

NEEDHAM PLANNING BOARD

Tuesday July 22, 2025

7:00 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

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US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Decision: Amendment to Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner. (Property located at 589 Highland Avenue, Needham, Massachusetts). Regarding certain plan modifications, including the addition of 2 EV changers, a Bocce court, Dog Run, and extended sidewalk and 3 parking spaces.
2. Decision: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 1407 Central Avenue, Needham, Massachusetts). Regarding proposal for a new building addition of approximately 12,400 square feet, as well as the renovation of roughly 1,800 square feet within the existing storage garage to create a dedicated tire maintenance bay.
3. Decision: Amendment to Major Project Site Plan Special Permit No. 2012-07: The Children’s Hospital Corporation c/o Boston Children’s Hospital, 300 Longwood Avenue, Boston, MA, Petitioner. (Property located at 66 B Street, 360 First Avenue, 410 First Avenue, and 37 A Street, Needham, MA, Needham, Massachusetts). Regarding request for certain modifications to the conditions in the 2021 Amendment.
4. Discussion: Attorney Tim Sullivan regarding possible development at 100-110 West Street.
5. Request to Release Bond: Sunrise Terrace (formerly 1001 and 1015 Central Avenue) Definitive Subdivision Amendment: Hillcrest Development, Inc., 78 Pheasant Landing Road, Needham, MA, Petitioner (original owner and Petitioner RRNIR LLC, 20 Beaufort Avenue, Needham, MA), (Property located at 1001 and 1015 Central Avenue, Needham, MA).
6. Minutes.
7. Report from Planning Director and Board members.
8. Correspondence.

(Items for which a specific time has not been assigned may be taken out of order.)

**MAJOR PROJECT SITE PLAN SPECIAL PERMIT
Amendment
July 22, 2025**

**Wingate Development, LLC
Application No. 93-3
(Original Decision dated July 27, 1993, as amended August 9, 1994, August 8, 1995,
November 21, 1995, June 3, 1997, and March 15, 2011,
Insignificant Change on April 18, 2013,
and further amended on December 17, 2013, and March 15, 2022, and May 16, 2023)**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Wingate Development, LLC, 57 Wells Ave, Suite 20, Newton, MA 02459, (hereinafter referred to as the Petitioner), for property located at 589 Highland Avenue, Needham, Massachusetts. The property is shown on Assessor's Map 77 as Parcel 1 containing 110,490 square feet in the Elder Services Zoning District.

This Decision is in response to an application submitted to the Board on May 9, 2025, by the Petitioner for an Amendment to Major Project Site Plan Review Special Permit issued by the Needham Planning Board on July 27, 1993, under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 1993-03, dated July 27, 1993. The July 27, 1993, decision was further amended on August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022, and May 16, 2023.

By Decision dated March 15, 2022, the Planning Board approved an application for an amendment to permit the conversion of the then-current Nursing Home to 50 Independent Living (IL) Units. The Nursing Home was officially closed on or about April 21, 2022. The Petitioner intends to proceed with the work and the change of use authorized by that permit. By Decision dated May 16, 2023, the Planning Board approved the expansion of that project by adding a third floor to the building, adding an additional 22 IL units, for a total of 72 IL units, of which 12.5%, or 9 units, will be affordable, as defined in the Elder Services district By-Law. The requested Major Project Site Plan Review Special Permit Amendment would permit the modification of the approved site plan to add 2 EV changers, a Bocce court, Dog Run, extended sidewalk and 3 parking spaces. There is no change proposed to the building square footage or elevations, nor to any other conditions in the earlier Decisions.

In accordance with the By-Law, Section 7.4, a Major Project Site Plan Review Amendment is required.

After causing notice of the time and place of the public hearing and of the subject matter hereof to be published, posted and mailed to the Petitioner, abutters and other parties-in-interest as required by law, the hearing was called to order by the Chairperson, Artie Crocker on Tuesday, June 3, 2025 at 7:00 PM in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue,

Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. Board members Artie Crocker, Justin McCullen, Adam Block and Natasha Espada were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

EVIDENCE

Submitted for the Board's review were the following exhibits:

- Exhibit 1 - Application for an Amendment to the Major Project Special Permit No. 93-3, dated May 9, 2025.
- Exhibit 2 - Cover Letter from David Feldman, Wingate Development LLC, dated April 24, 2025.
- Exhibit 3 - Plans entitled "Site Development Plans for Wingate at Needham, inc., 589 Highland Avenue, Needham, MA," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02062, R.E. Cameron & Associates, Inc., 681 Washington Street, Norwood MA, consisting of 3 sheets: Sheet 1, C1, dated February 3, 2023; Sheet 2, entitled "Existing Conditions Plan," dated February 3, 2023; Sheet 3, entitled "Layout Plan," dated February 3, 2023, revised March 26, 2025.
- Exhibit 4 - Landscape Plans, entitled "Wingate at Needham Renovation / Expansion," prepared by Hawk Design Inc., Sagamore, MA, consisting of 3 sheets: Sheet 1, Sheet L1, entitled "Site Landscaping Plan," dated February 3, 2023, revised March 26, 2025; Sheet 2, Sheet L2, entitled "Entry Landscape Plan," dated February 3, 2023, revised March 26, 2025; Sheet 3, Sheet L3, entitled "Parking / Plan Landscape Plan," dated February 3, 2023, revised March 26, 2025.
- Exhibit 5 - Design Review Board memorandum and approval, dated May 19, 2025.
- Exhibit 6 - Email from David Feldman, replying to Health Department Comments, dated May 25, 2025.
- Exhibit 20 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, dated May 29, 2025; IDC to the Board from Tara Gurge, Assistant Public Health Director, Health Department, dated May 28, 2025; IDC to the Board from Joe Prondak, Building Commissioner, dated May 13, 2025; IDC to the Board from Chief John Schlittler, Police Department, dated May 29, 2025; and IDC to the Board from Chief Tom Conroy, Fire Department, dated May 29, 2025.

Exhibits 1, 2, 3, 4 and 6 are referred to hereafter as the Plan.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 93-3, dated July 27, 1993, as amended August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022, and May 16, 2023, were ratified and confirmed except as follows:

- 1.1 The subject property is located at 589 Highland Avenue, Needham, Massachusetts, at the corner of Highland Avenue and Gould Street in the Elder Services Zoning District. The property is shown on Assessor's Map No. 77 as Parcel 1 containing a total of 110,490 square feet. The

property is presently owned by Wingate Development, LLC, 57 Wells Ave, Suite 20, Newton, MA 02459.

- 1.2 The property has been the subject of several site plan special permit decisions and amendments thereto. The original decision was dated July 27, 1993, and was amended as follows: August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022, and May 16, 2023.
- 1.3 By Decision dated March 15, 2022, the Planning Board approved an application for an amendment to permit the conversion of the then-current Nursing Home to 50 Independent Living (IL) Units. The Nursing Home was officially closed on or about April 21, 2022. The Petitioner intends to proceed with the work and the change of use authorized by that permit. By Decision dated May 16, 2023, the Planning Board approved the expansion of that project by adding a third floor to the building, adding an additional 22 IL units, for a total of 72 IL units, of which 12.5%, or 9 units, will be affordable, as defined in the Elder Services district By-Law. The requested Major Project Site Plan Review Special Permit Amendment would permit the modification of the approved site plan to add 2 EV changers, a Bocce court, Dog Run, extended sidewalk and 3 parking spaces. There is no change proposed to the building square footage or elevations, nor to any other conditions in the earlier Decisions.
- 1.4 The existing 2 story building will remain. The existing footprint of the building will not change, and a third story will be added to create another 22 IL units, above the 50 approved under the 2022 Amendment, for a total of 72 IL units. The building will contain approximately 81,995 square feet at completion.
- 1.5 As shown on the site layout and landscaping plans submitted, a total of 84 parking spaces are proposed to be on site. The Petitioner proposes adding 4 additional EV parking spaces to the most recently approved site plan.
- 1.6 A Dog Run is proposed along the westerly property line of the site at Putnam Street. There will also be a dog waste station located outside the fenced Dog Run area. The Dog Run area is currently shaded and will remain shaded, so the dogs have a place to cool off. The Petitioner has agreed to include in the resident's "house rules" for the property the following measures as relates the Dog Run facility: (1) residents shall pick up after their pets; and (2) potential noise produced on site, due to this new Dog Run area, shall be minimal, and not cause a potential public health nuisance concern to residents or to other neighboring properties. Maintenance staff at the facility will police the Dog Run area daily as part of their daily grounds check to pick up papers and debris and remove the bags from the waste station.
- 1.7 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Elder Services Zoning District namely, front, side and rear setback, maximum building height, maximum number of stories, and floor area ratio. As indicated in the Zoning Table shown on the Plan, the proposed parking lot currently already complies with all the Design Guidelines under Section 5.1.3 of the Zoning By-Law.
- 1.8 Pursuant to Section 3.12.9 of the By-Law, the parking requirement for independent living units is .5 spaces per unit, resulting in a required parking supply for this proposed redevelopment of 36 spaces. The Petitioner also anticipates 6 full-time employees which would require an additional 3 spaces (1 space per 2 employees). The additional parking requirement would bring the total

required parking spaces to 39 spaces. As the proposed number of spaces on this site is 84, there is more than sufficient parking to satisfy the requirement.

- 1.9 The Petitioner appeared before the Design Review Board on May 19, 2025, and obtained approval of the project.
- 1.10 Adjoining premises will be protected against detrimental uses on the site by provision of surface water drainage, sound and site buffers and preservation of views, light and air. The site has been designed to ensure that there will be no off-site drainage impacts. A drainage system exists on site.
- 1.11 A landscape plan has been developed for screening and enhancing the proposed revisions to the site. The proposed EV parking spaces will be located next to already existing spaces. Noise and visual impacts have been minimized, and noise regulations will be part of the “house rules”. Abutting properties will be protected by means of the existing solid fence and mature trees. Shade trees already exist in the proposed new Dog Run area. There is no new lighting proposed.
- 1.12 Convenience and safety of vehicle and pedestrian movement within the site and on adjacent streets and the location of driveway openings in relation to traffic or to adjacent streets has been assured. The only changes proposed to the parking area are the 4 new EV spaces. No changes to circulation are proposed.
- 1.13 Adequate parking has been provided for staff, deliveries, visiting professionals, family and friends of residents.
- 1.14 Adequate methods of disposal of refuse and other waste resulting from the uses permitted on the site have been provided. There will be a dog waste station inside the Dog Run area.
- 1.15 The proposed project will not have any adverse impact 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. No changes are proposed to the utilities and circulation.
- 1.16 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 the By-Law has been met. No changes are proposed to the existing structures. The site is being revised to allow for amenities for residents; the existing stockade fence between properties will remain.
- 1.17 Under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 93-3, dated July 27, 1993, as amended August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, March 15, 2011, Insignificant Change on April 18, 2013 and further amended on December 17, 2013, March 15, 2022 and May 16, 2023, a Major Project Site Plan Special Permit Amendment may be granted in the Elder Services Zoning District, if the Board finds that the proposed project complies with the standards and criteria set forth in the provisions of the By-Law. Based on the above findings and criteria, the Board finds that the Approved Plan Set, as conditioned and limited herein for Site Plan Review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have proposed a development which is harmonious with the surrounding area.

THEREFORE, the Board voted 4-0 to GRANT (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Zoning By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 93-3, dated July 27, 1993, as amended August 9, 1994, August 8, 1995, November 21, 1995,

June 3, 1997, March 15, 2011, Insignificant Change on April 18, 2013 and further amended on December 17, 2013, March 15, 2022 and May 16, 2023; subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, 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 for the work proposed in this Decision nor shall he permit any construction activity pertaining to this Decision 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 four copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
- a) No Plan Modifications required.

CONDITIONS AND LIMITATIONS

The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 93-3, dated July 27, 1993, as amended August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022 and May 16, 2023, are ratified and confirmed except as modified herein.

- 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 plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 93-3, dated July 27, 1993, as amended August 9, 1994, August 8, 1995, November 21, 1995, June 3, 1997, March 15, 2011, Insignificant Change on April 18, 2013, and further amended on December 17, 2013, March 15, 2022 and May 16, 2023, are ratified and confirmed, except as follows:
- 3.2 At least 84 paved parking spaces, including 48 full sized spaces, 33 compact spaces, and 4 EV spaces shall be provided on-site.
- 3.3 The Petitioner's maintenance staff shall police the Dog Run area daily as part of their daily grounds check to pick up paper and debris and remove the bags from the waste station.
- 3.4 The Petitioner shall include in the resident's "house rules" the following conditions as relates the Dog Run facility: (1) residents shall pick up after their pets; and (2) potential noise produced on site, due to the new Dog Run area, shall be minimal, and shall not cause a potential public health nuisance concern to residents or to other neighboring properties.
- 3.5 The Dog Run area is currently shaded and shall remain shaded, so the dogs have a place to cool off.

- 3.6 The building, 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.
- 3.7 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus exactly as shown on the Plan, and in accordance with the applicable dimensional requirements of the By-Law.
- 3.8 All buildings and land constituting the premises shall remain under a single ownership.
- 3.9 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.10 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. 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.
- 3.11 This Special Permit Amendment as described in this Decision is issued to Wingate Development, LLC, 57 Wells Ave, Suite 20, Newton, MA 02459. Prior to any change in the entity operating the facility (other than a change to an affiliated entity under common control with Wingate Development, LLC), Petitioner shall provide written notice of the anticipated change to the Board, and the new operating entity shall provide a written statement to the Board, signed by a person who will be responsible for the operations of the facility, that they have read this Decision and acknowledge that the terms hereof are binding on the new entity.
- 3.12 The final set of plans for the project site are as follows (**sheets revised by this decision are in bold**):
- 1) Architectural Plans, entitled “Wingate at Needham Renovation / Expansion,” prepared by The Architectural Team, Inc., 50 Commander’s Way at Admiral’s Hill, Chelsea, MA 02150, consisting of 10 sheets: Sheet 1, Sheet T0.01, entitled “Project Cover,” dated February 3, 2023; Sheet 2, Sheet D1.00, entitled “Existing/Demolition overall Plan – Basement,” dated February 3, 2023; Sheet 3, Sheet D1.01, entitled “Existing/Demolition Overall Plans (Schematic),” dated February 3, 2023; Sheet 4, Sheet A1.00, entitled “Proposed Overall Plan – Basement,” dated February 3, 2023, revised April 4, 2023; Sheet 5, Sheet A1.01, entitled “Proposed Overall Plans (Schematic),” dated February 3, 2023, revised April 4, 2023; Sheet 6, Sheet A1.02, entitled “Proposed Overall Plan Level 3 & Roof (Schematic),” dated February 3, 2023, revised April 4, 2023; Sheet 7, Sheet A4.01, “Exterior Elevations,” dated February 3, 2023; Sheet 8, Sheet A4.02, entitled “Exterior Elevations,” dated February 3, 2023; Sheet 9, Sheet A4.03, entitled “Exterior Elevations,” dated February 3, 2023; Sheet 10, Sheet A5.01, entitled “Wall Sections,” dated February 3, 2023.
 - 2) Landscape Plans, entitled “Wingate at Needham Renovation / Expansion,” prepared by Hawk Design Inc., Sagamore, MA, consisting of 7 sheets: Sheet 1, Cover Sheet, dated February 3, 2023; **Sheet 2, Sheet L1, entitled “Site Landscaping Plan,” dated February 3, 2023, revised March 26, 2025**; Sheet 3, Sheet L1.1, entitled “Illustrative Site Plan Rendering,” dated February 3, 2023;

Sheet 4, Sheet L2, entitled “Entry Landscape Plan,” dated February 3, 2023, revised March 26, 2025; Sheet 5, Sheet L3, entitled “Parking / Plan Landscape Plan,” dated February 3, 2023, revised March 26, 2025; Sheet 6, Sheet D1, entitled “Planting Details,” dated February 3, 2023; Sheet 7, Sheet D2, entitled “Planting Notes,” dated February 3, 2023.

- 3) Plans entitled “Site Development Plans for Wingate at Needham, inc., 589 Highland Avenue, Needham, MA,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02062, R.E. Cameron & Associates, Inc., 681 Washington Street, Norwood MA, consisting of 3 sheets: **Sheet 1, Cover 1, dated February 3, 2023, revised March 26, 2025;** Sheet 2, entitled “Existing Conditions Plan,” dated February 3, 2023; **Sheet 3, entitled “Layout Plan,” dated February 3, 2023, revised March 26, 2025.**
 - 4) Renderings, entitled “Wingate at Needham Renovation / Expansion,” prepared by The Architectural Team, Inc., 50 Commander’s Way at Admiral’s Hill, Chelsea, MA 02150, consisting of 4 sheets: Sheet 1 entitled “Rendered View from Intersection of Gould Street and Highland Avenue,” dated March 30, 2023; Sheet 2, entitled “Rendered View from Gould Street Looking South,” dated March 30, 2023; Sheet 3, entitled “Rendered View from Rear parking,” dated March 30, 2023; Sheet 4, entitled “Rendered View from Side Entrance,” dated March 30, 2023.
- 3.13 All utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.14 The maintenance of site and parking lot landscaping shall be the responsibility of the Petitioner, and the site and parking lot landscaping shall be maintained in good condition.
- 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 not at all on Sundays and holidays.
 - 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 Highland Avenue, Gould Street or surrounding streets.
- 3.16 No building permit shall be issued for the proposed project in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - b. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner’s title deed or notice endorsed thereon.

- 3.17 No building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:
- 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 shall be 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 and off-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 shall be filed with the Board and Building Commissioner a Final Construction Control Document signed by a registered architect upon completion of construction.
 - d. There shall be 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 architect of record and shall include a certification that such improvements were completed according to the approved documents.
 - e. Notwithstanding the provisions of Sections a, b, and d hereof, the Building Commissioner may issue one or more certificates for temporary occupancy of all or portions of the buildings prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features.
- 3.18 The building or structure authorized for construction by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner.
- 3.19 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.20 Violation of any of the conditions of this 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 and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-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, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other government 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 Amendment shall lapse on June 17, 2027, 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 June 17, 2027. 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.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit Amendment shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit Amendment 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, 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 22nd day of July, 2025.

NEEDHAM PLANNING BOARD

Artie Crocker, Chairperson

Justin McCullen

Adam Block

Natasha Espada

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2025

On this ____ day of _____, 2025, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public:

My Commission Expires: _____

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 Wingate Development, LLC, 57 Wells Ave, Suite 20, Newton, MA 02459, for property located at the 589 Highland Avenue, 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

Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission
David Feldman, Wingate

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

**AMENDMENT DECISION
MAJOR PROJECT SITE PLAN SPECIAL PERMIT
July 22, 2025**

Town of Needham

1407 Central Avenue

Application No. 2013-02

(Original Decision April 2, 2013, Amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019, September 3, 2019, October 19, 2019, January 4, 2021, June 1, 2021, and October 19, 2021 and Insignificant Change on September 15, 2020, further amended on September 20, 2022)

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter referred to as the Board) on the petition of the Town of Needham, 500 Dedham Avenue, Needham, Massachusetts, (to be referred to hereinafter as the “Petitioner”) for property located at 1407 Central Avenue, Needham, MA, located in the Single Residence A zoning district, the Wireless Communications Facilities Towers Overlay zoning district, and the Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay zoning district. The property is shown on Assessors Plan No. 308 as Parcel 2 containing 75.9 acres.

This decision is in response to an application submitted to the Board on April 22, 2025, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the “By-Law”) and Section 4.2 of Major Project Site Plan Review Special Permit No. 2013-02, dated April 2, 2013, Amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019, September 3, 2019, October 19, 2019, January 4, 2021, June 1, 2021, and October 19, 2021 and Insignificant Change on September 15, 2020, further amended on September 20, 2022; and (2) a Special Permit under Section 5.1.1.5 of the By-Law, to waive strict adherence to the requirements of Section 5.1.3, Parking Plan and Design Requirements, is required.

The requested Amendment to Major Project Site Plan Review Special Permit No. 2013-02, would, if granted, permit the construction of a new Fleet Maintenance Facility to support Department of Public Works operations. The proposed project includes a new building addition of approximately 12,400 square feet, as well as the renovation of roughly 1,800 square feet within the existing storage garage to create a dedicated tire maintenance bay. The facility will be designed to provide a modern, fully functional workspace for maintaining and servicing the Town’s vehicle fleet, including heavy-duty trucks, emergency response vehicles, and other municipal equipment. The facility will include maintenance bays, parts storage, administrative spaces, and employee facilities, with an emphasis on operational efficiency, sustainability, and long-term adaptability. The site is anticipated to accommodate six full-time employees, with provisions for a potential seventh staff member in the future.

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 Chairperson, Artie Crocker, on Tuesday, May 20, 2025, at 7:15 PM in the Public Services Administration Building, Charles River Room, 500

Dedham Ave, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. Board members Artie Crocker, Justin McCullen, Natasha Espada, Adam Block, and Eric Greenberg were present throughout the May 20, 2025 proceedings. The public hearing was continued to Tuesday, June 17, 2025 at 7:45 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. Board members Artie Crocker, Natasha Espada, Adam Block, and Eric Greenberg were present throughout the June 17, 2025 proceedings. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Justin McCullen examined all evidence received at the missed session and listened to an audio recording of the June 17, 2025 meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Application Form for Major Project Site Plan Review Special Permit Amendment completed by the applicant, dated April 22, 2025.
- Exhibit 2 - Cover Letter from Tyler J. Cofelice, Weston and Sampson, dated April 15, 2025.
- Exhibit 3 - Environmental Sound Study, prepared by Aaron M. Farbo, Cavanaugh Tocci, dated April 11, 2025.
- Exhibit 4 - Traffic Impact Assessment, prepared by Doug Ostler, PE, PTOE, Weston & Sampson, dated April 11, 2025.
- Exhibit 5- Plan entitled, "Department of Public Works, Phase I Fleet Maintenance Facility," prepared by Weston & Sampson Engineers, Inc., 100 Foxborough Boulevard, Suite 250, Foxborough, MA 02035, consisting of 16 sheets: Sheet 1, Sheet C000, cover sheet, dated April 15, 2025; Sheet 2, Sheet C001, entitled "General Notes & Legend," dated April 15, 2025; Sheet 3, Sheet C100, entitled "Existing Conditions Plan I," dated April 15, 2025; Sheet 4, Sheet C101, entitled "Existing Conditions Plan II," dated April 15, 2025; Sheet 5, Sheet C110, entitled "Overall Site Reference Plan," dated April 15, 2025; Sheet 6, Sheet C200, entitled "Site Preparation Plan," dated April 15, 2025; Sheet 7, Sheet C300, entitled "Site Layout and Materials Plan," dated April 15, 2025; Sheet 8, Sheet C400, entitled "Grading and Drainage Plan," dated April 15, 2025; Sheet 9, Sheet C500, entitled "Utility Plan," dated April 15, 2025; Sheet 10, Sheet C510, entitled "Sewer Profile," dated April 15, 2025; Sheet 11, Sheet C600, entitled "Details I," dated April 15, 2025; Sheet 12, Sheet C601, entitled "Details II," dated April 15, 2025; Sheet 13, Sheet C602, entitled "Details III," dated April 15, 2025; Sheet 14, Sheet C700, entitled "Existing Site Photos," dated April 15, 2025; Sheet 15, Sheet L100, entitled "Landscaping Plan," dated April 15, 2025; Sheet 16, Sheet L101, entitled "Landscaping Details," dated April 15, 2025.
- Exhibit 6 - Architectural Plans entitled, "Needham Fleet Maintenance Facility," prepared by Weston & Sampson Engineers, Inc., 100 Foxborough Boulevard, Suite 250, Foxborough, MA 02035, consisting of 5 sheets: Sheet 1, Sheet A-00, entitled "Project Information & Overall Floor Plan", dated April 15, 2025; Sheet 2, Sheet A-10, entitled "Large Scale Floor Plans - Addition," dated April 15, 2025; Sheet 3, Sheet A-20, entitled "Large Scale Exterior Elevations - Addition," dated April 15, 2025; Sheet 4, Sheet A-21, entitled "3D Views & Materials Samples," dated

April 15, 2025; Sheet 5, Sheet A-30, entitled “Building Sections – Addition,” dated April 15, 2025.

- Exhibit 7 - Cover Letter from Tyler J. Cofelice, PE and Jesse O’Donnell, Weston and Sampson, dated June 3, 2025.
- Exhibit 8 - Response Letter from Tyler J. Cofelice, PE, Weston and Sampson, dated June 3, 2025, with attachments including:
- i. Photometric Plan, prepared by Arora Engineers, LLC, dated May 20, 2025;
 - ii. Proposed Automotive Fluid Storage and Spill Prevention Measures;
 - iii. Traffic Impact Assessment, prepared by Doug Ostler, PE, PTOE, Weston & Sampson, dated April 11, 2025, revised June 2, 2025, (also includes excerpts from a 2014 study from Pare Corporation); and
 - iv. Stormwater Report, prepared by Weston & Sampson, dated March 2025.
- Exhibit 9 - Email from Tyler J. Cofelice, PE with attached parking lot plan, dated June 10, 2025.
- Exhibit 10 - Design Review Board Approval dated April 28, 2025.
- Exhibit 11 - Email from David Lazarus, 115 Oxbow Road, dated June 17, 2025.
- Exhibit 12 - Weston and Sampson Power Point Presentation on Amendment to Site Plan Review 2013-02, Planning Board Meeting of May 20, 2025.
- Exhibit 13 - Weston and Sampson Power Point Presentation on Amendment to Site Plan Review 2013-02, Planning Board Meeting of June 17, 2025.
- Exhibit 14 - Inter-Departmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, dated May 16, 2025 and June 11, 2025; IDC to the Board from the Needham Fire Department, Tom Conroy, Chief, dated April 30, 2025; IDC to the Board from Tara Gurge, Assistant Director of Public Health, dated May 14, 2025; IDC from the Conservation Commission, Deb Anderson Director, dated May 20, 2025; and IDC to the Board from the Needham Police Department, John Schlittler, Chief, dated April 30, 2025.

Exhibits 1, 2, 3, 4, 5, 6, 7, 8 and 9 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The subject property is currently occupied by the Recycling & Transfer Station (RTS), the Town of Needham Salt Storage Shed Building, 1,200 solar panels on approximately 13 acres on the top of the 75.9 acre now closed Town of Needham Sanitary landfill, as well as the Jack Cogswell Building which is used to store the Department of Public Works’ (DPW)’s seasonal vehicles and equipment while they are not in active use. The property is located in the Single Residence A zoning district, the Wireless Communications Facilities Towers Overlay zoning district, and the Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay zoning district at 1407 Central Avenue,

Needham, Massachusetts. The said property is shown on Needham Town Assessors Plan No. 308 as Parcel 2 containing 75.9 acres.

- 1.2 The Needham Department of Public Works (DPW) has initiated a phased modernization of its facilities to improve operational efficiency, address aging infrastructure, and support the Town's long-term needs. Phase I of this initiative focuses on the design and construction of a new Fleet Maintenance Facility. The Petitioner now proposes the construction of said new Fleet Maintenance Facility at the Jack Cogswell Building (JCB) to support Department of Public Works operations. The proposed project includes a new building addition of approximately 12,400 square feet, as well as the renovation of roughly 1,800 square feet within the existing storage garage to create a dedicated tire maintenance bay. The facility will be designed to provide a modern, fully functional workspace for maintaining and servicing the Town's vehicle fleet, including heavy-duty trucks, emergency response vehicles, and other municipal equipment. The facility will include maintenance bays, parts storage, administrative spaces, and employee facilities with an emphasis on operational efficiency, sustainability, and long-term adaptability. The site is anticipated to accommodate six full-time employees, with provisions for a potential seventh staff member in the future. No new curb cuts onto Central Avenue are being proposed.

- 1.3 The proposed work for the project is at the southeasterly corner of the property identified as Assessor Map 308, Parcel 2 (the site). The site is on a parcel owned by the Town of Needham, containing approximately 76-acres of land and holds the Town's Recycling and Transfer Station (RTS), which is approximately 500-feet to the west of the JCB facility. This lot is in the Single Residence A (SRA) zoning district. Municipal uses are allowed by-right in the SRA district per the Schedule of Use Regulations in the Zoning By-Laws. The parcel abuts the northerly frontage of Central Avenue and is in the western end of the Town. Under existing conditions, the site consists of the previous JCB development and adjoining wooded areas. The westerly, northerly, and easterly extents of the project site contain bordering vegetated wetlands.

As part of the permitting process, a Notice of Intent (NOI) has been submitted for the proposed work within the 100-Foot Buffer Zone and to address stormwater management considerations associated with the development. The project site, located at the existing DPW complex, will undergo site improvements, including stormwater controls to mitigate runoff impacts while ensuring compliance with local and state environmental regulations. Additionally, best management practices (BMPs) will be implemented to protect nearby resource areas, ensuring the facility meets environmental and operational goals.

- 1.4 There are presently three (3) parking spaces serving the JCB exclusively. At the end of the proposed project, there will be a total of Eighteen (18) parking spaces at the JCB / Fleet Maintenance Facility; 6 of these spaces are not intended to be striped, as they are designated for vehicles being dropped off for maintenance or picked up after service. The project should have no effect on parking demand for the RTS or other areas of the property.
- 1.5 The By-Law does not contain a specific parking requirement for the Central Avenue Storage use. In cases where the By-Law does not provide a specific requirement, the required number of parking spaces shall be derived from the "closest similar use as shall be determined by the Building Commissioner" Section 5.1.2 (20). In the event that the Building Commissioner is unable to determine that a proposed use relates to any use within Section 5.1.2, the Board shall recommend a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees

of the proposed business, with said recommendation based on the ITE Parking Generation Manual, 2nd Edition, or an alternative technical source determined by the Planning Board to be equally or more applicable.

- 1.6 The Petitioner assessed the number of parking spaces needed to support the noted Fleet Maintenance Facility use at the site. While “automotive repair” is the closest comparable use listed in the Zoning By-Law, that category generally applies to facilities serving the public. In contrast, the proposed facility is solely intended to maintain and store municipal fleet vehicles, with no public access. As such, the parking demand associated with an automotive repair use would significantly overstate the actual needs of the facility. The Petitioner evaluated parking needs based on the facility’s expected operations and considering the maximum number of DPW personnel that are expected to be on site at the facility at any given time. The parking program accounts for six full-time employees, three municipal vehicles, one future employee, two visitor spaces, and up to six service appointments occurring at peak times. Based on this operational breakdown, the Petitioner proposes a total of 18 parking spaces to support the storage and fleet maintenance facility. This includes general use spaces, one accessible space, and two electric vehicle charging spaces.
- 1.7 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with the following applicable dimensional and density requirements of the Single Residence A Zoning District for an institutional use: side and rear setback, maximum building height, maximum number of stories, maximum lot coverage, and maximum floor area ratio. There is a guard shed on the property which is located 4.9 feet from the front property line. It is less than 100 square feet in size, but is greater than 8 feet tall, meeting the definition of a structure and thus making it subject to the front yard setback requirements for the Single Residence A district of 35 feet for an institutional use. It is a legal preexisting nonconforming condition and was previously permitted to remain due to its age and function; it is requested that this structure continue to be permitted to remain.
- 1.8 The project complies with all of the parking area design criteria set forth in Section 5.1.3 except that the Petitioner is seeking a waiver from Sections 5.1.3(a), 5.1.3(k), 5.1.3(l) and 5.1.3 (n).

The Petitioner is seeking a waiver from the 5.1.3(a) requirement of a minimum parking lot illumination level, as the proposed site design does not include exterior light poles to reduce the visual impact of the project. Exterior lighting is only proposed to be provided over doorways on the new building addition. The Planning Board granted a waiver request from Section 5.1.3(a) for the JCB facility on November 20, 2018.

The Petitioner is seeking a waiver from the 5.1.3(k) requirement for landscaped areas to include trees, shrubs, flowers, and grass. The landscaped area adjacent to the proposed parking lot was originally constructed for the JCB facility as a stormwater detention basin. It is proposed to be modified in kind and in accordance with the Massachusetts Stormwater Management Standards. However, this basin requires occasional mowing to remain accessible for regular inspections and maintenance. Additional permanent plantings such as trees, shrubs, and flowers would hinder maintenance operations. Furthermore, a significant portion of the proposed basin should be built directly over the ledge and only hearty, shallow-rooted plantings suitable for saturated soil and partially sunny areas (such as grasses) are compatible for planting in this basin.

The Petitioner is seeking a waiver from the 5.1.3(l) requirement of a minimum tree planting for the parking lot. The parking spaces are proposed to be screened by the existing ledge wall face and woods in front of the parking lot. The ledge faced wall is approximately fourteen-feet in grade above the proposed parking spaces and is approximately six-to-ten-feet above Central Avenue. There are approximately seventy feet of undisturbed woods between the proposed site and the Central Avenue right-of-way. As a condition of approval from the Planning Board for the JCB facility, trees were planted adjacent to the curb cuts of the entrance driveway which provide additional screening to the facility. It is the opinion of the Petitioner that the existing site features provide sufficient screening of the proposed parking spaces to meet the intent of the By Law.

The Petitioner is seeking a waiver from the 5.1.3(n) requirement of bicycle racks. The proposed facility operates independently of the RTS facility on the parcel and is not intended to be accessed by the general public; therefore, a bicycle rack is not warranted. The Planning Board granted a waiver request from Section 5.1.3(n) for the JCB facility on November 20, 2018.

- 1.9 The proposed fleet maintenance garage will utilize the existing driveways currently used to access the Cogswell Storage Garage and the Recycling Transfer Station (RTS). No changes are proposed to the directional flow or restrictions of any of the four existing driveways. Ingress to the fleet maintenance garage will occur at the easternmost driveway, which currently serves the Cogswell Storage Garage. This driveway is restricted to DPW staff and fleet vehicles only and is not open to the public. Egress from the facility will occur at either the third driveway from the east, or the driveway furthest west. The third driveway from the east currently serves as the primary public exit from the site and includes two outbound lanes. The driveway furthest west allows both ingress and egress movements to the RTS but is not available for the proposed Fleet Maintenance Facility on Mondays due to a closed gate at the RTS. Drivers of heavy vehicles at the RTS are asked to use the westernmost driveway when possible as its intersection with Central Avenue provides increased visibility. Figure 2 of Exhibit 8 iii “Proposed Entrance and Exit Diagram” illustrates the designated ingress and egress routes for the proposed facility.
- 1.10 The facility will have six employees working typical shifts from 6:30 AM to 3:00 PM. Staff commuting trips based on the shift start and end times occur outside of the AM and PM peak periods recorded on Central Avenue. A total of 12 weekday staff trips (6 arrivals and 6 departures) is assumed. Additional incidental trips from vendors and parts deliveries are also expected. Based on input from the Fleet Maintenance Department, vendor traffic averages between 1–2 trips per day.
- 1.11 External repair-related trips are expected to primarily originate from or return to the existing fleet facility at 470 Dedham Avenue, where many Town vehicles are currently stored. Staff commute patterns will vary based on individual residences. However, the DPW has indicated that most staff driving or ferrying vehicles to the Recycling Transfer Station (RTS) prefer routes to the west of the facility—specifically South Street to Charles River Street—over eastern routes through Dedham Street to Great Plain Avenue. This preference is especially common when operating heavy vehicles due to lighter traffic, wider, more navigable turns, and easier turns onto Central Avenue.

Overall, the project is anticipated to generate approximately 32 total daily trips of which 4 daily trips are heavy vehicles. To the east of the facility, 24 new daily trips on Central Avenue are expected including no new heavy vehicle trips—equating to a 0.2% increase in total traffic volumes. To the west of the facility, 8 new daily trips on Central Avenue

are expected, including 4 new heavy vehicle trips—equating to a 0.1% increase in total traffic volumes and 1.4% increase in heavy vehicle traffic volumes.

To minimize neighborhood impacts, DPW has proposed a Standard Operating Procedure limiting the use of Marked Tree Lane for vehicle drop-offs and pickups related to the Fleet Maintenance Facility. Figure 2 of Exhibit 8 iii “Trip Distribution.” provides a visual representation of service trips through town.

- 1.12 The proposed fleet maintenance facility is expected to generate a total of 32 weekday trips, including vehicle repairs, staff commuting, and incidental vendor deliveries.

To the east of the facility, 24 new daily trips on Central Avenue are expected including no new heavy vehicle trips—equating to a 0.2% increase in total traffic volumes. To the west of the facility, 8 new daily trips on Central Avenue are expected, including 4 new heavy vehicle trips—equating to a 0.1% increase in total traffic volumes and 1.4% increase in heavy vehicle traffic volumes.

Of the 32 total trips, approximately 26 will occur outside of Central Avenue’s AM and PM peak hours. Only six trips (3 in, 3 out) are estimated during the morning peak hour, and no trips are expected during the PM peak hour based on staff work schedules.

Projected increase in traffic on Central Avenue to the east and west represents just 0.1% of daily traffic volumes, and up to four heavy vehicle trips per day (1.4% of existing heavy vehicle traffic)—well within the normal day-to-day variability of traffic patterns recorded in the traffic counts.

- 1.13 The Board finds the projected trips generated by the project will not have a meaningful impact to traffic on Central Avenue. Many of the vehicles served by this facility are already operating on-site or adjacent at the Recycling Transfer Station, meaning a portion of traffic is internalized and will not contribute to public road volumes. Additionally, the Town has committed to limiting the use of Marked Tree Lane through a formal Standard Operating Procedure to avoid neighborhood cut-through traffic by vehicles going to or from the new facility. In sum, the fleet maintenance facility is designed to improve operational efficiency for the DPW without generating meaningful new demand on the surrounding roadway network. The low number of daily trips, the off-peak distribution, and the operational characteristics in place all support the conclusion that this project will not create an adverse impact on traffic.
- 1.14 It is acknowledged that future developments—such as a daycare facility, pickleball courts, and a skate park across the street—are expected to contribute to increased traffic in the future. The daycare entered construction in 2023 and is expected to open in the future. Funding for the Claxon Field Renovation Project was appropriated in 2024. However, no traffic impact assessments or trip generation data for those projects were provided to Weston & Sampson at the time of this report. Future impacts from area developments will be addressed individually through their respective permitting processes.
- 1.15 The Petitioner appeared before the Design Review Board on April 28, 2025, and obtained approval for the project.
- 1.16 Consistent with the Town’s sustainability goals, the facility will be an all-electric building supported by geothermal heating and cooling systems and rooftop solar infrastructure.

- 1.17 This facility will have an emergency generator, but it will be used only in the case of a power outage and for intermittent testing. The generator will be housed within a level 2 sound-rated enclosure and further shielded by a 10-foot high, 20-foot-long sound barrier wall. These measures ensure that operational noise from the generator will not exceed ambient sound levels by more than 10 decibels (dB) in accordance with MassDEP noise regulation (310 CMR 7.10). Further, the Petitioner has stated that the back-up emergency generator will be designed and operated to comply with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjoining adjacent properties.
- 1.18 The project has been designed to protect adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light, and air. With respect to surface water drainage, the stormwater management system has been designed to comply with the Massachusetts Department of Environmental Protection (MassDEP) requirements and regulations.

The project includes a comprehensive stormwater management system designed in accordance with the ten Massachusetts Stormwater Management Standards outlined in the MassDEP Stormwater Handbook. A detailed stormwater report documenting compliance with these standards has been submitted to the Conservation Commission as part of the Notice of Intent application.

To address visual impacts, the facility incorporates substantial excavation of ledge, resulting in a significant ledge-faced wall extending to approximately the height of the proposed building. This ledge-faced wall, together with existing vegetation, will effectively screen the facility from Central Avenue and adjacent residential properties.

Site lighting will be minimal, with no new pole-mounted or freestanding lighting fixtures proposed. Exterior lighting will be limited to wall-mounted fixtures above overhead doors and personnel entrances, designed to match the lighting currently in use at the existing JCB facility. All fixtures will be shielded, downward directed, and compliant with dark-sky standards, minimizing glare and light spill onto adjoining properties.

Regarding noise impacts, the project proposes a natural gas generator located behind the building. The generator will be designed and operated to comply with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjoining adjacent properties, as noted in Section 1.17 of this Decision. Additional technical details and analyses are included in the sound study provided with the application.

- 1.19 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, and the location of driveway openings in relation to traffic and to adjacent streets have been fully addressed in the site design. The facility will utilize the existing driveway curb cuts on Central Avenue and utilize the internal circulation patterns shown on Figure 1 of Exhibit 8 iii "Proposed Entrance and Exit Diagram". The proposed project does not modify the configuration or directional flow of any of the existing driveways. Based on current conditions and their established use by heavy vehicles, these access points appear to operate safely and effectively. While it is acceptable for heavy vehicles to exit the site at the driveways, it is recommended to prioritize repair and servicing of heavy vehicles on days when the westernmost driveway is open for the facility for improved driver visibility of Central Avenue traffic.

The facility will be used exclusively by Town personnel and will not be accessed by the public. As described in the Traffic Study Report (Exhibit 8), vehicle trips associated with

the facility are expected to be minimal, and the project is anticipated to have a negligible impact on traffic volumes along Central Avenue.

While pedestrian access will be limited to Town staff, the facility has been designed to comply with all applicable accessibility requirements. Designated accessible parking and building entries will be provided to ensure safe access for employees, including those with mobility challenges.

The projected trips generated by the project will not have a meaningful impact on traffic on Central Avenue. Many of the vehicles served by this facility are already operating on-site or adjacent at the Recycling Transfer Station, meaning a portion of traffic is internalized and will not contribute to public road volumes. Additionally, the Town has committed to limiting the use of Marked Tree Lane through a formal Standard Operating Procedure to avoid neighborhood cut-through traffic. The trip distribution program to be utilized by DPW is shown on Figure 2 of Exhibit 8 iii “Trip Distribution.”

In sum, the fleet maintenance facility is designed to improve operational efficiency for the DPW without generating meaningful new demand on the surrounding roadway network. The low number of daily trips, the off-peak distribution, and the operational characteristics in place all support the conclusion that this project will not create an adverse impact on traffic.

- 1.20 The site has been designed to accommodate the parking and loading operational requirements for the proposed facility. The 12 striped parking spaces are located along the southeastern limit of the paved portion of the project. These parking spaces have been sited to allow adequate room for the vehicles entering and exiting the storage facility to maneuver and will adequately serve the DPW staff that visit this facility. The 6 parking spaces that are not intended to be striped will be located to the southwestern side of the facility, as they are designated for vehicles being dropped off for maintenance or picked up after service.
- 1.21 Adequate methods of disposal or refuse and other waste will be provided. The existing JCB facility was constructed without exterior refuse or recycling storage areas, because it would be infrequently occupied. The proposed fleet maintenance facility addition should be regularly staffed. As such, refuse and recycling containers are proposed to be provided adjacent to the facility addition. Town solid waste collection vehicles will be scheduled to collect container contents and dispose of accordingly at the neighboring RTS facility.
- 1.22 The relationship of the proposed structure to the natural landscape, existing buildings, and other community assets in the area, and compliance with other requirements of the By-Law, have been carefully considered and addressed in the site design. The proposed fleet maintenance facility is located 186.1 feet from Central Avenue at its closest point, exceeding the required 35-foot front setback, and 92.7 feet from the nearest side lot line, where a 25-foot setback is required. The facility is constrained on the north, west, and east by wetlands, which limit the ability to shift the building further in any direction. As a result, the facility has been sited as far as possible from both Central Avenue and the eastern property line. The design meets all other dimensional requirements of the SRA zoning district.

The site is surrounded by vegetation, which will be largely preserved. Tree removal will be limited to what is necessary for construction and grading. A total of 11 trees are planned to be removed within the wetland buffer zone. To mitigate this impact, the project proposes planting 22 new trees within the buffer, resulting in a 2:1 replacement ratio.

- 1.23 This project will have no adverse impacts on the Town's resources. The proposed facility will be adjoining the JCB facility which neighbors the RTS facility on the same parcel. This site is currently developed and in active use. This project will add a new structure to the site, but use of this structure will be designated to the Town's fleet maintenance staff and will not generate any adverse impacts on the Town's resources. The Town has an adequate water and sewer system capacity to meet the demands of this proposed facility.
- 1.24 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted in the Single Residence A District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.
- 1.25 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.3 of the By-Law (Off-Street Parking Requirements) 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 waiver of certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special and unique circumstances justifying a waiver of certain design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to grant: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By- and Section 4.2 of Major Project Site Plan Review Special Permit No. 2013-02, dated April 2, 2013, Amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016, July 19, 2016, November 20, 2018, August 6, 2019, September 3, 2019, October 19, 2019, January 4, 2021, June 1, 2021, and October 19, 2021 and Insignificant Change on September 15, 2020, further amended on September 20, 2022; and (2) the requested Special Permit under Section 5.1.1.5 of the By-Law, to waive strict adherence to the requirements of Section 5.1.3, Parking Plan and Design Requirements, specifically Sections 5.1.3(a), 5.1.3(k), 5.1.3(l) and 5.1.3 (n); subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
- a) The Plan shall be revised to show the total number of parking spaces as 18.
 - b) The Plan shall be revised to show the exact lot coverage and FAR calculations in the zoning table.
 - c) The architectural plans shall be stamped by a registered architect.

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 3.35 hereof.
- 3.1 This permit is issued for the construction of a new building addition of approximately 12,400 square feet, as well as the renovation of roughly 1,800 square feet within the existing storage garage to create a dedicated tire maintenance bay. The facility will be designed to provide a modern, fully functional workspace for maintaining and servicing the Town's vehicle fleet, including heavy-duty trucks, emergency response vehicles, and other municipal equipment. The facility will include maintenance bays, parts storage, administrative spaces, and employee facilities, with an emphasis on operational efficiency, sustainability, and long-term adaptability. The site is anticipated to accommodate six full-time employees and a potential seventh staff member in the future.
- 3.2 The operation of the proposed Fleet Maintenance Facility shall be as described in Sections 1.2, 1.3, 1.4, 1.6, 1.8, 1.9, 1.10, 1.11 and 1.12 of this Decision and as further described under the support materials provided under Exhibits 1, 2, 3, 4, 5, 6, 7, 8 and 9. Any changes of such above-described use shall be permitted only by amendment of this Approval by the Board.
- 3.3 The Petitioner has committed to limiting the use of Marked Tree Lane through a formal Standard Operating Procedure to avoid neighborhood cut-through traffic. The DPW shall utilize the trip distribution program shown on Figure 2 of Exhibit 8 iii "Trip Distribution." Additionally, all visitors to the Fleet Maintenance Facility shall utilize the internal circulation patterns shown on Figure 1 of Exhibit 8 iii "Proposed Entrance and Exit Diagram".
- 3.4 In the event that traffic or parking problems caused by the use of the property develop that are inconsistent with what was represented to the Board at the hearing and that adversely affect the neighbors on Central Avenue, the Board may modify this Decision by imposing additional conditions in accordance with the provisions of Section 4.2.
- 3.5 The proposed Fleet Maintenance Facility building, 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.
- 3.6 The proposed Fleet Maintenance Facility building and support services shall contain the dimensions and shall be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.7 All buildings and land constituting the premises shall remain under a single ownership.

- 3.8 The proposed building and parking areas shall contain the dimensions and shall be located on that portion of the site as shown on the Plan and in accordance with applicable dimensional requirements of the By-Law, except as waived hereby. Upon completion of the project, 72 parking spaces shall continue to be available at the RTS, 1 parking space at the Salt Shed building, and a total of 18 parking spaces (12 striped, 6 unstriped) shall be available at this proposed facility. All off-street parking shall comply with the requirements of Section 5.1.3 and 5.1.2 of the By-Law, as shown on the Plan, except as waived by this Decision. All snow shall be removed from the site so that the total number and size of parking spaces are not reduced.
- 3.9 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed at Owners Expense". The quantity & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.10 Construction vehicles shall only use main arterials when traveling in Needham to and from the site, such as Central Avenue. Construction vehicles shall not utilize secondary streets for purposes of site access.
- 3.11 The maintenance of site and parking lot landscaping shall be the responsibility of the Petitioner, and the site and parking lot landscaping shall be maintained in good condition.
- 3.12 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.13 The back-up emergency generator shall be designed, operated and screened so as to comply with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjoining properties and nearest inhabited residence. Prior to project occupancy, an as-built plan of the emergency generator together with a sound level analysis prepared by an acoustical consultant shall be submitted to the Building Commissioner. The sound analysis shall demonstrate compliance with all Mass DEP Noise Policy concerning protection of adjoining properties and the nearest inhabited residence from excessive noise, as defined in said policies.
- 3.14 Normal maintenance and testing of the back-up emergency generator as recommended by the manufacturer shall be limited to one occurrence per week between the weekday hours of 9:00 a.m. and 5:00 p.m. for a period not to exceed 15 minutes. The back-up emergency generator shall not operate more than 300 hours per rolling 12-month period, including the normal maintenance and testing procedure as recommended by the manufacturer and periods when the primary power source for the Fleet Maintenance Facility, has been lost during an emergency, such as a power outage, an on-site disaster or an act of God.
- 3.15 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the Petitioner cannot identify the sources of the discharges. The sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out as per Town requirements.
- 3.16 The Petitioner shall connect the sanitary sewer line only to known sources. All sources which cannot be identified shall be disconnected and properly sealed.

- 3.17 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit, if applicable.
- 3.18 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit and any grants of location that are required from the utility companies.
- 3.19 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town Requirements.
- 3.20 The Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy.
- 3.21 The construction, operation, and maintenance of the subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the Town's Stormwater By-Law.
- 3.22 The Petitioner shall implement the Operation and Maintenance Plan as detailed in the Stormwater Report, prepared by Weston and Sampson, dated March 2025 (Exhibit 8).
- 3.23 As part of the NPDES requirements, the applicant shall comply with the Public Outreach & Education and Public Participation & Involvement control measures. The Petitioner shall submit a letter to the town identifying the measures selected and dates by which the measures will be completed.
- 3.24 All solid waste shall be removed from the site. All snow shall also be removed or plowed. All snow shall be removed or plowed such that the total number and size of parking spaces are not reduced.
- 3.25 In constructing and operating the proposed building and parking area on the site pursuant to this approval, due diligence shall be exercised, and reasonable efforts shall be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.26 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.
- 3.27 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. 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.
- 3.28 All construction deliveries shall be limited to Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. The Petitioner shall, by contract and by direct field intervention, divert traffic away from the local streets surrounding the subject property to the main streets. The Petitioner shall create a contract exhibit indicating possible truck/delivery routes, which details the area where no construction vehicles will be permitted. The noted map shall be submitted to the Building Commissioner for review and approval prior to the issuance of the building permit.
- 3.29 All Subcontractors/Vendors shall be contractually required to agree to the traffic conditions set forth in Section 3.28 in their contract with the Petitioner to work on this project. The Petitioner shall order signage, including poster boards of the above-noted

map, which will be posted on site for enforcement purposes. Weekly meetings between the Petitioner and the Subcontractors/Vendors shall emphasize this delivery requirement.

3.30 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.
- b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site that 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 Central Avenue or the adjacent roads.
- d. The Petitioner shall take 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 Central Avenue and the adjacent roads clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.

3.31 No building permit shall be issued for the 12,400 square foot building addition nor the 1,800 square foot renovation within the existing storage garage (creating a dedicated tire maintenance bay) in pursuance of the Site Plan Approval until:

- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
- b. A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
- c. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

3.32 The 12,400 square foot building addition nor the 1,800 square foot renovation within the existing storage garage (creating a dedicated tire maintenance bay) subject to this Site Plan Approval shall not be occupied until:

- a. An as-built plan supplied by the engineer of record certifying that the appropriate project was built according to the approved documents has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines for the project on-site and off-site. In addition, the as-built plan for the project shall show the final location, size, depth, and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned for the project. In

addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.

- b. There shall be filed, with the Building Commissioner and Board, a statement by the registered professional engineer of record certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the project.
 - c. There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations for the project. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
 - d. There shall be filed with the Board and Building Commissioner a Certificate of Compliance signed by a registered architect upon completion of construction of the project.
 - e. There shall be filed with the Board a noise report from an acoustical engineer showing that the emergency back-up generator as installed meets the MassDEP Noise Policy including those addressing sound attenuation to protect the adjoining adjacent properties.
 - f. Notwithstanding the provisions of Section a, b, c and e hereof, the Building Commissioner may issue one or more certificates for temporary occupancy of the building or parking lots prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board a bond in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features for the project.
- 3.33 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.34 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.35 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.

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 and off-site improvements, which is the subject of this petition. All construction to be conducted on-site and off-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, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits 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.
- 4.5 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.6 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.
- 4.7 This Site Plan Special Permit shall lapse on July 22, 2027, 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 thirty (30) days prior to July 22, 2027. 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.
- 4.8 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this 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 of the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

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

Witness our hands this 22nd day of July, 2025.

NEEDHAM PLANNING BOARD

Artie Crocker, Chair

Justin McCullen, Vice Chair

Adam Block

Natasha Espada

Eric Greenberg

COMMONWEALTH OF MASSACHUSETTS

_____2025

On this ____ day of July, 2025, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

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 Town of Needham, 500 Dedham Avenue, Needham, Massachusetts, for property located at 1407 Central Avenue, Needham, MA, has passed,

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

Date

Louise Miller, Town Clerk

Copy sent to:

Petitioner - Certified Mail #	Board of Selectmen
Town Clerk	Engineering
Building Commissioner	Fire Department
Director, PWD	Police Department
Board of Health	Henry Haff, Director, Building Design & Construction Dept.
Conservation Commission	Parties in Interest

**AMENDMENT DECISION
MAJOR SITE PLAN SPECIAL PERMIT
The Children's Hospital Corporation**

**Application No. 2012-07
July 22, 2025**

**(Original Decision dated October 16, 2012, amended and restated April 2, 2013,
amended September 17, 2013, January 6, 2015, April 28, 2015, November 10, 2015,
April 25, 2016, November 4, 2020 and January 4, 2021)**

Decision (this "Decision") of the Planning Board (hereinafter referred to as the Board) on the petition of The Children's Hospital Corporation, 300 Longwood Avenue, Boston, MA (hereinafter referred to as the Petitioner) for property located at 360 First Avenue, 410 First Avenue, 2B Street, 66 B Street and 37 A Street, Needham, MA 02494 (hereinafter referred to as the Property), shown on Assessor's Map No. 300 as Parcel 28 containing 13.68 acres in the New England Business Center Zoning District. The Property is owned by CHB Properties, Inc. (hereinafter referred to as the Property Owner). On October 16, 2012, the Board issued Major Site Plan Special Permit No. 2012-07 (the "Original Decision"). The Original Decision was then Restated and Amended on April 2, 2013. It was further amended on September 17, 2013, January 6, 2015, April 28, 2015, November 10, 2015, April 25, 2016, November 4, 2020, and January 4, 2021.

This Decision is in response to an application submitted to the Board on May 19, 2025 by the Petitioner for: a Special Permit amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Special Permit No. 2012-07, dated October 16, 2012, amended and restated April 2, 2013, amended September 17, 2013, January 6, 2015, April 28, 2015, November 10, 2015, April 25, 2016, November 4, 2020 and January 4, 2021.

The requested Special Permit Amendment, would, if granted, permit certain modifications to the conditions in the 2021 Amendment as follows: (1) Amend Section 1.11 and Condition 3.3 to allow the Town to utilize \$30,000 (currently held by the Town of Needham) on traffic operations improvements at a Town intersection other than the intersection of 3rd Avenue and Kendrick Street as is currently written. (2) Amend Condition 3.4 so that the traffic monitoring program commences three years following receipt of the final Certificate of Occupancy for the Pediatric Medical Facility building located at 360 First Avenue, rather than one year as is currently written. (3) Amend Section 1.8 and Condition 3.5 to clarify that the Applicant will fulfill its obligations thereunder by providing the Town with \$25,000 to fund the Traffic Signal Warranty Analysis and Roadway Safety Audit of the Kendrick Street and 4th Avenue intersection. There is no change proposed to the building square footage or elevations, nor to any other conditions in the earlier Decisions.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Artie Crocker, on Tuesday, June 17, 2025 at 7:15 PM in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. Board members Artie Crocker, Justin McCullen, Adam Block, Natasha Espada and Eric Greenberg were present throughout the June 17, 2025 proceedings. The record of the proceedings and the submissions upon which the 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** Properly executed Application for (1) a Major Project Site Plan Review Amendment under Section 7.4 of the By-Law and Further Site Plan Review under Section 4.2 of Major Project Site Plan Special Permit No. 2012-07, dated October 16, 2012, amended and restated April 2, 2013, amended September 17, 2013, January 6, 2015, April 28, 2015, November 10, 2015, April 25, 2016, November 4, 2020 and January 4, 2021.
- Exhibit 2** Cover Letter from Timothy W. Sullivan, Goulston Storrs, dated May 12, 2025.
- Exhibit 3** Interdepartmental Communications (IDC) to the Board from Chief John Schlittler, Police Department, dated May 22, 2025; IDC to the Board from Joe Prondak, Building Commissioner, dated May 27, 2025; IDC to the Board from Tara Gurge, Assistant Public Health Director, Health Department, dated June 9, 2025; IDC to the Board from Chief Tom Conroy, Fire Department, dated June 12, 2025; and IDC to the Board from Thomas Ryder, Town Engineer, dated June 11, 2025.

FINDINGS AND CONCLUSIONS

Based upon its review of the Exhibits and the record of the proceedings, the Board found and concluded that the plan modifications and finding and conclusions contained in Major Project Site Plan Special Permit No. 2012-07, dated October 16, 2012, amended and restated April 2, 2013, amended September 17, 2013, January 6, 2015, April 28, 2015, November 10, 2015, April 25, 2016, November 4, 2020, and January 4, 2021, are ratified and confirmed except as modified herein.

- 1.1 Paragraph 1.8 of the January 4, 2021 Decision issued to The Children's Hospital Corporation is deleted and replaced with a new paragraph 1.8 that reads as follows (new language underlined):

Safety and operational issues have been identified at the intersection of Kendrick Street at Fourth Avenue. A limited signal warrant analysis has been conducted for the intersection of Kendrick Street at Fourth Avenue based on the limited peak period traffic count data collected in October 2019. Note that only Warrant 2 – Four-Hour Vehicular Volume and Warrant 3 – Peak Hour were able to be assessed at this time. The other warrant conditions were unable to be reviewed due to the limited count data available. Based on this limited assessment, criteria was met on both Warrants 2 and 3, which relates to the amount of peak period volume wanting to turn from the side street (Fourth Ave) to the primary corridor (Kendrick Street). Note that due to the ongoing Covid-19 Pandemic, it would not be prudent to conduct the very detailed array of traffic counts that are necessary to support a proper, complete signal warrant analysis at this time or into the immediate future as traffic conditions are measurably lower than what one would expect under typical conditions. A full signal warrant will be conducted in the future when counts can be collected representing more typical weekday traffic conditions. The Petitioner has committed to providing the Town with \$25,000 to fund the Traffic Signal Warranty Analysis and Roadway Safety Audit of the Kendrick Street and 4th Avenue intersection. Said contribution shall be made prior to the issuance of the final certificate of occupancy for Building 1.

- 1.2 Paragraph 1.11 of the January 4, 2021 Decision issued to The Children's Hospital Corporation is deleted and replaced with a new paragraph 1.11 that reads as follows (new language underlined):

The 2026 Boston Children's Hospital proposed analysis, detailed in Exhibit 4, shows that the traffic operations at the intersection of 3rd Avenue and Kendrick Street would be impacted by the Project. The Petitioner has committed to contributing \$30,000 for improvements on traffic operation

improvements in the Town, as determined by the Town. The Petitioner has agreed to contribute this amount within six months after the issuance of the Building Permit for Building 1.

CONDITIONS AND LIMITATIONS

Based upon its review of the Exhibits and the record of the proceedings, the Board found and concluded that the conditions and limitations contained in Major Project Site Plan Special Permit No. 2012-07, dated October 16, 2012, amended and restated April 2, 2013, amended September 17, 2013, January 6, 2015, April 28, 2015, November 10, 2015, April 25, 2016, November 4, 2020, and January 4, 2021, are ratified and confirmed except as modified herein.

- 1.3 Paragraph 3.3 of the January 4, 2021 Decision issued to The Children's Hospital Corporation is deleted and replaced with a new paragraph 3.3 that reads as follows (new language underlined):

As detailed in Section 1.11 of this Decision, the Petitioner shall pay the Town \$30,000 to be spent for traffic operation improvements in the Town, as determined by the Town. The Petitioner shall make the payment within six months of the issuance of Building Permit for the Pediatric Medical Facility building located at 380 First Avenue (Building 1).

- 1.4 Paragraph 3.4 of the January 4, 2021 Decision issued to The Children's Hospital Corporation is deleted and replaced with a new paragraph 3.4 that reads as follows (new language underlined):

As detailed in Section 1.7 of this Decision, a future traffic and parking monitoring program shall be implemented at the Property as part of the mitigation program for this Project. The Petitioner shall also compile the information necessary for the Property, which information shall be included in the post occupancy monitoring study of the key project affected intersections within the larger Founders Park site mitigation commitments as more fully set forth in the MEPA Section 61 Findings to determine the realized impacts of the development. The study shall include the following seven intersections: Highland Avenue at 1st Avenue, Highland Avenue at 2nd Avenue, Kendrick Street at 3rd Avenue, Kendrick Street at 4th Avenue, 2nd Avenue at A Street, 1st Avenue at A Street, and 1st Avenue at B Street. Additionally, a post occupancy review of the parking supply and utilization at the Property shall be performed. The monitoring programs shall commence three years after receipt of a final Certificate of Occupancy for Building 1 and shall be conducted annually thereafter, as mutually agreed to by both Boston Children's Hospital and the Town of Needham.

- 1.5 Paragraph 3.5 of the January 4, 2021 Decision issued to The Children's Hospital Corporation is deleted and replaced with a new paragraph 3.5 that reads as follows (new language underlined):

As detailed in Section 1.8 of this Decision, the Petitioner shall provide the Town with \$25,000 to fund the Traffic Signal Warranty Analysis and Roadway Safety Audit of the Kendrick Street and 4th Avenue intersection. Said contribution shall be made prior to the issuance of the final certificate of occupancy for Building 1. Those studies are to be conducted at an appropriate time in the future in a way that is mutually agreeable to the Town, MassDOT and the Petitioner but in any event no later than one year after receipt of a Certificate of Occupancy for the Pediatric Medical Facility building located at 380 First Avenue (Building 1) unless otherwise extended by the Board, following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.

DECISION

On the basis of the above findings and conclusions, the Board finds the Project and the Plan, as conditioned and limited herein, to meet these requirements, to be in harmony with the general purposes and intent of

the By-Law, to comply with all applicable By-Law requirements, and will not be a detriment to the Town's and neighborhood's inherent use of the surrounding area. THEREFORE, the Board voted 5-0 to GRANT a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Zoning By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2012-07, dated October 16, 2012, amended and restated April 2, 2013, amended September 17, 2013, January 6, 2015, April 28, 2015, November 10, 2015, April 25, 2016, November 4, 2020 and January 4, 2021 as detailed above.

The provisions of this Major Site Plan Special Permit Amendment shall be binding upon every owner or owners of the lots and the executors, administrator, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land in accordance with their terms, in full force and effect for the benefit of and enforceable by the Town of Needham.

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

Witness our hands this 22nd day of July, 2025.

NEEDHAM PLANNING BOARD

Artie Crocker, Chairperson

Justin McCullen

Adam Block

Natasha Espada

Eric Greenberg

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2025

On this ____ day of _____, 2025, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public:

My Commission Expires:_____

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 Children's Hospital Corporation, 300 Longwood Avenue, Boston, MA, for property located at the 380 First Avenue, 410 First Avenue, 2B Street, 66 B Street and 37 A Street, Needham, MA 02494, has passed,

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

Date

Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission
Tim Sullivan, Attorney

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

GREYSTARTM

100 West Street

July 2025

Existing Conditions

Site - 100 West Street



Greystar Company Overview

Greystar's unique development business balances a team of local professionals with the resources of the most robust and reputable real estate platform in the country

Greystar Company Accolades

#1

Property Management
Company 14 Years in a Row*

#1

Multifamily Developer*

#2

Builder in the US*

#1

Owner in the US*

23,000+

Team Members

in

241

Markets Globally

in

65

Offices

in

17

Countries

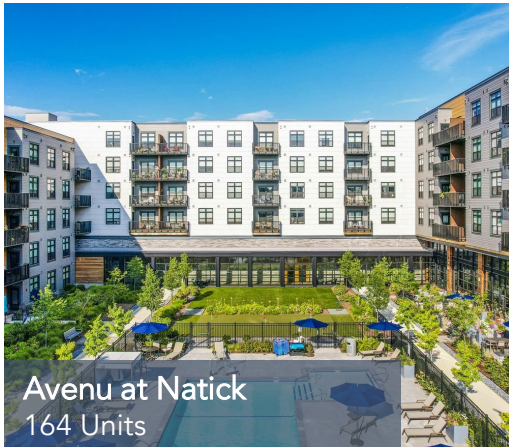


**Based on NMHC 2025 Rankings*

Greystar Northeast Region Overview

As an owner, developer, builder, and manager of our properties, Greystar is uniquely positioned to deliver the highest quality across all project stages

- Greystar has delivered, or is developing, 16 projects in the region totaling over 4,700 apartment homes and 1.5M SF of Commercial Space
- 70+ communities and 19,000+ units managed in the region



Greystar Vertically Integrated Project Team

Construction



Emil Hoogendoorn
Senior Director



Jacob Hawes
Director, Preconstruction



James Simpson
Director, Construction

Development



Ryan Souls
Senior Director



Tim Beinert
Director



Will Harned
Associate

Operations



Amber Pletcher
Senior Director, Operations



Danielle Buoniconti
Senior Manager, Operations



Matt DeNoble
Senior Director, Asset Management

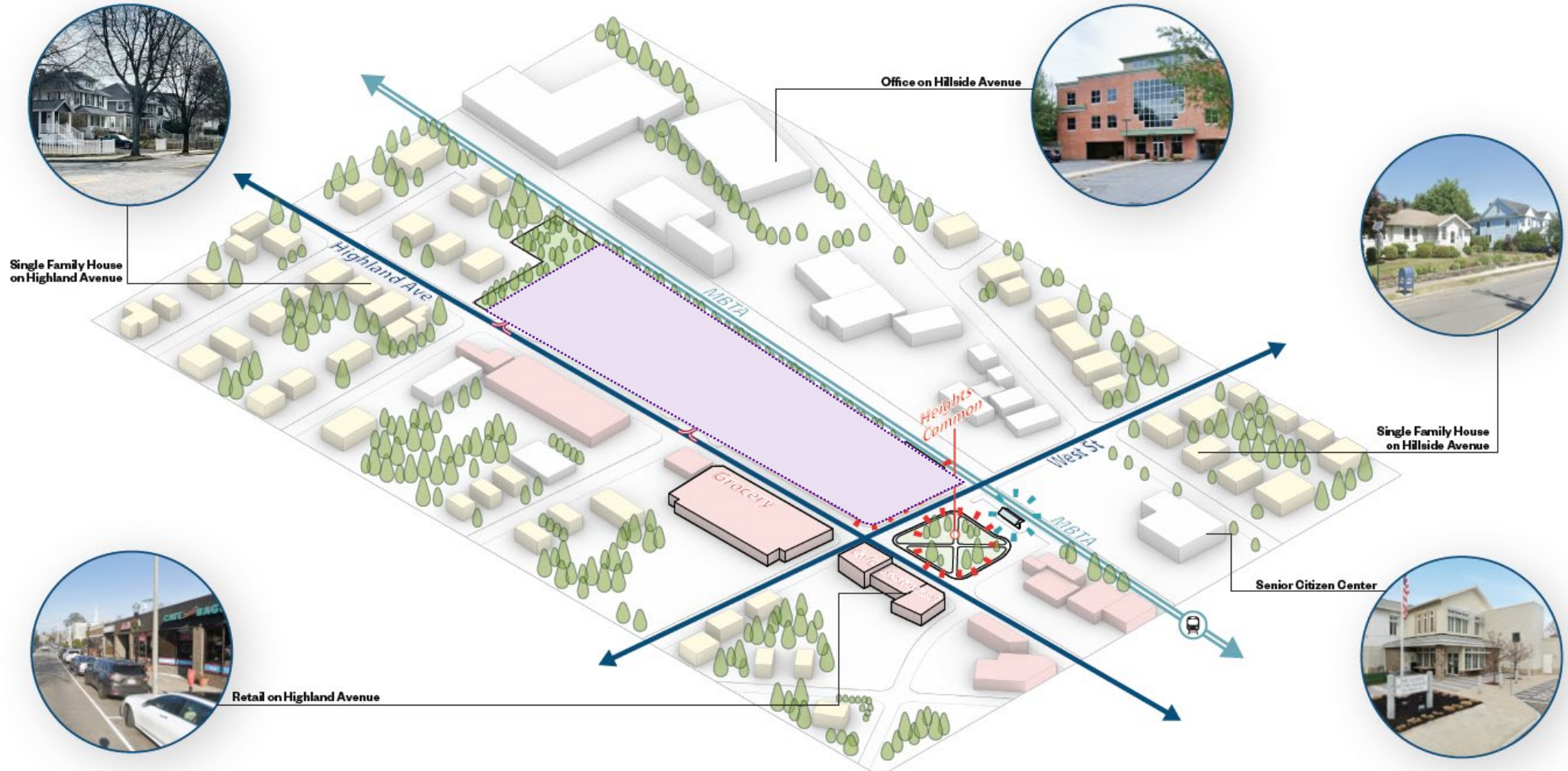
Existing Conditions

Site - 100 West Street



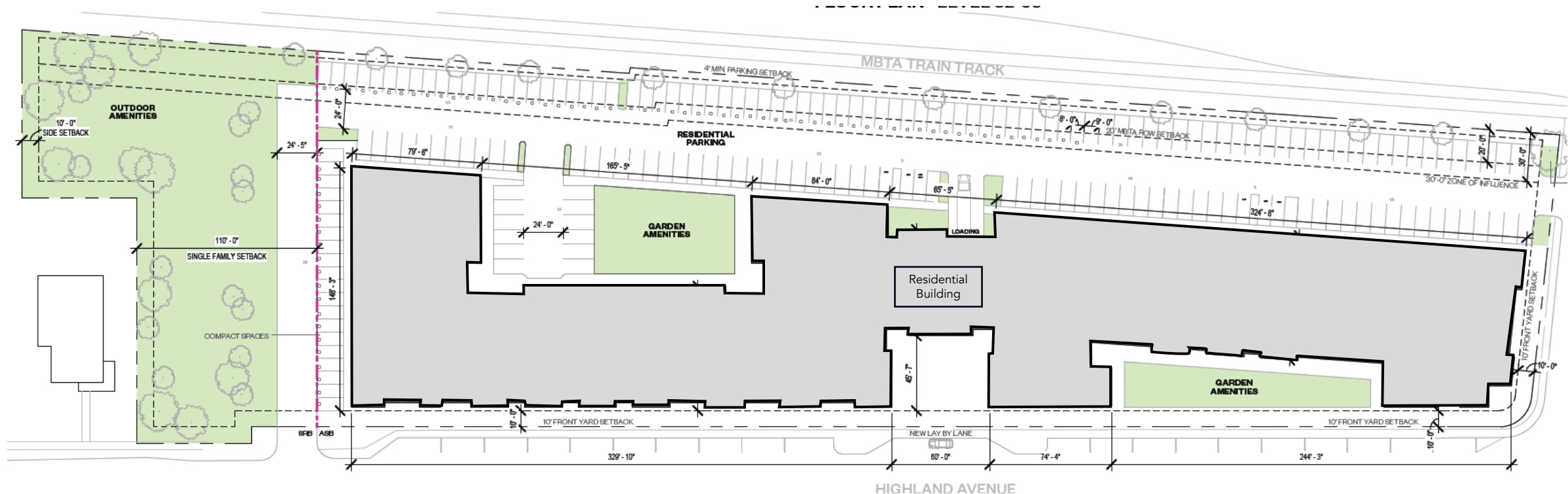
Site Information

Site Access and Neighborhood Gateway



Conceptual Site Plan

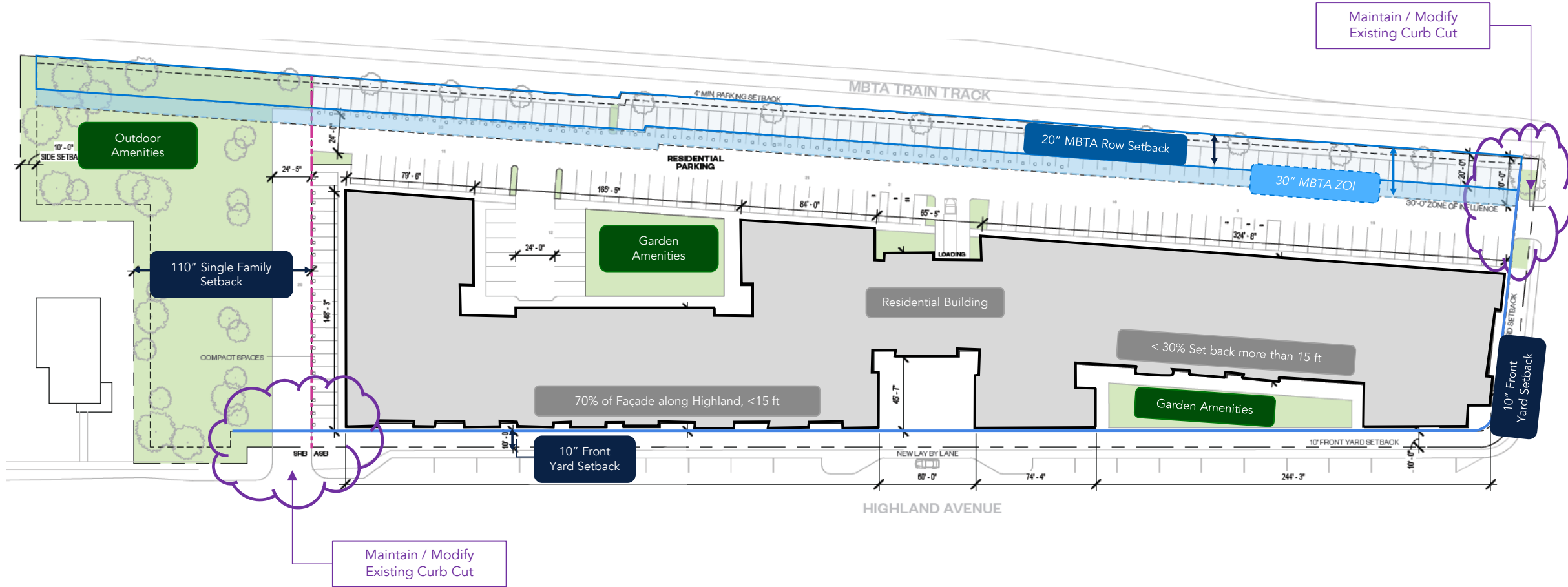
- **189 units** (12.5% affordable)
 - 15% studio; 40% one-bedroom; 35% two-bedroom; 10% three-bedroom;
 - **189 parking spaces** (1.0x)
 - 3-Story Wood Frame Construction Type
- Differentiated set-backs to add depth
 - Courtyards and garden amenities bring green-space back to site
 - **Direct-entry units** on ground floor
 - Intensive landscaping program



Zoning Summary

	ASB-MF Subdistrict	Proposed	Complies
Max. FAR	1.3	1.12	✓
Min. Lot Area	10,000 SF	187,200 SF	✓
Max. Building Coverage	None	N/A	✓
Max. Dwelling Units per Acre	44	44	✓
Max. Multi-family Buildings per Lot	2+ buildings	1 building	✓
Max. Height (Stories Feet)	3.0 40 FT	3.0 40 FT	✓
Min. Lot Frontage	80 FT	92.4 FT	✓
Min. Front Setback	10 FT	10 FT	✓
Max. Front Setback	No more than 70% of front façade set back more than 15 FT; other 30% shall be activated with streetscape-enhancing features	70% of front façade along Highland Ave. set back 10 FT; 30% portion set back greater than 15 FT includes garden amenities and courtyard	✓
Min. Side Setback	10 FT	> 10 FT	✓
Min. Side Setback Along MBTA Right-of-Way	20 FT	N/A	✓
Min. Rear Setback	10 FT	> 10 FT	✓
Min. Rear Setback Along MBTA Right-of-Way	20 FT	> 20 FT	✓
Single-Family Residential Setback	110 FT	> 110 FT	✓
Open Space Requirement Within Underlying Residential District	Portion of lot within residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas; access driveways and sidewalks also permitted	Portion of the lot within SRB District includes landscaping and outdoor amenities	✓

Conceptual Site Plan



Direct Unit Entry Visioning



Conceptual Courtyard Programming

Outdoor cooking



Tenant gardening



Outdoor living rooms



Awning pavilion



Fire pits & seating



Lawn areas

Project Timeline

July 22, 2025	Planning Board Introductory Meeting
August 2025	Finalize & Submit Site Plan Application
Mid/Late August	MBTA Zoning Articles Approved by Attorney General
Sept – Oct 2025	Planning Board & Design Review Board Meetings
Sept – Oct 2025	Town Department Reviews
Oct – Nov 2025	Site Plan Approval Completion
January 2026	Construction Commencement
September 2027	Construction Completion

An architectural rendering of a modern, multi-story residential building. The building features a mix of dark and light grey vertical siding and numerous rectangular windows. In the foreground, there is a paved road with white lane markings. To the right of the road is a landscaped area with green bushes, trees, and a playground with yellow equipment. Several people are depicted walking or playing in the area. The sky is blue with some light clouds. A vertical white line is positioned to the left of the 'Thank You!' text.

GREYSTAR™

Thank You!

Greystar Precedent Apartments



Sunrise Terrace AGREEMENT
(1001-1015 Central Avenue)

AGREEMENT made this 28 day of March 2017 by and between the TOWN OF NEEDHAM, a municipal corporation located in Norfolk County, Massachusetts, acting through its Planning Board (hereinafter referred to as the "TOWN") and RRNIR, LLC, Raphael Nir and Rivka Nir, Managers, 227 Bridle Trail Road, Needham, MA 02492, (hereinafter referred to as the "OWNER").

Plan entitled "Sunrise Terrace, Definitive Subdivision Plan," prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA 02492, Lakeview Engineering Associates, Civil Engineers, P.O. Box 787, Hudson, Massachusetts, 01749, consisting of 8 sheets: Sheet 1 of 8, dated June 29, 2016; Sheet 2 of 8, entitled "Existing Conditions Plan of Land," dated October 28, 2013, revised May 21, 2015, June 21, 2015, October 20, 2015, January 11, 2016, April 1, 2016, June 2, 2016 and June 29, 2016; Sheet 3 of 8, entitled "By Right Example of Subdivision Plan of Land," dated March 9, 2015, revised May 21, 2015, June 21, 2015, October 20, 2015, January 11, 2016, April 1, 2016, June 2, 2016 and June 29, 2016; Sheet 4 of 8, entitled "Definitive Subdivision Plan of Land," dated March 9, 2015, revised May 21, 2015, June 21, 2015, October 20, 2015, January 11, 2016, April 1, 2016, June 2, 2016 and June 29, 2016; Sheet 5 of 8, entitled "Proposed Site Plan," dated July 10, 2014, revised May 21, 2015, June 21, 2015, October 20, 2015, January 11, 2016, April 1, 2016, June 2, 2016 and June 29, 2016; Sheet 6 of 8, entitled "Plan and Profile," dated July 10, 2014, revised May 21, 2015, June 21, 2015, October 20, 2015, January 11, 2016, April 1, 2016, June 2, 2016 and June 29, 2016; Sheet 7 of 8, entitled "Detail Sheet," dated July 10, 2014, revised May 21, 2015, June 21, 2015, October 20, 2015, January 11, 2016, April 1, 2016, June 2, 2016 and June 29, 2016; and sheet 8 of 8 entitled "Proposed Roadway Plantings, 1001 & 1015 Central Avenue, Needham, Mass.," dated May 21, 2015, June 21, 2015, October 20, 2015, January 11, 2016 and June 29, 2016; which Plan Sheet 4 of 8 has been recorded with the Norfolk County Registry of Deeds in Plan Book 650, Page 76.

and

WHEREAS, the Owner has furnished to the Town, as part of the consideration of this Agreement, and in accordance with the provisions of subsection (1) of Section 81-U of Chapter 41 of the Massachusetts General Laws, to secure faithful performance of the work required within the time limit specified by virtue of the Definitive Subdivision Decision by the Needham Planning Board dated February 9, 2016 of the Sunrise Terrace (1001-1015 Central Avenue) Definitive Subdivision recorded with the Norfolk County Registry of Deeds in Book 34305, Page 470 and the Amended Certificate of Action dated July 7, 2016 recorded with the Norfolk County Registry of Deeds in Book 34305, Page 483 (hereinafter referred to as the "Decision"), and in accordance with the provisions of Condition #20 of the Decision to secure off-street drainage surety during the construction of the subdivision, a surety bond in the form of Needham Bank Check No. 59430 in the total combined amount of Two Hundred Sixteen Thousand Dollars (\$216,000.00) is provided.

NOW THEREFORE, said Owner and their successors and assigns covenant and agree as follows:

1. The Town will release all lots of the Subdivision (Lots 1-6) from the conditions as to building and sale which were included in the Subdivision Covenant for the above-referenced Subdivision.
2. The provisions of the Decision, in which the Planning Board approved the subdivision as shown on the Subdivision Plans, and any subsequent amendments remain in full force and effect until such time as the Owner provides satisfactory evidence to the Town that all stipulated requirements have been completed.

3. The Owner will, within a period of two years from the date of the endorsement by the Planning Board of the approved Definitive Plan, said period being the time specified by the Planning Board for the completion of said work in accordance with the provisions of Section 81-U, General Laws, Chapter 41, perform and complete all work required in accordance with the Subdivision Regulations and Procedural Rules of the Planning Board and to the satisfaction of the Director of Public Works of the Town of Needham with respect to these lots, excepting the work satisfactorily completed as of the date of this Agreement, but including the maintenance and repairs necessary to maintain the municipal services and streets in satisfactory condition until the release by the Town of the surety furnished by the Owner to guarantee the completion of the requirements of this Agreement.

4. That the aforementioned surety shall be held by the Town of Needham as security for the performance by the Owner of all required work and as authorized by Section 81-U of the General Laws, Chapter 41, and that upon satisfactory completion by the Owner of all said requirements within the time specified, or within such further time as the Planning Board of said Town of Needham may permit, said surety shall be returned to the Owner by the Town; however, upon breach of any terms or conditions of this Agreement, or upon failure of said Owner to perform within the time specified or within such further time as the Planning Board shall permit, the Town of Needham shall have the right to apply said surety for the benefit of the Town to the extent necessary to compensate the Town for the reasonable cost to the Town of completing such unfinished work and legal fees incurred by the Town in the enforcement of this Agreement.

5. Furthermore, the Town of Needham shall have the right to reestablish the amount of said surety as a condition of extending the completion date beyond the date specified herein or within such further time and date as the Owner may request, and the Planning Board of said Town of Needham may permit, as security for the performance by the Owner of said requirements as herein authorized and selected by the Owner, including the maintenance and repairs necessary to maintain the municipal services and streets within that portion of Sunrise Terrace as shown on said plans and described herein in satisfactory condition and any increased costs resulting from the Owner's failure to complete said requirements within the time specified herein or within such further time as the Planning Board of said Town of Needham may permit, said reestablished surety to be determined by the Director of Public Works and estimated on the reasonable cost to complete such unfinished work and after such determination shall be construed as if said increased amount were originally set forth herein.

EXECUTED AS A SEALED INSTRUMENT on the day and year first above written.

OWNERS

By: Rivka NIR
Name: RRNIR, LLC, Rivka Nir, Manager

PLANNING BOARD
TOWN OF NEEDHAM

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss

March 28, 2017

On this 28 day of March, 2017, before me, the undersigned notary public, personally appeared Rivka Nir, proved to me through satisfactory evidence of identification, which was Driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as manager of RRNIR, LLC.

[Signature]
Notary Public
My Commission Expires: March 18, 2022

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

March 28 2017

On this 28 day of March, 2017, before me, the undersigned notary public, personally appeared Elizabeth Grimes, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

[Signature]
Notary Public
My Commission Expires: March 18, 2022

Approved as to form:

[Signature]
David Tobin
Town Counsel



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

March 27, 2017

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: SUNRISE TERRACE-REQUEST FOR BOND ESTIMATE

Dear Members of the Board:

The Department of Public Works has conducted several inspections of the subdivision. Per your request the following is the remaining work required for the above referenced project.

Our estimate to complete this work is calculated as follows:

<u>Item</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
Asphalt (top)	72 tons	\$140/ton	\$10,000
Sidewalk and ramps	1 LS	\$15,000	\$15,000
Seed	500 SY	\$2/SY	\$1,000
Landscape tress & bushes	1 LS	\$5,000	\$5,000
Lot drainage	6 systems	\$12,000	\$72,000
Street Light	1 LS	\$4,200	\$4,200
Curbing	600 Ft	\$45	\$27,000
Wall backfill	1 LS	\$15,000	\$15,000
Bounds	12 each	\$250/ea	\$3,000
Asbuilt Plans	1 LS	\$10,000	<u>\$10,000</u>
	Subtotal		\$162,200
~ 15% Engineering and Contingency			<u>\$24,330</u>
	Subtotal		\$186,530
~ 2.0% inflation per year for 2-years	TOTAL:		\$195,000

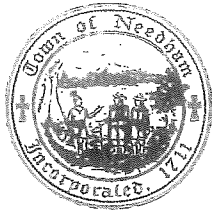
If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Sincerely,

Thomas A Ryder
Assistant Town Engineer

tryder



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

March 31, 2017

Theodora K. Eaton, Town Clerk
Town of Needham
Town Hall
Needham, MA 02492

Evelyn Poness, Town Treasurer
Town of Needham
Town Hall
Needham, MA 02492

Re: Surety – 1001-1015 Central Avenue (Sunrise Terrace) - Definitive Subdivision
Transmittal of Subdivision Bond and Off-Street Drainage Surety

Dear Ms. Eaton and Ms. Poness:

At its meeting of March 28, 2017 the Planning Board voted to set the surety being held for this subdivision at \$216,000.00. This amount includes \$195,000.00 to be held for roadway improvements in accordance with the recommendations of the Needham Public Works Department and \$21,000.00 to be held for off-street drainage in accordance with the recommendations of the Board of Health. The off-street drainage surety is being held for Lots 1-6, inclusive.

Accordingly, please find enclosed the following surety items: (1) Needham Bank Treasurer's Check No. 59430 in the amount of \$216,000.00 made payable to the Town of Needham; and (2) Agreement, dated March 28, 2017, entered into between the Town of Needham Planning Board and RRNIR, LLC, Rivka Nir, Manager.

Please hold the above-named items to secure the completion of the 1001-1015 Central Avenue (Sunrise Terrace) Definitive Subdivision. Should you have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

Lee Newman A.C.

Lee Newman
Director of Planning and Community Development

cc: David Tobin
RRNIR, LLC, Rivka Nir, Manager
Rick Merson, Director, Department of Public Works
Tony Del Gaizo, Town Engineer

Attachment

Received on March 31, 2017 Needham Bank Treasurer's Check No. 59430 in the amount of TWO HUNDRED SIXTEEN THOUSAND DOLLARS (\$216,000.00).

Evelyn Poness

Evelyn Poness, Town Treasurer



**Department of Public Works
Engineering Division**
500 Dedham Avenue
Needham, MA 02492
781-455-7550
www.needhamma.gov

July 22, 2025

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: DEFINITIVE SUBDIVISION- SUNRISE TERRACE
Off Central Avenue-Request to release Bond

Dear Members of the Board:

The Department of Public Works has conducted several inspections of the subdivision and final asbuilts have been submitted.

We do not object to the release of the remaining bond amount of \$195,000. If you have any questions regarding the above, please contact our office at 781-455-7550.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer

NEEDHAM PLANNING BOARD MINUTES

June 3, 2025

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building, and virtually using Zoom, was called to order by Artie Crocker, Chairman, on Tuesday, June 3, 2025, at 7:00 p.m. with Messrs. Block and McCullen and Ms. Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee. Mr. Greenberg arrived at 7:20 p.m.

Mr. Crocker noted this is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes one public hearing and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

ANR Plan – Matthew Semprucci, Devon Semprucci, Thomas Hartley Jr., (Property located at 107 Webster Street and 16 Frank Street, Needham, MA).

Ms. Newman noted this is 2 lots. One lot has frontage on a public way and the other lot has frontage on a private way. Around 4,000 square feet at the rear of the house on Frank Street is being carved off and is being conveyed to Webster Street immediately behind. Both lots have minimum frontage on a way. Engineering has reviewed. She feels it is appropriate for endorsement. Mr. Block asked if the applicants are building a larger house. Ms. Newman does not know but it is not part of this.

Upon a motion made by Mr. McCullen, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:

VOTED: to endorse the ANR Plan.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 589 Highland Avenue, Needham, Massachusetts). Regarding certain plan modifications, including the addition of 2 EV chargers, a Bocce court, Dog Run and extended sidewalk and 3 parking spaces.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

David Feldman, of SVP Development, noted the applicant wants to modify the Special Permit to include 3 EV Charging stations to accommodate 4 parking spaces, a Bocce ball court, a dog run and an extension of the internal sidewalk to create a firm path for resident to walk from the residents' entrance to Gould Street. This would also add back in 3 parking spaces that were removed. Mr. Crocker noted no comments from the Police, Fire, DPW, Building Department and Design Review. The Board of Health comment related to the dogs. Mr. Crocker asked about the dog refuse and what the plan is. Mr. Feldman stated they would supply plastic bags, a waste disposal site and a water station. Maintenance staff will police the area on a daily basis. The dog run is in a shaded area. Mr. Crocker asked if the owners will be with the dogs. Mr. Feldman stated that part of the house rules are a requirement the owners must accompany their dogs. They do not anticipate many dogs. Currently there is one dog and at maximum there were 3 dogs.

Mr. Crocker asked if the applicant made comments back to the Board of Health and if they are comfortable including those comments as part of the decision. Mr. Feldman noted there were comments back and he is fine including them. Mr. Block asked if these changes would be regarded as de minimus. Ms. Newman stated she advertised this as a hearing due to the

fact the place for dogs directly abuts the abutters and the noise from the new athletic facility. Mr. Feldman noted the existing area is shaded and there are no trees coming down. There will be a single gate. There is a grass area where the bocce court is.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the four members present unanimously:

VOTED: to close the hearing.

Ms. Newman will draft a decision for the Board to vote at the next meeting.

Board of Appeals – June 12, 2025.

99 Whitman Road – Jeffrey Gayman and Andrea Gayman, Applicants.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the four members present unanimously:

VOTED: “No comment.”

Discussion with Robert Schlager, Bulfinch, Possibility of broader use, including some potential form of residential in an expanded mixed-use development at 557 Highland Avenue.

Tim Sullivan, Attorney with Goulston & Storrs, gave a brief introduction. He noted the goal tonight is to get feedback with an informal discussion. The market for life sciences is quite challenging right now. The use of the project was an office mix. He wants to remind the Board what was permitted and discussed. The applicant would like to get the project going and wanted to let the Board know what they are thinking. Eric Weyant, architect, went through what was previously permitted. There were 2 buildings – the north building was 5 stories and the south building stepped down to Highland Avenue to 3 stories. There was a 2-story connecting atrium between the buildings. An emphasis was placed on the corner, so they had 10,000 square feet of ground floor retail, an outdoor plaza, a walking trail around the perimeter, and pickle ball courts. The height was prioritized toward the back of the site.

Mr. Weyant noted the Special Permit was 480,000 square feet of office and lab programs, 10,000 square feet of ground floor retail and about 1,400 parking stalls primarily in structure parking. There were 2 below grade levels of parking. The retail plaza at the corner was community focused. People would enter at Gould Street. He noted the road widening took away a little of their property and a traffic light was to be installed. There have been a lot of market challenges with the cost of construction and the interest rates. They are starting to explore other potential uses. Retail was looked at previously and possibly residential, office lab is being changed to medical office, senior housing in a 55 plus model or a potential hotel. They are just beginning to consider other options. He showed a conceptual option which prioritizes housing with a medical office near the ramp.

