



PLANNING DIVISION
Planning & Community Development

2022 FEB 11 AM 11:36

DECISION AMENDMENT

February 1, 2022

(Original Decision dated November 12, 2008, Revised August 11, 2009, April 9, 2012, February 5, 2013, September 17, 2013, October 5, 2016 and Insignificant Change on July 12, 2021)

Major Project Site Plan Special Permit No. 98-6

Town of Needham

Existing Municipal Parking Lot on Chestnut and Lincoln Streets

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the "Board") on the petition of the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, (to be referred to hereinafter as the "Petitioner"), for property at the location of the Existing Municipal Parking Lot on Chestnut and Lincoln Streets, shown on Assessor's Map No. 47 as Parcel 58 containing 1.74 acres in the Center Business and General Residence zoning districts.

This decision is in response to an application submitted to the Board on December 21, 2021, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); and a Special Permit under Section 5.1.1.6, of the By-Law to waive strict adherence with the requirements of Sections 5.1.2 (Required Parking) and 5.1.3 (Parking Plan and Design Requirement).

The requested Major Project Site Plan Special Permit would, if granted, permit an amendment of Major Project Site Plan Special Permit No. 98-6 dated June 16, 1998, amended August 6, 2013, July 17, 2018, March 19, 2019 and June 4, 2019 and insignificant Change on July 12, 2021. These decisions concern the Town of Needham's municipal parking lot located on Chestnut and Lincoln Streets.

The current permit does not, presently contemplate or authorize the use of parking spaces within the municipal parking lot for seasonal outdoor seating. The requested amendment would allow seasonal outdoor dining to occur within the Chestnut and Lincoln Street municipal parking lot, provided that (a) such seasonal outdoor seating is conducted with the permission of the Select Board and (b) the restaurants obtain the necessary permitting approval pursuant to Section 6.9.2 of the By-Law from either the Planning Board or the Select Board, as jurisdictionally appropriate.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert, on Tuesday, January 18, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198. Board members Paul S. Alpert, Adam Block, Martin Jacobs, Jeanne S. McKnight and Natasha Espada were present throughout the January 18, 2022 proceedings. The record of the proceedings and the submissions upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Application Form for Site Plan Review completed by the applicant, dated December 21, 2021.
- Exhibit 2 - Letter to Planning Board Members from Attorney Christopher H. Heep, dated December 20, 2021.
- Exhibit 3 - Plan entitled "Plan of Land, Chestnut Street", prepared by BSC Group, 425 Summer Street, Boston, MA, dated January 15, 1999, recorded in the Norfolk County Registry of Deeds as Plan No. 517 of 1999, Plan Book 467.
- Exhibit 4 - "Easement Deed," Simon II Associates Limited Partnership grants to the Town of Needham, dated May 22, 1999, recorded in the Norfolk County Registry of Deeds, Book 13679, Page 222.
- Exhibit 5 - "Easement Deed," Town of Needham grants to Simon II Associates Limited Partnership, dated April 27, 1999, recorded in the Norfolk County Registry of Deeds, Book 13679, Page 226.
- Exhibit 6 - "Easement Deed," William Barrett grants to the Town of Needham, dated April 27, 1999, recorded in the Norfolk County Registry of Deeds, Book 13776, Page 555.
- Exhibit 7 - "Easement Deed," Town of Needham grants to William Barrett, dated April 27, 1999, recorded in the Norfolk County Registry of Deeds, Book 13776, Page 559.
- Exhibit 8 - Plan entitled "As-Built Plan, Chestnut, Lincoln and School Street, Needham, MA", prepared by Engineering Department, Department of Public Works, 500 Dedham Avenue, Needham, MA, dated May 29, 2014.
- Exhibit 9 - Plan entitled "Existing Conditions Site Plan, Public Facility & Parking Areas" prepared by Greenman-Pederson, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA01887, dated January 31, 2018.
- Exhibit 9 - Email from Bernie Segaloff, dated January 13, 2022.
- Exhibit 10 - Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated January 12, 2022; IDC to the Board from Tom Ryder dated January 13, 2022; IDC to the Board from Chief Dennis Condon, Fire Department, dated January 5, 2022.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The subject property is located in the General Residence and Center Business Zoning Districts and is the location of the Existing Municipal Parking Lot on Chestnut and Lincoln Streets, shown on Assessor's Map No. 47 as Parcel 58 containing 1.74 acres. The property is owned by the Petitioner.
- 1.2 The subject property is currently occupied by a municipal parking lot, pursuant to the approval of an Amendment to the Major Project Site Plan Special permit No. 98-6, dated June 16, 1998, amended August 6, 2013. Section 3.3 of said amendment states, in part,

“A total of one hundred and ninety-five (195) parking spaces shall be provided at all times.”

- 1.3 By Decision dated June 4, 2019, the Petitioner requested that the noted Condition be amended to allow for a total of 192 parking spaces at the completion of the Police and Fire Headquarters, with 3 parking spaces being allocated to the consolidated dumpsters. The request was granted.
- 1.4 By Insignificant Change dated July 12, 2021, the Petitioner was permitted to install two Electric Vehicle (EV) charging stations in the existing municipal parking lot.
- 1.5 Through several easements, as described in Exhibits 4 and 6, the Town was granted the right to use the parking spaces on several private parcels for municipal parking purposes. These parking spaces are included in the aforementioned total parking space counts comprising the municipal parking lot.
- 1.6 The Petitioner is proposing to amend the prior Decision to allow seasonal outdoor dining to occur within the Chestnut and Lincoln Street municipal parking lot, provided that (a) such seasonal outdoor seating is conducted with the permission of the Select Board and (b) the restaurants obtain the necessary permitting approval pursuant to Section 6.9.2 of the By-Law from either the Planning Board or the Select Board, as jurisdictionally appropriate. The Petitioner notes that the total number of available spaces available in the municipal parking lot will be reduced to accommodate such seasonal outdoor seating.
- 1.7 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and 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, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and 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 neighborhoods inherent use.
- 1.8 The Board finds that all of its findings and conclusions contained in Major Project Site Plan Special Permit No. 98-6, dated June 16, 1998, amended August 6, 2013, July 17, 2018, March 19, 2019 and June 4, 2019 and insignificant Change on July 12, 2021, are applicable to this Amendment, except as specifically set forth in this Amendment.

DECISION

THEREFORE, the Board voted 5-0 to GRANT: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); and a Special Permit under Section 5.1.1.6, of the By-Law to waive strict adherence with the requirements of Sections 5.1.2 (Required Parking) and 5.1.3 (Parking Plan and Design Requirement); subject to and with the benefit of the following Plan modifications, conditions and limitations.

CONDITIONS AND LIMITATIONS

- 2.1 Major Project Site Plan Special Permit No. 98-6, issued to the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, dated June 16, 1998, amended August 6, 2013, July 17, 2018, March 19, 2019 and June 4, 2019 and insignificant Change on July 12, 2021, is hereby incorporated by reference, and all plans, conditions, and limitations

therein approved remain in full force and effect except as further modified by this decision.

- 2.2 Outdoor dining (whether seasonally or year round, at the discretion of the Select Board) is hereby permitted within the Chestnut and Lincoln Street municipal parking lot, provided that (a) such seasonal outdoor seating is conducted with the permission of the Select Board and (b) the restaurants wishing to provide such seasonal outdoor seating obtain the necessary permitting approval pursuant to Section 6.9.2 of the By-Law from either the Planning Board or the Select Board, as jurisdictionally appropriate.

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.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Major Site Plan Special Permit Amendment Decision shall not take effect until the Applicant has delivered written evidence of recording to the Board.

Witness our hands this 1st day of February, 2022.

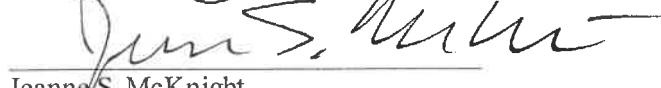
NEEDHAM PLANNING BOARD


Paul S. Alpert, Chairman


Adam Block


Natasha Espada

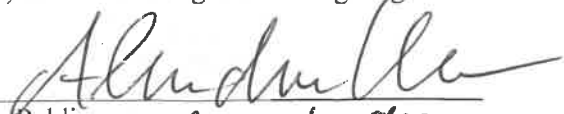

Martin Jacobs


Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss
Feb. 11 2022

On this 11 day of Feb., 2022, before me, the undersigned notary public, personally appeared Martin Jacobs, 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 Clee

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, for Property at the location of the Existing Municipal Parking Lot on Chestnut and Lincoln Streets, shown on Assessor's Map No. 47 as Parcel 58, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

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

Board of Selectmen
Engineering
Fire Department
Police Department
Christopher Heep, Attorney

Board of Health
Director, PWD
Design Review Board