

NEEDHAM PLANNING BOARD MINUTES

January 2, 2024

The Needham Planning Board meeting, held virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, January 2, 2024, at 7:00 p.m. with Messrs. Crocker and Alpert, Mmes. McKnight and Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block noted this is an open meeting that is being held via Zoom per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and public comment will not be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Review of Needham Housing Authority Zoning Articles for May 2024 Town Meeting.

Mr. Block summarized the joint meeting that was held of the Planning Board and Housing Authority. There were 10 supporters who spoke, plus 6 speakers concerned about storm water management, 4 concerned with height, 2 with the number of units and density, 2 with traffic and 2 with the overall size. Mr. Alpert suggested giving more detail about what meeting Mr. Block is talking about. Mr. Block noted there was a joint meeting on 12/6/23 for the community. The zoning proposed by the Housing Authority was discussed and reviewed. The site plan and renderings of what the redevelopment of the site could be was shown. It is going from roughly 150 units to roughly 250 units and one-story and 2-story units will go to 4 stories. The purpose was to consider rezoning of the site that would allow redevelopment for deeply affordable housing.

Mr. Crocker stated a couple of people have reached out to him to suggest 7½ foot ceilings to make the height shorter. Ms. McKnight noted there were questions asked at the community meeting that could have been answered at the meeting. One had to do with drainage with the homes on Maple Street. There was a general response, but she feels it could have been answered with more particulars. She recalls there is a piece of the property that is proposed to be saved as a possible drainage area for the town. The other issue was the location of parking. A 40-foot setback was proposed with parking allowed in the setback area and a 10-foot strip that could accommodate landscaping in front. There is nothing in the zoning that would not allow parking in back of the building. This could be dealt with during the site plan review process. She felt that could have been said. She feels the Board could have been more responsive to the questions.

Mr. Block stated he tried to keep that meeting with a focus on zoning. He would like a Frequently Asked Question site and for that to be kept updated. Comments from the residents were not really about zoning but what they would like to see. He noted the schedule going forward. If all are satisfied tonight, the Board, at the 1/16 meeting, will vote to send the zoning article to the Select Board. The hearing will be at the 2/27 meeting. Ms. Newman stated, ideally, the vote would be taken on 3/5 but they have until 3/19. Mr. Block stated he had a Chairs meeting and he heard there seems to be a willingness to not include any restrictions as to either age or disability as part of the zoning. Subsequent action would be taken by Town Meeting to remove any restrictions and clean up deeds to maximize funding flexibility to be as competitive as possible. The Select Board has not met yet. He expects there will be a letter from them explaining their support and it will be received before the 1/16 meeting.

Reginald Foster, Chair of the Needham Housing Authority, stated he is working on a list of detailed due diligence issues from the Community Preservation Committee (CPC). Some members have taken the position they would like it to not be so restricted. The next CPC meeting is next Wednesday. The answers have not been discussed but they asked if there was anything that would require restrictions. Mr. Crocker thought it was discussed to not include those restrictions. Mr. Block noted it was unresolved. Ms. Newman will flag that to check on it. Robert Smart,

Attorney for the applicant, noted Town Counsel Chris Heep was in agreement with no requirement to limit occupancy in terms of age or handicap. It could be eliminated and just have the Section 1.3 restriction, as to affordability, that is in the Zoning By-Law. He is comfortable with the specific zoning. He does want specific reference made to all recorded documents in the second warrant article that pertains to recorded restrictions in deeds from the Town.

Mr. Alpert asked if Town Counsel has gone over the Select Board Warrant Article dealing with the current recorded restrictions. Mr. Smart noted Town Counsel has reviewed it and indicated he felt he and Mr. Smart were on the same page with how it should read. The Article authorizes the Select Board to execute whatever documents they deem appropriate to remove any restrictions in accordance with the proposed zoning. He is happy to work with the Planning Board on the draft. Mr. Alpert thinks the Zoning Article as drafted does the trick. A new underlying district is being created. There is a reference to a prior underlying district in Section 3.16.2. Does it make sense to have that there or take it out? Mr. Smart noted he copied from the Elder Services District language and it could be taken out. All agreed it should come out. Mr. Alpert stated it struck him that the setbacks for the parking which are 10 feet for the front and 5 feet for the side and rear would not cause any issues. He does not feel there is anything there on either side that would cause a problem.

Ms. McKnight stated there should be a screening buffer. All agreed. Mr. Smart stated Footnote 1 on the second page speaks of landscaping. Mr. Alpert feels this is ready to go from the Planning Board point of view. Ms. McKnight suggested adding “, which setback shall provide a landscape buffer” at the end of Footnote 1. Mr. Smart will redline the 2 changes. Ms. McKnight noted in Section 3.16.2, Scope of Authority, there is a reference to Section 3.2 and Sections 4.2 through 4.10. There is a new Section 4.11. Mr. Smart will add a reference to Section 4.11. Ms. McKnight feels they should have a definition of multi-family. The language that is in the State Zoning Act should be copied. She stated she has rewritten the definition for multi-family housing to be “a building with 3 or more residential dwelling units or 2 or more buildings on a lot with more than one dwelling unit in each building.” All are fine with that.

Ms. McKnight noted in Section 3.16.4, these are uses allowed by right. Ms. Newman was treating this like an Apartment A-1 District. Mr. Alpert likes the idea of limiting the use to affordable housing, period. The purpose is to have deeply affordable housing at this site. Ms. McKnight stated in 3.16.5, if the definition of multi-family is changed as she suggested the multiple building section is not needed. She feels that is redundant. Mr. Smart stated it is not redundant. If you look at the use section and then the dimensional section, it is common to waive that one section. It is better to have that. Ms. McKnight stated there is nothing about minimum lot width. Section 4.1.5 has minimum lot width but does not reference this section. Frontage is specified. Mr. Alpert asked if it accomplishes what she wants by adding 4.1.5 in 3.16.2. Ms. McKnight stated the result of that would be no lot width requirement. That may be the correct solution. Mr. Alpert suggested starting with “Provisions of 3.16 shall supersede ... and add “Section 4.1.5 (minimum required lot width)” and continue from there. He would also change 4.2 through 4.10 to 4.2 through 4.11. All agreed.

Ms. McKnight mentioned Footnote 4 on chimneys and heating-ventilation or air conditioning equipment, solar or photovoltaic panels. Mr. Smart took the language from the Muzi site zoning language. Mr. Crocker stated the reference may contradict the proposed Solar By-Law. Mr. Block suggested saying “notwithstanding the proceeding sentence, roof mounted solar systems may exceed 25% of a building’s roof within the affordable housing district.” Ms. Newman will correct it. Mr. Smart noted the 5th line, where it says, “total horizontal coverage of all such structures”, add “except roof mounted solar energy systems.” Mr. Crocker feels that is cleaner. All agreed. Ms. McKnight noted on page 3, Section 3.16.7 - Parking Requirement, (a) should say “Zoning” By-Law. Mr. Smart stated that is in several places and refers to the By-Law. It is in (b) also.

Mr. Alpert noted the Non-Zoning Article, he suggests there be continued discussions with Town Counsel Heep on how general and how specific the Board wants to be regarding ancient and outdated restrictions. Mr. Smart suggested deleting “ancient and outdated” and just have a restriction on use. Ms. McKnight noted the map with the

triangle on it. Ms. Newman will have engineering look at it. Mr. Foster stated there had been a 600 square foot discrepancy and it was that triangle of land still owned by the Town. The Select Board will discuss to see if they want to convey that piece to the Housing Authority. Mr. Smart noted the Map Article and how best to describe that land. In most Articles where land is being put into a new zoning district there is a running description. It could be done as a reference to a Plan or provide a meets and bounds description also saying, “as shown on plan as such and such.” The concern is the lot consolidation plan is not completed yet. He feels it is best to leave it with a running description. There are a couple of minor errors the surveyor is cleaning up.

Ms. Newman asked when Mr. Smart would have the final meets and bounds description. Mr. Smart stated it is very close, but they do not have the final yet. There are 2 or 3 corrections that Hancock is working on, and he wants to confirm the triangle parcel is included in the description. Ms. Newman wants to see the plans of record he is utilizing to create this rezoning. Mr. Block stated the Board has a clear path for 1/16. They will have the language redlined and finalized and the hearing is scheduled for 2/27.

Review of Solar Energy Systems Zoning Article for May 2024 Town Meeting.

Mr. Block noted when a special permit is required, the areas of who and on what basis the special permit granting authority would be should be flagged. Ms. Newman reviewed the By-Law and how she organized it: 1) the definitions section that defines all systems regulated, 2) defines regulations for uses as accessory uses and the terms they would be allowed, 3) the dimensional standards such as lot coverage, height and supplemental systems, 4) site plan approval. She tried to define all terms tying to regular roof mounted, building mounted and building canopy roof mounted. Small scale is up to 1,500 square feet and medium scale is 1,500 to 40,000 square feet. Mr. Block noted in 1 (c), building mounted canopies, he does not think they would have these on residential structures but mainly on commercial. Mr. Crocker stated a canopy would only be on a flat roof.

Mr. Crocker stated he was not sure of the difference between (a) and (c). There could be a building mounted on the side of the building like an awning system. Mr. Crocker is ok with the definitions. He feels this works. Ms. Newman reviewed page 2, paragraph 3, accessory uses. Roof mounted is allowed across zoning districts then differentiated between allowed in residential and non-residential. Small scale are allowed in residential; Ground-Mounted and Solar Parking Canopies are allowed in rear and side yards and front yard by special permit and she has provided for screening. Medium scale is allowed by special permit. Mr. Block stated in 6.2.1 (b) add “as of right” at the beginning. Ms. Newman will make a universal change.

Ms. McKnight is concerned it does not say who the special permit granting authority is for this. Ms. Newman stated she wants to have a conversation. They have an as-of-right standard in these districts but predominantly in residential. The Planning Board is not usually involved in reviewing residential structures. Should the Zoning Board of Appeals (ZBA) be the permit granting authority? This is allowing a deviation in setback standards and a special permit in the front yard. Should this all be ZBA granted? Mr. Alpert stated this says medium scale shall be permitted but it does not say where. Ms. Newman noted that is covered under setbacks. Mr. Alpert questioned if medium scale can be in front yard as long as it meets setbacks. He noted small scale specifically says where it is permitted, medium scale does not. Mr. Block does not want it in the front yard and Mr. Alpert agreed. Ms. Newman agreed it should be clarified. Ms. Espada stated it should be site plan review by the special permit granting authority or the Planning Board. Ms. Newman stated the first should be by special permit by the ZBA, then site plan approval by the Planning Board. Mr. Crocker noted the language should clarify medium scale is not allowed in front yards but in side and rear yards. Mr. Alpert noted it should be as of right subject to site plan review. The non-residential district would be the same. Ms. Newman will add the same language.

Ms. Newman stated she added a provision that allowed building mounted systems in the New England Business Center District, Mixed-Use 128 District and Highland Commercial 128 District. Ms. McKnight noted in Section 6.2.1 (b) she is adding medium scale is permitted as of right in side and rear yards and also in (c). In (d), it is permitted in New England Business Center and Mixed-Use 128. Mr. Alpert added “as of right.” Ms. Newman will

change that universally and list the districts. Ms. McKnight stated the chart on page 4 regarding setbacks noted all other ground mounted are permitted subject to site plan review. She compared Section 6.2.1 (b) to page 5, #4. One says by right and the other says by the special permit granting authority. A discussion ensued.

Ms. Newman stated the Board should say “allowed as of right at the principal structure level.” Mr. Alpert feels it should say “between the 5-foot setback and the district setback in Section 6.2.1 (d).” He does not want to allow this along Highland Avenue. Mr. Crocker thought this was on the other side of 128. Mr. Alpert stated there is a residential area there that is very vocal. Mr. Block stated it is allowed in Highland Commercial 128 on both sides and the New England Business Center. This is not adding another story. We are allowing a canopy that is over the mechanicals. Roof mounted mechanicals are allowed in that area. A discussion ensued. Mr. Block does not see this as having a detrimental impact. Mr. Alpert feels it gives the appearance of adding another story. He asked if they wanted to allow that on the main thoroughfare. He has no issue but just wanted to bring it up. He does not want the appearance of adding another floor. Ms. Newman will leave Highland Commercial out for now. Mr. Block agreed that it could be added at another time. Mr. Crocker stated he is also fine not allowing in the area over by the Panera strip but Mr. Alpert noted it gets complicated to carve out. Mr. Crocker clarified it was carved out for Brew Pubs. Ms. Newman will copy the language for Brew Pubs.

Ms. Newman noted the reference to a Historic District. After discussion, it was decided to remove the Historic District reference. Ms. Newman explained the lot coverage section and noted the Board talked about height at the last meeting. She used the standard pitch of the roof and followed the standard for mechanicals on a roof. She is not sure the Board wants to go with that. Mr. Crocker stated there is no sense to have a setback restriction from the edge of the roof in this situation as it should just be height. Mr. Block feels it should be set back from the edge. There should be some standard for a building mounted canopy. Ms. McKnight feels it should be set back 3 feet. They are only talking about the commercial districts. Mr. Crocker stated the support is being taken away if set back. Ms. Espada stated most of her projects have a setback and that is to have access to all parts of it. A good designer would set it back a bit. Mr. Crocker noted these systems are over the roof and not on the roof. Ms. Espada clarified there is no reason for a setback if you can walk under it. These need to be supported structurally. There is the same visual impact.

Mr. Alpert noted the 15-foot height limitation on roof mounted canopies. Ms. McKnight stated the setback could be determined to be required during site plan review. She would go along with Mr. Crocker. She thinks there should be a 15-foot maximum height. All agreed. Ms. Newman noted small ground mounted are allowed in Single Residence B (SRB) and General Residence with an 8-foot vertical grade and 10 feet in all other districts. Medium scale are allowed at 8 feet in SRB and General Residence and 10 feet in all others. Solar parking canopies are 17 feet vertical from grade. Ms. Newman noted solar parking canopies in residential are treated as accessory structures over parking lots subject to requirements in Section 5.1.3 of the By-Law. Any landscaping requirement would need to be moved elsewhere on the lot.

The Board discussed Section 6.2.4 and provisions for site plan approval and who is responsible. All medium scale requires site plan approval. The Board reviewed how each would be approved and what Board has jurisdiction. Solar parking canopies in non-residential districts would be by the Planning Board. Small Scale ground mounted not meeting district setback, or front yards, may be assigned to the ZBA. All agreed. Ms. Newman asked what design standard are the authorities looking at. Mr. Block asked, in terms of size, should the Board require a site plan for over 1,500 square feet? Mr. Crocker noted they are talking about photo voltaic systems and different requirements are necessary. Solar thermal are always smaller and always angled off the roof. Ms. Newman will revise the draft for the 1/16 meeting.

Minutes

There were no minutes.

Report from Planning Director and Board members.

Ms. Newman noted there is a Housing Needham Advisory Group (HONE) meeting this Thursday. The HONE committee is looking at a final model. There are 3 different scenarios to take to the community meeting with different build outs to accomplish the goal of the MBTA Communities Act. There is one scenario meeting the MBTA Guidelines threshold with minimal changes to the framework, a middle ground that mirrors the recommendations in the housing plan and the third with greater density and height. They will meet to review the third option and plan for the community wide workshop on 1/18. Ms. Espada stated there will be options for people to see the different scenarios. Ms. Newman reviewed the different model options. The Council of Economic Advisers (CEA) is inviting some of the developers and property owners to get their input. Ms. Espada stated, with a developer on the committee, they are getting incredible feedback. There are different perspectives from a good group with diverse thoughts.

Correspondence

Mr. Block noted the following correspondence for the record: an undated memo from Joe Matthews regarding limiting the size of homes in SRB. Ms. Newman will respond to him. And a notice of hearing from the City of Newton ZBA, dated 1/10/24, regarding a 300+ unit development at 78 Crafts Street.

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 adjourn the meeting at 9:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk