

NEEDHAM PLANNING BOARD

Tuesday, June 6, 2023

7:00 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(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: **880 4672 5264**

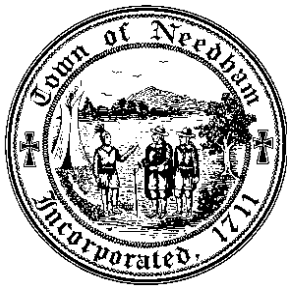
To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **880 4672 5264**

**Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264****

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Decision: Special Permit Amendment No. 2017-01: Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, Petitioner. (Property located at 29-37 Franklin Street, Needham, MA). Regarding proposal to eliminate the “appointment-only” operational requirement for the facility.
2. Discussion of Planning Board Goals & Priorities, Planning for October Special Town Meeting.
3. Vote to adopt the charge and the composition of the Housing Needham (HONE) Advisory Group.
4. Sign Agreement: Belle Lane Definitive Subdivision: Annemarie von der Goltz, Trustee, 634 Charles River Street Realty Trust, 420 Lakeside Ave, Marlborough, MA, Petitioner, (Property Located at Map 305, Lot 23, off of Charles River Street, Needham, MA).
5. Board of Appeals – June 15, 2023.
6. Minutes.
7. Report from Planning Director and Board members.
8. Correspondence.

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



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

**SPECIAL PERMIT
AMENDMENT TO DECISION
Application No. 2017-01**

29-37 Franklin Street

**Sira Naturals, Inc., d/b/a Ayr
June 6, 2023**

(Original Decision dated June 13, 2017, amended October 18, 2022)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, (hereinafter referred to as the Petitioner) for property located at 29-37 Franklin Street, Needham, Massachusetts. Said property is shown on Assessors Plan No. 75 as Parcels 6 and 8 containing a total of 13,365 square feet in the Mixed-Use 128 Zoning District.

This Decision is in response to an application submitted to the Board on April 13, 2023 by the Petitioner for: a Special Permit amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Special Permit No. 2017-01, dated June 13, 2017, amended October 18, 2022.

The requested Special Permit Amendment, would, if granted, amend the existing special permit as follows: **FIRST:** by making permanent the elimination of the “appointment only” operational requirement for the facility; and **SECOND:** by making such additional amendments to the Decision as are needed to comport with the preceding proposed amendment.

After causing notice of the time and place of the 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, the hearing was called to order by the Chair, Adam Block, on Tuesday, May 16, 2023 at 7:00 PM in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264 . Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the May 16, 2023 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board’s deliberation prior to the close of the public hearing were the following exhibits:

Exhibit 1 Application for Amendments to Special Permit No. 2017-01, with Exhibit A.

Exhibit 2 Letter from Attorney Robert Smart, dated April 13, 2023.

- Exhibit 3** “Operations Narrative for the 29-37 Franklin Street, Needham Facility,” prepared by Richard Parsons, Operations Manager, Sira Naturals, dated April 13, 2023.
- Exhibit 4** Letter from Scott W. Thornton and Derek Roach, Vanasse and Associates, Inc., dated April 11, 2023.
- Exhibit 5** Interdepartmental Communications (IDC) to the Board from David Roche, Building Commissioner dated May 10, 2023; IDC to the Board from Chief John Schlittler, Police Department, dated April 28, 2023; IDC to the Board from Tara Gurge, Needham Health Department, dated May 10, 2023; and IDC to the Board from Thomas Ryder, Town Engineer, dated May 10, 2023.

EXHIBITS 1, 2, 3 and 4 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

- 1.1 The subject property is located at 29 and 37 Franklin Street, together with a parking and access easement over a portion of 55 Franklin Street, Needham, MA. The property located at 29 and 37 Franklin Street is shown on Assessors Plan No. 75 as Parcels 6 and 8 containing 13,365 square feet. The property located at 55 Franklin Street is shown on Assessors Plan No. 75 as Parcel 5. Said parcels are all located in the Mixed Use – 128 Zoning District.
- 1.2 On June 13, 2017, under Special Permit No. 2017-01, the Board approved the operation of a Medical Marijuana Treatment Center.
- 1.3 By Amendment Decision dated October 18, 2022, the Board approved the following amendments to the 2017 special permit permanently: FIRST: by authorizing the activities permitted at 29-37 Franklin Street, Needham, to be conducted by Sira Naturals, Inc. d/b/a Ayr; SECOND: by requiring the Petitioner to comply with the requirements of the Massachusetts Cannabis Control Commission, in addition to the requirements of the Massachusetts Department of Public Health, as applicable; THIRD by allowing sales of medical marijuana products other than those cultivated and processed at the Petitioner’s Milford facility; and FOURTH: by eliminating the requirement that the delivery van(s) for home deliveries be housed at the Petitioner’s main facility in Milford, and by allowing two vans to be kept in the garage at the facility.

The Board approved the following amendments to the 2017 special permit for a limited time of 8 (eight) months (until June 18, 2023) with an application to be submitted for any requested extension, which may include making the amendments permanent, within 6 (six) months (by April 18, 2023), but no sooner than 5 months, of this Decision: FIFTH: by eliminating the “appointment-only” operational requirement for the facility; and SIXTH: by allowing an increase in the maximum number of sales stations from five to seven.

- 1.4 Under the terms of Special Permit No. 2017-01, dated June 13, 2017, the medical marijuana facility was required to be operated on an appointment-only basis, per Sections 1.8 and 3.7, among others. The Petitioner asserts that the requirement of appointments creates an administrative burden for Sira employees and patients. Patients often cancel appointments at the last minute, or simply don’t come on the dates and times of their appointments. This leaves designated appointment times unused and unable to be subsequently scheduled. In addition, requiring an appointment may keep a patient from coming to the facility at a time

which is convenient for the patient. Managing an appointment calendar, in addition to conducting the normal check-in process, takes more time for the processing of each visit.

- 1.5 During the temporary trial period of the elimination of the by-appointment only requirement, Sira did find that the administrative burden on staff was reduced. The Petitioner informed the Board that there has been no undue bunching of patient visits, no lines out the door, and patients have not had to wait to see a sales associate. The facility's on-site and leased parking spaces have been adequate for employee and patient parking.
- 1.6 During the temporary trial period of allowing an increase in the maximum number of sales stations from five to seven, Sira found that the seven stations were not necessary and does not request to make that change permanent.
- 1.7 No changes to the footprint of the building(s) at the facility, or to its parking space layout, are contemplated.
- 1.8 The Planning Board finds the amendment proposed by the Petitioner to permanently eliminate the appointment-only component of the facility to be appropriate, and finds that it does not result in increased traffic, parking needs or other burdens to the neighborhood.

THEREFORE, the Board voted 5-0 to GRANT the following requested amendment to Special Permit No. 2017-01, dated June 13, 2017, amended October 18, 2022: permission to eliminate the "appointment-only" operational requirement for the facility permanently; subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.1 No Plan Modifications.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.6 hereof.
- 3.1 The conditions and limitations set forth in Special Permit No. 2017-01, issued to Sage Naturals, Inc., formerly known as Sage Biotech, Inc. and Sage Cannabis, 13 Commercial Way, Milford, MA 01757, dated June 13, 2017, as well as those set forth in Amendment Decision dated October 18, 2022, issued to Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801 are ratified and confirmed, except as amended

herein.

- 3.2 The Board approves the requested amendment to Special Permit No. 2017-01, dated June 13, 2017, amended October 18, 2022 for permission to eliminate the “appointment-only” operational requirement for the facility permanently.
- 3.3 Although the 2022 Amendment permitted the temporary increase in the maximum number of sales stations from five to seven, the Petitioner no longer requests this change. The number of sales stations shall remain at the originally approved number of five sales stations.
- 3.3 The Petitioner shall continue to walk the entire site daily to ensure that there is no trash on site and no smoking on site.
- 3.4 Sira management, on the first instance of any parking or behavioral issues, shall be immediately responsive. There shall be a sign posted visibly on site providing the name of the current store manager with whom anyone can speak regarding questions or concerns about parking or any other issues.
- 3.5 The Petitioner, by accepting this Approval, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner’s knowledge.
- 3.6 Violation of any of the conditions of this Approval shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Approval, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder, or for other recommended relief. This provision is not intended to limit or curtail the Town’s other remedies to enforce compliance with the conditions of this Approval including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Approval if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, Section 9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision.

- 4.3 This decision applies only to the requested Special Permits. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with M.G.L. Chapter 40A, Section 11, this Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

Witness our hands this 6th day of June, 2023.

NEEDHAM PLANNING BOARD

Adam Block, Chair

Natasha Espada, Vice Chair

Paul S. Alpert

Artie Crocker

Jeanne S. McKnight

COMMONWEALTH OF MASSACHUSETTS

_____2023

On this ____ day of June, 2023, 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 proceeding 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 Amendment to Decision of the project proposed by the Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, for property located at 29-37 Franklin 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 - Certified Mail #
Town Clerk
Building Commissioner
Director, PWD
Board of Health
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department
Robert Smart, Attorney
Parties in Interest

**Planning Board
2023 – 2024 Priorities**

1. Planning Board Retreat

- a. Scope and limit of Planning Board's authority
- b. Public communication and community engagement:
 - i. public policy
 - ii. application review
- c. Subdivision Control
- d. Public Shade Tree and Scenic Road Acts
- e. Zoning best practices

2. Residential zoning amendments

- a. Needham Housing Authority – Rezoning Linden/Chambers
- b. Affordable housing – zoning change: apply 6.12 to all districts.
- c. Detached ADUs
- d. MBTA Communities
- e. Reconsideration of floor area ratio in single family housing

3. Commercial zoning amendments

- a. 888 Great Plain to Warren
- b. Parking bylaw
- c. Unlocking the Charles
- d. Mixed-Use Zoning
- e. Customary home occupations

4. Climate Action

- a. Solar canopies
 - i. Over parking garages
 - ii. Over parking lots
 - iii. Over mechanicals (commercial)
- b. Solar panels
 - i. Commercial
 - ii. Residential
 - Multifamily
 - Single family
 - iii. Ground mounted (Small and medium sized)
- c. Geothermal technology
- d. Sustainability goals
 - i. Residential development
 - ii. Commercial development
 - iii. Administrative practices: application, hearings and conditions

5. Diversity, Equity and Inclusivity

- a. Administrative practices: application, hearings and conditions
- b. Policy considerations

6. Other

- a. Corner lots
- b. Rear lots
- c. Consultations with stakeholders

Tentative Schedule for Zoning – October Special Town Meeting

Tuesday July 11, 2023 – Planning Board to finalize language to include in legal notice

Vote to send language to Select Board

(could be as late as Tues. Aug. 8, if SB meet between 8/8 and 8/15. Date provided is due to meeting schedule.)

Tuesday July 25, 2023 – Select Board refer back zoning article to Planning Board

(could be as late as Tues. Aug. 15. Date provided is due to meeting schedule.)

Friday August 11, 2023 – Send legal notice to the newspaper *(statutory timeline)*

Thursday August 17, 2023 – Post notice with Town Clerk, first run in newspaper *(statutory timeline)*

Thursday August 24, 2023 – second run in paper *(statutory timeline)*

Tuesday September 5, 2023 – Planning Board Hearing date

Tuesday September 19, 2023 - finalize language

Tuesday September 26, 2023 (or earlier) – final language for warrant to Myles.

Monday October 30, 2023 – Special Town Meeting date

Town of Needham
Housing Needham (HONE) Advisory Group
for MBTA Communities Act Multi-Family Zoning

Type:	Ad Hoc
Legal Reference:	To achieve Town compliance with MGL c.40A Section 3A
Appointing Authority:	Select Board & Planning Board
Number of Voting Members:	Nine (9)
Term of Appointment	2023-2024
Special Municipal Employee	Yes
Staff Support	Assistant Town Manager/Director of Operations, Director of Planning & Community Development, Assistant Town Planner, Community Housing Specialist

Member	Designation	Appointed	Term Expiration
	Select Board Member (co-chair)		12/31/2024
	Planning Board Member (co-chair)		12/31/2024
	Select Board Member		12/31/2024
	Planning Board Member		12/31/2024
	Finance Committee Member		12/31/2024
	Architect or Land Use Planner		12/31/2024
	Real Estate Developer		12/31/2024
	Renter		12/31/2024
	Community Member At-Large		12/31/2024

Composition: Nine (9) voting members:

- Two (2) current Select Board Members* (one to serve as co-chair)
- Two (2) current Planning Board Members (one to serve as co-chair)
- One (1) current Finance Committee Member
- One (1) architect or land use planner, to be appointed by the Planning Board
- One (1) real estate developer, to be appointed by the Planning Board

- One (1) renter, to be appointed by the Select Board
- One (1) community member at-large, to be appointed by the Select Board

Purpose: The Housing Needham (HONE) Advisory Group will lead the community engagement process to create multi-family zoning that complies with the MBTA Communities Act (MGL c.40A Section 3A). The group will advise the Select Board and Planning Board on proposed zoning to bring to Town Meeting in 2024, informed by their individual expertise, group deliberations, and feedback received from the public.

Charge: The Housing Needham (HONE) Advisory Group will:

- Lead a broad public engagement effort for the Needham community to envision and shape zoning to allow multi-family housing that complies with the MBTA Communities Act.
- Utilize the recommendations in the Town of Needham's 2022 Housing plan as a starting point.
- Evaluate build-outs, projections, and analyses of fiscal, school enrollment, and infrastructure impacts provided by staff and consultants.
- Consider related zoning elements that are allowed, but not required under the MBTA Communities Act, including but not limited to inclusionary zoning (affordable housing requirements) and parking minimums.
- Update the Select Board, Planning Board and Finance Committee throughout the process on group deliberations and community feedback.
- Recommend draft zoning to the Select Board and Planning Board to submit to DHCD and Town Meeting.

Charge Adopted:

SME Status Voted:

** Per M.G.L. Ch. 268A Sec. 1(n), the Select Board Members serving on the HONE Advisory Group cannot claim SME status, even though the HONE Advisory Group, as an entity, is designated as such.*

Town of Needham
MBTA Community Multi-Family Zoning Compliance Timeline

May 2023 – August 2023	Foundational Work	• Coordinate between Select Board & Planning Board • Create, appoint, and launch advisory group • Finalize scope of work and secure consultant • Create website and listserv • Detail community engagement plans • Apply for grant funds • Test DHCD compliance model
September 2023 – March 2024	Community Engagement & Analysis	• Hold frequent meetings of advisory group • Lead broad public outreach and engagement efforts • Host multiple community workshops • Mail postcards to all residents • Utilize online surveys • Identify key partners • Build out models for each proposal, as they are refined via community input and the advisory group • Analyze fiscal impacts, school enrollment projections, infrastructure impacts, etc. • Ensure each proposal complies with state law • Update Select Board, Planning Board, Finance Committee regularly • Present zoning recommendation to both boards
April 2024 – June 2024	DHCD 90-day review period	• DHCD will review proposed multi-family zoning districts <i>before</i> they are submitted to Town Meeting to indicate compliance, but require 90-days for this review.
July 2024 – September 2024	Finalize Zoning language	• Follow statutory requirements for zoning articles: legal notices, public hearing before the Planning Board, finalize language
October 2024	Town Meeting	• Legislative branch discussion and vote
November – December 2024	Final DHCD & AGO review	• December 31, 2024 is the Town's deadline to comply with the MBTA Communities Act. DHCD will make this determination. • The Attorney General's Office reviews all local zoning changes.

