

NEEDHAM PLANNING BOARD

Tuesday August 11, 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 Release Surety: Scenic Road Act Reginald C. Foster, 898 South Street, Needham, MA 02492, Petitioner, (Property located at 898 South Street, Needham, MA and is shown on Assessor’s Map 205 as Parcel 6)
2. Request to Extend Action Deadline: 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner, (Property located at 390 Grove Street, Needham, MA).
3. Public Hearing:
 - 7:30 p.m. Article 1: Amend Zoning By-Law – Avery Square Overlay District
Article 2: Amend Zoning By-Law – Map Change to Avery Square Overlay District
 - 8:00 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 and is continued from the July 21, 2020 Planning Board meeting and will be further continued to the September 8, 2020.*
 - 8:30 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 continued from the June 16, 2020 and July 21, 2020 Planning Board meetings.*

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 continued from the June 16, 2020 and July 21, 2020 Planning Board meetings.*
4. Extension of Temporary Outdoor Seating / Outdoor Display Policy.
5. Board of Appeals – August 20, 2020.
6. Committee Appointments (Design Review Board).
7. Minutes.
8. Correspondence.

9. Report from Planning Director and Board members.

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

AGREEMENT

AGREEMENT made this 2nd day of December, 2017 by and between the TOWN OF NEEDHAM, a municipal corporation located in Norfolk County, Massachusetts, acting through its Planning Board (hereinafter referred to as the "TOWN") and Reginald C. Foster, 898 South Street, Needham, MA. 02492 (hereinafter referred to as the APPLICANT).

WHEREAS, the Applicant has sought to obtain approval from the Town to perform activities at 898 South Street, further identified on Needham Assessor's Map 205 as Parcel 6, which is subject to the provisions of M.G.L. Chapter 40, Section 15C and the Rules and Regulations of the Needham Planning Board governing its administration of the Scenic Road Act;

WHEREAS, the Applicant has sought to remove 18 public shade trees within the right of way of South Street, a designated Scenic Road for the property located at 898 South Street, Needham, MA; The public shade trees proposed to be removed are as follows: (1) 3" Crabapple; (2) 4-stem Ash, 9", 6", 6" and 4"; (3) 3" Crabapple; (4) 6" Hemlock; (5) 24", 18" Oak; (6) 4" Crabapple; (7) 2" Crabapple; (8) 2" Crabapple; (9) 15" Hemlock Truck (keep as wildlife resource if possible); (10) 15" Elm; (11) 5" Crabapple; (12) 5" and 12" Multistem Crabapple; (13) 8" Crabapple; (14) 7" Crabapple; (15) Multistem Crabapple, 3", 1.5", 1.5"; (16) 7", 4" Multistem Crabapple; (17) 9", 15" Multistem Crabapple; and (18) 15" Hemlock.

WHEREAS, the Applicant will plant replacement trees and shrubs in consultation with the Tree Warden to replace the Public Shade Trees being removed;

WHEREAS, the Town, in reliance upon the accuracy and content of the application and plan, approves the removal of the 18 public shade trees as shown on the following:

- I. Plan entitled "Foster Residence, 898 South Street, Needham, MA", prepared by Thomas Wirth Associates, Landscape Architecture: Sheet 1, Sheet L6, entitled "Existing Conditions Plan," dated June 8, 2017; Sheet 2, Sheet L8B, entitled "Enlargement of Plan Addressing Scenic Road and Engineering Issues" dated June 8, 2017; Sheet 3, Sheet L10, entitled "Planting Plan with plant List," dated June 8, 2017; Sheet 4, Sheet L11, entitled "Detailed Planting Plan," dated June 8, 2017.
- II. Plan entitled "Foster Residence, 898 South Street, Needham, MA", prepared by Thomas Wirth Associates, Landscape Architecture, Sheet L8A, entitled "Plan and Details Addressing Scenic Road and Engineering Issues," dated June 8, 2017, revised December 7, 2017.
- III. Plan entitled "Foster Residence, 898 South Street, Needham, MA", prepared by Thomas Wirth Associates, Landscape Architecture, Sheet L8C, entitled "Materials Plan," dated November 15, 2017, revised December 7, 2017.

NOW THEREFORE, said Applicant and their successors and assigns covenants and agrees as follows:

1. The proposed activities shall conform and be consistent with the plans as noted above except that the request to install the gravel parking pull-off area within the layout of South Street is denied. Furthermore, notwithstanding the above, the 6 proposed Sycamore (*Platanus occidentalis*) street trees, as shown on the plan, shall be replaced with a similar more resilient species approved by the Tree Warden.
2. The proposed fence locations within the Right of Way shall require a Street Permit issued by the Department of Public Works.
3. The proposed temporary overnight parking of vehicles on the shoulder during the construction process, while

the driveway is being repaired and installed shall require approval by the Needham Police Department.

4. All proposed work within the right-of-way of South Street shall be accomplished at the expense of the Applicant; any damage to other private property shall be restored to the satisfaction of the Planning Board and the Town Engineer.
5. Prior to the commencement of construction all work permits required by the Town of Needham shall be obtained by the Applicant. All work permits required by the Town of Needham shall be at the Applicant's expense.
6. Upon completion of the construction, As-built plans shall be submitted to the Public Works Department and Planning Board for approval.
7. The Applicant shall plant replacement trees and shrubs in consultation with the Tree Warden to replace the Public Shade Trees being removed all replacement as shown on the plan described under paragraph 1 above.
8. In order to guarantee the performance of the work as shown on the Plan and described herein, surety in the amount of Seven Thousand Fifty dollars (\$7,050.00) shall be posted with the Planning Board prior to the commencement of any work; such surety shall be in a form acceptable to Town Counsel and shall be released by the Planning Board upon the completion of the work as approved by the Town Engineer.
9. All work authorized under this permit must be completed by July 25, 2019.

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

By Needham Planning Board

Ted Owens
[Signature]
Jean S. Moran
Marty Jacob
[Signature]

By Applicant

Reginald C. Foster
Reginald C. Foster

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Dec. 8 2017

On this 8 day of December, 2017, before me, the undersigned notary public, personally appeared Reginald Foster, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be his free act and deed before me.

[Signature]
Notary Public

My Commission Expires: March 18, 2022

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Dec 7 2017

On this 7 day of December, 2017, before me, the undersigned notary public, personally appeared Ted Owens, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

[Signature]
Notary Public

My Commission Expires: March 18, 2022

Approved as to form:

[Signature]
Town Counsel

cc: Public Works Dept.
Town Engineer
Building Inspector

THOMAS WIRTH ASSOCIATES, INC
LANDSCAPE ARCHITECTURE

133 WESTERN AVE SHERBORN MA 01770 WESWIRTH@YAHOO.COM 617-640-2412

04-09-20

Lee Newman, and Alex Clee
Needham Planning Dept
500 Dedham Avenue Public Services Administration Building Suite 118
Needham, MA 02492

Re: Foster Scenic Road Permit – 898 South St Needham MA

Dear Lee and Alex

On Reg and Barbie Foster's behalf I am submitting As-Built Plans of the Foster Landscape. The As-Built Plan and Planting plan for Planning, shows all relevant landscape architectural 'Hardscape' and 'Softscape' elements in graphic form, and calls out in red notes, elements that were specific to the Planning Board, and the Scenic Road Agreements. The red notations address both the original planning submission requests, and the subsequent additional requests.

Parallel to this effort, we have submitted a Certificate of Compliance and all supporting documentation to the Conservation Commission, and walked the site with Deb Anderson. I believe they will be discussing our Request at the next meeting which is tomorrow. We anticipate that it will be conditionally approved, based on the robust native garden / restorative planting efforts, and approved after two years of required plant health monitoring.

Please feel free to call my cell 617 640-2412 with any questions or for clarifications. I am happy to meet any inspectors, town engineers (at a safe distance) to guide them through any of the as-built issues, related to curb cuts, walls and fencing, drainage, road shoulder, drainage, the under road Farley pond culvert, and the very carefully chosen selection of trees in the 35 setback zone.

Can you please give us an idea of the anticipated timeline, flow and sequence of necessary inspections, and necessary meetings to close this out. We will gladly help however we can, I can be reached at 617-640-2412.

Reg and Barbie Foster respectfully request their surety bond be returned in full, as the earliest convenience of the Planning Board. .

Sincerely,



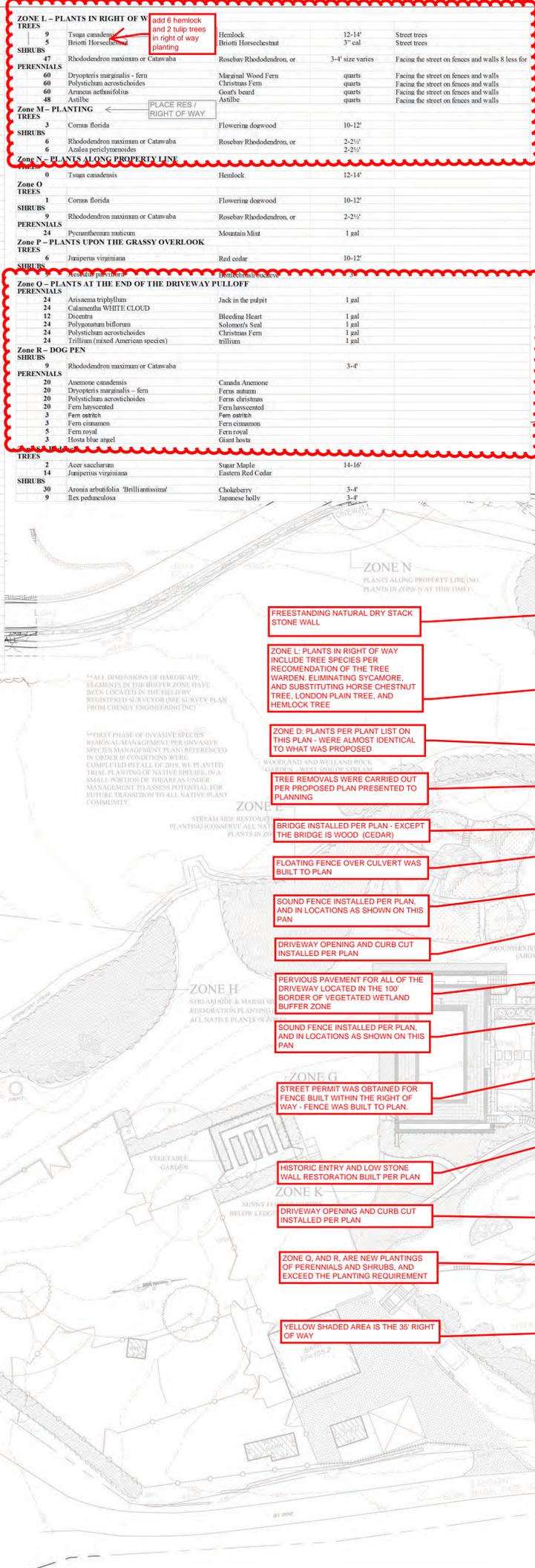
Wesley Wirth

Attached:

1. 36" x 48" Pdf As- Built Plan and Planting Plan for Planning - document and plant lists, dated 2-26-2020 (screened to show the 35' offset zone from the property line)
2. Cheney Engineering As- Built Plan for Conservation Commission (to verify dimensional accuracy)

CC Reg Foster

Qty	Botanical Name	Common Name	Size	Comments
Zone A - Planting along South St and in front of house				
TREES				
10	Chamaecyparis Nivalis Special	Hedge material	10-12"	Evergreen material to form 2 hedges of 23' long
1	Stewartia pseudomedea		12-14"	
SHRUBS				
14	Buxus 'Green Mountain'	Boraxod	3'-4"	
6	Hydrangea paniculata 'Doppink'	PINKY-WINKY		
PERENNIALS				
20	Asclepias racemosa	Black Cohosh - Buhane	Gallons	Along facade of house
20	Asclepias racemosa	Black cohosh - Buhane	Gallons	Bed under and next to hemlock
20	Asclepias racemosa	Black cohosh - Buhane	Gallons	Beds under and next to magnolias
8	Asclepias tuberosa	Baneberry	Gallons	Along facade of house
20	Asclepias tuberosa	Bane berry	Gallons	Beds under and next to magnolias
20	Anemone canadensis	Canada Anemone	Gallons	Bed under and next to hemlock
30	Arisaema triphyllum	Jack in the podpit	Gallons	Positioned by in in field
40	Geranium maculatum	Geranium	Gallons	Beds under and next to magnolias
20	Hesperis matronalis (Dahl's Strain)	Coral bells	Gallons	Beds under and next to magnolias
12	Podophyllum peltatum	May Apple	Gallons	Beds under and next to magnolias
20	Polygonatum hibernicum	Polygonatum seal	Gallons	Beds under and next to magnolias
60	Polystichum acrostichoides	Christmas Fern	Gallons	Along facade of house
10	Pycnanthemum nativum	Mountain Mint	Gallons	Bed under and next to hemlock
30	Pycnanthemum nativum	Mountain Mint	Gallons	Beds under and next to magnolias
30	Tiarella cordifolia 'Raising tapestry'	Foam Flower	Gallons	Beds under and next to magnolias
20	Trillium (mixed American species)	Trillium	Gallons	Where they will thrive
20	Trillium (mixed American species)	Trillium	Gallons	Where they will thrive
20	Waldsteinia fragarioides	Barron strawberry	Gallons	Bed under and next to hemlock
40	Waldsteinia fragarioides	Barron strawberry	Gallons	Beds under and next to magnolias
Zone B - Planting by culvert and along the stream				
TREES				
3	Carpinus caroliniana	American Hornbeam	8-10' multi stem	Stream bank
2	Taxodium distichum	Bald Cypress	10-12"	Stream bank - (one weeping)
3	Cornus florida 'Cherokee Princess'	American Dogwood	8-10'	
1	Specimen conifer	at top of stone steps	5x5'	
SHRUBS				
12	Azalea periclymenoides	Pinker bloom Azalea	2-1/2-3'	Plant in clumps per plan
6	Clethra alnifolia	Summersweet	2-1/2-3'	Plant in clumps per plan
3	Lindera benzoin	Spice Bush	2-1/2-3'	Plant in clumps per plan
6	Hydrangea quercifolia 'Snow Queen'	Oakleaf Hydrangea	2-2 1/2'	At base of wall
3	Kalmia latifolia	Mountain Laurel	2-2 1/2'	At base of wall
15	Rhododendron canadense	Rhodora	2-2 1/2'	Stream bank by culvert
PERENNIALS				
24	Arisaema triphyllum	Jack in the podpit	Gallons	Next to trilliums
15	Arisaema 'Misty Lace'	Goatshead (smaller)	Gallons	Front - base of stone retaining wall
12	Asarum canadense	Goatshead	Gallons	Back - base of stone retaining wall
12	Calla palustris	Water arum	Gallons	Split between floating beds
10	Cyperpedium acule	pink lady slipper, and other	Gallons	Positioned by in in field
48	Iris prismatica	Slender blue flag iris	Gallons	Split between floating beds
16	Matacastris struthiopteris	Ostrich Fern	Gallons	Split between floating beds
16	Osmunda cinnamomea	Cinnamon Fern	Gallons	Split between floating beds
16	Osmunda regalis	Royal Fern	Gallons	Split between floating beds
100	Trillium (mixed American species)	Trillium	Gallons	Where they will be
Zone C - Secret Garden				
TREES				
1	Cornus alternifolia	Pagoda Dogwood	6-8'	Small specimen tree
2	Cornus florida 'Cherokee Princess'	American Dogwood	6-8'	Small specimen tree
3	Acer pensylvanicum	Striped maple	6-8'	Small specimen tree
3	Amelanchier canadensis	Shadblow Serviceberry	6-8'	Small specimen tree
3	Magnolia virginiana	Sweet Bay Magnolia	7-8'	Small specimen tree
5	Halesia carolina	Silverbell	2" cal	Juvenile trees for the future
SHRUBS				
6	Azalea viscosum	Pink Shell Azalea	2-2 1/2'	Aside side of path
6	Azalea viscosum	Swamp Azalea	18-24"	Aside side of path
10	Leucothoe fontanesiana 'Scarletta'	Drooping Leucothoe	18-24"	In clumps in soil pockets
VINES				
3	Clematis jackmann on arbors or other species	Woodbine	Gallons	On arbors
PERENNIALS				
24	Asclepias racemosa	Black Cohosh - Buhane	Gallons	Positioned by in in field
24	Asclepias tuberosa	Bane berry	Gallons	Positioned by in in field
40	Arisaema triphyllum	Jack in the podpit	Gallons	Positioned by in in field
24	Asarum canadense	Wild ginger	Gallons	Positioned by in in field
24	Cardophylax dulcitrifolius	Blue Cohosh	Gallons	Positioned by in in field
20	Cyperpedium acule	pink lady slipper, and other	Gallons	Positioned by in in field
40	Dryopteris marginalis - fern	Marshall Wood Fern	Gallons	Positioned by in in field
30	Erythronium americanum	Troulilly	Gallons	Positioned by in in field
20	Hepatica nobilis aca	Sharp-lobed Hepatica	Gallons	Positioned by in in field
12	Hesperis americana (Dahl's Strain)	Coral bells	Gallons	Positioned by in in field
40	Mantiderrum racemosum	False Solomon's Seal	Gallons	Positioned by in in field
15	Podophyllum peltatum	May Apple	Gallons	Positioned by in in field
60	Polystichum acrostichoides	Christmas Fern	Gallons	Positioned by in in field
20	Tiarella cordifolia 'Raising tapestry'	Foam Flower	Gallons	Positioned by in in field
20	Trillium Catesbaei	Rose trillium	Gallons	Positioned by in in field
20	Trillium cernuum	Nodding trillium	Gallons	Positioned by in in field
20	Trillium cernuum	Nodding trillium	Gallons	Positioned by in in field
20	Trillium grandiflorum	White trillium	Gallons	Positioned by in in field
20	Trillium grandiflorum	White trillium	Gallons	Positioned by in in field
40	Wood lily	Wood lily	Gallons	Positioned by in in field
Zone D - Woodland and Wetland Rock Garden - West side of stream				
TREES				
3	Carpinus caroliniana	American Hornbeam	8-10'	
3	Cornus alternifolia	Pagoda Dogwood	8-10' multi stem	
3	Cornus x Rogers 'Stellar Pink'	Stellar Pink Dogwood	8-10'	
3	Fagus grandifolia	Black Tupelo	1-1/2" cal	
3	Nyssa sylvatica	Black Tupelo	8-10'	
3	Picea abies	Norway spruce	16-18"	
2	Platanus occidentalis	American Sycamore	2-3" cal	
3	Thuja occidentalis 'Nigra'	Dark american arborvitae	16-18"	
6	Tsuga canadensis	Hemlock	14-16"	
SHRUBS				
20	Azalea periclymenoides	Pinker bloom Azalea	2-2 1/2'	Plant in clumps per plan - upland
20	Azalea prinophyllum	Early azalea	2-2 1/2'	Plant in clumps per plan - upland
6	Azalea viscosum	Swamp Azalea	2-2 1/2'	Plant in clumps per plan - waters edge
12	Cephalanthus occidentalis	Bathtubbush	2-2 1/2'	6 by hedges, 6 near marsh
5	Lindera benzoin	Spice Bush	2-2 1/2'	Per plan
8	Rhododendron canadense	Rhodora	2-2 1/2'	Plant in clumps per plan - upland
4	Rhododendron maximum	Rosebay Rhododendron	2-2 1/2'	Plant in clumps per plan - upland
PERENNIALS				
Marsh Planting				
48	Asclepias incarnata	Swamp Milkweed	Gallons	Marsh edge
24	Eupatorium maculatum purpureum	Joe Pye Weed	Gallons	Marsh edge
20	Hibiscus moscheutos	Rose Mallow	Gallons	Marsh edge
20	Lilium canadense	Canada lily	Gallons	Marsh edge
72	Lobelia cardinalis	Cardinal Flower	Gallons	Marsh edge
72	Lobelia siphilitica	Great Blue Lobelia	Gallons	Marsh edge
Stream Edge				
8	Aster panicum	Swamp Aster	Gallons	Stream edge
40	Calla palustris	Marsh Marigold	Gallons	Stream edge
20	Chelone glabra	Turtlehead	Gallons	Stream edge
8	Verbeena lasata	Blue Vervain	Gallons	Stream edge
Woodland trails				
24	Asclepias racemosa	Black cohosh - Buhane	Gallons	Woodland trails
36	Anemone canadensis	Canadian anemone	Gallons	Woodland trails
24	Anemone September charm	Wind flower	Gallons	Woodland trails
12	Arisaema triphyllum	Jack in the podpit	Gallons	Woodland trails
12	Asarum canadense	Wild ginger	Gallons	Woodland trails
36	Edinaceae purpurea Mixed	Coneflower	Gallons	Woodland trails
12	Hesperis americana (Dahl's Strain)	Hesperis	Gallons	Woodland trails
60	Iris sibirica Mixed variety	Iris	Gallons	Woodland trails
36	Isotria medeoloides	Blue star creeper STEPPABLE	Gallons	Woodland trails
60	Mazus reptans Purple	Moss STEPPABLE	Gallons	Woodland trails
12	Monarda didyma	Beebalm	Gallons	Woodland trails
36	Phlox tuberosa 'amazona'	Jernusalem saze	Gallons	Woodland trails
12	Podophyllum peltatum	May apple	Gallons	Woodland trails
24	Polygonatum odoratum var. pluriflorum 'Variegatum'	Variogated solomon's seal	Gallons	Woodland trails
36	Polystichum acrostichoides	Christmas fern	Gallons	Woodland trails
36	Sedum hiemale with blue carpet purple form	Stonewort ROCKY EDGE	Gallons	Woodland trails
20	Sedum lydium mossy stonecrop	Stonewort ROCKY EDGE	Gallons	Woodland trails
20	Sedum spartanum john crech	Stonewort ROCKY EDGE	Gallons	Woodland trails
9	Thalictrum rochebruneum	Giant meadow rue	Gallons	Woodland trails
100	Tiarella cordifolia 'Raising tapestry'	Foam flower	Gallons	Woodland trails
100	Trillium grandiflorum	White trillium	Gallons	Woodland trails
Zone E - Stream Side Restoration Planting (Conserve All Native Plants in Zone)				
TREES				
7	Betula papyrifera	Paper Birch / Canoe Birch	8-10' clumps	
8	Aster panicum	Swamp Aster	8-10'	
SHRUBS				
24	Chamaecyparis thoides	Atlantic White Cedar	8-10'	
PERENNIALS				
6	Ilex verticillata	Winterberry	2-2 1/2'	Male/female
Stream Edge Planting				
20	Asclepias incarnata	Swamp Milkweed	Gallons	Stream edge and up-slope
8	Aster panicum	Swamp Aster	Gallons	Stream edge and up-slope
40	Calla palustris	Marsh Marigold	Gallons	Stream edge and up-slope
20	Chelone glabra	Turtlehead	Gallons	Stream edge and up-slope
8	Cyperpedium acule	pink lady slipper, and other	Gallons	Stream edge and up-slope
24	Digitalis species mixed	Foxgloves	1 gal	Positioned by in in field
36	Edinaceae purpurea MIXED VARIETIES	Marigold Wood Fern	1 gal	
20	Hibiscus moscheutos	Rose Mallow	Gallons	Stream edge and up-slope
20	Lilium canadense	Canada lily	Gallons	Stream edge and up-slope
10	Lobelia cardinalis	Cardinal Flower	Gallons	Stream edge and up-slope
20	Lobelia siphilitica	Great Blue Lobelia	Gallons	Stream edge and up-slope
8	Verbeena lasata	Blue Vervain	Gallons	Stream edge and up-slope
Zone L - Restoration of Access Road to Native Planting Area				
TREES				
1	Quercus bicolor	Swamp White Oak	3-3 1/2" cal	
1	Larix	Native Larch	12-14" specimen	
SHRUBS				
12	Aronia arbutifolia 'Brilliantissima'	Red Chokeberry 'Brilliantissima'	2-1/2-3'	Plant in clumps per plan
3	Sambucus canadensis	Elderberry	2-1/2-3'	Plant in clumps per plan
4	Vaccinium corymbosum 'Friendship'	Highbush Blueberry	2-1/2-3'	Plant in clumps per plan
4	Vaccinium corymbosum 'Late Blue'	Highbush Blueberry	2-1/2-3'	Plant in clumps per plan
PERENNIALS				
12	Asclepias racemosa	Snake root	Gallons	In large clumps
24	Asclepias incarnata	Swamp Milkweed	Gallons	In large clumps
60	Larix perennis (not planted at this time)	Wild Larch	Gallons	In large clumps
12	Pycnanthemum nativum	Mountain Mint	Gallons	In large clumps
Zone J - Around Existing Terraces (Above and Below)				
TREES				
1	Franklinia alatahna	Franklinia tree	8-10' multi-stemmed	In planter
SHRUBS				
8	Hydrangea paniculata 'Doppink'	Pinkie Winkie Hydrangea	3-4'	Below terrace wall
7	Boswood	Boswood	2" tall and wide	Pool terrace
PERENNIALS				
40	Asclepias racemosa 'Atroriparia'	Purple Leafed Buhane	Gallons	Below the amelanchier
40	Edinaceae purpurea MIXED VARIETIES	Cone flower	Gallons	Below the amelanchier
40	Geranium maculatum	Geranium	Gallons	Below the amelanchier
20	Iris sibirica Mixed variety	Spectious siberian iris	Gallons	Under lilacs on upper terrace
50	Tiarella cordifolia	Foam Flower	Gallons	Bank above clump room
80	Waldsteinia fragarioides	Barron strawberry	Gallons	Bank above clump room
Zone K - Sunny Flower Garden Below Ledge / Above Pool				
SHRUB ROSES				
#2 pot	shrub rose	Chimera Rose	#2 pot	At base of fence
#2 pot	ROSE CLIMBERS AND SHRUBS PLANTED -		#2 pot	On fence
PERENNIALS Area is 900 sf				
16	Asclepias racemosa 'Atroriparia'	Purple Leafed Buhane	Gallons	Clumps positioned by la
24	Amorpha 'Blue leaf'	Blue ice blue star flower	Gallons	Clumps positioned by la
12	Anemone hobdani SEPTEMBER CHARM	Anemone	Gallons	Clumps positioned by la
12	Artemisia dioica	goatshead	Gallons	Clumps positioned by la
12	Aster cordifolius - (syn. Symplocarion)	Blue wood aster	Gallons	Clumps positioned by la
24	Aster novae-angliae 'Harrington's Pink'	New England Aster	Gallons	Clumps positioned by la
3	Bambusa nana '2 BLUE 1 YELLOW'	Yellow Wild Indigo	Gallons	Clumps positioned by la
16	Boltonia asteroides 'Snow bun'	False Aster	Gallons	Clumps positioned by la
8	Edinaceae purpurea 'Fragrant Angel'	Cone flower	Gallons	Clumps positioned by la
24	Echinacea purpurea	Blue globe thistle	Gallons	Clumps positioned by la
24	Erythronium bourgati	Emperor's crown	Gallons	Clumps positioned by la
24	Erythronium ranosum 'Chocolate'	White anemone	Gallons	Clumps positioned by la
36	IRIS SPECIES MIXED	Wild Larch	Gallons	Clumps positioned by la
24	Lapins perennis	Wild Larch	Gallons	Clumps positioned by la
120	Mixed sedum varieties	Mixed sedum varieties	Gallons	Planted into the ledge
12	Monarda didyma	Purple Bee Balm	Gallons	Clumps positioned by la
12	Paeonia 'coral 'n' gold'	Immaculate peony	Gallons	Clumps positioned by la
12	Paeonia 'mammock'	Maroon clark peony	Gallons	Clumps positioned by la
12	Panicum virgatum 'Prairie Fire'	Switch Grass	Gallons	Clumps positioned by la
6	Perovskia atricincta 'Little sistr'	Little sistr russian saze	Gallons	Clumps positioned by la
8	Perovskia atricincta 'sibirica' (aka 'fretail')	Spectious siberian saze	Gallons	Clumps positioned by la
12	Pycnanthemum nativum	Mountain Mint	Gallons	Clumps positioned by la
60	Sempervivum cultiva	Hens and chicks mixed varieties	Quarts	Clumps positioned by la
12	Stachys officinalis 'Hamamelis' (Bestop 'Hamamelis')	White dead nettle	Gallons	Clumps positioned by la
30	Symplocarion ericoides	Great meadow rue	Gallons	Clumps positioned by la
12	Thalictrum rochebruneum	Perlytop vervain	Gallons	Clumps positioned by la
18	Verbeena bourgati	Perlytop	Gallons	Clumps positioned by la
24	Veronica umbrosa 'ceceira blue'	Periwinkle	Gallons	Clumps positioned by la
16	Veronicastrum virginicum f. roseum 'Pink Glow'	Culvers root	Gallons	Clumps positioned by la



From: [Edward Olsen](#)
To: [Lee Newman](#); [Reginald Foster](#); [Wes Wirth](#); [Alexandra Clee](#)
Cc: [Anthony DelGaizo](#)
Subject: RE: 898 South St.
Date: Wednesday, July 29, 2020 4:14:41 PM

Hi everyone,

Everything that Wes and I discussed was replaced, as mentioned by Wes, last week. I am assuming that these plant materials will be properly cared for and will survive this brutal heat snap, so I am comfortable with signing off on this project now.

Thank you,

Eddie

From: Lee Newman <LNewman@needhamma.gov>
Sent: Wednesday, July 29, 2020 10:56 AM
To: Reginald Foster <regfoster@me.com>; Wes Wirth <weswirth@yahoo.com>; Alexandra Clee <aclee@needhamma.gov>
Cc: Edward Olsen <eolsen@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>
Subject: RE: 898 South St.

Reg,

I am scheduling this item for the next Planning Board meeting of August 11 so that they can vote the release of funds by the Town Treasurer at that time. Both Ed Olsen and Tony DelGaizo will be conducting their final inspections prior to that meeting so absent any unexpected issues we should be in good shape.

I drove by the property a few weeks ago and the end result looks wonderful. Thanks again for your patience in this Covid 19 environment.

Lee

From: Reginald Foster <regfoster@me.com>
Sent: Tuesday, July 28, 2020 11:28 AM
To: Wes Wirth <weswirth@yahoo.com>; Alexandra Clee <aclee@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>
Subject: Re: 898 South St.

Good morning Alex/Wes:

Can we get this wrapped up this week? I'd very much like to get my bond back.

Everything is 1,000% more beautiful and scenic along South Street than it was before we started. Plus, an acre of wetland has been liberated from invasives and restored with native plants. Additionally, stormwater runoff from South Street is no longer draining into the stream, but going where it belongs into the South Street catch basin.

Everyone should be delighted with the results! It isn't really right or fair to me to wait for the refund any longer, notwithstanding the coronavirus.

Best,

Reg

=====
Reg Foster
898 South Street
Needham, MA 02492
Cell: (339) 222-6187
[eMail: regfoster@me.com](mailto:regfoster@me.com)
=====

On Jul 22, 2020, at 2:41 PM, Wes Wirth <weswirth@yahoo.com> wrote:

Alex,

We will have all the replacement trees installed FRI - at Fosters (898 South st) so Ed can do a drive by Monday:-) to see the final replaced version of the right or way plantings .

thanks

And pls let me know about engineering-
All relevant systems Drainage, driveway curb cuts, culvert of Farley pond ...) are all functioning well

- Wes

-----O-----O-----O-----
Wesley Wirth
617 640 2412

On Jul 22, 2020, at 11:33 AM, Alexandra Clee <aclee@needhamma.gov> wrote:

Hi Wes,

I wanted to be sure you received my email below.

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: Alexandra Clee
Sent: Friday, July 10, 2020 11:07 AM
To: Wes Wirth <weswirth@yahoo.com>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: 898 South St.

Hi Wes,

See Eddie's email below. When the new plantings are installed, let us know and Eddie or a designee will do a drive by and give us final sign-off.

I am still unsure if Engineering will weigh in, but this is on their radar now and I expect to hear from them in some capacity, so as to not hold you up.

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: Edward Olsen <eolsen@needhamma.gov>
Sent: Thursday, July 09, 2020 4:17 PM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Cc: Kevin Naughton <knaughton@needhamma.gov>
Subject: 898 South St.

Hi ladies,

I hope all is well with you and your families? I finally did manage to catch up with Wes

yesterday and performed a site visit to check on the plantings within the Public Way. As I mentioned previously, there are some tree and landscaping materials that have perished and need to be replaced. All specimens that I saw were the same as was noted already by Wes. So we are both on the same page with what little needs to be replanting prior to release of the bond. Wes had a crew working there yesterday and mentioned that by the end of this week he was hoping to have all tagged (dead Materials) removed and replanted by his firm. I was pleased that he had already seen what I had from my quick drive byes in recent months. The vast majority of the planting in the Public Way are healthy and thriving. I give credit to both Wes and Reg for a very robust and diverse plant and tree population with a focus on native species.

Please let me know if you have any other concerns of needs for this property. I imagine Wes will email you both soon or at the finish of his work this week?

Thanks,

Eddie



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

August 6, 2020

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Scenic Road Permit-Release of Bond
898 South Street

Dear Members of the Board:

The Department of Public Works has completed its inspection on 7/29/20 per your request and determined the completion of the project. The applicant is requesting release from the established bond.

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

- Plan entitled "Asbuilt Plan Planting Plan for Planning", consisting of 1-sheet prepared by Thomas Wirth Associates, Landscape Architects dated 2/6/20.
- Plan entitled, "As-Built Plan for Conservation Comm." Consisting of 1-sheet prepared by Cheney Engineering Co., Inc., dated 2/11/20
- Letter from Wesley Wirth of Thomas Wirth Associates to the Planning Department dated 4/9/20.

Our comments and recommendations are as follows:

We do not object to the release of the bond and close out of the permit.

If you have any questions regarding the above, please contact our office at 781-455-7550.

Sincerely,

Thomas A Ryder
Assistant Town Engineer

tryder

George Giunta, Jr.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 449-8475

August 6, 2020

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

VIA EMAIL: LNewman@needhamma.gov

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

Dear Lee,

Pursuant to our recent email correspondence, so as to facilitate adequate time for review of pending plan revisions, please accept this letter as a request to further continue the hearing on the Definitive Subdivision Application for 390 Grove Street until September 8, 2020.

Moreover, while it is my understanding that action deadlines have been tolled pursuant to order of the Governor, to the extent necessary, in connection with the foregoing request, please also extend the applicable action deadline until October 30, 2020.

Sincerely,



George Giunta, Jr



Independent & Assisted Living, Reflections Memory Care



The Residence at Carter Mill



Proposed Warrant Articles

The Residence at Carter Mill – Proposed Warrant Articles

The entire building, and the great majority of the property, is located in the Avery Square Business District (ASB), with a portion of the property located in the Single Residence B Zoning District. The primary Warrant Article will establish the Avery Square Overlay District (“ASOD”). In an effort to draw the articles narrowly so as to minimize unintended consequences, the proposed zoning changes closely mirror what is actually intended to be constructed.

- **The Warrant Article Establishing the ASOD**: the principal proposed zoning changes and limitations are:
- **Height**. Current maximum allowable height of a structure in the ASB is 35 feet. The proposed maximum allowable height in the ASOD is 44 feet to the top of the fourth story, including mechanical systems, except that the two elevator overruns will have a maximum allowable height of 49 feet.
- **Stories**. The maximum number of stories allowed in the ASB is 2 ½, and only two stories may be occupied. The proposed zoning change will increase the maximum allowable number of stories in the ASOD to 4, with all four stories permitted to be occupied.
 - The current building is a 3-story legal, pre-existing non-conforming structure with occupancy on all three stories.
- **Fourth Story Setback**. The proposed fourth story will be limited so that any structures (including mechanicals) on the fourth story must be set back from the façade of the existing structure by 35 feet from the southern facade, 15 feet from the eastern façade (facing Highland Ave), and 110 feet from the northern façade (facing West Street)
 - No setback from the building façade will be required on the west, or on the northern-facing side of the building at the rear of the West Street parking area and closest to the MBTA right of way.
 - To the west of the building is a parking area, which is immediately adjacent to the railroad right of way, which in turn is adjacent to the Hillside Avenue Business District.
- **Fourth Story Max Area**. The proposed fourth story is also limited so that the total floor area of any fourth floor addition to the existing building (excluding mechanicals such as HVAC equipment) may not exceed thirty-five percent (35%) of the total roof area of the existing building.



Proposed Warrant Articles

The Residence at Carter Mill – Proposed Warrant Articles (continued)

- **Floor Area Ratio.** The maximum allowable floor area ratio (FAR) in the ASB is 0.7, and the proposed maximum allowable FAR in the ASOD is 1.1
 - The area of the building devoted to the parking garage is not included in FAR calculations
 - This is already true in other zoning districts in Needham, such as the Medical, Needham Center, Lower Chestnut Street, and Garden Street Overlay Districts, and the Elder Services Zoning District
- **Parking.** The proposed parking requirement for Independent Living Apartments is 1 space per Apartment; for the Assisted Living and Alzheimer/Memory Loss units it is one space for every two beds, plus one space for every two employees on the largest shift.
 - The current parking requirement for Independent Living Apartments in the Elder Services Zoning District is 0.5, and the current parking requirement for the A-2 Zoning District (where North Hill is located) is 1.5.
 - The proposed parking requirement for the Assisted Living and Alzheimer/Memory Loss units is the same as is already set forth in Section 5.1.2 of the Bylaw for nursing homes and residential care facilities
 - Per the Traffic Impact Study, these requirements will significantly exceed anticipated actual demand
 - The portion of the south parking area that extends into the SRB district adjacent to the ASB/ASOD will remain, but cannot be further expanded.
- **Special Permit Uses.** Independent Living Apartments, and Assisted Living and Alzheimer/Memory Loss Facilities, are distinct uses proposed to be allowed in the ASOD, by Special Permit issued by the Planning Board. Mixed use buildings are also proposed to be allowed in the ASOD by Special Permit, where such uses are allowed by right or by Special Permit in the ASB or the ASOD.
- **Affordable Units.** The proposed ASOD bylaw requires that 12.5% of the Independent Living Apartments be affordable units.



Proposed Warrant Articles

- **The Residence at Carter Mill – Proposed Warrant Articles (continued)**
- **The Map Change Warrant Article:**
- The proposed map change article defines the boundaries of the ASOD as matching the boundaries of the property, except that on the south, the boundary of the ASOD matches the boundary of the ASB established in 1992.
- This means that a small portion of the property, including a portion of the south parking area, will not be in the ASOD, but will continue to be located in the adjacent SRB district.
 - We believe this is preferable to creating an overlay district whose boundaries extend beyond one boundary of the current ASB district, into the adjacent SRB district.
 - The Warrant Article establishing the ASOD contains a limitation ensuring that the parking area cannot be enlarged any further from the ASB/SRB District boundary than it is at present.



Independent & Assisted Living, Reflections Memory Care

Developer & Operator

- **LCB Senior Living, LLC** is a Massachusetts-based developer, operator and third-party manager of quality senior housing communities with roots that go back nearly 30 years. LCB is partnering on this proposal with **Welltower**, a renowned real estate investment firm and current owner of the Carter Mill building.
- The LCB team were pioneers of modern assisted living in New England and have built and/or managed approximately 50 Independent, Assisted and Memory Care communities throughout New England and the Mid-Atlantic.
- LCB is known for its beautiful, well-located communities, and strives to provide quality non-medical care in a close-knit, home-like environment. The company's philosophy is to help residents be *themselves* again, taking advantage of an environment that makes life easier so that they can be social, engaged, and rediscover all of the things that have fulfilled them in their lives.
- **Welltower** is one of the largest and most successful real estate investment trusts in the country. Their business is centered on a relationship-based investing platform, providing capital to leading senior housing operators, post-acute care providers and health systems. Through their investments, these companies are able to grow, innovate and ultimately provide better care.



Proposed Development

The empty Carter mill building will be upgraded and renovated to create a 155 apartment senior housing community.

- 72 Independent Living apartments
 - (63 Market & 9 Affordable) (93 beds)
 - 48 one-bedroom (includes 6 Affordable) and 24 two-bedroom (includes 3 Affordable)
- 55 Assisted Living apartments
- 28 Memory Care apartments



Community Features

- Private or shared apartments
 - Full kitchen in the Independent Living apartments, kitchenette in Assisted Living apartments.
- Utilities (heat, A/C, electric & water)
- Meal Plan, chef-prepared meals every day
- Visiting healthcare professionals on-site
- Maintenance and groundskeeping
- Full schedule of learning, cultural, recreational and entertainment programming.



Community Amenities

- Full-service restaurant (for resident use) with “Anytime Dining” and bistro
- Media room/theater
- Indoor pool, recreation spaces, bocce court
- Living rooms, country kitchens, and library
- Roof deck and resident patios
- Covered parking
- Close to:
 - Senior Center, banks, Trader Joe’s, Post Office, library, nail salon, restaurants and coffee shops, pharmacy, Needham Heights commuter rail station



THE
RESIDENCE
at Carter Mill





Non-Medical Services

Assisted Living

- We provide help with the Activities of Daily Living
 - Medication management
 - Dressing & bathing
 - Walking escort
 - Others, as needed
- Residents can avail themselves of as much care as they need at any given time

Memory Care

- A secure, safe part of the community
- Private dining, common areas, secure outdoor space, and more
- A non-pharmacological approach that focuses on the person, not the disease
- All associates are Certified Dementia Professionals



Low Impact & Public Benefits

- For-profit, tax-positive business
- Very low impact on municipal services
- Large driver of local economics/commerce
- Quiet, attractive neighbor
- Needed housing choices for local seniors
- Active, involved member of the community



Upgrades to the Property

- Demolition of interior space and reconfiguration of new units
- Upgrades to exterior to improve access and window line
- Addition of 10 apartments on the roof (35% of the roof area)
- Addition of gardens and terraces to the roof
- Improved landscaping
- Replacement of HVAC, electrical and life safety
 - Meet and exceed sound attenuation regulations



THE
RESIDENCE
at Carter Mill

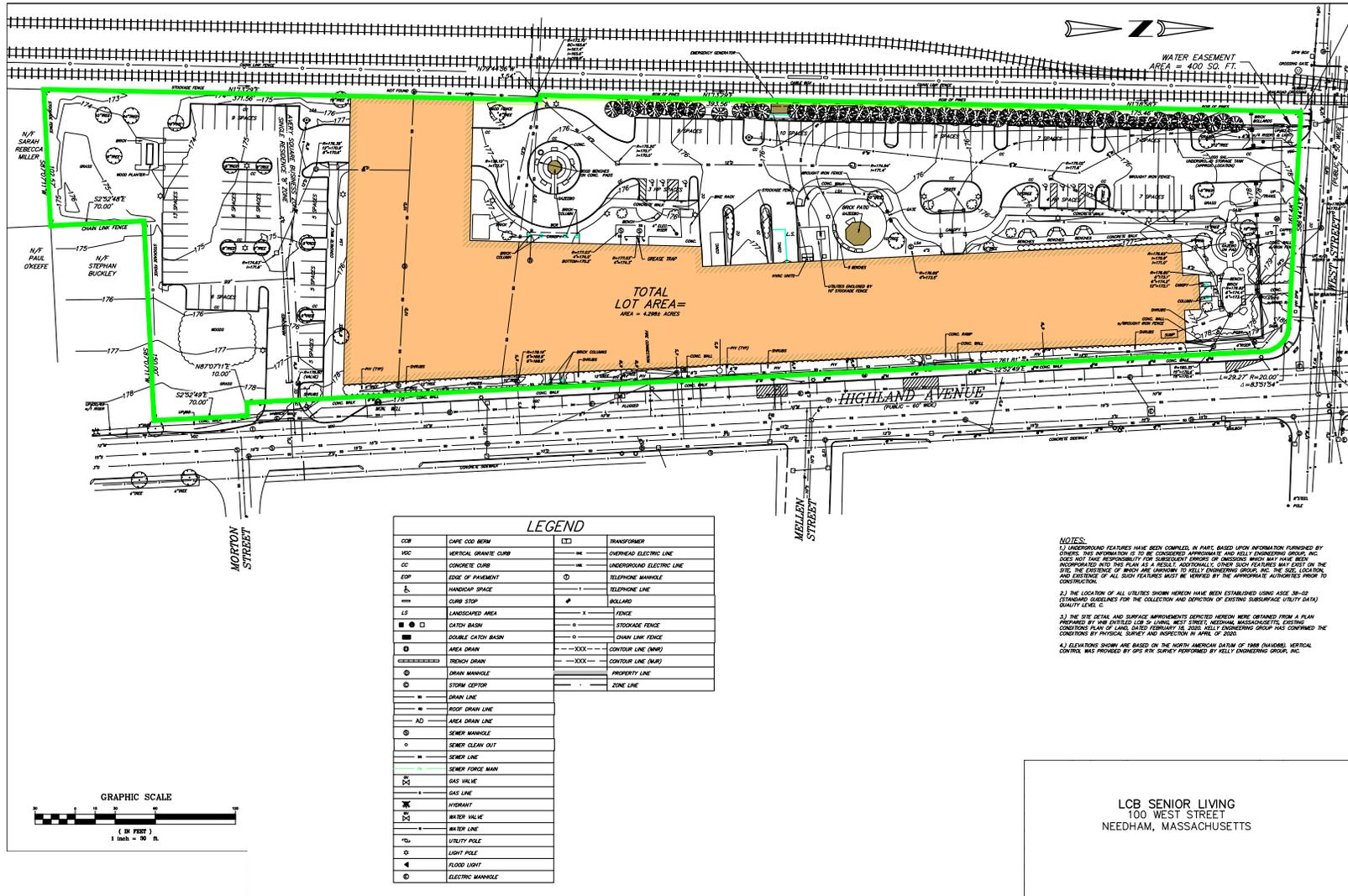
Aerial View





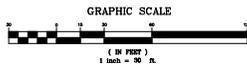
THE RESIDENCE at Carter Mill

Existing Conditions Plan



LEGEND

CCP	CAPE COD BERM	☐	TRANSFORMER
VC	VERTICAL GRANITE CURB	—	OVERHEAD ELECTRIC LINE
CC	CONCRETE CURB	—	UNDERGROUND ELECTRIC LINE
EOP	EDGE OF PAVEMENT	⊙	TELEPHONE MANHOLE
HS	HANDICAP SPACE	—	TELEPHONE POLE
CS	CURB STOP	⊙	BOLLARD
LS	LANDSCAPED AREA	—	FENCE
CB	CATCH BASIN	—	STOCKADE FENCE
DCB	DOUBLE CATCH BASIN	—	DRAIN LINE FENCE
AD	AREA DRAIN	—	CONTOUR LINE (DW)
TD	TRENCH DRAIN	—	CONTOUR LINE (DW)
DM	DRAIN MANHOLE	—	PROPERTY LINE
SC	STORM CEPTOR	—	ZONE LINE
DL	DRAIN LINE		
RDL	ROOF DRAIN LINE		
ADL	AREA DRAIN LINE		
SM	SEWER MANHOLE		
SL	SEWER LINE		
SFL	SEWER FORCE MAIN		
GV	GAS VALVE		
GL	GAS LINE		
H	HYDRANT		
WV	WATER VALVE		
WL	WATER LINE		
UP	UTILITY POLE		
LP	LIGHT POLE		
FL	FLOOD LIGHT		
EM	ELECTRIC MANHOLE		



NOTES:

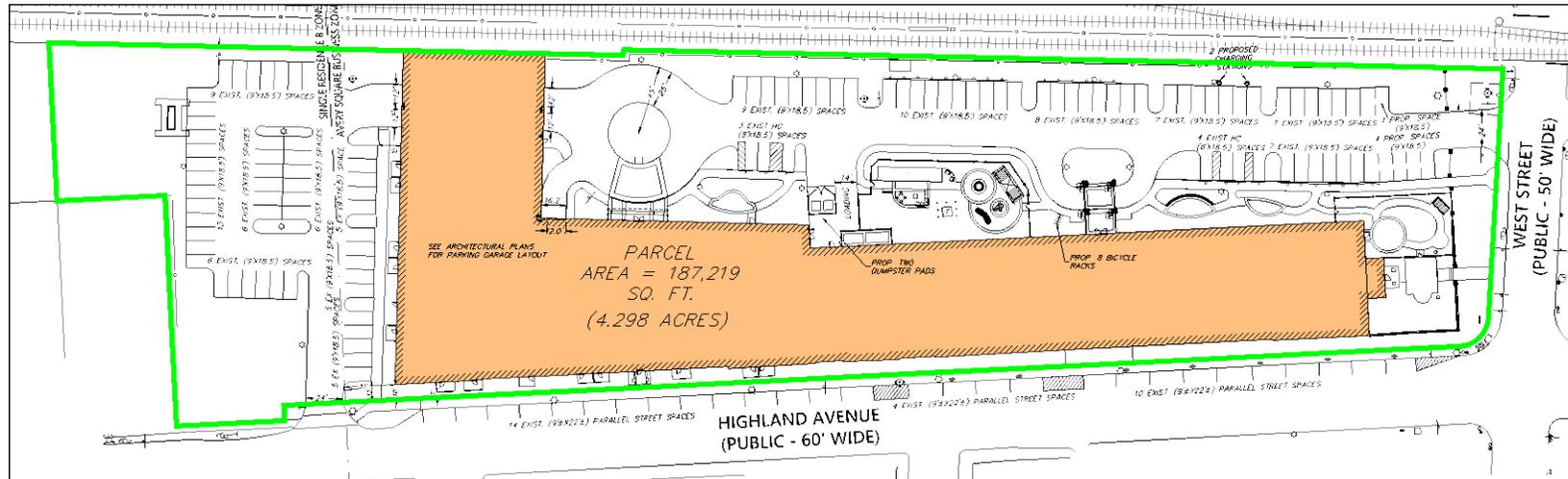
- 1.) UNDERGROUND FEATURES HAVE BEEN COMPILED, IN PART, BASED UPON INFORMATION FURNISHED BY SOURCE. THIS INFORMATION IS TO BE CONSIDERED APPROXIMATE AND KELLY ENGINEERING GROUP, INC. DOES NOT TAKE RESPONSIBILITY FOR SUBSEQUENT ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THIS PLAN AS A RESULT. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO KELLY ENGINEERING GROUP, INC. THE SIZE, LOCATION, AND EXISTENCE OF ALL SUCH FEATURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION.
- 2.) THE LOCATION OF ALL UTILITIES SHOWN HEREON HAVE BEEN ESTABLISHED USING ASCE 38-02 (STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA) QUALITY LEVEL C.
- 3.) THE SITE DETAIL AND SURFACE IMPROVEMENTS SHOWN HEREON WERE OBTAINED FROM A PLAN PREPARED BY LAW OFFICES OF DR. LINDA WEST STREET, NEEDHAM, MASSACHUSETTS, EXISTING CONDITIONS PLAN OF LAND, DATED FEBRUARY 16, 2010. KELLY ENGINEERING GROUP HAS CONFIRMED THE CONDITIONS BY PHYSICAL SURVEY AND INSPECTION IN APRIL 16, 2010.
- 4.) ELEVATIONS SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1988 (NAD83). VERTICAL CONTROL WAS PROVIDED BY GPS RIN SURVEY PERFORMED BY KELLY ENGINEERING GROUP, INC.

LCB SENIOR LIVING
100 WEST STREET
NEEDHAM, MASSACHUSETTS



THE RESIDENCE at Carter Mill

Layout & Zoning Site Plan



ZONING LEGEND

ZONING DISTRICT: AVERY SQUARE BUSINESS DISTRICT/ SINGLE RESIDENCE B (DIMENSIONAL REQUIREMENTS PROVIDED FOR AVERY SQUARE BUSINESS DISTRICT ONLY)

	REQUIRED	EXISTING	PROPOSED	COMPLIANCE
MIN. AREA	10,000 S.F.	187,219 S.F. (4.298 AC)	SAME	YES
MIN. FRONTAGE	80	856.4	SAME	YES
MIN. SETBACK FRONT	10'	10'	10'	YES
MIN. SETBACK SIDE (RESIDENTIAL DISTRICT)	50 (NOTE 1)	53.5	SAME	NO COMPLIANCE
MIN. SETBACK SIDE	NA	6.5	SAME	YES
MIN. SETBACK REAR	NA	NA	NA	YES
MAX. STORES	2 (NOTE 2)	3	4	ZONING CHANGE
MAX. HEIGHT	35'	41'-9" (NOTE 3)	49' (NOTE 3)	ZONING CHANGE
BUILDING COVERAGE	NA (NOTE 4)	0.34	SAME	YES
FLOOR AREA RATIO	0.5 (NOTE 5)	1.01	1.01	ZONING CHANGE
PARKING TOTAL	148 (NOTE 6)	152	177	ZONING CHANGE/SP
DRIVEWAY OPENINGS	18'-25' (TWO MAX)	24'	24'	YES

ZONING BYLAW 5.3 PARKING PLAN AND DESIGN REQUIREMENTS

	REQD	EXISTING	PROPOSED	COMPLIANCE
A) PARKING ILLUMINATION	MAX 1 FOOT CANDLE	NA	AVG 1 FOOT CANDLE	YES
B) HANDICAPPED REQUIREMENTS	1	2	1	YES
C) HANDICAPPED PARKING	8	7	8	YES
D) DRIVEWAY OPENINGS	2	2	2	YES
E) COMPACT CARS	50% (8/14)	58%	13% (NOTE 7)	YES
F) PARKING SPACE SIZE	9' x 18'	9' x 18'	9' x 18'	YES
G) SINGLE DRIVEN	1' OVERHANG NONE REQUIRED	SAME	SAME	YES
H) PARKING SPACE LAYOUT (NOTE 8)	0	0	IND. 5' TANDUM (NOTE 8)	SPECIAL PERMIT
I) AISLE WIDTH EXTERIOR	24' (90 DEG. STALL)	24'	24'	SAME
J) AISLE WIDTH INTERIOR	24' (90 DEG. STALL)	16'-8"	SAME (NOTE 9)	SPECIAL PERMIT
K) PARKING SETBACK				
-FRONT	10'	11.4	SAME	YES
-SIDE	4'	9.2	SAME	YES
-REAR	4'	NA	SAME	YES
-BUILDING	5'	15.4	SAME	YES
L) LANDSCAPED AREAS	10%	10% (NOTE 10)	11% - 12% (NOTE 10)	YES
M) TREES	1 PER 10 SPACES (NOTE 11)	(NOTE 11)	(NOTE 11)	YES
N) NO LOCATION WITHIN LOT	WITHIN LOT	WITHIN LOT	SAME	YES
O) BICYCLE RACKS	8	0	8	YES

- NOTE 1: YARD ASSUMPTIONS: HIGHLAND AVE. AND WEST ST. ARE FRONT YARDS. REAR AND SOUTH LOT LINE ARE SIDE YARDS. THERE ARE NO REAR YARDS.
- EXISTING BUILDING WILL REMAIN 10' FROM FRONT YARD. PROPOSED PATIOS ARE 3' FROM FRONT PROPERTY LINE, BUT ARE NOT CONSIDERED TO BE STRUCTURES. A ZONING CHANGE IS NEEDED BECAUSE AT PRESENT, ZONING BYLAW SECTION 4.4.2 DOES NOT ALLOW PAVING IN THE ASB DISTRICT FRONT SETBACK AREAS. EXCEPT FOR MULTIVALS AND DRIVEWAYS.
- NOTE 2: THE TOWN OF NEEDHAM ZONING BYLAW SECTION 4.4.4.1, 50' SETBACK TO RESIDENTIAL DISTRICT.
- NOTE 3: EXISTING BUILDING HEIGHT OF 33' TO TOP OF ROOF, 41'9" TO TOP OF HIGHEST POINT (MECHANICAL OR ELEVATOR OVERSIDE).
- PROPOSED MAX ALLOWABLE BUILDING HEIGHT WILL BE 44' TO TOP OF PENTHOUSE AND ALL MECHANICALS OTHER THAN ELEVATOR OVERSIDE, 49' TO TOP OF ELEVATOR OVERSIDE. ACTUAL HEIGHTS ARE PLANNED TO BE SIGHTLY LESS THAN MAX ALLOWABLE.
- BUILDING HEIGHT WAS CALCULATED FROM THE AVERAGE GRADE PLANE OF THE EXISTING BUILDING OF 177.64. THE PROPOSED PENTHOUSE ELEVATION IS 220.64. THE PROPOSED ELEVATOR OVERSIDE ELEVATION IS 228.64.
- NOTE 4: THE TOWN OF NEEDHAM ZONING BYLAW SECTION 4.4.2 (E) THERE ARE NO LIMITATION ON LOT COVERAGE IN THE AVERY SQUARE BUSINESS DISTRICT.
- NOTE 5: FLOOR AREA RATIO: EXISTING FAR = 186,300 SF / 187,219 SF = 1.00 FAR. PROPOSED FAR = 189,220 SF / 187,219 SF = 1.01 FAR.
- THE CALCULATION OF PROPOSED FAR DOES NOT INCLUDE UNDERGROUND PARKING. THE PROPOSED ZONING CHANGE ALLOWING A MAXIMUM FAR OF 1.1, EXCLUDES SQUARE FOOTAGE OF UNDERGROUND PARKING FROM FAR CALCULATIONS.
- NOTE 6: PROPOSED PARKING: 124 INDEPENDENT LIVING UNITS X 1.0 SPACES/UNIT (PROPOSED ZONING CHANGE) + 384 ASSISTED LIVING UNITS X 0.5 SPACES/ BED ROOM (TOWN OF NEEDHAM ZONING BYLAW SECTION 5.1.2) + 384 EMPLOYEES X 1.0 SPACES/EMPLOYEE (ON-LAUNCH SHIF) = 1492 SPACES REQUIRED.
- PROVIDED: 24 GARAGE SPACES X 11% EXTERIOR PARKING SPACES = 149 SPACES (EXCLUDES 28 PARALLEL PARKING SPACES ON HIGHLAND AVE. ADJACENT TO THE PROPERTY THAT CAN BE LOCATED AS OFF-STREET PARKING PURSUANT TO SECTION 5.1.1.1 OF THE BYLAW FOR A TOTAL PARKING SUPPLY OF 177 SPACES.
- NOTE 7: COMPACT PARKING: 34 PROPOSED COMPACT SPACES IN PARKING GARAGE.
- NOTE 8: PARKING SPACE LAYOUT: 5 TANDUM SPACES PROPOSED IN PARKING GARAGE. A SPECIAL PERMIT IS REQUESTED.
- NOTE 9: INTERIOR AISLE WIDTHS IN THE GARAGE ARE 16'-8". SPECIAL PERMIT REQUIRED.
- NOTE 10: LANDSCAPED AREAS BETWEEN 11% AND 12% OF THE INTERIOR PORTION OF THE PARKING AREAS IS LANDSCAPED. THE AREAS OUTSIDE THE PERIMETER OF THE PAVED PARKING AREAS ARE NOT INCLUDED IN THIS CALCULATION. TREES WITHIN THAT PERIMETER THAT ARE NOT THE PARKING AREA ARE CATEGORIZED AS WELL AS THE REQUIREMENT THAT AT LEAST ONE QUARTER OF THE LANDSCAPED AREA BE LOCATED IN THE INTERIOR OF THE PARKING AREA.
- NOTE 11: TREES: SEE LANDSCAPE PLAN BY HAWK DESIGN, INC.



SCALE: 1" = 30'

DATE: 04/28/20

SHEET: 1 OF 1

FILE # 1490

JOB # 2020-06

DRAWN BY: JCA

CHECK BY: JCA

APP'D BY: JCA

DATE: 04/28/20

THE RESIDENCE AT CARTER MILL
100 WEST STREET
NEEDHAM, MASSACHUSETTS
LAYOUT AND ZONING
PLAN

KELLY ENGINEERING GROUP
251 WEST STREET, SUITE 100
NEEDHAM, MA 02461
TEL: 781-944-4222 | www.kellyengr.com

SHEET NO. 1



THE RESIDENCE at Carter Mill

Landscape Plan



Plant Legend:

SYMBOL	DESCRIPTION	SAMPLE SPECIES
	EXISTING SHADE/PLANTING TREE	MIXED SPECIES OF MAPLES, OAK, BIRCH, ETC.
	EXISTING TREELINE	
	PROPOSED SHADE TREE	RED MAPLE, OAK, TULIP TREE, LINDEN, AMERICAN ELM, AMERICAN HORSEBAM
	PLANTING TREE	DOGWOOD, YELLOWWOOD, EASTERN REDBUD, SOUTHWOOD, SARGENT CHERRY
	EVERGREEN TREE	WHITE PINE, WHITE SPICE, GREEN GAST ARBORETALE
SYMBOL	DESCRIPTION	SAMPLE SPECIES
	LARGE DECIDUOUS SHRUB	AWALANCHER, VIBURNUM, ROSE OF SHARON, LEAD
	FUNCTIONAL EVERGREEN	LIVING-T JAMBIE, LINDEN, HOLY, ENCAID, GREEN ARBORETALE, ETC.
	LOW TO MEDIUM SHRUBS	INDOBERY, RHODODENDRON, BOWWOOD, HYDRANGEA, SCOTTING DOGWOOD, ORNAMENTAL GRASSES
	GROUNDCOVER/PERENNIALS	ASSORTED GROUNDCOVERS, PERENNIALS & SEASONAL COLOR



Hawk Design, Inc.
Landscape Architecture
Land Planning
Sagamore, MA
508-833-8800
info@hawkdesigninc.com

Date: 4/22/20

Revisions:
No. 001 - Create

The Residence at Carter Mill
Highland Avenue Needham, Massachusetts
LCR Senior Living, 3 Edgewater Drive, Norwood, MA

Scale: 1" = 30'-0"

Sheet: **MP**



THE
RESIDENCE
at Carter Mill

Existing Building from
Highland Avenue





THE
RESIDENCE
at Carter Mill

Proposed Building from
Highland Avenue





THE
RESIDENCE
at Carter Mill

Existing View from Highland Avenue





THE
RESIDENCE
at Carter Mill

Proposed View from
Highland Avenue





THE
RESIDENCE
at Carter Mill

Existing View from
West Street





THE RESIDENCE

at Carter Mill

Proposed View from West Street





THE
RESIDENCE
at Carter Mill

View of Existing Roof





THE
RESIDENCE
at Carter Mill

Existing View from
Mellen Street





THE RESIDENCE at Carter Mill

Proposed View from Mellen Street





THE
RESIDENCE
at Carter Mill

Existing View from
Highland Avenue and Morton Street





THE
RESIDENCE
at Carter Mill

Proposed View from
Highland Avenue and Morton Street





THE
RESIDENCE
at Carter Mill

Proposed View from
Highland Avenue and Morton Street





THE
RESIDENCE
at Carter Mill

Existing View from South Parking Lot





THE
RESIDENCE
at Carter Mill

Proposed View from
South Parking Lot





THE RESIDENCE at Carter Mill

Proposed View of Interior of the Site





THE RESIDENCE at Carter Mill

Proposed View of Interior of the Site





THE
RESIDENCE
at Carter Mill

Existing View from Hillside Avenue





THE
RESIDENCE
at Carter Mill

Proposed View from Hillside Avenue



Existing and Proposed Elevations



EXISTING EAST ELEVATION (HIGHLAND AVENUE)



PROPOSED EAST ELEVATION (HIGHLAND AVENUE)



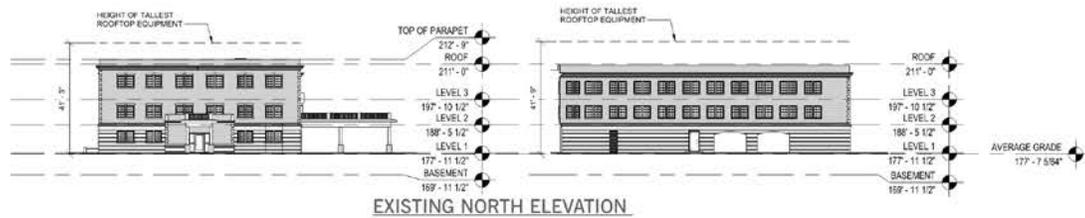
EXISTING SOUTH ELEVATION



PROPOSED SOUTH ELEVATION



Existing and Proposed Elevations





THE RESIDENCE at Carter Mill

Proposed First Floor





THE RESIDENCE at Carter Mill

Proposed Second Floor





THE RESIDENCE at Carter Mill

Proposed Third Floor



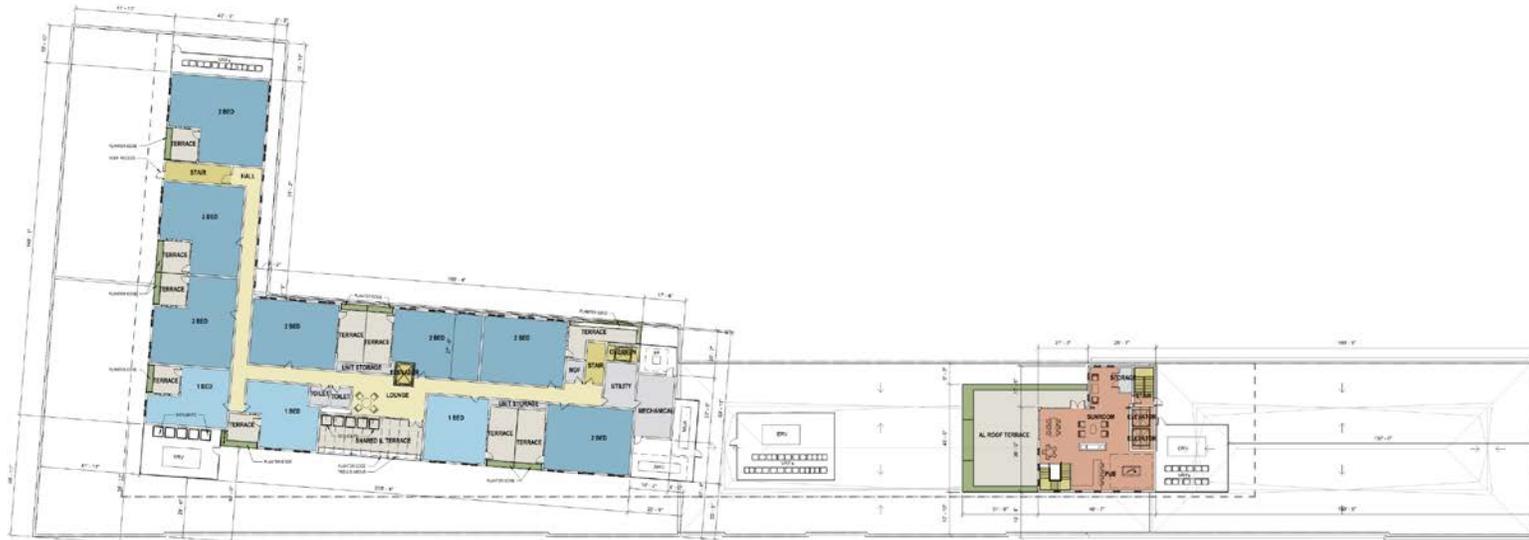


THE RESIDENCE at Carter Mill

Proposed Roof

SQUARE FOOTAGE OF EXISTING ROOF	14278 SF
SQUARE FOOTAGE OF PROPOSED 1.5\"/>	

SEE ENERGY MODELING REPORT FOR
 SEE ENERGY MODELING REPORT FOR
 SEE ENERGY MODELING REPORT FOR
 SEE ENERGY MODELING REPORT FOR





THE
RESIDENCE
at Carter Mill

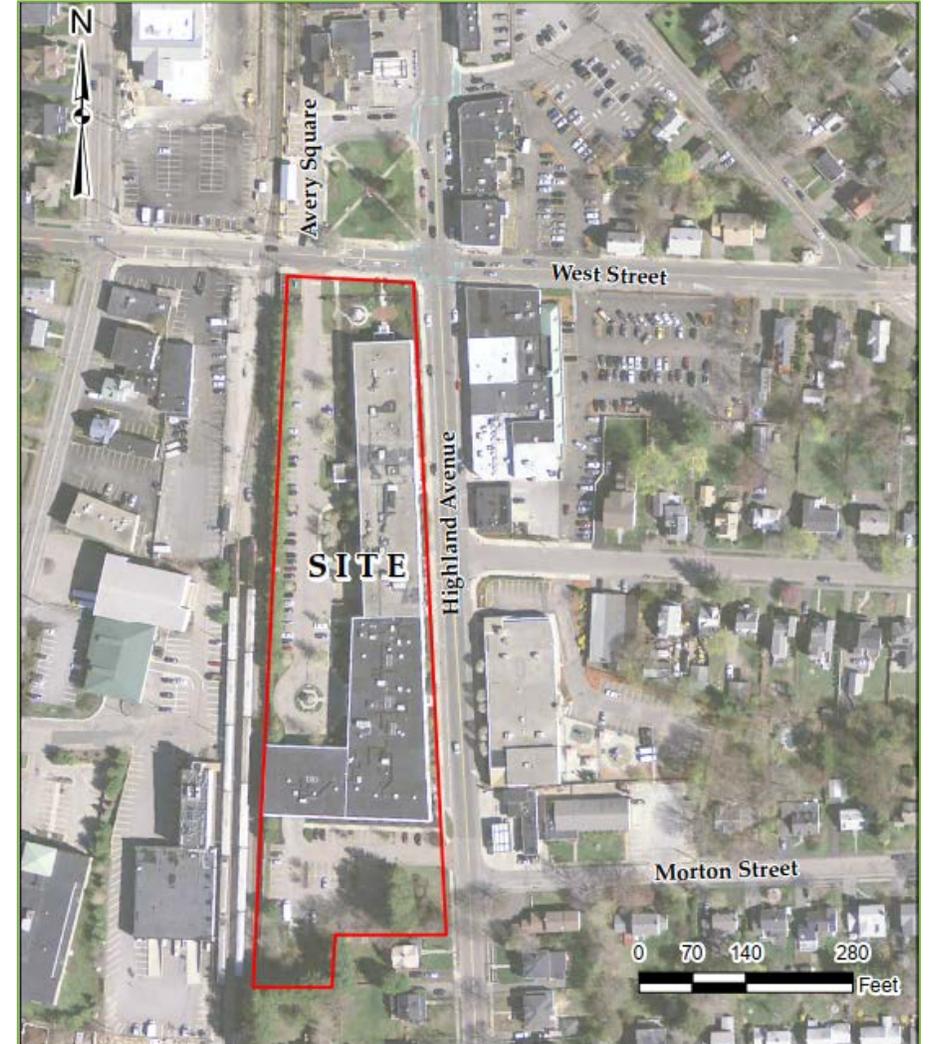
Proposed Roof Apartments





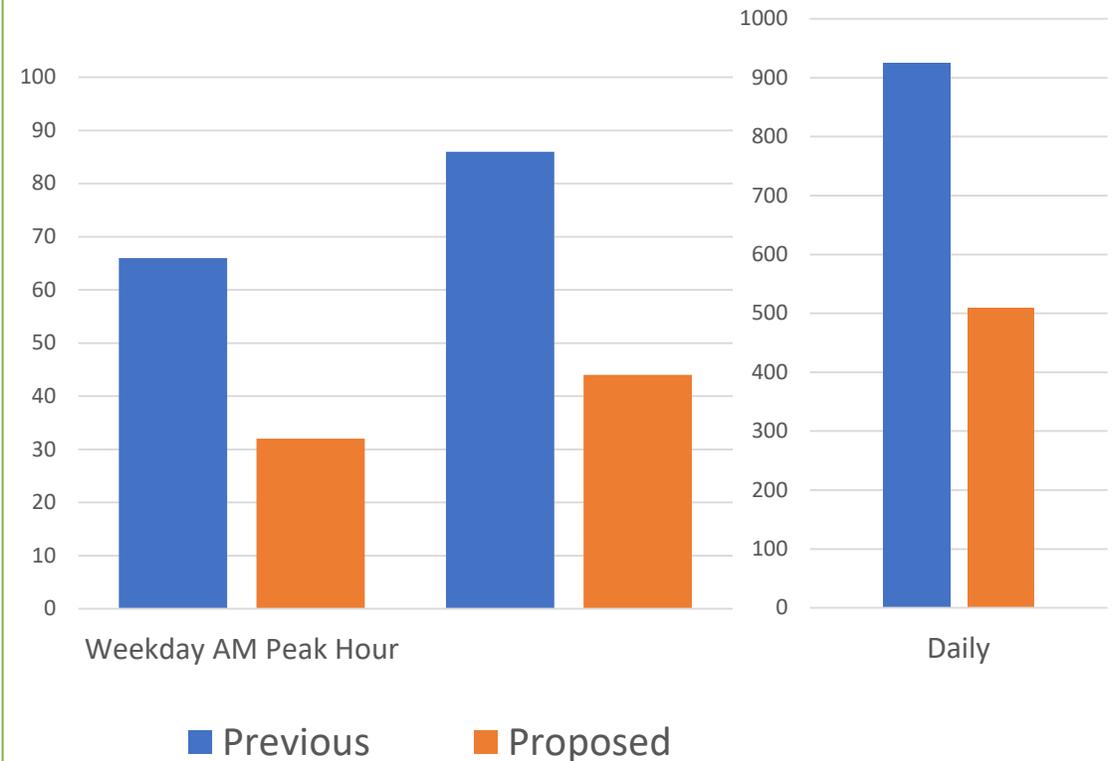
Traffic Impact Study

- Full Study Completed
 - Weekday AM & PM Peak Hours
 - Existing, No Build and Build
 - Trip Generation & Distribution
 - Capacity Analysis
 - Parking Analysis
- Project is Low Traffic Generator
- Less Impact than Previous Use
- Analysis Shows Limited Impact



Traffic Impact Study – Trip Generation

- Previous Land Use
 - Assisted Living (60 Beds)
 - Nursing Facility (142 Beds)
 - Medical Offices (11,000 SF)
- Proposed Land Use
 - Independent Living (72 Units)
 - Assisted Living (96 Beds)
- ITE Trip Generation





Parking Details

Proposed:

- 115 spaces outside
- 34 spaces inside
- On-street parking

Prior use:

- 110 spaces outside
- 83 spaces inside
- On-street parking



Traffic Impact Study - Parking

Land Use	Proposed Zoning Ratio	Proposed Project	Parking Supply
Assisted Living (Bed)	0.5 spaces/bed	96 beds	48 spaces
Assisted Living (Employee)	1.0 space/2 employees of largest shift	58 employees on largest shift	29 spaces
Independent Living (Unit)	1.0 space/dwelling unit	72 dwelling units	72 spaces
		TOTAL SUPPLY	149 spaces

- Weekday Peak Period Demand of 80 spaces
- Additional On-Street Parking
- Proximity to Public Transit
- Nearby Services Available

- 1 space/unit > 0.5 space/unit in Elder Service Zoning District for Independent Living



Fiscal Impact

- Net Annual Fiscal Impact of \$390,862.00
 - \$554,076.00 in projected revenue per year
 - Real estate tax revenue - \$473,628
 - Personal property tax revenue - \$49,100
 - Excise tax revenue - \$21,875
 - CPA revenue - \$9,473
 - Estimated municipal costs of \$163,214 for police, fire, ambulance, BOH
- Tax assessment is anticipated to increase from \$9,471,500 to \$37,920,580 – an increase of over \$28,000,000
- Property taxes will increase from \$175,411 to \$473,628
- The construction lasting approximately 18 months will infuse a significant economic boost into the local economy, with dozens of tradesmen involved in building the project and millions of dollars spent on construction supplies and materials.
- ~\$3M in local goods and service spending annually. ~87 full-time-equivalent jobs (executives, culinary, resident care, maintenance).
- Activity that will benefit neighborhood businesses and drive new meal taxes.



Additional Benefits to Needham

- The iconic Carter Mill building will be preserved and upgraded.
- Rental housing will be available for seniors at a location rich in amenities. The new residents will be able to walk to grocery stores, restaurants, the commuter rail station, the senior center, the library and area businesses.
- The building will be refurbished and upgraded for a range of high quality, senior housing options. 72 independent living apartments and 83 assisted living apartments will allow residents to age in place.
- Included are 9 affordable independent living apartments – 6 targeted for Needham local preference.
- Approximately 111 full- and part-time jobs.
- Annual net revenue of close to \$388,877 from real estate and other taxes.
- Approximately \$3,000,000 in annual salaries and goods & services purchasing.
- New use will generate less traffic than previous or other allowed uses.
- A new housing option for seniors who want to sell their home in Needham remain in town in a walkable, vital neighborhood.
- Quality, Massachusetts-based developer/operator LCB Senior Living, LLC will be a new corporate citizen.



Questions



LEGAL NOTICE
Planning Board,
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.5, the Needham Planning Board will hold a public hearing on Tuesday, August 11, 2020 at 7:30 p.m. regarding certain proposed amendments to the Needham Zoning By-Law to be considered by the Fall 2020 Special Town Meeting.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the Needham Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can view and participate in this meeting while in progress by remote access following the instructions detailed below.

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

Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment through the zoom app.

Persons interested are encouraged to call the Planning Board office (781-455-7550) for more information. A copy of the complete text of the proposed article is detailed below. The article designation given has been assigned by the Planning Board for identification purposes only. An article number will subsequently be established by the Select Board for the Warrant.

ARTICLE 1: AMEND ZONING BY-LAW – AVERY SQUARE OVERLAY DISTRICT

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

- (a) Amend the definition of "Independent Living Apartments" in Section 1.3, Definitions, by (i) adding the words "or Avery Square Overlay District" after the words "Elder Services Zoning District"; (ii) deleting the word "only" before the words "residential uses"; and (iii) adding to the end of the definition the sentence " ; provided, however, that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer's/Memory Loss Facilities but need not be part of a Continuing Care Retirement Community.", so that it reads as follows:

"A building in the Elder Services Zoning District or Avery Square Overlay District containing three or more dwelling units, which building houses residential uses and support services accessory thereto, intended primarily as independent living units for individuals aged 55 years or older, and/or families with at least one family member aged 55 years or older, within a Continuing Care Retirement Community; provided, however that within the Avery Square

Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer's/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community.”

