

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 the 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 Prondak, 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 are 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 has also requested the Board waive the filing fee. Ms. McKnight asked if there were any issues with the Board of Health comments, particularly as relates to the bathroom requirement for vendors, and was informed there were no issues. Ms. McKnight noted Bagels Best is right across the street, but the YMCA is a far walk for vendors to use the bathroom. 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. Alpert stated Ms. Gurge is looking for bathroom availability for vendors the hours the market is open to the public.

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 cleaning up 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 that 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. 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 residents 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 them 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.

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 the 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. Mr. Smart stated the subdivision decision addresses this issue and says owners served by the way are responsible. 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 was submitted 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 divided into 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