BELLE LANE AGREEMENT

AMENDMENT

May 16, 2023

Reference is made to Belle Lane Agreement between TOWN OF NEEDHAM, a municipal corporation located in Norfolk County, Massachusetts, acting through its Planning Board (hereinafter referred to as the "TOWN") and Richard J. Gaffey, Trustee of the Belle Lane Realty Trust, 171 Locke Drive, Marlborough, Massachusetts, whose Trustee became Annemarie von der Goltz by Certificate recorded with the Norfolk County Registry of Deeds in Plan Book 40744, Page 164 (hereinafter referred to as the "OWNER"), dated August 13, 2015.

The Owner furnished to the Town, as part of the consideration of said Agreement, and in accordance with the provisions of subsection (1) of Section 81-U of Chapter 41 of the Massachusetts General Laws, to secure faithful performance of the work required within the time limit specified by virtue of the Definitive Subdivision Decision by the Needham Planning Board dated September 28, 2010 of the Belle Lane Subdivision recorded with the Norfolk County Registry of Deeds in Book 32037, Page 574, and in accordance with the provisions of Condition #22 of the Decision to secure off-street drainage surety during the construction of the subdivision, a surety bond in the total combined amount of Three Hundred Fifty Three Thousand Dollars (\$353,000.00) in the form of a Tripartite Agreement. Of the original \$353,000.00 that Boston Private Bank and Trust Company agreed to hold in escrow as noted above, \$48,000.00 remains (the other \$305,000.00 has been released through two reductions, dated December 9, 2015 and February 11, 2021, as the outstanding work items in the Subdivision were completed).

SVB Private, successor to Boston Private Bank and Trust Company, no longer wished to extend the Tripartite Agreement, and has therefore dispersed the remaining funds to the TOWN to hold in escrow.

In accordance with the provisions of said Belle Lane Agreement, this Amendment recognizes that the original bond amount has been reduced to \$48,000.00, which is the current bond amount to be in the form of cash held in escrow by the TOWN. The \$48,000.00 shall be held by the TOWN to secure completion of the following outstanding work:

1. \$20,000.00 for subdivision completion in accordance with the recommendations of the Needham Public Works Department.
2. \$28,000.00 for off-street drainage surety for Lots 1, 2, 3, 4, 5, 6, 7 and 8, in accordance with the recommendations of the Board of Health and Condition 22 of the Definitive Subdivision Decision.

All outstanding work under item 1 shall be completed to the satisfaction of the Planning Board by November 1, 2023, or this Agreement extended by said date, or the funds held in escrow shall be released to the TOWN for purposes of completing said work.

The drainage surety noted under item 2 shall be held by the TOWN until compliance with the Definitive Subdivision Decision has been demonstrated.

IN WITNESS WHEREOF, the said parties have executed this Belle Lane Agreement, Amendment under seal effective as of May 16, 2023.

PLANNING BOARD
TOWN OF NEEDHAM

OWNER

By: _____
Name: Annemarie von der Goltz, Trustee
Belle Lane Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss _____, 2023

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, 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 to me that she signed it voluntarily for its stated purpose as Trustee of Belle Lane Realty Trust.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2023

On this ____ day of _____, 2023, 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 proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public
My Commission Expires:

Approved as to form:

Christopher Heep
Town Counsel

For Planning Board Use Only

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
THURSDAY, June 15, 2023 - 7:30PM**

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241 To join the meeting click this link: https://us02web.zoom.us/j/86964757241
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**Public Services Administration Building, Charles River Room
500 Dedham Avenue, Needham, MA**

Minutes Review and approve Minutes from May 18, 2023 meeting.

Case #1 – 7:30PM **72 School Street** –72 School Street, LLC, applicant, applied to the Board of Appeals for a Special Permit Amendment under Sections 5.1.3(i) (j) and any other applicable Sections of the By-Law to waive strict adherence to parking plan and design requirements. This request is associated with an addition of a second floor of approximately 1,500 square feet containing a play area for children, administrative offices and a 500 square foot apartment.

Next ZBA Meeting – July 20, 2023

FRIEZE CRAMER ROSEN & HUBER LLP
C O U N S E L L O R S A T L A W

62 WALNUT STREET, SUITE 6, WELLESLEY, MASSACHUSETTS 02481
781-943-4000 • FAX 781-943-4040

May 22, 2023

BY HAND DELIVERY

Board of Appeals Members
Town of Needham
Administration Building
500 Dedham Avenue
Needham, MA 02492
Attn: Daphne Collins

Re: Application for Amendment to Special Permit
 72 School Street, Needham, MA

Dear Members of the Board of Appeals:

On behalf of 72 School Street LLC, enclosed please find the following:

- 1) Application for Amendment to Special Permit (7 copies)
- 2) Certified site plans prepared by a registered surveyor (7 copies)
- 3) Signed and stamped floor plans and elevations prepared by the project Architect.
- 4) Letter to the Board describing the parking waivers requested from Section 5.1.3 of the Zoning By-Law (Parking Plan and Design Requirements). (7 copies). The waiver sections listed are identical to those requested and granted by the Board in connection with the Decision dated October 16, 1997. The letter also discusses certain other issues relating to the Application.
- 5) Filing fee in the amount of \$200.00 payable to the Town of Needham.

Board of Appeals Members

May 22, 2023

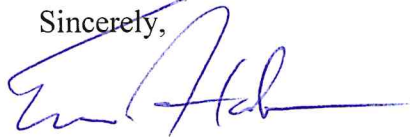
Page 2

Copies of these documents have also been submitted electronically.

I would appreciate your placing this matter on the next available Board of Appeals meeting agenda for hearing.

If there is any additional information you require, or if you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evans Huber", with a long horizontal flourish extending to the right.

Evans Huber

Enclosures

FRIEZE CRAMER ROSEN & HUBER LLP

C O U N S E L L O R S A T L A W

62 WALNUT STREET, SUITE 6, WELLESLEY, MASSACHUSETTS 02481
781-943-4000 • FAX 781-943-4040

May 22, 2023

BY HAND DELIVERY

Board of Appeals Members
Town of Needham
Administration Building
500 Dedham Avenue
Needham, MA 02492
Attn: Daphne Collins

Re: Application for Amendment to Special Permit
 72 School Street, Needham, MA

Dear Members of the Board of Appeals:

In connection with the application of 72 School Street LLC for an amendment to its existing special permit, I am writing to provide the Board with certain information that may be of use to it in considering this application. In order to move this project forward, the applicant has sought to be placed on the Board's agenda for June 15. Due to family commitments, I will not be able to attend that hearing, so the applicant and other members of the applicant's team will be present without me. Accordingly, this letter is intended to provide the Board with some background, as well as information that I would provide if I were present at the hearing.

72 School Street is located at the corner of School Street and Lincoln Street in the single Residence B Zoning District. The lot is comprised of 15,000 square feet and contains a one-story child care facility, a lawn area, and a parking area for 16 vehicles. The Board of Appeals issued a Special Permit on October 16, 1997, granting a Special Permit under Section 5.1.1.5 to waive strict adherence to certain parking design requirements contained in Section 5.1.3 (i) and (j) of the Zoning By-Law. The zoning relief was granted to provide for a 12-foot wide maneuvering aisle to accommodate the installation of a ramp to enter the facility and to allow one parking space to be located within five feet of the building line. The construction of the ramp was required to comply with the requirements of the Architectural Access Board. The one space in question was less than 5 feet from the building due to an existing bulkhead.

Board of Appeals Members

May 22, 2023

Page 2

On June 21, 2001, the Board amended its 1997 Decision by substituting a new site plan that added two new parking spaces and an 850 square foot addition to the building. The additional spaces and expansion of the building were proposed in connection with an increase in enrollment to 66 children. With the additional parking spaces, the property remained in compliance with the required number of parking spaces, notwithstanding the increase in enrollment.

On April 26, 2012, the Board further amended the Special Permit to modify and/or clarify some of the conditions contained in the 1997 Decision. No change to the structure, nor increase in enrollment, was requested.

Since 1997 the property and the child care facility operated there have always remained under the ownership and control of members of the Tobin family, through various entities. Applicant, the entity which currently owns the property, is now proposing to add a second story to a portion of the building, which addition will comprise approximately 1500 square feet. The purposes of the addition are to provide an indoor play and movement area for the children, administrative offices, and a small apartment of approximately 500 square feet. The apartment will be used solely by members of the Tobin family on those occasions when it is more convenient to stay there overnight rather than drive home. It will not be rented to members of the public.

Both of these uses (single-family residential and child care facility) are allowed by right in this zoning district, as is the mixed use, provided that one of the uses is residential, as is the case here. *See* table of use regulations found at Section 3.2.1 of the Bylaw. The structure is, and will remain following the proposed addition of a partial second floor, compliant with all dimensional regulations in the bylaw.

No increase in enrollment is proposed, so the property remains compliant with the required number of parking spaces. On May 12, 2023, I spoke with Building Commissioner Roche about this proposal. He agreed that there was no issue with the proposed uses from a zoning perspective. With respect to parking, I told him that the proposed small apartment would be used only by Tobin family members only intermittently, who would be on the property anyway as part of the staff. Mr. Roche stated that the proposed apartment would not increase the required parking supply above and beyond what the bylaw requires for the child care facility, which this project meets and will continue to meet.

The applicant is requesting that the Special Permit be amended to permit the proposed expansion.

The Applicant is also requesting relief from Section 5.1.3 of the Zoning By-Law (parking plan and design requirements), which relief has also been granted by this Board as part of prior amendments. The following is a list of the specific subsections of Section 5.1.3 for which relief is requested, with respect to existing spaces:

Board of Appeals Members

May 22, 2023

Page 3

1) Section 5.1.3(i) Width of Maneuvering Aisle

The maneuvering aisle is 12 feet rather than the required 18. Waiver of strict compliance with this requirement was requested and approved in the 1997 Decision in order to permit the installation of a handicapped ramp, and 4.5 feet of grassy area on the property line, for the length of the drive.

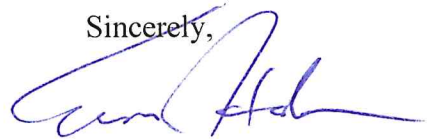
3) Section 5.1.3(j) Parking Setbacks

There is one parking space that is within 5 feet of the building. Waiver of strict compliance with this requirement was requested and granted in the 1997 Decision.

Parking waivers are again requested from the above-described subsections of Section 5.1.3.

Thank you for your consideration of these points.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evans Huber", with a stylized flourish at the end.

Evans Huber



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	72 School Street LLC	Date:	05/22/23
Applicant Address	PP.O. Box 59, Natick MA		
Phone	781-704-4028	email	Mbctobin@thetobinschool.org
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____			
If not the owner, a letter from the owner certifying authorization to apply must be included			
Representative Name	Evans Huber, Esq.		
Address	Frieze Cramer Rosen & Huber LLP, 62 Walnut Street, Suite 6, Wellesley, MA 02481		
Phone	781-943-4000	email	eh@128Law.com
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____			
Contact ☐ Me ☒ Representative in connection with this application.			

Subject Property Information

Property Address	72 School Street		
Map/Parcel Number	Type text here Map 47 Parcel 31	Zone of Property	SRB
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☒ Commercial (note: property currently child care; proposal includes residential apt.)			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☒ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (select one): ☐ Special Permit ☐ Variance ☐ Comprehensive Permit ☒ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions: The property is located at the corner of School and Lincoln Streets in the SRB zoning district. The lot is 15,000 s.f. and contains a one-story child care facility, a lawn area, and parking for 16 vehicles. The Board of Appeals issued a Special permit on 10-16-97 waiving the requirement of strict adherence with sections 5.1.3(i) (width of maneuvering aisle 12 feet instead of 16; and 5.1.3(j)(one space within 5 feet of building). By Amendment to Special Permit on 06-21-01, maximum enrollment is 66 children.

Statement of Relief Sought: Amendment to Special Permit to allow addition of a second floor of approximately 1,500 s.f., to house a play area for the children, administrative offices, and a small apartment of approximately 500 s.f. solely for the use of members of the Tobin family. Both uses are allowed by right in this district; no increase in enrollment is proposed, and, per conversation with David Roche, the addition of the small apartment does not increase the parking requirement. Please see accompanying letter for a more detailed discussion.

Applicable Section(s) of the Zoning By-Law: 5.1.3(i); 5.1.3(j) ; 7.5.2

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use	N/A	N/A
# Dwelling Units	N/A	N/A
Lot Area (square feet)	N/A	N/A
Front Setback (feet)	N/A	N/A
Rear Setback (feet)	N/A	N/A
Left Setback (feet)	N/A	N/A
Right Setback (feet)	N/A	N/A
Frontage (feet)	N/A	N/A
Lot Coverage (%)	N/A	N/A
FAR (Floor area divided by the lot area)	N/A	N/A
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:
1927; several subsequent conforming additions

Date Lot was created:
1874

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions (Required)	✓
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" (Required)	✓
If applicant is tenant, letter of authorization from owner (Required)	N/A
Electronic submission of the complete application with attachments (Required)	✓
Elevations of Proposed Conditions (when necessary)	✓
Floor Plans of Proposed Conditions (when necessary)	✓

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 04-11-23 AND 05-12-23
date of consult

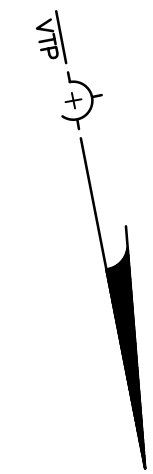
Date: 05-22-23 Applicant Signature [Signature]

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

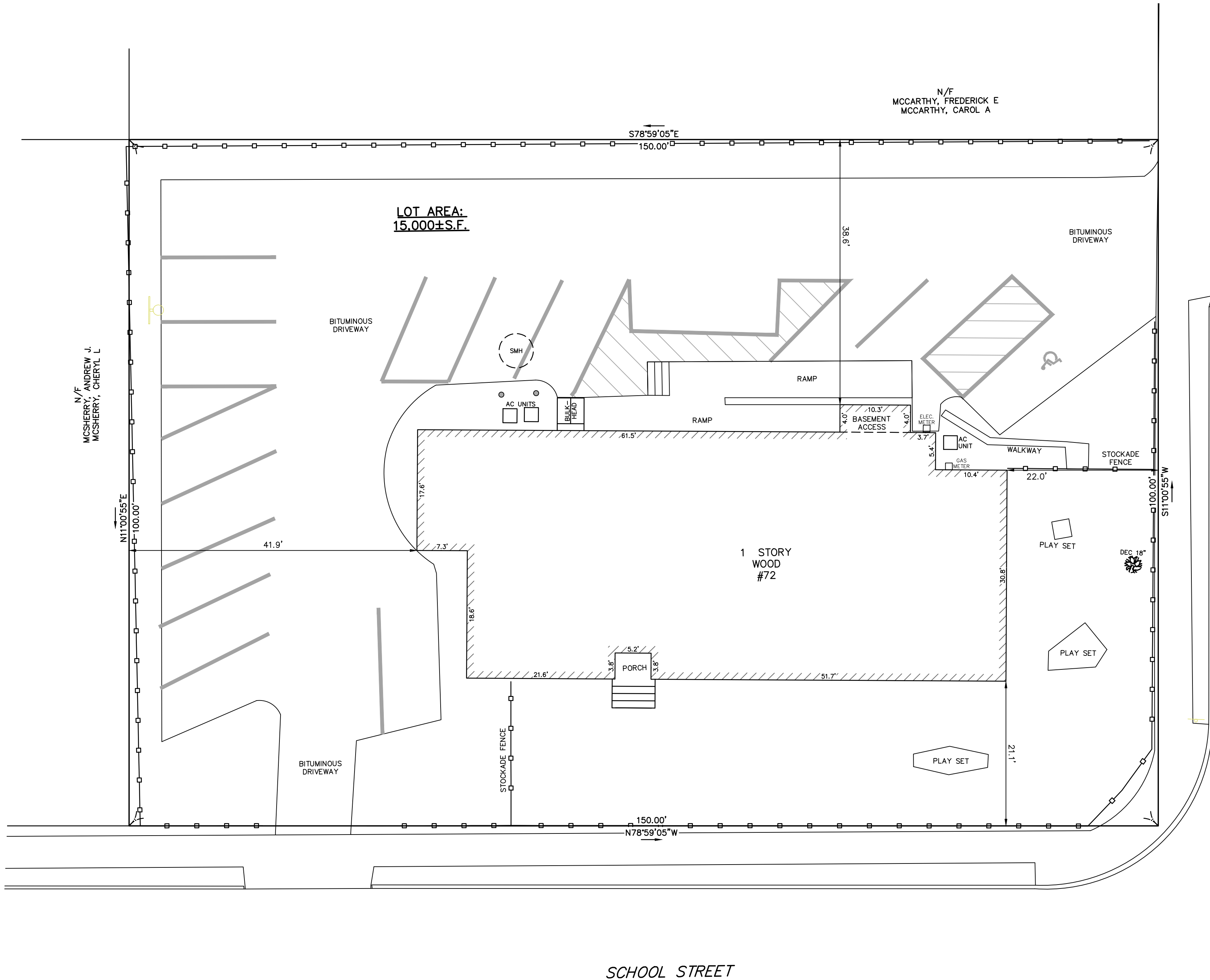
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LEGEND

- BUILDING
PROPERTY LINE W/
BEARING DISTANCE
CONTOUR
STOCKADE FENCE
CHAINLINK FENCE
PICKET FENCE
DECIDUOUS TREE
CONIFEROUS TREE



PARKING SPACES	
STANDARD	15
HANDICAP	1
TOTAL	16

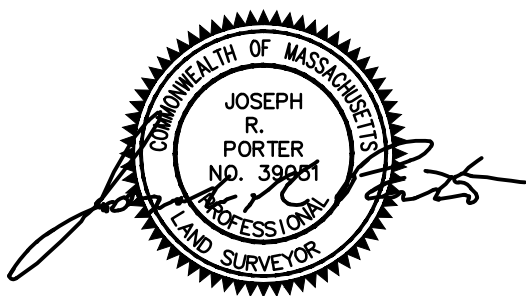


ZONING CHART		
NEEDHAM, MASSACHUSETTS		
REGULATION	REQUIRED	EXISTING
LOT AREA	10,000±s.f.	15,000±s.f.
LOT FRONTAGE	80.0'	150.0'
FRONT SETBACK	20.0'	21.1'
SIDE SETBACK	14.0'	22.0'
REAR SETBACK	10.0'	38.6'
LOT COVERAGE	30.0%	19.8%

CERTIFIED PLOT PLAN
NEEDHAM, MASSACHUSETTS
SHOWING EXISTING CONDITIONS AT
#72 SCHOOL STREET

SCALE: 1in.=10ft. DATE: MAY 17, 2023

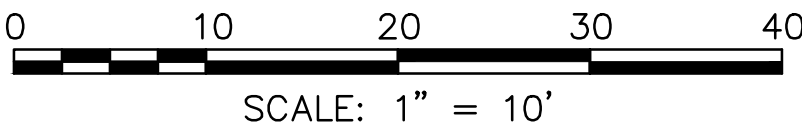
PROJECT: 223125



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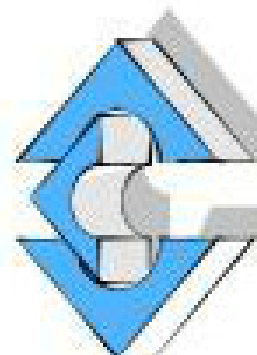
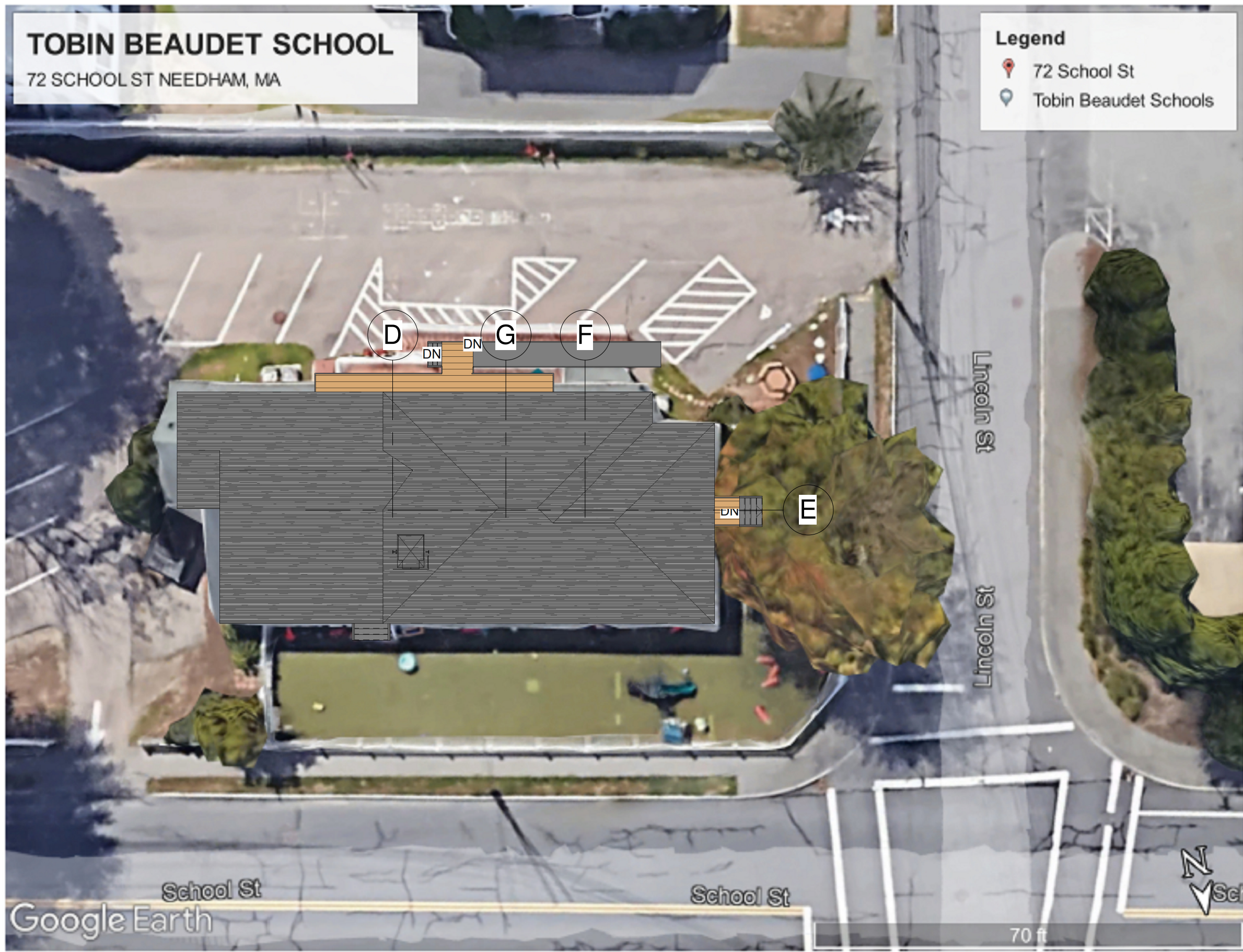
LAND SURVEYORS - CIVIL ENGINEERS.
132 ADAMS STREET 2ND FLOOR SUITE 3
NEWTON, MA 02458
(617) 332-8271

SHEET 1 OF 1



TOBIN BEAUDET SCHOOL ADDITION AND ALTERATION

72 SCHOOL STREET NEEDHAM, MA



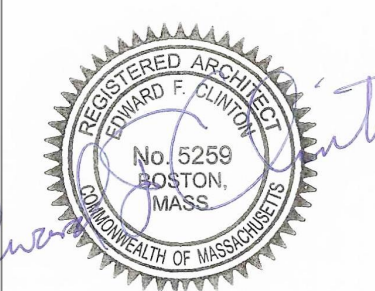
CLINTON
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P.O. Box 6587
Holliston, MA 01746
V 774-233-0176
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TOBIN BEAUDET SCHOOL

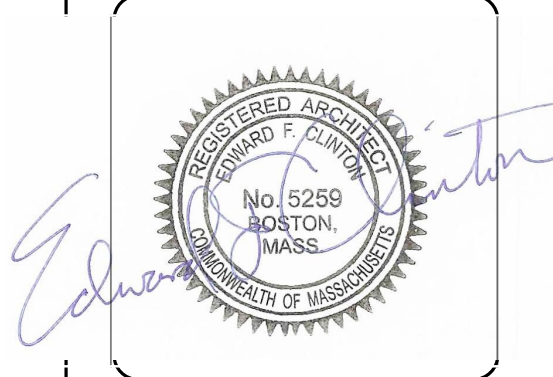
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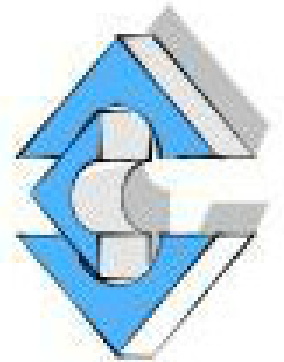
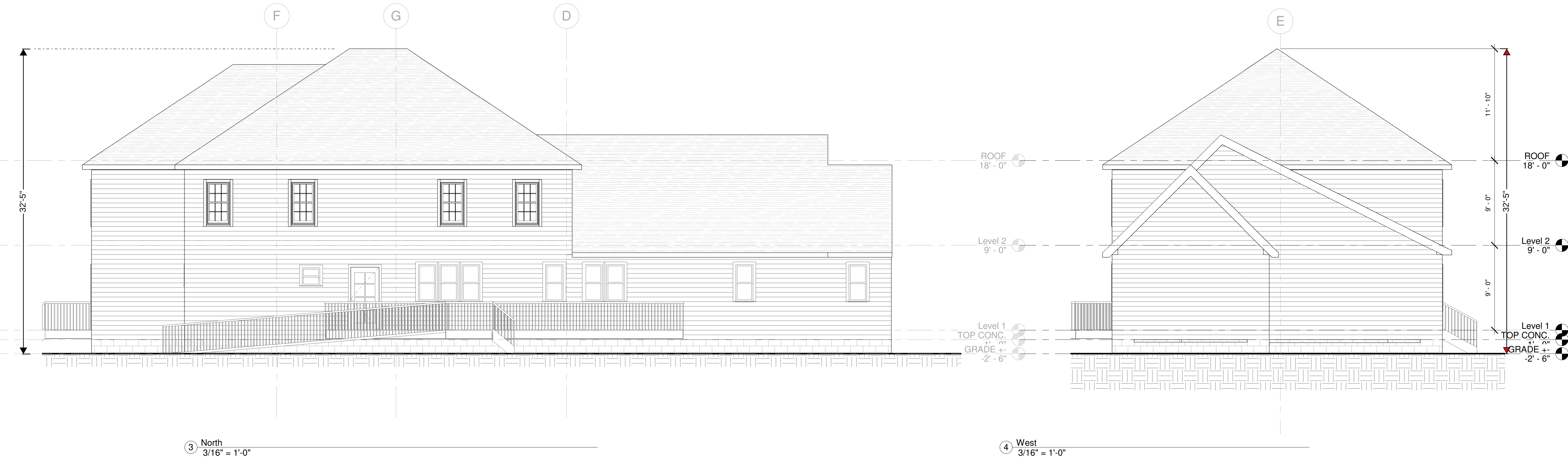
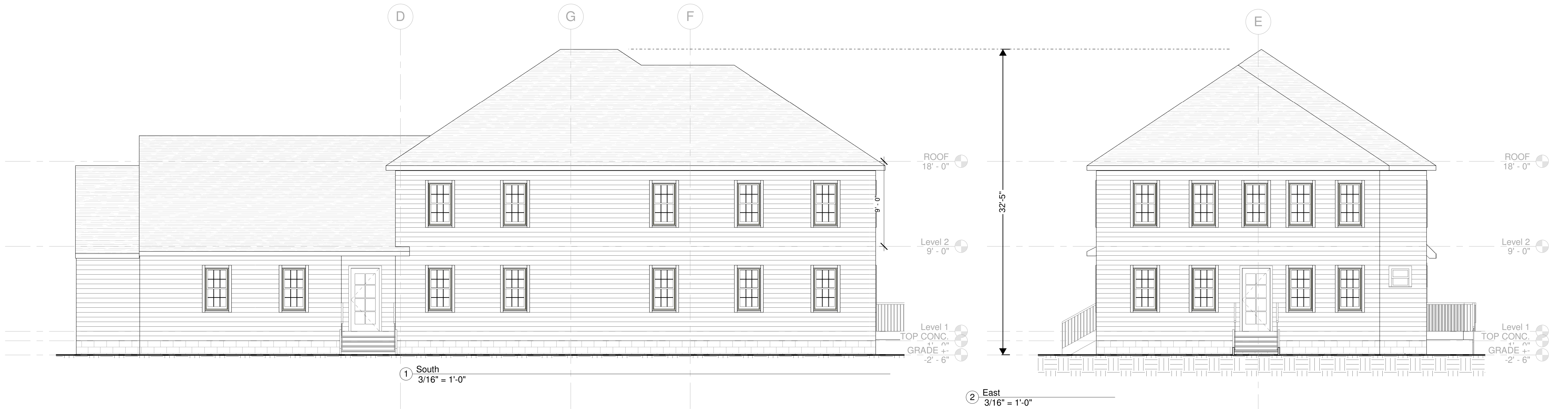
Drawn By	EFC
Checked	CD
Project	APRIL 19, 2022
Revisions	



COVER SHEET
Scale: 1/16" = 1'-0"
AO

Drawn By	Author
Checked	Checker
By	APRIL 19,
Project	2023
Issues	
Revisions	





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TOBIN BEAUDET SCHOOL

72 SCHOOL ST
NEEDHAM MA

Drawn By	Author
Checked	Checker
Project	WFEIL 19
Revisions	2022



ELEVATIONS

Scale: 3/16" = 1'-0"

A2

NEEDHAM PLANNING BOARD MINUTES

March 3, 2023

The Special Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Friday, March 3, 2023, at 1:30 p.m. with Messrs. Crocker and Alpert, 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. He noted this meeting will be moved to an Executive Session after a vote of the members. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Executive Session to Discuss 1688 Central Avenue Litigation.

