

NEEDHAM PLANNING BOARD

Tuesday July 21, 2020

7:15 p.m.

Virtual Meeting using Zoom

Meeting ID: **826-5899-3198**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **826-5899-3198**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **826-5899-3198**

1. Request to authorize Planning Director to authorize Phase I Occupancy Permit: Major Project Site Plan Special Permit No. 2018-03: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner. (Property located at 88 and 66 Chestnut, 89 School, 43 Lincoln Street, Needham, Massachusetts), regarding Police & Fire Headquarters.
2. ANR Plan – Christ Church of Needham, Petitioner, (Property located at 1132 Highland Avenue, Needham, MA).
3. Decision: Amendment to Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 180 Country Way, Needham, Massachusetts, Petitioner, (Property located at 225 Highland Avenue, Needham, Massachusetts).
4. Public Hearing:
 - 7:30 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). *Please note this is a re-noticed hearing that began on February 4, 2020.*
 - 8:00 p.m. Heather Lane Definitive Subdivision: William John Piersiak, William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, Evelyn Soule Maloomian, and Koby Kemple, Manager of the 766 Chestnut LLC, Petitioners, (Property located at 764, 766, 768-768A, and 768B Chestnut Street, Needham, Norfolk County, Massachusetts). *Please note: this hearing is continued from the June 16, 2020 Planning Board meeting.*

Heather Lane Extension Definitive Subdivision and Residential Compound: William John Piersiak, Petitioner, (Property located at 768-768A Chestnut Street, Needham, Norfolk County, Massachusetts). *Please note: this hearing is continued from the June 16, 2020 Planning Board meeting.*
5. Minutes.
6. Correspondence.
7. Report from Planning Director and Board members.

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



**Building Design and Construction
Permanent Public Building Committee
Town of Needham**

500 Dedham Avenue
Needham, MA 02492
T – 781-455-7550
F – 781-453-2510

TO: Ms. Lee Newman, Director, Needham Planning Department
Cc: Planning Board, Alex Clee, Ken Sargent, Mike Retzky
FROM: Steven Popper, Director BD&C
DATE: July 10, 2020
SUBJECT: Public Safety – HQ Phase 1 Occupancy
SPMP No. 2018-03
88 Chestnut Street

The project is anticipating filing for a Temporary Certificate of Occupancy to be issued for the newly constructed Phase 1 (NFD) portion of Public Safety HQ to be completed in August. The completion of this Phase will allow for the movement of NFD to the new facility and demolition of the existing Public Safety to permit commencement of construction for Phase 2 of the project.

We respectfully request that the Planning Board grant permission to the Planning Director to issue the necessary instruction to the Building Department upon receipt of the required documentation for said occupancy.

cc. Alex Clee
Ken Sargent
Chris Heep
Stuart Chandler
Dennis Condon

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 Christ Church of Needham
Address PO Box 920372, Needham, MA
2. Name of Engineer or Surveyor VTP Associates, Inc.
Address 312 Adams Street, Second Floor Suite 3, Watertown, MA 02458
3. Deed of property recorded in Norfolk Registry,
Book 2140 Page 51 and Book 25271 Page 431
4. Location and description of property 1132 Highland Ave, at the corner of Highland and Rosemary
where the Church is located, and the adjacent parcel, 61 Rosemary Street, which is a vacant lot
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 Christ Church
Address 1132 Highland Avenue
By Jeffrey Murphy, Warden (agent)

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

By _____

MIDDLESEX COUNTY REGISTRY OF DEEDS

PLAN REFERENCE
BOOK 1879 PAGE 72
BOOK 1282 PAGE 79
BOOK 5158 PAGE 475, PLAN #593 OF 1976
PLAN BOOK 65 PLAN #3104

DEED REFERENCE #1132 HIGHLAND AVENUE
BOOK 2140 PAGE 51
BOOK 1886 PAGE 209

OWNER OF RECORD
CHRIST CHURCH OF NEEDHAM

DEED REFERENCE #65 ROASEMARY STREET
BOOK 3355 PAGE 351

OWNER OF RECORD
CHRIST CHURCH OF NEEDHAM

DEED REFERENCE #61 ROASEMARY STREET
BOOK 25271 PAGE 431

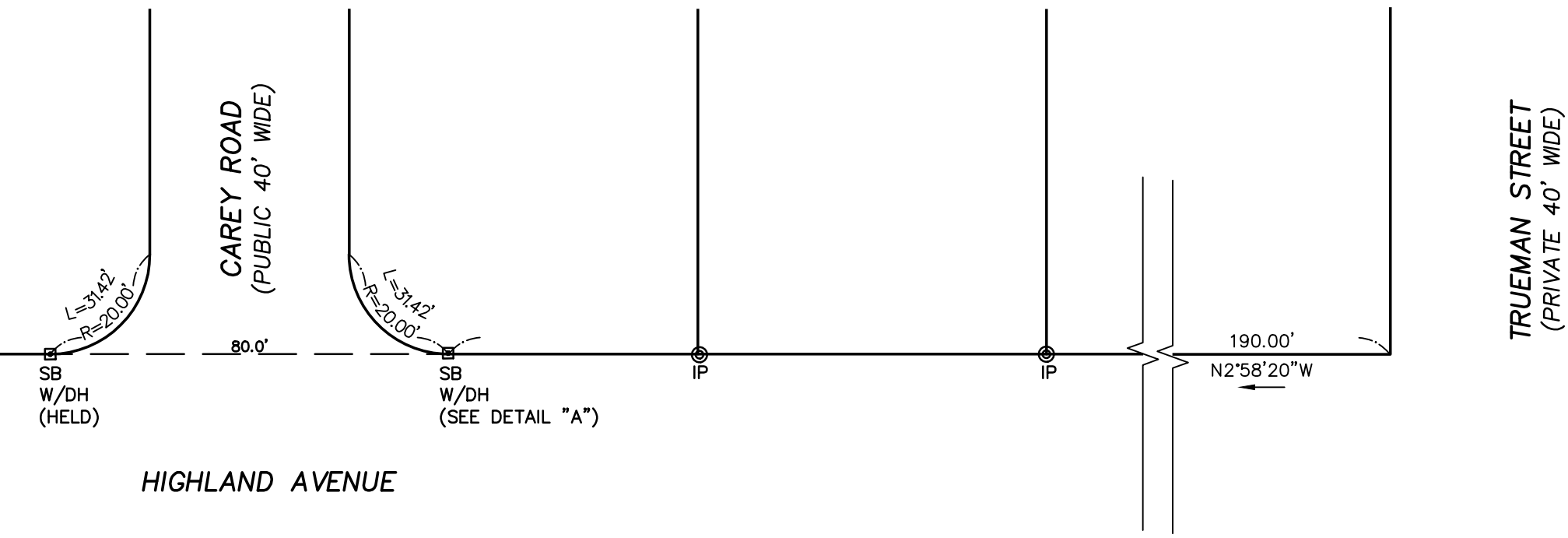
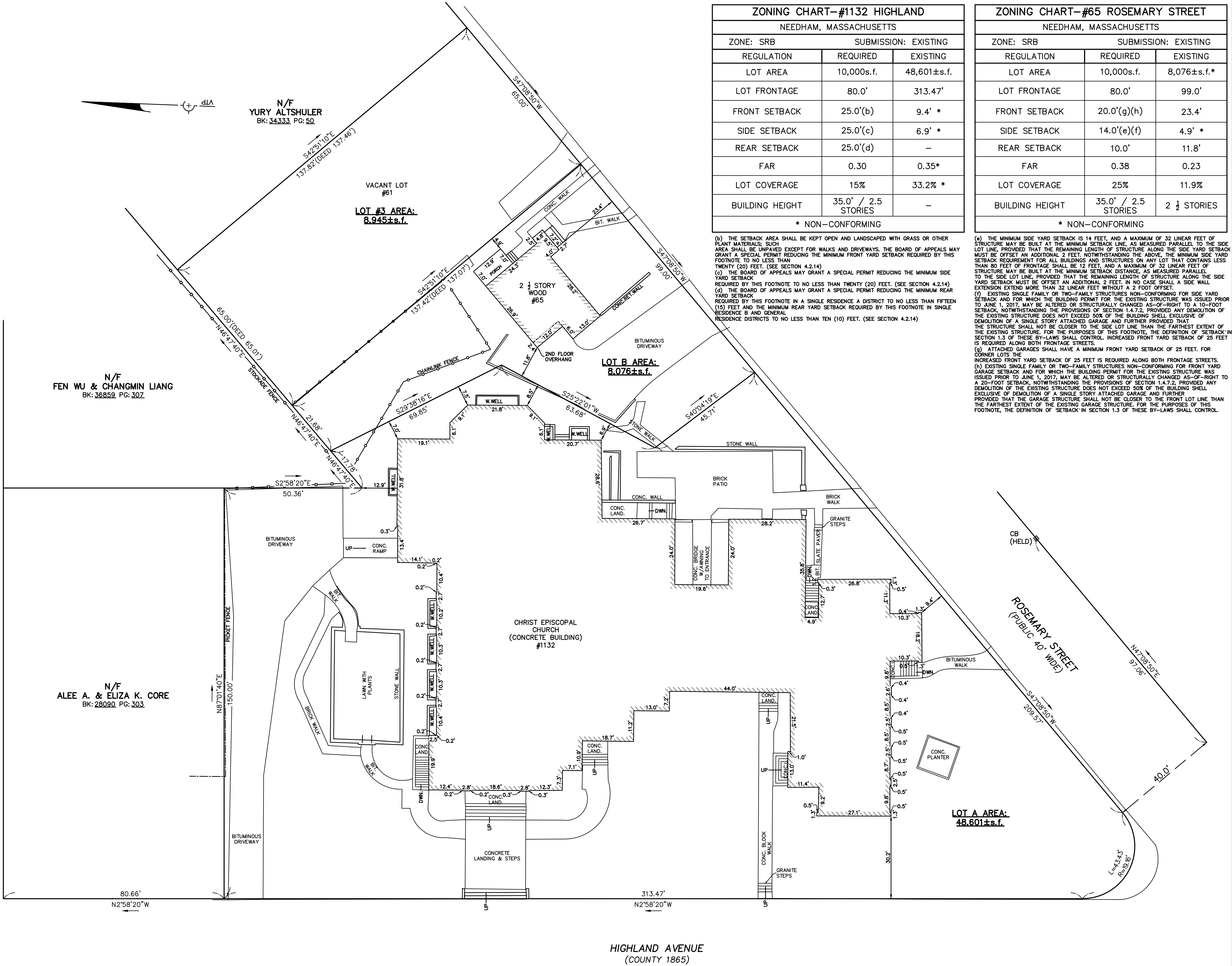
OWNER OF RECORD
CHRIST CHURCH OF NEEDHAM

(a)The minimum side yard setback is 14 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback line, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. Notwithstanding the above, 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.
(b)Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet - 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet - 25%; For lots containing at least 6,000 square feet but less than 6,500 square feet - 20%; For lots containing at least 6,500 square feet but less than 7,000 square feet - 20%; For lots containing at least 7,000 square feet but less than 7,500 square feet - 20%; and For lots containing at least 7,500 square feet - 20%.
(c)The maximum height at any point of any building or structure shall not exceed 41 feet above the lower of original or finished grade.
(d)If all or a portion of a basement wall is exposed for the full height of the wall, dormers in the upstairs story above the basement wall shall not be permitted.
(e)Attached garages shall have a minimum front yard setback of 25 feet. For corner lots the increased front yard setback of 25 feet is required along both frontage streets.

ZONING CHART-#61 ROSEMARY STREET			
NEEDHAM, MASSACHUSETTS			
ZONE: SRB(NEW CONST.)		SUBMISSION: EXISTING	
REGULATION	REQUIRED	EXISTING	
LOT AREA	10,000s.f.	8,945±s.f.	
LOT FRONTAGE	80.0'	65.0'	
FRONT SETBACK	20.0'(H)(I)	-	
SIDE SETBACK	14.0'(A)(J)	-	
REAR SETBACK	20.0'	-	
FAR	0.38(G)	-	
LOT COVERAGE	25%(B)	-	
BUILDING HEIGHT	35.0' / 2.5 STORIES(E)(F)	-	
LOT B.F.(MAX.)	20*	-	

* LOTS RECORDED OR ENDORSED AFTER AUGUST 22, 1985 SHALL BE SUBJECT TO A MAXIMUM B.F. OF 20.

(f) Existing single or two-family structures non-conforming for front yard garage setback where demolition exceeds 50% of the building shell exclusive of demolition of a single story attached garage and for which the building permit for the existing structure was issued prior to June 1, 2017 may be altered, extended or structurally changed (but not reconstructed) to a front yard garage setback of 20 feet upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law provided: (1) the new construction meets all other requirements of the Zoning By-Law; (2) the garage structure is sited no closer to the front lot line than the farthest extent of the existing garage structure; and (3) the Board determines that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said special permit may be granted notwithstanding the provisions of Section 1.4.7.2. For the purposes of this footnote, the definition of "setback" in Section 1.3 of these By-laws shall control.
(g) Existing single or two-family structures non-conforming for side yard setback where demolition exceeds 50% of the building shell exclusive of demolition of a single story attached garage and for which the building permit for the existing structure was issued prior to June 1, 2017 may be altered, extended or structurally changed (but not reconstructed) to a side yard setback of 10 feet upon a lot created by deed or plan endorsed or recorded prior to January 9, 1986 and to a side yard setback of 12.5 feet upon a lot created by deed or plan endorsed or recorded on or after January 9, 1986 upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law provided: (1) the new construction meets all other requirements of the Zoning By-Law; (2) the structure is sited no closer to the side lot line than the farthest extent of the existing structure; and (3) the Board determines that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said special permit may be granted notwithstanding the provisions of Section 1.4.7.2. For the purposes of this footnote, the definition of "setback" in Section 1.3 of these By-laws shall control.



CERTIFIED PLOT PLAN
NEEDHAM, MASSACHUSETTS

SHOWING EXISTING CONDITIONS AT
#1132 HIGHLAND AVENUE &
#61 & 65 ROSEMARY STREET

SCALE: 1in.=20ft. DATE: APRIL 9, 2020;
REVISED: JULY 9, 2020

PROJECT: 220116

VTP
ASSOCIATES
INC.

LAND SURVEYORS - CIVIL ENGINEERS, 132
ADAMS STREET, 2ND FLOOR, SUITE 3
WATERTOWN, MA 02458
(617) 332-8271

SHEET 1 OF 1

PLAN REFERENCE
BOOK 1879 PAGE 72
BOOK 1282 PAGE 79
BOOK 5158 PAGE 475, PLAN #593 OF 1976
PLAN BOOK 65 PLAN #3104

DEED REFERENCE #1132 HIGHLAND AVENUE
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OWNER OF RECORD
CHRIST CHURCH OF NEEDHAM

DEED REFERENCE #65 ROSEMARY STREET
BOOK 3355 PAGE 351

OWNER OF RECORD
CHRIST CHURCH OF NEEDHAM

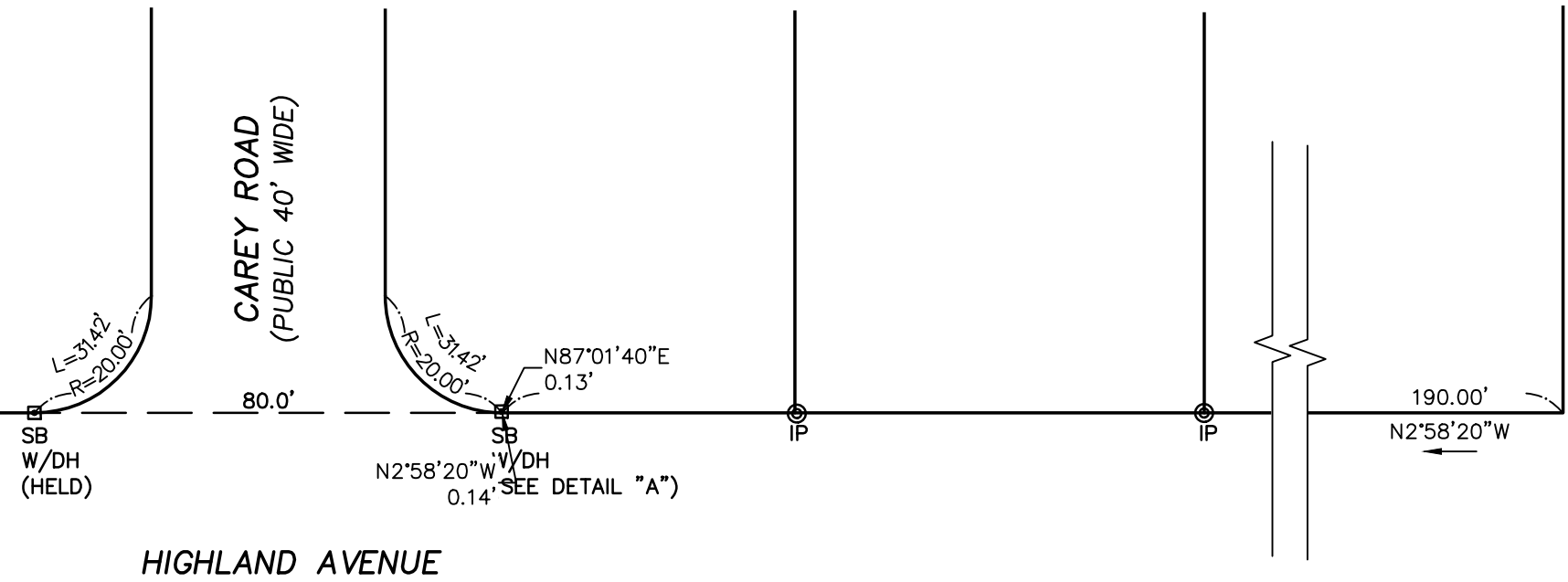
DEED REFERENCE #61 ROSEMARY STREET
BOOK 25271 PAGE 431

OWNER OF RECORD
CHRIST CHURCH OF NEEDHAM

ZONING CHART--#61 ROSEMARY STREET		
NEEDHAM, MASSACHUSETTS		
ZONE: SRB(NEW CONST.)	SUBMISSION: EXISTING	
REGULATION	REQUIRED	EXISTING
LOT AREA	10,000s.f.	10,146±s.f.
LOT FRONTAGE	80.0'	80.0'
FRONT SETBACK	20.0'(H)(I)	—
SIDE SETBACK	14.0'(A)(J)	—
REAR SETBACK	20.0'	—
FAR	0.38(G)	—
LOT COVERAGE	25%(B)	—
BUILDING HEIGHT	35.0' / 2.5 STORIES(E)(F)	—
LOT B.F.(MAX.)	20 **	16.54

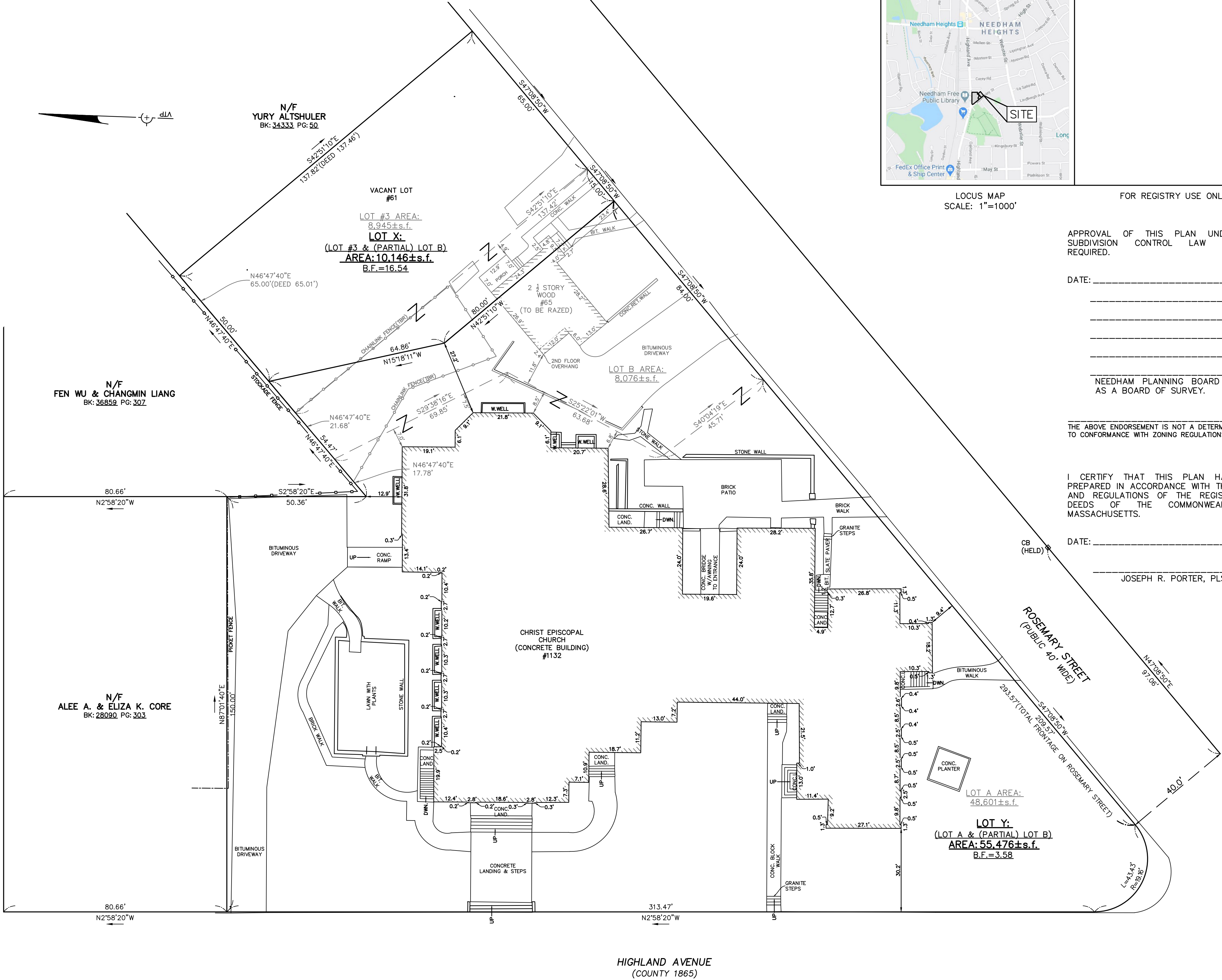
** LOTS RECORDED OR ENDORSED AFTER AUGUST 22, 1985 SHALL BE SUBJECT TO A MAXIMUM B.F. OF 20.

ZONING CHART--#1132 HIGHLAND		
NEEDHAM, MASSACHUSETTS		
ZONE: SRB	SUBMISSION: EXISTING	
REGULATION	REQUIRED	EXISTING
LOT AREA	10,000s.f.	55,476±s.f.
LOT FRONTAGE	80.0'	313.47'
FRONT SETBACK	25.0'(b)	9.4' *
SIDE SETBACK	25.0'(c)	12.9' *
REAR SETBACK	25.0'(d)	—
FAR	0.30	0.31
LOT COVERAGE	15.0%	29.1% *
BUILDING HEIGHT	35.0' / 2.5 STORIES	—
LOT B.F.(MAX.)	20 **	3.58
* NON--CONFORMING		



HIGHLAND AVENUE

TRUEMAN STREET
(PRIVATE 40' WIDE)

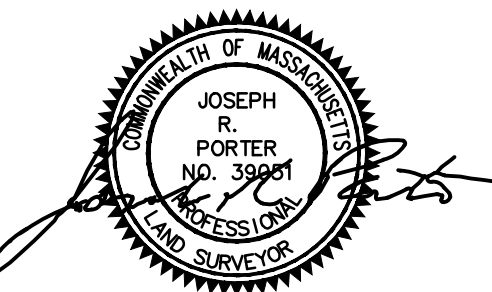


HIGHLAND AVENUE
(COUNTY 1865)

PLAN OF LAND
NEEDHAM, MASSACHUSETTS

SHOWING PROPOSED CONDITIONS AT
#1132 HIGHLAND AVENUE &
#61 & 65 ROSEMARY STREET

SCALE: 1in.=20ft. DATE: APRIL 9, 2020;
REVISED: JULY 1, 2020; JULY 16, 2020
PROJECT: 220116



VTP
ASSOCIATES
INC.

LAND SURVEYORS -- CIVIL ENGINEERS, 132
ADAMS STREET 2ND FLOOR SUITE 3
WATERTOWN, MA 02458
(617) 332-8271

From: [Anthony DelGaizo](#)
To: [Lee Newman](#); [Alexandra Clee](#)
Cc: [Thomas Ryder](#)
Subject: FW: 1132 Highland Ave revised plans
Date: Wednesday, July 8, 2020 11:56:14 AM
Attachments: [1132Highland Ave Certified Plot Plan 07-01-20.pdf](#)
[1132 Highland Ave ANR plan 07-01-20.pdf](#)

Lee, Alex,

I have no comment or objection to the proposed ANR Plan.

Anthony L. Del Gaizo, PE
Town Engineer

Needham Department of Public Works
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Phone: 781-455-7550
Email: adelgaizo@needhamma.gov

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, July 07, 2020 8:49 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: 1132 Highland Ave revised plans

Hi Tony, Tom,

Just keeping this on your radar.

Thanks!

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, July 1, 2020 8:26 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: Fwd: 1132 Highland Ave revised plans

Please see attached proposed ANR plan and let us know if you request any revisions or have any comments. This will likely be on our July 21 meeting, but the applicant would also be happy with July 7, so it will depend on status. Let us know.

Thanks, Alex.

Get [Outlook for Android](#)

From: Evans Huber <eh@128law.com>

Sent: Wednesday, July 1, 2020 5:29:29 PM

To: Lee Newman <LNewman@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>

Subject: 1132 Highland Ave revised plans

Lee and Alex: attached are the certified Plot Plan and the proposed ANR plan, with revised zoning tables. Please let me know if we are still on the PB agenda for July 7.

Thanks, Evans

Evans Huber

Frieze Cramer Rosen & Huber, LLP

60 Walnut Street

Wellesley, MA 02481

781-943-4000 (main)

781-943-4043 (direct)

781-799-9272 (cell)

eh@128law.com

www.128law.com

**V.S.A. LLC & The Learning Tree Preschool, Inc.
Major Project Site Plan Special Permit
AMENDMENT OF DECISION
July 21~~7~~, 2020**

**Application No. 2008-08
(Decision dated November 12, 2008,
Amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012)**

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts of 2020)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of V.S.A., LLC, 180 Country Way, Needham, Massachusetts; and The Learning Tree Preschool, Inc., 17 Al~~l~~ston Street, Al~~l~~ston, MA 02134 (hereinafter referred to as the Petitioner) for property located at 225 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan No. 74 as Parcels 36 and 37 containing a total of 15,798 square feet.

This decision is in response to an application submitted to the Board on May 15, 2020, by the Petitioner for: (1) a Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Special Permit No. 2008-08, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012; (2) a Special Permit under Section 3.2.5.2(c) of the By-Law for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1, [if not found to be an exempt use as defined in M.G.L. c.40A, Sec. 3](#); and (3) a Special Permit under Section 5.1.1.5 of the By-Law to further waive strict adherence with the requirements of Section 5.1.2 (Required Parking).

The requested Major Project Site Plan Special Permit Amendment, would, if granted, permit the Petitioner to build out 1,109 square feet of the first floor space in an existing commercial building for daycare/preschool purposes by The Learning Tree Preschool, Inc. The space was previously occupied by Huntington Learning Center. The proposed Learning Tree Preschool program would offer two programs: one for toddlers (15 months – [2.93](#) years) and the other for preschool age children ([2.93](#)-6 years). The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of ~~five~~[four](#) teachers/educators on site at all times. The expected maximum enrollment is ~~23~~[19](#), divided between ~~13~~[9](#) toddlers and 10 preschool age children.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest, as required by law, the hearing was called to order by [Acting](#) Chairperson, ~~Paul S. Alpert~~[Jeanne S. McKnight](#), on Tuesday, July 7, 2020 at 7:15 p.m., via remote meeting using Zoom ID 826-5899-3198. Board members, [Paul S. Alpert](#), Jeanne S. McKnight, ~~Paul S. Alpert~~, Ted Owens, Martin Jacobs, and Adam Block were present throughout the proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Completed Application Form for Amendment to Major Project Site Plan Special Permit dated May 15, 2020, with Addendum A.
- Exhibit 2 - A letter to Lee Newman, Planning Director, from George Giunta Jr., dated May 4, 2020.
- Exhibit 3 - Letter directed to Lee Newman, Director, Planning and Community Development, from Ted Giannacopulos, Manager, V.S.A. LLC, dated March 3, 2020.
- Exhibit 4 - Plan entitled "Proposed The Learning Tree Preschool, 225 Highland Avenue, Needham, MA," prepared by Nunes Trabucco Architects, 315A Chestnut Street, Needham, MA, consisting of 3 sheets: Sheet 1, Sheet A1.0, entitled "First Floor Plan, Interior Elevations, Finish Schedule," dated February 11, 2020; Sheet 2, Sheet A1.1, entitled "Reflected Ceiling Plan," dated February 11, 2020; Sheet 3, Sheet A2.0, entitled "Existing Exterior Elevations," dated February 11, 2020.
- Exhibit 5 - Plan entitled "Existing Conditions Site Plan, 225 Highland Avenue, Needham, MA," prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA, dated January 8, 2017, revised February 4, 2020.
- Exhibit 6 - Inter Departmental Communication (IDC) to the Needham Planning Board from the Department of Public Works, Anthony DelGaizo, Assistant Director, dated June 30, 2020; IDC to the Needham Planning Board from the Needham Police Department, Chief John Schlittler, dated June 29, 2020; IDC to the Needham Planning Board from the Needham Fire Department, Chief Dennis Condon, dated June 29, 2020; and IDC to the Needham Planning Board from the Building Commissioner, David Roche, dated June 30, 2020.

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

FINDINGS AND CONCLUSIONS

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

- 1.1 The Petitioner is seeking to modify Major Project Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012, ("the Decision") as follows: to build out 1,109 square feet of the first floor space in an existing commercial building for daycare/preschool purposes by The Learning Tree Preschool. The proposal is to offer two programs: one for toddlers (15 months – 2.93 years) and the other for preschool age children (3-6 years). The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five-four teachers/educators on site at all times. The expected maximum enrollment is 2319, divided between 43-9 toddlers and 10 preschool age children.
- 1.2 The Petitioner is requesting this modification because the Petitioner originally intended and the original permit specified that the first floor which totals 3,875 square feet be used entirely as retail space; however, finding retail tenants for the entire retail space has been extremely difficult. The Premises is one of three existing bays on the first floor of the Building and consists of approximately 1,109 square feet of floor space. It was last used for educational and tutoring purposes by Huntington Learning Center pursuant to Site Plan Special Permit Amendment dated June 12, 2012. The remainder of the first floor is currently occupied by UBreakiFix, a mobile

phone and electronics repair shop and retail store, consisting of approximately 773 square feet of floor space, Snip-Its, a children's hair salon, consisting of approximately 1,134 square feet of floor space, and common areas, including two shared bathrooms. The entire second floor of the building is occupied by Gymboree Play & Music, pursuant to Site Plan Special Permit Amendment dated August 9, 2011.

- 1.3 The Petitioner proposes to lease the 1,109 square foot first floor space to The Learning Tree Preschool, Inc., a fully licensed preschool and group daycare center established in 1997. The Learning Tree Preschool currently operates two facilities serving children from 15 months through 6 years of age; one in Allston and the other in West Roxbury. The Learning Tree Preschool currently offers two programs: one for toddlers (15 months – 2.93 years) and the other for preschool age children (2.93-6 years). The toddler program includes a balance of child-initiated and teacher-directed activities featuring a variety of hands-on experiences and play. These activities keep the toddlers actively engaged and continuously learning more about themselves and the world around them and further helps to foster a desire for independence and an understanding of compassion.

- 1.4 The Petitioner asserts that the proposed use falls under the exempt use category as defined in M.G.L. c.40A, Sec. 3 which specifically exempts child care centers which are further defined in M.G.L. c.15D Sec.1A as “facilities operated on a regular basis whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under 7 years of age . . . for nonresidential custody and care during part or all of the day separate from their parents”. The Board finds that the proposed use falls under this section and is an exempt use not requiring a Special Permit for a private school.

- 1.5 The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of ~~five~~ four teachers/educators on site at all times. The expected maximum enrollment is ~~23~~ 19, divided between ~~13~~ 9 toddlers and 10 preschool age children. There will be no separate administrative or support staff.

- ~~1.4~~ 1.6 The Petitioner proposed to install a fence from the existing building to the property line at both the easterly and westerly ends of the building to create an outdoor play space for the children. Existing established trees will not be removed in order to install said fence.

- ~~1.5~~ 1.7 The proposed use was not specifically detailed in the Table of Required Parking, Section 5.1.2 of the By-Law. Accordingly, the Planning Board may recommend to the Building Inspector the number of spaces required based on the expected parking needs of occupants, users, guests and employees. Such recommendation has previously been based on the ITE Journal of July 1994 entitled “Parking and Trip Generation Characteristics for Day-Care Facilities”. That standard imposes a parking requirement of one space for every five students, plus employee parking (defined as the maximum number of staff on duty at any one time), if enrollment is both known and less than 45 children. Applying such standard to the proposed use of the Premises, the required parking will be 10 spaces, calculated as follows:

19 Expected children ÷ 5 = ~~4.6~~ 3.8 spaces
4 maximum staff = ~~4~~ 5 spaces

Required Spaces: ~~4.6 + 5 = 9.6 = 10~~ 3.8 + 4 = 7.8 (rounded up) = ~~10~~ 8 total spaces required

- 1.86 Pursuant to the Huntington Learning Center Site Plan Special Permit Amendment, the parking requirement for that use was determined to be a total of 8 parking spaces. As a result, the

proposed use will not result in an increase in net parking demand ~~increase of two spaces~~, for a total building parking demand of 379 spaces calculated as follows: Basement: 1,294 square feet @ 1 per 850 square feet (warehouse) = 1.52 spaces; First Floor: 2,766 square feet @ 1 per 300 square feet (retail or consumer service) = 9.22 spaces and 1,109 square feet of Learning Tree Preschool @ 40-8 total spaces = 40-8 spaces (First Floor total 179.22); Second Floor: 3,875 square feet @ 1 space per the maximum capacity of patrons, plus 1 space per the largest working staff = 18 spaces, totaling 368.74, or 379 spaces, rounded up.

- 1.97 There are currently 22 parking spaces on site, to the rear of the building. Because there is no increase in the required parking demand, no additional waiver. As a result, an additional parking waiver is required, over and above the existing waiver of 15 spaces is required or requested, to account for the net increase in parking demand. In connection therewith, the new parking waiver required is 17 total spaces.

However, in addition to the 22 spaces available on site, another five spaces are available off-site on a property owned by the same property owner located at 43 Wexford Street. Employees are required to park in the off-site parking spaces so that the on-site parking spaces are available for parents doing drop off and pick up of the proposed Learning Tree use. Furthermore, the Petitioner has stated that these 27 spaces have adequately served the building without significant incident or issue since Huntington Learning was approved in 2012. Whereas the parking demand for the proposed use is primarily drop-off and pick-up, and whereas the calculated demand is only a net increase of two spaces, the Petitioner asserts that the existing parking is adequate to support the new use.

- 1.10 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. The Petitioner proposes no change in building footprint, no change in site plans and no change in operation or allowed use of the second floor.
- 1.11 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets have been assured. There is presently limited off-street parking associated with the property, which consists of 22 spaces to the rear of the building and 5 ~~leased~~ off-site parking spaces. No changes are contemplated for the parking layout or the current curb cuts. With the proposed hours (specifically, the drop off and pick up times), traffic patterns may be changing slightly, but both drop off and pick up occur over an hour and a half long period; therefore, the change should not cause any issue with traffic. Whereas only interior building modifications are proposed, existing traffic patterns are not expected to be affected in a material way, and, based on its observations and familiarity with the site, The site has been designed to accommodate safe vehicular and pedestrian movement within the site and on adjacent streets.
- 1.12 Adequate parking exists for the proposed uses. Although, ~~The~~ Petitioner is not seeking a waiver of an additional 2 parking spaces over what is currently approved (a total of 8 spaces are required for The Learning Tree Preschool facility on the first floor) for the space, ~~+~~ The Board finds that, given the drop off/pick up nature of the proposed use, the site will function without problem. The Board further notes that the basement space with an associated parking requirement of 1.52 spaces is currently used for tenant storage and does not create any additional parking demand.
- 1.13 Adequate methods for the disposal of refuse and wastes will be provided. The site and building containing the Premises are already developed with infrastructure in place. Moreover, the nature of the proposed use is such that only minimal waste is expected to be generated, and there is an existing dumpster on site.

- 1.14 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law will be met. The site and the building containing the Premises are situated in a highly developed, commercial area. The Petitioner is not aware of any significant community assets in the area immediately adjoining the Premises. Moreover, the site itself is fully developed at present and whereas the Petitioner is not proposing any material expansion or fundamental changes to the existing building, it does not anticipate any significant or material impact from the proposed use. Therefore, the proposed redevelopment, renovation and reuse of the Premises is not anticipated to significantly affect the relationship of the Premises to any community assets or any adjacent landscape, buildings and structures.
- 1.15 Mitigation of adverse impact on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets will be met as there will be no adverse impact on the Town's resources. The site and building containing the Premises are presently fully developed and fully connected to Town infrastructure. Moreover, only interior modifications within an existing space are being proposed. Therefore, the Petitioner does not anticipate any significant or material change, or any adverse impacts to any Town resource.
- 1.16 The Board finds that all of its findings and conclusions contained in Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, by the Board on November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012 are applicable to this Amendment, except as specifically set forth in this Amendment.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2008-08, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012; and (2) the requested Special Permit under Section 3.2.5.2(c) of the By-Law for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to further waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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PLAN MODIFICATIONS

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

- 2.1 The Plan shall be modified to include the requirements and recommendations of the Planning Board as set forth below. The modified plans shall be submitted to the Planning Board for review, approval and endorsement. The Petitioner shall meet all requirements and recommendations, set forth below.

- a) ~~—a)~~ The Plan shall be modified to show the current tenants.
b) ~~The Plan shall be modified to show the proposed fence to create and outdoor play space.~~
c) ~~The Plan shall be revised to show a north arrow.~~
d) The Petitioner shall provide an application for this project signed by The Learning Tree Preschool.

CONDITIONS AND LIMITATIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.1~~65~~ hereof.
- 3.1 The conditions and limitations set forth in Major Project Site Plan Special Permit No. 2008-08, issued to V.S.A., LLC, 180 Country Way, Needham, Massachusetts, dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011 and June 12, 2012, and as further amended by this Amendment are ratified and confirmed.
- 3.2 The Board approves The Learning Tree Preschool use on 1,109 square feet of the first floor of the building as conditioned herein.
- 3.3 The proposed Learning Tree Preschool shall contain the floor plan and dimensions and be located on that portion of the locus, as shown on the Plan, as modified by this Decision, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions or seating is allowed without further Board approval provided the use allocation as shown on the plan is maintained. Any changes revisions or modifications other than changes deemed “minor movement” to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.4 The maximum number of children participating in classes or functions at any given time shall not exceed ~~nineteen twenty-three (1923)~~. The maximum number of staff persons present at any given time shall not exceed ~~fourive (45)~~. Notwithstanding the above, the Board hereby retains jurisdiction to reduce the maximum number of children participating in classes or functions at any given time, or to require additional off-street parking, as necessary in the event of parking problems on the site.
- ~~3.5~~ The Learning Tree Preschool may be open from 7:30 a.m. to 5:30 p.m. Monday through Friday.
- ~~3.5.3.6~~ Staff shall be required to park in the parking spaces available off-site at 43 Wexford Street (property also owned by the Property owner) so as to keep available on-site parking available for drop-off and pick-up.
- ~~3.6.3.7~~ The operation of The Learning Tree Preschool located at 225 Highland Avenue, Needham, Massachusetts shall be as described in Sections 1.3, ~~1.5~~ and ~~1.94~~ of this Decision and as further described under the support materials provided under Exhibits 1, 2, 4 and 5 of this Decision.
- ~~3.7~~ ~~3.8~~ This Special Permit to operate The Learning Tree Preschool at 225 Highland Avenue, Needham, MA is issued to The Learning Tree Preschool, Inc., 17 Allston Street, Allston, MA 02134 and may not be transferred, set over, or assigned by The Learning Tree Preschool, Inc., 17 Allston Street, Allston, MA 02134 to any other person or entity other than an affiliated entity in which The Learning Tree Preschool has a controlling interest of greater than 50 percent, without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient. For purposes of this section 3.8,

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a transfer or assignment of ownership interests or membership units of The Learning Tree Preschool, Inc. such that the current members of The Learning Tree Preschool, Inc. as of the date of this decision no longer own or control more than fifty (50%) percent of the equity interests or no longer own or control more than fifty (50%) percent of the voting power of The Learning Tree Preschool, Inc. shall be considered a prohibited transfer or assignment.

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3.83.9 The special permit and parking waivers granted herein are specifically premised upon the special characteristics of The Learning Tree Preschool located at 225 Highland Avenue, Needham, Massachusetts. In the event of any change in the use permitted hereunder which would result in a greater parking demand, further site plan review will be required, and the Planning Board shall be entitled to evaluate the parking demand of the building as a whole.

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3.93.10 The proposed Learning Tree Preschool use shall contain the dimensions and shall be located in the building at 225 Highland Avenue, as shown on the Plan.

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3.103.11 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:

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- a. The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
- b. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- c. The Petitioner shall provide the Planning Board with seven copies of the modified plan as approved by the Board (two plans wetstamped).

3.113.12 The approximately 1,109 square feet of the building that is the subject of this Decision shall not be occupied until:

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- a. There shall be filed with the Board and Building Inspector a Certificate of Compliance signed by a registered architect upon completion of the project certifying that the project was built according to the approved documents.
- b. There be filed, with the Building Inspector, a statement by the Board approving the Certificate of Compliance, in accordance with said Decision.
- c. There shall be filed with the Board an as-built floor plan.

3.123.13 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, ~~and~~ Board of Health and Department of Early Education and Care.

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3.133.14 The portion of the building that is authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Inspector.

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3.143.15 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.

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3.165 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the Petitioner of such violation and give the Petitioner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this petition. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse on July 217, 2022, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to July 217, 2022. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.

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

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

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

Witness our hands this 21st 7th day of July, 2020.

NEEDHAM PLANNING BOARD

~~Jeanne S. McKnight~~ Paul S. Alpert, Acting Chairperson

~~Paul S. Alpert~~ Jeanne S. McKnight

Ted Owens

Martin Jacobs

Adam Block

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2020

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Amendment to Decision of the project proposed by V.S.A., LLC, 180 Country Way, Needham, and Massachusetts, and The Learning Tree Preschool, Inc., 17 Alston Street, Alston, MA 02134, for property located at the 225 Highland Avenue, Needham, Massachusetts, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Inspector

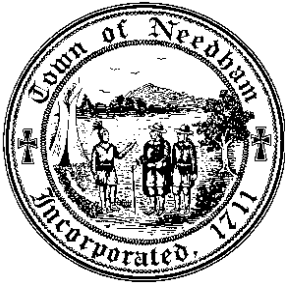
Select Board
Engineering
Fire Department

Board of Health
Town Clerk
Director, PWD

Conservation Commission
George Giunta, Jr., Attorney

Police Department

Parties in Interest



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, July 21, 2020 at 7:30 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, for approval of a Definitive Subdivision Plan. The hearing was originally opened on February 4, 2020 and continued to February 18, 2020 before the impact of COVID-19 halted the proceedings. The application for the noted Subdivision is now being reopened. 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.

To view and participate in this virtual hearing on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 826-5899-3198

To view and participate in this virtual hearing on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: 826-5899-3198

Copies of the Definitive Plan and other application materials may be viewed at this link: <https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=>. 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 Hometown Weekly: July 2, 2020 and July 9, 2020.
Needham Times: July 9, 2020 and July 16, 2020.

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

July 16, 2020

CERTIFICATE OF SERVICE

I, George Giunta, Jr., attorney for the applicant, Elisabeth Schmidt-Scheuber, hereby certify that on the 8th day of July, 2020, I did mail a copy of the Legal Notice attached hereto as Exhibit A, by certified mail, postage prepaid to the persons, firms and entities as set forth in the list at Exhibit B with corresponding tracking numebrs, and reflected in the receipts set forth at Exhibit C.

Signed under the pains and penalties of perjury this 16th day of July, 2020.



George Giunta, Jr.
BBO # 564395
281 Chestnut Street
Needham, Massachusetts 02492
Tel: (781) 449 - 4520
Fax: (781) 465 - 6059

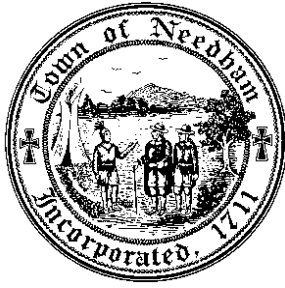


EXHIBIT A

LEGAL NOTICE
Planning Board
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Westerly	again by land of Joan K. Aldean, 100.00 feet;
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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
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NEEDHAM PLANNING BOARD

Needham Hometown Weekly: July 2, 2020 and July 9, 2020.

Needham Times: July 9, 2020 and July 16, 2020.

EXHIBIT B

LANE, FREDERICK C. & LANE, WENDY E. 348 GROVE ST NEEDHAM, MA 02492	PETRO, CORBIN & GELMAN, JESSICA 320 GROVE ST NEEDHAM, MA 02494	TOWN OF NEEDHAM CONSERVATION 1471 HIGHLAND AVE NEEDHAM, MA 02492
7019 2970 0001 5907 8388	7019 2970 0001 5907 8395	7019 2970 0001 5907 8401
YU, LIMEI 140 BEARD WAY NEEDHAM, MA 02492	VIDAL, LUIS & VIDAL, JENNIFER SLIFKA 146 BEARD WAY NEEDHAM, MA 02492	COLASACCO, DOMENIC & SALETT, MARSHA C. 426 GROVE ST NEEDHAM, MA 02492
7019 2970 0001 5907 8418	7019 2970 0001 5907 8425	7019 2970 0001 5907 8432
BADAVAS, ROBERT P. & BADAVAS, KALLIOPE D. 402 GROVE ST NEEDHAM, MA 02492	SCHMIDT-SCHEUBER, ELISABETH 390 GROVE ST NEEDHAM, MA 02492	RUBIN, ASHER M. & RUBIN, ALLISON E. 370 GROVE ST NEEDHAM, MA 02492
7019 2970 0001 5907 8449	7019 2970 0001 5907 8456	7019 2970 0001 5907 8463
ALDEN, JOAN K. C/O CURLEY, JAMES M. & KATHLEEN M. 380 GROVE ST NEEDHAM, MA 02492	MCGLYNN, JEAN J. 359 GROVE ST NEEDHAM, MA 02492	MANNI, PATRICIA & TIBERI, MARCO 389 GROVE ST NEEDHAM, MA 02492
7019 2970 0001 5907 8470	7019 2970 0001 5907 8487	7019 2970 0001 5907 8494
WELSH, KATHLEEN P & MILLER, BRUCE TRS. C/O BRUCE I. MILLER 5 SABRINA FARM RD WELLESLEY, MA 02482	SPITTLER, CARRIE L. & BENET, JOSHUA 403 GROVE ST NEEDHAM, MA 02492	RAPPAPORT, JEROME L., JR & RAPPAPORT, LORI P. 419 GROVE ST NEEDHAM, MA 02492
7019 2970 0001 5907 8500	7019 2970 0001 5907 8517	7019 2970 0001 5907 8524
TOWN OF NEEDHAM RIDGE HILL 1471 HIGHLAND AVE NEEDHAM, MA 02492	DOVER PLANNING BOARD PO BOX 250 DOVER, MA 02030	DEDHAM PLANNING BOARD 26 BRYANT ST DEDHAM, MA 02026
7019 2970 0001 5907 8531	7019 2970 0001 5907 8548	7019 2970 0001 5907 8555
NEWTON PLANNING BOARD TOWN HALL 1000 COMMONWEALTH AVE NEWTON, MA 02459	WELLESLEY PLANNING BOARD 525 WASHINGTON ST WELLESLEY, MA 02482	WESTWOOD PLANNING BOARD 580 HIGH ST WESTWOOD, MA 02090
7019 2970 0001 5907 8562	7019 2970 0001 5907 8579	7019 2970 0001 5907 8586
BOSTON PLANNING & DEVELOPMENT AGENCY 1 CITY HALL SQUARE, #9 BOSTON, MA 02201		
7019 2970 0001 5907 8593		

EXHIBIT C

7019 2970 0001 5907 8388

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Sent To: LANE, FREDERICK C. &
 Street and Apt.: LANE, WENDY E.
 City, State, Zip: 348 GROVE ST
 NEEDHAM, MA 02492

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Postage	\$0.55
Total Postage and Fees	\$4.10

Sent To: PETRO, CORBIN &
 Street and Apt.: GELMAN, JESSICA
 City, State, Zip: 320 GROVE ST
 NEEDHAM, MA 02494

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Postage	\$0.55
Total Postage and Fees	\$4.10

Sent To: TOWN OF NEEDHAM
 Street and Apt. No.: CONSERVATION
 City, State, Zip: 1471 HIGHLAND AVE
 NEEDHAM, MA 02492

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☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.10

Sent To: YU, LIMEI
 Street and Apt.:
 City, State, Zip: 140 BEARD WAY
 NEEDHAM, MA 02492

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☐ Adult Signature Required	\$0.00
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Postage	\$0.55
Total Postage and Fees	\$4.10

Sent To: VIDAL, LUIS &
 Street and Apt.: VIDAL, JENNIFER SLIFKA
 City, State, Zip: 146 BEARD WAY
 NEEDHAM, MA 02492

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Postage	\$0.55
Total Postage and Fees	\$4.10

Sent To: COLASACCO, DOMENIC &
 Street and Apt.: SALETT, MARSHA C.
 City, State, Zip: 426 GROVE ST
 NEEDHAM, MA 02492

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Postage \$0.55

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Sent To: BADAVAS, ROBERT P. &
BADAVAS, KALLIOPE D.
402 GROVE ST
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Sent To: SCHMIDT-SCHUBER, ELISABETH
390 GROVE ST
NEEDHAM, MA 02492

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Postage \$0.55

Total Postage and Fees \$4.10

Sent To: RUBIN, ASHER M. &
RUBIN, ALLISON E.
370 GROVE ST
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Postage \$0.55

Total Postage and Fees \$4.10

Sent To: ALDEN, JOAN K.
C/O CURLEY, JAMES M. & KATHLEEN M.
380 GROVE ST
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Postage \$0.55

Total Postage and Fees \$4.10

Sent To: MCGLYNN, JEAN J.
359 GROVE ST
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Postage \$0.55

Total Postage and Fees \$4.10

Sent To: MANNI, PATRICIA &
TIBERI, MARCO
389 GROVE ST
NEEDHAM, MA 02492

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WELLESLEY, MA 02482

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Postage	\$0.55
Total Postage and Fees	\$4.10

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WELSH, KATHLEEN P & MILLER, BRUCE
TRS.
C/O BRUCE I. MILLER
5 SABRINA FARM RD
WELLESLEY, MA 02482

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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.10

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Sent To
SPITTLER, CARRIE L. &
BENET, JOSHUA
403 GROVE ST
NEEDHAM, MA 02492

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☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.10

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Sent To
RAPPAPORT, JEROME L., JR &
RAPPAPORT, LORI P.
419 GROVE ST
NEEDHAM, MA 02492

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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TOWN OF NEEDHAM
RIDGE HILL
1471 HIGHLAND AVE
NEEDHAM, MA 02492

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DOVER, MA 02030

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Postage	\$0.55
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Sent To
DOVER PLANNING BOARD
PO BOX 250
DOVER, MA 02030

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☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.10

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Sent To
DEDHAM PLANNING BOARD
26 BRYANT ST
DEDHAM, MA 02026

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NEWTON CENTER, MA 02459

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Postage	\$0.55
Total Postage and Fees	\$4.10

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 Street and Address: **TOWN HALL**
 City, State, ZIP+4: **1000 COMMONWEALTH AVE
 NEWTON, MA 02459**

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Postage	\$0.55
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 Street and Address: **525 WASHINGTON ST**
 City, State, ZIP+4: **WELLESLEY, MA 02482**

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WESTWOOD, MA 02090

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☐ Adult Signature Required	\$0.00
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Postage	\$0.55
Total Postage and Fees	\$4.10

Sent To: **WESTWOOD PLANNING BOARD**
 Street and Address: **580 HIGH ST**
 City, State, ZIP+4: **WESTWOOD, MA 02090**

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BOSTON, MA 02201

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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.10

Sent To: **BOSTON PLANNING & DEVELOPMENT AGENCY**
 Street and Address: **1 CITY HALL SQUARE, #9**
 City, State, ZIP+4: **BOSTON, MA 02201**

PS Form 3800, April 2015 PSN 7530-02-000-9007 See Reverse for Instructions

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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 are 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 OF
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



EXHIBIT A

Definitive Subdivision Application
390 Grove Street
Needham, MA

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.

Alexandra Clee

From: David Kelley <dkelley@meridianassoc.com>
Sent: Tuesday, February 11, 2020 2:56 PM
To: Planning
Cc: Thomas Ryder; George Giunta Jr
Subject: 390 Grove Street - Definitive Subdivision Plan - Revisions
Attachments: 6036 Needham 02-10-2020 S&S.pdf

Dear Lee Newman and Thomas Ryder:

Please find attached herewith the revised definitive Subdivision Plans for the site at 390 Grove Street. The plans have been revised as follows:

Per Town of Needham Public Work Letter dated January 29, 2020:

- The plans have been revised to depict an appropriately sized culvert under the driveway for Lot 1;
- The size of the subsurface infiltration basins on Lots 1 and 2 have been revised to depict the sizes shown in the HydroCAD calculations;
- A Post-Construction Note was added to sheet 5 of the plan set that states: 'Stormwater management post construction inspection documents should include a note that if evidence of overflow into the Town's drainage system has occurred. Inspection documents should be available for the Town's NPDES coordinator to receive copies upon request.'

Per comments at the Planning Board Hearing on February 4, 2020:

- Parcel 'B' has been created in the rear of Lot 2 as a parcel to be deeded to the Needham Conservation Commission;
- One of the existing trees on the Northern property line has been noted as to remain and to be protected in place;
- A note has been added that the Filtermitt is to be installed one (1) foot south of the northern property line;

We look forward to meeting with you at your next meeting on Tuesday February 18, 2020.

Please review the attached materials and please let me know should you have any questions, comments or concerns.

David S. Kelley, PE

Senior Project Manager

500 Cummings Center, Suite 5950, Beverly, MA 01915

Office (978) 614-0653 / Cell (978) 265-5402

<http://www.meridianassoc.com> dkelley@meridianassoc.com

*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
 REVISED: FEBRUARY 7, 2020
 REVISED: MARCH 2, 2020

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

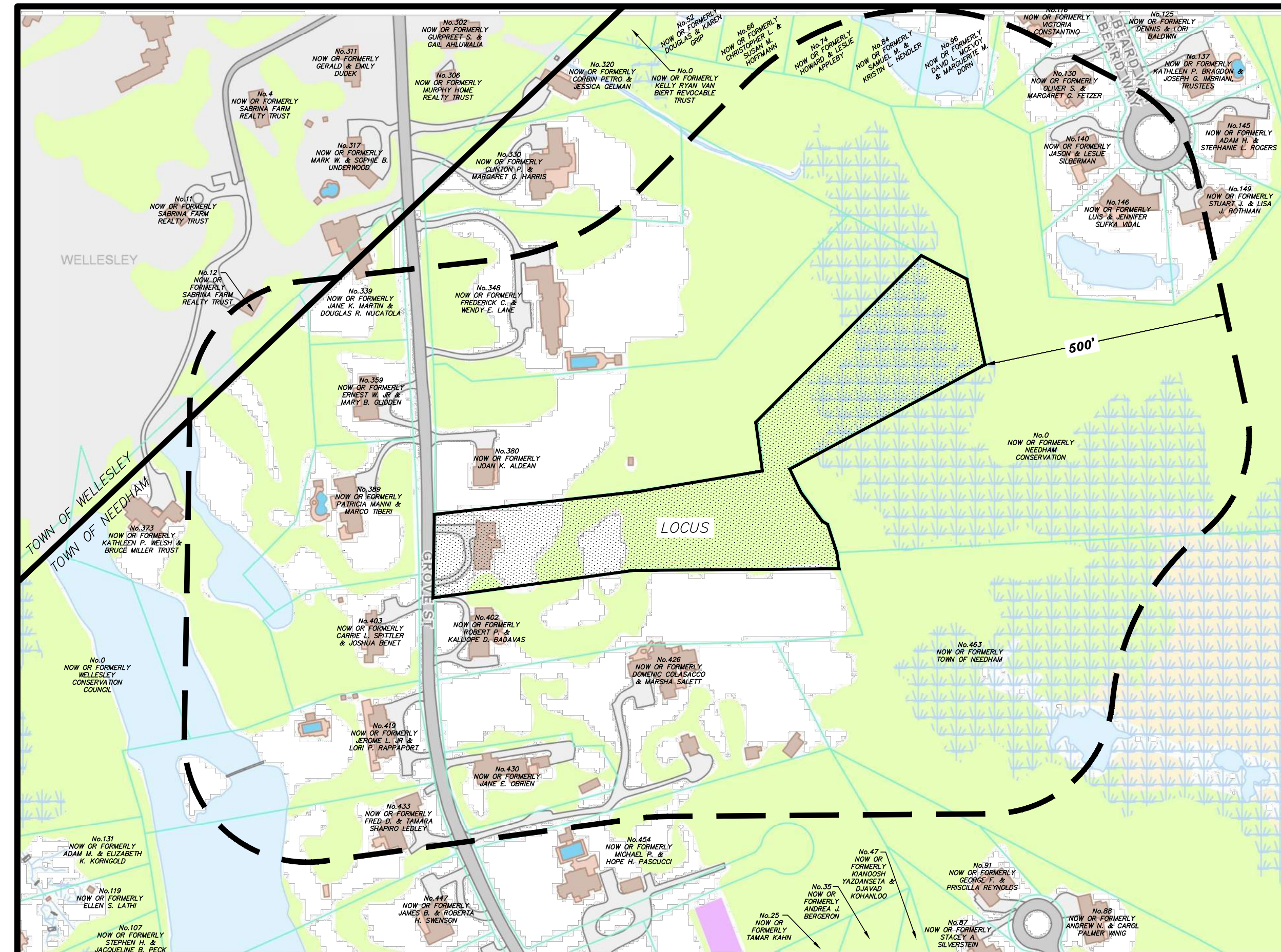
BY: _____

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.

<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>PROPOSED LANDSCAPE DETAILS</i>
<i>SHEET 9</i>	<i>SITE DETAILS 1</i>
<i>SHEET 10</i>	<i>SITE DETAILS 2</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.



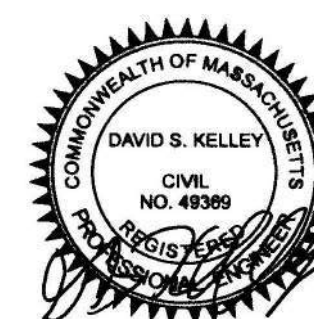
GRAPHIC SCALE
SCALE: 1"=200'

FEET

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 first 100 feet (0 to 100) is divided into four 25-foot segments. The next 100 feet (100 to 200) is divided into two 50-foot segments. The next 200 feet (200 to 400) is divided into four 50-foot segments. The final 400 feet (400 to 800) is divided into eight 50-foot segments.

METERS

<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

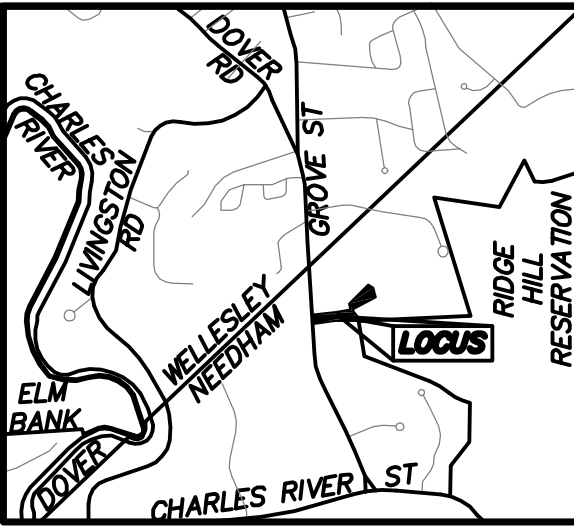
TEST PIT: TP-3
0"-13" AP: SANDY LOAM
13"-24" B: SANDY LOAM
24"-52" C: SANDY LOAM
52"-92" C2: GRAVELY LOAMY SAND
E.S.H.G.W. NOT OBSERVED
NO WEEPING OBSERVED

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

1. 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.
2. THE SUBJECT PROPERTY IS LOCATED IN ZONE SRA (SINGLE RESIDENCE A).
3. THE SUBJECT PROPERTY IS DEPICTED AS LOT 9 ON TOWN OF NEEDHAM ASSESSOR'S MAP 221.
4. 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.
5. 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.
6. THE ELEVATIONS DEPICTED HEREON WERE BASED ON NAD83.
7. 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.
8. THE WETLANDS DEPICTED HEREON WERE DELINEATED BY FIELD RESOURCES, INC.
9. 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



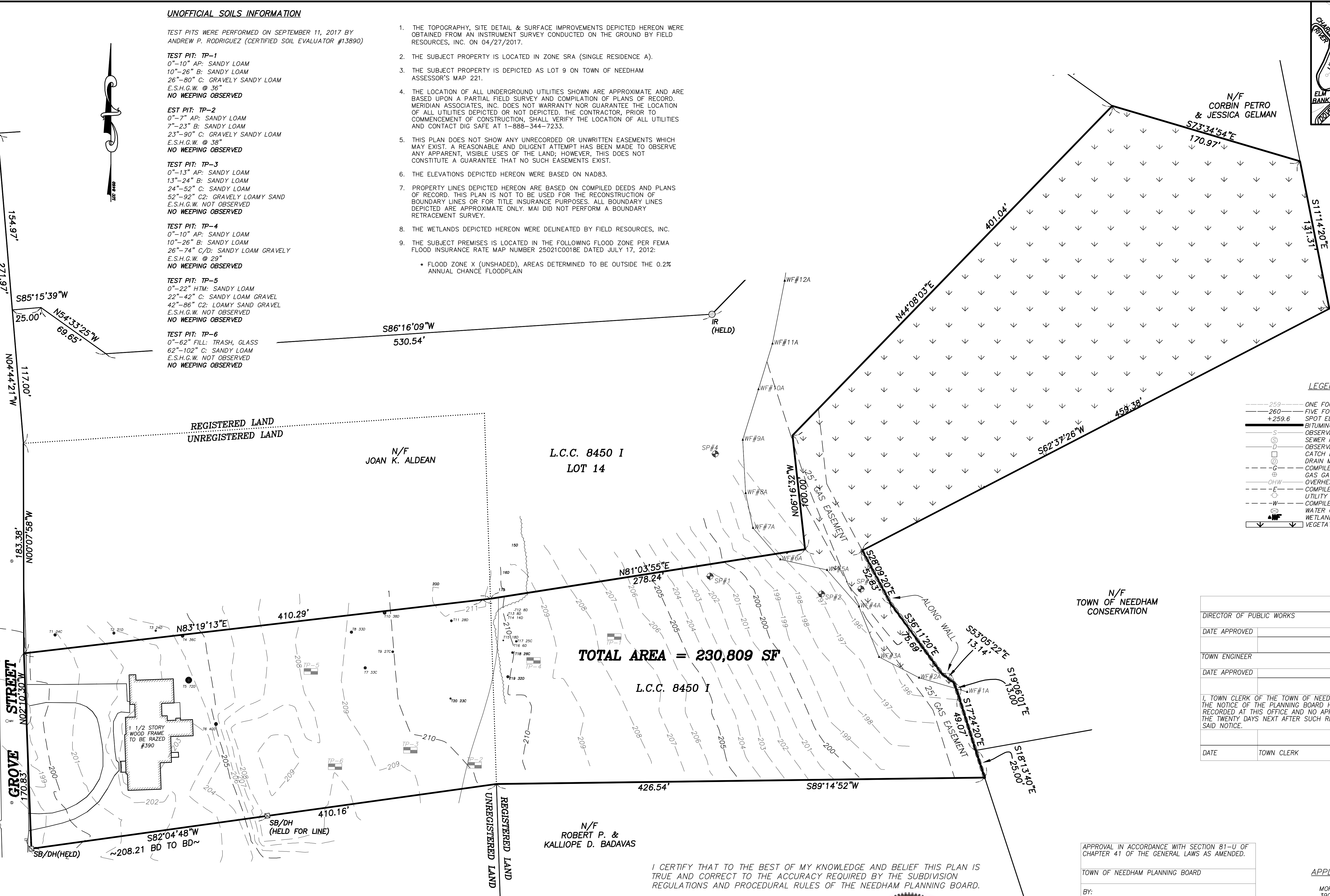
REVISIONS		DATE	DESCRIPTION
11.2.18	REVISED PER TOWN COMMENTS	CG	
07.12.19	REVISED PER TOWN COMMENTS	CG	
8.22.19	REVISED PER TOWN COMMENTS	CM	
9.04.19	REVISED PER TOWN COMMENTS	DSK	
02.07.20	REVISED PER TOWN COMMENTS	DSK	
03.02.20	REVISED PER TOWN COMMENTS	DSK	

SURVEY INFORMATION PROVIDED BY:
Field Resources, Inc.
LAND SURVEYORS
P.O. BOX 324
AUBURN, MA
508 832 4332
fieldresources@hotmail.com

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

MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 3950
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-0447
WWW.MERIDIANASSOC.COM

DESIGNED BY: C. MCCANN
CHECKED BY: M. NOVAK
DATE: JULY 20, 2018
SCALE: 1"=40'
SHEET No. 2 of 10
PROJECT No. 6036

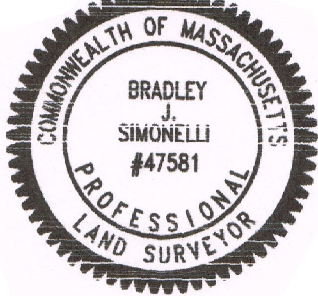


ALL UNDERGROUND UTILITY DATA REPRESENTS RECORD INFORMATION RECOVERED THROUGH RESEARCH WITHOUT SURFACE DEMARCATION NOR SUBSURFACE VERIFICATION.

TEMPORARY BENCHMARK CHART:

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

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.



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

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

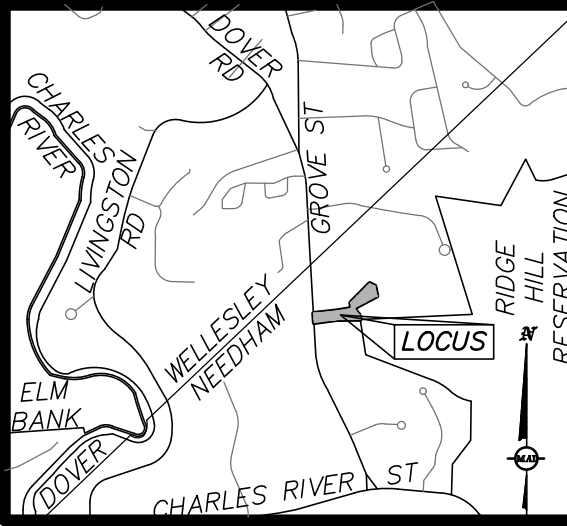
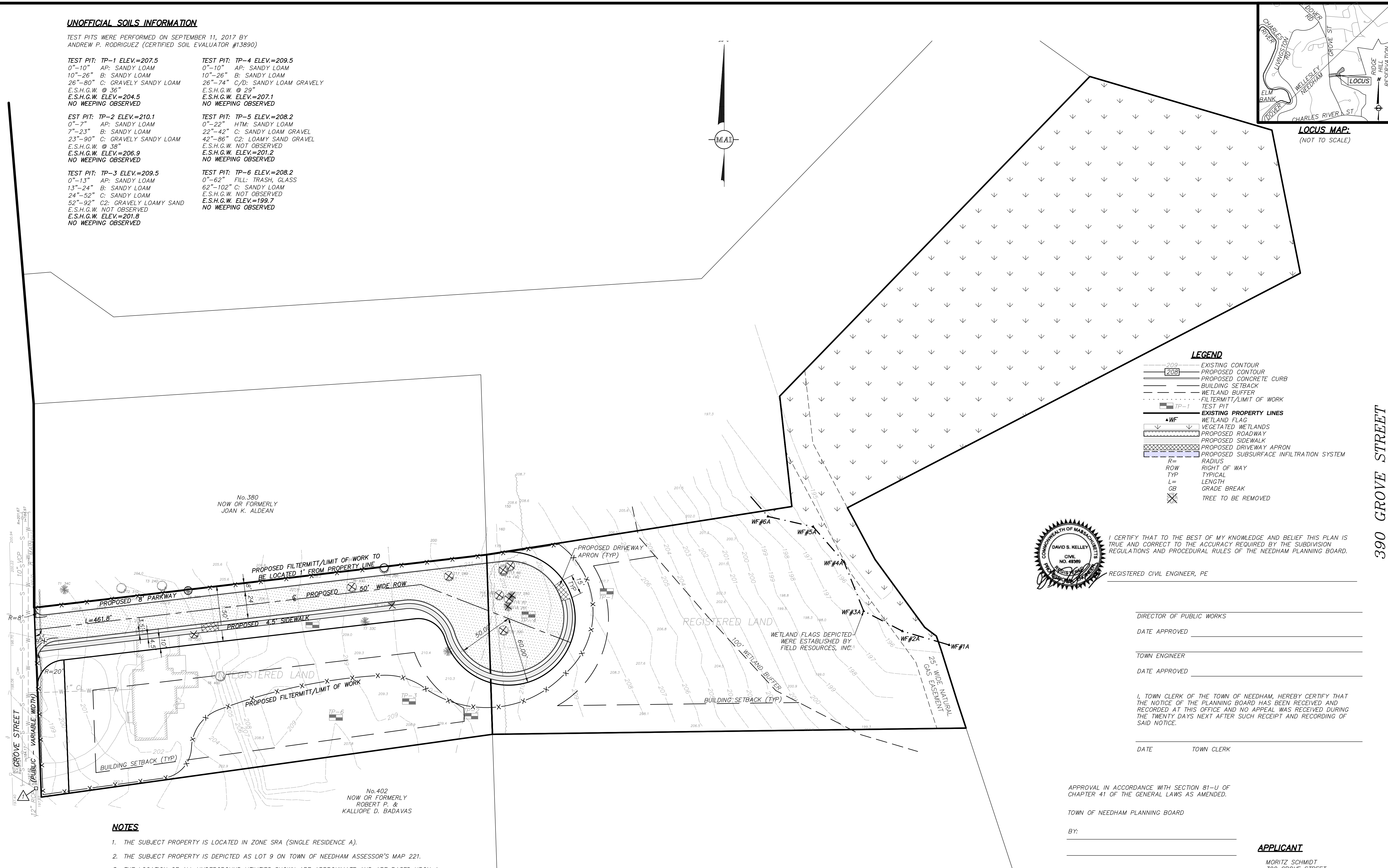
EST PIT: TP-2 ELEV.=210.1
0'-7" AP: SANDY LOAM
7'-23" B: SANDY LOAM
23'-90" C: GRAVELY SANDY LOAM
E.S.H.G.W. @ 38"
E.S.H.G.W. ELEV.=206.9
NO WEEPING OBSERVED

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
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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
 - 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:

APPROVED:

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

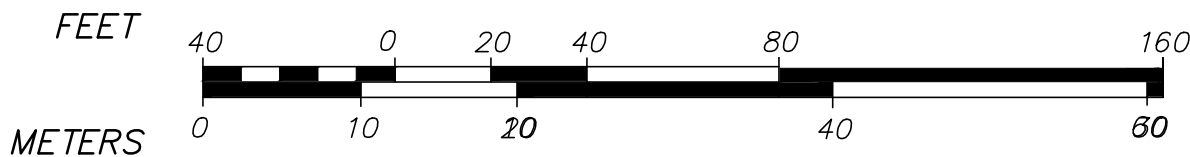
RECORD OWNERS

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
- PER TOWN OF NEEDHAM "TYPICAL PERMANENT TURNAROUND" DETAIL, PAGE 41 OF THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE PLANNING BOARD, DATED 1993, "WALK MAYBE OMITTED BEYOND LAST DRIVEWAY ON EACH SIDE."

GRAPHIC SCALE
SCALE: 1"= 40'



390 GROVE STREET

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

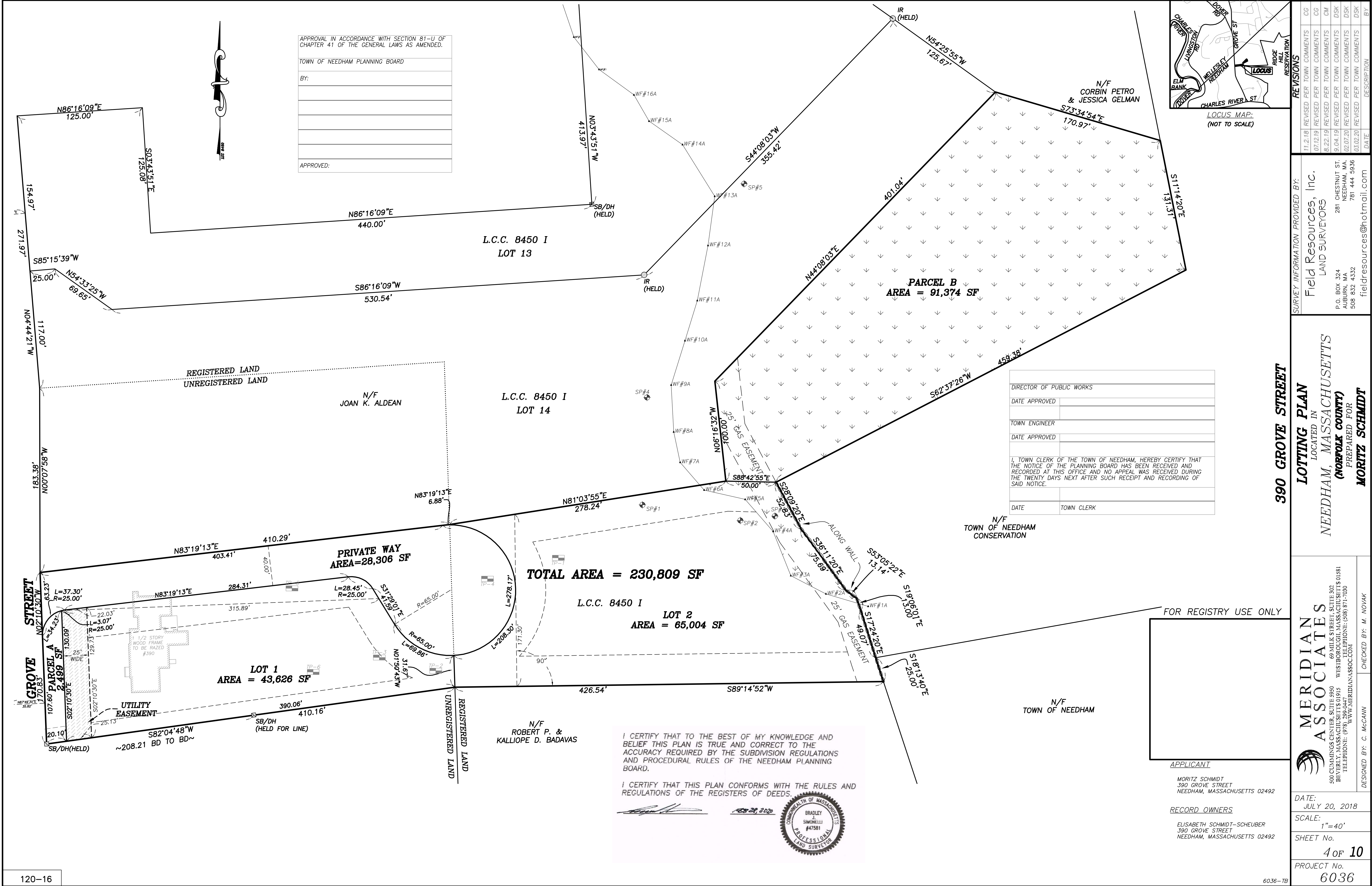
MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5950
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-4447
WWW.MERIDIANASSOC.COM

69 MILK STREET, SUITE 302
WESTBOROUGH, MASSACHUSETTS 01581
TELEPHONE: (508) 871-7030

DATE: JULY 20, 2018
SCALE: 1"=40'
SHEET No. 3 OF 10
PROJECT No. 6036

REVISIONS		DATE	DESCRIPTION
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	
02.07.20	REVISED PER TOWN COMMENTS	DSK	
03.02.20	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



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
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E.S.H.G.W. ELEV.=206.9
NO WEEPING OBSERVED

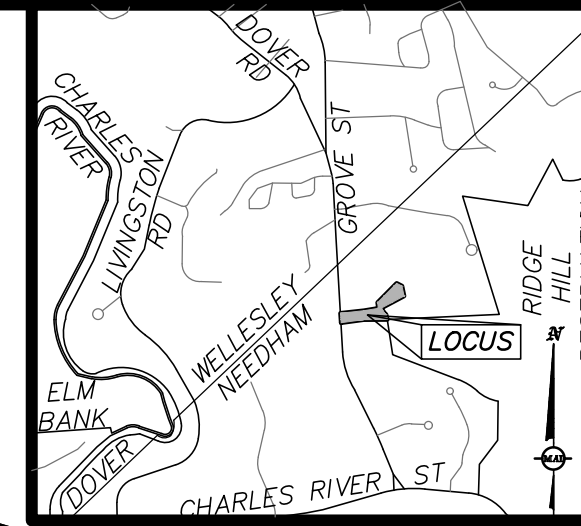
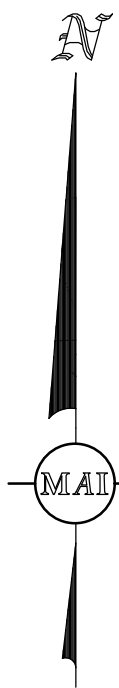
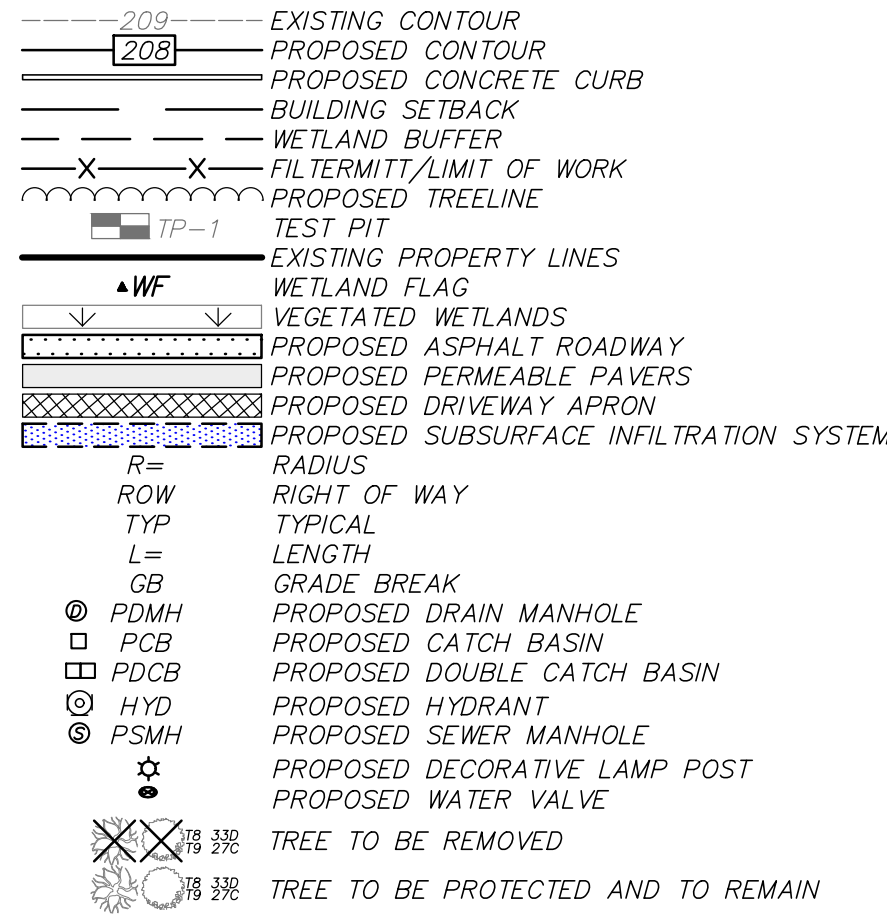
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E.S.H.G.W. NOT OBSERVED
E.S.H.G.W. ELEV.=201.8
NO WEEPING OBSERVED

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



LOCUS MAP:
(NOT TO SCALE)

REVISIONS		DATE	DESCRIPTION
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	
02.07.20	REVISED PER TOWN COMMENTS	DSK	
03.02.20	REVISED PER TOWN COMMENTS	DSK	

SURVEY INFORMATION PROVIDED BY:
Field Resources, Inc.
LAND SURVEYORS
281 CHESTNUT ST.
NEEDHAM, MA
P.O. BOX 324
AUBURN, MA
508 832 4332
fieldresources@hotmail.com

390 GROVE STREET

PROPOSED SITE & GRADING PLAN
LOCATED IN
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
PREPARED FOR
MORITZ SCHMIDT

MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5950
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.
5 OF 10
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.

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

POST CONSTRUCTION NOTES

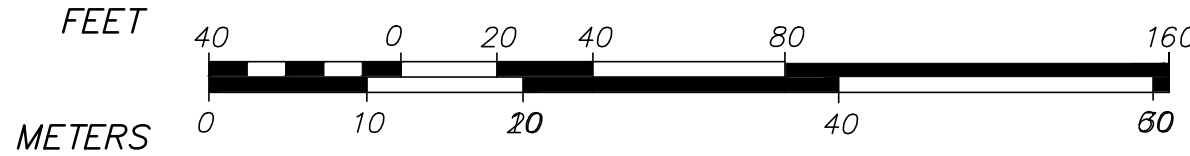
1. STORMWATER MANAGEMENT POST CONSTRUCTION INSPECTION DOCUMENTS SHOULD INCLUDE A NOTE THAT IF EVIDENCE OF OVERFLOW INTO THE TOWN'S DRAINAGE SYSTEM HAS OCCURRED, INSPECTION DOCUMENTS SHOULD BE AVAILABLE FOR THE TOWN'S NPDES COORDINATOR TO RECEIVE COPIES UPON REQUEST.

TEMPORARY BENCHMARK CHART:

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

GRAPHIC SCALE

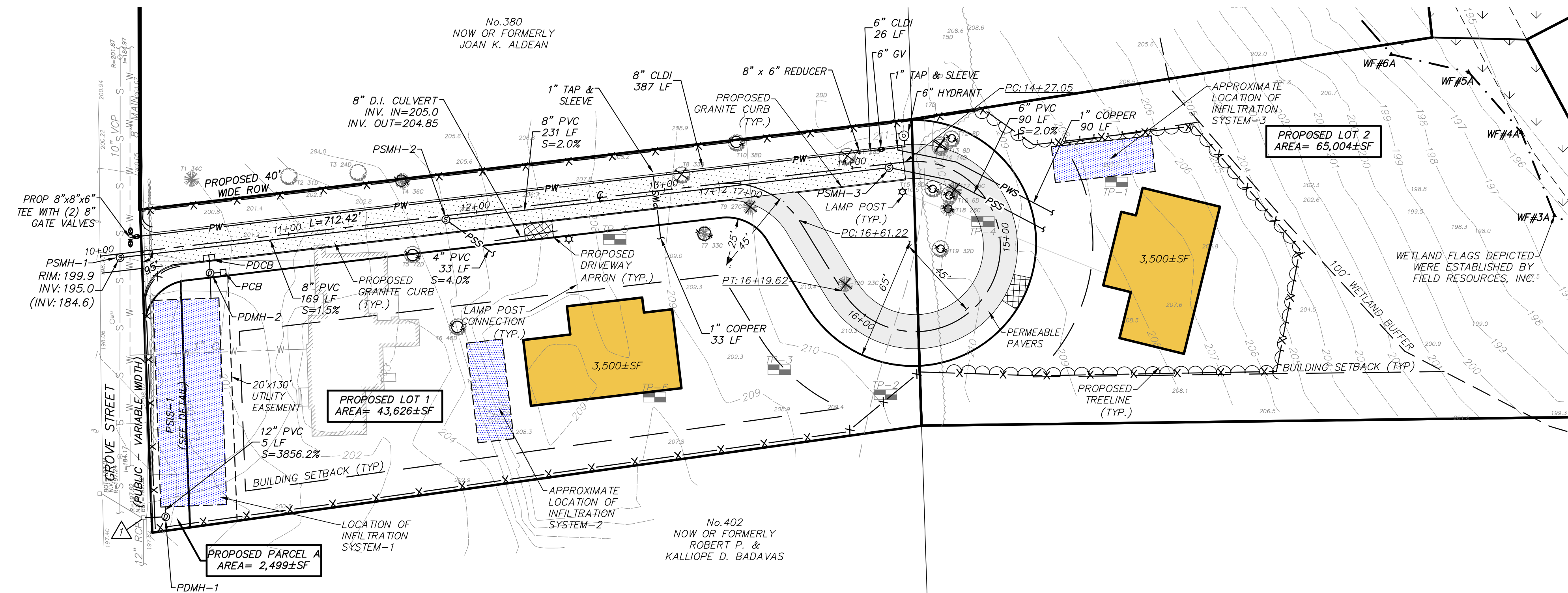
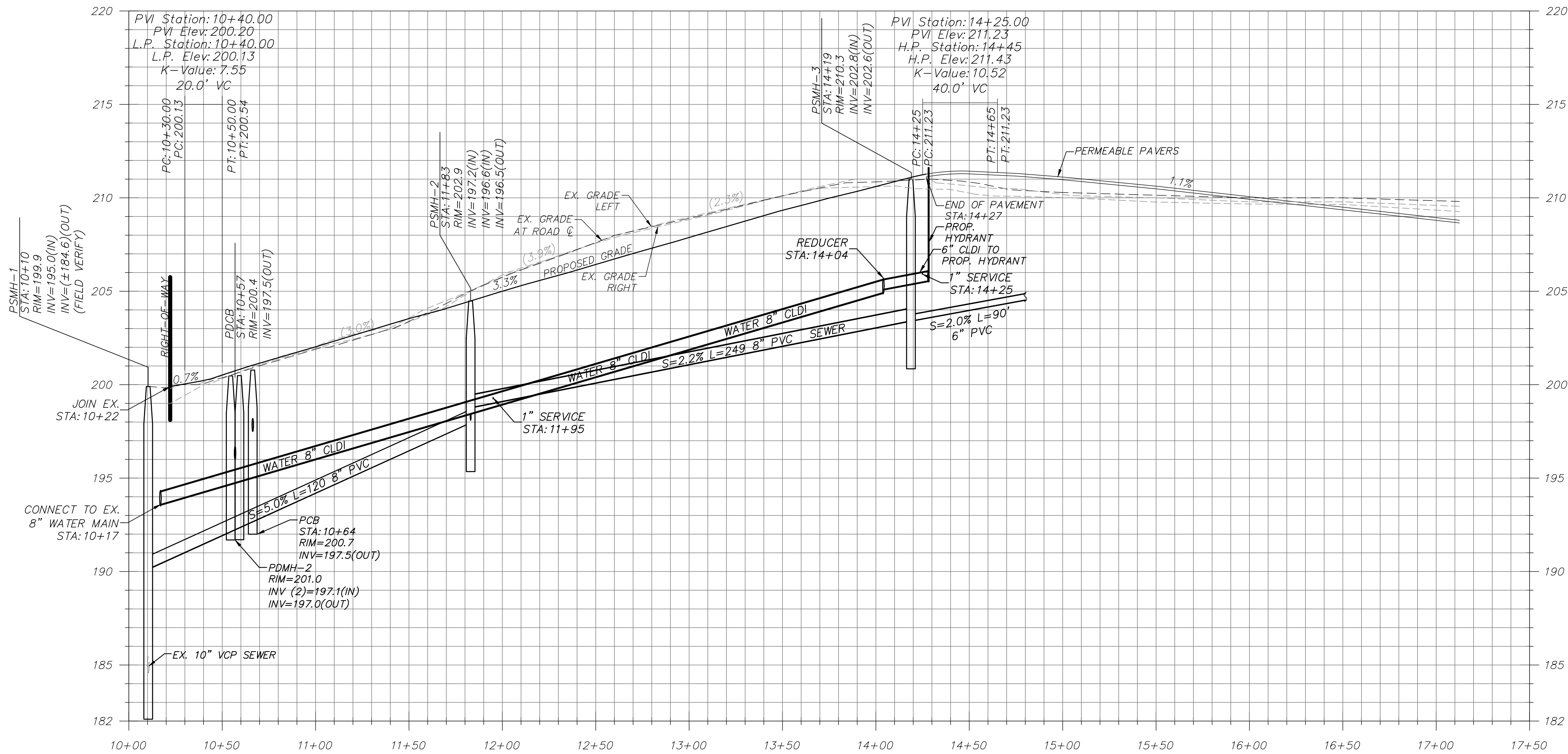
SCALE: 1"= 40'



NOTES

1. THE SUBJECT PROPERTY IS LOCATED IN ZONE SRA (SINGLE RESIDENCE A).
2. THE SUBJECT PROPERTY IS DEPICTED AS LOT 9 ON TOWN OF NEEDHAM ASSESSOR'S MAP 221.
3. REFER TO THE 'LOTING PLAN', SHEET 4 OF 9 OF THE PLAN SET FOR METES AND BOUNDS DESCRIPTIONS OF THE EXISTING AND PROPOSED LOTS AND RIGHT-OF-WAY.
4. 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.
5. THE SUBJECT PREMISES IS LOCATED IN THE FOLLOWING FLOOD ZONES PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0018E DATED JULY 17, 2012:

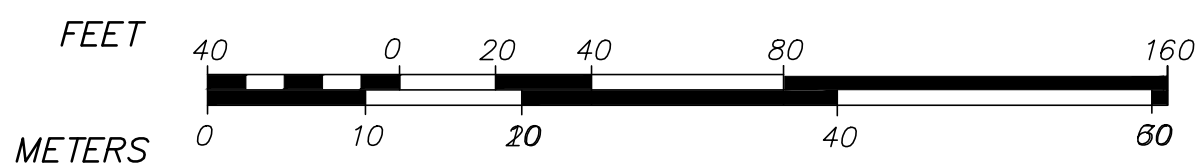
- FLOOD ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN



TEMPORARY BENCHMARK CHART:

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

GRAPHIC SCALE
SCALE: 1"=40'



NOTES

1. 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.

2. 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

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.

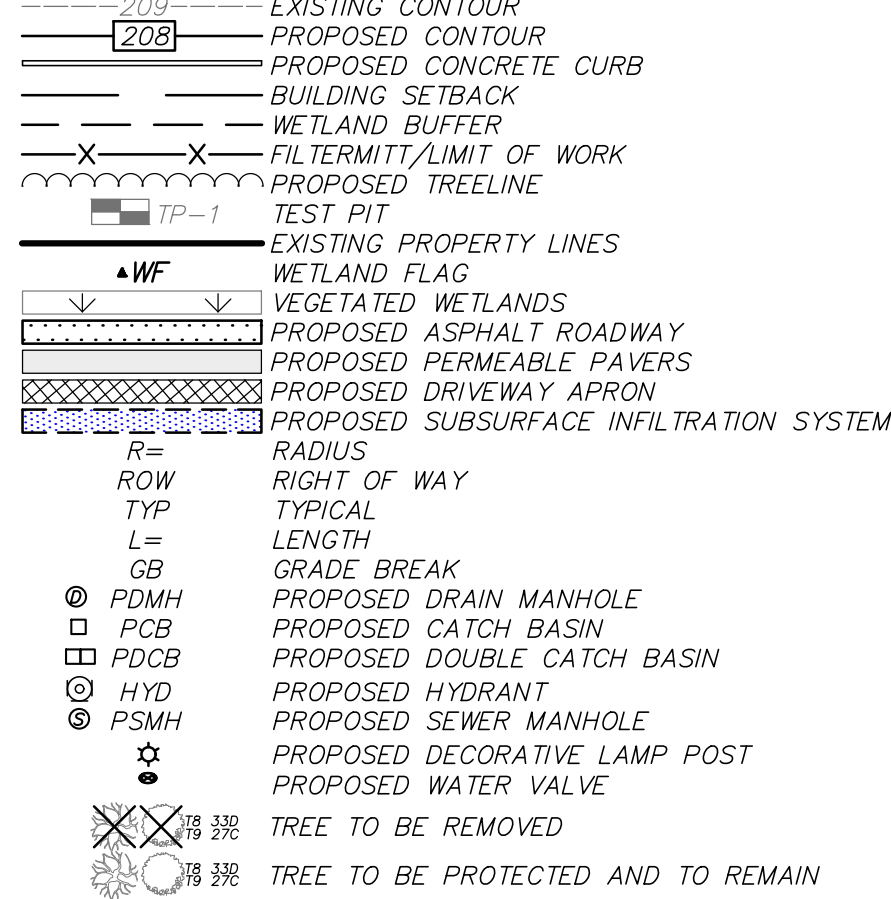
NOTE: ALL PROPOSED DOMESTIC WATER SERVICES TO BUILDINGS SHALL BE 1" COPPER, TYPE K.

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.

LEGEND



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

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

MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5950
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-4447
WWW.MERIDIANASSOC.COM

DATE:
JULY 20, 2018

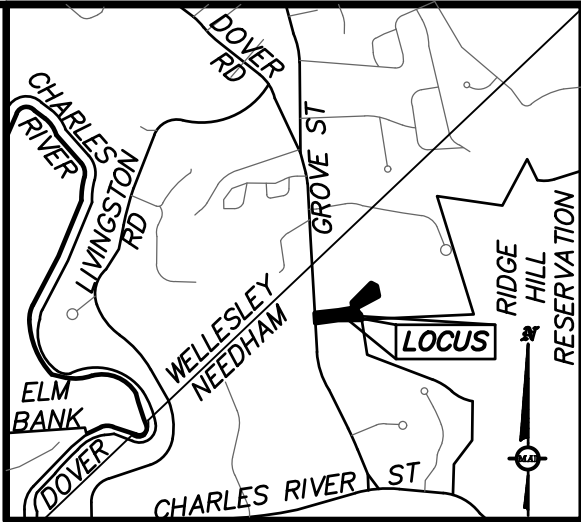
SCALE:
1"=40'

SHEET No.

6 OF 10

PROJECT No.

6036



REVISIONS		
11.21.18	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
02.07.20	REVISED PER TOWN COMMENTS	DSK
03.02.20	REVISED PER TOWN COMMENTS	DSK
DATE	DESCRIPTION	BY

Field Resources, Inc.
LAND SURVEYORS

P.O. BOX 324
AUBURN, MA
508 832 4332

281 CHESTNUT
NEEDHAM
781 444

fieldresources@hotmail.com

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

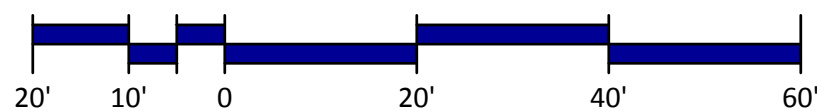
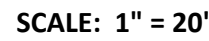
 MERIDIAN ASSOCIATES 500 CLIMMING CUNEIFORM SUITE 6900 BEVERLY, MASSACHUSETTS 01915 TELEPHONE: (978) 298-0447	40 NALAK STREET, SUITE 302 WESTBOROUGH, MASSACHUSETTS 01581 TELEPHONE: (508) 871-7030 WWW.MERIDIANASSOC.COM	DESIGNED BY: C. McCANN	CHECKED BY: M. NOVAK
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DATE: JULY 20, 2018
SCALE: 1"=20'
SHEET No. 7 OF 10
PROJECT No. 6036

QTY	SYM	SCIENTIFIC NAME	COMMON NAME	SIZE	NOTES
TREES					
23	AC	Amelanchier Canadensis	Shadblow Serviceberry	6'-8' Ht. B&B	BR N ST White Birds Showy Edible Fruit Fall Color April-May
15	JV	Juniperus virginiana	Eastern Red Cedar	10'-12' Ht. B&B	DR DT N ST Blueish/Black Fruit Wildlife Evergreen
4	PG	Picea glauca	White Spruce	7'-8' Ht. B&B	DR N Birds/Small Mammals Evergreen Winter Interest
10	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 DT N ST 48" OC Yellow/White Birds/Butterflies Fall/Winter Interest May-June
72	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

LANDSCAPE NOTES:

1. REFER TO LANDSCAPE DETAILS FOR LANDSCAPE DETAILS.
2. ALL PLANT MATERIAL SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED BY THE "AMERICAN STANDARD FOR NURSERY STOCK" PUBLISHED BY AmericanHort 2014 AND AS AMENDED.
3. ALL PLANT MATERIALS SHALL BE GUARANTEED FOR ONE YEAR FOLLOWING DATE OF FINAL ACCEPTANCE.
4. VERIFY LOCATIONS OF ALL EXISTING UTILITY LINES PRIOR TO PLANTING AND REPORT ANY CONFLICTS TO THE OWNER OR OWNER'S REPRESENTATIVE.
5. 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.
6. 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.
7. PLANTING PLAN IS DIAGRAMMATIC IN NATURE. FINAL PLACEMENT OF PLANTS TO BE APPROVED BY THE LANDSCAPE ARCHITECT IN THE FIELD.
8. ALL SHADE TREES ALONG SIDEWALKS SHALL HAVE A MINIMUM SIX (6) FOOT BRANCHING HEIGHT.
9. PLANT MATERIALS DEPICTED IN ROWS SHALL CONTAIN MATCHING PLANT SPECIMENS SPACED EQUALLY ALONG INDICATED AREA.
10. 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.
11. 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.
12. ALL PLANT MATERIALS ARE INTENDED TO BE DROUGHT TOLERANT ONCE ESTABLISHED. NO IRRIGATION SYSTEM IS PROPOSED.
13. LOAM AND SEED ALL DISTURBED AREAS UNLESS OTHERWISE INDICATED ON PLAN. LOAM WITH TOPSOIL SPREAD TO A MINIMUM DEPTH OF (6) SIX INCHES.
14. 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).
15. PERENNIALS, BULBS AND ANNUALS ARE TO BE PLANTED IN A WELL PREPARED BED WHICH SHOULD 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).



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:

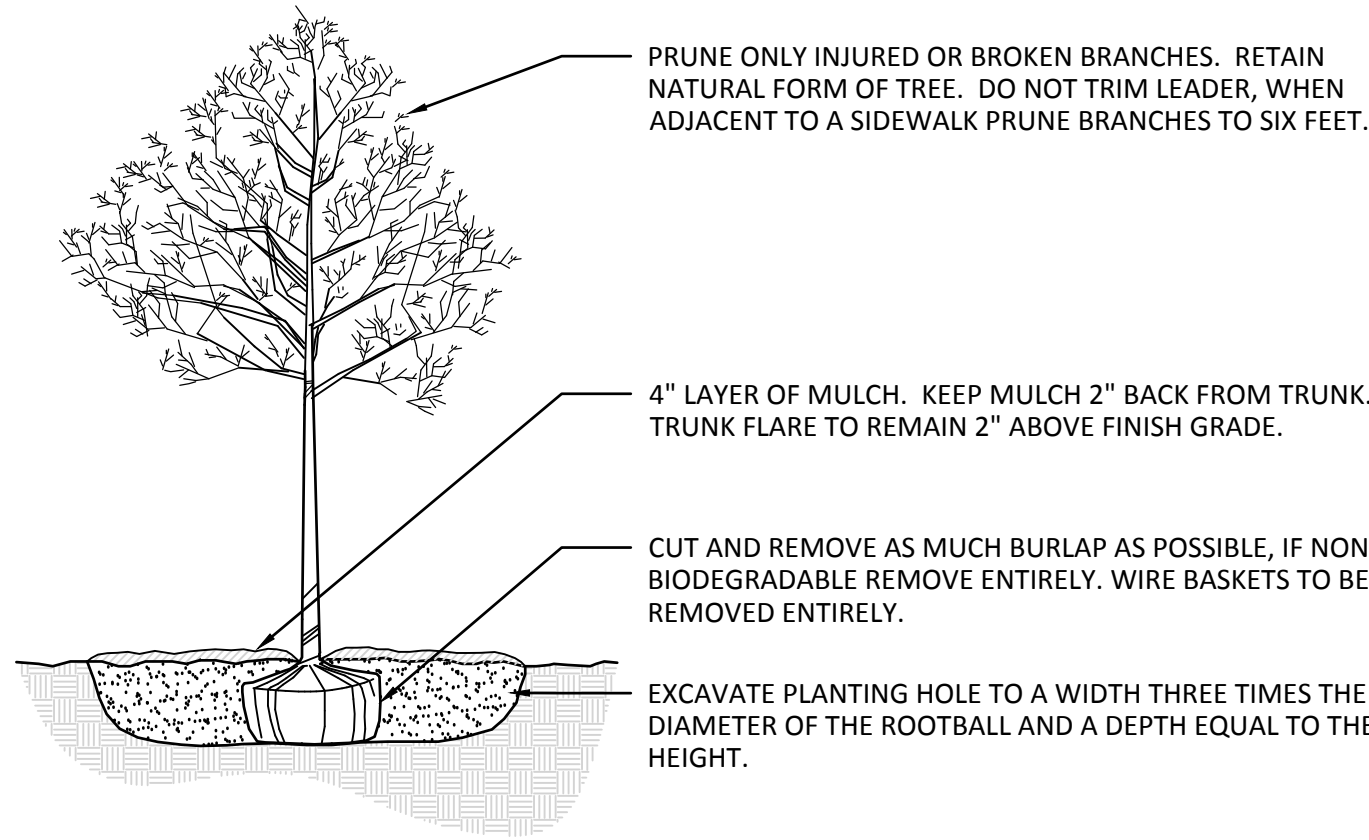
APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

ELISABETH SCHMIDT-SCHEUBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

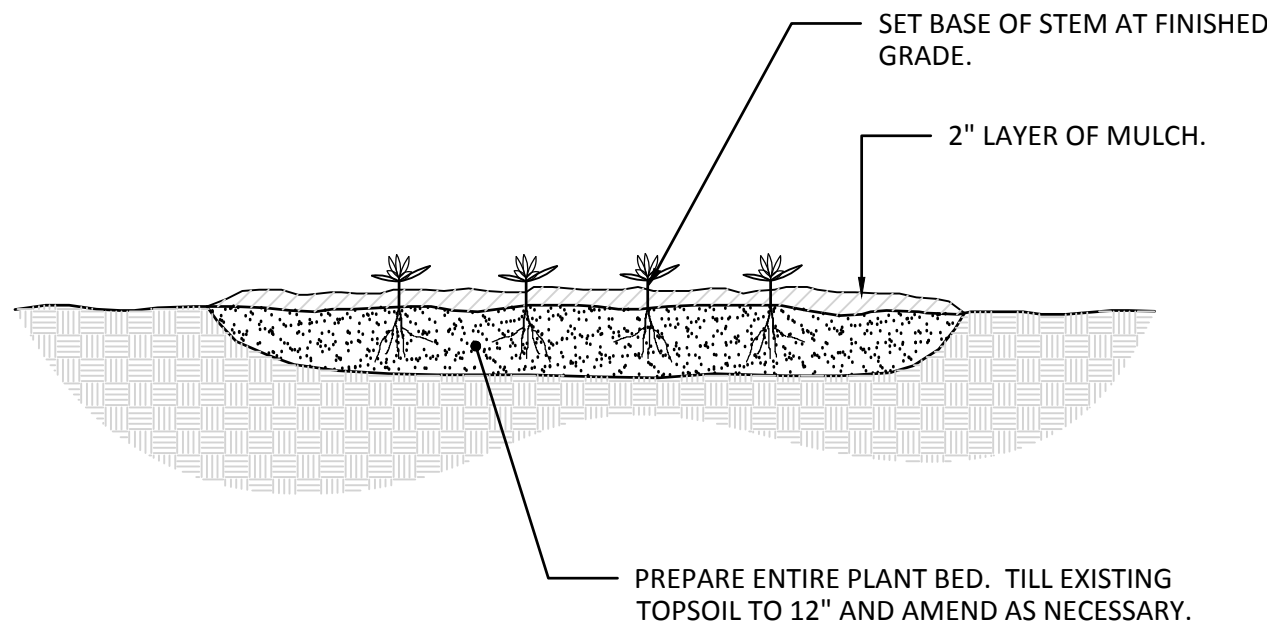
APPROVED:



NOTES:

- BACKFILL PLANTING HOLE WITH EXISTING SOIL AMENDED AS NECESSARY.
- BACKFILL HALF THE SOIL AND WATER TO SETTLE OUT AIR POCKETS, COMPLETE BACKFILLING AND REPEAT WATERING.
- IF ROOTS ARE CIRCLING THE ROOTBALL EXTERIOR, CUT ROOTS VERTICALLY IN SEVERAL PLACES PRIOR TO PLANTING.
- ONLY STAKE TREES SITUATED ON WINDY SITES OR EXPOSED TO SUBSTANTIAL PEDESTRIAN TRAFFIC.

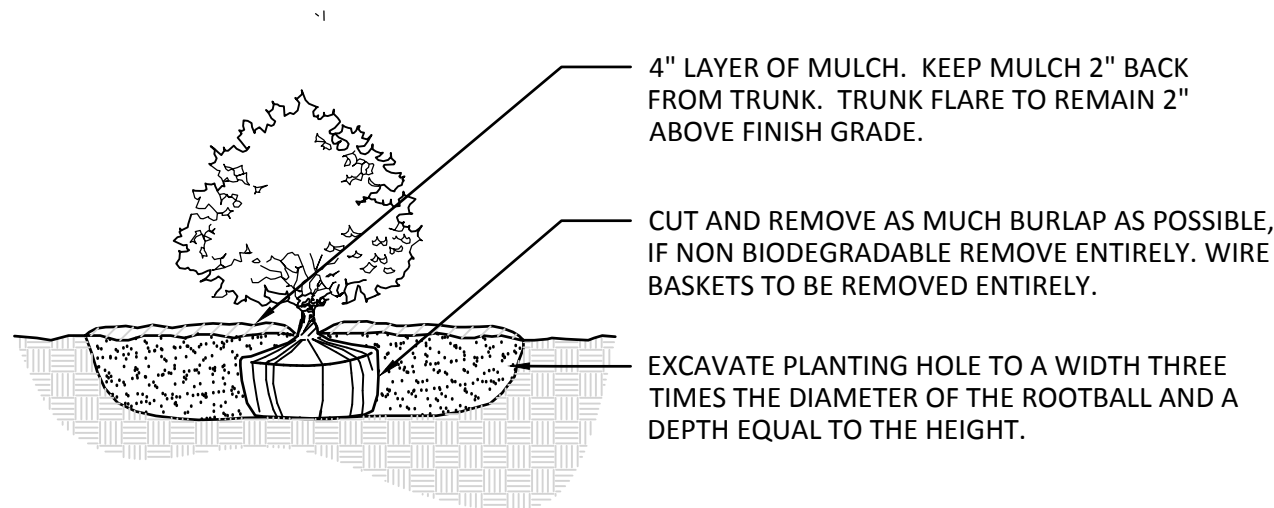
TREE PLANTING
(NOT TO SCALE)



NOTE:

SPACE PLANTS EQUALLY TO PROVIDE CONSISTANT COVER OVER INDICATED PLANTING BED.

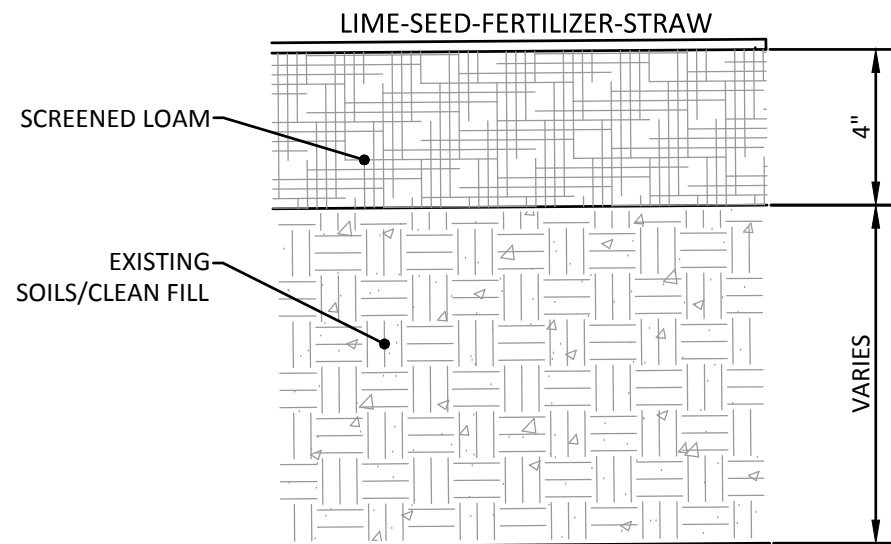
GROUNDCOVER PLANTING
(NOT TO SCALE)



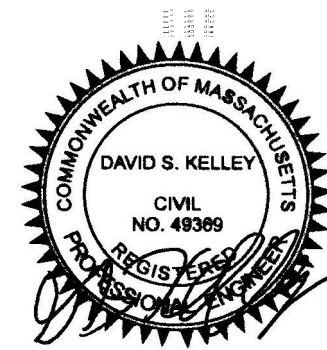
NOTES:

- BACKFILL PLANTING HOLE WITH EXISTING SOIL AMENDED AS NECESSARY.
- BACKFILL HALF THE SOIL AND WATER TO SETTLE OUT AIR POCKETS, COMPLETE BACKFILLING AND REPEAT WATERING.
- IF ROOTS ARE CIRCLING THE ROOTBALL EXTERIOR, CUT ROOTS VERTICALLY IN SEVERAL PLACES PRIOR TO PLANTING.

SHRUB PLANTING
(NOT TO SCALE)



TYPICAL LOAM & SEED CROSS - SECTION
(NOT TO SCALE)



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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BY:

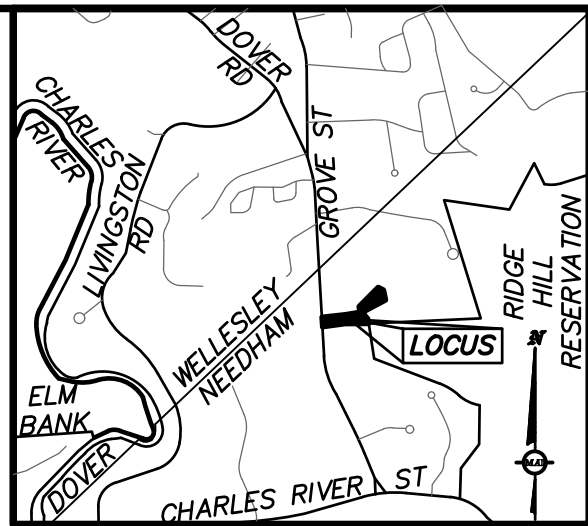
APPROVED:

APPLICANT

MORITZ SCHMIDT
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492

RECORD OWNERS

ELISABETH SCHMIDT-SCHUEBER
390 GROVE STREET
NEEDHAM, MASSACHUSETTS 02492



LOCUS MAP:
(NOT TO SCALE)

390 GROVE STREET

PROPOSED LANDSCAPE DETAILS
LOCATED IN
NEEDHAM, MASSACHUSETTS
(NORFOLK COUNTY)
PREPARED FOR
MORITZ SCHMIDT

MERIDIAN ASSOCIATES



500 CUMMINGS CENTER, SUITE 302
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-4447
WWW.MERIDIANASSOC.COM

DESIGNED BY: C. MCCANN

CHECKED BY: M. NOVAK

DATE:
JULY 20, 2018

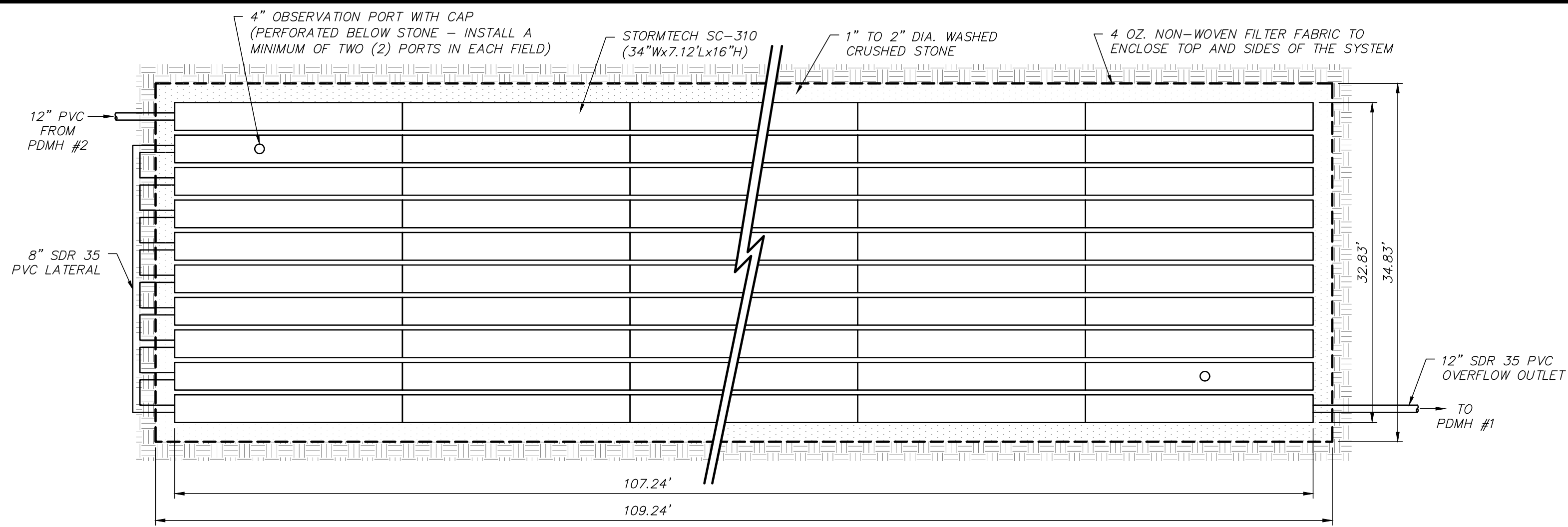
SCALE:
AS NOTED

SHEET No.

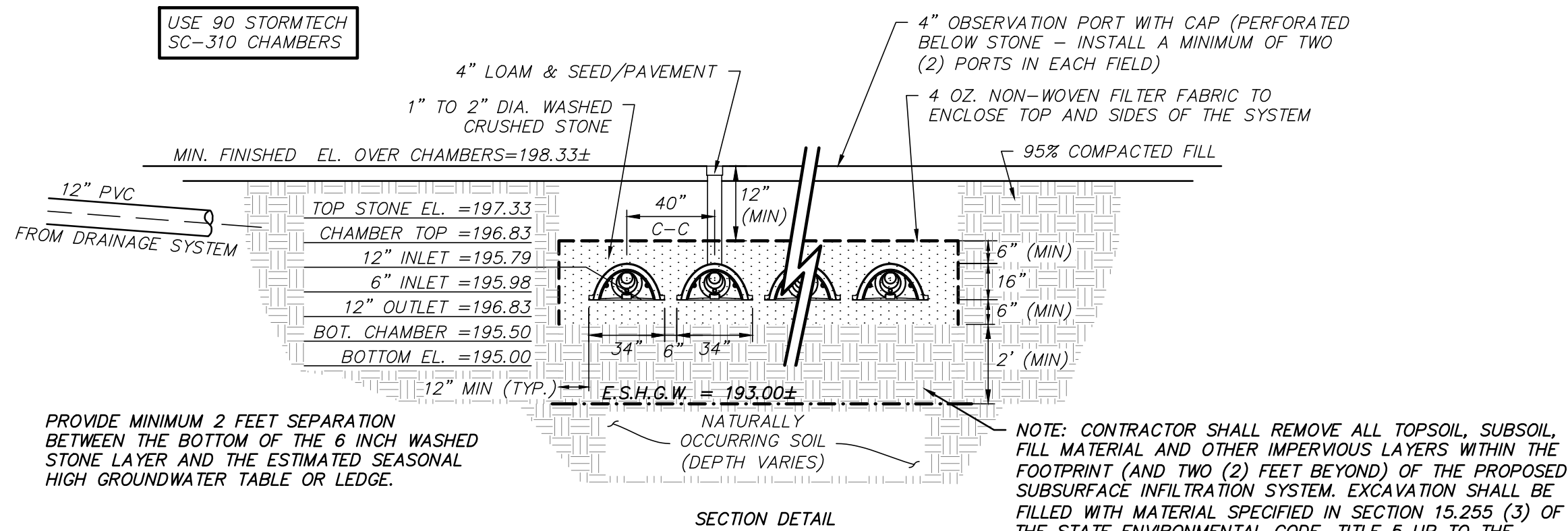
8 OF 10

PROJECT No.

6036

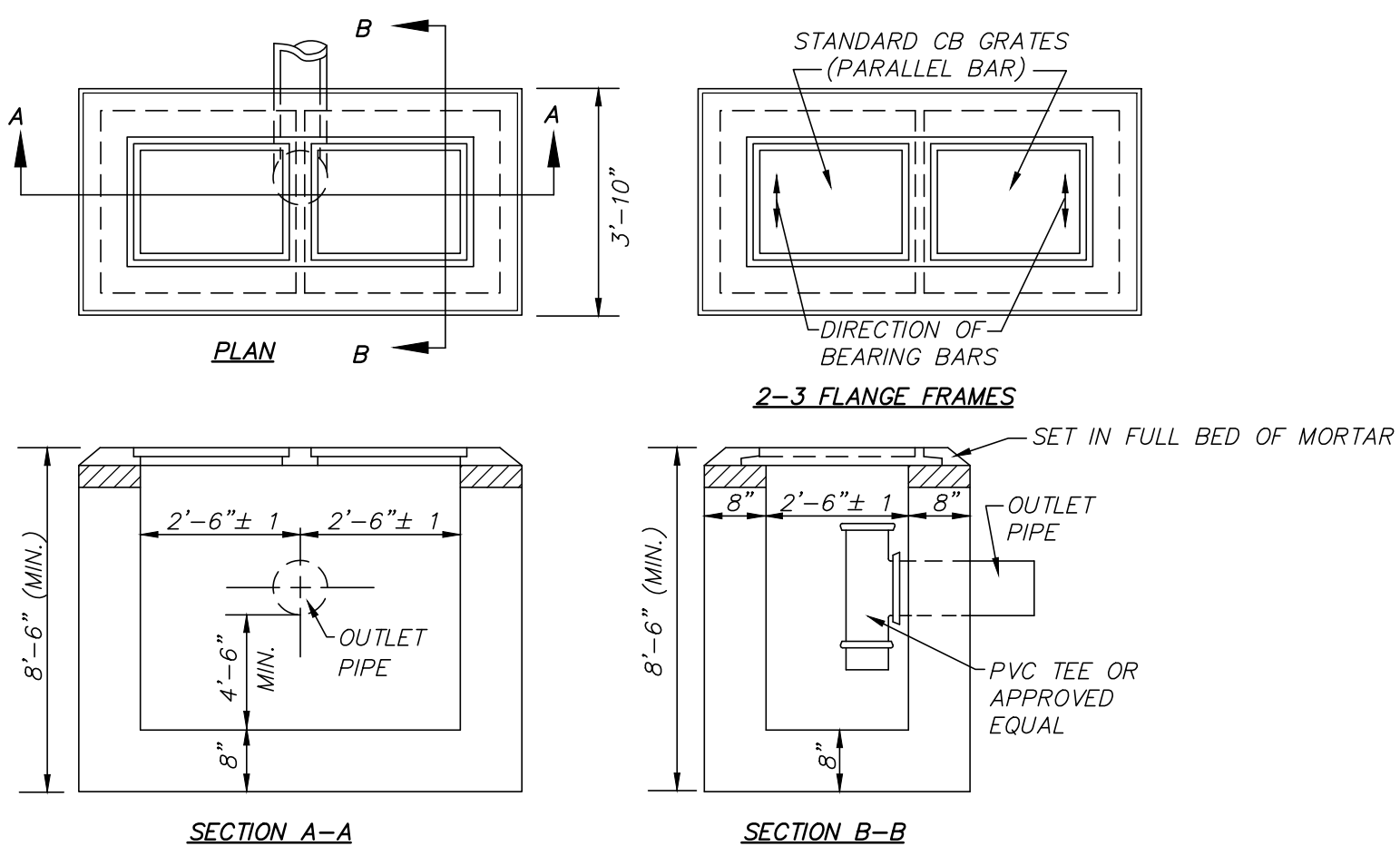


PROPOSED SUBSURFACE INFILTRATION SYSTEM-1 (PSIS-1) - PLAN VIEW
(NOT TO SCALE)



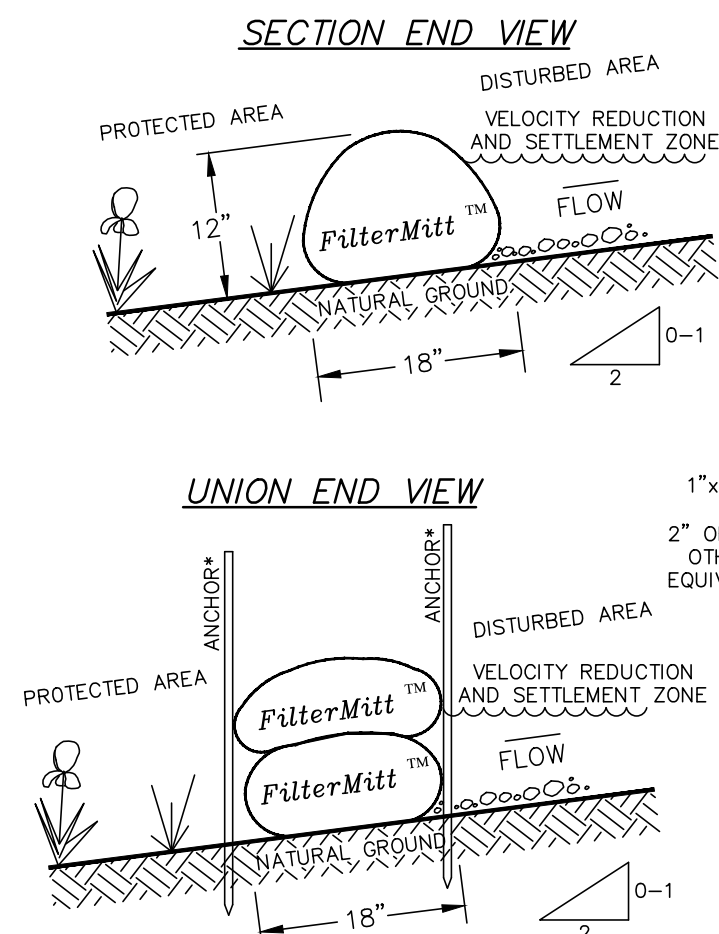
NOTES:
- C-C IS CENTER TO CENTER
- PROVIDE 6" MIN. SEPARATION BETWEEN ROWS OF CHAMBERS

PROPOSED SUBSURFACE INFILTRATION SYSTEM-1 (PSIS-1) - CROSS SECTION
(NOT TO SCALE)



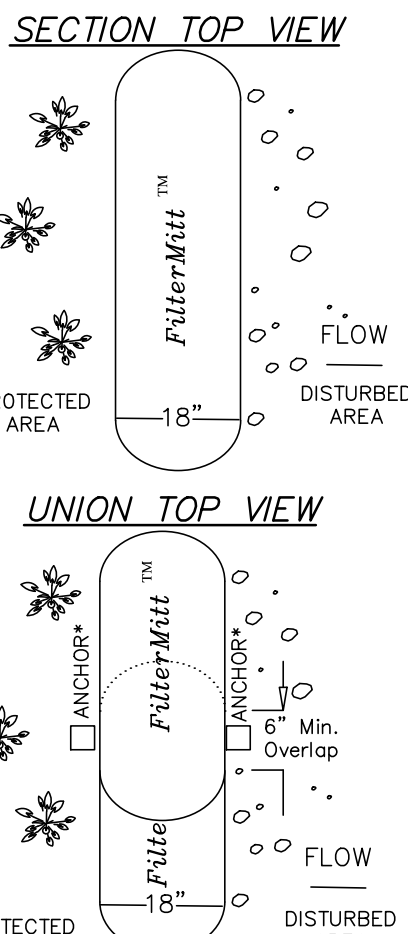
SPECIFICATIONS:
CONCRETE STRENGTH
4000 P.S.I. AT 28 DAYS
REINFORCING STEEL CONFORMS TO ASTM A185-79
MANHOLE DESIGN SPECIFICATIONS
CONFORM TO ASTM C 487-84
ONE POUR MONOLITHIC BASE
ADJUST GRADE WITH
COURSES OF BRICK
NOMINAL CONCRETE BLOCK SIZE:
HEIGHT, 4" TO 8"
WIDTH, 8"
LENGTH, 8" TO 16"

DOUBLE CATCH BASIN
(NOT TO SCALE)

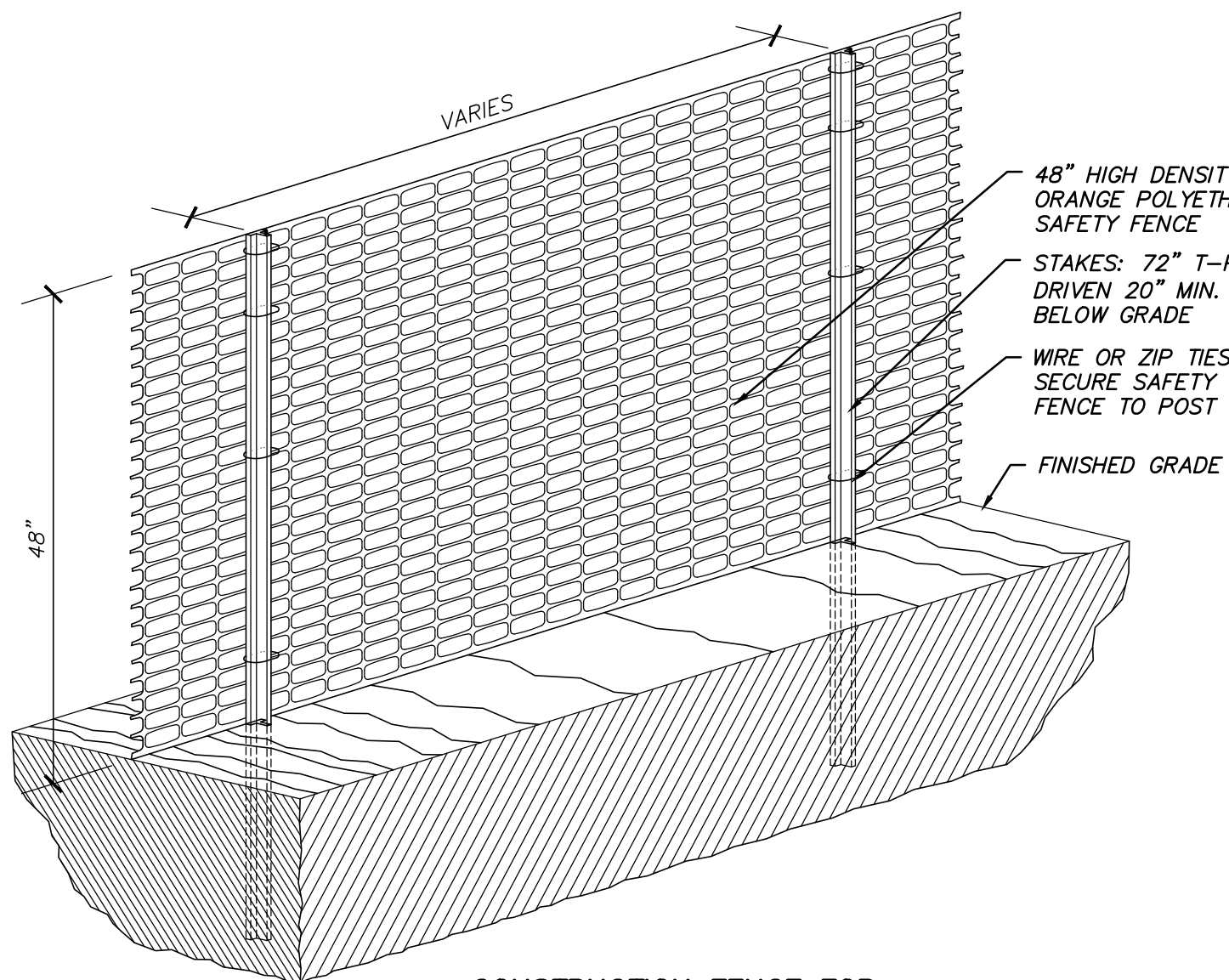


FilterMitt™ COMPONENTS:
OUTSIDE CASING: 100% ORGANIC HESSIAN
FILLER INGREDIENT: *FiberRoot Mulch™*
• A BLEND OF COARSE AND FINE COMPOST AND SHREDDED WOOD.
• PARTICLE SIZES: 100% PASSING A 3" SCREEN; 90-100% PASSING A 1" SCREEN; 70-100% PASSING A 0.75" SCREEN; 30-75% PASSING A 0.25" SCREEN.
• WEIGHT: APPROX. 850 LBS./CU.YD. (AVE. 30 LBS./L.F.)
For more information visit:
www.groundscapesexpress.com
or contact us at:
Groundscapes Express, Inc.
P.O. Box 737
Wrentham, MA 02093
(508) 384-7140

FILTERMITT DETAIL
(NOT TO SCALE)

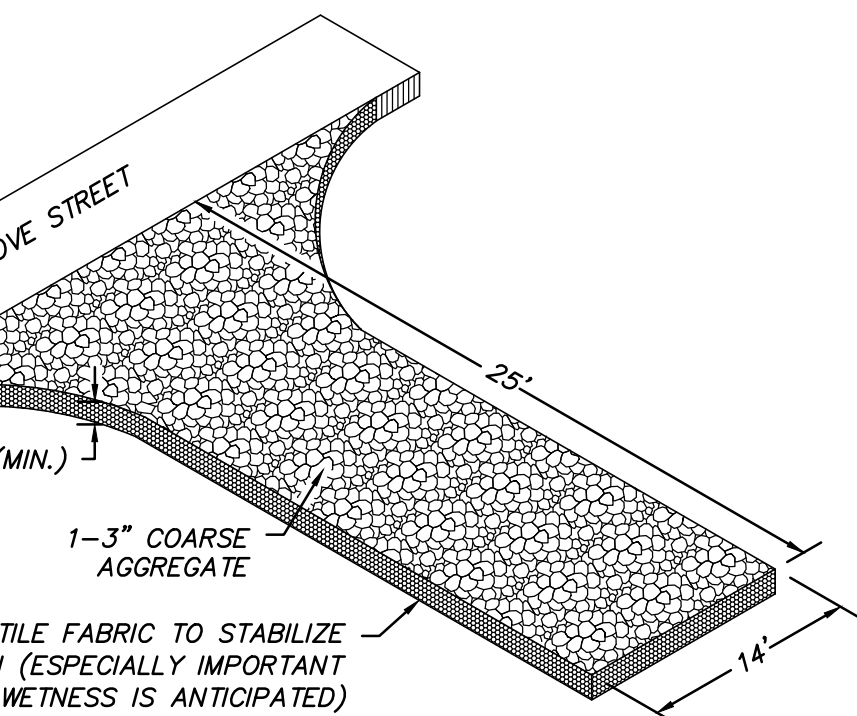


FilterMitt™ INSTALLATION:
WITH THE NEWEST TECHNOLOGY AND EQUIPMENT, SECTIONS CAN BE CONSTRUCTED ON SITE IN LENGTHS FROM 1' TO 100'.
SECTIONS CAN ALSO BE DELIVERED TO THE SITE IN LENGTHS FROM 1' TO 8'.
THE FLEXIBILITY OF *FilterMitt™* ALLOWS IT TO CONFORM TO ANY CONTOUR OR TERRAIN WHILE HOLDING A SLIGHTLY OVAL SHAPE AT 12" HIGH BY 18" WIDE.
WHERE SECTION ENDS MEET, THERE SHALL BE AN OVERLAP OF 6" OR GREATER. BOTH SIDES SHALL BE ANCHORED (OAK STAKES, TREES, ETC.) TO STABILIZE THE UNION.

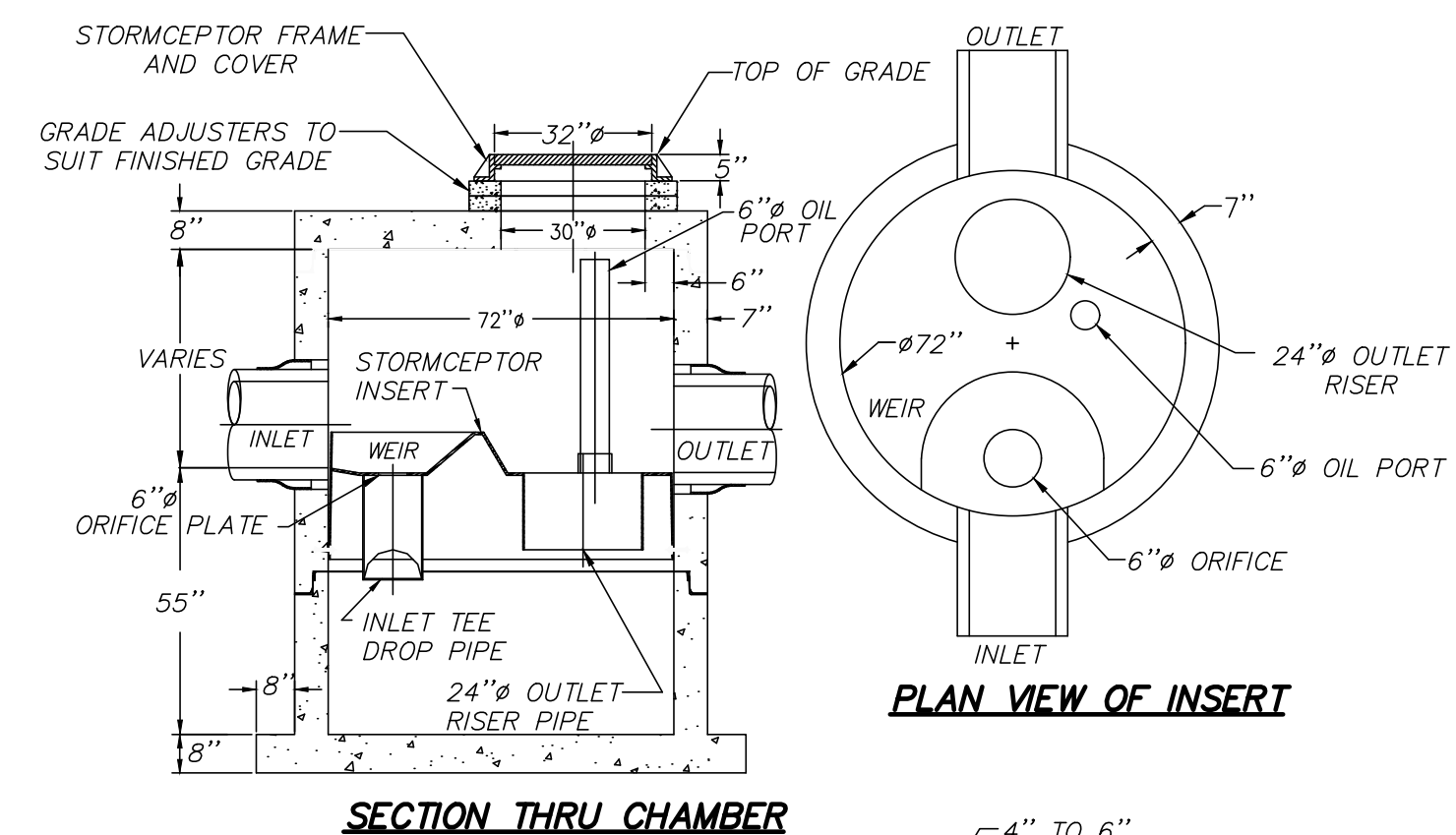


NOTE:
1. EXISTING TREES TO BE SAVED SHALL BE PROTECTED WITH ORANGE CONSTRUCTION FENCE (OFF-SET FROM THE TREE TRUNK BY PROFESSIONAL STANDARD BASED ON CANOPY) AND BURLAP AND STRAP BOARD TRUNK WRAP METHOD.

CONSTRUCTION FENCE FOR TREE PROTECTION DETAIL
(NOT TO SCALE)

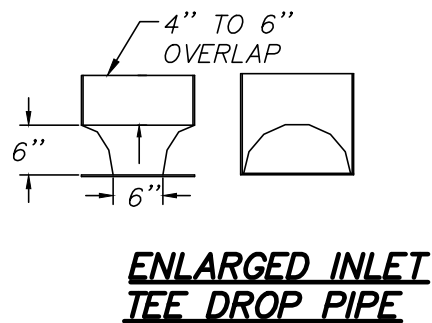


CONSTRUCTION TRACKING ENTRANCE/EXIT PAD
(NOT TO SCALE)

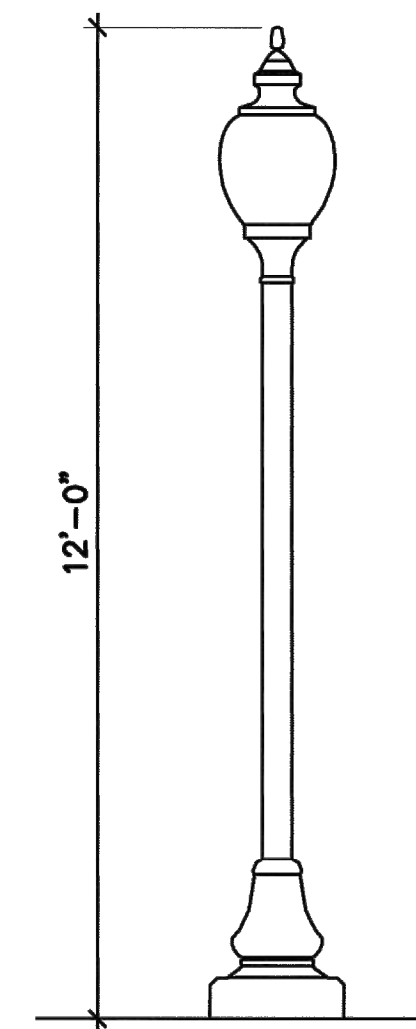


NOTE:
1. THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE INLET AND OUTLET WHERE APPLICABLE.
2. THE COVER SHOULD BE POSITIONED OVER THE 24" Ø OUTLET RISER PIPE AND THE 6" Ø OIL PORT.
3. THE STORMCEPTOR SYSTEM IS PROTECTED BY ONE OR MORE OF THE FOLLOWING U.S. PATENTS:
#4985148, #5498331, #5725760, #5753115, #5849181.

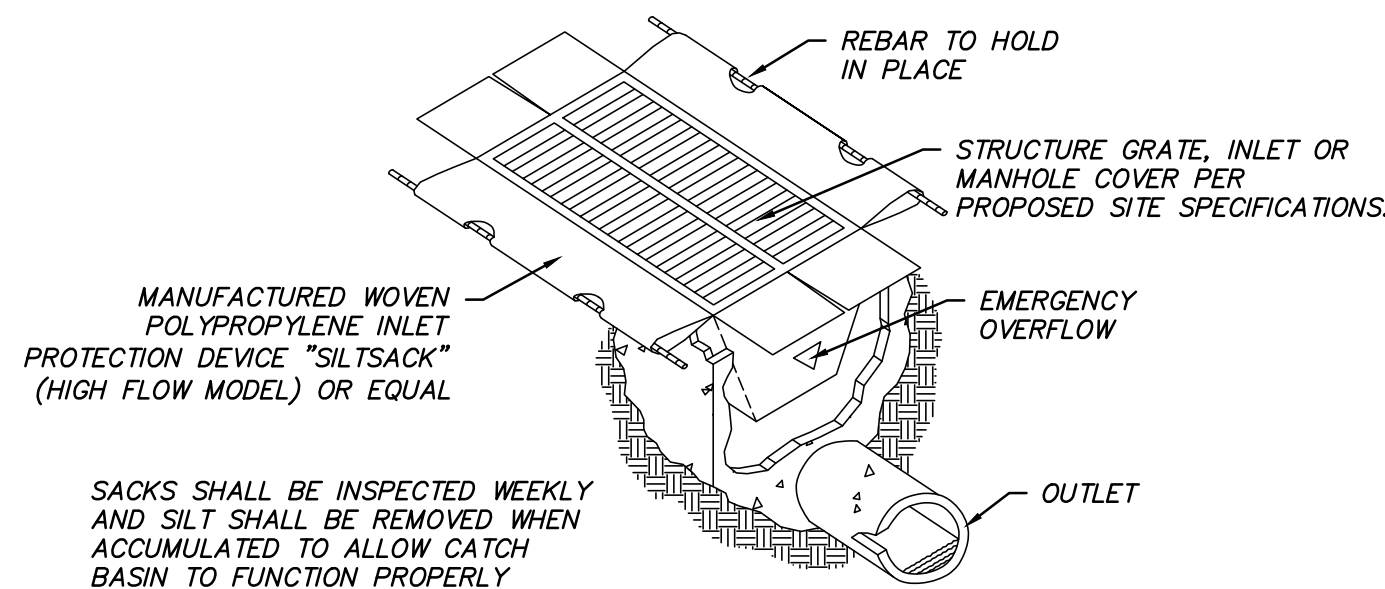
HYDRO CONDUIT
STC 900 Precast Concrete Stormceptor
(900 US Gallon Capacity)
(NOT TO SCALE)



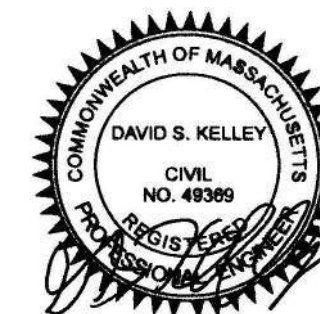
ENLARGED INLET TEE DROP PIPE



TYPICAL LIGHT POST DETAIL
(NOT TO SCALE)



SILTSACK DETAIL
(NOT TO SCALE)



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

390 GROVE STREET

SITE DETAILS 2

LOCATED IN

NEEDHAM, MASSACHUSETTS

(NORFOLK COUNTY)

PREPARED FOR

MORITZ SCHMIDT



MERIDIAN ASSOCIATES
60 MILK STREET, SUITE 302
BEVERLY, MASSACHUSETTS 01811
TELEPHONE: (978) 299-0447
WWW.MERIDIANASSOC.COM

DESIGNED BY: C. McCAIN
CHECKED BY: M. NOVAK

DATE: JULY 20, 2018

SCALE: 1"=40'

SHEET No.

10 OF 10

PROJECT No.

6036



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.

cc: Timothy McDonald, HHS Director

GroveSt-390DefSubdivMemo-20



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

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: 390 Grove Street subdivision, request for comment
Date: Thursday, July 16, 2020 11:37:33 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
Fire has no issues with this plan.

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: Monday, July 13, 2020 3:06 PM
To: Dennis Condon <DCondon@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>
Subject: 390 Grove Street subdivision, request for comment

Dear Chiefs,

We will be holding a re-opening of a hearing for a proposed subdivision at 390 Grove Street on Tuesday July 21. Please let me know if you have any comments (original application, list of waivers, and letter attached, along with revised plans).

Hope you are well.

Thanks, alex.

From: [Anthony DelGaizo](#)
To: [Alexandra Clee](#); [Lee Newman](#)
Cc: [Elisa Litchman](#); [Thomas Ryder](#)
Subject: RE: 390 Grove Street - Definitive Subdivision Plan - Revisions
Date: Thursday, July 16, 2020 10:28:50 AM
Attachments: [2020-03-11 6036 Needham S&S.pdf](#)
[7.Eng.comments.pdf](#)
[4.coverletter.email.390Grove.pdf](#)

Alex, Lee,

The proposed culvert pipe under the driveway for Lot 1 does not agree with the grading plan. The inverts don't work. The pipe is also indicated to be 8 inches DI. It must be 12 inches minimum or culvert headwater depth calculations must be submitted along with a regular cleaning maintenance schedule.

Anthony L. Del Gaizo, PE
Town Engineer

Needham Department of Public Works
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Phone: 781-455-7550
Email: adelgaizo@needhamma.gov

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Monday, July 13, 2020 2:45 PM
To: Anthony DelGaizo <ADelgaizo@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>
Subject: FW: 390 Grove Street - Definitive Subdivision Plan - Revisions

Hi Tom, Tony,

You reviewed the original plans for this proposed subdivision back in February and provided us with comments (attached). The applicant since revised the plans. I am attaching the revised plans, along with a cover letter from Kelly Engineering explaining the changes. If you can review the revised plans, that would be great. If we get your comments by end of the day Thursday July 16, they will be included in our packets. If that is not possible, we would appreciate receiving them by the hearing on Tuesday July 21.

Thanks, alex.

From: David Kelley <dkelley@meridianassoc.com>
Sent: Wednesday, March 11, 2020 11:00 AM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Cc: George Giunta Jr <george.giuntajr@needhamlaw.net>; Moritz Schmidt <moritzss@yahoo.com>
Subject: RE: 390 Grove Street - Definitive Subdivision Plan - Revisions

Alex:

Here are the updated plans with the corresponding revision dates. One (1) full size and one (1) reduced size copies are being sent to you and you should have them in the morning.

Please let me know if you have any questions, comments or concerns.

David S. Kelley, PE

Senior Project Manager

500 Cummings Center, Suite 5950, Beverly, MA 01915

Office (978) 614-0653 / Cell (978) 265-5402

<http://www.meridianassoc.com> dkelley@meridianassoc.com

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, March 10, 2020 12:25 PM
To: David Kelley <dkelley@meridianassoc.com>; Lee Newman <LNewman@needhamma.gov>
Cc: George Giunta Jr <george.giuntajr@needhamlaw.net>; Moritz Schmidt <moritzss@yahoo.com>
Subject: RE: 390 Grove Street - Definitive Subdivision Plan - Revisions

Hi David,

In reviewing the plans in detail (while drafting the decision), I see that the latest two sets of plans eliminated a revision date. On Sheet 4, the lotting plan, the revision date of 10/21/2019 is not noted. I have not been through all of the plan sheets yet to see if this occurs again. But I think the best way to handle it is for you to make sure that all earlier revision dates are carried forward. Then you can give me new sets of the plan in PDF and hard copy so that I can entirely substitute them for the last set of plans you gave me. We think it would be easier than trying to call it out as a Plan Modification. (there may be additional plan modifications required after the decision is issued, I'm not certain yet, but even if so, at least the base plan will be correct.

Please call me if this is at all not clear.

Thanks, Alex.

Alexandra Clee
Assistant Town Planner

Town of Needham
781-455-7550 Ext 271

**** Please note: I will not be in the office on Mondays. I will reply to you on Tuesdays, Wednesdays, Thursdays and Fridays.**

From: David Kelley <dkelley@meridianassoc.com>
Sent: Wednesday, March 04, 2020 11:57 AM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Cc: George Giunta Jr <george.giuntajr@needhamlaw.net>; Moritz Schmidt <moritzss@yahoo.com>
Subject: RE: 390 Grove Street - Definitive Subdivision Plan - Revisions

Alexandra:

You should have these in hand tomorrow.

David S. Kelley, PE

Senior Project Manager

500 Cummings Center, Suite 5950, Beverly, MA 01915
Office (978) 614-0653 / Cell (978) 265-5402
<http://www.meridianassoc.com> dkelley@meridianassoc.com

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, March 04, 2020 11:32 AM
To: David Kelley <dkelley@meridianassoc.com>; Lee Newman <LNewman@needhamma.gov>
Cc: George Giunta Jr <george.giuntajr@needhamlaw.net>; Moritz Schmidt <moritzss@yahoo.com>
Subject: RE: 390 Grove Street - Definitive Subdivision Plan - Revisions

Received, thanks. Please mail 2 large sized plan sets with stamp and include your cover email about what changed. Please also include 6 reduced sized sets.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
781-455-7550 Ext 271

**** Please note: I will not be in the office on Mondays. I will reply to you on Tuesdays, Wednesdays, Thursdays and Fridays.**

From: David Kelley <dkelley@meridianassoc.com>
Sent: Wednesday, March 04, 2020 11:12 AM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Cc: George Giunta Jr <george.giuntajr@needhamlaw.net>; Moritz Schmidt <moritzss@yahoo.com>
Subject: RE: 390 Grove Street - Definitive Subdivision Plan - Revisions
Importance: High

Alexandra:

Here is an updated plan from the ones sent yesterday. Two (2) of the sheet numbers were not updated. Please use this set of plans when making copies and ignore the plans sent yesterday.

Sorry for any confusion.

Please let me know if you have any questions, comments or concerns.

David S. Kelley, PE

Senior Project Manager

500 Cummings Center, Suite 5950, Beverly, MA 01915

Office (978) 614-0653 / Cell (978) 265-5402

<http://www.meridianassoc.com> dkelley@meridianassoc.com

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Tuesday, March 03, 2020 12:35 PM

To: David Kelley <dkelley@meridianassoc.com>; Lee Newman <LNewman@needhamma.gov>

Cc: George Giunta Jr <george.giuntajr@needhamlaw.net>; Moritz Schmidt <moritzss@yahoo.com>

Subject: RE: 390 Grove Street - Definitive Subdivision Plan - Revisions

Received, thanks.

Alexandra Clee

Assistant Town Planner

Town of Needham

781-455-7550 Ext 271

**** Please note: I will not be in the office on Mondays. I will reply to you on Tuesdays, Wednesdays, Thursdays and Fridays.**

From: David Kelley <dkelley@meridianassoc.com>

Sent: Tuesday, March 03, 2020 8:46 AM

To: Lee Newman <LNewman@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>

Cc: George Giunta Jr <george.giuntajr@needhamlaw.net>; Moritz Schmidt <moritzss@yahoo.com>

Subject: 390 Grove Street - Definitive Subdivision Plan - Revisions

Dear Ms. Newman:

Please find attached herewith the revised definitive Subdivision Plans for the site at 390 Grove Street. The plans have been revised as follows:

Per comments at the Planning Board Hearing on February 18, 2020:

- On Sheet 5, the one (1) foot tick mark has been added to the note that states: 'Filtermitt is to

- be installed one (1) foot south of the northern property line;
- The existing easement along the rear of Lot 2 has been identified as a '25' wide natural gas easement';
 - The roadway has been shifted two (2) feet to the south, providing a thirteen (13) foot buffer between the roadway and the abutter to the north;
 - Which trees are to be saved and which trees are to be removed have been more clearly depicted and appropriate symbols have been added to the legend;
 - The legend has been revised to include the following:
 - Proposed treeline;
 - Proposed drain manhole (PDMH);
 - Proposed catch basin (PCB);
 - Proposed double catch basin (PDCB);
 - Proposed hydrant;
 - Proposed sewer manhole (PSMH);
 - Proposed decorative lamp post;
 - Proposed water valve;
 - Existing trees to be removed;
 - Existing trees to be protected and remain in place;
 - The word 'approximate' has been removed from 'approximate existing property lines' in the legend;
 - Proposed Landscaping has been added along the northern side of the roadway and along the southern property line of Lot 1;
 - We looked at 'pivoting' the road to the right, just before the cul-de-sac, however, the 'pivoting' of the roadway would save one tree to the left of the road, but would then require the removal of at least two or more trees in the vicinity of the cul-de-sac. As such, the road was not 'pivoted'.

We look forward to meeting with you at your next meeting on Tuesday March 17, 2020.

Please review the attached materials and please let me know should you have any questions, comments or concerns.

David S. Kelley, PE

Senior Project Manager

500 Cummings Center, Suite 5950, Beverly, MA 01915

Office (978) 614-0653 / Cell (978) 265-5402

<http://www.meridianassoc.com> dkelley@meridianassoc.com

Needham Planning Board
Needham, MA 02492
February 11, 2020

RE: Proposed Subdivision at 390 Grove Street

Dear Planning Board Members,

My name is Domenic Colasacco. Along with my wife, I own the property at 426 Grove Street, which directly abuts 390 Grove Street for approximately 400 linear feet on my north boundary. We purchased our property about 20 years ago from Fred & Lois Glass, just prior to their filing a formal subdivision plan to create four buildable lots from the nearly six-acre parcel we now own. I still have a copy of their proposed subdivision plans. We never moved forward with the subdivision plan of the prior owners, and do not expect to ever do so. We built a new home on the parcel soon after we purchased the property. Once both of us are no longer able to live here, our plan is to find a buyer who will not subdivide our property. If that sale plan is not successful, we expect to donate much of the rear excess land to the town for addition to Ridge Hill Reservation, which is contiguous to our rear property boundary for nearly 500 linear feet. I feel very fortunate that our financial status allows us to not seek maximum value for our property through a subdivision.

Over the past 20 years, I have spoken with Elisabeth Schmidt-Schueber, the owner of 390 Grove Street, and her son Moritz, on several occasions. I have offered repeatedly to purchase either all or just the portion of 390 Grove Street that borders our property. In each instance, they declined to sell any of their land to me. The primary reason given was their view that the property was worth far more than I was offering. Although I believe their opinion of fair value has been significantly inflated (as subsequent events have proven), I respect their position. I also understand fully that their financial circumstances may require them to seek maximum value rather than to have an objective that takes preservation of the land into consideration. That is clearly their right.

The last time I spoke directly with Moritz about potentially purchasing all or a portion of 390 Grove Street was in the fall of 2016. Moritz called me to let me know that the property adjacent to theirs, then known as 380 Grove Street and owned by the estate of Mrs. John Alden, was about to be listed for sale at a price of close to \$2 million. Moritz told me that they too were about to list their land for a similar amount. He asked if I was still interested in buying all or part of the property. I told Moritz that I was interested, but I expressed my view that the Alden property was far more valuable than theirs even though the total land area of the two was similar. The key difference was that the Alden parcel had 300 feet of frontage on Grove Street, while theirs had only about 170. Consequently, the Alden property, unlike theirs, could be easily subdivided into two buildable lots without a road or variance.

At the time, I also stated that I wanted to see responsible development of the two land parcels. Indeed, I offered to buy both properties, combine them, and seek approval for a short, well designed cul-de-sac with four or five building lots that conformed fully with the Needham by-laws. After normal due diligence, I estimated that the two parcels, as is, were worth \$3 to \$3.5 million, depending on whether four or five homes could be built. Moritz (and I presume his mother) decided not to accept my attractive offer. About six months later a developer purchased the Alden property for \$1.7 million, or close to my estimate of value. The developer subdivided the Alden land into two building lots, as allowed given the 300 feet of street frontage, and built two lovely homes that enhance the character of the neighborhood.

Now, after more than three years of having 390 Grove Street for sale for \$2 million plus without success (a value that I---and clearly the general market--- viewed then and now as an unrealistic expectation) Elisabeth and Moritz have decided to petition your Board to allow subdivision variances for the development of their property. Just as it has been their right to refuse my offers to purchase their property, it is also their right to try to convince you to grant them waivers to Needham's subdivision by-laws. I suspect that they would not be proceeding with such a time consuming and expensive process as petitioning the Planning Board, however, if they had an attractive subdivision potential "as a right" by simply following the town by-laws. Therefore, I must conclude that the primary reason they decided to seek development variances is solely to squeeze every potential dollar from their land by a combination of performing fewer development improvements and/or increasing the lot sizes and building envelopes to allow construction of larger homes, which would be more appealing to a builder.

I am neither a developer nor real estate attorney. Hence, I am not familiar with the usual process your Board follows in allowing variances to a subdivision plan that is not within the requirements of the Needham by-laws. I would hope, however, the process you follow includes taking into consideration the impact on the direct abutters---and neighborhood generally---when you grant variances that financially aid the property owner seeking the variances at the significant expense of nearby owners. Let me state very clearly that, in my view, I and my neighbors would suffer financial harm, and the entire neighborhood aesthetic degradation, if you allow the subdivision plan for 390 Grove Street to move forward as proposed. Among the reasons for my view are; a) the house on the front lot is likely to be placed sideways rather than face Grove Street, with far less than the typical spacing from the two existing adjacent homes; b) in contrast to the character of the neighborhood, the two new homes would be stacked behind each other; and, c) many beautiful, mature trees would be destroyed.

Respectfully, I request that the Board reject all the proposed variances. If the Board is inclined to allow any of the variances requested, though, at the very least I hope you require your approval to be accompanied by firm conditions that reduce the financial harm to the direct abutters, as well as the general intrusion on the land and surrounding environment. Specifically, I ask that you require as few trees and natural vegetation to be removed as possible. Such a provision should certainly include any and all trees not on the requested road/driveway and any trees and natural vegetation that are situated outside the designated house building envelopes shown on the subdivision plan. Moreover, please consider safety issues such as fire engine access to the rear building lot, along with the proper fire hydrants. I would also request specific language in any approvals you grant that no trees or vegetation on my abutting property are touched in any way. Developers have a habit of not paying attention to even clearly marked surveyor stakes---which I have installed. And please assure that there is full attention paid to the vast wetlands adjacent to the proposed rear lot.

Let me close by emphasizing that I am not against responsible development, as demonstrated by my offer to purchase and seek approval to develop both properties in 2016 without variances. I also welcomed the subdivision of the Alden property. In contrast, my view is that the proposal before you for 390 Grove is far from responsible. Not only would it change the current character of the neighborhood, but there would be an impact on the natural fauna who live here along with us fortunate humans. In a typical week, depending on the season, we see or hear deer, foxes, coyotes, rabbits, groundhogs, geese, turkeys, owls, hawks, large turtles, and dragonflies, along with a literal plethora of smaller birds, reptiles and mammals.

I expect to attend your scheduled public hearing on February 18th. Please feel free to ask me any questions at that time about the property surrounding 390 Grove Street, or the important historical significance of the entire Grove Street/Ridge Hill Farms/Sabrina Lake area. Should you have any questions for me in the interim, I may be reached directly at 617-726-7252 during business hours, or at my home number, which is 781-400-5654. I look forward to the meeting.

Thank you for your consideration.

Domenic Colasacco

February 11, 2020

Dear Planning Board Members:

Thank you again for allowing me to speak at the February 2nd meeting to discuss the proposed application for a subdivision of 390 Grove Street. As I mentioned at the meeting, my name is Jim Curley and I, along with my wife Katie, own 380 Grove (the direct abutter to the north of 390 Grove).

We moved into our current home last April after having lived for 19 years in Wellesley. One of the main reasons we bought this home was for its large lot and abundant privacy (including the protected reservation/wetlands behind our property). My wife and I each grew up in fairly rural areas of central Massachusetts and wanted to return to a sense of privacy and quiet as we settled into our forever home. After having moved in, we met with a few of our neighbors and learned that the son of the owner of 390 had been trying to sell that lot for several years, unsuccessfully, to builders/developers as a two-house subdivision. Upon learning this, myself and two other neighbors made an offer last Spring to buy the lot (as it exists today) for what we felt was a fair (if slightly above market value) price. We never received a response from the broker or owners. Instead, the Board now has a subdivision plan in front of it which attempts to cut many corners (through waivers of the applicable subdivision rules/regulations) in an effort to squeeze as much buildable space as possible into a non-conforming lot.

As I stated at the meeting, Grove Street in Needham, in my view, remains as one of Needham's premier, Estate-like areas with its long and deep history, large property lots with beautiful trees and green space and well-situated homes. It is an area that should be protected and preserved, with only new homes that add to, enhance or otherwise fit within the neighborhood. This plan and the lots it would create are the exact opposite. Therefore, if approved, this subdivision and the houses that ultimately will be built on it will, without a doubt, significantly devalue the surrounding property values. The plan and resulting lots will not support a builder/developer constructing two premium quality homes with abundant trees/green space/etc. This is a very important factor that I hope the Board weighs very carefully. In a town with as rich and long a history as Needham, and in an area that plays a very important part in that history (Baker Estates, Sabrina Lake, Ridge Hill Reservation), I believe it is imperative for a public body, such as this planning board, to be mindful and wary of the future impact a subdivision will have on the character and quality of a long-existing neighborhood. In my view, this subdivision will stick out like a sore thumb. For these reasons alone, I believe that the Board should deny the plan.

At the February 2nd meeting, the petitioner's attorney showed the Board a plan (specially page 3 of 9 of the plan drawings) that he stated was an "as of right" plan for a subdivision. That, as I stated at the meeting, is simply false because that plan does not show a 4.5-foot sidewalk running on both sides of the proposed road (which is required by the subdivision bylaws). So, the Board has not, in fact, seen an "as of right" plan. There also remains an open question that I raised, and which was not answered by the petitioner or petitioner's attorney, as to whether one could even build that sidewalk on the north side of the property given the large tree that sits on my property border and theirs (and which I will not permit to be taken down). I walked the currently "staked" (I'm not actually sure who staked it) property line this past weekend and, I believe, that there is a

very strong possibility that the plan as provided to the Board is incorrect as to the actual property line and several other trees that are critical for the petitioner's current plan. I believe these trees may, in fact, touch my property line and, therefore, would not be able to be taken down. In fact, the plan drawings (in Note 7 on page 2 of 9) state that "**all boundary lines depicted are approximate only. MAI did not perform a boundary retracement survey.**" How can it be that a formal plan has been presented, where the removal of trees along a boundary is critical to the efficacy of the plan and the petitioner did not have an actual formal survey prepared to determine if they could even remove those trees? I strongly urge the Board to require the petitioner to have a formal boundary survey done, update the plan accordingly and resubmit such plan with their view of where the boundary lines actually lie.

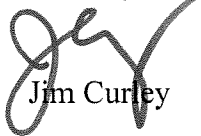
However, as I also stated at the meeting, if the Board is of a mind to ignore the issues noted above, including the issues with the claimed "as of right" plan and boundary lines, and give out the requested waivers and approve the proposed plan, then I would respectfully request that the Board include in its decision/approval the following conditions:

1. Require that the current location of the "road" be moved, as shown on page 5 of 9 of the plan, from 11 feet from my border to at least 18 feet from my border (i.e., an additional 7 feet). Given that (a) I don't currently have a road running down the side of my property (and do not want one), and (b) petitioner has requested a waiver for sidewalks entirely, a waiver of the required 50 foot wide right of way and a waiver of the required 24 foot wide pavement, I believe that this is a very reasonable request that should be granted if any of these waivers are granted.
2. Require that a mature tree/shrub landscaping plan be reasonably agreed to in writing with me as a direct abutter with the stated goal of providing privacy from the road and the two new houses that will be facing my current home. The same reasoning in 1. above applies here (along with the fact that I don't currently have any houses looking into my kitchen window, back yard or master bedroom/bath, but will have 2 of them if the subdivision is approved and built). I believe that any other direct abutter would also want this as a condition. Additionally, given that the current plan appears to remove 10-15 existing mature trees, as well as many other numerous naturally occurring shrubs/etc., this request is also entirely consistent with Subdivision Rule 3.3.15.
3. Require that the tree that currently sits on both my property line and the 390-property line not be removed (by law they cannot remove it, but I would also like it in the plan). This is also entirely consistent with Rule 3.3.15 referenced above.
4. Permit the plan to use smaller, less intrusive (and less bright) streetlights (the last thing I want is to have my master bedroom/bath is to have a street light shining into it every night).
5. Require that the construction entrance be moved the same distance as the road (as per 1. above).
6. Require that the Filtermitt be moved off of my property line and at least 2-3 feet into the subject plot.
7. Not permit any "catch-all" or broad waivers (e.g., not permit that last waiver requested or anything similar).
8. Require "strict adherence" to the plan.
9. Not permit the plots to be release for sale until the plan has been completed.

In closing, I respectfully request that the Board deny all requested waivers and reject the plan entirely. If the Board is not of a mind to do that, then I respectfully request that the Board require the petitioner to conduct a formal boundary survey (as noted above) and resubmit a plan that shows actual boundary lines. If the Board is not of the mind to do even that, then I respectfully request that the Board includes each of the conditions I outlined above in any final approval of the plan.

I would be more than happy discuss any or all of this further by phone or in person. I would also be happy to host one or more members of the Board for a visit to my property for a “field-level” view of the issues/conditions raised above. I can be reached directly at 617-570-8186 or jcurley@goodwinlaw.com.

Best regards,



James M. Curley



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Alexandra Clee

From: Colasacco, Domenic <domenic@bostontrustwalden.com>
Sent: Friday, February 14, 2020 10:41 AM
To: Alexandra Clee
Cc: Colasacco, Domenic
Subject: FW: 390 Grove Street---Additional Comments by Direct Abutter

Dear Alexandra,

Please forward the additional comments outlined below to the Planning Board members.

Thank you,
Domenic Colasacco
426 Grove Street

Dear Planning Board Members:

I offer the following summary comments to the letter I wrote to you dated February 11, 2020.

- A) 390 Grove Street has been on the market at a price of \$2 million since the fall of 2016. It has not sold, in my view, because it is not worth that much as a single building lot. House lots in this area have sold for only about \$1 million, not \$2 million.
- B) If 390 Grove is sub-divided into two building lots, it is possible that the value of each lot will be close to \$1 million each. Personally, I doubt that will be the case because of the unconventional structure and position of the divided property: a sideways house and one house behind the other.
- C) Even if we assume the value of the two lots is \$1 million each, though, the current property is worth \$2 million LESS the cost of development.
- D) The owner of 390 Grove has, in essence, requested that you allow her to reduce the cost of creating two buildable lots by issuing a waiver that permits the construction more of a "driveway" rather than an "as of right road."
- E) If you do permit the subdivision plan as proposed, you may benefit the owner of 390, but you would no doubt hurt the surrounding owners. I do not see how that is fair in any way. There is also no question that by issuing such a waiver you would hurt the surrounding natural environment.
- F) I, along with a few neighbors, several months ago offered the owner of 390 Grove what we consider a fair compromise: we are prepared to purchase 390 Grove for the \$2 million asking price less the construction of an "as of right" road, which we estimate would be approximately \$500,000.
- G) If we are able to purchase 390 Grove, our plan would be to sell the front one acre or so of the land to a builder for the construction of a home that is consistent with the current character of the other homes on Grove Street. We are prepared donate the rear portion of 390 Grove to Ridge Hill Conservation, to which all of the rear portion of the property is contiguous.
- H) By denying any and all waivers, you would be aiding the path to a fair compromise between the owner of 390 Grove and the abutting neighbors. You would also be protecting the current environment and adding precious additional land to Conservation.

Thank you for your consideration.

Domenic Colasacco
426 Grove Street

Marsha C. Salett
95 Beard Way
Needham, MA 02492
msalett@gmail.com

February 18, 2020

Needham Planning Board
Needham, MA 02492
Attn: Alexandra Clee
aclee@needhamma.gov

Re: Pending Variance Request for 390 Grove Street

Dear Members of the Needham Planning Board,

I am opposed to Elizabeth and Moritz Schmidt-Scheuber's proposed subdivision of 390 Grove Street and strongly urge the Planning Board to reject all and any proposed variances and to keep the property a single-family lot.

I am co-owner of the property at 426 Grove Street, which abuts 390 Grove Street for approximately 400 feet on the north side of our lot. My objection to the project is based on my experience as a Teacher/Naturalist for Mass Audubon's Broadmoor Wildlife Sanctuary for 30 years and my experience on the Needham Conservation Commission for approximately 20 years.

As a long-term member of one of Needham's regulatory boards, I understand that sometimes it is difficult to strike a balance between the interests of environmental and zoning regulations and the interests of a property owner. In the case of 390 Grove Street, this is not the case. Granting the variance is poor development, poor stewardship of the land, and—small a project as this is—would set a terrible precedent for approving questionable subdivisions.

Rejecting the variance, however, does no damage to the owners' interests in any way. The property is not landlocked, so rejecting a variance for a road does not render it a nonbuildable lot, nor will rejecting the variance result in a taking or otherwise prevent the homeowners from profiting by selling. The amount of money the Schmidt-Scheubers want to make from selling the property is outside the consideration of the regulations.

Comparing this 2-lot subdivision plan with the 2-lot subdivision of the Alden property next door further substantiates the difference between acceptable and nonacceptable development. That property met all of the Town of Needham's development regulations, including having enough frontage on Grove Street. There was no need to put in a "road" that also will not meet Planning and Fire Department regulations. This part of Needham, contiguous to Ridge Hill Conservation Land, supports a wide range of wildlife, flora and fauna alike. The Alden property was developed in a way that minimized disturbance (as much as putting two huge homes on a large parcel where a smaller house stood can minimize such change) and is in

keeping with the current neighborhood and the historic remnants of the former Baker Estate of Ridge Hill Farms.

As an abutter to Ridge Hill and as a naturalist who walks the trails several times a week, I note all of the wildlife that our conservation land supports. The properties that abut Ridge Hill should not infringe upon its integrity, especially in cases where the back acres have been untouched and undeveloped for well over 100 years. The conifer plantation in the back of 390 Grove Street provides a solid buffer to the wetlands at the end of that property and to the wetlands of Ridge Hill past the gas easement boundary. Along with the resident chickadees, blue jays, cardinals, etc., this stand of conifers also supports Great Horned Owls, Barred Owls, Screech Owls, Red-tailed Hawks, Cooper's Hawks, and at least four species of woodpeckers.

Because there is no lawn, no structure, and no way even to bushwhack back there, the swamp and its inhabitants are well protected by the undeveloped acreage. For several years, there has been a Great Blue Heron rookery in the wetland, with 2-6 nests in the dead trees or nearby pines. Wood ducks, uncommon and shy, shelter and raise babies there. Pileated Woodpeckers (a fifth woodpecker species) have nested in there. Plus a number of migratory birds, including Common Yellowthroat warblers breed there in the summer. Whether this natural refugia for wildlife is privately owned or owned as part of Ridge Hill doesn't matter. However, a subdivision with two houses and a road will change the intrinsic nature of the property in a way that even one "McMansion" will not.

We have zoning and Wetland Protection Acts and Town bylaws to protect the nature and aesthetics of our town—what we want our neighborhoods to look like and how to balance development and the environment. We also have the ability to grant variances to ease hardship and make rational exceptions when necessary. For 390 Grove Street, a variance doesn't serve any purpose other to undermine the town's zoning laws and create a poor, unnecessary, and ugly exception.

Thank you for your consideration.

Sincerely,

Marsha C. Salett

Grove Street Hearing minutes below

NEEDHAM PLANNING BOARD MINUTES

February 4, 2020

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, February 4, 2020, at 7:05 p.m. with Messrs. Owens, Alpert and Eisenhut and Ms. McKnight, as well as Assistant Planner, Ms. Clee.

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).

Upon a motion made by Mr. Owens, and seconded by Mr. Alpert, it was by the five members present unanimously:

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

Mr. Jacobs noted the following correspondence for the record: a legal notice, a letter, dated 1/3/20, from George Giunta Jr., an 11/22/19 application; Exhibit A & B; a letter from the applicant authorizing George Giunta Jr. to represent her; a proposed subdivision plan dated 7/20/18 and revised 10/4/19; comments from the Public Health Department, dated 1/27/20; a letter from Assistant Town Engineer Thomas Ryder, dated 1/29/20, with comments; an email from Fire Chief Dennis Condon, dated 1/30/20, noting he is satisfied; an email from Police Chief John Schlittler, dated 1/30/20, with no issues; a letter from Janet Bernardo of the Conservation Commission, dated 2/4/20, with comments; and letters of opposition from Robert and Kalliope Badavas, of 402 Grove Street, dated 2/1/20, Josh and Carrie Benet, of 403 Grove Street, dated 2/3/20 and Paul Geddes of 461 Grove Street, dated 2/3/20.

George Giunta Jr., representative for the applicant, noted this is parcel 9 on Assessors Map 229. This is 5.3 acres of registered and unregistered land with 573 feet of frontage. This will be subdivided into 2 lots each with a house. This can be done by right. This is the Single Residence A (SRA) District and a rural part of town. The proposal is less intensive and scaled down. There is a 40-foot wide layout with 18 feet of asphalt. There is a super elevated sloped to a swale on the side. Each lot has more than an acre and over 200 feet of frontage. The applicant is proposing pervious pavers to minimize the asphalt with a landscape circle in the center. It would look more like a common driveway but loop around for emergency access to get around.

Mr. Giunta Jr. reviewed the waivers which include a private way, post lights, waivers of layout width from 50 feet to 40 feet, pavement width from 24 feet to 18 feet and for the length of level area at the intersection of streets from 50 feet to 30 feet. David Kelly, of Kelly Engineering, noted other waiver requests are required pavement radius width, curbing requirements and sidewalks on both sides. Mr. Alpert asked for clarification on the sidewalk waiver. Mr. Giunta Jr. stated they would like the sidewalk waived on both sides. Mr. Eisenhut stated sidewalks do not have to be paved. It could be a pervious surface. Mr. Giunta Jr. noted this is only for one house and he does not feel there is a need for sidewalks.

Mr. Jacobs asked why the Public Health Department would not approve of a waiver of sidewalks. Ms. Clee stated they are trying to promote safety and trying to be consistent with the requirements. It was noted there are no sidewalks on Grove Street. Mr. Kelly noted, for the drainage, the road is elevated on the southern side with double catch basins at the bottom to catch the water, which then goes into a manhole to a subsurface system to the municipal system. There is a net decrease in runoff and volume. Mr. Giunta Jr. stated his client is willing to either donate land to the Conservation Commission or convey a Conservation Commission restriction. That could be a plan revision.

Mr. Eisenhut stated the waivers will need to be called out in the decision with an explanation of why the waivers are necessary. Ms. McKnight noted the different lighting is not called out in the list of waivers. She asked how the lights were different. Mr. Giunta Jr. stated there is a certain amount of illumination. Engineering has

deemed the lighting to be acceptable. He is not sure it is a waiver. Ms. McKnight asked if the DPW comments would be reflected in the revised plans. Mr. Giunta Jr. believes the changes have already been made. He noted discussions with Engineering have already happened. Mr. Alpert had no comments. Mr. Owens stated he is not a fan of houses in the back yard of others. He is opposed purely on aesthetics. He would let them build as of right but is not in favor of any waivers.

James Curley, of 380 Grove Street, stated he has spoken with several people regarding this. Sheet 3 is not “as of right” as there are no sidewalks and the tree that is shown is on his property and will not be coming down. If the Board agrees to allow this he would request the waivers be approved. This is a very narrow lot and he would ask the driveway be moved 10 feet further from his property. He noted the applicant wants to put 2 small houses on a lot for one house. He would also like a tree line planting plan with mature plantings. He would like the Board to consider specific waivers and would like the FilterMitt moved from his property. If approved he would like the Board to require strict adherence.

Mr. Giunta Jr. stated a sidewalk could still be put around the plan. It could be shifted but the waiver of sidewalks has been the norm. Moving the driveway 10 feet would make it too difficult to build on one of the lots. The applicant would resist that change. Ms. McKnight noted on the north side there is an 11 foot parkway with a paved part. She would like some place for snow storage if there are more plantings. Mr. Kelly stated he would work with Mr. Curley on the tree and the FilterMitt would be moved.

Nicholas Kourtis, of 21 Surry Lane, noted the Badavas’ could not be here and asked him to represent them. The Badavas’ do not believe this lot should have 2 houses. They would be looking directly into someone’s back yard and side yard and would like high screening as part of this plan if approved. He noted the Badavas’ are the property owners to the south. Mr. Giunta Jr. noted some screening comes with most development. He hesitates to make it part of the subdivision plan. There should not be an issue planting along the north and southern lines. Mr. Curley asked if reasonable screening could be enforced. Mr. Eisenhut stated it would be enforced. It would be put on an agenda for discussion. The Board has the authority to enforce if the conditions are not done.

Josh Bennett, of 403 Grove Street, stated he is right across the street. A project was recently done and Sabrina Lake needed to be protected. A berm was put in and he wants the Planning Board to be mindful of that. Ms. Clee stated a plan modification should be done with comments from Engineering and the Planning Board comments from tonight. Mr. Alpert noted there are some issues for the Planning Board to discuss. He feels the hearing should be continued. Ms. McKnight stated Mr. Kelly has the plan modification. She feels it would be helpful to have the modifications for the continued hearing. She stated the landscape plan will be approved later but questioned if the proposed 11-foot buffer on the north side is sufficient.

Upon a motion made by Mr. Alpert, and seconded by Mr. Owens, it was by the five members present unanimously:

VOTED: to continue the hearing to 2/18/20 at 7:00 p.m.

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

Robert Smart, representative for the applicant, noted this is 6.6 acres owned by Koby Kempel. He would like to divide it into 2 lots. There is an existing house and an existing 15 foot right of way dating back to 1914. The proposal is to divide it into 2 lots in front of the right of way and build a new house on the lot closest to Chestnut Street. The parcel is up against a non-buildable lot on Chestnut Street (Mr. Jacobs noted Parcel A1 for the record). Mr. Smart stated the lot is larger than required under the By-Law. The issue is the frontage off the 15 foot right of way. He suggests creating a turnaround for the fire vehicles partially on Lot A and partially on the unbuildable lot. The Fire Chief feels a 15 foot right of way is not sufficient for fire vehicles and wants 18 feet. The Town Engineer suggested creating a 25 foot access and easement. There is going to be a subdivision proposal filed in the future.

Mr. Jacobs asked who the 25 foot wide right of way easement would benefit. Mr. Smart stated it would be a benefit to the town for emergency vehicles. Mr. Alpert stated there needs to be 18 feet of pavement and asked if that is shown on the plan. Mr. Smart stated that is not part of the plan. It can be added to the plan. Mr. Piersak

owns in the back and will be filing a subdivision plan. He will be using the 40 foot right of way, which will be the road. He noted Mr. Kempel would like to get started with a single family house on Lot A.

Mr. Kempel noted 3 Planning Board members endorsed the plan previously, then Engineering asked for changes. He has done everything he has been asked to do. He would like to get moving on this. Mr. Jacobs noted the following correspondence for the record: the approved prior endorsement; a letter from Attorney Robert Smart, dated 1/7/20, with exhibits; a 1/22/20 email from the Fire Department, a 1/22/20 email from Tony Del Gaizo with concerns; and a legal memo from 2001. He noted there is no letter from the Police Department. Mr. Smart stated the Police had the opportunity to comment but did not.

Mr. Eisenhut stated he does not feel this qualifies for ANR based on the Costanza North Reading case. He has never seen an ANR with notes attached for future things to be done. Mr. Alpert stated he has a plan from the Town of Wellesley with a note so he has seen these types on notes on ANR plans. The Board could put a condition on the ANR that the 18 foot wide pavement is to be constructed by X date. Mr. Eisenhut stated he is reluctant to grant things with future work to be done.

Ms. McKnight stated the way on the ground in existence now has to be adequate. She will not endorse this. The applicant will need to go through the subdivision control process. Mr. Alpert stated he is trying to find a way to grant this. He asked, if the applicant paved the 15 foot road, then came to us, would Ms. McKnight be satisfied. Ms. McKnight stated she would not be satisfied as it was not in existence at the time the Subdivision Control Law was accepted by the Town. Mr. Smart stated there is no talk about changing the width. The access easement is across the property. This has been an extensive process. He has met repeatedly with the Fire Department and Engineering. He has talked with Ms. Newman and this is what they collectively came up with. Mr. Owens stated he has a simple view of this. If it satisfies the Town Engineer and Fire Chief he is ok with it and would vote in favor.

Mr. Alpert stated the easement may have to go to the Town. Ms. McKnight noted a way in existence having sufficient width does not meet the adequate access standard. Mr. Eisenhut noted in Polas vs. Braintree in 1992 there must be adequate access at the time of endorsement. Mr. Smart suggested he work with Ms. Newman for language on the plan for an 18 foot paved width with more detail and bring it back to the Board.

Bill Piersack, of 768 Chestnut Street, stated the way has been created. The first house was built in 1929. Before that there was a cart path. His property has 3 houses and one was sold off. He is coming in off the existing drive which is better than the option of creating a new drive. Mr. Jacobs and Mr. Alpert would like to read the 2 cases that Mr. Eisenhut mentioned. Ms. Clee noted she will need a verbal request tonight from the applicant to extend the action deadline then a written request tomorrow. Mr. Smart will provide a letter and review the other case for language.

Upon a motion made by Ms. McKnight and seconded by Mr. Alpert, it was by the five members present unanimously:

VOTED: to extend the action deadline for 766 Chestnut Street for an additional 2 weeks.

Discussion regarding Pediatric Medical Facility Zoning Article – Children’s Hospital.

Mr. Jacobs noted this is a proposed zoning amendment. He noted the following correspondence for the record: a memo from Sean Manning and Ryan White, dated 1/24/20, regarding on-site parking. Robert Smart, representative for the applicant, noted he has a Citizen’s Petition with 37 signatures that will be put on the warrant. There will be some changes. The Special Permit use will not be as of right and the definition of young adult has been provided, which is under the age of 26. He ran the language by Town Counsel and he is happy with it. He noted Ms. Newman wants the parking analysis to be a peer review. In the past the town has used BETA. He would like this to begin as soon as possible. Mr. Jacobs agrees an independent should look at it. Mr. Smart is hoping BETA can get this done quickly.

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

Mr. Jacobs stated he spoke with Ms. Newman. Ken Ho from BETA will need a month to do a new traffic study and this needs new traffic counts. He noted the following correspondence for the record: an email, dated 1/27/20, from Elizabeth Handler; an email, dated 1/26/20 from Joseph Leghorn; a Special Town Meeting Warrant; a 1/28/20 letter to Select Board member Marianne Cooley from Terence Ryan and a letter from Elizabeth Kaponya, dated 2/1/20, to the Select Board.

Mr. Owens stated there are a couple of options. If this goes on the May Warrant the language would need to be finalized tonight. If it is for the Special Town Meeting within the Annual the language would need to be completed in 2 weeks. It could be deferred to next May. There is no sense in bringing it back in the Fall. The Board needs to be less substantive and more educational. There is a lot of groundwork needed and discussions on how to modify what the Board did before. There is a lot of educating to the Finance Committee and Town Meeting members needed. A lot of concerns were heard and there is a large amount of work needed to get this on this warrant as an article. He does not think it is possible and is inclined to wait. Mr. Eisenhut agreed.

Ms. McKnight agrees. She stated it was made very clear they should not resell what was before Town Meeting previously. She feels the Board should start planning now for next May's Town Meeting. Mr. Alpert agrees it is not ready for this year. Some excellent comments were made such as sustainability and green space. There is a lot to discuss. He is comfortable with October or next May. Mr. Jacobs agreed.

Terence Ryan noted he sent a letter to the Select Board. He feels it is exciting to think of something new. There have been a lot of ideas with 55 and over communities or a sports complex, taller buildings on the Mass DOT side for a noise barrier and green space on the Gould and Highland side. Mr. Owens stated there needs to be a clear distinction between zoning by-law details and what the developer may later come up with. That is part of the educational process. He noted the Planning Board does not design projects. Mr. Ryan stated he lives on Evelyn Road and stares at the 3-story Wingate building. He wants to be involved. Mr. Jacobs noted there will be many hearings for ideas and discussions.

Adam Block, of the Needham Heights Neighborhood Association, asked what the Select Board thinks about a one-year wait. Mr. Jacobs noted there is one member who would go along with the Planning Board decision. Mr. Block stated there is a lot of concern with what the potential could be and a lot of misinformation. He feels the discussion was exceptionally well received. He asked about the timing and noted that while the town waits, the owner could develop the property, could reduce the open space people asked for and there could also be economic changes in the future. There is a need to understand the public interest. It is clear the Planning Board has a good ear for that.

Update on Economic Development Director.

Mr. Jacobs noted Town Manager Kate Fitzpatrick does not feel the position of Economic Development Director is a management position and does not think the job should be under the Planning Director. She feels the position should be under herself or her Lieutenant. He talked with Ms. Newman and understands it is done both ways in towns. Ms. Newman has no objection either way. She noted a big part of the job was being staff for the Council of Economic Advisors (CEA).

Ms. McKnight stated it is up to the Town Manager and the Planning Director if this better suits the town. Her concern is the CEA was going ahead and the Planning Board has not really been engaged. If this position is apart from the Planning Department there may be less interaction. She sees the goal as long term planning for the Town and wants to keep communication open. Mr. Eisenhut agreed. Mr. Jacobs noted Devra Bailin had a zoning background which was a large part. Mr. Alpert stated the statutory mandates need to be looked at. He feels it may need to stay because the Planning Board is charged with long-term planning and should have a tie to this position. He would look at it. The CEA is an advisory Board to the Select Board. Mr. Owens supports that idea. He would not have an issue with the Economic Development Director reporting to the Town Manager. He is ambivalent. This will be discussed more on the 2/18/20 agenda.

Appointment to Emery Grover Working Group.

Mr. Jacobs noted Ms. Grimes was on this working group. Ms. Clee stated this committee meets monthly and there are only one or 2 meetings left. They would like a Planning Board member to help wrap the project. This will be discussed at the 2/18/20 meeting.

Board of Appeals – February 13, 2020.

Wesley and Suzanne Wildman -- 217 High Rock Street.

Mr. Jacobs commented there is a lot more impermeable space on this lot. There should be permeable pavers.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to comment there should be permeable pavers.

J. Derenzo Properties, LLC – 123 Pickering Street.

Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by the five members present unanimously:

VOTED: “No comment.”

Ms. McKnight stated the Building Inspector said there is nothing in the By-Law that gives guidance on what a 2-family is. On Maple Street there is one house behind the other connected with a roof. The Board should put this on a list of things to consider and amend the By-Law to interpret 2-families.

Minutes

The Board members passed in comments.

Correspondence

Mr. Jacobs noted the following correspondence for the record: a letter from the Littleton Town Planner, and an article in Wicked Local Needham titled “Needham Officials warn of Amazon distribution center if zoning plans founder.”

Report from Planning Director and Board members.

Mr. Jacobs stated a comment was made and he asked if the Board wants to change their policy to televise meetings. He wants the members to think about it. He noted there is a draft final report with a lot of data and tables for Needham 2025. There is a snapshot in time of what the town looks like now. He noted the consultant has time left. They could look at the Chestnut Street corridor and he added the Muzi site. This may give them some ideas regarding the Muzi site.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 9:44 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

February 18, 2020

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, February 18, 2020, at 7:00 p.m. with Messrs. Owens, Alpert and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs informed the public there is a request to continue or postpone the ANR Plan for 766 Chestnut Street until the 3/17/20 meeting. If this agenda item is postponed, Mr. Jacobs will take an update on the Children's Hospital Citizens Petition.

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). Please note: this hearing has been continued from the February 4, 2020 meeting of the Planning Board.

Mr. Jacobs noted the following additional materials for the record: a letter, dated 2/11/20, from Domenic Colasacco in opposition; a letter, dated 2/11/20, from James Curley in opposition; a letter, dated 2/11/20, from David Kelley, Senior Project Manager for Meridian Associates, attaching revised subdivision plans for the site and describing the vision; Planning Board comments from the last meeting; a 2/14/20 email from Domenic Colasacco and a letter dated today from Marsha Salett in opposition.

George Giunta Jr., representative for the applicant, reviewed the changes made to the plans due to comments from Engineering and comments from the last meeting. For the Engineering comments, the plan was revised to show the culvert under the driveway which changes are on Sheets 5 and 6. Also, the subsurface filtration basin was redrawn to be the size in the drainage calculations. A note was added at the Town Engineers' request regarding overflow into the town system.

Mr. Giunta Jr. noted the changes made due to the Planning Board comments included a change to Lot 2 to carve off a piece in the back (Parcel B), and regarding an existing tree on the property line, a note was added that the tree was to remain and be protected. A note was also added that the FilterMitt is to be one foot off the property line. Over 2 acres are to be donated to the town for conservation land. He clarified the list of waivers and the reasons for the requests. He noted this project could be done as of right. Sidewalks on both sides have been consistently waived and a waiver is requested, but there is room to put sidewalks all the way around. The plans are showing a 40-foot wide road with 24 feet of pavement, a 4-foot sidewalk on one side and a planting grass strip on the other side.

Mr. Giunta Jr. stated it was not logical to have 24 feet of pavement to one house. The applicant has proposed a more attractive subdivision with a lot less pavement. This could be done without waivers but it does not make sense. The owner is giving away over 2 acres of land to the town to help preserve the environment. He feels it is an appropriate design with minimal impact and he is asking the Board to approve the request. Mr. Eisenhut noted an issue was raised that the way be moved over. He asked if there was any consideration given to that. Mr. Giunta Jr. stated the road is 11 feet off the property line. The request was the road be moved an additional 10 feet. The lot is being squeezed on the other side and it makes a significant negative impact. The applicant would need to completely redesign the circle and push the swail more into the lot making it difficult to work in that lot. Mr. Eisenhut asked if it would be manageable to move it 2 to 3 feet. Mr. Giunta Jr. stated it may be able to be moved 2 feet but he is not sure of the benefit.

Ms. McKnight noted the movement of the FilterMitt lacks a foot mark. She asked if the dotted line near the rear of proposed Lot 2 is a utility easement right-of-way. Mr. Giunta Jr. noted it is an easement. It may be a drainage or sewer easement. Ms. McKnight feels the plan should indicate what the easement is for and who holds it. It seems incomplete and should be shown. Mr. Giunta Jr. believes it may be an old private easement. Mr. Alpert stated there needs to be clarification on that. Ms. McKnight noted one condition is significant trees over a certain caliper need to be noted and saved to the extent possible. There was a discussion of the feasibility of that with these 2 houses. Mr. Giunta Jr. stated typically that is not done due to the cost and it is not required. It is a significant effort and takes days or weeks. He would not recommend his client to do that. The trees are all marked on Sheet 5 and it has the trees to be removed. Ms. McKnight asked if any trees were marked for removal that could be saved. David Kelley, of Meridian Associates, noted there may be a couple that could be saved.

Ms. McKnight noted the letter from Mr. Colasacco requesting as few trees as possible be removed and the Board consider fire access to the rear lot. This has already been considered. The Fire Department reviewed and approved. She asked if there are any fire hydrants. Mr. Jacobs noted one fire hydrant is being proposed. Mr. Alpert stated he is concerned with the comments made by Mr. Curley regarding trees and the property line. He asked if a field survey was done and the property line delineated on the ground. Mr. Giunta Jr. noted this was done recently. Mr. Alpert asked Mr. Giunta Jr. if he would meet with Mr. Curley regarding the property line and the trees and he agreed. Mr. Kelley stated the trees along the property line will be saved and are depicted on the plan.

Mr. Alpert asked if there could be a condition that is agreeable to the abutter regarding a landscape plan that provides screening for the abutter. Mr. Eisenhut stated there will be language in the decision. Ms. Newman stated the Board will require landscaping along the property line and that the requested plan be received before the subdivision plan decision to create a dialogue that would be satisfactory to all. It should be reflected in the decision. Ms. McKnight does not want to see rows of arborvitae. She would like some trees and plantings and some space for snow.

Mr. Alpert asked if the applicant has spoke to the Conservation Commission as to what they would like with Parcel B. Mr. Giunta Jr. noted either a deed or a restriction would be fine with the Conservation Commission. Ms. Newman noted a deed would be best. Mr. Owens stated there are benefits of all waivers. Parcel B is not buildable so there is no value of that piece. All the waivers are done to improve aesthetics and the environmental impact of the subdivision. He asked if there is no benefit to the current property owner from the waivers. Mr. Giunta Jr. noted there is some benefit. The reduction of infrastructure costs is not significant but there is a benefit of reduced pavement.

Mr. Owens feels there is an attempt to disguise a road as a driveway. He is not swayed by the argument. He asserted that Mr. Giunta Jr. has said the Board has made so many waivers that the subdivision rules have no meaning any longer. He disagrees with that. He would do away with 2 house lots. He does not think this is a good idea and would not vote in favor of the waivers. This is not beneficial to the town and is not aesthetically attractive to the abutters. Only 2 homeowners would benefit. Ms. McKnight noted the letter from Ms. Salett describes the easement as a gas easement.

Mr. Jacobs commented he heard what Mr. Owens said but he disagrees. If Mr. Giunta Jr. is correct this could be done as of right with a wider drive and a larger circle at the end. What is being shown is preferable. He has concerns with the landscaping to the north and south borders of the property. He would be in favor of moving the access drive 2 feet to the south with a slight jog to the right. That could save a couple of trees. He suggested the applicant think about that. All are in favor of reducing impermeability. He asked to what extent could the drive be made out of permeable material. Mr. Giunta Jr. noted there are sections of the drive that are permeable around the circle but not the rest. Engineering prefers not to see permeable pavers for the main drive.

Ms. McKnight stated she likes the suggestion of moving the drive to the south. She would like the drainage system explained. Mr. Kelley stated the road is super elevated to the south with a vertical granite curb with the water flowing westerly to the gutter to a double catch basin to a drain manhole to the large subsurface system.

James Curley, of 380 Grove Street and a direct abutter, stated he measured the street. If you take the proposed 8 foot buffer and add 4.5 feet of sidewalk and 3 feet of grass buffer after that you are at 7.5 feet. They have 4 feet of tree that would block the sidewalk and that tree cannot be touched. He asked how the applicant could build the sidewalk. Mr. Jacobs noted that Mr. Giunta Jr. conceded that, as shown, Mr. Curley is probably right but the applicant can show it. Mr. Giunta Jr. stated essentially, and legally, because the Board has waived sidewalks so often to not do that now would be capricious.

Mr. Curley stated he is concerned with the placement of the road. The applicant has not shown an as of right plan. He does not want a road or driveway near his property line. He does not want the roots of the old trees dug up and disturbed. Mr. Jacobs noted the plan shows a single tree to be protected. Are there other trees on his property? Mr. Curley stated there were at least 3 or 4 with substantial root systems on his land. Mr. Kelley stated the impact to roots is minimal to none. Mr. Jacobs stated all efforts should be made to protect the trees. Mr. Curley stated one lot is entirely in the woods and would be clear cut. He is concerned with his privacy. Domenic Colasacco, a direct abutter on the south side, agrees with Mr. Owens remarks. He wants to reiterate the entire rear part of the property is tall mature trees. A house cannot be built without taking down trees and they will want a yard also. It would be an environmental detriment to the wetlands. The land being given is entirely wetlands and protected. He has been planting trees for 20 years on his property. He would not like to see the property next door clear cut. He feels the entire request is about money. It is far less to build a driveway than a road. This also increases the size of the lots and the value.

Mr. Giunta Jr. stated the buffer zone is halfway into the rear lot. There would be some cutting for the house and yard but there would be no clear cutting. Mr. Kelley stated the 20-foot buffer around the house would not be cut. Mr. Alpert discussed the Conservation Commission rules and regulations. He noted if this is mature growth the applicant would not be allowed to cut in the 50-foot buffer. Mr. Giunta Jr. stated there is no plan to cut within the 100-foot buffer. There is plenty of room to stay outside the buffer. There is a total 3,500 square foot footprint and yard outside with plenty of room. Mr. Colasacco stated the 3,500 square foot footprint is the foundation. He feels it would be cut. He understands there would be certain restrictions but providing the waivers to make the road into a driveway would make all this possible.

Ms. McKnight suggested there be a condition that no trees would be disturbed outside of the tree line shown on the plan. Mr. Colasacco stated the Board may put in a condition but he is concerned trees on his property may be cut. If the Board allows waivers the second house will be built. This should continue to be the single family lot it has been for 100 years. Mr. Alpert stated there is nothing right now to prevent the owner of the lot from tearing down the house, putting in a 7,500 square foot house, cutting down all the trees and putting a driveway to the back. This is always in the back of his mind. He feels the waivers, and putting in conditions, is the better alternative. It is basically a driveway as it is only going to one house. He is concerned with what they could do as of right without coming to the Board.

Mr. Colasacco stated the owner could not put 2 houses there. He is concerned with his privacy. He believes this is a good lot for one house in the front. Nicholas Kourtis, representative for the Badavas', agrees with all the comments. Grove Street is a beautiful street. The screening is a good concept but a low grade alternative. Two story houses would change the nature of the area. People deserve better than that and deserve some consideration in this single family area. The Planning Board should protect the rights they pay for. Mr. Jacobs reviewed the changes that had been talked about – moving the entrance “way” driveway paving 2 feet to the south; investigating a little jog in the road to the rear of the first house to save existing trees; landscape plan working with Mr. Curley and other abutters on the north and south; label the easement and saving trees outside the building envelope.

Mr. Alpert asked what the Planning Board could do if the applicant violates the tree restriction. Ms. Newman stated they would be called in and the Board would find a way to mitigate. Mr. Eisenhut noted it could be recorded as noncompliance. Mr. Alpert stated, subject to reasonability, the Board could hold up the decision if the discussion

with the abutters is not done. Ms. McKnight commented the property line is labeled as the approximate property line. Mr. Kelley stated it is a true survey, stamped by a surveyor. He can remove the word "approximate." Ms. McKnight noted there is no tree line. Mr. Kelley will add the tree line to the plan. He could have that done in 2 weeks. Ms. Newman stated she would need to get the plans back so she could prepare the decision.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the five members present unanimously:

VOTED: to continue the hearing on 390 Grove Street to 3/17/20 at 8:30 p.m.

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

Mr. Jacobs noted a letter from Attorney Robert Smart requesting to postpone until the 3/17/20 meeting and extend the action deadline to 3/24/20.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to extend the action deadline to 3/24/20 and postpone the meeting until the 3/17/20 meeting.

Report from Planning Director and Board members.

Tim Sullivan, representative for Children's Hospital, stated he has a Citizen's Petition to allow pediatric medical facility use and has also proposed a parking standard. The Board desired a special permit use. The expectation is before the public hearing he would submit information on the parking standard, then it would be sent to a peer reviewer. For traffic, he expects to submit a trip generation analysis to be reviewed by the Board. Then he would come in to amend the special permit and will have the traffic study. He wants to make sure all are on the same page.

Mr. Jacobs stated Ms. Newman met last Friday with Board Chair and Vice Chair and Town Engineer Anthony DelGaizo, who has concerns regarding traffic at Third Avenue and Kendrick Street. There would need to be a substantial upgrade. They spoke about what the scope of work would be with Beta. Ms. Newman asked Beta to do a scope of work for a parking peer review and traffic analysis with use and trip generation. They are collecting new data as the other data is 5 years old. They are looking at the impact of development, what improvements would need to be done and the cost of those improvements. Mr. Jacobs stated Beta came up with a proposal. The second part has a significant cost. Children's Hospital would prefer not to do that now. What does the Board want to say at Town Meeting?

Mr. Sullivan stated Beta cannot do a traffic study on information they do not have. He feels this is the right level of analysis. Mr. Alpert is concerned where the Finance Committee will come down if they cannot get a traffic study. Mr. Eisenhut suggested it be explained at Town Meeting there is no special permit application but a zoning change and show the existing use and what the proposed would do. It is at the applicant's risk. Mr. Alpert is confident the traffic could be mitigated at the special permit level.

Ms. McKnight noted the concern was that questions would be asked about what traffic improvements would be needed. Normandy said they would pay for the Kendrick Street improvements. Mr. Jacobs noted that was an oral representation by someone that is no longer there. Mr. Alpert stated the town needs to spend \$1.5 million to \$2 million to fix the intersection. Someone has to spend it. He asked if it has anything to do with what Children's Hospital needs to do. It needs to be reconfigured. It could be said to Town Meeting that they could pass the zoning but it would not force a reconfiguration at Third Street and Kendrick Street.

Mr. Owens stated if Mr. Sullivan is willing to accept the risk that is fine. He is willing to let Children's Hospital accept the risk but he has no idea what will happen. Mr. Sullivan stated he is submitting a trip analysis. There is a

traffic study they are comparing this use to. Mr. Alpert suggested Children's Hospital address the issue when they are making their presentation. Ms. Newman noted Task 3 needs to be modified a little. One question was how much floor area was general office as opposed to medical office. Mr. Jacobs stated, as guidance for the Planning Director, the parking evaluation is Task 1 and Task 3 needs to be reevaluated a little bit.

Determination of Proposed Use – Self Storage (Property located at 77 Charles River Street, Needham, MA.)

Paul Ferreira, of Blue Hawk, stated he was here many months ago to see if they had an acceptable use. He came across a use application and came to get some guidance if the use is acceptable. He prepared an analysis and submitted it recently. He noted the project has not changed. He got an inquiry by a telecommunication carrier recently and configured it to be identical to the self storage because the use is similar but there is no parking definition. He would like a determination that the portion of the project that is self storage would be a use allowed by special permit in this district. Self storage has not been a use enumerated in the By-Law.

Mr. Jacobs noted he was looking at (e), the last paragraph in Section 3.1 in the By-Law. The Planning Board could determine similar in kind and similar in use. What use allowed by special permit, in this use, are you comparing to? Greg Sampson, of Brown Rudnick LLP, noted (e), which is equipment rental services, and he would also compare it with the telecommunication use which is a passive use. The traffic impacts are benign. A parking garage is allowed by special permit and consumer services establishment is acceptable. Also, (i) wholesale distribution facilities.

Mr. Alpert stated the word "storage" was purposely removed in the Mixed Use 128 District. People said they did not want to see facilities like Gentle Giant. Mr. Sampson stated Watertown just approved storage use. The opponents were about aesthetics. When you look at uses, traffic needs to be looked at closely. In Watertown the design and low passivity of the use was what passed it. He feels a self storage facility is similar in kind to other listed uses. Mr. Jacobs noted the following correspondence for the record: the minutes of 10/22/19; a memo from Ronald Ruth dated 2/15/19 and 10/17/01 minutes from the New England Business Center Sub Committee meeting. Mr. Alpert stated those are the minutes where the word "storage" was taken out. Mr. Jacobs also noted the Council of Economic Advisors (CEA) minutes of 12/5/18, CEA minutes from 5/1/19 and a letter received today from William Curtis from Cresett Group.

Mr. Eisenhut stated he appreciates the aesthetics of design but there are many reasons storage is not intended in this district. Mr. Sampson stated Mr. Curtis does not own any property in the Mixed Use 128 District. He has spoken with the abutters and received support. There are only 4 landowners in Block A. He has reached out to 40% of the landowners and all owners in Block A and could not make a deal. He is not sure why this use is not acceptable and similar. Mr. Ferreira stated he is not looking to get it approved as an as of right use.

Mr. Jacobs noted, speaking for himself, he likes this and thinks it would work but they need to find a way to make it fit in the By-Law. After a discussion Mr. Ferreira asked, in the Board's view, if they scrap storage and come forward with telecommunication would that be ok. Mr. Alpert stated that was an allowed use. Mr. Eisenhut stated storage use is not called out and he could not get past that. Mr. Ferreira commented he is relying more on similar in impact. He feels it is hard to believe anyone would say telecommunication is similar in impact to self-storage. Mr. Alpert noted storage was deliberately taken out and it is hard to get past that. He likes the design and wishes it could work.

Mr. Ferreira asked if going to Town Meeting with a Citizen's Petition is a potential option and was informed it was. He asked if the Board would support a zoning change. Mr. Jacobs stated if the details are there the Board could support it. What would the zoning change be? Would they be adding storage or specifically self-storage? He stated there would have to be meetings and the applicant would have to make a request to the Board in some form that they adopt as the Planning Board Article at the next Town Meeting. That would start the process. He feels there should be discussion about retail on the first floor.

Ms. McKnight stated, in her view, she does not feel any of the uses mentioned are similar in kind to self-storage. The argument is that storage was purposely taken out because no one intended that use. She does not feel anyone felt this use is appropriate. That is a use allowed by right in many areas of town but not this area. Mr. Jacobs stated the applicant should submit the proposed zoning amendment language, then something in writing that convinces the Board it is a good idea and the aesthetic standards. This will be continued to the April 7 meeting.

Discussion of Highland Commercial 1 Zoning initiative.

Ms. Newman stated she wanted to have Mr. Owens in on this conversation. There was a discussion last week on next steps. The discussion regarded taking the current foundation, making the change that had been discussed and going with the traffic and fiscal impacts. She feels it would be important to have more conversation. Mr. Owens noted it was decided not to go forward in the Spring or Fall. He wants to make sure the Board keeps working on it and not put it aside. The Finance Committee was updated on the Planning Board's decision and emphasized they want a timely and complete traffic study.

Ms. McKnight asked if the Board knew what the state will be doing as to Highland Avenue and, if so, will there be a presentation on it. Ms. Newman noted the Planning Board has the plans for that. She can have Town Engineer Anthony DelGaizo come in and inform the Board. Adam Block, of the Needham Heights Business Association, stated the Association has organized a community meeting with Town Manager Kate Fitzpatrick and the Mass Department of Transportation to update. They are on schedule to begin later this year. The community meeting will be Monday, March 23 at 7:00 p.m. at Powers Hall. Ms. McKnight noted there should be a presentation to tell what the state is going to do. Mr. Block will discuss with the Town Manager what materials are needed and what the presentation will be. Mr. Owens stated he would like to hear the state tell the Board what they are doing. Mr. Jacobs commented the state installed cameras on the town lights without approval.

Update on Economic Development Director.

Mr. Jacobs noted this was discussed at the last meeting. The position description needs to be finalized. Town Manager Fitzpatrick does not want this to be supervisory and wants to put it under her own purview. Mr. Alpert thinks it is the Town Managers' decision. The Economic Development Director does not work for the Planning Board but reports to the Council of Economic Advisors (CEA) and the CEA reports to the Select Board. Ms. Newman stated towns have both structures and she is fine either way. Ms. McKnight agrees. Her view is she feels it belongs in the Planning Department but if Ms. Newman is ok with it that is fine. Mr. Jacobs stated he has no strong objection for the Planning Board.

Appointment to Emery Grover Working Group.

Ms. Newman stated this is almost done but the working group wants Planning Board input. It is not a large time commitment. Mr. Alpert stated he cannot be the representative but would like to see the draft report. Ms. McKnight asked why not have the whole Board involved? She will be available if they want to follow up.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the five members present unanimously:

VOTED: to accept the minutes of 10/28/19 and 12/3/19.

Ms. McKnight noted a change on the 10/22 minutes, 4th page under the 7:40 p.m. discussion, it should say "He asked if a special permit process is what they should embrace." On the 2nd page, under the 7:20 p.m. discussion, remove the sentence that says "He has about 6,000 square feet of retail in the area." On the 3rd page, 2nd paragraph,

3rd line, add “has” before “very few employees.” On the 4th page, 2nd paragraph, it should say “a pilot agreement would be a condition of that,” and 3rd paragraph, last line, it should say “7 spaces per thousand square feet.”

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the five members present unanimously:

VOTED: to accept the minutes of 10/22/19 with the changes discussed.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 10:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

July 16, 2020

GARY P. LILIENTHAL

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Via First Class Mail:

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Ms. Lee Newman, Director of Planning and Community Development
Mr. Martin Jacobs, Planning Board Chair
Town of Needham
Planning and Community Development Department
500 Dedham Avenue
Public Services Administration Building, Suite 118
Needham, MA 02492

*Re: Abutter Opposition to Proposed Subdivision – 390 Grove Street,
Needham, Massachusetts*

Dear Ms. Newman and Members of the Needham Planning Board:

Bernkopf Goodman LLP submits this letter on behalf of its clients, James Curley (“Curley”) of 380 Grove Street, Robert Badavas (“Badavas”) of 402 Grove Street and Domenic Colasacco (“Colasacco”) of 426 Grove Street (together, “Abutters”). This letter shall serve as Abutters’ formal opposition to Elizabeth Schmidt-Scheuber’s (the “Applicant”) Definitive Subdivision Application (the “Application”) in connection with the proposed two-lot subdivision (“Proposed Subdivision”) located at 390 Grove Street, Needham, Massachusetts (the “Property”). Also submitted herewith in support of this opposition and incorporated herein is the “Engineering Review” prepared by Karlis Skulte of Civil & Environmental Consultants, Inc. attached as Exhibit A.

I. Summary

The Application, as submitted, should be disapproved in its entirety. The Proposed Subdivision violates the “Zoning By-Law of Town of Needham” (the “Bylaws”), G.L. c. 41 (the “Subdivision Control Law”) and the Town of Needham “Subdivision Regulations and Procedural Rules of the Planning Board” (the “Rules and Regulations”). Specifically, the Proposed Subdivision: (1) lacks adequate lot area and width in violation of Sections 4.2.3 and 4.1.5 of the Bylaws; (2) poses significant traffic and safety hazards in violation of Section 81M of the Subdivision Control Law and Section 3.4.2 of the Rules and Regulations; (3) lacks adequate stormwater

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drainage in violation of the Aquifer Protection Overlay District and the Massachusetts stormwater control standards and regulations; and (4) would encroach on and interfere with Curley's property (e.g., shared trees and natural drainage swale).

The Application has been pending for months and the applicant has failed to present a "by right" plan and has requested waivers to enable it to subdivide the Property. The requested waivers are not in the public interest and, if approved, would adversely affect the rights and interests of the Abutters and increase density in a manner not contemplated in the Subdivision Control Law, the Rules and Regulations and the Bylaws. Rather, they are designed to circumvent these laws and regulations merely to enhance the Applicant's property value. Approving the Proposed Subdivision under these circumstances would violate the Subdivision Control Law and should be rejected as a matter of law.

Approving the waivers in this instance would also set a dangerous precedent whereby any applicant could sidestep the Bylaws, Rules and Regulations and Subdivision Control Law solely to enhance his or her property value to the detriment of abutters and the public. Indeed, such a precedent could encourage more two-lot subdivisions on narrow lots in well-established and mature neighborhoods in Needham and could threaten the bucolic character of one of Needham's most important and historic neighborhoods.

II. Background

The Applicant seeks to subdivide the Property – a narrow lot upon which a single-family residence sits in a well-established residential neighborhood on Grove Street– into two buildable lots with two single family residences, and to construct a non-compliant private way off Grove Street ending at a turnaround. As detailed below, however, the Applicant has failed, despite eight different revisions to the Plan Set, to present a real and complete "by right" plan for the Proposed Subdivision demonstrating, as required by the Planning Board's procedure, that the Proposed Subdivision could be developed consistent with the law without the requested waivers.

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Furthermore, the requested waivers with respect to the proposed private way would reduce: (i) the width of the roadway layout, (ii) the required pavement width, (iii) the length of level area from Grove Street; and (iv) the pavement radius at the turnaround. The Applicant also requests a waiver of all curbing and sidewalk requirements. The Applicant has disguised these requests as a benefit to the environment, but the true motive is to enhance the economic and real feasibility of the development and, in turn, increase the Applicant's expected profits.

The Needham Public Health Division has rejected the Applicant's requested sidewalk waiver (though it did allow for the elimination of a sidewalk on one side) and requires additional off-street drainage considerations in order to reduce the accumulation of standing water and improper drainage from the Property. To the Abutters' knowledge, no additional plans have yet been provided by the Applicant to address these issues.

III. Governing Law

The Proposed Subdivision is governed by Section 81M of the Subdivision Control Law and Section 3.4.2 of the Rules and Regulations. The purpose of the Subdivision Control Law is to ensure compliance with town bylaws, rules and regulations and board of health recommendations, to secure adequate provision for drainage and underground utility services, to provide safe and adequate access and reduce danger stemming from additional traffic, and to protect the safety and welfare of the town's inhabitants.

Section 3.4.2 of the Rules and Regulations further expounds on these considerations:

No subdivision shall be approved, unless it complies with these Rules and Regulations and with applicable provisions of the Zoning and other Town By-Laws and regulations and of the General Laws of the Commonwealth of Massachusetts, nor unless, in the opinion of the Planning Board, the proposed subdivision meets the requirements of

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public safety including precautions against possible natural disasters, of traffic safety and convenience, of adequate storm water drainage and sewage disposal and is designed with due regard for the rights, health and welfare of the Town's inhabitants, including the future residents of such subdivisions. Proposed subdivisions shall conform, so far as conditions permit, to overall development plans adopted by the Planning Board, if any, and shall adhere to the principles of correct land use, sound planning and good engineering.

If a proposed subdivision fails to meet Needham's Bylaws or its Rules and Regulations, it must be disapproved.

IV. Inadequacies of the Proposed Subdivision

(1) Lot Size Violations

The Proposed Subdivision fails to comply with the Bylaws' minimum lot area and width requirements. The Applicant incorrectly stated in its letter from George Giunta, Esq. dated January 3, 2020 to the Planning Board that "[a]s 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)." In other words, the Applicant contends that sheet 3 depicts a "by-right" plan which would satisfy the Bylaws and the Rules and Regulations. This statement is inaccurate for at least three reasons.

First, Section 4.2.3 of the Bylaws requires minimum lot area of 43,560 square feet; however, Lot 1 on sheet 3 of the Plan Set only includes 42,500 square feet. Ex. A ¶ 2.

Second, sheet 3 of the Plan Set does not show the required sidewalk on the north side of the proposed roadway. If the sidewalk were shown, it would reveal that several trees which sit on the boundary line would need to be removed to construct the sidewalk; however, such trees straddle Curley's property and cannot be removed without Curley's consent. The sidewalk on the north side of the proposed roadway

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would need to be built to the south of those trees and would further compress the already narrow lot. These factors, if properly shown in the Plan Set, would further reduce the size and width of Lot 1. Ex. A ¶ 1. Therefore, Lot 1 is at least 1,000 square feet short of the minimum requirements and likely more than that with proper sidewalks.

Third, Section 4.1.5 of the Bylaws requires lot width of 120 feet which must be measured from both frontage lines for “corner lots.” However, Lot 1 – a corner lot – fails to meet lot width requirements by as much as 8 feet in certain locations when measured from the Grove Street frontage. Ex. A ¶ 1. The lot width would be further reduced were the Applicant to include the required sidewalks on both sides of the proposed roadway, especially taking account of the trees which straddle Curley’s land and the Property. The Proposed Subdivision also contemplates a drainage swale encroaching on Lot 1, thereby further reducing the already deficient size and width of Lot 1. Ex. A ¶ 12.

To the extent that the Applicant contends that the existence of Parcel A alters Lot 1’s character as a corner lot, that contention is wrong. Parcel A is a 2,500 square foot strip of land between Grove Street and Lot 1, but it provides nothing more than a fictional buffer from Grove Street. Parcel A is no different than a sidewalk in this regard and, notwithstanding the Applicant’s gerrymandering efforts, should have no impact on Lot 1’s characterization as a corner lot.

Rather, the Applicant appears to have included Parcel A in the Proposed Subdivision to create a fictional separation from Grove Street to avoid complying with Section 4.1.5 of the Bylaws, which should not be countenanced by the Planning Board. Parcel A is non-buildable and, for all practical purposes, will, under applicable law for subdivision purposes, remain part of Lot 1 (abutting non-conforming lots under common ownership or control are in Massachusetts considered a single lot for zoning and subdivision purposes). In fact, a portion of the Subdivision’s Infiltration System 1 will be constructed on Parcel A with the remainder of the system being constructed on Lot 1 (depicted on sheet 5). Therefore, Parcel A is a necessary and integral component of Lot 1 and is not a separate lot.

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(2) Traffic Safety Hazards

Section 81M of the Subdivision Control Law and Section 3.4.2 of the Rules and Regulations both emphasize the importance of “reducing danger to life and limb in the operation of motor vehicles” and “traffic safety and convenience,” respectively. However, the Proposed Subdivision fails to account for these considerations. As demonstrated by the vehicular turning exhibit affixed to the Engineering Review, the proposed private way (with the proposed waivers) presents a traffic safety hazard for any delivery or box truck or fire engine making a right turn exit from the private way. *See* Ex. A ¶ 3. The limited turn radius would place these vehicles into oncoming traffic and may, in certain instances, require a three-point turn. Given the inadequate turning radius, the Proposed Subdivision is also deficient for failing to consider the sight lines of vehicles exiting the private way and into oncoming traffic. In this regard, the Proposed Subdivision and the requested waivers would create considerable traffic safety hazards, and the Application should be disapproved on these grounds alone.

(3) Incomplete and Impracticable Stormwater Drainage Plans

Consistent with the Subdivision Control Law and Rules and Regulations, the Needham Public Health Division remarked in its January 27, 2020 memorandum to the Planning Board that the Proposed Subdivision must avoid creating standing water, drainage onto adjacent properties, and public health nuisances. However, the Applicant has not demonstrated that its proposed stormwater drainage system is adequate to avoid these conditions or meets the Massachusetts stormwater standards and regulations. For instance: (i) the water quality treatment design is incomplete and may not meet the requisite performance criteria, *see* Ex. A ¶ 4; (ii) the Stormwater Report fails to include all runoff likely to reach Infiltration System 1 which may affect the system’s performance, *See* Ex. A ¶ 6; (iii) the vertical separation between groundwater and Infiltration Systems 2 and 3 appear to be inadequate, *see* Ex. A ¶ 8; and (iv) no soils evaluation was performed at Infiltration System 1 (even though clay is known to exist in the surrounding parcels and would significantly and adversely impact the drainage system), and the outlet from

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Infiltration System 1 is above the top chamber and cannot be installed as currently designed, *see* Ex. A ¶¶ 9 & 11.

The foregoing deficiencies in the Proposed Subdivision's stormwater drainage plans are not merely technical. If the system fails to function properly, the likely result would be improper drainage onto adjacent properties and onto Grove Street, resulting in additional water and ice build-up in the winter months, and creating additional public safety issues as a result (and additional sanding needs in the winter and increased wear and tear on Grove Street).

These inadequacies take on additional significance because the Property is in the Aquifer Protection Overlay District. The purpose underlying the Aquifer Protection Overlay District is to protect the health, safety and welfare of the community including promoting clean drinking water and preventing environmental contamination. Given the existence of garbage and glass on the Property (sheet 5, test pit 6), these are not trivial concerns in this instance. Ex. A ¶ 10.

(4) Encroachment on Curley's Land

Section 3.4.2 of the Rules and Regulations requires careful consideration "for the rights, health and welfare" of the Town's residents, including the Abutters, and adherence "to the principles of correct land use, sound planning and good engineering." However, as alluded to above, sheet 3 of the Plan Set fails to account for a sidewalk on the north side of the proposed roadway, which would likely cause damage to and ultimately result in the death of the trees that straddle Curley's land. Ex. A ¶ 1. The stormwater drainage plan is also designed to create a natural drainage swale in between Curley's land and the Property which would further encroach on Curley's land. Ex. A ¶ 7. The foregoing encroachments are impermissible and provide further evidence that the Applicant has failed to present a "by-right" plan.

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V. Unjustified Waivers

The waivers requested by the Applicant should also be rejected by the Planning Board as they are inconsistent with the public's interest and the intent and purpose of the Subdivision Control Law. *See* G.L. c. 41 § 81R (describing limits of waiver). Rules and regulations should generally be enforced if they serve the public interest and are reasonably related to public safety, health, welfare and convenience. *McDavitt v. Planning Bd. of Winchester*, 2 Mass. App. Ct. 806, 806 (1974). The Planning Board is not required to grant a waiver and should reject a waiver that violates or seeks to evade the Bylaws. *See Arrigo v. Planning Bd. of Franklin*, 12 Mass. App. Ct. 802, 807 (1982).

As outlined above, the Applicant has not presented a “by right” plan for the Proposed Subdivision. This is not a case where the Proposed Subdivision meets all the prerequisites for a “by right” plan and where the applicant seeks waivers to serve the public and better accommodate abutters. Absent materially reducing the size of the private roadway, the Property lacks sufficient size (both square footage and width) to support the Applicant's Proposed Subdivision and development plans – especially with respect to Lot 1 – and would be economically impracticable without approval of the requested waivers. Therefore, the primary purpose of the Applicant's proposed waivers is to evade the Bylaws' lot size and width requirements, and the proposed waivers would act more like variances than waivers in this case. Waivers are not a vehicle for enabling otherwise impermissible or commercially impracticable development in well-established neighborhoods where density and layout are critically important to the neighborhood's character and allure. The Applicant's actual motivation is to use waivers and a fictional lot (Parcel A) to effectively double the value of Applicant's land by creating non-conforming lots (needing waivers) at far greater detriment to the public and Abutters than the benefits alleged.

Furthermore, as demonstrated by the Engineering Review, the reduced size of the private way raises substantial traffic safety concerns for exiting vehicles and oncoming traffic. Ex. A ¶ 3. The Applicant has also failed to demonstrate “unusual circumstances” which would justify a waiver of turnaround radius as required by

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Section 3.3.5 of the Rules and Regulations. Ex. A ¶ 5. The proposed waivers are directly inconsistent with Section 81M of the Subdivision Control Law.

VI. Conclusion

The salutary purpose underlying the Bylaws, Rules and Regulations and Subdivision Control Law is to promote public safety and welfare, orderly development and principles of sound land use planning and proper engineering design. The Applicant has put forth a subdivision plan which neither complies with these rules nor adheres to these values. The Proposed Subdivision flouts several material and legally recognized aspects of planning such as traffic safety and stormwater drainage, and seeks to evade critical lot size and safety requirements in violation of the law.

Approving the Proposed Subdivision under the circumstances extant here would undermine the Bylaw's objectives and create a slippery slope for similarly undersized parcels; solely for the purpose of extracting additional economic value and financial gain from the Property to the detriment of the public and the Abutters. Consequently, the issues presented by the Proposed Subdivision and the extreme relief requested by the Applicant strike the very core of subdivision control and land use planning. The Applicant cannot put forth a "by-right" plan which would meet the standards required by the Bylaws, and the proposed waivers fail to adequately address public health and safety considerations.

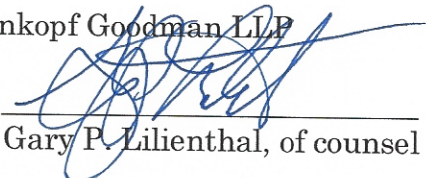
It should also be noted that disapproval of the Application would not render Property valueless, the Property would remain a single-family lot compatible with the well-established and desirable surrounding neighborhood.

For the foregoing reasons, the Proposed Subdivision and the requested waivers should be rejected in their entirety.

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Sincerely,

Bernkopf Goodman LLP

By: 
Gary P. Lilienthal, of counsel

GPL/rws
Enclosures

EXHIBIT A

July 14, 2020

Robert W. Stetson
Bernkopf Goodman, LLP
Two Seaport Lane, 9th Floor
Boston, MA 02210

Subject: Engineering Review
390 Grove Street, Needham, Massachusetts
CEC Project 301-700

Dear Mr. Stetson:

Civil & Environmental Consultants, Inc. (CEC) has prepared this summary of the engineering review of materials submitted in support of the proposed Definitive Subdivision Application for the proposed residential subdivision located at 390 Grove Street in Needham, Massachusetts (the Site).

The submitted materials were reviewed for compliance with the Town of Needham's Subdivision Regulations and Procedural Rules of the Planning Board (the Subdivision Regulations), the Zoning By-Law of the Town of Needham (the By-Law), Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Standards, and standard engineering practice. The following is a summary of the documentation reviewed, a brief project overview and our findings and recommendations.

In accordance with our scope of work, CEC has prepared this engineering review letter documenting our review, findings and recommendations.

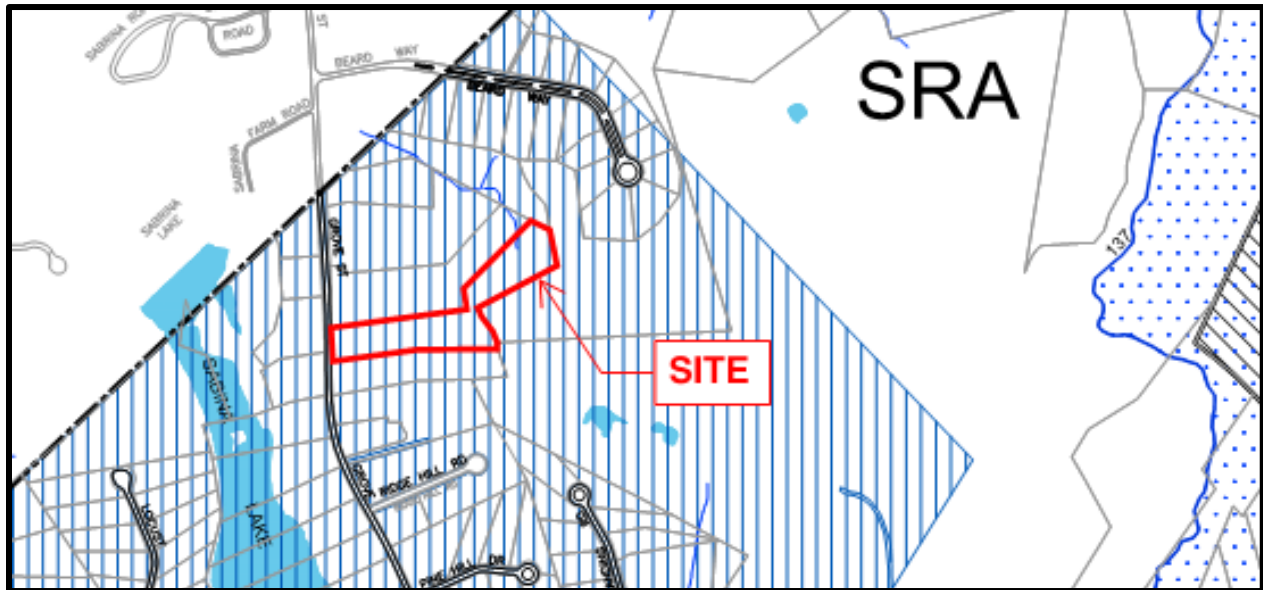
PROJECT OVERVIEW

The Applicant (Moritz Schmidt) is proposing to construct a 2-lot residential subdivision on a 5.3-acre parcel of land owned by Elisabeth Schmidt-Scheuber (the Owner). The subdivision includes the construction of an approximately 450-foot (ft) long 18-ft wide roadway within a Private right-of-way with associated utility and stormwater improvements in order to create two (2) new single family house lots (the Project).

The Site is located within the Single Residence A (SRA) District and the Aquifer Protection Overlay District. See Figure 1 below. The Site contains an existing single family home with access on Grove Street and is surrounded by residential properties. Based on review of the

MassGIS Oliver database, the Site contains wetlands in the easterly (rear) portion of the Site, which are also depicted on the Definitive Subdivision Plans. See Figure 2 below.

Figure 1 – Existing Zoning



Source: Town of Needham Zoning Map (dated March 1, 2020)

Figure 2 – Aerial Exhibit



Source: Google Earth Imagery, MassGIS Oliver Database

The proposed residential use is an allowed use (SRA) District and the Aquifer Protection Overlay District. The Applicant has requested the following waivers from the Town of Needham Subdivision Regulations in order to construct the Private Way as proposed:

- Waiver on Mylar plan and title block location.
- Waiver on providing street line traverse closures.
- Waiver to construct street right-of-way with 40-ft width where 50-ft is required.
- Waiver to construct a road with pavement width of 18-ft where 24-ft is required.
- Waiver to construct level area at intersection with 30-ft width where 50-ft is required.
- Waiver to construct pavement radius at turnaround at 54-feet where 60-ft is required.
- Waiver to construct vertical granite curb on one side of the proposed street at turnaround where curb on both sides of the road is required.
- Waiver to construct no sidewalk where sidewalk on both sides of the road is required.

PROJECT DOCUMENTS

The following is a list of Project documentation and materials included in our review:

- Site Plans entitled “390 Grove Street (assessor’s Map 221 – Lot 9) Definitive Subdivision Plan”, prepared by Meridian Associates, dated July 2018, revised March 2, 2020 (10 Pages);
- Application with supporting information including List of Waivers, public notices, cover letter and Site Plans dated October 4, 2019 (21 Pages);
- Stormwater Analysis and Calculations Report, prepared by Meridan Associates, dated October 4, 2019 (237 Pages)

FINDINGS & RECOMMENDATIONS

Based on our review of the above referenced documentation, CEC offers the following findings and recommendations relative to the documentation reviewed for compliance with the applicable aspects Town of Needham’s Subdivision Regulations, the Zoning By-Law, MassDEP Stormwater Management Standards, and standard engineering practice.

Zoning By-Law and Subdivision Regulation Review

1. Per Sect. 4.1.5 of the Zoning By-Law (Minimum Required Lot Width), *“in the Single Residence A District such minimum required lot width shall be at least 120 feet. To measure lot width, start at a front corner (where a sideline meets the lot's line of frontage)*

and, at a right angle to that sideline, measure straight across the lot to the other sideline. This measurement need not be at a right angle from more than one sideline but it must cross the lot to meet the opposite sideline. Then take a series of measurements parallel to that first measured line, through the full depth of the primary building or structure on the lot. This measurement need not be at a right angle from more than one sideline but it must cross the lot to meet the opposite sideline... For corner lots, the measurement shall be taken from front corners along both frontage lines."

The Applicant provided a proposed By Right Subdivision Plan (Sheet 3 of 10) as part of the Definitive Plan Application. If the proposed lot closest to Grove Street were to be considered a corner lot with frontage on both Grove Street and the new subdivision roadway, it would not meet the minimum lot width requirement of 120-ft in accordance with Section 4.1.5 of the Zoning By-Law as the width at the front lot varies from approximately 119.5-ft wide at the westerly end of the lot to approximately 112.8-ft wide at the easterly end of the lot. A 20-ft wide strip of land identified as a non-buildable parcel (Parcel A) is depicted on the Lotting Plan (Sheet 4 of 10) between the Lot and the Grove Street right-of-way, although it is not clear what the purpose of this parcel is.

Additionally, there are several large existing trees along the property line shared with the abutter to the north (Curley). Two of these trees are shown to be protected in place on the Site Plans, although details for tree protection are not included in the submission. If tree protection fencing is placed around the drip line of the trees, and a sidewalk were to be proposed along the north side of the roadway per the subdivision regulations, the roadway and associated right-of-way may need to be shifted to the south, further reducing the available lot width for the front lot.

2. Per the Zoning By-Law, parcels in the SRA District have a minimum lot area of 43,560 square feet. Although specific dimensions were not provided on this plan, the front lot depicted on the By-Right Plan (Sheet 3 of 10) appears to be approximately 42,500 square feet which would not meet this minimum lot area criteria. The By-Right Plan should be revised to include the required north-side walk, lot dimensions and additional information demonstrating compliance with the dimensional requirements (including those noted in 1 above).
3. Per Section 3.3.1 of the subdivision regulations, "*All streets shall be laid out to a width of 50 feet and shall be paved to a width of 24 feet, in the case of one and two-lot subdivisions, the Planning Board may, by waiver, require a street width of 40-feet...The grade of a*

street within 50-feet of a street intersection shall not exceed 1% to provide a level area for traffic safety.”

The Applicant has requested a waiver to construct the road with a right-of-way width of 40-feet as well as a waiver for the reduction of the level area to 30-ft where 50-ft is required. The Subdivision Regulations reference the level area requirement in order to provide a “*level area for traffic safety*”. Additionally, the Applicant has requested a reduction in the roadway width from 24-ft to 18-ft wide. The curb return on the north side of the subdivision roadway for vehicles turning right onto Grove Street also appears to be proposed with a radius of 8-ft, which is significantly smaller than most roadway radii. The right-turn movement from the subdivision roadway onto Grove Street will likely prove to be a challenging turning maneuver for delivery vehicles exiting the subdivision roadway without having to turn into the oncoming traffic lane. Refer to Exhibit AT-1 for a depiction of turning movements for a SU-30 box truck, which is commonly used for deliveries and would be expected to utilize the Site roadway. This vehicle would require a larger turning area than is provided with the current plan. Fire trucks would have similar maneuvering challenges.

The Applicant has not demonstrated that the intersection as designed will provide the required safety for traffic exiting onto Grove Street as well as for the vehicles traveling on Grove Street, such as a vehicular turning diagram for emergency and delivery vehicles, available sight distances at the intersection, and confirmation that sight lines would not be impacted by vegetation on abutting properties.

4. Per Section 3.3.13 of the subdivision regulations, “*within the Aquifer Protection District... provisions for contaminant removal shall be made employing detention basins with subsurface drains or perforated risers, oil and grit separator catch basins or similar devices where appropriate.*” The Stormwater Report fails to address any pre-treatment proposed prior to infiltration; however the details included in the Definitive Plans include a detail for a Stormceptor 900 water quality unit, but don’t identify where this is proposed to be installed or if this will meet the pretreatment requirements. If additional water quality treatment is not provided prior to infiltration, the performance criteria for the stormwater quality treatment within the Aquifer Protection District may not be met. The Stormwater Report should be revised to address the pre-treatment issue and the Plan should be revised to show the location of the Stormceptor 900 water quality unit.
5. The applicant also seeks a waiver minimum radius for the circular turn around at the end of the roadway; however, Section 3.3.5 authorizes a waiver of this requirement only in

“unusual circumstances.” The applicant has not pointed to any unusual circumstances which would justify a departure from the requisite standards.

STORMWATER REPORT & DEFINITIVE PLAN COMMENTS

6. The Post-Development Drainage Plan included in the Stormwater Report identifies that Subcatchment SC102 drains directly to Grove Street; however the grading included in the proposed Definitive Plans appear to indicate that runoff from a portion of this area and abutting properties will likely drain into the subdivision roadway and ultimately to the proposed underground infiltration system 1 instead of directly flowing to Grove Street. Additionally, Subcatchment SC101 is modeled as draining directly to Grove Street; however runoff from the turnaround area drains to the proposed swale located at the west end of the turnaround, which drains to the swale along the road and ultimately drains to the proposed underground infiltration system 1 instead of directly flowing to Grove Street.

The additional areas tributary to the to the infiltration system as noted above may result in increases in the peak rates of runoff or volume of stormwater tributary to Grove Street, not meeting Standard 2 of the Massachusetts Stormwater Standards (Peak Rate Control and Flood Prevention), potentially exceeding the capacity of the municipal drainage system resulting in localized ponding along the roadway.

7. The proposed grading plan identifies that the proposed subdivision roadway is proposed to be regraded such that the roadway is higher than the existing grades along the northerly property line. This proposed condition would redirect the current drainage pattern along the abutter's (Curley) land and result in channelized flow along the abutter's property line, potentially resulting in a discharge of concentrated flow onto Grove Street at the northwest corner of the property. Based on the limited amount of survey performed on the adjacent property, it appears there is runoff from the abutting northerly property that should be addressed with the stormwater management design; however an analysis of off-site tributary flows was not included in the design of the proposed drainage system. The analysis and design should be revised to accept the existing drainage runoff from the abutting property and manage the run-off in a manner that does not negatively impact the abutting property or result in concentrated runoff draining onto Grove Street.
8. The Post-Development Drainage Plan included in the Stormwater Report identifies a proposed infiltration system (Infiltration System 3) for the future buildings modeled as Subcatchment SC020 in the vicinity of Test Pit 1. Test Pit 1 identifies an Estimated Seasonal High Groundwater (ESHGW) elevation approximately 36" below grade at

elevation 204.5 ft. The HydroCAD analysis models this infiltration system with the bottom elevation at elevation 200.0-ft which would place it below the groundwater table. Additionally Infiltration System 2 serving the second future building is also identified with a bottom elevation at elevation 200.0-ft, and the closest Test Pits (TP5 and TP6) have an ESHGW elevation of 199.7, which would not provide the required vertical separation from the ESHGW elevation. Based upon these discrepancies, the systems are not feasible to install as currently depicted on the plans and modeled in the hydraulic analysis.

9. No soils evaluations or investigations were performed in the footprint of the proposed Infiltration System proposed near Grove Street (Infiltration System 1) to be constructed as part of the subdivision. The closest test pits are approximately 200-ft away and identify an ESHGW elevation of 199.7. Additionally, the Test Pit information is identified as “Unofficial” Soils Information. The Cross Section for this system on Sheet 10 of 10 identifies an ESGW of 193.00, although it’s unclear how this was determined. The MassDEP Stormwater Management Handbook identifies that a minimum of two (2) soil tests should be taken for each trench and that tests should be performed at the actual location of the proposed system so that any localized soil conditions can be detected. The Applicant has not provided the requisite soils testing in the footprint of the Infiltration System in order to confirm the soil type, infiltration rates and ESHGW elevations and, consequently, the system may not function as designed and modeled in the stormwater analysis. It is our understanding that the abutters have indicated that adjacent properties to the north and south contain different soil conditions than those identified in the plans, including high clay content which would, if contained on the Applicant’s land, significantly and adversely affect the performance of the drainage system.

The Applicant must perform additional soil testing in the actual location of the proposed infiltration system in accordance with the regulations and the soil testing should be observed by an appropriately qualified representative from the Town of Needham and/or third party engineering firm.

10. Test Pit TP-6 indicates that a layer of fill consisting of trash and glass was encountered for a depth of more than 5-feet in this location. The Applicant should provide additional information regarding the nature of the materials encountered and provide a description of how this material will be disposed of in accordance with the appropriate regulations.
11. The outlet from Infiltration System 1 is proposed with an invert at elevation 196.83 which would place the pipe above the top of the chambers which are also located with the top of structure elevation of 196.83. The system is not feasible as proposed. The HydroCAD

analysis is also modeled with this condition. At a minimum, the design and analysis should be reviewed and revised to demonstrate that the system can be constructed and will function properly.

12. The Typical Road Cross Section on Site Details 1 (Sheet 9) depicts an 11-ft wide planting strip adjacent to the 380 Grove Street property to the north; whereas the Proposed Site & Grading Plan (Sheet 5) shows a 13-ft wide planting strip. If a 13-ft wide strip was constructed, this would only leave 8.5-ft for the drainage swale proposed on the south side of the subdivision roadway. A 1.5-ft deep, 3:1 side slope swale as depicted on Site Details 1 (Sheet 9) would not be contained within right-of-way and would encroach onto Lot 1. This condition would require modifications to Lot 1 or require design revisions in order to allow the stormwater runoff from the rear lot to pass partially through the front lot to the stormwater infiltration system located thereon.
13. The outlet pipe from Infiltration System 1 to DMH-1 identifies a 3,856% slope. The invert elevations should be reviewed and revised and additional detail should be added to the plans to confirm how this pipe segment is proposed to be constructed.
14. The stormwater report does not identify a description of SC 10 and SC 20 which are the proposed roof areas from the homes. This should be reviewed and included in the stormwater report for consistency with the Post-Development Drainage Plan.
15. Site Plans show an 8x8x6 tee connection to the existing 8" water main for the proposed 8" water main. This connection is inaccurate as it does not appear that a 6-inch pipe is proposed in this location.

CONCLUSION

The applicant has not presented a "by right" plan compliant with the bylaw, subdivision rules and regulations and applicable stormwater standards and regulations. The application lacks sufficient information and detail required in order to adequately demonstrate that the project will function as designed and will meet the appropriate regulations including traffic safety and stormwater drainage considerations. Inadequate or nonexistent subsurface soil investigations also raise significant questions about the system's ability to comply with the MassDEP Stormwater Handbook Regulations and the expected performance of the stormwater management system overall. The application in its current form must be rejected.

Mr. Robert Stetson
CEC Project 301-700
Page 9
July 14, 2020

Please feel free to contact us with any questions at kskulte@cecinc.com or via phone at (774) 501-2176.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

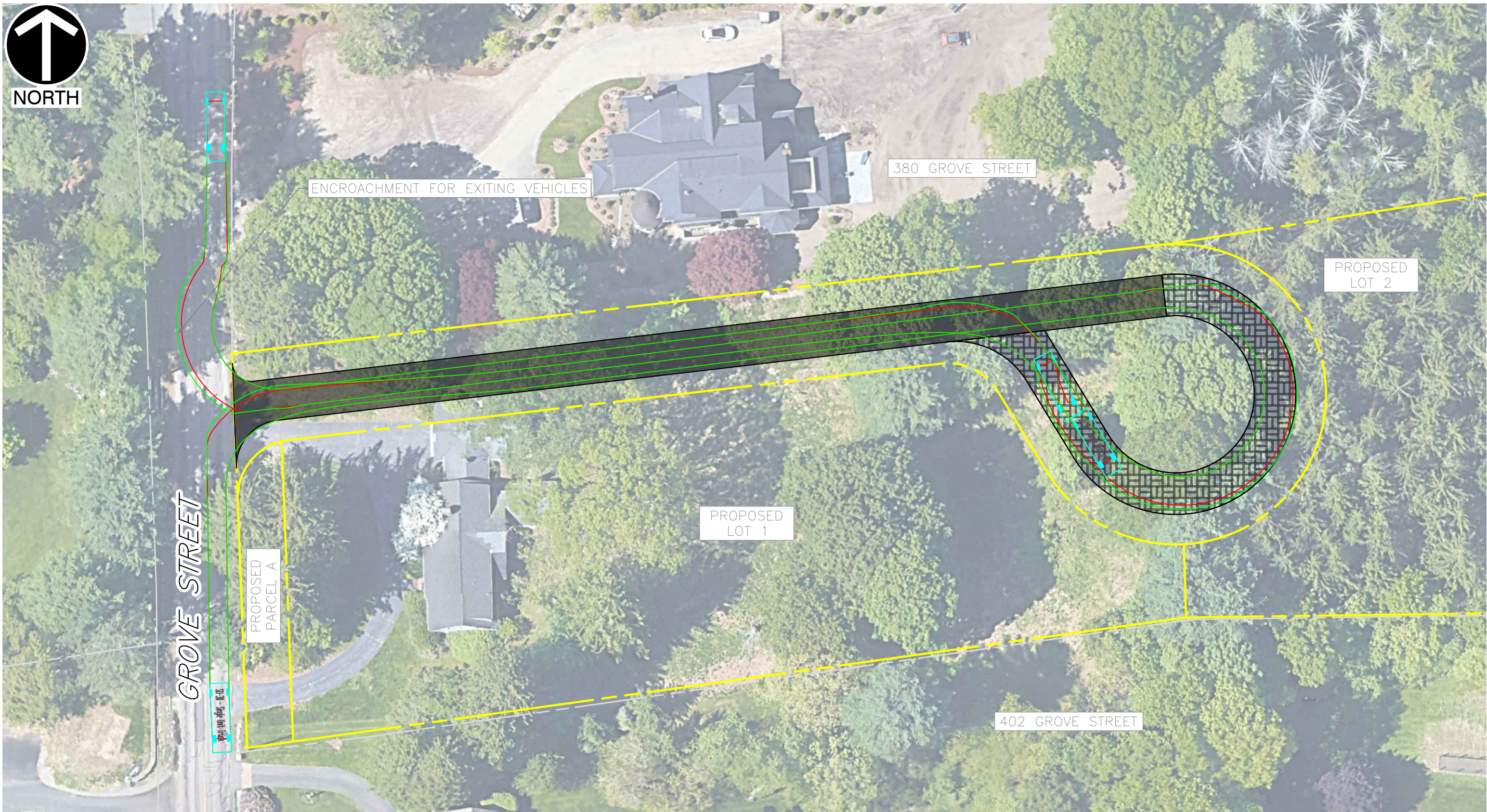


Karlís P. Skulte, P.E.
Principal



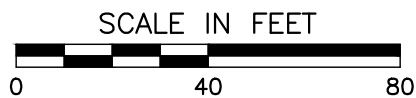
Amy Knight, P.E.
Principal

Attachment: Figure AT-1



REFERENCE

1. GIS PROPERTY LINE AND WETLANDS DATA PROVIDED BY MASSGIS OLIVER DATABASE ACCESSED IN MAY 2020.
2. PROPOSED PARCEL BOUNDARIES AND ROADWAY INFORMATION IS FROM SITE PLANS ENTITLED "390 GROVE STREET (ASSESSOR'S MAP 221 - LOT 9) DEFINITIVE SUBDIVISION PLAN", PREPARED BY MERIDIAN ASSOCIATES, DATED JULY 2018, REVISED MARCH 2, 2020.
3. VEHICLE TURNING DEPICTED FOR AASHTO SU-30 BOX TRUCK.



C&E
Civil & Environmental Consultants, Inc.
31 Bellows Road · Raynham, MA 02767
Ph: 774.501.2176 · 866.312.2024 · Fax: 774.501.2669
www.cecinc.com

BERNKOPF GOODMAN LLP
390 GROVE STREET SUBDIVISION
NEEDHAM, MA

VEHICULAR TURNING EXHIBIT
SU-30

DRAWN BY:	KPS	CHECKED BY:	DRAFT	APPROVED BY:	DRAFT	FIGURE NO.:
DATE:	JUNE 2020	DWG SCALE:	1"=50'	PROJECT NO:	301-700	AT-1

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

As a resident of Needham's historic Grove Street neighborhood, the undersigned hereby opposes the proposed two-lot subdivision located at 390 Grove Street, Needham, MA (the "Proposed Subdivision"). The Proposed Subdivision is inconsistent with the character of the neighborhood and, by creating a slippery slope for additional subdivisions on narrow and undersized lots, could tarnish the bucolic nature of one of Needham's most historic neighborhoods. The Planning Board should disapprove the Definitive Subdivision Application.

By: Jean J. McGlynn

Signature: Jean J. McGlynn

Address: 359 Grove Street

Date: 7/6/20

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

As a resident of Needham's historic Grove Street neighborhood, the undersigned hereby opposes the proposed two-lot subdivision located at 390 Grove Street, Needham, MA (the "Proposed Subdivision"). The Proposed Subdivision is inconsistent with the character of the neighborhood and, by creating a slippery slope for additional subdivisions on narrow and undersized lots, could tarnish the bucolic nature of one of Needham's most historic neighborhoods. The Planning Board should disapprove the Definitive Subdivision Application.

By: ROBERTA SWENSON

Signature: Roberta Swenson

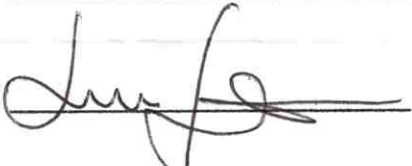
Address: 447 Grove St Needham, MA
02482

Date: 7-9-2020

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

As a resident of Needham's historic Grove Street neighborhood, the undersigned hereby opposes the proposed two-lot subdivision located at 390 Grove Street, Needham, MA (the "Proposed Subdivision"). The Proposed Subdivision is inconsistent with the character of the neighborhood and, by creating a slippery slope for additional subdivisions on narrow and undersized lots, could tarnish the bucolic nature of one of Needham's most historic neighborhoods. The Planning Board should disapprove the Definitive Subdivision Application.

By: JAMES FRATES _____

Signature:  _____

Address: 471 - 465 GROVE ST.

Date: July 9, 2020

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

As a resident of Needham's historic Grove Street neighborhood, the undersigned hereby opposes the proposed two-lot subdivision located at 390 Grove Street, Needham, MA (the "Proposed Subdivision"). The Proposed Subdivision is inconsistent with the character of the neighborhood and, by creating a slippery slope for additional subdivisions on narrow and undersized lots, could tarnish the bucolic nature of one of Needham's most historic neighborhoods. The Planning Board should disapprove the Definitive Subdivision Application.

By: Fred Ledley Tamara Ledley
Signature: [Signature] [Signature]
Address: 433 Grove Street
Date: 7/12/2020

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

As a resident of Needham's historic Grove Street neighborhood, the undersigned hereby opposes the proposed two-lot subdivision located at 390 Grove Street, Needham, MA (the "Proposed Subdivision"). The Proposed Subdivision is inconsistent with the character of the neighborhood and, by creating a slippery slope for additional subdivisions on narrow and undersized lots, could tarnish the bucolic nature of one of Needham's most historic neighborhoods. The Planning Board should disapprove the Definitive Subdivision Application.

By:

Signature:

Sandy Goldas

HP Goldas

Address:

461 Grove ST Needham

Date:

7/8/2020

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

As a resident of Needham's historic Grove Street neighborhood, the undersigned hereby opposes the proposed two-lot subdivision located at 390 Grove Street, Needham, MA (the "Proposed Subdivision"). The Proposed Subdivision is inconsistent with the character of the neighborhood and, by creating a slippery slope for additional subdivisions on narrow and undersized lots, could tarnish the bucolic nature of one of Needham's most historic neighborhoods. The Planning Board should disapprove the Definitive Subdivision Application.

By: James Curley

Signature:  _____

Address: 380 Grove St.

Date: 7/4/20

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

As a resident of Needham's historic Grove Street neighborhood, the undersigned hereby opposes the proposed two-lot subdivision located at 390 Grove Street, Needham, MA (the "Proposed Subdivision"). The Proposed Subdivision is inconsistent with the character of the neighborhood and, by creating a slippery slope for additional subdivisions on narrow and undersized lots, could tarnish the bucolic nature of one of Needham's most historic neighborhoods. The Planning Board should disapprove the Definitive Subdivision Application.

By: MARK WARREN VICTORIA VAN NEDERHOF

Signature: Mark Warren Victoria Van Niderhof

Address: 370 Grove St Needham, MA 02492

Date: 7/10/2020

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

As a resident of Needham's historic Grove Street neighborhood, the undersigned hereby opposes the proposed two-lot subdivision located at 390 Grove Street, Needham, MA (the "Proposed Subdivision"). The Proposed Subdivision is inconsistent with the character of the neighborhood and, by creating a slippery slope for additional subdivisions on narrow and undersized lots, could tarnish the bucolic nature of one of Needham's most historic neighborhoods. The Planning Board should disapprove the Definitive Subdivision Application.

By: Wendy Erard Lane _____

Signature: WENDY ERARD LANE _____

Address: 398 GROVE ST., NEEDHAM, MA

Date: 7/6/20

Jim - Thanks for taking this on. I completely agree with the sentiments above.

- Wendy

PETITION IN OPPOSITION TO 390 GROVE STREET SUBDIVISION

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By: Robert P. Zadavas Kenneth D. Zadavas
Signature: [Signature] [Signature]
Address: 402 Grove St.
Date: July 9, 2020

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By: Jane O'Brien _____

Signature: Jane O'Brien _____

Address: 430 Grove St.

Date: 7/15/2020

July 9, 2020

Thank You for organizing opposition
to this Selfish and money Driven
Scheme.

I think two Additional points can
be made, well three..

1. What's the point of having zoning
and frontage rules if they can be
violated. I chose to live in this
section of town for its character
and open space.

2. This Seems Driven by money
and will only Benefit one family that
presumably wont be here any more at
the permanent expense of the neighbors

3. Finally, The River and Lake
watershed are under stress from
development. we need to preserve
as much open space as possible.

We own the two lots as
Described and I Bought the
Second open lot to preserve
open space and privacy.
Adding a Second home on this
Property is a great step
Backward for open space.

Let me know if I can
attend hearing and object
in person.

Permanant harm vs. One
families excessive monetary
gain. Doesnt seem

Balanced At All.

Jim. Frates @
a.kornes.com

Jim Frates

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 E-Mail and Mail
June 30, 2020

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

Re: Heather Lane Definitive Subdivision
Heather Lane Extension Residential Compound and Definitive Subdivision

Dear Lee:

In connection with the Heather Lane Definitive Subdivision and the Heather Lane Extension Residential Compound and Definitive Subdivision applications, enclosed please find revised drafts of the documents set forth below, replacing the set filed with the original application:

1. Heather Lane Homeowners Association Declaration of Trust.
2. Heather Lane Declaration of Restrictive Covenants.
3. Heather Lane Subdivision Covenant.
4. Heather Lane Extension Homeowners Association Declaration of Trust.
5. Heather Lane Extension Declaration of Restrictive Covenants.
6. Heather Lane Extension Subdivision Covenant.
7. Grant of Utility Easement.
8. Grant of Drainage Easement.

The documents incorporate comments made by Planning Board members, a change in the list of applicants (the Maloomian property will be owned by Mr. Piersiak, as Trustee of 768B Chestnut Street Realty Trust, by the date of the Board's July 21 meeting), and general clean-up.

We expect to submit a revised set of plans and related materials prior to the July 21 hearing.

For the convenience of Planning Board members, we are delivering paper copies of the enclosed documents to each member at their residences.

Very truly yours,

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

Robert T. Smart, Jr.

Cc: William Piersiak
Planning Board Members

HEATHER LANE HOMEOWNERS ASSOCIATION DECLARATION OF TRUST

This Declaration of Trust is made this _____ day of _____, 2020, by **William J. Piersiak, Trustee of the 768B Chestnut Street Realty Trust**, owner of 764 Chestnut Street and 768B Chestnut Street, Needham, MA 02492, **Koby Kempel, Manager of 766 Chestnut LLC**, owner of 766 Chestnut Street, Needham, MA 02492, **William John Piersiak**, owner of 768 and 768A Chestnut Street, Needham, MA 02492, (hereinafter, collectively “**Declarants**”), and **William John Piersiak**, of 768 Chestnut Street, Needham, MA 02492 (hereinafter “**Initial Trustee**”). The Declarants are owners of 764, 766, 768-768A & 768B, Chestnut Street, Needham, MA 02492, which Property comprises the Heather Lane Subdivision (“Subdivision”), as more particularly described in Exhibit A attached hereto.

1. Name of Trust. The name of this Trust shall be the **Heather Lane Homeowners Association Trust** (“Trust”).
2. Initial Trustees. The Initial Trustee of this Trust shall be the William John Piersiak, who shall so serve until the later to occur of:
 - a. That date which is three (3) years following the recording hereof; or
 - b. The sale and conveyance of Lots 1, 2, 3, 5 and 6 of the Subdivision, and the sale and conveyance of all the residential compound lots created within Lot 4 of the Subdivision, to bona fide third parties.

Following such event, or in the event the William John Piersiak is no longer willing or able to serve as Trustee, there shall be a total of up to six (6) Trustees. Each of the Owners (as hereinafter defined) shall be entitled to appoint a Trustee to so serve, in accordance with the provisions of this Trust.

3. Purpose of Trust. The purpose of this Trust is to provide for the preservation, administration and maintenance, for the common enjoyment and benefit of the Owners, of Heather Lane, such utilities and facilities as are or may be conveyed to the Trustees, and of any other property, real or personal, which may hereafter be conveyed to or acquired by the Trustees or otherwise made subject to their administration for the benefit of the Owners (collectively, the “Trust Property”). The purpose of the Trust shall also include (a) the exercise of the powers of the Trustees set forth herein with the respect to all the land described in Exhibit A hereto (the “Property”) and the building (s) and other improvements which now exist or may hereinafter be constructed thereon, (b) the administration and enforcement of the documents set forth in section 6(f) below, and (c) all other purposes set forth herein. All the Owners shall have the right to use the Property subject to:
 - a. the restrictions and obligations contained herein; and
 - b. such reasonable rules and regulations as may be adopted and amended, from time

to time, by the Trustees.

4. Beneficiaries. The beneficiaries of this Trust shall be the six lot Owners, who will each have an equal interest in the Trust. The word “Owners” shall mean and refer to the record holders from time to time of the legal title of any lot within the Heather Lane Subdivision and the building or other improvements, if any, constructed thereon, which constitutes all or a portion of the Property, and, at the discretion of the Trustees, any other lot that has actual private way or driveway access to Heather Lane even though not currently included in the description of the Property. The five owners of the Residential Compound lots, which are derived from Lot 4 of the Heather Lane Subdivision, shall together be considered to have a one-sixth interest in this Trust. The holder of legal title shall include the holder of the equity of redemption in the case of mortgaged land and one having a legal life or other estate in possession and excluding a lessee, tenant, mortgagee and one having a legal estate in remainder or otherwise subsequent to a legal estate in possession and also excluding the Trustees as owners of the Trust property. Two or more persons or entities holding legal title to the same parcel or parcels shall be treated as a single Owner; exercise of their rights as such owners shall be by their unanimous action and their obligations to pay any assessment shall be joint and several. If the same Owner shall hold record title to more than one lot, such Owner shall be treated as a separate Owner for each lot. Each Owner of a Lot, through this Trust, shall have joint and several responsibility to perform all maintenance, repairs and reconstruction required for or in Heather Lane in compliance with and in conformity with the requirements of the Town of Needham and other requirements imposed by law or governmental authority.

Notwithstanding anything in this Trust to the contrary, each of the Owners shall have the right to maintain, repair, reconstruct or replace the sewer line serving said Owner’s Lot, including, but not limited, to access Heather Lane and excavate within said Heather Lane to conduct said maintenance, repair or replacement. Said Owner shall be responsible for restoring all disturbed areas to the condition that existed prior to such access.

5. Powers and Duties of Trustees. For the purpose of carrying out the terms of this Trust, the Trustees shall have the powers and duties necessary for the administration of the Trust Property, including, without limitation, the following powers which may be exercised by them without any action or consent of the Owners and which shall continue after the termination of the Trust for the purpose of disposing of the Trust Property and until final disposition thereof:

- a. the maintenance, repair and reconstruction of the private way known as Heather Lane as shown on the “Definitive Subdivision Plans for Heather Lane 764, 766, 786-768A A, & 768 B Chestnut Street, Needham, MA” and designated thereon and all services the installation of which is required in connection with the documents described in section 6 of this Agreement, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water (except as provided in the Definitive Subdivision Decision described in section 6 below), sewer and drainage facilities and other utilities and

related equipment, curbs, monuments, sidewalks, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain Heather Lane in a good, safe and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and to provide adequate services to each Lot, all in accordance with the documents set forth in section 6(f) below. Except as provided in the Drainage Easement recorded herewith, the Trust shall have no responsibility for sewage and drainage facilities and other utilities and related equipment located on individual lots, which shall be the sole responsibility of the Owner of the lot where such facilities and equipment are located;

- b. to acquire by purchase, hire or otherwise, property which is convenient to the performance of their functions as Trustees;
- c. to adopt reasonable rules and regulations governing the use and enjoyment by the Owners of the Trust Property. The Trustees shall have the power, right and authority to enforce such rules and regulations, but no obligation to any Owner to do so;
- d. to convey permanent easements and lesser interests in, upon and over any ways for the installation, maintenance, repair and replacement of utilities and other services and rights incidental thereto for the benefit of one or more Owners; or to convey a fee or lesser interest in any ways, utilities, or drainage system owned by the Trustees from time to time, for the benefit of one or more Owners;
- e. to convey to the Town of Needham or other public body the fee or any lesser interest in any way and utilities therein or in all or any portions of the drainage system serving the Property;
- f. to make such contracts as the Trustees deem convenient to the performance of their duties;
- g. to borrow money and to pledge or encumber Trust Property to secure repayment of such borrowings;
- h. to open bank accounts in the name of the Trust or the Trustees with power in any one of the Trustees to draw on such amounts;
- i. to procure insurance against damage to the Trust Property or against any liability of the Trustees or the Owners from any actions occurring on or about or on account of the Trust Property, or worker's compensation insurance or any insurance of any type, nature or description which the Trustees may deem appropriate with respect to the Trust or the Trust Property;

- j. to pay, resist, compromise or submit to arbitration any claim or matter in dispute with respect to the Trust or any Trust Property;
- k. to determine and collect common and special charges from the Owners as provided in this Declaration of Trust and to undertake all expenses and pay all costs on account of such common and special charges;
- l. to maintain, repair and replace any or all of the Trust Property;
- m. to exercise any other powers which may be necessary or desirable for carrying out the terms of this Trust or which the Trustees may have under any present or future statute or rule of law, and to execute and deliver all appropriate instruments in connection therewith;
- n. to undertake such maintenance and other obligations as may be required under applicable permits and approvals issued for the Trust Property pursuant to G.L. c.40A and c.41, Section 81(k) et. seq., including but not limited to the obligations set forth in sections _____ of the Definitive Subdivision Decision described in section 6 below;
- o. to retain such counsel or accountants as the Trustees shall deem advisable and to pay the costs thereof as a common charge from funds of the Trust; and
- p. to maintain the landscaping within the island in the center of Heather Lane cul-de-sac and the street landscaping along Heather Lane, as described in sections _____ of the Definitive Subdivision Decision described in section 6 below.
- q. to take such steps as are necessary to enforce the Declaration of Restrictive Covenants of even date and recorded herewith.

6. Common and Special Charges. The Trustees shall from time to time, and at least annually, prepare a budget for the Trust to determine the amount of the common charges payable by the Owners to meet the common expenses of the Trust. The Trustees shall have the power to raise such amounts of money to meet any needs of the Trust by assessing on each occasion upon all of the land (which term shall include land and improvements) of each Owner such Owner's proportionate share of the total amount to be raised. The date of each such assessment shall be the date it is voted by the Trustees. The Trustees' determination regarding the amount of the assessment shall be conclusive. Common expenses may include, without limitation, the following:

- a. all costs relating to the maintenance, repair and reconstruction of the private way

known as Heather Lane as shown on the Plan and designated thereon and all services the installation of which is required in connection with the subdivision documents described below, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water (except as provided in the Definitive Subdivision Decision described in section 6 below, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain Heather Lane in a good, safe and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and to provide adequate services to each Lot, all in accordance with the documents set forth in section 6(f) below. The Trust shall also have no responsibility for sewage and drainage facilities, and other utilities and related equipment located on individual lots, except as provided in the Drainage Easement recorded herewith, which shall be the sole responsibility of the Owner of the lot where such facilities and equipment are located. The Trustees shall have the specific authority to assess special charges necessary to fulfill their responsibilities as set forth in this Declaration of Trust;

- b. all insurance premiums for the master policy for the Trust Property, fidelity bonds for the Trustee and agents and employees, any insurance purchased to protect the Trustees and such other insurance as the Trustees may deem necessary and appropriate;
- c. all expenses relating to the financing, operation, improvement, maintenance and replacement of any Trust Property;
- d. all costs of attorneys, accountants and other usual, customary or necessary professional advisors to the Trustees;
- e. the amount that the Trustees shall deem necessary and appropriate for the working capital of the Trust, for an operating reserve for expenses, a reserve fund for the replacements, and any charges for deficits from previous operating years; and
- f. all expenses relating to the Trustees' enforcement and administration of the subdivision documents, including the following:
 - i. Definitive Subdivision Decision, Heather Lane, dated _____, 2020, recorded with the Norfolk County Registry of Deeds, Book _____, Page _____;

- ii. Declaration of Restrictive Covenants, dated _____, 2020, recorded with the Norfolk County Registry of Deeds, Book _____, Page _____;
- iii. Subdivision Covenant Under the Provisions of General laws, Chapter 41, Section 81-U, recorded with the Norfolk County Registry of Deeds, Book _____, Page _____;
- iv. Drainage Easement recorded with the Norfolk County Registry of Deeds, Book _____, Page _____;
- v. Utility Easement recorded with the Norfolk County Registry of Deeds, Book _____, Page _____.

In addition, the Trustees shall have the power to assess individual Owners for special charges in connection with repairs, improvements or replacements caused or necessitated solely by the actions or omissions of such Owner.

The Trustees shall upon reasonable request render certificates suitable for recording indicating that no payments are due to the Trust with respect to any common or special charges, which certificates shall be conclusive as to the facts stated therein.

Notwithstanding anything in this Agreement to the contrary, the sole cost and responsibility for maintenance, repair, improvement, operation and replacement of streetlights and associated equipment in the Subdivision shall be with the Owner from whose property power or electricity is supplied.

7. Payment of Common and Special Charges. All Owners shall pay the common charges assessed by the Trustees in installments as determined by the Trustees. Special charges shall be paid within thirty days after notice from the Trustees, or as the Trustees in their sole discretion may otherwise require.

8. Lien for Common Charges. Each assessment so made upon an Owner shall constitute and remain a charge and lien upon such Owner's land and every portion thereof from the date of the assessment until paid in full, and shall also constitute a personal debt of the Owner who is the Owner of such land on the date of assessment by the Trustees. Such charge, lien or personal debt may be enforced or collected by the Trustees by any available process including, without limitation, collection proceedings in a court and foreclosure of the charge or lien against the land under processes comparable to processes provided in Massachusetts G.L. c. 254 to the extent lawful. All costs and expenses incurred by the Trustees in enforcing or collecting any assessment, including reasonable attorney's fees shall be paid by the Owner responsible for the assessment and shall constitute a further lien or charge on said land and a personal debt of said Owner. Notwithstanding the above provisions, such charge and lien shall be junior to each bona-fide mortgage to an institutional mortgage lender outstanding upon such land on the date of the assessment, whether the mortgage be given before or after this Trust takes effect and its provisions become restrictions and servitudes upon such land, but foreclosure of the mortgage shall not impair the power of the Trustees thereafter to make further assessments upon such land nor otherwise impair such restrictions and servitudes thereon. If any assessment is not paid when due, such assessment shall bear interest at the rate of eighteen percent (18%) per year from the due date. The Trustees may, in addition to the other rights herein reserved, accelerate the payment of the reasonable estimate of common charges for the twelve-month period following any default and such sum shall serve as security for the payment of future common and special charge obligations.

9. Liability of Trustee. All persons extending credit to or contracting with or having any claim against the Trustees hereunder shall look only to the Trust Property for any such contract of claim, so that neither the Trustees nor the Owners shall be personally liable therefor. No Trustee hereunder shall be liable to this Trust or to the Owners for the default of any other Trustee or for leaving property in the hands of another Trustee, or for any error in judgment of law on his or her own part, but shall be liable only for his or her own willful default. Any Trustee hereunder shall be reimbursed in full for any loss or expense incurred or suffered by him or her, or his or her estate, as a result of acting as Trustee hereunder, excluding only such loss or expense resulting from his own willful default.

10. Reliance by Third Parties. No person dealing with any Trustee shall be bound to inquire concerning the validity of any act purporting to be done by him or her or be bound to see to the application of any money paid or property transferred to him or her upon his or her order. Any Trustee may at any time or times by written power of attorney delegate all or any of his or her powers and authorities, except the power to make assessments as provided in section above, whether discretionary or otherwise, to any other Trustee in each case for a period of not more than six (6) months at a time, but any such delegation may be renewed by successive powers of attorney and may be revoked.

11. Financial Records. The Trustees shall keep proper records and accounts of the affairs of the Trust which shall be open to inspection by any Owner at all reasonable times. At least once a

year the Trustees shall render a written report and financial statement to the Owners. The approval by a majority of the Owners of any report or financial statement by the Trustees shall be, as to all matters and transaction stated in said report or statement or shown thereby, a complete discharge of the Trustees and final and binding upon all Owners.

12. Trustees in Number and Terms. There shall always be at least one Trustee hereunder, and never more than six (6) Trustees. No Trustee need be an Owner. Trustees may be persons, firms, or other legal entities. Except for the Initial Trustee, Trustees shall serve for a period of three (3) years and until their successors and appointed and duly qualified.

13. Appointment of Trustee. At each annual meeting of the Owners commencing with the annual meeting to be held after the third anniversary of the recording of this Declaration of Trust, or the sale and conveyance of Lots 1, 2, 3, 5 and 6 of the Subdivision, and the sale of all the residential compound lots created within Lot 4 of the Subdivision to bona fide third parties as provided in section 2 above, whichever occurs later, each Owner of Lots 1, 2, 3, 5 and 6, may appoint one Trustee, and the owners of the residential compound lots created within Lot 4 of the Subdivision may appoint one Trustee for all of them.

14. Vacancies and Removals. Any Trustee may at any time resign as Trustee by a written instrument signed by him or her, acknowledged and delivered to the remaining Trustee or Trustees. Upon the death or resignation of any Trustee, a vacancy in the office of Trustee shall be deemed to exist, and a new Trustee shall be elected for the unexpired term by the remaining Trustee or Trustees. Any successor Trustee shall qualify as a Trustee by written acceptance, signed and acknowledged by him. Pending any appointment of a successor Trustee, the remaining Trustee or Trustees shall have and may exercise all powers, authority and discretion conferred by this Trust. Upon election of a successor Trustee, the Trust Property shall vest in successor Trustee and the continuing Trustees, as applicable, without further action.

15. Fidelity Bonds and Surety. The Trustees may obtain fidelity bonds in amount which they deem reasonably sufficient to cover Trustees and employees of the Trust handling or responsible for the funds. The cost of any such bond shall be a common charge as provided in Section 6 above.

16. Owner's Annual and Special Meetings. Any action or consent by the Owners shall be taken or given at the annual meeting or at any special meeting of the Owners. The annual meeting of the Owners shall be held on the first Wednesday in October of each and every year (or if that be a legal holiday on the next succeeding full business day) at the hour and place to be fixed by the Trustees. If no annual meeting has been held on the date fixed above, a special meeting in lieu thereof may be held. Special meetings of Owners may be called by the Trustees on their own motion and, after the annual meeting following the third anniversary after recording the Declaration of Trust or the sale of lots 1, 2, 3, 5 and 6 of the Subdivision, and the sale of all the residential compound lots created within Lot 4 of the Subdivision, to bona fide third parties, as provided in section 2 above, whichever occurs later, shall be called by the Trustees upon

written application to the Trustees of at least 50% of the Owners. A written notice of the place, date and hour of all meetings of Owners shall be given by the Trustees at least seven days before the meeting to each Owner. Notice need not be given to an Owner if a written waiver of notice, executed before or after the meeting by such owner or this attorney thereunto authorized, is filed with the records of the meeting. Notwithstanding the above, no annual meeting of the Owners shall be held so long as the Initial Trustee remains in office, except with the assent of said Initial Trustee.

17. Quorum. A majority of the Owners shall constitute a quorum, but if a quorum is not present, a lesser number may adjourn the meeting from time to time and the meeting may be held as adjourned without further notice.

18. Voting. Each Owner shall be entitled to one vote for each lot within the Property owned. Such vote may be cast in person or by proxy. Any instrument dated not more than six months before the meeting purporting to grant authority to another to cast such vote, duly executed by the Owner and acknowledged before a notary public, shall be deemed a proxy. A proxy shall be revocable at any time by written notice to the Trustees. When a quorum is present, any matter before the meeting shall be decided by the unanimous vote of the Owners if two, and otherwise by a majority vote, except where a larger vote is required by this Trust. Provided further, however, that so long as the Initial Trustee continues to serve, no Owner shall have any voting authority.

19. Termination or Amendment by Consent. This Trust may be terminated or amended at any time by an instrument in writing signed by the Trustees and assented to by the unanimous action of the Owners. Provided further, however, that so long as the Initial Trustee continues to serve, this Trust may be terminated or amended at any time by an instrument in writing signed by the Initial Trustee. No assent to such action from Owners shall be required.

20. Disposition of Trust Property. Upon termination of the Trust, the Trust Property shall be conveyed as directed by a unanimity of the Owners either (i) to a Trust for the benefit of the Owners for the same or similar purposes as the trust herein created, or (ii) to the Owners as tenant in common, subject to all matters of record which henceforth shall be enforceable by and against the Owners, joint and severally.

21. Notices. All notices to the Owners shall be in writing and shall be sent to the Owners or to such one of them as they may designate in writing from time to time, at the last address of such Owner as it appears in the records of the Trust. Changes in the Owners or their addresses shall be noted in the records of the Trust only upon written notice filed with the Trustees. Notice shall be deemed given as of the date of mailing

22. Termination by Law. This Trust unless sooner terminated as herein provided, shall terminate on the last day permitted by law.

23. Incumbency of Trustees. A certificate signed by three Trustees and acknowledged before a Notary Public shall be conclusive evidence in favor of any person, firm, corporation, trust or association acting in good faith in reliance thereon as to the truth of any matter or facts stated therein relating to:

- a. the death, resignation, removal or appointment of a Trustee or to the delegation by a Trustee to another Trustee of his or her powers, authorities and discretions;
- b. compliance by the Trustees and Owners with any requirement of this Trust;
- c. the terms of this instrument and any amendment or termination of this Trust;
- d. the fact of the validity of any action taken by the Trustees or Owners and to the authority of the Trustees or Owners to take such action; the numbers of Owners acting in favor of any matters; or
- e. any other matter pertaining to the Trustees, Owners or the Trust Property.

Provided, however, that so long as William John Piersiak continues to act as Initial Trustee, the signature of the one Initial Trustee on a certificate and acknowledged before a Notary Public shall be deemed to satisfy the provisions of this section and all other provisions requiring or authorizing Trustee action.

When recorded with the Norfolk County Registry of the land Court, such certificate shall be conclusive evidence to all persons regardless of whether they have notice thereof or act in reliance thereon.

24. Recording. The termination and all amendments of this Trust and resignations and appointments of Trustees shall be filed with said Registry of Deeds, and any person shall be entitled to rely on the records of said Registry with respect to the termination of the Trust, any amendment thereto and the identity of the Trustees, the identity of the Owners and to any other matter pertaining to the Trust, the Trustees, the Owners of the Trust Property.

25. Disputes. Any Owner aggrieved by any failure or refusal to act by a quorum of the Trustees or by a deadlock among the Trustees, may, within thirty (30) days of such failure, refusal to act, or deadlock, appoint an arbitrator who shall be a member of the American Arbitration Association with not less than seven (7) years' experience as an arbitrator. Within ten (10) days after written notice of such appointment, the Trustees shall appoint another such arbitrator, and the two so chosen shall within ten (10) days thereafter choose a third such arbitrator. A majority of such arbitrators shall be entitled to decide any such matter, and their decision shall be rendered within thirty (30) days of the appointment of the third arbitrator. Such decision, subject to Chapter 251 of the General Laws of Massachusetts, as from time to time amended, shall be final and conclusive on all persons. The cost of such arbitration shall be a

common charge as provided in Section 6 above. In the event that any party elects to be represented by counsel, all counsel fees shall be the sole responsibility of the party retaining such counsel.

26. Construction and Interpretation. In the construction hereof, whether so expressed, words used in the singular or in the plural, respectively, include both the plural and singular; words denoting males include females, and words denoting persons include individuals, firms, associations, companies (joint, stock or otherwise), trusts and corporations, unless a contrary intention is to be inferred from or required by the subject matter or context. The captions of Articles and Sections are inserted only for the convenience of reference and are not to be taken to be any part hereof or to control or affect the meaning, construction, interpretation, or effect hereof.

All the trusts, powers and provisions herein contained shall take effect and be construed according to the laws of the Commonwealth of Massachusetts.

27. Waiver. No restriction, condition, obligation or provision contained in the Declaration of Trust or any of the documents set forth in Section 6(f) above, shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which occur.

28. Conflict. In case any of the provisions of this Declaration of Trust or of any Rules and Regulations adopted by the Trustees shall be in conflict with any of the provision of the documents set forth in Section 6(f) above, or the provisions of any statute, then the provisions of said documents or statute, as the case may be, shall control.

WITNESS the execution hereof under seal this ____ day of _____, 2020.

William J. Piersiak, Trustee of the
768B Chestnut Street Realty Trust

Koby Kempel, Manager of
766 Chestnut LLC

William John Piersiak, individually
and as Trustee of Heather Lane
Homeowners Association Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared William J. Piersiak, also known as William John Piersiak, and Koby Kempel, proved to me through satisfactory evidence of identification, which was my personal knowledge of their identities, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, individually and their representative capacities.

Robert T. Smart, Jr., Notary Public
My Commission Expires: 8/15/25

Approved as to Form
By Town Counsel

EXHIBIT A: HEATHER LANE SUBDIVISION PROPERTY

HEATHER LANE EXTENSION
DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS that **William John Piersiak**, owner of 768 and 768A Chestnut Street, Needham, MA 02492, (hereinafter, the “**Declarant**”), being the owner of record of certain real estate situated in Needham, Norfolk County, Massachusetts, described on Exhibit A (hereinafter the “premises”)

For the Declarant’s title to the premises, see Book 26628, Page 469, at the Norfolk County Registry of Deeds.

The Declarant hereby imposes upon said premises the restrictions listed below in accordance with the Decision of the Planning Board of the Town of Needham dated _____, entitled _____ (the “Decision”), in which the Planning Board approved the subdivision and residential compound application as shown on the plans to be recorded herewith, subject to the conditions and waivers therein set forth for construction of the private way known as Heather Lane Extension.

The subdivision and residential compound approval is based on the plans entitled “Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA”, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020 (hereinafter the “**Residential Compound Plan**”), which Plan consists of the following: Sheet 1, Cover Sheet, dated March 3, 2020; Sheet 2, Existing Conditions Plan, dated March 3, 2020; Sheet 3, Layout Plan, dated March 3, 2020; Sheet 4, Grading Plan, dated March 3, 2020; Sheet 5, Sewer & Drain Plan, dated March 3, 2020; Sheet 6, Utility Plan, dated March 3, 2020; and Sheet 7, Detail Sheet, dated March 3, 2020. Sheet 3, dated -----, is being recorded with the Norfolk Registry of Deeds. All the foregoing is hereinafter referred to as the “Residential Compound Plan”.

Said premises are shown on said Residential Compound Plan as **RC-Lot 1, RC-Lot 2, RC-Lot 3, RC-Lot 4, and RC-Lot 5** on Heather Lane Extension, a private way. The Owners hereby impose the restrictions on said five Lots and the private way (Private Way” or “Heather Lane Extension”), for the benefit of the Town of Needham and each other record owner or owners of each of said five Lots on said Residential Compound Plan, their successors and assigns, said restrictions and covenants to be covenants running with said Lots and the Private Way, and to be binding on the record owners, their successors and assigns, in perpetuity.

1. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e and 1.f of the Decision is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of any of said Lots and the Private Way as shown on the Residential Compound Plan (hereinafter in paragraphs 3 through 12 inclusive referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use, as shown on the Plan, as approved by the Board and recorded herewith.

2. Each and every owner or owners of any Lot served by the Private Way shall be jointly and severally responsible and liable through the **Heather Lane Extension Homeowners Association Trust (“Trust”)** for the costs of the maintenance, repair and reconstruction of the Private Way known as Heather Lane Extension, which is shown on the Residential Compound Plan and designated thereon, all costs for the maintenance repair and reconstruction of the Private Way known as Heather Lane to the extent required by the Trust, and all services the installation of which is required in connection with the documents described in Section 6(f) of said Trust, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe, and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and to provide adequate services to each Lot, all in accordance with these conditions. For purposes hereof, Owner shall mean the record owner of the Lot or Lots, as of the date that the maintenance, repair, or reconstruction work, as the case may be, is begun. The Trust shall have no responsibility for sewage and drainage facilities and other utilities and related equipment located on individual lots.

3. Each owner of a Lot shown on the Residential Compound Plan shall perform all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority. The within requirement shall be included in all deeds of the Lots.

4. The respective owner or owners of any Lot, and/or the Trustees under the Trust, shall not use or permit use of the Private Way for any purpose other than ingress and egress from the lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private passenger vehicular traffic, and such other vehicular traffic as are necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way and services installed thereon, or thereunder. No owner or owners of any Lot shall park or cause to be parked any motor vehicle on the Private Way in such a way as to impede or obstruct the passage of pedestrian or vehicular traffic on the Private Way.

5. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or thereunder by or at the direction of any owner or owners of any Lot as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only to the extent necessary in connection with such work.

6. Neither the Declarant nor any successor owner or owners of any Lot shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners at its or their sole expense, perform and complete such

work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.

7. Neither the Declarant nor any successor owner or owners of any Lot shall at any time request or petition that any drainage system, water or sewer pipes or related equipment of any other improvement within the subdivision, for which design or improvement requirements have been waived by the Board as provided in the Board's subdivision approval, be accepted or maintained by the Town of Needham.

8. The Town of Needham and its designees shall have the right to enter upon the Private Way for all appropriate purposes for which public ways are used in the Town of Needham.

9. In any sale or transfer by the owners or any successor owner or owners of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 1 through 12 inclusive, and any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the subsurface areas, equipment, and facilities, used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall, nevertheless, be deemed to contain the same and all events shall be subject thereto.

10. Each of the Lots as shown on the Residential Compound Plan shall be accessed solely from Heather Lane and Heather Lane Extension.

11. This Restrictive Covenant incorporating conditions _____ of the Decision will be recorded in the Registry of Deeds and shall run with the land and shall be enforceable by the Town of Needham. This Restrictive Covenant shall be referenced on the Residential Compound Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

WITNESS the execution hereof under seal this ____ day of _____, 2020.

William John Piersiak, individually
and as Trustee of Heather Lane
Extension Homeowners Association
Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared William John Piersiak, proved to me through satisfactory evidence of identification, which was my personal knowledge of his identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, individually and as Trustee.

Robert T. Smart, Jr., Notary Public
My Commission Expires 8/15/25

Approved as to Form
By Town Counsel

EXHIBIT A: HEATHER LANE EXTENSION SUBDIVISION PROPERTY

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Declaration of Restrictive Covenants hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By Its Select Board

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, Select Board member of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

HEATHER LANE EXTENSION SUBDIVISION COVENANT
UNDER PROVISIONS OF GENERAL LAWS CHAPTER 41, SECTION 81-U

WHEREAS, **William John Piersiak**, owner of **768 and 768A Chestnut Street, Needham, MA 02492**, has filed with the Planning Board of the Town of Needham, hereinafter referred to as the “Town”, a certain subdivision plan of land in said Needham, the plan being entitled “Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA”, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020 (hereinafter the “**Residential Compound Plan**”), which Plan consists of the following: Sheet 1, Cover Sheet, dated March 3, 2020; Sheet 2, Existing Conditions Plan, dated March 3, 2020; Sheet 3, Layout Plan, dated March 3, 2020; Sheet 4, Grading Plan, dated March 3, 2020; Sheet 5, Sewer & Drain Plan, dated March 3, 2020; Sheet 6, Utility Plan, dated March 3, 2020; and Sheet 7, Detail Sheet, dated March 3, 2020. Sheet 3, dated _____, is being recorded with the Norfolk Registry of Deeds.

AND WHEREAS, the said Owner has agreed to subdivide the land, to construct ways and to install municipal services therein in accordance with the Residential Compound Plan in accordance with all approvals imposed by the Town and have elected to give a Covenant to the said Town to insure the construction of ways and installation of municipal services as shown on said Plan as authorized by Subsection (2) of Section 81-U of General Laws, including all conditions as set forth in the Board of Health letter dated June 14, 2020, which is herewith made part of this Covenant as set forth in the Planning Board’s Definitive Subdivision Decision dated _____, 2020.

NOW THEREFORE, said Owner hereby covenants and agrees with the said Town as follows:

I. The said Owner is the owner of record of the premises shown on said Residential Compound Plan.

II. This Covenant shall run with the land and shall be binding upon the executors, administrators, heirs, assigns of the Owner and his successors in title to the Premises, as shown on said Residential Compound Plan.

III. By signing this Covenant the Owner agrees to the Covenant’s requirements and to waive all rights of appeal. The Board of Health drainage surety referred to in the Definitive Subdivision Decision shall be in a form of surety acceptable to the Planning Board and Board of Health.

IV. In addition to the regular requirements relative to the grading and construction of streets and the installation of municipal services, said **Heather Lane Extension** and **RC-Lot 1, RC-Lot 2, RC-Lot 3, RC-Lot 4, and RC-Lot 5**, inclusive, shall be subject to all of the conditions and any subsequent amendments to the Definitive Subdivision Decision, Heather

Lane Extension, dated _____, 2020, a copy of which is on file with the Town Clerk's office, Needham Town Hall.

V. Except as hereinafter provided, until the following improvements and conditions have been completed or fulfilled in accordance with the specifications and requirements referred to or enumerated below, with respect to any of the lots in the subdivision, which in the opinion of the Town are affected by such conditions and improvements, no such lot or lots shall be built upon or conveyed, except by a mortgage deed, nor shall building permits for such lot or lots be applied for or issued:

(A) Except as to those standards that were waived by the Planning Board in its "Definitive Subdivision Decision, Heather Lane Extension, _____, 2020.", or as may be further revised through any amendment of that Decision, all streets, including walks, berms, curbing, street name signs, bounds, retaining walls, slopes, and all utilities, including but not limited to storm drains, sanitary sewers, water mains and their appurtenances such as manholes, catch basins, curb inlets, gate valves, hydrants, and headwalls, shall be constructed or installed at the expense of the Owners to the entire limits of the subdivision in strict compliance with the "Subdivision Regulations and Procedural Rules of the Planning Board of the Town of Needham, Massachusetts, as most recently amended, including the "Standard Specifications for Highways" and the "Standard Cross-Section for Street Construction" referred to therein, as most recently revised, which Subdivision Regulations and Procedural Rules and Standard Specifications are specifically incorporated herein by reference, and to the satisfaction of the Director of Public Works of the Town of Needham, including all maintenance and repairs necessary to maintain said streets and utilities in a condition satisfactory to the Town until all lots and all sureties, as provided in Section IV herein have been released by the Town upon the completion of all terms and conditions of this Covenant except as otherwise presented in said definitive plan.

(B) Street construction work shall consist of (as noted on approved plans): Excavation and fill to the surface of the sub-grade fifteen and one half (15.5) inches below the finished surface grade for the roadway and the necessary excavation and fill for berms within the total width of the street; application of eight (8) inch depth of gravel sub-base and a four (4) inch depth of crushed bank gravel base, the surface of which shall be treated with one (1) application of bituminous; application of bituminous concrete pavement Type 1-1 to be constructed in two (2) courses top course of 1.5" bituminous concrete and bottom course of 2" bituminous concrete, including all driveway entrances; application of six (6) inch depth of loam and seeding for grass plots between the edge of the roadway and the sidelines of the street; granite or reinforced concrete curbing to be installed on all curves having a radius of sixty (60) feet or less, except for temporary turnarounds.

(C) A contractor approved by the Superintendent of the Water Division shall be engaged by the Owners at their expense for the installation of the water mains in accordance with the requirements of and to the satisfaction of the Superintendent of said Water Division.

(D) Sanitary sewers shall be constructed by an approved contractor at the expense of the Owners as shown on approved plans and profiles, in accordance with the standard specifications of the Town of Needham, and to the satisfaction of the Director of Public Works.

(i) The Town shall have the right to extend said sewer without cost to the Owners, beyond the limits of the sewer as shown on the development plans and profiles.

(E) Storm water drains shall be installed in accordance with the approved plan and profile to the satisfaction of the Director of Public Works, and all lots shall be graded in accordance with the proposed contours of land as shown on the Residential Compound Plan.

(F) If requested in writing by the Town, the Owners shall grant to the Town of Needham a perpetual right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains, sewer mains and all surface and subsurface storm water drains, in, through or under the streets and easements as indicated on definitive plans. The above shall not be construed to relieve the Owners and their successors in title to a portion of the land or a street in the subdivision, of responsibility to complete all construction, as required by the Owners' Agreements with the Town of Needham and to thereafter maintain all streets and municipal services and utilities in satisfactory condition until they are accepted by the Town. Such grant, if requested, shall be executed and delivered to the Planning Board within a reasonable time after notice is given, but in any event, prior to the transfer or conveyance of any lot or interest therein. Notwithstanding the aforesaid grants to the Town, the Owners agree for themselves that as long as they remain the Owners of said premises they will keep all catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains, and thereafter the owners of said premises will keep catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains. The Owners and the Town of Needham acknowledge and agree that the Owners intend to convey a fee interest in Heather Lane Extension to the Heather Lane Extension Homeowners Association Trust.

(G) Permanent street name signs will be furnished and erected at all entrances, the name to be in conformity as to size and quality with signs now generally in use in the Town of Needham.

(i) Co-incident with the start of any street within a subdivision, temporary street signs shall be installed at all points where permanent signs will be required. These signs may be painted using black block lettering not less than four inches high on a light background.

(ii) Complete visibility of these signs must be maintained at all times until they are replaced with the permanent signs specified in this Section H.

(iii) Permanent street signs and the size and other details shall be furnished and installed at no expense to the Town as directed by the Town Director of Public Works.

(H) Prior to the commencement of construction on all major phases of the subdivision including installation of the sewer, water, drains, and street construction, the Owners will notify the Director of Public Works and obtain necessary signatures on the Subdivision Inspection Form.

VI. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Subdivision Rules and Regulations and Procedural Rules of the Planning Board, as well as the requirements contained in Sections III and IV above, (except to the extent that applicable standards were waived by the Planning Board as described in paragraph IV (A) above within a period of two (2) years from the date of the endorsement by the Board of the approved Definitive Plan. Failure to so complete shall automatically rescind approval of the subdivision plan, unless such approval is further extended by the Planning Board on request of the Owners, their successors and/or assigns.

VII. Prior to the completion of all the work required herein, the Planning Board may, at its discretion, in accordance with the provisions of Subsection (1) of Section 81-U, Chapter 41, release any or all of said lots shown on the Residential Compound Plan, for purposes of sale or for the issuance of permits for building therein, upon the furnishing to the Town by the Owners an agreement and a surety acceptable to the Town, to secure the completion of such part or all of the work specified above, as, at the discretion of the Planning Board should be completed for the proper use of said lots in accordance with the purposes of this Covenant, said surety to be in a penal sum or amount equal to the cost, as estimated by said Director of Public Works, of completing said works. Said release by the Planning Board shall be evidenced by a certificate enumerating the lot or lots released and signed by a majority of said Planning Board, in proper form for recording in the Registry of Deeds or registration in the Registry District of the Land Court.

VIII. The enforcement of the terms herein shall be made as provided for by General Laws, Chapter 41, Section 81-X and 81-Y, in the name of the Town, and upon any breach thereof the Town shall be entitled to an injunction restraining any further sale of any of the lots included in said plans, until the said breach has been cured or security given therefore satisfactory to the then Planning Board of the said Town.

IX. Nothing herein shall be deemed to prohibit a conveyance subject to this Covenant by a single deed of the entire parcel of land shown on said subdivision plan or If all lots, subject to this Covenant, by any of the parties named herein to any other person.

X. The Owners accept all conditions as set forth in the Definitive Subdivision and Residential Compound Special Permit Decision dated _____, 2020.

Y. This Covenant shall take effect upon approval of said plans by a majority of signatures affixed thereto by the Planning Board.

For the Owner's title to the property see: Book 26628, Page 469 at the Norfolk County Registry of Deeds.

WITNESS the execution hereof under seal this ____ day of _____, 2020.

William John Piersiak, individually
and as Trustee of Heather Lane
Extension Homeowners Association
Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared William John Piersiak, proved to me through satisfactory evidence of identification, which was my personal knowledge of his identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, individually and as Trustee.

Robert T. Smart, Jr., Notary Public
My Commission Expires 8/15/25

**HEATHER LANE EXTENSION HOMEOWNERS ASSOCIATION
DECLARATION OF TRUST**

This Declaration of Trust is made this _____ day of _____, 2020, by **William John Piersiak**, of 768 Chestnut Street, Needham, MA 02492 (hereinafter “**Declarant**” and “**Initial Trustee**”). The Declarant is the owner of 768 and 768A Chestnut Street, Needham, MA 02492, which Property comprises the Heather Lane Extension Subdivision (“Subdivision”), as more particularly described in Exhibit A attached hereto.

1. Name of Trust. The name of this Trust shall be the **Heather Lane Extension Homeowners Association Trust** (“Trust”).
2. Initial Trustee. The Initial Trustee of this Trust shall be the William John Piersiak, who shall so serve until the later to occur of:
 - a. That date which is three (3) years following the recording hereof; or
 - b. The sale and conveyance of **RC-Lot 1, RC-Lot 2, RC-Lot 3, RC-Lot 4, and RC-Lot 5** of the Subdivision to bona fide third parties.

Following such event, or in the event the William John Piersiak is no longer willing or able to serve as Trustee, there shall be a total of up to five (5) Trustees. Each of the Owners (as hereinafter defined) shall be entitled to appoint a Trustee to so serve, in accordance with the provisions of this Trust.

3. Purpose of Trust. The purpose of this Trust is to provide for the preservation, administration and maintenance, for the common enjoyment and benefit of the Owners, of Heather Lane Extension, such utilities and facilities as are or may be conveyed to the Trustees, and of any other property, real or personal, which may hereafter be conveyed to or acquired by the Trustees or otherwise made subject to their administration for the benefit of the Owners (collectively, the “Trust Property”). The purpose of the Trust shall also include (a) the exercise of the powers of the Trustees set forth herein with the respect to all the land described in Exhibit A hereto (the “Property”) and the building (s) and other improvements which now exist or may hereinafter be constructed thereon, (b) the administration and enforcement of the documents set forth in section 6(f) below, and (c) all other purposes set forth herein. All the Owners shall have the right to use the Property subject to:
 - a. the restrictions and obligations contained herein; and
 - b. such reasonable rules and regulations as may be adopted and amended, from time to time, by the Trustees.

4. Beneficiaries. The beneficiaries of this Trust shall be the five lot Owners, who will each have an equal interest in the Trust. The word “Owners” shall mean and refer to the record holders from time to time of the legal title of any lot within the Heather Lane Extension Subdivision and the building or other improvements, if any, constructed thereon, which constitutes all or a portion of the Property, and, at the discretion of the Trustees, any other lot that has actual private way or driveway access to Heather Lane Extension even though not currently included in the description of the Property. The holder of legal title shall include the holder of the equity of redemption in the case of mortgaged land and one having a legal life or other estate in possession and excluding a lessee, tenant, mortgagee and one having a legal estate in remainder or otherwise subsequent to a legal estate in possession and also excluding the Trustees as owners of the Trust property. Two or more persons or entities holding legal title to the same parcel or parcels shall be treated as a single Owner; exercise of their rights as such owners shall be by their unanimous action and their obligations to pay any assessment shall be joint and several. If the same Owner shall hold record title to more than one lot, such Owner shall be treated as a separate Owner for each lot. Each Owner of a Lot, through this Trust, shall have joint and several responsibility to perform all maintenance, repairs and reconstruction required for or in Heather Lane Extension in compliance with and in conformity with the requirements of the Town of Needham and other requirements imposed by law or governmental authority.

Notwithstanding anything in this Trust to the contrary, each of the Owners shall have the right to maintain, repair, reconstruct or replace the sewer line serving said Owner’s Lot, including, but not limited, to access Heather Lane Extension and excavate within said Heather Lane Extension to conduct said maintenance, repair or replacement. Said Owner shall be responsible for restoring all disturbed areas to the condition that existed prior to such access.

5. Powers and Duties of Trustees. For the purpose of carrying out the terms of this Trust, the Trustees shall have the powers and duties necessary for the administration of the Trust Property, including, without limitation, the following powers which may be exercised by them without any action or consent of the Owners and which shall continue after the termination of the Trust for the purpose of disposing of the Trust Property and until final disposition thereof:

- a. the maintenance, repair and reconstruction of the private way known as Heather Lane Extension as shown on the plans entitled “Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA”, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020 (hereinafter the “**Residential Compound Plan**”) and designated thereon and all services the installation of which is required in connection with the documents described in section 6 of this Agreement, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water (except as provided in the Definitive Subdivision Decision described in section 6 below), sewer and drainage facilities and other utilities and related equipment, curbs, monuments, sidewalks, landscaping and street signs, as and whenever necessary, and including

all actions of any kind or nature necessary or appropriate in order to maintain Heather Lane Extension in a good, safe and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and to provide adequate services to each Lot, all in accordance with the documents set forth in section 6(f) below. Except as provided in the Drainage Easement recorded herewith, the Trust shall have no responsibility for sewage and drainage facilities and other utilities and related equipment located on individual lots, which shall be the sole responsibility of the Owner of the lot where such facilities and equipment are located;

- b. to acquire by purchase, hire or otherwise, property which is convenient to the performance of their functions as Trustees;
- c. to adopt reasonable rules and regulations governing the use and enjoyment by the Owners of the Trust Property. The Trustees shall have the power, right and authority to enforce such rules and regulations, but no obligation to any Owner to do so;
- d. to convey permanent easements and lesser interests in, upon and over any ways for the installation, maintenance, repair and replacement of utilities and other services and rights incidental thereto for the benefit of one or more Owners; or to convey a fee or lesser interest in any ways, utilities, or drainage system owned by the Trustees from time to time, for the benefit of one or more Owners;
- e. to convey to the Town of Needham or other public body the fee or any lesser interest in any way and utilities therein or in all or any portions of the drainage system serving the Property;
- f. to make such contracts as the Trustees deem convenient to the performance of their duties;
- g. to borrow money and to pledge or encumber Trust Property to secure repayment of such borrowings;
- h. to open bank accounts in the name of the Trust or the Trustees with power in any one of the Trustees to draw on such amounts;
- i. to procure insurance against damage to the Trust Property or against any liability of the Trustees or the Owners from any actions occurring on or about or on account of the Trust Property, or worker's compensation insurance or any insurance of any type, nature or description which the Trustees may deem appropriate with respect to the Trust or the Trust Property;

- j. to pay, resist, compromise or submit to arbitration any claim or matter in dispute with respect to the Trust or any Trust Property;
- k. to determine and collect common and special charges from the Owners as provided in this Declaration of Trust and to undertake all expenses and pay all costs on account of such common and special charges;
- l. to maintain, repair and replace any or all of the Trust Property;
- m. to exercise any other powers which may be necessary or desirable for carrying out the terms of this Trust or which the Trustees may have under any present or future statute or rule of law, and to execute and deliver all appropriate instruments in connection therewith;
- n. to undertake such maintenance and other obligations as may be required under applicable permits and approvals issued for the Trust Property pursuant to G.L. c.40A and c.41, Section 81(k) et. seq., including but not limited to the obligations set forth in sections _____ of the Decision on the Residential Compound Plan;
- o. to retain such counsel or accountants as the Trustees shall deem advisable and to pay the costs thereof as a common charge from funds of the Trust; and
- p. to take such steps as are necessary to enforce the Declaration of Restrictive Covenants of even date and recorded herewith, and
- q. to coordinate with the Trustees of the Heather Lane Homeowners Association Trust with regard to use, maintenance and repair of Heather Lane.

6. Common and Special Charges. The Trustees shall from time to time, and at least annually, prepare a budget for the Trust to determine the amount of the common charges payable by the Owners to meet the common expenses of the Trust. The Trustees shall have the power to raise such amounts of money to meet any needs of the Trust by assessing on each occasion upon all of the land (which term shall include land and improvements) of each Owner such Owner's proportionate share of the total amount to be raised. The date of each such assessment shall be the date it is voted by the Trustees. The Trustees' determination regarding the amount of the assessment shall be conclusive. Common expenses may include, without limitation, the following:

- a. all costs relating to the maintenance, repair and reconstruction of the private way known as Heather Lane Extension as shown on the Residential Compound Plan and designated thereon, and the one-sixth share of all costs due from the residential compound lot owners for the maintenance, repair and reconstruction of

the private way known as Heather Lane, and all services the installation of which is required in connection with the subdivision documents described below, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water (except as provided in the Definitive Subdivision Decision), sewer and drainage facilities and other utilities and related equipment, curbs, monuments, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain Heather Lane Extension and Heather Lane in a good, safe and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and to provide adequate services to each Lot, all in accordance with the documents set forth in section 6(f) below. The Trust shall also have no responsibility for sewage and drainage facilities, and other utilities and related equipment located on individual lots, except as provided in the Drainage Easement recorded herewith, which shall be the sole responsibility of the Owner of the lot where such facilities and equipment are located. The Trustees shall have the specific authority to assess special charges necessary to fulfill their responsibilities as set forth in this Declaration of Trust;

- b. all insurance premiums for the master policy for the Trust Property, fidelity bonds for the Trustee and agents and employees, any insurance purchased to protect the Trustees and such other insurance as the Trustees may deem necessary and appropriate;
- c. all expenses relating to the financing, operation, improvement, maintenance and replacement of any Trust property;
- d. all costs of attorneys, accountants and other usual, customary or necessary professional advisors to the Trustees;
- e. the amount that the Trustees shall deem necessary and appropriate for the working capital of the Trust, for an operating reserve for expenses, a reserve fund for the replacements, and any charges for deficits from previous operating years; and
- f. all expenses relating to the Trustees' enforcement and administration of the subdivision documents, including the following:
 - i. Definitive Subdivision Decision, Heather Lane Extension, dated _____, 2020, recorded with the Norfolk County Registry of Deeds, Book _____, Page _____;
 - ii. Declaration of Restrictive Covenants, dated _____, 2020, recorded with the Norfolk County Registry of Deeds, Book _____, Page _____;

- iii. Subdivision Covenant Under the Provisions of General laws, Chapter 41, Section 81-U, recorded with the Norfolk County Registry of Deeds, Book _____, Page _____;
- iv. Drainage Easement recorded with the Norfolk County Registry of Deeds, Book _____, Page _____;
- v. Utility Easement recorded with the Norfolk County Registry of Deeds, Book _____, Page _____.

In addition, the Trustees shall have the power to assess individual Owners for special charges in connection with repairs, improvements or replacements caused or necessitated solely by the actions or omissions of such Owner.

The Trustees shall upon reasonable request render certificates suitable for recording indicating that no payments are due to the Trust with respect to any common or special charges, which certificates shall be conclusive as to the facts stated therein.

Notwithstanding anything in this Agreement to the contrary, the sole cost and responsibility for maintenance, repair, improvement, operation and replacement of streetlights and associated equipment in the Subdivision shall be with the Owner from whose property power or electricity is supplied.

7. Payment of Common and Special Charges. All Owners shall pay the common charges assessed by the Trustees in installments as determined by the Trustees. Special charges shall be paid within thirty days after notice from the Trustees, or as the Trustees in their sole discretion may otherwise require.

8. Lien for Common Charges. Each assessment so made upon an Owner shall constitute and remain a charge and lien upon such Owner's land and every portion thereof from the date of the assessment until paid in full, and shall also constitute a personal debt of the Owner who is the Owner of such land on the date of assessment by the Trustees. Such charge, lien or personal debt may be enforced or collected by the Trustees by any available process including, without limitation, collection proceedings in a court and foreclosure of the charge or lien against the land under processes comparable to processes provided in Massachusetts G.L. c. 254 to the extent lawful. All costs and expenses incurred by the Trustees in enforcing or collecting any assessment, including reasonable attorney's fees shall be paid by the Owner responsible for the assessment and shall constitute a further lien or charge on said land and a personal debt of said Owner. Notwithstanding the above provisions, such charge and lien shall be junior to each bona-fide mortgage to an institutional mortgage lender outstanding upon such land on the date of the assessment, whether the mortgage be given before or after this Trust takes effect and its provisions become restrictions and servitudes upon such land, but foreclosure of the mortgage shall not impair the power of the Trustees thereafter to make further assessments upon such land nor otherwise impair such restrictions and servitudes thereon. If any assessment is not paid when due, such assessment shall bear interest at the rate of eighteen percent (18%) per year from the due date. The Trustees may, in addition to the other rights herein reserved, accelerate the payment of the reasonable estimate of common charges for the twelve-month period following any default and such sum shall serve as security for the payment of future common and special charge obligations.

9. Liability of Trustee. All persons extending credit to or contracting with or having any claim against the Trustees hereunder shall look only to the Trust Property for any such contract of claim, so that neither the Trustees nor the Owners shall be personally liable therefor. No Trustee hereunder shall be liable to this Trust or to the Owners for the default of any other Trustee or for leaving property in the hands of another Trustee, or for any error in judgment of law on his or her own part, but shall be liable only for his or her own willful default. Any Trustee hereunder shall be reimbursed in full for any loss or expense incurred or suffered by him or her, or his or her estate, as a result of acting as Trustee hereunder, excluding only such loss or expense resulting from his own willful default.

10. Reliance by Third Parties. No person dealing with any Trustee shall be bound to inquire concerning the validity of any act purporting to be done by him or her or be bound to see to the application of any money paid or property transferred to him or her upon his or her order. Any Trustee may at any time or times by written power of attorney delegate all or any of his or her powers and authorities, except the power to make assessments as provided in section above, whether discretionary or otherwise, to any other Trustee in each case for a period of not more than six (6) months at a time, but any such delegation may be renewed by successive powers of attorney and may be revoked.

11. Financial Records. The Trustees shall keep proper records and accounts of the affairs of the Trust which shall be open to inspection by any Owner at all reasonable times. At least once a

year the Trustees shall render a written report and financial statement to the Owners. The approval by a majority of the Owners of any report or financial statement by the Trustees shall be, as to all matters and transaction stated in said report or statement or shown thereby, a complete discharge of the Trustees and final and binding upon all Owners.

12. Trustees in Number and Terms. There shall always be at least one Trustee hereunder, and never more than five (5) Trustees. No Trustee need be an Owner. Trustees may be persons, firms, or other legal entities. Trustees, other than the Initial Trustee, shall serve for a period of three (3) years and until their successors and appointed and duly qualified.

13. Appointment of Trustee. At each annual meeting of the Owners commencing with the annual meeting to be held after the third anniversary of the recording of this Declaration of Trust, or the sale and conveyance of RC-Lot 1, RC-Lot 2, RC-Lot 3, RC-Lot 4, and RC-Lot 5 to bona fide third parties as provided in section 2 above, whichever occurs later, each Owner of Lots RC-Lot 1, RC-Lot 2, RC-Lot 3, RC-Lot 4, and RC-Lot 5 may appoint one Trustee for the Heather Lane Extension Homeowners Association, and the five residential compound owners may appoint among them one Trustee for the Heather Lane Homeowners Association.

14. Vacancies and Removals. Any Trustee may at any time resign as Trustee by a written instrument signed by him or her, acknowledged and delivered to the remaining Trustee or Trustees. Upon the death or resignation of any Trustee, a vacancy in the office of Trustee shall be deemed to exist, and a new Trustee shall be elected for the unexpired term by the remaining Trustee or Trustees. Any successor Trustee shall qualify as a Trustee by written acceptance, signed and acknowledged said Trustee. Pending any appointment of a successor Trustee, the remaining Trustee or Trustees shall have and may exercise all powers, authority and discretion conferred by this Trust. Upon election of a successor Trustee, the Trust Property shall vest in successor Trustee and the continuing Trustees, as applicable, without further action.

15. Fidelity Bonds and Surety. The Trustees may obtain fidelity bonds in amount which they deem reasonably sufficient to cover Trustees and employees of the Trust handling or responsible for the funds. The cost of any such bond shall be a common charge as provided in Section 6 above.

16. Owner's Annual and Special Meetings. Any action or consent by the Owners shall be taken or given at the annual meeting or at any special meeting of the Owners. The annual meeting of the Owners shall be held on the first Wednesday in October of each and every year (or if that be a legal holiday on the next succeeding full business day) at the hour and place to be fixed by the Trustees. If no annual meeting has been held on the date fixed above, a special meeting in lieu thereof may be held. Special meetings of Owners may be called by the Trustees on their own motion and, after the annual meeting following the third anniversary after recording the Declaration of Trust or the sale of lots RC-Lot 1, RC-Lot 2, RC-Lot 3, RC-Lot 4, and RC-Lot 5 to bona fide third parties, as provided in section 2 above, whichever occurs later, shall be called by the Trustees upon written application to the Trustees of at least 50% of the Owners. A written

notice of the place, date, and hour of all meetings of Owners shall be given by the Trustees at least seven days before the meeting to each Owner. Notice need not be given to an Owner if a written waiver of notice, executed before or after the meeting by such owner or this attorney thereunto authorized, is filed with the records of the meeting. Notwithstanding the above, no annual meeting of the Owners shall be held so long as the Initial Trustee remains in office, except with the assent of said Initial Trustee.

17. Quorum. A majority of the Owners shall constitute a quorum, but if a quorum is not present, a lesser number may adjourn the meeting from time to time and the meeting may be held as adjourned without further notice.

18. Voting. Each Owner shall be entitled to one vote for each lot within the Property owned. Such vote may be cast in person or by proxy. Any instrument dated not more than six months before the meeting purporting to grant authority to another to cast such vote, duly executed by the Owner and acknowledged before a notary public, shall be deemed a proxy. A proxy shall be revocable at any time by written notice to the Trustees. When a quorum is present, any matter before the meeting shall be decided by the unanimous vote of the Owners if two, and otherwise by a majority vote, except where a larger vote is required by this Trust. Provided further, however, that so long as the Initial Trustee continues to serve, no Owner shall have any voting authority.

19. Termination or Amendment by Consent. This Trust may be terminated or amended at any time by an instrument in writing signed by the Trustees and assented to by the unanimous action of the Owners. Provided further, however, that so long as the Initial Trustee continues to serve, this Trust may be terminated or amended at any time by an instrument in writing signed by the Initial Trustee. No assent to such action from Owners shall be required.

20. Disposition of Trust Property. Upon termination of the Trust, the Trust Property shall be conveyed as directed by a unanimity of the Owners either (i) to a Trust for the benefit of the Owners for the same or similar purposes as the trust herein created, or (ii) to the Owners as tenant in common, subject to all matters of record which henceforth shall be enforceable by and against the Owners, joint and severally.

21. Notices. All notices to the Owners shall be in writing and shall be sent to the Owners or to such one of them as they may designate in writing from time to time, at the last address of such Owner as it appears in the records of the Trust. Changes in the Owners or their addresses shall be noted in the records of the Trust only upon written notice filed with the Trustees. Notice shall be deemed given as of the date of mailing

22. Termination by Law. This Trust unless sooner terminated as herein provided, shall terminate on the last day permitted by law.

23. Incumbency of Trustees. A certificate signed by three Trustees and acknowledged before a Notary Public shall be conclusive evidence in favor of any person, firm, corporation, trust or association acting in good faith in reliance thereon as to the truth of any matter or facts stated therein relating to:

- a. the death, resignation, removal or appointment of a Trustee or to the delegation by a Trustee to another Trustee of his or her powers, authorities and discretion;
- b. compliance by the Trustees and Owners with any requirement of this Trust;
- c. the terms of this instrument and any amendment or termination of this Trust;
- d. the fact of the validity of any action taken by the Trustees or Owners and to the authority of the Trustees or Owners to take such action; the numbers of Owners acting in favor of any matters; or
- e. any other matter pertaining to the Trustees, Owners or the Trust Property.

Provided, however, that so long as William John Piersiak continues to act as Initial Trustee, the signature of the one Initial Trustee on a certificate and acknowledged before a Notary Public shall be deemed to satisfy the provisions of this section and all other provisions requiring or authorizing Trustee action.

When recorded with the Norfolk County Registry of the Land Court, such certificate shall be conclusive evidence to all persons regardless of whether they have notice thereof or act in reliance thereon.

24. Recording. The termination and all amendments of this Trust and resignations and appointments of Trustees shall be filed with said Registry of Deeds, and any person shall be entitled to rely on the records of said Registry with respect to the termination of the Trust, any amendment thereto and the identity of the Trustees, the identity of the Owners and to any other matter pertaining to the Trust, the Trustees, the Owners of the Trust Property.

25. Disputes. Any Owner aggrieved by any failure or refusal to act by a quorum of the Trustees or by a deadlock among the Trustees, may, within thirty (30) days of such failure, refusal to act, or deadlock, appoint an arbitrator who shall be a member of the American Arbitration Association with not less than seven (7) years' experience as an arbitrator. Within ten (10) days after written notice of such appointment, the Trustees shall appoint another such arbitrator, and the two so chosen shall within ten (10) days thereafter choose a third such arbitrator. A majority of such arbitrators shall be entitled to decide any such matter, and their decision shall be rendered within thirty (30) days of the appointment of the third arbitrator. Such decision, subject to Chapter 251 of the General Laws of Massachusetts, as from time to time amended, shall be final and conclusive on all persons. The cost of such arbitration shall be a

common charge as provided in Section 6 above. If any party elects to be represented by counsel, all counsel fees shall be the sole responsibility of the party retaining such counsel.

26. Construction and Interpretation. In the construction hereof, whether so expressed, words used in the singular or in the plural, respectively, include both the plural and singular; words denoting males include females, and words denoting persons include individuals, firms, associations, companies (joint, stock or otherwise), trusts and corporations, unless a contrary intention is to be inferred from or required by the subject matter or context. The captions of Articles and Sections are inserted only for the convenience of reference and are not to be taken to be any part hereof or to control or affect the meaning, construction, interpretation, or effect hereof.

All the trusts, powers and provisions herein contained shall take effect and be construed according to the laws of the Commonwealth of Massachusetts.

27. Waiver. No restriction, condition, obligation or provision contained in the Declaration of Trust or any of the documents set forth in Section 6(f) above, shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which occur.

28. Conflict. In case any of the provisions of this Declaration of Trust or of any Rules and Regulations adopted by the Trustees shall be in conflict with any of the provision of the documents set forth in Section 6(f) above, or the provisions of any statute, then the provisions of said documents or statute, as the case may be, shall control.

WITNESS the execution hereof under seal this ____ day of _____, 2020.

William John Piersiak, individually
and as Trustee of Heather Lane
Extension Homeowners Association
Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared William John Piersiak, proved to me through satisfactory evidence of identification, which was my personal knowledge of his identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, individually and as Trustee.

Robert T. Smart, Jr., Notary Public
My Commission Expires 8/15/25

Approved as to Form
By Town Counsel

EXHIBIT A: HEATHER LANE EXTENSION SUBDIVISION PROPERTY

HEATHER LANE DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS that **William J. Piersiak, Trustee of the 768B Chestnut Street Realty Trust**, owner of 764 and 768B Chestnut Street, Needham, MA 02492, **Koby Kempel, Manager of 766 Chestnut LLC**, owner of 766 Chestnut Street, Needham, MA 02492, and **William John Piersiak**, owner of 768 and 768A Chestnut Street, Needham, MA 02492, (hereinafter, collectively “**Declarants**”), being the owners of record of certain real estate situated in Needham, Norfolk County, Massachusetts, described on Exhibit A.

The Declarant’s titles, see: for 766 Chestnut LLC, Book 36038, Page 67, for William John Piersiak, Book 26628, Page 469, and for 768B Chestnut Realty Trust, Book 26628, Page 469, all at the Norfolk County Registry of Deeds.

The Declarants hereby impose upon said premises the restrictions listed below in accordance with the Decision of the Planning Board of the Town of Needham dated _____, 2020 entitled Definitive Subdivision Decision, Heather Lane (the “Decision”), in which the Planning Board approved the subdivision as shown on the plan to be recorded herewith subject to the conditions and waivers therein set forth for construction of the private way known as Heather Lane.

The subdivision approval is based on the plans entitled “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A, & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020 (the “Definitive Plans”), which Definitive Plans consist of the following: Sheet 1: Cover Sheet, dated March 3, 2020; Sheet 2, Key Sheet, dated March 3, 2020; Sheet 3A, Existing Conditions Plan, dated March 3, 2020; Sheet 3B, Existing Conditions Plan, dated March 3, 2020; Sheet 3C, Existing Conditions Plan, dated March 3, 2020; Sheet 4A, Lotting & Zoning Plan, dated March 3, 2020; Sheet 4B, Lotting & Zoning Plan, dated March 3, 2020; Sheet 4C, Lotting & Zoning Plan, dated March 3, 2020; Sheet 5, Plan & Profile Plan, dated March 3, 2020; Sheet 6, Grading Plan, dated March 3, 2020; Sheet 7, Utility Plan, dated March 3, 2020; Sheet 8, Detail Sheet, dated March 3, 2020; and Sheet 9, Detail Sheet, dated March 3, 2020. Sheets 2, 4A, 4B and 4C, all dated _____, are being recorded with the Norfolk Registry of Deeds. All the foregoing is hereinafter referred to as the “Plan”.

Said premises are shown on said Plan as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5 and Lot 6 **Heather Lane**, a private way. The Owners hereby impose the restrictions on said Lots 1 through 6 and the private way (Private Way” or “Heather Lane”), for the benefit of the Town of Needham and each other record owner or owners of Lots 1 through 6 on said Plan, their successors and assigns, said restrictions and covenants to be covenants running with said Lots 1 through 6 and the Private Way, and to be binding on the record owners, their successors and assigns, in perpetuity.

1. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e and 1.f of the Decision is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1, Lot 2, Lot 3, Lot

4, Lot 5, Lot 6 and the Private Way as shown on the Plan (hereinafter in paragraphs 3 through 12 inclusive referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use, as shown on the Plan, as approved by the Board and recorded herewith.

2. Each and every owner or owners of any Lot served by the Private Way shall be jointly and severally responsible and liable through the **Heather Lane Homeowners Association Trust** ("Trust") for the costs of the maintenance, repair and reconstruction of the Private Way shown on the Plan and designated thereon and all services the installation of which is required in connection with the documents described in Section 6(f) of said Trust, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe, and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and to provide adequate services to each Lot, all in accordance with these conditions. For purposes hereof, Owner shall mean the record owner of the Lot or Lots, as of the date that the maintenance, repair, or reconstruction work, as the case may be, is begun. The Trust shall have no responsibility for sewage and drainage facilities and other utilities and related equipment located on individual lots.

3. Each owner of a Lot through the Heather Lane Association Trust shall perform all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority. The within requirement shall be included in all deeds of the Lots.

4. The respective owner or owners of any Lot, and/or the Trustees under the Heather Lane Association Trust, shall not use or permit use of the Private Way for any purpose other than ingress and egress from the lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private passenger vehicular traffic, and such other vehicular traffic as are necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way and services installed thereon, or thereunder. No owner or owners of any Lot shall park or cause to be parked any motor vehicle on the Private Way in such a way as to impede or obstruct the passage of pedestrian or vehicular traffic on the Private Way.

5. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or thereunder by or at the direction of any owner or owners of any Lot as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only to the extent necessary in connection with such work.

6. Neither the Declarants nor any successor owner or owners of any Lot shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.

7. Neither the Declarants nor any successor owner or owners of any Lot shall at any time request or petition that any drainage system, water or sewer pipes or related equipment of any other improvement within the subdivision, for which design or improvement requirements have been waived by the Board as provided in the Board's subdivision approval, be accepted or maintained by the Town of Needham.

8. The Town of Needham and its designees shall have the right to enter upon the Private Way for all appropriate purposes for which public ways are used in the Town of Needham.

9. In any sale or transfer by the owners or any successor owner or owners of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 1 through 12 inclusive, and any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the subsurface areas, equipment, and facilities, used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall, nevertheless, be deemed to contain the same and all events shall be subject thereto.

10. Lots 1 through 6 inclusive as shown on the Plan shall be accessed solely from Heather Lane.

11. Street lighting shall be provided in the subdivision. The light sources shall be on posts at least 12 feet high and shall be controlled by photovoltaic switches. Maintenance and electricity shall be supplied by the abutting lots. Post lighting shall be supplied for each lot in the Subdivision.

12. This Restrictive Covenant incorporating conditions _____ of the Decision will be recorded in the Registry of Deeds and shall run with the land and shall be enforceable by the Town of Needham. This Restrictive Covenant shall be referenced on the Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

William J. Piersiak, Trustee of the
768B Chestnut Street Realty Trust

Koby Kempel, Manager of
766 Chestnut LLC

William John Piersiak, individually
and as Trustee of Heather Lane
Homeowners Association Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared William J. Piersiak, also known as William John Piersiak, and Koby Kempel, proved to me through satisfactory evidence of identification, which was my personal knowledge of their identities, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, individually and their representative capacities.

Robert T. Smart, Jr., Notary Public
My Commission Expires: 8/15/25

Approved as to Form
By Town Counsel

EXHIBIT A: HEATHER LANE SUBDIVISION PROPERTY

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Declaration of Restrictive Covenants hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By Its Select Board

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, Select Board member of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

HEATHER LANE SUBDIVISION COVENANT
UNDER PROVISIONS OF GENERAL LAWS CHAPTER 41, SECTION 81-U

WHEREAS, **William J. Piersiak, Trustee of the 768B Chestnut Street Realty Trust**, owner of 764 and 768B Chestnut Street, Needham, MA 02492, **Koby Kempel, Manager of 766 Chestnut LLC**, owner of 766 Chestnut Street, Needham, MA 02492, and **William John Piersiak**, owner of 768 and 768A Chestnut Street, Needham, MA 02492, (hereinafter, collectively “**Owners**”), have filed with the Planning Board of the Town of Needham, hereinafter referred to as the “**Town**”, a certain subdivision plan of land in said Needham, the plan being entitled “**Site Development Plans for 768 Chestnut Street, Needham, MA prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020 (the “Definitive Plans”)**”, which Definitive Plans consist of the following: Sheet 1: Cover Sheet, dated March 3, 2020; Sheet 2, Key Sheet, dated March 3, 2020; Sheet 3A, Existing Conditions Plan, dated March 3, 2020; Sheet 3B, Existing Conditions Plan, dated March 3, 2020; Sheet 3C, Existing Conditions Plan, dated March 3, 2020; Sheet 4A, Lotting & Zoning Plan, dated March 3, 2020; Sheet 4B, Lotting & Zoning Plan, dated March 3, 2020; Sheet 4C, Lotting & Zoning Plan, dated March 3, 2020; Sheet 5, Plan & Profile Plan, dated March 3, 2020; Sheet 6, Grading Plan, dated March 3, 2020; Sheet 7, Utility Plan, dated March 3, 2020; Sheet 8, Detail Sheet, dated March 3, 2020; and Sheet 9, Detail Sheet, dated March 3, 2020. Sheets 2, 4A, 4B and 4C, all dated _____, are being recorded with the Norfolk Registry of Deeds. All the foregoing is hereinafter referred to as the “**Plan**”.

AND WHEREAS, the said Owners have agreed to subdivide the land, to construct ways and to install municipal services therein in accordance with the Plan in accordance with all approvals imposed by the Town and have elected to give a Covenant to the said Town to insure the construction of ways and installation of municipal services as shown on said Plan as authorized by Subsection (2) of Section 81-U of General Laws, including all conditions as set forth in the Board of Health letter dated June 14, 2020, which is herewith made part of this Covenant as set forth in the Planning Board’s Definitive Subdivision Decision dated _____, 2020.

NOW THEREFORE, said Owners hereby covenant and agree with the said Town as follows:

- I. The said Owners are the owners of record of the premises shown on said Plan.
- II. This Covenant shall run with the land and shall be binding upon the executors, administrators, heirs, assigns to the respective Owners and their successors in title to the Premises, as shown on said Plan.
- III. By signing this Covenant the Owners agree to the Covenant’s requirements and to waive all rights of appeal. And further the Board of Health drainage surety referred to in the Definitive Subdivision Decision shall be in a form of surety acceptable to the Planning Board and Board of Health.

IV. In addition to the regular requirements relative to the grading and construction of streets and the installation of municipal services, said Heather Lane and Lots 1 through 6, inclusive, shall be subject to all of the conditions and any subsequent amendments to the Definitive Subdivision Decision, Heather Lane, dated _____, 2020, a copy of which is on file with the Town Clerk's office, Needham Town Hall.

V. Except as hereinafter provided, until the following improvements and conditions have been completed or fulfilled in accordance with the specifications and requirements referred to or enumerated below, with respect to any of the lots in the subdivision, which in the opinion of the Town are affected by such conditions and improvements, no such lot or lots shall be built upon or conveyed, except by a mortgage deed, nor shall building permits for such lot or lots be applied for or issued:

(A) Except as to those standards that were waived by the Planning Board in its "Definitive Subdivision Decision, Heather Lane, _____, 2020.", or as may be further revised through any amendment of that Decision, all streets, including walks, berms, curbing, street name signs, bounds, retaining walls, slopes, and all utilities, including but not limited to storm drains, sanitary sewers, water mains and their appurtenances such as manholes, catch basins, curb inlets, gate valves, hydrants, and headwalls, shall be constructed or installed at the expense of the Owners to the entire limits of the subdivision in strict compliance with the "Subdivision Regulations and Procedural Rules of the Planning Board of the Town of Needham, Massachusetts, as most recently amended, including the "Standard Specifications for Highways" and the "Standard Cross-Section for Street Construction" referred to therein, as most recently revised, which Subdivision Regulations and Procedural Rules and Standard Specifications are specifically incorporated herein by reference, and to the satisfaction of the Director of Public Works of the Town of Needham, including all maintenance and repairs necessary to maintain said streets and utilities in a condition satisfactory to the Town until all lots and all sureties, as provided in Section IV herein have been released by the Town upon the completion of all terms and conditions of this Covenant except as otherwise presented in said definitive plan.

(B) Street construction work shall consist of (as noted on approved plans): Excavation and fill to the surface of the sub-grade fifteen and one-half (15.5) inches below the finished surface grade for the roadway and the necessary excavation and fill for berms within the total width of the street; application of eight (8) inch depth of gravel sub-base and a four (4) inch depth of crushed bank gravel base, the surface of which shall be treated with one (1) application of bituminous; application of bituminous concrete pavement Type 1-1 to be constructed in two (2) courses top course of 1.5" bituminous concrete and bottom course of 2" bituminous concrete, including all driveway entrances; application of six (6) inch depth of loam and seeding for grass plots between the edge of the roadway and the sidelines of the street; granite or reinforced concrete curbing to be installed on all curves having a radius of sixty (60) feet or less, except for temporary turnarounds.

(C) A contractor approved by the Superintendent of the Water Division shall be engaged by the Owners at their expense for the installation of the water mains in accordance with the requirements of and to the satisfaction of the Superintendent of said Water Division.

(D) Sanitary sewers shall be constructed by an approved contractor at the expense of the Owners as shown on approved plans and profiles, in accordance with the standard specifications of the Town of Needham, and to the satisfaction of the Director of Public Works.

(i) The Town shall have the right to extend said sewer without cost to the Owners, beyond the limits of the sewer as shown on the development plans and profiles.

(E) Storm water drains shall be installed in accordance with the approved plan and profile to the satisfaction of the Director of Public Works, and all lots shall be graded in accordance with the proposed contours of land as shown on said definitive plan.

(F) Granite or concrete bounds, at least four feet long, shall be set at all points in every street or other permanent marks acceptable to and approved by the Town Engineer shall be set within the subdivision. After installation of such bounds, the Owners shall submit to the Engineer a written certification by a registered land surveyor stating that the said bounds are located as shown on the subdivision plans recorded in the Norfolk Registry of Deeds or in the Land Court.

(G) If requested in writing by the Town, the Owners shall grant to the Town of Needham a perpetual right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains, sewer mains and all surface and subsurface storm water drains, in, through or under the streets and easements as indicated on definitive plans. The above shall not be construed to relieve the Owners and their successors in title to a portion of the land or a street in the subdivision, of responsibility to complete all construction, as required by the Owners' Agreements with the Town of Needham and to thereafter maintain all streets and municipal services and utilities in satisfactory condition until they are accepted by the Town. Such grant, if requested, shall be executed and delivered to the Planning Board within a reasonable time after notice is given, but in any event, prior to the transfer or conveyance of any lot or interest therein. Notwithstanding the aforesaid grants to the Town, the Owners agree for themselves that as long as they remain the Owners of said premises they will keep all catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains, and thereafter the owners of said premises will keep catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains. The Owners and the Town of Needham acknowledge and agree that the Owners intend to convey a fee interest in Heather Lane to the Heather Lane Association Trust.

(H) Permanent street name signs will be furnished and erected at all entrances, the name to be in conformity as to size and quality with signs now generally in use in the Town of Needham.

(i) Co-incident with the start of any street within a subdivision, temporary street signs shall be installed at all points where permanent signs will be required. These signs may be painted using black block lettering not less than four inches high on a light background.

(ii) Complete visibility of these signs must be maintained until they are replaced with the permanent signs specified in this Section H.

(iii) Permanent street signs and the size and other details shall be furnished and installed at no expense to the Town as directed by the Town Director of Public Works.

(I) Prior to the commencement of construction on all major phases of the subdivision including installation of the sewer, water, drains, and street construction, the Owners will notify the Director of Public Works and obtain necessary signatures on the Subdivision Inspection Form.

VI. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Subdivision Rules and Regulations and Procedural Rules of the Planning Board, as well as the requirements contained in Sections III and IV above, (except to the extent that applicable standards were waived by the Planning Board as described in paragraph IV (A) above within a period of two (2) years from the date of the endorsement by the Board of the approved Definitive Plan. Failure to so complete shall automatically rescind approval of the subdivision plan, unless such approval is further extended by the Planning Board on request of the Owners, their successors and/or assigns.

VII. Prior to the completion of all the work required herein, the Planning Board may, at its discretion, in accordance with the provisions of Subsection (1) of Section 81-U, Chapter 41, release any or all of said lots in the Heather Lane Subdivision, for purposes of sale or for the issuance of permits for building therein, upon the furnishing to the Town by the Owners an agreement and a surety acceptable to the Town, to secure the completion of such part or all of the work specified above, as, at the discretion of the Planning Board should be completed for the proper use of said lots in accordance with the purposes of this Covenant, said surety to be in a penal sum or amount equal to the cost, as estimated by said Director of Public Works, of completing said works. Said release by the Planning Board shall be evidenced by a certificate enumerating the lot or lots released and signed by a majority of said Planning Board, in proper form for recording in the Registry of Deeds or registration in the Registry District of the Land Court.

VIII. The enforcement of the terms herein shall be made as provided for by General Laws, Chapter 41, Section 81-X and 81-Y, in the name of the Town, and upon any breach thereof the Town shall be entitled to an injunction restraining any further sale of any of the lots included in said plans, until the said breach has been cured or security given therefore satisfactory to the then Planning Board of the said Town.

IX. Nothing herein shall be deemed to prohibit a conveyance subject to this Covenant by a single deed of the entire parcel of land shown on said subdivision plan or If all lots, subject to this Covenant, by any of the parties named herein to any other person.

X. The Owners accept all conditions as set forth in the Definitive Subdivision Decision dated _____, 2020.

X. This Covenant shall take effect upon approval of said plans by a majority of signatures affixed thereto by the Planning Board.

For the Owners' titles to the property see: for 766 Chestnut LLC, Book 36038, Page 67, for William John Piersiak, Book 26628, Page 469, and for 768B Chestnut Realty Trust, Book 26628, Page 469, all at the Norfolk County Registry of Deeds.

WITNESS the execution hereof under seal this ____ day of _____, 2020.

William J. Piersiak, Trustee of the
768B Chestnut Street Realty Trust

Koby Kempel, Manager of
766 Chestnut LLC

William John Piersiak, individually
and as Trustee of Heather Lane
Homeowners Association Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared William J. Piersiak, also known as William John Piersiak, and Koby Kempel, proved to me through satisfactory evidence of identification, which was my personal knowledge of their identities, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, individually and their representative capacities.

Robert T. Smart, Jr., Notary Public
My Commission Expires: 8/15/25

Approved as to Form
By Town Counsel

GRANT OF UTILITY EASEMENT

This is a grant of a utility easement from 766 Chestnut LLC, William John Piersiak, and the 768B Chestnut Street Realty Trust to the Town of Needham, Heather Lane Homeowners Association Trust, and Heather Lane Extension Homeowners Association Trust.

WHEREAS, **William J. Piersiak, Trustee of the 768B Chestnut Street Realty Trust**, owner of 764 and 768B Chestnut Street, Needham, MA 02492, **Koby Kempel, Manager of 766 Chestnut LLC**, owner of 766 Chestnut Street, Needham, MA 02492, **William John Piersiak**, owner of 768 and 768A Chestnut Street, Needham, MA 02492, and (hereinafter, collectively “**Owners**”) have filed with the Planning Board of the Town of Needham, hereinafter referred to as the “**Town**”, a certain subdivision plan of land in said Needham, the plan entitled “Definitive Subdivision Plans for Heather Lane 764, 766, 768 – 768A, and 768B Chestnut Street, Needham, MA prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020 (the “**Definitive Plans**”), which Definitive Plans consist of the following: Sheet 1: Cover Sheet, dated March 3, 2020; Sheet 2, Key Sheet, dated March 3, 2020; Sheet 3A, Existing Conditions Plan, dated March 3, 2020; Sheet 3B, Existing Conditions Plan, dated March 3, 2020; Sheet 3C, Existing Conditions Plan, dated March 3, 2020; Sheet 4A, Lotting & Zoning Plan, dated March 3, 2020; Sheet 4B, Lotting & Zoning Plan, dated March 3, 2020; Sheet 4C, Lotting & Zoning Plan, dated March 3, 2020; Sheet 5, Plan & Profile Plan, dated March 3, 2020; Sheet 6, Grading Plan, dated March 3, 2020; Sheet 7, Utility Plan, dated March 3, 2020; Sheet 8, Detail Sheet, dated March 3, 2020; and Sheet 9, Detail Sheet, dated March 3, 2020. Sheets 2, 4A, 4B and 4C, all dated -----, are being recorded with the Norfolk Registry of Deeds. All the foregoing is hereinafter referred to as the “**Plan**”; and

WHEREAS, **William John Piersiak**, owner of 768 and 768A Chestnut Street, Needham, MA 02492, (hereinafter, the “**Declarant**”), has filed with the Planning Board of the Town, a subdivision and residential compound plan entitled “Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA”, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020 (hereinafter the “**Residential Compound Plan**”), which Plan consists of the following: Sheet 1, Cover Sheet, dated March 3, 2020; Sheet 2, Existing Conditions Plan, dated March 3, 2020; Sheet 3, Layout Plan, dated March 3, 2020; Sheet 4, Grading Plan, dated March 3, 2020; Sheet 5, Sewer & Drain Plan, dated March 3, 2020; Sheet 6, Utility Plan, dated March 3, 2020; and Sheet 7, Detail Sheet, dated March 3, 2020. Sheet 3, dated -----, is being recorded with the Norfolk Registry of Deeds. All the foregoing is hereinafter referred to as the “**Residential Compound Plan**”; and

WHEREAS utilities in Heather Lane are shown on the Utility Plan, Sheet 7 of the Plan; and utilities in Heather Lane Extension are shown on the Layout Plan, Sheet 3 of the Residential Compound Plan; and

WHEREAS the Planning Board for the Town of Needham, Massachusetts has required that the Owners and Declarant shall deliver to the Planning Board for its approval a duly executed Grant of Utility Easement in favor of the Heather Lane Homeowners Association Trust

and the Heather Lane Extension Homeowners Association Trust, recorded herewith; and

WHEREAS, the grant of easement herein by the Owners and Declarant is intended to comply with the aforesaid requirement of the Planning Board for the Town of Needham, Massachusetts;

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto;

The Owners and Declarant do hereby grant to the **Heather Lane Homeowners Association Trust** and to the **Heather Lane Extension Homeowners Association Trust** (hereinafter "**Grantees**") the right and perpetual easement and right of way over, across, under and through the utility easement area which is located within the Heather Lane right of way as shown on the Plan, Sheets 2, 4A, 4B and 4C, and over, across and under the utility easement area which is located within the Heather Lane Extension right of way as shown on the Residential Compound Plan, Sheet 3, and, upon completion of construction by the Owners and Declarant of the proposed water and sewer lines situated therein, for the purpose of laying, relaying, constructing, reconstructing, altering, maintaining and operating within, under and through the same, sewer, water, electrical, cable and other utilities, , together with the right of ingress to and egress from the same for the said purposes.

Prior to exercising such easement, the Grantees each agree to give notice to the Owners or their successors to any portion of the land or a street in the subdivision of the fact that they desire to commence such exercise. Each Grantee shall have the right to perform such activities in exercise of such easement, provided that such Association shall use reasonable care not to intrude upon any portion of the lots in the subdivision lying outside the areas where utilities are located and not to damage any structures, landscaping or other improvements which may exist on the remainder of the lot areas in the subdivision. The above shall not be construed to relieve the Owners and their successors in title to a portion of the land or a street in the subdivision, of responsibility to complete all activities within the subdivision as are required by the Owners' agreements with the Town of Needham.

The Grantees shall use their best efforts to cause the minimal amount of interference with the Owners' and Declarant's use of their property during the exercise of their rights hereunder. Upon completion of any work which disturbs the surface of the roadway or other areas where utilities are located as indicated on the Definitive Plans, Grantees shall promptly re-grade, recover, repair, and in connection therewith repave, re-loam or re-seed the area as needed. Grantees shall not have any obligation to take any further action to re-vegetate beyond initial reseeding and re-loaming nor shall Grantees have any obligation to replant any flowers, bushes, shrubs, or trees. The Owners and Declarant, and their heirs, successors, or assigns, shall not construct any structures or plant any trees which will interfere with the use or maintenance of the aforesaid easement, without the prior approval of the Heather Lane Homeowners Association Trust and the Heather Lane Extension Homeowners Association Trust.

All work by or on behalf of the Owners, Declarant or the Grantees in the areas where utilities are shown shall be performed in good and workmanlike manner. In performing the permitted work hereunder, the Grantees shall not do any work which is inconsistent with the intent and purpose of this easement or which will create any nuisance, nor shall Grantees commit any act or waste which will be harmful or which will interfere with the Owners' or Declarant's adjoining land and premises.

The Owners and Declarant agree to hold the Grantees harmless from and to indemnify the Grantees against all claims, losses or damage for property damage or bodily injury, or either, resulting in any way by reason of the activities of the Owners and Declarant in exercising their rights and obligations hereunder.

The Grantees agree to hold the Owners and Declarant harmless from and to indemnify the Owners and Declarant against all claims, losses or damage for property damage or bodily injury, or either, resulting in any way by reason of the activities of the Grantees in exercising their rights hereunder.

The Owners and Declarant hereby reserves the right for themselves, their heirs, successors and assigns, to use and enjoy the areas where utilities are shown for all legal purposes not inconsistent with the rights and easements granted hereby and specifically reserves the right to landscape or to pave, subject to local building and zoning regulations and subject to the terms of this Grant of Utility Easement.

The grant of Easement shall be binding upon the Owners and Declarant and all respective successors and assigns and shall inure to the benefit of the Grantees, and the benefits and burdens hereof shall run with the land described in and subject to the Definitive Plans.

For the Owners' and Declarant's titles to the property see: for 766 Chestnut LLC, Book 36038, Page 67, for William John Piersiak, Book 26628, Page 469, and for 768B Chestnut Realty Trust, Book 26628, Page 469, all at the Norfolk County Registry of Deeds.

WITNESS the execution hereof under seal this ____ day of _____, 2020.

William J. Piersiak, Trustee of the
768B Chestnut Street Realty Trust

Koby Kempel, Manager of
766 Chestnut LLC

William John Piersiak, individually
and as Trustee of Heather Lane
Homeowners Association Trust
and as Trustee of Heather Lane
Extension Homeowners
Association Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this ___ day of _____, 2020, before me, the undersigned notary public, personally appeared William J. Piersiak, also known as William John Piersiak, and Koby Kempel, proved to me through satisfactory evidence of identification, which was my personal knowledge of their identities, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, individually and their representative capacities.

Robert T. Smart, Jr., Notary Public
My Commission Expires: 8/15/25

Approved as to Form
By Town Counsel

**GRANT OF DRAINAGE EASEMENT
FROM
768B CHESTNUT STREET REALTY TRUST
TO
THE TOWN OF NEEDHAM, MASSACHUSETTS, HEATHER LANE
HOMEOWNERS ASSOCIATION TRUST, AND HEATHER LANE EXTENSION
HOMEOWNERS ASSOCIATION TRUST**

WHEREAS, **768B Chestnut Street Realty Trust, William J. Piersiak, Trustee**, having an address of 768 Chestnut Street, Needham, MA 02492, hereinafter referred to as the “Owner”, has, along with other Owners, filed with the Planning Board of the Town of Needham, hereinafter referred to as the “Town”, a certain subdivision plan of land in said Needham, the plan entitled “Definitive Subdivision Plans for Heather Lane 764, 766, 768 – 768A, and 768B Chestnut Street, Needham, MA prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020 (the “Definitive Plans”), which Definitive Plans consist of the following: Sheet 1: Cover Sheet, dated March 3, 2020; Sheet 2, Key Sheet, dated March 3, 2020; Sheet 3A, Existing Conditions Plan, dated March 3, 2020; Sheet 3B, Existing Conditions Plan, dated March 3, 2020; Sheet 3C, Existing Conditions Plan, dated March 3, 2020; Sheet 4A, Lotting & Zoning Plan, dated March 3, 2020; Sheet 4B, Lotting & Zoning Plan, dated March 3, 2020; Sheet 4C, Lotting & Zoning Plan, dated March 3, 2020; Sheet 5, Plan & Profile Plan, dated March 3, 2020; Sheet 6, Grading Plan, dated March 3, 2020; Sheet 7, Utility Plan, dated March 3, 2020; Sheet 8, Detail Sheet, dated March 3, 2020; and Sheet 9, Detail Sheet, dated March 3, 2020. Sheets 2, 4A, 4B, and 4C, all dated _____, are being recorded with the Norfolk Registry of Deeds. All the foregoing is hereinafter referred to as the “Plan”.

WHEREAS there is shown on the Plan a certain drain easement, to wit: that certain area marked “Drain Easement”, as shown on Sheet 4B of the Plan;

WHEREAS the Planning Board for the Town of Needham, Massachusetts has required that the Owner shall deliver to the Planning Board for its approval a duly executed Grant of Drain Easement for the Drain Easement shown on the Plan in favor of the Town of Needham, the Heather Lane Homeowners Association Trust and the Heather Lane Extension Homeowners Association Trust (hereinafter, collectively, the Grantees”); and

WHEREAS the Declarations of Trust for the two Trusts mentioned above are recorded herewith; and

WHEREAS, the grant of easement herein by the Owner is intended to comply with the aforesaid requirement of the Planning Board for the Town of Needham, Massachusetts;

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by

the parties hereto;

The Owner does hereby grant to the Grantees the right and perpetual easement and right of way over, across, under and through said Easement on said Plan for the direction or re-direction of storm water drainage, for the purpose of grading and re-grading for the said purpose, and for the purpose of laying, relaying, constructing, reconstructing, altering, maintaining and operating within, under and through the same, drain lines and conduits for the direction or re-direction of storm water, together with the right of ingress to and egress from the same for the said purposes.

Prior to exercising such easement, each of the Grantees agrees to give notice to the Owner, or its successors to Lots 5 and 6, of the fact that it desires to commence such exercise. The Grantees shall each, acting singly or collectively, have the right to perform such activities in exercise of such easement, provided that they shall use reasonable care not to intrude upon any portion of the lots in the subdivision lying outside the Grant of Drainage Easement and not to damage any structures, landscaping or other improvements which may exist on the remainder of the lots in the subdivision outside the Easement. The above shall not be construed to relieve the Owner and its successors in title of responsibility to complete all activities within the subdivision as are required by the Owner's agreements with the Town of Needham.

Grantees shall use their best efforts to cause the minimal amount of interference with the use of the property of the Owner, its successors and assigns (including, without limitation, the Owners from time to time of the individual lots) during the exercise of rights hereunder. Upon completion of any work which disturbs the surface of the above referenced Easement area indicated on the Plan, such Grantee or Grantees shall promptly re-grade, recover, repair, and in connection therewith repave, re-loam or reseed the area as needed. Grantees shall not have any obligation to take any further action to re-vegetate beyond initial reseeding and re-loaming nor shall Grantees have any obligation to replant any flowers, bushes, shrubs or trees. The Owner, its successors, or assigns shall not construct any structures or plant any trees which will interfere with the use or maintenance of the aforesaid easement, without the prior approval of the Heather Lane Homeowners Association Trust.

All work performed by the Owner or any of the Grantees in the Drain Easement shall be in good and workmanlike manner. In performing the permitted work hereunder, the Grantees shall not do any work which is inconsistent with the intent and purpose of this easement or which will create any nuisance, nor shall Grantees commit any act or waste which will be harmful or which will interfere with the Owner's adjoining land and premises.

The Owner agrees to hold the Grantees harmless from and to indemnify the Grantees against all claims, losses or damage for property damage or bodily injury, or either, resulting in any way by reason of the activities of the Owner in the Drain Easement.

The Grantees each agree to hold the Owner harmless from and to indemnify the Owner against all claims, losses or damage for property damage or bodily injury, or either, resulting in any way by reason of the activities of the Grantee in the Drain Easement, up to a maximum limit of \$100,000 per occurrence.

The Owner hereby reserves the right for itself, its heirs, successors and assigns, to use and enjoy the Drain Easement area for all legal purposes not inconsistent with the rights and easements granted hereby and specifically reserves the right to landscape or to pave the Drain Easement area, subject to local building and zoning regulations and subject to the terms of this Grant of Drainage Easement.

The within grant of easement shall be binding upon the Owner and all respective successors and assigns and shall inure to the benefit of the Grantees, and the benefits and burdens hereof shall run with the land described in and subject to the Plan.

For the Owner's title to the property see the Deed recorded in the Norfolk County Registry of Deeds in Book 26628, Page 469

Witness our hands and seals as of this _____ day of _____, 2020.

768B Chestnut Street Realty Trust, by:

Heather Lane Homeowners
Association Trust, by:

William J. Piersiak, Trustee

William John Piersiak, Trustee

Heather Lane Extension
Homeowners Association
Trust, by:

William John Piersiak, Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Then personally appeared the above-named William J. Piersiak, also known as William John Piersiak, known to me, and acknowledged the foregoing instrument to be the duly authorized act of the Trusts referred to herein.

Robert T. Smart, Jr., Notary Public
My commission expires: 8/15/25

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 E-Mail and Mail

July 13, 2020

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

Re: Heather Lane Definitive Subdivision
Heather Lane Extension Residential Compound and Definitive Subdivision

Dear Lee, and Members of the Board:

Enclosed for filing please find two copies of the following:

1. Revised Plan entitled "Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A, & 768B Chestnut Street, Needham, MA", prepared by Kelly Engineering Group, Inc. Please note that Sheets 1, 2, 4A, 4B, 4C, 5, and 7 were revised July 7, 2020, and that the remaining sheets, Sheets 3A, 3B, 3C, 8, and 9, dated March 3, 2020, have not been revised. The Plan revisions include the removal of Evelyn Soule Maloomian as an owner (ownership of her lot is being transferred to William J. Piersiak, Trustee), the addition of an "Existing" column in the chart regarding compliance with subdivision rules and regulations, and the addition of bearings and distances to the drainage easement.
2. Revised List of Waivers for Heather Lane Subdivision.
3. Revised Plan entitled "Definitive Subdivision Plans and Residential Compound Special Permit, 768-768A Chestnut Street, Lot 4 Heather Lane, Needham, MA", prepared by Kelly Engineering Group, Inc. Please note that Sheets 1, and 3-7, were revised July 7, 2020, and that the remaining Sheet 2, dated March 3, 2020, has not been revised. The Plan revisions include expansion of the right of way width to 25 feet, the location of all utilities within the right of way, a change in the layout of the hammerhead so the fire hydrant fits within the layout, the addition of bearings and distances for Heather Lane Extension, and a change in the slope of Heather Lane Extension so a waiver from the maximum street slope regulation is not needed.
4. Revised List of Waivers for Heather Lane Subdivision and Residential Compound. The prior waiver request regarding street slope, under Section 3.3.1, has been eliminated.

5. Proposed "Heather Lane Extension Conservation Restriction to Town of Needham, Massachusetts".
6. Proposed Plan entitled "Heather Lane Extension Residential Compound, Needham, MA, Conservation Restriction Plan", dated June 24, 2020.
7. Letter from Robert T. Smart, Jr., Esq. dated July 13, 2020, responding to questions raised at the June 16, 2020 hearing.
8. Copy of July 9, 2020 letter from Robert T. Smart, Jr., to Needham Board of Health.

Electronic copies of the above are also being submitted.

If the Board is seeking additional information prior to the July 21, 2020 continued hearing, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "RTS".

Robert T. Smart, Jr.

Cc: William Piersiak
Koby Kempel

Compliance with Subdivision Rules and Regulations Sub-Section 3.3

Applicable Section	Parameter	Required	Existing	Provided	Compliance
3.3.1	Right of Way Width	50'	15'	40'	Waiver
3.3.1	Pavement Width	24'	Varies, 12'±	20'	Waiver
3.3.1	Street Slope	>0.7% and <8%	0%-9%±	>0.7% and <8%	Yes
3.3.1	Street slope at intersection	1% for 50'	2.6%	2.6%	Waiver
3.3.3	Radii at Intersection	20'	Existing	Existing	Waiver
3.3.3	Minimum Centerline Radius	100'	>100'	>100'	Yes
3.3.4	Intersection angle	90 degrees	90 Degrees	90 Degrees	Yes
3.3.5	Dead End Street	Max. Length = 1200'	640'±	981'	Yes
3.3.5	Cul-De-Sac	60' Radius	None	60'	Yes
3.3.6	Curbing	Granite or Bituminous	None	Bituminous	Waiver
3.3.8	Granite bounds	As required in 3.3.8	None	As required	Yes
3.3.9	Street Signs	At street entrance	None	Yes	Yes
3.3.11	Sewer	Connect to sewer	No. Septic	Yes	Yes
3.3.12	Water	Connect to water	Yes	Yes	Yes
3.3.13	Storm Drainage	Provide Storm drainage	None	To be provided on individual building lots	Yes
3.3.14	Power cable etc	Place underground	Placed underground	Placed underground	Yes
3.3.15	Trees	Endeavor to save existing trees	Existing	Where possible	Yes
3.3.16	Sidewalks	One Side	None	None	Waiver
3.3.16	Standard Cross-Section	One side, 24' wide	None, Varies 12'±	None, 20' wide	Waiver
3.3.17	Fire Alarm	Connect to town fire circuit	None	None	NA
3.3.19	Sidewalk Ramps	ADA curb ramps	No Sidewalk	No Sidewalk	NA
	And waivers of such other sections of the Needham Subdivision Regulations as may be required.				

Per Section 4.2.12 (e) (1) Site Plans shall meet to the extent applicable the requirements set forth for a Definitive Plan in the Subdivision Regulations and Procedural Rules of the Planning Board. The following table lists those requirements.

Applicable Section	Parameter	Required	Provided	Compliance
3.3.1	Right of Way Width	50'	20'	Waiver
3.3.1	Pavement Width	24'	20'	Waiver
3.3.1	Street Slope	>0.7% and <8%	2%-8%	Yes
3.3.1	Street slope at intersection	1% for 50'	2%	Waiver
3.3.3	Radii at Intersection	20'	0'	Waiver
3.3.3	Minimum Centerline Radius	100'	50'	Waiver
3.3.4	Intersection angle	90 degrees	90 Degrees	Yes
3.3.5	Dead End Street	Max. Length = 1200'	329'	Yes
3.3.5	Cul-De-Sac	60' Radius or hammerhead	Hammerhead	Yes
3.3.6	Curbing	Granite or Bituminous	No Curbing	Waiver
3.3.8	Granite bounds	As required in 3.3.8	None	Waiver
3.3.9	Street Signs	At street entrance	Yes	Yes
3.3.11	Sewer	Connect to sewer	Yes	Yes
3.3.12	Water	Connect to water	Yes	Yes
3.3.13	Storm Drainage	Provide Storm drainage	To be provided on individual building lots	Yes
3.3.14	Power cable etc	Place underground	Placed underground	Yes
3.3.15	Trees	Endeavor to save existing trees	Where possible	Yes
3.3.16	Sidewalks	One Side	None	Waiver
3.3.16	Standard Cross-Section	One side, 24' wide	None, 20' wide	Waiver
3.3.17	Fire Alarm	Connect to town fire circuit	None	NA
3.3.19	Sidewalk Ramps	ADA curb ramps	No Sidewalk	NA
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

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

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

By E-Mail and Mail
July 13, 2020

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

Re: Heather Lane Definitive Subdivision
Heather Lane Extension Residential Compound and Definitive Subdivision

Dear Lee, and Members of the Board:

During the hearing on June 16, 2020, some questions were raised, and we provided answers. The applicants' supplemental responses are provided below.

1. What precedent exists, and what is the rationale for, the request for a waiver of the right of way width requirement for Heather Lane Extension down to 20 feet?

The Planning Board issued a Decision on an application for a Residential Compound Special Permit and Definitive Subdivision for Riverview Estates on June 16, 1998. This was a five-lot residential compound on Burr Drive (off South Street). That Decision, at section 1(a), said "The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be laid out to a width of 50 feet and approves instead a 20-foot wide right-of-way."

The applicants have increased the right of way width for Heather Lane Extension to 25 feet. This will allow for 2.5 feet on either side of the Extension for plowed snow, and utility lines outside the area of paved roadway, if needed.

2. Will you agree to a conservation restriction on the Residential Compound lots which abut the Charles River, as suggested by the Conservation Commission?

The applicants have worked with the Conservation Commission staff, and have agreed to the placement of a Conservation Restriction on Residential Compound Lots RC-3, RC-4 and RC-5 along the Charles River, to provide the same protection for valued resources as was provided in the Conservation Restriction granted by Petrini Corporation to the Town in connection with

the Riverbend Lane Subdivision. Copies of the proposed Conservation Restriction and Conservation Restriction Plan are being filed herewith. Copies have also been forwarded to the Commission for its consideration.

3. What is the justification for the requested waivers, particularly relating to right of way width, sidewalks, and slopes?

The right of the Planning Board to grant waivers is firmly established by law. Massachusetts General Laws Chapter 41, Section 81R, says "A Planning Board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of the subdivision control law, waive strict compliance with its rules and regulations ..." Section 3.6.2 of the Planning Board's Subdivision Rules and Regulations, referring to Section 81R, provides "... the Planning Board may waive strict compliance with the minimum frontage and area requirements for lots and with these Rules and Regulations. The Planning Board may authorize deviations from the "Standard Specifications" and "Standard Street Cross-Sections" referred to above."

The Planning Board has issued comparable waivers repeatedly in its subdivision decisions, including those on Riverview Estates (Burr Drive), Riverbend Lane, and Belle Lane.

In granting waivers for right of way width, right of way pavement width, sidewalks, deviation from the standard street cross-section, maximum slope, and elimination of granite or concrete bounds, the Board has found that such action is in the public interest and not inconsistent with the intent and purposes of the subdivision control law.

The waivers granted have the benefit of preserving existing trees, limiting the amount of new impervious surface, and maintaining the rural character envisioned for the Rural Residence-Conservation District and in the Residential Compound sections of the Needham Zoning By-Law.

The waivers do not impair the safety of Heather Lane or Heather Lane Extension. Neither Heather Lane nor Heather Lane Extension will be through streets, and they will service a limited number of residences. Traffic volumes will be low, speeds will be slow, and 20 feet of pavement will provide adequate room for pedestrians to walk. The comments of the Town Engineer, Fire Chief, and Police Chief make clear they are satisfied with the waivers requested and the safety of the proposed subdivisions.

Included with this letter is a revised waiver chart for Heather Lane, which adds a column for "Existing". This shows the condition of the existing right of way. A comparison of the "Existing" column and the "Proposed" column shows how the proposal will improve the present situation. An "Existing" column is not provided for Heather Lane Extension, because there is no existing right of way for comparison.

The proposed slope for Heather Lane Extension has been reduced from 9% to 8%, eliminating the need for a waiver under Section 3.3.1.

4. Are the homeowner documents proper in form?

Revised documents were submitted with my June 30, 2020 letter to the Planning Board. The changes made from the documents submitted with the April filings include (a) the addition of joint and several liability of the homeowners for maintenance and repair of the road and utilities, (b) a clarification that each lot owner will have equal vote and responsibility (with the caveat that the five residential compound lot owners' responsibility for Heather Lane maintenance and repair, and their vote, will collectively be one-sixth, since their interest is derived from Heather Lane Lot 4, which is one of six lots), (c) elimination of language pertaining to mortgage holders, (d) reference to Conservation Commission and Board of Health comments, and (e) general clean-up.

5. Are you communicating with Mssrs. Bruener and Brown, of 770 Chestnut Street LLC, owners of the property at 770 Chestnut Street, regarding the concerns they raised about notice, access, trees, and light spillage?

Notice. 770 Chestnut Street LLC was not on the list of abutters provided by the Needham Assessors. Despite this, we gave notice to them, at their 130 Prospect Street, Cambridge address, by certified mail on May 29, 2020, and received back a signed green card from them, date stamped June 1, 2020 by the Central Square Post Office.

Access. Bill Piersiak has spoken with Mssrs. Bruner and Brown, and on June 22, 2020 he met on site with them. The proposed Heather Lane Subdivision does not infringe on their existing access rights, as expressed in the deed of 770 Chestnut Street to their LLC, and they will have the right to use Heather Lane for access to and from their property at 770 Chestnut Street.

Trees. During our site meeting, Mssrs. Brown and Bruner suggested that several trees on their property, along the proposed right of way, could be taken down, to facilitate road construction.

Light spillage. Street lighting was discussed at our site meeting. Mr. Piersiak indicated that the street lights would be installed on the other side of the proposed subdivision road, away from the Brown and Bruner property. Mr. Bruner asked if Mr. Piersiak would consider installing street lighting on their side of the street, with the back of the fixtures painted black to minimize light spillage. Mr. Piersiak said he was willing to consider this, and he is waiting to hear back from Mr. Bruner as to exactly what fixtures are requested.

6. I would like to raise one other issue, pertaining to the Board of Health June 14, 2020 Memo regarding the Heather Lane Subdivision Extension application.

The Board of Health's June 14, 2020 Memo states "New construction is proposed on four of the five lots.", and it calls for a drainage surety of \$14,000.00 for the "four-lot subdivision".

In fact, new construction is proposed only on three lots: RC lots 2, 4 and 5. The existing dwellings on RC lots 1 and 3 will remain. A copy of my letter to the Board of Health requesting a corrected letter or memo, is enclosed.

It is requested that the drainage surety for the Heather Lane Extension subdivision be for three lots, rather than four.

Please let me know if the Board is seeking further information, in advance of the next meeting, currently scheduled for July 21 at 7:15 p.m.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'R. Smart'.

Robert T. Smart, Jr.

Cc: William Piersiak

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
July 9, 2020

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

Re: Heather Lane Extension Subdivision

Dear Members of the Board:

This letter refers to your June 14, 2020 Memo, a copy of which is enclosed.

That Memo states "New construction is proposed on four of the five lots.", and it calls for a drainage surety of \$14,000.00 for the "four-lot subdivision".

In fact, new construction is proposed only on three lots: RC lots 2, 4 and 5. The existing dwellings on RC lots 1 and 3 will remain.

It is requested that you provide a letter or memo to the Planning Board stating that the drainage surety for the Heather Lane Extension subdivision should be for three lots, rather than four.

Further, it is requested that you submit your memo or letter before the next Planning Board hearing, scheduled for July 21, 2020. report earlier.

Very truly yours,



Robert T. Smart, Jr.

Cc: William Piersiak
Needham Planning Board



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: 6/14/2020
Re: Definitive Subdivision Plan Comments for Heather Lane Extension Subdivision

This memo is in reference to the Public Health Division comments on the Definitive Subdivision Extension for Heather Lane- # Lot 4 on which 768 and 768A Chestnut St. are located, which is an existing lot. This proposed development, once approved, will comprise of five lots. New construction is proposed on four of the five lots.

This proposed subdivision would create four (4) individual house lots that conform to current zoning, with lots located on new road off of Chestnut St., known as Heather Lane Extension. These lots would be serviced by municipal water and sewer.

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

- Need to ensure that owners/builders of all structures to be razed each fill out our Notification of Demolition form, which 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 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 \$14,000.00 for the four-lot subdivision.

PLEASE NOTE: This recommendation is based on the current information provided that a number of the lots are proposed to remain untouched (i.e. existing house to remain with no additions proposed).

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

cc: Timothy McDonald, HHS Director

ChestnutStHeatherLnDefSubdivExtMemo-20

HEATHER LANE EXTENSION CONSERVATION RESTRICTION
TO
TOWN OF NEEDHAM, MASSACHUSETTS

William John Piersiak, of 768 Chestnut Street, Needham, Massachusetts 02492, for himself and his successors and assigns (“Grantor”), acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws, hereby grants to the Town of Needham, a municipal corporation acting by and through its Conservation Commission, its successors and permitted assigns (“Grantee”) as a gift, for conservation purposes in accordance with G.L. Chapter 40, Section 8C, with an address of 500 Dedham Avenue, Needham, Massachusetts 02492, in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on an area of land marked as “Conservation Restriction” (the “Premises”) on a Plan entitled “Heather Lane Extension Residential Compound, Needham, MA, Conservation Restriction Plan”, dated June 24, 2020, prepared by Kelly Engineering Group, and attached hereto as Exhibit A. The Premises are located within RC-Lot 3, RC-Lot 4, and RC-Lot 5, as shown on the Plan. For Grantor’s title to said land, see deed dated April 23, 2019, recorded with the Norfolk Registry of Deeds in Book 36756, Page 532.

Purposes

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. Its purpose is to assure that the Premises will be retained in perpetuity predominantly in their natural, scenic and open condition and to prevent any use of the Premises that will significantly impair or interfere with the conservation values of the Premises. The Grantor and the Grantee acknowledge and agree that the Premises provide protection of significant scenic, aesthetic, and ecological values, comprised of wildlife habitat, groundwater supply, storm and flood prevention, and pollution attenuation. The Premises also contain wetland areas, including bordering vegetated wetlands, bank, and a Riverfront Area. The Premises border the Charles River and will protect the water quality of the Charles River, and Priority Habitat for Rare Species and Estimated Habitat, as identified by The Natural Heritage and Endangered Species Program (NHESP). The Grantor and Grantee share the common purpose of conserving the natural values of the Premises for the present generation and future generations.

I. Prohibited Acts and Uses, Exceptions Thereto, and Permitted Uses

A. Prohibited Acts and Uses

Subject to the exceptions set forth hereinafter, neither the Grantor nor the successors or assigns of the Grantor will perform or permit the following acts or uses which are prohibited on, over or under the Premises:

1. Constructing or placing of any temporary or permanent buildings, roads, signs, billboards or other advertising, utilities or other structures

(including a gazebo) on, above or below the ground (except for picnic tables);

2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resources or natural deposits or otherwise making topographical changes to the area;
3. Removal, disturbance or destruction of any vegetation, except as allowed in the Permitted Uses Section B;
4. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
5. Activities detrimental to wildlife habitat, drainage, flood control, water conservation, erosion control or soil conservation; and
6. Any other use of the Premises or activity which would materially impair significant conservation interests.

B. Reserved Rights and Exceptions to Otherwise Prohibited Acts and Uses

The following acts and uses otherwise prohibited in the foregoing Section A are permitted by the Grantor, provided that they do not materially impair the purpose or conservation values of this Conservation Restriction:

1. Walking, bird-watching, photography, picknicking and other passive outdoor recreational activities;
2. The selective pruning and cutting of trees, shrubs and vegetation in accordance with written approval of the Grantee or to control or remove hazards, disease, insect damage or storm damage and the removal of invasive plant and animal species in accordance with a plan approved in writing by Grantee; and the planting of new native trees, shrubs and vegetation to further enhance the purposes of this Conservation Restriction;
3. Posting of signs prohibiting trespass where appropriate, and prohibiting public access consistent with the public access prohibitions herein set forth, and other admonitions as to use and identifying Grantee as the holder of this Conservation Restriction;
4. The selective use or application applied directly to targeted areas (not a generalized application) of any fertilizer, herbicide or pesticide or other mechanical or chemical means designed to affect only the offending target area, not the general area for the control of noxious, nuisance or invasive

plant or animal species, that will not impair the habitat or water quality, in accordance with a plan approved in writing by Grantee; and

5. Placement of picnic table(s).

The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with the zoning, Wetlands Protection Act, and all other applicable federal, state and local rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position on whether such permit should be issued.

All acts and uses not prohibited herein, are permissible, provided they do not materially impair the purposes or conservation values of this Conservation Restriction.

II. Access

The Conservation Restriction hereby conveyed does not grant to the Grantee, to the general public, or to any other person any right to enter upon the Premises, except there is granted to the Grantee and its representatives the right to enter the Premises at reasonable times and in a reasonable manner after 30 days written notice for the purpose of inspecting the same to determine compliance herewith. A representative of Grantor shall be entitled to be present during said inspection. The Grantee is also granted, subject to the notice provisions terms and conditions of this Section II, an easement over Heather Lane Extension for the purpose of accessing the Premises for inspecting the same to determine compliance with this Conservation Restriction.

III. Legal Remedies of the Grantee

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive relief and other equitable relief against any violation, including, without limitation, relief requiring restoration of the Premises to its prior condition (it being agreed that the Grantee shall have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee. The Grantor shall pay the cost of enforcement only if found guilty of a violation of this Conservation Restriction by a final decision of a court of competent jurisdiction or if Grantor agrees in writing that it has violated this Conservation Restriction.

By its acceptance, the Grantee does not undertake any liability or obligation relating to the condition of the Premises not caused by the Grantee or its agents.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of the Grantee, and any forbearance by the Grantee to exercise its rights hereunder shall not be deemed or construed to be a waiver of said rights.

IV. Extinguishment

A. If circumstances arise in the future such as to render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law.

B. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right immediately vested in the Grantee.

C. Grantor/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. Any related expenses shall be paid by the Grantor.

V. Subsequent Transfers

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Premises, including a leasehold interest. Failure to do so shall not impair this Conservation Restriction in any way.

VI. Estoppel Certificates

Upon request by the Grantor, the Grantee shall, within twenty (20) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

VII. Miscellaneous

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Severability

If any provision of the Conservation Restriction shall, to any extent, be held invalid, the remainder shall not be affected.

C. Effective Date

This Conservation Restriction shall be effective when the Grantor and Grantee have executed it and it has been recorded, whether or not this Conservation Restriction has been approved by the Secretary of Energy and Environmental Affairs.

VIII. Assignability

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee as its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request from the Grantee.

C. Running of the Benefit

The benefits of this Conservation Restriction shall be in gross and shall not be assignable by the Grantee, except on the following conditions:

1. As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out;
2. the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts; and
3. The Grantor or his successors and assigns, consent to such assignment.

Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

IX. Recordation

The Grantor shall record this instrument in timely fashion in the Norfolk Registry of Deeds.

EXECUTED under seal this _____ day of _____, 2020.

William John Piersiak, Grantor

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared the above-named William John Piersiak, proved to me through satisfactory evidence of identification, which was my personal knowledge of his identity, to be the person whose name is executed on the preceding document, and acknowledged to me that he executed it voluntarily for its stated purpose before me.

Robert T. Smart, Jr., Notary Public
My Commission Expires: 8/15/25

ACCEPTANCE BY CONSERVATION COMMISSION
TOWN OF NEEDHAM

We, the undersigned, being a majority of the Conservation Commission of the Town of Needham, Massachusetts, hereby certify that, at a meeting held on _____, the Commission voted to accept the foregoing Conservation Restriction.

CONSERVATION COMMISSION

By: _____

By: _____

By: _____

By: _____

By: _____

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is executed on the preceding document, and acknowledged to me that [he/she] executed it voluntarily for its stated purpose as a member of the Needham Conservation Commission before me.

Notary Public
My Commission Expires: _____

APPROVAL OF SELECT BOARD

We, the undersigned, being a majority of the Select Board of the Town of Needham, Massachusetts, hereby certify that, at a meeting duly held on _____, the Selectmen voted to approve the foregoing Conservation Restriction in accordance with Massachusetts General Laws Chapter 40, Section 8C.

SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is executed on the preceding document, and acknowledged to me that [he/she] executed it voluntarily for its stated purpose as a member of the Needham Select Board, before me.

Notary Public
My Commission Expires: _____

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Executive Office of Energy and Environmental Affairs of The Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from William John Piersiak to the Town of Needham has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32. Said approval is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

Secretary of Energy and Environmental Affairs

Date: _____

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is executed on the preceding document, and acknowledged to me that [he/she] executed it voluntarily for its stated purpose as Secretary of Energy and Environmental Affairs for the Commonwealth of Massachusetts, before me.

Notary Public
My Commission Expires: _____

DEFINITIVE SUBDIVISION PLANS

FOR
HEATHER LANE
764, 766, 768-768A, & 768B CHESTNUT STREET
NEEDHAM, MA

MARCH 03, 2020

SHEET INDEX						
SHEET No.	DESCRIPTION	LATEST REVISED DATE	CONSTRUCTION	REVISIONS		
1	COVER SHEET	07/07/20				
2	KEY SHEET	07/07/20				
3A	EXISTING CONDITIONS PLAN	03/03/20				
3B	EXISTING CONDITIONS PLAN	03/03/20				
3C	EXISTING CONDITIONS PLAN	03/03/20				
4A	LOTTING & ZONING PLAN	07/07/20				
4B	LOTTING & ZONING PLAN	07/07/20				
4C	LOTTING & ZONING PLAN	07/07/20				
5	PLAN & PROFILE PLAN	07/07/20				
6	GRADING PLAN	03/03/20				
7	UTILITY PLAN	07/07/20				
8	DETAIL SHEET	03/03/20				
9	DETAIL SHEET	03/03/20				

OWNER/APPLICANT:

WILLIAM JOHN PIERSIK
768-768A CHESTNUT ST.
NEEDHAM, MA

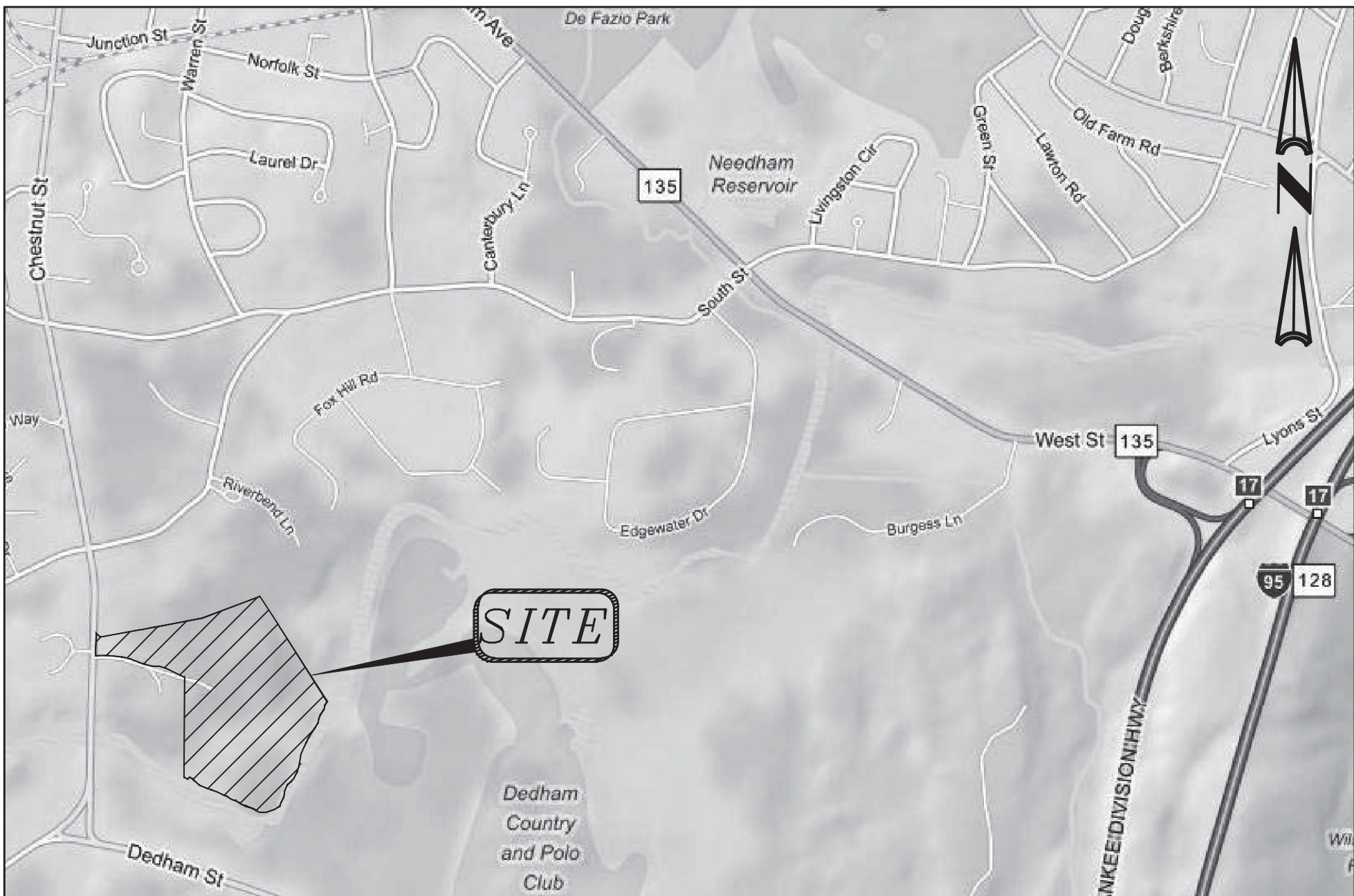
WILLIAM J. PIERSIK, TR
768B CHESTNUT STREET REALTY TRUST
768B CHESTNUT ST.
NEEDHAM, MA

766 CHESTNUT LLC, KOBAYASHI, MANAGER
766 CHESTNUT ST.
NEEDHAM, MA

CIVIL ENGINEERS:

KELLY ENGINEERING GROUP, INC.
0 CAMPANELLI DRIVE
BRAINTREE, MA 02184

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND
IN THE TOWN OF NEEDHAM, SITUATED OFF
CHESTNUT STREET



LOCATION MAP

"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 PLANNING BOARD OF THE TOWN OF NEEDHAM."

DAVID N. KELLY, P.E.

"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM 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

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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE

ENDORSED DATE

DIRECTOR OF PUBLIC WORKS

TOWN ENGINEER

KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES, OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.

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Digitally signed by David Noel Kelly P.E.
DN: cn=David Noel Kelly P.E., o=Kelly Engineering Group, Inc., email=dkelly@kellyengineeringgroup.com, c=US
Date: 2020.07.10 10:46:13 -0400



SCALE NA	DISK REF. NO. F:\P\2019-088
DATE 03/03/20	DRAWN BY C.L.
SHEET 1 OF 9	CHKD BY DAM
PLAN NO. 2019-088-TS01	APPD BY DNK

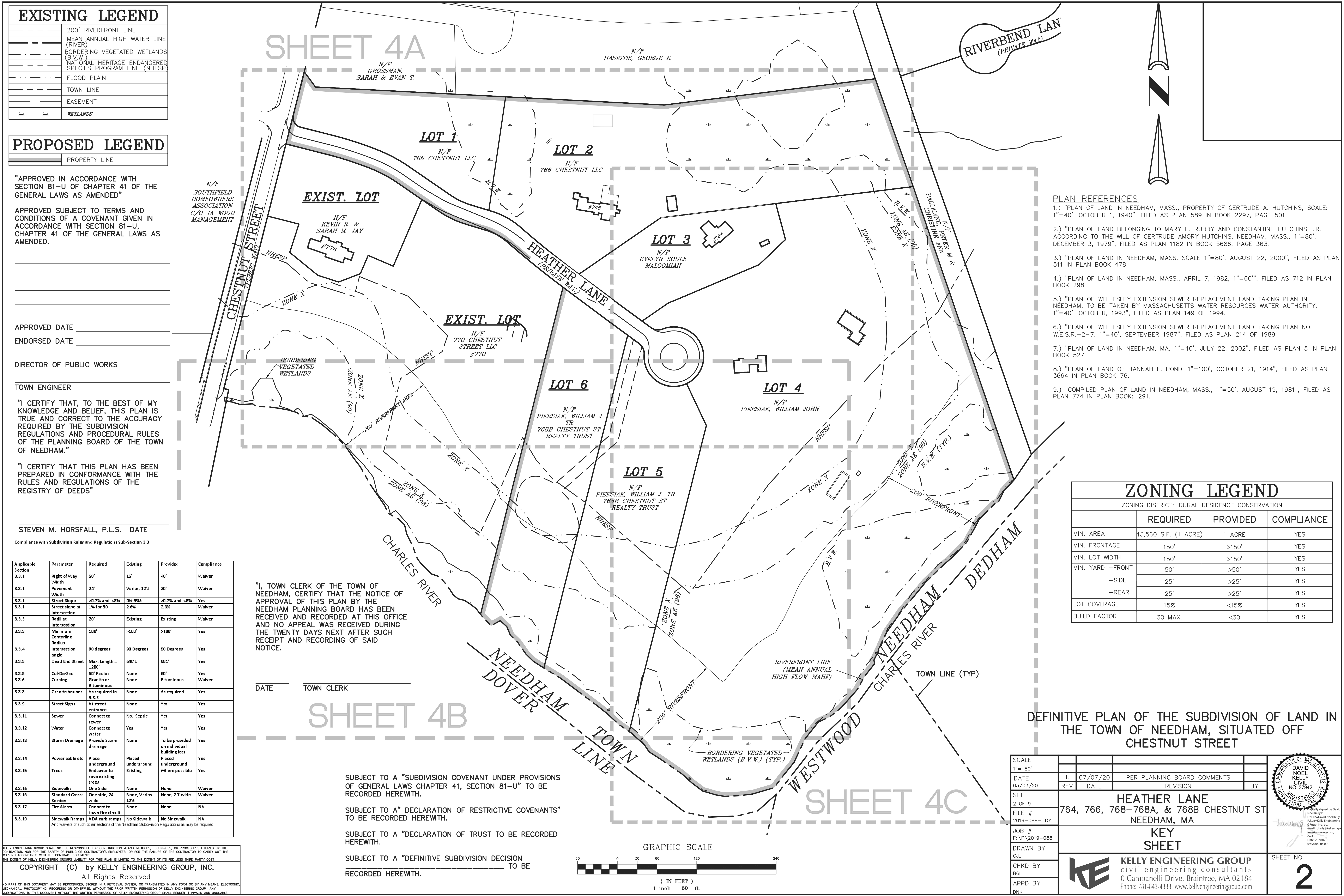
764, 766, 768-768A, & 768B CHESTNUT STREET
NEEDHAM, MA



KELLY ENGINEERING GROUP
civil engineering consultants
0 Campanelli Drive, Braintree, MA 02184
Phone: 781-843-4333 www.kellyengineeringgroup.com

SHEET NO.

1



EXISTING LEGEND	
	200' RIVERFRONT LINE
	MEAN ANNUAL HIGH WATER LINE (RIVER)
	BORDERING VEGETATED WETLANDS (B.V.W.)
	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
	FLOOD PLAIN
	TOWN LINE
	EASEMENT
	WETLANDS

PROPOSED LEGEND	
	PROPERTY LINE

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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE _____
ENDORSED DATE _____

DIRECTOR OF PUBLIC WORKS _____

TOWN ENGINEER _____

"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 PLANNING BOARD OF THE TOWN OF NEEDHAM."

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"

STEVEN M. HORSFALL, P.L.S. DATE _____

Compliance with Subdivision Rules and Regulations Sub-Section 3.3

Applicable Section	Parameter	Required	Existing	Provided	Compliance
3.3.1	Right of Way Width	50'	15'	40'	Waiver
3.3.1	Pavement Width	24'	Varies, 12'±	20'	Waiver
3.3.1	Street Slope	>0.7% and <8%	0% - 9%	>0.7% and <8%	Yes
3.3.1	Street slope at Intersection	1% for 50'	2.6%	2.6%	Waiver
3.3.3	Radius at Intersection	20'	Existing	Existing	Waiver
3.3.3	Minimum Centerline Radius	100'	>100'	>100'	Yes
3.3.4	Intersection angle	90 degrees	90 Degrees	90 Degrees	Yes
3.3.5	Dead End Street	Max. Length = 1200'	640'±	981'	Yes
3.3.5	Cul-De-Sac	60' Radius	None	60'	Yes
3.3.6	Curbing	Granite or Bituminous	None	Bituminous	Waiver
3.3.8	Granite bounds	As required in 3.3.8	None	As required	Yes
3.3.9	Street Signs	At street entrance	None	Yes	Yes
3.3.11	Sewer	Connect to sewer	No. Septic	Yes	Yes
3.3.12	Water	Connect to water	Yes	Yes	Yes
3.3.13	Storm Drainage	Provide Storm drainage	None	To be provided on individual building lots	Yes
3.3.14	Power cable etc	Place underground	Placed underground	Placed underground	Yes
3.3.15	Trees	Endeavor to save existing trees	Existing	Where possible	Yes
3.3.16	Sidewalks	One Side	None	None	Waiver
3.3.16	Standard Cross-Section	One side, 24' wide	None, Varies 12'±	None, 20' wide	Waiver
3.3.17	Fire Alarm	Connected to town fire circuit	None	None	NA
3.3.19	Sidewalk Ramps	ADA curb ramps	No Sidewalk	No Sidewalk	NA
And waivers of such other sections of the Needham Subdivision Regulations as may be required					

KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES, OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.

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NO PART OF THIS DOCUMENT MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING OR OTHERWISE, WITHOUT THE PRIOR WRITTEN PERMISSION OF KELLY ENGINEERING GROUP. ANY VIOLATIONS TO THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF KELLY ENGINEERING GROUP SHALL BE PROSECUTED TO THE MAXIMUM EXTENT OF THE LAW.

"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM 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.

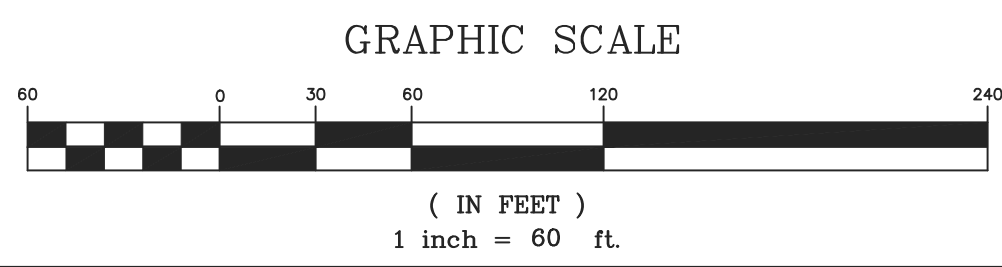
DATE _____ TOWN CLERK _____

SUBJECT TO A "SUBDIVISION COVENANT UNDER PROVISIONS OF GENERAL LAWS CHAPTER 41, SECTION 81-U" TO BE RECORDED HEREWITH.

SUBJECT TO A "DECLARATION OF RESTRICTIVE COVENANTS" TO BE RECORDED HEREWITH.

SUBJECT TO A "DECLARATION OF TRUST TO BE RECORDED HEREWITH.

SUBJECT TO A "DEFINITIVE SUBDIVISION DECISION TO BE RECORDED HEREWITH.



- PLAN REFERENCES
- 1.) "PLAN OF LAND IN NEEDHAM, MASS., PROPERTY OF GERTRUDE A. HUTCHINS, SCALE: 1"=40', OCTOBER 1, 1940", FILED AS PLAN 589 IN BOOK 2297, PAGE 501.
 - 2.) "PLAN OF LAND BELONGING TO MARY H. RUDDY AND CONSTANTINE HUTCHINS, JR. ACCORDING TO THE WILL OF GERTRUDE AMORY HUTCHINS, NEEDHAM, MASS., 1"=80', DECEMBER 3, 1979", FILED AS PLAN 1182 IN BOOK 5686, PAGE 363.
 - 3.) "PLAN OF LAND IN NEEDHAM, MASS. SCALE 1"=80', AUGUST 22, 2000", FILED AS PLAN 511 IN PLAN BOOK 478.
 - 4.) "PLAN OF LAND IN NEEDHAM, MASS., APRIL 7, 1982, 1"=60'", FILED AS 712 IN PLAN BOOK 298.
 - 5.) "PLAN OF WELLESLEY EXTENSION SEWER REPLACEMENT LAND TAKING PLAN IN NEEDHAM, TO BE TAKEN BY MASSACHUSETTS WATER RESOURCES WATER AUTHORITY, 1"=40', OCTOBER, 1993", FILED AS PLAN 149 OF 1994.
 - 6.) "PLAN OF WELLESLEY EXTENSION SEWER REPLACEMENT LAND TAKING PLAN NO. W.E.S.R.-2-7, 1"=40', SEPTEMBER 1987", FILED AS PLAN 214 OF 1989.
 - 7.) "PLAN OF LAND IN NEEDHAM, MA, 1"=40', JULY 22, 2002", FILED AS PLAN 5 IN PLAN BOOK 527.
 - 8.) "PLAN OF LAND OF HANNAH E. POND, 1"=100', OCTOBER 21, 1914", FILED AS PLAN 3664 IN PLAN BOOK 76.
 - 9.) "COMPILED PLAN OF LAND IN NEEDHAM, MASS., 1"=50', AUGUST 19, 1981", FILED AS PLAN 774 IN PLAN BOOK: 291.

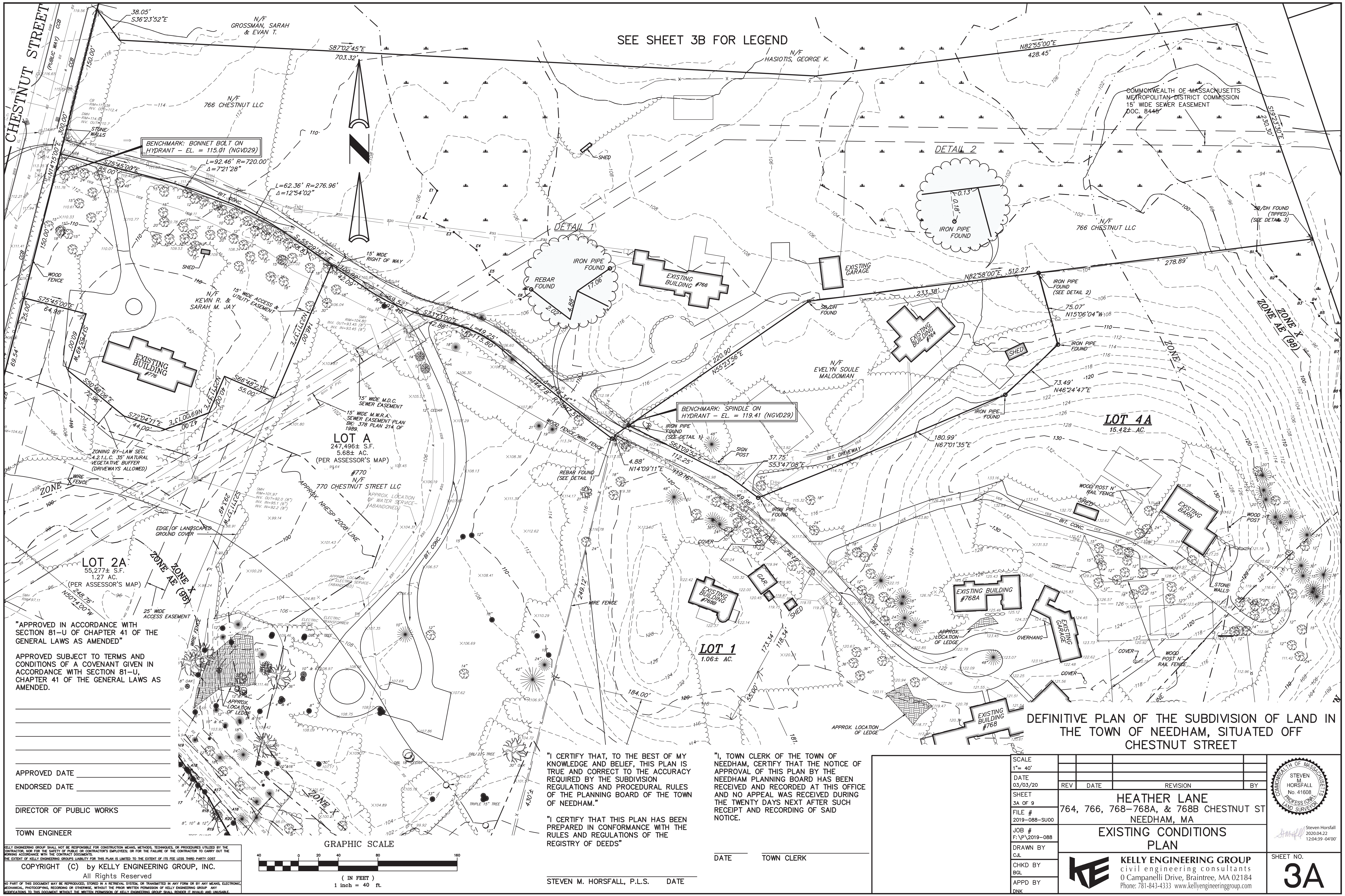
ZONING LEGEND			
ZONING DISTRICT: RURAL RESIDENCE CONSERVATION			
	REQUIRED	PROVIDED	COMPLIANCE
MIN. AREA	43,560 S.F. (1 ACRE)	1 ACRE	YES
MIN. FRONTAGE	150'	>150'	YES
MIN. LOT WIDTH	150'	>150'	YES
MIN. YARD -FRONT -SIDE -REAR	50'	>50'	YES
	25'	>25'	YES
	25'	>25'	YES
LOT COVERAGE	15%	<15%	YES
BUILD FACTOR	30 MAX.	<30	YES

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1"= 80'			
DATE 03/03/20	1. 07/07/20	PER PLANNING BOARD COMMENTS	
SHEET 2 OF 9	REV	DATE	REVISION
FILE # 2019-088-LT01	HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA		
JOB # F:\P\2019-088	KEY SHEET		
DRAWN BY CUL			
CHKD BY BGL			
APPD BY DNK			
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com		SHEET NO. 2	

DAVID NOEL KELLY
CIVIL
NO. 37942
PROFESSIONAL ENGINEER

Not Publicly signed by David Noel Kelly P.E.
P.E. - Kelly Engineering Group, Inc. only
email: david@kellyeng.com
c-03
Date: 2020.07.13
09:58:04 -0400



SEE SHEET 3B FOR LEGEND

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE _____

ENDORSED DATE _____

DIRECTOR OF PUBLIC WORKS _____

TOWN ENGINEER _____

"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 PLANNING BOARD OF THE TOWN OF NEEDHAM."

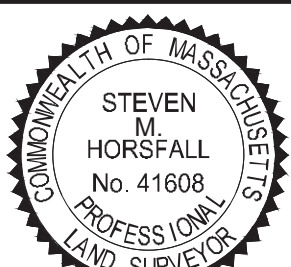
"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"

"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM 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 _____

STEVEN M. HORSFALL, P.L.S. DATE _____

SCALE 1" = 40'				
DATE 03/03/20	REV	DATE	REVISION	BY
SHEET 3A OF 9	HEATHER LANE			
FILE # 2019-088-SU00	764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA			
JOB # F:\P\2019-088	EXISTING CONDITIONS			
DRAWN BY C.J.L.	PLAN			
CHKD BY BGL	 KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			
APPD BY DNK				



STEVEN M. HORSFALL
No. 41608
PROFESSIONAL LAND SURVEYOR

Steven Horsfall
2020.04.22
12:04:39 -04'00'

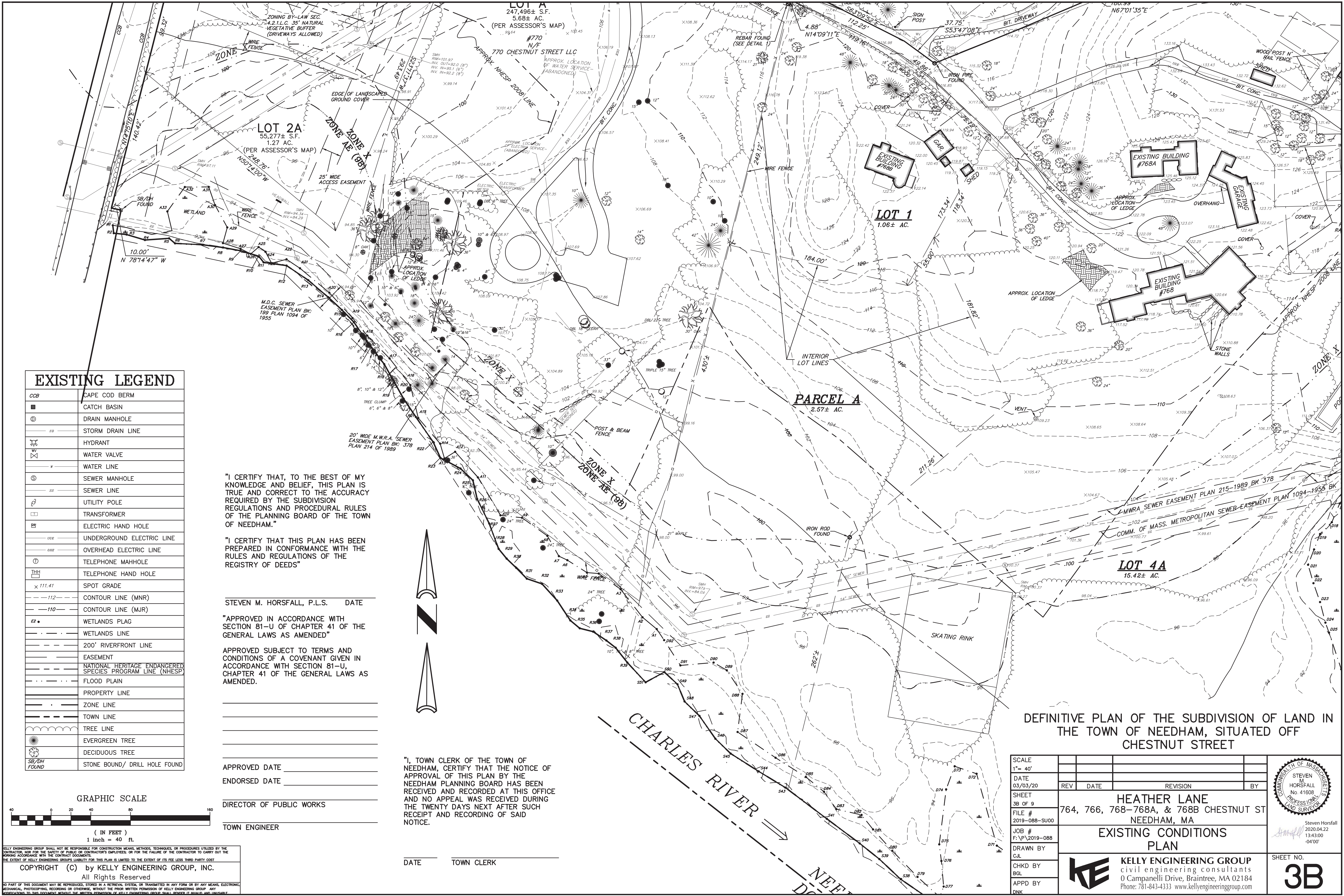
SHEET NO.
3A

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THE EXTENT OF KELLY ENGINEERING GROUP'S LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST

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EXISTING LEGEND

CCB	CAPE COD BERM
■	CATCH BASIN
⊙	DRAIN MANHOLE
SD	STORM DRAIN LINE
HY	HYDRANT
WV	WATER VALVE
W	WATER LINE
SM	SEWER MANHOLE
SS	SEWER LINE
UP	UTILITY POLE
TR	TRANSFORMER
EH	ELECTRIC HAND HOLE
UE	UNDERGROUND ELECTRIC LINE
OHE	OVERHEAD ELECTRIC LINE
TM	TELEPHONE MAHOLE
THH	TELEPHONE HAND HOLE
X 111.41	SPOT GRADE
112	CONTOUR LINE (MNR)
110	CONTOUR LINE (MJR)
EZ	WETLANDS PLAG
W	WETLANDS LINE
200'	200' RIVERFRONT LINE
E	EASEMENT
NHESP	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
F	FLOOD PLAN
P	PROPERTY LINE
Z	ZONE LINE
T	TOWN LINE
TR	TREE LINE
ET	EVERGREEN TREE
DT	DECIDUOUS TREE
SB/DH FOUND	STONE BOUND/ DRILL HOLE FOUND

"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 PLANNING BOARD OF THE TOWN OF NEEDHAM."

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"

STEVEN M. HORSFALL, P.L.S. DATE

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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE

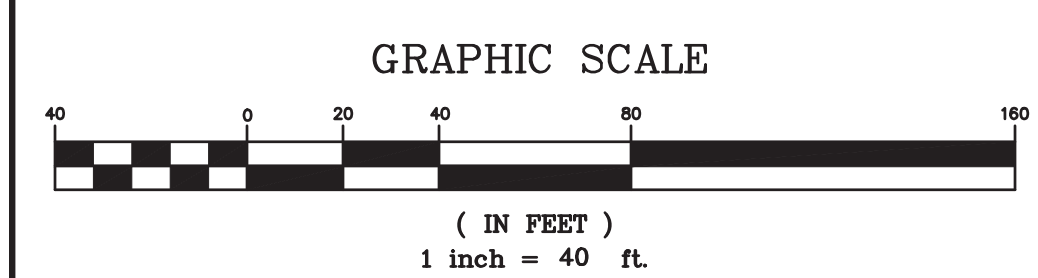
ENDORSED DATE

DIRECTOR OF PUBLIC WORKS

TOWN ENGINEER

"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM 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



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DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1" = 40'	REV	DATE	REVISION	BY
DATE 03/03/20				
SHEET 3B OF 9				
FILE # 2019-088-SU00	HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA			
JOB # F:\P\2019-088	EXISTING CONDITIONS PLAN			
DRAWN BY C/L	KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			
CHKD BY BGL				
APPD BY DNK				

STEVEN M. HORSFALL
No. 41608
PROFESSIONAL
LAND SURVEYOR

Steven Horsfall
2020.04.22
13:43:00
-04'00"

SHEET NO.
3B

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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE _____

ENDORSED DATE _____

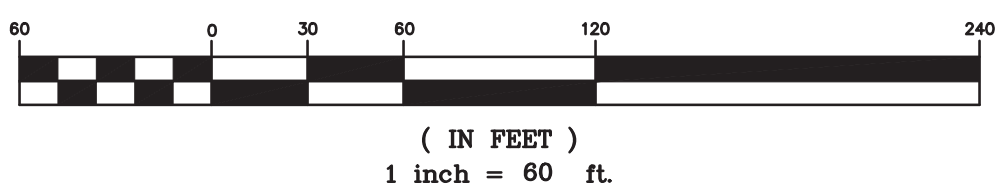
DIRECTOR OF PUBLIC WORKS _____

TOWN ENGINEER _____

"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM 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 _____

GRAPHIC SCALE



KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES; OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.
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SEE SHEET 3B FOR LEGEND

"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 PLANNING BOARD OF THE TOWN OF NEEDHAM."

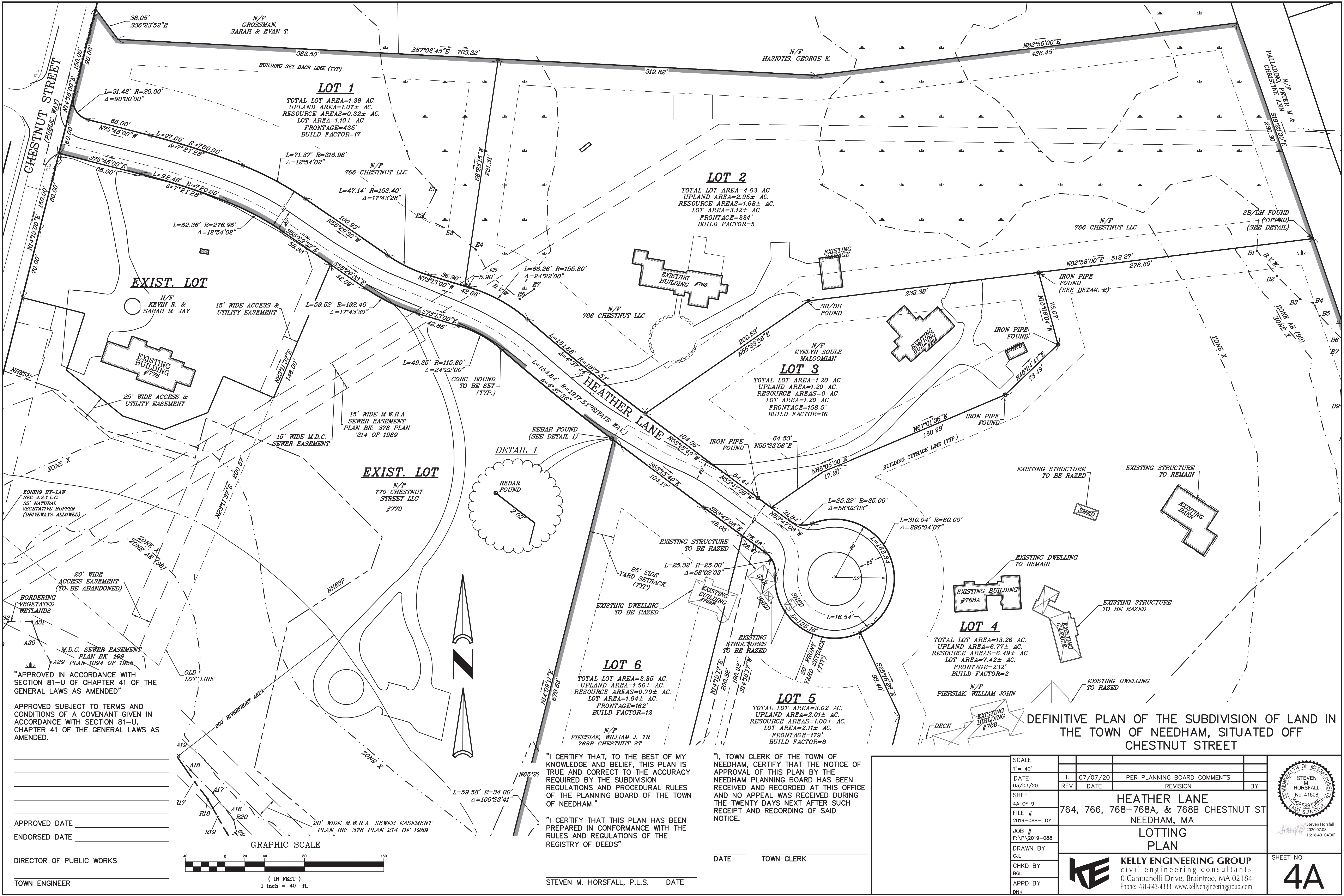
DAVID N. KELLY, P.E.

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1" = 60'				
DATE 03/03/20	REV	DATE	REVISION	BY
SHEET 3C OF 9	HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA			
FILE # 2019-088-SU00	EXISTING CONDITIONS PLAN			
JOB # F:\P\2019-088	DRAWN BY CUL			
CHKD BY BGL	KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			
APPD BY DNK	SHEET NO. 3C			



Steven Horsfall
2020.04.22
12:05:35 -04'00'



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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE _____

ENDORSED DATE _____

DIRECTOR OF PUBLIC WORKS _____

TOWN ENGINEER _____

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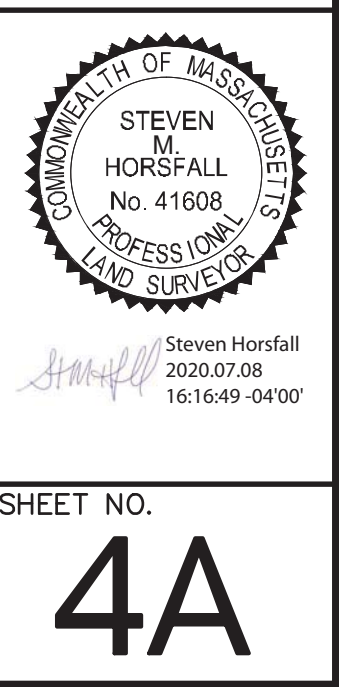
"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"

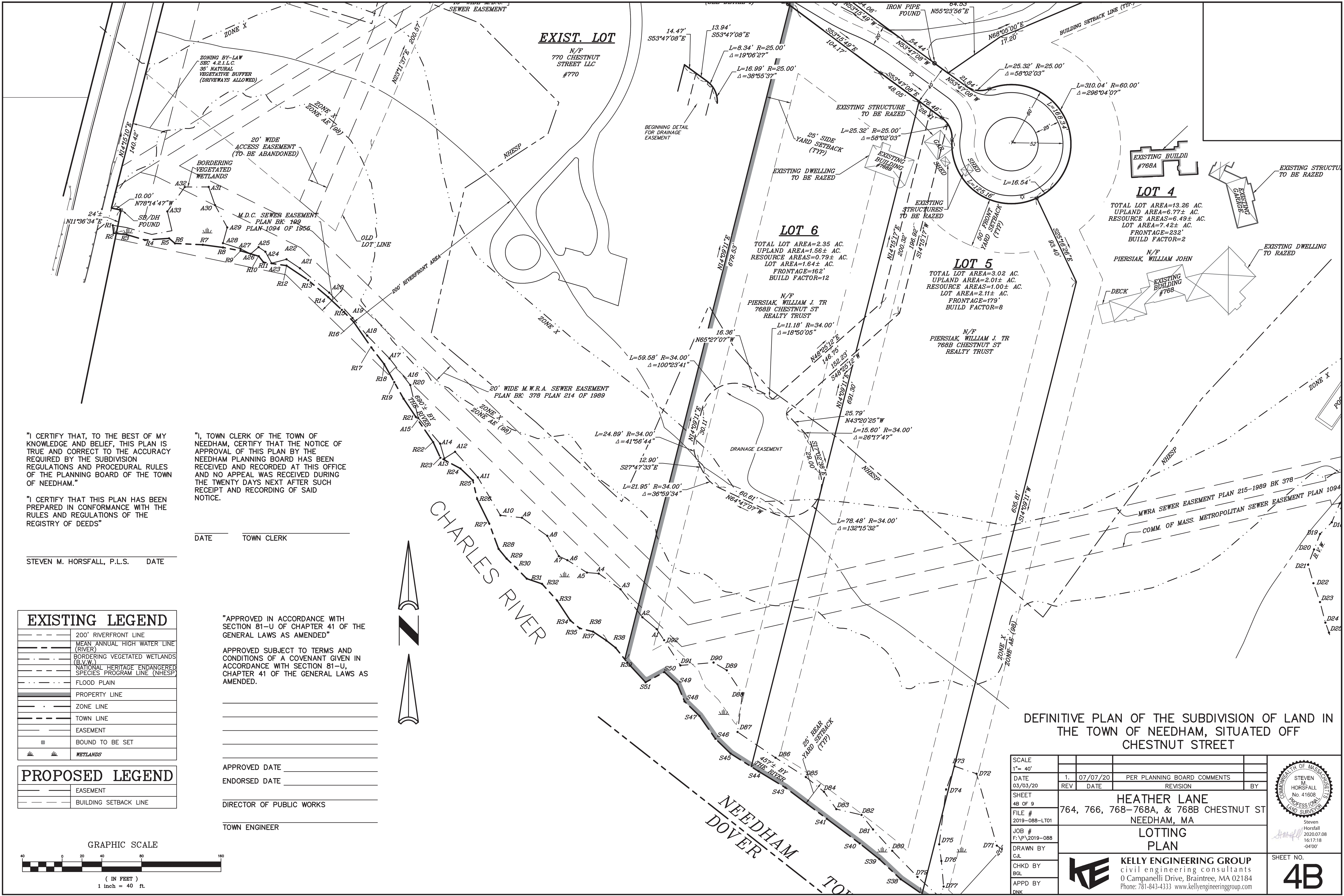
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DATE _____ TOWN CLERK _____

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1"= 40'	1. 07/07/20	PER PLANNING BOARD COMMENTS	
DATE 03/03/20	REV	DATE	BY
SHEET 4A OF 9	HEATHER LANE		
FILE # 2019-088-LT01	764, 766, 768-768A, & 768B CHESTNUT ST		
JOB # F:\P\2019-088	NEEDHAM, MA		
DRAWN BY C.L.	LOTING PLAN		
CHKD BY BGL	KELLY ENGINEERING GROUP		
APPD BY DNK	civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com		
SHEET NO.			4A





"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 PLANNING BOARD OF THE TOWN OF NEEDHAM."

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STEVEN M. HORSFALL, P.L.S. DATE

EXISTING LEGEND	
	200' RIVERFRONT LINE
	MEAN ANNUAL HIGH WATER LINE (RIVER)
	BORDERING VEGETATED WETLANDS (B.V.W.)
	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
	FLOOD PLAIN
	PROPERTY LINE
	ZONE LINE
	TOWN LINE
	EASEMENT
	BOUND TO BE SET
	WETLANDS

PROPOSED LEGEND	
	EASEMENT
	BUILDING SETBACK LINE

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

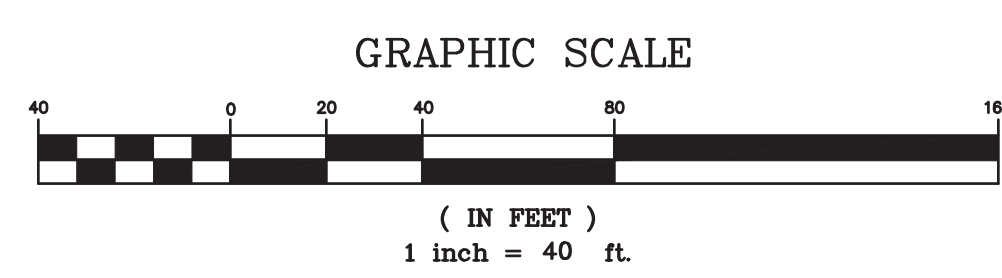
APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE

ENDORSED DATE

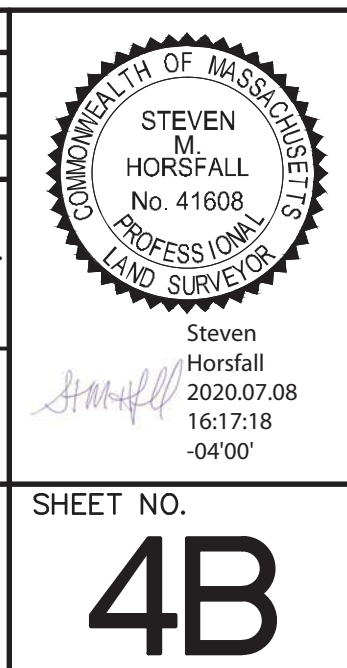
DIRECTOR OF PUBLIC WORKS

TOWN ENGINEER



DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1" = 40'	1. 07/07/20	PER PLANNING BOARD COMMENTS	
DATE 03/03/20	REV	DATE	BY
SHEET 4B OF 9			
FILE # 2019-088-LT01			
JOB # F:\P\2019-088			
DRAWN BY C.L.			
CHKD BY BGL			
APPD BY DNK			
HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA		LOTING PLAN	
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com		SHEET NO. 4B	



	200' RIVERFRONT LINE
	MEAN ANNUAL HIGH WATER LINE (RIVER)
	BORDERING VEGETATED WETLANDS (B.V.W.)
	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
	FLOOD PLAIN
	PROPERTY LINE
	ZONE LINE
	TOWN LINE
	EASEMENT
	BOUND TO BE SET
	WETLANDS

_____	EASEMENT
_____	BUILDING SETBACK LINE

APPROVED SUBJECT TO TERMS AND
CONDITIONS OF A COVENANT GIVEN IN
ACCORDANCE WITH SECTION 81-U,
CHAPTER 41 OF THE GENERAL LAWS AS
AMENDED.

ENDORSED DATE _____

TOWN ENGINEER

"I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMANCE WITH THE
RULES AND REGULATIONS OF THE
REGISTRY OF DEEDS"

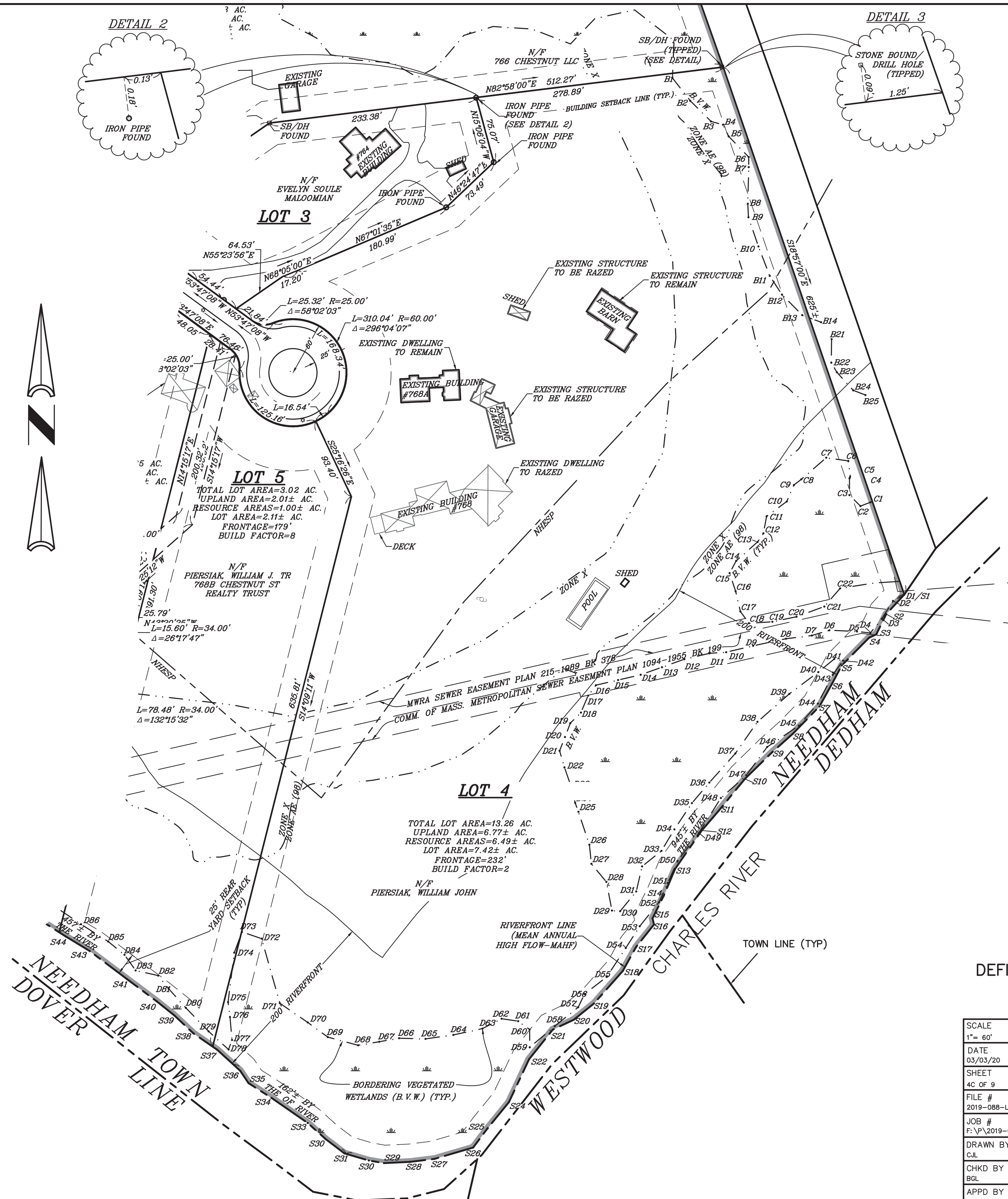
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GRAPHIC SCALE

0 0 30 60 120 240



(IN FEET)
1 inch = 60 ft.



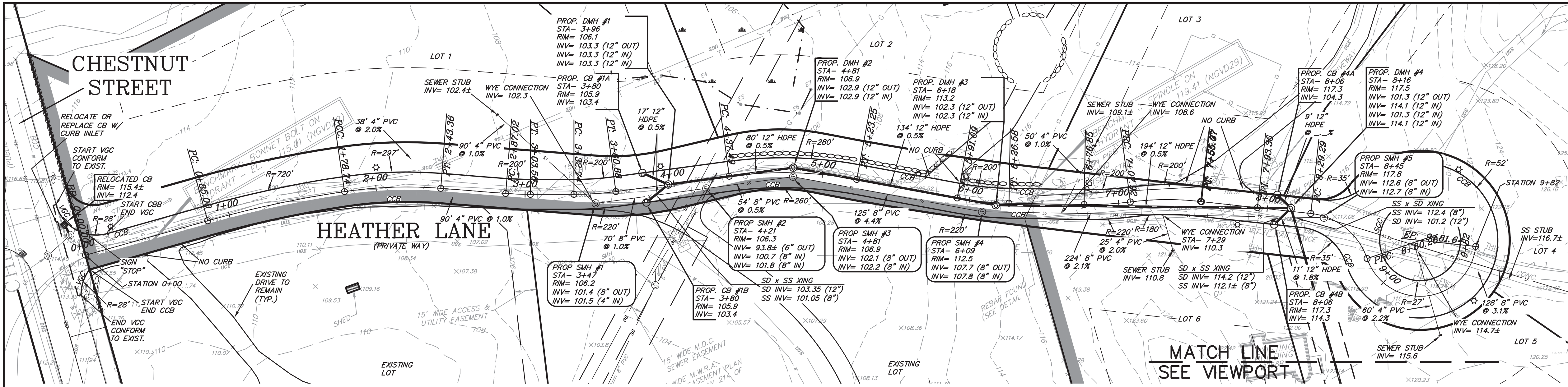
SCALE 1"= 60'			
DATE 03/03/20	1.	07/07/20	PER PLANNING BOARD COMMENTS
	REV	DATE	REVISION
			BY
SHEET 4C OF 9	HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA		
FILE # 2019-088-LT01	LOTING PLAN		
JOB # F:\P\2019-088	 KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 811-843-4333 www.kellyengineeringgroup.com		
DRAWN BY CUL			
CHKD BY BGL			
APPD BY			



Steven Horsfall
2020.07.08
16:17:45 -04'00'

SHEET NO.

4C



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

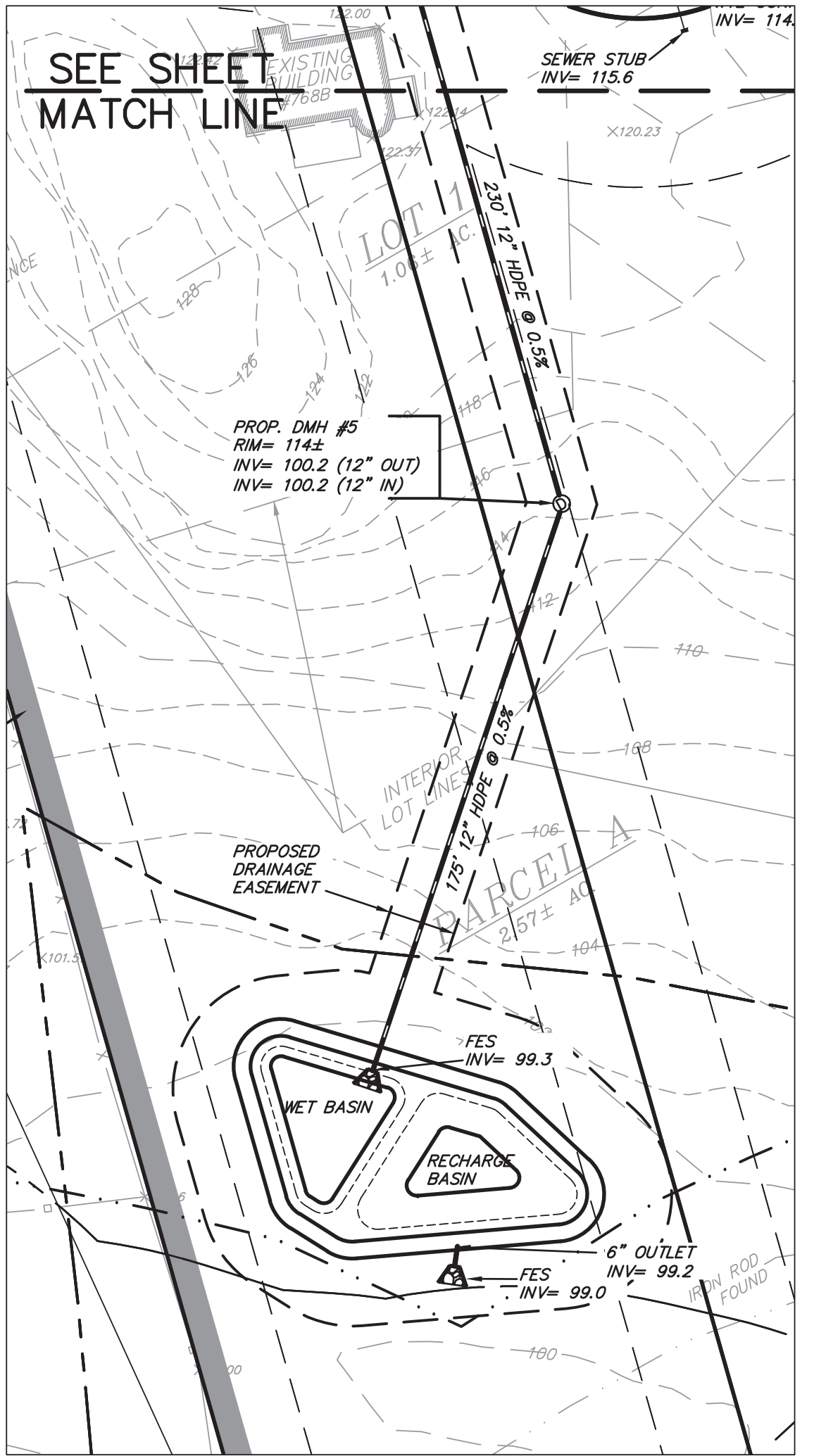
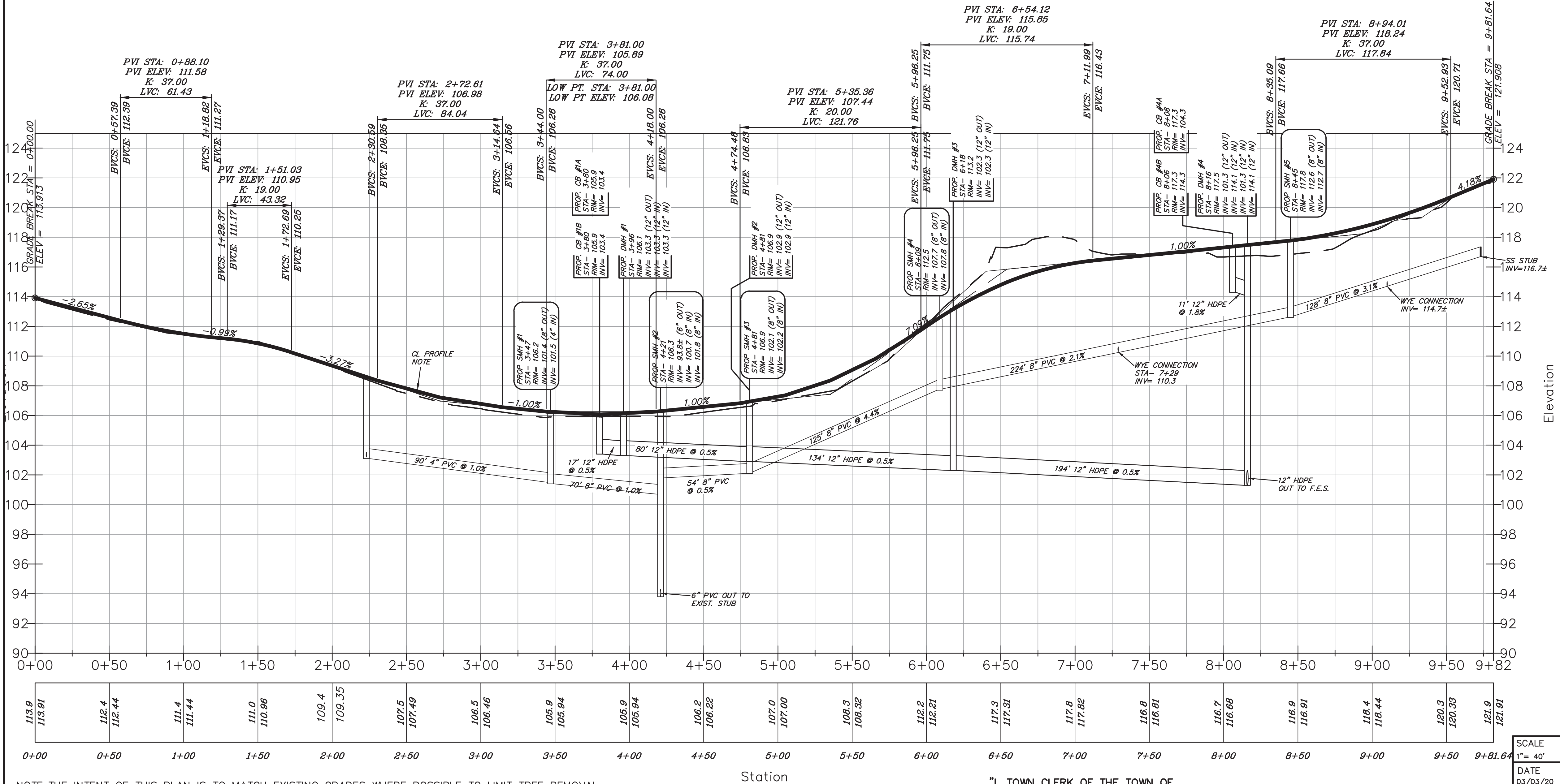
APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE _____

ENDORSED DATE _____

DIRECTOR OF PUBLIC WORKS _____

TOWN ENGINEER _____



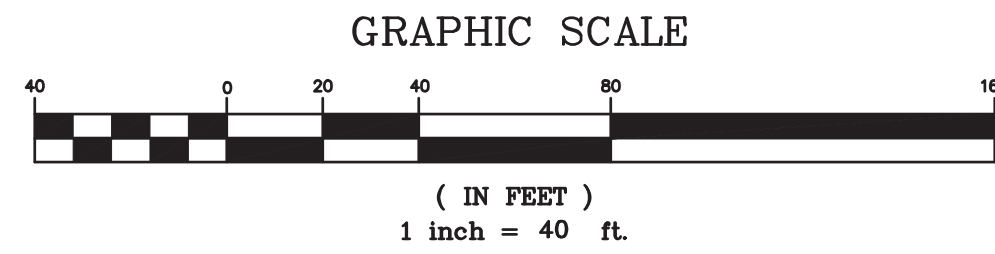
DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

NOTE: THE INTENT OF THIS PLAN IS TO MATCH EXISTING GRADES WHERE POSSIBLE TO LIMIT TREE REMOVAL AND GRADING THE PRIMARY CHANGES TO GRADE OCCUR BETWEEN STA. 2+00 AND 5+00 TO ELIMINATE A FLAT AREA. STA. 5+75 AND 7+25 TO ELIMINATE A CREST AND STA. 7+25 AND 9+25 TO ELIMINATE A LOW POND.

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Heather Lane PROFILE

1" = 40' H
1" = 4' V

SEE SHEET 6 FOR PROPOSED LEGEND & 3B FOR EXISTING LEGEND

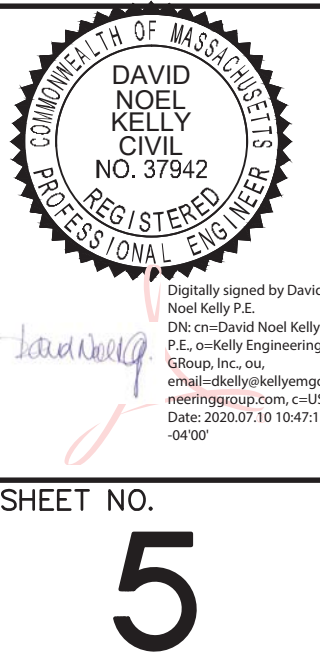
"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

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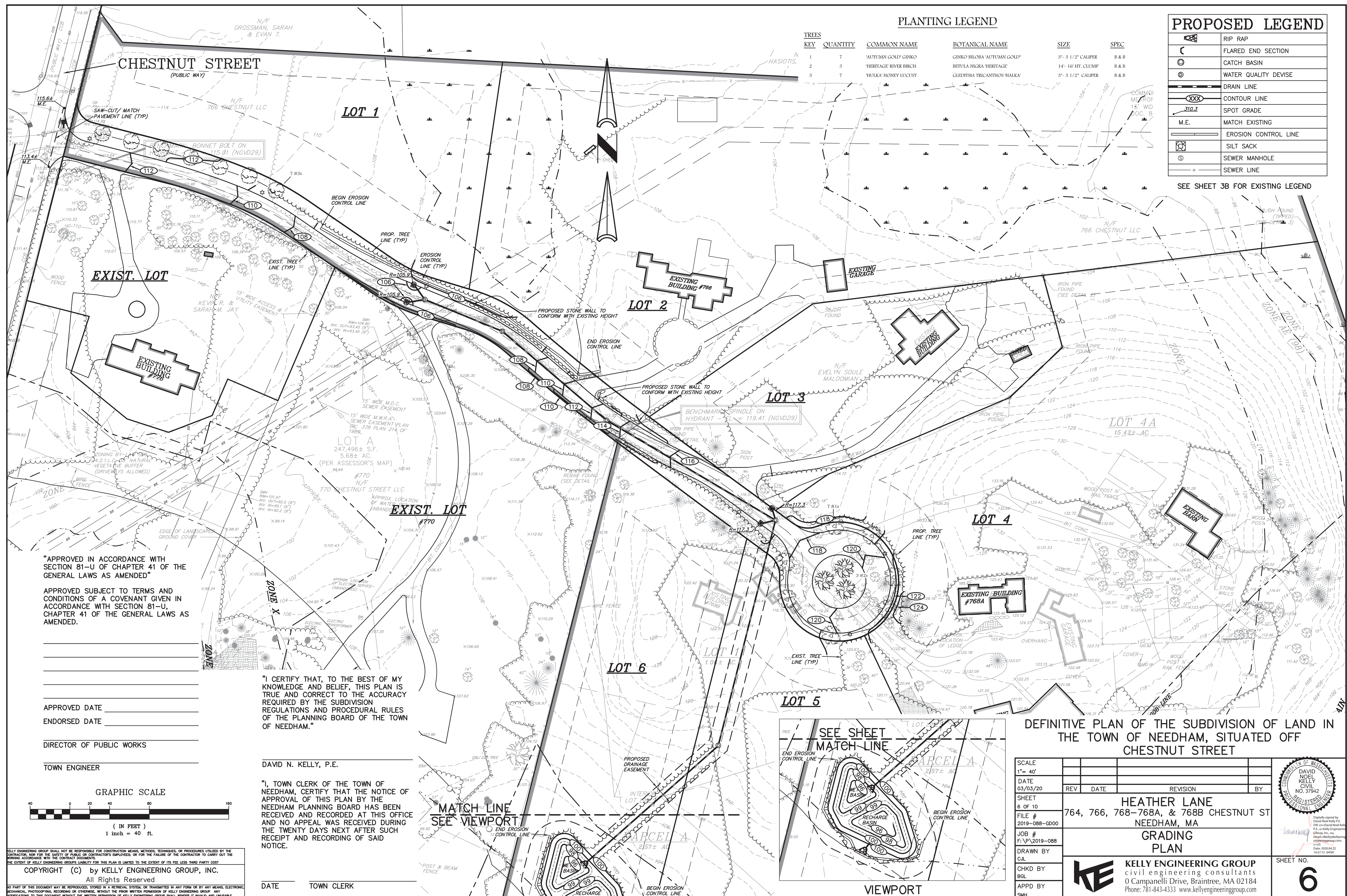
DATE _____ TOWN CLERK _____

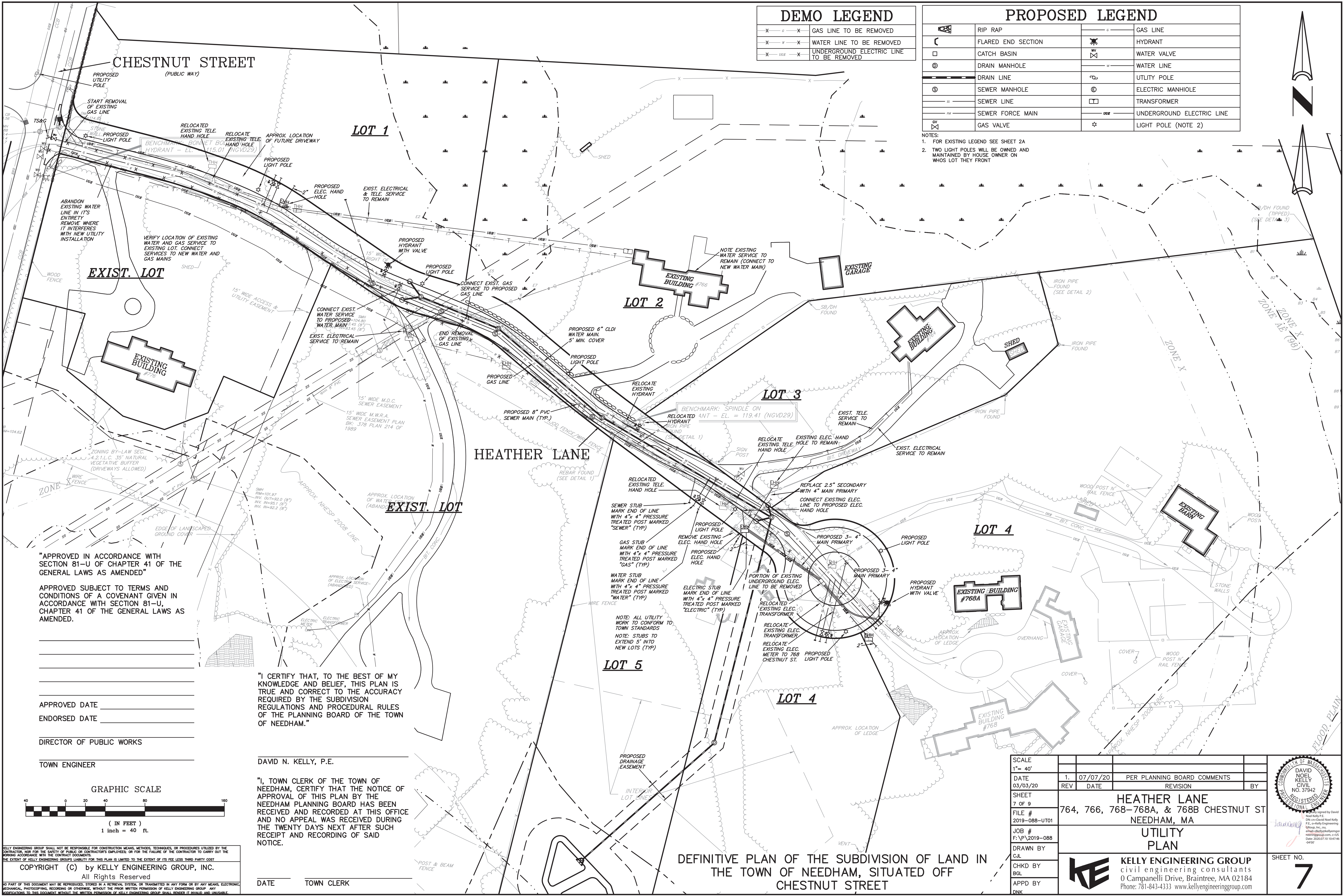
DAVID N. KELLY, P.E.

SCALE	1" = 40'
DATE	03/03/20
REV	1. 07/07/20
DATE	PER PLANNING BOARD COMMENTS
REVISION	BY
SHEET	5 OF 10
FILE #	2019-088-PP00
JOB #	F:\P\2019-088
DRAWN BY	C.L.
CHKD BY	BGL
APPD BY	DNK
HEATHER LANE	764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA
PLAN & PROFILE	HEATHER LANE
KELLY ENGINEERING GROUP	civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com



SHEET NO. 5





DEMO LEGEND	
	GAS LINE TO BE REMOVED
	WATER LINE TO BE REMOVED
	UNDERGROUND ELECTRIC LINE TO BE REMOVED

PROPOSED LEGEND	
	RIP RAP
	FLARED END SECTION
	CATCH BASIN
	DRAIN MANHOLE
	DRAIN LINE
	SEWER MANHOLE
	SEWER LINE
	SEWER FORCE MAIN
	GAS VALVE
	GAS LINE
	HYDRANT
	WATER VALVE
	WATER LINE
	UTILITY POLE
	ELECTRIC MANHOLE
	TRANSFORMER
	UNDERGROUND ELECTRIC LINE
	LIGHT POLE (NOTE 2)

NOTES:
1. FOR EXISTING LEGEND SEE SHEET 2A
2. TWO LIGHT POLES WILL BE OWNED AND MAINTAINED BY HOUSE OWNER ON WHOS LOT THEY FRONT

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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

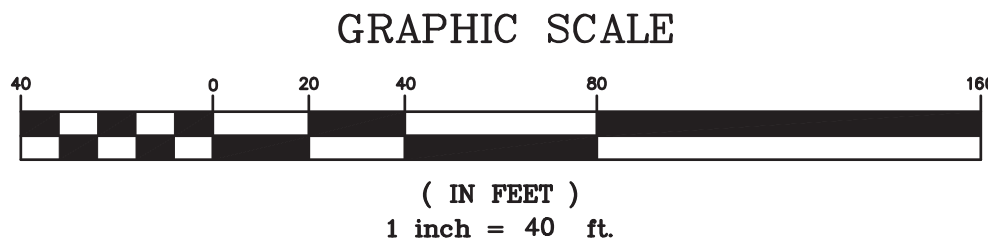
APPROVED DATE _____
ENDORSED DATE _____
DIRECTOR OF PUBLIC WORKS _____
TOWN ENGINEER _____

"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 PLANNING BOARD OF THE TOWN OF NEEDHAM."

DAVID N. KELLY, P.E.

"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM 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 _____

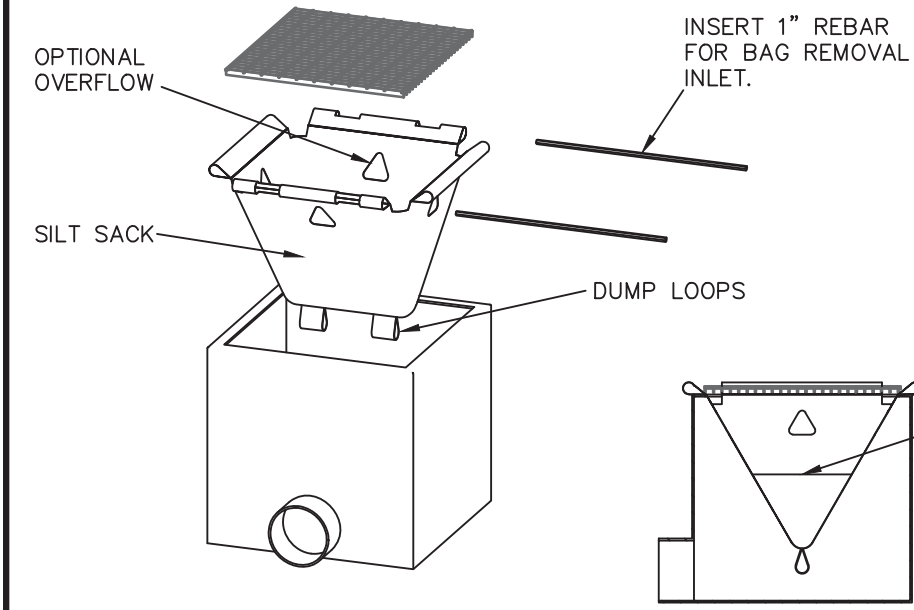


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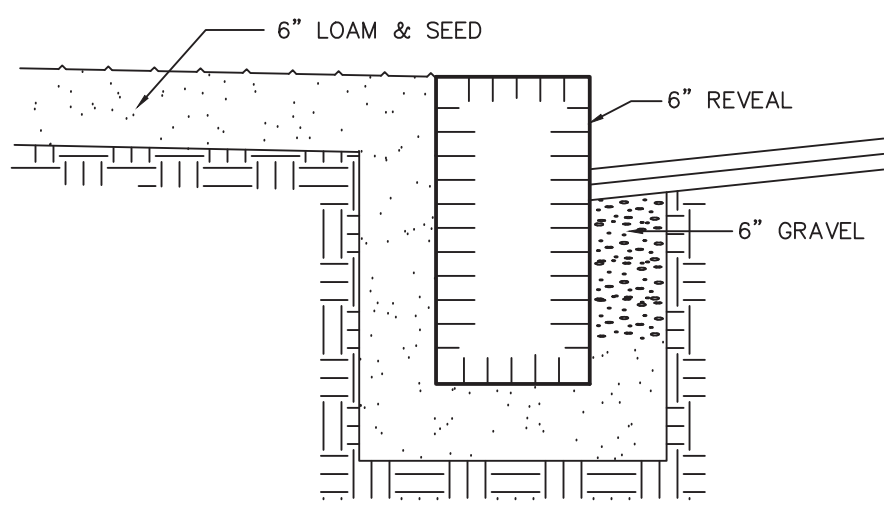
DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1" = 40'	DATE 03/03/20	REV 1.	DATE 07/07/20	PER PLANNING BOARD COMMENTS
SHEET 7 OF 9	FILE # 2019-088-UT01	JOB # F:\P\2019-088	DRAWN BY C/L	CHKD BY BGL
APPD BY DNK	HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA UTILITY PLAN			
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com				SHEET NO. 7





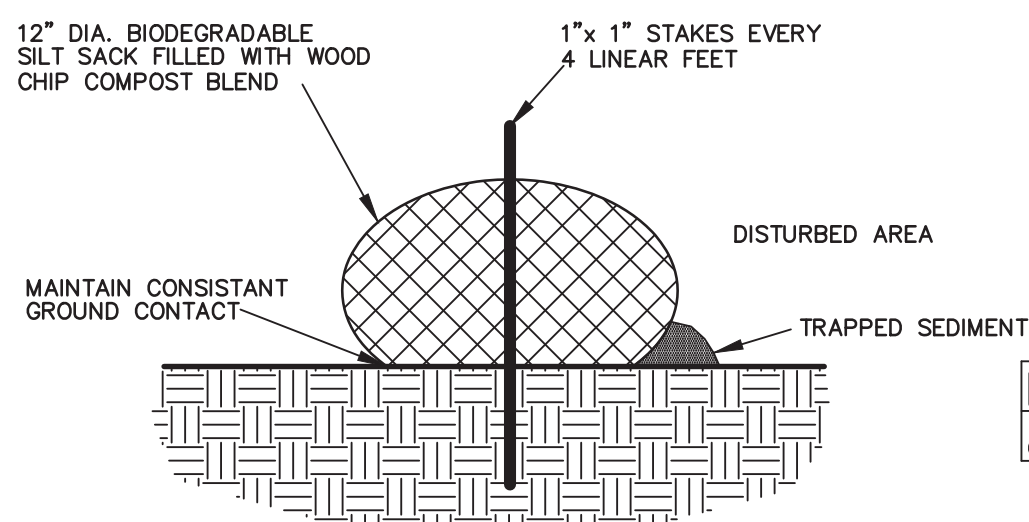
SILT SACK— TYPE A DETAIL
NOT TO SCALE KELLY ENGINEERING GROUP, INC. ©



NOTE: TO BE PLACED AT CORNER ROUNDINGS AT INTERSECTIONS.

GRANITE CURBING TO CONFORM TO VA.4 TYPE PER DEPT. OF PUBLIC WORKS, MASS. STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES. M6-03-1

VERTICAL GRANITE CURB DETAIL
NOT TO SCALE (VERT-GRANITE-CURB-DETAIL) KELLY ENGINEERING GROUP, INC. ©



SILT SOCK LINE DETAIL
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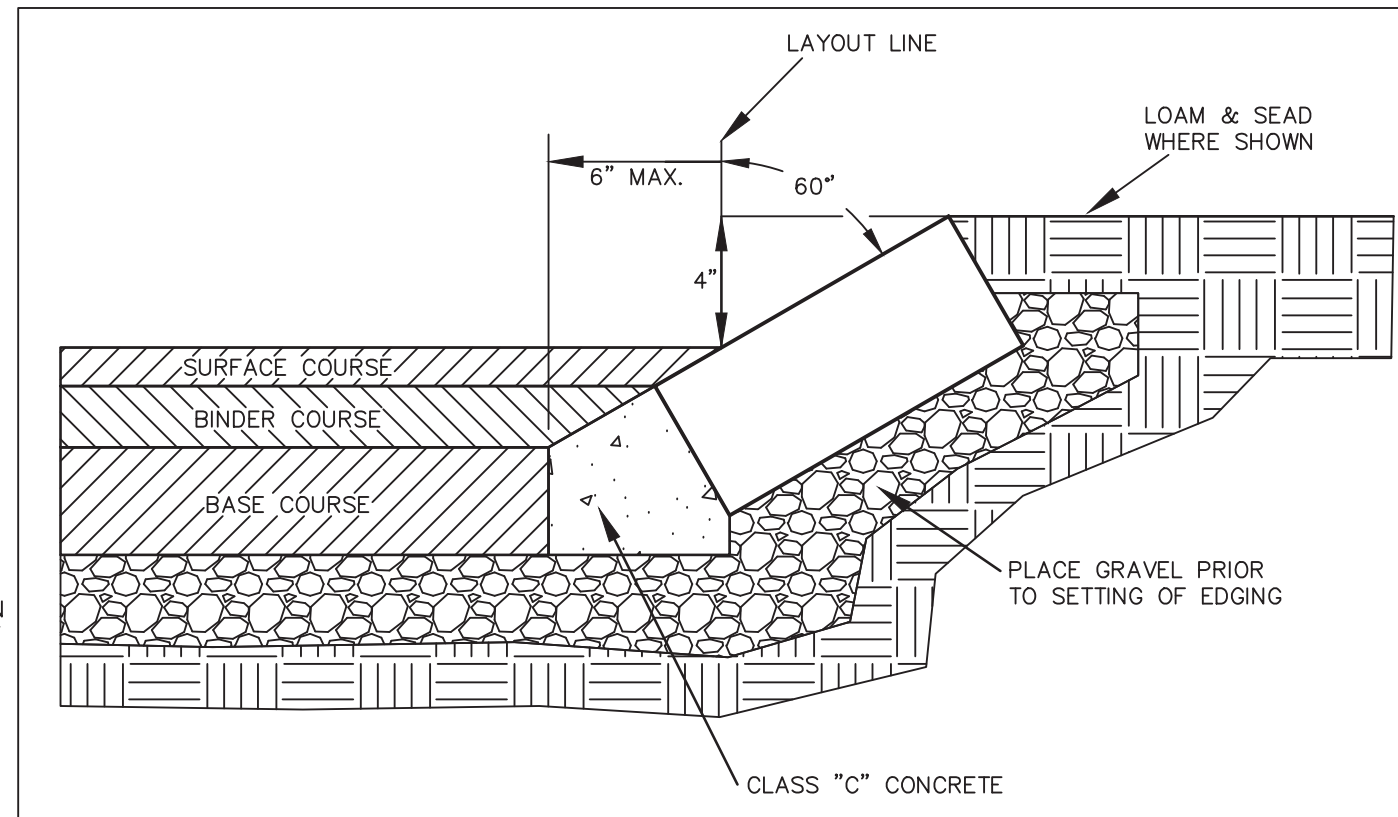
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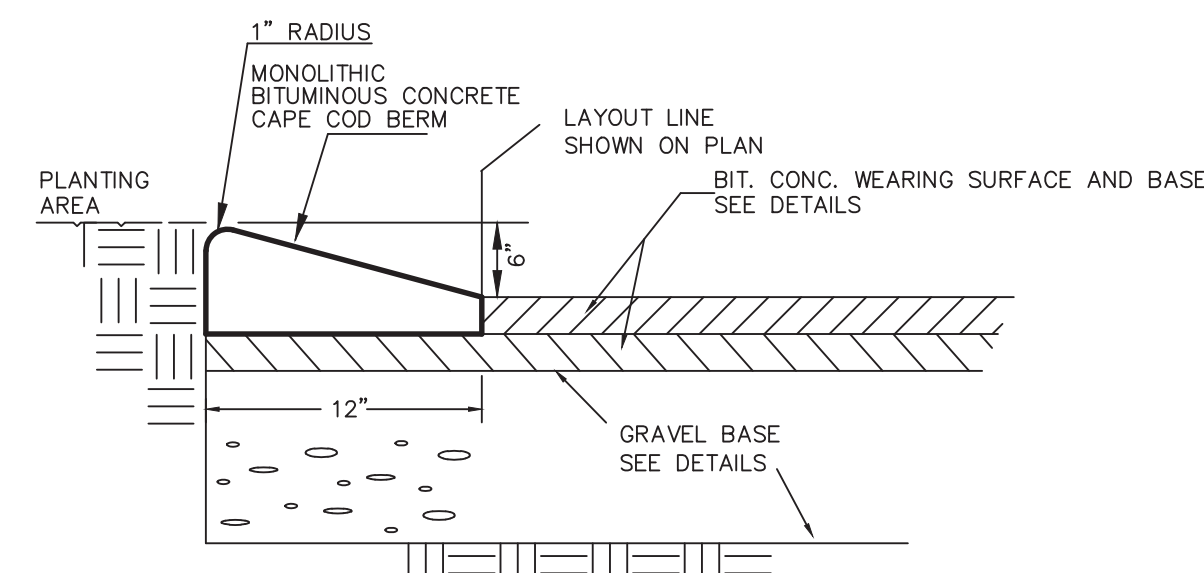
APPROVED DATE
ENDORSED DATE

DIRECTOR OF PUBLIC WORKS

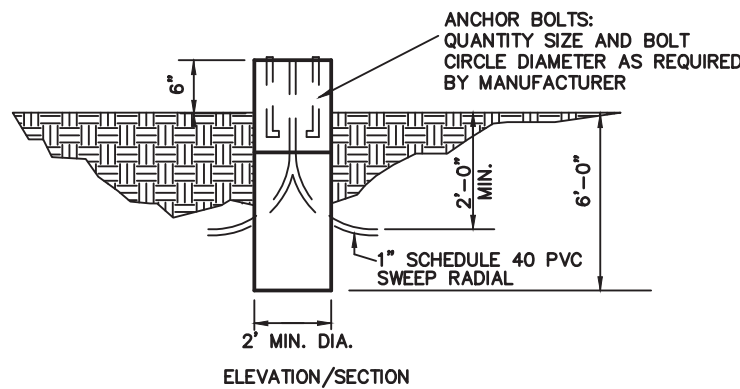
TOWN ENGINEER



SLOPE FACED GRANITE CURB DETAIL
NOT TO SCALE (SLOPE-GRANITE-CURB-DETAIL) KELLY ENGINEERING GROUP, INC. ©



CAPE COD BERM DETAIL
NOT TO SCALE (CAP COD BERM DETAIL) KELLY ENGINEERING GROUP, INC. ©



LIGHT POLE DETAIL (LANDSCAPED AREAS)
NOT TO SCALE (LIGHT-POLE-BASE-1) KELLY ENGINEERING GROUP, INC. ©

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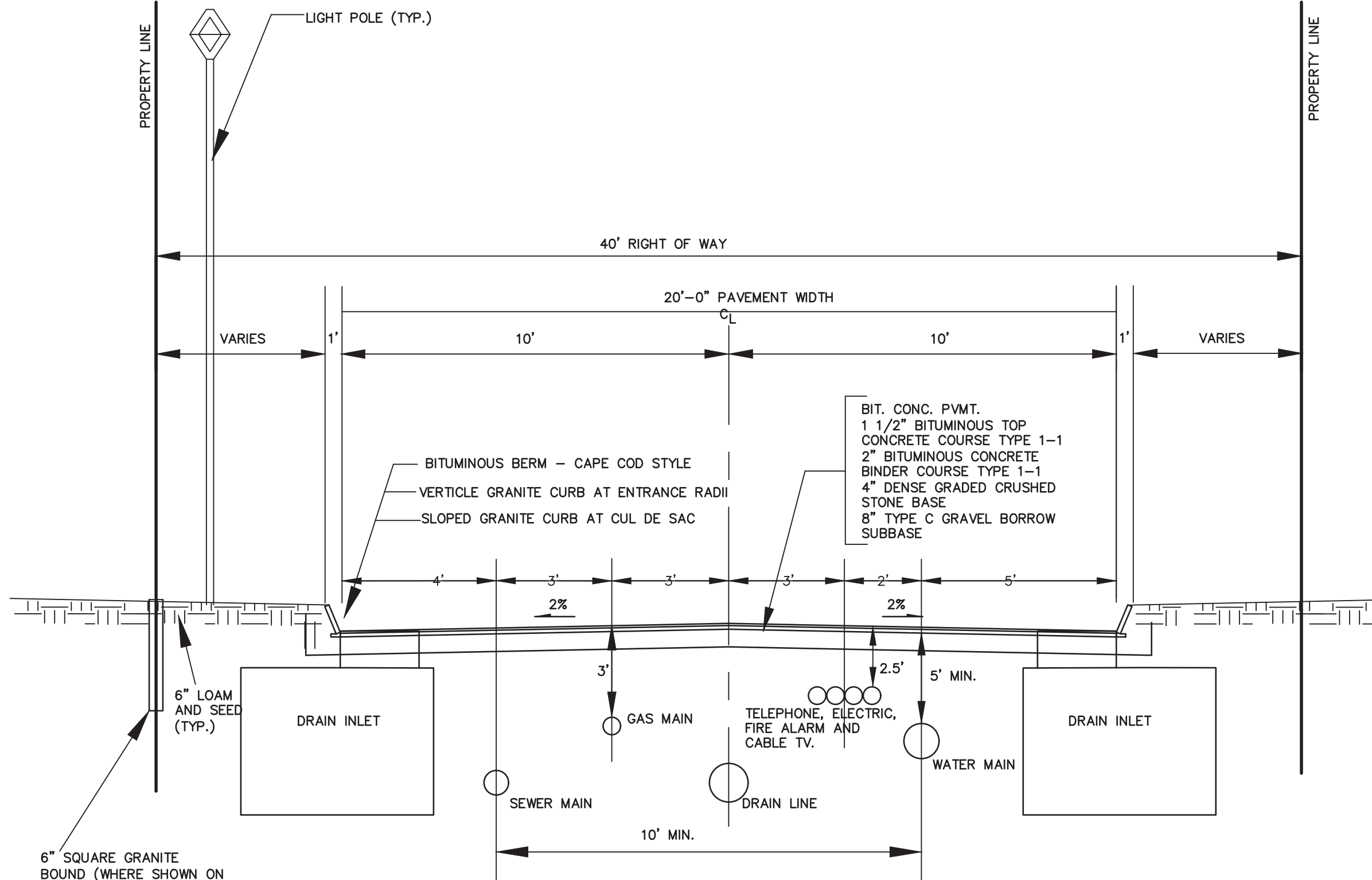
GRANDE JEFFERSON
8410WA-8432BP-8437IB-8438BP 8432RG-8432RS

Sitescape
SITE - ROADWAY - AREA LIGHTING

Specifications and features for the Grande Jefferson lighting fixture, including photometric data and ordering guide.

425 East Middle Street
Hanover, PA 17331
717-632-6464
hanoverlantern.com

Hanover
LANTERN
Handcrafted in America

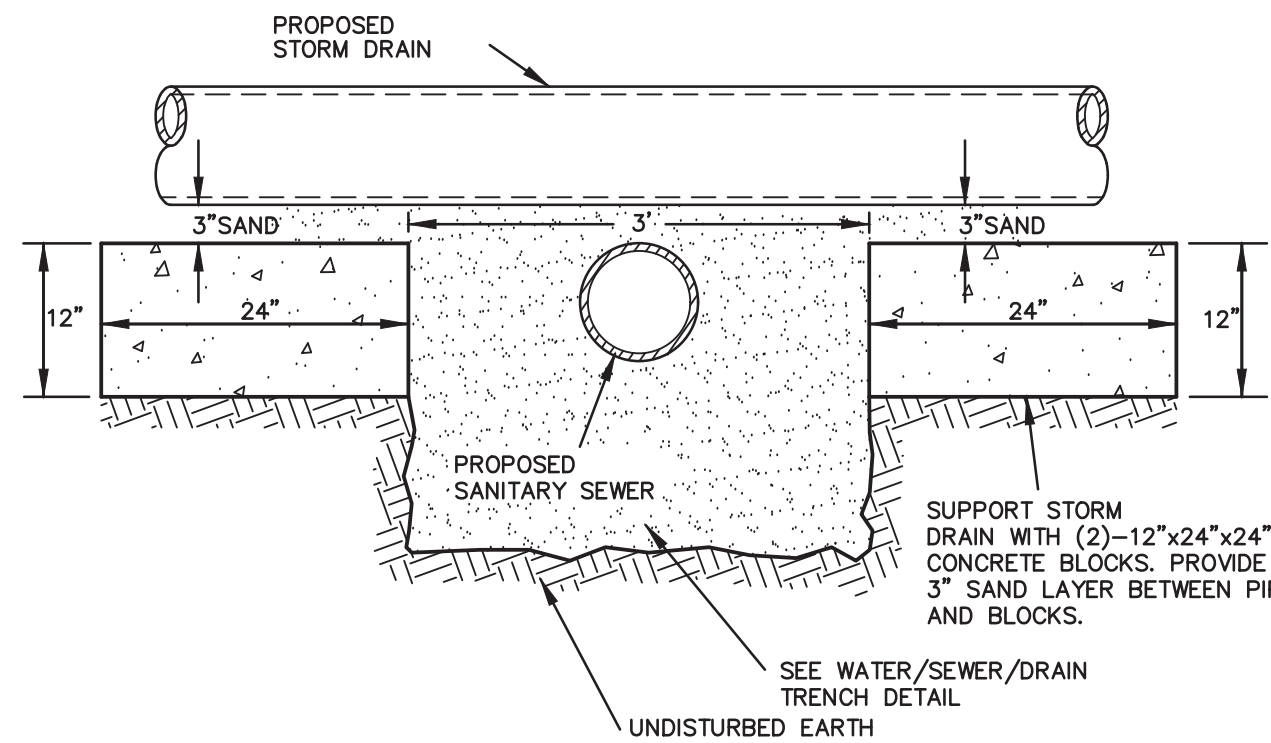


NOTE: FOR ACTUAL LOCATION OF UTILITIES SEE PLAN.

STREET CROSS SECTION
(STREET-CROSS-SECTION) NOT TO SCALE KELLY ENGINEERING GROUP, INC. ©

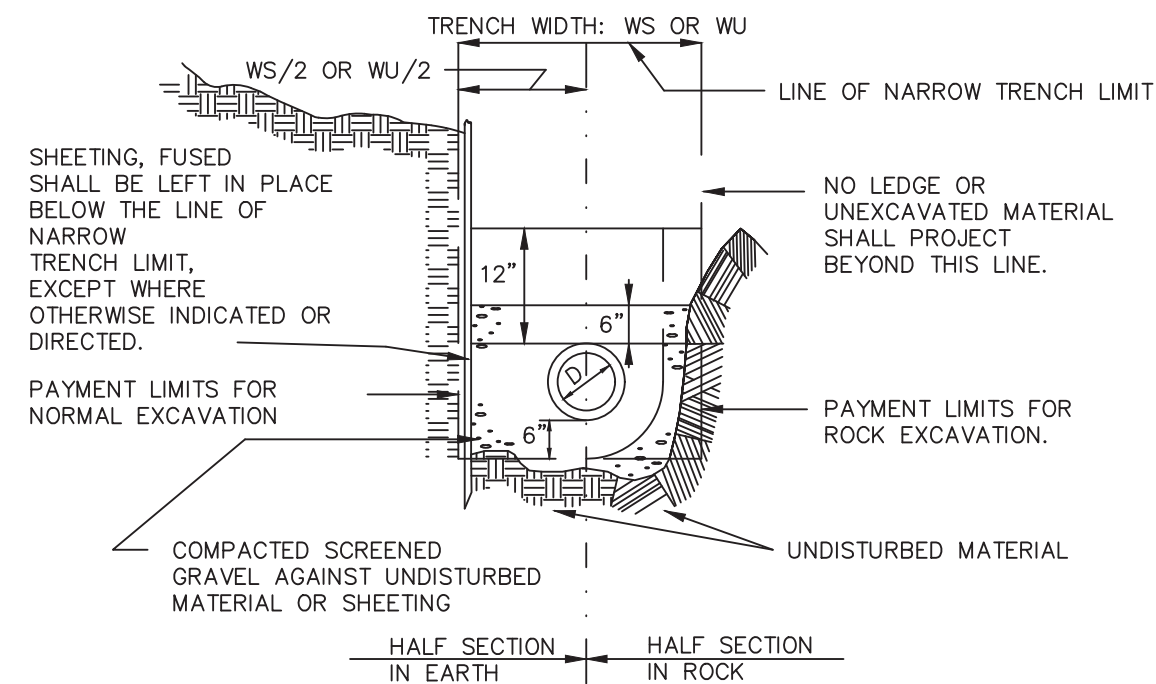
WATER DEPARTMENT NOTES

- ALL MAINS, VALVES AND APPURTENANCES INSTALLED MUST BE IN STRICT ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF THE TOWN OF NEEDHAM AND MEET THE APPROVAL OF THE WATER SUPERINTENDENT.
- SPECIFICATIONS FOR MATERIAL, EQUIPMENT AND INSTALLATION MUST BE APPROVED BY THE WATER SUPERINTENDENT AND THE TOWN CONSULTANT PRIOR TO THE START OF CONSTRUCTION.
- NO WATER MAIN MAY BE COVERED UNTIL THE WATER SUPERINTENDENT OR HIS REPRESENTATIVE HAS INSPECTED THE INSTALLATION AND GIVEN HIS APPROVAL.
- ALL INSTALLED PIPING SHALL BE TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF AWWA C600.
- A REPRESENTATIVE OF THE WATER DEPARTMENT SHALL WITNESS ALL REQUIRED TESTS AND INSPECTIONS.
- ALL NEW MAINS SHALL BE FLUSHED AT A VELOCITY TO BE SPECIFIED BY THE WATER DEPARTMENT BEFORE AND AFTER DISINFECTION.
- ALL WATER MAINS SHALL BE DISINFECTED IN ACCORDANCE WITH AWWA C651.
- ALL WATER MAINS SHALL BE LAID AT LEAST TEN (10) FEET HORIZONTALLY FROM ANY EXISTING OR PROPOSED SEWER. THE DISTANCE SHALL BE MEASURED EDGE TO EDGE.
- CHLORINATION TAPS MUST BE PROVIDED AT LOCATIONS TO BE SPECIFIED BY THE WATER SUPERINTENDENT.



DRAIN/ SEWER CROSSING DETAIL
NOT TO SCALE (DRAIN-SEWER-CROSSING) KELLY ENGINEERING GROUP, INC. ©

TRENCH WIDTH WS OR WU		
DIAM. OF PIPE	WU UNSHEETED	WS SHEETED
12" AND SMALLER	3'-0"	4'-2"
15" AND LARGER	O.D.+20"	O.D.+36"



WATER AND SEWER TRENCH SECTION
NOT TO SCALE (WTR&SEWER-TRENCH-SECTION) KELLY ENGINEERING GROUP, INC. ©

CONSTRUCTION NOTES

- THE CONTRACTOR SHALL REPORT TO THE OWNER AND ENGINEER OF ANY SIGNIFICANT VARIATIONS IN EXISTING SITE CONDITIONS FROM THOSE SHOWN ON THESE PLANS. ANY PROPOSED REVISIONS TO THE WORK, IF REQUIRED BY THESE SITE CONDITIONS, SHALL NOT BE UNDERTAKEN UNTIL REVIEWED AND APPROVED BY THE OWNER AND THE ENGINEER.
- THE CONTRACTOR SHALL NOTIFY THE TOWN OF NEEDHAM DEPARTMENT OF PUBLIC WORKS AT LEAST 48 HOURS IN ADVANCE OF ANY REQUIRED INSPECTIONS.
- IN ORDER TO PROTECT THE PUBLIC SAFETY DURING CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING AT ALL TIMES ALL NECESSARY SAFETY DEVICES AND PERSONNEL, WARNING LIGHTS, BARRICADES, AND POLICE OFFERS.
- ALL WORK SHALL CONFORM TO A DEFINITIVE SUBDIVISION APPROVAL TO BE ISSUED BY THE TOWN OF NEEDHAM PLANNING BOARD AND ORDER OF CONDITIONS BY TOWN OF NEEDHAM CONSERVATION COMMISSION.
- ALL WORK SHALL CONFORM TO AN ORDER OF CONDITION TO BE ISSUED BY THE TOWN OF NEEDHAM.
- THE LOCATION OF UNDERGROUND UTILITIES AS REPRESENTED ON THESE PLANS IS BASED UPON PLANS AND INFORMATION PROVIDED BY THE RESPECTIVE UTILITY COMPANIES OR MUNICIPAL DEPARTMENTS SUPPLEMENTED BY FIELD IDENTIFICATION WHEREVER POSSIBLE. NO WARRANTY IS MADE AS TO THE ACCURACY OF THESE LOCATIONS OR THAT ALL UNDERGROUND UTILITIES ARE SHOWN. THE CONTRACTOR SHALL CONTRACT DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION. DIG SAFE TELEPHONE NUMBER IS 1-888-344-7233.
- THE CONTRACTOR SHALL VERIFY THE LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO TAPPING INTO, CROSSING OR EXTENDING THEM. IF THE NEW WORK POSES A CONFLICT WITH EXISTING UTILITIES, THE ENGINEER SHALL BE NOTIFIED PRIOR TO THE CONTRACTOR CONTINUING.
- ALL WATER WORK SHALL COMPLY WITH SPECIFICATIONS OF THE TOWN OF NEEDHAM WATER DEPARTMENT. SEE F1-F9 NOTES BELOW.
- GRAVITY SEWER SHALL BE SDR 35. WATER LINES SHALL BE CONCRETE LINED CL 52 D.I.P. (DUCTILE IRON PIPE), REINFORCED CONCRETE PIPE RCP SHALL BE CLASS III. HDPE STORM DRAIN SHALL BE ADS N12 OR EQUIVALENT.
- NO LEDGE, BOULDERS, OR OTHER UNYIELDING MATERIALS ARE TO BE LEFT WITHIN 6" OF THE SEWER IN THE TRENCH, NOR ARE THEY TO BE USED FOR BACKFILL FOR THE FIRST 12" ABOVE THE PIPES.
- BASE MATERIAL SHALL BE CLEAN BANK RUN GRAVEL, CONFORMING TO M.D.P.W. M1.03.1, WITH NO STONES LARGER THAN THREE (3) INCHES IN DIAMETER AND SHALL BE PLACED AND ROLLED WITH AT LEAST A TEN TON ROLLER. THE SURFACES SHALL BE WET DURING ROLLING TO BIND THE MATERIAL. ALL STONES OF 4" DIAMETER OR LARGER SHALL BE REMOVED FROM THE SUB-BASE PRIOR TO PLACING BASE MATERIAL.
- PAVEMENT AREA SHALL BE PAVED TO A THICKNESS AS SHOWN ON THE PLANS MEASURED AFTER COMPACTION, WITH A BINDER COURSE AND TOP COURSE OF CLASS I BITUMINOUS CONCRETE PAVEMENT, TYPE 1-1.
- THE AGGREGATE SHALL BE COMPOSED, MIXED AND LAID HOT IN TWO COURSES AS SPECIFIED IN THE "COMMONWEALTH OF MASSACHUSETTS STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES", 1988 EDITION, SECTION 460 FOR CLASS I BITUMINOUS CONCRETE PAVEMENT, AS SPECIFICALLY SET FORTH IN SECTION 460.20 AND 460.82.
- ALL EXISTING PAVING TO BE DISTURBED SHALL BE CUT ALONG A STRAIGHT LINE THROUGH ITS ENTIRE THICKNESS, BUTT NEW PAVING INTO THE EXISTING PAVEMENT TO REMAIN AND TACK COAT THE JOINT.
- ANY PAVEMENT REMOVED FOR UTILITY TRENCH EXCAVATION OR OTHERWISE DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH A PAVEMENT SECTION CONSISTING OF 1 1/2" WEAR COURSE OVERLAYING A 2" BINDER COURSE OVERLAYING A 4" DENSE GRADED GRAVEL COURSE OVERLAYING A 8" COMPACTED GRAVEL BASE COURSE.

- ALL AREAS TO BE PLANTED WITH GRASS SHALL BE TREATED WITH 100 POUNDS OF GROUND LIMESTONE PER 1000 S.F. OF AREA PLANTED. ALL AREAS TO BE PLANTED WITH GRASS SHALL BE FERTILIZED WITH 10-10-10 AT THE RATE OF 1,000 POUNDS PER ACRE OR AS REQUIRED BY SOIL TEST. 40% OF THE NITROGEN SHALL BE ORGANIC FORM.
- ALL LANDSCAPED AREAS TO BE LOAMED AND SEEDED SHALL HAVE THE FOLLOWING MIX.

PERENNIAL RYE	25%
KENTUCKY BLUE	25%
CREEPING RED FESCUE OR PENNLAWN FESCUE	50%

SEED AT THE RATE OF 5#/1,000 S.F.
- ALL AREAS INDICATED TO BE LOAMED AND SEEDED SHALL HAVE A MINIMUM OF 4 INCHES OF TOPSOIL SPREAD EVENLY THROUGHOUT. PROVIDE EROSION CONTROL MEASURES AS NECESSARY TO PROVIDE SLOPE STABILITY UNTIL VEGETATION IS ESTABLISHED.

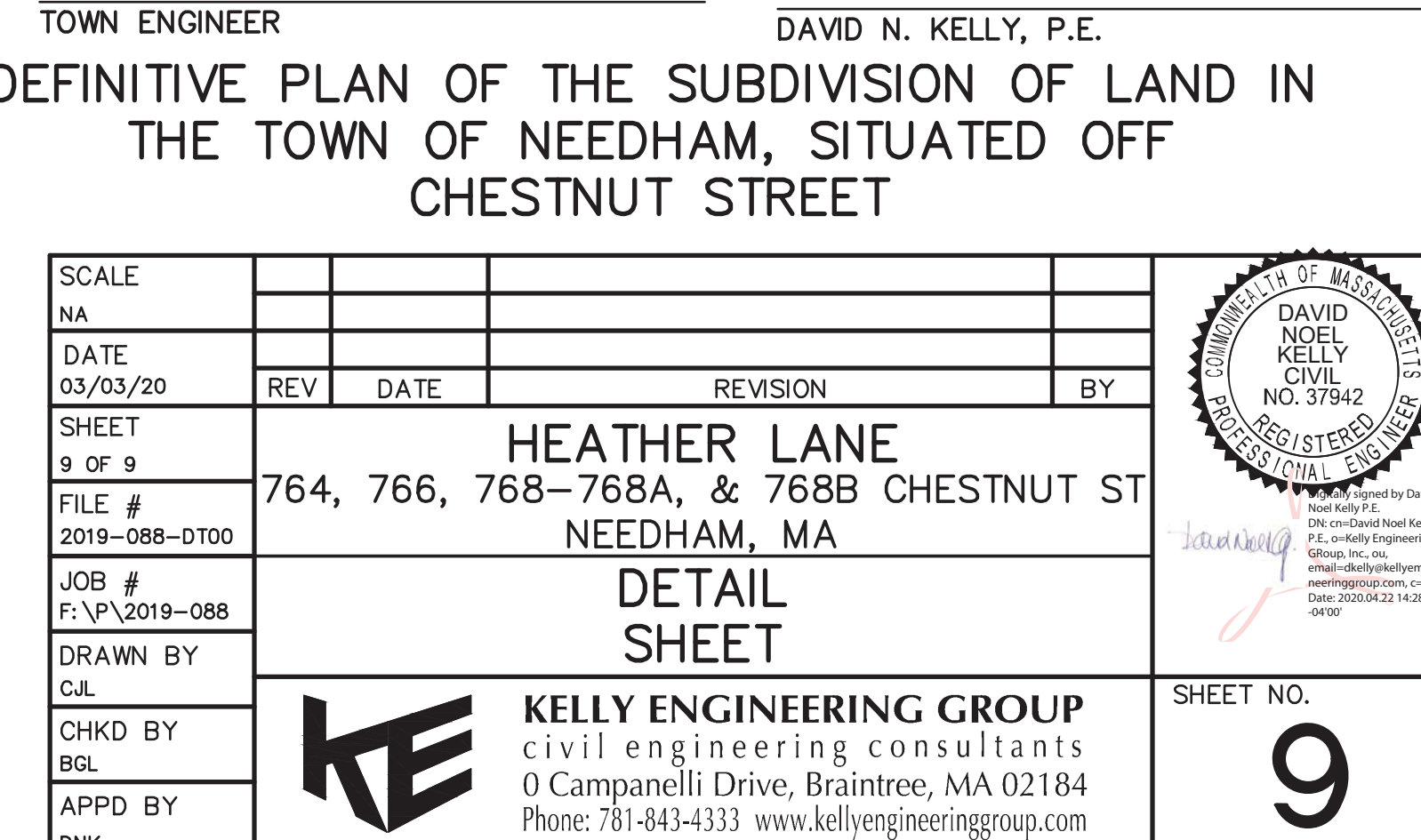
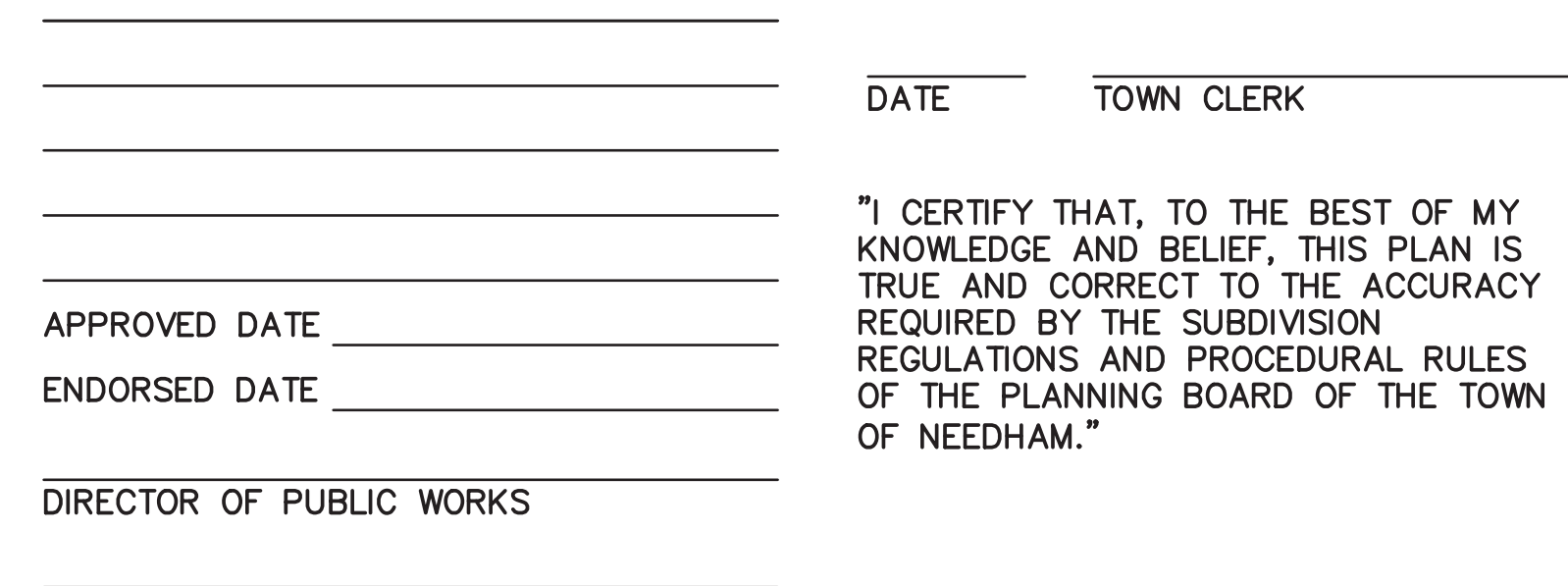
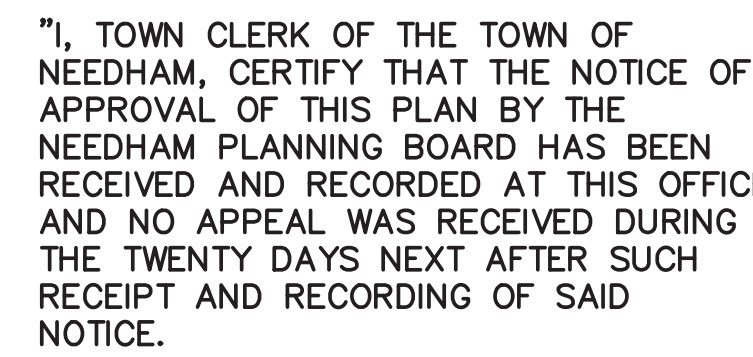
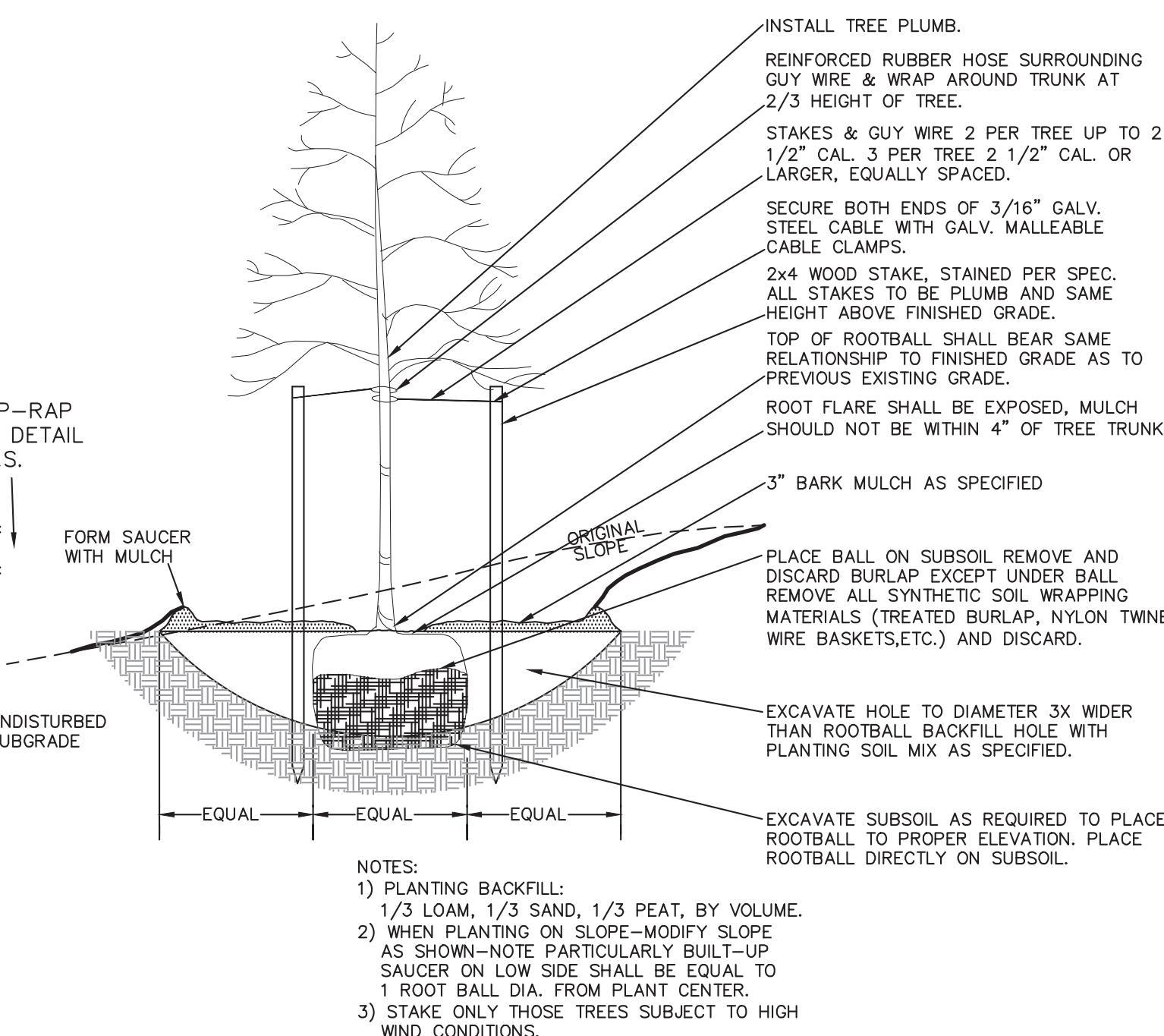
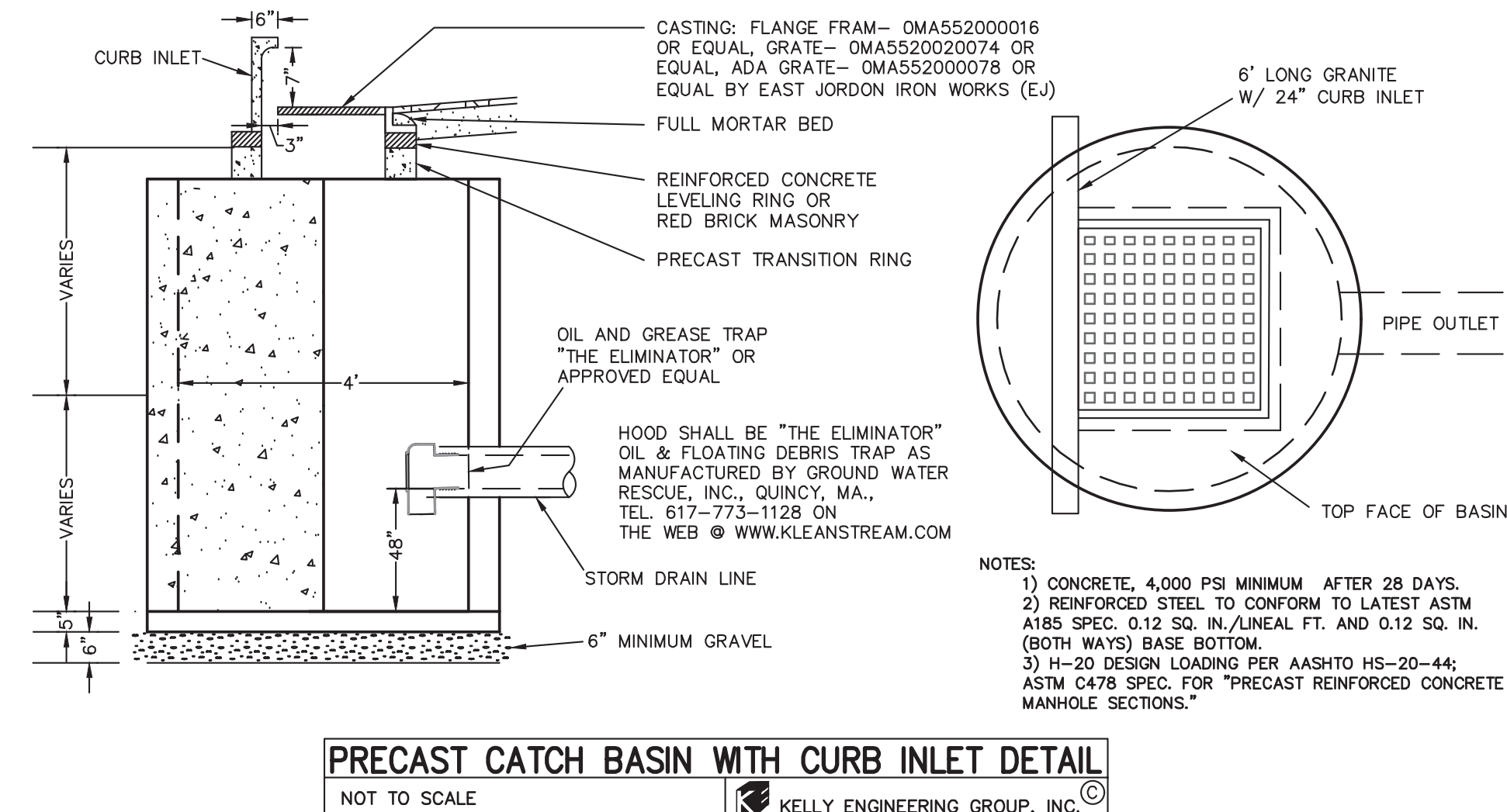
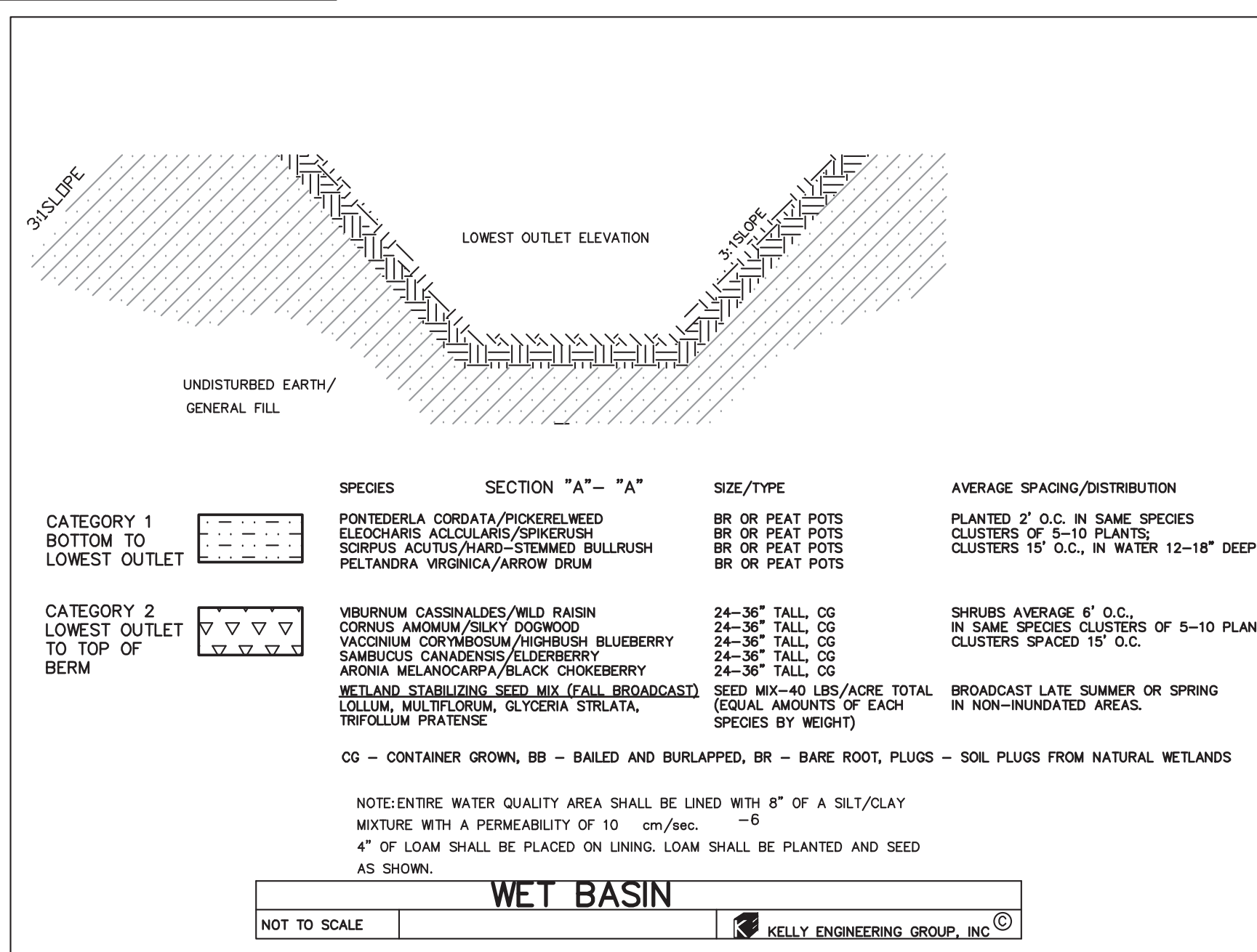
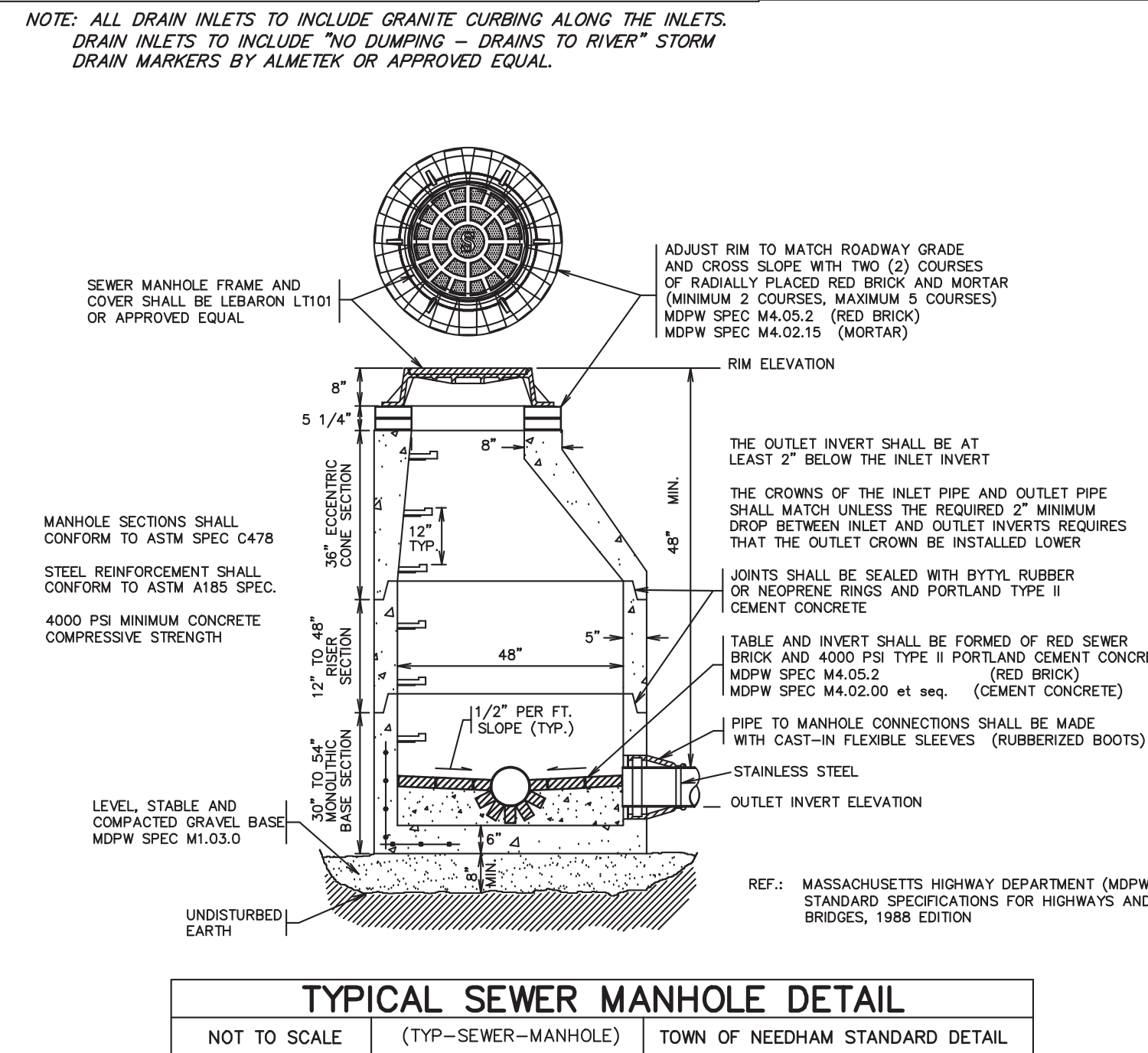
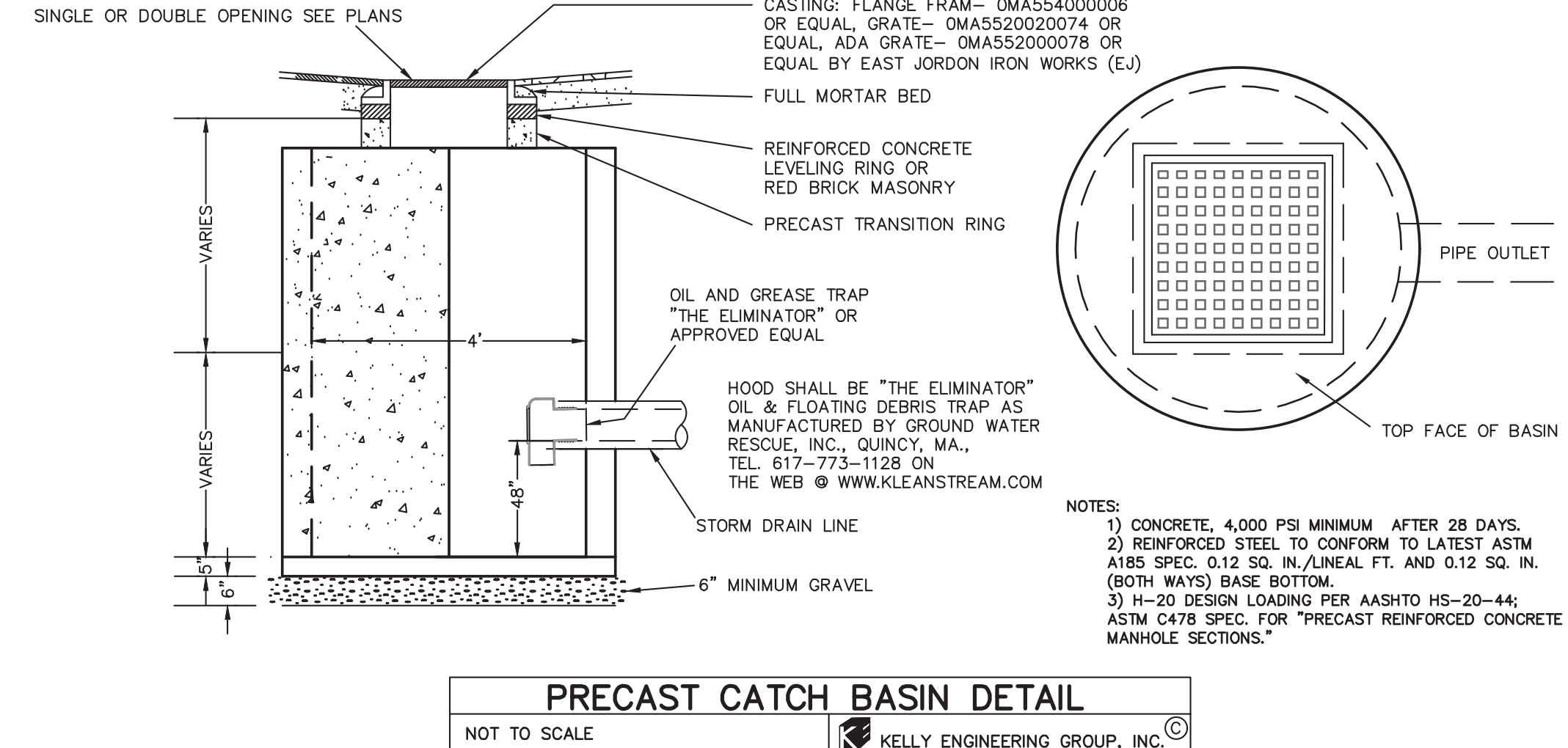
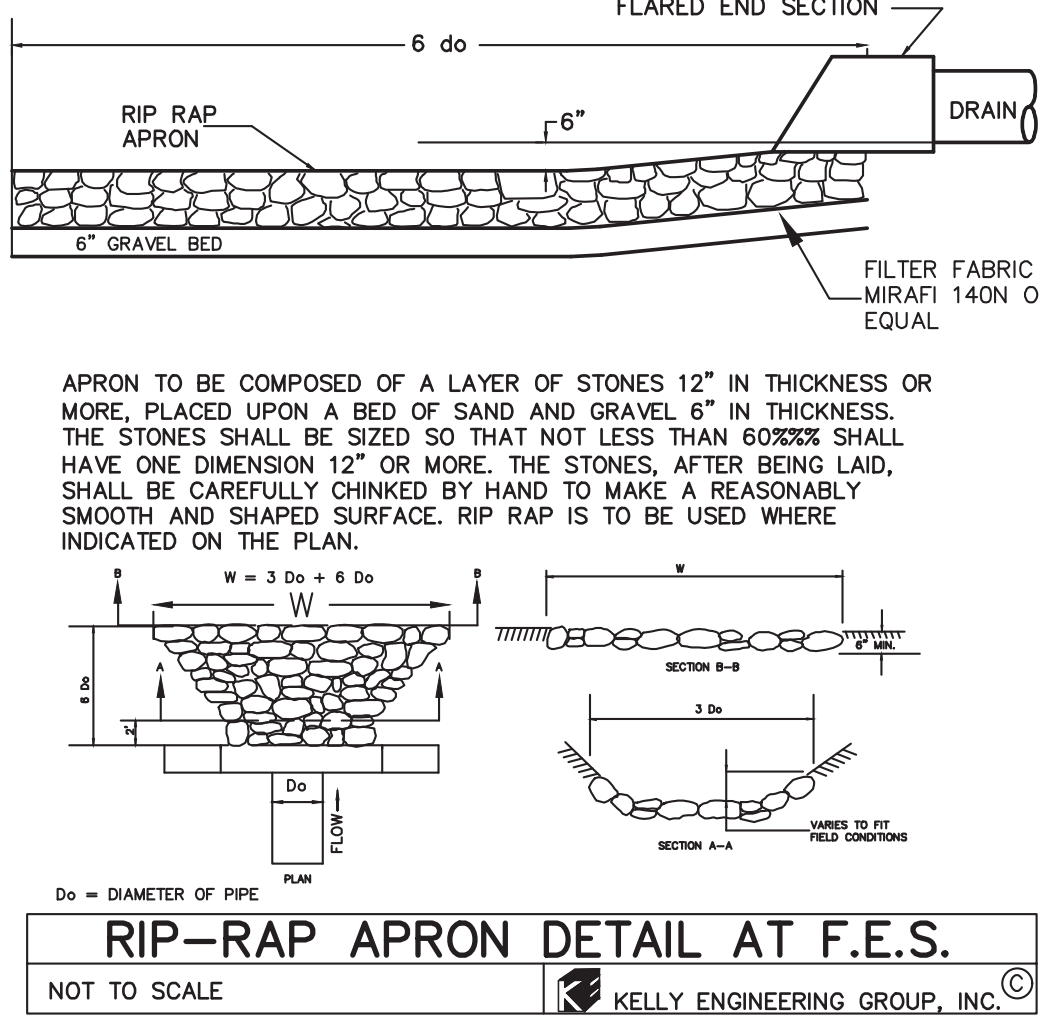
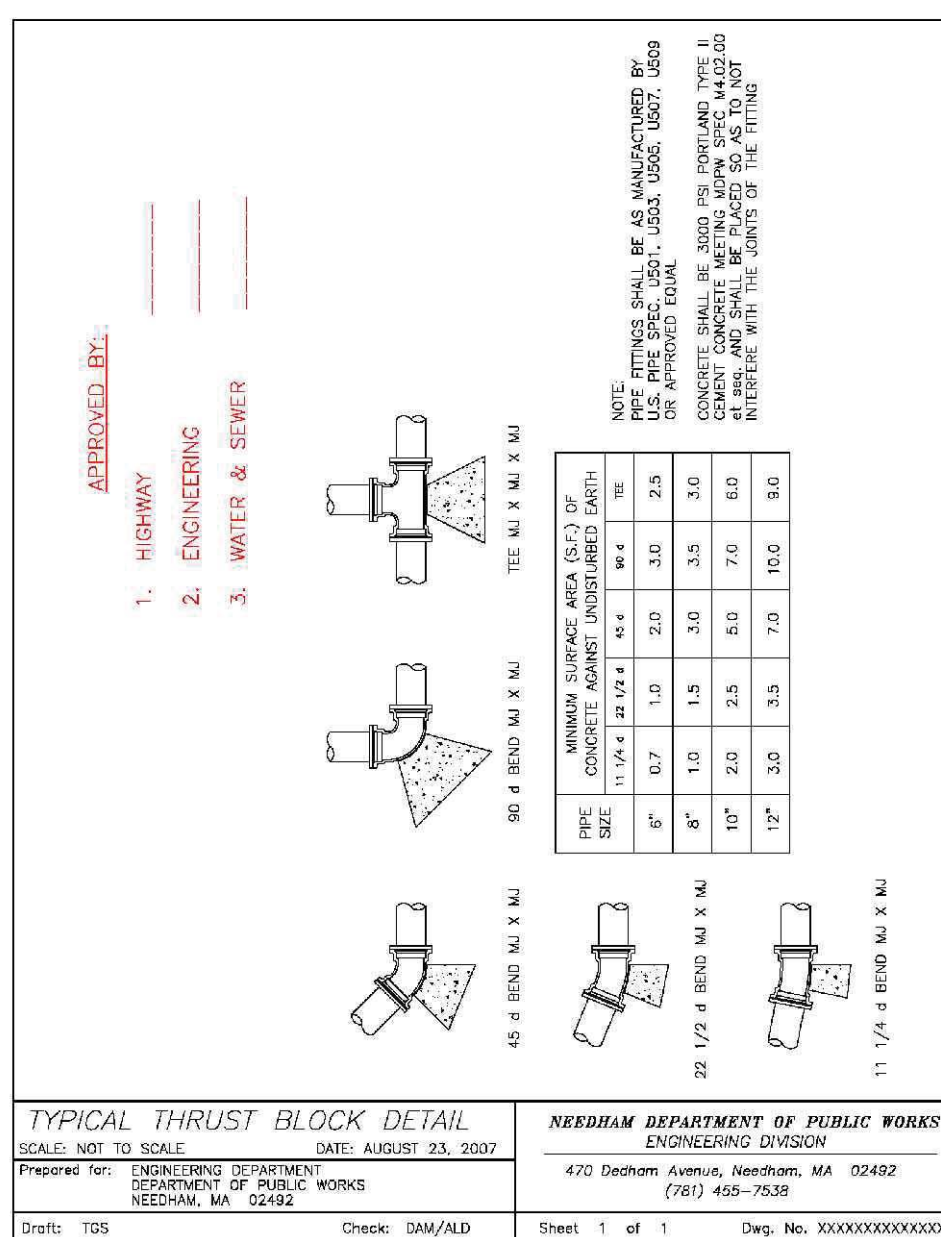
EROSION CONTROL NOTES

- THE CONTRACTOR SHALL REGULARLY INSPECT THE PERIMETER OF THE PROPERTY TO CLEANUP AND REMOVE LOOSE CONSTRUCTION DEBRIS BEFORE IT LEAVES THE SITE. ALL DEMOLITION DEBRIS SHALL BE PROMPTLY REMOVED FROM THE SITE TO A LEGAL DUMP SITE. ALL TRUCKS LEAVING THE SITE SHALL BE COVERED.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INSTITUTE EROSION CONTROL MEASURES ON AN AS NECESSARY BASIS, SUCH THAT EXCESSIVE SOIL EROSION DOES NOT OCCUR. MEASURES SHALL INCLUDE HAY BALE DIKES AROUND DRAINAGE INLETS, MULCHING AND PLANTING OF DISTURBED AREAS.
- AFTER INSTALLATION OF EACH DRAINAGE INLET SILT SACKS SHALL BE INSTALLED AROUND EACH DRAINAGE INLET TO PREVENT SEDIMENT FROM ENTERING THE STORM DRAIN SYSTEM.
- AT THE END OF CONSTRUCTION ALL DRAINAGE STRUCTURES ARE TO BE CLEANED OF SILT, STONES AND OTHER DEBRIS.
- DURING CONSTRUCTION THE EROSION CONTROL MEASURES SHALL BE INSPECTED ONCE PER WEEK AND WITHIN 24 HOURS OF ANY STORM EVENT GENERATING MORE THAN 1/2" OF RAINFALL. THE EROSION CONTROL MEASURES SHALL BE CLEANED REGULARLY AND ADJUSTED IF NECESSARY TO ENSURE THAT NO SILT OR DEBRIS LEAVES THE SITE.

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE				
NA				
DATE 03/03/20	REV	DATE	REVISION	BY
SHEET 8 of 9				
FILE # 2019-088-DT00				
JOB # F:\P\2019-088				
DRAWN BY CUL				
CHKD BY BGL				
APPD BY DNK				
HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA				
DETAIL SHEET				
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com				

Professional Engineer Seal for David Noel Kelly, No. 37942, State of Massachusetts.



DEFINITIVE SUBDIVISION PLANS AND
RESIDENTIAL COMPOUND SPECIAL PERMIT

768-768A CHESTNUT STREET
LOT 4 HEATHER LANE
NEEDHAM, MA

MARCH 03, 2020

SHEET INDEX						
SHEET No.	DESCRIPTION	LATEST REVISED DATE	CONSTRUCTION	REVISIONS		
1	COVER SHEET	07/07/20				
2	EXISTING CONDITIONS PLAN	03/03/20				
3	LAYOUT PLAN	07/07/20				
4	GRADING PLAN	07/07/20				
5	SEWER & DRAIN PLAN	07/07/20				
6	UTILITY PLAN	07/07/20				
7	DETAIL SHEET	07/07/20				

OWNER/APPLICANT:
WILLIAM JOHN PIERSIK
768-768A CHESTNUT ST.
NEEDHAM, MA

CIVIL ENGINEERS:
KELLY ENGINEERING GROUP, INC.
0 CAMPANELLI DRIVE
BRAINTREE, MA 02184

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

APPROVED SUBJECT TO TERMS AND
CONDITIONS OF A COVENANT GIVEN IN
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AMENDED.

APPROVED DATE _____
ENDORSED DATE _____

DIRECTOR OF PUBLIC WORKS

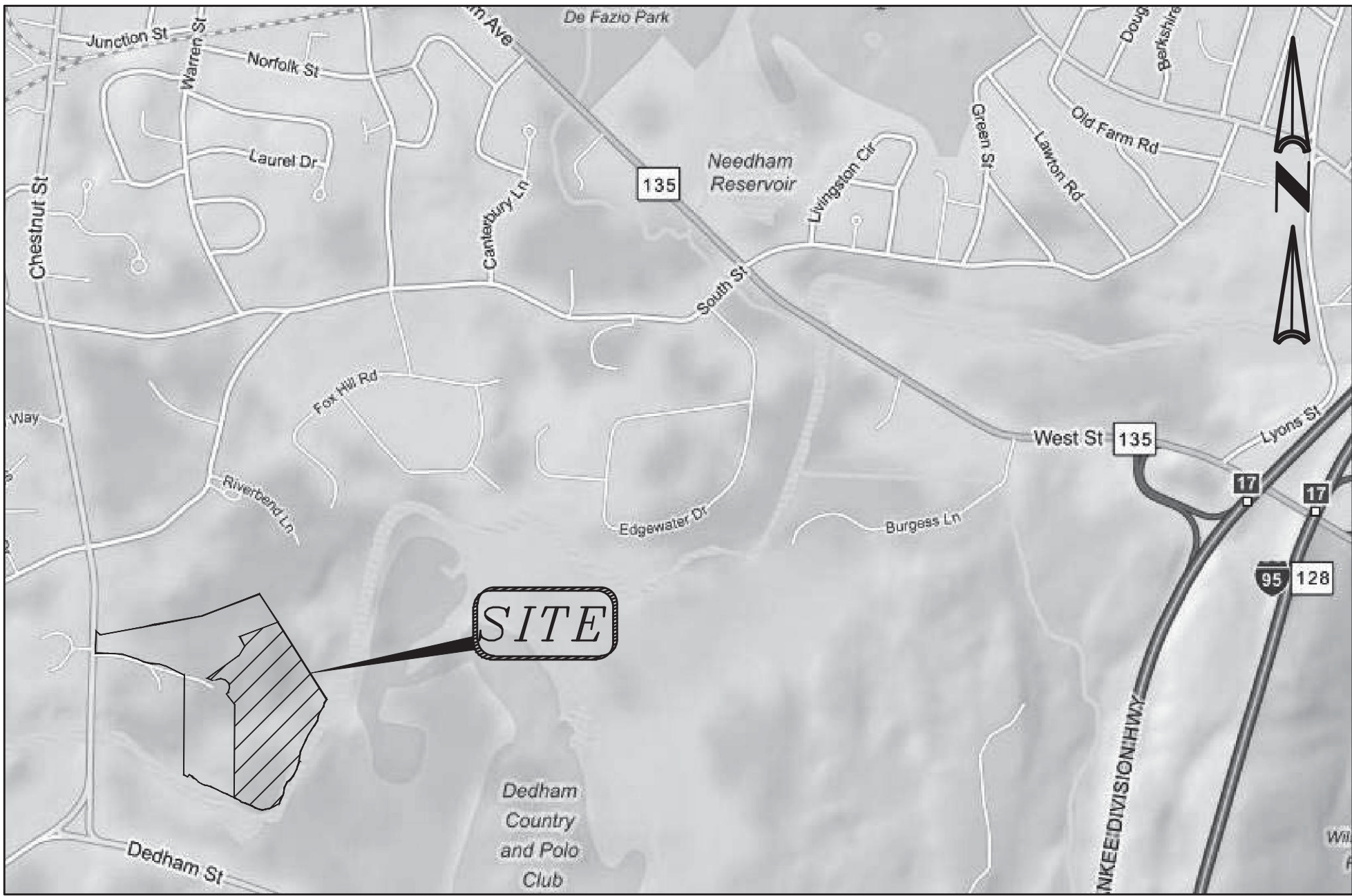
TOWN ENGINEER

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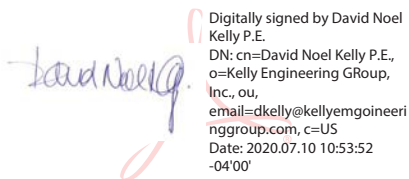
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RECEIVED AND RECORDED AT THIS OFFICE
AND NO APPEAL WAS RECEIVED DURING
THE TWENTY DAYS NEXT AFTER SUCH
RECEIPT AND RECORDING OF SAID
NOTICE.

DATE _____ TOWN CLERK _____



LOCATION MAP

THESE PLANS ARE FILED IN CONJUNCTION
WITH DEFINITIVE SUBDIVISION PLANS FOR
HEATHER LANE



SCALE NA	DISK REF NO. F:\P\2019-088
DATE 03/03/20	DRAWN BY C.L.
SHEET 1 OF 7	CHKD BY DAM
PLAN NO. 2019-088-TS01-RC	APPD BY DNK

768-768A CHESTNUT STREET
NEEDHAM, MA



KELLY ENGINEERING GROUP
civil engineering consultants
0 Campanelli Drive, Braintree, MA 02184
Phone: 781-843-4333 www.kellyengineeringgroup.com

SHEET NO.

1



EXISTING LEGEND	
	200' RIVERFRONT LINE
	EASEMENT
	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
	FLOOD PLAIN
	PROPERTY LINE
	ZONE LINE
	TOWN LINE
	TREE LINE

PLAN REFERENCES

- 1.) "PLAN OF LAND IN NEEDHAM, MASS., PROPERTY OF GERTRUDE A. HUTCHINS, SCALE: 1"=40', OCTOBER 1, 1940", FILED AS PLAN 589 IN BOOK 2297, PAGE 501.
- 2.) "PLAN OF LAND BELONGING TO MARY H. RUDDY AND CONSTANTINE HUTCHINS, JR. ACCORDING TO THE WILL OF GERTRUDE AMORY HUTCHINS, NEEDHAM, MASS., 1"=80', DECEMBER 3, 1979", FILED AS PLAN 1182 IN BOOK 5686, PAGE 363.
- 3.) "PLAN OF LAND IN NEEDHAM, MASS. SCALE 1"=80", AUGUST 22, 2000", FILED AS PLAN 511 IN PLAN BOOK 478.
- 4.) "PLAN OF LAND IN NEEDHAM, MASS., APRIL 7, 1982, 1"=60'", FILED AS 712 IN PLAN BOOK 298.
- 5.) "PLAN OF WELLESLEY EXTENSION SEWER REPLACEMENT LAND TAKING PLAN IN NEEDHAM, TO BE TAKEN BY MASSACHUSETTS WATER RESOURCES WATER AUTHORITY, 1"=40', OCTOBER, 1993", FILED AS PLAN 149 OF 1994.
- 6.) "PLAN OF WELLESLEY EXTENSION SEWER REPLACEMENT LAND TAKING PLAN NO. W.E.S.R.-2-7, 1"=40', SEPTEMBER 1987", FILED AS PLAN 214 OF 1989.
- 7.) "PLAN OF LAND IN NEEDHAM, MA, 1"=40', JULY 22, 2002", FILED AS PLAN 5 IN PLAN BOOK 527.
- 8.) "PLAN OF LAND OF HANNAH E. POND, 1"=100', OCTOBER 21, 1914", FILED AS PLAN 3664 IN PLAN BOOK 76.
- 9.) "COMPILED PLAN OF LAND IN NEEDHAM, MASS., 1"=50', AUGUST 19, 1981", FILED AS PLAN 774 IN PLAN BOOK: 291.

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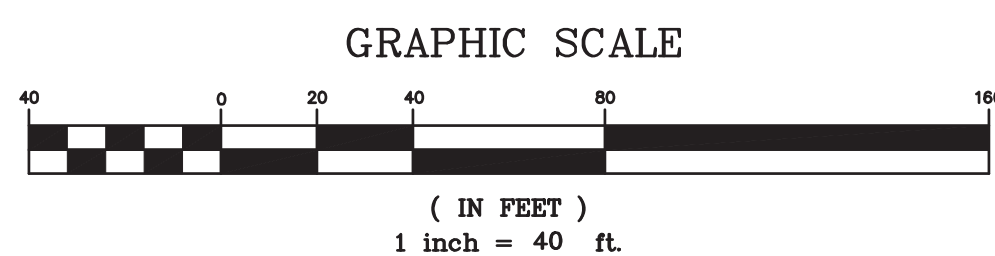
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ENDORSED DATE

DIRECTOR OF PUBLIC WORKS

TOWN ENGINEER



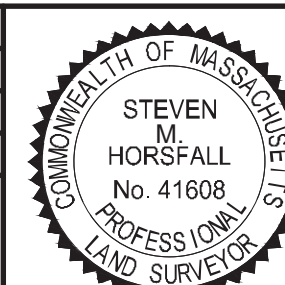
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SCALE 1"= 40'			
DATE 03/03/20	REV	DATE	REVISION
SHEET 2 OF 7			BY
FILE # 2019-088-SU00	RESIDENTIAL COMPOUND 768-768A CHESTNUT ST (LOT 4 HEATHER LANE) NEEDHAM, MA		
JOB # F:\P\2019-088	EXISTING CONDITIONS PLAN		
DRAWN BY JPM	 KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com		
CHKD BY BGL			
APPD BY			



Steven
Horsfall
2020.04.2
12:11:14
-04'00'

SHEET NO

2

EXISTING LEGEND	
	200' RIVERFRONT LINE
	MEAN ANNUAL HIGH WATER LINE (RIVER)
	BORDERING VEGETATED WETLANDS (B.V.W.)
	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
	FLOOD PLAIN
	PROPERTY LINE
	ZONE LINE
	TOWN LINE
	EASEMENT
	BOUND TO BE SET
	WETLANDS

PROPOSED LEGEND	
	EASEMENT
	BUILDING SETBACK LINE



HEATHER LANE
(PUBLIC WAY)

HEATHER LANE
EXTENSION

HEATHER LANE
EXTENSION

"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM 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

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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE

ENDORSED DATE

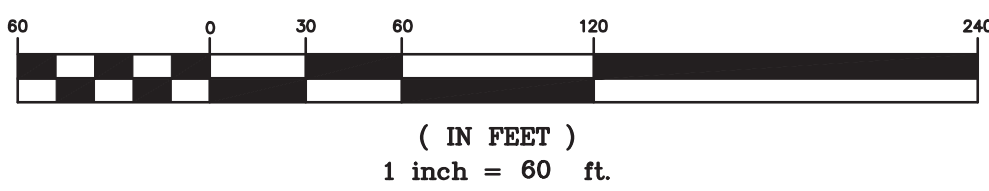
DIRECTOR OF PUBLIC WORKS

TOWN ENGINEER

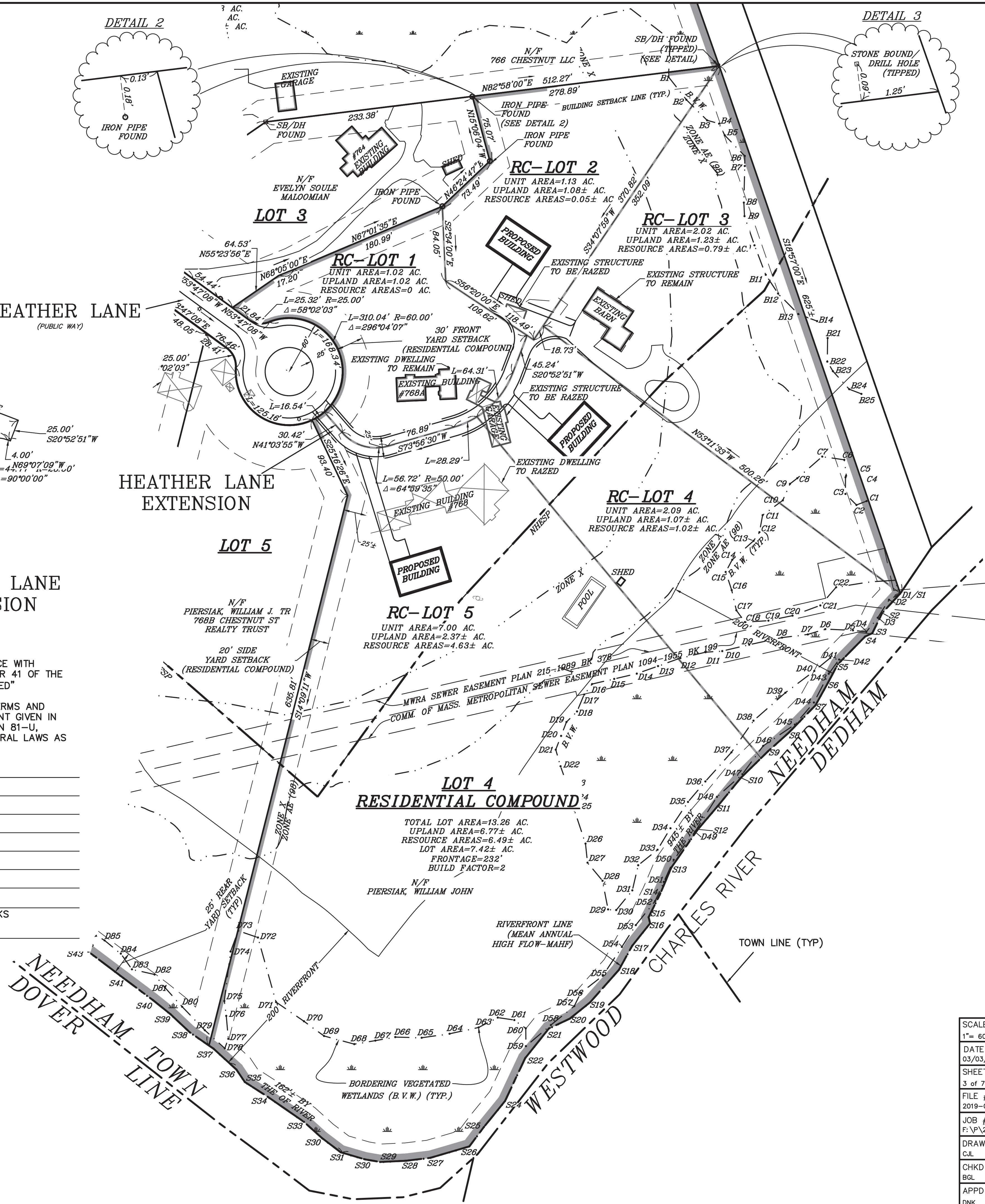
"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"

STEVEN M. HORSFALL, P.L.S. DATE

GRAPHIC SCALE



KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES, OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.
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ZONING LEGEND RESIDENTIAL COMPOUND

ZONING DISTRICT: RURAL RESIDENCE CONSERVATION

	REQUIRED	PROVIDED	COMPLIANCE
MAX. # OF DWELLINGS	5	5	YES
MIN. DENSITY	10 ACRES (NOTE 1)	13.26 ACRES	YES
MIN. TRACK FRONTAGE	150'	232'	YES
MIN. DISTANCE BETWEEN STRUCTRES	30'	>30'	YES
MIN. DIST. FROM STRUCTURE TO TRACT BOUNDARY LINE	20'	>20'	YES
MIN. UNIT AREA	1 ACRE	>1 ACRE	YES

NOTES:

1. MINIMUM OF 2 ACRES PER DWELLING UNIT.

RESIDENTIAL COMPOUND

NO RESIDENTIAL COMPOUND FOR WHICH A SPECIAL PERMIT HAS BEEN ISSUED UNDER THIS SECTION MAY BE SUBDIVIDED OR FURTHER DEVELOPED.

THAT THE LAND LIES WITHIN AN APPROVED RESIDENTIAL COMPOUND;

THAT DEVELOPMENT OF THE LAND IS PERMITTED ONLY IN ACCORDANCE WITH THE LAND USES INDICATED THEREON;

THAT THE TOWN WILL NOT BE REQUESTED TO ACCEPT OR MAINTAIN THE PRIVATE ACCESS, DRAINAGE, OPEN SPACE OR ANY OTHER IMPROVEMENTS WITHIN THE COMPOUND.

FURTHER, ALL DEED RESTRICTIONS WITH RESPECT TO OWNERSHIP, USE AND MAINTENANCE OF PERMANENT OPEN SPACE SHALL BE REFERENCED ON, AND RECORDED WITH, THE PLAN.

Per Section 4.2.12(e) (1) Site Plans shall meet to the extent applicable the requirements set forth for a Definitive Plan in the Subdivision Regulations and Procedural Rules of the Planning Board. The following table lists those requirements.

Applicable Section	Parameter	Required	Provided	Compliance
3.3.1	Right of Way Width	50'	20'	Waiver
3.3.1	Pavement Width	24'	20'	Waiver
3.3.1	Street Slope	>0.7% and <8%	2%-8%	Yes
3.3.1	Street slope at intersection	1% for 50'	2%	Waiver
3.3.3	Radius at Intersection	20'	0'	Waiver
3.3.3	Minimum Centerline Radius	100'	50'	Waiver
3.3.4	Intersection angle	90 degrees	90 Degrees	Yes
3.3.5	Dead End Street	Max. Length = 1200'	329'	Yes
3.3.5	Cul-De-Sac	60' Radius or Hammerhead	Hammerhead	Yes
3.3.6	Curbing	Granite or Bituminous	No Curbing	Waiver
3.3.8	Granite bounds	As required in 3.3.8	None	Waiver
3.3.9	Street Signs	As street entrance	Yes	Yes
3.3.11	Sewer	Connect to sewer	Yes	Yes
3.3.12	Water	Connect to water	Yes	Yes
3.3.13	Storm Drainage	Provide Storm drainage	To be provided on individual building lots	Yes
3.3.14	Paver cable etc	Place underground	Placed underground	Yes
3.3.15	Trees	Endeavor to save existing trees	Where possible	Yes
3.3.16	Sidewalks	One Side	None	Waiver
3.3.16	Standard Cross-Section	One side, 24' wide	None, 20' wide	Waiver
3.3.17	Fire Alarm	Connect to town fire circuit	None	NA
3.3.18	Sidewalk Ramps	ADA curb ramps	No Sidewalk	NA

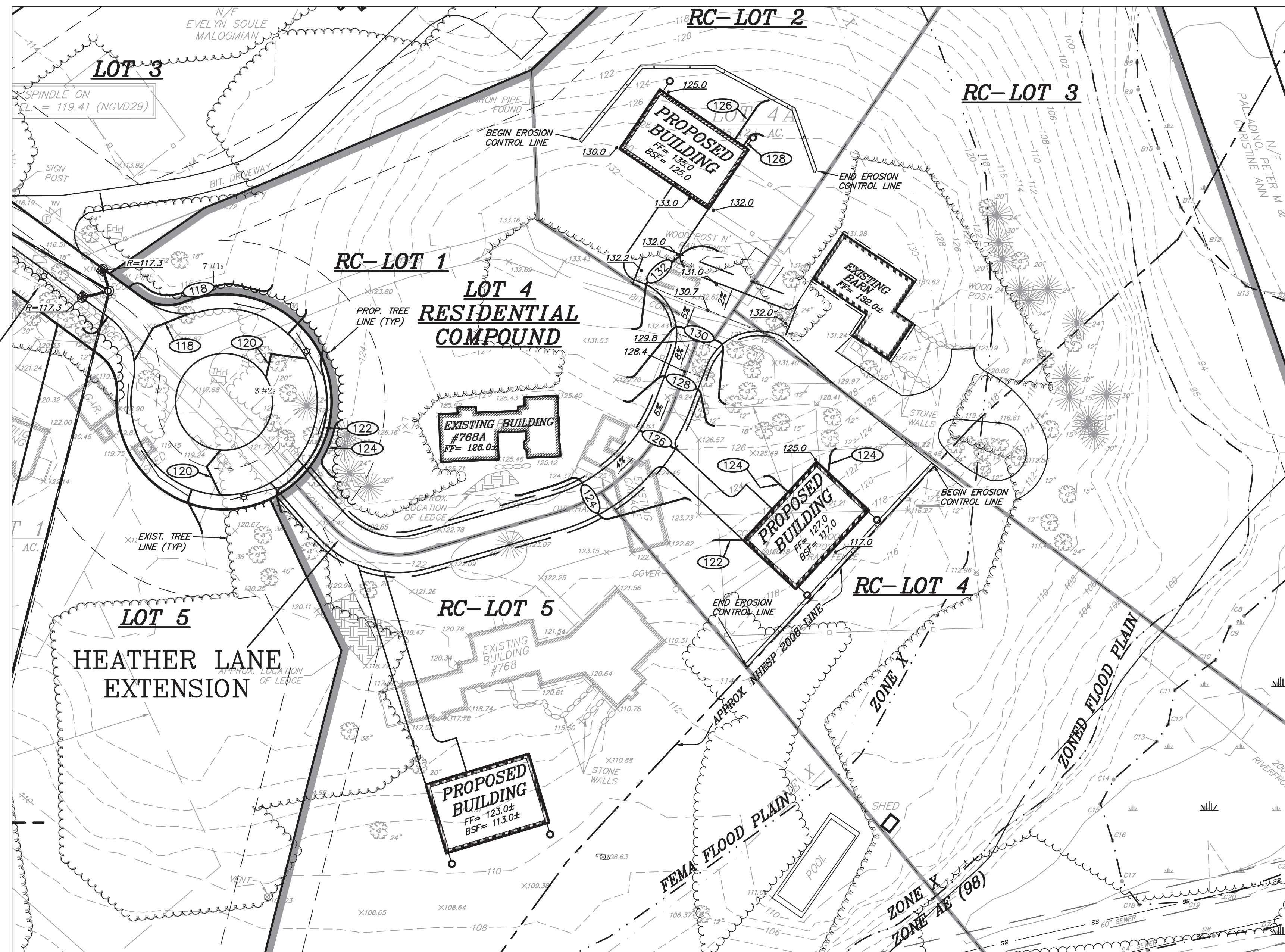
And waivers of such other sections of the Needham Subdivision Regulations as may be required.

SCALE 1" = 60'				
DATE 03/03/20	REV 1.	DATE 07/07/20	PER PLANNING BOARD COMMENTS	BY
SHEET 3 of 7				
FILE # 2019-088-LT01-TC				
JOB # F:\P\2019-088				
DRAWN BY CUL				
CHKD BY BGL				
APPD BY DNK				
RESIDENTIAL COMPOUND 768-768A CHESTNUT ST (LOT 4 HEATHER LANE) NEEDHAM, MA				
LOTING PLAN				
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com				
SHEET NO. 3				



PROPOSED LEGEND	
	RIP RAP
	FLARED END SECTION
	CATCH BASIN
	WATER QUALITY DEVICE
	DRAIN LINE
	CONTOUR LINE
	SPOT GRADE
	EROSION CONTROL LINE
	SILT SACK

SEE SHEET 3B FOR EXISTING LEGEND



HEATHER LANE
(PUBLIC WAY)

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

APPROVED SUBJECT TO TERMS AND
CONDITIONS OF A COVENANT GIVEN IN
ACCORDANCE WITH SECTION 81-U,
CHAPTER 41 OF THE GENERAL LAWS AS
AMENDED.

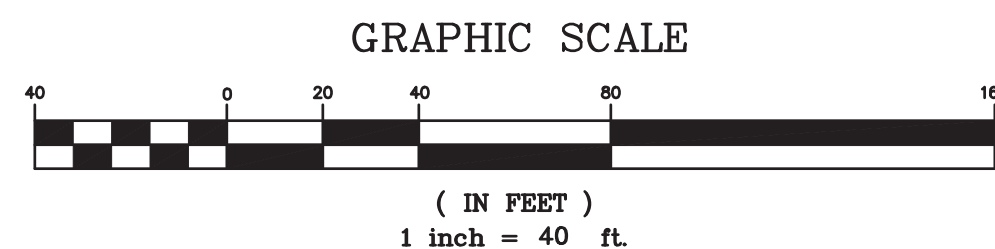
"I CERTIFY THAT, TO THE BEST OF MY
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TRUE AND CORRECT TO THE ACCURACY
REQUIRED BY THE SUBDIVISION
REGULATIONS AND PROCEDURAL RULES OF
THE PLANNING BOARD OF THE TOWN
OF NEEDHAM."

DAVID N. KELLY, P.E.

"I, TOWN CLERK OF THE TOWN OF
NEEDHAM, CERTIFY THAT THE NOTICE OF
APPROVAL OF THIS PLAN BY THE
NEEDHAM PLANNING BOARD HAS BEEN
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AND NO APPEAL WAS RECEIVED DURING
THE TWENTY DAYS NEXT AFTER SUCH
RECEIPT AND RECORDING OF SAID
NOTICE.

DATE TOWN CLERK

NOTE: PROPOSED BUILDINGS ARE SHOWN IN
APPROXIMATE LOCATIONS AND SIZES. FINAL
BUILDING LAYOUT WILL BE DETERMINED AT
BUILDING PERMIT STAGE.



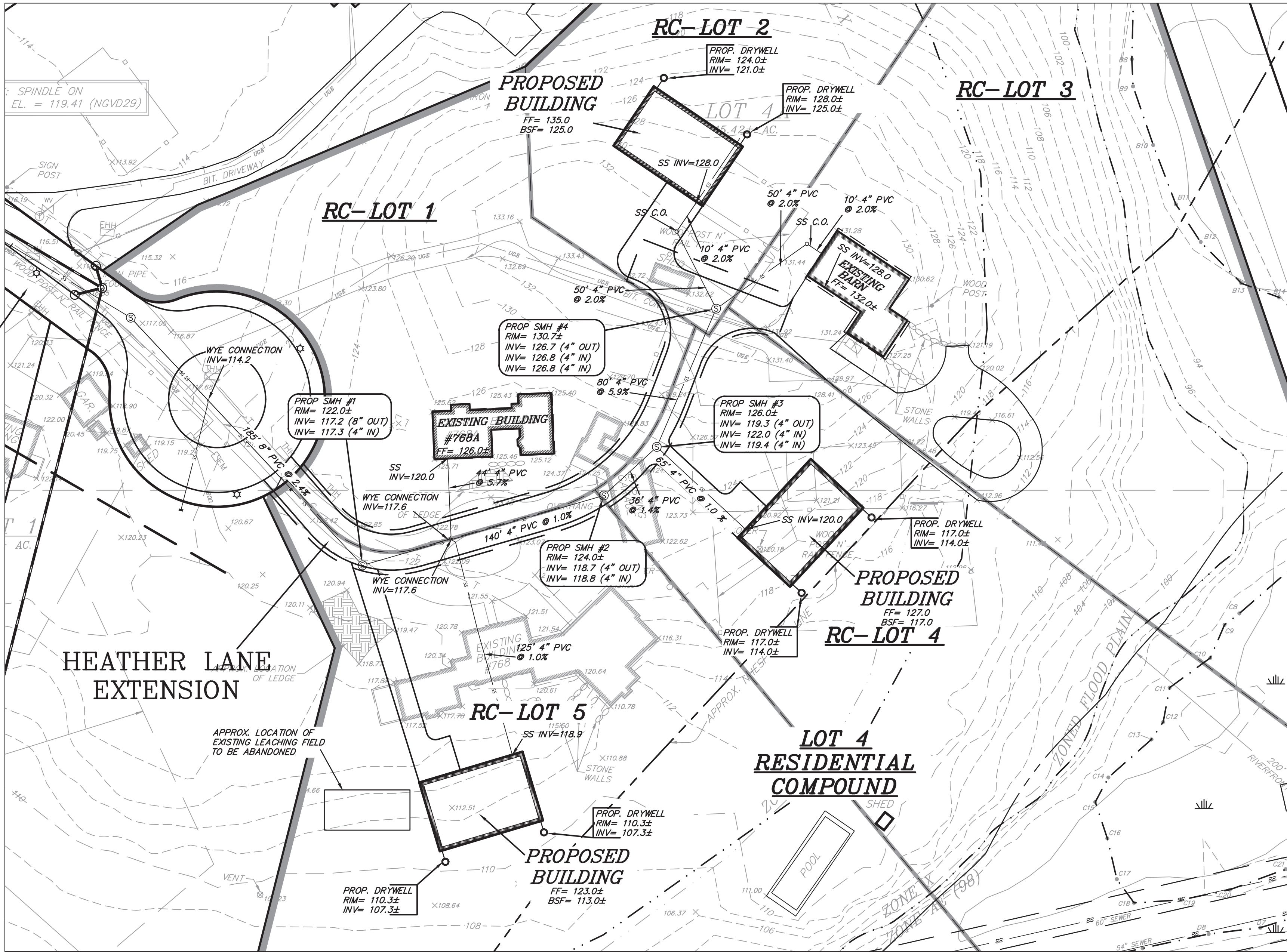
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SCALE 1" = 40'				
DATE 03/03/20	1.	07/07/20	PER PLANNING BOARD COMMENTS	
SHEET 4 OF 9	REV	DATE	REVISION	BY
FILE # GD01-RC	RESIDENTIAL COMPOUND 768-768A CHESTNUT ST (LOT 4 HEATHER LANE) NEEDHAM, MA			
JOB # F:\P\2019-088	GRADING PLAN			
DRAWN BY C.J.L.	 KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			
CHKD BY BGL				
APPD BY SMH				
				SHEET NO. 4

EXISTING LEGEND	
	200' RIVERFRONT LINE
	MEAN ANNUAL HIGH WATER LINE (RIVER)
	BORDERING VEGETATED WETLANDS (B.V.W.)
	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
	FLOOD PLAIN
	PROPERTY LINE
	ZONE LINE
	TOWN LINE
	EASEMENT
	BOUND TO BE SET
	WETLANDS

PROPOSED LEGEND	
	EASEMENT
	SEWER MANHOLE
	SEWER LINE
	DRY WELL

HEATHER LANE
(PUBLIC WAY)



NOTE: ALL SEPTIC SYSTEMS TO BE ABANDONED PER TITLE V REQUIREMENTS. RESIDENTIAL COMPOUND DRAINAGE SYSTEMS TO BE DESIGNED TO COMPLY WITH THE TOWN OF NEEDHAM STORMWATER REGULATIONS.

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

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

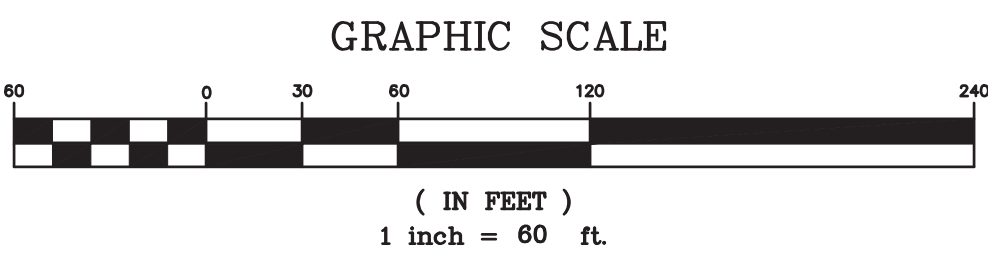
"I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE PLANNING BOARD OF THE TOWN OF NEEDHAM."

