



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

PLANNING

AMENDMENT TO DECISION

May 3, 2022

Major Project Site Plan Special Permit

SPMP No. 2018-05

Town of Needham

**Temporary Facility for Needham Public School Administration
(Original Decision dated July 17, 2018, amended June 29, 2021)**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts (hereinafter the Petitioner), for property located at 28 Glen Gary Road, Needham, Massachusetts. The property is shown on Assessor's Map No. 102 as Parcel 1 containing 24.6 acres in the General Residence District.

This Decision is in response to an application submitted to the Board on March 24, 2022, by the Petitioner for an amendment to a Major Project Site Plan Review Special Permit issued by the Needham Planning Board on July 17, 2018, amended June 29, 2021, under Section 7.4 of the Needham Zoning By-Law and Major Project Site Plan Review Special Permit No. 2018-05, Section 4.2.

The requested amendment to Major Project Site Plan Review Special Permit No. 2018-05 (hereinafter the Amendment) would, if granted, permit the modification to the June 29, 2021 Amendment Decision to remove Condition 3.2, which states "There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking." The Petitioner is proposing to temporarily move the Needham Public Schools ("NPS") administrative staff from their current workspace in the Emery Grover Building (1330 Highland Avenue) into the Hillside Elementary School building while Emery Grover undergoes renovation. NPS's temporary occupancy of the Hillside Elementary School does not involve any significant exterior changes or additions to the existing school building, and it does not involve any significant changes to the site as depicted on the as-built restoration plan. This temporary occupancy of the Hillside Elementary School by NPS does not require site plan approval under Section 7.4 of the Zoning Bylaw. However, Condition 3.2 of the Amendment Decision is proposed to be deleted so that the existing parking spaces at the Property may be used in connection with NPS administrative staff's temporary occupancy of the Hillside Elementary School building.

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, April 19, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198. Board members Paul S. Alpert, Adam Block, Jeanne S. McKnight, and Artie Crocker were present throughout the April 19, 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 Form for Further Site Plan Review completed by the applicant dated March 24, 2022.
- Exhibit 2 - Letter from Attorney Christopher Heep to the Needham Planning Board, dated March 18, 2022.
- Exhibit 3 - Plan entitled "Site Plan, Existing and Proposed Conditions, Hillside School," prepared by Waterman Associates, 2 Wisteria Way, Canton, MA 02021, dated April 12, 2022.
- Exhibit 4 - Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated March 28, 2022; IDC from Thomas Ryder, Town Engineer, dated April 14, 2022; and IDC to the Planning Department from Tara Gurge, Needham Health Department, dated April 13, 2022.

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 dated July 17, 2018, amended June 29, 2021 except as modified herein.

- 1.1 The Petitioner is seeking the modification to the June 29, 2021 Amendment Decision to remove Condition 3.2, which states "There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking." The Petitioner is proposing to temporarily move the Needham Public Schools ("NPS") administrative staff from their current workspace in the Emery Grover Building (1330 Highland Avenue) into the Hillside Elementary School building while Emery Grover undergoes renovation. NPS's temporary occupancy of the Hillside Elementary School does not involve any significant exterior changes or additions to the existing school building, and it does not involve any significant changes to the site as depicted on the as-built restoration plan. This temporary occupancy of the Hillside Elementary School by NPS does not require site plan approval under Section 7.4 of the Zoning Bylaw. However, Condition 3.2 of the Amendment Decision is proposed to be deleted so that the existing parking spaces at the Property may be used in connection with NPS administrative staff's temporary occupancy of the Hillside Elementary School building.
- 1.2 In particular, Condition 3.1 of the June 29, 2021 Amendment Decision states as follows:
- 3.1 The Petitioner shall return the site to the conditions shown on the plan submitted with the application ("Site Layout & Materials Plan" on the plan entitled Hillside Site Plans Post-Use, Sheet LT1.02 and "Post Development Site Grading Plan" on the plan entitled Hillside Site Plans Post Use, Sheet LT2.01, both as further detailed in in Exhibit 2C), when the Police and Fire Department conclude their temporary use of the site. The restoration shall be completed within 6 months of the date the Police and Fire Departments vacate the property with an as-built plan showing the restored condition submitted to the Board for review and approval. Additionally, within 6 months of the date the Police and Fire Departments vacate the property, the Petitioner will return to the Planning Board to describe any new reuse or redevelopment opportunities anticipated at the site, so that the Board can, at that time, determine whether the fence shall remain or be taken down.

The Police and Fire Departments' temporary use of the Property has now concluded. The Petitioner has removed all temporary structures constructed pursuant to MPSP 2018-05 and otherwise

restored the Property to its prior condition as required by the Amendment Decision. In addition, the Petitioner removed all of the construction fencing referred to in Condition 3.1 from the Property on March 16, 2022. The Petitioner has prepared an existing conditions plan, and has submitted it to the Board on April 14, 2022 (Exhibit 3).

- 1.3 The Petitioner is now planning to temporarily move the Needham Public Schools (“NPS”) administrative staff from their current workspace in the Emery Grover Building (1330 Highland Avenue) into the Hillside Elementary School building while Emery Grover undergoes renovation. NPS’s temporary occupancy of the Hillside Elementary School does not involve any significant exterior changes or additions to the existing school building, and it does not involve any significant changes to the site as depicted on the as-built restoration plan. In particular, NPS will not require any changes or additions to the existing parking layout: There are typically 55 NPS staff based at the Emery Grover Building, and there are 115 existing striped parking spaces at the Property now that the Petitioner has restored it to the prior condition in accordance with the restoration plan.
- 1.4 This temporary occupancy of the Hillside Elementary School by NPS does not require site plan approval under Section 7.4 of the Zoning Bylaw.¹ However, Condition 3.2 of the Amendment Decision states as follows:
 - 3.2 There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking.
- 1.5 NPS will need to use the existing parking spaces at the Property in connection with its temporary occupancy of the Hillside Elementary School building. Accordingly, given that the temporary Police and Fire Department headquarters permitted in MPSP 2018-05 has been removed, and the Property has been returned to its prior condition as required by Condition 3.1 of the Amendment Decision, the Petitioner has requested that the Planning Board delete Condition 3.2.

DECISION

THEREFORE, the Board voted 4-0 to GRANT (1) the requested amendment to a Major Site Plan Review Special Permit issued by the Needham Planning Board on July 17, 2018, amended June 29, 2021, under Section 7.4 of the Needham Zoning By-Law and Special Permit 2018-05, Section 4.2; 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

¹ NPS’s use is not a Major Project because it does not involve the construction of 10,000 or more square feet of gross floor area, an increase in gross floor area by 5,000 or more square feet, or the creation of 25 or more new off-street parking spaces. It is not a Minor Project because it does not involve the construction of more than 5,000 but less than 10,000 square feet of gross floor area, or an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet.

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 Special Permit No. 2018-05, dated July 17, 2018, dated June 29, 2021 are ratified and confirmed except as modified herein.

3.1 Paragraph 3.2 of the June 29, 2021 Amendment Decision is hereby deleted.

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.

