

NEEDHAM PLANNING BOARD MINUTES

July 11, 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, July 11, 2023, at 7:00 p. m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in a hybrid manner in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and no public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Housing Needham (HONE) Advisory Group Appointments

Mr. Block stated this Group will be a 9-member Board. The Select Board has appointed its 2 members – Heidi Frail and Kevin Keane. Heidi Frail will be Co-Chair. The Finance Committee appointee is John Connolly. He noted the Planning Board has received 6 applications from residents. Ms. Espada has offered to be on the Board.

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

VOTED: to appoint Ms. Espada to the Housing Needham Advisory Group as the Planning Board member to serve as Co-Chair.

Mr. Block stated Ms. McKnight has expressed interest. She appreciates the Town wishes to comply with the MBTA Communities and is open to ideas people will bring forward for compliance with the law. Mr. Alpert stated he is in favor of Ms. McKnight serving but what happens when she is off the Planning Board in April. This is a Planning Board member seat. He asked if the Board would be able to let Ms. McKnight continue or would someone have to step in and replace her. Ms. McKnight stated there are 2 ways of doing it. One piece is the timing of the community meeting part. According to the timetable that would go to April. The second piece is the process of having hearings and drafting zoning. She could easily pick up the first piece and someone else could pick up the second. Alternatively, she is hoping people would be satisfied with her role on the committee and the Boards would vote that she, as a former member, could continue on the Advisory Group until it is laid down.

A motion was made to nominate Ms. McKnight to serve as the second Planning Board appointee on the Housing Needham Advisory Group. Mr. Crocker stated he is concerned Ms. McKnight and Ms. Espada were both on the Housing Plan Working Group and now a different group is starting. He feels it is good to have continuity but good to have differences as well. Mr. Alpert stated he is not concerned with that. MBTA Communities law compliance is one small aspect of the Housing Plan. He is not sure that much of the MBTA Communities law was discussed. He feels the MBTA Communities law could be satisfied by designating certain areas as Apartment A-1. Ms. McKnight commented she brings to the table a deep understanding of the MA Department of Housing and Community Development (DHCD) MBTA Communities law Guidelines. Mr. Alpert is comfortable with Ms. McKnight getting started. Mr. Crocker is concerned if Ms. McKnight would be able to step back if necessary. Ms. McKnight feels she absolutely would be able to step back. Ms. Espada appreciates all Ms. McKnight's knowledge and depth and feels she would be a good part of the committee. Others who were not part of the Housing Plan Working Group would benefit from the knowledge and that would balance the committee. This is a completely different process and will be community-led. Mr. Block agreed Ms. McKnight has a lot of working knowledge.

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 appoint Ms. McKnight to serve as the second member of the Housing Needham Advisory Group.

Mr. Block discussed the public representatives process for the Planning Board. There will be 2 residents with backgrounds in architecture, land use laws, and/or real estate. Mr. Alpert helped Mr. Block with the interview process. They are recommending Ron Ruth, a former member of the Planning Board, and are looking at 2 other candidates. He is grateful for all 6 residents who stepped forward. He noted Amanda Berman has a background in housing, policy and commercial development. Bill Lovett has developer type experience. This process will create a fundamental change in the Zoning By-Law and will be a benefit for the Town to have a voice from the developer community. It would be helpful if they had someone who understands the balance of the needs of the community.

Mr. Alpert stated whichever one is chosen would be a good choice. He is more in favor of Ms. Berman. She is a land use planner who was working in this field with the City of Newton. She first applied for the Housing Plan Committee and is now stepping up for the second time. He is impressed with her enthusiasm. She has the time to devote to this as a stay-at-home mom. He did not get that sense of enthusiasm from Mr. Lovett. He was late to apply and was approached by the Board as there was no developer. Mr. Lovett stated he did not want to serve if it was only an advisory committee. This committee has a little broader scope. Mr. Alpert noted some deficiencies in the site plan review process and would like this committee to amend the site plan review process with regard to uses that are allowed as of right. He feels Ms. Berman, with her experience, could hit the ground running and feels she would be an asset to the Town. She clearly has the credentials needed for this committee. Oscar Mertz, an architect, is also a very strong candidate, but they decided against him. Mr. Mertz was on the Housing Plan Committee and there was a discussion with having too many from that committee. Ms. Espada is an architect, so it was decided not to put Mr. Mertz forward.

Ms. McKnight commented that she respects the recommendations of Mr. Block and Mr. Alpert. Ms. Berman has not lived in town that long and the Board expects to have to have the services of a professional consultant who is to be engaged. Ms. McKnight admits that she has a lack of insight into the economics of development and Mr. Lovett would bring that insight. She would like to work with Ms. Berman but really likes Mr. Lovett's experience. Ms. Espada feels similar to Ms. McKnight. She noted that Mr. Mertz is a strong contender. She feels confident with the 2 recommendations. She appreciates having a different voice with having a developer. She wants different voices. There has not been a lot of developers attracted to work in downtown where the Board has made zoning changes. She would go with either, but feels Mr. Lovett brings something different that the Board does not have now.

Mr. Crocker thanked all 6 for stepping up and submitting their names. He is concerned that Ms. Berman used the word "urban" as Needham is suburban. However, he feels she is very creative and that goes along with planning. With Mr. Lovett it would be great to have a developer's aspect, but Mr. Lovett's company represents large apartment complexes. This A-1 type of development is not his kind of job, but the economic aspect plays a part. The Board needs to have someone from Needham, and he is leaning toward Ms. Berman. Mr. Block stated Mr. Lovett's development work is on point with the MBTA Communities law, and his developments have been a mix. Mr. Alpert commented he hopes Needham developers show up at these meetings and not just residents.

Mr. Block stated he asked all the candidates what the benefits of compliance with the MBTA Communities law are and the risks. Mr. Ruth noted transportation challenges, public education and increased density to the Town. Mr. Lovett also identified similar challenges. The other candidates were not able to identify or discuss any challenges except there is not enough housing. Ms. Espada asked what Ms. Newman's thoughts were. Ms. Newman stated they have Karen Sunnarborg who is a housing planner so there is a strong housing voice present already. The consultant would be looking at land use and urban design. Housing would be Ms. Sunnarborg or Ms. Berman. Ms. McKnight commented that Ms. Berman has created many community outreach engagements and that will be needed.

Mr. Block stated the staff would help engage that process. There needs to be someone who understands the balance of density, balance of the impacts between schools, finance and transportation and impacts to public safety. Mr. Lovett was able to speak to those. Ms. Berman's response was if we do not have enough housing, to create housing. The greatest impact would be in Single Residence B. It is important to have that insight when developing policy. Mr. Alpert thinks Ms. Berman has the background and experience needed. Ms. McKnight noted the Board would have to prove to DHCD the 12.5% inclusionary zoning standard is economically viable. Mr. Lovett would be able to give that information. Ms. Newman stated the Board would be asking the consultant to give information on that.

A motion was made to appoint William Lovett to the committee. Mr. Crocker stated he would vote against that. The outreach to the community is almost everything. There needs to be a strong outreach background.

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

VOTED: to appoint William Lovett to the Committee.

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 appoint Ron Ruth to the Committee.

Joe Matthews – Discussion of Floor Area Ratio regulations

Joe Matthews, of 31 Rosemary Street, Precinct I and Town Meeting member, stated he reached out to the Planning Board to try to address the issue of teardowns in Needham. This issue is a great concern in town with the demolition of existing houses and replacing them with generally a house triple the size. New construction puts \$2.5 million houses on 10,000 square foot lots. There is an affordability issue because of teardowns. To add these new houses, market-affordable houses are being torn down. There are negative impacts other than affordability, such as the character of the neighborhood, less-affordable housing stock, removal of trees. There is zero net increase of housing and a loss of market-affordable housing. The median house price of \$1.5 million is in the middle of the data set. Even affordable housing would need double if not higher than median income. He feels this is unhealthy for the Town and the market. Teardown activity should be disincentivized or limited via changes to the Zoning By-Laws. The Town should consider housing affordability, protect environment, limit leveling of terrain, maintain the character of the neighborhood and signal to developers to focus on net additions to the housing supply.

Mr. Matthews gave the background of teardowns. He noted the Large House Study Committee was formed in May 2014 and the Zoning By-Laws were changed in 2017. That reset the zoning requirements in residential zones including Floor Area Ratio (FAR). The key is what counts for FAR and what does not. The By-Law excludes some areas from counting as floor area that he feels should be included. He noted low to median income is considered to be around \$180,000. Of the 943 new single-family homes built between 2010 and 2021 in Needham, only 25 did not involve demolition and replacement. He noted this is pretty bad and made the housing problem worse. He discussed the current By-Law definition of FAR being “human occupancy spaces.” “Excludes basements, attics and half stories above the second floor” was inserted in the Single Residence B (SRB) District in 2017. The half story is generally a fully functioning space and not really storage spaces. They are third floors and should be treated the same as second floors. He suggests a change to “all space used for human occupancy should be included in FAR calculations.” The Board could use gross floor area or any space where the ceiling is 3 to 4 plus feet, remove the redefinition in Section 4.2 or explicitly state the third-floor area increase.

Mr. Matthews feels tear down and reconstruction in SRB does not reconcile with the town’s goals on housing affordability, sustainability and equity. He submitted 5 examples of teardowns. He feels the change is straightforward. Mr. Block commented the FAR requirement is omitted in SRA and is only in SRB. Mr. Crocker agrees the third floor is living space. He feels it would have been addressed differently back in 2017 if the Board realized the issues. He was on a Board with Joe Matthews and feels it is a loophole that should be addressed. Mr. Alpert thanked Mr. Matthews for raising the issue. His recollection was the concern was teardowns were being replaced by large buildings that did not fit in the neighborhoods. One of the things he needs to do is focus on the Needham Housing Plan. The issue raised is a major issue the Planning Board needs to consider. What is the goal the town is looking for? Is it the houses are too large for the lots or the financial aspect? Mr. Matthews raises the financial aspects. He does not think affordability and cost of homes was the focus in 2016-2017.

Mr. Alpert looked at the 5 examples and feels the developer pushed the envelope on the home near him on Webster Street. Greendale was another example. He feels the other 3 fit into the neighborhood just fine. Mr. Matthews raised the legitimate point of the Planning Board needing to find a way for affordability. The Board needs to consider that. The Board has height regulations, setback regulations and lot coverage regulations. That may be where the focus should be on reducing the size of the homes. He noted a lot of teardowns are old homes not taken care of. Three of the example homes fit nicely on the lots and had 2½ stories. Ms. McKnight noted pages 47 to 50 should be the focus. There should be a new working group to

see how the 2017 changes are working. Mr. Matthews has a simple approach. She served on the Large House Committee and remembered saying she did not think the recommended changes would affect the teardown phenomenon. The Committee did not talk about affordability or impact to the Town. She noted the Planning Board just went through a worthwhile project setting goals for the next year or two. Mr. Block asked, with all the other goals, where would the Board fit this in.

Ms. Espada thanked Mr. Matthews for the presentation. They talked briefly about how it needs to be reviewed and revised. She appreciates all the thought Mr. Matthews put into it. Mr. Crocker does see the 2017 language as a loophole that needs to be changed. Mr. Alpert noted lot coverage and FAR limitation on the first and second floor substantially reduced the bulk of houses. He feels the height of buildings should be looked at. The developer, at the corner of Webster and Rosemary Streets, raised the grade. Maybe the grade should be measured from the street. Ms. Newman suggested possibly the before-construction grade should be used. Ms. McKnight feels this can be pursued in a short time period. Mr. Block commented the economics have to work. Mr. Alpert stated some people are counting on the fact they have a \$1 million asset in their house. The Board could change the By-Law and the house is only worth \$800,000. These owners would lose money they were counting on for retirement. This needs to be given careful consideration.

Mr. Block stated homes in good shape are usually sold to end users. It is houses that need work that are usually bought by builders as there is too much cost to repair. Mr. Matthews stated he appreciates the comments. He just wanted to raise awareness and start the conversation. The size was the issue in 2017 and now affordability is also an issue. The issues need to be clarified and focused on disincentivizing teardowns. He highlighted the corner of Webster and Rosemary. It was advertised as a good starter home although it is only affordable at twice the median income.

George Giunta Jr. – Discussion of proposed Approval Not Required (ANR) Plan at 770 Chestnut Street

George Giunta Jr., representative for the applicant, noted the 2020 subdivision application for Heather Lane. There was an old 15 foot right of way off Chestnut Street. The town widened it to a 24-foot right of way and it became a road. Steven Sands is looking to buy the existing lot that was not part of the subdivision approval process and subdivide it into 2 lots. The issue is whether it should be ANR or an amendment of an existing subdivision. He spoke with Planning Director Newman, and it makes the most sense to do an ANR. The road has been upgraded to a standard road. It is a private way, but it complies with the standards for roads. He noted the lot would have one house anyway and Mr. Sands wants to add another house. He wanted to have a conversation with the Board to see if that would be the way to go.

Mr. Block asked what the requirements would be for subdivision approval. Ms. Newman thought it would be ok to do an ANR. The street is done and fully bonded. Heather Lane will always be a private way. Mr. Block asked how Mr. Sands intends to deal with drainage. Mr. Giunta Jr. noted there are 2 separate drainage components – drainage for the roadway and then for the lots. Ms. McKnight asked if the frontage would be on Heather Lane or Chestnut Street. Mr. Giunta Jr. noted the frontage would be on Heather Lane. There is adequate area. The lots are straight, long, rectangular lots. All members agreed with an ANR process.

Bond Reduction – Belle Lane Definitive Subdivision: Annemarie von der Goltz, Trustee, 634 Charles River Street Realty Trust, 420 Lakeside Ave., Marlborough, MA, Petitioner (Property located at Map 305, Lot 23, off of Charles River Street, Needham, MA)

Mr. Block noted there is a letter, dated 5/16/23, from the Town Engineer noting the work is completed. The road has been accepted and there are no issues.

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 release of the bond.

Board of Appeals – July 20, 2023

165 Brookside Avenue – Deborah H. Anastas, applicant.

Ms. McKnight noted there is a focus only on a certain non-conformity. This lot has lot area, frontage and setback non-conformities. The applicant should mention lot area and frontage also as non-conforming. Ms. Newman stated the applicant should mention non-conformities in all regards. That is a reasonable comment to the ZBA that it should be disclosed. A motion was made to comment, with regard to 165 Brookside Avenue, it appears to also have frontage and lot area non-conformities that should also be mentioned so it is considered in the process. Mr. Alpert stated it should be disclosed in the application.

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

VOTED: to comment, with regard to 165 Brookside Avenue, it appears to also have frontage and lot area non-conformities that should also be mentioned, and included in the application, so it is considered in the process.

673 Highland Avenue – 669 Highland Ave., applicant.

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

VOTED: “No comment.”

Minutes

Ms. McKnight noted the minutes of 1/17/23, page 3, under review of Zoning Articles, it says “He does not share the view...” Is it Mr. Schneider or Mr. Block? It was clarified it was Mr. Schneider.

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

VOTED: to accept the minutes of 1/17/23 as red lined.

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 accept the minutes of 3/17/23 as red lined.

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 accept the minutes of 3/28/23 as red lined.

Ms. McKnight noted the minutes of 4/25/23, 1st page, amendment for Wingate reference from the traffic engineer. It states, “the traffic study is on page 2 of the letter.” She asked what letter? Mr. Block stated a letter from Attorney Evans Huber was part of the Traffic Engineer’s submission. Ms. McKnight noted it should be clarified that it refers to page 2 of Mr. Huber’s letter. On page 2, 3rd paragraph, it states “it is a different use but a similar type use.” It was agreed to delete the sentence. On page 6, last paragraph, 3rd line, the Chairs would be members of the Planning Board and Select Board, not other Boards.

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

VOTED: to approve the minutes of 4/25/23 as amended.

Report from Planning Director and Board members.

Ms. Newman noted the Request For Proposals for the HOME committee consultant was sent Monday and she expects responses by 7/20/23. Appropriate people will be interviewed the first week of August. She noted Needham Bank received a temporary Occupancy permit to occupy the ATM. The As-Built's were not completely done so the bank gave money to bond it. An agreement allows her to hold the money for the next 2 weeks while the As-Built's are completed. Mr. Block noted a number of revisions done to the planning documents will be included in the next packet.

Correspondence

There was no correspondence.

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

VOTED: to adjourn the meeting at 9:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chair and Clerk