



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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DECISION
July 17, 2018

PLANNING

**Major Project Site Plan Special Permit
Police and Fire Headquarters
SPMP No. 2018-03**

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the "Board") on the petition of the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, (to be referred to hereinafter as the "Petitioner") for that certain property located at 88 Chestnut Street and 99 School Street, 70 Chestnut Street, and 43 Lincoln Street, Needham, Massachusetts, shown on Assessor's Map No. 47 as Parcels 46, 50, 56 and 57 containing 111,650 square feet in the Center Business and General Residence zoning districts.

This Decision is in response to an application submitted to the Board on April 11, 2018 by the Petitioner for a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law), and associated special permits.

The requested Major Project Site Plan Review Special Permit would, if granted, permit the Petitioner to: 1) Demolish the existing Police and Fire Department Building at 88 Chestnut Street, the existing, currently unused building at 70 Chestnut Street, and the residential structure at 43 Lincoln Street; 2) Construct a new building containing 57,029 square feet of floor area to serve as the Headquarters for the Town of Needham Police Department and the Town of Needham Fire Department; and 3) Construct the site with 122 parking spaces, arranged with a designated parking area containing 21 spaces for members of the public visiting the building, and an additional 98 spaces within the site for Police and Fire Department personnel, and an additional three (3) on-street parking spaces on Chestnut Street.

The project involves phased construction and continued occupancy of the site by the Fire Department throughout the construction process. The Fire Department will occupy the north portion of the existing building while the first phase of new construction is underway. Once that first phase is completed, the Fire Department will move into the new space while the remainder of the new building is finished. The Petitioner proposes to have the Police Department temporarily relocate to the Hillside Elementary School during construction.

In accordance with the By-Law, Section 7.4, a Major Project Site Plan Review Special Permit is required. In accordance with the By-Law, Section 5.1.1.5 and 5.1.1.6, a Special Permit to waive strict adherence to the requirements of Section 5.1.3, Parking Plan and Design Requirements is required.

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, May 22, 2018 at 7:00 PM in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, Massachusetts. Board members Paul S. Alpert, Martin Jacobs, Jeanne S. McKnight and Ted Owens were present throughout the May 22, 2018 proceedings. Pursuant to Massachusetts General Laws

Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Elizabeth J. Grimes examined all evidence received at the missed session and listened to an audio recording of the May 22, 2018 meeting. The May 22, 2018 hearing was continued to June 26, 2018 at 8:15 p.m., in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, Massachusetts. Board members Paul S. Alpert, Martin Jacobs, Elizabeth J. Grimes and Ted Owens were present throughout the June 26, 2018 proceedings. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Jeanne S. McKnight examined all evidence received at the missed session and listened to an audio recording of the June 26, 2018 meeting. 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 Site Plan Review completed by the Petitioner, dated April 11, 2018.
- Exhibit 2 - One letter to Planning Board Members from Attorney Christopher H. Heep, dated April 24, 2018.
- Exhibit 3 - Two letters to Planning Board Members from Attorney Christopher H. Heep, dated April 9, 2018.
- Exhibit 4 - Plan set entitled "Needham Police and Fire Headquarters, 88 Chestnut Street, Needham, MA 02492," prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA 01887, consisting of 26 sheets: Sheet 1, Cover Sheet, dated April 9, 2018; Sheet 2, Sheet X0.0, entitled "Existing Conditions Plans, Public Safety Facility and Public Parking Areas," dated April 3, 2018; Sheet 3, X0.1, entitled "Existing Conditions Site Plan, Public Safety Facility and Public Parking Areas," dated April 3, 2018; Sheet 4, X0.2, entitled "Existing Conditions Utility Plan, Public Safety Facility and Public Parking Areas," dated April 3, 2018; Sheet 5, Sheet LP1.03, entitled "Site Demolition Plan," dated April 9, 2018; Sheet 6, Sheet LP2.03, entitled "Site Layout Plan," dated April 9, 2018; Sheet 7, Sheet LP3.03, entitled "Site Material Plan," dated April 9, 2018; Sheet 8, Sheet LP4.03, entitled "Site Grading Plan," dated April 9, 2018; Sheet 9, Sheet LP5.01, entitled "Site Planting Plan," dated June 1, 2018; Sheet 10, Sheet LP6.01, entitled "Site Details," dated April 9, 2018; Sheet 11, Sheet LP6.02, entitled "Site Details," dated April 9, 2018; Sheet 12, Sheet LP6.03, entitled "Site Details," dated April 9, 2018; Sheet 13, Sheet LP6.04, entitled "Site Details," dated April 9, 2018; Sheet 14, Sheet LP6.05, entitled "Site Details," dated April 9, 2018; Sheet 15, Sheet LP7.01, entitled "Site Enlargement Plan," dated April 9, 2018; Sheet 16, Sheet CP1.03, entitled "Utilities Demo & Soil Erosion Plan," dated April 9, 2018; Sheet 17, Sheet CP2.03, entitled "Site Utilities Plan," dated April 9, 2018; Sheet 18, Sheet CP3.03, entitled "Civil Details," dated April 9, 2018; Sheet 19, Sheet CP4.03, entitled "Civil Details," dated April 9, 2018; Sheet 20, Sheet AP5.01, entitled "Exterior Elevations I," dated April 9, 2018; Sheet 21, Sheet AP5.02, entitled "Exterior Elevations II," dated April 9, 2018; Sheet 22, Sheet AP13.01, entitled "Lower Level Furniture Plan," dated April 9, 2018; Sheet 23, Sheet AP13.02, entitled "Main Level Furniture Plan," dated April 9, 2018; Sheet 24, Sheet AP13.03, entitled "Upper Level Furniture Plan," dated April 9, 2018.

April 9, 2018; Sheet 25, Sheet EP1.03, entitled "Electrical Site Plan," dated April 9, 2018; Sheet 26, Sheet EF2.03, entitled "Site Photometric Plan," dated April 9, 2018.

- Exhibit 5 - Plan entitled "Needham Police and Fire Headquarters, 88 Chestnut Street, Needham, MA 02492," prepared by Kaestle Boos Associates, Inc., 325 Foxborough Boulevard, Suite 100, Foxborough, MA 02035, consisting of Sheet LP5.03, entitled "Site Planting Plan," dated April 9, 2018.
- Exhibit 6 - Transportation Impact Assessment, Proposed Public Safety Facility, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated April, 2018.
- Exhibit 7 - Stormwater Report for Needham Police and Fire Headquarters, 88 Chestnut Street, Option 2, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated April 9, 2018.
- Exhibit 8 - Letter directed to David Tobin, Town Counsel, from Wilchins Cosentino & Novins LLP, dated November 17, 2017, with attachments.
- Exhibit 9 - Letter directed to David Roche, Building Commissioner, from Attorney Christopher H. Heep, dated May 21, 2018.
- Exhibit 10 - Two letters directed to Tom Ryder, Assistant Town Engineer, from Stephen H. Gentile, Project Manager, Public Facilities Construction, dated May 24, 2018 and June 18, 2018.
- Exhibit 11 - Plan entitled "Needham Public Safety, Project Logistics with 43 Lincoln Street", consisted of 4 sheets, prepared by Consigli, undated.
- Exhibit 12 - Letter directed to Mr. Michael McKeon, Kaestle Boos Associates, Inc., from Aaron M. Farbo, Cavanaugh Tocci, dated June 19, 2018, regarding Environmental Sound Study.
- Exhibit 13 - Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018, with Exhibits.
- Exhibit 14 - Email directed to Jon Lamoureaux, from Stephen Gentile, dated June 22, 2018 with attached Chart entitled "Alternate Sites – Comms Design 2," dated June 14, 2018.
- Exhibit 15 - Chart entitled "Public Safety Complex and Fire Station #2 – Preliminary Construction Schedule," dated March 27, 2018.
- Exhibit 16 - Design Review Board approval dated June 8, 2018.
- Exhibit 17 - Email from Mark Gluesing, Design Review Board, dated May 21, 2018.
- Exhibit 18 - Letter directed to Lee Newman, Director of Planning and Community Development, from Steve Popper, dated July 3, 2018.
- Exhibit 19 - Chart entitled "Public Safety Complex and Fire Station #2 – Preliminary Construction Schedule," dated June 28, 2018.

- Exhibit 20 - Letter to Planning Board Members from Attorney Christopher H. Heep, dated July 11, 2018.
- Exhibit 21 - Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated May 16, 2018; IDC to the Board from Lt. John H. Kraemer, Needham Police Department, dated May 22, 2018; IDC to the Board from David Roche, Building Commissioner, dated May 22, 2018; IDC to the Board from Tara Gurge, Health Department, dated May 17, 2018; IDC from Thomas Ryder, Assistant Town Engineer, dated May 15, 2018.

Exhibits 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19 and 20 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The subject property is located at 88 Chestnut Street and 99 School Street, 70 Chestnut Street, and 43 Lincoln Street, Needham, Massachusetts, shown on Assessor's Map No. 47 as Parcels 46, 50, 56 and 57 containing 111,650 square feet in the Center Business and General Residence zoning districts.
- 1.2 The requested Major Project Site Plan Review Special Permit would, if granted, permit the Petitioner to: a) Demolish the existing Police and Fire Department Building at 88 Chestnut Street and 99 School Street, the existing, currently unused building at 70 Chestnut Street, and the residential structure at 43 Lincoln Street; b) Construct a new building containing 57,029 square feet of floor area to serve as the Headquarters for the Town of Needham Police Department and the Town of Needham Fire Department; and c) Construct the site with 122 parking spaces, arranged with a designated parking area containing 21 spaces for members of the public visiting the building, and an additional 98 spaces within the site for Police and Fire Department personnel, and an additional three (3) on-street parking spaces on Chestnut Street.
- 1.3 The project involves phased construction and continued occupancy of the site by the Fire Department throughout the construction process. Phase 1: The Fire Department will occupy the north portion of the existing building while the first phase of new construction is underway. Phase 2: Once that first phase is completed, the Fire Department will move into the new space while the remainder of the new building is finished. The Petitioner proposes to have the Police Department temporarily relocate to the Hillside Elementary School during construction. Project Completion: The Police Department moves back to the Headquarters building. The Petitioner has submitted a preliminary construction schedule (Exhibit 19) which details the anticipated project construction schedule.
- 1.4 As part of its comprehensive public safety facilities project, the Petitioner has worked to design a new public safety communications system. As designed, a key component of the communications system is a 120 foot radio antennae monopole located at this site. However, this use requires an amendment to the Town's Zoning By-Law, and the monopole is not being proposed as part of this application. The Petitioner plans to seek further zoning relief from the Board to authorize the monopole and antennae at a later date, following Town Meeting consideration of the necessary zoning amendments.
- 1.5 A portion of the site is the subject of Major Project Site Plan Review Special Permit No. 2013-03, dated August 6, 2013. This decision authorized the municipal parking lot (called

the Kimball Lot) at 51 and 59 Lincoln Street and 89 School Street. This Major Project Site Plan Review Special Permit decision authorized the use of thirty-four (34) parking spaces as public Town permit parking, and thirty-five (35) parking spaces dedicated to parking for the Police and Fire department personnel.

- 1.6 The thirty-five (35) parking spaces that were dedicated to Police and Fire Department use in Major Project Site Plan Review Special Permit No. 2013-03 are included within the new site layout for the Police and Fire Headquarters. This application leaves the portion of the existing parking lot that is dedicated to public permit parking undisturbed. As a result, the Petitioner has requested that the site plan that is ultimately approved for this project become the new site plan of record for 51 and 59 Lincoln Street and 89 School Street, and replace the Major Project Site Plan Review Special Permit No. 2013-03 dated August 6, 2013.
- 1.7 The By-Law does not contain a specific parking requirement for Police or Fire Department uses. In cases where the By-Law does not provide a specific requirement, the required number of parking spaces shall be derived from the "closest similar use as shall be determined by the Building Inspector" Section 5.1.2 (20). In the event that the Building Inspector is unable to determine that a proposed use relates to any use within Section 5.1.2, the Board shall recommend a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendation based on the ITE Parking Generation Manual, 2nd Edition, or an alternative technical source determined by the Planning Board to be equally or more applicable.
- 1.8 The project has been designed with a total of one hundred twenty-two (122) parking spaces to serve the parking needs of this proposed use as follows: There are twenty-one (21) parking spaces designated for public use located in a separate public parking area that is accessed from School Street. There are sixty-seven (67) parking spaces being provided to support the Police Department's use of the site, and thirty-one (31) parking spaces provided to support the Fire Department's use of the site, although the use of these parking spaces will not be strictly regimented, and the layout will allow for mixed-use of the spaces by both departments. These spaces will be accessed from two driveway entrances, one on Lincoln Street and another on School Street. There will be an additional three (3) on-street parking spaces on Chestnut Street dedicated to short term parking.
- 1.9 The Petitioner assessed the number of parking spaces needed to support these uses of the site. The Petitioner evaluated parking need in two ways: (1) By using the maximum number of Police and Fire Department personnel that are expected to be on site at any given time, and (2) by comparison to related uses that are listed in Section 5.1.2 of the By-Law. Both approaches are detailed below.
- 1.10 Police and Fire Personnel Demand:

The Fire Department will have a maximum of 17 employees (including administration, officers, and dispatch) working in any particular day, plus a maximum of 11 fire fighters on shift at any given time. Therefore, the absolute maximum parking demand for Fire Department staff is 17 employees plus 22 fire fighters (when two shifts of 11 fire fighters briefly overlap at shift change), for a total of 39 spaces.

The Police Department has a total of 22 administration, detectives, and staff. The Police Department also has rotating shifts of 9 patrol personnel (during the day) and 8 patrol personnel (during the evening). Therefore, the maximum number of Police Department employee vehicles that could be present at a shift change is 39, calculated as follows: 22

(administration, detective and staff) + 17 (at the overlap of 9 patrol personnel and 8 patrol personnel). In addition, the Police Department has 19 patrol vehicles, one motorcycle, one speed board, and one trailer, and this equipment could collectively occupy a maximum of 22 spaces. Accordingly, the maximum combined employee and Department vehicle parking demand is 61 parking spaces.

Accordingly, using the maximum number of Police and Fire Department personnel that are expected to be on site at any given time a total of 100 parking spaces would be required. Further this number represents the theoretical maximum amount of cars that could be present on site at any given time. In particular, the maximum number of Department non-shift personnel reported above are all not expected to be present on site at any particular time. Accordingly, the actual parking usage attributable to these two departments should routinely be less than the numbers suggested above, and the layout of the parking lot allows for flexibility and shared use of the parking spaces by both departments based on their relative demand.

1.11 By space within the building:

The Petitioner also determined the parking needs associated with specific uses that will exist within the building itself. The building contains 13,626 square feet of office space. Section 5.1.2(7) of the Zoning By-Law requires that "offices, office buildings, and banks" be provided with one space per 300 square feet of floor area. Accordingly, if this were a true office use, the 13,626 square feet of office space would require 46 parking spaces.

In addition, the building also contains a meeting room, shown as "Training/Meeting" on the floor plans submitted with the application that contains 48 seats and may be made available for use by the public. Pursuant to Section 5.1.2(1), places of public assembly require one parking space for every three seats of total seating capacity. Accordingly, this area of the building requires 16 parking spaces.

The remainder of the building is dedicated to uses such as the Fire Department apparatus bay, storage, and bunks for officers on shift, that either do not independently drive parking demand, or are not analogous to any other use itemized in Section 5.1.2, Required Parking, or both. Accordingly, if the various uses of the building are used as a guide, the building would require a total of 62 parking spaces.

1.12 Both of the above-described approaches indicate that the total number of parking spaces to be provided on site, namely, 122 will adequately address the needs of the Police Department, the Fire Department, and the public. Accordingly, having reviewed the ITE Parking Generation Manual, 2nd Edition and having found no alternative technical source applicable to the subject use, the Planning Board based on Section 1.10 and Section 1.11 of this Decision, finds that 122 parking spaces are reasonable and sufficient for purposes of the proposed use of this site based on the parking needs of the occupants, users, guests, and employees of the proposed Headquarters.

1.13 The Petitioner stated that the Fire Department's main line apparatus will use the Chestnut Street site driveway to enter and exit the site, and that some secondary Fire Department vehicles and the staff's personal vehicles will use the Lincoln Street driveway to access the building from the rear. The Petitioner noted that the following Fire Department vehicles will use the Lincoln Street driveway for access: Rescue boat, Polaris UTV, pickup truck, Chief's car, Deputy Chief's car, and staff personal vehicles. As a general rule, the Petitioner stated that it is unlikely that any of these listed vehicles would be responding from Headquarters with lights and/or sirens.

- 1.14 The Petitioner assessed whether the headlights of the vehicles using the Lincoln Street driveway would impact any houses directly across Lincoln Street. Based on the Petitioner's review, the Lincoln Street site driveway is situated generally opposite a house across the street. Despite the configuration of the driveway, however, the Petitioner does not anticipate significant headlight impacts. The Fire Department's shift change is at 8:00 a.m., and office personnel generally depart for the day at 5:00 p.m., so nighttime headlight glare associated with the arrival and departure of staff should be infrequent. The Police Department will primarily be using School Street for access, and will not substantially contribute to headlight impacts at the Lincoln Street site driveway.
- 1.15 The project involves several separate parcels of land. The Petitioner now owns all of these parcels. During the public hearing the Petitioner had an executed agreement to purchase 43 Lincoln Street and had received Town Meeting authorization for its purchase, and the Petitioner took title to 43 Lincoln Street by deed dated June 28, 2018 and recorded with the Norfolk County Registry of Deeds in Book 36105, Page 528. The Petitioner will prepare a plan, suitable for recording that combines all of these parcels into one lot as a matter of record and will coordinate the recording of this plan with the Board prior to the issuance of the building permit for the project.
- 1.16 As indicated in the Zoning Table shown on the Plan, the combined lot conforms to zoning requirements as to area and frontage.

Per Section 1.5 of the By-Law, "Variations", if a lot is located in more than one zoning district, the minimum area, frontage, and all other dimensional requirements of the district in which fifty percent or more of the lot is located shall apply throughout. The premises include five parcels of land, which when consolidated will total one 111,650 square foot parcel. More than fifty percent of this consolidated land is located in the Center Business Zoning District and therefore the dimensional criteria of the Center Business zone has been applied to this project. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Center Business Zoning District for an institutional use, namely, front, side and rear setback, maximum building height, maximum number of stories, maximum lot coverage, and maximum floor area ratio.

- 1.17 The Petitioner has requested that the Planning Board grant waivers of certain parking design requirements, as identified in the Schedule of Off-Street Parking Requirements and Requested Waivers table as shown on the Plan, pursuant to By-Law Section 5.1.1.5 and Section 5.1.1.6 as described below.

A Special Permit pursuant to Section 5.1.1.5 and Section 5.1.1.6 to waive the parking design requirement set forth in Section 5.1.3(j) that parking spaces and maneuvering aisles be set back at least twenty (20) feet from a front lot line or street right-of-way is requested. The requested waiver would reduce the front line setback from 20 to 16.5 feet. A Special Permit pursuant to Section 5.1.1.5 and Section 5.1.1.6 to waive the parking design requirement set forth in Section 5.1.3(j) requiring parking spaces to be set back a minimum of four (4) feet from side lot lines is requested. The requested waiver would reduce the side line setback from 4 to 3 feet. A Special Permit pursuant to Section 5.1.1.5 and Section 5.1.1.6 to waive the parking design requirement set forth in Section 5.1.3(j) that no parking space, maneuvering aisle or driveway shall be located within five (5) feet of a building line at the first floor is requested. The requested waiver would reduce the building line setback from 5 feet to a foot along the western side of the building. A waiver of the landscaped areas requirement of By-Law Section 5.1.3(k) is requested as follows: a Special Permit pursuant

to Section 5.1.1.5 and Section 5.1.1.6 to waive the parking design requirement set forth in Section 5.1.3(k) requiring 10% of parking area to be maintained as landscaped area is requested.

- 1.18 A Traffic Impact Assessment was submitted with the application (See Exhibit 6). The following specific areas were evaluated as they relate to this project: a) access requirements; b) potential off-site improvements; and c) safety considerations; under existing and future conditions, both with and without the project.

Based on this assessment, the report concluded the following with respect to the project:

a) The existing Police/Fire Station driveway generates 40 vehicle trips (13 vehicles entering and 27 exiting) during the weekday evening peak and 27 vehicle trips (14 vehicles entering and 13 exiting) during the Saturday midday peak hour.

b) Overall, with the removal of retail space at 66 Chestnut Street the project is expected to generate 7 less vehicle trips (2 vehicles entering and 5 exiting) during the weekday evening peak hour and 7 less vehicle trips (4 vehicles entering and 3 exiting) during the Saturday midday peak hour.

c) The project will result in the closing of three-curb-cuts onto Chestnut Street, reducing conflict points for both vehicles and pedestrians.

d) With the addition of a site driveway on Lincoln Street, some of the existing traffic will be rerouted to that driveway, but the traffic increase will be minimal.

e) A review of accident data researched from the Massachusetts Department of Transportation indicates that area intersections experience accident rates below state averages, indicating safe operations.

f) The study area intersections currently operate and will continue to operate at level-of-service C or better during the peak periods and the project will result in minimal increase in delays and queuing in the study area and in some cases, less delays and queues.

- 1.19 In order to maintain acceptable traffic and parking conditions the following study recommendations have been incorporated in the Plan and will be implemented by the Petitioner.

a) The project will be accessed from four existing driveways (relocated) and one proposed full-access driveway on Lincoln Street.

b) The site driveway at both School Street and Lincoln Street will be a minimum of 24-feet in width and shall accommodate two-way traffic.

c) Vehicles exiting the project site will be placed under STOP-sign control with a marked STOP-line provided.

d) All signs and pavement markings to be installed within the project will conform to the applicable standards of the Manual on Uniform Traffic Control Devices.

e) Wheelchair ramps will be provided for crossing the project site driveways where a sidewalk is present.

f) The Fire Station traffic signal will be relocated to the north, to align with the relocated driveway.

With the implementation of the above recommendations, the Board finds safe and efficient access will be provided to the project site and the project can be constructed with minimal impact on the roadway system.

- 1.20 The Petitioners submitted an environmental sound study that reviewed the ambient sound levels at the site, and the sound that will be contributed by building mechanicals once the Headquarters is constructed. The study, prepared by Aaron M. Farbo of Cavanaugh Tooci (Exhibit 12), concludes as follows: "Based on our review and computer modeling based on equipment sound data as provided, it is our opinion that new mechanical equipment sound emissions associated with the proposed Needham Public Safety Facility will comply with all applicable regulations, including the MassDEP tonal definition."
- 1.21 The Petitioner submitted a construction logistics plan (Exhibit 11) which includes the temporary use of a portion of the Chestnut and Lincoln Street Parking Lot. The plan shows that this temporary use would affect sixteen (16) parking spaces within the Chestnut and Lincoln Street Parking Lot. The Petitioner has filed a separate application to amend the Major Project Site Plan Special Permit for the Chestnut and Lincoln Street Parking Lot, to specifically allow for the temporary use of that site to support construction of the Headquarters.
- 1.22 The Petitioner appeared before the Design Review Board on June 4, 2018, and obtained approval for the project.
- 1.23 The protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sign buffers and preservation of views, light, and air has been provided for. With respect to surface water drainage, the proposed stormwater management for this project has been designed to incorporate more than adequate measures to prevent pollution of surface water and groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, and prevent increased rates of run-off and potential for flooding. The stormwater management for the project has been designed to mitigate the peak stormwater rate of runoff resulting from the proposed new Police and Fire Headquarters through the use of Best Management Practices (BMP's). The proposed system will consist of infiltration tank systems that will collect and infiltrate the roof runoff from the proposed site and building. The proposed stormwater system meets the Department of Environmental Protection Stormwater Management Standards and the Town of Needham bylaws.

With respect to sound, building mechanicals have been designed to comply with all applicable noise regulations. The Petitioner has measured baseline ambient sound levels at the site, and has demonstrated compliance with all regulations, and has further demonstrated that all sound associated with the rooftop and other mechanicals has been adequately addressed. In addition, the building has been designed so that the generator is located inside the building.

With respect to views, light and air, the Police and Fire Headquarters building complies with all applicable dimensional requirements for the Center Business Zoning District, including setbacks and the maximum building height.

- 1.24 The convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly, has been adequately provided for. All of the parking spaces for members of the public that visit the Police and Fire Departments are located in a separate, dedicated lot that is immediately adjacent to a sidewalk leading to the building's public entrance. The parking areas to be used by the Police and Fire Departments have separate driveway entrances on Lincoln Street and School Street, and these parking areas are fenced so as to remain separate from the areas of the site that are used by the general public. The driveway openings on School Street will remain substantially consistent with existing conditions. There will be one new driveway entrance provided on Lincoln Street; this driveway will be used exclusively by Fire Department personnel and will not contribute significantly to general traffic along Lincoln Street.
- 1.25 The arrangement of parking and loading spaces in relation to the proposed uses of the premises is adequate. The site has been designed to accommodate the parking and loading operational needs for the proposed use. Bays for Fire Department apparatus are provided at the front of the building with bays at the rear of the building provided for smaller Fire Department vehicles. Said bays are sufficient for loading purposes at the site with no designated loading spaces required for this use. The project is designed to provide a total of 122 parking spaces. Twenty-one (21) parking spaces are set aside for use by members of the public visiting the Police and Fire Departments, and these spaces are located in a dedicated public lot on School Street, adjacent to the public entrance to the building. The remaining 98 parking spaces are distributed across the site and accessed by two site driveways located on Lincoln Street and School Street that will be used by the Police and Fire Departments exclusively. There are also three (3) on-street parking spaces located in front of the main entrance to the building. In addition, all parking spaces provided on site conform to the required 9'x18.5' dimensional requirement and all maneuvering aisles satisfy the required 24' width.
- 1.26 Adequate methods of disposal of refuse and other waste resulting from the site's use will be provided. The Police and Fire Headquarters will be provided with trash and recycling receptacles that conform to the requirements of the Recycling and Solid Waste Division. These receptacles have been placed in locations (as shown on the Plan) intended to provide for ready access by vehicles conducting pickup. The building's waste water system will be connected to the Town's municipal sewer system.
- 1.27 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area in compliance with other requirements of this By-Law has been adequately addressed by this project. The proposed Police and Fire Headquarters building satisfies all applicable dimensional requirements for the Center Business Zoning District, including setbacks and maximum building height.

The Project involves a significant amount of parking in the site, but this is consistent with the surrounding uses and the existing conditions at the property. The site abuts the existing Chestnut and Lincoln Street municipal parking lot along the entire north property line, and includes a second existing municipal parking lot on the corner of Lincoln Street and School Street.

The Project adds a new landscaped and pedestrian-friendly entrance area at the corner of Chestnut Street and School Street that will serve as an important visual amenity for the surrounding area.

- 1.28 The project will not have an adverse effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. This site presently serves as the location for the Town's Police and Fire Station, and the Petitioner is proposing to continue this use, replace the building with a new, updated facility, and to add land and parking to better support the needs of both departments. In addition, the Town has adequate water and sewer system capacity to serve the demands of this facility.
- 1.29 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the Center Business and General Residence zoning districts if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and criteria, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.
- 1.30 Under Section 5.1.1.5 and Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special and unique circumstances, the particular use, structure or lot does not warrant the application of certain design requirements and that waiver of certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special and unique circumstances justifying a waiver of certain design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Review Special Permit under Section 7.4 of the By-Law, and, (2) the requested Special Permit under Section 5.1.1.5 and Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 (Off-Street Parking Requirements), Subsections 5.1.3 (j), and (k) to the extent necessary to enable the parking area to be utilized as shown on the Plan, as modified by this decision; subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

- 2.0 The Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
- a) The Plan shall be revised to show three (3) on-street parking spaces on Chestnut Street as short-term parking. Appropriate signage implementing this requirement shall be provided.

- b) The Plan shall be revised to incorporate the changes made to the building's rear elevations as presented to and approved by the Design Review Board on June 4, 2018 and as further detailed in Exhibit D of a Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.36 hereof.
- 3.1 The subject site shall be used as Headquarters for the Town of Needham Police Department and Town of Needham Fire Department.
- 3.2 The buildings, parking areas, driveways, walkways, landscape areas, and other site and off-site features shall be constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.3 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.4 The Petitioner shall prepare a Consolidation Plan which shows Needham Assessors Map 47, Parcels 46, 50, 56 and 57 merged into one lot having an area of 111,650 square feet upon which the project is proposed. All buildings and land constituting the premises shall remain under a single ownership.
- 3.5 The operation of the proposed Police and Fire Department headquarters complex shall be as described in Sections 1.2, 1.3, 1.6, 1.8, 1.10, 1.13, 1.14, 1.18, 1.19, and 1.20. of this Decision and as further described under Exhibits 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19 and 20. Any changes of such above-described use shall be permitted only by amendment of this Approval by the Board.
- 3.6 In constructing this project, the Petitioner shall implement the construction logistics plan as detailed in Exhibit 11 of this Decision.
- 3.7 The proposed buildings and parking areas shall contain the dimensions and shall be located on that portion of the site as shown on the Plan and in accordance with applicable dimensional requirements of the By-Law.

At completion of the project, a total of one hundred twenty-two (122) parking spaces shall be provided on-site at all times in accordance with the Plan, as modified by this Decision, to serve Headquarters. A total of twenty-one (21) of these off-street parking spaces shall be set aside for use by members of the public visiting the Police and Fire Departments (these spaces are located in a dedicated public lot on School Street, adjacent to the public entrance to the building). The remaining 98 parking spaces distributed across the site and accessed by two site driveways located on Lincoln Street and School Street shall be used by the Police and Fire Departments exclusively and shall be limited to the staff and employees of the Petitioner and other entities as deemed necessary by those Departments with such

restriction designated by appropriate signage. Additionally, three (3) on-street short term parking spaces shall be provided in front of the main entrance to the building on Chestnut Street. Notwithstanding the above, during the phased construction period, parking at Headquarters shall be provided as follows: (a) During Phase 1, forty-six (46) on-site parking spaces for personnel; (b) During Phase 2, a total of twenty-three (23) parking spaces with seven (7) of these spaces located on-site and sixteen (16) off-site on the abutting Chestnut and Lincoln Street Parking lot; (c) Upon completion of the Project, one hundred twenty-two (122) parking spaces on-site of which three (3) will be on-street short term parking spaces.

During construction and at the completion of the project a total of thirty-five (35) parking spaces (known as the Kimball Lot) shall be available to serve the public as Town of Needham public permit parking. The thirty-five (35) off-street parking spaces dedicated to the public, as shown on the Plan, as modified by this decision, shall be limited solely to holders of Needham parking permits and such restriction shall be designated by appropriate signage.

All off-street parking shall comply with the requirements, as modified by this approval, of Section 5.1.2 and 5.1.3 of the By-Law, as shown on the Plan, as modified by this decision.

- 3.8 The entrance to the Police and Fire Departments employee parking lot, as shown on the Plan, shall be maintained by the Petitioner to ensure that access to the parking lot is limited exclusively to those Departments staff and employees and other related uses as needed by those Departments.
- 3.9 The main access for the Fire Department's primary apparatus shall be by way of Chestnut Street. Secondary Fire Department vehicles and the staff's personal vehicles shall use the Lincoln Street driveway to access the building from the rear. The main access for the Police Department shall be by way of School Street. As a general rule, vehicles departing the site at Lincoln Street and School Street shall not exit the property with lights and/or sirens in active use.
- 3.10 All construction deliveries shall be made into the Headquarters Lincoln Street Staging Area from Dedham Avenue. Construction deliveries shall be limited to Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. The Petitioner shall, by contract and by direct field intervention, divert traffic away from the local streets surrounding the Headquarters building to the main streets in accordance with a map to be included in the Construction Management Plan filed and approved by the Needham Police Department and Needham Building Inspector as detailed in Section 3.11 below. It is acknowledged and agreed that construction-related vehicles departing the construction site will be directed to turn left onto Lincoln Street to Route 135/Dedham Avenue.
- 3.11 The construction management and staging plan (the "Construction Management and Staging Plan") shall be approved by the Needham Police Chief and shall be submitted to the Needham Building Inspector for approval. The Petitioner shall implement the Construction Logistics Plan as detailed in Exhibit 11 of this Decision and the Construction Schedule as detailed in Exhibit 19 of this Decision.
- 3.12 All Subcontractors/Vendors shall be contractually required to agree to the requirements of the Project Construction Management Plan and traffic conditions in their contract with the Petitioner to work on this project. The Petitioner shall post signs on-site regarding truck delivery routes for enforcement purposes. Weekly meetings between the Petitioner and the Subcontractors/Vendors will emphasize this delivery requirement and the enforcement of the parking requirements discussed herein.

- 3.13 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense". The quantity & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.14 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.15 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit and any grants of location that are required from the utility companies.
- 3.16 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.
- 3.17 The Petitioner shall seal all known abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out per Town requirements.
- 3.18 The Petitioner shall connect the sanitary sewer line only to known sources. All known sources which cannot be identified shall be disconnected and properly sealed.
- 3.19 The construction, operation and maintenance of any subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Board of Selectmen.
- 3.20 The Petitioner shall implement the following maintenance plans in conjunction with the project consistent with the amended Operations and Maintenance Plan:
- a) Parking lot sweeping - sweep once per year; in accordance with the Town of Needham NPDES Permit #MA-041237.
 - b) Catch basin cleaning - inspect and clean basins annually; in accordance with the Town of Needham NPDES Permit #MA-041237.
 - c) Oil/grit separators - inspect and clean annually of all oil and grit; in accordance with the Town of Needham NPDES Permit #MA-041237.
- 3.21 The site and parking lot landscaping and fencing, as shown on the Plan, as modified by this decision, site shall be maintained by the Petitioner to ensure that appropriate buffers are retained between the affected properties and that the visual effect of the parking area upon the lot and adjacent property is minimized.
- 3.22 The Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy.
- 3.23 All solid waste shall be removed from the site. All snow shall also be removed or plowed. All snow shall be removed or plowed such that the total number and size of parking spaces are not reduced.

- 3.24 All deliveries and trash pick-up shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, not at all on Saturdays, Sundays and holidays. All deliveries shall be made solely from the parking lot areas and shall not be made from any of the surrounding roadways.
- 3.25 The trash shall be picked up no less than two times per week. All trash receptacles shall be located at the rear of the property and shall be screened by wooden fencing as shown on the Plan, as modified by this Decision. Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the Headquarters operation. The dumpster shall be emptied, cleaned and maintained to meet Board of Health Standards.
- 3.26 All lights shall be shielded and adjusted during the evening hours to prevent any annoyance to the neighbors; however the Petitioner may maintain the same ambient lighting as is presently operational in the Town's Chestnut Street parking lot within the thirty-five (35) space Town of Needham public permit parking lot. Notwithstanding the above, should the parking lot lights located along the Lincoln Street edge of the property prove problematic to the Lincoln Street residential abutters, the Board retains jurisdiction to require that such parking lot lights be shut off in the late evening hours, with only the lights on the building and remaining lots within the parking lot remaining on to provide basic security.
- 3.27 In constructing and operating the proposed building and parking area on the site pursuant to this approval, due diligence shall be exercised and reasonable efforts shall be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.28 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.
- 3.29 All construction staging shall be on-site except as permitted through separate Amendment to use parking spaces temporarily in the Chestnut Street municipal parking lot. No construction parking will be on public streets. Construction parking shall be on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 3.30 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
 - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site that require excavation or otherwise pose a danger to public safety.
 - c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Lincoln Street, Chestnut Street and School Street.

- d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Lincoln Street, Chestnut Street and School Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.

3.31 No building permit shall be issued for the Project in pursuance of the Special Permit and Site Plan Approval until:

- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
- b. A Construction Management and Staging Plan shall have been submitted to the Police Chief and Building Inspector for their review and approval.
- c. The Petitioner shall prepare and file with the Board and the Norfolk County Registry of Deeds a plan which shows assessor's Plan 47, Parcels 46, 50, 56 and 57 merged, using customary surveyor's notation.
- d. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

3.32 No building or structure, or portion thereof for each Phase of this Project and subject to this approval shall be occupied until:

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

- d) That there shall be filed with the Board and Building Inspector a Certificate of Compliance signed by a registered architect upon completion of construction for each Phase of the project.
 - e) Notwithstanding the provisions of Section a, b, and c hereof, the Building Inspector may issue one or more certificates for temporary occupancy of all or portions of the building in each Phase prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board a bond in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features for each Phase of the project.
- 3.33 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health, pertaining to the Project.
- 3.34 Except as shown on the Construction Logistics Plan submitted as part of this application the building and parking area authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use for the Project has been issued by the Building Inspector.
- 3.35 The Petitioner, by accepting this permit decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.36 Violation of any of the conditions of this Approval 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 Approval, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building 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 Approval 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 Approval 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 Approval. 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 Major Project Site Plan Review Special Permit shall lapse on July 17, 2020, 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 July 17, 2020. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan 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 office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

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

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

