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PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

**MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT TO DECISION
Application No. 94-5**

January 17, 2023

(Original Decision dated August 9, 1994, amended May 1, 1996)

**Coca Cola Beverages Northeast, Inc.
9 B Street, Needham, MA**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Coca Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110, (hereinafter referred to as the Petitioner) for property located at 9 B Street, Needham, Massachusetts. Said property is shown on Assessors Plan No. 300 as Parcel 14, containing a total of 1,031,086 square feet in the New England Business Center Zoning District.

This Decision is in response to an application submitted to the Board on September 13, 2022, by the Petitioner for: (1) a Special Permit under Sections 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Section 5.1.3 of the Needham Zoning By-Law (hereinafter the By-Law), with respect to subsection (n) (bicycle racks); (2) a Major Project Site Plan Review Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996.

The requested Major Project Site Plan Review Special Permit Amendment, would, if granted, permit the Petitioner to renovate the existing building by removing the existing 14,500 square foot office wing and incorporating those functions with the building, removal of 44,985 square feet of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14,610 square foot attached new single-story Fleet Services wing and addition of 14 loading docks. Interior renovations will include incorporation of a new automated product retrieval system and interior office fit up. Exterior façade improvement will incorporate a combination of reskinning of the building with an architectural metal panel system, painting and new signage.

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 Chair, Adam Block, on Monday, October 3, 2022 at 8:30 p.m. in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to Tuesday, November 1, 2022 at 7:05 p.m. at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 880 4672 5264. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the October 3, 2022 and November 1, 2022 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1** Application for an Amendment to Major Project Special Permit No. 94, with Exhibit A, dated September 13, 2022.
- Exhibit 2** Two letters from Evans Huber, Attorney, dated September 1, 2022 and September 21, 2022.
- Exhibit 3** Plans entitled "Site Plans," prepared by VHB, 101 Walnut Street, Watertown MA, consisting of 16 sheets: Sheet 1, Cover Sheet, dated August 29, 2022; Sheet 2, Sheet C1.0, entitled "Legend and General Notes" dated August 29, 2022; Sheet 3, Sheet C2.0, entitled "Overall Layout and Materials," dated August 29, 2022; Sheet 4, Sheet C2.1, entitled "Layout and Materials Plan," dated August 29, 2022; Sheet 5, Sheet C2.2, entitled "Layout and Materials Plan," dated August 29, 2022; Sheet 6, Sheet C3.1, entitled "Grading and Drainage Plan," dated August 29, 2022; Sheet 7, Sheet C3.2, entitled "Grading and Drainage Plan," dated August 29, 2022; Sheet 8, Sheet C4.1, entitled "Utility Plan," dated August 29, 2022; Sheet 9, Sheet C4.2, entitled "Utility Plan," dated August 29, 2022; Sheet 10, Sheet C5.1, entitled "Erosion and Sediment Control Plan," dated August 29, 2022; Sheet 11, Sheet C5.2, entitled "Erosion and Sediment Control Plan," dated August 29, 2022; Sheet 12, Sheet C6.1, entitled "Details," dated August 29, 2022; Sheet 13, Sheet C6.2, entitled "Details," dated August 29, 2022; Sheet 14, Sheet L1.1, entitled "Planting Plans," dated August 29, 2022; Sheet 15, Sheet L1.2, entitled "Planting Plan," dated August 29, 2022; Sheet 16, Sheet L-2.1, entitled "Planting Detail," dated August 29, 2022.
- Exhibit 4** Plan entitled "Color Site Plan," dated August 29, 2022.
- Exhibit 5** Stormwater Management Plan, prepared by VHB, 101 Walnut Street, Watertown MA, dated August 24, 2022.
- Exhibit 6** Traffic Evaluation, prepared by VHB, 101 Walnut Street, Watertown MA, dated August 30, 2022.
- Exhibit 7** Plans entitled "Reference Drawings," prepared by VHB, 101 Walnut Street, Watertown MA, Design Group Facility Solutions Inc., 5 Chenell Drive, Box 3, Concord, NH, 03301, consisting of 6 sheets: Sheet 1, Cover Sheet, dated August 29, 2022; Sheet 2, Sheet SV-1, entitled "Existing Conditions Plan of Land" dated March 1, 2022, revised August 26, 2022; Sheet 3, Sheet GA0.1, entitled "Overall Phasing Plan," dated April 14, 2022, revised August 24, 2022; Sheet 4, Sheet GA3.1, entitled "Proposed Exterior Elevations," dated April 14, 2022, revised August 24, 2022; Sheet 5, Sheet GA4.1, entitled "Proposed Rendering from Rt 128," dated August 24, 2022; Sheet 6, Sheet E1.02, entitled "From Parking Photometric Plan," dated August 29, 2022.
- Exhibit 8** Plans entitled "Site Plans," prepared by VHB, 101 Walnut Street, Watertown MA, consisting of 15 sheets: Sheet 1, Cover Sheet, dated August 29, 2022; Sheet 2, Sheet C1.0, entitled "Legend and General Notes" dated August 29, 2022; Sheet 3, Sheet C2.1, entitled "Layout and Materials Plan," dated August 29, 2022; Sheet 4, Sheet C2.2, entitled "Layout and Materials Plan," dated August 29, 2022; Sheet 5, Sheet C3.1, entitled "Grading and Drainage Plan," dated August 29, 2022; Sheet 6, Sheet

C3.2, entitled “Grading and Drainage Plan,” dated August 29, 2022; Sheet 7, Sheet C4.1, entitled “Utility Plan,” dated August 29, 2022; Sheet 8, Sheet C4.2, entitled “Utility Plan,” dated August 29, 2022; Sheet 9, Sheet C5.1, entitled “Erosion and Sediment Control Plan,” dated August 29, 2022; Sheet 10, Sheet C5.2, entitled “Erosion and Sediment Control Plan,” dated August 29, 2022; Sheet 11, Sheet C6.1, entitled “Details,” dated August 29, 2022; Sheet 12, Sheet C6.2, entitled “Details,” dated August 29, 2022; Sheet 13, Sheet L1.1, entitled “Planting Plan,” dated November 1, 2022; Sheet 14, Sheet L1.2, entitled “Planting Plan,” dated November 1, 2022; and Sheet 15, Sheet L2.1, entitled “Planting Details,” dated August 29, 2022.

Exhibit 9 Plans entitled “Site Plans,” prepared by VHB, 101 Walnut Street, Watertown MA, consisting of 2 sheets: Sheet L1.1, entitled “Planting Plan,” dated August 29, 2022, edited with “Planting Enhancements” on October 31, 2022; and Sheet L1.2, entitled “Planting Plan,” dated August 29, 2022, edited with “Planting Enhancements” on October 31, 2022; Sheet 15, Sheet L2.1, entitled “Planting Details,” dated August 29, 2022.

Exhibit 10 Design Review Board comments dated October 17, 2022 and November 7, 2022.

Exhibit 11 Interdepartmental Communication (IDC) to the Board from Chief Tom Conroy, Needham Fire Department, dated September 28, 2022; IDC to the Board from Chief John Schlittler, Police Department, dated September 13, 2022; IDC to the Board from Tara Gurge, Needham Health Department, dated September 23, 2022; and IDC to the Board from Thomas Ryder, Town Engineer, dated September 30, 2022 and November 10, 2022.

Submitted for the Board’s deliberations following the close of the public hearing were the following exhibits:

Exhibit 12 Letter from Evans Huber, Attorney, dated January 2, 2023.

Exhibit 13 Plan Sheet entitled “Site Plans,” prepared by VHB, 101 Walnut Street, Watertown MA, Sheet C2.0, entitled “Overall Layout and Materials,” dated August 29, 2022, revised November 2, 2022, December 19, 2022 and December 27, 2022.

Exhibit 14 Letter from Building Commissioner, David Roche, dated January 17, 2023.

EXHIBITS 1, 2, 4, 5, 6, 7, 8, 9 and 13 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

- 1.1. The property is the subject of Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended April 30, 1996 which permitted the demolition of 53,576 square feet of the bottling plant and the addition of 75,652 square feet of warehouse, construction of a truck car wash facility, and 315 parking spaces, among other project components.
- 1.2. The Petitioner is now requesting permission to renovate the existing building by removing the existing 14,500 square foot office wing and incorporating those functions with the building, removal of 44,985 square feet of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by a 14,610 square foot attached new single-story Fleet Services wing and addition of 14 loading docks. Interior renovations will include

incorporation of a new automated product retrieval system and interior office fit up. Exterior façade improvement will incorporate a combination of reskinning of the building with an architectural metal panel system, painting and new signage.

- 1.3 The building was originally constructed in 1956 and operated as American Can Co. In 1975, it became Coca-Cola bottling and operated as a combination bottling and distribution facility until 2018. The bottling operation ceased in 2018 and the site has become one of the largest distribution facilities in the Petitioner's profile. The Petitioner has concluded that the Needham facility is strategically important and decided to make a major investment in the property, including: (1) a state-of-the-art order selection system and additional loading docks to improve operational efficiency; (2) brand new fleet maintenance facility; (3) renovated office and site beautification.
- 1.4 Improvements to the site and building will include:
- refresh building façade;
 - reduce building footprint;
 - reduce impervious cover;
 - add landscaping and ornamental fencing
 - improve stormwater treatment
 - add parking
- 1.5 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the New England Business Center Zoning District, namely, front, side and rear setback, maximum floor area ratio, minimum open space, maximum building height, maximum number of stories and maximum lot coverage.
- 1.6 The site has lawful pre-existing non-conformities with respect to certain requirements imposed by Section 4.8.1 of the By-Law, including surface parking lot setbacks (By-Law Section 4.8.1 (1)); landscaping in the 20-foot buffer area (By-Law section 4.8.1 (2)); open space (By-Law section 4.8.1(4)); and building façade length (By-Law Section 4.8.1 (6)). Even though no special permit or waiver is required with respect to these provisions of the By-Law (because the non-conformities pre-date the By-Law), the Board recognizes that the project will significantly increase the amount of landscaped and pervious space in the parking areas, and the amount of "open space" on the site (which under section 4.8.1 (4) of the By-Law excludes parking areas) will be increased from the current 9.5% to 12.7%. The extent of the other non-conformities will also be reduced by the proposed project.
- 1.7 The Petitioner is proposing to add 75 car/vehicle parking spaces and 20 truck parking spaces. A parking waiver was previously granted to reduce the number of parking spaces on site from the previously required 674 to 315 (See Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996).

The Petitioner originally requested a waiver of 312 parking spaces, calculated as follows: Under the Existing Conditions, a total of 1,033 parking spaces are required (30,000 sf of office space @ 1 space/300 sf = 100 spaces; plus 373,026 sf of warehouse (calculated in the Zoning By-Law as "manufacturing") @ 1 space/400 sf = 933 spaces). Under the proposed Conditions, a total of 898 parking spaces are required (20,000 sf of office space @ 1 space/300 sf = 67 spaces; plus 332,304 sf of warehouse (calculated in the Zoning By-Law as "manufacturing") @ 1 space/400 sf = 831 spaces). The Petitioner previously proposed a total of 586 parking spaces (380 vehicle spaces plus 206 truck spaces) for a waiver for 312 spaces

(898 required parking minus 586 proposed parking spaces).

After further consultation with the Building Commissioner, the Petitioner subsequently revised the parking calculation at the property, based on the classification of various parts of the building as agreed between the Building Commissioner and the Petitioner, and their associated parking requirements as dictated by By-law Section 5.1.2. The Petitioner's revised parking space shortfall at the property totals 11 parking spaces, calculated as follows: Under the Existing Conditions, a total of 572 parking spaces are required (30,000 sf of office space @ 1 space/300 sf = 100 spaces; plus 13,400 sf of automotive and truck repair @ 1 space/250 sf = 54 spaces; plus 354,974 sf of warehouse @ 1 space/850 sf = 418 spaces). Under the proposed Conditions, a total of 545 parking spaces are required (40,000 sf of office space @ 1 space/300 sf = 134 spaces; plus 14,600 sf of automotive and truck repair @ 1 space/250 sf = 59 spaces; plus 299,031 sf of warehouse @ 1 space/850 sf = 352 spaces). The Petitioner is now proposing a total of 534 parking spaces (380 vehicle spaces plus 154 truck spaces) for a waiver for 11 spaces (545 required parking minus 534 proposed parking spaces).

- 1.8 The site is non-conforming with respect to the number of parking spaces. Major Project Site Plan Review Special Permit No. 94-5 dated August 9, 1994, and Site Plan Special Permit Amendment No. 1 dated May 1, 1996, granted waivers from strict adherence with the number of parking spaces required by the Bylaw. This proposal will both decrease the square footage of the building, and increase the number of parking spaces on site, both of which will have the effect of reducing the extent of the non-conformity with respect to parking spaces. Pursuant to Section 5.1.1.1 of the Bylaw, for this reason the proposed changes do not trigger the thresholds set forth in that section for requiring compliance with, or waivers of, the requirements of Sections 5.1.2 and 5.1.3 of the Bylaw, and, therefore, no special permit or waiver is needed or requested with respect to those sections of the By-Law. The only exception to the foregoing is that the site does not comply with the requirements of section 5.1.3 (n) of the Bylaw regarding bicycle racks. Compliance with or a waiver of this requirement is required even if the proposed project does not result in an increase in parking demand. Accordingly, a waiver from this requirement has been requested.
- 1.9 VHB conducted a traffic evaluation on behalf of Coca-Cola Beverages Northeast, Inc. (Exhibit 6) for the proposed site improvements and renovations at the existing facility located at 9 B Street in Needham, MA. To quantify existing trip generation at the Site, twenty-four-hour automatic traffic record (ATR) counts were conducted at the site driveways on Thursday, April 7, 2022. The ATR data in the report noted the following. The site currently generates approximately 731 vehicle trips on a typical weekday, 23 of which occur in the weekday morning peak hour and 36 of which occur in the weekday evening peak hour. Peak truck activity occurs between 4:00-6:00 AM and 1:00-4:00 PM, outside of peak commuting periods. Vehicular activity at the site is low during the typical weekday peak commuting periods of 7:00-9:00 AM and 4:00-6:00 PM. The proposed Coca-Cola building renovation is expected to result in trip generation that is similar to, or lower than the existing facility. The employee count at the property will remain the same or will slightly decrease for typical day to day operations. In addition, the level of truck activity is not expected to increase at the facility. As such, the future site trip generation is expected to be similar to or lower than the existing site trip generation. In addition, the nearby Founders Park development is proposing further modifications at the intersection of Kendrick Street at Third Avenue, which should improve operations in the vicinity of the site.
- 1.10 The Petitioner appeared before the Design Review Board on October 3, 2022, October 17, 2022 and November 7, 2022 and received approval for the project.

- 1.11 The Petitioner has agreed to ensure that the Fleet building roof will be solar ready, meaning that it will have the capability to hold a solar installation at some future time if the Petitioner chooses to construct it.
- 1.12 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. Existing drainage patterns have been maintained to the extent practicable. The project will reduce impervious area on site as well as enhance water quality treatment due to the implementation of Low Impact Development (LID) stormwater management practices. The Petitioner is proposing to add a Bioretention basin surrounded by plantings in the landscaped island. The total building area will be reduced as a result of the project, helping to preserve and improve the landscaping screen along 3rd Ave which will include a variety of grasses and ground cover for improved views. Landscaping and ornamental fencing will be installed along B Street, and screening.
- 1.13 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 assured. Existing curb cuts and site access have been maintained; one curb cut on B Street has been reduced in width to allow for installation of an access gate for improved security and site access. Based on the traffic evaluation performed for the site, the proposed building renovation is expected to result in trip generation that is similar to, or lower than the trip generation from the existing facility. Therefore, no significant traffic impact is expected as a result of this project. Sidewalks, ADA ramps, and ADA parking spaces are provided within the employee parking lot areas to provide for pedestrian movement.
- 1.14 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. The project site currently has 125 less parking spaces than required by zoning (existing nonconforming condition allowed by special permit). The proposed project will reduce the square footage of the existing building thereby reducing the number of required spaces per zoning and will add a net of 87 new spaces, significantly reducing this non-conformity to 11 parking spaces. Loading and parking spaces are provided in the same general area as currently exist on site. Vehicle turning movements have been performed to verify adequate layout.
- 1.15 Adequate methods for disposal of refuse and waste will be provided. The project will not generate additional refuse. The project will maintain current methods of disposal, which are entirely adequate for the site and use.
- 1.16 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this By-law has been assured. the project will result in a decreased building footprint area; increased landscaping and open space area; and significant reduction in the existing non-compliance with respect to parking spaces.

More specifically, the site has lawful pre-existing non-conformities with respect to certain requirements imposed by Section 4.8.1 of the Bylaw, including surface parking lot setbacks (Bylaw Section 4.8.1 (1)); landscaping in the 20-foot buffer area (Bylaw section 4.8.1 (2)); open space (Bylaw section 4.8.1(4)); and building façade length (Bylaw Section 4.8.1 (6)). Even though no special permit or waiver is required with respect to these provisions of the bylaw (because the non-conformities pre-date the bylaw), the Board is aware that the project

will significantly increase the amount of landscaped and pervious space in the parking areas, and the amount of “open space” on the site (which under section 4.8.1 (4) of the bylaw excludes parking areas) will be increased from the current 9.5% to 12.7%. The extent of the other non-conformities will also be reduced by the proposed project.

The site is also non-conforming with respect to the number of parking spaces. Site Plan Special Permit No. 94-5 dated August 9, 1994, and Site Plan Special Permit Amendment No. 1 dated May 1, 1996, granted waivers from strict adherence with the number of parking spaces required by the Bylaw. Moreover, this proposal will both decrease the square footage of the building, and increase the number of parking spaces on site, both of which will have the effect of reducing the extent of the non-conformity with respect to parking spaces. The proposed change does not trigger a requirement for a special permit or waiver with respect to Sections 5.1.2 and 5.1.3 of the Bylaw with the only exception to the foregoing being Section 5.1.3 (n) of the Bylaw regarding bicycle racks.

The project has been reviewed and approved by the Design Review Board.

- 1.17 The proposed project will not have any adverse impacts on the Town’s resources, including the Town’s water supply and distribution system, sewer collection and treatment, fire protection and streets. The project has been reviewed by the Department of Public Works. There are no new sanitary or water connections proposed as part of the project. Existing fire protection systems will remain unchanged as part of the project.
- 1.18 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit amendment may be granted within the New England Business Center Zoning District provided the Board finds that the proposed development will be in compliance with the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds 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 minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.19 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 circumstances, the particular use, structure or lot does not warrant the application of certain design requirements. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for waiving of the 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 Special Permit under Sections 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Section 5.1.3 of the By-Law with respect to subsection (n) (bicycle racks); (2) the requested Major Project Site Plan Review Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996, 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 Commissioner 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 Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner 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 Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Plans 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 note that new Fleet building roof shall be solar ready as described in Section 1.11, above.

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 3.27 hereof.
- 3.1 The conditions and limitations set forth in Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996, as further amended by this Amendment are ratified and confirmed.
- 3.2 The Board approves the proposed amendments, as shown on the Plan, as modified by this decision. The development of the site shall be as described under the support materials provided under Exhibits 1, 2, 4, 5, 6, 7, 8 and 12 of this decision. Any changes, revision or modifications to the Plan shall require approval by the Board.
- 3.3 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 beyond this decision, as modified by this decision, shall require approval by the Board.
- 3.4 The Fleet building roof shall be solar ready, meaning that it shall have the capability to hold a solar installation at some future time if the Petitioner chooses to construct it.
- 3.5 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.6 534 parking spaces (380 vehicle spaces plus 154 truck spaces) shall be provided at all times.
- 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 and design of spaces, as well as the required signage shall comply with the Massachusetts State Building Code, 780 CMR, the Massachusetts Architectural Access Board Regulations, 521 CMR, and the Town of Needham General By-Laws, both as may be amended from time to time.

- 3.8 Sufficient parking shall be provided on the site at all times in accordance with the Plan, as modified by this Decision and there shall be no parking of motor vehicles off the site at any time to meet the parking requirements of this Decision.
- 3.9 All solid waste shall be removed from the Property by a private contractor. Snow shall also be removed or plowed by private contractor. All snow shall be removed or plowed such that the total number and size of required parking spaces remain available for use.
- 3.10 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the Petitioner cannot identify the sources of the discharges. Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out as per Town requirements.
- 3.11 The Petitioner shall connect the sanitary sewer line only to known sources. All sources which cannot be identified shall be disconnected and properly sealed.
- 3.12 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit and shall pay an impact fee, if applicable.
- 3.13 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.
- 3.14 The construction, operation, and maintenance of the subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the Town’s Stormwater By-Law.
- 3.15 The Petitioner shall implement the following maintenance plan:
 - a. Parking lot sweeping - sweep twice per year; once in spring after snowmelt, and early fall.
 - b. Catch basin cleaning - inspect basins twice per year; in late spring and fall. Clean basins in spring.
 - c. Oil/grit separators - inspect bi-monthly and clean four times per year of all oil and grit.
- 3.16 The maintenance of parking lot landscaping and site landscaping, as shown on the Plan, shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.
- 3.17 The Petitioner shall comply with the Public Outreach & Education and Public Participation & Involvement control measures required under NPDES. The Petitioner shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed.

- 3.18 In constructing and operating the proposed buildings and parking area on the property pursuant to this decision, due diligence shall be exercised, and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.19 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the Property, shall be removed from the Property.
- 3.20 All construction staging shall be on-site. No construction parking shall be on public streets except for the planned improvements to public roadways contemplated by the Project. Construction parking shall be all 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 Commissioner.
- 3.21 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if applicable.
- 3.22 The following interim safeguards shall be implemented during construction:
- a. The hours of any exterior 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 property 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 Commissioner, 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 B Street, Third Avenue or Kendrick Street.
 - d. The Petitioner shall take the 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 B Street, Third Avenue and Kendrick Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.23 No building permit shall be issued in pursuance of the Special Permit and Site Plan approval for the proposed amendments until:
- a. The final plans are in conformity with those approved by the Board (including any Plan Modifications), and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - b. A construction management and staging plan has been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c. The Petitioner has 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.

3.24 No portion of the proposed new construction shall be occupied or utilized until the following conditions are met:

- a. An as-built plan supplied by the engineer of record certifying that the on-site and off-site Project improvements pertaining to the Project were 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. 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 which 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. There shall be filed, with the Building Commissioner 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. There shall be filed with the Board and Building Commissioner 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. There shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered architect upon completion of construction for the project.
- e. Notwithstanding the provisions of Sections a, b and c hereof, the Building Inspector may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board 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.

3.25 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 Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

3.26 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.

3.27 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 Commissioner 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 improvements, which are the subject of this petition. All construction to be conducted on-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, Section 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 Site Plan Special Permit shall lapse on January 17, 2025, 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 January 17, 2025. 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 M.G.L. Chapter 40A, Section 11, this Major Site Plan Review 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 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.