Mr. Weyant noted a residential footprint is much different than an office lab building and the façade is much more known to people. There is the ability to break the length of the façade along Highland Avenue. The option of a parking garage has been eliminated and there will be parking in the middle of the site. There may be 135 to 160 senior housing units with 5 stories interior stepped down to 3 stories. There will be the same curb cut as the Wingate intersection. North of that a hotel use may add 100 to 125 keys with a step down from 5 stories to 3 stories and market rate housing. Robert Schlager, President of Bulfinch, stated they are trying to explore alternate uses. There have been no corporate type tenants in the market recently and life science has dried up. Medical office is active especially with Children’s Hospital opening in January 2026. There is a housing demand. He understands the sensitivity with the schools and impacts on the town. They will rekindle studies looking at senior housing, assisted living and memory care along these lines. They are considering at 250 units of market rate and also a hotel type of concept. They are looking at the Board to help them with the gateway to Needham and give them input.

Mr. Crocker commented he did not hear of any independent living. Mr. Schlager missed that. Mr. Crocker stated it is always on his mind about some type of ownership. He asked what ownership options they are looking at. Mr. Schlager stated it is premature but different options are being looked at. With apartments there may be an option for a combination of rental and owners. Mr. Crocker is glad Mr. Schlager thinks about this as the gateway to Needham and what it would look like visually. Last time the applicant reached out to the neighborhoods to get their input and keep them involved. Mr. Schlager stated they will begin that process. Tonight, they would like feedback from the Board before embarking on that. Mr. Crocker asked if a hotel was a serious consideration. Mr. Schlager just wants feedback but noted there has not been a hotel built in Needham for 15 years since the small scale Marriott in the Industrial Park.

Mr. Crocker noted, previously, there were never 5 stories by Gould Street but with this project 5 stories are being put right by Gould Street. Mr. Schlager stated stories are materially less with residential as opposed to a commercial component. Mr. Weyant noted 60 feet with residential is easily 70 feet with commercial. Mr. Block asked if there is any sense of what the hotel vacancy rate is in the hotels in Needham or is there less demand. Mr. Schlager does not know but can get that information. Mr. Crocker wants a sense from Mr. Schlager of what he sees as the strongest market sense for this site. Mr. Schlager feels multi-family as it stands today. A component of senior housing is always missing but 150 or so units should be able to support an over 50 component. Mr. Block asked if the thought was roughly 240 units in total of housing plus medical office and/or hotel or was the thinking 500 units in total. Mr. Schlager noted there would be closer to 500 units in total. Only 250 units or so does not make financial sense.

Mr. Block stated the prior approved plan was a 480,000 square foot development and the By-Law allowed closer to 500,000 square feet. He asked what Mr. Weyant estimated to be the total square footage of the development. Mr. Weyant noted it would be less than was previously conceived. He would have to run the numbers. He stated this is very early and he has not dug into the numbers yet. He has begun to look at parking. There were about 1,400 parking spaces previously. He feels it will be closer to 750 to 1,000 spaces now. Mr. Crocker asked what the parking ratio per unit of residential housing is. Mr. Weyant stated one space per unit for market and less for senior housing. Mr. Block feels it would be helpful to get the numbers. The Town is working to revise the parking standards. He would like to hear the parking demand proposed under different concepts as this site is isolated for public transportation. The applicant would need to provide access to public transportation in a regular way. That would get congestion out of the area. He would want to make sure parking is sufficient. Mr. Schlager commented one thing they explored is the shuttle bus concept originally proposed. Several electric shuttle buses would circle the area to and from the T station. He feels that is well conceived. Mr. Block commented, if a hotel use, he would think to put it as close to the bowl as possible and as far away from Gould Street as possible. That would keep the urban edge and the commercial in back.

Mr. Block asked what the goal would be for the By-Law change. Mr. Schlager noted they are initiating the process tonight, they will develop neighborhood meetings and, if supportive, the next step would be to come back to the Planning Board. Then there would be a zoning amendment in the Fall, complete the process by next summer and hopefully start construction by the winter of 2026 or January of 2027. He would like to try to get to Town Meeting in May 2026. Mr. Sullivan noted the zoning amendment would be more surgical changes to the By-Law that exists rather than starting from the beginning. Mr. Block noted it would require an impact study. They will have to complete the hearing process by February 2026 to get to the May Town Meeting. Mr. Crocker noted there would need to be public hearings in the Fall, 55 plus and potentially less than one space per unit. There needs to be some public transportation. He feels instead of going toward Newton, why not go toward Needham's public transportation. There is some concern with the rental units on the other side of 128. The police are there a fair amount. He likes the ownership options. Mr. Schlager will follow up and take note of all comments.

Mr. McCullen would suggest the public email comments. This is not a public hearing but there is a large amount of people here. Email comments can be forwarded on to the applicants. He likes the mixed-use case model and does support it. He likes the senior housing component with market rate housing. He supports a hotel depending on the vacancy rate. He feels they need to be extra vigilant about the traffic impact and movement within the space itself. He likes the hotel entrance being on Highland Avenue rather than Gould Street. Transit is important and needs to be continuous. Mr. Greenberg asked what the early thinking of what the retail would be. Would it be for the broader community or supplementary and complimentary to the uses at the site? Mr. Schlager noted it would not change from the original. There may be a mom and

pop restaurant open for breakfast and closing at maybe 6:00 p.m., with no liquor licenses or night time club, a shoe cobbler, hair salon, beauty salon or a dry cleaner. All complimentary uses.

Mr. Greenberg noted traffic is a concern. Is there just one point of ingress, egress or are there ways to mitigate traffic. Mr. Schlager stated part of the traffic mitigation plan which would not change is a traffic light at Gould Street. Sean Manning of VHB, showed the approved project. He noted there were extensive improvements, improved mobility, terrific pedestrian amenities and they will not change anything. The main entrance at Gould Street will be signalized with a secondary outlet via TV Place. They will look at traffic generating ideas with this versus the old plan. Mr. Schlager stated he has spoken with Mass Highway. They will not allow access from the 128 off ramp or on Highland Avenue. There can be no additional curb cuts on Highland Avenue for safety reasons.

Ms. Espada noted there are 750 to 1,000 parking spaces with no garage. She asked if there is underground parking. Mr. Weyant noted there is partially underground parking and podium parking at the rear. Mr. Schlager noted the site slopes down toward the off ramp, which is why the hotel and market rate housing are where they are. A level of parking could be buried there. Ms. Espada asked if the amenity jogging trail would be kept and was informed it would be. She commented the scale of the housing is more in tune with the rest of it and she appreciates that. The park was a 7,000 square foot amenity. She asked if there is an opportunity for this to be part of the community space. Mr. Schlager will work with the Town on that. He asked Ms. Espada how she feels about sliding the zoning setback line a little bit forward to give more flexibility with the deck height. Ms. Espada feels the applicant needs a section cut through. The height difference makes a huge difference. The buildings are similar proportions to Wingate and the programming seems reasonable. Affordable housing would be great.

Mr. Crocker noted there will be underground parking for the market rate. Where would the parking be for the 55 plus and what would it be? Mr. Schlager noted there would be a combination of surface parking and locationally some underground beneath that building, more toward the center of the site. It is still in the preliminary stages but they will take advantage of the grade drop. Mr. Crocker noted the other plan seemed to have more green space. He is concerned with the lack of green space. Mr. Schlager stated the other plan had significantly more green space, so it is a valid concern. Mr. Crocker noted there is the walking path but nothing else. He imagines with the market rate there would be some kids. He asked if there is anything there for kids like a playground. There is a playground and dog walking trails which will be included in the next submission. Mr. Crocker commented he is concerned with green space and visuals. This is the gateway.

Mr. Block agrees that the residential market probably would be rentals. He reminded the applicant there is a minimum requirement of 12½% affordable. He would like to see some level of affordability with senior housing. The scale on Gould Street on the west and east side of Gould with some continuity of height should be preserved. It should also include an updated fiscal impact study. It looks like more impervious surface than the previous layout. They should look to see how that is managed effectively without an adverse impact to residents. Mr. Crocker decided to allow 10 minutes of public comment. Ms. Espada asked if that was allowed since that was not publicized. Mr. Crocker is going to allow public comment and he gave the ground rules. Robert Dangel, of Hewitt Circle, stated his neighborhood abuts this. He is in favor of developing the site but it looks like they are throwing the kitchen sink at it. He is opposed to any kind of transient types of housing this close to residential so he is opposed to hotels. It is abundantly clear senior housing is needed. He would like to see more senior housing and less market rate and he would like to see more retail here. He would be interested in more dining options. People would walk to that.

David Rushka, of 21 Rosemary Street, stated the applicant should look at other options for transportation like ride share and uber lift so the developer does not need to spend \$100,000 for parking spaces. Ken Buckley, of 221 Warren Street, wants to see this developed. He is concerned with traffic on site and coming off site with hotels. He thinks signaling within a block of each other could make a mess. He feels they should maximize revenue while minimizing impact to the neighborhood. A Performing Arts Center shifts traffic to a different time of day. Or maybe move Trader Joe's there to a larger site. He noted the impact from Newton will blend in. Henry Ragin, of 25 Bennington Street, noted huge construction is going on in Newton. Maybe 800 units will affect traffic. A small space for retail would not become a retail center. He would like more green space and something that is more neighborhood friendly. Traffic needs to be tackled early. People

are going to want more taxes out of this site with Pollard and Mitchell looming. He does not want something built just to get the taxes.

Oscar Mertz, of 67 Rybury Hillway, is excited to see this back on the table and he thanked Bulfinch. He is not sure about the hotel. He would like them to look at the Modera site down the street which has town houses with 2 over 2. Maybe some 2 over 2 with townhouses on Gould with flats above would be good. It is good to see more options for housing choices. There would probably be a reduction in traffic impact and uses across the day would be more beneficial with the residential. He feels it is all a benefit, and he commends Bulfinch. Mr. Crocker asked people to email any comments they have.

Minutes

There were no minutes.

Report from Planning Director and Board members

Ms. Newman noted the first workshop for the Large House Study Committee is this coming Monday at 7:00 p.m. at Town Hall. The workshop is structured to have a presentation at the beginning to state what the charge is, the composition of the committee and a brief overview of what the current regulatory framework looks like. Then they will break out into a series of workout groups at tables facilitated by the committee themselves. They will then report back from the groups and have an open microphone talk. Mr. Crocker noted there is also a survey. Ms. Newman noted the survey will be going live this Friday. She hopes all Planning Board members will be there.

Mr. Crocker noted tomorrow night is the tree hearing. It is very important. Ms. Newman wants to put on an agenda at the next meeting or the one after that a session for what the goals are and prioritize the planning projects. There are 2 public hearings at the next meeting. Mr. Block asked if the Charles River Center informal presentation could be put off. Ms. Newman has met with them, had staff meetings and they have a tight time frame. Part of the process is to come to the Planning Board. They want to file at the end of summer. Mr. Block feels there is time. He does not see a hearing for Children's Hospital taking a lot of time. Mr. Crocker would like to prioritize their goals and planning strategy. He noted he would like to replace himself on the Climate Action Committee with Mr. Greenberg who has agreed to be on the Committee.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to replace Artie Crocker with Eric Greenberg on the Climate Action Committee.

Mr. McCullen noted there has not been an Envision Needham meeting since the last meeting and no Mobility Planning and Coordination Committee meeting, so he has nothing to report.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to adjourn at 8:40 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Justin McCullen, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

June 17, 2025

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building, and virtually using Zoom, was called to order by Artie Crocker, Chairman, on Tuesday, June 17, 2025, at 7:00 p.m. with Messrs. Block and Greenberg and Ms. Espada, Director of Planning & Community Development, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Crocker noted this is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes 2 public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Decision: Amendment to Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 589 Highland Avenue, Needham, Massachusetts). Regarding certain plan modifications, including the addition of 2 EV chargers, a Bocce court, Dog Run and extended sidewalk and 3 parking spaces.

Mr. Crocker noted the Wingate decision needs 4 members. Mr. Greenberg was not here at the time so cannot vote and Mr. McCullen is not here tonight so the hearing needs to be postponed. It will be rescheduled for when Mr. McCullen is here.

Minutes

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:
VOTED: to move passage of the 5/5/25 minutes as in the packet.

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:
VOTED: to move passage of the 5/12/25 minutes as per the packet tonight.

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:
VOTED: to move passage of the 5/20/25 minutes as in the packet tonight.

Correspondence

Mr. Crocker noted the following correspondence for the record: an email from Emily Pick, dated 6/3/25, with comments regarding the Bulfinch project; an email from Robin Zucker, dated 6/4/25, with comments and questions regarding the Muzi site and an email from Barbara McDonald, dated 6/13/25, regarding the Working Group Breakout Sessions.

Report from Planning Director and Board members

Ms. Newman noted there are 2 close outs following Town Meeting. The MBTA went to the state for adoption of the MBTA Communities Act so the town will stay in compliance and the certifications on the Flood Plain Zoning went to FEMA so the Town is compliant as relates to that project. The Large House Review Community meeting was held last week and was very well attended. A survey was sent out and close to 1,200 results were received. At the next meeting the Committee will look at the input from the meeting, and the survey, and make some decisions on variables they want to control such as FAR and setbacks and if there should be a special permit process or controlled through an as of right process. They are in the process of engaging architects to do some 3D modeling, taking examples of a couple of houses and modeling them under the existing framework, then reducing as a percentage of square footage to see how that works out.

Ms. Espada asked what was going on with Stephen Palmer. Ms. Newman noted the RFP is out. They expect to review the responses to select a consultant then that committee will begin work. Mr. Crocker noted the Tree Committee had a public hearing as well that was decently attended. There were some break out conversations. People had a lot to say and there were some good conversations at the tables. He thinks the Committee is going to have the summaries typed up. Ms. Newman note the results of the survey were put into Chat GBT and there were almost 80 pages. Mr. Block commented he has used Chat GBT to draft contracts and it was spot on. Mr. Crocker noted there will be another Tree meeting in about a week. It will keep moving forward.

Public Hearing:

7:15 p.m. – Amendment to Major Project Site Plan Special Permit No. 2012-07: The Children’s Hospital Corporation c/o Boston Children’s Hospital, 300 Longwood Avenue, Boston, MA, Petitioner (Property located at 66 B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham, MA). Regarding request for certain modifications to the conditions in the 2021 Amendment.

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Ms. Newman gave a brief summary. A decision was issued on the Children’s Hospital including traffic mitigation improvements at Kendrick and Third Avenue that required a donation to the Town of \$30,000. The applicant is asking for revisions to Section 1.11 to allow the Town to utilize all traffic improvement funds at other locations and modifications of when the reviews will be done. Tim Sullivan, of Goulston & Storrs, stated in 2021 Children’s Hospital bought the property next to Trip Advisors. It was rezoned by Town Meeting to allow pediatric medical. The applicant got a building permit and construction is underway. They may be looking for a Certificate of Occupancy in the Fall. He noted the amendments are to align some facts to the decision.

The first amendment is to Condition 3.3. The applicants are obligated to pay \$30,000 to the Town to use for construction of improvements at Third Avenue and Kendrick Street. Children’s Hospital reached out and were told the Commonwealth is not allowing those improvements. That request is for the \$30,000 to be used elsewhere. The second amendment is Condition 3.4, that traffic monitoring will commence one year after the Certificate of Occupancy. One year is not the right timeframe. He would like it to commence 3 years after. The final amendment is Condition 3.5, that the applicant will work with the Town and Mass DOT on the Traffic Signal and Warrant Analysis and Roadway Safety Analysis. That is estimated to be \$25,000. It is ambiguous and he wants to clarify it is a funding issue.

Ms. Espada had no questions. She commented she read no town entities had any issues. Mr. Greenberg clarified it is a 3-year ramp up period with 2½ years to get to full steam. Mr. Sullivan stated it will take 6 months to get open and operating and then there will be a period of time to start seeing patients and get everybody in there. He feels three years from the Certificate of Occupancy or about 2 years after opening they will be fully operational. Mr. Block asked if Ms. Newman intended the applicant would conduct the Warrant Analysis and Road Safety Audit or is she satisfied with the Town conducting that with the \$25,000 contribution from the applicant. Ms. Newman is satisfied with the Town doing the audit. The DPW and Engineering have been consulted and are satisfied with that arrangement. The funds are satisfactory.

Mr. Crocker noted the following correspondence for the record: an email from Police Chief John Schlittler dated 5/22/25, noting the Police are fine; an email from Building Commissioner Joseph Prondak, dated 5/27/25, with no concerns or objections; an email from Assistant Public Health Director Tara Gurge, dated 6/9/25, with no additional comments and an email from Fire Chief Thomas Conroy, dated 6/12/25, with no issues. There were no public comments.

Upon a motion made by Mr. Block, and seconded by Mr. Greenberg, it was by a vote of the four members present unanimously:
VOTED: to close the hearing.

Ms. Newman will prepare a decision for the next meeting.

Discussion of Planning Board Goals.

Mr. Block asked if the first part of the spreadsheet was updated. Ms. Newman noted she tried to put together a framework of what was on the table, existing on-going projects and what their other goals were. She noted this is reflective of what the commitments are that they know of, and the timeline associated with those on a broad basis. Mr. Block feels it will not be until October 2026 to be able to finalize a Parking By-Law change. He feels 4 months between workshops is a long time and he would truncate that a bit. Ms. Newman noted it could be shortened up. Zoning changes will go in the Fall. They will not make a May Town Meeting.

Mr. Block sees an opportunity between now and 2026 to bring to Town Meeting, at that time, a Zoning By-Law change to Unlock the Charles and Great Plain Avenue between Pickering and Warren or Linden to Warren. He feels that is the biggest impact and the biggest benefit to the town. Those have the highest level of urgency while continuing to work on other issues. Ms. Espada noted having design guidelines for MBTA zoning is important, multi-family design guidelines and Stephen Palmer has no end date. She noted no additional help with the budget was approved by the Finance Committee. She asked how many Ms. Newman can do in parallel with the capacity the department has. Ms. Newman stated between staffing both the Large House Committee and the Stephen Palmer Committee they are eating up a lot of bandwidth and they are managing consultants around both projects. Mr. Block stated he could work with Mr. McCullen on Unlocking the Charles and he could work with Mr. Greenberg on Great Plain Avenue. Mr. Crocker commented, if looking at the Center of town, they would need to look at the whole center. Mr. Block stated he can look at Great Plain north and south side as that is the critical part of the spine. Mr. Crocker would like to look at the entire center of town and what should be done globally for the center of town.

Mr. Block reiterated he can work with Mr. McCullen and Mr. Greenberg to work on a basic planning draft By-Laws and draft guidelines to take some pressure off the committee. They can then present it internally, have discussion among the Board members and, when they have something they are pleased with, it could be opened up to the public for public comment. He is trying to map out specific dates and timelines to get it on the calendar. The Finance Committee made some pretty important messages and the Board has the opportunity to be able to kick start some of these activities that are quintessential to the economic growth of our town to reduce the residential tax burden. Mr. Crocker appreciates that, but he wants the entire center of town to be looked at. The committee does not have to be 15 people. It could be 8 or 9 and will take some time but it needs to be done. He is talking about the economic impact.

Ms. Espada feels it needs to be looked at holistically. Normally these things are done by committees and not one or 2 people. Things take time and there is a process. She does not feel one or 2 people without a planner is helpful. Mr. Greenberg feels they should start small. He agrees with Mr. Block's point that the Board should be more proactive. The reason he wanted to run was to do some planning. He would be supportive to get a jump start. Ms. Newman feels Mr. Block and Mr. Greenberg could create a working group to look at that particular block and think about other representatives from town government that could participate in that and create a process. There is a planning process around the Large House and around Stephen Palmer. Mr. Block feels there is an opportunity here. He and Mr. McCullen could get together to come up with a framework for Unlocking the Charles and he and Mr. Greenberg could do the same for Great Plain. Ms. Espada could do the same with the MBTA design guidelines. She could lead that.

Ms. Espada stated she is doing Stephen Palmer but she knows what he is trying to do. She asked if there were any grants the Board could get to help them do this. There would need to be someone who could lead it. Ms. Newman noted they just have the parking grant. Mr. Block would be happy to meet with someone from the Finance Committee. Ms. Espada stated a community process takes a long time. She feels Mr. Block should create a work plan. Mr. Block is just trying to initiate the process. He wants to streamline it. Ms. Newman stated the steps should be laid out, what the product would be, and they should come back to the Board for discussion.

Public Hearing:

7:45 p.m. – Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham Massachusetts, Petitioner (Property located at 1407 Central Avenue, Needham, Massachusetts). Regarding proposal for a new building addition of approximately 12,400 square feet, as well as the renovation of roughly 1,800 square feet within the existing storage garage to create a dedicated tire maintenance bay. Please note: this has been continued from the May 20 2025 Planning Board meeting.

Tyler Cofelice, Project Manager with Weston & Sampson Engineers, Inc., noted he went back and filled in additional information for the traffic study. He explained the ingress and egress. Vehicles will have to follow out to the left. The far left will be the exit and when the RTS is closed the middle exit will be used. In the 2014 traffic study the exit did not adequately meet the intersection stopping site distance. It has the stopping site distance so it can still operate safely. This is based on a speed limit of 40 although the speed limit is 30. He feels a good chunk of vehicles will come from 470 Dedham Avenue. The lighter vehicles take the shorter, more direct route. The heavy vehicles will take a longer route with less lights, down South to Charles River to Central. There were some concerns with taking Marked Tree. The DPW has agreed to avoid that road.

Carys Lustig, DPW Director, stated that currently most vehicles take that route and are already going to the RTS. She does not feel there will be a change in the volume and the traffic study does not show a change. Hank Haff, Director of Design and Construction, noted the study showed a 0.2% increase in traffic. Mr. Cofelice stated there will be 32 more vehicles and he showed the calculations. Mr. Block stated the additional information is very helpful and the commitment to change the standard of practice is helpful. He is satisfied with storm water and noise attenuation. Ms. Lustig encouraged people to come to the facility at 470 Dedham Avenue at 9:00 a.m. and they will hear about the same amount of noise that will go on with the new facility. Mr. Crocker is concerned with the pickle ball court and skate park traffic. That is the unknown. He opened the hearing for public comment.

Holly Clarke, of 1652 Central Avenue, appreciates that any road in Needham has traffic. When this was presented to Town Meeting the one issue that was raised was traffic. This is right across the street from the park and was raised last time. There was a comment in the traffic study. The applicants were not giving any traffic information or trip data. These projects were proposed by different departments without the planning. The truth is there is a traffic issue. If you are already flooded you are bringing more. She feels the Board needs to get more data and should get the data from the other projects now. The applicant is saying they are going to South from Marked Tree and that is just shifting the traffic. When 1688 Central Avenue was proposed a traffic study was done on 10/5/21. The study said traffic at Charles River and Central is already operating at an F level. It would have been helpful to hear what is going on at these intersections. She feels more analysis should be done. Kenneth Sargent, Senior Project Manager, noted the hours of operation of the facility are 6:30 a.m. to 3:00 p.m. Vehicles will be before the a.m. traffic and out of there before the p.m. traffic rush hour.

Ms. Clarke noted one concept was the idea of limiting trucks coming over. She asked if there may be a way to condition this to help on this street. Charles River has a field that is packed when in use. A traffic analysis for the day care center was done. She would have expected this proponent to do a full study. There should be a condition, if granted, that the use be limited to what the DPW has requested and limit times in and out. She is not sure why it cannot be open on Mondays. She noted her neighbor David Lazarus sent a letter to the Board that was not mentioned. Mr. Sargent stated the intent was to get trucks there in the 2:00 p.m. window or first thing in the morning to avoid traffic. Ms. Lustig stated the town maintains its own fleet maintenance, which helps with emergencies. Limiting the hours of access to the facility could be problematic to deal with emergencies, for example when there are snow emergencies. She noted, currently they use Marked Tree Road but have changed it to South Street due to comments made. She discussed 2 other projects on the same property. They just sought design funds, but she has no idea what the scope will be and does not know how many courts will be built. A consultant has not been engaged for the parking demand so she does not know what should be taken into consideration.

Ms. Clarke stated this is not a DPW issue but a planning issue. Things are being done out of order. There is no holistic comprehensive plan, and things are landing in places. This is a contained project, but it is big trucks. People on Charles River do not even know this is happening. If they had been given notice they might have been here to tell the Board more. Ms. Espada appreciates what Holly is saying. She lives across the street from Ms. Clarke and from the day care center. Only 0.2% more traffic sounds like an operational issue. It is a parking lot in front of her house. She agrees with Ms. Clarke.

She wants to do more planning, but the Finance Committee did not give them another Planner. Is there is a better system of understanding what all these projects are? There are F Level signals around town. If there are too many projects on one road how should it be dealt with? This has never been taken into account. She feels the Town has not taken what they could into account and done the best they could. How do we look holistically at the Town?

Mr. Block feels Ms. Clarke's comments are valid. Projects come up and the Board tends to be site specific for specific reasons. Central and Charles River Street continue to be a service Level F. Kids are in the area. Having a crosswalk or sidewalk would be an improvement. He asked if the town has any plans for improvements here. Ms. Lustig stated intersections and how lights are functioning with each other needs to be looked at. She will go back and look to see if there are any improvements that could be made. There are pedestrian challenges as there are no sidewalks on any abutting streets. There need to be sidewalks to connect to. She understands that part was developed with no sidewalks because the people who lived there did not want sidewalks. This Fall they will reach out to very low volume neighborhoods with sidewalks on both sides to talk to them about renovating one side to be fully compliant with the goal of removing the sidewalk on the other side. They are also looking at adding capacity throughout the town. This is not short term, but a long-term goal. Mr. Block would appreciate her going back and looking at where that intersection is on the list.

Ms. Espada asked if there was any way, once these projects are completed, of doing a study to see what the impacts are. Mr. Haff stated if the town transitioned to curb side trash pickup it would reduce the traffic by over 5,000 cars a week on Central Avenue. He understands that it is under study but the traffic should be looked at with this. Ms. Espada stated some things have not occurred yet like 1688 Central Avenue and the pickle ball courts. This needs to be looked at holistically. Ms. Lustig stated Central at Hunnewell is being looked at now and a more cohesive design is being looked at for Central and Great Plain for more flow through there in a more logical fashion. She will need to see where Charles River at Central is on the list. Ms. Clarke appreciates the idea of analyzing later but feels it should be analyzed now. She heard Pollard is being done over and there will be an additional \$2,700 property tax hit per year for 20 years. For this project she urges the Board to memorialize the conditions the current applicants have said. When the current people leave the history is gone. She stated David Lazarus' comments should be considered such as no right turn on red on Charles River.

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:
VOTED: to close the hearing.

The Board took a 5-minute break.

Informal Presentation: Charles River Proposed 40B project.

Anne Marie Bajwa, President and CEO of the Charles River Center, gave an overview. There will be 86 affordable housing units on East Militia Heights on a 3½ acre parcel. One half of the units will be designated to the general community and half will be designated to the Charles River Center clientele. All units will be affordable and wrap around services will be available to the Charles River clientele. Wrap around services are run by the state to help the residents and include staff support, job support peer support, social skills and money management skills. She feels it is a great project. It is mission driven development, inclusive and an affordable housing project.

Philip Crean, Project Manager with the Planning Office for Urban Affairs, which is a non-profit affiliate of the archdiocese, has been developing housing across the Greater Boston area. There will be rentals, mixed income communities and home ownership opportunities also. He reviewed the timeline. The project has a \$2.8 million commitment of CPA funds. They met with town staff to get initial thoughts and received a letter of support from the Select Board. This is an informal discussion and the applicants will be meeting with the Design Review Board next week. The Project Eligibility Application will go to the state in the next few weeks. That takes about 4 months to conclude. There is an appraisal process as well. Once the letter is issued, they will submit it to the Zoning Board in October. There are funding opportunities every winter. The full application is due in February. Once the funding award is received construction will begin and will last about 18 months.

Mr. Crean stated all 86 units will be eligible for the subsidized housing inventory. They will be 30% and 80% of median income with 43 handicap accessible units. Five of the units will be for staff and 38 for people with disabilities. The rest of the units will be available to the town at large. There will be a meeting space that will be available, cooking classes and other workshops available for the town. There will be walking trails and there will be connections from the site. He reviewed the project design. Building A will be a 3-story building with common amenities and a fitness center. There will be 3 single story buildings which also have amenity spaces. There will be studios, one-bed and 2-bed units not SRO. Each unit will have a kitchen and a private bath. There will be 61 parking spaces – one to one for affordable units and ½ space for Charles River units. They are working on providing shuttle services. All buildings meet the passive house standards.

Jay Szymanski, Architect with The Architectural Team, walked through the site plan. The plan is to keep this as compact as possible to keep trees. There are 3 one-story buildings – B, C and D. The drive goes behind the building in a one-way loop. The 3 buildings will be identical with 6 studio units with kitchens and baths in the middle. There is a common space with a larger kitchen, living area and dining area. The ground floor in Building A has a 4,000 square foot community room, a main entrance with a lobby, a mail room and a lounge space. The Charles River Center units are a cluster of 5 one-bed units and a shared community room with another cluster of 5 one-bed units on the other wing with the balance being one and 2 bed units. The second floor has a balance of one and 2-bed rental units and the third floor has typical one-bed units. The smaller buildings are in the fore ground. On the pedestrian level there is an outdoor patio space in Building A, courtyard space between the 2 wings in back and a resident entrance for those who park in back.

Rebecca Bachand, Landscape Architect with RLBA Design, showed renderings with native plants and proposed trees. The applicant would like to maintain the tree lined street and as many trees around the perimeter to the extent they can. There is a wetland buffer zone in the rear where they will only be removing and replacing the old drive with native plants. The bittersweet will be removed and replaced with native vegetation. They will work with the Charles River Center on sensory gardens, healing gardens, and that type of program, and horticultural therapy. There is a challenging grade, but they will be looking at connecting the walking paths on this site. Mr. Crocker asked what the buffer is there. Joe Cappellino, Civil Engineer with VHB, noted there is a 25-foot no disturb buffer zone. Work will be done there but no structures are being put there. There is currently a paved area that will be removed. Ms. Espada commented it is a great project and noted it should be part of the Central Avenue traffic study.

Mr. Block stated this is a huge opportunity for the community and there are a number of community benefits. He knows how challenging affordable housing is. This is a well thought out project that serves the community and will wrap around services for the inclusion of the clientele. Mr. Crocker is glad to see something going in on this property. He asked how often the shuttle will run. Ms. Bajwa stated this is 1½ miles from public transportation, so they decided to do a shuttle possibly to jobs or doctor's appointments. North Hill wants to partner with them. Mr. Crocker asked about flooding and mitigation. Mr. Szymanski noted the site has no storm water service there. The water sheds off into all directions and will be a challenge. Preliminary they will try to retain and infiltrate one inch of rainwater. They are very aware of this and plan to mitigate. He does not have a full storm water design but will need to manage on site. Mr. Crocker stated the town may increase the one inch to 1½ inches or 2 inches. He asked about traffic and what would happen. Ms. Bawja stated a traffic study will be done. She noted they may route traffic to Forest rather than to Central. There may be a one-way up Dwight and down to Forest. Mr. Crean stated they are talking with Babson and will bring that up next time they talk.

Discussion: Beth Israel Deaconess Hospital-Needham (BIDN) to discuss the possibility of a revision to the Hospital's approved parking plan through the addition of a valet-only parking lot on property located at 14 and 20 Oak Street.

Evans Huber, Attorney for the applicant, noted the parking layout has been revised due to comments about a vegetative border. The parking has been reconfigured, and a 5-foot vegetative border has been added on Oak Street. There are still 52 parking spaces and a good 19-foot drive aisle was maintained. Ms. Espada asked him to compare this to what is along the hospital parking lot on Chestnut Street. Randy Howard, COO of BIDN, stated it is comparable. Arborvitae is a great plant. He wants to keep this consistent with the rest of the area. Ms. Espada appreciates the same number of cars with the buffer. She noted more information on the types of plants would be good. She wants to understand what they are planning for transit in the area and would like more information on planting year-round. Brian Vaz, Assistant General Counsel, noted there will be an evergreen hedge behind and day lilies in front for color. Mr. Huber noted this will go through the site plan

review process and the information will be available with that process. He wanted to get any additional information the Planning Board wanted.

Mr. Block stated this is a substantial improvement. There is a condition in the previous special permit that dealt with landscaping at the hospital. The strip along Chestnut Street sometimes does not look as pretty as it could. It makes sense to look at that and remove dead plantings. He suggested the applicant be mindful of planting color, texture, height change and screening.

Report from Planning Director and Board members

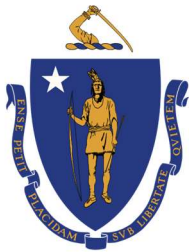
Mr. Crocker noted 888 Great Plain Avenue and his concern with spot zoning. He stated that Ms. Newman said that district could be extended and it would not be spot zoning. Ms. Newman stated the district could be made larger. Ms. Espada appreciates trying to review the process. She suggested the Board try to find ways to fund these additional things. Ms. Newman noted it is a fiscal issue that does not allow additional help. The Board discussed additional processes. Mr. Block wants to kick start the process. Mr. Crocker stated it will take a long time but the main thing is to get 888 Great Plain Avenue going. He brought a comparison to Muzi and noted if it is not done now the opportunity will be missed. Mr. Block stated the Board has heard hundreds of comments about areas of improvement for the center of town. He knows there is desire among residents and business owners to increase economic activity. Mixed-Use development would support that. They need to explore the existing zoning and look at any deficiencies. The Council of Economic Advisors (CEA) looked at this. He could do it again and look at extending a neighboring district and make modifications although it would take longer if you extend it. He would like to come back to the Planning Board with a framework of the process. The discussion continued.

Ms. Espada stated there has been a lack of planning for the downtown and not just 888 Great Plain Avenue but the corridor. The time is now and they are just starting the process, goals and initiative. There were concerns heard from the public. The Board needs to compile information. Ms. Newman noted once the framework is done it will then need to be modified. Mr. Greenberg stated a lot could be done with a concentrated zoning change. The Board tried to do too much with the MBTA Zoning Act. Ms. Espada suggested seeing if there is any low hanging fruit that needs to be dealt with before dealing with the entire project. Mr. Block stated the broader it becomes the less work will get done. He feels he and Mr. Greenberg should look at the existing zoning, and maybe extending, the size of the committee, how it would roll out and look at the zoning itself. They would then present it to the Board and talk about it. He and Mr. McCullen could do the same with Unlocking the Charles and make a proposal.

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:
VOTED: to adjourn at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Justin McCullen, Vice-Chairman and Clerk



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Guidance on Regulation of Religious and Educational Uses of Land Under the Dover Amendment, Massachusetts General Laws c. 40A, §3

For over 50 years, Massachusetts law has exempted educational and religious uses of land from certain local zoning regulations through the so-called “Dover Amendment,” Massachusetts General Laws chapter 40A, § 3. The statutory exemption is just one sentence long, but it has been given shape by dozens of court decisions applying it to a variety of real-life situations across the state. This guidance summarizes the law of the Dover Amendment as expressed through that case law. It is intended to help municipalities, developers, and residents to understand the types of land use that are exempted from local zoning requirements under the religious and educational use provision of the Dover Amendment and the practical implications of these exemptions.

What is the “Dover Amendment” and how does it protect religious and educational uses of land?

Since the 1920s, Massachusetts cities and towns have had certain authority to enact zoning by-laws and ordinances to control the use of land in their communities, subject to constraints imposed by the Legislature, the state constitution, and federal law. In 1950, the Legislature passed a law making it illegal for communities to use their zoning laws to restrict religious uses of land, including “religious, sectarian or denominational education[.]”. St.1950, c. 325, § 1. The Attorney General sued to enforce the new state law against the town of Dover, where a land use dispute had arisen between the town and a religious organization. In the resulting case, the Supreme Judicial Court confirmed that the Legislature has the power to restrict a town’s zoning activity. *Attorney General v. Inhabitants of Town of Dover*, 327 Mass. 601, 604 (1951). The Court also declared the town’s by-law invalid to the extent it conflicted with the new state law. *Id.* at 608. The state law exempting religious uses from local zoning rules thereafter became known as the “Dover Amendment.”

Over time, the Legislature expanded the Dover Amendment, first to protect secular educational uses and then to protect other state priorities like childcare centers, solar energy systems, farms, and accessory dwelling units. The full list of protected uses can be found in Section 3 of the Zoning Act, which is chapter 40A of the Massachusetts General Laws.

The current version of the Dover Amendment protects both religious and educational uses of land and creates balance by allowing cities and towns to impose certain “reasonable” regulations on them. The relevant text is found in the second paragraph of G.L. c. 40A, § 3:

No zoning ordinance or by-law shall...prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

This Guidance focuses on how courts have interpreted this protection of religious and educational uses. Most of the principles outlined below are generally applicable to all use protections contained in the Dover Amendment. *See, e.g., Tracer Lane II Realty, LLC v. City of Waltham*, 489 Mass. 775, 780 (2022) (using the “abundant case law interpreting that section’s other paragraphs” when interpreting the solar energy paragraph for the first time); *Petrucci v. Bd. of Appeals of Westwood*, 45 Mass. App. Ct. 818, 825, n.10 (1998) (trial court properly applied “reasonable regulations” caselaw from educational context to childcare use protected by third paragraph of Dover Amendment); 760 C.M.R. 71.03(3) (test for assessing reasonableness of zoning regulations when applied to a religious or educational use applies equally to protected-use accessory dwelling units). However, because uses protected under other paragraphs of the Amendment may be subject to greater, lesser, or different types of regulation, caution is advised when using this guidance in other contexts. *See, e.g., G.L. c. 40A, § 3*, eighth par. (unlike religious or educational uses, a handicapped ramp cannot be subject to dimensional lot regulations like setbacks or open space requirements); *Tracer Lane*, 489 Mass. at 780 (solar energy uses may be subject to regulations that cannot be applied to educational uses). *But see G.L. c. 40A, § 3*, third par. (like religious and educational uses, childcare centers are subject only to “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements”).

What is the purpose of the Dover Amendment’s religious and educational use protections?

The Dover Amendment limits local zoning discretion around religion and education “to foreclose the ‘local exercise of preferences as to what kind of educational or religious uses will be welcome’” in a community. *Hume Lake Christian Camps, Inc. v. Planning Board of Monterey*, 492 Mass. 188, 194 (2023) (quoting *Newbury Junior College v. Brookline*, 19 Mass. App. Ct. 197, 205 (1985)). It reflects a legislative decision that religious and educational uses are important to the state and should be “free from local interference.” *Crossing Over, Inc. v. City of Fitchburg*, 98 Mass. App. Ct. 822, 829 (2020). At the same time, the Dover Amendment expressly allows certain kinds of reasonable regulation of protected uses, creating a balance between “legitimate municipal concerns that typically find expression in local zoning laws” and the ability of religious and educational nonprofits to carry out their work. *Hume Lake*, 492 Mass. at 194 (citing *Trustees of Tufts College v. Medford*, 415 Mass. 753, 757 (1993)).

What is the legal test for determining whether a use is a religious or educational use protected by the Dover Amendment?

A proposed use of land or structures is protected by the Dover Amendment if both of the following are true:

1. The land is owned or leased by a “religious sect or denomination,” a “nonprofit educational corporation,” or the Commonwealth or one of its agencies, subdivisions or bodies politic;
2. A bona fide religiously or educationally significant goal is the primary or dominant purpose for which the land or structure will be used.

See G.L. c. 40A, § 3, par. 2. *See also, e.g., Hume Lake*, 492 Mass. at 195; *Regis College v. Town of Weston*, 462 Mass. 280, 285 (2012) (quoting *Whitinsville Retirement Society, Inc. v. Northbridge*, 394 Mass. 757, 760 (1985)).

What qualifies as a “nonprofit educational corporation” under the Dover Amendment?

A nonprofit organization does not need to look like a traditional school or have education as its primary goal or purpose to qualify as a “nonprofit educational corporation” under the first prong of the Dover Amendment test. *Gardner-Athol Area Mental Health Association, Inc. v. Zoning Board of Appeals of Gardner*, 401 Mass. 12, 16 (1987); *see also Regis Coll.*, 462 Mass. at 285. So long as a nonprofit corporation’s articles of organization allow it to engage in educational activities, the organization is considered “educational” for Dover Amendment purposes. *Gardner-Athol*, 401 Mass. at 15-16 (citing *Worcester County Christian Communications, Inc. v. Board of Appeals of Spencer*, 22 Mass. App. Ct. 83, 87 (1986)). The articles of organization of nonprofit corporations, including out-of-state corporations doing business in Massachusetts, are filed with the Secretary of the Commonwealth and available at <https://www.sec.state.ma.us/divisions/corporations/corporations.htm>.

What qualifies as a “religious sect or denomination” under the Dover Amendment?

Unlike an educational organization, a religious group need not be organized as a nonprofit corporation in order to seek protection under the Dover Amendment. G.L. c. 40A, § 3, second par.

Where a religious group is in fact registered as a nonprofit corporation, then it will satisfy the first prong of the Dover Amendment test if its articles of organization authorize it to engage in the religious (or educational activity) it proposes at a site. *See, e.g., Hume Lake Christian Camps, Inc. vs. Sawyer*, Case. No. 19 MISC 000386, 2022 WL 1256666, at *13 (Mass. Land Ct. Apr. 27, 2022), *rev’d on other grounds, Hume Lake Christian Camps*, 492 Mass. at 188 (an organization is a “religious sect or denomination” under the Dover Amendment if “its articles of

organization allow it to engage in religious activities”); *Timothy Hill Children's Ranch, Inc. v. Webb*, Case Nos. 08 MISC 382531, 09 MISC 404144, and 09 MISC 404850, 2012 WL 444018, at *9 (Mass. Land Ct. Feb. 10, 2012) (camp operator is “religious” under Dover where its articles of organization authorize it to “operate an educational outdoor camp to teach children and families leadership skills and life skills with a spiritual foundation which includes bible studies and church services”). Where a religious group is not organized as a nonprofit corporation, a subjective, good faith “system of belief, concerning more than the earthly and temporal, to which the adherent is faithful” may be sufficient for Dover Amendment purposes. *Needham Pastoral Counseling Center, Inc. v. Board of Appeals of Needham*, 29 Mass. App. Ct. 31, 34 (1990) (discussing but not deciding question of how to define “religion” in a Dover Amendment case). The definition of a religious sect or denomination may also be impacted by developments in federal law. See, e.g., *Catholic Charities Bureau, Inc. v. Wisconsin Labor and Industries Review Commission*, United States Supreme Court Case No. 24-154 (pending as of March 2025) (addressing role of state government in defining whether group is “operated primarily for religious purposes”).

What is an “educationally significant goal”?

Under Massachusetts law, “education” is a “broad and comprehensive term” that is not limited to “traditional or conventional educational regimes.” *Regis Coll.*, 462 Mass. at 285 (citing *Mount Hermon Boys’ School v. Gill*, 145 Mass. 139, 146 (1887)). Instead, education is understood broadly as “the process of developing and training the powers and capabilities of human beings” and “preparing persons for activity and usefulness in life.” *McLean Hospital Corp. v. Town of Lincoln*, 483 Mass. 215, 220 (2019) (quoting *Mount Hermon Boys’ Sch.* at 146 and *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869, 875 (1980)).

As a result, in the context of the second prong of the Dover Amendment test, “[e]ducationally significant” uses are not “limited only to those facilities closely analogous to traditional schools and colleges.” *McLean Hosp.*, 483 Mass. at 220 (quoting *Regis Coll.*, 462 Mass. at 286). Similarly, whether a use is educational “does not, and should not, turn on an assessment of the population it serves.” *McLean Hosp.*, 483 Mass. at 222. Instead, courts have found an “educationally significant goal” for purposes of the Dover Amendment when, for example:

- the curriculum is narrowly targeted to serve the special needs of a particular population, contains therapeutic or other nonacademic training methods, or is delivered in a manner other than through classroom instruction;
- program participants do not resemble traditional school students in their demographic characteristics or educational goals;
- the program includes a residential or medical component; or
- an ancillary structure like a parking garage, or a recreational facility like a baseball field, supports the work of an educational institution.

The following cases illustrate the courts' generous interpretation of the "educationally significant goal" requirement. While this guidance separates these cases into categories for convenience, there is often overlap among the types of programs offered in each case.

Residential programs delivering targeted education and training to unique populations

Substance abuse treatment programs

- *Stanley Street Treatment & Resources v. City of Fall River*, Case No. 2273CV00372, 2024 WL 493561 (Mass. Super. Jan. 3, 2024). Residential substance abuse treatment program "offering 24-hour care in a structured environment," including relapse and overdose prevention counseling and education, HIV testing and education, TB testing and education, and tobacco use counseling and education. Program was led by social workers and drug treatment counselors; was founded on dialectical and cognitive behavioral therapy and motivational interviewing; and included both individualized treatment plans and group "education on harm reduction, tobacco cessation, life skills management, setting goals, gender identity, positive thinking, managing anxiety, relapse prevention strategies, coping skills, twelve step models, and understanding addiction and recovery."
- *Spectrum Health Sys. Inc. v. Framingham Zoning Bd. of Appeals*, Case No. 240789 (Mass. Land Ct. May 21, 1999). Facility providing substance abuse rehabilitation and mental health counseling services, with methadone administration for some participants.

Transitional programs for people experiencing homelessness

- *Brockton Coalition for Homeless v. Tonis*, Case No. 03-00226, 2004 WL 810296 (Mass. Super. Mar. 5, 2004). Temporary housing with education designed to "assist homeless families in obtaining permanent housing and in becoming economically and socially independent," including classes, group activities, and individual coaching and assistance with topics ranging from life skills regarding housing, employment, and personal finance to parenting through homelessness and coping with domestic violence.
- *Congregation of the Sisters of St. Joseph of Boston v. Town of Framingham*, Case No. 194216, 1994 WL 16193868 (Mass. Land Ct. Mar. 31, 1994). Residence with classrooms for educational programming to teach "homeless families, single mothers, persons with AIDS and other physical disabilities such as deafness and blindness, and persons recovering from addictive habits...how to care and provide for themselves and their families." Programming included basic life skills like housekeeping, budgeting, and childcare; vocational and job search training; and personal health care, with "adjunct counseling services as needed to support these educational programs."

Programs where education is integral to mental health treatment

- *McLean Hospital Corp. v. Lincoln*, 483 Mass. 215 (2019). Residential program for adolescent males experiencing "severe emotional dysregulation." The program, run by a psychiatric hospital, would offer a "skills-based curriculum" based on dialectical behavioral therapy over the course of 60 to 120 days and help resident participants "to

develop the emotional and social skills necessary to return to their communities to lead useful, productive lives.”

- *Harbor Schools, Inc. v. Board of Appeals of Haverhill*, 5 Mass. App. Ct. 600 (1977). Residential facility providing academic instruction in traditional academic subjects as well as therapeutic and rehabilitation support to teens with special needs (“‘Education’ and ‘rehabilitation’...are not mutually exclusive.”).
- *Caldeira v. Levesque*, Case No. 197854 (Mass. Land Ct. Oct. 13, 1995). Residential facility for adolescents who have been removed from their homes after sexual and/or physical abuse. Residents attend school separately but receive education and training on “social skills, academic skills, conflict resolution, depression control, and the like” at the residence.

Re-entry programs for people leaving institutions/incarceration

- *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869 (1980). “Step down” residential facility for adults who were formerly institutionalized in psychiatric hospitals. Run by a mental health organization and staffed by social service workers, the facility would offer medical treatment as well as a “training program aimed at developing or learning social and interpersonal skills” to support eventual independent living.
- *MJ Operations, LLC v. Middleborough Zoning Board of Appeals, et al.*, Case No. 23 MISC 000458, 2025 WL 643720 (Mass. Land Ct. Feb. 21, 2025) (appeal taken March 2025). Twelve to 18-month residential program for formerly incarcerated people and other “disadvantaged and marginalized members of society” to receive “education and training in life and job skills” through “on-site education and training programs that are intended to assist participants with selecting and securing for full or part-time employment off-site and, eventually, becoming fully independent.”
- *Austen Riggs Ctr., Inc. v. Considine*, Case No. 288451, 2004 WL 1392279 (Mass. Land Ct. June 22, 2004). “Step down” facility aimed at helping people formerly institutionalized in psychiatric hospitals to develop independent living skills, with twice weekly program meetings and weekly workshops on vocational, interpersonal, and other life skills topics.

Longer term supportive housing programs

- *Campbell v. City Council of Lynn*, 32 Mass. App. Ct. 152 (1992), aff’d in part on other grounds, 415 Mass. 772 (1992). Group residence for elders with mental illness, run by senior services agency and providing “instruction in the activities of daily living” and “a basic understanding of how to cope with everyday problems and to maintain oneself in society.”

- *Watros v. Greater Lynn Mental Health and Retardation Ass'n, Inc.*, 421 Mass. 106 (1995). Barn on residential property to be renovated and “used to provide shelter and education for three mentally handicapped individuals and their caretakers” under a lease with a local nonprofit.
- *Gardner-Athol Area Mental Health Association, Inc. v. Zoning Board of Appeals of Gardner*, 401 Mass. 12 (1987). Residential care facility for four adults with mental disabilities offering training in “daily living, as well as vocational skills, with the goal of preparing them for more independent living.”
- *Seven Hills Cmty. Servs. v. Town of Saugus*, Case No. 278982 (Mass. Land Ct. Apr. 22, 2003). Residential facility for developmentally disabled adults with skill building in daily life activities like housekeeping, personal care, and meal preparation. Residents learn to become “as independent as possible in all facets of their lives so they may become contributing members of society.”

Vocational and technical skills training programs

- *Arts Empowering Life, Inc. vs. Judd*, Case No. 15 MISC 000373, 2017 WL 2721186 (Mass. Land Ct. June 23, 2017). Facility for teaching of percussion by a prestigious youth music school.
- *City of Worcester v. New England Institute & New England School of Accounting, Inc., et al.*, 335 Mass. 486 (1957). Professional school for accountants with vocational training in skills like typing and stenography.
- *But see Metrowest YMCA, Inc. vs. Hopkinton*, Case No. 287240, 2006 WL 1881885 (Mass. Land Ct. July 10, 2006). YMCA gym not covered where “[t]he overwhelming majority of those who use the Hopkinton site receive no instruction, and those that do, mostly receive it in connection with sports and exercise activities.”

Educational components of senior living communities

- *Regis College v. Town of Weston*, 462 Mass. 280 (2012). Requirement that residents of a residential community for older adults complete two college courses per semester on the adjacent campus while receiving individualized academic advising and curriculum planning and gaining opportunities to participate in both classes and extracurricular activities with degree-seeking college students could serve an educational purpose: “the promotion of the cognitive and physical well-being of elderly persons through academic and physical instruction.”

Ancillary structures affiliated with and supporting educational institutions

Parking

- *Trustees of Tufts Coll. v. City of Medford*, 415 Mass. 753 (1993)
- *Radcliffe College v. Cambridge*, 350 Mass. 613 (1966)

Dorms

- *Newbury Junior College v. Town of Brookline*, 19 Mass. App. Ct. 197 (1985)
- *Commissioner of Code Inspection of Worcester v. Worcester Dynamy, Inc.*, 11 Mass. App. Ct. 97 (1980)
- *The Bible Speaks v. Board of Appeals of Lenox*, 8 Mass. App. Ct. 19 (1979)

Athletic facilities

- *The Bible Speaks v. Board of Appeals of Lenox*, 8 Mass. App. Ct. 19 (1979)
- *Martha's Vineyard Reg'l Sch. Dist. vs. Oak Bluffs Planning Bd.*, Case No. 22 MISC 000294, 2023 WL 5704480 (Mass. Land Ct. Sept. 5, 2023)

What is a “religiously significant” goal?

As in the education context, Massachusetts courts have taken an expansive view of what is religiously significant under the second prong of the Dover Amendment test. A use qualifies as religiously significant if it is “something in aid of a system of faith and worship.” *Martin v. Corp. of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints*, 434 Mass. 141, 150 (2001). Religiously significant uses “encompass more than just ‘typical’ religious uses, such as worship or religious instruction,” and include “accessory uses” that are “components of a broader religious project, and that facilitate the functioning of that project.” *Hume Lake*, 492 Mass. at 196. The use need not be “intrinsically religious” nor a “necessary element” of the particular religion. *Id.* Some examples follow.

- *Hume Lake Christian Camps, Inc. v. Planning Bd. of Monterey*, 492 Mass. 188 (2023). RV park for seasonal staff, volunteers, and family attendees of camp that has evangelical aims and religious content; RV park makes it easier to run and more attractive to attend the camp, and informal religious discussions are expected to occur in park
- *Martin v. Corporation of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints*, 434 Mass. 141 (2001). Church steeple (and adding in dicta that church kitchen or church parking lot would be similarly exempt).
- *Jewish Cemetery Ass'n of Massachusetts, Inc. v. Bd. of Appeals of Wayland*, 85 Mass. App. Ct. 1105, 2104 WL 886907 (2014) (unpublished Rule 1:28 decision). Expansion of Jewish cemetery.
- *But see Needham Pastoral Counseling Center Inc. v. Board of Appeals of Needham*, 29 Mass. App. Ct. 31 (1990). Counseling center that does not proselytize or offer religious content *not* protected under the Dover Amendment.

When is education or religion the “primary” or “dominant” purpose of the proposed land use?

The Dover Amendment applies only if religion or education is the “primary or dominant” purpose for which the land or structures will be used. *Regis College*, 462 Mass. at 285. But *religion or education need not be the only purpose of the program*. It is common for religious or educational goals or activities to be intertwined with other goals and services, including housing, and courts have repeatedly cautioned against attempting to draw fine distinctions between the different aspects of an applicant’s program in assessing whether the Dover Amendment applied. *See, e.g., McLean Hosp.*, 483 Mass. at 220 (declining to attempt to separate “therapeutic” from “educational” aspects of program in assessing whether education was dominant). Similarly, the “primary or dominant” test does not turn on the percentage of the physical space that will be devoted to educational or religious activity, since ancillary structures like parking lots are still Dover-protected. *See, e.g., Tufts Coll.*, 415 Mass. at 757-762 (applying Dover analysis to college parking garage). Rather than taking a “piecemeal approach” or restricting the exemption to single-focus uses, the Dover Amendment requires looking at the use as a whole and ensuring that the educational or religious purpose is not “mere window dressing for a nonexempt use.” *Hume Lake*, 492 Mass. at 195 (internal quotes omitted).

The following cases illustrate how this test has been applied:

- *Hume Lake Christian Camps, Inc. v. Planning Bd. of Monterey*, 492 Mass. 188 (2023). RV park housing seasonal staff, volunteers, and family attendees of camp with evangelical aims and religious content has a primarily religious purpose. RV park makes it easier to run the camp and more attractive to attend it and thereby supports the operator’s evangelical mission.
- *McLean Hospital Corp. v. Town of Lincoln*, 483 Mass. 215 (2019). Residential program of psychiatric hospital that teaches emotional and behavioral skills to adolescents who experience severe emotional dysregulation is primarily educational. Given unique needs of participants, it is inappropriate for local zoning board to attempt to separate what is “educational” from what is “therapeutic” in the program.
- *MJ Operations, LLC v. Middleborough Zoning Board of Appeals, et al.*, Case No. 23 MISC 000458 (Mass. Land Ct. Feb. 21, 2025). Twelve to 18-month residential program is primarily educational rather than residential where it offers multi-format life and job skills training for formerly incarcerated people and others seeking to change their life trajectories and incorporates features of residential life, like paying rent, into curriculum.
- *Brockton Coalition for Homeless v. Tonis*, Case No. CA 03-00226, 2004 WL 810296 (Mass. Super. Mar. 5, 2004). Primary and dominant purpose of temporary shelter for homeless families—“assisting homeless families in obtaining permanent housing and in becoming economically and socially independent”—is educational given the shelter’s structured, mandatory program of life-skills training in various formats.
- *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869 (1980). “Stepdown” residential facility for adults who were formerly institutionalized in

psychiatric hospitals is primarily educational, despite “therapeutic” elements. Run by a mental health organization and staffed by social service workers, the program would offer medical treatment as well as a “training program aimed at developing or learning social and interpersonal skills” to support eventual independent living.

- *Regis College v. Town of Weston*, 462 Mass. 280 (2012). College’s long-term residential community for older adults could be protected by Dover Amendment, but only if college demonstrated at trial that its goals were primarily educational by showing, for example, that residents would be held to the requirement that they complete two college courses per semester on the adjacent campus, that residents’ advising and curriculum plans would be developed in consultation with trained educators, and that residents would be truly socially and academically integrated into the broader college community.

But see:

- *Whitinsville Ret. Soc., Inc. v. Northbridge*, 394 Mass. 757 (1985). Nursing home offering optional courses to residents and giving less healthy residents the opportunity to interact with and thereby learn from healthier ones had “merely an element of education” and was not an “educational use” under the Dover Amendment.
- *Sullivan v. Heritage Plantation of Sandwich, Inc.*, Case No. 1472CV00560, 35 Mass. L. Rptr. 281 (Mass. Super. Sept. 10, 2018). Recreational outdoor activity park that offered brief instruction in the available recreational activities was not primarily educational.

Which local official evaluates whether a use is a religious or educational use protected under the Dover Amendment?

It varies by municipality. Some municipalities have by-laws or ordinances that specify where an applicant for a building permit should first make its claim of Dover protection, and applicants must follow the local rules so long as they are lawful. In other communities, there is no specialized local process.

In some communities, a local ordinance or by-law instructs the proponent of a Dover use to seek a determination of Dover Amendment protection from the designated local zoning enforcement official, who is typically the building inspector or commissioner. *See, e.g.*, City of Framingham Planning Board Rules and Regulations, Section 20.3.1, <https://www.framinghamma.gov/3997/Planning-Board-Rules-and-Regulations>. When in doubt, the zoning enforcement official can consult with the municipality’s lawyer—a wise practice given the extensive case law that governs the Dover Amendment’s scope—and determine whether the use qualifies for Dover protection. This is the default process where a community has not adopted a by-law or ordinance creating a Dover-specific practice.

In other communities, a local ordinance or by-law instructs the applicant to make their claim of Dover protection to a municipal land use board, which will hold a public hearing before making a decision. Given the extensive case law applicable to most Dover Amendment questions, any municipal board considering whether to extend Dover protections to a proposed

religious or educational use should strongly consider involving municipal counsel before and/or during the hearing to ensure that all decisionmakers have the appropriate legal foundation.

This Guidance, in combination with specific local by-laws setting forth the proper trajectory for a claimed Dover use in a particular community, may help members of the public understand how the Dover Amendment applies to a proposed use. Public understanding of the complexities of Dover Amendment exemptions is important to promote both active and informed public engagement at the local level and protection of religious and educational uses from local prejudice and interference.

Initial decisions about Dover protection can be appealed, by appropriate parties, to the local zoning board of appeals. G.L. c. 40A, §§ 8 and 14.

Which local regulations can a city or town impose on a Dover-protected religious or educational use?

A municipality cannot ban or restrict the use of a site for Dover-protected religious or educational activity, either by denying a permit or by putting conditions on the use that make it impossible or impractical to use the site as the applicant intends. While the municipality must not deny or excessively burden the protected use, it may impose “reasonable” dimensional requirements in one of the eight categories listed in the statute, G.L. c. 40A, § 3, second par.:

- bulk and height of structures;
- yard sizes;
- lot area;
- setbacks;
- open space;
- parking; and
- building coverage.

The Dover Amendment does not exempt religious or educational uses from state laws, including state health and safety codes, or from municipal rules that are separately authorized by or intended to enforce state laws. *See Southern New England Conference Ass’n of Seventh-Day Adventists v. Town of Burlington*, 21 Mass. App. Ct. 701, 706-07 (1986) (municipalities are independently empowered by state environmental law to regulate wetlands, and the Dover Amendment’s zoning exemption therefore does not apply regardless of whether the wetlands rules are incorporated into the local zoning code); *Spectrum Health Sys., Inc. v. City of Lawrence*, Case No. 1577CV00288 (Mass. Super. Ct. Mar. 9, 2015) (“[D]espite the language of the statute, the city [c]an also reasonably require Spectrum to comply with the provisions of the state’s building, health and safety codes.”).

What does it mean for a local zoning rule to be “reasonable” when applied to a Dover-protected religious or educational use?

It is unreasonable—and therefore not lawful—for a municipality to impose a local zoning regulation on a Dover-protected religious or educational use unless *all of the following* are true:

1. The rule concerns one of the eight dimensional restrictions specifically listed in the statute;
2. The rule otherwise applies to similar uses in the same zoning district; *and*
3. Applying the rule would not, in purpose or effect, nullify the use or excessively burden the use without sufficient benefit to the legitimate interests that the municipality typically protects through its zoning.

The threshold question for a municipality seeking to regulate a Dover-protected religious and educational use is therefore whether the rule it seeks to impose is an otherwise applicable dimensional regulation of the land or structures in one of the eight categories listed in the Dover Amendments second paragraph. If it is not, then the rule cannot be applied to the protected religious or educational use. *See, e.g., Darish v. Needham Zoning Board of Appeals*, Case No. 24 MISC 000097, 2024 WL 5205565, at *9 (Mass. Land. Ct. Dec. 24, 2024) (town cannot require landscaped transition area even if it “concerns” open space in some manner, because it is not the kind of “dimensional” regulation the Dover Amendment allows); *Martha’s Vineyard Reg’l Sch. Dist.*, 2023 WL 5704480, at *5 (town cannot apply local groundwater protection by-law to school’s athletic field because groundwater protection is not one of the “dimensional” regulations allowed by the Dover Amendment and, unlike wetlands protection, is not separately derived from state law); *Primrose School Franchising Co. v. Town of Natick*, Case No. 12 MISC 459243, 2015 WL 3477072, at *9 (Mass. Land Ct. May 29, 2015) (school enrollment cannot be capped to address traffic impacts of childcare center on surrounding neighborhood, because neighborhood traffic is outside the scope of permissible dimensional regulation of the use site itself); *Brockton Area Multi-Servs., Inc. vs. Lundberg*, Case No. 330728, 2008 WL 4000903, at *7 (Mass. Land Ct. Aug. 28, 2008) (blocking expansion of educational programming into third floor of existing building is not a permissible dimensional regulation of the building’s “height” but an impermissible regulation of its use). *See also Tracer Lane*, 489 Mass. at 780 (the “statutory protections for land use for education, religion, and childcare...allow only for reasonable regulations on such matters as bulk and height”).

If the municipal regulation falls into one of the eight permissible categories, then the municipality must determine whether the rule is reasonable *when applied to the use*. Reasonableness “will depend on the particular facts of each case,” *Tufts Coll.*, 415 Mass. at 759, but the following general rules apply:

The local rule cannot be applied if it would nullify the Dover-protected use.

A municipality cannot impose any zoning regulation—even one listed in the statute—if it would “nullify” the protected use, *i.e.*, if following the rule would be impossible or so difficult that the rule would have the effect of prohibiting the use. *See Sisters of Holy Cross of Mass. v. Town of Brookline*, 347 Mass. 486, 494 (1964) (town cannot apply dimensional requirements for

single-family homes to college dorms in same neighborhood because restrictions would virtually nullify Dover protection); *Campbell*, 415 Mass. at 779 (applying bulk and dimensional requirements would nullify Dover Amendment protection of an educational use where building to be used as a group home already occupied most of its small lot); *Caldeira* (Mass. Land Ct. Oct. 3, 1995) (in Dover-protected residential educational facility for adolescent victims of physical or sexual abuse, “dimensional regulation that has the effect of prohibiting or unreasonably limiting the use for educational purposes shall not be given effect”).

The local rule cannot be applied if the financial and other costs of compliance would outweigh the benefits to the municipality.

If a regulation is expressly allowed by the statute and would not “nullify” the use, the Dover Amendment still requires the municipality to balance the municipal interest in applying the rule with the burden imposed on the protected use. If the local regulation will “substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the [property], without appreciably advancing the municipality’s legitimate concerns,” the rule will be considered unreasonable as applied to the project. *Tufts Coll.*, 415 Mass. at 757, 759.

Among other things, in deciding whether it may lawfully impose a zoning rule on a Dover-protected use, the municipality must consider the applicant’s financial burden of complying with the rule and assess whether compliance is necessary under the circumstances. “Excessive cost of compliance...without significant gain in terms of municipal concerns” renders a rule unreasonable as applied to a Dover-protected use. *Tufts Coll.*, 415 Mass. at 759-60. It is important to note that “[p]articulated proof as to cost of compliance is not required in every case.” *Rogers v. Norfolk*, 432 Mass. 374, 385 (2000) (internal quotation marks omitted). Instead, “the central question is whether application of the...requirement to the[] proposed project furthers a legitimate municipal concern to a sufficient extent to warrant requiring the [applicant] to alter her plans.” *Id.* See also *Radcliffe Coll.*, 350 Mass. at 619 (City may apply off-street parking requirement to campus expansion, but only as far as required new parking is proportional to any increase in car traffic attributable to the project); *Petrucci*, 45 Mass. App. Ct. at 825-27 (under *Tufts* test, it is unreasonable to apply local setback rules to childcare facility operating in barn where barn would have to be relocated on lot to conform to setbacks); *Austen Riggs Ctr.*, 2004 WL 1392279, at *5 (dimensional requirements could not reasonably be applied to a pre-existing non-conforming structure where applicant demonstrated that “compliance with the dimensional requirements will require the existing structure to be torn down and it would be impossible to replace it with a conforming structure for educational purposes” and there was no showing that requiring compliance would “advance the municipality’s legitimate concerns.”).

Similarly, “matters of aesthetic and architectural beauty” may be part of the “character” of land or structures, and so local zoning requirements that regulate them without a sufficient municipal justification can be unreasonable. *Martin*, 434 Mass. at 152 (citing *Petrucci*, 45 Mass. App. Ct. at 826-27) (Dover Amendment precluded application of zoning ordinance that would “disturb the sense of the building’s continuity” and ruin its “architectural integrity”). See also *Trustees of Boston College v. Bd. of Aldermen of Newton*, 58 Mass. App. Ct. 794, 804 (2003) (application of height and story requirements deemed unreasonable where it would bar college from hiding mechanical equipment under Gothic-style false roof matching rest of campus).

The local rule cannot have the effect of subjecting the use to discretionary approvals.

A municipality cannot impose a regulation that would have the effect of forcing a protected educational or religious use to obtain discretionary zoning relief, like a special permit, variance, or waiver. Eliminating local discretion to interfere with a protected use is at the heart of the Dover Amendment. If imposing an otherwise permissible dimensional regulation on a Dover-protected use would trigger a requirement that the project obtain a variance or other discretionary zoning relief, the regulation will be deemed unreasonable and invalid as applied to the use. *See Boston Coll.*, 58 Mass. App. Ct. at 802 (city's floor-area-ratio requirement cannot be applied to college campus where campus already exceeded FAR limit and zoning ordinance required special permit for any noncompliant construction).

The local rule cannot discriminate against the Dover-protected use.

Zoning laws that “facially discriminate” against religious and educational uses are invalid. *Trustees of Tufts College v. City of Medford*, 33 Mass. App. Ct. 580, 581 (1992), *aff'd*, 415 Mass. 753, (1993). Moreover, an otherwise permissible restriction would be unreasonable if it were applied only, or more stringently, to a religious and/or educational use.

How should a municipality decide which local zoning regulations are “reasonable” when applied to a religious or educational use protected under the Dover Amendment?

In some communities, the local zoning enforcement official (generally the building inspector or commissioner) determines which of the local zoning rules are lawful when applied to a Dover-protected use. The zoning enforcement official can consult with municipal counsel and ensure that the inquiry is properly cabined and does not venture into the type of discretion that the Dover Amendment prohibits but that might be more common in other contexts. *See Bay Farm Montessori Academy v. Duxbury*, Case No. 329566, 2007 WL 6954812 (Mass. Land Ct. May 25, 2007) (“The legitimate municipal concerns manifested in local zoning by-laws are properly served by the involvement of the zoning enforcement officer, rather than the exercise of discretion by an elected or appointed board. The zoning enforcement office is charged with the statutory responsibility to determine what is a reasonable regulation of an educational use.”), *aff'd* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision). In other communities, a municipal land use board conducts the assessment at a public hearing. In both cases, decisions may be appealed to the local board of appeals.

Regardless of the local procedure, a municipality seeking to impose conditions on a Dover-protected use should be specific and transparent in its decision-making and should make clear how, in imposing conditions on the use, the municipality has “str[uck] a balance between preventing local discrimination against an educational use and legitimate municipal goals advanced by reasonable zoning regulations.” *Sharon Bd. of Library Trustees vs. Brahmachari*, Case No. 20 MISC 000525, 2021 WL 4059907, at *4 (Mass. Land Ct. Sept. 2, 2021).

Can a municipality require the proponent of a Dover-protected religious or educational use to obtain a special permit?

No. Any process that gives the municipality discretion over the use of land or structures for religious or educational purposes is prohibited. A special permit is inherently discretionary. G.L. c. 40A, § 9. In addition, in some cases, obtaining a special permit requires showing that a use meets criteria that are impermissible under the Dover Amendment. *See, e.g.*, G.L. c. 40A, § 9, seventh par. (requiring that any reduction in parking requirements be shown to serve the public good).

Because a municipality does not have discretion to deny a special permit to a Dover-protected religious or educational use, the municipality cannot require a Dover project to go through the rigors of the special permit process or obtain a special permit before moving forward with the use. *See Campbell*, 415 Mass. at 775 & n. 5 (“As a general rule, a municipality cannot condition the use of property for an educational purpose on the grant of a special permit”); *Tufts Coll.*, 415 Mass. at 765 (“A local zoning law that improperly restricts an educational use by invalid means, such as by special permit process, may be challenged as invalid in all circumstances”); *The Bible Speaks*, 8 Mass. App. Ct. at 33 (municipal process that introduces discretionary review, “as a practical matter, enables the town to exercise its preferences as to what kind of educational or religious denominations it will welcome, the very kind of restrictive attitude which the Dover Amendment was intended to foreclose”); *Boston Coll.*, 58 Mass. App. Ct. at 802 & n.19 (city cannot require college to obtain G.L. c. 40A, § 6, finding through special permit process where rezoning rendered entire section of campus nonconforming to FAR limits and thus subject to special permit requirement; special permit processes “offend the spirit, if not the letter, of the Dover Amendment”); *Jewish Cemetery Ass'n of Mass.*, 85 Mass. App. Ct. 1105 2014 WL 886907 (development of site for Jewish cemetery is religious use and therefore exempt from special permit requirement for earth removal). *See also Bay Farm Montessori*, 2007 WL 6954812, at *2, *aff'd* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision) (invalidating site plan review that went beyond reasonable regulations specified in Dover Amendment and introduced discretionary decision making by planning board); *Forster v. Bd. of Appeals of Belmont*, 60 Mass. App. Ct. 1118, 2004 WL 323545, at *3 (Feb. 20, 2004) (unpublished Rule 1:28 decision) (affirming dismissal of neighbors’ appeal of decision by local board of appeals to allow school’s athletic field lights to exceed height requirement without regard to special permit requirement in zoning by-law; under Dover Amendment, board lacked discretion to limit height where necessary to the educational use).

Can a municipality require a religious or educational use to go through site plan review?

Yes, but only if the site plan review is limited to assessing whether one or more of the eight categories of permissible regulation may be imposed reasonably on the Dover-protected use in a manner that does not prohibit or unduly burden the use. *Y.D. Dugout, Inc. v. Bd. of Appeals of Canton*, 357 Mass. 25, 31 (1970) (site plan approval acts as a method for reasonably regulating as-of-right uses rather than for prohibiting them). Where site plan review is limited to an assessment of what may constitute “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements,” G.L. c. 40A, § 3, second par., it is permissible. *See Jewish Cemetery*

Ass'n of Mass., 2014 WL 886907 (site plan review by building commissioner appropriate where limited to reasonable regulations permitted under Dover Amendment); *see also, e.g.*, Town of Westford Zoning By-law (2025), §§ 9.4.2 and 9.4.7.2 (outlining special, limited site plan review process for Dover Amendment uses).

On the other hand, requiring a Dover Amendment project to go through a site plan review process that looks beyond the permissible factors or introduces any discretion over the use of the land is unlawful. *See Bay Farm Montessori*, 2007 WL 6954812, at *2-3, *aff'd* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision). *See also The Bible Speaks*, 8 Mass. App. Ct. at 33 (town cannot require applicant to submit site plan and “informational statement” with details about its landscaping plans, projections about the increased impact on municipal services, and other details outside the scope of what the town could lawfully regulate under the Dover Amendment); *Watros*, 421 Mass. at 115 (zoning restrictions other than those allowed by the statute do not apply to a Dover Amendment use).

What procedure should a municipality follow if the Dover-protected use will result in alteration or expansion of a pre-existing nonconforming structure or use?

At times, a religious or educational use will be proposed in a structure that is “nonconforming” to zoning or will replace an existing nonconforming use. A structure or use is considered “nonconforming” when it violates current zoning rules but is excused from complying with them because it pre-dates them.

Under ordinary circumstances, a pre-existing nonconforming structure or use cannot be extended or altered “unless there is a finding...that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood.” G.L. c. 40A, § 6. But religious and educational uses are exempt from zoning requirements that prohibit them, create substantial burdens, or fall outside the eight permissible categories of reasonable regulation outlined in the Dover Amendment. As a result, Dover projects are often exempt from whatever regulation would otherwise create a nonconformity and therefore do not need any “Section 6 finding” to proceed. *See Watros*, 421 Mass. at 115 (nonconforming accessory structure used as barn can be used as congregate living facility for adults with disabilities and program staff without Section 6 finding because Dover Amendment exempts that use from local zoning rules that create nonconformity for barn). Put another way, a Dover-protected use is not “nonconforming” to any zoning by-law that cannot lawfully be imposed on it and therefore is neither extending nor altering any nonconformity. *Id.*

In practice, therefore, G.L. c. 40A, § 6, does not apply where a Dover-protected use will merely move into an existing structure, despite the nonconformity of the structure or its existing use. *Campbell*, 415 Mass. at 777, n. 6 (change of use in existing nonconforming structure does not require a finding under § 6 because of § 3’s use protection). In these circumstances, the municipality cannot require a “Section 6 finding” that the Dover-protected use will “not be substantially more detrimental...to the neighborhood.” G.L. c. 40A, § 6. The use cannot be denied or based on such neighborhood effects or conditioned on mitigating them.

By the same logic, where changes to structures are necessary to enable a Dover-protected use to proceed, or where it would be unlawful or unreasonable to apply the regulations creating a nonconformity to a particular Dover-protected use, no Section 6 finding is required. *See Petrucci v. Bd. of Appeals of Westwood*, 45 Mass. App. Ct. at 824-27. *See also Ellsworth vs. Mansfield*, Case No. 08 MISC 382311, 2011 WL 3198174, at *4 (Mass. Land Ct. July 25, 2011) (no Section 6 finding required because “effectively, G.L. c. 40A, § 3 removes the non-conformity (the lack of frontage) because it would not be a ‘reasonable regulation’ of the proposed school in these circumstances”).

Where a Dover applicant proposes to alter a nonconforming structure in a manner that can lawfully be regulated by the municipality under the Dover Amendment—*i.e.*, where the alteration of the structure triggers a zoning regulation that both falls into one of the eight categories of permissible regulation of religious and educational uses *and* can be reasonably applied without excessively burdening the use—then a Section 6 finding might be required as to that alteration – but not as to the use itself. *See Boston Coll.*, 58 Mass. App. Ct. at 802-803 (applying Dover Amendment analysis to redevelopment of preexisting nonconforming building on campus). In these circumstances, the Section 6 neighborhood-impacts analysis effectively folds into the “municipal interest” prong of the Dover Amendment reasonableness test and must be balanced with the impact on the protected use. *See Tufts Coll.*, 415 Mass. at 757, 759-60 (local regulation is unreasonable as applied to a religious or educational use if it will “substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the [property], without appreciably advancing the municipality’s legitimate concerns”). No special permit can be required, even where local by-laws prescribe a special permit process for Section 6 findings. *Boston Coll.*, 58 Mass. App. Ct. at 802 & n.19.

Can a municipality require impact studies or “mitigation” fees or measures as a condition of permitting a Dover-protected educational or religious use?

Not unless the studies are necessary for the municipality to act in areas of statutorily authorized regulation. A religious or educational use protected under the Dover Amendment may very well have local impacts, including adding foot or automobile traffic or increasing the potential demand on municipal services like trash collection or law enforcement. A municipality cannot condition a use protected by the Dover Amendment on an applicant’s agreement to mitigate these effects, unless they fall into one of the eight categories of municipal regulation authorized by the statute, G.L. 40A, § 3, second para. Even in areas of permissible regulation, any mitigation required must be proportionate to the actual local impacts. *See Radcliffe Coll.*, 350 Mass. at 619 (city may apply off-street parking requirement to campus expansion, but only as far as required new parking is proportional to any increase in car traffic attributable to the project). *See also Sheetz v. County of El Dorado*, 601 U.S. 267 (2024) (“legislatively prescribed monetary fees,” such as those established by by-law or regulation, must meet the “essential nexus” and “rough proportionality” test of *Nollan v. California Coastal Comm’n*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994)).

For the same reasons, it is unlawful for a municipality to require the proponent of a protected religious or educational use to produce studies measuring the projected impact of the project on the neighborhood or municipality, unless a study is necessary to inform a decision about a regulation that can lawfully be imposed on the project. Questions about the fiscal impact

of a project on municipal services like public education for school-age children or neighborhood impacts like increased traffic are not relevant to the assessment of “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” Because such impacts cannot lead either to allowable regulations or to the prohibition of a use, they are not appropriate subjects for municipal consideration in the context of a Dover-protected religious or educational use. The fiscal effect of adding school children to the local population is an inappropriate subject for zoning consideration in any event. *See Bevilacqua Co. v. Lundberg*, Case No. 19 MISC 000516, 2020 WL 6439581, at *8–9 (Mass. Land Ct. Nov. 2, 2020), judgment entered, No. 19 MISC 000516 (HPS), 2020 WL 6441322 (Mass. Land Ct. Nov. 2, 2020) (because municipality must provide “fundamental public services” to public regardless of their ability to pay, considering whether an applicant for zoning relief would be a drain on municipal resources is inappropriate, particularly in the case of schoolchildren) and *160 Moulton Drive LLC v. Shaffer*, No. 18 MISC 000688 (RBF), 2020 WL 7319366, at *13-15 (Mass. Land Ct. Dec. 11, 2020), judgment entered, No. 18 MISC 000688 (RBF), 2020 WL 7324778 (Mass. Land Ct. Dec. 11, 2020) (same).

Can municipal decisions on Dover Amendment projects be challenged in court?

A “person aggrieved” by a decision of a local zoning board of appeals or special permit granting authority can appeal the decision in either the Land Court or the Superior Court. G.L. c. 40A, § 17. Not every person unhappy with the decision is a “person aggrieved” who can challenge the decision in court. A case can be brought only by 1) the original parties to the zoning board appeal, including the Dover applicant, or 2) a person who “sufficiently allege[s]” and “plausibly demonstrate[s]” through “credible evidence” a “measurable injury, which is special and different to [them], to a private legal interest that will likely flow from the decision.” *Id.*, third par. The standing requirement for nonparties was made more stringent in 2024, and project opponents now face a heavier burden to establish standing. St. 2024, c. 150, Section 11 (amending standing requirement for appeals of zoning decisions under G.L. c. 40A, § 17).

In addition, a person who brings a case challenging an approved special permit, variance, or site plan can be ordered to pay a bond of up to \$250,000 “if the court finds that the harm to the defendant or to the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs.” *Id.* A bond can be required even if the appeal is brought in good faith. Moreover, a party who appeals a zoning decision “in bad faith or with malice” can be ordered to pay the other parties’ costs, including reasonable attorneys’ fees, at the end of the case. G.L. c. 40A, § 17, sixth par.

Do state and federal fair housing laws apply to municipal decisions on Dover-protected religious and educational uses of land?

Yes. State and federal fair housing laws apply to municipal zoning and land use decisions. If a Dover-protected religious or educational use includes a residential component, the municipality’s approval process and decisions must comply with the Federal Fair Housing Act, 42 U.S.C. §§ 3601-3619, among other fair housing laws. The Fair Housing Act makes it unlawful to “make unavailable or deny” housing on the basis of a protected characteristic like

race, disability, or the presence of children. 42 U.S.C. § 3604. It is also unlawful “to coerce, intimidate, threaten, or interfere with” the exercise of fair housing rights or attempts to assist another person in exercising or enjoying such rights. 42 U.S.C. § 3617. *See also* G.L. c. 151B, § 4(4A) (state law equivalent); § 4(5) (making it unlawful for “any person” to “aid, abet, incite, compel or coerce” unlawful discriminatory conduct or attempt to do so); 804 C.M.R. § 2.01. In 2016, the U.S. Department of Housing and Urban Development and the Department of Justice published information for the public on the application of the Fair Housing Act in the zoning context. *See* HUD/DOJ Joint Statement on State and Local Land Use Laws and Practices and the Application of the Fair Housing Act (Nov. 10, 2016) (the “HUD/DOJ Statement”) (<https://www.justice.gov/crt/page/file/909956/dl?inline=>). The HUD/DOJ Statement summarizes several decades of federal case law interpreting the Fair Housing Act in the zoning and land use context and offers a useful guide to understanding the topic.

The fair housing laws prohibit both intentional discriminatory treatment and facially neutral policies that have unjustified discriminatory effects. Intentional discrimination occurs when a municipality or municipal officials treat a project differently because of a protected characteristic of either the permit applicant or the likely residents of the housing. Intentional discrimination can occur when municipal officials act on community bias, even if the officials themselves do not feel animus or hold prejudicial views. HUD/DOJ Statement at p. 3-4.

In one local Fair Housing Act case, *South Middlesex Opportunity Council, Inc. v. Framingham*, 752 F. Supp. 2d 85 (D. Mass. 2010), both the town and individual town officials faced claims of fair housing violations and defamation in connection with their attempts to delay and ultimately stymie the siting of supportive housing for people with disabilities. While the applicant in *South Middlesex* ultimately received a permit, it was subjected to more hearings and layers of process, over a longer period, than was normal and required. *Id.* at 97-98, 100-01. Town officials who opposed the project became involved in decisions outside their official purview. *Id.* at 98-99, 101-02. The Planning Board held repeated and lengthy public comment sessions, allowing comment on matters outside of those necessary for the Dover Amendment analysis. *Id.* at 97-102. All of these factors led the judge to find sufficient evidence for a jury to find intentional discrimination and deny the municipal defendants’ motions for summary judgment. *Id.* The court rejected the individual officials’ claims that they were immune from suit due to their official roles, even if the officials themselves did not hold discriminatory views and were only acting on the unlawful biases of town residents. *Id.* at 110-13. *See also* G.L. c. 40A, § 3, fourth par. (Under separate paragraph of Dover Amendment, municipalities cannot treat people with disabilities differently and specifically must treat congregate living arrangements among people with disabilities as they would families or other similarly sized groups of unrelated persons.) *Id.*; *BAK Realty, LLC v. Fitchburg*, 495 Mass. 587 (2025).

A discriminatory treatment claim can also be based on the protected characteristics of the developer of a project rather than its likely residents, as illustrated by another recent Massachusetts case. *See Valentin v. Town of Natick*, 633 F.Supp.3d 366, 371-73 (D. Mass. 2022) (denying town’s motion to dismiss Black developers’ Fair Housing Act claim where town planning board initially voiced approval of project but reversed after opposition movement to project arose, town board held approximately 29 hearings about project over 16 months, members of neighborhood opposition group made racist comments, and town board rejected town counsel’s opinion that project met requirements of bylaw).

Unlawful discrimination can occur even in cases where there is no intentional discrimination. A zoning or land use policy violates the Fair Housing Act where it has a substantial discriminatory effect on protected groups without a sufficient municipal justification. *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015).

Fair housing and other civil rights laws also require a municipality to make zoning-related reasonable accommodations for people with disabilities. If a change to the application of a rule, policy, or practice is necessary to afford people with disabilities an equal opportunity to use and enjoy a residential facility or program and it would not be an undue burden on the municipality to make the change, then civil rights laws may impose limitations on municipal zoning decisions beyond the Dover Amendment.

A municipality or municipal officials found liable for violating fair housing laws can be ordered to pay actual and punitive damages as well as the plaintiff's attorneys' fees. A court can also award injunctive relief. 42 U.S.C. § 3613(c). See also G.L. c. 151B, § 9 (providing for actual and punitive damages and mandatory attorney fee shifting "unless special circumstances would render an award unjust" in state law housing discrimination cases). Municipalities can consult with municipal counsel for additional information on fair housing laws; information for the public on fair housing law and how to report suspected discrimination is available on the Attorney General's website at <https://www.mass.gov/info-details/overview-of-fair-housing-law>.



NOTICE OF CHANGE TO THE DOVER AMENDMENT, M.G.L. c. 40A, § 3

As part of the FY25 enacted budget signed by Governor Healey on July 29, 2024, changes were made to the so-called Dover Amendment, M.G.L. c. 40A, § 3.

The amended Section 3 reads:

Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out the fifth paragraph¹ and inserting in place thereof the following paragraph:-

Family child care home and large family child care home as defined in section 1A of chapter 15D **shall be an allowable use** and **no city or town shall prohibit or regulate such use** in its zoning ordinances or by-laws.

M.G.L. c. 40A, § 3 (emphasis added).² As detailed above, the Legislature has amended G.L. c. 40A, § 3 to explicitly provide that family child care homes and large family child care homes are an **allowable** use, which **shall not be prohibited or regulated** by a city or town's zoning ordinances or by-laws.

¹ The now stricken paragraph 5 of M.G.L. c. 40A, § 5 previously read: "Family child care home and large family child care home, as defined in section 1A of chapter 15D, shall be an allowable use unless a city or town prohibits or specifically regulates such use in its zoning ordinances or by-laws."

² FY2025 enacted budget Outside Section 76, available at <https://budget.digital.mass.gov/summary/fy25/outside-section/section-76-family-childcare-zoning/>.

NORTHBRIDGE COMMUNITIES, LLC

c/o Northbridge Companies
71 Third Ave.
Burlington, MA 01803



July 15, 2025

Town of Needham Planning Board
1471 Highland Avenue
Needham, Massachusetts 02492

Re: Sale of Avita of Needham, 880 Greendale Avenue, Needham, Massachusetts (the "Property")

Ladies and Gentlemen:

Reference is made to that certain Decision of the Town of Needham Planning Board (SPMP 09-02) dated as of June 30, 2009 and recorded in the Norfolk County Registry of Deeds Page 26936, Page 159 (the "Special Permit"). As permitted in the Special Permit, Northbridge Communities, LLC, a Massachusetts limited liability company ("Northbridge") operates a memory care center with uses incidental thereto. While Northbridge did not directly own the Property, Northbridge did own the Property through an affiliated entity, TCD 217 Northbridge Avita Needham Property, LLC, a Massachusetts limited liability company ("Property Owner"). At all times Property Owner owned the Property, Northbridge was responsible for the operations of the Property on the conditions set forth in the Special Permit.

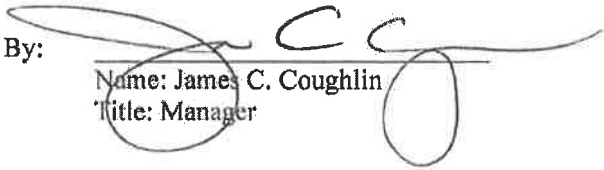
On the date hereof, Property Owner has sold its interest in the Property to Care Communities Needham, LLC, a Massachusetts limited liability company ("Purchaser"). In connection with the sale of the Property to Purchaser, Purchaser has retained Northbridge Senior Housing, LLC, a Massachusetts limited liability company and an affiliate of Northbridge ("Manager") to continue to operate the Property as a memory care center, consistent with past practices and on the conditions set forth in the Special Permit. Manager has the same mailing address as Northbridge (71 Third Avenue, Burlington, MA 01803). Nothing in the agreement between Manager and Purchaser to operate the Property will materially change Northbridge's responsibilities regarding the Property, nor the day-to-day operations at the Property.

We are providing this letter in compliance with Condition 3.14 of the Special Permit. If you have any questions or concerns, please contact Erin Gowdy at egowdy@northbridgecos.com. Thank you for your attention to this matter.

Very truly yours,

NORTHBRIDGE COMMUNITIES, LLC,
a Massachusetts limited liability company

By:



Name: James C. Coughlin
Title: Manager



**Town of Dedham
Zoning Board of Appeals**

NOTICE OF DECISION

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Zoning Board of Appeals entered a decision with the Clerk's office on May 5, 2025, on the petition of 2-4 Bridge Street LLC, 2 Bridge Street, Dedham, MA 02026. The petitioner was granted a Variance and/or Special Permit to extend the preexisting nonconforming front yard setback of 0 feet (10 feet required) and a Variance for a Floor Area Ratio of 1.44 (0.4 maximum allowed) for proposed four-story Mixed-Use Development with 62-seat restaurant and 26 residential units. The +/- 33,891 square foot subject property is located at **2 Bridge Street, Dedham, MA**, Map/Lot 14-50, and is located within the General Business (GB) Zoning District and the Flood Plain Overlay District (FPOD). *Town of Dedham Zoning Bylaw Sections 4.1, 9.2, 9.3, and Table 2.*

This decision is now on the public record. Appeals, if any, shall be filed in Norfolk Superior Court pursuant to the Massachusetts General Law, Chapter 40A, and a copy delivered to the Town of Dedham Town Clerk within twenty (20) days of the date that the decision was filed in the Town Clerk's office.



**Town of Dedham
Planning Board**

NOTICE OF PUBLIC HEARING

Notice is hereby given that the **Dedham Planning Board** will hold a public hearing at Dedham Town Hall, 450 Washington Street, **on Wednesday, May 28 at 6:00 p.m.**, on the application of P-LR-5A, L.P., 1140 Reservoir Avenue, Cranston, RI 02920, requesting Special Permits for a Mixed-Use Residential Project, work within a Flood Plain Overlay District, and Minor Site Plan Review for conversion of existing 267-room hotel to a horizontal mixed-use building not to exceed a total of 160 dwelling units. The +/- 15.2 subject property is located at 25 Allied Drive, Dedham, MA, Assessor Map/Lot 177-2-2, and is located within the Research Development and Office (RDO) Zoning District, Flood Plain Overlay District (FPOD) and the Wireless Overlay District. *Dedham Zoning By-Law Section 3.1, 4.1, 4.2, 5.1, 5.2, 7.4, 8.1, 9.2, 9.3, 9.5, Table 1, Table 2 and Table 3. Representative: Keith P. Hampe, Esq.*

Project documents and plans are available at the Planning & Zoning office, 450 Washington Street, Dedham, MA during business hours or by emailing jschultz@dedham-ma.gov or calling 781-751-9240. The project is available to review via Dropbox: bit.ly/25AlliedDrive

WELLESLEY PLANNING BOARD
REVISED* NOTICE OF DECISION

PSI Special Permit Decision for
PSI-24-01 – 192-194 Worcester Street & 150 Cedar Street

At its Regular Meeting on May 19, 2025, the Planning Board voted (5-0) in favor of a motion approving, with conditions, a Project of Significant Impact Special Permit allowing construction of a 3-story, 34-unit and 78 parking spots, multifamily condominium development on a project site of 62,862 sq. ft.

The Board's decision was filed with the Town Clerk on Friday, May 23, 2025.

Appeals from this decision, if any, shall be made pursuant to Massachusetts General Laws Chapter 40A, § 17, and shall be filed within **twenty (20) days*** after the date of filing of such notice in the office of the Town Clerk.

Eric Arbeene, AICP
Planning Director

WELLESLEY PLANNING BOARD
NOTICE OF DECISION

PSI Special Permit Decision for
PSI-25-01 – Babson College

At its Regular Meeting on Monday, June 2, 2025, the Planning Board voted (5-0) in favor of a motion approving, with conditions, a Project of Significant Impact Special Permit allowing construction of a redevelopment of an existing parking garage into a new Executive Lodge and Conference Center, which will consist of approx., 77,600 sq. ft. of hospitality space, including guest rooms, function/meeting areas, a fitness center and restaurant space.

The Board's decision was filed with the Town Clerk on Tuesday, June 3, 2025.

Appeals from this decision, if any, shall be made pursuant to Massachusetts General Laws Chapter 40A, § 17, and shall be filed within twenty (20) days after the date of filing of such notice in the office of the Town Clerk.

Eric Arbeene, AICP
Planning Director