



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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DECISION
July 17, 2018

PLANNING

**Major Project Site Plan Special Permit
Temporary Facility for Needham Police and Fire Departments
SPMP No. 2018-05**

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 28 Glen Gary Road, Needham, Massachusetts, 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 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 Needham Police Department to temporarily move its operations to the subject site while a new Police and Fire Department Headquarters is built at 88 Chestnut Street and further would allow the Needham Fire Department to temporarily move its operations that are based in Fire Station No. 2 at 257 Webster Street to the subject site while Fire Station No. 2 is rebuilt.

The Petitioner is presently pursuing permits to authorize construction of a new Police and Fire Department Headquarters at 88 Chestnut Street, and a new Fire Station No. 2 to be located at 257 Webster Street. These two sites are already in service as the Town's current Police and Fire Headquarters, and its second Fire Station. The construction of these new facilities will require the Police Department to temporarily relocate to a new facility at another site, and will require the Fire Department to temporarily move its operations that are based in Fire Station No. 2.

The subject property is currently in active use as the Hillside Elementary School; but will be unoccupied as of the summer of 2019 when the school moves to its new location. The project involves construction of a temporary structure containing a total of 9,259 square feet of floor area in the front of the Hillside Elementary School. This temporary structure will consist of a tent made up of metal panels and a fabric roof that will be used to store Fire Department apparatus, and a system of six (6) connected 12'x60' modular trailers that will house Fire Department personnel. The project also involves conversion of space within the Hillside School for use by the Police Department and use of parking facilities for both departments. There will be no active use of the site by the School Department during the life of this project with the possible exception of storage.

In accordance with the By-Law, Section 7.4, a Major Project Site Plan Review is required. In accordance with the By-Law, Section 5.1.1.5, 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 7:45 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 9:00 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 applicant, dated April 11, 2018.
- Exhibit 2 - Two letters to Planning Board Members from Attorney Christopher H. Heep, dated April 9, 2018.
- Exhibit 3 - 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, Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA 01887, consisting of 10 sheets: Sheet 1, Cover Sheet, dated April 9, 2018; Sheet 2, Sheet X0.1, entitled "Partial Existing Conditions Plan, Hillside School," dated April 3, 2018; Sheet 3, Sheet LT1.01, entitled "Hillside Site Plan," dated April 9, 2018; Sheet 4, Sheet LT2.01, entitled "Hillside Site Plan," dated April 9, 2018; Sheet 5, Sheet CT1.01, entitled "Soil Erosion Plan," dated April 9, 2018; Sheet 6, Sheet CT2.01, entitled "Site Utilities Plan," dated April 9, 2018; Sheet 7, Sheet CT4.01, entitled "Civil Details," dated April 9, 2018; Sheet 8, Sheet AT1.01, entitled "Main Level Floor Plan," dated April 9, 2018; Sheet 9, Sheet AT1.02, entitled "Upper Level Floor Plan," dated April 9, 2018; Sheet 10, Sheet AT5.01, entitled "Exterior Elevations I," dated April 9, 2018.
- Exhibit 4 - Stormwater Report for Hillside Temporary Fire Station #2, 28 Glen Gary Road, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated April 9, 2018.
- Exhibit 5 - Memorandum of Title, 28 Glen Gary Road, Needham, Massachusetts.
- Exhibit 6 - Letter directed to David Roche, Building Commissioner, from Attorney Christopher H. Heep, dated May 21, 2018.
- Exhibit 7 - Email from Mark Gluesing, Design Review Board, dated May 21, 2018.
- Exhibit 8 - Needham Conservation Commission Order of Conditions, dated May 14, 2018.

- Exhibit 9 - Memorandum directed to David McKinley, Kaestle Boos Associates, Inc., from F. Giles Ham and Jennifer Conners, Vanasse & Associates, Inc., dated June 6, 2018.
- Exhibit 10 - Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018, with Exhibits.
- Exhibit 11 - Chart entitled "Public Safety Complex and Fire Station #2 – Preliminary Construction Schedule," dated March 27, 2018.
- Exhibit 12 - Public Safety Complex and Fire Station #2 – Preliminary Construction Schedule, updated June 28, 2018.
- Exhibit 13 - 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 1, 2018 and May 17, 2018; IDC from Thomas Ryder, Assistant Town Engineer, dated May 15, 2018.

Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 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 28 Glen Gary Road, Needham, Massachusetts, shown on Assessor's Map No. 102 as Parcel 1 containing 24.6 acres in the General Residence District.
- 1.2 The Petitioner is presently pursuing permits to authorize construction of a new Police and Fire Department Headquarters at 88 Chestnut Street, and a new Fire Station No. 2 to be located at 257 Webster Street. These two sites are already in service as the Town's current Police and Fire Headquarters, and its second Fire Station. The construction of these new facilities will require the Police Department to temporarily relocate to a new facility at another site, and will require the Fire Department to temporarily move its operations that are based in Fire Station No. 2.
- 1.3 The requested Major Project Site Plan Review Special Permit would, if granted, permit the Needham Police Department to temporarily move its operations to the subject site while a new Police and Fire Department Headquarters is built at 88 Chestnut Street and further would allow the Needham Fire Department to temporarily move its operations that are based in Fire Station No. 2 at 257 Webster Street to the subject site while Fire Station No. 2 is rebuilt.
- 1.4 The subject property is currently in active use as the Hillside Elementary School; but will be unoccupied as of the summer of 2019 when the school moves to its new location. The project involves construction of a temporary structure containing a total of 9,259 square feet of floor area in the front of the Hillside Elementary School. This temporary structure will consist of a tent made up of metal panels and a fabric roof that will be used to store Fire Department apparatus, and a system of six (6) connected 12'x60' modular trailers that will house Fire Department personnel. The project also involves conversion of space

within the Hillside School for use by the Police Department and use of parking facilities for both departments. There will be no active use of the site by the School Department during the life of this project with the possible exception of storage.

- 1.5 The project involves a temporary use of this site, and the Petitioner proposes to restore the site to its now existing condition after this temporary use concludes.
- 1.6 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," per 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.
- 1.7 The project has been designed with a total of 85 parking spaces to serve the parking needs of this proposed use. There are 13 parking spaces located on the northeast side of the temporary structure. These spaces are located adjacent to the entrance of the Hillside Elementary School and can be used by any members of the public accessing the building for police related business. There are also 26 parking spaces located on the southwestern side of the temporary structure, connected to a site driveway that leads to a lower, fenced lot containing an additional 46 spaces.
- 1.8 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 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.
- 1.9 Demand based on Police and Fire Department personnel:

The Fire Station will have a maximum of eight (8) fire fighters assigned at the site during any shift, and no dispatch or other staff at this location. This is the same maximum amount of staff at the proposed Fire Station No. 2 (there are presently six (6) serving on a shift at the existing Fire Station No. 2); Fire Department personnel based out of the existing headquarters on Chestnut Street will not use the temporary facility proposed for this site. Accordingly, the maximum number of fire fighters present on site during a shift change is sixteen (16) firefighters (i.e. two shifts of eight (8) fire fighters overlapping briefly during a change).

The Police Department has a total of 22 administration, detectives, and staff. The Police Department also has rotating shifts of 9 patrol personnel (day) and 8 patrol personnel (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.

It should be noted that these numbers represent the theoretical maximum amount of employee 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 some flexibility and shared use of the parking spaces by both departments, should actual demand so require.

1.10 By space within the building:

The Petitioner also determined the parking needs associated with specific uses that will exist within the building itself. The Police Department will use 7,517 square feet of the Hillside Elementary School for office space, and the temporary building will contain 3,526 square feet of space to be devoted to office related use by the Fire Department. Section 5.1.2(7) of the 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, these areas would require 25 parking spaces and 12 parking spaces respectively, for a total of 37 parking spaces. The remainder of the project is dedicated to uses such as the Fire Department apparatus bay, storage, and bunks, 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 interior uses of the building are used as a guide, the building would require a total of 37 parking spaces.

1.11 Both of the above-described approaches indicate that the total number of parking spaces to be provided on site, namely, eighty-five (85), will adequately address the needs of 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 1.9 and Section 1.10 of this Decision, finds that 85 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.

1.12 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 as described below. A Special Permit pursuant to Section 5.1.1.5 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 has been requested. A Special Permit pursuant to Section 5.1.1.5 to waive the parking design requirement set forth in Section 5.1.3(l) requiring the provision of one (1) tree for every ten spaces thereof has been requested.

1.13 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage of the General Residence District. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the General Residence 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.

1.14 The Petitioner proposes to place one emergency back-up generator along the southwestern edge of the Hillside School. The Petitioner has stated that the emergency generator will be designed and operated to comply with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjoining adjacent properties.

- 1.15 At the May 22 public hearing, the Planning Board asked the Petitioner to provide renderings of the temporary Fire Station. As detailed in the original application materials, this temporary structure will contain a total of 9,259 square feet of floor area including both (i) a tent made up of metal panels and a fabric roof that will be used to store Fire Department apparatus, and (ii) a system of six (6) connected 12'x 60' modular trailers that will house Fire Department personnel.

The Petitioner has not yet retained a vendor and so was not able to provide precise renderings of the proposed structure because its actual appearance will vary depending on the vendor that is selected. With that caveat, a rendering of the apparatus bay was presented to the Board by the Petitioner. (See Exhibit A of a Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018. Said letter is described under Exhibit 10 of this Decision). Also presented were photographs of a temporary structure for Fire Department apparatus and personnel in Walpole, MA, the general appearance of which the Needham facility is expected to emulate. (See Exhibit A of a Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018. Said letter is described under Exhibit 10 of this Decision).

- 1.16 The Petitioner has requested the right to approve the specific design for the Temporary Fire Station, without further public hearings provided that said plans and/or changes fall within the design profile described in Section 1.15 of this Decision, and further provided (a) additional special permits for new uses or additional dimensional waivers are not required, and (b) the total square footage of the structure does not exceed what is shown on the Plan.
- 1.17 The Petitioner reviewed the sound levels that will be generated at the subject site as a result of the temporary Police Station and temporary Fire Station and offered the following sound management program to keep the lowest sound range practicable.

When the alarm sounds at the temporary Fire Station, it will only ring once. After that, Fire Department personnel will use a speaker system and will issue instructions, and the applicable personnel and equipment will depart the site to respond to the call. There will not be a scenario on site where the fire alarm sounds consistently or repeatedly.

Fire trucks will only use their sirens when traffic conditions require it. This should almost never be necessary when a fire truck is traveling along Glen Gary Road. The neighborhood will not regularly experience fire truck sirens when the trucks are leaving to respond to calls, and certainly not when the trucks are returning back to the station.

All equipment and personnel associated with the Fire Headquarters on Chestnut Street will continue to be based from that location. Accordingly, while there will certainly be frequent responses from the temporary Hillside station, the Fire Department will remain primarily based out of its downtown headquarters.

Use of the site generator shall be limited to power outages with testing limited to once a week for approximately fifteen (15) minutes.

- 1.18 The Petitioner arranged for its traffic engineer Vanasse and Associates, Inc. to prepare a Supplemental Memorandum regarding this project addressing vehicular access via Glen Gary Road (Exhibit 9).

Vanasse specifically reviewed the sight line distances at the intersection of Glen Gary Road and West Street, and found them to be satisfactory. Vanasse stated the following in its Supplemental Memorandum: "The available lines of sight for motorists exiting Glen Gary

Road onto West Street exceed the recommended minimum sight distance to function in a safe manner based upon actual speeds. Based upon the above information, it is our professional opinion that a fire pre-emption traffic signal is not recommended at the intersection of West Street and Glen Gary Road.”

Vanasse also reviewed the width of Glen Gary Road, and whether the road could safely accommodate both the Town’s fire trucks and on-street parking. Vanasse found that Glen Gary Road would allow for adequate access by all Fire Department vehicles. Glen Gary Road is twenty-four feet wide. To ensure adequate access, the Petitioner will arrange for the east side of Glen Gary Road (the left side as one exits the site) to be “no parking” while the temporary headquarters is at the site. This will allow sufficient room for the Fire Department’s largest truck to maneuver to and from the site.

- 1.19 The Petitioner has indicated its intent to review the no-parking zone described above with the Town of Needham Traffic Management Advisory Committee and if approved to proceed with the installation of a no-parking zone for the easterly side of Glen Gary Road from the site driveway to West Street.
- 1.20 The Petitioner submitted a preliminary construction schedule for the Police and Fire Headquarters and Fire Station No. 2 which is detailed under Exhibit 12 of this Decision. This preliminary construction schedule shows the expected occupancy dates for this project as running for a period of 18 month commencing in October of 2019 and ending in April of 2021.
- 1.21 The title report for the subject site (Exhibit 5) noted that no Certificate of Compliance had been recorded for Needham Conservation Commission Order of Conditions dated October 13, 1994 and recorded in Book 10704, Page 660. This Order of Conditions affects this site, and involved “collection of soil samples, surface water samples, and installation of groundwater sampling microwells within a Bordering Vegetated Wetlands and within 100 feet of the boundary of this wetland.” The Petitioner is investigating this matter, and has represented that it will seek a Certificate of Compliance from the Conservation Commission, or otherwise work with the Conservation Commission to address this outstanding Order.
- 1.22 The protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light, and air has been provided for. With respect to surface water drainage, the project does not involve permanent changes to the site. The stormwater runoff path will not change, and runoff volume will not increase due to the project. The Petitioner’s engineer has consulted with the Town Engineer, and it was determined based on this discussion that no stormwater mitigation measures are recommended for this project at this time. This project will also require approval from the Town of Needham Conservation Commission, and the Petitioner will incorporate any conditions imposed as part of that review. Finally, the Petitioner will return the site to its current condition at the conclusion of the Police Department and Fire Department’s temporary occupancy.
- 1.23 With respect to views, light and air, the proposed Fire Station complies with all applicable dimensional requirements for the General Residence District, including setbacks, floor area ratio, lot coverage and maximum building height. The Police Department will occupy a portion of the existing Hillside Elementary School, and this occupancy will not have any impacts on views, light or air. The Town is proposing to construct a temporary structure in front of the school building for Fire Department apparatus and personnel, but the structure will be removed upon completion of the permanent facilities on Chestnut Street and

Highland Avenue, and will not have any lasting impacts. The temporary structure will comply with all applicable dimensional requirements for the General Residence 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 that will be used by members of the public visiting the Hillside Elementary building for police related purposes are located in the area immediately adjacent to the entrance. The lower parking area to be used by the Police Departments will be fenced, and inaccessible to members of the public. Accordingly, the majority of the parking area will not be used by anyone other than Police Department and Fire Department personnel. The Town further proposes to provide for sidewalk access from Glen Gary Road along the western side of the site, to allow for adequate pedestrian access to the play area located on the property.
- 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. The project is designed to provide a total of 85 parking spaces. 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. The parking spaces available for use by the public are located adjacent to the main entrance to the building. In addition, there is a separate entrance to the building adjacent to the lower fenced parking lot to be used by the Police Department.
- 1.26 Adequate methods of disposal of refuse and other waste resulting from the site's use will be provided. The Police and Fire Departments 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 site plans) 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 Hillside Elementary School is an existing building, and the temporary occupancy by the Police and Fire Departments will not affect the natural landscape or other community assets. The temporary structure and parking by the Police and Fire Departments are temporary conditions, and the Petitioner will restore the site to the now existing condition at the end of the project. In addition, the Town will maintain sidewalk access from the street to the play area, and the play area will remain open during the life of the project.
- 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. The Police and Fire Departments will occupy the site temporarily, and will restore the site at the conclusion of their occupancy. 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 General Residence District if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and 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 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 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 (Off-Street Parking Requirements), Subsections 5.1.3 (k) and 5.1.3 (l), 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 Zoning Table on the Plan shall be revised to show a total of 85 parking spaces for the subject property.
 - b. The Plan shall be revised to include the specifications for the emergency back-up generator as detailed in Section 3.36(c) of this Decision.

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 3.41 hereof.
- 3.1 The subject site shall be used as the Temporary Headquarters for the Town of Needham Police Department and for the relocating of Fire Department equipment and personnel from

Fire Station No. 2. All equipment and personnel associated with the Fire Department Headquarters on Chestnut Street shall continue to be based from that location.

- 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. Any changes, revisions or modifications to the Plan 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 and in accordance with the applicable dimensional requirements of the By-Law. Any changes, revisions or modifications to the Plan shall require approval by the Board.
- 3.4 The operation of the proposed Police and Fire Department headquarters complex shall be as described in Sections 1.3, 1.4, 1.5, 1.7, 1.8, 1.9, 1.14, 1.15, 1.17, 1.18 1.19 and 1.20 of this Decision and as further described under Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12. Any changes of such above-described use shall be permitted only by amendment of this Approval by the Board.
- 3.5 The proposed building 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.
- 3.6 At completion of the project a total of eighty-five (85) parking spaces shall be provided on-site at all times in accordance with the Plan to serve the Temporary Headquarters for the Town of Needham Police Department and relocated Fire Station No 2. A total of thirteen (13) of these off-street parking spaces shall be set aside for use by members of the public visiting the Police Station (these spaces are located on the northeast side of the temporary structure adjacent to the entrance to the Hillside School) with such restriction designated by appropriate signage. A total of twenty-six (26) of these off-street parking spaces shall be set aside for Fire Department use (these spaces are located on the southwestern side of the temporary structure) with such restriction designated by appropriate signage. The remaining forty-six (46) parking spaces which are located in the lower fenced parking lot shall be set aside for the Police Department with such restriction designated by appropriate fencing.

All off-street parking shall comply with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law, as shown on the Plan, except as waived herein.

- 3.7 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense". The quantity & 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.
- 3.8 Design Guidelines. The Board approves the plans for the site and the location of the Temporary Fire Station. The Board acknowledges that the final design of the Temporary Fire Station has not yet been determined as the Petitioner has yet to retain a vendor for its installation. Accordingly, as a prerequisite for final approval and the issuance of a building permit the Temporary Fire Station shall be subject to design review by the Planning Board to determine conformance to the following Design Guidelines. Design approval shall be granted by the Planning Board for final plans that are consistent with the Design Guidelines and the applicable requirements of the By-Law and further provided (a) no additional special permits for new uses or additional dimensional waivers are required, and (b) the

total square footage of the Temporary Fire Station does not exceed what is shown on the Plan.

Design Guidelines

a. The design elements of the Temporary Fire Station shall be substantially similar to a rendering of the apparatus bay that was presented to the Board by the Petitioner. (See Exhibit A of a Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018. Said letter is described under Exhibit 10 of this Decision).

b. The design elements of the Temporary Fire Station shall be substantially similar to photographs of a temporary structure for Fire Department apparatus and personnel in Walpole, MA, the general appearance of which the Needham facility is expected to emulate. (See Exhibit A of a Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018. Said letter is described under Exhibit 10 of this Decision).

The proposed plans and an application for review shall be filed with the Planning Board. At the same time, application materials shall also be submitted to the Design Review Board along with an application for design review. Within 20 days of receipt of the Design Review application, the Design Review Board shall hold a public meeting, to which the Applicant shall be invited for the purpose of determining whether the proposed plans fall within the Design Guidelines described above. Within 15 days of the meeting the Design Review Board shall transmit its determination as to the plans' compliance with the Design Guidelines described above and its design review report to both the Planning Board and Applicant. The Planning Board shall review said plans with the Applicant at its next public meeting following receipt of said recommendation from the Design Review Board provided such recommendation is received at least 7 days prior to the next scheduled meeting. If the Planning Board finds that the plans do fall within said Design Guidelines, the Planning Board shall approve and endorse said plans and transmit its decision to the Applicant and Building Inspector via memorandum. If the Planning Board finds that the plans do not fall within said Design Guidelines, the Applicant may modify said plans or file a Request for Further Site Plan Review with the Board. The Planning Board shall make its determination within 60 days of receipt of said plans from the Petitioner.

- 3.9 The site plan shall be revised to include the specifications for the emergency generator to be installed at the southwestern side of the Hillside School. The emergency generator shall be designed, operated and screened so as to comply with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjoining properties and nearest inhabited residence. The revised plans shall be submitted to the Planning Board for review and approval before a building permit may be issued for this component of the project.
- 3.10 Normal maintenance and testing of the emergency generator as recommended by the manufacturer shall be limited to one occurrence per week between the weekday hours of 9:00 a.m. and 5:00 p.m. for a period not to exceed 15 minutes. The emergency generator shall not operate more than 300 hours per rolling 12 month period, including the normal maintenance and testing procedure as recommended by the manufacturer and periods when the primary power source for the Police and Fire Departments, has been lost during an emergency, such as a power outage, an on-site disaster or an act of God.
- 3.11 The Petitioner shall review the no-parking zone with the Town of Needham Traffic Management Advisory Committee and if approved shall coordinate with the DPW to install

a no-parking zone for the easterly side of Glen Gary Road from the site driveway to West Street. Said no parking zone shall be in effect while temporary headquarters is at the site.

- 3.12 As a general rule, Fire trucks and Police and Fire Department vehicles departing the site at Glen Gary Road shall not exit the property with lights and/or sirens in active use. Fire trucks shall only use their sirens when traffic conditions require it.
- 3.13 The alarm system for the Temporary Fire Station shall be designed to ring only once. After that Fire Department personnel shall use a speaker system to issue instructions. There shall not be a scenario on site where the fire alarms sounds consistently or repeatedly.
- 3.14 The Petitioner shall provide for sidewalk access from Glen Gary Road along the western side of the site, to allow for adequate pedestrian access to the play area located on the property. Said sidewalk access shall remain open during the life of the project.
- 3.15 There shall be no active use of the site by the School Department during the life of this project with the exception of storage.
- 3.16 The Petitioner shall return the site to its current condition after the Police and Fire Departments conclude their temporary use of the property. Said restoration shall be consistent with a plan entitled "Partial Existing Conditions Plan, Hillside School," dated April 3, 2018 as further detailed in Exhibit 3 of this Decision. 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.
- 3.17 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.18 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.
- 3.19 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.
- 3.20 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.
- 3.21 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.
- 3.22 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.
- 3.23 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.

- 3.24 The maintenance of site and parking lot landscaping shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.
- 3.25 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.
- 3.26 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.
- 3.27 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.
- 3.28 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. Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the Police Department and Fire Department operation. The dumpster shall be emptied, cleaned and maintained to meet Board of Health Standards.
- 3.29 All lights for the Temporary Police Station and Fire Station shall be shielded and adjusted during the evening hours to prevent any annoyance to the neighbors. The Petitioner shall adjust its parking lot lights during the night and early morning. Beginning between the hours of 10:00 p.m. and 11:00 p.m., the Petitioner shall shut off most of the parking lot lights using the lights on the building to shine down and provide basic security.
- 3.30 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.
- 3.31 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.
- 3.32 All construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 3.33 All construction deliveries shall be made at Glen Gary Road and 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 subject property to the main streets. The Petitioner shall create a contract exhibit indicating possible truck/delivery routes, which details the area where no

construction vehicles will be permitted. The noted map shall be submitted to the Board for review and approval prior to the issuance of the building permit.

- 3.34 All Subcontractors/Vendors shall be contractually required to agree to the traffic condition set forth in Section 3.33 in their contract with the Petitioner to work on this project. The Petitioner shall order signage, including poster boards of the above-noted map, which will be posted on site for enforcement purposes. Weekly meetings between the Petitioner and the Subcontractors/Vendors shall emphasize this delivery requirement.
- 3.35 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
 - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site, which require excavation or otherwise pose a danger to public safety.
 - c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Glen Gary Road and West 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 Glen Gary Road and West Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.36 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 Plan shall be revised to include the specifications for the emergency back-up generator as shown on the Plan. A noise analysis shall be provided demonstrating that the emergency back-up generator has been designed and will operate in compliance with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjoining adjacent properties. Said plan and noise analysis shall be submitted to and approved by the Board.
 - d. The Petitioner shall have secured from the Needham Conservation Commission a Certificate of Compliance for Order of Conditions dated October 13, 1994 and recorded in Book 10704, Page 660.

- e. 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.
- 3.37 No building or structure, or portion thereof for 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 the project on-site and off-site. In addition, the as-built plan for the project shall show the final location, size, depth, and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities that have been abandoned for the project. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
 - b) 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 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 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 the project.
 - e) That the no-parking zone if approved along the easterly side of Glen Gary Road from the site driveway to West Street shall be in place with appropriate signage installed.
 - f) Notwithstanding the provisions of Section a, b, and c hereof, the Building Inspector may issue one or more certificates for temporary occupancy for the building 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 of the project.
- 3.38 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.

- 3.39 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.
- 3.40 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.
- 3.41 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.

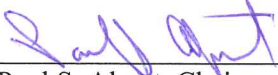
- 4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan Special Permit shall not take effect until 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.

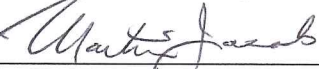
The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown of the Plan, as modified by this Decision,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

Witness our hands this 17th day of July, 2018.

NEEDHAM PLANNING BOARD


Paul S. Alpert, Chairperson


Martin Jacobs, Vice-Chairperson


Elizabeth J. Grimes


Jeanne S. McKnight


Ted Owens

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

July 17 2018

On this 17 day of July, 2018, before me, the undersigned notary public, personally appeared Paul Alpert, 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

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, 500 Dedham Avenue, Needham, Massachusetts, for property located at 28 Glen Gary Road, Needham, Massachusetts, shown on Assessor's Map No. 102 as Parcel 1, 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
Stephen Gentile, PPBC

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest