

NEEDHAM PLANNING BOARD

Tuesday April 7, 2020

7:15 p.m.

Virtual Meeting using Zoom

(Instructions for accessing below)

To listen, view and participate in this virtual meeting on your phone or tablet download the “Zoom Cloud Meeting” app in any app store or go to www.zoom.us on your computer or laptop. At the above date and time, click on “Join a Meeting” and enter the meeting ID: 753027350 or you can use the link <https://zoom.us/j/753027350>.

1. Appointment:

7:15 p.m. Presentation and discussion: Update on Emery Grover Building working group

2. Discussion of Beth Israel Deaconess Hospital Needham request to extend a pre-existing non-conforming setback.
3. Update on Scope of Traffic Study for Highland Commercial 128 zoning.
4. Discussion of Planning Board meeting schedule.
5. Minutes.
6. Correspondence.
7. Report from Planning Director and Board members.

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

An aerial photograph showing a school campus. In the center is a large, dark-roofed building with a complex, multi-winged structure. To its left is a smaller, lighter-colored building with a gabled roof. Several parking lots with cars are visible around the buildings. The area is surrounded by green trees and residential houses with dark roofs. A road with a crosswalk runs horizontally across the middle of the image. In the bottom left corner, there is a small red number '1'.

Needham School Administration Emery Grover Building Study

March 23, 2020
Permanent Public Building Committee

**1330 Highland Avenue
Emery Grover Building Study**

Table of Contents

Review: Option 1

Review: Option 3

Option One

- Zoning District A-1
- Table 4.3.1: FAR 0.50
- Maximum FAR for site:
1.06 acre x 0.50 =23,077 G.S.F.
3 Story/40 ft height limit.

Option One: 31,169 -750 sf MEP

- 30,419 G.S.F.
- FAR Overage = 7,342 G.S.F.

- Zoning ByLaw Change Required
 - FAR
 - Parking (minimum 100 spaces recommended)

Summary

Residence

Land Segments

Detached Structure

Sales History

Value History

Condo

Commercial

Parcel ID: 199/053.0-0002-0000.0

FY: 2019

Community: Needham

Location:1330 HIGHLAND AVE

Owner Name:TOWN OF NEEDHAM

Owner Name2:SCHOOL ADMIN BLDG

Owner Address:1471 HIGHLAND AVE

City:NEEDHAMState:MAZip:02492

Neighborhood:602Land Area:1.06 acres

Use Code:Total Finished Area:14742 sqft

Tax Class:EPct-Exempt-Land:

Pct-Exempt-Bldg:0

Sewer:SWRoad Type:T

Water:PSRoad Condition:P

Assessments

Current Year

Previous Year

Total Value:2,344,0002,344,000

Building Value:2,163,4002,163,400

Land Value:180,600180,600

Market Land Value:180,600

Chapter Land Value:

Latest Sale

Sale Price:1Sale Date:03/01/1923

Arms Length Sale Code:N-NO-OTHERGrantor:

Cert Doc:Book:810Page:504

Emery Grover Property Card

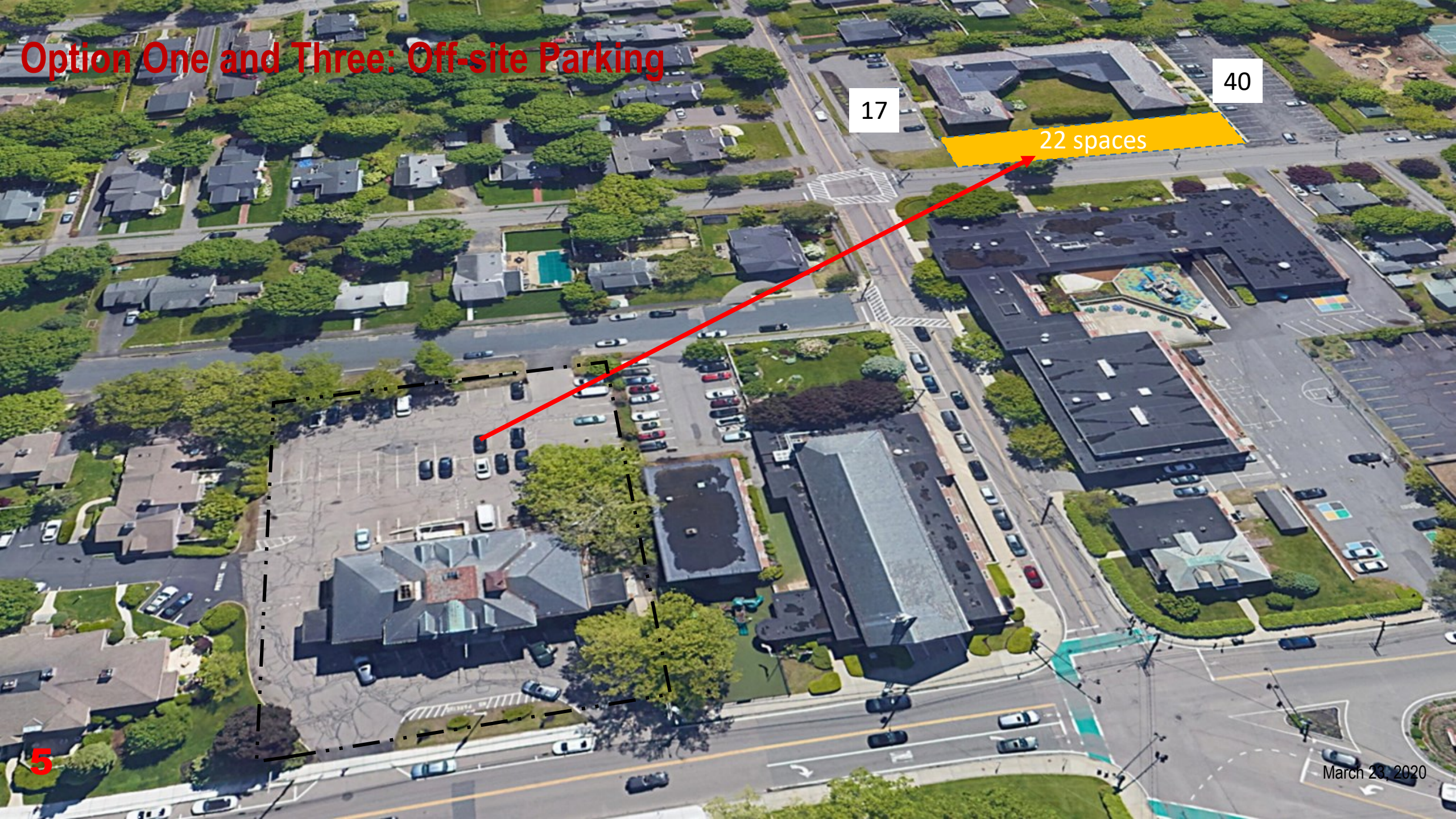
- Tear Down Emery Grover
- New Construction (closer to Highland Avenue)
- Program includes
 - 1200 sf Conference Center
 - Full IT Department
- 63 Parking Spaces

OAKLAND AVENUE



March 23, 2020

Option One and Three: Off-site Parking



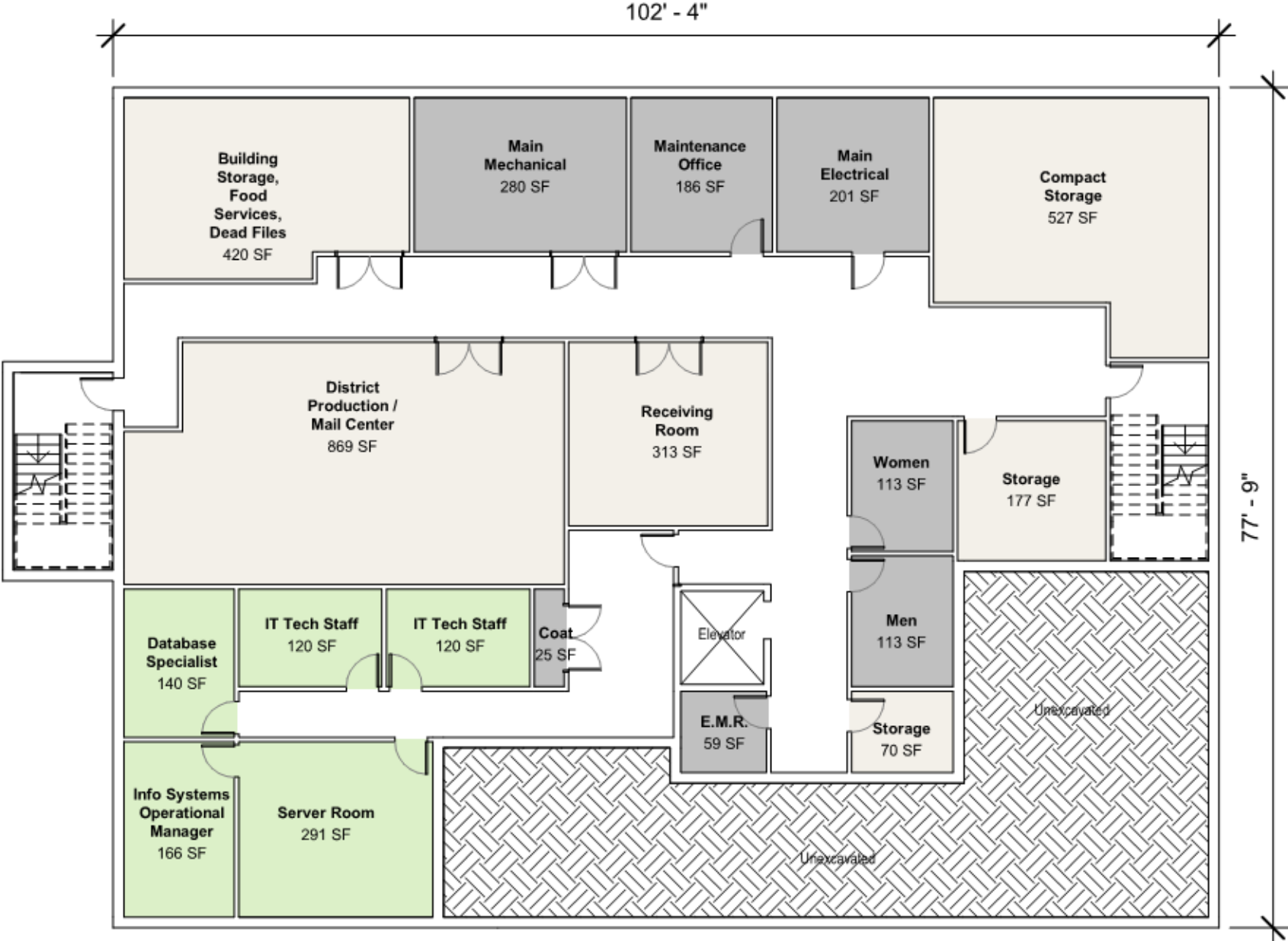
17

40

22 spaces

5

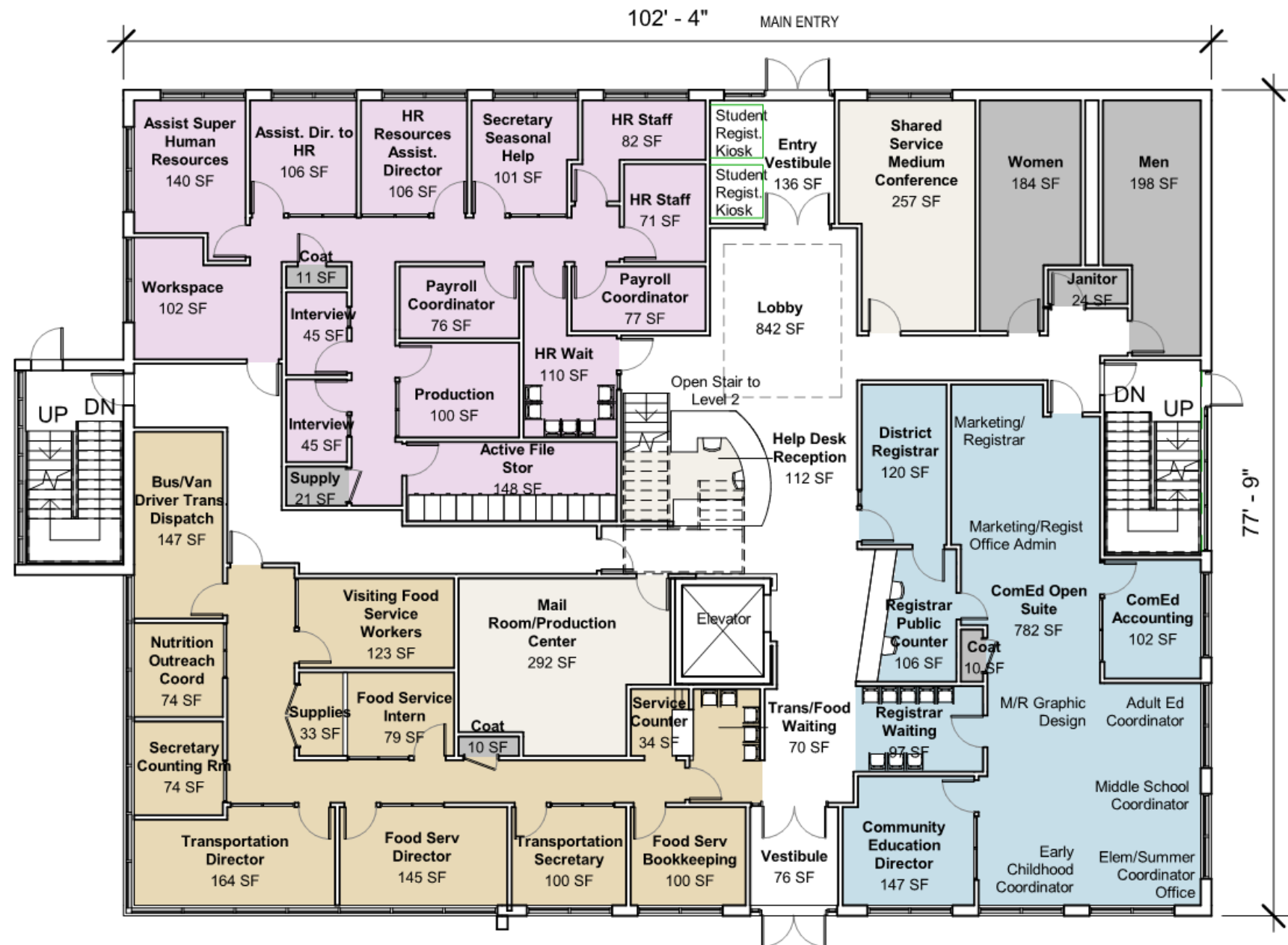
Option One



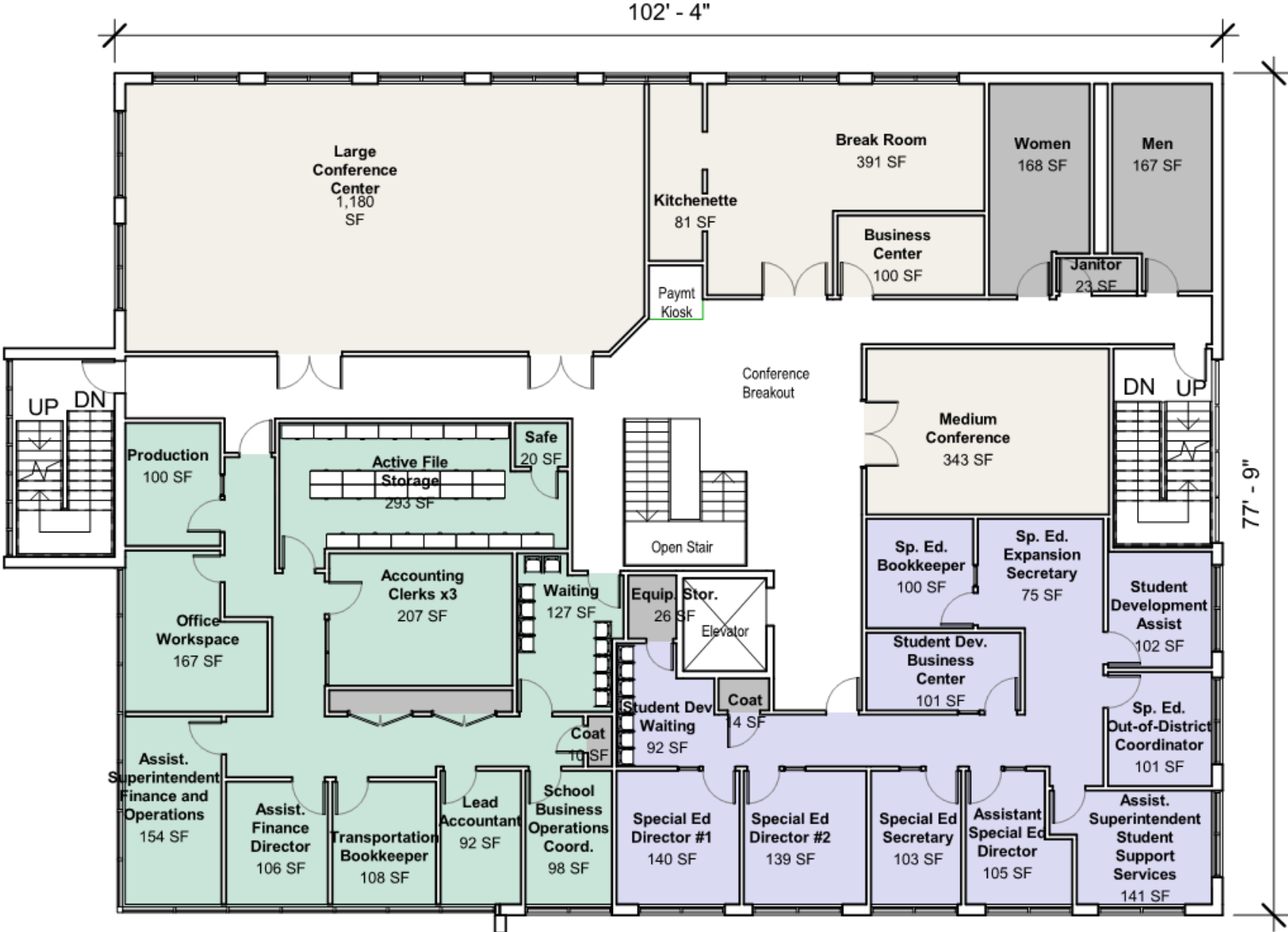
- Program:**
- Innovation Technology
 - Shared Building Services
 - Building MEP

Option One

- Program:**
- Human Resources
 - Transportation & Food Services
 - Community Education
 - District Registrar

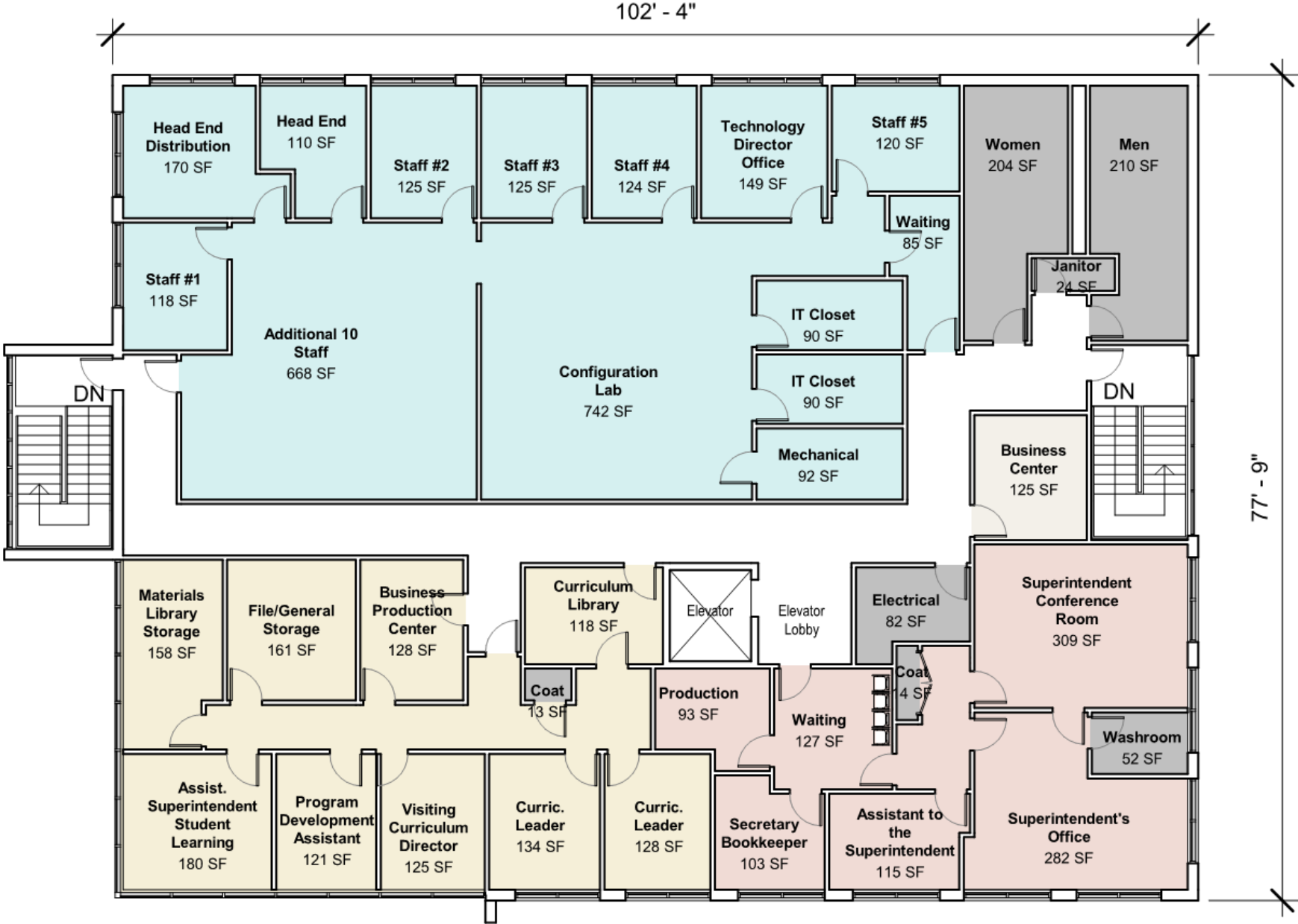


Option One



- Program:**
- Large Conference Room
 - Business Finance Operations
 - Student Development

Option One



- Program:**
- Superintendent of Schools
 - Optional Information Technology
 - Program Development

Option One

View from Highland Avenue



Option One

View from Oakland Avenue



Option One



1 Longitudinal Section
1/16" = 1'-0"

Address: 1330 Highland Ave, Needham

Option #1

Gross Building area = 30,419 sf

Table of Use Regulations

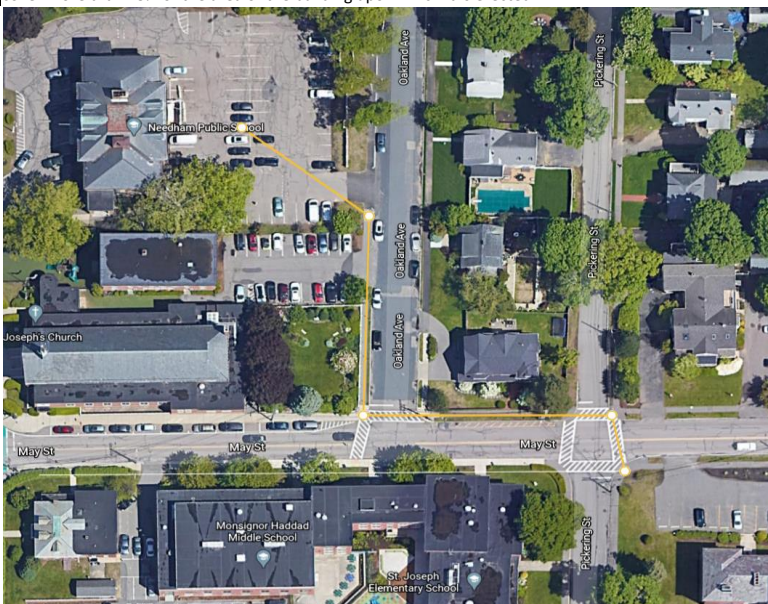
Per section 4.3.1

Major Project Special Permit Required

Regulation	A-1 Requirements	Existing	Provided	Compliance	Waivers Requested	Notes
Min. Lot Area	20,000 sf	46,174 sf	46,174 sf	Yes	NA	
Min. Frontage	120 ft	175ft	175 ft	yes	NA	
Front Setback	25 ft	60.75 ft	25 ft	yes	NA	
Side Setback	20 ft	11 ft	20 ft	Yes	NA	
Rear Setback	20 ft	143 ft	160'-5" at narrowest point	yes	NA	
Max. Floor Area Ratio (FAR)	0.5	0.4	0.66	no (under current regs.)	YES	Zoning By-law amendment required (TBC)
Max. % Lot Coverage	NR	13%	18%	yes	NA	
Max Stories	3	4	3	yes	NA	
Max. Height	40 ft	57 ft	40 ft	yes	NA	Rooftop mech. allowed 25% of roof area
5.1 Parking requirements	A-1 Requirements	Existing	Provided	Compliance	Waivers Requested	Notes
5.1.2 (7) -Required Parking	1car/300sf	54	30,419/300 = 101 car spaces using "Office" standard	no	Yes	Existing non-conforming & remote parking at SP & on street
	(office standard)	54	63 on site + 22 at Stephen Palmer=85	no	Yes	Additional future parking at SP building
5.1.3 Parking Plan & Design Requirements						
(a) Parking Lot Illumination - to be designed to min of one Footcandle with cut off to abutters				yes	NA	TBC
(b) Loading Requirements			no requirement for A-1 identified	yes	NA	Dumpster located on plan.
(c) Handicapped Parking - compliant with MAAB and ADA				yes	NA	3 required handicapped spaces
(d) Driveway openings -			One on Highland and one on Oakland	yes	NA	Existing non-conformance to be changed
(e) Compact Cars -			Up to 50% allowed at 8ft x 16ft.	yes	NA	0 compact spaces
(f) parking Space size -			all spaces comply with 9ft x 18.5 ft size.	yes	NA	63 full size spaces
(g) Bumper overhang - no more than 1ft bumper overhang assumed.				yes	NA	TBC
(h) parking space layout - no backing or maneuvering in sidewalk of public ROW required.				yes	NA	TBC
(i) Width of Maneuvering Aisle - 90 ° 24ft to 25 ft wide			25 ft	yes	NA	25 ft. width indicated
(j) Parking Setbacks- Front	10 ft	30 ft	NA	yes	NA	All parking at rear of building
(j) Parking Setbacks- Side & Rear	4 ft	0 ft	4 ft min	yes	NA	Minimum 4'-6"
(k) Landscaped Areas	10% landscape		16,600 sf indicated on plan	< 25% in center	NA	TBC
(l) Trees	1 tree / 10 spaces	5	5	yes	NA	6 required/10 currently indicated around parking area
(m) Location	63 spaces on site		57 existing + 22 proposed = 79 +/- spaces remote at Pickering Ave	no	Yes	Zoning By-law change required Remote parking more than 300ft away from Emery Grover- 530 ft min. See below:
(n) Bicycle Racks	1 /20 pkg sp.			yes	NA	TBC

Notes:

- (1) Section 4.2.8 - Height limit exceptions - Does not apply to A-1 District. NA
- (2) Section 4.2.14 Screening for Public, Semi-Public and Institutional uses - Does not apply to A-1 District. NA
- (3) Section 4.7.2 - Height limitation Exceptions in Business, Apartment, Industrial and Industrial -1 Districts allows for greater height for towers, steeples, spires, domes, chimneys, ventilators, skylights, tanks, bulkheads, ...50ft from the centerline of any street and shall not cover more than 25% of the area of the building upon which it is erected. NA



>500 ft walking distance to corner of Pickering and Mays as indicated by yellow line, path of travel by persons.

Google Earth measure tool used

- 1) confirm measuring technique with PB
- 2) Confirm assigned use of existing spaces with town SB and expiration dates

Option Three

- Zoning District A-1
- Table 4.3.1: FAR 0.50
- Maximum FAR for site:

1.06 acre x 0.50 = 23,077 G.S.F.
3 Story/40 ft height limit.

Option Three: 35,016 -750 sf MEP

- 34,266 G.S.F.
- FAR Overage = 11,189 G.S.F.

- Zoning ByLaw Change Required
 - FAR
 - Parking (minimum 100 spaces recommended)

[illegible]

Emery Grover Property Card

Option Three

- Renovation of Existing
- New 50' Addition
- Program includes
 - 1200 sf Conference Center
 - Full IT Department
- 36 Parking Spaces



Option Three

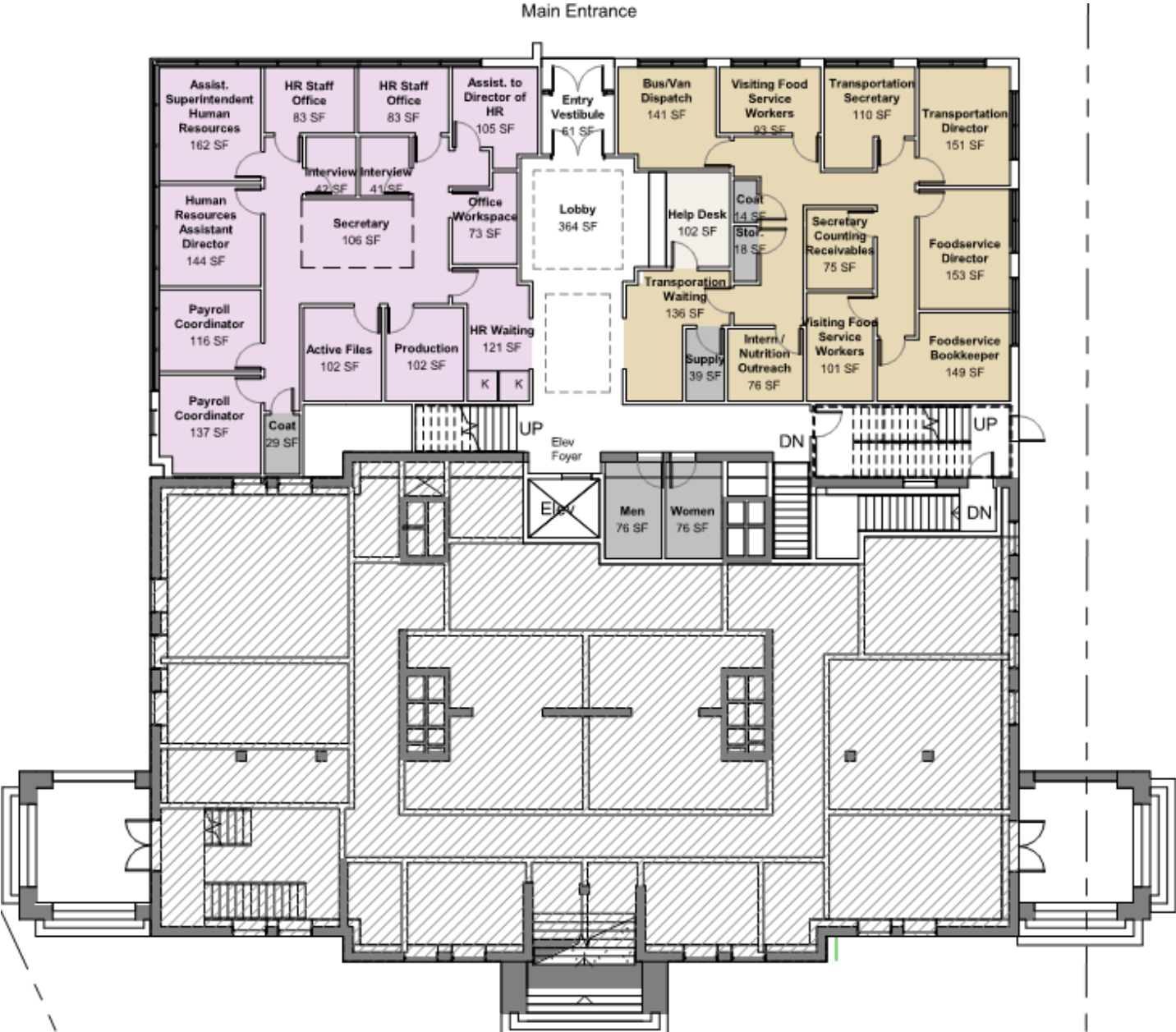
Program:

- Innovation Technology
- Shared Building Services
- Building MEP



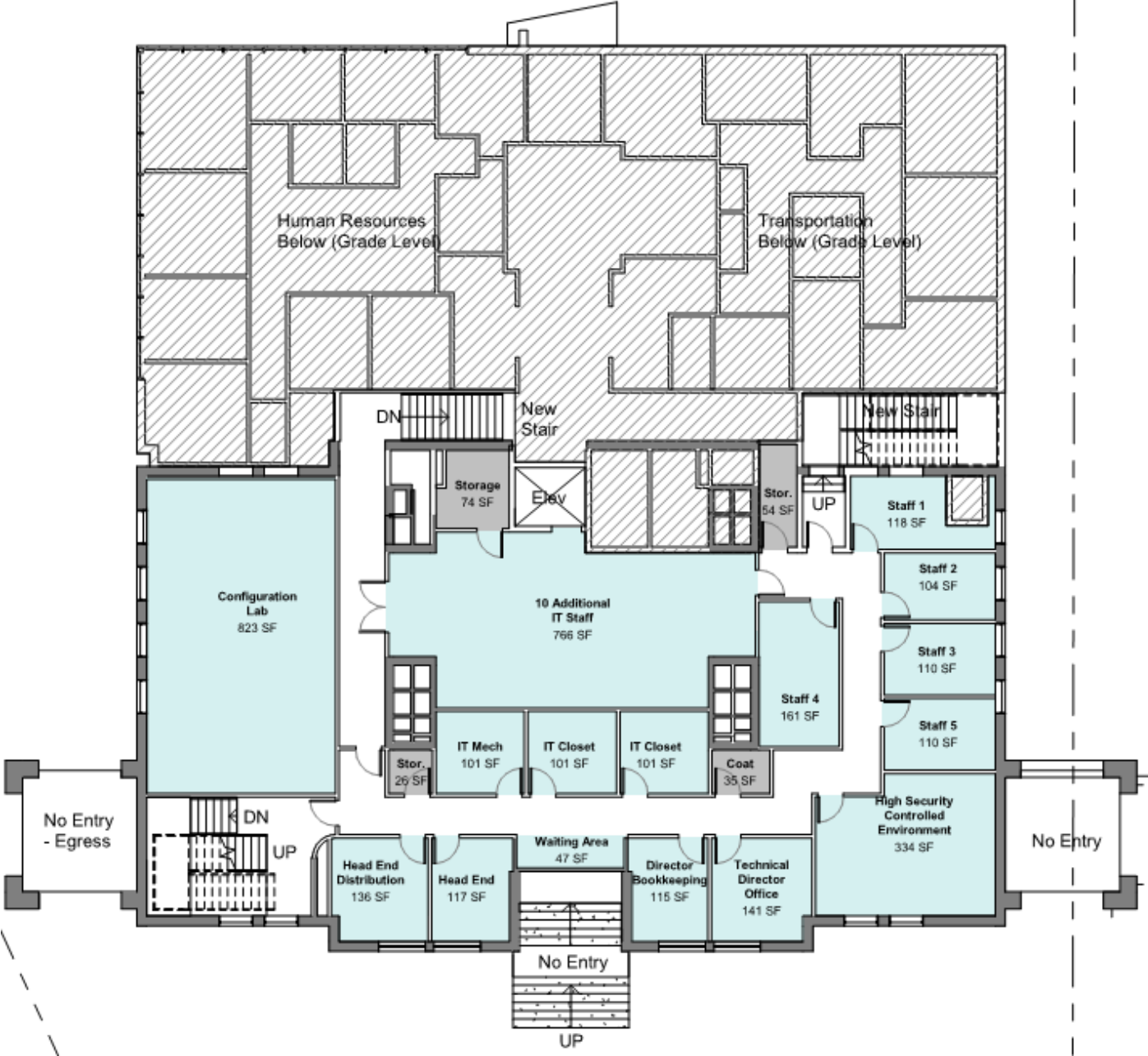
Option Three

- Program:
- Human Resources
 - Transportation & Food Services



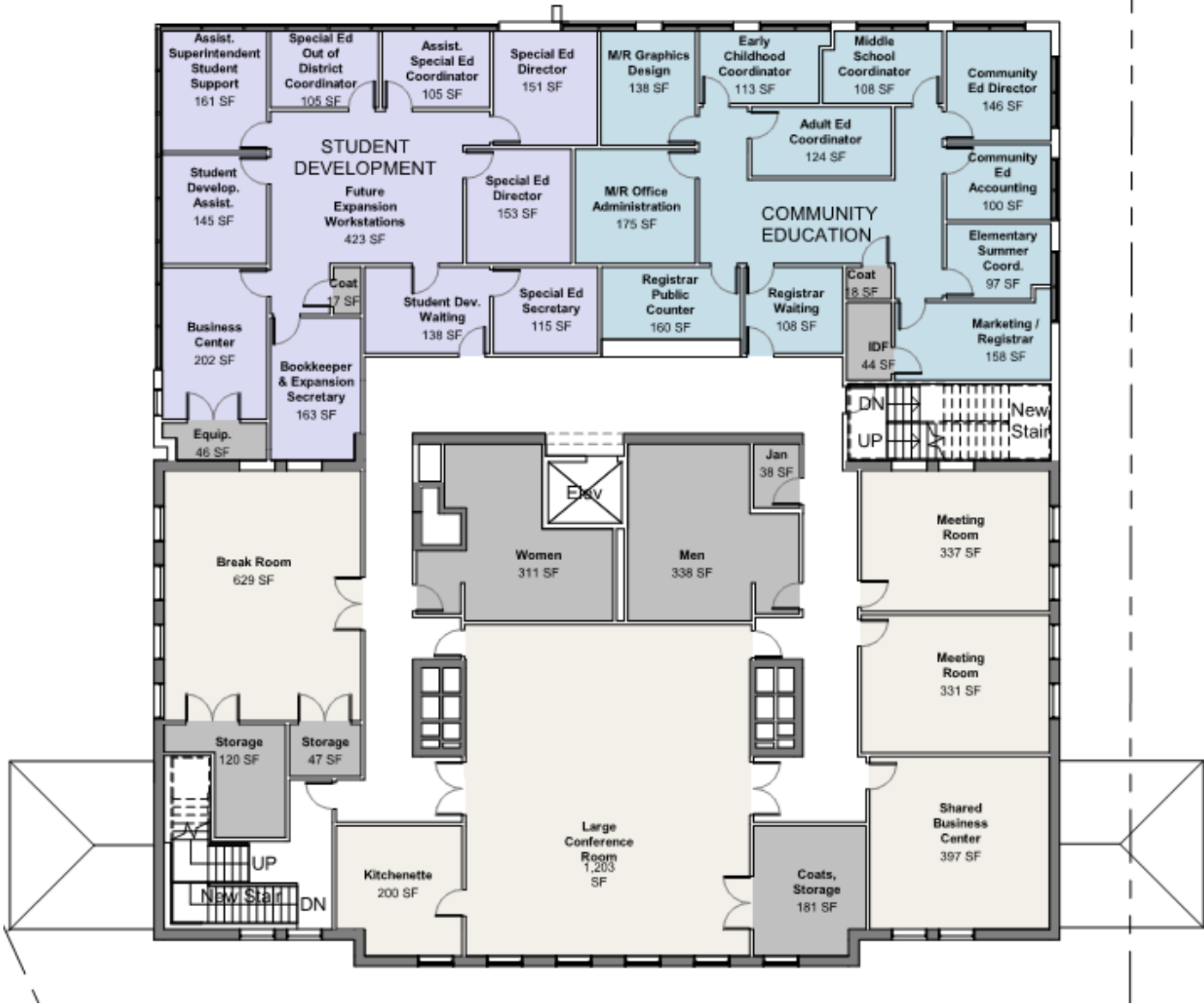
Option Three

- Program:
- Optional Full Information Technology



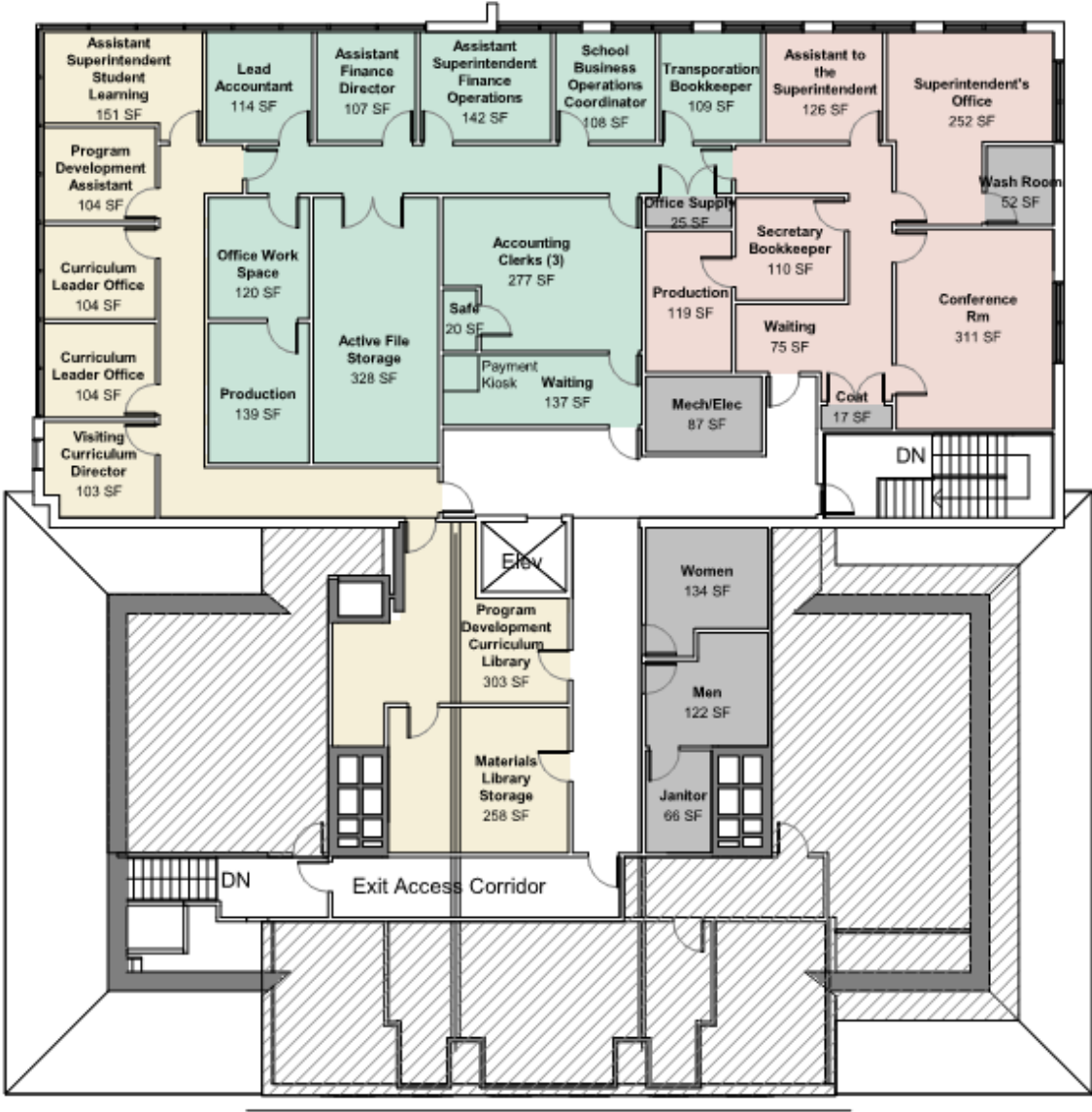
Option Three

- Program:
- District Registrar
 - Student Development
 - Community Education
 - Large Conference Center



Option Three

- Program:
- Superintendent of Schools
 - Business Finance Operations
 - Program Development



Option Three

View from Highland Avenue



DRAFT RENDERING

March 23, 2020

Option Three

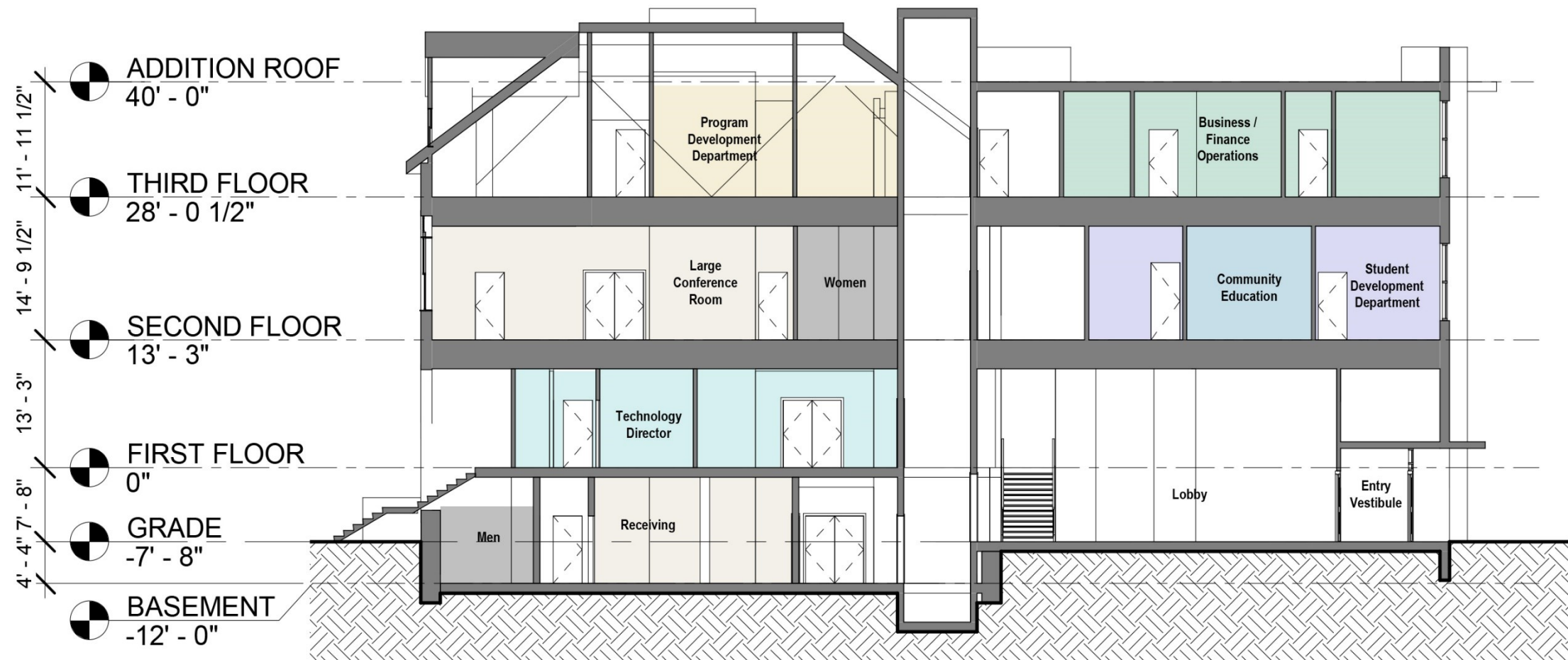
View from Oakland Avenue



DRAFT RENDERING

March 23, 2020

Option Three



1 Longitudinal Section
1/16" = 1'-0"

Address: 1330 Highland Ave, Needham

Option #3

Gross Building area = 34,266 sf

Table of Use Regulations

Per section 4.3.1

Major Project Special Permit Required

Regulation	A-1 Requirements	Existing	Provided	Compliance	Waivers Requested	Notes
Min. Lot Area	20,000 sf	46,174 sf	46,174 sf	Yes	NA	complies
Min. Frontage	120 ft	175ft	175 ft	yes	NA	complies
Front Setback	25 ft	60.75 ft	60.75 ft face of extg bldg.	yes	NA	complies
Side Setback	20 ft	11 ft	11 ft face of portico	no	Yes	Existing non-conforming
			20 ft at new addition	yes	NA	new addition conforms to setback
Rear Setback	20 ft	143 ft	93 ft at new addition	yes	NA	complies
Max. Floor Area Ratio (FAR)	0.5	0.4	0.74	(under current regs.)	NA	Zoning By-law amendment required
Max. % Lot Coverage	NR	13%	25%	yes	NA	complies
Max Stories	3	4	4	no	NA	Existing nonconforming
Addition # stories	3	4	3	yes	NA	new addition conforms
Max. Height	40 ft	52ft	52 ft at existing	Existing non-conforming	NA	Existing non-conforming roof is historic to the building
Addition Max. Height	40 ft	52 ft	47.75 ft at new addition	Existing non-conforming	Yes	Waiver required to align new floors with existing floors
5.1 Parking requirements	A-1 Requirements	Existing	Provided	Compliance	Waivers Requested	Notes
5.1.2 (7) -Required Parking	1car/300sf	54 existing 62 required	36 cars on site 22 cars new at SP site 58 total -(balance on street)	no	Yes	Existing non-conforming & remote parking at Stephen Palmer
	101 spaces at 1/300sf		36 on site + 22 at Stephen Palmer=58	no	Yes	Additional future parking at SP building & on street
(a) Parking Lot Illumination - to be designed to min of one Footcandle with cut off to abutters				yes	NA	TBC
(b) Loading Requirements			no requirement for A-1 identified	yes	NA	Dumpster located on plan.
(c) Handicapped Parking - compliant with MAAB and ADA				yes	NA	2 handicapped spaces
(d) Driveway openings - existing nonconforming to remain				No*	Yes	Existing non-conformance to remain on Highland Ave
(e) Compact Cars - Current layout has no compact car spaces				yes	NA	0 compact spaces
(f) parking Space size - all spaces comply with 9ft x 18.5 ft size.				yes	NA	36 full size spaces
(g) Bumper overhang - no more than 1ft bumper overhang assumed.				yes	NA	TBC
(h) parking space layout - no backing or maneuvering in sidewalk of public ROW required.				yes	NA	TBC
(i) Width of Maneuvering Aisle - 90° 24ft to 25 ft wide				yes	NA	TBC
(j) Parking Setbacks- Front	10 ft	30ft	no parking in front	yes	NA	TBC
(j) Parking Setbacks- Side & Rear	4 ft	0 ft (min)	4' or greater	yes	NA	Existing non-conforming at sides
(k) Landscaped Areas	10% landscape		22,000 sf indicated on plan 4 required -	< 25% in center	NA	TBC
(l) Trees	1 tree / 10 spaces		5 indicated around parking area	yes	NA	TBC
(m) Location		57 existing on site	36 proposed on site + 22 at Pickering Ave. =58 cars	no	Yes	Waiver required for remote parking more than 300ft away
(n) Bicycle Racks	1 /20 pkg sp.			yes	NA	TBC

Notes:

(1) Section 4.2.8 - Height Limit Exceptions- for schools and municipal bldgs

Does not apply to A-1 District.

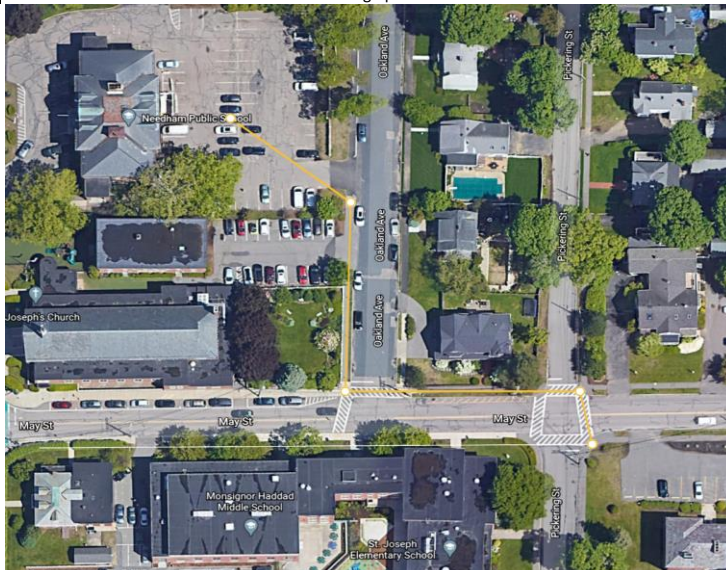
NA

(2) Section 4.2.14 Screening for Public, Semi-Public and Inst'n'l uses "transition Areas" - Doesn't apply to A-1 District.

NA

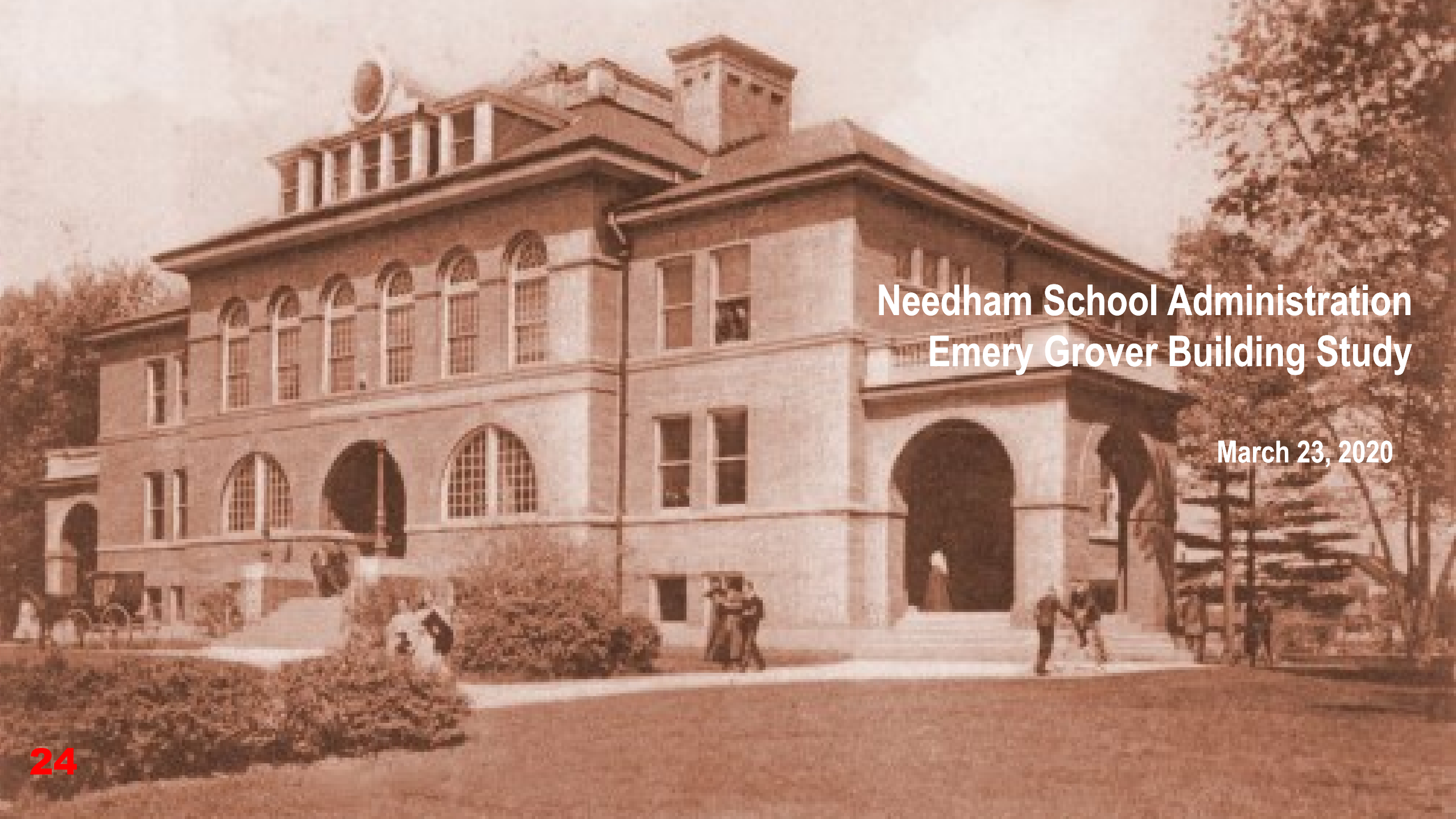
(3) Section 4.7.2 - Height limitation Exceptions in Business, Apartment, Industrial and Industrial -1 Districts allows for greater height for towers, steeples, spires, domes, chimneys, ventilators, skylights, tanks, bulkheads, ...50ft from the centerline of any street and shall not cover more than 25% of the area of the building upon which it is erected.

NA



>500 ft walking distance to corner of Pickering and Mays as indicated by yellow line, path of travel by persons.
Google Earth measure tool used

- 1) confirm measuring technique with PB
- 2) Confirm assigned use of existing spaces with town SB and expiration dates



**Needham School Administration
Emery Grover Building Study**

March 23, 2020

April 1, 2020

Michael Kelly
Director of Facilities

Lee Newman
Director of Planning and Community Development
Town of Needham

Dear Lee:

This letter is a formal request for Beth Israel Deaconess Hospital Needham Campus to modify an existing variance of a nonconforming structure. The original variance was approved at 9' from the property line to the awning. This proposed modification would eliminate the use of the awning and keep the existing temporary vestibule. The vestibule would be approximately 25-27' feet from the property line. The acceptance of this modification would place this structure within 3-5' feet of Town's setback of 30 feet.

The original variance was granted to allow non-emergency patients to be dropped off and or picked up by ambulance companies. Maintaining this structure will allow BIDN much greater flexibility in addressing emergent situations. The emergent situation could be the failure of a critical piece of medical equipment i.e. A CAT scan. The vestibule would allow BIDN to quickly bring in a temporary rental CAT scan trailer, thus maintaining BIDN's commitment to the towns we serve.

The existing temporary vestibule structure would be finished with brick to match the existing Hospital's brick color and grout line as much as possible. The other modifications would be the elimination of the poured concrete walls and replaced with landscaping. The modifications proposed would render the area much more ascetically pleasing.

Thank you

Sincerely,



Michael J. Kelly
Director of Facilities







TOWN OF NEEDHAM
MASSACHUSETTS

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

DECISION

November 13, 2007

PLANNING BOARD

MAJOR PROJECT SITE PLAN SPECIAL PERMIT

Beth Israel Deaconess Hospital Needham

148 Chestnut Street, Needham, MA

Application No. 2007-10

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA, 02492, for property located at 148 Chestnut Street, Needham, MA, 02492. Said property is shown on Needham Town Assessors Plan No. 47 as Parcel No. 52 and Parcel 55, containing approximately 172,388 square feet in total.

This decision is in response to an application submitted to the Board on July 18, 2007, by the Petitioner for: (1) a Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit under Section 1.4.6 of the By-Law for the change and extension of a lawful, pre-existing, non-conforming use, and, to the extent applicable and required, the alteration and enlargement and reconstruction of a lawful, pre-existing, non-conforming structure; and (3) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.3 of the By-Law.

The requested Major Project Site Plan Review Special Permit would permit the expansion of the existing facility by approximately 41,130 square feet, and to renovate 17,971 square feet of the existing facility for a total of 59,091 square feet. The principal components of the project are: (a) the addition of two floors above the existing one-story structure housing the Radiology Department and fronting on Chestnut Street; (b) the relocation of the Emergency Department entrance from Lincoln Street to Chestnut Street; (c) the Main Entrance Lobby Patient Registration and waiting areas will be improved to enhance patient privacy and to simplify travel within the Hospital building; (d) the addition of 21 new in-patient beds; (e) the parking area at the corner of Chestnut Street and School Street will be reconfigured, and two existing curb cuts on Chestnut Street will be eliminated. There are presently 274 parking spaces located as follows: (a) North parking lot: 102 spaces; South parking lot: 98 spaces; House lot (86 School Street): 6 spaces; and Chestnut Place parking lot (Assessors Map 46, Parcel 34): 68 spaces. After completion of the Project, there will be 270 spaces, divided as follows: North parking lot: 100 spaces; South parking lot: 96 spaces; House lot (86 School Street): 6 spaces; Chestnut Place parking lot (Assessors Map 46, Parcel 34): 68 spaces. Lastly, additional landscaping and upgraded lighting is also proposed.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Devra G. Bailin, on Tuesday, August 14, 2007 at 8:00 p.m. in the Community Room of the Needham Public Library, 1139 Highland Avenue, Needham, Massachusetts. The hearing was continued until Tuesday, September 11, 2007 at 8:15 p.m. in the Performance Center, Broadmeadow School, 120 Broadmeadow Road, Needham, MA and until Tuesday, October 2, 2007 at 7:30 p.m. in the Selectmen's meeting room of the Needham Town Hall, 1471 Highland Avenue, Needham,

Massachusetts. No testimony was taken at the September 11, 2007 meeting or October 2, 2007 meeting. The hearing was further continued until Tuesday, October 16, 2007 in the Selectmen's meeting room in the Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts. Testimony was taken at the October 16, 2007 meeting. Board members Devra G. Bailin, Bruce T. Eisenhut, Maurice P. Handel, Martin Jacobs and Jeanne S. McKnight were present throughout the proceedings. The record of the proceedings and the submissions upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Application for Site Plan Review, dated July 18, 2007 with six attachments as follows: Attachment 1, Letter from Roy Cramer directed to the Planning Board, dated July 17, 2007; Attachment 2, Site, Floor and Elevation Plans; Attachment 3, Traffic Impact and Access Study; Attachment 4, Signed DEP Stormwater Management Form; Attachment 5, Drainage Study and Accompanying Calculations; and Attachment 6, check for filing fee.
- Exhibit 2 - Letter to Lee Newman, Planning Director, from Roy Cramer, dated July 17, 2007.
- Exhibit 3 - Letter to Lee Newman, Planning Director, from Roy Cramer, dated July 19, 2007.
- Exhibit 4 - Memorandum directed to the Board from Tim McGivern, Nitsch Engineering, dated July 12, 2007 and with 8 (eight) attachments: Attachment 1, DEP Stormwater Management Form, signed and dated July 18, 2007; Attachment 2, Groundwater Recharge and Water Quality Volume Calculation Sheet, dated June, 27, 2007; Attachment 3, Sheet D-1, Predevelopment Drainage Map, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated June 7, 2007; Attachment 4, Sheet D-2, Post-Development Drainage Map prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated July 12, 2007; Attachment 5, Hydro CAD Calculations, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated July 12, 2007; Attachment 6, DEP Form 11, Soil Suitability Assessment for On-Site Sewage Disposal, exam date November 13, 2003, signed June 28, 2007; Attachment 7, DEP Form 12, Percolation Test, dated June 28, 2007; Attachment 8, Operation and Maintenance Plan, dated July 13, 2007.
- Exhibit 5 - Memorandum directed to the Board from Tim McGivern, Nitsch Engineering, dated July 12, 2007 and revised August 1, 2007, and with 8 (eight) attachments: Attachment 1, DEP Stormwater Management Form, signed and dated July 18, 2007; Attachment 2, Groundwater Recharge and Water Quality Volume Calculation Sheet, dated June, 27, 2007; Attachment 3, Sheet D-1, Predevelopment Drainage Map, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated June 7, 2007; Attachment 4, Sheet D-2, Post-Development Drainage Map prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated July 12, 2007; Attachment 5, Hydro CAD Calculations, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated August 1, 2007; Attachment 6, DEP Form 11, Soil Suitability Assessment for On-Site Sewage Disposal, exam date

November 13, 2003, signed June 28, 2007; Attachment 7, DEP Form 12, Percolation Test, dated June 28, 2007; Attachment 8, Operation and Maintenance Plan, dated July 13, 2007.

- Exhibit 6 - Traffic Impact and Access Report for Proposed Hospital Expansion, Needham, Massachusetts, prepared for Beth Israel Deaconess Hospital, Needham, Massachusetts, prepared by Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, MA 01810, dated July 17, 2007, with further revisions made by plan entitled "Conceptual Improvement Plan" dated August 6, 2007.
- Exhibit 7 - Traffic Impact and Access Report for Proposed Hospital Expansion, Needham, Massachusetts, prepared for Beth Israel Deaconess Hospital, Needham, Massachusetts, prepared by Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, MA 01810, dated July 17, 2007, with further revisions made by plan entitled "Conceptual Improvement Plan" dated August 6, 2007, revised August 24, 2007.
- Exhibit 8 - Beth Israel Deaconess Needham Expansion "Conceptual Improvement Plan," prepared by Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover MA, 01810, dated August 6, 2007, and revised August 24, 2007. (Note: Confirm this is the dated plan approved by Tony)
- Exhibit 9 - Beth Israel Deaconess Needham Expansion Site, Floor and Elevation Plans consisting of 21 sheets: Sheet 1 of 21, entitled "3D Images and Key Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated July 18, 2007; Sheet 2 of 21, entitled "Existing Conditions Photos", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated July 18, 2007; Sheet 3 of 21, Topographical Plan of Beth Israel Deaconess Hospital, Needham, Mass.", prepared by Harry R. Feldman, Inc., 112 Shawmut Avenue, Boston, MA 2118, dated September 6, 2006; Sheet 4 of 21, Sheet EX100, entitled "Existing Building Plan-Ground Floor", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 5 of 21, Sheet EX101, entitled "Existing Building Plan-First Floor (Roof)", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 6 of 21, Sheet EX102, entitled "Existing Building Plan-Second Floor (Roof)", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 7 of 21, Sheet EX201, entitled "Existing Building Elevations", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 8 of 21, Sheet L000, entitled "Rendered Site Plan", prepared by Brown, Sardinia, Inc., 129 South Street, Boston, MA 02111, dated March 7, 2007, revised June 18, 2007, July 3, 2007 and July 18, 2007; Sheet 9 of 21, Sheet C1.0, entitled "Layout Plan", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 10 of 21, Sheet C2.0, entitled "Grading and Drainage Plan", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 11 of 21, Sheet C3.0, entitled "Utility Plan", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 12 of 21, Sheet C4.0, entitled "Details",

prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 13 of 21, Sheet C4.1, entitled "Details", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 14 of 21, Sheet A100, entitled "Ground Floor Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 15 of 21, Sheet A101, entitled "First Floor Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 16 of 21, Sheet A102, entitled "Second Floor Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 17 of 21, Sheet A103, entitled "Penthouse Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 18 of 21, Sheet A104, entitled "Roof Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 19 of 21, Sheet A201, entitled "Building Elevations", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 20 of 21, Sheet A202, entitled "Building Elevations", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; and Sheet 21 of 21, Sheet A301, entitled "Building Sections", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007.

Exhibit 10 - Beth Israel Deaconess Needham Expansion Site, Floor and Elevation Plans consisting of 21 sheets: Sheet 1 of 21, entitled "3D Images and Key Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated July 18, 2007; Sheet 2 of 21, entitled "Existing Conditions Photos", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated July 18, 2007; Sheet 3 of 21, Topographical Plan of Beth Israel Deaconess Hospital, Needham, Mass., prepared by Harry R. Feldman, Inc., 112 Shawmut Avenue, Boston, MA 2118, dated September 6, 2006, revised July 27, 2007; Sheet 4 of 21, Sheet EX100, entitled "Existing Building Plan-Ground Floor", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 5 of 21, Sheet EX101, entitled "Existing Building Plan-First Floor (Roof)", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 6 of 21, Sheet EX102, entitled "Existing Building Plan-Second Floor (Roof)", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 7 of 21, Sheet EX201, entitled "Existing Building Elevations", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 8 of 21, Sheet L000, entitled "Rendered Site Plan", prepared by Brown, Sardinia, Inc., 129 South Street, Boston, MA 02111, dated March 7, 2007, revised June 18, 2007, July 3, 2007 and July 18, 2007; Sheet 9 of 21, Sheet C1.0, entitled "Layout Plan", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007, revised August 8, 2007; Sheet 10 of 21, Sheet C2.0, entitled "Grading and Drainage Plan", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 11 of 21, Sheet C3.0, entitled

"Utility Plan", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 12 of 21, Sheet C4.0, entitled "Details", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 13 of 21, Sheet C4.1, entitled "Details", prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, dated July 18, 2007; Sheet 14 of 21, Sheet A100, entitled "Ground Floor Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 15 of 21, Sheet A101, entitled "First Floor Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 16 of 21, Sheet A102, entitled "Second Floor Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 17 of 21, Sheet A103, entitled "Penthouse Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 18 of 21, Sheet A104, entitled "Roof Plan", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and September 25, 2007; Sheet 19 of 21, Sheet A201, entitled "Building Elevations", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; Sheet 20 of 21, Sheet A202, entitled "Building Elevations", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007; and Sheet 21 of 21, Sheet A301, entitled "Building Sections", prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and July 18, 2007.

- Exhibit 11 - Plan entitled "Topographical Plan of Beth Israel Deaconess Hospital, Needham, Mass.," prepared by Harry R. Feldman, Inc., 112 Shawmut Avenue, Boston, MA, dated September 6, 2006, revised July 27, 2007.
- Exhibit 12 - Plan entitled "Beth Israel Deaconess Needham Expansion, Layout Plan", Sheet C1.0, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston MA, 02111-2403, dated July 18, 2007, revised August 8, 2007.
- Exhibit 13 - Plan entitled "Beth Israel Deaconess Needham Expansion, Roof-Plan", Sheet A104, prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA, 02110-2106, dated March 7, 2007, revised July 3, 2007 and September 25, 2007.
- Exhibit 14 - Plan entitled "Beth Israel Deaconess Needham Expansion", Sheet 1 of 2, Sheet A201, entitled "Building Elevations," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA, 02110-2106, dated March 7, 2007, revised June 18, 2007; Sheet 2 of 2, Sheet A202, entitled "Building Elevations," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA, 02110-2106, dated March 7, 2007, revised June 18, 2007.
- Exhibit 15 - Plan entitled, "Beth Israel Deaconess Needham Expansion, Electrical Site Lighting Plan", Sheet ES200, prepared by Steffian Bradley Architects, 100 Summer Street, Boston MA, 02110, dated March 7, 2007, revised July 3, 2007 and August 6, 2007.

- Exhibit 16 - Plan entitled, "Beth Israel Deaconess Needham Expansion, Site Lighting", prepared by Steffian Bradley Architects, 100 Summer Street, Boston MA, 02110, dated March 7, 2007, revised July 3, 2007 and August 14, 2007.
- Exhibit 17 - Plan entitled "Beth Israel Deaconess Needham Expansion, Planting Plan", Sheet L400, prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA, 02110-2106, dated March 7, 2007, revised June 18, 2007, July 3, 2007, August 6, 2007, and August 14, 2007.
- Exhibit 18 - Plan entitled "Beth Israel Deaconess, Needham Expansion, Planting Plan", Sheet L400, prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA, 02110-2106, dated March 7, 2007, revised June 18, 2007, July 3, 2007, August 6, 2007, August 14, 2007 and September 7, 2007.
- Exhibit 19 - Plan entitled "Beth Israel Deaconess Needham Expansion" consisting of 6 sheets: Sheet 1 of 6, Sheet "Ground Floor Plan, Existing Conditions," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and September 18, 2007; Sheet 2 of 6, Sheet EX101 "First Floor Plan, Existing Conditions," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and September 18, 2007; Sheet 3 of 6, Sheet EX102 "Second Floor Plan, Existing Conditions," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and September 18, 2007; Sheet 4 of 6, Sheet A100, "Ground Floor Plan," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and September 18, 2007; Sheet 5 of 6, Sheet A101, "First Floor Plan," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and September 18, 2007; Sheet 6 of 6, Sheet A102, "Second Floor Plan," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and September 18, 2007.
- Exhibit 20 - Plan entitled "Beth Israel Deaconess Needham Expansion" consisting of 6 sheets: Sheet 1 of 6, Sheet "Ground Floor Plan, Existing Conditions," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and October 2, 2007; Sheet 2 of 6, Sheet EX101 "First Floor Plan, Existing Conditions," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and October 2, 2007; Sheet 3 of 6, Sheet EX102 "Second Floor Plan, Existing Conditions," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and October 2, 2007; Sheet 4 of 6, Sheet A100, "Ground Floor Plan," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and October 2, 2007; Sheet 5 of 6, Sheet A101, "First Floor Plan," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and October 2, 2007; Sheet 6 of 6, Sheet A102, "Second Floor Plan," prepared by Steffian Bradley Architects, 100 Summer Street, Boston, MA 02110, dated March 7, 2007, revised July 3, 2007 and October 2, 2007.

- Exhibit 21 - Plan entitled "Sketch of Additional Parking Spaces Beth Israel Deaconess Hospital", Sheet SK-2, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated October 16, 2007.
- Exhibit 22 - Plan entitled "Sketch of Additional Parking Lot Beth Israel Deaconess Hospital", Sheet SK-3, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated October 16, 2007.
- Exhibit 23 - A letter directed to David S. Tobin, Esquire, from Roy Cramer, dated July 23, 2007.
- Exhibit 24 - Letter directed to Lee Newman, Planning Director, from Elisabeth Daley, 1199SEIU, dated June 20, 2007.
- Exhibit 25 - Letter to Lee Newman, Planning Director, from Roy Cramer, dated August 13, 2007.
- Exhibit 26 - Approved Design Review Board Application, dated June 18, 2007.
- Exhibit 27 - Letter to Devra Bailin, Planning Board Chair, from Mike Fadel, 1199SEIU, dated August 14, 2007.
- Exhibit 28 - Two letters to David Tobin, from Diane M. Meibaum, Massachusetts State Ethics Commission, dated August 21, 2007.
- Exhibit 29 - Questions to the Hospital from the School Street Civic Association, dated September 6, 2007.
- Exhibit 30 - Letter to Anthony Del Gaizo from F. Giles Ham, P.E., Vanasse & Associates, Inc., dated August 27, 2007.
- Exhibit 31 - Letter to Planning Board, from Roy Cramer, dated September 11, 2007.
- Exhibit 32 - Letter to Lee Newman, Planning Director, from Margaret Wood, Senior Associate, Pinck & Co., dated September 18, 2007.
- Exhibit 33 - Inter-Departmental Communications (IDC) to the Board from Anthony L. Del Gaizo, Assistant Director, Public Works, dated August 9, 2007 and August 31, 2007; IDC to Lee Newman from Lt. John H. Kraemer, Police Department, dated August 9, 2007; IDC to Lee Newman from Inspector Robert H. Papetti, Fire Department, dated August 2, 2007.
- Exhibit 34 - Letter from Margaret Wood, Senior Associate, Pinck & Co., to Anthony Del Gaizo, dated August 8, 2007.
- Exhibit 35 - Letter from Roy Cramer directed to the Planning Board and dated September 25, 2007.
- Exhibit 36 - Two letters from Roy Cramer directed to the Planning Board and dated September 26, 2007.

- Exhibit 37 - Hospital's Answers to Questions raised by School Street Civic Association, dated September 26, 2007.
- Exhibit 38 - A Letter to Margaret Wood from James A. Heroux, Principal, Brown Sardina, Inc., Planning, Urban Design, Landscape Architecture, 129 South Street, Boston, MA, 02111, dated September 26, 2007.
- Exhibit 39 - Sign Package consisting of 2 sheets: Sheet 1 of 2, A Letter to Planning Board from Margaret Wood, Senior Associate, Pinck & Co., dated September 25, 2007; Sheet 2 of 2, drawing entitled, "Exterior Signage Locations," dates illegible.
- Exhibit 40 - Beth Israel Deaconess Hospital, Needham, "Preliminary Parking Management Plan," no date.
- Exhibit 41 - Memorandum directed to the Planning Board from Jeffrey H. Liebman, President and CEO, Beth Israel Deaconess Needham, dated October 2, 2007.
- Exhibit 42 - Letter from Roy Cramer directed to the Planning Board and dated October 4, 2007.
- Exhibit 43 - Letter from Roy Cramer directed to the Planning Board and dated October 16, 2007.

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

- Exhibit 44 - Email from Roy A. Cramer directed to Lee Newman, Planning Director, dated November 9, 2007.
- Exhibit 45 - Letter from Laurence Murray, Senior Project Manager, Suffolk Healthcare, to Jeff Liebman, President, Beth Israel Deaconess Needham, dated November 9, 2007 with attached sketch entitled, "Attachment to Subcontract, Beth Israel Deaconess Needham Hospital, Job No. 207138, Exhibit B-1", Restricted Traffic Zone.
- Exhibit 46 - Plan entitled "Parking Gate Layout Beth Israel Deaconess Hospital, Needham, Massachusetts", Sheet SK-1, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated October 29, 2007.
- Exhibit 47 - Plan entitled "Parking Gate Layout Beth Israel Deaconess Hospital, Needham, Massachusetts", Sheet SK-2, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated October 29, 2007.
- Exhibit 48 - Plan entitled "Parking Gate Layout Beth Israel Deaconess Hospital, Needham, Massachusetts", Sheet SK-3a, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated October 29, 2007, revised November 7, 2007.
- Exhibit 49 - Plan entitled "Parking Gate Layout Beth Israel Deaconess Hospital, Needham, Massachusetts", Sheet SK-4a, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated October 29, 2007, revised November 8, 2007.

- Exhibit 50 - Plan entitled "Parking Gate Layout Beth Israel Deaconess Hospital, Needham, Massachusetts", Sheet SK-3, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated October 29, 2007.
- Exhibit 51 - Plan entitled "Parking Gate Layout Beth Israel Deaconess Hospital, Needham, Massachusetts", Sheet SK-4, prepared by Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA, 02111, dated October 29, 2007.
- Exhibit 52 - Two letters from Roy Cramer directed to Lee Newman and dated November 12, 2007.

Exhibits 5, 7, 8, 10, 11, 12, 13, 15, 16, 18, 19, 20, 21, 22, 46, 47, 48, and 49 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The subject property is located in the Medical Overlay District at 148 Chestnut Street, Needham, MA, 02492, owned by Beth Israel Deaconess Hospital Needham. Said property is shown on Needham Town Assessors Plan No. 47 as Parcel No. 52 and Parcel No. 55, containing approximately 172,388 square feet in total.
- 1.2 The subject property is currently occupied by Beth Israel Deaconess Hospital Needham, and is identified as 148 Chestnut Street, Needham, MA. The Hospital has been operating on the subject property for 95 years. The Town of Needham operated the Hospital for many years until its sale to the private sector in 1994. The last expansion to the Hospital was constructed in 1976.
- 1.3 The existing hospital is approximately 130,405 square feet containing 41 beds and 164 full-time equivalent employees on the largest shift. The project involves an expansion of the building area by 41,130 square feet and an increase in patient beds of up to 21 beds, with 18 new full-time equivalent employees on the largest shift. Renovation of approximately 17,871 square feet to the existing hospital facility is also planned. At completion the hospital will contain approximately 171,535 square feet with 62 inpatient beds and 182 full-time equivalent employees on the largest shift.
- 1.4 A total of 59,478 square feet of the 171,535 square foot hospital will be utilized as clinic space dedicated to longer visit ambulatory diagnostic, treatment and rehabilitation services such as radiology, rehabilitation services, emergency services, day surgery, medical day care and radiation oncology. Such longer visit services are those where a physician, physician's assistant or nurse practitioner typically sees fewer than 3 patients per hour. The Petitioner will not offer any short visit ambulatory medical, dental or related services at the facility. Such short visit services are those where a physician, physician's assistant or nurse practitioner typically sees 3 or more patients per hour.
- 1.5 The principal components of the project are: (a) the addition of two floors above the existing one-story structure housing the Radiology Department and fronting on Chestnut Street; (b) the relocation of the Emergency Department entrance from Lincoln Street to Chestnut Street; (c) the improvement of the Main Entrance Lobby Patient Registration and waiting areas to enhance patient privacy and to simplify travel within the Hospital

building; (d) the addition of 21 new in-patient beds; (e) the reconfiguration of the parking area at the corner of Chestnut Street and School Street, and the elimination of two existing curb cuts on Chestnut Street.

- 1.6 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Medical District Overlay zoning district namely, front, side and rear setback, maximum building height, maximum lot coverage, floor area ratio, and open space.
- 1.7 There are presently 274 parking spaces located as follows: (a) North parking lot: 102 spaces; South parking lot: 98 spaces; House lot (86 School Street): 6 spaces; Chestnut Place parking lot (Assessors Map 46, Parcel 34): 68 spaces. After completion of the Project, there will be 270 spaces, divided as follows: North parking lot: 100 spaces; South parking lot: 96 spaces; House lot (86 School Street): 6 spaces; Chestnut Place parking lot (Assessors Map 46, Parcel 34): 68 spaces.
- 1.8 No changes will occur in the Chestnut Place parking lot (Assessors Map 46, Parcel 34). There is a minor grade change proposed in the South parking lot, as well as minor restriping of the existing handicap spaces to make them compliant with applicable handicap accessibility regulations. The number of parking spaces in the South parking lot will be decreased by two. The North parking lot will be reconfigured and reconstructed to increase efficiency and safety. The number of parking spaces in the North parking lot will decrease by two spaces. The number of parking spaces for the House lot will decrease by three during construction and will return to six spaces at project completion.
- 1.9 With respect to the parking plan and design requirements described in Section 5.1.3 of the By-Law, the South parking lot has been in existence for many years and is a legally non-conforming parking. The hospital addition however, has triggered the provisions of Section 5.1.1.2 of the By-Law which requires that off-street parking be provided in accordance with the provisions of Section 5.1.2 and Section 5.1.3 of the By-Law. Accordingly, waivers have been requested from strict adherence to all of the subsections contained in Section 5.1.3, except subsection (c) (handicap parking), and subsection (m) (location) for the South parking lot. Minor regrading and minor restriping of the handicap parking spaces to comply with applicable law and the consequent loss of one parking space, as described above and as shown on the plan will occur in this parking area. A gated parking system as described in paragraph 1.12 below will also be introduced. The present configuration of the South parking lot works adequately and reconfiguration to conform to the present design requirements of the By-Law would result in a substantial decrease in the number of parking spaces available to patients and visitors.
- 1.10 The employee parking area located on the Chestnut Place parking lot (Assessors Map 46, Parcel 34) has been previously permitted by the Planning Board and no changes to the lot are requested. The parking area adjacent to the House at 86 School Street does not conform to the design criteria of Section 5.1.3 and waivers have been requested from the provisions of that section. The North parking lot has been designed to comply with all of the provisions of Section 5.1.3.
- 1.11 The need for the hospital to closely monitor its parking lots has been an ongoing concern for many years. This will only increase with reduced parking and increased usage of the

facility. The Hospital will implement a traffic management plan that includes among other measures, the more efficient usage of the Chestnut Place parking lot (Assessors Map 46, Parcel 34) for Hospital employees and a gated parking system as described in paragraph 1.12 below. The hospital will also institute a transportation demand management (TDM) program to facilitate carpooling, transit usage, and parking management.

- 1.12 There are four potential entrances to parking on the site, as shown on the Plan. These entrances are: School Street entrance/exit to the North parking lot (Exhibit 46, Sheet SK-1); Ambulance entrance from Chestnut to the North parking lot (Exhibit 47, Sheet SK-2); Lincoln Street entrance/exit to the South parking lot (Exhibit 48, SK-3a rev); and Chestnut Street entrance/exit at Oak Street to the South parking lot (Exhibit 49, Sheet SK-4 rev). At School Street, Lincoln Street and Chestnut Street a gate will be provided on the entrance and the exit side. The gate on the entrance side will be motion activated, and will swing open as soon as a car is close enough to activate an in-ground motion sensor. This automatic operation is intended to allow cars to pass into the lot unimpeded by the gates, but to prevent cars from leaving the lot on the entrance side to avoid the exit gate. Patients and visitors to the hospital will receive either a token or a magnetic stripe card within the hospital that will allow them to operate the exit gate. In addition a gate at the ambulance entrance that can be activated only by authorized vehicles will be added.
- 1.13 The total number of parking spaces required pursuant to the By-Law after the proposed expansion is 270. The number is computed by adding the following components: (a) 62 beds @ 1 space per two beds = 31 spaces; (b) 59,478 square feet of longer visit (fewer than 3 patients per hour) clinical space @ 2.5 spaces per 1,000 square feet = 148 spaces; and (c) 182 full time employees @ 1 space per 2 employees = 91 spaces. No parking waivers from the provisions of Section 5.1.2 of the Zoning By-Law are required in connection with this project. The Board expressed concern that, notwithstanding compliance with the Zoning By-Law, and the mitigation measures described under paragraphs 1.11 and 1.12 that the proposed parking may prove inadequate to serve the Hospital's future parking needs.
- 1.14 In the event that it is determined, by utilizing the criteria described below, that the need for additional parking has been triggered, the Hospital will create additional parking spaces by (i) demolishing the structure presently located at 86 School Street and constructing a parking area on that site and (ii) widening the western edge of Lincoln Street adjacent to the existing hospital building, as more particularly shown on the Plans submitted to the Board and labeled Exhibits 21 and 22. Seven new parking spaces would be created along Lincoln Street and the new parking area at 86 School Street would contain 18 to 21 parking spaces representing a net increase of 12 to 15 parking spaces at 86 School Street and a total net increase of 19 to 22 parking spaces.
- 1.15 The methodology for determining whether the demolition of 86 School Street and the construction of the parking areas described above is required, is the following: (i) in the event that the Planning Board, after notice to the Hospital, determines that there is good cause to conduct a parking supply survey to determine whether additional parking is needed to serve the Hospital's parking demand, the Town shall retain a traffic consultant funded by and satisfactory to the Hospital to conduct a parking accumulation survey. The Planning Board may request said survey to be conducted on not more than three occasions during the five year period commencing with the issuance of a Certificate of Occupancy for the proposed expansion. On the date that is five years after the issuance of said Certificate of Occupancy, the Hospital shall have no responsibility or obligation to

conduct any survey and no obligation to add additional parking; (ii) the parking accumulation survey shall be conducted for a five-day period during a non holiday week on a date and time of the Board's choosing. In the event that the Hospital Lots (North parking lot, South parking lot, Chestnut Place parking lot (Assessors Map 46, Parcel 34) and the 86 School Street parking lot) are full for any one-hour period for two or more of the five days of the survey then the Hospital shall be obligated to construct the additional parking spaces as described above in paragraphs 1.14 and 1.16.

- 1.16 A summary of the survey results will be presented in a technical report prepared by the traffic consultant and submitted to the Planning Board. The demolition of the structure on 86 School Street and the construction of the additional parking spaces shall commence within six months of the date that the Planning Board determines that the results of the parking surveys warrant said demolition and construction.
- 1.17 The Hospital will include in its capital budget for the five fiscal years following the issuance of a Certificate of Occupancy for the expansion authorized by this Decision, funds sufficient to conduct the parking surveys, demolish the existing structure at 86 School Street, and to construct the new parking areas. In the event that the Hospital fails to commence demolition and construction as described above, or fails to complete construction in a timely manner, the Hospital shall not be permitted to obtain any other building permits for other projects on the Hospital campus until said construction is complete and the parking spaces are available for use. Additionally, the Town shall be authorized to begin any other enforcement action permitted by this Decision under paragraph 3.53 of this Decision. Notwithstanding the foregoing, the Hospital shall not be deemed to be in default of its obligations if, despite diligent efforts, it is unable to secure from the Town of Needham any of the permits required for such demolition and construction, or having obtained said permits, that the Town of Needham or a third party files an appeal. In such event, the six-month period shall not commence until the dismissal of said appeal and the expiration of all applicable further appeal period.
- 1.18 As relates to vehicular circulation the following changes are proposed. The existing Emergency Department will be relocated and the current access on Lincoln Street will remain open and used on a limited basis for ambulances bringing patients to scheduled visits. Primary access to the new Emergency Department will be via the entrance only driveway on Chestnut Street, which will be restricted to emergency vehicles only. In addition, the North parking lot (which is primarily used by hospital staff) exit driveway on Chestnut Street will be closed. Emergency vehicles will exit via School Street. All non-emergency vehicles using the North parking lot will enter and exit via School Street. Existing access/egress to the patient South parking lot will remain unchanged.
- 1.19 The primary ambulance entry for the property will be from Chestnut Street. School Street will only be used for ambulances in situations where Chestnut Street is for some reason blocked, making that path unavailable to the ambulance. The Lincoln Street entrance may be used for the delivery of non-emergency patients arriving by ambulance, in the event that the ambulance bay at the new Emergency Department entrance is full. It is not the Hospital's preference, because this will mean diverting staff to this Lincoln Street entrance, but the hospital wants to ensure that this entrance will remain open to make sure that patients, in this case likely the elderly, are not kept waiting in an ambulance. The lighting at this entrance will be modified, as it will no longer be an emergency entrance.
- 1.20 The Board has relied on the Hospital's assertion that it currently sees 12,000 emergency visits per year, an average of 33 visits a day. Two thirds of these visits occur outside of

the normal business day. The Petitioner expects this number to grow to 52 visits a day gradually, over a five to seven year period. The hospital currently gets an average of 200 emergency ambulance trips a month, an average of about 7 each day.

- 1.21 A Traffic Impact and Access Study Primary were submitted with the application (See Exhibits 6, 7, and 8). The report identified existing traffic operating parameters on key roadways and intersections within the study area, estimated the anticipated traffic volume increase as a result of the proposed project, analyzed the project's traffic-related impacts, evaluated access and egress requirements, and recommended roadway improvements to improve traffic operations and safety conditions in the area. In order to minimize traffic delays in the area and to encourage desired traffic routings the following recommendations were recommended for implementation: (1) The hospital driveway on School Street should be a minimum of 24 feet wide to accommodate both entering and exiting traffic. Vehicles exiting the site should be placed under STOP-sign control. Any signs or landscaping should be set back so sightlines are not obstructed. (2) Install appropriate signage at the site driveway intersection with Chestnut Street to enforce the entrance and ambulance only restrictions. (3) Signalize the School Street and Chestnut Street intersection. (4) Provide regular policing of the hospital parking lot to ensure hospital usage only. (5) Better manage the Chestnut Place parking lot to ensure 100 percent utilization during peak periods to free up additional spaces in the main parking lots. (6) Undertake a transportation demand management (TDM) program to facilitate carpooling, transit usage, and parking management.
- 1.22 Relocation of the ambulance entrance will require control of the traffic on Chestnut Street in order for ambulances to reach the emergency entrance on Chestnut. The Petitioner will install traffic lights at the intersection of School Street and Chestnut Street and an additional traffic control signal on the opposite side of the Fire Department driveway. The Petitioner will coordinate the signals at the Fire Department driveway at School and Chestnut and at Oak and Chestnut in order to regulate the flow of traffic along Chestnut Street. Additionally, the Petitioner will coordinate the design of the signals to address the use of the Opticom system with the Federal requirements relating to traffic signals in close proximity to train traffic. The systems will include emergency pre-emption capabilities. The design of the signal, as well as its timing, in coordination with the traffic signal at Chestnut Street and Oak Street, has already begun. The Petitioner will continue to review further development of the design with the Police Department, the Fire Department and the Department of Public Works. Traffic control design and construction plans will be submitted to the Department of Public Works for review and approval prior to temporary occupancy of the Hospital additions. Construction of the improvements will be completed before issuance of the permanent occupancy certificate.
- 1.23 During project construction and design of the traffic control system the Petitioner will coordinate its activities with the Police Department and Fire Department regarding emergency access and emergency pre-emption controls.
- 1.24 In an effort to improve the lighting for the South parking lot, the Hospital recently installed new lighting. It was discovered that some spillover of light to neighboring properties occurred and the Hospital has been making efforts to adjust the lighting to eliminate the light spillover. The Hospital has been and continues to be in communication with affected neighbors. Several neighbors have suggested to the Hospital that a reassessment of the present lighting situation be done after the leaves from the trees are gone. The Hospital has agreed to continue to adjust the present lighting as necessary and to work with the neighbors to determine whether the issue of light spillover from the

South parking lot lighting can be resolved by adjustment of the present lighting. The Hospital has submitted a lighting plan for the South parking lot to the Board to be implemented if it is unable to eliminate spillover of light to adjacent properties through adjustment of the present lighting. In the event that the Planning Board determines on or after May 1, 2008, that the Hospital has been unable to adequately eliminate light spillover, the Planning Board will direct the Hospital to implement the lighting plan (Exhibit 16) submitted to the Board.

- 1.25 The Petitioner will place a generator in the mechanical penthouse above the Radiology Wing fronting on Chestnut Street. The Petitioner has stated that the generator will be designed and screened so as to comply with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjacent homes.
- 1.26 All construction deliveries will be made into the Hospital's North parking lot (Staging Area) off of Chestnut Street. Deliveries are typically anticipated Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. The Petitioner does not anticipate any deliveries after 6:00 p.m. The Petitioner will, by contract and by direct field intervention, divert construction traffic away from the local streets surrounding the hospital to the main streets.
- 1.27 The Petitioner has created a contract exhibit indicating possible truck/delivery routes. Additionally, this map (Exhibit 45) details the area where no construction vehicles will be permitted. This area is bordered by Chestnut Street on the west, Dedham Avenue on the east, Great Plain Avenue on the north and the Railroad tracks on the south. The current curb cuts will be utilized until the North parking lot is reworked per the project documents. This site, off of Chestnut Street, will also house the cranes and concrete trucks as required for the work to be performed.
- 1.28 All Subcontractors/Vendors will be contractually required to agree to this traffic condition in their contract with the Petitioner to work on this project. The Petitioner has ordered signage, including poster boards of the above-noted map, which will be posted on site for enforcement purposes. Weekly meetings between the Petitioner and the Subcontractors/Vendors will emphasize this delivery requirement. The parking requirements will be enforced as previously discussed.
- 1.29 During the construction process, the Petitioner is requiring employees of contractors and subcontractors to park off site, in hospital lots, prior to any hospital parking spaces being used. The Petitioner is still investigating the possibility of Valet Parking for patients to better utilize the existing spaces and possible Buddy parking system. Parking for employees of contractors and subcontractors will not be allowed on site or on the side streets. The Petitioner is purchasing leases from the town for approximately 28 parking spaces and will award the use of these spaces to Contractors who carpool. Carpooling will be strongly encouraged and advised. Public Transportation where appropriate will be strongly urged.
- 1.30 The number of spaces by which the parking will be reduced for construction activities will not exceed 25 parking spaces. The hospital is investigating the possibility of introducing valet parking to manage this reduction.
- 1.31 The Petitioner has agreed to meet on a monthly basis with the Neighborhood Advisory Committee until the project is complete to help resolve issues quickly and to foster a close partnership between the hospital and the neighborhood.

- 1.32 The Petitioner appeared before the Design Review Board on June 18, 2007, and obtained approval for the project.
- 1.33 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The project does not contemplate any change of use, but merely an expansion of the Hospital, which has existed on the site since 1912. Most of the expansion square footage will be located on two new floors to be constructed above the Radiology Department that front on Chestnut Street. The expansion of the building footprint of the Hospital will be minimal. The North parking lot will be reconfigured and rebuilt, taking into account Town requirements regarding surface water drainage. A portion of the water will be recharged directly into the ground. The South parking lot will not be changed, other than a slight regrading at the entrance of the building, additional landscaping and the restriping of the handicap spaces to make them comply with present day dimensional requirements. The Hospital campus is comprised of almost four acres, and the proposed expansion will have no adverse impact on sound and sight buffers and preservation of views, light and air. Surface water that is not recharged directly into the soil will continue to be collected in the system's catch basins and drains. The infrastructure for the building is already in existence but needs updating. When the one-story radiology building was constructed in 1976, it was deliberately done so as to be able to support two additional floors. The proposed changes to the exterior elevations and to the site have been approved by the Design Review Board.
- 1.34 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets and the location of driveway openings in relation to traffic or to adjacent streets has been assured. The Hospital presently has a North and South parking lot, an employee parking lot (Chestnut Place parking lot, Assessors Map 46, Parcel 34), and six (6) parking spaces adjacent to the Hospital building located at 86 School Street. No changes are proposed to the Chestnut Place parking lot (Assessors Map 46, Parcel 34) parking lot. The 86 School Street parking area will be reduced from 6 to 3 spaces during construction. The South parking lot, has been in existence for a number of years and has not presented any problem with respect to convenience and safety with vehicular and pedestrian movement within the site and on adjacent streets. It will remain unchanged except for slight regrading of a portion of the lot, additional landscaping and some minor restriping of the handicap spaces to comply with current day handicap dimensional parking requirements and minor changes necessitated by the installation of a gated parking system. Two Chestnut Street curb cuts that presently provide access to the North parking lot will be eliminated. A curb cut and driveway intended for emergency vehicles only to reach the relocated Emergency Department on Chestnut Street will be constructed. The present entrance to the Emergency Department on Lincoln Street will remain, but it will not be utilized for the emergency room. The main entrance to the North parking lot will be on School Street. The North parking lot has been designed to comply with all of the off-street parking requirements contained in Section 5.1.3 of the Zoning By-Law.
- 1.35 The site has been designed to accommodate the parking and loading operational requirements for the proposed use as conditioned by this permit. The number of available parking spaces is presently 274, and after the completion of the project the number of available spaces will be 270. That number is equal to the number of parking spaces required by the Zoning By-Law. The South parking lot is immediately adjacent to the main Hospital entrance, and it is anticipated that the bulk of patients and visitors will

enter the facility through that entrance. The North parking lot will be used for Emergency Department patients and visitors, as well as some employee spaces. Employee shift changes are staggered and many employees' schedules will not conflict with the morning or evening peak hour traffic. The internal renovation includes the provision of a more user-friendly configuration, so that patients and visitors entering the Hospital can be easily directed to their desired location. Delivery of materials and equipment has not been a problem, and no changes are anticipated that would adversely affect the efficiency of that component.

- 1.36 Adequate methods of disposal of refuse and other wastes resulting from the uses permitted on the site have been assured. Adequate methods for disposal of refuse and waste will be provided as it does at present. All waste, medical and otherwise, will be disposed in compliance with all applicable rules and regulations. The Hospital's waste water system is presently connected to the municipal sewer system and will continue to do so.
- 1.37 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-law has been met. The proposed expansion will comply with all applicable dimensional requirements of the Zoning By-Laws. Since the bulk of the expansion will be the two additional floors above the existing Radiology Department, the change in footprint will be minimal. The present infrastructure of the Hospital is aging and in critical need for repair and upgrade. The project architects have designed the structure to combine both traditional and contemporary elements to create an improved community asset.
- 1.38 Mitigation of adverse impact on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets has been assured. The proposed project will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The site is already developed as a hospital, and the expansion and renovation will make it more convenient for patients and visitors to reach their destinations within the Hospital. The proposed traffic mitigation measures at the intersection of Chestnut Street and School Street will improve the intersection and allow it to adequately service the hospital's revised circulation plan.
- 1.39 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the Medical Overlay zoning district, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the 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 promoted a development which is harmonious with the surrounding area.
- 1.40 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.3 of the By-Law (Design Requirement) may be granted provided the Board finds that owing to special and unique circumstances, the particular use, structure or lot does not warrant the application of certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special and unique circumstances justifying waiver of the design requirements, as conditioned and limited herein, which will also be consistent with the intent of the

By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

- 1.41 Under Section 1.4.6 of the By-Law, a lawful pre-existing nonconforming building may be structurally altered only pursuant to a special permit issued by the Board pursuant to Section 7.5.2 provided that the Board determines such alteration would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. On the basis of the above findings and criteria, the Board finds that the proposed alteration, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the existing non-conforming structure nor to be more detrimental to the neighborhood than the existing non-conforming structure.

THEREFORE, the Board voted 5-0 to GRANT: (1) a Major Project Site Plan Special Permit under Section 7.4 of the By-Law; (2) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.3 of the Zoning By-Law; and (3) a Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure, subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Inspector 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 Department of Public Works for review and comment, and to the Board for approval and endorsement. All requirements and recommendations of the Department of Public Works, set forth below, shall be met by the Petitioner.
- a) The property dimensions shown in the submittal do not conform to current plans of record. The Plan shall be revised to reflect current plans of record.
 - b) The Plan shall be revised to eliminate the generator between the existing building and Lincoln Street and to place the unit on the mechanical penthouse above the Radiology Wing fronting on Chestnut Street. The Plan shall be revised to show the mechanical penthouse shown on the plans submitted to the Planning Board expanded consistent with the size of the mechanical penthouse shown on the plans approved by the Design Review Board on June 18, 2007.
 - c) A new transformer will be placed within the front yard of the Hospital near Chestnut Street. The hospital sign on Chestnut Street will completely screen the new transformer from view. The plan shall be revised to show the transformer so

screened with said plan provided to the Planning Board for their review and approval. Notwithstanding the above, this provision may be satisfied after the issuance of the building permit but in any event shall be completed prior to installation of the subject transformer and prior to the issuance of the occupancy certificate.

- d) A project commitment letter on NPDES compliance shall be submitted to the Board and the Department of Public Works. The letter shall include the dates by which the two proposed control measures would be completed. The two proposed control measures shall be completed within six months of the start of construction.
- e) The proposed relocation of the hospital's emergency department to the front of the building will cause more of the emergency responders taking patients to the hospital for treatment to travel on Chestnut Street to reach the Emergency Room. A proposed separate driveway entrance for emergency vehicles to access the hospital on Chestnut Street requires significant signage to restrict access from non-emergency vehicles. Current signs restricting access to the front lot from School Street are frequently ignored as the hospital's traffic study shows that approximately 25% of vehicles entering the front lot do so at the 'Do Not Enter' location. Signage addressing this issue for the Ambulance Only Entrance shall be provided to the Planning Board and the Police Department for their review and approval. Notwithstanding the above, this provision may be satisfied after the issuance of the building permit but in any event shall be completed prior to the issuance of the occupancy certificate.
- f) The plan shall be modified consistent with the sketch plans submitted under Exhibits 46, 47, 48 and 49.
- g) The plan shall be modified to show 100 parking spaces in the North parking lot with the additional space added in the row of spaces adjacent to the cafeteria. Additionally the plan shall be revised to show 96 parking spaces in the South parking lot.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.53 hereof.
- 3.1 The building, parking areas, driveways, walkways, landscape areas, and other site and off-site features shall be constructed in accordance with the Plan, as modified by this decision. Any changes, revisions or modifications to the Plan, as modified by this decision, shall require approval by the Board.
- 3.2 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law.
- 3.3 This permit is issued for the operation of a hospital with 62 inpatient beds and 182 full-time equivalent employees on the largest shift. A total of 59,478 square feet of the 171,535 square foot hospital may be utilized as clinic space dedicated to longer visit ambulatory diagnostic, treatment and rehabilitation services such as radiology, rehabilitation services, emergency services, day surgery, medical day care and radiation oncology. Such longer visit services are those where a physician, physician's assistant or

nurse practitioner typically sees fewer than 3 patients per hour. No short visit ambulatory medical, dental or related services shall be permitted at the facility. Such short visit services are those where a physician, physician's assistant or nurse practitioner typically sees 3 or more patients per hour. Any changes of such above-described use shall be permitted only by amendment of this approval by the Board.

- 3.4 The staffing for the hospital shall be limited to 182 full-time equivalent employees on site during the largest shift, including both hospital employees and other hospital affiliated employees. Included within this staffing shall be a security officer who shall be available to assist hospital staff with unruly patients between the hours of 10:30 PM and 6:00 AM Monday-Friday.
- 3.5 The hospital facility shall be limited to 62 inpatient beds.
- 3.6 All buildings and land constituting the premises shall remain under a single ownership. That prior to the issuance of a building permit the Petitioner shall prepare and file with the Board and the Norfolk County Registry of Deeds a plan which shows assessor's Plan 47, Parcels 52 and 55 merged, using customary surveyor's notation.
- 3.7 The waiver of parking requirements granted by this approval is contingent upon the Project being used as a hospital and in accordance with the representations of the Petitioner, which formed the basis of the findings of fact and other conditions stated herein, as shown on the Plan. Any changes of use shall be permitted only by amendment of this Approval by the Board.
- 3.8 Sufficient parking shall be provided on the locus at all times in accordance with the Plan, as modified by this Decision, and that there shall be no parking of motor vehicles off the locus at any time.
- 3.9 A total of 270 parking spaces shall be provided on the site at all times in accordance with the Plan, as modified by this Decision. All off-street parking shall comply with the requirements of Section 5.1.3 of the By-Law, except as otherwise waived by this Decision.
- 3.10 The Petitioner shall install and maintain a gated parking lot system as described in paragraph 1.12 of this Decision.
- 3.11 The Petitioner shall provide regular policing of hospital parking lots to ensure hospital usage only.
- 3.12 The Petitioner shall develop and implement a management plan for the Chestnut Place parking lot (Assessors Map 46, Parcel 34) to ensure to the greatest extent possible, 100 percent utilization during peak periods. A copy of the management plan as described above shall be submitted to the Board for review and approval for compliance with the terms of the permit prior to the issuance of the occupancy certificate.
- 3.13 The Petitioner shall undertake a transportation demand management program (TDM) program to facilitate carpooling, transit usage and parking management. A copy of the TDM program plan as described above shall be submitted to the Board for review and approval for compliance with the terms of the permit prior to the issuance of the occupancy certificate.

- 3.14 In the event that it is determined, by utilizing the criteria described in paragraph 3.15 below, that the need for additional parking has been triggered, the Petitioner shall create additional parking spaces by (i) demolishing the structure presently located at 86 School Street and constructing a parking area on that site and (ii) widening the western edge of Lincoln Street adjacent to the existing hospital building, as more particularly shown on the Plans submitted to the Board and labeled Exhibits 21 and 22. Seven new parking spaces shall be created along Lincoln Street and the new parking area at 86 School Street shall contain 18 to 21 parking spaces representing a net increase of 12 to 15 parking spaces at 86 School Street and a total net increase of 19 to 22 parking spaces.
- 3.15 The methodology for determining whether the demolition of 86 School Street and the construction of the parking areas described in paragraph 3.14 above is required, is the following: (i) in the event that the Planning Board, after notice to the Hospital, determines that there is good cause to conduct a parking supply survey to determine whether additional parking is needed to serve the Hospital's parking demand, the Town shall retain a traffic consultant funded by and satisfactory to the Hospital to conduct a parking accumulation survey. The Planning Board may request said survey to be conducted on not more than three occasions during the five year period commencing with the issuance of a Permanent Certificate of Occupancy for the proposed expansion. On the date that is five years after the issuance of said Permanent Certificate of Occupancy, the Hospital shall have no responsibility or obligation to conduct any survey and no obligation to add additional parking; (ii) the parking accumulation survey shall be conducted for a five-day period during a non-holiday week on a date and time of the Board's choosing. In the event that the Hospital Lots (North parking lot, South parking lot, Chestnut Place parking lot (Assessors Map 46, Parcel 34) and the 86 School Street parking lot) are full for any one-hour period for two or more of the five days of the survey then the Hospital shall be obligated to construct the additional parking spaces as described above in paragraphs 3.14 and 3.16.
- 3.16 A summary of the survey results shall be presented in a technical report prepared by the traffic consultant and submitted to the Planning Board. The demolition of the structure on 86 School Street and the construction of the additional parking spaces shall commence within six months of the date that the Planning Board determines at a public meeting with notice to the Hospital that the results of the parking surveys warrant said demolition and construction.
- 3.17 The Petitioner shall include in its capital budget for the five fiscal years following the issuance of a Certificate of Occupancy for the expansion authorized by this Decision, funds sufficient to conduct the parking surveys, demolish the existing structure at 86 School Street, and to construct the new parking areas. In the event that the Petitioner fails to commence demolition and construction as described above, or fails to complete construction in a timely manner, the Petitioner shall not be permitted to obtain any other building permits for other projects on the Petitioner campus until said construction is complete and the parking spaces are available for use. Additionally, the Town shall be authorized to begin any other enforcement action permitted by this Decision under paragraph 3.53. Notwithstanding the foregoing, the Petitioner shall not be deemed to be in default of its obligations if, despite diligent efforts, it is unable to secure from the Town of Needham any of the permits required for such demolition and construction, or having obtained said permits, that the Town of Needham or a third party files an appeal. In such event, the six-month period shall not commence until the dismissal of said appeal and the expiration of all applicable further appeal periods.

- 3.18 The Petitioner shall install traffic lights at the intersection of School Street and Chestnut Street and an additional traffic control signal on the opposite side of the Fire Department driveway. The Petitioner shall coordinate the signals at the Fire Department driveway at School and Chestnut and at Oak and Chestnut in order to regulate the flow of traffic along Chestnut Street. Additionally, the Petitioner shall coordinate the design of the signals to address the use of the Opticom system with the Federal requirements relating to traffic signals in close proximity to train traffic. The systems shall include emergency pre-emption capabilities. The design of the signal, as well as its timing, in coordination with the traffic signal at Chestnut Street and Oak Street, has already begun. The Petitioner shall continue to review further development of the design with the Police Department, the Fire Department and the Department of Public Works. Traffic control design and construction plans shall be submitted to the Board, Police Department, Fire Department and the Department of Public Works for review and to the Board for approval prior to issuance of the temporary occupancy permit for the Hospital additions. Construction of the improvements shall be completed before issuance of the permanent occupancy permit.
- 3.19 During project construction and design of the traffic control system the Petitioner shall coordinate its activities with the Police Department and Fire Department regarding emergency access and emergency pre-emption controls.
- 3.20 The primary ambulance entry for the property shall be from Chestnut Street. School Street shall only be used for ambulances in situations where Chestnut Street is for some reason blocked, making that path unavailable to the ambulance. The Lincoln Street entrance shall only be used for the delivery of non-emergency patients arriving by ambulance, in the event that the ambulance bay at the new Emergency Department entrance is full.
- 3.21 The Petitioner shall continue to adjust the present lighting in the South parking lot as necessary and to work with the neighbors to determine whether the issue of light spillover from the South parking lot lighting can be resolved by adjustment of the present lighting. The Petitioner has submitted a proposed lighting plan for the South parking lot to the Board to be implemented if it is unable to eliminate spillover of light to adjacent properties through adjustment of the present lighting. In the event that the Planning Board determines at a public meeting with Notice to the Hospital on or after May 1, 2008, that the Hospital has been unable to adequately eliminate light spillover, the Planning Board may direct the Hospital to implement the lighting plan (Exhibit 16) submitted to the Board.
- 3.22 The parking lot lighting on the two lights closest to the property of Joseph P. Walsh, Trustee and Judy Longo shall be shielded to prevent light spillage on to the adjacent residential property.
- 3.23 The generator placed in the mechanical penthouse above the Radiology Wing fronting on Chestnut Street shall be designed and screened so as to comply with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjacent homes.
- 3.24 The Petitioner shall meet on a monthly basis with the Neighborhood Advisory Committee until the project is complete to help resolve issues quickly and to help foster a close partnership between the hospital and the neighborhood.

- 3.25 All construction deliveries shall be made into the Hospital's North parking lot (Staging Area) off of Chestnut Street. Deliveries shall be limited to Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. The Petitioner shall, by contract and by direct field intervention, divert traffic away from the local streets surrounding the hospital to the main streets in accordance with the map included in Exhibit 45.
- 3.26 The Petitioner shall create a contract exhibit indicating possible truck/delivery routes in accordance with the map (Exhibit 45) which details the area where no construction vehicles will be permitted. This area is bordered by Chestnut Street on the West, Dedham Avenue on the east, Great Plain Avenue on the north and the Railroad tracks on the south. The current curb cuts shall be utilized until the North parking lot is reworked per the project documents.
- 3.27 All Subcontractors/Vendors shall be contractually required to agree to this traffic condition in their contract with the Petitioner to work on this project. The Petitioner shall order signage, including poster boards of the above-noted map, which will be posted on site for enforcement purposes. Weekly meetings between the Petitioner and the Subcontractors/Vendors shall emphasize this delivery requirement.
- 3.28 During construction, the Petitioner shall require employees of contractors and subcontractors to park off site, in hospital lots, prior to any hospital parking spaces being used. The Petitioner shall investigate the possibility of Valet Parking for patients to better utilize the existing spaces and possible Buddy parking system. Parking for employees of contractors and subcontractors shall not be allowed on site or on the side streets. The Petitioner shall purchase leases from the town for approximately 28 parking spaces and shall award the use of these spaces to Contractors who carpool. Carpooling shall be strongly encouraged and advised. Public Transportation where appropriate shall be strongly urged.
- 3.29 The number of on-site parking spaces by which the parking supply may be reduced for construction activities shall not exceed 25 parking spaces.
- 3.30 That 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 & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.31 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.32 That the Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit or impact fee, if applicable.
- 3.33 That the Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if applicable.
- 3.34 That the Petitioner shall seal all known abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges.

Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out per Town requirements.

- 3.35 That the Petitioner shall connect the sanitary sewer line only to known sources. All known sources which cannot be identified shall be disconnected and properly sealed.
- 3.36 That the construction, operation and maintenance of the on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Board of Selectmen.
- 3.37 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.
- 3.38 The maintenance of parking landscaping as shown on the Plan shall be the responsibility of the Petitioner.
- 3.39 That 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.
- 3.40 That all solid waste shall be removed from the site by a private contractor. Snow shall also be removed or plowed by private contractor. That all snow shall be removed or plowed such that the total number and size of parking spaces are not reduced.
- 3.41 All deliveries and trash pick up shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, not at all on Saturdays, Sundays and holidays. That all deliveries shall be made solely from the parking lot area and shall not be made from any of the surrounding roadways.
- 3.42 The trash shall be picked up no less than two times per week. All trash receptacles shall be located at the rear of the property and shall be screened by fencing as shown on the Plan. 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 daily, cleaned and maintained to meet Board of Health Standards.
- 3.43 That all lights shall be shielded and adjusted during the evening hours to prevent any annoyance to the neighbors. That the Petitioner shall reduce its parking lot and exterior building lighting during the night with that reduction remaining in effect until the following morning. That Monday through Sunday some time between the hours of 11:00 p.m. and 12:00 a.m. (midnight), the Petitioner shall shut off its parking lot lights using the lights on the building to shine down and provide adequate security.
- 3.44 That in constructing and operating the proposed building on the locus pursuant to this Special Permit, due diligence be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.

- 3.45 That excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.
- 3.46 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.
- 3.47 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 portions of the project site, 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 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 Chestnut Street and School Street.
 - d. The Petitioner shall take 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 Chestnut Street and School Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.48 That no building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those approved by the Board, 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. In any event, the number of parking spaces by which the parking supply may be reduced for construction activities shall not exceed 25 parking spaces.
 - c. The Petitioner shall prepare and file with the Board and the Norfolk County Registry of Deeds a plan which shows assessor's Plan 47, Parcels 52 and 55 merged, using customary surveyor's notation.
 - d. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with

the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

3.49 No portion of the 41,130 square foot expansion space that is subject to this Special Permit and Site Plan Approval 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 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 on-site and off-site, in their true relationship to the lot lines. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
- b. That there shall be filed with the Building Inspector and Board a statement by the Department of Public Works certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalks 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.
- c. That there shall be filed with the Board and Building Inspector a Certificate of Compliance signed by a registered architect upon completion of construction.
- d. That there shall be filed with the Board and Building Inspector an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations. Said plan shall be prepared by the engineer or landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
- e. That there shall be filed with the Board, Police Department, Fire Department and the Department of Public Works traffic control and design construction plans as further described in paragraph 3.18 of this Decision. Said plans shall be approved by the Board.
- f. That the traffic and circulation improvements required pursuant to paragraph 3.18 of this Decision shall be completed in accordance with paragraph 3.49(e) above.
- g. That the gated parking lot system as described in paragraphs 1.12 and 3.10 of this Decision shall be operational.
- h. That the plan modifications and submittal requirements as contained in paragraphs 2.0 (c) and 2.0 (e) of this Decision shall be met with the subject installations completed as approved.
- i. That a copy of the TDM program as described in paragraphs 3.12 and 3.13 of this Decision shall have been submitted to and approved by the Board.
- j. Notwithstanding the provisions of Sections a, b, d, and f hereof, the Building Inspector may issue one or more certificates for temporary occupancy of all or portions of the building prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board in an amount not less than 135% of the

value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features.

- 3.50 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.51 That the 41,130 square foot expansion space that is subject to this Special Permit and Site Plan Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Inspector.
- 3.52 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, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.53 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 Owner 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 Owner, 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 Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this permit.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision.
- 4.3 This decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

- 4.4 No approval of any indicated signs or advertising devices is implied by this decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit shall lapse on November 13, 2009, 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 November 13, 2009. 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 Reference to this decision shall be entered upon the Plan, and 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 of the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

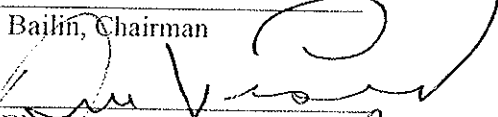
Any person aggrieved by this decision may appeal pursuant to General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

Witness our hands this 13th day of November 2007

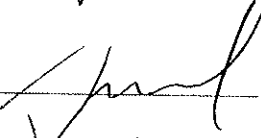
NEEDHAM PLANNING BOARD



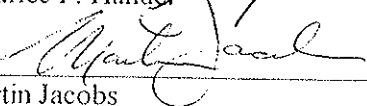
Devra G. Bailin, Chairman



Bruce T. Eisenhut



Maurice P. Handel



Martin Jacobs

Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Nov. 28 2007

On this 28th day of November, 2007, before me, the undersigned notary public, personally appeared Debra G. Bordin, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was in the form of a state issued drivers license, 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: MY COMMISSION EXPIRES
MAY 15, 2009

TO WHOM T MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by the Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, Massachusetts, for property located at 148 Chestnut Street, Needham, Massachusetts, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

Date

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
Roy A. Cramer
Parties in Interest



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

PLANNING

AMENDMENT TO DECISION

March 5, 2019

Application No. 2007-10

MAJOR PROJECT SITE PLAN SPECIAL PERMIT

Beth Israel Deaconess Hospital Needham, Inc.

148 Chestnut Street, Needham, MA

(Original Decision dated November 13, 2007, revised July 28, 2009, July 12, 2011, September 20, 2011, December 4, 2012 and October 24, 2017)

DECISION of the Planning Board (hereinafter referred to as the "Board") on the petition of Beth Israel Deaconess Hospital-Needham, Inc. ("BIDN" or the "Hospital") 148 Chestnut Street, Needham, MA, 02492, (the "Petitioner") for property located at 148 Chestnut Street, Needham, MA, 02492 (the "Property"). Said property is shown on Needham Town Assessors Plan No. 47 as Parcel No. 55, containing approximately 193,354 square feet in total.

This decision is in response to an application ("Application") submitted to the Board on January 8, 2019, by the Petitioner for: (1) a Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (the "By-Law") and Section 4.2 of Major Project Site Plan Special Permit No. 2007-10, dated December 4, 2012; and (2) a Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure.

The requested Major Project Site Plan Special Permit, would, if granted, permit the Petitioner to construct a temporary addition to the Hospital at the former emergency room entrance on Lincoln Street to house a sterile compounding pharmacy while the existing sterile compounding pharmacy within the Hospital is renovated. Once the renovation of the existing compounding pharmacy is completed, the temporary addition will be removed. It is anticipated that the structure will remain for approximately six months (the "Project").

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert, on Tuesday, February 19, 2019 at 7:30 p.m. in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Paul S. Alpert, Martin Jacobs, Elizabeth J. Grimes, Jeanne S. McKnight and Ted Owens were present throughout the proceedings. The record of the proceedings and the submissions upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Properly executed Application for Further Site Plan Review completed by the Petitioner, with Exhibit A, dated January 8, 2019 (the "Application").
- Exhibit 2 - Letter to Planning Board Members from Attorney Roy A. Cramer, dated December 31, 2018.

- Exhibit 3 - Plan entitled “As-Built Plan, Beth Israel Deaconess Hospital – Needham, Inc.,” prepared by Feldman Land Surveyors, 112 Shawmut Avenue, Boston, MA 02118, dated September 6, 2006, revised June 26, 2014 and July 11, 2014.
- Exhibit 4 - Plan entitled “Plot Plan, Beth Israel Deaconess Hospital – Needham, Inc.,” prepared by Feldman Land Surveyors, 112 Shawmut Avenue, Boston, MA 02118, dated December 21, 2018.
- Exhibit 5 - Plan entitled “Pharmacy Sterile Compounding Renovation, The Cancer Center at Beth Israel Deaconess Medical Center in Needham,” prepared by Linea5, Inc., 195 Slate Street, Boston, MA 02109, consisting of 9 sheets: Sheet 1, Sheet A12.0, entitled “Proposed Renderings,” dated October 29, 2018, revised June 15, 2018; Sheet 2, Sheet A12.02, entitled “Ground Level Site Plan,” dated October 29, 2018, revised November 30, 2018; Sheet 3, Sheet A12.03, entitled “Temporary Pharmacy Trailer Vestibule,” dated June 15, 2018, revised June 15, 2018; Sheet 4, Sheet FP100, entitled “Fire Protection Temporary Vestibule New Work Plan,” dated October 20, 2017, revised December 4, 2018; Sheet 5, Sheet P100, entitled “Plumbing Temporary Vestibule New Work Plan,” dated October 20, 2017, revised June 15, 2018 and December 4, 2018; Sheet 6, Sheet M104, entitled “HVAC Temporary Vestibule New Work Plan,” dated October 20, 2017, revised December 4, 2018; Sheet 7, Sheet E104, entitled “Electrical Temporary Vestibule New Work Plan,” dated October 20, 2017, revised December 4, 2018; Sheet 8, Sheet E200, entitled “Electrical Risers,” dated October 20, 2017, revised June 15, 2018 and December 4, 2018; and Sheet 9, Sheet E201, entitled “Electrical Schedules and Details,” dated October 20, 2017, revised December 4, 2018.
- Exhibit 6 - Approved Design Review Board Application and plans dated January 7, 2019.
- Exhibit 7 - Memorandum directed to Jerome Andaya, from Aaron M. Farbo, Cavanaugh Tocci, dated February 15, 2019, received February 25, 2019, regarding Environmental Sound Study.
- Exhibit 8 - Interdepartmental Communications (IDC) to the Board from Dennis Condon, Chief of the Needham Fire Department, dated February 11, 2019; IDC to the Board from Thomas Ryder, Assistant Town Engineer, the Needham Department of Public Works, dated February 13, 2019; IDC to the Board from Lieutenant John H. Kraemer, the Needham Police Department, dated February 12, 2019; and IDC to the Board from Tara Gurge, Assistant Public Health Director, dated February 8, 2019.

Exhibits 1, 2, 3, 4, 5, 6 and 7 are hereinafter collectively referred to as the “Plan”.

FINDINGS AND CONCLUSIONS

- 1.0 Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:
 - 1.1 The subject property is located in the Medical Overlay District at 148 Chestnut Street, Needham, MA, 02492, owned by Beth Israel Deaconess Hospital-Needham, Inc. Said property is shown on Needham Town Assessors Plan No. 47 as Parcel 55, containing approximately 193,354 square feet in total.

- 1.2 The subject property is currently occupied by the Hospital, and is identified as 148 Chestnut Street, Needham, MA. The Hospital has been operating at 148 Chestnut Street for over 100 years. The Town of Needham operated the Hospital for many years until its sale to the private sector in 1994. The last expansion to the Hospital was constructed pursuant to Amendment to Site Plan Special Permit No. 2007-10, dated October 24, 2017.
- 1.3 The cancer center located within the Hospital contains a sterile compounding pharmacy. Sterile compounding or mixing of chemotherapy medications is crucial in the treatment of many kinds of cancers. These treatments are regimented and need to be scheduled on a very tightly, repeated time schedule in order to be effective. In addition, some of the medications have very short expiration dates once they are compounded. Time is of the essence from mixing drugs to patient administration. It is important that these medications be compounded in a biologic safety cabinet which adds in keeping the product sterile and is also under negative air pressure. The compounding temporary building provides a compounding environment that satisfies applicable standards for this function.

The Department of Public Health Regulations and Requirements regarding sterile compounding pharmacies have changed, requiring the existing compounding pharmacy to be renovated. The purpose of the proposed project is to construct a temporary sterile compounding pharmacy that will be utilized during the period that the existing sterile compounding pharmacy is being renovated.

A mobile compounding pharmacy is proposed to be delivered to the site and placed at a fixed location in the driveway adjacent to the former emergency department entrance on Lincoln Street. A temporary vestibule will be constructed that connects the existing Hospital building with the mobile compounding pharmacy. It is a requirement of the Department of Public Health that there be a direct, internal connection between the compounding pharmacy and the Hospital structure. The proposed plan includes the following elements:

1. Temporary removal of the existing canopy.
 2. Construction of a temporary covered vestibule between the building entrance and the sterile compounding pharmacy to provide a secure, enclosed area clearly separate from public space. This will allow the temporary pharmacy to be an integral part of the Hospital and allow the Hospital staff to provide timely services to the patients.
 3. A temporary chain link fencing with fabric mesh screen to add security, and to partially block the view of the temporary structure. The temporary fence will be six feet high to match the height of the existing concrete faced fencing adjacent to it.
 4. The whole assembly will be removed, the canopy will be restored to its current location, and the old emergency department entrance and driveway restored to its current condition upon completion of the pharmacy renovation within the Hospital in approximately six months after commencement of construction.
- 1.4 As indicated in the said October 24, 2017 Amendment Decision, the Property conforms to zoning requirements as to lot area and frontage. The proposed temporary structure will comply with the following applicable dimensional and density requirements of the Medical District Overlay Zoning District side and rear setback, maximum building height, maximum lot coverage, floor area ratio, and open space.

The existing Hospital building is a legal, pre-existing, non-conforming structure because of the location of the existing canopy at the former Emergency Department entrance located on Lincoln Street. The minimum front setback on Lincoln Street is 30 feet. At its closest point, the existing canopy and related support structures are currently approximately 9.1 feet from the Lincoln Street property line. The Hospital structure is a legal, pre-existing, non-conforming structure, which has been recognized in prior applications and decisions. The closest point of the proposed temporary structure to the property line on Lincoln Street is 13.3 feet, further away from the property line than the current structure (9.1 feet).

- 1.5 Access to the temporary compounding pharmacy is only proposed from inside the Hospital. No access is proposed to be from the outside or from Lincoln Street.
- 1.6 The Environmental Sound Study, as detailed in Exhibit 7, states that the new HVAC equipment sound emissions associated with the temporary pharmacy will comply with all applicable regulations, including the MassDEP tonal definition. Sound levels from the HVAC equipment at the south end of the temporary building may be audible at the nearest residences, especially during early morning hours or late evening when the background sounds levels are lower. However, the projected sound level increase from the pharmacy HVAC equipment will comply with the applicable regulations. Sound levels from project related sound increase the existing background sound level by up to 10 dB at property line locations and up to 9 dB at residential locations, which is within the MassDEP limit of 10dB over existing background. The report also notes that the project is a temporary installation and sound from the HVAC equipment is expected to blend in with the existing environment.
- 1.7 If required by the Building Commissioner, a construction management and staging plan (the "Construction Management Plan") shall be submitted to the Needham Police Chief and Needham Building Inspector for review and approval.
- 1.8 All Subcontractors/Vendors will be contractually required to agree to the requirements of the Construction Management Plan (if said Construction Management Plan is required by the Building Commissioner) in their contract with the Petitioner to work on this project. The Petitioner will post signs on-site regarding truck delivery routes for enforcement purposes.
- 1.9 The Petitioner appeared before the Design Review Board on January 7, 2019, and obtained approval for the project.
- 1.10 The Board finds that all of its findings, conclusions, conditions and limitations contained in Major Project Site Plan Review Special Permit No. 2007-10, dated November 13, 2007, revised July 28, 2009, July 12, 2011, September 20, 2011, December 4, 2012 and October 24, 2017 shall continue in full force and effect, with the exception of any conditions contained in this Decision. The removal of the temporary improvements authorized by this Decision shall not be a condition or be relevant to the issuance of a certificate of occupancy for the improvements described and authorized in the October 24, 2017 Decision.
- 1.11 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit Amendment may be granted in the Medical Overlay Zoning District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the 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 promoted a development which is harmonious with the surrounding area.

- 1.12 Under Section 1.4.6 of the By-Law, a lawful pre-existing nonconforming building may be structurally altered only pursuant to a special permit issued by the Board pursuant to Section 7.5.2 provided that the Board determines such alteration would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. On the basis of the above findings and criteria, the Board finds that the proposed alteration, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the existing non-conforming structure nor to be more detrimental to the neighborhood than the existing non-conforming structure.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2007-10, dated December 4, 2012; and (2) the requested Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure, subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

The Plan shall be modified as follows and shall be submitted to the Board for approval and endorsement, as set forth below:

- a. to label the temporary structure as a “temporary structure” and not a “trailer”.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.17 hereof.
- 3.1 The temporary addition, landscape areas, and other site features shall be constructed in accordance with the Plan. Any other changes, revisions or modifications to the Plan shall require approval by the Board, unless otherwise stated in this Decision.
- 3.2 The proposed temporary addition and other exterior improvements shall contain the dimensions and shall be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law.
- 3.3 This permit is issued for the temporary removal of the existing canopy and construction of a temporary covered vestibule between the building entrance and the sterile compounding

pharmacy to provide a secure, enclosed area clearly separate from public space. This will allow the temporary pharmacy to be an integral part of the Hospital and allow the Hospital staff to provide timely services to the patients. Additionally, this permit is issued for a temporary chain link fencing with fabric mesh screen to add security, and to partially block the view of the temporary structure. The temporary fence shall be six feet high to match the height of the existing concrete faced fencing adjacent to it. Lastly, the whole assembly as noted above shall be removed, the canopy shall be restored to its current location, and the old emergency department entrance and driveway restored to its current condition upon completion of the pharmacy renovation within the Hospital. An as-built plan showing the restored condition shall be submitted to the Board for review and approval. The temporary compounding pharmacy and any other associated improvements shall be removed from the site and the property shall be returned to its current condition within one year of the issuance of a building permit, unless the Board, at the request of the Applicant, determines that the delay beyond one year is for good cause.

- 3.4 Hospital staffing shall not change as a result of the temporary pharmacy.
- 3.5 Access to the temporary compounding pharmacy is only proposed from inside the Hospital. No access will be from the outside or from Lincoln Street.
- 3.6 No deliveries shall be done to the addition on Lincoln Street; all deliveries for the pharmacy shall be done through the interior of the hospital.
- 3.7 If required by the Building Commissioner, a construction management and staging plan (the "Construction Management Plan") shall be approved by the Needham Police Chief and shall be submitted to the Needham Building Inspector for approval.
- 3.8 All Subcontractors/Vendors shall be contractually required to agree to the requirements of the Construction Management Plan, if required, and traffic conditions in their contract with the Petitioner to work on this project. The Petitioner shall post signs on-site regarding truck delivery routes for enforcement purposes.
- 3.9 During the construction process, the Petitioner shall require employees of contractors and subcontractors to park off-site or within construction site fencing and off-street prior to any hospital parking spaces being used.
- 3.10 All construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be 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.
- 3.11 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 portions of the project site, 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 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 Lincoln Street, Chestnut Street and School Street.

- d. The Petitioner shall take 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 Lincoln Street, Chestnut Street and School Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.12 No building permit shall be issued for the Project in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. If required by the Building Commissioner, a Construction Management 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 and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.13 No portion of the temporary addition of the Project that is subject to this Special Permit and Site Plan Approval shall be occupied until:
- a. An as-built plan, supplied by a licensed engineer or a Massachusetts Registered Land Surveyor certifying that the on-site and off-site (if any) 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 temporary structure, temporary fencing, the driveway and, if applicable, all finished grades if different from existing conditions, drainage systems, utility installations, lighting installations and sidewalk and curbing improvements associated with the Project, in their true relationship to the lot lines of the property.
 - b. That there shall be filed with the Building Inspector and the Board a statement by the Department of Public Works certifying that, if applicable, the finished grades (if different from existing conditions) and (if applicable) final construction details of the driveway, drainage systems, fencing installation, utility installations, and sidewalks and curbing improvements on-site and off-site (if any) associated with the construction of the Project that is the subject of this Amendment to Decision, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan of the Project.
 - c. That there shall be filed with the Board and Building Inspector a Final Affidavit signed by a registered architect upon completion of construction, for the Project.
- 3.14 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to,

the Board of Selectmen, Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health, pertaining to the Project.

- 3.15 That the temporary addition for a sterile compounding pharmacy that is subject to this Special Permit and Site Plan Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within each such area that is the subject of the Project until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Inspector, for the applicable portion of the Project. It is anticipated that multiple certificates of occupancy may be issued in connection with this Project.
- 3.16 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, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.17 Except as otherwise provided in this Decision, violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy giving rise to the alleged violation: 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 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 Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this Application. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision.
- 4.3 This decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this decision.

- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse with respect to the Project on March 5, 2021 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 5, 2021. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing.
- 4.7 This Decision shall be recorded at 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 of the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

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



March 30, 2020

Mr. Joseph Hobbs
Construction Contract Administrator
Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492

ATTN: Mr. Anthony DelGaizo, PE
Town Engineer

Ms. Lee Newman
Director of Planning and Community Development

SUBJECT: Muzi Ford Site Redevelopment Traffic Study
Proposed Scope of Work

Dear Mr. Hobbs:

As requested, **Greenman-Pedersen, Inc. (GPI)** is pleased to submit the attached Scope of Work for Engineering Services related to preparing a Traffic Impact Assessment for the potential rezoning of the Muzi Ford and Channel 5 sites adjacent to Gould Street in the Town of Needham, MA. The work is anticipated to include the following:

SCOPE OF SERVICES DETAILED DESCRIPTION:

The CONSULTANT has prepared this Scope of Work for transportation engineering and consulting services for a proposed re-zoning of the Muzi Motors and Channel 5 properties to a Highway Commercial 1 Zoning District in Needham, Massachusetts. This area is a gateway site for Needham, representing a unique value to the planning and image of the Town. The initial goal is for the intersection at Highland Avenue and Gould Street and the intersection at Gould Street and Central Avenue to operate better or at least not worse than the existing condition. Neighborhood traffic control options will be proposed where feasible, to reduce traffic intrusion into the Gould Street neighborhoods above that under the existing condition. Access to the MassDOT ramp system will be explored.

Gould Street is under the jurisdiction of the Town of Needham. Portions of Central Avenue and Highland Avenue, however, are under the jurisdiction of the Massachusetts Department of Transportation (MassDOT). MassDOT jurisdiction on Central Street extends over Interstate-95 (I-95)/Route 128 between River Park Street and Reservoir Street. Highland Avenue is under MassDOT jurisdiction from Webster Street into Newton. Accordingly, since the site abuts state highway and includes a driveway onto Highland Avenue, any modifications to the site and any improvements along Central Street and Highland Avenue where MassDOT controls the roadway would require an Application for Permit to Access State Highway. For this Contract the Scope of Services details the work to be performed in preparing a *Traffic Impact Study* (TIS) and *Conceptual Improvement Plans*, as well as for attendance at meetings with Town/State Officials and the project team, as required, and reimbursable expenses. All work will be performed in conformance with the Town of Needham and MassDOT standards, as applicable.

Traffic Impact Study

Specific tasks in the preparation of the *Traffic Impact Study* (TIS) include the following:

1. Identify and review previous studies of the area, including studies by other consultants, the state, regional planning agencies, and the local community, as well as any past CONSULTANT efforts.
2. Gather physical and operating information for area roadways and intersections including:

- Traffic volumes
 - Roadway geometrics
 - Traffic operating parameters
3. Collect automatic traffic recorder (ATR) counts for weekday daily traffic-volume and vehicle speed data along the following roadways:
- Central Avenue north and south of Gould Street
 - Gould Street between Central Avenue and Highland Avenue
 - Highland Avenue north of Hunting Road
 - Hunting Road south of Highland Avenue
4. Collect manual turning movement and vehicle classification counts (TMCs) during the weekday AM (7:00 AM to 9:00 PM) and weekday PM (4:00 PM to 6:00 PM) peak periods at the following intersections:
- Central Avenue at River Park Street (unsignalized)
 - Central Avenue at Hampton Avenue (unsignalized)
 - Central Avenue at Gould Street (unsignalized)
 - Gould Street at Ellis Street (unsignalized)
 - Gould Street at Kearney Road (unsignalized)
 - Gould Street at TV Place (unsignalized)
 - Gould Street at Muzi Motors Driveway/Wingate Needham Driveway (unsignalized)
 - Highland Avenue at Gould Street and Hunting Road (signalized)

NOTE: For signalized intersections, traffic signal timings will be obtained from existing permits and/or inventory of physical timings programmed in the controller, pending authorization from MassDOT and Newton.

Should additional study area intersections and/or time periods be requested during the local/state review process, the CONSULTANT will prepare a Contract Amendment that contains the Scope of Services, fee, and schedule required to complete the additional services.

5. Review historical traffic data for any seasonal adjustments to be made to the traffic-count data and develop existing conditions traffic-flow networks for annual average-month traffic-flow conditions.
6. Review and analyze collision records from the files of the MassDOT and/or the Needham Police Department for the latest complete five years of available data for the study area intersections.
7. Estimate future No-Build traffic volumes from historical traffic data and from recently approved or proposed projects, if available. Increases in background traffic growth will then be established and applied to the existing traffic-flow networks to develop base, future year No-Build analysis networks. A ten-year design horizon will be used consistent with the previous TIS prepared for this re-zoning.
8. Estimate the traffic to be generated if a re-zoning of the Muzi Motors and Channel 5 properties to a Highway Commercial 1 Zoning District occurred. The land uses to be studied initially will be 1.35 FAR (Floor Area Ratio) consisting of 50% standard office uses and 50% Research & Development (R&D) uses, as well as ancillary retail. Grocery stores or other large-scale retail will not be allowed. Additionally, up to two alternative land use and FAR profiles will be studied to arrive at the appropriate land use and FAR mix required to satisfy the initial goals of the project as described above. Add the estimated traffic to be

generated by the proposed land uses and to the No-Build conditions to develop the Build condition traffic-volume networks for each analysis period. The following analysis conditions will be examined:

- 2020 Existing conditions
 - 2030 No-Build conditions without the re-zoning
 - 2030 Build conditions (1.35 FAR 50% Office/50% R&D and Retail) without traffic mitigation measures
 - 2030 Build conditions (1.35 FAR 50% Office/50% R&D and Retail) with traffic mitigation measures, if necessary
 - 2030 Build conditions (Alternative 1) without traffic mitigation measures
 - 2030 Build conditions (Alternative 1) with traffic mitigation measures, if necessary
 - 2030 Build conditions (Alternative 2) without traffic mitigation measures
 - 2030 Build conditions (Alternative 2) with traffic mitigation measures, if necessary
9. Conduct capacity and queue analyses under all analysis conditions, as applicable, at the study area intersections.
 10. Evaluate and identify possible mitigating measures to minimize the impact of site traffic on study area locations. Traffic mitigation may include, but is not limited to, the following measures: roadway widening; signing; pavement markings; bicycle facilities; streetscape improvements; sight distance improvements; and fair-share dollar commitments.
 11. Prepare a draft Technical Memorandum summarizing the results of the analysis for CLIENT review and comment.
 12. Prepare a final Technical Memorandum, upon CLIENT review and approval of the draft, which incorporates pertinent comments for use in the local project approval process.

Conceptual Improvement Plans

Improvement measures are expected to be required at some of the study area locations; Central Avenue at Gould Street, Gould Avenue at TV Place, Gould Avenue at Muzi Motors driveway, and Highland Avenue at Gould Street and Hunting Road.

As a result, GPI will prepare a total of five conceptual improvement plans for critical intersections (if required). The conceptual plan will be of sufficient detail to identify the feasibility of constructing the improvements including any impacts to right-of-way and/or wetland areas as well as an order of magnitude construction cost.

Wetlands will be identified from available online mapping. Should actual wetland flagging and/or mapping be required, an amendment to this contract will be required.

Conceptual plans will be prepared from available electronic mapping and/or construction plans provided to the CONSULTANT by the CLIENT. No field survey or base plan mapping preparation is included in this Scope of Work.

Improvement plans for potential mitigation at additional off-site locations (if required) are *not* included at this time but can be prepared, if necessary, in consideration for additional compensation mutually agreed upon.

Meetings and Follow-On Services

Meetings with the development team and local officials, as well as public presentations and assistance in technical or procedural aspects of the project may be required as the project proceeds. Services for meetings include coordination, preparation, travel, attendance, supporting graphics (when required), and documentation in the form of meeting notes (when requested). Such services will be provided at the request of the CLIENT.

An initial upset limit is included in this Contract Agreement for preparation and attendance at up to three (3) meetings with Local/State Officials, as required or requested by the CLIENT.

Meetings and follow-on services will be billed on a time and materials basis at the established contract rates. Should additional services be needed and requested by the CLIENT beyond the initial upset limit, including responses to comments that may arise as part of the review process, the CONSULTANT will prepare a Contract Amendment that contains the scope of services, fee, and schedule required to complete the additional services.

Should services be required in areas not previously described, the CONSULTANT will prepare a proposal or amendment, at the CLIENT's written request, that contains the Scope of Services, Compensation, and Schedule to complete the additional items.

Fee

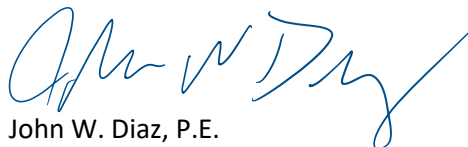
A detailed Man Hour Estimate and Fee is attached. The following is the associated fee for each of the major tasks outlined above. If the CLIENT wishes to modify any of the Tasks, GPI will provide a revised Fee.

TASK	Task Hours	DIRECT		FEE	TOTAL
		LABOR COST	OVERHEAD		
1.0 -Review of Past Materials	24	\$ 1,202.00	\$ 1,923.20	\$ 312.52	\$ 3,437.72
2.0 - Traffic Data Collection and Analysis	18	\$ 915.00	\$ 1,464.00	\$ 237.90	\$ 2,616.90
3.0 - Mitigation Plan/Concepts	80	\$ 3,394.00	\$ 5,430.40	\$ 882.44	\$ 9,706.84
4.0 - Draft Report	64	\$ 2,722.00	\$ 4,355.20	\$ 707.72	\$ 7,784.92
5.0 - Final Report	48	\$ 2,220.00	\$ 3,552.00	\$ 577.20	\$ 6,349.20
6.0 - Meetings and Consultation	48	\$ 3,072.00	\$ 4,915.20	\$ 798.72	\$ 8,785.92
Expenses					\$ 4,000.00
TOTAL PROJECT DESIGN COST	282	\$ 13,525.00	\$ 21,640.00	\$ 3,516.50	\$ 42,681.50

Should you have any questions, or concerns regarding this matter, please feel free to contact John W. Diaz at (978) 570-2953.

Very truly yours,

GREENMAN – PEDERSEN, INC.



John W. Diaz, P.E.
Vice President/Director of Innovation

[illegible]

Draft Planning Board meeting schedule and Important Dates

April 2020 – June 2020

Planning Board Meeting – Tuesday April 7, 2020 7:15 p.m.

Planning Board Meeting – Wednesday April 15, 2020 7:00 p.m.

Planning Board Meeting – Tuesday May 5, 2020, 7:15 p.m.

Planning Board Meeting – Tuesday May 19, 2020, 7:15 p.m.

Town Election – Tuesday May 26, 2020

Planning Board Meeting – Tuesday June 2, 2020, 7:15 p.m.

Annual Town Meeting – Monday June 8, 2020

Planning Board Meeting – Either Tuesday June 16 (previously scheduled date) OR Tuesday June 23 (further from Town Meeting dates).

NEEDHAM PLANNING BOARD MINUTES

February 4, 2020

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, February 4, 2020, at 7:05 p.m. with Messrs. Owens, Alpert and Eisenhut and Ms. McKnight, as well as Assistant Planner, Ms. Clee.

Public Hearing:

7:05 p.m. – 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA).

Upon a motion made by Mr. Owens, and seconded by Mr. Alpert, it was by the five members present unanimously: VOTED: to waive the reading of the public hearing notice.

Mr. Jacobs noted the following correspondence for the record: a legal notice, a letter, dated 1/3/20, from George Giunta Jr., an 11/22/19 application; Exhibit A & B; a letter from the applicant authorizing George Giunta Jr. to represent her; a proposed subdivision plan dated 7/20/18 and revised 10/4/19; comments from the Public Health Department, dated 1/27/20; a letter from Assistant Town Engineer Thomas Ryder, dated 1/29/20, with comments; an email from Fire Chief Dennis Condon, dated 1/30/20, noting he is satisfied; an email from Police Chief John Schlittler, dated 1/30/20, with no issues; a letter from Janet Bernardo of the Conservation Commission, dated 2/4/20, with comments and letters of opposition from Robert and Kalliope Badavas, of 402 Grove Street, dated 2/1/20; Josh and Carrie Benet, of 403 Grove Street, dated 2/3/20 and Paul Geddes of 461 Grove Street, dated 2/3/20.

George Giunta Jr., representative for the applicant, noted this is parcel 9 on Assessors Map 229. This is 5.3 acres of registered and unregistered land with 573 feet of frontage. This will be subdivided into 2 lots each with a house. This can be done by right. This is the Single Residence A (SRA) District and a rural part of town. The proposal is less intensive and scaled down. There is a 40-foot wide layout with 18 feet of asphalt. There is a super elevated sloped to a swale on the side. Each lot has more than an acre and over 200 feet of frontage. The applicant is proposing pervious pavers to minimize the asphalt with a landscape circle in the center. It would look more like a common driveway but loop around for emergency access to get around.

Mr. Giunta Jr. reviewed the waivers which include a private way, post lights, waivers of width from 50 feet to 40 feet, width of pavement from 24 feet to 18 feet and length of pavement from 50 feet to 30 feet. David Kelly, of Kelly Engineering, noted other waiver requests are required pavement radius width, curbing requirements and sidewalks on both sides. Mr. Alpert asked for clarification on the sidewalk waiver. Mr. Giunta Jr. stated they would like the sidewalk waived on both sides. Mr. Eisenhut stated sidewalks do not have to be paved. It could be a pervious surface. Mr. Giunta Jr. noted this is only for one house and he does not feel there is a need for sidewalks.

Mr. Jacobs asked why the Public Health Department would not approve of a waiver of sidewalks. Ms. Clee stated they are trying to promote safety and trying to be consistent with the requirements. It was noted there are no sidewalks on Grove Street. Mr. Kelly noted, for the drainage, the road is elevated on the southern side with double catch basins at the bottom to catch the water, which then goes into a manhole to a subsurface system to the municipal system. There is a net decrease in runoff and volume. Mr. Giunta Jr. stated his client is willing to either donate land to the Conservation Commission or convey a Conservation Commission restriction. That could be a plan revision.

Mr. Eisenhut stated the waivers will need to be called out in the decision with an explanation of why the waivers are necessary. Ms. McKnight noted the different lighting is not called out in the list of waivers. She asked how the lights were different. Mr. Giunta Jr. stated there is a certain amount of illumination. Engineering has deemed the lighting to be acceptable. He is not sure it is a waiver. Ms. McKnight asked if the DPW comments would be in the

revised plans. Mr. Giunta Jr. believes the changes have already been made. He noted discussions with Engineering have already happened. Mr. Alpert had no comments. Mr. Owens stated he is not a fan of houses in the back yard of others. He is opposed purely on aesthetics. He would let them build as of right but is not in favor of any waivers.

James Curley, of 380 Grove Street, stated he has spoken with several people regarding this. Sheet 3 is not as of right as there are no sidewalks and the tree that is shown is on his property and will not be coming down. If the Board agrees to allow this he would request the waivers be approved. This is a very narrow lot and he would ask the driveway be moved 10 feet further from his property. He noted the applicant wants to put 2 small houses on a lot for one house. He would also like a tree line planting plan with mature plantings. He would like the Board to consider specific waivers and would like the filtermitt moved from his property. If approved he would like the Board to require strict adherence.

Mr. Giunta Jr. stated a sidewalk could still be put around the plan. It could be shifted but the waiver of sidewalks has been the norm. Moving the driveway 10 feet would make it too difficult to build on one of the lots. The applicant would resist that change. Ms. McKnight noted on the north side there is an 11 foot parkway with a paved part. She would like some place for snow storage if there are more plantings. Mr. Kelly stated he would work with Mr. Curley on the tree and the filtermitt would be moved.

Nicholas Kourtis, of 21 Surry Lane, noted the Badavas' could not be here and asked him to represent them. The Badavas' do not believe this lot should have 2 houses. They would be looking directly into someone's back yard and side yard and would like high screening as part of this plan if approved. He noted the Badavas' are the property owners to the south. Mr. Giunta Jr. noted some screening comes with most development. He hesitates to make it part of the subdivision plan. There should not be an issue planting along the north and southern lines. Mr. Curley asked if reasonable screening could be enforced. Mr. Eisenhut stated it would be enforced. It would be put on an agenda for discussion. The Board has the authority to enforce if the conditions are not done.

Josh Bennett, of 403 Grove Street, stated he is right across the street. A project was recently done and Sabrina Lake needed to be protected. A berm was put in and he wants the Planning Board to be mindful of that. Ms. Clee stated a plan modification should be done with comments from Engineering and the Planning Board comments from tonight. Mr. Alpert noted there are some issues for the Planning Board to discuss. He feels the hearing should be continued. Ms. McKnight stated Mr. Kelly has the plan modification. She feels it would be helpful to have the modifications for the continued hearing. She stated the landscape plan will be approved later but questioned if the proposed 11-foot buffer on the north side is sufficient.

Upon a motion made by Mr. Alpert, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to continue the hearing to 2/18/20 at 7:00 p.m.

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Robert Smart, representative for the applicant, noted this is 6.6 acres owned by Koby Kempel. He would like to divide it into 2 lots. There is an existing house and an existing 15 foot right of way dating back to 1914. The proposal is to divide it into 2 lots in front of the right of way and build a new house on the lot closest to Chestnut Street. The parcel is up against a non-buildable lot on Chestnut Street. Mr. Jacobs noted Parcel A1 for the record. Mr. Smart stated the lot is larger than required under the By-Law. The issue is the frontage off the 15 foot right of way. He suggests creating a turnaround for the fire vehicles partially on Lot A and partially on the unbuildable lot. The Fire Chief feels a 15 foot right of way is not sufficient for fire vehicles and wants 18 feet. The Town Engineer suggested creating a 25 foot access and easement. There is going to be a subdivision proposal filed in the future.

Mr. Jacobs asked who the 25 foot wide right of way easement would benefit. Mr. Smart stated it would be a benefit to the town for emergency vehicles. Mr. Alpert stated there needs to be 18 feet of pavement and asked if that is shown on the plan. Mr. Smart stated that is not part of the plan. It can be added to the plan. Mr. Piersak owns in the back and will be filing a subdivision plan. He will be using the 40 foot right of way, which will be the road. He noted Mr. Kempel would like to get started with a single family house on Lot A.

Mr. Kempel noted 3 Planning Board members approved the plan, then Engineering asked for changes. He has done everything he has been asked to do. He would like to get moving on this. Mr. Jacobs noted the following correspondence for the record: the approved endorsement; a letter from Attorney Robert Smart, dated 1/7/20, with exhibits; a 1/22/20 email from the Fire Department, a 1/22/20 email from Tony Del Gaizo with concerns; and a legal memo from 2001. He noted there is no letter from the Police Department. Mr. Smart stated the Police had the opportunity to comment but did not.

Mr. Eisenhut stated he does not feel this qualifies for ANR based on the Costanza North Reading case. He has never seen an ANR with notes attached for future things to be done. Mr. Alpert stated he has a plan from the Town of Wellesley with a note so he has seen these types of notes on ANR plans regarding further movement. The Board could put a condition on the ANR that the 18 foot wide pavement is to be constructed by X date. Mr. Eisenhut stated he is reluctant to grant things for future work to be done.

Ms. McKnight stated the way on the ground in existence now has to be adequate. She will not endorse this. The applicant will need to go through the subdivision control process. Mr. Alpert stated he is trying to find a way to grant this. He asked, if the applicant paved the 15 foot road, then came to us, would Ms. McKnight be satisfied. Ms. McKnight stated she would not be satisfied as it is not in existence. Mr. Smart stated there is no talk about changing the width. The access easement is across the property. This has been an extensive process. He has met repeatedly with the Fire Department and Engineering. He has talked with Ms. Newman and this is what they collectively came up with. Mr. Owens stated he has a simple view of this. If it satisfies the Town Engineer and Fire Chief he is ok with it and would vote in favor.

Mr. Alpert stated the easement may have to go to the Town. Ms. McKnight noted a way in existence having sufficient width does not meet the adequate access standard. Mr. Eisenhut noted in Polas vs. Braintree in 1992 there must be adequate access at the time of endorsement. Mr. Smart suggested he work with Ms. Newman for language on the plan for an 18 foot paved width with more detail and bring it back to the Board.

Bill Piersack, of 768 Chestnut Street, stated the way has been created. The first house was built in 1929. Before that there was a cart path. His property has 3 houses and one was sold off. He is coming in off the existing drive which is better than the option of creating a new drive. Mr. Jacobs and Mr. Alpert would like to read the 2 cases. Ms. Clee noted she will need a verbal request tonight from the applicant to extend the action deadline then a written request tomorrow. Mr. Smart will provide a letter and review the other case for language.

Upon a motion made by Ms. McKnight and seconded by Mr. Alpert, it was by the five members present unanimously:

VOTED: to extend the action deadline for 766 Chestnut Street for an additional 2 weeks.

Discussion regarding Pediatric Medical Facility Zoning Article – Children’s Hospital.

Mr. Jacobs noted this is a proposed zoning amendment. He noted the following correspondence for the record: a memo from Sean Manning and Ryan White, dated 1/24/20, regarding on-site parking. Robert Smart, representative for the applicant, noted he has a Citizen’s Petition with 37 signatures that will be put on the warrant. There will be some changes. The Special Permit use will not be as of right and the definition of young adult has been provided, which is under the age of 26. He ran the language by Town Counsel and he is happy with it. The Inspector General is ok with it so all seem happy with the language now. He noted Ms. Newman wants the parking analysis to be a peer review. In the past the town has used BETA. He would like this to begin as soon as possible. Mr. Jacobs agrees an independent should look at it. Mr. Smart is hoping BETA can get this done quickly.

Discussion of Highland Commercial 1 Zoning initiative and follow up from Needham Heights Neighborhood Association meeting.

Mr. Jacobs stated he spoke with Ms. Newman. Ken Ho from BETA will need a month to do a new traffic study and this needs new traffic counts. He noted the following correspondence for the record: an email, dated 1/27/20, from Elizabeth Handler; an email, dated 1/26/20 from Joseph Leghorn; a Special Town Meeting Warrant; a 1/28/20

letter to Select Board member Marianne Cooley from Terence Ryan and a letter from Elizabeth Kaponya, dated 2/1/20, to the Select Board.

Mr. Owens stated there are a couple of options. If this goes on the May Warrant the language would need to be finalized tonight. If it is for the Special Town Meeting within the Annual the language would need to be completed in 2 weeks. It could be deferred to next May. There is no sense in bringing it back in the Fall. The Board needs to be less substantive and more educational. There is a lot of groundwork needed and discussions on how to modify what the Board did before. There is a lot of educating to the Finance Committee and Town Meeting members needed. A lot of concerns were heard and there is a large amount of work needed to get this on this warrant article. He does not think it is possible and is inclined to wait. Mr. Eisenhut agreed.

Ms. McKnight agrees. She stated it was made very clear they should not resell what was before Town Meeting previously. She feels the Board should start planning now for next May's Town Meeting. Mr. Alpert agrees it is not ready for this year. Some excellent comments were made such as sustainability and green space. There is a lot to discuss. He is comfortable with October or next May. Mr. Jacobs agreed.

Terence Ryan noted he sent a letter to the Select Board. He feels it is exciting to think of something new. There have been a lot of ideas with 55 and over communities or a sports complex, taller buildings on the Mass DOT side for a noise barrier and green space on the Gould and Highland side. Mr. Owens stated there needs to be a clear distinction between zoning details and what the developer comes up with. That is part of the educational process. He noted the Planning Board does not design projects. Mr. Ryan stated he lives on Evelyn Road and stares at the 3-story Wingate building. He wants to be involved. Mr. Jacobs noted there will be many hearings for ideas and discussions.

Adam Block, of the Needham Heights Neighborhood Association, asked what the Select Board thinks about a one-year wait. Mr. Jacobs noted there is one member who would go along with the Planning Board decision. Mr. Block stated there is a lot of concern with what the potential could be and a lot of misinformation. He feels the discussion was exceptionally well received. He asked about the timing and noted that while the town waits, the owner could develop the property, could reduce the open space people asked for and there could also be economic changes in the future. There is a need to understand the public interest. It is clear the Planning Board has a good ear for that.

Update on Economic Development Director.

Mr. Jacobs noted Town Manager Kate Fitzpatrick does not feel the position is a management position and does not think the job should be under the Planning Director. She feels the position should be under herself or her Lieutenant. He talked with Ms. Newman and understands it is done both ways in towns. Ms. Newman has no objection either way. She noted a big part of the job was being staff for the Council of Economic Advisors (CEA).

Ms. McKnight stated it is up to the Town Manager and the Planning Director if this better suits the town. Her concern is the CEA was going ahead and has not really been engaged. If this position is apart from the Planning Department there may be less interaction. She sees the goal as long term planning for the Town and wants to keep communication open. Mr. Eisenhut agreed. Mr. Jacobs noted Devra Bailin had a zoning background which was a large part. Mr. Alpert stated the statutory mandates need to be looked at. He feels it may need to stay because the Planning Board is charged with long-term planning and should have a tie to this position. He would look at it. The CEA is an advisory Board to the Select Board. Mr. Owens supports that idea. He would not have an issue with the Economic Development Director reporting to the Town Manager. He is ambivalent. This will be discussed more on the 2/18/20 agenda.

Appointment to Emery Grover Working Group.

Mr. Jacobs noted Ms. Grimes was on this committee. Ms. Clee stated this committee meets monthly and there are only one or 2 meetings left. They would like a Planning Board member to help wrap the project. This will be discussed at the 2/18/20 meeting.

Board of Appeals – February 13, 2020.

Wesley and Suzanne Wildman -- 217 High Rock Street.

Mr. Jacobs commented there is a lot more impermeable space on this lot. There should be permeable pavers.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to comment there should be permeable pavers.

J. Derenzo Properties, LLC – 123 Pickering Street.

Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by the five members present unanimously:

VOTED: “No comment.”

Ms. McKnight stated the Building Inspector said there is nothing in the By-Law that gives guidance on what a 2-family is. On Maple Street there is one house behind the other connected with a roof. The Board should put this on a list of things to consider and amend the By-Law to interpret 2-families.

Minutes

The Board members passed in comments.

Correspondence

Mr. Jacobs noted the following correspondence for the record: a letter from the Littleton Town Planner, and an article in Wicked Local Needham titled “Needham Officials warn of Amazon distribution center if zoning plans founder.”

Report from Planning Director and Board members.

Mr. Jacobs stated a comment was made and he asked if the Board wants to change their policy to televise meetings. He wants the members to think about it. He noted there is a draft final report with a lot of data and tables for Needham 2025. There is a snapshot in time of what the town looks like now. He noted the consultant has time left. They could look at the Chestnut Street corridor and he added the Muzi site. This may give them some ideas regarding the Muzi site.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 9:44 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

December 17, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, December 17, 2019, at 7:00 p.m. with Messrs. Owens and Alpert and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Mr. Jacobs noted ~~that Attorney Robert Smart this~~ has ~~been requested that this plan be~~ withdrawn. ~~at the request of Attorney Robert Smart.~~

Upon a motion made by Mr. Alpert, and seconded by Mr. Owens, it was by the four members present unanimously:
VOTED: to approve the request to withdraw the plan.

Discussion of possible redevelopment of 1 First Avenue (former Acapulco's Restaurant).

Mr. Jacobs noted the following correspondence for the record: a memo from Feldman Development Partners, dated 12/10/19, regarding the submission for a Special Permit and the conceptual site plan. Rick Feldman, representative, stated this is a redevelopment of the site of the current Acapulco Restaurant, which is closed. He wants to talk to the Board about ~~perspective-prospective~~ uses. He showed an aerial view of the property at the intersection of First Avenue and Highland Avenue and the surrounding area. This is a uniquely shaped site. There are 2 curb cuts off First Avenue and on-street parking. This is the 128 Commercial Business District.

Mr. Feldman noted the proposal is for the construction of 2 new buildings. There will be a smaller one-story retail bank. Century Bank feels this would be a good location for them and the applicant is working with them on the design. The other building will be larger and house I Fly, an ~~interactive-international~~ company with 80 operations around the world. It is a flight simulator ~~for that allows one to feel~~ weightlessness. They are open to teach classes, individuals and parties. People spend one hour learning skydiving and then get into the chamber for one minute of flying time. There is always an instructor in with them. This would be the first location for I Fly in Massachusetts. There are other operations around the area with flying.

Mr. Feldman stated the building will be 65 feet high because of the duct work and exhaust. He feels this is a good location for a welcome to Needham. There will be a combination of office, class and meeting areas. There will be a ~~flight~~ shaft in the middle of the building. He noted retail use is permitted. I Fly is a combination of education, simulation and retail operations. The applicant is trying to figure out how it will fit in the block. There will be a 6,700 square foot building with a greenway through the site between the 2 buildings. He noted there is not much greenery there now.

Mr. Jacobs asked where the applicant thinks this use falls. Mr. Feldman stated education. The customers have to take a class and need to be educated. This is not a high volume operation. There is only one person in the chamber at a time. He feels this is quirky and wants the Board's input. Ms. McKnight stated under the Section 3.2.5.1 uses a bank is fine. She does not see anything that describes the I Fly use. She looked at Section 3.2.5.2 for private school and at athletic or exercise use. She does not see this as retail as ~~this-the retail component~~ is accessory. She noted the plan makes it look like a big drop off from Highland Avenue to this site. Mr. Feldman noted there is a green buffer from the state of Massachusetts ~~highway layout~~.

Mr. McKnight noted there are 2 handicap spaces to one side at the rear of the I Fly building but none near the bank. Mr. Feldman stated there are 3 handicap spaces near the bank. The plan is not easy to read and is not labeled properly. There is an ATM there also. Mr. Jacobs asked what the capacity of the I Fly building is anticipated to be. Jamie McManus, owner of One First Avenue Realty Trust, noted there are classes and school events. There is water put in the chamber so the students can see the droplets and what happens. There are maybe 35 students.

Everything is scheduled. Mr. Feldman stated there are online reservations prior to classes and events, so everything is scheduled. The site is tight so the parking has been maximized. Mr. McManus stated there is room for staff and 2 rest rooms. He noted he was impressed by I Fly's staff. They are quality personnel. Mr. Feldman stated customers are put in a flight suit and head gear.

Mr. Alpert asked if the proposal meets all dimensional requirements and just needs the use special permit and was informed that was correct. Mr. McManus stated he sees this as an attraction for residents of the surrounding towns. Mr. Alpert noted the plan states 2 handicap parking spaces. He feels the applicant may need to work with the Planning Director and Building Inspector for to determine compliance with the parking requirement. Ms. Newman noted a fitness use is 1 space per 150 square feet. She will confirm with the Building Inspector that he agrees with that use. Mr. Feldman feels it is a good use and better than what is there now.

George Giunta Jr.: Discussion of possible zoning map change along easterly side of Hunting Road from SRA to SRB.

Mr. Jacobs noted a 12/12/19 letter from George Giunta Jr. with exhibits. Mr. Alpert stated he is curious why this area was zoned SRA. Mr. Giunta Jr. stated several lots are 20,000 square feet. Needham had a 20,000 square foot zone a long time ago. He gave a brief background. He noted 20-23 properties do not meet the SRA acre zoning today. There is no logical reason lot size should be the acre and not 10,000 square feet. These properties have been limited in what they can do. All have been affected by it and have signed a statement in favor of rezoning. Mr. Alpert asked if there were any lots below 10,000 square feet. Mr. Giunta Jr. noted there was-is one lot that was is 9,000 plus.

Mr. McKnight asked if these houses were built in the post war era. Mr. Giunta Jr. believes so but is not sure. He estimates 2 new lots and maybe 3 could be picked up. He stated any redevelopment to create new lots would probably require taking down a house or 2. Mr. Alpert stated, in looking at the map, there may be an issue with frontage. Mr. Giunta Jr. stated the abutters would need to get together to reconfigure. He does not feel there would be a serious redevelopment that would add a lot of houses. Mr. Jacobs asked if Mr. Giunta Jr. would like the Planning Board to sponsor this. Mr. Giunta Jr. feels that would be appropriate.

Ms. McKnight feels the houses are detrimentally affected by the road noise and the proximity to 128. Anything the town can do to stabilize the value of the houses and lots would be a good thing. Mr. Owens stated he is not sure this could be ready for the Spring Town Meeting. He is also not sure this would be an appropriate addition to the agenda with all the other things going on such as Muzi's and Children's Hospital. There is a cumulative effect of trying to do too much too fast in the same one mile area. He feels the timing is bad. It makes sense, particularly where they are, but he feels the timing for the Planning Board is off.

Mr. Alpert feels if Mr. Giunta Jr. brings this in May he may be better off with a Citizen's Petition with everything the Planning Board has to bring forward. He feels there is a better chance at being accepted at Town Meeting if it is a Citizen's Petition. Mr. Jacobs agreed some thought should be given to a Citizen's Petition. He feels there should be signatures from the abutters.

Review of Section 1.4.8 of the Needham Zoning By-Law.

Ms. Newman stated she needs direction from the Board given the correspondence from Town Counsel David Tobin and the slightly different opinion from the Special Town Counsel. She asked if the Board wants a formal interpretation from Town Counsel Tobin. Ms. McKnight feels the Board should seek a formal opinion as the basis for the opinion is not spelled out. Mr. Alpert stated, given the history of denying ANRs, the Board needs either an opinion of Counsel or an amended By-Law. He is reluctant to present a change in interpretation of the By-Law change in the form of Town Counsel opinion. Mr. Owens agreed.

Mr. Jacobs stated he would not seek a formal opinion. He could live with a note on the plan noting a nonconformity. Mr. Giunta Jr. disagreed. He feels changing the lot does not affect the non-conformance. A note would say there is a violation. He would be concerned with marketability issues. Mr. Alpert noted if there is an existing non-

conforming structure the By-Law says if you increase the size or frontage the pre-existing, non-conformity stays. If the lot size or frontage is reduced the non-conformity is lost. Mr. Jacobs stated that is the historical position of the Planning Board. A discussion ensued.

Mr. Owens asked if Mr. Jacobs was opposed to asking Town Counsel for a legal opinion. ~~He~~Mr. Owens feels they need to ask for a formal opinion and follow the advice. Mr. Jacobs is not sure Town Counsel is correct and feels Special Town Counsel's opinion is equally valid. He would like not to have to be presented with a formal opinion saying Special Town Counsel is wrong. Ms. McKnight feels if there is an application that will be before the Board a case-law, the Planning Board needs the advice. Mr. Alpert wants the opinion. He does not feel current policy is the policy he wants to go forward with. He thinks the Board should change the policy but wants a more formal legal basis to change the policy. Ms. McKnight agrees. Mr. Owens also agrees. He wants the opinion formalized.

Planning and Community Development Spending Request.

Ms. Newman gave copies of the budget that has gone to the Finance Committee. In 2015 the Board received money for planning studies and has ~~ve~~ depleted that. She wants \$60,000 to plan for the required planning studies. Otherwise it is a level funded budget. She is looking for design funds for trail signage. This is the first step but this is CPA eligible funding so she is seeking the funds.

Board of Appeals – December 19, 2019.

Design Concepts Pro Contractors, Inc. -- 19 Riverside Street

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

VOTED: "No comment."

Correspondence

Mr. Jacobs noted a letter from Town Clerk Theodora Eaton, dated 12/10/19, noting Ms. Grimes' resignation and the Board's vacancy. At Selectman Moe Handel's suggestion ~~she~~ reached out to Natasha Espada. She is interested in serving but not now. ~~Sh~~He knows Adam Block ~~isn~~ interested. Adam Block stated he would consider running for the vacant seat in the election. He has not thought about an appointment in the interim. Mr. Jacobs stated he would talk with Mr. Block more. Ms. Espada suggested contacting Bruce Eisenhut or Ronald Ruth about coming back until the election. Mr. Owens stated he is concerned, with the election so close, he does not want to be seen as interfering in the election if there ~~isare~~ more than one interested person. He would agree with Mr. Eisenhut or Mr. Ruth. After discussion, Ms. Newman stated she will clarify with Town Clerk Eaton the exact process.

Ms. Newman asked if the Board wants to elect a Vice-Chairman to take over on 1/2/20. Both Ms. McKnight and Mr. Owens are interested. It was decided to wait until the 1/7/20 meeting.

Report from Planning Director and Board members.

Ms. Newman noted there will be a 1/27/20 community meeting focused on zoning for the Muzi/Channel 5 site. The Board has to have the zoning in final form to go to the Selectmen on 2/4/20. She will need to have consultants work on the material in January but coming back before the community meeting. There is usually input from community meetings to reflect in the zoning. Does the Board feel comfortable there is enough time to get this strategy done? What should she direct the consultants to prepare? Mr. Alpert noted he was not going to be at the 1/21/20 meeting. Mr. Owens thinks the community meeting will not bring anything new. He asked if the community meeting is to answer questions or if it was going to reshape the article. Ms. Newman stated it would not reshape but they are talking about changes to FAR and looking at dropping the as of right FAR. She has not talked to Town Manager Kate Fitzpatrick yet. Mr. Owens would be interested in what the Town Manager thinks. A discussion ensued.

Ms. McKnight stated the concerns she heard surrounded the visuals that were presented. Also the traffic impact and where the money would come from for traffic mitigations. Mr. Alpert noted people have an issue with the 20 foot setback. He feels the Board needs to get together with the Finance Committee. He feels the Planning Board Chair should contact the Finance Committee Chair to suggest a joint meeting. Mr. Owens noted Ms. Grimes was going to reach out to the Finance Committee Vice-Chair. The Board needs additional input from the Town Manager and the Finance Committee. If the Finance Committee is not willing to meet with the Planning Board he does not think this should go forward. Mr. Jacobs stated he would keep it on the schedule for now. There will be more discussion on 1/7/20 when there is more information.

The Board signed documents already acted on for Rockwood Lane for the reduction of the bond that closes out the Tripartite Agreement and the Tripartite Agreement extension for Belle Lane.

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

VOTED: to adjourn the meeting at 9:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

January 7, 2020

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, January 7, 2020, at 7:04 p.m. with Mr. Owens and Ms. McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski. Mr. Alpert arrived at 7:10 p.m.

Mr. Jacobs informed the Board members he has asked former member Bruce Eisenhut to seek the appointment to fill the spot for the short term that has been left vacant by Ms. Grimes' resignation. Mr. Eisenhut has agreed and will go through the necessary process.

Highway Commercial 1 rezoning: discussion of next steps.

Mr. Jacobs noted a couple of members of the Finance Committee ~~who are~~ ~~were~~ at the meeting. He explained that the article failed at Town Meeting. He understands the Finance Committee was split. Mr. Alpert arrived at 7:10 p.m. Mr. Jacobs stated he wants to see what can be done for the Finance Committee to support this. He noted the Board is on a path to bring it back in the Spring but may decide not to after speaking with the Finance Committee. He noted the Planning Board had a meeting and explained they had the Planning Director put together a list of concerns that had been brought up. They include too much height, density, traffic, too many cars, access only off Gould Street, no residential, there should be a park, the uses were not thought out, there was no specific development proposal at the Special Town Meeting, the study came too late, the visuals were ineffective and it should have been said what is allowed now by right. He noted that whole area of town is under pressure between the Northland project in Newton, possible developments at the former Acapulco's site and a site across from the Temple as well as road improvements. ~~and gave the rationale and noted the forthcoming development projects.~~

Tom Jacob, of the Finance Committee, stated the big issue is the traffic study and its brevity. ~~He was surprised it was not done in May.~~ The traffic presentation did not go well. His concern with the Finance Committee was it was not clear what the financial impact would be. It appeared incomplete. Dick Reilly, of the Finance Committee, stated it was primarily a process issue and not substantive. They received the necessary information too late. Mr. Jacob stated information comes too late and there is no time to update and question. Hopefully with additional funds they will get the information in a timely manner. He is also concerned there is no plan to address traffic if the study shows failures.

Ms. McKnight stated the traffic study recommended certain improvements. Is the concern the study did not say how much it would cost? Mr. Jacob did not think the study was thorough enough. He hopes the new study will clarify those. Ms. McKnight asked if it would have helped if the Board had described that they would require contribution to the cost of traffic improvements. Mr. Jacob stated he feels some Town Meeting members would want guarantees, which the Planning Board could not give. Mr. Reilly stated there was less skepticism on the Finance Committee level than the Town Meeting level.

Mr. Jacob stated he appreciates the Planning Board inviting them. He thinks having the studies done and giving the Finance Committee time to chew on it would be good. He thinks this meeting is a good first step. He feels something that was lost was if nothing was done it puts the town at a disadvantage. The Board should describe what happens if nothing is done and that the town would have less control. He feels the trust gap may be bridged a bit if there was an estimate of what the cost is were put out there.

Mr. Owens stated it was interesting hearing where the breakdown was with the Finance Committee so he can understand the process and information. The Board cannot guarantee anything. They need to balance the project versus the economics. He appreciates Mr. Jacob and Mr. Reilly coming to the meeting. Mr. Jacobs reviewed the by-law amendment schedule. Adam Block, President of the Needham Heights Neighborhood Association, stated the community meeting is an opportunity for the Finance Committee to participate and partner. He invited the Finance Committee members to attend. Mr. Jacob asked if the Planning Board could put together a schedule of

when the reports would get to the Finance Committee. Ms. Newman anticipates having the reports available at the public hearing in March.

Mr. Block stated the Needham Heights Neighborhood Association will email their membership. He called both newspapers for notification of the meeting. He will also get other suggestions of where to post notices. He drafted a letter to Town Meeting members and others in the neighborhood. Ms. Newman informed him the Town Clerk emails all Town Meeting members. Mr. Owens feels it would be better for the Heights Association to have the meeting and invite the Planning Board. Ms. McKnight agreed. She can send a notice to the League of Women Voters. She noted if there are wetlands at the immediate corner of Highland Avenue and Gould Street could it be developed. The Board needs to know if the Conservation Commission would deem it wetlands.

Minutes

The changes were given to Assistant Planner Alex Clee.

Correspondence

Mr. Jacobs noted the following correspondence for the record: a notice sent to the Select Board regarding the vacancy; a copy of a 12/2/19 Needham Times article regarding Children's Hospital; a Wicked Local article, dated 1/2/20, regarding the Indoor Skydiving facility and ~~an~~ a Needham Times article on the Planning Board to send the zoning proposal back by Trevor Ballantyne.

Report from Planning Director and Board members.

Ms. Newman noted there are 2 projects pending. She met with Attorney Roy Cramer. He has a developer that wants to do assisted living, memory care and independent living at the Carters site. He will be looking for some zoning changes. The developer would like to add a 4th floor to a portion of the building in the back for 10 independent living units. She feels it is a nice, sensible project. There will be minimal changes to the building itself.

She noted the other project has a developer looking to demolish a one story building across from the Temple next to the condos and build a 3 story medical office building with underground parking. Mr. Jacobs stated he received communication from a Town Meeting member urging the Planning Board to expand the traffic study area all the way down to Central Avenue and down Central Avenue. Mr. Alpert stated he is in favor of that. Traffic is bad on Central Avenue going over the river into Newton. Mr. Owens asked how far the traffic study went for the Sunita Williams School.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to ~~nominate~~ approve the nomination of Jeanne McKnight as Vice-Chairman.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 8:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

January 21, 2020

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, January 21, 2020, at 7:05 p.m. with Messrs. Owens and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski. Mr. Alpert arrived at 7:10 p.m.

Boston Development Group: 629-661 Highland Avenue, proposed development.

Ms. Newman noted this is being postponed due to illness.

Discussion: Boston Children's Hospital.

Mr. Jacobs noted a letter from Attorney Robert Smart requesting the discussion be postponed to the 2/4/20 meeting.

Minutes

Ms. McKnight noted on the 11/6/19 minutes, page 4, 3rd paragraph, 3rd line, change to "her understanding is the Select Board would like the Planning Board to do so."

Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to accept the minutes of 11/6/19 with the one change discussed.

Ms. McKnight noted on the 11/19/19 minutes, page 2, 1st paragraph, 5th line, after "request for sidewalks" remove the comma and it should say "both sides only for the smaller..."

Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to accept the minutes of 11/19/19 with the changes discussed.

Correspondence

Mr. Jacobs noted a legal notice from Dedham regarding a Planned Residential Development and a copy of an article in Wicked Local regarding Bruce Eisenhut's appointment.

Preparation for Needham Heights Neighborhood Association community meeting.

Ms. Newman noted she received information from Natasha Espada looking at putting-showing a warehouse on the Muzi property. This came in late today. This would need to be a 130,000 square foot warehouse use from an aerial perspective. Mr. Owens stated this is an allowed use by right under the current zoning. Ms. McKnight noted it is not clear where the access would be. This information should show the paved area. Ms. Newman noted pavement will be shown. This is just an aerial view. Ms. McKnight stated there was criticism of a look like boxes. She asked if there would there be windows and doors and what would it look like? Ms. Newman did not have Ms. Espada do that rendition.

Ms. Newman stated people thought the deficiency in our Town Meeting presentation was relating what could be put there right now and we did not do that. Mr. Eisenhut does not feel the Board should present this as the only as of right thing that could be built there. Adam Block suggested what could be done by Special Permit should be shown as well. Ms. Newman stated the Board talked about doing an as of right proposal. Mr. Eisenhut noted the Board could present one example and say this is only one example of what could be done. Ms. Newman noted retail above 5,750 square feet needs a special permit.

Mr. Owens commented he would not spend time on a special permit. He feels they need to illustrate the area where the Board has no control and what could go in as of right right now. They could simply say this is ~~the-what~~ type of thing ~~that~~ is allowed by special permit. Ms. Newman gave an update. She and Mr. Owens had a working meeting with Select Board member Marianne Cooley, Town Manager Kate Fitzpatrick and Town Engineer Anthony DelGaizo regarding a traffic study. There needs to be updated counts done. Counters have been put up at Central Avenue and Gould Street. They may be able to pull key intersections but not all. The report Beta did called for a light at Central and Gould. This cannot be done without taking 2 houses at the intersection. There could be no right on Gould Street coming out of the Muzi site but they would need to look ~~at-to~~ add a lane on Highland Avenue to see if that could be accommodated. The Board needs to set an FAR. The traffic study informs the decision on the FAR number. Mr. Jacobs noted the old counts are almost 5 years old.

Ms. McKnight ~~asked whether~~~~noted~~ there will be the same visuals at the neighborhood meeting that were presented at Town Meeting. Mr. Owens stated the visuals will not be updated after the meeting on Monday. Mr. Jacobs suggested saying the originally proposed FAR was 1.7 but the Board is now thinking in the range of 1.35. This is not definite. Mr. Owens suggested the Board could say there is an expected meaningful decrease in FAR based on feedback. Mr. Eisenhut stated he heard the concern is too broad a range for as of right and not a large enough range for a special permit. Ms. Newman agreed with that. Mr. Eisenhut also heard concerns with the side setback at the intersection and concern expressed on heights. The presentation visuals did not really depict that.

Report from Planning Director and Board members.

Ms. McKnight stated she has been approached by a Maple Street woman. Along the first block of Maple Street there is a General Resident District. What is being built are huge single family homes with one in front and one behind and connected with a portico. Mr. Eisenhut noted that is 2 buildings on a single lot. Ms. McKnight noted there is one under construction at present with a portico and hallway connecting the two. She would like to ask the Building Inspector what is going on. Mr. Jacobs requested the Planning Director ask the Building Inspector about this.

Ms. McKnight stated she was contacted by 2 women about the feasibility of having a By-Law in Needham regarding gas lines in Needham. They suggest no new homes can have gas lines. Mr. Eisenhut talked with the woman also and he thought she wanted to set a committee to look into this. Mr. Owens stated that would drive up the cost of housing. He thinks a study committee is a fine idea.

Upon a motion made by Mr. Owens, and seconded by Ms. McKnight, it was by the four members present unanimously:

VOTED: to adjourn the meeting at 7:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk