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PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

July 12, 2022
DECISION Amendment
Major Project Site Plan Special Permit No. 2005-02
(Original Decision dated May 3, 2005, amended June 16, 2009)

Babson College
231 Forest Street, Needham, Massachusetts

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 Babson College, 231 Forest Street, Needham, Massachusetts, (to be referred to hereinafter as the "Petitioner") for that certain property located at 0 Olin Way, Needham, Massachusetts, located in the Institutional District. The property is shown on Assessors Plan No. 309 as Parcel 19 containing a total of 4.79 acres.

This Decision is in response to an application submitted to the Board on May 26, 2022 by the Petitioner for an Amendment to Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Site Plan Special Permit No. 2005-02, dated May 3, 2005.

The requested Major Project Site Plan Review Special Permit Amendment, would, if granted, permit the Petitioner to construct a baseball batting building to be located at Govoni Field. The proposed structure would be 4,013 square feet and would support two (2) batting tunnels, two (2) restrooms, a storage and utility closet. The structure will have a rigid frame with a standing seam metal roof, perforated flat wall panels and steel lettering for branding. The restrooms shall be fully enclosed. There will be a concrete slab for the floor surface with a non-infilled short pile synthetic turf carpet over the concrete in the batting tunnel area.

In accordance with the Zoning By-Law, Section 7.4 and Special Permit No. 2005-02, Section 4.2, a Site Plan Special Permit amendment is required.

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 Tuesday, June 21, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the June 21, 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 the Amendment to Major Project Special Permit No. 2005-02, dated May 3, 2005, amended June 16, 2009.
- Exhibit 2 - Memorandum to Needham Planning Board, from Jonathan Charwick, Activitas, dated May 17, 2022.
- Exhibit 3 - Conversation Commission Administrative Approval, dated March 17, 2022.
- Exhibit 4 - Plan entitled "Babson College, Baseball Batting Building," prepared by Activitas, 70 Milton Street, Dedham, MA, 02026, Reed Land Surveying, Inc., consisting of 9 sheets: Sheet 1, Cover Sheet, dated May 17, 2022; Sheet 2, entitled "Existing Conditions Survey," dated February 29, 2020, revised March 15, 2022; Sheet 3, entitled "Proposed Site Plan," dated May 17, 2022; Sheet 4, entitled "Detail Sheet," dated May 17, 2022; Sheet 5, entitled "Floor Plan," dated May 17, 2022; Sheet 6, entitled "Roof Plan," dated May 17, 2022; Sheet 7, entitled "Exterior Elevations," dated May 17, 2022; Sheet 8, entitled "Exterior Elevations," dated May 17, 2022; Sheet 9, entitled "Interior Elevation," dated May 17, 2022.
- Exhibit 5 - Memorandum from the Design Review Board, dated February 7, 2022.
- Exhibit 6 - Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated May 25, 2022; IDC to the Board from Chief John Schlittler, Needham Police Department, dated May 25, 2022; and IDC from Thomas Ryder, Town Engineer, dated June 2, 2022.

Exhibits 1, 2 and 4 are referred to hereinafter as the Plan.

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 at 0 Olin Way, Needham, Massachusetts, located in the Institutional District. The property is shown on Assessors Plan No. 309 as Parcel 19 containing a total of 4.97 acres.
- 1.2 The Petitioner is seeking to modify Major Project Site Plan Special Permit No. 2005-02, issued to Babson College, 231 Forest Street, Babson Park Massachusetts 02457, dated May 3, 2005 and amended June 16, 2009, ("the Decision") as follows: to construct a baseball batting building to be located at Govoni Field. The proposed structure would be 4,013 square feet and would support two (2) batting tunnels, two (2) restrooms, a storage and utility closet. The structure will have a rigid frame with a standing seam metal roof, perforated flat wall panels and steel lettering for branding. The restrooms shall be fully enclosed. There will be a concrete slab for the floor surface with a non-infilled short pile synthetic turf carpet over the concrete in the batting tunnel area.
- 1.3 The lot conforms to zoning requirements as to area and frontage. The proposed building will comply with all applicable dimensional and density requirements of the Institutional District for an institutional use namely, front, side and rear setback, maximum building height, maximum number of stories, maximum lot coverage, and maximum floor area ratio.

- 1.4 The parcel is 4.97 acres and is abutted by Olin College to the north and the Sudbury Aqueduct owned by the Commonwealth of Massachusetts. The proposed work is located outside of the twenty-five (25') side yard setbacks from each property noted above.
- 1.5 There will be a concrete slab for the floor surface with a non-infilled short pile synthetic turf carpet over the concrete in the batting tunnel area. The entrances to the buildings will have concrete pads and stone dust will be installed flush to each entrance to match the existing stone dust south of the building area. The layout of the building requires the baseball field's left field fence, warning track, and bullpen to be relocated to keep the building footprint out of the setbacks and drainage easement. The building is covered but primarily open on sides.
- 1.6 Stormwater from the roof will shed into a drip strip adjacent to the building. The drip strip will have a perforated pipe that will tie into a new leaching basin. A proposed sewer force main will tie into an existing sewer manhole located northeast of the baseball field. The building's proposed water service will come from existing water service located behind the baseball backstop. The electrical service will be fed from the existing press box located south of the proposed building.
- 1.7 No new parking is proposed as part of this project. The existing parking lot south of the baseball field will provide parking for people using the batting building.
- 1.8 The Petitioner appeared before the Design Review Board on February 7, 2022 and obtained approval for the project.
- 1.9 The facility will have a minimal impact on neighboring streets. No new parking is proposed as part of this project. The existing parking lot south of the baseball field will provide parking for people using the batting building. The arrangement of parking and loading spaces in relation to the proposed uses of the premises is adequate. The proposed project maintains the existing arrangement.
- 1.10 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. Stormwater from the roof will shed into a drip strip adjacent to the building. The drip strip will have a perforated pipe that will tie into a new leaching basin. As the project only involves roof runoff, no water quality practices are required or proposed. In summary, the project will have no impact on the stormwater patterns in the area but will provide additional groundwater recharge thereby improving existing conditions. Additionally, the capacity of the new structure will contain a minimum combined volumetric of 1 inch over the entire impervious area to be recharged (per comment of the Town Engineer).
- 1.11 The 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 adequately provided for. The proposed site modifications do not modify vehicular and pedestrian movement at the existing parking area, which is currently functioning adequately.
- 1.12 Adequate methods for disposal of refuse and waste will be provided. The project will not be a major generator of refuse or other waste and will provide adequate methods for disposal of refuse and waste.

- 1.13 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area is in compliance with other requirements of this By-Law and has been adequately addressed by this project. The proposed building is located near the athletic fields and thereby consistent with the other nearby uses. Additionally, it is set back from the Sudbury Aqueduct.
- 1.14 The project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. A proposed sewer force main will tie into an existing sewer manhole located northeast of the baseball field. The sewer system will be tied into a system on the Olin College property. The building's proposed water service will come from existing water service located behind the baseball backstop. The electrical service will be fed from the existing press box located south of the proposed building.
- 1.15 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit Amendment may be granted in the Institutional District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that 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 minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Major Project Site Plan Special Permit Amendment pursuant to By-Law, Section 7.4 and (2) Section 4.2 of the Decision, dated May 3, 2005; 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 The Plan 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. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.
 - a. The Plan shall be modified to show the infiltration system for proposed new structure containing a minimum combined volumetric capacity of 1 inch over the entire impervious area be recharged (increased from the proposed ½-inch), in accordance with the Town of Needham Stormwater Bylaw, per the requirements of the Engineering Division.

- b. The Plan shall be revised to show a zoning compliance table with all applicable dimensional and density requirements of the Institutional District detailed namely, front, side and rear setback, maximum building height, maximum number of stories, maximum lot coverage, and maximum floor area ratio.

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 3.20 hereof.
- 3.1 This permit is issued for the construction of a baseball batting building to be located at Govoni Field as shown on the Plan. The proposed structure shall be 4,013 square feet and shall support two (2) batting tunnels, two (2) restrooms, a storage and utility closet.
- 3.2 The building, drainage structures, and other site features shall be constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.3 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.4 All buildings and land constituting the premises shall remain under a single ownership.
- 3.5 The operation of the proposed Babson College Batting building facility shall be as described in Sections 1.2, 1.5, 1.6, and 1.7 of this Decision and as further described under the support materials provided under Exhibits 1, 2 and 4. Any changes of such above-described use shall be permitted only by amendment of this Approval by the Board.
- 3.6 The Petitioner shall provide the Planning Board with a copy of the letter of agreement between Babson College and Olin College granting Babson College legal access to tie into the existing sewer system on the Olin College property.
- 3.7 The Petitioner shall ensure that the batting building is locked at any time that it is not in use, and particularly overnight.
- 3.8 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.9 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit or pay an impact fee, if applicable.
- 3.10 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit and any grants of location that are required from the utility companies.
- 3.11 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.
- 3.12 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. Sealing of

abandoned drainage facilities and abandonment of all utilities shall be carried out per Town requirements.

- 3.13 The Petitioner shall connect the sanitary sewer line only to known sources. All known sources that cannot be identified shall be disconnected and properly sealed.
- 3.14 The construction, operation and maintenance of any subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Board of Selectmen.
- 3.15 No building permit shall be issued the project in pursuance of the Approval until:
- a. The final plans shall be 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 shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c. A copy of the letter of agreement with Olin College shall have been provided to the Board, pursuant to Condition 3.6.
 - d. The Petitioner shall have 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.
- 3.16 No building or structure, or portion thereof of this Project and subject to this Approval shall be occupied until:
- a. An as-built plan supplied by the engineer of record certifying that the appropriate project was 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 drainage systems, and utility installations, in their true relationship to the lot lines for the project. 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 drainage systems and utility installations, 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 a Certificate of Compliance signed by a registered architect upon completion of construction of the Project.
- 3.17 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 Select Board, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

- 3.18 The building authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use for the Project has been issued by the Building Commissioner.
- 3.19 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.20 Violation of any of the conditions of this Decision 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 Decision, 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 Decision 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 Decision 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 approval by the Board. The Board, in accordance with M.G.L., Ch. 40A, S.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. 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 The Special Permits granted herein shall lapse on July 12, 2024 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 July 12, 2024. 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 G.L. Chapter 40A, Section 11, 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 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.

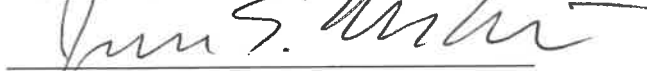
Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 12th day of July, 2022.

NEEDHAM PLANNING BOARD



Adam Block, Chairman



Jeanne S. McKnight



Natasha Espada



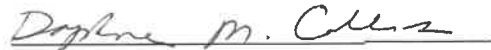
Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

July 13 2022

On this 13 day of July, 2022, before me, the undersigned notary public, personally appeared Jeanne S. McKnight, 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 me, 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

My Commission Expires: August 23, 2024

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Babson College, 231 Forest Street, Needham, Massachusetts, for property located at 0 Olin Way, Needham, Massachusetts, shown on Assessors Plan No. 309 as Parcel 17 containing a total of 7.097 acres, 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 # _____
Design Review Board
Building Commissioner
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest