

NEEDHAM PLANNING BOARD

Tuesday, July 11, 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. Housing Needham (HONE) Advisory Group appointments.
2. Joe Matthews – Discussion of FAR regulations.
3. George Giunta Jr. – Discussion of proposed Approval Not Required Plan at 770 Chestnut Street.
4. Bond Reduction – 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 – July 20, 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.)

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, Land Use Planner, Land Use Attorney, Real Estate Developer		12/31/2024
	Architect, Land Use Planner, Land Use Attorney, 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

- Two (2) of either Architect, Land Use Planner, Land Use Attorney, or 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: 06/13/2023

SME Status Voted: 06/13/2023

** 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.*

Housing Needham (HONE) Advisory Group Candidates:

- Amanda Berman
- Sanjeev Jha
- William Lovett
- Oscar Mertz
- Ronald Ruth
- Bruce Wolfeld

From: [Joe](#)
To: [Planning](#)
Cc: [Lee Newman](#)
Subject: Re: Clarification on SRB dimension regulations
Date: Saturday, June 24, 2023 2:47:23 AM
Attachments: [Teardown Examples 2023.06.24.pdf](#)

Hello Alexandra,

I am attaching a set of slides regarding this issue with five examples. There is also data and information in those slides which could prove helpful. However, clear examples can be seen simply by visiting the SRB zoned areas, particularly those in the Mitchell and Broadmeadow school districts.

With the Town's efforts to post videos of the meeting on YouTube, I was able to see the Planning Board's discussion of this topic. I can assure the Planning Board members that this is a topic of great interest in town. If I am not mistaken, at least three members of the Planning Board were volunteering in town government in 2017, when the Planning Board was working on this topic and brought several articles to Town Meeting.

While the discussion of last meeting moved towards massing of structures, I want to emphasize that this is, above all else, an issue of housing affordability. However, by addressing the practice of teardowns, the town will also be able to make positive impacts on the environment, historic preservation, massing of structures, and other areas of interest.

Best,

Joe

On Thu, Jun 22, 2023 at 12:05 PM Planning <planning@needhamma.gov> wrote:

Yes zoom would be fine!

The Board wondered if you could provide a few addresses of homes that they could look at in advance of that July meeting.

Thank you.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: Joe <jsmatthews1988@gmail.com>
Sent: Wednesday, June 21, 2023 12:27:14 PM
To: Planning <planning@needhamma.gov>

Subject: Re: Clarification on SRB dimension regulations

Hello Alex,

Thank you for the response. Yes, I would appreciate that opportunity. Will it be possible to participate remotely (via Zoom)?

Best,

Joe

On Tue, Jun 20, 2023 at 10:42 AM Planning <planning@needhamma.gov> wrote:

Thanks for the email. I will share it with the Board and add it to their packet for tonight's meeting. The Chair, Adam Block, also asked that I ask you if you would like 10 minutes before the Board to discuss this further at the Board's July 11 meeting.

Thanks, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: Joe <jsmatthews1988@gmail.com>

Sent: Sunday, June 18, 2023 9:48 PM

To: Planning <planning@needhamma.gov>

Subject: RE: Clarification on SRB dimension regulations

To: Planning Board

I am writing to follow up from the email exchanges from December-January. Now that Town Meeting is behind us, I want to engage on this topic once again.

Although I do not have specific data, it appears to me that the "teardown" phenomenon is as bad as it has ever been. A cursory look at the popular real estate website Zillow shows

at least a dozen houses with SRB zoning on the market at an asking price of \$2.5 million or higher – at a time when new mortgages are being originated at rates of 6.5% - 7.0%. Along my own running route, I have seen several new houses begin the process of conversion from market affordable to inaccessible upper-class housing in recent weeks.

Generally, the listings for these houses explicitly state that they are 5,500 – 6,500 square feet across 3 or 4 floors, often on parcels of less than 11,000 square feet. This is occurring despite previous by-law changes designed to curtail both the massing of structures and help with housing affordability in Needham by including new restrictions on FAR in lots with SRB zoning. Developers, real estate agents, and owners are telling you that they are building structures with square footage which implies FAR above what should be permitted with current by-laws. This is made possible only by what I view as deficiencies in the current zoning by-laws.

The zoning by-laws should be modified to ensure that FAR calculations for houses built in SRB and other residential zones are made using the language from the definitions set forth at the start of the by-laws – “any area used for human occupancy.” This would then mean that new construction on SRB lots of 10,000 square feet should have no more than 3,800 square feet of living space (0.38 FAR).

There are multiple ways for the by-laws to be changed to achieve this effect. In my opinion, the most straightforward way is to reform the definition of FAR for SRB lots currently in the by-laws (Section 4.2). This would entail including floor area designed for human occupancy on the third floor or basement level of a house in FAR calculations.

I do not view this as a new initiative which requires extensive hearings, meetings, or discussions. There should be urgent action to rectify the previous loophole which was included in the by-law reform from 2017. Please keep in mind that prior to that reform, this had already been an issue for years and there is strong sentiment from members of town government, voters, and non-voters that this situation needs to be changed. While ultimately further dimensional regulation changes could and should be considered, this is a simple first step that can help stem the loss of market affordable housing in Needham.

I am writing this email to spur the Planning Board to action on this issue. I am not available to discuss this in-person until September, but I am available to discuss this virtually before the Planning Board at the next available opportunity.

SRB zoning is Needham. It is where most of the people live, where most of the historic houses are, where the schools and administrative buildings are located, and is considered the core of the town. I am asking the Planning Board to clarify what their actual plan is for SRB – because the following is what the Planning Board is showing it thinks is appropriate for SRB.

*“This **5,400 SF** home has **7 beds/7baths across 4 floors** and sits on a **10,000 SF lot** in the Broadmeadow district just **0.3 miles to Hersey T.** Character abounds in this house with rift and quarter sawn white oak hardwood floors, custom inset cabinets, a vaulted living room, and sloping bedroom ceilings. The 1st floor contains a large chef’s kitchen that flows to the breakfast area and family room. The family room has floor to ceiling doors that open to the backyard patio. A 1st floor study/bedroom with a bath, mudroom, & LR/DR finishes the 1st floor. The owner’s suite has it all with 2 large walk-in closets, and an oversized 8’ shower and soaking tub in the bath. 3 addl beds, all with ensuite baths, and laundry finish the 2nd floor. The quiet **3rd floor** has a playroom and bath. Space abounds in the basement with the **7th bed/bath.**”*

Regards,

Joe Matthews

Precinct I

jsmatthews1988@gmail.com

+1 339 225 1878

Teardown examples

6.24.2023

Current SRB FAR limits

- SRB FAR limitation table
 - Up to 12,000 square feet (0.275 acres) = 0.38
 - For square footage over 12,000 square feet, a ratio of 0.36
- Of primary concern are smaller lots; at ~0.3 acres and above, current FAR limits may not impact teardown activity, although surprisingly even those limits are tested

Lot size (acre)	Lot size (sq ft)	FAR limit (sq ft)
0.15	6,534	2,483
0.16	6,970	2,648
0.17	7,405	2,814
0.18	7,841	2,980
0.19	8,276	3,145
0.20	8,712	3,311
0.21	9,148	3,476
0.22	9,583	3,642
0.23	10,019	3,807
0.24	10,454	3,973
0.25	10,890	4,138
0.26	11,326	4,304
0.27	11,761	4,469
0.28	12,197	4,631
0.29	12,632	4,788
0.30	13,068	4,944

Problematic teardown examples

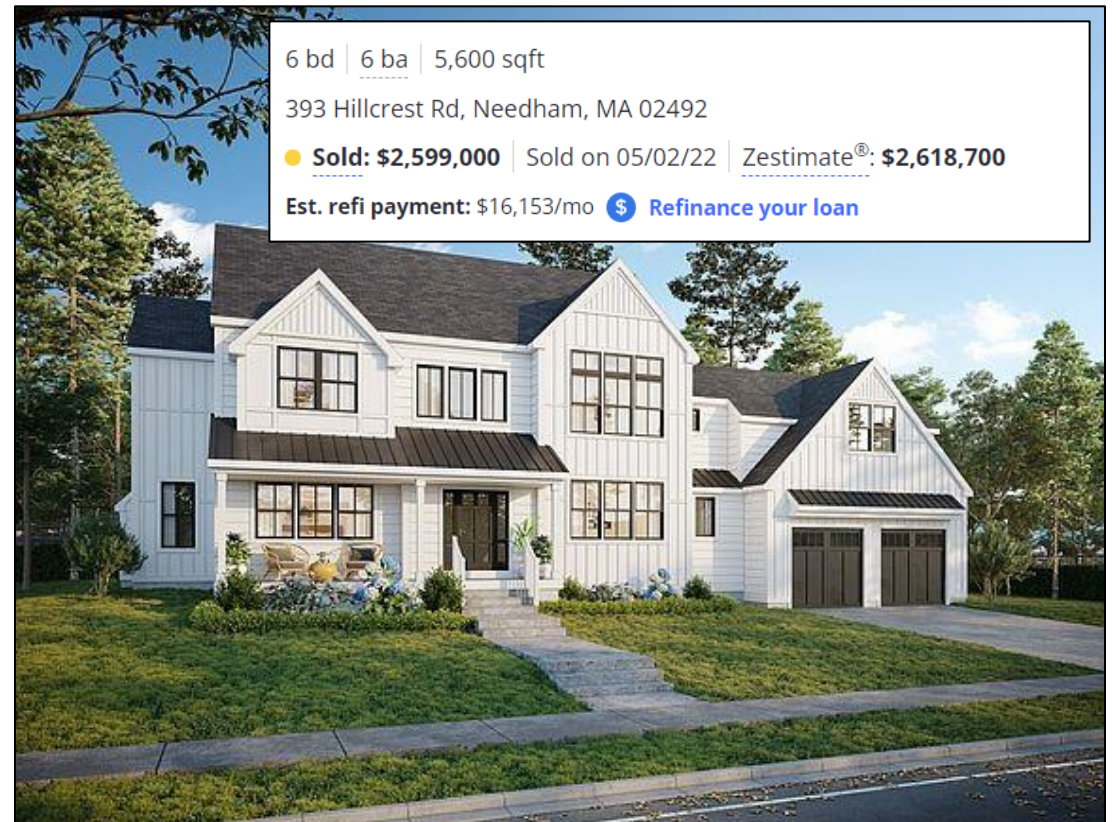
- Not clear violation of current by-laws as currently interpreted, although some could warrant further investigation
- Livable and marketed square footage, as well as housing value (cost) has typically tripled in these examples
- Significant change in environment, including removal of trees and altering of terrain
- Change in character of neighborhood (a criteria used elsewhere in planning policy)
- **This is first and foremost an issue of housing affordability**

Sources

- Zillow
- Google Maps
- First-person photos
- Needham property cards

(1) 393 Hillcrest Ave.

- “Move in Spring 2022! Wonderful new construction by a premier local builder. Spacious modern colonial **with 5,653 square feet of living space across four finished levels.** Superior craftsmanship, modern finishes, exquisite details built with the finest materials available on the market today will make this a perfect forever home. Beautiful bright kitchen, upscale stainless steel appliances, ample cabinets, and a cozy breakfast area will check all of your must-have boxes. Spacious bright rooms throughout include 6 bedrooms with an amazing master suite with two walk-in closets, 5 ½ bathrooms. Basement includes guest bedroom with a full bath, playroom/den and an exercise room, finished attic includes bedroom, playroom/den and a full bath. Ability to customize some of the finishes if you get this spectacular home early so don't wait!



(1) 393 Hillcrest Ave.

- New construction post-2017
- Property is 10,400 ft²
- Implying FAR limit of 3,950 ft²
- Marketed as 5,600 ft²
- Property card states 4,348 ft²

PARID: 1990280000700000 MUNICIPALITY: NEEDHAM LUC: 101
393 HILLCREST LLC 393 HILLCREST RD PARCEL YEAR: 2023

Residential Card Summary

Card/Building: 1
Stories: 2.5
Condition: 1 - EXCELLENT
Grade: X+ - SUPERIOR +
CDU: EX - EXCELLENT
Exterior Wall: FB - FRAME-CLAPBD
Style: C2 - NEW COLONIAL
Year Built: 2021
Effective Year: 2021
Square Feet of Living Area: 4348
Total Rooms: 12
Bedrooms: 6
Full Baths: 5
Half Baths: 1

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT	P-PRIMARY	101-SINGLE FAMILY RESIDENCE	10,000	.23	N						59		589,200
2	A-ACREAGE	R-RESIDUAL	101-SINGLE FAMILY RESIDENCE	392	.01	N						723		723

(2) 248 Harris Ave

- Ongoing teardown; property card not yet updated, but shows previous house was not small at nearly 1,800 ft²
- Lot is 10,600 ft², implying FAR limit of 4,030 ft²
- New construction is being marketed as 5,850 ft² with a current asking price of **\$3.2 million**

Card/Building:	1
Stories:	2
Condition:	4 - ABOVE AVERAGE
Grade:	C - AVERAGE
CDU:	P- - ABOVE AVERAGE
Exterior Wall:	AV - ALUMNM-VINYL
Style:	CL - COLONIAL
Year Built:	1924
Effective Year:	1998
Square Feet of Living Area:	1776



(2) 248 Harris Ave

Date	Event	Price
5/4/2023	Listed for sale	\$3,199,000 +161.1% \$547/sqft

Source: MLS PIN #73107675 Report

1/31/2022	Sold	\$1,225,000 +16.8% \$209/sqft
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Source: MLS PIN #72918299 Report

11/17/2021	Pending sale	\$1,049,000 \$179/sqft
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Source:  William Raveis Real Estate, Mortgage & Insurance #72918299 Report

11/10/2021	Listed for sale	\$1,049,000 \$179/sqft
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Source: MLS PIN #72918299 Report

\$3,199,000 5 bd | 6 ba | 5,850 sqft

248 Harris Ave, Needham, MA 02492

● For sale | Zestimate®: None ?

Est. payment: \$20,777/mo ⓘ  Get pre-qualified

Request a tour
as early as tomorrow at 11:00 am

Contact agent

Overview Facts and features Home value Price and tax | >

 Single family residence

 Built in 2023

 Forced air, natural gas

 Central air

 2 Attached garage spaces

 10,585 sqft

 \$547 price/sqft

 2.5% buyers agency fee



(3) 547 Webster St

House was first listed to the public and an open house, which attracted significant interest, was held. Below is the previous real estate listing:

- Opportunity knocks with this charming cape in an excellent central Needham location and in the Sunita Williams school district! Walking distance to the train, high school, library, shops, and Rosemary pool. **This home is clean, move-in ready, and will allow you to put your stamp on it over time.**
- The large corner lot also offers numerous possibilities for expansion or redevelopment. Boasting refinished hardwood floors, the first floor has a spacious living room with a wood-burning fireplace, dining room, and kitchen plus a breezeway leading to the driveway and garage. Two bedrooms up and two down with a full bath on both levels offer flexibility for different living configurations.
- The basement has a room that is framed and drywalled with its own fireplace - a great future finished space. The large backyard and patio is a perfect spot to fire up your grill and invite family and friends to enjoy the 4h of July parade as it passes by!



4 bd | 2 ba | 1,488 sqft

547 Webster St, Needham, MA 02494

● **Sold: \$1,047,770** | Sold on 03/29/22

(3) 547 Webster St

Date	Event	Price	
3/29/2022	Sold	<u>\$1,047,770 (+26.3%)</u>	<u>\$704/sqft</u>
Source: MLS PIN #72946171 Report			
3/15/2022	Listing removed	<u>\$829,900</u>	<u>\$558/sqft</u>
Source: MLS PIN #72946171 Report			
3/1/2022	Pending sale	\$829,900	\$558/sqft
Source: MLS PIN #72946171 Report			
2/25/2022	Listed for sale	\$829,900 (+20.4%)	\$558/sqft
Source: MLS PIN #72946171 Report			
6/10/2019	Sold	\$689,000	\$463/sqft
Source: MLS PIN #72470508 Report			
3/26/2019	Pending sale	\$689,000	\$463/sqft
Source: Berkshire Hathaway HomeServices Commonwealth Real Estate Report			
3/25/2019	Listed for sale	\$689,000 (+26.4%)	\$463/sqft
Source: Berkshire Hathaway HomeServices Commonwealth Real Estate Report			
4/30/2007	Sold	\$545,000 (+137%)	\$366/sqft
Source: Public Record Report			
5/10/1996	Sold	\$230,000	\$155/sqft
Source: Public Record Report			



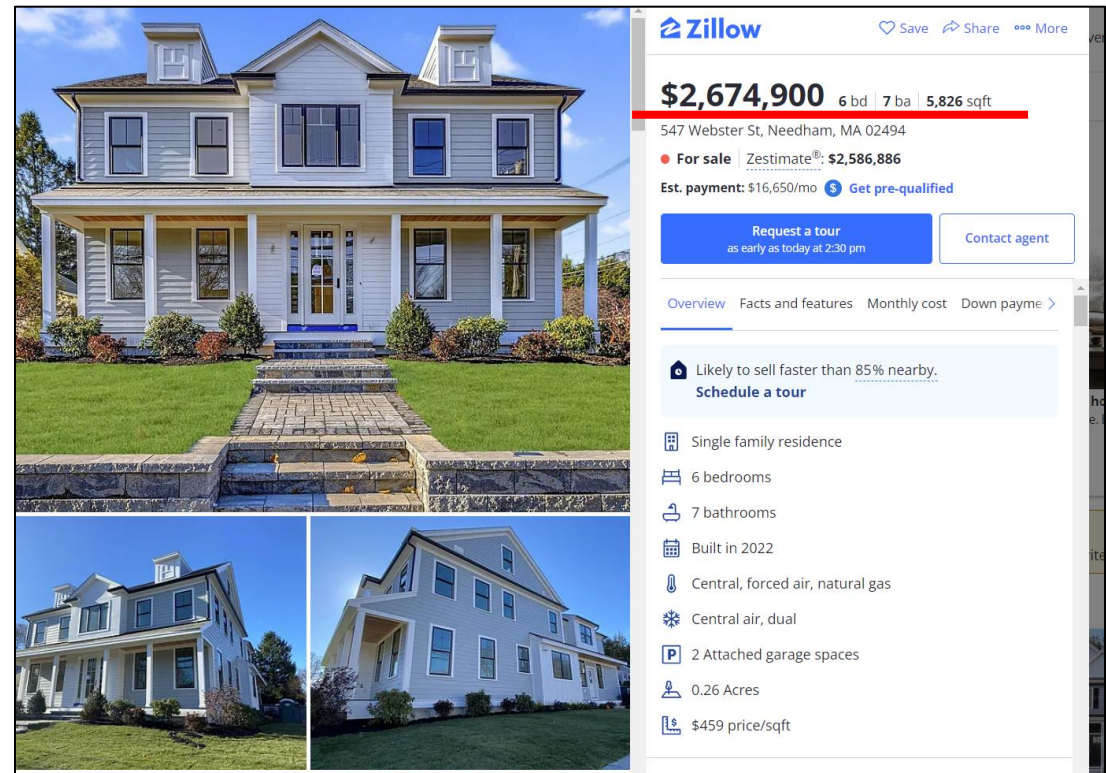
(3) 547 Webster St

Below is the final listing of the new construction:

- Captivating new contemporary colonial by a premier builder in prime Needham Center! This exquisitely crafted home is within walking distance of town, the train, library, grocery stores, and high school plus is part of the new Sunita Williams school district. Upgraded features include an open-concept kitchen with Thermador appliances, oak beams, mudroom built-ins, a pantry, and two possibilities for dedicated offices. In addition to four en-suite bedrooms, the primary suite boasts a vaulted ceiling, an oak accent wall, sitting room, spa-like bathroom, and dual walk-in closets. Multiple flexible spaces to suit your needs, including a potential in-law/au-pair suite **on the third floor. The beautifully finished lower level comprises the sixth bedroom, bath, areas that could serve as a playroom, theatre, gym, or craft area, plus abundant storage.** The charming front porch, fenced private patio, and level yard are perfect for relaxation and recreation at this incredible home. OPEN SUNDAY 2-4

Property card data on square feet of living area is empty. Lot is confirmed at 11,089 ft², or FAR limit of 4,213 ft².

Date	Event	Price
5/25/2023	Sold	\$2,500,000 -3.7% \$429/sqft
Source: MLS PIN #73062477 Report		



\$2,674,900 6 bd | 7 ba | 5,826 sqft

547 Webster St, Needham, MA 02494

• For sale | Zestimate®: **\$2,586,886**

Est. payment: \$16,650/mo [Get pre-qualified](#)

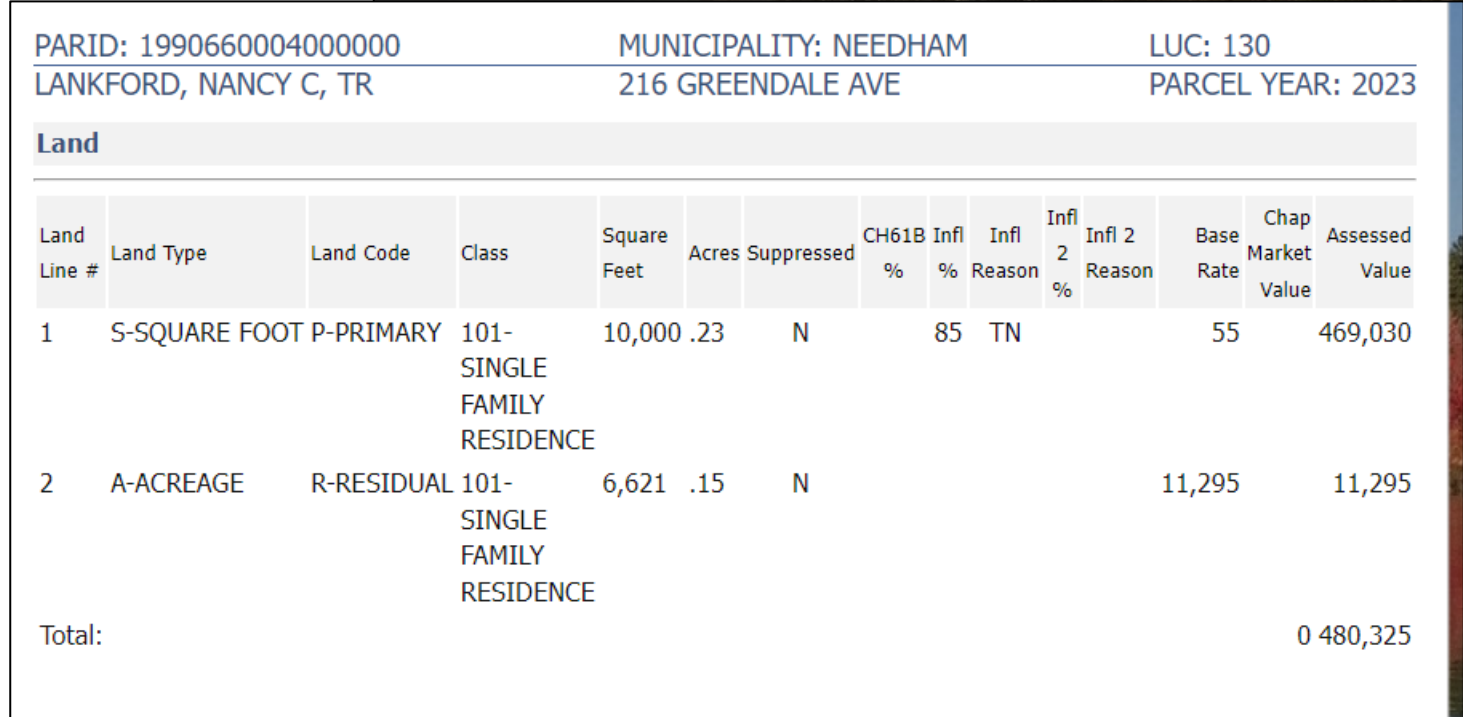
[Request a tour](#) as early as today at 2:30 pm [Contact agent](#)

[Overview](#) [Facts and features](#) [Monthly cost](#) [Down payment](#)

🏠 Likely to sell faster than 85% nearby. [Schedule a tour](#)

- 🏠 Single family residence
- 🛏 6 bedrooms
- 🚿 7 bathrooms
- 📅 Built in 2022
- 🌬 Central, forced air, natural gas
- ❄ Central air, dual
- 🚗 2 Attached garage spaces
- 👤 0.26 Acres
- 💰 \$459 price/sqft

- Example of larger lot due to unbuildable sloping hill at rear of property, but functions as typical SRB
- FAR would imply 6,200 ft²
- Missing data from property card



PARID: 1990660004000000

MUNICIPALITY: NEEDHAM

LUC: 130

LANKFORD, NANCY C, TR

216 GREENDALE AVE

PARCEL YEAR: 2023

Land

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT	P-PRIMARY	101-SINGLE FAMILY RESIDENCE	10,000	.23	N		85	TN			55		469,030
2	A-ACREAGE	R-RESIDUAL	101-SINGLE FAMILY RESIDENCE	6,621	.15	N						11,295		11,295
Total:													0 480,325	

(4) 216 Greendale Ave

\$2,995,000 **6 bd | 7 ba | 7,642 sqft**

216 Greendale Ave, Needham, MA 02494

For sale Zestimate®: **\$2,880,400**

Est. payment: \$19,466/mo ⓘ **\$ Get pre-qualified**

[Request a tour](#)
as early as tomorrow at 11:00 am

Contact agent

Overview Facts and features Home value Price and tax | >

Likely to sell faster than 80% nearby.
Schedule a tour

- Single family residence
- Built in 2023
- Central, natural gas, hydro air
- Central air
- 2 Attached garage spaces
- 0.38 Acres
- \$392 price/sqft
- 2.5% buyers agency fee



PARID: 1990660004000000		MUNICIPALITY: NEEDHAM		LUC: 130	
LANKFORD, NANCY C, TR		216 GREENDALE AVE		PARCEL YEAR: 2023	
Sales					
Sale Date (D/M/Y)	Book/Page	Sale Price	Grantee:	Grantor:	Cert Doc #
31-03-2022	40430-205	\$770,000	SAYBROOK CONSTRUCTION LLC	LANKFORD, NANCY C, TR	
10-02-2009	26333-290	\$100	LANKFORD, NANCY C, TR	LANKFORD	
06-11-1980	5804-48	\$84,000	LANKFORD, NANCY C	MENSEL	

- Possible new teardown activity on small nonconforming lot
- FAR limits would imply $<3,000 \text{ ft}^2$
- Marketed as $5,276 \text{ ft}^2$
- Property card does not confirm square feet of living area

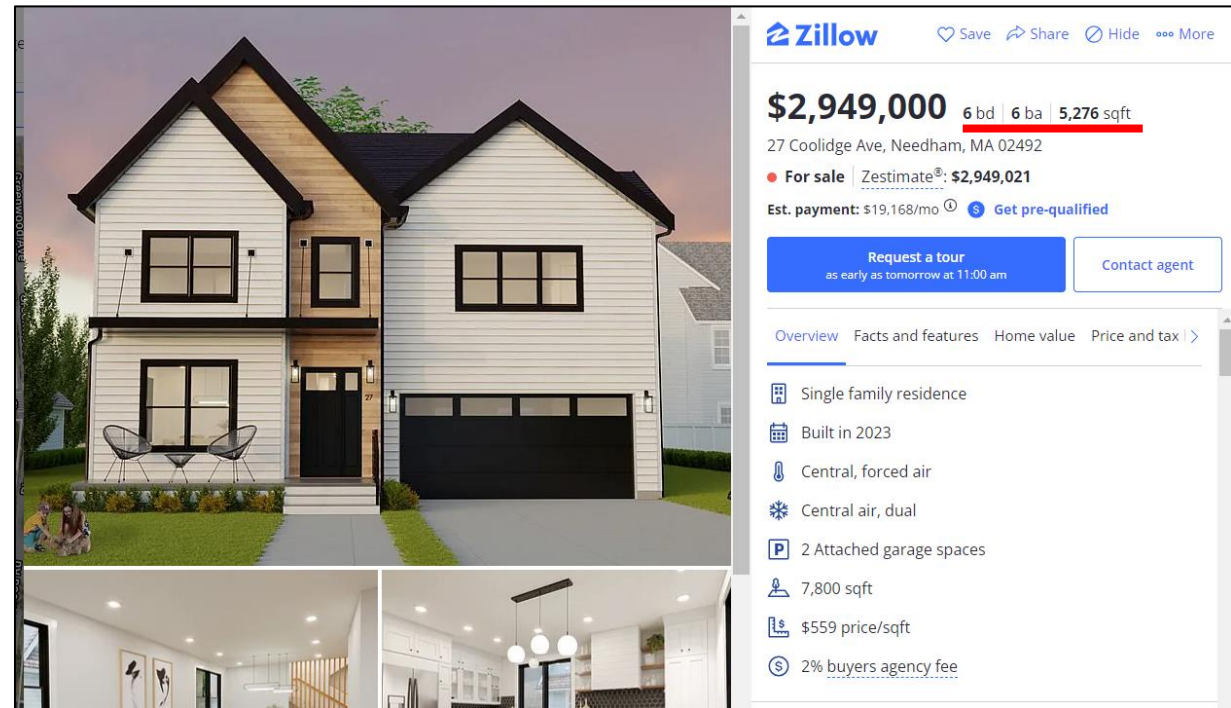


Permits			
Permit #:	Permit Date:	Purpose:	Amount:
19356	02-MAY-1995	RM-REMODEL	\$6,200
22-10032	22-APR-2022	DM-DEMOLITION	\$2,000
BR22-10440	25-APR-2022	NC-NEW CONSTURCTION	\$820,000
DEMO-22-10031	12-MAY-2022	DM-DEMOLITION	\$10,000

[illegible]

(5) 27 Coolidge Rd

- Unique Design in the desirable "ladder street" neighborhood and Broadmeadow School District. A one-of-a-kind custom masterpiece by A1RE. This Contemporary Farmhouse features 6 bedrooms, and 5 1/2 bathrooms. The stunning double-height family room provides striking natural light, merging with the open floor concept. Chef's kitchen with Thermador appliances makes for a luxurious living experience. On the second floor, the master suite features a huge walk-in closet, and a designer bath w/ soaking tub. Two ensuite bedrooms sharing a jack & jill, one bedroom, a bathtub bathroom, and laundry room complete this level. **The finished attic is flooded with natural light, w/ two additional bedrooms and spacious bathroom. The finished lower level boasts a walkout to the backyard, full bath, family and exercise room, play area, and storage.** You'll enjoy the nearby downtown restaurants, Needham Golf Club, conservation trails along the Charles River, and easy access to Boston.



GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

July 5, 2023

Lee Newman
Planning Director
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Re: 770 Chestnut Street
Heather Lane

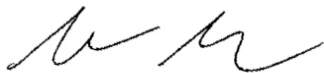
Dear Lee,

I am working with Steven Sands, a long-time Needham resident and prospective purchaser of the property at 770 Chestnut Street (the "Premises"). Mr. Sands would like to divide the Premises into two conforming, buildable lots, with frontage and access via Heather Lane. The Premises has long been accessed via Heather Lane, which appears to be a way in existence when the subdivision control law was first adopted in the Town.

Heather Lane was the subject of an August 2020 subdivision decision, pursuant to which the road layout was widened to 40 feet, the pavement was widened to 20 feet, and other improvements were made. As such, it would appear to provide suitable width and grade to support the division of the Premises into two lots, and an Approval Not Required plan would be the appropriate way to effectuate such division.

I would like to discuss the foregoing with the Board at the upcoming July 11, 2023 meeting and ask that you place us on the agenda. Please let me know if you have any questions or comments or require anything further.

Sincerely,



George Giunta, Jr

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.

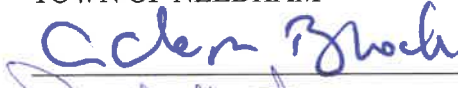
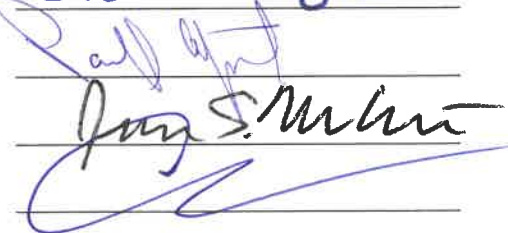
The drainage surety noted under item 2 shall be held by the TOWN until compliance with the Definitive Subdivision Decision has been demonstrated.

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

OWNER

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

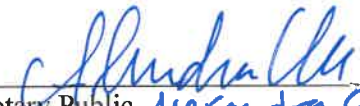
PLANNING BOARD
TOWN OF NEEDHAM

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss 6/13, 2023

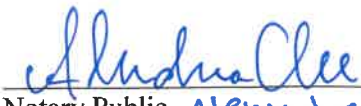
On this 13 day of June, 2023, before me, the undersigned notary public, personally appeared Annemarie von der Goltz proved to me through satisfactory evidence of identification, which was personally known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Trustee of Belle Lane Realty Trust.


Notary Public Alexandra Clee
My Commission Expires: March 9, 2029

COMMONWEALTH OF MASSACHUSETTS

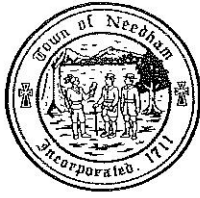
Norfolk, ss 6/6 2023

On this 6 day of June, 2023, the undersigned notary public, personally appeared Adam Block, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.


Notary Public Alexandra Clee
My Commission Expires: March 9, 2029

Approved as to form:


Christopher Heep
Town Counsel



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

May 16, 2023

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Belle Lane- Definitive Subdivision
Construction and Maintenance Bond-Release of Bond

Dear Members of the Board,

Per your request, the Engineering Division has completed its review of the subdivision. The subdivision work is complete and is now accepted as a Town Road.

We do not object to the release of the remaining \$20,000 bond that is currently being held for maintenance. If you have any questions regarding the above, please contact our office at 781-455-7550.

Sincerely,

Thomas Ryder
Town Engineer

For Planning Board Use Only

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
THURSDAY, July 20, 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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Minutes Review and approve Minutes from June 15, 2023 meeting.

Case #1 – 7:30PM **165 Brookside Avenue** – Deborah H Anastas, applicant, applied to the Board of Appeals for a Special Permit under Sections 1.4.6, 1.4.7.2 and any other applicable sections of the By-Law to alter, enlarge and extend a pre-existing, non-conforming single-family to allow the addition of a new grand room and deck.

Case #2 – 7:30PM **673 Highland Avenue** –669 Highland Ave, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 3.2.1 for an eat-in or take-out restaurant or other eating establishment; 5.1.1.5, 5.1.2 to waive strict adherence with off-street parking requirements; 5.1.3 to waive strict adherence to parking plan and design requirements and any other applicable sections of the By-Law. This request is associated with the renovation and reconfiguration of the existing building for Just Salad, a fast-casual restaurant.

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Next ZBA Meeting – August 17, 2023

NEEDHAM PLANNING BOARD MINUTES

January 17, 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, January 17, 2023, at 7:00 p.m. with Mr. Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee. Mr. Alpert arrived at 7:05 p.m.

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 does not include any public hearings and public comment will not 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.

Decision: Amendment to Major Project Site Plan Special Permit No. 94-5: Coca-Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110, Petitioner (Property located at 9 B Street, Needham, Massachusetts). Regarding proposal to renovate the existing building by removing the existing 14,500 sf office wing, removal of 44, 985 sf of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14, 610 sf attached new single-story Fleet Services wing and addition of 14 loading docks (see legal notice and application for more details).

Mr. Block noted the following correspondence for the record: a memo from the Design Review Board (DRB), dated 11/7/22, approving the revised landscape plan; a letter from Attorney Evans Huber, dated 1/2/23, noting a reclassification of part of the building was undertaken. 534 parking spaces will be available and the project will need a waiver of up to 11 spaces. He noted the changes related to parking came from the Building Commissioner. There was also an email from the Building Commissioner David Roche, dated 1/4/23, noting the calculation change came from him after meeting with the site Engineer.

Mr. Alpert arrived at 7:05 p.m. Attorney Evans Huber, representative for the applicant, clarified that with the recalculation of parking spaces the building still has a small shortfall of 11 spaces. The nonconformity is being reduced but the proposed changes do not trigger the ~~thresholds requirement~~ for a waiver. ~~He noted a waiver is not really needed with respect to that number. unclear — is a parking waiver needed or not?~~ The Building Commission supports the waiver. Mr. Alpert stated the letter, dated 1/17/23, from the Building Commission is not reflected as an Exhibit. He feels it should be added as Exhibit 11 or 14.

A motion was made to grant the requested Special Permit under Sections 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Sections 5.1.3 of the By-Law with respect to subsection (n) (bicycle racks), the requested Major Project Site Plan Review Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996, subject to and with the benefit of the following Plan modification, condition and limitations. Ms. McKnight noted Condition 3.21, which says "The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the source of the discharges." Condition 3.10 is almost identical. She is questioning the first sentence of 3.21. Ms. Newman noted the first sentence of 3.21 should be deleted and start it with the Street Opening Permit. Ms. McKnight noted Condition 3.24. She feels there is a word missing from "No portion of the proposed amendments shall be occupied..." Ms. Newman suggested it could be "No portion of the building being renovated..." Mr. Huber suggested "No portion of the proposed new construction..." Mr. Alpert agreed.

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) the requested Special Permit under Sections 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Sections 5.1.3 of the By-Law with respect to subsection (n) (bicycle racks); (2) the requested Major Project Site Plan Review Special Permit amendment

under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996, subject to and with the benefit of the following Plan modification, condition 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 approve the decision with the addition to Exhibits he raised before and the 2 amendments to Section 3.21 and 3.24 which were discussed.

Decision: Major Project Site Plan Special Permit No. 2022-04: BTE Development, LLC 13 Eaton Court, Wellesley, MA 02481, Petitioner (Property located at 40 & 50 Central Avenue, Needham, MA). Regarding proposal to demolish the two existing commercial buildings and construct a new mixed-use building with retail on the first floor and 15 total residential units on the second and third floors, with associated surface parking.

Ms. McKnight noted the Police Chief's memo expressed some concern with adequate parking. She took some photos of the crosswalks. The crosswalks' brick delineates them and then white lines. Her preference is to have solid white crosswalks. Ms. Newman has not been able to speak with the Town Engineer or the Police Chief about this. Ms. McKnight noted the Town could always make improvements if they feel the need. Mr. Alpert asked if this is something the Town would take care of or the developer. If it is the Town, it should not be in the decision. Mr. Block stated the Board requested the developer improve the crosswalks at this site. George Giunta Jr., representative for the applicant, stated they are hesitant to take this on. This goes through the Select Board. He is not sure what is being asked in this case. Mr. Block stated the project will temporarily disrupt the crosswalk when building the 6 parking spaces. It would be the developer's responsibility to put it back. There is a red brick material to separate it out and he would ask the developer to continue that when it is put back.

Ms. McKnight noted the developer should be responsible for the improvement of the disturbed crosswalk. Ms. Newman noted the Town Engineer is away so not able to speak with him. He does not recommend any improvements within this area but will be back next week. Jeff Heller, of 1092 Central Avenue, stated there should be a consult with the DPW before anything is done. He spoke with Rick Merson years ago. The brick was put in because it is more visible. He did not feel it should be white. That is not how the DPW views crosswalks. Mr. Giunta Jr. stated there will be a bit of change along therethere, but brick would require substantial changes.

Mr. Block suggested suspending the vote tonight and speaking with the Town Engineer when he returns. He is concerned with parking and would not call this area commuter friendly. To promote public safety, it would behoove the developer to bring it in line with the brick that already exists in Central Avenue and crossing Reservoir Street. He would prefer not to vote tonight. Ms. McKnight does not feel a condition can be put in now but, given the parking spaces are being in the public way, it is reasonable to ask the developer to do the crosswalk. She feels the Town Engineer should be asked. Mr. Giunta Jr. commented he would like to wrap this up. His client has acquired the property. Mr. Block stated the Board could decide now, including conditions, or the applicant could give the Board 3 weeks and may have further revisions. Ms. McKnight asked if only the crosswalk along Central would be conditioned.

Mr. Crocker stated he could see the crosswalk go to the island and continue to the other side of the island. Mr. Block noted it would be returned to the brick condition, repainted and continue along Central Avenue past the island. Ms. McKnight stated the decision should say expressly that the crosswalk should be bricked or what the Town Engineer requests. There would be an obligation to improve the crosswalk to specifications required by the Town Engineer and the DPW. Mr. Giunta Jr. would prefer the Board decide this evening. Mr. Alpert asked if Mr. Giunta Jr. had read the decision and was informed he had.

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) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; (2) the requested Special Permit under Section 3.2.3.2(g) of the By-Law for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises, in a space less than two thousand (2,000) square feet (for Panella's Market); (3) the requested Special Permit under Section

3.2.3.2(h) of the By-Law for a take-out food counter as an accessory to a food retail or other non-consumptive retail establishment (for Panella's Market); (4) the requested Special Permit under Section 3.2.3.2(j) of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law; (5) the requested Special Permit under Section 3.2.3.2(q) of the By-Law for apartment or multi-family dwelling uses above the first floor where the first floor is used for a nonresidential use allowed in Section 3.2.3.1 or Section 3.2.3.2; (6) the requested Special Permit under Section 4.4.12(a) of the By-Law to increase the maximum floor area ratio to 0.7 and the building height to three (3) stories and forty (40) feet; (7) the requested Special Permit under Section 4.4.12(b) of the By-Law to reduce the minimum side setback adjoining a residential district to twenty (20) feet; (8) the requested Special Permit under Section 5.1.1.5 to waive strict adherence with the off-street parking requirements of Section 5.1.2 of the By-Law and the parking design requirements of Section 5.1.3 of the Zoning By-Law; (10) the requested waiver of strict compliance with the following requirements of Section 7.4.4 of the By-Law, as necessary: (1) Requirements of subparagraph (b) concerning location of structures within 100 feet of property line; and (2) Requirements of subparagraph (d) concerning cross and longitudinal views of the proposed structure(s) in relation to proposed site layout, together with an elevation line to show the relationship to the center of the street as modified by this decision; subject to and with the benefit of the following Plan modifications, conditions and limitations.

Mr Alpert noted there are extensive plan modifications.

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 approve the decision as amended with the crosswalk on the south side of Central Avenue from the premises to the island and the island to the sidewalk with specifications by the Town Engineer and the DPW.

Review of Zoning Articles for the May 2023 Annual Town Meeting.

Mr. Block noted there are 2 items – to liberalize Accessory Dwelling Units (ADUs) in Section 3.15 and to allow 3 car garages by right in the Single Residence B (SRB) District. He stated there is also a request by Maggie Abruzese to amend Section 5.1.2 of the By-Law. Ms. Newman wanted to talk about the intent and what they are trying to accomplish. Currently a 3-car garage requires a special permit through the Zoning Board of Appeals (ZBA). They ZBA feels some conditions, like adding a third car bay, could be allowed as of right. If not within the parameters, it would still go to the ZBA for a permit. There are some modifications to the by-right concept proposed. She and Ms. McKnight drafted an exception so that, if the garage door is located on the side or rear façade of the house, then it could be put in. If the garage door faces the front lot line, it would be allowed if set back 5 feet from the front face of the building. In an accessory structure, it could be located behind the back wall of the principle structure house?

Mr. Block ~~noted-introduced the~~ Chairman of the ZBA Jon Schneider. Mr. Schneider stated that his's preference is to allow 3 car garages as of right, as he - He [Mr. Schneider or Mr. Block?] does not share the view garages in front are offensive. They have been allowed in the Single Residence A (SRA) District for years. He feels this should be kept simple and not complicate it with design objectives. He would allow as of right like the SRA District. If adopting the proposal as drafted to require a 5-foot setback unless a special permit were granted, it would accomplish 70% of what he requests. He feels the homeowner should decide on the location and design. Mr. Block agrees with that. He feels this would do a dive into architectural censorship. Jeff Heller, of Central Avenue, asked if the jog in the wall comes into play with garage doors. Do you have to have a jog every 30 feet? Ms. Newman noted that 30-foot jog requirements is the side yard standard and not the front yard. Under new construction the front(of what?) has to be set back 5 feet [unclear]. Mr. Block prefers Mr. Schneider's option to keep it simple.

Mr. Crocker noted there was a decision several years ago to change the By-Law for new construction that it [what?]the garage has to be set back 5-feet from the front façade of the house. It has been deemed not pleasing in front. Another thing that changed was that now the setback is measured from the foundation, instead of the overhang. The house can be more attractive to allow for larger overhangs. The overhang was changed also [delete? Or change to "The required setback for overhangs was changed also"]. He said these are examples of ways in which the Board deals with the way buildings look.

If the garage is already set back 5 feet, he would ~~contemplate that but feels it should be 5 feet back~~ ~~unclear~~ ~~contemplate having the additional garage the same, but if the first is not already setback, he thinks additional garages bays should be setback~~. Ms. McKnight agrees with Mr. Crocker's point of view. Mr. Alpert said many architects would design it 5 feet back to avoid a special permit. She feels a ~~large-long~~ straight wall to which a third garage space would be added is unappealing. If an applicant wants a third car garage, and wants it flat to the house, they would have to go to the Zoning Board of Appeals Building Commissioner for a special permit. Mr. Alpert noted a concern about a third garage space on the side of a house on a corner lot. He is not sure there is adequate language here. He is ok if it faces the side street or way. The Building Commissioner's interpretation is a corner lot ~~has~~ 2 front lot lines. He stated they can have a garage as of right without a special permit if it is a corner lot on the street and the garage is not in the front facade of the house ~~is not facing~~. For purposes of Section 6.1.2, there is only one front street where the front door is. Ms. McKnight ~~added~~ suggested where the house has its address is considered its front. Mr. Schneider stated the address may not be at the front.

Ms. Espada agrees with Mr. Crocker and Ms. McKnight. She stated there is a reason the town has setbacks and length of building. If the project is designed well the applicant would get a special permit. She feels comfortable leaving an exception to the 5 feet setback requirement for the third garage to be reviewed as a special permit. She agrees with Mr. Alpert regarding 2 faces on 2 streets. Mr. Schneider commented the Board would need to go with the front door and not the address. Ms. McKnight noted Subsection (c) should say "where the accessory building is separate from..." Mr. Schneider suggested adding "and set back at least 5 feet from the front wall of the structure." It does not have to be behind the house. All members agreed. Mr. Schneider prefers Subsection (d) be removed. Mr. Alpert, Mr. Block, Mr. Crocker and Ms. Espada are all ok with that change.

Ms. Newman summarized the changes. Oscar Mertz, of 67 Rybury Hillway, noted the reason the SRA district was a 3-car limit and the SRB was not a 3-car limit was because the frontage is smaller. He asked if it is reasonable to say to create a percentage of the front of the building you cannot eclipse like 50%. He would like a caveat that a garage is cannot be longer more than 50% of the front of the house. Mr. Crocker would not agree with that. Mr. Block would not agree with that. It is not the dominant feature of the house. Mr. Mertz stated more than 50% of the front of the house ~~is~~ would be asphalt. Mr. Block stated applicants need to conform to the side setbacks of the lot and other dimensional regulations. Ms. Espada feels the limit should be set to a proportion of the house. She appreciates what Mr. Schneider is saying. She agrees with Mr. Mertz it would not hurt to have a proportion.

Ms. McKnight suggested replacing (d) with "an appropriate percentage would not result in a garage door in the front facade being more than 50% of the length of the first floor of the house ~~or on the first floor~~." It will only come about if they meet a, b and c above. Mr. Schneider suggested putting a provision under of right and not in (d). All agreed. Ms. Newman will work with Ms. McKnight for review at the next meeting.

The Board took a 5-minute break.

Mr. Block stated ~~an~~ that the rezoning effort 3 years ago was made to create lawful accessory dwelling units for caregivers and family members up to 850 square feet by special permit only. This is only available for resident owners of the main structure ~~and to allow occupancy rent out to the by a caregiver or a family member of the owner~~. The Board is now discussing allowing by right for rentals. There would be a 12-month lease with limitations. It would be allowed by right but if it is a separate structure, it would be a special permit. This helps create more affordable housing and would enable seniors to ease the financial burden. Ms. Newman stated the current proposal allows ADUs by special permit for occupancy by ~~to~~ caregivers and family members. This expands to allow lease arrangements, allows ADUs by special permit in accessory structures and allows ADUs to be transferred to a new owner without going through the special permit process if it is an as of right unit.

Mr. Schneider noted the current ADU provision is not well used. The ZBA has allowed all that came before them with one exception. There have only been 10 requests in 3 years. The ~~old current~~ ADU By-Law ~~was~~ is more restrictive than necessary. This should allow unrelated tenants under a lease and liberalize ADU provisions. The definition of family should add grandparents, aunts and uncles. They are logical family members. Mr. Block agrees to the additional relations. They are a logical extension. All members are ok with adding the family members. Ms. McKnight made a distinction between the definitions of Family in this ADU Section. There is already a definition of Family in the By-Law that used a lower case (f)amily.

Mr. Alpert noted in Section 1.13, the definition subsections, he only read ~~on the~~ subsection numbered (1). The subsection numbered (2)-second says no more than 5 unrelated individuals. Ms. McKnight suggested putting it in Section 1.3 “Family” (~~#1~~). Mr. Schneider stated ADUs should be limited to one-bedroom units. Mr. Alpert has a problem with using the word “family” as defined in Section 1.3~~this~~. He does not want to create 2 residential single-family units in the Single Residence District. He feels they are treading close to that line. Family with a lower-case (f) turns it into a 2-family zone. He suggested taking out the sentence and any reference to family with a lower case. Ms. McKnight noted the regulations in (c), should say “member of Owners’ family or caregivers (F)amily or lessees (F)family and keep Family capitalized in Section 3.15.3.1 (c). Mr. Alpert agreed. Mr. Schneider thinks that is fine. M. Crocker and Ms. Espada are both ok with the change.

Mr. Schneider ~~noted-expressed his view that the owner and~~ family must ~~have occupy~~ the primary residence. He is concerned about the ~~proposal that~~ the lessee could reside in the primary residence. This is a nightmare to ~~police regulate~~, and he does not think it is needed. There are 2 purposes here – let people raise some income by leasing out the ADU, and take out the requirement the primary residence can be for the lessee. Mr. Crocker clarified that the proposed zoning would allow the owner family member is to live in the ADU and rents out the ~~ADU front~~. Ms. McKnight noted the definition of “Lessee” in Section 3.15.2(e). Mr. Alpert wants to prohibit subleasing. Ms. Espada added that we need to prohibit Air BnBs. Mr. Block stated that was why he wants a lease. Mr. Schneider noted Air BnBs are prohibited as it becomes a rooming house. He feels the Board should state the negative here for the benefit of the Town Meeting members. Mr. Block suggested removing ~~(e)€~~ “during such time the unit shall be the primary residence of the lessee.” Mr. Alpert added “such lease shall prohibit short term rentals, subleases or assigning. Mr. Schneider added that Air BnBs should be prohibited. Mr. Block noted, by right, at any time the owner could move into the ADU and rent out the primary residence to anybody. Ms. McKnight stated that is correct. Mr. Schneider stated one of the requirements is the owner live in one of the units.

Mr. Heller, of Central Avenue, stated it is a slippery slope. He is in favor of being more inclusive and broadening the definitions. Do we allow detached garages by right? Mr. Block stated they do. Mr. Heller stated, when allowing a detached ADU house by right, builders would take a loophole and run with it. Zoning is there for protection. He feels the Board should be careful around short-term rentals. He feels people should be allowed to sublet and he is concerned with that. He feels there will be unintended consequences doing away with current zoning limitations on ADU’s. Mr. Crocker asked what Mr. Heller’s concern was. Mr. Heller stated the Board needs to look at the parameters of the lot size and all the particulars. People can rent rooms by right under current zoning. Mr. Block stated the town is about to go through a heartening~~??~~ experience. He is concerned with unintended consequences, like asbestos and lead paint, that landlords do not know how to deal with. All of this will come up at Town Meeting and will be discussed.

Mr. Heller is concerned with a tenancy~~t~~ at will. Mr. Alpert stated there will be a one-year lease and no tenants at will. Mr. Heller feels the Board needs to find something that protects the neighborhood. He feels 800 feet is very limited. He would be open to increasing it. Mr. Block stated the process will be reviewed before this can go to Town Meeting. Ms. McKnight noted #3 in Mr. Schneider’s letter that says the door has to face the side street. Ms. Newman noted that is the front door issue. Ms. McKnight noted how to define the side street with regard to the front door. Mr. Schneider stated this issue needs to be addressed. He feels they can define it. Mr. Alpert has no issue with 2 entrances in the front of the house. Ms. McKnight noted Section 3.15.3(g) says where there are 2 or more existing entrances to the front façade one must appear to be the principal entrance. Mr. Alpert commented someone added “a new entrance must face the side lot line.” He does not know why. He feels the original language should be kept. Mr. Schneider stated as long as it still appears to be a single-family house. Mr. Alpert likes Ms. McKnight’s addition of “an ADU shall not detract from the single-family appearance of the property.” Ms. McKnight noted the ADU occupancy permit expires in 3 years if not renewed. Mr. Schneider stated the Building Commissioner has agreed to remove that. Ms. Newman would add language to give the Building Commissioner the right to ask, at any time, who resides in the residence and the Building Commissioner would agree to get rid of the expiration date. After discussion, it was decided to say “Before issuing an occupancy permit the Building Commissioner may consult with the DRB.” Mr. Alpert was ok with that. If the Building Commissioner says no, it is an appeal to the ZBA. He commented the phrase it should be a-“building permit” and not ~~an-~~“occupancy permit”.

Ms. Abruzese noted, to get a building permit, the neighbors have no notice (unlike a special permit). To say “to maintain the look of a single-family house” the neighbors have no say in it. Mr. Alpert noted that stated an addition could be put on the house and the neighbors do not get notice. Ms. Abruzese stated this issue of maintaining the look of a single-family house is a subjective matter that the Building Commissioner will have the discretion over. He does not have an architectural

degree. The DRB at least has a hearing so the abutters can hear and have input. She wants the Board to consider the reality of subjective judgment calls and maintaining the integrity of the neighborhood and if it is appropriate to give the neighbors notice. The Planning Board should consider giving the neighbors notice this is going on. She asked if it is will be clear to homeowners, they will need to continually seek the Building Commissioners approval if they keep the unit. Mr. Block noted, as written, every 3 years the applicant needs to seek permission to continue with the Building Commissioner. Mr. Schneider suggested removing that requirement and replacing it with "the Building Commissioner can ask at any time who is there." Ms. Abruzese commented it is taking the teeth out of the ADU if there is no check in period.

Mr. Alpert agrees that once every period of time the homeowner has to complete a form that it is still occupied by so and so, but Mr. Schneider feels that is a burden on homeowners. Ms. Abruzese would like a permanent obligation to file each year. Mr. Schneider asked what the rule would be if the ADU is vacant. Mr. Block stated there could be periods of time the ADU would be vacant and there would be the second kitchen. He stated it could be considered racist in some societies to prohibit a second kitchen such as if ~~the one~~ kitchen needs to be kosher. Mr. Crocker does not see any racist aspect but also does not understand why there is an issue with it being vacant. Ms. McKnight stated there is nothing in the regulations that requires the stove to be removed; it is up to the Building Commissioner. Another issue raised by Mr. Schneider is that it should be made ~~any~~ explicit?? that any accessory building for an containing an ADU must comply with all setback requirements. Mr. Alpert noted if you have an ADU over the garage it would be above 15 feet in height and would have a different setback. Mr. Schneider commented if the garage has the ADU next to it the ADU would not be over 15 feet. He thinks if someone is living there it should comply with the setback requirements for a primary residence rather than for an accessory building.

Mr. Block stated he would also make the setback for an ADU ~~the same as~~ required of the main building ~~also~~. Ms. Espada stated that a 5-foot setback seems way too close to the property line. Mr. Alpert also feels it should be the setback of the house. Ms. McKnight asked if the Board members were ok with allowing more than one accessory building on one lot. Mr. Block feels more than one accessory building should not be allowed in SRB but maybe in SRA or Rural Residential. He has not heard much support for allowing a brand-new detached structure. Mr. Crocker does not feel it should matter if it is brand new or not brand new. It should matter if the structure meets the housing setback requirements for a primary dwelling. Mr. Alpert agreed. Oscar Mertz, of 67 Rybury Hillway, stated an ADU should be allowed if it meets the accessory-building setback such as if someone converts the garage and is not adding a second floor. Mr. Alpert would not want someone being 5 feet from his property line. He noted they currently allow multiple accessory buildings on a lot but there can only be one ADU on a lot. Ms. Newman confirmed there are no restrictions on the number of accessory structures in the Residential Zones on a residential lot.

Mr. Schneider stated there could not be a second accessory dwelling unit. They should restrict them in accessory buildings. Mr. Alpert noted they should put in an allowance for ADU's in a separate structure and, if there is push back at the hearings, it can be taken out. Mr. Schneider feels it should not be a separate guest house but could be allowed in a garage. Mr. Alpert stated, to give direction, he would suggest "if an ADU is in a detached structure there can only be one other accessory building on the lot and it needs to meet setback and FAR requirements." All members are ok with that.

Mr. Block noted that Ms. Abruzese has raised a suggestion to revise the 5.1.2 parking table. Ms. Newman stated a parking study for downtown and Avery Square is being done. It makes sense to do one comprehensive package in the Fall. Zoning proposals for the 2023 Annual Town Meeting needs to be finalized at the next Planning Board meeting. She feels this should be talked about in the Fall. Mr. Alpert would like to get feedback from the Building Commissioner and Mr. Schneider. Ms. Abruzese stated the changes do not affect the whole table, only the catch-all provision related to the reference to the Institute of Traffic Engineers (ITE) parking manual. ~~It [what? the parking table?] the ITE manual~~ was written in 1987 and has had several updates. If the use is not specifically listed no one is sure what the requirement is. Mr. Block stated the practice has been that, for any analogous use, if the Building Commissioner is unable to classify the use, the Planning Board recommends the parking standard. He agrees it should be updated. Ms. Newman suggested they may want to talk to parking/traffic consultants Rebecca Brown and John Diaz for standards. Mr. Alpert agreed with Ms. Abruzese that, to bring it up to date, they just need to reword the By-Law. A discussion ensued. Mr. Block suggested he and Ms. Abruzese have an offline conversation to come up with something, then he would communicate it to Ms. Newman. There should also be input from the Town Engineer, Building Commissioner and outside firms adding outside elements to this. It may be too late for the May Annual Town Meeting and we may have to do it for a Special Town Meeting. He supports trying to make an improvement but wants to do it thoughtfully and properly.

Review and Approval of Affordable Housing Plan.

Mr. Alpert commented it was clear this took an incredible amount of work. It is extremely comprehensive.

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 approve the Affordable Housing Plan.

Review of MBTA Communities law action plan.

Mr. Block asked what steps are needed. Ms. Newman noted there are components for the Town to answer. The most important piece is the timeline laid out. She met with Katie King and Karen ~~Sunnarborg~~ [Sunnarborg](#) to come up with a plan to go to Town Meeting in May 2024, with a backup for October 2024, and submittal of zoning ~~action plan to DHCD for and approval~~ to meet the December 31, ~~2023~~ [2024 to meet the](#) deadline. Mr. Block noted ~~if the action plan?~~ talks about the first community meeting in March of 2023. There would need to be separate meetings that would need to be scheduled in the next 8 weeks to devise the Planning Board's initial proposal. There will be a fiscal impact analysis by June and also analysis ~~for by?~~ [on impact to](#) other Town Departments. Ms. Newman noted that analysis will cover schools and other departments, any related cost and the net value. After discussion, Mr. Block stated he will have a conversation with Ms. Newman to chat through the [fiscal](#) impact analysis. Ms. Espada stated the impact cannot be determined until there is a project in front of them. Mr. Block noted that was not true with the ~~Industrial District~~ [Highland Commercial 1 rezoning?](#). Ms. Espada stated that was one project and the zoning was only 2 sites. The school department is doing a whole master plan right now. Ms. Newman noted the state wants a response by the end of January. This is the framework she will use.

Minutes

Ms. McKnight noted in the minutes of 10/13/22, page 3, she was not sure what the 1,900 referred to and suggested removing it. It was just an example of a 1,900 square foot rental. The ADU size limit is 850 square feet. Mr. Block noted in the minutes of 10/18/22, page 1, after "medical marijuana products" strike "Also." Strike "also" in Section 1.3. On page 3, after "purchased from" add "could be a permanent change." It is not a question. Ms. McKnight suggested removing the sentence that says "the 4th to Section 3.2 where things are being allowed permanently." On page 4, keep in "Mr. Crocker made the point..." and in the next sentence it was a meeting and not a hearing. On the minutes of 10/24/22, page 2, there was a question about what Board Ms. McKnight was referring to. Ms. McKnight stated it was the Select Board.

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 accept the 4 sets of minutes, 10/13/22, 10/18/22, 10/24/22 and 11/1/22 with red line changes and changes discussed tonight.

Correspondence

Mr. Block noted 11 emails from the public related to 888 Great Plain Avenue. Some in support and others against [the proposed development as presented](#).

Report from Planning Director and Board members

Ms. Newman is working on the [MBTA Communities law](#) Action Plan due at the end of January. Northland has a meeting tomorrow [with the Select Board](#) regarding the Foster property to discuss what they are proposing. ~~The Select Board is hosting it.~~ The Select Board has a meeting scheduled for the 24th to discuss it further. Ms. McKnight heard the discussion from [Mass Municipal Law Association](#) on the MBTA Communities [law](#) today. In the Business area, we use 10,000 square foot [minimum](#) lot [size](#) rather than 20,000 square feet [as required in the Apartment A-1 zone](#). If the ~~stock~~ [standard](#) was [to be](#) 20,000 and the lots were less, they would ~~behave been discounted from total rezoned acreage for total acreage because non-compliance would mean that multi-family housing would not be allowed as-of-right on these lots.~~ This [rule](#) was news to her [and we need to take this into account as we go forward with rezoning strategies.](#) Mr. Crocker noted he and Ms. Espada

are on the Climate Action Committee. He asked if a placeholder could be put for [a zoning article for the upcoming Annual Town Meeting](#) for solar for the possibility something may be ready by then. If not, it could be pulled. Ms. Newman stated it would be too difficult. It would need to be ready by early February. The Fall [2023](#) schedule is more reasonable. Mr. Block asked about the [possibility of a Special Town Meeting within the 2024 Annual](#). Ms. Newman stated it is still too tight, but she will look into it. Mr. Block is looking to call a [hybrid](#) meeting on ~~the January~~ January 24th at 7:00 p.m. to resolve language [of the proposed zoning articles](#). Ms. Newman stated it could not be done. She would need to do an agenda packet by Thursday. After discussion, Mr. Block stated he feels the Board should meet on the 31st. That gives ~~staff~~ them 2 weeks to get the draft wording to the Board. Mr. Alpert stated it only gives them 8 days. Ms. Newman will talk with Mr. Block to [coordinate our schedule with](#) ~~look at~~ the Select Board schedule.

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

VOTED: to adjourn the meeting at 11:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

March 17, 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 Friday, March 17, 2023, at 9:00 a.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 does not include any public hearings and no 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.

Discussion of Articles for May Town Meeting

Mr. Block asked if there were any comments on Article 3 – Corrective Zoning Amendments. There were no comments.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:
VOTED: to approve Article 3: Corrective Zoning Amendments -- as drafted and send to the Warrant Committee for inclusion in the May Town Meeting Warrant and recommend to Town Meeting they adopt as drafted.

Mr. Block asked if there were any comments on Article 1 – Amend Zoning By-Law -- Accessory 3-Car Garage Use in Single Residence B, General Residence, Business and Industrial Districts. There were no comments.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:
VOTED: to send Article 1: Amend Zoning By-Law -- Accessory 3-car Garage Use in Single Residence B, General Residence, Business and Industrial Districts, to the Warrant Committee for inclusion in the Annual Town Meeting Warrant and recommend to Town Meeting it be adopted.

Mr. Block asked if there were any comments on Article 4 -- Amend Zoning By-Law – Single Residence B and General Residence Side Setback. Building Commissioner David Roche noted it now says after 32 feet there must be a 2-foot jog regardless of how far the setback is. This clears this up. He thanked the Board for this change.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:
VOTED: to send Article 4: Amend Zoning By-Law – Single Residence B and General Residence Side Setback as presently drafted, and sent to the board yesterday, for inclusion in the Annual Town Meeting Warrant and recommend to Town Meeting it be adopted.

Mr. Block asked if there were any comments on Article 2: Amend Zoning By-Law – Accessory Dwelling Units (ADUs). He noted the most recent changes are highlighted in red. Subsection 2b is allowing for adults to care for a child so caregiver is now included. Subsection 3e regards leasing the ADU or primary unit. There was a 12-month lease which has been reduced to 6 months. Ms. Espada noted the Board is trying to avoid Air BnBs. She thinks 6 months is long enough. Mr. Block noted subsection 6c has the total occupancy limited to 5 non-related family members. Mr. Alpert noted it is one bedroom and there are practical elements that are limiting. Ms. Espada stated it says occupancy of the unit and not the entire lot. Ms. McKnight noted it says 5 unrelated people in another place in the By-Law, so this is matching that.

Mr. Crocker noted a detached unit could have 5 unrelated people living in it. Mr. Alpert stated 900 square feet, and one bedroom, would be difficult for 5 people to squeeze in there. Mr. Crocker does not disagree, but this says they can do that. Ms. Espada is ok with 5 college students. Building Commissioner Roche stated the issue is parking. People could be parking on the street and the lawn. It has happened. He feels 3 is the number. He thinks 5 may be a problem. Mr. Block noted it could be limited to 3 rather than 5 in Subsection 6c. Mr. Alpert suggested adding after “owner” “, and the occupancy

of the ADU shall be limited to 3 people.” Ms. Espada is ok with that. Ms. McKnight noted in the definition of family, it says not more than 3 unrelated people, but the Zoning Board of Appeals (ZBA) can allow up to an additional 2 persons with a special permit. She feels the Board should copy that. Mr. Crocker stated the individual current By-Law definition of family already takes care of the main unit. They should say not more than 3 unrelated in the ADU. Mr. Crocker noted that the proposed ADU By-law says no more than 3 unrelated in the ADU only and 2 unrelated could be in the main house. He asked why they are dealing with the main house. Mr. Alpert clarified they are saying no more than 5 unrelated on the entire property. Building Commissioner Roche stated it makes sense from an enforcement issue.

Mr. Alpert asked, in Subsection 6h, if applicants really need to have floor plans for the entire house. Building Commissioner Roche noted, if in the house and adding a new bedroom, there are new regulations to be addressed such as egresses and utilities, so there would need to be a new site plan. Mr. Block noted in Subsection 8a, there could be no more than one ADU and no more than one additional structure of not more than 200 square feet. Ms. Newman noted there was no accessory building limit before, so this has been revised at the request of the Building Commissioner. Building Commissioner Roche commented, at some point, they need to look at an Accessory Structure By-Law.

Mr. Block noted in Subsection 8d, there are a couple of alternatives for ADUs in a detached structure: —(1) the same dimensional regulations as for the primary building with a setback of 12 or 14 feet or (2) allows a 5-foot setback the same as other accessory buildings. He recommends a 5-foot setback. There are substantial limiting factors for building an ADU, but it makes sense to allow a person who needs that to do it. It would need a special permit through the ZBA. There is an opportunity for a public process because it is a detached structure. Ms. McKnight noted, at the recent meetings, there were 14 comments in favor of 5 feet and 5 comments against it. People were generally in favor, and she is ok with it. Ms. Espada feels it is more equitable for everyone.

Mr. Alpert commented the members have to recognize the original purpose of having ADUs is being changed. The original purpose was to allow elderly and disabled people to stay in their homes. Now that is being expanded to use ADUs to expand the housing. He has no problem with that. He originally thought of allowing detached ADUs in the Single Residence A and Rural Conservation Districts. The Board is now allowing them all over town. He has an issue with having people 5 feet across from his property line. Rentals are not limited to elderly and disabled. This is adding to the housing stock. He has a problem with 3 college students partying late at night 5 feet from his property line.

Mr. Crocker commented that agrees with whatever the Board can do. ~~This~~ This is fundamentally changing the whole town. The Board needs to vet what they are doing. This has not been fully vetted. He is in favor of doing something from making it equitable to totally changing. Many times, 5 feet will be fine but there have been no conversations if safe guards/safeguards are in place. He does not approve of detached structures. Mr. Block asked if Mr. Crocker would support an ADU in a principal building with a setback of 12-14 feet and if he supports detached ADUs apart from regardless of the setback issue. Mr. Crocker stated he does not support detached. Mr. Alpert feels there will be a lively conversation at Town Meeting. He just received 2 texts from people watching on zoom who said they agree with Mr. Crocker. This will need a majority of votes to pass at Town Meeting. Ms. Espada noted detached units are by special permit.

Ms. Espada stated she understands what Mr. Alpert is saying. She asked if 2-family dwellings are restricted to 900 square feet in the rest of the town and was informed it was not. She noted, during the ~~h~~Housing ~~p~~Plan Working Group meetings, they talked about ADUs many times during public meetings. Different groups talked about it for a year. There was a plan and comments were received. Mr. Crocker feels conversations were too restricted 4 years ago when the existing ADU By-law was adopted.

Building Commissioner Roche noted the Stretch Energy Code has been adopted. Very few garages are going to be able to be up to code. Most will have to be demolished and reconstructed rather than renovated for ADU use. Mr. Block noted it is clear the Board wants to improve access to ADUs. A necessary part is substantial change. He wished there had been 2 Articles done with one attached and one detached. He asked if the members want to go with the first option for 8d or the second. He asked how many were in favor of the first option to change the setback to 12-14 feet. Mr. Alpert and Mr. Crocker are in favor of 12-14 feet. Ms. Espada, Mr. Block and Ms. McKnight are in favor of a 5-foot setback.

Ms. McKnight noted Item 8 Subsection 3.15.3.2 (f) is ambiguous as worded with any basement. There could be an ADU on the second floor and that would count toward the square footage. She feels it should count only if the basement is used

for purposes of this section. Building Inspector Roche stated habitable basement should be included. Ms. McKnight noted, for purposes of this section, any finished, habitable basement in an accessory building would count toward square footage. Mr. Alpert and Ms. Espada agree with that change.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of four of the five members present (Mr. Crocker voted in the negative):

VOTED: to send Article 2 with the changes as drafted, and with changes made today, for inclusion in the May Annual Town Meeting Warrant.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of three of the five members present (Mr. Crocker voted in the negative and Mr. Alpert abstained):

VOTED: to recommend to Town Meeting the adoption of Article 2 with changes made at this meeting.

Correspondence

Ms. Clee noted an email from Stephen Frail, dated 3/7/23, that came in prior to the close of the meeting. There was also general correspondence from Katy Dirks dated 3/10/23 and an email from Teresa Combs, dated 3/11/23.

Ms. Espada left the meeting.

Report from Planning Director and Board members.

There was no report.

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

VOTED: to adjourn the meeting at 10:30 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

March 28, 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 28, 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 two 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:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2022-01: Needham Farmer's Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at Greene's Field, Needham, Massachusetts, shown on Assessor's Plan No 50 as Parcel 31-02, containing 108,278). Regarding request to operate a farmers' market on a portion of Greene's Field on Sundays for another season.

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

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

Jeff Friedman, President of the Needham Farmer's Market, noted he is requesting a special permit to operate on Greene's Field like last year. The Town Manager and the Park and Recreation Director approved this in 2022 under a license agreement. The application includes a market layout the same as 2022. The market cannot return to the Town Common due to ongoing construction. The market will run June 11, 2023 through November 19, 2023 and have the same hours and same limits. The live music will begin at 11:30 a.m. as requested by the First Church of Christ, Scientist. He would like the Board to include, as an option, continuing the permit through 2024 if there is a license agreement with the Parks and Recreation Director and the Town Manager. He is also requesting the fee be waived.

Mr. Block noted the following correspondence for the record: a letter, dated 2/17/23, from Jeff Friedman with exhibits; an email, dated 3/6/23, from Police Chief John Schlittler with no issues; an email, dated 3/5/23, from Fire Chief Tom Conroy with no issues; an email, dated 3/21/23, from Director of Park & Recreation Stacey Mulroy, noting it looks good; an email, dated 3/21/23, from Assistant Health Director Tara Gurge, with comments; a letter, dated 3/23/23, from Town Engineer Thomas Ryder with no comments; an email, dated 3/19/23, from Daniel Liebenrood of the First Church of Christ, Scientist, requesting the hours of the music be changed; an email, dated 3/21/23, from Jeff Friedman confirming the Market will change the hours and a letter, dated 3/23/23, from Paula Jacobson, of the YMCA, in support and allowing access to the restrooms. Mr. Block feels this is a good project and he supports extending for a 2-year term provided a license agreement is in place.

Mr. Crocker noted he is glad it is back, and it is a wonderful spot. He asked if the Town allowed it to be on the common would that be something Mr. Friedman would entertain. Mr. Friedman stated his preference is Greene's Field. There is room to expand, it is cohesive and family friendly. There are a lot of positive aspects, and he thinks it is best for the community. Ms. McKnight noted the Park and Recreation Director voted to extend the market for the 2023 season. At the end she would like to reassess for the 2024 year. It could be extended subject to approval from Park and Recreation. She also noted there was only one letter regarding bathroom access. The applicant needs 3 letters. Last year there were letters from Bagel's Best and Walgreen's also. Mr. Friedman stated, the intent was, if one agreed that would be sufficient.

They do not need all 3 to agree. Mr. Alpert noted the memo from Tara Gurge. The applicant needs updated restroom agreements from Walgreen's, Bagel's Best and the YMCA. Mr. Friedman stated it was not the intent to have all three.

Mr. Alpert noted the Board will vote that the Farmer's Market will comply with all requirements of agencies. If the Board of Health requires 3 letters the Market would need to comply. He is against formally doing anything for 2024. He feels that is the Town Managers decision. Ann Watson, of 101 Warren Street, stated it was interesting a lot of effort is going into things working out on Greene's Field. She would like some attention paid to the people who live near there. There are a lot of commendable activities, and it is a great asset. As a resident, having loud acoustical music is not good. She had to leave her house last year. This is supposed to be a Farmer's Market. Music is one thing, but acoustical music blasting is another thing. She spoke with the musician who was not willing to tone down the music. That does not have anything to do with the market. Mr. Alpert asked if it was electronic and was informed it was. Ms. McKnight noted last year's agreement says amplification would be limited and not extend beyond the site. Ms. Newman noted Section 3.11 of the decision covers this. It limits times of entertainment and start times. The Board would need to disallow amplification if it chooses to. Mr. Friedman apologized that this occurred. He was not aware of any complaints made. He asked if she spoke with the Market Manager. Ms. Watson stated she spoke with the musician. Mr. Friedman stated the Market Manager would have taken steps to turn it down. Mr. Alpert stated the Board could put in a condition there be no amplification and just acoustic or leave it as is but require it not extend beyond the site. The Market Manager would need to comply with that. Mr. Friedman stated the market has been in operation for 11 years. He went through the history of locations. He does not remember anyone complaining about the sound.

The Board members discussed options. If the music gets too loud the abutter should speak with the Manager. If she does not get satisfaction, she should call the Planning Director or Assistant Planner on Monday. Mr. Friedman noted there is a Market Manager tent in the middle of the market. He has a policy of exactly what Ms. Watson is talking about. He explained the sign up process for musicians and the policies. He assured Ms. Watson it would not happen again. Larry Cohen, of 77 Warren Street, noted he is lives just behind the play structure at Greene's Field. He supports Ms. Watson's comments. The comment from the church was very telling and it is an issue. Self-policing does not work. There needs to be a low volume. He is hearing it is imposing upon others who live there. He would like to see policing from the Board and not self-policing.

Mr. Block stated there needs to be a sign with Mr. Friedman's phone number posted in a visible location. It seems this has been an issue if the church had to request a later start time due to disruptions to the services. Mr. Friedman apologized again. He stated he would have dealt with it if he had known. He gave Ms. Watson his cell phone number. Mr. Alpert stated Ms. Watson should call the Board if she has any issues and is not getting any satisfaction. Ms. McKnight commented the Planning Board would continue to have jurisdiction to reevaluate.

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

VOTED: to close the hearing.

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

VOTED: to grant (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law and under Major Project Site Plan Special Permit No. 2022-01, Section 4.2, dated April 5, 2022, a Major Project Site Plan Special Permit Amendment; (2) the requested Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations that the Board spelled out in the decision.

Mr. Block reviewed the options the members had for the music including no amplification this year at this site. Mr. Alpert stated he is going to take Mr. Friedman at his word that he would deal with this. If it is still too loud, Ms. Watson should let them know and the Planning Board would deal with it. Ms. McKnight would add "free acoustic entertainment and there should be no electric instruments." Ms. Espada feels that is too limiting. The Board should put controls to review and see

how the first week goes. This is the first time the Board has heard the complaint. Mr. Block stated they are going to deny the abutter relief. Mr. Alpert stated that was not true. Things have been put in place, the Board retains jurisdiction, Section 3.4 of the decision had the wording changed, they are adding music shall be at a fixed location and there will be signs with the name and cell number of the ~~m~~Market ~~m~~Manager and the ~~p~~President of the market. The other language is the same that sound would not extend beyond Greene's Field. In the event of a complaint jurisdiction remains with the Planning Board.

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

VOTED: to accept the decision with the changes discussed.

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

VOTED: to waive the fee for the Farmer's Market decision.

7:05 pm. *Please note: This hearing will begin at 7:15 pm.

920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA). Please note: this hearing has been continued from the December 19, 2022 and February 7, 2023 meetings.

Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA). Please note: this hearing has been continued from the December 19, 2022 and February 7, 2023 meetings.

Mr. Block noted the following correspondence for the record: a letter, dated 3/7/23, from Attorney George Giunta Jr., representative for the applicant, with updated plans dated 2/23/23 and an email, dated 12/15/22, from Deb Anderson, Director of Conservation, with comments regarding the wetlands. Mr. Block asked if the applicant has gone to the Conservation Commission yet. Mr. Giunta Jr. stated that is the next step but they have not gone yet. He reviewed previous discussions. This is near the intersection of Chestnut Street and located in the Rural Residential Conservation District. It was formerly the Stanley Tippet House. The house has been removed. The applicant has shown that they can do 2 conforming lots. He wants to do 2 lots but is requesting a waiver of most construction requirements. Rather than a 40-foot layout they would like a 20-foot layout with 18 feet paved. This reduces pavement and it is only serving 2 houses. It is also keeping with the character of the neighborhood. He feels it is appropriate.

The applicant would prefer a smaller circle but the Fire Chief wanted a full circle to get in and out. The 52-foot radius is a bit smaller than regulation but allows fire trucks to go around. There will be an easement around the edge. The Fire Chief likes to have a buffer. Ms. Espada asked if the circle is all asphalt or a planter in the middle. Mr. Giunta Jr. noted there is an island in the middle that will be landscaped. It is paved but the applicant may come back for revisions at some point. Ms. McKnight noted there is no updated correspondence from the Fire or Police. She asked if the easement was a 5-foot utility easement. Mr. Giunta Jr. stated this is around the circle. There may be a need for an easement at the back of the circle but it may not be necessary.

Mr. Giunta Jr. noted the plans were revised based on comments at the last meeting. The drainage was on the west side of the property but now it is on the east side and comes down to a retention area and infiltration basin. It is roughly the same location. The biggest change is the road elevation has been dropped down 3 feet. They have tried to work with the topography and were able to stretch out the grades and have a gentler slope. Ms. Espada asked if it was a 10-foot slope from the property line. Mr. Giunta Jr. stated it is. He noted the grading changed a lot on Lot 2 and not much on Lot 1. A swail and berm have been put in. There is a 10-foot raised planting strip 12 inches high to stop any runoff and a swail to direct the water. It helps to keep it off the neighbor's property. About half the system is within the 100-foot buffer. The applicant needs to go to the Conservation Commission for that.

Mr. Crocker asked if this property was river front. Mr. Giunta Jr. stated it is well outside of that. They are trying to keep Lot 2 up on the high side and avoid the wetlands. He noted the house footprints have been added with a caveat. The

locations are best guesses to design and locations, particularly on Lot 2. Lot 1 is pretty well set. Mr. Block asked if there was access to the river through Lot 2 and was informed there was. Mr. Giunta Jr. stated more information has been added. Mr. Connaughton is committed to working with the abutter for a vegetative year-round buffer. There is the same layout and scheme with a small adjustment to the side and dropped down 3 feet for grading. Mr. Alpert asked why there was a 50 foot no disturb area at the street. Mr. Giunta Jr. noted that is part of the Scenic Road By-Law. The infiltration system in the front is just outside of that. There is a tree in that area that needs to come out.

Dr. Serguei Aliev, of 31 Marant Drive, originally raised concerns. He thanked the owner and his attorney for working with him. He is in support of this. He is pleased with the interactions and how they worked together and came to a resolution. Ms. McKnight asked the location of his house. He stated it is right next to Lot 2. Mr. Block noted the comment on NPDES ~~for~~ waste water management requirements from the Town Engineer. Philip Silveira, of 11 Merritt Drive, asked what happens with the drainage plans when it rains and how it would impact his property. Mr. Connaughton stated Mr. Silveira's property is 12 or 14 feet higher than the roadway so it would not be affected. The 2 easements have been combined and the drainage has been moved to the other side. Mr. Silveira asked if the circle is over where the Tippet House was. Mr. Connaughton noted it is right at the edge of the roadway where the stone wall edge of the driveway is. He offered to meet with Mr. Silveira to walk him through the plans. Mr. Silveira thanked him and welcomed him to the neighborhood.

Mr. Crocker stated there was talk about the trees last time and he asked what is happening with that. Mr. Giunta Jr. noted, with the grading change, there are a few trees that will be able to remain. There will still be a lot that will be taken out, but the trees will be replaced. Mr. Alpert noted the trees along the scenic road would need to be approved for removal. Also, some scenic road work for the wall. Mr. Giunta Jr. noted the information is on the plans submitted last time. The Board discussed the trees that would need to be removed. Mr. Crocker asked what mitigation is needed. Ms. Newman noted along the scenic roads ~~it is~~ a 2 to 1 tree replacement is required. She noted the Board already commented at the earlier meeting. Mr. Giunta Jr. stated the applicant is committed to restoration. He met with the Tree Warden on site and discussed the replanting locations and species. Ms. Newman has asked the Police and Fire for comments and has not received any. She suggests holding the hearing open until next week's meeting.

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

VOTED: to continue all 3 hearings to 4/4/23 at 7:10 p.m.

Ms. Newman will follow up and get something in writing from the Tree Warden.

ANR Plan – Property Located at Map 304, Lot 4, 0 Charles River Road and Map 304, Lot 5, 0 Charles River Road (Northland Residential Corporation, 80 Beharrell Street, Concord, MA 01742, Petitioner).

Mr. Block stated the Board has received a request to withdraw without prejudice.

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

VOTED: to approve withdrawal without prejudice of the ANR Plan for property located at 0 Charles River Road, Tax Map 304, Lots 4 & 5.

Zoning Article Assignments for the Annual Town Meeting.

Mr. Alpert feels this is premature. This should be discussed after the elections and the next meeting. All agreed.

Minutes

Ms. McKnight noted on the minutes of 12/19/22, 2nd paragraph under Balfour, it says they will contribute to the Affordable Housing Trust Fund. She is not sure that was the deal. She thought it was to the Town and not the Trust Fund. It was agreed to change to the Town. On page 4, on 920 South Street, 2nd paragraph, the By-Law calls for a 50-foot road. It should be the Subdivision Rules and Regulations and not the By-Law. That was agreed. In the 4th paragraph, she noted it should be "rules" rather than "By-Law." On page 5, 3rd paragraph, it should be "Burr" Road and not "Byrd" Road.

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

VOTED: to approve the minutes of 12/19/22 with the changes discussed tonight.

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

VOTED: to approve the minutes of 12/22/22 with the changes shown.

Ms. McKnight noted on the minutes of 1/3/23, 2nd paragraph, it says “does not include any public hearings and public comment will be allowed.” It should be “not allowed.” Mr. Block noted the public was allowed to speak. It was agreed to say “but public comment will be allowed.” Ms. McKnight stated on 888 Great Plain Avenue, 3rd paragraph, it says Mr. Giunta Jr. said the applicant wants the 12.5% affordable cap lifted. Mr. Block noted he did say that. It could be changed to “increased.” This was agreed. It should say the “Cox Building” in both places. On the bottom of page 2, it says “Ms. Espada noted they could connect to the back side like urban.” It was agreed to say “back side of property” and remove “like urban.” On page 3, 2nd paragraph of Apt A1, strike “pre-suburban.”

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

VOTED: to approve the minutes of 1/3/23 with the changes discussed this evening.

Report from Planning Director and Board members.

Mr. Block stated the Board received a ~~note~~memo from the Attorney General’s Office with an obligation for the MBTA Communities saying there is more than just a penalty as to loss of grant eligibility for opting out. Mr. Alpert commented that is a threat. Ms. McKnight agreed and stated it is not helpful. Mr. Alpert thinks the Attorney General is wrong in accusing the towns that choose not to follow MBTA Communities law DHCD Guidelines as being discriminatory. He would prefer multi-family housing be by special permit rather than by right, but he was outvoted. Mr. Block noted there ~~w~~could be a recommendation for a greater number of units per acre but that is further down the road. Ms. Newman noted, after the election, she will set up a Chair/Vice-Chair meeting with the Select Board to set up a schedule for MBTA Communities law compliance and the creation of a committee dedicated to oversee that work, similar to the Housing Plan Working Group. Mr. Block would like to set up a schedule and post on the website. He noted a notice from Dover with hearings to amend the Zoning By-Laws for ADUs and flood plains. Ms. Newman stated she and Mr. Block will be going to the Finance Committee tomorrow night to answer any questions on the Planning Board zoning proposals. The Finance Committee is trying to get written recommendations in the Warrant. They will also answer questions regarding the small repair grant program she hopes to be funded at \$50,000.

Ms. McKnight noted on the Select Board agenda there is a hearing tonight on storm water mitigation and assessment plans. She feels it is a positive proposal. She asked if the Board should send some communication in support of the proposal. The Board frequently deals with storm water, and she feels this is a positive thing. Mr. Alpert stated he is uncomfortable voting on something he has not seen yet. Ms. Espada and Mr. Crocker agreed. Mr. Block suggested Ms. McKnight send a note personally in support to the Select Board. Mr. Block noted there was a notice from the Town of Dedham regarding electric vehicle charging stations and multi-family zones. He would like to add electric vehicle charging stations to the list of planning priorities and ask Stephen Frail to come to a meeting next week with regards to climate action to begin drafting climate-smart zoning.

Correspondence

Mr. Block noted the following correspondence that has been received: an email from Scott, dated 3/11/23; an email from Meredith Fried, dated 3/12/23; an email from Helene Cantor, dated 3/12/23; an email from Laurie and Steve Spitz, dated 3/13/23; an email from Rachel Achituv, dated 3/13/23; an email from Andrea Dannenberg, dated 3/13/23; an email from Sean and Marina Morris, dated 3/13/23; an email from Ricki and Mark Nickel, dated 3/13/23; and an email from Joe Abruzese, dated 3/14/23. There was also correspondence from the YMCA regarding the Farmer’s Market.

Ms. Espada noted the Housing Plan Working Group has concluded. Laura Dorfman asked if the Board was doing anything regarding housing preservation. She went through the Affordable Housing Trust and some things that were recommended. The Planning Board should review these issues. There is no accountability right now. The Planning Board should take on anything related to zoning and housing preservation. She thought at the next meeting she could put together a list of items that the Planning Board should have. She does not want things to fall through the cracks. Mr. Crocker feels the Board should revisit the work of the Large House Study Committee. Ms. Espada suggested ed that the Board go through the list of actionable items and see who should be dealing with them and how the Housing Plan Working Group recommendations should move forward since there is no one leading it right now. She commented she heard she was selected as one of the 50 most influential ~~colored~~-business leaders of color of 2023. She noted someone must have nominated her.

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

VOTED: to adjourn the meeting at 9:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

April 25, 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, April 25, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada 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 two 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:

7:00 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. Please note: this hearing is continued from the March 7, 2023 meeting of the Planning Board.

Mr. Block noted the following correspondence for the record: a letter from Attorney Evans Huber, dated 4/5/23, with revised plans; 2 letters from David Feldman, dated 3/21/23, with specification information and responses to questions that have been raised, a letter, dated 4/10/23, from the Design Review Board (DRB) with comments; an email, dated 4/19/23, from Tara Gurge of the Health Department, with comments; an email, dated 4/6/23, from Police Chief John Schlittler, noting no issues; a letter, dated 4/18/23, from Town Engineer Thomas Ryder, with comments; an email, dated 3/11/23, from Teresa Combs, with comments and a separate email from Ms. Combs regarding ADUs; and an email, dated 4/24/23, from Terence Ryan, with comments.

Attorney Evans Huber, representative for the applicant, stated a few questions had been raised by the public and the Planning Board. The applicant revised the plan and generated new renderings. Mr. Crocker stated the traffic study was based on ½ car per unit. He is concerned this is Independent Living with no public transportation. He feels ½ per unit is too small for the traffic study and should be upgraded to something more than ½ car per unit. Kirsten Braun, Traffic Engineer with Ron Muller & Associates, noted the [traffic](#) study is on page 2 of the letter [\[what letter?\]](#) and is based on nationally accepted land usages around the country. She noted this was conservative. She applied the rates to the number of units at peak times based on actual data usage at similar land uses.

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Mr. Crocker commented he did not understand why there is no renewable energy on this building. David Feldman, Sr. Vice-President, stated [the energy source](#) there is [now](#) 80% natural gas and 20% electric. They are moving to 95% electric and the condensers have to go on the roof. There are less than .2 megawatts of solar on the roof. He is looking at a 10-year payback on a commercial system and that is something they cannot afford now. Mr. Crocker has not seen a 10-year payback on a commercial system. Mr. Feldman noted their participation in community solar. Ms. Espada asked if the project could bring power to the roof in case it can be done in the future and was informed yes. Mr. Crocker stated he has a huge problem with no solar on this building. He feels it would be useful to see the 10-year payback calculations. He would like something done now and would like to include solar as a condition. He stated it would be nice if there is more than 12.5% affordable but he likes the project very much.

Mr. Alpert stated the project is Independent Living. There is going to be a large population in this building that will be retired. He is very familiar with visiting people in Independent Living facilities. People are going out at various times throughout the day. It does not generate traffic at peak hours so he does not feel it will generate traffic problems. Mr. Crocker asked if there is enough parking on site for all the units. Mr. Huber stated there is more than enough [parking](#) for

more than one space per unit. Ms. McKnight stated Teresa Combs objects to the third floor and talked about being satisfied with parking. Mr. Alpert noted the third floor is as of right and cannot be denied. Ms. McKnight noted ½ space per unit is the Planning Board requirement in the Elder Services District. She discussed participating in the community solar. Mr. Huber stated Ms. Espada asked if the building could be wired for solar in the future. Ms. Espada clarified it should be solar ready.

Mr. Block opened the hearing for public comment. Gary Ryan, of 79 Evelyn Road, is in support of the project. He is concerned about traffic more on the construction side. Mr. Feldman stated the project has plenty of room on site for the construction equipment. Rob Dangel, of 28 Hewitt Circle, stated he is generally in support of Independent Living in Needham. He noted the affordability and stated, in the past, units have been pretty pricey. He asked if the applicants have said how much the units would be [rented for](#). He encouraged the Planning Board to go for more than 12.5% affordable units. He feels they should insist on solar if granting a special permit. He feels a 10-year payback is not bad. He asked if there would be any kind of shuttle to reduce traffic and would it be electric. Mr. Feldman noted the base rates are between \$3,500 and \$6,000 per month depending upon [unit](#) location. He has not finalized the [rates](#), but they would be in that range. There will be buses and transportation provided when groups are going out but not one offs. There is no electric bus supplied with the facility. That will be provided by a third party. The By-Law says 10% affordable and the project has gone to 12.5%. He does not see it going any higher than that. Mr. Block noted the 128 Shuttle could be a help. He suggested the applicant touch base with Bulfinch to see if some type of an agreement could be reached [as to shuttle transportation](#).

Colleen Schaller, of Avon Circle and Chair of the Board of Directors of the Council of Aging, stated the Board voted unanimously to support wholeheartedly and will help in any way needed. Mr. Alpert suggested Mr. Feldman coordinate with the Senior Center. Ms. Schaller noted they have buses free of charge to and from the Senior Center. Mr. Block stated it is a different use [\[from what?\]](#) but a similar type of senior living use. There is a desperate need in [town](#), and he feels this is an excellent project. There is nothing in the review criteria [now](#) that requires [solar](#), but the Board could amend the review criteria to [encourage](#) solar. Mr. Crocker asked what other facilities the applicant owns. Mr. Feldman stated there are 2 others in Needham, one in Pittsfield, one in Haverhill, one in Kingston, MA and 2 in Rhode Island. Mr. Crocker asked if there were any renewables on any of the buildings and was informed no.

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

VOTED: to close the hearing.

Mr. Crocker would like to consider a solar aspect to it. Mr. Alpert would like to ask Town Counsel if adding solar under a site plan special permit was permissible. He would like Town Counsel to decide if the Planning Board has the authority.

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 1991-01: Ceed Corp., d/b/a Cook Restaurant, 15 Neil Road, Revere, MA, 02151, Petitioner (Property located at 101-109 Chapel Street, Needham, MA). Regarding request for further parking waiver to allow for additional seating (outdoor seats, which will subsequently be reviewed by Select Board).

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

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

Diana Sepulveda, applicant, noted they [will be](#) adding a patio this spring. They went to the Design Review Board (DRB) for [review of](#) materials. She noted there will be 10 tables. Eight tables will hold 6 people and 2 tables will be 2 tops. It will be wheelchair accessible. They want to seat more outside. Mr. Block noted the following correspondence for the record: a plan set dated 2/21/23; a letter, dated 4/24/23, from Edison Gutierrez, President Ceed Corp., requesting to revise his prior request; DRB approval, dated 4/10/23; an email, dated 4/19/23, from Tara Gurge with comments; an email from the Building Commissioner, dated 4/5/23, with comments; another email from the Building Commissioner, dated 4/25/23, noting he is satisfied; an email, dated 4/5/23, from the Police Chief with comments; an email, dated 4/24/23, from Ronnie Gavel of the Fire Department, noting no concerns; an email, dated 4/18/23, from the Town Engineer with no objections and an email from Timothy Bulger, dated 4/24/23, in support.

Ms. Clee clarified what is before them is a parking waiver. The project requires an additional parking waiver. If over 30% of seats are outside an additional parking waiver is required. If under 30% no additional waiver is needed. The outdoor dining component will go to the Select Board. The indoor seats will be reduced from 132 to 96 and meet all the requirements of the building codes. Ms. McKnight asked if the applicant would still need a parking waiver with a decrease in the number of indoor seats. Mr. Alpert noted the special permit should be amended to reflect 96 seats to take away any issue with an additional bathroom. Ms. McKnight stated the applicant wants 52 outdoor seats. She asked how many parking spaces they are deficient. Mr. Alpert noted there is no parking. The applicant wants a waiver of 3 more spaces. Ms. Espada feels 3 accessible tables seem fine. The entry and exit are at the entrance to Bagel's Best. She asked if Bagel's Best have seen this. Ms. Sepulveda has spoken with ~~them~~ them, and they are on the same page.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members ~~present unanimously~~present unanimously:
VOTED: to close the hearing.

Mr. Alpert suggested the Board direct the staff to prepare a decision based on the discussion tonight. The Board took a 5-minute recess.

Decision: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

Mr. Alpert stated there were quite a few typos in the 2nd paragraph, on the first page. He suggested taking out the 2nd paragraph ~~all together~~altogether as they only need the 3rd paragraph. This was agreed. He noted paragraph 20 with the hours of construction allows work from 7:30 a.m. to 6:00 p.m. He asked if 6:00 p.m. was allowed. Ms. Clee stated the agreement was 7:30 a.m. to 6:00 p.m. Monday through Saturday. Ms. McKnight noted on page 4, list item 1e, to waive the sidewalk requirement. It says the Board considered. She noted the Board discussed the lack of sidewalk and it should say that. It should say it is a private way and note the lack of a sidewalk on South Street. On page 7, in 20b, the reference to the Building Inspector should be Building Commissioner. On page 8, paragraph 32, after "power to serve these" it should be a small "a", as applicable. Mr. Giunta Jr. has no comments or questions. He agrees with the proposed revisions. Dr. Serguei Aliev, of 31 Marant Drive, is concerned with the start and end time of construction but will go along if the Town allows it. Ms. Clee noted the Town By-Law allows construction until 8:00 p.m.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members ~~present unanimously~~present unanimously:
VOTED: to approve the subdivision based upon the plans that have been submitted and approved and approve the subdivision decision with the changes discussed.

Agreement: Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

Ms. Clee stated the builder will be required to provide money in escrow. It is not presently drafted so it is not being dealt with now.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members ~~present unanimously~~present unanimously:
VOTED: to grant the relief requested under the Scenic Road Act and Public Shade Tree Act.

Board of Appeals – April 27, 2023

1000 Olin Lane – ENGIE Distributed Renewables Development, LLC

Mr. Block noted this was dealt with recently at Babson or Olin. The Board had concerns with drainage.

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

VOTED: to raise the question of compliance with stormwater management.

Zoning Article Assignments for the Annual Town Meeting and further Board discussion on Warrant Articles.

Mr. Block stated he has built a [presentation](#) deck for all 4 Articles. He credits Town Engineer Thomas Ryder and his staff with developing some drawings he can use. For the 3-car garages, the Select Board voted not to support with a vote of 4 to 1. Ms. McKnight commented she was sorry John Schneider was not at the Select Board hearing as he could speak better on the topic. Ms. Espada understands if you do not have a special permit the neighbors cannot comment. A person can still have a large house with the bulk of a third garage if they have the FAR. A garage door does not create a wider driveway. The vast majority coming in still get approved. Mr. Crocker stated it is a valid concern that neighbors have no input but there have only been 18 over the last 3 years.

Mr. Alpert asked how many requests there are per year. Ms. Espada stated a special permit does discourage a little bit. She thinks the issue is more the size of FAR as related to the lot. Ms. McKnight noted one member of the Select Board said it is too pro car and there should be a reduction of cars. She felt the Town should not allow 3-car garages at all. Ms. Clea stated in 2018 there were 5 requests, in 2019 there were 5 requests, in 2020 there were 3 requests, in 2021 there were 2 requests and in 2022 there were 3 requests. Mr. Alpert noted Mr. Schneider claimed it took up too much time, but it is 5 or less per year. Mr. Crocker stated if [the special-permit requirement](#) is taken away there will be more requests. The Board should try to relieve the [ZBA's](#) ~~work load~~ workload. Mr. Alpert, Ms. ~~Espada~~ Espada, and Mr. Crocker were all ok with withdrawing. Mr. Block stated there is a misunderstanding ~~on~~as to the role of a special permit for 3-car garages. The only item to consider is an adverse impact and diminished value of land to the abutter. No one has come with these complaints. Mr. Alpert stated it is the effect on the amenities. It is very subjective. A discussion ensued. Mr. Alpert stated the Board voted for allowing ~~it~~, but the Select Board disagrees. He feels Town Meeting should vote on it. Ms. McKnight agreed. Ms. Espada feels the Board could always come back to it next year.

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

VOTED: to withdraw Article 3 for 3-car garages.

Mr. Block noted there is a well-informed Town Counsel and Moderator. He noted there have been countless hours of discussion on Accessory Dwelling Units (ADUs), both positive and negative. He noted what the Board is trying to accomplish for the Town, which is to do the most good for the most people. He thinks their policy is spot on. Some people will object to setbacks, attached/detached and other aspects but that speaks to them. The Board should be able to allow reasonable access to affordable housing. Oscar Mertz has done an excellent job of studying ADUs. All are in the Single Residence B (SRB) District. He recommends moving forward with the existing By-Law.

Mr. Alpert stated they were originally trying to provide a mechanism for people to stay in their homes. People on Beacon Hill disagree. We need to increase the housing stock and should allow ADUs. He asked, as a Board, what are we trying to do? His sense is there is little disagreement about allowing this except for detached ADUs. If we do not make a motion to remove detached, someone else will. The Board needs to decide what ~~its~~their recommendation will be. He is willing to throw it open to Town Meeting. Ms. McKnight stated the focus has still been on enabling older folks to stay in their homes and rent out the ADU, to enable them to afford their single-family homes. The Council on Aging is in favor of this. Mr. Alpert feels [the Housing Plan Working Group](#) Ms. McKnight ~~served on~~s committee is in favor of using ADUs to increase housing. Ms. McKnight confirmed that. It is not just to help the elderly but to enable grown children to stay in town.

Ms. Espada stated the issue is the detached [ADUs](#). She asked if the Board members feel strongly it would hurt other parts or should they leave it in and let someone bring it up, or will it hurt the entire By-Law. Mr. Alpert noted, under the new [state](#) law, this is all majority ~~vote~~law and is not a two thirds vote. He would like to see this raised as a motion to amend to remove detached so it could be voted separately. If it survives discussion, the whole thing could pass. He is pretty confident, even if amended, it would pass. Mr. Crocker acknowledged more people want public comment on this. If [an amende](#)ment to remove detached passes, and if the main motion passes, he would work to review detached and to get more public

comment. Then let Town Meeting decide. Mr. Alpert feels the discussion should be had at Town Meeting based on the timing.

Mr. Crocker stated they are putting it to the ZBA to decide [whether to grant a special permit for a detached ADU](#) but have not given any guidance. He does believe this really is rezoning the whole town into a multi-family. The detached could be rented. This should be vetted before it gets to Town Meeting to see if it is the right thing to do. He feels it should be separated at Town Meeting. He can see some builders now building 2 houses under this. He feels this went too quickly but he supports the rental basis. Ms. McKnight is very much opposed to offering an amendment to their own Article. Nothing has come up that would make them think something is terribly wrong. She feels the Board should never offer an amendment themselves but would expect someone to offer an amendment. Then the Moderator would ask the Planning Board if they support the amendment. This should be discussed more. If offered, should the Board support it and why? She thinks the Planning Board should say there are some concerns with setbacks, they would reconsider, address certain [aspects](#), and bring it back to Town Meeting. She feels the members should support the amendment and let people know they will study and bring it back. Mr. Crocker and Ms. Espada agreed. Mr. Block reluctantly agreed. Mr. Alpert stated he would have a neutral position. If Town Meeting chooses to approve the amendment, the members are willing to study it, so they are not opposing it. All agreed.

Ms. McKnight stated she heard back from the Planning Director in Sudbury [without](#) their experiences with ADUs. There is no difference [other](#) than new people moving in. Sudbury only allows detached to be put in buildings that were in existence 5 years ago. The impact [is](#) negligible. Mr. Block asked if someone makes a motion to remove rentals, would the Board oppose that? The members agreed they would oppose that. Mr. Alpert reminded the Board [that](#) the original purpose [was](#) to allow people to stay in their homes. A discussion ensued. It was [agreed](#) that if there is a motion to refer the Board would oppose it. Mr. Block will do the presentation.

Minutes

Ms. McKnight noted on the minutes of 2/7/23, page 2, Colleen Schaller opposed the removal of Independent Living from the 100-110 West Street project. Attorney Huber anticipates bringing this matter back after the election and would like it withdrawn without prejudice. On page 3, Mr. Crocker said the Board has to allow for future structures to be built. Mr. Block stated Mr. Crocker said detached ADUs will be allowed for existing and new structures to be built. Ms. McKnight suggested taking out the highlighting and deleting the sentence "This requirement may require people to violate another By-Law." On page 5, it says "Mr. Block wanted it clear this is Mr. Crocker's opinion and may not be the legal definition." Mr. Block stated he made that comment.

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

VOTED: to approve the 2/7/23 minutes as red-lined with the changes discussed tonight.

Set Summer and Fall Schedule

Ms. Clee stated the meetings for June are 6/6/23 and 6/20/23. Normally the Board meets once in July and once in August. She requested the members send her dates they are not available. She will schedule the meetings and the meeting can be by Zoom.

Report from Planning Director and Board members

Mr. Block noted he and Ms. McKnight had a Chair/Vice-Chair meeting with the Select Board to discuss the MBTA Communities [law](#). They need to have [MA Department of Housing and Community Development \(DHDC\) state](#) approval of the plan. [Once Zoning By-law amendments are advertised](#), they can only reduce the scope of the By-Law. The timing is a challenge. It would need to go to Town Meeting, have it approved, then get DHDC approval, [which has](#) 90 days to approve it. This would be pushing a year. Ms. McKnight stated the [Town](#) needs to hire a consultant for any [Geographic Information System \(GIS\) analysis](#) involved. It is very complicated. Mr. Block stated there is \$50,000 in the budget that should cover those studies. Ms. McKnight discussed the process for this. The thought [was](#) to take it to next year's [Annual](#)

Town Meeting. If it does not pass it could be taken up again in the Fall. If it is only taken up in the Fall, there would only be one chance to get it right.

Mr. Block stated there should be a Steering Committee including a developer, renter, Finance Committee member, long-time Needham resident, architect, Planning Board member and Select Board member. The Chairs will be members of the Planning Board and other Board's [the Select Board?]. In the next month, the appointments should be made to start up the committees. [She Ms. Clee?] noted the parking study presentation from Stan Tec is 5/12/23 at 9:00 a.m. Ms. Clee will get a room at Town Hall at 7:00 p.m., Monday and Wednesday so the Planning Board can meet prior to each Town Meeting session.

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

VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk