9.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Low

Capacity of the most limiting layer to transmit water

(Ksat): Moderately low to high (0.14 to 14.17 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)

Available water supply, 0 to 60 inches: Moderate (about 8.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: B

Ecological site: F144AY034CT - Well Drained Till Uplands

Hydric soil rating: No

Description of Hollis, Extremely Stony

Setting

Landform: Ridges, hills

Landform position (two-dimensional): Summit, shoulder, backslope

Landform position (three-dimensional): Nose slope, side slope, crest

Down-slope shape: Convex

Across-slope shape: Linear, convex

Parent material: Coarse-loamy melt-out till derived from granite, gneiss, and/or schist

Typical profile

Oi - 0 to 2 inches: slightly decomposed plant material

A - 2 to 7 inches: gravelly fine sandy loam

Bw - 7 to 16 inches: gravelly fine sandy loam

2R - 16 to 26 inches: bedrock

Properties and qualities

Slope: 8 to 15 percent

Surface area covered with cobbles, stones or boulders: 9.0 percent

Depth to restrictive feature: 8 to 23 inches to lithic bedrock

Drainage class: Somewhat excessively drained

Runoff class: Very high

Capacity of the most limiting layer to transmit water (Ksat): Very low
(0.00 to 0.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)

Available water supply, 0 to 60 inches: Very low (about 2.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: D

Ecological site: F144AY033MA - Shallow Dry Till Uplands

Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Ridges, hills

Parent material: Igneous and metamorphic rock

Typical profile

R - 0 to 79 inches: bedrock

Properties and qualities

Slope: 8 to 15 percent

Depth to restrictive feature: 0 inches to lithic bedrock

Runoff class: Very high

Capacity of the most limiting layer to transmit water (Ksat): Very low
(0.00 to 0.00 in/hr)

Available water supply, 0 to 60 inches: Very low (about 0.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydrologic Soil Group: D

Hydric soil rating: No

Minor Components

Woodbridge, extremely stony

Percent of map unit: 8 percent

Landform: Ground moraines, hills, drumlins

Landform position (two-dimensional): Backslope, footslope

Landform position (three-dimensional): Side slope

Down-slope shape: Convex

Across-slope shape: Linear

Hydric soil rating: No

Canton, extremely stony

Percent of map unit: 5 percent

Landform: Moraines, hills, ridges

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Convex, linear

Across-slope shape: Convex

Hydric soil rating: No

Chatfield, extremely stony

Percent of map unit: 5 percent

Landform: Ridges, hills

Landform position (two-dimensional): Summit, shoulder, backslope

Landform position (three-dimensional): Nose slope, side slope,
crest

Down-slope shape: Convex

Across-slope shape: Linear, convex

Hydric soil rating: No

Ridgebury, extremely stony

Percent of map unit: 2 percent

Landform: Hills, drainageways, drumlins, depressions, ground
moraines

Landform position (two-dimensional): Footslope, toeslope

Landform position (three-dimensional): Head slope, base slope

Down-slope shape: Concave

Across-slope shape: Concave

Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Norfolk and Suffolk Counties, Massachusetts

Survey Area Data: Version 17, Sep 3, 2021

Soil Map—Norfolk and Suffolk Counties, Massachusetts



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFO

The soil surveys that comprise your map are at a scale of 1:25,000.

Warning: Soil Map may not be valid

Enlargement of maps beyond the scale may lead to a misunderstanding of the detail of map line placement. The maps do not show contrasting soils that could have been shown at a larger scale.

Please rely on the bar scale on each map for measurements.

Source of Map: Natural Resource
Web Soil Survey URL:

Coordinate System: Web Mercator

Maps from the Web Soil Survey are in the Web Mercator projection, which preserves directional distance and area. A projection that uses the Albers equal-area conic projection, for more accurate calculations of distance or area.

This product is generated from the data of the version date(s) listed below.

Soil Survey Area: Norfolk and Suffolk Counties
Survey Area Data: Version 17, September 2017

Soil map units are labeled (as space permits) at a scale of 1:50,000 or larger.

Date(s) aerial images were photographed: 2017, 2022

The orthophoto or other base map is a composite of aerial photography compiled and digitized probably from different years. Shifting of map unit boundaries may occur.

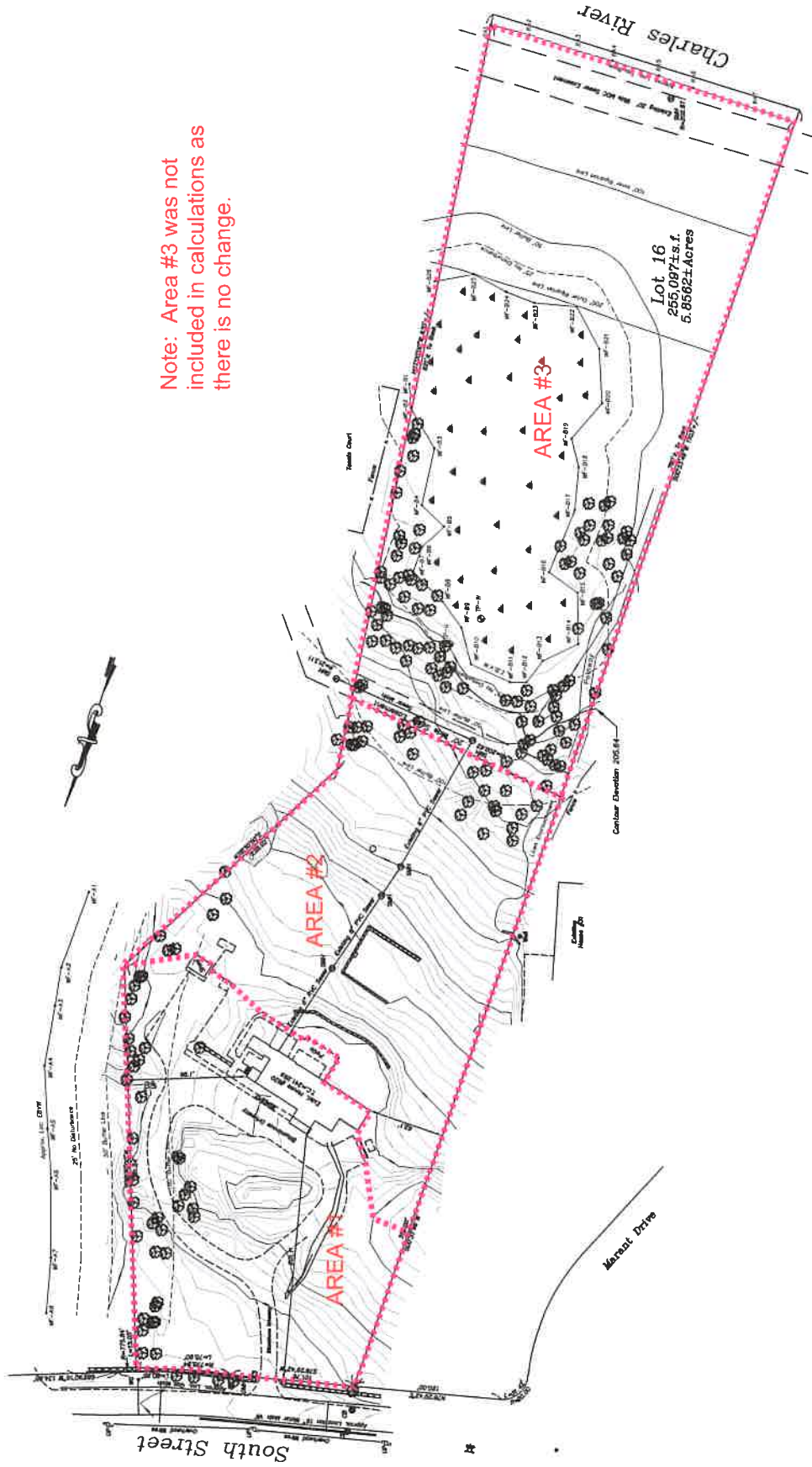


Natural Resources
Conservation Service

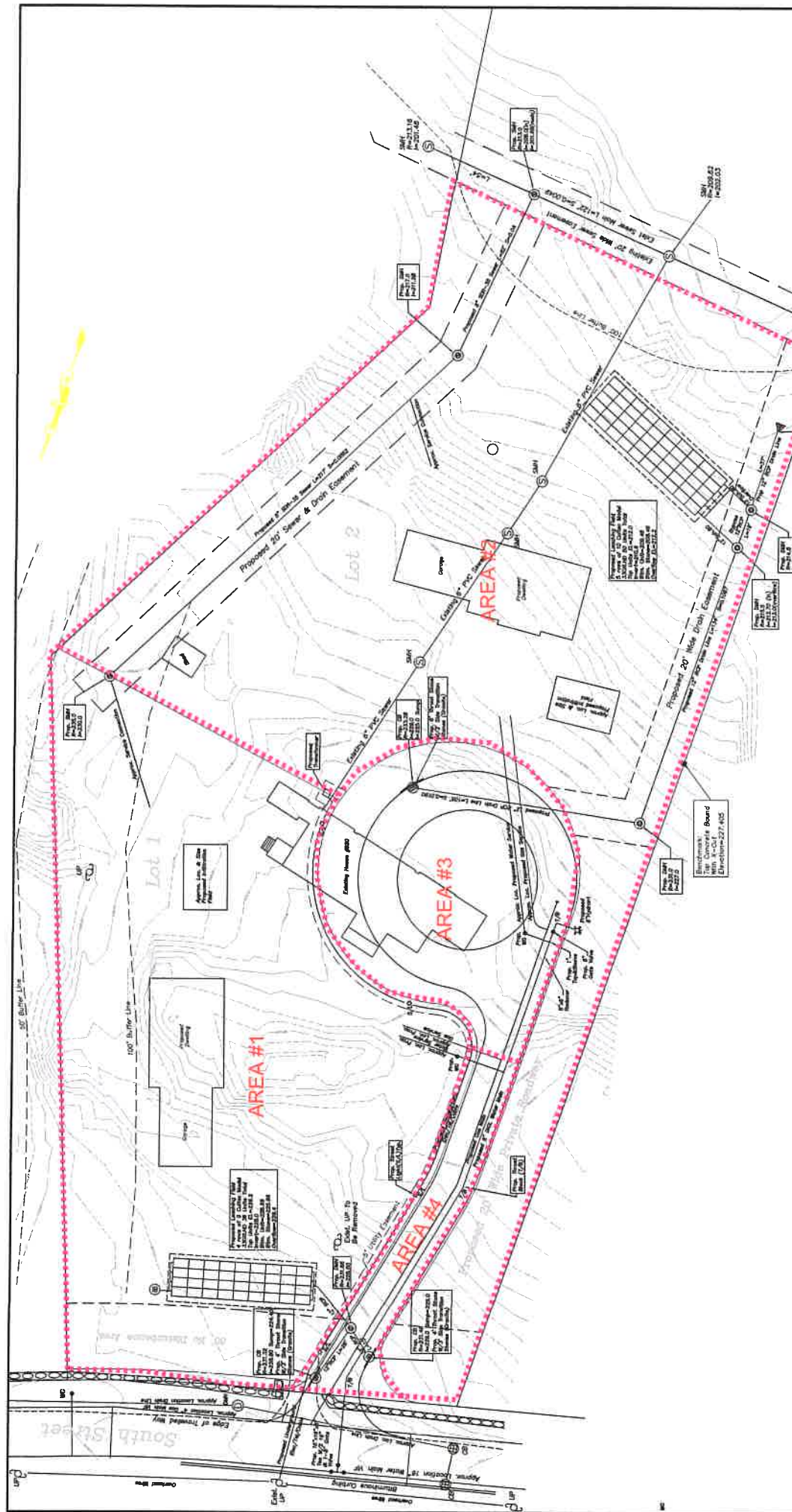
Web Soil Survey
National Cooperative Soil Survey

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
103C	Charlton-Hollis-Rock outcrop complex, 8 to 15 percent slopes	2.1	100.0%
Totals for Area of Interest		2.1	100.0%



~Pre Development Catchment Area Plan~	
920 South Street	
Needham, Massachusetts	
Scale: n.f.s.	September 28, 2022
VERNE T. PORTER Jr, PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street, Newton, Ma. 02464	
Project: 22018	Drawn By:
Designed By:	Checked By:
Sheet 1 of 2	



~Post Development Catchment Area Plan~	
920 South Street	
Needham, Massachusetts	
Scale: n.t.s., September 28, 2022	
VERNE T. PORTER JR, PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street, Newton, Ma. 02464	
Project: 2019	Sheet: 2 of 2
Designed By:	Drawn By:
Checked By:	

Owner/Applicant:
Bryn Corporation
1000 Main Street
Needham, MA 02462
Cell: 617-799

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of the Scenic Road Act, M.G.L. Chapter 40A, S. 15C, the Needham Planning Board will hold a public hearing on Monday, December 19, 2022, at 8:00 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264 (further instructions for accessing by zoom are below), regarding the application of Brian Connaughton, 920 South Street, Needham, MA, for consent to remove approximately 26 feet of existing stone wall on South Street, a designated Scenic Road, for the purpose of creating a new subdivision road. In addition, two trees need to be removed that are partially within the layout of South Street. One is an 18-inch diameter tree that is situated 14 inches in the layout of South Street and 4 inches on the Premises, and the other is a 22-inch diameter tree, situated 6 inches in the layout of South Street and 16 inches on the Premises. The Needham Tree Warden will hold a concurrent hearing under M.G.L., Chapter 87, the Shade Tree Law. The affected property is located on the southerly side of South Street at 920 South Street and is shown on Assessor's Map 205 as Parcel 6. The stone wall section proposed to be removed is to accommodate a new roadway access to the site for a two-lot subdivision. The proposed activities are shown on a Definitive Subdivision Plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022; Sheet 8, entitled "Detail Sheet," dated September 9, 2022; Sheet 9, entitled "Detail Sheet," dated September 9, 2022, as well as Plan prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, entitled "Street Opening Sketch Plan, 920 South Street, Needham Massachusetts," dated November 14, 2022.

To view and participate in this virtual meeting on your phone, download the "Zoom Cloud Meetings" app in any app store or at www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the following Meeting ID: 880 4672 5264

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click "Join a Meeting" and enter the following ID: 880 4672 5264

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

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: 880 4672 5264

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

The application may be viewed at this link:

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

NEEDHAM PLANNING BOARD

Needham Hometown Weekly: December 1, 2022 and December 8, 2022.

NOTICE

TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT

NOTICE is hereby given that Brian Connaughton, has petitioned for the removal of two (2)

PUBLIC SHADE TREES

As follows: At 920 South St., on the front edge of property

<u>SPECIES</u>	<u>DIAMETER</u>	<u>CONDITION</u>
<u>White Pine</u>	<u>22 inches</u>	<u>Poor</u>
<u>White Pine</u>	<u>18 inches</u>	<u>Poor</u>

Permission is respectfully requested to remove two (2) Public Shade Trees.

A PUBLIC HEARING will be held in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue., Needham, Massachusetts at **8:00 P.M, Monday the 19th day of December, 2022,** at which time and place all interested persons may appear and be heard.

Needham Select Board

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6095

November 16, 2022

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

Re: 920 South Street
Application for Public Hearing Under the Scenic Road Act
Brian Connaughton

Dear Lee,

In connection with the above referenced Application for Public Hearing Under the Scenic Road Act relative to the property at 920 South Street, Needham, MA 02492 (the "Premises"), provided herewith please find a "Street Opening Sketch Plan", dated November 14, 2022, prepared by Verne T. Porter, Jr., PLS (hereinafter the "Sketch Plan"). Same is provided to supplement the previously submitted Definitive Subdivision materials and Application for Public Hearing Under the Scenic Road Act.

As shown on the Sketch Plan, there is approximately 26 feet of existing stone wall that needs to be removed to make way for the proposed new subdivision roadway. In addition, a short return, at the new end of the wall is proposed, to match the existing stone wall return on the opposite side.

In addition, two trees need to be removed that are partially within the layout of South Street. One is an 18 inch diameter tree that is situated 14 inches in the layout of South Street and 4 inches on the Premises, and the other is a 22 inch diameter tree, situated 6 inches in the layout of South Street and 16 inches on the Premises. Whereas M.G.L. c.87, Section 1 defines a public shade tree to include "all trees within a public way *or on the boundaries thereof*" (emphasis added), the two trees appear to qualify as public shade trees. Therefore same will need to be addressed through a public hearing held simultaneous with the Scenic Road Act hearing. A separate written request for removal of the two trees and the necessary hearing is being provided to you and to the Tree Warden simultaneous herewith.

Please do not hesitate to let me know if you have any questions or require anything further. As always, your courtesy and assistance are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.

CC Edward Olsen, Parks and Forestry Superintendent

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6095

November 16, 2022

Edward Olsen
Parks and Forestry Superintendent
Town of Needham
500 Dedham Avenue
Needham, MA 02492

Re: 920 South Street
Request for removal of Public Shade Trees
Brian Connaughton

Greetings Superintendent Olsen,

Please be advised that I represent Brian Connaughton relative to his property at 920 South Street, Needham, MA 02492 (the "Premises") and his intent to subdivide same into two buildable lots. In connection therewith, two trees need to be removed that are partially within the layout of South Street, as shown on "Street Opening Sketch Plan", dated November 14, 2022, prepared by Verne T. Porter, Jr., PLS (hereinafter the "Sketch Plan"), provided herewith. One is an 18 inch diameter tree that is situated 14 inches in the layout of South Street and 4 inches on the Premises, and the other is a 22 inch diameter tree, situated 6 inches in the layout of South Street and 16 inches on the Premises. Whereas M.G.L. c.87, Section 1 defines a public shade tree to include "all trees within a public way *or on the boundaries thereof*" (emphasis added), the two trees appear to qualify as public shade trees.

Therefore, please accept this letter as a formal request to remove the said two trees, as well as the necessary hearing relative thereto, to be held simultaneous with the pending Scenic Road hearing with the Planning Board.

Please do not hesitate to let me know if you have any questions or require anything further. Your courtesy and cooperation are appreciated.

Sincerely,



George Giunta, Jr.

CC Lee Newman, Planning Director

South Street

Lot 1

Parcel "A"

19" Town Tree
To Remain

32" Town Tree
To Remain

20" Town Tree
To Remain

Driveway Ent.
Existing 18'

26' of Wall To Be
Removed

Existing Bituminous Driveway

5' Utility Easement
Proposed Edge of Travelled Way
Proposed Street Line

Proposed 20' Wide Private Roadway
Proposed Edge of Travelled Way
Proposed Street Line

22" To Be
Removed 6"
In Street/16"
on Locus

19" To Be
Removed

20" To Be
Removed

18" To Be
Removed 14"
In Street/4"
on Locus

Proposed Wall
Return Match
Existing Easterly
Return

6" To Be
Removed

36" = Tree Diameter

5" Town Tree
To Remain

29" Town Tree
To Remain

Existing Stone Wall—To Remain



Lot 2

STREET OPENING SKETCH PLAN
920 SOUTH STREET
NEEDHAM, MASSACHUSETTS
SCALE: 1"=10' NOVEMBER 14, 2022
VERNE T. PORTER JR., PLS
354 ELLIOT STREET, NEWTON, MA. 02464



Needham Public Health Division

178 Rosemary St., Needham, MA 02494
www.needhamma.gov/health

781-455-7940 ext. 504
781-455-7922 (fax)



MEMO

To: Lee Newman, Planning Department
Alex Clee, Planning Department

From: Tara Gurge, Public Health Division

Date: 10/20/2022

Re: Definitive Subdivision Plan Comments for 920 South Street

This memo is in reference to the Public Health Division comments on the proposed Definitive Subdivision for 920 South Street. This proposed development, once approved, will comprise of two lots. The existing building and shed are to be raised, and two new homes are proposed to be built, one on each lot.

This proposed subdivision would create two (2) individual house lots, with both lots serviced by a newly proposed shared driveway. These lots would be serviced by municipal water and sewer.

The following is a list of Public Health Division comments regarding this proposal:

- Need to ensure that owners/builders fill out the Health Divisions online Notification of Demolition form, for the demolition of the existing main building and shed, along with uploading the required supplemental documents which must be submitted for our review and approval prior to the issuance of the Building Dept. demolition permit(s).

The following additional off-street drainage requirements are indicated:

- 1) All lots should be graded to the limits of construction as to have no standing water or otherwise create a public health nuisance.
- 2) Grading shall not improperly shed or illegally increase drainage onto adjacent properties.
- 3) All subsequent developers or builders should be notified of the off-street drainage requirements.
- 4) If there are difficult or unusual conditions as determined in the field from the approved grading plan, or other circumstances or objections received from abutters, the Board of Health may require an as-built grading plan for further evaluation.
- 5) Following the Board of Health off-street drainage guidelines for a subdivision, a drainage surety of \$3,500.00 will be required for each lot, or \$7,000.00 for the two-lot subdivision.

Please feel free to contact the Public Health Division office if you have any additional questions on those requirements.

From: [Deb Anderson](#)
To: [Alexandra Clee](#); [Clayton Hutchinson](#)
Cc: [Elisa Litchman](#); [Lee Newman](#)
Subject: Re: Request for comment - 920 South Street Subdivision & scenic rd app
Date: Thursday, December 15, 2022 3:37:43 PM

Due to the extensive wetland resource areas located on this site, the applicant will be required to contact Conservation for any proposed work or disturbance on the property including but not limited to tree removal, excavation, construction, etc...to determine whether a filing with the Conservation Commission is required.

Debbie Anderson
Director of Conservation
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 x 248

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, December 15, 2022 3:30:14 PM
To: Deb Anderson <andersond@needhamma.gov>; Clayton Hutchinson <chutchinson@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Request for comment - 920 South Street Subdivision & scenic rd app

Will you be able to get me comments by today or first thing in the morning?

If not, it's okay, then I would ask for before Monday evening.

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

From: Alexandra Clee
Sent: Tuesday, November 29, 2022 1:17 PM
To: Deb Anderson <andersond@needhamma.gov>; Clayton Hutchinson <chutchinson@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: FW: Request for comment - 920 South Street Subdivision & scenic rd app

Sorry, should have sent to Conservation too

Alexandra Clee
Assistant Town Planner

Needham, MA
www.needhamma.gov

From: Alexandra Clee

Sent: Tuesday, November 8, 2022 11:29 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

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

Subject: Request for comment - 920 South Street Subdivision & scenic rd app

Dear all,

We have received an application materials for a proposed subdivision and scenic road proposal at 920 South Street. The proposal is to subdivide the Premises into two building lots, as well as a small non-buildable parcel along South Street. Both of the new lots will have frontage on and will be served by and accessed from the proposed new roadway.

More information can be found in the application, which is attached.

The Planning Board has scheduled this matter for December 19, 2022. Please send your comments by Wednesday December 14, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for a Definitive Subdivision, with Exhibit A (List of Waivers) and Exhibit B (Description).
2. Letter from Brian Connaughton, dated September 30, 2022.
3. Application for Scenic Road permit.
4. Letter from George Giunta Jr., Attorney, dated September 30, 2022.
5. Plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022; Sheet 8, entitled "Detail Sheet," dated September 9, 2022; Sheet 9, entitled "Detail Sheet," dated September 9, 2022.
6. Drainage Summary, Proposed Two Lot Residential Subdivision, 920 South Street, Needham,

MA, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, dated September 28, 2022.

Thank you, alex.

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

From: Justin Savignano <jsavignano@needhamma.gov>

Sent: Friday, December 16, 2022 1:18 PM

To: Alexandra Clee <aclee@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>

Subject: RE: Request for comment - 920 South Street Subdivision & scenic rd app

Hi Alex,

We have reviewed the plans and application package and have no comments or objections to the 920 south street subdivision project. We will follow up with a letter.

Thanks,

Justin

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Thursday, December 15, 2022 4:47 PM

To: Justin Savignano <jsavignano@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>

Subject: FW: Request for comment - 920 South Street Subdivision & scenic rd app

The 9 page plan set is included in the original email I sent, which I am re-sending.

Thanks, alex.

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

From: Alexandra Clee

Sent: Tuesday, November 8, 2022 11:29 PM

To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

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

Subject: Request for comment - 920 South Street Subdivision & scenic rd app

Dear all,

We have received an application materials for a proposed subdivision and scenic road proposal at 920 South Street. The proposal is to subdivide the Premises into two building lots, as well as a small non-buildable parcel along South Street. Both of the new lots will have frontage on and will be served by and accessed from the proposed new roadway.

More information can be found in the application, which is attached.

The Planning Board has scheduled this matter for December 19, 2022. Please send your comments by Wednesday December 14, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for a Definitive Subdivision, with Exhibit A (List of Waivers) and Exhibit B (Description).
2. Letter from Brian Connaughton, dated September 30, 2022.
3. Application for Scenic Road permit.
4. Letter from George Giunta Jr., Attorney, dated September 30, 2022.
5. Plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022; Sheet 8, entitled "Detail Sheet," dated September 9, 2022; Sheet 9, entitled "Detail Sheet," dated September 9, 2022.
6. Drainage Summary, Proposed Two Lot Residential Subdivision, 920 South Street, Needham, MA, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, dated September 28, 2022.

Thank you, alex.

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

KEEGAN WERLIN LLP

ATTORNEYS AT LAW
99 HIGH STREET, SUITE 2900
BOSTON, MASSACHUSETTS 02110

— — —
(617) 951-1400

TELECOPIER:
(617) 951- 1354

December 19, 2022

BY ELECTRONIC MAIL

aclee@needhamma.gov

Town of Needham Planning Board
c/o Alexandra Clee
1471 Highland Avenue
Needham, MA 02492

Re: 920 South Street Definitive Subdivision: Brian Connaughton, Petitioner

Dear Planning Board Members:

This letter is sent on behalf of Serguei Aliev, owner of the property at 31 Marant Drive in Needham, to provide comments on the referenced subdivision application. Dr. Aliev's property abuts the property that is the subject of the application. Dr. Aliev does not object to the general concept of the subdivision application. However, in order to determine that this subdivision will not adversely affect the property at 31 Marant Drive, there is insufficient information presented in the application about what will be done on proposed Lot 2.

First, the Proposed Utilities Plan shows a proposed drainage easement running down the slope along the western boundary of the 920 South Street property, leading from the cul-de-sac to an infiltration bed and flared outlet located near the bottom of the slope. Presently, that area is covered with mature trees and other vegetation that form a visual buffer between the residence at 31 Marant Drive and that portion of the 920 South Street property. Notably, that plan sheet does not show any of the existing vegetation. Similarly, the Existing Conditions plan does not show any of the vegetation that currently exists on the west side of the 920 South Street property near 31 Marant Drive.

Under **Section 3.2.1** of the Planning Board's Subdivision Regulations, the application was required to include an existing contour plan and *a proposed contour plan*. Under **Section 3.2.3(h)** of the Planning Board's Subdivision Regulations, the application was required to include topographic or contour plans showing contour lines at one (1) foot elevation intervals, both existing *and proposed*. The application materials we have received do not include a proposed contour plan with proposed contours at one-foot intervals.

Letter to Needham Planning Board
Re: 920 South Street Definitive Subdivision
December 19, 2022
Page 2 of 2

Under **Section 3.3.15** of the Planning Board's Subdivision Regulations, the application was required to include construction details showing that "every endeavor" was made to preserve existing trees. The application does not indicate whether the proponent sought the advice of the Park Superintendent or other qualified person with regard to proposed "changes in the level of the ground surface or of the water table around any tree in the subdivision." Similarly, there is no indication in the application materials what kind of effort has been made to preserve existing vegetation and/or to add appropriate vegetation on Lot 2.

One other reason these issues are of concern is that Section 4.2 of the Needham Zoning Bylaw states that in determining residential dwelling height on a lot where there is no existing structure, "the natural grade of the property, prior to any modification, shall be considered the original grade, except in new subdivisions where the original grade shall mean the approved and recorded grade." Here, the "approved and recorded grade" cannot be determined because there is no proposed contour plan.

Dr. Aliev has indicated that the area proposed for stormwater infiltration and discharge on Lot 2 tends to have an elevated water table. It is not clear that any study was done to determine where the water table elevation is at the proposed location of this discharge. Based on recent communications with the petitioner, it seems there may be a possibility to relocate that discharge further to the east and away from this part of the Alievs' property line. However, without a proposed contour plan for Lot 2, there is no way to evaluate how the addition of substantial fill on Lot 2 might affect the water table conditions in this part of Lot 2.

In summary, Dr. Aliev requests that prior to taking action on the application, the Planning Board should require the Petitioner to provide additional details and plans about proposed conditions and contours on Lot 2 as required by the Subdivision Regulations. Thank you.

Sincerely,



Barry P. Fogel

cc: Dr. Serguei Aliev
George Giunta, Jr., Esq.

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 105 Chapel St Needham MA 02492
Name of Applicant CEED Corp
Applicant's Address 15 NELL RD Revere MA 02151
Phone Number 957 250 5132

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

Property Owner's Name Roma Realty Trust
Property Owner's Address 125 Pearl St P.O. Box 850551 Braintree MA 02185
Telephone Number 617 653 0779

Characteristics of Property: Lot Area _____ Present Use _____
Map # _____ Parcel # _____ Zoning District _____

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

To replace existing restaurant with no renovations keeping same casual concept. We are also requesting to transfer the special permit to CEED Corp.

Signature of Applicant (or representative) [Signature] Edison Gutierrez

Address if not applicant 15 NELL RD Revere MA 02151

Telephone # 617 849 1076

Owner's permission if other than applicant _____

[Signature]
SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____

Hearing Date _____ Parties of Interest Notified of Public Hearing _____

Decision Required by _____ Decision/Notices of Decision sent _____

Granted _____

Fee Paid _____ Fee Waived _____

Denied _____

Withdrawn _____

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



PLANNING

TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

TOWN OF NEEDHAM
MASSACHUSETTS
PLANNING BOARD
June 13, 2017

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

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

Major Project Special Permit No. 1991-01
101-105 Chapel Street, Needham, Massachusetts

Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's
TRANSFER OF SPECIAL PERMIT
To TDRG Needham Inc., d/b/a Cook Needham

On June 13, 2017, the Planning Board held a meeting following a written request dated May 19, 2017, from TDRG Inc., Paul Turano, President, (the "Petitioner"), d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021. Paul Turano requested the transfer of Major Project Site Plan Special Permit No. 1991-01 originally issued to Roma Realty Trust, James Pesiridis, Trustee on June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997, and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005 Pursuant to the authority reserved to the Planning Board under Section 2.5 of the March 11, 1997 special permit amendment, the Planning Board waived public notice of the hearing.

Paul Turano stated that he intended to operate the same style of restaurant as the former tenant with a new and refreshed look. The type of operation, the number of seats, and the hours of operation will remain unchanged from what was approved in Major Project Site Plan Special Permit No. 91-01 issued to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997, with only once exception. The Petitioner proposed to open the restaurant at 10:30 a.m. on Saturday and Sunday mornings instead of 11:00 a.m. for brunch service. No changes are proposed on the site other than interior renovations, and no façade changes are proposed.

Decision

On the basis of the evidence presented at the meeting, the Planning Board finds that the proposed transferee intends to operate the business as it had been operated by the prior permit holder. The Planning Board by unanimous vote, after motion duly made and seconded, consents to the transfer by Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's, to TDRG Inc., Paul Turano, President, d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021 of Major Project Site Plan Special Permit No. 91-01 dated June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997 and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005, to use the premises at 101-105 Chapel Street as a restaurant operation with an accessory take-out component, subject to the following conditions.

1. The Planning Board's Major Project Site Plan Special Permit Decision No. 91-01 dated June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997 and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005, is incorporated herein by reference and all conditions therein imposed remain in full force and effect except as otherwise authorized herein.
2. The Petitioner shall be permitted to open the restaurant at 10:30 a.m. on Saturday and Sunday mornings instead of 11:00 a.m. for brunch service. All other hours of operation are to remain unchanged from those of the underlying permit.
3. The restaurant shall contain the floor plan and dimensions and shall be located on that portion of the locus as shown on the plan sheet A1, prepared by kas I kripper architecture Studio, inc., 36 Bromfield, Suite 501, Boston, Massachusetts, dated May 23, 2017, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions, counters or seating is of no concern to the Board. Any changes, revisions or modifications other than changes deemed "minor movement" to the plan shall require approval by the Board.
3. This special permit may not be transferred without the prior approval of the Planning Board, upon such notice and hearing as the Board in its discretion shall deem necessary or appropriate.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Major Site Plan Special Permit amendment shall not take effect until the Petitioner has delivered written evidence of recording to the Planning Board.

Witness our hands this 13th day of June 2017.

NEEDHAM PLANNING BOARD

Ted Owens
Ted Owens, Chairperson

Paul S. Alpert
Paul S. Alpert, Vice Chairperson

Martin Jacobs
Martin Jacobs

Elizabeth J. Grimes
Elizabeth J. Grimes

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

June 13 2017

On this 13 day of June 2017, before me, the undersigned notary public, personally appeared Ted Owens, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Alexandra Clee
Notary Public

My Commission Expires: March 18, 2022

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department
Paul Turano
Parties in Interest

Diana Sepulveda
15 Nell rd
Revere Ma 02151

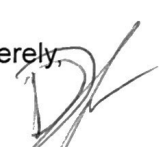
Lee Newman
Director of Planning
Town of Needham
1471 Highland Ave
Needham, MA 02492

Dear Mrs. Newman,

I am writing to request a transfer of the site plan special permit issued to TDRG Needham Inc, DBA Cook Needham on June 13, 2017 to Ceed Corp DBA Cook Restaurant. We have read the decision made by the board and plan to operate the same style of restaurant with same number of seats as the former tenant, with a new and refreshed look but no renovations. The number of seats issued in the special permit was 126 seats at tables and counters and 6 seats for waiting guests. We are requesting the same number of seats as the former tenant. The only item listed in the special permit that I would like to request be changed would be to allow the restaurant to open on Saturday and Sunday mornings at 10:00 AM instead of 10:30 AM for brunch service.

If you have any questions, comments or concerns please let me know at your earliest convenience.

Sincerely,


Diana Sepulveda


X Edison Gutierrez

32737

X11762PG254

15



TOWN OF NEEDHAM

MASSACHUSETTS

RECEIVED
TOWN CLERK
NEEDHAMRoom 20, Town Hall
Needham, MA 02192
617-455-7526

PLANNING BOARD

97 MAR 12 P1:10

AMENDMENT

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DEDHAM, MA

SITE PLAN SPECIAL PERMIT

Needham Restaurant Project Limited Liability Corporation
March 11, 1997

CERTIFY

BARRY T. HANNON, REGISTER

Upon the application of Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, to amend Site Plan Special Permit #91-1, issued to Roma Realty Trust, James Pesiridis, Trustee, on June 11, 1991, a public hearing was held on Tuesday, March 11, 1997, at 8:00 p.m. in the Needham Town Hall (Room 20) pursuant to notice thereof published in a local newspaper and mailed to all parties in interest. The purpose of said application to amend is: (i) to allow transfer to Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, of the special permit, dated June 11, 1991, and filed with the Town Clerk on June 19, 1991, issued to Roma Realty Trust, James Pesiridis, Trustee, 105 Chapel Street, Needham, Massachusetts, to use the premises at 101-105 Chapel Street for a restaurant with seating for 106 at tables and counters and 26 in a waiting room; (ii) to allow a revision in the seating distribution of the restaurant so as to permit seating for 126 at tables and counters and 6 in a waiting room; (iii) to allow one take-out counter; (iv) to allow renovation of the existing interior restaurant space pursuant to a plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's", dated March 6, 1997, revised March 11, 1997, by Niemitz Design Group, Inc; and (v) to allow alteration of the front and rear building facade pursuant to a plan entitled "Exterior Elevations & Details, Not Your Average Joe's", dated March 6, 1997, by Niemitz Design Group, Inc.

EVIDENCE

The Planning Board has considered the evidence presented with the application at the public hearing regarding the amended Special Permit for Site Plan Review under Section 7.4 of the Needham Zoning By-Law. The evidence submitted to the Board included:

- 1.1 A plan entitled "Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated February 7, 1997.
- 1.2 A plan entitled "Floor Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated February 7, 1997.

RECEIVED
RECORDED
NORFOLK COUNTY
97 APR -7 PM 1:09

- 1.3 A plan entitled "Exterior Elevations & Details, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997.
- 1.4 A plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997.
- 1.5 A plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997, revised March 11, 1997.
- 1.6 Manufacturers description of proposed Tungsten Halogen (incandescent) Elliptipar wall mounted and Elliptipar surface mounted unit.
- 1.7 Letter to Lee Newman, Planning Director, from Patricia A. Lang, Lawson & Weitzen, dated February 7, 1997, requesting a transfer of the special permit issued to Roma Realty Trust in June of 1991, and a special permit to renovate the existing interior restaurant space pursuant to a plan entitled "Floor Plan, Not Your Average Joe's", dated February 7, 1997, by Niemitz Design Group, Inc. and the exterior building facade pursuant to a plan entitled "Not Your Average Joe's", dated February 7, 1997, by Niemitz Design Group, Inc.
- 1.8 Letter to Lee Newman, Planning Director, from Patricia A. Lang, Lawson & Weitzen, dated March 6, 1997, transmitting floor plans and elevation drawings as approved by the Design Review Board on February 19, 1997.
- 1.9 Letter to Lee Newman, Planning Director, from Patricia A. Lang, Lawson & Weitzen, dated March 10, 1997, requesting a revision in the seating and waiting distribution of the restaurant.
- 1.10 Letter to Lee Newman, Planning Director, from Patricia A. Lang, Lawson & Weitzen, dated March 10, 1997, outlining proposed hours of operation, proposed number of employees and percentage of business dedicated to take-out business.
- 1.11 Application submitted to the Town Clerk on February 10, 1997.
- 1.12 Interdepartmental Communication (IDC) to the Board from Richard P. Merson, Director Public Works Department, dated February 18, 1997 and March 11, 1997; IDC to the Board from William G. Slowe, Chief of Police, dated February 19, 1997; IDC to the Board from Charles Mangine, Fire Inspector, dated March 4, 1997; IDC to the Board from Steve Tanner, Chairman, Design Review Board, dated March 11, 1997; and IDC to the Board from the Board of Health, dated March 10, 1997.

FINDINGS AND DECISION

On the basis of the evidence and after open deliberations, the Board finds that the Petitioner's request to amend the original Site Plan Review Special Permit Decision dated June 11, 1991, is not inconsistent with its original grant and is in harmony with the general purposes and intent of the Zoning By-Law in general and with Section 7.4 in particular.

Accordingly, the Board by unanimous vote: (i) consents to the transfer to Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, of the special permit, dated June 11, 1991, and filed with the Town Clerk on June 19, 1991, issued to Roma Realty Trust, James Pesiridis, Trustee, 105 Chapel Street, Needham, Massachusetts, to use the premises at 101-105 Chapel Street for a restaurant with waiter and waitress service; (ii) consents to a revision in the seating distribution of the restaurant so as to permit seating for 126 at tables and counters and 6 in a waiting room; (iii) consents to one take-out counter; (iv) consents to the renovation of the existing interior restaurant space pursuant to a plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's", dated March 6, 1997, revised March 11, 1997, by Niemitz Design Group, Inc; and (v) consents to the alteration of the front and rear building facade pursuant to a plan entitled "Exterior Elevations & Details, Not Your Average Joe's", dated March 6, 1997, by Niemitz Design Group, Inc., subject to the following conditions and limitations.

CONDITIONS

- 2.1 The restaurant at 101-105 Chapel Street shall be constructed in accordance with a plan entitled "Exterior Elevations & Details, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997, and a plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997, revised March 11, 1997. Any changes, revisions or modifications in the above-named plans shall require approval by the Planning Board.
- 2.2 The Petitioner shall, at all times the premises are open for business, offer table service, with waiters or waitresses attending the tables and counter seats provided on the premises. The restaurant shall contain a maximum of 132 seats of which no more than 126 seats shall be allocated for table and counter dining, and no more than 6 shall be in the waiting area. No food service shall be provided in the waiting area.
- 2.3 The restaurant shall contain no more than one take-out counter. The seating capacity of the restaurant and take-out station shall be as established on a plan entitled "Reflected Ceiling & Furniture Plan, Not Your Average Joe's, Needham, Massachusetts", prepared by Jeffrey G. Kabriel, Niemitz Design Group, Inc., dated March 6, 1997, revised March 11, 1997.

- 2.4 The restaurant shall be operated and open for business everyday during the hours between 11:00 a.m. and 12:00 a.m (midnight).
- 2.5 That this Special amendment to operate a restaurant at 101-105 Chapel Street is issued to Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, prospective lessee only, and may not be transferred, set over, or assigned by Needham Restaurant Project Limited Liability Corporation, to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
- 2.6 That all new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 2.7 That the dumpster shall be suitably screened by a wood enclosure, so constructed as to obscure the dumpster from view but not to interfere with the servicing thereof. Additional trash receptacles shall be provided if required, and the area shall be kept free of litter from the restaurant operation. The dumpster shall be emptied as needed, cleaned, and maintained to meet Board of Health Standards.
- 2.8 That all solid waste shall be removed from the site by a private contractor. That deliveries and trash dumpster pickup shall occur only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 1:00 p.m. Saturday, Sunday, and holidays. That trash shall be picked up no less than two times per week.
- 2.9 All loading and deliveries shall be performed through the parking lot entrance to the premises, not from Chapel Street.
- 2.10 That in constructing and operating the proposed restaurant on the locus pursuant to this Special Permit amendment, due diligence be exercised and reasonable efforts be made at all times to avoid physical damage to the surrounding areas or adverse physical impact on the environment.
- 2.11 That all construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 2.12 That the following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.

b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the immediate construction area of the site.

c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Chapel Street.

d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction.

2.13 That no building permit shall be issued in pursuance of the Special Permit amendment and Site Plan Approval until:

a. The final elevations and the exterior design details, color, and materials shall be in conformity with those previously approved by the Design Review Board, which approval has been incorporated herein by reference, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.

b. A construction management and staging plan shall have been submitted to the Police Chief and Building Inspector for their review and approval.

c. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit amendment and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

2.14 That no building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:

a. An as-built plan, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board. The as-built plan shall show the final building elevations for the entire building and the final floor plan detail for the restaurant facility.

b. That there shall be filed, with the Building Inspector, a statement by the Board approving the final building elevations and floor plan for the restaurant facility, in accordance with this Decision and the approved Plan.

2.15 In addition to the provision of this approval, the Petitioner must comply with all requirements

of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

- 2.16 The building or structures authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted on site until a Certificate of Occupancy and Use has been issued by the Building Inspector.
- 2.17 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 2.18 Violation of any of the conditions of this Special Permit shall be grounds for revocation of this Special Permit, or of any building permit granted hereunder. In the case of violation of the continuing obligations of this permit, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner or owner of the property, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in revocation of the Special Permit. As an alternative, the Town may enforce compliance with the conditions of this permit by an action for injunctive relief before any court of competent jurisdiction. The Petitioner/Owner agrees to reimburse the Town for its reasonable costs including attorney fees in connection with the enforcement of the conditions of this permit.

LIMITATIONS

- 3.1 The authority granted to the Petitioner by this permit is limited as follows:
- 3.2 This permit applies only to the site improvements which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the plan as described in paragraph 2.1.
- 3.3 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4., hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 3.4 This Decision applies only to the requested Special Permits and Site Plan Review. Other

permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.

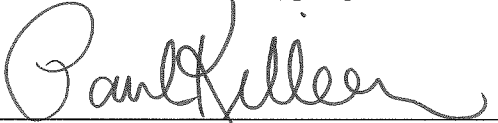
- 3.5 No approval of any indicated signs or advertising devices is implied by this Decision.
- 3.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the By-Law.
- 3.7 This Site Plan Special Permit shall lapse on March 11, 1999, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to March 11, 1999. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 3.8 This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office, or that if such appeal has been filed that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

Witness our hands this 11th day of March 1997.

NEEDHAM PLANNING BOARD



Paul Killeen, Chairman



David C. Gerber, Vice-Chairman

Devra G. Bailin
Devra G. Bailin

Frank S. Gallelo
Frank S. Gallelo

Maurice P. Handel
Maurice P. Handel

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

March 11, 1997

Then personally appeared before me Paul Killeen, one of the members of the Board of the Town of Needham, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Board before me

Phyllis J. McCarthy
Notary Public

My commission expires August 23, 2002

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on Needham Restaurant Project Limited Liability Corporation, 130 Clarendon Street, North Dartmouth, Massachusetts, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

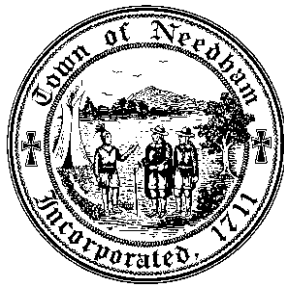
April 7, 1997
Date

Theodora K. Eaton, Town Clerk
Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Design Review Board
Board of Selectmen

Engineering
Fire Department
Police Department
Patricia A. Lang
Parties In Interest



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

TOWN OF NEEDHAM
MASSACHUSETTS
PLANNING BOARD
December 19, 2022

Major Project Special Permit No. 1991-01
101-105 Chapel Street, Needham, Massachusetts

TDRG Needham Inc., d/b/a Cook Needham
TRANSFER OF SPECIAL PERMIT
To Ceed Corp, d/b/a Cook Restaurant

On December 19, 2022, the Planning Board held a meeting following a written request of November 28, 2022, from Ceed Corp, Edison Gutierrez, President, (the "Petitioner"), d/b/a Cook restaurant, 15 Nell Road, Revere, MA, 02151. Edison Gutierrez requested the transfer of Major Project Site Plan Special Permit No. 1991-01 originally issued to Roma Realty Trust, James Pesiridis, Trustee on June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997, and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005, and subsequently transferred to TDRG Inc., Paul Turano, President, d/b/a Cook Needham on June 13, 2017 and filed with the Town Clerk on June 19, 2017. Pursuant to the authority reserved to the Planning Board under Section 2.5 of the March 11, 1997 special permit amendment, the Planning Board waived public notice of the hearing.

Edison Gutierrez stated that he intended to operate the same style of restaurant as the former tenant with a new and refreshed look. The type of operation, the number of seats, and the hours of operation will remain unchanged from what was approved in Major Project Site Plan Special Permit No. 91-01 issued to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997, with only once exception. The Petitioner proposed to open the restaurant at 10:00 a.m. on Saturday and Sunday mornings instead of 11:00 a.m. for brunch service (the Prior transfer to TDRG Inc., Paul Turano, President, d/b/a Cook Needham did permit opening at 10:30 a.m. Saturday and Sunday). No changes are proposed on the site other than interior renovations, and no façade changes are proposed.

Decision

On the basis of the evidence presented at the meeting, the Planning Board finds that the proposed transferee intends to operate the business as it had been operated by the prior permit holder. The Planning Board by unanimous vote, after motion duly made and seconded, consents to the transfer by TDRG Inc., Paul Turano, President, d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021 to Edison Gutierrez, President, d/b/a Cook restaurant, 15 Nell Road, Revere, MA, 02151 of Major Project Site Plan Special Permit No. 91-01 dated June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997 and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005 and subsequently transferred to TDRG Inc., Paul Turano,

President, d/b/a Cook Needham on June 13, 2017 and filed with the Town Clerk on June 19, 2017, to use the premises at 101-105 Chapel Street as a restaurant operation with an accessory take-out component, subject to the following conditions.

1. The Planning Board's Major Project Site Plan Special Permit Decision No. 91-01 dated June 11, 1991 and filed with the Town Clerk on June 19, 1991 and subsequently transferred to Needham Restaurant Project Limited Corporation d/b/a Not Your Average Joe's on March 11, 1997 and filed with the Town Clerk on March 12, 1997 and amended on December 13, 2005 and filed with the Town Clerk on December 19, 2005, is incorporated herein by reference and all conditions therein imposed remain in full force and effect except as otherwise authorized herein.
2. The Petitioner shall be permitted to open the restaurant at 10:00 a.m. on Saturday and Sunday mornings instead of 11:00 a.m. for brunch service. All other hours of operation are to remain unchanged from those of the underlying permit.
3. The restaurant shall contain the floor plan and dimensions and shall be located on that portion of the locus as shown on the plan sheet A1, prepared by kas I kripper architecture Studio, inc., 36 Bromfield, Suite 501, Boston, Massachusetts, dated May 23, 2017, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions, counters or seating is of no concern to the Board. Any changes, revisions or modifications other than changes deemed "minor movement" to the plan shall require approval by the Board.
4. This special permit may not be transferred without the prior approval of the Planning Board, upon such notice and hearing as the Board in its discretion shall deem necessary or appropriate.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Major Site Plan Special Permit amendment shall not take effect until the Petitioner has delivered written evidence of recording to the Planning Board.

Witness our hands this 19th day of December, 2022.

NEEDHAM PLANNING BOARD

Adam Block, Chairman

Jeanne S. McKnight

Natasha Espada

Artie Crocker

Paul S. Alpert

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2022

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

Notary Public

My Commission Expires: _____

Copy sent to:

Petitioner - Certified Mail #	Board of Selectmen
Town Clerk	Engineering
Building Inspector	Fire Department
Director, PWD	Police Department
Board of Health	Edison Gutierrez
Conservation Commission	Parties in Interest



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

DECISION
December 19, 2022

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
557 Highland, LLC
557 Highland Avenue, Needham, MA
Application No. 2022-02

Decision of the Planning Board (hereinafter referred to as the “Board”) on the petition of 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, Massachusetts 02116 (hereinafter referred to as the “Petitioner”) for property located at 557 Highland Avenue, Needham, Massachusetts (hereinafter referred to as the “Property”). The Property is owned by the Petitioner. The Property is shown on the Needham Town Assessor's Plan No. 76 as parcels 3 and 8 and contains approximately 9.27 acres of land.

This Decision is in response to an application submitted to the Board on April 5, 2022, by the Petitioner for: (1) a Major Project Site Plan Special Review Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the “By-Law”) and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21 allowed by special permit; (3) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building (defined below) to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building (defined below) to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(g) of the By-Law for restaurant use as part of the Project; (8) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750-10,000 square feet as part of the Project; (9) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage (defined below) to 55 feet;¹; (10) a Special Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1,390 parking spaces; (11) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls; and (12) any additional Special Permits or zoning relief required for the permitting of the Project.

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to redevelop the Property with approximately 465,000 square feet (sq. ft.) of office, laboratory, and research and development uses, as well as up to approximately 10,052 sq. ft. of retail and/or restaurant uses (the

¹ NTD: Please note that while the portion of the parking garage along Gould Street will be reduced to 48 ft. consistent with the design guidelines in Section 2.0 below, the portion closest to Route 128 will likely remain at 55 ft. and thus the request for relief for a total height of 55 ft. should remain.

“Project”). The Project will include two buildings, one on the northerly portion of the Property (the “North Building”) and one on the southerly portion of the Property (the “South Building”), together with a shared connector atrium (the “Atrium”). The Project will also include construction of one-level of below grade parking under the North and South Buildings and their connecting Atrium (the “Underground Parking”) and a separate stand-alone parking garage (the “Garage”). A total of 1,390 parking spaces are proposed of which 362 will be located beneath the buildings, 998 will be located in the stand-alone parking garage and 30 will be surface parking spaces.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest as required by law, the hearing was called to order by the Chairman Adam Block, on Tuesday, June 7, 2022, at 7:20 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 826-5899-3198. The hearing was continued to Thursday, July 7, 2022 at 7:15 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 826-5899-3198, continued again to Wednesday, September 7, 2022, at 7:05 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 880 4672 5264, and further continued to Monday, October 3, 2022 at 7:05 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 880 4672 5264. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Artie Crocker, and Natasha Espada were present throughout the June 7, 2022, July 7, 2022, September 7, 2022, and October 3, 2022 proceedings. The record of the proceedings and the submissions upon which the Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Properly executed Application for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21 allowed by special permit; (3) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(g) of the By-Law for restaurant use as part of the Project; (8) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750-10,000 square feet as part of the Project; (9) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage (defined below) to 55 feet; (10) a Special Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1390 parking spaces; (11) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls; and (12) any additional Special Permits or zoning relief required for the permitting of the Project, dated April 7, 2022.
- Exhibit 2 - Letter from Timothy W. Sullivan, Esq. to the Planning Board Members, dated April 5, 2022.
- Exhibit 3 - A set of plans entitled “557 Highland Avenue Needham, MA 02494 – Needham Special Permit Package”, prepared by Stantec Architecture and Engineering P.C., 311 Summer

Street, Boston, Massachusetts 02210, consisting of 44 sheets all dated as of March 30, 2022: Sheet 1, Proposed Site Plan; Sheet 2, Site Aerial – Proposed; Sheet 3, Street View – Proposed, Sheet G-000, Cover Sheet; Sheet C-01, Legend and General Notes; Sheet C-02, Overall Site Plan; Sheet C-03, Drainage and Erosion Control Plan; Sheet C-04, Utility Plan; Sheet C-05, Site Details; Sheet C-06, Site Details; Sheet L-1.0, Site Plan; Sheet L-2.0, Site Grading Plan; Sheet L-3.0, Site Planting Plan; Sheet L-4.0, Site Lighting Plan; Sheet L-5.0, Site Details #1; Sheet L-5.1, Site Details #2; Sheet G-010, Zoning Gross Area Plans; Sheet A-100G1, Garage Level G1 – Overall Plan; Sheet A-101, Level 1 – Overall Plan; Sheet A-102, Level 2 – Overall Plan; Sheet A-103, Level 3 – Overall Plan; Sheet A-104, Level 4 – Overall Plan; Sheet A-105, Level 5 – Overall Plan; Sheet A-106, Level 6 – Overall Plan; Sheet A-107, Roof Plan; Sheet A-201, Building Elevations – Locator Elevations; Sheet A-202, Building Elevations – North Bldg. – North; Sheet A-203, Building Elevations – North Bldg. – South & East; Sheet A-204, Building Elevations – North Bldg. (Southwest) & South Bldg. (North & West); Sheet A-205, Building Elevations – North Bldg. (West) & South Bldg. (North & West); Sheet A-206, Building Elevations – South Bldg. – North & East; Sheet A-211, Building Sections – Overall; Sheet A-212, Building Sections – North Bldg.; Sheet A-213, Building Sections – North Bldg.; Sheet AG-100.B2, Garage Level B2; Sheet AG-100.B1, Garage Level B1; Sheet AG-101, Garage Level 1; Sheet AG-102, Garage Level 2; Sheet AG-103, Garage Level 3 (Level 4-5 Sim.); Sheet AG-105, Garage Level 6; Sheet AG-211, Garage Sections; Sheet AG-212, Garage Sections; Sheet AG-301, Elevations – North & East; Sheet AG-302, Elevations – South & West.

- Exhibit 4 - Transportation Impact and Access Study entitled “Transportation Impact and Access Study Highland Innovation Center 557 Highland Avenue, Needham, Massachusetts” prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, dated March 2022.
- Exhibit 5 - Stormwater Report entitled “Stormwater Report Highland Innovation Center 557 Highland Avenue, Needham, Massachusetts” prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, dated March 2022.
- Exhibit 6 - Fiscal Impact Analysis, prepared for the Town of Needham by the Barrett Planning Group, LLC of Plymouth, MA, dated March 20, 2021.
- Exhibit 7 - Fiscal Impact Analysis, prepared by Fougere Planning & Development, Inc., dated May 16, 2022.
- Exhibit 8 - Design Review Board Comments, dated May 16, 2022.
- Exhibit 9 - Transportation Impact and Access Study Traffic Peer Review Comments dated May 27, 2022, by Rebecca L. Brown, Greenman-Pedersen Inc. (GPI).
- Exhibit 10 - Letter from Kate Fitzpatrick, Town Manager, dated June 15, 2022.
- Exhibit 11 - Presentation entitled “Highland Innovation Center, Planning Board Meeting #1” prepared by Stantec, dated June 7, 2022.
- Exhibit 12 - Cover letter from Attorney Tim Sullivan, dated June 30, 2022, as well as the following documents:

- Exhibit A - Responses to Town of Needham Planning Board comments at the June 7, 2022 public hearing;
- Exhibit B - Responses to Town Department Comments;
- Exhibit C - Memorandum entitled “Response to Transportation Impact and Access Study Traffic Peer Review Comments dated May 27, 2022 by Greenman-Pedersen Inc. (GPI)” prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, dated June 29, 2022;
- Exhibit D - Memorandum entitled “Response to Transportation Impact and Access Study Traffic Peer Review Comments dated June 9, 2022 By Nitsch Engineering” prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, dated June 29, 2022;
- Exhibit E - Preliminary Exterior/Community Noise Evaluation/Narrative – Revision 1, prepared by Acentech Incorporated, 33 Moulton Street, Cambridge, MA 02138, dated June 28, 2022, examining compliance with MassDEP noise limits.
- Exhibit F - Presentation entitled “Highland Innovation Center, Planning Board Meeting #2” prepared by Stantec, dated July 7, 2022.

- Exhibit 13 - Massachusetts Department of Transportation, Plan of Roads in the Town of Needham, consisting of 6 sheets, recorded as Plan Book 690, Pages 34-39; and Plan entitled “ALTA/NSPS Land Title Survey, 557 Highland Avenue and 0 Gould Street, Needham, MA, prepared by Feldman Geospatial, consisting of 2 sheets, dated November 11, 2021.

- Exhibit 14 - Letter from Attorney Tim Sullivan, dated August 15, 2022.

- Exhibit 15 - Boundary Description

- Exhibit 16 - Letter from Nicholas Skoly, VHB, Inc., Re: 557 Highland Ave – Highland Innovation Center – Plan Revisions for Permitting, dated August 15, 2022.

- Exhibit 17 – Letter from Sean M. Manning, VHB, Inc., Re: Transportation Updates to Special Permit Submission, dated August 15, 2022.

- Exhibit 18 - Memorandum from Eric Joseph, Paul Finger Associates, Re: 557 Highland Ave – Special Permit Summary of Plan Revisions -01, dated August 15, 2022.

- Exhibit 19 - Memorandum from Thomas Urtz, Stantec Architecture and Engineering P.C., Re: Special Permit Package R1 (08/16/2022 for 09/07/2022 Planning Board public hearing), dated August 16, 2022.

- Exhibit 20 - Preliminary Exterior/Community Noise Evaluation/Narrative – Revision 2, prepared by Michael Bahtiarian, Acentech Incorporated, dated August 15, 2022.

- Exhibit 21 - A set of plans entitled “557 Highland Avenue, Needham, MA 02494 – Needham Special Permit Package R1 -8/15/2022 (For 09/07/2022 Planning Board Special Permit Public Hearing)”, prepared by Stantec Architecture and Engineering P.C., 311 Summer Street, Boston, Massachusetts 02210, consisting of 50 sheets all dated as of August 15, 2022: Sheet 1, Proposed Site Plan; Sheet 2, Site Aerial – Proposed; Sheet 3, Street View – Proposed; Sheet G-000, Cover Sheet; Sheet G-005, Zoning Area Plans; Sheet C-01, Legend and General Notes; Sheet C-02, Overall Site Plan - Revision; Sheet C-02B, Overall Site Plan; Sheet C-03, Drainage and Erosion Control Plan; Sheet C-04, Utility

Plan; Sheet C-05, Site Details; Sheet C-06, Site Details; Sheet TR-001, Off-Site Roadway Improvements #1; Sheet TR-002, Off-Site Roadway Improvements #2; Plan entitled “Conveyance Plan” prepared by Feldman Geospatial, 152 Hampden Street, Boston, MA 02119; Sheet EX-1.0, Conveyance; Sheet L-1.0, Site Plan; Sheet L-2.0, Grading Plan; Sheet L-3.0, Site Planting Plan; Sheet L-4.0, Site Lighting Plan; Sheet L-5.0, Site Details #1; Sheet L-5.1, Site Details #2; Sheet A-100G1, Garage Level G1-Overall Plan & Parking Legend; Sheet A-101, Level 1 – Overall Plan; Sheet A-102, Level 2 – Overall Plan; Sheet A-103, Level 3 – Overall Plan; Sheet A-104, Level 4/ South Building Penthouse – Overall Plan; Sheet A-105, Level 5/ South Building Upper Roof – Overall Plan; Sheet A-106, North Building Penthouse – Overall Plan; Sheet A-107, Full Roof Plan; Sheet A-201, Building Elev – Locator Elevations; Sheet A-202, Building Elev – North Bldg – North; Sheet A-203, Building Elev – North Bldg – South & East; Sheet A-204, Building Elev – South Bldg – South East; Sheet A-205, Building Elev – North Bldg (Southwest) & South Bldg (South); Sheet A-206, Building Elev – North Bldg (West) & South Bldg (North & West); Sheet A-207, Building Elev – South Bldg – North & East; Sheet A-211, Building Sections – Overall; Sheet A-212, Building Sections – North Bldg; Sheet A-213, Building Sections – South Bldg; Sheet AG-100B2, Garage Level B2; Sheet AG-100B1, Garage Level B1; Sheet AG-101, Garage Level 1; Sheet AG-102, Garage Level 2; Sheet AG-103, Garage Level 3 (Level 4-5 Sim.); Sheet AG-106, Garage Level 6; Sheet AG-201, Elevations – North & East; Sheet AG-202, Elevations – South & West; Sheet AG-211, Garage Sections; Sheet AG-212, Garage Sections.

- Exhibit 22 - Letter from Eric Joseph, Paul Finger Associates, dated August 30, 2022.

- Exhibit 23 - Email from Eric Joseph, Landscape Architect, Paul Finger Associates, dated August 31, 2022, as response to Building Commissioner comments, received 2:34 a.m., with two attachments: Attachment 1, Plan Sheet EX2.0, entitled “Exhibit: Emergency Access,” prepared by Paul Finger Associates dated August 30, 2022, “special permit packet R1 September 7, 2022”; Attachment 2, Plan Sheet L-1.0, entitled “Site Plan,” prepared by Paul Finger Associates, dated March 30, 2022, revised May 27, 2022, July 15, 2022, August 30, 2022, “special permit packet R1 September 7, 2022.”

- Exhibit 24 - Email from Eric Joseph, Landscape Architects, Paul Finger Associates, dated August 31, 2022, as response to Building Commissioner comments, received 11:22 a.m., with two attachments: Attachment 1, Plan Sheet EX2.0, entitled “Exhibit: Emergency Access,” prepared by Paul Finger Associates dated August 30, 2022, “special permit packet R1 September 7, 2022”; Attachment 2, Plan Sheet L-1.0, entitled “Site Plan,” prepared by Paul Finger Associates, dated March 30, 2022, revised May 27, 2022, July 15, 2022, August 30, 2022, “special permit packet R1 September 7, 2022.”

- Exhibit 25 - Email from Eric Joseph, Landscape Architects, Paul Finger Associates, dated August 31, 2022, as response to Building Commissioner comments, received 4:07 p.m., with one attachment: Plan Sheet L-5.1, entitled “Site Details #2,” prepared by Paul Finger Associates, dated March 30, 2022, revised May 27, 2022, July 15, 2022, August 30, 2022, “special permit packet R1 September 7, 2022.”

- Exhibit 26 - Email from Eric Joseph, Landscape Architects, Paul Finger Associates, dated August 31, 2022, as response to Building Commissioner comments, received 5:44 p.m., with one attachment: Plan Sheet L-1.0, entitled “Site Plan,” prepared by Paul Finger Associates, dated March 30, 2022, revised May 27, 2022, July 15, 2022, August 30, 2022, “special permit packet R1 September 7, 2022.”

- Exhibit 27 - Presentation entitled “Planning Board Meeting #3, September 7, 2022” prepared by Stantec Architecture and Engineering P.C.
- Exhibit 28 - Design Review Board Comments, dated September 12, 2022.
- Exhibit 29 - Transportation Impact and Access Study, Traffic Peer Review - Recommended Conditions of Approval, dated September 29, 2022 by Rebecca L. Brown, Greenman-Pedersen Inc. (GPI).
- Exhibit 30 - Plan Sheet SPSK-2.0, entitled “Curb Cut Enlargements,” prepared by Paul Finger Associates, dated September 28, 2022.
- Exhibit 31 - Letter from Timothy W. Sullivan, Esq. to the Planning Board Members, dated September 30, 2022.
- Exhibit 32 - Email from Mark DiOrio, Bulfinch, regarding Fiscal Impact Analysis, dated October 3, 2022.
- Exhibit 33 - Presentation entitled “Planning Board Meeting #4, October 3, 2022” prepared by Stantec Architecture and Engineering P.C.
- Exhibit 34 - Interdepartmental Communications (IDC) to the Board from David Roche, Building Commissioner dated May 25, 2022, August 23, 2022 and August 31, 2022; IDC to the Board from Chief John Schlittler, Police Department, dated June 3, 2022; IDC to the Board Chief Dennis Condon, Needham Fire Department, dated June 1, 2022; IDC to the Board Chief Tom Conroy, Needham Fire Department, dated August 31, 2022; IDC to the Board from Tara Gurge, Needham Health Department, dated May 27, 2022 and October 25, 2022; IDC to the Board from Stacey Mulroy, Director, Parks and Recreation, dated August 31, 2022; and IDC to the Board from Thomas Ryder, Town Engineer, dated June 2, 2022 and September 1, 2022.
- Exhibit 35 - Letter from James Goldstein and Tad Staley, Bay Colony Rail Trail Association, dated May 17, 2022.
- Exhibit 36 - Email from Carlos Agualimpia, Town Meeting Member - Precinct C, dated June 4, 2022.
- Exhibit 37 - Email from Steven Sussman, 30 Davenport Road, dated June 6, 2022.
- Exhibit 38 - Email from Henry Ragin, 25 Bennington Street, dated June 6, 2022.
- Exhibit 39 - Email from Casey Fedde, 16 Mills Rd, dated June 6, 2022.
- Exhibit 40 - Email from Avery, dated June 6, 2022.
- Exhibit 41 - Email from Karen Quigley, dated June 6, 2022.
- Exhibit 42 - Email from Kim Stone, 45 Greendale Ave, dated June 6, 2022.
- Exhibit 43 - Email from MaeLynn Patten, 16 Ledge Street, dated June 6, 2022.

- Exhibit 44 - Email from Valerie Maio, 15 Park Ave., dated June 6, 2022.
- Exhibit 45 - Email from Maggie Flanagan, dated June 6, 2022.
- Exhibit 46 - Email from Nicole Nasson, dated June 6, 2022.
- Exhibit 47 - Email from Brooke Reilly, 41 Pine Grove Street, dated June 6, 2022.
- Exhibit 48 - Email from Jennie Jonas, 93 Sachem Road, dated June 6, 2022.
- Exhibit 49 - Email from Shannon Shavor, dated June 6, 2022.
- Exhibit 50 - Email from Matt Flanagan, 54 Sachem Road, dated June 6, 2022.
- Exhibit 51 - Email from Holly Charbonnier, 94 Sachem Road, dated June 6, 2022.
- Exhibit 52 - Email from Joanne Garabedian, dated June 6, 2022.
- Exhibit 53 - Email from Ali Dabuzhsky, 42 Aletha Road, dated June 6, 2022.
- Exhibit 54 - Email from Ashly Scheufele, 52 Greendale Avenue, dated June 6, 2022.
- Exhibit 55 - Letter from the Needham Heights Alliance, dated June 6, 2022.
- Exhibit 56 - Email from Paul Charbonnier, 94 Sachem Road, dated June 6, 2022.
- Exhibit 57 - Email from Emily Pick, 12 Mills Road, dated June 6, 2022.
- Exhibit 58 - Email from Natalie and Eugene Ho, 21 Utica Rd, dated June 26, 2022.
- Exhibit 59 - Email from Russell Smith, dated June 6, 2022.
- Exhibit 60 - Email from Julie Tracey, Beech Street, dated June 6, 2022.
- Exhibit 61 - Email from Ada Lei Chan, dated June 6, 2022.
- Exhibit 62 - Email from Elizabeth C Rich, 323 West Street, dated June 6, 2022.
- Exhibit 63 - Email from Alanna Burke, dated June 6, 2022.
- Exhibit 64 - Email from Maureen and Jim DiMeo, 442 Central Avenue, dated June 6, 2022.
- Exhibit 65 - Email from Larry Tobin, 31 Greendale Ave, dated June 6, 2022.
- Exhibit 66 - Email from Michael Diener, dated June 7, 2022.
- Exhibit 67 - Email from Laura Ruch, dated June 7, 2022.
- Exhibit 68 - Email from Kelly Close, dated June 7, 2022.
- Exhibit 69 - Email from Robert Deutsch, dated June 7, 2022.

- Exhibit 70 - Email from Callie Curran Morrell, 2 Central Terrace, dated June 7, 2022.
- Exhibit 71 - Email from Jackie Boni, 13 Nichols Rd, dated June 7, 2022.
- Exhibit 72 - Letter from Deb Whitney, dated June 7, 2022.
- Exhibit 73 - Email from Kate Robey, dated June 7, 2022.
- Exhibit 74 - Email from Gilad & Rachel Skolnic, 33 Park Avenue, dated June 8, 2022.
- Exhibit 75 - Email from Kathleen Robey, 150 Warren Street, dated June 7, 2022.
- Exhibit 76 - Email from Kira Robinson-Kates, dated June 8, 2022.
- Exhibit 77 - Email from Ryan Ciporkin, 42 Park Avenue, dated June 9, 2022.
- Exhibit 78 - Email from Alex Boni, 13 Nichols Rd, dated June 9, 2022.
- Exhibit 79 - Email from Robert Dangel, 28 Hewitt Circle, dated June 11, 2022.
- Exhibit 80 - Email from Susan B. McGarvey, 66 Upland Road, dated June 11, 2022.
- Exhibit 81 - Email from Shari Stier, 23 Park Ave, dated June 14, 2022.
- Exhibit 82 - Email from Christine Dedek, 55 Hunting Road, dated June 28, 2022.
- Exhibit 83 - Email from Teresa Combs, 7 Utica Road, dated July 5, 2022.
- Exhibit 84 - Email from Joan E. Feeney, 74 Wayne Road, dated July 6, 2022.
- Exhibit 85 - Email from David M. Mindlin, 74 Hampton Avenue, dated July 7, 2022.
- Exhibit 86 - Email from Elizabeth Mercer, dated July 7, 2022.
- Exhibit 87 - Letter from the Needham Heights Alliance and Community, dated September 12, 2022.
- Exhibit 88 - Email from Michele Markley, dated September 12, 2022.
- Exhibit 89 - Email from Peter Schuller, 25 & 27 Mills Rd, dated September 13, 2022.
- Exhibit 90 - Email from Lauren Schuller, 25 & 27 Mills Rd, dated September 13, 2022.
- Exhibit 91 - Letter from Eugene Ho, Utica Road, dated September 15, 2022.
- Exhibit 92 - Email from Carol Richmond, Noanett Road, dated September 17, 2022.
- Exhibit 93 - Email from Kenneth Phillips, 74 Sachem Rd, dated September 18, 2022.
- Exhibit 94 - Email from Marjorie Phillips, 74 Sachem Rd, dated September 18, 2022.

- Exhibit 95 - Email from Verna Gurwitz, dated September 20, 2022.
- Exhibit 96 - Email from Carol Cohne, dated September 20, 2022.
- Exhibit 97 - Email from Henry Ragin, 25 Bennington Street, dated September 21, 2022.
- Exhibit 98 - Email from Lisa Durkin, 15 Avery Street, dated September 23, 2022.
- Exhibit 99 - Email from Beverly W. Litman, Noanett Road, dated September 25, 2022.
- Exhibit 100 - Email from Howard Breslau, 199 Evelyn Road, dated September 25, 2022.
- Exhibit 101 - Email from Fotoula Kopellas, 125 Evelyn Road, dated September 26, 2022.
- Exhibit 102 - Email from John Kopellas, 125 Evelyn Road, dated September 26, 2022.
- Exhibit 103 - Email from William Kopellas, 125 Evelyn Road, dated September 26, 2022.
- Exhibit 104 - Email from Anastasia Kopellas, 125 Evelyn Road, dated September 26, 2022.
- Exhibit 105 - Email from Judy and Larry Pelletier, 107 Gould Street, dated September 26, 2022.
- Exhibit 106 - Email from Le Truong, dated September 27, 2022.
- Exhibit 107 - Two emails from Antoinette Tigges, 122 Webster Street, dated September 27, 2022.
- Exhibit 108 - Email from Ranen S. Schechner, 50 Spring Road, dated September 29, 2022.
- Exhibit 109 - Email from Nancy L. Magier, 112 Woodbine Circle, dated September 29, 2022.
- Exhibit 110 - Email from Wei Lu, dated September 29, 2022.
- Exhibit 111 - Email from Yulia Murray, 93 Hillside Avenue, dated September 29, 2022.
- Exhibit 112 - Email from Brian O'Neill, 149 Charles River Street, dated September 30, 2022.
- Exhibit 113 - Email from Kathy Zimbone, 10 Woodbury Dr, dated September 30, 2022.
- Exhibit 114 - Email from Casey Fedde, 16 Mills Rd, dated September 30, 2022.
- Exhibit 115 - Email from Chrissy Silverman, dated September 30, 2022.
- Exhibit 116 - Email from Jeffrey D. Drucker, The Atlantic Interests Limited Partnership, 144 Gould Street, Suite 206, Needham, MA 02494, dated September 30, 2022.
- Exhibit 117 - Email from Matthew S. Ross, 41 Stewart Road, dated September 30, 2022.
- Exhibit 118 - Email from Jodi Traub, dated September 30, 2022.
- Exhibit 119 - Email from Bob Rice, dated September 30, 2022.

- Exhibit 120 - Email from Bob O'Connor, 9 Fuller Road, dated September 30, 2022.
- Exhibit 121 - Email from Thomas M Totten, 370 Central Avenue, dated September 30, 2022.
- Exhibit 122 - Email from Steven Sussman, 30 Davenport Road, dated September 30, 2022.
- Exhibit 123 - Email from Joni and Michael Schockett, 174 Evelyn Road, dated September 30, 2022.
- Exhibit 124 - Emailed letter from Moe Handel, former Planning Board and Select Board Member and Needham Heights Resident, 3 Rosemary Street, dated October 1, 2022.
- Exhibit 125 - Email from Cynthia R. Janower, 85 Riverbend Lane, dated October 1, 2022.
- Exhibit 126 - Email from Larry Tobin, 31 Greendale Ave, dated October 2, 2022.
- Exhibit 127 - Email from David A. Shaff, MD, 109 Arch Street, dated October 2, 2022.
- Exhibit 128 - Email from Wujun Qie, 43 Douglas Rd, dated October 2, 2022.
- Exhibit 129 - Email from Yun Bian, 115 Gould Street, dated October 2, 2022.
- Exhibit 130 - Email from Marvin Berkowitz, 23 Wayne Road, dated October 2, 2022.
- Exhibit 131 - Email from Edward & Barbara Shapiro, 276 Bridle Trail Road, dated October 2, 2022.
- Exhibit 132 - Email from Shari Stier, dated October 2, 2022.
- Exhibit 133 - Email from Oleg Kerbel, dated October 2, 2022.
- Exhibit 134 - Email from Dingsong Feng, 45 Plymouth Road, dated October 2, 2022.
- Exhibit 135 - Email from Jacquelyn Furman, dated October 2, 2022.
- Exhibit 136 - Email from Ben Daniels, 5 Sachem Rd, dated October 2, 2022.
- Exhibit 137 - Email from Derek Wade, 41 Riverside St, dated October 2, 2022.
- Exhibit 138 - Email from Janice Chen, dated October 2, 2022.
- Exhibit 139 - Email from Tonia Chu, dated October 2, 2022.
- Exhibit 140 - Email from Donghui Yu, dated October 2, 2022.
- Exhibit 141 - Email from Brooks Goddard, 59 Otis Street, dated October 2, 2022.
- Exhibit 142 - Email from Albert Chang, dated October 2, 2022.
- Exhibit 143 - Email from The Lu family, 90 Norwich Rd, dated October 2, 2022.
- Exhibit 144 - Email from Hairuo Peng, dated October 2, 2022.

- Exhibit 145 - Email from Martha Cohen Barrett, 49 Lynn Road, dated October 2, 2022.
- Exhibit 146 - Email from Dennis Zhang, dated October 2, 2022.
- Exhibit 147 - Email from Joe Matthews, dated October 3, 2022.
- Exhibit 148 - Email from Matt Siciliano, dated October 3, 2022.
- Exhibit 149 - Email from James Segel, 30 Edgewater Drive, dated October 2, 2022.
- Exhibit 150 - Email from Yi Ding, dated October 3, 2022.
- Exhibit 151 - Letter from the Charles River Chamber, dated October 3, 2022.
- Exhibit 152 - Email from Emily Pick, 12 Mills Road, dated October 3, 2022.
- Exhibit 153 - Email from Natalie T, dated October 3, 2022.
- Exhibit 154 - Email from Michelle Saipe, 5 Sachem Road, dated October 3, 2022.
- Exhibit 155- Draft Environmental Impact Report, Highland Science Center, Needham Heights, Prepared by VHB; July 2022.
- Exhibit 156 - Response to MEPA DEIR, Traffic Peer Review by Greenman-Pedersen Inc. (GPI) dated August 18, 2022, 557 Highland Avenue, Needham, Massachusetts; prepared by VHB; August 29, 2022.
- Submitted after the close of the public hearing.
- Exhibit 157 - Letter from Rebecca L. Brown, Greenman-Pedersen Inc., to the Planning Board, dated December 5, 2022.
- Exhibit 158 - Plan entitled, “Site Plan – Lot Coverage Breakdown”, prepared by Stantec Architecture and Engineering P.C., 311 Summer Street, Boston, Massachusetts 02210, dated November 22, 2022.

Exhibits 21 and 33 are hereinafter referred to as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The Property is located in the Highway Commercial 1 Zoning District (“HC-1 District”). The Property consists of a single parcel currently shown on Needham Town Assessors Map 76, parcels 3 and 8. The Property contains approximately 9.27 acres of land and is presently owned by 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, Massachusetts 02116. It was most recently used as an automotive dealership and car wash making up a nearly entirely impervious surface which included parking for approximately 532 vehicles.

- 1.2 The HC-1 District was established by an amendment to the Town of Needham Zoning By-Law adopted by a 168-37 vote of Town Meeting pursuant to Article 5 of the Warrant of the Annual Town Meeting held on May 3, 2021. According to the Zoning Map, the Property is not located within any overlay districts. The creation of the HC-1 District was the result of an extensive planning effort by the Town of Needham. The Town's Council of Economic Advisors ("CEA") began an evaluation of the Town's Industrial Zoning Districts in 2013. The CEA held public meetings with residents, neighbors, public officials, businesses, and landowners (collectively, the stakeholders) in 2014 and obtained a build-out analysis and a traffic impact report. The CEA made preliminary recommendations to the public and Select Board to upgrade the zoning adjacent to I-95/Route 128 to make these areas more economically competitive.
- 1.3 The Planning Board and Select Board decided to move forward with rezoning of the former Industrial-1 Zoning District circumscribed by I-95/Route 128, Highland Avenue, Gould Street, and the MBTA right of way, and occupied by the Muzi Ford and Chevrolet dealership, a car wash, and WCVB Channel 5. An Article proposing to rezone this Industrial-1 Zoning District was developed and presented to the October 2019 Special Town Meeting, where it received a majority vote but less than the required two-thirds to pass. In response to public concerns about density, traffic impacts, permitted and special permit uses, and environmental issues, a Town-wide community meeting was held with stakeholders in January 2020 to discuss overall land use goals for the HC-1 District. A working group, including representatives from the Planning Board, Select Board, Finance Committee, and CEA was formed. The working group then commissioned an updated traffic study of the area, to analyze the ability of the Town's traffic infrastructure to accommodate development at various densities and use profiles, as well as an updated fiscal impact analysis. From these efforts, the Planning Board drafted a revised Zoning Article to establish the HC-1 District. The revised Zoning Article reduced maximum floor area ratios and building height, increased building setback distances, required additional landscape buffering along Gould Street and Highland Avenue, increased open space requirements, and established energy efficient building standards for issuance of a special permit.
- 1.4 In connection with the above process, the Town of Needham commissioned the Barrett Group's Fiscal Analysis (Exhibit 6) to study the potential financial benefit of such rezoning. Based on the Fiscal Analysis, a full-build out of the Property and the adjacent parcels at 1.35 FAR would yield an annual net financial benefit to the Town of approximately \$8,342,400. The Project proposes a build-out of approximately 60% of the HC-1 District area, which results in a prorated annual net financial benefit of approximately \$5,000,000 (based on the Fiscal Analysis) to the Town from development of the Project. The Fiscal Analysis prepared for the Petitioner by Fougere Development & Planning, Inc. (Exhibit 7) confirmed this approximate net financial benefit to the Town from the Project. Based on the foregoing and after considering the long and short-term financial impacts to the Town, the Board finds that the Project's anticipated financial and other benefits to the Town outweigh the costs and any potential adverse impacts.
- 1.5 The Petitioner proposes to redevelop the Property with approximately 465,000 square feet (sq. ft.) of office, laboratory, and research and development uses, as well as up to approximately 10,052 sq. ft. of retail and/or restaurant uses, totaling approximately 475,052 sq. ft. The Project will also include construction of one-level of below grade parking under the North and South Buildings and their connecting Atrium (the Underground Parking) and a separate stand-alone parking garage (the Garage). The Project proposes two buildings, one on the northerly portion of the Property (the North Building) and one on the southerly portion of the Property (the South Building), together with a shared connector atrium (the Atrium). The Project will have a floor area ratio of 1.21, based on a total buildout of 475,052 sq. ft.

- 1.6 A breakdown of proposed uses and the approximate square footage of such uses is as follows: Office: 232,500 sq. ft.; Lab/Research and Development: 232,500 sq. ft.; Retail/Restaurant: 10,052 sq. ft.; and Accessory Parking: 1,390 parking spaces of which 362 will be located beneath the buildings, 998 will be located in the stand-alone parking garage and 30 will be surface parking spaces.
- 1.7 Pursuant to By-Law Section 3.2.7, professional, business, or administrative offices and laboratory uses are allowed by-right in the HC-1 District. Retail uses are also allowed by-right so long as no single retail establishment contains more than 5,750 square feet of gross floor area. Light-manufacturing uses, including manufacture of pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, which may be part of the Project tenants' laboratory uses, are allowed by right and also as an accessory use to any lab/research development use. The Petitioner anticipates that light-manufacturing uses accessory to research and development uses, including the production of prototypes, may be part of the Project depending upon the ultimate tenanting of the Project.
- 1.8 By-Law Section 3.2.7.1(m) allows all customary and proper uses accessory to lawful principal uses. Given that the accessory parking on the Property is intended to provide parking incidental to operation of the main uses described above, such accessory use is allowed by-right.
- 1.9 The Petitioner anticipates that the retail space may contain a tenant of approximately 6,052 sq. ft., and a restaurant of approximately 4,000 sq. ft. The restaurant is anticipated to accommodate up to 100 seats with one take-out station. Accordingly, the Petitioner has requested a Special Permit, in accordance with By-Law Section 3.2.7.2(d), for retail use by a single tenant of between 5,750 – 10,000 sq. ft. and a Special Permit, in accordance with By-Law Section 3.2.7.2 (g), for a restaurant use.
- 1.10 Because the specific square footage breakdown is subject to final tenant demands, the Petitioner has requested that the Board allow the allocation among the uses (and floor plans) to change from time to time without further Board review or approval as long as the Project maintains the number of parking spaces required by this Decision. The Petitioner further requests the ability to construct the Project in phases, including the right to obtain a certificate of occupancy for the parking garage in conjunction with either of the two buildings prior to completion of the construction of both buildings.
- 1.11 The Petitioner proposes to construct a total of 1,390 parking spaces to be provided between a one-level underground parking structure beneath the buildings (362 parking spaces), a separate above-ground parking garage with two levels of underground parking (998 parking spaces) and a surface parking lot (30 spaces). Under the provisions of Section 5.1.2 of the By-Law 1,614 parking spaces are required for the Project. Pursuant to Section 5.1.2 of the By-Law the required parking for the office use is one space per 300 square feet of floor area. The Project proposes 232,500 sq. ft. of office use yielding a parking requirement of 775 parking spaces. Pursuant to Section 5.1.2 of the By-Law the required parking for the lab/research and development uses is one space per 300 square feet of floor area. Occupancy by a single tenant of more than 50,000 square feet of floor area shall provide one space per 300 square feet of floor area for the first 50,000 square feet and one space per 400 square feet of floor area in excess of 50,000 square feet. Assuming the Project will not have a single-tenant occupying in excess of 50,000 sq. ft., which would yield a lower parking count, based on the Project's proposed 232,500 sq. ft. of lab/research and development use this yields a parking requirement of 775 parking spaces. Finally, the Petitioner anticipates the retail space to include a retail tenant of approximately 6,052 sq. ft. and a restaurant of approximately 4,000 sq. ft. seating 100 patrons and having one take-out service station. Pursuant to Section 5.1.2 of the By-

Law the required parking for the retail use is one space per 300 square feet of floor area yielding a parking requirement of 20 parking spaces. Pursuant to Section 5.1.2 of the By-Law the required parking for the restaurant use is one space per 3 seats plus ten spaces per take-out service station yielding a parking requirement of 44 parking spaces. Accordingly, the Petitioner has requested a Special Permit in accordance with By-Law Section 5.1.1.5, for a waiver of 224 parking spaces from the required number under By-Law Section 5.1.2 to be provided as part of the Project.

1.12 The parking spaces provided will comply with all design guidelines prescribed by By-Law Section 5.1.3 as shown on the Plan.

1.13 The following chart sets forth the dimensional requirements applicable to the Project:

Item	Required	Project	Compliance with Zoning?
Minimum Lot Area	20,000 sq. ft.	391,846 sq. ft.**	YES
Minimum Lot Frontage	100 ft.	At least 100 ft.	YES
Maximum Floor Area Ratio	0.70 as-of-right Up to 1.35 by special permit	1.21	YES – Special Permit Required
Front Setback from Highland Avenue and Gould Street	15 ft.	North Building: 200 ft. South Building: 50 ft.	YES
Landscape Buffer	50 ft. along Highland Ave. and Gould Street	50 ft. ***	YES
Increased Height Setback	200 ft. from Highland Ave. and Gould Street	North Building: 200ft.	YES
Side/Front Setback on Rt. 95	20 ft.	20 ft.	YES
Rear Setback	20 ft. (along TV Place)	20 ft.	YES
Maximum Lot Coverage	65%	47.2%	YES

Item	Required	Project	Compliance with Zoning?
Maximum South Building Height* (within 200 ft. height limitation zone)	35 ft. as-of-right 42 ft. by special permit	42 ft.	YES – Special Permit Required
Maximum Building North Height* (outside 200 ft. height limitation zone)	56 ft. as-of-right 70 ft. by special permit	70 ft.	YES – Special Permit Required
Maximum Garage Height*	44 ft. as-of-right 55 ft. by special permit	55 ft.	YES – Special Permit Required
Maximum Stories* (within 200 ft. height limitation zone)	2.5 stories as-of-right Up to 3 stories by special permit	3 stories (South Building)	YES – Special Permit Required
Maximum Stories* (outside 200 ft. height limitation zone)	4 stories as-of-right Up to 5 stories by special permit	5 stories (North Building)	YES – Special Permit Required
Maximum Garage Footprint	42,000 sq. ft.	41,361 sq. ft.	YES
Minimum Open Space	25%	37.4%	YES
Maximum Uninterrupted	200 ft.	200 ft.	YES

Item	Required	Project	Compliance with Zoning?
Façade Length			
Building Parapet Height	5 ft.	5 ft.	YES
*Pursuant to Section 4.11.1(e), structures erected on a building and not used for human occupancy, including mechanical equipment, may exceed the maximum building height provided that no part of such structures extends more than 15 ft. above the maximum allowable building height (e.g., 57 ft and 85 ft., respectively for the buildings) and such structures do not cover more than 25% of the building roof. **This area calculation is based on the reduction of the Property areas after transfer to the Town of Needham of the 12,080 sq. ft. Conveyance Area. The Petitioner's separate property at 0 Gould Street containing approximately 7,127 sq. ft. is not included in calculation of lot area and other measurements and is not part of the Project. ***Pursuant to Section 4.11.1(1)(d) of the By-Law, sidewalks, including the Multi-Use Walkway may be located within the 50 ft. setback buffer along Highland Avenue and Gould Street.			

- 1.14 Based on the dimension requirements detailed in Section 1.13 above, the Project will require a Major Project Site Plan Review and other Special Permits from the Planning Board as follows: (i) to allow a maximum Floor Area Ratio of 1.21; (ii) to allow a maximum height of 70 feet for the North Building; (iii) to allow a maximum of 5 stories in height for the North Building; (iv) to allow a maximum height of 42 feet for the South Building; (v) to allow a maximum of 3 stories in height for the South Building; and (vi) to allow a maximum building height of 55 feet for Garage.

With respect to clause (i) above, pursuant to By-Law Section 4.11.1(5) the Planning Board may allow an FAR of up to 1.35 by issuance of a Special Permit. The grant of a Special Permit pursuant to this section must consider the factors detailed further below in paragraph 1.26. With respect to clauses (ii) through (vi) above, pursuant to By-Law Section 4.11.1(1), buildings within 200 ft. of Highland Avenue and Gould Street are limited to a height of 35 ft. and 2.5 stories. The Planning Board may grant a Special Permit to increase the height of buildings within the 200 ft. height limitation zone to 42 ft. and 3 stories and may further increase the height of buildings beyond the 200 ft. height limitation zone to up to 70 ft. and 5 stories. The 200 ft. height limitation envelopes allowing for such height increases are depicted in Figure 1 and Figure 2 of By-Law Section 4.11.1(f), which provides for such figures to clarify the limits of the required setbacks and allowed envelopes. Additionally, pursuant to Section 4.11.2, the Planning Board may grant a Special Permit to increase the height of a parking structure up to 55 ft.

Accordingly, the Petitioner has requested: (i) a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (ii) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21 allowed by special permit; (iii) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building to 70 feet; (iv) a Special

Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (v) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building to 42 feet; (vi) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); and (vii) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage to 55 feet.

- 1.15 The Project will also require a Special Permit to allow for retaining wall height greater than 4 ft. and other applicable design requirements for retaining walls pursuant to By-Law Section 6.11.5. The retaining wall proposed along the eastern property boundary is approximately 4-6 ft. in height and will be located along the side of the proposed fire lane/walkway and adjacent to the I-95/Route 128 off ramp. Accordingly, the Petitioner has requested a Special Permit pursuant to By-Law Section 6.11.5.
- 1.16 The Petitioner has committed to tracking the Leadership in Energy & Environmental Design (LEED) criteria, and to show that it has met (except for good cause) the LEED “Gold” standard for the Project by submitting to the Board, prior to the issuance of a building permit for the relevant building, the checklist prepared by the Project architect or other relevant consultant itemizing the LEED criteria for the proposed building, and by submitting to the Board, prior to issuance of a certificate of occupancy for the relevant building, a copy of the Project architect’s affidavit certifying, to the best of its knowledge, the building’s compliance (except for good cause) with the LEED “Gold” standard.
- 1.17 The Project has been engineered based on assumptions that both the Property and the adjacent property owned by Channel 5 and its affiliates will be fully developed, taking into account such items as storm water management, sewage disposal, utilities, internal driveways, landscaping and other improvements, parking and traffic, and off-site roadway expansion and improvements.
- 1.18 The original materials and studies submitted with the Application on April 5, 2022 assumed a “full build” condition of approximately 531,000 sq. ft. based on a maximum 1.35 FAR build-out of the Property allowed under the By-Law. However, the Project proposes only 465,000 sq. ft. of office/research and development space and 10,052 sq. ft. of retail and/or restaurant space (a total of approximately 475,052 sq. ft.), together with 1,390 parking spaces. Accordingly, traffic generated by the Project is expected to be approximately 9% less than what was studied, and the materials should be read in the context of this lesser build-out.
- 1.19 The Project will include significant transportation improvements and mitigation, including those items as shown on Sheet TR-001 entitled “Off-site Roadway Improvements#1” and Sheet TR-002 entitled “Off-site Roadway Improvements#2” of the Plan (Exhibit 13), and such other improvement as described in Exhibits 4, 9, 12C, 12D, 17, and 29 and paragraph 3.42 of this Decision (the “Traffic Improvements”). A portion of the design shows the travel lanes along Gould Street located on private property owned by the Petitioner. Said private property of the Petitioner will be conveyed to the Town for roadway purposes following successful completion of the above noted Traffic Improvements. Additionally, sidewalks and bike paths are proposed along the Gould Street right-of way from Highland Avenue to the Railroad Tracks at the Massachusetts Bay Authority’s property, on the Petitioners Property which amenities will be available for general public use through the grant of easements to the Town. The Petitioner shall also provide for the maintenance and snow clearing of the above-name sidewalks and bike paths so that they remain available for their intended general public use.

- 1.20 The Petitioner will provide a shuttle between the site and nearby public transportation services, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands. The Petitioner will allow employees and area residents to utilize the shuttle, provided, however, the Petitioner shall not be obligated to provide on-site parking for residents or members of the public utilizing the shuttle.
- 1.21 The Project will generate a total design wastewater flow of 54,554 GPD; this is an increase of 31,501 GPD from the existing facility to the Town's sewer system. The Petitioner has been in contact with Town of Needham representatives and understands the requirements to have a rate of four gallons for every one gallon of sewage added to the system removed through an I/I program. For the Project, four times the increased flow equates to a total of approximately 126,004 GPD I/I removal anticipated from the development. This requirement may be satisfied by either undertaking a construction project or paying a fee to the Town's I&I program at a rate of \$8.00 per gallon required to be removed. The Petitioner has committed to satisfying this requirement prior to the issuance of the certificate of occupancy for the Project.
- 1.22 The Petitioner has proposed a number of amenities for the Project which shall be available for general public use. Pickle Ball courts and a landscaped ½ mile public multi-use fitness/access walkway is planned around the Property, with various exercise areas planned at intervals on the loop and including a pond and water feature. A 7,127 sq. ft. public park with interpretive exhibits is planned off-site on the Petitioner's northern property at the intersection of Gould Street and T.V. Place adjacent to a future rail trail.
- 1.23 The Petitioner has requested a number of Special Permits for which the Board makes the following findings pursuant to Section 7.5.2.1 of the By-Law:
- a) The Project generally complies with the criteria and standards for the granting of the requested Special Permit relief as set forth more particularly herein.
 - b) The Project is consistent with the general purposes of the By-Law, including the promotion of health, safety, convenience, morals, and welfare for Town of Needham residents because it will redevelop the Property from an underutilized and environmentally compromised site into an economically viable and eco-friendly development with public amenities. The Project will promote the welfare of the inhabitants of the Town through a significant increase in property tax revenues, as described above, by providing approximately \$5,000,000 (based on both the Barrett and Fougere Fiscal Analyses) in annual additional real estate and personal property taxes which will support the Town's educational and recreational programs, housing initiatives, community and open spaces, and other Town priorities. The Project includes traffic mitigation measures, including a number of improvements to local roadways and bicycle improvements to lessen congestion on area streets as shown more particularly on Sheet TR-001 entitled "Off-site Roadway Improvements#1" and Sheet TR-002 entitled "Off-site Roadway Improvements#2" of the Plan (Exhibit 13), of this Decision. The Project is an appropriate use of the Property and is consistent with the purposes and design guidelines set forth in the HC-1 District zoning, By-Law Section 4.11.3, as described in paragraph 1.27 of this Decision, below. The project further provides for the installation of a fitness path along the perimeter of the property and the installation and maintenance of pickle ball courts and an ice rink.
 - c) The Project will be in conformity with the By-Law upon issuance of the requested Special Permits.

- d) The Project will improve upon the existing natural features of the Property and is compatible with the characteristics of the surrounding area. The Property has few existing natural features, as it is almost entirely covered with the foundations of the former car dealership and car wash buildings and associated impervious areas used for parking and for the display of motor vehicles for sale. The location of the Garage near the “rear” of the Property will result in limited visibility of the parking structure from most of the major surrounding roads, including Highland Avenue and Gould Street as such Garage has been further mitigated by the Plan modifications detailed in paragraph 2.0. Extensive landscaping will be provided around the entire Property, including a circumferential multi-use fitness/access walkway with exercise stations for use by tenants’ employees, neighbors, and the general public.
 - e) The circulation patterns for motor vehicles and pedestrians which would result from the Project will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the Property or in the surrounding area. Traffic impacts have been mitigated to a reasonable standard generally not worse than the existing condition. The Transportation Impact and Access Study prepared by VHB (Exhibit 4) (the “TIAS”) analyzed existing traffic conditions on area roadways and at area intersections, under current conditions, and under future conditions expected to exist in seven years, in the context of construction and non-construction of the Project. The TIAS recommends, and the Petitioner has committed to implement, several measures to prevent the Project from increasing traffic congestion or the potential for traffic accidents. As shown on Sheet TR-001 entitled “Off-Site Roadway Improvements#1” and Sheet TR-002 entitled “Off-Site Roadway Improvements#2” of the Plan (Exhibit 13), these measures include widening and reconfiguring Gould Street at the intersection with Highland Avenue and at the intersection with the Property entrance (opposite the Wingate Residences entrance), and construction of a shared multi-use walkway on the Property along Gould Street (the “Multi-Use Walkway”) for use by neighbors and residents. The internal circulation pattern has been designed to control vehicle speeds and to reduce vehicle-pedestrian interactions by providing wide sidewalks.
 - f) The proposed use, structures and activity at the Property resulting from the Project will not have any demonstrable adverse impact on the surrounding area. Any noise, illumination or glare associated with the Project will be mitigated with thoughtful design features, including landscaping and cut-off lighting, as more particularly shown on the Plan. No noxious or hazardous substances are anticipated to be emitted as a result of the Project, and no waterways or groundwater will be polluted.
- 1.24 As shown on Sheet C-02B entitled “Overall Site Plan” of the Plan (Exhibit 13) the proposed Project will conform to zoning requirements as to front setback from Highland Avenue and Gould Street, landscape buffer, the increased height which is setback 200 ft. along Highland Avenue and Gould Street, side and front setbacks along Route 95, rear setbacks along TV Place, maximum lot coverage, maximum garage footprint, minimum open space, maximum uninterrupted façade length, and building parapet height. Subject to the granting of the requested Special Permits, the Project will conform to zoning requirements for maximum floor area ratio, maximum garage height, and maximum height and maximum stories (both within and outside the 200 ft. height limitation zone specified in By-Law Section 4.11.1), and the Project will therefore comply with all zoning requirements. The lot conforms to zoning requirements as to size and frontage. Pursuant to Section 4.11.1(1)(d) of the By-Law, sidewalks and walkways, including the Multi-Use Walkway, may be located within the 50 ft. setback buffer along Highland Avenue and Gould Street.

- 1.25 The Plan shows that certain shade structures, exercise equipment, and other non-habitable structures may be part of the landscaped buffer zone provided by the Project pursuant to the By-Law. The Board finds these features are part of the landscaping of the buffer zone and are a public benefit and as such are permitted to be located within the buffer zone pursuant to Section 4.11.1(d) of the By-Law.
- 1.26 The Petitioner has requested an increase in the floor area ratio (FAR) above 1.0 in the HC-1 District to 1.21 and therefore the Board considered the factors set forth in Section 4.11.1(5) of the By-Law and makes the following findings:
- a) As set forth in the Stormwater Report, the TIAS, and based on the Petitioner's engineer's independent review of the infrastructure, the existing or proposed infrastructure can adequately service the Project without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services.
 - b) As set forth in the TIAS and elsewhere in this Decision, the Project will include significant off-site mitigation, including the Traffic Improvements, that will counterbalance the intersection capacity impacts of the additional Project-generated trips added to the roadway network. The Project will also include a robust Traffic Demand Management (TDM) program to incentivize reduced single occupant driving and increase use of alternative forms of transportation.
 - c) Regarding direct environmental impacts, the Petitioner will take feasible steps to reduce carbon emissions and minimize energy usage and has designed the Project accordingly. Energy modeling will evaluate several emissions mitigation measures including hybrid electric/gas heating with electric heating being the first to operate whenever capacity allows, high efficiency glycol heat recovery loop, reduced laboratory exhaust through exhaust monitoring, electric water heating, and more. The Petitioner also studied options to include photovoltaic solar panels at the roof of the Garage and roof of the North & South Buildings. In addition to these emission reduction strategies, the Project will utilize the LEED v4 BD+C rating system for the Core and Shell building components to incorporate other sustainability strategies. The Petitioner anticipates the Project will be LEED Gold certifiable with higher targets possible.
 - d) Regarding future impacts due to Sea Level Rise/Storm Surge and other climate change considerations, the Project is not exposed to Sea Level Rise/Storm Surge or Extreme Precipitation-Riverine Flooding. Although the Property has a high risk of Extreme Precipitation-Urban Flooding and a high risk of Extreme Heat, the Project will combat these risks by including measures to reduce the threat of urban flooding from extreme precipitation and developing appropriate strategies for a changing climate in the near term, as well as planning for a longer-term adaptation strategy over the course of the Project's life span.
 - e) No part of the Property has a historic structure, or a structure within a historic district listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth.

- f) As described above, the Project is expected to result in a net annual financial benefit of approximately \$5,000,000 to the Town, plus personal property taxes which would also generate significant additional revenue as confirmed by both the Barrett and Fougere Fiscal Impact Analyses.
- 1.27 The Board also considered the design guidelines in Section 4.11.3 of the By-Law in connection with the request for a Special Permit under Sections 3.2.7.2 and 4.11 of the By-Law and makes the following findings:
- a) The Project will contain various pedestrian and neighborhood connections and amenities. The south end of the South Building, near the intersection of Gould Street and Highland Avenue will contain the Project's "retail zone" of approximately 10,052 sq. ft. of retail and/or restaurant use. This area is being developed with retail/restaurant plaza and landscapes visible from the public streets, making it a vibrant and cohesive part of the neighborhood. A landscaped ½ mile public multi-use fitness/access walkway is planned around the Property, with various exercise areas planned at intervals on the loop and including a pond and water feature.
 - b) The Garage will be primarily constructed of structural precast concrete columns and spandrel beams with color and finish intended to coordinate with the color and finish of the North and South Buildings. In addition, the overall scale of the stand-alone Garage will be broken up through the use of fabric banners hung from the upper levels, which will result in visual interruptions and a softening of the façades onto the sides most visible to the neighborhood. The foregoing design elements of the Garage and utilization of banners will create such interruptions in the Garage façade so that uninterrupted façade lengths are less than 200 ft in compliance with Section 4.11.2(3) of the By-Law requirement. The Garage will be in the northeast corner of the site, downgradient and 200 feet from Gould Street. Its presence will be masked to the south and southwest by the North Building. The Garage will also comply with the specific dimensional criteria developed for this district to integrate with the surrounding area, as shown on Sheet C-02B entitled "Overall Site Plan" and Sheet G-005 entitled "Zoning Area Plans" of the Plan (Exhibit 13).
 - c) As described above, the Project will include two buildings, the North Building on the northerly portion of the Property, and the South Building on the southerly portion of the Property and the shared Atrium to connect them. The design of the buildings will help break down the scale of the overall Project into smaller pieces. The proposed office and lab/research and development uses mixed with retail and/or restaurant use will create an active gateway condition visible from the public streets. A landscaped ½ mile multi-use/access walkway will be constructed around the perimeter of the Property, with various exercise areas planned at intervals around the buildings, and including a pond and water feature. This will provide an opportunity for internal and external users, including the general public, to enjoy the Property.
 - d) The buildings' massing was designed to take advantage of unique view corridors, interesting topography, solar orientation, and will comply with the zoning requirements outlined above. The buildings will provide flexible floorplates that are desirable for today's tenants looking for access to light and views and opportunities for shared indoor and outdoor amenities.

- e) With respect to green building standards, the Petitioner has taken all feasible steps to reduce carbon emissions and minimize energy usage in designing the Project. Energy modeling for the Project evaluated several emissions mitigation measures including hybrid electric/gas heating with electric heating being the first to operate whenever capacity allows; high efficiency glycol heat recovery loop; high efficiency chilled water plant; reduced laboratory exhaust through exhaust monitoring; electric water heating; improved envelope insulation and infiltration without thermal bridging; and high-performance lighting and controls.
- f) In addition to emission reduction strategies, the Project will utilize the LEED v4 BD+C rating system for the core and shell building components to incorporate other sustainability strategies such as: green vehicle parking; open space; rainwater management; heat island reduction; construction and demolition waste management; and building product disclosure and optimization. The Project will be Energy Star rated and certified as a WELL Building.

The WELL Building Standard takes a holistic approach to health in the built environment addressing behavior, operations and design. WELL, is a performance-based system for measuring, certifying, and monitoring features of the built environment that impact human health and well-being, through air, water, nourishment, light, fitness, comfort and mind. WELL is grounded in a body of medical research that explores the connection between the buildings where we spend more than 90 percent of our time, and the health and wellness impacts on us as occupants. WELL Certified™ spaces can help create a built environment that improves the nutrition, fitness, mood, sleep patterns and performance of its occupants.

- g) The prior use of the Property as a car wash included 1,360 peak daily vehicle trips to and from the car wash during the winter months, or roughly 600 vehicles daily during peak periods. Furthermore, the Petitioner will implement significant traffic mitigation measures as described herein, including the Traffic Improvements and the Multi-Use Walkway. As set forth above, the Project will also include a robust TDM program to incentivize reduced single occupant driving and increase use of alternative forms of transportation. Based on the TIAS, the roadway network, as improved through the Project's proposed transportation mitigation, can safely and adequately handle the trips associated with the Project.
- h) The Petitioner will provide a shuttle between the site and nearby public transportation services, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands. The Petitioner will allow area residents and employees to utilize the shuttle, provided, however, the Petitioner shall not be obligated to provide on-site parking for residents or members of the public utilizing the shuttle. The Petitioner will incentivize reduced single occupant driving and increased use of alternative forms of transportation.

1.28 The Petitioner is requesting a Special Permit for relief under Section 6.11.5 of the By-Law with respect to retaining walls.

- a) The retaining wall proposed along the eastern property boundary is approximately 4-6 ft. in height and will be located along the side of the proposed fire lane/walkway and adjacent to the I-95/Route 128 off ramp. The retaining wall will direct stormwater discharges toward the Property's proposed drainage system and not to the MassDOT Right-of-Way. This is a significant improvement over existing conditions, under which sheet flow drainage discharges untreated runoff off to adjacent properties and roadways. The proposed

retaining wall will face the Exit 35C ramp from I-95/Route 128 to Highland Avenue. Therefore, it will have little, if any, impact on adjacent property or the public. Additionally, the retaining wall has a low profile and there is a wide vegetated shoulder from the roadway before the wall. The Petitioner and the Board have each independently considered the report of the Design Review Board in designing the retaining wall and in granting the Special Permit for relief hereunder.

- b) The Board finds that (i) the retaining wall will not cause an increase of water flow off the Property; (ii) the requested retaining wall will not adversely impact adjacent property or the public; and (iii) the report of the Design Review Board has been received and considered in making this finding.

1.29 The Board makes the following findings with respect to the Petitioner's requested Special Permit waiving strict adherence to the required number of parking spaces and parking design requirements pursuant to Section 5.1.1.5 of the By-Law.

- a) As described above, the TIAS assumed a development of approximately 531,000 sq. ft. based on a maximum 1.35 FAR build-out of the Property allowed under the By-Law. However, the Project proposes only 465,000 sq. ft. of office/research and development space and 10,052 sq. ft. of retail and/or restaurant space (approximately 475,052 sq. ft. total), together with 1,390 parking spaces. It is anticipated that the Underground Parking and the Garage as shown on the Plan will be fully constructed at one time together with the rest of the Project. The Project has been engineered as more specifically set forth in the application materials filed herewith, taking into account such items as storm water management, utilities, internal driveways, landscaping and other improvements, and parking and traffic.
- b) Under the provisions of Section 5.1.2 of the By-Law, 1,614 parking spaces are required for the Project. Pursuant to Section 5.1.2 of the By-Law the required parking for the office use is one space per 300 square feet of floor area. The Project proposes 232,500 sq. ft. of office use yielding a parking requirement of 775 parking spaces. Pursuant to Section 5.1.2 of the By-Law the required parking for the lab/research and development uses is one space per 300 square feet of floor area. Occupancy by a single tenant of more than 50,000 square feet of floor area shall provide one space per 300 square feet of floor area for the first 50,000 square feet and one space per 400 square feet of floor area in excess of 50,000 square feet". Assuming the Project will not have a single-tenant occupying in excess of 50,000 sq. ft., which would yield a lower parking count, based on the Project's proposed 232,500 sq. ft. of lab/research and development use this yields a parking requirement of 775 parking spaces. Finally, the Petitioner anticipates the retail space to include a retail tenant of approximately 6,052 sq. ft. and a restaurant of approximately 4,000 sq. ft. seating 100 patrons and having one take-out service station. Pursuant to Section 5.1.2 of the By-Law the required parking for the retail use is "One space per 300 square feet of floor area" yielding a parking requirement of 20 parking spaces. Pursuant to Section 5.1.2 of the By-Law the required parking for the restaurant use is "One space per 3 seats plus ten spaces per take-out service station" yielding a parking requirement of 44 parking spaces. Accordingly, the Petitioner has requested a Special Permit in accordance with By-Law Section 5.1.1.5, for a waiver of 224 parking spaces from the required number under By-Law Section 5.1.2. As described in Condition 3.3 below, the foregoing uses and corresponding square footage amounts may be re-allocated among the Project's approved uses so long as the Project does not exceed 1,390 total parking spaces and the use profile

proposed does not exceed a parking requirement under Section 5.1.2 of more than 1,614 parking spaces.

- c) There are special circumstances in construction of the Project on the Property that do not warrant the minimum number of parking spaces required under Section 5.1.2. The Petitioner plans to construct a total of 1,390 parking spaces, which is less than the required amount under the By-Law of 1,614 parking spaces as shown above. The TIAS reports that actual parking demand for the Project is anticipated to be approximately 1,355 spaces. The By-Law's required parking ratios assume a higher employee density than is typical for lab/research & development uses. The By-Law also assumes that each office employee will commute alone, by motor vehicle. The Petitioner is committed to a transportation demand management program to encourage the use of carpool, walking, biking, and public transit alternatives to single occupancy vehicle trips. Also, the By-Law's parking ratio does not consider the potentially permanent changes in commuting patterns resulting from the COVID-19 pandemic, including hybrid/remote work programs.
- d) This Decision does not exempt the Project from future compliance with the provisions of Section 5.1.2 and 5.1.3 which may be applicable to future changes to the buildings or structures after construction of the Project pursuant to the terms and conditions hereof. This Decision adequately defines the conditions of the use of the buildings and structures of the Project so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand.
- e) The Project will provide the Traffic Improvements detailed in paragraph 3.42.
- f) Based on the foregoing and the other findings detailed in this Decision, the Board finds it appropriate that the Project provide 244 fewer parking spaces than the required number of spaces in the By-Law and that the proposed number of 1,390 spaces is sufficient to satisfy the anticipated parking demand for the Project. The Board also finds the issuance of the requested Special Permits under Section 5.1.1.5 of the By-Law will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the intent of the By-Law.

1.30 The Board makes the following findings regarding the Petitioner's requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules.

- a) The Project has adequately protected adjoining premises against serious detriment. The Project maintains a significant landscape buffer between the proposed structures and Highland Avenue and Gould Street, which streets themselves provide a buffer for the nearby residential neighborhoods and other properties. The buffer includes landscaped berms planted with shade trees and conifers. The Project's buildings are far enough from the Property line (in conformance with By-Law setbacks) so there will be no shade cast towards any residential properties beyond the Property boundary. Except for a small surface parking lot next to Gould Street, all parking will be contained below the buildings or within the Garage. Service and loading areas are located within the buildings. As described above, the Project will provide a multi-use fitness/access walkway around the perimeter of the Property adding another buffer. Adjoining premises will be protected against any seriously detrimental uses on the Property through provision of surface water drainage, a retention pond, sound and sight buffers, and the addition of natural landscaping

and green space to the Property. As detailed in the Stormwater Report, stormwater will be contained within the Property and catch basins with sumps and hoods, oil/water separators, rain gardens, and vegetated swales to improve storm water quality discharges, are provided. Stormwater will be infiltrated to mitigate storm water volumes. The retention pond is incorporated into the multi-use fitness/access walkway as an attractive feature.

- b) As described in greater detail above, the Project will provide enough parking to accommodate all vehicles on the Property and the parking spaces provided will comply with the design criteria set forth in By-Law Section 5.1.3 with deviations as necessary and granted pursuant to the Special Permit. The Project will provide a primary entrance on Gould Street, across from the existing curb cut for the Wingate senior housing community through a to-be built signalized intersection. An internal drive loop will mitigate traffic queuing in and out of the Property. There will be a secondary entrance/exit from the Garage to TV Place. The Petitioner will construct significant traffic mitigation, including the Traffic Improvements, which will widen Gould Street to better handle traffic movements and volume. Internal sidewalks and the Multi-Use Walkway connected to Gould Street will encourage multimodal transportation opportunities. Bicycle storage for short-term and long-term use is incorporated into the Project design. Handicapped parking will be provided in compliance with applicable requirements. All access walks and paths are designed with slopes of less than 5%, so no ramps will be needed. Crosswalks are proposed at the Gould Street signalized intersection.
- c) Parking and loading spaces have been adequately arranged in relation to the proposed uses on the Property.
- d) The Project will provide adequate methods for disposal of refuse and waste. Solid waste and refuse will be disposed of in compliance with all applicable rules and regulations. The wastewater system will be connected to the municipal sewer system. The Petitioner will require Tenants to comply with all applicable regulations regarding the handling and disposal of wastes.
- e) The Project will comply with the setback and landscape buffer requirements of the By-Law that were specifically developed to create an appropriate relationship between the Project and the surrounding area. As stated above, a multi-use fitness/access walkway is proposed along the perimeter of the Property, to be available for use by the general public. Fitness stations will be provided along the walkway.
- f) The Project will not have any adverse impact on the Town's water supply and distribution system, sewer collection and treatment, fire protection, or streets. The Project will not have any adverse impact on the Town's water or wastewater infrastructure. Sufficient pump stations provide support for the area. The proposed buildings will be fully accessible for the Town's firefighting apparatus.
- g) Based on the foregoing points and other information detailed in this Decision, the Board has considered the criteria described in 7.4.6 of the By-Law in granting the Petitioner's request for a Major Project Site Plan Review Special Permit.
- h) Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the HC-1 District, if the Board finds that the proposed project complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the

findings and criteria described herein, the Board finds that the Project plan, as conditioned and limited herein for Site Plan Review, to be in harmony with the purposes and intent of the By-Law to comply with all applicable By-Law requirements, to have minimal adverse impact and to have proposed a development which is harmonious with the surrounding area.

1.31 The Project redevelops an underutilized site into an economically viable development with public amenities. The addition of the Project will be a source of employment for Town residents, will generate significant additional tax revenues for the Town, introduces uses, including retail and/or restaurant uses, which will contribute to making the Project a vibrant and cohesive part of the neighborhood and will be designed to enhance the aesthetic of a prominent entry to the Town.

1.32 The Project has been approved by the Design Review Board.

On the basis of the above findings and conclusions, the Board finds the proposed project and plan, as modified by this Decision, and as conditioned and limited herein, to meet these requirements, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and will not be a detriment to the Town's and neighborhood's inherent use of the surrounding area.

THEREFORE, the Board voted [#-#] to GRANT: a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21; (3) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750-10,000 square feet as part of the Project; (8) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage (defined below) to 55 feet; (9) a Special Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1390 parking spaces; and (10) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls.

PLAN MODIFICATIONS

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

2.0 The Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

- a) The Plan shall be revised to show the following updates to the building design as were presented to the Board by the Petitioner at the public hearings on September 7, 2022 and October 3, 2022: (1) Update the elevation at Highland Ave as follows: (i) Create 3rd floor setback to emphasize 2-story punch-window massing; (ii) Add 3rd floor material change and sunshades to emphasize the façade; (iii) Create “notch” at mid-block of Highland façade & added outdoor balcony space; (iv) Create “notch” at corner of Highland Façade to soften corner; and (v) Articulate roof screen with materiality to “transition to sky”. (2) Adjust glass extents on Gould Street elevation of the North Building to align with bump out. (3) Consolidate footprint of Atrium between North & South Building facing Highland Avenue/ Route 128. (4) Reduce the square footage of the Project from 490,000 sq. ft. and a 1.25 FAR to 475,052 sq. ft. and a 1.21 FAR. (5) Solar arrays on the roof of the North and South buildings.
- b) The Plan shall be revised to show the following updates to the landscape design as were presented to the Board by the Board at the public hearings on September 7, 2022 and October 3, 2022: (1) Added cross walk from surface parking area to Main Entrance; (2) Shift surface parking area northerly to accommodate added cross walk; (3) Add curb cut on Gould Street and realigned fire access route as requested by Town; (4) Substantially design 7,127 sq. ft. park with interpretive exhibits on northern parcel and allow for future connection from such park to rail trail.
- c) The Plan shall be revised to show the following further updates to the landscape design as were presented to the Board by the Petitioner at public hearings on September 7, 2022 and October 3, 2022: Sheet L-1.0 Site Plan: Create walk through and cross walk at southeast corner of surface parking area to provide more direct access to Main Entrance; and Note that all of the cross walks across the drives are to be raised paver walks; Revise alignment of the fire access route and created circular water feature to promote improved emergency access. Sheet L-2.0 Grading Plan: Revise as associated with the additional site improvements as described above. Sheet L-3.0 Planting Plan: Revise as associated with the additional site improvements as described above. Sheet L-4.0 Lighting Plan: Revise as associated with the additional site improvements as described above; and Relocate path lights along fire access to be on building side of path to further reduce obstructions. Sheet L-5.1 Site Details #2: Provide curb and permeable pavement details in regard to the emergency access as requested by the Town.
- d) The Petitioner shall modify the Plan for the Garage to reduce portions of the building height closest to Gould Street to no greater than forty-eight (48) feet and incorporate additional screening for portions of the modified Garage visible from Gould Street, and submit the updated Plan, including any corresponding necessary modifications to the configuration/stripping of parking spaces to maintain 1,390 parking spaces, to the Design Review Board and Planning Board to determine conformance with the following Design Guidelines:

Design Guidelines:

- (1) The height of the Garage for the portions of the Garage closest to Gould Street shall be reduced to no greater than forty-eight (48) feet and four (4) levels (the building height and levels closest to Route 128 shall be allowed a height up to 55 feet).

(2) Additional screening shall be incorporated for the portions of the modified Garage visible from Gould Street utilizing the following methods: (i) landscaping, including mature trees, vines or other vegetation for the purposes of screening the Garage; and (ii) use of metal tubing, mesh screening or other materials to enhance the aesthetic and minimize the visual impacts of the Garage. The Petitioner may supplement the above with such other reasonable means, methods and materials sufficient to provide additional screening.

(3) 1,390 parking spaces shall be provided at the Property utilizing one or more of the following methods: (i) restriping/reconfiguring the parking space layout within the modified Garage in compliance with Section 5.1.3 Parking Plan and Design Requirements of the By-Law; (ii) adding a level (or portion thereof) to the Garage below-grade in compliance with Section 5.1.3 Parking Plan and Design Requirements of the By-Law; (iii) restriping/reconfiguring the parking space layout within the below-grade parking underneath the North and/or South Buildings in compliance with Section 5.1.3 Parking Plan and Design Requirements of the By-Law; and (iv) such other reasonable means and methods to provide 1,390 parking spaces at the Property provided such alterations are within the Garage or below-grade.

The Plan shall be approved by the Design Review Board and the Planning Board if the updated Plan is consistent with the above Design Guidelines.

- e) The zoning table shall be revised to show the minimum open space calculation and the minimum interior parking landscaping percentage calculation.

2.1 The Plan shall be modified to include the requirements and recommendations of the Department of Public Works as set forth below. All requirements and recommendations of the Department of Public Works, set forth below, shall be met by the Petitioner.

- a) At the proposed South Building, the domestic water service connection shall be revised as a separate connection off the site's 10-inch water main.
- b) At the stand-alone garage, a water gate valve for the fire protection line shall be provided.
- c) The 90-degree bends of the onsite water main shall be revised to 45-degree angles.
- d) The stormwater operation and maintenance plan provided for the construction period shall be updated to reflect the correct site name for the construction Maintenance/Evaluation. The construction maintenance checklist shall be revised to state that the check list will be submitted to the Town Engineer during the construction period on a minimum quarterly basis.
- e) The maintenance plan for after the construction of stormwater systems shall be updated to include the maintenance requirements of the porous/permeable pavement that is now part of the emergency access/multi use paths, and the level spreader. A maintenance checklist of the complete stormwater system that the owner/operator will manage shall also be provided.
- f) Water Quality Unit 131 proposed in the embankment of the detention pond appears to lack sufficient grading over the unit. A slight adjustment in the location of unit shall be required

as necessary. Access ports shall be shown on the Plan and noted as reference in the Operation and Maintenance manual.

CONDITIONS

The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.40 hereof.

General Conditions

- 3.1 The proposed buildings, structures, parking areas, driveways, landscape areas, and other site and off-site features shall be constructed in substantial accordance with the Plan as modified by this Decision and shall contain the dimensions and be located on that portion of the Property as shown on the Plan and in accordance with applicable dimensional requirements of the By-Law, except as may be approved by this Board in accordance with the terms of this Decision. Upon completion of the project a total of 1,390 parking spaces shall be provided to service the Project, subject to any reconfiguration/stripping resulting from change contemplated by Section 2 of this Decision or as may be waived in the future by this Board. All off-street parking shall comply with the requirements of Section 5.1.2 and 5.1.3 of the By-Law, as shown on the Plan, as modified by this Decision or as may be waived in the future by this Board.
- 3.2 The proposed buildings and support services shall contain the dimensions and shall be located on that portion of the Property as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law as have been waived as modified by this Decision or as may be waived in the future by this Board.
- 3.3 This permit is issued for professional, business or administrative offices, laboratories engaged in scientific research and development, and retail and/or restaurant space. The laboratory/research and development uses shall be limited to Biosafety Levels 1 and 2 as established by the United States Centers for Disease Control and Prevention and shall comply with all applicable federal, state, and local regulations. The Project is anticipated to contain up to 475,052 square feet of commercial uses, which is currently anticipated to consist of 232,500 sq. ft. of laboratory/research and development uses, 232,500 sq. ft. of office uses, and 10,052 sq. ft. of retail and/or restaurant uses. The restaurant use is anticipated to accommodate up to 100 seats with one take-out station. The foregoing laboratory/research and development use and office use square footage amounts may be reallocated among these two uses as approved by this Decision, without further review by the Board, so long as the Project maintains 1,390 parking spaces. The retail and/or restaurant uses shall be located on the ground floor of the South Building at the Highland Avenue/Gould Street intersection as shown on the Plan. Following selection of a tenant and prior to issuance of a building permit for the specific tenant improvements for the restaurant space, the tenant or the Proponent shall submit a Special Permit Amendment application to the Planning Board for a specific restaurant use as part of the Project. Said application shall be submitted for the Board's review and approval pursuant to By-Law Section 3.2.7.2(g) and shall include a description of the nature and operation of the restaurant use (e.g. hours of operation, number of employees, number of seats, take-out, and refuse disposal). Said application shall require public notice and public hearing. Any further changes of such above-described uses shall be permitted only by amendment of this Approval by the Board.
- 3.4 Except (a) as a result of the condominiumization of the Property, or (b) the Property being ground leased, all buildings and land constituting the Property shall remain under single ownership.

