

NEEDHAM PLANNING BOARD

Tuesday, December 1, 2020

7:15 p.m.

Virtual Meeting using Zoom

Meeting ID: **826-5899-3198**

(Instructions for accessing below)

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

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **826-5899-3198**

1. Decision: Amendment to Major Project Site Plan Special Permit No. 99-2: BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, Petitioner. (Property located at 140 Kendrick Street, Needham, Massachusetts). Regarding allowance of leasing to multiple tenants and site improvement.
2. Oak Street Subdivision: Release of Off-Street Drainage Bond.
3. Highland Commercial 1 Rezoning and Planning Study: Project Update and Next Steps.
4. Planning and Community Development FY 2022 Budget Submittal.
5. Board of Appeals – December 17, 2020.
6. Minutes.
7. Correspondence.
8. Report from Planning Director and Board members.

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

**MAJOR PROJECT SITE PLAN SPECIAL PERMIT
Amendment
December 1, 2020**

**BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership
Application No. 99-2
(Original Decision dated June 15, 1999)**

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

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, (hereinafter referred to as the Petitioner), for property located at 140 Kendrick Street, Needham, MA. The property is shown on Assessor's Map No. 300 as Parcels 1 and 3, and containing 621,402 square feet in the New England Business Center Zoning District.

This Decision is in response to an application submitted to the Board and recorded with the Town Clerk on October 28, 2020, by the Petitioner to amend the Original Decision dated June 15, 1999. The requested amendment would, if granted, permit the Petitioner to renovate the existing single tenant space to allow for multiple tenants to lease buildings. Exterior improvements are limited to adding entrance locations to the buildings, patio improvements, an added trail linkage to Cutler Lake, accessible parking and landscape improvements at the new entrance locations, and a service walkway at the rear of Building A.

After causing notice of the time and place of the public hearing and of the subject matter hereof 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, Jeanne S. McKnight on Tuesday, November 17, 2020 at 7:20 PM via remote meeting using Zoom Web ID Number 826-5899-3198. Board members Jeanne S. McKnight Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

EVIDENCE

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

- Exhibit 1 - Application Form for Site Plan Review completed by the applicant dated October 28, 2020.
- Exhibit 2 - Letter from Frederick J. DeAngelis, Attorney, dated October 15, 2020.
- Exhibit 3 - Design Review Board approval dated October 19, 2020.

- Exhibit 4 - Presentation, prepared by Copley Wolff Design Group, dated October 19, 2020, consisting of 8 pages.
- Exhibit 5 - Stormwater Analysis, prepared by VHB, dated September 23, 2020.
- Exhibit 6 - Plan set prepared by VHB, 101 Walnut Street, PO Box 9151, Watertown, MA, Stantec, 311 Summer Street, Boston, Copley Wolff Design Group, 10 Post office Square, Boston, consisting of 8 sheets: Sheet 1, Sheet C-1, entitled "Grading and Drainage Plan," dated September 23, 2020; Sheet 2, Sheet C-2, entitled "Site Details," dated September 23, 2020; Sheet 3, Sheet C-3, entitled "Parking plan," dated September 23, 2020; Sheet 4, Sheet L-100, entitled "Landscape Materials Plan," dated August 6, 2020, revised September 25, 2020; Sheet 5, Sheet L-300, entitled "Landscape Grading Plan," dated August 6, 2020, revised September 25, 2020; Sheet 6, Sheet L-400, entitled "Landscape Planting Plan," dated August 6, 2020, revised September 25, 2020; Sheet 7, Sheet L-500, entitled "Landscape Details," dated August 6, 2020, revised September 25, 2020; Sheet 8, Sheet L-501, entitled "Landscape Details," dated August 6, 2020, revised September 25, 2020.
- Exhibit 7 - Letter responding to Engineering Division comments, prepared by Nicholas Skoly, VHB, dated November 12, 2020.
- Exhibit 8 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated November 10, 2020; IDC to the Board from Tara Gurge, Health Department, dated November 10, 2020; IDC to the Board from Chief Dennis Condon, Fire Department, dated October 22, 2020; and IDC to the Board from Chief John Schlitter, Police Department, dated November 10, 2020.

Exhibits 4, 5 and 6 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999, were ratified and confirmed except as follows:

- 1.1. The property was the subject of Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999 which permitted the redevelopment of a 262,670 square foot warehouse/office building to a 400,000 square foot office/research and development facility, including three interconnected buildings, a pavilion and one parking garage, 1,334 off street parking spaces, landscaping and a pedestrian walkway easement to the Metropolitan District Commission for access to Cutler park reservation.
- 1.2 The requested amendment would, if granted, permit the Petitioner to renovate the existing single tenant space to allow for multiple tenants to lease buildings. Exterior improvements are limited to adding entrance locations to the buildings, patio improvements, an added trail linkage to Cutler Lake, accessible parking and landscape improvements at the new entrance locations, and a service walkway at the rear of Building A.
- 1.3 The Petitioner appeared before the Design Review Board on October 19, 2020 and received approval.
- 1.4 The new terrace will be completely handicapped accessible.

- 1.5 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the New England Business Center Zoning District, if the Board finds that the proposed project complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and criteria, the Board finds that the Approved Plan Set, as conditioned and limited herein for Site Plan Review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have proposed a development which is harmonious with the surrounding area.
- 1.6 Adjoining premises will be protected against any seriously detrimental uses of the proposed project by minimizing new impervious soil, incorporating the surroundings of the Cutler Park Reservation but including a walkway to the reservation and replacing any trees to be removed with new trees at a ratio of 1.5 to 1.
- 1.7 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 proposed project will have no impact to vehicular or pedestrian movement within the site or on the adjacent streets. Removal of 3 trees in the inner island will increase visibility in that section of the driveway.
- 1.8 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. The proposed project will have no impact on the arrangement of parking and loading spaces on the premises.
- 1.9 Adequate methods of disposal of refuse and other wastes resulting from the uses permitted on the site have been provided. There will be no change or increase to trash generation based on the proposed changes. Dumpsters for trash and recycling, and grease receptacles, if necessary, all as required by the Board of Health will be provided.
- 1.10 The proposed project will not have any adverse impacts on the Town's resources, including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The site is already developed. The proposed project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets.
- 1.11 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 development of the space already takes advantage of being adjacent to the Cutler Park Reservation by way of pedestrian access to the reservation and landscaping that compliments the park.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, 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 for the work proposed in this Decision nor shall he permit any construction activity pertaining to this Decision 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 four copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

2.1 No Plan Modifications required.

CONDITIONS AND LIMITATIONS

The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999, are ratified and confirmed except as modified herein.

DECISION

NOW THEREFORE, by unanimous vote of the Planning Board, the Board votes that:

- 3.1 The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999 are ratified and confirmed, except as follows:
- 3.2 The proposed improvements 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. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.3 The proposed site improvements shall be installed and operated as described in Sections 1.2, 1.3, and 1.4 of this Decision and as further described under Exhibits 1, 2, 3, 4, 5, 6 and 7. Any changes of such above-described use shall be permitted only by amendment of this Approval by the Board.
- 3.4 The Petitioner shall obtain all necessary Federal, state and local permits for the project. The facility shall operate in compliance with all applicable lawful requirements imposed by local, state and/or federal authorities, including those addressing sound attenuation to protect the adjoining properties and nearest inhabited residence.
- 3.5 The Petitioner shall contact the state to seek approval to upgrade the section of the path around Cutler Lake that is adjacent to the Petitioner's property.
- 3.6 All construction staging shall be on-site. No construction parking shall 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.
- 3.7 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 not at all on Sundays and holidays.
 - 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 First Avenue or surrounding streets.
- 3.8 No building permit shall be issued for the proposed 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 Commissioner.
 - b. A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c. The 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.
- 3.9 No occupancy permit shall be issued for the proposed project in pursuance of the Special Permit and Site Plan Approval until:
 - a. An as-built plan, supplied by the engineer of record showing that the site improvements were installed according to the approved documents, shall be submitted to the Board and Department of Public Works. The as-built plan shall show the building, and all final improvements on-site, in its 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. There shall be filed with the Building Commissioner and Board a statement by the Department of Public Works certifying that the site improvements have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan.
 - c. There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered structural engineer upon completion of construction.
 - d. There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features for the project. Said plan shall include a certification that such improvements were completed according to the approved documents.
- 3.10 The applicant, by accepting this permit decision, warrants that the applicant has included all relevant documentation, reports, and information available to the applicant in the application submitted, and that this information is true and valid to the best of the applicant's knowledge.
- 3.11 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the Petitioner of such violation and give the Petitioner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of

said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building 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 petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse on December 1, 2022, 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 December 1, 2022. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.

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

The provisions of this Special Permit Amendment shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and

restrictions herein set forth shall run with the land, as shown on the Plan, in full force and effect for the benefit of and enforceable by the Town of Needham.

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

DRAFT

Witness our hands this 1st day of December, 2020.

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairperson

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2020

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision of the project proposed by BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, for property located at the 140 Kendrick Street, Needham, Massachusetts, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Inspector
Conservation Commission

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

**MAJOR PROJECT SITE PLAN SPECIAL PERMIT
Amendment
December 1, 2020**

**BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership
Application No. 99-2
(Original Decision dated June 15, 1999)**

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

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, (hereinafter referred to as the Petitioner), for property located at 140 Kendrick Street, Needham, MA. The property is shown on Assessor's Map No. 300 as Parcels 1 and 3, and containing 621,402 square feet in the New England Business Center Zoning District.

This Decision is in response to an application submitted to the Board and recorded with the Town Clerk on October 28, 2020, by the Petitioner to amend the Original Decision dated June 15, 1999. The requested amendment would, if granted, permit the Petitioner to renovate the existing single tenant space to allow for multiple tenants to lease buildings. Exterior improvements are limited to adding entrance locations to the buildings, patio improvements, an added trail linkage to Cutler Lake, accessible parking and landscape improvements at the new entrance locations, and a service walkway at the rear of Building A.

After causing notice of the time and place of the public hearing and of the subject matter hereof 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, Jeanne S. McKnight on Tuesday, November 17, 2020 at 7:20 PM via remote meeting using Zoom Web ID Number 826-5899-3198. Board members Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

EVIDENCE

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

- Exhibit 1 - Application Form for Site Plan Review completed by the applicant dated October 28, 2020.
- Exhibit 2 - Letter from Frederick J. DeAngelis, Attorney, dated October 15, 2020.
- Exhibit 3 - Design Review Board approval dated October 19, 2020.

- Exhibit 4 - Presentation, prepared by Copley Wolff Design Group, dated October 19, 2020, consisting of 8 pages.
- Exhibit 5 - Stormwater Analysis, prepared by VHB, dated September 23, 2020.
- Exhibit 6 - Plan set prepared by VHB, 101 Walnut Street, PO Box 9151, Watertown, MA, Stantec, 311 Summer Street, Boston, Copley Wolff Design Group, 10 Post office Square, Boston, consisting of 8 sheets: Sheet 1, Sheet C-1, entitled "Grading and Drainage Plan," dated September 23, 2020; Sheet 2, Sheet C-2, entitled "Site Details," dated September 23, 2020; Sheet 3, Sheet C-3, entitled "Parking plan," dated September 23, 2020; Sheet 4, Sheet L-100, entitled "Landscape Materials Plan," dated August 6, 2020, revised September 25, 2020; Sheet 5, Sheet L-300, entitled "Landscape Grading Plan," dated August 6, 2020, revised September 25, 2020; Sheet 6, Sheet L-400, entitled "Landscape Planting Plan," dated August 6, 2020, revised September 25, 2020; Sheet 7, Sheet L-500, entitled "Landscape Details," dated August 6, 2020, revised September 25, 2020; Sheet 8, Sheet L-501, entitled "Landscape Details," dated August 6, 2020, revised September 25, 2020.
- Exhibit 7 - Letter responding to Engineering Division comments, prepared by Nicholas Skoly, VHB, dated November 12, 2020.
- Exhibit 8 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated November 10, 2020; IDC to the Board from Tara Gurge, Health Department, dated November 10, 2020; IDC to the Board from Chief Dennis Condon, Fire Department, dated October 22, 2020; and IDC to the Board from Chief John Schlitter, Police Department, dated November 10, 2020.

Exhibits 4, 5 and 6 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999, were ratified and confirmed except as follows:

- 1.1. The property was the subject of Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999 which permitted the redevelopment of a 262,670 square foot warehouse/office building to a 400,000 square foot office/research and development facility, including three interconnected buildings, a pavilion and one parking garage, 1,334 off street parking spaces, landscaping and a pedestrian walkway easement to the Metropolitan District Commission for access to Cutler park reservation.
- 1.2 The requested amendment would, if granted, permit the Petitioner to renovate the existing single tenant space to allow for multiple tenants to lease buildings. Exterior improvements are limited to adding entrance locations to the buildings, patio improvements, an added trail linkage to Cutler Lake, accessible parking and landscape improvements at the new entrance locations, and a service walkway at the rear of Building A.
- 1.3 The Petitioner appeared before the Design Review Board on October 19, 2020 and received approval.
- 1.4 The new terrace will be completely handicapped accessible.

- 1.5 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the New England Business Center Zoning District, if the Board finds that the proposed project complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and criteria, the Board finds that the Approved Plan Set, as conditioned and limited herein for Site Plan Review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have proposed a development which is harmonious with the surrounding area.
- 1.6 Adjoining premises will be protected against any seriously detrimental uses of the proposed project by minimizing new impervious soil, incorporating the surroundings of the Cutler Park Reservation but including a walkway to the reservation and replacing any trees to be removed with new trees at a ratio of 1.5 to 1.
- 1.7 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 proposed project will have no impact to vehicular or pedestrian movement within the site or on the adjacent streets. Removal of 3 trees in the inner island will increase visibility in that section of the driveway.
- 1.8 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. The proposed project will have no impact on the arrangement of parking and loading spaces on the premises.
- 1.9 Adequate methods of disposal of refuse and other wastes resulting from the uses permitted on the site have been provided. There will be no change or increase to trash generation based on the proposed changes. Dumpsters for trash and recycling, and grease receptacles, if necessary, all as required by the Board of Health will be provided.
- 1.10 The proposed project will not have any adverse impacts on the Town's resources, including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The site is already developed. The proposed project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets.
- 1.11 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 development of the space already takes advantage of being adjacent to the Cutler Park Reservation by way of pedestrian access to the reservation and landscaping that compliments the park.

