



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

PLANNING

NEEDHAM PLANNING BOARD

Charles River Room, Public Services Administration Building
500 Dedham Avenue, Needham, Massachusetts

Tuesday February 4, 2020

7:00 p.m.

1. Public Hearing:

7:05 p.m. 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner, (Property located at 390 Grove Street, Needham, MA).

2. ANR Plan – 766 Chestnut Street, LLC, Petitioner, (Property located at 766 Chestnut Street, Needham, MA).

3. Discussion regarding Pediatric Medical Facility Zoning Article - Children's Hospital.

4. Discussion of Highland Commercial 1 Zoning initiative and follow up from Needham Heights Neighborhood Association meeting.

5. Update on Economic Development Director.

6. Appointment to Emery Grover Working Group.

7. Board of Appeals – February 13, 2020.

8. Minutes.

9. Correspondence.

10. Report from Planning Director and Board members.

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

FUTURE DATES: Planning Board Meetings: February 18, 2020, March 4, 2020, March 17, 2020, April 7, 2020, April 21, 2020.

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

Under the provisions of M.G.L., Ch. 41, S. 81-T, the Needham Planning Board will hold a public hearing on Tuesday, February 4, 2020 at 7:05 p.m. in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts, regarding the application of Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, for approval of a Definitive Subdivision Plan. Said Plan consists of nine (9) sheets and was submitted along with accompanying material on January 3, 2020. If approved, the Plan would create two (2) individual house lots that conform to current zoning, both lots would have frontage and be accessed from the new proposed roadway. The existing house currently located at 390 Grove Street would be demolished.

The land proposed to be subdivided is located at 390 Grove Street, Needham, Norfolk County, Massachusetts, and is shown on Assessors Plan No. 221 as Parcel 9, and is bounded and described as follows:

Westerly	by Grove Street, 170.83 feet;
Northerly	by land now or formerly of Joan K. Aldean, on two courses measuring 410.29 feet and 278.24 feet, respectively;
Westerly	again by land of Joan K. Aldean, 100.00 feet;
Northwesterly	again by land of Joan K. Aldean, 401.04 feet;
Northeasterly	by land now or formerly of Corbin Petro & Jessica Gelman, 170.97 feet;
Easterly	by land now or formerly of the Town of Needham Conservation, 131.31 feet;
Southeasterly	again by land of the Town of Needham Conservation, 459.38 feet;
Easterly	again by land of the Town of Needham Conservation, on four courses, measuring 52.83 feet, 75.69 feet, 13.14 feet, and 49.07 feet; again
Easterly	by land now or formerly of the Town of Needham, 25.00 feet;
Southerly	by land now or formerly of Robert P. & Kalliope D. Badvas, on two courses measuring 426.54 feet, and 410.16 feet, respectively.

Being Lot B shown on plan entitled "Plan of Land in Needham, Mass. Owned by Edward H. Wiswall et al", dated October 14, 1952, by Gleason Engineering Company, recorded with Norfolk County Registry of Deeds in Book 3141, Page 297 as Plan No. 6 of 1953 and also Lot 15 on plan drawn by Allen & Demurjian, Inc., Surveyors, dated November 24, 1980, as approved by the Land Court, filed in the Land registration Office as No. 8450I, a copy of a portion of which is filed with the Norfolk County Registry District of the Land Court with Certificate of Title No. 112001 in Book 561.

For title see Deed dated March 16, 1994 recorded with Norfolk County Registry of Deeds, Book 10671, Page 51 and Certificate of Title No. 143177 filed with the Norfolk County Registry District of the Land Court in Book 716, Page 177.

Copies of the Definitive Plan and other application materials are on file in the offices of the Planning Board and may be inspected upon request during regular business hours. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Times: January 16, 2020 and January 23, 2020.

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6095

January 3, 2020

Lee Newman
Planning Director
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Re: 390 Grove Street - Definitive Subdivision Application
Elisabeth Schmidt-Scheuber

Dear Lee,

Submitted herewith please find the following with respect to the proposed subdivision of the property at 390 Grove Street, Needham, MA (hereinafter, the "Premises"):

1. One original and 14 copies of Completed Application for Approval of a Definitive Subdivision Plan;
2. 15 copies of Exhibit A – List of Waivers;
3. 15 copies of an authorization Letter;
4. 15 copies of a description of the area to be subdivided; and
5. 8 full size and 6 reduced size copies of Plan Set entitled "390 Grove Street (Assessor's Map 221 – Lot 9, Preliminary Subdivision Plan", consisting of seven sheets as follows:
 - (a) sheet 1 of 9, Cover Sheet and Context Map, dated July 20, 2019, revised November 2, 2018, March 29, 2019, July 12, 2019, August 22, 2019, and October 4, 2019;
 - (b) sheet 2 of 9, "Record Conditions Plan", dated July 20, 2019, revised November 2, 2018, March 29, 2019, August 22, 2019, and September 4, 2019;
 - (c) sheet 3 of 9, "By Right Subdivision Plan", dated July 20, 2019, revised November 2, 2018, July 12, 2019, August 22, 2019, and September 4, 2019;
 - (d) sheet 4 of 9, "Lotting Plan", dated July 20, 2019, revised November 2, 2018, July 12, 2019, August 22, 2019, September 4, 2019 and October 21, 2019;

(e) sheet 5 of 9, "Proposed Site & Grading Plan" dated July 20, 2019, revised November 2, 2018, July 12, 2019, August 22, 2019, and September 4, 2019;

(f) sheet 6 of 9, "Proposed Utilities & Profile", dated July 20, 2019, revised November 2, 2018, July 12, 2019, August 22, 2019, and September 4, 2019;

(g) sheet 7 of 9, "Proposed Landscape Plan", dated July 20, 2019, revised November 2, 2018, July 12, 2019, August 22, 2019, and September 4, 2019;

(h) sheet 8 of 9, "Site Details 1", dated July 20, 2019, revised November 2, 2018, July 12, 2019, August 22, 2019, and September 4, 2019; and

(i) sheet 9 of 9, "Site Details 2", dated July 20, 2019, revised November 2, 2018, July 12, 2019, August 22, 2019, and September 4, 2019

6. 4 copies of "Stormwater Analysis and Calculations Report for 390 Grove Street, Needham, Massachusetts", dated October 4, 2019; and

7. Check No. 5125 in the amount of \$1,000 for the applicable filing fee.

The Premises is located in the Single Residence A Zoning District and the Aquifer Protection Overlay District, and is currently shown and identified as Parcel 9 on Assessor's Map No. 221. It is currently occupied by a single family dwelling, which is proposed to be razed to make way for the proposed new development.

As shown on the Plan, the applicant is proposing to subdivide the Premises into a total of two building lots, to be served by a new road off of Grove Street. Both of the new lots will have frontage on and will be accessed from the proposed new roadway.

As depicted on sheet 3 of the Plan Set, referenced above, the proposed new roadway can be built with a 60 foot radius circle and 50 foot width road (with sidewalks on both sides). However, whereas the proposed road will only serve two lots and will end in a turn-around, the applicant is requesting a number of waivers to reduce the size of the roadway and the extent of construction. In connection therewith, given the nature of the development, the location and past practice of the Board, the Applicant believes that such waivers are appropriate for this development.

Kindly schedule this matter for consideration at the next available meeting of the Planning Board. Please also let me know if you require any further information or materials.

As always, your anticipated courtesy and cooperation and appreciated.

Sincerely,

George Giunta, Jr.



TOWN OF NEEDHAM
MASSACHUSETTS

RECEIVED TOWN CLERK
NEEDHAM, MA
20 JAN 10 AM 9:09

Room 20, Town Hall
Needham, MA 02492
781-455-7526

APPLICATION FOR APPROVAL
OF A DEFINITIVE SUBDIVISION PLAN

PLANNING DEPARTMENT

Date: November 22 20 19

The undersigned, on behalf of Elisabeth Schmidt-Scheuber (owner's name or self) of
390 Grove Street, Needham, MA 02942 (address), owner of land in Needham, the description of
said land being submitted herewith, desiring to make a subdivision of said land hereby submits the following required plans
and documents:

a) the original tracings and eight full sized copies and six reduced sized copies of each of the
following plans –

- i. a key location map
- ii. a lot plan
- iii. a profile plan
- iv. a municipal services and utility plan
- v. a topographic plan
- vi. any detail plans required

Each plan bearing titles, endorsements and imprints required.

- b) a filing fee of \$500 plus \$250 per lot for each lot in the subdivision.
- c) a description of the boundaries of the entire area to be subdivided; and
- d) ~~a list of names and addresses of all abutters as they appear on the most recent Needham Assessors' records~~
- e) Exhibit A - List of Waivers; Exhibit B - Legal Description; and Drainage Calculations
(specify any additional material or information submitted)

and petitions the Planning Board to consider and approve such subdivision plans under the provisions of the Subdivision Control Law (M.G.L. Chapter 41, Sections 81-A through 81-G inclusive, as amended) and in accordance with the Rules and Regulations of the Needham Planning Board and the applicable By-Laws of the Town of Needham.

The undersigned certifies that the applicant(s) is/are the sole owner(s) of the entire land proposed to be subdivided and that the subdivision plans and the description submitted indicate the true boundaries of said land and ~~the correct names of all abutters as shown on the most recent records of the Needham Assessors.~~

(If the applicant is not the owner, written authorization to act as agent must be attached)

Elisabeth Schmidt-Scheuber (owners)
Elisabeth Schmidt-Scheuber

By _____ (agent)

This application is accepted by the Needham Planning Board in accordance with Sections 81-Q and 81-T of the Subdivision Control Law.
Jan. 3 20 20 By Chuan Chen

EXHIBIT A

Definitive Subdivision Application
390 Grove Street
Needham, MA

RECEIVED TOWN CLERK
NEEDHAM, MA 02467

2020 JAN 10 AM 9:09

LIST OF WAIVERS

The Applicants hereby request the following waivers with respect to the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board:

1. Waiver of the requirements of Section 3.2, relative to submission of definitive plans, as follows:

- a. A waiver from the requirements of subsection (b) that plans be drawn on blue tracing cloth or mylar, and that the Title Block be located in the lower right-hand corner;
- b. A waiver from the requirements of subsection (e) that street line traverse closures be provided.

2. Waiver of the requirements of Section 3.3, relative to street and construction details, as follows:

- a. A waiver from the required width of roadway layout at Section 3.3.1 from 50 feet to 40 feet;
- b. A waiver from the required pavement width at Section 3.3.1 from twenty-four (24) to eighteen (18) feet;
- c. A waiver from the requirement for the length of level area at the intersection of streets at Section 3.3.1 fifty (50) feet to thirty (30) feet;
- d. A waiver from the required pavement radius in the turnaround at Section 3.3.5 from sixty (60) feet to fifty-four (54) feet;
- e. A waiver from the curbing requirement in the cul-de-sac at Section 3.3.6 in the area of the permeable pavers, in favor of vertical granite curbing on only one side of the proposed street;
- f. A waiver from the requirement of sidewalks on both sides of the road layout at Section 3.3.16 to no sidewalk
- g. Such other unspecified waivers as may be necessary for the construction of the way and related improvements as shown on the plan submitted herewith.

3. Waiver of any and all other requirements as may be necessary and appropriate for the division / reconfiguration of the subject premises as depicted on the plan.

EXHIBIT B

RECEIVED TOWN CLERK
NEEDHAM, MA 02449

Definitive Subdivision Application

390 Grove Street

Needham, MA

2025 JAN 10 AM 9:09

Description

That certain parcel, consisting of registered and unregistered land, known and numbered 390 Grove Street, together bounded and described as follows:

Westerly	by Grove Street, 170.83 feet;
Northerly	by land now or formerly of Joan K. Aldean, on two courses measuring 410.29 feet and 278.24 feet, respectively;
Westerly	again by land of Joan K. Aldean, 100.00 feet;
Northwesterly	again by land of Joan K. Aldean, 401.04 feet;
Northeasterly	by land now or formerly of Corbin Petro & Jessica Gelman, 170.97 feet;
Easterly	by land now or formerly of the Town of Needham Conservation, 131.31 feet;
Southeasterly	again by land of the Town of Needham Conservation, 459.38 feet
Easterly	again by land of the Town of Needham Conservation, on four courses, measuring 52.83 feet, 75.69 feet, 13.14 feet, and 49.07 feet; again
Easterly	by land now or formerly of the Town of Needham, 25.00 feet;
Southerly	by land now or formerly of Robert P. & Kalliope D. Badvas, on two courses measuring 426.54 feet, and 410.16 feet, respectively.

Being Lot B shown on plan entitled "Plan of Land in Needham, Mass. Owned by Edward H. Wiswall et al", dated October 14, 1952, by Gleason Engineering Company, recorded with Norfolk County Registry of Deeds in Book 3141, Page 297 as Plan No. 6 of 1953 and also Lot 15 on plan drawn by Allen & Demurjian, Inc., Surveyors, dated November 24, 1980, as approved by the Land Court, filed in the Land registration Office as No. 8450I, a copy of a portion of which is filed with the Norfolk County Registry District of the Land Court with Certificate of Title No. 112001 in Book 561.

For title see Deed dated March 16, 1994 recorded with Norfolk County Registry of Deeds, Book 10671, Page 51 and Certificate of Title No. 143177 filed with the Norfolk County Registry District of the Land Court in Book 716, Page 177.

RECEIVED TOWN BOARD
NEEDHAM, MA 02492

ELISABETH SCHMIDT-SCHUEBER

NOV 10 AM 9:09

390 Grove Street
Needham, MA 02492

November 22, 2019

Lee Newman
Planning Director
Town of Needham
Planning Board
Town Hall
Needham, Massachusetts 02492

Re: Definitive Subdivision Application
390 Grove Street

Dear Mrs. Newman,

Please accept this letter as confirmation that George Giunta, Jr., Esquire, is authorized to make application for a Definitive Subdivision Approval and for any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the proposed subdivision of the property at 390 Grove Street into multiple buildable lots. In connection therewith, Attorney Giunta is hereby authorized, on my behalf, as owner of the property, to execute, sign, deliver and receive all necessary documentation necessary therefor, including, without limitation, Definitive Subdivision Application and any extensions related thereto.

Sincerely,

Elisabeth Schmidt-Scheuber



*IN ACCORDANCE WITH SECTION 4.2 OF THE TOWN OF
NEEDHAM ZONING BY-LAW*

DATE: JULY 20, 2018
 REVISED: NOVEMBER 2, 2018
 REVISED: MARCH 29, 2019
 REVISED: JULY 12, 2019
 REVISED: AUGUST 22, 2019
 REVISED: OCTOBER 4, 2019

ELISABETH SCHMIDT-SCHEUBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

 **MERIDIAN
ASSOCIATES**

500 CUMMINGS CENTER SUITE 5950 69 MILK STREET, SUITE 302
BEVERLY, MASSACHUSETTS 01915 WESTBOROUGH, MASSACHUSETTS 01581
TELEPHONE: (978) 299-0447 TELEPHONE: (508) 871-7030
WWW.MERIDIANASSOC.COM

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

APPROVAL IN ACCORDANCE WITH SECTION 81-U OF
CHAPTER 41 OF THE GENERAL LAWS AS AMENDED

BY: _____

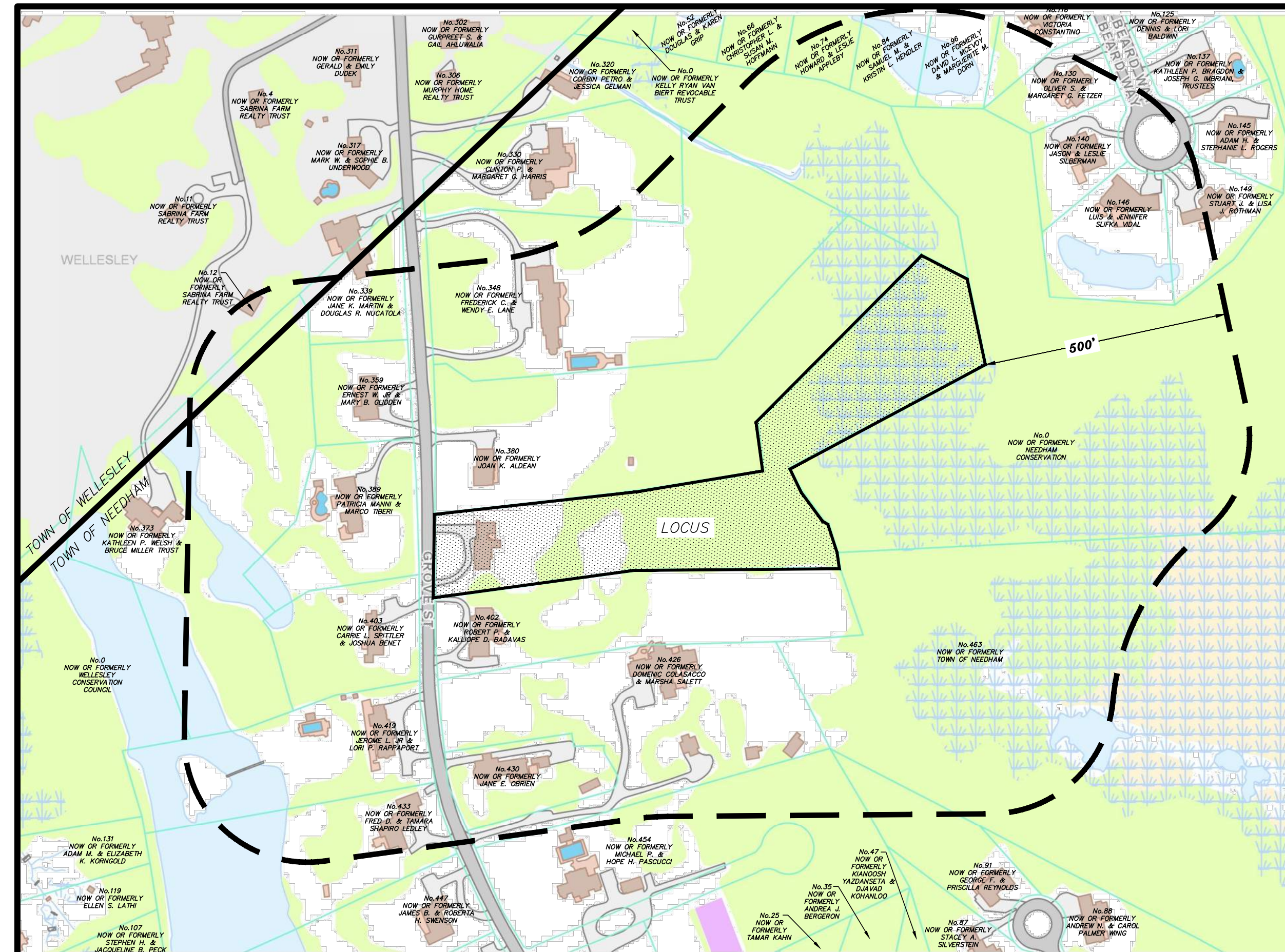
I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

REGISTERED CIVIL ENGINEER, PE

<i>SHEET 1</i>	<i>COVER SHEET & CONTEXT MAP</i>
<i>SHEET 2</i>	<i>RECORD CONDITIONS PLAN</i>
<i>SHEET 3</i>	<i>BY RIGHT SUBDIVISION PLAN</i>
<i>SHEET 4</i>	<i>LOTTING PLAN</i>
<i>SHEET 5</i>	<i>PROPOSED SITE & GRADING PLAN</i>
<i>SHEET 6</i>	<i>PROPOSED UTILITIES & PROFILE</i>
<i>SHEET 7</i>	<i>PROPOSED LANDSCAPE PLAN</i>
<i>SHEET 8</i>	<i>SITE DETAILS</i>
<i>SHEET 9</i>	<i>SITE DETAILS</i>

DWG. No. 6036-CVR
(IMAGE: GIS Map 200scale)

1. THE INFORMATION DEPICTED ON THIS PLAN HAS BEEN COMPILED FROM THE TOWN OF NEEDHAM GEOGRAPHIC INFORMATION SYSTEM.
2. LAND USE WITHIN 500 FEET OF THE SUBJECT PROPERTY IS PRIMARILY SINGLE AND TWO FAMILY DWELLINGS.



GRAPHIC SCALE
SCALE: 1"=200'

FEET

200 0 100 200 400 800

METERS

0 20 40 80 160 240

A horizontal graphic scale bar. The top scale is in feet, with markings at 0, 100, 200, 400, and 800. The bottom scale is in meters, with markings at 0, 20, 40, 80, 160, and 240. The bar is divided into alternating black and white segments. The text 'GRAPHIC SCALE' and 'SCALE: 1"=200\'' is centered above the bar. The labels 'FEET' and 'METERS' are on the left side of the top and bottom scales respectively.

ZONING DISTRICT: SINGLE RESIDENCE A

<u>REQUIREMENT</u>	<u>REQUIRED</u>
LOT AREA:	43,560
FRONTAGE:	150 FT.
FRONT SETBACK:	30 FT.
SIDE SETBACK:	25 FT.
REAR SETBACK:	15 FT.
MAX STORIES:	2-1/2
MAX HEIGHT:	35 FT.
STREET DESIGNATION:	MINOR



UNOFFICIAL SOILS INFORMATION

TEST PITS WERE PERFORMED ON SEPTEMBER 11, 2017 BY ANDREW P. RODRIGUEZ (CERTIFIED SOIL EVALUATOR #13890)

TEST PIT: TP-1
0"-10" AP: SANDY LOAM
10"-26" B: SANDY LOAM
26"-80" C: GRAVELY SANDY LOAM
E.S.H.G.W. @ 36"
NO WEEPING OBSERVED

TEST PIT: TP-2
0"-7" AP: SANDY LOAM
7"-23" B: SANDY LOAM
23"-90" C: GRAVELY SANDY LOAM
E.S.H.G.W. @ 38"
NO WEEPING OBSERVED

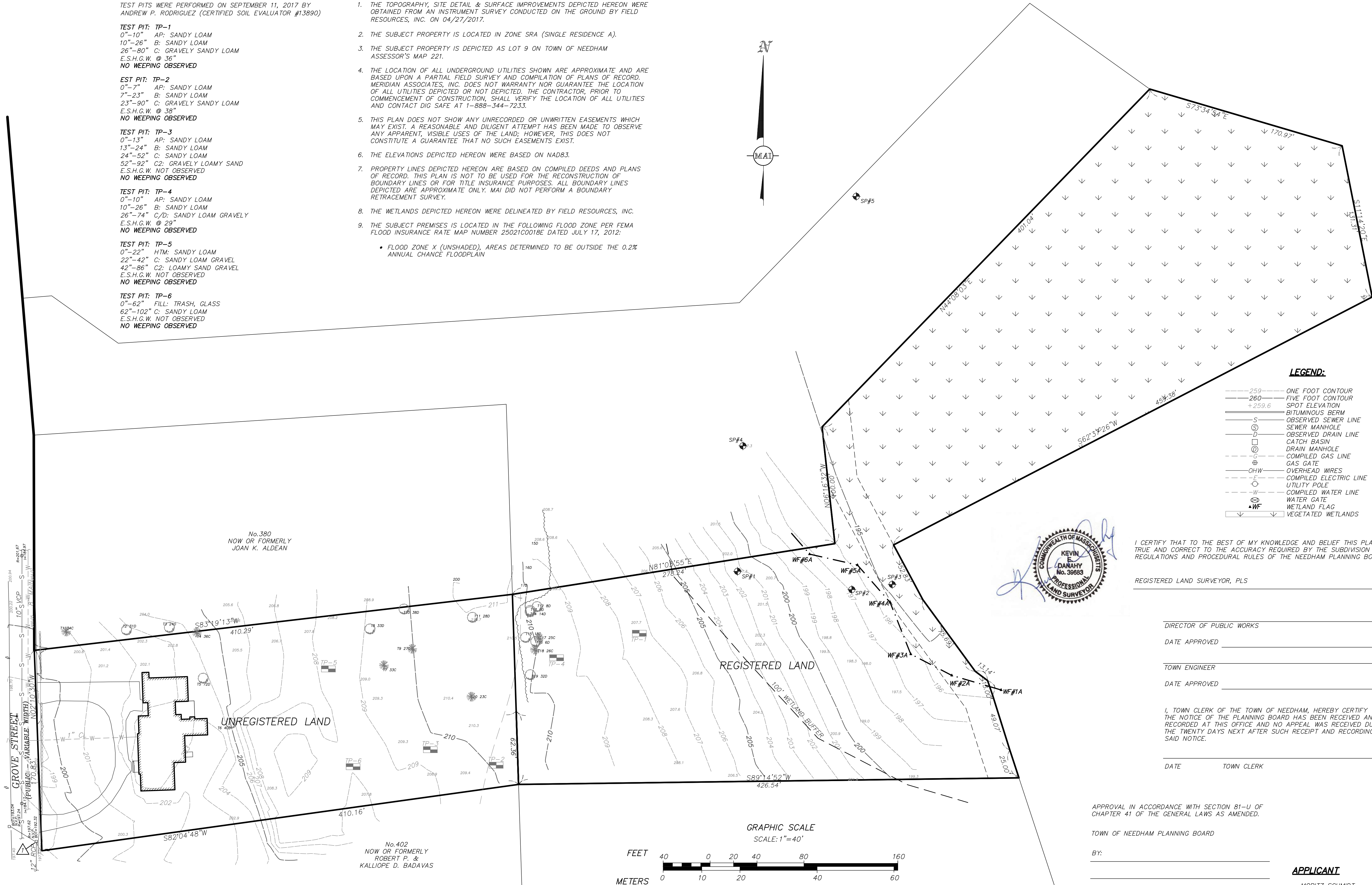
TEST PIT: TP-3
0"-13" AP: SANDY LOAM
13"-24" B: SANDY LOAM
24"-52" C: SANDY LOAM
52"-92" C2: GRAVELY LOAMY SAND
E.S.H.G.W. NOT OBSERVED
NO WEEPING OBSERVED

TEST PIT: TP-4
0"-10" AP: SANDY LOAM
10"-26" B: SANDY LOAM
26"-74" C/D: SANDY LOAM GRAVELY
E.S.H.G.W. @ 29"
NO WEEPING OBSERVED

TEST PIT: TP-5
0"-22" HTM: SANDY LOAM
22"-42" C: SANDY LOAM GRAVEL
42"-86" C2: LOAMY SAND GRAVEL
E.S.H.G.W. NOT OBSERVED
NO WEEPING OBSERVED

TEST PIT: TP-6
0"-62" FILL: TRASH, GLASS
62"-102" C: SANDY LOAM
E.S.H.G.W. NOT OBSERVED
NO WEEPING OBSERVED

- THE TOPOGRAPHY, SITE DETAIL & SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN INSTRUMENT SURVEY CONDUCTED ON THE GROUND BY FIELD RESOURCES, INC. ON 04/27/2017.
- THE SUBJECT PROPERTY IS LOCATED IN ZONE SRA (SINGLE RESIDENCE A).
- THE SUBJECT PROPERTY IS DEPICTED AS LOT 9 ON TOWN OF NEEDHAM ASSESSOR'S MAP 221.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED UPON A PARTIAL FIELD SURVEY AND COMPILATION OF PLANS OF RECORD. MERIDIAN ASSOCIATES, INC. DOES NOT WARRANTY NOR GUARANTEE THE LOCATION OF ALL UTILITIES DEPICTED OR NOT DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 1-888-344-7233.
- THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
- THE ELEVATIONS DEPICTED HEREON WERE BASED ON NAD83.
- PROPERTY LINES DEPICTED HEREON ARE BASED ON COMPILED DEEDS AND PLANS OF RECORD. THIS PLAN IS NOT TO BE USED FOR THE RECONSTRUCTION OF BOUNDARY LINES OR FOR TITLE INSURANCE PURPOSES. ALL BOUNDARY LINES DEPICTED ARE APPROXIMATE ONLY. MAI DID NOT PERFORM A BOUNDARY RETRACEMENT SURVEY.
- THE WETLANDS DEPICTED HEREON WERE DELINEATED BY FIELD RESOURCES, INC.
- THE SUBJECT PREMISES IS LOCATED IN THE FOLLOWING FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0018E DATED JULY 17, 2012:
 - FLOOD ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN



LEGEND:

- 259 ONE FOOT CONTOUR
- 260 FIVE FOOT CONTOUR
- +259.6 SPOT ELEVATION
- BITUMINOUS BERM
- S OBSERVED SEWER LINE
- (S) SEWER MANHOLE
- OBSERVED DRAIN LINE
- (D) CATCH BASIN
- (D) DRAIN MANHOLE
- G- COMPILED GAS LINE
- GW GAS GATE
- OHW OVERHEAD WIRES
- E- COMPILED ELECTRIC LINE
- UTILITY POLE
- W- COMPILED WATER LINE
- WATER GATE
- WETLAND FLAG
- VEGETATED WETLANDS

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

REGISTERED LAND SURVEYOR, PLS

DIRECTOR OF PUBLIC WORKS

DATE APPROVED

TOWN ENGINEER

DATE APPROVED

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

DATE TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

APPROVED:

ALL UNDERGROUND UTILITY DATA REPRESENTS RECORD INFORMATION RECOVERED THROUGH RESEARCH WITHOUT SURFACE DEMARCATION NOR SUBSURFACE VERIFICATION.

DWG. No. 6036-REC

390 GROVE STREET

RECORD CONDITIONS PLAN OF LAND
LOCATED IN
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
PREPARED FOR
MORITZ SCHMIDT

MERIDIAN
ASSOCIATES

500 CLIMMINGS CENTER, SUITE 500
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-0447
WWW.MERIDIANASSOC.COM

DESIGNED BY: M. CAPACHETTI

CHECKED BY: M. NOVAK

DATE:
JULY 20, 2018
SCALE:
1"=40'
SHEET No.
2 OF 9
PROJECT No.
6036

REVISIONS				SURVEY INFORMATION PROVIDED BY:	
DATE	DESCRIPTION	BY			
11.2.18	REVISED PER TOWN COMMENTS	CG		Field Resources, Inc. LAND SURVEYORS 281 CHESTNUT ST. NEEDHAM, MA 02459 P.O. BOX 324 AUBURN, MA 01501 781 444 5936 fieldresources@hotmail.com	
3.29.19	REVISED PER TOWN COMMENTS	CM			
8.22.19	REVISED PER TOWN COMMENTS	CM			
9.04.19	REVISED PER TOWN COMMENTS	DSK			

UNOFFICIAL SOILS INFORMATION

TEST PITS WERE PERFORMED ON SEPTEMBER 11, 2017 BY
ANDREW P. RODRIGUEZ (CERTIFIED SOIL EVALUATOR #13890)

TEST PIT: TP-1 ELEV.=207.5
0'-10" AP: SANDY LOAM
10"-26" B: SANDY LOAM
26"-80" C: GRAVELY SANDY LOAM
E.S.H.G.W. @ 36"
E.S.H.G.W. ELEV.=204.5
NO WEeping OBSERVED

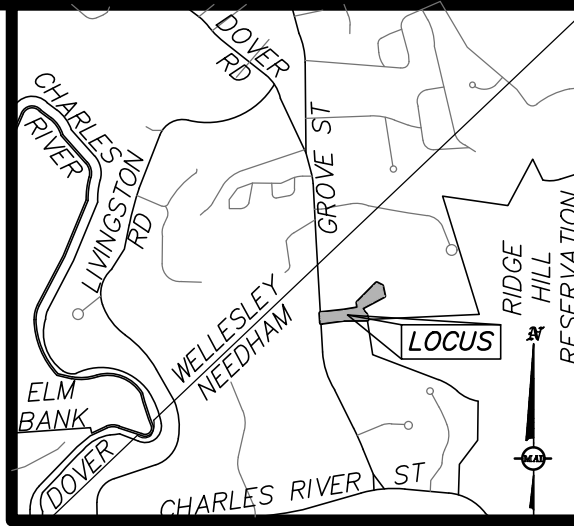
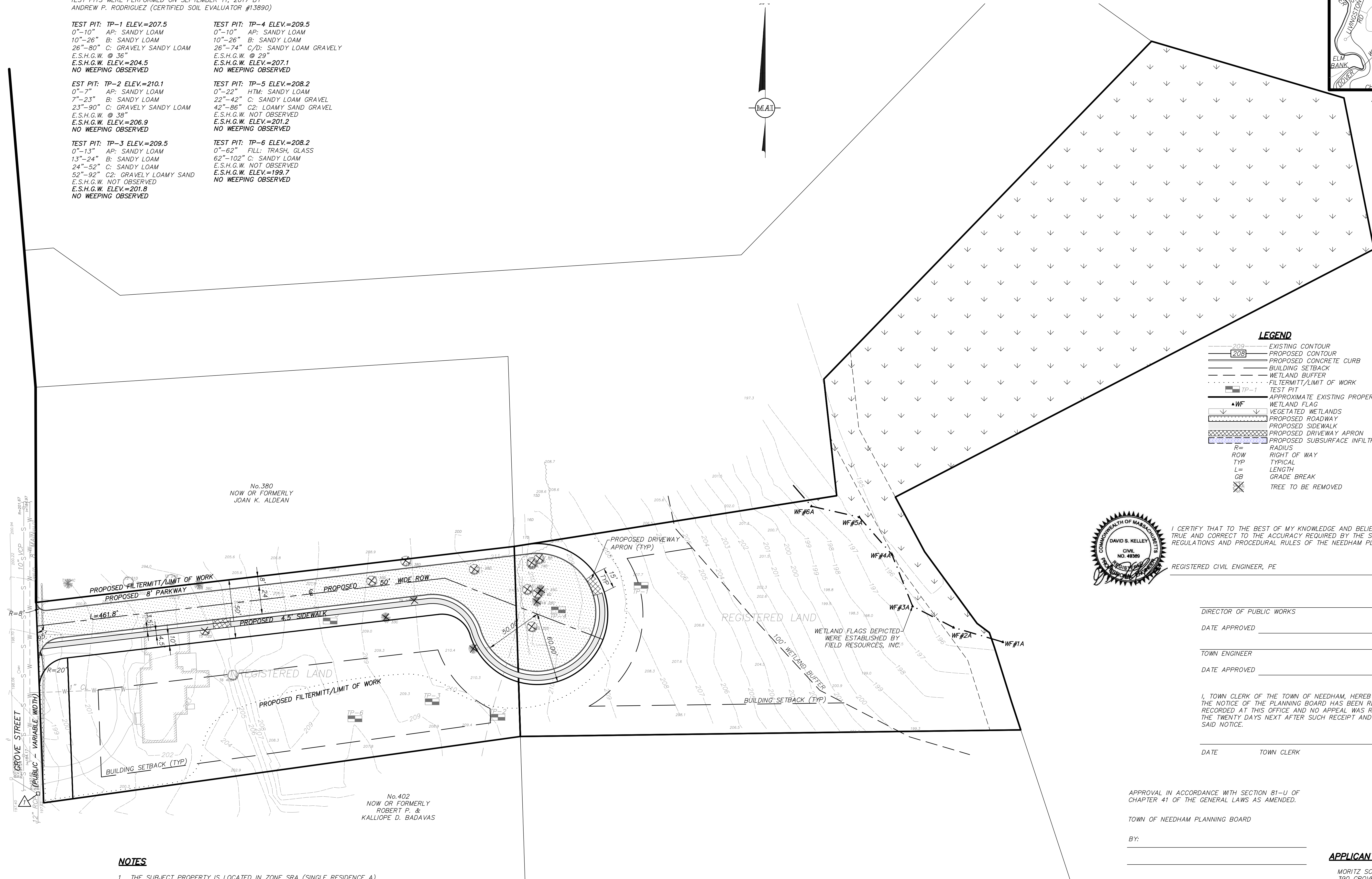
EST PIT: TP-2 ELEV.=210.1
0'-7" AP: SANDY LOAM
7"-23" B: SANDY LOAM
23"-90" C: GRAVELY SANDY LOAM
E.S.H.G.W. @ 38"
E.S.H.G.W. ELEV.=206.9
NO WEeping OBSERVED

TEST PIT: TP-3 ELEV.=209.5
0'-13" AP: SANDY LOAM
13"-24" B: SANDY LOAM
24"-52" C: SANDY LOAM
52"-92" C2: GRAVELY LOAMY SAND
E.S.H.G.W. NOT OBSERVED
E.S.H.G.W. ELEV.=201.8
NO WEeping OBSERVED

TEST PIT: TP-4 ELEV.=209.5
0'-10" AP: SANDY LOAM
10"-26" B: SANDY LOAM
26"-74" C/D: SANDY LOAM GRAVELY
E.S.H.G.W. @ 29"
E.S.H.G.W. ELEV.=207.1
NO WEeping OBSERVED

TEST PIT: TP-5 ELEV.=208.2
0'-22" HTM: SANDY LOAM
22"-42" C: SANDY LOAM GRAVEL
42"-86" C2: LOAMY SAND GRAVEL
E.S.H.G.W. NOT OBSERVED
E.S.H.G.W. ELEV.=201.2
NO WEeping OBSERVED

TEST PIT: TP-6 ELEV.=208.2
0'-62" FILL: TRASH, GLASS
62"-102" C: SANDY LOAM
E.S.H.G.W. NOT OBSERVED
E.S.H.G.W. ELEV.=199.7
NO WEeping OBSERVED



- LEGEND**
- EXISTING CONTOUR
 - PROPOSED CONTOUR
 - PROPOSED CONCRETE CURB
 - BUILDING SETBACK
 - WETLAND BUFFER
 - FILTERMITT/LIMIT OF WORK
 - TEST PIT
 - APPROXIMATE EXISTING PROPERTY LINES
 - WETLAND FLAG
 - VEGETATED WETLANDS
 - PROPOSED ROADWAY
 - PROPOSED SIDEWALK
 - PROPOSED DRIVEWAY APRON
 - PROPOSED SUBSURFACE INFILTRATION SYSTEM
 - R= RADIUS
 - ROW RIGHT OF WAY
 - TYP TYPICAL
 - L= LENGTH
 - GB GRADE BREAK
 - TREE TO BE REMOVED



I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

REGISTERED CIVIL ENGINEER, PE

DIRECTOR OF PUBLIC WORKS

DATE APPROVED

TOWN ENGINEER

DATE APPROVED

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

DATE TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

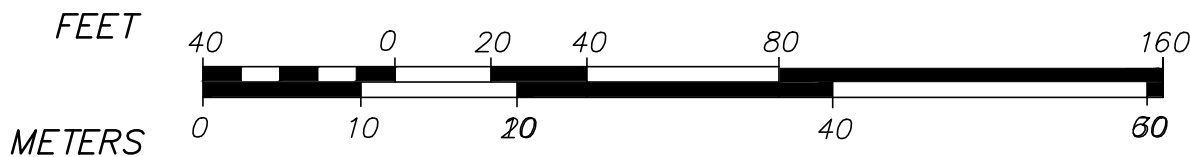
RECORD OWNERS

ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

NOTES

- THE SUBJECT PROPERTY IS LOCATED IN ZONE SRA (SINGLE RESIDENCE A).
- THE SUBJECT PROPERTY IS DEPICTED AS LOT 9 ON TOWN OF NEEDHAM ASSESSOR'S MAP 221.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED UPON A PARTIAL FIELD SURVEY AND COMPILATION OF PLANS OF RECORD. MERIDIAN ASSOCIATES, INC. DOES NOT WARRANT NOR GUARANTEE THE LOCATION OF ALL UTILITIES DEPICTED OR NOT DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 1-888-344-7233.
- THE SUBJECT PREMISES IS LOCATED IN THE FOLLOWING FLOOD ZONES PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0018E DATED JULY 17, 2012:
 - FLOOD ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

GRAPHIC SCALE
SCALE: 1"= 40'



REVISIONS				
NO.	DATE	DESCRIPTION	BY	
11.2.18		REVISED PER TOWN COMMENTS	CG	
07.12.19		REVISED PER TOWN COMMENTS	CG	
8.22.19		REVISED PER TOWN COMMENTS	CM	
9.04.19		REVISED PER TOWN COMMENTS	DSK	

SURVEY INFORMATION PROVIDED BY:
Field Resources, Inc.
LAND SURVEYORS
P.O. BOX 324
AUBURN, MA 05083-0324
781-444-5936
fieldresources@hotmail.com

(BY RIGHT) SUBDIVISION PLAN
LOCATED IN
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
PREPARED FOR
MORITZ SCHMIDT

MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5050
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-4447
WWW.MERIDIANASSOC.COM

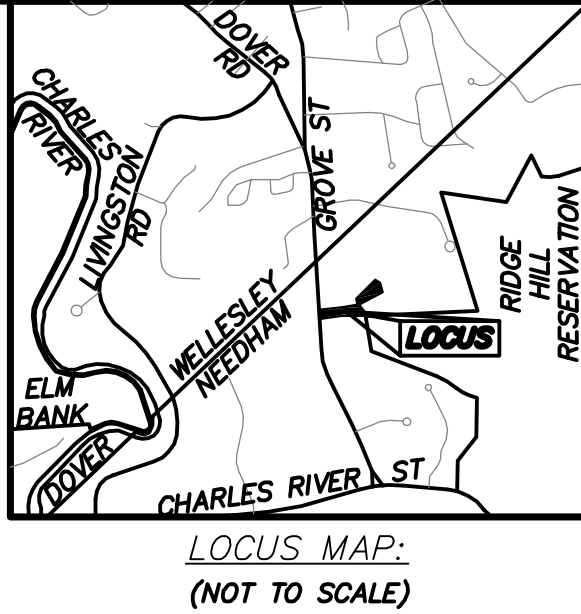
DESIGNED BY: C. MCCANN
CHECKED BY: M. NOVAK
DATE: JULY 20, 2018
SCALE: 1"=40'
SHEET No. 3 OF 9
PROJECT No. 6036

APPROVAL IN ACCORDANCE WITH SECTION 81-U OF
CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:



REVISIONS	
DATE	DESCRIPTION
11.2.18	REVISED PER TOWN COMMENTS
07.12.19	REVISED PER TOWN COMMENTS
08.22.19	REVISED PER TOWN COMMENTS
09.04.19	REVISED PER TOWN COMMENTS
10.21.19	REVISED PER TOWN COMMENTS

Field Resources, Inc.
LAND SURVEYORS

281 CHESTNUT ST.
NEEDHAM, MA.
781.444.5936
fieldresources@notmail.com

390 GROVE STREET
LOT 1
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
PREPARED FOR
MORITZ SCHMIDT

FOR REGISTRY USE ONLY

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

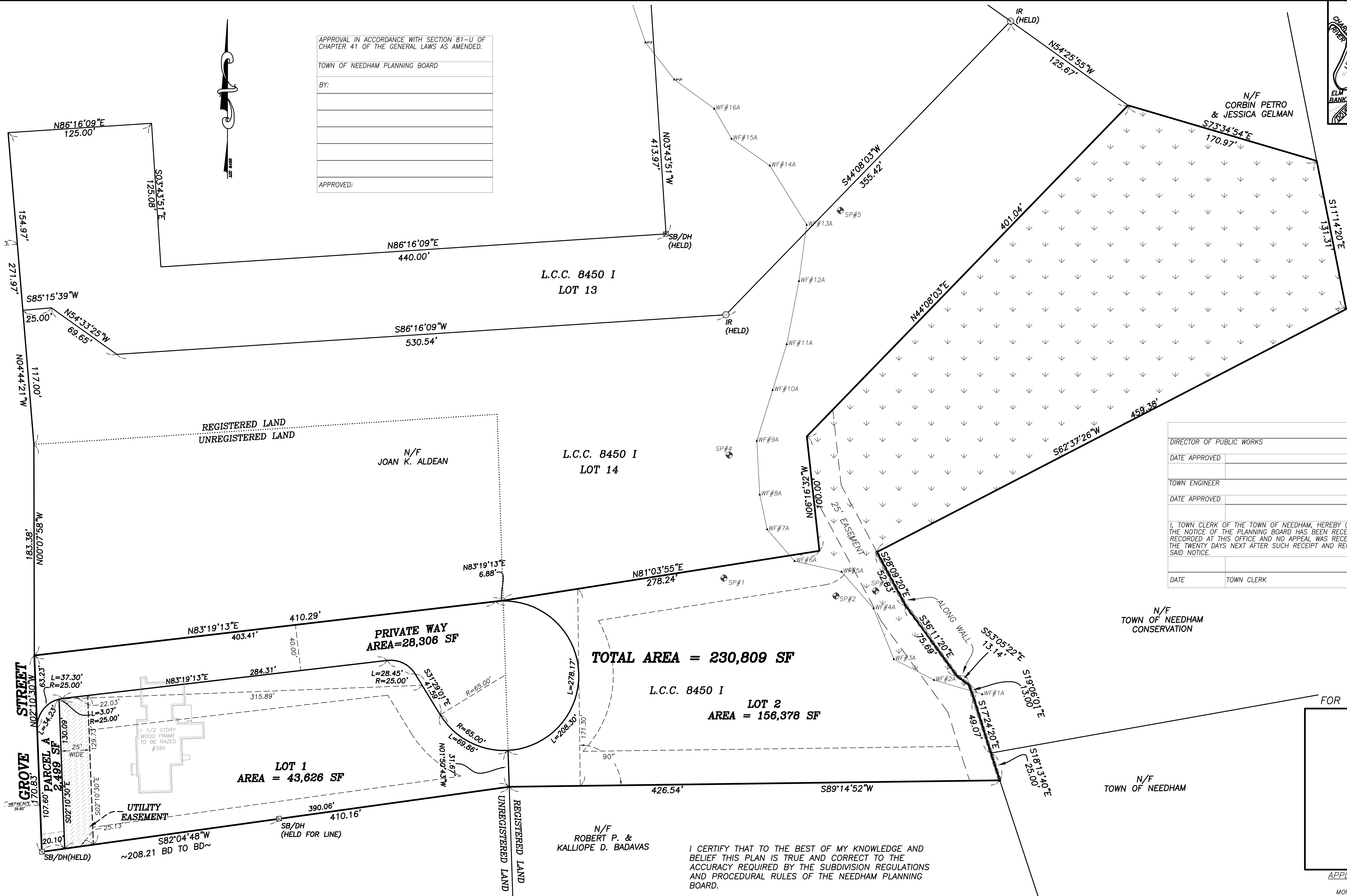
ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

DATE:
JULY 20, 2018

SCALE:
1"=40'

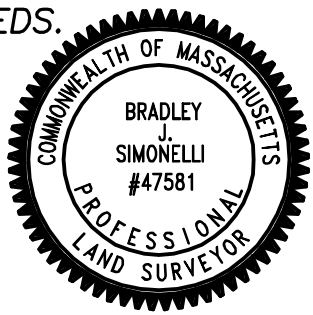
SHEET No.
4 of 9

PROJECT No.
6036



I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



UNOFFICIAL SOILS INFORMATION

TEST PITS WERE PERFORMED ON SEPTEMBER 11, 2017 BY
ANDREW P. RODRIGUEZ (CERTIFIED SOIL EVALUATOR #13890)

TEST PIT: TP-1 ELEV.=207.5
0'-10" AP: SANDY LOAM
10'-26" B: SANDY LOAM
26'-80" C: GRAVELY SANDY LOAM
E.S.H.G.W. @ 36"
E.S.H.G.W. ELEV.=204.5
NO WEeping OBSERVED

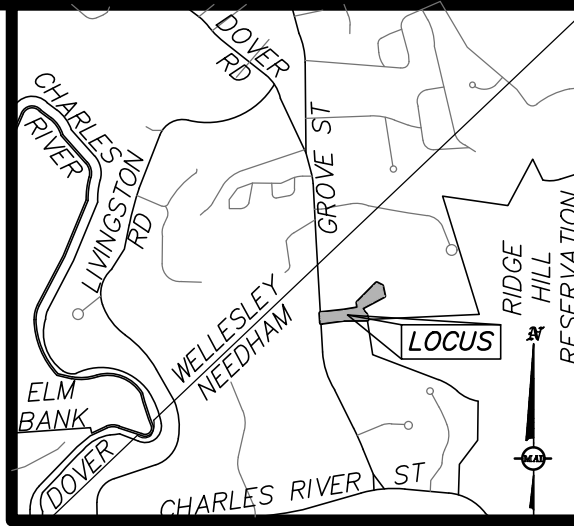
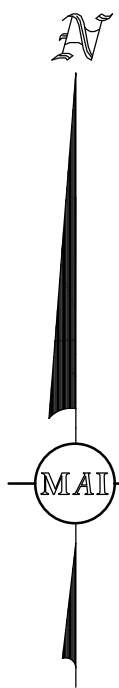
EST PIT: TP-2 ELEV.=210.1
0'-7" AP: SANDY LOAM
7'-23" B: SANDY LOAM
23'-90" C: GRAVELY SANDY LOAM
E.S.H.G.W. @ 38"
E.S.H.G.W. ELEV.=206.9
NO WEeping OBSERVED

TEST PIT: TP-3 ELEV.=209.5
0'-13" AP: SANDY LOAM
13'-24" B: SANDY LOAM
24'-52" C: SANDY LOAM
52'-92" C2: GRAVELY LOAMY SAND
E.S.H.G.W. NOT OBSERVED
E.S.H.G.W. ELEV.=201.8
NO WEeping OBSERVED

TEST PIT: TP-4 ELEV.=209.5
0'-10" AP: SANDY LOAM
10'-26" B: SANDY LOAM
26'-74" C/D: SANDY LOAM GRAVELY
E.S.H.G.W. @ 29"
E.S.H.G.W. ELEV.=207.1
NO WEeping OBSERVED

TEST PIT: TP-5 ELEV.=208.2
0'-22" HTM: SANDY LOAM
22'-42" C: SANDY LOAM GRAVEL
42'-86" C2: LOAMY SAND GRAVEL
E.S.H.G.W. NOT OBSERVED
E.S.H.G.W. ELEV.=201.2
NO WEeping OBSERVED

TEST PIT: TP-6 ELEV.=208.2
0'-62" FILL: TRASH, GLASS
62'-102" C: SANDY LOAM
E.S.H.G.W. NOT OBSERVED
E.S.H.G.W. ELEV.=199.7
NO WEeping OBSERVED



LOCUS MAP:
(NOT TO SCALE)

- LEGEND**
- EXISTING CONTOUR
 - PROPOSED CONTOUR
 - PROPOSED CONCRETE CURB
 - BUILDING SETBACK
 - WETLAND BUFFER
 - FILTERMITT/LIMIT OF WORK
 - TEST PIT
 - APPROXIMATE EXISTING PROPERTY LINES
 - WETLAND FLAG
 - VEGETATED WETLANDS
 - PROPOSED ASPHALT ROADWAY
 - PROPOSED PERMEABLE PAVERS
 - PROPOSED DRIVEWAY APRON
 - PROPOSED SUBSURFACE INFILTRATION SYSTEM
 - R= RADIUS
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 - L= LENGTH
 - GB GRADE BREAK
 - Tree TO BE REMOVED



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REGISTERED CIVIL ENGINEER, PE

DIRECTOR OF PUBLIC WORKS

DATE APPROVED

TOWN ENGINEER

DATE APPROVED

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

DATE TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

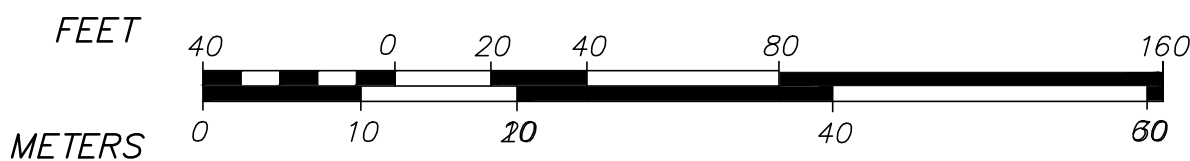
APPROVED:

TEMPORARY BENCHMARK CHART:

T.B.M.#	DESCRIPTION	ELEVATION
△	CATCH BASIN RIM	197.62

GRAPHIC SCALE

SCALE: 1"= 40'



NOTES

- THE SUBJECT PROPERTY IS LOCATED IN ZONE SRA (SINGLE RESIDENCE A).
- THE SUBJECT PROPERTY IS DEPICTED AS LOT 9 ON TOWN OF NEEDHAM ASSESSOR'S MAP 221.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED UPON A PARTIAL FIELD SURVEY AND COMPILATION OF PLANS OF RECORD. MERIDIAN ASSOCIATES, INC. DOES NOT WARRANT NOR GUARANTEE THE LOCATION OF ALL UTILITIES DEPICTED OR NOT DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 1-888-344-7233.
- THE SUBJECT PREMISES IS LOCATED IN THE FOLLOWING FLOOD ZONES PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0018E DATED JULY 17, 2012:
 - FLOOD ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

390 GROVE STREET

PROPOSED SITE & GRADING PLAN
LOCATED IN

NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)

PREPARED FOR

MORITZ SCHMIDT

MERIDIAN ASSOCIATES

500 CUMMINGS CENTER, SUITE 500
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-4447
WWW.MERIDIANASSOC.COM

CHECKED BY: M. NOVAK

DATE:

JULY 20, 2018

SCALE:

1"=40'

SHEET No.

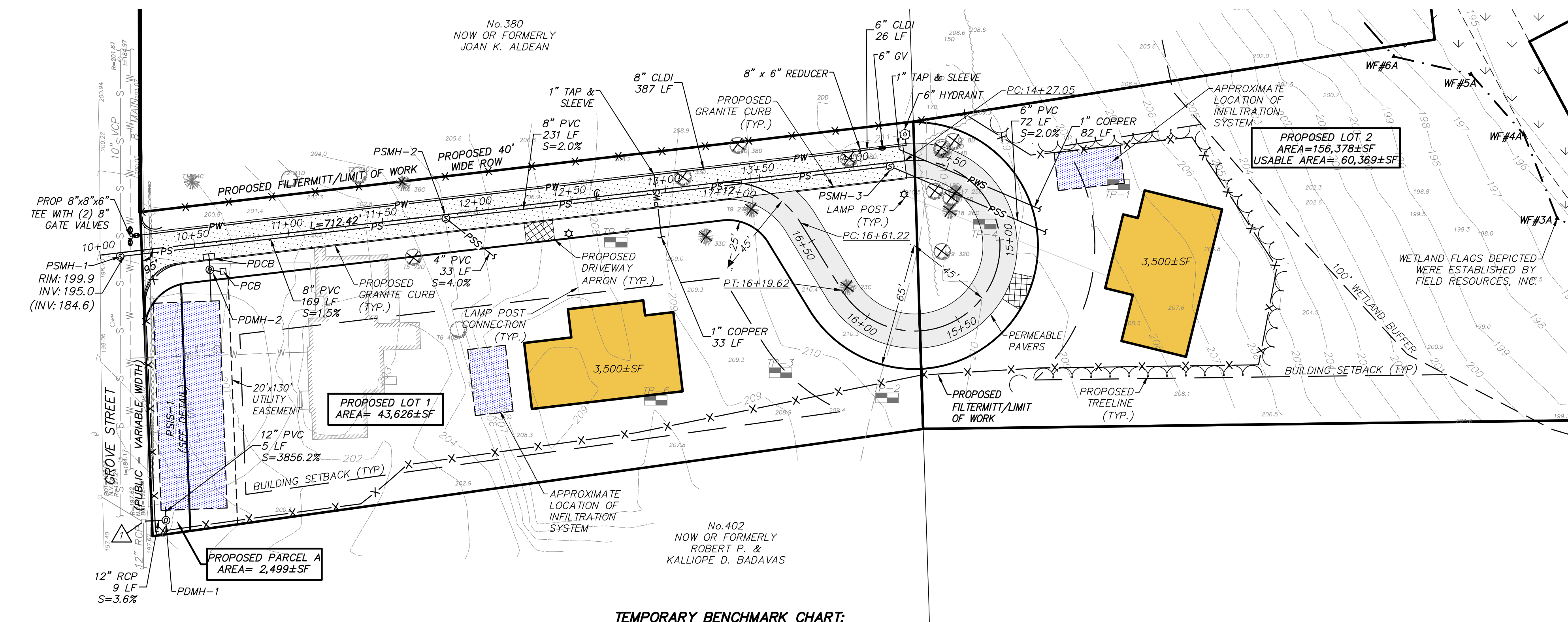
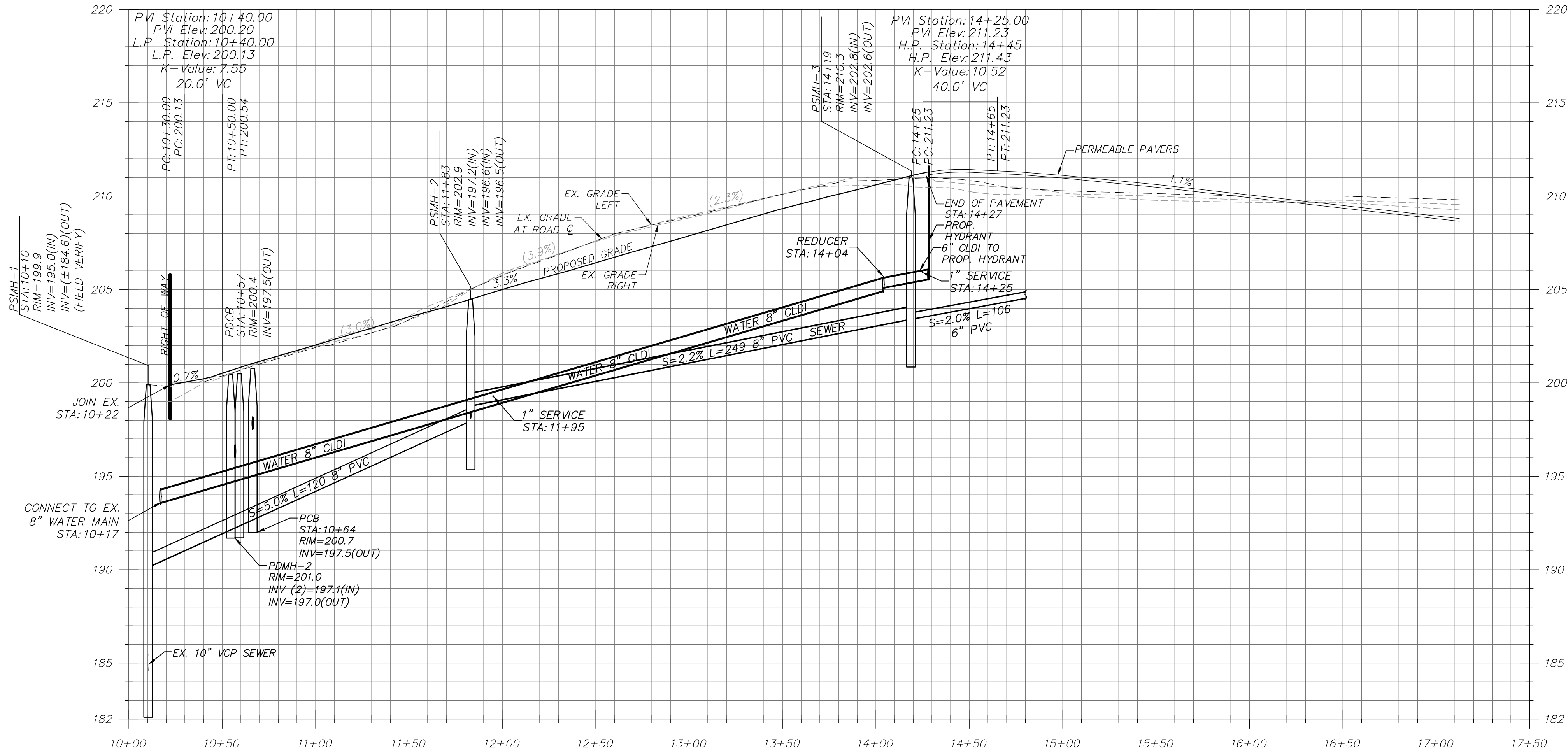
5 OF 9

PROJECT No.

6036

6036-SITE

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NOTES

- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED UPON A PARTIAL FIELD SURVEY AND COMPILATION OF PLANS OF RECORD. MERIDIAN ASSOCIATES, INC. DOES NOT WARRANT NOR GUARANTEE THE LOCATION OF ALL UTILITIES DEPICTED OR NOT DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 1-888-344-7233.

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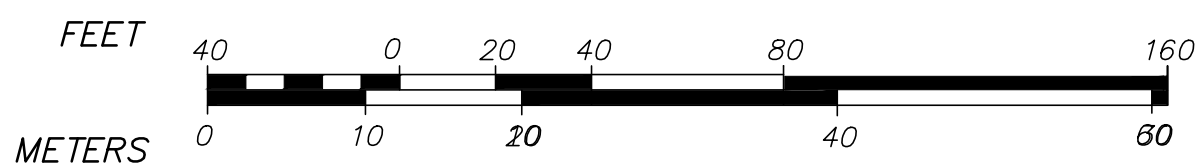
- FLOOD ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

TEMPORARY BENCHMARK CHART:

T.B.M.#	DESCRIPTION	ELEVATION
1	CATCH BASIN RIM	197.62

GRAPHIC SCALE

SCALE: 1"=40'



PROPOSED DRAINAGE STRUCTURE CHART

STRUCTURE	RIM ELEV.	INVERT(S)	PIPE
PDMH-1	198.7	195.2 (IN)	12" PVC
		195.0 (OUT)	12" RCP
PDMH-2	201.0	197.1 (IN)	12" PVC
		197.0 (OUT)	12" PVC
PCDB	200.4	197.5	12" PVC
PCB	200.7	197.5	12" PVC

PROPOSED SEWER STRUCTURE CHART

STRUCTURE	RIM ELEV.	INVERT(S)	PIPE
PSMH-1	199.9	195.0 (IN)	8" PVC
		(±184.6) (OUT)	10" VCP
PSMH-2	202.9	197.2 (IN)	8" PVC
		196.6 (IN)	4" PVC
		196.5 (OUT)	8" PVC
PSMH-3	210.3	202.8 (IN)	4" PVC
		202.6 (OUT)	8" PVC

NOTE: ALL PROPOSED SEWER SERVICES TO BUILDINGS SHALL BE 4" PVC (SDR 35) AND SHALL HAVE A MINIMUM SLOPE OF 2% FROM THE FOUNDATION TO THE SEWER MAIN.

NOTE: ALL PROPOSED ROOF DRAIN SHALL BE 6" PVC, SDR 35 UNLESS OTHERWISE NOTED.

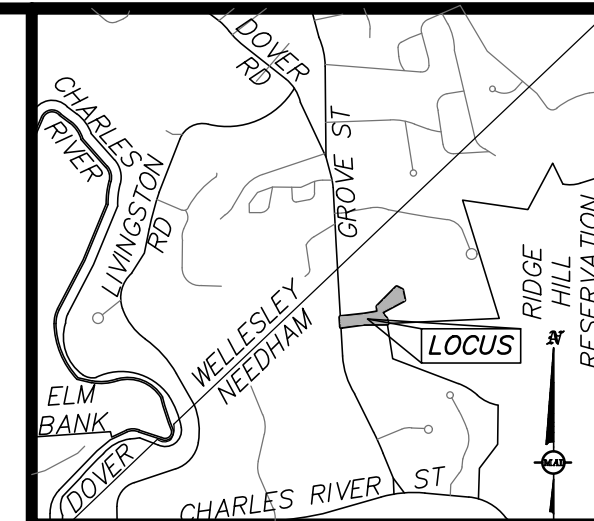
NOTE: ALL PROPOSED STORM DRAIN SHALL BE 12" RCP UNLESS OTHERWISE NOTED.