- 3.5 The Petitioner shall implement all of the traffic mitigation measures set forth on Sheet TR-001 entitled “Off-Site Roadway Improvements#1” and Sheet TR-002 entitled “Off-Site Roadway Improvements#2” of the Plan (Exhibit 13) and paragraphs 3.42(a) and 3.42(b) prior to issuance of the Certificate of Occupancy for the Project. A portion of the design shows the travel lanes along Gould Street located on private property owned by the Petitioner. Said private property of the Petitioner shall be conveyed to the Town for roadway purposes following successful completion of the above noted Traffic Improvements.
- 3.6 The Petitioner shall prior to issuance of the Certificate of Occupancy for the Project construct the Multi-Use Walkway, Pickle Ball Courts and 7,127 sq. ft. Park with interpretive exhibits, all as shown on the Plan, as modified by this Decision, and which Multi-Use Walkway, Pickle Ball Courts and park shall be available for use by the general public.
- 3.7 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words “Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed at Owners Expense”. The quantity and design of spaces, as well as the required signage shall comply with the Massachusetts State Building Code, 780 CMR, the Massachusetts Architectural Access Board Regulations, 521 CMR, and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.8 Sufficient parking shall be provided on the site at all times in accordance with the Plan, as modified by this Decision and there shall be no parking of motor vehicles off the site at any time to meet the parking requirements of this Decision. The leasing plan shall not allow the allocation of parking spaces to tenants in excess of the available number.
- 3.9 The Petitioner shall make available shuttle service between the Project and public transportation stations, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands during the hours of 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m., Monday through Friday, such services to begin no later than issuance of the Certificate of Occupancy for the Project, or for the North or South Building. The Petitioner shall allow area residents and employees to utilize the shuttle, provided, however, the Petitioner shall not be obligated to provide on-site parking for residents or members of the public utilizing the shuttle.
- 3.10 The Petitioner shall undertake and implement a transportation demand management program (TDM) program to facilitate carpooling, transit usage, and parking management as described in VHB’s Transportation Impact and Access Study of March 2022 (Exhibit 4) and as further approved and described in GPI’s letter of September 29, 2022 (Exhibit 29).
- 3.11 The Petitioner shall track the Leadership in Energy & Environmental Design (LEED) criteria for the Project and shall submit to the Building Commissioner the checklist prepared by the Project architect itemizing the LEED criteria as it relates to each proposed building prior to the issuance of the building permit. The Petitioner shall show that it has met (except for good cause) the LEED “Gold” standard of certifiability for the Project’s North and South Buildings prior to the issuance of the certificate of occupancy for such building(s).
- 3.12 The Petitioner shall install solar arrays on the roof of the North and the South Buildings, as such elements were presented to the Board by the Petitioner at the public hearings on September 7, 2022 and October 3, 2022.

- 3.13 The emergency diesel fueled generator to be installed on the roof shall be designed and operated so as to comply with all applicable Federal, state and local regulations addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations. The emergency diesel fueled generator shall also be installed and screened as far as practical to minimize the visibility of the emergency generator from Highland Avenue and Gould Street. The Petitioner shall deliver to the Building Commission for review and approval plans and specifications of said emergency diesel fueled generator, including sound attenuation components, if necessary, together with Petitioner's certification to the Building Commissioner that said emergency generator has been designed such that when it is operated it will be in compliance with the regulations described above with respect to noise, and screened in accordance with the requirements described above.
- 3.14 Prior to project occupancy, an as-built plan of the emergency generator together with a sound level analysis prepared by an acoustical engineer (if, in the opinion of the Building Commissioner, available manufacturer's specifications are insufficient to demonstrate compliance with applicable noise standards) shall be submitted to the Building Commissioner. The sound analysis shall demonstrate compliance with all applicable Federal, state and local regulations addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations.
- 3.15 Normal maintenance and testing of the emergency generator shall be limited to one occurrence per month between the weekday hours of 9:00 a.m. and 5:00 p.m. for a period not to exceed 2 hours. The emergency generator shall not operate more than 300 hours per rolling 12-month period, including the normal maintenance and testing procedure as recommended by the manufacturer and periods when the primary power source for the Project, has been lost during an emergency, such as a power outage, an on-site disaster or an act of God.
- 3.16 All deliveries (other than the United State Postal Service, UPS, FedEx or other similar overnight carriers) and trash dumpster pick up shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. The trash shall be picked up no less than two times per week or as necessary.
- 3.17 All lights shall be shielded during the evening hours to prevent annoyance to the neighbors and to minimize light pollution. The Petitioner shall reduce its parking lot and Garage lights during the night and early morning consistent with professional safety and security protocols. No later than 11:30 p.m., the Petitioner shall reduce the parking lot lights using the lights on the building to shine down and provide basic security. The building lights shall be set at a low light level to prevent annoyance to the neighbors to the extent reasonable and practicable, consistent with safety and security requirements.
- 3.18 All new utilities, including telephone and electrical service, shall be installed underground from the street line or from any off-site utility easements, whichever is applicable. If installed from an off-site utility easement the utility shall be installed underground from the source within the easement.
- 3.19 All solid waste shall be removed from the Property by a private contractor. Snow shall also be removed or plowed by private contractor. All snow shall be removed or plowed such that the total number and size of required parking spaces remain available for use.

- 3.20 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the Petitioner cannot identify the sources of the discharges. Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out as per Town requirements.
- 3.21 The Petitioner shall connect the sanitary sewer line only to known sources. All sources which cannot be identified shall be disconnected and properly sealed.
- 3.22 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit and shall pay an impact fee, if applicable.
- 3.23 Prior to reconnecting the building sewers to the existing sewer services at Highland Avenue and at the service that is directed towards the Mass. Highway Layout (RTE 128), the Petitioner shall CCTV the sewer line and shall provide documentation of the line's condition to Needham Sewer Division. The Sewer Division shall be contacted on the date that this camera work will be performed. The Petitioner shall make any necessary upgrades to the service that the proposed facility intends to use.
- 3.24 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if applicable.
- 3.25 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town Requirements.
- 3.26 The Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy.
- 3.27 The construction, operation, and maintenance of the subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the Town's Stormwater By-Law.
- 3.28 The Petitioner shall implement the following maintenance plan:
- a) Parking lot sweeping - sweep twice per year; once in spring after snowmelt, and early fall.
 - b) Catch basin cleaning - inspect basins twice per year; in late spring and fall. Clean basins in spring.
 - c) Oil/grit separators - inspect bi-monthly and clean four times per year of all oil and grit.
- 3.29 The maintenance of parking lot landscaping and site landscaping, as shown on the Plan, shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.
- 3.30 The maintenance of the sidewalks and bike paths along the Gould Street right-of way from Highland Avenue to the Railroad Tracks at the Massachusetts Bay Authority's property, as shown on the Plan, shall be the responsibility of the Petitioner and the sidewalks and bike paths shall be maintained in good condition. The Petitioner shall also provide for snow clearing of the above-name sidewalks and bike paths so that they remain available for their intended use.

- 3.31 The Petitioner shall comply with the Public Outreach & Education and Public Participation & Involvement control measures required under NPDES. The Petitioner shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed
- 3.32 In constructing and operating the proposed buildings and parking area on the Property pursuant to this Decision, due diligence shall be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.33 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the Property, shall be removed from the Property.
- 3.34 All construction staging shall be on-site. No construction parking shall be on public streets except for the planned improvements to public roadways contemplated by the Project. Construction parking shall be all on-site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Commissioner.
- 3.35 The following interim safeguards shall be implemented during construction:
- a) The hours of any exterior construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
 - b) The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the Project property which require excavation or otherwise pose a danger to public safety.
 - c) The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Highland Avenue or Gould Street.
 - d) The Petitioner shall take the appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Highland Avenue and Gould Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.36 Condominiumization of the Property. The Board hereby acknowledges that the land comprising the Site and the improvements thereon may be submitted to the provisions of Massachusetts General Laws Chapter 183A by the recording of appropriate documents with the Norfolk County Registry of Deeds thereby creating a Condominium. Except for condominiumization of the Property and/or to base ownership on ground lease arrangements, the buildings and land constituting the Property shall remain under a single ownership.
- 3.37 No building permit shall be issued for the Project, or portion thereof, in the pursuance of this Decision until:

- a) The final plans shall be in conformity with those previously approved by the Board, as modified by this Decision, and a statement certifying such approval has been filed by this Board with the Building Commissioner.
- b) A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
- c) The Board shall have received a copy of the checklist prepared by the Project architect or other relevant consultant itemizing the LEED criteria as it relates to the proposed building as described in paragraphs 1.16 and 3.11 of this Decision.
- d) The Board shall have received the traffic count information required under paragraph 3.42(a)(1) of this Decision.
- e) The Petitioner shall prepare and file with the Board and the Norfolk County Registry of Deeds a plan which shows Assessors Plan No. 76, parcels 3 and 8 merged, using customary surveyor's notation.
- f) The Petitioner shall have delivered to the Building Commissioner for review and approval plans and specifications for the emergency diesel fueled generator, including sound attenuation components as described in paragraph 3.13 of this Decision.
- g) The Petitioner shall have recorded with the Norfolk County Registry of Deeds or filed for registration with the Norfolk County District of the Land Court a certified copy of this approval with the appropriate reference to the Book and Page number of the recording of the Petitioner's Title, Deed or Notice endorsed thereon.

3.38 No building or structure, or portion thereof, for the Project and subject to this Decision shall be occupied until:

- a) An as-built plan supplied by the engineer of record certifying that the on-site and off-site Project improvements pertaining to the Project were built according to the approved documents has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines. In addition, the as-built plan for the Project shall show the final location, size, depth, and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned for the Project. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
- b) There shall be filed, with the Building Commissioner and Board, a statement by the registered professional engineer of record certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the Project.
- c) There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features,

parking areas, and lighting installations for the Project. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.

- d) There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered architect upon completion of construction for the Project, or portion or phase thereof.
- e) The Board shall have received a copy of the Project architect's affidavit certifying, to the best of its knowledge, the Project's compliance with the LEED "Gold" standard of certifiability as described in paragraphs 1.16 and 3.11 of this Decision.
- f) A copy of the TDM program for the Project as described in paragraphs 3.10 and 3.42(c) of this Decision shall have been submitted.
- g) The Petitioner shall have implemented all of the traffic mitigation measures as described in paragraphs 3.5 and 3.42(b) of this Decision.
- h) An as-built plan supplied by the engineer of record certifying that the off-site traffic improvements were completed according to the approved documents has been submitted to and approved by the Board and Department of Public Works.
- i) There shall be filed with the Building Inspector a statement by the Board approving the final off-site traffic improvements.
- j) The Petitioner shall have conveyed to the Town for roadway purposes Parcel A comprising 12,087 sq. ft. as shown on the plan entitled "Conveyance Plan" prepared by Feldman Geospatial, 152 Hampden Street, Boston, MA, dated August 15, 2022 and shall have completed the installation of granite monuments designating the right-of-way control at Gould Street as required by the Department of Public Works.
- k) The Petitioner shall have implemented the shuttle service as described in paragraph 3.9 of this Decision.
- l) The Petitioner shall have completed construction of the Multi-Use Walkway, Pickle Ball Courts and Park with interpretive exhibits as described in paragraph 3.6 of this Decision.
- m) The Petitioner shall have provided access easements to the Town for the sidewalks and bike paths proposed along the Gould Street right-of way from Highland Avenue to the Railroad Tracks at the Massachusetts Bay Authority's property as described in paragraph 1.19 of this Decision.
- n) The Petitioner shall have filed an as-built plan of the emergency generator and a sound level analysis prepared by an acoustical engineer as described in paragraph 3.14 of this Decision.
- o) As described in paragraph 1.21 of this Decision, the Petitioner shall have either identified and removed infiltration and inflow ("I and I") from the sewer lines at a rate of 4 gallons to every gallon that is expected to be generated by the Project or to have paid the normal connection rate on a per gallon basis all in accordance with the Petitioner's sewer connection permit.

- p) Notwithstanding the provisions of Section a, b, c, l, and m of this Section 3.35, the Building Commissioner may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the completion/installation of final landscaping and other improvements and site features described above, provided that the Petitioner shall have first filed with the Board a bond in an amount not less than 110% of the value of the aforementioned remaining work to secure installation of such landscaping and other improvements and site features for the Project.
- 3.39 In addition to the provisions of this Decision, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.40 The buildings and Garage authorized for construction by this Decision (including the portion of Project that is the subject of such request) shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use for said building or Garage, or portion thereof, has been issued by the Building Commissioner.
- 3.41 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.
- 3.42 The Project shall comply with all of the following conditions:²
- a) **Prior to commencing construction of the Project, the Petitioner shall:**
- (1) Collect existing conditions traffic volume counts along Sachem Road and Noanett Road to establish a baseline condition on these roadways. These will include a minimum of 48-hour automatic traffic recorder counts to obtain weekday daily traffic volumes on both roadways. In addition, turning movement counts will be collected during the weekday AM (7:00 AM – 9:00 AM), weekday midday (11:00 AM– 1:00 PM), and weekday PM (3:00 PM – 6:00 PM) peak periods at the following intersections:
- Central Avenue / Noanett Road
 - Gould Street / Noanett Road
 - Hunting Road / Sachem Road

² These conditions are set out in the recommendations of the Town's peer-reviewer, GPI, in its letter of September 29, 2022.

- Highland Avenue / Mills Road
- Highland Avenue / Utica Road

This traffic count data will be used to create a baseline condition for comparison to post-occupancy traffic counts in order to assess any increase in cut-through traffic generated by the Project on Noanett Road and Sachem Road.

b) Prior to issuance of a certificate of occupancy for the Project, the Petitioner shall complete the following off-site improvement measures:

- (1) Implement signal timing modifications to optimize traffic operations at the following intersections:
 - Highland Avenue/West Street
 - Highland Avenue/Webster Street
 - Highland Avenue/ 1st Avenue
 - Hunting Road/ Kendrick Street
- (2) Adjust the yellow and red clearance intervals at the Hunting Road/ Kendrick Street intersection consistent with current design standards for the geometry of the intersection to improve safety.
- (3) Install NO THRU TRAFFIC or LOCAL TRAFFIC ONLY regulatory signage at the following locations:
 - Noanett Road facing Gould Street
 - Noanett Road facing Central Avenue
 - Mills Road facing Highland Avenue
 - Utica Road facing Highland Avenue
 - Sachem Road facing Hunting Road
- (4) On Central Avenue/Gould Street:
 - Install a fully-actuated traffic control signal with video detection and Opticom for emergency vehicle activation;
 - Restripe Central Avenue to provide a dedicated left-turn lane on Central Avenue westbound and single through lane in each direction;
 - Install new crosswalks with ADA-compliant curb ramps and APS pedestrian signals with countdown indications and vibro-tactile push-buttons on all three approaches; and
 - Provide dedicated signal phases for the two residential driveways within the intersection.
- (5) On Gould Street/ Noanett Road:
 - Reconstruct curb ramps on the northwest and southwest corners of the intersection to provide ADA accessibility and stripe a new crosswalk across Noanett Road.
- (6) Gould Street Pedestrian and Bicycle Enhancements:
 - Install a 10-foot two-way bicycle track and 8-foot sidewalk along the easterly side of Gould Street between Highland Avenue and the former railroad track approximately 150 ft. north of TV Place;

- Provide a 4-foot bicycle accommodating shoulder along the westerly side of Gould Street between TV Place at Highland Avenue;
 - Install a crosswalk at the northerly end of the bicycle track at the former railroad crossing and install Rectangular Rapid Flash Beacons (RRFBs) with a passive detection system for pedestrians and bicyclists; and
 - Reconstruct the sidewalk along the westerly side of Gould Street between Highland Avenue and Noanett Road to provide a 6-foot ADA-compliant sidewalk.
- (7) On Gould Street and TV Place:
- Widen Gould Street to provide a left-turn lane and a through lane on the Gould Street southbound approach and a single lane on the northbound approach; and
 - Widen TV Place to provide separate left- and right-turn lanes exiting to Gould Street and a single entrance lane with 8-foot sidewalks on either side of TV Place.
- (8) On Gould Street, the Project driveway, and Wingate Driveway:
- Widen Gould Street southbound to provide a dedicated left-turn lane, a through lane, and a shared through/right-turn lane;
 - Widen Gould Street northbound to provide a 50-foot left-turn pocket, a through lane, and a right-turn lane;
 - Construct the driveway to provide a dedicated left-turn lane and a shared left/through/right-turn lane;
 - Install a fully-actuated traffic signal with video detection and Opticom for emergency vehicle activation; and
 - Install cross-ways with ADA-accessible curb ramps and APS pedestrian signals with count-down indications and vibro-tactile push-buttons across all four approaches to the intersection.
- (9) On Highland Avenue, Gould Street, and Hunting Road:
- Widen the Gould Street southbound approach to provide two left-turn lanes and a shared through/right-turn lane with a minimum 4-foot bicycle-accommodating shoulder;
 - Reconstruct the median island on Highland Avenue eastbound to accommodate the left-turn onto Gould Street;
 - Reconstruct the median island on Highland Avenue westbound to accommodate the left-turn double left-turn from Gould Street onto Highland Avenue;
 - Reconstruct crosswalks and curb ramps on the Highland Avenue eastbound and Gould Street southbound approaches consistent with ADA guidelines;
 - Install new traffic signal equipment as necessary to accommodate the geometric changes to the intersection, including, but not limited to, mast arms, vehicle detection, signal heads, conduit, pull-boxes, signage, etc.;
 - Replace the existing traffic signal controls with adaptive traffic signal controls to allow for improved optimization of traffic operations; and
 - Upgrade pedestrian signals to APS signals with countdown indications and vibro-tactile push-buttons.
- (10) On Hunting Road:
- Fund the installation of two radar-embedded speed limit signs on Hunting Road as locations to be determined in coordination with the Needham Police Department to control speeds.

- c) **Prior to issuance of a certificate of occupancy for the Project, the Petitioner shall provide the following TDM measures as part of the Project:**
- (1) Provide an Employee Transportation Advisor who will coordinate with the local Transportation Management Association;
 - (2) Provide up to 104 secure, covered bicycle parking spaces for tenant's employees and up to 50 public bicycle spaces for visitors and patrons;
 - (3) Install EV charging stations at a minimum of 25 percent of the parking spaces provided within each parking lot/garage area. Provide free EV charging for all employees for at least the first five years following issuance of the final Certificate of Occupancy for the Project;
 - (4) Provide a shuttle between the site and nearby public transportation services, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands. The Petitioner shall allow area residents and employees to utilize the shuttle;
 - (5) Require tenants to provide a 50 percent transit pass subsidy for employees;
 - (6) Implement carpool assistance and incentives for employees;
 - (7) Provide incentives and amenities for bicycling and walking;
 - (8) Provide a guaranteed ride home to all employees using public transit, walking, bicycling, or carpooling to work;
 - (9) Provide on-site locker rooms and showers for employees; and
 - (10) Display transportation-related information and tenant's employees and visitors in the main lobby.
- d) **Within one year, and at least six months following, initial certificate of occupancy for the Project, the Petitioner shall conduct a transportation monitoring program to include the following:**
- (1) With respect to trip generation:
 - Collect automatic traffic recorder or turning movement counts at the site driveway intersections with TV Place and Gould Street to verify the trip generation characteristics of the development during the weekday daily, weekday AM peak hour, and weekday PM peak hour time periods.
 - Should the actual trip generation of the site exceed the trip generation estimates contained in the Draft Environmental Impact Report (Exhibit 155) by more than 10 percent, the Petitioner shall evaluate and implement measures to reduce vehicle trip generation, including implementation of additional Transportation Demand Management (TDM) measures.
 - Should the actual trip generation of the site exceed the trip generation estimates contained in the MEPA DEIR (Exhibit 155), as adjusted to reflect the actual square footage constructed by the Project, by more than 10 percent, the Petitioner shall work with MassDOT and the Town of Needham to assess whether the

Transportation Monitoring Program should be expanded to assess the Project's impacts on additional intersections.

(2) With respect to traffic operations:

- Collect turning movement counts during the weekday AM (7:00 AM – 9:00 AM) and weekday PM (3:00 PM – 6:00 PM) peak periods at the following intersections:
 - o Central Avenue / Gould Street
 - o Gould Street / TV Place
 - o Gould Street / Site Driveway / Wingate Driveway
 - o Highland Avenue / Gould Street / Hunting Road
- Conduct capacity and queue analyses to evaluate the operations of the intersections listed above during the weekday AM and PM peak hours and compare the results of the traffic operations analysis to the analysis projections contained in the August 29, 2022 *Response to Comments* prepared by VHB (Exhibit 156).
- The Petitioner shall evaluate and implement additional measures to mitigate Project impacts should the results of the capacity and queue analyses indicate any of the following occurs:
 - o Any movement at any of the study area intersections exceeds capacity (volume-to-capacity (V/C) ratio exceeds 1.00);
 - o Delay increased by more than ten seconds for any movement operating at level-of-service (LOS) E or F;
 - o Queues in any lane exceed the storage capacity of that lane AND increased over projected queues in the *Response to Comments* by two vehicles (50 feet) or more; or
 - o Queues in any lane increased over projected queues in the *Response to Comments* by four vehicles (100 feet) or more.

(3) With respect to cut-through traffic:

- Collect a minimum of 48-hour automatic traffic recorder counts to obtain weekday daily traffic volumes on Noanett Road and Sachem at the same locations as collected as part of the Pre-Construction Study. In addition, turning movement counts will be collected during the weekday AM (7:00 AM – 9:00 AM), weekday midday (11:00 AM – 1:00 PM), and weekday PM (3:00 PM – 6:00 PM) peak periods at the following intersections:
 - o Central Avenue / Noanett Road
 - o Gould Street / Noanett Road
 - o Hunting Road / Sachem Road
 - o Highland Avenue / Mills Road
 - o Highland Avenue / Utica Road
- Compare the post-occupancy traffic volumes along Noanett Road and Sachem Road to those collected pre-construction to assess whether any measurable increase in cut-through traffic has resulted from the proposed development. Should traffic volumes on Noanett Road or Sachem Road increase by more than 10 percent over the pre-construction traffic counts, the Petitioner shall take additional measures to reduce cut-through traffic, including, but not limited to:
 - o Coordination with the Needham Police Department for increase enforcement;

- o Installation of radar speed indication signage along the subject roadway;
 - o Installation of traffic calming devices such as speed tables, chicanes, bump-outs, or other devices; and/or
 - o Implementing signal timing modifications or other improvements at the Central Avenue / Gould Street and/or Highland Avenue / Gould Street / Hunting Road intersection, as necessary, to re-duce the apparent benefit of cut-through behavior in the neighborhoods.
 - Following implementation of any additional cut-through mitigation measures as described above, the Petitioner shall conduct additional traffic volume counts to ensure that the implemented measure(s) were effective in reducing cut-through traffic.
- (4) With respect to on-site parking utilization studies:
- Conduct a parking utilization study on weekday between 8:00 AM and 4:00 PM to assess the occupancy of each parking area within the Property, including the
 - Garage, underground garage and the surface lot. This study shall include a review of EV charging stations, compact car parking, and any provided carpool or otherwise designated parking spaces to assess the adequacy of these spaces in accommodating the peak parking demand.
 - Should the results of the parking study indicate that more than 90 percent of the EV charging stations are occupied during the peak period, the Petitioner shall install additional EV charging stations to accommodate additional parking demand.
 - Should the overall parking demand exceed 95 percent of the parking supply, the Petitioner shall identify and implement measures to reduce parking demand and perform an additional post-implementation assessment to verify the effectiveness of the implemented measures.
 - Include parking management provisions into the design of the structured parking to help motorists clearly understand parking space availability on site. Structured parking areas to be monitored (by level and on an overall daily basis) in the underground parking garage so motorists can be informed prior to entering the underground parking garage when a parking area is full.
- (5) The foregoing transportation monitoring program described in this subsection d) shall continue on an annual basis for a period of five years following the issuance of an initial certificate of occupancy for the Project or phase thereof.

LIMITATIONS

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

- 4.1 This Decision applies only to the Property improvements, which are the subject of this Decision. All on-site and off-site construction shall be conducted in accordance with the terms of this Decision and shall be limited to the improvements on the Plan. There shall be no further development of this Property without further site plan approvals as required under Section 7.4 of the By-Law.

- 4.2 The Board, in accordance with M.G.L., Ch. 40A, § 9 and said Section 7.4 of the By-Law, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision to clarify the terms and conditions of this Decision.
- 4.3 This Decision applies only to the requested Major Project Site Plan Review Special Permit and related special permits and approvals specifically granted herein. Other permits or approvals required by the By-Law, other governmental board, agencies, or bodies having jurisdiction should not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This special permit shall be governed by the provisions of M.G.L. Chapter 40A and Section 7.5.2 of the By-Law, which establish the time within which construction authorized by the Special Permit must commence. The Major Project Site Plan Review Special Permit (“Special Permit”) and the other Special Permits granted herein shall be vested and exercised, with respect to the entire Project, and shall not lapse if commencement of construction (including environmental remediation and/or site work) of any portion of the Project has commenced within two years of the date of filing this Decision with the Town Clerk. Any further requests for an extension of the time limit set forth herein must be in writing to the Board at least thirty (30) days prior to the expiration of this Special Permit. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun except for good cause.
- 4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds or filed for registration with the Norfolk County District of the Land Court, as appropriate. This Decision shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied and the Decision is recorded with Norfolk District Registry of Deeds or filed for registration with the Norfolk County District of the Land Court and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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

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

Witness our hands this 19th day of December, 2022.

NEEDHAM PLANNING BOARD

Adam Block, Chairman

Jeanne S. McKnight

Natasha Espada

Artie Crocker

Paul S. Alpert

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

_____, 2022

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

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by 557 Highland, LLC, 116 Huntington Avenue, Suite 600, Boston, Massachusetts 02116, for property located at 557 Highland Avenue, Needham, Massachusetts, shown on Assessors Plan No. 76 as Parcels 3 and 8 containing a total of approximately 9.27 acres, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____

Design Review Board

Building Commissioner

Conservation Commission

Board of Selectmen

Engineering

Fire Department

Police Department

Board of Health

Town Clerk

Director, PWD

Parties in Interest

From: Sullivan, Timothy <TSullivan@GOULSTONSTORRS.com>
Sent: Friday, December 16, 2022 10:55 AM
To: Lee Newman <LNewman@needhamma.gov>
Cc: O'Dwyer, Connor <codwyer@goulstonstorrs.com>; Alexandra Clee <aclee@needhamma.gov>
Subject: RE: 557 Highland

Hi Lee,

Further to your email below, attached are our final edits to the decision. I have included a clean word version and a PDF of only those pages where we are suggesting final edits. All of these changes are consistent with our discussion Wednesday but I would note that I deleted the language in Section 1.19 because those improvements are already covered by the referenced plan and I want to avoid any confusion.

Please let me know if you have any questions or would like to discuss.

Best,
Tim

Timothy W. Sullivan
Direct (617) 574-4179
Mobile (617) 645-4361
goulston&storrs

From: Lee Newman <LNewman@needhamma.gov>
Sent: Thursday, December 15, 2022 12:50 PM
To: Sullivan, Timothy <TSullivan@GOULSTONSTORRS.com>
Cc: O'Dwyer, Connor <codwyer@goulstonstorrs.com>; Alexandra Clee <aclee@needhamma.gov>
Subject: RE: 557 Highland

Tim,

Attached is copy of the draft decision which will go in the Planning Board packet. A redline version which shows the edits made to the original December 5 Decision is attached along with a clean copy.

As we discussed, please provide any further edits you wish to share with the Board. I will add them to the packet for that purpose.

Thanks,

Lee

From: Lee Newman <LNewman@needhamma.gov>
Sent: Thursday, December 15, 2022 3:47 AM
To: Sullivan, Timothy <TSullivan@GOULSTONSTORRS.com>

Cc: O'Dwyer, Connor <codwyer@goulstonstorrs.com>; Alexandra Clee <aclee@needhamma.gov>
Subject: Re: 557 Highland

Tim,

We are running up against the 90 day deadline to file the decision with the Town Clerk. I would like an extension of the time line to February 3 to allow us sufficient time to close this out. Can you provide a written request to this effect for the Board to vote Monday night. I do not antipate running much beyond the 90 days but with the holidays want it in place.

Thanks,

Lee

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Sullivan, Timothy <TSullivan@GOULSTONSTORRS.com>
Sent: Wednesday, December 14, 2022 2:56:55 PM
To: Lee Newman <LNewman@needhamma.gov>
Cc: O'Dwyer, Connor <codwyer@goulstonstorrs.com>
Subject: 557 Highland

Lee – as I mentioned on our call earlier, attached is a redline of the decision that fixes the open space calculation and catches a few other nits. Thanks, Tim

Timothy W. Sullivan

Direct (617) 574-4179
Mobile (617) 645-4361

[Bio](#)

goulston&storrs

400 Atlantic Avenue Boston, MA 02110

goulstonstorrs.com

tsullivan@goulstonstorrs.com

This communication may contain information which is privileged and/or confidential under applicable law. Any dissemination, copy or disclosure, other than by the intended recipient, is strictly prohibited. If you have received this communication in error, please immediately notify us via return e-mail to tsullivan@goulstonstorrs.com and delete this communication without making any copies. Thank you for your cooperation.

“Project”). The Project will include two buildings, one on the northerly portion of the Property (the “North Building”) and one on the southerly portion of the Property (the “South Building”), together with a shared connector atrium (the “Atrium”). The Project will also include construction of one-level of below grade parking under the North and South Buildings and their connecting Atrium (the “Underground Parking”) and a separate stand-alone parking garage (the “Garage”). A total of 1,390 parking spaces are proposed of which 362 will be located beneath the buildings, 998 will be located in the stand-alone parking garage and 30 will be surface parking spaces. Each building (including the Garage) within the Project is intended to be independent of every other building within the Project, allowing each to be separately owned and financed, and each to have its own certificate of occupancy regardless of the state of completion or compliance of any other component of the Project. While each of the Project’s buildings shall be considered a separate phase of the Project, upon completion of the improvements comprising an individual phase, such phase shall be entitled to a permanent certificate of occupancy, notwithstanding the state of the other phases comprising the Project, provided that the Petitioner has constructed sufficient parking (i.e. at a ratio of 2.92 spaces per 1,000 sq. ft.) to satisfy the applicable Building and any corresponding changes that constitute a substantial deviation from the overall Project concept approved in this Decision, shall be submitted to the Planning Board for review and approval prior to issuance of a building permit for the applicable Building(s).