THEREFORE, the Board voted unanimously by 5-0 vote to GRANT: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the By-Law; and (2) the requested Further Site Plan Review under Major Project Site Plan Special Permit 99-2, Section 3.2; subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, 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 for the work proposed in this

Decision nor shall he permit any construction activity pertaining to this Decision 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 four copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

2.1 No Plan Modifications required.

CONDITIONS AND LIMITATIONS

The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999, are ratified and confirmed except as modified herein.

DECISION

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 3.11 hereof.

~~NOW THEREFORE, by unanimous vote of the Planning Board, the Board votes that:~~

- 3.1 The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999 are ratified and confirmed, except as follows:
- 3.2 The proposed improvements 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. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.3 The proposed site improvements shall be installed and operated as described in Sections 1.2, 1.3, and 1.4 of this Decision and as further described under Exhibits 1, 2, 3, 4, 5, 6 and 7. Any changes of such above-described use shall be permitted only by amendment of this Approval by the Board.
- 3.4 The Petitioner shall obtain all necessary Federal, state and local permits for the project. The facility shall operate in compliance with all applicable lawful requirements imposed by local, state and/or federal authorities, including those addressing sound attenuation to protect the adjoining properties and nearest inhabited residence.
- 3.5 The Petitioner shall contact the state to seek approval to upgrade the section of the path around Cutler Lake that is adjacent to the Petitioner's property.
- 3.6 All construction staging shall be on-site. No construction parking shall 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.
- 3.7 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 not at all on Sundays and holidays.
 - 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 First Avenue or surrounding streets.
- 3.8 No building permit shall be issued for the proposed 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 Commissioner.
 - b. A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c. The 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.
- 3.9 No occupancy permit shall be issued for the proposed project in pursuance of the Special Permit and Site Plan Approval until:
- a. An as-built plan, supplied by the engineer of record showing that the site improvements were installed according to the approved documents, shall be submitted to the Board and Department of Public Works. The as-built plan shall show the building, and all final improvements on-site, in its 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. There shall be filed with the Building Commissioner and Board a statement by the Department of Public Works certifying that the site improvements have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan.
 - c. There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered structural engineer upon completion of construction.
 - d. There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features for the project. Said plan shall include a certification that such improvements were completed according to the approved documents.

- 3.10 The applicant, by accepting this permit decision, warrants that the applicant has included all relevant documentation, reports, and information available to the applicant in the application submitted, and that this information is true and valid to the best of the applicant's knowledge.
- 3.11 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the Petitioner of such violation and give the Petitioner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building 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 petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse on December 1, 2022, 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 December 1, 2022. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.

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

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

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

Witness our hands this 1st day of December, 2020.

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairperson

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2020

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision of the project proposed by BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, for property located at the 140 Kendrick Street, Needham, Massachusetts, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Inspector
Conservation Commission

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest



J.L. OSLÁN

HOME IMPROVEMENT ♦ NEW CONSTRUCTION
from design to finish

mailed 6/12/2020

Needham Planning Board
Public Service Administration
Needham, MA 02492

RE: Subdivision – Oak Street LLC

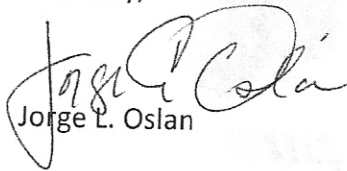
68 Oak Street, Lot 1, 11 Cypress, Lot 2

Dear Members of the Board:

I am requesting the release of the two existing bonds that were set for 68 Oak Street and 11 Cypress. Each bond is in the amount of \$3500.00. 68 Oak Street sale date was June 23, 2017 and 11 Cypress sale date April 17, 2019.

Please let me know if you have any further questions or require any further information.

Sincerely,

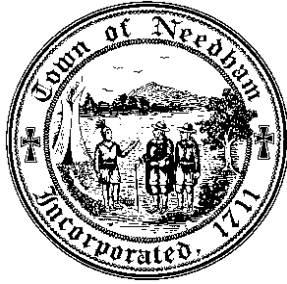

Jorge L. Oslán

Chelmsford

235 Billerica Road ♦ Chelmsford, MA 01824 ♦ Cell 978.590.3199 ♦ Tel 978.250.3900 ♦ Fax 978.250.3904

Needham

61 Central Avenue ♦ Needham, MA 02494 ♦ Tel 781.455.6700 ♦ Fax 781.455.6705



Memorandum

TO: Tim McDonald - Director, Health Department *via email*
Tara Gurge – Assistant Director, Health Department *via email*

FROM: Planning Department 

DATE: September 2, 2020

SUBJECT: Surety – 66 Oak Street Definitive Subdivision- Definitive Subdivision
(Also referred to as Cypress Street)
Request to release of off-street drainage bond for Lots 1 and 2

The Town of Needham currently holds \$7,000.00 for off-street drainage surety for Lots 1 and 2 of the above noted subdivision. This amount includes \$3,500.00 for each lot. The funds previously being held for roadway construction and maintenance in accordance with the recommendations of the Needham Public Works Department have previously been released (by letter to the Town Treasurer dated September 14, 2018).

A written request has been received from Mr. Jorge Oslan, seeking the release of the off-street drainage bond for Lots 1 and 2 as shown on the above-named subdivision plan. The surety amount for these lots is set at \$7,000.00. Mr. Oslan has requested a release of the entire \$7,000.00 off-street drainage bond at this time. Please provide the Planning Board with a recommendation as to the release of the above described off-street drainage surety. The Board will schedule this item for action as soon as we have received Board of Health comments.

Additionally, Mr. Oslan has provided the owner name and address information for the owners of the 2 lots within the subdivision and that information is included here:

Akshay Saxena
11 Cypress Street
Needham, MA 02492

Markus Ripperger
68 Oak Street
Needham, MA 02492

Thank you for your attention to this matter.

Cc *via email*: Rick Merson
Tony Del Gaizo
Jorge Oslan



Needham Public Health Division

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

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



Memo

To: Lee Newman, Planning Board
From: Tara Gurge, Public Health Division
Date: November 13, 2020
Re: Surety – Oak Street Subdivision - Release request of Off-Street Drainage Bonds for Lot 1 (#68 Oak Street) and Lot 2 (#11 Cypress Street)

The Public Health Division had received a request from Mr. Jorge Oslan, Agent for Oak Street LLC, in reference to him seeking a release of the two performance off-street drainage bonds for the Oak Street definitive subdivision lots noted above. We understand that the Town is currently holding \$3,500.00 for each lot, for a total amount of \$7,000.00.

The owners and abutters of these properties were notified by certified mail of this request to determine if they had any concerns relating to off-street drainage or standing water/erosion issues on or around these properties. We have not received anything back in writing to date regarding any issues with this request. A site visit of these lots was also conducted by the Public Health Division, with no issues observed.

The Needham Board of Health accepted the release of both lots, for a total bond release amount of \$7,000.00 for these two off-street drainage bonds, at our monthly Board meeting which was held on November 12, 2020.

Please contact me at the Public Health Division if you have any further questions.

cc: Mr. Jorge Oslan, Agent for Oak Street LLC
Timothy McDonald, Director of Health and Human Services Dept.

Department Information DSR1	
Department	Planning and Community Development
Department Mission	
The Planning and Community Development Department includes three divisions namely, Planning, Conservation, and the Board of Appeals under a single Planning and Community Development budget. The Department is tasked with protecting and advancing the quality of life in Needham through the application of sound land use planning principles and development review standards; facilitating informed land use decisions through community participation and a collaborative process; protecting and enhancing safe, livable neighborhoods which reflect and preserve Needham's unique and historic character; supporting and encouraging healthy reinvestment in the community to provide for a strong local economy; and promoting smart planning and a sustainable future for generations to come.	
On the Horizon	
With the advent of CoVid19, the Planning and Community Development Department moved in one week to a work protocol which was totally remote and where the permitting obligations across all divisions were re-envisioned in this new environment. To that end, the Department set up an electronic permitting protocol which allowed the Planning, Conservation and ZBA divisions to continue to meet their respective statutory permitting obligations remotely and without interruption. Applications were accepted remotely, filings were made with the Town Clerk, decisions were signed and recorded at the registry all in the post CoVid19 environment as had been the case before the pandemic. Tasks which needed attention in the office with physical attendance were coordinated across staff and times in the office were coordinated to assure there was no in-person staff interaction. Meetings with applicants are now held remotely with zoom and with other Departments such as Building, Police, Fire, Engineering participating as necessary. All Board meetings and public hearings were moved to the zoom format as well. Lastly the Design Review Board which had long been the least formal in its meeting format has moved to electronic filing and staffing consistent with the remainder of the division. Although it was a stressful time of learning new tools and designing new methods for accomplishing Department goals, Department staff were successful in keeping the Department running smoothly and in assuring that the Board's served were able to meet their statutory obligations. The Town was very fortunate to have a team of people in place who were creative in their problem-solving strategies and in making this new system work successfully. Looking back a great deal was accomplished in a very short period. The key challenges facing the Planning Board and the Planning and Economic Development Division over the course of the next five years will be securing the successful implementation of the Needham Center Plan and the Land Use and Zoning Plan for the Needham Crossing area. The State has made mixed-use smart growth development, as envisioned in the Needham Center plan, a priority and has provided the financial assistance required to secure its implementation. A key priority and challenge are to ensure that Needham capitalizes on its key strategic advantage, namely having four commuter rail train stations, to access those funds and to promote plan objectives. Additionally, unlocking the economic potential of Needham Crossing remains an overarching goal of the Board and Department. As relates to Needham Crossing, the Planning and Economic Development Division continues to work with major Needham Crossing developers to foster economic development and to identify and secure associated state infrastructure grants. Further, the Division remains committed in its effort to renew and foster its work with the City of Newton in relation to Needham Street improvements and mass transit uses of the abandoned rail bed. Finally, creating a streetscape design for the New England Business Center Zoning District and securing its implementation remains a high departmental priority.	

Department Information DSR1	
Department	Planning and Community Development
Most specifically, the Planning and Economic Development Division continues to oversee the permitting and build-out which is occurring within the New England Business Center and the Center 128 project in particular. Plan review and permitting for Center 128 comprising three components was conducted by the Division as follows: Center 128 West, Center 128 East, and the 2nd Avenue Residences. The Center 128 West Development, approved by the Planning Board in April of 2013, consists of: (a) four office/research and development buildings with a total combined square footage of approximately 740,000 square feet; (b) two free standing parking garages (to contain a combined 3,525 parking spaces); (c) 117 surface parking spaces; (d) a hotel comprising approximately 89,740 square feet and containing 128 guest units, together with (e) associated driveways, landscaping and other associated site improvements. A portion of the development has been constructed, which includes the hotel, Building 3 (currently occupied by TripAdvisor, Inc.), a portion of Garage B (2,070 spaces) and 153 interim surface parking spaces. Accordingly, three (3) office buildings (Buildings 1, 2 and 4) with an aggregate of approximately 452,000 square feet, Garage A, a portion of Garage B, and the remaining associated landscaping, driveways and other site improvements have yet to be developed. In October 2020 Boston Children's Hospital filed a special permit application with the Planning Board seeking to amend the approval for Center 128 West. The Applicant is seeking to construct Building 1 as an approximately 224,000 square foot Pediatric Medical Facility, to complete the construction of Garage B by adding 530 parking spaces and to construct an interim surface parking lot with 105 spaces at 37 A Street. Building 2 and Building 4 are expected to be constructed later and the approved use is currently expected to remain office as set forth in the existing special permit. It is anticipated that the special permit amendment for this project will be issued by the Planning Board by the end of this calendar year. The Center 128 East Development, approved by the Planning Board in November of 2015, includes 420,429 square feet of office space, 19,000 square feet of retail space, a 128-room hotel and surface parking area. Components of the Center 128 East completed include: the expansion of Parking Garage B at Center 128 West to accommodate the redevelopment planned at Center 128 East, the renovation and occupancy of the building located at 77A Street to accommodate the SharpNinja headquarters and the renovation of the building located at 189 B Street to accommodate the new NBC Universal headquarters. In summary, Center 128 at completion (with the Boston Children's Hospital amendment) will include a Pediatric Medical Facility, three new office buildings and two renovated buildings totaling 1,160,400 square feet, two 128-room hotels, and 19,000 square feet of retail space. Parking for 4,100 cars distributed across 3 structured parking garages along with surface parking for 778 cars is also planned. The combination of elements is expected to be completed by June of 2023 and will represent a major step forward in the implementation of the vision developed for the district. Lastly, the construction of the 2nd Avenue Residences comprising 390 residential housing units and associated structured parking at 2nd Avenue was completed in the spring of 2018 with full rent-up completed in the fall of 2019. Securing grants for roadway improvements in the Needham Crossing area to complement the anticipated build-out continues to be a Departmental priority. Having successfully applied for grants with the City of Newton (MassWorks) to expedite the Highland Avenue corridor project, the	

Department Information DSR1	
Department	Planning and Community Development
Division continues to work with Newton, MassWorks and the Boston Region Metropolitan Planning Organization (MPO) to guide the project's implementation and to make sure that Needham's interests are represented and protected. Additionally, the Planning and Economic Development Division continues to work with Newton to try to locate funding for an engineering feasibility study of the unused MBTA rail running parallel to Needham Street and Highland Avenue. Both municipalities realize that mass transit is the only way to realize full economic development within the N² corridor. Lastly, the Division has worked with the City of Newton on the new N² initiative project. The N² group obtained funding from the Federal Economic Development Commission to match public and private gifts for a total of \$100,000.00 to create a sustainable marketing initiative for the corridor. The report was completed in FY2016 and included an overall marketing plan for the corridor and specific recommendations for attracting high tech and life science industries to the locale. As a result of this work the Needham/Newton Chamber of Commerce raised \$325,000 to implement the recommendations of the 2016 study to promote targeted, sustainable, and well-planned development in the N² Innovation District. A district director was hired, marketing materials created, and a website to promote the district and encourage economic development implemented. The Planning and Economic Division further continued with implantation of the Needham Center Planning effort. The Planning Board has initiated a review of the zoning plan which was established for the Lower Chestnut Street area through the Overlay District to determine if it is meeting its stated objective of establishing a pedestrian friendly streetscape with multi-use development in the form of a traditional New England Village. Identified barriers and adjustments are planned at subsequent Town Meetings. The Housing Division supports the Town's efforts to promote and maintain affordable housing opportunities in partnership with the Needham Housing Authority (NHA), non-profit and for-profit developers and service providers, other Town departments, as well as other public entities. The Housing Division also provides professional support to collect and analyze housing-related data, coordinates potential affordable housing initiatives, monitors affordability for several housing developments, ensures compliance with funding sources, and addresses inquiries related to housing issues. Another important activity involves the staffing of the Needham Affordable Housing Trust which was established in 2018 to serve as the Town's entity for overseeing housing issues and managing a dedicated fund in support of affordable housing initiatives. The Fund has been receiving funds related to the monitoring of affordable housing units, including resale fees as affordable homeownership units turnover. The 2019 Annual Town Meeting approved \$50,000 in additional funding from the Town's General Fund to introduce a Small Repair Grant Program that provides grants of up to \$4,000 to homeowners 60 years and older and with incomes at or below 80% of area median income to make modest repairs or alterations to their homes for health and safety reasons. All funding from the 2020 fiscal year have now been encumbered with 13 participants. Repairs made during the Program's first year of operations indicates that most repairs related to accessibility including walkway and railing improvements for example. Most repairs also involved work on the exterior of homes which is not surprising given the pandemic. Almost all of the grants involve the maximum amount available during the first year of funding or \$4,000. Funding for a continuation of the program has been included in the FY 2022 budget request. It is anticipated that the Housing Division will continue in the role of Program Administrator. The 2020 Special Town Meeting recently appropriated \$120,000 in Community Preservation Act	

Department Information DSR1	
Department	Planning and Community Development
funds to create an Emergency Rental Assistance Program. This is being combined with a \$50,000 grant the Foundation for MetroWest secured from the MA Covid-19 Relief Fund for a total program budget of \$170,000. This program is specifically for Needham residents who have lost income due to the Covid-19 pandemic. Renters earning at or below 80% area median income will be eligible, but preference will be given to those who are at or below 50% area median income. Renters living in affordable 40B units ARE eligible for the program. Those living in a Needham Housing Authority unit or who have a Section 8 voucher, MRVP, or other public housing subsidy are not eligible. The program will provide 50% of a household's monthly rent with a maximum monthly assistance of \$1,500. This rental assistance will be provided for 3 months. We estimate being able to support approximately 65 households. The Town is in the process of contracting with a housing-related non-profit to administer this program. That organization will handle applications, verify eligibility, and run a lottery if we have more applicants than we can support. They will also be securing contracts with both the tenant and the landlord and disbursing checks directly to landlords. It is anticipated that the Housing Division will continue to provide administrative oversight as the program progresses. Finally, the Conservation Division has identified the following primary goals for FY2020: (1) Fulfilling ongoing obligations for technical support of the Conservation Commission through processing of permit applications under the MA Wetlands Protection Act and the Town of Needham Wetlands Protection Bylaw; (2) Assisting in the implementation of the Comprehensive Trails Master Plan in conjunction with the Park and Recreation Department and the re-invigorated Trails Advisory Group; (3) Continuing the coordination of the Ridge Hill/Nike Study and Assessment - This project will assist the Town in characterizing existing site conditions and constraints and identifying potential uses that may be possible; (4) Finalization and implementation of the Town's Open Space and Recreation Plan Update in conjunction with the other pertinent town departments; (5) Assisting various Town departments in assessing compliance with the Town's NPDES permit and other initiatives; (6) Expanding management activities on Conservation lands to promote use and protect valuable natural resources; and (7) Implementing a signage initiative to improve consistency and quality of signage at conservation lands across town, purchase trail markers, maintain and/or construct new kiosks as well as bird boxes for various properties; (8) Organize themed trail walks with the public and Conservation Commissioners on Conservation lands; and (9) Continue to facilitate presentations to the public on interesting, timely topics.	
Budget Statement	
Fiscal Year 2010 saw the creation of a Planning and Community Development Department. Previously, the three community development and land use functions had been performed in three Departments namely, Planning, Conservation, and the Board of Appeals. Under the 2010 reorganization the Planning and Economic Development functions were retained under a single budget and the Conservation and Zoning Board of Appeals budgets were combined to create a new "Community Development" budget. A Director of Planning and Community Development was appointed with oversight of both the Planning and Economic Development budget and Community Development budget. A new Administrative Assistant position was created to support the Planning, Economic Development, Conservation and Zoning functions of the Department. The goal of the reorganization was to meet the identified needs of the then existing departments, to improve operational efficiency, and to enhance service delivery. In Fiscal Year 2013, the Planning and Economic Development Department added a part-time Community Housing Specialist position. The Housing Specialist provides administrative and technical support relating to affordable housing issues, coordinates the efforts of various town boards and committees in the development of affordable housing opportunities, and assists in the implementation of the Town's Community Housing Plan. In Fiscal Year 2016 a further consolidation occurred with the merging of the	

Department Information DSR1		
Department	Planning and Community Development	
Planning, Economic Development, Conservation and Board of Appeals budgets into a single Planning and Community Development budget. Lastly, in FY 2021 the Economic Development Director position was reclassified to Economic Development Coordinator and the position was moved from the Planning and Community Development Department to the Select Board under the Town Manager. We believe that the reorganization has been successful in improving operational efficiency and interdepartmental coordination and thus has enhanced service delivery to Needham’s constituents. In Fiscal Year 2017, the Department secured funding through CPA for the Community Housing Specialist in the amount of \$60,000. Said CPA funding was anticipated to cover a 6-month period in each of the 2017, 2018 and 2019 Fiscal Years with the remainder of the funding for the position coming from a general fund allocation. However, due to Departmental staffing turnovers during FY 2017, FY 2018, and FY2019 reduced CPA allocations were required during the noted years thereby leaving enough CPA funds available to fund the position for an additional three fiscal years. Accordingly, the Fiscal Year 2022 budget request again allocates 50 percent of position costs for the Housing Specialist to CPA and 50 percent to the general fund. Finally, in FY 2021 the Economic Development Director position was reclassified to Economic Development Coordinator and the position was moved from the Planning and Community Development Department to the Select Board under the Town Manager. This reorganization is reflected in the staffing plan for the Department which now eliminates the annual personnel expenditure associated with this position. As relates the operating component of the FY2022 budget this expenditure remains level funded. The \$750 provided in support to the Economic Development Director has been reallocated to the Professional and Technical Services, Communication and Mileage expense line items within the Planning component of the budget. This adjustment is reflected in the following budget categories: professional and technical services, communications, travel and mileage and dues and subscriptions all as further detailed in the table below.		
Table 1: Detail of FY 2022 Budget Changes		
Category	Change from FY 2021	Comments
Professional and Technical Services	\$500	Increase in Professional & Technical Services for Planning Division.
Communications	\$200	Increase in wireless communication cost to accommodate cell phone service for Director based on FY 2020.
Office Supplies	No Change	
Building and Equipment Supplies	No Change	
Other Supplies and Equipment	No Change	
Government Charges	No Change	
Travel and Mileage	-\$500	Elimination of mileage allocation (\$200) and in-state travel (\$400) for Economic Development Director due to Reorganization. Increase in in-state travel for planning division (\$100).

Department Information DSR1		
Department		Planning and Community Development
Dues and Subscriptions	-\$150	Elimination of professional dues for Economic due to reorganization.

Planning and Economic Development Division

In FY2004, Needham, through its then Planning Department, joined the HOME Consortium based in Newton, which made available approximately \$67,000 annually for affordable housing purposes. Funding at the \$67,000 level continued through FY2012. In FY2013 the federal appropriation to the Home Program was reduced and thus Needham's annual allocation was lowered to approximately \$36,000 annually. Beginning in FY2014 HOME funds not spent by a member community during the year have been placed in a pool where said funds are awarded on a competitive basis to Consortium members. Previously Needham was able to allow its funds to accumulate over a period of five to six years so that a critical mass could be developed to support a desired project. Although project funding is not guaranteed it is felt that having a Housing Specialist on staff will give Needham the professional capacity to compete for funding with other Consortium communities that already have in-house staff support. Funding for administrative costs under the program has continued at approximately \$3,000 annually.

Revenue for FY2021 is expected to remain in the range of historic norms following a slight increase in FY2019 due in large part to one significant project at Center 128 East namely NBC Universal.

Table 2: Planning and Economic Development Application Fees & Grants

	FY '18	FY '19	FY '20	FY '21 *	FY '21 **
Application Fees	\$10,445	\$26,168	\$12,271	\$4,925	\$13,500
Zoning By-Laws	\$60	\$15	\$60	\$0	\$60
Zoning Maps	\$0	\$15	\$15	\$0	\$15
Subdivision Regulations	\$0	\$0	\$0	\$0	\$0
Grants/Donations	\$3,004 ^a	\$5,369 ^b	\$2,194 ^c	\$1,361 ^d	\$3,000
Traffic Mitigation Fee					
Total	\$13,509	\$31,567	\$14,540	\$6,286	\$16,575

^aHome Program (\$3,004 received).

^bHome Program (\$5,369 received).

^cHome Program (\$2,194 received).

^dHome Program (\$1,361 received).

*Revenue received July 1, 2020 through October 20, 2020.

**Projected revenue to June 30, 2021.

Conservation Division

During FY2020, the Conservation Commission met formally a total of eighteen (18) times and held a total of sixteen (16) public hearings. During FY2020 the Conservation Commission collected a

Department Information
DSR1

Department | Planning and Community Development |

total of \$8,750 in fees and there were two (2) fines issued. Permitting activity for FY2021 is expected to increase from FY2020 levels.

Table 3: Conservation Commission Public Hearings, State & Bylaw Fees & Enforcement Fines

Fiscal Year	Number of Public Hearings	Total Fees Collected (WPA & Town Bylaw)	Town Portion of State WPA Fee	Enforcement Order Fines Collected
FY 2017	48	\$22,340	\$ 6,790.00	\$8,800
FY 2018	35	\$20,812	\$ 5,062.00	0
FY 2019	30	\$10,810	\$ 3,350.00	\$300
FY 2020	16	\$8,750	\$ 2,500.00	\$2,200

Board of Appeals Division

In FY20, the Board of Appeals met formally a total of nine (9) times and held a total of twenty-six (26) public hearings and one (1) informal hearing. During FY2020, the Board of Appeals collected a total of \$9,600 in fees in fulfilling its regulatory function as noted below.

Table 4: Board of Appeals Public Hearings, Informal Hearings & Fees

Fiscal Year	Number of Public Hearings	Number of Informal Hearings	By-Law Fees Collected
FY 2016	32	6	\$49,200
FY 2017	20	4	\$7,964
FY2018	30	2	\$4,900
FY2019	39	2	\$9,300
FY2020	26	1	\$9,600

Accomplishments and Activities

Planning and Economic Development Division

The Planning Board is charged with broad statutory responsibilities to guide the physical growth and development of Needham in a coordinated and comprehensive manner. Specifically, the Planning Board is legally mandated to carry out certain provisions of the Subdivision Control Law (M.G.L., Chapter 41, Section 81-K to 81-GG) and of the Zoning Act (M.G.L., Chapter 40A). These legal responsibilities are reflected locally in the Subdivision Rules and Regulations and Procedural Rules of the Planning Board, and in the Town's Zoning By-Law. The specific services that the Planning Board provides are as follows:

Review and Approval/Disapproval of:

- Approval-Not-Required (ANR) Plans
- Preliminary Subdivision Plans
- Definitive Subdivision Plans*, including ongoing administration
- Site Plans of certain larger developments (major projects)*
- Residential Compounds (RC's)*
- Scenic Road Applications
- Outdoor Restaurant Seating Applications

Department Information DSR1	
Department	Planning and Community Development
* This includes Special Permit Decisions, with legal notices, public hearings, and written decisions. Review and Advisory Reports on: • Site Plans of certain smaller developments (minor projects) • Applications to the Board of Appeals for variances and special permits • Petitions for acceptance/discontinuance of public ways Initiation, Development, and Presentation of Proposed Zoning Amendments to Town Meeting Reprinting of Town Zoning By-Laws and Zoning Map Preparation and Maintenance of a Master Plan and related planning studies to guide future physical growth and development in Needham (including studies referred to the Board by Town Meeting) Revisions to “Subdivision Regulations and Procedural Rules of the Planning Board” and printing of the same Provision of Information on Planning, Zoning and Development matters to the public (including residents, developers, and other government agencies) In its capacity as a special permit granting authority, the Planning Board in FY2020 processed five (5) applications as “Major Projects” under the Site Plan Review By-Law. This represented a significant decrease in the number of applications filed over prior fiscal year where filings had historically averaged 20 filings per year. The decrease in filings can be attributed to the onset of the pandemic and the reduction in application filings which followed. Permitting activity for FY2021 however is expected to increase to historical levels. In addition, the Board reviewed and approved five (5) subdivision plans, and seven (7) plans were endorsed “Approval-Not-Required (ANR)” under the Subdivision Control Law, meaning that the lots created or altered on such plan’s met minimum frontage requirements. Finally, 1 scenic road application was filed and processed during FY 2020. The Board of Appeals referred twenty-three (23) applications for variances, special permits, comprehensive permits, and administrative appeals to the Planning Board last year, and as required by the Zoning By-Law, the Board reviewed each application and submitted its recommendations in writing to the Board of Appeals were warranted. Planning Studies currently underway and recently completed are as follows: <u>Land Use and Zoning Study for the Industrial-1 and Industrial Districts:</u> Working with the Industrial sub-committee from the Council of Economic Advisors, residents, businesses and elected officials the goal of this planning effort was to bring together a zoning proposal to incent development in three industrial zones abutting 128. The districts were reviewed in terms of their use profile and dimensional requirements with associated changes to the noted parameters to encourage redevelopment at a more intense level. A consultant was engaged to respond to neighborhood concerns expressed during the Subcommittee’s initial outreach. A build-out analysis, traffic impact study and elevation drawings were completed. Zoning implementing the vision was prepared and presented to numerous interested resident and business interest groups for feedback and comment. The Council of Economic Advisors issued a final report with its recommendations to the Select Board in the fall of 2017. The Select Board reviewed the report and secured citizen input on the rezoning initiative and decided to proceed with only a portion of the recommended rezoning presently, namely, the Industrial-1 District located south of the MBTA right-of-way.	

Department Information DSR1	
Department	Planning and Community Development
The Planning Board held zoning hearings on the draft zoning articles prepared by the CEA to implement the study recommendations on the noted District in February of 2019, revised the zoning articles based on public input and the Board's overall policy review, and then presented those updated zoning initiatives at the October 2019 Special Town Meeting. The articles were not adopted in the form presented at the October 2019 Town Meeting where concerns with the overall proposed density profile, traffic impacts, use profile and lack of sustainable development principles were noted. In response to input received at the October 2019 Special Town Meeting, a working group comprising representatives from the Planning Board, Select Board, Finance Committee, and Council of Economic has been established to review the policy objectives of the District and to offer strategies to address the concerns raised at the October 2019 Special Town Meeting. An updated traffic study of the District was funded at the October 2020 Annual Town Meeting and is underway. 3D modeling and an updated fiscal impact analysis of the District are planned once the density and use profile of the district are finalized based upon input received from the traffic study on the capacity of the Town's traffic infrastructure to accommodate development at variable density and use profiles. A revised zoning proposal is planned for the May 2021 Annual Town Meeting. <u>Chestnut Street Corridor:</u> The Planning Board continues to review the zoning plan which was established for the Lower Chestnut Street area through the Overlay District to determine if it is meeting its stated objective of establishing a pedestrian friendly streetscape with multi-use development in the form of a traditional New England Village. In Fiscal Year 2020 two major zoning initiatives as described below were adopted by Town Meeting. Article 1 was presented at the October 2019 Special Town Meeting. Article 2 was presented at the June 2020 Annual Town Meeting. <u>1. Amend Zoning By-Law – Accessory Dwelling Unit.</u> This article establishes a special permit process to enable the Board of Appeals to permit accessory dwelling units (ADUs) in single-family homes for occupancy by family member(s) related to the owners of the property and caregivers of family members, subject to specified standards and procedures. It is also the intent of this zoning to assure that the single-family character of a neighborhood will be maintained, and that the necessary accessory unit remains subordinate to the principal use of the living quarters. ADUs will be allowed in all zoning districts except for the Chestnut Street Business District, Center Business District, Mixed-Use 128 District, Highland Commercial 128 District, and New England Business Center District. In these zoning districts single-family homes are not currently permitted. To accomplish this, the by-law restricts size, occupancy, and exterior conditions. <u>2. Amend Zoning By-law – Pediatric Medical Facility in the New England Business Center District.</u> Article 2 was placed on the warrant by citizen's petition. The article is a Zoning By-law amendment that is intended to facilitate development of a Pediatric Medical Facility in the New England Business Center District by Children's Hospital. There are three components to the article. First, the article adds "Medical Facility, Pediatric" to the list of uses permitted by special permit in the New England Business Center District. This modification expands the list of medical uses permissible by special permit in the District, to include a facility providing a broad range of ambulatory services (that is, provided on an outpatient basis), such as medical, surgical,	

Department Information DSR1	
Department	Planning and Community Development
restorative and other treatment, medical clinics, and medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices, primarily for children and young adults. At least three quarters of the patients in such a Facility must be children and young adults under the age of 26. Second, the article specifies that a "Medical Facility, Pediatric" must be owned, operated, or managed directly by a "Pediatric Hospital", which is a hospital in which at least three quarters of its patients are pediatric patients (as defined under Massachusetts Department of Public Health regulations) and which provides a broad range of services to children and young adults under the age of 26. Third, the article amends the Required Parking table in the Zoning By-Law, to establish that a "Medical Facility, Pediatric" must have at least one parking space per 290 square feet of floor area. Having secured Town Meeting approval, Boston Children's Hospital filed a special permit application with the Planning Board in October 2020, seeking authority to construct and maintain a Pediatric Medical Facility at 380 First Avenue, next to the Trip Advisor building, and to add such additional parking facilities as are required. It is anticipated that the special permit for this project will be issued by the Planning Board by the end of this calendar year. In Fiscal Year 2021 two major zoning initiatives as described below were adopted by Town Meeting. Articles 3 and 4 were presented at the October 2020 Special Town Meeting. <u>3. Amend Zoning By-law - Avery Square Overlay District</u> Articles 3 and 4 are Zoning By-law amendments that are intended to facilitate the redevelopment of the currently vacant Carter Mill Building at the corner of Highland Avenue and West Street. The Carter factory and mill was established at that site beginning around 1865, and, for the next 125 years until approximately 1990, the factory and mill operated at that location. The building has become a well-known landmark in Needham. In 1993, the building was approved for the Avery Crossing Assisted Living Facility and Avery Manor Nursing Home. In 1995, a small portion of the building was also approved for medical office use. In 2017, Avery Crossing and Avery Manor were closed, as well as the medical offices, and the building has remained vacant since that time. The Bylaw amendments will allow the empty Carter Mill building to be renovated to create a senior housing community (155 units are proposed), including age restricted Independent Living apartments (72 units proposed), Assisted Living apartments (55 units proposed), and Memory Care units (28 units proposed). Accordingly, Article 3 proposes to create the Avery Square Overlay District ("ASOD") and lays out the regulatory framework for the new overlay district, while Article 4 describes its geographic boundaries. The boundaries of the ASOD match the boundaries of property on which the former Carter Mill building sits, except at the southern end of the property, where the overlay district boundary matches the boundary of the Avery Square Business District. The overlay district's key provisions are summarized below. <u>Permitted Uses</u> The ASOD Article lists the uses that are allowed as-of-right or by special permit. The use schedule largely mirrors that of the underlying Avery Square Business District with the following additional uses allowed by special permit: Assisted Living and/or Alzheimer's/Memory Loss Facilities; Independent Living Apartments; and Mixed-use buildings containing, as primary uses, such uses	

Department Information DSR1	
Department	Planning and Community Development
as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses. The ASOD Article specifies that the Planning Board will be the Special Permit Granting Authority for all such special permits. <u>Allowable Building Height, Number of Stories, and Building Bulk</u> The maximum allowable building height (including mechanical structures such as HVAC equipment) in the ASOD is 44 feet. The building may include, but not exceed, four (4) stories, all of which may be occupied. At present, the building includes three stories, all of which were occupied while the Avery Crossing Assisted Living Facility and Avery Manor Nursing Home were in operation. The maximum floor area ratio ("FAR") in the ASOD is 1.1. <u>Restrictions on the 4th Story</u> Under the Article, the total floor area of any fourth-floor addition to the existing building may not exceed thirty-five percent (35%) of the total roof area of the existing building. For the fourth story, minimum setback requirements, measured from the façade(s) of the building, are as follows: from the eastern facade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western facade of the building, zero (0) feet; from the southern facade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade would be required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet. The minimum setbacks and limit on the percentage of the existing footprint of the building that can be used for a fourth story will reduce the visual impact of the fourth story. <u>Affordable Housing</u> In the ASOD Warrant Article, twelve and one-half percent (12.5%) of the Independent Living Apartments must be affordable units. Fractions are rounded up to the nearest whole number. There is no affordable housing requirement for Assisted Living and Alzheimer's/Memory Loss Facilities. <u>4. Amend Zoning By-Law –Map Change to Avery Square Overlay District</u> This article describes the geographical boundaries of the new Avery Square Overlay District, which is bounded on the north by West Street; on the east by Highland Avenue; on the south by the northern and western boundaries of the property located at 1049 Highland Avenue and the northern boundary of the property located at 95 Dana Place; and on the west by the MBTA commuter railroad right-of-way. <u>Performance Factors</u> During the previous fiscal year, the Planning Department had committed to tracking the turnaround time required on its Major Project Site Plan Special Permits and Subdivision applications. Monitoring of the timeline between application filing and the scheduling of the public hearing, issuance of the Decision following the close of the public hearing and filing of the written decision with the Town Clerk following Board action were tracked. The goal was to schedule the public	

Department Information DSR1	
Department	Planning and Community Development
hearing within 5 weeks of application receipt, to issue the Special Permit Decision or Subdivision Decision within two weeks of the close of the public hearing, and to file the written decision within 5 business days of permit issuance by the Board. The articulated goals were met in all three studied criteria in FY2020. During the affected timeline 5 new Special Permit applications and 5 Subdivision applications were processed. Public hearings were held on average within 30 days of application receipt, decisions were issued within 12 days of the close of the public hearing, with written decisions filed with the Town Clerk within 2 days of permit issuance. Total average time required to process an application was 86 days with a minimum of 42 days and a maximum of 174 days. The Department plans to continue to track these items and will submit a similar report with its FY2022 budget request. Conservation Division The Needham Conservation Division is primarily tasked with providing dedicated professional, administrative and technical assistance to the Town and Conservation Commission in accordance with the MA Wetlands Protection Act (M.G.L. Chapter 131 Section 40) and the Needham Wetlands Protection Bylaw (Article 6), and their respective regulations, guidelines and policies. Additionally, the Division provides support in office administration and organization, public assistance, grant administration, committee and community support, and land conservation and management. The Needham Conservation Commission is comprised of seven volunteer members appointed by the Select Board to staggered three-year terms. The Commission's primary responsibility involves ensuring compliance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131 Section 40) and the local Wetlands Protection Bylaw (Needham General Bylaws Article 6). As the administrative and technical support agency to the Commission, the Conservation Division undertakes the following tasks pertaining to wetlands permitting: • Reviews Notice of Intent applications and other filings for completeness and compliance with wetland statutes and associated regulations. • Assures legal requirements are met including postings, hearing and permit timeframes, minutes and other records. • Schedules and attends twice monthly meetings of the Conservation Commission and transcribes meeting minutes. • Maintains case files and materials including computer databases. • Arranges and conducts on-site inspections related to filings. • Reviews wetland delineations. • Drafts permits with associated conditions and other documents. • Monitors construction to ensure compliance with permits. • Reviews building permits for projects occurring within the Commission's jurisdiction to reduce the amount of Enforcement Orders issued and provide better public outreach. • Responds to complaints and investigates potential violations. • Keeps regular office hours to provide assistance to the regulated community. • Collaborates with other Town Departments, Boards and Committees on matters pertaining to permitting municipal projects and activities. In addition to wetland permitting, the Conservation Division undertakes broader environmental and land management functions including the following: • Oversees/carries out management tasks such as trail building and maintenance, signage, and cleanup.	

Department Information DSR1	
Department	Planning and Community Development
• Participates in various committees, including Trail Advisory Group and the Town's Integrated Pest Management Committee. • Assures compliance with rules and regulations for conservation lands; issues needed permits; and addresses user problems. • Assists the Commission in planning, acquisition, administration and management of municipal conservation land. • Assists in preparation of Open Space and Recreation Plans to meet criteria for approval. • Researches and conducts on-site evaluations for parcels under consideration for acquisition, donation, conservation or agricultural preservation restrictions. • Researches, pursues and coordinates grant and other funding opportunities; writes proposals and manages grants. • Collaborates with other Town Departments, Boards and Committees on matters pertaining to the use, management and protection of the Town's natural resources and open space. • Educates the public about the importance of protecting wetlands and other open space. Under both the state and local statutes, the Conservation Commission has a maximum of 21 days from receipt of a completed application to open a public hearing on that application. A hearing may be continued with the consent of the Applicant to allow for the submittal of additional information. After closing the public hearing, the Commission has 21 days to issue an Order of Conditions. In FY2020, all Orders of Conditions were completed within the noted time line with no requests for additional time requested. The Conservation Division makes every effort to assist Applicants with the filing process. The Division's staff meets frequently with property owners and potential applicants to explain the filing process or to provide input on which application would be most appropriate (for a particular site or project). The Conservation Division conducts well over one hundred site visits each year to review projects associated with both the MA Wetlands Protection Act and the Needham Wetlands Protection Bylaw. The collective knowledge and experience of the Conservation Division serves to benefit the regulated community including the Town of Needham as it provides professional expertise in a growing and more restrictive environmental regulatory time period. <u>FY2020 Achievements</u> Due to the COVID-19 pandemic that overtook the country in March of 2020, priorities were radically changed in a very short period of time. The Conservation Commission and their staff were up to the challenge and adapted to getting the work done remotely with guidance from Town Management. During this period, the Conservation Commission only had to postpone one (1) Conservation Commission meeting that was scheduled for March 2020 due to COVID-19. The Commission and staff have seamlessly transitioned to hosting remote meetings and have gotten all the permits out to Applicants within the historical time frame. Staff has continued to conduct site visits as necessary. Due to COVID-19, the majority of the Conservation Commission and staff goals for the Fiscal Year 2020 were left incomplete or postponed. Every effort will be made to complete these important goals in Fiscal Year 2021, as conditions permit. As part of our goal to continue to facilitate presentations to the public on interesting, timely topics, the Conservation Commission invited back a speaker that had done a presentation to the public a few years ago on living with coyotes. This talk was scheduled for May 2020 but had to be	

Department Information DSR1			
Department	Planning and Community Development		
postponed until October 2020.			
A Committee known as the "Total Watershed Management Committee was formed in November of 2019. The Committee is made up of staff from the Engineering, Water & Sewer, and Conservation Departments. The purpose of this Committee is to research and then implement practices to improve stormwater quality before it discharges into water bodies. This Committee includes public participation and education. Conservation staff have actively participated in this effort.			
One of the major Town projects that was undertaken during Fiscal Year 2020 was the dredging of Rosemary Lake which began in August of 2019. Conservation staff were very involved in the project from the start to the finish. The lake and its tributaries were constantly monitored by staff and any issues reported to the Town’s consultants for resolution.			
Meetings and discussions with the Walker Pond watershed neighbors and other Town staff, have continued since the Walker Pond study was completed and the importance of proper stormwater management, as well as, other improvements for the health of the pond were further defined.			
<u>Performance Factors</u>			
The following Table 5 reflects the number of permit application filings and requests received by the Conservation Commission in each of the last three fiscal years. Over the course of the year, the Commission continued to see a steady flow of applications primarily for the construction of single-family homes and additions until the Spring when COVID-19 began when a downturn in filings began. The Conservation staff can issue Administrative Approvals for minor projects located within the 100-foot Buffer Zone. This flexibility allows for a shorter, more streamlined experience for the public doing minor projects while maintaining compliance with the wetland rules and regulations. Administrative Approvals stayed strong with nineteen (19) issued in Fiscal Year 2020. In the past, before the Administrative Approval mechanism was in place, many of these small projects would have gone before the Commission as Requests for Determination of Applicability and Notice of Intent filings requiring the issuance of Permits. During FY2020, the Conservation Commission met formally a total of eighteen (18) times and held a total of sixteen (16) public hearings.			
Table 5: Conservation Commission Application Filings & Requests			
Type of Application Filing / Request	FY 2018	FY2019	FY2020
Notice of Intent ¹	22	23	11
Request to Amend Order of Conditions ¹	1	1	3
Request for Determination of Applicability ¹	8	4	2
Abbreviated Notice of Resource Area Delineation ¹	2	0	0
Extension Permit ¹	2	2	5
Emergency Certification	0	3	0
Certificate of Compliance	24	27	18
Minor Modification Request	15	10	6
Enforcement Order	4	1	5
Trail Maintenance Notification Form	0	0	0
DPW Generic Permit Activity Notification Form	5	0	1

Department Information DSR1				
Department		Planning and Community Development		
Administrative Approval	25	18	19	
Conservation Restriction	0	0	0	
Notice of Non-significance	0	0	0	
TOTAL	102	89	70	

¹Filing involved a public hearing

In addition to applications reviewed through the public hearing process, the Commission is required to review and act on requests to modify, extend or close out existing permits. The Commission handled twenty-nine (29) of these requests during this fiscal year. The Conservation Division also coordinates with the Town of Needham Department of Public Works and Public Facilities and provides professional expertise on town projects in a growing and more restrictive environmental regulatory time period. Finally, for that small percentage of projects that occur within the Commission's jurisdiction without obtaining a permit in advance, the Commission is responsible for pursuing enforcement to bring such sites into compliance with the state and local wetland regulations. In FY2020, two (2) project required the issuance of an Enforcement Order in order to restore or protect wetland resource areas.

During the first half of FY 2020, the Conservation Division staff continued to issue standardized post cards to permit holders alerting them of various permit requirements or permit expiration dates. The goal of this program is to encourage voluntary compliance and project close-out that saves permit holders time and money, while reducing the need for enforcement actions by the Conservation Commission.

Zoning Board of Appeals Division

The Zoning Board of Appeals is a quasi-judicial body that hears and renders decisions on: 1) Appeals from Building Inspector administrative decisions; 2) Applications for Special Permits or Variances under M.G.L. Chapter 40A and the Needham Zoning By-Laws; and 3) Requests for Comprehensive Permits under M.G.L. Chapter 40B (affordable housing) as well as hearing amendment and de minimis change requests. The Board of Appeals consists of three regular members and two associate members appointed by the Select Board as authorized and established by General Laws, Chapter 40A, the Home Rule Charter Act and Article VIII of the General By-Laws.

The Division provides guidance to applicants on all zoning matters, including assistance with the application and hearing process; reviews and analyzes applications for completeness and compliance to established zoning guidelines; coordinates the interdepartmental administrative review process, conducts site reviews; organizes the production of Special Permits and Board determinations post-public hearings; provides professional staffing to Board members, provides management and coordination of Comprehensive Permits projects, designs procedures for any new zoning review processes, produces technical reports, conducts research, and maintains and manages all Board data bases, communications and legal documents. Virtually all matters that come before the Board are initiated by residents or businesses seeking relief from the Zoning By-Law. Each application is processed in accordance with the legal requirements and timetables established under the Massachusetts Zoning Act, the Town of Needham Zoning By-Law, and Zoning Board of Appeals Rules and Regulations.

Performance Factors

The division developed an application form and guidelines in anticipation of permit applications

Department Information
DSR1

Department | Planning and Community Development |

resulting from the adopted Accessory Dwelling Unit (ADU) Zoning Amendment.

In FY2020, the Board of Appeals met formally a total of nine (9) times and held a total of twenty-six (26) public hearings and one (1) informal hearings (refer to Table 4). The informal matters consisted of an annual permit renewal. The Board of Appeals received twenty-one (21) applications relating to Special Permits; one (1) for a Comprehensive Permit; and one (1) Variance (refer to Table 6). Twelve applications were for residential use; eleven were for commercial use.

In addition, there was no Appeal of a Building Inspector's Decision. The Board issued twenty-three (23) Decisions in FY2020.

The Division continues to coordinate the conditions associated with the 40B Comprehensive Permits issued by the ZBA –

- 700 Greendale Avenue, a 136-unit residential development consisting of 52 townhouses and 84 units in a multi-story building. Twenty-five percent of the units are affordable, and the project is now substantially completed pending the completion of an access road, the last of 40 conditions imposed.
- 1180 Great Plain Avenue, an existing vacant one-story building conversion to 16 rental units, consisting of eight one-bedroom units and eight two-bedroom units with 28 parking spaces. Four units (25%) will meet the definition of low- and moderate-income housing. The Decision is under appeal.

Fiscal Year	Number of Meetings	Special Permit Applications	Variance Applications	Appeals of Building Inspector Decisions	40B Applications	Withdrawals	Decisions
2016	14	24	2	4	2	5	29
2017	11	21	0	1	0	3	19
2018	11	19	1	1	0	3	18
2019	12	25	0	0	1	5	23
2020	9	21	1	0	1	0	23

Spending Request Recap

Description	Base Request DSR2	Additional Request DSR4	Total (DSR2 + DSR4)
a) Salary and Wages	491,192		491,192
b) Expenses	34,450		34,450
c) Capital			
d) []			
e) []			
f) []			
g) Total DSR2 & DSR4 Request (a through f)	525,642		525,642

V2022

Department Expenditure Detail DSR2																	
Department				Planning and Community Development													
Object				Description						Amount							
DSR2A																	
Permanent Personnel	Last Year (FY2020)			Current Year (FY2021)			Next Year (FY2022)										
	FT Head Count	PT Head Count	Full Time Equivalent (FTE)	FT Head Count	PT Head Count	Full Time Equivalent (FTE)	FT Head Count	PT Head Count	Full Time Equivalent (FTE)								
	4	3	6.3	5	2	6.4	4	2	5.4								
Non-Budget Personnel: Will the department rely on grant/revolving fund positions to provide services?						Yes	No	FT Head Count	PT Head Count								
						X			1								
Union Positions:		BCTIA		Fire A		Fire C		ITWA	X	NIPEA		Police		Police Superior		NA	
1. Salary and Wage Permanent Positions.																	
a. PRD1 Salary and Wages Base														445,267			
b. PRD1 Differentials (Conditions, Requirements, Shifts)																	
c. PRD1 Education																	
d. PRD1 Extra Holiday																	
e. PRD1 Longevity														400			
f. PRD1 Snow Program																	
g. PRD1 Uniform																	
h. PRD1 Other Compensation																	
i. PRD1 Budget Adjustments														1,715			
PRD1 Sub Total														447,382			
J DSR3 Other Compensation																	
Sub Total 1														447,382			
2. Salary and Wage Seasonal & Temporary Positions (Itemized Below)																	
a. Recording Secretary (Planning Board)														6,900			
b. Recording Secretary (Design Review Board)														6,100			
c. Housing Specialist														24,500			
d.																	
e. DSR3 Total																	
Sub Total 2														37,500			
3. Salary and Wage Overtime (Itemized Below)																	
a. Scheduled Overtime (contractually obligated)																	
b. Training and Development																	
c. Additional Hours of Part-time staff														1,060			
d.																	
e. DSR3 Total																	
Sub Total 3														1,060			
4. Other Salary and Wage Expenses - (Itemized Below)																	
a. Incentive Programs																	
b. Pay In Lieu of Accrued Leave														5,250			
c. Program Stipend																	
d. Tuition Reimbursement																	
e. DSR3 Other Compensation																	
Sub Total 4														5,250			
5. Total Salary and Wages (1+2+3+4)														491,192			

Department Expenditure Detail DSR2			
Department		Planning and Community Development	
DSR2B			
Object	Description	Amount	
Energy (521x)			
Repairs & Maintenance Services (524x – 525x)			
Rental & Leases (527X)			
Other Property Related Services (529x)			
Professional & Technical Services (530x – 531x)	Planning (\$4,500) Con Comm (\$2,700) BOA (\$500) Planning Studies and Complex Project Technical Assistance	7,700	
Communications (534x)	Wireless Communications (\$2,600) Printing and Mailing (\$2,350) Legal Notices (\$5,200) Postage (\$5,100)	15,250	
Recreational & Cultural Services (535x)			
Other Purchased Services (538x)			
Office Supplies (542x)	Planning (\$2,000) Con Comm (\$500) BOA (\$500)	3,000	
Building & Equipment Supplies (543x)	Con Comm (\$500) Student Conservation Core Trail Upgrade and Bridge Restoration Equipment	500	
Custodial Supplies (545x)			
Grounds Keeping Supplies (546x)			
Vehicular Supplies (548x)			
Gasoline and Diesel Fuel (5481)			
Food and Service Supplies (549x)			
Medical Supplies (550x)			
Public Works Supplies (553x)			
Other Supplies & Equipment (558x)	Planning (\$1,300) Con Comm (\$600) Conservation Field Supplies, Legal Publication Updates, Magazine Subscriptions, and File Cabinet Shelving	1,900	
Governmental Charges (569x)	Planning (\$300) Con Comm (\$300) BOA (\$100 Norfolk County Registry Document Retrieval Services	700	
Travel & Mileage (571x – 572x)	Conf In-State (\$400) Mileage (\$1,000) Conf Out-State (\$1,300) Conferences including APA, SNEAPA, MACC and AMWS	2,700	
Dues & Subscriptions (573X)	Planning (\$1,300) Con Comm (\$1,300) BOA (\$100)	2,700	

Department Expenditure Detail DSR2				
Department	Planning and Community Development			
	Professional Memberships including APA, AMWS, MACC, MSMCP, Society of Wetland Scientists, and Massachusetts Association of Planning Directors			
Other Expenses (574 X - 579x)				
6. Total Expenses			34,450	
DSR2C				
Capital Equipment Replacement (587X)				
7. Total Operating Budget Capital				
8. Total Base Request (Line 5 + Line 6 + Line 7)			525,642	
Does the Department depend on any Federal or State grants to provide services?	YES	☐	NO	☒
Did the Department submit any requests for FY2022 for the replacement or upgrade of technology or software to the Information Technology Center?	YES	☐	NO	☒
Did the Department submit any requests for FY2022 to the Department of Public Works/Building Maintenance division to improve or upgrade a public building or facility?	YES	☐	NO	☒
Does this budget request include software and/or subscription expenses which are currently carried by the Finance Department (ITC)?	YES	☐	NO	☒
V2022				

Special Financial Warrant Article Request DSR5			
Title	Small Repair Grant Program		
Fiscal Year	2022	Department	Planning & Community Development
Funding Amount	\$50,000.00	Funding Source	Tax Levy
Article Information			
The Small Repair Grant Program provides financial assistance to low- and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is available per participant, and applications will be evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older or have a disability with incomes at or below 80% of area median income. Grants are awarded during two funding rounds per year. All funding from the 2020 fiscal year has been encumbered with 13 participants. Because CPA funding is restricted to housing improvements involving properties that were acquired or built with CPA assistance, funds from the General/Enterprise Fund have been used. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO2 detectors, weather stripping, bathroom grab board, raised toilets, hand-held shower heads, among others. The Small Repair Grant Program responds to findings and recommendations in the Council on Aging and Needham Public Health Division's Assessment of Housing and Transit Options for Needham seniors which indicated that one of the major barriers to aging in place involves the costliness of modifying existing homes to increase accessibility. Repairs made during the Program's first year of operations indicates that most repairs related to accessibility including walkway and railing improvements for example. Most repairs also involved work on the exterior of homes which is not surprising given the pandemic. Almost all of the grants involve the maximum amount available during the first year of funding or \$4,000.			
Disclosures		YES	NO
1. Was this request submitted last year?			☒
2. Is this a recurring special financial warrant article?			☒
3. Is this a matching grant funding request?			☒
4. Is this a CPA funding request?			☒
5. Is this a revolving fund request?			☒
6. Is this a pilot program request?			☒
7. Is this a study?			☒
8. Is this a program that is planned to be in place for more than one year?		☒	
9. Is this required by a court or other jurisdictional order?			☒
10. Is this a personnel related request?			☒
11. Is this a local option acceptance request?			☒
12. Is this in support of a goal of a Board or Committee?		☒	
All "YES" responses must be explained Below			
Disclosure Explanation			
This funding request responds to a Select Board principle that the Town be an age-friendly community			
V2022			

Special Financial Warrant Article Request DSR5			
Title	Planning Consulting Assistance		
Fiscal Year	2022	Department	Planning and Community Development
Funding Amount	\$60,000	Funding Source	Tax Levy
Article Information			
The Planning and Community Development Department is requesting funding for professional and technical assistance in support of planning and zoning initiatives, development applications, land use regulations, and related activities. Planning consulting assistance funds would be used to conduct build-out, traffic, and fiscal impact analyses of zoning initiatives that the Planning Board is studying. In addition, funds would be used to help the Department research and advise appropriate Town boards when presented with complex development projects requiring advanced technical input. Funding for this activity was previously approved in FY2015 in the amount of \$45,000. Examples of projects completed under the FY2015 appropriation include: build-out and traffic analysis for the Gould Street Industrial 1 and Reservoir Street Industrial Districts; 3D modeling and presentation drawings for the proposed Highway Commercial 1 zoning district at the Muzi Ford and Channel 5 site; and fiscal and traffic impact analyses for the proposed Highway Commercial 1 zoning district. An allocation of \$60,000 is requested as a special warrant article to replenish this consulting assistance account. The funds will then be available to be used as projects arise.			
Disclosures		YES	NO
1. Was this request submitted last year?			X
2. Is this a recurring special financial warrant article?			X
3. Is this a matching grant funding request?			X
4. Is this a CPA funding request?			X
5. Is this a revolving fund request?			X
6. Is this a pilot program request?			X
7. Is this a study?			X
8. Is this a program that is planned to be in place for more than one year?		X	
9. Is this required by a court or other jurisdictional order?			X
10. Is this a personnel related request?			X
11. Is this a local option acceptance request?			X
12. Is this in support of a goal of a Board or Committee?		X	
All "YES" responses must be explained Below			
Disclosure Explanation			
This funding request is designed to provide monies for consulting services on an as needed basis over multiple fiscal years and supports a Select Board and Planning Board goal.			
V2022			



**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

THURSDAY,

December 19, 2020 - 7:30PM

Zoom Meeting ID Number: 869-6475-7241

This Agenda for Planning Board Purposes Only

To join the meeting link at: https://us02web.zoom.us/j/86964757241

- | | |
|-------------------|---|
| Minutes | Review and approve Minutes from November 19, 2020 meeting. |
| Case #1 – 7:30PM | 926 Greendale Avenue – Mary DeMaio, applicant, has made application to the Board of Appeals for a Special Permit under Sections 3.1.5, 7.5.2 and any other applicable Sections of the By-Law to allow the addition of an Accessory Dwelling Unit. The property is located at 926 Greendale Avenue , Needham, MA in the Single Residential A District. (Continued from November 19, 2020) |
| Case #2 – 7:30 PM | 21 Utica Road - Public notice is hereby given that Eugene Ho, applicant, has made application to the Board of Appeals for a Special Permit under Sections 3.1.5, 7.5.3 and any other applicable Sections of the By-Law to allow an Accessory Dwelling Unit. The property is located at 21 Utica Road , Needham, MA in the Single Residential B District. |
| Case #3 – 7:45PM | 65 Rivard Road - Public notice is hereby given that Jonathan and Sarah Sussman, owners, have made application to the Board of Appeals for a Special Permit under Sections 1.4.7.2, 4.2, 4.2.1, 4.7.4, 7.5.3 and any other applicable Sections of the By-Law to allow a second floor addition on an existing single story ranch with a detached garage. The property is a pre-existing, non-conforming property. The property is located at 65 Rivard Road , Needham, MA in the Single Residential B District. |

Next Meeting: **Thursday, January 21, 2020, 7:30pm**



**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2020 NOV -6 PM 12:21

APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: 11/2/2020

Name of Applicant or Appellant: Eugene Ho

Address: 21 Utica Road

Needham, MA 02494

E-mail address: ehho129@gmail.com

Daytime telephone: (781) 492-4415

Cell phone: Same as above

Additional contact information, (ie: contractor ☐, architect ☐, builder ☒, attorney ☐):

Robert Ouellet of A. Francis Contracting, (978) 479-9265, robert@afanciscontracting.com

Address/Location of Property 21 Utica Road, Needham, MA 02494

Assessor map/parcel number Map 071 Block 0024 Lot 000

Zone of property: SRB

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is: ☒ owner ☐ tenant ☐ prospective tenant ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☒ yes ☐ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B
☐ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions: Incomplete ADU

Statement of relief sought: Application for ADU Special Permit

Applicable Section(s) of Zoning By-Law: 3.15 (Accessory Dwelling Units)

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: _____

Date structure(s) on lot constructed (including any additions): _____

Date lot created:

A certified plot plan, prepared by a registered surveyor, must be attached to this application at time of filing. An application will be returned if a copy of the plot plan is not attached to the application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require a copy of plot plan.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

Signed 

Title _____

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



ADU – ZBA Special Permit Application

Owner's Name	Eugene Ho			
Address	21 Utica Road			
Phone	(781) 492-4415	E-mail	ehho129@gmail.com	
ADU's Resident Name	Edmund Ho and Yim Ho			
Phone	(781) 492-4413 (Yim Ho)	E-mail	yimedho@gmail.com	
ADU Resident Relationship to Owner (Select one)	☐ spouse ☒ parent ☐ sibling ☐ child ☐ grandchild	Spouse of: ☐ parent ☐ sibling ☐ child ☐ grandchild	Child of: ☐ parent ☐ sibling ☐ child ☐ grandchild	☐ Caregiver. If caregiver, select type of caregiver: ☐ Elderly ☐ Chronically Ill ☐ Disable Owner
Total Occupants in Principal Dwelling Unit and ADU	4 in Principal 2 in ADU	Total Occupants not related to Owner (not to exceed five)	None	Owner to occupy: ☒ Principal Unit ☐ ADU

ADU Information

Map & Page ID	Map 071 Block 0024 Lot 000	Zoning District	SRB
Size of ADU (not to exceed 850 sq. feet)	691.3 sq ft	Location of ADU: ☐ basement, ☐ attic, ☐ 1 st floor, ☒ 2 nd floor	
Does ADU have separate provisions for (ADU limited to one bedroom): Living ☒ Yes ☐ No; Sleeping ☒ Yes ☐ No; Cooking ☒ Yes ☐ No; Eating ☐ Yes ☒ No			
Number and location of Means of Egress: 2 means of egress (1 leads to staircase to mudroom, 1 leads to second floor hallway)			
Describe where the interior door access between ADU and Principal Dwelling Unit is? Both means of egress connect to Principal Dwelling Unit			
Total number of off-street parking for Principal Dwelling Unit and ADU: 2 car garage plus driveway			

I attest that the information in this application is true and accurate to the best of my knowledge and understanding:

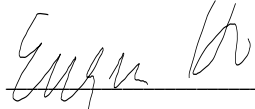

11/2/2020
Owner's Signature/Date



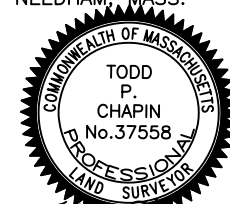
TABLE OF AREAS:
 LOT AREA = 9,000 S.F.
 BUILDING = 2,065 S.F.
 BUILDING COVERAGE =
 $2065 / 9000 = 23\%$

NOTE:

ALL UNDERGROUND UTILITY, HEIGHT, ELEVATION AND GRADING INFORMATION PRESENTED HEREON SHOULD BE FIELD VERIFIED BY CONTRACTOR PRIOR TO THE COMMENCEMENT OF ANY SITE WORK.

CERTIFICATION

I CERTIFY THAT THE AS-BUILT FOUNDATION
CONFORMS TO THE DIMENSIONAL SETBACK
REQUIREMENTS OF THE ZONING BYLAW OF THE
TOWN OF NEEDHAM, MASS.



Todd Chapin
TODD P. CHAPIN PLS #37558

PROPERTY INFORMATION:
MAP 017 BLOCK 0024 LOT 0000
ZONING DISTRICT: SRB
BUILDING YARD SETBACKS: FRONT = 20.0'
SIDE = 10.0' REAR = 10.0'

PLAN PREPARED FOR APPLICANTS
PROPERTY OWNER(S):
EUGENE HO & NATALIE TROUNG
21 UTICA ROAD
NEEDHAM, MA. 02494

AS-BUILT PLAN

OF LAND IN
NEEDHAM, MASS

SCALE: 1"=20'	DATE: 10/12/2020
---------------	------------------

DEED REF. BOOK: 36319 PAGE: 351

PLAN 841 PLAN BOOK 18

RECORDED @ NORFOLK REGISTRY DEEDS

RealMapInfo LLC

11 Apex Drive Suite 300 A
Marlborough, MA. 01752
774-570-0642



**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: 20 November, 2020

Name of Applicant or Appellant: Sarah and Jonathan Sussman

Address: 65 Rivard Road, Needham, MA 02492

E-mail address: seewald.sarah@gmail.com | jas0209@aol.com

Daytime telephone: —

Cell phone: 202-270-3933 or 617-413-7834

Additional contact information, (ie: contractor ☐, architect ☒, builder ☐, attorney ☐):

David Sharff; David Sharff Architect, PC 508-359-5737 email: david @davidsharffarchitect.com

Address/Location of Property 65 Rivard Road

Assessor map/parcel number 199/140.0-0025-0000.0

Zone of property: SRB

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is: ☒ owner ☐ tenant ☐ prospective tenant ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☐ yes ☒ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B

☐ Amendment

☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions: Existing structure is a single story ranch with a detached 2 car garage. The property is an odd shaped corner lot that slopes in both directions. The existing non-conforming structure is built on and around ledge outcroppings. Frontage is on both Rivard Road and Curve Street. For the purposes of setback it is presumed that the rear yard is behind the portion of the house facing Rivard Road.

Statement of relief sought: The applicant is looking for relief by a Special Permit as allowed by section 4.7.4. The owner is seeking a building permit to add a second floor over the existing first floor. The existing structure is non-conforming with respect to the front lot setback required on Rivard Road. The proposed addition is designed to be flush with the existing front facade and would be considered non-conforming under current zoning.

Applicable Section(s) of Zoning By-Law: Section 1.4.7.2-Non Conformance, 4.2 and Table of Regulations 4.2.1, and Section 4.7.4 Change in Dimensional Regulations by Special Permit

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: The existing structure sits within the required front setback on Rivard Road by six inches.

Date structure(s) on lot constructed (including any additions): 1953, Kitchen addition 1999

Date lot created:

1953

A certified plot plan, prepared by a registered surveyor, must be attached to this application at time of filing. An application will be returned if a copy of the plot plan is not attached to the application.

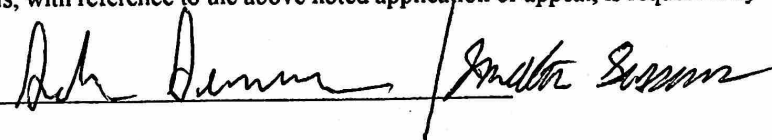
•Applications for Comprehensive permits under M.G.L. Ch. 40B require a copy of plot plan.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

