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PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

**MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT TO DECISION
Application No. 2012-04**

1063 Great Plain Avenue and 0 Garden Street, Needham, MA

**Town of Needham
September 7, 2022
(Original Decision dated June 12, 2012,
Amended August 6, 2013, April 16, 2014, October 7, 2014 and December 15, 2015)**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Needham Bank, 1063 Great Plain Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at 1063 Great Plain Avenue and 0 Garden Street, Needham, Massachusetts. Said property at 1063 Great Plain Avenue is shown on Assessors Plan No. 51 as Parcel 86 containing a total of 44,978 square feet in the Center Business and Chestnut Street Business Zoning Districts. Said property at 0 Garden Street is shown on Assessors Plan No. 51 as Parcel 22 containing a total of 10,000 square feet in the Chestnut Street Business Zoning District.

This Decision is in response to an application submitted to the Board on July 7, 2022 by the Petitioner for: a Major Project Site Plan Review Special Permit amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Site Plan Review Special Permit No. 2012-04, dated June 12, 2012. In accordance with the By-Law, Section 7.4, a Site Plan Special Permit is required. In accordance with the By-Law, Section 3.2.2, a Special Permit is required, for a drive-up teller building with a drive-up ATM in the Chestnut Street Business Zoning District (as "other accessory uses allowed incidental to lawful principle uses" and/or as "other customary and proper accessory uses, such as but not limited to garages, tool sheds, greenhouses, and cabanas"). In accordance with the By-Law, Section 3.2.2, a Special Permit is required, for off-street parking for vehicles associated with a principal use, located on a separate lot owned or leased by the owner of the land in which the principal use is located, within a zoning district in which the principal use is permitted. In accordance with the By-Law, Sections 5.1.1.5 and 5.1.1.6, a Special Permit is required to waive strict adherence to the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the Zoning By-Law.

The requested Major Project Site Plan Review Special Permit Amendment would permit the Petitioner to convert the existing bank building mezzanine space into 1,325 square feet of floor area for executive offices, as well as demolish the existing drive-thru free-standing automatic teller machine (ATM) and to construct a 321square foot drive-up teller building with a drive-up ATM. The property is the subject of Major Project Site Plan Special Permit No. 2012-04, issued to Needham Bank, 1063 Great Plain Avenue, Needham, MA, dated June 12, 2012, amended August 6, 2013, April 16, 2014, October 7, 2014, and December 15, 2015.

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, Adam Block, on Tuesday, August 16, 2022 at 7:45 p.m. in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, MA, as well as by Zoom Web ID Number 826-5899-3198. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, and Artie Crocker were present throughout the August 16, 2022 proceedings. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Ms. Espada examined all evidence received at the missed session and listened to an audio recording of the meeting. 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. 2012-04, with Addendum.
- Exhibit 2** Plans entitled "Needham Bank, Renovation and New Accessory Drive-Thru," prepared by Highpoint Engineering, Inc., 980 Washington Street, Suite 216, Dedham, MA 02026, Studio Q Architecture, 301 Highland Ave, Waterbury, CT, 06708, Field Resources, 281 Chestnut Street, Needham, MA, consisting of 15 sheets: Sheet 1, Sheet G100, entitled "Title Sheet," dated June 14, 2022; Sheet 2, entitled "Existing Conditions Plan, 1052 Great Plain Avenue" dated June 13, 2022; Sheet 3, Sheet C100, entitled "Site Preparation & Erosion Control Plan," dated June 14, 2022; Sheet 4, Sheet C200, entitled "Layout Plan," dated June 14, 2022; Sheet 5, Sheet C300, entitled "Grading, Drainage and Utility Plan," dated June 14, 2022; Sheet 6, Sheet C400, entitled "Construction Details," dated June 14, 2022; Sheet 7, Sheet C401, entitled "Construction Details," dated June 14, 2022; Sheet 8, Sheet L100, entitled "Landscape Plan," dated June 14, 2022; Sheet 9, Sheet L101, entitled "Landscape Plan," dated June 14, 2022; Sheet 10, Sheet A1.01, entitled "Main Level Floor Plan," dated June 1, 2022; Sheet 11, Sheet A2.01, entitled "Site Area," dated June 1, 2022; Sheet 12, Sheet A3.01, entitled "Materials," dated June 1, 2022; Sheet 13, Sheet A4.01, entitled "Elevation," dated June 1, 2022; Sheet 14, Sheet A5.01, entitled "3D Views," dated June 1, 2022; Sheet 15, Sheet A6.01, entitled "Wall Section," dated June 1, 2022.
- Exhibit 3** Plan entitled "Needham Bank," prepared by Studio Q Architecture, 301 Highland Ave, Waterbury, CT, 06708, consisting of 2 sheets: Sheet 1, Sheet A1.00, entitled "Existing Floor Plan," dated June 1, 2022; Sheet 2, Sheet A1.01, entitled "Main Level Floor Plan," dated June 1, 2022.
- Exhibit 4** Letter from the Design Review Board dated August 8, 2022.
- Exhibit 5** Interdepartmental Communication (IDC) to the Board from Chief Tom Conroy, Needham Fire Department, dated August 2, 2022; IDC to the Board from Chief John Schlittler, Police Department, dated August 12, 2022; IDC to the Board from Tara Gurge, Needham Health Department, dated August 10, 2022; and IDC to the Board from Thomas Ryder, Town Engineer, dated August 10, 2022.

EXHIBITS 1, 2 and 3 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

- 1.1 The subject property is located at 1063 Great Plain Avenue and 0 Garden Street, Needham, Massachusetts. The property located at 1063 Great Plain Avenue is shown on Assessors Plan No. 51 as Parcel 86 containing a total of 44,978 square feet in the Center Business and Chestnut Street Business Zoning Districts. The property located at 0 Garden Street is shown on Assessors Plan No. 51 as Parcel 22 containing a total of 10,000 square feet in the Chestnut Street Business Zoning District.
- 1.2 The property is the subject of Major Project Site Plan Special Permit No. 2012-04, issued to Needham Bank, 1063 Great Plain Avenue, Needham, MA, dated June 12, 2012, Amended August 6, 2013, April 16, 2014, October 7, 2014 and December 15, 2015.
- 1.3 On August 6, 2013, under Amendment to Major Project Site Plan Special Permit No. 2012-04, dated August 6, 2013, the Board approved the redevelopment of Eaton Square as a pedestrian plaza.
- 1.4 Additional amendments dated April 16, 2014, October 7, 2014 and December 15, 2015 allowed certain other minor changes to the site plan, including the temporary permission of the Needham Farmer's Market to utilize the Plaza.
- 1.5 The Bank has been an institution in the Town of Needham since 1892. In 1922 it commenced occupancy of its current location at 1063 Great Plain Avenue. In 1997, it purchased a lot on Garden Street for use as an ancillary parking lot. This was approved by the Planning Board on May 19, 1997. (See, Major Project Site Plan Review Special Permit No. 1997-03). In November 1997, the Bank purchased the adjacent building at 1055 Great Plain Avenue. On July 20, 2006, the Planning Board authorized the Bank to renovate and connect the buildings at 1055 and 1063 Great Plain Avenue. (See, Major Project Site Plan Review Special Permit No. 2006-02, as amended). The decision also authorized a new common entrance, an ATM enclosure, an increase in floor space, and various waivers and/or special permits including a reduction in the required number of parking spaces. In April 2007, the Bank purchased the adjacent building at 10 Eaton Square. On September 8, 2008, the Planning Board authorized the Bank to renovate and expand and connect this building to the buildings at 1055 and 1063 Great Plain Avenue. (See, Major Project Site Plan Review Special Permit No. 2008-07). The decision also authorized various waivers and/or special permits for an increase in floor area ratio and reduction in the required number of parking spaces.
- 1.6 On October 22, 2010, the Bank purchased the property at 232 and 244 Garden Street containing of approximately 18,800 square feet (.4037 acres) of land upon and which was then occupied by two dwellings. At that time, this property was physically separated from the remaining Bank property by Eaton Square. However, on or about November 7, 2011, the Town of Needham abandoned and discontinued Eaton Square as a public way. With the abandonment and discontinuance of Eaton Square that portion of the roadway formerly separating the various Bank land is now in Bank ownership (and the entire property is now known as 1063 Great Plain Avenue). On June 12, 2012, the Planning Board authorized the Major Project Site Plan Special Permit No. 2012-04, approving the construction of an approximately 11,696 square foot addition to the existing Bank building at 1055 and 1063 Great Plain Avenue/10 Eaton Square that will, when completed, extend from the rear of the building northward, and to expand the Bank parking facilities utilizing property at 232 and 244 Garden Street. The addition comprised 3,643 square of basement space, 3,972 square feet of first floor space and 4,081 square feet of second floor space. In addition, the project

involved the redevelopment of the Town owned parking lot abutting the Bank property as well as development of a pedestrian plaza on a portion of the discontinued Eaton Square. One of the automatic teller machines (“ATM”) facilities within the existing Bank building was removed and a drive-through free-standing ATM was placed in the Chestnut Street Business Zoning District located approximately 80 feet north of the rear of the proposed Bank building along Garden Street. The queuing area for the drive-thru was designed to allow for 2 cars to be on the property at the ATM and to allow for an escape lane to run the full length of the drive. (See, Major Project Site Plan Review Special Permit No. 2012-04). That project required 94 parking spaces. However, the decision approved 62 parking spaces (i.e., a waiver of 32 parking spaces) of which 35 parking spaces are located in the Bank lot at 1063 Great Plain Avenue and 27 parking spaces (including tandem spaces) are located at 0 Garden Street.

- 1.7 As a result of the COVID pandemic and technological improvements, there have been significant changes to the manner in which people conduct their banking activities. Specifically, Petitioner has noticed a dramatic increase in the utilization of on-line and electronic banking with a corresponding decrease in the customers physically coming to the Bank itself. Furthermore, it is the Petitioner’s experience that when customers do need to come to the Bank, it is a preference to utilize drive-through tellers and ATMs. The exception is when a customer needs to meet privately with Bank personnel (as opposed to simple deposits and withdrawals). In addition, during the COVID pandemic a majority of the Bank employees were required and able to work remotely. It is the Bank’s intention to maintain this type of remote work for these employees at least a couple of days per week. To address the above, the Petitioner proposes to convert an existing mezzanine area in the Bank building to executive offices by adding approximately 1,365 square feet of floor area (thus freeing up other office space for use for private customer conferences). In addition, the Petitioner proposes to demolish the existing drive-up free-standing ATM, and replace the same with an approximate 321 square foot drive-up teller building with a drive-up ATM. The new drive through building will be located in entirely in the Chestnut Street Business Zoning District.
- 1.8 Upon completion of the Project, the total floor area at the premises will increase from the current 34,580 square feet to 36,266 square feet (i.e., an increase of 1,365 square feet within the bank building and by 321 square feet dedicated to the drive-up teller and drive-up ATM). Currently, 24,007 square feet is dedicated to office use and 10,573 square feet is dedicated to utility/storage space. Upon completion of the Project, there will be 25,693 square feet of office use and 10,573 square feet dedicated to utility/storage space. Per Section 5.1.2 of the By-Law, banks require 1 parking space per 300 square feet of floor area and utility/storage requires 1 space per 850 square feet of floor area. Accordingly, the Bank currently requires 94 parking spaces. In accordance with the 2012 site plan approval, a waiver of 32 parking spaces was granted and the Bank is currently served by 62 parking spaces. Upon completion of this Project, the Bank will require 99 parking spaces and is providing 57 parking spaces. Therefore, a waiver of 42 parking spaces is required, which is a waiver above the previously approved waiver of 10 spaces. As stated above, with the change in consumer banking practices as well as the Petitioner’s own business practices (i.e., remote workers, etc.), the Petitioner submits that 57 parking spaces are more than sufficient. In addition, the Petitioner has and will continue to lease spaces in the abutting municipal lot.
- 1.9 The By-Law for the Town of Needham prescribes the uses which are permitted as of right, the uses permitted only upon issuance of a special permit, and the uses not permitted in the Center Business and Chestnut Street Business Zoning Districts. Per the schedule of use regulations sets forth in Section 3.2.2 of the By-Law, “banks” are allowed as of right in the Center Business and Chestnut Street Business Zoning Districts. The By-Law is silent as to

teller windows. However, the schedule of use regulations in said Section 3.2.2 provides that “other accessory uses incidental to lawful principle uses” are allowed in the Chestnut Street Business Zoning District by special permit. Section 1.3 (Definitions) of the By-Law defines an “accessory building” as a “building devoted exclusively to a use subordinate to and customarily incidental to the principal use” and defines an “accessory use” as “a use subordinate to and customarily incidental to the principal use”. The proposed drive-up teller building with a drive-up ATM is an “accessory use” to the bank use and is therefore allowed by special permit in the Chestnut Street Business Zoning District.

- 1.10 The By-Law prescribes dimensional requirements (lot area, frontage, setbacks, etc.) for the buildings and structures in the Center Business and Chestnut Street Business Zoning Districts. As shown on the Plan, the Project satisfies these dimensional requirements. All of the “changes” to the Bank building are internal to the same (and therefore there are no modifications to the same in terms of any required setbacks). The only “new” structure/building involved in the Project is the proposed drive-up teller building with the drive-up ATM and same has been setback at minimum of 10 feet from Garden Street.
- 1.11 The Petitioner appeared before the Design Review Board and received approval on August 8, 2022.
- 1.12 Under the terms of Major Project Site Plan Special Permit No. 2012-04, dated June 12, 2012, the bank was permitted to operate Monday through Saturday as follows. On Monday, Tuesday, Wednesday and Thursday, between the hours of 7:00 a.m. and 3:00 p.m., on Friday, between the hours of 7:00 a.m. and 5:30 p.m., and on Saturday between the hours of 8:00 a.m. and 12:00 p.m. The bank now seeks to revise its hours of operation so as to operate as follows. On Monday, Tuesday, and Wednesday, between the hours of 7:00 a.m. and 4:00 p.m., on Thursday and Friday, between the hours of 7:00 a.m. and 5:30 p.m., and on Saturday between the hours of 8:00 a.m. and 12:00 p.m.
- 1.13 Currently the Bank employs between 60 and 70 persons at 1063 Great Plain Avenue. The current proposal will not increase the number of employees at the property. Presently not more than 70 employees are permitted on site at any given time. If the Bank intends to have an excess of 70 employees at the facility at the same time, the Bank must submit an application for amendment to this Special Permit addressing the parking for such additional employees. Said plan may include provisions for car-pooling, shuttle service, additional or expanded parking lot and the like.
- 1.14 As indicated above, under the By-Law the Project requires 99 parking spaces. The Petitioner proposes to provide 57 parking spaces with 30 such spaces parking spaces adjacent to the Bank building at 1063 Great Plain Avenue and 27 parking spaces (including 4 tandem spaces) at 0 Garden Street. This will require relief from the following:

Section 5.1.2 - Required Parking: There are 57 parking spaces (including 4 tandem spaces in the Garden Street Parking Lot) available to serve the Subject Property. The Bank requires 99 parking spaces. Therefore, the Petitioner requires and requests a waiver of 42 parking spaces. As reported above, the Bank currently has been granted a 32-parking space waiver (and is leasing spaces in the municipal lot).

Section 5.1.3(b) - Loading Requirements: The Petitioner requests relief from the requirement of providing off-street loading facilities. There are currently no such facilities at the subject property, and this has not been problematic for Bank activity.

Section 5.1.3(h) – Parking Space Layout: The Petitioner requests relief from the parking space layout requirement to the extent necessary for the proposed tandem spaces in the Garden Street Parking Lot and the parking spaces located on both Bank and Town property.

Sections 5.1.3(i), (j), (k), (l) and (m) – Aisle, Parking Setbacks, Landscaped Areas, Trees, and Location: The Petitioner requests relief from the requirements of parking setbacks, landscaped areas, and trees. Strict compliance with these requirements will reduce the number of parking spaces available on the site. This will allow the utilization of the Bank and Town lots as an integrated parking lot.

Section 3.2.2 – Location of Parking: The Petitioner proposes parking in separate lots including the Bank owned Garden Street Parking Lot. In addition, there are parking spaces proposed to traverse both Bank property and Town property. This will allow the maximization of parking spaces available to both the Bank and the Town.

- 1.15 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. The site is presently fully developed and the proposed 321 square feet of teller building and the ATM has been approved by the Design Review Board. The major renovation is inside the building. The existing drainage and landscaping will remain.
- 1.16 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. In light of the changes in consumer banking habits as well as the Petitioner's allowance of workers to work remotely, no increase in traffic is anticipated. Furthermore, the new drive-up teller building is small (321 square feet) and has been designed to allow easy access.
- 1.17 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. The Bank does not require loading facilities. The site layout has been arranged to optimize the parking configuration.
- 1.18 Adequate methods for disposal of refuse and waste will be provided. The Bank does not require exterior storage of refuse for removal. The Bank maintains contracts for proper handling, shredding, removal, and disposal of all waste materials.
- 1.19 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 existing site is fully developed. The Project does not require destruction of existing undeveloped sites and is a sustainable design practice. Setbacks to other existing buildings and community assets are being maintained.
- 1.20 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 consists of a small (321 square foot) drive-up building replacing an existing drive-up ATM as well as expansion of floor area interior to the Bank building. As such, the Project does not constitute a new significant strain on the Town's resources. The grant of (or modification to existing) Special Permits will allow the Bank to continue to provide service to the community in more efficient and effective manner. The Bank is an established community business, a considerate neighbor, and will comply with all state and local conditions, limitations, and safeguards.

- 1.21 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit amendment may be granted within the Center Business Zoning District and the Chestnut Street Business 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.
- 1.22 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for a drive-up teller building with a drive-up ATM in Chestnut Street Business Zoning District as an accessory use allowed incidental to a lawful principle use, provided the Board finds that the proposed use is in harmony with the general purposes and intent 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, to be in harmony with the purposes and intent of the By-Law.
- 1.23 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for the off-street parking of vehicles associated with the principle use, located on a separate lot owned or leased by the owner of the land in which the principle use is located, within a zoning district in which the principle use is permitted, provided the Board finds that the proposed use is in harmony with the general purposes and intent 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, to be in harmony with the purposes and intent of the By-Law.
- 1.24 Under Section 5.1.1.5 and 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 (Off Street Parking Requirements) of the By-Law may be granted provided the Board finds that owing to special and unique circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, and 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; and inquire circumstances justifying the reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2012-04, issued to Needham Bank, 1063 Great Plain Avenue, Needham, MA, dated June 12, 2012, amended August 6, 2013, April 16, 2014, October 7, 2014 and December 15, 2015; (2) the requested Special Permit under Section 3.2.2 of the By-law to allow for a drive-up teller building with a drive-up ATM in the Chestnut Street Business Zoning District as an accessory use allowed incidental to a lawful principal use; (3) the requested Special Permit under Section 3.2.2 of the By-Law for off-street parking for vehicles associated with a principal use, located on a separate lot owned or leased by the owner of the land in which the principal use is located, within a zoning district in which the principal use is permitted; and (4) the requested Special Permit under Sections 5.1.1.5 and 5.1.1.6 of the By-Law to waive strict adherence to the off-street parking requirements of Sections 5.1.2 and 5.1.3 of the By-Law, 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.

2.1 No Plan Modifications.

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 The conditions and limitations set forth in Major Project Site Plan Special Permit No. 2012-04, issued to Needham Bank, 1063 Great Plain Avenue, Needham, MA, dated June 12, 2012, Amended August 6, 2013, April 16, 2014, October 7, 2014 and December 15, 2015, as further amended by this Amendment are ratified and confirmed.
- 3.2 The Board approves the renovation of the mezzanine area of the bank as well as approves the construction of the drive-up teller building and the drive through ATM, as shown on the Plan. The development of the site shall be as described under the support materials provided under Exhibits 1, 2 and 3 of this Decision. Any changes, revision or modifications to the Plan shall require approval by the Board.
- 3.3 The subject site shall be used for bank purposes as well as the noted and permitted accessory uses.
- 3.4 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, as modified by this Decision, shall require approval by the Board.
- 3.5 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.6 The maintenance of the site and associated infrastructure and landscaping shall be the responsibility of the Petitioner and the site, infrastructure and landscaping shall be maintained in good condition.
- 3.7 All buildings and land constituting the Petitioner's premises (i.e. as shown on Assessors Plan No. 51, Parcel 86 and Parcel 22 shall remain under a single ownership.

- 3.8 The bank may be open for business between the hours of 7:00 a.m. and 4:00 p.m., Monday through Wednesday, between the hours of 7:00 a.m. and 5:30 p.m. Thursday and Friday, and between the hours of 8:00 a.m. and 12:00 p.m. on Saturday. The drive through teller building shall have the same hours as the bank. Additionally, the two ATM machines, one free-standing ATM located in the rear parking lot, and one installed and accessed from the main Great Plain Avenue entrance, are permitted to operate twenty-four hours a day, seven days a week.
- 3.9 The Petitioner may utilize the services of no more than 70 employees on site at the same time; provided further that if the Bank intends to have an excess of 70 employees at the facility at the same time, the Bank must submit an application for Amendment to this Special Permit addressing the parking for such additional employees. Said plan may include provisions for car-pooling, shuttle service, additional or expanded parking lot, satellite parking and the like.
- 3.10 57 parking spaces shall be provided at all times; 30 such spaces parking spaces adjacent to the Bank building and 27 parking spaces (including 4 tandem spaces) at 0 Garden Street
- 3.11 All construction staging shall be on-site. No construction parking shall be on public streets. 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. If required by the Building Commissioner, 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.
- 3.12 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges.
- 3.13 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if applicable.
- 3.14 In constructing and operating the proposed Bank ATM, drive-up teller building and drive-up ATM on the locus pursuant to this Special Permit, 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.
- 3.15 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday unless otherwise authorized by approval of the Board of Selectmen pursuant to the Needham General By-Laws, Section 3.8.1.
 - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site 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 Great Plain Avenue, Garden Street or the adjacent roads.

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 Great Plain Avenue and Garden Street clean of dirt and debris.

3.16 No building permit shall be issued in pursuance of the Special Permit and Site Plan approval for the newly renovated Bank ATM or teller building with drive-up ATM or renovated mezzanine 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.

3.17 No portion of the newly renovated Bank ATM or teller building with drive-up ATM or renovated mezzanine shall be occupied or made available for public use 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 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 on-site and off-site, in their true relationship to the lot lines. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.

b. There is filed with the Building Commissioner and Board a statement by the Department of Public Works certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalks and curbing improvements on site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan.

c. There is 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. Said plan shall be prepared by the landscape designer of record and shall include a certification that such improvements were completed according to the approved documents.

3.18 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission 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.

- 3.19 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.
- 3.20 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 September 7, 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 September 7, 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 M.G.L. Chapter 40A, Section 11, this Major Site Plan 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 7th day of September, 2022.

NEEDHAM PLANNING BOARD

Adam Block
Adam Block, Chair

Jeanne S. McKnight
Jeanne S. McKnight, Vice Chair

Paul S. Alpert
Paul S. Alpert

Artie Crocker
Artie Crocker

Natasha Espada
Natasha Espada

COMMONWEALTH OF MASSACHUSETTS

9/13 2022

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

Alexandra Clee
Notary Public Alexandra Clee
My Commission Expires: March 8, 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 the Needham Bank, 1063 Great Plain Avenue, Needham, MA, for property located at 1063 Great Plain Avenue and 0 Garden Street, 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

Theodora K. Eaton, 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
Peter Zahka, Attorney
Parties in Interest