NOTE: ALL PROPOSED DOMESTIC WATER SERVICES TO BUILDINGS SHALL BE 1" COPPER, TYPE K.

NOTE: ALL UTILITY CONNECTION MADE WITHIN GROVE STREET SHALL MEET THE TOWN OF NEEDHAM STANDARDS AND REGULATIONS.

NOTE: CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND CONDITION AND ELEVATIONS PRIOR TO CONSTRUCTION. IF CONFLICTS ARE FOUND THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER TO REVISE THE DESIGN.

NOTE: NO PORTION OF THIS SITE FALLS WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON PANEL 18 OF 430, THE NEEDHAM FLOOD INSURANCE RATE MAP #25021C0018E, DATED JULY 17, 2012.



LOCUS MAP:
(NOT TO SCALE)

LEGEND

---	COMPILED SEWER LINE
PS	PROPOSED SEWER LINE
PSS	PROPOSED SEWER SERVICE
⊙	PROPOSED SEWER MANHOLE
⊙	PROPOSED CLEANOUT
---	COMPILED WATER LINE
PW	PROPOSED SEWER LINE
PWS	PROPOSED SEWER SERVICE
⊙	PROPOSED WATER GATE
⊙	PROPOSED DOUBLE CATCH BASIN
⊙	PROPOSED DOUBLE CATCH BASIN
---	PROPOSED DRAIN LINE
---	PROPOSED CONCRETE CURB
X-X	FILTERMITT/LIMIT OF WORK
TP-01	TEST PIT
---	APPROXIMATE EXISTING PROPERTY LINES
---	PROPOSED TREELINE
WF	WETLAND FLAG
WF	VEGETATED WETLANDS
WF	PROPOSED ASPHALT ROADWAY
WF	PROPOSED PERMEABLE PAVERS
WF	PROPOSED DRIVEWAY APRON
WF	RIGHT OF WAY
WF	TYPICAL
WF	LENGTH
WF	CEMENT LINED DUCTILE IRON
WF	GATE VALVE



I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

REGISTERED CIVIL ENGINEER, PE

DIRECTOR OF PUBLIC WORKS

DATE APPROVED

TOWN ENGINEER

DATE APPROVED

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DATE TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

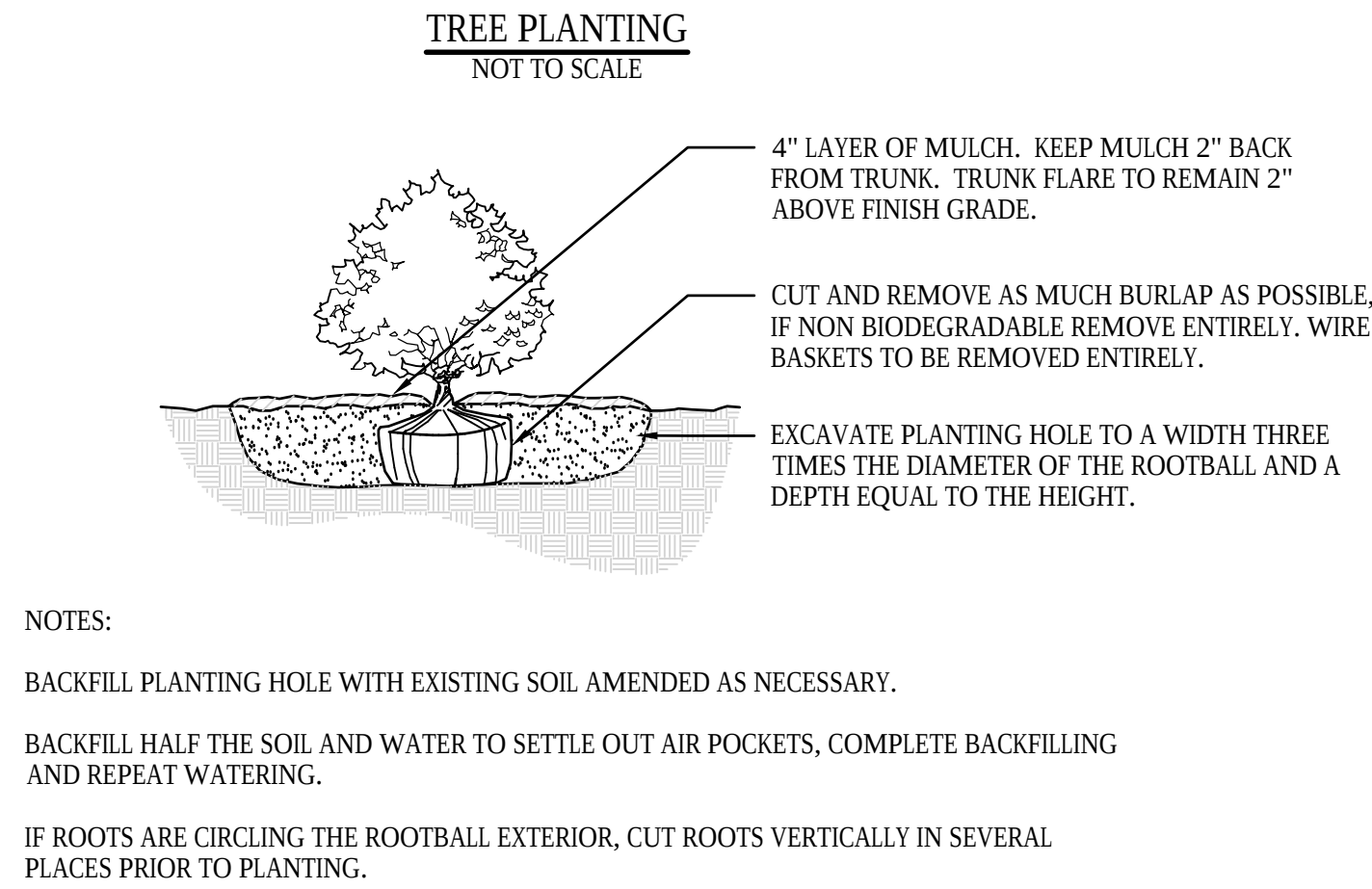
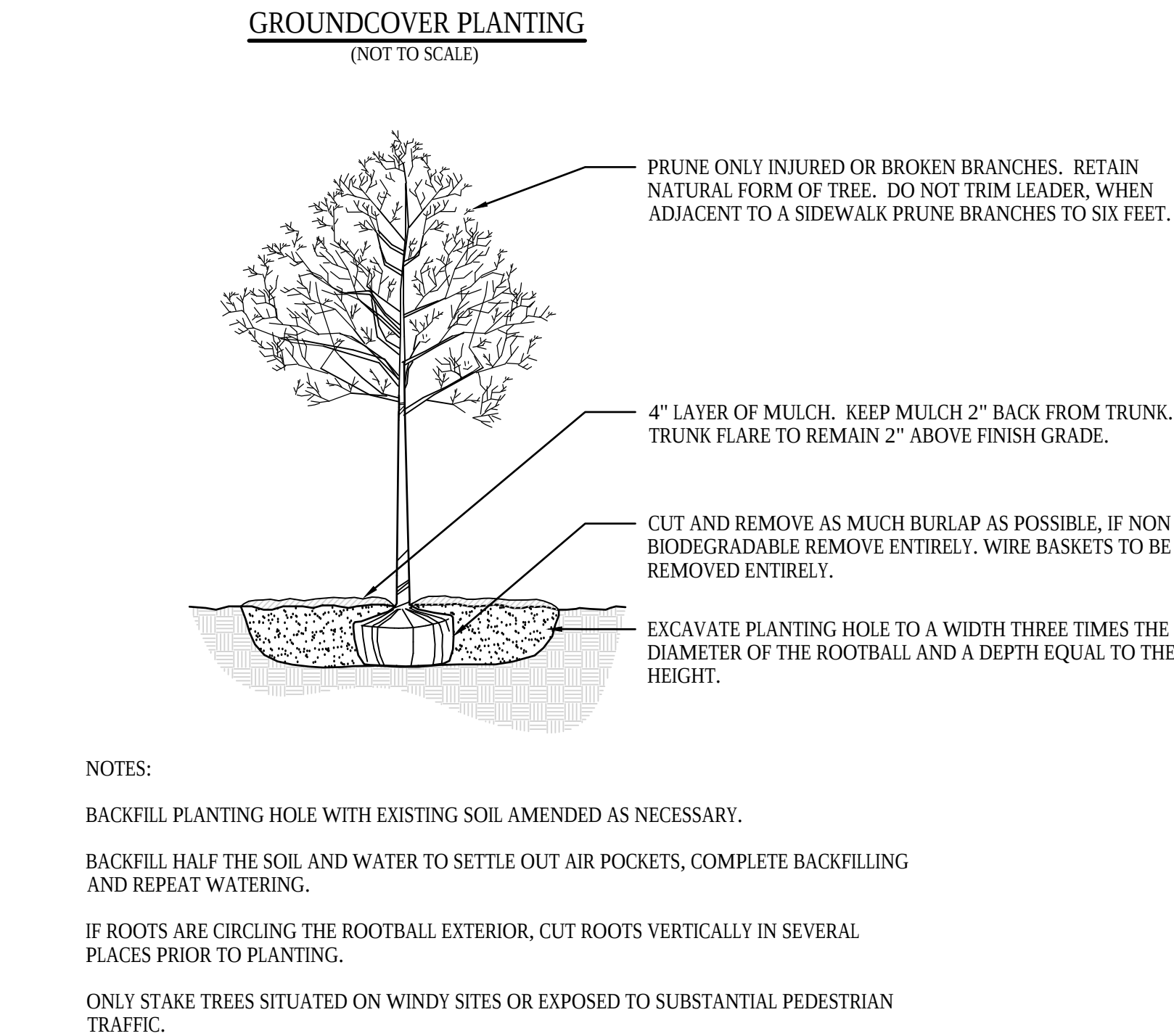
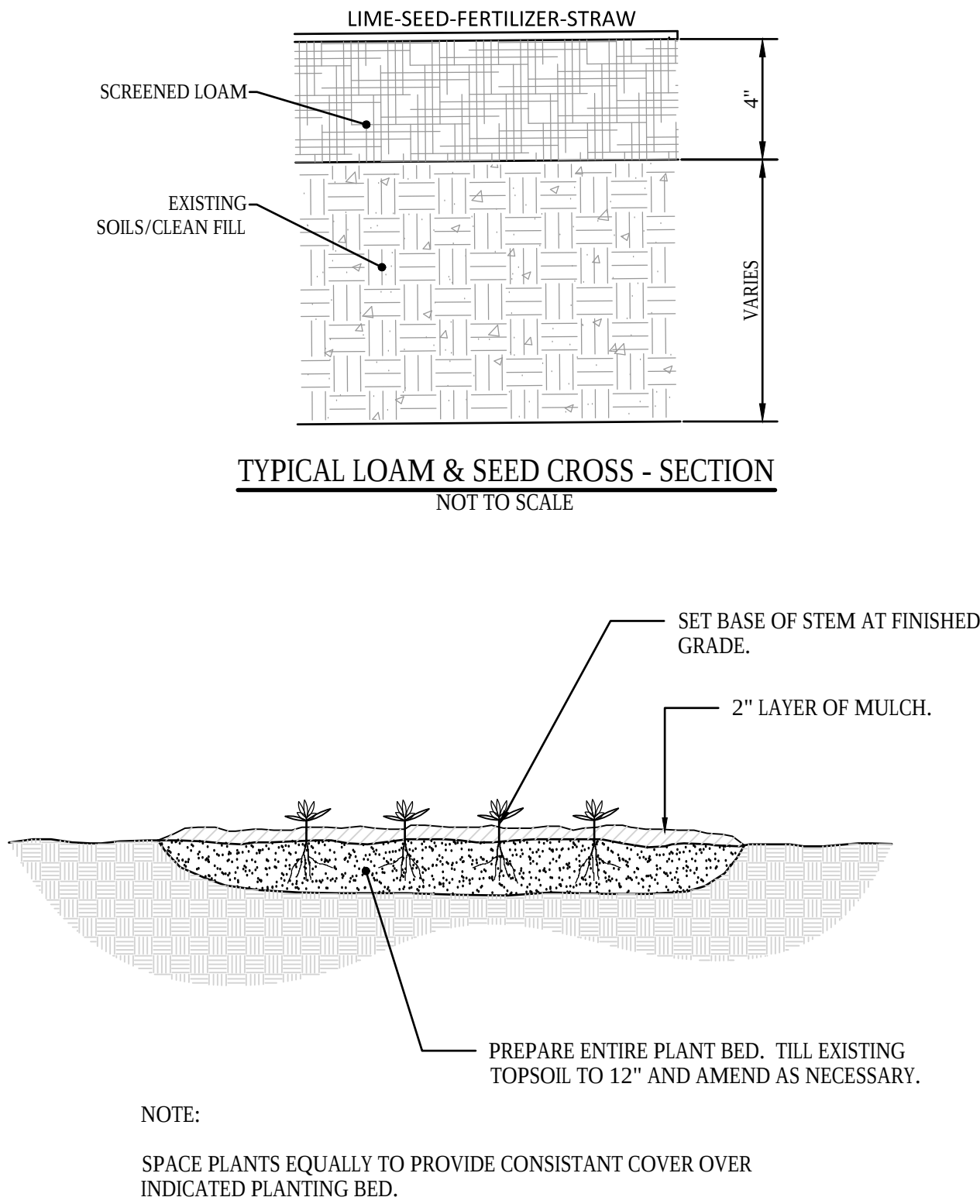
REVISIONS		DATE	DESCRIPTION
11.2.18	REVISED PER TOWN COMMENTS	CG	
07.12.19	REVISED PER TOWN COMMENTS	CG	
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9.04.19	REVISED PER TOWN COMMENTS	DSK	

SURVEY INFORMATION PROVIDED BY:
Field Resources, Inc.
LAND SURVEYORS
P.O. BOX 324
AUBURN, MA 05083
281 CHESTNUT ST.
NEEDHAM, MA 02454
781 444 5936
fieldresources@hotmail.com

PROPOSED UTILITIES & PROFILE
LOCATED IN
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
PREPARED FOR
MORITZ SCHMIDT

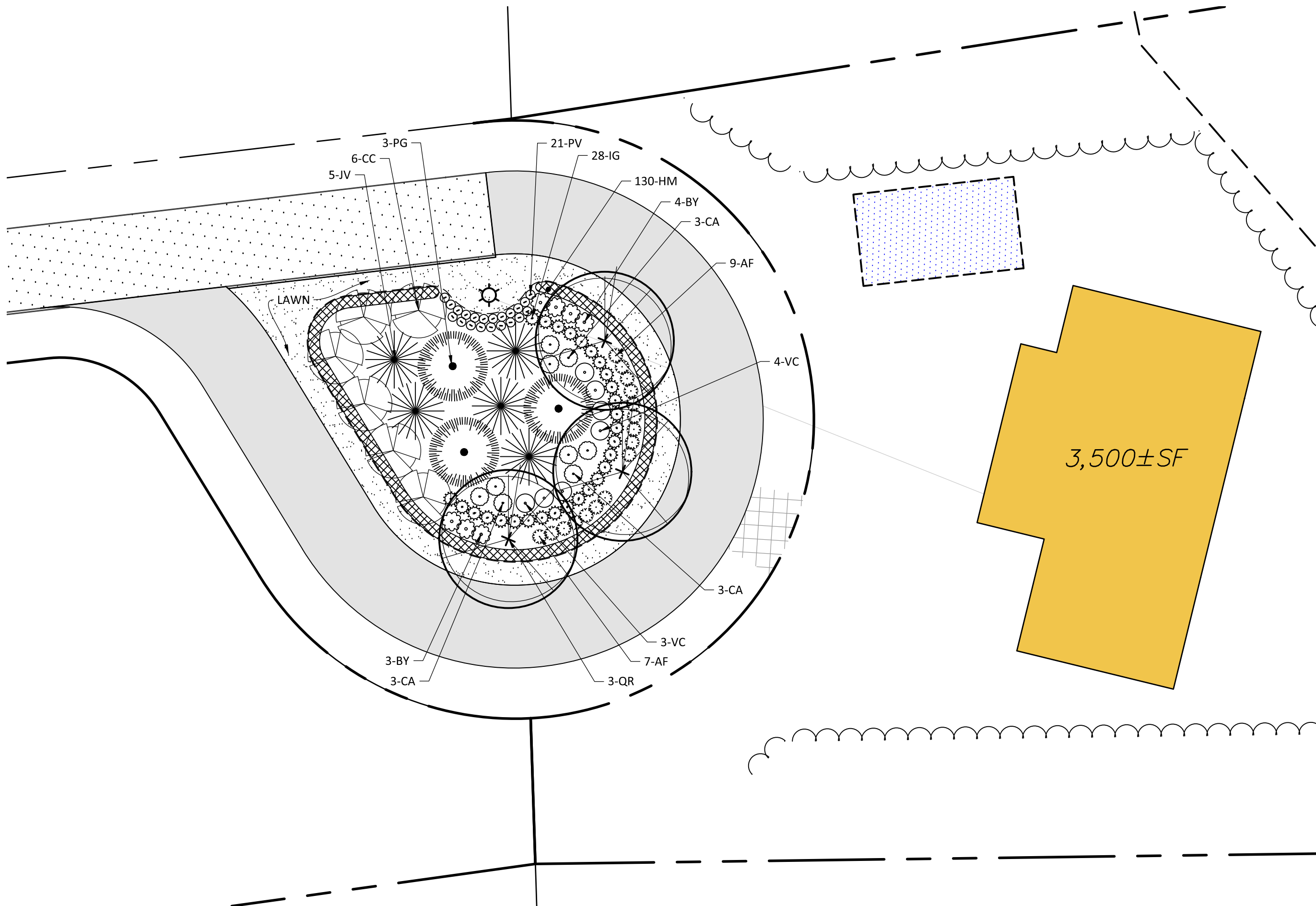
MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5950
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TELEPHONE: (978) 299-4447
WWW.MERIDIANASSOC.COM

DATE: JULY 20, 2018
SCALE: 1"=40'
SHEET No. 6 OF 9
PROJECT No. 6036



QTY	SYM	LATIN NAME	COMMON NAME	SIZE	NOTES
TREES					
6	CC	Cercis canadensis	Eastern Redbud	8'-10' Ht. Clump B&B	DR N Pink Butterflies Showy Fall Color April
5	JV	Juniperus virginiana	Eastern Red Cedar	10'-12' Ht. B&B	DR DT N ST Blueish/Black Fruit Wildlife Evergreen
3	PG	Picea glauca	White Spruce	7'-8' Ht. B&B	DR N Birds/Small Mammals Evergreen Winter Interest
3	QR	Quercus rubra	Red Oak	3"-3.5" Cal. B&B	DR DT N ST Yellowish/Green Fall interest May
SHRUBS					
9	CA	Clethra alnifolia	Summersweet	24"-30" Ht. #3 Pot	N ST 48" OC White Butterflies Showy Fragrant Heavy Shade July-August
7	BY	Cornus sericea 'Bud's Yellow'	Bud's Yellow Redosier Dogwood	24"-30" Ht. #3 Pot	DR N ST 48" OC Yellow/White Birds/Butterflies Fall/Winter Interest May-June
16	AF	Cornus sericea 'Farrow Artic Fire'	Artic Fire Redosier Dogwood	24"-30" Ht. #3 Pot	DT N ST 36" OC White Birds/Butterflies Fall/Winter Interest May-June
28	IG	Ilex glabra 'Shamrock'	Shamrock inkberry	24"-30" Ht. B&B	DR DT N ST 36" OC Greenish-White Birds Evergreen May-June
7	VC	Vaccinium corymbosum 'Bluecrop'	Bluecrop Blueberry	24"-30" Ht. #5 Pot	DT N 48" OC White Showy Edible Fruit Wildlife Fall Color May
ORNAMENTAL GRASSES					
21	PV	Panicum virgatum 'Heavy Metal'	Heavy Metal Switchgrass	#3 Pot	DR DT N ST 24" OC Pink-Tinged Winter Interest July-February
PERENNIALS & GROUNDCOVER					
130	HM	Hemerocallis 'Apricot Sparkles'	Apricot Sparkles Daylily	#1 Pot	DR DT ST 24" OC Apricot Butterflies Showy May-October

ABBREVIATIONS:
B&B: BALL AND BURLAP
CAL: CALIPER
DR: DEER RESISTANT
DT: DROUGHT TOLERANT
N: NATIVE
OC: ON CENTER
ST: SALT TOLERANT



PROPOSED LEGEND

SHRUBS, PERENNIALS & GROUNDCOVERS

EVERGREEN, SHADE & ORNAMENTAL TREES

LANDSCAPE NOTES:

- ALL PLANT MATERIAL SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED BY THE "AMERICAN STANDARD FOR NURSERY STOCK" PUBLISHED BY AmericanHort 2014 AND AS AMENDED.
- ALL PLANT MATERIALS SHALL BE GUARANTEED FOR ONE YEAR FOLLOWING DATE OF FINAL ACCEPTANCE.
- VERIFY LOCATIONS OF ALL EXISTING UTILITY LINES PRIOR TO PLANTING AND REPORT ANY CONFLICTS TO THE OWNER OR OWNER'S REPRESENTATIVE.
- PROVIDE TREES, SHRUBS, AND GROUNDCOVERS AS SHOWN AND SPECIFIED. THE WORK INCLUDES: SOIL PREPARATION, INSTALLATION OF TREES, SHRUBS AND GROUNDCOVERS, PLANTING MIXES, MULCH AND PLANTING ACCESSORIES, WARRANTY, WATERING AND MAINTENANCE DURING CONSTRUCTION AND WARRANTY PERIODS.
- BALLED AND BURLAPPED PLANTS MAY BE PLANTED IN THE SPRING FROM APRIL 1ST UNTIL JUNE 15TH AND IN THE FALL FROM AUGUST 15TH TO NOVEMBER 1ST.
- PLANTING PLAN IS DIAGRAMMATIC IN NATURE. FINAL PLACEMENT OF PLANTS TO BE APPROVED BY THE LANDSCAPE ARCHITECT IN THE FIELD.
- ALL SHADE TREES ALONG SIDEWALKS SHALL HAVE A MINIMUM SIX (6) FOOT BRANCHING HEIGHT.
- PLANT MATERIALS DEPICTED IN ROWS SHALL CONTAIN MATCHING PLANT SPECIMENS SPACED EQUALLY ALONG INDICATED AREA.
- ALL PLANT MATERIALS AND LAWN AREAS TO BE MAINTAINED BY LANDSCAPE CONTRACTOR UNTIL FINAL WRITTEN ACCEPTANCE PROVIDED TO CONTRACTOR BY OWNER OR OWNER'S REPRESENTATIVE.
- ALL PLANT MATERIALS TO REMAIN ALIVE AND BE IN HEALTHY, VIGOROUS CONDITION AND SHALL BE GUARANTEED FOR ONE YEAR FOLLOWING DATE OF FINAL WRITTEN ACCEPTANCE FROM THE OWNER OR OWNER'S REPRESENTATIVE.
- ALL PLANT MATERIALS ARE INTENDED TO BE DROUGHT TOLERANT ONCE ESTABLISHED. NO IRRIGATION SYSTEM IS PROPOSED.
- LOAM AND SEED ALL DISTURBED AREAS UNLESS OTHERWISE INDICATED ON PLAN. LOAM WITH TOPSOIL SPREAD TO A MINIMUM DEPTH OF (6) SIX INCHES.
- SEED OR PROVIDE SOD FOR ALL TURFGRASS LAWN AREAS WITH A DROUGHT TOLERANT TURFGRASS SEED MIX (80% TALL FESCUE, 10% PERENNIAL RYEGRASS, 10% KENTUCKY BLUEGRASS).
- PERENNIALS, BULBS AND ANNUALS ARE TO BE PLANTED IN A WELL PREPARED BED WHICH SHALL INCLUDE PEAT AND SLOW RELEASE FERTILIZER. BEDS SHALL BE SKIMMED WITH ONE AND ONE-HALF (1-1/2) INCH TO TWO (2) INCH MULCH (INCLUDING GROUNDCOVERS).



I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

REGISTERED CIVIL ENGINEER, PE

DIRECTOR OF PUBLIC WORKS

DATE APPROVED

TOWN ENGINEER

DATE APPROVED

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

DATE TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

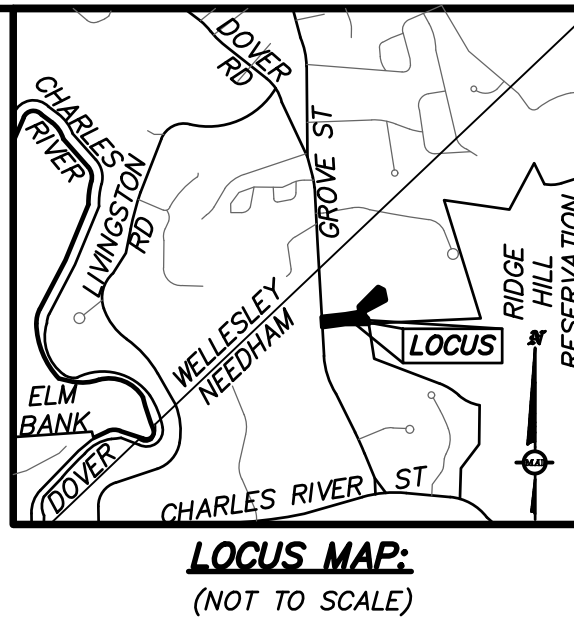
ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

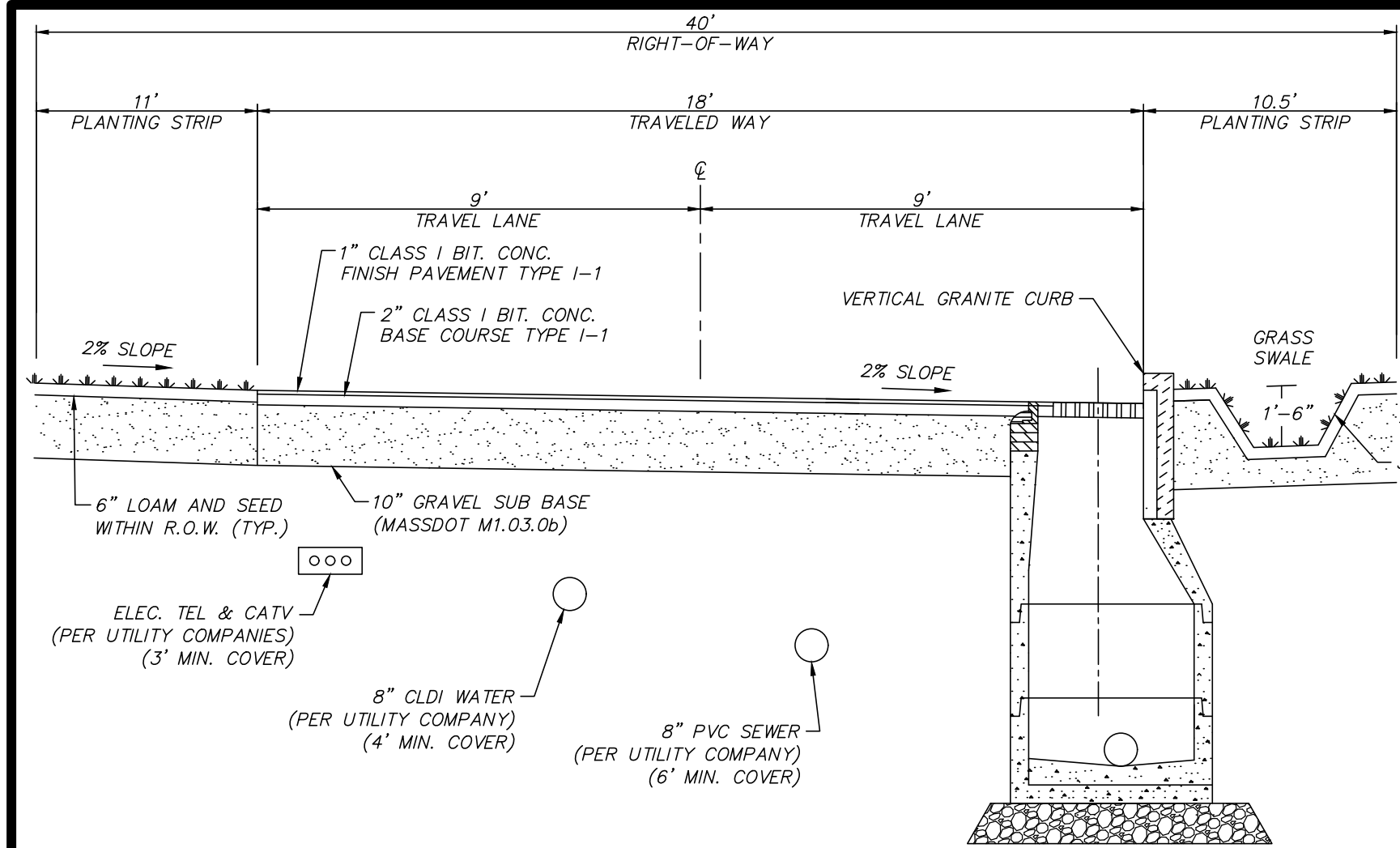
390 GROVE STREET
PROPOSED LANDSCAPE PLAN
LOCATED IN
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
PREPARED FOR
MORITZ SCHMIDT

MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5950
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-0447
WWW.MERIDIANASSOC.COM

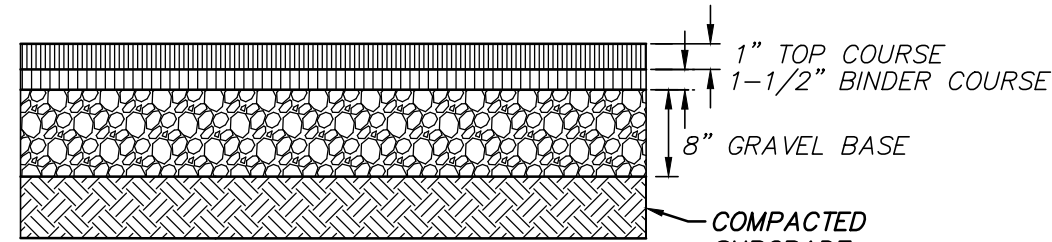
DATE: JULY 20, 2018
SCALE: 1"=20'
SHEET No. 7 OF 9
PROJECT No. 6036

REVISIONS					SURVEY INFORMATION PROVIDED BY:	
CG	CG	DSK	BY	DATE	DESCRIPTION	
11.2.18	REVISED PER TOWN COMMENTS					
07.12.19	REVISED PER TOWN COMMENTS					
8.22.19	REVISED PER TOWN COMMENTS					
9.04.19	REVISED PER TOWN COMMENTS					

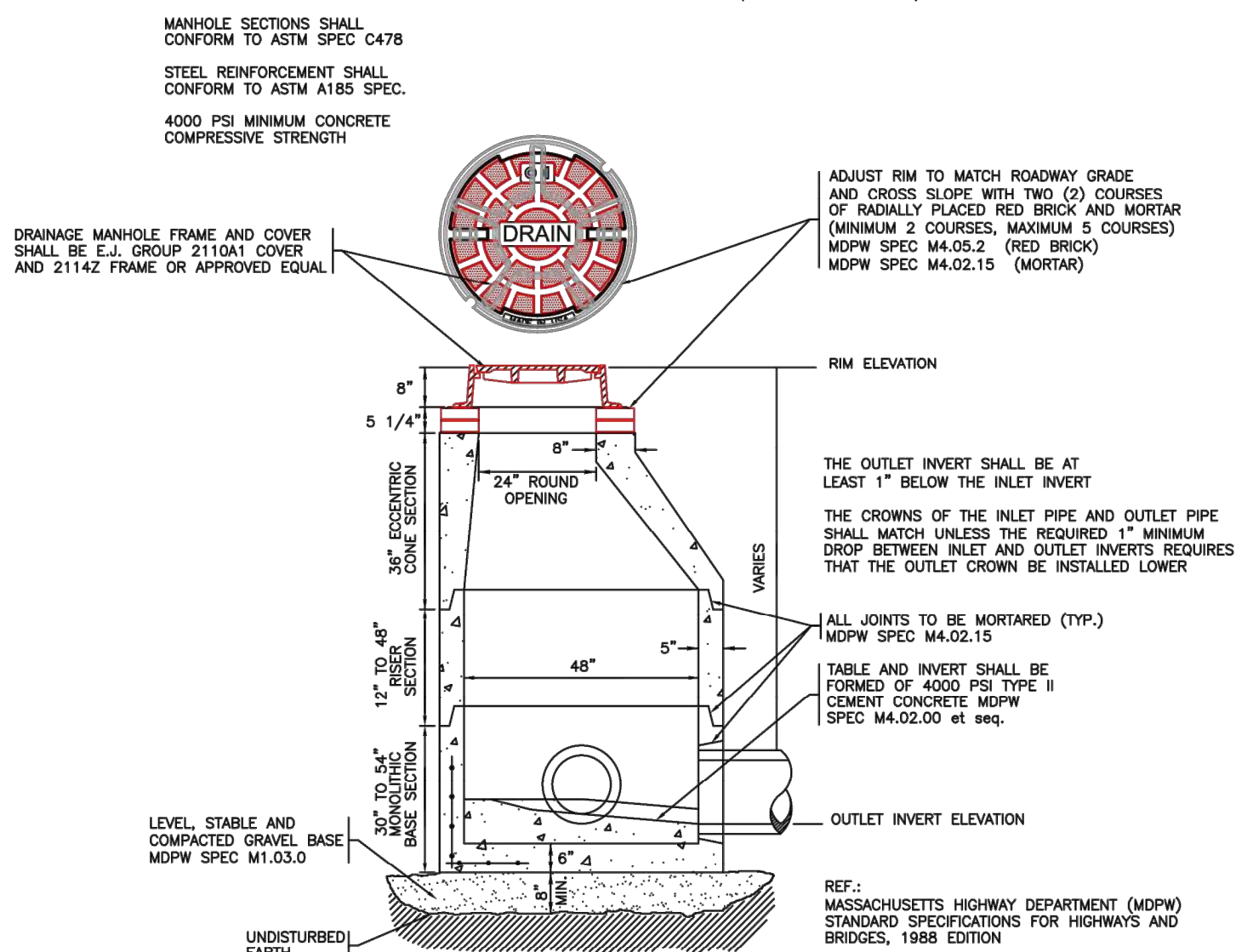




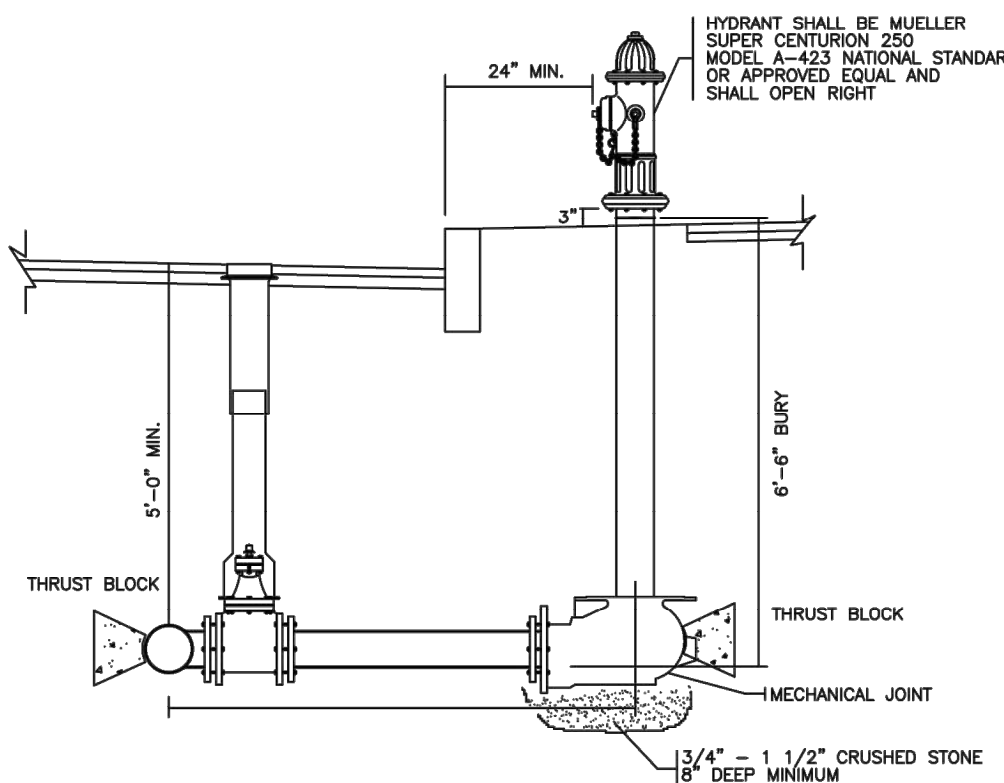
TYPICAL ROAD CROSS SECTION
(NOT TO SCALE)



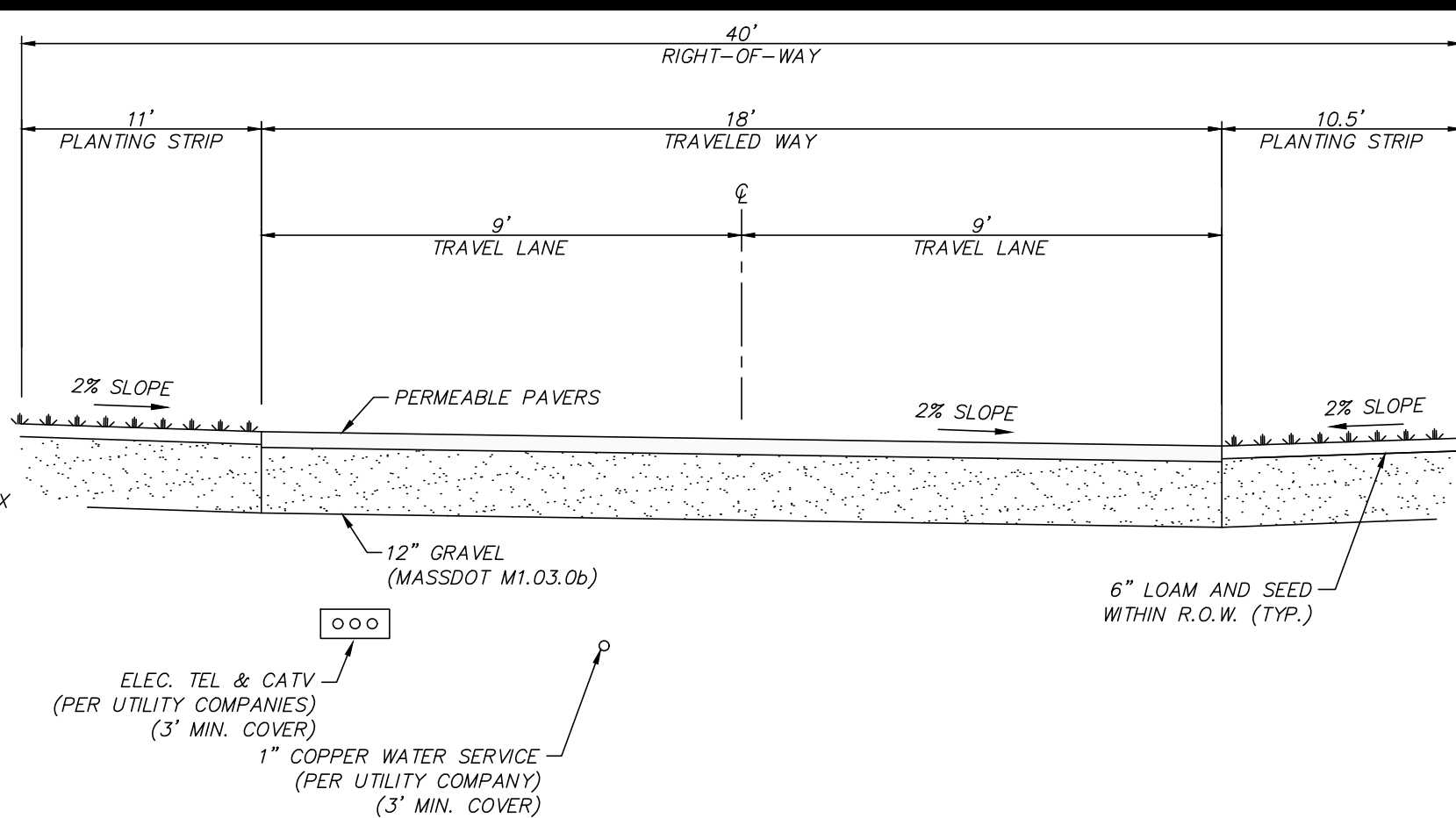
BITUMINOUS CONCRETE PAVEMENT SECTION
(NOT TO SCALE)



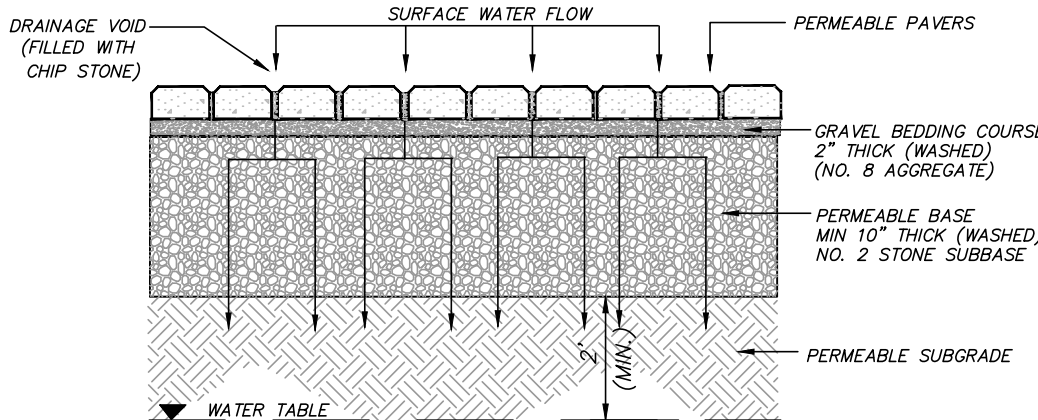
TYPICAL DRAINAGE MANHOLE DETAIL
(NOT TO SCALE)



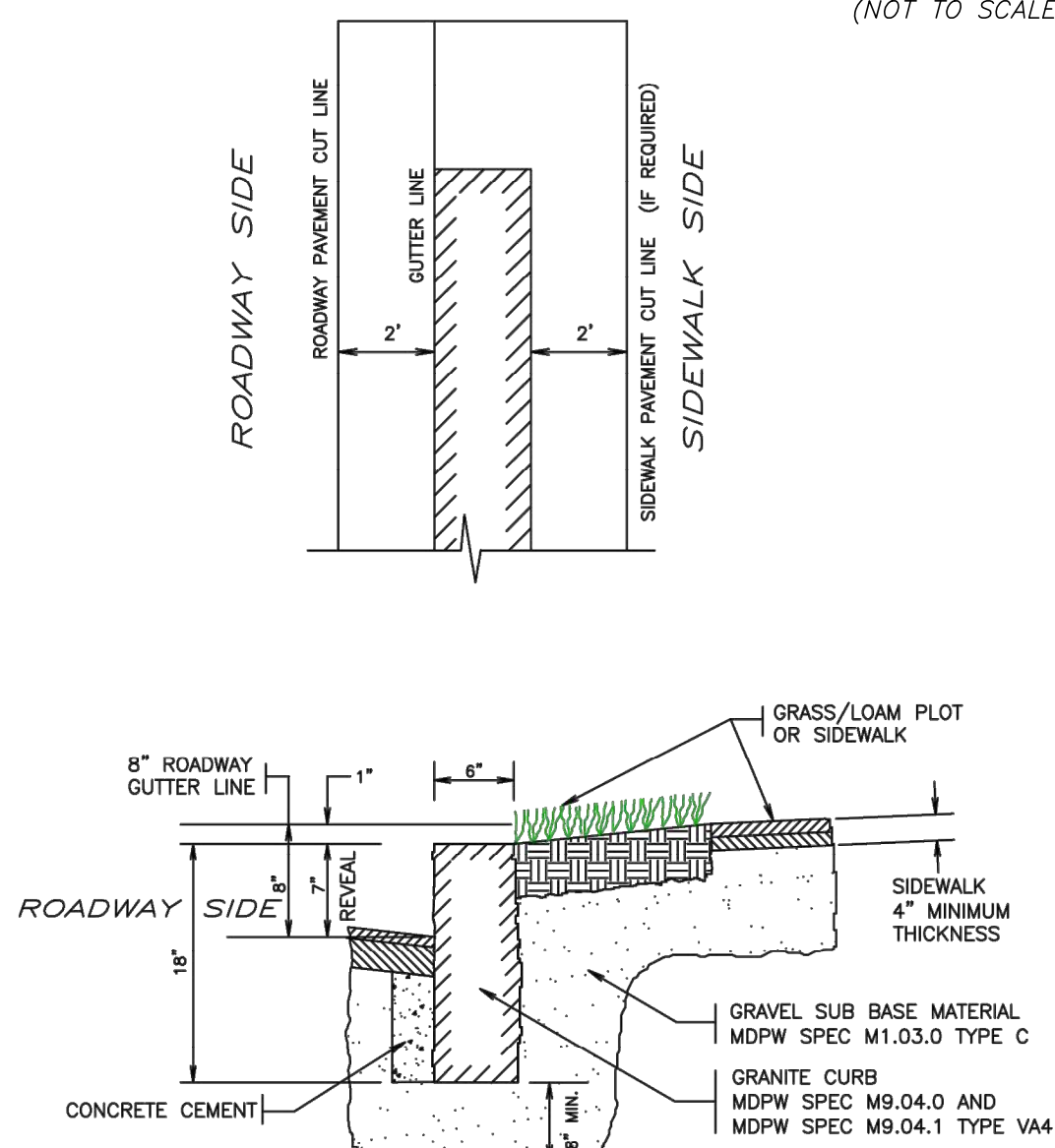
TYPICAL FIRE HYDRANT DETAIL
(NOT TO SCALE)



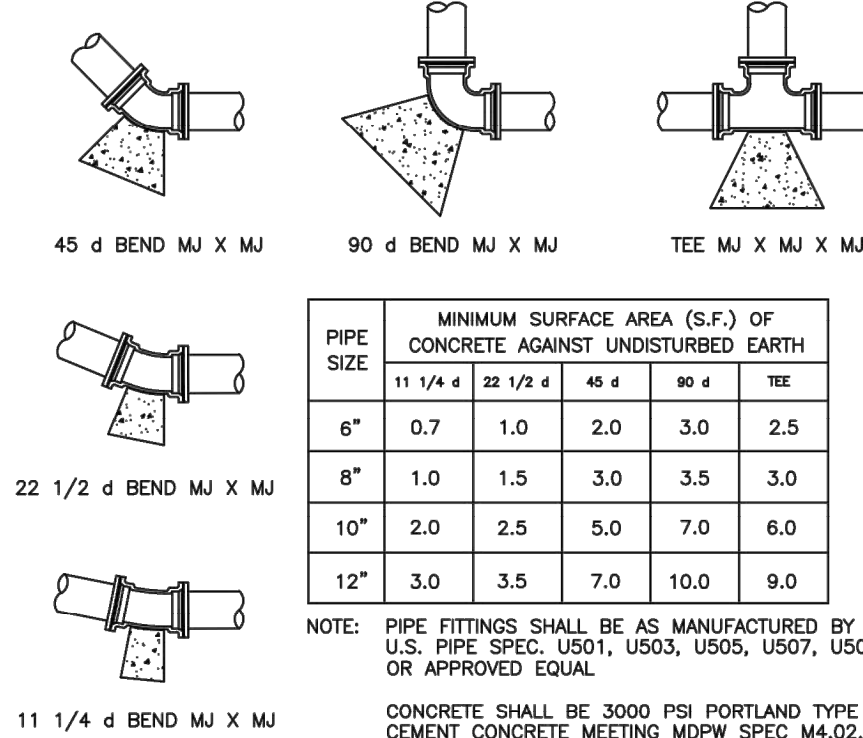
PERMEABLE PAVERS CROSS SECTION
(NOT TO SCALE)



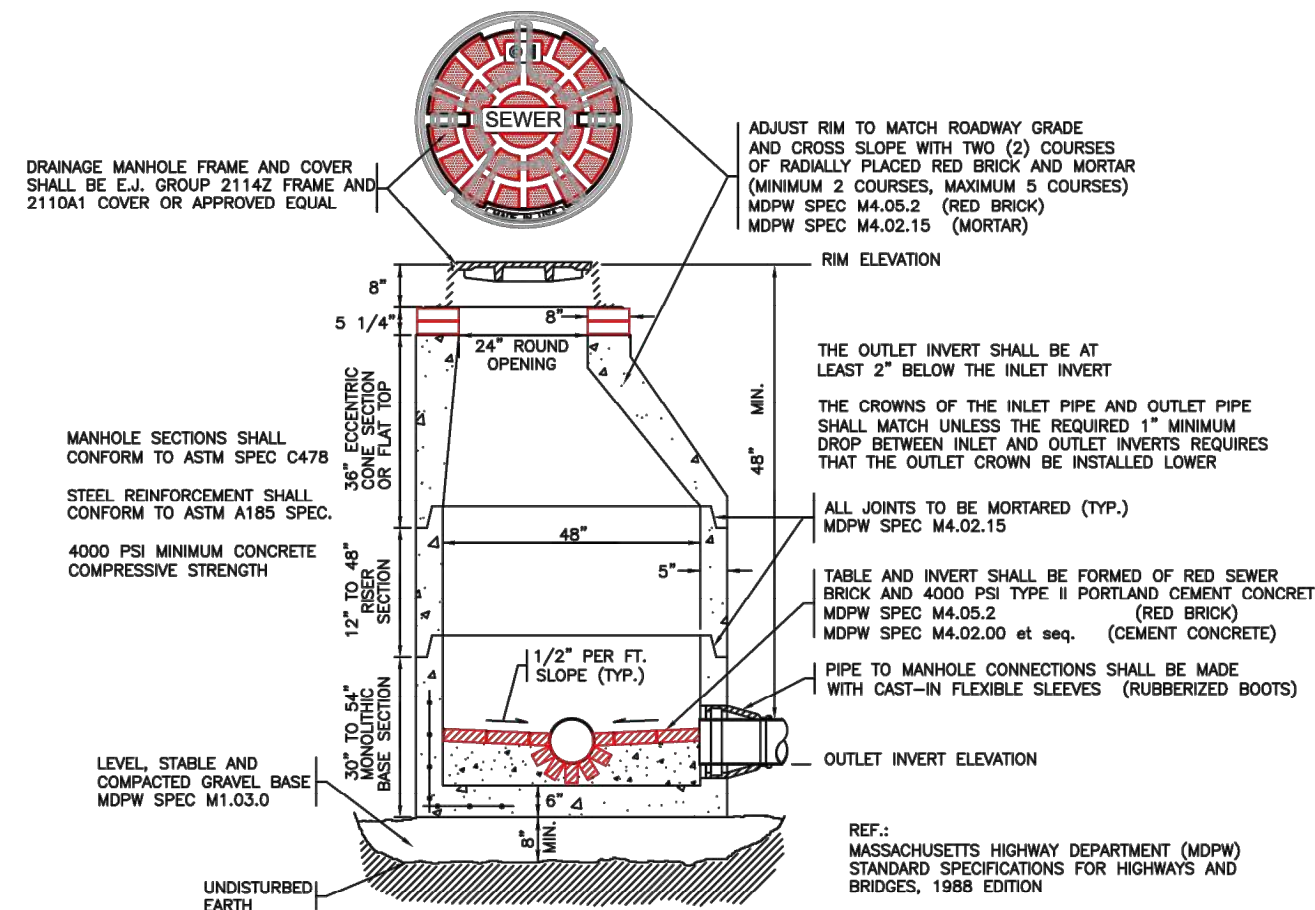
TYPICAL PERMEABLE PAVER DETAIL
(NOT TO SCALE)



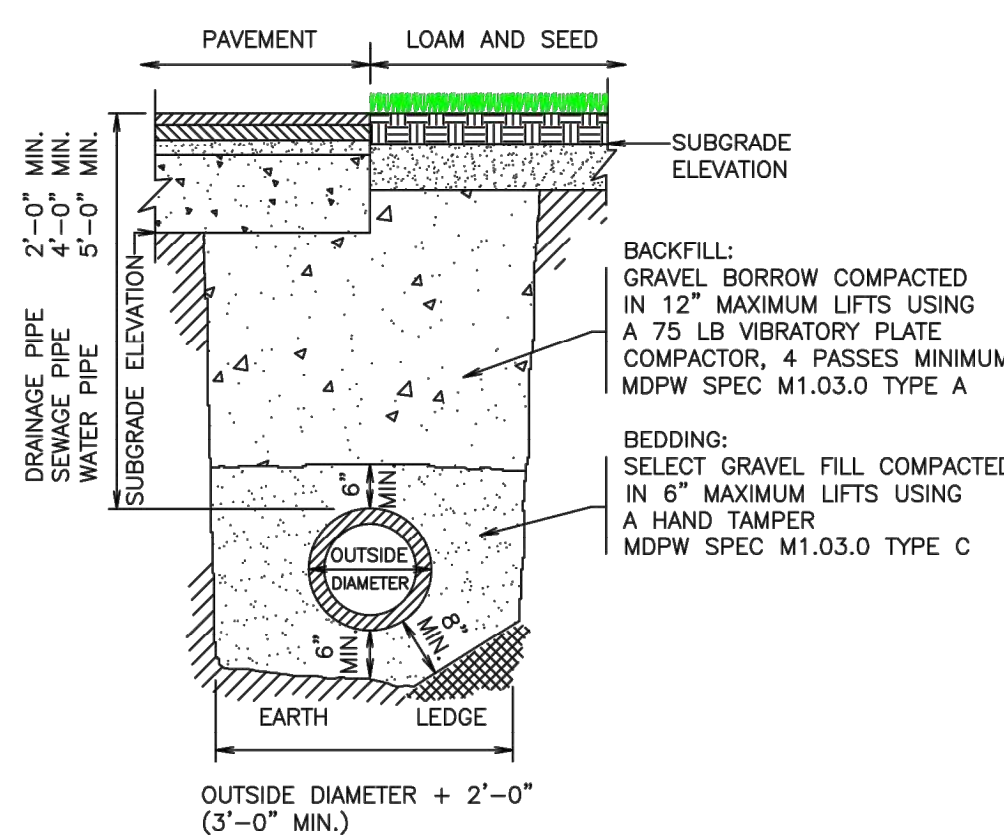
TYPICAL GRANITE CURB DETAIL
(NOT TO SCALE)



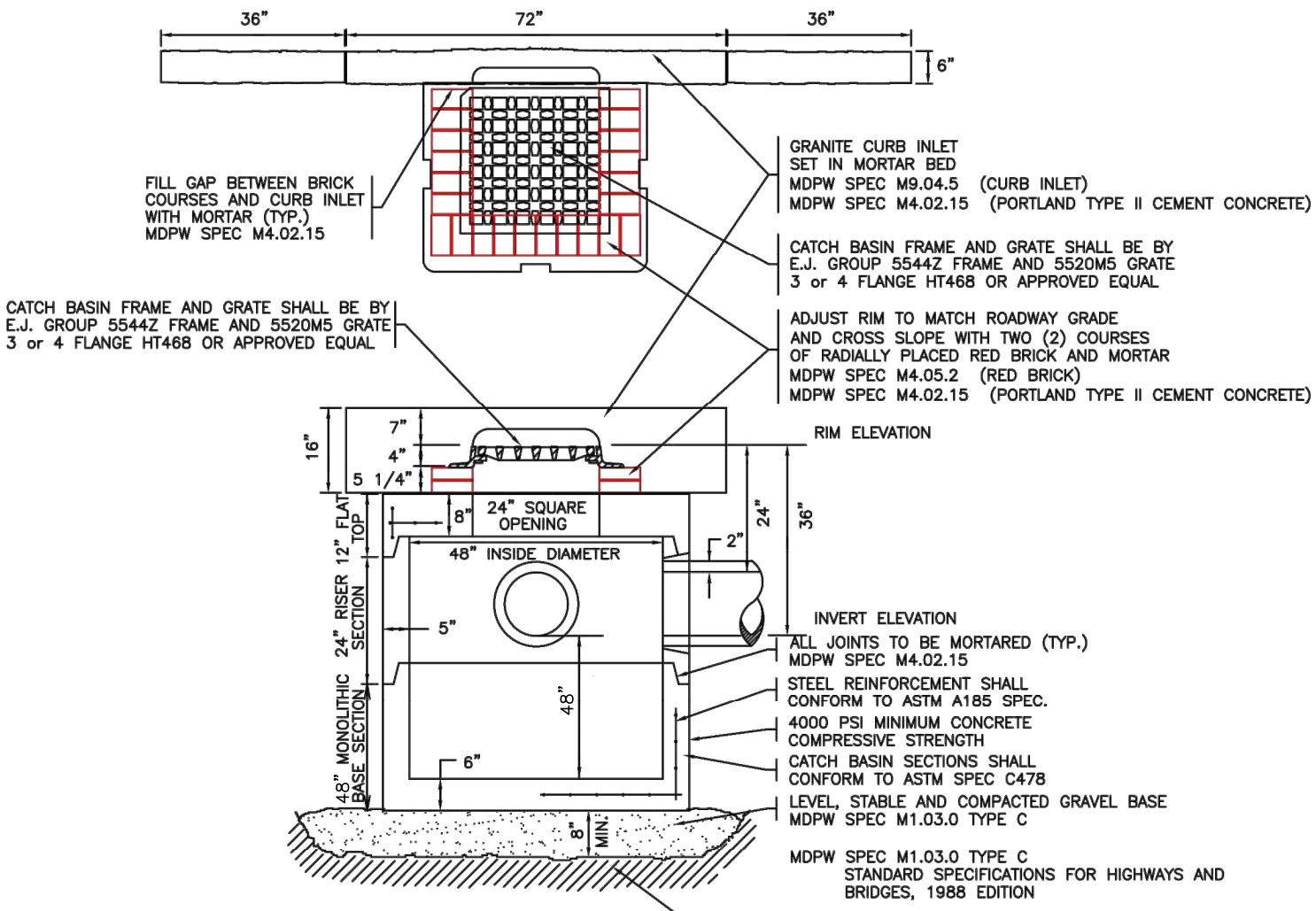
TYPICAL THRUST BLOCK DETAIL
(NOT TO SCALE)



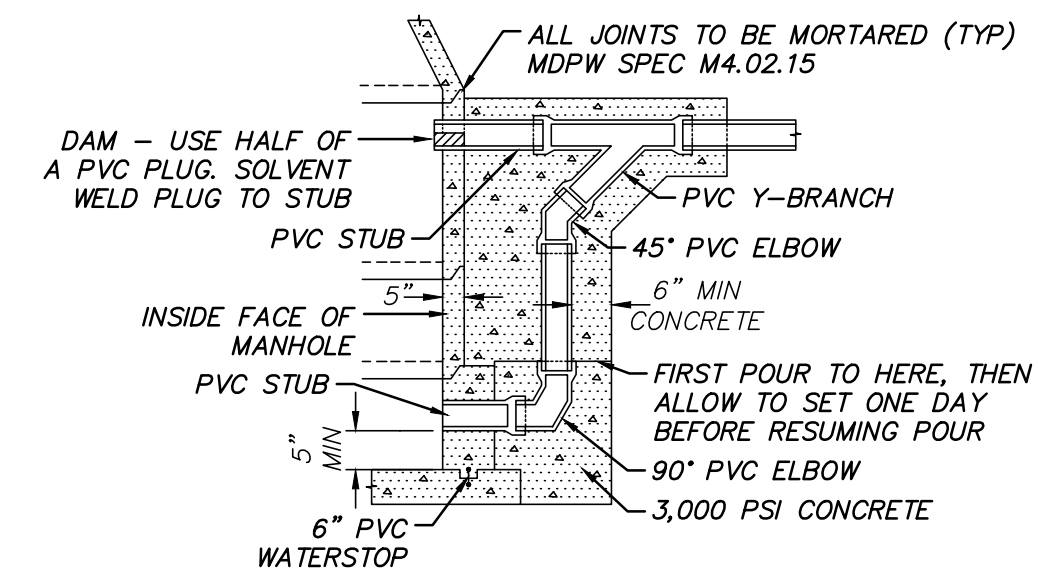
TYPICAL SEWER MANHOLE DETAIL
(NOT TO SCALE)



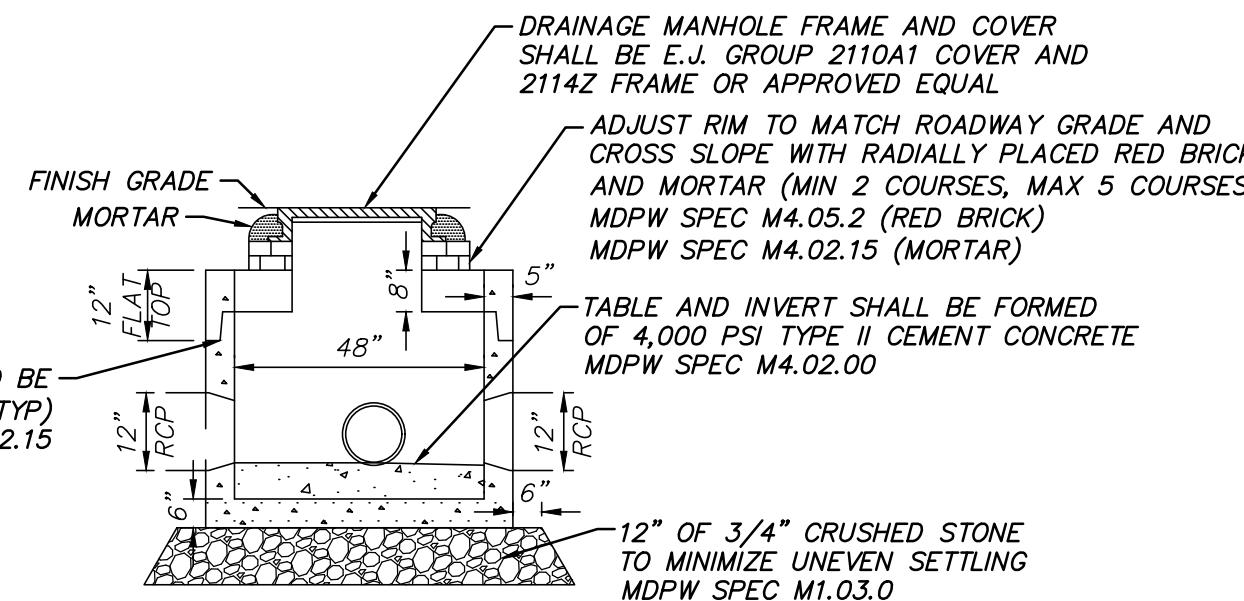
TYPICAL TRENCH DETAIL
(NOT TO SCALE)



TYPICAL 24" CATCH BASIN DETAIL
(NOT TO SCALE)



DROP CONNECTION DETAIL
(NOT TO SCALE)



FLAT TOP DRAIN MANHOLE DETAIL
(NOT TO SCALE)

- NOTES:
1. MANHOLE DESIGN TO LATEST TOWN OF NEEDHAM STANDARDS AND ASTM C478.
 2. REINFORCING STEEL CONFORMS TO LATEST ASTM A185.
 3. CONCRETE COMPRESSIVE STRENGTH - 4,000 PSI @ 28 DAYS.
 4. ONE POUR MONOLITHIC BASE.
 5. WHEN SPECIFIED, MANHOLES WATERPROOF COATED.
 6. STEPS - STEEL REINFORCED COPOLYMER POLYPROPYLENE PLASTICS (PS2-PFSL M.A. INDUSTRIES, INC.) CONFORMS TO LATEST ASTM C478 PARA-12.
 7. REFERENCE: LATEST MASSACHUSETTS HIGHWAY DEPARTMENT (MDPW) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.



I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

REGISTERED CIVIL ENGINEER, PE

DIRECTOR OF PUBLIC WORKS

DATE APPROVED

TOWN ENGINEER

DATE APPROVED

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

DATE TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

BY:

APPROVED:

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

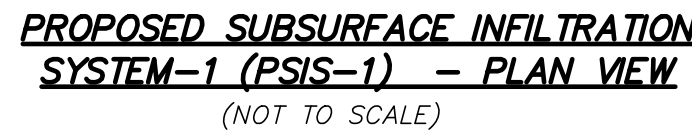
REVISIONS				
NO.	DATE	DESCRIPTION	BY	DATE
1.1.2.18	REVISED PER TOWN COMMENTS	CG		
0.7.12.19	REVISED PER TOWN COMMENTS	CG		
8.22.19	REVISED PER TOWN COMMENTS	CM		
9.04.19	REVISED PER TOWN COMMENTS	DSK		

SURVEY INFORMATION PROVIDED BY:
Field Resources, Inc.
LAND SURVEYORS
P.O. BOX 324
AUBURN, MA 01501
781 444 5936
fieldresources@hotmail.com

390 GROVE STREET
SITE DETAILS 1
LOCATED IN
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
PREPARED FOR
MORITZ SCHMIDT

MERIDIAN ASSOCIATES
500 CLUMMINGS CENTER, SUITE 500
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-0447
WWW.MERIDIANASSOC.COM

DESIGNED BY: C. McCAVIN
CHECKED BY: M. NOVAK
DATE: JULY 20, 2018
SCALE: 1"=40'
SHEET No. 8 OF 9
PROJECT No. 6036



SPECIFICATIONS:

CONCRETE STRENGTH
4000 P.S.I. AT 28 DAYS

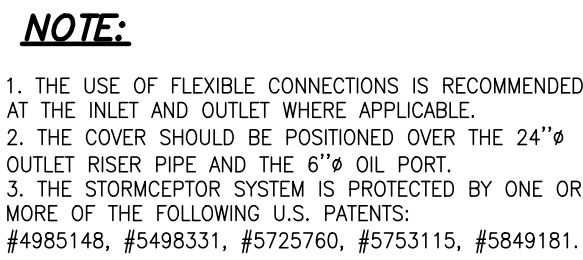
REINFORCING STEEL CONFORMS TO ASTM A185-79

MANHOLE DESIGN SPECIFICATIONS
CONFORM TO ASTM C 487-84

ONE POUR MONOLITHIC BASE

ADJUST GRADE WITH
COURSES

NOMINAL CONCRETE BLOCK SIZE:
HEIGHT, 4" to 8"
WIDTH, 8"
LENGTH, 8" to 16"



NOTE:

1. EXISTING TREES TO BE SAVED SHALL BE PROTECTED WITH ORANGE CONSTRUCTION FENCE (OFF-SET FROM THE TREE TRUNK BY PROFESSIONAL STANDARD BASED ON CANOPY) AND BURLAP AND STRAP BOARD TRUNK WRAP METHOD.



Needham Public Health Division

178 Rosemary St., Needham, MA 02494
www.needhamma.gov/health

781-455-7940 ext. 504
781-455-7922 (fax)



MEMO

To: Lee Newman, Planning Department
From: Tara Gurge, Public Health Division 
Date: 1/27/2020
Re: Definitive Subdivision Plan Comments for #390 Grove Street

This memo is in reference to the Public Health Division comments on the recently approved, 'Application for Approval of a Definitive Subdivision for #390 Grove Street,' in Needham.

This proposed subdivision would create two (2) individual house lots that conform to current zoning, both lots would have frontage and be serviced by a new road off of Grove Street and be accessed from the new proposed driveway. These lots would be serviced by municipal water and sewer.

The following is a list of Public Health Division comments regarding this proposal:

- Will not support the waiver request for the removal of sidewalks on both sides of the road layout at Section 3.3.16. Request the need for at least one sidewalk, if cannot accommodate both.
- Since the existing house is scheduled to be razed, a Notification of Demolition form must be submitted to the Public Health Division, along with supplemental documents, for our review and approval prior to the issuance of the Building demolition permit.
- The septic system that services the existing property will also need to be properly decommissioned and an abandonment form submitted to the Health Division as part of this demolition approval process.

The following additional off-street drainage requirements are indicated:

- 1) All lots should be graded to the limits of construction as to have no standing water or otherwise create a public health nuisance.
- 2) Grading shall not improperly shed or illegally increase drainage onto adjacent properties.
- 3) All subsequent developers or builders should be notified of the off-street drainage requirements.
- 4) If there are difficult or unusual conditions as determined in the field from the approved grading plan, or other circumstances or objections received from abutters, the Board of Health may require an as-built grading plan for further evaluation.
- 5) Following the Board of Health off-street drainage guidelines for a subdivision, a drainage surety of \$3,500.00 will be required for each buildable lot, or \$7,000.00 for the two-lot subdivision.

Please feel free to contact the Public Health Division office if you have any additional questions.



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

January 29, 2020

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Definitive Subdivision Application
390 Grove Street

Dear Members of the Board,

The Department of Public Works completed its review of a request from the applicant to construct a two-lot subdivision off Grove Street. The existing lot consists of a single-family house that will be demolished. The new subdivision includes a private road with mixed asphalt and permeable pavers, private infiltration drainage system with overflow, town sewer and water, and underground electric/cable.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application for Approval of a Definitive Subdivision Plan, with Exhibits A (List of Requested Waivers, undated) and B (Legal Description of Land).
2. Letter directed to Lee Newman, Director of Planning and Community Development, consisting of authorization statement from Elisabeth Schmidt-Scheuber dated November 22, 2019.
3. Letter directed to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated January 3, 2020.
4. Plan entitled "390 Grove Street (assessor's Map 221 – Lot 9), Preliminary Subdivision Plan," prepared by Meridian Associates, 500 Cummings Center, Suite 5950, Beverly, MA 01915, Field Resources, Inc., 281 Chestnut Street, Needham, MA, consisting of 9 sheets: Sheet 1, Cover Sheet, dated July 20, 2018, revised November 2, 2018, March 29, 2019, July 12, 2019, August 22, 2019 and October 4, 2019; Sheet 2, entitled "Record Conditions Plan of Land," dated July 20, 2018, revised November 2, 2018, March 29, 2019, August 22, 2019 and September 4, 2019; Sheet 3, entitled "(By Right) Subdivision Plan," dated July 20, 2018, revised November 2, 2018, July 12, 2019, August 22, 2019 and September 4, 2019; Sheet 4, entitled "Lotting Plan," dated July 20, 2018, revised November 2, 2018, July 12, 2019, August 22, 2019, September 4, 2019 and October 21, 2019; Sheet 5, entitled "Proposed Site and Grading Plan," dated July 20, 2018, revised November 2, 2018, July 12, 2019, August 22, 2019 and September 4, 2019; Sheet 6, entitled "Proposed Utilities and Profile," dated July 20, 2018, revised November 2, 2018,

July 12, 2019, August 22, 2019 and September 4, 2019; Sheet 7, entitled "Proposed Landscape Plan," dated July 20, 2018, revised November 2, 2018, July 12, 2019, August 22, 2019 and September 4, 2019; Sheet 8, entitled "Site Details 1," dated July 20, 2018, revised November 2, 2018, July 12, 2019, August 22, 2019 and September 4, 2019; Sheet 9, entitled "Site Details 2," dated July 20, 2018, revised November 2, 2018, July 12, 2019, August 22, 2019 and September 4, 2019.

5. Stormwater Analysis and Calculations Report for 390 Grove Street, Needham, MA, prepared by Meridian Associates, 500 Cummings Center, Suite 5950, Beverly, MA 01915, dated October 4, 2019.

The engineering division does not object if the following comments and recommendations are incorporated into a revision process through the Planning Board:

- The plan shows the proposed private road with stormwater country side drainage system. The plans should be revised to reflect how the driveway entrance is expected to be constructed, specifically to reflect an appropriate sized culvert and elevation that will be located under the drive.
- The stormwater calculations show the proposed individual lots to have infiltration system larger than provided on the plan. The engineer should review the calculations and or the size of the infiltration system and revise the plans/document as needed and resubmit for review.
- Stormwater management after construction inspection documents should include a note if evidence of overflow into the town's drainage system has occurred. The proposed system is designed to accommodate the 100-year storm event; such note will be show evidence that the system is at capacity. Inspection documents should be available for the Town's NPDES coordinator to receive copies upon request.
- As part of the NPDES requirements, the applicant will need to comply with the Public Outreach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed in order to incorporate it into the Planning Board's decision.

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

Truly yours,

Sincerely,

Thomas Ryder
Assistant Town Engineer

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

By Hand

January 7, 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: 766 Chestnut Street, Needham

Dear Members of the Board:

Enclosed for filing, in connection with the above, please find 12 copies of the following:

1. Application for Endorsement of Plan Believed Not to Require Approval.
2. Plan of Land, Needham Massachusetts, by GLM Engineering Consultants, Inc., dated December 18, 2019. Four full sized, and eight reduced size. It is my understanding that Joyce Hastings is providing an electronic version of the Plan.
3. Letter by Robert T. Smart, Jr., dated January 7, 2020.

Also enclosed is a check of \$150.00, payable to Town of Needham.

It is requested that this matter be heard at the February 4, 2020 Planning Board meeting. Please confirm this, and let me know the time and location.

Very truly yours,



Robert T. Smart, Jr.

Cc: Koby Kempel
Joyce Hastings

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

By Hand
January 7, 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: 766 Chestnut Street, Needham

Dear Members of the Board:

Enclosed for filing, in connection with the above, please find:

1. Application for Endorsement of Plan Believed Not to Require Approval. Original and three copies.
2. Plan of Land, Needham Massachusetts, by GLM Engineering Consultants, Inc., dated December 18, 2019. Original and three full sized copies, and six reduced size copies. It is my understanding that Joyce Hastings is providing an electronic version of the Plan.
3. Letter by Robert T. Smart, Jr., dated January 7, 2020. Original and three copies.
4. Check of \$150.00, payable to Town of Needham.

It is requested that this matter be heard at the January 21, 2020 Planning Board meeting. Please confirm this, and let me know the time and location.

Very truly yours,



Robert T. Smart, Jr.

Cc: Koby Kempel
Joyce Hastings

**TOWN OF NEEDHAM
MASSACHUSETTS**

PLANNING BOARD

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

**APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL**

Submit three (3) copies. One copy to be filed with the Planning Board and one with the Town Clerk as required by Section 81-P, Chapter 41 of the General Laws. This application must be accompanied by the Original Tracing and three (3) copies of the plan.

To the Planning Board:

The undersigned, believing that the accompanying plan of land in the Town of Needham does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reasons outlined below, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant 766 Chestnut Street LLC
Address 292 Newbury Street PMB #485, Boston, MA 02115
2. Name of Engineer or Surveyor Joyce B. Hastings, P.L.S., GEM Engineering Consultants, Inc.
Address 19 Exchange Street, Holliston, MA 01746
3. Deed of property recorded in Norfolk Registry,
Book 36038, Page 67
4. Location and description of property 766 Chestnut Street, Needham, MA 02492, 6.445 acres
in RRC District
5. Reasons approval is not required (check as applicable):
 - a) Every lot shown has the area and frontage required by the Zoning By-Law on a way, as defined by Section 81-L, Chapter 41 of the General Laws.
 - b) Land designated _____ shall not be used as separate building lot(s) but only together with adjacent lots having the required area and frontage.
 - c) Lot(s) having less than required frontage or area resulted from a taking for public purpose or have been recorded prior to 3/26/1925, no land is available to make up the deficiency and the frontage and land area of such lots are not being reduced by the plan.
 - d) _____

(If the applicant is not the owner, written authorization to act as agent must be attached)

Signature of Applicant Kempel

Address 766 Chestnut Street, Needham, MA 02492

By Koby Kempel, Manager (agent)

Application accepted this _____ day of _____ 20____
as duly submitted under the rules and regulations of the Planning Board.

By _____

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

By Hand
January 7, 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: 766 Chestnut Street, Needham

Dear Members of the Board:

This letter supports an application by Koby Kempel, Manager of 766 Chestnut Street LLC, for approval of a December 18, 2019 "Approval Not Required" (ANR) Plan, under General Laws Chapter 41, Section 81P. The Plan shows a division of his 6.6-acre lot in the RRC District into two lots. Lot 1A would have 65,390 square feet, and Lot 1B, on which the existing house is located, would have 205,713 square feet. The required lot area in the District is 43,560 square feet.

Both Lot 1A and Lot 1B would have frontage on a 15-foot wide right of way, which has been in existence since well prior to the 1962 adoption of the Subdivision Control Law in Needham.

The ANR plan shows an 18-foot wide driveway easement, as suggested by Town Engineer Anthony DelGaizo, allowing fire trucks to enter the right of way from Chestnut Street, but exit onto Chestnut Street. It also shows a non-buildable Parcel A1, created in order to solve a "lot width" problem, described below.

The ANR plan also shows, next to the 15-foot right of way, an additional 25-foot wide access and utility easement. This would allow for an increase in the paved width of the existing driveway to a width comparable to a subdivision road.

Procedural Background

On June 21, 2019, the Planning Board members in attendance, Martin Jacobs, Elizabeth Grimes, and Ted Owens, unanimously approved a June 21, 2019 ANR plan for the property. That plan showed the 15-foot wide right of way, and a driveway turnaround on the lot abutting Chestnut Street.

Mr. Kempel subsequently received notice from the Building Inspector that the proposed new lot abutting Chestnut Street did not comply with the "lot width" requirement of the Zoning By-Law, section 4.1.5. While the new lot had 150 of frontage, an indent reduced the lot width slightly below the required 150 feet for some distance before the lot flared out to more than 150 feet.

In early December, at a meeting attended by Lee Newman, the Town Engineer, and the Fire Chief, William Piersiak presented a draft subdivision plan for his property at the end of the 15-foot right of way. That plan would include Mr. Kempel's property as well as a lot currently owned by Evelyn Maloomian, which Mr. Piersiak intends to purchase. The entire proposed subdivision road, for the length of Mr. Kempel's property, is on Mr. Kempel's land. It is expected that Mr. Piersiak will be filing a subdivision application within a few months, but this is not certain.

Mr. Kempel subsequently withdrew his earlier ANR application, which had been based on the June 21, 2019 plan.

Mr. Kempel seeks approval of a new ANR plan, dated December 18, 2019. He wants to apply as soon as possible for a building permit and start construction on Lot 1A. The ANR plan shows the 15-foot right of way, and the driveway turnaround, and it adds a 25-foot wide access

easement within which additional paving can be added, to satisfy the Fire Department's access concerns. The ANR plan is compatible with draft Piersiak subdivision plan.

Legal Argument

The existing house on Lot 2A was built, according to the Assessors' records, in 1929, and the existing garage was built in 1930. See the Residential Property Record Card, attached as "**Exhibit A**". Actual vehicular access, shown on the plan, is via the paved 15-foot right of way crossing the property.

The right of way is shown on an October 21, 1914 Plan of Land owned by Hannah E. Pond. See "**Exhibit B**". The right of way is referred to in a December 9, 1916 deed of part of her land from Hannah E. Pond to Constantine Hutchins. See "**Exhibit C**". It is also shown on a November 2, 1928 plan by E. Worthington, Engineer. See "**Exhibit D**". The deeds into the subsequent owners of Lots A and D as shown on the two plans carry forward the right of passage over the right of way contained in the Pond to Hutchins deed.

Proposed Lot 2A, where the existing house and garage are located, will have access and its frontage on the right of way, an existing condition.

Proposed Lot 1A, currently vacant land, will have its frontage on the 15-foot right of way, but will have an easement allowing use of a driveway turnaround to enter the lot from the right of way, and exit the lot onto Chestnut Street, as suggested by the Fire Chief and Town Engineer.

The 15-foot right of way is a "way" meeting one of the exceptions to the statutory definition of "subdivision". General Laws Chapter 41, Section 81L(c) provides an exception for lots with frontage on:

“a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.”

The 15-foot right of way was in existence in 1962, when Needham adopted the Subdivision Control Law.

The Court decisions regarding “approval not required” lot divisions under Section 81P, from the Gifford case in 1978 forward, have recited that the *purpose of the frontage on a way requirement* is to *make certain that each lot can be reached by emergency vehicles*. Copies of the Gifford case and the Hutchinson case are attached hereto, as “**Exhibit E**” and “**Exhibit F**”, respectively.

The 15-foot right of way, with the driveway turnaround and the 25-foot access easement, part of which can be paved to satisfy the concerns of the Fire Department and Town Engineer, provides adequate access for fire and other emergency vehicles.

The existing garage, which is greater than 15 feet high, does not comply with Zoning By-Law Section 4.2.9, which requires that accessory structures which exceed 15 feet in height must comply with the underlying district’s 25-foot rear or side setback requirement. It is protected, however, under By-Law Section 1.4.2 “Continuation”, which provides:

“Any building or structure, or use of a building or structure or land which lawfully existed at the time of the adoption of this By-Law, or any amendment thereof, may be continued to the same extent except as otherwise provided herein.”

By-Law Section 4.2.9 was added as an amendment to Section 4.2.3 in 2016 (that section has since been re-codified as Section 4.2.9). The garage, however, was built in 1930, as indicated on the Assessors’ Residential Property Card. Division of the existing lot into two lots does not affect the lawful pre-existing non-conforming protection for the garage. Each proposed lot meets

the required 43,560 minimum lot size. No language in Mass. G.L. Chapter 40A, Section 6, or Needham Zoning By-Law Section 1.4, says the lot size must remain the same to maintain non-conforming status for a structure. Copies of By-Law Section 1.4.2, By-Law Section 4.2.9, and of Article 24 of the 2016 town Meeting Warrant, are attached collectively as "**Exhibit G**".

The Board's endorsement on the ANR Plan is requested.

Very truly yours,

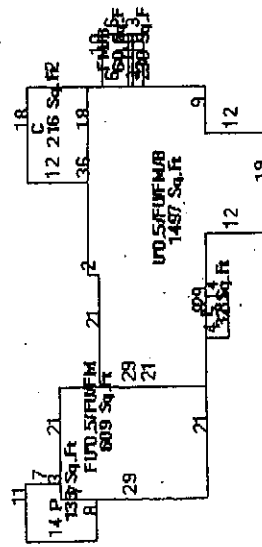
A handwritten signature in black ink, appearing to be "RTS" with a stylized flourish.

Robert T. Smart, Jr.

Cc: Koby Kempel
Joyce Hastings

Parcel ID:	199204.0-0006-0000.0	MAP:	204.0	BLOCK:	0006	LOT:	0000.0	Parcel Address:	766 CHESTNUT ST	FY:	2018
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PARCEL INFORMATION										RESIDENCE INFORMATION										LAND INFORMATION										DETACHED STRUCTURE INFORMATION														
Owner: RUEPPEL, MERRILL C +					Use-Code: 101					Sale Price: 160,000					Book: 5045					Road Type: T					Inspect Date: 08/01/1995																			
Address: 766 CHESTNUT ST NEEDHAM MA 02482					Tax Class: T					Sale Date: 08/06/1974					Page: 281					Rd Condition: P					Meas Date: 08/01/1995																			
					Tot Fin Area: 4576					Sale Type: P					Cert/Doc: Y					Traffic: L					Entrance: C																			
					Tot Land Area: 6,810					Sale Valid: Y										Water: PS					Collected Id: CD																			
					Sewer: 6,810					Grantor: Y										Sewer: SW					Inspect Reas: C																			
					Exempt-B/L %					Resid-B/L %					100/100					Comm-B/L %					0/0					Open Sp-B/L %					0/0									
RESIDENCE INFORMATION										LAND INFORMATION																																		
Style: MN					Y					101					NBHD CODE: 101					Zone: SRA																								
Story Height: 2.00					Main Fin Area: 2166					Attic: Y					Type: P					Method: S					Sq-Ft: 43560					Acres: 1,000					Value: 700,009									
Roof: G					Up Fin Area: 2410					Bsmt Area: 1557					Code: 101					S					N																			
					Add Fin Area:					Fin Bsmt Area:					R 101					A					244371					5,810					N					102,943				
Ext Wall: ST					Unfin Area: 748					Bsmt Grade:					Unit: S					1930					A					A					11,200									
Masonry Trim:					Tot Fin Area: 0					Foundation: CB					Str: G1					E-VR-Blt Grade:					Cond:					%Good P/F/E/R					Cost:									
Bath Qual: O					Kitchen: T					Eff Yr Built: 1997					Msr-1: 704					1830					A					A					11,200									
Mk Adj:					Ext Kitch: V					Year Built: 1928					VALUATION INFORMATION																													
Sound Value:					Grade: V					Cost Bldg: 744,300																																		
Fireplace: 5					Condition: A					Att Str Val:					Current Total:					1,559,500					Bldg: 755,500					Land: 803,000					MktLnd: 803,000									
Central AC: N					Pct Complete: 100					Att Str Val2:					Prior Total:					1,468,600					Bldg: 665,600					Land: 803,000					MktLnd: 803,000									
Att Gar SF:					%Good P/F/E/R:																																							
Porch Type					Porch Area					Porch Grade Factor																																		
E					32																																							
P					163																																							



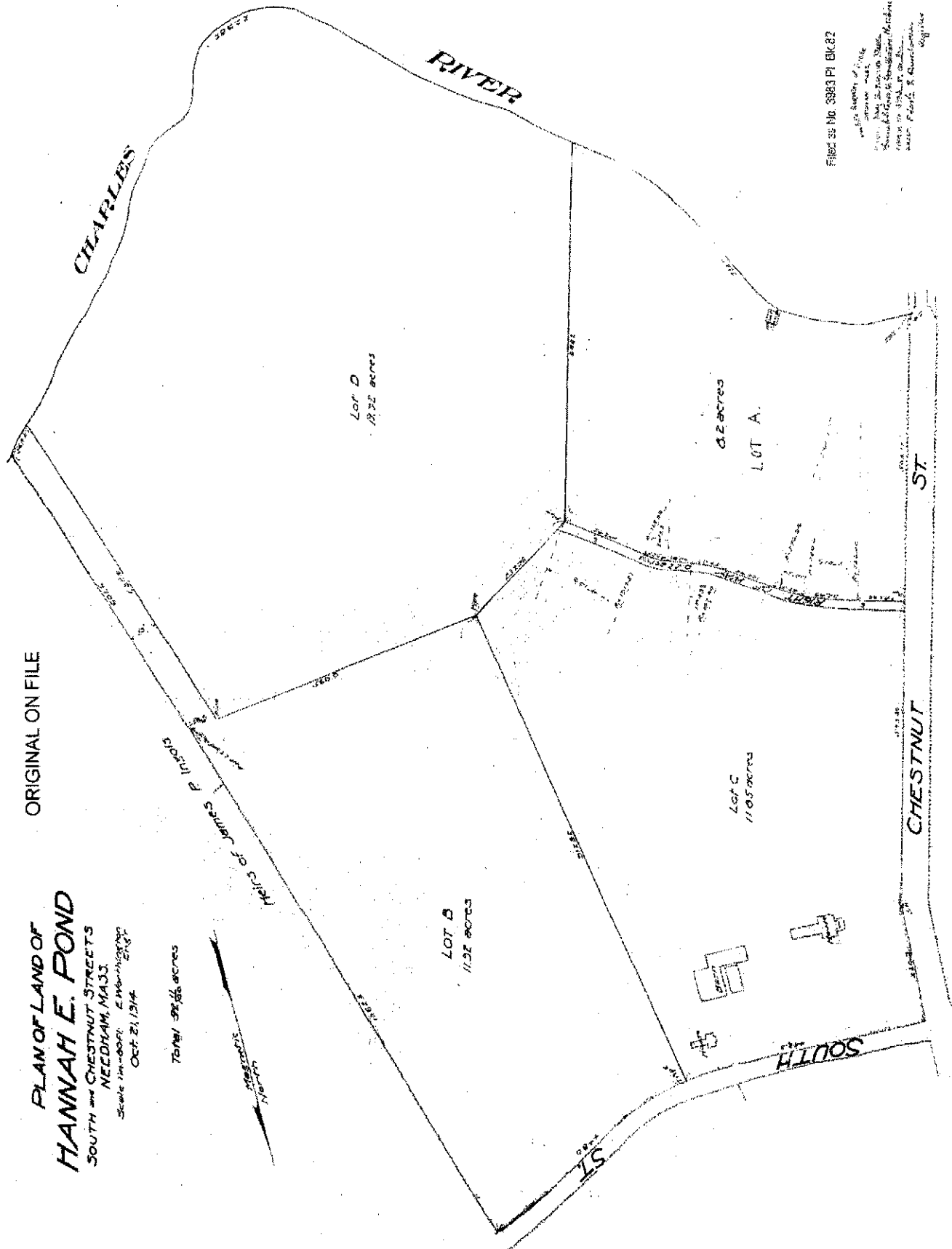
766 CHESTNUT ST

EXHIBIT B

PLAN OF LAND OF
HANNAH E. POND
SOUTH and CHESTNUT STREETS
NEEDHAM, MASS.
Scale 1 in. = 100 ft. E. W. H. H. H. H.
Oct. 21, 1914

ORIGINAL ON FILE

TOTAL 94.66 acres



FILED IN NO. 3383 PL. BK. 22

and other maps
of the
City of
Needham,
Mass.
Recorded
in the
City of
Needham,
Mass.
Oct. 21, 1914

I, Hannah E. Pond, in my own right,
of Needham, Norfolk County, Massachusetts, for consideration paid, grant to
Constantine Hutchins of Dedham, said County of Norfolk, with quitclaim cove-
nants, the land in said NEEDHAM, being lot D as shown on a plan of land of
Hannah E. Pond by E. Worthington, C.E., and dated October 21, 1914, and bounded
and described as follows: Beginning at the most northerly point of the land
hereby conveyed at the land of one Wadsworth, thence running in a southeast-
erly direction six hundred and thirty-two (632) feet more or less to the
Charles River; thence turning and running by the Charles River in two courses,
southwesterly and northwesterly as said river bends and turns twenty-two
hundred ninety-eight (2298) feet more or less to the land of one Amory;
thence turning and running in a northerly direction along the land of said
Amory six hundred eighty-eight (688) feet more or less to an iron pipe;
thence turning and running in a northeasterly direction along other land
of the grantor two hundred thirty-seven and 98/100 (237.98) feet more or
less to an iron pipe; thence turning and running in an easterly direction
along the land of Wadsworth five hundred and sixty (560) feet more or less
to an iron pipe and the point of beginning, containing nineteen (19) acres
more or less, as shown on said plan, to be recorded herewith. There is also
included and made a part of this conveyance the right to pass and repass
from the premises hereby conveyed to Chestnut Street over the right of way
fifteen (15) feet wide adjoining the northerly boundary of land of said
Amory as shown on said plan. Said premises are conveyed subject to the re-
striction that no building or other structure shall be erected on the west-
erly side of said premises hereby conveyed nearer than one hundred (100)
feet to the land of Amory. I, Edmund G. Pond, husband of said gran-
tor, release to said grantee all rights of curtesy and homestead and other
interests therein. WITNESS our hands and seals this ninth day of
December 1916.

Commonwealth of Massachusetts. } Hannah E. Pond (seal)
} Edmund G. Pond (seal)
Norfolk ss. December 9, 1916. Then personally appeared the above named Hannah
E. Pond and acknowledged the foregoing instrument to be her free act and
deed, before me, Harold W. Loker, Justice of the Peace.

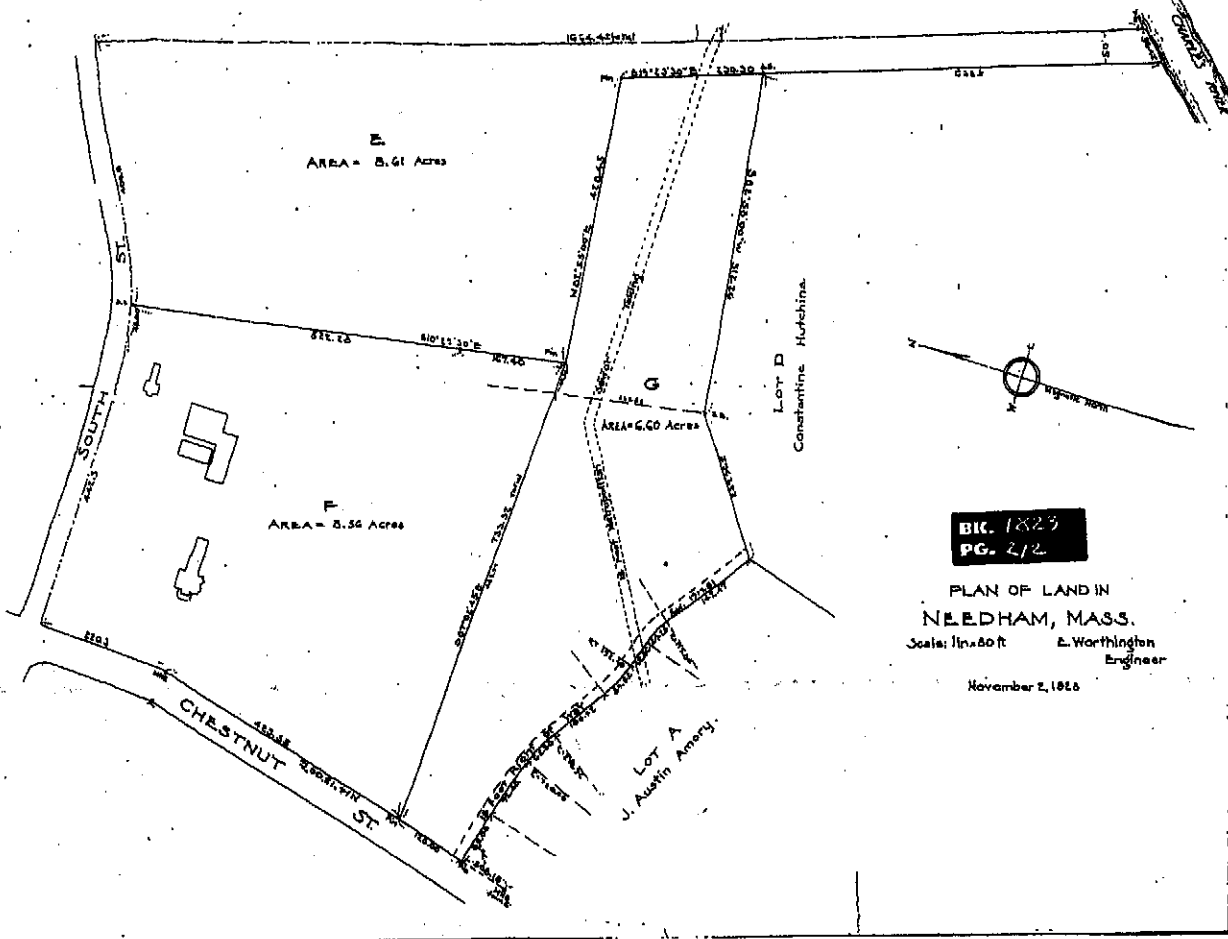
Rec'd. & entered for record Dec. 13, 1916 at 4h. 40m. P.M.

KNOW ALL MEN BY THESE PRESENTS
that I, Roy K. Richardson of Brockton, in the County of Plymouth, and Common-
wealth of Massachusetts, in consideration of one hundred seventy-five and
no/100 dollars paid by Micah B. Faxon of Holbrook in the County of Norfolk

Pond & ux
to
Hutchins

See Plan Book 32 Plan 3953

Richardson
to
Faxon



BK. 1823
PG. 212

PLAN OF LAND IN
NEEDHAM, MASS.
Scale: 1 in. = 80 ft E. Worthington
Engineer
November 2, 1886

EXHIBIT D

Also whether criminal intent sufficient to convict the crime charged could be found in a defendant in a situation, such as this, where the defendant, on any objective standard, was plainly seeking to steal certain designated property. Indeed, even on a subjective standard, the evidence indicates that the defendant intended to take the drugs. The defendant's demand for "Class A and B drugs" shows that the defendant's own thought processes, even if uncontrollable, were focused on taking the drugs.

The defendant argues that the exclusion of the offered evidence concerning his criminal intent is a denial of due process. He also claims that, because our law admits evidence of intoxication on the question of deliberate premeditation in a first degree murder case (see *Compton v. Johnson*, — Mass. —, 537 N.E.2d 1121 [1978], and cases cited), it is unfair and inconsistent to exclude such evidence on the question of specific intent.

We have already noted the inadequacy of the defendant's offer of proof on the question of his lack of intent to steal. In such a situation, no question involving a constitutionally unfair exclusion of evidence is presented. As to the claim that our law discriminates between intoxication as it may bear on deliberate premeditation in a murder case and intoxication as it may bear on a specific intent to commit another crime, on this record we need not pass on the point (see *Commonwealth v. Johnson*, supra, Mass. at ---, 378 N.E.2d 1121), but we note that the two circumstances are not identical because deliberate premeditation involves more than simply an intent to kill. See *Commonwealth v. McFarren*, --- Mass. ---, 365 N.E.2d 815 (1977); *Commonwealth v. Caine*, 366 Mass. 374, 318 N.E.2d 901 (1974).

3. We need discuss only one of the other contentions advanced by the defendant. We accept the Appeals Court opinion on all other issues.

3. We need discuss only one of the other contentions advanced by the defendant. We accept the Appeals Court opinion on all other issues.

z. Mass. Adv. Sh. (1978) 431, 443.

h. Mass. Adv. Sh. (1978) at 441-448.

L. Mass. Adv. Sh. (1877) 1619. 1842-1843

[16] The judge properly declined to give the defendant's requested instruction that evidence that the "defendant acted while in a state of intoxication or under the influence of drugs or both is to be considered in determining whether or not the defendant acted with specific intent." Even if we were disposed to change our rule, we would not recognize the consequences of the voluntary consumption of drugs only as they bear on the defendant's capacity to form a criminal intent. Evidence of the effect of drugs would be relevant on the issue of intent only where a defendant's intoxication or drug addiction reached a level at which he lacked the substantial capacity to form a purpose-specific intent. The requested charge was not framed in these terms.

In summary, we say that where proof of the defendant's intent to perform a particular act is an essential element of the crime, the Commonwealth, of course, must prove that intent beyond a reasonable doubt. We believe upon the possibility that a defendant may be entitled to introduce expert testimony that, in particular circumstances, he lacked the substantial capacity to form the requisite specific intent because of the consequences of his voluntary consumption of drugs. Such evidence bears on the question whether the crime was committed and not on any claim of a lack of, or a reduction in, the degree of, the defendant's criminal responsibility.

Judgment of the Superior Court Department affirmed.

K. DAN GIFFORD et al.

K.

PLANNING BOARD OF NANTUCKET
et al¹

Supreme Judicial Court of Massachusetts,
Nantucket.

ATTACHED Oct. 5, 1978.

-Decided Dec. 12, 1978.

Town residents brought action to have the town's planning board's endorsement that "Approval [of plan to divide parcel] Under the Subdivision Control Law Not Required" annulled. The Superior Court, Nantucket County, Ford, J., on a master's report, granted residents' motion for summary judgment, and owner of parcel appealed. After transferring case, the Supreme Judicial Court, Kaplan, J., held that such plan, which provided at least 75-foot frontage on public way for each lot, would require approval as a plan for a "subdivision" where plan was so delineated that main portions of some lots, which had long necks connecting the lots to public way, were practically inaccessible from their respective borders on public way.

Judgment affirmed.

Form 64

Though statute provided that division of a tract was not a subdivision if each lot had frontage on public way for the distance required by zoning regulations, though applicable zoning bylaw required a frontage of 75 feet and though plan to divide parcel into 46 lots provided for at least 75 feet of frontage on a public way for each lot, such

2. Tristram's Landing, Inc., and the building in-
surance of the town of Nantucket.

3. The defendants did not dispute that the plaintiffs had an appeal within § 81B as persons "aggrieved" from the planning board's action of "approval . . . not required" (see, for the availability of such appeal, *Carey v. Planning Bd. of Revere*, 335 Mass. 740, 743-745.

Mass. 1123

GIFFORD v. PLANNING BD. OF NANTUCKET

plan would require approval as a plan for a subdivision," where the plan was so delineated that main portions of some lots, which had long necks connecting the lots to public way, were practically inaccessible from their respective borders on public way.

Theodore L. Tylotson, Boston, for Tri-
gram's Landing, Inc.

Donald L. Connors, Boston, Andrew J. Lay Boston with him for plaintiffs.

Before HENNESSEY, C. J., and QUIRICO, KAPLAN, WILKINS and ABRAMS, JJ.

KAPLAN, Justice.

Tristram's Landing, Inc. (Tristram), owner of a forty-nine acre parcel of land on Nantuxett Neck, under date of November 16, 1976, submitted to the planning board of the town, Nantuxett a plan to divide the parcel into forty-six lots, and, asserting a belief that the plan did not constitute a "subdivision" within the Subdivision Control Law, G.L. c. 41, § 81B-8(10G), it applied pursuant to § 81P, as appearing in St. 1963, c. 368, § 1, for an endorsement by the board of "Approval Under the Subdivision Control Law Not Required." The board on the next day endorsed the plan as requested, and the endorsement was then filed with the town clerk. On December 6, 1976, the plaintiffs herein, fifteen residents of the town, commenced an action in the Superior Court, joining as defendants Tristram, the town, and Nantuxett's Tristram, the planning board, and Nantuxett's chairman, seeking under G.L. c. 41, § 81B(5), to annul the board's endorsement.³

139 N.E.2d 920 [1957], referred to by Adams, *supra* note 1, and the Subdivision Control Judicial Review under the Subdivision Control Act, 61 Mass.L.Q. 70, 73 [1976]; cf. *Cassini v. Planning Bd. of Hull*, 1 Mass.App. 451, 457 n. 4, 330 N.E.2d 746 [1975], and *White v. Tisbury*, 330 N.E.2d 746 [1975].

The plaintiffs had not timely notified the town clerk of the commencement of this action; it did not press the point and may be taken to have abandoned it. The action was cast alternatively under c. 41, § 81V, and the plaintiffs therefore styled themselves "taxpayers."

~~EXHIBIT E~~

As grounds, the plaintiffs alleged, first, that the plan constituted a subdivision within the law, and, second, that the plan (whether or not constituting a subdivision) disclosed violations of the Nantucket zoning by-law.

After answer, Tristram moved for summary judgment relying on the maps annexed to its plan and adding an affidavit of counsel referring to the requirements of the law. This was met by a cross-motion by the plaintiffs for summary judgment, supported by an affidavit with many exhibits, of a land use planner and architect containing the results of an examination of the locus and an analysis of the plan in relation to the facts; also affidavits of police and fire officials. The defendants did not tender any materials in reply. The judge referred the motions to a master who, after hearing, recommended with brief memorandum that judgment enter for the plaintiffs on the motions. The judge accepted the recommendation without further opinion. Tristram lodged an appeal in the Appellate Court, and we transferred the case here on our own motion.

As a preface to considering the substance of the master's recommendation, we note that a "subdivision" is defined by G.L. c. 41, § 81L, as amended through St. 1965, c. 61, as "the division of a tract of land into two or more lots," but there is excepted from this definition, and regarded as not a subdivision for purposes of the law, such a division of a tract of land "if, at the time when it [the division] is made, every lot within

inhabitants," but it is unnecessary to consider this alleged head of jurisdiction (see *Bloom v. Planning Bd. of Brookline*, 346 Mass. 278, 283, 191 N.E.2d 684 [1963]; *Carey v. Planning Bd. of Revere*, supra, 335 Mass. at 743, 138 N.E.2d 926; *Nantucket Land Council, Inc. v. Planning Bd. of Nantucket*, 5 Mass.App. —, —, —, —, —, —, 361 N.E.2d 937; *Cassett v. Planning Bd. of Hull*, supra), or the possibility of proceeding by declaratory suit under G.L. c. 231A, § 1, also referred to in the complaint (see *Cassett v. Planning Bd. of Hull*, supra, 361 N.E.2d 937; *438, 300 N.E.2d 746*; cf. *Green v. Commissioners of Corps. & Taxation*, 364 Mass. 389, 390, 395 N.E.2d 92 [1973]; *Seary, Roebuck & Co. v.*

the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way." § 81L, continued: "Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet." The Nantucket zoning by-law, § V, requires for the present district a frontage of seventy-five feet.

In the master's view there was no genuine issue of fact. Each of the forty-six lots did extend to a public way and bordered thereon for not less than seventy-five feet. But it plainly appeared that the connection of each of a number of the lots to a public way was "by a long, narrow neck turning at an acute angle to provide frontage on the way," so that "[i]t would be most difficult, if not impossible, to use this neck as a way because of the angle and its width." Practical vehicular access to the main or buildable parts of these lots was thus inadequate. There was no more than a purely formal or technical compliance with the frontage requirement. The master concluded that the plan was "an obvious attempt to circumvent the purpose and intent of the Subdivision Control Law"; what was disclosed was a subdivision that must meet the exacting requirements of the law and the Rules and Regulations Governing the Subdivision of Land" of the Nantucket planning board promulgated thereunder,¹ and secure the

Sumerville, 383 Mass. 756, 757-758, 238 N.E.2d 693 [1973].

4. Section 81L recites as an alternative to (a), "(c) a way in existence when the subdivision is made, the use of which by the city or town is such that the subdivision is not in compliance with the planning board's ordinance with suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon."

5. Among the many requirements of the Rules and Regulations, note that the "Site Analysis

approval of the planning board after public hearing. The master also made mention of nonconformance to the zoning by-law.²

Agreeing with the master's approach to the case, we first set out the undisputed facts in somewhat greater detail and then comment on the law.

The locus is at the western end of the island in the village of Madaket, some five to six miles from the center of town from which police and fire protection and certain other necessities must emanate. The district is zoned as "Residential 2" for one-family dwellings. Access to the locus is primarily by Madaket Road, a paved road in good condition; there is additional access by Cambridge Street which intersects Madaket Road and is unpaved and in relatively poor condition. The parcel is bounded on the north by Madaket Road, on the west by Cambridge Street, and on the south and east by Long Pond.

Examining the skeletal map appearing as an appendix to this opinion—a simplified version of one of the maps included in Tristram's application to the planning board—the reader will see the pattern of the proposed division of the westerly portion of the parcel including the twenty-one lots numbered 671 to 691. The lots would severally extend either to Madaket Road or Cambridge Street and border on one or the other of these public ways for seventy-five feet. But take lot 677 as one of the more extreme examples: it has a neck 1,185 feet in length,³ with seven changes of direction until it reaches Madaket Road; it narrows at one stage to seven feet, a width less than that of any fire vehicle in use on Nantucket, and at the first change of direction there is insufficient turning radius. Lot 682 (with a neck 1,160 feet long, six changes of direction, and insufficient turning radius) illustrates a further problem: the neck

Report" to be furnished by the developer must speak to the adequacy of the internal circulation, provided for vehicular traffic and to the ability of emergency vehicles to serve the new neighborhood. § 2.06(d).

6. As to provisions of the by-law other than that as to frontage which is incorporated by reference in § 81L of the statute, see note 10 infra.

reaches Cambridge Street at so acute an angle, twelve degrees, that access and egress are greatly impeded and rendered hazardous. More generally, the land use planner finds for the whole parcel with forty-six lots that the necks range from forty to 1,185 feet in length; twenty-nine are over 300, sixteen over 500, and five over 1,000 feet. Thirty-two necks change direction twice or more; nine change three times, one four times, five five times, one six times, and two seven times. There are three instances of necks that narrow to ten feet or less, and six to not more than twelve feet. In a considerable number of cases the neck debouches on the public way at a bad angle. The report singles out eight lots as "either too narrow or because of directional changes [having] insufficient turning radius within the lot to accommodate emergency or service vehicles"; ten lots which "because of their configuration and intersection with the public way servicing them do not provide adequate access to or egress from the lots in either direction of the public way"; and nine lots which (to add a collateral factor not already mentioned) "have inadequate and unsafe sight distances at the intersection of lot and public way."

The chief of police alludes to the last point in his affidavit when he states that structures on the "building or main portions" of seventeen lots could not be adequately observed from the abutting roads by police officers conducting regular patrols. His emphasis, however, is on the difficulties of access under the plan. He points to the confusion and loss of time officers responding to emergencies might encounter at certain locations on the public ways in detouring which neck served the particular structure aimed at, and then in extricating themselves if they should start down the wrong neck. The assistant fire chief states in his affidavit that "suitable

7. The consequence of so long a neck is that the "approximate percentage of buildable area" to "total area of parcel in square feet" is only 30%. The percentage below 50% is to fifteen lots. See note 10 infra.

access does not exist" for passage of fire vehicles (all eight feet wide) to the main portions of six lots because of the narrow necks or their "acute angular changes in direction"; and there are other lots that "would be difficult to navigate within their lot lines." Adding to this the factor of confusion, the affiant concludes that under the plan "a significant hazard exists for the homeowner and the safety of his dwelling in the event of fire."

Section 81M of the subdivision control law states that it "has been enacted for the purpose of protecting the safety, convenience and welfare" of residents "by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein"; and, further, that "[t]he powers of a planning board shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel." In conformance with this text, we have emphasized repeatedly that a principal object of the law is to ensure efficient vehicular access to each lot in a subdivision, for safety, convenience, and welfare depend critically on that factor. See *Corrigan & Bertolini, Inc. v. Planning Bd. of N. Reading*, 360 Mass. 677, 679-680, 277 N.E.2d 611 (1971); *Stonham v. Savels*, 341 Mass. 468, 170 N.E.2d 417 (1960); *Daley Constr. Co. v. Planning Bd. of Randolph*, 340 Mass. 149, 188, 168 N.E.2d 27 (1959) (reviews legislative history). And we have interpreted the statute so as to further that goal, as have other courts in respect to like legislation. See *Kutinska v. Planning Bd. of Wakefield*, 357 Mass. 123, 130, 256 N.E.2d 601 (1970); *Seneau v. Planning Bd. of Worcester*, 355 Mass. 647, 649, 246 N.E.2d 811 (1969); *Trotter v. Lebanon, N.H.*, 870 A.2d 275 (1977); *Noble v. Chairman & Members of the Township Comm. of Mandarin*, 91 N.J. Super. 111, 117-120, 219 A.2d 385 (1966).

8. "When an act is condemned as an evasion, what is meant is that it is on the wrong side of the line indicated by the policy if not by the mere letter of the law." *Bullen v. Wisconsin*, 240 U.S. 625, 630-631 (1916), 36 S.Ct. 473, 474, 60 L.Ed. 830 (Holmes, J.).

9. Counsel refer us to an earlier attempt to use "rat tail" or "pork chop" configurations to evade the law. In *Chase v. Christensen*, Plymouth Superior Court No. Eq. E3814 (1971), the planning board of Marshfield refused an endorsement of "approval" not required.

We stress that we are concerned here with a quite exceptional case: a plan so delineated that within its provisions the

main portions of some of the lots are practically inaccessible from their respective borders on a public way. To hold that such a plan needs approval is not to interfere with the sound application of the "approval" not required" technique.

10. See note 6 *supra*. The parties appeared to assume that a violation of any of the provisions of the town by-law appearing on the plan would disqualify the plan for endorsement as "approval" not required. In this connection we note, without passing on the merits, that the land use planner suggested (i)

that certain of the lots would not meet the minimum lot size requirement (20,000 square feet) for residential 2 district, see by-law, § V, when neck area was deducted from total area, as he thought it should be (compare *Shoreham v. Marshfield v. Village of Great Neck Estates*, 22 N.Y.S.2d 944 [S.Ct. 1949], with *Lovalles v. Property Owners Ass'n v. Barragat City Serv. Co.*, 60 N.J. Super. 481, 159 A.2d 417 [1960]); (ii) that there would also be numerous violations of the front yard requirement (twenty feet in such a district, see by-law, § VI) as this yard should be measured from the public way and should be a greater width than would be provided by a number of the necks (compare *Fleishon v. Zoning Bd. of Adjustment*, 103 D. & C.2d 337 (1955), aff'd, 385 Pa. 283, 22 A.2d 673 (1956), with *Baltimore v. Baltimore Const. Co.*, 228 Md. 176, 182 A.2d 803 (1962)).

Chief Justice, 383 N.E.2d 1123

In the view we have taken, it is not necessary to deal with alleged violations of the town's zoning by-law with respect to minimum lot size or front yard.¹⁰ Judgment affirmed.

Appendix to follow.

Cadillac DeVille Automobile, supra, 380 Mass. at 421, 403 N.E.2d 985. Further, once the action has been initiated, the claimant may readily apply for a hearing. *One 1977 Cadillac Eldorado Automobile, supra*, 380 Mass. at 426 n. 1, 403 N.E.2d 942. Twenty-two months had elapsed before the claimant made a "definite reaction" in the present case, i.e., moving for a speedy trial. Furthermore, the claimant specifically assented to both of the Commonwealth's motions for continuances. Cf. *Commonwealth v. Dabrisio*, 370 Mass. 728, 787, 362 N.E.2d 186 (1976); *Commonwealth v. McDonald*, 21 Mass.App.Ct. 868, 374, 487 N.E.2d 224 (1986).

As in the case of *One 1977 Cadillac Eldorado Automobile, supra*, 380 Mass. at 427, 403 N.E.2d 942, the claimant's own "fecklessness" parallels the Commonwealth's. Moreover, there has been no showing that the claimant may have been prejudiced by the delay.³ See *United States v. Eight Thousand Eight Hundred & Fifty Dollars in U.S. Currency*, 461 U.S. 555, 569, 103 S.Ct. 2005, 2014, 76 L.Ed.2d 148 (1983). Accordingly, despite the delay attributable to the Commonwealth, in light of the claimant's inadequate reactions to (and even acquiescence in) the delay, the forfeiture proceeding was valid.

Judgment affirmed.



3. Dunaj has not alleged that the delay affected his ability to defend on the merits against the forfeiture. See *Ivers v. United States*, 561 F.2d 1362, 1373 (9th Cir.1978).

23 Mass.App.Ct. 416
Diane F. HUTCHINSON, Trustee¹

PLANNING BOARD OF HINGHAM.

Appeals Court of Massachusetts,
Plymouth.

Argued Nov. 14, 1986.

Decided Jan. 15, 1987.

Landowner challenged decision of planning board which had refused "approval not required" endorsement to landowner's subdivision plan. The Superior Court, Plymouth County, Chris Byron, J., annulled decision of board, and board appealed. The Appeals Court, Dreben, J., held that each lot in proposed subdivision had frontage on paved public way that provided adequate access to all lots for owners, guests, and emergency vehicles, and, thus, landowner was entitled to endorsement.

Affirmed.

1. Zoning and Planning c. 872.4

Subdivision control law goal of access to individual lots has been met, and planning board endorsement of plan is not required, where there is access to each lot that public way normally provides, that is, where street is of sufficient width and suitable to accommodate motor vehicle traffic and to provide access for fire-fighting equipment and other emergency vehicles. M.G.L.A. c. 41, §§ 81L, 81M, 81P.

2. Zoning and Planning c. 872.4

Landowner was entitled to "approval not required" endorsement from planning board with respect to planned subdivision in which each lot had frontage on street, where street was paved public way, that, except for portion which was one-way, was about same width as other streets in area, and that could provide adequate access to all proposed lots for owners, guests, and

1. The plaintiff Hutchinson is trustee of the First Hingham Realty Trust.

HUTCHINSON v. PLANNING BD. OF HINGHAM Mass. 573

Cite as 502 N.E.2d 572 (Mass.App.Ct. 1987)

emergency vehicles. M.G.L.A. c. 41, §§ 81L, 81M, 81P.

appearing in St.1968, c. 368, § 1, provides in relevant part:

Chester A. Janiak, Boston, for defendant.
F. Anthony Mooney, Boston, for plaintiff.

Before DREBEN, KAPLAN and SMITH, JJ.

DREBEN, Justice.

This is an appeal by the planning board of Hingham (board) from a judgment of the Superior Court (G.L. c. 41, § 81BB) annulling a decision of the board which had refused an "approval not required" endorsement under G.L. c. 41, § 81P. We affirm.

The plan submitted by the plaintiff landowner divided a 17.74 acre parcel on Lazell Street in Hingham into five lots. The parties had stipulated that Lazell Street is a public way "used by the public and maintained by the Town of Hingham," that the zoning requirements in that zone for single family residences are "40,000 square feet in area and 150 feet frontage," and that each lot on the plaintiff's plan met the Hingham zoning by-law requirements. Nonetheless, the board declined to endorse the plan "approval not required," giving the following reasons:

"1. Lazell Street is a way in existence when the Subdivision Control Law became effective and does not have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land;

"2. the frontage does not provide safe and adequate access to a public way and is, therefore, not adequate frontage within the meaning of the Subdivision Control Law...."

The plaintiff, relying on G.L. c. 41, § 81P, claims that her proposal is not a subdivision within the meaning of the Subdivision Control Law and that the board exceeded its authority in refusing the endorsement. General Laws c. 41, § 81P, as

"Any person wishing to cause to be recorded a plan of land situated in a city or town in which the subdivision control law is in effect, who believes that his plan does not require approval under the subdivision control law, may submit his plan to the planning board of such city or town ... and, if the board finds that the plan does not require such approval, it shall forthwith, without a public hearing endorse thereon or cause to be endorsed thereon.... the words 'approval under the subdivision control law not required ...' Such endorsement shall not be withheld unless such plan shows a subdivision" (emphasis supplied).

The definitional section, § 81L, in the twelfth par., as amended through St.1965, c. 61, defines a "subdivision" as the "division of a tract of land into two or more lots" but expressly provides that:

"the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby...."

Citing *Perry v. Planning Bd. of Nantucket*, 15 Mass.App.Ct. 144, 444 N.E.2d 389 (1983), and *Hrenchuk v. Planning Bd. of Walpole*, 8 Mass.App.Ct. 949, 397 N.E.2d 1292 (1979), the board argues that, even if a way falls within the definition of § 81L, that is not enough. "[I]t is also

necessary that a planning board determine that the way in question ... satisfied [as] the requirements of G.L. c. 41, § 81M(2) [as] which ... include the requirement that the way be safe for motor vehicle travel."

[1] The board misapprehends the *Perry* and *Hrenchuk* decisions. Those cases rest on the reasoning of *Gifford v. Planning Bd. of Norwichton*, 376 Mass. 801, 383 N.E.2d 1123 (1978), which held that as an aid in interpreting the exclusions of § 81L and § 81P the court may look to § 81M as elucidating the purposes of those exclusions. *Id.* at 807-808, 383 N.E.2d 1123. *Perry*, 15 Mass.App.Ct. at 151-152, 444 N.E.2d 389. See also *Retig v. Planning Bd. of Rowley*, 382 Mass. 476, 480-481, 126 N.E.2d 124 (1966). Thus, even though a statutory exemption (e.g., frontage) on a public way of § 81L is technically or formally satisfied, if in fact there is no practical access to the lots, § 81L will not apply. The *Gifford* court pointed out that in "conformance with [the] text" of § 81M, "we have emphasized repeatedly that a principal object of the [Subdivision Control Law] is to insure efficient vehicular access to each lot in a subdivision, for safety, convenience and welfare depend critically on that factor." Where approval is not required under the statute, "it is because the vital access is reasonably guaranteed in another manner. The guaranty is expressed in §§ 81L and § 81P of the statute in terms of a requirement of sufficient front-

age for each lot on a public way. In the ordinary case, lots having such a frontage are fully accessible and, as the developer does not contemplate the construction of additional access routes, there is no need for supervision by the planning board on that score." *Id.*, 376 Mass. at 807, 383 N.E.2d 1123. In *Gifford*, some of the lots were practically inaccessible and could not be reached by fire or other emergency vehicles. The court emphasized that it was concerned with "a quite exceptional case," *id.* at 808, 383 N.E.2d 1123, and that "hold that such a plan needs approval is not to interfere with the sound application of the 'approval ... not required' technique." *Id.* at 809, 383 N.E.2d 1123.

In *Hrenchuk v. Planning Bd. of Woburn*, 8 Mass.App.Ct. at 949, 397 N.E.2d 1292, the frontage on the public way was on a limited access highway "and the boundaries of the plaintiff's proposed lots ... provided no means of vehicular passage between the highway and any of the lots." In that context we said, citing *Gifford*, "The required access must take the form of (1) frontage on one of the three types of ways specified in G.L. c. 41, § 81L, ... and (2) a planning board's determination under § 81P that adequate access, as contemplated by § 81M, otherwise exists."

Similarly, in *Perry*, 15 Mass.App.Ct. at 154, 444 N.E.2d 389, where the public way (Oakland Street) relied on did not, in fact, exist on the ground, we held that the ac-

cess for reducing danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other public utility requirements; and street lighting and other facilities where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions...."

3. The quotation is from the board's brief.

4. As specified in the applicable zoning by-law.

cess goals of § 81M were not satisfied. We also remanded to the board the question whether another public way (Midland Avenue), although existing on the ground, furnished acceptable access. Since the judge had made no findings "in terms of the way's dimensions, surface, or suitability for travel by ordinary and public safety vehicles," *id.* at 154-155, 444 N.E.2d 389, we could not determine whether Midland Avenue provided the access normally provided by a public way.

Central to the reasoning of the *Gifford*, *Hrenchuk*, and *Perry* cases, is the premise that, where the exclusions in § 81L, twelfth, par., satisfy "the quality of access [those kinds of ways] normally provide," approval may not be withheld. *Perry* at 150, 444 N.E.2d 389. Where such access is provided, the board does not have "the same duties and responsibilities ... as it has when it is called upon to approve a subdivision," *Smalley v. Planning Bd. of Haverhill*, 10 Mass.App.Ct. 599, 602 and n. 5, 410 N.E.2d 1219 (1980), and may not deny the endorsement. Compare *North Landers Corp. v. Planning Bd. of Falmouth*, 382 Mass. 492, 497, 416 N.E.2d 934 (1981) (where subdivision is involved, adequacy of public way may be considered).

This limitation is made clear in our cases.

In *Gallitiano v. Board of Survey & Planning of Waltham*, 10 Mass.App.Ct. 289, 273, 407 N.E.2d 359 (1980), we said, "The *Gifford* case ... was not intended ... to broaden the powers of planning boards ... [An endorsement under § 81P may not be denied] whenever municipal officials are of the opinion that vehicular access could be

5. We note that although the landowner relied on subsection (e) of the revised part of § 81L and not on subsection (c), the board's decision in refusing to endorse was based on its finding that the subdivision control law became effective, to describe the inadequacies of the public way (Lazell Street). If the board could apply to subsections (e) and (f) of § 81L, the broader powers given to it to determine the adequacy of the ways described in subsection (c), the first two exemptions would be rendered superfluous.

502 N.E.2d-14

better provided for." See *Perry*, 15 Mass.App.Ct. at 152-153, 444 N.E.2d 389.

In sum, where there is the access that a public way normally provides, that is, where the "street [is] of sufficient width and is suitable to accommodate motor vehicle traffic and to provide access for fire-fighting equipment and other emergency vehicles," *North Landers Corp. v. Planning Bd. of Falmouth*, 382 Mass. at 441, 416 N.E.2d 934, quoting from *Noble v. Town-ship Comm. of Mendham*, 91 N.J. Super. 111, 118, 219 A.2d 335 (1966); see also *Gifford*, 376 Mass. at 808, 383 N.E.2d 1123, the goal of access under § 81M is satisfied, and an § 81P endorsement is required."

[2] We turn now to the findings of the judge. He found that Lazell Street is a paved public way, that, except for a portion which is one-way, it is twenty to twenty-one feet wide, about the same width as the other streets in the area, and that it can "provide adequate access to all the proposed lots for the owners, their guests, police, fire, and other emergency vehicles." These findings bring Lazell Street within the "specific objective criteria ... chosen by the Legislature for the quality of access," *Perry*, 15 Mass.App.Ct. at 150, 444 N.E.2d 389, which entitle a landowner to an § 81P endorsement.

Judgment affirmed.



6. The judge also found that the road "is as safe to travel upon as any of the hundreds of comparable rural roads that crisscross the entire Commonwealth." We do not reach the board's arguments on traffic safety as we do not deem them relevant. We note that even if those arguments were to be considered, the judge's findings on traffic safety are not clearly erroneous and are dispositive. The board's contentions to the contrary are without merit.

Toxic or Hazardous Materials – all liquid hydrocarbon products including, but not limited to, gasoline, fuel and diesel oil, and also any other toxic caustic or corrosive chemicals, radioactive materials or other substance controlled as being toxic or hazardous by the Division of Hazardous Waste under the provisions of Chapter 21 (c), G.L.

Traffic Mitigation Fund – a fund to be established in the office of the Town Treasurer to be held in a separate account to be administered and operated in accordance with the provisions of Chapter 200 of the Acts of 2001.

Trailer – a vehicle without motive power, designed to be and capable of being towed, including, but not limited to, a utility trailer, boat trailer, tent trailer and mobile home.

Uninterrupted Facade Length – As may be required by certain sections of this by-law, the term “uninterrupted facade length” shall mean the maximum horizontal length of a building facade, uninterrupted by a wall plane projection or recess having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade.

1.4 **Non-Conformance**

1.4.1 **Intent**

The intent of this section is to define the application of this By-Law to otherwise lawful buildings, structures and uses which do not conform to its provisions; to prevent the expansion or change thereof except in conformity with the provisions of this section; and to provide for the discontinuance of said uses or for their eventual conversion to a conforming status.

1.4.2 **Continuation**

Any building or structure, or use of a building, structure or land which lawfully existed at the time of the adoption of this By-Law, or any amendment thereof, may be continued to the same extent except as otherwise provided herein.

1.4.3 **Change**

A non-conforming use shall not be changed other than to conforming use except as hereinafter set forth, and once so changed, shall not be permitted to revert to a non-conforming use.

1.4.4 **Restoration**

A lawful pre-existing non-conforming building or structure which has been damaged or destroyed by fire or other accidental cause may be rebuilt in the same location and to the dimensions not exceeding those that existed prior to the damage or destruction.

rights conferred under footnote (f) of Section 4.2.4 Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District.

In the case of schools or other buildings devoted to educational purposes and located in an Institutional District, including dormitories and accessory buildings, projections above a roof for housing elevator machinery, chimneys, ventilators, and mechanical flues or exhausts will not be subject to the heights limitations in Section 4.2.4, footnote (f) or this Section 4.2.8. Such projections shall not occupy an aggregate area of the roof exceeding thirty-three percent (33%) of the total ground coverage of the building and no housing for elevator machinery or mechanical equipment (other than chimneys, ventilators and mechanical flues or exhausts), or the equipment itself, shall extend more than fifteen (15) feet above the main roof elevation. At no point shall any such projection exceed 90 feet above grade. The Board of Appeals shall have the authority to grant a Special Permit to permit a height of twenty-five (25) feet above the main elevation over an area of the roof not exceeding twenty percent (20%) of the total ground coverage of the building, to a maximum height at any point of ninety (90) feet above grade. The remaining thirteen percent (13%) of the area of the roof where such projections are allowed shall extend no more than fifteen feet above the main roof elevation.

The Board of Appeals may grant a special permit authorizing the construction of radio and television antennae and antennae towers provided they are accessory to the principal permitted use and do not exceed fifty-five (55) feet in height. Neither the provisions of the previous sentence nor the maximum height regulations contained in Sections 4.2.1, 4.2.2, 4.2.3 and 4.2.4 shall apply to radio and television antennae and antennae towers that are accessory to a lawful residential use and fifty-five (55) feet or less in height; the Board of Appeals may grant a special permit authorizing construction of radio and television antennae and antennae towers higher than fifty-five (55) feet, provided they are accessory to a lawful residential use.

Towers, steeples, spires or domes of religious or government buildings or educational buildings located in an Institutional District are not limited by the maximum height regulations contained in this Section or in Section 4.2.4.

4.2.9 Minimum Side and Rear Line Setbacks: Accessory Structures

No accessory building or structure, excepting fences, shall be constructed, altered or relocated so that any part thereof shall be less than ten (10) feet from any other building or structure or less than five (5) feet from the side or rear lines of the lot on which such building or structure is located. Notwithstanding the foregoing five (5) foot setback from the rear or side lines of the lot, any accessory building or structure which exceeds fifteen (15) feet in height must comply with the underlying district's rear and/or side setback requirements. Notwithstanding the foregoing, an accessory pergola need not comply with the requirements of the preceding sentences but said pergola must comply with all dimensional setback requirements from abutting properties and from streets and ways, and said pergola shall not be constructed or placed in a position where it would prevent the use of a designated fire lane or reduce access to any building. For purposes of this paragraph, "pergola" means an open frame structure consisting of colonnades or posts with a

requirements. The Planning Board believes that in many cases retaining walls greater than four feet are justified to improve the use of property while not adversely affecting neighboring properties. As a result, the proposed by-law does not impose any absolute limitations but seeks to impose increasing levels of review as walls increase in height.

ARTICLE 24: AMEND ZONING BY-LAW - MINIMUM SIDE AND REAR LINE SETBACKS: ACCESSORY STRUCTURES

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.3, Minimum Side and Rear Line Setbacks: Accessory Structures, by revising the paragraph, so that the entire subsection shall now read as follows (new language underlined):

"4.2.3 Minimum Side and Rear Line Setbacks: Accessory Structures

No accessory building or structure, excepting fences, shall be constructed, altered or relocated so that any part thereof shall be less than ten (10) feet from any other building or structure or less than five (5) feet from the side or rear lines of the lot on which such building or structure is located. Notwithstanding the foregoing, five (5) foot setback from the rear or side lines of the lot, any accessory building or structure which extends fifteen (15) feet in height must comply with the underlined district's rear and/or side setback requirements. Notwithstanding the foregoing, an accessory pergola need not comply with the requirements of the preceding sentences but said pergola must comply with all dimensional setback requirements. Any abutting properties and from streets and ways, and said pergola shall not be constructed or placed in a position where it would prevent the use of a designated fire lane or reduce access to any building. For purposes of this paragraph, "pergola" means an open frame structure consisting of columns or posts with a lattice-work roof designed to support climbing plants, either standing alone or attached to another building or structure. Notwithstanding the foregoing, an accessory building or structure associated with a pool use which is less than eleven (11) feet in height and has less than one hundred (100) square feet of ground coverage need not comply with the foregoing ten (10) foot distance from any other building or structure requirement as said requirement pertains to the placement of the accessory building or structure from the edge of the pool, provided that such accessory building or structure is placed no less than eight (8) feet from the edge of the pool."

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: Accessory structures, like sheds and detached garages, are allowed under the current Zoning By-Law to be within five feet of the side or rear property line in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional districts. With the proliferation of construction, the Building Commissioner and the Planning and Community Development Department have received numerous complaints about such accessory structures being built within five feet of a neighboring property even though they are two or two and a half stories tall. Allowing 35 foot structures to be constructed so close to the property line is not consistent with the spirit of the Zoning By-Law with regard to accessory structures and creates a massing not intended. The amendment would require any accessory structure over 15 feet in height to comply with the zoning district's rear and/or side setback requirements.

GENERAL ARTICLES / CITIZENS' PETITIONS / COMMITTEE ARTICLES

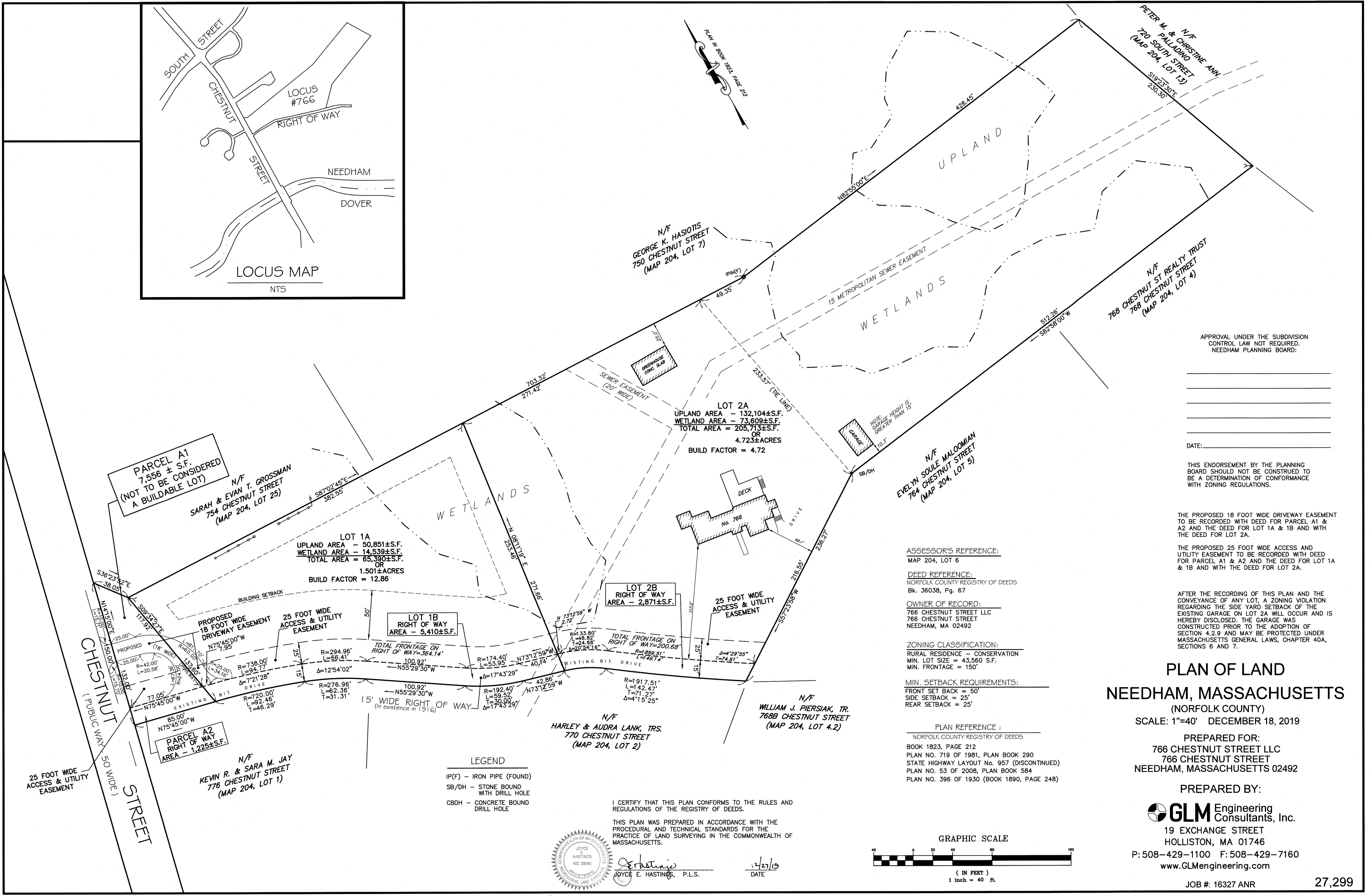
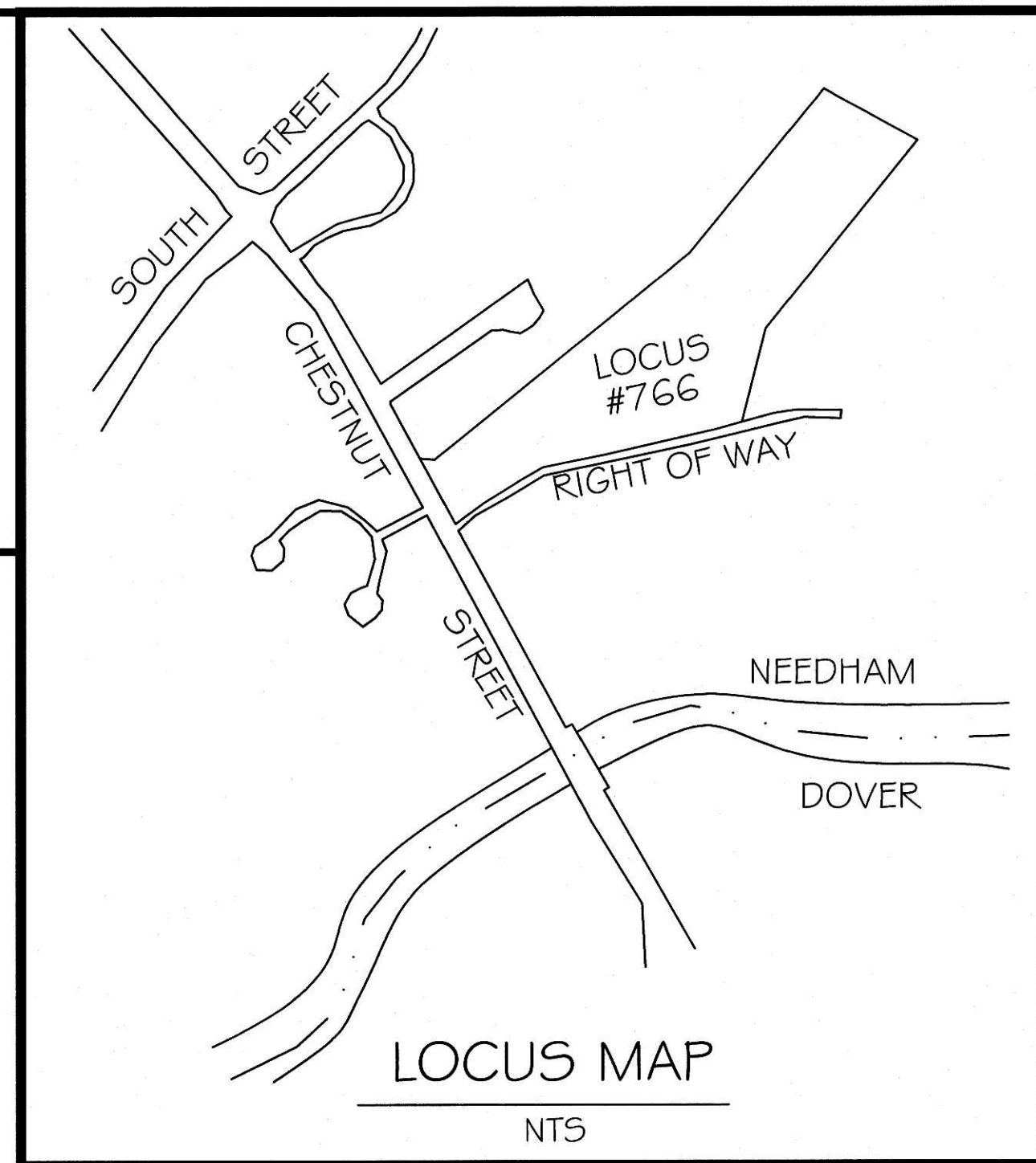
ARTICLE 25: CITIZENS PETITION - NEEDHAM TOWN MEETING - FOOD TRUCK ARTICLE

Section 1: Definitions

Food Truck - A readily movable trailer or motorized wheeled vehicle, currently registered with the Massachusetts Division of Motor Vehicles, designed and equipped to cook, prepare, and serve food.

Section 2: Authorized Locations and Restrictions for Food Truck Sales in or on Designated Public Right of Way Areas

- 2.1 Food trucks may be located in public right of way areas as designated by the article. A food truck may not be located in or on any portion of a designated public right of way when and where such location would prevent the safe use of the public right of way by motor vehicles, pedestrians, and/or customers. The vending location shall not otherwise interfere with the movement of motor vehicles in the area.
- 2.2 Authorize the following locations for food trucks
 - a: Needham Center - adjacent to the town common - no more than two trucks
 - b: Needham Heights - adjacent to the heights common - no more than one truck
 - c: Second Avenue across the street from Charles River Landing
 - d: First Avenue across the street from 40 A Street
 - e: Cabot Place, once all construction projects have been completed on the street
- 2.3 Food trucks shall comply with applicable provisions of the Town of Needham General By-laws with respect to locations near schools and recreation facilities.
- 2.4 Food trucks must be positioned at least 15 feet from the customer entrance of a traditional (brick and mortar) restaurant.
- 2.5 Food trucks shall be positioned on designated right of way areas and shall not block drive entrances, exits, access to loading and/or service areas, or emergency access and fire lanes. Food trucks must also be positioned at least 20 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces.
- 2.6 Each year, the Board of Selectmen shall establish an open period from December 1 to January 30 of the following year for applications to operate a food truck in public right of way areas. Should the number of applicants exceed available locations within the public right of way, then the Town Manager will create an equitable distribution of available locations among qualified applicants. If locations are available after the close of the open period and after issuance to those applicants who applied during the open period, then applicants may apply after the open period but any permits issued will be on a first come first served basis.
- 2.7 Food Truck vendors shall comply with all local, county and state tax regulations, including but not limited to retail sales applicable to food and beverages.



APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED.
NEEDHAM PLANNING BOARD:

DATE: _____

THIS ENDORSEMENT BY THE PLANNING
BOARD SHOULD NOT BE CONSTRUED TO
BE A DETERMINATION OF CONFORMANCE
WITH ZONING REGULATIONS.

THE PROPOSED 18 FOOT WIDE DRIVEWAY EASEMENT
TO BE RECORDED WITH DEED FOR PARCEL A1 &
A2 AND THE DEED FOR LOT 1A & 1B AND WITH
THE DEED FOR LOT 2A.

THE PROPOSED 25 FOOT WIDE ACCESS AND
UTILITY EASEMENT TO BE RECORDED WITH DEED
FOR PARCEL A1 & A2 AND THE DEED FOR LOT 1A
& 1B AND WITH THE DEED FOR LOT 2A.

AFTER THE RECORDING OF THIS PLAN AND THE
CONVEYANCE OF ANY LOT, A ZONING VIOLATION
REGARDING THE SIDE YARD SETBACK OF THE
EXISTING GARAGE ON LOT 2A WILL OCCUR AND IS
HEREBY DISCLOSED. THE GARAGE WAS
CONSTRUCTED PRIOR TO THE ADOPTION OF
SECTION 4.2.9 AND MAY BE PROTECTED UNDER
MASSACHUSETTS GENERAL LAWS, CHAPTER 40A,
SECTIONS 6 AND 7.

PLAN OF LAND NEEDHAM, MASSACHUSETTS (NORFOLK COUNTY)

SCALE: 1"=40' DECEMBER 18, 2019

PREPARED FOR:
766 CHESTNUT STREET LLC
766 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492

PREPARED BY:

GLM Engineering
Consultants, Inc.
19 EXCHANGE STREET
HOLLISTON, MA 01746
P: 508-429-1100 F: 508-429-7160
www.GLMengineering.com

JOB #: 16327 ANR

27,299

ASSESSOR'S REFERENCE:
MAP 204, LOT 6

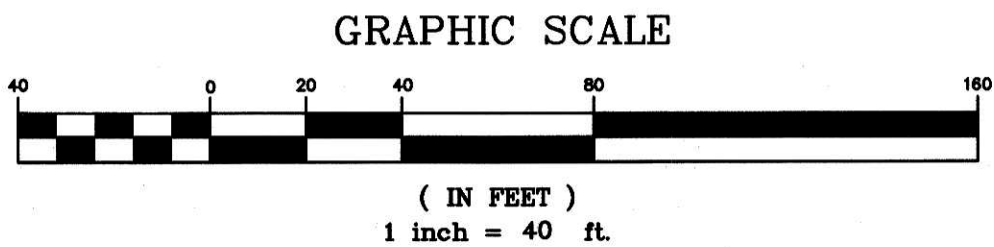
DEED REFERENCE:
NORFOLK COUNTY REGISTRY OF DEEDS
Bk. 36038, Pg. 67

OWNER OF RECORD:
766 CHESTNUT STREET LLC
766 CHESTNUT STREET
NEEDHAM, MA 02492

ZONING CLASSIFICATION:
RURAL RESIDENCE - CONSERVATION
MIN. LOT SIZE = 43,560 S.F.
MIN. FRONTAGE = 150'

MIN. SETBACK REQUIREMENTS:
FRONT SET BACK = 50'
SIDE SETBACK = 25'
REAR SETBACK = 25'

PLAN REFERENCE :
NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 1823, PAGE 212
PLAN NO. 719 OF 1981, PLAN BOOK 290
STATE HIGHWAY LAYOUT No. 957 (DISCONTINUED)
PLAN NO. 53 OF 2008, PLAN BOOK 584
PLAN NO. 396 OF 1930 (BOOK 1890, PAGE 248)



LEGEND

IP(F) - IRON PIPE (FOUND)
SB/DH - STONE BOUND
WITH DRILL HOLE
CBDH - CONCRETE BOUND
DRILL HOLE

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND
REGULATIONS OF THE REGISTRY OF DEEDS.

THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE
PROCEDURAL AND TECHNICAL STANDARDS FOR THE
PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF
MASSACHUSETTS.



Joyce E. Hastings
JOYCE E. HASTINGS, P.L.S.

12/21/19
DATE

Alexandra Clee

From: Dennis Condon
Sent: Wednesday, January 22, 2020 5:42 PM
To: Alexandra Clee; Anthony DelGaizo
Cc: Thomas Ryder; Lee Newman; Elisa Litchman
Subject: RE: 766 Chestnut Street

Hi Alex,
I believe this is in keeping with what we had discussed with the developers.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, January 17, 2020 12:21 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>
Cc: Thomas Ryder <tryder@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>
Subject: 766 Chestnut Street

Tony, Dennis,

Would you please review the new submission for the proposed ANR Plan at 766 Chestnut. This will be on the Planning Board's agenda of February 4. If we could receive your comments by Wednesday January 29, that would be great.

Thanks.

Alexandra Clee

Alexandra Clee

From: Anthony DelGaizo
Sent: Wednesday, January 22, 2020 6:26 PM
To: Dennis Condon; Alexandra Clee
Cc: Thomas Ryder; Lee Newman; Elisa Litchman
Subject: Re: 766 Chestnut Street

Hi Alex

I concur.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Dennis Condon <DCondon@needhamma.gov>
Date: 1/22/20 5:41 PM (GMT-05:00)
To: Alexandra Clee <aclee@needhamma.gov>, Anthony DelGaizo <ADelgaizo@needhamma.gov>
Cc: Thomas Ryder <tryder@needhamma.gov>, Lee Newman <LNewman@needhamma.gov>, Elisa Litchman <elitchman@needhamma.gov>
Subject: RE: 766 Chestnut Street

Hi Alex,
I believe this is in keeping with what we had discussed with the developers.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



LEGAL MEMORANDUM IN OPPOSITION TO ANR ENDORSEMENT

TO: Scituate Planning Board

FROM: Devra G. Bailin, Urbelis, Fieldsteel & Bailin LLP

DATE: June 14, 2001

RE: James Mankewich's Harbor Heights Road ANR Endorsement

This Memorandum is submitted by Karen and Edward Anthony, James Bournazos, Elizabeth Bourne, Janet Connelly, John and Kathleen Duddy, Andre Farhat, Richard and Shirley Golder, Alex and Carol Holder, Brian and Patricia Suave, Jonathan and Tracey Stetson, Jay Jillson, Raymond and Mildred Sisk, and Ann Sweeney (collectively referred to as "the Opponents") in opposition to the petitioner James Mankewich's request for ANR endorsement under G.L.c. 41, Section 81L, paragraph 13, subsection (b) and G.L.c. 41, Section 81FF. The Opponents are owners of property along Harbor Heights Road, including abutters to the land for which ANR endorsement is sought, and/or own property in the immediate neighborhood. They oppose the endorsement on the grounds that (1) Mankewich has no right in the preexisting portion of Harbor Heights Road and, therefore, lacks legal access required for frontage; (2) even if Mankewich has legal access (which he does not), 81FF does not exempt ways from the requirements of adequacy, especially where they were constructed solely for the purpose of obtaining ANR endorsement; (3) even if Mankewich has legal access (which he does not) and even if the road constructed in front of the proposed lots is adequate (which it is not), the private road leading to the proposed lots is not adequate to support the additional traffic, including further divisions. Each of these arguments is discussed in turn.

I. Mankewich Lacks Legal Access Over Harbor Heights Road

Although the 1945 Registered Land Subdivision Plan 14568 I, upon which the petitioner relies, purports to show Harbor Heights Road extending into the lots he seeks now to divide by

ANR endorsement, the fact of the matter is that the original grantor failed to reserve rights in Harbor Heights Road or the right to extend or use it for the benefit of his remaining property. Indeed, the original deed out of the developer to Mankewich's predecessor in title, Mankewich's deed and his Transfer Certificate of Title contain no such rights. (See L.C. Doc. No. 26430, Certificate 4883, Quitclaim Deed and Certificate, attached respectively as Exhibits 1-4.) These documents expressly reference other rights of way shown on previous subdivision plans; they do not, however, expressly reference or reserve rights in the way shown on the plans as Harbor Heights Road. There is simply no language expressly reserving rights in Harbor Heights Road. More importantly, the lots abutting the property sought to be divided and abutting Harbor Heights Road on either side of that Road are owned now by the Duddys and the Golders. While their deeds from the original developer expressly gave them rights over Harbor Heights Road, they contain no reservation of such rights to the grantor. (See L.C. Doc. No. 24038, which is the first conveyance from the developer [William Davidson] of the Golders' lots [12 and 19], Transfer Certificate to the Golders, L.C. Doc. No. 24039, which is the first conveyance from the same developer of the Duddys' lot [11], and Transfer Certificate to the Duddys. These documents are attached as Exhibits 5-8 respectively.) Indeed, the 1944 Registered Land Subdivision Plan by which the Golders' lots [12 and 19] and the Duddys' lot [11] were created, 14568 D, a copy of which is attached as Exhibit 9, does not clearly show any road extending into the property Mankewich now seeks to divide by ANR. Davidson, the original developer, simply did not reserve those rights and, therefore, there is no legal right of access to subdivided lots beyond the Golder and Duddy lots. Absent legal access, there is no frontage under the bylaw.

Mankewich's situation is controlled by the Land Court's and Appeals Court's decisions in Lane v. Falmouth Planning Board and Hurd, 1 LCR 136 (1993), affirmed by summary disposition, 33 Mass. App. Ct. 1125 (1995), further appellate review denied, 420 Mass. 1107 (1995), which bar extension of Harbor Heights Road into Mankewich's property. (A copy of the

Land Court decision is attached hereto.) In that case, also involving a subdivision, the Land Court noted that: "The general rule is that where a grantor a street or way owns the fee in the way, and conveys the land described in the deed as the way, he is presumed to have conveyed to the grantee the fee to the middle of the street or way." In rejecting any claim to express rights, Chief Judge Cauchon explained:

In the present case, as the recorded instruments [registered land subdivision plans and deeds] show that Lot 10 [the plaintiff's lot] was described as bounded by Gerloff Road, it is presumed that the Gerloffs conveyed a fee interest to the center line of Gerloff Road, including the Locus [the private portion of Gerloff Road abutting the plaintiff's parcel]. Hurd failed to rebut this presumption inasmuch as the recorded instruments clearly demonstrate the Gerloffs' intent to convey a fee interest in the bordering ways. The deeds to Lots 1 through 11, including Lot 10, describe the respective lots as being bounded by the bordering adjacent private ways. The deed to Lot 10 contains no provision creating or to create an easement to extend Locus onto Lot 16. The provision in the deed to Lot 10 refers only to appurtenant rights running with Lot 10, not to any retained by the Gerloffs.

In holding that the Planning Board's endorsement of the subdivision was null and void due to the lack of right to extend Gerloff Road into the proposed subdivision, the Land Court added:

Neither is there an implied easement. Whether an easement can be implied depends upon the intent of the parties, which is to be ascertained from the words used in the written deeds interpreted in light of all attendant facts. [Citations omitted.] In reviewing the recorded instruments, no reasonable inference can be drawn establishing that the Gerloffs planned to further subdivide their parcel or if they did that they expected to extend locus, inasmuch as their parcel at that time had adequate access to a public way, Clinton Avenue. Thus, an easement over locus was neither absolutely nor reasonably necessary.

As in the present situation, the failure to retain rights in or to extend the right of way precluded extension of the road into the proposed subdivision, especially where the property has access to a public way, in this case Hazel Avenue.¹

¹ It should be noted that G.L.c. 183, §58 does not apply here, just as it did not apply in the Lane case. That statute, which took effect on January 1, 1972, applies to instruments executed on or after said effective date and to instruments executed prior thereto, except that as to such prior instruments, the statute does not apply to land registered under M.G.L. c. 185 before the effective date. Where §58 is not by its terms applicable, conveyances of land abutting a way continue to be construed in accordance with the common law. Tattan v. Kurlan, 322 Mass. App. Ct. 239, 244 n.6 (1992).

Prior to the enactment of M.G.L. c. 183, §58 and where it is inapplicable, the general rule of construction, as noted by Judge Cauchon, is that where the "grantor of land bordering on a street or way owns the fee in the way, and conveys the land described in the deed as bordering on the way, he is presumed to have conveyed to the grantee the fee to the middle of the street or way." Suburban Land Co., Inc. v. Billerica, 314 Mass. 185, 188 (1943); Erickson v. Ames, 264 Mass. 436, 443 (1928); Murphy v. Mart Realty of Brockton, Inc., 348 Mass. 675 (1965). This presumption applies where the land conveyed is described in the deed as bounding "on" or "by" the way or street. Suburban Land, *supra*, 314 Mass. at 188; Murphy, *supra*, 348 Mass. at 67.

This case is similarly controlled by Boudreau v. Coleman, 29 Mass. App. Ct. 621 (1990), a case relied on by the trial court in Lane. In Boudreau, Robert Paine acquired in 1891 thirty-eight acres of undeveloped land abutting the easterly side of Lexington Street, a public way. *Id.* at 623. In 1910 Robert Paine died devising the undeveloped land to his five children. *Id.* at 623. Paine's children subsequently recorded three subdivision plans relating to one-fourth (¼) of the total acreage. *Id.* at 623. All of the ways created by the subdivision plans remained private. The defendant, the successor in title to the Paine's children, claimed easement rights over the private ways in order to further subdivide the remaining acreage. The Appeals Court however, viewing the circumstances as they existed at the time of the original conveyances and the failure to expressly reserve such rights, see Krinsky v. Hoffman, 326 Mass. 683 (1951), held that neither the attendant circumstances nor the relevant instruments clearly indicated an intent on the part of the original grantors to create an unlimited implied easement for their benefit. *Id.*, at p.628-629. The Appeals Court in Boudreau focused on several factors to support their holding that there was no implied reservation of easement over the private ways as access to the remaining acreage. Firstly, the Court ruled that the original grantors were willing to part with the fee interest in the ways since they had preserved their fee interest in a portion of a private way by virtue of the language used in the descriptions of "a few of the first parcels to be conveyed," but "all of the subsequent parcels were conveyed together with the fee in the abutting way." *Id.* at 629-630. See Cassella v. Sneider, 325 Mass. 85, 89 (1949); Krinsky v. Hoffman, 326 Mass. 683, 687 (1951). The Appeals Court also noted that both the 1911 Plan and the 1912 Plan only showed a minor portion of the locus, did not

designate its boundaries, nor show any proposed extension of the road into the locus. Boudreau, supra, 29 Mass. App. Ct. at 630.

In addition, the Appeals Court in Boudreau found that, while most of the instruments conveying lots contained express reservation of easements relating to a brook running through the lots and the right to maintain and construct ways, none of the deeds referred to an easement for passage over the ways from the locus. Id. The Boudreau Court also considered the following factors as indicating that Paine's children did not sufficiently reserve easement rights at the time of the initial conveyance: lack of reasonable necessity and the lack of open and obvious use consistent with a claimed implied easement prior to a conveyance. In sum, The Boudreau Court held: "Real estate located at the end of a way does not abut the way for the purposes of this statute and therefore carries no fee ownership of the way." Boudreau, supra, 29 Mass. App. Ct. at 623 n.3 [citation omitted].

Because the petitioner has no legal rights of access over Harbor Heights Road, the Planning Board should deny the ANR endorsement.

- II. Even If Mankewich Has Legal Access (Which He Does Not), 81FF Does Not Exempt Ways From The Requirements Of Adequacy, Especially Where They Were Constructed Solely For The Purpose Of Obtaining ANR Endorsement.
- A. 81FF And 81L Do Not Exempt The Division Proposed From The Subdivision Control Law

Contrary to the position taken by the petitioner, 81FF does not afford protection from the requirements of the Subdivision Control Law to registered land shown on a Land Court approved subdivision plan prior to 1952, where the way shown on the plan has never been constructed nor the lots developed. §81FF, adopted in 1953 at the same time the Subdivision Control Law was enacted, merely affords such plans the same validity as if they had been approved pursuant to the Subdivision Control Law. Since such plans would not be protected from zoning requirements and rules and regulations adopted after the freeze protections have expired, the road and

development here are subject to current requirements. Therefore, at the very least, the proposed road must be built to current standards.

“Subdivision”, as defined in §81L,

shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. (Emphasis added.)

§ 81FF of Chapter 41 provides:

So far as land which has not been registered in the land court is affected by the subdivision control law, recording of the plan of a subdivision in the registry of deeds before the subdivision control law was in effect in the city or town in which the subdivision was located shall not exempt the land within such subdivision from the operation of said law except with respect to lots which had been sold and were held in ownership separate from that of the remainder of the subdivision when said law went into effect in such city or town, and to rights of way and other easements appurtenant to such lots; and plans of subdivisions which were recorded in the registry of deeds and subdivisions made without the recording of a plan after said law had gone into effect in such city or town and before February first, nineteen hundred and fifty-two, without receiving the approval of the planning board of such city or town, shall have the same validity and effect as if the subdivision control law became effective in such city or town on February first, nineteen hundred and fifty-two, as above provided.

So far as land which has been registered in the land court is affected by said law, any plan of a subdivision which has been registered or confirmed by said court before February first, nineteen hundred and fifty-two, whether the subdivision control law was in effect in the city or town in which the subdivision was located or not, and whether the plan of the subdivision was approved by the planning board or not, shall have the same validity in all respects as if said plan had been so approved, but the land court shall not register or confirm a plan of a subdivision in a city or town in which the subdivision control law is in effect which has been filed on or after February first, nineteen hundred and fifty-two, unless it has first verified the fact that the plan filed with it has been approved by the planning board, or would otherwise be entitled if it had related to unregistered land, to be

recorded in the registry of deeds. The land court shall have jurisdiction in so far as affects land registered or to be registered or confirmed under chapter one hundred and eighty-five, to determine whether the subdivision control law has been complied with, and shall verify before registering or confirming any plan of land in any city or town in which the subdivision control law is in effect, that the plan filed with it is entitled to be recorded in accordance with the subdivision control law, and every plan heretofore or hereafter registered or confirmed by the land court pursuant to said chapter one hundred and eighty-five shall for the purposes of the subdivision control law be deemed to be, and shall be invested with all the rights and privileges of, a plan approved pursuant to said law. In case of conditions imposed pursuant to section eighty-one R or eighty-one U of said law, and set forth or referred to by endorsement on the plan filed with it, the land court shall cause said conditions to be set forth or referred to on the plan prepared by it therefrom for registration or confirmation, or in the decree of registration or confirmation or certificate of title issued for the land shown thereon.

Contrary to the Land Court's decision in Jaxtimer [4 LCR 71 (1996)], a copy of which was attached to the petitioner's ANR memorandum, the Appeals Court in Jaxtimer v. Planning Board of Nantucket, 38 Mass.App.Ct. 23 (1995), made clear, in its reversal of the Land Court's prior decision in Jaxtimer [2 LCR 95 (1994)], that a division of land under subsection (b) of paragraph 13 of G.L.c. 41, §81L must comply with the requirements of adequate access, notwithstanding the provisions of 81FF. The Appeals Court simply did not adopt Judge Cauchon's analysis in his decision at 2 LCR 95 that, pursuant to §§81L and 81FF, the plan was not a subdivision since it involved a division shown on a registered land approved prior to 1952. Remarkably, Judge Cauchon, on the remand from the Appeals Court, while acknowledging that the Appeals Court "remanded the matter for trial for determination of whether Tristram Avenue provides adequate access to the proposed lots", 4 LCR 71, took the position that "assuming ad arguendo that the existence of adequate access is before the court", id. at 72, when this is precisely the issue upon which the higher court reversed!

Contrary to Judge Cauchon's decision on remand, 81FF does not exempt registered land subdivisions from the Subdivision Control Law ("SCL"); it treats them as if they had been approved pursuant to the SCL. Such approval would carry with it certain grandfathered rights—

as provided by the zoning and regulations freeze periods—but would not exempt paper streets from compliance with subsequent subdivision requirements. Indeed, only the first paragraph of 81FF uses the words “exempt ... from the operation” of the SCL and then only with respect to lots conveyed out of a recorded unregistered land subdivision before the SCL went into effect in the municipality and held in separate ownership. All other plans referenced in 81FF, including registered land subdivisions approved by the Land Court before 1952, were to have “the same validity in all respects as if said plan had been so approved...” The purpose of 81FF, adopted in 1953, was to provide specified protections to certain subdivisions preexisting the SCL; it did not exempt paper streets shown on such plans from the requirements of the SCL once the specified protections had expired.

In Jaxtimer, the Appeals Court noted that: “At the hearing on the motions, the board argued that Tristram Avenue was a ‘paper’ street and therefore did not satisfy the requirements of G.L. c. 41, § 81L. The judge ruled, however, that because Tristram Avenue ‘is a way shown on an approved plan, as required by § 81L [and 81FF], ... the [b]oard is required to endorse the [p]lan as approval not required under § 81P.’” 38 Mass. App. Ct. at 24. In reversing, the Court explained that

A “subdivision” is defined as “the division of a tract of land into two or more lots...” G.L. c. 41, § 81L, as appearing in St.1963, c. 580. However, a division is excluded from the definition of a subdivision under G.L. c. 41, § 81L, if “every lot within the tract so divided has frontage on ... (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law...” G.L. c. 41, § 81L, as amended, by St.1965, c. 61.

It is undisputed that the lot A, once divided, has sufficient frontage on a way shown on an approved plan. However, the exclusion of the lots from the subdivision control law also requires that there be an actual street with “adequate access for fire trucks and emergency vehicles.” Shea v. Board of Appeals of Lexington, 35 Mass.App.Ct. 519, 523, 622 N.E.2d 1382 (1993). Perry v. Planning Bd. of Nantucket, 15 Mass.App.Ct. 144, 153, 444 N.E.2d 389 (1983) (a board acts “properly [in] deny[ing] an 81P endorsement because of inadequate access, despite technical compliance with frontage requirements, where access is nonexistent for the purposes set out in § 81M”). Id. at 24-25.

The Court, noting that the planning board contended that the street was only a paper street or cart path, held that “[i]t is clear to us that whether Tristram Avenue provides adequate access to the proposed lots raises a genuine issue of material fact and, therefore, summary judgment should not have been granted.” Id. at 25.

Unlike the Land Court’s decision in Jaxtimer in 1996, where the road in question had been in existence for over twenty years at the time ANR endorsement was sought and serviced several houses already, and unlike the Land Court’s decision in Aulson v. Planning Board of Danvers, 1 LCR150, 152 (1993), relied on by the petitioner, where the road had been in continuous existence since before the SCL was adopted, here there was no road in existence and the petitioner constructed a road not previously in existence without compliance with the SCL requirements of the Town. Just as the Appeals Court in Jaxtimer engrafted onto 81L’s exception to the definition of subdivision (b) the requirement that the road provide adequate access, so it should be read to require that the road therein involved exist at the time the freeze protections afforded by 81FF have expired. In this case, the freeze protections afforded by 81FF have long since expired. Any road constructed for access to lots along portions of Harbor Heights Road not previously constructed must comply with the subdivision control law requirements as they exist today.

Such a construction is consistent with the limited construction placed on the first paragraph of 81FF by the Court in the Toothaker v. Planning Board of Billerica, 346 Mass. 436 (1963) case. In Toothaker, the Court construed 81FF to provide exemption from the requirements of the SCL to subdivision plans of unregistered land recorded prior to the effective date of the subdivision control law only for lots held in separate ownership when the law went into effect and only as to ways appurtenant to such lots. It, therefore, reversed a lower court ruling that the plan was not subject to the SCL by virtue of 81L’s definition of “subdivision” as excluding (b) “a way shown on a plan theretofore approved in accordance with the subdivision

control law.” At the time the SCL was adopted, approximately 650 out of 1800 lots had been sold and only 6 or 7 of the 23 ways shown on the plan had even been graded. The Court held:

that the words emphasized in the foregoing quotation from § 81FF relate only to each lot sold before the subdivision control law became applicable and refer to the substance of the rights of way or easements appurtenant thereto. The words of the statute do not exempt the owners of the other lots from compliance with the subdivision control law. Nor does the statute fix the location or extent of the rights of way appurtenant to lots sold before the subdivision control law became applicable. Those rights are determined by the private grants. Id. at 339.

The Court added, that whatever the specifics of those private rights, “nothing would preclude application of regulations requiring construction of ways and installation of municipal services.”

The Court, in holding the petitioner’s land subject to the SCL, added that: “The broad purpose of the subdivision law calls for a consistent construction of its exemption provisions. The purpose is set out in G.L. c. 41, § 81M. Except only as stated, any or every aspect of this statutory purpose may be served in applying the law to the plaintiffs’ land.” Id. at 440-441.

Where a subdivision road has not been constructed and the time for grandfathered rights in relation thereto have long since expired, 81L(b) and 81FF cannot be viewed as “creat[ing] a mechanism to circumvent the subdivision review process for ways newly constructed within the layout of previously delineated ‘paper streets’.” Gould v. Bean, 7 LCR 78, 80 (1999).

B. The Proposed Road Is Inadequate For The Purposes Set Out In 81M And As A New Way Must Conform To Current Standards

As previously discussed, even under (b), the way must be actually laid out on the ground in such a manner as to provide, “in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.” Jaxtimer, supra, 38 Mass.App.Ct. 23 (1995). In determining the adequacy of the way proposed the board must

consider provision for drainage, safe and efficient ingress and egress for all vehicular traffic and safety equipment, and the legislative purposes expressed in §81M.

In Richard v. Planning Board of Acushnet, 10 Mass. App. Ct. 216 (1980), the Court upheld the Planning Board's refusal to endorse ANR altering the boundaries of lots on an existing approved subdivision plan so as to create larger lots than those originally shown. "Richard took the position that his new plan did not disclose a subdivision because the lots drawn all had the requisite frontage on 'a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law.' G.L. c. 41, s 81L, definition of the word "Subdivision", exception (b)." Id. at 217. In upholding the lower court's determination that the board acted within its authority in refusing a § 81P endorsement, the Court relied upon the facts that the application for endorsement had been filed 18 years after approval of original plan and none of streets shown on original plan had been built. The Court ruled:

We are of the opinion that exception (b) of the definition of "Subdivision" in s 81L requires either that the approved ways have been built, or that there exists the assurance required by s 81U that they will be built. Otherwise, the essential design of the subdivision control law that ways and municipal services shall be installed in accordance with specific municipal standards may be circumvented. Rettig v. Planning Bd. of Rowley, 332 Mass. 476, 480, 126 N.E.2d 104 (1955). Costanza & Bertolino, Inc. v. Planning Bd. of No. Reading, 360 Mass. at 679-680, 277 N.E.2d 511. Access which is safe and convenient and adequate provisions for water, sewerage, drainage, and underground utility services are among the stated legislative purposes. G. L. c. 41, s 81M. See Daley Constr. Co. v. Planning Bd. of Randolph, 340 Mass. 149, 152-156, 163 N.E.2d 27 (1959); Dolan v. Board of Appeals of Chatham, 359 Mass. 699, 701, 270 N.E.2d 917 (1971). We are to interpret the subdivision control statutes so as to further that goal. Id. at 219.

The Court specifically noted that "[t]he grace periods under G.L. c. 40A, s 6, as inserted by St.1975, c. 808, s 3, had long since expired." Id. at 219 n.1.

Here, as in Richard, where the way shown on subdivision plan had never been constructed, the petitioner was required to submit either a plan and profile complying with current municipal standards, together with monetary assurances, or build the road to those standards. Not only does the proposed construction not provide adequate provisions for drainage

and for the safe and efficient flow of traffic, especially if the road is extended to service additional lots, but it does not comply with current municipal standards.

The narrow scope of discretion to ascertain the adequacy attributed by the Land Court cases provided by the petitioner are not consistent with the view taken by the higher courts and is not applicable under the current circumstances. In construing the exceptions to the meaning of “subdivision” found in §81L, one must always look to the §81M. See Coolidge Construction Co., Inc. v. Planning Board of the Town of Andover, 7 LCR 75, 76 (1999). §81M provides:

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns... by regulating the laying out and construction of ways in subdivision providing access to the several lots therein, but which have not become public ways.

Permitting subdivision roads appearing on fifty-year old subdivision plans to be constructed in noncompliance with current standards, where they existed on paper only, subverts the purposes of §81M. “When the way in question is a paper street on a definitive subdivision plan previously approved by a planning board, ANR approval for a later, revised plan of the same locus is not guaranteed under the Section 81L(b) exception.” Coolidge, supra, 7 LCR at 77. As the Court in Coolidge explained:

Taken together, these cases demonstrate that plans showing a division of land are exempt from the subdivision approval process only where the way shown thereon is one of the ways specified in Section 81L and sufficient assurances exist that the ways shown on the plan will be adequate for the purposes enunciated in Section 81M. Planning boards have been authorized to ensure the adequacy of ways and our appellate courts have not been reluctant to prevent any circumvention of this authority. Under these precedents, it is not enough that a way is either public or approved as a paper subdivision street, but a planning board must look to see that the purposes in Section 81M are satisfied. Where assurances of actual access (in the case of Section 81L(a)), and adequacy (in the case of Section 81L(b) and (c)) do not exist, a plan showing a division of land will not receive an ANR endorsement, but must be approved under the subdivision control law. Id.

Similarly, in Musto v. Medfield Planning Board, 7 LCR 281 (1999), the Land Court held that the ANR endorsement was properly denied where the ANR showed a division of lots with frontage on a road thirty feet wide, but the road as it existed on the ground meandered and was

approximately 10 feet wide. The Court found that “the planning board reasonably concluded that the way is inadequate in width, grade and construction to serve the access needs to eight house lots. Accordingly, its decision to refuse endorsement of the ANR plan was proper and is affirmed.” *Id.* at 285. The Court also denied Musto the right to further improve the condition of the way so as to warrant ANR endorsement by widening it. *Id.* As the Court said:

Moreover, as in *Rettig*, plaintiffs propose (as depicted on the ANR plan) to widen the way to approximately three times its present (and historic) width to support their proposed lots. As in *Rettig*, plaintiffs propose to make a “division of a tract of land into two or more lots in such manner as to require provision for one or more new ways...to furnish access for vehicular traffic to one or more of such lots,” for which approval under the subdivision control law is required. Accordingly, the planning board’s refusal to endorse the ANR plan was within its authority and is affirmed...*Id.*

Thus, even if the petitioner has legal access (which he does not), §81FF and §81L do not exempt ways from the requirements of adequacy, especially where they road was recently constructed and not in compliance with current construction standards. For the reasons discussed, ANR endorsement should be denied.

III. Even If Mankewich Has Legal Access (Which He Does Not) And Even If The Road Constructed In Front Of The Proposed Lots Is Adequate (Which It Is Not), The Private Road Leading To The Proposed Lots Is Not Adequate To Support The Additional Traffic, Including Further Divisions.

The subdivision control law does not preclude evaluation of ways outside a proposed division. *North Landers Corporation v. Planning Board of Falmouth*, 382 Mass. 432 (1981). Indeed, factors pertaining to safety, accessibility, or increased traffic to connecting roads resulting from the proposed development are appropriate considerations. Thus in *North Landers*, the Court explained:

North Landers attacks the board's and the judge's finding that Sam Turner Road is inadequate, on the ground that the Subdivision Control Law does not permit evaluation of ways outside a proposed subdivision. We do not find such a limitation in the statute. The language of s 81M, exhorts a "due regard" for "lessening congestion ... in the adjacent public ways" and "for coordinating the ways in a subdivision with ... the public ways in the city or town in which it is located and with the ways in neighboring subdivisions." *Id.* at 436-437.

The Court further noted:

In Massachusetts, the existence of adequate access is the threshold determination that triggers operation of the Subdivision Control Law under G.L. c. 41, ss 81L and 81P. The reasoning of cases decided under these sections of the statute sheds further light on the common understanding of the notion of adequate access. In Rettig v. Planning Bd. of Rowley, 332 Mass. 476, 126 N.E.2d 104 (1955), this court applied the phrase "adequate access," used in G.L. c. 41, s 81M, to require a way adequate for vehicular traffic to the subdivision lots. Id. at 480-481, 126 N.E.2d 104. In Gifford v. Planning Bd. of Nantucket, 376 Mass. ---, 383 N.E.2d 1123 (1978), where adequate access to an existing way was the basis claimed to excuse approval as a subdivision as authorized by ss 81L, 81P, this court stated that "a principal object of the (Subdivision Control) law is to ensure efficient vehicular access to each lot in a subdivision, for safety, convenience, and welfare depend critically on that factor." Id. at ---, 383 N.E.2d 1123. Again, in Casagrande v. Town Clerk of Harvard, ---Mass. ---, 387 N.E.2d 571 (1979), we invoked the "adequate access" standards of s 81M to decide that frontage on a narrow, partly paved road too narrow for two vehicles to pass, was insufficient to bypass planning board approval as a subdivision. See also Richard v. Planning Bd. of Acushnet, --- Mass.App. ---, ---, 406 N.E.2d 728 (1980) (stated legislative purpose of Subdivision Control Law is safe, convenient access). Id. at 441-442.

The Board can properly consider for ANR purposes, in determining the adequacy of the way, the lack of proper emergency vehicular ingress and egress along, not only the portion of Harbor Heights Road servicing the petitioner's property, but the entire length of the road. See Hall v. Rankow, 7 LCR 158, 160 n.10 (1999). It should also consider the additional lots and length of the dead-end street created by additional extension of the Road. Not only is the Road varying in width from between 10 and 12 feet, but it is rutted and potholed, lacking in a turnaround, and having poor drainage. As such, it cannot support safe vehicular passage for emergency vehicles. As the Land Court held in Hall,

The board denied the requested endorsement based on its conclusion that Ben Tom's Road is inadequate to support the traffic needs of five new lots. The board's conclusion to that effect is supported by the evidence at trial and my observations at the view. In particular, Ben Tom's Road is insufficiently wide to allow for safe passage by fire trucks and other emergency vehicles. Id. at 160.

In its decision, the Court found that the road, which was sand and dirt and rutted, had poor drainage and lacked a turnaround to permit vehicles to reverse direction. Id. at 159-160.

Even if Mankewich has legal access (which he does not) and even if the road constructed in front of the proposed lots is adequate (which it is not), the private way leading to the proposed lots is not adequate to support the additional traffic. ANR endorsement should be denied.

Proposed Zoning Amendment

**ARTICLE ____: AMEND ZONING BY-LAW – PEDIATRIC MEDICAL FACILITY IN
NEW ENGLAND BUSINESS CENTER DISTRICT**

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of “Hospital, Community” and before the existing definition of “Hotel or Motel”:

Hospital, Pediatric: A Hospital in which not less than three-quarters of its patients are Pediatric Patients as defined in 105 CMR 130.700 and which provides a broad range of ambulatory and inpatient services to children and young adults under the age of twenty-six (26).

2. In Section 1.3 Definitions, by adding the following after the existing definition of “Medical Clinic”, and before the existing definition of “Medical Laboratory”:

Medical Facility, Pediatric shall mean a facility with one or more of the following uses primarily (not less than three-quarters) for children and young adults under the age of twenty-six (26), where, in each case, the uses are owned, operated or managed directly by a Pediatric Hospital or through a corporate affiliate controlled by a Pediatric Hospital (excluding any affiliate which is a hospital whose primary purpose is the provision of health care services to adults): (i) doctor’s offices, dentist’s offices, orthodontic services, psychiatric, psychological and other mental health services, imaging and laboratory services, sale, rental and repair of medical devices and equipment or other health care or health care services on an ambulatory or outpatient basis; (ii) professional, business or administrative office; (iii) a medical clinic or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals; (iv) facility for the provision of testing, analytical, diagnostic, pharmaceutical or other health care support services, equipment or procedures; (v) Determination of Need Required Equipment or Determination of Need Required Services as each is defined in 105 CMR 100; (vi) cell generation, gene therapy, and infusion treatment; (vii) medical offices; (viii) diagnosis or medical, surgical, restorative or other treatment that is rendered within said facility on an ambulatory or outpatient basis, including, without limitation, patient and retail pharmacy, physical, speech and occupational therapy, transitional care and rehabilitation respite, palliative care and behavioral medicine, specialty clinics, radiation oncology, alternative medicine treatment, mobile diagnostic services, meeting and conference facilities, stock rooms, laundries, staff and administrative office; (ix) accessory uses customarily conducted in coordination with any of the foregoing, including, without limitation, retail establishments, cafeteria, gift and coffee shops, indoor athletic exercise facility, and research laboratories.

3. In Section 3.2.4 Uses in the New England Business Center District, by adding a new subsection (j) to subsection 3.2.4.2 Uses Permitted by Special Permit, to read as follows:

(j) Medical Facility, Pediatric

4. In Section 5.1.2. Required Parking, by adding a new subsection (19), to read as follows:

(19) Medical Facility, Pediatric	One (1) parking space per 290 square feet of floor area
----------------------------------	---

5. In Section 5.1.2. Required Parking, by renumbering existing subsection (19) "Mixed Uses" as subsection (20), and renumbering existing subsection (20) "Any use permitted by this Zoning By-Law" as a new subsection (21).

Or to take any other action relative thereto.



Memorandum

To: Paula Quan, VP of Capital
Planning and Design
Boston Children's Hospital
300 Longwood Avenue
Boston, MA 02115

Date: January 24, 2020

Project #: 14631.00

From: Sean Manning, PE
Ryan White, PE

Re: BCH Founders Park Estimated/
Comparative Parking Demand Analysis

Overview

Boston Children's Hospital (BCH) is proposing to construct, in one or more buildings, a Pediatric Medical Facility at Founders Park in Needham, Massachusetts. As currently contemplated, the Project will be constructed in phases over time with only a single building in the first phase. A key element needed to support a premier arrival experience is ensuring that adequate parking is provided to accommodate expected patient and employee demands. This assessment outlines the approach utilized to help conservatively estimate the parking needs for the proposed BCH Pediatric Medical Facility. Included herein is an operational parking needs assessment based on national benchmarked ratios and the proposed building program and a comparable facility parking assessment based on a review of similar BCH satellite campuses in eastern Massachusetts. The Project is required to accommodate all parking on-site and the goal of the study is to ensure the recommended parking ratio is appropriate to accommodate expected demands and limit any unintended parking and traffic impacts.

This memorandum refers to the Founder's Park development as described in the Supplement Draft Environmental Impact Report (SDEIR) submitted to the Massachusetts Environmental Policy Act on August 31, 2015. As illustrated in **Figure 1**, the Founder's Park site was separated into three components for filing/permitting purposes: Center 128 West, Center 128 East and the 2nd Avenue Residences. As shown in **Figure 2**, four development sites within the total Founder's Park development are still undeveloped. Three sites (all permitted as office buildings) are located in Center 128 West and one site (permitted as hotel with retail) is located in Center 128 East. BCH is looking to develop the three sites (380 1st Avenue, 37 A Street, and 2 B Street) in Center 128 West and modify the approved land use to a combination of pediatric medical facility and general office.

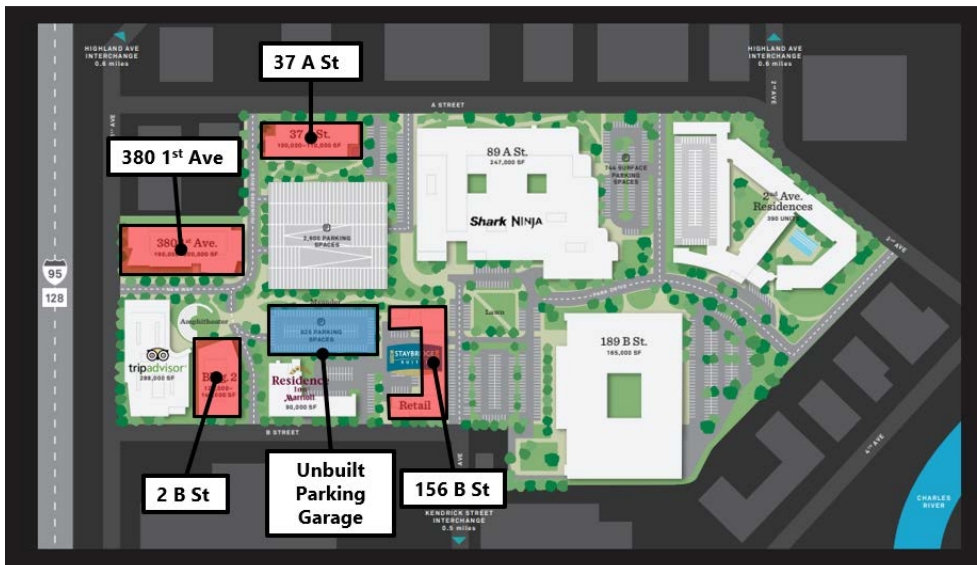
Overall, this assessment recommends a proposed parking ratio for a Pediatric Medical Facility land use of one parking space per 290 SF of floor area (or 3.45 spaces per 1,000 SF).

99 High Street
10th Floor
Boston, MA 02110-2354
P 617.728.7777

Figure 1: Founder's Park Site



Figure 2: Undeveloped Sites within Founder's Park





Memorandum

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Program

BCH Founders Park will contain approximately 452,000 SF of building program across three sites. **Table 1** outlines the program and land use for each site as currently proposed.

Table 1 BCH Proposed Development Program

Location	Land Use	Program Size (KSF)
380 1 st Ave	Pediatric Ambulatory Center	215
	Office	20
37 A St	Pediatric Ambulatory Center	36
	Office	54
<u>2 B St</u>	Office	<u>127</u>
Total		452

Note: 2 B Street size and program based on DSEIR 2 B St building program, dated August 31, 2019

Operational Parking Assessment

Multiple methods were utilized to help quantify the estimated parking demand needed to support the Proposed Project. The first method involved the use of benchmarked ratios developed for various programmatic elements and applied them to the proposed BCH building program. These benchmarked ratios are based on a review conducted by VHB of peer healthcare institution's program and parking needs to support the demand. This includes institutions from around the country but focuses on local peer facilities.

Unlike a typical office space, not every area of the pediatric medical facility will generate a parking demand at the same ratio. For example, areas for patient care will generate a higher parking demand than employee support area within the same building. Some building areas will have no real parking need. Space generator types and their associated parking metric used for this study are listed below:

- Patient Care Area: 5.0 spaces/KSF
- Office Area: 3.0 spaces/KSF
- Employee Support Area: 2.0 spaces/KSF
- Building Support Area: 0.0 spaces/KSF

A detailed review of each building's program was conducted, and spaces were classified into one of these four spaces types. A summary of the estimated parking need for the Proposed Project, based on this methodology, is presented in **Table 2**.

Table 2 Operational Parking Assessment Summary

Space Type	Size (KSF)	Parking Metric (spaces/KSF)	Parking Demand
Patient Care Area	191	5.0	955
Office Area	127	3.0	381
Employee Support Area	74	2.0	148
<u>Building Support Area</u>	<u>60</u>	0.0	<u>0</u>
Total	452		1,484

The operation parking assessment method estimates that the Proposed Project will require a parking demand of approximately 1,484 spaces. This equates to an equivalent parking ratio of 3.28 spaces/KSF.

Comparable Facility Parking Assessment

The second method utilized to estimate the BCH parking need was based on a review of comparable satellite pediatric facilities that BCH operates at other eastern Massachusetts locations, including Brookline, Waltham and Peabody. These campuses offer similar types of pediatric medical services, currently operate similar to expected operations at the Proposed Project and provide on-site parking to accommodate the associated demand. **Table 3** outlines the facilities characteristics and parking ratio.

Table 3 Estimated Demand based on Comparable Facility Assessment

Location	On-Site Parking (spaces)	Building Size (KSF)	Parking Ratio (spaces/KSF)
Brookline	674	228	2.96
Waltham	1,132	390	2.90
Peabody	1,079	389	2.77

Note: Peabody is shared facility. Values are inclusive of all building uses, both BCH and non-BCH (office use).

Based on the parking ratios presented in **Table 3**, the average parking ratio of other BCH pediatric medical facilities was determined to be 2.87 spaces/KSF. By applying this metric to the 452,000 SF Proposed Project, the comparable facility method yields a parking need of approximately 1,298 spaces.

Recommendation

As mentioned previously, providing adequate on-site parking needed to accommodate the expected patient and employee demand is a key element of the Proposed Project. The operational parking assessment, based on national benchmarked ratios and the proposed building program, yields an estimated parking ratio of 3.28 spaces/KSF (or one space per 305 SF) and the comparable facility assessment, based on a review of similar BCH satellite campuses, yields an estimated parking ratio of 2.87 spaces/KSF (or one space per 350 SF). As a goal of the study is to ensure a



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Memorandum

recommended parking ratio is conservatively higher than these comparative assessments, it is recommended that the operational assessment ratio be used, with a 5% factor of safety applied. Following this logic, the recommended proposed parking ratio for Pediatric Medical Facility land use has been calculated to be one parking space per 290 SF of floor area (or 3.45 spaces per 1,000 SF).

Tentative Schedule for Highway Commercial-1 May Annual Town Meeting

Tuesday January 7, 2020 – Planning Board to discuss next steps

Monday January 13, 2020 – send out community meeting invitation (2 weeks in advance of mtg)

Monday January 27, 2020 – Community Meeting

Tuesday February 4, 2020 – Planning Board to finalize language to include in legal notice

Vote to send language to Select Board

Friday February 7, 2020 – Send legal notice to the newspaper

Tuesday February 11, 2020 – Select Board refer back zoning article to Planning Board

Thursday February 13, 2020 – Post notice with Town Clerk, first run in newspaper

Thursday February 20, 2020 – second run in paper

Wednesday March 4, 2020 – Hearing date

Tuesday March 17, 2020 – Discuss hearing and finalize language

Tentative Schedule for Highway Commercial-1 May Special Town Meeting

Tuesday January 7, 2020 – Planning Board to discuss next steps

Monday January 13, 2020 – send out community meeting invitation (2 weeks in advance of mtg)

Monday January 27, 2020 – Community Meeting

Tuesday February 18, 2020 – Planning Board to finalize language to include in legal notice

Vote to send language to Select Board

Friday February 21, 2020 – Send legal notice to the newspaper

Tuesday February 25, 2020 – Select Board refer back zoning article to Planning Board

Thursday February 27, 2020 – Post notice with Town Clerk, first run in newspaper

Thursday March 5, 2020 – second run in paper

Tuesday March 17, 2020 – Hearing date

Tuesday April 7, 2020 – Discuss hearing and finalize language

Alexandra Clee

From: noreply@civicplus.com
Sent: Tuesday, January 28, 2020 3:11 AM
To: Alexandra Clee; Lee Newman; Elisa Litchman
Subject: Online Form Submittal: Contact Planning Board

The following form was submitted via your website: Contact Planning Board

Full Name:: Larry Nathanson

Email Address:: lnathans@gmail.com

Address:: 52 Noanett Rd

City/Town:: Needham

State:: MA

Zip Code:: 02494

Telephone Number:: 781-449-2856

Comments / Questions: I would like to thank the town for the presentation on Monday night and I appreciate the opportunity for dialogue in this important matter

I would like to echo many of the comments that were made by the town meeting members who spoke. I'm extremely concerned about the impact of further development in that area on the already severe congestion and traffic. I agree with the gentleman who said that given the decidedly poor grades of some of those intersections, mitigation should be a priority for the town and should not wait for someone to come along and make it worse before looking for improvement. I also concur with those who said they moved to Needham for its quiet, family residential benefits and not because of its opportunity for commercial development. We are very fortunate to have Needham Crossing as a distinct area for economic development that does not need to negatively impact our neighborhoods. Further development at the Muzi site will need to be done extremely carefully and with the community in mind.

It was mentioned that we run the risk of a developer building on that site using the existing zoning and have little control as opposed to creating a new zone requiring a special permit and getting more control. I think that's a compelling argument however would like to see the board provide a lot more details regarding what is currently possible and what types of things they think they would like to see in the future.

[OBJ]

Additional Information:

Form submitted on: 1/28/2020 3:10:50 AM

Submitted from IP Address: 209.6.169.42

Alexandra Clee

From: noreply@civicplus.com
Sent: Monday, January 27, 2020 9:21 PM
To: Alexandra Clee; Lee Newman; Elisa Litchman
Subject: Online Form Submittal: Contact Planning Board

The following form was submitted via your website: Contact Planning Board

Full Name:: Elizabeth Handler

Email Address:: Elizhandler@gmail.com

Address::

City/Town:: Needham

State:: MA

Zip Code::

Telephone Number::

Comments / Questions: Thanks for Monday night's meeting. I watched on the Needham Channel. My input: I'd prefer to see greater setbacks, providing green space along the street frontage. I liked Heidi Frail's suggestions about environmental impact if her suggestions can be considered. There is also light pollution to consider. I also prefer less density and buildings not more than two stories at Highland Ave and Gould st. My question I would have asked if I had been in attendance: what would the Planning Board request of a developer with regards to traffic mitigation? What "pie-in-the-sky" suggestions do you envision to help with the traffic concerns from Route 128 to Webster street, especially at Gould st?
Thanks!