- (b) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

“ASOD-- Avery Square Overlay District”

- (c) Amend Section 3, Use Regulations, by adding a new Subsection 3.15, Avery Square Overlay District, to read as follows:

“3.15 Avery Square Overlay District

3.15.1 Purposes of District

The purposes of the Avery Square Overlay District (“ASOD”) are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer’s/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the Avery Square Overlay District shall, as set forth in this Section 3.15, be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district provided that such development complies with all other requirements of this Section 3.15.

3.15.2 Scope of Authority

In the Avery Square Overlay District, all requirements of the underlying district shall remain in effect except where this Section 3.15 provides an alternative to such requirements, in which case the requirements of this Section 3.15 shall prevail. If the provisions of the Avery Square Overlay District are silent on a requirement that applies in the underlying district, the requirements of the underlying district shall apply.

By filing an application for a Special Permit, site plan review or building permit under this Section 3.15, an applicant shall be deemed to accept and agree to the provisions and requirements of this Section 3.15. If an applicant elects to proceed pursuant to zoning provisions of the underlying district, the provisions and requirements of this bylaw applicable in the underlying district shall control and the provision of the Avery Square Overlay District shall not apply.

3.15.3 Use Regulations

3.15.3.1 Permitted Uses

The following uses are permitted in the Avery Square Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) Public, semi-public and institutional uses permitted as of right in the underlying district.
- (c) Business uses permitted as of right in the underlying district.
- (d) accessory uses permitted as of right in the underlying district.

3.15.3.2 Special Permit Uses

The following uses are allowed in the Avery Square Overlay District by Special Permit issued by the Planning Board:

- (a) All uses allowed by special permit in the Avery Square Business District as set forth in Section 3.2.2 of this Bylaw, except those uses permitted as a matter of right as set forth in Section 3.15.3.1, above.
- (b) Assisted Living and/or Alzheimer's/Memory Loss Facilities
- (c) Independent Living Apartments.
- (d) Mixed-use buildings containing, as primary uses, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

3.15.4 Dimensional Regulations

3.15.4.1 Building Height and Related Requirements

The maximum building height (including mechanical structures such as HVAC equipment) in the Avery Square Overlay District shall be 44 feet. This height limitation shall not apply to elevator shaft overruns, which shall not exceed a maximum height of 49 feet.

A building or structure which is located on property in the Avery Square Overlay District may include, but not exceed, four (4) stories, all of which may be occupied.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building on which such fourth story is located, shall be as follows: from the eastern façade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western façade of the building, zero (0) feet; from the southern façade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade is required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The total floor area of any fourth floor addition to the existing building may not exceed thirty-five percent (35%) of the total roof area of the existing building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, shall not be included in the calculation of maximum allowable floor area hereunder.

Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other height limitations nor any other limitations contained in Section 4.4.3.

3.15.4.2 Building Bulk and Other Requirements

The maximum floor area ratio in the Avery Square Overlay District shall be 1.1. Property contiguous with and in common ownership with property in the Avery Square Overlay District shall be included in the lot for purposes of calculating floor area ratio. The enclosed area of a building devoted to off-street parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other limitations on floor area ratio, lot coverage, or building bulk such as are contained in Sections 4.4.2, 4.4.7 and 4.4.9.

3.15.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in Section 4.4.6 shall apply in the Avery Square Overlay District.

(a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:

(1) For Independent Living Apartments, there shall be one space per Apartment.

(2) For Assisted Living units and Alzheimer's/Memory Loss units, the parking requirement shall be one space for every two beds, plus one space for each two employees on the largest shift.

Notwithstanding anything to the contrary elsewhere in this Bylaw, including but not limited to Section 4.4.8.4, in the event that land located in the Single Residence B Zoning District

(3) is adjacent to the Avery Square Overlay District;

(4) is in common ownership with adjacent land located in the Avery Square Overlay District; and

(5) prior to approval of this Section 3.15, was improved as a parking area associated with a building located in the Avery Square Overlay District;

then, provided that said land extends into the Single residence B Zoning District not more than one hundred (100') feet from the boundary line between the Single Residence B Zoning District and the Avery Square Business District, said land may, as a matter of right, be used as a parking area accessory to uses permitted in the Avery Square Overlay District by right or by special permit.

3.15.6 Affordable Housing

Any mixed-use building with ten or more Independent Living Apartments shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

(a) If the Applicant provides at least one-half of the affordable Independent Living Apartments for households with incomes at or below 50% of area median income, the remaining affordable Independent Living Apartments may be rented to households with incomes up to 100% of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.

(b) For a development with ten or more Independent Living Apartments, twelve and one-half percent (12.5%) of the Independent Living Apartments shall be affordable units. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. There shall be no affordable housing requirement for nursing homes, convalescent homes, Assisted Living and Alzheimer's/Memory Loss Facilities, or residential care institutions or facilities.

(c) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the development's market-rate units. Services and other amenities that may be purchased by residents on a voluntary basis are not to be considered unit-specific real estate-related amenities and are excluded from such comparability requirements.

(d) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.

(e) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction.”

(d) Amend Section 4.4.4 Front Setback, by adding the following paragraph after the fourth paragraph of that section:

“In the Avery Square Overlay District, the setback, if any, shall be kept open and landscaped with grass, plants, and other non-paving materials such as mulch, and shall be unpaved except for patios, walks, and driveways as defined in section 4.4.5. Walls (including walls serving in part as retaining walls) no higher than 36 inches above the grade of the patios, as well as fencing and privacy screening, along the front and side edges of the patios, shall be allowed in the Avery Square Overlay District.”

(e) Amend Section 4.4.6 Enclosed Parking, by adding the phrase “for each square foot” before the words “of parking space (excluding driveways and aisles)” on the fourth line of the first paragraph of that section so that it reads as follows:

“Whenever off-street parking is provided underground and/or within a building itself, the maximum area coverage of the building may be increased up to the limits of the required setback as provided herein. The lot coverage of the building may be increased up to 2 ½ % points above the maximum allowed percentage, by one square foot for each square foot of parking space (excluding driveways and aisles) that is underground and/or within the building itself.”

Parking which is under a building or partially underground shall, except for driveways, be separated from the street line by building space occupied by the principal use, not by parking.

In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade. Municipal parking facilities in the Center Business District shall be exempt from this provision.”

(f) Amend Section 7.6.1 Special Permit Granting Authority, by adding the number “3.15” after the number “3.14” on the second line of that Section so that it reads as follows:

“The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 3.14, 3.15, 4.2.10, 4.2.11, 4.2.12, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this Bylaw. In all other cases the Board of Appeals shall act as the Special Permit Granting Authority. Procedures and decision criteria for the Planning Board shall be the same as specified in Section 7.5.2 and Section 7.5.3 (second and fourth paragraphs) for special permits acted on by the Board of Appeals, except where alternative or supplemental criteria are specified, such as at Sections 3.4 and 6.6.”

ARTICLE 2: AMEND ZONING BY-LAW – MAP CHANGE TO AVERY SQUARE OVERLAY DISTRICT

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

- (a) Place in the Avery Square Overlay District all that land described as follows, and superimposing that District over the existing Avery Square Business District:

Beginning at the point of intersection of the westerly sideline of Highland Avenue and the northerly sideline of what was formerly known as Hildreth Place (said former Hildreth Place as shown on Needham Town Assessors Map 63); thence running northerly by the westerly sideline of Highland Avenue to the point of curvature of a curve having a radius of 20 feet and an arc length of 29.27 feet; said curve being a property rounding of the intersection of the westerly sideline of Highland Avenue and the southerly sideline of West Street; thence running northerly, northwesterly, and westerly by said curve to the point of tangency of said curve located on the southerly sideline of West Street; thence running westerly by the southerly sideline of West Street to the point of intersection of the southerly sideline of West Street and the easterly right of way line of MBTA property; thence running southerly by said easterly right of way line of MBTA property to the intersection of the easterly right of way line of MBTA property and the northerly sideline of what was formerly known as Hildreth Place; thence running easterly by the northern boundary of what was formerly known as Hildreth Place, to the point of beginning.

The land is also shown on Needham Town Assessors Map 63, Parcel 37, but excluding any land to the south of the northerly sideline of what was formerly known as Hildreth Place.

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 Times, July 23, 2020 and July 30, 2020.

Needham Planning Board

Zoning Articles: Public Hearing August 11, 2020

ASOD Warrant Article (Article 1) and Map Change Warrant Article (Article 2)

Introduction and Background

Articles 1 and 2 are proposed Zoning Bylaw amendments that are intended to facilitate the redevelopment of the currently vacant Carter Mill Building at the corner of Highland Avenue and West Street. The Carter factory and mill was established at that site beginning around 1865, and, for the next 125 years until approximately 1990, the factory and mill operated at that location. The building has become a well-known landmark in Needham.

In 1993, the building was approved for the Avery Crossing Assisted Living Facility and Avery Manor Nursing Home. In 1995, a small portion of the building was also approved for medical office use. In 2017, Avery Crossing and Avery Manor were closed, as well as the medical offices, and the building has remained vacant since that time. The proposed Bylaw amendments will allow the empty Carter Mill building to be upgraded and renovated to create a 155-apartment senior housing community, including 72 age restricted Independent Living apartments, 55 Assisted Living apartments, and 28 Memory Care units.

Article 1 and 2 Description

Article 1 proposes to create the Avery Square Overlay District (“ASOD”), and lays out the regulatory framework for the new overlay district, while Article 2 describes its geographic boundaries. The boundaries of the ASOD match the boundaries of property on which the former Carter Mill building sits, except at the southern end of the property, where the overlay district boundary matches the boundary of the Avery Square Business District. The overlay district’s key provisions are summarized below.

Geographic Designation of the District

The ASOD is bounded on the north by West Street; on the east by Highland Avenue; on the south by the existing zoning boundary line between the Avery Square Business District and the adjacent SRB district, which runs through the existing parking area south of the existing building; and on the west by the MBTA commuter railroad right-of-way.

Purpose of the District

The purposes of the ASOD are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer’s/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the proposed Avery Square Overlay District would be permitted to exceed certain density and dimensional requirements that normally apply in the underlying Avery Square Business District, provided that such development complies with all other requirements of the proposed Warrant Article.

Definitions

The proposed Warrant Article would amend the definition of “Independent Living Apartments” in Section 1.3 of the Bylaw so that within the ASOD, Independent Living Apartments may be located in the same building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community.

Permitted Uses

The proposed ASOD Warrant Article lists the uses that are allowed as-of-right or by special permit. The use schedule largely mirrors that of the underlying Avery Square Business District with the following additional uses allowed by special permit: Assisted Living and/or Alzheimer’s/Memory Loss Facilities; Independent Living Apartments; and Mixed-use buildings containing, as primary uses, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

The proposed ASOD warrant Article specifies that the Planning Board will be the Special Permit Granting Authority for all such special permits.

Allowable Building Height, Number of Stories, and Occupancy

The proposed maximum allowable building height (including mechanical structures such as HVAC equipment) in the ASOD is 44 feet. This height limitation does not apply to elevator shaft overruns, which cannot exceed a maximum height of 49 feet. The building may include, but not exceed, four (4) stories, all of which may be occupied. At present, the building includes three stories, all of which were occupied while the Avery Crossing Assisted Living Facility and Avery Manor Nursing Home were in operation.

Restrictions on the 4th Story

Under the proposed ASOD Warrant Article, the total floor area of any fourth-floor addition to the existing building may not exceed thirty-five percent (35%) of the total roof area of the existing building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, is not included in the calculation of maximum allowable floor area.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building, are proposed as follows: from the eastern facade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western facade of the building, zero (0) feet; from the southern facade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade would be required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The minimum setbacks and limit on the percentage of the existing footprint of the building that can be used for a fourth story will reduce the visual impact of the fourth story.

Building Bulk and Other Requirements

The proposed maximum floor area ratio (“FAR”) in the ASOD is 1.1. The property at the southern end of the parcel, in the adjacent SRB district, that is contiguous with and in common ownership with property in the Avery Square Overlay District, will be included in the lot for purposes of calculating FAR. In the proposed overlay district, the FAR calculation excludes garage parking within the building.

Off-Street Parking

The minimum number of off-street parking spaces specified in Section 5.1.2 of the Bylaw will apply except that for Independent Living Apartments, there will be one parking space per Apartment; and for Assisted Living units and Alzheimer's/Memory Loss units, the requirement will be one parking space for every two beds, plus one parking space for every two employees on the largest shift.

At present, there is a portion of the southern parking area that extends into the SRB district adjacent to the boundary of the ASOD (and underlying ASB District). Parking in this area will be continued and will be allowed as-of-right, provided that the parking area does not extend any further into the SRB district than is presently the case.

Affordable Housing

In the proposed ASOD Warrant Article, twelve and one-half percent (12.5%) of the Independent Living Apartments must be affordable units. Fractions are rounded up to the nearest whole number. There is no affordable housing requirement for Assisted Living and Alzheimer's/Memory Loss Facilities.

Affordable units will be dispersed within the building and not concentrated in one area or on one floor. They will generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the building's market-rate units. The selection of eligible homebuyers or renters for the affordable units will be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the building. The affordable units will also be subject to an affordable housing restriction as defined in Section 1.3 of the Town By-Laws.

Other Proposed Changes to the Bylaw

In order to facilitate the proposed renovation of the building, the proposed Warrant Article would amend the definition of "Front Setback" elsewhere in the Bylaw to allow ground-level patios (of less than 100 square feet each), and walls no higher than 36 inches around those patios, serving some of the ground-floor units that will face Highland Avenue.

The proposed Warrant Article also would make a small change to the Bylaw Section 4.4.6, Enclosed Parking, to correct a wording error, but not change its meaning and effect.

From: [Elisa Litchman](#) on behalf of [Planning](#)
To: [Lee Newman](#); [Alexandra Clee](#)
Subject: Fwd: LCB Senior Living - The Residence at Carter Mill
Date: Monday, August 10, 2020 2:41:03 PM

FYI- The email below regarding Avery Square came into the Planning department email.

Elisa Litchman
Administrative Assistant
Planning & Community Development/
Conservation Department
Town of Needham
500 Dedham Avenue
Suite 118
Needham, MA 02492
781.455.7550 Ext. 222
www.needhamma.gov

From: The Village Club <villageclub83@gmail.com>
Sent: Monday, August 10, 2020 2:35 PM
To: Planning
Subject: LCB Senior Living - The Residence at Carter Mill

Good afternoon,

I'm writing to you in support of the proposed Senior Living facility hoping to go in at the old Carter Building on Highland Ave.

We have met with the development team and were impressed with the project and realize this is probably the best use of the property with the least impact on the area.

As abutters on Morton Street, we welcome this project and hope that you give them the ok to move forward with it.

Thank you for your time and consideration.

Rob Giumetti
Village Club President

From: [Elisa Litchman](#) on behalf of [Planning](#)
To: [Adam Block](#); dkalinowski@wellesleyma.gov; [Donna](#); [Jeanne McKnight \(jeannemcknight@comcast.net\)](mailto:jeannemcknight@comcast.net); [Marty Jacobs \(mj@jacobs-thomas.com\)](mailto:MartyJacobs (mj@jacobs-thomas.com)); [Paul Alpert](#); [Ted Owens \(ted.owens@brownthompson.com\)](mailto:ted.owens@brownthompson.com)
Cc: [Lee Newman](#); [Alexandra Clee](#)
Subject: FW: Letter In Support of 110 West St
Date: Tuesday, August 11, 2020 7:05:08 PM

Letter which was sent to Planning in support of the West Street proposed development.

Elisa Litchman

Administrative Assistant
Planning & Community Development/
Conservation Department
Town of Needham
500 Dedham Avenue
Suite 118
Needham, MA 02492
781.455.7550 Ext. 222

From: michaelniden@comcast.net <michaelniden@comcast.net>

Sent: Tuesday, August 11, 2020 11:27 AM

To: Planning <planning@needhamma.gov>

Subject: Letter In Support of 110 West St

Dear Planning Board,

As a lifelong Needham resident and an active community member working on projects such as the Needham Town Hall/Great Hall, The Great Hall Concert Series, the NC Wyeth Research Library, and on the Town Hall Study Committee, I support the revitalization of the building at 110 West Street (former Carter factory) for 155 senior apartments; 72 independent apartments and 83 assisted living and memory care apartments. I'm excited the footprint and exterior of the building will remain the same and the inside of the building will be completely renovated. I am particularly excited by the 72 independent apartments and 83 assisted living units. This project will not only add to the living options for our elderly but will give an economic boost to the Heights. How wonderful would it be to have an affordable option to keep our elderly in the community where they have raised their children, worshiped and been valued citizens. Additionally, this will help shift the demographics of the town to a younger community as the elderly sell their homes and move into the former Carter building.

Best regards,

Michael L. Niden

781-801-2151

178 South St

Needham MA 02492

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 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, 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, 5, 6, and 7 were revised July 22, 2020, and that the Sheets 3A, 3B, 3C, 8, and 9, dated March 3, 2020, have not been revised. The Plan has been revised to include the creation of an unbuildable lot, which will be a 10-foot wide landscape strip abutting Chestnut Street. This changes the exact dimensions of subdivision lot #1.
2. 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 were revised July 22, 2020, and the remaining Sheets remain as they were in the July 13, 2020 filing. The revision made is the addition of a notation to the existing barn on RC-Lot 3, which indicates that the barn is to be converted to a single-family residence.

Electronic copies of the above are also being submitted.

Very truly yours,



Robert T. Smart, Jr.

Cc: William Piersiak
Koby Kempel

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	07/22/20		
2	KEY SHEET	07/22/20		
3A	EXISTING CONDITIONS PLAN	03/03/20		
3B	EXISTING CONDITIONS PLAN	03/03/20		
3C	EXISTING CONDITIONS PLAN	03/03/20		
4A	LOTING & ZONING PLAN	07/22/20		
4B	LOTING & ZONING PLAN	03/03/20		
4C	LOTING & ZONING PLAN	03/03/20		
5	PLAN & PROFILE PLAN	07/22/20		
6	GRADING PLAN	07/22/20		
7	UTILITY PLAN	07/22/20		
8	DETAIL SHEET	03/03/20		
9	DETAIL SHEET	03/03/20		

OWNER/APPLICANT:

WILLIAM JOHN PIERSIAK
768-768A CHESTNUT ST.
NEEDHAM, MA

WILLIAM J. PIERSIAK, TR
768B CHESTNUT STREET REALTY TRUST
768B CHESTNUT ST.
NEEDHAM, MA

766 CHESTNUT LLC, KOBY KEMPEL, 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

"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."

"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.

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 DATE

ENDORSED DATE

DIRECTOR OF PUBLIC WORKS

TOWN ENGINEER



LOCATION MAP

Digitally signed by David Noel Kelly P.E.
DN: cn=David Noel Kelly P.E., o=Kelly Engineering Group, Inc., email=dkelly@kellyengoi.com, c=US
Date: 2020.07.28 16:06:12 -0400



SCALE	DISK REF. NO.
DATE	F:\P\2019-088
SHEET	DRAWN BY
1 OF 9	C.L.
PLAN NO.	CHKD BY
2019-088-TS01	DAM
	APPD BY
	DNK

764, 766, 768-768A, & 768B CHESTNUT STREET
NEEDHAM, MA

KE KELLY ENGINEERING GROUP
civil engineering consultants
0 Campanelli Drive, Braintree, MA 02184
Phone: 781-843-4333 www.kellyengineeringgroup.com

SHEET NO.

1

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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 _____

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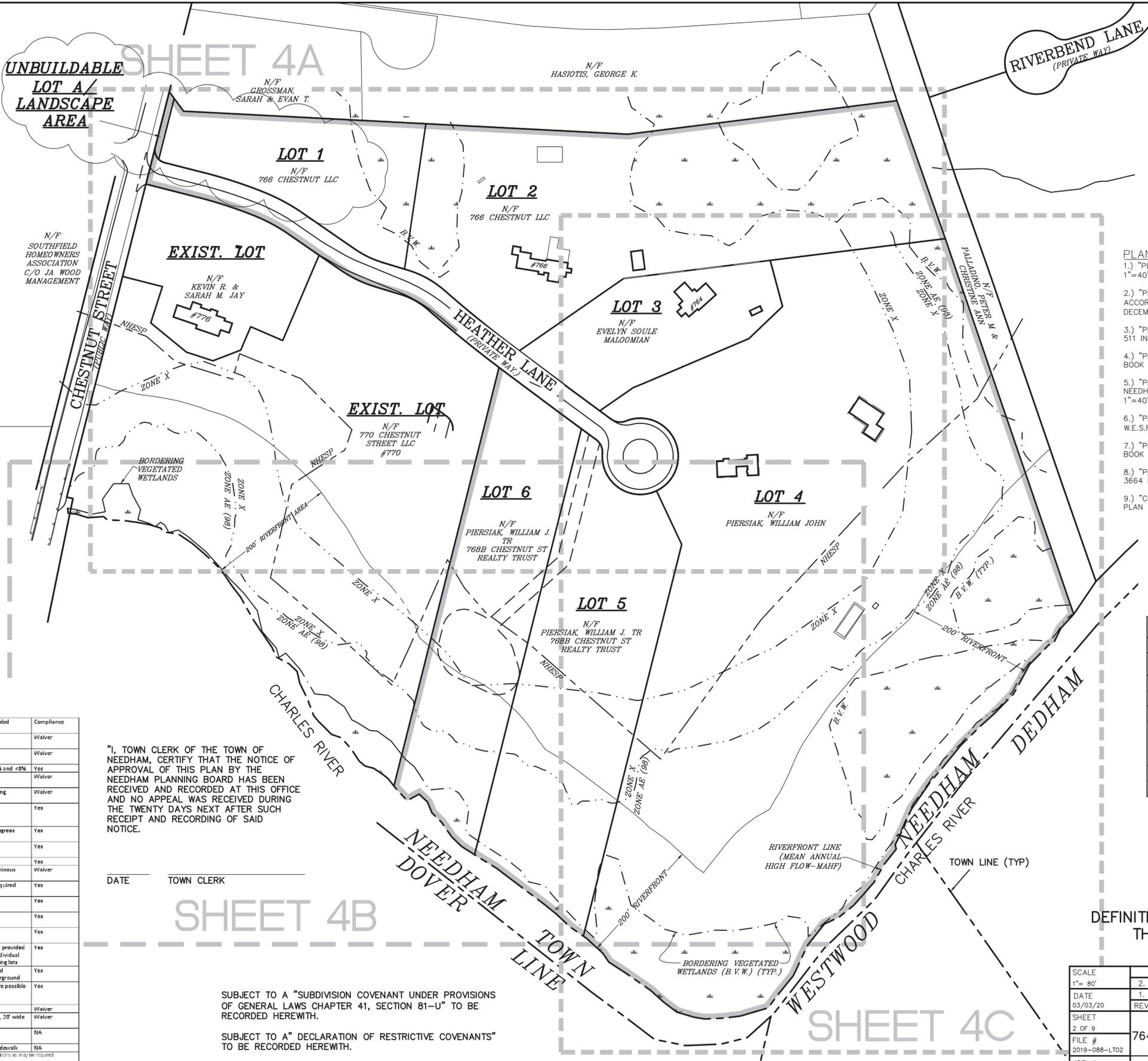
STEVEN M. HORSFALL, P.L.S. DATE _____
 Compliance with Subdivision Rules and Regulations Sub-Section 3.3

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 3.3.6	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

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- PLAN REFERENCES
- "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.
 - "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.
 - "PLAN OF LAND IN NEEDHAM, MASS. SCALE 1"=80", AUGUST 22, 2000", FILED AS PLAN 511 IN PLAN BOOK 478.
 - "PLAN OF LAND IN NEEDHAM, MASS., APRIL 7, 1982, 1"=60", FILED AS 712 IN PLAN BOOK 298.
 - "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.
 - "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.
 - "PLAN OF LAND IN NEEDHAM, MA, 1"=40', JULY 22, 2002", FILED AS PLAN 5 IN PLAN BOOK 527.
 - "PLAN OF LAND OF HANNAH E. POND, 1"=100', OCTOBER 21, 1914", FILED AS PLAN 3664 IN PLAN BOOK 76.
 - "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	50'	>50'	YES
-SIDE	25'	>25'	YES
-REAR	25'	>25'	YES
LOT COVERAGE	15%	<15%	YES
BUILD FACTOR	30 MAX.	<30	YES

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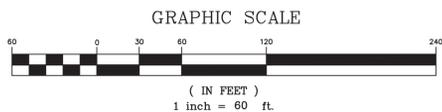
DATE _____ TOWN CLERK _____

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.

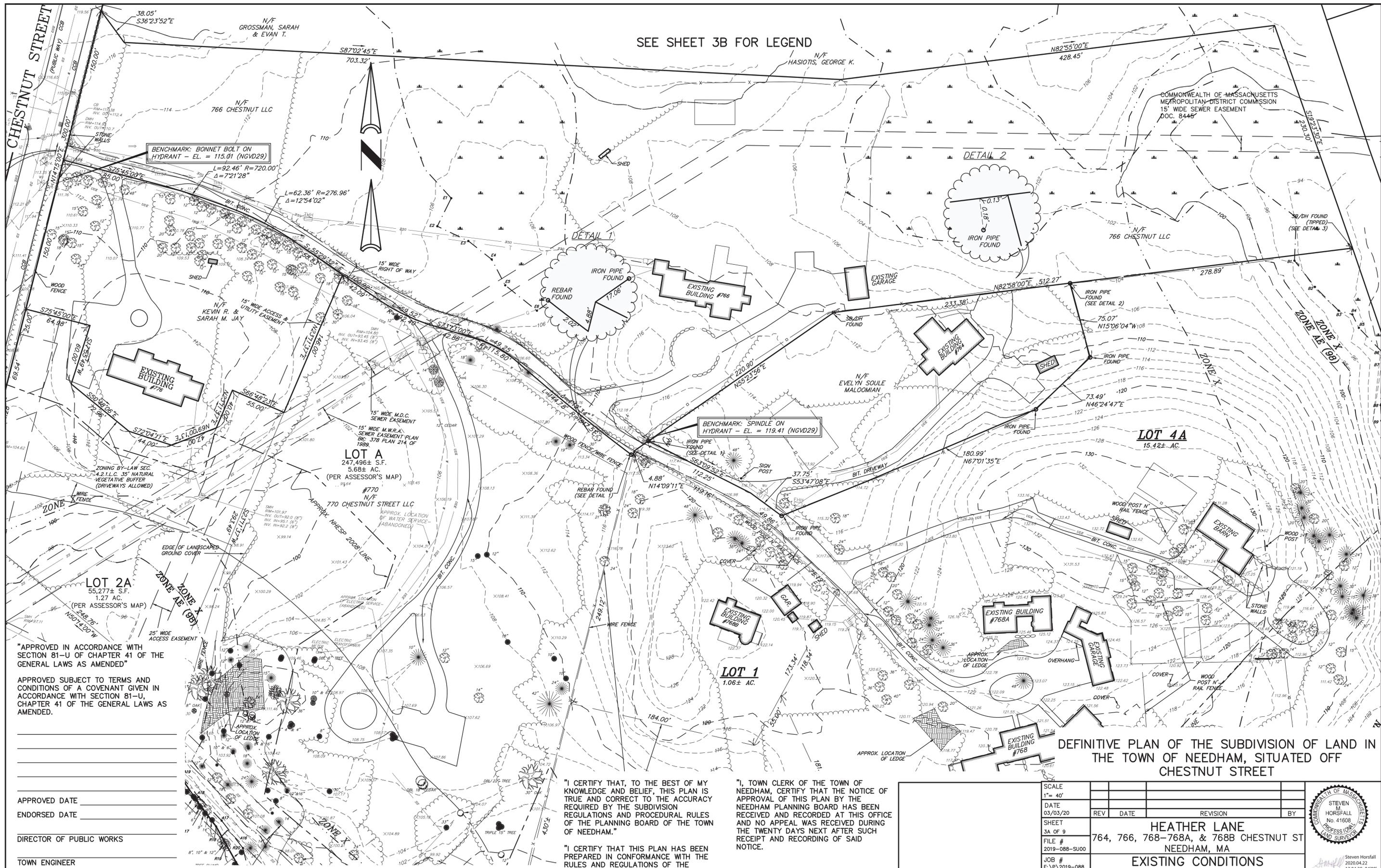


DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1"= 80'	2. 07/22/20	PER PLANNING BOARD COMMENTS	
DATE 03/03/20	1. 07/07/20	PER PLANNING BOARD COMMENTS	
	REV	DATE	REVISION
SHEET 2 OF 9	HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA		
FILE # 2019-088-LT02	KEY SHEET		
JOB # F:\P\2019-088	DRAWN BY C/L		
CHKD BY BGL	APPPD BY DNK		
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com		SHEET NO. 2	



SEE SHEET 3B FOR LEGEND



"APPROVED IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED"
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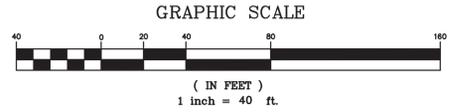
APPROVED DATE _____
 ENDORSED DATE _____
 DIRECTOR OF PUBLIC WORKS _____
 TOWN ENGINEER _____

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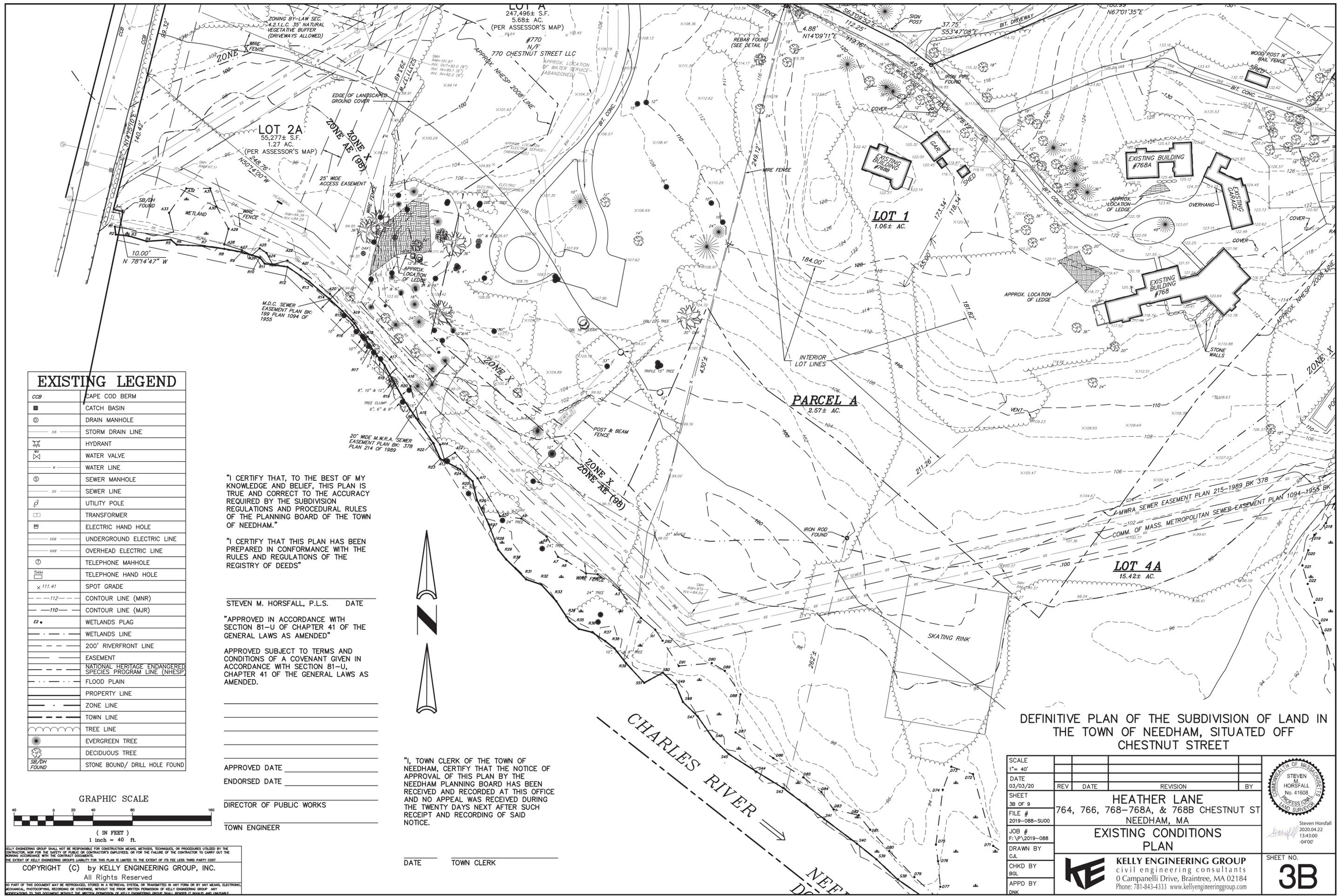


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STEVEN M. HORSFALL, P.L.S. DATE _____

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1" = 40'	DATE 03/03/20	REV	DATE	REVISION	BY
SHEET 3A OF 9	FILE # 2019-088-SU00	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	SHEET NO. 3A				
APPD BY DNK	STEVEN M. HORSFALL No. 41608 PROFESSIONAL LAND SURVEYOR Steven Horsfall 2020.04.22 12:04:39 -04'00"				



EXISTING LEGEND

CCB	CAPE COD BERM
■	CATCH BASIN
⊙	DRAIN MANHOLE
SD	STORM DRAIN LINE
⊕	HYDRANT
WV	WATER VALVE
W	WATER LINE
⊙	SEWER MANHOLE
SS	SEWER LINE
⊕	UTILITY POLE
⊠	TRANSFORMER
EH	ELECTRIC HAND HOLE
UE	UNDERGROUND ELECTRIC LINE
OHE	OVERHEAD ELECTRIC LINE
⊕	TELEPHONE MANHOLE
TH	TELEPHONE HAND HOLE
X 111.41	SPOT GRADE
- - - 112	CONTOUR LINE (MNR)
- - - 110	CONTOUR LINE (MJR)
E2	WETLANDS FLAG
- - -	WETLANDS LINE
- - -	200' RIVERFRONT LINE
- - -	EASEMENT
- - -	NATIONAL HERITAGE ENDANGERED SPECIES PROGRAM LINE (NHESP)
- - -	FLOOD PLAIN
- - -	PROPERTY LINE
- - -	ZONE LINE
- - -	TOWN LINE
- - -	TREE LINE
☀	EVERGREEN TREE
🌳	DECIDUOUS TREE
SB/DH FOUND	STONE BOUND/ DRILL HOLE FOUND

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STEVEN M. HORSFALL, P.L.S. DATE _____

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APPROVED DATE _____

ENDORSED DATE _____

DIRECTOR OF PUBLIC WORKS _____

TOWN ENGINEER _____

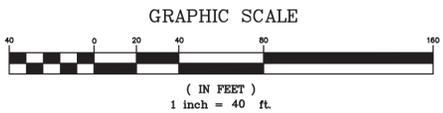


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DATE _____ TOWN CLERK _____

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE	1" = 40'		
DATE	03/03/20		
REV	DATE	REVISION	BY
SHEET	3B OF 9		
FILE #	764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA		
JOB #	2019-088-SU00		
F:\P\2019-088			
DRAWN BY	C.J.L.		
CHKD BY	B.G.L.		
APPD BY	D.N.K.		
<p>HEATHER LANE NEEDHAM, MA</p> <p>EXISTING CONDITIONS PLAN</p> <p>KE KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com</p>			
SHEET NO. 3B			



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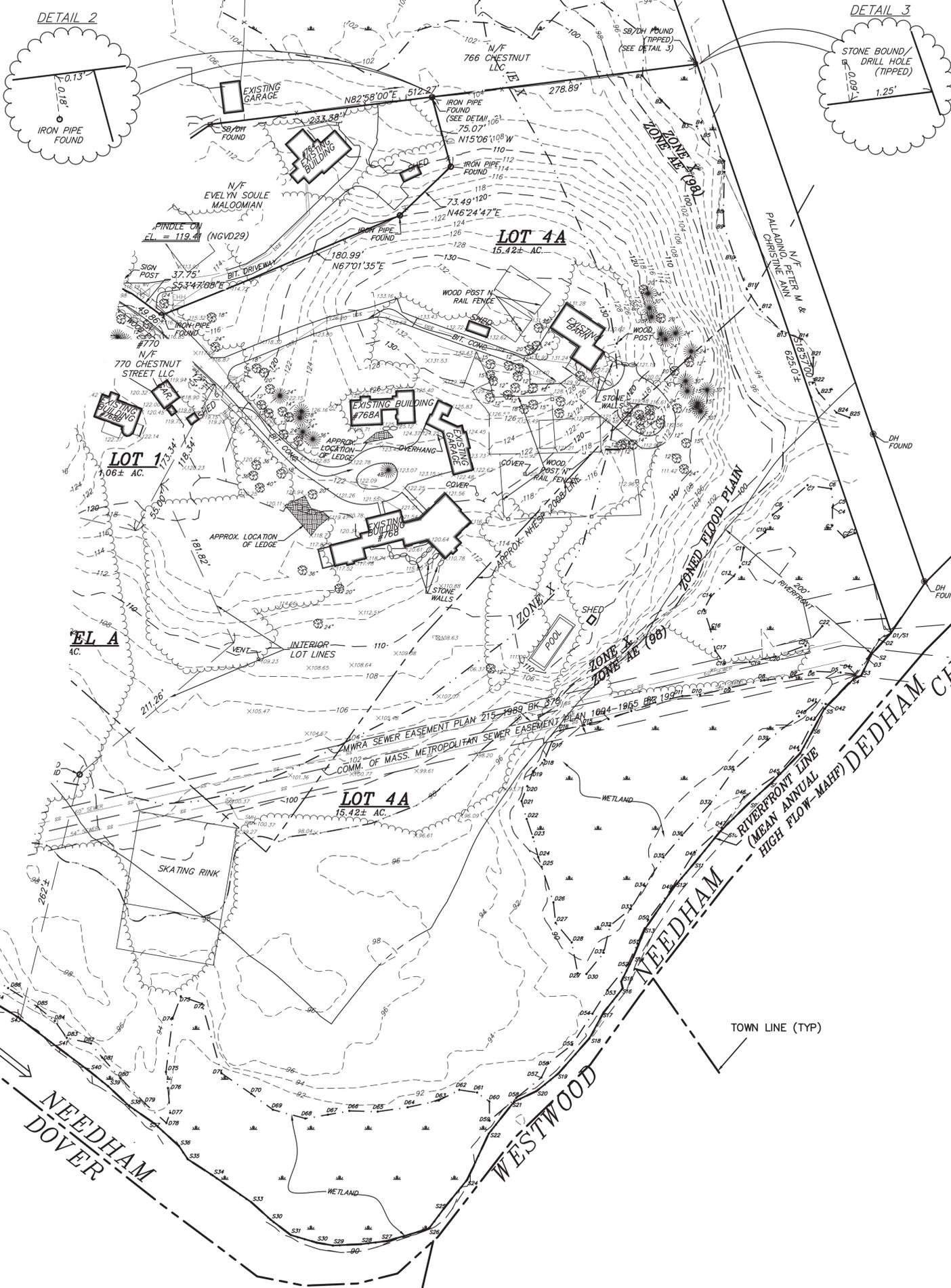
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DIRECTOR OF PUBLIC WORKS _____

TOWN ENGINEER _____

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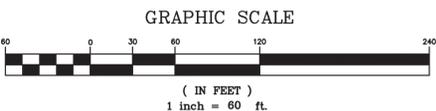


SEE SHEET 3B FOR LEGEND

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DAVID N. KELLY, P.E.

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

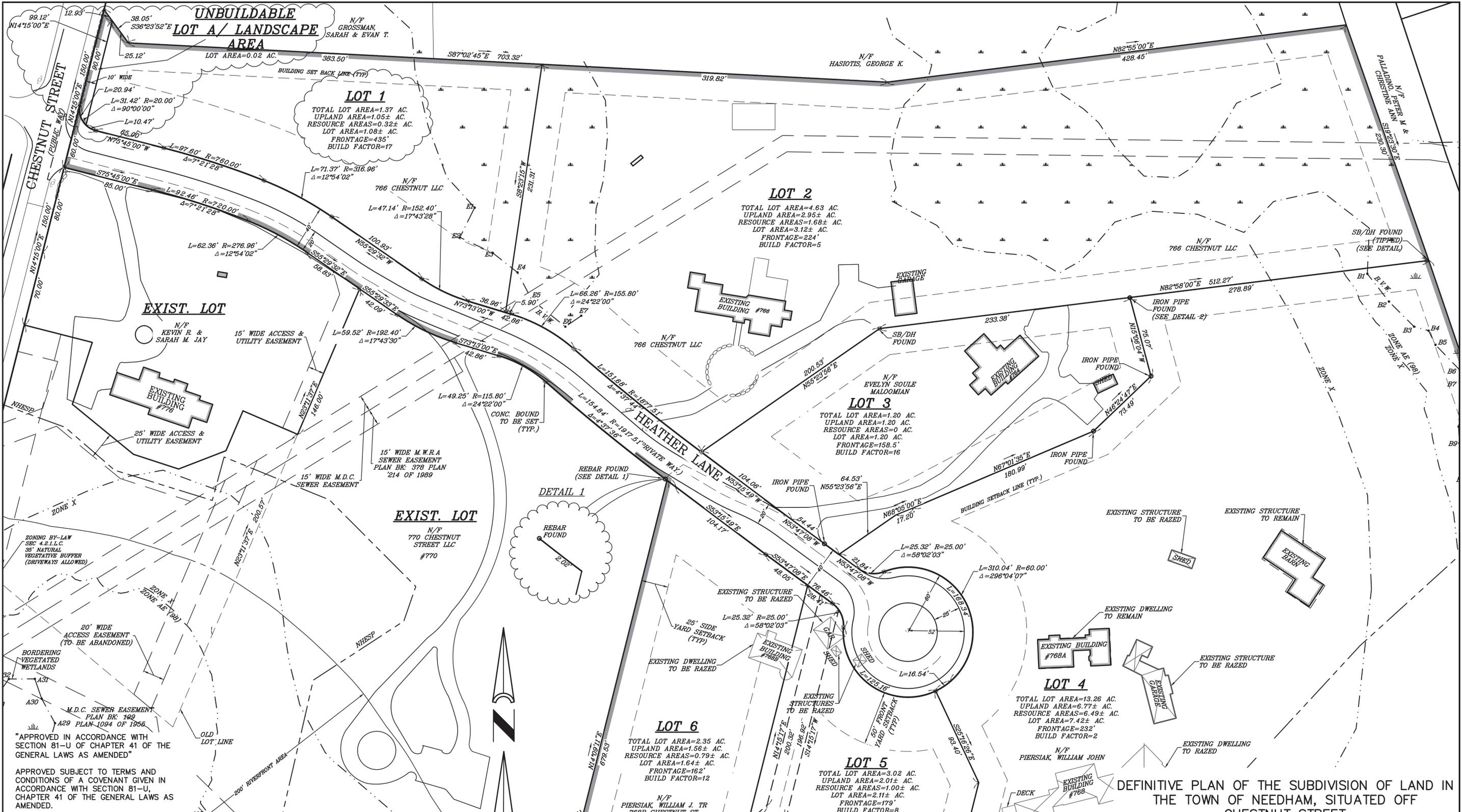


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SCALE	1" = 60'
DATE	03/03/20
SHEET	3C OF 9
FILE #	764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA
JOB #	2019-088-SU00
FILE #	F:\P\2019-088
DRAWN BY	C.J.L.
CHKD BY	B.G.L.
APPD BY	DNK
REVISION	
BY	
<p>HEATHER LANE NEEDHAM, MA</p> <p>EXISTING CONDITIONS PLAN</p>	
<p>KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com</p>	
<p>STEVEN M. HORSFALL No. 41608 PROFESSIONAL LAND SURVEYOR</p>	
<p>Steven Horsfall 2020.04.22 12:05:35 -04'00'</p>	
<p>SHEET NO. 3C</p>	



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

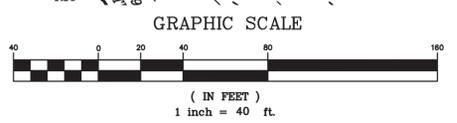
APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

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 _____

"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 _____

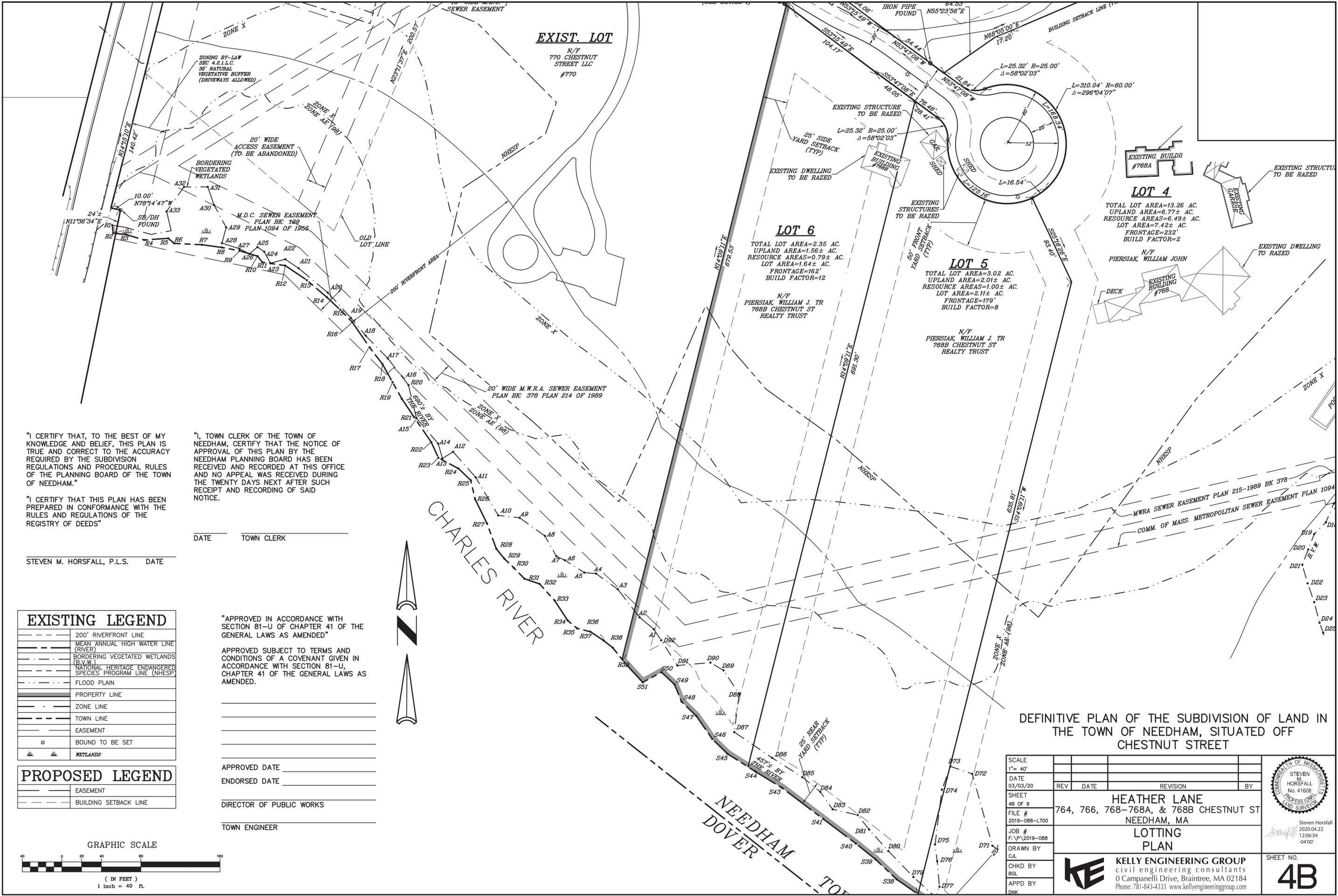
DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE	1" = 40'	2.	07/22/20	PER PLANNING BOARD COMMENTS
DATE	03/03/20	1.	07/07/20	PER PLANNING BOARD COMMENTS
SHEET	4A OF 9	REV	DATE	REVISION
FILE #	2019-088-LT02			
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				
KE KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com				

STEVEN M. HORSFALL
No. 41608
PROFESSIONAL LAND SURVEYOR

Steven Horsfall
2020.07.28
16:44:22
-04'00"

SHEET NO. **4A**



EXIST. LOT
 N/F
 770 CHESTNUT
 STREET LLC
 #770

LOT 6
 TOTAL LOT AREA=2.35 AC.
 UPLAND AREA=1.56± AC.
 RESOURCE AREAS=0.79± AC.
 LOT AREA=1.64± AC.
 FRONTAGE=162'
 BUILD FACTOR=12

N/F
 PIERSIAK, WILLIAM J. TR
 768B CHESTNUT ST
 REALTY TRUST

LOT 5
 TOTAL LOT AREA=3.02 AC.
 UPLAND AREA=2.01± AC.
 RESOURCE AREAS=1.00± AC.
 LOT AREA=2.11± AC.
 FRONTAGE=179'
 BUILD FACTOR=8

N/F
 PIERSIAK, WILLIAM J. TR
 768B CHESTNUT ST
 REALTY TRUST

LOT 4
 TOTAL LOT AREA=13.26 AC.
 UPLAND AREA=6.77± AC.
 RESOURCE AREAS=6.49± AC.
 LOT AREA=7.42± AC.
 FRONTAGE=232'
 BUILD FACTOR=2

N/F
 PIERSIAK, WILLIAM JOHN

"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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"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"

DATE _____ TOWN CLERK _____

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"

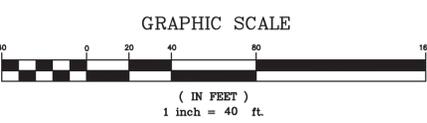
APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

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'
DATE	03/03/20
REV	
DATE	
REVISION	
BY	
SHEET	4B OF 9
FILE #	764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA
JOB #	2019-088-LT00
F:\P\2019-088	
DRAWN BY	C.L.
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.	4B



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 _____

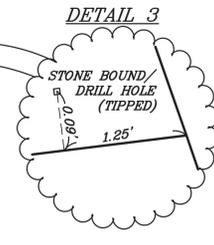
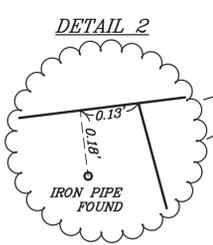
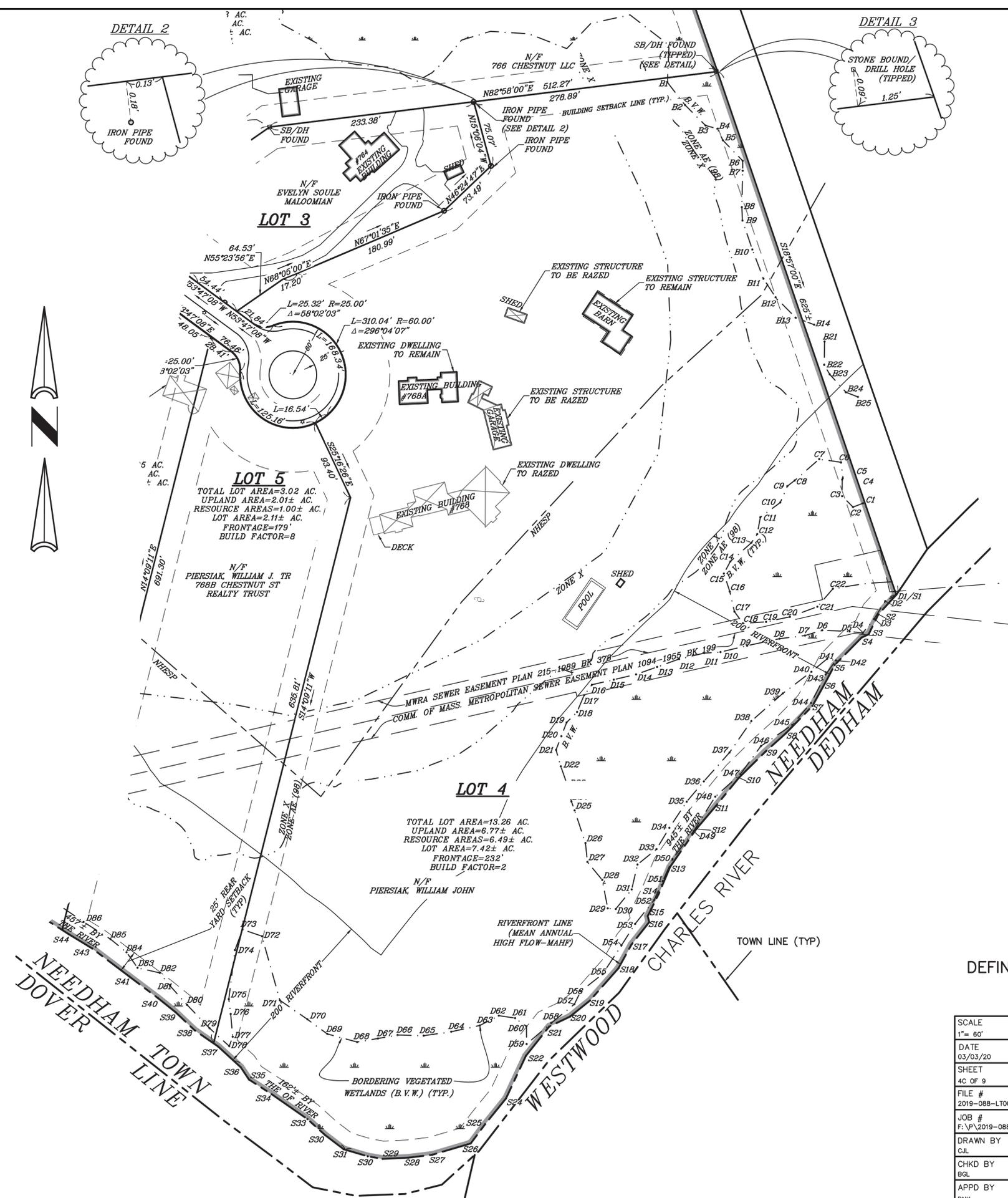
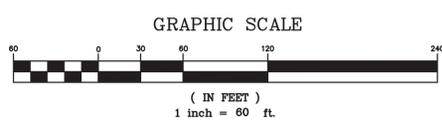
"I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE PLANNING BOARD OF THE TOWN OF NEEDHAM."

"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 _____

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DATE _____ TOWN CLERK _____

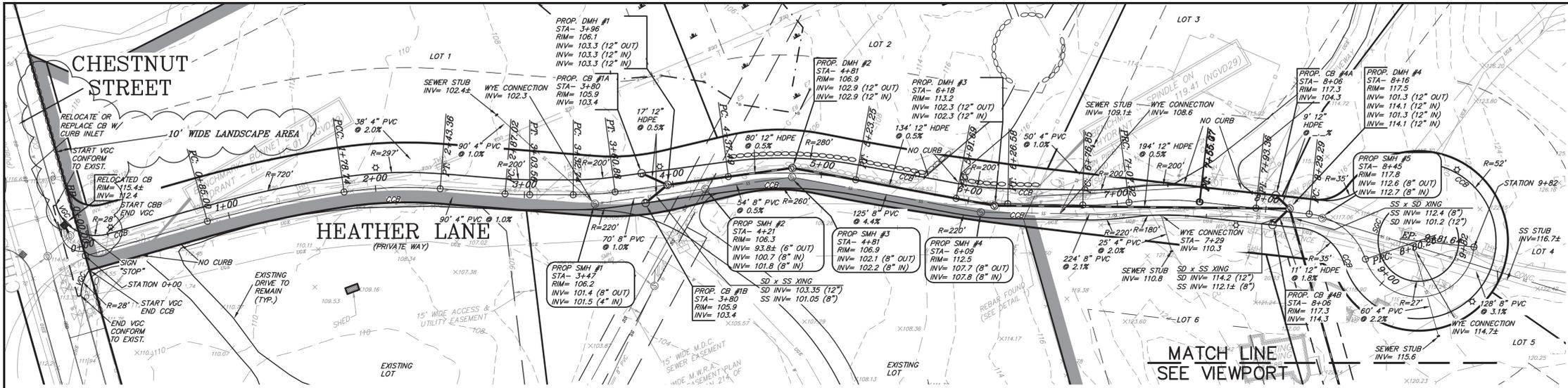


DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

SCALE 1" = 60'			
DATE 03/03/20	REV	DATE	REVISION
SHEET 4C OF 9			
FILE # 2019-088-LT00	764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA		
JOB # F:\P\2019-088	LOTING 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	SHEET NO. 4C		
APPD BY DNK			



Steven Horsfall
2020.04.22
12:07:10
-04'00"



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

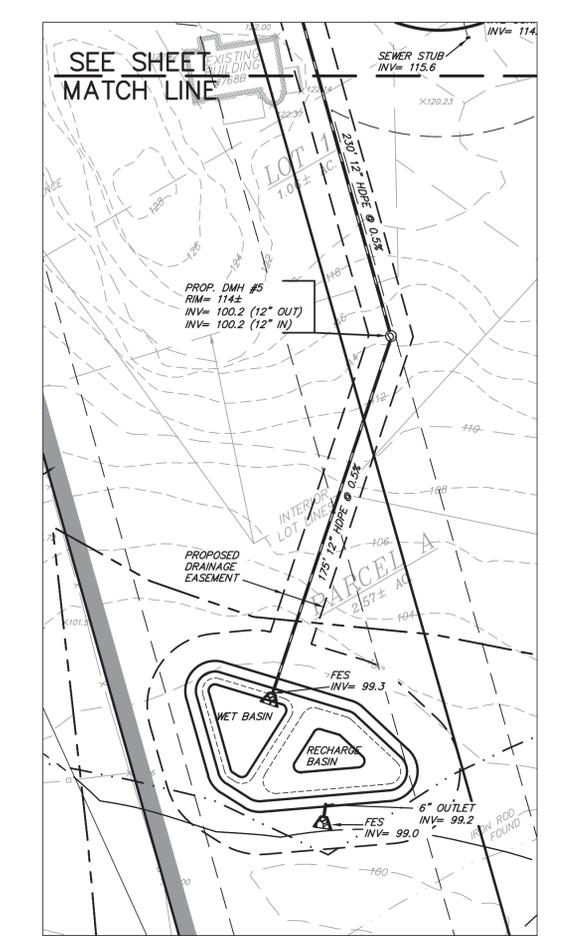
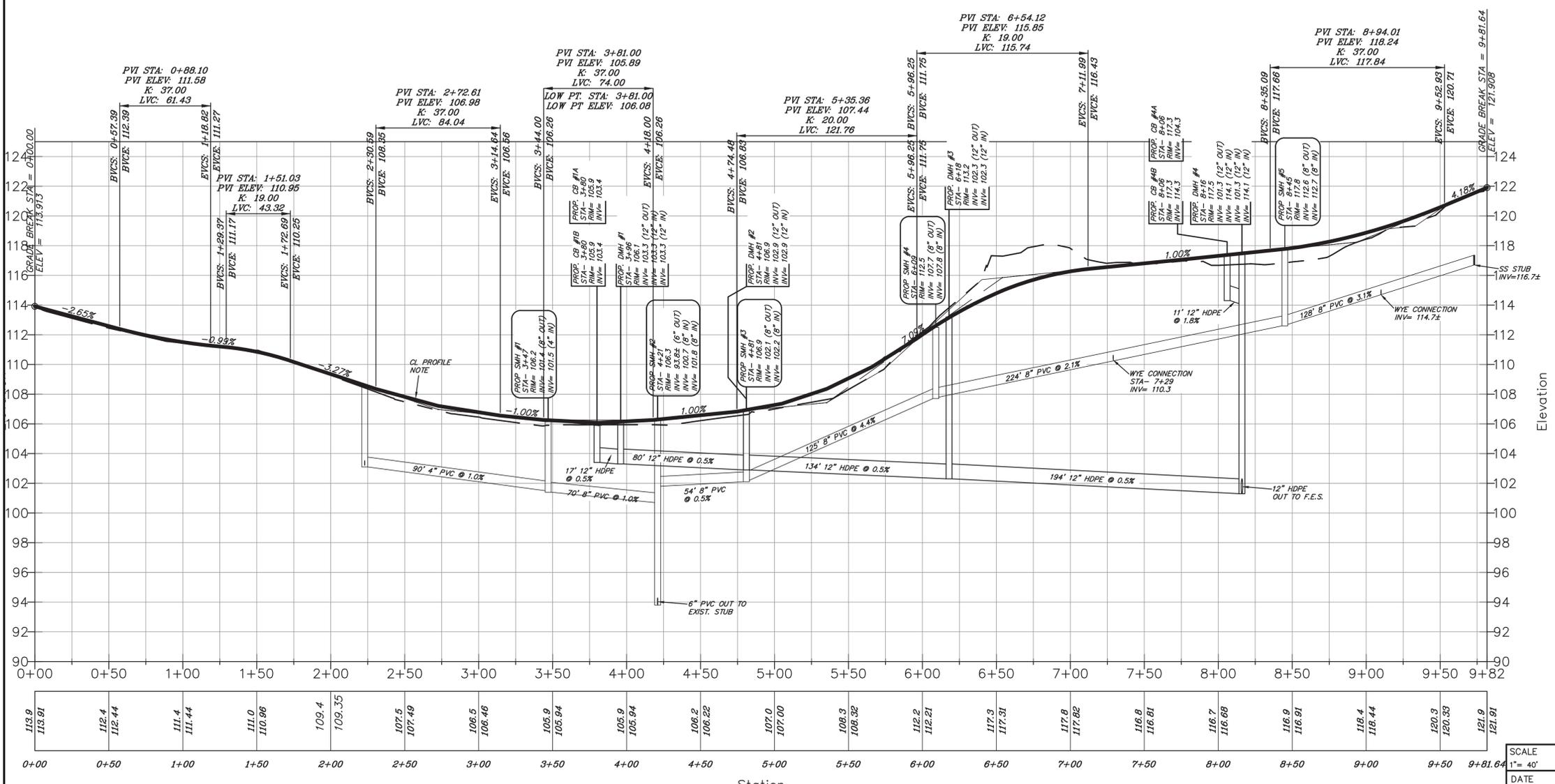
APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.

APPROVED DATE _____

ENDORSED DATE _____

DIRECTOR OF PUBLIC WORKS _____

TOWN ENGINEER _____



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.

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.

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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Heather Lane PROFILE

1" = 40' H
1" = 4' V

SEE SHEET 6 FOR PROPOSED LEGEND & 3B FOR EXISTING LEGEND

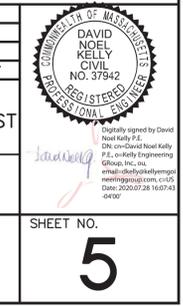
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DAVID N. KELLY, P.E.

SCALE	1" = 40'	2.	07/22/20	PER PLANNING BOARD COMMENTS	
DATE	03/03/20	1.	07/07/20	PER PLANNING BOARD COMMENTS	
SHEET	5 OF 10			REVISION	BY
FILE #	2019-088-PP02	764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA			
JOB #	F:\P\2019-088	HEATHER LANE			
DRAWN BY	C.L.	PLAN & PROFILE HEATHER LANE			
CHKD BY	BGL	KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braitree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			
APPD BY	DNK	SHEET NO. 5			



**UNBUILDABLE
LOT A/ LANDSCAPE
AREA**

**CHESTNUT STREET
(PUBLIC WAY)**

LOT 1

LOT 2

LOT 3

LOT 4

LOT 6

LOT 5

HEATHER LANE

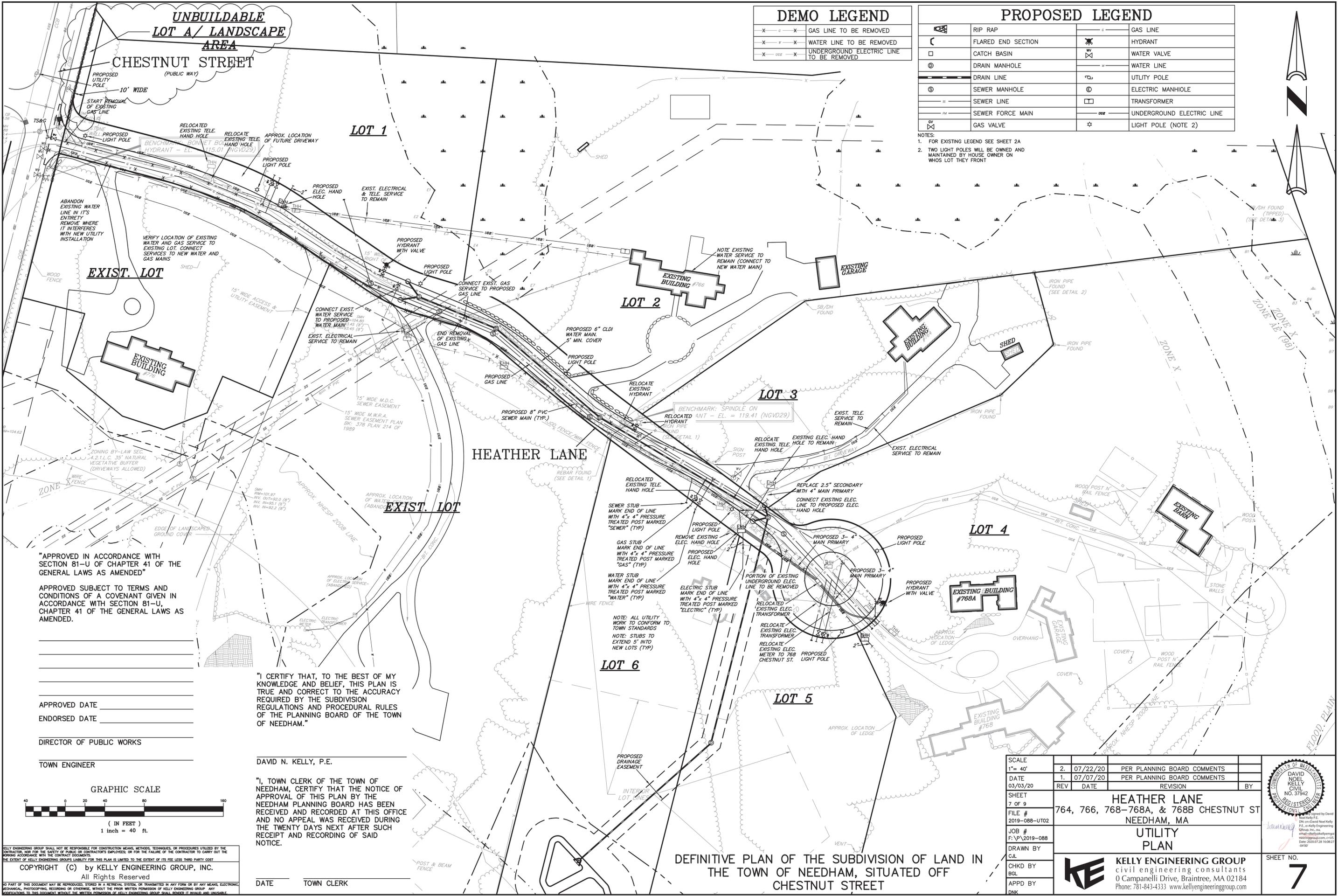
DEMO LEGEND

	GAS LINE TO BE REMOVED
	WATER LINE TO BE REMOVED
	UNDERGROUND ELECTRIC LINE TO BE REMOVED

PROPOSED LEGEND

	RIP RAP		GAS LINE
	FLARED END SECTION		HYDRANT
	CATCH BASIN		WATER VALVE
	DRAIN MANHOLE		WATER LINE
	DRAIN LINE		UTILITY POLE
	SEWER MANHOLE		ELECTRIC MANHOLE
	SEWER LINE		TRANSFORMER
	SEWER FORCE MAIN		UNDERGROUND ELECTRIC LINE
	GAS VALVE		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.

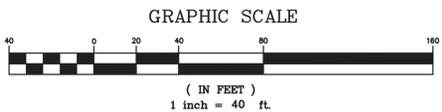
APPROVED DATE _____
ENDORSED DATE _____
DIRECTOR OF PUBLIC WORKS _____
TOWN ENGINEER _____

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DATE _____ TOWN CLERK _____



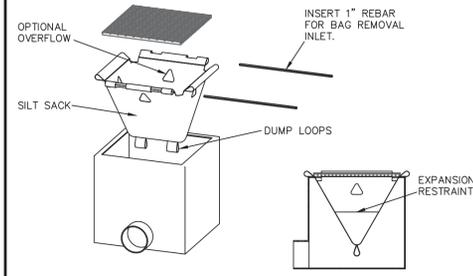
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DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, SITUATED OFF CHESTNUT STREET

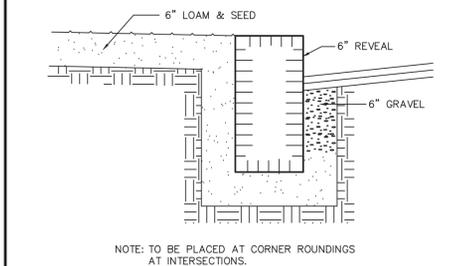
SCALE	1" = 40'	2.	07/22/20	PER PLANNING BOARD COMMENTS
DATE	03/03/20	1.	07/07/20	PER PLANNING BOARD COMMENTS
SHEET	7 OF 9	REV	DATE	REVISION
FILE #	2019-088-UT02			
JOB #	F:\P\2019-088			
DRAWN BY	CJL			
CHKD BY	BGL			
APPD BY	DNK			
HEATHER LANE 764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA				
UTILITY PLAN				
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com				

DAVID NOEL KELLY
CIVIL
NO. 37942

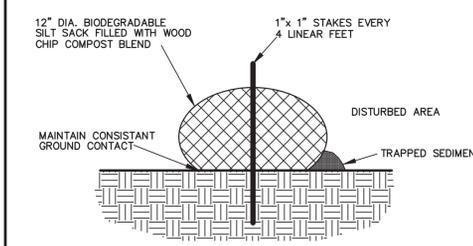
SHEET NO. **7**



SILT SACK- TYPE A DETAIL
NOT TO SCALE
KELLY ENGINEERING GROUP, INC.



VERTICAL GRANITE CURB DETAIL
NOT TO SCALE (VERT-GRANITE-CURB-DETAIL)
KELLY ENGINEERING GROUP, INC.



SILT SOCK LINE DETAIL
NOT TO SCALE
KELLY ENGINEERING GROUP, INC.

"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.

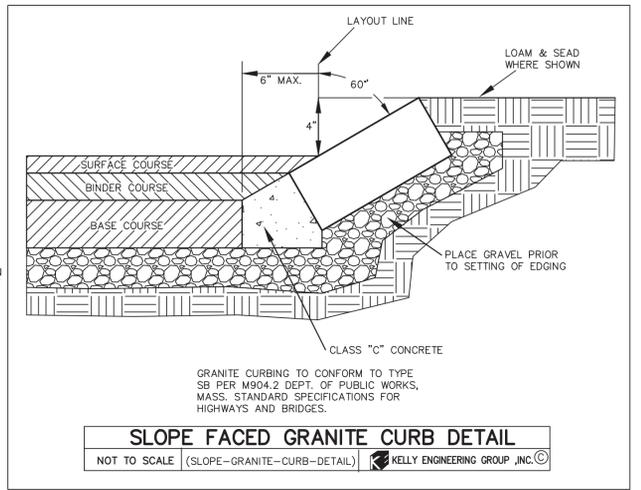
DATE _____ TOWN CLERK _____

APPROVED DATE _____

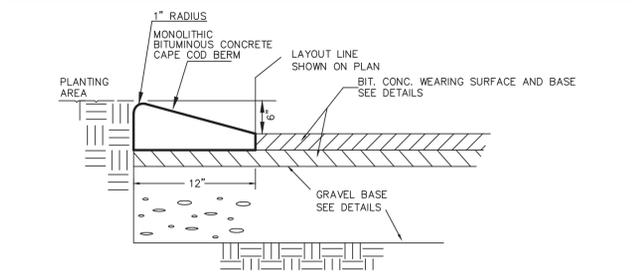
ENDORSED DATE _____

DIRECTOR OF PUBLIC WORKS _____

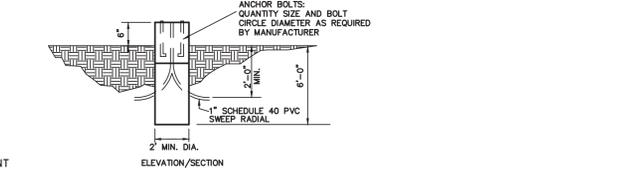
TOWN ENGINEER _____



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.

"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 _____

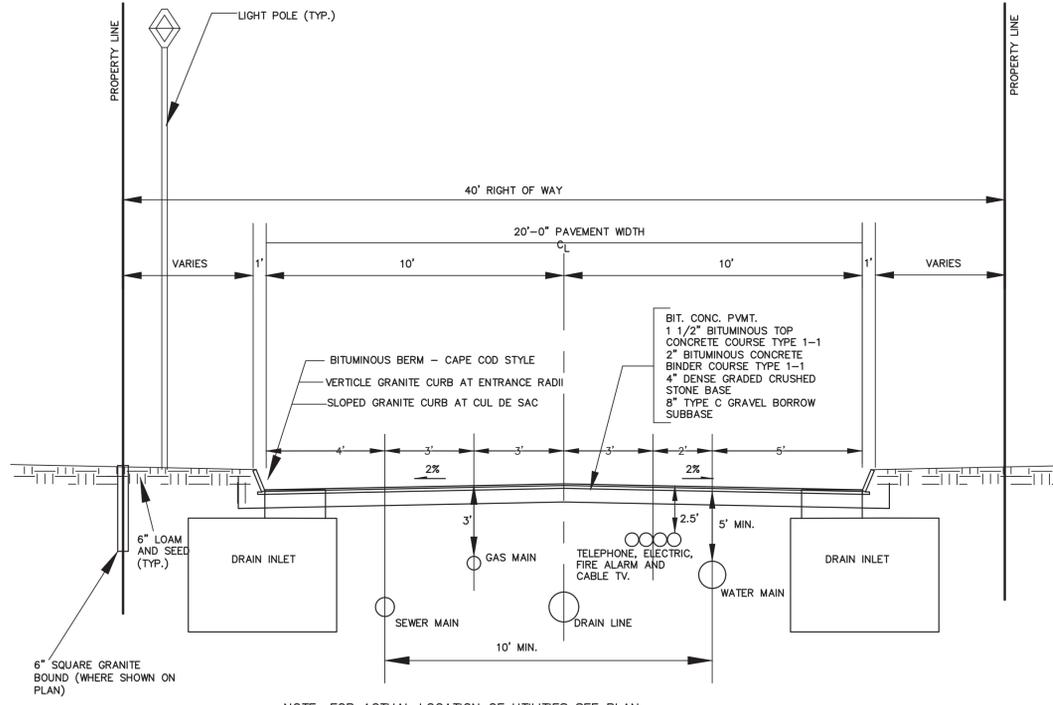
DAVID N. KELLY, P.E.

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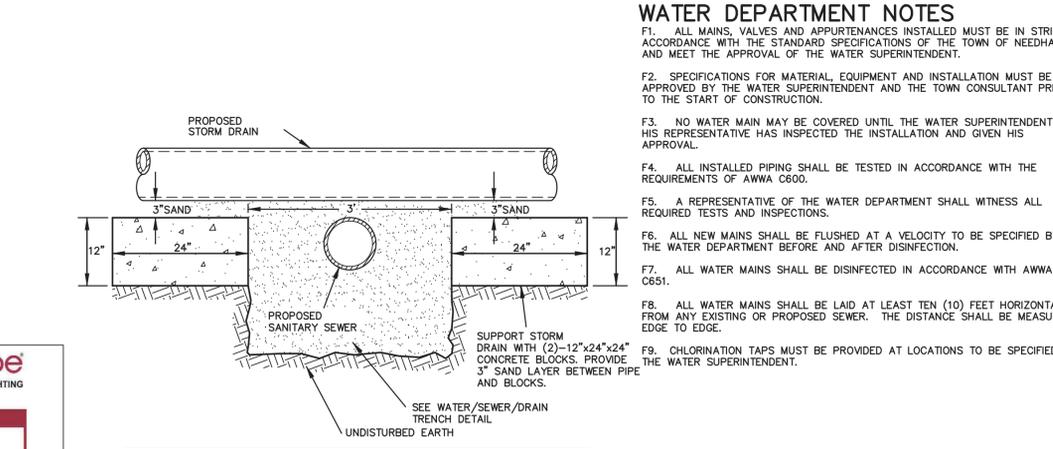
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425 East Middle Street
Hanover, PA 17331
717-632-6464
hanoverlantern.com

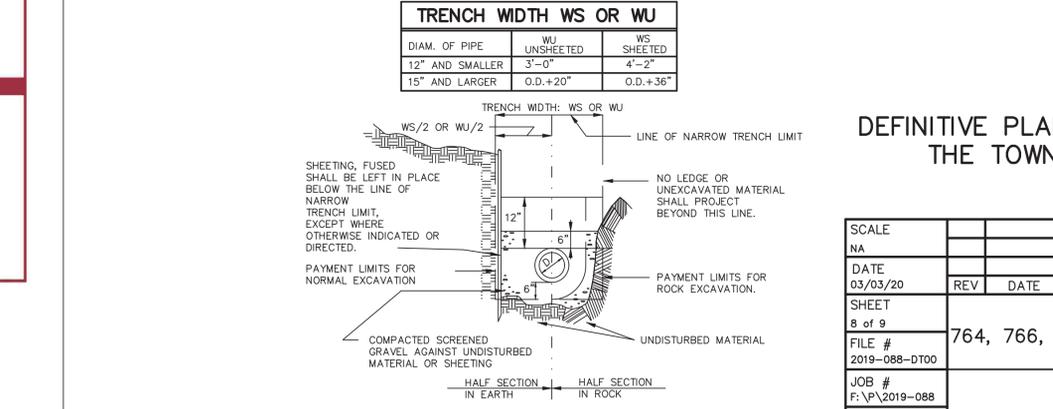
Hanover
LANTERN
Handcrafted in America



STREET CROSS SECTION
NOT TO SCALE
KELLY ENGINEERING GROUP, INC.



DRAIN/SEWER CROSSING DETAIL
NOT TO SCALE (DRAIN-SEWER-CROSSING)
KELLY ENGINEERING GROUP, INC.



TRENCH WIDTH WS OR WU
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 M12 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 1 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 1 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 6" 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 GRASS 25%
CREeping RED FESCUE OR PENNLANW 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.

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.

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
SHEET	8 of 9			
FILE #	2019-088-DT00			
JOB #	F:\P\2019-088			
DRAWN BY	C.J.L.			
CHKD BY	B.G.L.			
APPD BY	DNK			

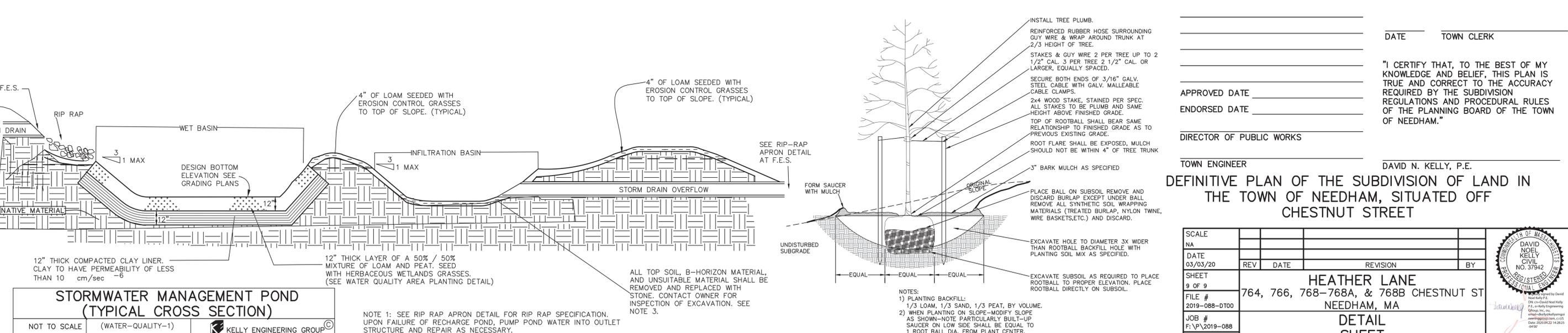
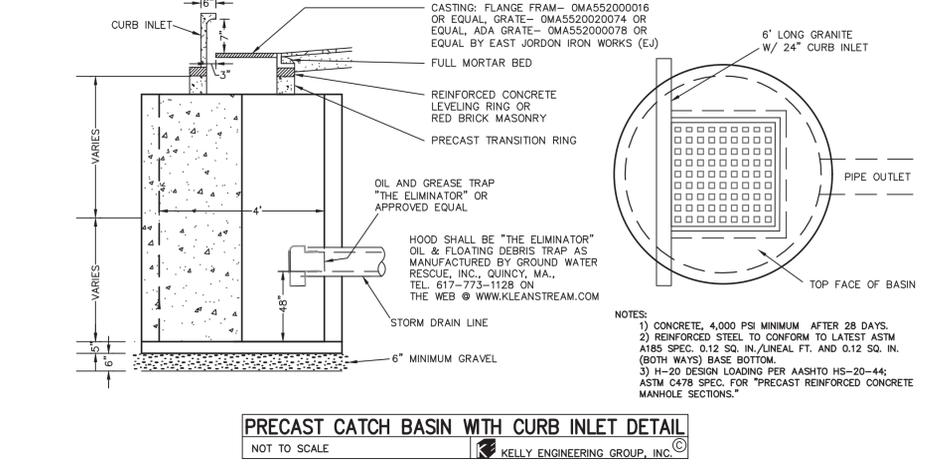
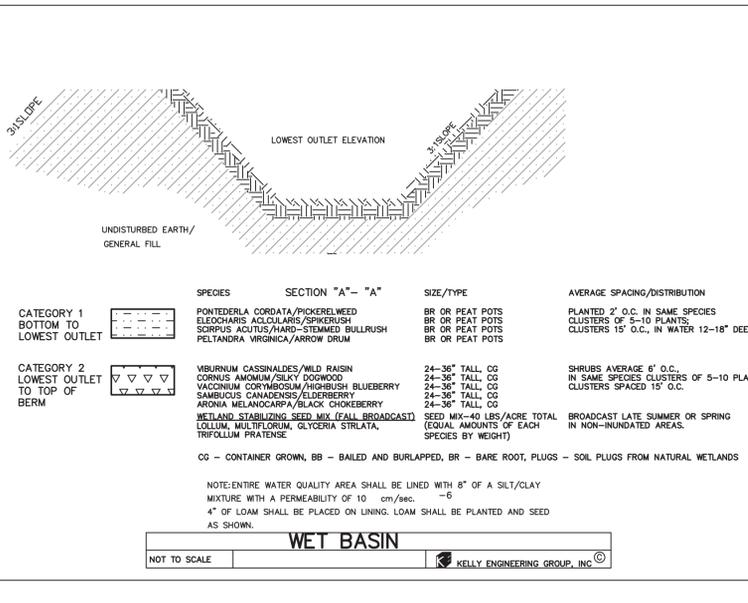
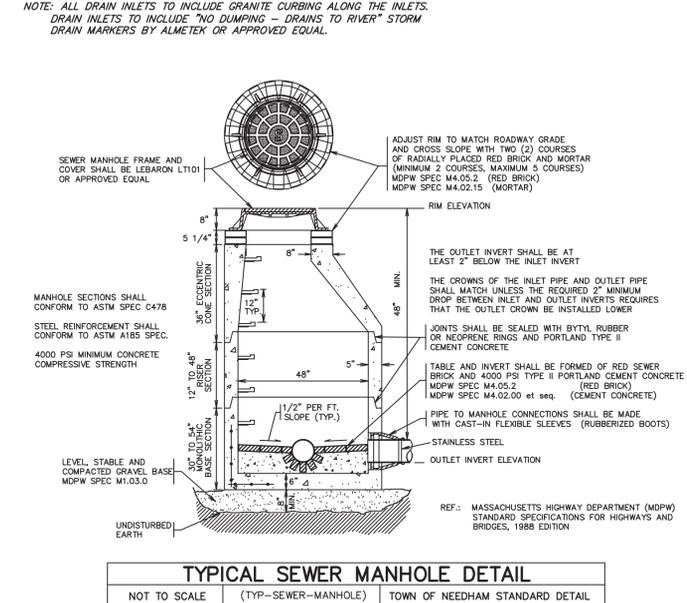
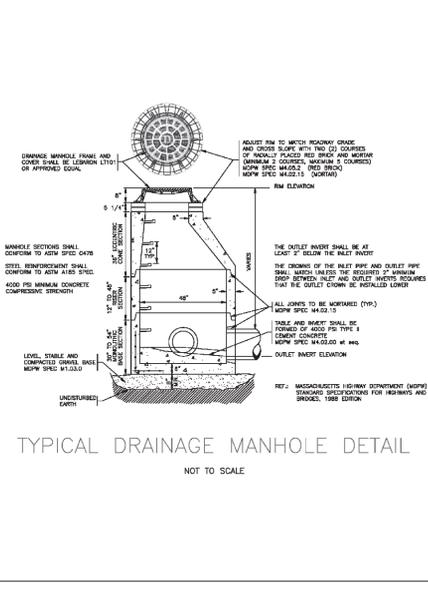
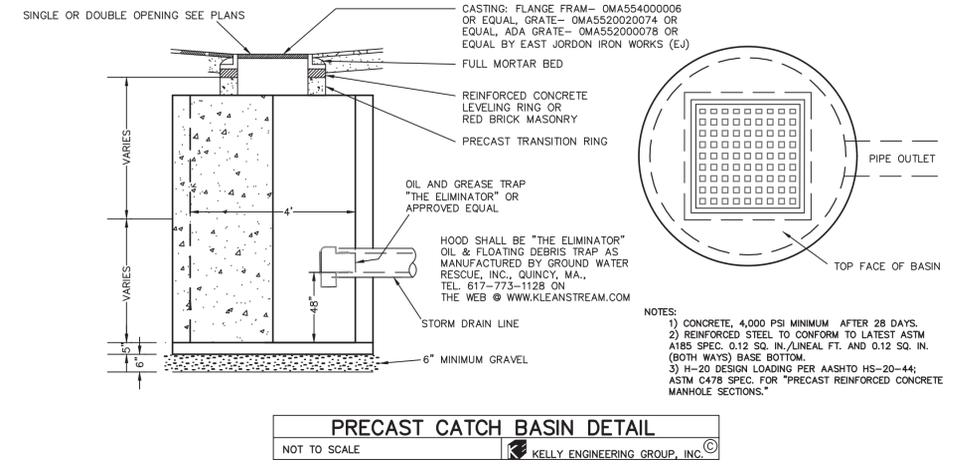
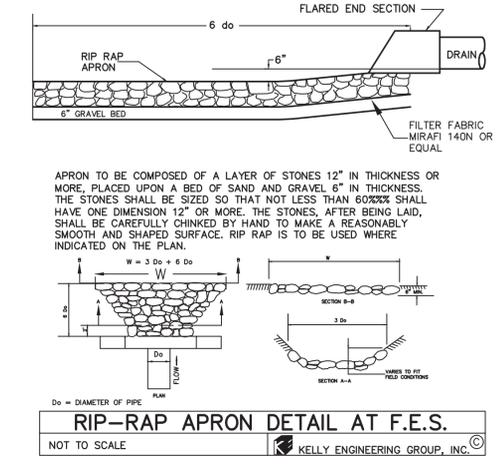
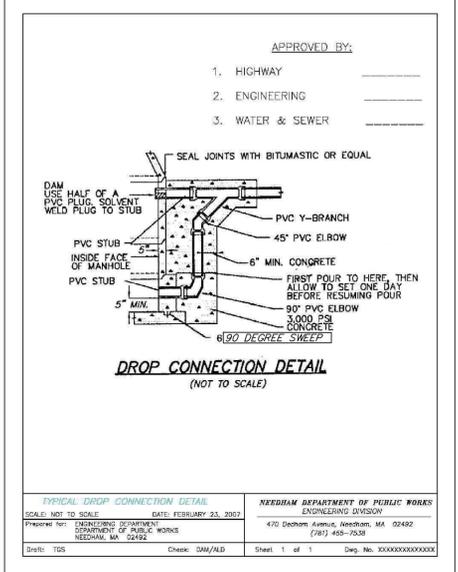
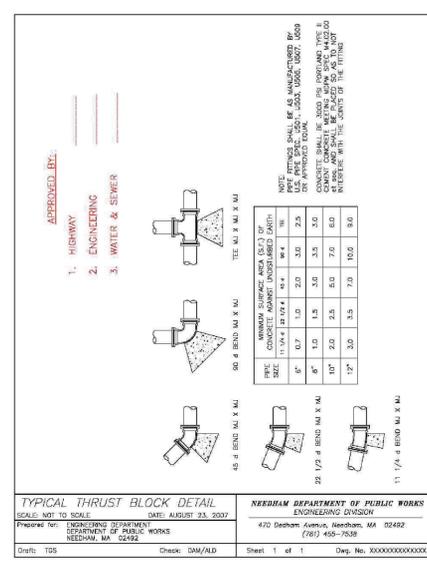
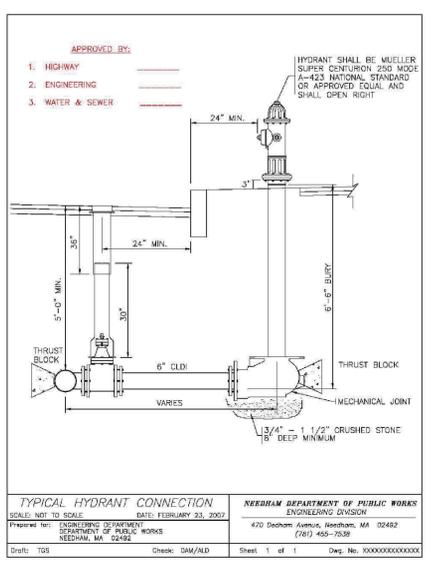
HEATHER LANE
764, 766, 768-768A, & 768B CHESTNUT ST
NEEDHAM, MA

DETAIL SHEET

KELLY ENGINEERING GROUP
civil engineering consultants
0 Campanelli Drive, Braintree, MA 02184
Phone: 781-843-4333 www.kellyengineeringgroup.com

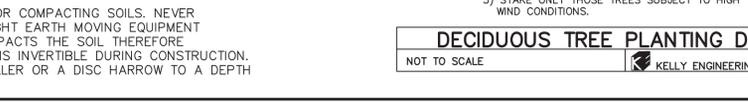
DAVID NOEL KELLY CIVIL ENGINEER NO. 37942

SHEET NO. **8**



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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NOTE 1: SEE RIP RAP APRON DETAIL FOR RIP RAP SPECIFICATION. UPON FAILURE OF RECHARGE POND, PUMP POND WATER INTO OUTLET STRUCTURE AND REPAIR AS NECESSARY.
 NOTE 2: CONSTRUCTION OF INFILTRATION BASIN SHALL LIMIT SMEARING OR COMPACTING SOILS. NEVER CONSTRUCT THE BASIN IN THE WINTER OR WHEN IT IS RAINING. USE LIGHT EARTH MOVING EQUIPMENT TO EXCAVATE THE INFILTRATION BASIN BECAUSE HEAVY EQUIPMENT COMPACTS THE SOIL THEREFORE REDUCING THE INFILTRATION CAPACITY. SOME COMPACTION OF THE SOIL IS INEVITABLE DURING CONSTRUCTION. UPON FINAL GRADING DEEPLY TILL THE BASIN FLOOR WITH A ROTARY TILLER OR A DISC HARROW TO A DEPTH OF 12".

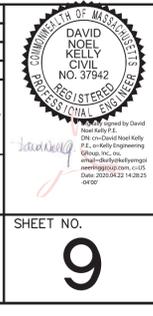


"APPROVED IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED"
 APPROVED SUBJECT TO TERMS AND CONDITIONS OF A COVENANT GIVEN IN ACCORDANCE WITH SECTION 81-U, CHAPTER 41 OF THE GENERAL LAWS AS AMENDED.
 "I, TOWN CLERK OF THE TOWN OF NEEDHAM, CERTIFY THAT THE NOTICE OF APPROVAL 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 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	NA	DATE	03/03/20	REV		DATE		REVISION		BY	
SHEET	9 OF 9	FILE #	2019-088-DT00	764, 766, 768-768A, & 768B CHESTNUT ST NEEDHAM, MA							
JOB #	F:\2019-088	DRAWN BY	CJL	HEATHER LANE DETAIL SHEET							
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. 9											



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	07/22/20			
2	EXISTING CONDITIONS PLAN	03/03/20			
3	LAYOUT PLAN	07/22/20			
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 PIERSIAK
 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 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."

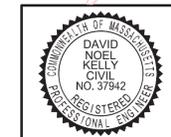
DATE _____ TOWN CLERK _____



LOCATION MAP

THESE PLANS ARE FILED IN CONJUNCTION WITH DEFINITIVE SUBDIVISION PLANS FOR HEATHER LANE

Digitally signed by David Noel Kelly P.E.
 DN: cn=David Noel Kelly P.E., o=Kelly Engineering Group, Inc., ou, email=dkelly@kellyengineeringgroup.com, c=US
 Date: 2020.07.28 16:09:16 -0400



SCALE	DISK REF. NO.
DATE	DRAWN BY
SHEET	CHKD BY
PLAN NO.	APPD BY

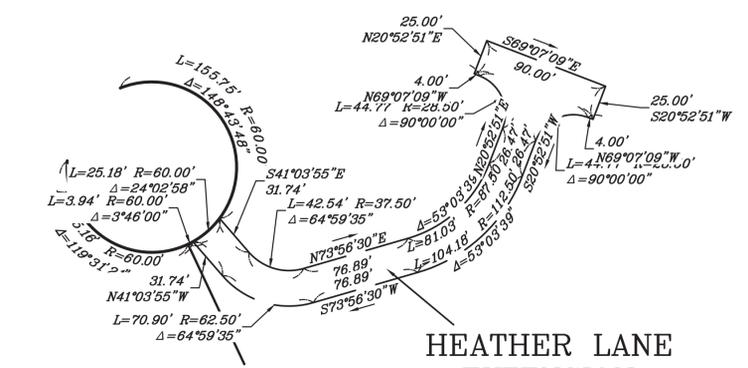
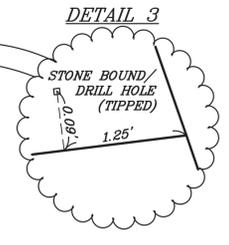
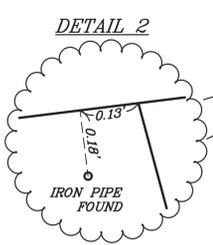
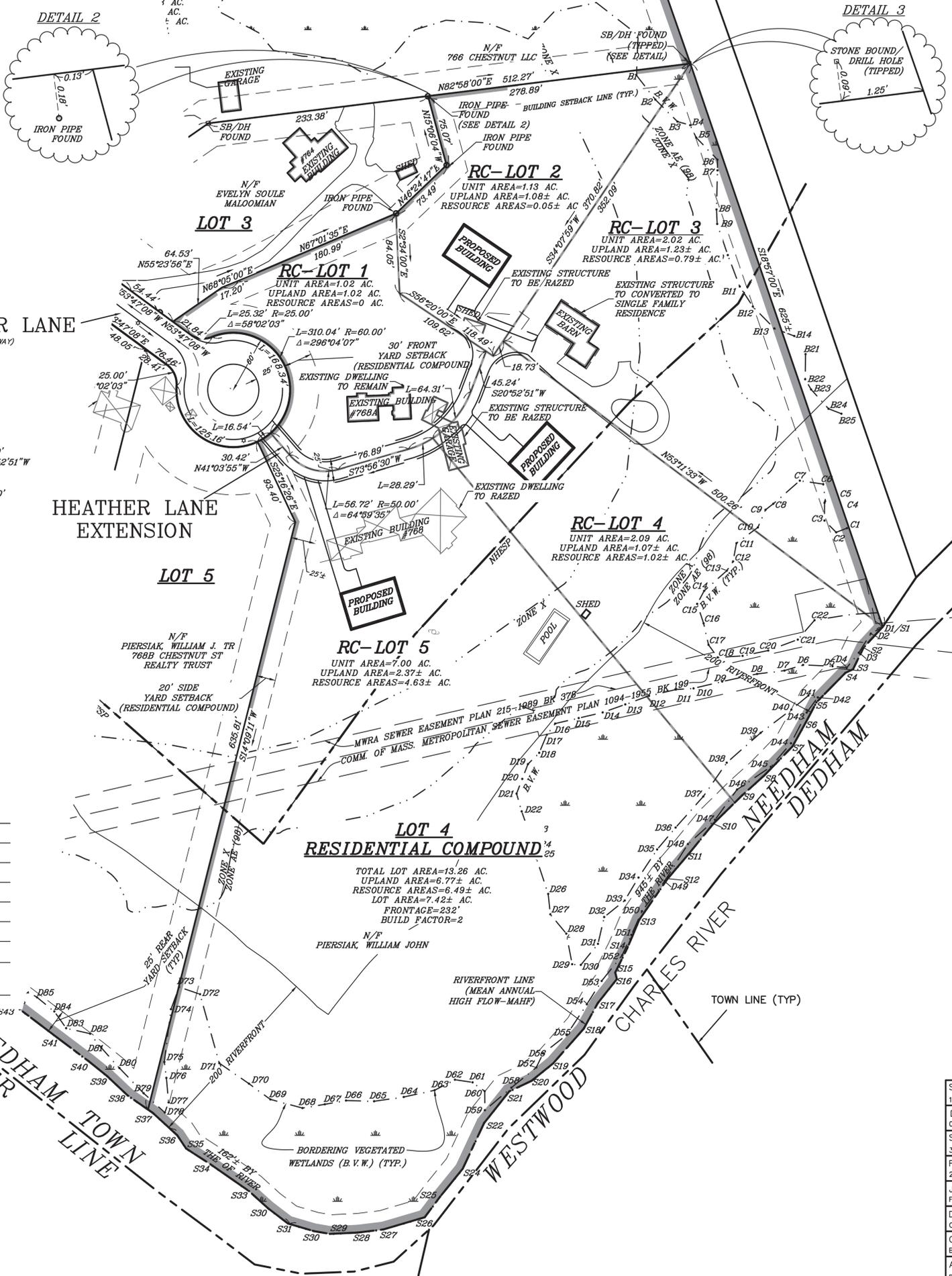
768-768A CHESTNUT STREET
 NEEDHAM, MA
KE KELLY ENGINEERING GROUP
 civil engineering consultants
 0 Campanelli Drive, Braintree, MA 02184
 Phone: 781-843-4333 www.kellyengineeringgroup.com

SHEET NO.
1

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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



"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 _____

"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."

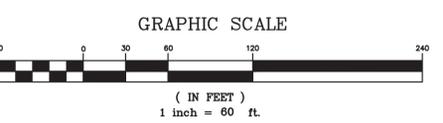
"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"

"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 _____

STEVEN M. HORSFALL, P.L.S. DATE _____



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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	Cur-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	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
3.3.18	Sidewalk Ramps	ADA curb ramps	No Sidewalk	NA

SCALE 1" = 60'

DATE	07/22/20	PER PLANNING BOARD COMMENTS
REV	06/18/20	PER PLANNING BOARD COMMENTS
DATE		REVISION

SHEET 3 of 7

FILE # 2019-088-L01-0-C

JOB # F:\P\2019-088

DRAWN BY C.L.

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

DAVID NOEL KELLY CIVIL NO. 37942 PROFESSIONAL ENGINEER

DATE: 2020/07/28 16:05:55

SHEET NO. **3**



TOWN OF NEEDHAM
CONSERVATION DEPARTMENT
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

July 28, 2020

Jeanne McKnight, Chairperson
Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

RE: Heather Lane Subdivision and
Heather Lane Extension Residential Compound and Definitive Subdivision
Conservation Commission Review and Comments – Post Site Visit

Dear Chairperson McKnight and Planning Board,

On July 15, 2020, Janet Carter Bernardo, Chairperson of the Conservation Commission and Debbie Anderson, the Director of Conservation joined the Applicant, Bill Piersak, his Attorney Bob Smart, Lee Newman, Director of the Planning and Community Development Department and Paul Alpert and Jeanne McKnight of the Planning Board on Mr. Piersak's property to conduct a site walk.

The purpose of this site walk was to explore the Bank of the Charles River located on the property for a potential canoe landing, haul-out area for the public to access a portion of the potential Conservation Restriction area and to determine the practicality of a potential Trail Easement along the river within the potential Conservation Restriction Area. The site walk was valuable in understanding the topography and vegetation located on the site and along the river.

The Commission had the following additional comments regarding the proposed project after the site walk was conducted:

1. The general topography of the site along the Charles River in this location was relatively steep along the Bank and down to the water. During the summer, when the level of water in the stream is generally at its lowest during the year, the Bank would have a drop in excess of 10-feet down to the water which would not be conducive to a canoe landing, haul out area.
2. The initial intent of requesting a potential Trail Easement on the property along the river was to potentially connect with an existing trail within the Conservation Restricted Area to the east that was approved as part of the Riverbend Lane subdivision. However, several challenges including restrictions of use on the existing trail to the east, private properties to the west to Chestnut Street, as well

as, the natural vegetation that would have to be cleared along the stream to create the trail make the potential Trail Easement less appealing.

3. As the Commission will not be pursuing either the canoe landing or a potential Trail Easement on the property, due to various factors, the Commission would like to propose extending the boundary of the Conservation Restriction Area to essentially “square off” the proposed area. The current proposed Conservation Restriction Plan follows along the Bordering Vegetated Wetlands associated with the stream. The Commission also finds tremendous value in the 100-foot Buffer Zone to Bordering Vegetated Wetlands and the 200-foot Riverfront Area and would like to protect some of this upland area as part of the Conservation Restriction. The Commission would propose extending the Restriction to include the 200-foot Riverfront Area.
4. The Conservation Commission is also requesting that the Applicant consider extending the area of the Conservation Restriction over the 200-foot Riverfront Area located on Lot 5 and Lot 6 as identified on the Definitive Plan of the Subdivision of Land in the Town of Needham, situated off Chestnut Street, Heather Lane, Key Sheet, prepared by Kelly Engineering Group and dated 3/03/20.
5. Conservation Commission staff have spoken with Kelly Engineering staff regarding the Wetland Resource Areas located on and adjacent to the property, their delineation and eventual review and approval.

Thank you for your consideration, on behalf of the Needham Conservation Commission,

Debbie Anderson

Debbie Anderson
Town of Needham
Director of Conservation



TOWN OF NEEDHAM
CONSERVATION DEPARTMENT
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

August 6, 2020

Jeanne McKnight, Chairperson
Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

RE: Heather Lane Subdivision and
Heather Lane Extension Residential Compound and Definitive Subdivision
Conservation Commission Review and Comments – Final Proposal

Dear Chairperson McKnight and Planning Board,

The Conservation Commission would like to thank Mr. Piersak for his willingness to work with them and come to a compromise regarding the proposed Conservation Restriction along the Heather Lane Extension Residential Compound property.

As discussed in our previous letter, due to site and other constraints, the Commission will no longer be pursuing the canoe landing/haul out area along the Charles River or a potential Trail Easement along the river in this location.

As discussed, the original proposed Conservation Restriction Plan follows along the Bordering Vegetated Wetlands associated with the stream. As the Commission also finds tremendous value in the 100-foot Buffer Zone to Bordering Vegetated Wetlands and the 200-foot Riverfront Area and would like to protect some of this upland area as part of the Conservation Restriction. The Commission proposed extending the Restriction to include the 200-foot Riverfront Area.

In addition, the Conservation Commission also requested that the Applicant consider extending the area of the Conservation Restriction over the 200-foot Riverfront Area located on Lot 5 and Lot 6 as identified on the Definitive Plan of the Subdivision of Land in the Town of Needham, situated off Chestnut Street, Heather Lane, Key Sheet, prepared by Kelly Engineering Group and dated 3/03/20.

The final agreement appears to be a compromise between Mr. Piersak and the Commission. The Commission will accept the extension of the Conservation Restriction Boundary to include the 200-foot Riverfront Area on Lot 4 and will no longer pursue the extension of the Conservation Restriction onto Lots 5 and 6 as described above.

Thank you for your consideration, on behalf of the Needham Conservation Commission,

Debbie Anderson

Debbie Anderson
Town of Needham
Director of Conservation



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

August 4, 2020

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Application for Approval of Definitive Subdivision
Application for Approval of a Residential Compound and Definitive Subdivision
Heather Lane Subdivision-Chestnut Street

Dear Members of the Board:

The Department of Public Works has completed its review of the above referenced revised subdivision plans and revised Residential Compound applications for an existing private way off Chestnut Street. The first portion of the subdivision application considers multiple ownerships on the existing private way, while the second application subdivides Lot 4 into a 5-lot residential compound that utilizes access from the private way.

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

- Letter to Lee Newman from Robert Smart, Jr., Esq., dated July 30, 2020 for the Residential Compound and Definitive Subdivision.
- Plans entitled, "Definitive Subdivision Plans", prepared by Kelly Engineering Group, Inc., dated March 3, 2020 consisting of 13-sheets; Sheets 1, 2, 4A, 5-7 revised 7/22/20.
- Plans entitled, "Definitive Subdivision Plans and Residential Compound Special Permit", prepared by Kelly Engineering Group, Inc., dated March 3, 2020 and consisting of 7-sheets; Sheets 4,-7 revised 7/22/20 and Sheets 1, and 3 revised 7/22/20

Our comments and recommendations are as follows:

- The applicant has informed us that the will meet the NPDES requirements for Public Out Reach & Education and Public Participation & Involvement control measures. We expect a letter soon to be submitted from the applicant 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 781-455-7550.

Sincerely,

Thomas Ryder
Assistant Town Engineer

tryder

DEFINITIVE SUBDIVISION DECISION

August 11, 2020

Heather Lane
764, 766, 768-768A, and 768B Chestnut Street

William John Piersiak
William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust
Evelyn Soule Maloomian
Koby Kemple, Manager of the 766 Chestnut LLC

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768-768A Chestnut Street, Needham, MA; William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, 768B Chestnut Street, Needham, MA; Evelyn Soule Maloomian, 764 Chestnut Street, Needham, MA, and Koby Kemple, Manager of the 766 Chestnut LLC, 766 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 764, 766, 768-768A, and 768B Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the easterly side of Chestnut Street, at the northwesterly corner of the herein described premises, thence; Running S36° 23' 52"E a distance of 38.05' to a point; Thence turning and running S 87° 02' 45"E a distance of 703.32' to a point; Thence turning and running N82° 55' 00"E a distance of 428.45' to a point; Thence turning and running S19° 23' 30"E a distance of 230.30' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,564', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 679.53' to a point; Thence running along a curve to the right having a radius of 1,917.51' and an arc length of 144.78' to a point; Thence running along a curve to the left having a radius of 115.80' and an arc length of 49.25' to a point; Thence turning and running N73° 13' 00"W a distance of 42.86' to a point; Thence running along a curve to the right having a radius of 192.40' and an arc length of 59.52' to a point; Thence turning and running N55° 29' 32"W a distance of 100.92' to a point; Thence running along a curve to the left having a radius of 276.96' and an arc length of 62.36' to a point; Thence running along a curve to the left having a radius of 720.00' and an arc length of 92.46' to a point; Thence turning and running N75° 45' 00"W a distance of 85.00' to a point on the easterly side of Chestnut Street; Thence turning and running by the easterly side of Chestnut Street N14° 15' 00"E a distance of 150.00' to the point and place of beginning. The described area contains 26.904 acres.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on April 29, 2020, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create six (6) individual house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. Currently, the land to be subdivided is in multiple ownerships, and there are several buildings on the land. All were

constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the Subdivision Plan. Lot 4 of the Heather Lane subdivision is intended to itself be further subdivided into five Residential Compound lots, which will have access and frontage via a private way called Heather Lane Extension.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block were present throughout the June 16, 2020 public hearing. The hearing was continued to Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all of the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020; Sheet 3, No. 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020; Sheet 12, No. 8, “Detail Plan,” dated March 3, 2020; Sheet 13, No. 9, “Detail Sheet,” dated March 3, 2020.
- Exhibit 2 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Letter from Evelyn Soule Maloomian, dated March 11, 2020.

- Exhibit 5 - Letter from Koby Kempel, Manager, 766 Chestnut LLC, dated March 18, 2020.
- Exhibit 6 - Legal Description of Land proposed to be subdivided.
- Exhibit 7 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 8 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 10 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 11 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.
- Exhibit 12 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement; and (5) Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust.
- Exhibit 13 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 14 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 15 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 16 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 17 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Existing Conditions," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled "Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled "Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with

Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.

- Exhibit 18 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement; and (5) Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust.
- Exhibit 19 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.
- Exhibit 20 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.
- Exhibit 21 - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.
- Exhibit 22 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020, revised July 7, 2020; Sheet 3, No. 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020, revised July 7, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020, revised July 7, 2020; Sheet 12, No. 8, “Detail Plan,” dated March 3, 2020; Sheet 13, No. 9, “Detail Sheet,” dated March 3, 2020.
- Exhibit 23 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.
- Exhibit 24 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.

Exhibit 25 - The Plan entitled, "Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ", dated March 3, 2020; Sheet 2, No. 2, "Key Sheet", dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 3, No 3A "Existing Conditions Plan," dated March 3, 2020; Sheet 4, No. 3B, "Existing Conditions Plan", dated March 3, 2020; Sheet 5, No. 3C, "Existing Conditions Plan", dated March 3, 2020; Sheet 6, No. 4A, "Lotting Plan", dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 7, No. 4B, "Lotting Plan", dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, "Lotting Plan", dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, "Plan & Profile Heather Lane", dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 10, No. 6, "Grading Plan", dated March 3, 2020, revised July 7, 2020 (no change) and July 22, 2020; Sheet 11, No. 7, "Utility Plan," dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 12, No. 8, "Detail Plan," dated March 3, 2020; Sheet 13, No. 9, "Detail Sheet," dated March 3, 2020.

Exhibit 26 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020 ; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 13, 18 and 25 are referred to hereinafter as the Plan.

The Board by a vote of 5-0 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on the Plan entitled, "Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ", dated March 3, 2020; Sheet 2, No. 2, "Key Sheet", dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 3, No 3A "Existing Conditions Plan," dated March 3, 2020; Sheet 4, No. 3B, "Existing Conditions Plan", dated March 3, 2020; Sheet 5, No. 3C, "Existing Conditions Plan", dated March 3, 2020; Sheet 6, No. 4A, "Lotting Plan", dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 7, No. 4B, "Lotting Plan", dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, "Lotting Plan", dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, "Plan & Profile Heather Lane", dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 10, No. 6, "Grading Plan", dated March 3, 2020, revised July 7, 2020 (no change) and July 22, 2020; Sheet 11, No. 7, "Utility Plan," dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 12, No. 8, "Detail Plan," dated March 3, 2020; Sheet 13, No. 9, "Detail Sheet," dated March 3, 2020.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) 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 40-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. The Board found a right-of-way width of 40 feet to be sufficient to accommodate the residential subdivision.

b) 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 paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of limiting the amount of impervious surface on the site so as to minimize off-site drainage impacts on neighboring properties and the visual impact the 24 feet of bituminous concrete paving would have on the existing landscape. The Board specifically found a bituminous concrete pavement width of 20 feet to be sufficient to accommodate the residential house lots proposed to be serviced by the subdivision and the ability of emergency vehicles to access the site.

c) 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 the grade of the street not exceed 1% within 50 feet of a street intersection and approves instead a maximum grade of 2.6% at the Chestnut Street intersection, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the site distance found at the intersection of Heather Lane and Chestnut Street, the safety of the intersection to function in accordance with ASHTO roadway safety standards, and the affirmative recommendation of the Town Engineer for this roadway design program.

d) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require a 20 foot radii at the intersection of Heather Lane and Chestnut Street, and approves instead the existing radii, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the affirmative recommendation of the Town Engineer for this roadway design program.

e) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that granite or reinforced concrete curbing be installed around the cul-de-sac and at catch basin inlets and approves instead the use of cape cod berm, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the dead-end nature of the proposed street, and the affirmative recommendation of the Town Engineer for this roadway design program.

f) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the “Standard Specifications” of the Town of Needham along both sides of Heather Lane and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for Heather Lane and the dead-end nature of the street.

g) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width and no sidewalks. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, and 1.f above.

2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

a) The plan shall be revised to show a Conservation Restriction Easement over the 200-foot Riverfront Area located on Lot 5 and Lot 6.

3. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, and 1.g 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 and Lot 6 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, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. 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 Trust Agreement for the costs of the maintenance, repair and reconstruction of the Private Way (the Private Way) shown on the Plan and designated thereon and all services, the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, 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 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 providing 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.

5. Each owner of a Lot through the Heather Lane Homeowners Trust Agreement 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.

6. The Trustees under the Heather Lane Homeowners Trust Agreement 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 is 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 hereunder. 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.

7. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder 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.

8. Neither the owner 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.

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

10. 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.

11. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 11 inclusive and condition 13, and a) 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 b) 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 in all events shall be subject thereto.

12. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 13 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.

13. Lots 1 through 6 inclusive as shown on the Plan shall be accessed solely from Heather Lane with no vehicular access for said lots provided directly to Chestnut Street. Vehicular access to Heather Lane shall be limited to said Lots 1, 2, 3, 4, 5, 6, and to existing Lot A (770 Chestnut Street) and existing Lot 2A (776 Chestnut Street), as presently shown on the Plan.

14. The Petitioner shall grant a Conservation Restriction to the Town of Needham in accordance with G.L. Chapter 40, Section 8C, over the 200-foot Riverfront Area located on Lot 5 and Lot 6 as a condition of this approval. The easement shall be granted in perpetuity and exclusively for conservation purposes and shall be subject to review and approval by the Board. The purpose of the easement shall be to assure that the above-described riverfront area will be retained in perpetuity predominately in a natural, scenic and open condition and to prevent any use that would significantly impair or interfere with these conservation values. The protected area contains wetland areas, including bordering vegetated wetlands, bank and a riverfront area. The protected area borders 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 Endangered Species Program, including, but not limited to, the Umber Shadowdragon (*Neurocordulia* obsolete). The Petitioner shall deliver to the Board a copy of the recorded Conservation Restriction prior to the release of Lots 5 and 6 for purposes of building or conveyance.

15. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan. The lighting system shall be maintained, and the electricity shall be supplied through the Heather Lane Homeowners Trust Agreement.

16. The island in the center of the Heather Lane cul-de-sac shall be landscaped. A cul-de-sac landscaping plan shall be submitted to the Board and the Department of Public Works for review and approval prior to endorsement of the subdivision Plan. The island landscaping shall be maintained by the record owners of Lots 1 through 6 through the Heather Lane Homeowners Trust Agreement.

17. In any sale or transfer by the record owner of title to Lots 1 through 6, as shown on the Plan, or any successor record owner of title to Lots 1 through 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 15 of this decision. In any sale or transfer by the record owner of title to Lot 5 and/or Lot 6, as shown on the Plan, or any successor record owner of title to Lot 5 or Lot 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 14 of this decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6 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.

18. In general, the cutting of trees and removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All trees having a caliber of 6 inches as measured three feet off the ground bordering "Heather Lane" and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

19. Off-street drainage surety in the amount of \$10,500.00 shall be posted (\$3,500.00 per lot) for Lots 1, 5 and 6. Said surety amount is predicated on the Petitioner's representation that no new construction will occur on Lots 2, 3 and 4 under this subdivision approval. Said surety shall be posted prior to the release of said Lots as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated July 29, 2020, all lots

shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

20. The existing and proposed houses within the six-lot subdivision are each required to have dry wells. The dry wells for each house shall have volumetric capacity sufficient to store 1 inch of roof runoff. Each record owner, whether one or more persons or entities, of title to Lots 1 through 6, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan and the above-noted standard. Prior to the release of Lots 1, 5, and 6, which contain existing structures which are proposed to remain, proof of compliance with this condition shall be provided to the Board for review and approval.

21. Prior to Plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall submit a letter indicating they are committed to providing a response under the NPDES requirement: Control Measure #1- "Public Education and Outreach" and Control Measure #2, "Public Participation/Involvement" and shall implement said measures prior to the release of the subdivision lots.

22. A Department of Environmental Protection sewer extension permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

23. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the applicant.

24. A special sewer connection permit program fee shall be provided for all lots within the subdivision.

25. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

26. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

27. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.

28. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

29. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.

30. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.

31. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the “Town of Needham Master Plan of Connection to the MWRA Sewer” dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.

32. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.

33. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.

34. All construction staging and parking shall be on-site. No construction parking shall be permitted on Chestnut Street or on any other public street.

35. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.

36. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

37. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

38. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have four years from the date of endorsement of the Plan to complete the installation and construction of Heather Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.

39. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

40. The Petitioner shall deliver to the Board for its approval a duly executed Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U, Declaration of Restrictive Covenants, Heather Lane Homeowners Association Declaration of Trust, Grant of Utility Easement, and Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust, all as may be required and as shown on the Plan. Such documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Subdivision Covenant, Declaration of Restrictive Covenants,

Heather Lane Homeowners Association Declaration of Trust, Grant of Utility Easement, and Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust shall be referenced on the Plan and all documents shall be recorded with the Plan.

41. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 12 and 40 of this decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lots 5 and 6 a copy of the recorded instrument described in paragraph 14 of this decision shall be provided to the Planning Director.

42. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this Decision.

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

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

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by 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, for property located at the 764, 766, 768-768A, and 768B Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

RESIDENTIAL COMPOUND SPECIAL PERMIT

August 11, 2020

Heather Lane Extension
768-768A Chestnut Street

William John Piersiak

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 768-768A Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the northerly side of Proposed Heather Lane, at the northwesterly corner of the herein described premises, thence; Running N55° 23' 56"E a distance of 64.53' to a point; Thence turning and running N 68° 05' 00"E a distance of 17.20' to a point; Thence turning and running N67° 01' 35"E a distance of 180.99' to a point; Thence turning and running N46° 24' 47"E a distance of 73.49' to a point; Thence turning and running N15° 06' 04"W a distance of 75.07' to a point; Thence turning and running N82° 58' 00"E a distance of 512.27' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,107', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 636', more or less to a point; Thence turning and running N25° 16' 26"W a distance of 93.40' to a point on the easterly side of the Proposed Heather Lane; Thence running along a curve to the left having a radius of 60.00' and an arc length of 184.88' to a point; Thence running along a curve to the right having a radius of 25.00' and an arc length of 25.32' to a point; Thence turning and running N53° 47' 08"W a distance of 21.84' to the point and place of beginning. The described area contains 13.26 acres, more or less.

This decision is in response to an application for approval by the Petitioner of a Special Permit for a Residential Compound known as "Heather Lane Extension Residential Compound" located at 768-768A Chestnut Street, Needham, Massachusetts, as provided in Section 4.2.12 of the Zoning By-law.

If approved, the Plan would create five (5) Residential Compound (RC) house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. The land to be subdivided into RC lots has several buildings on it. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the plans.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](https://zoom.us/j/82658993198). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block

were present throughout the June 16, 2020 public hearing. The hearing was continued to Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020.
- Exhibit 2 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Legal Description of Land proposed to be subdivided.
- Exhibit 5 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 6 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 7 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 8 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.

- Exhibit 10 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; and (4) Grant of Utility Easement.
- Exhibit 11 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 12 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 13 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 14 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 15 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Existing Conditions,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled “Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled “Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.
- Exhibit 16 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; and (4) Grant of Utility Easement.
- Exhibit 17 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.
- Exhibit 18 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.

- Exhibit 19 - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.
- Exhibit 20 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 21 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.
- Exhibit 22 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.
- Exhibit 23 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 24 - Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- Exhibit 25 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 23 is referred to hereinafter as the “Heather Lane Extension Definitive Subdivision Plan”.

Findings

- 1.0 On the basis of the evidence and after open deliberations, the Board makes the following findings:
- 1.1 The “Heather Lane Extension Residential Compound” is comprised of 13.26 acres of land with approximately xx feet of frontage on Heather Lane, a private way. Frontage on Heather Lane is derived through Lot 4 shown on the Definitive Subdivision Plan for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA. Said plan received approval by the Needham Planning Board under Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020. (Exhibit 24).
- 1.2 The “Heather Lane Extension Definitive Subdivision Plan” and accompanying deed restrictions and covenants provide for legal access to Heather Lane for all lots within the “Heather Lane Extension Residential Compound” having frontage on Heather Lane Extension.
- 1.3 The “Heather Lane Extension Residential Compound” contains five lots, all of which are restricted from further subdivision. Lot 1 will retain the existing single-family dwelling. Lots 2 and 4 are proposed for new single-family house construction. Lot 3 will retain the existing barn structure which will be converted to a single-family dwelling. Lot 5 proposes the relocation of the existing single-family dwelling to a location southerly on the lot. The five buildings lots are restricted to single-family dwellings, all of which are detached.
- 1.4 The lots within the “Heather Lane Extension Residential Compound” share a private 20-foot wide paved driveway (known as Heather Lane Extension) with frontage and access on Heather Lane.
- 1.5 Adequate provision has been made for the maintenance of the private driveway by the owners of the lots.
- 1.6 The “Heather Lane Extension Residential Compound”, as approved, meets the dimensional, density, frontage, and access requirements of Section 4.2.12 of the Needham Zoning By-Law, as well as all requirements of Section 9 of Chapter 40A, M.G.L. The Residential Compound contains 13.26 acres and 2.65 acres per dwelling unit. No proposed structure is located closer than 30 feet from any other structure, nor 20 feet from any tract boundary line.
- 1.7 The proposed “Heather Lane Extension Residential Compound”, is in harmony with the general purpose and intent of Section 4.2.12 of the Zoning By-Law; it is designed in such a manner to make it sufficiently advantageous to the Town and to the residential district in which it is proposed to be located, with the primary benefits being the retention of the rural feeling in the area, the conservation of open space along the Charles river, consistent with high quality residential development.

Decision

- 2.0 On the basis of the foregoing, this Board finds the proposed “Heather Lane Extension Residential Compound”, to be in conformance with the provisions, standards, general purpose and intent of Section 4.2.12 Residential Compound of the Zoning By-Law. Therefore, the Board by a vote of 5-0 hereby APPROVES the Special Permit for the “Heather Lane Extension Residential Compound”, subject to the following conditions.

Conditions

- 3.0 This Special Permit is subject to compliance with the plans and all the terms and conditions as set forth in the Planning Board’s “Definitive Subdivision Decision, Heather Lane Extension 768-768A Chestnut Street, Needham, MA”, dated August 11, 2020.
- 3.2 The land within the Residential Compound is subject to all limitations and requirements set forth in Section 4.2.12 of the Needham Zoning By-Law.
- 3.2 This Special Permit is subject to endorsement of approval on the Heather Lane Extension Definitive Subdivision Plan, following compliance with applicable conditions of approval as set forth in the Planning Board’s “Definitive Subdivision Decision, Heather Lane Extension 768-768A Chestnut Street, Needham, MA”, dated August 11, 2020.
- 3.3 This Special Permit is subject to endorsement of approval on the Heather Lane Definitive Subdivision Plan, following compliance with applicable conditions of approval as set forth in the Planning Board’s Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- 3.3 This Residential Compound Special Permit shall be referenced on and recorded with the Heather Lane Extension Definitive Subdivision Plan.
- 3.4 No building permit shall be issued for any lot within the Heather Lane Extension Residential Compound until copies of all recorded instruments required as a result of the Heather Lane Extension Definitive Subdivision Plan approval and this Special Permit approval are filed with the Planning Board.
- 3.5 This Special Permit shall lapse within two years, including any time required to pursue or await the determination of any appeal, from the grant thereof, if substantial use or construction has not sooner commenced except for good cause.
- 3.6 This Special Permit and the obligations of the applicant set forth in the conditions hereto shall run with the land comprising the Residential Compound and shall inure to and be binding upon the Petitioner, his successors and assigns.

NOW, THEREFORE, by vote of the Planning Board this Special Permit is granted consistent with the requirements of said Section 4.2.12 of the Needham Zoning By-Law and upon the conditions contained herein.

This Special Permit is not effective until the Planning Board receives evidence of recording with the Norfolk Registry of Deeds in accordance with M.G.L., Chapter 40A, Section 11.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by William John Piersiak, 768 Chestnut Street, Needham, MA, for property located at 768-768A Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

DEFINITIVE SUBDIVISION DECISION

August 11, 2020

Heather Lane Extension
768-768A Chestnut Street

William John Piersiak

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 768-768A Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the northerly side of Proposed Heather Lane, at the northwesterly corner of the herein described premises, thence; Running N55° 23' 56"E a distance of 64.53' to a point; Thence turning and running N 68° 05' 00"E a distance of 17.20' to a point; Thence turning and running N67° 01' 35"E a distance of 180.99' to a point; Thence turning and running N46° 24' 47"E a distance of 73.49' to a point; Thence turning and running N15° 06' 04"W a distance of 75.07' to a point; Thence turning and running N82° 58' 00"E a distance of 512.27' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,107', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 636', more or less to a point; Thence turning and running N25° 16' 26"W a distance of 93.40' to a point on the easterly side of the Proposed Heather Lane; Thence running along a curve to the left having a radius of 60.00' and an arc length of 184.88' to a point; Thence running along a curve to the right having a radius of 25.00' and an arc length of 25.32' to a point; Thence turning and running N53° 47' 08"W a distance of 21.84' to the point and place of beginning. The described area contains 13.26 acres, more or less.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on April 29, 2020, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create five (5) Residential Compound (RC) house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. The land to be subdivided into RC lots has several buildings on it. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the plans.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block were present throughout the June 16, 2020 public hearing. The hearing was continued to

Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020.
- Exhibit 2 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Legal Description of Land proposed to be subdivided.
- Exhibit 5 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 6 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 7 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 8 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.

- Exhibit 10 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; and (4) Grant of Utility Easement.
- Exhibit 11 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 12 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 13 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 14 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 15 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Existing Conditions,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled “Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled “Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.
- Exhibit 16 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; and (4) Grant of Utility Easement.
- Exhibit 17 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.
- Exhibit 18 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.

- Exhibit 19 - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.
- Exhibit 20 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 21 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.
- Exhibit 22 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.
- Exhibit 23 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 24 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 11, 16, 19 and 23 are referred to hereinafter as the Plan.

The Board by a vote of 5-0 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject

to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) 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 25-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. The Board found a right-of-way width of 25 feet to be sufficient to accommodate the 5-lot residential compound.

b) 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 paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of limiting the amount of impervious surface on the site so as to minimize off-site drainage impacts on neighboring properties and the visual impact the 24 feet of bituminous concrete paving would have on the existing landscape. The Board specifically found a bituminous concrete pavement width of 20 feet to be sufficient to accommodate the residential house lots proposed to be serviced by the subdivision and the ability of emergency vehicles to access the site.

c) 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 the grade of the street not exceed 1% within 50 feet of a street intersection and approves instead a maximum grade of 2% at the intersection of Heather Lane and Heather Lane extension, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the safety of the intersection to function in accordance with ASHTO roadway safety standards and the affirmative recommendation of the Town Engineer for this roadway design program.

d) 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 the slope of a street not exceed 8.0% and approves instead a slope of 9%, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the affirmative recommendation of the Town Engineer for this roadway design program.

e) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require a 20 foot radii at the intersection of Heather Lane and Heather Lane extension, and approves instead the 0' radii, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the affirmative recommendation of the Town Engineer for this roadway design program.

f) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the minimum centerline radius be 100 feet, and approves instead 50 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the affirmative recommendation of the Town Engineer for this roadway design program.

g) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that granite or reinforced concrete curbing be installed around the cul-de-sac and at catch basin inlets and approves the use of no curbing, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the dead-end nature of the proposed street, and the affirmative recommendation of the Town Engineer for this roadway design program.

h) The Board hereby waives the requirements of Section 3.3.8 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require granite or concrete bounds be installed and approves no bounds, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision.

i) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of Heather Lane extension and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for Heather Lane extension and the dead-end nature of the street.

j) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width and no sidewalks. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, and 1.i above.

2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

- a) The plan shall be revised to show a Conservation Restriction Easement over the entirety of the 200-foot Riverfront Area located on Lots 3, 4 and 5.
- b) The plan shall be revised to show the street light detail and location.
- c) The plan shall be revised to include a plan and profile of the proposed roadway.

3. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, 1.i, 1.j. 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, and Lot 5 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, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. 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 Trust Agreement for the costs of the maintenance, repair and reconstruction of the Private Way (the Private Way) shown on the Plan and designated thereon and all services, the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, 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 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 providing 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.

5. Each owner of a Lot through the Heather Lane Extension Homeowners Trust Agreement 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.

6. The Trustees under the Heather Lane Extension Homeowners Trust Agreement 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 is 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 hereunder. 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.

7. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder 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.

8. Neither the owner 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.

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

10. 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.

11. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 11 inclusive, and a) 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 b) 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 in all events shall be subject thereto.

12. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 12 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.

13. The Petitioner shall grant a Conservation Restriction to the Town of Needham in accordance with G.L. Chapter 40, Section 8C, over the 200-foot Riverfront Area located on Lot 3, Lot 4 and Lot 5 as a condition of this approval. The easement shall be granted in perpetuity and exclusively for conservation purposes and shall be subject to review and approval by the Board. The purpose of the easement shall be to assure that the above-described riverfront area will be retained in perpetuity predominately in a natural, scenic and open condition and to prevent any use that would significantly impair or interfere with these conservation values. The protected area contains wetland areas, including bordering vegetated wetlands, bank and a riverfront area. The protected area borders 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 Endangered Species Program, including, but not limited to, the Umber Shadowdragon (*Neurocordulia obsolete*). The Petitioner shall deliver to the Board a copy of the recorded Conservation Restriction prior to the release of Lots 3, 4 and 5 for purposes of building or conveyance.

14. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan, as modified by this decision. The lighting

system shall be maintained, and the electricity shall be supplied through the Heather Lane Extension Homeowners Trust Agreement.

15. In any sale or transfer by the record owner of title to Lots 1 through 5, as shown on the Plan, or any successor record owner of title to Lots 1 through 5, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 14 of this decision. In any sale or transfer by the record owner of title to Lot 3, Lot 4, and Lot 5, as shown on the Plan, or any successor record owner of title to Lot 3, Lot 4 or Lot 5, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 13 of this decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5 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.

16. In general, the cutting of trees and removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All trees having a caliber of 6 inches as measured three feet off the ground bordering “Heather Lane” and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

17. Off-street drainage surety in the amount of \$14,000.00 shall be posted (\$3,500.00 per lot) for Lots 2, 3, 4 and 5. Said surety amount is predicated on the Petitioner’s representation that no new construction will occur on Lot 1 under this subdivision approval. Said surety shall be posted prior to the release of said Lots as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated July 29, 2020, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

18. The existing and proposed houses within the five-lot subdivision are each required to have dry wells. The dry wells for each house shall have volumetric capacity sufficient to store 1 inch of roof runoff. Each record owner, whether one or more persons or entities, of title to Lots 1 through 5, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan and the above-noted standard. Prior to the release of Lots 1, 3, and 5, which contain existing structures which are proposed to remain, proof of compliance with this condition shall be provided to the Board for review and approval.

19. Prior to Plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall submit a letter indicating they are committed to providing a response under the NPDES requirement: Control Measure #1- “Public Education and Outreach” and Control Measure #2, “Public Participation/Involvement” and shall implement said measures prior to the release of the subdivision lots.

20. A Department of Environmental Protection sewer extension permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

21. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the applicant.
22. A special sewer connection permit program fee shall be provided for all lots within the subdivision.
23. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.
24. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.
25. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.
26. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.
27. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.
28. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.
29. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.
30. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.
31. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.
32. All construction staging and parking shall be on-site. No construction parking shall be permitted on Chestnut Street or on any other public street.
33. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.
34. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

35. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

36. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have four years from the date of endorsement of the Plan to complete the installation and construction of Heather Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.

37. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

38. The Petitioner shall deliver to the Board for its approval a duly executed Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U, Declaration of Restrictive Covenants, Heather Lane Extension Homeowners Association Declaration of Trust, and Grant of Utility Easement, all as may be required and as shown on the Plan. Such documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Subdivision Covenant, Declaration of Restrictive Covenants, Heather Lane Extension Homeowners Association Declaration of Trust, and Grant of Utility Easement shall be referenced on the Plan and all documents shall be recorded with the Plan.

39. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 12 and 38 of this decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lots 3, 4, and 5 a copy of the recorded instrument described in paragraph 13 of this decision shall be provided to the Planning Director.

40. The approval granted herein is subject to endorsement of approval by the Board on the Heather Lane Definitive Subdivision Plan, following compliance with all applicable conditions of approval as set forth in the Planning Board's Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020. Prior to the release of any lots for building or sale, copies of the recorded Heather Lane Definitive Subdivision Plan and associated instruments shall be provided to the Planning Director.

41. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this Decision.

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

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

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by William John Piersiak, 768 Chestnut Street, Needham, MA, for property located at 768-768A Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

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
August 7, 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 are the proposed Decisions on the Heather Lane Subdivision and on the Heather Lane Extension Subdivision, with my proposed red-lined changes. Explanations for the substantive proposed changes are as follows:

Heather Lane Subdivision

1. *Conservation Restriction.* The language about a conservation restriction on Lots 5 and 6 is proposed to be deleted. The Conservation Commission's letter to the Planning Board dated August 6, 2020 says the Commission is not pursuing the extension of the conservation restriction onto Lots 5 and 6, as it is satisfied with the applicant's agreement to grant the restriction on the residential compound lots which abut the Charles River. Pages 7-9 (former items #2, 14, and 17):
2. *Cul de Sac Landscaping Plan.* The tree planting regime described on the Grading Plan, Sheet 6, is adequate. An additional landscaping plan is unnecessary. Page 9 (former item #16).
3. *Off-Street Drainage Surety.* The proposed clarification indicates that the drainage surety for the residential compound lots being created out of subdivision lot 4 will be covered in the Heather Lane Extension subdivision decision. Page 9 (former item #19).
4. *Dry Wells.* These should be required for the proposed new houses, not for the existing houses which will remain. The new houses will be on Lots 1, 5 and 6. The dry well requirements for the houses to be constructed on the residential compound lots being created out of subdivision lot 4 will be covered in the Heather Lane Extension subdivision decision. Pages 9-10 (former item #20).

5. *DEP Sewer Extension Permit*. This condition is proposed to be deleted. David Kelly, project engineer advises that the DEP abandoned this program years ago, except for industrial discharges. Page 10 (former item #22).

6. *Special Sewer Connection Permit Fee*. No explanation has been given as to whether such a permit fee is applicable to this project, or as to what the fee would be. Page 10 (former item #24).

7. *Future sewer tie-ins to properties located outside of this subdivision*. This language is not applicable to the applicants' properties, and accordingly should be deleted. Page 10 (former item #31).

8. *Amended version of definitive utility plan*. No explanation has been given as to whether an amended version of the plan is needed, nor as to what would need to be shown thereon. Page 10 (former item #32).

Heather Lane Extension Subdivision Decision

1. *8% Slope Waiver*. This is no longer needed, because the Plan was revised to keep the slope within the 8% limit. Page 5 (former item #1(d)).

2. *Plan Amendments*. There is no need to revise the Plan to show the 200-foot conservation restriction, as this restriction is already covered in the Decision by the Conservation Restriction and Conservation Plan referred to in item 12 (formerly item #13), which is required to be recorded. There is no street lighting in Heather Lane Extension. Tom Ryder at DPW advised David Kelly, Project Engineer, that a plan and profile of Heather Lane Extension is not needed. Page 6 (former item #2).

3. *Street Lighting*. The Plan does not include any street lighting for Heather Lane Extension, so this provision should be deleted. Page 8 (former item #14).

4. *Dry Wells*. These should be required for the proposed new houses, not for the existing houses which will remain. The new houses will be on residential compound Lots 2, 3, 4 and 5. Page 9 (former item #18).

5. *DEP Sewer Extension Permit*. This condition is proposed to be deleted. David Kelly, project engineer advises that the DEP abandoned this program years ago, except for industrial discharges. Page 9 (former item #20).

6. *Special Sewer Connection Permit Fee*. No explanation has been given as to whether such a permit fee is applicable to this project, or as to what the fee would be. Page 9 (former item #22).

7. *Future sewer tie-ins to properties located outside of this subdivision*. This language is not applicable to the applicants' properties, and accordingly should be deleted. Page 10 (former item #29).

8. *Amended version of definitive utility plan.* No explanation has been given as to whether an amended version of the plan is needed, nor as to what would need to be shown thereon. Page 10 (former item #30).

Thank you for your consideration.

Very truly yours,



Robert T. Smart, Jr.

Cc: William Piersiak
Kelly Engineering

DEFINITIVE SUBDIVISION DECISION

August 11, 2020

Heather Lane
764, 766, 768-768A, and 768B Chestnut Street

William John Piersiak
William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust
~~Evelyn Soule Maloomian~~
Koby Kemp~~leel~~, Manager of the 766 Chestnut LLC

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768-768A Chestnut Street, Needham, MA; William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, 764 and 768B Chestnut Street, Needham, MA; ~~Evelyn Soule Maloomian, 764 Chestnut Street, Needham, MA,~~ and Koby Kemp~~leel~~, Manager of the 766 Chestnut LLC, 766 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 764, 766, 768-768A, and 768B Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the easterly side of Chestnut Street, at the northwesterly corner of the herein described premises, thence; Running S36° 23' 52"E a distance of 38.05' to a point; Thence turning and running S 87° 02' 45"E a distance of 703.32' to a point; Thence turning and running N82° 55' 00"E a distance of 428.45' to a point; Thence turning and running S19° 23' 30"E a distance of 230.30' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,564', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 679.53' to a point; Thence running along a curve to the right having a radius of 1,917.51' and an arc length of 144.78' to a point; Thence running along a curve to the left having a radius of 115.80' and an arc length of 49.25' to a point; Thence turning and running N73° 13' 00"W a distance of 42.86' to a point; Thence running along a curve to the right having a radius of 192.40' and an arc length of 59.52' to a point; Thence turning and running N55° 29' 32"W a distance of 100.92' to a point; Thence running along a curve to the left having a radius of 276.96' and an arc length of 62.36' to a point; Thence running along a curve to the left having a radius of 720.00' and an arc length of 92.46' to a point; Thence turning and running N75° 45' 00"W a distance of 85.00' to a point on the easterly side of Chestnut Street; Thence turning and running by the easterly side of Chestnut Street N14° 15' 00"E a distance of 150.00' to the point and place of beginning. The described area contains 26.904 acres.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on April 29, 2020, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create six (6) individual house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. Currently, the land to be subdivided is in multiple ownerships, and there are several buildings on the land. All were

constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the Subdivision Plan. Lot 4 of the Heather Lane subdivision is intended to itself be further subdivided into five Residential Compound lots, which will have access and frontage via a private way called Heather Lane Extension.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block were present throughout the June 16, 2020 public hearing. The hearing was continued to Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all of the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020; Sheet 3, No. 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020; Sheet 12, No. 8, “Detail Plan,” dated March 3, 2020; Sheet 13, No. 9, “Detail Sheet,” dated March 3, 2020.
- Exhibit 2 - ~~Two~~ Letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Letter from Evelyn Soule Maloomian, dated March 11, 2020.

- Exhibit 5 - Letter from Koby Kempel, Manager, 766 Chestnut LLC, dated March 18, 2020.
- Exhibit 6 - Legal Description of Land proposed to be subdivided.
- Exhibit 7 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 8 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 10 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 11 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.
- Exhibit 12 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement; and (5) Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust.
- Exhibit 13 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 14 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 15 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 16 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 17 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Existing Conditions," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled "Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled "Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with

Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.

Exhibit 18 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement; and (5) Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust.

Exhibit 19 - ~~Two~~ Letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.

~~Exhibit 20 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.~~

Exhibit ~~24~~20 - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.

Exhibit ~~22~~21 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020, revised July 7, 2020; Sheet 3, No 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020, revised July 7, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020, revised July 7, 2020; Sheet 12, No. 8, “Detail Plan,” dated March 3, 2020; Sheet 13, No. 9, “Detail Sheet,” dated March 3, 2020.

Exhibit ~~22~~23 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.

Exhibit 2423 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.

Exhibit 2425 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 3, No 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020, revised July 7, 2020 (no change) and July 22, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 12, No. 8, “Detail Plan,” dated March 3, 2020; Sheet 13, No. 9, “Detail Sheet,” dated March 3, 2020.

Exhibit 26 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020 and August xx, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020 ; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August xx, 2020.

Exhibits 13, 18 and 25 are referred to hereinafter as the Plan.

The Board by a vote of 5-0 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on the Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 3, No 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020, revised July 7, 2020 (no change) and July 22, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020, revised July

7, 2020 and July 22, 2020; Sheet 12, No. 8, "Detail Plan," dated March 3, 2020; Sheet 13, No. 9, "Detail Sheet," dated March 3, 2020.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) 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 40-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. The Board found a right-of-way width of 40 feet to be sufficient to accommodate the residential subdivision.

b) 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 paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of limiting the amount of impervious surface on the site so as to minimize off-site drainage impacts on neighboring properties and the visual impact the 24 feet of bituminous concrete paving would have on the existing landscape. The Board specifically found a bituminous concrete pavement width of 20 feet to be sufficient to accommodate the residential house lots proposed to be serviced by the subdivision and the ability of emergency vehicles to access the site.

c) 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 the grade of the street not exceed 1% within 50 feet of a street intersection and approves instead a maximum grade of 2.6% at the Chestnut Street intersection, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the site distance found at the intersection of Heather Lane and Chestnut Street, the safety of the intersection to function in accordance with ASHTO roadway safety standards, and the affirmative recommendation of the Town Engineer for this roadway design program.

d) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require a 20 foot radii at the intersection of Heather Lane and Chestnut Street, and approves instead the existing radii, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the affirmative recommendation of the Town Engineer for this roadway design program.

e) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that granite or reinforced concrete curbing be installed around the cul-de-sac and at catch basin inlets and approves instead the use of cape cod berm, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by

this subdivision, the dead-end nature of the proposed street, and the affirmative recommendation of the Town Engineer for this roadway design program.

f) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the “Standard Specifications” of the Town of Needham along both sides of Heather Lane and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for Heather Lane and the dead-end nature of the street.

g) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width and no sidewalks. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, and 1.f above.

~~2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:~~

~~a) The plan shall be revised to show a Conservation Restriction Easement over the 200 foot Riverfront Area located on Lot 5 and Lot 6.~~

23. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, and 1.g 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 and Lot 6 as shown on the Plan (hereinafter in paragraphs 23 through 112 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, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

34. 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 Trust Agreement for the costs of the maintenance, repair and reconstruction of the Private Way (the Private Way) shown on the Plan and designated thereon and all services, the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, 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 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 providing 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.

45. Each owner of a Lot through the Heather Lane Homeowners Trust Agreement 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.

56. The Trustees under the Heather Lane Homeowners Trust Agreement 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 is 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 hereunder. 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.

67. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder 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.

78. Neither the owner 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.

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

94~~10~~. 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.

104. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 23 through 104 inclusive and condition 123, and a) 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 b) 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 in all events shall be subject thereto.

112. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 23 through 123 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on

the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.

123. Lots 1 through 6 inclusive as shown on the Plan shall be accessed solely from Heather Lane with no vehicular access for said lots provided directly to Chestnut Street. Vehicular access to Heather Lane shall be limited to said Lots 1, 2, 3, 4, 5, 6, and to existing Lot A (770 Chestnut Street) and existing Lot 2A (776 Chestnut Street), as presently shown on the Plan.

~~14. The Petitioner shall grant a Conservation Restriction to the Town of Needham in accordance with G.L. Chapter 40, Section 8C, over the 200 foot Riverfront Area located on Lot 5 and Lot 6 as a condition of this approval. The easement shall be granted in perpetuity and exclusively for conservation purposes and shall be subject to review and approval by the Board. The purpose of the easement shall be to assure that the above described riverfront area will be retained in perpetuity predominately in a natural, scenic and open condition and to prevent any use that would significantly impair or interfere with these conservation values. The protected area contains wetland areas, including bordering vegetated wetlands, bank and a riverfront area. The protected area borders 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 Endangered Species Program, including, but not limited to, the Umber Shadowdragon (*Neurocordulia obsoleta*). The Petitioner shall deliver to the Board a copy of the recorded Conservation Restriction prior to the release of Lots 5 and 6 for purposes of building or conveyance.~~

135. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan. The lighting system shall be maintained, and the electricity shall be supplied through the Heather Lane Homeowners Trust Agreement.

~~146. The tree plantings described on the Grading Plan, Sheet 6, dated March 3, 2020, revised July 7, 2020 and July 22, 2020, shall be accomplished, and island in the center of the Heather Lane cul de sac shall be landscaped. A cul de sac landscaping plan shall be submitted to the Board and the Department of Public Works for review and approval prior to endorsement of the subdivision Plan. The island landscaping shall be maintained by the record owners of Lots 1 through 6 through the Heather Lane Homeowners Trust Agreement.~~

157. In any sale or transfer by the record owner of title to Lots 1 through 6, as shown on the Plan, or any successor record owner of title to Lots 1 through 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 145 of this decision. ~~In any sale or transfer by the record owner of title to Lot 5 and/or Lot 6, as shown on the Plan, or any successor record owner of title to Lot 5 or Lot 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 14 of this decision.~~ Any deed or other instrument purporting to transfer or convey any interest in Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6 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.

168. In general, the cutting of trees and removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All trees having a caliber of 6 inches as measured three feet off the ground bordering "Heather Lane" and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

179. Off-street drainage surety in the amount of \$10,500.00 shall be posted (\$3,500.00 per lot) for Lots 1, 5 and 6. Said surety amount is predicated on the Petitioner's representation that no new construction will occur on Lots 2, ~~and 3 and 4~~ under this subdivision approval. The off-street drainage surety requirement for the Residential Compound lots to be created out of Lot 4 will be stated in the Board's Decision(s) regarding the proposed Heather Lane Extension Subdivision and Residential Compound Plan. Said \$10,500.00 surety shall be posted prior to the release of said Lots 1, 5 and 6 as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated July 29, 2020, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

1820. The ~~existing and~~ proposed new houses within the six-lot subdivision are each required to have dry wells. The dry wells for each new house shall have volumetric capacity sufficient to store 1 inch of roof runoff. Each record owner, whether one or more persons or entities, of title to Lots 1, 5 and through 6, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan and the above-noted standard. (Note: Need to add enforcement mechanism. Detail to be worked out with Town Engineer and added to decision).

1924. Prior to Plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall submit a letter indicating they are committed to providing a response under the NPDES requirement: Control Measure #1- "Public Education and Outreach" and Control Measure #2, "Public Participation/Involvement" and shall implement said measures prior to the release of the subdivision lots.

~~22. A Department of Environmental Protection sewer extension permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.~~

2023. Any and all special permits required by the Massachusetts Water Resources Authority, if any, shall be obtained at the expense of the applicant.

~~24. A special sewer connection permit program fee shall be provided for all lots within the subdivision.~~

215. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

226. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

237. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.

248. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

~~259.~~ The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.

~~2630.~~ "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.

~~31. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.~~

~~32. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.~~

~~2733.~~ The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.

~~2834.~~ All construction staging and parking shall be on-site. No construction parking shall be permitted on Chestnut Street or on any other public street.

~~29~~

~~35.~~ All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.

~~306.~~ In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

~~317.~~ The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

~~328.~~ Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have four years from the date of endorsement of the Plan to complete the installation and construction of Heather Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.

~~339.~~ The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

3440. The Petitioner shall deliver to the Board for its approval a duly executed Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U, Declaration of Restrictive Covenants, Heather Lane Homeowners Association Declaration of Trust, Grant of Utility Easement, and Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust, all as may be required and as shown on the Plan. Such documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Subdivision Covenant, Declaration of Restrictive Covenants, Heather Lane Homeowners Association Declaration of Trust, Grant of Utility Easement, and Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust shall be referenced on the Plan and all documents shall be recorded with the Plan.

3541. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 112 and 3440 of this decision and copies of the recorded plan shall be provided to the Planning Director. ~~Prior to the release of Lots 5 and 6 a copy of the recorded instrument described in paragraph 14 of this decision shall be provided to the Planning Director.~~

3642. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this Decision.

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

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

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by William John Piersiak, William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, ~~Evelyn Soule Maloomian~~, and Koby Kemp~~leel~~, Manager of the 766 Chestnut LLC, for property located at ~~the~~-764, 766, 768-768A, and 768B Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

DEFINITIVE SUBDIVISION DECISION

August 11, 2020

Heather Lane Extension
768-768A Chestnut Street

William John Piersiak

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 768-768A Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the northerly side of Proposed Heather Lane, at the northwesterly corner of the herein described premises, thence; Running N55° 23' 56"E a distance of 64.53' to a point; Thence turning and running N 68° 05' 00"E a distance of 17.20' to a point; Thence turning and running N67° 01' 35"E a distance of 180.99' to a point; Thence turning and running N46° 24' 47"E a distance of 73.49' to a point; Thence turning and running N15° 06' 04"W a distance of 75.07' to a point; Thence turning and running N82° 58' 00"E a distance of 512.27' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,107', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 636', more or less to a point; Thence turning and running N25° 16' 26"W a distance of 93.40' to a point on the easterly side of the Proposed Heather Lane; Thence running along a curve to the left having a radius of 60.00' and an arc length of 184.88' to a point; Thence running along a curve to the right having a radius of 25.00' and an arc length of 25.32' to a point; Thence turning and running N53° 47' 08"W a distance of 21.84' to the point and place of beginning. The described area contains 13.26 acres, more or less.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on April 29, 2020, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create five (5) Residential Compound (RC) house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. The land to be subdivided into RC lots has several buildings on it. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the plans.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](https://zoom.us/j/82658993198). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block were present throughout the June 16, 2020 public hearing. The hearing was continued to

Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020.
- Exhibit 2 - ~~Two~~ Letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Legal Description of Land proposed to be subdivided.
- Exhibit 5 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 6 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 7 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 8 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.

- Exhibit 10 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; ~~and~~ (4) Grant of Utility Easement; and Grant of Drainage Easement.
- Exhibit 11 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 12 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 13 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 14 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 15 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Existing Conditions,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled “Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled “Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.
- Exhibit 16 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; ~~and~~ (4) Grant of Utility Easement; and (5) Grant of Drainage Easement.
- Exhibit 17 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.
- Exhibit 18 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.

- Exhibit 19 - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.
- Exhibit 20 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 21 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.
- Exhibit 22 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.
- Exhibit 23 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 24 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020 and August xx, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August xx, 2020.

Exhibits 11, 16, 19 and 23 are referred to hereinafter as the Plan.

The Board by a vote of 5-0 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) 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 25-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. The Board found a right-of-way width of 25 feet to be sufficient to accommodate the 5-lot residential compound.

b) 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 paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of limiting the amount of impervious surface on the site so as to minimize off-site drainage impacts on neighboring properties and the visual impact the 24 feet of bituminous concrete paving would have on the existing landscape. The Board specifically found a bituminous concrete pavement width of 20 feet to be sufficient to accommodate the residential house lots proposed to be serviced by the subdivision and the ability of emergency vehicles to access the site.

c) 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 the grade of the street not exceed 1% within 50 feet of a street intersection and approves instead a maximum grade of 2% at the intersection of Heather Lane and Heather Lane extension, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the safety of the intersection to function in accordance with ASHTO roadway safety standards and the affirmative recommendation of the Town Engineer for this roadway design program.

~~d) 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 the slope of a street not exceed 8.0% and approves instead a slope of 9%, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3~~

~~through 13 of this decision. In the granting of this waiver, the Board considered the affirmative recommendation of the Town Engineer for this roadway design program.~~

~~d~~e) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require a 20 foot radii at the intersection of Heather Lane and Heather Lane extension, and approves instead the 0' radii, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the affirmative recommendation of the Town Engineer for this roadway design program.

~~e~~f) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the minimum centerline radius be 100 feet, and approves instead 50 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the affirmative recommendation of the Town Engineer for this roadway design program.

~~f~~g) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that granite or reinforced concrete curbing be installed around the cul-de-sac and at catch basin inlets and approves the use of no curbing, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the dead-end nature of the proposed street, and the affirmative recommendation of the Town Engineer for this roadway design program.

~~g~~h) The Board hereby waives the requirements of Section 3.3.8 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require granite or concrete bounds be installed and approves no bounds, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision.

~~h~~i) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of Heather Lane extension and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for Heather Lane extension and the dead-end nature of the street.

~~i~~j) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width and no sidewalks. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, and 1.i above.

~~2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:~~

~~a) The plan shall be revised to show a Conservation Restriction Easement over the entirety of the 200 foot Riverfront Area located on Lots 3, 4 and 5.~~

~~b) The plan shall be revised to show the street light detail and location.~~

~~c) The plan shall be revised to include a plan and profile of the proposed roadway.~~

23. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, 1.i. ~~1.j.~~ 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, and Lot 5 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, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

34. 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 Trust Agreement for the costs of the maintenance, repair and reconstruction of the Private Way (the Private Way) shown on the Plan and designated thereon and all services, the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, 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 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 providing 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.

45. Each owner of a Lot through the Heather Lane Extension Homeowners Trust Agreement 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.

56. The Trustees under the Heather Lane Extension Homeowners Trust Agreement 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 is 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 hereunder. 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.

67. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder 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.

~~78~~. Neither the owner 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.

~~89~~. Neither the Owner nor any successor owner or owners of any Lot, shall at any time request or petition that any drainage system, sewer pipes or related equipment or any other improvement within the subdivision for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Needham.

~~940~~. 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.

~~104~~. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions ~~23~~ through ~~104~~ inclusive, and a) 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 b) 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 in all events shall be subject thereto.

~~1142~~. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions ~~23~~ through ~~112~~ of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.

~~123~~. The Petitioner shall grant a Conservation Restriction to the Town of Needham in accordance with G.L. Chapter 40, Section 8C, over the 200-foot Riverfront Area located on Lot 3, Lot 4 and Lot 5 as a condition of this approval. The easement shall be granted in perpetuity and exclusively for conservation purposes and shall be subject to review and approval by the Board. The purpose of the easement shall be to assure that the above-described riverfront area will be retained in perpetuity predominately in a natural, scenic and open condition and to prevent any use that would significantly impair or interfere with these conservation values. The protected area contains wetland areas, including bordering vegetated wetlands, bank and a riverfront area. The protected area borders 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 Endangered Species Program, including, but not limited to, the Umber Shadowdragon (*Neurocordulia* obsolete). The Petitioner shall deliver to the Board a copy of the recorded Conservation Restriction, with Conservation Restriction Plan attached, prior to the release of Lots 3, 4 and 5 for purposes of building or conveyance.

~~14. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan, as modified by this decision. The lighting system shall be maintained, and the electricity shall be supplied through the Heather Lane Extension Homeowners Trust Agreement.~~

135. In any sale or transfer by the record owner of title to Lots 1 through 5, as shown on the Plan, or any successor record owner of title to Lots 1 through 5, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 114 of this decision. In any sale or transfer by the record owner of title to Lot 3, Lot 4, and Lot 5, as shown on the Plan, or any successor record owner of title to Lot 3, Lot 4 or Lot 5, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 123 of this decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5 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.

146. In general, the cutting of trees and removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All trees having a caliber of 6 inches as measured three feet off the ground bordering “Heather Lane Extension” and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

157. Off-street drainage surety in the amount of \$14,000.00 shall be posted (\$3,500.00 per lot) for Lots 2, 3, 4 and 5. Said surety amount is predicated on the Petitioner’s representation that no new construction will occur on Lot 1 under this subdivision approval. Said surety shall be posted prior to the release of said Lots as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated July 29, 2020, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

168. The ~~existing and~~ proposed houses on lots 2, 3, 4 and 5 within the five-lot subdivision are each required to have dry wells. The dry wells for each house shall have volumetric capacity sufficient to store 1 inch of roof runoff. Each record owner, whether one or more persons or entities, of title to Lots 2 through 5, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan and the above-noted standard. (Note: Need to add enforcement mechanism. Detail to be worked out with Town Engineer and added to decision).

179. Prior to Plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall submit a letter indicating they are committed to providing a response under the NPDES requirement: Control Measure #1- “Public Education and Outreach” and Control Measure #2, “Public Participation/Involvement” and shall implement said measures prior to the release of the subdivision lots.

~~1820. A Department of Environmental Protection sewer extension permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the~~

~~granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.~~

21. Any and all special permits required by the Massachusetts Water Resources Authority, if any, shall be obtained at the expense of the applicant.

~~22. A special sewer connection permit program fee shall be provided for all lots within the subdivision.~~

1923. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

204. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

215. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.

226. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

237. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.

248. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.

~~29. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.~~

~~30. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.~~

2534. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.

2362. All construction staging and parking shall be on-site. No construction parking shall be permitted on Chestnut Street or on any other public street.

2733. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.

2834. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

2935. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

3036. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have four years from the date of endorsement of the Plan to complete the installation and construction of Heather Lane Extension, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.

317. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

328. The Petitioner shall deliver to the Board for its approval a duly executed Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U, Declaration of Restrictive Covenants, Heather Lane Extension Homeowners Association Declaration of Trust, and Grant of Utility Easement, all as may be required and as shown on the Plan. Such documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Subdivision Covenant, Declaration of Restrictive Covenants, Heather Lane Extension Homeowners Association Declaration of Trust, and Grant of Utility Easement shall be referenced on the Plan and all documents shall be recorded with the Plan.

339. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 112 and 328 of this decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lots 3, 4, and 5 a copy of the recorded instrument described in paragraph 123 of this decision shall be provided to the Planning Director.

3440. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this Decision.

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

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

General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by William John Piersiak, 768 Chestnut Street, Needham, MA, for property located at 768-768A Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

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 August 10, 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, picnicking 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: _____

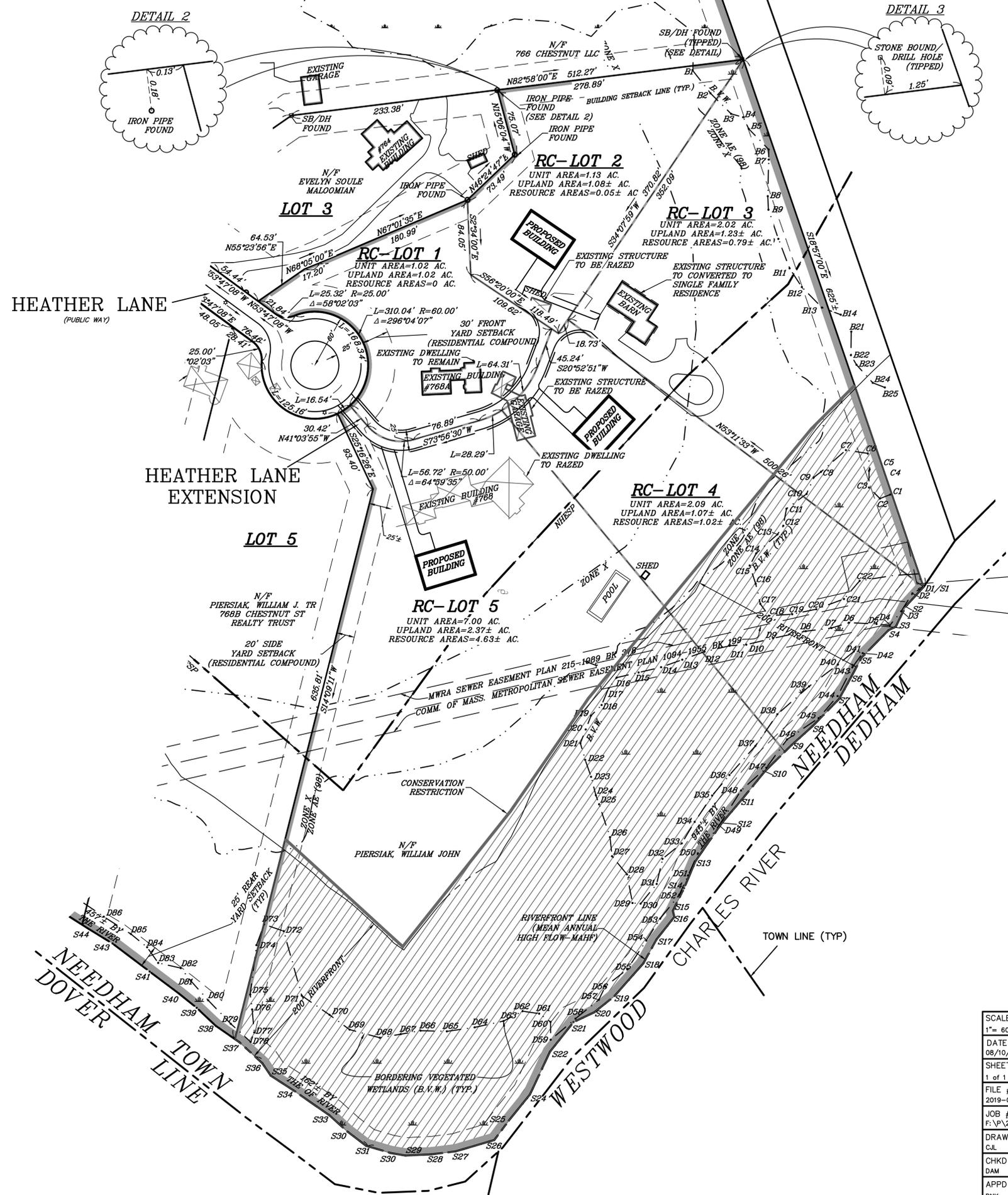
COMMONWEALTH OF MASSACHUSETTS

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: _____

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
	CONSERVATION RESTRICTION

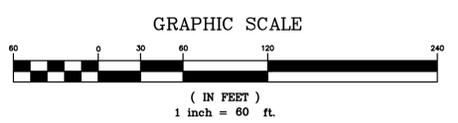


"I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE PLANNING BOARD OF THE TOWN OF NEEDHAM."

"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

EXHIBIT A



SCALE	1" = 60'
DATE	08/10/20
REV	DATE REVISION BY
SHEET	1 of 1
FILE #	2019-088-LT02-RC
JOB #	F:\P\2019-088
DRAWN BY	C.L.
CHKD BY	DAM
APPD BY	DNK
HEATHER LANE EXTENSION RESIDENTIAL COMPOUND NEEDHAM, MA	
CONSERVATION RESTRICTION PLAN	
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com	
SHEET NO.	1 of 1

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.
 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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RESIDENTIAL COMPOUND SPECIAL PERMIT

August 11, 2020

Heather Lane Extension
768-768A Chestnut Street

William John Piersiak

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 768-768A Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the northerly side of Proposed Heather Lane, at the northwesterly corner of the herein described premises, thence; Running N55° 23' 56"E a distance of 64.53' to a point; Thence turning and running N 68° 05' 00"E a distance of 17.20' to a point; Thence turning and running N67° 01' 35"E a distance of 180.99' to a point; Thence turning and running N46° 24' 47"E a distance of 73.49' to a point; Thence turning and running N15° 06' 04"W a distance of 75.07' to a point; Thence turning and running N82° 58' 00"E a distance of 512.27' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,107', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 636', more or less to a point; Thence turning and running N25° 16' 26"W a distance of 93.40' to a point on the easterly side of the Proposed Heather Lane; Thence running along a curve to the left having a radius of 60.00' and an arc length of 184.88' to a point; Thence running along a curve to the right having a radius of 25.00' and an arc length of 25.32' to a point; Thence turning and running N53° 47' 08"W a distance of 21.84' to the point and place of beginning. The described area contains 13.26 acres, more or less.

This decision is in response to an application for approval by the Petitioner of a Special Permit for a Residential Compound known as "Heather Lane Extension Residential Compound" located at 768-768A Chestnut Street, Needham, Massachusetts, as provided in Section 4.2.12 of the Zoning By-law.

If approved, the Plan would create five (5) Residential Compound (RC) house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. The land to be subdivided into RC lots has several buildings on it. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the plans.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block

were present throughout the June 16, 2020 public hearing. The hearing was continued to Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020; Sheet 5, No. 5, “Sewer & Drain Plan”, dated March 3, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020.
- Exhibit 2 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Legal Description of Land proposed to be subdivided.
- Exhibit 5 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 6 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 7 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 8 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.

- Exhibit 10 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; ~~and~~ (4) Grant of Utility Easement, and (5) Grant of Drainage Easement.
- Exhibit 11 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 12 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 13 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 14 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 15 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Existing Conditions,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled “Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled “Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.
- Exhibit 16 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; ~~and~~ (4) Grant of Utility Easement, and (5) Grant of Drainage Easement.
- Exhibit 17 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.

- Exhibit 18 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.
- Exhibit 19 - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.
- Exhibit 20 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer & Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 21 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.
- Exhibit 22 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.
- Exhibit 23 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer & Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 24 - Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- Exhibit 25 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to

the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 23 is referred to hereinafter as the “Heather Lane Extension Definitive Subdivision Plan”.

Findings

- 1.0 On the basis of the evidence and after open deliberations, the Board makes the following findings:
- 1.1 The “Heather Lane Extension Residential Compound” is comprised of 13.26 acres of land with approximately 232 ~~xx~~ feet of frontage on Heather Lane, a private way. Frontage on Heather Lane is derived through Lot 4 shown on the Definitive Subdivision Plan for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA. Said plan received approval by the Needham Planning Board under Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020. (Exhibit 24).
- 1.2 The “Heather Lane Extension Definitive Subdivision Plan” and accompanying deed restrictions and covenants provide for legal access to Heather Lane for all lots within the “Heather Lane Extension Residential Compound” having frontage on Heather Lane Extension.
- 1.3 The “Heather Lane Extension Residential Compound” contains five lots, all of which are restricted from further subdivision. Lot 1 will retain the existing single-family dwelling. Lots 2 and 4 are proposed for new single-family house construction. Lot 3 will retain the existing barn structure which will be converted to a single-family dwelling. Lot 5 proposes the relocation of the existing single-family dwelling to a location southerly on the lot. The five buildings lots are restricted to single-family dwellings, all of which are detached.
- 1.4 The lots within the “Heather Lane Extension Residential Compound” share a private 20-foot wide paved driveway (known as Heather Lane Extension) with frontage and access on Heather Lane.
- 1.5 Adequate provision has been made for the maintenance of the private driveway by the owners of the lots.
- 1.6 The “Heather Lane Extension Residential Compound”, as approved, meets the dimensional, density, frontage, and access requirements of Section 4.2.12 of the Needham Zoning By-Law, as well as all requirements of Section 9 of Chapter 40A, M.G.L. The Residential Compound contains 13.26 acres and 2.65 acres per dwelling unit. No proposed structure is located closer than 30 feet from any other structure, nor 20 feet from any tract boundary line.
- 1.7 The proposed “Heather Lane Extension Residential Compound”, is in harmony with the general purpose and intent of Section 4.2.12 of the Zoning By-Law; it is designed in such a manner to make it sufficiently advantageous to the Town and to the residential district in which it is proposed to be located, with the primary benefits being the retention of the rural feeling in the area, the conservation of open space along the Charles river, consistent with high quality residential development.

Decision

- 2.0 On the basis of the foregoing, this Board finds the proposed “Heather Lane Extension Residential Compound”, to be in conformance with the provisions, standards, general purpose and intent of Section 4.2.12 Residential Compound of the Zoning By-Law. Therefore, the Board by a vote of 5-0 hereby APPROVES the Special Permit for the “Heather Lane Extension Residential Compound”, subject to the following conditions.

Conditions

- 3.0 This Special Permit is subject to compliance with the plans and all the terms and conditions as set forth in the Planning Board’s “Definitive Subdivision Decision, Heather Lane Extension 768-768A Chestnut Street, Needham, MA”, dated August 11, 2020.
- 3.2 The land within the Residential Compound is subject to all limitations and requirements set forth in Section 4.2.12 of the Needham Zoning By-Law.
- 3.2 This Special Permit is subject to endorsement of approval on the Heather Lane Extension Definitive Subdivision Plan, following compliance with applicable conditions of approval as set forth in the Planning Board’s “Definitive Subdivision Decision, Heather Lane Extension 768-768A Chestnut Street, Needham, MA”, dated August 11, 2020.
- 3.3 This Special Permit is subject to endorsement of approval on the Heather Lane Definitive Subdivision Plan, following compliance with applicable conditions of approval as set forth in the Planning Board’s Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- 3.3 This Residential Compound Special Permit shall be referenced on and recorded with the Heather Lane Extension Definitive Subdivision Plan.
- 3.4 No building permit shall be issued for any lot within the Heather Lane Extension Residential Compound until copies of all recorded instruments required as a result of the Heather Lane Extension Definitive Subdivision Plan approval and this Special Permit approval are filed with the Planning Board.
- 3.5 This Special Permit shall lapse within two years, including any time required to pursue or await the determination of any appeal, from the grant thereof, if substantial use or construction has not sooner commenced except for good cause.
- 3.6 This Special Permit and the obligations of the applicant set forth in the conditions hereto shall run with the land comprising the Residential Compound and shall inure to and be binding upon the Petitioner, his successors and assigns.

NOW, THEREFORE, by vote of the Planning Board this Special Permit is granted consistent with the requirements of said Section 4.2.12 of the Needham Zoning By-Law and upon the conditions contained herein.

This Special Permit is not effective until the Planning Board receives evidence of recording with the Norfolk Registry of Deeds in accordance with M.G.L., Chapter 40A, Section 11.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by William John Piersiak, 768 Chestnut Street, Needham, MA, for property located at 768-768A Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

DEFINITIVE SUBDIVISION DECISION

August 11, 2020

Heather Lane
764, 766, 768-768A, and 768B Chestnut Street

William John Piersiak
William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust
~~Evelyn Soule Maloomian~~
Koby Kempelle, Manager of the 766 Chestnut LLC

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768-768A Chestnut Street, Needham, MA; William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, 768B Chestnut Street, Needham, MA; ~~Evelyn Soule Maloomian, 764 Chestnut Street, Needham, MA,~~ and Koby Kempelle, Manager of the 766 Chestnut LLC, 766 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 764, 766, 768-768A, and 768B Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the easterly side of Chestnut Street, at the northwesterly corner of the herein described premises, thence; Running S36° 23' 52"E a distance of 38.05' to a point; Thence turning and running S 87° 02' 45"E a distance of 703.32' to a point; Thence turning and running N82° 55' 00"E a distance of 428.45' to a point; Thence turning and running S19° 23' 30"E a distance of 230.30' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,564', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 679.53' to a point; Thence running along a curve to the right having a radius of 1,917.51' and an arc length of 144.78' to a point; Thence running along a curve to the left having a radius of 115.80' and an arc length of 49.25' to a point; Thence turning and running N73° 13' 00"W a distance of 42.86' to a point; Thence running along a curve to the right having a radius of 192.40' and an arc length of 59.52' to a point; Thence turning and running N55° 29' 32"W a distance of 100.92' to a point; Thence running along a curve to the left having a radius of 276.96' and an arc length of 62.36' to a point; Thence running along a curve to the left having a radius of 720.00' and an arc length of 92.46' to a point; Thence turning and running N75° 45' 00"W a distance of 85.00' to a point on the easterly side of Chestnut Street; Thence turning and running by the easterly side of Chestnut Street N14° 15' 00"E a distance of 150.00' to the point and place of beginning. The described area contains 26.904 acres.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on April 29, 2020, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create six (6) individual house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. Currently, the land to be subdivided is in multiple ownerships, and there are several buildings on the land. All were

constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the Subdivision Plan. Lot 4 of the Heather Lane subdivision is intended to itself be further subdivided into five Residential Compound lots, which will have access and frontage via a private way called Heather Lane Extension.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block were present throughout the June 16, 2020 public hearing. The hearing was continued to Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all of the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020; Sheet 3, No. 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020; Sheet 12, No. 8, “Detail Plan,” dated March 3, 2020; Sheet 13, No. 9, “Detail Sheet,” dated March 3, 2020.
- Exhibit 2 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Letter from Evelyn Soule Maloomian, dated March 11, 2020.

- Exhibit 5 - Letter from Koby Kempel, Manager, 766 Chestnut LLC, dated March 18, 2020.
- Exhibit 6 - Legal Description of Land proposed to be subdivided.
- Exhibit 7 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 8 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 10 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 11 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.
- Exhibit 12 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement; and (5) Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust.
- Exhibit 13 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 14 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 15 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 16 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 17 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Existing Conditions," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled "764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled "Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled "Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with

Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.

Exhibit 18 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; (4) Grant of Utility Easement; and (5) Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust.

Exhibit 19 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.

~~Exhibit 20 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.~~

Exhibit ~~20~~¹ - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.

Exhibit ~~21~~² - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020, revised July 7, 2020; Sheet 3, No 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020, revised July 7, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020, revised July 7, 2020; Sheet 12, No. 8, “Detail Plan,” dated March 3, 2020; Sheet 13, No. 9, “Detail Sheet,” dated March 3, 2020.

Exhibit ~~22~~³ - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.

Exhibit 234 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.

Exhibit 245 - The Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 3, No 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020, revised July 7, 2020 (no change) and July 22, 2020; Sheet 11, No. 7, “Utility Plan,” dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 12, No. 8, “Detail Plan,” dated March 3, 2020; Sheet 13, No. 9, “Detail Sheet,” dated March 3, 2020.

Exhibit 256 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020 ; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 13, 18 and 25 are referred to hereinafter as the Plan.

The Board by a vote of 5-0 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on the Plan entitled, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA”, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 13 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Key Sheet”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 3, No 3A “Existing Conditions Plan,” dated March 3, 2020; Sheet 4, No. 3B, “Existing Conditions Plan”, dated March 3, 2020; Sheet 5, No. 3C, “Existing Conditions Plan”, dated March 3, 2020 and revised July 22, 2020; Sheet 6, No. 4A, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 7, No. 4B, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 8, No. 4C, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 9, No. 5, “Plan & Profile Heather Lane”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 10, No. 6, “Grading Plan”, dated March 3, 2020, revised July 7, 2020 (no change) and July 22, 2020; Sheet 11, No. 7, “Utility Plan,” dated March

3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 12, No. 8, "Detail Plan," dated March 3, 2020; Sheet 13, No. 9, "Detail Sheet," dated March 3, 2020.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) 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 40-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. The Board found a right-of-way width of 40 feet to be sufficient to accommodate the residential subdivision.

b) 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 paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of limiting the amount of impervious surface on the site so as to minimize off-site drainage impacts on neighboring properties and the visual impact the 24 feet of bituminous concrete paving would have on the existing landscape. The Board specifically found a bituminous concrete pavement width of 20 feet to be sufficient to accommodate the residential house lots proposed to be serviced by the subdivision and the ability of emergency vehicles to access the site.

c) 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 the grade of the street not exceed 1% within 50 feet of a street intersection and approves instead a maximum grade of 2.6% at the Chestnut Street intersection, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the site distance found at the intersection of Heather Lane and Chestnut Street, the safety of the intersection to function in accordance with ASHTO roadway safety standards, and the affirmative recommendation of the Town Engineer for this roadway design program.

d) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require a 20 foot radii at the intersection of Heather Lane and Chestnut Street, and approves instead the existing radii, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the affirmative recommendation of the Town Engineer for this roadway design program.

e) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that granite or reinforced concrete curbing be installed around the cul-de-sac and at catch basin inlets and approves instead the use of cape cod berm, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by

this subdivision, the dead-end nature of the proposed street, and the affirmative recommendation of the Town Engineer for this roadway design program.

f) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the “Standard Specifications” of the Town of Needham along both sides of Heather Lane and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for Heather Lane and the dead-end nature of the street.

g) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width and no sidewalks. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, and 1.f above.

2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

a) The plan shall be revised to show a Conservation Restriction Easement over the 200-foot Riverfront Area located on Lot 5 and Lot 6.

3. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, and 1.g 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 and Lot 6 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, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. 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 Trust Agreement for the costs of the maintenance, repair and reconstruction of the Private Way (the Private Way) shown on the Plan and designated thereon and all services, the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, 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 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 providing 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.

5. Each owner of a Lot through the Heather Lane Homeowners Trust Agreement 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.

6. The Trustees under the Heather Lane Homeowners Trust Agreement 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 is 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 hereunder. 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.

7. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder 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.

8. Neither the owner 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.

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

10. 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.

11. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 11 inclusive and condition 13, and a) 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 b) 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 in all events shall be subject thereto.

12. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 13 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on

the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.

13. Lots 1 through 6 inclusive as shown on the Plan shall be accessed solely from Heather Lane with no vehicular access for said lots provided directly to Chestnut Street. Vehicular access to Heather Lane shall be limited to said Lots 1, 2, 3, 4, 5, 6, and to existing Lot A (770 Chestnut Street) and existing Lot 2A (776 Chestnut Street), as presently shown on the Plan.

14. The Petitioner shall grant a Conservation Restriction to the Town of Needham in accordance with G.L. Chapter 40, Section 8C, over the 200-foot Riverfront Area located on Lot 5 and Lot 6 as a condition of this approval. The easement shall be granted in perpetuity and exclusively for conservation purposes and shall be subject to review and approval by the Board. The purpose of the easement shall be to assure that the above-described riverfront area will be retained in perpetuity predominately in a natural, scenic and open condition and to prevent any use that would significantly impair or interfere with these conservation values. The protected area contains wetland areas, including bordering vegetated wetlands, bank and a riverfront area. The protected area borders 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 Endangered Species Program, including, but not limited to, the Umber Shadowdragon (*Neurocordulia obsoleta*). The Petitioner shall deliver to the Board a copy of the recorded Conservation Restriction prior to the release of Lots 5 and 6 for purposes of building or conveyance.

15. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan. The lighting system shall be maintained, and the electricity shall be supplied through the Heather Lane Homeowners Trust Agreement.

16. The island in the center of the Heather Lane cul-de-sac shall be landscaped. A cul-de-sac landscaping plan shall be submitted to the Board and the Department of Public Works for review and approval prior to endorsement of the subdivision Plan. The island landscaping shall be maintained by the record owners of Lots 1 through 6 through the Heather Lane Homeowners Trust Agreement.

17. In any sale or transfer by the record owner of title to Lots 1 through 6, as shown on the Plan, or any successor record owner of title to Lots 1 through 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 15 of this decision. In any sale or transfer by the record owner of title to Lot 5 and/or Lot 6, as shown on the Plan, or any successor record owner of title to Lot 5 or Lot 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 14 of this decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6 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.

18. In general, the cutting of trees and removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All trees having a caliber of 6 inches as measured three feet off the ground bordering "Heather Lane" and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

19. Off-street drainage surety in the amount of \$10,500.00 shall be posted (\$3,500.00 per lot) for Lots 1, 5 and 6. Said surety amount is predicated on the Petitioner's representation that no

new construction will occur on Lots 2 ~~and~~, 3 ~~and~~ 4 under this subdivision approval. The off-street drainage surety requirement for the Residential Compound lots to be created out of Lot 4 will be stated in the Board's Decision regarding the proposed Heather Lane Extension Subdivision and Residential Compound Plan. Said \$10,500.00 surety shall be posted prior to the release of said Lots 1, 5 and 6 as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated July 29, 2020, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

20. The existing and proposed houses within the six-lot subdivision are each required to have dry wells. The dry wells for each house shall have volumetric capacity sufficient to store 1 inch of roof runoff. Each record owner, whether one or more persons or entities, of title to Lots 1 through 6, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan and the above-noted standard. Prior to the release of Lots 1, 5, and 6, which contain existing structures which are proposed to remain, proof of compliance with this condition shall be provided to the Board for review and approval.

21. Prior to Plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall submit a letter indicating they are committed to providing a response under the NPDES requirement: Control Measure #1- "Public Education and Outreach" and Control Measure #2, "Public Participation/Involvement" and shall implement said measures prior to the release of the subdivision lots.

22. A Department of Environmental Protection sewer extension permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

23. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the applicant.

24. A special sewer connection permit program fee shall be provided for all lots within the subdivision.

25. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

26. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

27. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.

28. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

29. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.
30. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.
31. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.
32. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.
33. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.
34. All construction staging and parking shall be on-site. No construction parking shall be permitted on Chestnut Street or on any other public street.
35. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.
36. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.
37. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.
38. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have four years from the date of endorsement of the Plan to complete the installation and construction of Heather Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.
39. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

40. The Petitioner shall deliver to the Board for its approval a duly executed Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U, Declaration of Restrictive Covenants, Heather Lane Homeowners Association Declaration of Trust, Grant of Utility Easement, and Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust, all as may be required and as shown on the Plan. Such documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Subdivision Covenant, Declaration of Restrictive Covenants, Heather Lane Homeowners Association Declaration of Trust, Grant of Utility Easement, and Grant of Drainage Easement from 768B Chestnut Street Realty Trust to the Town of Needham, Massachusetts, Heather Lane Homeowners Association Trust, and the Heather Lane Extension Homeowners Association Trust shall be referenced on the Plan and all documents shall be recorded with the Plan.

41. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 12 and 40 of this decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lots 5 and 6 a copy of the recorded instrument described in paragraph 14 of this decision shall be provided to the Planning Director.

42. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this Decision.

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

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

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by William John Piersiak, William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, ~~Evelyn Soule Maloomian~~, and Koby Kempelle, Manager of the 766 Chestnut LLC, for property located at the 764, 766, 768-768A, and 768B Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

DEFINITIVE SUBDIVISION DECISION

August 11, 2020

Heather Lane Extension
768-768A Chestnut Street

William John Piersiak

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 768-768A Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the northerly side of Proposed Heather Lane, at the northwesterly corner of the herein described premises, thence; Running N55° 23' 56"E a distance of 64.53' to a point; Thence turning and running N 68° 05' 00"E a distance of 17.20' to a point; Thence turning and running N67° 01' 35"E a distance of 180.99' to a point; Thence turning and running N46° 24' 47"E a distance of 73.49' to a point; Thence turning and running N15° 06' 04"W a distance of 75.07' to a point; Thence turning and running N82° 58' 00"E a distance of 512.27' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,107', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 636', more or less to a point; Thence turning and running N25° 16' 26"W a distance of 93.40' to a point on the easterly side of the Proposed Heather Lane; Thence running along a curve to the left having a radius of 60.00' and an arc length of 184.88' to a point; Thence running along a curve to the right having a radius of 25.00' and an arc length of 25.32' to a point; Thence turning and running N53° 47' 08"W a distance of 21.84' to the point and place of beginning. The described area contains 13.26 acres, more or less.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on April 29, 2020, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create five (5) Residential Compound (RC) house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. The land to be subdivided into RC lots has several buildings on it. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the plans.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block were present throughout the June 16, 2020 public hearing. The hearing was continued to

Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020.
- Exhibit 2 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Legal Description of Land proposed to be subdivided.
- Exhibit 5 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 6 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 7 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 8 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.

- Exhibit 10 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; ~~and~~(4) Grant of Utility Easement and (5) Grant of Drainage Easement.
- Exhibit 11 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.
- Exhibit 12 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.
- Exhibit 13 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 14 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.
- Exhibit 15 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Existing Conditions,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled “Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled “Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.
- Exhibit 16 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; and (4) Grant of Utility Easement; and (5) Grant of Drainage Easement.
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- Exhibit 17 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.

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- Exhibit 18 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.

- Exhibit 19 - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.

- Exhibit 20 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.

- Exhibit 21 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.

- Exhibit 22 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.

- Exhibit 23 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.

- Exhibit 24 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 11, 16, 19 and 23 are referred to hereinafter as the Plan.

The Board by a vote of 5-0 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, "Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ", dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, "Existing Conditions Plan," dated March 3, 2020; Sheet 3, No. 3, "Lotting Plan", dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, "Grading Plan", dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, "Sewer& Drain Plan", dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, "Utility Plan", dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, "Detail Sheet", dated March 3, 2020, revised July 7, 2020.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) 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 25-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. The Board found a right-of-way width of 25 feet to be sufficient to accommodate the 5-lot residential compound.

b) 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 paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of limiting the amount of impervious surface on the site so as to minimize off-site drainage impacts on neighboring properties and the visual impact the 24 feet of bituminous concrete paving would have on the existing landscape. The Board specifically found a bituminous concrete pavement width of 20 feet to be sufficient to accommodate the residential house lots proposed to be serviced by the subdivision and the ability of emergency vehicles to access the site.

c) 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 the grade of the street not exceed 1% within 50 feet of a street intersection and approves instead a maximum grade of 2% at the intersection of Heather Lane and Heather Lane extension, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the safety of the intersection to function in accordance with ASHTO roadway safety standards and the affirmative recommendation of the Town Engineer for this roadway design program.

~~d) 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 the slope of a street not exceed 8.0% and approves instead a slope of 9%, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3~~

~~through 13 of this decision. In the granting of this waiver, the Board considered the affirmative recommendation of the Town Engineer for this roadway design program.~~

~~d~~e) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require a 20 foot radii at the intersection of Heather Lane and Heather Lane extension, and approves instead the 0' radii, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the affirmative recommendation of the Town Engineer for this roadway design program.

~~e~~f) The Board hereby waives the requirements of Section 3.3.3 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the minimum centerline radius be 100 feet, and approves instead 50 feet, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the affirmative recommendation of the Town Engineer for this roadway design program.

~~f~~g) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that granite or reinforced concrete curbing be installed around the cul-de-sac and at catch basin inlets and approves the use of no curbing, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the dead-end nature of the proposed street, and the affirmative recommendation of the Town Engineer for this roadway design program.

~~g~~h) The Board hereby waives the requirements of Section 3.3.8 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require granite or concrete bounds be installed and approves no bounds, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision.

~~h~~i) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of Heather Lane extension and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for Heather Lane extension and the dead-end nature of the street.

~~i~~j) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width and no sidewalks. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, and 1.~~h~~~~i~~ above.

2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

- a) The plan shall be revised to show a Conservation Restriction Easement over the entirety of the 200-foot Riverfront Area located on Lots 3, 4 and 5.
- b) The plan shall be revised to show the street light detail and location.
- ~~c) The plan shall be revised to include a plan and profile of the proposed roadway.~~

3. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, and 1.i. ~~1.j~~ 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, and Lot 5 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, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. 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 Trust Agreement for the costs of the maintenance, repair and reconstruction of the Private Way (the Private Way) shown on the Plan and designated thereon and all services, the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, 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 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 providing 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.

5. Each owner of a Lot through the Heather Lane Extension Homeowners Trust Agreement 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.

6. The Trustees under the Heather Lane Extension Homeowners Trust Agreement 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 is 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 hereunder. 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.

7. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder 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.

8. Neither the owner 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.

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

10. 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.

11. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 11 inclusive, and a) 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 b) 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 in all events shall be subject thereto.

12. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 12 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.

13. The Petitioner shall grant a Conservation Restriction to the Town of Needham in accordance with G.L. Chapter 40, Section 8C, over the 200-foot Riverfront Area located on Lot 3, Lot 4 and Lot 5 as a condition of this approval. The easement shall be granted in perpetuity and exclusively for conservation purposes and shall be subject to review and approval by the Board. The purpose of the easement shall be to assure that the above-described riverfront area will be retained in perpetuity predominately in a natural, scenic and open condition and to prevent any use that would significantly impair or interfere with these conservation values. The protected area contains wetland areas, including bordering vegetated wetlands, bank and a riverfront area. The protected area borders 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 Endangered Species Program, including, but not limited to, the Umber Shadowdragon (*Neurocordulia obsolete*). The Petitioner shall deliver to the Board a copy of the recorded Conservation Restriction, with Conservation Restriction Plan attached, prior to the release of Lots 3, 4 and 5 for purposes of building or conveyance.

14. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan, as modified by this decision. The lighting system shall be maintained, and the electricity shall be supplied through the Heather Lane Extension Homeowners Trust Agreement.

15. In any sale or transfer by the record owner of title to Lots 1 through 5, as shown on the Plan, or any successor record owner of title to Lots 1 through 5, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 14 of this decision. In any sale or transfer by the record owner of title to Lot 3, Lot 4, and Lot 5, as shown on the Plan, or any successor record owner of title to Lot 3, Lot 4 or Lot 5, as shown on the Plan, the deed or other instrument shall refer to and incorporate condition 13 of this decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5 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.

16. In general, the cutting of trees and removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All trees having a caliber of 6 inches as measured three feet off the ground bordering “Heather Lane Extension” and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

17. Off-street drainage surety in the amount of \$14,000.00 shall be posted (\$3,500.00 per lot) for Lots 2, 3, 4 and 5. Said surety amount is predicated on the Petitioner’s representation that no new construction will occur on Lot 1 under this subdivision approval. Said surety shall be posted prior to the release of said Lots as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated July 29, 2020, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

18. The existing and proposed houses within the five-lot subdivision are each required to have dry wells. The dry wells for each house shall have volumetric capacity sufficient to store 1 inch of roof runoff. Each record owner, whether one or more persons or entities, of title to Lots 1 through 5, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan and the above-noted standard. Prior to the release of Lots 1, 3, and 5, which contain existing structures which are proposed to remain, proof of compliance with this condition shall be provided to the Board for review and approval.

19. Prior to Plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall submit a letter indicating they are committed to providing a response under the NPDES requirement: Control Measure #1- “Public Education and Outreach” and Control Measure #2, “Public Participation/Involvement” and shall implement said measures prior to the release of the subdivision lots.

20. A Department of Environmental Protection sewer extension permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the

granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

21. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the applicant.

22. A special sewer connection permit program fee shall be provided for all lots within the subdivision.

23. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

24. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

25. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.

26. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

27. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.

28. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.

29. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.

30. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.

31. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.

32. All construction staging and parking shall be on-site. No construction parking shall be permitted on Chestnut Street or on any other public street.

33. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.

34. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

35. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

36. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have four years from the date of endorsement of the Plan to complete the installation and construction of Heather Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.

37. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

38. The Petitioner shall deliver to the Board for its approval a duly executed Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U, Declaration of Restrictive Covenants, Heather Lane Extension Homeowners Association Declaration of Trust, and Grant of Utility Easement, all as may be required and as shown on the Plan. Such documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Subdivision Covenant, Declaration of Restrictive Covenants, Heather Lane Extension Homeowners Association Declaration of Trust, and Grant of Utility Easement shall be referenced on the Plan and all documents shall be recorded with the Plan.

39. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 12 and 38 of this decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lots 3, 4, and 5 a copy of the recorded instrument described in paragraph 13 of this decision shall be provided to the Planning Director.

40. The approval granted herein is subject to endorsement of approval by the Board on the Heather Lane Definitive Subdivision Plan, following compliance with all applicable conditions of approval as set forth in the Planning Board's Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020. Prior to the release of any lots for building or sale, copies of the recorded Heather Lane Definitive Subdivision Plan and associated instruments shall be provided to the Planning Director.

41. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this Decision.

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

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

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by William John Piersiak, 768 Chestnut Street, Needham, MA, for property located at 768-768A Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

RESIDENTIAL COMPOUND SPECIAL PERMIT

August 11, 2020

Heather Lane Extension
768-768A Chestnut Street

William John Piersiak

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

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of William John Piersiak, 768 Chestnut Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at 768-768A Chestnut Street, Needham, Massachusetts. Said property is described as follows:

Beginning at a point on the northerly side of Proposed Heather Lane, at the northwesterly corner of the herein described premises, thence; Running N55° 23' 56"E a distance of 64.53' to a point; Thence turning and running N 68° 05' 00"E a distance of 17.20' to a point; Thence turning and running N67° 01' 35"E a distance of 180.99' to a point; Thence turning and running N46° 24' 47"E a distance of 73.49' to a point; Thence turning and running N15° 06' 04"W a distance of 75.07' to a point; Thence turning and running N82° 58' 00"E a distance of 512.27' to a point; Thence turning and running S18° 57' 00"E a distance of 625', more or less to the Charles River; Thence turning and running southerly and westerly by the Charles River a distance of 1,107', more or less, to a point; Thence turning and running N14° 09' 11"E a distance of 636', more or less to a point; Thence turning and running N25° 16' 26"W a distance of 93.40' to a point on the easterly side of the Proposed Heather Lane; Thence running along a curve to the left having a radius of 60.00' and an arc length of 184.88' to a point; Thence running along a curve to the right having a radius of 25.00' and an arc length of 25.32' to a point; Thence turning and running N53° 47' 08"W a distance of 21.84' to the point and place of beginning. The described area contains 13.26 acres, more or less.

This decision is in response to an application for approval by the Petitioner of a Special Permit for a Residential Compound known as "Heather Lane Extension Residential Compound" located at 768-768A Chestnut Street, Needham, Massachusetts, as provided in Section 4.2.12 of the Zoning By-law.

If approved, the Plan would create five (5) Residential Compound (RC) house lots that conform to current zoning, all lots would have frontage and be accessed from the new proposed roadway. The land to be subdivided into RC lots has several buildings on it. All were constructed pursuant to permit and are lawful. Some of the buildings will remain, and some will be demolished, as shown on the plans.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 16, 2020 at 7:30 p.m. via remote meeting using Zoom ID [826-5899-3198](#). Board members, Martin Jacobs, Paul S. Alpert, Jeanne S. McKnight, Ted Owens, and Adam Block

were present throughout the June 16, 2020 public hearing. The hearing was continued to Tuesday, July 21, 2020 at 8:00 p.m. via remote meeting using Zoom ID 826-5899-3198. Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, and Adam Block were present throughout the July 21, 2020 public hearing. The hearing was continued to Tuesday, August 11, 2020 at 8:30 p.m. via remote meeting using Zoom ID 826-5899-3198. Board members, Jeanne S. McKnight, Martin Jacobs, Paul S. Alpert, Ted Owens and Adam Block were present throughout the August 11, 2020 public hearing. Board member Ted Owens was present for all the proceedings except the hearing occurring on July 21, 2020. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Owens examined all evidence received at the missed session and watched the recorded session of the Zoom meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 11, 2020, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020.
- Exhibit 2 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, dated April 27, 2020.
- Exhibit 3 - Application for Approval of a Definitive Subdivision Plan, dated April 27, 2020, with owner information attached. Filed with the Town Clerk on April 29, 2020.
- Exhibit 4 - Legal Description of Land proposed to be subdivided.
- Exhibit 5 - Abutter information from abutting municipalities of Dover, Westwood and Dedham.
- Exhibit 6 - Letter from Attorney Robert Smart, directed to Tedi Eaton, Town Clerk, dated April 27, 2020.
- Exhibit 7 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated April 27, 2020.
- Exhibit 8 - List of Waivers, provided by Kelly Engineering, undated.
- Exhibit 9 - Letter from Attorney Robert Smart, directed to Members of the Planning Board, dated April 27, 2020.

- Exhibit 10 - Drafts of the following documents received April 27, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; ~~and~~(4) Grant of Utility Easement; and (5) Grant of Drainage Easement.

- Exhibit 11 - Stormwater Management Report, Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, dated March 3, 2020.

- Exhibit 12 - Email from George Hasiotis, 750 Chestnut Street, Needham, dated June 15, 2020.

- Exhibit 13 - Email from Sarah Grossman, 754 Chestnut Street, Needham, dated June 16, 2020.

- Exhibit 14 - Email from Kevin and Sara Jay, 776 Chestnut Street, Needham, dated June 16, 2020.

- Exhibit 15 - Presentation at June 16, 2020 hearing including the following: Sheet 1, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Existing Conditions,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 2, with satellite photo, entitled “764, 766, 768-768A, 768B Chestnut Street, Heather Lane 6 Lot Subdivision,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 3, with satellite photo, entitled “Proposed 5 Lot Residential Compound, 768-768A Chestnut Street, Lot 4 Heather Lane Needham, MA,” prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184, undated; Sheet 4, entitled “Street Cross Section, prepared by Kelly Engineering Group, undated; Sheet 5, Zoning Legend, Residential Compound; Sheet 6, Heather Lane: Compliance with Subdivision Rules and Regulations; Sheet 7, Heather Lane Extension Residential Compound: Compliance with Subdivision Rules and Regulations; Sheet 8, List of Waivers, Heather Lane Subdivision, prepared by Kelly Engineering Group, Inc.; Sheet 9, List of Waivers, Heather Lane Extension Residential Compound, prepared by Kelly Engineering Group, Inc.; Sheet 10, showing Lanterns, entitled “Grande Jefferson, 8400 Series, Post Top, H.I.D. Lantern,” dated February 11, 2002; Sheets 11-13, photographs of the existing roadway, taken January 30, 2020.

- Exhibit 16 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated June 30, 2020, with attached new Drafts of the following documents received July 30, 2020: (1) Declaration of Restrictive Covenants; (2) Heather Lane Extension Homeowners Association Declaration of Trust; (3) Subdivision Covenant Under Provisions of General Laws Chapter 41, Section 81-U; ~~and~~(4) Grant of Utility Easement; and (5) Grant of Drainage Easement.

- Exhibit 17 - Two letters from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 13, 2020.

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- Exhibit 18 - Letter from Attorney Robert Smart, directed to Members of the Board of Health, dated July 9, 2020.
- Exhibit 19 - Draft Heather Lane Extension Conservation Restriction to Town of Needham, MA, received July 9, 2020 with Exhibit A Plan entitled “Conservation Restriction Plan,” dated June 24, 2020.
- Exhibit 20 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 7, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 21 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development, and Members of the Board, dated July 17, 2020 with attachments.
- Exhibit 22 - Letter from Attorney Robert Smart, directed to Lee Newman, Director of Planning and Community Development and Members of the Board, dated July 30, 2020.
- Exhibit 23 - The 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., 0 Campanelli Drive, Braintree, MA 02184 and consisting of 7 Sheets; Sheet 1, No. 1, “Definitive Subdivision Plans and Residential Compound Special Permit for Heather Lane, 768-768A Chestnut Street, Needham, MA ”, dated March 3, 2020, revised July 22, 2020; Sheet 2, No. 2, “Existing Conditions Plan,” dated March 3, 2020; Sheet 3, No. 3, “Lotting Plan”, dated March 3, 2020, revised July 7, 2020 and July 22, 2020; Sheet 4, No. 4, “Grading Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 5, No. 5, “Sewer& Drain Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 6, No. 6, “Utility Plan”, dated March 3, 2020, revised July 7, 2020; Sheet 7, No. 7, “Detail Sheet”, dated March 3, 2020, revised July 7, 2020.
- Exhibit 24 - Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- Exhibit 25 - Communication (IDC) to the Board from Thomas Ryder, Assistant Town Engineer, dated June 12, 2020 and August 6, 2020; IDC to the Board from Anthony Del Gaizo, Town Engineer, dated June 16, 2020; IDC to the Board from Dennis Condon, Chief, Needham Fire Department, dated June 10, 2020 and June 16, 2020; IDC to the Board from John Schlittler, Chief, Needham Police Department, dated June 16, 2020; IDC to the Board from Tara Gurge, Assistant Director, Health Department, dated June 14, 2020 and July 29, 2020; and IDC to

the Board from Debbie Anderson, Director of Conservation, dated June 12, 2020, July 28, 2020 and August 6, 2020.

Exhibits 23 is referred to hereinafter as the “Heather Lane Extension Definitive Subdivision Plan”.

Findings

- 1.0 On the basis of the evidence and after open deliberations, the Board makes the following findings:
- 1.1 The “Heather Lane Extension Residential Compound” is comprised of 13.26 acres of land with approximately 232 ~~xx~~ feet of frontage on Heather Lane, a private way. Frontage on Heather Lane is derived through Lot 4 shown on the Definitive Subdivision Plan for Heather Lane, 764, 766, 768-768A & 768B Chestnut Street, Needham, MA. Said plan received approval by the Needham Planning Board under Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020. (Exhibit 24).
- 1.2 The “Heather Lane Extension Definitive Subdivision Plan” and accompanying deed restrictions and covenants provide for legal access to Heather Lane for all lots within the “Heather Lane Extension Residential Compound” having frontage on Heather Lane Extension.
- 1.3 The “Heather Lane Extension Residential Compound” contains five lots, all of which are restricted from further subdivision. Lot 1 will retain the existing single-family dwelling. Lots 2 and 4 are proposed for new single-family house construction. Lot 3 will retain the existing barn structure which will be converted to a single-family dwelling. Lot 5 proposes the relocation of the existing single-family dwelling to a location southerly on the lot. The five buildings lots are restricted to single-family dwellings, all of which are detached.
- 1.4 The lots within the “Heather Lane Extension Residential Compound” share a private 20-foot wide paved driveway (known as Heather Lane Extension) with frontage and access on Heather Lane.
- 1.5 Adequate provision has been made for the maintenance of the private driveway by the owners of the lots.
- 1.6 The “Heather Lane Extension Residential Compound”, as approved, meets the dimensional, density, frontage, and access requirements of Section 4.2.12 of the Needham Zoning By-Law, as well as all requirements of Section 9 of Chapter 40A, M.G.L. The Residential Compound contains 13.26 acres and 2.65 acres per dwelling unit. No proposed structure is located closer than 30 feet from any other structure, nor 20 feet from any tract boundary line.
- 1.7 The proposed “Heather Lane Extension Residential Compound”, is in harmony with the general purpose and intent of Section 4.2.12 of the Zoning By-Law; it is designed in such a manner to make it sufficiently advantageous to the Town and to the residential district in which it is proposed to be located, with the primary benefits being the retention of the rural feeling in the area, the conservation of open space along the Charles river, consistent with high quality residential development.

Decision

- 2.0 On the basis of the foregoing, this Board finds the proposed “Heather Lane Extension Residential Compound”, to be in conformance with the provisions, standards, general purpose and intent of Section 4.2.12 Residential Compound of the Zoning By-Law. Therefore, the Board by a vote of 5-0 hereby APPROVES the Special Permit for the “Heather Lane Extension Residential Compound”, subject to the following conditions.

Conditions

- 3.0 This Special Permit is subject to compliance with the plans and all the terms and conditions as set forth in the Planning Board’s “Definitive Subdivision Decision, Heather Lane Extension 768-768A Chestnut Street, Needham, MA”, dated August 11, 2020.
- 3.2 The land within the Residential Compound is subject to all limitations and requirements set forth in Section 4.2.12 of the Needham Zoning By-Law.
- 3.2 This Special Permit is subject to endorsement of approval on the Heather Lane Extension Definitive Subdivision Plan, following compliance with applicable conditions of approval as set forth in the Planning Board’s “Definitive Subdivision Decision, Heather Lane Extension 768-768A Chestnut Street, Needham, MA”, dated August 11, 2020.
- 3.3 This Special Permit is subject to endorsement of approval on the Heather Lane Definitive Subdivision Plan, following compliance with applicable conditions of approval as set forth in the Planning Board’s Definitive Subdivision Decision, Heather Lane, 764, 766, 768-768A, and 768B Chestnut Street, Needham, MA, dated August 11, 2020.
- 3.3 This Residential Compound Special Permit shall be referenced on and recorded with the Heather Lane Extension Definitive Subdivision Plan.
- 3.4 No building permit shall be issued for any lot within the Heather Lane Extension Residential Compound until copies of all recorded instruments required as a result of the Heather Lane Extension Definitive Subdivision Plan approval and this Special Permit approval are filed with the Planning Board.
- 3.5 This Special Permit shall lapse within two years, including any time required to pursue or await the determination of any appeal, from the grant thereof, if substantial use or construction has not sooner commenced except for good cause.
- 3.6 This Special Permit and the obligations of the applicant set forth in the conditions hereto shall run with the land comprising the Residential Compound and shall inure to and be binding upon the Petitioner, his successors and assigns.

NOW, THEREFORE, by vote of the Planning Board this Special Permit is granted consistent with the requirements of said Section 4.2.12 of the Needham Zoning By-Law and upon the conditions contained herein.

This Special Permit is not effective until the Planning Board receives evidence of recording with the Norfolk Registry of Deeds in accordance with M.G.L., Chapter 40A, Section 11.

Witness our hands this 11th day of August 2020

NEEDHAM PLANNING BOARD

Jeanne S. McKnight, Chairman

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

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 Decision of the subdivision proposed by William John Piersiak, 768 Chestnut Street, Needham, MA, for property located at 768-768A Chestnut Street, 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 | Select Board | Board of Health |
| Design Review Board | Engineering | Town Clerk |
| Building Inspector | Fire Department | Director, PWD |
| Conservation Commission | Police Department | Parties in Interest |
| Robert Smart, Attorney | | |

This draft Agenda is for the PB Use Only

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

**MONDAY, August 20, 2020 - 7:30PM
Zoom Meeting ID Number: 869-6475-7241**

Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued March 12, 2020 and in effect until termination of the emergency, meeting of public bodies may be conducted virtually provided that adequate access is provided to the public.

**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 Meeting ID: 307290361
Or joint the meeting at link: <https://us02web.zoom.us/j/86964757241>**

AGENDA

- Minutes Review and approve Minutes from July 16, 2020 meeting.
- Case #1 – 7:30PM **8 Old Greendale Avenue** – Public notice is hereby given that Jay Patel and Nidhi Kumar, owners, have made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 7.5.3 and any other applicable Sections of the By-Law to allow the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure associated with the construction of a covered porch at the front door. The property is located at **8 Old Greendale Avenue**, Needham, MA in the Single Residential A District.
- Case #2 – 7:45 PM **182 Pine Grove Street**– Public notice is hereby given that Peter and Melissa Loeb, owners, have made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 7.5.3 and any other applicable Sections of the By-Law to allow the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure associated with the addition of a second story addition. The property is located at **182 Pine Grove Street**, Needham, MA in the Single Residential B District.
- Case #3 – 8:00PM **1545 Central Avenue** – Public notice is hereby given that Needham Pool and Racket Club, Inc., applicant, has made application to the Board of Appeals for a Special Permit Amendment under Sections 3.2.1, 4.1.6.3, 5.1, 7.5.3 and any other applicable Sections of the By-Law to allow the construction of three paddle tennis courts, warming hut, viewing stand, fencing and lighting, and operation of the same from October to May. The property is located at **1545 Central Avenue**, Needham, MA in the Single Residential A District. Oakhurst Circle, Needham, MA in the Single Residential B District. **(Continued from July 16, 2020)**

Next Zoom Meeting: **Thursday, September 17, 7:30pm**

NEEDHAM PLANNING BOARD
TEMPORARY OUTDOOR SEATING /OUTDOOR DISPLAY POLICY

May 20, 2020

Section 1 - Purpose and Scope

The 2020 COVID-19 pandemic has caused not only a public health crisis; it has also triggered a worldwide economic crisis. Public health requirements for social distancing have placed new burdens and challenges on the business community to provide more physical space between customers and staff. In an effort to respond to the new social distancing requirements, the Select Board has adopted a temporary outdoor seating policy that will allow the Town to create outdoor dining spaces on public open spaces, sidewalks, parking lots and on-street parking spaces, to create outdoor dining space opportunities for the open air consumption of takeout food and beverages from local restaurants. Initial implementation is planned for the Town Common, Needham Heights Common, and Eaton Square. This policy will be in effect until Labor Day.

In an effort to further facilitate the re-opening of Needham businesses and recognizing the impacts of COVID-19, the Planning Board has approved this policy to allow additional temporary outdoor seating for restaurants and additional temporary outdoor display space for retail businesses with stand-alone entrances and exits. Restaurants may utilize available outdoor space for seating in addition to any existing approved interior restaurant seating and retail establishments may utilize outdoor space for display and sales in addition to interior store space. The enforcement of outdoor display requirements or prohibitions, take-out service requirements or prohibitions, outdoor seating limitations, and minimum parking standards as contained within any special permit applicable to the restaurant or retail establishment is hereby suspended to enable the above-described activities subject to the following guidelines. This policy will be in effect up to and including Labor Day (September 7, 2020).

Section 2 – Guidelines

All temporary outdoor seating areas and display areas must adhere to the following:

- A. Must comply with provisions of Executive Orders issued by the Governor to State, County, and Town entities, and the Centers for Disease Control and Prevention (CDC) guidelines for social distancing.
- B. Must comply with all Massachusetts and Town of Needham Health Department requirements.
- C. Must comply with all applicable Fire Department regulations and must not impede Police or Fire access.

- D. Must comply with the Massachusetts Division of Alcoholic Beverages & Tobacco consumption on premises requirements.
- E. Must not negatively impact ingress/egress to the building or property; safe ingress and egress shall be provided to the property and building, including emergency access measures at all times.
- F. Must have received the written approval of the Town Manager's office and the Needham Health Department having demonstrated compliance with applicable health and safety regulations. Some parking, including handicapped parking if required, remains available for the restaurant and adjacent businesses (if applicable).
- G. If located within a parking area, a temporary physical barrier must be placed separating the outdoor seating area or display area from the remaining parking.
- H. All tables in temporary outdoor seating areas and display areas shall be located a safe distance from drive aisles, usable parking, and so as to maintain proper distancing from usable parking.
- I. All temporary outdoor seating areas on property owned or leased by a restaurant and temporary retail display and/or sale areas on property owned or leased by a retail establishment, and all such seating areas and display/sale areas on other private or public property licensed to the restaurant or retail establishment for such purposes, and adjacent open areas and/or parking lots, must be maintained clean of litter.
- J. If a restaurant is not the property owner or lessee of the areas intended to be used for the temporary additional outdoor seating area or if the retail establishment is not the owner or lessee of the areas intended to be used for the temporary retail display and/or sale area, then written permission from the property owner must be obtained prior to approval and installation.
- K. If the outdoor seating area or retail display area is to be located upon property of the Town of Needham (e.g. sidewalks, on-street parking spaces, public parking areas adjacent to the restaurant or retail establishment), the use of such area must have received the written approval of the Town Manager's office.

Section 3 – Amendments

This policy may be amended by a majority vote of the members of the Planning Board.

Section 4 – Effective Date

This policy was adopted at a regular meeting of the Planning Board on May 20, 2020 and became effective as of that date.

22.Committee Appointments rev.June.2019

Committee	Member	Voted date	Expires
Design Review Board	Deborah Robinson	2-Oct-18	30-Jun-20
	Nelson Hammer	2-Oct-18	30-Jun-20
	Stephen Tanner	12-Sep-18	30-Jun-21
Transportation Committee	Justin McCullen	21-May-19	31-May-22
	Stephen McKnight	12-Sep-18	31-May-21
Community Preservation Committee	Paul Alpert	12-Sep-18	30-Jun-21

NEEDHAM PLANNING BOARD MINUTES

June 8, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Monday, June 8, 2020, at 3:10 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 stated Town Meeting is to convene in the parking lot at the Memorial Field Field House at 5:00 p.m. He then 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. He noted if any votes are taken at the meeting the vote will be conducted by roll call.

Discussion of Annual Town Meeting Zoning Articles.

Mr. Jacobs noted the Citizen's Petition by Children's Hospital. Some questions were posed to the proponents and the Planning Board. Written answers to the 3 questions were posted on the Town website. He noted Ms. McKnight will be giving the presentation. It will be pre-recorded and posted on the website. Mr. Alpert commented one question asked in the emails were if Town Meeting members made a motion to amend to make the parking position more restrictive would the Planning Board support the amendment. Ms. McKnight commented the Board would not support that amendment. She proposed if someone made the motion, the Planning Board does not need to reconvene but could authorize her to respond that the Planning Board would not support the amendment. Mr. Jacobs stated the response should be for less or more. All agreed.

Mr. Block asked if the Board would be asked to comment on Article 10 regarding the appropriation for planning consultant assistance funds. Ms. McKnight stated Ms. Newman provided her an email with an explanation. She read the email for the other members. Mr. Block asked how much of the \$60,000 would be used for the Highway Commercial 1 District. Ms. Newman would be giving an estimate due to fluctuations of the scope but she feels probably half of it would be used. It would depend how broad the scope is. Mr. Alpert asked about the Special Town Meeting Article 1 for the appropriation of \$40,000 for planning. Ms. Newman noted that Article is being withdrawn.

Minutes

There were no minutes to approve.

Correspondence

Mr. Jacobs noted there was no correspondence.

Report of the Planning Director and Board members

Mr. Block asked if the Board members should try to sit together or if they need to stay with their precincts. Ms. McKnight noted there would be separate gates for separate precincts for checking people in. If the members go early they may be able to be near each other. Ms. Newman suggested sitting near a microphone. Mr. Jacobs stated he would not be there but will be available for questions.

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

VOTED: to recess the meeting at 3:30 p.m. until after Town Meeting adjourns.

Respectfully submitted,

Donna J. Kalinowski, Notetaker

Planning Board Minutes June 8, 2020

DRAFT

NEEDHAM PLANNING BOARD MINUTES

June 16, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Martin Jacobs, Chairman, on Tuesday, June 16, 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 conference. 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. He added the order of items has changed since the original posted agenda.

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

VOTED: to automatically continue the meeting to 7/7/20 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 tonight.

Request to Extend Action Deadline: 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA).

George Giunta Jr., representative for the applicant, stated this item had been put over due to COVID. It has been picked back up but an extension is needed for the action deadline through the end of August. There will be a public hearing on 7/21/20.

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 postpone the hearing to 7/21/20 and extend the action deadline through August 31, 2020.

Request to Extend Temporary Occupancy Permit: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

Ms. Newman noted this is the Jack Cogswell Building. The Town is waiting for the Land Court to issue a Consolidation Plan. Since it is not out of Land Court, an extension for the Occupancy Permit is needed to August 10, 2020. Mr. Alpert noted the courts are closed and asked if the deadline should be extended longer. Ms. Newman suggested it be extended through the Fall.

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 extend the temporary Occupancy Certificate through 10/30/20.

Discussion of proposed new use at 100 West Street. Redevelop 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 the Planning Board has had some new materials supplied in the last few days. Evans Huber, Counsel for LCB Senior Living, noted at the last meeting the substantive issue was if the uses were to be allowed by right or Special Permit. The Board members wanted the uses by Special Permit. After discussion the proposed Warrant Article has been changed to allow the uses by Special Permit. He has revised the Warrant Article and resubmitted it. He has also amended the section of the By-Law that relates to the Planning Board being the Special Permit granting authority rather than the Zoning Board of Appeals (ZBA). He is aware of concerns regarding traffic. He feels that could be dealt with at the permitting stage now that a Special Permit it needed.

Mr. Jacobs asked if the Board members want to support the zoning article. Mr. Owens had no comments or questions. Ms. McKnight is satisfied to go forward and would vote to sponsor this. Mr. Alpert commented he is pleased the proponents have worked with him and made the changes he requested. He is pleased with the current form of the By-Law proposal. Mr. Block and Mr. Jacobs are both satisfied. A motion was made that the Planning Board sponsor a By-Law amendment to be presented to Town Meeting in October 2020 for the creation of the Avery Square Overlay District with the form of the amendment being the form in front of the Planning Board today. Mr. Cramer noted there is a second request for a map change article that goes along with this. The Planning Board should also sponsor the map change article. This was agreed. Ms. McKnight expressed concern with being specific with an October 2020 date. The dates could possibly be postponed. She suggested saying a Fall Town Meeting.

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

VOTED: to sponsor a By-Law amendment to be presented to a Fall Town Meeting for the creation of the Avery Square Overlay District with the form of the amendment being the form in front of the Planning Board today and for the Planning Board to sponsor a second By-Law amendment that is proposed and in front of the Board for a map change that would delineate the Avery Square Overlay District.

Ms. Newman will put this on an agenda. It will go to the Selectmen to be referred back to the Planning Board.

Public Hearing:

7:15 p.m. – Major Project Site Plan Review No. 2020-01: Spiga, LLC, 18 Highland Circle, Needham, MA, Petitioner (Property located at 18 Highland Circle, Needham, Massachusetts).

George Giunta Jr., representative for the applicant, noted this is located behind Highland Avenue before the Newton line. There are 2 separate lots and separate ownerships. The restaurant is on one lot and the other lot is the parking area. The landlord owns the fee to the restaurant lot outright and has a 99 year lease on the other property with the parking which will expire in 2081. Technically it is 2 lots with separate ownership. Spiga proposes to make changes. The applicant will need a reduction to 7½ feet in the side yard setback because the line between the 2 lots in an actual lot line. The proposal is to add a fixed construction to the building and a fixed location tent. The tent could be open in good weather and closed with heaters in the bad weather.

Mr. Giunta Jr. noted the setback reduction is the only reason the application is in front of the Planning Board. The rest of the relief is with the Zoning Board of Appeals (ZBA). The restaurant was originally permitted in 2005 and has been in operation since. This permit was approved in 2005 but never done. A similar proposal was approved in 2015 and never acted on. This is a new application. He explained the grounds for the change. He noted the reduction down to 7½ feet allows for the installation of the tent. It benefits the restaurant and the Town to have open air seating. He has a meeting with the ZBA this Thursday.

Marissa Iocci, Owner/Manager of Spiga, stated this is a tough time. They need more space and with the patio, hopefully, the restaurant will get more customers. Mr. Block asked if the structure and vestibule will be maintained when all return to the new normal. Ms. Iocci stated the vestibule is for handicap accessibility and for inclement weather for the seats near the door and will be permanent. The tent is for year round use. Mr. Giunta Jr. stated the vestibule piece is fixed permanent construction. The tent can be moved around but the framework is bolted down. Mr. Block asked if the tent would be a permanent piece after COVID19 and was informed it would be. It was proposed in 2015 as a permanent addition and will allow open air seating.

Mr. Owens clarified the parking lot is owned under a long-term lease. He noted the issue would not exist if it was the same owner and was informed that was correct. Ms. McKnight stated the tent would make it difficult to access certain parking spaces. It is already difficult to access some of the spaces. She assumes people will come in right off of Highland Circle and it seems it is already an issue. She asked how drivers get into parking spaces. Mr. Giunta Jr. stated spaces 15 to 27 wrap around the front of the property. People pull straight in and back out to leave.

Those spaces have been there since the restaurant opened in 2005 and maybe before. There have been no issues. The tent is going where the patio is now so there is no conflict with that.

Ms. McKnight noted the public safety comment regarding concrete barriers between the parking area and the tent. She asked if the arborvitae is a visual barrier and was informed it was. She asked if there are good strong barriers at the end of the row. There is nothing on the plan. Mr. Giunta Jr. stated there is nothing there now. It is a safety concern. There could be concrete barriers or planters put there. Ms. McKnight asked, in what circumstance would the tent be erected but the vestibule not constructed. Mr. Giunta Jr. stated only if the ZBA did not grant the requested variance for the minimal intrusion into the setback. Mr. Alpert asked if the Board is voting to reduce the setback on both parcels or just Parcel 7 with the building. Mr. Giunta Jr. stated Lot B on the site plan which is the lot with the building. Mr. Alpert is not sure the decision has enough specificity that it is only one line on Lot 7 that is being reduced. The decision should be clear that relief is only being granted on Lot 7. Mr. Jacobs agreed. He also noted there was no reference to jersey barriers. Ms. Newman noted there was no reference to barriers in the decision. She thought the ZBA would condition that. The Planning Board permit is only the location of the structure relative to the property line.

Mr. Block stated Exhibit 9 references public safety officials. He asked if the Exhibit is referenced and, with the correspondence, does that satisfy the Board as is. Ms. Newman will ask for a plan modification as part of the Planning Board decision. The ZBA has operational control of the site. Mr. Jacobs asked if the Board would be satisfied if they did not address safety in the decision and left it to the ZBA only to find the ZBA did not address it in their decision. Mr. Block suggested saying "The ZBA has not addressed it and condition it upon erection of appropriate barriers requested by the public safety officers." Ms. McKnight suggested putting in the Board wants to see plan modifications showing the requested barriers. It is not burdensome. Ms. Newman agreed.

Franceso Iacovitti, Owner/Manager of Spiga, asked if it could be a fixed stop instead of jersey barriers. He noted jersey barriers are not appealing in front of the restaurant. Ms. Newman stated the police would not be agreeable to that. The Fire Chief wants a strong physical barrier. Mr. Giunta Jr. stated the police referenced concrete barriers or planters. Mr. Jacobs suggested saying the security barrier has to satisfy the police and fire chiefs. Mr. Owens noted it does not have to be jersey barriers. There are a lot of barriers to protect people such as planters or something else. Mr. Jacobs noted it could be bollards as long as the Chiefs are satisfied.

Ms. Newman noted the following correspondence for the record: a memo from the Board of Health dated 6/9/20; an email from Fire Chief Dennis Condon dated 6/10/20 and an email from the Police dated 6/16/20. Mr. Jacobs opened it for public comment. Frank Holmes, whose family owns 73 Highland Avenue, stated he is confused if the Planning Board is voting on the setback issue and was informed they were. He noted the site plan looks like the project will be one parking space short with the seating planned. Mr. Giunta Jr. stated the ZBA will be reviewing that. There will be a waiver request for one space. Ms. Clee noted the ZBA meeting will be Thursday night. She will give Mr. Holmes the Zoom ID# for the ZBA meeting.

Maria Iriti, owner of 21 and 35 Highland Circle, is in support. She feels it is a wonderful plan and will be an improvement. Ms. McKnight commented on the waiver being sought for parking and asked if an existing parking space is being lost. Mr. Giunta Jr. stated there are no changes to existing areas. There will be one space short for the additional seats planned.

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

VOTED: to close the hearing.

Ms. McKnight noted in the Findings and Conclusions Section, paragraph 1.2, it is confusing with Parcel 8, Parcel 7, Lot A and Lot B. It should say Parcel 8 (Lot A on plan) and Parcel 7 (Lot B on plan). In the description in paragraphs 1.7 and 1.8, it should be made clearer and a condition should be added for concrete barriers. Mr. Alpert wants to clarify that the request is to reduce the side setback for one side of the lot. It can be done in paragraph 1.8. He suggested saying "for reduction of side yard setback for Parcel 7 for lot line between Lots 7 and 8 by 25% from 10 feet to 7½ feet." In Section 3.0 it should mirror the language in 1.8.

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

VOTED: to grant the requested Special Permit under Section 4.9.3 of the Needham Zoning By-Law to allow the reduction of the side yard setback for the lot line for Parcel 7 referenced in the Special Permit request for the lot line between Parcels 7 and 8 by 25% from 10 feet to 7½ feet subject to and with benefit of the plan modifications, conditions and limitations.

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 adopt the decision for Spiga LLC, 18 Highland Circle, Needham, MA, Application No. 2020-01, as presented and with the amendment previously discussed at this meeting.

Mr. Alpert noted the Board did not vote to waive the reading of the public hearing notice for the Spiga LLC hearing.

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 reopen the Spiga LLC hearing.

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 waive the reading of the public hearing notice for Spiga LLC.

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 close the Spiga LLC hearing.

7:30 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).

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 waive the reading of the public hearing notice for the Definitive Subdivision Plan for Chestnut Street for the Heather Lane subdivision and the Heather Lane Extension.

Mr. Jacobs noted this is a Heather Lane property subdivision and Heather Lane Extension residential compound. There is a request to hear the 2 projects together but vote them separately. Robert Smart, attorney for the applicant, noted this is 3 applications – the Heather Lane subdivision, which is 6 lots off Chestnut Street and 2 applications for a 5 lot residential compound. He noted 23 abutters and 6 abutting municipalities were given notice. There have been many meetings over the last 6 years. He showed the existing conditions. The property is just under 27 acres and abuts Chestnut Street and the Charles River and is zoned Rural Residence Conservation. There needs to be 150 feet of frontage and one acre. There are 5 existing residences owned by Bill Piersiak and 766B Realty Trust, Koby Kemple and Evelyn Maloomian. Mr. Piersiak has an agreement to purchase the property owned by Ms. Maloomian.

Mr. Smart described the existing houses. There will be a 6 lot subdivision via a new road with a cul-de-sac. Lot 4 at the end is 13.26 acres and is the subject of the residential compounds 5 lots. There are 10 house lots. Heather Lane Extension will have a private drive with a hammerhead. All house lots have frontage on Heather Lane Extension. The proposal is for 10 house lots on 27 acres. There will be a benefit of a wider and consistently paved right of way with upgraded electrical and sewer service. There will be safer access and egress for Chestnut Street. He noted 3 owners have joined in the application. Some buildings will remain and some will be demolished. All have the required 150 feet of frontage on Heather Lane, which will be a 40 foot wide private subdivision road. All lots meet all dimensional zoning requirements. The Town will have the right to enter.

Mr. Smart reviewed the waiver requests. He noted the owners of the lots will have to join the Heather Lane Association and will be responsible for all upkeep and repairs of roads and drainage systems. He has submitted drafts of the Declaration of Trust, Declaration of Restrictive Covenant, which will run with the land and be enforceable by the Town, Subdivision Covenant and the Utility and Drainage Easements. He summarized what is in the documents. He noted parking will be prohibited on the road, there will be a grant of the drainage easement and a proposed utility easement. Lot 4, owned by the principles, is 13.26 acres. Lot 4 will be divided into 5 residential compound lots with access by a private drive off the Heather Lane Extension cul-de-sac. He has filed all the appropriate paperwork.

Mr. Smart noted there are several existing buildings. Some will be demolished. All zoning requirements for Residential Compounds will be met. Each lot will have at least 2 acres. Some waivers will be required and he reviewed the waivers. Heather Lane Extension will remain a private way and the owners will have their own association. Those owners will contribute to the Heather Lane Extension and Heather Lane itself. He has received letters of support from 3 abutters. He noted the Engineering Department has reviewed the drainage calculations, the Fire and Police are satisfied and have no comments and the Board of Health commented that a form would need to be filled out for any demolition and a bond of \$3,500 per lot would apply. He will work with the Conservation Commission. Mr. Piersiak noted he is available for any questions.

The Board took a 5 minute recess.

David Kelly, of Kelly Engineering Group, Inc., reviewed the engineering aspects of the project. This is the Rural Residential Compound District. Four existing lots comprise the subdivision with a total of 26.9 acres. The right of way is 15 feet wide. From Chestnut Street through the Piersiak property the paved way follows the topography and meanders among the trees. The new subdivision road off Chestnut Street follows the existing layout of the right of way driveway that is there today but will be widened and improved. The opening of the driveway will be widened for better site distance. There will be a 6 lot subdivision and one residential compound. The 980 foot road length will require waivers. The proposed roadway is similar to most recent subdivision roadways. There will be cape cod style berms, a 40 foot total right of way width, a 60 foot cul-de-sac and a pavement width of 25 feet. The Fire Department has approved.

Mr. Kelly noted the proposed landscape plan will follow the drive as much as possible but maximize the retention of trees. There will be some removal of trees but it has been minimized. To mitigate, 17 street trees will be planted along the right of way. The same lighting fixtures as are on Riverbend Lane are being proposed. They are lantern style with sufficient lighting and no spillage. The project is trying to maintain the rural characteristic. He reviewed the waivers which include a right of way width from 50 feet to 40 feet, a pavement width of 24 feet to 20 feet, a street intersection grade of 2.6% matching the elevation of the current resident's driveway, a radius of 20 feet, cape cod berms and a waiver of sidewalks. He noted there are no sidewalks on Chestnut Street and they do not feel there is a need here.

Mr. Kelly noted the storm water system will fully comply with the new Town regulations and the DEP regulations. There will be catch basins with a storm water management pond. The applicant has worked with the DPW and the DPW supports the design. All utilities are from Chestnut Street. A sewer system is being proposed on site that will connect the new subdivision to the existing sewer system. The goal is to match the rural meandering feel that is there and minimize tree removal. For the Heather Lane Extension there will be 5 new parcels. There are a number of buildings but only 2 will remain. There will be 3 new homes built and the rest will be demolished. There is a conservation restriction along the Charles River.

Mr. Kelly noted the lots range from 1 to 7 acres. The right of way follows the existing topography as much as possible. The right of way is 329 feet in length with a 20 foot width and a 20 foot paved width. Under Section 4.2.12(e)1, the project needs to provide a safe effective driveway way for safe access. The subdivision will require 50 feet and they have 20 feet. The grade is being eliminated on site. The slope is what is existing today. It is a driveway and they are trying to make it look like a driveway while maintaining access for emergency vehicles. The goal of the waivers and development is to minimize the impact. Storm drainage will be handled individually. He noted the DPW had one comment that the on-site homes need to comply with current regulations for storm water.

The roofs need to recharge into the ground. They have been doing that for years in Needham and will comply with that.

Ms. McKnight noted on the Heather Lane Extension the pavement at 20 feet is fine but the right of way width is only 20 feet also. She feels 20 feet is sufficient for vehicles passing but there is no right of way outside of the paved area. How is snow to be disposed of to maintain that 20 feet? She saw a stone wall and snow would be right up to the edge of the right of way. She would prefer a 25 foot right of way with 20 feet paved. She feels it is difficult to review the plans on such a small screen. There must be drainage structures in the roadway and drainage in the ways themselves. She wants to make sure the drainage structures are adequate. Ms. McKnight noted the phrase "preserve rural character" has been mentioned several times. She wants to take seriously the Conservation Commissions suggestion for a conservation restriction. She feels it is an issue of public access along the river. They should enable people to walk along the river.

Mr. Kelly noted there is extensive drainage in the street. The detail plans are in the packet. There are a series of catch basins to the storm drains that tie into a traditional storm water drainage pond that includes recharge components and water quality components before it goes off site. Heather Lane has a traditional storm water drainage system that has been approved by the DPW. He noted there are several MWRA easements on the property with one active. There is an old easement the Town took over and they will connect to that one. Ms. McKnight noted there are no berms on the side of the paved area in the extension. Does that create difficulty with drainage? Mr. Kelly stated there is not a substantial amount of pervious surface. It is a typical driveway in Needham. He noted the applicant may want to consider widening of the right of way for a wind row for snow.

Mr. Block stated he wanted to go through the documents more thoroughly. He commented the ownership group should consider, for both, to say the owners shall be jointly and separately libel. He noted on Heather Lane there is sloping of 2.6% rather than 1%. He asked what effect does that delta have on water on the property. He also asked what the transition issues would be with cape cod berms. The Heather Lane Extension has a slope of 9% rather than 8% which is the current condition on site. He asked what effect a change would have as a result in change of slope from 8% to 9% and how the creation of the Extension is not in violation of Section 4.2.12(c). Mr. Kelly noted the goal is to create a flat level entry and they are really talking about a flat slope. They would not be able to meet the abutters' current driveway if the slope were lowered. He discussed it with the DPW and they were not concerned. For the curbing, the By-Law allows for granite or bituminous which they do not use anymore. He is proposing curbing such as that at Riverbend. He has seen this throughout the town and it is more natural than granite curbing. The Extensions 9% slope is in a limited area to accommodate the existing home. He feels there is no impact.

Mr. Smart noted the language changes in the Homeowner documents. He will look at the language and get back to the Board. He stated compliance with the Residential Rural Compound By-Law, Subsection (c), does not apply. He feels it would apply if the subdivision was already built but Lot 4 is not already a residential compound. Mr. Owens stated the overall project is positive. This is a remote corner of town and this is creative thinking. He likes the residential compound which is not used much. He stated he is always interested why people ask for waivers. He is not persuaded by the comment that the Board has routinely waived in the past. That may have been different circumstances. He wants to know why the waivers are necessary. He noted there should be a column on existing conditions on the list. Heather Lane is clearly an improvement over what is there today. He would like to know the current conditions and he wants more explanation on why the waivers made sense.

Mr. Owens stated he agreed with Ms. McKnight on the right of way width. It makes sense but why do a right of way not in compliance. He is not persuaded by wanting it to look like a driveway but he may be convinced. If the Fire Chief is happy with it, he would be also but he would like the current conditions and additional commentary as to why waivers are necessary. Mr. Alpert stated he needs more time to review the project. Mr. Jacobs had the same comments as the other members. He needs to review the drafts.

Ms. Newman noted the following correspondence for the record: an email from the Fire Chief dated 6/16/20; an email from Town Engineer Anthony DelGaizo, dated 6/16/20 with comments; a memo from Asssitant Town Engineer Thomas Ryder, dated 6/15/20; a recommendation from the Board of Health dated 6/9/20; an email from

the Police Chief dated 6/16/20 and 3 emails from abutters George Hasiotis, dated 6/16/20; Sarah and Evan Grossman, dated 6/16/20; and Sara and Kevin Jay, dated 6/16/20, in support. Mr. Jacobs asked if the DPW had any issue with the right of way width. Ms. Newman stated it was not called out in the comments. She noted the right of way width is always wider to accommodate what Ms. McKnight talked about. She does not know any that are not wider. Mr. Smart noted the Burr Road subdivision was granted with 20 feet paved and a 20 foot right of way.

Mr. Jacobs acknowledged comments from the public. Simeon Bruner, Manager for 700 Chestnut Street LLC, stated he is not clear if he got the proper notice. His concern is they expect to add 2 more lots to Heather Lane and he wants to make sure this leaves them enough access. He wants to know which trees are being removed and he does not want spillage of light onto his property. Mr. Jacobs asked if he has spoken with the applicants. Mr. Bruner stated he received a call yesterday afternoon. No conclusions were reached on that call. Mr. Jacobs stated the continuance will give him time to consult with the applicant and possibly resolve the 3 issues. Kevin Jay, abutter to Heather Lane, stated he supports the plans. The rural character is important to this area and the road will be much nicer than it is now. He has not had an issue with drainage or snow removal.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to continue the hearing to 7/21/20 at 7:15 p.m.

Minutes

Ms. McKnight noted in the minutes of 4/7/20, 4th paragraph of the Emory Grover discussion, it should say “proposed within the setback and height limit, and parking will be behind.” All agreed

Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by a roll call vote of four of the five members present (Mr. Block did not vote):

VOTED: to accept the minutes of 4/7/20 with the one change discussed.

Correspondence

There is no correspondence.

Report of Planning Director and Board members

Ms. Newman noted she and Mr. Jacobs are part of the Downtown Business Group and there have been discussions for outdoor seating to help businesses. They will be meeting with owners along Great Plain Avenue. The first round of interviews for the Economic Development Director have happened and she is hoping to have a second round. There are some good candidates and she is hoping to have someone in the next month. Mr. Block stated he has had a note from a Council of Economic Advisors (CEA) member who expressed concern with sidewalk seating that may interfere with other businesses. He will speak with that person and let Ms. Newman and Mr. Jacobs know what the specific concerns are. There may be unintended consequences affecting retail.

Planning Board Reorganization

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

VOTED: to approve Ms. McKnight as Chairman and Mr. Alpert as Vice-Chairman.

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

VOTED: to adjourn the meeting at 10:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

DRAFT