

August 15, 2022

**BY HAND DELIVERY, OVERNIGHT DELIVERY
& ELECTRONIC MAIL**

Town of Needham Planning Board Members
Public Service Administration Building
500 Dedham Avenue
Needham, MA 02492
Attn: Lee Newman, Planning Director

Re: Highland Innovation Center – 557 Highland Avenue, Needham Heights,
Massachusetts (the “Property”) – Application for Major Project Site Plan Review
and Special Permits – Revisions dated as of September 7, 2022 Planning Board
Public Hearing Letter #3

Dear Planning Board Members:

As you know, we are counsel to 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc. (the “Applicant”), in connection with the redevelopment of the Property with a new, mixed-use development of office, laboratory, research and development, and retail/restaurant uses (the “Project”), all as described in our letter dated April 5, 2022 and supplemental letter dated June 30, 2022 (collectively, the “Prior Letters”) transmitting the Application for Site Plan Review and issuance of Special Permits in connection with development of the Project (the “Application”).

Since submission of our April 5, 2022 letter, the Applicant has undertaken an extensive community engagement process including seven (7) community meetings and two (2) public hearings with the Planning Board. At the first Planning Board public hearing, on June 7, 2022, the Applicant presented an overview of the Project and heard feedback and discussion from the Planning Board and general public. At the second Planning Board public hearing, on July 7, 2022, the Applicant and the Applicant’s traffic engineers presented the Project’s transportation aspects and heard additional feedback from the Planning Board and the general public.

Responding to feedback from the Planning Board, several Town departments, neighbors, and the community at large, the Applicant has further refined the Project design. This letter describes those refinements. The description of the Project in this letter is meant to restate the characteristics of the Project in their entirety from our letter of April 5, 2022 and to identify the refinements. ***Significant revisions from our submission of April 5, 2022 are indicated by italic/bold text.***

In support of the Application, the Applicant is submitting the following additional materials and information as requested for the next Planning Board public hearing on September 7, 2022:

1. ***Revised Plan Set entitled “Special Permit Package R1, August 15, 2022 for September 7, 2022 Planning Board Special Permit Public Hearing” (the “Plan Set”);***
2. ***Memorandum from Stantec Architecture and Engineering P.C., Re: Special Permit Package R1 (08/16/2022 for 09/07/2022 Planning Board public hearing), dated August 16, 2022;***
3. ***Letter from VHB, Inc., Re: Transportation Updates to Special Permit Submission, dated August 15, 2022;***
4. ***Letter from VHB, Inc., Re: 557 Highland Ave – Highland Innovation Center – Plan Revisions for Permitting, dated August 15, 2022;***
5. ***Memorandum from Paul Finger Associates, Re: 557 Highland Ave – Special Permit Summary of Plan Revisions -01, dated August 15, 2022;***
6. ***Preliminary Exterior/Community Noise Evaluation/Narrative – Revision 2, prepared by Acentech Incorporated, dated August 15, 2022;***
7. ***Fiscal Impact Analysis, prepared by Fougere Planning & Development, Inc., dated May 16, 2022;***
8. ***Plan entitled “Conveyance Plan” prepared by Feldman Geospatial dated August 15, 2022, prepared for September 7, 2022 Planning Board public hearing (the “Conveyance Plan”).***

* * *

ZONING ANALYSIS DISCUSSION:

Background and Overview:

The Property is the former site of the Muzi Ford and Chevrolet automotive dealership and service centers and the Muzi car wash. ***The former Muzi property consists of 403,933 square feet (sq. ft.) of land area totaling approximately 9.273 acres.*** The Property is bordered by Highland Avenue to the south, Interstate 95/Route 128 to the east, Gould Street to the west, and TV Place (formerly known as Permil Road), a private way, to the north. ***As part of the Applicant’s redevelopment revised plans, the Applicant proposes to widen Gould Street***

between the intersection with Highland Avenue and TV Place. To that end, the Applicant proposes to convey to the Town of Needham a portion of the Property along Gould Street containing approximately 12,080 sq. ft. of land (the “Conveyance Area”). This widening of Gould Street will shift the street line toward Interstate 95/Route 128, with corresponding shifts in the 50 and 200 foot setbacks from Gould Street required by the HC-1 zoning. Shifting these setbacks requires a reduction of the Buildings’ total gross floor area by 16,694 sq. ft., and will reduce the Garage’s gross floor area by 5,412 sq. ft., eliminating 18 parking spaces. The Plan Set includes a view of the reduced Garage from the westerly side of Gould Street.

The Applicant is proposing to redevelop the Property with approximately **479,948** sq. ft. of office, laboratory, and research and development uses, approximately **10,052** sq. ft. of retail and restaurant uses (yielding a total project program of **490,000** sq. ft.), construction of one level of below-grade parking under each building, and a separate stand-alone parking garage (the “Project”). The Project will include two buildings, one on the northerly portion of the Property (the “North Building”) and one on the southerly portion of the Property (the “South Building”), together with a shared connector atrium (the “Atrium”).

Based on input from the community, the neighborhood, and representatives of the Town, including the Town’s traffic consultant, the Applicant has relocated the Multi-Use Walkway (defined below) constructed for the benefit of the Town and maintained by the Applicant, all as further shown in the Plan Set. In addition, the Applicant’s transfer of the Conveyance Area will improve the street alignment of Hunting Road and Gould Street to make for more efficient traffic flow. The transfer of valuable land in the Conveyance Area to the Town for nominal consideration will improve the Town’s roadway network, providing significant benefit to the Town.

As described below, the HC-1 District zoning allows a maximum Floor Area Ratio (“FAR”) of 1.35 for the Property, generating a maximum build out of **545,310** sq. ft.¹ The Project, ***following conveyance to the Town of a portion of the Property for public benefit***, proposes an FAR of 1.25, based on a buildout of **490,000** sq. ft., which is **39,002** sq. ft. less than the maximum buildout.

As mentioned in our Prior Letters, the materials and studies submitted with this Application previously and in the Project’s MEPA Environmental Notification Form have conservatively studied and presented an analysis based on a significantly higher build out for the Property of approximately 531,000 sq. ft. As a result of the reduced buildout, the traffic generation numbers in these materials and studies should be reduced by approximately 8%, yielding lesser impacts than what was studied.

Pursuant to the Town of Needham Zoning Map, as amended by Article 6 of the Annual Town Meeting held on May 3, 2021 (as amended, the “Zoning Map”), the Property is located

¹ After transfer of the Conveyance Area to the Town, the remaining Property would support a maximum build out of 529,002 sq. ft. at an FAR of 1.35.

within the Highway Commercial 1 District (the “HC-1 District”). The HC-1 District was established by an amendment to the Town of Needham Zoning By-Law (as amended, the “By-Law”) adopted by a 168-37 vote of Town Meeting pursuant to Article 5 of the Annual Town Meeting held on May 3, 2021. According to the Zoning Map, the Property is not located within any overlay districts.

The creation of the HC-1 District was the result of an extensive planning effort by the Town of Needham (the “Town”). The Town’s Council of Economic Advisors (“CEA”) began an evaluation of the Town’s Industrial Zoning Districts in 2013. The CEA held public meetings with residents, neighbors, public officials, businesses, and landowners (collectively, the stakeholders) in 2014 and obtained a build-out analysis and a traffic impact report. The CEA made preliminary recommendations to the public and Select Board to upgrade the zoning adjacent to I-95/Route 128 to make these areas more economically competitive.

The Planning Board and Select Board decided to move forward with rezoning of the former Industrial-1 Zoning District circumscribed by I-95/Route 128, Highland Avenue, Gould Street, and the MBTA right of way, and occupied by the Muzi Ford and Chevrolet dealership, a car wash, and WCVB Channel 5. A Warrant Article proposing to rezone this Industrial-1 Zoning District was developed and presented to the October 2019 Special Town Meeting, where it received a majority vote but less than the required two-thirds.

In response to public concerns about density, traffic impacts, permitted and special permit uses, and environmental issues, a Town-wide community meeting was held with stakeholders in January 2020 to discuss overall land use goals for the HC-1 District. A working group, including representatives from the Planning Board, Select Board, Finance Committee, and CEA was formed. The working group then commissioned an updated traffic study of the area, to analyze the ability of the Town’s traffic infrastructure to accommodate development at various densities and use profiles, as well as an updated fiscal impact analysis. From these efforts, the Planning Board drafted a revised Zoning Article to establish the HC-1 District. The revised Zoning Article reduced maximum floor area ratios and building height, increased building setback distances, required additional landscape buffering along Gould Street and Highland Avenue, increased open space requirements and established green building standards for issuance of a special permit.

In connection with the above process, the Town commissioned the Fiscal Analysis to study the potential financial benefit of such rezoning. Based on the Fiscal Analysis, a full-build out of the Property and the adjacent land owned by Channel 5 and related entities in the HC-1 District at 1.35 FAR would yield an annual net financial benefit to the Town of approximately \$8,342,400. Without the adjacent land², the Project, as proposed, will result in a prorated annual net financial benefit of approximately \$5,000,000 to the Town. ***The Fougere Report confirmed this approximate benefit to the Town.***

² The Applicant is unaware of any current plans by the Channel 5 entities to redevelop the approximately 260,000 sq. ft. of its land in the HC-1 District.

The Applicant proposes the Project to realize the goals of this re-zoning.

Proposed Project:

Use

As described above, the Property was most recently used as an automotive dealership and car wash making up a nearly entirely impervious surface which included parking for approximately 532 vehicles. The Project will remove environmentally hazardous materials and redevelop the existing underutilized site to include approximately **479,948** sq. ft. of office, laboratory, and research and development uses. The Project will also feature approximately **10,052** sq. ft. of retail and/or restaurant uses and accessory parking use in the form of underground parking beneath the North and South Buildings and separate stand-alone Garage. A breakdown of proposed uses and the approximate square footage of such uses is as follows:

USES	PROPOSED
Office	239,974 sq. ft.
Lab/Research and Development	239,974 sq. ft.
Retail/Restaurant	10,052 sq. ft.
Accessory Parking	<i>1,390 total parking spaces of which 362 will be located beneath the buildings, 998 will be located in a stand-alone parking garage, and 30 will be surface parking. This represents a reduction in 18 spaces from our prior submission.</i>

Because the specific square footage breakdown is subject to final tenant demands, the Applicant requests that the Board allow the allocation among the uses (and floor plans) to change from time to time without further Board review or approval as long as the Project maintains the number of parking spaces required by the approvals. The Applicant requests the ability to construct the Project in phases, including the right to obtain a final certificate of occupancy for the parking garage and/or either building prior to completion of construction of both buildings.³

Pursuant to By-Law Section 3.2.7, professional, business, or administrative offices and laboratory uses are allowed by-right in the HC-1 District. Retail uses are also allowed by-right so

³ If a bond is required in connection with the issuance of a Certificate of Occupancy for the North or South Building or the Garage before completion of the other buildings, the Applicant requests that the amount of the bond be limited to the costs of completing internal roadways and landscaping, excluding the costs of any unfinished (or unstarted)) other buildings.

long as no single retail establishment contains more than 5,750 square feet of gross floor area. Light-manufacturing uses—including manufacture of pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, which may be part of the Project tenants' laboratory uses—are allowed by right and also as an accessory use to any lab/research development use. The Applicant anticipates that light-manufacturing uses accessory to research and development uses, including the production of prototypes, may be part of the Project depending upon the ultimate tenanting of the Project.

By-Law Section 3.2.7.1(m) allows all by right customary and proper uses accessory to lawful principal uses. Given that the accessory parking on the Property is intended to provide parking incidental to operation of the main uses described above, such accessory use is allowed by-right. Formerly, the Property showed 532 lined spaces, a portion of which were used for parking for customers and employees, and the balance of which were used for parking of new and used car inventory and auto repair activities in connection with the dealership on the Property. These spaces do not include any employees or visitors for the car wash.

The Applicant anticipates that the retail space may contain a tenant in excess of approximately 6,052 sq. ft., and a restaurant of approximately 4,000 sq. ft. Accordingly, the Project will require a Special Permit for the potential occupancy of a single retail tenant in excess of 5,750 sq. ft. and a Special Permit for restaurant use.

Parking

The Applicant plans to construct a total of **1,390** parking spaces (***an 18 space reduction from our prior submission***) to be provided between a one-level underground parking structure beneath the buildings and a separate above-ground parking garage.⁴ The following chart describes the number of parking spaces required pursuant to By-Law Section 5.1.2.

Use	Space Required by Zoning	Proposed Parking Spaces
Research facilities/laboratories	800 spaces (1 space per 300 sq. ft.)*	
Office	800 spaces (1 space per 300 sq. ft.)	
Retail	up to 34 spaces (1 space per 300 sq. ft.)	
Restaurant	up to 44 spaces, for a 100 seat restaurant with one take-out service station (1 space per 3 seats plus 10 spaces per take-out service station)	

⁴ The stand-alone garage will contain two levels of underground parking as shown in the Plan Set.

<u>Total</u>	<i>up to 1,678, assuming 6,052 sf of retail use and 4,000 sf restaurant with 100 seats and one take-out service station</i>	<i>1,390 total parking spaces of which 362 will be located beneath the buildings, 998 will be located in a stand-alone parking garage, and 30 will be surface parking. This represents a reduction in 18 spaces from our prior submission.</i>
*Provided that occupancy by a single tenant of more than 50,000 sq. ft. shall require one space per 300 sq. ft. for the first 50,000 sq. ft. and 1 space per 400 sq. ft. in excess of 50,000 sq. ft. Thus, the number of required parking spaces will be reduced if a single tenant occupies all of the North Building or the South Building, or both.		

As shown above, the Applicant proposes **1,390** parking spaces. However, the By-Law's parking requirements assume a higher employee density than is typical for lab/research & development uses. The By-Law also assumes that each employee will commute alone and does not take into account the Applicant's proposed use of carpool, walking, biking, and public transit alternatives that will reduce the number of vehicles required to be parked on-site. Furthermore, the By-Law does not consider the potentially permanent changes in commuting patterns resulting from the COVID-19 pandemic, including hybrid/remote work programs. For these reasons, the Applicant's proposed number of parking spaces is more reflective of expected demand than the parking requirement under the By-Law. Therefore, the Project will require a Special Permit from the Planning Board, waiving strict adherence to the minimum number of required parking spaces for the **288** space difference between the proposed **1,390** spaces and the **1678** required spaces under zoning owing to these special circumstances, or for less than **1,390** total spaces, as the Planning Board may deem sufficient based on a review of the Application.⁵

The parking spaces provided will comply with all design guidelines prescribed by By-Law Section 5.1.3 as shown on the Plan Set included with the Application.

Dimensional Requirements

The following chart sets forth dimensional requirements applicable to the Project:

Item	Required	Project	Compliance with Zoning?
Minimum Lot Area	20,000 sq. ft.	391,846 sq. ft**	YES
Minimum Lot Frontage	100 ft.	At least 100 ft.	YES

⁵ As described below, the Planning Board is the special permit granting authority for all special permit relief for Major Projects under Section 7.4.3 of the By-Law, and accordingly may grant relief under Section 5.1.1.5 from both parking space requirements under Section 5.1.2 and parking plan under Section 5.1.3.

Item	Required	Project	Compliance with Zoning?
Maximum Floor Area Ratio	0.70 as-of-right Up to 1.35 by special permit	1.25	YES – Special Permit Required
Front Setback from Highland Avenue and Gould Street	15 ft.	North Building: 200 ft. South Building: 50 ft.	YES
Landscape Buffer	50 ft. along Highland Ave. and Gould Street	50 ft.***	YES
Increased Height Setback	200 ft. from Highland Ave. and Gould Street	North Building: 200ft.	YES
Side/Front Setback on Rt. 95	20 ft.	20 ft.	YES
Rear Setback	20 ft. (along TV Place)	20 ft.	YES
Maximum Lot Coverage	65%	47.9%	YES
Maximum South Building Height* (within 200 ft. height limitation zone)	35 ft. as-of-right 42 ft. by special permit	42 ft.	YES – Special Permit Required
Maximum Building North Height* (outside 200 ft. height limitation zone)	56 ft. as-of-right 70 ft. by special permit	70 ft.	YES – Special Permit Required
Maximum Garage Height*	44 ft. as-of-right 55 ft. by special permit	55 ft.	YES – Special Permit Required

Item	Required	Project	Compliance with Zoning?
Maximum Stories* (within 200 ft. height limitation zone)	2.5 stories as-of-right Up to 3 stories by special permit	3 stories (South Building)	YES – Special Permit Required
Maximum Stories* (outside 200 ft. height limitation zone)	4 stories as-of-right Up to 5 stories by special permit	5 stories (North Building)	YES – Special Permit Required
Maximum Garage Footprint	42,000 sq. ft.	41,361 sq. ft.	YES
Minimum Open Space	25%	>25%	YES
Maximum Uninterrupted Façade Length	200 ft.	200 ft.****	YES
Building Parapet Height	5 ft.	5 ft.	YES
*Pursuant to Section 4.11.1(e), structures erected on a building and not used for human occupancy, including mechanical equipment, may exceed the maximum building height provided that no part of such structures extends more than 15 ft. above the maximum allowable building height (e.g., 57 ft and 85 ft., respectively for each building) and such structures do not cover more than 25% of the building roof. ** This area calculation is based on the reduction of the Property area's after transfer to the Town of Needham of the 12,080 sq. ft. Conveyance Area. Separately, the Applicant's property on the north side of TV Place (known as 0 Gould Street) containing approximately 7,127 sq. ft. is not included in calculation of lot area and other measurements. *** Pursuant to Section 4.11.1(1)(d) of the By-Law, sidewalks and walkways, including the Multi-Use Walkway (defined below), may be located within the 50 ft. setback buffer along Highland Avenue and Gould Street. **** As shown in the Plan Set, the Garage's façade will be broken up through the use of banners which will provide uninterrupted façade lengths of less than 200 ft.			

Based on the foregoing, the Project will require Site Plan Review (described below) and Special Permits from the Planning Board as follows: (i) to allow a maximum Floor Area Ratio of 1.25; (ii) to allow a maximum height of 70 feet for the North Building; (iii) to allow a maximum of 5 stories in height for the North Building; (iv) to allow a maximum height of 42 feet for the

South Building; (v) to allow a maximum of 3 stories in height for the South Building; and (vi) to allow a maximum building height of 55 feet for the above-ground parking structure.

With respect to clause (i) above, pursuant to By-Law Section 4.11.1(5) the Planning Board may allow an FAR of up to 1.35 by issuance of a Special Permit. The grant of a Special Permit pursuant to this section must consider the factors detailed further below.

With respect to clauses (ii) through (vi) above, pursuant to By-Law Section 4.11.1(1), buildings within 200 ft. of Highland Avenue and Gould Street are limited to a height of 35 ft. and 2.5 stories. The Planning Board may grant a Special Permit to increase the height of buildings within the 200 ft. height limitation zone to 42 ft. and 3 stories and may further increase the height of buildings beyond the 200 ft. height limitation zone to up to 70 ft. and 5 stories. The 200 ft. height limitation envelopes allowing for such height increases are depicted in Figure 1 and Figure 2 of By-Law Section 4.11.1(f), which provides for such figures to clarify the limits of the required setbacks and allowed envelopes. Additionally, pursuant to Section 4.11.2, the Planning Board may grant a Special Permit to increase the height of a parking structure up to 55 ft.⁶

The Project will also require a Special Permit to allow for retaining wall height greater than 4 ft. and other applicable design requirements for retaining walls pursuant to By-Law Section 6.11.5.

Major Project Site Plan Review and Special Permit:

Site Plan Review and Approval, in the form of a Planning Board Special Permit, is required for any “Major Project”. Pursuant to Section 7.4.2 a “Major Project” is any project in the HC-1 District that involves the construction of 10,000 or more square feet, an increase in gross floor area of 5,000 or more square feet, or the creation of 25 or more new off-street parking spaces. The Project will exceed each of the foregoing thresholds and therefore qualifies as a Major Project subject to Site Plan Review.

Pursuant to By-Law Section 7.4.3, “the special permit granting authority for all permits the issuance of which is necessary for the construction or use of a Major Project shall be the Planning Board.”

Based on the above, the Project will require Site Plan Review and Approval pursuant to By-Law Section 7.4 from the Planning Board and subject to review by the Design Review Board. Additionally, as a Major Project, the Project will require a Special Permit from the Planning Board in connection with Site Plan Review. As provided by By-Law Section 7.4.3, the Planning Board may also issue any other Special Permits required for the Project given its status as a Major Project.

⁶ In lieu of applying the height/story limitation in Section 4.11.1, the By-Law sets parking garage height at 44 ft. and allows an increase up to 55 ft. by Special Permit pursuant to Section 4.11.2(1).

Relief Requested:

Based on the foregoing analysis and in accordance with By-Law Sections 3.2.7.2, 4.11, 5.1.1.5, 6.11.5, 7.2, 7.4, 7.5 and 7.6, and such other By-Law Sections as may apply, the following items of zoning relief are requested:

1. Special Permit in accordance with By-Law Section 4.11.1(5) for an FAR of 1.25 for the Project.
2. Special Permit, in accordance with By-Law Section 4.11.1(1) for a building height of 70 feet for the North Building.
3. Special Permit, in accordance with By-Law Section 4.11.1(1) for 5 stories for the North Building.
4. Special Permit, in accordance with By-Law Section 4.11.1(1) for a building height of 42 feet for the South Building.
5. Special Permit, in accordance with By-Law Section 4.11.1(1) for 3 stories for the South Building.
6. Special Permit, in accordance with By-Law Section 3.2.7.2 (g), for restaurant use.
7. Special Permit, in accordance with By-Law Section 3.2.7.2 (d), for retail use by a single tenant of between 5,750 – 10,000 sq. ft.
8. Special Permit, in accordance with By-Law Section 4.11.2(1) for a parking garage structure height of 55 feet.
9. Site Plan Review and Approval of the Project as a Major Project in accordance with Section 7.4.
10. Special Permit, in accordance with By-Law Section 5.1.1.5, for a waiver of approximately **288** parking spaces from the required parking space number under By-Law Section 5.1.2 to be provided as part of the Project.
11. Special Permit, in accordance with By-Law Section 6.11.5, for deviation from the design requirements for retaining walls.
12. Any additional Special Permits required for the permitting of the Project.

Satisfaction of Criteria for Granting Relief Requested:

In connection with granting the above-requested relief, the Planning Board must make certain findings related to the Project as set forth in the applicable Sections of the By-Law. The applicable criteria are set forth in bold below and are followed by the Applicant's description of how the Project complies or will comply with such criteria. Explanatory notes from the By-Law are provided in italics.

I. Pursuant to By-Law Section 7.6.1, the Planning Board must make the following findings and determinations when issuing a Special Permit, as delineated in By-Law Section 7.5.2.1:

Prior to granting a special permit, the Planning Board, shall make a finding and determination that the proposed use, building structure, off-street parking or loading, modification of dimensional standards, screening or landscaping, or other activity, which is the subject of the application for the special permit:

(a) Complies with such criteria or standards as may be set forth in the section of this By-Law which refers to the granting of the requested special permit;

As set forth below, the Project complies with the specific criteria and standards for the special permit relief requested herein.

(b) is consistent with: 1) the general purposes of this By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in this By-Law, such as, but not limited to, those at the beginning of the various sections;

The Project is consistent with the general purposes of the By-Law, including the promotion of health, safety, convenience, morals, and welfare for Needham residents because it redevelops an underutilized and environmentally compromised site into an economically viable and eco-friendly development with public amenities.

The Project will promote the welfare of the inhabitants of Needham through a significant increase in property tax revenues, providing approximately \$5,000,000⁷ **(based on both the Barret and Fougere Fiscal Analyses)** in annual additional real estate and personal property taxes which will support the Town's educational and recreational programs, housing initiatives, community and open spaces, and other Town priorities. The Project includes traffic mitigation measures and bicycle lane improvements to lessen congestion on area streets. This is an appropriate use of the land, specifically contemplated by the recent rezoning of the area. With the requested

⁷ As described above, this is an approximate proration based on the development scenarios for a full-buildout of the Property and the adjacent parcels described in the Fiscal Analysis and as applied to the Project, which is for approximately 60% of the full-buildout scenario.

special permits, the Project will comply with the applicable use, height, area, and building location requirements of the By-Law.

By-Law Section 1.2 requires that any building or structure erected and any use of premises established must be in conformity with the By-Law. With the requested special permits, the Project will be in conformity with the By-Law.

(c) is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

The site has few natural features, as it is almost entirely covered with the foundations of the former car dealership and car wash buildings and associated impervious areas used for parking and for the display of motor vehicles for sale. The Project is compatible with the characteristics of the surrounding area. The orientation of the buildout with the parking garage located near the “rear” of the Property will result in limited visibility of the parking structures from the major surrounding roads, including Highland Avenue and Gould Street. Extensive landscaping will be provided around the entire Project site, including a ***multi-use fitness/access walkway*** with exercise stations for use by tenants’ employees, neighbors, and the general public.

Where the Planning Board determines that one or more of the following objectives are applicable to the particular application for a special permit, the Planning Board shall make a finding and determination that the objective will be met:

(d) the circulation patterns for motor vehicles and pedestrians which would result from the use or structure which is the subject of the special permit will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on site or in the surrounding area; and

The Transportation Impact and Access Study (“TIAS”) prepared by VHB analyzes existing traffic conditions on area roadways and at area intersections, under current conditions and as projected to exist in seven years with and without construction of the Project. The TIAS recommends, and the Applicant has committed to implement, several measures to prevent the Project from increasing traffic congestion or the potential for traffic accidents. These measures include widening and reconfiguring Gould Street at the intersection with Highland Avenue and at the intersection with the Property entrance (opposite the Wingate Residences entrance), and construction of a ***shared multi-use walkway on the Property along Gould Street (the “Multi-Use Walkway”)*** for use by neighbors and residents. The internal circulation pattern has been designed to control vehicle speeds and to reduce vehicle-pedestrian interactions by providing wide sidewalks. Therefore, the circulation patterns for motor vehicles and pedestrians which would result from the Project will not result in conditions that

unnecessarily add to traffic congestion or the potential for traffic accidents on the Property or in the surrounding area.

(e) the proposed use, structure or activity will not constitute a demonstrable adverse impact on the surrounding area resulting from:

- 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area,**
- 2) emission or discharge of noxious or hazardous materials or substances, or**
- 3) pollution of water ways or ground water.**

The proposed use, structures and activity at the Property resulting from the Project will not have a demonstrable adverse impact on the surrounding area. Any minimal noise, illumination or glare associated with the Project will be mitigated with thoughtful design features, including landscaping and cut-off lighting, as more particularly shown in the Plan Set. No noxious or hazardous substances are anticipated to be emitted as a result of the Project, and no waterways or groundwater will be polluted.

As referenced in the foregoing criteria, certain Sections of the By-Law prescribe additional criteria to be considered for particular Special Permit relief. Such criteria, and how the Project complies or will comply with such criteria, are provided below:

1. Special Permit criteria for relief for FAR of 1.25, pursuant to By-Law Section 4.11.1(5):

In granting such special permit, the Planning Board shall consider the following factors:

- (i) the ability of the existing or proposed infrastructure to adequately service the proposed facility without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services;**

As set forth in the Stormwater Report, the TIAS, and based on the Applicant's engineer's independent review of the infrastructure, the existing or proposed infrastructure can adequately service the Project without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services.

- (ii) impact on traffic conditions at the site, on adjacent streets, and in nearby neighborhoods, including, but not limited to, the adequacy of the roads and intersections to safely and effectively provide access and egress;**

As set forth in the TIAS and elsewhere in this letter, the Project will include significant off-site mitigation, including traffic improvements, that will counterbalance the intersection capacity impacts of the additional Project-generated trips added to the roadway network. The Project will also include a robust Traffic Demand Management (TDM) program to incentivize reduced single occupant driving and increase use of alternative forms of transportation.

(iii) the Environmental impacts of the proposal; and

Regarding direct environmental impacts, the Applicant will take feasible steps to reduce carbon emissions and minimize energy usage and has designed the Project accordingly. Energy modeling will evaluate several emissions mitigation measures including hybrid electric/gas heating with electric heating being the first to operate whenever capacity allows, high efficiency glycol heat recovery loop, reduced laboratory exhaust through exhaust monitoring, electric water heating, and more. The Applicant also studied options to include photovoltaic solar panels at the roof of the Garage and roof of the North & South Buildings. In addition to these emission reduction strategies, the Project will utilize the LEED v4 BD+C rating system for the Core and Shell building components to incorporate other sustainability strategies. The Applicant anticipates the Project will be LEED Silver Certified with higher targets possible.

In addition, the Project has utilized the MEPA Environmental Justice tool, which demonstrates that this Project is not within 1-mile of any Environmental Justice community. The Project will not exceed any air quality thresholds or cause impacts outside of the 1-mile radius and therefore will not negatively impact such communities.

Regarding future impacts due to Sea Level Rise/Storm Surge and other climate change considerations, the Project is not exposed to Sea Level Rise/Storm Surge or Extreme Precipitation-Riverine Flooding. Although the Property has a high risk of Extreme Precipitation-Urban Flooding and a high risk of Extreme Heat, the Project will combat these risks by including measures to reduce the threat of urban flooding from extreme precipitation and developing appropriate strategies for a changing climate in the near term, as well as planning for a longer-term adaptation strategy over the course of the Project's life span.

No part of the Property has a historic structure, or a structure within a historic district listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth.

(iv) the fiscal implications of the proposal to the Town

Based on the Barret Fiscal Analysis, ***and confirmed in the Fougere Fiscal Analysis***, full-build out of the Property and the adjacent parcels at 1.35 FAR would yield a net annual financial benefit to the Town of approximately \$8,342,400. As described above, the Project proposes a build-out of approximately 90% of the Property's full-build out potential, which results in a prorated net annual financial benefit of approximately \$5,000,000 to the Town from development of the Project, plus personal property taxes which would also generate significant additional revenue.

- (v) **In granting a special permit, the Planning Board shall also consider any proposed mitigation measures and whether the proposed project's benefits to the Town outweigh the costs and adverse impacts, if any, to the Town.**

The Project will include significant mitigation as described above and below. In addition, based on the Barret Fiscal Analysis, ***and confirmed in the Fougere Fiscal Analysis***, the Project is anticipated to provide a net annual financial benefit to the Town of approximately \$5,000,000, plus personal property taxes which would also generate significant additional revenue.

2. Pursuant to By-Law Section 4.11.3, in addition to the foregoing criteria, the Planning Board must consider the below design guidelines when issuing a Special Permit for relief under By-Law Section 3.2.7.2 and/or Section 4.11:

- (a) **The proposed development should provide or contribute to providing pedestrian and neighborhood connections to surrounding properties, e.g., by creating inviting buildings or street edge, by creating shared publicly accessible green spaces, and/or by any other methods deemed appropriate by the Planning Board;**

The Project will contain various pedestrian and neighborhood connections and amenities. The south end of the South Building, near the intersection of Gould Street and Highland Avenue will contain the Project's "retail zone" of approximately **10,052** sq. ft. of retail and/or restaurant use. This area is being developed with retail plaza and landscapes visible from the public streets, making it a vibrant and cohesive part of the neighborhood. A multi-use fitness/access walkway is planned around the Property, with various exercise areas planned at intervals on the loop, and including a pond and water feature.

- (b) **Any parking structure should have a scale, finish and architectural design that is compatible with the new buildings and which blunts the impact of such structures on the site and on the neighborhood;**

The Garage will be constructed primarily of structural precast concrete columns and spandrel beams with color and finish intended to coordinate with the color and finish of the lab buildings. In addition, the overall scale of the stand-alone Garage will be broken up through the use of fabric banners hung from the upper levels, which will result in visual interruptions and a softening of the façades on the sides most visible to the neighborhood. These design elements will create interruptions in the Garage façade so that uninterrupted façade length is less than 200 ft., in compliance with Section 4.11.2(3) of the By-Law. The Garage will be in the northeast corner of the site, downgradient and well way from Gould Street. Its presence will be masked to the south and southwest by the North Building. The Garage will comply with the specific dimensional criteria developed for this district to integrate with the surrounding area, as shown on the plans.

- (c) The proposed development should encourage creative design and mix of uses which create an appropriate aesthetic for this gateway to Needham, including but not limited to, possible use of multiple buildings to enhance the corner of Highland Avenue and Gould Street, possible development of a landscape feature or park on Gould Street or Highland Avenue, varied façade treatments, streetscape design, integrated physical design, and/or other elements deemed appropriate by the Planning Board;**

The Project will include two buildings, the North Building on the northerly portion of the Property, and the South Building on the southerly portion of the Property, as well as a shared Atrium to connect them that will help break down the scale of the overall project into smaller pieces. As noted above, the south end of the South Building, near the intersection of Gould Street and Highland Avenue is planned to contain the “retail zone” which will have approximately **10,052** sq. ft. of public retail or restaurant use. This area is being developed with retail plaza featuring soft and hardscape landscaping, outdoor seating, and a water feature at the former location of Muzi pond at the Gould Street and Highland Avenue intersection. Together the proposed R&D, Office, and Lab uses mixed with Retail/Restaurant uses at the corner will create an active gateway condition visible from the public streets. As described above a multi-use fitness/access walkway is planned around the Property, with various exercise areas planned at intervals around the buildings, and including a pond and water feature.