Additional Information:

Form submitted on: 1/27/2020 9:20:40 PM

Submitted from IP Address: 108.7.76.229

Referrer Page: <https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.needhamma.gov%2f1114%2fPlanning-Board&c=E,1,DgjnqVvQuUs8Cl6GA4e0kDrWia5dRaqNcDFoEv8LfDM-VxZ-6QzwfkB4mQhEz3HWRxDm8kDTi6l4iVmN0jvuZFWAlANDzZWEfphwd31AyDhUbw,,&typo=1>

Form Address:

<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E,1,32BGMTNzYAWtWfm962108DjDXjzi3-f4jLOF2fiUZgnebMvbMwOeKkx-uXlCcrPKdvhEQ5UQCWpShXV38VwLdK-rT7o8gZOm4J06Xp9vLuMrjCbsyQ,,&typo=1>

Alexandra Clee

From: noreply@civicplus.com
Sent: Sunday, January 26, 2020 11:49 AM
To: Alexandra Clee; Lee Newman; Elisa Litchman
Subject: Online Form Submittal: Contact Planning Board

The following form was submitted via your website: Contact Planning Board

Full Name:: Joseph Leghorn

Email Address:: jleghorn74@comcast.net

Address:: 40 Linden Street

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 617-6504649

Comments / Questions: Re: Proposed Highway Commercial 1 Zoning District Amendment

Dear Members of the Select and Planning Boards:

Nothing contained in the Notice of Hearing and text of the proposed zoning amendment explains why and how the proposed amendment benefits the entire Town of Needham. Moreover, nothing in the Notice and text addresses any of the concerns voiced in previous hearings or at the May 2019 Town.

In fact, some of the concerns previously raised are simply ignored. Currently, as of right, a warehouse may be built on the affected parcels. While the amendment deletes warehouse, it substitutes distribution center. Given the business model of large online retailers, e.g. Amazon and Wayfair, is there any real difference between a warehouse and a distribution center, that would be larger than what is currently allowed.

It may be that a distribution center would create even more traffic than a warehouse with an increase in both large trucks bringing goods and smaller trucks moving the goods out, if there is any real difference between them. The intersection of Gould Street and Highland Avenue is already overburdened, including immediate lane drops as you travel south. Nothing is offered by the either of your Boards about how such adverse effects on road infrastructure or surrounding traffic are ameliorated. The proposal, bereft of any supporting documentation. offers nothing by way of analysis of economic impact on surrounding residential areas. Let us be realistic. Increased commercial traffic decreases the value of adjoining residential property. Of course, this can then become the excuse to rezone adjoining residential properties for commercial development to possibly return value to the residential homeowners, if they have not already sold out at a loss to speculators.

While I have lived in Needham for 38 years, the first 17 years of my life were growing up in Brooklyn, New York of the 1950s and 1960s. Industrial and commercial Brooklyn bordered the neighborhoods of Williamsburg and Bedford-Stuyvesant. While at one time these neighborhoods were fashionable, they became predominantly low income because of the adjoining commercial and industrial activity. With the decline of industrial and commercial activity in the area that

began in the late 1970s, these neighborhoods rebounded to the benefit of real estate developers. Over time, economic wealth was transferred to commercial interests and then again to commercial real estate interests as gentrification began in what remained of the housing stock. Long term cycles like this have contributed to the increasing economic disparity in our country. Has either Board looked at other cities and towns to explore and consider the long-term economic consequences of what is proposed, including income transfers among economic groups? If so, where is it available? As the saying goes, "Those who ignore history are bound to repeat it." Collectively, we should try to avoid past miscalculations.

I read in the Needham Times that a sum was appropriated in December to study the effects of this proposed amendment on traffic and the area. The study needs to be of greater scope and in depth than what is described in the newspaper. Such a study could have been funded earlier in the fiscal year and any reports should be made available when surfacing the proposed amendment. Doing so would allow the residents of Needham to make informed and considered comments in response. What is the rush with enacting this rezoning? Has a developer stepped forward and wants quick action? If so, that should be disclosed.

Although, as I said at the May 2019 Town Meeting, I was inclined to support rezoning of this Zoning District, after hearing comments from those in the area and, especially adverse comments by the Town's traffic consultant, I stood to speak in opposition to the Article because of the concerns set out above. Nothing has changed. Your Boards offer nothing to persuade me to change my mind. You need to convince the residents and those who represent them that the proposed Amendment is reasonable and, most importantly, fair to the all residents both in the short and long term. The allure of short-term tax revenues, as seemed to be the case last May, should not be the Holy Grail of town planning. The Town of Needham awaits your explanation why this proposal fairly benefits the entire town in both the long and short term.

Respectfully submitted,

Joseph Leghorn
40 Linden Street
Town Meeting Member
Precinct D

Cc Needham Times

Additional Information:

Form submitted on: 1/26/2020 11:49:20 AM

Submitted from IP Address: 73.126.89.41

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Form Address:

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TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 28, 2019

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

ZONING ARTICLES

ARTICLE 5: AMEND ZONING BY-LAW -- HIGHWAY COMMERCIAL 1 ZONING DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Industrial:

“HC1 -- Highway Commercial 1”

2. Amend Section 3.2, Schedule of Use Regulations, by adding a new Section 3.2.7 as follows:

“3.2.7 Uses in the Highway Commercial 1 District

3.2.7.1 Permitted Uses

The following uses are permitted within the Highway Commercial 1 District as a matter of right:

- (a) Uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Section 3.
- (b) Public parks and playgrounds, municipal buildings or uses.
- (c) Retail establishment or combination of retail establishments serving the general public where each establishment contains less than 10,000 square feet of floor area and where all items for sale or rent are kept inside a building.
- (d) Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises.
- (e) Craft, consumer or commercial service establishment dealing directly with the general public.
- (f) Laundry or dry cleaning pick-up station with processing done elsewhere.
- (g) Professional, business or administrative office, but not including any of the following: a medical clinic or Medical Services Building or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter “Group Practices”) or physical therapy, alternative medicine practices, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. “Professional” shall include professional medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer such professionals (“Non-group Practice”).
- (h) Bank or Credit Union.
- (i) Medical Laboratory or laboratory engaged in scientific research and development and/or experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes.
- (j) Radio or television studio.

(k) Light non-nuisance manufacturing, including, but not limited to, the manufacture of electronics, pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fuses, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health.

(l) Telecommunications facility housed within a building.

(m) Other customary and proper accessory uses incidental to lawful principal uses. Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.

(n) More than one building on a lot.

(o) More than one use on a lot.

3.2.7.2 Uses Permitted By Special Permit

The following uses are permitted within the Highway Commercial 1 District upon the issuance of a Special Permit by the Special Permit Granting Authority under such conditions as it may require:

(a) Light-rail train station.

(b) Adult day care facility.

(c) Private school, nursery, or kindergarten not otherwise classified under Section 3.2.7.1 (a).

(d) Retail establishment or combination of retail establishments serving the general public where any establishment contains more than 10,000 but less than 25,000 square feet of floor area and where all items for sale or rent are kept inside a building.

(e) Equipment rental service but not including any business that uses outside storage.

(f) Grocery store provided it does not exceed 25,000 sq. ft. of floor area.

(g) Eat-in or take-out restaurant or other eating establishment except that a lunch counter incidental to a primary use shall be permissible by right.

(h) Veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals.

(i) Indoor athletic or exercise facility or personal fitness service establishment, which may include outdoor pool(s) associated with such facilities.

(j) External automatic teller machine, drive-up window or auto-oriented branch bank accessory to a bank or credit union permitted under Section 3.2.7.1(h) hereof.

(k) Group Practices as defined in Section 3.2.7.1 and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies.

(l) Live performance theater, bowling alley, skating rink, billiard room, and similar commercial amusement or entertainment places.”

3. Amend Section 4.7.1, Specific Front Setbacks, by deleting the following provisions:

“(b) On the easterly side of Gould Street from Highland Avenue northerly to land of the New York, New Haven and Hartford Railroad Company, there shall be a fifty (50) foot building setback line;

(c) On the northerly side of Highland Avenue from Gould Street northeasterly to the property of the Commonwealth of Massachusetts, there shall be a fifty (50) foot building setback line.”

4. Amend Section 4, Dimensional Regulations, by adding a new Section 4.11 Dimensional Regulations for Highway Commercial Districts as follows:

“4.11 Dimensional Regulations for Highway Commercial Districts

4.11.1 Highway Commercial 1

Minimum Lot Area (Sq. Ft.)	Minimum Lot Frontage (Ft.)	Front Setback (Ft.) (1)	Side Setbacks (Ft.) (1) (3)	Rear Setback (Ft.) (1)(3)	Maximum Height (Ft.) (1)	Maximum Lot Coverage (2) (4)	Floor Area Ratio (5) (6)
20,000	100	5	10	10	70	65%	1.00

- (1) All buildings shall be limited to a height of 70 feet, except that buildings within 150 feet of Highland Avenue and buildings within 200 feet of Gould Street shall be limited to a height of 42 feet unless the additional height is contained under a pitched roof or recessed from the face of the building in a manner approved by the Planning Board but not to exceed 48 feet in height. Notwithstanding the foregoing, the Planning Board may allow by special permit a maximum height of up to 84 feet except within 150 feet of Highland Avenue and 200 feet of Gould Street. If the height of a building is increased above the height of 42 feet, or 48 feet if under a pitched roof or recessed as aforesaid, the front setback shall be increased to 15 feet and the side and rear setbacks to 20 feet except that, along the MBTA right-of-way the side and rear yard setbacks shall be 10 feet.

Buildings and structures abutting Highland Avenue, Gould Street and/or the layout of Route 128/95 shall be set back at least 20 feet from said streets and said layout. Notwithstanding the location of any building and structures, a 20 foot landscaped, vegetative buffer area shall be required along the aforementioned street frontages and said layout in order to screen the development. Driveway openings, sidewalks, walkways and screened mechanical equipment shall be permitted in the buffer area.

Structures erected on a building having a height of 72 feet or less and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such

structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

For purposes of clarity, the required building setbacks and allowed envelopes (including setbacks) for allowance of additional height above 42' are shown on the drawings below. The 370 feet shown on the drawings below shall extend a distance of 370 feet measured along the centerline of Highland Avenue from a point opposite the midpoint rounding at the intersection of Highland Avenue and Gould Street to a point 370 feet easterly as shown on a plan entitled "Plan of Land Gould Street, Needham, MA", prepared by Andover Engineering, Inc., dated July 27, 2000, last revised September 20, 2001, recorded in the Norfolk County Registry of Deeds as Plan No. 564 of 2001, Plan Book 489.

Figure 1:

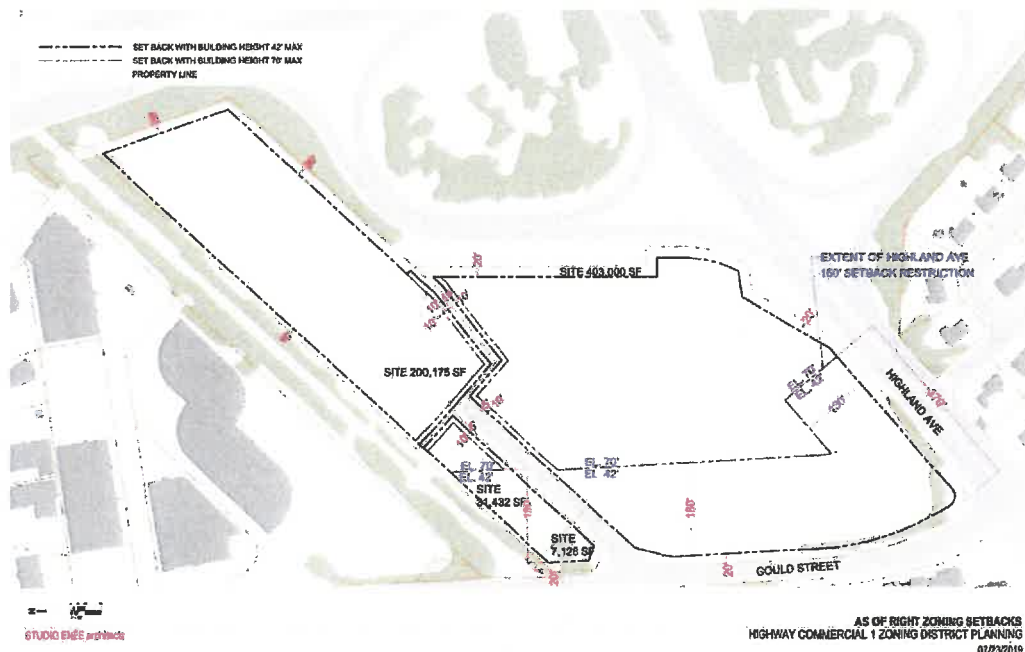
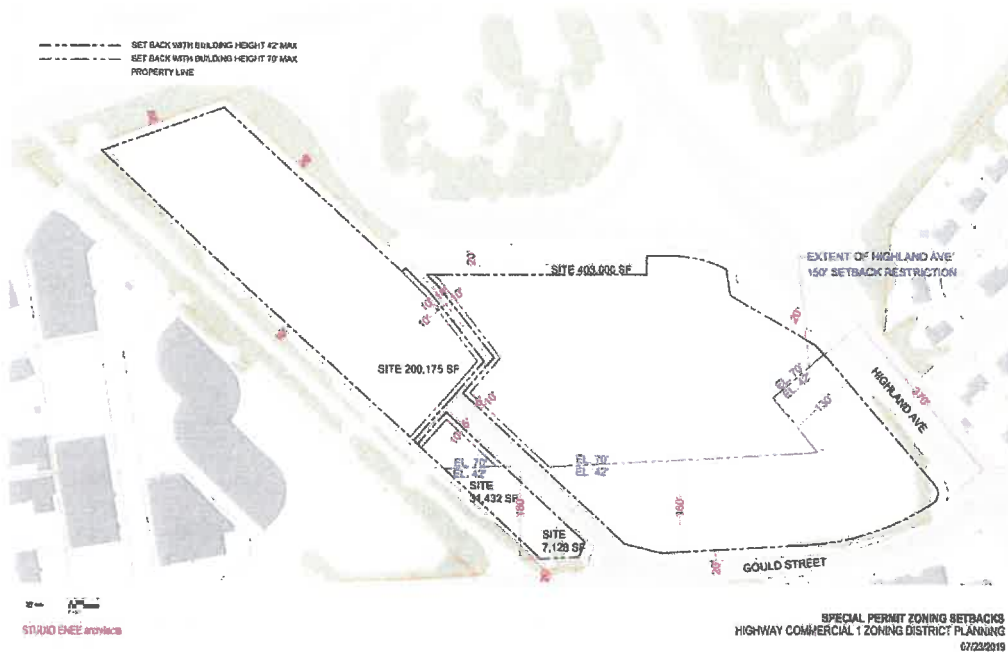


Figure 2:



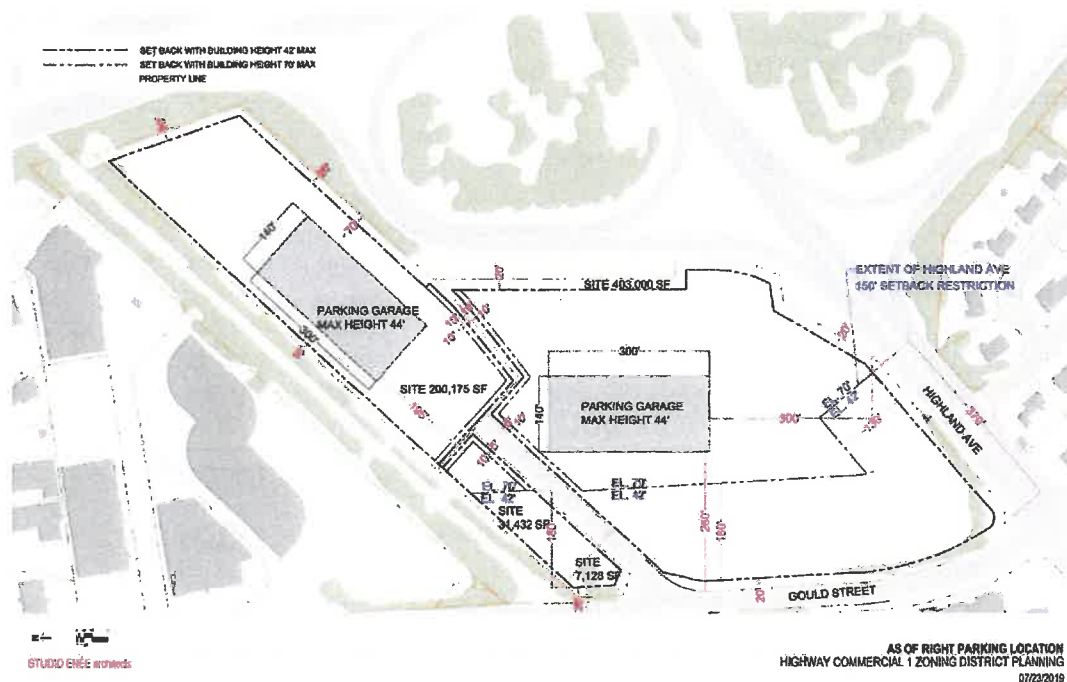
- (2) Maximum lot coverage shall be 65% for all projects. However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet, the maximum lot coverage may be increased to 75%.
- (3) No side or rear yard setback is required for shared parking structures between adjoining properties, but only on one side of each lot, leaving the other side or rear yards open to provide access to the interior of the lot.
- (4) A minimum of 20% of total lot area must be open space. The open space area shall be landscaped and may not be covered with buildings or structures of any kind, access streets, ways, parking areas, driveways, aisles, walkways, or other constructed approaches or service areas. Notwithstanding the preceding sentence, open space shall include pervious surfaces used for walkways and patios. (Pervious surfaces shall not preclude porous pavement, porous concrete, and/or other permeable pavers.)
- (5) A floor area ratio of up to 1.75 may be allowed by a special permit from the Planning Board. In granting such special permit, the Planning Board shall consider the following factors: the ability of the existing or proposed infrastructure to adequately service the proposed facility without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services; impact on traffic conditions at the site, on adjacent streets, and in nearby neighborhoods, including, but not limited to, the adequacy of the roads and intersections to safely and effectively provide access and egress; the environmental impacts of the proposal; and the fiscal implications of the proposal to the Town. In granting a special permit, the Planning Board shall also consider any proposed mitigation measures and whether the proposed project's benefits to the Town outweigh the costs and adverse impacts, if any, to the Town.

- (6) The calculation of floor area in determining floor area ratio shall not include parking areas or structures.

4.11.2 Supplemental Dimensional Regulations

- (1) Parking structures shall be set back at least 100 feet from Highland Avenue and/or Gould Street.
- (2) Parking structures may have an active ground floor use, such as retail, office, institutional, or display. Structured parking must be located at least 20 feet from adjacent buildings, but may be attached to the building it is servicing if all fire and safety requirements are met.
- (3) Buildings abutting Highland Avenue and/or Gould Street must have a public entrance facing one street on which the building fronts.
- (4) Maximum uninterrupted facade length shall be 200 feet.
- (5) Notwithstanding Section 3.2.7.1(m) and any other provision of this Section 4.11 to the contrary, a parking garage, even if it is for an as-of-right development, may not exceed the parameters, bulk, and location requirements without the issuance of special permit by the Planning Board as shown on the following drawing.

Figure 3



The location may, however, be modified as of right if the parking garage is moved easterly or northeasterly towards Route 128/95.

- (6) All setback, height, and bulk requirements applicable to this Section 4.11 are contained in this Section and no additional requirements occasioned by this district abutting Route 128/95's SRB district shall apply.

4.11.3 Special Permit Provision

The Planning Board may, by special permit, waive any or all dimensional requirements set forth above in this Section 4.11 (including sections 4.11.1 and 4.11.2), by relaxing each by up to a maximum percentage of 25% if it finds that, given the particular location and/or configuration of a project in relation to the surrounding neighborhood, such waivers are consistent with the public good, and that to grant such waiver(s) does not substantially derogate from the intent and purposes of the By-Law. This section does not authorize the Planning Board to waive the maximum height regulations, reduce the 20 foot landscaped buffer area requirement along Gould Street, Highland Avenue and the layout of Route 128/95, reduce the 100 foot garage setback requirement along Gould Street and Highland Avenue, or reduce the 20% open space requirement of Section 4.11.1(4), except as specifically provided in Section 4.11.1(1) for pitched or recessed roofs. (By way of example, a 15' front yard setback could be waived to 11.25' or the 20,000 sq. ft. minimum lot area could be waived to 15,000 sq. ft.)

4.11.4 Special Permit Requirements

In approving any special permit under this Section 4.11, the Planning Board shall consider the following design guidelines for development: (a) The proposed development should provide or contribute to providing pedestrian and neighborhood connections to surrounding properties, e.g., by creating inviting buildings or street edge, by creating shared publicly accessible green spaces, and/or by any other methods deemed appropriate by the Planning Board; (b) Any parking structure should have a scale, finish and architectural design that is compatible with the new buildings and which blunts the impact of such structures on the site and on the neighborhood; (c) The proposed development should encourage creative design and mix of uses which create an appropriate aesthetic for this gateway to Needham, including but not limited to, possible use of multiple buildings to enhance the corner of Highland Avenue and Gould Street, possible development of a landscape feature or park on Gould Street or Highland Avenue, varied façade treatments, streetscape design, integrated physical design, and/or other elements deemed appropriate by the Planning Board; (d) The proposed development should promote site features and a layout which is conducive to the uses proposed; and (e) The proposed development shall include participation in a Transportation Demand Management program to be approved by the Planning Board as a traffic mitigation measure, including but not limited to, membership and participation in an integrated or coordinated shuttle program.”

5. Amend Section 5.1.3, Parking Plan and Design Requirements, by adding at the end of the second sentence of subsection (j) which reads “Such parking setback shall also be twenty (20) feet in an Industrial-1 District” the words “and Highway Commercial 1 District.”
6. Amend Section 7.2.5 of Section 7.2 Building or Use Permit, by adding after the words “Industrial-1 District,” in the first sentence, the words “Highway Commercial 1 District,”.
7. Amend Section 7.4.2 of Section 7.4 Site Plan Review, by adding in the first sentence of the last paragraph, the words “Highway Commercial 1 District,” after the words “Highland Commercial-128,”.
8. Amend Section 7.7.2.2, Authority and Specific Powers (of Design Review Board) by adding after the words “Industrial-1 District,” in the first sentence of the second paragraph, the words “Highway Commercial 1 District,”.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Council of Economic Advisors, which was created by the Select Board to evaluate Town-wide economic conditions and make recommendations to promote and encourage new and existing businesses, undertook a review of all Industrial Zoning Districts in 2012, and, after focusing its efforts on three different areas along Route 128, held numerous public meetings with residents, neighbors, public officials, businesses and landowners in 2014 about potential zoning initiatives. As requested during those discussions, the CEA obtained a build-out analysis, a traffic impact report based on that analysis, and elevation drawings to better understand the impact of any proposed development. After examining the results of those reports, the CEA in 2017 reached out again to the various stakeholder groups and presented its preliminary recommendations to upgrade the zoning adjacent to Route 128 in order to make these areas more economically competitive. The Planning Board, having reviewed the proposals from the CEA, determined to move forward on only one area at this time; the area circumscribed by Route 128, Highland Avenue, Gould Street, and the railroad track.

The proposed use and dimensional changes to this area, to be rezoned Highway Commercial 1 ("HC1"), are detailed below.

The amendments to Section 3.2 detail the uses allowed by right and those by special permit. In addition, by listing the uses rather than using the current somewhat antiquated table of uses, the uses can be clarified and brought up to date. Key changes to the use table include allowing greater retail by right for 10,000 sq. ft. or less (from 5,750 sq. ft.) and by special permit for more than 10,000 sq. ft. and less than 25,000 sq. ft. (more than 5,700 sq. ft.); allowing grocery stores of up to 25,000 square feet by special permit; clarifying medical services allowed by right and by special permit (as was done in the Needham Crossing zoning); standardizing the medical laboratory and research and development defined uses; allowing by right more than one use and more than one building on a lot; changing theaters, bowling alleys, skating rinks, billiard rooms and similar commercial amusement or entertainment places from by right to special permit; deleting indoor movie theaters from allowed uses; precluding single family detached dwellings from allowed uses; and precluding certain industrial uses in the district including, inter alia, commercial garages, contractor's yards, lumber or fuel establishments, Medical Clinics, and previously allowed manufacturing and industrial services. The purpose of the use changes is: (1) to insure that uses allowed by right or by special permit will maximize the economic value of redevelopment to the Town; and (2) to subject certain uses presently allowed by right to the special permit process so that they may be properly vetted by the permit granting authority as to impacts and mitigation.

The amendments to Section 4 would create the dimensional requirements for the new Highway Commercial 1 zone. The proposal under new Section 4.11 would change the front setback to 5 feet unless the building height exceeds 42 feet, in which case the front setback increases to 15 feet, or the building sits on Highland Avenue, Gould Street and/or the layout of Route 95/128, where a 20 foot landscaped vegetative buffer is proposed. (Current front setback is 20 feet except along Gould and Highland where a 50 foot building setback is imposed.) The side setback would change to 10 feet unless the building height exceeds 42 feet, in which case the side setback is increased to 20 feet for all side setbacks not abutting the MBTA right-of-way. (The current side setback is 20 feet.) The rear setback would change to 20 feet when building height exceeds 42 feet for those rear setbacks not abutting the MBTA right-of-way. (The current rear setback is 10 feet.) The maximum height is increased to 70 feet except that a building within 150 feet of Highland Avenue and 200 feet of Gould Street is limited to a height of 42 feet or 48 feet if under a pitched roof or recessed from the face of the building in a manner approved by the Planning Board. The 42 foot height or four story profile is consistent with the height allowed in the Elder Services District across Gould Street from the new HC1. By special permit, the height may increase up to 84 feet, except within 150 feet of Highland Avenue and 200 feet of Gould Street, which, given the topography of these lots (they pitch down near the highway), appears as four stories along the street fronts of Gould Street and Highland Avenue. (The current zoning allows only 30 feet or two stories.) For informational purposes, the required building

setbacks and allowed envelopes (including setbacks) for additional height above 42 feet are shown as Figure 1 for the as-of-right condition and as Figure 2 for the special permit condition in the zoning article.

The new zoning creates a maximum lot coverage requirement of 65% and an open space requirement of a minimum of 20%. (The current zoning contains no such requirements.) Changes are also proposed to the maximum floor area ratio ("FAR"); a maximum FAR by right would be 1.00; the FAR may be increased up to 1.75 by special permit provided certain findings are made. The amendment clearly sets out the specific factors which will allow the exercise of the Board's special permit granting authority. The proposed zoning also sets out the maximum uninterrupted façade length that is allowed—200'. (The current zoning allows an FAR of only 0.5 and only in very limited special circumstances 0.65-0.75.)

Finally, the new zoning restricts the bulk, height and location of the parking garage, even if it is for an as-of-right development; if the bulk, height and/or location are not within the envelope allowed by right, the parking structure requires the issuance of a special permit by the Planning Board. The bulk, height and location requirements of an as-of-right parking garage are shown on Figure 3 in the zoning article.

Because the CEA has concluded that the future development of this critical commercial area along Route 128 depends on Needham's ability to be responsive to the requirements of new or proposed uses or construction, it recommended the adoption of Section 4.11.3 which tracks the language from the New England Business Center district zoning adopted in 2011. Successful office parks flourish due to the flexibility of their zoning provisions. This amendment will impart greater flexibility in the Zoning By-Law by allowing the Planning Board to relax dimensional requirements up to a maximum of 25% except with regard to height, by special permit but only after making very specific findings as to the propriety of the waivers as to a particular project, use and location.

Based on the build-out analysis, traffic report, dimensional analysis, consultant findings and information, and meeting testimony, the CEA and Planning Board confirmed that certain dimensional requirements, including front setback, height, floor area ratio, and side setbacks, and use requirements were constraining development. The current zoning effectively precludes additional development. As the CEA's consultant concluded, realistic development expansion potential under the current zoning is essentially zero, and, given the properties' regionally prime commercial location along Route 128, they are significantly underperforming economically, to the detriment of the Town. With rezoning, in time, this area should attract significant high value redevelopment, which will be overseen by the Planning Board under its site plan review and special permit obligations.

ARTICLE 6: AMEND ZONING BY-LAW – MAP CHANGE TO HIGHWAY COMMERCIAL 1

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

Place in the Highway Commercial 1 District all that land now zoned Industrial-1 and lying between the Circumferential Highway, known as Route 128/95 and Gould Street and between the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way and Highland Avenue. Said land is bounded and described as follows:

Beginning at a stone bound on the northerly layout line of Highland Avenue at the intersection of Gould Street as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489; thence turning and running southwesterly, westerly and northwesterly along a radius of 44.00 feet a distance of 80.06 feet to a stone bound on the easterly sideline of Gould Street; thence running northwesterly, northerly, and northeasterly along a curve of radius of 505.00 feet of said sideline of Gould

Street a distance of 254.17 feet to a point on the said easterly sideline of Gould Street; thence running N10°49'50"E a distance of 284.29 feet to a point on the said easterly sideline of Gould Street at the intersection of TV Place, a privately owned Right of Way; thence continuing N10°49'50"E a distance of 160.00 feet more or less to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence continuing N10°49'50"E a distance of 84.82 feet to a stone bound located at the intersection of the easterly sideline of Gould Street and the southerly sideline of the M.B.T.A. Right of Way as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence turning and running along said southerly M.B.T.A. Right of Way line northeasterly a distance of 1,219.55 feet as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I, 18430J and 18430H to a point at the intersection of the westerly sideline of the Route 128 Right of Way and said southerly sideline of the M.B.T.A. Right of Way; thence turning and running S4°25'46"E a distance of 292.00 feet to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430H; then turning and running southwesterly along the Route 128 Right of Way a distance of 484.61 feet to a point; thence turning and running S13°34'58"W a distance of 451.02 feet as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489 to a point; thence turning and running S76°26'41"E a distance of 35.56 feet to a point; thence turning and running S13°34'58"W a distance of 67.34 feet to a point; thence running southwesterly along a curve of radius 245.45 feet a distance of 136.59 feet to a point; thence running southwesterly along a curve of radius 248.02 feet a distance of 38.04 feet to a point; thence running southwesterly along a curve of radius 1180.00 feet a distance of 140.09 feet to a point; thence turning and running S42°43'47"W a distance of 42.52 feet to a stone bound located in the westerly sideline of the Route 128 Right of Way; thence turning and running S63°56'51"W a distance of 361.46 feet to the point of beginning.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

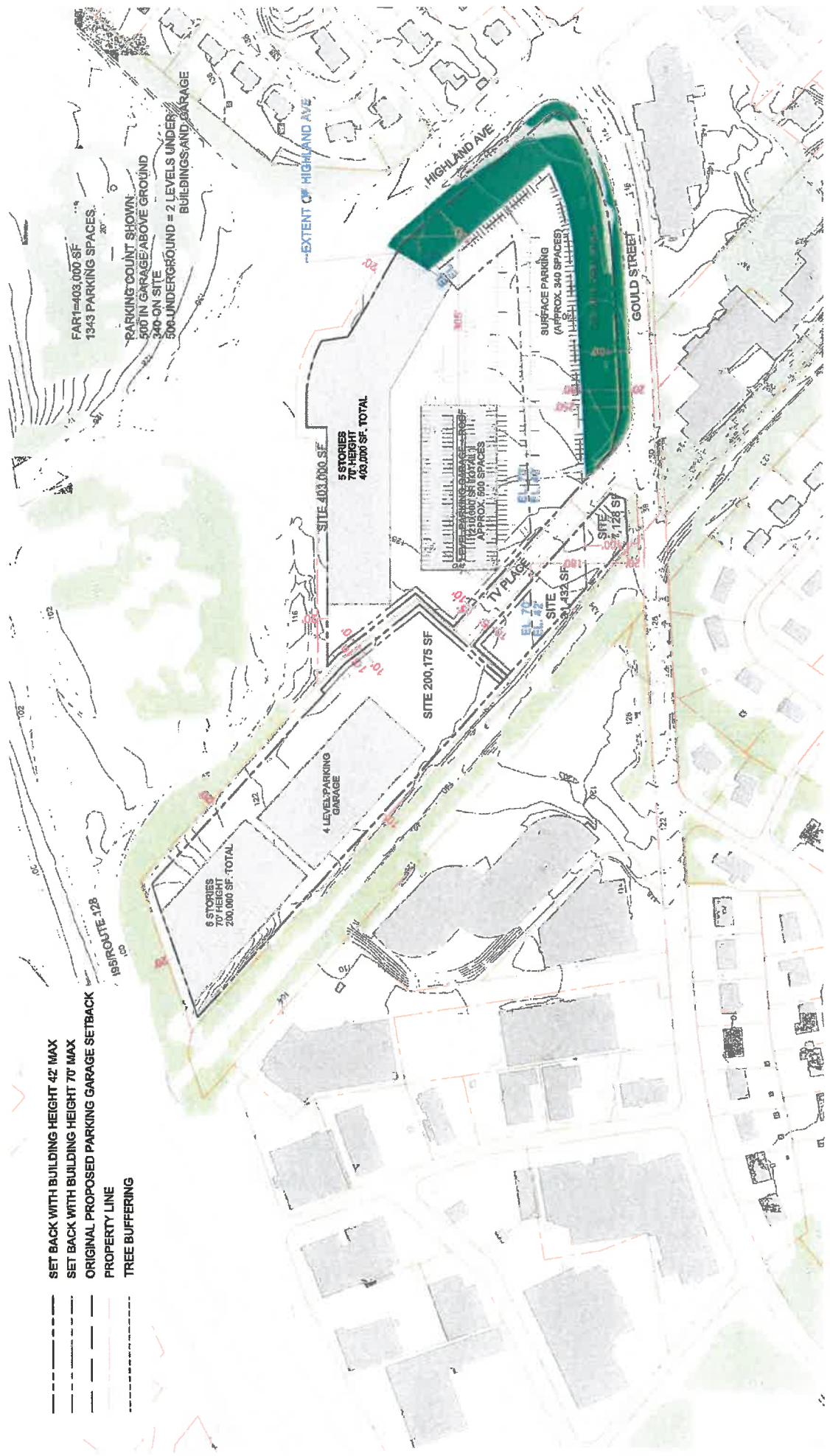
Article Information: Article 6 describes the geographical area proposed to be placed in the new Highway Commercial 1 zoning district. The affected area is generally bounded on the north by the Massachusetts Bay Transit Authority (M.B.T.A.) commuter railroad right-of-way, on the east by the Circumferential Highway, known as Route 128/95, on the south by Highland Avenue and on the west by Gould Street. The subject land is currently located in the Industrial-1 zoning district.

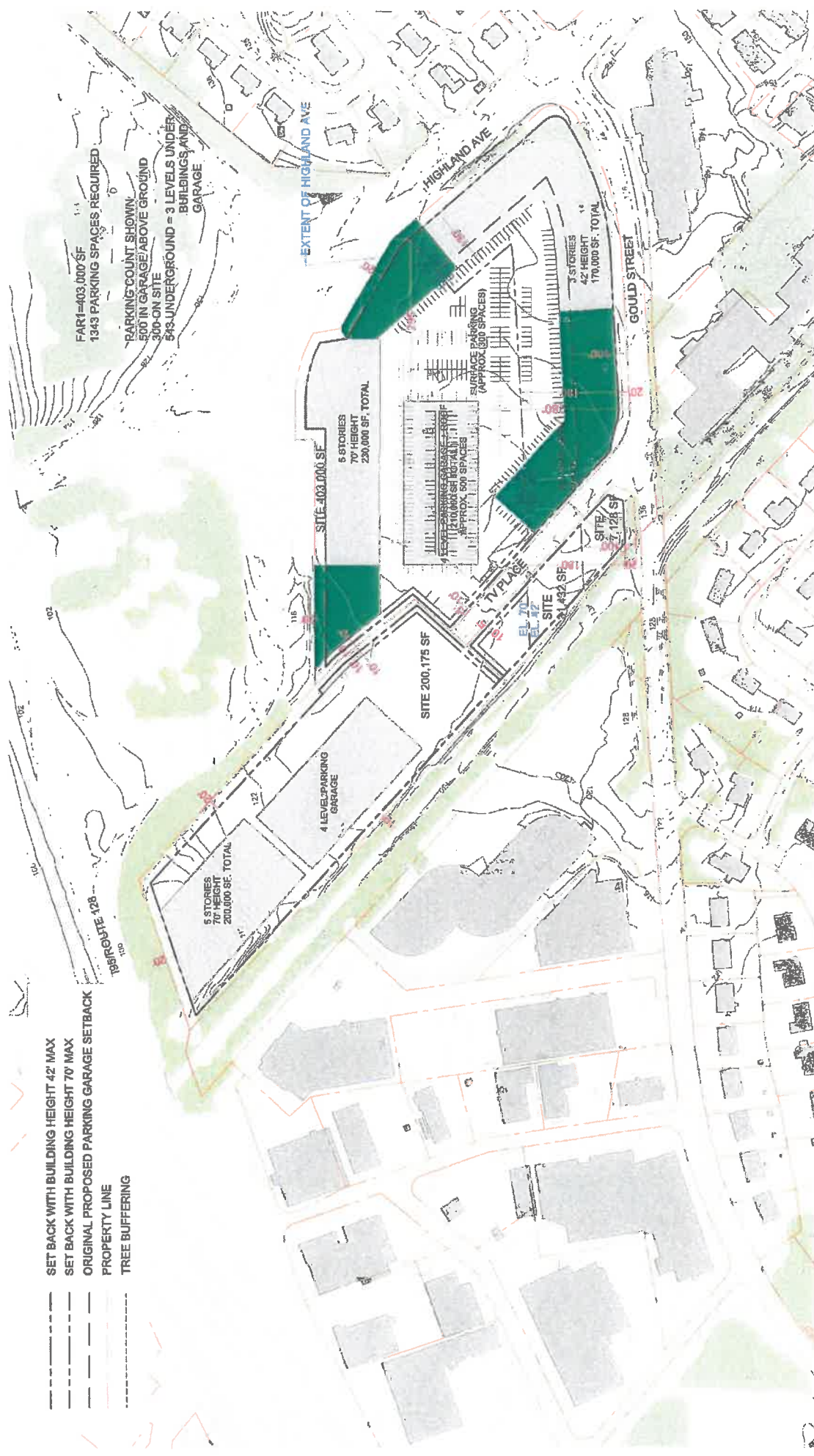
ARTICLE 7: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNIT

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

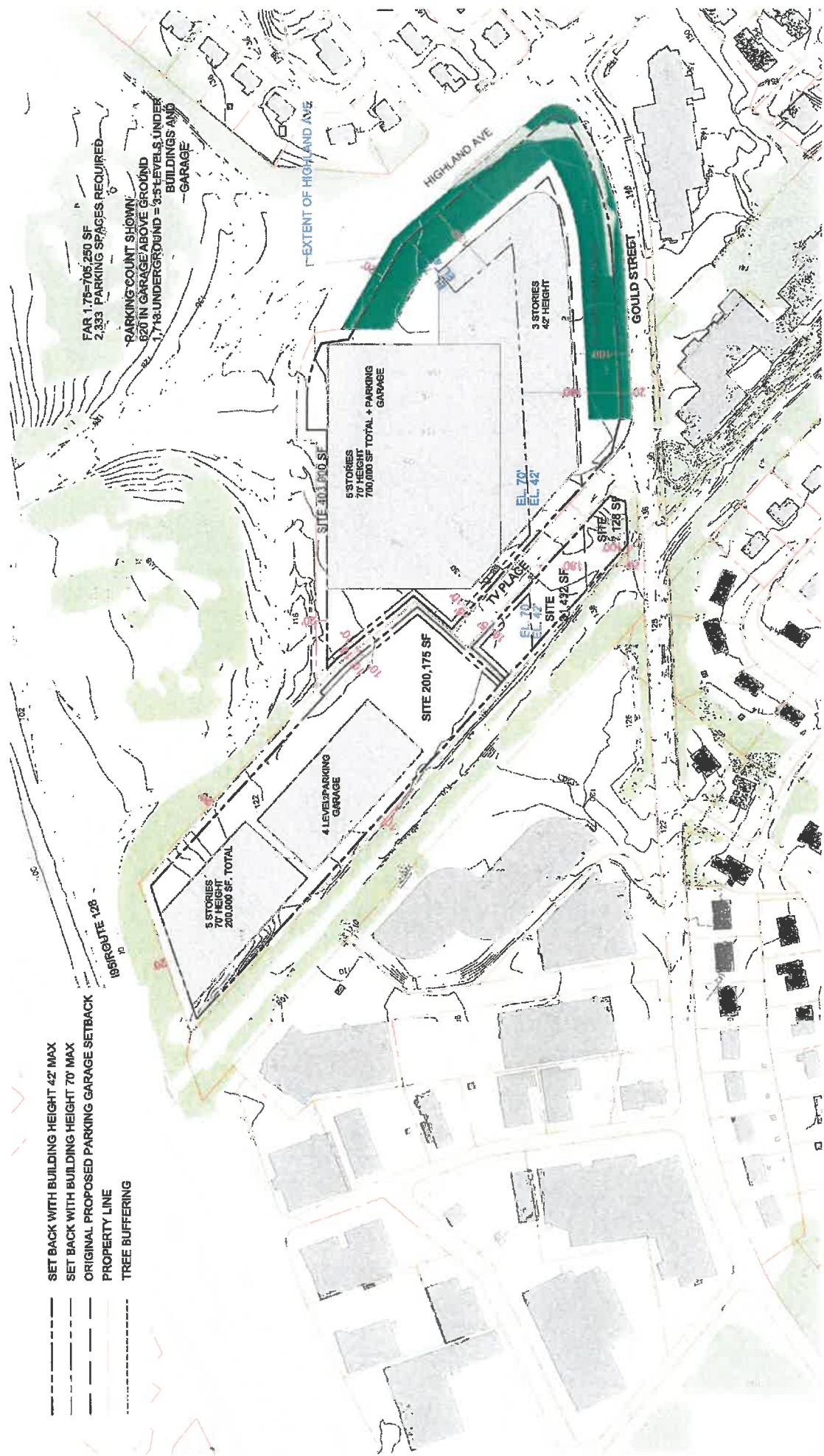
1. Amend Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical order:

“Accessory Dwelling Unit (ADU) – An apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.”

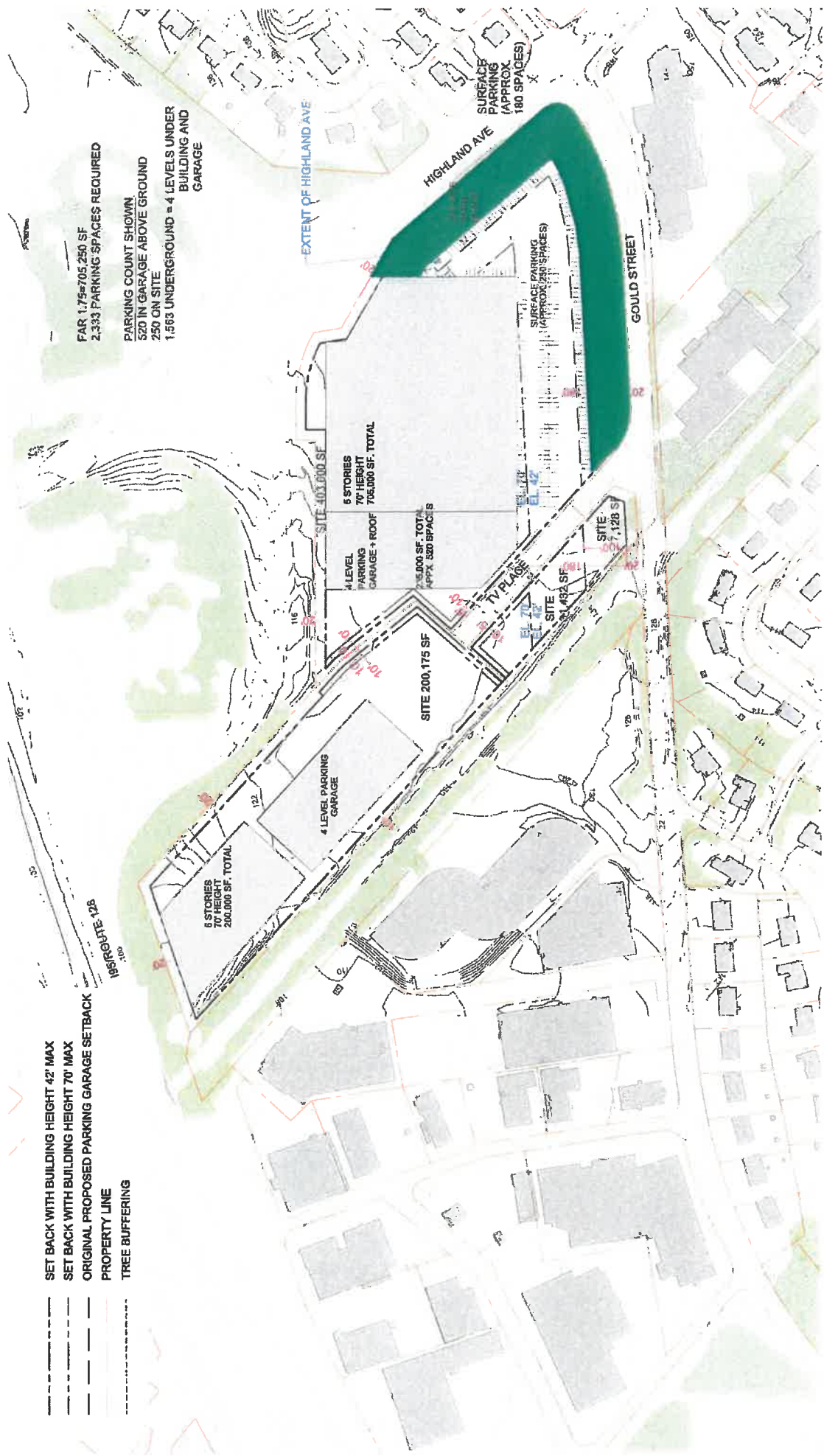


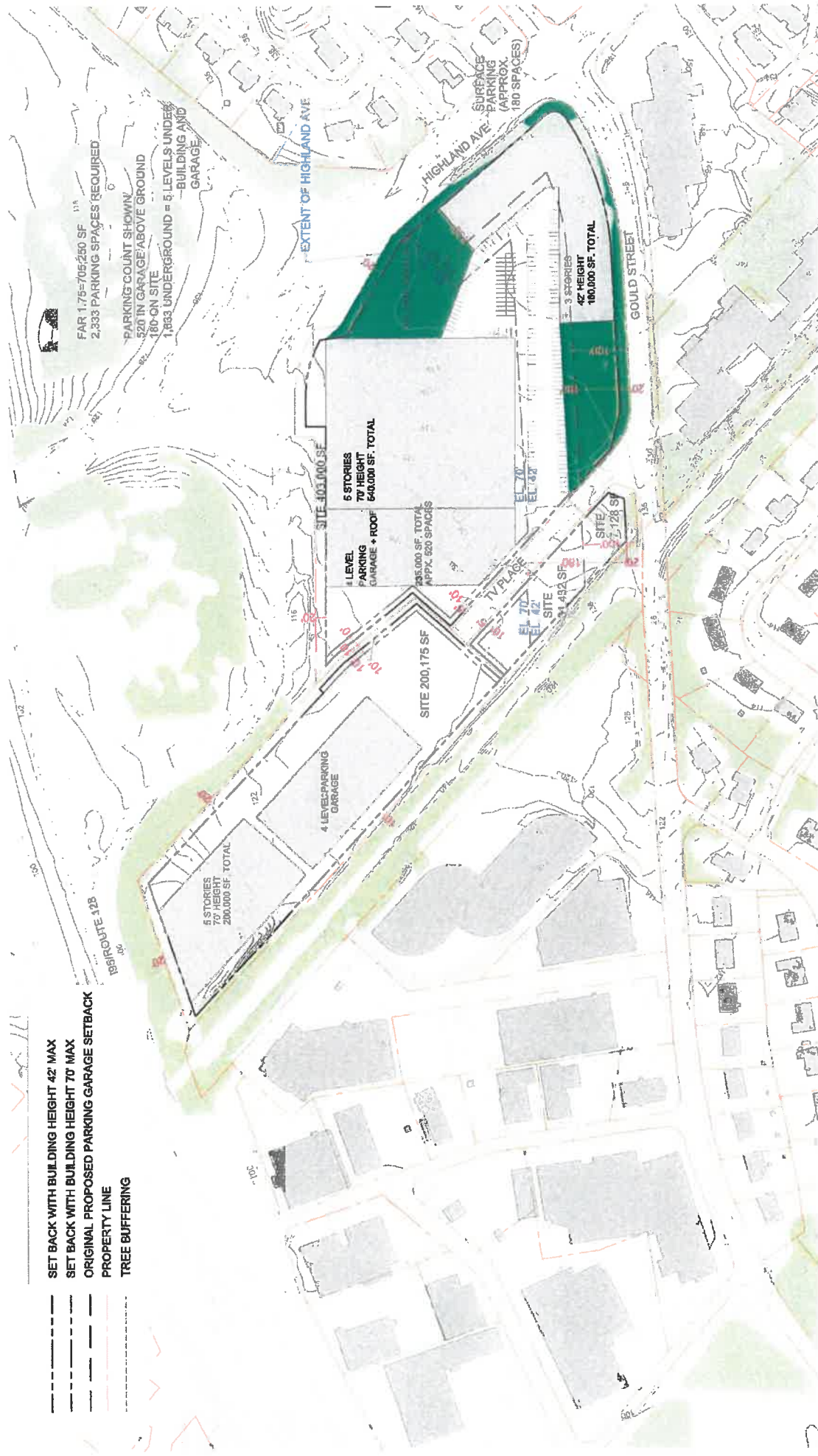


AS OF RIGHT ZONING SITE PLAN 2 - 2 BUILDINGS
 HIGHWAY COMMERCIAL 1 ZONING DISTRICT PLANNING
 07/02/2019



SPECIAL PERMIT ZONING SITE PLAN 1 - 1 BUILDING
HIGHWAY COMMERCIAL 1 ZONING DISTRICT PLANNING
 07/02/2019





STUDIO ENÉE architects

SPECIAL PERMIT ZONING SITE PLAN 2 - 2 BUILDINGS
HIGHWAY COMMERCIAL 1 ZONING DISTRICT PLANNING
 07/02/2019

AS OF RIGHT

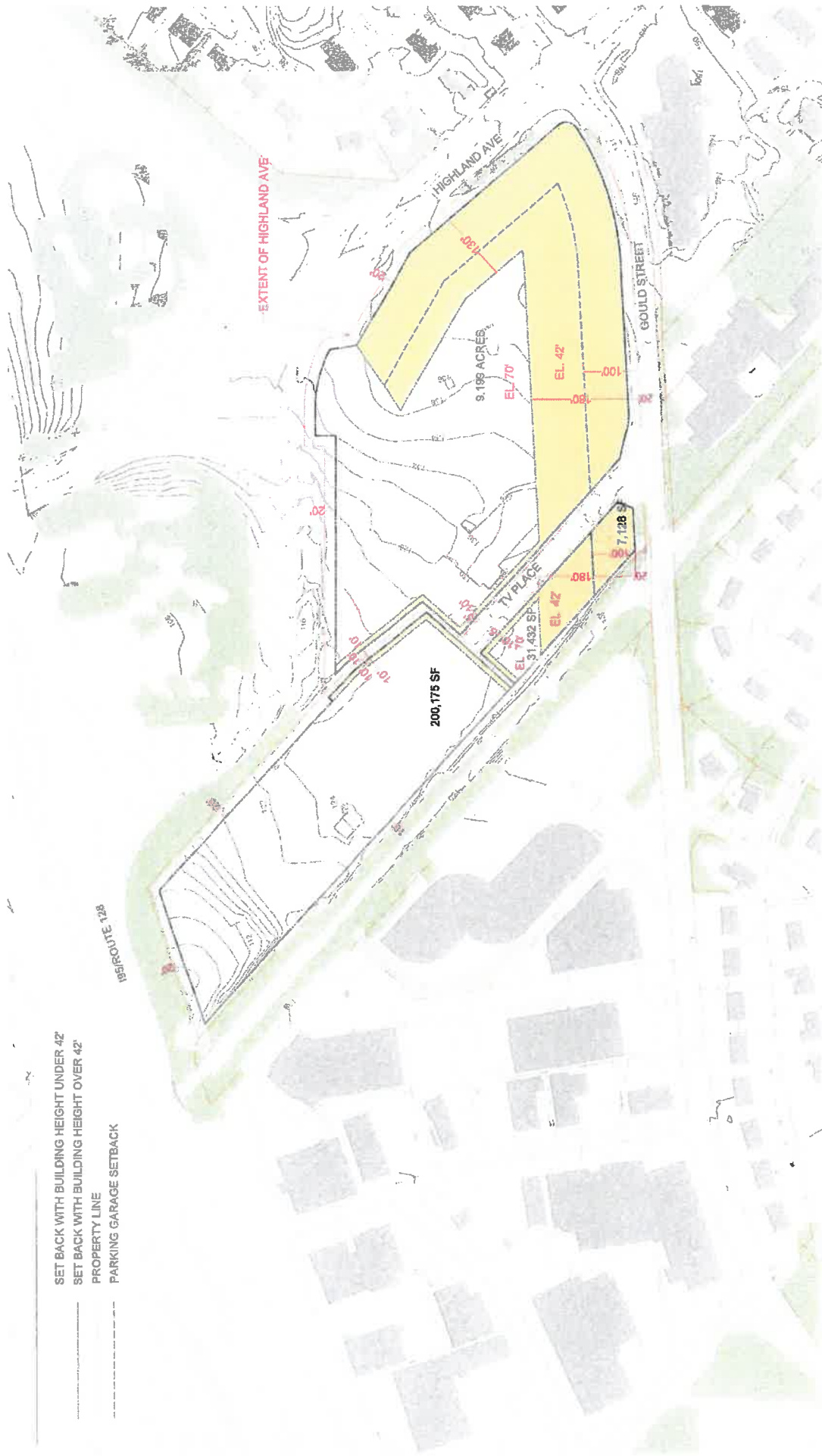
AS OF RIGHT 3 BUILDING



SPECIAL PERMIT 3 BUILDING



W. H. WATSON, JR., President, Watson & Co., Inc., New York, N. Y.



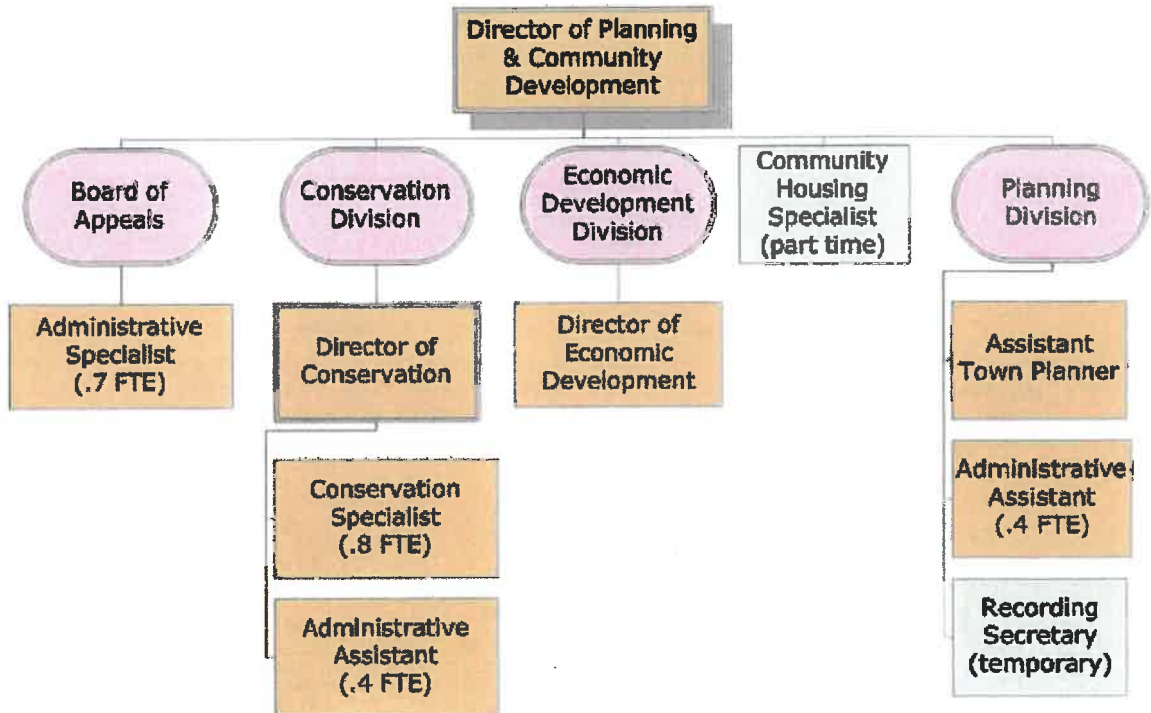
SET BACK WITH BUILDING HEIGHT UNDER 42'
 SET BACK WITH BUILDING HEIGHT OVER 42'
 PROPERTY LINE
 PARKING GARAGE SETBACK



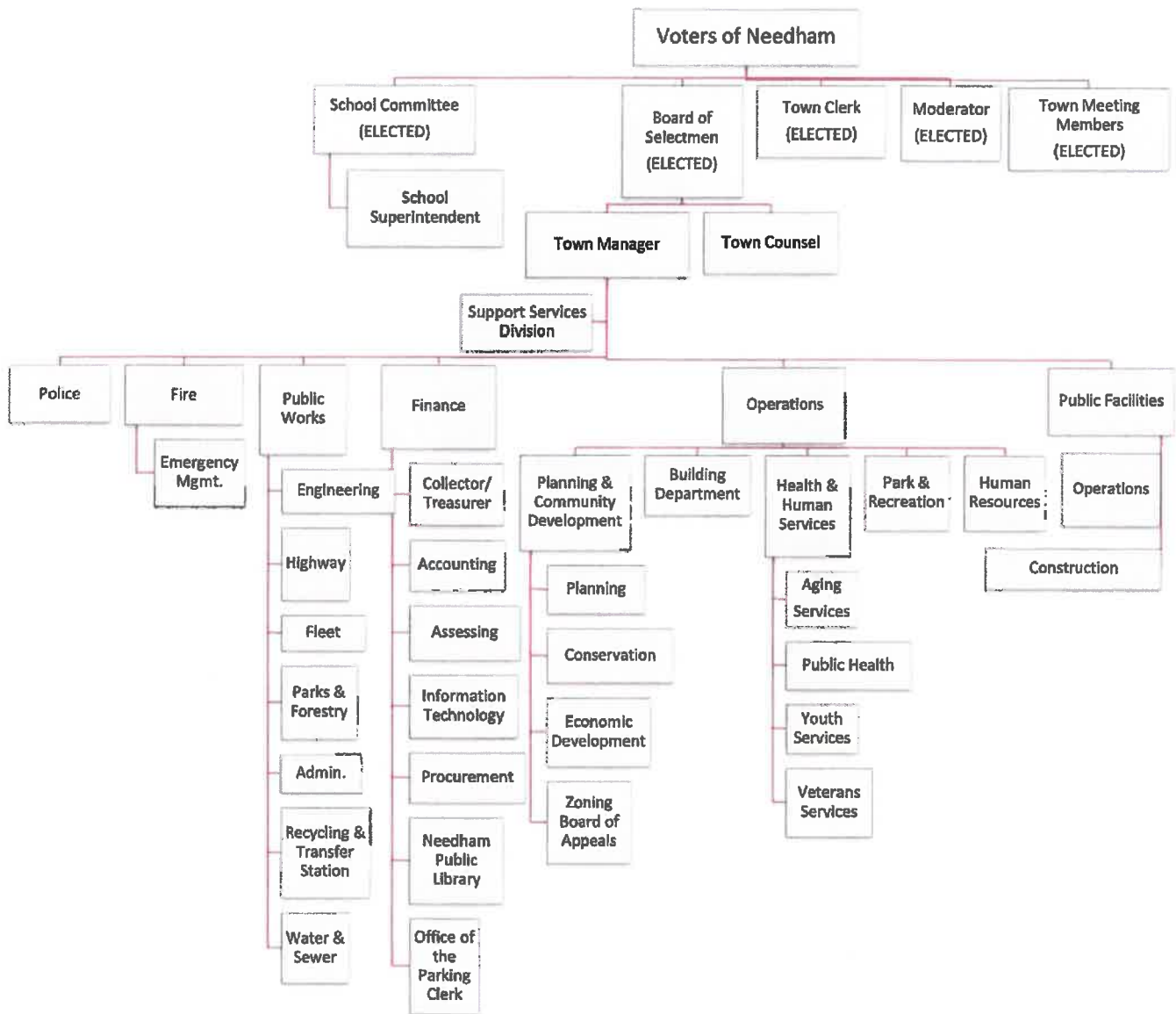
STUDIO ENEE architects

PROPOSED ZONING SITE PLAN
 HIGHWAY COMMERCIAL 1 ZONING DISTRICT PLANNING
 3/19/2019

Department Organizational Chart
Planning and Community Development



TOWN OF NEEDHAM ORGANIZATIONAL CHART



- The Board of Selectmen appoints the Town Manager, Town Counsel and many members of Boards and Committees that can be found on the following pages.
- The School Committee appoints the School Superintendent.
- The Moderator appoints the Finance Committee and the Personnel Board.
- The Town Manager appoints, subject to the approval of the Board of Selectmen: the Police Chief, the Fire Chief, the Director of Public Works, the Assistant Town Manager/Director of Finance, and the Assistant Town Manager/Director of Operations.
- The Town Manager appoints all other employees of the Town excluding the Executive Secretary to the Finance Committee and employees of the School Department.

POSITION DESCRIPTION**12/2016****Town of Needham Director of Economic Development****K-22**

Under the supervision of the Town Manager/designee and general direction of the Planning Director, provide professional, technical and administrative work in support of economic development efforts for the Town of Needham. This work includes research and analysis related to the attraction, recruitment and retention of commercial and industrial entities and related activities.

Duties:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment of the position.)

Develop and implement short and long term economic development strategies, public/private partnerships for development, and business assistance programs for existing and prospective businesses. Recommend adjustments in programs, activities, policies and procedures to further economic development goals. Work with Town departments and the Town Manager/designee to streamline and increase the accessibility and transparency of permit and licensing processes. Develop and implement marketing strategies for business attraction, expansion, and retention. Establish and update a community profile and real estate inventory to include, but not limited to, gathering data on businesses and community demographics, sites available for development, industrial and commercial buildings, business ownership, traffic counts, land costs and lease rates, transportation facilities, labor market, long and short term financing, and other related community information. Research and develop economic trends and identify business to target and implement creative methods to recruit businesses and stimulate locally owned new businesses to reduce vacancy rates in various parts of the community.

Identify economic development issues, problems, and alternatives; represent the Town in informal meetings with the general public, planning agencies, attorneys, and developers; serve as a resource to businesses and the general public regarding permitting and zoning processes, explaining provisions of the Zoning Bylaw and Rules and Regulations governing site plans and special permits; meet with developers to review alternatives for achieving the desired outcomes such as timely regulatory review, enhanced project feasibility, accessibility, environmental protection and aesthetic appeal; and serve as liaison between the Town and the Needham Business Association, the Newton/Needham Chamber of Commerce, the Council of Economic Advisors, the Downtown Partners, the New England Business Center Economic Development Advisory Committee, and other public/private non-profit groups.

Gather, interpret, and prepare data for studies, reports, and recommendations related to economic development and use of land. Meet with project applicants to review projects, plans and materials; coordinate the permitting process with other boards, officials and administrators; schedule meetings and prepare agendas, and develop summaries of the issues involved in the proposals being considered by the Council of Economic Advisors or other economic development groups. Serve as staff support for Council of Economic Advisors. Maintain minutes and records of Council of Economic Advisors and Downtown Partners; and coordinate activities with the Board of Selectmen, Planning Board, Council of Economic Advisors, Downtown Partners, Conservation Commission, Public Works Department, Building Department and other departments as needed.

Develop and prepare marketing materials for the Town's economic development activities; prepare and analyze a variety of socioeconomic and/or research studies, statistical reports, and related information for policy decisions on long range, comprehensive and strategic planning, including composing and conducting surveys, research, reports, and recommendations for the Council of Economic Advisors, other Town departments and consultants on proposed bylaw changes requiring town meeting approval related to economic development. Develop and recommend strategies, programs, activities and collateral materials for effective economic development programs and projects. Research the availability of, aggressively seek, apply for and administer grants to achieve adopted goals and objectives according to the Town's and funding authority's guidelines and regulations.

Attend economic development-related workshops as well as business trade-shows on behalf of the Town, both to gather information and to market the Town of Needham; establish and maintain partnerships with local, state, and federal agencies and groups that can help facilitate and implement programs and activities aimed at the Town's economic development; coordinate efforts with businesses and community organizations, educational and research institutions, and other Town departments. Perform similar or related duties as required or as situation dictates.

Report progress and general program status to Planning Director on regular basis and to the Town Manager/designee as requested. Provide input to budgetary process and monitor all funds in area of responsibilities. Maintain files of economic development records, maps, reports, plans and other materials; perform general office duties; draft reports, correspondence, presentations and other written material for the Town of Needham, the Planning Department and the Council of Economic Advisors; perform other related duties as required or directed by Planning Director and/or Town Manager/designee.

Basic Knowledge:

Position requires knowledge equivalent to a bachelor's degree in business administration, public relations, planning, or a related field, and thorough knowledge of the principles and practices of planning, zoning, state and local land use and environmental legislation, procedures, codes and standards, and business and industry attraction and retention strategies. Position requires excellent writing, communication and presentation skills, and knowledge of federal, state and local programs and resources for economic development and business assistance, and some knowledge of business finance, real estate, and market dynamics. Master's degree preferred.

Experience:

Five years of progressively responsible experience in municipal economic development, or related field; or any equivalent combination of education and experience. Position requires extensive experience in the use of the MS Office Suite of applications.

Independent Action:

Incumbent functions independently under general supervision, developing work schedule and setting priorities to achieve specific goals relating to economic development initiatives in the Town.

Supervisory Responsibility:

None

Physical and Environmental Standards:

Work is performed under typical office conditions; intermittent but frequent inspection work is conducted in the field with exposure to various weather conditions, with required service during the evening to attend meetings and from time to time on weekends to conduct a public workshop or to meet with a developer or neighborhood group. Incumbent operates a computer, calculator, telephone, fax machine, and other standard office equipment; travel within Town, to neighboring towns, and other jurisdictions by personal automobile required.

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Incumbent works in a variety of office and field environments that require physical dexterity. The work is primarily of an intellectual nature, but involves lifting binders, reports, plans and office equipment weighing up to 40 pounds. Minimal physical effort is generally required for work in the office, while light physical effort is occasionally required in the performance of field investigations. Incumbent may spend extended periods on terminal or telephone and spends frequent time walking and standing. Incumbent must be able to access all areas of a construction site. Site inspections require the general ability to identify and distinguish colors, peripherals, and distances. Incumbent must be able to operate a motor vehicle; and, the incumbent must be able to operate a keyboard.

(This job description does not constitute an employment agreement between the employer and employee. It is used as a guide for personnel actions and is subject to change by the employer as the needs of the employer and requirements of the job change.)

This draft Agenda is for the PB Use Only

**ZONING BOARD OF APPEALS
AGENDA**

**Needham Town Hall
Select Board Chambers
1471 Highland Avenue, Needham, MA
THURSDAY, February 13, 2019 - 7:30PM**

Minutes	Review and approve minutes from December 19, 2019 meeting.
Case #1 – 7:30PM	217 High Rock Street – Public notice is hereby given that Wesley and Suzanne Wildman, owners, have made application to the Board of Appeals for a Special Permit under Sections 6.1.2, 7.5.2, and any other applicable Sections of the By-Law to permit an additional garage space. The relief sought is associated with the addition of two new garages and screen-in-porch/living area to the rear of an existing single house with an attached single garage. The property is located at 217 High Rock Street , Needham, MA in the Single Residential B District.
Case #2 – 7:45PM	123 Pickering Street – J. Derenzo Properties, LLC, applicant, has made application to the Board of Appeals for a Special Permit under Sections 1.4.7.4, 3.2, 7.5.2 and any other applicable Sections of the By-Law to permit the demolition, extension, alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming two-family dwelling to be replaced by a new two-family structure. The property is located at 123 Pickering Street , Needham, MA in the Single Residential B District.

Next Meeting: **Thursday, January 16, 2019 7:30pm**, Charles River Room, PSAB



**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2020 JAN 22 PM 3:20

APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: _____

Name of Applicant or Appellant: WESLEY WILDMAN

Address: 217 HIGHT ROCK STREET
NEEDHAM MA 02492

(Optional) E-mail address: WILDMAN@BCU.EDU

Daytime telephone: 781-467-8479

(Optional) Cell phone: _____

(Optional) additional contact information, (ie: ☐ contractor ☒ architect ☐ builder or ☐ attorney):

JOHN M. RUFO - FORM + PLACE INC.
617-795-1965

Address/Location of Property 217 HIGHT ROCK ST. NEEDHAM MA 02492

Assessor map/parcel number MAP 044.0 BLOCK 0041

Zone of property: SPB

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is ☒ owner, ☐ tenant, ☐ prospective tenant, ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☒ yes ☐ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B

☐ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions: SINGLE FAMILY RESIDENCE WITH ONE-CAR
GARAGE ON LOT OF 15,890 SF.

Statement of relief sought: SEE ATTACHED

Applicable Section(s) of Zoning By-Law: 6.1.2 "GARAGE SPACE FOR NOT
MORE THAN 2 CARS"

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application:

Date structure(s) on lot constructed (including any additions):

Date lot created:

A certified plot plan, prepared by a registered surveyor, must be attached to each of the thirteen (13) copies of this application at time of filing. Application will be returned if a copy of the plot plan is not attached to each application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require thirteen (13) copies of plot plan (two reduced to 8 ½ by 11), plus additional submissions.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

Signed Whitby Wilder
Title OWNER

Application Packets must be delivered to the Town Clerk's Office.

Statement of relief sought from section 6.1.2 of the Needham Zoning By-Law for 217 High Rock Street.

The applicant requests relief from by-law section 6.1.2. Specifically, the limitation of “garage space for not more than two (2) cars” in the Single Residence B district without the granting of a Special Permit. The applicant proposes to add two additional garage space to the one existing space. Reasons for the propose addition are as follows:

- The applicant is getting older and wants to stay in this house for years to come, but shoveling snow is understandably getting more difficult. Suzanne Wildman recently threw out her shoulder (again) while trying to clear the driveway enough to get her car out. Additionally, the household of the applicant accommodates intergenerational living for family members and is expected to continue this way for the foreseeable future. This creates a need for three cars to meet living and commuting needs. With one or more cars parked on the driveway, it's not possible to have a snow removal service clear the snow with a truck and plow. Being able to park the cars in a garage, out of the way and out of the weather, would allow for this to take place.
- The applicant has looked for houses with three garage spaces but hasn't found one that is affordable. The jump to one-acre lots seems to put it financially out of reach.

Additional Considerations:

- The applicant is proposing a significant sub-surface water infiltration system as part of the reworking of the site to accommodate the proposed addition. The High Rock / Emerson Place area has seasonal ground water issues similar to other locations in the town. The proposed infiltration system includes a new drain to control run off from the new driveway areas. The system will also collect subsurface water along the western edge of the property, up-hill from the house, and route it to the sub-surface recharge system to further mitigate potential storm runoff onto adjacent properties.
- A screened-in-porch/living area is planned above the proposed garage allowing the applicant to enjoy the outside environment with less worry about mosquitos which is a common issue in the neighborhood. The massing of this addition living area has been designed in keeping with the style and massing of the house and other residences in the neighborhood.

TOWN OF NEEDHAM, MASSACHUSETTS

BUILDING INSPECTION DEPARTMENT

Assessor's Map & Parcel No: Map 044.0, Block 0041

At No: 217 HIGH ROCK STREET

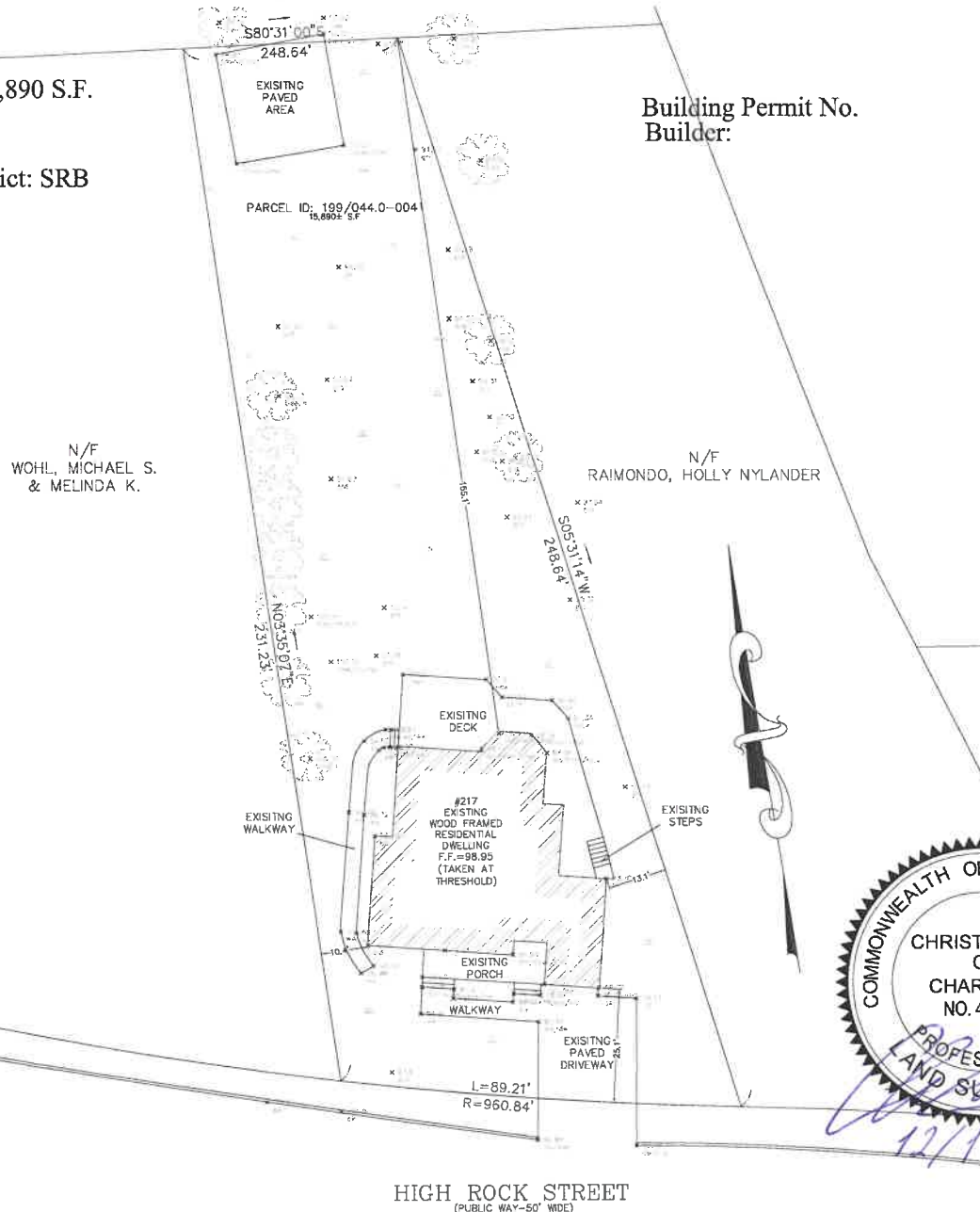
PLOT PLAN OF LAND SCALE: 1"= 40'

Lot Area: 15,890 S.F.

Owner:

Zoning District: SRB

Building Permit No.
Builder:



Note: Plot Plans shall be drawn in accordance with sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. all plot plans shall show existing structures and public utilities, including water mains, sewers, drains, gaslines, etc.: driveways, Flood Plain and Wetland Areas, lot dimensions, dimensions of proposed structures, sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor for new construction, elevation of lot corners at street line and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unsewered area.

(*Accessory structures may require a separate building permit- See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this: 15th

day of: June

2019

Name: Christopher C. Charlton

Registered Land Surveyer #: 48649

Address: 105 Beaver Street

City: Franklin

State: MA

Zip: 02038

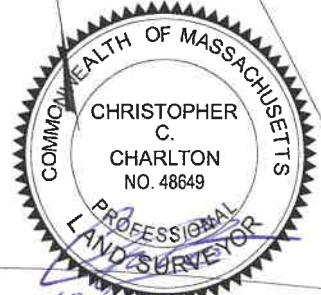
Tel. No: (508) 528-2528

Director of Public Works

Date

Building Inspector

Date

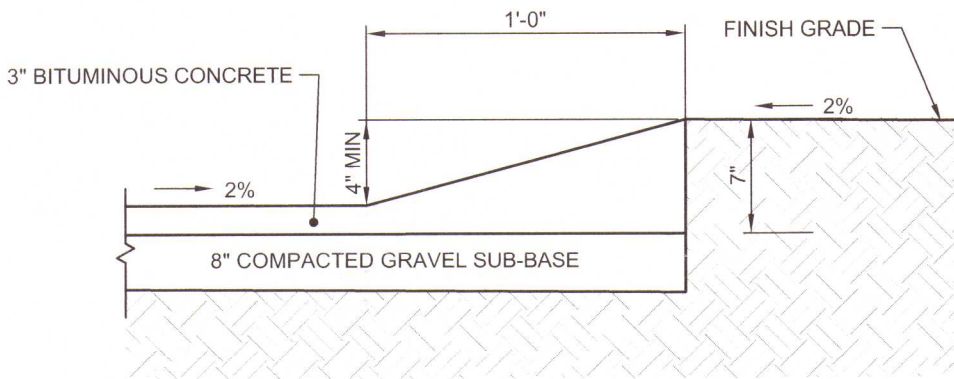


GENERAL NOTES

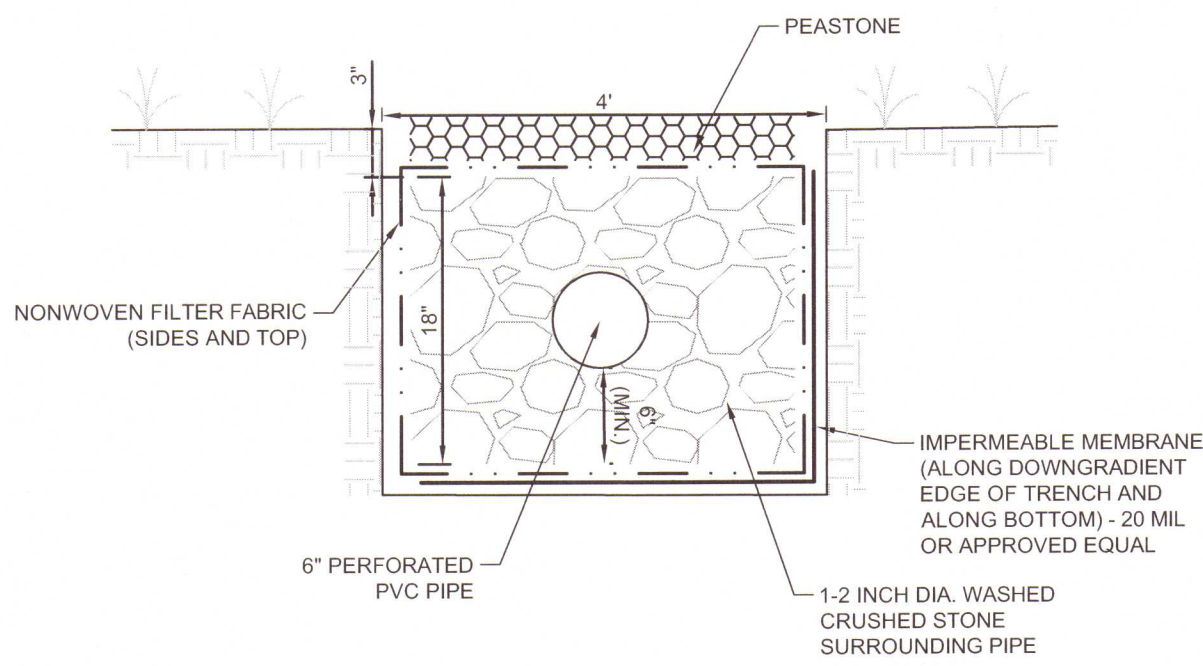
- THE PURPOSE OF THIS PLAN IS TO DEPICT A PROPOSED BUILDING ADDITION, DECK AND DRIVEWAY WITH A CAPE COD BERM AND RETAINING WALL AS WELL AS THE DEMOLITION OF THE EXISTING DECK AND STAIRS
- EXISTING CONDITIONS DEPICTED ON THIS PLAN ARE DERIVED FROM AN UNDATED PLAN PREPARED BY PROFESSIONAL LAND SURVEYOR CHRISTOPHER CHARLTON TITLED "PLOT PLAN OF LAND".

PLAN LEGEND

	EXISTING	PROPOSED
PROPERTY LINE		
BUILDING ADDITION		
TO BE REMOVED		
RETAINING WALL		
PEASTONE WALK		
TREE		
BUILDING DOOR		

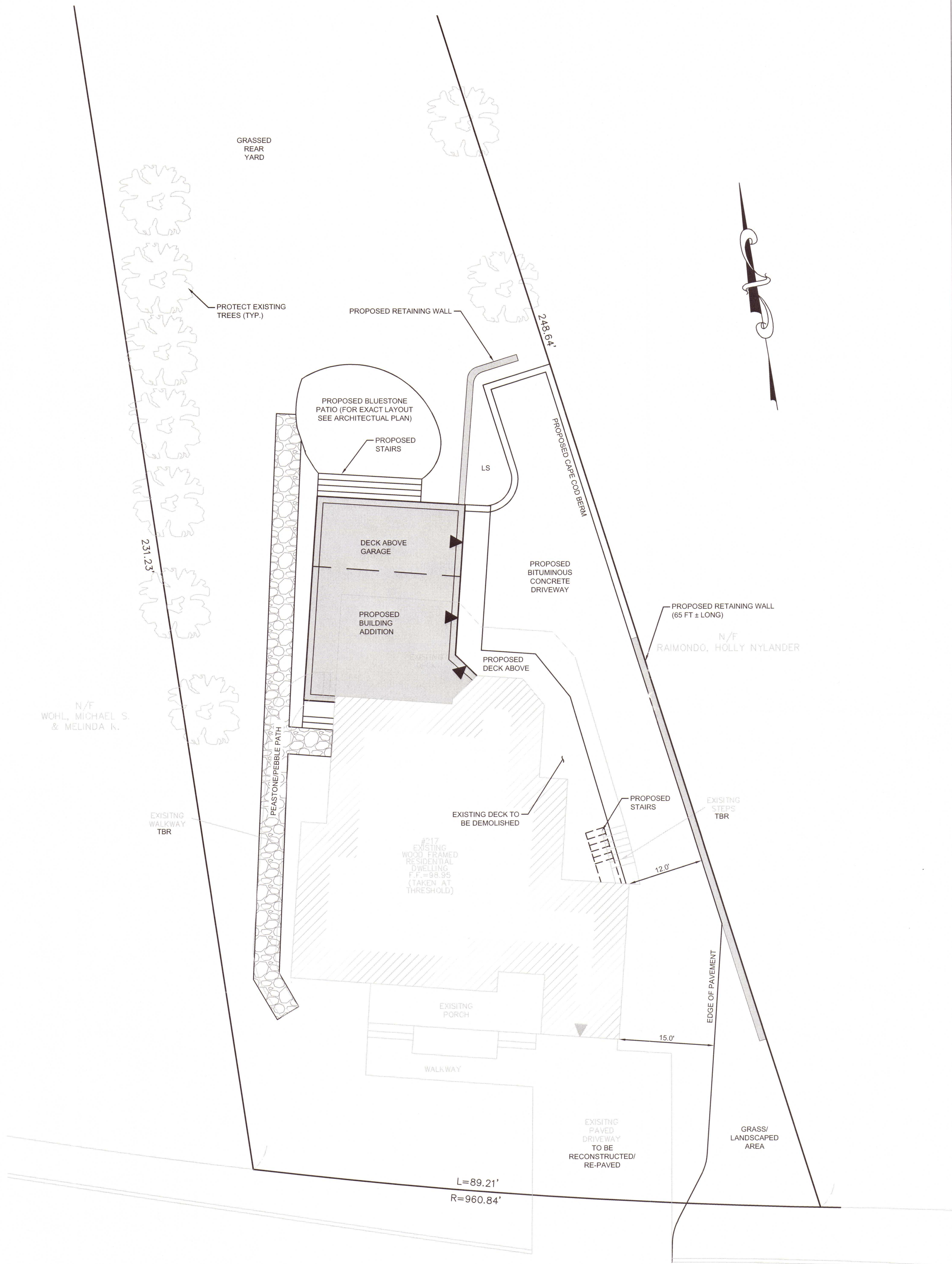


CAPE COD BERM
SCALE: N.T.S.

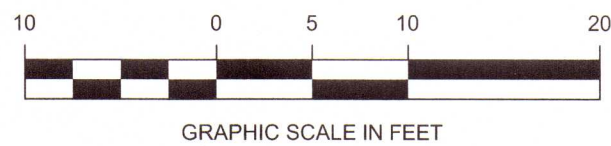


SECTION VIEW

PEASTONE PATH WITH SUBDRAIN
SCALE: N.T.S.



HIGH ROCK STREET
(PUBLIC WAY-50' WIDE)



RJOC

	DATE
	REVISION
	NO.
	DATE
	REVISION
	NO.

PREPARED BY:
RJO'CONNELL & ASSOCIATES, INC.
CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
80 MONTVALE AVENUE, SUITE 201 STONEHAM, MA 02180
PHONE: 781.279.0180 RJOCNNELL.COM

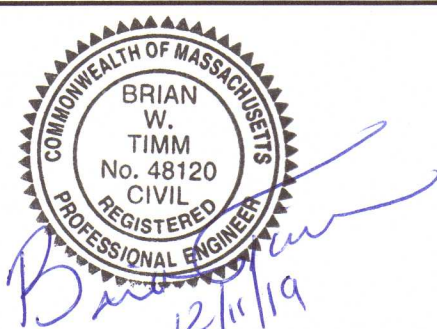
PREPARED FOR:

WESLEY & SUZANNE WILDMAN
217 HIGH ROCK STREET
NEEDHAM, MA

PROJECT NAME:

217 HIGH ROCK STREET
NEEDHAM, MA

SEAL:



DESIGNED BY: BWT
DRAWN BY: JBJ
REVIEWED BY: BWT
SCALE: 1" = 10'
DATE: 12/11/2019
DRAWING NAME:

PROPOSED DEMO AND SITE LAYOUT PLAN

DRAWING NUMBER:

C-1

PROJECT NUMBER:

19125

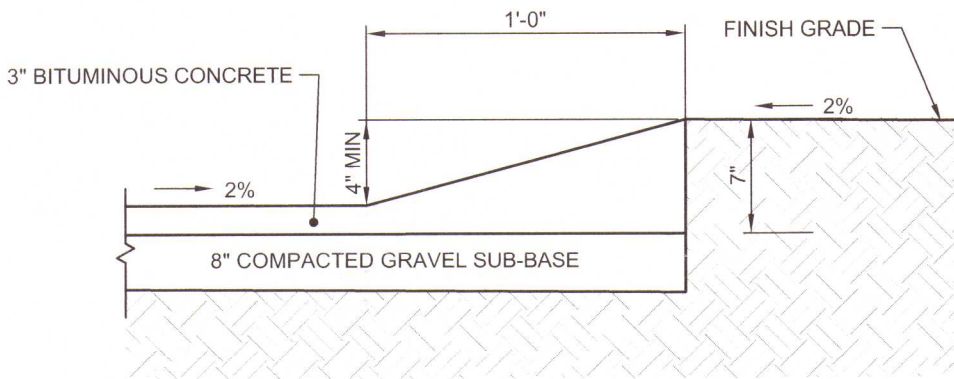
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GENERAL NOTES

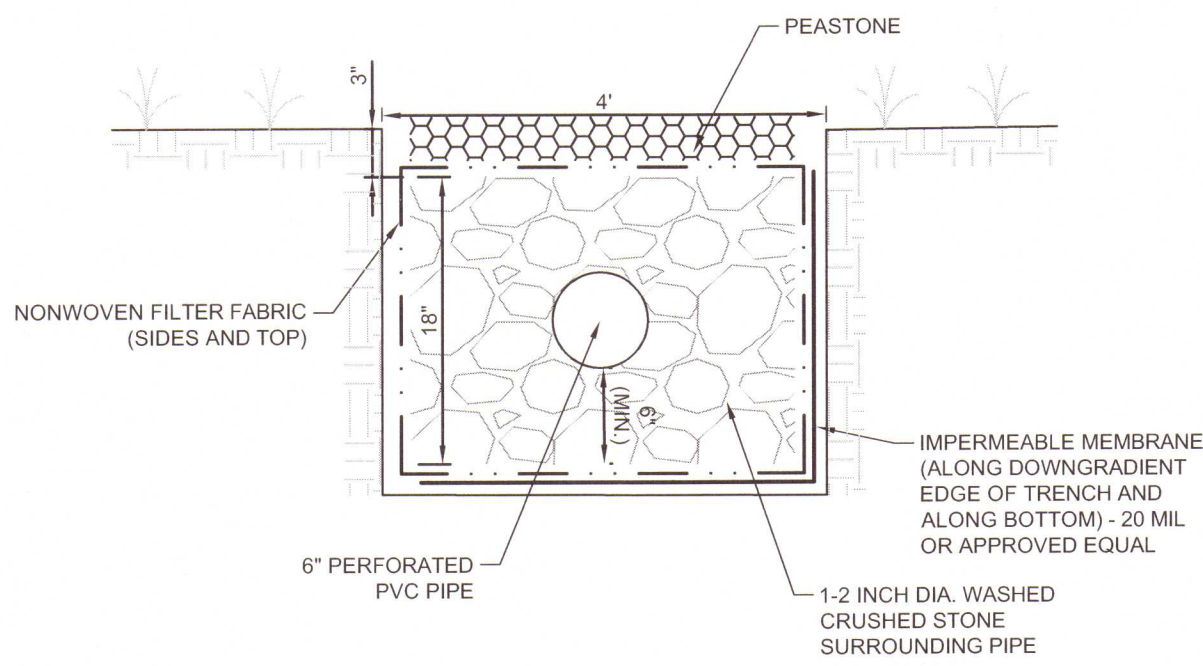
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PLAN LEGEND

	EXISTING	PROPOSED
PROPERTY LINE		
BUILDING ADDITION		
TO BE REMOVED		
RETAINING WALL		
PEASTONE WALK		
TREE		
BUILDING DOOR		

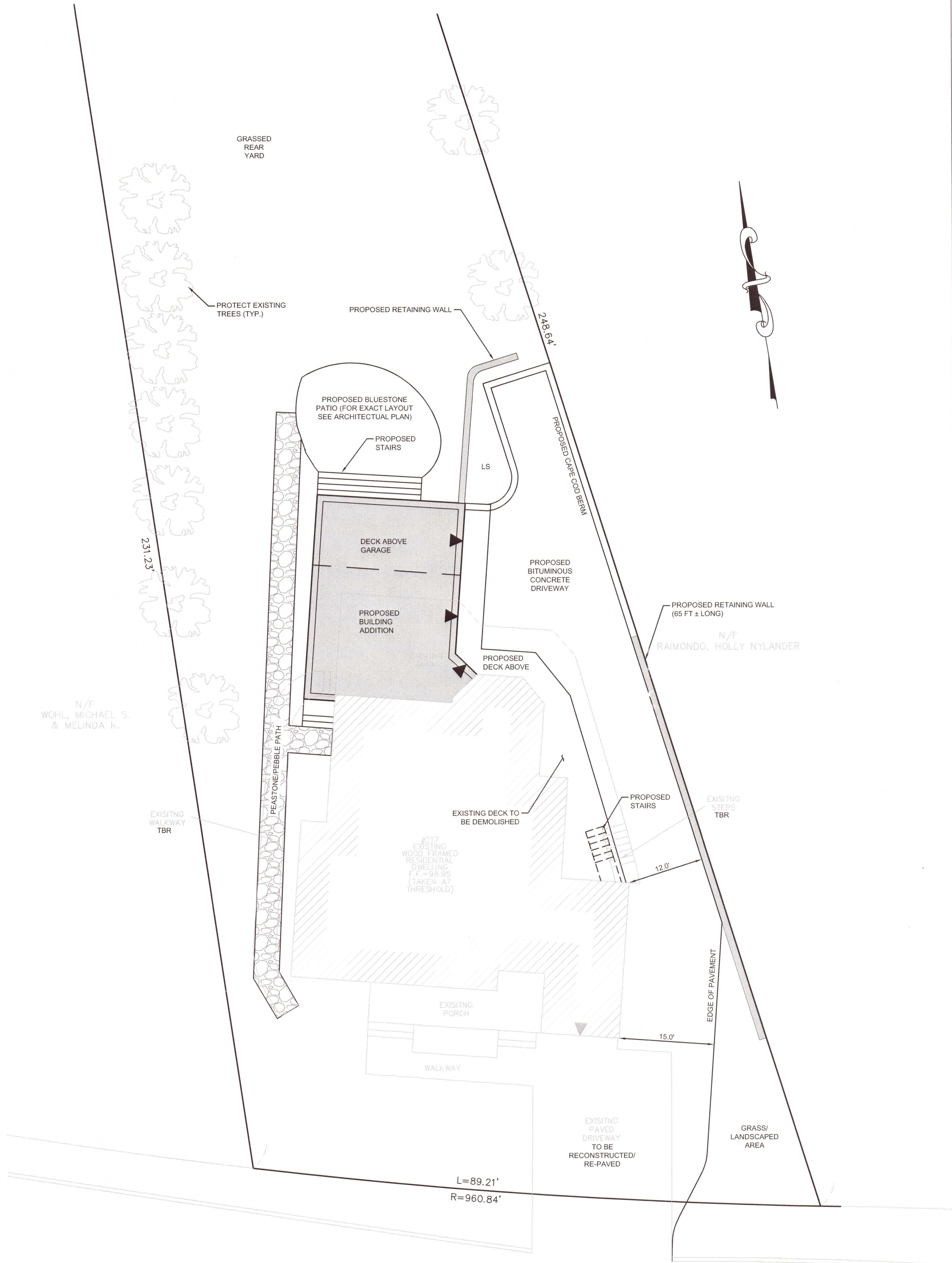


CAPE COD BERM
SCALE: N.T.S.

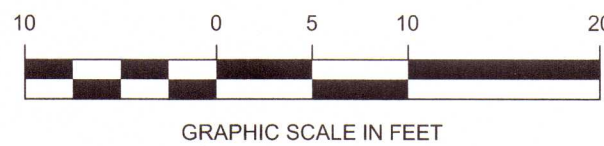


SECTION VIEW

PEASTONE PATH WITH SUBDRAIN
SCALE: N.T.S.



HIGH ROCK STREET
(PUBLIC WAY—50' WIDE)



RJOC

	DATE
	REVISION
	NO.
	DATE
	REVISION
	NO.

PREPARED BY:
RJO'CONNELL & ASSOCIATES, INC.
CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
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PHONE: 781.279.0180 RJOCNNELL.COM

PREPARED FOR:
WESLEY & SUZANNE WILDMAN
217 HIGH ROCK STREET
NEEDHAM, MA

PROJECT NAME:
217 HIGH ROCK STREET
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SCALE: 1" = 10'
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PROPOSED DEMO AND SITE LAYOUT PLAN

DRAWING NUMBER:
C-1
PROJECT NUMBER:
19125

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Addition and Renovation

Wildman House

217 Highrock Street, Needham, MA 02492

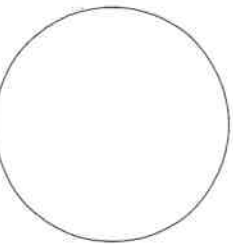


Special Permit Package

Addition and Renovation

Wildman House

217 Highrock Street, Needham, MA 02492



Project No: 19044

Drawn by: AC

Checked by: JR

Issue Date: 1/23/2020

Revisions

No.	Description	Date

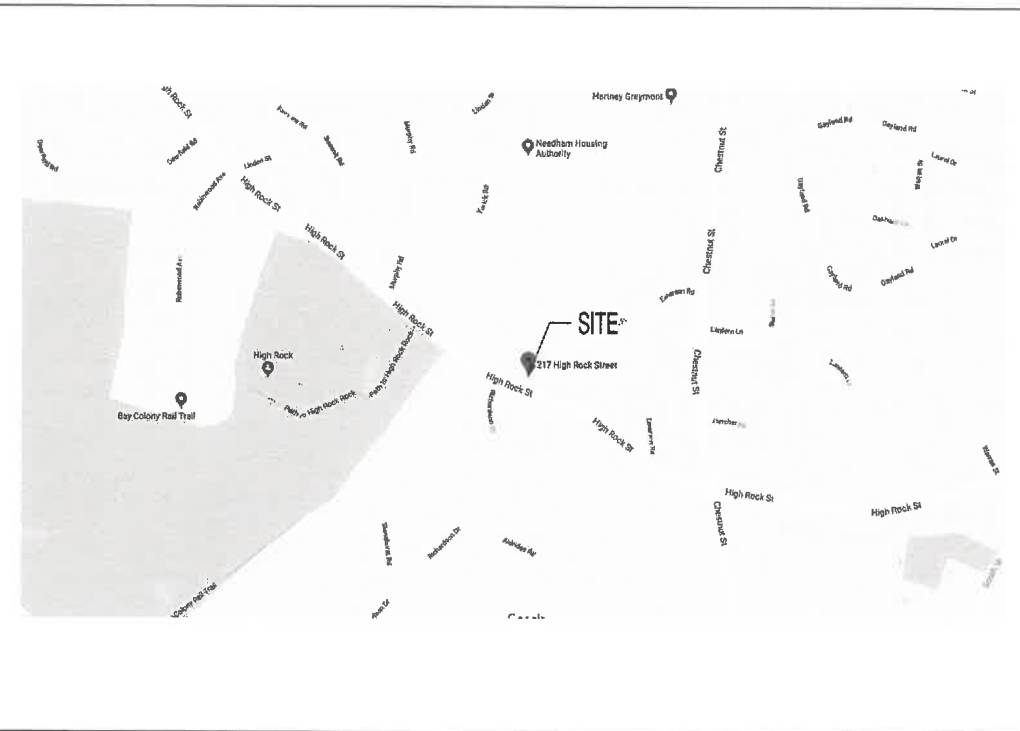
Drawing Title:

COVER SHEET

Drawing Number:

A-0.01

SITE / KEY PLAN



PROJECT DIRECTORY

Owner

Wesley and Suzanne Wildman
217 High Rock St, Needham, MA 02492
(781) 467-8479

Architect

Form + Place, Inc.
17 Lincoln Street, Suite 2A Newton Highlands, MA 02461
617-795-1965

Civil Engineer

RJ O'Connell & Associates
80 Montvale Ave # 201, Stoughton, MA 02060
(781) 279-0160

Structural Engineer

Siegel Associates, Inc
860 Walnut St, Newton Centre, MA 02459
(617) 244-1612

Surveyer

Christopher C. Charlton
80 Jewett St, Newton, MA 02458
(617) 616-0722

PROJECT CONTACT INFORMATION

Needham Building Dept
500 Dedham Ave, Needham, MA 02492
(781) 455-7550

Needham Fire Dept
88 Chestnut St, Needham, MA 02492
(781) 444-2174

Needham Water and Sewer Division
500 Dedham Ave, Needham, MA 02492
(781) 416-4071

SYMBOLS / ABBREVIATION LEGEND

APP	APPROXIMATE	FJA	FLOOR	GRS	OWNER FURNISHED/INSTALLED
ACT	ACTUALLY	FD	FLOOR DRAIN	GRZ	OWNER FURNISHED/INSTALLED
AD	ADDITIONAL	FL	FLOOR	GR	OWNER FURNISHED/INSTALLED
AC	ACCOMMODATE	FO	FOUNDATION	GRM	OWNER FURNISHED/INSTALLED
ALC	ALCOHOL	GA	GARAGE	GRN	OWNER FURNISHED/INSTALLED
ALT	ALTER	GB	GARAGE BAY	GRS	OWNER FURNISHED/INSTALLED
ALU	ALUMINUM	GC	GARAGE CLOSET	GRV	OWNER FURNISHED/INSTALLED
AM	APPROXIMATE	GD	GARAGE DRIVE	GRW	OWNER FURNISHED/INSTALLED
AN	ANALOG	GE	GARAGE ENTRY	GRY	OWNER FURNISHED/INSTALLED
AO	APPROXIMATE	GF	GARAGE FLOOR	GRZ	OWNER FURNISHED/INSTALLED
AP	APPROXIMATE	GH	GARAGE HALL	GRZ	OWNER FURNISHED/INSTALLED
AR	APPROXIMATE	GI	GARAGE INSULATION	GRZ	OWNER FURNISHED/INSTALLED
AS	APPROXIMATE	GJ	GARAGE JUNCTION	GRZ	OWNER FURNISHED/INSTALLED
AT	APPROXIMATE	GK	GARAGE KITCHEN	GRZ	OWNER FURNISHED/INSTALLED
AV	APPROXIMATE	GL	GARAGE LIVING	GRZ	OWNER FURNISHED/INSTALLED
AW	APPROXIMATE	GM	GARAGE MASTER	GRZ	OWNER FURNISHED/INSTALLED
AX	APPROXIMATE	GN	GARAGE NEST	GRZ	OWNER FURNISHED/INSTALLED
AY	APPROXIMATE	GO	GARAGE OUTLET	GRZ	OWNER FURNISHED/INSTALLED
AZ	APPROXIMATE	GP	GARAGE PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
BA	BATH	GQ	GARAGE QUARTER	GRZ	OWNER FURNISHED/INSTALLED
BB	BATH	GR	GARAGE RAMP	GRZ	OWNER FURNISHED/INSTALLED
BC	BATH	GS	GARAGE SLOPE	GRZ	OWNER FURNISHED/INSTALLED
BD	BATH	GT	GARAGE TANK	GRZ	OWNER FURNISHED/INSTALLED
BE	BATH	GU	GARAGE UTILITY	GRZ	OWNER FURNISHED/INSTALLED
BF	BATH	HV	HALL VENT	GRZ	OWNER FURNISHED/INSTALLED
BG	BATH	HW	HALL WALL	GRZ	OWNER FURNISHED/INSTALLED
BH	BATH	HX	HALL XEROX	GRZ	OWNER FURNISHED/INSTALLED
BI	BATH	HY	HALL YARD	GRZ	OWNER FURNISHED/INSTALLED
BJ	BATH	HZ	HALL ZONE	GRZ	OWNER FURNISHED/INSTALLED
BK	BATH	IA	INSULATION	GRZ	OWNER FURNISHED/INSTALLED
BL	BATH	IB	INSULATION BAY	GRZ	OWNER FURNISHED/INSTALLED
BM	BATH	IC	INSULATION CLOSET	GRZ	OWNER FURNISHED/INSTALLED
BN	BATH	ID	INSULATION DRIVE	GRZ	OWNER FURNISHED/INSTALLED
BO	BATH	IE	INSULATION ENTRY	GRZ	OWNER FURNISHED/INSTALLED
BP	BATH	IF	INSULATION FLOOR	GRZ	OWNER FURNISHED/INSTALLED
BQ	BATH	IG	INSULATION GROUND	GRZ	OWNER FURNISHED/INSTALLED
BR	BATH	IH	INSULATION HALL	GRZ	OWNER FURNISHED/INSTALLED
BS	BATH	II	INSULATION INSULATION	GRZ	OWNER FURNISHED/INSTALLED
BT	BATH	IJ	INSULATION JUNCTION	GRZ	OWNER FURNISHED/INSTALLED
BU	BATH	IK	INSULATION KITCHEN	GRZ	OWNER FURNISHED/INSTALLED
BV	BATH	IL	INSULATION LIVING	GRZ	OWNER FURNISHED/INSTALLED
BW	BATH	IM	INSULATION MASTER	GRZ	OWNER FURNISHED/INSTALLED
BX	BATH	IN	INSULATION NEST	GRZ	OWNER FURNISHED/INSTALLED
BY	BATH	IO	INSULATION OUTLET	GRZ	OWNER FURNISHED/INSTALLED
BZ	BATH	IP	INSULATION PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
CA	CLOSET	IQ	INSULATION QUARTER	GRZ	OWNER FURNISHED/INSTALLED
CB	CLOSET	IR	INSULATION RAMP	GRZ	OWNER FURNISHED/INSTALLED
CC	CLOSET	IS	INSULATION SLOPE	GRZ	OWNER FURNISHED/INSTALLED
CD	CLOSET	IT	INSULATION TANK	GRZ	OWNER FURNISHED/INSTALLED
CE	CLOSET	IU	INSULATION UTILITY	GRZ	OWNER FURNISHED/INSTALLED
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CG	CLOSET	IW	INSULATION WALL	GRZ	OWNER FURNISHED/INSTALLED
CH	CLOSET	IX	INSULATION XEROX	GRZ	OWNER FURNISHED/INSTALLED
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CJ	CLOSET	IZ	INSULATION ZONE	GRZ	OWNER FURNISHED/INSTALLED
CK	CLOSET	JA	JUNCTION	GRZ	OWNER FURNISHED/INSTALLED
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CM	CLOSET	JC	JUNCTION CLOSET	GRZ	OWNER FURNISHED/INSTALLED
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CO	CLOSET	JE	JUNCTION ENTRY	GRZ	OWNER FURNISHED/INSTALLED
CP	CLOSET	JF	JUNCTION FLOOR	GRZ	OWNER FURNISHED/INSTALLED
CQ	CLOSET	JG	JUNCTION GROUND	GRZ	OWNER FURNISHED/INSTALLED
CR	CLOSET	JH	JUNCTION HALL	GRZ	OWNER FURNISHED/INSTALLED
CS	CLOSET	JI	JUNCTION INSULATION	GRZ	OWNER FURNISHED/INSTALLED
CT	CLOSET	IJ	JUNCTION JUNCTION	GRZ	OWNER FURNISHED/INSTALLED
CU	CLOSET	JK	JUNCTION KITCHEN	GRZ	OWNER FURNISHED/INSTALLED
CV	CLOSET	KL	JUNCTION LIVING	GRZ	OWNER FURNISHED/INSTALLED
CW	CLOSET	LM	LIVING MASTER	GRZ	OWNER FURNISHED/INSTALLED
CX	CLOSET	LN	LIVING NEST	GRZ	OWNER FURNISHED/INSTALLED
CY	CLOSET	LO	LIVING OUTLET	GRZ	OWNER FURNISHED/INSTALLED
CZ	CLOSET	LP	LIVING PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
DA	DRAIN	LQ	LIVING QUARTER	GRZ	OWNER FURNISHED/INSTALLED
DB	DRAIN	LR	LIVING RAMP	GRZ	OWNER FURNISHED/INSTALLED
DC	DRAIN	LS	LIVING SLOPE	GRZ	OWNER FURNISHED/INSTALLED
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DM	DRAIN	MC	MASTER CLOSET	GRZ	OWNER FURNISHED/INSTALLED
DN	DRAIN	MD	MASTER DRIVE	GRZ	OWNER FURNISHED/INSTALLED
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DU	DRAIN	MK	MASTER KITCHEN	GRZ	OWNER FURNISHED/INSTALLED
DV	DRAIN	ML	MASTER LIVING	GRZ	OWNER FURNISHED/INSTALLED
DW	DRAIN	NM	NEEDHAM	GRZ	OWNER FURNISHED/INSTALLED
DX	DRAIN	NO	NEEDHAM	GRZ	OWNER FURNISHED/INSTALLED
DY	DRAIN	NP	NEEDHAM	GRZ	OWNER FURNISHED/INSTALLED
DZ	DRAIN	NQ	NEEDHAM	GRZ	OWNER FURNISHED/INSTALLED
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GZ	GARAGE	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
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HB	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HC	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HD	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HE	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HF	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HG	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HH	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HI	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HJ	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HK	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HL	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HM	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HN	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HO	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HP	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HQ	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HR	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
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HT	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HU	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HV	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HW	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HX	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HY	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
HZ	HALL	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IA	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IB	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IC	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
ID	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IE	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IF	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IG	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IH	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
II	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IJ	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IK	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IL	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IM	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IN	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IO	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IP	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IQ	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IR	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IS	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IT	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IU	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IV	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IW	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IX	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IY	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IZ	INSULATION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JA	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JB	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JC	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JD	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JE	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JF	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JG	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JH	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JI	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
IJ	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
JK	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
KL	JUNCTION	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
LM	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
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LP	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
LQ	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
LR	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
LS	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
LT	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
LU	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
LV	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED/INSTALLED
LW	LIVING	PI	PAVEMENT	GRZ	OWNER FURNISHED

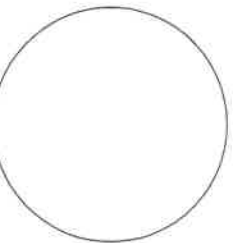


Special Permit Package

Addition and Renovation

Wildman House

217 Highrock Street, Needham, MA 02492



Project No. 19044

Drawn by: AC

Checked by: JR

Issue Date: 1/23/2020

Revisions

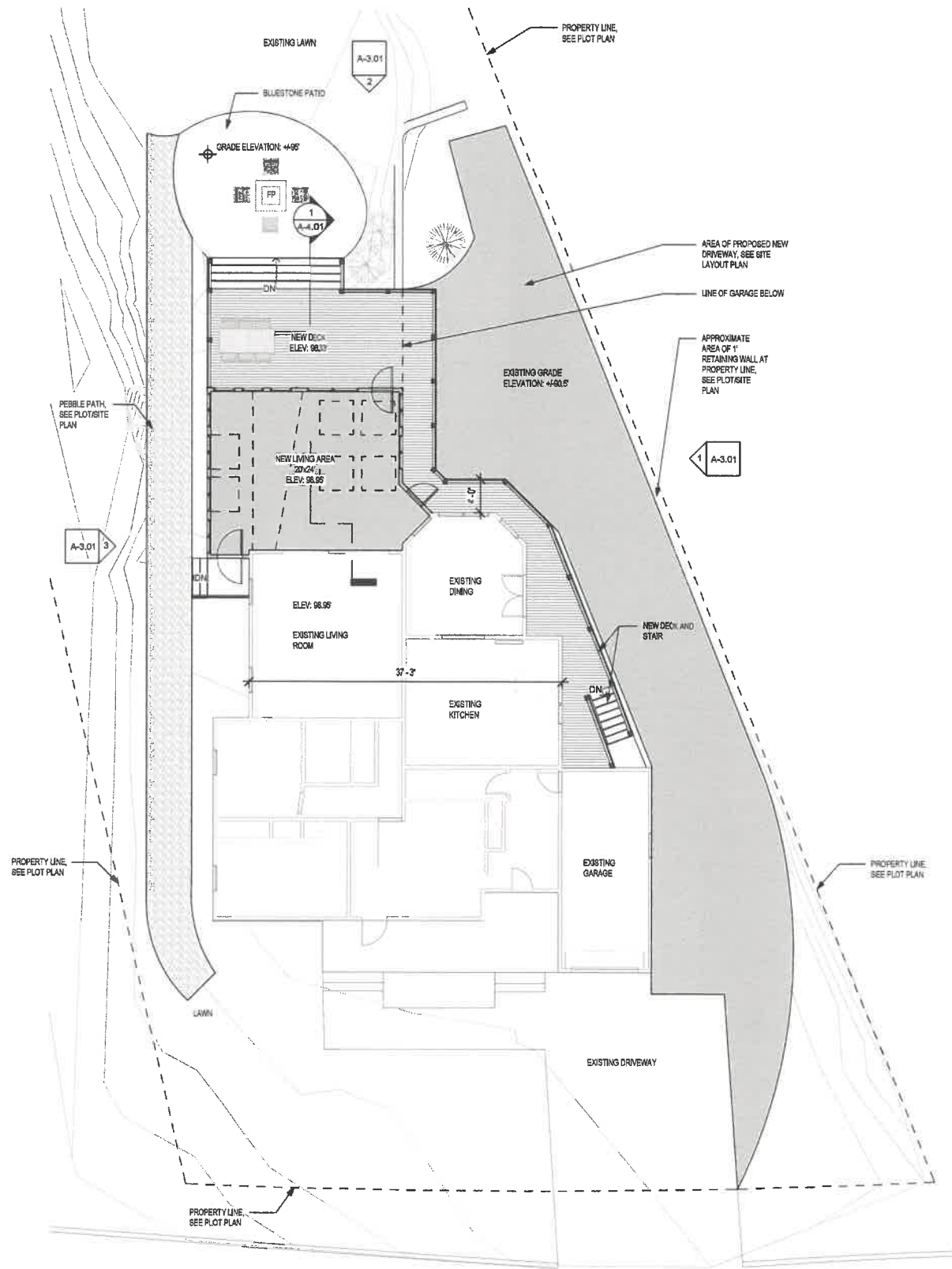
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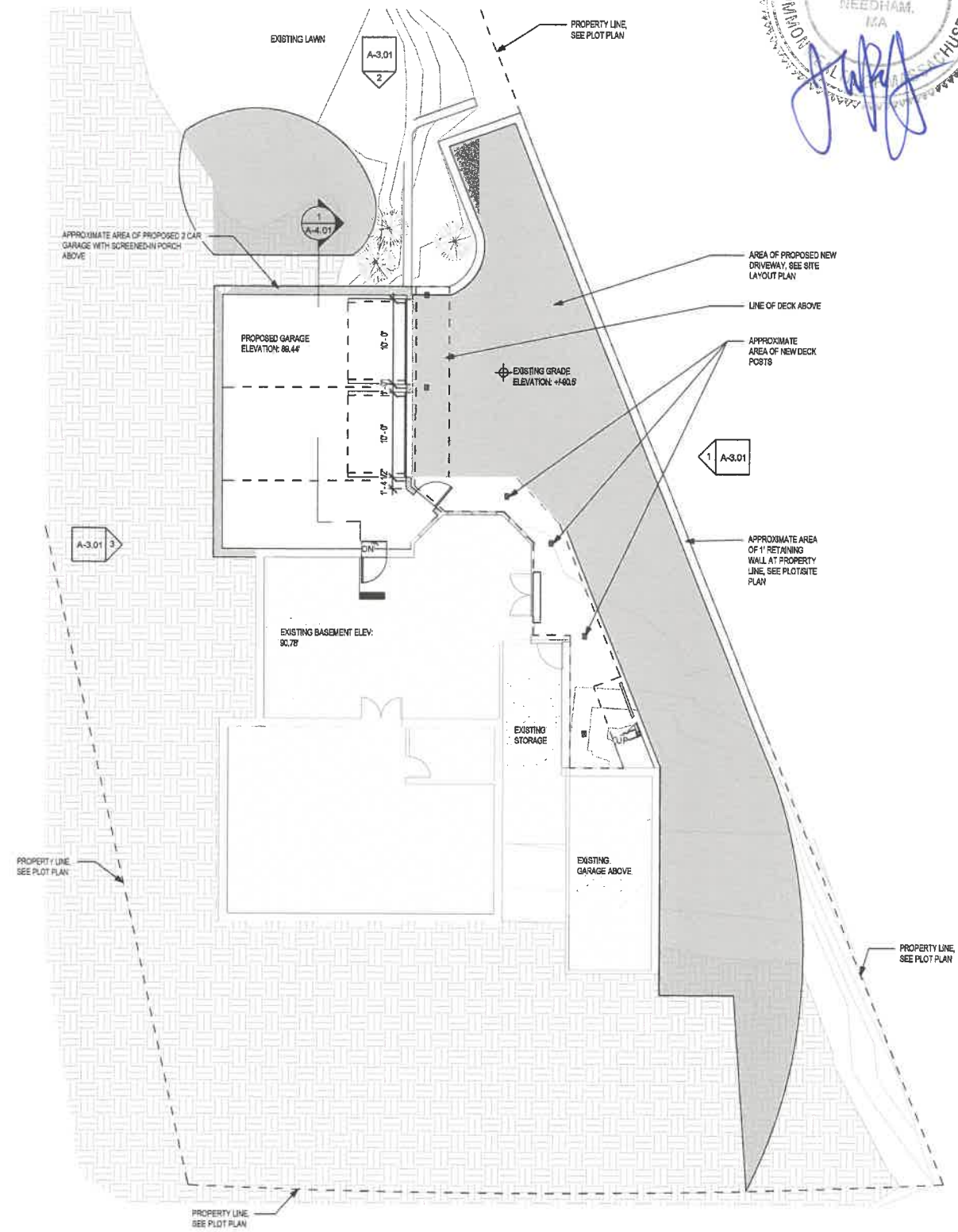
PROPOSED SITE PLANS

Drawing Number:

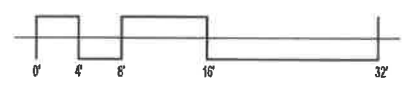
A-2.01



2 FIRST FLOOR PROPOSED SITE
1/8" = 1'-0"



1 BASEMENT PROPOSED SITE
1/8" = 1'-0"



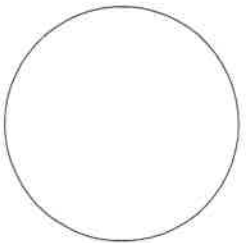


Special Permit Package

Addition and Renovation

Wildman House

217 Highrock Street, Needham, MA 02492



Project No: 19044

Drawn by: AC

Checked by: JR

Issue Date: 1/23/2020

Revisions

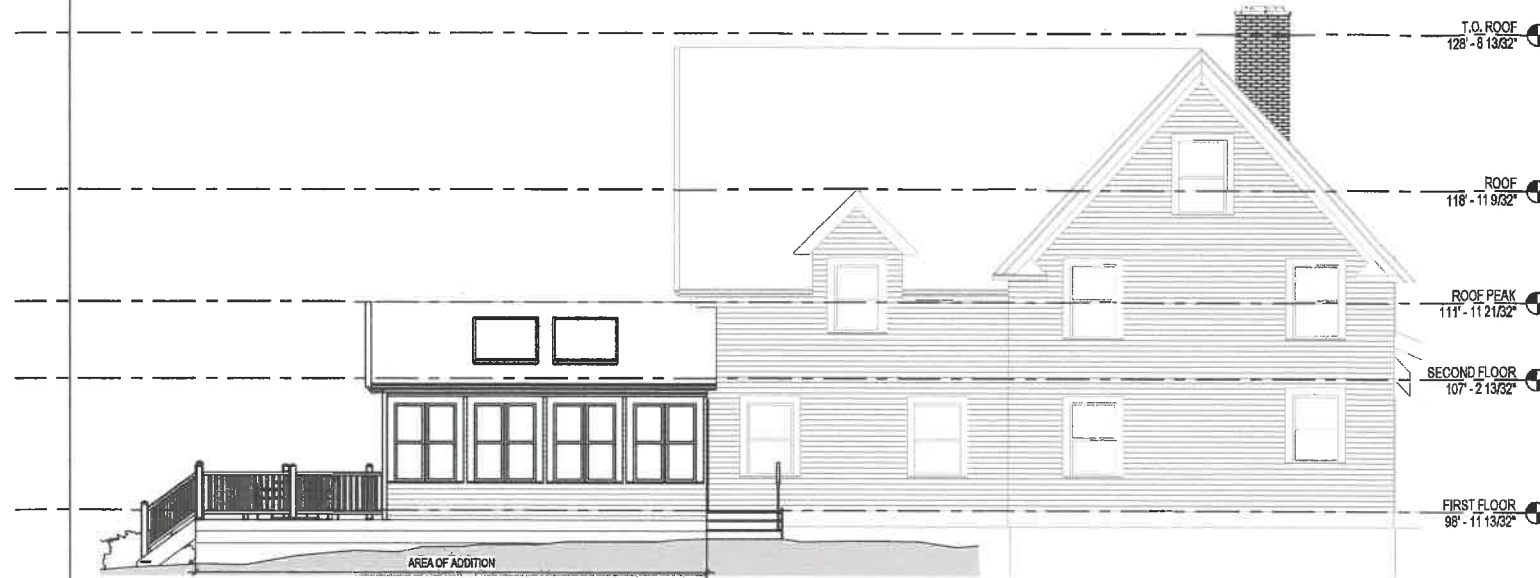
No.	Description	Date

Drawing Title:

EXTERIOR ELEVATIONS

Drawing Number:

A-3.01



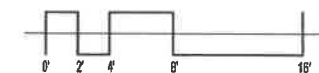
3 PROPOSED WEST ELEVATION
3/16" = 1'-0"



2 PROPOSED NORTH ELEVATION
3/16" = 1'-0"



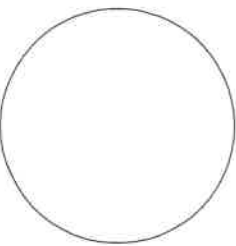
1 PROPOSED EAST ELEVATION
3/16" = 1'-0"





Special Permit Package

Addition and Renovation
Wildman House
217 Highrock Street, Needham, MA 02492



Project No: 18044

Drawn by: AC

Checked by: JR

Issue Date: 1/23/2020

Revisions		
No.	Description	Date

Drawing Title:

EXTERIOR VIEWS

Drawing Number:

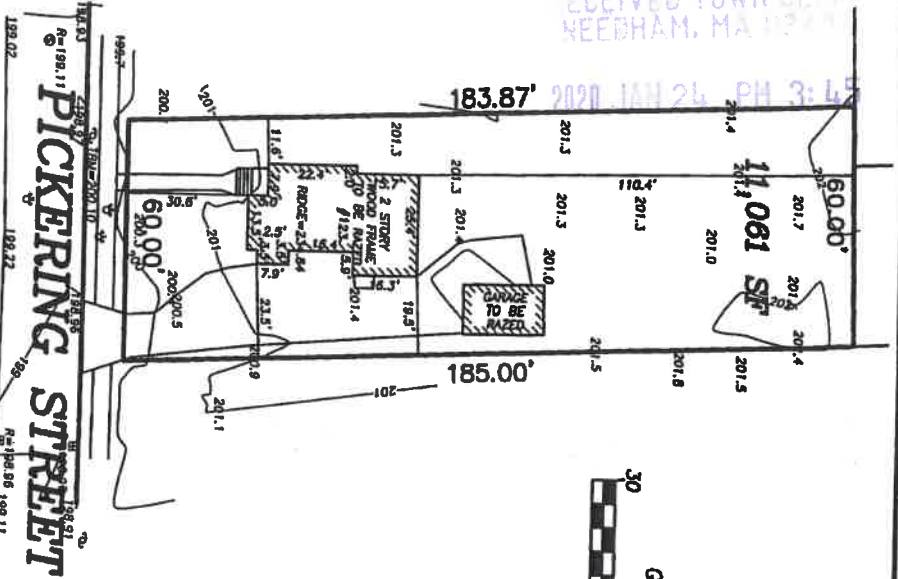
A-3.02



① FOUR SEASON WINDOW OPTION

RECEIVED TOWN CLERK
NEEDHAM, MA 02454

2020 JAN 24 PM 3:45



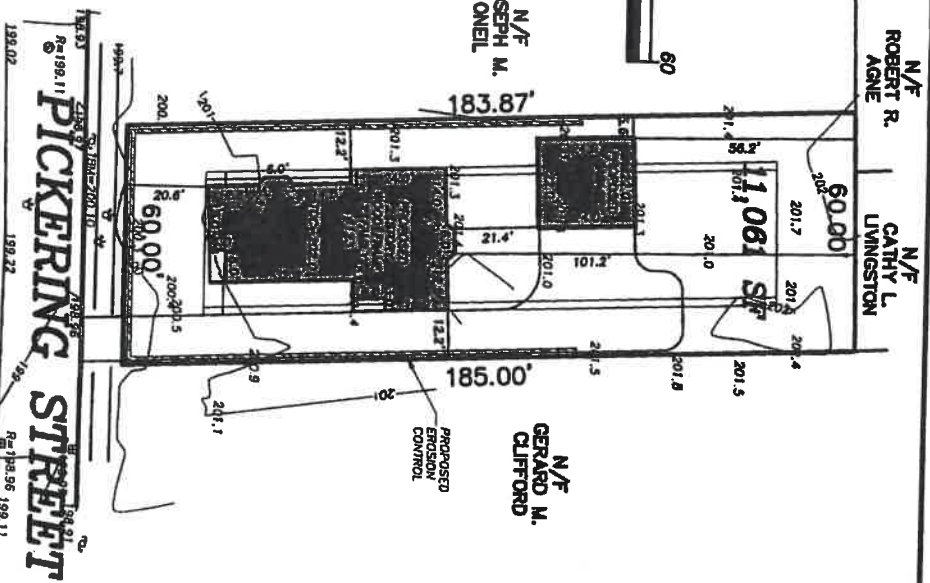
PICKERING STREET
183.87'
185.00'
60.00'
11,061 SF

EXISTING SITE
1"=30'

ZONING INFORMATION: SINGLE RESIDENCE B (SRB)

REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	11,061 SF
MINIMUM LOT FRONT SETBACK	60 FEET	60.00 FEET
MINIMUM FRONT SETBACK	20 FEET	25.7 FEET
MINIMUM SIDE YARD	12 FEET	11.8 FEET
MINIMUM REAR YARD	12 FEET	18.5 FEET
MINIMUM BUILDING COVERAGE	25% (2,765 SF)	110.4 FEET
MINIMUM BUILDING COVERAGE	1.4.7	1227 SF (11.1%)
MINIMUM BUILDING HEIGHT	35 FEET	2217 SF (20.0%)
MINIMUM BUILDING HEIGHT	2 1/2 STORES	2 STORES
MINIMUM BUILDING HEIGHT	2 1/2 STORES	2 1/2 STORES

MAXIMUM OF 32 LINEAR FEET OF THE BUILDING MAY BE BUILT AT MINIMUM SETBACK THE REMAINDER MUST BE AT LEAST AN ADDITIONAL 2 FEET. SIDE YARD SET TO 12 FEET FOR NON CONFORMING FRONTAGE.

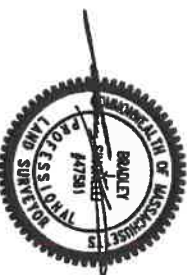


PICKERING STREET
183.87'
185.00'
60.00'
11,061 SF

PROPOSED SITE
1"=30'

JOB NO. 155-19

REVISIONS:



ZONING BOARD OF APPEALS
PLAN OF LAND
123 PICKERING STREET
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

JANUARY 24, 2020
P.O. BOX 324
AUBURN, MA
508 832 4332
fieldresources@hotmail.com

SCALE 1"=30'
281 CHESTNUT ST.
NEEDHAM, MA.
781 444 5936



**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

RECEIVED TOWN CLERK
NEEDHAM, MA 02454
JAN 24 PM 3:45

APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: January 24, 2020

Name of Applicant or Appellant: J. Derenzo Properties, LLC

Address: 43 Charles Street
Needham, MA 02494

(Optional) E-mail address: jd@derenzo.net

Daytime telephone: 781-424-5617

(Optional) Cell phone: _____

(Optional) additional contact information, (ie: ☐ contractor ☐ architect ☐ builder or ☐ attorney):

Address/Location of Property 123 Pickering Street, Needham, MA

Assessor map/parcel number 199/53.0-17

Zone of property: Single Residence - B

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is ☐ owner, ☐ tenant, ☐ prospective tenant, ☐ licensee ☒ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☒ yes ☐ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B
☐ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions: Lawful, pre-existing, non-conforming two family dwelling

Statement of relief sought: Special Permit pursuant to Section 1.4.7.4 of the Needham Zoning By-Law, and a finding pursuant to Section 6 of M.G.L Chapter 40A, to permit the demolition, extension, alteration, enlargement and reconstruction of the lawful, pre-existing, non-conforming two family dwelling known and numbered 123 Pickering Street, as shown on the plans submitted herewith, and all other relief as may be necessary and appropriate therefor
Applicable Section(s) of Zoning By-Law: 1.4.7.4, 3.2, 7.5.2 and any other applicable Section or By-Law

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: Non-conforming use (two family v single-family allowed), Less the required required lot footage (60' v 80' required)

Date structure(s) on lot constructed (including any additions): _____

Approximately 1888

Date lot created:

Approximately 1888

A certified plot plan, prepared by a registered surveyor, must be attached to each of the thirteen (13) copies of this application at time of filing. Application will be returned if a copy of the plot plan is not attached to each application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require thirteen (13) copies of plot plan (two reduced to 8 ½ by 11), plus additional submissions.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

*Signed _____

DAVID A. GIANGRASSO

Title _____

* J. Derenzo Properties, LLC by its attorney,

Application Packets must be delivered to the Town Clerk's Office.



TO: Zoning Board of Appeals

FROM: Giangrasso Law LLC on Behalf of J. Derenzo Properties, LLC

DATE: January 24, 2020

RE: Memorandum in Support of Special Permit
123 Pickering Street, Needham, MA (the "Property")

I. INTRODUCTION

Our client, J. Derenzo Properties, LLC (the "Applicant") is under contract to purchase the Property, which is in a Single Residence – B zoning district, on February 27, 2020 pursuant to a Purchase and Sale Agreement dated December 6, 2019 by and between William J. Rayner and Jeanne M. Rayner, as Seller¹, and the Applicant, as Buyer. The Applicant intends to demolish the existing two-family detached dwelling on the Property, which is more particularly depicted on the plot plan attached hereto as **Exhibit "A"** (the "Existing Structure") in order to build a new two-family detached dwelling on the Property that will exceed the footprint of the existing structure, the scope and design of which are more particularly described below and depicted on the plans attached hereto as **Exhibit "B"** (the "Proposed Structure").

As more particularly set forth in Section II(A) below, pursuant to the Schedule of Use Regulations in Section 3.2.1 of the Zoning By-Law of the Town of Needham (the "Bylaw"), two-family detached dwellings are generally not permitted in a Single Residence – B zoning district. However, pursuant to Section 1.4.7.4 of the Bylaw, a lawful pre-existing non-conforming two-family dwelling located in a Single Residence – B zoning district can be demolished and a new two-family dwelling that exceeds the existing footprint can be constructed upon issuance of a Special Permit by the Town of Needham (the "Town") Zoning Board of Appeals (the "SPGA").

The SPGA should grant a Special Permit to the Applicant pursuant to Section 1.4.7.4 of the Bylaw to allow the Applicant to demolish the Existing Structure and build the Existing Structure because (i) the Existing Structure is a lawful pre-existing non-conforming two family dwelling located in a Single Residence – B zoning district, (ii) the Proposed Structure is appropriate in scale and mass for the neighborhood, particularly with respect to abutting properties, (iii) the Proposed Structure will not be substantially more detrimental than the existing non-conforming building to the neighborhood, (iv) the Proposed Structure will not have a building footprint in excess of 1,800 square feet, (v) upon completion of the Proposed Structure, the Property will comply with the applicable dimensional requirements of the Bylaw,

¹ See consent to this application by Seller attached hereto as **Exhibit "C"**.

and (v) any garage built in connection with the Proposed Structure will not have an enclosed garage space servicing more than one (1) car per dwelling unit, which are the criteria set forth in Section 1.4.7.4 of the Bylaw.

Further, the Proposed Structure also fits within the criteria for the issuance of a Special Permit by the SPGA because the Proposed Structure (i) complies with such criteria or standards set forth in Section 1.4.7.4 as briefly described above and more particularly described below, (ii) is consistent with (a) the general purposes set forth in Section 1.1 of the Bylaw, and (b) the specific purposes of Section 1.4.7.4 of the Bylaw, and (iii) the Proposed Structure is designed in a manner that is compatible with the existing natural features of the Property and is compatible with the characteristics of the surrounding area, which are the criteria set forth in Section 7.5.2.1 of the Bylaw.

Lastly, the Proposed Structure fits within the statutory purpose of Special Permits because the Proposed Structure and the use thereof is "...in harmony with the general purpose and intent of the ordinance or by-law..." (M.G.L. c. 40a, Section 9) because, as more particularly set forth herein, the Proposed Structure and the use thereof "encourages the most use of land throughout the Town" (Bylaw, Section 1.1).

Upon analysis of the Bylaw, the SPGA should grant a Special Permit to allow for the demolition of the Existing Structure and the construction of the Proposed Structure for the reasons set forth in Sections II(A) – II(E) below.

II. BYLAW CRITERIA FOR GRANTING A SPECIAL USE PERMIT

A. The Existing Structure can be demolished and the Proposed Structure constructed upon issuance of a Special Permit by the SPGA

The Property is in a Single Residence – B zoning district. Pursuant to the use table set forth in Section 3.2.1 of the Bylaw, two-family detached dwellings are not permitted in a Single Residence – B zoning district. However, upon application for a Special Permit, "... the Board of Appeals may issue a special permit..." to allow a "... lawful pre-existing non-conforming two-family dwelling located in a ... Single Residence B ... District to be reconstructed with a footprint greater in area than that of the original non-conforming building..." (Bylaw Section 1.4.7.4) provided the reconstruction complies with certain criteria set forth in Section 1.4.7.4. Accordingly, under the circumstances described in Section 1.4.7.4, a two-family dwelling can be constructed in a Single Residence – B zoning district upon issuance of a Special Permit and the Zoning Board of Appeals is the proper Special Permit Granting Authority for such Special Permit.

B. The Existing Structure is a lawful pre-existing non-conforming two-family dwelling located in a Single Residence – B zoning district

The Existing Structure is a lawful pre-existing non-conforming two-family dwelling because the Existing Structure has been a two-family dwelling since at least 1924, when the Town's first zoning bylaw was enacted. In order to be considered a lawful pre-existing non-conforming building, the "building or structure [must have been] lawfully in existence or lawfully begun before the first publication of notice of the public hearing regarding a zoning by-law that would otherwise render said building or structure not in compliance with such a new or amended by-law..." (Bylaw, Section 1.3).

The Town's first zoning Bylaw was enacted in 1925 and, in part, set forth that two-family dwellings are not permissible in a Single Residence – B zoning district. As shown on the residence summary sheet taken from the Town's official government website, which is attached hereto as Exhibit "D", the Existing Structure was built on or around the year 1884. As shown on the property report card taken from the Town's Board of Assessors official website attached hereto as Exhibit "E", the Existing Structure is currently assessed as a two-family dwelling with one-car garage, and as shown on the assessment record obtained from the Town's Board of Assessor's records attached here to as Exhibit "F", the Existing Structure has been assessed as a two-family dwelling with one-car garage at least as far back as 1944, which Chip Davis, Director of Assessing, has advised is the furthest back in time the assessment records are available. Mr. Davis further advised that prior to 1944, the Property was known as 26 Pickering Street².

The Town's 1925 Poll Tax List, which is attached hereto as Exhibit "H", shows that six (6) people listed 26 Pickering Street as their home address in 1925, William G. Price, Esther Price, George W. Holt, Sterling A. Holt, Lillian K. Holt, and Margaret C. Kiley. Further, the Town's 1924 Poll Tax List, which is included in Exhibit "G" hereto, shows that three (3) people listed 26 Pickering Street as their home address in 1924, William G. Price, Esther Price, and Margaret C. Kiley. Given the number of residents and different last names, it can be assumed that in 1924 and 1925 multiple families resided at 26 Pickering Street (which, as set forth above, is the same premises as the Property). Given the foregoing facts, it can be deduced that most likely the Property was owned by William G. Price and Esther Price, who lived in one of the dwellings, and who rented out the second dwelling to Margaret C. Kiley in 1924 and a portion of 1925, and the Holts for the remainder of 1925.

Because the Existing Structure was a two-family dwelling as of 1924 and was continuously a two-family dwelling to the present day, the SPGA should find that the Existing Structure is a pre-existing non-conforming two-family dwelling.

- C. **The Proposed Structure is appropriate in scale and mass for the neighborhood, particularly with respect to abutting properties; the Proposed Structure will not be substantially more detrimental than the existing non-conforming building to the neighborhood; the Proposed Structure will not have a building footprint in excess of 1,800 square feet**

² See email from Mr. Davis confirming the same attached hereto as Exhibit "G".

The Proposed Structure is 3373 square feet. Attached here to as **Exhibit "I"** is a map showing all of the lots in the block bordered by Kingsbury Street to the north, Pickering Street to the west, Warren Street to the east, and May Street to the south, which is the block in which the Property is located, as well as the lots across Pickering Street from the Property bordered by Kingsbury Street to the north, Pickering Street to the east, Oakland Avenue to the west, and May Street to the south. The lot sizes, square footage of the buildings on the foregoing lots, and the FAR of each property are set forth in the table below. As shown on the table below, the Proposed Structure would only slightly above average for the neighborhood in lot size, square footage of the building, and FAR and well within the range of the smallest to largest of those dimensions in the neighborhood. Additionally, there are at least seven (7) existing structures in the neighborhood that are larger than the Proposed Structure and have a greater FAR. Accordingly, the Proposed Structure is appropriate in scale and mass for the neighborhood.

<u>Property</u>	<u>Lot Size (in approximate sq. ft.)</u>	<u>Square Footage</u>	<u>FAR</u>
127 Pickering Street	10890	1752	16.09%
131 Pickering Street	10890	3198	29.37%
137 Pickering Street	10890	4747	43.59%
143 Pickering Street	10890	2234	20.51%
147 Pickering Street	5662	1512	26.70%
84 Kingsbury Street	5227	2152	41.17%
76 Kingsbury Street	9583	2553	26.64%
68 Kingsbury Street	12196	4314	35.37%
13 Warren Street	10890	4441	40.78%
17 Warren Street	10890	3364	30.89%
21 Warren Street	13939	2056	14.75%
27 Warren Street	10018	1868	18.64%
67 May Street	13503	3986	29.52%
73 May Street	11761	3427	29.14%
77 May Street	10890	3392	31.15%
81 May Street	8276	2364	28.56%
117 Pickering Street	13068	2054	15.72%
101 May Street	7840	2724	34.74%
68 Oakland Avenue	7405	1312	17.72%
62 Oakland Avenue	7405	2611	35.26%
56 Oakland Avenue	7405	1851	25.00%
48 Oakland Avenue	12196	2468	20.23%
38 Oakland Avenue	13939	3620	25.97%
123 Pickering Street	11061	3373	30.97%
Average in Neighborhood	10273	2807	27.85%

Min in Neighborhood	5227	1312	14.75%
Max in Neighborhood	13939	4747	43.59%

The Proposed Structure will moderately increase the square footage of the Existing Structure and will moderately increase the building footprint to 1,799 square feet, exclusive of the detached garage which is not included in the calculation of the building footprint as set forth in the Bylaw and which is less than the 1,800 square feet maximum set forth in the Bylaw. Accordingly, because the Proposed Structure will only moderately increase the square footage of the Existing Structure and the Proposed Structure conforms to the requirements of Section 1.4.7.4 of the Bylaw and the dimensional requirements of the Bylaw, the Proposed Structure will not be substantially more detrimental to the neighborhood than the Existing Structure.

Because the Proposed Structure would be comparable and well within the normal range of square footage as the lots most immediately in proximity to the Property, the SPGA should find that the Proposed Structure is appropriate in scale and mass for the neighborhood, particularly with respect to abutting properties, the Proposed Structure is not substantially more detrimental to the neighborhood than the Existing Structure, and the Proposed Structure will have a building footprint of less than 1,800 square feet.

- D. **Upon completion of the Proposed Structure, the Property will comply with the applicable dimensional requirements of the Bylaw; any garage built in connection with the Proposed Structure will not have an enclosed garage space servicing more than one (1) car per dwelling unit**

The chart hereinafter set forth indicates the dimensional requirements that are applicable to satisfying Section 1.4.7.4(d) of the Bylaw. The chart also sets forth the proposed dimensions upon construction of the Proposed Structure, as more particularly depicted on the proposed conditions plan attached hereto as part of Exhibit B.

Dimensions	Bylaw Requirements	Proposed Dimensions
Min. Front setback	20 feet	25.7 feet
Min. Side setback	12 feet ³	16 feet
Min. Rear setback	20 feet	101.2 feet
Lot coverage	25%	20.0%
Building height	35 feet	Approx. 28 feet
Building story	2.5 stories	2.5 stories

³ The minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback distance, as measured parallel to the side lot line, Town of Needham MA Zoning By-Law, printed April 2018 131 provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2 foot offset.

As depicted on the proposed conditions and architectural plans attached hereto as Exhibit B, the Proposed Structure will include a detached two-car garage of 528 square feet⁴, all in compliance with Section 1.4.7.4 of the Bylaw.

As detailed in the dimensions table above, the proposed conditions of the Proposed Structure will conform with all applicable dimensional requirements. Further, the Proposed Structure will include a garage that is in compliance with Section 1.4.7.4 of the Bylaw.

- E. **The Proposed Structure is consistent with the general purposes set forth in Section 1.1 of the Bylaw and the Proposed Structure is designed in a manner that is compatible with the existing natural features of the Property and is compatible with the characteristics of the surrounding area**

Massachusetts General Laws, c. 40A, Section 9 provides that Special Permits may be issued only “for uses that are in harmony with the general purpose and intent of the ordinances of the by-law”. The general purpose and intent of the Bylaw, in part, as set forth in Section 1.1 of the Bylaw, is “...to prevent overcrowding of land... to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town...”. The Proposed Structure will not overcrowd the land as the Proposed Structure is consistent with the use of the existing lot since at least 1925. The Proposed Structure will not negatively impact the value of the land it is to be built upon as the Proposed Structure will be constructed in a first-class, workmanlike manner consistent with the neighboring properties. Further, 1.4.7.4 of the Bylaw specifically authorizes the SPGA to issue Special Permits for the rebuilding of lawful, pre-existing, non-confirming two-family dwellings, provide the threshold requirements set forth above in this memorandum are met. Because the threshold requirements have been met, as discussed herein, and for the reasons set forth in this Section II(E), the SPGA should find that the Proposed Structure is consistent with the general purposes of the Bylaw.

The Applicant asserts that the design for the Proposed Structure is an attractive design and is in keeping with the design and construction of the homes in the neighborhood and asserts that there are no significant existing natural features on the site. For the foregoing reasons, the SPGA should find that the Proposed Structure is compatible with the characteristics of the surrounding area.

III. CONCLUSION

The Proposed Structure can be built in a Single Residence – B zoning district upon the issuance of a Special Permit by the SPGA pursuant to Section 1.4.7.4 of the Bylaw. Because the Proposed Structure would replace an lawfully pre-existing non-conforming structure, and for the

⁴ The maximum allowed square footage pursuant to Section 1.4.7.4 is 575 square feet.

*Zoning Board of Appeals
Town of Needham
January 24, 2020
Page 7 of 7*

reasons set forth in Section II(B) – II(E) above, the SPGA should grant a Special Permit under Section 1.4.7.4 of the Bylaw to allow the Applicant to demolish the Existing Structure and build the Proposed Structure.

Respectfully submitted,

J. Derenzo Properties, LLC
by its attorney, Giangrasso Law LLC

A handwritten signature in black ink, appearing to read 'D. Giangrasso', written over a horizontal line.

David A. Giangrasso, Esq.
60 Walnut Street, Suite 301
Wellesley, MA 02481
781-328-9099

WWW.GLAW-LLC.COM

Giangrasso Law LLC | 60 Walnut Street, Suite 301, Wellesley, MA 02481 | 781-328-9099 main | 888-552-2338 fax

Exhibit "A"

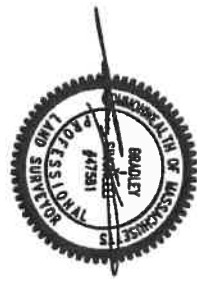
Existing Conditions Plot Plan

(see attached)

Exhibit “B”

Proposed Conditions Plot Plan and Architectural Plans

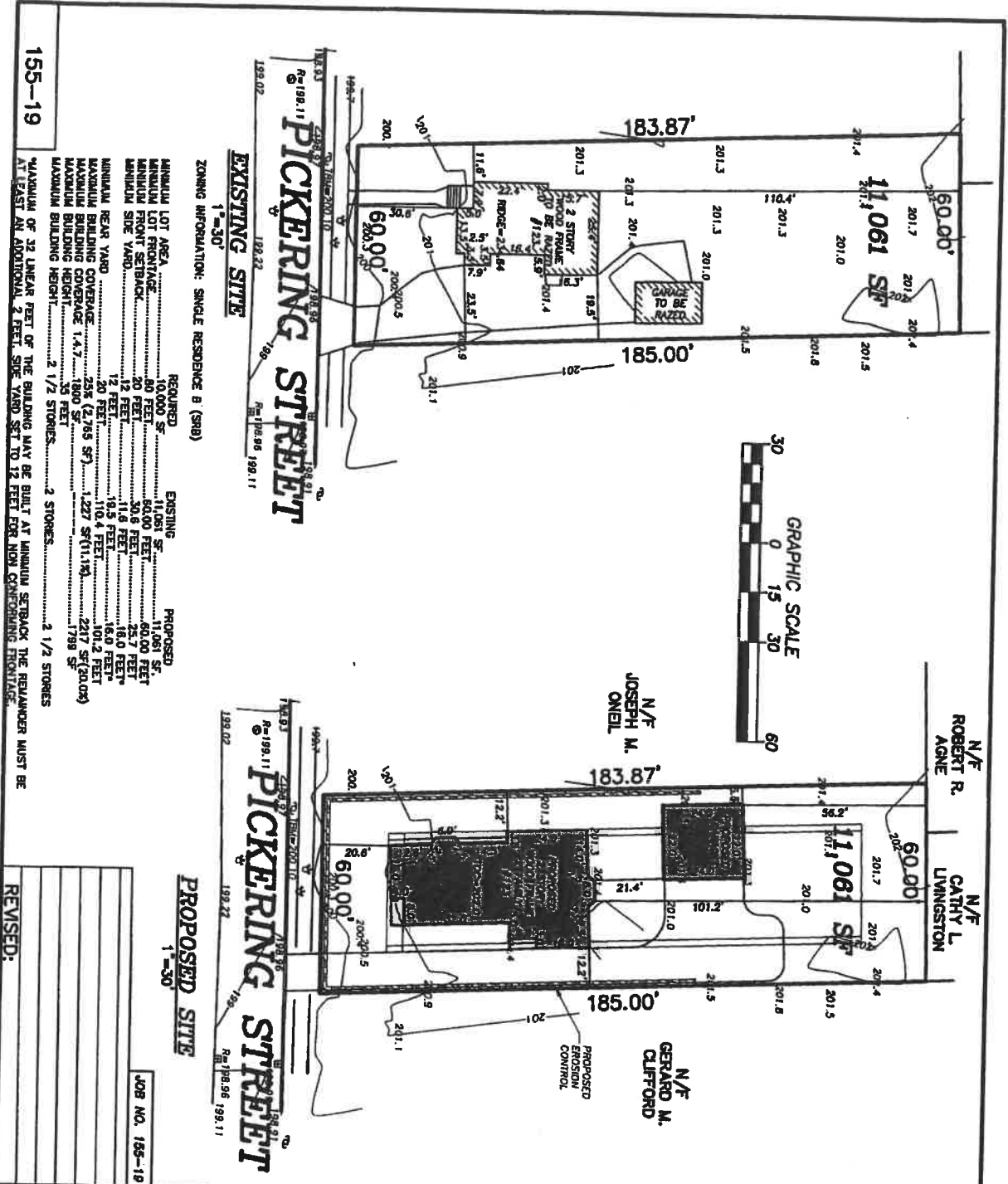
(see attached)



ZONING BOARD OF APPEALS
PLAN OF LAND
123 PICKERING STREET
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

JANUARY 24, 2020 SCALE 1"=30'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com





Design, Inc.
ARCHITECTS

35 Main Street
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PROPOSED PLANS FOR:
**J. DERENZO
PROP LLC**
123 PICKERING STREET
NEEDHAM, MA

PROJECT #: 20200008

JANUARY 24, 2020

DRAWN BY: RMB

CHECKED BY: HPA

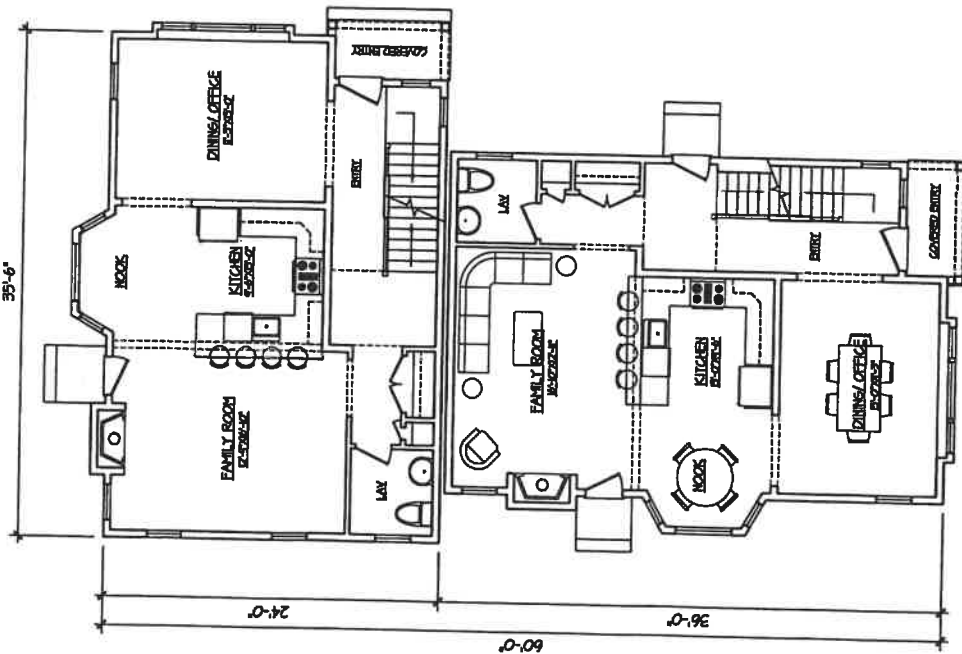
SCALE: SEE DRAWING

SHEET TITLE:

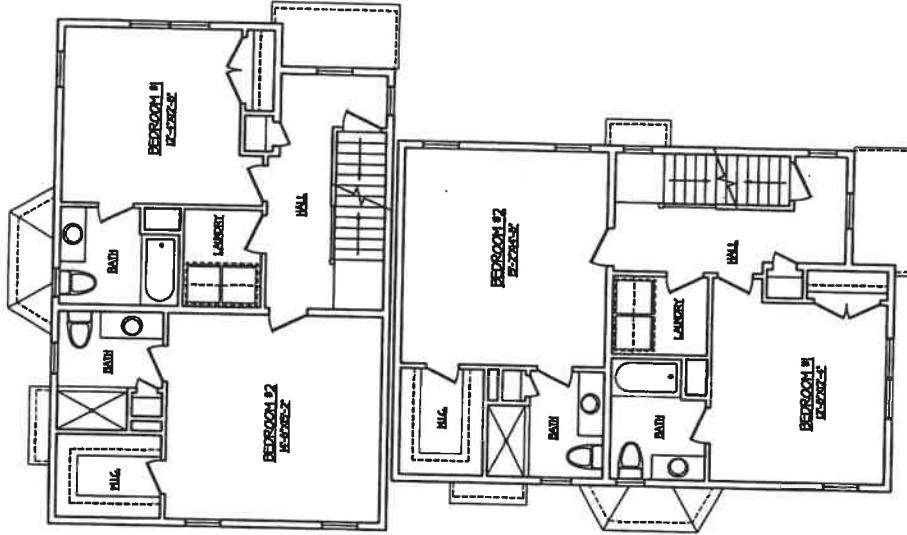
FIRST FLOOR PLAN
SECOND FLOOR PLAN

A1.1

Sheet — of 5



PROPOSED FIRST FLOOR - FRONT UNIT
001 SOFTANT
PROPOSED FIRST FLOOR - REAR UNIT
002 SOFTANT



PROPOSED SECOND FLOOR - FRONT UNIT
003 SOFTANT
PROPOSED SECOND FLOOR - REAR UNIT
004 SOFTANT

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PROPOSED PLANS FOR:
**J. DERENZO
PROP LLC**
123 PICKERING STREET
NEEDHAM, MA

PROJECT # 20200008

JANUARY 24, 2020

DRAWN BY: RMB

CHECKED BY: HPA

SCALE: SEE DRAWING

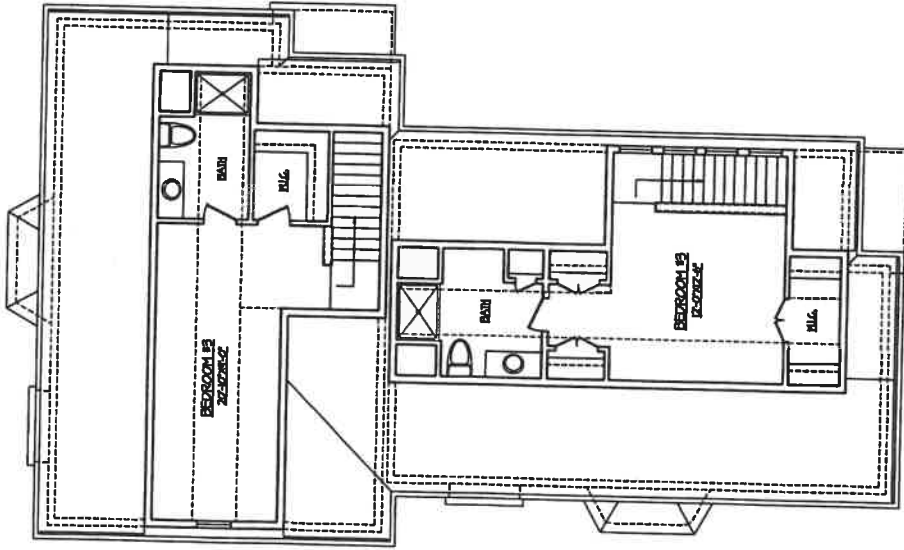
SHEET TITLE:

UPPER FLOOR PLAN

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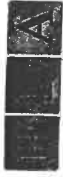
A1.2

Sheet 2 of 5



PROPOSED UPPER FLOOR - FRONT UNIT
421 SQFT UNIT
PROPOSED UPPER FLOOR - REAR UNIT
410 SQFT UNIT

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PROPOSED PLANS FOR:
**J. DERENZO
PROP LLC**
123 PICKERING STREET
NEEDHAM, MA

1.2 PICKERING (10' WIDE)

PROJECT #: 20200008

JANUARY 24, 2020

DRAWN BY: RMB

CHECKED BY: HPA

SCALE: SEE DRAWING

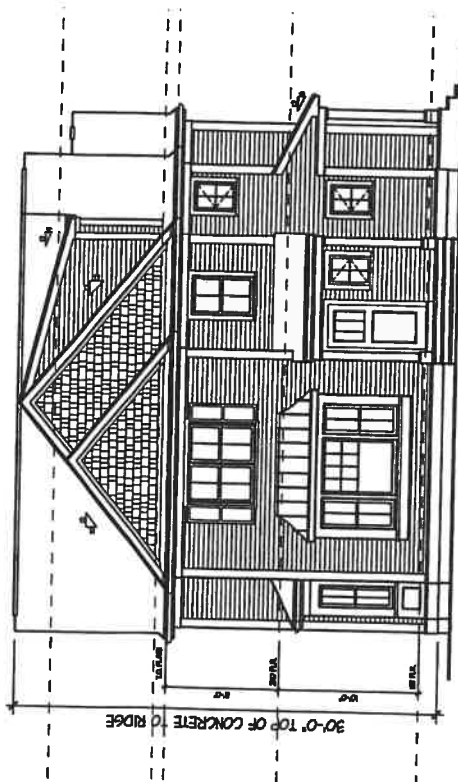
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ELEVATIONS

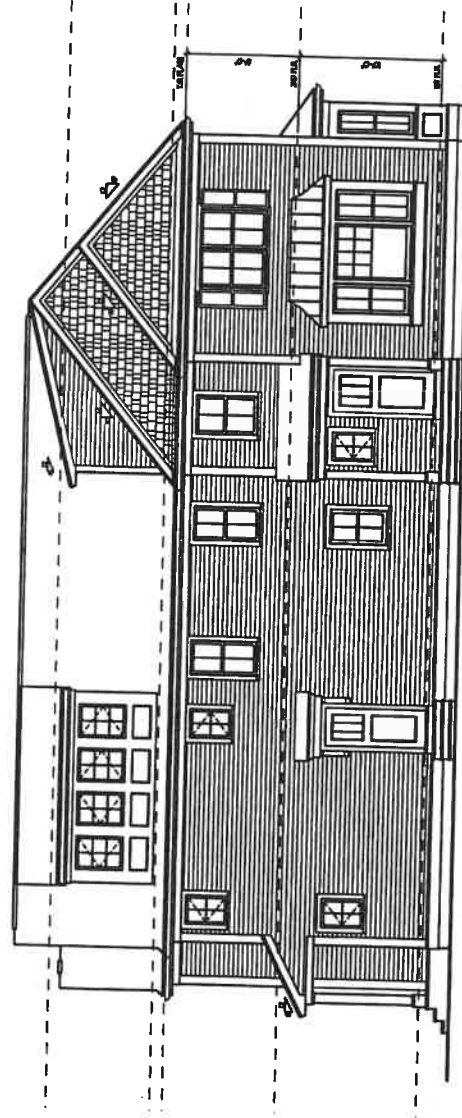
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A2.1

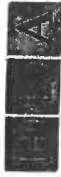
Sheet 3 of 5



PROPOSED FRONT ELEVATION



PROPOSED RIGHT ELEVATION



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PROPOSED PLANS FOR:
**J. DERENZO
PROP LLC**
123 PICKERING STREET
NEEDHAM, MA

PROJECT #: 20200008

JANUARY 24, 2020

DRAWN BY: RHB

CHECKED BY: HPA

SCALE: SEE DRAWING

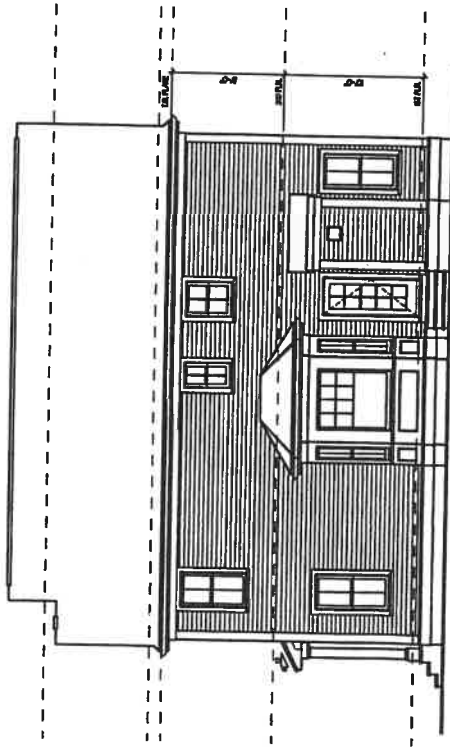
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ELEVATIONS

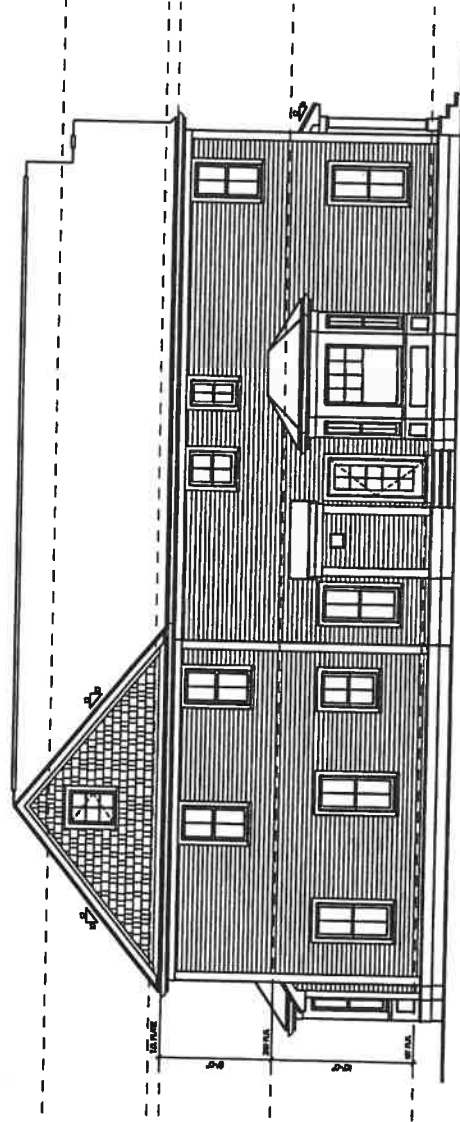
These drawings were prepared by the undersigned architect for the purpose of securing a building permit for the construction of the building shown. It is not to be used for any other purpose without the written consent of the architect.

A2.2

Sheet 4 of 5



PROPOSED REAR ELEVATION



PROPOSED LEFT ELEVATION



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PROPOSED PLANS FOR:
**J. DERENZO
PROP LLC**
123 PICKERING STREET
NEEDHAM, MA

PROJECT #: 20200008

JANUARY 24, 2020

DRAWN BY: RMB

CHECKED BY: HPA

SCALE: SEE DRAWING

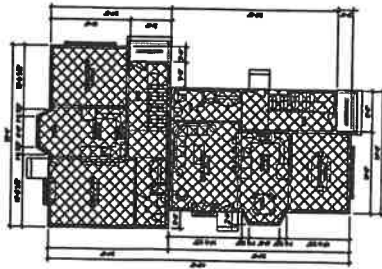
SHEET TITLE:

AREA ANALYSIS

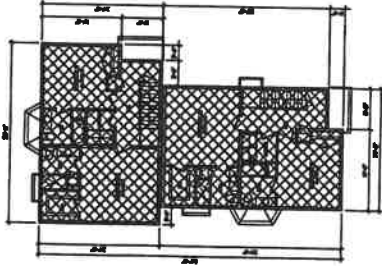
These drawings were prepared by the undersigned architect, and the undersigned architect is not responsible for the accuracy of the information provided by others, nor for the consequences of any errors or omissions in the drawings.

11.1

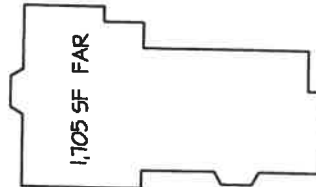
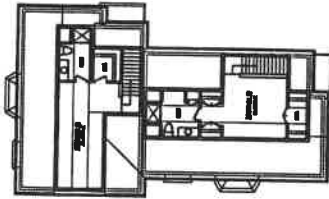
Sheet 5 of 5



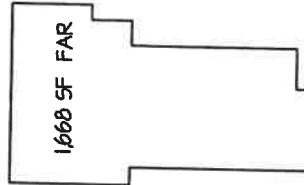
Gross Floor Area
1st FL = 1,705 SF



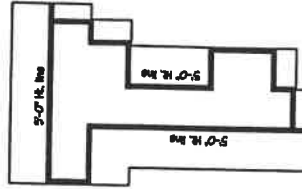
Gross Floor Area
2nd Floor = 1,668 SF



1,705 SF FAR



1,668 SF FAR



1668 / 2 = 834 sf allowed @ 5'-0" ht. for 1/2 story
UPPER 1st 820sf @ 5'-0" ht. 834sf allowed
(not included)

LOT INFORMATION

Lot Zone - 5RB
Lot Area - 11,061 sf +/-
Max. Allowed FAR = 0.38
(lot is under 12,000 sf)
Max. Gross Floor Area Allowed = 4,203.18 sf
(11,061 * 0.38)

PROPOSED GROSS FLOOR AREA INFORMATION

Gross Floor Area 1st Floor 1,705 sf
Gross Floor Area 2nd Floor 1,668 sf
Total Proposed Gross Floor Area 3,373 sf

Total Proposed Gross Floor Area 3,373 sf = Proposed FAR .304
Lot Area 11,061 sf +/-

Proposed FAR 0.304 < Max. Allowed FAR 0.38

* Note: LOT AREA, ZONE ETC., WAS TRANSFERRED
FROM DRAWINGS PREPARED BY:
FIELD RESOURCES, INC., DATED DECEMBER 23, 2019

Exhibit “C”

Consent of Seller

(see attached)



January²³ 2020

Zoning Board of Appeals
Town of Needham
Charles River Room, Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: Owner's Consent to Special Permit Application
123 Pickering Street, Needham, Massachusetts (the "Property")

To Whom It May Concern:

The undersigned ("Seller") are the current owners of the Property by virtue of a deed recorded with the Norfolk County Registry of Deeds in Book 10846, Page 591. Seller consents to the application for a Special Permit submitted or to be submitted by J. Derenzo Properties, LLC or its affiliate ("Buyer") for the use of the Property as a new two-family detached dwelling, which will exceed the footprint of the existing structure.

The Property is to be conveyed by Seller to Buyer pursuant to the Purchase and Sale Agreement dated December 6, 2019 by and between Seller and Buyer.

Yours truly,

William Rayner
William Rayner

dotloop verified
01/23/20 7:51 AM EST
SN03-LJRW-PWKT-QADY

Jeanne Rayner
Jeanne Rayner

dotloop verified
01/23/20 7:53 AM EST
SCLJ-ZMEV-ICGM-SSPX

Exhibit "D"

Residence Summary Sheet

(see attached)

No. 123 Street PICKERING STREET

Card No.

PLAN

SEC.

BLOCK

LOT

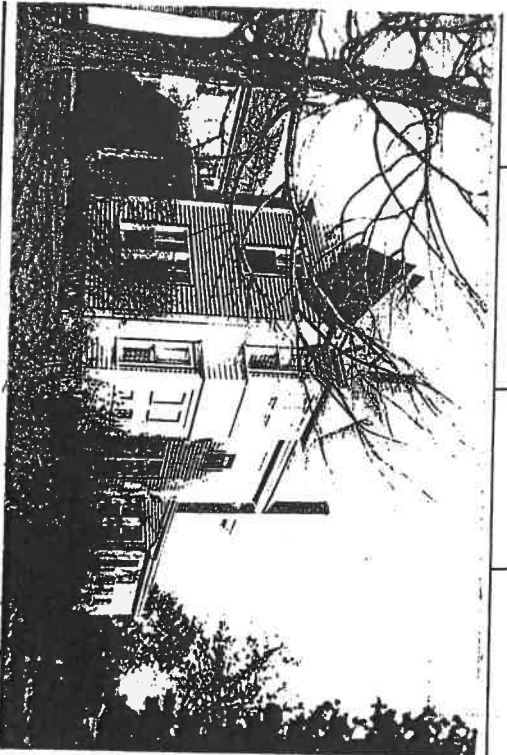
Pt. 10

ZONING

TOWN OF NEEDHAM

REAL PROPERTY RECORD

BOARD OF ASSESSORS



Permit No.

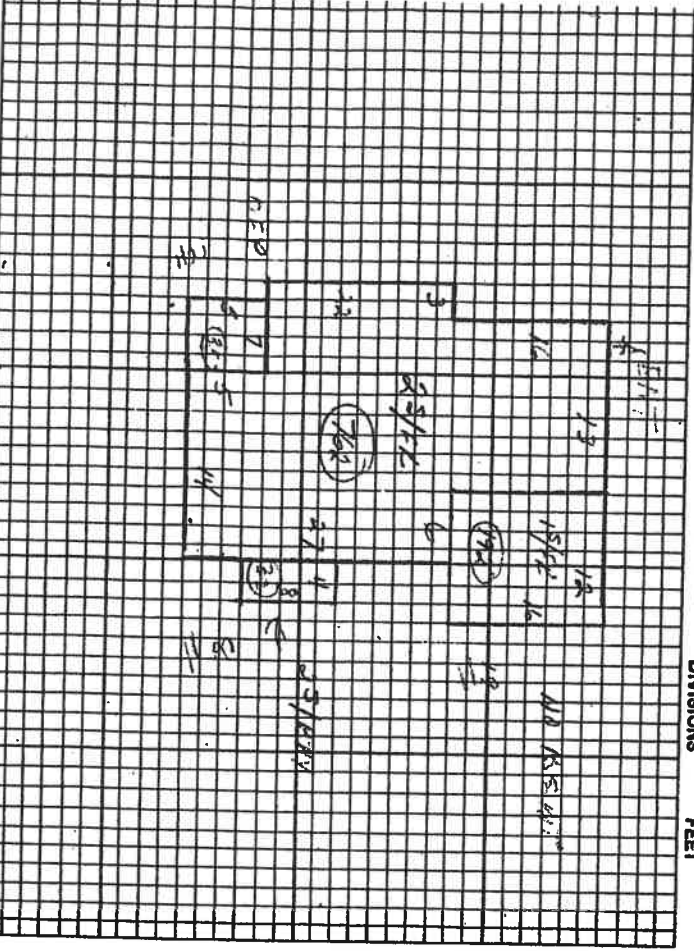
10/47

Date

DIAGRAM OF STRUCTURES

DIVISIONS

FEET



CLASS		FOUNDATIONS			BASEMENT			HEATING		
COTTAGE		1	2	3	1	2	3	1	2	3
GENERAL		STONE	CONCRETE		NONE			STOVE		
BUNGALOW					PART			PIPELESS		
SINGLE DWLS			BLOCKS		FULL			HOT AIR		
BUSINESS					CONCRETE FLOOR			" WATER		
MULTIPLE			POSTS		WOOD			STEAM		
APARTMENT			MASONRY PIERS		FINISHED			VAPOR		
STORES			PILES		UNFINISHED			GAS		
" AND FLATS								OIL BURNER		
" OFFICES			EXT. WALLS		FLOORS			FINE FLACE		
OFFICE			FRAME		TIMBER			PLUMBING		
HOTEL			BRICK-SOLID		STEEL			NONE		
BANK			"-VENEER		CONCRETE			OLD STYLE		
THEATRE			CONCRETE		TILE			COMMON		
WAREHOUSE			"-BLOCK		MARBLE			EXTRA		
FACTORY			STONE		COMPOSITION			TOILETS		
GARAGE-PUBLIC			TERRA COTTA		HARD WOOD			BATH TUB		
" PRIVATE			METAL		SOFT			SHOWER		
GAS STATION			STUCCO		EARTH			LAVATORY		
			CLAPBOARD					SEWER		
			SHINGLE		INT. WALLS			CESSE POOL		
USE			COMPOSITION		FRAME			LIGHTING		
RESIDENTIAL			FACE BRICK		BRICK			ELECTRIC		
COMMERCIAL			CAST STONE		CONCRETE			GAS		
BUSINESS			VINYL		TILE			OIL		
INDUSTRIAL			ROOF		METAL			MISC. AND EXTRAS		
UTILITY			FLAT		UNFINISHED			ELEVATOR		
TRANSPORTATION			HIP		PLASTERED			FIRE ESCAPE		
BENEVOLENT			GABLE		WALL BOARD			SPRINKLERS		
RECREATIONAL			MANARD					AIR CONDITION		
			MONITOR		INT. TRIM			INSULATION		
CONSTRUCTION			WOOD		HARD WOOD			INCINERATOR		
FRAME			STEEL		SOFT			SPECIAL FRONT		
BRICK AND FRAME			CONCRETE		METAL			" CLOSED		
BRICK-S.F.P.			SHINGLE					SUN PARLOR		
CONCRETE			ASBESTOS		CEILINGS			88M.T. RECREATION		
BLOCK			COMPOSITION		PLASTER					
METAL			SLATE		WALL BOARD					
FIREPROOF			TILE		METAL					
			TAR AND GRAVEL		UNFINISHED					

Rooms		LIVING			DINING			KITCHEN			TOILET			BED			STORES			OFFICES			APTS			GARAGE		
BASEMENT:		1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
1ST																												
2ND																												
3RD																												
ATTIC																												
TOTAL																												

REMARKS: 511

PROPERTY DATA ON THIS CARD
NOT UPDATED SINCE 1007

Exhibit "E"

Property Report Card

(see attached)

Residential Property Record Card

Parcel ID: 199/053.0-0017-0000.0	MAP: 104	BLOCK: 0017	LOT: 0000.0	Parcel Address: 123 PICKERING ST	FY: 2019
PARCEL INFORMATION					
Owner: RAYNER, WILLIAM J. &	Use-Code: T	Sale Price: 210,000	Books: 10846	Road Type: T	Inspect Date: 05/15/2001
Address: 85 PINE ST	Tax Class: 2272	Sale Date: 03/29/1995	Page: 591	Rd Condition: P	Meas Date: 05/15/2001
NEEDHAM MA 02492	Tot Fin Area: 0.254	Sale Type: Y	Cert/Doc: GREGORY ESTATE	Traffic: PS	Entrance: X
	Sewer: Exempt-B/L%	Grantor: 100/100	Comm-B/L%: 0/0	Water: SW	Collect Id: C
		Resid-B/L%: 100/100		Sewer: SW	Inspect Reas: C
				Indus-B/L%: 0/0	Open Sp-B/L%: 0/0

RESIDENCE INFORMATION					
Style: 2F	Tot Rooms: 7	Main Fin Area: 1024	Attic: N	NBHD CODE: 305	
Story Height: 2.50	Bedrooms: 4	Up Fin Area: 1248	Bsmt Area: 832	Seg 1	Code 104
Roof: G	Full Baths: 2	Add Fin Area:	Bsmt Grade: ST	Type P	Method S
Ext Wall: AV	Half Baths: 0	Unfin Area:	Foundation: ST	R	S
Masonry Trim: M	Ext Bath Flx: 2	Tot Fin Area: 2272	Eff Yr Built: 1997	Sq-Ft 10000	
Bath Qual: M	RCNLD: 177942	Kitch Qual: M	Year Built: 1984	Acres 0.230	
Mkt Adj:	Heat Type: FA	Ext Kitch: O	Cost Bldg: 177,900	Value 488,800	
Sound Value: 1	Fuel Type: O	Grade: AG	Att Str Val1: 100	Class	
Fireplace: N	Bsmt Gar Cap: AG	Condition: 100	Att Str Val2: 100	1	
Central AC:	Bsmt Gar SF: 65/99	Pct Complete: 100			
Att Gar SF:	%Good P/F/E/R:				
Porch Type	Porch Area	Porch Grade Factor			
P	35				

Sketch

Photo

Exhibit “F”

Assessment Record

(see attached)

LAND VALUE FACTORS

ACROSS ON PICKERING	ST. ASSESSORS	DATE	RECORDED OWNER	INST.	BOOK	PAGE	STAMP	CONSIDERATION	REMARK
OWNER OF	N	E	S	(W)					
LYEY SIDE	17085	9/44	Price, Esther	QC	2507	278			
ISTANCE FROM	35292	8/26/65	Beattie Armstrong & Margaret M.	QC	4285	69	\$24.20	Mfg. \$16,000	
ENTER OF CITY	56074	9/14/66	Woodruff, John W. & Gorham W. Humphrey	QC	4302	147			
AR LINE	40108	7/14/72	Woodfrey Investment Trust	QC	4848	646	\$68.40	Mfg. \$20,000	
US LINE	57417	8/29/95	Gregory, Cynthia M.	QC	10846	591	957	160	
RUNK HIGHY.			Rayner, William J. & Jeanne M.						
CHOOLES									
HURCHES									
WATER									
EWER									
AS									
LEOTRICITY									
T. PAVED									
" IMPROVED									
" UNIMPROVED									
" ACCEPTED									
" UNACCEPTED									
HIDE WALK									
T. LIGHTING									
H. H. CONN.									

LAND COMPUTATIONS

FRONTAGE	SQ. FT. @	DEPTH	AREA	DEPTH FACTOR	ACRES @	UNIT	CORNER INFLUENCE	AMOUNT	YEAR	FULL RENTAL VALUE	PER CENT VACANCY	ADJUSTED INCOME	\$ YEAR AVER. INCOME	ASKING PRICE	PRICE OFFERED	BOOK VALUE	LATEST APPRAISED VALUE	WHEN SALES TREND OF DISTRICT UP DOWN	BY WHOM BUILDING PERMIT	AMOUNT
								5100												

LOT DIAGRAM

ASSESSMENT RECORD

BASE VALUE		1942	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	294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Exhibit "G"

Email from Chip Davis

(see attached)

Emily Clayton

From: Chip Davis <CDavis@needhamma.gov>
Sent: Thursday, January 23, 2020 1:04 PM
To: Emily Clayton
Subject: RE: 26 Pickering

The current address of 123 Pickering St. in Needham, Massachusetts was FKA as 26 Pickering St. The property record cards that you reviewed from our office are the sum total of our records for that property that I am aware of.

Chip Davis
Director of Assessing

From: Emily Clayton <emily@glaw-llc.com>
Sent: Thursday, January 23, 2020 12:59 PM
To: Chip Davis <CDavis@needhamma.gov>
Subject: Re: 26 Pickering

The current street number is 123 Pickering Street. Thanks!

Get [Outlook for iOS](#)

From: Chip Davis <CDavis@needhamma.gov>
Sent: Thursday, January 23, 2020 12:58:44 PM
To: Emily Clayton <emily@glaw-llc.com>
Subject: 26 Pickering

What is the current street number?

Exhibit "H"

1924 and 1925 Poll Tax

(see attached)

TOWN OF NEEDHAM

MASSACHUSETTS

POLL TAX LIST

1925



WARDEN & CO. PRESSING
NEWTON, MASS.

No.	Name	Age	Occupation
	Earle, Garnet W. (Res. 1924, 897 Highland Ave.)	43	Grocer
7	Vonmader, William J.	42	Clerk
Rear 11	Curran, Joseph	37	Clerk
	Krautler, Peter T.	71	Janitor
	Gaughan, John F. (Res. 1924, 30 Pleasant St.)	35	Clerk
11	Durbin, George L.	58	Retired
17	MacKenzie, Norman	67	Chief of P.
18	Curry, Francis	30	Clerk
Rear 18	Heathcote, Clarence J.	30	Box Maker
21	Wilcox, Lyman	86	Retired
28	Hogan, Alfred F. (Res. 1924, 30 Greendale Ave.)	36	Cutter
28	Brown, Hubert (Res. 1924, Canada)	23	Clerk
34	Calburn, Charles	41	Chauffeur
36	Wright, Joseph	74	Mason
38	Wright, Joseph P.	44	Salesman
40	Day, John R.	42	Painter
47	Small, Myer	37	Tailor
48	Miano, Adolph	32	Laborer
49	Cole, Wilbur W.	73	Retired
	Miller, Adolph	59	Laborer

OAKCREST ROAD (N.)

Riley, Ernest E.	51	Superintendent
Neilson, Carl R.	33	Draughtsman

OAKLAND AVENUE (N.)		
Hemenway, Raymond B.	40	Reporter
(Res. 1924, Bayston)		
Moseley, Charles B.	48	Manufacturer
Warren, Shields	27	Physician
Hall, James W.	52	Accountant
Sweetland, Eugene H.	46	Manager
Cole, James	50	Banker
(Res. 1924, 632 Webster St.)		
Bardwell, George W.	57	Clerk
Jackson, Lee A.	47	Dentist
Patton, M. Oakman	61	Clerk

OTIS STREET (N.)		
Rand, Willard D.	35	Accountant
Nason, Edward W.	50	Mail Clerk
(Rea. 1924, 137 Manning St.)		
Juddins, Isaac C.	63	Salesman
Halestead, Paul B.	40	Statistician
Caldwell, Lawrence S.	35	Architect
Hedges, Ira	47	Treasurer
(Rea. 1924, New York)		
Nye, Chester L.	39	Salesman
Kingsbury, Samuel	53	P. O. Clerk

PARISH STREET (N. H.)
Murray, William J. 48 Knitter
Murray, Albert R. 21 Knitter

PARK AVENUE (N. H.)
Whitaker, Forest G. 53 Contractor
Moineau, Alfred H. W. 40 Chauffeur
(Res. 1924, 154 Hillside Ave.)

17	Capron, William H.	53	Musician
24	Hammond, Newton L.	37	Engineer
28	Matthes, William P.	51	Express Bu
28	Matthes, Chester A.	26	Express Ma
28	Matthes, Sumner D.	24	Constabula
43	Seabury, Philip A.	39	Accountant
52	Allen, Ernest E.	40	Salesman
58	Bugbee, Louis S.	49	Paying Tell
	Kowley, Percy F.	37	Salesman
	Wildman, John W.	53	Accountant
	(Res. 1924, Pickering St.)		
64	Moras, Charles H.	64	Retired
65	Moras, Francis B.	29	Salesman
65	Bols, George E.	49	Bookkeeper
65	Converse, Albert M.	79	Retired

Name	Age	Occupation
James, Lewis P.	45	Carpenter

Joseph	21	Laborer
Res. 1924, Greendale Ave.)		
Harvey L.	40	Meat Cutter
Lewis S.	33	Engineer
Res. 1924, Arlington)		
Jeremiah	53	Manager
Res. 1924, Broad Meadow Rd.)		
Ervine	28	Mechanic
Res. 1924, Broad Meadow Rd.)		

Snell, Frederick G.	49	Teacher
1924, Oakland Ave.)		
Johnson, Edward A.	51	Cabinet Maker
1924, 547 Highland Ave.)		
Johnson, Edward O., Jr.	24	Salesman
James		
Johnson, George H.	85	Retired
1924, 547 Highland Ave.)		
Johnson, Oscar E.	61	Carver
Johnson, William R.	33	Clerk
Johnson, William G.	66	Janitor
Johnson, George W.	49	Carpenter
Johnson, Sterling A.	24	Carpenter
Johnson, Thomas E.	48	Printer
Johnson, Fred N.	62	Painter
Johnson, Mowry K.	34	Electrician
Johnson, Dennis	60	Laborer
Johnson, Michael	30	Salesman
Johnson, Thomas	24	Laborer
Johnson, Adelbert	45	Laborer
Johnson, Nelson	30	Laborer
Johnson, Robert	41	Teamster
Johnson, Alexander C.	31	Knitter
1924, 59 Pickering St.)		
Johnson, Frederick A.	45	Mechanic
1924, Canal St.)		

John	29	Teamster
Martha, Thomas	38	Foreman
George T.	69	Garage Man
William E.	52	Grocer
Gilbert	43	Mechanic
1924, 259 Rosemary St.)	21	Chauffeur

James J.	49	Coachman
Frank	53	Cabinet Maker

Fredrick L.	27	Chauffeur
924.48 Crescent Rd.)		
Alexander	52	Clerk
RAY T.	30	Knitter
Thomas S.	63	Manufacturer
Raymond	21	Knitter
John H.	68	Mechanic
Chur R.	47	Tallor
Harold P.	25	Knitter
Michael E.	44	Machinist
Horace W.	21	Machinist
Horace W., Jr.	23	Mill-hand
52 K.	37	Machinist
624. Walnut St.)		

Arthur I.	33	Clerk
Charles W.	34	Dentist
Alfred	50	Ins. Manager
(24, Boston)		
Edmond J.	49	Manufacturer
(24, 11 Grant St.)		
Alfred E.	35	Accountant
Wanning N.	26	Clerk
(24, 868 Great Plain Ave.)		

No.	Name	Age	Occupation
11	Bowmar, Louis H. (Res. 1924, Ch...	25	Salesman

11	Bovalrd, William	(Res. 1924, Chapel St.)	40	Mason
15	Shae, Dennis J.	(Res. 1924, New Brunswick)	40	
18	Mallock, Frederick A.		42	Shoe Cutter
20	Regan, Timothy F.		22	Mill-hand
24	Bramble, Earl W.		34	Letter Carrier
26	O'Leary, Frank W.	(Res. 1924, 1 Pleasant St.)	29	Laborer
27	Gross, Harry		47	Engineer
27	Gross, Meyer		26	Mill-hand
27	Gross, Charles Marcus		23	Knitter
32	Fitzgerald, Arthur F.		21	Mill-hand
36	Light, Raymond F.		36	Tile layer
42	Holt, George		27	Mail Clerk
42	Walton, Alvah C.		72	Carpenter
46	Clark, Arthur L.		55	Postal Clerk
50	Sclarratta, Antonio		32	Secretary
58	Bleakney, Smiley J.	(Res. 1924, 74 Pleasant St.)	33	Laborer
58	Bleakney, Charles W.		47	Laborer
59	Salvaggio, Tony		22	Laborer
66	Miller, Abraham	(Res. 1924, 26 Howland St.)	37	Laborer
68	Terrazzino, Angelo	(Res. 1924, Chelsea)	35	Tailor
68	Domico, Guy	(Res. 1924, 13 Howland St.)	34	Laborer
69	Godsell, John	(Res. 1924, 74 Pleasant St.)	34	Laborer
74	Pagano, Samuel		50	Machinist
74	Pagano, Gaspare	(Res. 1924, Italy)	27	Laborer
75	Villalla, Giuseppe		22	Laborer
75	Tomanio, Antonio		48	Foreman
75	Murray, Charles F.		29	Laborer
75	Haydock, Robert	(Res. 1924, 36 Howland St.)	31	Laborer
		(Res. 1924, Marked Tree Rd.)	56	Moulder

Bleakney, George M.	49	Contractor
Steeves, John Wm.	22	Farmer

20	Gooding, Robert T.	44	Chauffeur
21	Whetton, Frederick A.	44	Coal Dealer
	(Res. 1924, Billerica)		
22	Wood, Frederick E.	41	Letter Carrier
33	Burgess, Charles F.	21	Clerk
53	Southworth, Winthrop M.	47	Printer
53	Eichler, Edward J.	48	Salesman
59	Seash, Ralph C.	24	Clerk
65	Corliss, Lealie R.	33	Civil Engineer
66	Wood, Mora A.	41	Manager
	Wood, Leon I.	58	Clerk
	Parker, Theodore	26	Carpenter

	Does, Charles H.	32	Printer
	Denner, Herbert J.	32	Leather Dealer
	Richburg, George W.	50	Grocer
	Richburg, Ronald G.	22	Engineer
16	Kingsbury, John T. (Res. 1924, Wellesley)	24	Statistician
20	Cobb, Maurice (Res. 1924, Allston)	31	Salesman
21	Cook, Joseph P. (Res. 1924, Jamaica Plain)	30	Manager
24	Hess, Charles (Res. 1924, South Boston)	42	Salesman
28	Wall, William K. (Res. 1924, Somerville)	45	Clerk
32	Doten, Chauncey E. (Res. 1924, Belmont)	31	Clerk
44	Leigh, Robert K. (Res. 1924, Arlington)	31	Designer
	Lyman, Aubrey J.	58	Carpenter

PICKERING PLACE (N.)—Continued

No.	Name	Age	Occupation
	Higgins, Marjorie	51	Housekeeper
	(Res. 1924, Broad Meadow Rd.)		
	Higgins, Nellie	24	Housekeeper
	(Res. 1924, Broad Meadow Rd.)		

PICKERING STREET (N.)

No.	Name	Age	Occupation
	Getchell, Myra N.	50	Housekeeper
	(Res. 1924, Oakland Ave.)		
6	Stephenson, Elizabeth M.	49	Housekeeper
6	Stephenson, M. Letitia	25	Clerk
14	Shine, Mary	79	Retired
14	Shine, Julia V.	47	Housekeeper
14	Shine, Mary A.	46	Clerk
18	Knowles, Laura F.	52	Housekeeper
18	Knowles, Dorothy	25	Clerk
22	Moeller, Katrina C.	56	Housekeeper
22	Moeller, Gertrude H.	28	Clerk
26	Price, Esther	60	Housekeeper
	Holt, Lillian K.	49	Housekeeper
	Kiley, Margaret C.	48	Housekeeper
53	Mills, Lucy W.	85	Housekeeper
57	Cookson, M. Agnes	36	Housekeeper
57	Stewart, Vesta C.	47	Retired
61	Appleby, Annie	25	Housekeeper
63	Bagguley, Emma	43	Housekeeper
63	Barton, Selma	57	Housekeeper
	(Res. 1924, 59 Pickering St.)		
	Wallace, Mary A.	39	Housekeeper
	(Res. 1924, Canada)		
75	Downs, Fannie M.	33	Housekeeper
77	Preuss, Katherine J.	31	Housekeeper
79	Bergin, Corine	40	Housekeeper
81	Eldridge, Grace B.	46	Housekeeper
83	McNamara, Luella S.	69	Housekeeper
83	Tilton, Martha A.	75	Housekeeper
83	Birchard, Eliza	62	Nurse
	Adams, Carrie L.	49	Housekeeper
105	Gaughan, Catherine	56	Housekeeper
105	Gaughan, Dorothy	22	Operator
105	Kelley, Mary E.	37	Housekeeper

PINE STREET (C. R.)

No.	Name	Age	Occupation
	Neill, Sarah	44	Housekeeper
	O'Neil, Catherine	39	Housekeeper
	O'Neil, Genevieve	22	Tel. Operator
	Wishart, Rose	53	Housekeeper
	(Res. 1924, Dover)		

PINE GROVE STREET (N. H.)

No.	Name	Age	Occupation
12	Lyons, M. Elizabeth	26	Housekeeper
	(Res. 1924, 49 Crescent Rd.)		
18	Armstrong, Mary	74	Housekeeper
21	McKay, Maude E.	42	Housekeeper
24	Slack, Frances M.	62	Housekeeper
27	Walton, Elizabeth A.	60	Housekeeper
27	Walton, Florence E.	22	Forelady
27	Walton, Caroline E.	31	Housekeeper
28	Chambers, Mary S.	40	Housekeeper
	Caunt, Ruth	73	Housekeeper
35	Gay, Della M.	47	Housekeeper
39	Dencen, Catherine	46	Housekeeper
46	Scotton, Amy T.	49	Sewing
46	Sadler, Elsie E.	35	Sewing
50	Cutler, Sarah E.	59	Housekeeper
50	Cutler, Esther B.	30	Student
50	Cutler, Marion J.	28	Manager
	Smith, Charlotte	30	Housekeeper
	(Res. 1924, Hillside Ave.)		

PINE WOOD ROAD (N.)

No.	Name	Age	Occupation
	Webber, Mabel B.	29	Housekeeper
	Ringer, Lella M.	33	Housekeeper
	Slade, Brenda R.	39	Housekeeper
	(Res. 1924, 12 School St.)		
	Owens, Anna C.	38	Housekeeper
	(Res. 1924, 11 Grant St.)		
	Williams, Jean	37	Housekeeper
	Baker, Edna A.	26	Housekeeper

PLEASANT STREET (N.)

No.	Name	Age	Occupation
	Bowmar, Mary J.	25	Housekeeper

No.	Name	Age	Occupation
15	Shea, Alice M.	39	Housekeeper
15	Plunkett, Ellen M.	75	Retired
15	Plunkett, Clara V.	34	Clerk
18	Malloch, Alice L.	59	Housekeeper
18	Malloch, Theresa A.	27	Machine O.
18	Malloch, Alice L.	25	Machine O.
20	Regan, Margaret	31	Housekeeper
	Bramble, Hulda	25	Housekeeper
	(Res. 1924, Pleasant St. Ter.)		
26	O'Leary, Annie	45	Housekeeper
26	O'Leary, Mae E.	24	Bookkeeper
27	Gross, Katherine	49	Housekeeper
27	Gross, Rachel	28	Operator
32	Fitzgerald, Etta E.	34	Housekeeper
36	Light, Christine E.	28	Housekeeper
38	Warren, Letitia	81	Housekeeper
	Southerland, Florence	32	Clerk
	(Res. 1924, 53 Garden St.)		
41	Crossett, Maude	47	Housekeeper
42	Dacey, Gwendolyn G.	24	Knitter
46	Clark, Dorothy M.	32	Housewife
50	Sclarratta, Rosa	32	Housekeeper
	(Res. 1924, 74 Pleasant St.)		
58	Bleakney, Lillian	47	Housekeeper
59	Salvaggio, Mary	27	Housewife
	(Res. 1924, 26 Howland St.)		
66	Miller, Pauline	35	Housekeeper
	(Res. 1924, Chelsea)		
68	Terrazzino, Rosalia	29	Housekeeper
	(Res. 1924, 18 Howland St.)		
69	Godsell, Jennie	49	Housekeeper
74	Pagano, Theresa	20	Housekeeper
	(Res. 1924, Newton)		
74	Pagano, Jennie	25	Housekeeper
	(Res. 1924, Italy)		
95	Villalla, Maria	45	Housekeeper
95	Murray, Annie B.	50	Housekeeper
	(Res. 1924, 36 Howland St.)		

PLEASANT STREET TERRACE (N.)

No.	Name	Age	Occupation
	Bleakney, Beatrice M.	52	Housekeeper
	Stevens, Mildred	22	Housekeeper

POWERS STREET (N.)

No.	Name	Age	Occupation
	Gooding, Caroline C.	35	Housekeeper
20	Whetton, Elizabeth R.	25	Housekeeper
	(Res. 1924, Billerica)		
22	Wood, Florence W.	34	Housekeeper
23	Burgess, Esther C.	47	Housekeeper
52	Southworth, Inez M.	45	Housekeeper
53	Eichler, Gertrude M.	44	Housekeeper
59	Sears, Harriet T.	24	Housekeeper
65	Corliss, Frances B.	39	Housekeeper
66	Wood, Jessie F.	42	Housekeeper
	Parker, Beulah	30	Housekeeper

PRINCE STREET (N.)

No.	Name	Age	Occupation
	Does, Lillian	28	Housekeeper
	Denner, Bertha M.	33	Housekeeper
	Richburg, Carrie	41	Housekeeper
16	Kingsbury, Marion F.	26	Housekeeper
	(Res. 1924, Wellesley)		
20	Cobb, Frances K.	30	Housekeeper
	(Res. 1924, Allston)		
21	Cook, Nancy	25	Housekeeper
	(Res. 1924, Jamaica Plain)		
24	Hess, Mary E.	39	Housekeeper
	(Res. 1924, South Boston)		
28	Wall, Edith M.	40	Housekeeper
	(Res. 1924, Somerville)		
28	Wall, Sarah L.	71	Retired
	(Res. 1924, Somerville)		
32	Doten, Grace M.	30	Housekeeper
	(Res. 1924, Belmont)		
44	Leigh, Lydia	24	Housekeeper
	(Res. 1924, Arlington)		
44	Stevens, Rose I.	53	Retired
	(Res. 1924, Arlington)		
	Lyman, Edith F.	58	Music Teacher

PROSPECT STREET (N.)

No.	Name	Age	Occupation
	Marcoaldi, Margaret	40	Housekeeper
	(Res. 1924, Jamaica Plain)		

Name	Age	Occupation
Benbow, John	67	Carpenter
Benbow, Albert	38	Knitter
McCracken, James M.	46	Merchant
McCracken, William	79	Retired
Best, Roland	24	Laborer
(Res. 1923, Canada)		
Forand, Harold E.	24	Electrician
Suren, Nathan H.	70	Elec. Expert
Abbott, Charles E.	61	Broker
Zirsch, Theodore C.	43	Superintendent
Day, William J.	42	Salesman

NEWELL AVENUE (N.)

Hutchins, Luther W.	41	Tower Man
Bradley, James A.	81	Retired
Sheridan, George H.	21	Student
Weber, Charles	50	Foreman
Barnett, John W.	54	Clergyman
Mahoney, Thomas F., Jr.	25	Painter
(Res. 1923, Neholden St.)		
Smith, Eugene	49	Optician

NORFOLK STREET (N.)

Ford, Patrick A.	37	Chauffeur
Sturtevant, Justus	37	Traffic Man
(Res. 1923, Dorchester)		
Cookson, Willard B.	48	Electrician
Cathie, Harold G.	28	Salesman
Steele, Francis	40	Blacksmith
(Res. 1923, Medford)		
Farwell, Joseph W.	34	Civil Engineer
Wentworth, John	44	Lawyer
Nicholson, Melbourne D.	22	Electrician
Martin, Fred T.	35	Salesman
(Res. 1923, 872 Webster St.)		
Litchfield, Lloyd W.	27	Bank Clerk
(Res. 1923, 35 Dedham Ave.)		
Adams, Rodney S.	41	Asst. Supt.
Sutton, Charles H.	63	Mall Carrier
Sutton, Charles H., Jr.	24	Telegrapher
Doherty, Harry F.	46	Engineer
Dalrymple, George	43	Electrician
Suvalle, David	34	Plumber
Suvalle, Jarome	24	Manager
Blackney, Charles N.	71	Carpenter
Blackney, Claud	27	Carpenter
(Res. 1923, St. Louis)		

NOYES STREET (N.)

Havey, George E.	28	Knitter
Webber, Harlan R.	35	Clerk

OAK STREET (N.)

Vonmader, William J.	41	Clerk
Buckley, William J.	25	Mill-hand
(Res. 1923, Winchendon)		
Krautler, Peter J.	70	Janitor
(Res. 1923, Highland Ave.)		
Curran, Joseph	36	Clerk
Durbin, George L.	57	Retired
Mackenzie, Norman	66	Chief of Police
Heathcote, Clarence J.	49	Box Maker
(Res. 1923, Greendale Ave.)		
Heathcote, Ernest	38	Box Maker
(Res. 1923, Greendale Ave.)		
Wilcox, Lyman	85	Retired
Hogan, Alfred F.	35	Cutter
(Res. 1923, 30 Greendale Ave.)		
Colburn, Charles	40	Chauffeur
Wright, Joseph	73	Mason
Wright, Joseph P.	43	Salesman
Day, John R.	41	Painter
(Res. 1923, Central Ave.)		
Small, Myer	36	Tailor
Cole, Wilbur W.	72	Farmer
Miller, Adolph	58	Laborer

OAKCREST ROAD (N.)

Riley, Ernest E.	59	Superintendent
Nelson, Carl R.	32	Draughtsman

OAKLAND AVENUE (N.)

No.	Name	Age	Occupation
	Getchell, Frederick G.	48	Teacher
	Moseley, Charles B.	47	Manufacturer
	Hall, James W.	51	Accountant
	Bardwell, George W.	56	Clerk
5	Sweetland, Eugene H.	45	Manager
	(Res. 1923, Natick)		
	Jackson, Lee A.	46	Dentist
	Patton, M. Oakman	60	Clergyman
	Potter, Cedric H.	32	Foreman
	(Res. 1923, Great Plain Ave.)		

OTIS STREET (N.)

15	Rand, Willard D.	34	Accountant
	Juddins, Isaac C.	62	Salesman
54	Phillips, William F.	48	Manager
	Halstead, Paul B.	39	Statistician
57	Caldwell, Lawrence S.	34	Architect
61	Nye, Chester L.	37	Salesman
	Kingsbury, Samuel	52	P. O. Clerk

PARISH STREET (N. H.)

Murray, William J.	47	Knitter
Murray, Albert R.	20	Knitter

PARK AVENUE (N. H.)

Whitaker, Forest G.	52	Contractor
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PARKINSON STREET (N.)

17	Capron, William H.	52	Musician
24	Hammond, Newton L.	36	Engineer
28	Hutchinson, Solomon W.	79	Retired
28	Matthes, William F.	50	Express Bus
28	Matthes, Chester A.	25	Express Man
28	Matthes, Sumner D.	23	Chauffeur
43	Seabury, Philip A.	38	Accountant
	Allen, Ernest B.	39	Salesman
52	Bugbee, Louis S.	48	Paying Teller
58	Decatur, Ralph G.	34	Salesman
58	Rowley, Percy F.	36	Salesman
64	Moras, Charles H.	63	Retired
64	Moras, Francis B.	28	Salesman
65	Bols, George E.	48	Bookkeeper
65	Converse, Albert M.	78	Retired

PENN AVENUE (N.)

Adams, Lewis P.	44	Carpenter
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PICKERING PLACE (N.)

1	Wrye, George A.	44	Foreman
	Covell, Harvey L.	39	Meat Cutter
	Wildman, John W.	52	Clerk
	Emery, Melvin H.	52	Machinist
	(Res. 1923, Pickering Street)		

PICKERING STREET (N.)

6	Stephenson, Edward A.	50	Cabinet Maker
6	Stephenson, Edward O., Jr.	23	Salesman
18	Knowles, George H.	54	Teamster
	(Res. 1923, 347 Highland Ave.)		
18	Knowles, James R.	26	Chauffeur
	(Res. 1923, 108 Maple St.)		
14	Shine, James	30	Retired
22	Moeller, Oscar E.	60	Carver
22	Moeller, William R.	32	Clerk
26	Price, William G.	63	Jobber
47	Kiley, Thomas E.	47	Printer
	Mills, Fred N.	61	Painter
57	Cookson, Mowry K.	33	Electrician
59	Murphy, Dennis	59	Laborer
	(Res. 1923, 77 Pickering St.)		
59	Murphy, Michael	29	Clerk
	(Res. 1923, 77 Pickering St.)		
61	Appleby, Robert	40	Teamster
	(Res. 1923, Greendale Ave.)		
63	Bagguley, Alexander C.	29	Knitter
	(Res. 1923, 59 Pickering St.)		
67	Holt, George W.	48	Carpenter
67	Holt, Sterling A.	23	Carpenter
75	Downs, George A.	35	Machinist

No.	Name	Age	Occupation
77	Preuss, Charles	25	Teamster
	(Res. 1923, Great Plain Ave.)		
79	Bergin, John	37	Foreman
	(Res. 1923, Newton)		
79	Gould, Frank	42	Molder
	(Res. 1923, Concord)		
83	McNamara, Thomas	67	Stable Man
101	Adams, George T.	51	Grocer
101	Kelley, William E.	42	Mechanic

PINE STREET (W. R.F.D.)

O'Neil, James J.	48	Coachman
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PINE GROVE STREET (N. H.)

12	Slack, Arthur E.	33	Machinist
21	McKay, Alexander	51	Clerk
24	Slack, LeRoy T.	29	Knitter
27	Walton, Thomas S.	62	Manufacturer
27	Walton, Harold R.	23	Knitter
35	Gay, Arthur R.	46	Tailor
35	Rayner, Harold P.	24	Knitter
39	Dineen, Michael E.	43	Machinist
50	Cutler, Horace W.	62	Machinist
	Cutler, Horace W., Jr.	20	Mill-hand
	Cault, John H.	67	Mechanic
	(Res. 1923, England)		

PINE WOOD ROAD (N.)

Webber, Arthur J.	37	Clerk
Ringer, Charles W.	33	Dentist
Williams, Alfred E.	34	Accountant
(Res. 1923, New York)		

PLEASANT STREET (N.)

15	Shes, Dennis J.	41	Shoe Cutter
	(Res. 1923, Boston)		
20	Regan, Timothy F.	33	Letter Carrier
24	Knowlton, Lucius	63	Machinist
26	O'Leary, Frank W.	46	Engineer
27	Gross, Harry	23	Mill-hand
27	Gross, Meyer	22	Knitter
27	Gross, Charles Marcus	20	Mill-hand
30	Gaughan, John R.	34	Chauffeur
32	Fitzgerald, Arthur F.	35	Tire Layer
36	Light, Raymond E.	26	Poultry Man
	Holt, George	71	Carpenter
42	Walton, Alvah C.	54	Postal Clerk
50	Eldridge, Harrison	71	Cathode
50	Mitchell, George G.	39	Engineer
58	Blackney, Smiley J.	46	Laborer
58	Blackney, Charles W.	21	Laborer
69	Godsell, John	49	Machinist
72	Lane, George	34	Machinist
	(Res. 1923, Greendale Ave.)		
74	Sciarratta, Antonio	37	Laborer
	(Res. 1923, 37 Howland St.)		
74	Gaspere, Pagana	27	Laborer
	(Res. 1923, Penn.)		
95	Villalla, Giuseppe	47	Foreman
95	Tomanio, Antonio	28	Laborer

PLEASANT STREET TERRACE (N.)

Bleakney, George M.	48	Contractor
Stevens, John Wm.	21	Farmer
1 Bramble, Earl W.	28	Laborer

POWERS STREET (N.)

	Gooding, Robert T.	43	Chauffeur
	(Res. 1923, 47 Mellen St.)		
	Pfeifer, Charles	26	Knitter
	(Res. 1923, 28 Greendale Ave.)		
22	Wood, Frederick E.	40	Letter Carrier
23	Balley, John M.	26	Clerk
	Southworth, Winthrop M.	46	Manager
53	Eichler, Edward J.	47	Salesman
53	Eichler, Ralph C.	23	Student
59	Sears, Leslie R.	32	Civil Engineer
65	Corliss, Mora A.	40	Manager
66	Wood, Leon I.	57	Clerk
	Parker, Theodore	25	Carpenter

Name	Age	Occupation
le, Edith	55	C. S. Prac.
es. 1923, Brookline)		
Lydia	42	Housekeeper
es. 1923, Brookline St.)		

NEWELL AVENUE (N.)

le, Helen N.	47	Housekeeper
hins, Mary M. G.	48	Housekeeper
er, Addie	43	Housekeeper
ett, Carey G.	34	Housekeeper
ett, Mavis C.	26	Teacher
l, Estella L.	36	Housekeeper
oney, Alice E.	23	Housekeeper
es. 1923, Hunnewell St.)		

NORFOLK STREET (N.)

Sarah	40	Housekeeper
evant, Rita V.	36	Housekeeper
es. 1923, Dorchester)		
e, Agnes	30	Housekeeper
es. 1923, Medford)		
oon, Sarah J.	45	Housekeeper
zy, Bertha	34	Agent
es, Anna	54	Housekeeper
aheld, Eleanor S.	23	Housekeeper
tin, May	51	Housekeeper
es. 1923, 872 Webster St.)		
ell, Isabella	28	Housekeeper
le, Marion	30	Housekeeper
thworth, Alice M.	46	Housekeeper
ms, Charles A.	40	Housekeeper
on, Jelima	53	Housekeeper
on, Hazel	27	Clerk
on, Olive	22	Stenographer
erty, Helene	44	Housekeeper
Donald, Mary E.	51	Housekeeper
lle, Ray	51	Housekeeper
lle, Esther	21	Housekeeper
key, Morenda	71	Housekeeper
l, Elizabeth H.	64	Housekeeper
es. 1923, Great Plain Ave.)		
l, Martha E.	49	Housekeeper
es. 1923, Great Plain Ave.)		

NOYES STREET (N.)

es, Sarah E.	59	Housekeeper
die, Roberta J.	64	Teacher
they, Mary C.	70	Retired
es. 1923, 131 Fair Oaks Park)		
ey, Agnes B.	28	Housekeeper
ber, E. Mattie	32	Housekeeper

OAK STREET (N.)

eman, Jessie M.	57	Bookkeeper
malder, Alice F.	42	Housekeeper
ren, Beulah A.	33	Housekeeper
bin, Margaret	83	Retired
bin, Margaret	58	Forelady
epile, Jessie R.	46	Housekeeper
in, Elizabeth L.	37	Cutler
Kenzie, Flora	65	Housekeeper
Kenzie, Mary E.	33	Clerk
Kenzie, Mabel	31	Clerk
ue, Etta S.	58	Housekeeper
athcote, Martha A.	36	Housekeeper
rick, Carrie A.	31	Housekeeper
an, Claire S.	34	Housekeeper
oy, Josephine	31	Housekeeper
burn, Elizabeth C.	35	Housekeeper
ght, Sarah	73	Housekeeper
r, Ethel M.	33	Housekeeper
Res. 1923, Central Ave.)		
ill, Barriee	35	Housekeeper
e, Carrie C.	55	Housekeeper
ham, Ada F.	29	Housekeeper
bins, Tryphosa B.	72	Housekeeper
idleton, Edith	41	Seamstress
abress, Lucia	29	Seamstress
Res. 1923, Hillside Ave.)		
no, Emmlia	52	Housekeeper
occo, Maria	31	Dressmaker
Res. 1923, 151 Hillside Ave.)		

OAKGREST ROAD (N.)

No.	Name	Age	Occupation
	Riley, Anna K.	48	Housekeeper
	Neilson, Marie	32	Housekeeper

OAKLAND AVENUE (N.)

	Getchell, Myra M.	49	Housekeeper
	Dugan, Florence	22	Teacher
	Mosley, Lillian L.	46	Housekeeper
	Bourne, Emma L.	70	Housekeeper
	Hall, Isabel M.	43	Housekeeper
	Papenhauser, Emma L.	42	Bookkeeper
9	Notman, Helen B.	46	Musician
	Potter, Bertha M.	31	Housekeeper
	(Res. 1923, 1179 Great Plain Ave.)		
5	Sweetland, Jessie D.	46	Housekeeper
	(Res. 1923, Natick)		
	Downs, Alice J.	35	Bookkeeper
	(Res. 1923, Natick)		
	Bardwell, Elizabeth A.	56	Housekeeper
	Jackson, Jennie L.	52	Housekeeper
	Patton, H. Blanche	61	Housekeeper

OTIS STREET (N.)

15	Rand, Anna M.	35	Housekeeper
22	Judkins, Isabel J.	64	Housekeeper
22	Churchill, Eva	35	Teacher
22	Thompson, Harriett C.	50	Secretary
54	Phillips, Alice E.	46	Housekeeper
56	Halstead, Vera C.	35	Housekeeper
57	Caldwell, Edith F.	24	Housekeeper
57	Carey, Mary G.	75	Retired
68	Green, Mary A.	65	Housekeeper
58	Pierce, Elmer	82	Retired
38	Eldridge, Mildred H.	36	Housekeeper
61	Nye, Edith R.	36	Housekeeper
64	Kingsbury, Myra R.	34	Housekeeper
64	Robinson, Edna L.	37	Bookkeeper

PARISH STREET (N. H.)

	Murray, Ida M.	49	Housekeeper
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PARK AVENUE (N. H.)

	Whitaker, M. Esther	80	Retired
	Whitaker, Deborah	48	Housekeeper

PARKINSON STREET (N.)

17	Capron, Julia M.	52	Housekeeper
17	Capron, Ardis	24	Teacher
24	Hammond, Alice K.	32	Housekeeper
28	Matthes, Florence T.	47	Housekeeper
43	Seabury, Mina E.	40	Housekeeper
44	Allen, Elizabeth W.	39	Housekeeper
52	Bugbee, Lizzie C.	49	Housekeeper
55	Kittredge, Louise E.	63	Housekeeper
55	Fawcett, Anne E.	30	Teacher
55	Follersby, Mable	28	Teacher
	(Res. 1923, Boston)		
55	Holman, Ailine	23	Teacher
	(Res. 1923, Franklin)		
58	Decatur, Georgia E.	35	Housekeeper
58	Dowley, Ruby E.	36	Housekeeper
64	Moss, Myra B.	63	Housekeeper
64	Toby, Lucy M.	21	Retired
65	Boise, Josephine C.	40	Housekeeper
65	Converse, Eleanor F.	74	Retired

PENN AVENUE (N.)

	Adams, May G.	39	Housekeeper
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PICKERING PLACE (N.)

	Emery, Annie	49	Housekeeper
	(Res. 1923, 79 Pickering St.)		
	Wye, Mary A.	39	Housekeeper
	Covell, Alice G.	39	Housekeeper
	Wildman, Bertha P.	48	Housekeeper

PICKERING STREET (N.)

6	Stephenson, Elizabeth M.	48	Housekeeper
6	Stephenson, M. Letitia	23	Clerk
14	Shine, Mary	78	Retired
14	Shine, Julia V.	46	Housekeeper

No.	Name	Age	Occupation
14	Shine, Mary A.	45	Clerk
18	Knowles, Laura F.	51	Housekeeper
	(Res. 1923, 547 Webster St.)		
18	Knowles, Dorothy	24	Clerk
	(Res. 1923, 547 Webster St.)		
18	Knowles, Mildred	27	Clerk
	(Res. 1923, 547 Webster St.)		
18	Knowles, Dorothy	21	Housekeeper
	(Res. 1923, 108 Maple St.)		
22	Moeller, Katrina C.	55	Housekeeper
22	Moeller, Gertrude H.	27	Clerk
26	Price, Esther	59	Housekeeper
	Kiley, Margaret C.	47	Housekeeper
53	Mills, Lucy W.	34	Housekeeper
57	Cookson, M. Agnes	35	Housekeeper
57	Stewart, Vera C.	46	Retired
61	Appleby, Annie	24	Housekeeper
63	Barton, Selma	56	Housekeeper
	(Res. 1923, 59 Pickering St.)		
63	Bagguley, Emma	42	Housekeeper
67	Holt, Lillian K.	48	Housekeeper
75	Downs, Fannie M.	32	Housekeeper
77	Preuss, Katherine J.	30	Housekeeper
79	Bergin, Corne	39	Housekeeper
	(Res. 1923, Newton)		
79	Rivers, Bertha	41	Operator
	(Res. 1923, Vermont)		
81	Eldridge, Grace E.	45	Housekeeper
81	Foster, Elizabeth	29	Operator
83	McNamara, Lucila S.	68	Housekeeper
83	Tilton, Martha A.	74	Housekeeper
83	Birchard, Eliza	61	Nurse
	Adams, Carrie L.	48	Housekeeper
101	McKenna, Agnes I.		Nurse
105	Gaughan, Catherine	55	Housekeeper
105	Gaughan, Dorothy	21	Operator
105	Kelley, Mary E.	36	Housekeeper

PINE STREET (C. R.)

	Neill, Sarah	43	Housekeeper
	O'Neill, Catherine	38	Housekeeper
	O'Neill, Genevieve	21	Tel. Operator

PINE GROVE STREET (N. H.)

12	Slack, Beatrice M.	30	Housekeeper
18	Armstrong, Mary	75	Housekeeper
21	McKay, Maude E.	41	Housekeeper
24	Slack, Frances M.	61	Housekeeper
27	Walton, Elizabeth A.	59	Housekeeper
27	Walton, Florence E.	21	Forelady
28	Chambers, Mary S.	39	Housekeeper
35	Gay, Della M.	46	Housekeeper
39	Dineen, Catherine	45	Housekeeper
46	Scotton, Amy T.	48	Sewing
46	Sadler, Elsie E.	34	Sewing
50	Cutler, Sarah E.	58	Housekeeper
50	Cutler, Esther B.	29	Student
50	Cutler, Marion J.	27	Sewing
50	Caunt, Ruth	72	Housekeeper
	(Res. 1923, England)		

PINE WOOD ROAD (N.)

	Webber, Mabel B.	28	Housekeeper
	Ringer, Lella M.	32	Housekeeper
	Williams, Jean	36	Housekeeper

PLEASANT STREET (N.)

15	Shea, Alice M.	38	Housekeeper
	(Res. 1923, Boston)		
15	Plunkett, Clara M.	74	Retired
	(Res. 1923, Boston)		
15	Plunkett, Clara V.	33	Clerk
	(Res. 1923, Boston)		
18	Malloch, Alice L.	58	Housekeeper
18	Malloch, Mary C.	27	Machine Op.
18	Malloch, Theresa A.	26	Machine Op.
18	Malloch, Alice L.	24	Machine Op.
20	Regan, Margaret	30	Housekeeper
24	Knowlton, Adeline	64	Housekeeper
26	O'Leary, Annie	44	Housekeeper
26	O'Leary, Mae E.	23	Bookkeeper
27	Gross, Katherine	48	Housekeeper
27	Gross, Rachel	27	Operator

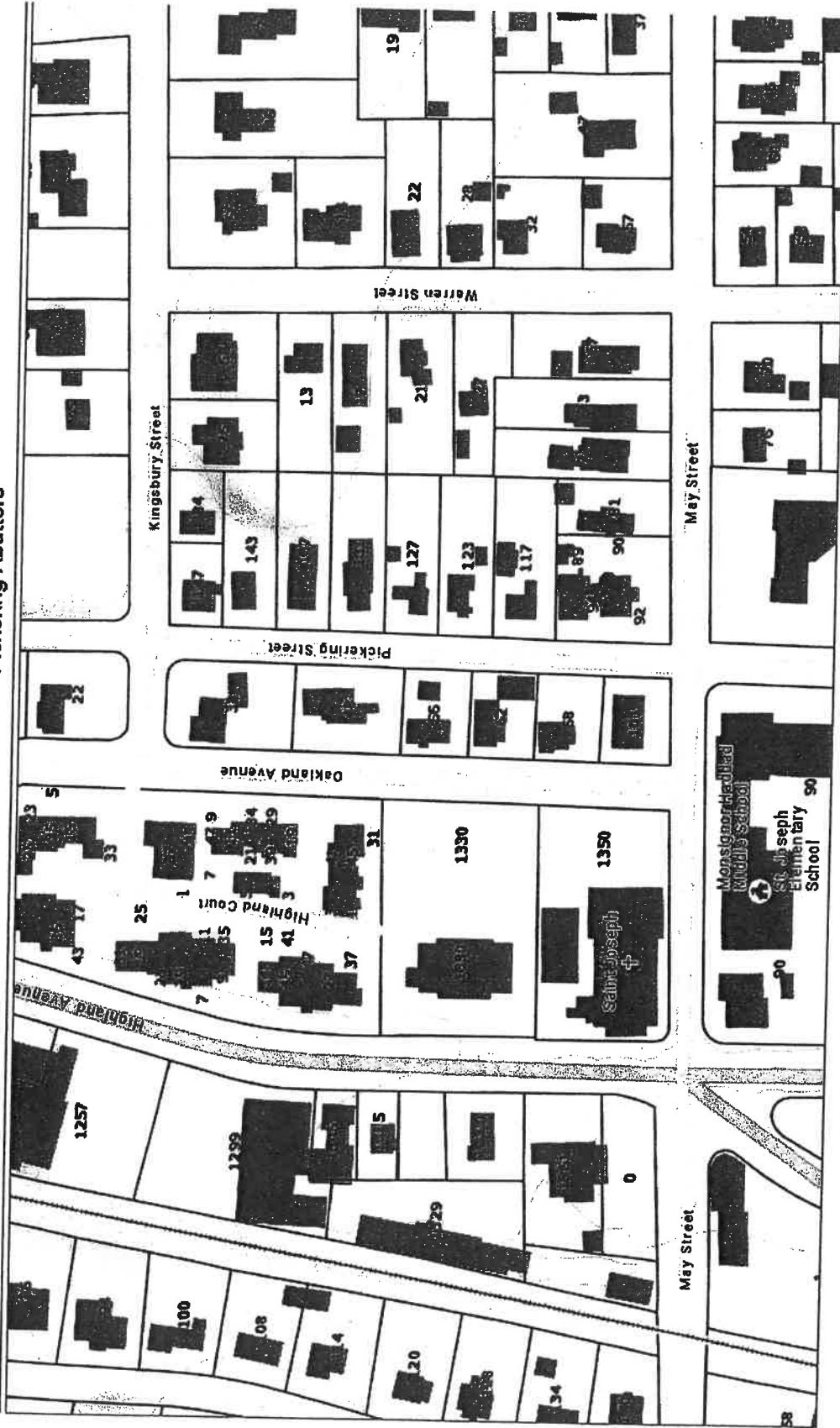
Exhibit "I"

Map of Neighboring Properties

(see attached)

Pickering Abutters

Pickering Abutters



NEEDHAM PLANNING BOARD MINUTES

October 22, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, October 22, 2019, at 7:00 p.m. with Mr. Alpert and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

ANR Plan – Boston Ventures International, LLC, Petitioner (Property located at 23 Dwight Road, Needham, MA).

Robert Bibbo, Engineer for Bibbo Bros., stated the applicant is creating an additional house lot with 170 feet of frontage and 16,000 square feet. The current house will remain on one lot with 27,000 square feet of land. Both lots have adequate frontage and meet all setback requirements. He noted this is a private road. Mr. Jacobs stated the side yard setback is 14 feet. The A1 lot line is 12.43 feet from the rear deck. Mr. Bibbo stated he was told there is a provision for the deck to go into the side yard setback. If this is not correct, he can change it. Ms. Newman noted there is a provision and the Building Inspector has looked at this.

Ms. McKnight asked if this was an older house the applicant is saving. Mr. Bibbo noted it is a 1950s house. Mr. Jacobs asked why Lot 2-A is not shown in the table. Mr. Bibbo stated it was on but he was told to remove it. Ms. Newman stated, as an empty lot, it makes no sense showing it with setbacks. Engineering and the Building Inspector are fine with it.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the three members present unanimously:

VOTED: to approve the plan as Approval Not Required.

Decision: Amendment: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Original Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (Property located at Rockwood Lane consists of the dwellings currently numbered 38, 45, 46, 52, 55, 58, 63, 64 and 69 Rockwood Lane and one adjacent parcel, Needham, MA, Assessors Plan No. 17 as Parcels 71, 72, 73, 79 and 80 and Plan No. 20 as Parcels 86, 87, 88, 89 and 63),

Ms. Newman stated the draft decision is based on the Board's last meeting. The attorney for the applicant has reviewed it and has no issue. There were no changes at the last meeting. Mr. Jacobs asked if there was an issue with adding a paragraph saying "The Board has been concerned, specifically by Exhibit 18 and 19, that the drainage solution is at least as good as that which was originally approved." Mr. Alpert disagreed. He does not want to say that. The Board is relying on representation from the Town Engineer that is the case. Mr. Jacobs felt the Board could say "relying on Exhibits 18 and 19, the Board hereby approves" at the beginning of paragraph 1. All agreed. A motion was made to add this. Ms. Newman feels that is too narrow. Mr. Jacobs stated Exhibit 15 should be added.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the three members present unanimously:

VOTED: to say "Relying on Exhibits 15, 18 and 19, the Board approves the Definitive Subdivision Amendment as shown on the Plan in the Subdivision approval."

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the three members present unanimously:

VOTED: to accept the draft as just altered.

Appointments:

7:05 p.m. – Zoning Board of Appeals: discussion regarding Accessory Dwelling Units zoning proposal.

John Schneider, of the Zoning Board of Appeals (ZBA), noted 4 of the 5 Board members were at the hearing and there is unanimous support. The By-Law already authorized by Special Permit taking 4 non-related boarders into the home. This is only changing cooking facilities. There is no great change in the Zoning By-Law. He stated he has been on the Board for over 25 years and only 2 or 3 people have come in for Special Permits. He commented he has some problems with the Article as currently drafted. His main concern is there is no standard for Special Permits. Mr. Jacobs stated there is no section that says these are the decision criteria. He asked if the ZBA views the requirements as the decision criteria?

Mr. Schneider stated he finds the definition of family to be strangely narrow. Why not grandparents, aunts and uncles as family members to live in the house and to be taken care of? He feels the Board needs to deal with the transfer of ownership and LLCs. It could say "transfers of controlling interest." The Planning Board has been silent on the issue. He is also concerned with enforcement. The Planning Board should put in a provision that the Building Inspector could request evidence of a relationship of the person living in the unit. Ms. McKnight stated the initial permit is issued based on who is living there. Mr. Alpert noted it will be part of the renewal process. Ms. Schneider feels the Building Inspector should have the right to request documentation.

Ms. McKnight discussed the criteria concern. There are criteria built in. This needs some judgment exercised. The Building Inspector will look into any complaints. She noted there are standards of criteria and enforcement built in. She feels this puts a burden on the ZBA. She wants to make sure the ZBA does not feel this is a burden for them. She anticipates some Town Meeting members may move to amend to include some of the relations discussed. Mr. Schneider stated the ZBA will go along with whatever the Planning Board has but this is strangely narrow. He feels there will be a lot of call for other relations.

7:20 p.m. – Discussion regarding Mixed-Use Retail/Self Storage Redevelopment – 77 Charles Street.

Kevin Joyce, attorney for the applicant, noted he sent in a number of materials. He reviewed the By-Law and believes the Planning Board has the authority to grant a Special Permit. He outlined the legal reasons. Under the Hillside decision it was determined to be a Special Permit. He is ok with that for now. Mr. Jacobs noted in Mr. Pare's letter, third paragraph, the Planning Board does not reject as of right. Mr. Ferreira, owner of 77 Charles Street, stated he feels he will be coming forward with an as of right project. Mr. Joyce updated what has been done. He asked if a Special Permit process is what should be embraced in the beginning. Ms. Newman asked what use the applicant is identifying as similar to. Mr. Joyce stated the Board has already approved this use in a similar district. This is the same general use and similar in kind may be approved by the Planning Board as allowed.

Mr. Alpert stated it has to be a use allowed in the district and not the whole town. Mr. Ferreira noted there has been a lot of discussion of support for the project. He started with a zoning amendment and pulled back. He is going back to the initial position. He still maintains putting a self storage is the only feasible option given the economics. He has put close to 6,000 square feet of retail in the area. He feels the Board should allow this use to go forward by Special Permit. He thinks this is a consumer service establishment. Marlboro and several other towns in Massachusetts have relied on this definition of storage units as consumer services. Ms. McKnight stated she sees consumer service establishment as a service directly provided such as photocopying and not a storage unit.

Mr. Ferreira stated there has been a lot of discussion regarding the passivity of the use and not the intent of the Board for the district. He feels this should be looked at as a small retail project. Other uses do not work and larger retail is not feasible. This fits with the parking requirements and is a service in great demand. There is a lot of functionality to self storage. He has tried to address the ugliness of them with the design and feel it is a handsome building. He would request the Board reconsider some items. Mr. Alpert asked what the floor size the applicant is offering for retail and self storage. Mr. Ferreira stated there is no retail. It is a consumer services as of right. He noted 1.0 FAR triggers a special permit. Mr. Joyce stated he views this like the cell tower issue. It took years to get cell towers covered and he feels this is the same.

Mr. Alpert stated he feels this use fits in their vision for the Mixed Use 128 District. He likes the comparison this is similar to a Consumer Services Establishment. It was noted there will be 2 cars and 2 employees. A discussion ensued regarding next steps. Mr. Jacobs stated he needs to be convinced of the use issue. It may be as of right or

could be like a use in the district. Mr. Alpert is reluctant to give too much guidance in case the votes are not there. He commented the applicant needs to file an application and convince the Board why this fits a consumer services use. Ms. McKnight noted a storage facility has been approved for Hillside but has not yet been constructed. She suggested the applicant wait so people can see what it looks like.

7:40 p.m. – Discussion regarding Pediatric Medical Facility Zoning Article – Children’s Hospital.

Robert Smart, representative for the applicant, noted Children’s Hospital wants to put a pediatric facility next to the Trip Advisor building at 380 First Avenue and 37 A Street. There is some parking on site. A pediatric facility is not allowed per the zoning. He has drafted an article and wants input from the Board. He has had conversations with BI Deaconess and they have no issue with Children’s Hospital coming to Needham. This will be a satellite facility. Lisa Haggerty noted a map of the satellite locations in the packet. The hospital has developed a network of satellites to give care close to home. They work with other hospitals and doctors with specialty care and not primary care. They want to shift out of the main hospital to be more convenient to neighborhood locations.

Ms. McKnight clarified the focus is on specialty care and not primary care. Ms. Haggerty stated yes. There are geographical gaps between Waltham and Weymouth. The hospital wants to focus on the surgical specialty side. Ms. McKnight asked if they have any partnerships with community hospitals here. Ms. Haggerty noted Winchester Hospital and she has worked with the Building Inspector in Needham for pediatric issues. The Building Inspector would like more support and collaboration. She noted the hospital would like to set up an innovation and training center in conjunction with BID Needham. The access to the location is excellent. There would be a parking garage built next to the current garage. They will be creating a pediatric ambulatory surgical center with state of the art labs and an education training center with several clinical and therapeutic services such as orthopedic, sports medicine and sub specialties. There will be state of the art operating rooms, pediatric imaging and a lab.

Mr. Jacobs clarified there is no inpatient. Ms. Haggerty noted there will be no beds at this facility. She stated the pediatric ambulatory space is licensed by the Department of Health. There will be medical office space, food service and a small medical device company with crutches, braces and such, who will lease space. The hospital feels a responsibility to the community. The hospital will pay 100% of assessed real estate taxes and will be a hub for clinical research and education. This will create 400 permanent jobs and 225 construction jobs per month. It is non-profit.

Tim Sullivan gave an overview of the zoning. This is 13.5 acres and there is a special permit that has been amended a number of times. He feels this fits within the special permit framework but some of the uses are not allowed. The ambulatory aspect is outside the uses. They are proposing an amendment that would allow pediatric medical facilities. He looked at the medical overlay district. Ms. McKnight asked what age young adults are. Ms. Haggerty stated usually 16 to 22. There are a lot of orthopedic patients who have grown up with issues. The hospital tries to see them through to adult.

It was requested the applicant talk about the pilot payments in Waltham. Ms. Haggerty stated the hospital pays real estate tax. There are tenants and the tax is paid through leases. It was asked if there would be something in writing. Mr. Sullivan noted, if rezoned, a pilot condition would be part of that. It would also be a condition of a special permit. Ms. McKnight noted she would like to learn more about pilot real estate agreements. Mr. Alpert stated the town already has a pilot program from the residences behind the nursing home on Gould Street. Mr. Jacobs knows the applicant met with one of the Selectmen and the Select Board wants to make sure the applicant pays their full share.

Mr. Smart noted hospital use is allowed in the medical overlay. Mr. Jacobs assumes the applicant would like the Planning Board to proceed with this. Mr. Smart would prefer that. He thinks it would be best and most appropriate for this spring with a public hearing in January and February. If going forward, what more information would the Board need? He assumes parking and traffic studies and a fiscal impact study. Mr. Jacobs noted they would need an independent analysis. Ms. McKnight suggested it would be good to have the existing special permit background with them. Ms. Haggerty noted it will be a 24 to 28 month construction schedule. They will do a special permit at the same time as a Determination of Need. Mr. Sullivan stated he would come in right after Town Meeting. Ms.

Haggerty will bring more information on the Determination of Need and zoning impacts. Ms. Newman stated she would be interested in the Lexington zoning and how that was done.

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Mr. Jacobs noted a letter, dated 10/16/19, from Attorney Robert Smart requesting an extension of the action deadline for ANR approval for 766 Chestnut Street.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to extend the action deadline for ANR approval for 766 Chestnut Street to 11/22/19.

Discussion of Fall Special Town Meeting zoning.

Mr. Alpert stated he is comfortable with the presentation. He thinks a slide as a handout that shows items that were raised at the May Town Meeting and actions taken would be very helpful. He felt what the Board gave to the Finance Committee was very good. There should be a handout table and he can do a short summary. Ms. McKnight stated having height and setbacks all on one slide was confusing. The 20 foot setback is her big issue. She does not think it is clear. Mr. Jacobs wanted to talk about John Schneider's comments. He is bewildered by his claim of no criteria. Ms. McKnight noted some of the criteria needs a judgment call by the Building Inspector. It was agreed after discussion not to include limited partnerships and the transfer issue Mr. Schneider was concerned about was not an issue. The Building Inspector and ZBA have authority to ask at least every 3 years for proof of ownership.

Correspondence

Mr. Jacobs noted a letter from Sira Natural stating they would like to come in. Ms. Newman commented they are willing to come in if the Planning Board wants them to. They feel Cambridge is over reacting. Mr. Jacobs stated he would like to see the source documents and Cannabis Control Commissions (CCC) approval. Ms. McKnight agreed.

Mr. Jacobs noted a legal notice from Newton regarding a 10/10/19 meeting; a Town of Dedham Planning Board notice; an email from Don Lankiewicz, Chair of the Historical Commission, noting the Historic Commission has been asked not to endorse the plan for 1479 & 1473 Great Plain Avenue. The Commission will hold a hearing on a demolition delay for 6 months. Mr. Jacobs also noted minutes. Ms. Newman stated the Jack Cogswell building is looking for an occupancy permit. The consolidation plan is not ready yet. She will issue a temporary for 30 days until the consolidation plan is done.

Mr. Jacobs commented he has been by the RTS a couple of times lately. The applicant was going to dig down 6 feet and rip out the weeds. Instead the applicant decided to treat the area. The applicant has dug up the whole thing. Mr. Alpert stated the berm has been totally taken out. The entire berm will have to be redone. Mr. Jacobs suggested the Planning Director go out and look.

Report from Planning Director and Board members.

Ms. Newman gave an update on the traffic study. Ms. McKnight noted she went to the Select Board's hearing on Green Communities. There was some very good information. She asked if this Planning Board would vote to urge the Select Board to seek designation as a green community. It will be put on the 11/6/19 agenda. Mr. Jacobs would like to discuss this.

Minutes

Ms. McKnight noted on the minutes of 5/21/19, page 4, 2nd to last line at the bottom, a question mark is needed; on page 6, 2nd line, add "and"; and put a comma after Hillside School.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to accept the minutes of 5/21/19 with changes discussed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to approve the minutes of 7/30/19.

The Board members passed in changes for the minutes of 8/6/19, 9/3/19 and 9/17/19.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to adjourn the meeting at 9:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Elizabeth Grimes, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

October 28, 2019

The regular meeting of the Planning Board held in the Highland Room, Needham Town Hall, was called to order by Martin Jacobs, Chairman, on Monday, October 28, 2019, at 7:04 p.m. with Mr. Alpert and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Discuss Town Meeting Warrant Articles.

Mr. Jacobs noted this was a meeting prior to the Special Town Meeting. Ms. Newman stated all members have copies of the presentation that Ms. Grimes will be doing. She has also prepared a number of backup slides including all the diagrams from the traffic report and all the work Natasha Espada did with the buildings imposed on it and with streetscapes.

Ms. Grimes stated she has incorporated the comments from Ms. McKnight that were sent earlier. She thinks what she has written is all she needs to say. She stated she will call on the experts to respond to questions. The Board will have to ask the Moderator if he would allow the experts to speak and the Hall will have to consent to that. In her updated presentation she addresses the Finance Committees concern with what they believe was a lack of information and the lack of getting a traffic study and fiscal analysis well in advance. She feels she should address that head on. Ms. Newman stated the study was done in 2015. The Board did not know what the mix would be until after the presentation was done. A build out analysis was done when the rezoning was looked at.

Mr. Jacobs stated the responses are accurate. The Board does not have the money to do a new study with each project and the mix was not finalized until the last few months. He suggested Ms. Grimes might say the Finance Committee received the information late in the process but still had time to review it and comment. Ms. McKnight suggested Ms. Grimes could mention the date the reports were provided. Ms. Grimes noted the 2015 report has been available.

The Board discussed parking information and setbacks. Ms. Newman stated if there are questions about parking Ms. Grimes should talk about the restrictions the Board is putting on the garage and parking. It should be made clear the parking is being treated no differently than any other district. Ms. McKnight clarified the Board had agreed if someone proposes additional relatives for the ADUs they would not object.

The Board went up to Town Meeting at 7:20 p.m. The meeting remains open.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Elizabeth Grimes, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

December 3, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, December 3, 2019, at 7:00 p.m. with Messrs. Owens and Alpert and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee. Ms. Grimes arrived at 7:05 p.m.

Minutes

Ms. McKnight noted on page 3 of the 10/2/19 minutes, paragraph 2 of the Great Plain Avenue discussion, 4th line, there should be an “s” after “Historic Commission.”

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to accept the minutes of the 10/2/19 Planning Board meeting with the one correction.

Ms. Grimes arrived at 7:05 p.m.

Decision: 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), Petitioner, (Property located at 1001 and 1015 Central Avenue, Needham, MA).

Mr. Jacobs noted this was a further amendment to the subdivision plan to get rid of the sidewalks in total. The hearing was closed at the last meeting. George Giunta Jr., representative for the applicant, has reviewed the decision and has no comments or objections. Ms. McKnight noted on the 2nd page, #2, “low lying” should be before “ground cover.” All agreed.

Upon a motion made by Mr. Owens, and seconded by Ms. Grimes, it was by three of the five members present (Mr. Alpert and Mr. Jacobs voted in the negative):

VOTED: to approve the decision with the recommended modification.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by three of the five members present (Mr. Alpert and Mr. Jacobs voted in the negative):

VOTED: to approve the draft decision as written.

Discussion regarding Pediatric Medical Facility Zoning Article – Children’s Hospital.

Mr. Jacobs noted there is draft language in the packet for the proposed amendment. Robert Smart, representative for the applicant, talked with the Planning Director and noted the applicant would like to go forward with a Citizen’s Petition rather than a Planning Board article. This will give him more time to prepare everything. Nothing has been finalized yet. He has a meeting with the Finance Committee on 12/18/19 and wants to get back the parking and traffic analysis.

Mr. Alpert stated he had issues with some of the wording. Both Hospital Pediatrics and Medical Pediatrics have the phrase “children and young adults.” He does not know what a “young adult” is. He wants an age put in so there is no question. He noted 105 CMR 130.700 says a young adult is to age 21. The Board may want to say that. He commented “Residing in communities...” is a lot of words. The Board agreed to end the sentence at young adults. He noted the language under Medical Facility, Pediatric is not tight enough. He feels there could be in-patient facilities with this language. He suggests taking out the word “primarily.” All agreed. Tim Sullivan, of Children’s Hospital, stated some diseases are best treated through adulthood. Those need to be accounted for. He reiterated there is no in-patient at all.

Mr. Alpert noted in (viii) it should be made clear it is out-patient. In the 2nd (viii) it should be “such ancillary uses” and in 3.2.4.2, he would like to see this by Special Permit rather than by right. Ms. McKnight noted she has the same comments as Mr. Alpert. On the 7th line down, she would like “provided on outpatient basis” added after “health care services.” After “retail establishments” she would prefer “like gift shop or coffee shop” added. She agrees with Mr. Alpert that this should be by Special Permit and not by right. She noted the definition of pediatric hospital says not less than 3/4 of their patients. Tim Sullivan noted some patients are treated to and through adulthood.

Mr. Owens noted the required parking noted on page 4 of the Parking Demand Handout should say “Per the Proposed Zoning” in the title. Mr. Sullivan stated what the applicant is proposing is slightly higher than the current. Mr. Jacobs asked how many spaces are needed for the first building and was informed 819. He asked if that is the amount that is available outside the garage that will not be built by then. Mr. Sullivan stated there are 452,000 square feet left on the site. There are 857 spaces to the east of the site, 2,785 left for the west side, 140 go to the hotel and about 950 to Trip Advisor. There are 130 more than the zoning requires. The applicant is not proposing any more spaces. There should be a 925 space garage built with the first building.

Mr. Jacobs asked where the “3/4 of patients are pediatric” number came from. Mr. Sullivan stated it was set high so Children’s Hospital could satisfy that number. Mr. Jacobs noted the “ambulatory and inpatient services” and asked why this is in there as there is no inpatient. Mr. Sullivan stated this needs to be defined for purposes of a pediatric medical facility. This needs to be affiliated with the hospital. Mr. Jacobs stated he agrees this should be by Special Permit.

Mr. Smart described the timeline. He hopes to meet with the Select Board, if possible, by the end of the year. He has a meeting with the Finance Committee set and is hoping to have a traffic report this month. He feels it then might make sense to come back to the Planning Board in January to show what they have.

Discussion of possible zoning articles for Spring Annual Town Meeting.

Mr. Jacobs stated there was a working group meeting for Highway Commercial 1. They tried to find out what the Finance Committee is looking for. He heard several issues – (1) some did not like the Zoning Article on the Fall Town Meeting, (2) the Finance Committee want studies earlier than they received it, (3) possible substantive changes such as reducing the FAR or allowing some residential with the possibility of limiting the number of as of right uses and (4) a presentation change. The Board should explain the current allowed uses and there were complaints about the visuals not being satisfactory. The Select Board would like it to come back in the Spring.

Mr. Grimes stated the biggest take away is the Finance Committee has no understanding of what the Planning Board does during the planning process. She asked the Finance Committee what more they want and did not get an answer. Mr. Owens asked if the Planning Board wants to invite the Finance Committee to a joint meeting. He feels it would be helpful. He felt it was helpful with the Select Board. Mr. Alpert likes the idea. Ms. McKnight likes the idea but it is not the Finance Committees concern with how buildings fit in and zoning. She wants to make their role clear if there is a joint meeting. Mr. Alpert noted the Finance Committees authority is to advise Town Meeting and not just about finances. Mr. Owens agreed.

Mr. Jacobs stated if there was a joint meeting the Board would get an idea from the Finance Committee if it should be put forward. Ms. Grimes stated if the Planning Board wants to take it on again, then they should talk with the Finance Committee. Mr. Jacobs stated he has no problem advancing the article again but not in the same form. He feels it needs substantive changes. Ms. McKnight agrees but with different visuals that would make it clear. She feels the problem was the visuals.

Mr. Alpert stated he has a major concern with the movement in town that there should be no zoning articles in the Fall. He feels if this is not done now then it would be May of 2021. He does not want this parcel sitting there. He feels a vacant lot would be terrible as the gateway to Needham. Ms. Grimes noted the lot can be developed now. There could be warehouses. Mr. Owens feels the Board should go forward and make some adjustments in

scale to make it different enough. Ms. Grimes would not bring it back. She does not feel bringing it down in scale would make a difference. Mr. Jacobs noted 4 of the 5 members are willing to go ahead with a scaled down version. He would want to know that the Select Board and Finance Committee are in support. Ms. Newman would like to get a hearing done in February. Mr. Owens suggested inviting the Finance Committee to the 1/7/20 meeting.

Mr. Jacobs noted 3 car garages and said Jon Schneider asked for this a year ago. Ms. McKnight stated she wrote up some circumstances where a 3 car garage would be allowed as of right in October. Her concerns were 3 car garages facing the public way. On the side of the house or on corner lots are ok. The general question is if this should go forward to the Spring Town Meeting. Ms. McKnight and Ms. Newman would like to go forward and will work together on the language. Mr. Owens stated he has no problem with 3 car garages. He would not go forward with Customary Home Occupation, Review of Section 1.4.8 of the Zoning By-Law or Short Term Rentals without preparing the ground for a year. He does not feel the Board has prepared enough.

Mr. Alpert is ambivalent about 3 car garages. He does not want to have a lot of Articles in front of Town Meeting. This was brought by the Zoning Board of Appeal but then they seemed to have dropped it. There will already be Children's Hospital and maybe Highway Commercial 1. Mr. Jacobs asked about the Review of Section 1.4.8 of the By-Law. Ms. Newman suggested clarification of the By-Law. A discussion ensued.

Ms. Newman stated Town Counsel should put a formal opinion in writing for 260 Washington Street. She noted Town Counsel would not let the Planning Board use Special Counsel for a 2nd opinion and has gone on record with the landowner on Wellesley Avenue that the Planning Board is wrong. She stated Town Counsel Tobin's interpretation was not what was intended by the By-Law. Ms. Newman will ask Building Inspector David Roche how urgent 3 car garages is. After discussion it was decided if the Zoning Board of Appeals feels it is important it would go forward.

Correspondence

Mr. Jacobs noted an email from George Giunta Jr., dated 11/25/19, regarding Hunting Road. Ms. Newman stated this is on the next agenda. Mr. Jacobs noted google earth pictures in the packet. This is an ANR off Chestnut Street. Ms. Newman stated there will be a solution. The owner will come in with a subdivision road and will do a residential compound. The parcel will get developed at less density and the open space remains at the end. The property owner still wants approval for an ANR. Ms. Newman wanted to inform the Board what is happening. The owner needs another ANR and would not have frontage on Chestnut Street.

Ms. Grimes commented the Fire Department can get in off Chestnut Street if needed. Mr. Alpert feels an ANR can be done but he does not necessarily want to go against the Fire Chief. Ms. Newman told the owner he needed subdivision approval but he still wants to come in and talk to the Board. Ms. McKnight feels changes should be made through subdivision approval and not ANR. The Board could waive most but she feels it should proceed this way.

Upon a motion made by Mr. Alpert, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 8:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460



January 15, 2020

Selectboard of Southborough
17 Common Street
Southborough, MA, 01772

Southborough Planning Board
17 Common Street
Southborough, MA, 01772

Dear Board Members:

The Littleton Board of Selectmen, Planning Board, and Affordable Housing Trust offer a counterpoint to Needham's letter of October 22, 2019 regarding House Bill 3507 – Governor Baker's "Housing Choices Initiative".

The Littleton Board of Selectmen and Planning Board sent the attached letter to our legislative delegation. We encourage all to join the conversation.

If you have any questions or need additional information, please contact Town Planner Maren Toohill or Town Administrator Nina Nazarian.

Sincerely,

Maren A. Toohill, AICP
Littleton Town Planner



TOWN OF LITTLETON

OFFICE OF THE BOARD OF SELECTMEN

37 SHATTUCK STREET, P.O. BOX 1305
LITTLETON, MASSACHUSETTS 01460
(978) 540-2460

January 13, 2020

Governor Charles D. Baker
State House, Room 280
Boston, MA 02133

Senator James B. Eldridge
State House, Room 320
Boston, MA 02133

Representative James Arciero
State House, Room 277
Boston, MA 02133

Re: Counterpoint to the Town of Needham's letter of October 2019 on House Bill No. 3507

Littleton would like to offer a counterpoint to the Needham letter of October 2019 regarding House Bill 3507 – Governor Baker's "Housing Choices Initiative".

The Town of Littleton has also been following the progress of Governor Baker's "Housing Choice Initiative", including House bill 3507. Increased availability of housing options and affordability of housing in Massachusetts, and in Littleton are important goals. The draft bill eliminates the longstanding requirement of a two-thirds local legislative majority to amend city or Town zoning. Massachusetts is the ONLY state in New England to require this challenging supermajority vote, and one of only a handful nationwide.

Littleton has successfully and in good faith worked within the existing structure to achieve well over ten percent housing goal established under MGL Chapter 40B, yet we have not yet met all the local housing needs for Affordable housing. Our seniors, veterans, and young adults cannot find housing in Town, even though Littleton has reached 13.01 % on our Subsidized Housing Inventory.

In November 2017, the Town of Littleton updated its Master Plan and to ensure equitable development in its community Littleton must provide opportunities for residents of all ages, backgrounds and incomes to have suitable, good quality housing. To achieve this Littleton must maintain a diverse mix of housing options so that existing residents are not "priced out" as the Town continues to grow and its housing increases in value.

According to its Housing Production Plan, Littleton's housing stock is out of balance and currently our community offers very few housing choices outside of traditional single-family units. 88% of Littleton's Housing stock consists of single-family units while only 12% of its

housing stock consists of multi-unit dwellings. Age Groups 24-34 and 60+ are mostly affected by the lack of housing options in Littleton and as a result Littleton's population of ages 24-34 is below the state average while over 30% of its population is over the age of 60.

Littleton's unbalanced housing stock is also affecting its ability to attract and retain employees in the areas of emergency response, education, infrastructure, hospitality, utilities and repair. "Millennials" are expected to overtake Boomers in population in 2030 as their numbers swell to 73 million and Boomers decline to 72 million. Ages 24-34 are seen as essential for urban prosperity and while cultural amenities are an important selling point, one the biggest obstacles to attracting and retaining young adults in the community of Littleton is affordable housing.

Littleton's large stock of single-family homes currently owned by senior citizens represents a potential opportunity to attract young adults and families to our community. However, making this transition requires that seniors have attractive, affordable alternatives to their current housing and young adults have that same opportunity so they can remain or move to Littleton. Simply stated, a variety of housing types in Littleton is needed for people trying to build a life as an adult as well as people trying to preserve the life they have built.

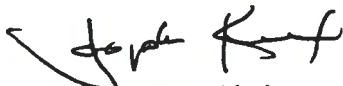
Littleton Board of Selectmen and Planning Board have each voted to oppose Needham's suggestion that a municipality should hold a different status in the affordable housing discussion based on whether or not we have reached the 10% minimum planning threshold on our Subsidized Housing Inventory. The Littleton Affordable Housing Trust also had concerns with the Needham's suggestion. There should be a level playing field so all cities and Town can address the current housing crisis on equal footing.

In addition, the Planning Board and Affordable Housing Trust voted unanimously to support HB 3507 with no amendments.

Littleton urges continued discussions of how to break the housing crisis and provide more affordable housing – both additional housing units and homes that are affordable to more residents.

Sincerely,

LITTLETON BOARD OF SELECTMEN



Joseph Knox, Chair

LITTLETON PLANNING BOARD



Anna Hueston, Acting Chair

Cc: Town of Needham Board of Selectmen and Planning Board



TOWN OF NEEDHAM

TOWN HALL
Needham, MA 02492-2669

Office of the
SELECT BOARD

TEL: (781) 455-7500
FAX: (781) 449-4569

October 3, 2019

Representative Denise Garlick
State House Room 238
Boston, MA 02133

Senator Michael Rush
State House Room 109C
Boston, MA 02133

Senator Becca Rausch
State House Room 218
Boston, MA 02133

RE: House Bill 3507

Dear Representative Garlick, Senator Rush and Senator Rausch:

The Select Board and Planning Board are writing to provide further comment on House Bill 3507 – Governor Baker's "Housing Choice Initiative."

Increased availability and affordability of housing in Massachusetts are important goals. However, we believe that the longstanding requirement of a two-thirds local legislative majority to amend city or town zoning is important to sound and community-supported municipal land use planning. That requirement should only be restricted as minimally necessary to advance the housing policy goals of H3507.

To that end, our boards recommend that the current provisions of the bill, which would change the quantum of vote required to approve housing-related zoning amendments and special permits to a simple majority, be amended to provide that such lesser majority provisions only apply in municipalities which have not achieved a countable Subsidized Housing Inventory (SHI) percentage of ten percent or more.

Many communities, including Needham and others, have successfully and in good faith worked within the existing structure to achieve the ten percent state policy goal established under MGL Chapter 40B, and continue to encourage the development of appropriate affordable housing units. This approach would allow them to maintain the benefit of what we believe are the proven benefits of the two-thirds majority rule. At the same time, it would incentivize municipalities which have not achieved ten percent SHI

to move forward on these issues and help remove excessive barriers to moderate income and affordable housing in communities across Massachusetts.

Thank you for your consideration of this matter. If you have any questions or need additional information, please contact Kate Fitzpatrick, Town Manager.

Sincerely,

NEEDHAM PLANNING BOARD



Martin Jacobs, Chair

~~SELECT BOARD OF NEEDHAM~~



John Bulian, Chair



Needham officials warn of Amazon distribution center if zoning plans founder

By Trevor Ballantyne

Staff writer

@NeedhamTimes

Posted Jan 28, 2020 at 7:01 PM

Updated Jan 28, 2020 at 7:25 PM

Over 150 residents and town officials packed the Broadmeadow School auditorium Monday night to join a community discussion on zoning changes for the area where Muzi Ford and WCVB-TV are located.

Last October, Town Meeting members rejected warrant articles proposing a similar zoning overhaul for the area. The meeting Monday night came as the Planning Board prepares to repackage the proposal ahead of annual Town Meeting in April.

"It failed in the fall because there was opposition," resident Artie Crocker said after stepping to the microphone. "That is why we are here."

One-by-one, Crocker and more than a dozen other residents rose to speak and returned to their seats to a round of applause. They cited concerns around over-development and traffic congestion. They lobbied for more environmental components. Some suggested more green space or residential units for seniors be included in plans and took issue with outcomes from potential commercial and retail zoning uses - located next to Route 128, the part of town is seen by many as Needham's gateway.

There was also push-back to a presentation made by town officials to begin the meeting. In it, Select Board member Marianne Cooley and Planning Board member Ted Owens asked residents to consider the proposed zoning uses compared to what could be built there under current bylaws.

Specifically, they said, an Amazon distribution center could move to the area.

"The last thing we want to do is do something out of fear," Crocker said.

Ben Daniels, who lives directly across from the Muzi dealership, added to the sentiment.

"I have been involved with manufacturing and involved with distribution - [the lot] is way too small for Amazon," he said. "I do not share the fears of what you say could come there because I do not believe any of them are economically viable."

Crocker and Daniels were among residents at the meeting who questioned the timing and apparent urgency of the zoning plans. Some pointed out updating the zoning uses for the Muzi parcel would make the plot more valuable to its owners.

"It's not our job to maximize whatever is there to the benefit of the current owners and to the detriment of the neighbors across the street," Crocker said.

Another resident, who did not identify himself, asked Owens directly if there have been any discussions with Muzi Ford.

In response, Owens said "no" and distanced the zoning change from the property owner.

"I don't know anything about the plans of the property owner," he said. "And none of this has anything to do with the plans of the property owner."

But some local officials in Needham have spoken to the owners of the Muzi dealership and are well aware of their plans.

In October of last year, Select Board member Dan Matthews was quoted in the Needham Times after discussing the previous Muzi zoning proposal with members of the Finance Committee.

"As far as we know, there is no specific plan for development, but we do know that although the Muzi business is doing really well, the family has reached a point -- they have told us -- that they want to exit the business," Matthews said.

Reached for comment Tuesday, Select Board chair John Bulian said that while he has not had any contact with the Muzi family, others on his board have.

"There are members of my board that have spoken with members of the Muzi family," Bulian said, before noting that local officials in Needham are often in contact with property owners before development plans are made public.

"There can be back channel communications expressing an interest in an exit," Bulian said.

Calls placed to ownership at Muzi Ford were not returned by press time.

Adding to the urgency from the potential property sale, town officials say the zoning update for the Muzi area is needed to boost commercial tax revenues and maintain control over future development there.

"The notion that developers walk in regularly to sites where they know they are going to have to figure out how to create zoning - the answer is they are more inclined to go the path of least resistance," Cooley said Monday night.

"It would be more than likely in this case that we would see by right development that would occur," she added. "So, it is a question of compared to what?"

One of the last residents to speak at the meeting, Barry Pollack, answered Cooley's question with another.

"How do we want to define our town? Pollack said. "If we are going to define a new zone, and Town Meeting is going to pass it, let's put more thought into how we are going to define Needham."