# NEEDHAM PLANNING BOARD MINUTES

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 applicant 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 the NHA 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. Some things in prior deeds and votes appear to be incompatible with current plans and may need to be cleaned up. Ms. McKnight noted she has reviewed the documents. The documents could be characterized as restrictions held 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 - requirements, 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 for the Apartment A-1 District is a maximum of 18 but the Housing Authority would like 25 units per acre to construct 250 units for an increase of 100 units. He noted 70% of the site is wetlands. There will be sloped roofs rather than flat roofs so greater heights are needed. With sloped roofs, 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 A-1 District. They want to keep it as far away from the wetlands as possible. For parking, Apartment A-1 requires 1.5 spaces/unit. The Housing Authority has data usage suggesting .5 is more than enough.

Mr. Alpert noted the Select Board has commissioned 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 at Linden/Chambers 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 at one such development. There were many unused spaces. Mr. Foster stated parking permits are given to NHA tenants. 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 as-of-right and site issues be handled through the site plan review process. If additional criteria are needed, they 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. An elderly housing overlay district makes more sense than apartment zoning without age restriction. 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 bump out 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 wetland setback 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 now in General Residence A. She feels the eventual plan is to make it all 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 that it is across the street from a field. It should be set back. Having the building be 25 to 50 feet from the wetlands should not be an issue. He feels it could be set back and still be out of the wetland and would look better driving down the street. He likes the courtyards. It breaks it up nicely but should be set back.

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 the Commission's 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, but 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 with the statement that there are no houses around there. There is a fabric around, setbacks and a landscape as you go down Linden Street. It is at a conceptual stage now but shows 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, noting that the funding process requires 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 in the area that is at least 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 law Guidelines. 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 for the NHA development, then, moving forward with the MBTA Communities law, go to the site and change the underlying zoning. The underlying zoning can be Apartment A-1 by right. The developer would go forward with this zoning. That is what she envisions. The underlying zoning will need to 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 add 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 relocation 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 HONE Advisory Group 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.

**<u>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.</u>**

Mr. Block noted they have received comments and a modified decision. Ms. McKnight noted in Section 3.12 regarding solid waste collection, it says weekdays 7:00 a.m. to 6:00 p.m. There are not residential uses nearby now, but 4with the current zoning the hope is to develop mixed use. In Section 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 hours as French Press. Ms. McKnight asked why not make the noisy trucks come later if the hours are being abbreviated. Ms. Clee clarified that 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 redlined.

**<u>Discussion of Planning Board Goals & Priorities</u>**

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, lay out 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 12.5% standard town wide. 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 conditioning buildings with 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.

Mr. Block asked if the Board should reconsider detached ADUs and, if so, when? The MBTA Communities compliance effort will start this year, with a view to pass MBTA compliance in October 2024. There is also 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.

As to tear downs and FAR, Mr. Crocker feels there is a loophole in there to let these houses get this large. There could be 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, but the house can have a finished basement and attic and still meet 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 work to do regarding the Climate Action committee and also the Linden/Chambers redevelopment project.

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 living space is 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 888 Great Plain Avenue zoning 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 Highland Avenue strip from Rosemary Street to May Street. Ms. Clee stated that could be under the MBTA Communities law compliance effort.

Ms. Espada wants to see what can be looked 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 site plan review so it should be on hold until the case is resolved.

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 advisory committee 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 list 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.

**<u>Minutes</u>**

This will be deferred.

**<u>Report from Planning Director and Board members.</u>**

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

**<u>Correspondence</u>**

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

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Jeanne S. McKnight, Vice-Chairman and Clerk