

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

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2020 APR 29 AM 9:48

E-Mail
April 27, 2020

Tedi Eaton, Town Clerk
Town Hall
1471 Highland Avenue
Needham, MA 02492

Re: Heather Lane Subdivision

Dear Tedi:

This letter is a Notice of Submission of a Definitive Subdivision Plan, pursuant to Massachusetts General Laws Chapter 41, Section 81T.

The Plan was submitted on April 27, 2020 to the Planning Board. The owners of the land to be subdivided are William John Piersiak, William J. Piersiak, Trustee of the 768B Chestnut Street Realty Trust, Evelyn Soule Maloomian, and Koby Kempel, Manager of 766 Chestnut LLC.

A copy of the Application for Approval of a Definitive Subdivision Plan, which has attached to it a sheet detailing the owners and addresses of the properties within the proposed subdivision, and a description of the land which proposed to be subdivided, are enclosed.

Very truly yours,



Robert T. Smart, Jr.

Cc: William Piersiak
Needham Planning Board

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

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2020 APR 29 AM 9:48

By E-Mail and Mail
April 27, 2020

Lee Newman
Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: Heather Lane Subdivision

Dear Lee:

In connection with the Heather Lane Subdivision, please find enclosed:

1. Application for Approval of a Definitive Subdivision Plan.
2. Letter from Evelyn Soule Maloomian, dated March 11, 2020.
3. Letter from Koby Kempel, dated March 18, 2020).
4. Plan entitled "Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A, & 768B Chestnut Street, Needham, MA", prepared by Kelly Engineering Group, Inc., dated March 3, 2020, including Sheets 1, 2, 3A, 3B, 3C, 4A, 4B, 4C, 5, 6, 7, 8 and 9 (1 full size, 1 reduced size).
5. Stormwater Management Report 03/03/20, Heather Lane 764, 766, 768-768A, & 768B Chestnut St. Needham, MA, by Kelly Engineering Group.
6. Legal Description of the Boundaries of the Land to Be Subdivided.
7. Lists of Dedham, Westwood, and Dover abutters.
8. Copies of April 27, 2020 letters from Robert T. Smart, Jr., Esq. to the Needham Town Clerk, and to the Needham Board of Health.
9. List of requested waivers.
10. Letter from Robert T. Smart, Jr., Esq., dated April 27, 2020, with legal analysis.

11. Draft Declaration of Trust, Heather Lane Homeowners Association.
12. Draft Declaration of Restrictive Covenants.
13. Draft Subdivision Covenant.
14. Draft Grant of Utility Easement.
15. Draft Grant of Drainage Easement.

A check for the filing fee, in the amount of \$2,000.00, is being delivered, with a cover letter, to the drop box of the Public Services Administration Building.

Legal notice bills can come to me, at 399 Chestnut Street, Needham, MA 02492 (781-444-9344).

Please let me know whether any additional materials are needed for the filing. Please also confirm the hearing will be scheduled for June 16, 2020.

Very truly yours,



Robert T. Smart, Jr.

Cc: William Piersiak
Koby Kempel
Alexandra Clee
Tedi Eaton



PLANNING

**TOWN OF NEEDHAM, MA
PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2020 APR 29 AM 9:48

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

**APPLICATION FOR APPROVAL
OF A DEFINITIVE SUBDIVISION PLAN**

Date: April 27 20 20

The undersigned, on behalf of William John Piersiak et als (see Attached Sheet) (owner's name or self) of
764, 766, 768, 768A, 768B Chestnut Street (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) _____
(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)

William John Piersiak (owners)

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.
By _____ 20 _____

ATTACHMENT TO APPLICATION FOR APPROVAL
OF A DEFINITIVE SUBDIVISION PLAN

Owners	Property Addresses	Book and Page
William John Piersiak	768-768A Chestnut St (Lot 4A 8/22/00 Cheney Eng Plan, Plan 511 of 2000 Book 478)	36756/532
William J. Piersiak, Trustee Of The 768B Chestnut Street Realty Trust	768B Chestnut Street (Parcel A and Lot 1 8/22/00 Cheney Eng. Plan)	26628/469
Evelyn Soule Maloomian	764 Chestnut Street Matthews Plan No. 589 of 1940, recorded in Book 2997, Page 501	9928/146
Koby Kempel, Manager 766 Chestnut LLC	766 Chestnut Street Lot G1, Giunta plan 4/7/82 Plan No. 712, Plan Bk 298	36038/67

Evelyn Soule Maloomian
32284 Lakeshore Drive
Tavares, FL 32778

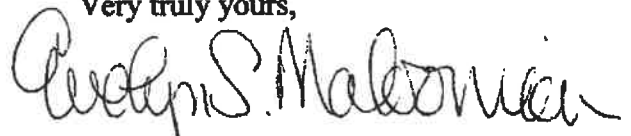
MARCH 11 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Dear Sir/Madam:

I own property at 764 Chestnut Street, Needham, and have an agreement to sell it to William John Piersiak. I hereby authorize Mr. Piersiak to file a subdivision application which includes my property..

Very truly yours,

A handwritten signature in cursive script, reading "Evelyn S. Maloomian".

Evelyn Soule Maloomian

Koby Kempel
766 Chestnut LLC
766 Chestnut Street
Needham, MA 02492

March 18, 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Dear Sir/Madam:

As the Owner, Manager and authorized agent of 766 Chestnut LLC, which holds title to the property located at 766 Chestnut Street, Needham, I hereby authorize William John Piersiak to file a subdivision application on my behalf, which includes my property.

Respectfully,

A handwritten signature in black ink, appearing to read 'K. Kempel', written in a cursive style.

Koby Kempel, Manager
766 Chestnut LLC

Legal Description

Proposed Heather Lane Subdivision

That certain parcel of land located on the easterly side of Chestnut Street in Needham, Norfolk County, Massachusetts.

Beginning at a point on the easterly side of Chestnut Street, at the northwesterly corner of the herein described premises, thence;

Running S36° 23' 52"E a distance of 38.05' to a point;

Thence turning and running S 87° 02' 45"E a distance of 703.32' to a point;

Thence turning and running N82° 55' 00"E a distance of 428.45' to a point;

Thence turning and running S19° 23' 30"E a distance of 230.30' to a point;

Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River;

Thence turning and running southerly and westerly by the Charles River a distance of 1,564', more or less, to a point;

Thence turning and running N14° 09' 11"E a distance of 679.53' to a point;

Thence running along a curve to the right having a radius of 1,917.51' and an arc length of 144.78' to a point;

Thence running along a curve to the left having a radius of 115.80' and an arc length of 49.25' to a point;

Thence turning and running N73° 13' 00"W a distance of 42.86' to a point;

Thence running along a curve to the right having a radius of 192.40' and an arc length of 59.52' to a point;

Thence turning and running N55° 29' 32"W a distance of 100.92' to a point;

Thence running along a curve to the left having a radius of 276.96' and an arc length of 62.36' to a point;

Thence running along a curve to the left having a radius of 720.00' and an arc length of 92.46' to a point;

Thence turning and running N75° 45' 00"W a distance of 85.00' to a point on the easterly side of Chestnut Street;

Thence turning and running by the easterly side of Chestnut Street N14° 15' 00"E a distance of 150.00' to the point and place of beginning.

The described area contains 26.904 acres, more or less.



Robert Smart <bob@robertsmart.net>

Re: Piersiak

1 message

Robert Smart <bob@robertsmart.net>
To: Lee Newman <LNewman@needhamma.gov>

Mon, Mar 23, 2020 at 5:03 PM

will do

Robert T. Smart, Jr., Esq.
399 Chestnut Street
Needham, MA 02492
T 781-444-9344
FX 781-449-0242
bob@robertsmart.net

Dover, Westwood
and Dedham Abutters

On Mon, Mar 23, 2020 at 4:25 PM Lee Newman <LNewman@needhamma.gov> wrote:
Bob,

This looks fine. Please include these emails as part of your formal filing.

Lee

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Robert Smart <bob@robertsmart.net>
Sent: Monday, March 23, 2020 3:27:23 PM
To: Lee Newman <LNewman@needhamma.gov>
Subject: Piersiak

Lee: attached are the abutter lists from the three adjacent communities.

Dover (2): 770 Chestnut Street LLC, and Burhoe

Westwood (1): Gay, Trustees

Dedham (2): Gay, Anderson and Cabot

Is this email sufficient to provide you the abutter lists?

Bob

Robert T. Smart, Jr., Esq.
399 Chestnut Street
Needham, MA 02492
T 781-444-9344
FX 781-449-0242
bob@robertsmart.net



OFFICE OF
BOARD OF ASSESSORS
P.O. BOX 250
DOVER, MASSACHUSETTS 02030-0250
508-785-0032 EXT. 241

March 18, 2020

Robert T Smart, Jr., Esq.
Attorney at Law
399 Chestnut Street
Needham, MA 02492

Re: Certified List of Dover Direct Abutters to 768-768A-768B Chestnut Street,
Needham, MA Property Line.

Dear Mr. Smart:

Listed below are the Dover abutters to the property located at 768-768A-768B Chestnut Street, Needham, MA. This certification represents direct abutters to the property line, including those across a traveled way or across a body of water, according to our most recent tax list.

*08-004 (Lot D, Dedham Street)
Harley Lank & Audra Lank, Trustees
Chestnut Nominee Trust
5 Willow Road
Weston, MA 02493

08-005
William S. Burhoe
344 Dedham Street
Dover, MA 02030

**Conveyed July 12, 2019 to 770 Chestnut Street LLC, c/o The Shoreline Corp., 130
Prospect Street, Cambridge, MA 02139.*

Respectfully,

A handwritten signature in black ink, appearing to read "Kristin Abraham", is written over a horizontal line.

Kristin Abraham
Assessor Clerk



Robert Smart <bob@robertsmart.net>

RE: certified abutters list

1 message

Janice Barba <jbarba@townhall.westwood.ma.us>
To: Robert Smart <bob@robertsmart.net>

Tue, Mar 10, 2020 at 10:25 AM

Sir – the direct abutter is:

THE 235 WESTFIELD STREET REALTY TRUST
PAUL G & CAROLINE W GAY TRUSTEES
235 WESTFIELD ST
WESTWOOD, MA 02090

Best,

Janice Barba, Administrative Assistant*Assessor's Office*

580 High Street, Westwood, MA 02090

781 326-1904

From: Robert Smart [mailto:bob@robertsmart.net]
Sent: Tuesday, March 10, 2020 10:01 AM
To: Janice Barba
Subject: Re: certified abutters list

Ms. Barba: we need only the direct abutter(s) to the Needham parcel, not abutters to the abutter(s) on the Westfield side.
Could you send a revised list? Bob

Robert T. Smart, Jr., Esq.

399 Chestnut Street

Needham, MA 02492

T 781-444-9344

FX 781-449-0242

bob@robertsmart.net

On Mon, Mar 9, 2020 at 4:13 PM Janice Barba <jbarba@townhall.westwood.ma.us> wrote:

Mr. Smart – please see attached.

Best,

Janice Barba, Administrative Assistant

Assessor's Office

580 High Street, Westwood, MA 02090

781 326-1904

From: Robert Smart [mailto:bob@robertsmart.net]

Sent: Monday, March 09, 2020 2:57 PM

To: assessors@townhall.westwood.ma.us

Subject: certified abutters list

Please see my letter and request for certified abutters list, attached. If there are questions, please call.

Robert T. Smart, Jr., Esq.

399 Chestnut Street

Needham, MA 02492

T 781-444-9344

FX 781-449-0242

bob@robertsmart.net

The Attorney General has determined that email correspondences are public records unless the content of the email falls with one of the stated exemptions under the Public Records Laws

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1 message

Tue, Mar 10, 2020 at 9:25 AM

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3/10/2020

Robert T. Smart Jr., Esq Mail - FW: Abutters List Dedham - 768-768A - B CHESTNUT ST NEEDHAM

Robert T. Smart, Jr., Esq.

399 Chestnut Street

Needham, MA 02492

T 781-444-9344

FX 781-449-0242

bob@robertsmart.net

 map43-1.pdf
265K

43-1
999 Country Club
RD.

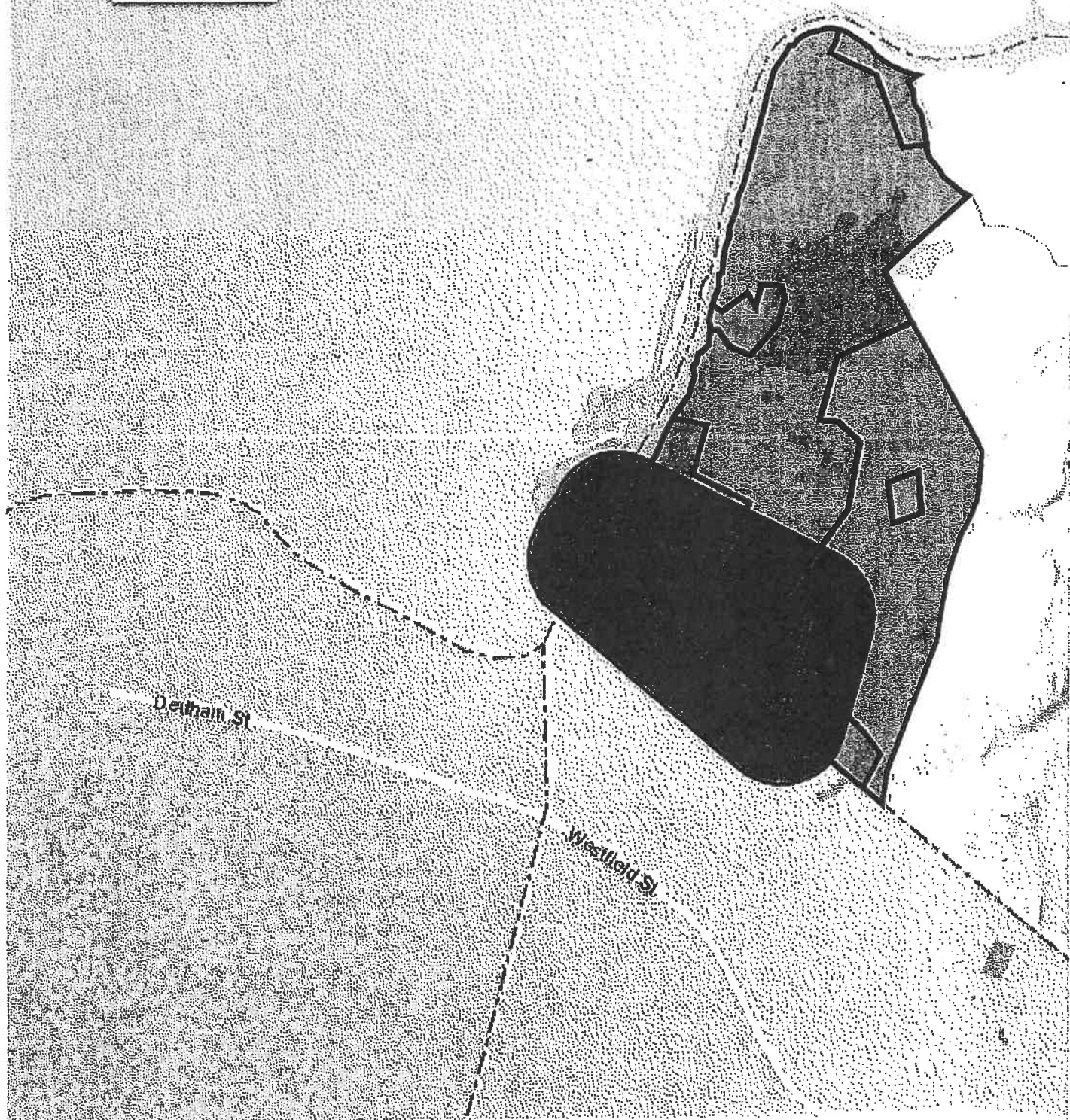
43-1
235 WESTFIELD ST RLTY TR THE
GAY PAUL G & CAROLINE W TRS
235 WESTFIELD ST
NEEDHAM MA 02462-2733

43-2B
ANDERSON EDWARD T ETUX
CABOT LINDA N TE
185 WESTFIELD ST
WESTWOOD MA 02090

43-2
ANDERSON EDWARD T ETUX
CABOT LINDA N TE
185 WESTFIELD ST
WESTWOOD MA 02090



Public Notification...



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 Delivery and Email
April 27, 2020

Needham Board of Health
Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494

Re: Heather Lane Subdivision

Dear Members of the Board:

Enclosed, pursuant to Massachusetts General Laws Chapter 41, Section 81U, please find one copy of each of the following:

1. Application for Approval of a Definitive Subdivision Plan.
2. Plans titled "Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A, & 768B Chestnut Street, Needham, MA".

By statute, your report to the Planning Board is due within 45 days hereof. It is requested that you submit your report earlier, so that the Planning Board can consider it at said Board's public hearing, scheduled for June 16, 2020.

Very truly yours,



Robert T. Smart, Jr.

Cc: William Piersiak
Needham Planning Board

Definitive Subdivision

The following is a list of waivers from the Town of Needham Subdivision Regulations.

1. Section 3.3.1 – Right of Way Width

40' wide right of way instead of 50'

2. Section 3.3.1 – Pavement Width

20' wide pavement instead of 24'

3. Section 3.3.1 - Max slope of 1% at 25' intersection

2.6% instead of 1%

4. Section 3.3.3 - 20' radii at intersection

Southerly radii is existing non-conforming and restricted within abutting property.

5. Section 3.3.6 – Curbing

Cape cod berm at catch basin inlets instead of granite or reinforced concrete. This waiver is requested because the curbing of the streets cannot transition from cape cod berm to concrete curb

6. Section 3.3.16 – Sidewalks

No sidewalk rather than one sidewalk

7. Section 3.3.16 – Standard Cross Section

Street cross-section as shown on the plans. No sidewalk and 20' wide pavement rather than one sidewalk and 24' wide pavement.

And waivers of such other sections of the Needham Subdivision Regulations as may be required.

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

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

By E-Mail and Mail

April 27, 2020

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: Heather Lane Subdivision

Dear Members of the Board:

This letter is filed in support of an Application for Approval of a Definitive Subdivision Plan, for the properties at 764, 766, 768-768A, and 768B Chestnut Street, which properties have, in total, 26.904 acres of land. The subdivision property is located within the Rural Residence-Conservation (RRC) District. The owners of these several properties, listed on the sheet attached hereto, have joined in the application. The proposed subdivision will have 6 lots.

Currently, the land to be subdivided is in multiple ownerships, and there are several buildings on the land. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the Subdivision Plan.

A set of plans has been submitted with the Application. They are titled "Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A, & 768B Chestnut Street, Needham, MA", prepared by Kelly Engineering Group, Inc., dated March 3, 2020, including Sheets 1, 2, 3A, 3B, 3C, 4A, 4B, 4C, 5, 6, 7, 8 and 9.

Lot 4 of the Heather Lane subdivision is intended to itself be subdivided into five Residential Compound lots, which will have access and frontage via a private way called Heather Lane Extension. Lot 4 is the subject property for two related applications, also filed today: (1) an Application for Special Permit for Residential Compound, and (2) an Application for Approval of a Definitive Subdivision Plan.

It is requested that the Board consider and hear all these applications together, and then vote them separately.

Each of the six lots in the proposed subdivision will have more than the required 150 feet of frontage on Heather Lane, a 40-foot wide private way. Each lot will have more than the

required one acre of land. Most of the requirements in Needham's Subdivision Rules and Regulations will be met.

Seven waivers are requested:

1. Section 3.3.1 – Right of Way Width (40' rather than 50' is requested)
2. Section 3.3.1 – Pavement Width (20' rather than 24')
3. Section 3.3.1 – Slope (2.6% rather than 1.0%)
4. Section 3.3.3 – 28' Radii at Intersection (Existing non-conforming, and located on abutting property not controlled by the Applicants)
5. Section 3.3.6 – Curbing (Cape cod berm rather than granite or reinforced concrete at catch basin inlets, due to transition issues)
6. Section 3.3.16 – Sidewalk (No sidewalk rather than sidewalk on one side).
7. Section 3.3.16 – Standard Cross Section (Street cross-section as shown on the plans. No sidewalk and 20' wide pavement rather than one sidewalk and 24' wide pavement.

The requested waivers are justified. Waivers 1, 2, 6 and 7 were granted in connection with both the Riverbend Lane Subdivision (11/13/07 Decision) and the Riverview Estates/Burr Drive Subdivision (6/16/98 Decision). The other three waivers are sensible for engineering reasons and, as to #5, as a pre-existing condition over which the Applicants have no control.

The owners of the proposed subdivision lots will be required to join the Heather Lane Association, which will become the owner of Heather Lane, and will be obligated to maintain and repair as necessary the road, utilities, and drainage system shown on the subdivision plan.

Although Heather Lane will be and remain a private way, the Town of Needham will have the right to enter upon Heather Lane for all appropriate purposes for which public ways are used in the Town of Needham. The restrictions and covenants set forth in the Declaration of Restrictive Covenants, filed herewith, will run with the land and be enforceable by the Town of Needham.

It is requested that the proposed subdivision plan be approved.

Very truly yours,

A handwritten signature in dark ink, appearing to read "RtS", is positioned below the closing phrase.

Robert T. Smart, Jr.

Cc: William Piersiak
Koby Kempel

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 delivery
April 27, 2020

Lee Newman
Drop Box
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: Heather Lane Subdivision

Dear Lee:

In connection with the Heather Lane Subdivision, please find enclosed a check in the amount of \$2,000.00, for the filing fee.

Very truly yours,



Robert T. Smart, Jr.

Cc: Alexandra Clee
Tedi Eaton
William Piersiak
Koby Kempel