



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

2018 JUL 20 AM 9:42
TOWN CLERK
NEEDHAM, MA 02492

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

DECISION
July 17, 2018

PLANNING

Major Project Site Plan Special Permit
Fire Station 2
SPMP No. 2018-04

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 707 Highland Avenue and 257 Webster Street, Needham, Massachusetts, shown on Assessor's Map No. 70 as Parcels 5 and 29 containing 53,896 square feet in the General Residence District.

This Decision is in response to an application submitted to the Board on April 11, 2018 and an application for additional special permit relief submitted to the Board on May 31, 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 replacement of the existing Fire Station that currently occupies the site, which began operation in 1949, with a new station. The new Fire Station is designed with 23,203 square feet of floor area. The station will be two stories in height as viewed from the front; the topography of the site is lower towards the rear of the lot, and there will be a basement level accessible from the rear of the building. The main floor of the Fire Station will be used primarily for the apparatus bay, with an office, storage and EMS patient care area. The upper floor of the Fire Station will be used primarily as residential space for Fire Department personnel on shift. The basement level will have an apparatus bay that will allow for repair and maintenance of Fire Department vehicles, as well as storage space and building mechanicals. The proposed project will include eighteen (18) on-site parking spaces. Proposed site work includes modifications to the site grading and drainage, and the addition of landscaping. The Fire Department will temporarily relocate to the Hillside 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 4.2.4(h), a Special Permit is required to allow a Floor Area Ratio of up to 0.60 for the proposed Fire Station. In accordance with the Zoning By-Law, Section 4.2.4(i), a Special Permit to allow Lot Coverage of up to 25% for the proposed Fire Station is required. In accordance with the By-Law, Section 4.2.14.4, a Special Permit is required to waive strict adherence with the requirements of Section 4.2.14.1 so as to allow a reduction in the width of a required Transition Area from 25 feet to 4 feet to accommodate an access driveway along the property line that borders the south side of the property located at 253 Webster Street. 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 Vice-Chairperson, Martin Jacobs on Tuesday, May

22, 2018 at 7:30 PM in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, Massachusetts. Board members 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 8:45 p.m., in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, Massachusetts. Board members 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 - Application Form for Site Plan Review completed by the applicant, dated May 31, 2018.
- Exhibit 3 - Three letters to Planning Board Members from Attorney Christopher H. Heep, two dated April 9, 2018, one dated May 29, 2018.
- Exhibit 4 - Plan set entitled "Needham Fire Station #2, 707 Webster 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, consisting of 21 sheets: Sheet 1, Cover Sheet, dated April 9, 2018; Sheet 2, Sheet EX-1.1, entitled "Existing Conditions Plan," dated December 7, 2017; Sheet 3, Sheet LF1.01, entitled "Site Demolition Plan," dated April 9, 2018; Sheet 4, Sheet LF2.01, entitled "Site Layout Plan," dated April 9, 2018; Sheet 5, Sheet LF3.01, entitled "Site Material Plan," dated April 9, 2018; Sheet 6, Sheet LF4.01, entitled "Site Grading Plan," dated April 9, 2018; Sheet 7, Sheet LF5.01, entitled "Site Planting Plan," dated April 9, 2018; Sheet 8, Sheet LF6.01, entitled "Site Details," dated April 9, 2018; Sheet 9, Sheet LF6.02, entitled "Site Details," dated April 9, 2018; Sheet 10, Sheet LF6.03, entitled "Site Details," dated April 9, 2018; Sheet 11, Sheet LF6.04, entitled "Site Details," dated April 9, 2018; Sheet 12, Sheet CF1.01, entitled "Soil Erosion and Utilities Demolition Plan," dated April 9, 2018; Sheet 13, Sheet CF2.01, entitled "Site Utilities Plan," dated April 9, 2018; Sheet 14, Sheet CF3.01, entitled "Civil Details," dated April 9, 2018; Sheet 15, Sheet CF4.01, entitled "Civil Details," dated April 9, 2018; Sheet 16, Sheet AF5.01, entitled "Exterior Elevations I," dated April 9, 2018; Sheet 17, Sheet AF13.01, entitled "Basement Furniture Plan," dated April 9, 2018; Sheet 18, Sheet AF13.02, entitled "Main Level Furniture Plan," dated April 9, 2018; Sheet 19, Sheet AF13.03, entitled "Upper Level Furniture Plan," dated April 9, 2018; Sheet 20, Sheet EF1.01, entitled "Electrical Site Plan," dated April 9, 2018; Sheet 21, Sheet EF2.01, entitled "Site Photometric Plan," dated April 9, 2018.
- Exhibit 5 - Stormwater Report for Needham Fire Station #2, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated April 9, 2018.

- Exhibit 6 - Letter to Planning Board Members from Attorney Christopher H. Heep, dated May 29, 2018.
- Exhibit 7 - 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 8 - Letter directed to David Tobin, Town Counsel, from Wilchins Cosentino & Novins LLP, dated January 18, 2017, with attachments.
- Exhibit 9 - Letter directed to David Roche, Building Commissioner, from Attorney Christopher H. Heep, dated May 21, 2018.
- Exhibit 10 - Design Review Board approval dated June 8, 2018.
- Exhibit 11 - Email from Mark Gluesing, Design Review Board, dated May 21, 2018.
- Exhibit 12 - 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, 5, 6, 7, 8 and 9 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 707 Highland Avenue and 257 Webster Street, Needham, Massachusetts, shown on Assessor's Map No. 70 as Parcels 5 and 29 containing 53,896 square feet in the General Residence District.
- 1.2 The requested Major Project Site Plan Review Special Permit would, if granted, permit the replacement of the existing Fire Station that currently occupies the site, which began operation in 1949, with a new station. The new Fire Station is designed with 23,203 square feet of floor area. The station will be two stories in height as viewed from the front; the topography of the site is lower towards the rear of the lot, and there will be a basement level accessible from the rear of the building. The main floor of the Fire Station will be used primarily for the apparatus bay, with an office, storage and EMS patient care area. The upper floor of the Fire Station will be used primarily as residential space for Fire Department personnel on shift. The basement level will have an apparatus bay that will allow for repair and maintenance of Fire Department vehicles, as well as storage space and building mechanicals. The proposed project will include eighteen (18) on-site parking spaces. Proposed site work includes modifications to the site grading and drainage, and the addition of landscaping. The Fire Department will temporarily relocate to the Hillside School during construction.

- 1.3 The subject property is presently used as a Town of Needham Fire Station, and there are currently twelve (12) parking spaces located on the site. The Petitioner proposes to increase this number to eighteen (18) parking spaces.
- 1.4 The By-Law does not contain a specific parking requirement for a Fire Department use. 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.
- 1.5 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.
- 1.6 Demand based on Fire Department personnel:
- The Fire Station will have a maximum of eight (8) fire fighters assigned to the building on a given shift. There will be no administrative or other staff based out of this Fire Station. Based on this maximum number of personnel, there may briefly be a maximum of sixteen (16) fire fighters on site during a shift change (i.e. two shifts of eight (8) fire fighters overlapping briefly during a change). Accordingly, the site was designed to provide sixteen (16) spaces to support the Fire Department’s use, plus an additional two (2) spaces for members of the public. The Fire Station does not contain any interior spaces that will be commonly used or accessed by members of the public. Therefore, the two (2) public spaces should be used infrequently, and adequately serve the needs of this site.
- 1.7 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 3,188 square feet of office space. 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, the 3,188 square feet of office space would require eleven (11) parking spaces. The building contains no space for public assembly, and 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 use of the space within the building is used as a basis for evaluating parking demand, this site would be required to provide eleven (11) parking spaces.
- 1.8 Both of the above-described approaches indicate that the total number of parking spaces to be provided on site, namely, eighteen (18), 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 1.6 and Section 1.7 of this Decision, finds that 18 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.

- 1.9 The Petitioner has requested that the Board grant a special permit pursuant to Section 4.2.14.4 of the Bylaw to modify the transition area requirements applicable to public uses within a General Residence District.

The Plan does not include the 25-foot landscaped transition area along the north and south property lines. The north side of the property features an existing site driveway that is located immediately adjacent to the lot line. The Petitioner is proposing to repave this existing driveway, but leave it in existence in substantially the same location. This driveway is a longstanding existing condition at this site, and the proximity of the driveway to the lot line does not allow for a landscaped transition area to be placed between the two. The requested waiver would reduce the transition area setback from 25 to 4 feet.

In addition, the Plan does not include the full 25-foot landscaped transition area between the proposed parking spaces on the south side of the site and the south property line. These parking spaces were sited in proximity to the property line by necessity: Most of the rear of the Fire Station needs to be paved and kept open in order to allow room for Fire Department vehicles to maneuver into each of the three apparatus bays at the rear of the building. In addition, the proximity of these spaces to the property line will not significantly impact the residential apartments on the other side. The apartments sit at grades higher than the ten (10) proposed parking spaces, and the topography provides a natural buffer, and reduces the potential for impacts from light and glare. The requested waiver would reduce the transition area setback on the south side from 25 to 8 feet.

Finally, the Plan shows landscaping on the south side of the Highland Avenue frontage, which is the portion of the front yard where landscaping will be most visible from the street.

Based on the foregoing, the Petitioner has requested that the Board grant a special permit pursuant to Section 4.2.14.4 to modify the 25-foot landscaped transition area required by Section 4.2.14.1, as shown on the Plan.

- 1.10 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 waiver of the landscaped areas requirement of By-Law Section 5.1.3(k) is requested as follows: 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.
- 1.11 The Petitioner has requested that the Planning Board grant a special permit pursuant to footnote (h) of Section 4.2.4 to allow a Floor Area Ratio of up to 0.60. The proposed Floor Area Ratio for Fire Station No. 2 is 0.49; footnote (h) allows for the grant of a special permit "increasing the maximum Floor Area Ratio required up to 0.60 for a municipal building or structure" located in the General Residence District.
- 1.12 The Petitioner has requested that the Planning Board grant a special permit pursuant to footnote (i) of Section 4.2.4 to allow for a Lot Coverage of up to 25%. The proposed lot coverage for Fire Station No. 2 is 21.7%; footnote (i) allows for the grant of a special permit "increasing the maximum lot coverage required up to twenty-five (25) percent for a municipal building or structure" located in the General Residence District.

- 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 appeared before the Design Review Board on June 4, 2018, and obtained approval for the project.
- 1.15 As relates the relief requested under Sections 1.11 and 1.12, the Board's findings are as follows:

The project complies with all criteria or standards set forth in the By-Law, with the exception of those criteria for which the Petitioner requested a waiver as noted in this Decision.

The project is consistent with the general objectives of this By-Law as set forth in subparagraph 1.1, and there are no more specific objectives set forth for these particular special permits.

The project is designed in a manner that is compatible with the existing natural features of the site. The topography of the site is higher at the front and considerably lower at the rear. The proposed Fire Station was specifically designed to fit within this natural topography: The building will be two stories in height as viewed from the street frontage, and the topography allows for an additional basement level that will be accessed from the rear and which will not be visible from the street. In addition, the project is compatible with the characteristics of the surrounding area. The existing Fire Station has been a longstanding use at this site, and this use is already an essential feature of this neighborhood. The proposed station is somewhat larger than the existing building, but is oriented similarly to the existing station and the access and vehicular circulation will remain substantially unchanged compared to the existing conditions.

The circulation patterns for this project will not result in any conditions that unnecessarily add to traffic congestion or the potential for traffic accidents. The project involves replacing the existing Fire Station that is located on this site with a new one. The new station will have a shift of not more than eight (8) fire fighters at any particular time. The existing station currently has a shift of six (6) fire fighters. Accordingly, there will not be a significant increase in vehicle trips and no increase in traffic congestion associated with this project. Vehicle access and internal site circulation will be substantially the same as the current use of the site. Finally, the Fire Department uses the Opticom system to override all traffic signals in the immediate area when responding to emergency calls. This system clears the intersection of Highland and Webster Streets of all vehicles, and can safely ensure that this use will not contribute to traffic accidents on the site or in the surrounding area.

The project will not have any demonstrable adverse impacts. The project will not produce excessive noise, illumination, glare, dust, smoke or vibration which are higher than levels now experienced from uses permitted in the surrounding area. The project involves replacing Fire Station No. 2 in its existing location, so the sounds that are necessarily attendant to the operation of a fire station are already experienced at this site and in the surrounding area. In addition, however, the building will be designed so as to comply with

all applicable noise regulations and the Fire Department will operate on this site in a manner that is respectful of the surrounding residential uses and which reduces all noise impacts to the greatest extent practicable.

- 1.16 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 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 runoff and potential for flooding.

The stormwater management for this project has been designed to mitigate the peak stormwater rate of runoff resulting from the proposed new Fire Station through the use of Best Management Practices (BMP's). A detailed description of the stormwater Best Management Practices (BMP's) proposed to be used on site, and stormwater calculations are in the Stormwater Management Report (Exhibit 5).

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. The standards met are described in the Stormwater Management Report and in the Stormwater Management Form as provided for by DEP.

- 1.17 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 the maximum building height. The building has been designed in a manner that is consistent with the natural site topography, and with sensitivity to the appearance of the building from the street. The building is two stories as viewed from the frontage along Highland Avenue and Webster Avenue, and the second level is set back from the front face of the building. There is a basement level accessible from the rear of the site, where the topography is lower; this basement will be not be visible from the frontage along the public ways. The front building façade will identify the building as "Needham Fire Station 2" above the three apparatus bay doors (as shown on the elevations in Exhibit 4), but otherwise there are no signs proposed on site as part of this application.

- 1.18 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. This Fire Station contains no interior space designed for use by the general public; accordingly the parking spaces will not be commonly accessed or used by members of the public. Vehicular and pedestrian access by non-Fire Department personnel is generally expected to be minimal. Occasional visits will certainly occur, for example, by someone asking for directions or seeking some other form of assistance. As a result, the site was designed to include a driveway along the front of the building with access to the main entrance door. This driveway will allow visitors to safely pull over temporarily without blocking the Fire Department's access to the apparatus bay and without occupying one of the parking spots located to the side of the building.

The driveway openings at the corner of Highland Avenue and Webster Street will be moved slightly from the existing condition, but will function in substantially the same manner as the Fire Department's existing access. Using the Opticom system, the Fire Department has the ability to clear the intersection as needed for departures from the

station, so safe vehicular movement by the Fire Department will be adequately provided for.

- 1.19 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 includes a total of eighteen (18) parking spaces. There will be maximum of eight (8) fire fighters on shift at this Fire Station, and no administrative personnel or other staff. Accordingly, the maximum number of Fire Department personnel that could be present on site is sixteen (16), and this would be true only briefly during a shift change. In addition, the interior of the Fire Station contains 3,188 square feet of office space. If this space were considered "offices" under Section 5.1.2 of the Zoning By-Law, it would require 11 parking spaces. None of the other interior uses of this Fire Station (*e.g.* apparatus bays, residential space) independently drive parking demand. Accordingly, the eighteen (18) parking spaces are adequate to serve the needs of this site. In addition, all parking spaces on the site conform to the minimum 9'x18.5' dimensional requirement of the By-Law.
- 1.20 Adequate methods of disposal of refuse and other waste resulting from the site's use will be provided. The Fire Station 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.
- 1.21 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 Fire Station satisfies all applicable dimensional requirements for the General Residence District, including setbacks and maximum building height. The Fire Station has been designed with consideration to the natural topography of the site and to visual impacts on the surrounding area. The building has been designed to appear as two stories from the frontage along Highland Avenue and Webster Avenue, with the upper level additionally set back from the front face of the main level. The natural topography of the site, which slopes downwards towards the rear, allows for a basement level in the back of the building without significant impacts on the views from the street. This portion of the building faces the large, rear portion of the lot and will not be readily visible from the public ways.
- 1.22 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 project will not cause any adverse impacts on the Town's resources. This site already serves as the location for the Town's Fire Station, and the Town is proposing to continue this use, replace the building with a new, updated facility, and to increase parking to better support the needs of the departments. In addition, the Town has adequate water and sewer system capacity to serve the demands of this station and there will be no adverse impacts on the Town's infrastructure or municipal services.
- 1.23 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.

- 1.24 Under Section 4.2.4 footnote (h) of the By-Law, a Special Permit may be granted to permit a floor area ratio beyond what is permitted by right pursuant to Section 7.5.2 of the By-Law and as more specifically described in Section 7.5.2.1, provided that the conditions of Section 7.5.2.1 of the By-Law are met. The Board, after considering all factors noted in Section 7.5.2.1 of the By-Law, finds that the proposed development Plan, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.
- 1.25 Under Section 4.2.4 footnote (i) of the By-Law, a Special Permit may be granted to permit a lot coverage beyond what is permitted by right pursuant to Section 7.5.2 of the By-Law and as more specifically described in Section 7.5.2.1, provided that the conditions of Section 7.5.2.1 of the By-Law are met. The Board, after considering all factors noted in Section 7.5.2.1 of the By-Law, finds that the proposed development Plan, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.
- 1.26 Under Section 4.2.14.4 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 4.2.14 (Screening for Public, Semi-Public and Institutional Uses), may be granted in the General Residence District, provided the Board finds that due to size, shape or topography of a lot, the strict provisions of this section would reduce the useable area of a lot so as to preclude reasonable use of the lot. The Board may grant a special permit to modify the transition area requirements where the side of a building, a barrier and/or the land between the building and lot line has been specifically designed, through a combination of architectural and landscaping techniques, to minimize potential adverse impacts on abutting lots. On the basis of the above findings and conclusions, the Board finds the proposed project and Plan, as modified by this Decision, and as conditioned and limited herein, to meet these requirements, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and not to be a detriment to the Town's and neighborhood's inherent use of the surrounding area.
- 1.27 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 4-0 to GRANT: (1) the requested Major Project Site Plan Special Review Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit pursuant to Section 4.2.4 footnote (h) of the By-Law to increase the floor-area ratio above 0.30 to 0.49; (3) the requested Special Permit pursuant to Section 4.2.4 footnote (i) of the By-Law to increase the lot coverage above 15% to 21.7%; (4) the requested Special Permit under Section 4.2.14.4 of the By-Law, to waive strict adherence with the requirements of Section 4.2.14.1 so as to allow a reduction in the width of a required Transition Area as detailed in Section 1.9 of this Decision; and (5) 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), Subsection 5.1.3 (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 the setback for the 10 parking spaces located to the rear of the building to the south property line.
 - b) The Plan shall be modified to show the dumpster in a wooden enclosure with a fence detail provided.
 - c) The Plan shall be revised to include a north arrow on all Plan sheets.
 - d) The title of the Plan shall be changed from "707 Webster Street and 257 Webster Street" to "707 Highland Avenue and 257 Webster Street".

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 3.33 hereof.
- 3.1 The subject site shall be used as a Fire Station for the Town of Needham.
- 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 operation of the proposed Fire Station No. 2 shall be as described in Sections 1.2, 1.3, 1.6, 1.8, 1.15, 1.18, and 1.19 of this Decision and as further described under Exhibits 1, 2,

3, 4, 5, 6, 7, 8 and 9. 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, as modified by this Decision, and in accordance with applicable dimensional requirements of the By-Law.

At completion of the project a total of eighteen (18) parking spaces shall be provided on-site at all times in accordance with the Plan, as modified by this Decision, to serve the Fire Station. A total of two (2) of these off-street parking spaces shall be set aside for use by members of the public visiting the Fire Station (these spaces are located in the parking lot accessed from Highland Avenue) with such restriction designated by appropriate signage. The remaining sixteen (16) parking spaces (three of which are located in the parking lot accessed from Highland Avenue and 13 of which are located in the parking lot accessed from Webster Street) shall be used by the Fire Department exclusively and shall be limited to the staff and employees of the Petitioner and other entities as deemed necessary by said Department with such restriction designated by appropriate signage.

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

- 3.6 The main access for the Fire Department's primary apparatus shall be by way of the Highland Avenue/Webster Street intersection. Secondary Fire Department vehicles shall use the Webster Street driveway to access the building from the rear. As a general rule, vehicles departing the site at Webster Street shall not exit the property with lights and/or sirens in active use.
- 3.7 All construction deliveries shall be made from Webster Street and Highland Avenue consistent with the logistics plan. 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 Fire Station 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 3.8 below. It is acknowledged and agreed that construction-related vehicles departing the construction site will be directed to turn right onto Webster Street to Highland Avenue.
- 3.8 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.
- 3.9 All Subcontractors/Vendors shall be contractually required to agree to the requirements of the Project Construction Management and Staging 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 shall emphasize this delivery requirement and the enforcement of the parking requirements discussed herein.
- 3.10 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.

- 3.11 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.12 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.
- 3.13 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.
- 3.14 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.
- 3.15 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.
- 3.16 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.
- 3.17 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.
- 3.18 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.
- 3.19 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.
- 3.20 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.
- 3.21 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.

- 3.22 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 Fire Station operation. The dumpster shall be emptied, cleaned and maintained to meet Board of Health Standards.
- 3.23 All lights for the 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.
- 3.24 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.
- 3.25 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.
- 3.26 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.
- 3.27 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 6:00 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 Highland Avenue and Webster 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 Highland Avenue and Webster Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.28 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 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.
- 3.29 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 Final Affidavit signed by a registered architect upon completion of construction for 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 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.
- 3.30 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.

- 3.31 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.
- 3.32 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.
- 3.33 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.