- (d) The proposed development should promote site features and a layout which is conducive to the uses proposed;**

The buildings’ massing was designed to take advantage of unique view corridors, interesting topography, solar orientation, and comply with the zoning requirements outlined above. The buildings will provide flexible floorplates that are desirable for today’s tenants looking for access to light and views and opportunities for shared

indoor and outdoor amenities, including, among other amenities, the previously described multi-use fitness/access walkway.

(e) The proposed development should incorporate as many green building standards as practical, given the type of building and proposed uses;

The Applicant is committed to taking all feasible steps to reduce carbon emissions and minimize energy usage. Energy modeling will evaluate several emissions mitigation measures including hybrid electric/gas heating with electric heating being the first to operate whenever capacity allows; high efficiency glycol heat recovery loop; high efficiency chilled water plant; reduced laboratory exhaust through exhaust monitoring; electric water heating; improved envelope insulation and infiltration without thermal bridging; and high-performance lighting and controls.

In addition to emission reduction strategies, the Project will utilize the LEED v4 BD+C rating system for the core and shell building components to incorporate other sustainability strategies such as: green vehicle parking; open space; rainwater management; heat island reduction; construction and demolition waste management; and building product disclosure and optimization. The current goal is to achieve LEED Silver Certified with higher targets being evaluated. In addition, the Project will be Energy Star rated and certified as a WELL Building.

The WELL Building Standard takes a holistic approach to health in the built environment addressing behavior, operations and design. WELL is a performance-based system for measuring, certifying, and monitoring features of the built environment that impact human health and well-being, through air, water, nourishment, light, fitness, comfort and mind. WELL is grounded in a body of medical research that explores the connection between the buildings where we spend more than 90 percent of our time, and the health and wellness impacts on us as occupants. WELL Certified™ spaces can help create a built environment that improves the nutrition, fitness, mood, sleep patterns and performance of its occupants.

(f) The proposed development should be designed and conditioned to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking; and

The Project will include off-site mitigation that will counterbalance the intersection capacity impacts of the additional Project-generated trips added to the roadway network. The prior use of the Property as a car wash previously reported 1,360 peak daily vehicle trips to/from the car wash during the winter months, or roughly 600 vehicles daily during peak periods. The car wash coupled with Muzi employees,

visitors, new and used car sales, parts distribution, etc., yielded an additional 600 single occupancy vehicles such that there will be little, if any, increase in traffic from the Project. Furthermore, the Applicant will implement significant traffic mitigation measures as described herein, including traffic improvements and the Multi-Use Walkway. As set forth above, the Project will also include a robust TDM program to incentivize reduced single occupant driving and increase use of alternative forms of transportation. Based on the TIAS, the roadway network, as improved through the Project's proposed transportation mitigation, can safely and adequately handle the trips associated with the Project.

- (g) The proposed development shall include participation in a transportation demand management program to be approved by the Planning Board as a traffic mitigation measure, including but not limited to, membership and participation in an integrated or coordinated shuttle program.**

As set forth above, the Project will also include a robust TDM program to incentivize reduced single occupant driving and increase use of alternative forms of transportation. The Applicant will explore and look to implement shuttle connectivity through its future proactive involvement in the Route 128 Business Council to improve public transportation access and accessibility to the Property. The Applicant will incentivize reduced single occupant driving and increased use of alternative forms of transportation

3. Pursuant to By-Law Section 6.11.5, the Planning board must consider the specific criteria given below when issuing a Special Permit for relief from retaining wall requirements in By-Law 6.11:

- (a) That the retaining wall will not cause an increase of water flow off the property;**

The 4-6 foot high retaining wall proposed along the eastern Property boundary will be located along the side of the proposed multi-use fitness/access walkway and adjacent to the I-95/Route 128 off ramp. The retaining wall will direct stormwater discharge toward the site's proposed drainage system and not to the MassDOT's ROW. This is a significant improvement over existing conditions, under which sheet drainage discharges untreated runoff off to adjacent properties and roadways.

- (b) That the requested retaining wall will not adversely impact adjacent property or the public;**

The requested retaining walls will face the Exit 35C ramp from I-95/Route 128 to Highland Avenue. As such, they will have little, if any, impact on adjacent

property or the public. Additionally, each retaining wall has a low profile and there is a wide vegetated shoulder from the roadway before the wall.

(c) That the report of the Design Review Board has been received and considered.

The Applicant will continue to consider and integrate any comments from the Design Review Board into the Project.

II. Special Permit in accordance with By-Law Section 5.1.1.5 waiving adherence to the required number of parking spaces and/or parking design requirements:

Such a special permit waiving strict adherence to the minimum number of required parking spaces may be granted only after it is demonstrated by an applicant that either:

(i) special circumstances in a particular use of structure does not warrant the minimum number of spaces required under Section 5.1.2; or

There are special circumstances relating to the proposed uses of the Project that do not warrant the minimum number of parking spaces required under Section 5.1.2. The Applicant plans to construct a total of **1,390** parking spaces, which is less than the required amount under the By-Law of **1,678**. The TIAS reports that actual parking demand for the Project is anticipated to be approximately 1,355 spaces. The By-Law's required parking ratios assume a higher employee density than is typical for lab/research & development uses. The By-Law also assumes that each office employee will commute alone, by motor vehicle. The Applicant is committed to a transportation demand management program to encourage the use of carpool, walking, biking, and public transit alternatives to single occupancy vehicle trips. Also, the By-Law's parking ratio does not consider the potentially permanent changes in commuting patterns resulting from the COVID-19 pandemic, including hybrid/remote work programs. Additionally, the Project will construct significant traffic improvements and implement TDM measures making transportation by multiple methods more feasible. For these reasons, the minimum number of spaces that would be required under the By-Law is not warranted for the Project.

(ii) the extent of existing building coverage on a particular lot is such that in laying out parking spaces in accordance with the design requirements of Subsection 5.1.3, the requirement for minimum number of spaces under Section 5.1.2 cannot be met.

As noted above, the proposed quantity of parking spaces is sufficient to satisfy the anticipated parking demand for the Project.

In reviewing a request for a special permit under this Section 5.1.1.5, the Planning Board shall consider the following:

- (a) The issuance of a special permit will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the intent of this Zoning By-Law;**

The Project redevelops an underutilized site into an economically viable development with public amenities. The addition of the Project will be a source of employment for Needham residents, will generate significant additional tax revenues for the Town, introduces uses, including retail/restaurant uses, which will contribute to making the Project a vibrant and cohesive part of the neighborhood and will be designed to enhance the aesthetic of a prominent entry to Needham.

- (b) In the case of waiving strict adherence to the requirements of Section 5.1.2 under subparagraph (i) above, the special permit shall define the conditions of the use of structure so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand;**

The Applicant anticipates working with the Board to incorporate appropriate conditions regarding such changes.

- (c) [Not Applicable]**

- (d) Provisions to demonstrate the ability to provide for additional parking consistent with Section 5.1.2 and/or parking designed in accordance with the particular requirements of Section 5.1.3; and**

As noted above, the proposed quantity of parking spaces is sufficient to satisfy the anticipated parking demand for the Project.

- (e) The granting of a special permit under this Section shall not exempt a structure, use or lot from future compliance with the provisions of Section 5.1.2 and/or 5.1.3.**

The special permit decision will not so exempt the structure, use, or lot.

III. Site Plan Review and Special Permit for Major Project

In conducting the Site Plan Review, the Planning Board shall consider the following matters:

(a) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light, and air;

The Project has adequately protected adjoining premises against serious detriment. The Project maintains a significant landscape buffer between the proposed structures and Highland Avenue and Gould Street, which streets themselves provide a buffer for the nearby residential neighborhoods and other properties. The Project's landscape buffer includes berms planted with shade trees and conifers. The Project's buildings are far enough from the Property line (in conformance with By-Law setbacks) so there will be no shade cast towards any residential properties beyond the Property boundary. Except for a small surface parking lot next to Gould Street, all parking will be contained below the buildings or within the Garage. Service and loading areas are located within the buildings. As described above, the Project will provide a multi-use fitness/access walkway around the perimeter of the Property, adding another buffer. Adjoining premises will be protected against any seriously detrimental uses on the Property through provision of surface water drainage, a retention pond, sound and sight buffers, and the addition of natural landscaping and green space to the Property. As detailed in the Stormwater Report, stormwater will be contained within the Property and catch basins with sumps and hoods, oil/water separators, rain gardens, and vegetated swales to improve storm water quality discharges, are provided. Stormwater will be infiltrated to mitigate storm water volumes. The retention pond is incorporated along the multi-use fitness/access walkway as an attractive feature.

(b) 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;

As described in greater detail above, the Project will provide enough parking to accommodate all vehicles on the Property and the parking spaces provided will comply with the design criteria set forth in By-Law Section 5.1.3 (with deviations as necessary and granted pursuant to the requested Special Permit). The Project will provide a primary entrance on Gould Street, across from the existing curb cut for the Wingate senior housing community via a newly signalized intersection. An internal drive loop will mitigate traffic queuing in and out of the Property. There will be a secondary entrance/exit from the Garage to TV Place. The Applicant will construct significant traffic mitigation, including the Traffic Improvements, which will widen Gould Street to better handle traffic movements and volume. Internal sidewalks and the Multi-Use Walkway connected to Gould Street will encourage multimodal transportation opportunities. Bicycle storage for short-term and long-term use is incorporated into the Project design. Handicapped parking will be provided in compliance with applicable requirements. All access walks and paths are designed

with slopes of less than 5%, so no ramps will be needed. Crosswalks are proposed at the Gould Street signalized intersection.

(c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;

Parking and loading spaces have been adequately arranged in relation to the proposed uses on the Property, and in compliance with parking plan and design requirements under By-Law Section 5.1.3. Structured parking is provided under the buildings, and in a parking garage. A small surface parking area will provide handicapped parking near the primary building entrances, and parking for adjacent retail and/or restaurant space. Loading areas are included in each section of the buildings.

(d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;

The Project will provide adequate methods for disposal of refuse and waste. Solid waste and refuse will be disposed of in compliance with all applicable rules and regulations. The wastewater system will be connected to the municipal sewer system. The Applicant will require Tenants to comply with all applicable regulations regarding the handling and disposal of wastes.

(e) 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; and

The Project will comply with the setback and landscape buffer requirements of the By-Law that were specifically developed to create an appropriate relationship between the Project and the surrounding area. As stated above, a multi-use fitness/access walkway is proposed along the perimeter of the Property, to be available for use by the general public. Fitness stations will be provided along the walkway.

(f) Mitigation of adverse impacts on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets; and may require when acting as the Special Permit Granting Authority or recommend in the case of minor projects, when the Board of Appeals is acting as the Special Permit Granting Authority, such appropriate conditions, limitations, and safeguards necessary to assure the project meets the criteria of a through f.

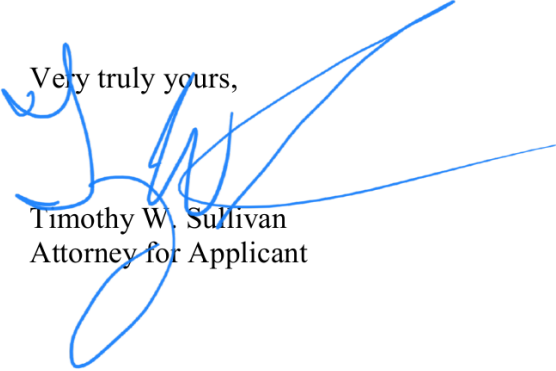
The Project will not have any adverse impact on the Town's water supply and distribution system, sewer collection and treatment, fire protection, or streets. The

Project will not have any adverse impact on the Town's water or wastewater infrastructure. Sufficient pump stations provide support for the area. The proposed buildings will be fully accessible for the Town's firefighting apparatus.

As detailed above and in the materials submitted herewith and in our Prior Letters, the Project, as refined, continues to satisfy each of the applicable criteria for the requested relief.

We appreciate your attention to this matter. The Applicant and Project team will be prepared to answer any questions you may have at the next public hearing with the Planning Board for the Project on Wednesday September 7, 2022.

Very truly yours,



Timothy W. Sullivan
Attorney for Applicant

Enclosures

557 HIGHLAND AVENUE - SPECIAL PERMIT R1
BOUNDARY DESCRIPTION PREPARED BY
FELDMAN SURVEYORS

BOUNDARY DESCRIPTION (PER SURVEY)

A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF NEEDHAM, COUNTY OF NORFOLK AND THE COMMONWEALTH OF MASSACHUSETTS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF TANGENCY ON THE SOUTHEASTERLY SIDELINE OF TV PLACE. THENCE RUNNING SOUTHEASTERLY ALONG A CURVE TO THE RIGHT FORMING THE INTERSECTION WITH THE NORTHEASTERLY SIDELINE OF GOULD STREET, HAVING A RADIUS OF 119.49 FEET, AN ARC LENGTH OF 32.76 FEET TO THE POINT OF BEGINNING. THENCE;

CONTINUING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 119.49 FEET, A CHORD BEARING OF S 11°25'24" W, A CHORD DISTANCE OF 61.26 FEET, A DELTA ANGLE OF 29°42'24" AND AN ARC LENGTH OF 61.95 FEET TO A POINT OF TANGENCY ON SAID GOULD STREET;

THENCE RUNNING S 03°25'48" E, BY SAID GOULD STREET, A DISTANCE OF 284.30 FEET TO A POINT OF CURVATURE;

THENCE RUNNING ALONG SAID GOULD STREET, BY A CURVE TO THE LEFT, HAVING A RADIUS OF 505.00 FEET, A CHORD BEARING OF S 18°06'58" E, A CHORD DISTANCE OF 256.06 FEET, A DELTA ANGLE OF 29°22'20" AND AN ARC LENGTH OF 258.88 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE RUNNING ALONG SAID GOULD STREET, BY A CURVE TO THE LEFT, HAVING A RADIUS OF 44.00 FEET, A CHORD BEARING OF S 71°42'32" E, A CHORD DISTANCE OF 55.27 FEET, A DELTA ANGLE OF 77°48'49" AND AN ARC LENGTH OF 59.76 FEET TO A POINT OF NON-TANGENCY;

THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 39.30 FEET, A CHORD BEARING OF N 62°20'24" W, A CHORD DISTANCE OF 40.83 FEET, A DELTA ANGLE OF 62°35'17" AND AN ARC LENGTH OF 42.93 FEET TO A POINT OF NON-TANGENCY;

THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 466.51 FEET, A CHORD BEARING OF N 27°59'42" W, A CHORD DISTANCE OF 69.69 FEET, A DELTA ANGLE OF 08°34'03" AND AN ARC LENGTH OF 69.76 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 623.02 FEET, A CHORD BEARING OF N 19°51'38" W, A CHORD DISTANCE OF 83.68 FEET, A DELTA ANGLE OF 07°42'05" AND AN ARC LENGTH OF 83.74 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 91.71 FEET, A CHORD BEARING OF N 09°22'22" W, A CHORD LENGTH OF 21.20, A DELTA ANGLE OF 13°16'27" AND AN ARC LENGTH OF 21.25 FEET TO A POINT OF NON-TANGENCY;

THENCE TURNING AND RUNNING N 03°17'17" W, A DISTANCE OF 141.32 FEET TO A POINT;

THENCE TURNING AND RUNNING N 09°43'54" W, A DISTANCE OF 87.70 FEET TO A POINT OF CURVATURE;

THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS 25.00 FEET, A CHORD BEARING OF N 06°30'35" W, A CHORD DISTANCE OF 2.81 FEET, A DELTA ANGLE OF 6°26'37" AND AN ARC LENGTH OF 2.81 FEET TO A POINT OF TANGENCY;

THENCE RUNNING N 03°17'17" W, A DISTANCE OF 165.38 FEET TO A POINT;

THENCE TURNING AND RUNNING N 07°25'09" W, A DISTANCE OF 29.14 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 12,087 SQUARE FEET.

557 HIGHLAND AVENUE - SPECIAL PERMIT R1
REVISION LETTERS



August 15, 2022

Ref: 15306.00

Lee Newman
Director of Planning and Community Development
Town of Needham
500 Dedham Avenue
Needham, MA 02492

Re: 557 Highland Ave – Highland Innovation Center – Plan Revisions for Permitting

The following is a list of changes to the Highland Innovation Center Civil Permitting Plans that have been made since the initial submission (plans dated 2022-03-30):

- North building, South building, and Garage footprints updated (per revised property line and setbacks)
- Underground Telephone and Electrical conduits between the North building and Garage adjusted
- Waterline connection in intersection of Highland Ave and Gould Street updated to address DPW comments
- Hydrant, waterline, and fire protection lines adjusted above the South building to address DPW comments
- Various Drain locations, rims, and inverts adjusted to match revised grading
- Parking requirements and summary tables updated per revised building square footages

Sincerely,

VHB

A handwritten signature in black ink, appearing to read "Nick Skoly", written over a faint horizontal line.

Nicholas Skoly, P.E.
Project Manager



August 15, 2022

Ref: 15306.00

Lee Newman
Director of Planning and Community Development
Town of Needham
500 Dedham Avenue
Needham, MA 02492

Re: Transportation Updates to Special Permit Submission

Dear Ms. Newman:

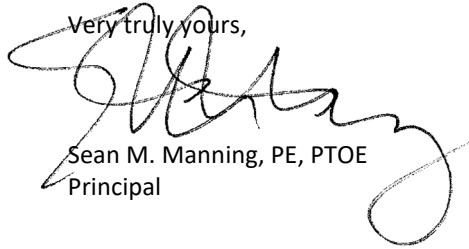
This letter serves as an update of the transportation elements for the Special Permit application for the proposed 557 Highland Avenue project in Needham, Massachusetts. Key updates that have been made since our last Planning Board presentation on July 7, 2022, include the following:

- VHB conducted a Traffic Impact and Access Study (TIAS) for the project, which was included as part of the initial Special Permit submission on April 5, 2022. The Town of Needham contracted with Greenman-Pedersen Inc. (GPI) to peer review the TIAS and a Traffic Peer Review letter was submitted by GPI on May 27, 2022. VHB provided a Response to the Traffic Peer Review comments on June 29, 2022, ahead of the Planning Board public hearing on July 7, 2022.
- Based upon ongoing coordination with the Town of Needham and GPI, the roadway mitigation has been modified to accommodate the following features based on direct feedback from GPI, Town of Needham staff, and the community:
 - A two-way multi-use walkway has been included along the east side (Project side) of Gould Street between Highland Avenue and the abandoned railroad right-of-way north of TV Place to accommodate all non-motorized roadway users.
 - A new crosswalk has been placed across Gould Street at the location of the abandoned railroad right-of-way north of TV Place with a supporting rapid rectangular flashing beacon (RRFB) to alert drivers.
 - A four-foot unmarked bicycle-accommodating shoulder on west side of Gould Street is also now included to accommodate southbound bicyclists who wish to travel on-road.
 - A revised cross-section on Gould Street with three southbound lanes approaching Highland Avenue and one northbound lane approaching TV Place to limit the amount of new pavement added while providing a suitable level of vehicle operations
- As noted in the revised Special Permit application dated **August 15, 2022**, the building program has been reduced in size by approximately 41,000 square feet (from 531,000 square feet to 490,000 square feet), the TIAS has not been updated to reflect this reduction in size. The analyses presented in the TIAS can be considered conservative as it is expected that the actual project will generate fewer trips than what was estimated in the TIAS due to the reduction in square footage. The proposed comprehensive transportation mitigation is still based on the larger building program presented in the TIAS to accommodate all roadway traffic (the proposed roadway mitigation is based on the concept developed by GPI as part of the rezoning of the Site which included potential redevelopment of the Channel 5 site that is not included in this project).

- The proposed parking supply on-site has been reduced by 18 parking spaces, from 1,408 parking spaces to 1,390 parking spaces. The project will require a Special Permit from the Planning Board, as the proposed parking supply is 274 spaces fewer than the up to 1,664 parking spaces that is required based on Town of Needham zoning requirements. The project is not expected to require the full amount of parking required by zoning due to the lower employee density of lab/research & development uses over traditional office uses and the anticipated use of public transit, walking, and bicycling by some employees to access the site. The proposed parking supply of 1,390 parking spaces is expected to accommodate the anticipated parking demand while providing sufficient buffer so that visitors and employees to the site do not park on nearby residential streets.

Please call me at (617) 607-2971 if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Sean M. Manning', written over the typed name and title.

Sean M. Manning, PE, PTOE
Principal



TO: Eric Weyant, Stantec

FROM: Eric Joseph

DATE: August 15, 2022

RE: 557 Highland Ave – Special Permit
Summary of Plan Revisions -01

The Landscape Plans & Details Sheets (L1.0-L5.1) provided as part of the original Special Permit Plan Set dated 03-30-2022 have been revised and updated through August 15th as part of the project's pending supplemental submission. The revisions are in response to comments and requests noted during the various neighbor and town meetings since the projects original submission and include:

- General:
 - Reduced building and garage footprints, and realignment of the retail portion of the building away from Highland Ave (see plans and elevations by project architect);
 - Relocation of loading area for South Building farther away from Gould Street (see plans and elevations by project architect);
 - Relocation of loading area for North Building to north side of building to eliminate visibility of loading area from Gould Street (see plans and elevations by project architect);
 - Revised roadway and bike lane layout for Gould Street and TV Place in coordination with the neighbors and the Town's traffic consultant (see plans/ exhibits by project traffic engineer);
 - Added Community Open Space areas for the public including pickle ball courts (2) and open lawn/ turf areas (2);
 - Expanded Multi-Use Walkway along Gould Street from 8' wide to 18' wide;
 - Realigned Multi-Use Fitness/ Access Walkway along Highland Avenue in order to provide a greater landscape buffer from traffic along Highland Avenue;
 - Added planting beds and raised planters within Retail Plaza to further soften plaza area, as well as provide locations for potential artwork in conjunction with Needham Council for Arts & Culture;
- L-1.0 Site Plan (**see attached**):
 - Revisions associated with the additional site improvements as described above;
 - Relocated transformers for North Building and Garage further out of view from TV Place;

- Added several walks from the proposed buildings for egress purposes as required.
 - Relocated surface parking entry farther north to improve truck turning movements for relocated loading area;
 - Increased size of water feature at corner of Highland and Gould for improved visibility and enjoyment by the public;
 - Provided additional descriptions of materials to be used.
- **L-2.0 Grading Plan (see attached):**
 - Revisions associated with the additional site improvements as described above;
 - Raised elevations along building and garage perimeters to reduce visible building heights as much as possible;
 - Minimized slopes within Community Open Space areas along Gould Street in order to help facilitate the possibility of installing portable ice-skating rink.
- **L-3.0 Planting Plan (see attached):**
 - Revisions associated with the additional site improvements as described above;
 - Provided greater detail on proposed plant materials (species, quantities and sizes);
 - Significantly increased density of proposed planting areas with additional trees, shrubs, groundcover and greater diversity of plant material;
 - Significantly limited proposed lawn areas;
 - Increased number of street trees to help soften views of proposed project.
- **L-4.0 Lighting Plan (see attached):**
 - Revisions associated with the additional site improvements as described above;
 - Provided greater photometric details with Isoline Contours and photometric summaries of retail and parking lot areas;
 - Further reduced potential of off-site light spillage by relocating perimeter light fixtures along Highland Avenue and Gould Street farther into the site.
- **L-5.0 Site Details #1 (see attached):**
 - Provided additional lighting details/ specifications for proposed lighting, including shielding to be used;
 - Revised labels to improve identification of fixtures to be used and their locations.
- **L-5.1 Site Details #2 (see attached):**
 - Primarily no changes.

To: Needham Planning Board (Lee Newman / Alexandra Clee) Planning Department, Suite 118 Town of Needham Public Services Administration Building 500 Dedham Avenue Needham, MA 02492	From: Thomas Urtz, AIA Stantec Architecture
File: Special Permit Package R1 (08/16/2022 for 09/07/2022 Planning Board public hearing)	Date: August 16, 2022

Reference: Special Permit Package R1 (Submitted 8/16/2022) Dated: September 7, 2022

As a result of community input and previous meetings with the Planning Board please find the attached list of updates included as part of our Revision 1 package. We have organized the side-by-side list below outlining the Revision 1 updates compared to the previously submitted package to the Needham Planning Board: Special Permit Package (03/30/2022).

1. **Parking Spaces:** The layout of the free-standing parking garage has been modified to comply with the revised property line and setback. To minimize loss of spaces the layout of parking below the building has been modified.

Special Permit Package 03/30/2022	Special Permit Package R1 - 08/16/2022 for 09/07/2022 Planning Board public hearing
Office/Lab Building: 343 Spaces Garage: 1021 Spaces Surface Parking: 44 Spaces* Total Parking: 1408 Spaces	Office/Lab Building: 362 Spaces Garage: 998 Spaces Surface Parking: 30 Spaces* Total Parking: 1390 Spaces (Loss of 18 spaces due to revised setback line)
*Surface parking: Reference civil and landscape drawings.	

2. **Revised Setbacks & Gross Square Footage:** The layout of the North Building and South Building have been modified to comply with the revised Gould Street property line and setback restrictions. The west end of the North Building shifted east approximately 29'-6" across the upper levels of the building to comply with the modified setback and height restrictions (see item 3 below for additional information). The west end of the South Building shifted east approximately 22'-6", and has been pulled back from the corner of the Highland/Gould intersection to enlarge the retail plaza area.

Special Permit Package 03/30/2022	Special Permit Package R1 - 08/16/2022 for 09/07/2022 Planning Board public hearing
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August 16, 2022

Needham Planning Board (Lee Newman / Alexandra Clee)

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Reference: **Special Permit Package R1 (Submitted 8/16/2022)** **Dated: September 7, 2022**

Office/Lab Building: 506,694 GSF	Office/Lab Building: Revised West Façade at North & South Buildings. 490,000 GSF (Loss of 16,694 GSF due to revised setback line)
Garage: 332,298 GSF	Garage: Revised West Façade. 326,886 GSF (Loss of 5,412 GSF due to revised setback line)

- 3. Stepped Massing on the west facade at North & South Building near Gould Street:** Both the North and South Buildings front Gould Street with new lower massing than presented in the original special permit package. In an effort to transition the massing of the North Building down towards Gould Street, the massing now includes a step down from 70' to 42', in conjunction with the revised building setback line location. In addition, the massing has been carved away from the North Building facing Gould and TV Place which allows for a softer, landscaped corner "pocket park", and better visibility for access to the below building garage and loading dock which have been relocated to the north façade of the building.

Special Permit Package 03/30/2022	Special Permit Package R1 - 08/16/2022 for 09/07/2022 Planning Board public hearing
North Building: (Gould Façade): Continuous façade, 70' height	North Building: Stepped massing at tenant space, with potential for terrace at roof at Level 4. Stepped façade from 70' down to 42'. Reference revised GSF numbers in item number 2.

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557 HIGHLAND AVENUE - SPECIAL PERMIT R1
PRELIMINARY EXTERIOR/COMMUNITY NOISE
EVALUATION/NARRATIVE



August 15, 2022

Mr. Robert Schlager, CPM
Bulfinch Companies
116 Huntington Avenue, Suite 600
Boston, MA 02116
Via email: RAS@Bulfinch.com

Subject **Preliminary Exterior/Community Noise Evaluation/Narrative – Revision 2**
557 Highland Avenue (former Muzi Ford Site), Office & Lab Conversion
Needham, MA
Acentech Project J635632.00

Dear Robert:

This letter provides a preliminary discussion of the community (exterior) noise emissions at 557 Highland Avenue, the proposed research and development office at the former Muzi Ford dealership site in Needham, Massachusetts. We understand this project consists of two buildings and a parking garage. The South Building will be 3-stories with 215,000 square feet of office and lab space. The North Building will have 5-stories with 255,000 square feet of office and lab space. There will be a connecting glass atrium of 2-stories between the two buildings. Sound from the proposed campus described above will have to comply applicable noise limits from the Town of Needham and the Commonwealth of Massachusetts as discussed below.

SOUND LIMITS

TOWN OF NEEDHAM

It is our understanding that the Town of Needham does not have numerical noise limits that are part of the town bylaws. We have identified Section 3.8, Noise Regulation of the Town's General bylaws dated July 2021. Section 3.8.1 simply states:

Except in an emergency, construction activity conducted pursuant to a building permit, which causes noise that extends beyond the property line, shall be limited to the hours of 7AM to 8PM unless authorized by rules or regulations adopted by the Select Board. The penalty for violation of this regulation shall be a \$50 fine.

COMMONWEALTH OF MASSACHUSETTS

The Commonwealth of Massachusetts has enacted regulations for the control of air pollution (310 CMR 7.10¹). To enforce these regulations, the Massachusetts Department of Environmental Protection (MassDEP) has issued guidelines that limit noise levels at property lines and the nearest residence. These limitations are: (a) not to increase the residual overall A-weighted background sound level by more than 10 dB and (b) not to produce a pure tone condition; where the sound pressure level (SPL) in one octave band exceeds the levels in the two adjacent octave bands by 3 dB or more.

¹ 310 Massachusetts Regulation 7.10, U Noise:
<https://casetext.com/regulation/code-of-massachusetts-regulations/departments-310-cmr-department-of-environmental-protection/title-310-cmr-700-air-pollution-control/section-710-u-noise>

BACKGROUND SOUND SURVEY

In order to determine compliance with the MassDEP noise limits, a background sound survey was performed from March 2 to 7, 2022. Acentech deployed two sound level meters at the locations (A and B) shown in Figure 1. We monitored sound continuously for a period over 6 days. During this period, we measured the A-weighted ninetieth percentile sound pressure level (L_{90}) on an hourly basis 24 hours per day along with other metrics that can be reported as needed.

INSTRUMENTATION

We used Type 1 sound level meters (SLMs) in accordance with IEC 61672-1. The SLMs were factory-calibrated to National Institute of Standards and Technology (NIST) traceable sources within the previous 12 months; the laboratory calibration certificates are available upon request. Each SLM was also field-calibrated before and after the start of the survey. Each SLM was set to slow response, and recorded L_{90} sound pressure levels in one hour increments in octave-bands with center frequencies between 31.5 and 8,000 Hz. The equivalent continuous (L_{EQ}) A-weighted sound level (dBA), and unweighted (dBZ) octave-band SPLs were also recorded and will be used as necessary.

RESULTS

Figure 2 is a graph of the A-weighted L_{90} sound levels for the 6-day period. For unknown reasons, the data collection at Location A (Gould Street) abruptly stopped after 19-hours of monitoring. Given the limited amount of data, we retested Location A only from June 28 to July 6, 2022. We have compiled the L_{90} sound level and determined the lowest L_{90} sound level for the daytime (7:00 am to 10:00 pm), and nighttime (10:00 pm to 7:00 am) as given in Table 1.

TABLE 1: Summary of L_{90} Sound Levels and MassDEP Limits

PERIOD	Day (7:00 am-10:00 pm)	Night (10:00 pm-7:00 am)
Location A (Gould Street)	44	40
Location B (I-95 Ramps)	49	42
MassDEP Limit (min + 10 dB)	54	50

PROJECT NOISE LIMIT

The project noise limit is 10 dB higher than the minimum of the two locations. For daytime the limit would be 54 dBA (44 dBA + 10 dB), and for nighttime the limit is 50 dBA (40 dBA + 10 dB).

NOISE MODELING

The equipment that will generate sound from this Project includes:

- Two Air Handling Units (AHU)
- Two Cooling Towers (CT)
- Loading dock Exhaust Fans
- Multiple Garage Exhaust Fans
- Multiple General Exhaust Fans
- Multiple Exhaust Air Handling Unit (EAHU)
- Multiple Emergency Generators

All of the above equipment will be located on the roof of Building A or Building B. We will conduct a noise evaluation using Cadna/A acoustic modeling software, which complies with the international standard ISO 9613-2, "Attenuation of sound during propagation outdoors -- Part 2: General method of calculation". All rooftop equipment will be evaluated for sound transmission to abutting properties, especially the Wingate Residences at Needham located at 235 Gould Street. As necessary to achieve noise limits, we will recommend noise control features such as acoustic screens/barriers, silencers, acoustic louvers, enclosures, and other treatments.

SUMMARY

We have been retained by Bulfinch to insure that the Project at 557 Highland Avenue will be compliant with the local and State limits noted above, given the potential use of sound mitigation. Once we have completed our evaluation, a final report will be issued that will document the predicted sound levels at various receptor points.

Please contact me at 617-499-8058 or mBahtiarian@acentech.com with any questions or comments.

Sincerely,
ACENTECH INCORPORATED

A handwritten signature in blue ink, appearing to read "Michael Bahtiarian".

Michael Bahtiarian, INCE Bd. Cert.

Cc: Marc Newmark, Acentech
Ben Stracco, Stantec

FIGURE 1: Background Sound Survey Monitoring Locations, A & B



FIGURE 2: Background Sound Levels, hourly L₉₀, dBA

