NEEDHAM PLANNING BOARD Tuesday, August 15, 2023 7:00 p.m.

<u>Charles River Room</u> <u>Public Services Administration Building, 500 Dedham Avenue</u>

<u>AND</u>

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. Request to release remaining Peer Review Funds: Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner. (Property located at 1688 Central Avenue, Needham, MA).
- 2. Climate Action Plan Committee (CAPC) Planning Board appointment.
- 3. Design Review Board (DRB) appointment.
- 4. Discussion of Planning Board Goals & Priorities.
- 5. Minutes.
- 6. Report from Planning Director and Board members.
- 7. Correspondence.

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

FRIEZE CRAMER ROSEN & HUBER LLP

COUNSELLORS AT LAW

62 WALNUT STREET, SUITE 6 | WELLESLEY, MA | 02481 781-943-4000 | Fax 781-943-4040

August 10, 2023

Lee Newman
Director of Planning and Community Development
Public Services Administration Building
500 Dedham Ave
Needham, MA 02492

Re: 1688 Central Avenue, Needham, excess Peer Review funds

Dear Ms. Newman:

I have been informed that the sum of \$531.66 remains unused from the peer review funds that were paid by Needham Enterprises in connection with the child care facility proposed for 1688 Central Avenue.

Please refund that amount by check payable to Needham Enterprises, LLC, and send the check to Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham 02492.

Thank you.

Sincerely,

/s/ Evans Huber

Evans Huber, Esq.

cc: Matt: Borrelli



Climate Action Plan Committee (CAPC)

Take the Needham Survey on Climate Change!

The Climate Action Plan Committee would like to hear the opinions and concerns of our community as it continues to work on the Climate Action Plan. Click <u>here</u> to take our survey! It will take you less than 5 minutes.



About the Climate Action Plan Committee

The Climate Action Plan Committee (CAPC) was established to guide the Town in developing a plan that meets or exceeds the State's climate mitigation and resilience goals. The Committee will make recommendations to the Select Board on approval of a Climate Action Plan (CAP), and may be asked to continue to serve as an advisory committee to oversee the implementation of the CAP.

The Committee is charted with reviewing the Town's climate-related data, establishing a program to create a Greenhouse Gas (GHG) inventory for the entire Town of Needham, recommending long-term climate action goals that focus on reducing GHG emissions and building resilience within and across the Town's residential, commercial, and municipal sectors, and recommending programs and policies to implement GHG reduction goals and climate resilience planning.

The Committee will develop a Climate Action Plan for the Select Board's review and approval that includes:

- a. Definition of the climate action goals for each decade through 2050, with a focus on the next decade;
- b. Strategic options and incentives that seek to overcome barriers to implementation of climate action goals;
- c. Recommendations for any structural changes, resource, or staffing recommendations that would assist in implementation;
- d. Actions to protect environmental justice communities from disproportionate effects of climate change;
- e. Recommendations for implementing the plan across all sectors of the Town;
- f. Measures that assist in tracking and reporting Town's progress towards fulfilling climate action goals; and

Climate Action Plan Committee Materials

<u>Agendas, Agenda Packets, Minutes</u>

Use our **Notify Me** feature to receive automatic email announcements related to Climate Action Plan Committee Agendas.

Contact the Committee: climate@needhamma.gov

Members

The Climate Action Plan Committee consists of nine appointed members for 2-year terms.

Members	Year Appointed	Term Expiration				
Marianne Cooley	2022	6/30/2024				
Kevin Keane	2022	6/30/2024				
Artie Crocker	2022	6/30/2024				
Natasha Espada	2022	6/30/2024				
Rachel Bright	2022	6/30/2024				
Paul Dellaripa	2022	6/30/2024				
Stephen Frail	2022	6/30/2024				
Joe Higgins	2022	6/30/2024				
Nick Hill	2022	6/30/2024				

Committee Appointments rev.Aug. 2023

Committee	Member	Voted date	Expires	
Design Review Board	Deborah Robinson	11-Aug-20	30-Jun-23	
	Susan Opton	15-Feb-22	30-Jun-23	
	Steve Dornbusch	5-Dec-22	30-Jun-24	(completing Stev
				Tanner term)
Community Preservation				
Committee	Jeanne McKnight	1-Jun-21	30-Jun-24	



February 16, 2022

Susan Opton 31 Newell Ave Needham, MA 02492

Dear Ms. Opton:

On behalf of the Planning Board, I am pleased to advise you of your appointment to the Design Review Board. This appointment was voted at the Planning Board's meeting of February 15, 2022 and extends until June 30, 2023. (Terms are typically 3 years, but your appointment was to complete a prior member's term, who has resigned. You may be reappointed at the end of this term.)

Your appointment will become official when the Town Clerk swears you in as a member.

Your interest in serving on the Design Review Board is very much appreciated.

Very truly yours,

Lee Newman

Lee Newman
Director of Planning and Community Development

cc: Town Clerk

Planning Board Planning Schedule 2023-2025

The column The																
Control Cont		luno	luby	August	2023		December	lanuary	Echruary	March	April	May	2024 June	luk	August	Contombor
Second S		June	July	August	September		December	January	repruary	IVIATCII			June	July	August	September
Marked	Training											•				
March Marc																
March						√	1			√						
Note							٧									
March Marc	Module 4							V								
Part	Housing															
Part																
Part Communities Communi																
Community Comm																
Ministry										Town wide	Draft zoning language;			SB, SB vote		
March State (1) March Stat		l														
March Marc	MBTA Communities	Vote charge	Vote aptments		cmte meeting	Community Mtg		Community Mtg		Mtg	review			to PB		Hearing/finalize language
March Marc																
Michael Mich	Affordable Housing (I)															
Name Age OFT Community May 11 S screenwing may 19 screen and 19 screen a							PB refers language to									
Description of District Address Market Second Supports	NHΔ	Δnt	CPC Consultant		Community Mtg			Hearing				Rylaw Change				
September 19 1	MIA	Арі	CFC CONSUITANT		Community lvitg	TIVI 5 COMMUNICY MEG		ricaring	incuring	warranc		bylaw Change				
September 19 1																
September 19 1																
Extended Supports Concertain Concertain (to Warrer) Concert Plan (t																
Commercial Great Plain to Warren) Participal System Participal Syst	зиррогся															
Commercial Great Plain to Warren) Participal System Participal Syst																
Great Plain (to Warren) Fair first Insulate Insulat	FAR* if board supports															
Great Plain (to Warren) Fair first Insulate Insulat	Commercial															
Great Plain to Warren) Care Plain to Warren)	Commercial											PB refers language			finalize	
Parting bylaw Draft language to Sh, Shrefes back to language for sylvary thange warrant Review use and dr. Interview, Property Owners, Commercial Britans and Developers Unlocking the Charles Unlocking the Charles Draft language Review use and dr. Interview, Property Owners, Commercial Britans and Developers P8 refers P8 refers P8 realize P9												to SB, SB refers				
Parking bylaw Parking bylaw	Great Plain (to Warren)							22 (Community mtg		Community mtg	back to PB	Hearing		warrant	
Parking bylaw										finalize						
Parking bylaw								SB refers back to								
Unlocking the Charles	Parking bylaw											Bylaw Change				
Unlocking the Charles Unlocking the Charles Unlocking the Charles Developers Parefers language to SB, SB refers back to PB Solar Canopy Community mtg/draft SB refers back to language for languag																
Unlocking the Charles Brokers and Developers Profess Inaguage to SR, SR refers back to Hearing Worrant Bylaw Change Citate Action Cimate Action Community mtg/draft SR refers back to Inaguage for In																
Unlocking the Charles Developers Perfers Inaquage to SB, SB refers back to Inaquage for Bylaw Change Customary home occupations Cimate Action Cimate Action Refer to SB, Community mtg/draft SB refers back to Inaquage for In							, idi									
Customary home occupations Climate Action Community mtg/draft SB refers back to language for language pB heering warrant language for language for language pB heering warrant language for language for language pB heering warrant language for language for language for language pB heering warrant language for langua	Unlocking the Charles															
Customary home occupations SB refers back to PB Hearing warrant Bylaw Change Climate Action Community mtg/draft SB refers back to language for langu										.						
Climate Action Refer to SB, finalize language for language language for language language for language language for language								SR refers back to								
Climate Action Community mtg/draft Sa refer b Sa, finalize language for language for language for language PB Hearing warrant Sylaw Change PB Hearing warrant Sa refer back to language for language for language language for language	Customary home occupations							PB				Bylaw Change				
Community mtg/draft Series back to language for langu	•	_			•		•	•	<u> </u>	•	1	, , <u> </u>	•	•	•	
Solar Canopy Community mtg/draft Ianguage Pa Hearing warrant Bylaw Change Bylaw Change Community mtg/draft Ianguage Pa Hearing warrant Ianguage Community mtg/draft Ianguage Pa Hearing warrant Ianguage Community mtg/draft Ianguage Community mtg/draf	Climate Action		T T		<u> </u>	1	<u> </u>	Defer to CD	T	finaliza			<u> </u>	1	1	
Solar Canopy Ianguage							Community mtg/draft	SB refers back to								
Solar Roofs Solar Roofs Solar ready requirement bylaw change Geothermal Sustainability goals D,E,I Applications Hearings Study Roofs Refer to SB, Ginalize language for language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language for Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back to language of PB Hearing warrant Bylaw Change Solar (so B, Greer's back	Solar Canopy							PB		warrant		Bylaw Change				
Solar Roofs Solar Roof y requirement bylaw change Solar Roof y requirement b																
Solar/solar ready requirement bylaw change Geothermal Sustainability goals DELI Applications Hearings Study	Calar Danés	1										Dulau Chara				
bylaw change	Solar/solar ready requirement						ranguage	rB	nearing	warrant		Bylaw Change			+	
Geothermal	bylaw change															
D,E,I Applications	Geothermal															
Applications <t< td=""><td>Sustainability goals</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td><td><u>i</u></td></t<>	Sustainability goals														1	<u>i</u>
Applications <t< td=""><td>DEL</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<>	DEL															
Hearings Study Stu	Applications															
Study	Hearings															
Recommendation	Study	1								1					1	
	Kecommendation								1	1					1	

Planning Board Planning Schedule 2023-2025

							202	5				
October	November	December	January	February	March	April	May	June	July	August	September	October
SPTM							ATM/SPTM					SPTM
Bylaw Change												
				Refer to SB,			Bylaw change					
	Community mtg			SB refers back to PB		Hearing/finali ze language	to apply 6.12 to all districts					
	intg			Dack to FB		ze ialiguage	to all districts					
			PB refers									
	Community		language to SB, SB refers		finalize language for							
	Mtg		back to PB	Hearing	warrant		Bylaw Change					
				_								
	Study cmte				Community Mtg			Community Mtg			Hearing/final ize language	Bylaw Change
	otady omic		I		19			19			1	
	I		T		1			1			1	
Bylaw Change												
												Bylaw Change
	•		•		•			•			•	
	1		<u> </u>		1			1			1	

May 1, 2023

The Needham Planning Board meeting, held in person at the Highland Room of the Needham Town Hall and virtually using Zoom, was called to order by Adam Block, Chairman, on Monday, May 1, 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 does not include any public hearings and is being held prior to Town Meeting. 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 Town Meeting warrant articles.

