



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

2021 JUL -7 PM 2:50

Dedham Ave
Needham, MA 02492
781-455-7500

AMENDMENT TO DECISION

June 29, 2021

PLANNING

**Major Project Site Plan Special Permit
SPMP No. 2018-05
Town of Needham**

**Temporary Facility for Needham Police and Fire Departments
(Original Decision dated July 17, 2018)**

(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 the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts (hereinafter the Petitioner), for property located at 28 Glen Gary Road, Needham, Massachusetts. The property is shown on Assessor's Map No. 102 as Parcel 1 containing 24.6 acres in the General Residence District.

This Decision is in response to an application submitted to the Board on April 29, 2021, by the Petitioner for an amendment to a Major Project Site Plan Review Special Permit issued by the Needham Planning Board on July 17, 2018, under Section 7.4 of the Needham Zoning By-Law and Major Project Site Plan Review Special Permit No. 2018-05, Section 4.2.

The requested amendment to Major Project Site Plan Review Special Permit No. 2018-05 (hereinafter the Amendment) would, if granted, permit the modification to Section 3.16 of Decision 2018-05, to allow a portion of the site to be returned to conditions shown on the plan submitted with the application ("Site Layout & Materials Plan" on the plan entitled Hillside Site Plans Post-Use, Sheet LT1.02 and "Post Development Site Grading Plan" on the plan entitled Hillside Site Plans Post-Use, Sheet LT2.01, both as further detailed in Exhibit 2C below), when the Police and Fire Department conclude their temporary use of the site, rather than the "current conditions" (pre-Police and Fire usage, existing conditions when the site was used for the Hillside School), as required by the Decision. The proposed post-Police and Fire usage condition would include in excess of 90 parking spaces and will eliminate extensive regrading that would be required to bring the site back to the topography that existed when it served the Hillside School. The site will not be returning to an elementary school use. The Town has no other concrete or imminent plans to use the property for another purpose.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert on Tuesday, June 1, 2021 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198. Board members Paul S. Alpert, Jeanne S. McKnight, Martin Jacobs, Adam Block and Natasha Espada were present throughout the June 1, 2021 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.

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

- Exhibit 1 - Application Form for Further Site Plan Review completed by the applicant dated April 29, 2021.
- Exhibit 2 - Letter from Attorney Christopher Heep to the Needham Planning Board, dated April 14, 2021 with:
- Exhibit A: Plan set entitled “Needham Police and Fire Temporary Facility, 28 Glen Gary Road, Needham, MA 02494,” prepared by Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA01887, Sheet X0.1, entitled “Partial Existing Conditions Plan, Hillside School,” dated April 3, 2018.
 - Exhibit B: Plan set entitled “Needham Police and Fire Temporary Facility, 28 Glen Gary Road, Needham, MA 02494,” prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, Site Layout and Materials Plan, Sheet LT1.01, entitled “Hillside Site Plan,” dated June 1, 2018, revised November 7, 2018, November 16, 2018, June 11, 2019, July 30, 2019, and February 3, 2021.
 - Exhibit C: Plan set entitled “Needham Police and Fire Temporary Facility, 28 Glen Gary Road, Needham, MA 02494,” prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, Site Layout and Materials Plan, Sheet LT1.02, entitled “Hillside Site Plan, Post-Use,” dated June 1, 2018, revised November 7, 2018, November 16, 2018, June 11, 2019, July 30, 2019 and February 3, 2021.
- Plan set entitled “Needham Police and Fire Temporary Facility, 28 Glen Gary Road, Needham, MA 02494,” prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, Post Development Site Grading Plan, Sheet LT2.01, entitled “Hillside Site Plan, Post-Use,” dated June 1, 2018, revised November 7, 2018, November 16, 2018, and February 3, 2021.
- Exhibit 3 - Interdepartmental Communication (IDC) to the Board from Chief John Schlittler, Needham Police Department, dated May 5, 2021; IDC from Thomas Ryder, Assistant Town Engineer, dated June 1, 2021; and IDC to the Planning Department from Tara Gurge, Needham Health Department, dated May 28, 2021.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board confirmed its findings and conclusions as contained in its original Decision dated July 17, 2018, except as modified herein.