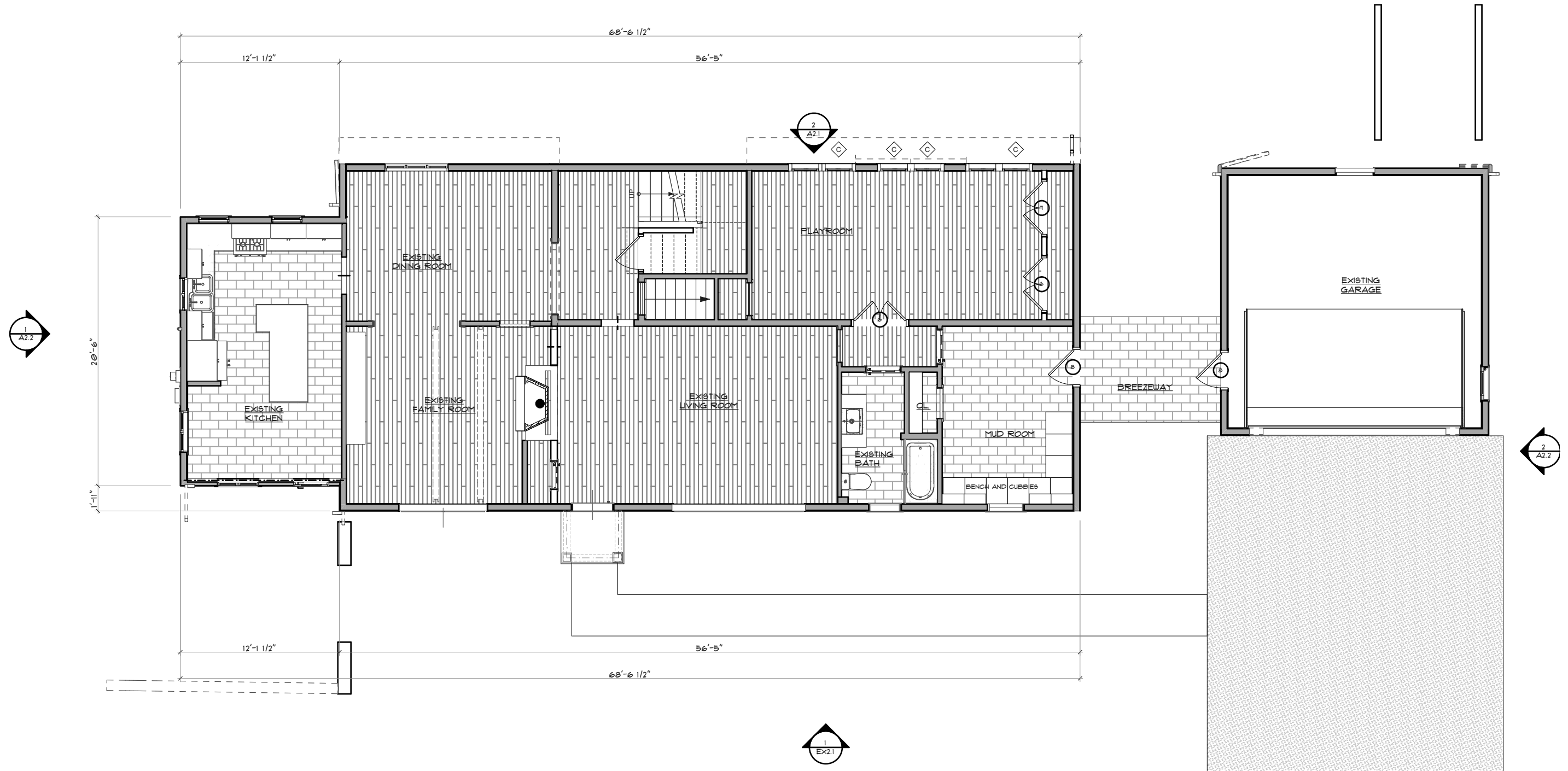
Signed



Title Owner

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





1 1ST FLOOR

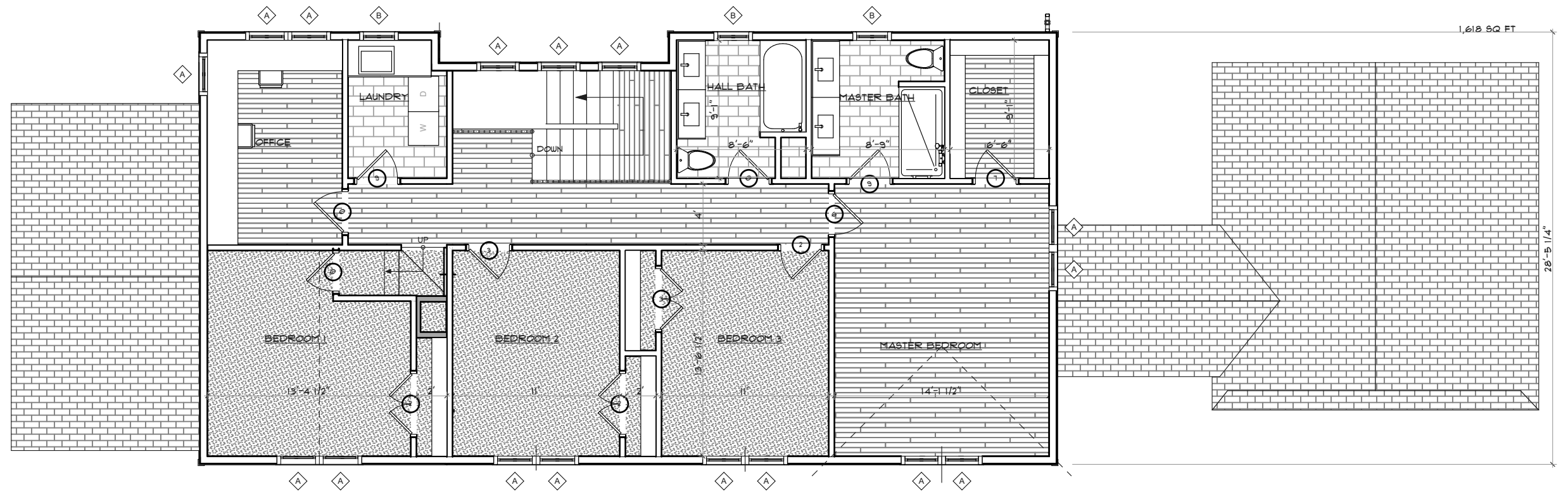
SCALE: 1/8" = 1'-0"

DAVID SHARFF ARCHITECT, P.C.
508.359.5131

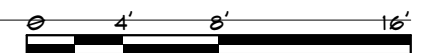
SUSSMAN RESIDENCE

1ST FLOOR PLAN
11/20/2020

A8.2



1 2ND FLOOR
SCALE: 1/8" = 1'-0"





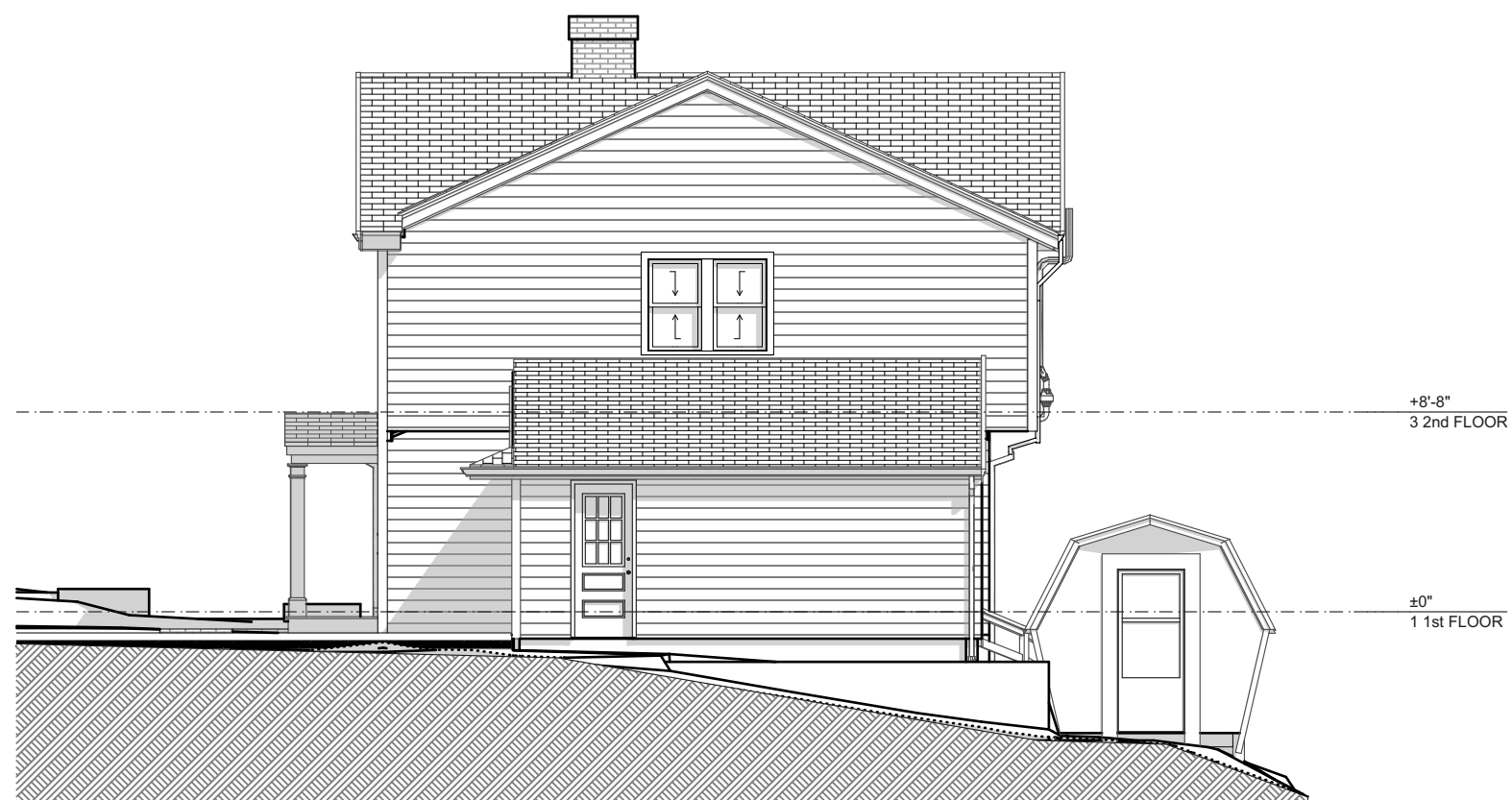
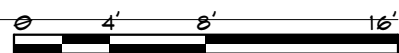
2 REAR ELEVATION
SCALE: 1/8" = 1'-0"



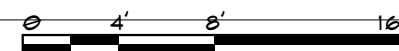
1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



1 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



2 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. 199064-87

Building Permit No. _____

Zoning District SR B

Lot Area 11,017 S.F.

Address 65 RIVARD ROAD

Owner JONATHAN & SARAH SUSSMAN

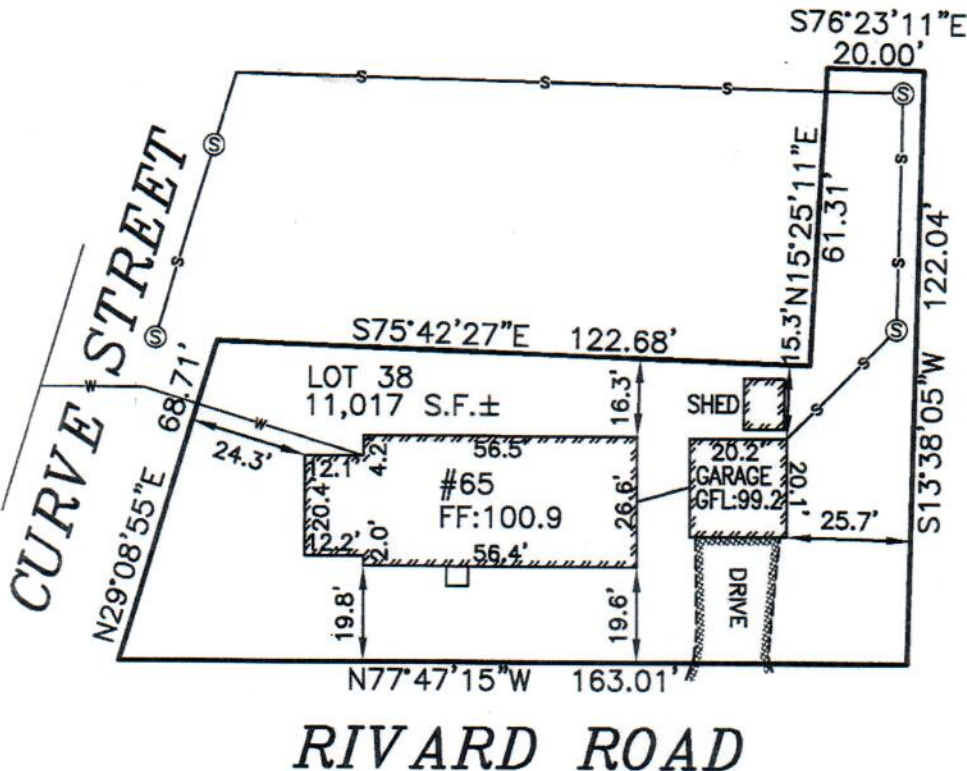
Builder _____

~~PROPOSED PLOT PLAN / FOUNDATION AS BUILT / FINAL AS BUILT~~

**EXISTING
CONDITIONS**

CIRCLE ONE THAT APPLIES

40' Scale



DEED REFERENCE:
BOOK 32828 PAGE 242

ZONING DISTRICT:
RESIDENCE SRB

STRUCTURES: 2,242 S.F.±
LOT COVERAGE: 20.3%

PROJECT NO. 25501

ESTABLISHED 1916

EMB

EVERETT M. BROOKS CO.

SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750

info@everettbrooks.com

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

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

The above is subscribed to and executed by me this 21 day of FEBRUARY 20 19

Name BRUCE BRADFORD Registered Land Surveyor

No. 38376

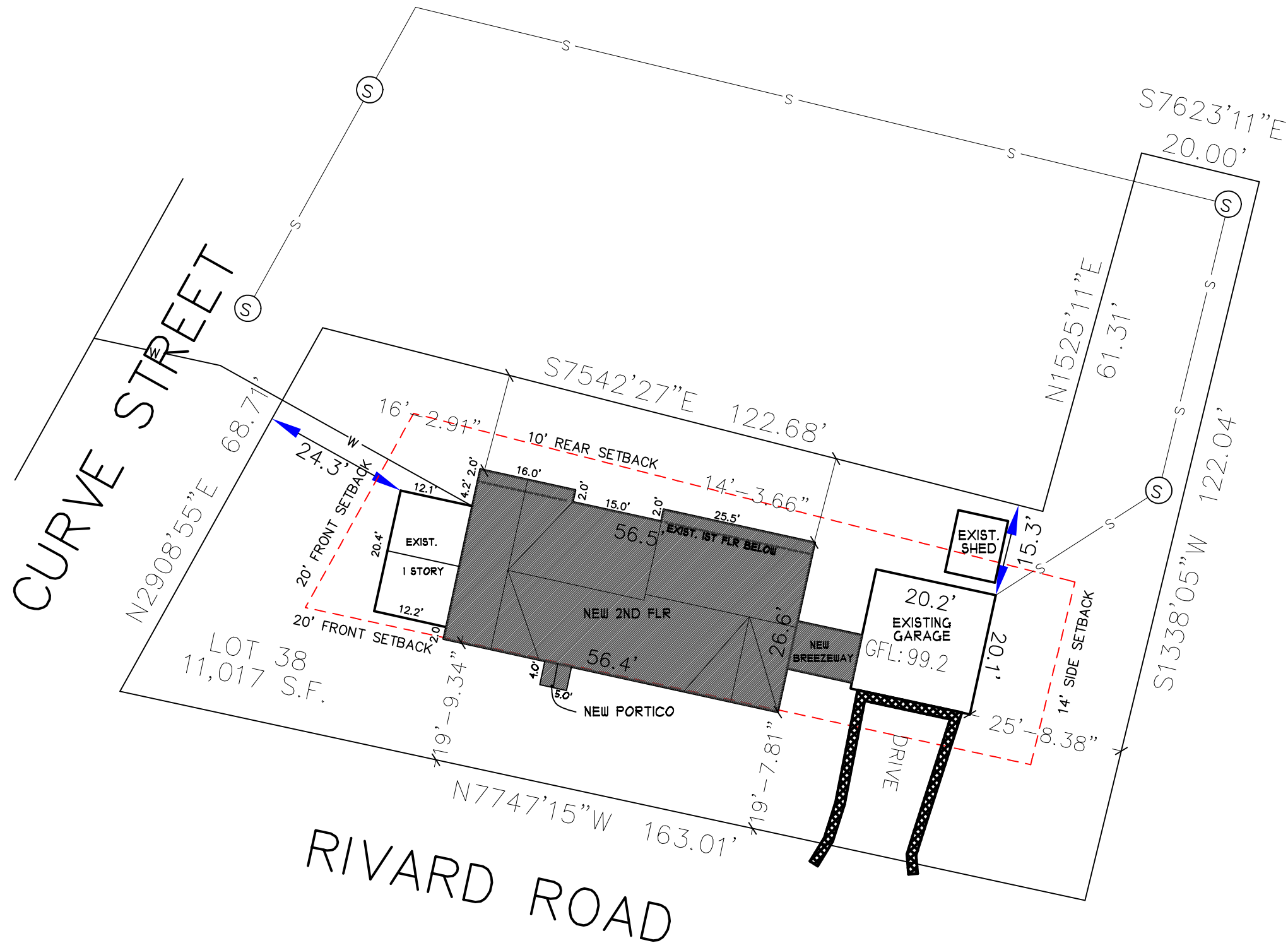
Address 49 LEXINGTON STREET City NEWTON State MA Zip 02465 Tel. No. (617) 527-8750

Approved _____ Director of Public Works

Date _____

Approved _____ Building Inspector

Date _____



1 PROPOSED SITE PLAN
SCALE: 1" = 20'-0"

STAMP	
REVISIONS	
PROJECT TITLE	
SUSSMAN RESIDENCE 65 RIVARD ROAD Needham, Massachusetts	
DAVID SHARFF ARCHITECT, P.C. 16 POUND STREET MEDFIELD, MA 02052 508.358.5737 Copyright © 2020 David Sharff Architect, P.C. All rights reserved. Reprint with architect's permission only.	
PROJECT NO: J000082	
DATE 20 NOVEMBER 2020	
SCALE 1" = 20'-0"	
DRAWN BY: DS	
DRAWING NAME	
SITE PLAN	
NORTH 	SHEET NO. S1

NEEDHAM PLANNING BOARD MINUTES

October 6, 2020

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, October 6, 2020, at 7:15 p.m. with Messrs. Jacobs, Alpert, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of people expected to be on the agenda. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. She noted this meeting has 2 public hearings and there will be an opportunity for public participation. If any votes are taken at the meeting the vote will be conducted by roll call.

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

VOTED: to automatically continue the meeting to 10/20/20 at 7:15 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

Public Hearings:

7:20 p.m. – Amendment to Major Project Site Plan Special Permit No. 98-4: Petco, 163 Highland Avenue, Needham, MA, Petitioner (Property located at 163 Highland Avenue, Needham, MA), regarding veterinarian services at Petco.

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

VOTED: to waive the reading of the public hearing notice with the caveat the application is noticed as Petco, which is incomplete in the legal notice as it should be Petco Animal Supplies Stores, Inc.

Mr. Jacobs asked if the public notice was faulty due to the inaccuracy. Mr. Block stated if it is a DBA and it is clear what is intended and it specifies the address then it makes it clear which applicant this is dealing with. Mr. Alpert feels the public notice is sufficient. Ms. McKnight agreed. Petco is a well known retailer and she feels it is clear. She would go forward with the understanding the notice is sufficient for the application for site plan review. Ms. Newman stated a revised application is forthcoming with a revised name and address. Once received the decision will be revised to reflect that. Stephen Hartley, of SBLM Architects and Project Manager, stated he received notice today the application needed to be revised. He is working to get it as soon as possible.

Ms. McKnight stated the zoning district says Mixed Use 128 but is actually 2 districts – Mixed Use 128 and Highway Commercial 128. She asked if that correction would be made. Ms. Newman stated that had not been discussed but it makes sense to make the correction. Mr. Hartley gave a history of the project. The project was permitted by the Building Department and built. Then they were told to go to the Planning Board. This is a veterinary clinic, 1,679 square feet, within the existing space. It will have its own entrance and will only be open during retail store business hours. There will be no boarding at this location and no animals overnight. A single door will be added at the front. Signage is under a separate permit. The major change is the door to the exterior.

Sharon Siekierski, of Petco, noted the veterinary clinic closes earlier than the retail store. The store closes at 9:00 p.m. but the clinic will close at 7:00 p.m. There are no emergency services. The clinic tries to partner with another clinic in the area for emergency service. Mr. Jacobs noted he understands there will be 5 people at most in this area – a receptionist, a veterinarian and 2 or 3 vet techs. He asked if these people are all employees of Petco and was informed they would be. Mr. Jacobs clarified there would be no subletting. He stated the Board wants to know that any lessee knows all the conditions and will abide by them.

Mr. Owens asked how it came to be the applicant is coming to the Planning Board after the project was constructed. Ms. Newman did not know why the Building Department issued the permit. Ms. McKnight noted correspondence from Tara Gurge of the Health Department, dated 9/30/20, with comments. The applicant has provided a document with responses to the comments. She asked if there was a response from Ms. Gurge. Ms. Newman noted Ms. Gurge is satisfied with the applicant's responses. The Town Engineer correspondence came late but there are no comments or objections. The Fire Department email has no comments or objections.

Ms. Newman stated the applicant will deliver an updated application with the full name and address of the applicant and signed by someone with legal authority to sign.

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

VOTED: to close the hearing subject to receipt of the corrected application.

Ms. McKnight noted there were 2 typos in the draft decision. In Section 1.7, 6th line at the end, it should say "specify" not "specific" and in Section 1.9, 2nd to last line, "is" should be deleted. Mr. Jacobs asked if Mr. Hartley has reviewed the decision and if he has any comments or questions. Mr. Hartley stated he has reviewed it and has no comments or questions. Mr. Alpert questioned what happens if an animal is not picked up at close. Ms. Siekierski stated she would have to see what the procedure is. The clinic will mainly do small procedures. Convalescence would require going to the emergency clinic they have partnered with. Ms. Newman feels this should be added as a condition.

Mr. Jacobs asked if a clinic has been found to partner with. Ms. Siekierski stated they have but she is not sure who right now. Mr. Jacobs would like the name of the other veterinarian sent to the Planning Director. Ms. Newman feels the decision should be clarified to make it clear there are no overnight stays. Section 1.1 says no overnight stays but Section 3.6 does not specifically say that. She has the language and could add the same language to Section 3.6. Mr. Jacobs noted #2 refers to Highland Commercial-128 only and #3 refers to Mixed Use-128 only. Should they both reference both districts? Ms. Newman stated the property sites in 2 zoning districts and a special permit is needed in both.

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

VOTED: subject to receipt by the Planning Director of a corrected and appropriately signed application the Board voted (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the By-Law and Section 3.2 of Major Project Site Plan Special Permit No. 98-04, dated May 18, 1998, be granted; (2) the requested Special Permit under Section 3.2.5.2(n) of the By-Law for a veterinary office and/or treatment facility including convalescent stays but not the boarding of animals in the Highland Commercial-128 Zoning District; and (3) the requested Special Permit under Section 3.2.6.2(h) of the By-Law for a veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals in the Mixed Use-128 Zoning District, subject to and with the benefit of the following Plan modifications, conditions and limitation as set forth in our decision.

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

VOTED: to approve the decision on the condition the corrected application is submitted and subject to the changes discussed and approved.

7:40 p.m. – Amendment to Major Project Site Plan Special Permit No. 2012-07: Walter Bononla, 101 East River Drive, East Hartford, CT, Petitioner (Property located at 400 First Avenue, Needham, MA) Regarding Trip Advisor Fuel Cell Power.

A motion was made to waive the reading of the public hearing notice. Mr. Jacobs noted the application does not have the proper applicant. Walter Bonola, Installation Project Manager, stated Trip Advisor would be the

applicant. Ms. Newman stated the applicant is Trip Advisors and the owner will co-sign the application. Mr. Jacobs stated the owner rents to Trip Advisor LLC. The notice is faulty in several respects. Mr. Block asked, if the notice is insufficient, why proceed with the hearing? Mr. Alpert noted the hearing needs to be opened so it can be discussed.

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

VOTED: to waive the reading of the public hearing notice with the same caveat as previous that it was not the proper applicant and they are working to get the proper application.

Ms. McKnight asked if the hearing should be continued or should the Board wait for the corrected application. Ms. Newman stated, if the hearing is re-noticed, the hearing should be held then. Mr. Jacobs noted the problem is this is about the public. The public would have no idea this is Trip Advisor. A discussion ensued. Mr. Block asked if the applicant could go through their presentation and the Board could make their decision next time. Mr. Jacobs understands but feels the public should be here. Ms. McKnight agreed. There is no point as it will have to be repeated when this is properly noticed. Mr. Jacobs asked if there was anything in the file saying Mr. Bonola is able to proceed as the agent. Ms. Newman does not have anything in writing. Mr. Jacobs stated he has no issue with the substance of the application but the technical process is deficient. A re-notice would probably save Trip Advisor in case someone complains.

Mr. Alpert stated he has reviewed the application and agrees with Mr. Jacobs. There is not sufficient notice to the public. He assumes the abutters have been given notice but they may not know it is Trip Advisors. This is a sound issue and someone may complain they were not given the opportunity to come to the hearing and speak. He feels it has to be re-noticed. Ms. Clee noted she will need the revised information in order to post the agenda item by the end of the week.

Transfer of Permit: Amendment to Major Project Site Plan Special Permit No. 96-5: Ultimate Beauty Laser Spa, Inc., c/o Jeff Reddish, 620 Park Avenue, Suite 185, Rochester NY 14607, to Laser MD Medspa, 400 Franklin Street, Braintree, MA 02184, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

Mr. Jacobs noted Laser MD Medspa is also a DBA and not a legal entity. This is not a correct name and not a public hearing. Ms. Clee stated she received an electronic version of the updated application and the applicant will mail the original. Richard Thalman, corporate controller for Laser MD Medspa LLC, stated this is the same issue as Petco. They went to get signage and this issue came up. The website has been updated. This operates similar to Ultimate Beauty Laser Spa, Inc. who offered hair removal only. Laser MD Medspa offers more procedures such as body contouring, injectables such as Botox and skin rejuvenation such as facials. The signage is in process. There have been some updates inside the facility but no major work. The rooms are not changing. There will be licensed aestheticians and licensed nurses on site at all times. Nothing changes except the additional services.

Mr. Alpert stated he has no objection to the application or transfer but has Laser MD Medspa read the Special Permit and does Laser MD Medspa know all the conditions that apply. Ms. McKnight stated the Special Permit includes a licensed physician to oversee and asked if this was still correct. Mr. Thalman stated the medical director operates out of Newton.

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

VOTED: subject to receipt by the Planning Director of a corrected application satisfactory to her, the Planning Board approves and consents to the Special Permit transfer.

It was noted there is a typo in the draft decision, 4th line, remove “from” so it just says “to.”

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

VOTED: to approve the decision as drafted subject to correction of the typo.

Minutes

Ms. McKnight stated she made a red-lined version and had a couple of questions. In the 4/11/20 minutes, 2nd page, Mr. Bloom was commenting on the 4th floor and how it would be used. The minutes say “there will be no walking on the roof at all” and “tenants go to the 3rd floor and then go up.” She feels these are a mistake and suggests deleting both sentences. Mr. Jacobs stated he was not sure they are mistakes. He remembers there would be no people walking on the roof. Mr. Alpert stated this is in reference to the roof terrace. This is just access to the roof terrace. A discussion ensued. Ms. McKnight reiterated she would like to delete the 2 sentences. On Heather Lane, 4th page, regarding dry wells. The minutes say “and dry wells for all existing lots but not the new ones.” Ms. Newman stated there were existing houses that need to have dry wells installed. It is a requirement those houses also will need dry wells. Mr. Jacobs suggested striking the last 5 words – “but not the new ones.” Ms. McKnight would like to take out the reference to dry wells. In the next paragraph Heather Lane needs to be completed to a certain point. There needs to be a condition linking the 2 and the Extension needs to be in compliance with Heather Lane. Ms. Newman stated there needs to be a condition ensuring Heather Lane is completed and constructed satisfactorily before the Extension is allowed to have lot releases.

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

VOTED: to accept the minutes of 8/11/20 as revised.

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

VOTED: to accept the minutes of 8/26/20 with corrections suggested by Ms. McKnight.

Revise outdoor seating policy to extend applicability date to December 1, 2020.

Ms. Newman noted the Board had granted an extension to 11/26/20. The Town is asking for an extension to 12/1/20 to make the policy consistent with the Select Board policy.

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

VOTED: to grant an extension to 12/1/20.

Correspondence

There was no correspondence.

Report from Planning Director and Board members.

Ms. Newman stated she received the first phase of the traffic study from GPI today on the Highway Commercial 1 District and is reviewing it with the Town Engineer. She hopes to set up a working group meeting within the next couple of weeks. She will forward the 40B guidelines she got from [the Town Manager and the letter from the Attorney General](#) approving a rezoning for the hospital. She anticipates a filing for Children’s Hospital in the next few weeks at 140 Kendrick Street. They are updating the site plan and making minor changes around the entries, changes to the patios and providing for more pedestrian links down to Cutler Lake.

Ms. McKnight asked if the proposed Tree By-Law is being worked on. Ms. Newman has a meeting with the Select Board next Thursday morning to talk about next steps. Ms. McKnight stated she was made aware of an informal hearing the Mass Department of Public Works had with a timeline and proposed work to be done on Highland Avenue and Needham Street in Newton. There are links on the DPW website with plans. The time

period will begin right away with a start in Needham in November and will continue for one year. She noted there will be takings which have already occurred. An attendee asked about the fish pond at Muzi's and was told it will be eliminated as part of this work. She would like to see the plans. Ms. Newman will get the members the documents.

Ms. Clee asked if affordable housing is typically under the jurisdiction of the Zoning Board of Appeals (ZBA). Ms. Newman noted the 40B process is statutorily under the ZBA. Affordable housing is more than just an affordable housing development. Ms. McKnight stated it is important for the Select Board to take the lead on affordable housing. Needham has met and exceeded the goal of the state. A discussion ensued. Ms. McKnight stated Wellfleet has an interesting Accessory Dwelling Unit By-Law. The units are only rented as affordable housing units. She commented the unit sizes are quite large. Mr. Jacobs commented, as an alert, there is a big movement to getting rid of single family zoning. All members should be thinking about this and how they feel about it. The Board may be asked to take a position. Mr. Block stated it should be looked at as 360 degree zoning. The Board should look at all and set goals.

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

VOTED: to adjourn the meeting at 9:28 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk