



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

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AMENDMENT TO DECISION
May 14, 2024

**Major Project Site Plan Special Permit
SPMP No. 01-02**

**Finitumus Associates Limited Partnership
464 Hillside Avenue, Needham, MA**

(Original Decision dated June 5, 2001, amended October 21, 2003, May 10, 2004 and February 9, 2010)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Finitumus Associates Limited Partnership c/o Petrini Corporation, 187 Rosemary Street, Needham, MA (hereinafter the Petitioner), for property located at 464 Hillside Avenue, Needham, MA, shown on Assessor's Map No. 100 as Parcel 4 containing 77,336 square feet and is located in the Industrial Zoning District.

This Decision is in response to an application submitted to the Board on March 19, 2024, by the Petitioner for: (1) an amendment to a Major Project Site Plan Review Special Permit issued by the Needham Planning Board on June 5, 2001, amended October 21, 2003, May 10, 2004 and February 9, 2010, under Section 7.4 of the Needham Zoning By-Law and Major Project Site Plan Review Special Permit No. 01-02, Section 4.2; (2) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

The Petitioner has made application to the Board under Section 7.4 of the By-Law to alter the mix of allowable uses in the building from 14,510 square feet of medical/dental space and 32,307 square feet of office space to a new mix of 15,325 square feet of medical/dental space and 31,492 square feet of office space. The requested Major Project Site Plan Review Special Permit Amendment would, if granted, permit the Petitioner to convert approximately 815 square feet of general office space to medical office. This conversion will increase the parking requirement at the site by one parking space. A parking waiver increase from the existing waiver of 15 spaces to 16 spaces is requested.

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, Adam Block on Wednesday, April 24, 2024 at 7:00 p.m. in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. Board members Adam Block, Paul S. Alpert, Natasha Espada, Artie Crocker and Justin McCullen were present throughout the March 19, 2024 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 the Amendment to Major Project Special Permit No. 01-02 dated March 19, 2024.
- Exhibit 2 - Letter from Attorney Evans Huber, dated March 14, 2024.
- Exhibit 3 - Parking Evaluation, prepared by MDM, Transportation Consultants, Inc., dated March 12, 2024.
- Exhibit 4 - Plan Sheet 1, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, entitled "Plan to Accompany Special permit," dated December 5, 2023.
- Exhibit 5 - Interdepartmental Communication (IDC) to the Board from Joe Prondak, Needham Building Commissioner, dated March 28, 2024; IDC to the Board from Edward Olsen, Superintendent of Parks and Forestry, dated March 28, 2024; IDC to the Board from Tara Gurge, Assistant Public Health Director, dated March 28, 2024; IDC to the Board from Justin Savignano, dated April 16, 2024; IDC to the Board from Chief Tom Conroy, Needham Fire Department, dated April 16, 2024; and IDC to the Board from Chief John Schlittler, Needham Police Department, dated April 22, 2024.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board confirmed its findings and conclusions as contained in its original Decision Major Project Site Plan Review Special Permit No. 01-02 dated June 5, 2001, amended October 21, 2003, May 10, 2004 and February 9, 2010, except as modified herein.

- 1.1 The Premises is located in the Industrial Zoning District, on the eastern side of Hillside Avenue. The property is identified as Parcel 100 as Parcel 4 containing 77,336 square feet and is located in the Industrial Zoning District .
- 1.2 The building at 464 Hillside contains an office building housing a mix of general office and medical office uses, totaling 46,817 square feet. There are presently 166 combined exterior and covered parking spaces at the property.
- 1.3 The Petitioner proposes to change the use of approximately 815 square feet of space within the building from general office to medical office, which will increase the parking requirement calculated pursuant to Section 5.1.2 of the By-Law by one parking space.
- 1.4 The Petitioner requests an amendment to the existing Special Permit, pursuant to Section 5.1.1.5 of the Zoning By-Law, to waive strict adherence to the off-street parking requirements of Section 5.1.2 of the Zoning By-Law, by increasing the current waiver of 15 spaces to 16 spaces.
- 1.5 A parking analysis prepared by MDM Transportation Consultants, Inc, (MDM), and described in Exhibit 3, evaluated peak parking demands for the property, assuming conversion of approximately 815± square feet of office space from its currently permitted status as office use to medical office use. MDM's determination of total actual parking demand for the property is based on a recent survey of current parking activity generated by the existing tenants, assumed full occupancy of the currently vacant space(s) if used for their currently permitted uses, and the assumed conversion of 815 square feet of general office space to medical office use. The analysis concludes that the current parking supply of 166 spaces will accommodate peak demands for the entire building under the

proposed use scenario, and in fact will result in a projected surplus of 25 or more spaces at full building occupancy.

DECISION

THEREFORE, the Board voted 5-0 to GRANT: (1) an amendment to a Major Project Site Plan Review Special Permit No. 01-02 issued by the Needham Planning Board on June 5, 2001, amended October 21, 2003, May 10, 2004 and February 9, 2010, under Section 7.4 of the Needham Zoning By-Law and Major Project Site Plan Review Special Permit No. 01-02, Section 4.2; and (2) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements); subject to 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 No Plan modifications are required.

CONDITIONS

The conditions contained in Major Project Site Plan Review Special Permit No. 01-02 dated June 5, 2001, amended October 21, 2003, May 10, 2004 and February 9, 2010, are ratified and confirmed except as modified herein.

- 3.1 The waiver of parking requirements granted by this Decision is contingent upon the premises being used as described in this Decision and in accordance with the representations of the Petitioner, which formed the basis of the findings of fact and other conditions stated herein.
- 3.2 The building shall contain 46,817 square feet of occupied space of which 31,492 square feet shall be dedicated to office use and 15,325 square feet shall be dedicated to medical/dental office use as shown on the plan.

This approval shall be recorded in the Norfolk District Registry of Deeds. This 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 Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

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 General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 14th day of May, 2024.

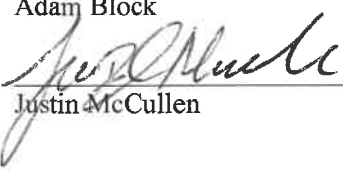
NEEDHAM PLANNING BOARD


Natasha Espada, Chair


Artie Crocker


Paul S. Alpert


Adam Block


Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

May 14, 2024

On this 14 day of May, 2024, before me, the undersigned notary public, personally appeared Adam Block, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.


Notary Public name: Alexandra Glee
My Commission Expires: March 9, 2029

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Finitumus Associates Limited Partnership c/o Petrini Corporation, 187 Rosemary Street, Needham, MA , for Property located at 464 Hillside Avenue, Needham, MA, has passed,

 and there have been no appeals filed in the Office of the Town Clerk or
 there has been an appeal filed.

Date


Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Commissioner
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
Evans Huber, Attorney

Needham Planning Board Decision – Finitumus Associates Limited Partnership c/o Petrini Corporation
464 Hillside Avenue
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