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DATE TOWN CLERK

APPROVED DATE
ENDORSED DATE
DIRECTOR OF PUBLIC WORKS
TOWN ENGINEER



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SCALE 1"= 40'				
DATE 03/03/20	1.	07/07/20	PER PLANNING BOARD COMMENTS	
SHEET 5 of 9	REV	DATE	REVISION	BY
FILE # 2019-088-PP02	RESIDENTIAL COMPOUND 768-768A CHESTNUT ST (LOT 4 HEATHER LANE) NEEDHAM, MA			
JOB # F:\2019-088	SEWER & DRAIN PLAN			
DRAWN BY C.B.L.	KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			
CHKD BY B.G.L.				
APPD BY DNK				

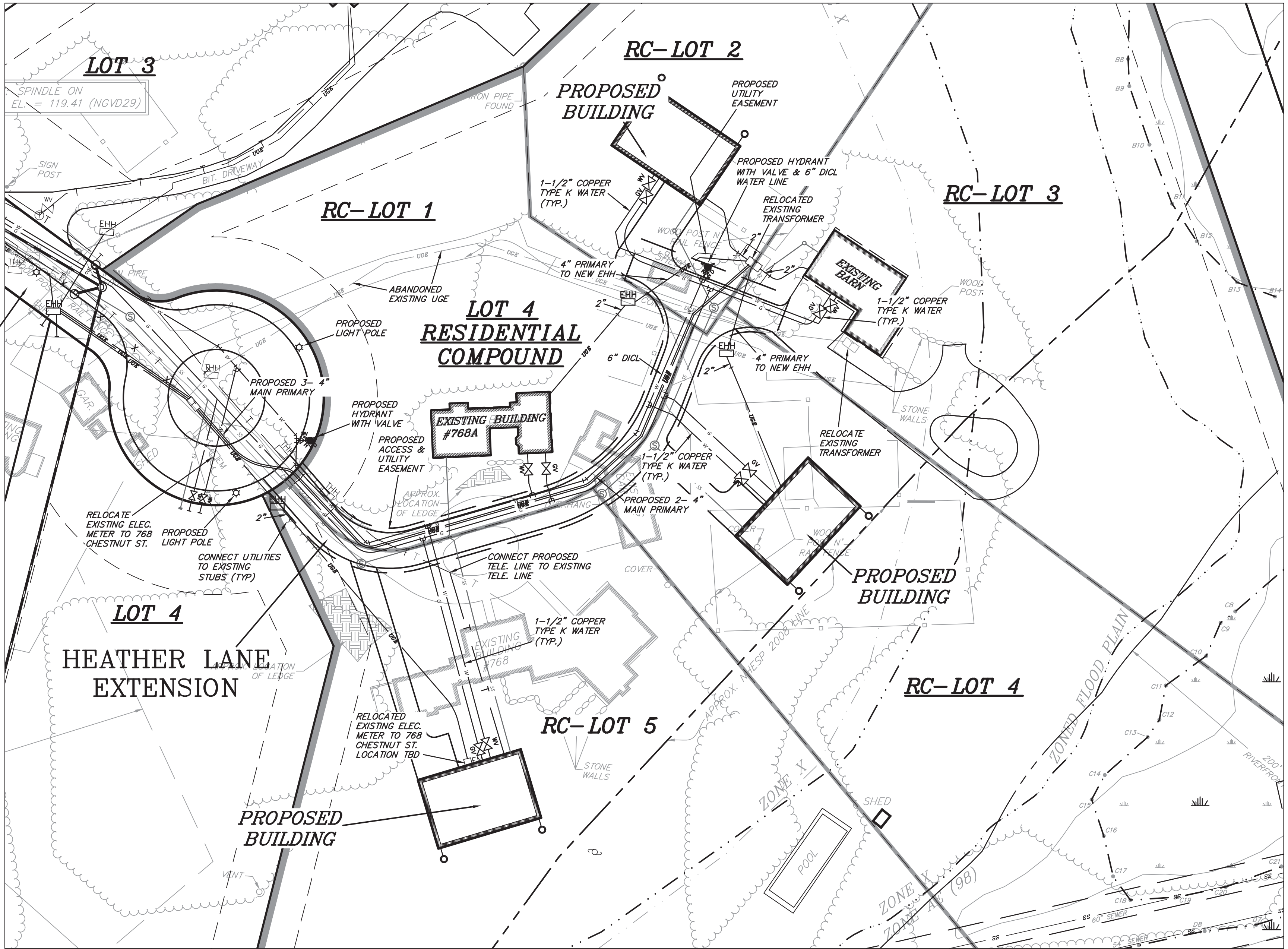
Digitally signed by David Noel Kelly
DN: cn=David Noel Kelly, o=Kelly Engineering Group, Inc., email=dkelly@kellyeng.com, c=US
Date: 2020.07.10 15:43:39 -0500

SHEET NO.
5

EXISTING LEGEND	
	200' RIVERFRONT LINE
	MEAN ANNUAL HIGH WATER LINE (RIVER)
	BORDERING VEGETATED WETLANDS (B.V.W.)
	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
	FLOOD PLAIN
	PROPERTY LINE
	ZONE LINE
	TOWN LINE
	EASEMENT
	BOUND TO BE SET
	WETLANDS

PROPOSED LEGEND	
	EASEMENT
	SEWER MANHOLE
	SEWER LINE
	DRY WELL
	CATCH BASIN
	DRAIN MANHOLE
	DRAIN LINE
	SEWER MANHOLE
	SEWER LINE
	GAS VALVE
	GAS LINE
	HYDRANT
	WATER VALVE
	WATER LINE
	UNDERGROUND ELECTRIC LINE
	ELECTRIC LINE

HEATHER LANE
(PUBLIC WAY)



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DATE

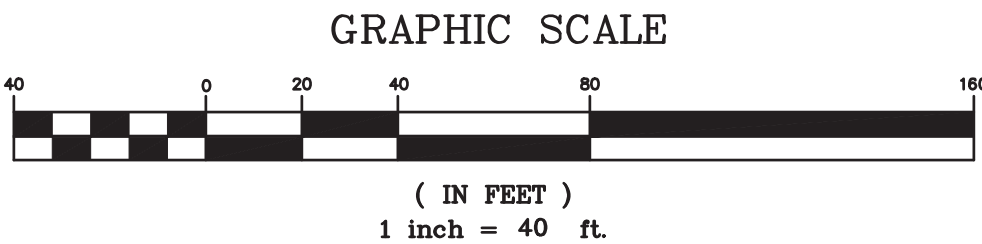
TOWN CLERK

APPROVED DATE

ENDORSED DATE

DIRECTOR OF PUBLIC WORKS

TOWN ENGINEER



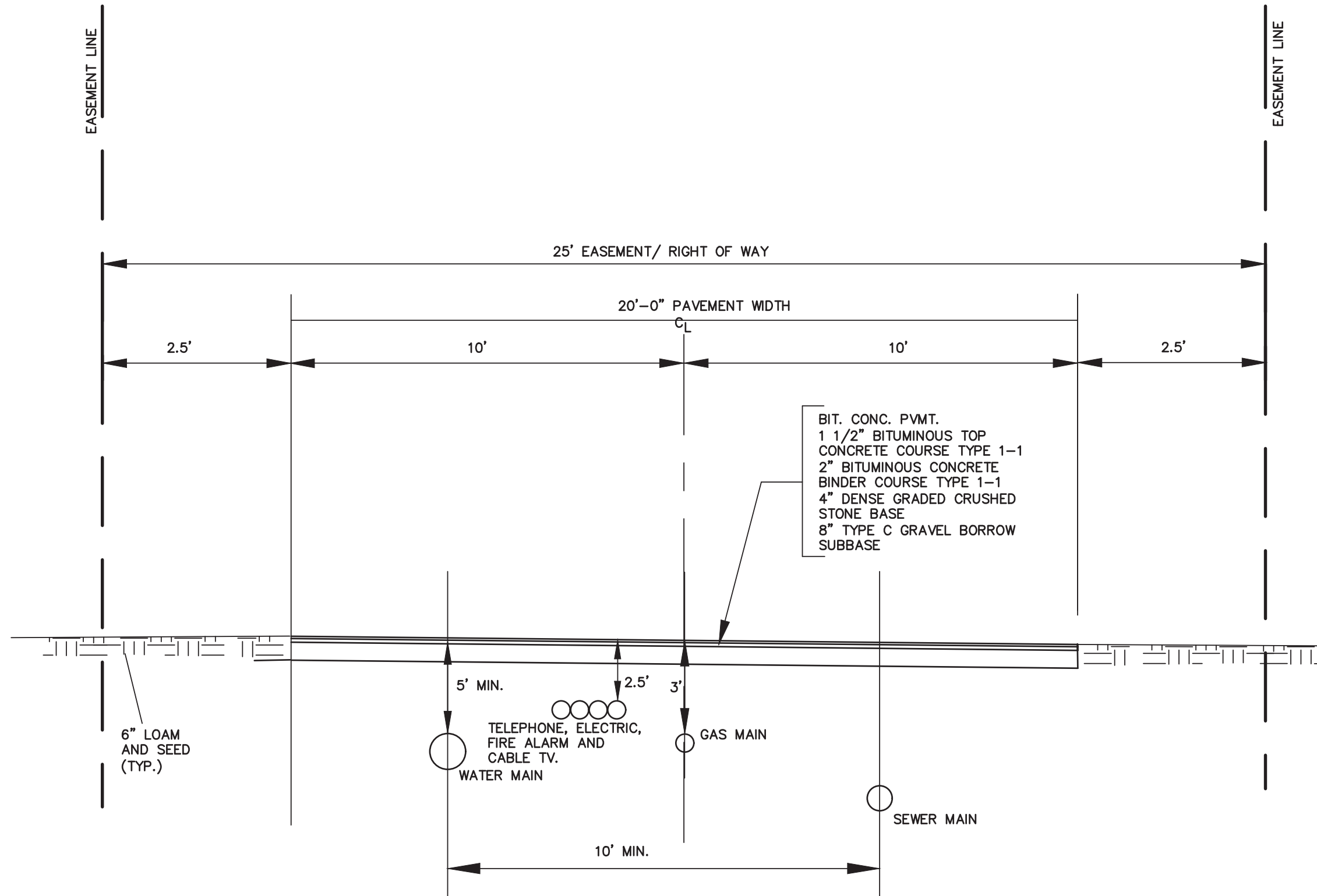
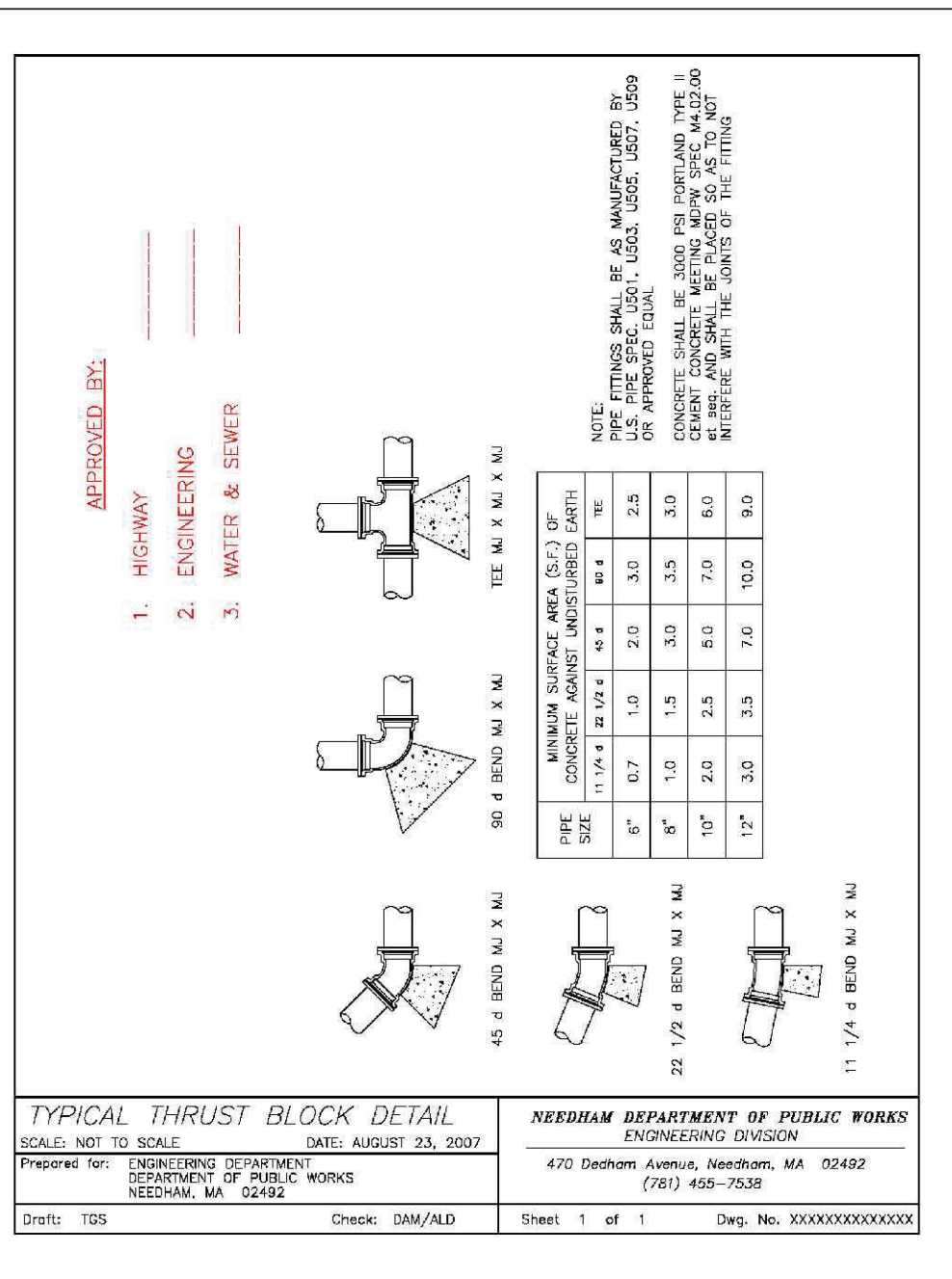
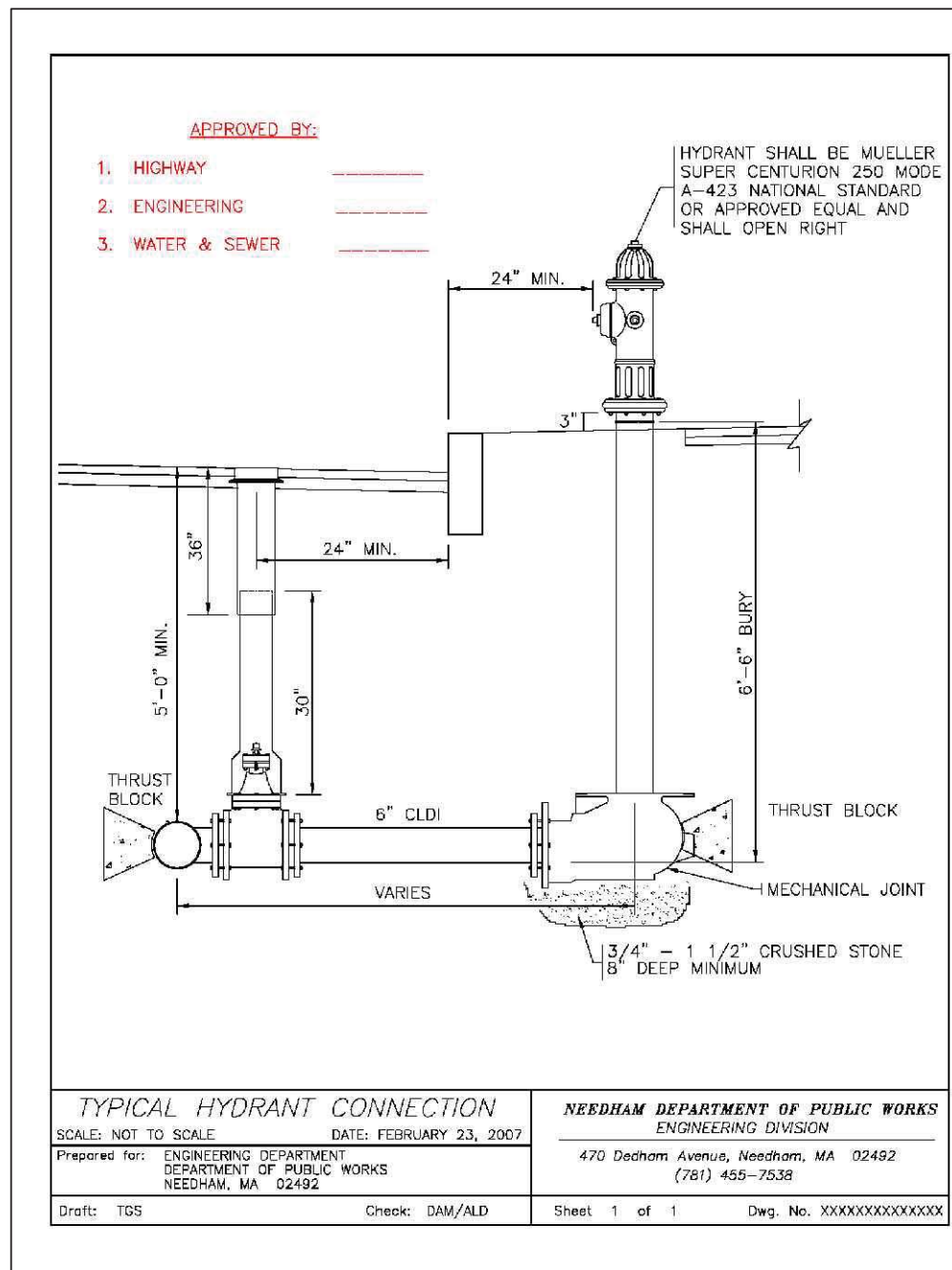
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SCALE 1"= 40'				
DATE 03/03/20	1.	07/07/20	PER PLANNING BOARD COMMENTS	
SHEET 6 of 7	REV	DATE	REVISION	BY
FILE # U701-RC	RESIDENTIAL COMPOUND 768-768A CHESTNUT ST (LOT 4 HEATHER LANE) NEEDHAM, MA			
JOB # F:\P\2019-088	UTILITY PLAN			
DRAWN BY C.B.L.	KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			
CHKD BY BGL				
APPD BY DNK				

DAVID NOEL KELLY CIVIL NO. 37942 MASSACHUSETTS PROFESSIONAL ENGINEER
Digitally signed by David Noel Kelly DN: cn=David Noel Kelly o=Kelly Engineering Group, Inc., ou=Engineering Group, email=dnk@kellyeng.com, c=US Date: 2020.07.10 10:54:59 -0400
SHEET NO. 6



NOTE: FOR ACTUAL LOCATION OF UTILITIES SEE PLAN.

WATER DEPARTMENT NOTES

- ALL MAINS, VALVES AND APPURTENANCES INSTALLED MUST BE IN STRICT ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF THE TOWN OF NEEDHAM AND MEET THE APPROVAL OF THE WATER SUPERINTENDENT.
- SPECIFICATIONS FOR MATERIAL, EQUIPMENT AND INSTALLATION MUST BE APPROVED BY THE WATER SUPERINTENDENT AND THE TOWN CONSULTANT PRIOR TO THE START OF CONSTRUCTION.
- NO WATER MAIN MAY BE COVERED UNTIL THE WATER SUPERINTENDENT OR HIS REPRESENTATIVE HAS INSPECTED THE INSTALLATION AND GIVEN HIS APPROVAL.
- ALL INSTALLED PIPING SHALL BE TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF AWWA C600.
- A REPRESENTATIVE OF THE WATER DEPARTMENT SHALL WITNESS ALL REQUIRED TESTS AND INSPECTIONS.
- ALL NEW MAINS SHALL BE FLUSHED AT A VELOCITY TO BE SPECIFIED BY THE WATER DEPARTMENT BEFORE AND AFTER DISINFECTION.
- ALL WATER MAINS SHALL BE DISINFECTED IN ACCORDANCE WITH AWWA C651.
- ALL WATER MAINS SHALL BE LAID AT LEAST TEN (10) FEET HORIZONTALLY FROM ANY EXISTING OR PROPOSED SEWER. THE DISTANCE SHALL BE MEASURED EDGE TO EDGE.
- CHLORINATION TAPS MUST BE PROVIDED AT LOCATIONS TO BE SPECIFIED BY THE WATER SUPERINTENDENT.

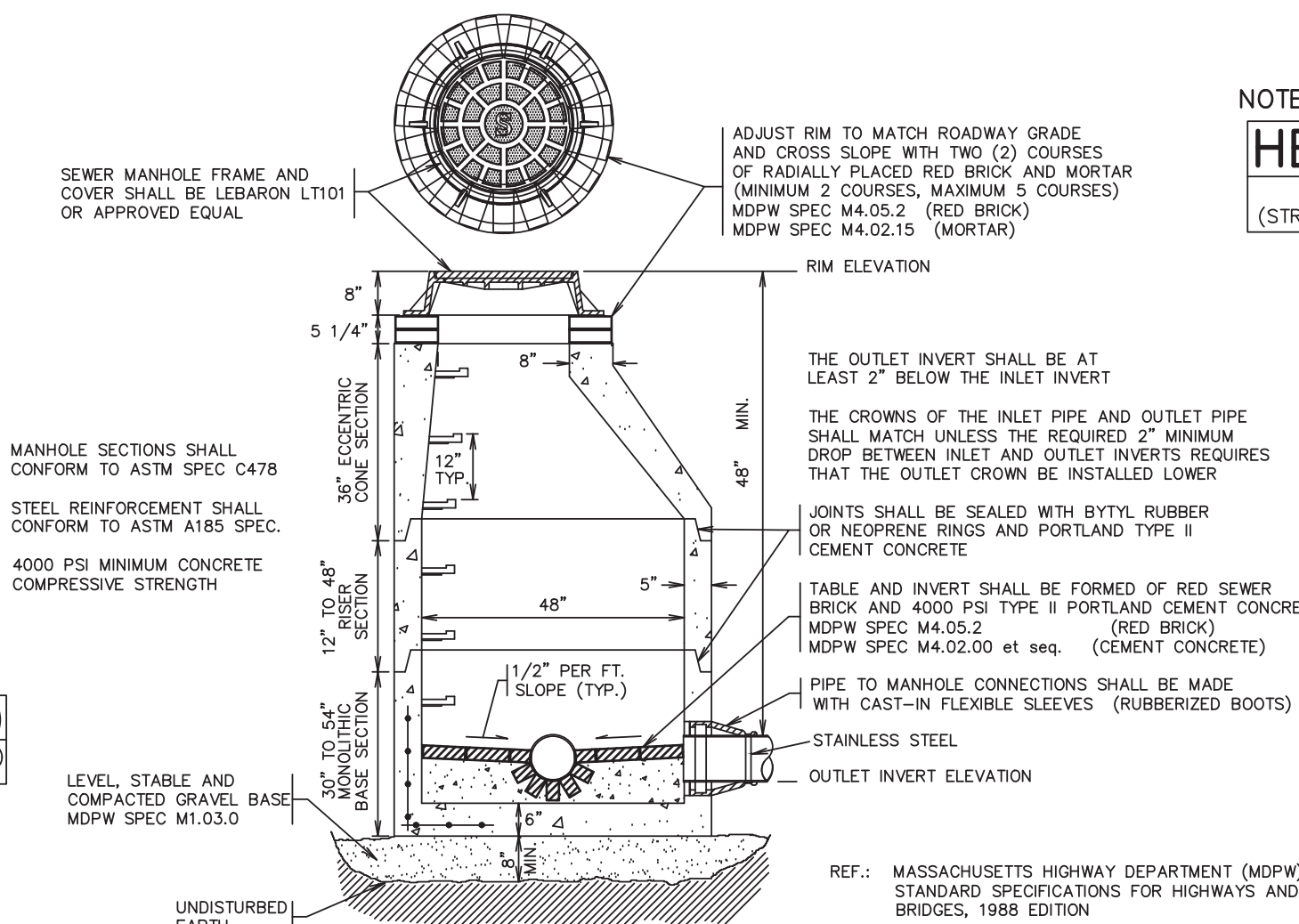
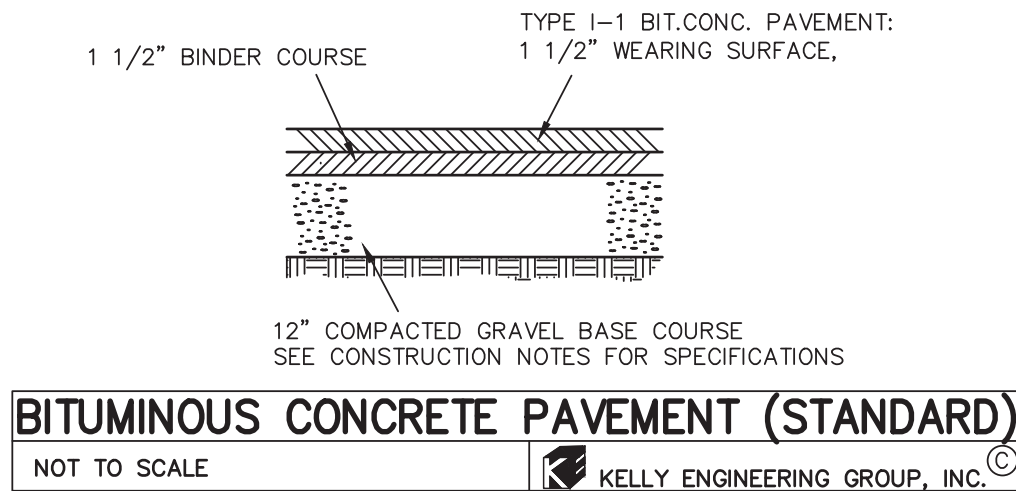
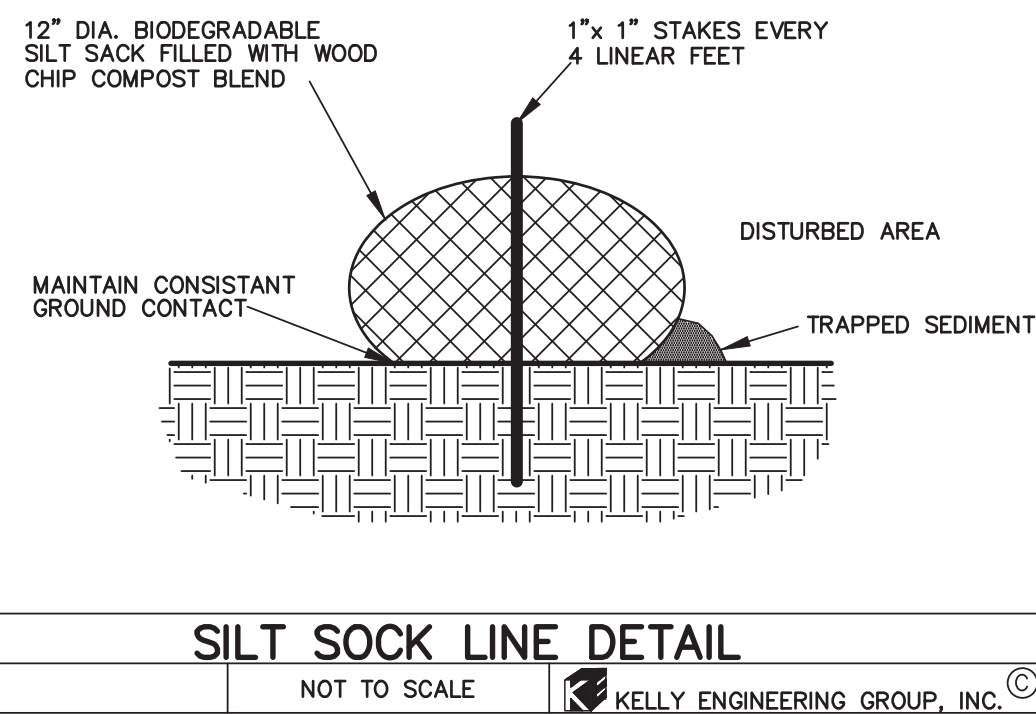
CONSTRUCTION NOTES

- THE CONTRACTOR SHALL REPORT TO THE OWNER AND ENGINEER OF ANY SIGNIFICANT VARIATIONS IN EXISTING SITE CONDITIONS FROM THOSE SHOWN ON THESE PLANS. ANY PROPOSED REVISIONS TO THE WORK, IF REQUIRED BY THESE SITE CONDITIONS, SHALL NOT BE UNDERTAKEN UNTIL REVIEWED AND APPROVED BY THE OWNER AND THE ENGINEER.
- THE CONTRACTOR SHALL NOTIFY THE TOWN OF NEEDHAM DEPARTMENT OF PUBLIC WORKS AT LEAST 48 HOURS IN ADVANCE OF ANY REQUIRED INSPECTIONS.
- IN ORDER TO PROTECT THE PUBLIC SAFETY DURING CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING AT ALL TIMES ALL NECESSARY SAFETY DEVICES AND PERSONNEL, WARNING LIGHTS, BARRICADES, AND POLICE OFFERS.
- ALL WORK SHALL CONFORM TO A SPECIAL PERMIT TO BE ISSUED BY THE PLANNING BOARD.
- THE LOCATION OF UNDERGROUND UTILITIES AS REPRESENTED ON THESE PLANS IS BASED UPON PLANS AND INFORMATION PROVIDED BY THE RESPECTIVE UTILITY COMPANIES OR MUNICIPAL DEPARTMENTS SUPPLEMENTED BY FIELD IDENTIFICATION WHEREVER POSSIBLE. NO WARRANTY IS MADE AS TO THE ACCURACY OF THESE LOCATIONS OR THAT ALL UNDERGROUND UTILITIES ARE SHOWN. THE CONTRACTOR SHALL CONTRACT DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION. DIG SAFE TELEPHONE NUMBER IS 1-888-344-7233.
- THE CONTRACTOR SHALL VERIFY THE LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO TAPPING INTO, CROSSING OR EXTENDING THEM. IF THE NEW WORK POSES A CONFLICT WITH EXISTING UTILITIES, THE ENGINEER SHALL BE NOTIFIED PRIOR TO THE CONTRACTOR CONTINUING.
- ALL WATER WORK SHALL COMPLY WITH SPECIFICATIONS OF THE TOWN OF NEEDHAM WATER DEPARTMENT. SEE F1-F9 NOTES BELOW.
- GRAVITY SEWER SHALL BE SDR 35. WATER LINES SHALL BE CONCRETE LINED CL 52 D.I.P. (DUCTILE IRON PIPE) & OR COPPER TYPE K REINFORCED CONCRETE PIPE RCP SHALL BE CLASS III. HDPE STORM DRAIN SHALL BE ADS N12 OR EQUIVALENT.
- NO LEDGE, BOULDERS, OR OTHER UNYIELDING MATERIALS ARE TO BE LEFT WITHIN 6" OF THE SEWER IN THE TRENCH, NOR ARE THEY TO BE USED FOR BACKFILL FOR THE FIRST 12" ABOVE THE PIPES.
- BASE MATERIAL SHALL BE CLEAN BANK RUN GRAVEL, CONFORMING TO M.D.P.W. M1.03.1, WITH NO STONES LARGER THAN THREE (3) INCHES IN DIAMETER AND SHALL BE PLACED AND ROLLED WITH AT LEAST A TEN TON ROLLER. THE SURFACES SHALL BE WET DURING ROLLING TO BIND THE MATERIAL. ALL STONES OF 4" DIAMETER OR LARGER SHALL BE REMOVED FROM THE SUB-BASE PRIOR TO PLACING BASE MATERIAL.
- PAVEMENT AREA SHALL BE PAVED TO A THICKNESS AS SHOWN ON THE PLANS MEASURED AFTER COMPACTION, WITH A BINDER COURSE AND TOP COURSE OF CLASS I BITUMINOUS CONCRETE PAVEMENT, TYPE 1-1.
- THE AGGREGATE SHALL BE COMPOSED, MIXED AND LAID HOT IN TWO COURSES AS SPECIFIED IN THE "COMMONWEALTH OF MASSACHUSETTS STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES", 1988 EDITION, SECTION 460 FOR CLASS I BITUMINOUS CONCRETE PAVEMENT, AS SPECIFICALLY SET FORTH IN SECTION 460.20 AND 460.82.
- ALL EXISTING PAVING TO BE DISTURBED SHALL BE CUT ALONG A STRAIGHT LINE THROUGH ITS ENTIRE THICKNESS, BUTT NEW PAVING INTO THE EXISTING PAVEMENT TO REMAIN AND TACK COAT THE JOINT.
- ANY PAVEMENT REMOVED FOR UTILITY TRENCH EXCAVATION OR OTHERWISE DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH A PAVEMENT SECTION CONSISTING OF 1 1/2" WEAR COURSE OVERLAYING A 2" BINDER COURSE OVERLAYING A 4" DENSE GRADED GRAVEL COURSE OVERLAYING A 8" COMPACTED GRAVEL BASE COURSE.
- ALL AREAS TO BE PLANTED WITH GRASS SHALL BE TREATED WITH 100 POUNDS OF GROUND LIMESTONE PER 1000 S.F. OF AREA PLANTED. AREAS TO BE PLANTED WITH GRASS SHALL BE FERTILIZED WITH 10-10-10 AT THE RATE OF 1,000 POUNDS PER ACRE OR AS REQUIRED BY SOIL TEST. 40% OF THE NITROGEN SHALL BE ORGANIC FORM.
- ALL LANDSCAPED AREAS TO BE LOAMED AND SEEDED SHALL HAVE THE FOLLOWING MIX.

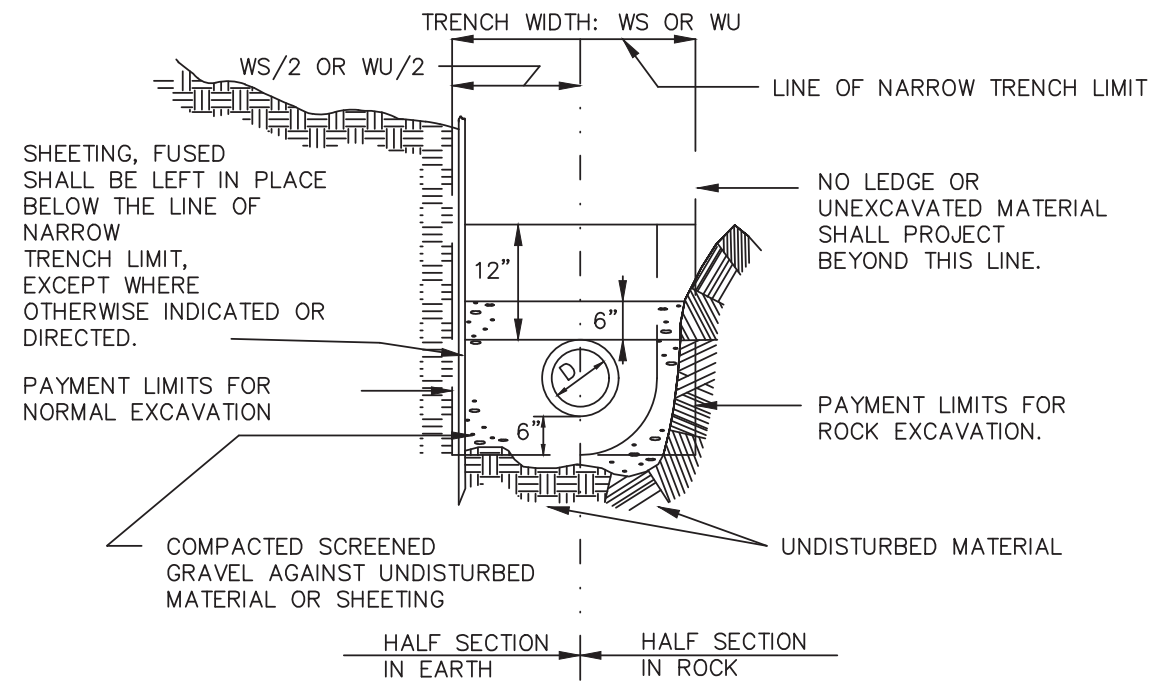
PERENNIAL RYE	25%
KENTUCKY BLUE	25%
CREEPING RED FESCUE OR PENNLAWN FESCUE	50%
SEED AT THE RATE OF 5#/1,000 S.F.	
- ALL AREAS INDICATED TO BE LOAMED AND SEEDED SHALL HAVE A MINIMUM OF 4 INCHES OF TOPSOIL SPREAD EVENLY THROUGHOUT. PROVIDE EROSION CONTROL MEASURES AS NECESSARY TO PROVIDE SLOPE STABILITY UNTIL VEGETATION IS ESTABLISHED.

EROSION CONTROL NOTES

- THE CONTRACTOR SHALL REGULARLY INSPECT THE PERIMETER OF THE PROPERTY TO CLEANUP AND REMOVE LOOSE CONSTRUCTION DEBRIS BEFORE IT LEAVES THE SITE. ALL DEMOLITION DEBRIS SHALL BE PROMPTLY REMOVED FROM THE SITE TO A LEGAL DUMP SITE. ALL TRUCKS LEAVING THE SITE SHALL BE COVERED.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INSTITUTE EROSION CONTROL MEASURES ON AN AS NECESSARY BASIS, SUCH THAT EXCESSIVE SOIL EROSION DOES NOT OCCUR. MEASURES SHALL INCLUDE HAY BALE DIKES AROUND DRAINAGE INLETS, MULCHING AND PLANTING OF DISTURBED AREAS.
- AFTER INSTALLATION OF EACH DRAINAGE INLET SILT SACKS SHALL BE INSTALLED AROUND EACH DRAINAGE INLET TO PREVENT SEDIMENT FROM ENTERING THE STORM DRAIN SYSTEM.
- AT THE END OF CONSTRUCTION ALL DRAINAGE STRUCTURES ARE TO BE CLEANED OF SILT, STONES AND OTHER DEBRIS.
- DURING CONSTRUCTION THE EROSION CONTROL MEASURES SHALL BE INSPECTED ONCE PER WEEK AND WITHIN 24 HOURS OF ANY STORM EVENT GENERATING MORE THAN 1/2" OF RAINFALL. THE EROSION CONTROL MEASURES SHALL BE CLEANED REGULARLY AND ADJUSTED IF NECESSARY TO ENSURE THAT NO SILT OR DEBRIS LEAVES THE SITE.



TRENCH WIDTH WS OR WU		
DIAM. OF PIPE	WU UNSHEETED	WS SHEETED
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"APPROVED IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED"

APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

"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 PLANNING BOARD OF THE TOWN OF NEEDHAM."

DAVID N. KELLY, P.E.

"I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NEEDHAM 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

SCALE	NA	DATE	03/03/20	REV	1.	DATE	07/07/20	PER PLANNING BOARD COMMENTS	
SHEET	7 of 7	FILE #	2019-088-DT01	JOB #	F:\2019-088	DRAWN BY	C.L.	CHKD BY	B.G.
APPD BY	DNK	RESIDENTIAL COMPOUND 768-768A CHESTNUT ST (LOT 4 HEATHER LANE) NEEDHAM, MA DETAIL SHEET							
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com									
SHEET NO. 7									

NEEDHAM PLANNING BOARD MINUTES

May 20, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Wednesday, May 20, 2020, at 7:15 p.m. with Messrs. Alpert, Owens and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs took a roll call attendance of people expected to be on the agenda. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video. He reviewed the rules of conduct for zoom meetings. This meeting will allow public comment. He noted if any votes are taken at the meeting the vote will be conducted by roll call.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 6/2/20 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting.

DeMinimus Change: Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, MA).

Mr. Jacobs noted the following correspondence for the record: an application dated 4/16/20; the first schematic drawing layout; a letter from the applicant, dated 4/23/20, that describes the project; a notice from the Commonwealth of Massachusetts with guidance on COVID 19 criteria; a second letter from the applicant, dated 5/12/20, with some modifications; a new drawing with a reconfigured layout, dated 5/13/20, with a list of vendors; a copy of the license agreement, dated 1/31/18, with the Town of Needham; a copy of the order of the Commissioner of Public Health; a copy of an earlier decision dated 4/25/17; a copy of an amendment to the base decision; a memo from the Police Chief, dated 4/28/20; a memo from Engineering, dated 5/4/20, noting no comments or objections; a letter from the Board of Health, dated 5/4/20, with concerns and a follow up letter from the Board of Health noting they were fine with the changes made.

Jeffrey Friedman, President of the Needham Farmers Market, noted this is for a one-year permit only. Farmer's Markets have been declared essential services by Governor Baker. They will work with the Health Department for health and safety. The Town Manager has signed off on the application. He has removed 2 new vendors and there will be no new artists. The Market will expand to a small part of the common and set up will start 1 hour earlier at 9:00 a.m. There will be temporary parking on Garrity Way. Tom Gehman, Board member and Operations Manager, described the layout of the Market. The layout has been expanded for social distancing. The walkway is part of the plan. Ten locations will be spaced on Garrity Way. The total vendor capacity is lower than previous. Spaces will be made with directionals for spacing and flow with the additional set up time. Staff members will be in the Market space to maintain order and spacing.

Mr. Friedman asked the Board to grant the Special Permit. The Market is scheduled to open on 6/14/20. He noted the Market has the support of the Health Department and the Town Manager. Mr. Jacobs asked if Mr. Friedman had seen a copy of the draft decision and was informed he had. Mr. Eisenhut stated he appreciated the presentation and the schematics. Mr. Alpert noted it appeared the work was done in cooperation with the Board of Health and there are no artists planned now. The Governor is phasing in a new normal. He asked if there are any plans, if the orders are modified, to allow artists or another vendor. Mr. Friedman stated it is difficult to speculate. They have not talked about any changes but it would have to be consistent with what the Health Department wants.

Ms. McKnight noted there ~~was-is~~ an ambiguity with regard to artists in the proposed decision and the schematic. If the intent is the Market does not need to come back to the Planning Board the decision implies that, but the schematic says artists are prohibited. What is the intention if the Governor allows artists? Mr. Friedman noted it could be done either way. He is not sure what ~~the~~ objection the Planning Board would have if the Governor and

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Board of Health allowed it, but what the Planning Board wants is important. Ms. McKnight feels the sketch plan should be more clear. A note should be added that says "Until such time as artists are clearly allowed under the Governor's orders, state agencies and the Needham Board of Health." The decision does say artists are allowed if allowed by the Governor. She would like the plan modification section modified to reflect that. She noted that on page 3 and page 4 the wording "vendors, artists and musicians" is there. Musicians are not allowed so it should just say "vendors and artists." There were no public comments.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the application as a de minimus change.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the application as presented with the modification made after discussion with the Board of Health and the modification made after issues discussed this evening.

Upon a motion made by Mr. Alpert, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present unanimously:

VOTED: to approve the draft decision with the amendment as presented by Ms. McKnight subject to the change to the schematic as discussed tonight.

De Minimus Change: Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA 02492).

Mr. Jacobs noted the following correspondence for the record: an application dated 5/4/20; a letter from Attorney Elizabeth Gerlach, Senior Counsel for the hospital, dated 5/4/20; the As-Built plan for Beth Israel Deaconess Hospital, prepared by Feldman Land Surveyors, approved 9/6/06 and last reviewed 6/11/14; a plot plan dated 12/21/18; a memo from Fire Chief Dennis Condon, dated 5/5/20, with no issues; a memo from Assistant Town Engineer Thomas Ryder, dated 5/20/20; a memo from Police Lt. Kraemer; a 2/15/20 sound study; a memo from Tara Gurge, dated 5/15/20, with comments, and a letter from Nancy Hoffmann, Chief Financial Officer for the hospital, dated 5/19/20, to the Needham Board of Health.

John Fogerty, President of Beth Israel Deaconess Hospital-Needham, noted this is a 2--part ask. There is now a temporary vestibule for a pharmacy for the cancer center. The first request will allow the installation of a temporary refrigeration unit, or alternate unit if needed, adjacent to the temporary vestibule to be used for COVID 19 if needed. The second request is to extend the deadline for removal of the temporary improvements. The refrigerated unit is there already. It was put in under an emergency basis as an expansion during the height of the crisis. We are on the downside of the pandemic but there are still spikes. He would like the deadline for removal to be extended to 11/15 or 60 days after the end of the Governor's State of Emergency, whichever is later.

Mr. Fogerty gave the background and rationale. He noted in the past 2 months 60 to 80% of patients were positive for COVID 19. It stressed the facilities and he felt they could not wait to obtain the refrigerated unit due to the crisis. There was competition for such equipment with other hospitals around the state and they needed to get it when it was available. The temporary unit is to be removed within one year unless there is good cause. The temporary pharmacy has been removed and the temporary vestibule remains. The temporary refrigeration unit is on site. He noted the rationale for the location was access to electrical connections in the vestibule, and it is shielded from view. He gave the dimensions and noted it is locked at all times. There is temperature monitoring. The refrigeration unit has not been used. He hopes to use it rarely if at all. Due to the inability to predict the rise and fall of the virus he would like flexibility to remove and reinstall an alternate unit if needed in the future.

Mr. Eisenhut stated he is unclear on the noise. He asked about the technical specifications of the refrigeration unit. Mr. Fogerty stated the unit meets all manufacturer specifications. There have been no complaints and the unit has been there for weeks. Ms. McKnight noted 2 proposed conditions. A sound study change was made due to communication between the Board of Health and Ms. Hoffmann. She asked if the Planning Director was

satisfied. Ms. Newman stated she was satisfied and the Board of Health was satisfied to delete the condition. Ms. McKnight noted the wording in Section 1.7, 2nd paragraph, regarding the canopy, was not correct. The pre-existing canopy is correct but then it says existing canopy. It should say "pre-existing canopy formerly located.." and should be "were approximately" rather than "are approximately." The hospital had requested the existing entrance structure be made permanent. She ~~clarified~~~~asked for clarification~~~~clarification~~ that currently the entrance structure is still temporary and would be replaced later but not now. Mr. Fogerty stated that was correct. The thought was to use for ~~CTsPTs~~ and such but the pandemic has pushed that aside. If in the future the hospital decided to make it permanent they will come back.

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Mr. Alpert stated he had 2 concerns but both have been addressed to his satisfaction. His concerns had been noise and removal of language regarding the unit being properly vented. Mr. Jacobs asked if the hospital has reviewed the draft and is satisfied with it. Ms. Hoffmann stated they are satisfied. Adam Block, candidate for Planning Board, noted Mr. Fogerty referenced an alternate temporary unit. Is that a refrigeration unit or a potential unit that is not refrigeration? It is not ~~reference~~~~clears to~~ what is proposed. Mr. Fogerty stated it could be another temporary refrigeration unit or a different type of unit needed to respond to the pandemic needs. It could be for personal protective equipment or a piece of diagnostic equipment. It would be temporary and solely focused for the crisis.

Ms. McKnight noted she had a similar concern. She is satisfied all access ~~to the temporary unit~~ will be through the hospital entrance. Mr. Eisenhut expressed concern about the noise. He asked if the noise would interfere with the neighbors. He would be more comfortable if the Planning Board reserves the right to conduct a formal noise study if necessary. Nancy Hoffmann, Chief Financial Officer for the hospital, stated there is an intention that if the noise becomes an issue it will be addressed. It makes more sense to address the issue rather than do a study. Ms. McKnight noted condition 3.4 at the end speaks to noise. In 4.2 there is a limitation. The Board retains jurisdiction to modify or amend the decision. It is general language but would apply if there is more than minimal noise.

Mr. Jacobs noted there were no public comments.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the application as a minor modification.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the requested relief and accept and approve the amended decision which was presented to the Planning Board this afternoon as the decision approved for the requested relief with the minor modifications Ms. McKnight made.

Presentation: proposed new use at 100 West Street. Redevelop and zoning change of the property to enable an 82 unit Assisted Living and Alzheimer's/Memory Care facility and 71 Independent Living Apartments.

Mr. Jacobs noted there will be a presentation by the owners of 100 West Street. There will be a new use and zoning changes the owners want the Planning Board to ~~adopt-propose and recommend to~~ Town Meeting. Roy Cramer, representative for the applicant, noted this is a redevelopment at the corner of West Street and Highland Avenue that was occupied by 60 units of assisted living, 142 bed nursing and medical office that was approved in 1993. It is on 4.3 acres of land in the Avery Square Business District. There is a small part in the Single Residence B (SRB) District. None of the building is in the SRB District. The property is currently vacant. The applicant is proposing 83 assisted living units and 71 independent living apartments

Mr. Cramer noted the existing 3-story building will remain and the footprint will remain the same. A partial 4th story will be added to create 10 proposed independent living apartments on that floor. Visibility of the 4th floor is minimized. The proposal will need a zoning change. If successful, the applicant will come back with further site plan review and some special permit requests. Ted Doyle, of LCB Senior Living, noted they are based in Norwood and have a 25 year history. He gave the company's background. They have 28 properties of higher

end senior housing. There ~~is~~ will be a pool, media room, library, roof deck, gym, covered park and a bocce court. There ~~are~~ will be 3 meals a day and assistance with daily living. This is a for profit and taxes will be paid. He feels this will be a low impact on municipal services and a high impact on economics. They have always been a good neighbor for the local seniors. Usually the resident is within 3 to 5 miles of where their children live. The company's ~~ies~~ number one mission is to relieve isolation and have interactive opportunities.

Lee Bloom, of LCB Senior Living, stated the existing exterior of the building will be kept and the interior will be demolished. The proposed modifications to the exterior will be 10 units to the roof. Some of the ground floor windows will be opened up and a streetscape will be created on Highland Avenue. The 4th floor will be 33% of the roof. Gardens and terraces will be added to the roof. Anthony Vivirito, project architect with The Architectural Team, stated they have been working with LCB for about 9 years and have completed 14 projects together. This will be their first renovation together. He gave the history of the Carter Mill family. ~~He noted this will be 73 independent living units with 92 beds, 53 assisted living apartments with 65 beds and 28 memory care units with 31 beds. The entry will be in the back of the building. There will be a total of 154 units.~~ The building is a landmark due to its significant history.

Mr. Vivirito showed the existing conditions and renderings of the proposed project. He stated there is a lot of rooftop equipment today that goes across the entire footprint of the roof. He noted there will be internal courtyards in the penthouse; colors will be introduced and vegetative planters for residents. There will be outdoor patios. The project is keeping a lot of classical elements made in the 90s. The existing rooftop equipment is 41.9 feet in height. It is 44 feet to the top of the new penthouse and the elevator runs 49 feet. He showed the floor plans and described the project. There will be a dedicated entry for the individual living units with dedicated patios. It is roughly 189,000 square feet and the penthouse is roughly 16,000 square feet. The mechanical systems will be screened on the roof. There will be a VRF system of heating and cooling with a series of condensers. He stated he is looking forward to working with the town on this project and to getting feedback.

David Kelly, of Kelly Engineering Group, described the outside of the building's existing conditions and the proposed conditions. There is a zone line through the site on the south side. There is a 63,700 square foot footprint. There are currently 110 outside parking spaces and 83 inside spaces. There are 2 driveways into the site with one on West Street and one on Highland Avenue. There is parking on the left and right from West Street and a drop off. The old access to the garage will be closed. There will be parking on the left and right, the drive continues through the building into the south parking lot. The existing landscape buffers along the railroad will remain. There are 28 public parking spaces along Highland Avenue.

Mr. Kelly reviewed the proposed conditions. There will be 176 parking spaces that include the 28 spaces on Highland Avenue. There will be 114 outside spaces and 34 inside spaces, then the 28 on Highland Avenue. The south lot remains unchanged but will have substantial landscaping. All landscaping on site will remain but be enhanced. There will be an enhanced drop off area and a service area where the old entrance to the garage is. On the left from the entrance will be the memory care with an outdoor dining area that will be fenced. Further along will be another dining area, a bocce court and other amenities ~~along with fire and water amenities~~. From a grading standpoint West Street is higher by only a couple of feet so it is a fairly flat site. He sees no issues with providing utilities to this site. The storm water management will be upgraded.

Erin Fredette, traffic engineer for McMahon Associates, spoke of traffic impacts. She studied Highland Avenue and West Street as well as site driveways in accordance with Mass DOT guidelines with peak hours with existing and projected. This land use is a relatively low traffic generator. There will be less impact than previous. There is no substantial change to traffic operations around the site. She used the industry standards. The proposed redevelopment is projected to generate an average peak parking demand of 80 vehicles during a typical weekday. The project proposes to include 148 parking spaces: 34 interior garage spaces and 114 exterior spaces. Comparing the projected parking demand to the proposed parking supply shows that the site would have a peak period utilization rate of approximately 54%. She anticipates 80 spaces weekday peak demand at 54%. There will be one space per unit for independent living and ½ space per unit in the elder services zone. They are showing more than that. She noted there are a lot of services nearby, including public transportation, which would limit the in and out vehicle trips to the site.

Mr. Cramer noted this is a proposed warrant article. They would like to create an overlay district and a map change. Mark Fougere, of Fougere Planning and Development, Inc., gave the fiscal impact report. He met with the Police and Fire to look at the project. There will be \$550,000 gross revenue with real estate taxes, personal property taxes, excise tax and Community Preservation Act (CPA) revenue. The estimated municipal costs are \$162,000, an increased value of \$28,000,000 and the property tax will be \$175,411 to \$470,572. There will be approximately 87 new jobs and the construction will last approximately 18 months. This will be a significant economic boost.

Evans Huber, of Frieze Cramer Rosen & Huber, LLP, ~~for LCB Senior Living~~, drafted the proposed zoning article for the ~~Avery~~ Square Overlay District (ASOD). The change in height will allow a maximum of 44 feet to the top of the 4th story with all mechanical, except the elevator over runs to 49 feet. The top of the penthouse will be 42 feet and is currently 35 feet. He drafted the article at 44 feet and the number of stories goes to 4. Currently it is 2 ½ stories with only 2 occupied. The 4th story is restricted with setbacks and maximum area. FAR has been increased from a current maximum of .7 to 1.1 in the overlay district. There is one parking space per bed in the assisted living and memory care units and 1 space per unit in the independent living. The proposal is for uses allowed by right in the overlay. The proposed use is similar to what has been in this site. Ten percent of the independent living apartments will be affordable in the ASOD By-Law. He asked if the boundaries of the ASOD should be limited to the property or the Avery Square Business District for the map change warrant article. He wrote it to the boundaries of the ASOD with some restrictions.

Mr. Eisenhut stated affordable housing is an issue for him and he is glad to see it. The affordable units need to be referenced somewhere. He asked if they would be taking advantage of environmental certificates. He would like some discussion regarding environmental sensitivity or LEEDS ~~certified~~. Mr. Huber stated they do include a section on affordable housing to mimic other sections in ~~the-t Town's Zoning Bylaw~~. Mr. Bloom stated it is premature, at this stages in the schematic design to seek LEEDS certification. They do a design that makes them certifiable but do not get certified. The goal is to achieve it. Mr. Eisenhut stated he has seen language that says LEEDS certified or equivalency.

Mr. Owens commented this is a good use, good location and an interesting project. Mr. Alpert ~~clarified-sought clarification that this-the proposed overlay~~ is just ~~the-a~~ portion of the underlying district ~~for this property for the overlay~~ and not the entire Avery Square District. Mr. Cramer noted it is just the portion of the subject property that is now in the Avery Square District. It was kept as narrow as possible. Mr. Alpert stated he is in favor of the project. It is a great use of the site. He thought it would be a Citizen's Petition. Mr. Cramer stated the intent was always to have the Planning Board bring it to Town Meeting.

Mr. Alpert noted the Board has been using 12½% for affordable housing for the 5 years he has been on the Board and he is concerned about the use and consideration of spaces on Highland Avenue as available for this building. He thinks that some of the spaces are special permit spaces for employees in businesses in the area. He does not know if it is fair to include those spaces in the available parking numbers. Mr. ~~HuberEvans~~ stated the 148 spaces on site will be sufficient to meet the requirements of the warrant article as drafted. Mr. Cramer noted in Section 5.1.1.7 in the By-Law you are allowed to count spaces adjacent to you but the spaces are not needed.

Ms. McKnight stated she is pleased to see housing options limited to persons over 55. She questioned the fiscal impact. There is no impact on schools but what about seniors who sell houses to people with children? Also, this has been proposed as an ~~as-of-right~~ use. Issues should be addressed via special permits. She would like to see this as a special permit use and not as of right. The traffic impact study does not include Hillside and West Street. There would be an impact as it is right there. That intersection needs to be studied and needs improvements as it is dangerous. Mr. Cramer noted the traffic impact for the proposed uses is substantially less than previous uses with parking and traffic decreasing. Contributions to the traffic fund are to mitigate increased issues.

Ms. McKnight reiterated ~~it-West Street/Hillside Avenue~~ is a dangerous intersection and needs to be included. She noted it seems the project is including continuing care apartment units. She asked if the independent units are paying for food service for themselves. Mr. Doyle stated that is correct. There is an excellent food program but

the units will have kitchens if ~~residents~~~~they~~ want to cook their own. Ms. McKnight noted the landscaping along Highland Avenue. Some large trees are proposed to be eliminated and decorative evergreens put in. She is not sure about patios on Highland Avenue. It does not strike her as appealing. Mr. Bloom stated there was a large hedge row he thinks was taken down. It is up to the individual to use the patio or not. He feels it activates the streetscape. The patios will be small with one table and 2 chairs. There are only patios on grade level.

Ms. McKnight noted the train horn noise is very loud at the West Street crossing. She asked if there was any noise reduction planned for the building. The applicant should think about that. She noted the wording says all buildings and uses currently allowed by right so they would be able to build the 4th story. She feels the focus should be more on the use of ~~the~~~~a~~ special permit for this development. Mr. ~~Evans-Huber~~ stated some limitations built into this By-Law would limit the building of the 4th story.

Mr. Jacobs asked if there would be time to discuss this at the 6/2/20 meeting and suggested the ~~hearing~~ presentation be adjourned to pick up at the 6/2 meeting. He likes the project but needs to go over the proposed By-Law. Mr. Cramer stated it would be helpful if any questions or comments were sent before the meeting. That would give them a chance to prepare.

Discussion of Annual Town Meeting zoning articles.

Ms. Newman noted there are Articles that are Citizen's Petitions. The change for the area near Hunting Road from Single Residence A to Single Residence B is being withdrawn. There is no recommendation from the Planning Board required. Children's Hospital is the other article. The Selectmen have not signed the Pilot Agreement. The Planning Board would vote at the 6/2 meeting. She would like a volunteer from the Planning Board to speak at Town Meeting about the article. Ms. McKnight volunteered to present. Adam Block stated he would help. Mr. Jacobs noted Ms. McKnight and Mr. Block should talk outside the meeting and decide what they would like to do. Ms. Newman noted Children's is making the presentation. The Planning Board only needs to make a recommendation as to the Planning Board's position and why that is their position. Moe Handel, of the Select Board, noted the Select Board took this up today and adopted it in principle. They support the article. Mr. Jacobs noted the Planning Board will vote once the Pilot Agreement is signed.

Dining opportunities to support local restaurants: Review of regulatory hurdles and opportunities for expanded outdoor dining to restart the economy.

Mr. Jacobs stated there has been a lot of discussion with Select Board members Mr. Handel and Ms. Cooley, himself, Ms. Newman, the Chiefs of the Police and Fire Departments, Tim McDonald and Sandy Cincotta about this issue. Currently the restaurants are suffering badly. The Governor has started to open up. The idea is to lend a hand in Needham to the restaurants and other retailers. The thought is to open up the public areas like the ~~common~~Common, the ~~H~~heights ~~C~~common and the area near Needham Bank, so restaurants could take food out and people could sit like in a food court. They got real push back ~~such as that~~ closing off streets would be problematic. Ms. Cincotta is checking to see if the restaurants are even interested. The idea is to act quickly. One idea is to adopt a policy of non-enforcement of any special permit condition or restrictions in existence that prevents outdoor seating, eating and drinking so long as it is on town-owned land with permission and the state and local health and safety requirements have been met. Mr. Jacobs ~~He~~ feels it needs to be an adoption of a policy.

Ms. Cooley noted the Select Board discussed this today. They are hopeful the Planning Board would take action as they want to start this weekend. Ms. Cincotta reached out to the restaurants. Other businesses are also interested. The thought is to start with the restaurants and see what happens. This will support all businesses. It is a great option for people for outdoors. This is not "bring your own bottle" or "buy liquor at the store and go sit down". No one can walk around with open containers. Alcohol can be bought at the restaurant with take-out meals and they can go sit on the common and enjoy. Mr. Jacobs stated they talked about how to keep everything clean, how to clean after each use, should there be a tent somewhere, will there need to be a police presence crossing streets particularly in the downtown. Ms. Cooley~~She~~ asked if the Planning Board was willing to adopt some sort of policy quickly tonight.

Mr. Handel stated this is a work in progress. We will see problems that weren't anticipated and will address them. Advantages will be there that were not seen before. This is time sensitive and time limited. It needs to be done quickly. He hopes the Planning Board will support it. Ms. Newman stated the seating is being done on public spaces. The Select Board controls those areas and they should be put in charge of implementation in those areas. For the restaurants where the use might be in existing parking spaces or in front note the Board of Health may allow seating to be allowed in more spread out areas. This gives the Planning Board the option to waive their restrictions.

Mr. Jacobs noted the time frame would be this weekend through Labor Day. Mr. Eisenhut stated there should be a time reference and it should be tied to the declaration of the Governors emergency. Mr. Jacobs stated that is arguable. There may still be quite a reluctance on the public's part to go out ~~and return~~. Mr. Block stated he tends to agree with Mr. Jacobs that it should not be limited to an act by the Governor or the Legislature. It may be prudent to continue even after the Governor opens up. It will be a beneficial action. He asked how to balance the competing interests of the Farmers Market and the restaurants. Mr. Handel noted the Farmer's Market has no issue and would appreciate the seating there. It is a win win for all interests.

Mr. Alpert feels the Planning Board has the authority to waive ~~their-its~~ own regulations and rules. Parts of special permits can be waived for a period of time. Mr. Jacobs suggested adopting a 90 day policy of non-enforcement. Mr. Owens stated it is an unprecedented situation. He will support whatever the Planning Board can do to help the Select Board, restaurants and small businesses. He would not be overly concerned with details. He endorses this 100%. Ms. McKnight stated she endorsed the approach. A policy of non-enforcement can be done immediately. It should allow take-out. She would not enforce a condition that would not allow take-out. Ms. Newman stated the issue is if seating is put in parking areas and spaces which are part of the permit. Ms. McKnight asked if seats could be put on sidewalks and if going further and they want to use parking areas they would need to talk about that later. Mr. Handel stated this needs to be dealt with now. At some point some will want to use parking areas. Let's anticipate and move with it. If it does not work it can be revisited. Ms. Cooley noted they can only do what is allowed by the state. All available tools should be looked at and considered. Ms. McKnight stated there is a distinction between public parking lots owned by the town. She would like to wait to the 6/2 meeting to make a decision that goes beyond the Town Common areas.-

Mr. Handel stated the Board is being asked to go beyond their comfort zone and look at this as an emergency. It needs to be done quickly and is an immediate emergency. It is not a permanent situation. Mr. Jacobs stated the Board is being asked to get out of the way for 90 days and not enforce anything that would prevent this going forward. Anything done will comply with state and health requirements. Mr. Eisenhut noted the justification is the emergency. Ms. McKnight has no problem with the time period. She asked if they could direct the Building Inspector to not enforce our Special Permit and not enforce any take-out conditions in decisions during this emergency. Mr. Handel noted they should not enforce outdoor eating restriction with respect to take out food for any restaurants and outdoor business activity for any retail subject to public safety and public health.

Ms. McKnight stated many permits do not allow any outdoor tables. Does that imply that outdoor eating is not allowed? Mr. Jacobs noted the Board should adopt a policy of non-enforcement for any of the Board's conditions such as take-out, outdoor eating and such. Mr. Handel noted a parking requirement needs to be added in. Tables could be provided in a parking space or more. He noted the Department of Health Director and the Assistant Town Manager will be coordinating with the Police and Fire for health and safety issues.

After discussion, Ms. Newman suggested "in order to promote social distancing during the reopening of the economy enforcement of take out, outdoor seating and parking requirements embedded in Planning Board Special Permits are hereby suspended." The order may suspend the above items for a period of 90 days to allow restaurants to provide outdoor seating for eating. She suggested the Board could say waivers conditioned upon approval by the Health Department, Fire Department and Police Department. Ms. Cooley suggested not using the 90 days but use the day after Labor Day. Mr. Jacobs noted if the condition is changed within this period prior to Labor Day this policy will be revisited. Mr. Eisenhut stated the Planning Board is not directing or enforcing conditions in their decisions.

Ms. McKnight commented she does not know how retail stores are being helped. Mr. Handel stated retail in downtown could sell wares outside their stores. They want to give the retail stores flexibility like Harvey's Hardware and the Garden Center who have altered their ways. The businesses need to be saved.

Upon a motion made by Mr. Owens, and seconded by Mr. Eisenhut, it was by a roll call vote of the five members present by a vote of four to one (Ms. McKnight voted in the negative):

VOTED: to support this concept and direct the Chair and the Planning Director to craft exact wording and see if we have 3 votes to approve the concept.

Mr. Alpert stated he is fully in favor. Ms. McKnight would like to assist with crafting the language.

Mr. Owens left the meeting at 10:40 p.m.

Highway Commercial 1 Zoning Initiative: Next Steps.

Ms. Newman stated one concern is the traffic study in the ~~fall~~-Fall with all new counts. Traffic is not going to approach normality in the Fall. The question is how to move forward. There will not be a new study. They could use the data collected by BETA 5 years ago, update it with new traffic counts done by the state and reframe the traffic study. Delaying work on this to the Fall will jeopardize the ability to get this done in the Spring. The Select Board will move the funds to the annual Town Meeting and if successful, work could be started in July. Mr. Jacobs stated his concern is if the Finance Committee would approve of that. ~~Ms. Cooley stated the Finance Committee members all agree it would not be useful.~~ They would like to sit down and think how to go forward. Using the existing data is the best way to go.

Discussion of Summer Schedule

Ms. Newman stated, in the past, there was one meeting in July and one in August. She would like to propose 2 times per month via zoom. All members agreed. Ms. Clee will send out dates via email to all members.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:

VOTED: to accept the minutes of 2/18/20.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:

VOTED: to accept the minutes of 3/6/20 asking the staff to look at Select Board and make sure it is consistent throughout.

Correspondence

There is no correspondence.

Reports from Planning Director and Board members.

Ms. Newman discussed the mechanics of getting documents signed. She could give signature sheets, the members could make a PDF of it and email it back to her. Then mail 2 originals to her home. She needs the originals for the registry. This was agreed. Ms. Clee noted de minimus change decisions do not need to be notarized. The 6/16/20 meetings will need a notary. Ms. Newman will send instructions.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to adjourn the meeting at 11:12 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

June 2, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Tuesday, June 2, 2020, at 7:15 p.m. with Messrs. Alpert, Owens and Block and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs took a roll call attendance of people expected to be on the agenda. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video. He reviewed the rules of conduct for zoom meetings. This meeting will allow public comment. He noted if any votes are taken at the meeting the vote will be conducted by roll call.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 6/16/20 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting.

Discussion of Annual Town Meeting zoning articles.

Mr. Jacobs noted the Board is not sponsoring any articles at this Town Meeting. There is a single zoning article. That is the Citizen's Petition by Children's Hospital. Ms. Newman stated the Board needs to make a recommendation on the Article and vote on it. She noted Mr. Block should not participate because he was not on the Board at the hearing.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by a roll call vote of four of the five members present (Mr. Block did not vote):

VOTED: to recommend adoption of Article 19 to amend the Zoning By-Law to provide for pediatric medical facilities in the New England Business Center District.

Discussion of proposed new use at 100 West Street. Redevelopment and zoning change of the property to enable an 83 unit Assisted Living and Alzheimer's/Memory Care facility and 71 Independent Living Apartments.

Mr. Jacobs noted there are minor changes to the request. The Board heard an extensive presentation at the last meeting. This is only an update tonight. Evans Huber, of Frieze Cramer Rosen & Huber, LLP, noting the project is changing from 71 to 72 independent living apartments to make it 12½% affordable rather than 10% affordable. The additional unit will be on the 3rd floor in a space that was designated for another purpose. There are no changes to the roof or FAR calculation. This will require one additional parking space and the parking layout has been modified to include that space. He provided a revised warrant article.

Mr. Huber noted the other changes in response to the comments made. In 3.15.3.1, the language has been modified to make clear that the only mixed uses being proposed as of right are the uses in this building. In 3.15.4.1, the setback language has been modified to make clear where the setback is required on the north side of the building. In 3.15.4.2, has been clarified to make clear the calculation of the FAR is the entire square footage of the entire property and not just the portion in the Avery Square District. In 3.15.5, there is a change to the off-street parking language. He took out the language regarding assisted living or residential care. If in the future the number changes it would not change in the Avery Square Overlay District (ASOD). In 3.13.5(b), there are changes to the language to clarify the intent.

Mr. Huber noted one concern raised was traffic at Hillside Avenue and West Street. He submitted an email to Ms. Newman with data pulled out of the traffic study. While not specifically studied, if the impact data study is looked at it shows actual numbers of current trips compared to anticipated trips of this project. This would add about 1% traffic volume to West Street headed in both directions. He thinks the impact on Hillside Avenue and West Street would be minimal. The applicants have proposed this be allowed as of right. The purpose of the

warrant article is to facilitate the LCB Senior Living Project for these uses. It does not make sense to propose and then not have the uses allowed. There will be site plan review and the Board could set conditions and will still have control. Mr. Block noted the previous use with 202 units ceased in 2017. Last year the property was vacant when the traffic counts were taken. There are 47 fewer units. Are there traffic counts conducted in 2017 or thereabouts? Erin Fredette, of McMahon Associates, stated she does not have counts from then. She looked at 2019 and added trips on top of it. Mr. Block asked if the town had any traffic counts from 2017 or when Avery Square was active. Ms. Newman will check.

Roy Cramer, of Frieze Cramer Rosen & Huber, LLP, stated for the 25 year period when the building was operational it was assisted living and nursing home. The proposal is for assisted living and independent apartments. There will be no nursing home. Substantially less traffic will be generated. Mr. Alpert stated he was grateful that his comments were taken seriously and changes made. He is pleased with how it now reads except having the use by right and not special permit. He came in with an open mind, gave it a lot of thought and research. He has decided he prefers the uses continue under a special permit, as it is the current charge of in the Avery Square District. He explained his reasoning citing the case of Prudential vs. the Zoning Board of Appeals ~~for of~~ Westwood. He laid out special permit vs. site plan review. There is much more authority under the special permit use. He looked at what the Board has done in the past with North Hill, Avery Crossing/Avery Manor, Wingate and the Elder Services Districts. All of these were uses of the general districts they were in and were not changed. All had a special permit element and some had an as of right element. ~~He feels the current uses should be kept for this project and this project should not be given special consideration.~~

Mr. Alpert stated he is in favor of this By-Law change if the provision of as of right was removed and the use kept the way it is now as special permit. Mr. Huber noted the case Mr. Alpert ~~eluded alluded~~ to held that if the use is allowed as of right in the district it cannot be turned down ~~all~~ together by the permit granting authority. The project needs the 4th floor or the project would be allowed by right. The Planning Board would still have the authority to impose condition through site plan review. Mr. Alpert stated the Prudential case is an important element. If the Planning Board imposes restrictions that are appealed on special permit process an appeal court has to give deference to the Board. There is a very important distinction in that case. All applicants and petitioners should be treated equally.

Mr. Huber noted each similar use in town cannot be compared. Each needs to be looked at on its own merit. This use has been in this location. He feels the Board wants to see this use in this location. The Board will impose conditions. Mr. Alpert commented there are many uses in Town where the same use is allowed by special permit and they have not been made as of right because the use has been there. Basically this is an apartment building which is allowed by special permit in a business district and this is a business district. He is in favor of the project and in favor of the 4th floor. He feels it is a great addition to Town but he wants to keep the special permit and as of right uses as they are now.

Ms. McKnight agreed with all Mr. Alpert's comments. She would also rather see a special permit ~~rather~~ than by right. She has reviewed the written materials shown and the landscaping along Highland Avenue. She is satisfied now. She saw there will still be trees and bushes in front along with patios. David Kelly, of Kelly Engineering Group, noted they have taken down the overgrown trees that were there and are putting in new. Ms. McKnight stated she is still concerned with the intersection at West Street and Hillside Avenue. Sketches have been provided of other intersections. She would like to see a revised site study that shows the information in the memo in sketch form for that particular intersection. Ms. Fredette stated she can do it graphically but would not have any information going to or from the intersection. Other intersections have information on how many cars are turning and going through but she would not have that information for this intersection.

Ms. McKnight asked what is missing from the data that would not allow that information. Ms. Fredette noted they count individual vehicles such as how many turn left and such. They did not do that because of the negligible amount. Since they did not do counts they do not know how many cars turn left out of Hillside Avenue. Lee Bloom, of LCB Senior Living, noted the intersection is of interest to LCB also. Ms. Fredette stated she has reached out to the Town Engineer to see if he had any previous information. He did not have anything to pass along but thought there was a study being conducted elsewhere. Ms. McKnight informed her she ~~had~~ has

copies of those reports and would discuss them with Ms. Fredette. Mr. Bloom feels traffic improvements may be difficult at that intersection but is willing to look at it and make improvements.

Ms. McKnight had some drafting questions regarding the article. It was clarified that the definitions for assisted living units and Alzheimer/memory care units were defined in the By-Law. Ms. Newman stated the definitions should be looked at. There may need to be some adjustments to those definitions to capture this district. Mr. Huber noted that is why at the beginning of the article he amended the definition of Independent Living apartments because it only applies to the Elder Services District. Mr. Jacobs noted he is concerned about the intersection of West Street and Hillside Avenue and not so much an increase in traffic. Foot traffic will increase substantially. A selling point will be it is close to the Heights. There will be a lot of traffic back and forth to the Center at the Heights. This is a concern to him but he does not think that needs to be dealt with now. Mr. Cramer agreed this would come up in the permitting stage. They will look at the pedestrian issue. Ted Doyle, of LCB Senior Living, stated that is an issue they are concerned with as well.

Mr. Cramer stated he would like to secure approval by the Planning Board and have them sponsor it. He would like to get some type of resolution. The Board may want to take a vote on the Special Permit vs. the as of right issue. Ms. Newman noted, timing wise, Town Meeting is in October. She thought the Board would have a public meeting before the summer but now all the meetings are remote with the pandemic. If the Board takes it up at the next meeting that is fine. There could be a hearing in the summer or at the beginning of September. Mr. Cramer would prefer early summer rather than the Fall. Mr. Jacobs noted the vote will be taken at the 6/16 meeting. No time has been determined yet.

Board of Appeals – June 18, 2020.

18 Highland Circle – Spiga, LLC

Ms. Newman noted this is a repeat of a project that was in front of the Board but was never implemented. It is for 32 outdoor seats with a tent. It was previously approved but not implemented within the Board's 2 year timeline. This will be in front of the Planning Board for a waiver in setback. Mr. Alpert stated this is the first time he has seen a tent. This gives a whole new look and he would like to discuss it. He does not want to see tent structures around town. Ms. McKnight is concerned with the safety of a tent but that would be a matter for the Building Inspector. This is a unique location set back from the road. She is inclined to say no comment.

Mr. Block asked if there is anything in the geography that has changed from the last time it was approved where no action was taken to now. Ms. Newman noted nothing has changed. This is a less permanent structure than before. The applicant is looking to put portable heaters out there for use for a longer period of time. Mr. Block asked if the area has been developed or changed since previously approved. Ms. Newman stated there has been very little change. Ms. McKnight made a motion to request the Zoning Board of Appeals (ZBA) to consider, in review of the outdoor dining tent, the effect it may have to inhibit multi-family development in this district that is a goal of this Board. Mr. Jacobs noted there was no second to the motion. He suggested the Board express sentiments to the ZBA that erection of a permanent tent is novel to us and ask they be sensitive to laying out specific and relative details that may make a tent appropriate in that space. Mr. Block and Mr. Alpert agreed.

Mr. Owens stated the issue is that not enough is known about the tent concept to take a position on it. He has some concerns about how novel an ideal this tent is. Can the Board ask the ZBA to think carefully about the tent concept? Mr. Owens made a motion that the Board urge the ZBA to give careful consideration to the idea of the tent and the precedent it might set. Ms. McKnight suggested, in their decision, they should explain the unique circumstances this site presents. Mr. Owens was ok with the amendment.

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

VOTED: to urge the ZBA to give careful consideration to the idea of the tent and the precedent it might set and explain in their decision the unique circumstances this site presents.

52 Coulton Park – Mary and Jasper Bogogian

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: "No comment."

Minutes.

Ms. McKnight noted in the minutes of 3/19 /20 she had 2 changes. In the 1st paragraph delete "held in the Charles River Public Services Building" and on the 2nd page, last paragraph, "proposed" appears twice. The first "proposed" needs to be deleted.

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

VOTED: to accept the minutes of 3/19/20 with the 2 changes.

Correspondence.

There is no correspondence.

Report from Planning Director and Board members.

Ms. Newman noted Town Meeting is on Monday. She briefly ran through what to expect. It will be outside with chairs on the parking lot spaced for social distancing. All are required to wear masks. There will be 16 microphones set up throughout in case questions come up. Only the Select Board and the Finance Committee will be allowed up front. She suggests the Planning Board members should locate close to a microphone in case there are questions. The presentation will be put on You Tube. Ms. Newman and Mr. Jacobs will not be there. Town Meeting will be live streamed through cable and it can be connected through Zoom. She feels the Board should have a traditional meeting earlier in the day, then vote to recess the meeting and turn off the broadcasting capability of the meeting. They can reconnect on zoom ~~in~~ if necessary.

Mr. Block asked if it was possible for the Planning Board to be called to speak on the \$60,000 appropriation for the Highland Commercial 1 Study. Ms. Newman stated the Select Board are planning that so it may come up. Mr. Block asked about the Map Change Article. That will be withdrawn. Mr. Owens suggested scheduling a zoom call at 3:00 p.m. Monday. Town Meeting starts at 5:00 p.m. Ms. Newman will do an agenda, post the meeting and send invites. She noted the outdoor dining was voted at the last meeting. She has prepared an implementation plan. She would like the Board to take a vote for the policy that was reflected.

Mr. Block noted Section 2 of the guidelines (d) regarding alcohol is effectively being suspended. He would strike or modify that language. Ms. McKnight stated drinking in public places is a town By-Law and a police matter. She would simply state take out wine or beer from a restaurant and to be taken to table in park where outdoor dining has been permitted ~~the Select Board is allowing public drinking.~~

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

VOTED: to confirm the policy.

Ms. McKnight commented on the Report to Town Meeting by the Town Manager regarding the appropriation ~~notice~~ for the planning study for consulting assistance for Needham 2025. She asked if Ms. Newman has been involved in this. Mr. Jacobs stated he has been on the committee since the beginning. Ms. Newman will prepare a recommendation on the zoning article for the Town Clerk. She will send it out tomorrow and members should scan it back with their signatures.

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

VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: JCB Solar Update July 10 2020
Date: Friday, July 17, 2020 8:50:12 AM

From: Lee Newman

Sent: Wednesday, July 15, 2020 9:45 AM

To: Stephen Gentile <sgentile@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Robert Lewis <RLewis@needhamma.gov>; Chris Baker <CBaker@needhamma.gov>; David Roche <droche@needhamma.gov>

Cc: Steven Popper <SPopper@needhamma.gov>; Wiehe, Stephen <wiehes@wseinc.com>; Richard, Michael <richardm@wseinc.com>; Henry Haff <hhaff@needhamma.gov>; Beth Greenblatt <bgreenblatt@beacon-llc.com>; Steve Connor <Steve.Connor@greenmtncomm.com>; Ken Sargent <ksargent@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>

Subject: RE: JCB Solar Update July 10 2020

I have spoken with my Board Chair and Vice Chair on the noted project. A full amendment with public hearing will be required. Please let me know your anticipated permitting schedule so that we can get this item on the Planning Board's meeting schedule.

Thanks,

Lee

From: Lee Newman

Sent: Monday, July 13, 2020 4:36 PM

To: Stephen Gentile <sgentile@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Robert Lewis <RLewis@needhamma.gov>; Chris Baker <CBaker@needhamma.gov>; David Roche <droche@needhamma.gov>

Cc: Steven Popper <SPopper@needhamma.gov>; Wiehe, Stephen <wiehes@wseinc.com>; Richard, Michael <richardm@wseinc.com>; Henry Haff <hhaff@needhamma.gov>; Beth Greenblatt <bgreenblatt@beacon-llc.com>; Steve Connor <Steve.Connor@greenmtncomm.com>; Ken Sargent <ksargent@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>

Subject: RE: JCB Solar Update July 10 2020

Thanks for the information on the proposed changes to the Jack Cogswell building. As you know the Planning Board currently retains the Special Permit on this project. The plans the Board approved did not anticipate the solar installation on the roof. I have reached out to the Board Chair and Vice-Chair for a determination on the procedure they will require to implement the changes i.e. either a diminimus change or a full amendment. I will be back in touch when a decision has been reached.

Thanks,

Lee

From: Stephen Gentile <sgentile@needhamma.gov>

Sent: Friday, July 10, 2020 2:11 PM

To: Dennis Condon <DCondon@needhamma.gov>; Robert Lewis <RLewis@needhamma.gov>; Chris Baker <CBaker@needhamma.gov>; David Roche <droche@needhamma.gov>

Cc: Steven Popper <SPopper@needhamma.gov>; Wiehe, Stephen <wiehes@wseinc.com>; Richard, Michael <richardm@wseinc.com>; Henry Haff <hhaff@needhamma.gov>; Beth Greenblatt <bgreenblatt@beacon-llc.com>; Steve Connor <Steve.Connor@greenmtncomm.com>; Ken Sargent <ksargent@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>; Richard P. Merson <RMerson@needhamma.gov>

Subject: JCB Solar Update July 10 2020

Hello all,

Attached is the revised solar panel layout for the Jack Cogswell Building Roof. The intent here is to address concerns relating to security, tower ice and other issues pertaining to the public safety telecommunications tower and equipment room. Please let me now if you have any further questions or concerns. Issues relating to the snow guards and accessing panels have been taken into consideration by the designer. The next step in the process is to submit an application to Eversource. They will evaluate proposed electrical load impacts to the grid. There are financial benefits to submitting this application early. The original schedule was to submit July 1. The salient requirement from the utility is that once the application is submitted, design changes cannot be made, under the same application.

Other expected steps moving forward involve getting construction bid prices, submitting an application for the SMART program under the state DOER solar incentive system and getting Town Meeting approval in the Autumn, for funding approval. The JCB project has a significant contingency left, but consensus will be sought on how funding proceeds. As you might know the RTS parcels are being consolidated. This also comes into play with regards to the DOER single-parcel rule and related regulatory procedures. In short, there are multiple "gates" to pass thru, but having this plan submitted in confidence is the critical first step.

For background, this initiative was sparked by resident inquires on why all new town buildings don't have solar panels. The landfill array has been a great financial success, panels have been installed on the Sunita L Williams School and Needham has recently become a Green community. We have performed a financial analysis for JCB Solar, which was presented to the Finance Committee. Let me know if you are interested in more details of this background and/or the process to move forward.

Thank you,

Stephen H. Gentile, AIA

Building Design and Construction Department
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550, ext. 336
Cell: 781-801-5937