



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT
RESIDENTIAL COMPOUND SPECIAL PERMIT
August 11, 2020

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

PLANNING

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,

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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; (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; (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 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.

NEEDHAM PLANNING BOARD

Paul S. Alpert

Martin Jacobs

Adam Block

Ted Owens

Norfolk, ss

Aug. 13, 2020

On this 13 day of August, 2020, before me, the undersigned notary public, personally appeared Martin Jacobs, 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 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: March 18, 2022

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
Design Review Board
Building Inspector
Conservation Commission
Robert Smart, Attorney

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest