



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

PLANNING

MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT AMENDMENT TO DECISION Application No. 1997-08

February 4, 2025

(Original Decision dated August 5, 1997, amended March 17, 1998, and December 19, 2006)

**EP 63 Kendrick Realty, LLC, c/o Edgewater Properties, LLC
63 Kendrick Street, f/k/a 155 Fourth Avenue**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of EP 63 Kendrick Realty, LLC, c/o Edgewater Properties, LLC, 14 Mica Lane, Suite 202, Wellesley, MA, 02481, (hereinafter referred to as the Petitioner) for property located at 63 Kendrick Street, f/k/a 155 Fourth Avenue, Needham, Massachusetts. Said property is shown on Assessors Plan No. 300 as Parcel 6, containing a total of 261,361 square feet in the New England Business Center Zoning District.

This Decision is in response to an application submitted to the Board on December 13, 2024, by the Petitioner for: (1) a Special Permit under Section 1.4.6 of the Zoning By-Law for the change, extension and alteration of a pre-existing, non-conforming use or building under Zoning By-Law; (2) a Special Permit under Section 4.8.3 to waive the requirements of Section 4.8.1 concerning the setback of surface parking from the intersection of the exterior street lines of a corner lot up to a maximum percentage of 25%; and (3) 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. 1997-08, dated August 5, 1997, amended March 17, 1998 and December 19, 2006.

The requested Major Project Site Plan Review Special Permit Amendment, would, if granted, permit the Petitioner to modify and alter the building and the site, as follows. First, the Petitioner is proposing two small additions, one in front of the building and one in the rear. These will create new and improved entryways. Second, the existing loading area, in the northeast corner of the building will be reconfigured. Third, a new loading area will be added to the northwest corner of the building. Fourth, the open courtyard area, in the middle of the structure, will be enclosed to make new, interior, first floor space. Fifth, a portion of the existing second floor space will be removed and left open to the floor below. Sixth, the entire exterior of the building will be renovated and given an updated aesthetic treatment. Seventh, the two parking areas and the landscaping will be altered and updated.

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, Natasha Espada, on Tuesday, January 21, 2025 in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts and via remote meeting using Zoom ID 880 4672 5264. Board members Natasha Espada, Artie Crocker, Adam Block, Paul S. Alpert and Justin McCullen were present throughout the

January 21, 2025 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. 1997-08, with Exhibit A and Addendum A, dated December 13, 2025.
- Exhibit 2** Cover Letter from Attorney George Giunta Jr., dated December 12, 2024.
- Exhibit 3** Letter from Mitchell A. Kassler, Manager, Edgewater Properties, LLC, dated November 25, 2024.
- Exhibit 4** Plan entitled 63 Kendrick Street, prepared by STA Design, Inc., 308 Congress Street, 5th Floor, Boston, MA 02210, R.E. Cameron & Associates, Inc., 681 Washington Street, Norwood, MA, 02062, Site Design Engineering, LLC, 11 Cushman Street, Middleboro, MA 02346, Gregory Lombardi Design Incorporated, 221 Boston Road, North Billerica, MA 01862, Engineered Systems, Inc., 304 Cambridge Road, Suite 510, Woburn, MA 01801, Bouchard Engineering, PLLC, 561 Windsor Ave, A402, Somerville, MA 02143, consisting of 26 sheets: Sheet 1, cover sheet, dated November 20, 2024; Sheet 2, Sheet V.101, entitled "Locus Plan," dated November 20, 2024; Sheet 3, Sheet V.102, entitled "Existing Conditions," dated November 20, 2024; Sheet 4, Sheet V.103, entitled "Plot Plan," dated November 20, 2024; Sheet 5, Sheet C1.10, entitled "Site Plan," dated November 20, 2024; Sheet 6, Sheet C1.20, entitled "Grading, Drainage & Utility Plan," dated November 20, 2024; Sheet 7, Sheet L1.0, entitled "Site Preparation Plan," dated November 20, 2024; Sheet 8, Sheet L2.0, entitled "Landscape Plan," dated November 20, 2024; Sheet 9, Sheet L3.0, entitled "Planting Plan," dated November 20, 2024; Sheet 10, Sheet L3.1, entitled "Planting Plan Enlargements," dated November 20, 2024; Sheet 11, Sheet L4.0, entitled "Planting Palette Images," dated November 20, 2024; Sheet 12, Sheet L4.1, entitled "Site Improvement Details," dated November 20, 2024; Sheet 13, Sheet L4.2, entitled "Site Improvement Details," dated November 20, 2024; Sheet 14, Sheet EX.101, entitled "Existing First Floor Plan," dated November 20, 2024; Sheet 15, Sheet EX.102, entitled "Existing Second Floor Plan," dated November 20, 2024; Sheet 16, Sheet EX.103, entitled "Existing Roof Plan," dated November 20, 2024; Sheet 17, Sheet EX.200, entitled "Existing Elevations," dated November 20, 2024; Sheet 18, Sheet EX.300, entitled "Existing Building Photos," dated November 20, 2024; Sheet 19, Sheet EX.301, entitled "Existing Building Photos," dated November 20, 2024; Sheet 20, Sheet A.101, entitled "Proposed First Floor Plan," dated November 20, 2024; Sheet 21, Sheet A.102, entitled "Proposed Second Floor Plan," dated November 20, 2024; Sheet 22, Sheet A.103, entitled "Proposed Roof Plan," dated November 20, 2024; Sheet 23, Sheet A.200, entitled "Proposed Exterior Elevations," dated November 20, 2024; Sheet 24, Sheet A.201, entitled "Signage Details," dated November 20, 2024; Sheet 25, Sheet A.300, entitled "Materials," dated November 20, 2024; Sheet 26, Sheet L-1, entitled Photometric Calculation," dated November 19, 2024.
- Exhibit 5** Renderings consisting of 9 sheets, undated.
- Exhibit 6** Design Review Board comments dated December 16, 2024.

Exhibit 7 Interdepartmental Communication (IDC) to the Board from Chief Tom Conroy, Needham Fire Department, dated January 17, 2025; IDC to the Board from Chief John Schlittler, Police Department, dated January 17, 2025; IDC to the Board from Tara Gurge, Needham Health Department, dated January 17, 2025; IDC to the Board from Thomas Ryder, Town Engineer, dated January 17, 2025; and IDC to the Board from Joe Prondak, Building Commissioner, dated January 17, 2025.

EXHIBITS 1, 2, 3, 4 and 5 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. 1997-08, dated August 5, 1997, amended March 17, 1998 and December 19, 2006. The original decision permitted the conversion of the existing 84,243 square foot office and warehouse building into a single use office building of 103,358 square feet with 353 parking spaces. The March 17, 1998 amendment permitted certain minor modifications to the previously approved plans. The December 19, 2006 amendment permitted the Petitioner to install a rooftop generator.
- 1.2 The Petitioner is now requesting to modify and alter the building and the site, as follows. First, the Petitioner is proposing two small additions, one in front of the building and one in the rear. These will create new and improved entryways. Second, the existing loading area, in the northeast corner of the building will be reconfigured. Third, a new loading area will be added to the northwest corner of the building. Fourth, the open courtyard area, in the middle of the structure, will be enclosed to make new, interior, first floor space. Fifth, a portion of the existing second floor space will be removed and left open to the floor below. Sixth, the entire exterior of the building will be renovated and given an updated aesthetic treatment. Seventh, the two parking areas and the landscaping will be altered and updated.
- 1.3 The building has been used primarily for office purposes since it was first permitted and constructed in or about 1997. The current intention and proposal is for such use to generally continue, although it is contemplated that such use may include aspects of light manufacturing and assembly. Pursuant to Section 3.2.4.1(c) of the Zoning By-Law, professional, business, and administrative offices are all allowed by right, and pursuant to Section 3.2.4.1(h), light non-nuisance manufacturing, including but not limited to the manufacture of electronics, pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, are also permitted as of right. Therefore, the contemplated use of the premises will comply with the By-Law and will not require any special permit or other zoning relief.
- 1.4 The existing building, which contains approximately 105,900 square feet of floor area, consists of a one-story portion and a smaller two-story portion, as well as an open courtyard area in the approximate middle of the structure. The building is served by two separate parking areas; a smaller area in the front of the building, accessed from Kendrick Street, and a larger area at the rear of the building, accessed from Fourth Avenue. The balance of the site is occupied by landscaping and walkways.
- 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 the applicable dimensional and density requirements of the New England Business Center Zoning District (NEBC), including setbacks, maximum floor area ratio, maximum building height, maximum number of stories and maximum lot coverage for

the building, except only side setback¹ and minimum open space. All dimensional requirements are further detailed below.

The premises contains approximately 261,361 square feet of area, with approximately 372.99 feet of frontage on Kendrick Street and approximately 739.89 of frontage on Fourth Avenue. Pursuant to Section 4.8 of the By-Law, lots in the NEBC District are required to contain a minimum of 40,000 square feet of area and to consist of a minimum of 100 feet of frontage. Therefore, the premises exceeds both the minimum frontage and the minimum area requirements and is in compliance with the By-Law.

The existing building is set back from Kendrick Street, a distance of 70.9 feet and from Fourth Avenue a distance of 34.9 feet, at the closest points. It is set back from the boundary line on the northwest side a distance of 290.6 feet and from the southwest side, a distance of 19.6 feet. At the time the building was permitted and constructed, there was no applicable side yard setback. However, the By-Law was subsequently amended to include a minimum side yard setback requirement of 20 feet. As a result, the southwest side of the building is now lawful, pre-existing, non-confirming as to the subsequently adopted side yard setback requirement.

Pursuant to Section 4.8 of the By-Law, a minimum front yard setback of 15 feet is required. Whereas the building, as modified and altered, will be set back 70.9 feet from Kendrick Street and 39.8 feet from Fourth Avenue at its closest points, it will comply with such requirement.

Pursuant to Section 4.8 of the By-Law, a minimum side yard setback of 20 feet is required. Whereas the building, as modified and altered, will be set back 278.7 feet from the sideline on the northwesterly side, it will comply with such requirement relative to that side. However, as discussed above, the southwesterly side of the existing building is set back only 19.6 feet from the boundary line; less than the applicable requirement. No alteration is being made to this setback, and the building will not be expanded any closer to this lot line. However, whereas the building is non-confirming in this regard, a special permit pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-confirming building is required.

Pursuant to Section 4.8 of the By-Law, the maximum floor area ratio ("FAR") applicable to the premises is 1.0 and the maximum lot coverage is 65%. Following completion of the proposed alterations, the FAR of the building will be .374 and the lot coverage will be 32.6%. Therefore, the premises will more than comply with the applicable FAR and lot coverage requirements.

Pursuant to Section 4.8 of the By-Law, the maximum height applicable to the premises is 72 feet. The building height is currently 29.6 feet, and this will not be changed or altered as a result of the proposed modifications to the building. Therefore, the building will continue to comply with such requirement.

1.6 With respect to Section 4.8.1 of the Zoning By-Law, Supplemental Dimensional Regulations:

Pursuant to Section 4.8.1(1), surface parking lots may not be located within 50 feet of the intersection of the exterior street lines of a corner lot. Whereas the existing surface parking lot in the front of the building, on the Kendrick Street side is less than 50 feet from the

¹ Whereas the premises is located on a corner, it has two fronts and two sides, and no applicable rear yard.
Needham Planning Board Decision – 63 Kendrick Street, Amendment
February 4, 2025

intersection of Kendrick Street and Fourth Avenue, the existing lot does not comply with such a requirement. However, this requirement did not exist in 1997 when the building and associated site improvements were permitted and constructed. Therefore, this parking lot is a lawful pre-existing, non-confirming use and/or structure. While the distance between the lot and the intersection is not being reduced, the interior of the lot is being reconfigured. Therefore, a special permit, pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-confirming use and/or structure is required, and/or a special permit pursuant to Section 4.8.3 waiving the aforesaid requirement up to a maximum percentage of 25%.

Pursuant to Section 4.8.1 (2), all surface parking shall be located to the side or rear of the principal building and a landscaped buffer area of not less than 20 feet is required along the street frontage. Whereas the existing parking lot on the Kendrick Street side of the building is located in the front of the building, same does not comply with such a requirement. However, this requirement did not exist in 1997 when the building and associated site improvements were permitted and constructed. Therefore, the location of the Kendrick Street parking area in the front of the building constitutes a lawful pre-existing, non-confirming use and/or structure. And while this parking area is not being expanded the interior is being altered and reconfigured. Therefore, a special permit, pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-confirming use and/or structure is required.

Pursuant to Section 4.8.1(4), a minimum of 25% of the total lot area must be landscaped open space. The total amount of existing landscaped open space is currently 19.8%, and in connection with the proposed alterations, this will be increased slightly, to 19.9%. Whereas this landscaped open space requirement did not exist when the building and associated site improvements were permitted and constructed in 1997, the current non-conformity is lawful, pre-existing. And while the proposed alterations will reduce the amount of the non-conformity, the premises will still not comply with the requirement. Therefore, a special permit, pursuant to Section 1.4.6 for the change, extension and alteration of a lawful, pre-existing, non-confirming use and/or structure is required.

Pursuant to Section 4.8.1(5), the building must have a public entrance facing one or more of the streets on which the building fronts. Whereas the building at present and following completion of the proposed alterations will have a public entrance on the Kendrick Street side, the building will comply with this requirement.

Pursuant to Section 4.8.1(6), the building cannot have an uninterrupted facade length greater than 300 feet. Whereas the longest uninterrupted facade length of the building following the proposed alterations and modifications will be 279 feet, along the southwest side, the building will comply with this requirement.

- 1.7 The Petitioner is proposing to reduce the on-site parking by 23 spaces. Pursuant to Section 5.1.2 of the By-Law, total parking demand for the premises, based on its contemplated use for office purposes, will be 327 spaces, calculated as follows: 97,886 square feet @ 1 space/300 square feet: $97,886/300 = 327$ (rounded up). There are currently a total of 353 parking spaces provided on site. However, in connection with the proposed alterations, 23 spaces will be removed. As a result, the total number of spaces will be reduced to 330. Whereas this is still greater than the number of spaces required, the premises, as modified and altered, will comply with the applicable off-street parking demand requirements.
- 1.8 As affected by the proposed modification and alterations, and except for the non-confirming aspects of the Kendrick parking area discussed above, both the front parking area and the rear

parking will comply with all applicable design requirements as set forth at Section 5.1.3 of the By-Law and no waiver will be required.

- 1.9 The Engineering Division, in its comments dated January 21, 2025, recommended that the Petitioner review the pending Environmental Protection Agency (EPA) Stormwater Permit (AKA as the 2024 Draft CII General Permit). This proposed EPA permit may subject Commercial, Industrial, and Institutional properties with greater than 1-acre of impervious area to additional stormwater management requirements. The site at 63 Kendrick Street currently has a compliant stormwater recharge system with the existing requirements and does not need to make modifications currently.
- 1.10 The Engineering Division, in its comments dated January 21, 2025, requested the Petitioner prepare an Operation and Maintenance plan for the existing stormwater management system and to provide existing and future inspection reports to the DPW of the operation and maintenance to ensure the system is functioning.
- 1.11 The Petitioner appeared before the Design Review Board on December 16, 2024, and received approval for the project.
- 1.12 Adjoining premises will be protected against serious detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The continued use of the premises for office purposes does not constitute a “seriously detrimental use” within the terms of the By-Law. The premises is bounded on two sides by streets and on the remaining two sides by fully developed commercial properties. Therefore, no additional sound and sight buffers are required, and views, light and air are not materially affected and certainly not in any negative way.
- 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. The site is fully developed and the existing driveway openings that serve the two parking areas are not being relocated or modified in any material way and are of adequate width and situated in appropriate locations.
- 1.14 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. The site is currently fully developed with parking located in two separate areas: one in the front of the building and one at the rear of the property. The location and general function of the existing parking areas are not being altered or changed in any material way. While the number of spaces is being reduced, so too is the amount of required parking, with more parking being provided than required. The building is readily accessible from both parking areas and updated and expanded loading areas are being provided. Therefore, based on the contemplated use of the building and the proposed reconfiguration of the interior of the existing parking areas, the arrangement of parking and loading spaces is adequate.
- 1.15 Adequate methods for disposal of refuse and waste will be provided. As part of the proposed alterations to the loading area in the northeast corner of the building a dumpster and a trash compactor will be installed. These are expected to be sufficient to serve the contemplated use of the building for office purposes. Therefore, the methods of waste disposal are adequate for the premises and its proposed use.

- 1.16 The 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 premises is situated in a highly developed commercial office and industrial park and is bounded on two sides by fully developed commercial properties. The other two sides are bounded by streets, one of which (Kendrick Street), is a major thoroughfare. While there is a substantial woodland area to the northeast of the premises, across Fourth Avenue, the site is currently fully developed, and the proposed alterations will not materially alter the relationship of the building or site to that area in any material way. As a result, the proposed alterations are not anticipated to have any significant negative effect on any community assets or any adjacent landscape, buildings and structures.
- 1.17 The project has been reviewed and approved by the Design Review Board.
- 1.18 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. The premises has been used and occupied for several years for substantially the same purpose as currently contemplated. As a result, the proposed alterations are not anticipated to substantially or materially increase or alter the need for any Town resources
- 1.19 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.
- 1.20 Under Section 1.4.6 of the By-Law, a Special Permit may be granted for the extension and alteration of a pre-existing, non-conforming use or building under Zoning By-Law, provided the Board finds that the proposed change or extension would not be more detrimental to the neighborhood than the existing non-conforming use. Based on the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.21 Under Section 4.8. of the By-Law, a Special Permit to waive the requirements of Section 4.8.1 concerning the setback of surface parking from the intersection of the exterior street lines of a corner lot up to a maximum percentage of 25%, provided the Board finds that the proposed change or extension would not be more detrimental to the neighborhood than the existing non-conforming use. Based on the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to 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 Section 1.4.6 of the Zoning By-Law for the change, extension and alteration of a pre-existing, non-conforming use or building under Zoning By-Law; (2) the requested Special Permit under Section 4.8.3 of the Zoning By-Law to waive the requirements of Section 4.8.1 concerning the setback of surface parking from the intersection of the exterior street lines of a corner lot up to a maximum percentage of 25%; and (3) 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. 1997-08, dated August 5, 1997, amended March 17, 1998 and December 19, 2006, 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. No Plan Modifications required.

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 3.26 hereof.
- 3.1 The conditions and limitations set forth in Major Project Site Plan Review Special Permit No. 1997-08, dated August 5, 1997, amended March 17, 1998, and December 19, 2006, as further amended by this Amendment are ratified and confirmed.
- 3.2 The Board approves the proposed amendments, as shown on the Plan. The development of the site shall be as described under the support materials provided under Exhibits 1, 2, 3, 4 and 5 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 shall require approval by the Board.

- 3.4 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.5 330 parking spaces shall be provided at all times.
- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 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 the Town requirements.
- 3.10 The Petitioner shall connect the sanitary sewer line only to known sources. All sources which cannot be identified shall be disconnected and properly sealed.
- 3.11 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit and shall pay an impact fee, if applicable.
- 3.12 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.
- 3.13 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.
- 3.14 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.
- 3.15 The Petitioner shall comply with the Public Outreach & Education and Public Participation & Involvement control measures required under NPDES. The Petitioner has submitted a letter

to the Needham Department of Public Works identifying the measures selected and the dates by which the measures will be completed.

- 3.16 The Petitioner shall prepare an Operation and Maintenance plan for the existing stormwater management system and shall provide existing and future inspection reports to the Needham Department of Public Works of the operation and maintenance to ensure the system is functioning.
- 3.17 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.
- 3.18 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.
- 3.19 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.
- 3.20 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if applicable.
- 3.21 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.
- 3.22 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, 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.
- 3.23 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. The Petitioner shall have fulfilled the requirements under Section 3.15 and Section 3.16 of this Decision and a statement approving said measures shall have been received by the Board from the Town Engineer or designee.
 - e. 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.
 - f. Notwithstanding the provisions of Sections a, b and c hereof, the Building Commissioner 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.

- 3.24 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.
- 3.25 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.
- 3.26 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 February 4, 2027, 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 February 4, 2027. 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.

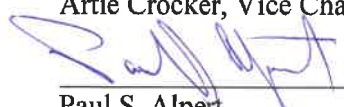
Any person aggrieved by this decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

Witness our hands this 4th day of February 2025.

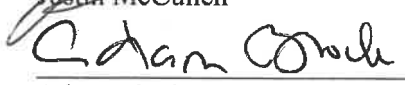
NEEDHAM PLANNING BOARD


Natasha Espada, Chair


Artie Crocker, Vice Chair


Paul S. Alpert

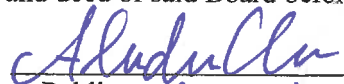

Justin McCullen


Adam Block

COMMONWEALTH OF MASSACHUSETTS

Feb. 4 2025

On this 4 day of February, 2025, before me, the undersigned notary public, personally appeared Natasha Espada, 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 Alexandra Clee
My Commission Expires: March 9, 2029

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Amendment to Decision of the project proposed by EP 63 Kendrick Realty, LLC, c/o Edgewater Properties, LLC, 14 Mica Lane, Suite 202, Wellesley, MA, 02481, for property located at 63 Kendrick Street, f/k/a 155 Fourth Avenue, Needham, Massachusetts, 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
Director, PWD
Board of Health
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department
George Giunta, Jr., Attorney
Parties in Interest