



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

Sunrise Terrace
(Originally located at 1001-1015 Central Avenue)

PLANNING

Amended Certificate of Action
On Definitive Subdivision Plan Approval
(Original Decision dated February 9, 2016, revised July 7, 2016)

Amended Certificate of Action # 2 – December 3, 2019

This decision is in response to an application for approval by Hillcrest Development, Inc., 78 Pheasant Landing Road, Needham, MA, of a Definitive Subdivision Plan Modification submitted to the Board on October 24, 2019, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive. If approved, the Definitive Subdivision Plan Modification would allow the amendment of the Definitive Subdivision Plan originally endorsed by the Planning Board on July 7, 2016, as well as the related Decision, dated February 9, 2016, recorded with Norfolk County Registry of Deeds in Book 34305, Page 470, as affected by Amendment at Norfolk Book 34305, Page 483. Pursuant to the said Plan and Decision, the Board waived the requirements of Section 3.3.16 of the Town of Needham Subdivision Rules and Procedural Rules of the Planning, which would otherwise have required construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of the roadway. Instead, the Board approved a walkway on only one side of the roadway. The Petitioner now seeks further waiver from the requirements of Section 3.3.16, such that there be no sidewalk at all, on either side of the roadway, and that where the sidewalk was previously to be located, there be grass, consistent with the opposite side of the roadway.

The original Definitive Plan was approved on February 9, 2016 and was signed by the Board on July 7, 2016; it was recorded with a Covenant executed on June 9, 2016 and was prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA 02492 and Lakeview Engineering Associates, Civil Engineers, P.O. Box 787, Hudson, Massachusetts, 01749.

The land comprising the subdivision is located at Sunrise Terrace, Needham, MA, and consists of the dwellings currently numbered 6, 14, 20, 17, 15 and 5. The subject land is shown on Assessors Plan No. 120 as Parcels 24, 26, 28, 29, 27 and 25.

After causing notice of the time and place of its 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, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, November 19, 2019, at 7:05 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Martin Jacobs, Elizabeth J. Grimes, Paul S. Alpert, Jeanne S. McKnight, and Ted Owens, were present throughout the proceedings. The record of the proceedings and submission upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board office.

The Board met on December 3, 2019, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

Exhibit 1 - Application for Approval of an Amendment to a Definitive Subdivision Plan.

2019 DEC -5 AM 11:12
RECEIVED TOWN CLERK
NEEDHAM MA 02492

- Exhibit 2 - Letter to Lee Newman, from Dainius Kuper, Hillcrest Development, Inc., dated October 21, 2019.
- Exhibit 3 - Letter directed to Planning Board Members, from George Giunta, Jr., Attorney, dated October 21, 2019.
- Exhibit 4 - Email from Pavan Sekhar, dated November 18, 2019.
- Exhibit 5 - Letter directed to Members of the Planning Board, from James Galagan and Kristine Schwenck, dated November, 2019.
- Exhibit 6 - Letter directed to Members of the Planning Board, from Daniel J. & Alison M Mazza, dated November 15, 2019.
- Exhibit 7 - Interdepartmental Communication (IDC) to the Board from Fire Chief Dennis Condon, dated November 1, 2019; IDC to the Board from Tara Gurge, Assistant Public Health Director, dated November 5, 2019; IDC to the Board from Police Chief John Schlittler, dated November 14, 2019; and IDC to the Board from Thomas Ryder, Assistant Town Engineer, dated November 14, 2019.

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

The Board by a vote of 3-2 hereby APPROVES the Sunrise Terrace Subdivision Modification, as detailed in the above noted Exhibits, located in Needham, Norfolk County, Massachusetts, subject to the conditions herein set forth as well to all conditions and waivers contained in the original "Definitive Subdivision Decision, 1001-1015 Central Avenue, dated February 9, 2016". On the motion to approve the Subdivision Amendment, Board members Jeanne S. McKnight, Ted Owens and Elizabeth J. Grimes voted in the affirmative, with Board members Paul S. Alpert and Martin Jacobs voting in the negative.

AMENDMENT NO. 2 is as follows:

1. The Petitioner is requesting that the Definitive Subdivision Decision be amended to allow for the elimination of the sidewalk along both sides of Sunrise Terrace. The proposed amendment does not affect the sidewalk along the Central Avenue frontage which is to remain.
2. With the exception of the elimination of the sidewalk along Sunrise Terrace, the Petitioner has proposed no other modifications to the approved subdivision plan.
3. Only ground-cover and low-lying grasses are permitted to be planted in the Sunrise Terrace Right-Of-Way.
4. All other conditions of the 1001-1015 Central Avenue Definitive Subdivision, dated February 9, 2016, recorded with Norfolk County Registry of Deeds in Book 34305, Page 470, as affected by Amendment at Norfolk Book 34305, Page 483, remain in full force and effect.

The foregoing have been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

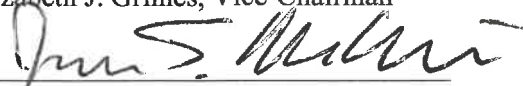
Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81 K through 81 GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81 BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

The provisions of this approval and conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this approval shall be entered upon the Plan, and this approval shall be recorded in the Norfolk Registry of Deeds with the Plan.

Witness our hands this 3rd day of December, 2019.

NEEDHAM PLANNING BOARD


Elizabeth J. Grimes, Vice-Chairman


Jeanne S. McKnight

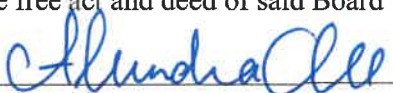

Ted Owens

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Dec. 3, 2019

On this 3 day of December, 2019, 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 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: March 18, 2022

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Hillcrest Development, Inc., 78 Pheasant Landing Road, Needham, MA, for Property located at Sunrise Terrace, Needham, Massachusetts, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Inspector
Conservation Commission
George Giunta Jr., Attorney

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest