



TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

SPECIAL PERMIT AMENDMENT

*J. Derenzo Properties, LLC, applicant
121-123 Pickering Street
(formerly know as 123 Pickering Street)
Map 53, Parcel 17*

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

July 16, 2020

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J. Derenzo Properties, LLC, applicant, has made application to the Board of Appeals for a Special Permit Amendment under Sections 1.4.7.4, 3.2, and 7.5.3 to modify a condition of the Special Permit to allow the installation of a six foot white vinyl fence along the boundary line, starting at the beginning of the house located at 117 Pickering Street and extending to the rear boundary line. The fence will be no closer to 10 feet from the house at 117 Pickering Street. The property is located at **123 Pickering Street**, Needham, MA in the Single Residential B District. A public hearing was held remotely on Zoom Meeting ID Number 869-6475-7241, on Thursday, July 16, 2020 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped June 22, 2020.
- Letter from George Giunta, Jr. dated June 22, 2020.
- Agreement between Patrice K & Gerard M. Clifford and J. Derenzo Properties, LLC dated April 30, 2020.
- Letter from Lee Newman, Director of Planning and Community Development, July 8, 2020.
- 123 Pickering Street - ZBA Special Permit – February 13, 2020; Clerk stamped June 5, 2020.
- Address Renumbering Letter from Anthony DelGaizo, Town Engineer, July 2, 2020.

The Board held this meeting virtually as allowed under “Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20.”

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Kathy Lind Berardi, Member. Also participating was Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 7:30 p.m. by reading the public notice.

George Giunta, Jr. attorney for the applicant, reported that Patrice and Gerard Clifford, 117

Pickering Street, had entered into an agreement with the applicant which would modify the Special Permit by eliminating the green plantings along the boundary of the properties and that the fence be installed from the front of the Clifford's house along boundary to the back of the property.

The meeting was open to public comments.

Patrice and Gerard Clifford, 117 Pickering Street, highlighted that the agreement stipulated that the fence be installed "no closer than ten feet from the Clifford's house..." This stipulation was included because the applicant's survey and Clifford's survey differed by eight inches and would ensure that the fence be installed on the applicant's property.

Joe O'Neill, 127 Pickering Street, had no issue with the application. He was concerned that there was no reference to a fence along the boundary on 127 Pickering Street. He requested that a fence be installed from the front corner of the house on 127 Pickering Street along the boundary to the back of the property, as agreed for 117 Pickering Street,

Mr. Schneider requested that a specific fence height be selected to clarify the ambiguity of a "six- to seven-foot tall solid fence," described in Condition #2 of the Decision. The Cliffords and Mr. O'Neill agreed to a six-foot tall fence.

Mr. Tamkin moved to amend the Special Permit for 123 Pickering Street, dated February 13, 2020, Town Clerk stamped June 5, 2020 by

- Deleting Condition #1;
- Renumbering Condition #2 to Condition #1 and modifying it to read: "Install a six-foot-tall solid fence along the north and south side boundaries beginning at a location adjacent to the front of the homes and running to the rear of the properties."

Ms. Berardi seconded the motion. The motion was unanimously approved.

Decision:

On the basis of the evidence presented at the hearing, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, amends the Special Permit dated February 13, 2020 filed with the Town Clerk on June 5, 2020 by restating the conditions set forth in the Decision to read in their entirety as follows:

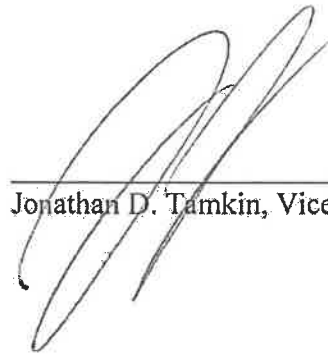
1. Install a six-foot fence along the north and south side boundaries beginning at a location adjacent to the front of the homes and running to the rear of the properties;
2. Provide dust protection during the construction to prevent construction dust and debris from going onto the adjacent properties;
3. Clean the windows at 117 Pickering Street post construction; and
4. Receive approval by the Town Engineering Department of its Storm Water Mitigation Plan.

SIGNATORY PAGE – 123 PICKERING STREET



Jon D. Schneider, Chair

SIGNATORY PAGE – 123 PICKERING STREET



Jonathan D. Tamkin, Vice-Chair

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Kelly Lind Stewart, Member