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

VOTED: to move to Executive Session to discuss litigation for 1688 Central Avenue, or Needham Enterprises LLC, immediately and upon adjournment of this session the Board will stand adjourned.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

March 7, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, March 7, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert 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. This meeting includes 2 public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearings:

7:05 p.m. – Amendment to Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 589 Highland Avenue, Needham, MA). Regarding request to permit adding a third floor to the building, which would add an additional 22 IL units, for a total of 72 IL units, of which 12.5%, or 9 units, will be affordable.

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

VOTED: to waive the reading of the public hearing notice.

Evans Huber, Attorney for the applicant, noted the applicant is applying for an amendment for a change in use. This was to be 55 Independent Living (IL) units and now there is a proposal to add a third floor. Andrew Stebbins, of The Architectural Team, stated this project has been in front of the Board without the third floor. The existing building was a former skilled nursing facility. The building has a brick masonry veneer and was built in the mid-1990s. The basement, first floor and second floor will have no changes. The basement will have some common area programming, fitness center, salon, baking space and a golf simulator. The utility rooms stay the same with some additional storage. This is unchanged from the previous submission. There is a partial basement. The first sidefloor will have a visitor entry with changes to the landscaping area. There will be resident entry interior spaces with more common spaces, a bar area, mail area, game room/card room and exterior terraces.

Mr. Stebbins noted the second floor will have the same exterior walls with the IL units, common areas, a demonstration?? pub, private dining, lounge/card room and a roof terrace. The new third-floor addition will have 22 additional units for a total of 72 units. There are no common areas on the third floor, and the footprint has been pulled in. There are 3 studios with an average of 543 square feet, 1-bedrooms are 57% and 520 to 777 square feet, 1-bedroom plus dens are 29% and 720 to 1,079 square feet and the 2-bedroom with living room 2-bed suites are 10% and 886 to 971 square feet. The goal is to give a refresh by getting away from the cream colors, whites and earth tones. There will be dark charcoal windows and a series of grays and whites. There will be a trellis structure at the entrance and what is there will be enhanced. There will be different siding. Some parking is being replaced with landscaping and there is a new resident entrance. The Design Review Board (DRB) has approved. There will be horizontal siding of a light mist with panel trims, julienne balconies and asphalt shingles.

Thom Miner, of Hawk Landscaping, noted the existing drop off area, a sunken loading dock, the parking area in back and a raised patio on the back side. The drop off area will be turned into resident seating reducing the pavement by about 40%. The landscaping and lawn will be brought out to give more of a buffer area to the ground floor residences. The parking lot will be restriped, there will be new foundation plants along the sidewalk, the existing loading dock will be filled in and there will be new plants, lawn and some trees. At the second area entrance some parking will be turned into green space and there will be lawn and shrubs. The drive aisle will be repaired, restriped and 2 spaces will be handicap spaces and 2 will be

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short-term parking spaces. The sidewalks will be upgraded for ADA compliance. The pavers will be replaced on the raised patio; safety rails will be put in and there will be new grill stations, a fire pit and new shrubs.

Mr. Miner stated a new generator will be screened with evergreen shrubs. There are no plans to touch the existing trees; and the existing plants at the entrance will be evaluated. There will be mass plantings, so the sign stands out more. There is not a lot of exposed bark mulch; flowering shrubs will be planted; bike signs, a fan shaped trellis structure and a 24-inch-high seat for residents will be provided. The focal point is inside with maybe a trickle fountain that will be protected by bollards. Mr. Huber stated the applicant has gone to the DRB. There were a few comments suggesting more native species or drought resistant plantings. This will be looked at. The bottom line is the DRB comments strongly approved of the ~~building~~ building and landscape plan. There were comments from the DPW and no comments from Fire, Police or the Board of Health.

Mr. Huber noted the parking requirement calculation is one half space per unit or 39 spaces including staffing. This considerably exceeds the requirement. There are currently 98 parking spaces and 17 will be eliminated. There will be 81 spaces for 72 units, which is one space per unit. The proposal meets all dimensional and parking design requirements. Traffic will generate less traffic than the 142 skilled bed facility. They need to go through the major project special permit review process. IL is a special permit use. He noted 12½% will be affordable or 9 units.

Mr. Block noted the following correspondence for the record: 2 letters, dated 2/3/23, from Evans Huber; a letter from Kirsten Braun, of Ron Miller & Associates, dated 1/25/23, regarding traffic impacts; a letter from David Feldman, of Wingate, dated 2/3/23; an email from Police Chief John Schlittler, dated 3/2/23, with no comments; an email from Fire Chief Thomas Conroy, dated 3/5/23, with no comments; an email from Town Engineer Thomas Ryder, dated 2/27/23; an email from Tara Gurge, of the Health Department, dated 3/2/23; an email from Building Commissioner David Roche, dated 3/6/23, with comments and an email from the DRB, dated 2/28/23.

Mr. Block opened the meeting for public comments. Terrance Ryan, of 79 Evelyn Road, noted one concern is traffic with construction and tenants with the corridor project and the development of the Muzi site. The MWRA tunnel program will dig a 350-foot tunnel down next to the Muzi site in 2027-2040. That is a lot of construction. He asked if it could be coordinated so not a lot of traffic is brought onto Gould Street or Highland Avenue. Mr. Alpert noted the main entrance is on Gould Street directly across the street from the Bulfinch property. He thinks there will be a traffic light put in there that should relieve some issues. Mr. Block confirmed Bulfinch stated they are putting a traffic light in there. Herman Singh, of 77 Putnam Street, stated he lives behind the proposed site. He noted the dumpster location is right behind his house and asked if the applicant could address that issue.

Dan Goldberg, of 188 Tudor Road, stated he was a long-term care ombudsman for 15 years. He is strongly in favor of more IL in town. Newton is adding 165 IL units with 500 people on the waiting list. The demand for IL is incredible. His only concern is parking. He often had to park across Highland Avenue when it was a nursing home. He is not sure if there is extra parking at the assisted living area. Colleen Schaller, of Avon Circle, Director of the Council on Aging, noted her Board has not had a chance to discuss this. There is a meeting to discuss this tomorrow night. She feels it will be heartily approved. It is vital to Needham. Holly Clarke, of 1652 Central Avenue, commented she was surprised the report did not discuss the impact of the Muzi site and other projects. The ~~Housing plan~~ calls for creating much more density in this area. It would be a good practice to begin to think about future projects and impacts. Wingate folks will be impacted by the changes. The Board should think of solutions like residents using ~~The Ride~~ instead of driving cars. Employers should support alternative transportation. The Town needs to start looking forward.

Mr. Block asked about the site of the dumpster and pest control. David Feldman, of Wingate, stated there was an issue when the building was closed, the pickup time changed and there was demolition across the street going on. There was extensive extermination done and the problem was fixed over time. The dumpster will probably be in the same location. It will not be as heavy as when the nursing home was there as there will not be as much food. There will be pickups 3 times per week. It used to be 2 times a week and there was a large compactor. There is no large commercial kitchen with 3 meals a day now. Ms. McKnight asked what time the dumpster pickups are. Mr. Feldman noted 7:00 a.m. at the earliest. He has asked them not to come until 8:00 a.m. but he does not know about earlier pickups until after the fact. He speaks with them when that happens.

Paramjit Singh commented pickups are sometimes at 5:00 a.m. even on Saturday. Is it possible to combine this with the ~~other~~ dumpster at the other building so they do not have the same issues? Mr. Feldman does not feel that is feasible. The space is not there to add another dumpster to the current location. He does not feel they can ask the staff and residents to walk or drive the trash to the other building especially in inclement weather. Mr. Crocker stated he does not hear anything about energy efficiency. There has been no discussion on renewal energy. What does the roof surface look like? Mr. Feldman stated he is working with a consultant to look at the feasibility for solar here and at the other building. Two EV chargers are being put in the parking lot. Once he gets the information back on the viability, he will consider it. He noted the building needs to be brought up to the new energy code. Mr. Crocker asked which units will be affordable. Mr. Feldman stated the code requires a sampling of all units so it will be a sampling representation of all units. Mr. Crocker asked how many handicap spots and was informed there would be 4 handicap parking spaces. Mr. Crocker asked how many total staff there would be. Mr. Feldman noted he is looking at 5 full time during the day.

Ms. Newman noted there are 2 public hearings ~~scheduled for~~ the next meeting, so she suggested continuing this hearing to the 4/4/23 meeting. There may be supplemental information. If there is a generator on site, information should be put together for it. Mr. Feldman stated that would be handled at the building permit stage. There is an existing generator on the roof now. He feels it would be quieter on the ground. Ms. Espada wants additional information on the mechanicals. She does not see equipment in the drawings and acoustic information. There is no traffic information. She would also like sustainability and equity goals for the project. Mr. Crocker noted parking is a big concern. He asked where the parking model is coming from. Public transportation is not that close, which is something to think about. Mr. Huber requested the hearing be moved to the 4/25/23 meeting due to a ~~scheduling~~ conflict.

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

VOTED: to continue the hearing to 4/25/23 at 7:00 p.m.

7:45 – Article 1: Amend Zoning By-Law – Accessory 3-car Garage Use in Single Residence B, General Residence, Business and Industrial Districts
Article 2: Amend Zoning By-Law – Accessory Dwelling Units (ADUs)
Article 3: Corrective Zoning Amendments
Article 4: Amend Zoning By-Law – Single Residence B and General Residence Side Setback

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

VOTED: to waive the reading of the public hearing notice.

Mr. Block noted in 2019, the Town set about introducing ADUs to the housing mix to help families and residents who need help. In 3 years, there have been 10 applications and all 10 were approved. The Town is looking to add to the regional affordable housing units. This will expand access to help seniors on a fixed income and younger residents and help the local work force. Until now ADUs have been allowed but with certain specifications such as only to take care of specific people, only attached, only 850 square feet in size and only by special permit. The Board wants to expand access, allow up to 900 square feet, allow by right and expand the definitions of family and caregivers. Detached ADUs would be by special permit, and the tenancy would ~~require~~ include rental for a term of 12 months or more. Mr. Alpert noted the caregiver definition, as advertised, does not include nannies and au pairs. Mr. Block stated he received updated definitions from Town Counsel that expands and allows them. Mr. Alpert commented this is the first time he is hearing that. The Board would need to consider nannies.

Mr. Alpert stated he would like to raise the issue of the setback of a separate unit. An ADU with a detached garage under the current By-Law dimensional requirements could be up to a certain height and could be 5 feet from the side yard. The Board had talked about moving it back. Mr. Block stated it would be addressed. He commented an attached ADU is easy. Detached takes more study. The working group on ADUs has been digging in for detailed information and has conducted a study on detached ADUs on conforming lots and nonconforming lots. Oscar Mertz (a Needham resident and architect) did drawings with a conforming lot of 10,000 square feet with allowable lot coverage of 2,500 square feet or 25%. The floor-to-land-area ratio (FAR) would be 3,800 square feet or 38%. A nonconforming lot would be lot coverage 1,820 square

feet or 26% with an FAR of 2,600 square feet or 38%. He showed examples of (1) a conforming lot with an ADU, keeping the existing garage and adding a free-standing 2-story ADU; (2) replacing the garage with a 2-story ADU with a 2-car garage with new construction, which would be required to be set back 14 feet from the side lot line and rear lot line and (3) adding a 2-story ADU to a 2-car garage with the garage remainings at the 5-foot setback and new construction would be set back 14 feet rear and side.

Mr. Block noted a nonconforming lot of 7,000 square feet could accommodate converting the existing garage into a 1-story ADU, or replacing the garage with a 2-story ADU and one car garage with an FAR of 1,900 square feet from the home and 620 square feet from the ADU with a 10 foot setback between the house and garage and replace the garage with a 2-story ADU with a 10 foot setback between the house and garage and a 12 foot setback side and rear. If it exceeds 15 feet in height the structure needs to be moved over to a 12-foot setback. Mr. Alpert stated the Board discussed any ADU near the property line needs to be set back 14 feet, but they decided to draft the warrant article to leave as is because it can still be changed to require a further setback. He feels a setback that close is a burden to a neighbor. He wants to hear what the neighbors and the public want to say. The Board has received a lot of correspondence from both views. Mr. Crocker noted a scenario is missing with a new structure 5 feet from the line and 15 feet high.

Oscar Mertz, of Rybury Hillway, stated all the scenarios that are allowable are presented on the drawings is there. Ms. McKnight stated the drawings are very good for what it would look like. She noted that with an addition to an existing house the same limits apply. An ADU in an addition to the principal dwelling would be allowed by right. All scenarios shown for detached ADUs would still need to have a special permit. Lois Sockol, of Greendale Avenue, asked if this prohibits ADUs in a house without a garage. She asked if an ADU could be in the basement. Mr. Block stated it could be in the house in a finished basement, in a converted attic or an extension of the footprint. Mr. Alpert stated a detached building does not have to be an ADU. Steven Frail, of 29 Power Street, thanked the Planning Board for picking this up. There is a 500-person waiting list in Newton for these units. He had a family member in Wingate. If this was an option, he would have done an ADU. It is a great solution. The current policy is very restrictive. He thinks this is a good balance between ADUs and neighbors. The neighbor could ask for screening and sound reductions to be a condition of a special permit for a detached ADU. There should be no grills in that area. From an equity perspective, the types of structures already there should be considered and input from abutters. A lot of attached garages are within 14 feet of the property line. In case of a detached structure that does not conform, he supports changing the use and allowing an ADU in that structure by special permit. Ms. McKnight noted if an ADU were one story not more than 15 feet in height it could be 5 feet from the property line.

Kathy Dirks, of 647 Webster Street, thanked the Board for all the very important work. She noted it was a good point about equity. Exceptions should be made for existing structures. It needs to be made fair to all people. Robert Smart, of 25 Mayo Avenue, stated he has an old garage 5 feet from the property line. Between the edge of the garage and the property line is very narrow. He does not think it necessary to require an under 15-foot structure for an ADU to be set back more than 5 feet. Karen Walker, of 13 Webster Park, is thrilled with the proposed housing options in Needham. There is more diversity. She asked if the proposals would only be allowed for caretakers. Is there a plan to increase housing ADUs for people who work in the community. Mr. Block stated this would enable people to rent out and will be a more affordable option for someone who works here. The new proposal allows people to rent out the unit. They are not allowed to rent out the unit today. Mr. Alpert noted there would be restrictions with a minimum of a one-year lease and a maximum number of people. Ms. Newman noted there is currently a by-law limit on the number of unrelated people.

Kathleen Brown, of 102 Ellicott Street, stated it is important to improve the housing stock. She suggested the Board consider leases for semesters for college students. She thanked the Board for doing this. Paula Dickerman, of 20 Burnside Road, supports the changes in allowing ADUs. The town needs more housing and more choices for housing. Seniors could live in the ADU and rent out the house. This is a very necessary effort. She likes the flexibility a special permit requires for detached units. She supports the opportunity for detached units to come to the Board for a special permit. Marianne Cooley, of 85 High Street, hopes the caregivers of children will be included with this. She would like to hear feedback on more than one accessory structure of more than 200 square feet being allowed in the By-Law. Ms. Newman stated dimensional requirements (e.g., FAR and lot coverage) limit the number of accessory structures.

Joe Abruzese, of 30 Bridle Trail Road, noted this is a great opportunity. This was originally set up for multi-generational living and it is being made expansive by right for ADUs within or as an addition to the main dwelling unit. What's

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happening is they are trying to use this as a tool for more affordable housing. It is expensive to live here. This feels like it effectively changes the single-family zone to a 2-family zone by right without any notice. ~~It~~To require a special permit does not eliminate the proposal but brings the request to a hearing and lets the neighbors give feedback. Louis Wolfson, of 29 Cimino Road, agrees with Mr. Abruzese. This is addressing some needs of family members, caregivers and elderly. He is not sure it would change the character of the neighborhood. The idea is good with renting but being a landlord is all encompassing. There is a lot more to it. Something that is missing is the cost of building the ADU with sewage, egress and such. There is a lot involved in it. He supports this but not for making a single family into a 2 family.

Mr. Smart noted when someone applies to the ZBA for a special permit, it is pretty sure it will be granted. Once one is granted they probably all will be. This should be for accessory structures also with the same circumstances. If in a primary unit or accessory unit, ultimately it will be granted and it is expensive to go through that process. The Board should consider all ADUs as of right. Everyone always talks about more affordable housing but we never do much about it. This will do it. The ADU process is a way of creating more affordable housing. People will not take a single family and make it a 2 family. This should be encouraged. Frederica Lalonde, of 38 Bennington Street, is in full support. This was well researched. This is a privileged town and we should do what we can to make it easier for others. Give seniors an opportunity to stay. There is no reason to obstruct anybody. Mr. Mertz noted ADUs are not 2 family. The intent of the By-Law is that there is a primary residence with a single residence feel. It should be good for the climate and environment. It is clearly intentional that these are not 2 family.

John Bulian, of 86 Peacedale Road, asked if the Board has looked at this initiative with the MBTA Communities Act and the Needham Housing Authority, the intended construction process, the number of units being added and how it would impact the town. The MBTA Communities Act is still a work in progress. The Needham Housing Authority is moving along slowly. That is poised to bring many units of housing, but no one knows the period of time. No one knows the impacts on the town departments. He is not sure the task structure of this proposal should move forward at this time. Ms. Clarke is concerned the first time we zoned for ADUs it was too restrictive as to who could be a caregiver. She trusts the Planning Board to conserve the character of the neighborhood but they should not choose who caregivers could be. She welcomes that being opened up. She appreciates the care people are giving to this but would not support this with no special permits. She is not sure what she thinks about by right. She feels it is important to put out the intention that it will still look like residential. The By-Law seems to say it shall not be denied due to not meeting the standard. That needs to be worked through some more.

Ms. McKnight stated the decision (as to preserving the single-family look) may be hard for the Building Commissioner. In that case he is required to refer it to the DRB. Ms. Clarke appreciates that but feels abutters should be able to be at the DRB meeting to comment. A neighbor should be able to address the DRB. Ms. Espada stated no ADU housing would go to the DRB unless the Building Commissioner requests it. Mr. Alpert noted the DRB reports back to the Building Commissioner in an advisory capacity only. Dave Dirks, of 674 Webster Street, thinks the Board should think about drawing a line between attached or detached or building new on the property. An existing structure is not changing the look of the property. New structures change the look. He feels it is great for seniors to be able to move into the ADUs. Ms. Espada noted she was part of the Capacity Working Group of the Housing Plan Committee. The group determined ADUs would create minimal capacity increase to the town. Building Commissioner Roche responded that they live in a town where everyone does not necessarily agree with that. If he is going to approve something by right, he would like a hearing. This puts a large burden on him and his department. He is all on board with units within houses. With some accessory buildings on lots now, people may not know if there is a unit in there. He is a bit concerned with the amount of buildings on a lot.

Maggie Abruzese, of 30 Bridle Trail, commented it is important to know that all neighbors are not best pals. The Board needs to think of the worst-case scenario and needs to think of the source of conflict intention. People feel better when there is notice given of a permit application. An apartment could be having parties or taking trash in and out. It is not the same as using a garage. She is not in favor of allowing so close to neighboring properties. She has heard concern today with not changing single-family zones into 2 family zones. Most people have no idea what it means to be a landlord. There is a lot of liability. There has to be a plan for education for landlords that should possibly be mandatory to go with the application. She is not in favor of opening this up to leasing to other people. Heidi Frail, of 29 Powers Street, noted this is not turning single family neighborhoods into 2 family. She commented on density. Precinct G is a very dense area but with detached structures it would not change the character of the neighborhood. A lot of these areas are where the older denser homes are located. The older homes on small lots are in many cases owned by older people. This may disallow the older group to do

this and not allowing them to stay in their homes. [She is against what they originally wanted to do. Not clear – delete?] People probably are not complaining about ADUs but huge additions.

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Mr. Block noted the proposed 3-car garages amendment. There have been 14 3-car garage applications in the last 3 or 4 years and all but 2 were approved. Those 2 were denied because one member disagreed. The process is lengthy and could be expensive for homeowners. This is an opportunity to simplify the process. John Schneider, of 210 South Street and Chair of the ZBA, stated that with his view is that 3-car garages are standard with houses now being built. He feels garages are good things and should be encouraged. Ninety percent of all special permits are noncontroversial. People are only building what they are allowed to build by right. He does not feel having a garage door rather than siding changes the character of the area. He is in favor of allowing 3 car garages as of right to make it simpler. Building Commissioner Roche feels it should be allowed by right. It is better to have cars in garages. He thought the special permit criteria for a third car garage was going to be abolished.

Mr. Block noted it would need a special permit if not set back 5 feet to break up the massing. He asked what the standard is for denying a permit. Mr. Schneider stated, by statute, it cannot change the character of the neighborhood or adversely affect the value of the property and all lights need to be downward facing. Ms. Clarke had a question about language. She noted they are trying to leave some room under some conditions to allow an extra bay. Mr. Alpert stated standard language is being applied all along. Ms. Clarke commented she does not know what reasonably adaptable means and sees a red flag there. Mr. Schneider reiterated the standards. Ms. Newman noted that these standards are this is not being modified.

Louis Wolfson stated he has been involved in real estate here for years. He has property in all the zones. He is not in favor of this. He is conscious of the neighborhood he is building in. He does not feel he should be able to build a 3-car garage by right without getting neighbors' input and he would like to think the ZBA has some input. He was surprised the house was built at 883 Greendale Avenue with 3 garages under. It does not fit in the character of the neighborhood. He was disappointed the ZBA approved this. If Article 1 is changed this may be the norm across the neighborhood. He hopes the Board would reconsider its position on 3-car garages and allowing people to have input. Mr. Alpert stated the only amendment being made is in the introductory paragraph that has "open areas from adjacent premises), and provided further that the proposed use." All else is the same. Ms. Clarke appreciated Mr. Alpert pointing out the standards remaining there. If you meet the standards, it is reasonably adaptable. Mr. Alpert explained the rationale for the change. On the side a third garage is ok but if in front it needs to be set back 5 feet. If you want it flush to the house, it needs to be a special permit. Ms. Clarke stated tonight the Board has shown you can have a public hearing, listen to people, and take all into consideration. She thanked the Board for that.

Mr. Crocker respects what is going on with the ZBA. The problem he is having is the visual impact. Three-car garages do not work well and should filter over to the ZBA. There have only been 14 or 15 in a few years. He is not sure he fully adopts the feeling that people just want to build 3-car garages. He does not agree with making it easier for developers to build 3-car garages and he struggles with making it by right. It should be a special permit. If in front it should be setback. The Board took a 5-minute recess.

Mr. Schneider stated this is a burden for people who come in for a permit. Most hire lawyers so it could cost them several thousand dollars. In prior years there were 8 cases. There is very little administrative help, and they are strained to deal with all things. In most cases it would be allowed. A lot of lots are not adaptable to 3-car garages. It is an administrative burden and a burden on homeowners financially.

Mr. Block noted the corrective zoning amendment is to replace Building Inspector with Building Commissioner, renumber the By-Law from 3.15 to 3.16 for ADUs as there are 2 number 3.15s and updating the parking manual from second edition to the most recent edition. For As to the side setback, the sidewall needs to be set back 2 feet after 32 feet to break up the massing of the structure.

Ms. Newman noted the Board needs to make a decision on language by next week. The Board could close the hearing but allow comments through Friday, 3/17/23. She would like an indication of the language the Board wants and would need to hear any significant changes the Board wants tonight so she can work up the revised language. Ms. McKnight would like to close the hearing tonight. She noted when comments come in after the public hearing the public does not have a chance to respond to the comments. Mr. Block noted the following correspondence for the record: a memo from Jenn Scheck-

Kahn, dated 3/2/23, with questions and comments; an email from Louis Wolfson, dated 3/6/23, with pictures; an email from Joe Matthews, dated 3/7/23, in opposition; an email from Andrea Okerholm Huttlin, dated 3/7/23 in support; and an email from Maureen and Jim DiMeo, dated 3/7/23, in opposition.

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

VOTED: to close the hearing on the 4 Zoning By-Laws.

The Board discussed changes that are needed. There are no changes to the 3-car garages Article or Article 3 or 4. Mr. Block noted, for ADUs, an issue is how many accessory structures can be on a lot such as the house, ADU and one other structure not more than 50 square feet. Then you can have others under 50 square feet. The language is in the proposed By-Law. Mr. Roche noted he does not require permits for buildings of 200 square feet or less. The Board may want to make it 200 square feet rather than 50 square feet to make it consistent. Mr. Schneider stated he suggested the 50 square feet in the draft then reconsidered and felt it should be larger. In the Residence B District, however, he feels they should only allow have one extra building in addition to the main house. Mr. Alpert stated this the Article says you can have no more than one detached ADU and one accessory building larger than 50 feet (or 200 feet if it was changed). Mr. Schneider is objecting to having both a detached ADU and another accessory building in SRB, and he disagrees. He realizes that, with 7th FAR and the lot coverage requirement, if there is not enough land it cannot be done, but, if there is enough land it can be done as long as you meet the dimensionals. He has no issue with this, but the question is if the size of an additional accessory building should be limited to 100 feet or 200 feet. A discussion ensued. [A lot of editing here – did I get the points of view right?]

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Mr. Roche stated, under the By-Law, garages and structures count as lot coverage if the building is more than 100 square feet. Fifty square feet would not count. He would like to change the definition of structure to 200 square feet and this reference to 200 square feet. Then it could be counted under the lot coverage. Mr. Alpert stated the definition could not be changed at this point. Mr. Block noted the building code versus the By-Law could be changed in October in response to the Building Commissioner's comments. He would be ok with a detached ADU [not compliant with setbacks] should this be "not compliant with setbacks for primary dwellings?". Ms. McKnight stated that would be addressed by the ZBA if it was a special permit. Mr. Crocker stated the Board has never talked about what an ADU 5 feet from the property line would look like or what it means. Mr. Block asked if the Building Commissioner could speak about an ADU at 5 feet and less than 5 feet. Mr. Roche noted under 5 feet or less certain fire separation details need to happen. The closer to the lot line the more restrictive. You can get closer to the lot line but would have a blank wall and it is more complicated construction.

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Mr. Alpert stated he came in not liking the 5-foot setback. He started to waver with Mr. Frail's comments and now is wavering back due to Mr. Crocker's comments. Ms. McKnight commented it would be seniors that this would be helping. Ms. Newman stated she would write it 2 different ways and the Board can choose which they want at a subsequent meeting. The members had a discussion regarding the length of time for a lease. Mr. Block noted a lot of nurses come here for 6 months. He would be open to 6-month leases. Mr. Alpert stated he would be comfortable with 6 months. Ms. McKnight and Mr. Crocker agreed. Ms. Espada stated she is ok with it as long as it does not become a weekly or monthly rental.

Decision: Amendment to Major Project Site Plan Special Permit No. 2014-11: French Press LLC d/b/a French Press Bakery and Café, Petitioner (Property located at 74 Chapel Street, Needham, MA). Regarding request to permit 22 outdoor seats by French Press Bakery and Café, as well as a pergola to cover the seating.

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 Grant: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the By-Law; (2) the requested Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2014-11, Section 4.2, and (3) the requested Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Section 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively), subject to and with the benefit of the following Plan modifications, conditions and limitations in the decision to be voted.

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

VOTED: to adopt the decision as drafted.

Decision: Amendment to Major Project Site Plan Special Permit No. 2002-02: Sai Restaurant Inc., d/b/a Masala Art, Petitioner (Property located at 990 Great Plain Avenue, Needham, MA). Regarding request to permit 44 outdoor seats by Masala Art.

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

VOTED: to Grant: (1) an amendment to a Major Site Plan Review Special Permit No. 2002-02, issued by the Needham Planning Board on June 25, 2002, amended April 1, 2003 and December 7, 2004, under Section 7.4 of the Needham Zoning By-Law and Special Permit 2002-02, Section 4.2: and (2) a Special Permit under Section 5.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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

VOTED: to adopt the decision as drafted.

Board of Appeals – March 16, 2023

246 Forest Street – 246 Forest Street, LLC

Mr. Block stated there is a 48-foot wall and asked if there should be an offset at 32 feet. Ms. Newman stated this is in the Residence A District and the offset does not apply.

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

VOTED: “No comment.”

238 Highland Avenue – Allen Douglass and Christine Lachkey, applicants

Mr. Block noted this is the Montessori School. They want to increase enrollment by 40 students. He noted the attorney references payment to the Town of Mansfield, likely a typo. Mr. Alpert was questioning parking supply with so many students, but it is all drop off and pick up. This is a hard place to drop off and pick up 154 students going in and out. The comment to the ZBA should consider the safety issue with this number of students going in and out of Highland Avenue. Ms. McKnight suggested a post occupancy review. Mr. Block commented that a traffic study should be done with the increase. He feels they should ask the ZBA if there should be a condition to require a traffic study 2 or 3 months after occupancy. Mr. Alpert stated a decision on adequacy of parking needs to be made before the occupancy permit is granted.

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

VOTED: to ask if the ZBA has done an adequate traffic study and if there is adequate safety from the parking lot to Highland Avenue.

73 Highland Avenue – Nezahualcōtl Leon, The Hungry Coyote

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: “No comment.”

1584 Great Plain Avenue – Enterprise Rent-A-Car Company of Boston, LLC

Enterprise is moving into a garage on Highland Avenue. There is no greater impact than the auto mechanic previously. Ms. McKnight asked if this prior non-conforming use has been abandoned and was informed it had not been.

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

VOTED: to ask the ZBA to investigate if the prior non-conforming use of the auto repair garage continued or if it has been abandoned.

470 Dedham Avenue – The Town of Needham (Department of Public Works) Park and Recreation Commission

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

VOTED: “No comment.”

Minutes

This will be deferred to another meeting.

Report from Planning Director and Board members.

This will be deferred to the next meeting.

Correspondence

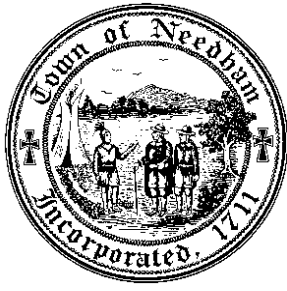
Mr. Block noted an email from Michael Ruddy, dated 2/15/23 and a follow up note from Joe Matthews, dated 3/7/23.

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

VOTED: to adjourn the meeting at 11:37 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk



May 26, 2023

Adam Block, Needham Planning Board Chair
Natasha Espada, Needham Planning Board Vice Chair
Needham Town Hall
1471 Highland Ave
Needham, MA 02492

Re: Climate Action Planning Committee (CAPC) Recommended Actions for 2023/24

Dear Chair Block and Vice Chair :

The Climate Action Planning Committee (CAPC) continues its work to produce the Town's first Climate Action Plan, with a goal of releasing that plan later in 2023. In the meantime, the CAPC has voted to recommend several high priority actions that will have a significant impact on our Town's greenhouse gas (GHG) emissions.

At our May 18, 2023 meeting, the CAPC voted on two priorities for the Town to take in the coming year: 1) Updating our Town's zoning and permitting bylaws to encourage more installation of solar PV, especially over parking lots and commercial buildings; 2) Adopting the State's Opt-In Specialized Code for buildings.

Updating of the zoning and permitting bylaws is a relatively low effort, zero-cost way to encourage more of the electricity that is consumed in Needham to be generated by renewable resources. Currently, the Town has no mention of solar canopies in our zoning bylaws, and the existing size restrictions on commercial roofs limit the economic viability of rooftop solar. The School Committee has expressed interest in installing solar canopies on school property but has been held back by the lack of zoning language. Similarly, Olin College has been going through a lengthy process to approve solar canopies in its lots. For commercial buildings, the existing zoning limits solar panels and other rooftop equipment to a total of 25% of the roof surface. This dramatically limits the amount of rooftop solar that can be installed on these roofs, which lowers the potential return on investment for commercial property owners.

The CAPC met with the Town's Building Commissioner, David Roche, and Assistant Town Engineer, Justin Savignano, during our March 2023 meeting to discuss solar, and they were supportive of changes to our bylaws to better define and support the installation of solar. They

also provided some guidance on site plan review considerations to address issues such as emergency and plow vehicle access, stormwater management, and parking capacity.

The CAPC recommends that the Planning Board prioritize these zoning and permitting changes. In support of this recommendation, the CAPC provides model zoning language adapted from the Massachusetts Department of Energy Resources (DOER). The model zoning language is the CAPC's recommendation for what would encourage the most solar in Needham, and we make recommendations on what types of solar installation should be by right, by right with site plan review, or by special permit with site plan review.

The second item that CAPC voted on at our May meeting was to adopt the state's Opt-In Specialized Code for new residential and commercial construction. The Opt-In Specialized Code was developed and released by the DOER in 2022 in response to the Massachusetts 2050 Decarbonization Roadmap that requires the state to hit Net Zero GHG emissions by 2050. Almost 40% of Needham's GHG emissions come from the natural gas, oil, and other fossil fuels used to heat our homes and businesses, cook our food, dry our clothes, and heat our water.

Achieving Net Zero GHG emissions will require that within over the next 27 years all of our homes and businesses convert to more efficient heat pumps for our heating and cooling and install high-efficiency hot water heating, dryers, and electric stoves. For homes and businesses being built today, that means ensuring that they are either all electric when they're built or that they are pre-wired and built such that a future owner or tenant will have an affordable path to decarbonizing. This is precisely why the CAPC believes it adopting the Opt-In Specialized Code is a commonsense action for the Town to take.

We have asked that the Select Board support adoption of this code, which will require an affirmative vote by Town Meeting to take effect. While the Planning Board's role in considering this Opt-In Specialized Code may be limited, we would like the Planning Board to be aware of the proposed adoption, as the code does have some provisions, such as requirement for on-site solar generation for certain mixed-fuel buildings, that may impact how we our zoning and permitting needs to be written.

The CAPC is prepared to provide more information and answer questions on the Opt-In Specialized Code to the Select Board, the Planning Board, other boards and committees, Town Meeting, and the general public. As a brief introduction, the Opt-In Specialized Code will require builders for **new construction** of certain building types and sizes to provide the following:

- 1) Pre-wiring for mixed fuel buildings to ensure that they can be easily and affordably converted to electric only in the future (fossil fuel for heating, cooking, etc. is still allowed)
- 2) On-site solar generation for mixed fuel buildings – with exceptions for tree shading and obstructions casting shadows,
- 3) HERS 0 or Phius ZERO certification for large homes > 4,000 square feet – completely offsetting annual electric and fossil fuel usage with renewable energy, (smaller homes do not need to meet HERS 0)

- 4) Passive House (Phius) certification for multi-family buildings > 12,000 square feet – achieving even greater energy efficiency before renewable energy offsets, as is becoming increasingly widespread as an affordable housing standard throughout MA. (Passive House is increasingly becoming the standard for multi-family buildings, including for deeply affordable housing).

If approved by Town Meeting, the Opt-In Specialized Code would go into effect on either a January 1 or July 1 that is at least six months after the vote is held. For example, if the code were approved at Fall Town Meeting 2023, it would go into effect July 1, 2024. With roughly 100 new homes being built in Needham per year, we urge the Town to take immediate action on this code. Given the solar on-site generation requirements in the Opt-In Specialized Code, we urge the Planning Board to update our zoning and permitting and bring that to Town Meeting as soon as possible.

With most new homes being built in Needham exceeding 4000 square feet, and those buildings being only built to the current Updated Stretch Code, there's an opportunity in adopting the Opt-In Specialized Code to ensure that those homes, which will still be occupied in 2050, are as close to Net Zero as possible when they're built.

Please note that the Opt-In Specialized Code has **no impact on renovations** of any size. All renovations, regardless of size, are covered under the Update Stretch Code that Needham has already adopted by Town Meeting vote, a requirement to become a Green Community.

In transmitting this recommendation to you, the CAPC asks for the Planning Board's support of these priorities over the coming year.

Sincerely,
Stephen Frail, Climate Action Planning Committee, Chair
Nicholas Hill, Climate Action Planning Committee, Vice Chair

Recommendations based upon [Solar Best Practices Guide from DOER](#).

1. So that the ByLaw doesn't have to go to Town Meeting every time minor changes are needed, we recommend that the Town implement a Site Plan Review process with "Site Plan Review Rules and Regulations" that can be amended from time to time.
Solar Best Practices Guide page 7.
2. MGL Chapter 50A Section 3 protects solar energy systems. See Solar Best Practices Guide page 9-10.

"No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare."

3. Needham has already sited solar in Town to comply with Green Communities status. Green Communities program does not prohibit inclusion of site plan review in the as-of-right process.
4. Under the State Zoning Act, solar PV arrays can be allowed As-of-Right (with a building permit only), allowed As-of-Right (with Site Plan Review), or approved through a Special Permit (with Site Plan Review).

Example:

We recommend that the Town adopt...	Types of installations	Where
As-of-Right (with a building permit only)	Rooftop installations Small residential-scale ground mounted projects	All zoning districts
As-of-Right (with Site Plan Review)	Large rooftop installations Medium-scale ground-mounted projects	
Special Permit (with Site Plan Review)	Large-scale projects	

See Solar Best Practices Guide page 15.

As-of-Right and Special Permit zoning are applicable to many kinds of development, not just solar PV systems. Both permitting processes can incorporate Site Plan Review (SPR), but the outcomes of that review differ.

As-of-Right Siting means that development may proceed without the need for a special permit, variance, amendment, or other discretionary approval. As-of-right development may be subject to non-discretionary Site Plan Review to determine conformance with local zoning bylaws as well as state and federal law. As-of-right zoning bylaws or ordinances can apply appropriate standards that protect public health and safety. Reasonable environmental performance standards per the developed bylaw or ordinance may be incorporated into the Site Plan Review process (e.g. height, setback, etc.), but cannot be so stringent as to make the use infeasible. The key is that Site Plan Review must be truly non-discretionary – i.e., if the standards and zoning requirements are met, the project can be built. In this context, Site Plan Review can only be used to shape a project; it cannot be used to deny a project, except in rare circumstances. As-of-right development projects that are consistent with zoning bylaws and ordinances and with state and federal law cannot be prohibited.

This is distinct from the Special Permit (SP). In the special permit process, the full range of discretion is available to the special permit granting authority.

5. Defining Solar Array Size

Array size can be defined by project capacity (kw or MW DC), solar panel area, project footprint (sq feet)

Recommendations: Use DC because that's what was used for the Large Scale Solar Array Overlay square footage may change (i.e. shrink) over time as panels become more efficient.

Draft of Solar By Law Language

The below was copied from the DOER model language.

The By Law should have the following sections:

- I. Purpose
- II. Applicability
- III. Definitions
- IV. Standards for Small-Scale Solar Arrays
- V. Site Plan Approval
- VI. Site Plan Review Standards
- VII. Construction, Maintenance, Monitoring, and Modifications
- VIII. Discontinuance and Removal
- IX. Financial Surety

I. PURPOSE

A. Purpose. The purpose of this bylaw (or ordinance) is to provide for the construction and operation of solar energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of solar facilities that address public safety, minimize impacts on scenic, natural and historic resources of the town (or city) and provide adequate financial assurance for decommissioning.

Additionally, the solar energy facilities shall be consistent with community planning documents including but not limited to the Town's Open Space and Recreation Plan or Master Plan

The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of solar energy facilities.

II. APPLICABILITY

A. As-of-Right: The following solar photovoltaic installations, as defined herein, are allowed as of right with issuance of a valid building permit from the building inspector in all zoning districts:

1. Any such roof-mounted installation on an existing structure.
2. Any such ground-mounted installation less than or equal to 25 kW DC in capacity.
- 3.

B. As-of-Right: The following solar photovoltaic installations, as defined herein, are allowed as of right with site plan approval in all zoning districts:

1. Any ground-mounted installation greater than 25 kW DC over an existing parking surface, pedestrian walkway, or other paved area in a manner that maintains the function of the area beneath the canopy.
2. Any other ground-mounted installation greater than 25 kW DC but less than 250 kW DC in capacity.

C. Special Permit: Any solar photovoltaic installation not specified in (A) or (B) requires a special permit in all zoning districts from the Special Permit Granting Authority. For all special permit applications, site plan approval as described below is required, but shall not require a second public hearing, per bylaw or ordinance addressing site plan approval.

D. Not Permitted: No commercial solar photovoltaic installation may be permitted as follows:

1. Any solar photovoltaic installation of greater than 20 acres of previously undeveloped land in a fenced array area.
2. Any solar photovoltaic installation requiring forest clearing greater than ten acres. *[note: we may need to check with Hank Half on this, as there's potential solar at pumping station that would require clearing some sick trees.]*
3. Any solar photovoltaic installation on slopes of 15% or greater as averaged over fifty horizontal feet; the Special Permitting Granting Authority may consider waiving this up to 18% based on site-specific parameters. No cutting or filling may be done to reduce natural slopes.

III. Definitions

GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A solar photovoltaic installation that is directly mounted to structural supports on the ground and not mounted on a roof or other previously existing structure.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the commercial solar photovoltaic installation in Direct Current (DC).

SITE PLAN APPROVAL AUTHORITY: The site plan approval authority as designated by the Zoning Guide.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

SOLAR PHOTOVOLTAIC INSTALLATION: A solar energy system that converts solar energy directly into electricity through an arrangement of solar photovoltaic panels.

SMALL-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A Ground-Mounted Solar Photovoltaic Installation with a rated nameplate capacity of 25 kW DC or less.

MEDIUM-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A Ground-Mounted Solar Photovoltaic Installation with a rated nameplate capacity greater than 25 kW DC but less than or equal to 250 kW DC.

COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION (CSPI): A Ground-Mounted Solar Photovoltaic Installation with a rated nameplate capacity greater than 250 kW DC.

IV. Standards for Small-Scale Solar Arrays

1. All Small and Medium-Scale Solar Photovoltaic Installations shall adhere to the following Design and Operation Standards.
 - a. **Utility Notification.** No grid-intertie photovoltaic system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - b. **Emergency Access.** Solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.
 - i. For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one three-foot wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one three-foot smoke ventilation buffer along the ridge.
 - ii. Residential rooftops that are flat shall have a minimum three-foot wide clear perimeter and commercial buildings that are flat shall have a minimum four-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.
 - c. To the extent practicable, the access pathway shall be located at a structurally strong location on the building (such as a bearing wall).

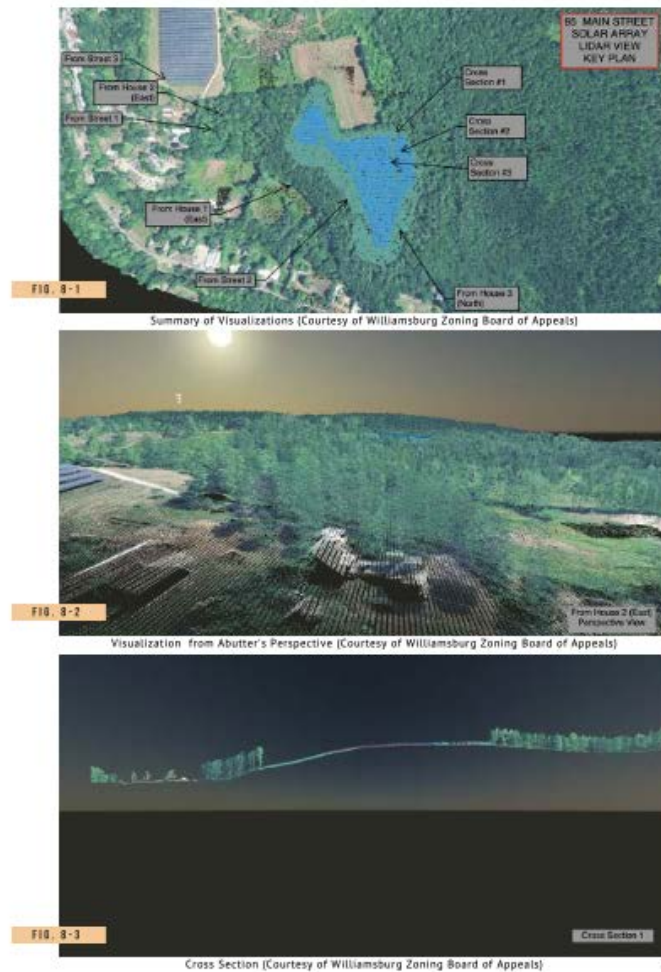
V. Site Plan Approval

1. **Site Plan Approval.** The construction, installation or modification of a ground-mounted solar photovoltaic installation, whether as-of-right or by special permit, shall be subject to site plan approval by the Site Plan Approval Authority in accordance with the Applicability Section of the zoning bylaw.

- a. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
- b. Required Documents. The project proponent shall provide the following documents:
 - i. A site plan showing:
 1. An existing conditions plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees- mature, old growth, shrubs, open field, etc), wetlands, streams, ledge, for the project site;
 - 1.
 2. Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
 3. Trees with a DBH of 20" or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
 4. Drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 5. Three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 6. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 7. Name, address, and contact information for proposed system installer;
 8. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 9. The name, contact information and signature of any agents representing the project proponent.
 10. Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.
 11. Locations of floodplains or inundation areas for moderate or high hazard dams;
 12. Locations of local or National Historic Districts.
 13. Stormwater management and erosion and sediment control

- ii. Documentation of actual or committed prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- iii. A plan for the operation and maintenance of the solar photovoltaic installation as detailed in A(3): Operation and Maintenance Plan.
- iv. Proof of liability insurance.
- v. Description of financial surety that satisfies Financial Surety.
- vi. Pre-construction photos from the right-of-way and nearest abutters. These photos should include tree coverage.
- vii. Zoning district designation for the parcel(s) of land comprising the project site.
- viii. Visualization of post-construction solar development, including perspectives from right-of-way(s), nearest abutting properties or residential structures, and tree coverage. The Site Plan Approval Authority may determine additional visualizations to be submitted for review.
- ix. Proof that the project proponent will meet the required Site Plan Review notification procedures.

Example visuals to support Site Plan Review



- c. **Operation & Maintenance Plan.** This plan shall include measures to maintain safe access to the installation, stormwater controls, and general procedures for operational maintenance of the installation. The Operation & Maintenance Plan should include a training component and schedule for emergency services staff along with any designees the Site Plan Approval Authority deems necessary.
- d. **Waiver Requests.** The Site Plan Approval Authority may waive documentation requirements as it deems appropriate upon written request of the applicant submitted with an application for approval.
- e. **Consultation with Other Departments and Entities.** No building permit shall be issued and no application for such permits shall be accepted for construction, exterior alteration, relocation, or change in use except where noted in Section X, unless a site plan has been endorsed by the Site Plan Approval Authority, after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Select Board or Town/City Council, Historical Commission, Conservation Commission, Highway Department or DPW, Fire Department and Police Department. The Site Plan Approval Authority may waive

any or all requirements of site plan review for external enlargements of less than 10% of the existing occupied area.

2. **Utility Notification.** No solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Approval Authority that the utility company operating the electric grid the installation is to be connected to has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
3. **Pollinator-Friendly Certification.** No Commercial-Scale Solar Photovoltaic Installation shall be constructed until proof has been given to the Site Plan Approval Authority that the project proponent has obtained Pollinator-Friendly Certification for the solar photovoltaic installation through the UMass Clean Energy Extension Pollinator-Friendly Certification Program at a minimum of the [choose Certified, Silver, or Gold] Certification Level, or other equivalent certification as determined by the Site Plan Approval Authority. This certification must be maintained throughout the life of the installation.

VI. Site Plan Review Standards

A. Height. The height of any structure associated with a Commercial-Scale Ground Mounted Solar Photovoltaic Installation shall not exceed 35 feet.

B. Building Height Regulations Exemptions. Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, broadcasting and television antennae, **heat pump technology**, and roof-mounted solar energy systems.

C. Setbacks. All Medium and Large Ground-Mounted Solar Photovoltaic Installations shall meet the front setback of 50 feet, side setbacks of 20 feet, and rear setback of 20 feet.

Small Ground-Mounted Solar Photovoltaic Installations accessory to principal use may be located no closer than [1/2 of the setback that would otherwise apply] from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable.

For all Commercial-Scale Ground-Mounted Solar Photoelectric Installations, minimum setbacks shall be as follows:

FRONT SETBACK (feet) 100

REAR YARD (feet) 100

SIDE YARD (feet) 100 PERIMETER SETBACK (feet) 100

D. Appurtenant Structures. All appurtenant structures to a solar photovoltaic installation shall be subject to the requirements of the Zoning Guide concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation.

E. Lighting. Lighting shall be consistent with local, state and federal law. Lighting of all parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution. Lighting of CSPI shall be limited to night-time maintenance and inspections by authorized personnel, and shall comply with Dark Sky standards. There should be no illumination when personnel are not on the site.

F. Signage. A sign shall be erected identifying the owner and providing a 24-hour emergency contact phone number of the CSPI owner or operator. CSPIs shall not display any advertising. Signs must comply with sign standards as identified in the community's sign regulations.

G. Day-time Visual Distraction. The Commercial-Scale Ground-Mounted Photovoltaic Installation shall be positioned to minimize glare on any residence or public way, and shall not create a visual obstruction on a public roadway, such as blocking intersections or creating blind curves. The applicant should submit a ratings and technical specifications for the solar panels to ensure minimal reflectivity.

H. Utility Connections. All utility connections from the solar photovoltaic installation must be placed underground, unless it can be demonstrated to the Site Plan Approval Authority that soil conditions, shape, and topography of the site or requirements of the utility provider make it infeasible. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

I. Fencing. There shall be a fence built surrounding the solar array and ancillary equipment. The fence shall be knucked selvage chain link fence unless determined otherwise by the Site Plan Approval authority. There shall be a gap along the bottom of the fence that complies with UMass Clean Energy Extension Pollinator-Friendly Certification Program standards, in order to allow for wildlife crossing under fence.

J. Access Roads. Access roads shall be planned and constructed in consultation with the Department of Public Works in order to minimize grading, stormwater/run-off control, removal of stone walls or trees and to minimize impacts to environmental, wetlands, or historic resources.

K. Emergency Access. The CSPI owner or operator shall provide a copy of the project summary, electrical schematic, and an approved site plan, to the local fire department and the Building Inspector. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan, which may include ensuring that

emergency personnel have immediate, 24-hour access to the facility. All means of shutting down the CSPI shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation and shall provide a mailing address and 24-hour telephone number for such person(s). **These components shall be included in the Operation & Maintenance Plan.**

L. Vegetation Clearing. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the Commercial Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and guides. Existing root structures and topsoil shall be maintained to the maximum extent possible. Where removal of naturally occurring vegetation such as trees and shrubs is planned, the owner of the CSPI must demonstrate that the removal of this vegetation is necessary and its presence adversely affects the performance and operation of the solar installation.

M. Project Visibility. The CSPI shall be designed to minimize its visibility, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and from abutting dwellings.

N. Vegetation Planting and Maintenance. The project proponent must obtain Pollinator-Friendly Certification for the solar photovoltaic installation through the UMass Clean Energy Extension Pollinator-Friendly Certification Program at a minimum of the [choose Certified, Silver, or Gold] Certification Level, or other equivalent certification as determined by the Site Plan Approval Authority. This certification must be actively maintained throughout the lifetime of the installation. **A copy of the final Establishment and Maintenance plan approved by the UMass Clean Energy Extension Pollinator-Friendly Certification Program must be included in the final Operations & Maintenance Plan for the installation.**

O. Vegetation Management. The open area of the site shall be seeded with a pollinator mix and maintained as bird and insect habitat. Mowing may only be done to retain a natural functioning of the landscape. Plants shall be maintained and replaced as necessary by the owner of the CSPI for the life of the CSPI. **The plan for vegetation control, and if applicable, animal control, shall be included in the Operation & Maintenance Plan.**

P. Animal and Plant Management. Herbicides, rodenticides, or any other pesticides may not be used to control vegetation or animals at a CSPI, except where herbicide use has been approved by the Site Plan Approval Authority for control of invasive species. In a dual-use CSPI, the agricultural operator, but not the CSPI operator, is exempt from this restriction. **The plan for vegetation control, and if applicable, animal control, shall be included in the Operation & Maintenance Plan.**

Q. Stormwater Management. A Stormwater Management Plan must be submitted with the stamp and signature of a Registered Professional Engineer (PE) who is licensed in the Commonwealth of Massachusetts. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall include:

1. The site's existing and proposed topography;
2. All areas of the site designated as open space;
3. A description and delineation of existing stormwater conveyances, impoundments, environmental resources on or adjacent to the site into which stormwater flows;
4. A delineation of 100-year flood plains, if applicable;
5. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
6. Existing and proposed vegetation and ground surfaces with runoff coefficients for each;
7. A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows, at a scale that enables verification of supporting calculations;
8. A recharge analysis that calculates pre- and post-construction annual groundwater recharge rates on the parcel;
9. A description and drawings of all components of the proposed stormwater management system;
10. Soils information from test pits performed at the location of proposed Stormwater Management facilities, including soil descriptions, depth to seasonal high groundwater and depth to bedrock. Soils information will be based on site test pits logged by a Massachusetts Certified Soil Evaluator.

R. Mitigation for Loss of Wildlife Habitat within the Installation. If undeveloped land is proposed to be converted to a CSPI, the plans shall show mitigation measures that create a wildflower meadow habitat within and immediately around the CSPI and a successional forest habitat in the surrounding areas managed to prevent shading until the installation is decommissioned and the site restored to forest.

S. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If undeveloped land is proposed to be converted to a CSPI, the plans shall designate an area of unprotected land (that is, land that could otherwise be developed under current zoning) contiguous parcels or nearby, or location within the municipality agreed upon by the the Site Plan Authority in consultation with the Conservation Commission, under common ownership that comprise the project site, and of a size equal to four times the total area of such forest conversion. Such designated land shall remain in substantially its natural condition without alteration except for routine forestry practices until such time as the CSPI is decommissioned and the site restored to forest. The special permit may be conditioned to effect and make enforceable this requirement.

VII. Construction, Maintenance, Monitoring & Modifications

- A. Construction Monitoring. The Site Plan Approval Authority may require a third- party inspector, selected by and acting under the direction of the Building Commissioner, to be employed to monitor compliance with all approvals and conditions during the CSPI's construction at the applicant's expense.
- B. Maintenance. The CSPI owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of

security measures. Site access shall be maintained to a level acceptable to the local emergency services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and all access roads that are not public ways.

- C. Annual Reporting. The owner or operator of a CSPI shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan, the requirements of this guide, and approvals granted hereunder, including but not limited to continued management and maintenance of vegetation, compliance with the approved plans and any permit conditions, continuation of liability insurance, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen or Town/City Council, Planning Board, Fire Chief, Building Commissioner, Board of Health, and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year.
- D. Modifications. All modifications to a CSPI made after issuance of the required building permit shall require approval by the Site Plan Approval Authority before implementation.
- E. The owner or operator of a CSPI shall submit a copy of the Annual Maintenance Log submitted to UMass Clean Energy Extension as proof of continued participation in the Pollinator Friendly Certification Program. The log shall be submitted to the [list appropriate authorities] no later than 45 days after the end of the calendar year.
- F. Transfer of Ownership. In the event that the solar facility is sold, all municipal permits, conditions, and associated documentation shall be provided in both digital and hard copy format to the new owner, including [add specific documents as needed]. The [Site Review Approval Authority/Special Permit Granting Authority] must be provided with updated contact information for the new owner, including name, address, telephone number, and e-mail address. Authorities Having Jurisdiction, including local emergency personnel, must be provided with updated emergency contact information, including an emergency contact number that is staffed 24 hours a day. The new owner must abide by all conditions as detailed in the final permit. Any proposed changes to the project shall require approval as described in the Modifications section of the municipality's solar zoning bylaw [list section of bylaw].

VIII. Discontinuance and Removal

- A. Removal Requirements. Any CSPI, or any substantial part thereof, not used for a period of one continuous year or more without written permission from the Site Plan Approval Authority, or that has reached the end of its useful life, shall be considered discontinued and shall be removed. Upon written request from the Building Inspector, addressed to the contact address provided and maintained by the owner or operator as required above, the owner or operator shall provide evidence to the Building Inspector demonstrating continued use of the CSPI. Failure to provide such evidence within thirty days of such written request shall be conclusive evidence that the installation has been discontinued. Anyone intending to decommission and/or remove such an installation shall notify the Site Plan Approval Authority and Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal.

- a. Physical removal of all parts of and appurtenances to the CSPI, including structures, equipment, security barriers and transmission lines;
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Approval Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - d. Any site that was deforested for the CSPI, per Section 5(B) or (C), shall be restored to encourage native tree growth, including the planting of seedlings, if necessary, to establish growth. The cost of plant replacement shall be incorporated into the financial surety stipulated in Section 13.
- B. Right to Remove. If the owner or operator of the CSPI fails to remove the installation in accordance with the requirements of this section, the town shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and physically remove the installation at the expense of the owner of the installation and the owner(s) of the site on which the facility is located. The Town/City may use the financial surety as stipulated in §13(D), below for this purpose.

IX. Financial Surety

- A. Financial Surety. Prior to commencing operation, the applicant shall provide a form of financial surety, through a cash deposit, in an amount determined to be adequate by the Site Plan Review Authority to cover cost of CSPI removal and site restoration.
- B. Decomissioning Cost Estimation. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include an escalator for calculating increased removal costs due to inflation. Salvage for solar panels may be included for other components of the installation at the discretion of the Site Plan Review Authority.
- C. The financial surety shall be maintained by the developer for the lifespan of the facility, with annual certification notices from the surety company or bank for surety bonds submitted to the Site Plan Review Authority. Such surety is not required for municipal facilities.
- D. A cash deposit [of a minimum amount of \$100,000 per MW (DC) of installed system capacity] shall be held by the Town Treasurer pursuant to M.G.L. Chapter 44, Section 53 1/2.

From: [Jeremy Dies](#)
To: [Planning](#)
Subject: Support for re-zoning 888 Great Plain Avenue
Date: Thursday, June 1, 2023 12:16:09 PM

Hello,

I am a resident of Needham on Marked Tree Road, in the neighborhood of this proposed re-development.

I'm writing in full support of re-zoning to allow for residential and commercial development on the property.

This lot is precisely where our town should be encouraging this type of development, within walking distance of trains, groceries, restaurants and parks.

I believe that concerns about cars crossing the sidewalk into the proposed underground garage can (and should) be addressed by appropriate signage and design. I say this as a parent with children who regularly walk that stretch of Great Plain.

Needham desperately needs MORE housing, and this site is the ideal place for a sensible residential/retail development. While I understand that there may be concerns about parking and traffic, I urge the town leadership to address those challenges without restricting housing or curbing smart development in our town center. Please support this re-zoning for 888 Great Plain Avenue. Many thanks.

Sincerely,
Jeremy Dies
51 Marked Tree Rd, Needham, MA

From: [Kimberly McCollum](#)
To: [Planning](#)
Subject: ATTN: Chairperson Block
Date: Thursday, June 1, 2023 10:33:40 AM

Dear Adam,

The purpose of this letter is to follow up on a brief conversation we had during the course of your recent campaign. Specifically, during a campaign zoom on March 14th, I asked you how the Planning Board would reach consensus on the scope of the proposed development at 888 Great Plain Ave (GPA). You responded by assuring me (and the others on the zoom) that many town departments would be consulted before any final decision was reached regarding 888. You made specific mention to the Traffic department. I write today to follow up on that conversation.

When Mr. Derenzo's plans for 888 GPA were first made known to the public, several neighbors came together to discuss our concerns. Foremost among those concerns is the proposed entry/exit crossing the sidewalk onto GPA. During the Planning Board meeting on January 18, 2002, every member of the then-PB expressed a similar concern. In the iterations of the proposal since January 2022, none have significantly addressed this safety issue, i.e. in all proposals that the public has seen, the exit/entrance is still onto GPA.

My question, on behalf of dozens of neighbors, is when can we expect the traffic study that you mentioned in March of this year? What other departments will the Planning Board consult with regarding 888 GPA and how will the public be made aware of those consultations?

Thank you for your attention to the questions above. I look forward to hearing from you.

Sincerely,

Kimberly McCollum
843 Great Plain Ave

From: [Glenn Mulno](#)
To: [Planning](#)
Subject: old Hillcrest Gardens, 888 Great Plain Avenue
Date: Thursday, June 1, 2023 12:36:26 PM

Greetings -

While I do not yet know all the details of the proposal from the developer, I wanted to say I am in support of changing the zoning to accommodate a 4 story building with 24 - 32 residential units. We need more creative thinking like this in the downtown area that builds for multi use - business and residential. I can't tell from what little was posted but I am assuming the first floor would be retail/restaurant zoned? I would likely be less supportive if the entire building was residential. A positive result from a mixed use building could encourage other landlords to consider rebuilding their property downtown to match, which would really energize the downtown area.

As usual, some amount of affordable units would be great. I'd love to see minimum 3 or maybe up to 6.

MY biggest concern would be to ensure that the building contains enough parking under the building or on site to accommodate all the planned use and residents. I would be very against any change that allowed residents of that unit to be able to street park as street parking is already in short supply in that area.

Thanks for listening,

Glenn Mulno
TMM Precinct I

From: [Rebecca Keller Scholl](#)
To: [Planning](#)
Subject: 888 GOA Hillcrest Nursery Site
Date: Thursday, June 1, 2023 2:10:51 PM

Dear Planning Committee,

I am writing in opposition of the proposed construction for a four story mixed use building at 888 Great Plain Ave. this site is directly opposite a park and recreational area with many family and children's activities and putting a break in the sidewalk at this location is not safe. I also do not believe that the proposed parking scheme would eliminate the added street parking issues we are currently facing in town. And while there is a need for affordable housing in town, this seems to propose rather pricey units with limited affordable housing options. And lastly, I object to the 4 story expansion in town as it ruins the quaint character of the town. Please vote against this development and keep 888 GPA as a residential property.

Thank you.

Rebecca Keller Scholl
115 Fair Oaks Park, Needham, MA 02492

--

Rebecca
My pronouns are she/her(s)

"Love the hell out of this world

Select Board Goal Statement
Adopted September 27, 2022
Revised January 24, 2023

PURPOSE

The purpose of the Select Board Goals is to effect positive change, set policy direction for Town government, and guide the development of the budget.

GOAL #1: Livable Needham plans for and invests in safe, well-maintained, and attractive buildings and infrastructure that accommodate a diverse set of community needs. Needham:

- Promotes and sustains a secure, clean, and attractive place to live, work and play.
- Provides a variety of housing types with a full range of affordability.
- Provides high-performing, reliable and affordable public infrastructure, and Town services.
- Encourages and appropriately regulates sustainable development.
- Supports and enhances neighborhood livability and walkability for all members of the community.
- Coordinates with state and federal leaders to ensure access to safe, reliable, and efficient public transit.
- Coordinates major infrastructure projects and communicates with impacted members of the Needham community.
- Prioritizes the reconstruction and repair of existing sidewalks before embarking on new sidewalk construction. The construction of new sidewalks will be offset by the removal of old, under-used sidewalks.
- Explores targeted opportunities for parcel acquisition.
- Works with stakeholders to manage the impact of the COVID-19 Pandemic on the Town of Needham.
- Supports the PPBC's recommended funding levels.

FY2023-2024 Initiatives	Description
1.1	Begin the Ridge Hill/Nike Assessment Phase 2 Project, including working with the Community Farm to decide on the long-term plan for the farm at the site as well as considering potential future uses of the site. (FY2024)
1.2	Work with the Planning Board on next steps related to the MBTA Community Housing Guidelines and the update to the Town's Affordable Housing Plan. Review updated demographics and impact on anticipated transit-oriented development and schools.
1.3	Evaluate RTS Service Delivery Model to Guide Long-term Investment and Review Operational Efficiencies in the Short-term.
1.4	Maintain/repair the barn at Ridge Hill.

1.5	Identify funding for School Master Plan projects and participate in the planning process.
1.6	Work with stakeholders to secure funding for an arts and culture strategic plan.
1.7	Work with the Park & Recreation Commission, Conservation Commission, and other stakeholders to set priorities for capital spending.;
1.7.1	Identify opportunities for expanded active and passive recreation facilities including but not limited to an action sports park and additional boat ramps.
1.7.2	Improve trailhead access to ensure clear and accessible access; consider creating a trails app. (FY2024)
1.8	Evaluate expansion of off-leash dog areas.
1.9	Evaluate next steps for use of the Stephen Palmer Building.
1.10	Upgrade Town Seal to improve graphic quality and historical accuracy. (FY2024)
1.11	Evaluate opportunities for undergrounding of electrical wires. (FY2024)
1.12	Review and implement an alternative service delivery method for weights and measures inspections.
1.13	Create a voluntary local historic district under Chapter 40C for the property of Elizabeth and Maurice Handel at 3 Rosemary Street, built by Jonathan and Jemima Kingsbury in 1779, the oldest house in 02494 and the 11th oldest in Needham.

GOAL #2: Economically Vital – Needham has the economic opportunities and resources for residents and businesses to thrive in our community. Needham:

- Supports an environment for creativity, innovation, and entrepreneurship.
- Promotes a well-educated, skilled, and diverse work force that meets employers’ needs.
- Fosters a collaborative and resource-rich regional business climate.
- Attracts, sustains, and retains a diverse mix of businesses, entrepreneurs and jobs that support the needs of all community members.
- Supports financial security, economic opportunity, and social mobility for all.
- Evaluates ways to increase minority and women-owned business participation in construction, building maintenance projects, and other Town programs.

FY2023-2024 Initiatives	Description
2.1	Evaluate Chestnut Street Redevelopment. (FY2024)
2.2	Evaluate Expansion of Snow Removal Efforts, including sidewalk plowing strategies. (FY2024)

GOAL #3: Accessible & Connected – Needham has a multi-modal transportation system that gets people where they want to go, when they want to get there, safely, and cost-effectively. Needham:

- Offers and encourages a variety of safe, comfortable, affordable, reliable, convenient, and clean mobility options.
- Supports a balanced transportation system that reflects effective land use, manages congestion, and facilitates strong regional multimodal connections.
- Provides effective infrastructure and services that will encourage diverse populations to connect to nature and the larger community.
- Promotes transportation options to ensure we remain an age-friendly community.

FY2023-2024 Initiatives	Description
3.1	Evaluate parking needs, options, types, and zoning in the Needham Center and Needham Heights business districts, identify technology to manage parking.
3.2	Evaluate the role and composition of the TMAC, Transportation Committee, Rail Trail Advisory Committee and Complete Streets Committee.
3.3	Seek funding for noise reduction/Quiet Zone feasibility, design, and construction.
3.4	Evaluate future use of the rail corridor between Dover and Newton.
3.4.1	Evaluate funding options for the Rail Trail extension from High Rock Street to Needham Junction.
3.4.2	Evaluate the feasibility of a shared use way between Needham Heights and the City of Newton.
3.5	Evaluate and make a final determination of the appropriate plan for Downtown Redesign Phase 2.
3.6	Prioritize funding for the Central Avenue/Centre Street Bridge.
3.7	Evaluate the feasibility of last mile in-Town transportation options (if earmark is not funded, explore funding sources).

GOAL #4: Healthy and Socially Thriving – Needham residents enjoy high levels of physical and mental well-being and abundant recreational, cultural, and educational opportunities in an environment where human rights are respected, diversity is celebrated, and neighbors feel connected. Needham:

- Cultivates a wide range of recreational, cultural, educational, civic, and social opportunities for all socioeconomic and age groups.
- Supports the physical and mental well-being of its community members.
- Fosters inclusion, diversity, and equity.
- Promotes the installation of art and opportunities for community-led art projects.
- Provides diversity, equity and inclusion professional development opportunities for all staff geared towards deepening understanding and becoming culturally responsive, anti-racist, and anti-biased members of the Needham community.

- Identifies and implements strategies to hire, support and retain diverse staff at every level of the organization; measures efforts and provides quarterly updates on progress.

FY2023-2024 Initiatives	Description
4.1	Work with the Needham Golf Club to extend the lease of Town land to allow Club to finance improvements.
4.2	Explore the option of petitioning to rename Hemlock Gorge to “Nehoiden’s Grant.” (FY2024)
4.3	Identify ways to institutionalize community conversations around race, diversity, equity, and inclusion, to build relationships and a stronger understanding of different perspectives and lived experiences.
4.4	Make intentional efforts and identify creative ideas for community outreach to diversify the candidate pool for all appointed Boards and Committees; measure progress.
4.5	Explore benefits of creating a dedicated position for Diversity, Equity & Inclusion efforts.
4.6	Provide support to other Boards & Committees on how to apply NUARI principles to their work, including training opportunities and sample goals.
4.7	Conduct focus groups with BIPOC community members to identify strategies for ensuring that all members of the community feel welcome as outlined in the NUARI vision statement and guiding principles.
4.8	Work with the Human Rights Committee to develop a discrimination complaint process and provide forums where individuals feel comfortable discussing their concerns related to diversity, equity, and/or inclusion. Consult with the HRC on their role and next steps.
4.9	Develop a plan for a community observance of Juneteenth.
4.10	Consider options for recognizing Indigenous People’s Day and Columbus Day/Italian Heritage Day. (FY2024)
4.11	Implement Valor Act and consider aligning the administrative process for both the Valor Act and the Senior Corps programs.

GOAL #5: Safe – Needham is a welcoming and inclusive community that fosters personal and community safety and ensures that all residents are secure and cared for during emergencies and natural disasters. Needham:

- Enforces the law while considering the needs of individuals and community values.
- Plans for and provides equitable, timely and effective services and responses to emergencies and natural disasters.
- Fosters a climate of safety for individuals in homes, businesses, neighborhoods, streets, sidewalks, bike lanes, schools, and public places.

- Encourages shared responsibility, provides education on personal and community safety, and fosters an environment that is welcoming and inclusive.
- Utilizes Complete Street principles to evaluate and prioritize pedestrian safety on our roadways.
- Prioritizes emergency planning and trainings for Town staff and the community to increase our collective preparedness and resilience.

FY2023-2024 Initiatives	Description
5.1	Actively monitor progress on the law enforcement recommendations that the Police Chief presented to the Select Board on June 8, 2021.
5.2	Work with public safety unions to reach agreement on alternatives to the Civil Service system; work with all stakeholders to implement alternative recruitment and promotion systems for public safety employees.
5.3	Work with the Chief of Police on updating the annual reporting and evaluating the possibility of creating a quarterly status report.

GOAL #6: Responsibly Governed – Needham provides excellent customer experience, responsibly manages the Town’s assets, and makes data-driven decisions that are also informed by community engagement. Needham:

- Models stewardship and sustainability of the Town’s financial, human, information, and physical assets.
- Supports strategic decision-making with opportunities for engagement and timely, reliable, and accurate data and analysis.
- Enhances and facilitates transparency, accuracy, efficiency, effectiveness, and quality customer service in all municipal business.
- Supports, develops, and enhances relationships between the Town and community/regional partners.
- Provides assurance of regulatory and policy compliance.
- Reviews and updates Town policies and regulations.
- Identifies opportunities for departmental consolidation and efficiency improvement.
- Identifies opportunities for streamlining permitting processes. Provides open access to information, encourages innovation, enhances communication, and promotes community engagement.
- Meets regularly with other boards and committees.
Seeks input from other boards and the community during the annual goal setting process.

FY2023-2024 Initiatives	Description
6.1	Review the funding goal and use of all stabilization funds in conjunction with the Finance Committee and stakeholder boards and committees.
6.2	Support employee recruitment and retention initiatives.

6.3	Evaluate the possibility of developing a Community Master Plan. (FY2024)
6.4	Develop a Select Board/Committee code of conduct.
6.5	Expand Select Board community engagement efforts and ensure continuation of the Town's communications staffing. Pilot a Select Board Office Hours Program.
6.6	Collaborate with stakeholders on the development of short videos on how Town government works.
6.7	Update the Select Board's Appointment Protocol (BOS-ADMIN-003).
6.8	Review Elected/Appointed status.
6.9	Conduct a general governance review including the role of the Personnel Board.
6.10	Work with the Finance Committee to create a working group exploring the operating budget process and other finance-related issues.
6.11	Review and recodify the non-criminal disposition by-law.
6.12	Review and update alcohol regulations.
6.13	Complete formal appointment of Town Counsel.
6.14	Update policy governing use of public outdoor spaces under the jurisdiction of the Select Board (e.g., Town Common, Avery Square, Amity Path, etc.)

GOAL #7: Environmentally Sustainable – Needham is a sustainable, thriving, and equitable community that benefits from and supports clean energy; preserves and responsibly uses the earth's resources; and cares for ecosystems. Needham:

- Maintains a sense of urgency around climate change.
- Promotes sustainability, including transitioning from fossil fuels to clean, renewable energy.
- Ensures the efficient use of natural resources.
- Protects and enhances the biodiversity and productivity of ecological systems.

FY2023-2024 Initiatives	Description
7.1	Develop a Climate Action Plan.
7.2	Identify parcel acquisition to comply with Land & Water Conservation Fund requirements.
7.3	Sponsor a tree summit. (FY2024)
7.4	Work with the Planning Board to explore zoning options to allow solar canopies on public and private property.
7.5	Evaluate regulations governing asbestos and lead protection/mitigation on knockdowns. (FY2024)
7.6	Review/establish electric vehicle charging rates.
7.7	Recommend community energy aggregation.
7.8	Evaluate adoption of net zero building code. (FY2024)

7.9	Begin development of sustainability guidelines for the construction and renovation of existing and future municipal buildings, and large commercial buildings.
7.10	Support and encourage improved access to equitable solar energy opportunities, including assessment, planning, and funding.

**NEEDHAM PLANNING BOARD
2023 MEETING SCHEDULE**

MEETING DATE	LOCATION
January 3, 2023	Charles River Room & Hybrid
January 17, 2023	Charles River Room & Hybrid
February 7, 2023	Charles River Room & Hybrid
February 28, 2023	Charles River Room & Hybrid
March 7, 2023	Charles River Room & Hybrid
March 28, 2023	Charles River Room & Hybrid
April 4, 2023	Charles River Room & Hybrid
April 25, 2023	Charles River Room & Hybrid
Early May – Town Meeting	
May 16, 2023	Charles River Room & Hybrid
June 6, 2023	Charles River Room & Hybrid
June 20, 2023	Charles River Room & Hybrid
July 11, 2023	Charles River Room & Hybrid
August 15, 2023	Charles River Room & Hybrid
September 5, 2023	Charles River Room & Hybrid
September 19, 2023	Charles River Room & Hybrid
October 3, 2023	Charles River Room & Hybrid
October 17, 2023	Charles River Room & Hybrid
November 7, 2023	Charles River Room & Hybrid
November 21, 2023	Charles River Room & Hybrid
December 5, 2023	Charles River Room & Hybrid
December 19, 2023	Charles River Room & Hybrid

All Planning Board meetings begin at 7:00 p.m. unless otherwise noted.

5/11/2023