



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

PLANNING

DECISION AMENDMENT

July 17, 2018

(Original Decision dated June 16, 1998, amended August 6, 2013)

Major Project Site Plan Special Permit No. 98-6

Town of Needham

Existing Municipal Parking Lot on Chestnut and Lincoln Streets

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 property at the location of the Existing Municipal Parking Lot on Chestnut and Lincoln Streets, shown on Assessor's Map No. 47 as Parcel 58 containing 1.74 acres in the Center Business and General Residence zoning districts.

This decision is in response to an application submitted to the Board on May 31, 2018, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law).

The requested Major Project Site Plan Special Permit would, if granted, permit an amendment of Major Project Site Plan Special Permit No. 98-6 and the Decision Amendment dated August 6, 2013. These decisions concern the Town of Needham's municipal parking lot located on Chestnut and Lincoln Streets.

The purpose of the requested amendment is to allow a portion of the Town's municipal parking lot to be used temporarily for construction access and activity, and Fire Department employee parking, during construction of a Police and Fire Headquarters on abutting property to the south. All of the areas affected by this amendment would be returned to their existing condition at the conclusion of construction.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert, on Tuesday, June 26, 2018 at 8:30 PM 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 submissions 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 May 31, 2018.
- Exhibit 2 - Letter to Planning Board Members from Attorney Christopher H. Heep, dated May 29, 2018.
- Exhibit 3 - Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018.
- Exhibit 4 - Plan entitled "Existing Conditions Site Plan, Public Facility & Parking Areas" prepared by Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA01887, dated January 31, 2018.
- Exhibit 5 - Plan set entitled "Needham Public Safety, Project Logistics with 43 Lincoln Street" prepared by Consigli and consisting of 2 undated sheets.
- Exhibit 6 - Letter to Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018, with Exhibits.
- Exhibit 7 - Inter-Departmental Communications (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 25, 2018.

Exhibits 1, 2, 3, 4, 5, and 6 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 in the General Residence and Center Business Zoning Districts and is the location of the Existing Municipal Parking Lot on Chestnut and Lincoln Streets, shown on Assessor's Map No. 47 as Parcel 58 containing 1.74 acres. The property is owned by the Petitioner.
- 1.2 The subject property is currently occupied by a municipal parking lot with a total of 195 parking spaces, pursuant to the approval of an Amendment to the Major Project Site Plan Special permit No. 98-6, dated June 16, 1998, amended August 6, 2013.
- 1.3 The Petitioner is proposing to utilize 16 parking spaces of the Chestnut and Lincoln Street Parking Lot that is adjacent to 43 Lincoln Street for temporary construction traffic to the north side of the Police and Fire Headquarters. This will be the main loading route for all of Phase 1 of construction of the Police and Fire Headquarters. In addition, this area is also proposed as Fire Department employee parking during Phase 2 of construction. This area of the lot is shown in red outline on the illustration entitled "Needham Public Safety Project Logistics with 43 Lincoln Street" (Exhibit 5) and is also shown on the "Existing Conditions Site Plan, Public Safety Facility & Public Parking Areas" dated January 31, 2018 (Exhibit 4). The existing parking spaces within this area will be rendered unavailable to the public for the duration of this temporary construction use, which will consist of approximately 2-3 years.

Additionally, the Petitioner proposes to temporarily move construction fencing into a portion of the parking lot during Phase I of construction on the Police and Fire Headquarters. This area is shown in blue outline on the illustration entitled "Needham Public Safety Project Logistics with 43 Lincoln Street" (Exhibit 5) and is also shown on

the "Existing Conditions Site Plan, Public Safety Facility & Public Parking Areas" dated January 31, 2018 (Exhibit 4). The existing parking spaces within this area will be rendered unavailable to the public for the duration of this temporary construction use. Per memorandum from Steve Popper, dated July 3, 2018 (Exhibit 8), the number of spaces lost is 13 spaces for the 2-3 month period of excavation and site development and 8 spaces during a subsequent period of 6-7 months during the erection and installation of steel and façade along the northern edge of the headquarters building.

- 1.4 As described above, the Petitioner is proposing temporary use of these areas only. The Petitioner does not propose any permanent alterations to the site or deviations from the previously approved as-built plan. The Petitioner will restore all affected areas of the lot to their current condition once the Police and Fire Headquarters is completed. The August 6, 2013 Amendment does not specifically allow for the temporary uses described above. Accordingly, the Petitioner requests that the Planning Board amend the Decision for the limited purpose of specifically authorizing the temporary use of two portions of the parking lot (shown on the Plan) to support the construction of the Police and Fire Headquarters on neighboring property. The Petitioner requests that the Decision remain otherwise unchanged, so that it can continue to govern the use of this property once the temporary construction activities are completed.

The Petitioner further proposes to add plantings to provide screening as further detailed in Exhibit A attached to a Letter to the Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018.

- 1.5 The Petitioner seeks to amend the Decision to add the following condition concerning the temporary use:

"Notwithstanding anything contained in Condition 3.1, 3.3 or 3.4, or Limitation 4.1 or 4.2, or any other provision of this Decision Amendment to the contrary, the Town of Needham may use those portions of the lot shown on the illustration labeled "Needham Public Safety—Project Logistics With 43 Lincoln Street" for construction access, activity, and Fire Department employee parking during the construction of the Police and Fire Headquarters on neighboring property to the south. The Town shall return the lot to its current condition, consistent with all conditions and limitations set forth in the Decision Amendment dated August 6, 2013, and the approved as-built plan, at the conclusion of construction."

- 1.6 The Board finds that all of its findings and conclusions contained in Major Project Site Plan Special Permit No. 98-6, dated, June 16, 1998, as amended August 6, 2013, are applicable to this Amendment, except as specifically set forth in this Amendment.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law, 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. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

a) The Plan described under Exhibit 4 shall be revised to show only 16 spaces in the North section of the parking lot to be utilized temporarily.

b) The Plan shall be revised to incorporate the changes made to the site landscaping along the south property line as presented to and approved by the Design Review Board on June 4, 2018 and as further detailed in Exhibit A attached to a Letter to the Planning Board Members from Attorney Christopher H. Heep, dated June 20, 2018.

CONDITIONS

3.0 Major Project Site Plan Special Permit No. 98-6, issued to the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, dated June 16, 1998, amended August 6, 2013, is hereby incorporated by reference, and all plans, conditions, and limitations therein approved remain in full force and effect except as further modified by this decision.

3.1 Major Project Site Plan Special Permit No. 98-6, issued to the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, dated June 16, 1998, amended August 6, 2013, is hereby amended by adding the following new condition:

3.31 Notwithstanding anything contained in Condition 3.1, 3.3 or 3.4, or Limitation 4.1 or 4.2, or any other provision of this Decision Amendment to the contrary, the Town of Needham may use those portions of the lot shown on the Plan entitled "Existing Conditions Site Plan, Public Facility & Parking Areas" prepared by Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA01887, dated January 31, 2018, as modified under Section 2.1 of this Decision.

Specifically, the Town may utilize 16 parking spaces of the Chestnut and Lincoln Street Parking Lot that is adjacent to 43 Lincoln Street for temporary construction traffic to the north side of the Police and Fire Headquarters for a period of up to 3 years. Additionally, in the south side of the Chestnut and Lincoln Street Parking Lot along the northern edge of the headquarters building, the Town may utilize 13 spaces for the 2-3 month period of site excavation and development and 8 spaces during a subsequent period of 6-7 months during the erection and installation of steel and façade along the buildings northern edge.

The Town shall return the lot to its current condition, consistent with all conditions and limitations set forth in the Major Project Site Plan Special Permit No. 98-6 Decision dated June 16, 1998 as amended August 6, 2013, and the approved as-built plan, at the conclusion of construction. Additionally, the Town shall install the plantings shown on the landscape plan detailed under Exhibit 7.

- 3.2 No parking spaces in the Chestnut and Lincoln Street Parking Lot shall be utilized for the purpose of construction access and activity, and Fire Department employee parking, during construction of a Police and Fire Headquarters, 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. 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.
- 3.3 At the conclusion of the temporary utilization of the parking spaces, the Petitioner shall submit the following to the Board for its review and approval:
- 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 all finished grades and final construction details of the driveways, gated entries, parking, drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
 - b. There shall be filed with the 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. Said plan shall be prepared by the engineer or landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham. Any person aggrieved by this decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