- 1.1 The Petitioner is seeking the modification to Section 3.16 of Decision 2018-05 to allow a portion of the site to be returned to conditions shown on the plan submitted with the application (“Site Layout & Materials Plan” on the plan entitled Hillside Site Plans Post-Use, Sheet LT1.02 and “Post Development Site Grading Plan” on the plan entitled Hillside Site Plans Post-Use, Sheet LT2.01, both as further detailed in Exhibit 2C) when the Police and Fire Department conclude their temporary use of the site, rather than the “current conditions” (pre-Police and Fire usage, existing conditions when the site was used for the Hillside School), as required by the Decision. The proposed post-Police and Fire usage condition would include in excess of 90 parking spaces and will eliminate extensive regrading that would be required to bring the site back to the topography

that existed when it served the Hillside School. The site will not be returning to an elementary school use. The Town has no other concrete or imminent plans to use the property for another purpose.

- 1.2 The primary changes between the previously required final state of the site (i.e. the “current” conditions before the temporary police and fire station as shown on Exhibit 2A) and the proposed state of the site at completion of the temporary use (i.e. shown on Exhibit 2C) are as follows:
 - a. The two grassy islands in the parking lot that helped form the former bus turnaround would not be reinstalled;
 - b. The striping of the parking lot would not be redone to alter the direction of the drive aisles; and
 - c. The topography of the site (which previously entailed a consistent grade change over the parking lot) would not be changed back and would instead remain as it is with a concrete retaining wall around a portion of the lot (with a 4-foot grade change) and a wooden rail fence.
- 1.3 The Petitioner asserts that the primary rationales for the proposal are:
 - a. The site is not proposed to return to an elementary school use and the subsequent use of the property is currently unknown;
 - b. Leaving the site as is (rather than returning to previously approved final state of the site) would minimize construction impacts to the neighborhood; and
 - c. Not returning the site to the previously approved final state of the site would result in approximately \$120,000 savings to the Town in construction costs.
- 1.4 The fields and playground abutting the site have been open to residents, via a walkway from the street located outside of the fencing, during the time that the building was temporarily being used as police and fire building. The fields and playground will continue to be available to residents and the gate in the fencing will be opened to allow for parking in the lot closer to the park for residents.

DECISION

THEREFORE, the Board voted 5-0 to GRANT (1) the requested amendment to a Major Site Plan Review Special Permit issued by the Needham Planning Board on July 17, 2018, under Section 7.4 of the Needham Zoning By-Law and Special Permit 2018-05, Section 4.2; 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 on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

- 2.0 No Plan modifications are required.

CONDITIONS

The conditions contained in Major Project Site Plan Special Permit No. 2018-05, dated July 17, 2018, are ratified and confirmed except as modified herein.

- 3.1 Paragraph 3.16 of the Decision is deleted and replaced with a new Paragraph 3.16 that reads as follows:

“The Petitioner shall return the site to the conditions shown on the plan submitted with the application (“Site Layout & Materials Plan” on the plan entitled Hillside Site Plans Post-Use, Sheet LT1.02 and “Post Development Site Grading Plan” on the plan entitled Hillside Site Plans Post-Use, Sheet LT2.01, both as further detailed in Exhibit 2C), when the Police and Fire Department conclude their temporary use of the site. The restoration shall be completed within 6 months of the date the Police and Fire Departments vacate the property with an as-built plan showing the restored condition submitted to the Board for review and approval. Additionally, within 6 months of the date the Police and Fire Departments vacate the property, the Petitioner will return to the Planning Board to describe any new reuse or redevelopment opportunities anticipated at the site, so that the Board can, at that time, determine whether the fence shall remain or shall be taken down.”

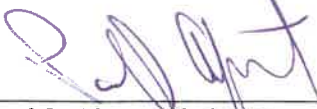
- 3.2 There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking.

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

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

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

NEEDHAM PLANNING BOARD

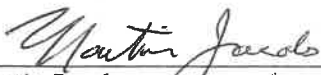


Paul S. Alpert, Chairman



Adam Block

Natasha Espada



Martin Jacobs



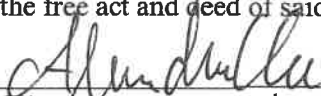
Jeanie S. McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

July 2 2021

On this 2 day of July, 2021, before me, the undersigned notary public, personally appeared Adam Block, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.


Notary Public name: Alexandra Clee
My Commission Expires: March 18, 2022

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, for Property located at 28 Glen Gary Road, 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 # _____
Town Clerk
Building Inspector
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
Chris Heep, Attorney