

NEEDHAM PLANNING BOARD MINUTES

October 13, 2022

The Needham Planning Board hybrid meeting, held in person at the Charles River Room, Public Services Administration Building and Virtual using Zoom, scheduled for 7:00 p.m., was called to order by Adam Block, Chairman, on Thursday, October 13, 2022, at 7:30 p.m. due to technical difficulties, with Messrs. Alpert and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. All supporting materials, including the agenda, are posted on the town's website.

Long-Range Planning Goals and Priorities

Mr. Block gave a little background on the Planning Board activity recently. He noted he has compiled a list and suggested the Board, every 3 weeks, proceed with meetings that have only planning items on the agenda. He noted Ms. Espada and Ms. McKnight have been working since last October with the Housing Plan Working Group and have produced an extraordinary work document. It will help with planning items. At the same time, the MA Department of Housing and Community Development (DHCD) has released housing guidelines for MBTA Communities. He showed the list of items for the initial basis. There are 5 categories with 1) Structural Reform to the operation of the By-Law, 2) Housing Reform including addressing DHCD guidelines and Accessory Dwelling Units (ADU's), 3) Environmental Reform such as the Tree By-Law, greenhouse gas technologies and solar panels and devise a Climate Action Plan, 4) District Reform to Chestnut Street District, Center Business District, Mixed Use 128 District and Highway Commercial 1 District, 5) Procedural Reform for diversity, equity and inclusion and 6) Other.

Ms. McKnight stated that concern about the 3-car garage current regulations has been going on for a while. They started in 2018 but nothing really came of it. Recently the Chair of the Zoning Board of Appeals (ZBA) asked what the Planning Board is doing to address these garages in the Single Residence B (SRB) Districts. Mr. Alpert noted 3 car garages are currently allowed by right in Single Residence A (SRA) District but require a special permit in the Single Residence B (SRB) District. Ms. McKnight feels the Board should respond to this. Mr. Block requested the Planning Director let the Chair of the ZBA know the Planning Board has added this to the list of reform agenda items. He feels they should bring the Chair in to talk about it. The Board should resolve the requirements for the SRA District. He asked how many ZBA applications have there been in the last few years for 4 car garages in the SRA District. Ms. Newman stated the spreadsheet needs to be updated with the historical information gathered. She will ask Daphne Collins to update. Mr. Alpert suggested Ms. McKnight's email from 10/17/18 be included. He added the Board should be working on this for the May Town Meeting.

Ms. McKnight noted the timing on addressing ADUs. This is not something they must do under the new state law that applies to MBTA Communities, but she has been told the first priority of the Legislature will be to address the pending Economic Development Bill that would allow ADU's in every city and town. She has read the provisions of the Economic Development Bill to see what it says and will compare it with our current zoning for ADU's. ADUs are currently only allowed to be occupied by a close relation of the owner or a caretaker. It is being proposed to allow an ADU to be built and rent to anyone. There are no short-term rentals allowed, a 6-month minimum lease term, an 850 square foot size limit and a one-bedroom limit would continue. If it is within the house, it would not require a special permit. An existing barn or garage being transformed to an ADU would require a special permit.

Zoning amendments to meet the MBTA Communities guidelines would need to be done by the end of calendar year 2024. They need to report to DHCD by the end of January 2023 on the Town's proposed plan for compliance.

Another issue is that people have brought up wanting stronger By-Laws on light pollution.

Ms. McKnight noted the Board discussed short-term rental By-Laws and decided one was not needed. Insubstantial modifications and administrative procedures were also discussed. Building Commissioner David Roche sent a list, in January 2018, of about 20 recommendations for changes to the By-Law. Recent drainage regulations proposed by Wellesley have been sent to us. Mr. Block stated he is interested in the Tree By-Law. Mr. Crocker feels the Board very much needs to address the Tree By-law, solar panels and setbacks. He would like to be part of the solar discussion. Some Housing Authorities have put language whereby the outsides of buildings could not be changed without getting permission and have denied putting solar on the roofs. He feels this can easily be addressed. He would also like to discuss how the Board deals with removal of permeable and impermeable surfaces and increased energy efficiency. He is not sure where the codes in Town stand in comparison to the MA Building Code Stretch Codes. Mr. Block would like all members of the Board to review the list. He wants it to be a living breathing document.

Ms. Espada feels it is a good list and a good start. She suggested it be divided and see where the town stands with all of them. She asked if there is a timeline for accountability of the goals and the process to get it done. She thinks it is necessary to understand the deadlines. They need to look at the Zoning By-Laws closely. Some things are outdated. It is important to understand the goals of the Housing Plan Working Group and the zoning related to it. They need to set some goals. There needs to be clarity for developers and the community regarding what we are asking for. Project by project is not helpful. There are also environmental issues. The Board needs to make sure the regulations are up to date and communicate to the community. They also need to figure out what is short term and long term. She feels this is great to have this as a starting point.

Mr. Alpert asked if this special permit procedure would only be for major project site plan special permits or for someone with a use that requires a special permit. Mr. Block noted he would open a discussion on that. He may invite developers and others in to discuss it. Mr. Alpert noted the need for environmental reform. This has been a priority for him since he has been on the Board. He asked if the Tree By-Law should be in the Zoning By-Law or the General By-Law. He is glad that Greenhouse Gas Reduction Technology is being discussed. There may be more for the Climate Action Committee. He asked if that belongs in the Zoning By-Law or the General By-Law or combined.

Mr. Alpert noted district reform. Nothing has been done on the Mixed-Use 128 District in 20 years. Ted Owens was prioritizing Chestnut Street, but that area just never got done. It should be prioritized. He asked what the Board wants to present in May 2023, October 2023, May 2024 and October 2024. Only a certain number of planning articles can be brought forward so the Board needs to prioritize. He feels a 5-year plan should be done. He agrees with Ms. Espada. What do we prioritize and what are the long-term goals? Mr. Block would like to discuss this generally. He asked Ms. Newman to walk through the schedule working backwards from Town Meeting. Ms. Newman stated the zoning needs to be written by the beginning of the year and then hold public hearings in January and February to make the annual Town Meeting in May. She sees 2 major components. One is the Housing Plan with a series of regulations and compliance with the State Zoning Act. This would require a lot of work implementing the regulations and developing the zoning. The focus would be the Annual Town Meeting in 2024 or a Special Town Meeting in October 2023. The second one is the Climate Action Plan which would involve multiple agencies. There are 2 major initiatives on the table. Other things can be put into it but those are the 2 major pieces.

Mr. Block noted the Planning Board would need to have published a draft by mid-January and then hold hearings to get in the May Town Meeting. Ms. McKnight noted the first step is to take what is good, like the Apartment A-1 District, which is perfectly zoned already. She asked what other areas can the A-1 zoning be put in? There is no

limit on bedrooms in the A-1 District. She feels other districts could be rezoned as A-1. She noted, for example, that the Avery Condos are a renovated school that is in the single residence zone but is a multi-family condominium. Mr. Alpert stated they would not do spot zoning but would do the entire area. Ms. McKnight noted the strip could be continued down to the Methodist Church and brought down to Hunnewell Street on the other side of the street. She suggested making it all A-1. The Hillside School should be zoned A-1 and another one is the Stephen Palmer which is now single residence zoned. She noted the Housing Authority parcels on Linden Street. She is not sure what density the Housing Authority would need. They should also allow multi-family housing in some Industrial Zones, including Crescent Street, and use the A-1 Zone dimensions.

Mr. Alpert noted the use multi-family housing at A-1 dimensionals would be allowed by right in some Industrial districts. The strip along Highland Avenue from Sudbury Farms down to the Center does not currently allow mixed use. Mr. Block stated it should allow for apartment, and mixed use with multi-family. Ms. McKnight stated Hartney Greymont could also be rezoned to be an A-1 District. She is talking about 3 stories maximum. Mr. Crocker stated he heard 5 stories and asked if that was Sudbury Farms to Bertucci's. Mr. Block noted there is no grand plan. He just gave an example of what he would like to see and would allow at least a 4-story building from Rosemary Street to the funeral homes. Mr. Crocker can see 3 stories but is concerned with 4 stories. Everyone needs to remember there is a neighborhood on the other side of the railroad tracks.

Ms. McKnight has focused on stand-alone multi-family near the Town Center and along Chestnut Street. Mixed use is complicated to say by right so they are just leaving it alone as it is now, requiring a special permit. Select Board member Matthew Borrelli had noted at a recent Select Board meeting that the minimum lot size in A-1 is 20,000 square feet. He felt that may be a problem. Mr. Block would support reducing the minimum lot size for greater density.

ADUs can make a significant dent in the cost of housing. Mr. Alpert would look at towns that have had ADUs for a while. He noted Needham has not had a lot. Currently ADUs require an additional off-street parking space. If you have a 1,900 square foot rental, and have a couple, that household might have 2 cars. Ms. McKnight stated the impetus for putting in ADUs originally came from the Council on Aging (COA) and the Health Department to assist the elderly and allow them to stay in their homes. She feels the COA and the Health Department would be very supportive of liberalizing ADUs. She wants to preserve the appearance of single-family homes. She feels the Design Review Board (DRB) would be involved in informing the Building Commissioner as to whether the house, with the ADU, continues to have the appearance of a single-family home.

Mr. Block does not feel the Town is the appropriate source for landlord/tenant advice if issues arise. Mr. Alpert feels the Senior Center would have a list of local lawyers they could refer residents to. Mr. Crocker agrees with Ms. McKnight and likes where she is going. He is a big proponent of multi-generational living. He does not know what it would look like. He feels it is too restrictive presently and thinks the Board can do better with this. Mr. Block wants to hear from the Town Engineer and DPW on what the infrastructure capacity issues may be if adding maybe 20 ADU's per year. In 5 years, what impact would that have on sewer and water systems?

Ms. McKnight noted the Housing Plan recommendation is to leave Needham Center alone, zoned as it is now for mixed-use by special permit. Her vision for the Center is a walking downtown with shops and restaurants. Mr. Alpert is not sure there is consensus with Town Boards on how to handle that. To what extent would it be pedestrian friendly and vehicle friendly? They are in conflict with each other. Ms. McKnight stated churches that abut the Business Zone could be zoned A-1. The Board needs to study the current rules on Mixed Use in the Overlay District and why there has only been one project in all the years this use has been allowed. Mr. Block commented it is important to continue to remain in touch with other town departments, Town Counsel and the Building Commissioner. Ms. Espada left the meeting. Ms. McKnight noted there was a change in state law to require a majority vote of Town Meeting rather than the 2/3 vote to adopt zoning by-law amendments to allow higher-density housing.

Mr. Block turned to next steps. The Housing Plan Working Group needs to complete the report and the Board needs to ensure compliance with MBTA Community guidelines. He would like to move forward with any priorities. Ms. Newman stated the Housing Plan should be done by the end of this year. Mr. Alpert noted they need to work on it mid-October to December to get it done by the end of the year and they need to decide what zoning by-law amendments to bring to Town Meeting in May. Mr. Crocker asked who was responsible for bringing the Tree By-Law to Town Meeting. Ms. Newman stated the Select Board did it last time, but it is not really a zoning Article. Mr. Crocker stated, if not May, he would definitely like it for next Fall. Mr. Block feels the Board needs to meet more frequently. He would like to set up a schedule at the next meeting. They could begin deliberations at the next meeting, identify issues and move forward. Mr. Crocker stated the meetings should not be in the Charles River Room as the audio is very poor. He stated people need to be able to hear the discussions. Mr. Block encouraged all to continue the conversations.

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

VOTED: to adjourn the meeting at 9:39 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chair and Clerk