

NEEDHAM PLANNING BOARD

Wednesday, April 24, 2024

7:00 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **880 4672 5264**

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Public Hearing:

7:00 p.m. Amendment to Major Project Site Plan Special Permit No. 2001-02: Finitumus Associates Limited Partnership c/o Petrini Corporation, 187 Rosemary Street, Needham, MA, Petitioner. (Property located at 464 Hillside Avenue, Needham, Massachusetts). Regarding request to convert approximately 815 square feet of general office space to medical office.

2. Public Hearing:

7:30 p.m. Amendment to Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner. (Property located at 609 Webster Street, Needham, Massachusetts). Regarding request to renovate 4 existing tennis courts, add 4 new tennis courts, install stormwater management improvements, ADA accessible walkways, and landscape improvements. *Note: This hearing has been continued from the Planning Board meetings of March 19, 2024 and April 2, 2024.*

3. Planning Board Recommendation:

- Article 1: Citizen’s Petition/Amend Zoning By-Law – Dimensional Regulations.

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

5. Summer Schedule.

6. Minutes.

7. Report from Planning Director and Board members.

8. Correspondence.

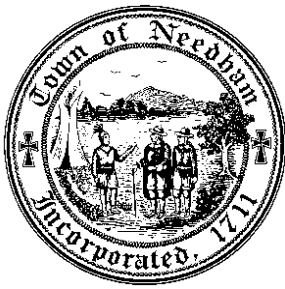
(Items for which a specific time has not been assigned may be taken out of order.)

Upcoming Meetings:

League of Women Voters: April 29, 2024.

Planning Board/Select Board/Finance Committee/HONE: April 30, 2024.

Town Meeting: May 6, 2024.



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Law, Sections 7.4, 5.1.1.5, 5.1.2, 5.1.3, and Major Project Site Plan Review Special Permit No. 2001-02, Section 4.2, the Needham Planning Board will hold a public hearing on Wednesday, April 24, 2024 at 7:00 p.m. p.m. in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264 (further instructions for accessing are below), regarding the application of Finitumus Associates Limited Partnership c/o Petrini Corporation, 187 Rosemary Street, Needham, MA, for a Special Permit Amendment under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 464 Hillside Avenue, Needham, Massachusetts, shown on Assessor's Map No. 100 as Parcel 4 containing 77,336 square feet and is located in the Industrial Zoning District. The requested Major Project Site Plan Review Special Permit Amendment would, if granted, permit the Petitioner to convert approximately 815 square feet of general office space to medical office. This conversion will increase the parking requirement at the site by one parking space. A parking waiver increase from the existing waiver of 15 spaces to 16 spaces is requested.

In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review Special Permit Amendment is required. In accordance with Special Permit No. 2001-02, Section 4.2, further site plan approval is required. In accordance with the Zoning By-Law, Section 5.1.1.5, a Special Permit to waive strict adherence to the requirements of Section 5.1.2, Required Parking, and Section 5.1.3, Parking Plan and Design Requirements, is required.

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>

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Hometown Weekly, April 4, 2024 and April 11, 2024.

TOWN OF NEEDHAM
MASSACHUSETTS



500 Dedham Avenue
Needham, MA 02492
781-455-7550

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW TO AMEND SPECIAL PERMIT

Project Determination: (circle one) Major Project Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 464 Hillside Ave, Needham
Name of Applicant Finitumus Associates Limited Partnership c/o Petrini Corporation
Applicant's Address 187 Rosemary Street, Needham
Phone Number 781-444-1963

Applicant is: Owner X Tenant _____
Agent/Attorney _____ Purchaser _____

Property Owner's Name See above
Property Owner's Address; See above
Telephone Number See above

Characteristics of Property: Lot Area 77, 336 s.f Present Use: Gen. Office/Med. Office
Map # 100 Parcel # 4 Zoning District IND

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

A combined office suite that is currently permitted partially as medical office space and partially as general office space will be used for a medical tenant. The portion that is currently permitted as general office is approximately 815 s.f. Converting this space to medical office space will increase the calculated parking demand (per the Bylaw) by one space. An amendment to the existing Special Permit, from the current waiver of 15 spaces, to 16 spaces, is requested.

Signature of Applicant (or representative) Evans Huber
Address if not applicant: Huber Legal Counsel LLC, 275 Grove St., Newton, MA 02466
Telephone # 781-799-9272
Owner's permission if other than applicant _____

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

HUBER LEGAL COUNSEL, LLC
275 GROVE STREET, SUITE 2-400
NEWTON, MA 02466

March 14, 2024

BY HAND DELIVERY

Planning Board Members
Town of Needham
Administration Building
500 Dedham Avenue
Needham, MA 02492
Attn: Lee Newman

Re: Application for Amendment to Special Permit
464 Hillside Avenue, Needham, MA

Dear Members of the Planning Board and Ms. Newman:

I am writing on behalf of Finitumus Associates Limited Partnership, c/o Petrini Corporation, with respect to the property at 464 Hillside Avenue in Needham.

The property is located in the Industrial zoning district and is currently improved with an office building containing a mix of general office and medical office uses totaling 46,817 square feet. There are 166 combined exterior and covered parking spaces at the property.

The original Planning Board decision for this property, Site Plan Special Permit No. 01-02, was issued on June 5, 2001, and has subsequently been amended October 1, 2003, May 10, 2004, and February 9, 2010. The original decision and amendments are collectively referred to herein as the "Special Permit."

Pursuant to Chapter 40A of the Massachusetts General Laws, the Needham Zoning ByLaw, the Needham Planning Board Rules, and Section 4.2 of the Special Permit, the Applicant, Finitumus Associates Limited Partnership, c/o Petrini Corporation, hereby submits an application, of which this letter is a part, requesting that the Special Permit be amended as described below.

The Applicant proposes to change the use of approximately 815 square feet of space in the building from general office to medical office use, which will increase the parking demand calculated pursuant to Section 5.1.2 of the Zoning Bylaw by one space.

The Applicant therefore requests an amendment to the existing Special Permit, pursuant to Section 5.1.1.5 of the Zoning By-Law, to waive strict adherence to the off-street parking requirements of Section 5.1.2 of the Zoning By-Law, by increasing the current waiver of 15 spaces to 16 spaces.

Your attention is directed to the parking analysis prepared by MDM Transportation Consultants, Inc. (MDM) and submitted herewith. MDM has evaluated peak parking demands for the property, assuming conversion of approximately 815± square feet of office space from its currently permitted status as office use to medical office use. MDM's determination of total actual parking demand for the property is based on a recent survey of current parking activity generated by the existing tenants, assumed full occupancy of the currently vacant space(s) if used for their currently permitted uses, and the assumed conversion of 815 s.f. of general office space to medical office use. The analysis concludes that the current parking supply of 166 spaces will readily accommodate peak demands for the entire building under the proposed use scenario, and in fact will result in a projected surplus of 25 or more spaces at full building occupancy.

This Application for Amendment to Special Permit includes the following documents:

- 1) Application for Amendment to Special Permit (3 copies)
- 2) Certified site plan entitled "Plan to Accompany Special Permit" prepared by Kelly Engineering Group, dated 12/05/23 (3 copies)
- 3) MDM Transportation Consultants, Inc. report entitled "Parking Evaluation – 464 Hillside Avenue Conversion of Office to Medical Office (Suite 302) Needham Massachusetts," dated March 5, 2024 (3 copies); and
- 4) Filing fee in the amount of \$1,000.00 payable to the Town of Needham

Pursuant to the Board's Covid-19 procedures, these documents are being submitted electronically; additionally two (3) hard copies of the application (1 with original signatures) and all supporting materials, including wet-stamped plans, are being hand-delivered to the Planning Department along with the application fee; and, lastly, one hard copy of this letter and items (1) through (3), above, (plans sized 11 x 17), is being mailed to each Board member, and to Lee Newman.

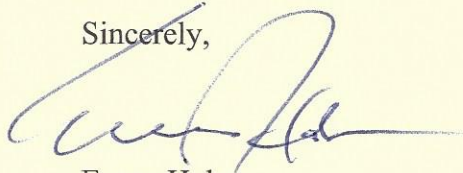
The Applicant hereby requests, pursuant to Zoning By-Law Section 7.4.4, that the Planning Board waive the submission by Applicant of any of the required information not submitted herewith.

I would appreciate your placing this matter on the Planning Board agenda for the meeting scheduled for April 24. If there is any additional information you require, or if

Planning Board Members
March 14, 2024
Page 3

you have any questions, please do not hesitate to contact me. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Evans Huber', with a large, stylized initial 'E'.

Evans Huber

Enclosures

PRINCIPALS

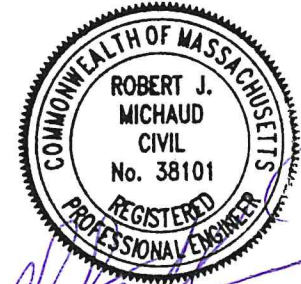
Robert J. Michaud, P.E.

Daniel J. Mills, P.E., PTOE

March 12, 2024

Mr. Robert Hentschel
Petrini Corporation
187 Rosemary Street
Needham, Massachusetts 02494

Re: Parking Evaluation – 464 Hillside Avenue
Conversion of Office to Medical Office (Suite 302)
Needham, Massachusetts



Dear Bob:

MDM Transportation Consultants, Inc. (MDM) has evaluated peak parking demands for the property at 464 Hillside Avenue (the "Campus"), assuming conversion of a portion of vacant space to medical office use. Total Campus parking demands are based on a recent survey of current Campus parking activity and the conversion of approximately 815± square feet (sf) from its currently permitted status as office use to medical office use. The evaluation concludes that the proposed on-Campus parking supply of 166 spaces will readily accommodate peak demands under the proposed use scenario, leaving a projected surplus of 25 or more spaces at the Campus at full building occupancy.

A portion of the Campus is currently vacant. Therefore, projected parking demand is calculated by combining (a) observed peak demand generated by the current tenants; (b) projected additional peak demand if all of the currently vacant space were to be occupied consistent with the currently permitted uses; and (c) calculated additional peak demand if 815 sf of space, currently permitted as office use, is converted for medical offices uses.

Key findings of the parking evaluation are as follows:

- **Existing Parking Utilization:** The existing parking supply of 166 marked parking spaces accommodates a peak weekday demand of 71 or fewer vehicles for the current tenants. This represents a peak utilization rate of 43 percent of available spaces at the busiest time of day (11:00 AM), leaving an extensive surplus of approximately 95 parking spaces available for use (and higher during other times of the day). This peak parking demand reflects existing occupancy, which includes 22,081 sf of vacant space currently permitted for office use.

- ***Additional Parking Demands For Currently Vacant Space:*** Re-occupancy of currently vacant space, assuming all space is occupied as currently permitted, is expected to generate an additional peak demand of between 67 and 68 spaces over observed levels, bringing the total peak demand, were the Campus to be fully occupied as currently permitted, to between 138 (empirical methodology) and 140 spaces (ITE methodology). This projected peak demand under the most conservative methodology is still well below the available parking supply at the site resulting in at least a 16% reserve.
- ***Projected Additional Parking Demands Generated by Proposed Conversion of Office Space to Medical Office Space:*** Conversion of 815 sf of office space to medical office use is projected to generate an additional peak parking demand of between 2 additional spaces on based on documented industry standard rates and empirical parking rates, resulting in an aggregate net Campus parking demand of between 138 (empirical methodology) and 141 spaces (ITE methodology). This projected additional demand remains below the available parking supply at the Campus; and is consistent with the increase that would be calculated by applying parking requirements under the zoning bylaw. Under the parking requirements set forth in Section 5.1.2, conversion of 815 sf of general office use to medical office use results in a 2-space increase in the required supply, which is also accommodated well under observed Campus surplus parking supply.

In summary, projected peak parking demands at the site including infill of general office and the proposed conversion of 815 sf of general office use to medical office use results in a projected peak parking demand on the campus of between 138 (empirical methodology) and 141 spaces (ITE methodology). Relative to existing observed Campus parking activity, this leaves a surplus parking supply of at least 25 spaces at the Campus. This surplus parking supply will accommodate a relatively wide fluctuation in peak parking demands. Therefore, the Campus parking supply of 166 spaces more than satisfies the peak parking demands generated by existing and proposed building tenants.

Existing and Proposed Site Programming

The Campus is an existing 46,817 square foot (sf) office building located on an approximate 1.8-acre tract of land. The proximity of the site to area roadways is presented in **Figure 1**. A total parking supply of 166 parking spaces currently supports the building representing an effective parking supply ratio of 3.5 spaces per 1,000 sf of building area (approximately 1 space per 285 sf of building area). Access/egress to the site is currently provided via a curb cut and a shared driveway along Hillside Avenue. A breakdown of building leased square footage for existing tenants and proposed tenants (in **Bold**) is summarized in **Table 1**.



Figure 1

TABLE 1
BUILDING UNIT ALLOCATION

<u>Suite</u>	<u>Plaza Tenant</u>	<u>Size (sf)</u>	<u>Use</u>
200	East Basin Sports	1,559	Office
201	Dr. Cohen	2,892	Medical Office
202	Children's Speech	2,475	Office
203	Bloom Cohen Hayes	3,094	Office
		4,927	Office
205	Boston Foundation for Sight	7,476	Medical Office
211	Vacant	2,327	Office
300	Vacant	4,164	Office
300-1	Vacant: Proposed QC Kinetix	815	Proposed Medical Office¹
302	Vacant: Proposed QC Kinetix	1,829	Medical Office
303	Jay Cohen, M.D.	2,313	Medical Office
304	Vacant	12,946	Office
Proposed Sub-Total		31,492	Office
Proposed Sub-Total		15,325	Medical Office
Total		46,817	Mixed-Office

¹This space is currently permitted as Office Space but will be taken over by QC Kinetix and converted provide 815 sf of medical office space.

Under the proposed conditions a currently vacant 815 sf portion of Suite 300 (300-1) will be converted to medical office space for occupancy by QC Kinetix. This change will result in a net change of 815 sf office space to medical office space as shown in **Bold** in the Table above. The total square footage of the building remains the same.

Existing Parking Inventory

A parking accumulation survey was conducted to identify parking trends at the Campus on Thursday, February 29, 2024, and included detailed parking by zones within the parking lot during the critical peak parking period for the Campus between 10:00 AM and 12:00 PM. These time periods correspond to the peak demand periods for the Site uses, as well as Medical-Dental Office Buildings as published by in the Institute of Transportation Engineers (ITE) *Parking Generation*¹. The site parking lot was subdivided into parking zones for inventory purposes and to identify where peak parking use (or vacancies) occurs relative to the building entrances. A parking breakdown by zone is provided in the **Attachments**. Hourly parking activity is presented in **Figure 2**. At the time of survey, building vacancies included 20,252± sf of office space and 1,829± sf of medical office space located in Suites 211, 300, 302 and 304.

¹*Parking Generation*, 5th Edition; Institute of Transportation Engineers; Washington, DC; 2019.
G:\Projects\1333 - Needham (Petrini)\Documents\1333 LT1_Final.doc

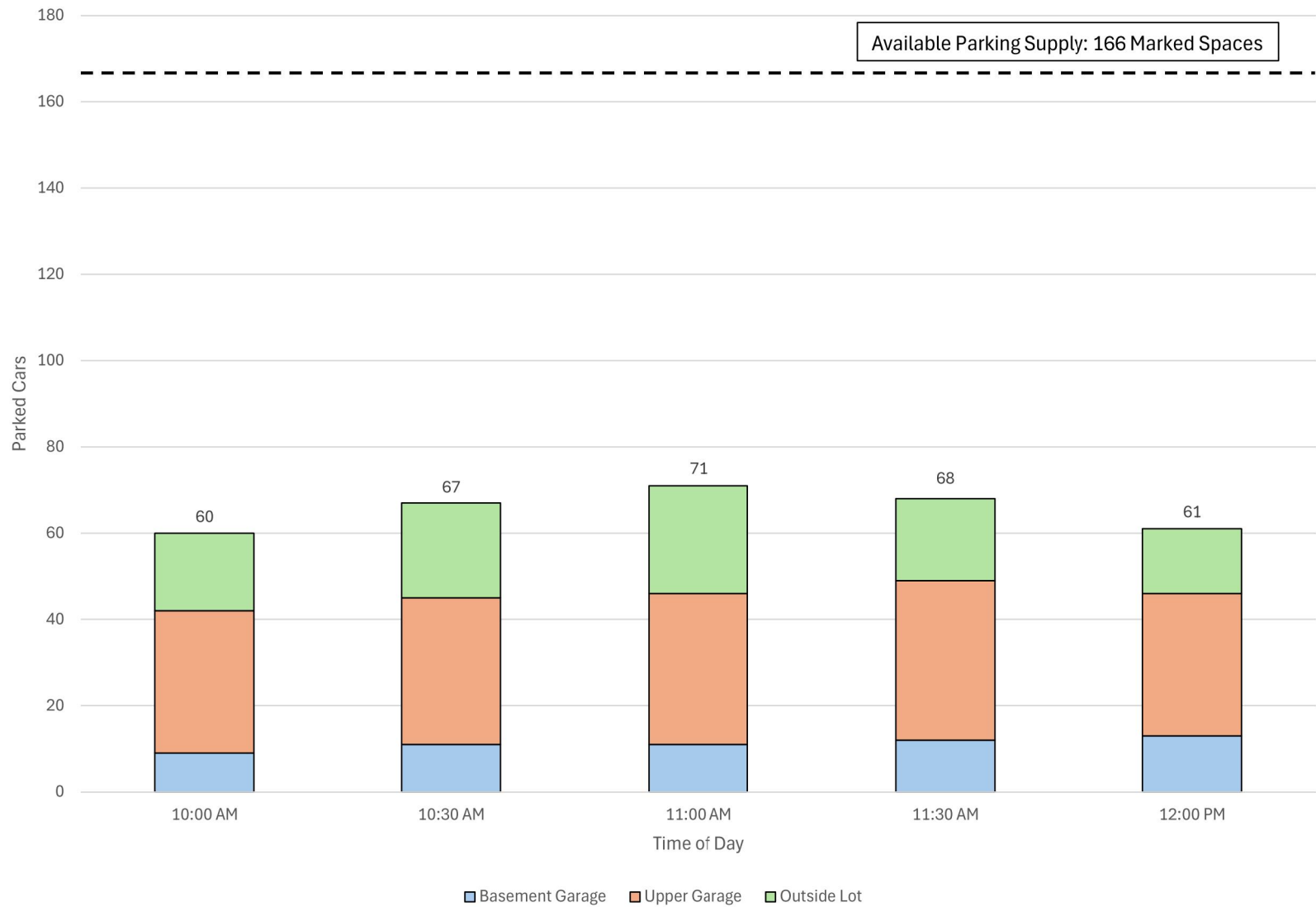


Figure 2
Parking Demand
Thursday, February 29, 2024

A summary of peak parking activity at the Site is as follows:

- The peak parking demand of 71 parked vehicles occurs at 11:00 AM on weekdays, representing an existing surplus of approximately 95 parking spaces (approximate 43% utilization rate). The equivalent parking demand rate for observed conditions is 2.87 spaces per thousand square feet of occupied space.

Estimated Peak Parking Demand

This section provides estimated peak parking demand for the mixed-use office building based on industry standard parking rates (applied to the currently vacant space) and observed parking rates for the currently occupied space.

Estimated Peak Parking Demand – ITE Based Methodology

The Institute of Transportation Engineers (ITE) has documented peak parking demand characteristics for office buildings and medical-dental office buildings in *Parking Generation* for Land Use Code (LUC) 710 and LUC 720, respectively. For reference, the ITE parking data is provided in the **Attachments**.

The parking data indicate that the peak parking occupancy for both general office and medical office uses occurs between 10:00 AM and 11:00 AM, consistent with parking surveys of the existing Campus. The peak parking demand for vacant space based on industry standard methodology is summarized in **Table 2**, assuming (*under Method (a)*) the currently vacant 22,081± sf of space in Suites 211, 300, 302 and 304 is occupied as currently permitted; and (*under Method (b)*) full occupancy of the Campus including 815± sf of office space converted to medical office space in Suite 302.

TABLE 2
PROJECTED PEAK PARKING DEMAND – ITE BASIS
(10:00 AM – 12:00 PM)

Land Use	Size (gsf)	Peak Parking Rate (Vehicles per 1,000 sf)	Peak Parking Demand (Vehicles Parked)
<i>Currently Permitted Uses – Method (a)</i>			
Existing Tenants ¹	24,736	2.87	71
Re-Tenancy of Vacant Office Use ²	20,252	2.98	61
<u>Re-Tenancy of Vacant Medical Office Use³</u>	<u>1,829</u>	<u>4.28</u>	<u>8</u>
Estimated Total Demand	46,817	-	140
<i>Proposed Use – Method (b)</i>			
Existing Tenants ¹	24,736	2.87	71
Proposed New Medical Office Use ⁴	2,644	4.28	12
<u>Re-Tenancy of Vacant Office Use⁵</u>	<u>19,437</u>	<u>2.98</u>	<u>58</u>
Estimated Total Demand	46,817	-	141

¹The Campus included approximately 24,736 gsf of occupied building space on dates of observations.

²Based on 20,252 gsf of vacant building Office space at the Campus applied to ITE LUC 710 85th percentile parking rates.

³Based on 1,829 gsf of vacant building Medical Office space at the Campus applied to ITE LUC 720 85th percentile parking rates.

⁴Based on 2,644 gsf of Proposed Medical Office space at the Campus applied to ITE LUC 720 85th percentile parking rates.

⁵Based on 19,437 gsf of vacant building Office space at the Campus applied to ITE LUC 710 85th percentile parking rates.

As summarized in **Table 2**,

- Based on ITE methodology, the re-occupancy of the vacant space (22,081 sf) under the currently permitted uses is estimated to result in an overall Campus peak parking demand of approximately 140 spaces.
- Based on ITE methodology, the re-occupancy of vacant space and the conversion of 815 sf of office space in Suite 302 to medical office (for expanded occupancy by QC Kinetix) is estimated to result in an overall campus peak parking demand increase of approximately 1 spaces compared to the Permitted uses resulting in up to 141 occupied parking spaces.

Estimated Peak Parking Demand – Empirical Methodology

MDM has reviewed an inventory of parking data for medical office buildings that offer outpatient-based services for various locations in southeastern Massachusetts (**see Attachments**). These data indicate the following parking supply characteristics:

- Average parking supply of 4.3 spaces per 1,000 sf building area
- Average peak parking demand of 3.0 spaces per 1,000 sf building area
- 85th percentile peak parking demand of 3.88 spaces per 1,000 sf building area
- Observed peak occupancy of 72% for surveyed sites

The inventory of parking supply data correlates well to the peak demand (85th percentile) ITE data. Interestingly, observed peak parking demands suggest that actual peak parking demand is lower than ITE data - approximately 3.0 occupied spaces per 1,000 sf on average and 3.88 occupied spaces per 1,000 sf 85th percentile for surveyed buildings (72 percent occupancy).

The peak parking demand for vacant space based on empirical methodology is summarized in **Table 3**. Method (a) assumes the currently vacant 22,081± sf of space in Suites 211, 300, 302 and 304 is occupied as currently permitted with any new office tenants generating a peak parking demand of 2.87 spaces per 1,000 sf of occupied space which is consistent with the existing tenants any new medical office tenant would require a slightly higher peak parking demand of 3.88 spaces per 1,000 sf of occupied space based on empirical medical office data referenced above. Method (b) assumes full occupancy of the Campus including 815± sf of office space converted to medical office space in Suite 302 with any new office tenant continuing to generate a peak parking demand of 2.87 spaces per 1,000 sf of occupied space and any new medical office tenant requiring a slightly higher peak parking demand of 3.88 spaces per 1,000 sf of occupied space.

TABLE 3
PROJECTED PEAK PARKING DEMAND – EMPIRICAL BASIS
SITE CAMPUS (10:00 AM – 12:00 PM)

Land Use	Size (gsf)	Peak Parking Rate (Vehicles per 1,000 sf)	Peak Parking Demand (Vehicles Parked)
<i>Currently Permitted Uses – Method (a)</i>			
Existing Tenants ¹	24,736	2.87	71
Re-Tenancy of Vacant Office Use ²	20,252	2.87	59
<u>Re-Tenancy of Vacant Medical Office Use³</u>	<u>1,829</u>	<u>3.88</u>	<u>8</u>
Estimated Total Demand	46,817	2.95	138
<i>Proposed Use – Method (b)</i>			
Existing Tenants ¹	24,736	2.87	71
Proposed New Medical Office Use ⁴	2,644	3.88	11
<u>Re-Tenancy of Vacant Office Use⁵</u>	<u>19,437</u>	<u>2.87</u>	<u>56</u>
Estimated Total Demand	46,817	2.95	138

¹The Rosemary Office Park included approximately 74,566 gsf of occupied building space on dates of observations.

²Based on vacant Office space at the Campus applied to 2.87 spaces/1,000 sf.

³Based on vacant Medical Office space at the Campus applied to 3.88 spaces/1,000 sf.

⁴Based on vacant Medical Office space at the Campus applied to 3.88 spaces/1,000 sf.

⁵Based on vacant Office space at the Campus applied to 2.87 spaces/1,000 sf.

As summarized in **Table 3**, empirical parking rates indicate a peak parking demand of 138 spaces assuming new tenants (office or medical office) would follow observed building parking trends/rates. A slightly higher peak parking demand of 3.88 spaces per 1,000 sf of occupied medical office space indicates the same peak parking demand of 138 based on empirical medical office data referenced above.

Comparison to Local Zoning Requirements

Zoning for general office uses requires a parking supply ratio of 1 space per 300 sf of building area for general office use versus 1 space per 200 sf of building area for medical office use. Based on survey results of the existing building parking demands, these parking ratios are conservatively high. However, even applying these zoning-based parking ratios to the net change of 815 sf of general office use to medical office use results in a net projected parking requirement 1 spaces above by-right office use for Suite 302 (4 spaces versus 3 spaces). This difference in parking is well accommodated within available vacancies within the Campus.

Mr. Robert Hentschel

March 12, 2024

Page 8

Summary & Conclusions

In summary, projected peak parking demands at the site including infill of general office and the proposed conversion of 815 sf of general office use to medical office use results in a projected peak parking demand on the campus of between 138 (empirical methodology) and 141 spaces (ITE methodology). Relative to existing observed Campus parking activity, this leaves a surplus parking supply of at least 25 spaces at the Campus. This surplus parking supply will accommodate a relatively wide fluctuation in peak parking demands. Therefore, the Campus parking supply of 166 spaces more than satisfies the peak parking demands generated by existing and proposed building tenants.

I trust the above assessment of parking demand and supply will be useful in your request for a parking variance for proposed medical office tenant.

Sincerely,

MDM TRANSPORTATION CONSULTANTS, INC.



Robert J. Michaud, P.E.
Managing Principal

ATTACHMENTS

- ☐ Existing Site Layout
- ☐ Existing Parking Data
- ☐ ITE Parking Data
- ☐ Empirical Parking Data

□ Existing Site Layout

PARKING SUMMARY:

PROVIDED: 166 SPACES

REQUIRED BY ZONING:

EXISTING:

OFFICE USE: 32,207 S.F. @ 1/300 = 108

MEDICAL OFFICE USE: 14,510 S.F. @ 1/200 = 73

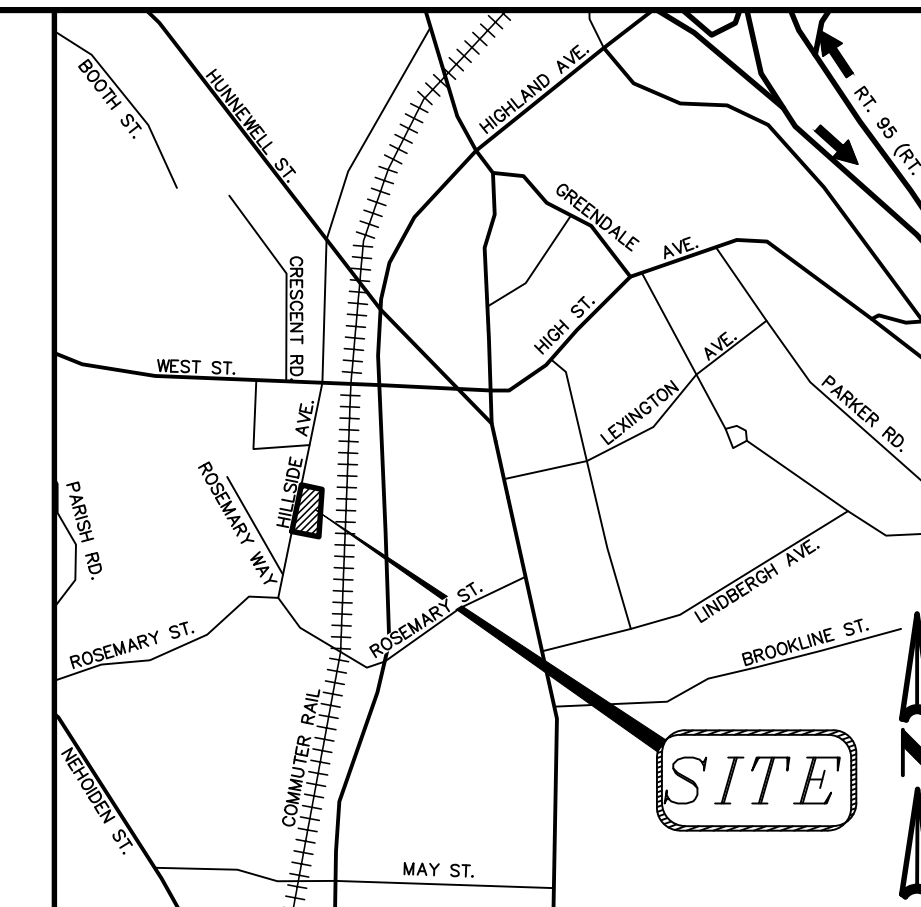
TOTAL REQUIRED = 181

PROPOSED:

OFFICE USE: 31,492 S.F. @ 1/300 = 105

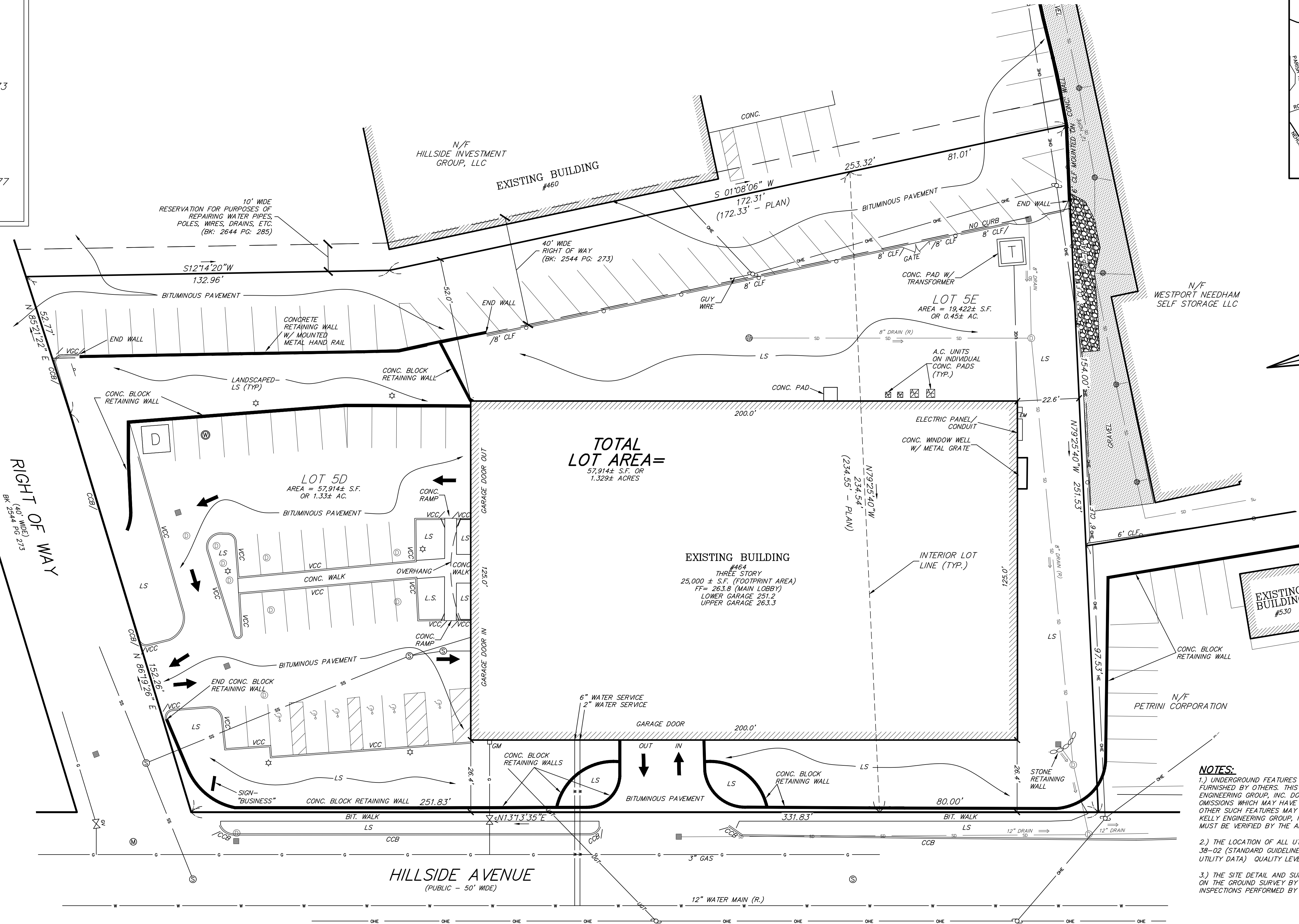
MEDICAL OFFICE USE: 15,325 S.F. @ 1/200 = 77

TOTAL REQUIRED = 182



LOCUS MAP
(NOT TO SCALE)

LEGEND	
	CATCH BASIN
	DRAIN MANHOLE
	DRAIN LINE
	SEWER MANHOLE
	SEWER LINE
	WATER LINE
	WATER VALVE
	MONITORING WELL
	GAS LINE
	GAS METER
	ELECTRIC
	UNDERGROUND TELEPHONE
	UTILITY POLE
	LIGHT POLE
	BITUMINOUS CONCRETE CURB
	VERTICAL CONCRETE CURB
	BITUMINOUS CONCRETE
	RECORD LOCATION
	FORCED MAIN
	SLOPED GRANITE CURB
	DRAINAGE FLOW
	FENCE



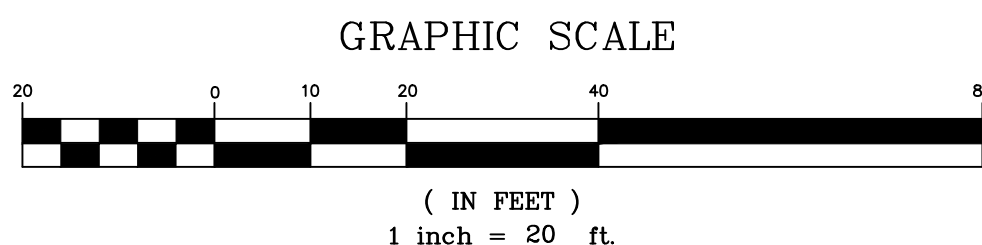
- NOTES:**
- 1.) UNDERGROUND FEATURES HAVE BEEN COMPILED, IN PART, BASED UPON INFORMATION FURNISHED BY OTHERS. THIS INFORMATION IS TO BE CONSIDERED APPROXIMATE AND KELLY ENGINEERING GROUP, INC. DOES NOT TAKE RESPONSIBILITY FOR SUBSEQUENT ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THIS PLAN AS A RESULT. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO KELLY ENGINEERING GROUP, INC. THE SIZE, LOCATION, AND EXISTENCE OF ALL SUCH FEATURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION.
 - 2.) THE LOCATION OF ALL UTILITIES SHOWN HEREON HAVE BEEN ESTABLISHED USING ASCE 38-02 (STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA) QUALITY LEVEL C.
 - 3.) THE SITE DETAIL AND SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN ON THE GROUND SURVEY BY KELLY ENGINEERING GROUP IN COMBINATION WITH VISUAL INSPECTIONS PERFORMED BY KELLY ENGINEERING GROUP COMPLETED ON DECEMBER 12, 2023.

PLAN REFERENCES:

- 1.) "PLAN OF LAND IN NEEDHAM, MASS.," SCALE: 1"=30', DATED OCT. 22, 1992, DRAWN BY NEEDHAM SURVEY ASSOC., INC., INC.
- 2.) "464 HILLSDALE AVENUE, NEEDHAM, MASSACHUSETTS, PROPOSED GRADING AND BUILDING LOCATION", SCALE: 1"=20', DATED MARCH 8, 2001, DRAWN BY VERNE T. PORTER JR., PLS, LAND SURVEYORS - CIVIL ENGINEERS.
- 3.) "464 HILLSDALE AVENUE, NEEDHAM, MASSACHUSETTS, PROPOSED BUILDING AND PARKING LOCATION", SCALE: 1"=20', DATED MARCH 8, 2001, DRAWN BY VERNE T. PORTER JR., PLS, LAND SURVEYORS - CIVIL ENGINEERS.
- 4.) "464 HILLSDALE AVENUE, NEEDHAM, MASSACHUSETTS, AS-BUILT UTILITIES AND BUILDING LOCATION", SCALE: 1"=20', DATED OCT. 17, 2003, DRAWN BY VERNE T. PORTER JR., PLS, LAND SURVEYORS - CIVIL ENGINEERS.
- 5.) "PLAN OF LAND IN NEEDHAM, MASS.," SCALE: 1"=40', DATED AUG. 11, 1970, DRAWN BY CHENEY ENGINEERING CO., INC.
- 6.) "PLAN OF LAND IN NEEDHAM, MASS.," SCALE: 1"=40', DATED FEB. 4, 1969, DRAWN BY J. EDWARD BAMBER, C.E., NORWOOD, MASS.

CURRENT OWNERS:

Palaestra Associates Limited Partnership (47%)
Finitimus Associates Limited Partnership (53%)
Deed Bk: 24277 Pg. 301
Assessor's Parcel ID# 1991000000400000

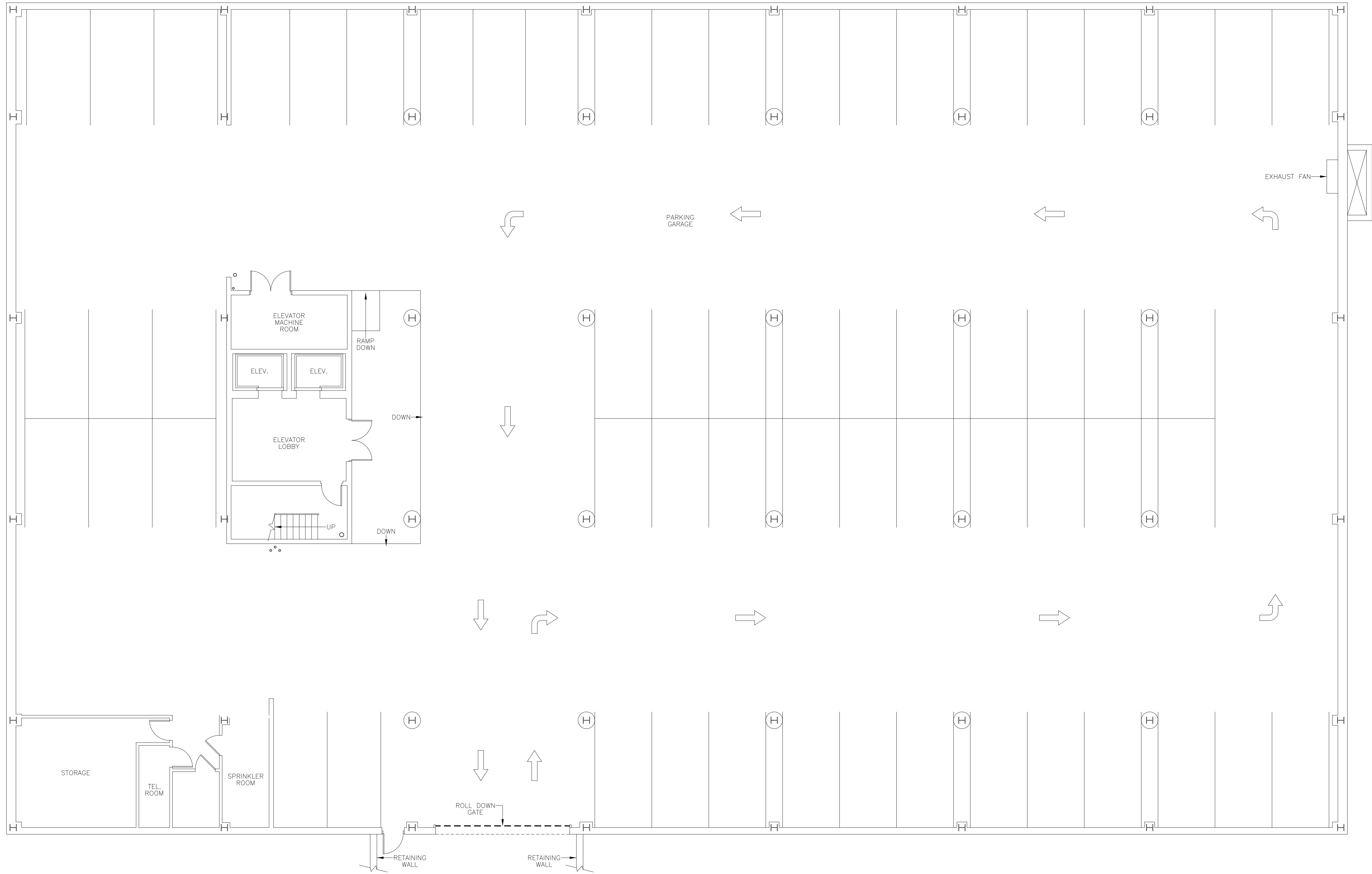


KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES; OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.
THE EXTENT OF KELLY ENGINEERING GROUP'S LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST

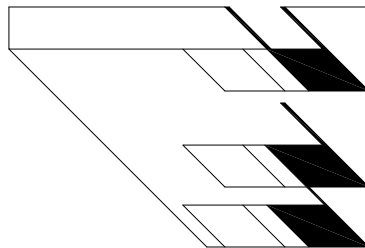
COPYRIGHT (C) BY KELLY ENGINEERING GROUP, INC.
All Rights Reserved

NO PART OF THIS DOCUMENT MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING OR OTHERWISE, WITHOUT THE PRIOR WRITTEN PERMISSION OF KELLY ENGINEERING GROUP. ANY VIOLATIONS TO THIS DOCUMENT, WITHOUT THE WRITTEN PERMISSION OF KELLY ENGINEERING GROUP, SHALL BE SUBJECT TO LITIGATION AND PENALTY.

SCALE 1" = 20'			
DATE 12/05/23	REV	DATE	REVISION
SHEET 1 OF 1			
FILE # M100			
JOB # 2023-138			
DRAWN BY JPM			
CHECKED BY SMH			
APPD BY SMH			
464 HILLSDALE AVENUE NEEDHAM, MASSACHUSETTS			
PLAN TO ACCOMPANY SPECIAL PERMIT			
 KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			SHEET NO. 1



EXISTING LOWER LEVEL FLOOR PLAN



Walsh/Cochis Associates Inc.

Architects & Consultants

WCAssocInc@AOL.com

1165 Randolph Street

Canton, Massachusetts 02021-1361

Fax 781/828-5255 781/828-8700

REVISIONS	
DATE	COMMENTS

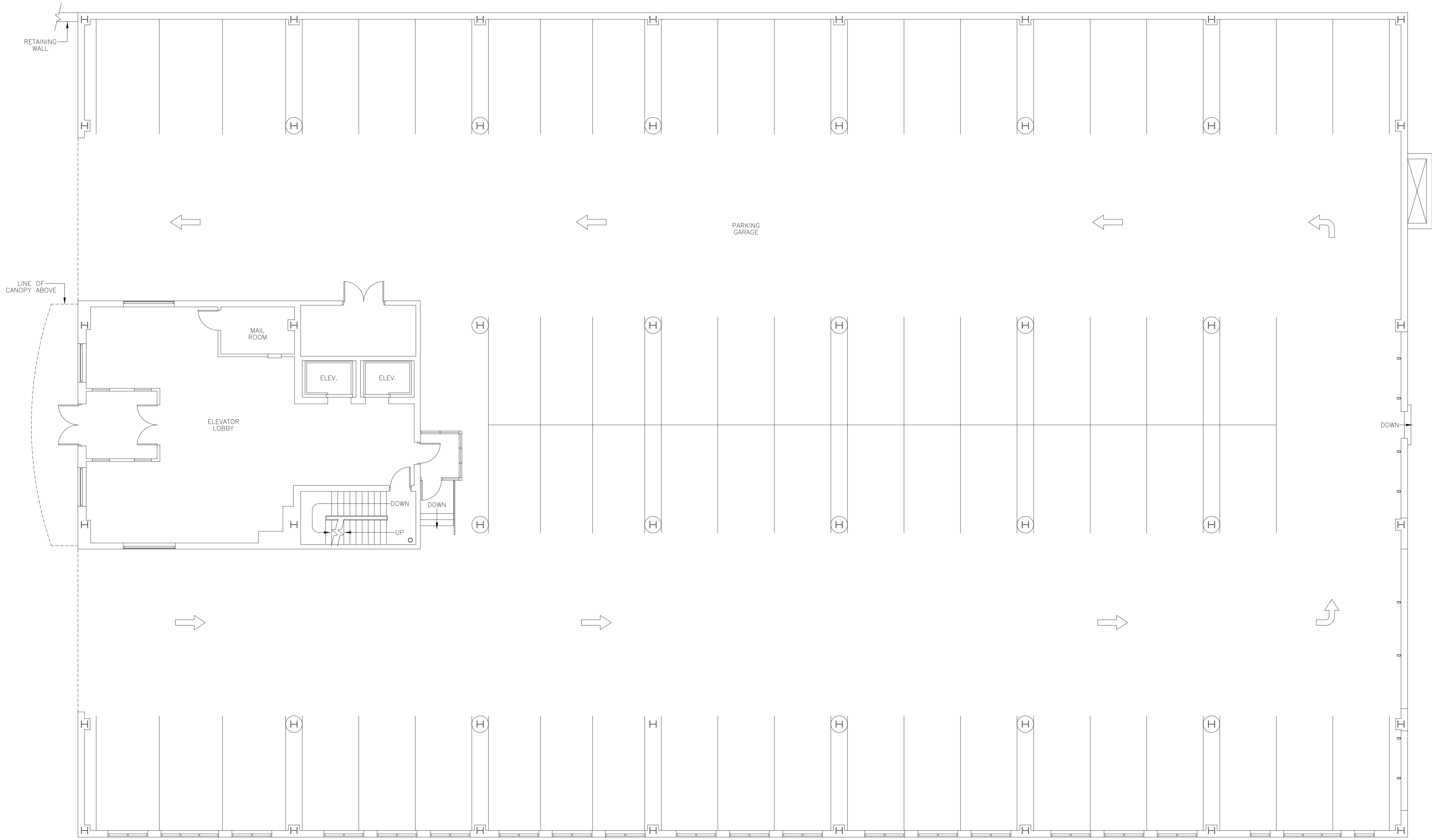
LOWER LEVEL
PLAN

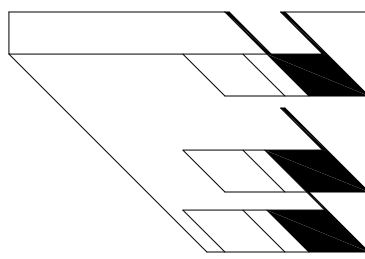
EXISTING CONDITIONS AT:
464 HILLSIDE
AVENUE
NEEDHAM, MASSACHUSETTS

PROJECT NORTH REFERENCE NOT TO BE USED AS TRUE NORTH	
PROJECT NO.	2021_0094
CAD ID. NO.	2021_0094ECB
DATE	03/26/2021
SCALE	1/8"=1'-0"
DRAWN BY	KEP

ECB

EXISTING FIRST FLOOR PLAN





Walsh/Cochis Associates Inc.

Architects & Consultants

WCAssocInc@AOL.com

1165 Randolph Street

Canton, Massachusetts 02021-1361

Fax 781/828-5255 781/828-8700

REVISIONS	
DATE	COMMENTS

FIRST FLOOR
PLAN

EXISTING CONDITIONS AT:
464 HILLSIDE
AVENUE
NEEDHAM, MASSACHUSETTS

PROJECT NORTH REFERENCE NOT TO BE USED AS TRUE NORTH	
PROJECT NO.	2021_0094
CAD ID. NO.	2021_0094EC1
DATE	03/26/2021
SCALE	1/8"=1'-0"
DRAWN BY	KEP

EC1

- Existing Parking Data

Count: 464 Hillside Avenue, Needham, MA

Date: Thursday, February 29, 2024

Time	ZONE			
	Basement Garage	Upper Garage	Outside Lot	Total
10:00 AM	9	33	18	60
10:30 AM	11	34	22	67
11:00 AM	11	35	25	71
11:30 AM	12	37	19	68
12:00 PM	13	33	15	61
SUPPLY	61	69	36	166

Existing					Proposed		
Office					Office		
Suite	Name	SF			Suite	Name	SF
200	East Basin Sports	1,559			200	East Basin Sports	1,559
202	Children's Speech	2,475			202	Children's Speech	2,475
203	Bloom Cohen Hayes	3,094			203	Bloom Cohen Hayes	3,094
205	Boston Foundation for Sight	4,927			205	Boston Foundation for Sight	4,927
211	Vacant	2,327			211	Vacant	2,327
300	Vacant	4,164			300	Vacant	4,164
300-1	Vacant	815			304	Vacant	12,946
304	Vacant	12,946					31,492
		32,307					
					Med. Office		
Med. Office					201	Dr. Cohen	2,892
201	Dr. Cohen	2,892			205	Boston Foundation for Sight	7,476
205	Boston Foundation for Sight	7,476			300-1 & 302	Proposed QC Kenetix	2,644
302	Vacant	1,829			303	Jay Cohen, M.D.	2,313
303	Jay Cohen, M.D.	2,313					15,325
		14,510					

- ITE Parking Data

Land Use: 710 General Office Building

Description

A general office building is a building with multiple tenants that employ persons in the management, direction, or conduct of legal, accounting, engineering, consulting, real estate, insurance, financial, or other professional services. A general office building with a gross floor area of 10,000 square feet or less is classified as a small office building (Land Use 712).

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at 19 study sites in a general urban/suburban setting.

Hour Beginning	Percent of Weekday Peak Parking Demand
	General Urban/Suburban
12:00-4:00 a.m.	—
5:00 a.m.	—
6:00 a.m.	—
7:00 a.m.	13
8:00 a.m.	47
9:00 a.m.	87
10:00 a.m.	99
11:00 a.m.	100
12:00 p.m.	86
1:00 p.m.	84
2:00 p.m.	93
3:00 p.m.	93
4:00 p.m.	85
5:00 p.m.	57
6:00 p.m.	21
7:00 p.m.	—
8:00 p.m.	—
9:00 p.m.	—
10:00 p.m.	—
11:00 p.m.	—

Additional Data

For the seven study sites with parking supply information and located in a dense multi-use urban setting, the average parking supply ratio is 2.9 spaces per 1,000 square feet GFA. At these sites, the average peak parking occupancy is 56 percent.

For the 63 study sites with parking supply information and located in a general urban/suburban setting, the average parking supply ratio is 3.3 spaces per 1,000 square feet GFA. At these sites, the average peak parking occupancy is 60 percent.

For nine study sites, parking demand data were collected on a Saturday as well as a weekday. For those sites, peak Saturday parking demand averages 13 percent of the peak weekday parking demand.

The sites were surveyed in the 1990s, the 2000s, the 2010s, and the 2020s in Alabama, Arizona, California, Colorado, District of Columbia, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, Montana, New Jersey, New York, Ontario (CAN), Oregon, Pennsylvania, Texas, Utah, Virginia, Washington, and Wisconsin.

Source Numbers

122, 201, 211, 217, 276, 425, 431, 433, 436, 438, 440, 516, 531, 540, 551, 555, 556, 567, 571, 572, 588, 607, 618, 622, 633

General Office Building (710)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

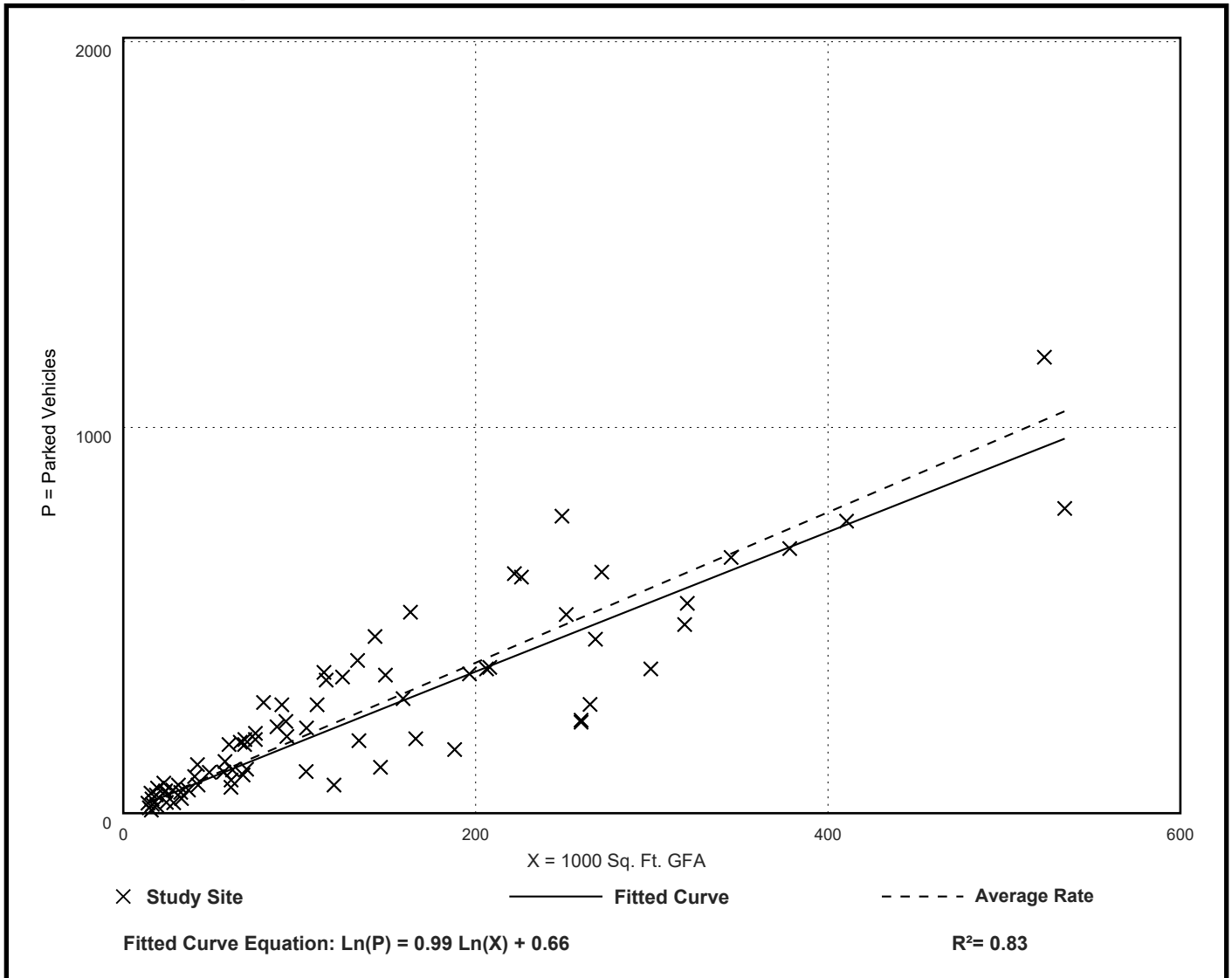
Number of Studies: 77

Avg. 1000 Sq. Ft. GFA: 131

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.95	0.50 - 3.60	1.68 / 2.98	1.79 - 2.11	0.70 (36%)

Data Plot and Equation



Land Use: 720 Medical-Dental Office Building

Description

A medical-dental office building is a facility or clinic with one or more tenants that provide diagnoses and outpatient care on a routine basis. Tenants range from individual private physicians and dentists to large medical practices. Patient visits are by appointment only. Walk-in clinic (Land Use 630) and urgent care center (Land Use 660) are related uses.

Land Use Subcategory

Data are separated into two subcategories for this land use:

- Located within or adjacent to a hospital campus
- Located in a standalone setting

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at 14 standalone study sites and five study sites located within or adjacent to a hospital campus.

Hour Beginning	Percent of Weekday Peak Parking Demand	
	Standalone	Hospital Campus
12:00–4:00 a.m.	—	—
5:00 a.m.	—	—
6:00 a.m.	—	—
7:00 a.m.	17	—
8:00 a.m.	47	65
9:00 a.m.	82	79
10:00 a.m.	96	100
11:00 a.m.	100	73
12:00 p.m.	88	48
1:00 p.m.	87	71
2:00 p.m.	92	98
3:00 p.m.	90	90
4:00 p.m.	86	81
5:00 p.m.	55	65
6:00 p.m.	—	—
7:00 p.m.	—	—
8:00 p.m.	—	—
9:00 p.m.	—	—
10:00 p.m.	—	—
11:00 p.m.	—	—

Additional Data

The average parking supply ratio for the 15 study sites with parking supply information and located within a hospital campus is 4.7 spaces per 1,000 square feet GFA. The average peak parking occupancy at these 15 sites is 76 percent.

The average parking supply ratio for the 33 study sites with parking supply information and located as a standalone building is 4.6 spaces per 1,000 square feet GFA. The average peak parking occupancy at these 33 sites is 49 percent.

For four study sites, parking demand data were collected on a Saturday as well as a weekday. For those sites, peak Saturday parking demand averages 22 percent of the peak weekday parking demand.

The sites were surveyed in the 1990s, the 2000s, the 2010s, and the 2020s in California, Georgia, Hawaii, Maine, Maryland, Minnesota, New Jersey, New York, North Carolina, Oregon, Tennessee, Texas, Virginia, and Washington.

Source Numbers

120, 121, 173, 217, 218, 224, 310, 315, 428, 433, 527, 530, 531, 532, 553, 555, 564, 618, 619, 620, 621, 624, 634

Medical-Dental Office Building - Standalone (720)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

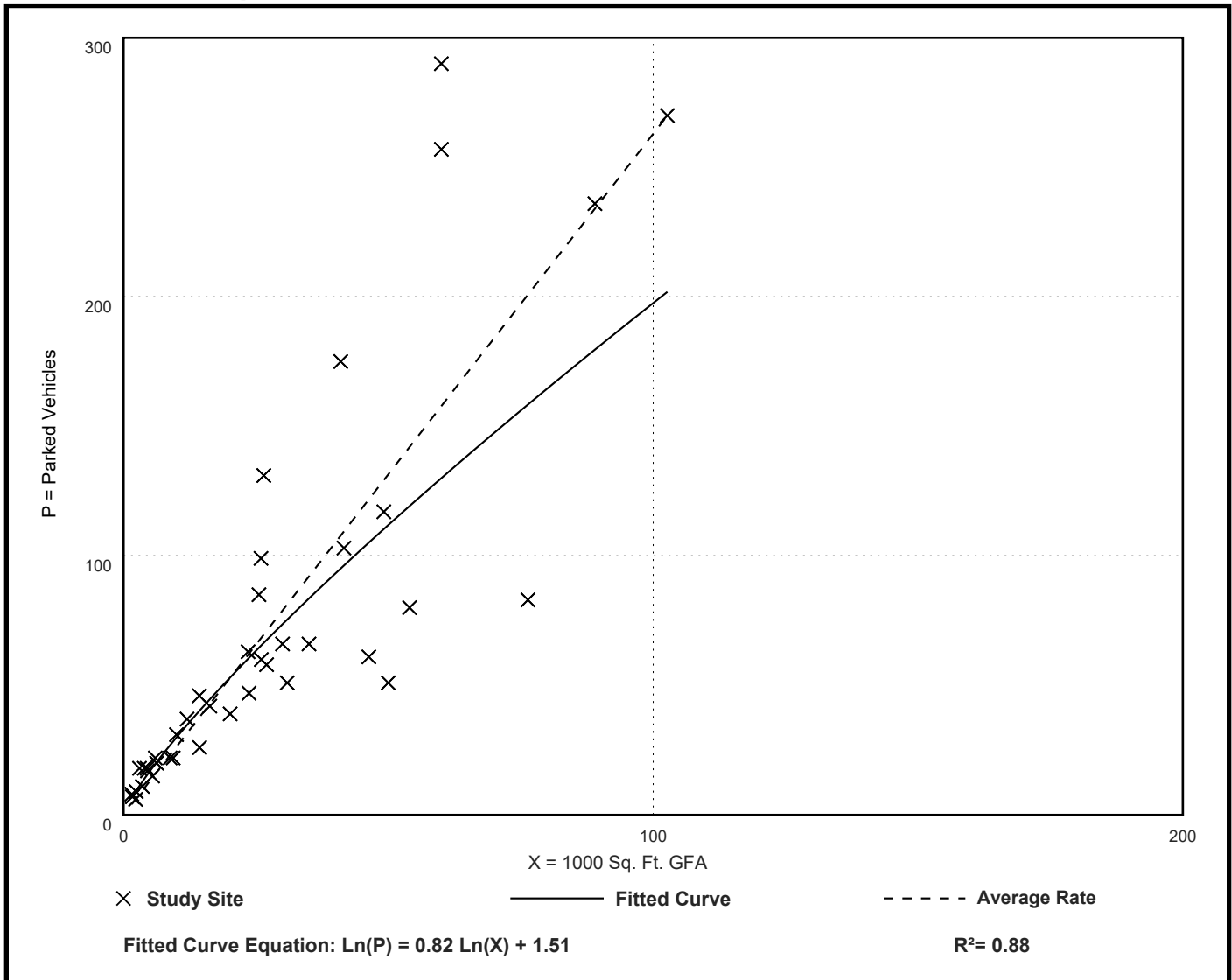
Number of Studies: 41

Avg. 1000 Sq. Ft. GFA: 27

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.63	1.02 - 5.97	2.38 / 4.28	2.28 - 2.98	1.15 (44%)

Data Plot and Equation



- Empirical Parking Data

Medical Office Building Inventory
Source: Campanelli Companies/ MDM Data Collection

Medical Office Buildings

Dec. 9, 2005

No.	Address	Town	Area (SF)	Use	Total Parking Spaces	Space/Bldg. SF	Supply Spaces per 1,000 SF	Occupied Spaces	Demand Spaces per 1,000 SF	%	Time of Visit
1	Braintree Medical Center	Braintree	48,000	Medical	104	461.54	2.17	83	1.73	80%	10:30AM
2	Stetson Office Building	Weymouth	123,696	Medical	505	244.94	4.08	294	2.38	58%	10AM-10:30AM
4	Medical Office Building	Weymouth	46,058	Medical	250	184.23	5.43	184	3.99	74%	11:00AM
	Tuesday, May 25, 2011										
7	Southeast Medical Center	E. Bridgewater	70,000	Medical	351	199.43	5.01	262	3.74	75%	10:00AM
Average:			33,164 SF	Average:			Supply 4.3	Spaces/KSF 101	Demand 3.00	Spaces/KSF 72%	

PARKING SUMMARY:

PROVIDED: 166 SPACES

REQUIRED BY ZONING:

EXISTING:

OFFICE USE: 32,207 S.F. @ 1/300 = 108

MEDICAL OFFICE USE: 14,510 S.F. @ 1/200 = 73

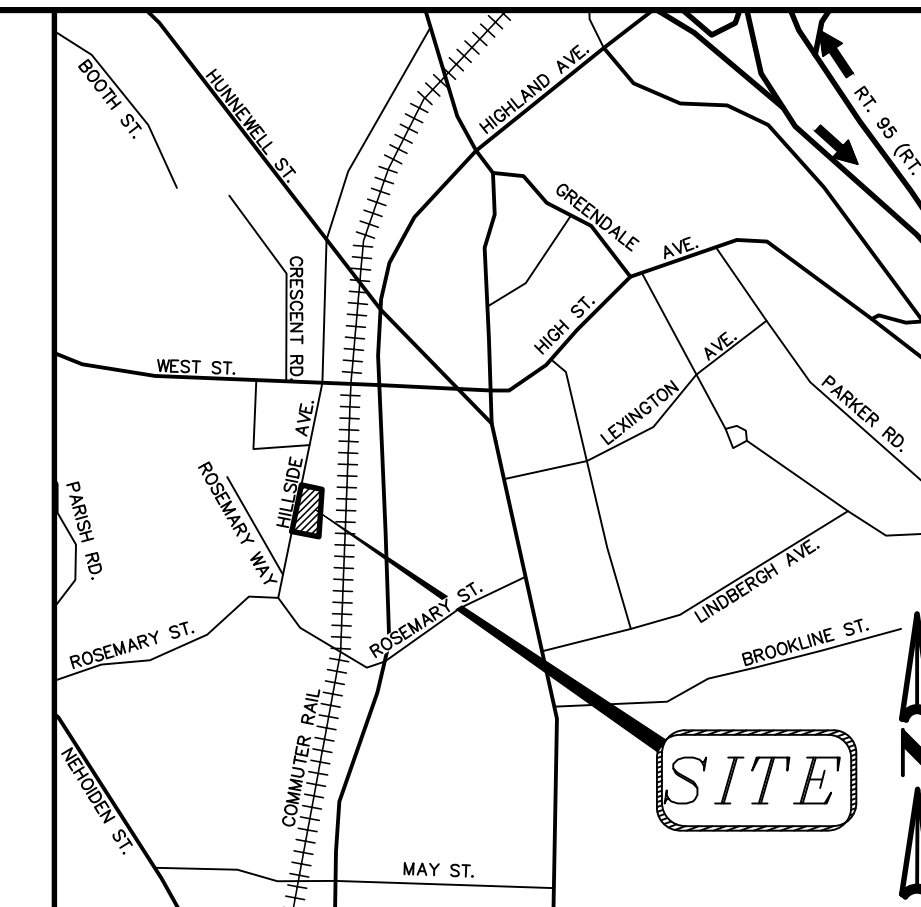
TOTAL REQUIRED = 181

PROPOSED:

OFFICE USE: 31,492 S.F. @ 1/300 = 105

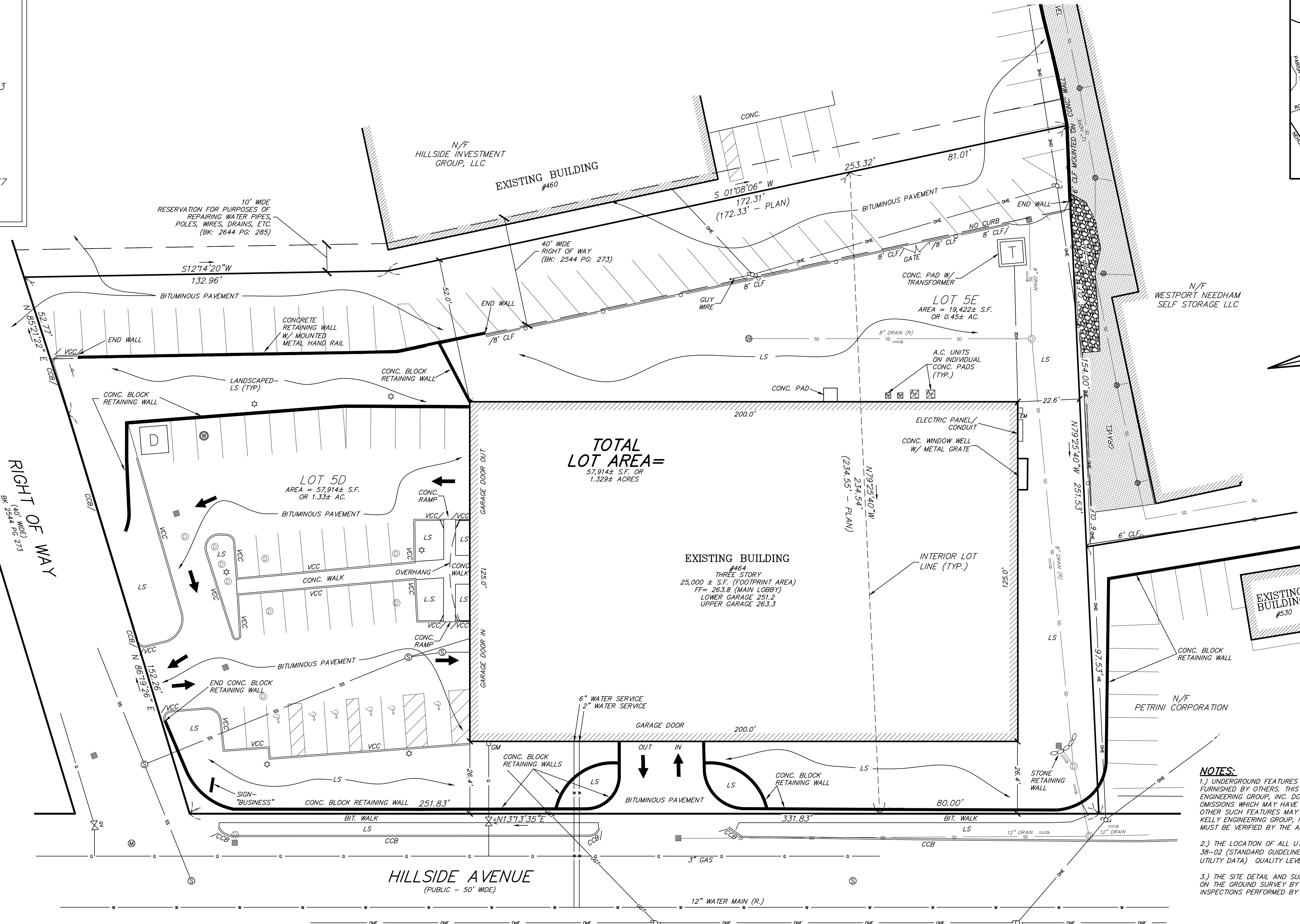
MEDICAL OFFICE USE: 15,325 S.F. @ 1/200 = 77

TOTAL REQUIRED = 182



LOCUS MAP
(NOT TO SCALE)

LEGEND	
	CATCH BASIN
	DRAIN MANHOLE
	DRAIN LINE
	SEWER MANHOLE
	SEWER LINE
	WATER LINE
	WATER VALVE
	MONITORING WELL
	GAS LINE
	GAS METER
	ELECTRIC
	UNDERGROUND TELEPHONE
	UTILITY POLE
	LIGHT POLE
	BITUMINOUS CONCRETE CURB
	VERTICAL CONCRETE CURB
	BITUMINOUS CONCRETE
	RECORD LOCATION
	FORCED MAIN
	SLOPED GRANITE CURB
	DRAINAGE FLOW
	FENCE



- NOTES:**
- 1.) UNDERGROUND FEATURES HAVE BEEN COMPILED, IN PART, BASED UPON INFORMATION FURNISHED BY OTHERS. THIS INFORMATION IS TO BE CONSIDERED APPROXIMATE AND KELLY ENGINEERING GROUP, INC. DOES NOT TAKE RESPONSIBILITY FOR SUBSEQUENT ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THIS PLAN AS A RESULT. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO KELLY ENGINEERING GROUP, INC. THE SIZE, LOCATION, AND EXISTENCE OF ALL SUCH FEATURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION.
 - 2.) THE LOCATION OF ALL UTILITIES SHOWN HEREON HAVE BEEN ESTABLISHED USING ASCE 38-02 (STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA) QUALITY LEVEL C.
 - 3.) THE SITE DETAIL AND SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN ON THE GROUND SURVEY BY KELLY ENGINEERING GROUP IN COMBINATION WITH VISUAL INSPECTIONS PERFORMED BY KELLY ENGINEERING GROUP COMPLETED ON DECEMBER 12, 2023.

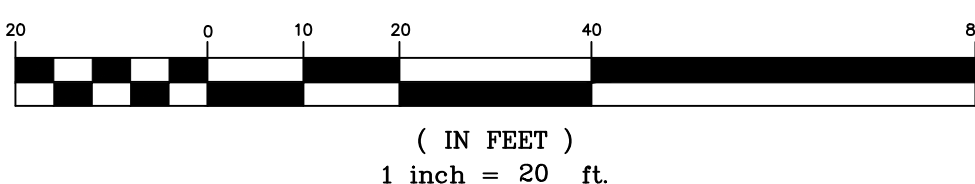
PLAN REFERENCES:

- 1.) "PLAN OF LAND IN NEEDHAM, MASS.," SCALE: 1"=30', DATED OCT. 22, 1992, DRAWN BY NEEDHAM SURVEY ASSOC., INC., INC.
- 2.) "464 HILLSIDE AVENUE, NEEDHAM, MASSACHUSETTS, PROPOSED GRADING AND BUILDING LOCATION", SCALE: 1"=20', DATED MARCH 8, 2001, DRAWN BY VERNE T. PORTER JR., PLS, LAND SURVEYORS - CIVIL ENGINEERS.
- 3.) "464 HILLSIDE AVENUE, NEEDHAM, MASSACHUSETTS, PROPOSED BUILDING AND PARKING LOCATION", SCALE: 1"=20', DATED MARCH 8, 2001, DRAWN BY VERNE T. PORTER JR., PLS, LAND SURVEYORS - CIVIL ENGINEERS.
- 4.) "464 HILLSIDE AVENUE, NEEDHAM, MASSACHUSETTS, AS-BUILT UTILITIES AND BUILDING LOCATION", SCALE: 1"=20', DATED OCT. 17, 2003, DRAWN BY VERNE T. PORTER JR., PLS, LAND SURVEYORS - CIVIL ENGINEERS.
- 5.) "PLAN OF LAND IN NEEDHAM, MASS.," SCALE: 1"=40', DATED AUG. 11, 1970, DRAWN BY CHENEY ENGINEERING CO., INC.
- 6.) "PLAN OF LAND IN NEEDHAM, MASS.," SCALE: 1"=40', DATED FEB. 4, 1969, DRAWN BY J. EDWARD BAMBER, C.E., NORWOOD, MASS.

CURRENT OWNERS:

Palaestra Associates Limited Partnership (47%)
Finitimus Associates Limited Partnership (53%)
Deed Bk: 24277 Pg. 301
Assessor's Parcel ID# 1991000000400000

GRAPHIC SCALE



COPYRIGHT (C) by KELLY ENGINEERING GROUP, INC.

All Rights Reserved

KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES; OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.
THE EXTENT OF KELLY ENGINEERING GROUP'S LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST

SCALE 1" = 20'			
DATE 12/05/23	REV	DATE	REVISION
SHEET 1 OF 1			
FILE # M100			
JOB # 2023-138			
DRAWN BY JPM			
CHECKED BY SMH			
APPD BY SMH			
464 HILLSIDE AVENUE NEEDHAM, MASSACHUSETTS			
PLAN TO ACCOMPANY SPECIAL PERMIT			
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com			
SHEET NO.			1

From: [Joseph Prondak](#)
To: [Alexandra Clee](#); [Thomas Ryder](#); [John Schlittler](#); [Tara Gurge](#); [Timothy McDonald](#); [Tom Conroy](#); [Carys Lustig](#)
Cc: [Elisa Litchman](#); [Lee Newman](#); [Justin Savignano](#); [Donald Anastasi](#); [Jay Steeves](#); [Ronnie Gavel](#); [Edward Olsen](#)
Subject: RE: Request for comment - 464 Hillside, medical office space
Date: Thursday, March 28, 2024 10:30:19 AM

Hi Alex,

I have no concerns regarding this proposal.

Joe Prondak
Needham Building Commissioner
781-455-7550 x308

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, March 19, 2024 11:53 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>
Subject: Request for comment - 464 Hillside, medical office space

Dear all,

We have received the attached application materials for the proposal to the Petitioner to convert approximately 815 square feet of general office space to medical office. This conversion will increase the parking requirement at the site by one parking space. A parking waiver increase from the existing waiver of 15 spaces to 16 spaces is requested. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 24, 2024. Please send your comments earlier than usual due to our schedule to get out the packets this month - **by Friday April 12, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2001-02.
2. Letter from Attorney Evans Huber, dated March 14, 2024.
3. Parking Evaluation, prepared by MDM, Transportation Consultants, Inc., dated March 12,

2024.

4. Plan Sheet 1, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, entitled "Plan to Accompany Special permit," dated December 5, 2023.

Thank you, alex.

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

From: [Edward Olsen](#)
To: [Joseph Prondak](#); [Alexandra Clee](#); [Thomas Ryder](#); [John Schlittler](#); [Tara Gurge](#); [Timothy McDonald](#); [Tom Conroy](#); [Carys Lustig](#)
Cc: [Elisa Litchman](#); [Lee Newman](#); [Justin Savignano](#); [Donald Anastasi](#); [Jay Steeves](#); [Ronnie Gavel](#)
Subject: Re: Request for comment - 464 Hillside, medical office space
Date: Thursday, March 28, 2024 2:10:55 PM

Hi Alex,

No concerns from Parks & Forestry.

Eddie

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Joseph Prondak <jprondak@needhamma.gov>
Sent: Thursday, March 28, 2024 10:30:16 AM
To: Alexandra Clee <aclee@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>
Subject: RE: Request for comment - 464 Hillside, medical office space

Hi Alex,

I have no concerns regarding this proposal.

Joe Prondak
Needham Building Commissioner
781-455-7550 x308

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, March 19, 2024 11:53 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

Subject: Request for comment - 464 Hillside, medical office space

Dear all,

We have received the attached application materials for the proposal to the Petitioner to convert approximately 815 square feet of general office space to medical office. This conversion will increase the parking requirement at the site by one parking space. A parking waiver increase from the existing waiver of 15 spaces to 16 spaces is requested. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 24, 2024. Please send your comments earlier than usual due to our schedule to get out the packets this month - **by Friday April 12, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2001-02.
2. Letter from Attorney Evans Huber, dated March 14, 2024.
3. Parking Evaluation, prepared by MDM, Transportation Consultants, Inc., dated March 12, 2024.
4. Plan Sheet 1, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, entitled "Plan to Accompany Special permit," dated December 5, 2023.

Thank you, alex.

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

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 464 Hillside, medical office space
Date: Thursday, March 28, 2024 3:49:13 PM
Attachments: [image002.png](#)
[image003.png](#)

Hello Alex –

Here are the Public Health Divisions comments for the proposed Planning Board project up for discussion located at **#464 Hillside Ave.** See below:

- Prior to any extensive renovations/demolitions that may occur on site as a result of this office conversion, the owner must apply for the Demolition review online, via our online permit application system. See direct link to this permit review application - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006508>. **PLEASE NOTE:** Pest control reports, along with the asbestos sampling reports, etc., must be uploaded to our online system for review prior to the issuance of the Demolition/Extensive renovation permits by the Building Department.
- On-going pest control must be conducted during the building renovations to prevent the risk of pests.

Please let us know if you have any follow-up questions or if you need any additional information from us on those requirements.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



please consider the environment before printing this email

STATEMENT OF CONFIDENTIALITY

This e-mail, including any attached files, may contain confidential and privileged information for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive information for the recipient), please contact the sender by reply e-mail and delete all copies of this message. Thank you.



[Follow Needham Public Health on Twitter!](#)

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Tuesday, March 19, 2024 11:53 AM

To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

Subject: Request for comment - 464 Hillside, medical office space

Dear all,

We have received the attached application materials for the proposal to the Petitioner to convert approximately 815 square feet of general office space to medical office. This conversion will increase the parking requirement at the site by one parking space. A parking waiver increase from the existing waiver of 15 spaces to 16 spaces is requested. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 24, 2024. Please send your comments earlier than usual due to our schedule to get out the packets this month - **by Friday April 12, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2001-02.
2. Letter from Attorney Evans Huber, dated March 14, 2024.
3. Parking Evaluation, prepared by MDM, Transportation Consultants, Inc., dated March 12, 2024.
4. Plan Sheet 1, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, entitled "Plan to Accompany Special permit," dated December 5, 2023.

Thank you, alex.

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

www.needhamma.gov

From: [Justin Savignano](#)
To: [Alexandra Clee](#)
Subject: Re: Request for comment - 464 Hillside, medical office space
Date: Tuesday, April 16, 2024 12:41:51 PM

Hi Alex,

I have no comments on this project.

Thanks
Justin

Get [Outlook for iOS](#)

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, April 16, 2024 11:15:50 AM
To: Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: RE: Request for comment - 464 Hillside, medical office space

Dear all,

Please get me your comments on this application this morning ideally, as I will be preparing the Planning Board packets today.

Thank you.

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

From: Alexandra Clee
Sent: Tuesday, March 19, 2024 11:53 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

Subject: Request for comment - 464 Hillside, medical office space

Dear all,

We have received the attached application materials for the proposal to the Petitioner to convert approximately 815 square feet of general office space to medical office. This conversion will increase the parking requirement at the site by one parking space. A parking waiver increase from the existing waiver of 15 spaces to 16 spaces is requested. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 24, 2024. Please send your comments earlier than usual due to our schedule to get out the packets this month - **by Friday April 12, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2001-02.
2. Letter from Attorney Evans Huber, dated March 14, 2024.
3. Parking Evaluation, prepared by MDM, Transportation Consultants, Inc., dated March 12, 2024.
4. Plan Sheet 1, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, entitled "Plan to Accompany Special permit," dated December 5, 2023.

Thank you, alex.

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

From: [Tom Conroy](#)
To: [Alexandra Clee](#); [Thomas Ryder](#); [John Schlittler](#); [Carys Lustig](#)
Cc: [Elisa Litchman](#); [Lee Newman](#); [Justin Savignano](#); [Donald Anastasi](#); [Jay Steeves](#); [Ronnie Gavel](#)
Subject: RE: Request for comment - 464 Hillside, medical office space
Date: Tuesday, April 16, 2024 12:34:59 PM
Attachments: [image001.png](#)

Looks good to me.
Thanks Alex.



Thomas M. Conroy

Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, April 16, 2024 11:16 AM
To: Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: RE: Request for comment - 464 Hillside, medical office space

Dear all,

Please get me your comments on this application this morning ideally, as I will be preparing the Planning Board packets today.

Thank you.

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

From: Alexandra Clee
Sent: Tuesday, March 19, 2024 11:53 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>;

Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

Subject: Request for comment - 464 Hillside, medical office space

Dear all,

We have received the attached application materials for the proposal to the Petitioner to convert approximately 815 square feet of general office space to medical office. This conversion will increase the parking requirement at the site by one parking space. A parking waiver increase from the existing waiver of 15 spaces to 16 spaces is requested. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 24, 2024. Please send your comments earlier than usual due to our schedule to get out the packets this month - **by Friday April 12, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2001-02.
2. Letter from Attorney Evans Huber, dated March 14, 2024.
3. Parking Evaluation, prepared by MDM, Transportation Consultants, Inc., dated March 12, 2024.
4. Plan Sheet 1, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, entitled "Plan to Accompany Special permit," dated December 5, 2023.

Thank you, alex.

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

From: [John Schlittler](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 464 Hillside, medical office space
Date: Monday, April 22, 2024 10:07:37 AM

No issues thanks

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Monday, April 22, 2024 8:56 AM
To: John Schlittler <JSchlittler@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: Re: Request for comment - 464 Hillside, medical office space

Hi Chief, any comments on this one?

Thanks!

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, April 16, 2024 11:16 AM
To: Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>
Subject: RE: Request for comment - 464 Hillside, medical office space

Dear all,

Please get me your comments on this application this morning ideally, as I will be preparing the Planning Board packets today.

Thank you.

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

From: Alexandra Clee
Sent: Tuesday, March 19, 2024 11:53 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

Subject: Request for comment - 464 Hillside, medical office space

Dear all,

We have received the attached application materials for the proposal to the Petitioner to convert approximately 815 square feet of general office space to medical office. This conversion will increase the parking requirement at the site by one parking space. A parking waiver increase from the existing waiver of 15 spaces to 16 spaces is requested. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 24, 2024. Please send your comments earlier than usual due to our schedule to get out the packets this month - **by Friday April 12, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2001-02.
2. Letter from Attorney Evans Huber, dated March 14, 2024.
3. Parking Evaluation, prepared by MDM, Transportation Consultants, Inc., dated March 12, 2024.
4. Plan Sheet 1, prepared by Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, entitled "Plan to Accompany Special permit," dated December 5, 2023.

Thank you, alex.

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



NEEDHAM HIGH SCHOOL

A CARING COMMUNITY STRIVING FOR
PERSONAL GROWTH AND ACADEMIC EXCELLENCE



Ryan Madden
Director of Athletics

Fri, Apr 5, 2024

Re: Construction of New Tennis Courts at Needham High School

The Needham High School Athletic Department strongly supports the proposal to construct eight (8) new tennis courts on the high school campus. While our teams have used four courts for several years, we believe eight (8) courts are essential to optimize our program and create a more unified, successful experience for our student-athletes.

Currently both the boys and the girls programs work with 24 student-athletes (48 total).

Practice Considerations

Currently, with only four courts (4) available at each practice location (Newman Elementary and Mills), we face significant limitations:

- A. **Limited Team Interaction:** We cannot accommodate both JV and Varsity teams practicing together, hindering team development and fostering a segmented program.
- B. **Inefficient Use of Time:** Practices are staggered, requiring teams to utilize additional courts in town until late evening, creating logistical challenges and transportation burdens for athletes and families.
- C. **Unequal Practice Opportunities:** With limited court space, JV players receive less dedicated practice time compared to Varsity.
- D. **Timing for Public Use:** Having to stagger times, means the High School uses every minute of the available time (3:00-6:30) to accommodate all participating student-athletes. This leaves less time after High School use for the public and Parks and Recreation groups.

Eight (8) courts at the high school would resolve these issues:

- A. **Combined Practices:** JV and Varsity teams could practice together, fostering a more cohesive program and allowing for valuable mentorship opportunities.
- B. **Efficient Scheduling:** All practices could be centralized at the high school, eliminating the need for additional locations and streamlining scheduling.
- C. **Improved Training:** Increased court availability would allow for more focused and balanced training for all players.
- D. **More Opportunities for the Public:** Should the town decide to add just one or two additional courts, Needham High School could still require use of another set of courts to accommodate all participating student-athletes.

Match Day Advantages

Currently, hosting matches at two separate locations creates significant logistical challenges:

- A. **Coaching Strain:** Teams with only one coach struggle to effectively manage matches at two sites.
- B. **Disjointed Team Atmosphere:** The fragmented playing environment hinders team spirit and community support. While seemingly not a huge factor, developing young student-athletes and allowing them to compete with their upper class peers helps develop leadership skills essential to the High School learning experience.
- C. **Limited Match Opportunities:** With only four courts, not all players can participate in matches.
- D. **Scheduling Conflicts:** Matches frequently clash with existing court reservations by community leagues.

Eight (8) courts at the high school would offer significant benefits:

- A. **Streamlined Operations:** All matches could be hosted on-site, eliminating logistical headaches and ensuring proper coaching support.
- B. **Enhanced Team Environment:** Players from both JV and Varsity could compete alongside each other, fostering camaraderie and team spirit.
- C. **Increased Participation:** All players would have the opportunity to compete in matches.
- D. **Improved Scheduling Flexibility:** More courts would allow for smoother scheduling, minimizing disruptions with community leagues.

Benchmarking and Community Impact

- A. Needham High School would be better aligned with neighboring schools - Newton North (10 courts), Newton South (12 courts), and Wellesley (8 courts).
- B. The loss of the field has been addressed and is supported by the district's Director of Wellness.
- C. Parks and Recreation has confirmed no plans for pickleball lines on the high school courts.

Eight (8) new tennis courts at Needham High School are not just an upgrade – they represent a critical investment in our student-athletes' development, fostering a more cohesive program, efficient operations, and a vibrant team environment. We urge you to strongly consider the benefits this project offers for our growing tennis program and the wider Needham community.

Sincerely,



Ryan Madden
Director of Athletics
Needham Public Schools

Needham Park and Recreation Department

Stacey Mulroy, Director of Park & Recreation

Wednesday, April 24, 2024

Re: Needham High School Tennis Court Project

The Town of Needham's Park and Recreation Department along with the Park and Recreation Commission fully supports the Needham High School Tennis Court project. Renovating and increasing the number of high school tennis courts has been a long-time goal of Park & Recreation. This goal has come about due to high demand from both the community and high school athletics. We believe this project will serve the community well and have a positive impact on the town. We are very mindful of the neighbors and will do our best to be responsive to their concerns within the scope of this project and as we move forward.

The Park and Recreation Department runs Tennis Lessons for all ages during the Fall, Spring and Summer seasons. Below is a chart of our lessons from the Fall of 2021 through today.

SEASONAL TENNIS LESSONS

Season	Adult Tennis Registrants	Adult Tennis Waitlisted	Youth Tennis Registrants	Youth Tennis Waitlisted	<i>Total Registrants</i>	<i>Total Waitlisted</i>
Fall 2021	28	16	did not run due to pandemic		28	16
Spring 2022	66	30	23	31	89	61
Summer 2022	51	15	52	21	103	36
Fall 2022	52	10	30	10	82	20
Spring 2023	168	9	24	24	192	33
Summer 2023	60	12	16	11	76	23
Fall 2023	109	15	46	12	155	27
Spring 2024	116	2	38	34	154	36
Summer 2024	16	0	still taking registrations		16	0
Fall 2024	registrations will begin in late August 2024				0	0
TOTALS	666	109	229	143	895	252

As you can see from the chart, we have had to waitlist a significant number of folks over the last few years. Increasing the number of tennis courts in town will significantly affect the number of lessons we can offer to our residents.

We run our tennis lessons with internal staff as well as certified coaches from the United States Tennis Association (USTA). In the last two years, the USTA has asked us to join Adult Tennis Leagues with our neighboring towns. However, we are unable to host any of these league matches due to the limited number and availability of tennis courts.

Rosemary Recreation Complex ~ 178 Rosemary Street ~ Needham, MA 02494
parkandrecreation@needhamma.gov ~ 781.455.7930 ~ www.needhamprograms.com

Needham Park and Recreation Department

Stacey Mulroy, Director of Park & Recreation

In addition, the Park and Recreation Department runs a Summer Camp for kids ages 8-13 on our town tennis courts. Tennis Academy runs for 6 one-week sessions. Below is a chart of our camp numbers from 2022-2024.

SUMMER CAMP - TENNIS ACADEMY

Summer	2022 Registrants	2022 Waitlisted	2023 Registrants	2023 Waitlisted	2024 Registrants	2024 Waitlisted	TOTAL Registrants	TOTAL Waitlisted
Week 1	20	5	25	3	21	0	66	8
Week 2	20	6	10	0	16	0	46	6
Week 3	20	8	25	7	23	0	68	15
Week 4	19	0	25	2	13	0	57	2
Week 5	21	11	25	4	23	0	69	15
Week 6	25	9	30	5	7	0	62	14
TOTALS	125	39	140	21	103	0	368	60

**Registrations are still open for all our summer camps. We have not yet hit our maximum on any of the weeks but anticipate that it will look similar to 2023.*

With the addition of four courts at the high school, our Tennis Academy numbers could double, allowing more residents to participate each summer. We would also be able to employ more folks to staff these camps.

In summary, this project would support Needham Park and Recreation, as well as the community by:

- Incentivizing residents to play here in town rather than traveling elsewhere for better courts
- Increasing the amount of tennis lessons, we can offer to our residents, while significantly reducing the number of folks that get waitlisted for our lessons
- Increasing the number of children that can participate in our Summer Camp – Tennis Academy, as well as reducing, if not eliminating our waitlist for this camp
- Increasing the number of folks, we can employ for our summer camps
- Allowing the full NHS tennis team to practice and compete together at one complex,
- Creating a new opportunity for the department to be able to offer tennis tournaments to our residents and athletes throughout the season

The Needham High School Tennis Court Project is a critical investment in our town's facilities that will benefit students, athletes, and our residents of all ages. We strongly encourage you to support this project that will benefit the entire Needham community.

Sincerely,

Stacey Mulroy

Stacey Mulroy
Director of Park and Recreation
Town of Needham

Rosemary Recreation Complex ~ 178 Rosemary Street ~ Needham, MA 02494
parkandrecreation@needhamma.gov ~ 781.455.7930 ~ www.needhamprograms.com

April 10, 2024

Town of Needham Planning Board
1471 Highland Ave
Needham, MA 02492

Dear Planning Board,

Thank you for taking the time to meet with us on Tuesday night, April 2. We, as neighbors, felt our concerns validated by your comments, so we truly appreciate your vote to have the application be redesigned. We are all in agreement that renovated tennis courts will be a benefit to Needham High School and the town residents. We hope that we can amicably come up with a plan together that works for all. Please find a summary of our concerns, along with some additional notes, questions and pictures for your review before the next Planning Board Meeting on April 24, 2024.

Concern 1: Future use of the courts for pickleball in addition to tennis.

**We are requesting, as discussed in the meeting, that there be a written statement or condition on the potential approval of this plan which includes a "No lining or playing pickleball" rule. In addition, we are requesting a Sunset Clause on this issue for 15 years, so it will not be something that we have to go up against every time someone requests to amend it.*

Our strong worry is that the courts will be used for pickleball; if not immediately, then at some point in the future. This noise is harmful and incessant. This noise would cause cognizable, particularized harm to each of the abutters. With the current pickleball courts, we can hear the ball noise all spring, summer and fall, even in our house. The Parks and Recreation Department stated that they don't have an intention of using the courts for pickleball. They omitted, however, that they currently have advertised in their summer brochure that 3 of the 4 courts at Needham High School "are lined and available for pickleball, 7 days per week from dawn to dusk." In addition, they have advertised an adult social pickleball league, as well as lessons, all on "Needham courts" TBD. *See this screenshot from the Parks and Rec Summer Catalog:

Keep Our Courts Beautiful

use All litter and debris must be removed at the end of use.
Please remove all water bottles and tennis ball cans and
rved caps prior to leaving the courts.

Guests

ith a One (1) guest is allowed per adult badge holder. The badge
on holder must supervise their guest at all times.

Pickleball Policy

- Courts 1-3 at the high school are painted and can be used by Pickleball players 7 days a week from dawn till dusk, with exception of the any times the Park & Recreation Department are holding tennis lessons. The NHS courts can only be used weekdays after school until dusk and weekends from dawn to dusk.
- Courts 2, 3 & 4 at the Mills Courts will be lined and available, exclusively for any Pickleball players from 7:00am – 12:00pm, Monday through Sunday. After noon each day, all courts will be first come first serve and follow the rules and guidelines posted at the courts.
- There are no prescheduled events allowed at any of our courts unless previously authorized by the Park & Recreation Department. This includes tournaments, practices, games, private lessons and the like.

Concern 2: The plan for 8 courts, taking away the highly valuable green space

**We are requesting a revised design with 5 tennis courts. This would solve most of the concerns outlined in this letter, while also supporting the school and tennis teams.*

We have not heard any compelling reason to have 8 tennis courts in that space. There are currently **4 tennis teams**: boys and girls varsity, boys and girls junior varsity. They play for one season, the spring. This is an incredible amount of resources to devote to a single sport, while not accounting for the other uses of that space. We believe strongly that 5 courts will sufficiently cover their needs. Many high school teams have to practice off-site including basketball, lacrosse and field hockey. This will allow for the continued, regular use of the large grassy field, and not take away any parking spaces. This is the amount needed to host tennis tournaments at the school. The town should be looking to ADD green spaces, not take them away in exchange for concrete spaces. The grassy field is used daily by school classes, clubs, after school sports, and special events. There is NO other grass space at the school. There is a turf field and a baseball field. That's it! Sustainability and environmental impact doesn't seem to be taken into account with this design.

In addition, although there was a drainage study, we are concerned that with less green space and more concrete, we will have flooding and drainage issues in our yards. The yards slope downwards towards our homes on Rosemary Street.

*See image from Needham High School Athletics website:

Spring Sports

Boys Lacrosse (V, JV, F)
Girls Lacrosse (V, JV, F)
Boys Tennis (V, JV)
Girls Tennis (V, JV)
Boys Outdoor Track (V, JV)
Girls Outdoor Track (V, JV)
Boys Volleyball (V, JV, F)
Girls Spring Golf (V)
Boys Rugby (V)
Girls Rugby (V)
Baseball (V, JV, F)
Softball (V, JV)
Coed Unified Track & Field

Based on our research and experience, the following clubs and classes use the grassy field:

- Parks and Recreation Summer camp- “Sports Specialties” (7 weeks 9-4)
- Summer camps- field hockey, volleyball, archery
- Metco Girls flag football run by Needham Police Officers- practice on field 3x per week
- Team practices: Rugby, ultimate frisbee, cross country
- PE classes
- High school Senior Picnic
- In addition, neighborhood children play on this grassy field.



*See photo of Metco Girls Flag Football team practice on April 8, 2024.

Neighborhood Children in a pickup game of football.



Concern 3: General sound, sight and other disturbances

**We are requesting considerations to the design that take into account noise, visuals, and physical issues (flying tennis balls). Such considerations could include a higher fence, planted arborvitae along the fence and other sound dampening mechanisms suggested by the results of the requested noise study by an expert in this area.*

Even without pickleball, there will be a significant increase in people, noise from games and the crowds, public use and so on. In addition, we will have our view impacted by the chain link fence and constant crowds. The testimony from Ellen Dudley on Webster Street gave important information about the constant sounds, interruptions, and harm of the tennis balls flying into her yard. She stated that, even with the fence, there are dozens of balls that fly over. She has people coming to retrieve them, entering her yard. This would be an issue with the Rosemary side neighbors if the 4 proposed courts are built. We are requesting a noise study be conducted by the town. When looking at surrounding town maps, all larger tennis facilities are in areas with very few to no abutting houses.

Concern 4: Maintenance and enforcement

**We are requesting the rules to be posted very clearly on the courts, with titles and numbers to call if we notice issues. We are requesting the park ranger schedule. We are requesting information on who will be responsible for cleaning the area regularly.*

The current courts are not properly maintained, so we are concerned that moving forward the new ones will not be either. We heard the information about the durability of the concrete, which is a big improvement. However, there was no discussion of who will clean the trash that flies towards, and gets stuck on, the backside of our fences. There was mention of a park ranger to enforce the use of the court appropriately, but his presence hasn't ever been noticed in the area.

Concern 5: Location of court placement

**We are requesting that the redesign include that any new court is placed as far away from homes, and towards the parking lot as possible.*

As a design principle for court placement, we feel the "neighborly" thing to do is to maximize the setback from residential spaces, as opposed to the distance from the parking lot. The ability to use existing equipment (e.g., shade structure purchased for another project) should be a much lower priority compared with doing the right thing for Needham residents.

Thank you so much for reading this letter and taking into consideration our requests. We look forward to hearing the response on or before the next public hearing on April 24.

Sincerely,
Rosemary and Webster Street Neighbors:

*Julie and Ross Dananberg 36 Rosemary St
Nancy O'Leary 46 Rosemary St
Linda and Christopher Kilburn-Peterson 24 Rosemary St
Barbara FitzGerald 28-30 Rosemary St.
Harriet Dann 41 Rosemary St.*

From: [Ellen Dudley Real Estate Connections](#)
To: [Planning; Carys Lustig](#)
Subject: New Tennis Court proposal
Date: Wednesday, April 3, 2024 5:52:10 PM

Dear Planning Board,

Thank you for allowing me to speak last night about my dissatisfaction with the current tennis courts being so close to my property and my opinion that my neighbors on Rosemary should not be as equally inconvenienced as I have been over the years. There were a few things that I forgot to say which I would like to say now for the record.

1) The problem is not with the High School students. For the most part they are respectful. The problem is with the general public who show up to those courts early on the weekends (6am ish) and converse with one another in regular voices. They yell to one another across the courts and cause disturbance to those of us trying to sleep in. Perhaps some signs could be posted around the court reminding people that their neighbors are very close and to please keep their voices down if they are there before 9am. That would be much appreciated. Also, perhaps a sign that says do not ask neighbors to retrieve your balls. They are only trying to enjoy their backyards. All of it could be written in a funny way that pokes fun at the situation and also makes people aware that they may not be respecting their neighbors.

2) This is for Carys...

As a resident on Webster St. We endure work on the road every summer. Last summer was extremely loud and disturbing with the work that Nstar was doing. We were often blocked into our driveway unable to leave, disturbed by the road closures, but mostly the biggest problem was the noise. We work from home and were unable to concentrate at all with the amount of noise going on outside. There was also a new construction house being built at the same time so surely that contributed to it. We understand work has to get done and it's our plight for choosing to buy property on a main street. My request is that if the tennis courts do get passed please, PLEASE can you coordinate the timing so we don't have noisy machines in our front and back at the same time. It's honestly just too much for anyone working from home to endure. We were desperate for some peace and quiet last summer and we can not imagine enduring that again from both sides. It absolutely affected our mental health and it is not ok. We're just asking if it's possible to try to limit the noise pollution that certain areas of town have to experience at the same time.

Thank you for your consideration.

Sincerely,
Ellen and Jim Dudley

From: [Paul Siegenthaler](#)
To: [Planning](#)
Subject: High school tennis courts
Date: Monday, April 22, 2024 1:52:40 PM
Attachments: [2024 High school tennis courts.pptx](#)
[Letter concerning tennis safety 2023-04-25.pdf](#)

Dear Needham Planning Board:

Attached please find a modified version of a presentation I produced in 2022 for the Park and Recreation Commission and the Town Manager's office. It explains the impact of six versus eight available courts in one location for a high school tennis team.

I have also added two slides at the end with some ideas for potential areas of compromise designed to mitigate the abutters noise concerns while still meeting the needs of the high school teams. I would appreciate the opportunity to discuss and clarify these compromises with the Board at your upcoming meeting.

Finally, I've included a letter I sent to Town Administration regarding safety concerns should tennis and pickleball continue to coincide on the same courts.

Respectfully submitted,

Paul Siegenthaler
1049 Webster Street
TMM Precinct E

Paul Siegenthaler
President
Ridge Hill Partners, Inc.
Voice: 781-453-9984
Mobile: 781-789-7177

Note our new mailing address:
1150 Great Plain Avenue
P.O. Box 920613
Needham, MA 02492

Business Transfers – M&A - Consulting

The case for high school tennis courts

How Many and Why?

High school tennis format

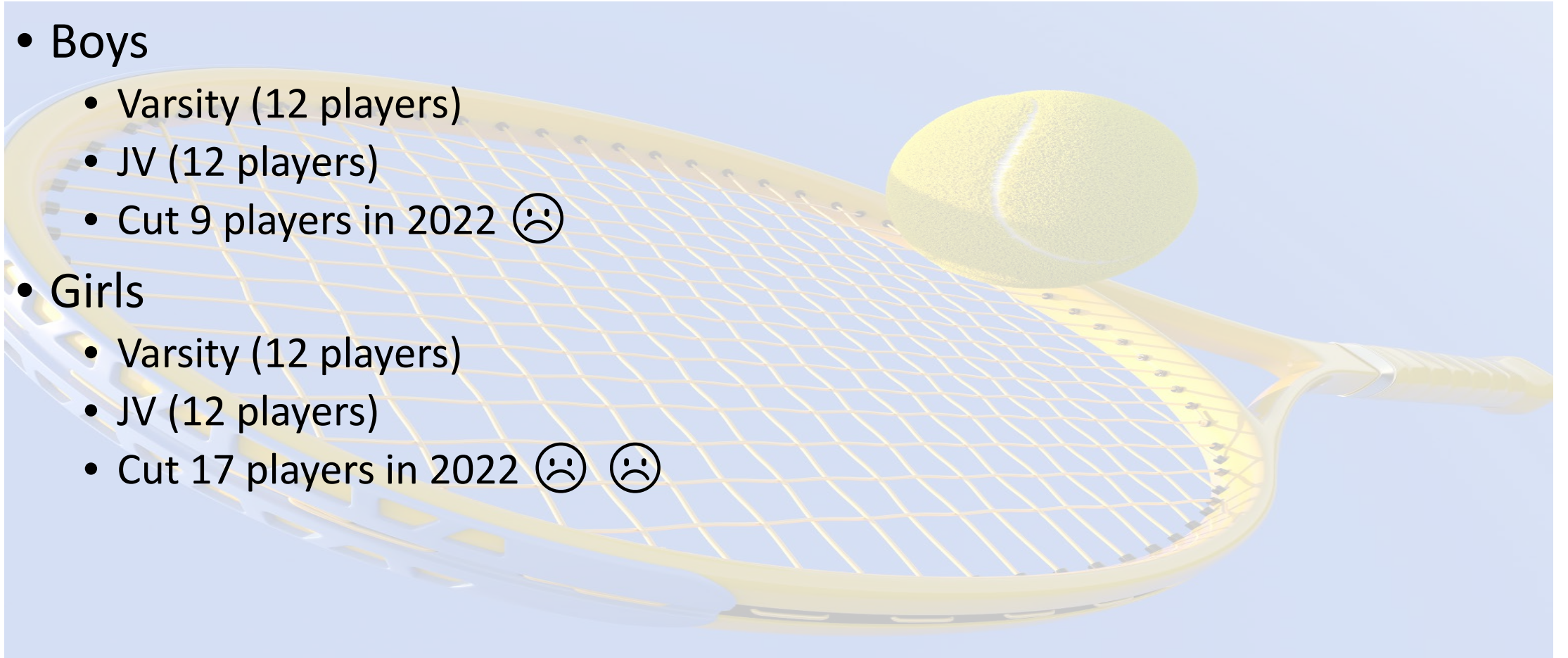


- A Varsity tennis match consists of five positions
 - Three singles matches
 - Two doubles matches
 - Matches are best two of three sets
 - Typically 90 minutes to two hours
- JV matches are played after Varsity
 - Number of matches depends on the number of available players on each team
 - Typically a single set with no-ad scoring (moves faster)
 - Often doubles only; sometimes singles play is included
 - About thirty minutes or so
- MIAA rules require challenge matches to determine line-up order
 - Strongest at first singles, next at second singles, etc.

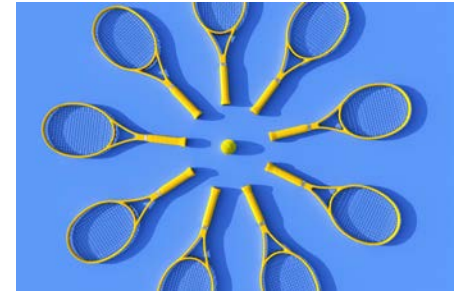
Needham High School Teams



- Boys
 - Varsity (12 players)
 - JV (12 players)
 - Cut 9 players in 2022 😞
- Girls
 - Varsity (12 players)
 - JV (12 players)
 - Cut 17 players in 2022 😞 😞

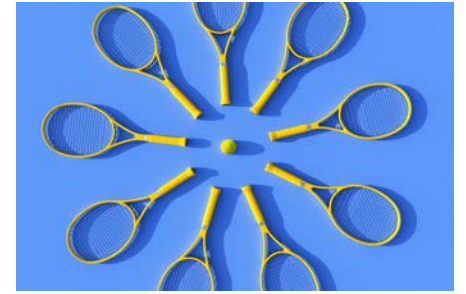


Needham High Scheduling



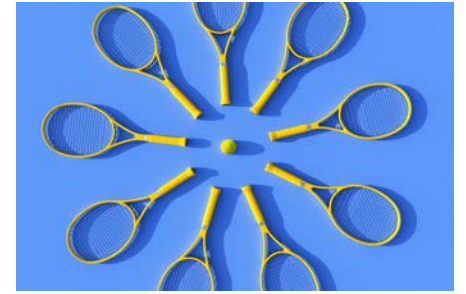
- Use 8 courts
 - 4 at Mills
 - 4 at Newman
- Practices:
 - Alternate Mills and Newman between boys and girls, week by week
 - Each gender then splits into an early slot (V) and a later slot (JV). Or vice versa
- Cannot practice all players together
 - Hampers team spirit
 - Disrupts “ladder play” as lower V and upper JV are not practicing together
 - 24 players CANNOT effectively practice on 4 courts

Home Match Formats

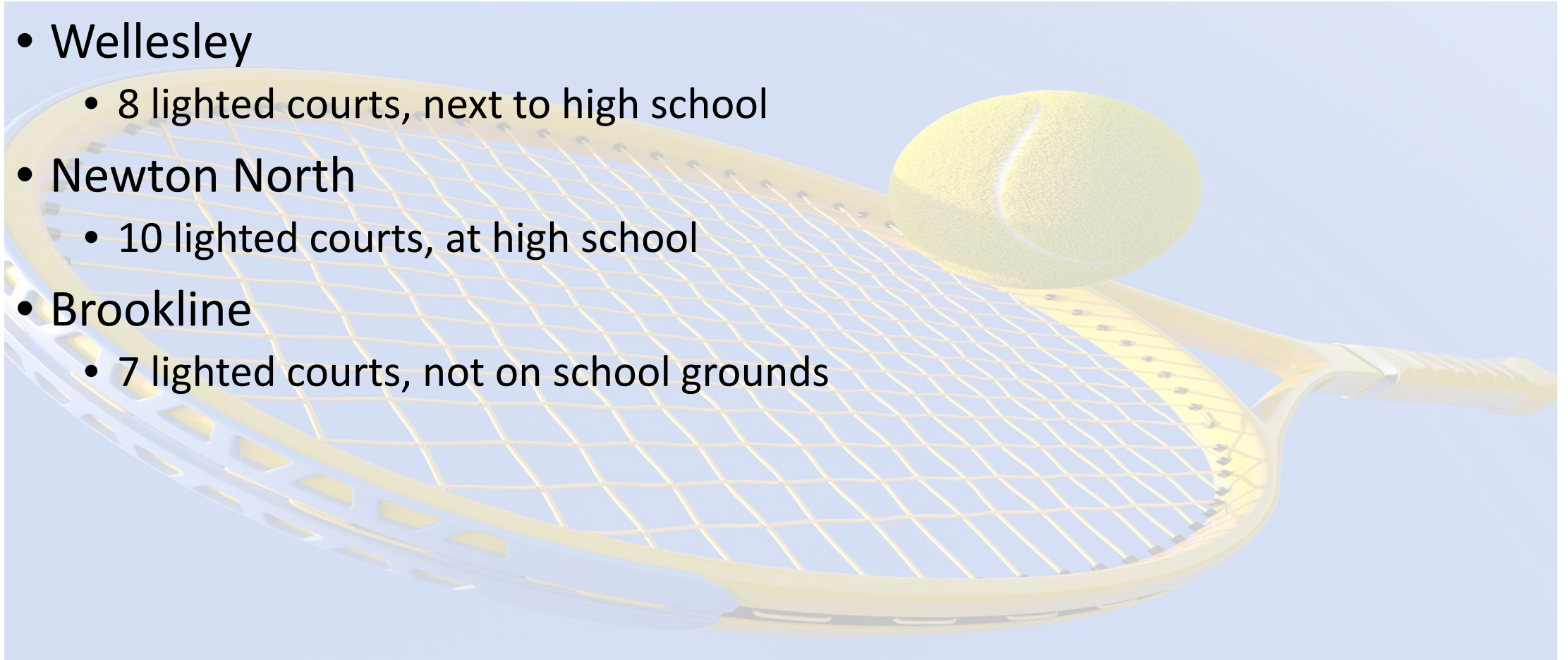


- If boys are home, girls are away. And vice-versa
- Varsity at Mills, JV at Newman
- Varsity matches run unusually long
 - Fifth match cannot start until one of the first four is complete.
 - Can double length of the match
 - Could easily go to 7:00 or later, and impact town scheduled events
- Non-starters on V either don't play (stay at Mills and support teammates) or play but are not at V match (have to go to Newman to play)
- JV does not get benefit of watching stronger V players

Other Bay State League Towns and Mass D-1 Champions



- Wellesley
 - 8 lighted courts, next to high school
- Newton North
 - 10 lighted courts, at high school
- Brookline
 - 7 lighted courts, not on school grounds



Court Count Comparison

Six courts at High School

- Pros

- Varsity matches all play simultaneously
- JV matches can work in after V finishes, but full match will go long
- Boys and girls V both practice at high school (different times)
 - Still need some public courts for challenge matches
- Easier coordination for visiting teams
- Possible tournament opportunities

- Cons

- More space required
- More expense to build
- Challenge matches still constrain practice. V and JV cannot practice together, requiring 4 public courts to be used.
- JV match play will extend longer with fewer courts available

Court Count Comparison

Eight courts at High School

- Pros (advantages of six courts) plus:
 - JV matches begin simultaneously with Varsity
 - Full flexibility for practice
 - Challenge matches accommodated without impacting doubles practices
 - Expanded tournament opportunities
 - Public courts entirely free
 - Two extra high school courts free up **four** public courts
- Cons
 - Most space required
 - Could configure two courts as “singles only” to save space
 - Most expensive option

Possible Concessions for Abutters

- Simple actions
 - Move left-most two courts as close to parking as possible
 - Install barrier plantings between those courts and neighbors
 - Ensure no gates on backside of fencing
 - Prohibit non-tennis activities on all courts
 - Limit usage to 8:00am - dusk

Possible Concessions to Abutters

- More drastic actions
 - Make left-most two courts singles only courts
 - Saves space
 - Will be used less frequently
 - Still meets the needs of high school team, allowing for challenge matches
 - Restrict usage of two left-most courts
 - By Park and Recreation permit only
 - Agree high school sports is automatically permitted (after school to dusk)
 - Other uses by permit only (ex. Charity or fundraising tournament)
 - Site still gains 50% more unlimited use courts
 - Usage, in essence, becomes four hours/day for three months in Spring
 - A workable compromise for all

April 25, 2023

Ms. Kate Fitzpatrick, Town Manager KFitzpatrick@needhamma.gov

Mr. Christopher Gerstel, Chairman cgerstel01@gmail.com

Mr. Chris Heep, Town Counsel cheep@miyares-harrington.com

Ms. Stacey Mulroy, Director smulroy@needhamma.gov

Dear Officials:

The purpose of this letter is to inform you of potential safety issues with the use of tennis courts while pickleball nets are stored within the fencing of the courts. As a coach and official in several youth sports over many years, we are trained that our first priority is always to ensure the safety of our athletes. This entails walking the site prior to any activity, identifying any potentially dangerous situations and, where possible, remediating the hazard.

Please consider the following facts (I have used measurements at Mills Field for my research).

- The International Tennis Federation requires a minimum of 21 feet from baseline to first obstruction.
- The ITF requires a minimum of 12 feet from sideline to first obstruction.
- The "feet" that support a pickleball net extend 2 feet perpendicular to the fencing.
- At Mills, our current distance from baseline to fencing is 20'11". If a pickleball net is back there, it becomes the first obstruction and we are now under the minimum clearance required.
- At Mills, our current distance from sideline to fencing is 13'5". Put a pickleball net there, and we are, again, under the minimum clearance required.

Here is a helpful link to tennis court dimensions:

<https://www.doittennis.com/buyers-guide/tennis-court-dimensions>

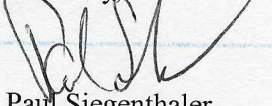
Also, please consider that the perpendicular nature of the "feet" creates a definitive tripping hazard. They extend a foot from the net on each side and consequently a player would have a hard time navigating them. There's no guide unless one is looking at the ground – which is unlikely when playing a ball.

In addition, the nature of high school tennis makes for a significant use of the lob shot – high arcing balls designed to push the opponent deep into the court. You will see this shot used much more at the amateur level than in professional tennis. This results in an even greater likelihood that players will be moving quickly back towards the obstruction.

As for sidelines, we play far more doubles tennis on high school teams than singles. Doubles is a game of angles – meaning it is more likely a ball is hit towards the sideline obstruction. Once again, having pickleball nets there invites a significant tripping injury.

It is only a matter of time before a student-athlete is injured due to our careless policy of permitting pickleball nets to remain on the court when tennis is being played. I certainly do not want to see an athlete injured unnecessarily and, although I'm not an attorney, I wonder about the Town's liability should such an unfortunate injury occur.

Sincerely,



Paul Siegenthaler

TMM Precinct E

1049 Webster Street

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Wednesday, April 3, 2024 11:15:39 AM

The following form was submitted via your website: Contact Planning Board

Full Name:: katherine b adams

Email Address:: braucheradams@gmail.com

Address:: 84 whiting way

City/Town:: needham

State:: MA

Zip Code:: 02492

Telephone Number:: 6175713133

Comments / Questions: Good morning, I am writing to urge the Planning Board to consider limiting home and setback sizes. The clear cutting of trees with shallow root systems to accommodate these homes is having an extremely negative impact on the town. I would note that I have owned my home on Whiting Way for 20 years and just this year have started getting water in my basement. Climate change plus unfettered development is threatening existing homes. Thank you

Additional Information:

Form submitted on: 4/3/2024 11:15:15 AM

Submitted from IP Address: 76.119.228.49

Referrer Page: No Referrer - Direct Link

Form Address: https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E,1,_7WTHZQLItgLoDWg-S4APRLMvgNSSmpGQgEVLf7pKoTBHQ9Zn4XxCEYDaNqflqWvTWU4ktXIEpiP6g-df7XrPDNQIH1CkLhvpjNHb9b&typo=1

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Tuesday, April 2, 2024 8:52:06 AM

The following form was submitted via your website: Contact Planning Board

Full Name:: Jennifer Adler

Email Address:: jenluckettadler@gmail.com

Address:: 85 Mayflower Road

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 6175715320

Comments / Questions: Dear Planning Board. Yesterday another teardown commenced in our neighborhood on Mayflower Road with the removal of several mature trees and I'm furious. Given the listing price for the property, and the track record of what we've seen this developer build elsewhere, I can only assume that this developer is planning on building an enormous house that will not only impact the aesthetics of our beautiful road, but more importantly the flow of ground water which will flood more basements and kill more trees as the conditions become less than ideal for them to thrive. I'm writing to ask that Needham impose stronger zoning requirements that seek to preserve the character of our neighborhoods, as well as the health and well being of the surrounding ecosystem. Thank you.

Additional Information:

Form submitted on: 4/2/2024 8:52:02 AM

Submitted from IP Address: 73.186.197.213

Referrer Page: <https://l.facebook.com/>

Form Address: https://linkprotect.eudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E.1s8tsMNqeH4xO1Zvyyn3EcFWJtvzDJ8vdKUj9T4a0b_9dRAfG8iBwij2XR-J6AHaAhIFNiW2qvwQbvXLc4H6vgAzgeCsEBqvzflbitP5hMHZ8Y_AbkH5yLHOwQA...&typo=1

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Tuesday, April 2, 2024 10:00:07 AM

The following form was submitted via your website: Contact Planning Board

Full Name:: Dana Alexander

Email Address:: dmalex@hotmail.com

Address:: 64 Mayflower Rd

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 6178213355

Comments / Questions: Dear Planning Board,

As a town resident for the past 15 years, I am writing to add my voice to the debate over residential building regulations in our town. Like many, I share the view that the Planning Board MUST take action and define and adopt a contemporary set of amended building regulations to establish limits and controls over the renovation and tear down/rebuilding of residential properties in Needham. While I fully see that the demand for larger residences is what drives builders to tear down and replace older homes it feels like they are doing so without care or concern for the existing residences in a neighborhood.

The first issue that must be addressed is plot plans including elevations and cutting of trees. Builders should not be allowed to clear cut all the trees from a lot including those outside the building footprint or even within the setbacks without any requirement to consult abutting neighbors or plant new trees. Additionally, regulations must address the issues of rainwater runoff. The enlarged impermeable footprints and increased elevation/sloping of new residences is driving rainwater runoff into adjacent properties creating flooding issues where none historically existed.

The second issue that must be addressed is town trees. On my formerly tree lined street there have been at least three new constructions that irreversibly damaged 100+ year old trees between the sidewalk and street. These trees are in the care and custody of the town but they were not protected during construction and taproots were cut. The builder followed the rules and did not cut down the tree, however 2,3 or 5 years later the tree is dead and has to be cut down by the town resulting in the loss in value of a mature tree PLUS the incremental cost of several days of equipment and labor to cut it down. By this point, the builder is long gone and it is us, the tax payers of Needham who are left with the bill.

Thirdly, it is my opinion that the town should thoughtfully protect the beauty of our neighborhoods by adopting some design guidelines, particularly for those who do not reside in our town. For example, why would a metal sided or stucco sided finish be permitted when every other house in the neighborhood uses other materials? Why would a flat roof contemporary house be permitted on a street of NE colonials.

None of these items would prevent the renovation and/or construction of new properties in our town. Progress and improvement is needed however we also need to also address the concerns of Needham residents. There are several towns in the area who have begun addressing similar issues and could easily be benchmarked.

Thank you for your time and consideration.

Additional Information:

Form submitted on: 4/2/2024 10:00:01 AM

Submitted from IP Address: 108.7.69.118

Referrer Page: No Referrer - Direct Link

Form Address: <https://linkprotect.cudasvc.com/url?>

[a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E.1JJqH3JsgKXBGeQwcypyonNSNcjCLYxeCKHdSoWp-SDiZWGoCvniB6j9x9enoAcdMtZYJ6FWY7XvmsOgnXyejSwViZSfBAe__XYNDKCpGL4et-eZOmhc8&typo=1](http://www.needhamma.gov/forms.aspx?fid=3d229&c=E.1JJqH3JsgKXBGeQwcypyonNSNcjCLYxeCKHdSoWp-SDiZWGoCvniB6j9x9enoAcdMtZYJ6FWY7XvmsOgnXyejSwViZSfBAe__XYNDKCpGL4et-eZOmhc8&typo=1)

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Thursday, April 4, 2024 5:16:35 PM

The following form was submitted via your website: Contact Planning Board

Full Name:: Mark Bees

Email Address:: mark@markbees.com

Address:: 260 Washington Ave

City/Town:: Needham

State:: MA

Zip Code:: 02493

Telephone Number:: 6178380001

Comments / Questions: Hello Planning Board. Thank you for an organized and productive meeting on the topic of tear downs and new home construction this week. I just wanted to voice my opinion that the current building regulations need to seriously be addressed. What was intended in 2017 to limit the size of new construction homes based on lot size and square footage has not manifested in any significant change in the continued development of oversized homes. As many in these town meetings have expressed, there are environmental and quality of life issues that are impacting our citizens. Flooded basements, blocked sunlight, bedroom windows looking straight into abutting homes walls are changing the character and experience of living in Needham - a town that I think most would agree has the intelligence and common sense to be more proactive about issues that we are all facing directly or indirectly.

I completely understand that many of the decisions new construction homeowners and builders are making when it comes to building are economically driven. Builders maximize their profits by building to the limits of the regulations and home values are largely influenced by price per square foot but I ask you to consider whether this is sustainable and how will the current regulations affect future homeowners and their desire to live in our community without having the financial resources to afford new home prices which are now hovering just below \$3 million dollars. Yes it's a boon for the town's budget since tax revenues rise proportionately to the increased value of properties with increased assessments but I ask you is this the kind of community we want to create? And where if any is there any room for lower income families, single parents or single income earners supposed to live in a town we are very proud to call home? The current regulations feel like they were designed to benefit the builders, realtors and town collectors not the actual members of our community.

I would like to know if this issue could be studied and then voted on by not just the town board but a constituency more representative of the entire town. Thanks for reading Mark Bees

Additional Information:

Form submitted on: 4/4/2024 5:16:11 PM

Submitted from IP Address: 108.7.69.38

Referrer Page: No Referrer - Direct Link

Form Address: <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E.1.ErQJlg9KxrH3pa4DwTriYtRepKu8vnZE4RST0kxV6-AnoHjMOViO2ddmIrcRpAzgi67HtXWlhrBUlvz-cuuLFr8TkBq5EuvIKhTBzyDXw...&typo=1>

From: [Matt Hughes](#)
To: [Planning](#)
Subject: FAR-Citizens Petition
Date: Wednesday, April 10, 2024 8:18:39 PM

Needham Planning Board Members,

Last week I attended the meeting for the Citizen's Petition about FAR. Unfortunately I heard about the meeting the day before, so I felt unprepared to speak in an informed way that evening.

I grew up in Needham and have been a resident for over 30 years. I attended Needham schools, and my daughter is currently at High Rock. I have owned multiple businesses in town and have built over 70 new construction homes.

It seems to make sense to review how the zoning changes from 2017 have affected the homes built or remodeled since. Like any new provision, bylaw or rule, hypothetical or proposed results can vary slightly or drastically from reality. The needs or wants of the group/town that requested the initial change can also evolve. It would be prudent to review how the previous zoning change "worked" and didn't "work" while trying to confirm what residents feel are valid concerns or priorities for the zoning.

Joe Matthews said the previous committee failed to reduce the size or numbers of houses being built, but 2 specific members from that previous committee spoke that evening to contradict Joe's point. They confirmed the charge of that committee geared more to appearance of the homes than the specific size, even though size was one of the many concerns. FAR was added, but it was far from the priority, or only addition to the zoning. I attended many of those meetings and was very vocal at a few. Throughout this time I had many discussions with the building commissioner and members of that committee. There was a lot of time and effort spent trying to encourage homes to be more architecturally pleasing to the neighbors. This was achieved by increasing the garage setback, changing the side setbacks and adding required side offsets in construction to eliminate long straight walls. Most were more concerned with the overall look and less concerned with regulating exact size. This does not mean the town's needs or wants haven't changed or evolved, they may have, but we need to work together to determine what that may be. 60 people in a meeting and another 60 online is a far cry from the 30,000+ that call Needham home. Keep in mind all of the attendees didn't speak or offer their opinions yet either...

Multiple speakers that evening brought up drainage concerns & trees, but Joe's petition does nothing for either. The town has a current drainage committee working to overhaul the town drainage and is including new construction in that discussion. That will take some time to formulate a plan that works well for all town members. The trees have been a hot topic for years, many have asked for tree bylaws, but many balk when that bylaw includes existing homes, which it should.

It is my hope that this board realizes how important a complete discussion and research are needed including the entire town, not just a few vocal residents. Additionally zoning changes should never be taken lightly and/or rushed. The language he has proposed almost halves the current zoning, a drastic chainsaw approach that may make a few happy, but will negatively impact far more.

With the current proposal my new home I just completed for our family would be too large, yet it is only 2407 sq ft over the 1st and 2nd floor with 3 beds and 2 ½ baths. We finished the attic for our offices and basement for our home gym. This increased the total square footage to 3737, but many of my neighbors have already complimented my home and even one of the building inspectors commented on how "small" it was, but the "right" size. Additionally the previous home we replaced had a lot coverage of 23% and our new home is

17%. It will not fit under Joe's proposal, nor does his proposal address lot coverage, but we reduced the lot coverage drastically and fits the neighborhood very well.

Joe clearly put a lot of time and effort into his presentation. I respect that and would be happy to work with him and any other resident on a committee to research much of this and engage much of the town. Similar to the last committee, there needs to be many different perspectives represented. From my quick research it appears Joe lives at home with his parents in his childhood home, or in Germany per facebook. It also appears he is not married or has children at this point. This is by no means a judgement or concern to me, rather it is perspective. As a builder, also growing up in town, but buying and building many personal homes I have some different opinions than Joe. Also as a builder I have many clients that have different opinions than both Joe and I. Some of my clients both work, have 3 kids and a nanny. They use their attic as office space for their home offices, they use their basement as a private space for their Nanny, and some days still feel like they are bursting at the seams with a 5 bedroom house. This would be a drastically different feel than my home with one daughter, or Joe's without a spouse or children. All personal choices, my clients both wanted careers and a big family, my wife and I only wanted one child and Joe may have an entirely different view or plan for his future. All of these family plans and many others in between should be embraced and encouraged in town.

Empty nesters that are retired and considering moving out of town in the next few years will have a very different opinion on new homes or size of homes than a young family just married with one kid on the way and others considered in the future. This isn't even touching on if either or both work remotely, a relatively newer, but much more popular life/work style that my parent's generation did not really experience.

There were many comments and ideas presented by Joe that really provides a very small view. Needham has never been a community known for "starter homes". While at Bentley College, I purchased my first home in Dedham simply because I could not afford Needham. My second home was in Needham, but it was effectively a "livable tear down" that many would never have lived in. We found it was bearable for a couple years just after getting married, but before we had our daughter we moved into an older townhome also in Needham. Our 4th house in Needham was the first new home I built for us personally. It took that long to save and build equity. This is not unlike many of my clients, they have had other homes, saved, borrowed and scraped by to be able to have the privilege of living in a wonderful community like Needham.

Joe made many general comments about basements, attics, developers, first time home buyers, FAR & the previous bylaw committee. It was hard to listen to some of it as many comments were extremely slanted and doesn't help the overall community in the long run. I would encourage Joe to continue on his quest, but include actual builders, realtors, families that own large homes, & families that aspire to upgrade into new homes or rebuild their current home to his research. Again I would be willing to speak with him and work with him on a possible future committee. Regardless I hope this board will refer this to the selectboard for a "robust" discussion and community involvement as John Bulian, former selectman and town meeting member suggested.

Look forward to discussing this further with any board member or resident, I am not just a builder or simply looking to build bigger homes, I am looking to see about possible changes to zoning, like updating the FAR or other elements, along with discussing trees and drainage or any other resident concerns, but in a very open and complete forum to put the effort needed to get any actual changes as close to "right" as possible for the majority now and in the future.

Matt Hughes

34 Pond St

(781) 727-9644

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Tuesday, April 2, 2024 8:27:51 PM

The following form was submitted via your website: Contact Planning Board

Full Name:: George Lynch

Email Address:: elynch4444@aol.com

Address:: 100 Mayflower Road

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 978-793-3072

Comments / Questions: As recent residents of almost 2 years, we were drawn to the Olin Woods area because of its diversity. We are dismayed by the number of smaller, older homes (such as ours) that are being purchased and torn down to build a house that consumes the whole lot. I'm wondering what the zoning requirements are for building large homes on these small lots. Respectfully, George Lynch

Additional Information:

Form submitted on: 4/2/2024 8:27:40 PM

Submitted from IP Address: 76.28.106.128

Referrer Page: <https://l.facebook.com/>

Form Address: https://linkprotect.eudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3f%3d229&c=E.Lmkuo6iCKIv3HYCuxkM5UhTP9lks3p5Z5SzgoPD8Rjcykt4R9_uwPqEbmkNkIx2g1kfDK3Di-v8xAaNa1LlnDhkkTzjY1FtohpZOzqw-mSf8EwS-naHoM.&typo=1

From: lw29@comcast.net
To: [Lee Newman](#); [Alexandra Clee](#)
Subject: GLA Link - and FAR explanation.
Date: Tuesday, April 2, 2024 11:01:41 PM

<https://reappraisalblog.wordpress.com/2021/03/22/finished-basements-and-gla/>

Typically, not appraisal practice but building practice is FAR calculation or what many towns call Total Area which includes the entire building. And the reason some towns decided not to include these in their calculation is that basements and attics do not add to massing. Attics are dictated by building height. And both may not be finished areas.

Why towns use GLA is that many times basements and attics are not finished. And some attics don't even have the ability to finish.

GLA is the standard, including attic space if finished for underwriting for mortgages and separates basements out but does adjust for them if they are finished and to what degree.

MLS uses GLA - all finished areas, but asks does this include basement space and how much.

Hope this helps.

Louis

Louis Wolfson & Co
29 Cimino Road
Needham, MA 02494

617-799-3326

www.LouisWolfson.com
www.WolfsonAppraisal.com
www.GoldenDevelopmentCorp.com

TOWN OF NEEDHAM



****EXCERPTS
ONLY**
(FULL WARRANT
CAN BE FOUND
ON TOWN
WEBSITE)**

2024 ANNUAL TOWN MEETING WARRANT

ELECTION: TUESDAY, APRIL 9, 2024

BUSINESS MEETING: MONDAY, MAY 6, 2024

7:30 P.M.

JAMES HUGH POWERS HALL

NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Article	Description	Inserted By	Page
1	ANNUAL TOWN ELECTION		26
2	COMMITTEE AND OFFICER REPORTS		27
HUMAN RESOURCES ARTICLES			
3	ESTABLISH ELECTED OFFICIALS' SALARIES	Personnel Board	27
4	FUND COLLECTIVE BARGAINING AGREEMENT – NIPEA	Select Board	27
5	FUND COLLECTIVE BARGAINING AGREEMENT – ITWA	Select Board	28
FINANCE ARTICLES			
6	APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM	Select Board	28
7	APPROPRIATE FOR FACILITIES MAINTENANCE PROGRAM	Select Board	28
8	APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM	Affordable Housing Trust	29
9	APPROPRIATE FOR PLANNING CONSULTING ASSISTANCE	Select Board	29
10	APPROPRIATE FOR SCIENTIFIC EXPERTS & CONSULTANTS	Select Board	30
11	APPROPRIATE FOR FIRE ALARM WIRE REMOVAL	Select Board	30
12	APPROPRIATE FOR INFORMATION TECHNOLOGY CONSOLIDATION	Select Board & School Committee	30
13	APPROPRIATE THE FY2025 OPERATING BUDGET	Finance Committee	31
14	APPROPRIATE THE FY2025 SEWER ENTERPRISE FUND BUDGET	Select Board & Finance Committee	31
15	APPROPRIATE THE FY2025 WATER ENTERPRISE FUND BUDGET	Select Board & Finance Committee	33
16	SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS	Select Board	36
17	AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS	Select Board	37
ZONING/LAND USE ARTICLES			
18	AMEND ZONING BY-LAW – AFFORDABLE HOUSING DISTRICT	Planning Board	37
19	AMEND ZONING BY-LAW – MAP CHANGE FOR AFFORDABLE HOUSING DISTRICT	Planning Board	42
20	AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS	Planning Board	43

Article	Description	Inserted By	Page
COMMUNITY PRESERVATION ACT ARTICLES			
21	APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS	Community Preservation Committee	54
22	APPROPRIATE FOR LINDEN STREET REDEVELOPMENT	Community Preservation Committee	55
23	APPROPRIATE FOR DEFAZIO COMPLEX FENCING	Community Preservation Committee	55
24	APPROPRIATE FY2025 CPA RESERVES	Community Preservation Committee	55
CAPITAL ARTICLES			
25	APPROPRIATE FOR GENERAL FUND CASH CAPITAL	Select Board	56
26	APPROPRIATE FOR POLLARD MIDDLE SCHOOL FEASIBILITY STUDY/MSBA	Select Board	61
27	APPROPRIATE FOR ATHLETIC FACILITY IMPROVEMENTS – CLAXTON FIELD	Select Board	62
28	APPROPRIATE FOR FIRE ENGINE	Select Board	62
29	APPROPRIATE FOR WATER FLEET REFURBISHMENT	Select Board	62
30	APPROPRIATE FOR QUIET ZONE PROJECT	Select Board	63
31	APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE	Select Board	64
32	APPROPRIATE FOR PUBLIC WORKS FACILITIES IMPROVEMENTS PHASE 1 DESIGN	Select Board	65
33	APPROPRIATE FOR SEWER MAIN REPLACEMENT	Select Board	65
34	APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL	Select Board	66
35	APPROPRIATE FOR WATER SERVICE CONNECTIONS	Select Board	67
36	RESCIND DEBT AUTHORIZATIONS	Select Board	67
GENERAL ARTICLES, CITIZENS PETITIONS, & COMMITTEE ARTICLES			
37	ACCEPT M.G.L. CH. 32 SECTION 20(6)/RETIREMENT BOARD STIPENDS	Retirement Board	68
38	AMEND GENERAL BY-LAWS – PERIODIC GENERAL BY-LAW REVIEW	Select Board	68
39	AMEND GENERAL BY-LAWS – NON-CRIMINAL DISPOSITION/ PLASTIC BAGS	Select Board	69
40	AMEND GENERAL BY-LAWS – TECHNOLOGY ADVISORY BOARD	Select Board	70

Article	Description	Inserted By	Page
41	AUTHORIZE SELECT BOARD TO REMOVE RESTRICTIONS	Select Board	71
42	AMEND GENERAL BY-LAWS – LOCAL HISTORIC DISTRICT	Select Board	71
43	CITIZENS’ PETITION – RESCIND DEBT AUTHORIZATION	Joseph Abruzese	79
44	CITIZENS’ PETITION/AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS	Joseph Matthews	79
45	CITIZENS’ PETITION – SINGLE USE PLASTICS BAN BY-LAW	Robert Fernandez	80
46	CITIZENS’ PETITION – AUTHORIZATION TO EXPEND FUNDS FOR CONSULTANT FOR MBTA COMMUNITIES ZONING	Gary Ajamian	83
TOWN RESERVE ARTICLES			
47	APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND	Select Board	84
48	APPROPRIATE TO CAPITAL IMPROVEMENT FUND	Select Board	84
49	APPROPRIATE TO CAPITAL FACILITY FUND	Select Board	85
50	APPROPRIATE DEBT SERVICE STABILIZATION FUND	Select Board	85
51	OMNIBUS	Select Board	86

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with M.G.L Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting. There are no proposed changes to current annual spending limits.

ARTICLE 17: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

To see if the Town will vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter, or make specific repairs upon all or portions of various Town ways and authorize the expenditure of funds received, provided, or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. The preliminary Chapter 90 allocation for FY2025 is \$903,527.79. Unless circumstances require otherwise, this Chapter 90 allocation will be directed towards infrastructure projects, such as intersection improvements, roadway reconstruction of Marked Tree Road, sidewalk improvements, and the design and construction of the downtown infrastructure improvement project.

ZONING/LAND USE ARTICLES

ARTICLE 18: AMEND ZONING BY-LAW – AFFORDABLE HOUSING DISTRICT

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Residential:

“AHD – Affordable Housing District”

2. In Section 3, Use Regulations, by inserting a new Subsection 3.16, Affordable Housing District, to read as follows:

“3.16 Affordable Housing District

3.16.1 Purpose of District

The purpose of the Affordable Housing District (hereinafter referred to as AHD) is to promote the health, safety, and general welfare of the community by encouraging the establishment of affordable housing units, while minimizing potential adverse impacts upon nearby residential and other properties.

3.16.2 Scope of Authority

The regulations of the Affordable Housing District shall govern all new construction, reconstruction, or expansion of new or existing buildings, and new or expanded uses. Provisions of Section 3.16 shall supersede those of Section 3.2 (Schedule of Use Regulations), Section 4.1.5 (Minimum Required Lot Width), Sections 4.2 through 4.11 (Dimensional Regulations) and Section 5.1.2 (Required Parking), except as otherwise specifically provided herein. The Planning Board shall be the permitting authority for any multi-family housing development in the AHD.

3.16.3 Definitions

For the purposes of this section and the Needham Zoning By-Law, the following words and phrases shall have the following meanings:

- a. AHD Project – a multi-family housing development of affordable housing units, as defined in Section 1.3 of this By-Law.
- b. Multi-family housing – a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.
- c. Site Plan Review – the Site Plan Review process as provided in Section 7.4 that an applicant must obtain for any AHD project.

3.16.4 Allowed Uses

The following uses may be constructed, maintained, and operated by right:

- a. AHD Projects, after completion of Site Plan Review as provided in Section 7.4.
- b. Accessory buildings and uses to the use allowed by right.

3.16.5 Multiple Buildings in the Affordable Housing District

More than one building may be located on a lot in the AHD as a matter of right, provided that each building and its uses complies with the requirements of Section 3.16 of this By-Law.

3.16.6 Dimensional Regulations for AHD Projects in the Affordable Housing District

Minimum Lot Area (Sq. Ft.)	Minimum Lot Frontage (Ft.)	Front Set-back (Ft.)	Side Set-back (Ft.)	Rear Set-back (Ft.)	Maximum Floor Area Ratio	Maximum Dwelling Units Per Acre	Maximum Lot Coverage	Maximum Height (Ft.)	Maximum Number of Stories
		(1)	(2)	(3)				(4)	

20,000	150	40	25	25	0.50	25	20%	58	4
--------	-----	----	----	----	------	----	-----	----	---

- (1) The front setback shall be a landscaped, vegetative buffer area, except that driveway openings, sidewalks, walkways and screened mechanical equipment may be located in the buffer area. Additionally, parking areas may be located in the buffer area, but must be set back at least 10 feet from the front lot line, which setback shall provide a landscaped buffer.
- (2) Parking areas must be set back at least 5 feet from a side lot line. The side lot line setback shall be a landscaped vegetative buffer area.
- (3) Parking areas must be set back at least 5 feet from a rear lot line. The rear lot line setback shall be a landscaped vegetative buffer area.
- (4) Structures erected on a building and not used for human occupancy, such as chimneys, heating, ventilation, or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the height of the building, provided that the total height of the building and the structures not used for human occupancy does not exceed 58 feet. The total horizontal coverage of all such structures, except roof-mounted solar energy systems, on the building shall not exceed 25 percent, and all such structures must be set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

3.16.7 Parking Requirements

- a. Notwithstanding anything in the By-Law to the contrary, for AHD Projects in the Affordable Housing District, the off-street parking requirement shall be .5 parking spaces per dwelling unit.
- b. For AHD Projects in the Affordable Housing District, the requirements of By-Law Section 5.1.3, Parking Plan and Design Requirements, shall apply.

3.16.8 Site Plan Review

- a. Site plan review under Section 7.4 of the By-Law shall be completed by the Planning Board for any AHD Project prior to the filing of an application for a building permit.
 - b. For AHD Projects the site plan review filing requirements shall be those set forth in the By-Law for Major Projects as defined in Section 7.4.2.
 - c. The procedure for the conduct of site plan review for an AHD project shall be as set forth in Section 7.4.4 of the By-Law.
 - d. In conducting site plan review of an AHD project, the Planning Board shall consider the review criteria set forth in Section 7.4.6 of the By-Law.
3. In Section 7.4 Site Plan Review, Subsection 7.4.2 Definitions, by adding a new paragraph after the paragraph defining MAJOR PROJECT, to read as follows:

“In the Affordable Housing District, a MAJOR PROJECT shall be defined as any construction project which involves the construction of 10,000 or more square feet of gross floor area; or increase in gross floor area by 5,000 or more square feet; or any project which results in the creation of 25 or more off-street parking spaces; or any project that results in any new curb- or driveway-cut.”

4. In Section 7.4 Site Plan Review, Subsection 7.4.2 Definitions, by adding a new paragraph after the paragraph defining MINOR PROJECT, to read as follows:

“In the Affordable Housing District, a MINOR PROJECT shall be defined as any construction project which involves the construction of more than 5,000 but less than 10,000 square feet gross floor area; or an increase in gross floor area such that the total gross floor area after the increase is 5,000 or more square feet – and the project cannot be defined as a MAJOR PROJECT.”

5. In Section 3.16 Accessory Dwelling Units (ADUs) by renumbering the section as Section 3.17 Accessory Dwelling Units (ADUs).

or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: Article 18, in combination with Article 19, proposes to create the Affordable Housing District (AHD). Article 18 lays out the regulatory framework for the new district while Article 19 describes its geographical boundaries.

The purpose of the AHD is to create a district for affordable housing, which is in furtherance of a Town goal, set forth in the Town of Needham Housing Plan of December 2022, to “enable NHA (Needham Housing Authority) to make essential improvements to its property inventory while potentially yielding buildable lot areas for additional deeply affordable or more diverse income affordable housing”. The impetus for creation of the AHD came from the Needham Housing Authority (NHA), which seeks to replace its 152 studio apartments at its 11-acre Linden-Chambers housing complex with 247 new units. During phase 1 of development, 128 new one-bedroom and 8 two-bedroom units are expected. Over time, and as financing permits, an additional 111 new units are planned in a phase 2 project. The Article provides that all residents must have incomes at or below eighty (80) percent of area median income.

The site at Linden-Chambers is now in two zoning districts, Single Residence-B and General Residence B. The land at Linden-Chambers is also subject to restrictions imposed by recorded deeds, Town Meeting votes, and variances, from the 1957-1971 period. The current zoning allows only for single and two-family use. The recorded deeds, Town Meeting votes, and variances, which do allow for multi-family use, limit occupancy to elderly only. The dimensional requirements in the Single Residence-B and General Residence Districts, particularly those relating to number of units, height, and number of stories, do not allow for NHA’s intended redevelopment. The new requirements proposed for the AHD District would make such redevelopment of the property possible under zoning.

Uses

The only uses permitted in the AHD are “AHD Projects”, and accessory uses thereto. An AHD Project is defined as “a multi-family housing development of affordable housing units, as defined in Section 1.3 of this By-Law”. Section 1.3 defines affordable housing units as affordable to and occupied by a household with income at or below eighty (80) percent of area median income (AMI). This definition is used throughout the current Needham Zoning Bylaw for affordable housing units, in multiple zoning districts.

Single and two-family use would not be permitted in the AHD. Notwithstanding this definition of AHD Project, NHA has stated that federal and state requirements applicable to the NHA, and anticipated project funding program requirements, will result in most of the units to be developed in the AHD being rented to tenants at more deeply affordable income levels than 80% of AMI.

Permitting Process

AHD Projects would be allowed by right but would be subject to Site Plan Review by the Planning Board, as provided in Section 7.4 of the Zoning Bylaw. Site Plan review requires submission to the Planning Board of an application, and a site plan. That plan must address location of proposed structures, setbacks, building elevations, contour elevations, parking areas and spaces, maneuvering aisles, driveways and driveway openings, facilities for pedestrian and vehicular movement, drainage, utilities, landscaping, lighting, loading and unloading facilities, refuse removal, traffic, and other information as may be needed by the Planning Board to make a site plan review decision. The Site Plan review procedure includes review of the plans by the Town's Design Review Board, submission of copies of the application and site plan to the Department of Public Works, Engineering Department, Building Department, Board of Health, Conservation Commission, and other Town boards. Publication, notice to abutters, and at least one public hearing is required. In making its decision, the Planning Board must consider protection of adjoining premises, surface water drainage, sound and sight buffers, traffic and safety, compliance with laws protecting handicapped and elderly persons, parking, refuse disposal, relation of structures and open spaces to natural landscape, existing buildings and other community assets in the area, and mitigation of adverse impacts on town resources including water, sewer, and streets.

Lot Area and Frontage

The AHD District requires a minimum lot area of 20,000 sq. ft. and minimum lot frontage of 150 feet.

Setbacks

The minimum front yard setback is 40 feet. The setback area must be a landscaped, vegetative buffer area, except for driveway openings, sidewalks, walkways, and parking areas. The parking areas must be set back 10 feet from the front lot line, which setback shall provide a landscape buffer.

The minimum side and rear setbacks are 25 feet. The setback areas shall be landscaped buffer areas. The parking areas must be set back five feet from the side and rear lot lines.

Floor Area Ratio and Lot Coverage

The maximum floor area ratio is .50. The maximum lot coverage is 20%.

Dwelling Units Per Acre

The maximum number of dwelling units per acre is 25.

Height and Rooftop Structures

The maximum height of a building, including rooftop structures, is 58 feet.

Rooftop mechanical structures, such as chimneys, HVAC equipment, solar panels, elevator housings, and the like may exceed the height of the building, provided that the total height of the building and the structures not used for human occupancy does not exceed 58 feet. The maximum horizontal coverage of all such structures (except for solar energy systems) may not exceed 25%, and all such structures must be set back from the roof edge by at least their height.

Maximum Number of Stories

The maximum number of stories of a building is four.

Off-Street Parking, Parking Plan and Design Requirements

The off-street parking requirement shall be .5 parking spaces per dwelling unit. Parking lots must comply with all the requirements of Zoning By-Law Section 5.1.3, Parking Plan and Design Requirements.

ARTICLE 19: AMEND ZONING BY-LAW – MAP CHANGE FOR AFFORDABLE HOUSING DISTRICT

To see if the Town will vote to amend the Zoning By-Law by amending the Zoning Map as follows:

Place in the Affordable Housing District all that land now zoned Single Residence B and General Residence lying east of Linden Street, comprising parcels 23 and 24, on Assessors Map No. 133, parcel 41 on Assessors Map No. 134, and parcel 13 on Assessors Plan No. 45. Said land is bounded and described as follows:

Beginning at a concrete bound at the northwesterly corner of the property, on the easterly side of Linden Street; Thence, S 83° 26' 20" E for a distance of 107.02 feet to an iron rod; Thence, S 82° 15' 50" E for a distance of 87.89 feet to a concrete bound; Thence, S 08° 56' 11" W for a distance of 328.80 feet to a point; Thence, S 42° 44' 39" E for a distance of 159.58 feet to a point; Thence, S 23° 11' 00" W for a distance of 275.88 feet to a point; Thence, S 14° 57' 44" W for a distance of 199.48 feet to a point; Thence, S 86° 04' 45" E for a distance of 59.86 feet to a point; Thence, S 88° 37' 00" E for a distance of 37.49 feet to a point; Thence, S 86° 19' 44" E for a distance of 140.96 feet to a point; Thence, S 86° 19' 44" E for a distance of 26.25 feet to a point; Thence, along a curve turning to the right, having a radius of 2817.93 feet, a distance of 716.25 feet to a point; Thence, S 37° 38' 40" W for a distance of 530.86 feet to a point; Thence, N 52° 24' 02" W for a distance of 175.47 feet to a point; Thence, N 74° 08' 46" W for a distance of 39.96 feet to a point; Thence, N 21° 18' 16" E for a distance of 70.00 feet to a point; Thence, N 72° 56' 42" E for a distance of 165.00 feet to a point; Thence, N 59° 35' 49" E for a distance of 116.66 feet to a point; Thence, N 40° 49' 41" E for a distance of 118.66 feet to a point; Thence, N 21° 56' 08" E for a distance of 118.67 feet to a point; Thence, N 02° 41' 11" E for a distance of 122.65 feet to a point; Thence, N 09° 25' 32" W for a distance of 271.23 feet to a point; Thence, N 43° 37' 54" E for a distance of 103.44 feet to a point; Thence, N 20° 01' 11" E for a distance of 112.07 feet to a point; Thence, N 86° 04' 45" W for a distance of 22.72 feet to a point; Thence, N 78° 30' 10" W for a distance of 108.86 feet to a point; Thence, N 10° 27' 40" E for a distance of 823.79 feet to a point; Thence N 08° 57' 40" E a distance of 71.55 feet to the point of beginning.

Said parcel contains four hundred seventy-nine thousand two hundred fifty-four square feet more or less (479,254 S.F.); or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: Article 19 describes the approximately 11-acre geographical area on which the present Linden-Chambers housing development is located, which is owned by the Needham Housing Authority, plus an isolated 714 square foot triangular parcel owned by the Town of Needham, along the easterly side of Linden Street, proposed to be placed in the Affordable Housing District. The affected property is shown on a plan prepared by Hancock Associates, titled "Plan of Land in Needham, MA", dated December 21, 2023. The land is currently located within the Single Residence B and General Residence zoning districts and contains approximately 479,254 square feet.

ARTICLE 20: AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following terms and definitions in the appropriate alphabetical location as follows:

“Solar Energy System - a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems include the following system types:

1. A Solar Energy System, Active: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:
 - a) Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.
 - b) Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.
 - c) Solar Energy System, Building-mounted Canopy: A special application of a Building-mounted Solar Energy System that is installed on top of a building with a flat roof that maintains the function of the area beneath the canopy.
 - d) Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.
 - e) Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies 1,500 square feet of surface area or less.
 - f) Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area.
 - g) Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.
 - h) Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.
 - i) Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated

into, the surface material. The generation of solar energy is secondary to the function of the surface element.

2. Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.”
2. Amend Section 6, Special Regulations, by adding a new Subsection 6.13 Accessory Uses – Solar Energy Systems, to read as follows:

“6.13 Accessory Uses – Solar Energy Systems

6.13.1 Basic Requirements

- a) Roof-mounted Solar Energy Systems shall be permitted in all use districts as-of-right. The installation of Roof-mounted Solar Energy Systems that: (i) comply with the regulations provided in this section; (ii) are located on properties with nonconforming uses or structures; and (iii) do not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the Roof-mounted Solar Energy System in question shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c.40A s.6.
- b) In residential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right at the District-level setback as defined in Section 6.13.2.c)4). Small-scale Ground-mounted Solar Energy Systems may be permitted in the front yard by a Special Permit from the Board of Appeals at the applicable District-level setback as defined in Section 6.13.2.c)4). Screening or landscaping of such systems from view from abutting lots or from a street, by plantings, walls, fences or other devices shall be provided. Solar Parking Canopies shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems shall be permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board.
- c) In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board. The same regulations shall apply in residential districts for uses allowed by operation of M.G.L. c.40A s.3, or other state and federal statutes.
- d) In the New England Business Center (NEBC) District, Mixed Use-128 (MU-128) District and in the portion of the Highland Commercial-128 (HC-128) District located a) north of Highland Avenue and b) south of Highland Avenue and west of Second Avenue Solar Energy Building-mounted Canopy Systems are permitted as-of-right subject to site plan review by the Planning Board. In the Business (B), Chestnut Street Business (CSB), Center Business (CB), Avery Square Business (ASB), Hillside Avenue Business (HAB), Neighborhood Business (NB), Elder Services (ES), Industrial (I), Industrial-1 (IND-1), Highway Commercial 1 (HC-1), and Institutional (I) districts, and for municipal buildings in all districts. Solar Energy Building-mounted Canopy Systems are permitted by special permit subject to site plan review by the Planning Board.
- e) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be permitted as of right as part of any use or site otherwise allowed in any zoning district.

6.13.2 Dimensional Requirements

a) Maximum Percentage (%) Lot Coverage

- 1) For the purpose of regulating lot coverage, the area of Active Solar Energy Systems shall count toward the Maximum Percentage (%) Lot Coverage as defined and regulated in the Dimensional Regulations provided in Section 4 of the Needham Zoning By-Laws.
- 2) An Active Solar Energy System's contribution toward Maximum Percentage (%) Lot Coverage shall be calculated as the total area of the system's panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system's contribution to Maximum Percentage (%) Lot Coverage would equal 150 square feet.
- 3) Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall count toward Maximum Percentage (%) Lot Coverage.
- 4) For Ground-mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Lot Coverage.
- 5) To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface shall not be included in the calculation of Maximum Percentage (%) Lot Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Lot Coverage on a lot because it will be located within a surface area - the building's footprint - that is already counted).

b) Height

1) Building-mounted Solar Energy Systems:

System Type	Roof Pitch	Siting	Maximum Height
Roof mounted Solar Energy System	Pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface.

2024 Annual Town Meeting

Roof-mounted Solar Energy System	Pitch is less than 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof's edge.
Building-mounted Canopy Solar Energy System	Flat Roof with predominately zero pitch	NEBC, MU-128 & HC-128 districts Municipal buildings in all districts	May extend up to fifteen (15) feet above the roof surface on which the system is installed beyond applicable building height limits.
Building-mounted Canopy Solar Energy System	Flat Roof with predominately zero pitch	B, CSB, CB, ASB, HAB, NB, ES, IND, IND-1, HC-1 & I districts	May extend up to fifteen (15) feet above the roof surface on which the system is installed up to the applicable building height limit of the district.
Other Building-mounted Solar Energy System (e.g., awnings)	Not Applicable	All districts	No greater than the highest point of the roof.

2) Ground-mounted Solar Energy Systems:

System Type	Siting	Maximum Height
Small-Scale Ground-mounted Solar Energy System	SRB & GR districts	Eight (8) vertical feet from grade.
	All other districts	Ten (10) vertical feet from grade.
Medium-Scale Ground-mounted Solar Energy System	SRB & GR districts	Eight (8) vertical feet from grade.
	All other districts	Ten (10) vertical feet from grade.
Solar Parking Canopy	All districts	Seventeen (17) vertical feet from grade.

c) Setbacks

- 1) Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
- 2) Solar Parking Canopies in residential districts shall meet setback requirements for accessory structures.
- 3) Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with the requirements defined in Section 5.1.3, Parking Plan and Design Requirements. The requirements for the planting of trees in landscaped strips within the parking area as defined in Section 5.1.3, Paragraphs (k) Landscape Areas and Paragraph (l) Trees may be met elsewhere on the lot. Landscaping for parking lots located under a canopy shall be designed to manage runoff from the panels and to be shade tolerant.
- 4) All other Ground-mounted Solar Energy Systems shall meet the requirements for Setbacks of principal structures as defined in Section 1.3 and Section 4.2 of the Needham Zoning By-Laws, as regulated for each use district in Section 4 ("District-level setback") provided, however, that a Small-Scale Ground-mounted Energy System in the Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts located in a side or rear yard may instead meet the setback requirements applicable to accessory structures under Section 4.2.9. A Small-Scale Ground mounted Solar Energy System constructed nearer to any lot line than the setback applicable to a principal structure pursuant to the forgoing provision shall require screening or landscaping of such systems from view from abutting lots and/or from a street, by plantings, walls, fences or other devices with said screening having a minimum height of six feet.
- 5) Any extension of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.

6.13.3 Supplemental Regulations

- a) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to the material or structural element into which the system is integrated or functions as. For example, solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.
- b) The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Needham Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Needham's Stormwater By-Law, Article 7 of the General By-Laws.

6.13.4 Site Plan Review

- a) Site Plan Review: Medium-scale Ground-mounted Solar Energy Systems in all districts, Solar Parking Canopies in non-residential districts, and Solar Energy Building-mounted Canopy Systems in the New England Business Center, Mixed Use 128, and Highland Commercial-128 districts, are subject to site plan review by the Planning Board prior to construction, installation or modification as provided in this section and in accordance with Section 7.4 Site Plan Review. In reviewing a Special Permit application under Section 6.13.1 b) the Board of Appeals shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c). In reviewing a Special Permit application under Section 6.13.1 d) the Planning Board shall also apply the Site Plan Review Document Requirements of Section 6.13.4 b) and the Site Plan Review Design Standards of Section 6.13.3 c).
- b) Site Plan Review Document Requirements: The project proponent shall provide a Final Site Plan to the Planning Board in compliance with Section 7.4 Site Plan Review, Subsection 7.4.4. Procedure. In addition, applicants shall submit the following:
 - 1) Name, address, and contact information for proposed system installer.
 - 2) Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.
 - 3) The name, contact information and signature of any agents representing the project proponent.
 - 4) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
 - 5) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.
 - 6) All submitted plans must be stamped by electrical, civil, and structural engineers or architects and landscape architects for their respective scope of work. Systems that are installed on existing structures must have a structural analysis stamped by a

Professional Engineer that demonstrates the structure can handle the additional deadloads of the system as well as uplift wind loads per the local and state building codes.

- 7) Ground mounted solar structures must include geotechnical reports and engineering of any foundations associated with the new solar system per local and state building codes.
 - 8) Plans must include stormwater analysis with erosion control plans for proposed solar systems as well as stormwater control measures. Site modifications must meet the current stormwater by-laws for stormwater infiltration requirements. Impervious areas will include all impervious surfaces associated with the new solar system.
 - 9) Documentation of the major system components to be used, including the panels, mounting system, and inverter.
 - 10) Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - 11) Locations of active farmland, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.
- c) Site Plan Review Design Standards: The Planning Board shall consider the following criteria and standards, in addition to those listed in Section 7.4.6, Review Criteria for Site Plan Review when reviewing site plan submittals made under this section:
- 1) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - 2) Utility Connections: Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - 3) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Needham Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a person responsible for responding to municipal officials, throughout the life of the installation.
 - 4) Height and Layout: The Planning Board shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant

infrastructure as it relates to the convenience and safety of emergency vehicles, private vehicles and pedestrian movement on the site.

- 5) Visual Impact: Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
 - 6) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.
 - 7) Stormwater: The Planning Board shall review the existing and post stormwater analysis to meet the current stormwater by-law infiltration requirements.
 - 8) Lighting: The Planning Board shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.”
3. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting from the second sentence of the first paragraph the phrase “solar panels,” so that the sentence shall now read as follows:

“In the case of schools and other municipal buildings, structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, mechanical equipment, mechanical flues or exhausts, elevator housings or equipment, generators, roof access, stairway enclosures, skylights, and the like may exceed the maximum building height provided that no part of such structure or equipment shall project more than 15 feet above the maximum allowable building height and the total horizontal coverage of all of such structures or projections on the building does not exceed thirty-three percent (33%) of the total roof area of the building.”

4. Amend Section 4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.8 Height Limitation Exceptions, by deleting the fourth sentence of the first paragraph which reads as follows:

“Further provided, subject to the 15-foot maximum height limitation cited above, solar panels shall also be allowed on rooftops of schools and other municipal buildings with no limitation on the roof area coverage provided such panels are set back from the edge of the roof a distance at least equal to the height of the panel.”

5. Amend Section 4.5 Dimensional Regulations for Highland Commercial-128, Subsection (3), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such

structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

6. Amend Section 4.8 Dimensional Regulations for NEBC, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height, provided that the Planning Board may by Special Permit increase the height limit by not more than 5 additional feet.”

7. Amend Section 4.9 Dimensional Regulations for Mixed-Use 128, Subsection (1), by deleting from the fourth sentence of said subsection the phrase “solar or photovoltaic panels,” so that the sentence shall now read as follows:

“Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height.”

or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: This article will establish expanded regulations for Solar Energy Systems. Presently, Needham’s Zoning By-Law only addresses Large-scale Ground-mounted Solar Energy Systems through its Ground Mounted Solar PV Installation Overlay District located at the transfer station.

The proposed Zoning By-Law amendment would expand the definition of Solar Energy Systems to include Roof-mounted systems, Building-mounted systems, Small-scale Ground-mounted systems, Medium-scale Ground-mounted systems, Solar Parking Canopies, Building Mounted Canopies, Building Integrated Systems and Surface Integrated Systems; add a new category of solar energy accessory uses with prescribed regulations for each zoning district; establish dimensional standards for solar energy systems including setback, height, and lot coverage standards; and establish special permit and site plan review requirements and design standards for higher impact Solar Energy Systems. The key provisions of the amendments are summarized below.

Definitions

A Solar Energy System is defined as an energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Solar Energy Systems as defined and regulated under the by-law are detailed below.

Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.

Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.

Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that is structurally mounted to the ground and occupies 1,500 square feet of surface area or less.

Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that is structurally mounted to the ground and that occupies more than 1,500 square feet, but less than 40,000 square feet of surface area.

Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.

Solar Energy System, Building-mounted Canopy: A special application of a Building-mounted Solar Energy System that is installed on top of a building with a flat roof that maintains the function of the area beneath the canopy.

Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.

Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

Accessory Use Regulations

Roof-mounted Solar Energy Systems are permitted as-of-right in all zoning districts.

In residential districts: Small-scale Ground-mounted Solar Energy Systems are permitted in rear and side yards as-of-right at the district-level setback. Small-scale Ground-mounted Solar Energy Systems may be permitted in the front yard by a Special Permit from the Board of Appeals at the applicable district-level setback with the screening of the system from view from abutting lots or from a street. Solar Parking Canopies are permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems are permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board.

In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems are permitted in rear and side yards as-of-right. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted in the rear and side yards as-of-right subject to site plan review by the Planning Board. The same regulations shall apply in residential districts for uses allowed by operation of M.G.L. c.40A s.3, or other state and federal statutes.

Solar Energy Building-mounted Canopy Systems are permitted as-of-right subject to site plan review by the Planning Board in the New England Business Center District, Mixed Use-128 District, and in a portion of the Highland Commercial-128 District.

Solar Energy Building-mounted Canopy Systems are permitted by special permit subject to site plan review by the Planning Board in the Business, Chestnut Street Business, Center Business, Avery Square Business, Hillside Avenue Business, Neighborhood Business, Elder Services, Industrial, Industrial-1, Highway Commercial, and Institutional districts, and for municipal buildings in all districts.

BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems are permitted as of right as part of any use or site otherwise allowed in any zoning district.

Lot Coverage

For Ground-mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward the maximum percentage of lot coverage. Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall also count toward the maximum percentage of lot coverage.

Height

Roof-mounted

Roof-mounted Solar Energy Systems having a pitch of less than 15 degrees may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits.

Roof-mounted Solar Energy Systems having a pitch of 15 degrees or greater may extend up to three feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof's edge.

Building-mounted Canopy Solar System

A Building-mounted Canopy Solar System may extend up to fifteen (15) feet above the roof surface on which the system is installed beyond applicable building height limits. The provision applies in the New England Business Center District, Mixed Use-128 District and the Highland Commercial-128 District, and to municipal buildings in all districts.

A Building-mounted Canopy Solar System may extend up to fifteen (15) feet above the roof surface on which the system is installed up to the applicable building height limit of the district. This provision applies in the Business, Chestnut Street Business, Center Business, Avery Square Business, Hillside Avenue Business, Neighborhood Business, Elder Services, Industrial, Industrial-1, Highway Commercial, and Institutional districts.

Ground-mounted Solar Energy System

A Ground-mounted Solar Energy System shall have a maximum height of eight (8) feet vertical from grade in the Single Residence B and General Residence districts. In all other districts the maximum height shall be Ten (10) feet vertical from grade.

Solar Parking Canopy

A Solar Parking Canopy shall have a maximum height of Seventeen (17) vertical feet from grade.

Setbacks

All Ground-mounted Solar Energy Systems shall meet the requirements for setbacks of principal structures as regulated for each use district. Notwithstanding the above, in the Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts a Small-scale Ground-mounted Solar Energy System is permitted at the accessory structure setback in a side and rear yard. Any installation less than the principal structure setback standard requires screening.

Solar Parking Canopies located in residential districts shall meet the requirements for accessory structures. Solar Parking Canopies in non-residential districts shall be allowed where parking is permitted in accordance with the setback requirements applicable to parking lots under Section 5.1.3 of the Zoning By-Law.

Site Plan Review

Medium-scale Ground-mounted Solar Energy Systems in all districts, Solar Parking Canopies in non-residential districts, and Solar Energy Building-mounted Canopy Systems in the New England Business Center, Mixed Use 128, and Highland Commercial-128 districts, are subject to site plan review by the Planning Board.

Summary

This article creates a defined set of zoning and permitting regulations applicable to various types of Solar Energy Systems, and provides clear guidance on the type and size of system that may be constructed across the Town's zoning districts. The Planning Board offers this amendment with the intent of facilitating installation of Solar Energy Systems, for those community members who wish to do so.

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 21: APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,600,000 for improvements to the Needham High School tennis courts, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,440,000 be transferred from CPA Free Cash, \$1,000,000 be transferred from the Athletic Facility Stabilization Fund, \$149,196 be transferred from Overlay Surplus, and \$10,804 be transferred from Article 43 of the 2015 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This funding is to replace the existing four tennis courts and to install four additional tennis courts at Needham High School. Increasing the number of courts to eight will allow the High School to host tennis tournaments. The proposed project would replace the existing asphalt courts using post-tension concrete, which is the new industry norm and requires less maintenance. The project also includes

Recorded in the office of the Needham Town Clerk.

2. To amend Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, immediately following the existing row for Section 2.11.5, to read as follows:

2.12	Historic District	\$300	Per Day	Building Commissioner or Designee
------	-------------------	-------	---------	-----------------------------------

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: This article would establish both the Jonathan Kingsbury House Local Historic District at 3 Rosemary Street and a Historic District Commission to oversee this district, any future district, and the initial process by which new districts may be proposed. This warrant article was drafted – alongside two study reports – by the Single Parcel Historic District Study Committee, which was established by the Select Board in 2023 on the recommendation of the Historical Commission. The proposed Jonathan Kingsbury House Local Historic District would contain only one home. Any future proposed historic district would be submitted to the proposed Historic District Commission, which would study the proposal, publish a series of reports, and – if recommending establishment of a new district – place a warrant article before a future Town Meeting.

ARTICLE 43: CITIZENS’ PETITION – RESCIND DEBT AUTHORIZATION

To see if the Town will vote to rescind the authorization to borrow, which was approved at a prior Town Meeting, where the purpose of the borrowing is no longer required nor necessary:

Project	Town Meeting	Article	Authorized	Rescind
Appropriate for Property Acquisition (Castle Farm Property owned by the Foster Estate)	October 2022 Fall Special Town Meeting	11	\$2,500,000	\$2,500,000

INSERTED BY: Joseph Abruzese

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: This article would rescind Town Meeting’s authorization for the Select Board to borrow \$2,500,000 for the purpose of acquiring land on Charles River Street. This authorization was approved by Town Meeting at the October 24, 2022 Special Town Meeting. The Select Board, under Article 36, seeks Town Meeting’s vote to rescind this same borrowing authorization.

ARTICLE 44: CITIZENS’ PETITION/AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS

To see if the Town will vote to amend the Needham Zoning By-Law by amending Chapter 4 Dimensional Regulations by:

Removing the following paragraph of Section 4.2:

“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.”

And in its place inserting the following paragraph:

“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, including areas in basements, attics, and penthouses, as measured from the exterior faces of the walls, but excluding spaces where the interior ceiling height is less than 5’, 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.”;

or take any other action relative thereto.

INSERTED BY: Joseph Matthews

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: This article would amend the Town’s Zoning By-Laws so that basements, attics, and penthouses with ceiling heights greater than 5’ will count for purposes of calculating a structure’s floor area ratio (FAR) in residential and industrial zoning districts. The current zoning expressly excludes basements, attics, and half-stories above the second floor from being counted as part of a structure’s floor area; the proposed amendment would eliminate these exclusions. The intent of the amendment is to ensure that more space that is designed and used for human occupancy, such as basements and third floors, will count toward the applicable FAR limits.

ARTICLE 45: CITIZENS’ PETITION – SINGLE USE PLASTICS BAN BY-LAW

To see if the Town will vote to amend the General By-laws by:

1. Adding a new Section 3.13 to read as follows:

SECTION 3.13 POLYSTYRENE PACKAGING MATERIAL, SINGLE-USE PLASTIC STRAWS, SINGLE-USE PLASTIC STIRRERS, PLASTIC SPLASH GUARDS, AND WATER BOTTLES

3.13.1 Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a) “Department” means the Town of Needham Public Health Department.
- b) “Food or Beverage Vendor” means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food or beverages for human consumption, including but not

NEEDHAM PLANNING BOARD MINUTES

January 16, 2024

The Needham Planning Board meeting, held in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, January 16, 2024, at 7:08 p.m. with Messrs. Crocker and Alpert, Ms. McKnight, Planner, Ms. Newman and Assistant Planner, Ms. Clee. Ms. Espada arrived at 7:20 p.m.

Mr. Block noted this is an open meeting that is being held in a hybrid manner 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.

ANR Plan – Gordon C. Russel, Petitioner (Property located at 12 and 18 Brookside Road, Needham, MA)

Mr. Block noted a letter from Attorney David Himmelberger stating this is to correct the property line for setbacks. Ms. Newman stated the lot line transfer would correct the deficiency. The plan is compliant.

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

VOTED: to endorse the ANR Plan as presented.

Determination of permitting process – Proposed revision to Major Project Site Plan Special Permit No. 97-12: Four Forty-Four Group, Inc., 444 Hillside Avenue, Petitioner (Property located at 442 and 444 Hillside Avenue, Needham, MA).

Ms. McKnight commented she had a concern that she is too close an abutter for this, but she does not feel it affects her property. Mr. Alpert has no issue with Ms. McKnight participating. All members agreed. Mr. Block noted a letter from Attorney George Giunta Jr., requesting a de minimous process. Mr. Alpert stated this is only adding parking as the applicant has added land to their parcel. The original permit dealt with the parking. Ms. McKnight and Mr. Crocker agreed. Ms. Newman is satisfied to advance this as a de minimous change.

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

Mr. Block noted a letter from Town Manager Kate Fitzpatrick, dated 1/10/24, requesting the proposed Zoning By-Law not include restrictions related to age or disability. Attorney Robert Smart stated he made the changes discussed at the last meeting. He noted in Section 3.16.2, the clause with "regardless" was struck and Section 4.10 was an incorrect reference. It should be "through Section 4.11." Mr. Alpert clarified that Section 4.1.5 was added. Mr. Smart added a definition in Section 3.16.3 (e) for multi-family housing. Ms. McKnight sees no reason for the definition of multi-family dwellings that still appears above. Ms. Espada joined the meeting at 7:20 p.m.

Ms. Block noted there was a definition for multi-family dwellings and Mr. Smart put in a definition for multi-family housing. Ms. McKnight feels "dwellings" should be "housing." Mr. Smart noted the last sentence in Section 3.16.2 has multi-family development and that is not defined. Mr. Alpert stated the definition in Section 1.3 noted the project is defined as multi-family housing development and affordable housing units are defined. Ms. McKnight feels they would want to use that term. Mr. Block stated (b) multi-family dwelling will be removed and (c) multi-family housing definition will be moved to (b). Mr. Smart will add that in Section 3.16.2. He feels it should be multi-family "housing" development. All agreed.

Mr. Block asked if the Zoning Board of Appeals (ZBA) has permitting authority for multi-family housing. Ms. Newman stated it triggers site plan approval, so it is under the Planning Board. Mr. Block clarified the Planning Board shall be the permitting authority and multi-family dwelling shall be removed. All agreed. Mr. Smart noted, on page 2, Footnote 1, he

added “which setback shall provide a landscaped buffer” at the end. Mr. Crocker asked if the 0.5 parking spaces per unit was setting a maximum. Mr. Smart stated that is the minimum and there is no maximum. On page 3, Footnote 4, regarding mechanicals, he added “except roof-mounted solar energy systems.” Ms. Newman stated, in the Solar By-Law, they are getting rid of this language. ~~It is also for municipal uses.~~ She stated the reference for under roofs and the new phrase Mr. Smart added should be deleted. The Board discussed, whether, if the proposed solar Zoning By-passes Law amendment Article passes, this would have to be deleted. Ms. Newman will do the solar Article first on the warrant, then this Article.

Mr. Block had no comments on the non-zoning article. Ms. McKnight expressed her concern at a previous meeting with removing the age and disability requirement. Now that the Select Board is in favor of removing it she feels comfortable with removing the age and disability requirement.

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 send this Zoning By-Law, as presented to us tonight with the small changes made tonight, to the Select Board.

Ms. Newman feels the Select Board would vote at the next meeting to refer it back and the Planning Board can have the hearing at the 2/27 meeting. She noted the final draft of the map change and the new consolidated plan with the triangle piece of land included are in the packet. Engineering looked at it and she sent Mr. Smart the revised version. Mr. Smart stated the changes made sense to him. He felt it would be helpful to hear back from the surveyor if he was happy with the change. He has not heard back from him yet, but this is minor point. Ms. Newman is fine with that. She noted the plans show concrete bound and iron rods in the updated package version that is online.

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 send the Warrant Article with the map change to the Select Board.

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

Mr. Block noted an email from Stephen Frail, Chair of the Climate Action Planning Committee (CAPC), dated 1/11/24, suggesting modifications to the small-scale ground mounted systems. Mr. Frail feels the Article as proposed is violates state law. ~~He~~Mr. Block contacted Town Counsel and he has written confirmation that the proposed By-Law as drafted is compliant with state law. He ~~asked would like~~ Town Counsel Chris Heep to summarize his understanding of the 2 violations Mr. Frail called out and provide guidance. Town Counsel Chris Heep said he does not feel violation is the right word. The existing zoning By-Law already allows small scale solar by right in the existing zoning. He is not sure what of the concern is. He understands the argument but does not agree with it. Ground mounted solar is not specifically allowed by 40A Section 3 or our current Zoning By-Laws. The By-Laws are silent on the use. His suggestion, if the will of the Planning Board and Town is to allow ground mounted solar in specific zones, is that a By-Law should be adopted and put in place, saying where it could go and how it could be constructed.

Mr. Block stated the ~~T~~Town can determine ~~their~~its own setbacks for by right use and if ~~it~~a use requires ~~is~~ a special permit. Ms. Espada stated she and Ms. Clee looked at other towns and she does not remember any consistency ~~[inconsistency?]~~ with using accessory use setbacks versus primary building setback as opposed to other setbacks. Ms. Newman is not sure. The applicants need to follow the applicable setbacks of the district. Sudbury requires a special permit if the solar structure is in the front yard. They have just said it must meet the dimensional setbacks of the district. All setbacks are different because of the lot sizes. Ms. Espada is concerned that, with a small lot, an applicant may not be able to do much. Mr. Block stated it is not broken out by conforming versus non-conforming lots. Ms. Newman stated the setback needs to be the setback for the district whether the lot is conforming or not.

Mr. Alpert’s recollection is as of right you can build have to the primary setback. If closer to the lot line it could be as close as the accessory setback and could be done by site plan review. Solar is in Chapter 40A, Section 3. Applicants make application to the ZBA. If it is impossible to meet the regular setback, the ZBA cannot deny it. It is not onerous and would meet state law. He feels the By-Law conforms. Mr. Crocker stated, in Chapter 40A, Section 3, ground-mounted is specifically called out and is a structure. Mr. Heep clarified the language of Section 3 in Chapter 40A has a number of

different uses. It says the Solar Zoning By-Law cannot prohibit or unreasonably regulate solar. It means they can reasonably regulate solar uses.

Mr. Crocker asked if a special permit would be considered unreasonable. Mr. Heep stated it would not be. It would leave it up to the Board to set the requirements. In Section 1.3 of the current By-Law there is no distinction between small, medium or large. The Planning Board needs to see how to regulate and where to allow. Ms. Espada understands for large solar there would be recommended regulations. For small solar the Board is making it more restrictive. Mr. Crocker noted there is nothing denying solar. Mr. Alpert stated that currently, the Zoning By-Law is silent, so a judgment call is made by the Building Commissioner. This gives him more guidance. Mr. Heep agreed with Mr. Alpert. The argument is small and medium scale are accessory use to residential. There are arguments for and against. It should be defined in a permissive way so property owners know where solar can go. If the Board and Town Meeting want to allow particular sizes and locations for solar facilities, it should be called out in the By-Law.

Formatted: Highlight

Ms. McKnight asked if they could say ground mounted solar arrays are allowed in the side or rear yard but not at all in the front yard. Mr. Heep believes it could be said under 40A, Section 3. Ms. McKnight noted, therefore, that granting by special permit is more generous than needs to be and is a reasonable regulation. Mr. Crocker stated in some situations where the only place it could be is in the front yard means the Town cannot regulate because it could not be anywhere else. Mr. Heep stated no property owner is entitled to put ground mounted solar in the front yard, but the Board could allow it in the front yard if they want to. Stephen Frail, of the Climate Action Plan Committee (CAPC), asked if the By-Law goes through with the proposed language, and the Attorney General determines it violates state law, would the whole thing be struck or just the language. Mr. Heep stated it would only be that part of the By-Law that gets struck.

Mr. Frail thanked the Board for all the work. The main reason he asked for this was to expand the use of solar. The former Building Commissioner had issued permits for ground mounted solar so there is precedent there. His feeling is Needham will be the test case for the state. He feels it is further restrictive of solar saying it needs to be in the center of the property. He feels it would be found to be unreasonably restricting. The reasons for setbacks are for aesthetics and that cannot be regulated. If a special permit is required and it goes to the ZBA they cannot say no. He feels the Planning Board is creating a problem and would create a lot of work for the ZBA. He feels this is going in the wrong direction.

Ms. Newman stated the municipal uses could be left alone. Mr. Heep stated if it is allowed for municipal it would need to be allowed for all, if permissible for a certain size building, regardless of who the owner is. Ms. Newman noted there is a municipal exemption right now. Mr. Alpert noted to allow only on the other side of 128 would not be reasonable. There are buildings of that size in other areas of town. Mr. Heep feels there may be a policy-based argument to allow only for municipal. Ms. Newman stated it was originally allowed in the New England Business District, Mixed Use 128 District and Highway Commercial District. Then the Town municipal wanted it for municipal buildings, so it was added for municipal. Special height requirements were put in those districts then added to municipal and there were special exemptions no matter where they are. Mr. Frail noted a 15-foot exemption for municipal is in the By-Law today. Canopies allow buildings to get closer to net zero.

Formatted: Highlight

Mr. Alpert stated the Town wants to improve municipal buildings. Roche Bros. and other buildings in town should be allowed to have the same as if allowed on municipal buildings. If allowed on Roche Bros. he sees Maple Street residents filling the hearing. They could be talking about the roof of the hospital. Ms. McKnight feels it is fair to allow for municipal but not commercial buildings. She asked if municipal the Town has an obligation to limit the carbon footprint of municipal buildings. Mr. Heep is not sure the Town has more of an obligation than anyone else. Ms. Espada commented money is received by MSBA for some projects. They require LEED and some other things, so this is heading toward net zero anyway.

Mr. Block asked who would support enabling building mounted roof canopies across all districts up to the height restriction of 15 feet above the current limit. A discussion ensued. Mr. Alpert noted applicants could have up to the maximum of the district. Ms. Newman noted the overlay is by special permit. Ms. Espada feels municipal buildings should be able to have up to 15 feet above and others should have by right up to whatever the overlay is. Mr. Alpert noted a building mounted canopy is a canopy. If it is within the height restriction of the zone it should be allowed without site plan review. If the building is at a by right height, the applicant should be able to put a canopy above that to the special permit height. Ms. McKnight stated with a special permit it could go to 48 feet. Mr. Crocker feels that is perfectly acceptable. Mr. Alpert

noted other districts can go up another 15 feet. Ms. McKnight feels they should be allowable in zones and can go to a higher height by special permit.

Mr. Alpert feels the canopies should be by right and it should say in the By-Law they are not buildings but accessory structures with zoning limitations. Mr. Crocker agrees. The Board discussed if a special permit would be necessary if the as of right height was 35 feet, the building height was 35 feet, the special permit height was 48 feet and a solar canopy was installed above 35 feet but below 48 feet. Ms. Newman noted the current framework allows this on the other side of 128 and over municipal buildings. She asked if it could be expanded at a later date, as this **solar zoning** needs to get done. Mr. Block is concerned there will be amendments on the Town Meeting floor. All agreed the municipal exemption should not be changed.

Mr. Frail commented the Board should make sure anything they write expands as of right for solar. Access to solar should not be restricted. Taking away the municipal exemption is going in the wrong direction. Mr. Alpert noted d) should say “in all other business and industrial districts building mounted solar canopy systems are permitted by special permit and also subject to site plan review” and add “may extend up to the applicable building height limits” and all by special permit. Mr. Frail asked what the setbacks are for canopies for municipal versus commercial and was informed there are no setbacks. Mr. Block stated on page 4, a flat roof with a predominantly zero pitch and asked if it should be a specific degree. Mr. Heep stated it is sufficiently clear for the Building Commissioner to apply.

Ms. Espada summarized the 3 issues: accessory setback, screening, and allowing in the front yard. Mr. Frail is saying it should be by right for all of it. Mr. Block stated he is ok to let the side and rear setbacks go to the **accessory setbacks for accessory structures**. Mr. Heep noted the Board is allowed to regulate solar. It can say solar is not allowed in front yards and that will not be prohibiting solar. Mr. Alpert would leave it as it is with small-scale by special permit and medium-scale not allowed in the front yard. Mr. Frail feels that is a reasonable regulation and he would not challenge that. Mr. Block wants consensus of the Board. Mr. Crocker stated there needs to be clear space in front of the array. He does not have a problem **if the array is with screening**. He feels that is perfectly acceptable. Ms. Espada is fine with a 5 feet setback on the rear and side with screening. Mr. Alpert agreed. Ms. McKnight would like to see some process if it exceeds 15 feet in height for ground mounted solar on page 5. Ms. Newman noted this language allows a 5-foot setback as long as it is no higher than 15 feet with a special permit over 15 feet. Mr. Alpert noted Sections 1.3 and 4.2 of the By-Law need to be changed. Ms. Newman asked what the intent is of the accessory setback as of right. Mr. Block noted in all districts small scale ground mounted systems can have a setback of no less than 5 feet from the side and rear yards provided at 5 feet there is screening. Ms. Espada added “up to the setback of the primary structure there needs to be screening.” Mr. Alpert clarified small scale setback is 5 feet and between 5 feet and the distance of the primary building setback there needs to be screening. **He noted industrial business does not have 5 feet required for accessory use, so it is the setback for the district.** **[unclear]**

Formatted: Highlight

Mr. Heep stated if there is no site plan review in the By-Law it needs to say what the screening is. It should not be left undefined. Mr. Block noted it describes screening on page 5, Section 4 (c). It was agreed the height should be the height of the system. Mr. Heep stated all his issues have been addressed. Mr. Frail asked if a shadow is being created with screening if within the 5 feet. Mr. Crocker noted a fence should not be more than 6 feet **high**. There is no need to have the fence be 8 feet high. It was agreed the height of the screening should be 6 feet. Ms. Newman will make the changes and send out a new draft to all members and Mr. Frail. Mr. Frail thanked the Board for the great conversation tonight. Mr. Alpert would like Mr. Heep to look at Town Engineer Justin Savignano’s comments to see if they are reasonable.

Appointment to Charter Review Working Group.

Mr. Block stated the Select Board has an obligation to review the Charters. They are setting up a short-term committee and would like to set a time frame for regular reviews. He is willing to do that. The dates will be 2/7/24 and 2/21/24 at 5:30 p.m.

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

VOTED: to appoint Adam Block as the Planning Board representative to the Charter Review Working Group.

Minutes

Planning Board Minutes January 16, 2024

The minutes will be reviewed at the next meeting.

Report from Planning Director and Board members.

Ms. Newman reminded the members there will be a HONE community meeting Thursday at 7:00 p.m. There are over 100 people signed up via zoom. Ms. Espada stated she would like all to participate.

Mr. Block stated it is becoming clear there is considerable dismay at the large house replacement of small homes in town. He recommends by the end of the summer the Planning Board come up with a plan to revisit the Large House Review. He feels it would be a vigorous public process. There would probably be 3 meetings before a community meeting. He reviewed the timeline he sees and the potential to set up a separate committee.

Correspondence

Mr. Block noted an email, dated 1/11/24, from Stephen Frail, regarding small-scale ground based solar arrays; an email, dated 1/10/24, from Town Manager Kate Fitzpatrick regarding Town Charter and By-Law Review; a notice from Westwood regarding a 1/9/24 hearing and a notice for a community workshop for HONE 1/17/24 at 7:00 p.m.

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 adjourn the meeting at 10:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

February 6, 2024

The Needham Planning Board meeting, held in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, February 6, 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 in a hybrid manner 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.

De Minimus Change: Major Project Site Plan Special Permit No. 97-12: Four Forty-Four Group, Inc., 444 Hillside Avenue, Petitioner (Property located at 442 and 444 Hillside Avenue, Needham, MA).

Mr. Block noted this was discussed with the Board at a prior meeting and it was determined to be a de minimus change. He noted the following correspondence for the record: the application for site plan review; a letter, dated 1/24/24, from Attorney George Giunta Jr.; a copy of the "Plan of Land in Needham, Mass." dated 5/27/1997; a copy of the "Plan of Land in Needham, Mass." dated 6/15/2022; and memos from Assistant Public Health Director Tara Gurge dated 1/29/24; from Police Chief John Schlittler dated 2/1/24; and from Fire Chief Tom Conroy dated 2/1/24, all with no comments or issues. Mr. Alpert feels it makes sense.

Mr. Block stated the packet is consistent with the previous discussion. Mr. Giunta Jr. noted, in 1997, an L shaped lot was carved off. The applicants kept a piece for themselves and sold off the L shape. The Gentle Giant building was built and sold back to the applicants in 2007. An ANR plan carved off a piece to sell to Gentle Giant. The rest of the L is legally part of the shop property but this would be a change in the site and the Board needs to approve. It is accessory parking not required for the shop. The relief granted to the shop in 1997 is still the same. Mr. Alpert feels this is de minimus and agrees that this is adding parking to the same special permit that already exists. He feels this is a small matter.

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

VOTED: to accept the application as a de minimus change.

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 requested relief.

Ms. Newman stated the Board will vote the decision at the next meeting.

HONE Committee Project Update

Mr. Block introduced Assistant Town Manager Katie King, Co-Chair Heidi Frail and Attorney Ron Ruth. He noted Ms. Espada and Ms. McKnight are also members of the HONE Advisory Group Committee. Ms. Frail reviewed the work done to facilitate the MBTA Communities Act. She noted the HONE Advisory Group Planning Board had a couple of community public meetings. The map of proposed zoning changes was broken into 2 separate articles for Town Meeting. The first Article is the Base Compliance map. She feels it would be a short time to pass compliance. [unclear] The second Article would be an add-on map they hope would facilitate housing production. There have been many discussions about various items people feel should be rezoned but fall outside HONE's charge. The HONE Committee Advisory Group is keeping a list of these items and hopes the Planning Board will take them up.

Formatted: Highlight

Ms. Frail stated one item is to rezone around Hershey Station. The Town's zoning needs to allow for the potential building of 1,780 multi-family housing units with no disability or age restrictions. The Committee would like the Planning Board to rezone [the Hershey area?] at a later date. The MBTA lot, being state-owned, is not compliant and the golf course is not compliant. There is only one half acre of land in the Hershey area in which commercial currently sits. Ms. Espada noted there needs to be a minimum of 5 acres to be compliant. To get the 5 acres a substantial amount of land now zoned for single-family residential would need to be included. Ms. Frail stated the Advisory Group chose not to rezone any single family lots but are discussing whether to include some areas now zoned General Residence. Mr. Alpert commented they are making a policy decision not to rezone residential districts if possible. Ms. Frail stated they do not have to move into any single-family zones to create zoning that is compliant with the MBTA Communities Act. Hershey would be a one off.

Formatted: Highlight

Ms. Espada stated the schedule is very tight. There were 595 comments from the community. People want equity but Hershey does not make sense. There is also interest in a full, more ambitious rezoning-Option C. Some want merely compliant rezoning and some want the add on. There have been 2 community meetings and there will be a third meeting. There has to be compliance by 12/31/24. The next community meeting is March 28. She reviewed the upcoming schedule with the Design Review Board (DRB), the Select Board and the Advisory Group. The proposed Article gets sent to the state on May 1 and the state reviews it from May through July. July to September the Planning Board would finalize the zoning article with public hearings. Then in October 2024 Town Meeting votes. Mr. Block asked when the last possible opportunity would be for residents' input. Ms. Frail stated March 28, but [written?] feedback is always welcome.

Formatted: Highlight

Ms. Newman stated hearings would begin in September with 2 potential September dates. Assistant Town Manager Katie King described what the MBTA Communities Act is. She noted the Planning Board and Select Board started HONE to lead community engagement, then advise the Planning Board and Select Board. She reviewed HONE's charge. Parking minimum and maximums were built into the proposed zoning changes. She noted work started long before HONE with the Housing Plan Working Group. She had secured \$70,000 in a grant to procure consultants and sent out postcards to all residents before the first community engagement workshop on 11/9/23. About 300 people participated and there was a lot of good feedback. There is interest in adding more height and density than zoning currently allows. A survey was issued to get feedback on scenario preference, boundaries and unit capacity. There were nearly 600 survey responses. At the third community workshop on March 28 the form of the zoning needs to be finalized.

Mr. Alpert feels going to the state with Proposal A seems it is meeting the requirement. If the state feels we comply, it passes, then Plan B expands on that a bit. He asked if Town Meeting passes this does the Town still comply? He likes the areas with retail on the first floor and apartments above but does the Town still comply with the guidelines? Mr. Block noted that if Plan A received [state?] the approval, then- If Plan B is not approved it does not matter. Ms. King stated they will have more clarity and guidance once they know what the form is. Ms. Newman added, once the Zoning By-law Amendments are adopted, the state wants to make sure nothing can ever be done again that changes that or reduces the density. Both plans are going to the state so the state can see that the second plan does not undermine the first plan.

Formatted: Highlight

Ms. McKnight stated since 1980 St. Joseph's church has been zoned Apartment A-1. What if the state says it is a school and excludes the land also it does not count? Mr. Block noted, in the future, the Planning Board needs to do targeted rezoning of some part of Hershey in a way that the Commonwealth cannot pull it back. Attorney Ron Ruth stated once the state approves the proposed zoning as compliant, there is a string on it. It is all a system in process at our level and the state level. The state needs to get 177 communities into compliance, then figure out how it should proceed. Ms. Espada noted all comments are being incorporated into the 2 Articles.

Ms. Frail stated zoning for each neighborhood is being created on its own merits and what is best for that area. They are staying with base compliance then will build a second map that will add on and offer more inducements for housing. Mr. Block clarified that neither the form or substance of the proposed rezoning has been finalized yet. Ms. King showed the map and zoning parameters that will be discussed at the third workshop. HONE has to finalize substance so staff can create the form with consultants to have the final report to the Select Board and Planning Board by 4/30/24 to send to the state on 5/1/24. The state has committed to a pre-review and to getting back to towns within 90 days. Ms. Frail encouraged individual feedback from members and would welcome feedback from the Finance Committee.

Mr. Alpert wants to have the Finance Committee on board. Changes cannot be made after 5/1 when it is sent to the Commonwealth and **it is not clear whether amendments cannot** **[is this what was meant?]** be made on Town Meeting floor. He feels the Finance Committee members should be invited to attend the meeting on 4/30. Mr. Block stated the comments tonight helped him with the distinction of the form and substance and the impact of subsequent zoning articles. Mr. Alpert stated he is comfortable HONE and the consultants will come up with something great. Mr. Crocker feels 3D modeling would be great to provide. Ms. Frail stated there will be drawings at the meetings.

Formatted: Highlight

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

Mr. Block noted on page 2 of the red lined copy, Article 1, paragraph 6.13.1 (b), it says on page 5 screening is up to 6 feet for ground mounted solar. He would think screening should be the height of what is being screened. Mr. Crocker feels there is no necessity for that. An 8 or 10 foot fence is extremely expensive. Six feet is a normal fence. There is no need to go any further. The angle of the fence will block some of the height. Mr. Block feels it is an inconsistent policy. What they are screening is not really screening. Mr. Alpert commented **that** the aesthetics need to be looked at. He would rather see a 6 foot fence than an 8 foot fence. Ms. Espada understands the concern, but it should be 6 feet.

Mr. Block noted in Section 6.13.1(c), **it** does not say which setback like in (b) which says "at the district-level setback." Should this be included in (c)? Ms. McKnight thought the intent was to be more generous. Mr. Alpert noted (c) 4 on page 5 says it. It is in (b) because it is an exception, but it is covered in (c) 4. All agreed. Mr. Block noted **in** 6.13.2 (4) there is a reference to building coverage. Mr. Alpert noted with a capital "B" and a capital "C" which are not defined anywhere. Mr. Block asked if building coverage should be lot coverage. Ms. Newman stated in Section 4.2 of the Zoning By-Law the phrase "lot coverage" is used. It should be "lot coverage." Mr. Crocker stated paragraph 5 says building coverage. Mr. Alpert noted 4.2 defines residential lot coverage. Mr. Block stated both should refer to lot coverage. He does not see a negative. He noted on page 4 building mounted canopies can go up to 15 feet in **a** district and just below is the same. Ms. Newman stated one is up to maximum height and one can go beyond the maximum height.

Mr. Block noted on page 5, Setbacks (5), **it** says any reach. Should the Board define what the "reach" is or is that **self explanatoryself-explanatory**? Ms. McKnight stated it has to be the setback and reach says that. Mr. Block suggested "any part" or "any extension." Ms. Espada uses "extension," but she understood "reach." All agreed to use "extension." Mr. Block noted on page 7, paragraph 8, regarding stormwater, **S** should it say "meet" or "may exceed?" Mr. Alpert stated they have to comply with the By-Law. Mr. Block stated Town Counsel Chris Heep was particular about defining screening. It was defined in one section and not in another. Ms. Newman stated Mr. Heep is satisfied with this.

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 forward to the Select Board for inclusion on the Warrant for scheduling a hearing that amends the By-Law for Solar Energy Systems with the 2 changes discussed tonight – the word "lot" and the word "extension."

Review of Planning Board Annual Report

Mr. Block noted any suggested changes should be forwarded to the Planning Director. The Board needs to review the planning calendar and the Parking By-Law.

Minutes

Mr. Block noted the minutes of 10/3/23. Page 3, "big money comes from local taxes" should be "federal low-income housing tax credit program." Another source should be "DHCD" not "HCD" and "the units are \$85,000 per unit from Executive Housing" should be deleted. On page 3, it was unclear regarding the common space was 2 buildings and now one building with 1,000 square feet. Mr. Crocker noted it was referring to the existing common space is 2 buildings and there will be less common space. Mr. Block stated it should say "Mr. Crocker questioned the adequacy of the common space as proposed." Mr. Block noted on page 5 "Mr. Alpert noted the sense of the Board is they do not want to limit to

elderly and disabled...” Mr. Alpert stated that is a correct quote from him. Mr. Block noted on page 7, Wellesley has had a Tree By-Law, “someone should reach out to them.” “Them” should be changed to “Wellesley.” All agreed.

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

VOTED: to approve the minutes of 10/3/23 as amended.

Mr. Block noted the minutes of 10/17/23. On the bottom on page 1, the open meeting law complaint, “Mr. Block stated it was not a separate agenda item.” It is unclear and he feels they should just strike it. All agreed. On page 2, 117 Kendrick Street, paragraph 3, after “asked for an estimate of the number of cars” add “that might be backed up behind the delivery truck.” All agreed. The sentence “Mr. Sullivan contemplates projects could have design review...” should be struck. On page 3, strike “the DRB noted...” and say “Mr. Block noted...” and remove “courtesy” after “They raised several issues.” “He would like to see the trash ...” should be “the Health Department would like to see the trash...” On page 5, John Diaz comments – add will “not” be seen. On page 7, under HONE, “Ms. Newman stated the revised went out...” Ms. Espada noted it was “modeling.” Last paragraph, “Mr. Block asked if the existing is based on by right or special permit.” Ms. Newman noted in some it is allowed by special permit. Mr. Block stated to strike it. Mr. Crocker noted on page 6, second paragraph, “It was noted historically.....” Add “that historically.”

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 10/17/23 as amended.

Ms. McKnight noted the minutes of 11/7/23. In the first paragraph, Mr. Block suggested deleting Mr. Alpert was late. In the paragraph regarding the [Neehigh ??] public hearing it says GPI reviewed the updated traffic study with conclusion. Add “its” before “conclusions.” On page 2, it says people can wait 20 minutes to get onto Putnam. It should say “Highland.” Strike the sentence regarding permit parking could be put in back. Ms. McKnight noted on page 4, Mr. Chen stated 40 feet and 80 feet and one property is 36 feet at the narrowest point. She is not sure what he is talking about. Mr. Crocker noted he might be talking about the setback of distance from the lot line. Mr. Block ~~noted~~said to strike that sentence. Ms. McKnight stated on page 5, Mr. Alpert stated he does not think it matters what Town Meeting. Mr. Alpert clarified it does not matter who presented it. Ms. McKnight suggested it “does not matter to Town Meeting who the sponsor is.” This was agreed. In the third paragraph regarding setbacks, “better if it...” should be changed to “better if the required setback was...” It was agreed to strike the sentence “Phase 2 is closer.” Under the Board of Appeals, 1688 Central Avenue, Mr. Block thinks it is a building permit “application” and for the appeal add “of the building permit decision.”

Formatted: Highlight

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 accept the minutes of 11/7/23 as amended.

Mr. Block noted the minutes of 11/17/23. He noted on page 2, second paragraph under zoning strategies, “net meeting” should be “net metering.” In the fourth paragraph, Mr. Crocker noted it does not change. It is saying it is logical to change to 2,500 but it does not need to. Add “does not need to change.” Mr. Block noted in the next paragraph, add “including” before “regulating the look.” On page 4, TMA should be defined. Ms. Clee stated it is actually the Route 128 Business Counsel Transportation Management Association. In the last paragraph, it should say that Ms. Newman should call Mr. Goldman and let him know “about signage.”

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 accept the minutes of 11/17/23 as amended.

Ms. McKnight noted the minutes of 11/28/23. On the first page, Mr. Block quoted Mr. Crocker as saying he is ok moving forward. Who is he? Mr. Crocker stated it was himself. It was noted an “and” should be put after the sentence “, Mr. Crocker is ok moving forward without those. On page 4, it says “Mr. Block would recommend against advertising as

allowing it.” Mr. Block stated he said that. It was agreed to add “by right” at the end. Ms. Espada feels it should be by special permit in both districts -- residential and non-residential.

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

VOTED: to accept the minutes of 11/28/23 with the changes discussed tonight.

Report from Planning Director and Board members.

Ms. Newman sent a letter of support for NHA’s HOME-ARP funding application for redevelopment of the Linden Street property. The City of Newton has applied for \$750,000 in federal funds. She feels Needham’s participation in the group may pay off. She noted the public hearing for the Housing Authority zoning will be 2/27/23 and the solar zoning hearing is on 3/5/23. She noted there is a petition article circulating regarding the large house issue. She has not received it yet, but it would change the definition of FAR to exclude the area in basements and attic spaces. It will have to be advertised for a hearing once the petition comes in.

The Board discussed the schedule. Ms. Newman noted the solar article needs to be in on 3/20. There is a hearing 3/5 and she will need time to make any changes before the Board looks at it again. She is not sure how many changes there will be, but she needs time. She asked if a meeting could be added. If there are not that many changes the meeting could be canceled. It was decided the Board will meet, via ~~z~~Zoom, on 3/15 at noon. Mr. Alpert would like Mr. Frail to be at the 3/5 meeting to say he is good with the language. Mr. Block noted a letter, dated 2/1/24, from Ms. Newman to the WestMetro HOME Consortium and a notice of hearing from the Town of Wellesley Planning Board for a meeting on 2/5/24.

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 9:37 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk

Correspondence

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 adjourn the meeting at 10:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk

DRAFT

NEEDHAM PLANNING BOARD MINUTES

February 27, 2024

The Needham Planning Board meeting, held in person in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, February 27, 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 in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes one public hearing and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 227 Eliot Street, Ashland, MA 01821 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, Massachusetts). Regarding request to permit the operation of a farmer's market on a small portion of the Town Common and Garrity's Way.

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

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

Mr. Block noted the following correspondence for the record: the license agreement, letters from Jeff Friedman, President of Needham Farmer's Market, dated 1/12/24 and 2/11/24; an email from Tree Warden Edward Olsen, dated 1/25/24, noting no issues; an email from Police Chief John Schlittler, dated 1/26/24, regarding parking enforcement; an email from Building Commissioner Joseph Pronkak, dated 2/21/24 regarding portable toilets; an email from Jeff Friedman, dated 2/21/24, regarding portable toilets; an email from Fire Chief Tom Conroy, dated 2/21/24, noting no issues; an email from Assistant Board of Health Director Tara Gurge, dated 2/21/24, with a list of requirements; an email from Town Engineer Justin Savignano, dated 2/21/24, with a list of requirements and letters from the YMCA and Bagel's Best regarding use of their rest rooms.

Jeff Friedman, President of the Needham Farmer's Market, noted this is their 13th year. The market will be on Garrity's Way and a small part of the Town Common. The previous special permit will be amended for this site. The market was relocated for 2 years to Greene's Field due to the Town Common renovations and the market was 3 years at the Eaton Town Square. There will be fresh and local produce and baked goods. Food and health safety is of paramount importance. The Town Manager signed an agreement with Needham Farmer's Market on 1/10/24. There will be live music, local artists and a community table. The layout is approximately the same as the 2020 layout diagram. The maximum number of vendors will be 17 an increase from 13 and artists will be 4 an increase from 2. Seventy-five percent must sell local food.

The market will be from 11:00 a.m. to 3:00 p.m. with setup starting at 9:00 a.m. Setup will start at 9:00 a.m. and breakdown will be 3:00 p.m. to 5:00 p.m. The current agreement says one hour from 3:00 p.m. to 4:00 p.m. This was a mistake as it takes 2 hours. He is also requested the Board waive the filing fee. Ms. McKnight asked if there were any issues with the Board of Health comments and was informed there were no issues. Ms. McKnight noted Bagels Best is right across the street but the YMCA is a far walk. She asked if Mr. Friedman had any thoughts. Mr. Friedman stated some vendors go to Walgreen's Pharmacy and there is no issue with that. Two other possibilities are CVS and Hearth Pizzeria. He will contact the owners to see if their facilities could be used. Mr. Block noted letters have already been obtained until 3:00 p.m. and not through the 5:00 p.m. take down. Technically he should get a letter expanding the use to 5:00 p.m. Mr. Friedman will

do whatever the Health Department wants him to do. Mr. Alpert stated Ms. Gurge is looking for the hours the market is open to the public. This satisfied it.

Mr. Block asked where the live music would be. Mr. Friedman stated he had a meeting with the Department of Public Works (DPW). This needs to be worked out with them. The music was always from the steps of Town Hall. He wants people to get close to the music if possible. The second location would be in the Town Common area but the details need to be worked out. Mr. Crocker asked if the music would start a little earlier. There was an issue with the church at Greene's Field. Mr. Friedman is very aware of sound. There is no residential near the common. He had delayed the music for 30 minutes for the Christian Science Church. This will need to be worked out. Mr. Alpert noted the 2-hour breakdown. The license agreement says 2 hours but the legal notice says only one hour. He has no problem with 2 hours but Mr. Friedman should talk to the Town Manager and Town Counsel. He noted Paragraph 1(a) defines the licensed area as the Town Common bounded by Great Plain Avenue, Chapel Street, Garrity's Way and Highland Avenue. He is reading the Market does not have access to Garrity's Way and the steps. That needs to get cleaned up. Also, it says to him the Market is responsible for clean up on the entire Town Common. Mr. Friedman may want to go back and reduce the area to half the common. That is not a Planning Board problem, but Mr. Friedman may want to clear that up. Mr. Friedman noted on page 2, paragraph 2, it is clear on the layout plan. Ms. McKnight agreed with Mr. Alpert. The use of the words Town Common does not include the Town Hall steps or Garrity's Way.

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 waive the filing fee.

7:30 p.m. – Article 1: Amend Zoning By-Law – Affordable Housing District
Article 2: Amend Zoning By-Law – Map Change For Affordable Housing District

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.

Mr. Block commented the Board is only considering the language of the Zoning By-Law change and not approving a future project. Uses will be discussed, what's allowed and whether by right or special permit. This is proposing to allow multi-family affordable housing by right with a site plan review. He reviewed the dimensional regulations with the current zoning and existing conditions, the proposed development dimensions and proposed zoning. This would specifically allow deeply affordable. There were restrictions previously on uses that continue today. There is affordable but also elderly and disabled. The new zoning will eliminate the age and ability. He noted the lot size is currently 10,000 square feet and will be 20,000 square feet. He added the area is over 470,000 square feet or about 11 acres.

Mr. Block noted frontage will go from 80 feet to 150 feet, front yard setback will go from 20 feet to 40 feet, side yard setback goes from 14 feet to 25 feet and the rear yard setback goes from 20 feet to 25 feet. The height with a flat roof is currently 2½ stories and will go to 43 feet maximum and 4 stories and a pitched roof will be 58 feet maximum. For mechanicals there is currently no provision and with the new zoning there will be a maximum of 25 feet, excluding solar systems. FAR is currently 0.36 to 0.38 and will go to 0.5. There are currently no requirements for units per acre and this will go to 25 units. Lot coverage was 25 to 35 percent and will go to 20 percent. This information was presented at a community meeting in December with the Housing Authority. The architect showed renderings at that meeting that showed if all was approved. There will be 247 units. There are 152 studio units currently and 2 site plans were shown. There were 2 buildings in the first phase with 136 units in Phase 1A and 1B. The setback was 87 feet at the closest and 135 feet at the farthest and parking is in front. There are minimal dimensional requirements in the rear. In Phase 2, the By-Law change would allow the potential for both to be built. The front setback is 87 feet and the minimum setback is 40 feet.

Mr. Block noted on the second plan, the location of Phase 1B parking is in front as opposed to in the rear. If the By-Law change is adopted by Town Meeting, Phase 1 is building 76 units, 4 2-bedroom and the rest would be one bedroom. Phase 1B would build 60 units, 4 2-bedroom units and 56 one-bedroom units. The height would be 53 feet and 4 stories. Ms. McKnight noted the underlying zoning was referred to. Initially the applicant had suggested an overlay and that idea was abandoned. The By-Law would replace the existing Single Residence B and General Residence District and there would be no underlying zoning. This would allow the stated use. Mr. Block noted the Needham Housing Authority owns the land but the Town of Needham owns a small piece that would be included in this rezoning. It would be replaced by the Affordable Housing District.

Mr. Alpert noted the schematics are not being presented or discussed tonight but are being shown to the public so they can see what might or could happen. Ms. Espada clarified all land is within the purview of the Housing Authority except the one small piece owned by the Town. Janis Soma, of 106 Marked Tree Road, and Town Meeting member from Precinct D, spoke in favor of the project. This preserves 152 affordable units and creates 95 new units. There is a 436 shortfall of rental units per the Housing Plan. She encouraged the Planning Board to support the Housing Authority rezoning plan. Ross Donald, of 25 H Chambers Street, stated work needs to be done but he wants to see the work proceed without undue interruptions or stress for the elderly. He is for public housing but against the demolition of public housing. What is offered now is the only permanent housing available for people who need it. The tear down of Linden Chambers is unwarranted, uneconomical and not good public policy. These types of brick buildings are typically not torn down but gutted and rehabbed. This zoning is based on the design presented. Mr. Crocker stated this is not based on design but the maximum envelope of what could be. Mr. Donald has an issue with information sharing. Access to information has been a problem. He has requested public information and has been rebuffed or ignored. He would like to see Attorney Robert Smart's report and the predevelopment work. Mr. Alpert stated he is hearing Mr. Donald is against the zoning change because he does not think the area needs to be redeveloped, the current buildings are structurally fine but need work and 157 units is adequate for the needs.

Mr. Donald stated that was a good summary from one perspective. He could be persuaded to move forward with a design for zoning but there has been no consideration that this is part of a school zone. That has not been addressed from the point of view of zoning. The "low income housing district" should not segregate a part of town for economic reasons and create a special zone for poor people. This would not be restricted to elderly or disabled. The current could be improved. This is special zoning for one particular area. He asked why the zoning for Linden Chambers is not good enough for the entire town.

Marlene Kosta, of 40 Chambers Street, asked if the 152 existing units are being rezoned as affordable as opposed to senior and disabled. Mr. Block stated the new zoning would rezone the area on the map and would allow for deeply affordable housing. Ms. Kosta asked what the definition of deeply affordable was as far as income is concerned. Ms. McKnight noted, in the By-Law, it is a dwelling unit affordable to, and to be occupied by, a household with an income at or below 80% of the median income. That is in the current By-Law. Ms. Kosta asked what that would be in Needham but was told it depends on the family size. Ms. Kosta asked, if everything is rezoned to affordable, where is senior and disabled. Mr. Block noted this would enable affordable without limiting it to age or disability.

Ms. Kosta stated there are no legal protection for current people living there. Ms. McKnight noted the sources of funds would require incomes much lower than the definition. She is not sure if it is 50% or 35% of the median income. Ms. Kosta noted some could be displaced if they do not make enough money. Ms. McKnight noted there are very strict rules that prohibit displacement. People there have to be provided housing during the construction and the opportunity to return once completed. Mr. Crocker noted they do not have a definition of deeply affordable. Mr. Block stated, if Town Meeting adopts the zoning change, and the Housing Authority comes to the Planning Board for site plan review, all existing resident are offered the opportunity to minimize disruption. They would be put up in facilities and the existing tenants have the right to return to the facility. Ms. Kosta asked what the rules would be for the new 95 units and was informed they would be the same.

Mr. Alpert stated the discussion should be limited to the zoning article. The Article does not mention deeply affordable housing. That phrase is not used anywhere in the By-Laws. This is not passing zoning for deeply affordable necessarily. That may be the goal of the Housing Authority funding sources but the Board has no idea what that would be. They do not

know what the funding sources would require. This is a disservice to the residents of the town and Town Meeting members. Mr. Crocker stated Mr. Alpert has a valid point. They are talking about something not in the zoning. Ms. Kosta asked if the funding sources do not materialize could the Housing Authority sell portions off privately. Do they have a legal right to sell any portion of the land to a private developer? Mr. Block stated the Planning Board is not a legal body. Any property owner has a legal right to sell off property. Any successor property owner would need to abide by the new zoning requirements. Mr. Alpert stated any new owner would only be able to build affordable housing. Currently a developer could tear it all down and build anything.

Ms. Kosta asked, if the zoning changes and funding does not materialize, what could the Town do? Mr. Block stated if the By-Law change passes and financing does not happen, everything remains as is. They could renovate or build new over time. Ms. McKnight stated a zoning By-Law amendment requires a public hearing. Ms. Espada noted the median household income. She wants to understand what the plan would be for funding and what the requirements would be. How is the new zoning changing the demographics? Reg Foster, President of the Needham Housing Authority, noted they are required to protect and replace all existing units on the same basis as today. They are taking down 72 units and would replace with 136 units. Those 72 units have to continue at the same degree of affordability. The underlying zoning is single residence. There is no possibility of getting out of affordable housing and selling to anyone else. This is very highly regulated. Their charter is a chapter under 121 (b). What they have now will continue. All units will be ADA compliant. He wants to have a transparent process with all residents able to participate. There have been 4 community resident meetings and there will be more.

Mr. Block would like to develop, with the Housing Authority, a list of Frequently asked Questions before Town Meeting. Ms. Newman stated they will use the definition of affordable housing. That gives the Housing Authority the flexibility they need. Matt Zajac, Deputy Director for Planning for the Cambridge Housing Authority, is the development consultant for the Needham Housing Authority. The Housing Authority is currently operated as state assisted public housing and carries a requirement of 80% AMI. This is consistent with income requirements at the property. AMI is governed by an agreement with the state. Income requirements are layers that build upon each other. It starts with 80% AMI then additional funding sources may lower that. Needham Housing Authority is committed to operating as deeply affordable. Every unit is attached to a rental subsidy. Assistant Planner Alex Clee noted the Housing Planner has put the income requirements on the Town of Needham website on the housing division.

James Goldstein, of 40 Coolidge Avenue, supports the need for more affordable housing and more deeply affordable housing. He feels there needs to be confirmation of what Mr. Foster has said and address the concerns of the previous residents. He has 2 caveats. The first is that all 152 units replaced will have the same affordability and requirements as the current ones do. This is an important issue and needs to be confirmed. The other issue is existing tenants must be protected and provided with new units. He understood they would have interim housing and then be eligible to move into the new units. The 95 additional units may have different requirements, but he is encouraged by the Housing Authority charter and strong regulatory approvals of the state. He would hope the Housing Authority would address the issues.

Jim Burke, of 188 C Linden Street, asked what the present deed restrictions on the property are. He has not heard that spelled out. He noted, as a Board, they need to define affordable housing and include A, B, C and D, such as seniors and disabled would qualify. He would like some assurances and information to make an educated and informed decision. Paula Dickerman, of 20 Burnside Road and Town Meeting Member Precinct J, is in favor because of why it is being done. They are providing units now to residents that are substandard. The town can provide quality residences. This is adding really needed units to the inventory of affordable housing. She has faith in the 75 years of the Housing Authority managing Linden Chambers and managing deeply affordable housing. She hopes the Planning Board passes this zoning and it passes Town Meeting.

Cynthia Conturie, of 96 Robinwood Avenue, stated people have not talked about the zoning. Four stories in a residential area is troubling. A parking lot in front would normally be in back and is not respectful for people living in the neighborhood. They should really think about where the affordable housing should be. It should not be in the middle of a neighborhood and across from a school. The area is being changed dramatically. There are other options. This is changing the neighborhood by putting in a high rise with little regard for the neighbors. Someone said to redistrict the whole town and she agrees with that. She feels this is going to pass and would like people to be respectful to all in town. She does not

feel this is fair to this community across from a school. This is changing the character. Mr. Crocker stated the goal is to treat people with respect. What they have for housing is defined by who we are as a community. It needs a lot of work. He raised concerns himself about affordability levels. Varying demographics in town is good.

Oscar Mertz, of 67 Rybury Hillway, is an architect and planner. He was interested in the conversation about scale. All are looking at how to add density and housing. They are trying to site the building and solve the problem for that community. They have a large site and a school. There are no single-family houses across the street but a big open space. Parking in front is a public gesture. He feels the parking lot will have additional parking for the public. A building set back and across from a large open space is well suited here. It is a balancing act, but this is a pretty good solution. He is in favor of this scale and placement of the building. Rob Dangel, of 28 Hewitt Circle, is a Precinct A Town Meeting Member. He asked why this zoning is so open and not including a designation for elderly and disabled. In the spirit of the residents that live there now he would feel more comfortable with a protection of an elderly and disabled designation. He noted there are single family residences adjacent to this site that need to be considered. The street is very narrow, but he has not heard of traffic studies.

Jim Flanagan, of 863 Webster Street, and Precinct J Town Meeting Member, is in favor of both Articles. Sometimes the Town feels the more restrictions the better, then the state and federal come in and their hands are tied and the current residents are not served. Updating and clarifying the zone is important work. The intent of the project is what is best for current residents, new residents of the needs and senior criteria and residents for future generations to be served. Ross Donald expressed his appreciation for the people tonight with a higher level of knowledge. In 1961 a variance was granted for multi-family housing. After a complaint, there will be an inspection of 164 Linden Street to see if it complies with zoning. It is being used for maintenance and not as a community room. He asked how he would get information on what has been done so far and he would like a written relocation plan. Mr. Block recommended he communicate with the Needham Housing Authority as the landlord to provide the information he is looking for. It is a valid concern but outside the scope of this hearing.

A motion was made to close the hearing. Mr. Block spoke of the process going forward. He noted the most common feedback is to preserve the restrictions. He added any comments or questions are welcome.

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.

ANR Plan – Rocket Holdings, LLC, Petitioner, (Property located at 46 Heather Lane, Needham, MA).

Ms. Newman noted the plan is compliant and has been reviewed by staff. There are no comments. Ms. McKnight asked if Lot A2 extends all the way to Chestnut Street and was informed it does. George Giunta Jr., representative for the applicant, noted a survey was completed and they have closed the loop. Robert Smart, representative for the Heather Lane Homeowners Association Trust, noted every owner of a lot served by the way shall be responsible to the Trust for repairs in a way. He wants to make sure the developer is aware of that and wants to finalize to make clear what the arrangement is. He understands Rocket Holding will not be part of the Trust, but ongoing maintenance is to be shared. He wants to ensure that. His client will finish the road in April, and he wants to make sure the applicant will make sure it is fixed. Ms. Newman stated these lots were not part of the subdivision. Ms. Smart stated the subdivision decision addresses this issue and says owners served by the way. Mr. Giunta Jr. is aware of this and has a mostly completed agreement. They agree to accept responsibility.

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 plan as an Approval Not Required Plan.

ANR Plan – Brendon-Silva, LLC, Petitioner (Property located at 543 Greendale Avenue, Needham, MA).

Paul Beaulieu, of Field Resources, noted the property came for a previous ANR endorsement that was approved. Initially 2 parcels were cut off to the left. That left the main parcel with most of the church building on it. Once they demolished the church, they are now dividing the remaining piece to be sold off. Ultimately it will be 4 lots. Ms. Newman stated the plan is compliant. Terrance Ryan, of 79 Evelyn Road, noted his in-laws live adjacent to Lot 4C, which is now 4A and D. He wants to make sure, with all the trees cut down, they keep in mind the grading of the property so water run off does not go on other properties.

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 plan as an Approval Not Required Plan.

Decision: De Minimus Change: Major Project Site Plan Special Permit No. 97-12: Four Forty-Four Group, Inc., 444 Hillside Avenue, Petitioner (Property located at 442 and 444 Hillside Avenue, Needham, MA).

Mr. Alpert noted a typo on page 2, paragraph 3, 4th line, “Original Locus” should not have a) after it.

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

VOTED: the requested modifications are granted consistent with the Plan, subject to and with the benefits of the following conditions and limitations of the draft decision in front of the Board with the one typographical change.

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

VOTED: to accept the amendment to the decision dated 2/27/24 with the one change.

Minutes

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 approve the minutes of 12/5/23 as redlined in the packet.

Ms. McKnight noted in the minutes of 12/6/23, page 2, Mr. Chen said the setbacks would be 87 to 88 feet in Phase 1A and it varies from 137 to 87 feet. Ms. Espada stated “in Phase 1B” should be added. This was agreed. Ms. McKnight noted on page 3, the former president of the Linden/Chambers “Residents Association” should be added. On page 5, Morris Singer stated 336 is the current number of units, which is a 128% increase in that site. She noted that was not clear. Mr. Foster stated that is all units in the town.

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 12/6/23 as redlined with the corrections made tonight.

Report from Planning Director and Board members.

Ms. Newman stated she added an extra HONE meeting to finalize the 2 scenarios. She has also invited Town Counsel Chris Heep to talk with the Committee about the site plan review and what it would look like with the MBTA Communities. She thanked all members for their flexibility with solar. There will be a meeting on 3/14. Two members will not be there but will have to review the tapes so they can participate. She hopes to have the final vote on 3/19.

Correspondence

Mr. Block noted an email from Dennis Lonigro, dated 1/29/24, regarding an MBTA area rezoning issue and an email from William Lenahan, dated 2/22/24, objecting to rezoning that would increase density in Needham.

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 adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk

DRAFT

TOWN OF NEEDHAM

Office of the Town Clerk



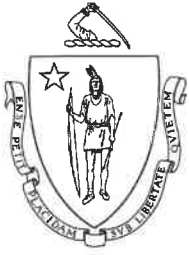
BY-LAWS

Approved By the Attorney General

**Annual Town Meeting
May 1, 2023**

Article 18

November 17, 2023



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION

10 MECHANIC STREET, SUITE 301

WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

November 17, 2023

Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Re: Needham Annual Town Meeting of May 1, 2023 -- Case # 11094
Warrant Articles # 18, 19, and 20 (Zoning)
Warrant Article # 39 (General)

Dear Ms. Eaton:

Article 18 - Under Article 18 the Town deleted text from and added new text to Section 3.15 "Accessory Dwelling Units (ADUs)." Except for text added to the definition of "Family," that we disapprove because it exceeds the Town's authority to regulate private family living arrangements under the Massachusetts Declaration of Rights and the United States Constitution, we approve Article 18. Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the constitution for the Attorney General to disapprove a by-law). We also offer comments for the Town to consider when applying the approved amendments adopted under Article 18.¹

In this decision we describe the by-law amendments; discuss the Attorney General's limited standard of review of town by-laws under G.L. c. 40, § 32; and then explain why, governed as we are by that standard, we partially approve Article 18.

I. Summary of Article 18

Under Article 18 the Town, by majority vote, deleted text from and added new text to a number of subsections within Section 3.15, "Accessory Dwelling Units (ADUs)." Article 18 amended Subsection 3.15.2, "Definitions," to add new text to the existing definitions of "Family" and "Owner" and added a new definition for "Lessee." As amended, the definition of "Family" is as follows (new text in underline):

¹ In a decision issued to the Town on September 15, 2023, we approved Articles 19, 20, and 39, and by agreement with Town Counsel extended our deadline for Article 18 for an additional sixty-days until November 17, 2023.

“Family” as a capitalized word, for purposes of specifying, pursuant to Section 3.15.3.1, who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver, or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle or spouse or child of any such resident person.

Article 18 also amends Subsection 3.15.3.1, “Use Regulations for ADU within a Single-Family Dwelling,” to read as follows (new text in underline and deleted text in strikethrough):

An ADU shall be permitted under the following use regulations:

*

*

*

(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner’s Family or a Caregiver and such Caregiver’s Family or a Lessee and such Lessee’s Family; provided that occupancy of the principal dwelling unit and ADU combined shall be limited to five persons who are not Family of the Owner and occupancy of the ADU shall be limited to three persons.

(d) The size of the ADU shall be limited to ~~850~~ 900 square feet of living space and shall have no more than bedroom.

Under Article 18 the Town also added new sections regarding the maintenance of ADUs’ appearance as a single-family property and enforcement of the by-law’s occupancy requirements.

II. Attorney General’s Standard of Review of Zoning Bylaws

Our review of Article 18 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973). “The legislative intent to preclude local action must be clear.” Id. at 155.

As an amendment to the Town’s zoning by-laws Article 18 must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) (“With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders.”). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the

Attorney General’s standard of review is equivalent to that of a court. “[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). “If the reasonableness of a zoning bylaw is even ‘fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.’” Id. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). However, a municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

III. Housing Choice and Majority Vote

The simple majority vote for Article 18 is authorized by amendments to Section 5 of the Zoning Act, G.L. c. 40A, in the “housing choice” provisions of Chapter 358 of the Acts of 2020. The “housing choice” legislation is intended to promote housing production by making it easier for cities and towns to approve housing-supportive zoning amendments. To that end, the legislation authorizes cities and towns to adopt certain zoning by-law amendments through a simple majority vote, as opposed to the two-thirds majority vote traditionally required.

As amended by Chapter 358 of the Acts of 2020, G.L. c. 40A, § 5 now provides in relevant part:

Except as provided herein, no zoning . . . by-law or amendment thereto shall be adopted or changed except by . . . a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority . . . of town meeting:

- (1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: . . . (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; . . .
- (2) an amendment to a zoning ordinance or by-law to allow by special permit: . . .
- (c) accessory dwelling units in a detached structure on the same lot; . . .

See also G.L. c. 40A, § 1A (simultaneously amended to include definitions of “accessory dwelling unit,”).

One of the categories that qualifies for a simple majority vote is a zoning by-law amendment that allows for attached and detached ADUs by right or by special permit. G.L. c. 40A, § 5. Because Article 18 makes it clear that ADUs are allowed by right in the Town subject to certain regulations – “An ADU shall be permitted under the following regulations:” - Article 18 passed by the correct quantum of vote, and presents no conflict with G.L. c. 40A, § 5’s voting requirements.²

² The existing text of Section 3.15.3 stated that ADUs were allowed by special permit in the Town.

We remind the Town that the Executive Office of Housing and Livable Communities issued guidance on the housing choice legislation that can be accessed here:

<https://www.mass.gov/info-details/housing-choice-and-mbta-communities-legislation>

IV. Subsection 3.15.2's Definition of "Family" Conflicts with the Massachusetts Declaration of Rights and United States Constitution

Both the Massachusetts and federal constitution provide protections for a "private realm of family life which the state cannot enter." Prince v. Massachusetts, 321 U.S. 158, 166 (1944); see also Goodridge v. Dep't of Public Health, 440 Mass. 309, 329 (2003) ("whether and how to establish a family...[is] among the most basic of every individual's liberty and due process rights"); A.Z. v. B.Z., 431 Mass. 150, 162 (2000) (acknowledging that the Constitution protects freedom of choice in matters of "family life"). These protections limit the Town's authority to regulate private "family living arrangements." Moore v. City of East Cleveland, 431 U.S. 494, 499 (1977). In particular, the Town may not use its zoning power to place limits on which categories of family members may live together in the same household. Id. (holding that city housing ordinance that restricted occupancy to "only a few categories of related individuals" violated due process clause of the 14th Amendment).

Article 18 amends the definition of "Family" to add "grandparent, aunt and uncle" to the list of persons who qualify as a family member as follows (with new text in underlined) (emphasis added):

"Family" as a capitalized word, for purposes of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean person who are related to an Owner, Caregiver, or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle or spouse or child of any such resident person.

Subsection 3.15.3.1 limits occupancy of a dwelling unit that is not owner-occupied to family members of the owner, caregiver, or lessee. Both the existing definition of "Family," and the definition as amended by Article 18, list certain family members that qualify as a "Family," – spouses, parents, siblings, children, grandchildren, grandparents, aunts, uncles, and spouses and children of a resident. Section 3.15.3.2. Therefore, ADUs occupancy is limited to those listed family members and other family members are excluded, such as cousins.³ By limiting occupancy in this

³ In addition to the problems discussed above, housing by-laws that utilize restrictive definitions of family, based on relationships by "blood, marriage, or adoption," may violate the due process clause of Article 10 of the Declaration of Rights. See Com. v. Jaffe, 398 Mass. 50, 56-57 (1986) (assuming without deciding that the term "family" must be defined using the concept of a "single housekeeping unit"). The Town should discuss with issue with Town Counsel in light of the other provisions of the by-law that limit occupancy to only "family member[s]."

way, the definition of “Family” impermissibly selects “certain categories of relatives who may live together and declare...that others may not.” City of East Cleveland, 431 U.S. at 499-500.⁴

Because the occupancy restriction created by the definition of “Family” violates both the federal and state constitution, we disapprove the text “grandparent, aunt, uncle” shown in underline and bold above in the definition of “Family.” We encourage the Town to consult with Town Counsel regarding amending or deleting the existing definition of “Family” because the existing text similarly violates the federal and state constitutions and to not apply the definition until it does.

IV. Subsection 3.15.3.1 (c) and (d) Occupancy and Bedroom Limitations Must Be Applied Consistent with the Fair Housing Act and G.L. c. 151B

As amended, Subsection 3.15.3.1 (c) limits ADUs’ occupancy to three persons. The existing text of Subsection 3.15.3.1 (c) limits occupancy of the principal dwelling combined with the ADU to five persons. In addition, Section 3.15.3.1 (d)’s existing text provides that an ADU shall have no more than one bedroom. We offer the following comments for the Town’s consideration in light of the requirements of Federal and State law that prohibit discrimination in providing housing based on a protected class, including family status (i.e., the presence of children in the household.) See 44 U.S.C. § 3604 (the Fair Housing Act [FHA]) and G.L. c. 151B, § 4, ¶ 6.

Both federal and state law prohibit discrimination in the provision of housing based on familial status (i.e., the presence of children in the household.). See 44 U.S.C. § 3604 and G.L. c. 151B, § 4, ¶ 6. The FHA expressly prohibits discrimination in the rental or sale of a dwelling based on familial status and provides that it shall be unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

See 42 U.S.C. § 3604 (a).

“The phrase ‘otherwise make unavailable or deny’ encompasses a wide array of housing practices...and specifically targets the discriminatory use of zoning laws and restrictive

⁴ Article 18 (and the other materials submitted to this Office pursuant to G.L. c. 40, § 32) reflects no governmental interest that would justify these restrictions. See City of East Cleveland, 431 U.S. at 499 (“When the government intrudes on choices concerning family living arrangements, this Court must examine carefully the importance of the governmental interests advanced and the extent to which they are served by the challenged regulation.”). Therefore, it is unclear from the materials provided how these interests are served by excluding certain categories of family members from residing in ADUs; nor do these interests appear to be of the type that would justify infringing on the protections given to families under both the federal and state constitutions. See City of East Cleveland, 431 U.S. at 499-500 (preventing overcrowding, minimizing traffic and parking congestion, and preventing undue financial burdens on the city’s schools were not sufficient reasons to justify the city’s ordinance.)

covenants.” Casa Marie, Inc. v. Superior Court of Puerto Rico for Dist. of Arecibo, 988 F.2d 252, 257 n. 6 (1st Cir. 1993).

Similarly, G.L. c. 151B, § 4, the Massachusetts Anti-Discrimination law, forbids discrimination in housing based on familial status. See G.L. c. 151B, § 4, ¶ 6. Both the FHA and c. 151B, prohibit towns from using their zoning powers to exclude housing for members of a protected class, i.e., a family with children. Violations occur when a Town uses its zoning power to intentionally discriminate against a member of a protected class or when such zoning power has a discriminatory impact on members of a protected class. See Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252, 265 (1977). Discriminatory effect can occur when a zoning rule, neutral on its face, is applied in a manner to exclude members of a protected class.

In light of the statutory requirements of the FHA and G.L. c. 151B, the Town should consult with Town Counsel about the proper application of Subsection 3.15.3.1 (c)’s occupancy restrictions and Subsection 3.15.3.1 (d)’ existing bedroom limitation.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Christopher H. Heep

RECEIVED
2023

TOWN CLERK
November 17, 2023

NEEDHAM
12:21 P.M.



TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

Theodora K. Eaton, MMC
Town Clerk

AT THE ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2023

UNDER ARTICLE 18

VOTED: That the Town will vote to amend the Needham Zoning By-Law as follows:

1. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.1 Intent, by revising the Subsection to read as follows (new language underlined):

"The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling."

2. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by revising subparagraphs (a), (b), (c), and (d) to read as follows (new language underlined):

"(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling, which apartment is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of a single-family dwelling.

(b) "Caregiver" shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or an Owner's Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person's primary residence, or an adult employed by an Owner to provide childcare to one or more of an Owner's Family members.

(c) "Family" as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, ~~grandparent, aunt, uncle~~ or a spouse or child of any such resident person." * Note: Strike wording removed per decision of the Attorney General

(d) "Owner" shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner's primary residence. Indirect ownership includes but is not limited to a

beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.”

3. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by adding a new subparagraph (e) to read as follows:

“(e) “Lessee” shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least six months by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other means to persons who are not Family of the Lessee, provided further that the Owner shall have filed a copy of such lease with the Building Commissioner as a pre-condition of the issuance of an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee.”

4. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3 Use Regulations, by revising the section heading to read as follows (new language underlined):

“3.15.3.1 Use Regulations”

5. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising the first sentence to read as follows:

“An ADU shall be permitted under the following use regulations:”

6. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):

“(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner’s Family or a Caregiver and such Caregiver’s Family or a Lessee and such Lessee’s Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner and occupancy of the ADU shall be limited to three persons.

(d) The size of the ADU shall be limited to 900 square feet of living space and shall have no more than one bedroom.

(f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-Law as administered by the Director of Public Works, if applicable based on the size of any addition to the principal dwelling to accommodate the ADU.

(g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the property. An interior doorway shall be provided between the principle dwelling unit and the ADU as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.

(h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and principal dwelling unit, along with a certified site plan, shall also be submitted with the application to the Building Commissioner.”

7. In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations within a Single-family Dwelling, by deleting subparagraphs (j) and (k).

8. In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.3 Occupancy and Enforcement, to read as follows:

3.15.3.2 Maintenance of Appearance of Single-family Property

It is the intent of Section 3.15 as specified in Section 3.15.1 to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling. Pursuant to the definition of Accessory Dwelling Unit (ADU) in Section 3.15.2, an ADU shall be constructed to maintain the appearance and essential character of a single-family dwelling. Pursuant to the regulation at 3.15.3.1 (g), to the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the principal dwelling and where there are two or more existing entrances on the front façade of the principal dwelling and modifications are made to any such entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary.

The Building Commissioner shall not deny a building permit or occupancy permit for an Accessory Dwelling Unit within a Single-family Building under Section 3.15.3.1 solely due to concern that the above-referenced standards are not met, unless the Building Commissioner requests and obtains an advisory report as to the issue of compliance with these standards from the Design Review Board established under Section 7.7.2 of this By-Law.

3.15.3.3 Occupancy and Enforcement

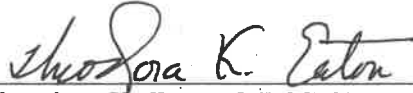
- (a) Occupancy of the ADU shall not take place without an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-Law or the Massachusetts State Building Code or the conditions of any Special Permit, variance or other zoning relief applicable to the premises, and (ii) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-Law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU.
- (b) In the case that the ADU is in violation of the terms of this By-Law or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating."
9. In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by adding after the first sentence of the second paragraph a new sentence to read as follows:
- "The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.2 of the By-Law."
10. In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by revising the second sentence of the third paragraph to read as follows (new language underlined):
- "Such advisory reports of the Design Review Board shall be transmitted to the Building Commissioner and applicant in all other instances as described in the two paragraphs above for "Minor Projects" under Site Plan

Review, building permits in all non-residential districts, requests from the Building Commissioner under Section 3.15.3.2 and sign permits.”

Passed By Majority Vote on a Voice Vote
Declared By the Moderator

A true copy

ATTEST:

A handwritten signature in cursive script, reading "Theodora K. Eaton", written over a horizontal line.

Theodora K. Eaton, MMC, Town Clerk

From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: HONE - Brookline Oriental
Date: Monday, April 1, 2024 10:16:34 AM

From: lw29@comcast.net <lw29@comcast.net>
Sent: Monday, April 1, 2024 9:59 AM
To: Lee Newman <LNewman@needhamma.gov>
Subject: HONE - Brookline Oriental

Lee

In speaking with Heidi today she asked I address my thoughts to the planning board.

I know at one point Brookline Oriental on Hunnewell and Crescent which is in two zones the industrial and residential was going to be part of the new zoning to allow for apartments.

I believe it should be reconsidered as in viewing the proposed HONE map, without its inclusion it pigeonhole all traffic down either the sliver cutout that MDL owns or down Crescent to West.

I realize the concern was shadowing and the residence on Hunnewell. Maybe if you leave the front residential as an alternative access and exit to Crescent Road with maybe a teared building it may alleviate some of your concerns. But without this additional access the traffic pattern will be horrible.

Just my thoughts. Appreciate the hard work and believe the Bonus scenario is best as the likelihood of it getting built out is small and the key parcels can not be revisited later as they will of already been built on.

Louis

Louis Wolfson
29 Cimino Road
Needham, MA 02494

617-799-3326