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest as required by law, the hearing was called to order by the Chairman Adam Block, on Tuesday, June 7, 2022, at 7:20 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 826-5899-3198. The hearing was continued to Thursday, July 7, 2022 at 7:15 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 826-5899-3198, continued again to Wednesday, September 7, 2022, at 7:05 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 880 4672 5264, and further continued to Monday, October 3, 2022 at 7:05 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 880 4672 5264. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Artie Crocker, and Natasha Espada were present throughout the June 7, 2022, July 7, 2022, September 7, 2022, and October 3, 2022 proceedings. The record of the proceedings and the submissions upon which the Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

Exhibit 1 - Properly executed Application for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21 allowed by special permit; (3) a Special Permit pursuant to Section 4.11.1(1) to increase the maximum height of the North Building to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum height of the South Building to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(1) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(g) of the By-Law for restaurant use as part of the Project; (8) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750-10,000 square feet as part of the Project; (9) a Special Permit pursuant to Section 4.11.2(1) to increase the maximum height of the Garage

- Exhibit 137 - Email from Derek Wade, 41 Riverside St, dated October 2, 2022.
- Exhibit 138 - Email from Janice Chen, dated October 2, 2022.
- Exhibit 139 - Email from Tonia Chu, dated October 2, 2022.
- Exhibit 140 - Email from Donghui Yu, dated October 2, 2022.
- Exhibit 141 - Email from Brooks Goddard, 59 Otis Street, dated October 2, 2022.
- Exhibit 142 - Email from Albert Chang, dated October 2, 2022.
- Exhibit 143 - Email from The Lu family, 90 Norwich Rd, dated October 2, 2022.
- Exhibit 144 - Email from Hairuo Peng, dated October 2, 2022.
- Exhibit 145 - Email from Martha Cohen Barrett, 49 Lynn Road, dated October 2, 2022.
- Exhibit 146 - Email from Dennis Zhang, dated October 2, 2022.
- Exhibit 147 - Email from Joe Matthews, dated October 3, 2022.
- Exhibit 148 - Email from Matt Siciliano, dated October 3, 2022.
- Exhibit 149 - Email from James Segel, 30 Edgewater Drive, dated October 2, 2022.
- Exhibit 150 - Email from Yi Ding, dated October 3, 2022.
- Exhibit 151 - Letter from the Charles River Chamber, dated October 3, 2022.
- Exhibit 152 - Email from Emily Pick, 12 Mills Road, dated October 3, 2022.
- Exhibit 153 - Email from Natalie T, dated October 3, 2022.
- Exhibit 154 - Email from Michelle Saipe, 5 Sachem Road, dated October 3, 2022.
- Exhibit 155- Draft Environmental Impact Report, Highland Science Center, Needham Heights, Prepared by VHB; July 2022.
- Exhibit 156 - Response to MEPA DEIR, Traffic Peer Review by Greenman-Pedersen Inc. (GPI) dated August 18, 2022, 557 Highland Avenue, Needham, Massachusetts; prepared by VHB; August 29, 2022.
- Submitted after the close of the public hearing- to summarize information previously submitted to and reviewed by the Board prior to the close of the public hearing:
- Exhibit 157 - Letter from Rebecca L. Brown, Greenman-Pedersen Inc., to the Planning Board, dated December 5, 2022.

Exhibit 158 - Plan entitled, “Site Plan – Lot Coverage Breakdown”, prepared by Stantec Architecture and Engineering P.C., 311 Summer Street, Boston, Massachusetts 02210, dated November 22, 2022.

Exhibits 21 and 33 are hereinafter referred to as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The Property is located in the Highway Commercial 1 Zoning District (“HC-1 District”). The Property consists of a single parcel currently shown on Needham Town Assessors Map 76, parcels 3 and 8. The Property contains approximately 9.27 acres of land and is presently owned by 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, Massachusetts 02116. It was most recently used as an automotive dealership and car wash making up a nearly entirely impervious surface which included parking for approximately 532 vehicles.
- 1.2 The HC-1 District was established by an amendment to the Town of Needham Zoning By-Law adopted by a 168-37 vote of Town Meeting pursuant to Article 5 of the Warrant of the Annual Town Meeting held on May 3, 2021. According to the Zoning Map, the Property is not located within any overlay districts. The creation of the HC-1 District was the result of an extensive planning effort by the Town of Needham. The Town’s Council of Economic Advisors (“CEA”) began an evaluation of the Town’s Industrial Zoning Districts in 2013. The CEA held public meetings with residents, neighbors, public officials, businesses, and landowners (collectively, the stakeholders) in 2014 and obtained a build-out analysis and a traffic impact report. The CEA made preliminary recommendations to the public and Select Board to upgrade the zoning adjacent to I-95/Route 128 to make these areas more economically competitive.
- 1.3 The Planning Board and Select Board decided to move forward with rezoning of the former Industrial-1 Zoning District circumscribed by I-95/Route 128, Highland Avenue, Gould Street, and the MBTA right of way, and occupied by the Muzi Ford and Chevrolet dealership, a car wash, and WCVB Channel 5. An Article proposing to rezone this Industrial-1 Zoning District was developed and presented to the October 2019 Special Town Meeting, where it received a majority vote but less than the required two-thirds to pass. In response to public concerns about density, traffic impacts, permitted and special permit uses, and environmental issues, a Town-wide community meeting was held with stakeholders in January 2020 to discuss overall land use goals for the HC-1 District. A working group, including representatives from the Planning Board, Select Board, Finance Committee, and CEA was formed. The working group then commissioned an updated traffic study of the area, to analyze the ability of the Town’s traffic infrastructure to accommodate development at various densities and use profiles, as well as an updated fiscal impact analysis. From these efforts, the Planning Board drafted a revised Zoning Article to establish the HC-1 District. The revised Zoning Article reduced maximum floor area ratios and building height, increased building setback distances, required additional landscape buffering along Gould Street and Highland Avenue, increased open space requirements, and established energy efficient building standards for issuance of a special permit.
- 1.4 In connection with the above process, the Town of Needham commissioned the Barrett Group’s Fiscal Analysis (Exhibit 6) to study the potential financial benefit of such rezoning. Based on the Fiscal Analysis, a full-build out of the Property and the adjacent parcels at 1.35 FAR would yield an annual net financial benefit to the Town of approximately \$8,342,400. The Project proposes a

build-out of approximately 60% of the HC-1 District area, which results in a prorated annual net financial benefit of approximately \$5,000,000 (based on the Fiscal Analysis) to the Town from development of the Project. The Fiscal Analysis prepared for the Petitioner by Fougere Development & Planning, Inc. (Exhibit 7) confirmed this approximate net financial benefit to the Town from the Project. Based on the foregoing and after considering the long and short-term financial impacts to the Town, the Board finds that the Project's anticipated financial and other benefits to the Town outweigh the costs and any potential adverse impacts.

- 1.5 The Petitioner proposes to redevelop the Property with approximately 465,000 square feet (sq. ft.) of office, laboratory, and research and development uses, as well as up to approximately 10,052 sq. ft. of retail and/or restaurant uses, totaling approximately 475,052 sq. ft. The Project will also include construction of one-level of below grade parking under the North and South Buildings and their connecting Atrium (the Underground Parking) and a separate stand-alone parking garage (the Garage). The Project proposes two buildings, one on the northerly portion of the Property (the North Building) and one on the southerly portion of the Property (the South Building), together with a shared connector atrium (the Atrium). The Project will have a floor area ratio of 1.21, based on a total buildout of 475,052 sq. ft. Each building (including the Garage) part of the Project shall be considered as a separate phase of the Project. Each building (including the Garage) within the Project is intended to be independent of every other building within the Project, allowing each to be separately owned and financed, and each to have its own certificate of occupancy regardless of the state of completion or compliance of any other component of the Project. Each phase shall be entitled to a permanent certificate of occupancy, notwithstanding the state of the other phases comprising the Project, provided that the Petitioner has constructed sufficient parking (i.e. at a ratio of 2.92 spaces per 1,000 sq. ft.) to satisfy the applicable Building and any corresponding changes that constitute a substantial deviation from the overall Project concept approved in this Decision, shall be submitted to the Planning Board for review and approval prior to issuance of a building permit for the applicable Building(s).
- 1.6 A breakdown of proposed uses and the approximate square footage of such uses is as follows: Office: 232,500 sq. ft.; Lab/Research and Development: 232,500 sq. ft.; Retail/Restaurant: 10,052 sq. ft.; and Accessory Parking: 1,390 parking spaces of which 362 will be located beneath the buildings, 998 will be located in the stand-alone parking garage and 30 will be surface parking spaces.
- 1.7 Pursuant to By-Law Section 3.2.7, professional, business, or administrative offices and laboratory uses are allowed by-right in the HC-1 District. Retail uses are also allowed by-right so long as no single retail establishment contains more than 5,750 square feet of gross floor area. Light-manufacturing uses, including manufacture of pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, which may be part of the Project tenants' laboratory uses, are allowed by right and also as an accessory use to any lab/research development use. The Petitioner anticipates that light-manufacturing uses accessory to research and development uses, including the production of prototypes, may be part of the Project depending upon the ultimate tenanting of the Project.
- 1.8 By-Law Section 3.2.7.1(m) allows all customary and proper uses accessory to lawful principal uses. Given that the accessory parking on the Property is intended to provide parking incidental to operation of the main uses described above, such accessory use is allowed by-right.
- 1.9 The Petitioner anticipates that the retail space may contain a tenant of approximately 6,052 sq. ft., and a restaurant of approximately 4,000 sq. ft. The restaurant is anticipated to accommodate up to 100 seats with one take-out station. Accordingly, the Petitioner has requested a Special

affidavit certifying, to the best of its knowledge, the building's compliance (except for good cause) with the LEED "Gold" standard.

- 1.17 The Project has been engineered based on assumptions that both the Property and the adjacent property owned by Channel 5 and its affiliates will be fully developed, taking into account such items as storm water management, sewage disposal, utilities, internal driveways, landscaping and other improvements, parking and traffic, and off-site roadway expansion and improvements.
- 1.18 The original materials and studies submitted with the Application on April 5, 2022 assumed a "full build" condition of approximately 531,000 sq. ft. based on a maximum 1.35 FAR build-out of the Property allowed under the By-Law. However, the Project proposes only 465,000 sq. ft. of office/research and development space and 10,052 sq. ft. of retail and/or restaurant space (a total of approximately 475,052 sq. ft.), together with 1,390 parking spaces. Accordingly, traffic generated by the Project is expected to be approximately 9% less than what was studied, and the materials should be read in the context of this lesser build-out.
- 1.19 The Project will include significant transportation improvements and mitigation, including those items as shown on Sheet TR-001 entitled "Off-site Roadway Improvements #1" and Sheet TR-002 entitled "Off-site Roadway Improvements#2" of the Plan (Exhibit 13), and such other improvement as described in Exhibits 4, 9, 12C, 12D, 17, and 29 and paragraph 3.42 of this Decision (the "Traffic Improvements"). A portion of the design shows the travel lanes along Gould Street located on private property owned by the Petitioner. Said private property of the Petitioner will be conveyed to the Town for roadway purposes following successful completion of the above noted Traffic Improvements. ~~Additionally, sidewalks and bike paths are proposed along the Gould Street right of way from Highland Avenue to the Railroad Tracks at the Massachusetts Bay Authority's property, on the Petitioners Property which amenities will be available for general public use through the grant of easements to the Town.~~ The Petitioner shall also provide for the maintenance and snow clearing of the ~~above name~~ sidewalks and ~~bike paths~~pathways fronting along Gould Street so that they remain available for their intended general public use.
- 1.20 The Petitioner will provide a shuttle between the site and nearby public transportation services, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands. The Petitioner will allow employees and area residents to utilize the shuttle, provided, however, the Petitioner shall not be obligated to provide on-site parking for residents or members of the public utilizing the shuttle.
- 1.21 The Project will generate a total design wastewater flow of 54,554 GPD; this is an increase of 31,501 GPD from the existing facility to the Town's sewer system. The Petitioner has been in contact with Town of Needham representatives and understands the requirements to have a rate of four gallons for every one gallon of sewage added to the system removed through an I/I program. For the Project, four times the increased flow equates to a total of approximately 126,004 GPD I/I removal anticipated from the development. This requirement may be satisfied by either undertaking a construction project or paying a fee to the Town's I&I program at a rate of \$8.00 per gallon required to be removed. The Petitioner has committed to satisfying this requirement prior to the issuance of the certificate of occupancy for the Project.
- 1.22 The Petitioner has proposed a number of amenities for the Project which shall be available for general public use. Pickle Ball courts and a landscaped ½ mile public multi-use fitness/access walkway is planned around the Property, with various exercise areas planned at intervals on the loop and including a pond and water feature. A 7,127 sq. ft. public park with interpretive

exhibits is planned off-site on the Petitioner's northern property at the intersection of Gould Street and T.V. Place adjacent to a future rail trail.

1.23 The Petitioner has requested a number of Special Permits for which the Board makes the following findings pursuant to Section 7.5.2.1 of the By-Law:

- a) The Project generally complies with the criteria and standards for the granting of the requested Special Permit relief as set forth more particularly herein.
- b) The Project is consistent with the general purposes of the By-Law, including the promotion of health, safety, convenience, morals, and welfare for Town of Needham residents because it will redevelop the Property from an underutilized and environmentally compromised site into an economically viable and eco-friendly development with public amenities. The Project will promote the welfare of the inhabitants of the Town through a significant increase in property tax revenues, as described above, by providing approximately \$5,000,000 (based on both the Barrett and Fougere Fiscal Analyses) in annual additional real estate and personal property taxes which will support the Town's educational and recreational programs, housing initiatives, community and open spaces, and other Town priorities. The Project includes traffic mitigation measures, including a number of improvements to local roadways and bicycle improvements to lessen congestion on area streets as shown more particularly on Sheet TR-001 entitled "Off-site Roadway Improvements#1" and Sheet TR-002 entitled "Off-site Roadway Improvements#2" of the Plan (Exhibit 13), of this Decision. The Project is an appropriate use of the Property and is consistent with the purposes and design guidelines set forth in the HC-1 District zoning, By-Law Section 4.11.3, as described in paragraph 1.27 of this Decision, below. The project further provides for the installation of a fitness path along the perimeter of the property and the installation and maintenance of pickle ball courts and ~~an~~seasonal ice ~~rink~~skating area.
- c) The Project will be in conformity with the By-Law upon issuance of the requested Special Permits.
- d) The Project will improve upon the existing natural features of the Property and is compatible with the characteristics of the surrounding area. The Property has few existing natural features, as it is almost entirely covered with the foundations of the former car dealership and car wash buildings and associated impervious areas used for parking and for the display of motor vehicles for sale. The location of the Garage near the "rear" of the Property will result in limited visibility of the parking structure from most of the major surrounding roads, including Highland Avenue and Gould Street as such Garage has been further mitigated by the Plan modifications detailed in paragraph 2.0. Extensive landscaping will be provided around the entire Property, including a circumferential multi-use fitness/access walkway with exercise stations for use by tenants' employees, neighbors, and the general public.
- e) The circulation patterns for motor vehicles and pedestrians which would result from the Project will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the Property or in the surrounding area. Traffic impacts have been mitigated to a reasonable standard generally not worse than the existing condition. The Transportation Impact and Access Study prepared by VHB (Exhibit 4) (the "TIAS") analyzed existing traffic conditions on area roadways and at area

Building to align with bump out. (3) Consolidate footprint of Atrium between North & South Building facing Highland Avenue/ Route 128. (4) Reduce the square footage of the Project from 490,000 sq. ft. and a 1.25 FAR to 475,052 sq. ft. and a 1.21 FAR. (5) ~~Solar arrays on the roof of the~~The North and South buildings shall be “solar ready” and, subject to Section 3.12, shall incorporate solar arrays.

- b) The Plan shall be revised to show the following updates to the landscape design as were presented to the Board by the Board at the public hearings on September 7, 2022 and October 3, 2022: (1) Added cross walk from surface parking area to Main Entrance; (2) Shift surface parking area northerly to accommodate added cross walk; (3) Add curb cut on Gould Street and realigned fire access route as requested by Town; (4) Substantially design 7,127 sq. ft. park with interpretive exhibits on northern parcel and allow for future connection from such park to rail trail.
- c) The Plan shall be revised to show the following further updates to the landscape design as were presented to the Board by the Petitioner at public hearings on September 7, 2022 and October 3, 2022: Sheet L-1.0 Site Plan: Create walk through and cross walk at southeast corner of surface parking area to provide more direct access to Main Entrance; and Note that all of the cross walks across the drives are to be raised paver walks; Revise alignment of the fire access route and created circular water feature to promote improved emergency access. Sheet L-2.0 Grading Plan: Revise as associated with the additional site improvements as described above. Sheet L-3.0 Planting Plan: Revise as associated with the additional site improvements as described above. Sheet L-4.0 Lighting Plan: Revise as associated with the additional site improvements as described above; and Relocate path lights along fire access to be on building side of path to further reduce obstructions. Sheet L-5.1 Site Details #2: Provide curb and permeable pavement details in regard to the emergency access as requested by the Town.
- d) The Petitioner shall modify the Plan for the Garage to reduce portions of the building height closest to Gould Street to no greater than forty-eight (48) feet and incorporate additional screening for portions of the modified Garage visible from Gould Street, and submit the updated Plan, including any corresponding necessary modifications to the configuration/stripping of parking spaces to maintain 1,390 parking spaces, to the Design Review Board and Planning Board to determine conformance with the following Design Guidelines:

Design Guidelines:

- (1) The height of the Garage for the portions of the Garage closest to Gould Street shall be reduced to no greater than forty-eight (48) feet and four (4) levels (the building height and levels closest to Route 128 shall be allowed a height up to 55 feet).
- (2) Additional screening shall be incorporated for the portions of the modified Garage visible from Gould Street utilizing the following methods: (i) landscaping, including mature trees, vines or other vegetation for the purposes of screening the Garage; and (ii) use of metal tubing, mesh screening or other materials to enhance the aesthetic and minimize the visual impacts of the Garage. The Petitioner may supplement the above with such other reasonable means, methods and materials sufficient to provide additional screening.

General Conditions

- 3.1 The proposed buildings, structures, parking areas, driveways, landscape areas, and other site and off-site features shall be constructed in substantial accordance with the Plan as modified by this Decision and shall contain the dimensions and be located on that portion of the Property as shown on the Plan and in accordance with applicable dimensional requirements of the By-Law, except as may be approved by this Board in accordance with the terms of this Decision. Upon completion of the project a total of 1,390 parking spaces shall be provided to service the Project, subject to any reconfiguration/stripping resulting from change contemplated by Section 2 of this Decision or as may be waived in the future by this Board. All off-street parking shall comply with the requirements of Section 5.1.2 and 5.1.3 of the By-Law, as shown on the Plan, as modified by this Decision or as may be waived in the future by this Board.
- 3.2 The proposed buildings and support services shall contain the dimensions and shall be located on that portion of the Property as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law as have been waived as modified by this Decision or as may be waived in the future by this Board.
- 3.3 This permit is issued for professional, business or administrative offices, laboratories engaged in scientific research and development, and retail and/or restaurant space. The laboratory/research and development uses shall be limited to Biosafety Levels 1 and 2 as established by the United States Centers for Disease Control and Prevention and shall comply with all applicable federal, state, and local regulations. The Project is anticipated to contain up to 475,052 square feet of commercial uses, which is currently anticipated to consist of 232,500 sq. ft. of laboratory/research and development uses, 232,500 sq. ft. of office uses, and 10,052 sq. ft. of retail and/or restaurant uses. The restaurant use is anticipated to accommodate up to 100 seats with one take-out station. The foregoing laboratory/research and development use and office use square footage amounts may be reallocated among these two uses as approved by this Decision, without further review by the Board, so long as the Project maintains 1,390 parking spaces. The retail and/or restaurant uses shall be located on the ground floor of the South Building at the Highland Avenue/Gould Street intersection as shown on the Plan. Following selection of a tenant and prior to issuance of a building permit for the specific tenant improvements for the restaurant space, the tenant or the Proponent shall submit a Special Permit Amendment application to the Planning Board for a specific restaurant use as part of the Project. Said application shall be submitted for the Board's review and approval pursuant to By-Law Section 3.2.7.2(g) and shall include a description of the nature and operation of the restaurant use (e.g. hours of operation, number of employees, number of seats, take-out, and refuse disposal). Said application shall require public notice and public hearing. Any further changes of such above-described uses shall be permitted only by amendment of this Approval by the Board.
- 3.4 Except (a) as a result of the condominiumization of the Property, or (b) the Property being ground leased, all buildings and land constituting the Property shall remain under single ownership. If the Property is subject to a condominium or ground lease, a violation of one owner or lessee with the terms and conditions of this Decision shall not constitute a violation by any other owner(s) or lessee(s) of portions of the Property hereunder and such portions of the Project owned by such non-violating owners or lessees shall continue to be deemed in compliance with the terms and conditions of this Decision.
- 3.5 The Petitioner shall implement all of the traffic mitigation measures set forth on Sheet TR-001 entitled "Off-Site Roadway Improvements#1" and Sheet TR-002 entitled "Off-Site Roadway Improvements#2" of the Plan (Exhibit 13) and paragraphs 3.42(a) and 3.42(b) prior to issuance

of the Certificate of Occupancy for the Project. A portion of the design shows the travel lanes along Gould Street located on private property owned by the Petitioner. Said private property of the Petitioner shall be conveyed to the Town for roadway purposes following successful completion of the above noted Traffic Improvements.

- 3.6 The Petitioner shall prior to issuance of the Certificate of Occupancy for the Project construct the Multi-Use Walkway, Pickle Ball Courts and 7,127 sq. ft. Park with interpretive exhibits, all as shown on the Plan, as modified by this Decision, and which Multi-Use Walkway, Pickle Ball Courts and park shall be available for use by the general public.
- 3.7 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words “Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed at Owners Expense”. The quantity and design of spaces, as well as the required signage shall comply with the Massachusetts State Building Code, 780 CMR, the Massachusetts Architectural Access Board Regulations, 521 CMR, and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.8 Sufficient parking shall be provided on the site at all times in accordance with the Plan, as modified by this Decision and there shall be no parking of motor vehicles off the site at any time to meet the parking requirements of this Decision. The leasing plan shall not allow the allocation of parking spaces to tenants in excess of the available number.
- 3.9 The Petitioner shall make available shuttle service between the Project and public transportation stations, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands during the hours of 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m., Monday through Friday, such services to begin no later than issuance of the Certificate of Occupancy for the Project, or for the North or South Building. The Petitioner shall allow area residents and employees to utilize the shuttle, provided, however, the Petitioner shall not be obligated to provide on-site parking for residents or members of the public utilizing the shuttle.
- 3.10 The Petitioner shall undertake and implement a transportation demand management program (TDM) program to facilitate carpooling, transit usage, and parking management as described in VHB’s Transportation Impact and Access Study of March 2022 (Exhibit 4) and as further approved and described in GPI’s letter of September 29, 2022 (Exhibit 29).
- 3.11 The Petitioner shall track the Leadership in Energy & Environmental Design (LEED) criteria for the Project and shall submit to the Building Commissioner the checklist prepared by the Project architect itemizing the LEED criteria as it relates to each proposed building prior to the issuance of the building permit. The Petitioner shall show that it has met (except for good cause) the LEED “Gold” standard of certifiability for the Project’s North and South Buildings prior to the issuance of the certificate of occupancy for such building(s).
- 3.12 ~~The Petitioner shall install solar arrays on the roof of the North and the South Buildings, as such elements were presented to the Board by the Petitioner at the public hearings on September 7, 2022 and October 3, 2022.~~ As a condition to issuance of a final certificate of occupancy for the Project, the Petitioner shall install one or more solar arrays as part of the North and/or the South Buildings, provided that (i) the Petitioner determines, based on an analysis from a qualified professional, that the installation of such solar array(s) (and all supporting equipment) on the roof of such building(s) is feasible after taking into consideration the desired equipment

and other appurtenances to be located on such roof; (ii) the solar array(s) (and all supporting equipment) can be installed in compliance with all applicable local and state rules, regulations and requirements without the granting of variances or other relief; and (iii) the installation of such solar array(s) (and all supporting equipment) would not require the Petitioner to modify any aspects of the Project as approved by this Decision, including, without limitation, building height, building design, configuration of the desired mechanical systems, roof space available for mechanical system, screening, etc..

- 3.13 The emergency diesel fueled generator to be installed on the roof shall be designed and operated so as to comply with all applicable Federal, state and local regulations addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations. The emergency diesel fueled generator shall also be installed and screened as far as practical to minimize the visibility of the emergency generator from Highland Avenue and Gould Street. The Petitioner shall deliver to the Building Commission for review and approval plans and specifications of said emergency diesel fueled generator, including sound attenuation components, if necessary, together with Petitioner's certification to the Building Commissioner that said emergency generator has been designed such that when it is operated it will be in compliance with the regulations described above with respect to noise, and screened in accordance with the requirements described above.
- 3.14 Prior to project occupancy, an as-built plan of the emergency generator together with a sound level analysis prepared by an acoustical engineer (if, in the opinion of the Building Commissioner, available manufacturer's specifications are insufficient to demonstrate compliance with applicable noise standards) shall be submitted to the Building Commissioner. The sound analysis shall demonstrate compliance with all applicable Federal, state and local regulations addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations.
- 3.15 Normal maintenance and testing of the emergency generator shall be limited to one occurrence per month between the weekday hours of 9:00 a.m. and 5:00 p.m. for a period not to exceed 2 hours. The emergency generator shall not operate more than 300 hours per rolling 12-month period, including the normal maintenance and testing procedure as recommended by the manufacturer and periods when the primary power source for the Project, has been lost during an emergency, such as a power outage, an on-site disaster or an act of God.
- 3.16 All deliveries (other than the United State Postal Service, UPS, FedEx or other similar overnight carriers) and trash dumpster pick up shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. The trash shall be picked up no less than two times per week or as necessary.
- 3.17 All lights shall be shielded during the evening hours to prevent annoyance to the neighbors and to minimize light pollution. The Petitioner shall reduce its parking lot and Garage lights during the night and early morning consistent with professional safety and security protocols. No later than 11:30 p.m., the Petitioner shall reduce the parking lot lights using the lights on the building to shine down and provide basic security. The building lights shall be set at a low light level to prevent annoyance to the neighbors to the extent reasonable and practicable, consistent with safety and security requirements.
- 3.18 All new utilities, including telephone and electrical service, shall be installed underground from the street line or from any off-site utility easements, whichever is applicable. If installed from an

installations, and sidewalk and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the Project.

- c) There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations for the Project. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
- d) There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered architect upon completion of construction for the Project, or portion or phase thereof.
- e) The Board shall have received a copy of the Project architect's affidavit certifying, to the best of its knowledge, the Project's compliance with the LEED "Gold" standard of certifiability as described in paragraphs 1.16 and 3.11 of this Decision.
- f) A copy of the TDM program for the Project as described in paragraphs 3.10 and 3.42(c) of this Decision shall have been submitted.
- g) The Petitioner shall have subject to obtaining all necessary permits and approvals, implemented all of the traffic mitigation measures as described in paragraphs 3.5 and 3.42(b) of this Decision.
- h) An as-built plan supplied by the engineer of record certifying that the off-site traffic improvements were completed according to the approved documents has been submitted to and approved by the Board and Department of Public Works.
- i) There shall be filed with the Building Inspector a statement by the Board approving the final off-site traffic improvements.
- j) The Petitioner shall have conveyed to the Town for roadway purposes Parcel A comprising 12,087 sq. ft. as shown on the plan entitled "Conveyance Plan" prepared by Feldman Geospatial, 152 Hampden Street, Boston, MA, dated August 15, 2022 and shall have completed the installation of granite monuments designating the right-of-way control at Gould Street as required by the Department of Public Works.
- k) The Petitioner shall have implemented the shuttle service as described in paragraph 3.9 of this Decision.
- l) The Petitioner shall have completed construction of the Multi-Use Walkway, Pickle Ball Courts and Park with interpretive exhibits as described in paragraph 3.6 of this Decision.
- m) The Petitioner shall have provided access easements to the Town for the sidewalks and bike paths proposed along the Gould Street right-of way from Highland Avenue to the Railroad Tracks at the Massachusetts Bay Authority's property as described in paragraph 1.19 of this Decision.

- n) The Petitioner shall have filed an as-built plan of the emergency generator and a sound level analysis prepared by an acoustical engineer as described in paragraph 3.14 of this Decision.
 - o) As described in paragraph 1.21 of this Decision, the Petitioner shall have either identified and removed infiltration and inflow (“I and I”) from the sewer lines at a rate of 4 gallons to every gallon that is expected to be generated by the Project or to have paid the normal connection rate on a per gallon basis all in accordance with the Petitioner’s sewer connection permit.
 - p) Notwithstanding the provisions of Section a, b, c, g, l, and m of this Section 3.35, the Building Commissioner may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the completion/installation of final landscaping, traffic mitigation measures and other improvements and site features described above, provided that the Petitioner shall have first filed with the Board a bond in an amount not less than 110% of the value of the aforementioned remaining work to secure installation of such landscaping and other improvements and site features for the Project.
- 3.39 In addition to the provisions of this Decision, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.40 The buildings and Garage authorized for construction by this Decision (including the portion of Project that is the subject of such request) shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use for said building or Garage, or portion thereof, has been issued by the Building Commissioner.
- 3.41 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.
- 3.42 The Project shall comply with all of the following conditions:²
- a) **Prior to commencing construction of the Project, the Petitioner shall:**

² These conditions are set out in the recommendations of the Town’s peer-reviewer, GPI, in its letter of September 29, 2022.

- Install new traffic signal equipment as necessary to accommodate the geometric changes to the intersection, including, but not limited to, mast arms, vehicle detection, signal heads, conduit, pull-boxes, signage, etc.;
 - Replace the existing traffic signal controls with adaptive traffic signal controls to allow for improved optimization of traffic operations; and
 - Upgrade pedestrian signals to APS signals with countdown indications and vibro-tactile push-buttons.
- (10) On Hunting Road:
- Fund the installation of two radar-embedded speed limit signs on Hunting Road as locations to be determined in coordination with the Needham Police Department to control speeds.
- c) ~~Prior to issuance of a certificate of occupancy for the Project, the~~ The Petitioner shall provide the following TDM measures as part of the Project prior to the issuance of the initial certificate of occupancy, if possible, otherwise, as soon as is reasonably practicable thereafter:
- (1) Provide an Employee Transportation Advisor who will coordinate with the local Transportation Management Association;
 - (2) Provide up to 104 secure, covered bicycle parking spaces for tenant's employees and up to 50 public bicycle spaces for visitors and patrons;
 - (3) Install EV charging stations at a minimum of 25 percent of the parking spaces provided within each parking lot/garage area. Provide free EV charging for all employees for at least the first five years following issuance of the ~~final~~ first Certificate of Occupancy for the Project;
 - (4) Provide a shuttle between the site and nearby public transportation services, including the commuter rail at Needham Heights and the Green Line D Branch at Newton Highlands. The Petitioner shall allow area residents and employees to utilize the shuttle;
 - (5) Require tenants to provide a 50 percent transit pass subsidy for employees;
 - (6) Implement carpool assistance and incentives for employees;
 - (7) Provide incentives and amenities for bicycling and walking;
 - (8) Provide a guaranteed ride home to all employees using public transit, walking, bicycling, or carpooling to work;
 - (9) Provide on-site locker rooms and showers for employees; and
 - (10) Display transportation-related information and tenant's employees and visitors in the main lobby.
- d) **Within one year, and at least six months following, initial certificate of occupancy for the Project, the Petitioner shall conduct a transportation monitoring program to include the following:**

- (5) The foregoing transportation monitoring program described in this subsection d) shall continue on an annual basis for a period of five years following the issuance of an initial certificate of occupancy for the Project or phase thereof.

LIMITATIONS

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

- 4.1 This Decision applies only to the Property improvements, which are the subject of this Decision. All on-site and off-site construction shall be conducted in accordance with the terms of this Decision and shall be limited to the improvements on the Plan. There shall be no further development of this Property without further site plan approvals as required under Section 7.4 of the By-Law.
- 4.2 The Board, in accordance with M.G.L., Ch. 40A, § 9 and said Section 7.4 of the By-Law, hereby retains jurisdiction to (after hearing [resulting from either a request by the Petitioner or a violation of the terms of this Decision](#)) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision to clarify the terms and conditions of this Decision.
- 4.3 This Decision applies only to the requested Major Project Site Plan Review Special Permit and related special permits and approvals specifically granted herein. Other permits or approvals required by the By-Law, other governmental board, agencies, or bodies having jurisdiction should not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This special permit shall be governed by the provisions of M.G.L. Chapter 40A and Section 7.5.2 of the By-Law, which establish the time within which construction authorized by the Special Permit must commence. The Major Project Site Plan Review Special Permit (“Special Permit”) and the other Special Permits granted herein shall be vested and exercised, with respect to the entire Project, and shall not lapse if commencement of construction (including environmental remediation and/or site work) of any portion of the Project has commenced within two years of the date of filing this Decision with the Town Clerk. Any further requests for an extension of the time limit set forth herein must be in writing to the Board at least thirty (30) days prior to the expiration of this Special Permit. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun except for good cause.
- 4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds or filed for registration with the Norfolk County District of the Land Court, as appropriate. This Decision shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied and the Decision is recorded with Norfolk District Registry of Deeds or filed for registration with the Norfolk County District of the Land Court and until the Petitioner has delivered a certified copy of the recorded document to the Board.

Document comparison by Workshare Compare on Friday, December 16, 2022
10:30:17 AM

Input:	
Document 1 ID	netdocuments://4890-9850-4748/16
Description	557 Highland Avenue - Special Permit Decision [Draft]
Document 2 ID	netdocuments://4890-9850-4748/18
Description	557 Highland Avenue - Special Permit Decision [Draft]
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	20
Deletions	14
Moved from	1
Moved to	1
Style changes	0
Format changes	0
Total changes	36

NEEDHAM PLANNING BOARD MINUTES

September 20, 2022

The Needham Planning Board hybrid meeting, held in person at Powers Hall, Needham Town Hall and Virtual using Zoom, was called to order by Adam Block, Chairman, on Tuesday, September 20, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee. Ms. Espada arrived via Zoom at 7:10 p.m.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. He noted this meeting does include two public hearings and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Minutes

Mr. Block noted the minutes of 7/7/22. The Board agreed to strike, on page 7, the words "south of Reservoir" and note the vote for the hearing should be at 7:15 p.m. not 7:05 p.m.

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

VOTED: to approve the minutes of 7/7/22 with redline and additional changes from tonight.

Ms. McKnight noted on the minutes of 7/12/22, under Reports, add "Plan" after "Housing."

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

VOTED: to approve the minutes of 7/12/22 as amended.

Ms. Espada arrived at 7:10 p.m.

Public Hearing:

7:10 p.m. – Special Permit Amendment No. 2017-01: Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, Petitioner. (Property located at 29-37 Franklin Street, Needham, MA). Regarding proposal to make certain changes to the approved permit, including a request to eliminate the "appointment-only" operational requirement for the facility.

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

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

Robert Smart, attorney for the applicant, is asking the Board to amend some provisions of the Special Permit granted in 2017 for operational issues. He reviewed the issues. He noted the permit was issued to Sage but the corporation had a name change to Sira Naturals, Inc. The name was amended in 2021 and changed to Ayr in 2022. The applicant requests compliance ~~reference be changed to~~ with the MA Cannabis Control Commission (CCC) rather than the MA Department of Public Health (DPH), ~~since—The~~ DPH regulations were rescinded in 2018. The applicant would like to change the appointment only requirement. There is sufficient parking on site and walk-ins are the norm. There are a lot of cancellations, so ~~requiring appointments means~~ available time slots go unused. He asked Vanasse & Associates to see what the effect ~~on~~ parking would be. They concluded there is sufficient parking on site. The applicant would also like to be allowed sales of marijuana products other than what is processed in their facility. The CCC regulations allows sales from other facilities. Sira is the only operator in the area prohibited from selling from other facilities. This is tracked by the state.

Mr. Smart noted they would like to increase the sales stations from 5 to 7. There is room in the facility, and it would let patients move more quickly through the facility. The Planning Board had said the applicant could have up to 8 employees on site. The applicant would also like to eliminate the requirement ~~that~~ the delivery vans be housed at a facility in Milford and be allowed to keep them in the locked garage on site. There could be a requirement no product be left in the van overnight. He showed a layout of the area. There are 18 ~~parking~~ spaces on site between 37 and 55 Franklin Street, ~~[with 7 spaces shown.? not clear, delete?]~~ The property line bisects those spaces. An easement was provided so Sira could use those facilities. Dan Roma is the owner of all 3 lots. The Building Commissioner received a complaint there were pallets on some spaces. Mr. Roma signed a letter reiterating the agreement and will not use those spaces. The Building Commissioner complained about the striping as it was faded. The restriping has now been done. The Building Commissioner also complained about the 18 striped spaces. He thought the spaces across at You-Do-It were part of this but they are not. He spoke with Police Chief John Schlittler to address the concerns. He followed up with an email to the Board that he is ok with the changes but wants a follow up in 6 months.

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Scott Thornton, of Vanasse & Associates, Inc., noted he prepared the traffic assessment. He showed a chart from January 2021 through July 2022 and noted transactions have declined from 5,053 in January 2021 to 2,307 in July 2022. He looked at the existing facility and the demand using data from Needham and the Somerville facility. They anticipate increases but there is sufficient parking on site and off. He did counts on 5/25/22 and compared it to 2017. He showed the values in a slide and noted the figures were based on Sira's experience with the Somerville facility. A large increase was included in the parking counts. He noted parking on site can accommodate the demand. He reviewed the traffic generation counts. He noted it is double in the evening than what was projected. They estimated 8 minutes between transactions but used 10 minutes per transaction. The current experience is about 4 minutes due to online transactions.

Mr. Thornton reviewed the parking inventory. There are 18 spaces on site and 18 off site. There are actually 24 spaces total on Franklin Street but the 6 in front of You-Do-It were not included. The maximum demand during the day is 9 spaces and 8 spaces at night. The counts include staff parking. The parking is in 15-minute intervals. He noted the applicant does not get close to the 18-space supply rate. During the mid-day time 13-14 cars ~~are~~ parked on Franklin Street when the businesses are open. It frees up after 5:00 p.m. The peak demand of 10 cars is between 5:00 p.m. and 5:15 p.m. then it settles down to 6 to 8 cars. Mr. Smart noted Sira has been operating for 5 years and never had lines. There have been no police incidents or traffic problems. He noted ~~his expectation that there is~~ no one from the public ~~there with~~ ~~has~~ comments ~~and no~~ complaints. Louis Karger noted he started Sira Naturals. He noted appointment only people get there early and wait in their cars until their time slot.

Mr. Block noted the following correspondence for the record: a letter from Building Commissioner David Roche, dated 8/30/22, with concerns regarding insufficient parking; another letter from Building Commissioner David Roche, dated 9/15/22 stating he went on site and determined there is sufficient parking; 2 emails from Police Chief John Schlittler, dated 9/14/22, with concerns regarding public health and safety and 9/19/22 stating he has been assuaged after speaking with Attorney Smart but wants to review in 6 months. Mr. Block noted it may be a 2-step process – the Board may approve on a temporary basis for 6-months and then have another hearing in 6 months. If there are no impacts the Board may be open to removing the 6-month restriction and approve it.

Mr. Block noted an email from Tara Gurge of the Health Department, dated 9/13/22, with unresolved issues and comments and an updated email, dated 9/20/22, with comments regarding adopting the controlling authority of the Cannabis Control Commission. John Fernandes stated the applicant is under both authorities. The Board needs to use the word “both.” Mr. Alpert noted this is subject to CCC regulations and sanitary code through the National Board of Health. The permit will make that clear. Mr. Smart stated it would be appropriate for the Planning Board to state they shall comply with Article 20 and applicable sections of the state sanitation codes. Ms. McKnight noted this type of letter is not unusual for a Health Department if food is involved.

Mr. Block noted a letter from Town Engineer Thomas Ryder, dated 6/16/22, with questions regarding sufficient parking and an updated letter, dated 9/15/22, with no comment. Mr. Crocker stated when it was voted in by Needham, he thought ~~the zoning~~ was restrictive. He thinks it should be updated to what is going on in other parts of the state. It makes perfect sense to let them operate like the others. Mr. Alpert stated the applicant is asking for the vans to be garaged on site. He has 2 comments – to require the vans be empty and the garage be locked. The applicant has stated that would happen. He asked

Ms. Newman what the procedure is for a 6-month review. He thinks a request for another amendment in 6 months is too much to ask. There should be a procedure in place.

Mr. Smart stated he feels a 6-month review is overkill to require a new hearing to extend the relief granted on a temporary basis. This could be done administratively without the public hearing process being extended. Ms. Newman stated the process Mr. Smart articulates is what should follow. A condition requiring the Board to look at 6-months out and a condition on what has been said tonight. This would not require a new hearing. Mr. Block would not oppose that. **Mr. Fernandes - who is he?** stated there are security guards on site that monitor and sweep on site and parking. Mr. Block is not sure the police know that. The applicant should let the Police Chief know that. He gave the ground rules for public comment.

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Dan Socci, of 76 Wexford Street, is next door. He opposed this when it first came up for review. There are not a lot of complaints because the abutters are frustrated. People smoke pot outside his shop. He works outside and it smells like a dead skunk. This affects him. The employees park along the wall next to his shop. He has not seen a security guard in a long time but then only on occasion. There has been an increase in trash. He does not see how a decrease in drug use is a bad thing. His son said he saw someone exchanging money outside.

Brian Mushnick, of 43 Fremont Street, does not disagree with Mr. Socci regarding parking. There is not enough parking. You-Do-It does not like the people in their spots. Why more sales stations if they are claiming there are not more customers? He noted the trailer takes up to 7 spaces to deliver water and stays for days.

John Negosian, of 56 Wexford Street, stated he is not a direct abutter. He has witnessed issues there. People drive too fast and he has seen the police go there. People smoke pot as they walk by and people say they can walk in with no appointment. There is a lot more trash. There are 150 to 200 cars a day and they stop in front of his gate so he cannot get in. They dump trash on their way out. He does not call the police because they will be gone by the time the police get there. He is all for a marijuana facility in the center of town next to CVS. He noted they are adding cars to the Industrial Park and it does not fit. He is against it. He noted there is no public transportation there.

James Ahigian, of 40 Franklin Street, is from You-Do-It. He noted, at the beginning, customers parked in their lot. He never filed a formal complaint. He noted their 18 spaces are generally filled. The water delivery truck does block 7 or 8 spaces. With winter storms, they do not haul snow away. The building in the middle is rented with no parking. If this does pass, he would like to see a review. Ms. McKnight stated Mr. Fernandes mentioned security staff. She looked through the decision, but it is not strong on a requirement for security staff. The security staff is not a requirement. To address comments that have been made the decision needs to be stronger. The Board should make sure there is a requirement for security officers. She asked what the present arrangement was. Gretchen McCarthy, of Sira Natural, noted there is security from open to close every day. The security guards roam the perimeter every day and there are security cameras. There is one person on site, but others could be floated from other locations if needed. The security is 50% inside and 50% outside and address situations if needed.

Ms. McKnight asked if the rules of the CCC require security guards. Ms. McCarthy stated they do not but Sira goes above and beyond with camera systems. Mr. Block stated it is one thing to observe but they have heard tonight there is no corrective action being taken. Mr. Socci stated he needed to get a special permit to work on cars there. He smokes 30 cigars a year. You cannot buy a cigar in Massachusetts, but you can buy marijuana. Mr. Karger stated he would help fix any situation. Mr. Fernandes commented they need to be told if there are issues so they can deal with them. Mr. Karger will go around and talk with the abutters to see what the issues are. Mr. Block stated, if they are going above and beyond and have cameras, they should know some of this is going on and deal with it.

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

VOTED: to close the hearing.

7:45 p.m. – Major Project Site Plan Special Permit No. 2002-03: WELL Balfour Needham Landlord LLC, 4500 Dorr Street, Toledo, Ohio 43615, Petitioner. (Property located at 100-110 West Street, Needham, MA). Regarding proposal to redevelop the property to include 155 units of senior housing, consisting of 127 Assisted Living

apartments and 28 Alzheimer's/Memory Care units. Please note: this hearing has been continued from the August 16, 2022 meeting of the Planning Board.

Mr. Block stated he took a motion to continue the hearing before hearing from the public at the last hearing. He apologized for his error. He will open the hearing for public comments soon. He noted there are 2 outstanding questions from the last hearing – solar energy from the roof and clarity on meal plans. Julie Nash, from Balfour, noted one meal per day is included as part of the monthly service fee. Up to 2 additional meals per day could be added as part of a monthly meal plan for a fee.

Chris Yetman, of HYM Investments, stated he went back and worked with the design team and engineering team. He feels there is an opportunity to implement a solar array that would generate 8,000 kw hours/year. He feels that would be enough to charge 2 electric vehicles for a year and fits with Balfour's plan for electric vehicles. Mr. Crocker observed that Mr. Yetman stated he is talking 18 panes for solar. He is a bit baffled by the thinking that is all that could be generated. There is more roof surface than that. He would have to see a presentation. Mr. Block opened the meeting for public comment.

Bill Lenahan, of 189 Nehoiden Street, stated he is associated with a group for quiet zones at railroad crossings. It would be appreciated if this developer would contribute to that. There are 14 trips per day times 2 times a day the residents of this facility would hear.

Dan Goldberg, of 188 Tudor Road, is strongly opposed to any permitting without independent living. He has been a senior advocate for many years. This is the number one location for independent living in town. The original plan came with independent living. He does not feel any plan should be approved without it. Kim Marie Nichols, of 12 Crescent Road, lives ed one and a half blocks from the building. It is disturbing it has been vacant for the last 4 or 5 years. She is a Town Meeting member for Precinct B and was in favor when it was first approved with independent living apartments. She is in support of increasing the housing stock particularly for over 55 and was pleased there would be some affordable. This would have membeer care and assisted living by special permit. She understands now this is only assisted living and memory care. The special permit is discretionary and can be denied. She called for Balfour to stand by what was voted for at Town Meeting. This should be mainly independent living apartments.

Oscar Mertz, of 67 Rybury Hillway, agreed with the previous comments. The Board should be mindful of what the town expected to receive. Independent living is very important and a vital part of the program. He suggests there would be room at the north end of the building, where there is a garden, to put an addition. The developer could add a 3-story addition to get to the maximum FAR and put independent living there. This might help mitigate doing 3 levels of care at this site. The Board should not support the special permit without independent living. Ms. McKnight asked approximately how many additional units would be possible and with square footage and stay within the FAR. Mr. Mertz stated 4 to 5 units per level and that would get them to the maximum FAR on site. Mr. Alpert asked why Mr. Mertz feels it is desirable to add another 16 units. Mr. Mertz stated with the challenges the proponent claims with 3 levels of care they could reconfigure the business plan to have independent living.

Terrance Noonan, of 125 Broadmeadow Road, stated Town Meeting voted for independent living there and it should be independent living. He concurs with the previous speakers regarding independent living. The Heights Square is right there, and it would create great synergy. This would benefit both sides. Ms. Espada stated this is a great location for independent living with the senior center close by. Why did the applicant decide not to include independent? Julie Nash, COO of Balfour, stated part of Balfour's philosophy is common spaces and creating a sense of community. The square footage of space is not enough for all. Ms. Espada asked what proportion of square footage is needed to make it work. Mr. Yetman stated Mr. Mertz suggested adding 15 units and creating independent living. Where would the dining room, common spaces and elevator be located? A 15-unit independent living would be odd.

Mr. Crocker asked if an increase in square footage would allow what the community wants. Mr. Yetman stated the units would be very expensive. He noted they are working within the building envelope. Ms. Espada asked if a larger 4th story would make it work to create independent living units. Mr. Yetman stated this is Balfour's vision and not WellTowersWelltower's. Mr. Block asked how many square feet the project is and was informed 195,000 square feet. He asked how many more square feet are needed to accommodate independent living. Mr. Huber stated he is aware the town would like some independent living units there. The Board is responding to the proposal in front of them but is saying they

should build something else. This is what the client feels is the most cost effective and best use of the space. Independent living is not on the proposal before the Board.

Ms. Espada stated what she heard was it was not viable financially, but the Board has to listen to the community. There are very few spaces for independent living in town. What would make it viable? The applicant needs to compromise with the community. They have a list of 50 places that have done it so why not here? Ms. Nash stated Balfour has been in operation for 22 years. They have studied in market and in industry and this is what they see as senior living. Seniors need to be allowed to age in place gracefully. This is what they believe is the future and is the best way to let seniors age in place. Mr. Block understands what she is saying that this is the future and where the industry is heading, but noted that, ~~In the model of the newest Balfour place in Brookline they did~~does not follow that model.

Mr. Alpert agrees with Mr. Huber. The Board needs to deal with the permit application in front of them. It is beyond the ability of this Board to ask the applicant to go back to the drawing board. The FAR is 1.1. He asked what the FAR is for this proposal. Mr. Huber believes it is a 1.01 FAR. Mr. Alpert stated if they insist on independent living the Board could deny the permit. They cannot keep trying to convince the applicant to add independent living at this time. Colleen Schaller, of Avon Circle, stated she is on the Board of Directors of the Council of Aging. She agrees with Mr. Alpert the permit should be denied. They need independent living badly in this town. Seniors want to downsize and there is no place in town. This is the perfect place. She stated the town should have bought the building and made it independent apartments. If the permit is denied this could move forward. Mr. Alpert clarified he did not say the permit should be denied but that denial is ~~was~~ an option.

Ms. McKnight heard it said it was too expensive to add new construction at the end of the building and there is not enough room for communal spaces. She asked why persons in independent living and assisted living could not reside in the same spaces. Ms. Nash stated this is part of the proposal and the recommendation would fully license it to allow people to age in place but sets up access to the Balfour amenities. Ms. McKnight asked why a number of units could not be affordable. Mr. Huber stated the Needham By-Laws do not require any percentage of assisted living units to be affordable units. There is a different level of care at different levels of expense. For the assisted living, what portion would be affordable? Is it just the base rent? The Town has not made that a requirement. He does not feel the Board has authority to require that.

Ms. McKnight stated there was discussion at the last hearing that one third of new residents typically do not need assistance. If you take that and multiply by 12.5% you get 5 units. She would like some of the assisted living units to be affordable. It is not a new idea. She asked if the applicant has prepared a response. Mr. Huber stated it is not a new proposal. This would create difficult situations if someone is in assisted living and now needs expensive services. They would not be able to afford it. The Town could use the Affordable Housing Trust Fund to help people. Ms. McKnight noted it is clear the applicant is not interested in pursuing that idea. She feels it is a very workable idea.

Henry Ragin, of 25 Bennington Street, stated he attended a couple of Housing Plan Working Group meetings. Over and over, he heard independent living was needed and more affordable housing. There were repeated comments that is what the community needs.

Ed Cosgrove, of 17 Laurel Drive, stated he is Chair of the Board of Health, on the Council of Aging, and a Town Meeting member. Needham needs independent living housing. If this group cannot provide it the permit should be denied. As a member of the Housing Plan Working Group, he thinks this location is perfect for independent living. The applicant should go back to the first plan with independent living and affordable housing. That is what the community wants and needs.

Jill Kahn, of 44 Brookline Street, is a 25-year Town Meeting member and is on the property tax assistance program. When the League of Women Voters sent out the questions asking what the top priorities were, affordable housing came up over and over. She wants to know the number of Planning Board members it would take to vote it down. Mr. Block stated 4 to 5 members were needed to approve it. Ms. Kahn asked the Board members to do the right thing and deny this. Affordable housing is what Needham is begging for. There are no affordable condos available, and the average house is \$1.2 million. She is asking 2 members to deny the permit. She is only hearing what is in Balfour's interest. Joe Abruzese, of 30 Bridle Trail Road, agrees with the previous comments. There is a need for independent living and affordable housing and that is listed in the goals of the Town. This is a prime location. The zoning overlay was created for the previous plan to be approved with 72 independent units. Another concern is the negotiated agreement with the proponent and the Town to

make a payment to the town to be released from having to have affordable units and independent living. There is a great opportunity to create independent living here at this prime location.

Louis Wolfson, of 29 Cimino Road, stated Balfour has a building that is impossible to put 3 levels of care in. Two levels may be difficult. The existing building does not set up well. He noted all units will have full kitchens. That does not fit the model for assisted living or memory care but does for independent living. He asked what percentage of people need to bring in outside help.

Maggie Abruzese, of 30 Bridle Trail Road, stated the Planning Board is charged with guiding the town. They have to have Needham's best interests at heart and their job is to protect. This was rezoned for independent living, memory care and assisted living. The proponents represented rental housing and a range of senior housing options including independent living and affordable housing. Now Attorney Huber represents something different. Independent living, assisted living and memory care can still be done. The overlay is for a vibrant walkable area. This new project does not fit the new overlay. The Planning Board should let the current special permit stand and decline this project.

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

VOTED: to recess for 5 minutes.

Mr. Block noted an email from James Goldstein commenting on the last meeting and Mr. Block's ~~poor~~ performance as Chair. Mr. Goldstein stated it was not meant as a personal attack but suggestions to improve Planning Board meetings. He read Town Manager Kate Fitzpatrick's memo to the Planning Board dated 2/16/22 regarding Town Meeting approving the original project and overlay. He asked what has changed with the Select Board since that time. He noted what has changed is a onetime payment to the Town of \$1.9 million. The purpose of the meeting is to address the loss of independent living and affordable units. He wants the Board to think of the economic impacts of independent living over the next 20 years. All expenditures go to Balfour with this project. There are reasons to deny this. The stated purpose of the Avery Square Overlay District is to provide a viable walkable area. The current proposal does not mention this stated purpose of the overlay district. Mr. Block commented he knew the email from Mr. Goldstein was not a personal attack. It was constructive criticism. He appreciated the comments.

Jeremy Chow, of 96 Maple Steet, stated he supports the will of Town Meeting to include independent living in the project. There needs to be integrity in the decision-making process and the need to follow through on their commitments. Larz Zimian, of 56 Meadowbrook Road, submitted comments in mid-August. He supports the proposal before the Board. He has 3 parents that are still with them who will need assisted living and memory care soon. There is a need for more assisted living and memory care. More options for seniors means more housing will be available for families. This project will be rental property. The applicant needs flexibility. The property has been vacant for 5 years. There are obvious reasons this is the perfect location. It will be valuable for friends and families visiting. This proposal is the best proposal outcome for this property. Independent housing and affordable units are important issues but not the only important issues. He stated the Board should consider all feedback.

Holly Clarke, of 1652 Central Avenue, is a Town Meeting member. She echoed the previous comments. Town Meeting approved the change for a specific project. This proposal does not do it. It skips independent living and the affordable aspects of it. If the proposal does not include it the property should not be allowed to be denser. Integrity is important for this Board and backing it up. The traffic study does not talk about other potential changes in the district. There will be more traffic with the upcoming changes. The Board needs to know what the traffic implications will be. Traffic mitigations could be built into the permit. The By-Law gives the Board the discretion if the meaning of the permit has not been met.

Mr. Crocker asked to clarify what the engineer said could go on the building for solar. Mr. Yetman stated it is not what could go on the building but what they intend. They will have 8,000 kw hours. Mr. Crocker noted the yield factor is 1,150, which is 7 kw DC solar system with a retail cost of roughly \$28,000. Basically, the size of a cape house. He asked what the purpose is of doing that. Mr. Yetman noted it was to charge the electric vehicles. Mr. Crocker asked what the goal is of doing that. He noted this is not an engineering issue but a business decision. Mr. Yetman stated the cost of design, implementation and installation is about \$150,000. He noted he is not a solar engineer. Mr. Huber stated the roof would

need some modifications to hold this system. Mr. Crocker would like to see an analysis of the \$150,000 and the specifications. Mr. Huber will go over the information with him.

Mr. Block noted the following correspondence for the record: an email from James Goldstein, dated 8/16/22, with comments; a letter from James Goldstein, dated 8/6/22, which Mr. Block read into the minutes; a letter from Kelly Engineering Group, dated 8/29/22, with responses to the Board's questions regarding storm water recharge; a letter from Ronel Jasteen Del Rosario, of Citizens Bank, dated 8/7/22, in support; an email from Wendy Blom, dated 8/16/22, with comments; an email from Paula Dickerman, dated 8/16/22, in favor; an email from Sarah Miller, dated 8/15/22, in favor; an email from Ismail Moumni, dated 8/15/22, in support; a letter from Maggie Abruzese, undated, to the Select Board, with a request to vote no; an email from The Village Club Board of Directors, dated 9/17/22, in support; an email from Rob Giumetti, dated 9/17/22, in support; another email from Paula Dickerman, dated 9/19/22, with comments; an email from David Sherman, dated 9/19/22, with comments and another email from Maggie Abruzese, dated 9/20/22; requesting the Board deny the special permit with a copy of the Consumer Guide to Assisted Living in Massachusetts.

Mr. Crocker commented the structure may not be adequate for solar. When building the 4th floor, it should be designed to hold solar panels. It could hold 100-200 kw DC solar system. Mr. Yetman noted he did the study and there is a problem with the height being 5 inches over. Mr. Crocker stated they need to find the 5 inches. A discussion ensued regarding closing the hearing or continuing the hearing. A motion was made to continue the hearing to 10/18/22 at 7:05 p.m. Ms. Espada asked what the Board was going to find out between now and then. They have been hearing from the community for the last year that the town needs independent living and affordable units. The project was approved for independent living and affordable units. This is a prime location for seniors. She is happy the applicant wants to develop the project, but she does not hear a good reason to not have independent living and affordable units. They promised the community. She asked what they are waiting to talk about. Mr. Crocker stated if they close the hearing no more comments can be included. Mr. Alpert stated the Board could always vote to close the hearing at the next meeting if there is nothing more.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of four of the five members present (Ms. Espada abstained):

VOTED: to continue the hearing to 10/18/22 at 7:05 p.m.

ANR Plan – Needham Enterprises, Inc., Petitioner (Property located at Lot 251 on Lawton Road abutting 93 South Street, Needham, MA).

Mr. Huber noted he had submitted a written request to withdraw the ANR plan for Needham Enterprises.

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

VOTED: to accept the petitioners request to withdraw the ANR Plan without prejudice.

Presentation of Compliance Guidelines for Multi-family Zoning Districts under Section 3A of the Zoning Act.

Ms. McKnight stated she does not ~~need intend~~ to make a presentation. ~~Compliance~~ is a matter of zoning all areas currently developed for multi-family housing to allow such housing by right and introducing stand-alone multi-family housing as an allowed use in certain districts. The Guidelines issued by the Department of Housing and Community Development (DHCD) on August 10th indicated that the number of acres that must be zoned for multi-family housing is higher than has been discussed. Mr. Block has put it on the agenda for the first planning meeting and she is presenting on 10/11/22 to the Select Board.

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De Minimus Change: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner. (Property located at 1407 Central Avenue, Needham, MA). Regarding staffing at the Jack Cogswell Building.

Town Counsel Christopher Heep noted this is a minor modification of a special permit for the Jack Cogswell Building. When it was first permitted it was not to be occupied. That was true for a time but with ~~e~~Covid the DPW needed space. The Board approved a request for a minor modification to allow the temporary occupancy of the building by 16 staff

members during the workday. The DPW still needs that level of staff to continue at this building. They would like the occupancy to continue through August 2023. That should be adequate for the DPW needs. He noted occupancy has been without incident or complaint. Mr. Alpert noted ~~it says~~the reference to October 2023. That will need to be corrected.

Holly Clarke, of 1652 Central Avenue, has 2 concerns. Central Avenue is traffic from one end to the other. With repairs, traffic is down to one lane at the transfer station. Town Meeting voted to build the Cogswell Building with the specific representation it would be for equipment storage. She asked the question and was told by the Select Board it would only be equipment. They said there would be no people because a study was done with putting the DPW at the dump. It was determined the ~~sitesight~~ lines are not consistent with safety. She understood putting people there for ~~e~~Covid, but it should not be an open door. There was a real reason people said no. It was voted to build for equipment storage only and not people.

Mr. Block ask if there was any reason to believe this would be extended again. Mr. Heep stated no, there is no intent to make this permanent. Ms. Clark asked why there are 16 people there for the year. She does not understand. Mr. Heep stated there is still a need to space employees out and that cannot be done without this building. Mr. Alpert does not feel we are done with the pandemic. There is a good probability there will be a surge that will go through the winter months. March 31 may make more sense. Ms. Clarke stated 6 months makes sense and sends a message. Mr. Block feels the end of April would be better. He asked Mr. Heep if he was amenable to revising to 4/30/23. Mr. Heep stated it is the Planning Board's permit to revise but the request was for 8/31/23.

Ms. Espada asked when the feasibility study would be completed and was inform by Mr. Heep that he did not know. Ms. Espada stated she lives on Central Avenue and understands the lack of space. There is a lot of need in town and not a lot of property. Mr. Alpert clarified the feasibility study is for renovating or replacing the DPW building.

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

VOTED: to approve the minor modification of the decision dated 9/20/22 for the Jack Cogswell Building to extend the time for the DPW to temporarily occupy the building through 3/31/23.

Zoning Recommendation on Article 1: Amend Zoning By-Law – Schedule of Use Regulations Brew Pub and Microbrewery.

Mr. Block stated the Board received a letter, dated 9/7/22, from Attorney George Giunta Jr., who was asked to review and comment. He asked Town Counsel to review the letter, correct and clarify. He did and submitted a letter dated 9/15/22. Mr. Alpert stated he agrees with Town Counsel Heep's letter in response. He would not change based on Mr. Giunta Jr.'s letter. He had comments at the meeting on the Highway Commercial 1 District and the Industrial 1 District on Gould Street. He requested this be removed. He is prepared to leave the zoning amendment as drafted but feels it should be discussed. He has no issue with a brew pub put in the Industrial 1 District and he has no issue with a brew pub in the Highway Commercial 1 District.

Ms. McKnight feels microbrewery should be deleted from Highway Commercial 1. It was not proposed for the site. Ms. Espada feels it should be left as that would preclude it from ever happening. It will be left as is. Mr. Crocker commented there is assisted living and independent living across Gould Street and residences across Highland Avenue. He would never want businesses at the Muzi site that are open after 8:00 p.m.

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

VOTED: to eliminate brew pubs and microbreweries from the Highway Commercial 1 District.

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

VOTED: to recommend to Town Meeting passage of the Article in it's now amended form.

Report from Planning Director and Board members.

Ms. Newman noted she, Mr. Block and Ms. McKnight will be going to the Finance Committee on 9/28/22. The Housing Plan Working Group will be reviewing the draft housing plan on 9/29/22. They will present a draft to the ~~Select~~Planning Board on 10/11/22 and will be meeting with the community on 10/13/22. Note that these meeting dates were later changed to 10/13/22 and 11/16/22, respectively. After discussion, it was decided the first planning meeting for goals will be 10/27/22.

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

VOTED: to adjourn the meeting at 11:45 pm.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chair and Clerk

NEEDHAM PLANNING BOARD MINUTES

October 3, 2022

The Needham Planning Board hybrid meeting, held in person at Powers Hall, Needham Town Hall and Virtual using Zoom, was called to order by Adam Block, Chairman, on Monday, October 3, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. He noted this meeting does include two public hearings and there will be public comment allowed. He noted the Board received a large number of comments on the 557 Highland project. He has read all comments. The Board has tried to capture all the comments but there may be a couple of members that have not had a chance to read everything. He stated all correspondence is included in the public record. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham Massachusetts). Regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,000 square feet of retail and restaurant uses. (See legal notice and application for more details). Please note: this hearing has been continued from the June 7, 2022, July 7, 2022 and September 7, 2022 meetings of the Planning Board.

Robert Schlager, Principle at Bulfinch Company, reviewed the updated plans. He noted this is a world class facility. He noted Tim Sullivan, of Goulston & Storrs, sent a letter updating ~~compliance with~~ the changes made due to input from all at the past meetings. The applicant has adjusted ~~floor area down by~~ 50,000 square feet. They expect there to be \$5 million in tax revenue ~~to the Town~~. The applicant is updating the screening for the garage, ~~hasve an~~ enhanced ~~the~~ walkway, increased vegetation, softened the massing on Highland Avenue, and a vegetative screen is being added along the entire façade. He feels this has resolved most of the outstanding issues. Eric Weyant, of Stantec Architecture and Engineering P.C., stated there have been changes since the 4/5/22 submission. The north building has been adjusted. A notch has been created at the corner of Highland Avenue to soften ~~the south building~~ and the footprint from the notch to the south building has been pulled back. There is an approximately 7,000 square foot park.

Eric Joseph, of Paul Finger Associates, stated the landscaping is based on the old advertisement for Needham "Keep Your Eye on Needham." The park is in an eye shape with 6 park benches, sculptures, room for history signs and bike racks. The thought is to create a sitting area for people to walk through. There is also a fitness path. The applicant worked with the Fire Department, ~~and~~ Building and Engineering ~~Departments~~. There will be a 20-foot-wide path with the center 10 feet being permeable pavers and the outer rest would be grass walks. This has been reviewed and approved by Fire, Building and Engineering. Ms. McKnight asked how emergency vehicles would exit to the public road once the path ends. Mr. Joseph stated there is a demountable curb cut with removable bollards. Mr. Schlager noted there is another emergency access at 5 TV Place. He noted the bollards are 30 to 36 inches apart. The Fire Department can turn a key and the bollards collapse.

Mr. Weyant stated there are no additional ~~state highway~~ takings along the property line along Highland Avenue. He noted the ~~south-building~~ notch has been created. They have added some balconies and porch spaces and the third floor is set back. The façade is set back at the corner. There is a refinement to the mechanical screen. There will be an 18-inch setback with warm earth tone material. The curtain wall will be aligned with the 3-story bump out. He showed views from all surrounding areas. They will use panelized Glass Fiber Reinforced ~~ced~~ Concrete (GFRC) and will build it into a panelized

system, and it comes with windows. They are also looking at alternatives with warm earthtone colors. There will be Class A material, non-combustible and non-flammable used on each façade.

Sean Manning, of VHB, discussed the queueing conditions and future no-build conditions. He showed the existing conditions. Due to more pedestrians and bicyclists, the signals will be longer and there will be more queues. There may be a few cars queueing into the site. He feels this will fix pre-existing conditions. Mr. Block asked Ms. Brown to respond. Rebecca Brown, the GPI Peer Reviewer, reviewed what the Town asked her to do. She looked for grade and level of service. She looks for a Level E or better. At times a Level F can occur but can still be acceptable with unsignalized locations. They look at volume to capacity level and the queueing. She looked at the analysis the applicant put together and ran a comparison of 2029 build and no-build conditions. A number of intersections are operating quite well. They do not prescribe mitigating at Level D. There is one incident of Level F, but it is operating below capacity. There is not a substantial impact. They are only adding 2 cars. Hunnewell Street is operating at a Level F now. She found no crash pattern at that intersection. There are no safety issues so they do not look for mitigation. The intersections at Central Avenue at Cedar Street and at Webster Street are a Level F now. There are fewer than 2 crashes a year so there is no real safety issue at those locations. Both meet the warrant for installation of signals now without the project being constructed. She does not feel it should be included with this project due to the limited impact so she has not recommended mitigation at those two locations. She recommends optimizing signal timings at 5 locations – Hunting, Kendrick and Greendale, Highland and West, Webster, and the First Avenue intersection. She proposed new signals at Central and Gould and the site driveway. They will restripe at Central and Gould to add a lane. The revised plan has improvements along Gould Street. The improvements proposed will have a lot of intersections drop from Level F. Highland and Gould will still have some Levels Fs. Some main line levels are improved to Level E or better. Mr. Block asked why compare with 2029. Ms. Brown noted it is based on increased population growth.

Ms. McKnight asked the applicant to summarize the changes with vegetation, trees and grass. Mr. Joseph noted they have added earth and berm up 2½ feet to 3 feet that gradually slopes down. A hedge of thick yews are being planted along the edge and there will be 25 feet of planting buffer along Highland Avenue and the fitness path. There will be shrubs, hydrangeas and flowering plants. There will be grass on one side of the fitness path and an elevated plant berm on the other side. Ms. McKnight clarified whether the grass will be cut from time to time. Mr. Schlager stated the landscaping will be maintained.

Mr. Alpert noted GPI's letter dated 9/29/22 with substantial recommended conditions of approval. He asked if the applicant has reviewed it and if they have any comments. Mr. Manning collaborated with GPI, reviewed everything and appreciated their comments. Mr. Alpert suggested once the project is built additional traffic mitigation be taken. He asked if it would be completed 2025-2027 and was informed that was correct. Ms. McKnight noted the traffic demand management and stated one of the conditions was to provide a shuttle. She asked if this also allows both employees and abutters to use the shuttle. Mr. Schlager noted there will be the first electric powered solar buses which is a benefit.

Mr. Block is concerned with cut through traffic. He would like a pre-construction traffic study of the Noanett and Sachem areas so there is a base line to compare to once the construction is done. Ms. Espada heard what the community said the last time. She approves the site amenities like materials, pavers and pavement. She asked who manages the site and was informed Bulfinch would. She asked what people would do if they wanted to use the pickle ball court. Mr. Schlager stated they would contact the Bulfinch management office. She asked where the people would park and was informed in the garage or on site if parking is available. Ms. Espada asked where the shuttle buses would be located and if there was any consideration to having the employees park elsewhere and shuttle to the site. Mr. Schlager noted the buses would be staged at the loading docks during the day and they have not considered having employees parking off site.

Ms. Espada stated the views are helpful. It makes a difference to break it up on the Highland Avenue side but it still feels relentless and flat on top. She asked if the penthouse piece could be corrugated or something else. Mr. Weyant stated there is a horizontal texture on the roof screen to provide differentiations. Ms. Espada commented the applicant needs to find a way to give depth. They could address this with materiality on the Highland Avenue side. She is concerned with the Gould Street side. The glass makes the proportions large for the building on the left. Mr. Weyant stated they are trying to break down the width of the building. It felt massive with all the GFRC. Ms. Espada feels the proportion of glass makes it look larger and the parking garage looks large. She felt it is too big to her. She asked if it was possible to decrease

the scale by looking at alternative parking or putting one more floor underground or screening. Mr. Weyant stated the building is in excess of 200 feet away from Gould Street and noted there would be a fair amount of screening. Ms. Espada commented it feels out of place entering the residential community.

Ms. Espada asked what the square footage ~~is was~~ with ~~this the~~ change ~~that was made~~. Mr. Schlager stated it is a 1.21 FAR with a decrease of 10,000 square feet. Mr. Crocker asked if a key card would be required to go into the underground parking, ~~and the applicant responded-~~ ~~That~~ would not be necessary during business hours. Mr. Crocker stated he likes ~~the~~ yews. He noted the ~~views from~~ Sachem Road and David Road ~~view is are at an~~ obtuse angle. It is much more noticeable coming up Sachem. He is concerned with the necessity for the Fire Department to need a 20-foot path. A lot of ~~what~~ landscaping they wanted has been lost. This pushes a lot of landscaping and trees toward Highland Avenue. He is concerned it is a little too close to Highland Avenue. He believes they are trying to make this a gateway to Needham but believes it is being forced to the corner. He would like ~~it - what? the south building?~~ pushed back some. This is a visual gateway to Needham and he would like it to not be forced. That was mainly the focus of residents ~~and of~~ surrounding areas. He is concerned with the visual impact and forcing it into the corner. This is not the gateway he is looking for but it is close. Some of this is incredibly beautiful. He thinks they can do better and he wants to get it right. He stated he does not remember comments from the police. The town does have issues and there may not be a lot they can do. He is not sure if pushing it back changes the impact.

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Mr. Weyant stated the process has been going on since October 2019, when the zoning came before Town Meeting. Concerns were expressed then back to Town Meeting. As a result the FAR was set at 1.35 and the applicant is proposing a 1.21 FAR. The setbacks were set by Town Meeting. The project complies with all setback requirements. The vegetative buffer was contemplated and has been proposed as required. The project has been pushed back toward 128 and is compliant with setbacks adopted. This has been proposed for a number of months. Mr. Crocker stated the Board does not have to approve this just because it passed Town Meeting. Mr. Block opened the meeting for public comment.

Natalie, of Utica Road, read a letter from the Chinese Friends of Needham regarding the scale of the project, the safety of biotech companies, regulations on-site, research transport of biochemical equipment and how the town will benefit. Needham is losing its residential appeal. She noted the size is too big at 1.21 FAR. She urged the Board to wait and decline to endorse the project until questions are answered. Ellen Fine, of Greendale Avenue, stated she was born and raised here. She came back 10 years ago to a destructive land greed experience. The Needham she knew and loved is being destroyed. She noted 800 people signed a petition against this project a couple of years ago. She watched tonight to see an industrial design that is not sustainable. She is appalled with what Needham is allowing at this site. Low- and middle-income families are being driven out of town. She is sorry to say this has not improved from the first proposal. She feels the Board should wait for the community to develop something together.

Seungjoo Lee, of 33 Noanett Road stated this is not just another office building. There is a bio lab coming. This is setting a precedent and he requested the Board be responsible. Tonia Chew, of 174 Standish Road, agreed with the previous speaker regarding bio labs. She noted the traffic analysis and asked if this assumes all new employees will be coming from out of town or will it be just some of them. Mr. Manning explained how the analysis was calculated. He noted most would be coming from the north and south via 128 and some from the west through Needham. Eric Egan, of 13 Utica Road, appreciated the walking trail and public park but it sounds like an F to him. The benefit to the company does not help the community at all. He has been here 2 years and is ready to move out. He lives close to this site. He asked if they can get a benefit when construction starts. He feels his tax break should be greater than others that live farther away.

A person from Wellesley Avenue stated she is concerned with the environmental impacts of this project. The comments are focused on the façade but not on the environmental impact. She is not supporting this due to the nature of the use of the building. The building is beautiful but she is not in favor of the use. Bruno DeFazio, of 190 Hunting Road, is a long-time resident. There used to be an industrial park but that is gone now. This project is putting something with pathogens you cannot see. There are better things to do with that property. Traffic increase is a part of life but he feels this is a step back for Needham if approved.

Patricia Baker, of 30 Highland Terrace, stated she goes by this site every morning between 6:45 a.m. and 7:00 a.m. and makes a right on Gould. The traffic baseline shown is unrealistic. It takes her 7 minutes to go ½ mile. She heard the

baseline was from covid with no cars. Where did the diagram come from? They are diminishing the reality of the traffic with false information. She noted the project on Oak Street in Newton also needs to be taken into consideration.

Rob Dangel, of Hewitt Circle, clarified how it was presented to Town Meeting and how it was passed. He asked what could be done, in collaboration with Bulfinch, to make this a project in the best interests of Needham. He feels Bulfinch has listened. He noted the parking garage is large and the size is a bit out of place for the community. It looks large because it is large. Residents have asked for a 1.0 FAR. Bulfinch is listening to the residents but they need some compromise to get to a smaller FAR.

Viktoriya Zhabinskaya, of Gould Street, noted she has been at all the meetings and the information regarding a bio tech lab is a concern to all residents. This should be raised as a big concern as well as the environment, impact on children and water. Traffic is also critical. Henry Ragen, of 25 Bennington Street, noted a traffic-impact scale of A through F where F is acceptable would not be acceptable for kids in school. There is something wrong with the scale. He complained that Bulfinch says they have no tenant but knew how many employees and cars there would be. That is hard to believe Bulfinch does not know who the tenant will be. The bottom line is whether to grant the special permit. What is special about this for the Town of Needham? The mass does not make it special. It is not eye appealing and it is a massive building with massive traffic. It is not special. This is a negative to people in the neighborhood and he urges the Board to not grant the special permit.

Leslie Prescott, of 12 Park Avenue, is concerned with the intersection of Highland, Webster and Greendale. There is a lot of traffic with the drop-off at the Temple. There have been a lot of safety concerns there in the past. The applicants are putting mitigation in place for incoming traffic at the expense of residents trying to get to the highway and schools. Where is the burden going to be – for the incoming employees, or for the residents?

Charlie Puck, of 131 Woodbine Circle, stated this is an important issue. Everyone has talked about the size, scale and traffic issues but not addressed Needham's understanding of a life science building and what goes into the Town and making it safe. Personally, he has no concerns as long as the community knows how to manage it. He feels the the Town is unprepared to host this type of project. He feels the the Town management should contact other towns to see how it is handled and how it should be done. He feels the Town is naïve to what they are dealing with, which is a major concern.

Vincent Carty, of Manning Street, asked if the Town is comfortable knowing a lab in town is dealing with Ebola Viruses. Nothing in the proposal limits this facility to anything. Mr. Alpert noted at the first meeting it was promised by Bulfinch it would be Levels 1 and 2 only. That would be a requirement to comply with the special permit. The Board of Health will help with compliance and enforcement. Mr. Carty asked if Mr. Alpert is comfortable the town has existing capabilities to ensure compliance. Mr. Block stated that would be part of the deliberations. He reviewed comments from Tara Gurge, of the Board of Health, regarding the Mass Department of Environmental Protection Waste Water Reuse Program with comments. She speaks to bio-tech labs and requirements and speaks to protocols in place. Mr. Schlager has agreed to all requirements. There are a number of life science spaces in Needham and they have never had issues. They have a compliance officer willing to meet one on one or in a group to discuss life science regulations.

Ben Daniels, of 5 Sachem Road, thanked the people from Bulfinch for coming. He hopes it looks more-similar to the pictures, but he feels it will look bigger. Everyone was told the Big Dig was going to solve traffic problems but none of that came true. Traffic will be a lot more. Some is beyond Bulfinch's control. This project will become a precedent with other landowners wanting to change their properties through zoning. He asked if there is a physician in the bio labs. He does not feel there is a deep understanding of this topic by Board members. His concerns are not unfounded. The Board cannot make an assessment until they know who the tenant is. He would like to see the FAR reduced. He understands all need to compromise but he wants all to remember the Big Dig.

Wei Lu, of 61 Wayne Road, stated traffic is a big problem but the use is a bigger problem. He asked, if a covenant special permit is granted, will the Town put in a condition banning for upgrade. Mr. Alpert stated they will only allow Level 1 and 2. Level 3 and 4 would not be allowed. There are conditions that must be met in order to get a Certificate of Occupancy. Mr. Block explained the reasons the applicants are here for a special permit and the special permit process. Mr. Lu stated many relevant issues need to be resolved. There needs to be a special knowledge to manage this.

Chia Chan, of Noanett Road, asked if there ~~was~~ a plan to install a new sewage line. The sewage/drainage line goes down Noanett. Will some system be installed to prevent backups? Mr. Schlager stated he is aware the sewage issue at Noanett was attributable to a restaurant with a grease trap issue. The line for this Bulfinch property flows south and east under 128. Everything is treated and is highly regulated by the Department of Health. There has never been a safety violation in this respect. They are proposing nothing more in the way of hazardous waste? than what is at the hospital or a doctor's office.

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Ms. Chan asked if the sewage line under 128 was existing or new. ~~There~~ there will be more usage of the sewage line. She asked if it was big enough to handle the additional capacity. Is it normal to have industrial waste go down a residential street? Mr. Schlager clarified that no sewage effluent goes toward Noanett Road. It all goes to the south and east. He would be happy to meet with her to discuss her concerns. Ms. McKnight noted the DPW letter said nothing about capacity. Mr. Alpert stated the Town Engineer is on top of this and. ~~He~~ He will make sure the sewer connection is done properly. Joni Schokett, of 174 Evelyn Road, noted they reduced the FAR but she does not hear a reduction in the garage or the number of cars. Mr. Schlager noted there will be roughly 20 spaces less and 70 less from the first hearing. Steve Sussman, of 30 Davenport Road, stated there was a 9,000 square foot reduction since the last meeting. That does not seem much to him. Mr. Dangel noted the atrium would be one place that people would not care if it was built right up to the side. It should be somewhere less impactful to reduce footage.

Russell Smith, of 52 Greendale Avenue, shares the concerns regarding traffic and bio labs. He would like to see the FAR come down to a 1.0. Holly Charbonnier, of 94 Sachem Road, referred to a court case in Chicago regarding gas release and how anyone within 1.5 miles is more likely to get cancer. She hopes Needham would put together a bio lab group, like other towns, to monitor. It feels too big and she would like a 1.0 FAR.

A motion was made to close the hearing. A discussion ensued. Ms. McKnight asked if everyone was satisfied there is enough information from the Board of Health or should it be kept open to get more information on current regulations ~~for from Bio Lab~~ space. Mr. Crocker noted if the hearing is closed Bulfinch cannot make further changes as the public wants. Mr. Block stated the Board has the authority to make conditions. Mr. Alpert commented that is the same as the Board did at 1688 Central Avenue.

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

VOTED: to close the hearing but keep it open for the sole purpose of getting additional information from the Board of Health on current regulations for Bio Lab space.

The Board took a 5 minute recess.

8:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 94-5: Coca-Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110, Petitioner (Property located at 9 B Street, Needham, Massachusetts). Regarding proposal to renovate the existing building by removing the existing 14,500 sf office wing, removal of 44, 985 sf of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14, 610 sf attached new single-story Fleet Services wing and addition of 14 loading docks (see legal notice and application for more details).

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

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

Mr. Block noted the following correspondence for the record: an email from Police Chief John Schlittler, dated 9/13/22, with no comments; an email from Fire Chief Tom Conroy, dated 9/28/22, noting he was ok with this, an email from Assistant Public Health Director Tara Gurge, dated 9/23/22, with comments, and a letter from Town Engineer Thomas Ryder with comments. Chris Nowak, of VHB, noted this was a gravel pit in the 1880s. In 1956 American Can went in and in 1975 Coca Cola began bottling. The bottling services have been closed there and they are creating a new cooler services area and improving safety. The applicant is making a major investment and is looking forward to continuing to be a long-term neighbor. The applicant will be adding loading docks to improve efficiency. They will renovate and beautify the building

and will clean up the roof. The equipment is non-functioning and will be removed. Mr. Block commented the Town appreciates the efforts to clean them up.

Mr. Nowak stated the building façade will be refreshed. He noted there is a net reduction in impervious cover. There will be improved storm water treatment and additional landscaping. They will be adding some additional parking spaces. He showed the existing site context. There are 23.7 acres of land that is relatively flat. Forty percent of the site is occupied with the remainder being parking lot and loading docks. It is almost entirely paved. Landscaping will be added and the truck circulation will be cleaned up. Some building appendages are being removed. He noted the trucks come in through Third Avenue.

Mr. Nowak noted the size of the building is being reduced and a small addition of 430 square feet is being added in the existing footprint. They are allowed 65% lot coverage and they are at 38.6% now. That will be reduced to 34.3%. The uninterrupted existing façade length is 540 feet and will be improved. They are adding an entrance element with a reduction to 499 square feet and increasing parking. The existing special permit allows 471 spaces. They propose to increase that by 75 car and 20 truck spaces. There is a significant amount of open space being added. Evans Huber, Attorney for the applicant, noted there is a current waiver of about 560 spaces. The request [for parking waiver](#) is going down with the reduction of the building [size](#).

Mr. Nowak stated the buffer is being improved and the parking set back from the intersection. Approximately 250 feet is being added of landscape buffer. They are adding 185 linear feet in a triangle of green space at the Kenrick Street intersection. There is 9½% of open space that will be improved to 12.7% and the non-conformity is being reduced. The existing chain link fence will be replaced with an ornamental fence. Ms. McKnight stated the view all along Kendrick Street is [of](#) the truck terminal. She does not see that changing. There are no trees, bushes or anything that will enhance the view. Mr. Huber clarified Kendrick Street is elevated above this site and it would not be able to be seen. Mr. Nowak stated the loading docks are on that side and that cannot be changed. They need pavement for trucks to maneuver around.

Ms. McKnight asked if there was any chance a fence could be put at the top of the slope. Mr. Nowak stated a fence would be behind the pavement of where the trucks are. Ms. McKnight stated she is trying to think of a way to make along Kendrick Street more attractive. She is trying to enhance the general area but she understands the constraints. Mr. Nowak showed the existing storm water management. They are adding pervious surface and a bio-[retention](#) area or rain garden to provide recharge. A large landscape area with catch basins is being added that will filter storm water before it discharges. 33,000 square feet of pervious area is being added which is about one acre.

Mr. Nowak showed the overall plan. He noted the building was built in 1956. They will be automating the pick-[selection](#) facility and auto palletizers. Mr. Block asked if it was the same size as the Connecticut facility and was informed it was roughly half the size. Mr. Block asked how many employees are in Connecticut. He was informed there are 450 in total with a couple hundred a day between 2 shifts. Ms. Espada asked why increase the parking if there are less employees. Mr. Nowak noted a large area room is being renovated for a large meeting room with a 120-person capacity. They may have meetings quarterly. This is the flagship location for the northeast.

Mr. Crocker noted bays are being added. He asked if there is a current backup of trucks. Dave Omonobolo, of Coca Cola, noted the majority come off on Kendrick Street and there is not usually a backup. The transport trucks go down the left side of the building so it is quieter on the right side by Trip Advisor. Mark Nogueiras, Civil Engineer, reviewed the elevations. The entire façade will be redone. They will get rid of the siding and use metal panel to bring up to current materials. It will be similar to other facilities. There will be glass panels and an overhang canopy with the Coca Cola logo. There will be a simple employee entrance and a feature in the middle to break it up. There will be 2 different shades of metal panels at the edge of the roof. All will match the metal panel facades. All the roof equipment will be gone and replaced with minimal [equipment](#) such as a couple of exhaust fans. There will not be roof top units per se. There will be a couple of new roof top units on the fleet building. Ms. Espada asked if they would be screened. There is no plan to screen them. They will not be able to be seen in most cases.

Mr. Crocker asked if there was any consideration to solar and Ms. Espada asked if there is any sustainability or LEED. Mr. Nogueiras stated there was no LEED contemplated but it was not out of the question for solar. There have been serious

concerns with the roof so it is not part of the current plan. Mr. Crocker asked if there is any type of water infiltration that could be done beside letting it go down to the exit to the river or anything to make it more sustainable. Mr. Nowak noted they are adding 33,000 square feet of green pervious area, a rain garden and planting 60 trees on site. Mr. Block summarized the Board would like to see, at the next meeting, additional opportunities for green space, any additional recharge, and anything more they would be willing to do such as what type of any solar capacity they may consider adding. He would like to see a revised plan with the items included that he summarized and what the applicants are prepared to invest.

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

VOTED: to continue the hearing to 11/1/22 at 7:05 p.m.

Deliberation: Special Permit Amendment No. 2017-01: Sira Naturals, Inc., d/b/a Avr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, Petitioner. (Property located at 29-37 Franklin Street, Needham, MA). Regarding proposal to make certain changes to the approved permit, including a request to eliminate the "appointment-only" operational requirement for the facility.

Mr. Block noted there is no decision to review. Ms. Newman would like more direction on the decision. The Police Chief recommended a review in 6 months. He asked if the Board would reconvene the hearing or would it be the applicant submitting documents for review. Ms. Newman stated in the past there were conditions in the decision to hold the applicant to their representation and reserve the right to uphold the decision or revoke it. This is a bit different as the Police Chief has raised concerns and abutters had a slightly different picture to paint. The Board could issue a permit for a period of 6 months and require them to come back in and extend the permit. The second option gives the Board more control and there is a hearing. Ms. McKnight likes the second option. The applicant is not making physical changes to the facility but simply changing the operation.

Mr. Block noted the use is a new use for the Town. It includes an increased number-of-sales capacity. There is some concern by residents about how the property has been maintained. Given the concerns, he agrees the Board should go with the 6 month review. At that time the applicant can ask to remove the 6-month requirement. Mr. Crocker is ok with revisiting this in 6 months. Mr. Alpert thought a review in 6 months was monitoring outside activity only. Mr. Block noted it is the impacts as a result of the changes. He would want testimony from the Police Chief if there are any calls. Mr. Alpert noted the Board would have to issue the amendment for 8 or 9 months because the Board will begin to review it at 6 months. He feels the applicant should come back in 6 months but should not have to pay another filing fee and notice fee. He wants the public to be able to speak. The permit should expire in 8 months but they need to file the application to extend the permit in 6 months.

Request to extend Belle Lane Subdivision Tripartite Agreement.

Ms. Newman recommends the extension for 2 years. The surety is adequate for 2 years through September 30, 2024.

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

VOTED: to extend the Tripartite Agreement through September 30, 2024.

Board of Appeals – October 20, 2022

164 Broadmeadow Road – Arthur and Valentina Elzon, owners.

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

VOTED: "No comment."

84 Fair Oaks Park – Roger N. Squire III and Quinby Y. Squire, owners.

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

VOTED: to comment the ADU application is not compliant with the ADU By-Law as it is a separate structure and not in the main structure.

150 Gould Street – Gordon’s Fine Wines of Needham, Inc., applicant.

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

VOTED: to comment the applicant needs to consult with the Select Board to make sure it meets the requirement of the liquor license regulations.

Minutes

There are no minutes.

Report from Planning Director and Board members.

Mr. Crocker and Mr. Block are going on a road trip to explore brew pubs. Ms. Espada noted the Housing Plan Working Group is having a community meeting in November with the final plan in December. Ms. McKnight noted there will be a joint meeting with the Planning Board and Select Board on 10/11/22 and a special Planning Board meeting [for long-range planning](#) on 10/13/22.

Correspondence

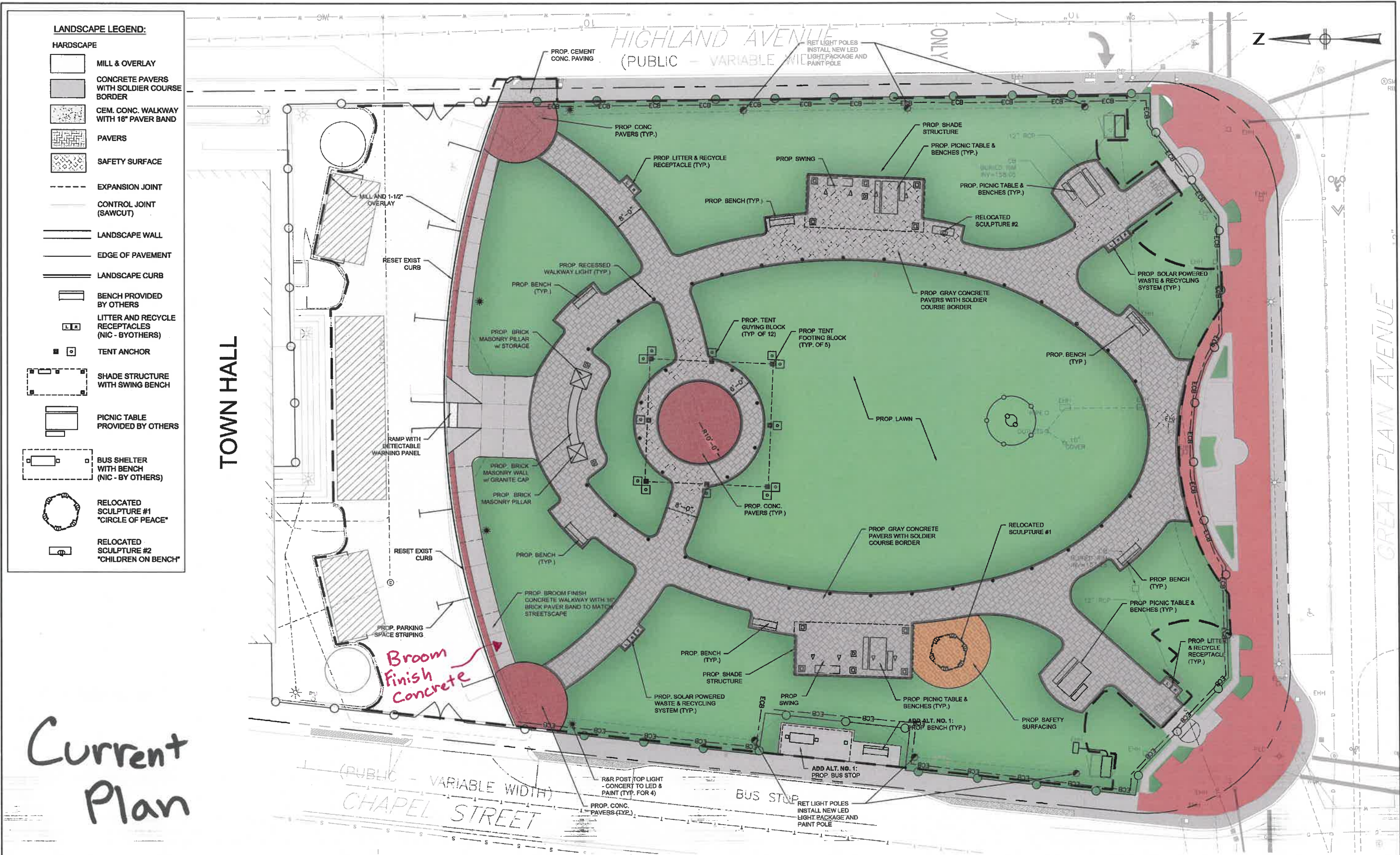
There is a notice from Newton regarding the 240-unit housing development in the packet.

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

VOTED: to adjourn the meeting at 11:32 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chair and Clerk

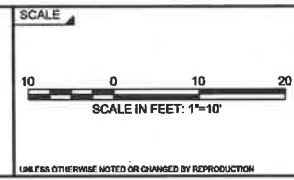


Current Plan

6/4/2022 9:46 AM \\BETA-INC\COMMON\PROJECTS\710057185 - NEEDHAM - TOWN COMMON RENOVATION\PLANS\710057185 LAYOUT & MATERIALS.DWG (BETA SITE BWS) STR

NUMBER	DATE	MADE BY	CHECKED BY	REVISIONS
1	5/25/2022	ESM	MLR & NS	Value Engineering and Final Construction Details
2	6/10/2022	ESM	MLR & NS	Paver extents modified

DRAWN BY:	REGISTERED PROFESSIONAL	PREPARED BY:	SUBCONSULTANT
DESIGNED BY:			
CHECKED BY:			



TITLE	TOWN COMMON RENOVATION LAYOUT & MATERIALS PLAN NEEDHAM, MASSACHUSETTS
BETA JOB NO.	7185
ISSUE DATE	May 25, 2022
SHEET NO.	4