The Board discussed whether there was sufficient notice to residents regarding the ADU proposal. Mr. Block noted that in addition to following the Board's ordinary noticing practice of noticing zoning changes, the Town Clerk emailed all town meeting members to inform them all about the proposed changes to ADU bylaw and specifically asked for comments relating to detached structures.

The Board voted that if the detached component gets removed from the article by Town Meeting, the Board will agree to restudy that component. The Board took no position on the potential Amendment itself.

Correspondence

Mr. Block noted the following correspondence:

- Email from Catherine Dittmer, 66 Highgate Street, dated April 27, 2023, opposing the proposed change to ADU.
- Email from Jamie Silverberg, 55 Rybury Hillway, dated April 27, 2023, opposing the proposed change to ADU.
- Email from Henrietta Curley: 61 Rybury Hillway, dated April 27, 2023, opposing the proposed change to ADU.
- Email from Marc Aaronson, 49 Rybury Hillway, dated April 28, 2023, opposing the proposed change to ADU.

Upon a motion, it was by a vote of the five members present unanimously: VOTED: to adjourn to Town Meeting at 7:21 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

Planning Board Minutes May 1, 2023

May 3, 2023

The Needham Planning Board meeting, held in person at the Highland Room of the Needham Town Hall and virtually using Zoom, was called to order by Adam Block, Chairman, on Wednesday, May 3, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Ms. McKnight 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 is being held prior to Town Meeting. 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 Town Meeting warrant articles.

The Board further discussed the ADU warrant article and whether the notice was sufficient.

Correspondence

Mr. Block noted the following correspondence:

• Email from Diane and Michael Lombardo, 9 dated April 29, 2023, opposing the proposed change to ADU.

Upon a motion, it was by a vote of the five members present unanimously:

VOTED: to adjourn to Town Meeting at 7:18 p.m.

Respectfully submitted, Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

May 16, 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, May 16, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Ms. McKnight and Assistant Planner, Ms. Clee. Ms. Espada arrived at 7:10 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 remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes three 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.

Minutes

Ms. McKnight noted, on the minutes of 2/28/23, on page 1, in the middle at the bottom, it should be "the sidewalk and parklet need to be ADA compliant" and it should be "slats" and not "slate." Ms. McKnight noted on page 3, add "Ms. McKnight noted that the CPA funding application..." after "adding approximately 150 units" and on page 5, after "He encouraged the Town" the word "Staff" should be added.

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

VOTED: with the red lining changes noted, and the highlighted words clarified, to accept the minutes of 2/28/23.

Ms. Espada arrived at 7:10 p.m.

Reorganization

A motion was made to nominate Ms. Espada as the Vice-Chairman and Mr. Block as the Chairman to serve for this coming year. Mr. Crocker stated the Planning Board is a Board of the Town of Needham and is the people's Board. The way members need to phrase things is important and that has not been happening. All members should have an equal say in what is going on. People need to respect everyone on the Board. He feels things need to be done differently. Mr. Block said he would like to get clarity from Mr. Crocker at another time.

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

VOTED: to nominate elect Ms. Espada as the Vice-Chairman and Mr. Block as the Chairman to serve for this coming year. [hould this say "elect" even if the motion was to "nominate"]

Public Hearings:

7:00 p.m. – Special Permit Amendment No. 2017-01: Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, Petitioner (Property located at 29-37 Franklin Street, Needham, MA). Regarding proposal to eliminate the "appointment-only" operational requirement for the facility.

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.

Robert Smart, attorney for the applicant, noted the Special Permit was amended in October 2022 and the applicant is seeking further amendment. In the Fall of 2022, the applicant was granted relief for 4 permanent items and 2 temporary items. The Board gave the applicant the ability to come back to make the temporary items permanent. The applicant does not need an increase in sales positions, but they would like to make the elimination of the appointment requirement permanent. There Planning Board Minutes May 16, 2023

Formatted: Top: 0.88", Footer distance from edge:

Formatted: Font color: Yellow, Highlight

Formatted: Font color: Red

have been no problems. There has been an increase in the number of patients, but it is a modest increase and is lower than the 2000 high point. There is plenty of onsite parking. Sira has addressed issues raised by neighbors, swept daily, has surveillance outside and the spaces next door have been available.

Mr. Smart stated the staff and patients have been told no <u>cannabis</u> use outside. The other Town Board's had no comments. Sira has reached out to each neighbor that came, and spoke with most of them. Derek Roach, traffic consultant with Vanasse & Associates, Inc., noted the parking counts 3/30/23 and the full month of March. There were 82 transactions a day and 81 on 3/30/23. One transaction is one trip entering and one trip existing. At mid-day peak there were 10 transactions or 20 trips. In the evening there were 9 or 18 trips. All are less than prior. There are 18 parking spaces on site, 18 spaces off-site and 6 others assigned to the other <u>adjacent</u> company. There were 11 spaces on site available at the worst and 5 spaces offsite. He feels there is no further need for monitoring at this point and supports the request to grant the relief.

Mr. Block noted the following correspondence for the record: a letter from Attorney Robert Smart, dated 4/13/23, including the operations description; an updated traffic monitoring study dated 4/11/23; an email, dated 4/28/23, from Police Chief John Schlittler noting the police are ok with this and comments regarding responsiveness to issues. Mr. Block stated the applicant should publish on site who to contact for issues. He went to the site and felt it was well maintained. There was also an email, dated 5/10/23, from Assistant Public Health Director Tara Gurge with no comments; an email, dated 5/16/23, from Building Commissioner David Roche, noting no issues and an email, dated 5/10/23, from Town Engineer Thomas Ryder, with no comment or objections.

Mr. Alpert stated he is fine with the application with the caveat if anyone in the audience has a comments against, he would like to hear it. The Petitioner has agreed to continue to monitor parking, trash and smoking outside. If there are complaints that would be a violation of the permit and they can go back to the Planning Board. In addition to the police the Planning Board can deal with it. Ms. McKnight made a note of a reference in the letter of Mr. Parsons and Mr. Smart's letter. There was a meeting with Dan Socci and he did have some complaints. She has a process question about Exhibit A and what is being sought is to amend the decision. Will there be an actual document the Planning Board will sign and record? Mr. Block stated there would be.

Mr. Block noted Mr. Smart mentioned an increase to the number of sales stations. As that is no longer necessary will the stations be removed? Mr. Smart stated they would like to keep them as is. The request was 5 stations to 7 stations, but the increase is not needed. The relief was granted on a temporary basis and that will expire. Mr. Alpert noted the number 5 will be in the decision. Mr. Crocker asked if there is any reason to leave it at 7 stations. John Fernandez, owner, does not see a need to expand to 7 stations in the future. Mr. Alpert asked if the new recreational marijuana has cut into the business. Elecia DeAngelis noted 2020 had the peak numbers. They are now seeing a bit of a decline. There has been a drop in numbers as people move away from medical. Mr. Fernandez stated there is some evidence the medical market may be peaking as there is now home delivery.

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 close the hearing.

7:20 p.m. – Major Project Site Plan Special Permit No. 2023-01: Tristan Roveto, 16 Malbert Rd., Brighton, MA 02315, Petitioner (Property located at 1502 Highland Avenue, Needham, MA). Regarding request to occupy the Premises for a Personal Fitness Services Establishment.

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 waive the reading of the public hearing notice.

Tristan Roveto, applicant, wants to occupy the space for a personal fitness establishment. This use is allowed by right if there is enough parking. There is not enough parking so he is looking for a waiver. Mr. Block noted a letter from Mr. Roveto with analysis; an email, dated 5/8/23, from Building Commissioner David Roche with no comments or objections; an email, dated 5/10/23, from Assistant Public Health Director Tara Gurge, with no additional comments; an email, dated 5/8/23, from Police Chief John Schlittler noting it is fine with the police. There is nothing from the Fire Department and there are no public comments.

Ms. McKnight noted there are 2 display windows. She is concerned about what it looks like from the street. She suggests in Section 3.8, adding "its operations and display within its 2 window space areas to ensure its goal is met." Mr. Roveto stated he would like to advertise what he does and health and fitness. Also, what he does with his ties as a professional coach with the community and partnership. Ms. McKnight appreciates that. Ms. Espada stated signage is through the Design Review Board (DRB). Mr. Block asked about sound attenuation with tenants above and beside. Mr. Roveto stated there is nothing in the lease but there are things he could do. He will lay down a roll of turf over the rug and will only kick soccer balls against the alley wall. He will communicate directly with the local tenants.

Mr. Block would like some condition that if another tenant complains of noise, the applicant would agree to be responsive and take immediate measures to alleviate the issue. Mr. Alpert stated there is usually a clause in the lease. Tenants would complain to their landlord before the Planning Board. He does not think it is necessary. The use is allowed as of rightright, and this would not be in front of the Planning Board if not for parking.

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 close the hearing.

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 GRANT (1) a Special Permit under Section 3.2.2 of the By-Law for a personal fitness service establishment where all required parking is not located on site in the Center Business District; (2) a Special Permit under Section 3.2.2 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 the By-Law; (3) a Special Permit under Section 5.1.2, Required Parking, and Section 5.1.3, Parking Plan and Design Requirements; subject to and with the benefit of the following Plan modifications, conditions and limitations as set forth in the decision.

Mr. Alpert noted there was a typo on page 2, in 1.6, second line, there should be a lower case "o" in the word "NO". There are numbering mistakes at the bottom of page 3 and at the top and bottom of page 6.

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 decision in the packet and as revised tonight.

7:40 p.m. – Major Project Site Plan Special Permit No. 2009-06: Shallots Needham, Inc., d/b/a Sweet Boba, Kakada Ly, President, Petitioner (Property located at 1032 Great Plain Avenue, Needham, MA). Regarding request to renovate approximately 644 SF of first floor space for use as a retail bakery with an accessory eat in-take-out counter and 6 seats.

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

Mr. Block noted the following correspondence for the record: a letter, dated 2/6/23, from the Petitioner with his operation plans; architectural drawings dated 1/12/23; an email, dated 5/10/23, from Town Engineer Thomas Ryder noting no objections with comments regarding the grease trap; and an email from Assistant Public Health Director Tara Gurge, dated 5/10/12, with comments regarding the food permit plan. Ms. Clee noted the use is allowed by right and the seats are already there. The applicant did some renovations. He is open but needs to legalize the seats. He has his permits through the Building Commissioner and the Health Department. This is just cleaning it up. Mr. Block noted an email, dated 5/1/23, from Building Commissioner David Roche with no issues. There are no Fire or Police comments.

Ms. Espada asked if there is a Certificate of Occupancy and was informed there is. She asked if the door to the bathroom has a closer on it. The bathroom can be seen from the outside. Mr. Block commented the door is always closed when he goes in. Kakada Ly, President, stated there is a closer on the door. Mr. Block noted there are no public comments.

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

VOTED: to close the hearing.

Mr. Block stated a decision will be prepared for the 6/6/23 meeting.

Mr. Block noted Dan Socci was in the audience and informed him the hearing for Sira Naturals was earlier in the meeting and has been closed. Ms. McKnight noted Mr. Socci's comments were reflected in the letter from the Attorney, and he mentioned them at the hearing. Mr. Socci stated someone was smoking on his wall the other day and then went back to work, but- Int seems a decision has already been made. Mr. Alpert noted, if people complain, the police will do something or the Building Commissioner would. The applicant could be in violation of the Special Permit and the permit could be pulled. The applicant offered the neighbors to go to the person in charge. Mr. Block suggested Mr. Socci send a letter to the Building Commissioner with dates and times of any incident and copy the Planning Department. He should also call the police for a record of the complaint. Mr. Socci stated, after working 10 hours, he does not expect to go home and write a letter

De Minimus Change: Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1471 Highland Avenue, Needham, MA). regarding proposed design change to the MBTA bus shelter at the Town Common.

Christopher Heep, representative for the applicant, sent a letter, dated 4/27/23, explaining the change with plan sets. He noted the bus shelter was going to be installed. In December 2021 a permit was issueissued and the detail for the bus stop was shown on the plan and in the decision. The plan set was modified in 2022 and did not show the bus shelter. There was additional thought given to the shelter and it was concluded it was not suited for New England weather conditions. The proposed new shelter is a conventional MBTA bus shelter. The new version has an aluminum roof, 3/8-inch tempered glass walls and a bench for seating. The MBTA will maintain it going forward. There is money earmarked from the state to purchase the shelter. This is far more practical.

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 deem the Town's proposed change a minor modification.

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 grant the relief requested.

Ms. McKnight noted there is a reference to approval from the Design Review Board, but she does not see it in the packet. ## The reference should be taken out. There is a missing date in Exhibit C. It should be 5/23/2022. Mr. Alpert noted on the next page, paragraph 2, 2nd line, insert "not" between "would" and "serve" and put a "," instead of a "." at the end.

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 decision as drafted and modified tonight.

Decision: Amendment to Major Project Site Plan Special Permit No. 1991-01: Ceed Corp., d/b/a Cook Restaurant, 15 Nell 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).

Mr. Alpert noted on page 2 of the proposed decision, under Conclusions, 1st paragraph, "were" ratified should be "are" ratified. In Section 1.6, 2nd paragraph, 3rd line, after April 12, 2023 remove "." And keep the ",". Ms. McKnight noted in the email from Tara Gurge the last paragraph is in bold. She asked if that is the Planning Board condition or the Public Health's condition. Mr. Alpert clarified the Board asked that the applicant comply. but— In the Select Board that

will when they give the permit with all the Public Health conditions. Ms. Clee noted the applicant is only here for a parking permit. The Select Board gives the outdoor dining permit.

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

VOTED:

to GRANT: (1) an amendment to a Major Site Plan Review Special Permit No. 91-1, dated June 11, 1991, transferred on March 11, 1997, amended on December 13, 2005, transferred on June 13, 2017 and December 19, 2022, under Section 7.4 of the Needham Zoning By-Law and Special Permit 91-1, Section 4.2; and (2) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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 decision as drafted and further revised tonight.

Decision: 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.

Mr. Block stated there had been discussion about whether the Board would require solar panels, or solar ready, and the proponent agreed to solar ready. Mr. Alpert requested a discussion with Town Counsel, who said that.—I there? is no mechanism that enables the Planning Board to make a requirement. The applicant has agreed to do it, but the Board has no authority to make them do it. The Planning Board does not have that right and he is going to stop the practice. The way to do it is to declare [solar review?] as part of the By-Law criteria for site plan review. If the petitioner has agreed to do it there is a condition in the decision that says the Petitioner will be solar ready. There is no definition of what solar ready is. The only permissible way is to add a finding that says "during the hearing the Petitioner agreed to have the building solar ready."

Mr. Crocker stated the most critical thing is to have it structurally sound for solar and not just the wiring. Ms. McKnight noted Section 3.9 of the draft decision should be reworded. David Feldman, applicant, noted it will be structurally sound as they are adding the third floor. Mr. Alpert suggested "The Petitioner has agreed that the roof shall be electrically wired and the roof shall be made structurally sound so the roof will be considered solar ready and so photovoltaic panels may be added in the future." He added this reads like a special permit. He is not sure of the proper format. Evans Huber, attorney for the applicant, stated the applicant is ok with this. The goal is to get it done.

Ms. McKnight stated the application is for a site plan special permit. She thinks this should reference an amendment. She noted on page 7, it says 50 independent living units. She asked if it should be 72 units. Mr. Alpert noted under the Conditions and Limitations at the bottom of page 7, the word "Decision" in the Therefore line should come out. All agreed. Ms. Clee noted Section 3.1 also references back to prior decisions. Mr. Alpert noted at the bottom of page 1, the meeting was called to order by Mr. Block not Mr. Alpert and it should be March 7, 2023, not 2022. On page 4, Exhibits, there is a numbering issue. Ms. Clee will check on it. In Section 1.7, it should be "Pursuant to" and not "Per section."

Mr. Alpert noted in Section 3.4, there is a condition of at least 81 paved parking spaces. He did not think they were going to require that number. Ms. McKnight noted the applicant intends to have that number. Mr. Huber stated there are 98 spaces there now, and 17 will be converted to green space. The intent was not to require that number. That is what the project has. Mr. Huber noted Section 3.16, 3.17 and 3.34 (c). The Petitioner has already done the second half of 3.16. His position is he has no issue with 3.17 but does not want 3.16 or 3.34 (c). They have to get approval before the building permit approval. Unclear They could strike the second half of 3.16 and part of 3.34 (c). Section 3.17 is where the Board still has authority. The Board agreed to eliminate the second half of 3.16 and (c) altogether.

Mr. Huber noted the limitation in Section 4.5 compared to 3.21. Section 3.21 is appropriate and 4.5 is a holdover. It will be removed. He noted on page 1, third paragraph, it says "no other use is proposed to the site." It should say "for the site." This was agreed. He noted there is a list of the original special permit and amendments. They are out of order. Ms. Clee

Formatted: Highlight
Formatted: Highlight
Formatted: Font color: Red

Formatted: Highlight

Formatted: Highlight

will fix that in several places. Ms. Clee asked if there are any diesel fuel generators there. Mr. Feldman stated it is natural gas. Diesel will be taken out.

A motion was made to grant the requested special permit for 50 independent living units in the Elder Services Zoning District under Section 3.12.4 of the Zoning By-Law; and a special permit for a Major Project Site Plan Review Amendment under Section 7.4 of the Zoning By-Law; subject to the following plan modifications, conditions and limitations. Ms. McKnight stated this implies it would add the dates of amendments and it should. Would it be worded "amendment" with all the dates on the first page. Mr. Alpert accepts the amendment by Ms. McKnight. A new motion was made.

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 amendment to Major Project Site Plan Special Permit 1993-04, dated July 27, 1993, as amended August 9. 1994, August 8, 1995, November 21, 1995, June 3, 1997, March 15, 2011 and March 15, 2022 and as further changed by insignificant change on April 18, 2013 and on December 17, 2013 and further move to GRANT: (1) the requested special permit for 50 independent living units in the Elder Services Zoning District under Section 3.12.4 of the Zoning By-Law; and (2) a special permit for a Major Project Site Plan Review Amendment under Section 7.4 of the By-Law; subject to the following plan modifications, conditions and limitations.

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 decision as presented and with the modifications 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).

Mr. Block noted there is an agreement in the packet with a modified version today. Ms. McKnight noted the second "Whereas" clause refers to a tree fund "at" the Town of Needham. It should be "of" the Town of Needham.

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 appr

to approve the agreement as included in the packet and revised by Attorney George Giunta Jr. and this evening.

Ms. McKnight noted a letter asking for the new road to be called River Run Road. She asked if the Board had dealt with that. George Guinta Jr., Attorney for the applicant, stated no action has been taken on that request. The naming is usually done when all the subdivision documents are done. He just wanted the request on the record. It has not been addressed yet.

Board of Appeals - May 18, 2023

145 Rosemary Street – EIP Rosemary, LLC

Ms. McKnight recused herself as she is an abutter. This is an expansion by Wellesley Family Care Practices. They are requesting parking waivers.

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

VOTED: "No comment."

Report from Planning Director and Board members.

Mr. Block noted there was a Chair/Vice-Chair meeting with himself, Ms. McKnight, the Select Board Chair and Vice-Chair, Town Manager Kate Fitzpatrick and Assistant Town Manager Katie King. There will be a Housing Needham advisory committee set up of 9 members – 2 Planning Board, 2 Select Board and 1 Finance Committee. The Planning Board will

appoint a Real Estate Developer or architect and the Select Board will appoint a tenant and a community member at large. This will be a jointly run task force for compliance with the MBTA Communities Act. The Planning Boardy had wanted action at the May 2024 Town Meeting but the DHCD review period could take 90 days. If so, May does not work. Ms. McKnight noted the Town Manager and Assistant Town Manager want robust community discussions.

Mr. Block noted it would need to be on the Warrant for the October 2024 Town Meeting. Ms. King will prepare the documents and the Planning Board will review. The Planning Board will play an important role in helping to shape zoning and public policy. There will be substantial public engagement with 2 or 3 sessions before it gets to the Planning Board for final language. The Board will vote in June or July to appoint members to the Committee.

Mr. Crocker stated he would like to find a way to bring a Warrant Article to Town Meeting in October regarding climate action like solar or maybe a Tree By-Law. He would like to have something meaningful for climate action in October.

Mr. Block stated it is up to the Planning Board to create language. There would need to be a public hearing over the summer. He would like Mr. Crocker to help. They could do solar canopies. Mr. Crocker feels something could be done in the criteria in the special permit. Mr. Block noted he will work with Mr. Crocker to come up with a task list.

HeMr. Block noted a letter, dated 5/10/23, from Reg Foster. The Needham Housing Authority was in front of the Board 2/28/23 with a proposal. The thought was to go through a friendly 40B. DHCD needs to approve the proposal that would allow that, then to go through additional funding. If not in October, the project would need to go another year and would need to have funding in place. He wants the zoning revised at the October, 2023 Special Town Meeting. He will be coming in 6/6/23 to discuss the current proposal. A discussion ensued. Mr. Alpert stated Ms. McKnight's thought was to have Apartment 3 zoning for this property, but nothing is really drafted. Ms. Espada would recommend neighborhood meetings, so everyone is aware once the Board starts having public hearings.

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 adjourn the meeting at 9:50 p.m.

Respectfully submitted, Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

June 20, 2023

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, June 20, 2023, at 7:00 p. m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Appointments:

7:00 p.m. - Needham Housing Authority Linden/Chambers Redevelopment Project Update.

Mr. Block noted the applicants came before the Board at the 2/28/23 meeting and different options were looked at. The applicant was considering a friendly 40B but is now looking at a By-Law change to be led by the Planning Board. Reginald Foster, of the Needham Housing Authority, stated a friendly 40B was the best route but the Planning Board felt they should engage Counsel. Attorney Robert Smart did a deep dive to see how the housing originally came about. It is highly advisable to go the Town Meeting route rather than the 40B route. There are notes from Mr. Smart in the packet. They are in the conceptual design process. After considering multiple options for the site, he feels they have agreed on how to go forward. He thinks they have a good approach right now.

Attorney Smart noted in his 6/15/23 letter, there are 3 Zoning Articles – 1) to establish a zoning district for Linden/Chambers which is just over 11 acres; 2) the Zoning Map Article and 3) non-zoning authority for the Select Board to correct deeds or issues to clear titles. He noted it was done that way back in the 1960s. He has not spoken with the Select Board or Town Counsel to see how they want to do it. Things appear to be incompatible and may need to be cleaned up. Ms. McKnight noted she has reviewed the documents. The documents could be characterized as restrictions by the Town. The restrictions may not be able to be released without a Town Meeting vote. Mr. Alpert asked if the applicant was looking for a May Town Meeting. Mr. Foster stated yes, October is not a realistic time frame.

Mr. Block feels the question of title should be flagged. He knows it will be pursued diligently but he would expect a shared resolution. Mr. Smart noted the key zoning issues with the project include density, dimensional requirements and parking appearance, the review procedure and identifying the proponent of the warrant article. Will it be an overlay or new apartment district? He noted the units per acre is a maximum of 18 but the Housing Authority would like 25 units per acre to construct 250 units for an increase of 100. He noted 70% of the site is wetlands. There will be sloped roofs rather than flat roofs so greater heights are needed. The buildings would be 52 feet and 3 stories or 62 feet and 4 stories. With a flat roof it would be 36 feet for 3 stories or 48 feet for 4 stories. The applicant would like a 20-foot front setback rather than the 25 feet in the Apartment District. They want to keep it as far away from the wetlands as possible. For parking, apartment should have 1.5 spaces/unit. The Housing Authority has data usage suggesting .5 is more than enough.

Mr. Alpert noted the Select Board has conditioned a parking study. The first draft has been done and it shows the Planning Board regulations are out of line. Mr. Block noted the study focused on the Center and the Heights and not the whole of the municipality. That has to be worked on. Mr. Alpert noted his point is that even 1.5 spaces is way too much. Mr. Smart added a lot of residents who live there do not own cars. Mr. Foster noted there is transportation to appointments. Ms. McKnight stated there was a supplement to the recent parking study. Traffic counts were done at several multi-tenant locations and it was found one space was more than enough per unit. She went late at night and counted the cars and spaces. There were many unused spaces. Mr. Foster stated parking permits are given. He has several years of data regarding how many spaces are needed. The average is less than .5. Ms. Espada noted there are 200 units and 144 spaces.

Mr. Crocker noted the setbacks. He stated a building at this height with a 20-foot setback is too close to the street. Mr. Foster noted his second point is the review procedure. They would prefer the proposed use be of right and site issues be handled through the site plan review process. If additional criteria are needed it could be incorporated into zoning. He hopes the Planning Board would be the proponent for the Article, rather than the Housing Authority, and present at Town Meeting. He discussed what type of district would be appropriate. Elderly makes more sense than apartment. He provided a draft with an overlay that is like what the Town created for the hospital in 1998. The hospital is in 2 districts like Linden/Chambers. Mr. Crocker commented that it is incredibly close to the street. He wants to do as much as they can but this is too close to the street. Visually, this makes the staircase worse. Mr. Smart noted there are no houses across the street. There is a big field and a school behind that. The closest neighbors are on Maple Street. Mr. Crocker reiterated looking at it down the road there is too much massing. It takes away from the residential look and is more institutional.

Mr. Foster stated they need to stay out of the 50-foot line in the back. The Linden Street existing condition has one-story buildings and not 3-story. They are trying to optimize the open space with courtyards. The point is well taken but there is a tradeoff. Mr. Block asked why the stairs are in front and not somewhere else. Dan Chen, of Bargmann Hendrie + Archetype, Inc. (BHA), noted the architectural preference is to break up the façade. This is the conceptual design phase. They can look at 26 feet from the curb to the building and one wing of the building is slightly shorter than the others. Mr. Block does not see the zoning chart with the dimensional regulations he was looking for and compared to the existing conditions. Mr. Chen stated the current setback is 20 feet. Mr. Crocker feels there is a way to accommodate this better.

Ms. McKnight stated the General Residence District's setback is 20 feet. A strip of this is in General Residence A. She feels the eventual plan is to make it General Residence. It seems 20 feet would work so the focus should be on the look of the building. The courtyard is lovely but there should be a more residential look. Mr. Crocker stated the Board needs to be realistic. There is much more massing that should be taken into account. This is not the same as a normal residential setback and should be further setback. Mr. Alpert agreed with Mr. Crocker. Three stories, or maybe even 3.5 stories right on Linden Street, is massive. It does not matter it is across the street from a field. It should be setback. Having the building be 25 to 50 feet from the wetlands should not be an issue. He feels it could be setback and still be out of the wetland and would look better diving down the street. He likes the courtyards. It breaks it up nicely but should be setback.

Mr. Foster stated he had input from the Maple Street abutters. He is planning to meet with the Conservation Commission shortly. A meeting was scheduled but it was postponed. He will get on their calendar as soon as possible. He noted the map in the packet is accurate. Mr. Alpert prefers a special permit to an as of right use. He does not want to see a private developer in here if it is as of right. If they could legally limit this to government agencies or quasi government agencies rather than for profit he would be inclined to go as of right. He does not want to do that if it is a private developer. Ms. McKnight stated the ownership has to be private in order to get tax breaks. Mr. Foster noted the Housing Authority will retain ownership of the underlying land and it would come back to the Housing Authority but the entities who finance would need an iron clad agreement.

Ms. McKnight commented on the process of the meeting. The Board members have been able to review the materials but not the public. Mr. Block agreed. Mr. Foster stated that they have met with abutters. They need to embark on comprehensive public engagement if the Planning Board is going to take over. They need to have review and language complete if going to Town Meeting. Hearings would need to be in January but there are substantive changes. This requires more than one hearing and at least 2 community engagements. The Planning Board will create several more opportunities for the community. Margaret Moran, Leader of the Cambridge Housing Authority Team, stated they had a Chair meeting. The thought was to have the Housing Authority develop this to the terms required.

Mr. Block stated Mr. Smart did an excellent job in the base zoning. There needs to be robust community engagement. The Planning Board should take the lead on arranging the community participation. The Board can discuss this later. Mr. Crocker agreed. He does not feel these plans are ready for the Planning Board to take over. Ms. Espada disagrees there are no houses around there. There is a fabric around, setbacks and a landscape as you

go down. It is conceptual but an abrupt scale and landscape change. She needs to see more context and wants to see how it looks in the neighborhood conceptually.

Mr. Foster noted the intention was this is only an informal discussion. He envisioned this round of check ins now, check ins with the Conservation Commission and then wrap up the schematic design. If they stay on track the schematics should be done by December. They do not want public hearings in the summer. He wanted to check in to see if they were going in the right direction. He is asking for zoning by right subject to site plan review but it is a funding process requiring zoning to be in place by right.

Ms. McKnight noted, with regard to height, in front along Linden Street the maximum is 52 feet. She asked if that is to the top of the half story above the third story. That is the same as the Mixed Use on Dedham Avenue. At the rear of the site it was proposed one big angled building would be 62 feet. She wants to make sure, when drafting the decision, it is clear the higher height limit can only be used 150 feet back from Linden Street. For the process, she wants to see this site as an opportunity for the Town to add these 11 acres to the zone that complies with the MBTA Communities Act supply. She wants to get this zoning in place for this development. It would allow seniors, handicap and low income population. The Housing Authority wants zoning in place for the 2024 Annual Town Meeting. The Board should get this zoning secured, then move forward with the MBTA Communities Act, then go to the site and change the underlying zoning. The underlying zoning can be Apartment 1 by right. The developer would go forward with this zoning. That is what she envisions. The underlying zoning will have no age limits.

Mr. Alpert would have a backup to see if they could meet the MBTA Communities zoning without that. Ms. Espada would like to see how the height relates to the High Rock School across the street. She feels it would be helpful for context. She feels understanding the relationship is critical. Mr. Foster put up an artist's rendering. They have 25 acres where housing is. It is a beautiful neighborhood with mature trees. It is incumbent upon them to preserve the area. They have had 2 neighbor meetings. They will take those comments and tonight's comments to see the best way to move forward. Mr. Block stated the Board is unresolved as to by right or by special permit. They are also unresolved on the dimensional regulations. Some or all members feel the front setback on Linden may need to be greater. There is also a question on how far you can go in the back and a question on the staircase. Those will not be resolved tonight. He asked how a density of 250 units or 25 units per acre was arrived at.

Mr. Chen stated it came to 252, which was not a definitive number. He wanted to understand the density for what the site can support, the ability to phase and the financial ability to support in the future. The minimum was to replace 150 units – 72 in phase 1A, 72 in phase 1B and 100+ units in phase 2. With parking, traffic and impact to the neighborhood that seems to be the right number. Currently Linden has 18 buildings with 4 studio units in each, which is 72. The current design is able to maintain the 72 units in phase 1. Mr. Foster stated the temporary tenant relocation is the number 1 priority. There will be an individual plan for each tenant. Once through the first phase 1A everyone can move back and they will have their own swing space.

Mr. Block asked if the Town has engaged a consultant to assist with financing. Mr. Foster stated an RFP is out for a housing consultant for financing and the Home Committee will also be receiving some financing. He will send the RFP to Board members. Mr. Block noted an email from a number of Sylvan Street residents commenting on a number of elements. Mr. Foster thanked the Board and stated he would continue to work with staff throughout the summer. Mr. Block would like to see the first community meeting in September. He would like conceptual drawings, a dimensional comparison of current versus proposed and would like, by late September, to have had the first 2 meetings/hearings. Mr. Smart asked to clarify the dimensional comparison. Is it what is currently on the ground or dimensional of the underlying zoning. Mr. Block stated the underlying zoning but also the current conditions with the existing housing and new proposed zoning.

Ms. McKnight discussed the timing. Ms. Moran noted there should be the Town Meeting vote to approve the zoning during the Attorney General review period. The Housing Authority would apply for a site plan application and it seems the Board would issue a conditional approval. Ms. Newman feels they should get an opinion from the new Town Counsel. Mr. Foster stated it is the second time he has done a project like this. He would welcome opinions from the Fire, Police, DPW and all stakeholders this summer.

The Board took a 5-minute break.

Decision: Major Project Site Plan Special Permit No. 2023-02: Shallots Needham, Inc., dba Sweet Boba, Kakada Ly, President, Petitioner (Property located at 1032 Great Plain Avenue, Needham, Massachusetts). Regarding request to renovate approximately 644 SF of first floor space for use as a retail bakery with an accessory eat in/take out counter and 6 seats.

Mr. Block noted they have received comments and a modified decision. Ms. McKnight noted in 3.12 regarding solid waste, it says weekdays 7:00 a.m. to 6:00 p.m. There are not residential uses nearby. With the current zoning the hope is to develop mixed use. In 3.12 it has Saturday, Sunday and holiday hours as 7:00 a.m. to 1:00 p.m. She asked why not 11:00 a.m. to 6:00 p.m. Ms. Newman used the same as French Press. Ms. McKnight asked why not make the noisy trucks come later if the hours are being abbreviated. Ms. Clee clarified French Press has hours of 9:00 a.m. to 1:00 p.m. Ms. McKnight is ok with those hours.

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 GRANT: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) the requested Special Permit under Section 3.2.2 of the By-Law for an eat in/take out establishment accessory to a food retail operation in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential uses on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of the By-Law; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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

VOTED: to approve the decision as modified tonight and as red lined.

Discussion of Planning Board Goals & Priorities

Mr. Block stated he has prepared a list of priorities based on ongoing discussions. He has an inventory of priorities and a schedule for goals for this year, what needs to be worked on and by when. He noted there are several categories. The first is a Planning Board retreat for additional training and information. The retreat will be with Town Counsel, staff and members. He will work with Ms. Espada, Ms. Newman and Ms. Clee to devise modules to work on. Training will be an ongoing effort. The work product will have some kind of manual or guideline. He will identify the process, how to deal with zoning and some other elements. They will identify modules, layout a schedule and then come back to the full Board with a proposal of when they can begin work. The Board will determine zoning best practices.

Mr. Block noted residential zoning amendments. He commented on the Housing Authority Linden/Chambers and stated affordable housing in 6.12 has a minimum standard of 12.5%. Ms. McKnight wants to expand the standard townwide. Ms. McKnight noted she wants it expanded in all districts where multi-family housing is allowed. The goal is to always use 12.5% or 1 per 8 units. They usually round up if there are 6 units. She feels the Board should look at 3 to 7 units. Applicants should supply one unit or pay into the Affordable Housing Trust Fund. She would like to explore this concept. Mr. Block stated that would be an action item to discuss. He asked if the Board should reconsider detached ADUs and, if so, when? The MBTA Communities Compliance will start this year, with a view to pass MBTA compliance in October 2024. There is a concern from residents with the replacement of tear downs and the FAR. An email from Joe Matthews, dated 6/18/23, is included in the packet.

Mr. Crocker feels there is a loophole in there to letting these houses get this large. There is an unfinished upper floor that is then immediately finished. Mr. Alpert noted he went to the By-Law after reading Mr. Matthews letter.

There is FAR for 2 floors, can have a finished basement and attic and also have the lot area coverage. He would like to get a list of houses Mr. Matthews is complaining about to see what they really look like. Mr. Block asked the staff to reach out to Mr. Matthews to come in to discuss. He should bring examples. Ms. McKnight stated she began a study back in 2019 as she was on the Large House Study Committee. A list of teardowns was created and building permits for a year before and after all in effect. Then Covid hit and she gave it up. She asked if there is the ability to do a study like that. Ms. Newman asked what the priorities are for the next year. The MBTA Communities will take a lot of time. There will be Climate Action and also the Linden/Chambers.

Mr. Crocker stated a whole other floor with living space increased the height of the house. Mr. Alpert noted the mass of the house does not change. There are height limitations. Ms. Newman stated the half story does not count or the basement. The height constraint is 35 feet. The Board has relaxed on how dormers could be used. Mr. Crocker stated people have third floor living space. The loophole in FAR is not supposed to allow that to occur. Mr. Alpert noted the third floor does not change the nature of the house or the neighborhood. Mr. Crocker noted the question is what is counted toward FAR. If expanded, it should be counted toward FAR. Mr. Block will get specific information from Joe Matthews for the Board to look at. Then the Board will look to see if it should be taken on.

Ms. Espada stated it appears from what has been said that the Planning Staff can only do the MBTA Communities, Climate Action and Linden/Chambers in the next 2 years. She asked what they can do as Board members, within the list, that does not require Ms. Newman or Ms. Clee, as they would not have the capacity. She feels the Board needs to prioritize but there is only the capacity for so much. The MBTA Communities will take over once that gets started. Getting into zoning amendments will be tough to do. A discussion ensued.

Mr. Block noted 888 Great Plain Avenue will come in front of them. It would be an opportunity to talk about broader zoning or extending the overlay. Ms. Newman feels it could possibly be rolled into the MBTA Communities through the public process. Ms. McKnight feels a more comprehensive study should be on the list but on the list for a change in the Fall of 2024. It should be kept as a priority on the list but extended until the Spring 2025 Town Meeting. Mr. Block noted his list includes a commercial zoning amendment, 888 Great Plain Avenue, the parking By-Law, unlocking the Charles from Staples through Highland Avenue and Mixed Use 128 and Highland Commercial 128 Districts. Mr. Alpert noted that area was recently rezoned and asked why revisit it. Mr. Block is looking at the broader picture to get revenue for the Town. Ms. Newman commented she would be interested in understanding what the developer's issues are with the Charles. She does not think it is regulatory based. They need to understand what the issue is. Ms. McKnight noted the Board should not forget the strip from Rosemary Street to May Street. Ms. Clee stated that could be under the MBTA Communities Act.

Ms. Espada wants to see what can be looked at at the same time. Some can be integrated into studies but not be individual studies. Mr. Block noted Customary Home Occupation has been brought up by the Building Commissioner. He would like it updated. Ms. Newman feels it makes sense to update and has a draft she will share. Ms. McKnight feels the site plan approval process needs to be looked at, part of the By-Law needs to be revisited, and should be on the list.

Mr. Alpert asked if Mr. Block has spoken with Town Counsel about a retreat meeting with him. Can they have a retreat without violating the open meeting law? Mr. Block has spoken with Town Counsel and Assistant Town Manager Katie King and is on top of it. Mr. Block noted there are a number of changes including solar canopies and solar panels. Large size ground mounted solar panels are in the By-Law already. Does the Board want to modify for smaller or geothermal? He wants more realistic sustainability goals for the town. He wants to modify the administrative practices that relate to sustainability goals and he wants to ensure zoning is meeting best practices for inclusion, equity and diversity. Ms. Espada asked what information is being collected. Mr. Block noted the Board needs to have a session to talk that through. Zoning needs to be made more inclusive and equitable and facilitate the underrepresented in the process. He noted other Building Commissioner questions include rear lots and corners lots and the site plan review process and procedures. Ms. Newman stated there is a current court case on this so it should be on hold.

Mr. Block noted he has already planted anchors in the schedule for these identified training and other category headings. He will add the site plan review process to the next draft. The Planning Board representatives for the MBTA Communities will be resolved at the next meeting. He feels there should be 3 community meetings maybe in November, January and April but that is not set in stone. The language would need to be finalized in September. They would want the zoning almost complete but need to be mindful of the process and schedule.

Ms. Espada stated detached ADUs is not a priority. The Board should focus on things that would create the most change and the most opportunity. All agreed. Ms. McKnight noted it is not realistic to have a community meeting in July on affordable housing for the October Town Meeting. She would like to address that for the May 2024 Town Meeting. Mr. Block will move detached ADUs to 2025. Ms. Espada stated sustainability should be a priority. She feels, knowing the priorities, the members should look at them offline then share and review at the next meeting. Mr. Block would like to look at the schedule for Climate Action and sustainability. Ms. Newman noted, realistically, it would be for the May Town Meeting. A discussion ensued.

Ms. Newman asked if the members agree with the draft language from Stephen Frail. Mr. Alpert noted they have not discussed what he says. It needs to be reviewed, have an open meeting to discuss, make changes and see what the public thinks. It would be a multi month product. Mr. Block feels it should be put on the schedule for the May Town Meeting. Ms. Espada noted everyone wants it done quickly but it needs to be done right. Ms. McKnight commented that the spreadsheet is really good and the Board should have it for years. Mixed Use zoning is on the planning list but not on this chart. It should be under commercial. The Tree By-Law is not on the list. The Select Board's goals do not say Tree By-Law. Mr. Block stated the lead on that will come from the Select Board

Mr. Alpert feels this was a very productive discussion. There are a lot of changes for May. The information should be put together in a chart for May. Then the Board can look at the chart and prioritize the big 3 to bring to Town Meeting. Linden/Chambers is number 1. Then 2 or maybe 3 more could be added.

Minutes

This will be deferred.

Report from Planning Director and Board members.

Ms. Newman is putting together an RFP to get a consultant for the Home Group.

Correspondence

Mr. Block noted a notice from Newton regarding a new village center overlay district hearing and an email from Joe Matthews dated 6/18.

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 adjourn the meeting at 10:32 p.m.

Respectfully submitted, Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD PROPOSED 2024 MEETING SCHEDULE

MEETING DATE	LOCATION					
January 2, 2024	Charles River Room & Hybrid					
January 16, 2024	Charles River Room & Hybrid					
February 6, 2024	Charles River Room & Hybrid					
February 27, 2024	Charles River Room & Hybrid					
March 5, 2024	Charles River Room & Hybrid					
March 19, 2024	Charles River Room & Hybrid					
April 2, 2024	Charles River Room & Hybrid					
WEDNESDAY April 24, 2024 or April 30 (Passover 4/22 & 4/23)	Charles River Room & Hybrid					
Early May – Town Meeting						
May 14, 2024	Charles River Room & Hybrid					
June 4, 2024	Charles River Room & Hybrid					
June 18, 2024	Charles River Room & Hybrid					
TBD	Charles River Room & Hybrid					
TBD	Charles River Room & Hybrid					
September 3, 2024	Charles River Room & Hybrid					
September 17, 2024	Charles River Room & Hybrid					
October 8, 2024	Charles River Room & Hybrid					
October 22, 2024	Charles River Room & Hybrid					
WEDNESDAY, November 6, 2024 11/5 is Election Day	Charles River Room & Hybrid					
November 19, 2024	Charles River Room & Hybrid					
December 3, 2024	Charles River Room & Hybrid					
December 17, 2024	Charles River Room & Hybrid					

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



TOWN OF NEEDHAM

TOWN HALL Needham, MA 02492-2669

TEL: (781) 455-7500 FAX: (781) 449-4569

TO: Board and Committee Chairs and Staff FROM: Marianne Cooley, Select Board Chair

CC: Select Board

Kate Fitzpatrick, Town Manager

Dave Davison, Assistant Town Manager Katie King, Assistant Town Manager

DATE: July 14, 2023

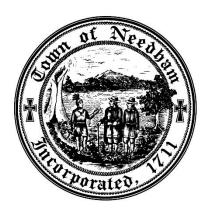
RE: Select Board Code of Conduct

I am writing to share with you the Code of Conduct that the Select Board adopted for itself earlier this year in accordance with its FY2023 goals. Establishment of a Code of Conduct is a best practice for elected and appointed bodies, and can help to resolve issues that arise in our volunteer roles.

The Select Board appointed a formal subcommittee to develop its Code of Conduct, with input from staff, Town Counsel, and interested stakeholders.

The Board envisions that this Code of Conduct may serve as a template for any other Town body that wishes to create a Code of Conduct of its own.

If you have questions or wish to discuss this concept, please feel free to contact me or Town Manager Kate Fitzpatrick directly.



Town of Needham **Select Board Code of Conduct** Adopted: March 14, 2023

In its role as a primary governing body for the Town of Needham, the Select Board establishes the following Code of Conduct. This self-enforcing set of guidelines is designed to supplement all relevant state laws and regulations governing to conduct of public bodies and elected officials, to include (but not limited to) the Open Meeting Law (G.L. c.30A, §§18-25), the Public Records Law (G.L. c.66), the Campaign Finance Law (G.L. c.55), and the Conflict of Interest Law (G.L. c.268A). Members are expected to familiarize themselves with and adhere to both the above listed laws and other relevant statutes. The purpose of this Code of Conduct is to set forth the Board's expectations of member conduct and responsibilities, as well as to maintain public trust in the Select Board and Town government.

1. General

- 1.1 Select Board members will act honestly, conscientiously, reasonably, and in good faith at all times having regard to their responsibilities, the interests of the Town, and the welfare of its residents.
- 1.2 Select Board members will conduct themselves in a manner that cultivates an environment of dignity and mutual respect, in which every person feels welcomed, safe, and valued.
- 1.3 All members of the Select Board will fully comply with all applicable Town personnel policies, to include (but not limited to) Policies #202 (Sexual Harassment), #205 (Harassment of Individuals in Protected Classes), and #426 (Workplace Violence Policy).

2. Preparation for Meetings

- 2.1 All members of the Select Board will arrive for meetings having prepared themselves for discussion on any and all items scheduled to be discussed on the agenda.
- 2.2 Pursuant to the Open Meeting Law, members will limit discussion of agenda items and matters within the Select Board's jurisdiction outside of posted public meetings. This includes, for example, refraining from discussion of agenda topics and matters within the Select Board's jurisdiction with more than one other member outside of a public meeting.

This includes discourse and deliberation on such topics in person, via email, using messaging tools, or posting on social media.

- 2.3 In preparation for public meetings, members will refrain from taking public stances on pending agenda items and are encouraged to enter each meeting openminded, ready to hear new information.
- 2.4 Members will notify the Chair and Office of the Town Manager as soon as possible if they are unable to attend a scheduled meeting or require remote participation, if permitted by Select Board Member Remote Participation in Public Meetings Policy (SB-ADMIN-008), Office of the Attorney General regulations governing remote participation in public meetings (940 CMR 29.10), the Open Meeting Law (G.L. c.30A, §§18-25), and any other applicable regulation or law governing remote participation.

3. Conduct at Meetings

- The Select Board seeks to be a deliberative body in which various opinions may be 3.1 shared in an environment of dignity and respect. The Board understands that there is space for disagreement amongst its members, but that dissent and debate will take place in a civil manner with a focus on policy over personality.
- 3.2 Board members will refrain from comments on the individual personality or character of a fellow Board member, other Town elected or appointed official, and Town staff.
- Members will not use messaging apps or other media to communicate with each 3.3 other in private during Select Board meetings.
- 3.4 In accordance with the purpose of G.L. c.30A, §22(f), following all Executive Sessions, members will keep the contents of discussions privileged and confidential unless and until the minutes of said session are released to the public.
- 3.5 Further, in accordance with G.L. c.268A, §23(c)(1) and (2), members will refrain from disclosing confidential information gained by reason of their official position or duties.
- 3.6 The Chair or individual Board members are expected to immediately address conduct or language by invited participants and members of the public who are disrespectful, demeaning, inappropriate, or otherwise in violation of community standards.
- 3.7 The Board affirms that its members will act in good faith to share all relevant information they may have to contribute to a discussion and will disclose to other

members and the public any conflicts of interest, either actual or perceived, in matters before the Board.

- 3.8 In response to a self-identified determined or perceived conflict of interest by a Board member, it is incumbent upon said Board member to seek advice from the State Ethics Commission and/or Town Counsel before participating in the particular matter. Further, a Board member is always welcome to obtain a written opinion from the State Ethics Commission and/or Town Counsel before participating in a matter when they believe a written opinion would be beneficial to their potential participation in the matter.
- 3.9 Should a Board member believe a colleague may be in jeopardy of violating State Ethics Law, they should inform that member before the Board discusses the agenda item in question as both a courtesy and opportunity for education.
- 3.10 Should a Board member believe that a colleague has violated this Code of Conduct, they may request that the Chair place an item on a Select Board agenda so that the Board may discuss the member's concern and take any actions deemed necessary.

4. Conduct Outside of Meetings

- 4.1 Members of the Select Board are always permitted to voice their opinions on issues at hand in their capacity as a private citizen or candidate for office. In these capacities, members may participate in partisan political events, take positions on candidates for office or ballot measure, and other related actions, but must exercise care to ensure that they are speaking on behalf of themselves in their private capacity, and not as a member or representative of the Select Board. Members are encouraged to seek advice from Town Counsel or the State Ethics Commission if they have questions.
- When acting in their capacity as members of the Select Board, members should speak on behalf of the Board's decisions and actions, even when their personal position was not in the majority opinion. If a member is attending an event as a private citizen, members of the public still may address them in their official capacity - in this circumstance, members should take care to represent the Board in their official capacity.
- 4.3 At times, the Select Board may be asked to attend community events. The Select Board Chair will designate a member (or members) to attend. Some of these events may involve a cost to the attending member(s). The member's annual stipend is expected to cover the cost of such events. In other cases, members may attend events for which they are offered free admission to events in exchange for providing a service (e.g. moderating a panel or acting as master of ceremonies). Without limiting the foregoing expectations, members should consult Town Counsel or the State Ethics Commission before accepting payment for, or waiver of, fees for admission to an event from outside persons or organizations.

4.4 When the Board as a body is asked questions by the public (through email, mail, or other means), the Chair will either respond directly or designate a Board member to respond. If the question is related to the operations of Town government, the Chair may ask the Town Manager to respond on behalf of the Board.

5. Policymaking versus Administration of Policy

5.1 The Select Board is a policymaking body and appoints the Town Manager to oversee administration of the Town government. Members will generally direct questions or concerns relative to Town government operations to the Town Manager.

6. Use of Town Counsel

6.1 Members of the Select Board will engage with Town Counsel to resolve any questions they may have relating to potential or perceived conflicts of interest, and regarding rules and requirements of the Board as a public body subject to relevant state law.

7. Public Records

- 7.1 Members will archive and provide upon request any documents, texts, emails, or other communications contained or stored by the member on their premises, private devices, or private accounts that constitute public records in accordance with relevant law and regulation, to include (but not limited to) the Public Records Law (G.L. c.66); Statutes (G.L. c.4); and Office of the Secretary of the Commonwealth regulations governing public records access (950 CMR 32).
- Members shall not delete such documents, texts, emails, or other 7.2 communications, whether stored on Town-issued or private email systems or devices, unless it is in accordance with the Municipal Records Retention Schedule.

8. Trainings and Acknowledgements

- 8.1 All members are required to complete the initial and bi-annual Conflict of Interest Law education requirements as mandated by the State Ethics Commission. Members are encouraged to take advantage of the confidential phone advice provided by the State Ethics Commission (617-371-9500) and to periodically review "The Summary of the Conflict of Interest Law for Municipal Employees" and "The Municipal Officials Guide to Avoiding Conflicts of Interest" to be cognizant of any potential ethical issue.
- 8.2 All new members are required to complete the Certificate of Receipt of Open Meeting Law materials as required by the Office of the Attorney General.

AGREED TO BY:	
· 	Date:
Member, Needham Select Board	

From: Joe

To: <u>Alexandra Clee</u>

Subject: Re: Planning Board Agenda - July 11, 2023

Date: Tuesday, July 18, 2023 11:24:50 AM

Attachments: SRB FAR 2023.07.11.pdf

Hello Alex,

I am attaching the slides I used for the meeting last week for the Planning Board's reference.

Thank you for the opportunity to discuss this issue before the Planning Board. I think that as a first step, it was good to have this discussion. I will let the Planning Board consider how they want to address this topic, but I believe this is something that should come before Town Meeting by May 2024. While they consider, I will work to build consensus in the community.

A question - I have seen at least one property card where the "Square feet of living area" is more than a 0.38 FAR relative to the "Square feet" of the property (let alone the listed square footage). If I have concerns here, who should I contact?

Best.

Joe

On Mon, Jul 10, 2023 at 11:34 AM Alexandra Clee < aclee@needhamma.gov > wrote: Thank you.

You should plan to log on as an attendee and then when your agenda item is up, I will pull you over to be a panelist.

Thanks, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: Joe <<u>jsmatthews1988@gmail.com</u>>
Sent: Monday, July 10, 2023 11:14:11 AM
To: Alexandra Clee <<u>aclee@needhamma.gov</u>>
Subject: Re: Planning Board Agenda - July 11, 2023

Hello Alex,

Thank you for the information. I will let you know if I have problems accessing the meeting. I look forward to participating on Tuesday.

Best,

Joe

On Thu, Jul 6, 2023 at 11:40 AM Alexandra Clee aclee@needhamma.gov> wrote:

for accessing the meeting can be found in the attached agenda.

Please find attached the Planning Board agenda for its meeting of July 11, 2023. The meeting will begin at 7:00 p.m. and will be held via Zoom as well as in the Charles River Room of the Public Services Administration Building, 500 Dedham Ave, Needham. Instructions

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov/planning

Alexandra Clee Assistant Town Planner Needham, MA 781-455-7550 ext. 271

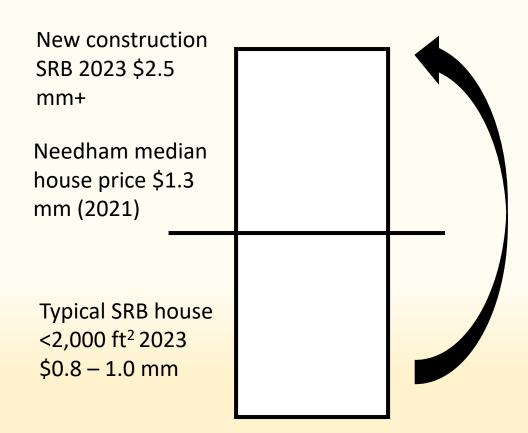
www.needhamma.gov/planning

Housing Affordability: Addressing Teardowns

July 2023

Teardowns

- Demolition of existing housing and replacement with new construction housing units of much larger size
- New construction typically has values in the top percentile and demolished units below median value
- Drives up median housing prices and required income to live in Needham
- Frequently involves removal of trees and vegetation, leveling of terrain, altering character of neighborhood, etc.
- Use of materials, financing, labor, and other resources does not result in net gain in housing

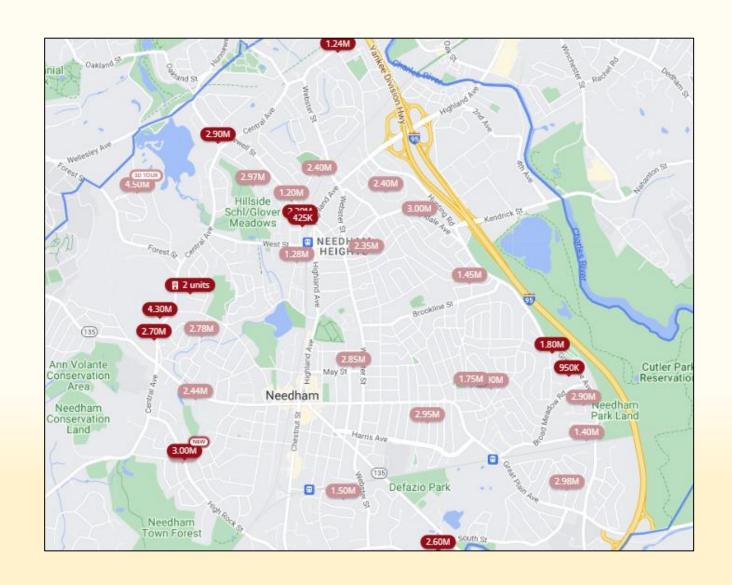


Zillow* – Needham 2023-07-01

Approximately 26 single residence B units

Median listed price: \$2.4 million

*Similar results from other popular retail real estate platforms



Redfin* – Needham 2023-07-01

- Two-tiered housing market evolving
- Prices have moved up consistently, appear to be ahead of inflation

Redfin.com listed properties (SRB/GR) Needham, MA (2023.07.01)



^{*}Does not include top 7 (15%) listings, which are generally SRA/RRC

Reform

- The town of Needham should seek to limit and/or disincentivize teardown activity via changes in zoning by-laws
- Changes would represent one pillar of Needham's plan to address the affordable housing crisis
- Multiple by-law changes could be required
- Monitoring and enforcement will be critical

Reform objectives

- Function: to improve housing affordability; protect median and below-median housing stock
- Environment: teardowns frequently involve altering of landscape and increased use of materials
- **Design:** maintain character of neighborhood in order to not disrupt long-time residents (light, vision, etc.)
- Market: Signal to developers to focus on net additions to housing supply in Needham and region (via MBTA Communities Law zoning); free up resources for development of new housing

Background

- Teardowns have been an issue for at least a decade
- Large House Study Committee 1999
- Large Housing Study Review Committee formed in May 2014
- By-law changes approved in May 2017
- Suggested reforms by Housing Plan Working Group in October 2022
- Observation suggests overall impact of completed work is minimal

Background (continued)

- May 2017 included several articles to modify zoning by-laws
 - 23: Dimensional Regulations for Residential District
 - 24: Side Yard Setback Requirement in the SRB and GR districts for Nonconforming lots
 - 25: Height Requirement in Residential districts
 - 26: FAR Requirement in the SRB district
 - 27: Side Yard Setback in the SRB and GR districts
 - 28: Garage setback in the SRB and GR districts
 - 29: Lot Coverage Requirement in the SRB and GR Districts
 - 30: Front and Side Yard Special Permit Exceptions for Nonconforming Structures in the SRB and GR Districts

Background (continued)

- Article 26:
- Significant focus on house design and character of neighborhood

The amendment offered under Article 26 is intended to preserve the relative scale, character and value of Needham's existing neighborhoods by regulating the gross floor area of structures relative to the size of the lot through the introduction of a Floor Area Ratio (FAR) requirement in the Single Residence B District. Floor Area Ratio expresses the allowed square footage of all buildings on a lot as a ratio, or percentage, of the existing lot area.

This Zoning By-Law amendment is intended to address concerns with demolition of existing smaller homes being replaced with larger homes in existing neighborhoods and the loss of neighborhood character which is occurring as a result of this conversion process. Homes that are out of scale relative to their lot size can compromise the character of the neighborhood. Bigger houses on smaller lots are often much taller or wider than nearby homes, stand closer to the street than their neighbors, and include fewer porches, decks or other exterior features of architectural interest.

The existing dimensional regulations in the Town's Zoning By-Law set maximum building heights and minimum yard setbacks. Since they only consider one dimension at a time, setback and height regulations have not been very effective at preventing the construction of oversized houses that take every dimension to its limits. Article 26 controls the overall density of structures across all dimensions by limiting the gross floor area of all structures relative to lot area. Less floor area is allowed on smaller lots with more allowed on large lots.

The specific formula proposed in Article 26 attempts to balance the desire of individual land owners to maximize house size on a lot with the preservation of collective neighborhood character. The article provides for a maximum floor area ratio in the Single Residence B District as follows: for lots less than 12,000 square feet, the FAR may not exceed .38 and for lots containing 12,000 square feet or more, the FAR may not exceed .36.

The key to FAR is what counts as floor area and what does not. Many communities include complicated calculations of finished or unfinished basements, walk-up attics, and garages, and count some portion or all of them as floor area to be regulated. This can lead to unnecessary changes to topography, roof pitch and design simply to avoid those areas being counted as floor area. The approach taken in Article 26 concedes that every house has a foundation of some depth, and a roof of some appropriate design. Whether it is finished space, crawl space, or trussed attic, does not really impact the house structure and look. Floor area counted under the amendment is defined as gross finished habitable area on the first and second floors. An additional 600 square feet is allowed for the garage.

Housing Plan Working Group (HPWG)

 "Few homes in the private housing stock are affordable to low- and moderate-income residents. These conditions are exacerbated by substantial teardown activity where contractors replace modest older homes with larger very expensive ones, further driving up housing prices and eroding housing options."

The Planning Board should consider appointing a Working Group to study these potential strategies.

5. Consider Options to Better Control Teardown Activity

Lead Entity: Planning Board
Timeframe: Medium Term
Requires Town Meeting Approval: Yes (Simple Majority)
Level of Complexity: High

Limited regulations with respect to the demolition or renovation of historic or older structures combined with modest zoning restrictions on the size of new homes has led to the significant loss of many modestly-sized homes that could be affordable to people with incomes between 85% and 140% of area median income. Of the 943 new single-family homes built between 2010 and 2021, only 25 did not involve demolition and replacement activity.

Current by-law

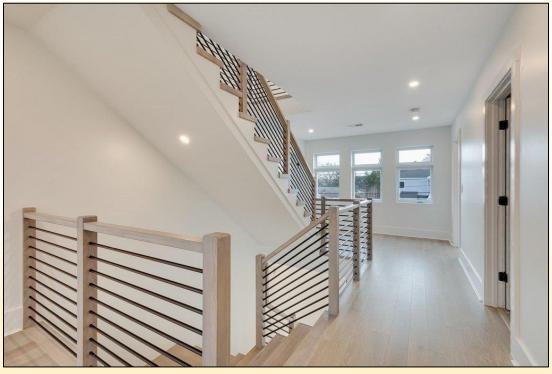
- In the general definitions for zoning, FAR is defined by the terms:
- Floor Area, Gross the sum of the areas of the several floors of each building on a lot including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls, but excluding cellars, unenclosed porches, balconies, attics, or any floor space in accessory buildings or in main buildings intended and designed for the parking of automobiles or for accessory heating and ventilating equipment, laundry, or accessory storage.
- Floor Area Ratio (FAR) the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of a building as measured from the exterior surface of the exterior walls. Parking garages, interior portions of building devoted to off-street parking, and deck or rooftop parking shall be considered floor area.

Current by-law (continued)

- However, in section 4 regulations which detail Single Residence B bylaws, FAR is redefined, as of June 2017, as:
- The term "Floor Area Ratio" means the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building on a lot, as measured from the exterior faces of the exterior walls, but excluding basements, attics, half-stories located directly above the second floor, unenclosed porches, and up to 600 square feet of floor area intended and designed for the parking of automobiles whether in accessory buildings or structures, or in main buildings or structures.

Example:





Example:





Suggested change:

- All space used for human occupancy should be used in FAR calculations, regardless of location
- Remove Floor Area re-definition in section 4.2 OR explicitly state third floor or habitable basement square footage should be included
- Alternative approach: using "Gross Floor Area" any space where ceiling is 3' or 4'+
 - Objective measure of space
 - As with garage space, could set uncounted square foot area for utilities, laundry, storage, etc.

Suggested change example:

- In Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts:
- "The term "Floor Area Ratio" means the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building on a lot, as measured from the exterior faces of the exterior walls, but excluding basements, attics, half-stories located directly above the second floor, unenclosed porches, and up to 600 square feet of floor area intended and designed for the parking of automobiles whether in accessory buildings or structures, or in main buildings or structures."

Possible change:

"The term "Floor Area Ratio" means the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building on a lot, including areas in basements, attics, and penthouses, as measured from the exterior faces of the walls, but excluding spaces with headroom of less than four feet, unenclosed porches and balconies, and up to 600 square feet of floor area intended and designed for the parking of automobiles whether in accessory buildings or structures, or in main buildings or structures."

Conclusion

- Current teardown and new construction activity in SRB is irreconcilable with the town's goals on housing affordability, sustainability, and equity
- Interest and efforts to discourage teardown activity in Needham date back at least a decade; previous reforms have not been effective
- Current by-laws result in inconsistencies in the evaluation of FAR between different types of zoning
- Disincentivizing teardowns has positive externalities
- While difficulty of approving such a by-law change is unclear, such a by-law is not complex, and town has authority to do so in short order

From: Joe To: Planning

Subject:Planning Board 2023-24 scheduleDate:Monday, August 14, 2023 11:57:05 AM

To: Planning Board

Following up on our July meeting, I am aware that on Tuesday the Planning Board will begin forming their schedule and objectives for the next year or more. I am requesting that the Planning Board support a study of the current FAR by-law in residential zones starting this fall.

While I hope that an amendment to the FAR by-law could be adopted in May 2024, I understand that the Planning Board may not want to commit to such a target at this time given the high workload of the board. However, I believe any reform would be a critical part of the campaign to address housing affordability and that there is no reason to wait any longer to begin work on this.

In May 2017, a series of by-law changes, including on FAR and several other dimensional regulations, were adopted by a more than two-thirds majority with the explicit intent of reducing the size of new construction following the demolition of houses. In my opinion, the objectives that the Town Meeting was trying to achieve at that time have not been met, and therefore the Planning Board should support by-law changes to address this issue.

Best,

Joe Matthews

Precinct I

From: Rob Petitt
To: Selectboard

Cc: Kate Fitzpatrick; Planning; Carys Lustig; jmccullen@gmail.com

Subject: Re: Needham Streetscape Project

Date: Tuesday, July 18, 2023 11:08:14 AM

Dear Select Board members:

I am writing with respect to the upcoming Phase II Streetscape Project and the Select Board's setting of priorities for that project. In June of last year, my wife and I reached out to the Select Board (please see the email chain below) to strongly support a revisiting of that project to include modern, safe bicycle infrastructure. We were very glad to see that the Select Board is in the process of reviewing priorities for the project, and wanted to reiterate our hope that bicycle infrastructure will be a top priority throughout the plan.

I joined the Climate Action Plan Advisory Group and attended its first meeting last month, focusing on transportation. We heard some very ambitious goals for reducing our town's carbon footprint and energy usage overall. Many of the actions that will need to be taken to achieve those goals will necessarily be costly and take years, or even decades, of planning and expenditures. Building bicycle infrastructure is comparatively far less expensive; **it is low-hanging fruit for taking a meaningful step towards reducing our carbon footprint.** And it comes with a plethora of other benefits:

- Bicycles, scooters and other small mobility devices take up **far less space when parked**, reducing the need to use valuable street space for on-street parking
- Creating a safe and comprehensive network of dedicated bike lanes would encourage shopping at local businesses and create a more vibrant, welcoming downtown area
- Bicycling promotes **healthy activity**, while electric bikes and other personal mobility devices reduce the impact of hills and the physical barrier to entry for those who are elderly or disabled
- Bicycling is far less expensive than automobile ownership, promoting equity

Needham has great potential; we are a dense town with wide arterial streets, limited hills and businesses and town services clustered around the town center. In order to encourage bicycling on a greater scale, we need to build a network of dedicated lanes - and that network must include the town center. It is unrealistic, unsafe and inequitable to expect bicyclists to dismount and walk their bikes on sidewalks through town, as the original streetscape plan proposed. That is why this segment of the Streetscape Project is so important; it can either lay the foundation for safer, more equitable and zero-emission mobility in Needham, or can effectively preclude it for a generation by cementing the auto-centric *status quo*.

I understand that there will be constituencies who are opposed to reducing traffic lanes through town or who may fear losing street parking spaces, but there are always headwinds - and sacrifices - for meaningful progress. I also recognize that car travel will always be a fixture of our community; I just hope that more energy-efficient, healthier, more space-efficient modes of transportation can be given a truly equal footing.

I would very much like to discuss this further if any of you have time - please do not hesitate to call me on my cell at 207-939-3161.

Regards,

On Mon, Jun 13, 2022 at 9:20 PM Rob Petitt < rob.petitt@gmail.com > wrote: Dear Select Board members:

We recently had a chance to watch the May 31 meeting online (unfortunately we were not able to join in person) and review the current BETA plan for Phase II of the Streetscape Project. We are writing to express our serious concern with the current design, which prioritizes car throughput and aesthetics over pedestrian and bicyclist access and safety. We had previously reached out to the Select Board almost two years ago when this design was in an earlier stage. Based on the significant and unaddressed deficiencies, we strongly urge you to reconsider BETA's role in this project, despite the sunk costs.

Needham's downtown is a great asset; thanks to its centrality, a significant portion of Needham residents live within an easily walkable or bike-able distance from town businesses, schools, and amenities. Yet the design of our roads makes it clear that they were designed in prior generations with one priority - car traffic. Our town has very few bike lanes, especially lanes separated from traffic. And although we have a great network of sidewalks, many of the crosswalks in the downtown area are extremely dangerous, requiring pedestrians to cross over 3 or 4 lanes of traffic, with drivers distracted by merging lanes. We can't count how many times we and our children have almost been hit crossing Great Plain Avenue near Muldoon Road, where GPA narrows from two lanes to one going westbound. Or how many times we have seen drivers speed through the center of town by Harvey's, emboldened by the four lanes of GPA (without any traffic calming measures) and trying to beat the next set of lights. **None of those significant safety issues are meaningfully addressed in the current design.**

The existing design of our downtown roads and the current BETA design make one thing very clear - that traffic throughput and parking are the highest priorities, followed by aesthetics. We are surprised and disappointed that one of the stated goals in the presentation from May 31 is to "discourage bike traffic through downtown" by use of bike dismounts. To us, that is an admission that the current design is inherently unsafe for bicyclists. So instead of confronting that issue head on - designing streets that are welcoming for pedestrian and bicycle traffic and that calm traffic by design - we would effectively be telling residents that they are taking their lives into their hands each time they bicycle through town. This discourages bicycle use by adding many minutes for a time-consuming and awkward detour over sidewalks to the other side of downtown before continuing. Instead, those residents will drive into town, which requires more parking and more road space dedicated to cars. In sum, the current design is a self-fulfilling prophecy, reinforcing the need for excessive traffic lanes and parking spots by rendering other means of transportation hazardous and inconvenient.

We do not mean to imply that this design is intentionally dangerous; it is just a continuation of priorities that have guided road construction in our town and nationally for many decades. But given the expense of this project, it represents a rare inflection point, an opportunity for Needham to rethink how we move around town. The current plan will cement the existing priority given to car traffic for many years into the future, and set the stage for many tragic and avoidable pedestrian and bicyclist injuries and deaths. We owe it to all Needham residents to go back to the drawing board and redesign this phase of the Streetscape Project to create a more walkable, bike-able downtown.

Whatever the cost of a redesign, it is vastly less expensive than the human and monetary cost of continuing with a design that is outdated and dangerous. We know that the Select Board and our town employees have put a lot of time, effort and funding into the Streetscape Project, but hope that you will take a close look at it before anything more is (literally) set in stone.

We know a lot of Needham residents - especially those like ourselves, with young kids who are just starting to bicycle - who look forward to the day when we can safely bike into and across the downtown with our families without the need to drive. We hope you can take actions to support that vision and help our town to become a better, and safer, place to live.

Regards,

Rob & Sandra Petitt 80 Robinwood Ave.

CC:

Kate Fitzpatrick, Town Manager Needham TMAC Planning Board Department of Public Works From: <u>Tim Rafferty</u>
To: <u>Alexandra Clee</u>

Cc: <u>Lee Newman</u>; <u>Thomas Ryder</u>

Subject: Re: Needham Trader Joe"s speed bumps

Date: Thursday, July 27, 2023 1:28:58 PM

Hi Alexandra,

I am still the best contact person for the owner of the Trader Joe's site.

I will follow up with Tom Ryder and will make the required changes at the site.

Thank you,

Tim

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Thursday, July 27, 2023 12:06 PM

To: Tim Rafferty <TRafferty@micozzimanagement.com>

Cc: Lee Newman <LNewman@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>

Subject: Needham Trader Joe's speed bumps

Hi Tim,

Are you still the best contact person for the owner of the Trader Joe's site in Needham?

We received a complaint about the speed bumps there (the complaint was that they are too high and not clearly marked. A pedestrian fell on one and suffered a minor injury, that they feel could have been worse).

These speed bumps do not show up on the approved site plan.

We had our Engineering Department go take a look. The response from Engineering was that do not appear to be excessive in height. Typically, the heights should be 3-4 inches and these seem to be in that range. However, there should be some more warning signs as well as more paint markings before each hump. Please reach out to Tom Ryder, the Town Engineer, to full understand what markings are needed and then please do make the site changes to ensure that people understand that the speed bumps are there. Keep the Planning Department in the loop along the way.

Please confirm receipt of this email.

Thanks, alex.

Alexandra Clee Assistant Town Planner Needham, MA 781-455-7550 ext. 271 www.needhamma.gov/planning

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Appeals of the Town of Dover, Massachusetts will hold a public hearing on Monday, July 10, 2023 at 7:00 PM through Remote Participation (Zoom) on the application of Mariah Riess, 35 Pine Street, Dover, MA 02030, for a special permit to allow short-term rentals of a portion of her residence at 35 Pine Street in Dover (Map 17, Parcel 050).

Anybody interested or wishing to be heard should follow the instructions found on the agenda posted online for this hearing at doverma.gov. Please call the Town Clerk's office to view copies of the application.

Dover-Sherborn Hometown Weekly 6/15/2023, 6/22/2023

R. Alan Fryer Chairman Zoning Board of Appeals