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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit Amendment

***Town of Needham Park and Recreation Commission, Applicant
Town of Needham, Owner
470 Dedham Avenue
Map 302, Parcels 5, 9, 18***

March 16, 2023

Town of Needham (Department of Public Works) Park and Recreation Commission applied to the Board of Appeals for a Special Permit Amendment pursuant to Sections 4.1.6, 4.1.6.2, 4.1.6.3, 4.1.6.4 and any other applicable Sections of the By-Law to permit the installation of field lights. This request is associated with the renovation and conversion of the John McLeod baseball field into a premier softball field with dugout, foul pole and batting cage and 4 field lights. The property is located at **470 Dedham Avenue, Needham, MA** in the Single Residence B (SRB) District. A public hearing was held remotely on Zoom, on Thursday, March 16, 2023 at 8:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped February 22, 2023.
- *Lighting Specification Prepared for McLeod Field* prepared by Musco Sports Lighting, LLC, dated February 16, 2023.
- McLeod Field Renovations Plans, C-101-105, C-501-505, prepared by Tighe and Bond, dated September 14, 2022.
- Memo from Clay Hutchinson, Conservation Specialist, February 28, 2023.
- Letter from Dave Roche, Building Commissioner, dated March 7, 2023.
- Email from Tara Gurge, Assistant Public Health Director, March 3, 2023.
- Letter from Lee Newman, Director of Planning and Community Development, dated March 7, 2023.
- Letter from Thomas Ryder, Town Engineer dated March 3, 2023.

March 16, 2023

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Howard S. Goldman, Member. Also participating was Nik Ligris, Associated Member. Mr. Schneider opened the hearing at 8:45 p.m. by reading the public notice.

Edward Olsen, Superintendent of Parks and Forestry, reported that McLeod Field, is the most southern baseball field at the DeFazio Field complex, but was not improved under the Field of Dreams project 14 years ago. It has been scheduled for improvement under the Town's Five-Year Capital Improvement Program. Last year design/engineering funds were approved and allocated from the Community Preservation Committee and at the May Town Meeting. Tigie and Bond was hired to conduct the design/engineering for the field. Many community meetings were held to gather input from the community, user groups, Parks and Recreation, Town Manager's Office, Select Board and Finance Committee. A major issue to be addressed at the field is a sink hole created from a failed four-foot drainpipe.

The feedback from the community has been very positive to create a girls' softball field. The girls' softball teams use Claxton Field built in 1958-1959 and located over a former capped dump. It does not have any of the amenities the boys' baseball fields have. The girls' softball program is large and growing and should have the amenities they need. There was agreement from the Select Board, the Town Manager, the Finance Committee and Parks and Recreation to address the girls' needs by creating a premier softball field at McLeod field.

Mr. Olsen noted that the proposed project has gone before the Conservation Commission three times and received the permitting to go forward. Coming before the Board seeking a Special Permit Amendment to install four field lights is the last public meeting in the design process. Following the Board's approval, the project is scheduled to go before May Town Meeting for construction funds to build the softball field hoping it will be ready for the 2024 spring softball season.

Brad Mezquita, Vice-President at Tigie and Bond, reported that the existing baseball field will be removed, and the field will be moved away from the wetlands providing a larger buffer zone. There will be a 200-foot fence surrounding the playing field containing a 60 foot base pad. The softball field will be of natural turf, except for the infield and the warning track. There will be dugouts for both teams, pitching tunnels and a batting cage.

There will be four field lighting poles. The poles' locations and their photometrics were selected and analyzed by Musco Lighting, the lighting consultant for the project. The two light poles on the outfield are 80 feet tall; the two light poles behind the backstop are 60 feet tall. Based on the fixtures and lights, the foot-candle level will be focused and bright in the playing field but cuts off quickly as it moves off the field with little light spillage outside the playing area. The Town will control when the lights will be on and off. They will only be used when the field is in use.

Mr. Goldman asked about the hours of operations. Stacey Mulroy, Director of Park and Recreation, said that the lights are on from sunset to 9:00 p.m., per the Town Light Ordinance. The lights will only be on when the field is in use and controlled through a control link app or

website by user groups, staff or her. They will be shut off before the prescribed end time if the activity finishes early.

Mr. Tamkin asked if they will be using the same Musco system and controls as they have for the past 14 years that have worked like a charm; and if there is anything being done about the parking lot lights. Ms. Mulroy said that all the parking lot and safety lights have been upgraded to LED in the last year.

Mr. Schneider disagreed that the lights were working like a charm. As a neighbor, he has seen lights on in December when no one is playing in the fields. He wanted to hear from the affected neighbors. Mr. Tamkin clarified that he had experience with the lighting system when his children played on the fields and he was open to hearing about any issues that may exist. Mr. Goldman wanted more information on the lights and who controls them.

Ms. Mulroy responded that any of the user groups can control the lights. Athletic user groups and NHS teams have a link with a password that allows them to log on or they can download the app. Another option is for someone to notify the Director of Park and Recreation, she can control the lights from home from her cell phone. If notified, she turns them off immediately.

She reported that when a field is scheduled in the evening, she'll reserve the field and set the field lights to go on at sundown and off at 9:00 p.m. If the game ends early or the game is cancelled, she or the users can turn them off before 9:00 p.m.

Mr. Schneider noted that there were lighting concerns raised by the neighbors across the train tracks at the public hearings for DeFazio Field. At that time, those neighbors wanted to see the field lights be off at 8:00 p.m. The Board approved for the lights be off at 9:00 p.m. and later for varsity games that go into overtime.

Ms. Mulroy reported that no field lights have been on since October of 2022. Mr. Olsen reported that safety lights are on for the track through December and those may be on later than 9:00 p.m.

Mr. Schneider said that all lights are to be off by 9:00 p.m. Mr. Olsen said that the field lights are off by 9:00 p.m. He noted that the neighbors are supportive of the project and there were no issues at any of the many community meetings on the project. McLeod field is estimated to be used twelve times a year. There are approximately two to three games to take place at night. Little League is supportive of this project. Both the Softball and Little Leagues can use the field.

Mr. Schneider inquired if the lights are used only for varsity games. Mr. Olsen responded that others can use the field. It will not be restricted.

Stephanie Magni, the Varsity Softball coach, said that this softball field has been in the works for twelve years. She noted that the two to three night games per season are generally over by 8:00 p.m.

Mr. Tamkin thought it was a great project. He had no opposition to the project. He had experience with the lights turning off at 9:00 p.m. and being caught in a dark parking lot

Mr. Ligris agreed with Mr. Tamkin. He too had been caught in a dark parking lot after 9:00 p.m.

Mr. Goldman thought it was a good project with the lighting focused on the field. He was concerned about lack of clarity about the control of lights.

Comments received:

- Conservation Commission reviewed and approved a Notice of Intent on February 23, 2023.
- Engineering Department had no comment.
- Planning Board had no comment.
- Health Department had no comment.
- Building Department had no opposition to the project.

There were no comments from the public.

Mr. Schneider thought it was a great project. He was glad there were no issues from the neighbors. A 9:00 p.m. lights off is what was approved in the prior Decision for the other DeFazio playing fields. He asked that the Park and Recreation Department pay attention to turning off the lights when the fields are not in use.

Mr. Tamkin moved to grant a Special Permit Amendment under Sections 4.1.6, 4.1.6.2, 4.1.6.3, 4.1.6.4 and any other applicable Sections of the By-Law to permit the installation of four field lights associated with the renovation and conversion of the John McLeod baseball field located at DeFazio Park into a premier softball field with dugouts, foul pole, pitching tunnels, and batting cage as presented in the design plans conditioned that the lights be shut off at 9:00 p.m. Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 9:21 p.m.

Findings:

On the basis of the evidence presented at the hearing, the Board makes the following findings:

1. The applicant proposes to add four field lights at McLeod Field in connection with the renovation of the field for use by the Needham High School girls' softball team and others. The field is located in the northeast corner of the DeFazio athletic complex ("Defazio Park") in the Single residence B District.
2. Two of the proposed light will be 60 feet high and two will be 70 feet high. The height restriction in Single Residence B is 35 feet. However, lights for outdoor recreation facilities owned by the Town can exceed the height limitation if a Special Permit is issued under Section 4.1.6.
3. Lights are currently installed in a portion of DeFazio Park to illuminate two multipurpose fields and a baseball diamond. These lights were authorized by a Special Permit dated April 10, 2008 as amended on May 9, 2009 ("Existing Permit"). The Existing Permit

requires that lights be used in accordance with a policy of the Park and Recreation Department incorporated into the Decision. The lights are to be shut off by 9:00 p.m. except that varsity games for Needham High School can use the lights until 10:00 p.m. if the game started by 7:00 p.m. The applicant seeks to amend the Existing Permit to permit the four proposed lights at McLeod Field.

4. The applicant has held multiple meetings with various interested parties. Unlike the contentious hearings for the Existing Permit, no neighbor appeared to express concern with the proposed lights.
5. The applicant submitted plans prepared by Musco Lighting that indicate compliance with the requirements of Sections 4.1.6.3 and 4.1.6.4.
6. After consideration of the factors set forth in Section 4.1.6.5, the Board finds that the benefits of the proposed project outweigh its adverse effects and the lights will provide a net benefit to the Town.

Decision:

On the basis of the foregoing findings, after due and open deliberation the Board by unanimous vote following motion duly made and seconded, amends the Existing Permit to allow the installation of four light poles and lights at McLeod Field in accordance with the plans submitted with the application, subject to the following:

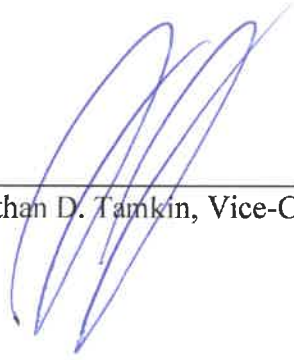
1. Operations of the lights will be in accordance with the procedures set forth in the Existing Permit;
2. Lights shall be shut off no later than 9:00 pm at McLeod Field;
3. The applicant will use reasonable efforts to shut the lights off before 9:00 pm if McLeod Field is not in use;
4. As required by Section 4.1.6.4(i), after the installation of the lights and before they are operated for play, a post-development light illumination test shall be conducted at the property lines and shall demonstrate that there has been no undue light trespass at the property lines. The test shall be submitted to the Building Commissioner and approved by him before the lights are used for play at McLeod Field.

SIGNATORY PAGE – 470 DEDHAM AVENUE



Jon D. Schneider, Chair

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Jonathan D. Tankin, Vice-Chair

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Howard S. Goldman, Member